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SENATE.

WEDNESDAY, *February 23, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.
The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the House had passed a bill (H. R. 19028) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of the Central Labor Union, American Federation of Labor, of Concord, N. H., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of the city of Washington, praying for the enactment of legislation to authorize the opening of a road along the Anacostia River in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of the city of Washington, praying for the enactment of legislation to authorize certain changes to be made in the permanent system of highways plan in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Board of Trade of the city of Washington, praying for the enactment of legislation to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Council No. 87, La Société des Artisans Canadiens Français, of Nashua, N. H., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented a petition of Local Council No. 101, La Société des Artisans Canadiens Français, of Manchester, N. H., praying for the enactment of legislation for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Central Labor Union, American Federation of Labor, of Manchester, N. H., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Sally Plumer Chapter of the National Society, Daughters of the American Revolution, of Epping, N. H., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of Queen City Lodge, No. 4, Knights of Pythias, of Manchester, N. H., remonstrating against the enactment of legislation to prohibit the wearing of the United States uniforms by unauthorized persons, which was referred to the Committee on Military Affairs.

He also presented a petition of the National Association of Lime Manufacturers, praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

Mr. NELSON presented a petition of Local Council No. 639, Knights of Columbus, of Winona, Minn., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRISTOW presented a memorial of sundry citizens of New Albany, Kans., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of Local Council No. 601, Knights of Columbus, of Salina, Kans., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LA FOLLETTE. I present a memorial addressed to Congress from the seamen of the United States, relative to the enactment of legislation to abolish the involuntary servitude imposed upon seamen of the merchant marine of the United States while in foreign ports, etc. I move that the memorial and accompanying papers be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

Mr. SHIVELY presented a memorial of Central Labor Union, American Federation of Labor, of South Bend, Ind., and a memorial of Jarvis Lodge, No. 8, Independent Amalgamated Association of Iron, Steel, and Tin Workers, of Terre Haute, Ind., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Chapter No. 429, American Insurance Union, of Marion, Ind., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented a memorial of Local Union No. 245, Metal Polishers, Buffers, and Brass Workers' Union, of Decatur, Ill., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. GAMBLE presented a memorial of sundry citizens of Ashton, S. Dak., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. PERKINS presented a petition of the California Development Board, praying that an appropriation of $400,000 be made for the rectification and improvement of the Sacramento and San Joaquin rivers, in that State, which was referred to the Committee on Commerce.

He also presented a petition of sundry corporations of San Francisco, Cal., praying for the repeal of the corporation income-tax law, which was referred to the Committee on Finance.

Mr. FLINT presented a memorial of sundry citizens of San Luis Obispo, Cal., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the enactment of legislation to transfer the publication of the Pilot Charts from the United States Hydrographic Office to the Weather Bureau, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of California, remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

He also presented a memorial of the Chamber of Commerce of Riverside, Cal., remonstrating against the enactment of legislation to transfer to the several States the power to grant rights of way over unappropriated public lands not included in national parks, Indian and military reservations, etc., which was referred to the Committee on Public Lands.

Mr. FRYE presented a petition of Local Council No. 31, La Société des Artisans Canadiens Français, of Lewiston, Me., praying for the enactment of legislation providing for admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Mount Katahdin Lodge, No. 469, Brotherhood of Locomotive Firemen and Engine Men, of Brownville Junction, Me., praying for the passage of the so-called "employers' liability bill," which was referred to the Committee on the Judiciary.

He also presented a petition of Mount Katahdin Lodge, No. 469, Brotherhood of Locomotive Firemen and Enginemen, of Brownville Junction, Me., praying for the enactment of legislation requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission and authorizing investigations thereof by that commission, which was referred to the Committee on Interstate Commerce.

Mr. WARREN presented a memorial of sundry citizens of Laramie County, Wyo., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 264) thereon.

Mr. McCUMBER, from the Committee on Public Lands, to whom was referred the bill (S. 4274) to provide for second homestead entries, reported it without amendment.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (H. R. 19278) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 265) thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 3752) for the relief of the owners of lighter No. 128, reported it without amendment and submitted a report (No. 266) thereon.

Mr. NELSON, from the Committee on Public Lands, to whom was referred the bill (S. 4427) recognizing and providing for payment for the loyal services rendered by the Delaware Indians from the American Revolution down to and including the Spanish-American war, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

Mr. CURTIS, from the Committee on Pensions, to whom was referred the bill (H. R. 18681) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 267) thereon.

Mr. CARTER, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the bill (S. 5048) providing that entrymen for homesteads within reclamation projects shall receive patent upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act, reported it with an amendment and submitted a report (No. 268) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the bill (S. 9) to amend an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, reported it with amendments and submitted a report (No. 269) thereon.

Mr. LA FOLLETTE, from the Committee on Indian Affairs, to whom was referred the bill (S. 5835) for the settlement of conflicting claims of the State of Wisconsin and its grantees, and the La Pointe and Lac du Flambeau bands of Chippewa Indians, to certain school and swamp lands in the reservations of said Indians in Wisconsin, reported it without amendment and submitted a report (No. 270) thereon.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 17160) to authorize the Oregon Trunk Railway, of the State of Washington, to construct a bridge across the Columbia River and Celilo Canal; and

A bill (H. R. 19967) to authorize Thomas J. Ewing, George B. Patton, Otto Burger, William Cecil, and Milton E. Foster to construct a bridge across the Tug Fork of the Big Sandy River.

LAND NEAR CONNECTICUT AVENUE BRIDGE.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 16331) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets, to report it favorably without amendment, and I submit a report (No. 263) thereon. As the Senate some time ago passed a bill in identical terms with this, I venture to ask present consideration for it.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I enter a motion to reconsider the votes by which the bill (S. 4617) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets was ordered to a third reading and passed.

The VICE-PRESIDENT. The motion to reconsider will be entered.

Mr. GALLINGER. I move that the House of Representatives be requested to return the bill to the Senate

The motion was agreed to.

HISTORY OF DELAWARE INDIANS.

Mr. SMOOT. I am directed by the Committee on Printing, to whom was referred Senate resolution No. 126, for the printing of 1,000 copies of the History of the Delaware Indians, to report it with an amendment. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, in line 1, after the word "Senate," to insert the words "document room," so as to make the resolution read:

Senate resolution 126.

Resolved, That there be printed for the use of the Senate document room 1,000 copies of Senate Document No. 501, Fifty-ninth Congress, first session, History of the Delaware Indians.

The amendment was agreed to.

The resolution as amended was agreed to.

GLACIER NATIONAL PARK.

Mr. SMOOT, from the Committee on Printing, reported the following resolution (S. Res. 184), which was considered by unanimous consent and agreed to:

Senate resolution 184.

Resolved, That there be printed 1,000 copies of Senate Report No. 106, Sixty-first Congress, second session, with illustrations (to accompany S. 2777), for the use of the Senate document room.

WHITE-SLAVE TRAFFIC.

Mr. SMOOT, from the Committee on Printing, reported the following resolution (S. Res. 185), which was considered by unanimous consent and agreed to:

Senate resolution 185.

Resolved, That 1,000 additional copies of Senate Document No. 196, Sixty-first Congress, second session, Importing Women for Immoral Purposes, be printed for the use of the Senate document room.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 6687) granting an increase of pension to Henrietta Magee (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6688) granting an increase of pension to George S. Benson (with an accompanying paper); and

A bill (S. 6689) granting an increase of pension to Lydia A. Wilson (with an accompanying paper); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 6690) providing for the entry of desert lands formerly in the Shoshoni or Wind River Indian Reservation in Wyoming; to the Committee on Public Lands.

By Mr. PERKINS:

A bill (S. 6691) granting an increase of pension to John L. Hayes; and

A bill (S. 6692) granting a pension to Carl Rabe; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 6693) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; to the Committee on Commerce.

A bill (S. 6694) granting an increase of pension to Christopher C. Coffey; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 6695) granting an increase of pension to John Schoonover (with accompanying papers);

A bill (S. 6696) granting an increase of pension to Joseph Cook (with accompanying papers);

A bill (S. 6697) granting an increase of pension to James W. Griffith (with accompanying papers);

A bill (S. 6698) granting an increase of pension to Franklin Jerome (with accompanying papers);

A bill (S. 6699) granting an increase of pension to George W. McMullen (with accompanying papers);

A bill (S. 6700) granting an increase of pension to William Taylor (with accompanying papers); and

A bill (S. 6701) granting an increase of pension to William L. Felmly (with an accompanying paper); to the Committee on Pensions.

By Mr. BURKETT:
A bill (S. 6702) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto; to the Committee on Interstate Commerce.
By Mr. McENERY:
A bill (S. 6703) for the relief of the State National Bank, as successor of the Louisiana State Bank, of New Orleans, La.; to the Committee on Claims.
By Mr. RAYNER:
A bill (S. 6704) for the relief of the sufferers of the *Maine;* and
A bill (S. 6705) for the relief of Edgar H. Bates (with accompanying papers); to the Committee on Claims.
By Mr. GALLINGER:
A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce;" to the Committee on Commerce.
By Mr. ELKINS:
A bill (S. 6709) granting an increase of pension to Lucius C. Baker (with accompanying papers);
A bill (S. 6710) granting a pension to George N. Holden;
A bill (S. 6711) granting an increase of pension to Lorenzo D. Anderson;
A bill (S. 6712) granting an increase of pension to James K. Barnett; and
A bill (S. 6713) granting an increase of pension to William W. Givens; to the Committee on Pensions.
A bill (S. 6714) for the relief of Thomas J. Lloyd (with an accompanying paper); to the Committee on Claims.
By Mr. FLINT:
A bill (S. 6715) to authorize the President to appoint and retire John B. Jeffery with the rank and grade of major; to the Committee on Military Affairs.
A bill (S. 6716) granting an increase of pension to John T. Rothwell; to the Committee on Pensions.
By Mr. OLIVER:
A bill (S. 6717) to grant an honorable discharge to James Carter; to the Committee on Military Affairs.
By Mr. FRYE:
A bill (S. 6718) granting an increase of pension to Elijah Knapp (with accompanying papers); to the Committee on Pensions.
By Mr. CLARKE of Arkansas:
A bill (S. 6719) to reorganize the eastern judicial district of Arkansas, and for other purposes; to the Committee on the Judiciary.
By Mr. CLAPP:
A bill (S. 6720) authorizing the Secretary of the Interior to approve certain allotments to Indians within the limits of the Fort Mohave Indian School, Arizona; to the Committee on Indian Affairs.
A bill (S. 6721) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota; to the Committee on Commerce.
A bill (S. 6722) granting an increase of pension to William W. Hayes (with accompanying papers); to the Committee on Pensions.
By Mr. WARREN:
A bill (S. 6723) to provide for the disposition of surplus waters of projects under the reclamation act; to the Committee on Irrigation and Reclamation of Arid Lands.
By Mr. MONEY:
A bill (S. 6724) for the relief of the administrator of the estate of Haller Nutt, deceased, late of Natchez, Miss. (with an accompanying paper); to the Committee on Claims.

COAL DEPOSITS IN ALASKA.

Mr. BEVERIDGE introduced the following bills, which were read twice by their titles:
A bill (S. 6706) to reserve coal deposits in Alaska; and
A bill (S. 6707) to provide for leasing coal deposits in Alaska.
Mr. BEVERIDGE. I ask that the bills be referred to the Committee on Territories.
Mr. NELSON. Mr. President, the bill in reference to leasing coal lands should go to the Committee on Public Lands. I do not think legislation of that kind belongs to the Committee on Territories. I move that the bills be referred to the Committee on Public Lands.
Mr. BEVERIDGE. I do not know, Mr. President, that I shall have great objection to that reference just at present, though before I proceed further I want to say that I think in the future all matters, whether affecting fisheries or minerals or lands or transportation or courts or affecting anything else which exclusively concerns the district of Alaska should be referred to the Committee on Territories.
Since it appears that, in the immediate future at least we are not to have a local government for Alaska, and since it is plain that for the present we must continue to legislate here in Washington for Alaska in all particulars, it would seem that one committee could handle all affairs relating to Alaska in greater harmony and with more connected knowledge and intelligence than several committees. It is a more rational and certainly a safer method of legislation.
For example, some years ago, as the Senator well knows, the fish-tax law with respect to Alaska was repealed, the repeal of which, to use the Senator's own language, impaired the Alaska fund, which is the most valuable single practical law we have there, and which I think the Senator from Minnesota himself originated. Yet that bill dealing with Alaska was not considered by the Committee on Territories, although it had its effect upon the government and administration of that Territory. So with various other subjects.
As soon as the question of statehood is out of the way the Committee on Territories might as well be called the "Committee on Alaska," just as other committees are called "the Committee on Porto Rico," and so forth, or "the Committee on the Philippines," and so on. For it will then have no other duties to perform except to care for legislation concerning Alaska.
Since this legislation is more or less interwoven with the welfare of the district, its people, and the government thereof, I am glad the subject comes up now, because in the future I intend to present some remarks upon it. It would seem to be better if all subjects relating to this one great district should be handled by one committee instead of by several committees.
In saying this, Mr. President, of course I do not mean in any wise to disparage the eminent ability of other committees to take care of the respective subjects which are assigned to them. It is merely a matter of wise procedure and harmonious action and safe and comprehensive legislation.
Bills, for instance, concerning the disposition of coal lands and other deposits, and I suppose all lands in Alaska, heretofore have gone to the Committee on Public Lands. That is an excellent committee, of course, and the chairman of no committee in the Senate at present or in the past is a better chairman than the present chairman as to ability and experience and industry and integrity.
That is not the question. The question must come up sooner or later, in case Congress is to continue to legislate for this vast district—and I shall, in a moment, with the indulgence of the Senate, call attention to its incalculable resources—as to some one single committee which can act in harmony concerning fisheries and coal and copper and other resources; concerning the people and the courts and the government and everything relating to Alaska. If Congress is going to legislate for them, it must legislate for them through a single committee. I think, as a matter of plain common sense and of security, so that all subjects, when we legislate on one, may be before the same committee at the same time, should be dealt with by that one committee. How else can you have harmony of laws, or sanity in statutes, or even good sense in any of your Alaskan legislation? The Committee on Territories now has the responsibility. I shall insist therefore that in the future it also be given the power.
Now, Mr. President, if the Senator from Minnesota insists upon these bills being referred to the Committee on Public Lands, I yield to that request for the present.
I am very glad, as I said, that the subject came up here and now, for I now serve notice that at some proper time in the future I shall submit to the Senate some remarks showing that the way to legislate harmoniously for a great district like that is through one committee. But if the Senator desires that these bills go to his committee at the present time, I have no objection; but hereafter all Alaska bills should come before the Alaska committee—the Committee on Territories—and I shall so insist.
Just at this juncture I want to point out one or two brief facts as to why these two bills were introduced. As all Senators and the whole country know, there was presented before the Committee on Territories some very interesting, not to say startling, testimony. I shall not go into that at this time, except only as to its effect on the immediate subject of these two bills.
The first of these bills provides that the withdrawals of all coal and similar deposits in Alaska which were made by executive order in 1906 shall now be made by an act of Congress, and therefore be beyond all question of dispute.

The second one is a brief framework of a law going to the principle that all of the coal deposits, to which I shall call the attention of the Senate in a moment, must be reserved to the United States and not under any circumstances pass, so far as their title is concerned, into private hands; that the surface must be separated from the coal deposits under the surface, and that the surface may be patented under the homestead or other law; but that the coal deposits underlying them shall be reserved to the United States and shall be developed only under the leasing system and the payment of a royalty for all coal taken out and marketed. That is the principle of these two bills.

Three years ago the Senator from Minnesota introduced a bill, a rather elaborate one, which it was at that time understood represented the views of the then administration and which presented, though not in so brief a form as this bill, the same principle. Yet to this day there has been no legislation upon the subject.

Now, Mr. President, returning to the testimony before the committee which gives point and substance to this particular thing at this time, I call the attention of the Senate to the fact that the testimony of the manager of "The Alaska Syndicate," who voluntarily appeared before our committee, and who represented "The Alaska Syndicate," which is made up of the M. Guggenheim Sons and J. P. Morgan & Co. interests, testified under cross-examination that the cash value of the Bering River coal fields alone was $900,000,000 gross; that it would probably take $700,000,000 out of this $900,000,000 to develop the coal fields and get the coal to the market, leaving a profit on the $700,000,000 of $200,000,000, or nearly 30 per cent. And these coal fields are quite near the seaboard, quite convenient to a port.

It was further testified that what is known as the "Matanuska coal fields," in the Cook Inlet region, were in themselves worth at least as much as the Bering River coal fields. That is another $900,000,000.

An examination which I have since made convinces me that these astounding figures are very conservative, to say the very least. Evidence which I have since examined shows that they are much beneath the real value. I do not mean to reflect upon the person who testified, but I mean to say that his estimate was quite low.

The probabilities are that these two coal fields alone, which have been thoroughly investigated, are worth $2,000,000,000.

In the center of the first one, in what is called the heart of the Bering River coal fields, which is near Controller Bay, not far from the seaboard, are located what is known as the "Cunningham group" of claims, the richest of that valuable field. These "Cunningham claims" are the heart of this rich field.

But, Mr. President, this is not all. I have secured the advanced report concerning Alaska of the Geological Survey, and it shows that, in addition to these two coal fields where $200,000,000 at least are accounted for, there are extensive coal deposits in the Alaska peninsula region, in the Yukon region, in the Seward Peninsula, and in northern Alaska.

To sum it all up, the Geological Survey estimates that in all the coal fields now known there is a tonnage of 15,104,500,000 tons, that the areas known to be underlain with coal aggregate 1,202.2 square miles, and that the present known coal fields aggregate an area of the enormous sum of 12,867 square miles.

That, Mr. President, upon the basis of the testimony of the manager of "The Alaska Syndicate" before our committee, would run the money value of the now known coal fields in Alaska into many billions; for with reference to these two, which are near the seaboard, it has been testified that there are nearly two billion already.

So it is certain that all the coal in Alaska is worth many billions of dollars—not many millions, but many billions. I will not say how many billions, for the aggregate astounds the understanding and probably would not be credited if expressed in dollars.

Mr. President, that enormous deposit of fuel will presently, if not, indeed, almost immediately, be needed to supply the Pacific coast region of our country, and the time is not far distant, as is shown by the rapidly depleting coal fields in the United States proper, when this great reserve will be indispensable for the fuel supply of the Nation.

The laws with reference to Alaska and the general land laws of the United States with reference to these subjects are different in important particulars.

For example, it is provided that coal lands in the United States proper, if within 15 miles of a railroad, shall be disposed of at $20, and if beyond 15 miles at $10; whereas in Alaska any coal lands must be disposed of at $10 an acre flat, no more and no less. I do not know why no more, but that is the language of the statute.

Mr. BACON. Will the Senator please repeat that statement?

Mr. BEVERIDGE. I say whereas the laws respecting the sale of coal lands in the United States proper provide that coal lands, if within 15 miles of a railway shall be disposed of at $20, and beyond that at $10, in Alaska the provision is $10 flat. The language of the statute is $10, and it does not provide either more or less.

Second, so far as I have been able to find in this hasty survey of Alaska on general laws, the coal lands in Alaska may be surveyed at the expense of the claimants, whereas in the United States proper they must be surveyed at public expense, by the Government in the usual way and claimants must wait for the government survey.

In the third place, by the act of 1898 individual claimants for any of these lands in Alaska who take them up and patent them may combine or assign them—may make a combination—up to the amount of 2,560 acres.

Under the general coal-land law, agreement for transfer and consolidation of claims before entry and payment therefor are fraudulent.

These, Mr. President, are enough to show that there are differences in the general laws and the Alaska laws upon coal deposits. But these startling figures which now not only have the authority of a department of the Government through the Geological Survey, but the testimony, before the committee of which I have the honor to be chairman, of the manager of the syndicate now operating copper properties in Alaska, and which secured an option upon the heart of the Bering River coal fields, show the value of these great deposits to the American people in a fresh and startling way.

Possibly they were known before to those who had given the subject study. If so, those knowing the facts never enlightened the rest of us on the subject.

But, on the whole, it will be admitted that the American people had no definite conception of the immediate value of these coal fields which belong to them both as to their money value and as to getting the coal to market.

There was a general vague understanding that the mineral deposit of this district, which we bought from Russia for a song, was enormous, but we have now precise figures from parties more or less interested—more or less interested in the sense that they are building a road there and developing the lands, and so forth.

So this particular knowledge comes to us with a freshness and a vividness which will probably have its useful purpose not only in Congress, but throughout the country in calling attention to these priceless deposits of the mineral wealth belonging to the American people, and for the safeguarding of which steps should be at once taken.

I think, Mr. President, that is all I desire to say at the present moment. I yield to the request of the Senator from Minnesota that these bills shall be referred to the Committee on Public Lands. That has been the usual course in the past.

Mr. NELSON. Mr. President, I understand the Senator from Indiana consents to a reference of the bills to the Committee on Public Lands.

Mr. BEVERIDGE. Certainly, as to these bills and for the present.

The VICE-PRESIDENT. The Chair so understands.

Mr. NELSON. I simply want to say that the Committee on Public Lands is now considering this matter of coal-lands legislation in connection with other matters, and I have no doubt that the committee will in due season propose suitable legislation to cover it. Whether the committee will confine themselves to mere remarks or not I can not say, but they certainly will propose some suitable legislation.

The VICE-PRESIDENT. If there be no objection, the request of the Senator from Minnesota to refer the bills——

Mr. BEVERIDGE. Let it be done on my request; for later I shall insist that all Alaska bills go to the Territories Committee.

The VICE-PRESIDENT. The Senator from Minnesota withdraws the motion, and the Senator from Indiana requests that the bills be referred to the Committee on Public Lands. That order is entered.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $218.65 to reimburse the G. R. Caswell Lumber Company, an American corporation of Vermont, and W. K. Baldwin, a resident of Quebec, for losses sustained by fire caused by a surveying party in the employ of the International Boundary

Commission, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. WARREN submitted an amendment providing that the provisions of section 4 of the sundry civil bill of June 30, 1895, and acts amendatory thereof, approved June 11, 1896, and March 3, 1901, be extended over and shall apply to the desert lands included within the limits of the former Shoshone or Wind River Indian Reservation, in Wyoming, not included in any forest reservation, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $349,000 for improving the Arkansas River by the construction of two dredges and the necessary service boats, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. ELKINS submitted an amendment proposing to appropriate $50,000 for improving Tug Fork, Big Sandy River, West Virginia, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the survey of Deckers Creek, West Virginia, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLINT submitted an amendment providing for the survey of Eel River from its mouth to Van Duzen River, California, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $12,000 for improving Redwood Creek, California, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SHIVELY submitted an amendment relative to the maintenance of the east breakwater in the harbor at Michigan City, Ind., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FRYE submitted an amendment proposing to appropriate $32,000 for completing the improvement of Rockport Harbor, Maine, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PILES submitted an amendment proposing to increase the appropriation for the improvement of the Cowlitz and Lewis rivers, Washington, etc., to $34,100, $2,500 of which may be expended upon Lewis River and the North Fork thereof, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

HOUSE BILL REFERRED.

H. R. 19028. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911, was read twice by its title and referred to the Committee on Indian Affairs.

INCOME TAX.

Mr. BROWN. I ask to have Senate resolution 175 laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate resolution 175.

Mr. BROWN. I ask that the resolution may be read.

The VICE-PRESIDENT. It will be read.

The Secretary read the resolution submitted by Mr. BORAH on the 8th instant, as follows:

Senate resolution 175.

Resolved, That the Committee on the Judiciary be, and is hereby, directed to report to the Senate as early as may be practicable whether, in the opinion of the committee, the proposed amendment to the Constitution of the United States, as submitted to the States for ratification at the special session, would, if adopted, authorize Congress to lay a tax upon incomes derived from state bonds and other municipal securities or would authorize Congress to tax the instrumentalities or means and property of the State or the salary of state officers.

Mr. BROWN. Mr. President, I hope to see this resolution adopted. I believe that it should command the support of every Senator. When it shall be reported by the Committee on the Judiciary, I trust it may bear to the Senate and the country the unanimous judgment of that great committee to the effect that the proposed amendment will not authorize any additional burden on the several States in the exercise of their sovereign rights guaranteed by the Constitution as it exists to-day. No one has ever questioned the power of the Government to tax incomes provided the tax was apportioned to the several States according to population. The question has arisen only when the tax was laid without such apportionment.

The proposed amendment has a single purpose, and that is to confer on Congress the undoubted power to tax incomes directly without regard to apportionment. To apportion a tax on incomes as now required by the law under the latest decision of the court amounts in effect to a denial of power to tax incomes at all because the public conscience will never sanction any tax apportioned according to population, for such an apportionment renders any tax so inequitable and unconscionable as to be intolerable.

THE LAST CHANCE.

The proposed amendment offers the people the only opportunity at hand, and likely to be at hand for generations, to remove the rule of apportionment as to income taxes and to clothe the Government with the right to exercise a power essential to the welfare and possibly the safety of the Nation. Its ratification, therefore, becomes a public necessity. Its rejection would be a public disaster.

In submitting the question to the New York legislature the other day, Governor Hughes said:

I am in favor of conferring upon the Federal Government the power to lay and collect such a tax. I believe that this power should be held by the Federal Government, so as properly to equip it with the means of meeting national exigencies. But the power to tax incomes should not be granted in such terms as to subject to federal taxation the incomes derived from bonds issued by the State itself or those issued by municipal governments organized under the State's authority. To place the borrowing capacity of the State and of its governmental agencies at the mercy of the federal taxing power would be an impairment of the essential rights of the State, which, as its officers, we are bound to defend.

We can not suppose that Congress will not seek to tax incomes derived from securities issued by the State and its municipalities. It has repeatedly endeavored to lay such taxes, and its efforts have been defeated only by implied constitutional restriction which this amendment threatens to destroy.

While we may desire that the Federal Government may be equipped with all necessary national powers in order that it may perform its national function, we must be equally solicitous to secure the essential basis of state government.

I therefore deem it my duty as governor of the State to recommend that this proposed amendment should not be ratified.

It will be observed in the first sentence of this notable message the governor asserts that he favors giving the Federal Government the power to lay and collect the tax. In the second sentence he asserts that incomes arising from state and municipal bonds should be exempted. Then follows the reason for the exception, to wit, that such a tax might impair the borrowing capacity of the State or its municipality. Whereupon the conclusion is reached that the amendment conferring the power he says he favors should be defeated.

GOVERNOR HUGHES STANDS ALONE.

Before entering upon a discussion of the question, it is encouraging to recall that, so far, all the governors of the States who have up to this time addressed their legislatures on the subject Governor Hughes stands alone in his fight against the amendment. Alabama, Ohio, Virginia, New Jersey, and other States have governors who not only favor conferring the power, but favor the proposed amendment which, if adopted, confers the power. It cheers our hearts to read in the press that President Taft agrees with the governor of New Jersey, who, in a message to his legislature February 7 and since the New York message was transmitted, took immediate and direct issue with the governor of New York.

CRITICS SILENT WHEN THEY SHOULD HAVE SPOKEN.

It is a very significant fact that this amendment, which was pending in Congress for days and was the subject of discussion by Congress and the press, should never have met this criticism while it was pending. In its present form it had the support of a unanimous Senate and a practically unanimous House of Representatives, who were all, judged by their votes, in favor of conferring this power on Congress, and yet no one in Congress ever suggested any change in the language of the resolution or proposed an amendment thereto to cover the objection now made.

Nor did any distinguished governor from any of the 46 States, all of whom are now very loud in their protestations that the Government should have the power to tax incomes without apportionment, ever suggest that the amendment should have been modified in form in any respect. In this body the State of New York enjoys representation of the very highest

character and most eminent ability, and yet New York on the roll call, as shown in the CONGRESSIONAL RECORD, was in favor of this amendment as it passed Congress, and was silent as to any suggestion that the language was faulty. I would say in passing that I have greater regard for New York in the Senate than I have for New York out of the Senate on this question.

GOVERNORS WITHOUT POWER TO VETO.

The fathers provided that amendments to the Constitution should be ratified by state legislatures. The approval of the governors is not required. They do not even have the power to veto a legislative ratification resolution of any proposed amendment, although, I suppose, as a friend of the State, a sort of amicus curiæ, a governor may volunteer a harmless veto in advance of action by the legislature if he chooses to do so.

LEGAL EFFECT OF THE AMENDMENT.

The legal effect of the amendment as to whether or not it will allow, if adopted, incomes arising from state and municipal securities to be taxed was argued in the Senate the other day with great force by the distinguished senator from Idaho [Mr. BORAH]. I will not reopen that phase of the subject at this time further than to say that his conclusion, in the judgment of many able lawyers, is sustained by a fair interpretation of the Constitution construed as a whole.

The amendment does not alter or modify the relation to-day existing between the States and the Federal Government. That relation will remain the same under the amendment as it is to-day without the amendment. It is conceded by all that the Government can not under the present Constitution tax state securities or state instrumentalities. Nor can the State lay its taxing finger on federal bonds or federal agencies. Each is beyond the reach of the other as far as taxation is concerned. The proposed amendment in no sense seeks nor can it reasonably be argued to suggest any change in the independent or sovereign rights of either sovereignty as enjoyed and defined by the courts ever since the Government was organized.

FAVORS IN TAXATION ARE HATEFUL.

But, Mr. President, let it be assumed for the sake of debate that the conclusion of the Senator from Idaho is wrong and that the position of the distinguished governor of New York is right when he contends the proposed amendment confers on the Federal Government the power to tax incomes arising from state or municipal securities. It does not follow that the amendment should be rejected; on the contrary, it follows that it should be ratified. Because, under that interpretation, all incomes would be treated alike. No exemptions would be allowed and no exceptions permitted, save as Congress might and should exempt all incomes up to a certain amount.

There is a homely and rugged notion in the average American heart that the burdens of government should rest on everybody instead of on somebody. There is also a somewhat enthusiastic sentiment abroad in our land that the burdens should be borne by everybody in proportion to their ability to bear them, without regard to whether these abilities accrue from investments in farm lands or railroad stocks or state bonds. As a matter of common equity and evenhanded justice to the entire citizenship of the country, to exempt one class of incomes and tax another is abhorrent. Under the New York argument, the man who earns an income by his labor is properly taxable; the man who collects dividends from stocks in individual enterprises—railroad, mercantile, and manufacturing—is properly taxable; but the man whose income arises from investments in state or municipal bonds should be exempt from the income tax.

On its face the proposition does not commend itself. It does not square with the doctrine of equal rights. It is hateful to every sense of justice. It can not be defended in principle nor can it be used successfully, in my judgment, to defeat this amendment.

Of course, no man would think of insisting on such an unfair discrimination in favor of the owner of state securities, unless provoked to do so by some extraordinary reason. The eminent New York author of the argument undertakes to furnish the reason. The reason given is that to tax incomes arising from an investment in state and municipal bonds would be to impair the borrowing capacity of the State or municipality. Is this a valid argument against the ratification of the amendment which aims only to supply a reserve force in the Government which has been needed in the past and may be needed in the future?

Suppose the interest rates would be raised and the borrowing capacity of the State affected to that extent at the time an income tax is operative for the Nation's safety. In such an emergency the income tax will stand as a barrier to the impairment of the credit of the State, because the safety as well as the credit of the State would depend on the safety and security of the Nation. The income tax, to be used for the national defense, would become the protector of the State's credit and perhaps of its very existence. Should a foreign fleet bombard the city of New York, I can imagine the borrowing capacity of the Empire State might be impaired. But the impairment would be measured by the danger the assault brought to the Republic. In other words, New York's credit will be protected in proportion to the ability of the Federal Government to protect itself against the enemy.

When regiments must be equipped and armed, when battle ships must be rushed to the scene of danger without counting the cost, this Government should have the power to lay its tax upon the incomes of those who have them. It is the last resort. To withhold from the Government a power which may become so essential to its preservation is unpatriotic and can not be justified. It is to make our country ready for such an emergency that I plead with the States to ratify this amendment. We may never need to enact an income-tax law. I hope the emergency I have described may never arise. But should it come, the Republic should be clothed with full and ample authority to lay a just share of the burden upon the incomes of the whole country.

Governor Hughes does not make the point that an income tax would hurt the interest collector who would have to pay the tax, but it might, in some way not specified, hurt the credit of the interest debtor, the State, which would not have to pay the tax. If it would impair the borrowing capacity of the State to collect a tax from the man who loans the money to the State, it would in the same degree impair the borrowing capacity of the individual who borrows money, for the State and the individual borrow money from the same man—the man who has money to loan.

On that theory the States ought to exempt every banker and every money loaner from all taxes, for to tax them is to impair the borrowing capacity of the people who borrow.

I have heard, I think, all the arguments ever made against an income-tax law as an economic policy, but I confess I never heard the argument that such a law was undesirable because it might impair the credit of the borrower. And yet such an argument would have the same weight against an income-tax law—because it is identical in principle and effect—as it has against the income-tax amendment. The only possible ill effect such a tax could have in either case would be to raise the interest rate. That the increase would be much no one contends. That it would be trifling and inappreciable, if any at all, every reasonable man will admit. Who will argue that so remote a contingency as a possible insignificant increase in the interest rate carried in municipal and state bonds is a sufficient reason for striking the amendment down?

Governor Hughes insists that the Government should have the power because, in an emergency, it might need, for its preservation, to exercise the power to tax incomes.

Can it be possible, with the Nation's preservation at stake, this power must be denied because it might possibly increase slightly the interest rate of state bonds? Let me bring the New York argument home to the Senate. Suppose to-day our country is in trouble. Foreign foes are in arms against us; our import duties, the chief source of federal revenues, are impaired. The Nation has exhausted its credit; its bonds are below par; its Treasury empty; its preservation depends on a greater revenue. Congress returns, as a last resort, to a tax on incomes. The bill is here, the roll is called, and Nebraska votes against it, giving as her reason that it would impair her borrowing capacity. How much respect would New York and other States have for that reason? Very little, for everybody would know that such was not the real reason, and everybody would know the real reason for the vote was that Nebraska was opposed to taxing any incomes and not that she feared injury to her borrowing capacity.

And so it is with New York. If that State rejects the amendment she will do so because she is opposed to any tax on incomes at any time, and not because she is afraid her borrowing capacity will be impaired.

If government securities are good investments in times when the income tax is not required by the Federal Government, even though the purchaser takes a lower rate of interest than he would receive should he buy industrial securities, the investment would be just as good when the income tax takes its toll from both investments. The man who loans, whether it be to the State or to the individual, cares more for security than for great returns. The ordinary money lender is not willing to risk his entire principal in order to secure a higher rate of interest. It is for the reason that he feels absolutely secure in

his interest and his principal that he willingly accepts a lower rate of interest from the State than from the individual.

When the time comes that the income tax is essential to the country's welfare, investors will all the more seek state and municipal securities. The State will be the last debtor to default. Values may fall on land and personalty so that security vanishes in a night, but the security given by the State and municipality will remain until the Government is swept from its foundation and anarchy takes its place.

THE TAX WOULD NOT IMPAIR THE CREDIT OF THE STATES.

But I deny that a tax on incomes arising from state and municipal bonds would in fact impair the credit of the State. To sustain my position, I call as witnesses every civilized nation which to-day enjoys and exercises the power to tax incomes. These witnesses are surely competent. They speak as experts. They have had experience. Experience is the safest and wisest teacher of economic truth. They are the German States, England, Austria, the Netherlands, Denmark, Sweden, the Swiss Cantons, and Italy. In none of these countries are incomes derived from governmental securities exempted from the tax. In England the Government deducts from the interest when she pays it to the bondholder the income tax due thereon. Will anyone contend that England's borrowing capacity has been impaired?

Great Britain, with a population of 42,000,000, has an enormous debt of nearly $4,000,000,000 bearing interest at the rate of 2½ per cent. Is her borrowing capacity impaired by her income tax? Does Great Britain fail to borrow what money she needs? Though every third man in the United Kingdom is without a job, while starvation or the workhouse stares his family in the face, although political unrest is abroad in the land, Great Britain has a borrowing capacity left, even though the tax collector takes out his portion from the interest paid to bondholders before it leaves the Bank of England.

Italy, with its population of 33,000,000, with its public debt of almost three billions, has an income-tax law which deducts the tax at the time the interest on the public bond is paid. Her securities find a ready market and the borrowing capacity of the Kingdom has not been impaired by the law.

The same is true of the German States, the Swiss Cantons, Sweden, the Netherlands, Belgium, and all of the nations which have income-tax laws on their statute books.

The United States, with 90,000,000 people and without an income tax, has borrowed less than a billion dollars, as the debt stands now. Great Britain and Italy together, having a less population than the United States, have borrowed more than seven times as much as this country.

The total incomes taxed by England in 1908 amounted, in round numbers, to $3,000,000,000. Of this sum, $80,000,000 represent incomes arising from investment in government securities and $120,000,000 represent salaries of public officers. The English public officer is not injured by the income tax, because his private income, which he probably surrendered to accept the public salary, would have been taxed had he remained in private life. The same thing would be true in this country.

This all goes to demonstrate that in those countries where an income tax is laid no appreciable injury has resulted to the governments which have permitted incomes arising from government securities to be taxed. No reason is suggested why the effect in this country would be any different. Every reason suggests the effect would be the same so far as the borrowing capacity of the States is concerned.

It must be remembered that the proposed amendment does not levy the tax. Its sole function is to confer on the Government the power to tax. The exercise of that power will be left to Congress. If its exercise will in fact impair or destroy the States, the responsibility will be on the men who compose the Congress of the United States. These men are chosen by constituencies in their home States and congressional districts. It is impossible to conceive that these men, devoted to the welfare of the States and districts they represent, and identified as they are with their industries, their commerce, and their prosperity, would allow any tax to be laid which would impair the rights of the people who sent them here. And yet it is seriously argued that these men representing all of the States of the Union may or will exercise the power conferred by this amendment to the injury, if not the destruction, of their States.

It seems to me that such an argument is so beyond the bounds of reason and so in conflict with the law of self-preservation as to be absurd. If Congress can not be trusted to protect the States against a destructive exercise of the power to tax incomes, the States are in grave danger, whether the amendment is adopted or not. For a Congress so indifferent to the welfare of the Republic as to use this power to tax incomes to the injury of the several States, if shorn of that power, would find other ways and means to carry on the work of destruction. For, Mr. President, with the States taxed out of existence, what is there left of the Republic? The Nation exists solely as a union of the several States. With the States destroyed, there is no Union.

In this country the Government employed the income tax in the sixties to protect the States and preserve the Union. It did not destroy the States then; it will not destroy them now. It has never been employed by this or any other Nation to the injury of any State or any subdivision of any government. It has had the contrary effect whenever and wherever tried.

This Republic has grown in territory, in strength, and in power far beyond the dreams of the men who laid its foundation. This growth is due, in my judgment, to the character and industry of the people—a people who have always stood for everything that was best in government. American ideals have grown higher as generations have come and gone since 1776, and to-day the standard of American citizenship represents more industry, higher character, and better civilization than it ever did before.

This proposition to amend the Constitution is one that has come from the people. They were surprised, shocked, and disappointed when the court, through the decision in the Pollock case, informed them that the Government was without the power to tax incomes unless apportioned according to population. They were surprised because it was a new decision and overturned the law as interpreted by the courts up to that time. It is to the great credit of President Taft that he sent a special message to Congress calling the attention of the people's representatives to the need for this amendment. In that message he spoke for the people; he spoke for every State in the Union; he spoke for the Republic. Congress passed the resolution by an almost unanimous vote. He approved it when it was passed. He approves it to-day.

The men and women of America approve it. There is no party politics in the question. One of the two great party organizations indorsed it in its last national platform. Both parties indorsed it when their Representatives almost to a man voted for it in Congress. No reasonable argument has yet been made against its ratification. It should, and I believe it will, be ratified by the States.

The perpetuity of our plan of government depends on the coexistence of state and federal authority. The life of one is essential to the life of the other. The destruction of either means the death of both. So that it is safe to presume that neither will be destroyed by the other unless the men and women whose Government this is determined to change its form and substitute a different plan. And when they so determine, the change will not be made by legislation nor by amendment to the Constitution, but by revolution.

Revolution is not in sight, Mr. President. The most morbid imagination is not able to find the slightest cause for such apprehension. With a people intelligent, hard-headed, practical, and in love with the Union and its flag, there is no danger of revolution; and there is no danger that the power conferred by this amendment will be used to destroy the States.

The amendment should be ratified—

First. Because it restores to the Government the right to exercise a power possessed and exercised at various times for more than a hundred years.

Second. Because it confers a power now enjoyed by every other sovereign nation in the world.

Third. Because, in times of peace, it may become necessary to the general welfare.

Fourth. Because, in national emergency, it may become necessary to the life of the Nation.

Mr. BORAH. I ask that the resolution may continue to lie on the table subject to call.

The PRESIDING OFICER (Mr. GORDON in the chair). It will be so ordered.

REGULATION OF FEDERAL COURT PRACTICE.

The PRESIDING OFFICER. The calendar under Rule VIII is in order, and the Secretary will announce the first bill.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States, was announced as the first bill in order on the calendar.

Mr. GALLINGER. Let it go over.

Mr. OVERMAN. Let the bill go over without prejudice.

The PRESIDING OFFICER. The bill will go over.

ARLINGTON MEMORIAL BRIDGE.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property, was announced as the next business in order on the calendar.

Mr. GALLINGER. Let it go over.
The PRESIDING OFFICER. The bill will go over.

WALES ISLAND PACKING COMPANY.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company, was announced as the next business in order on the calendar.

Mr. BACON. Is there a report accompanying the bill? If so, let it be read.

Mr. OVERMAN. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

POSTAL SAVINGS DEPOSITORIES.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes, was announced as the next business in order on the calendar.

Mr. GALLINGER. Let it go over.

Mr. CARTER. Let the bill be passed over.

PANAMA CANAL, ETC.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as the next business in order.

The PRESIDING OFFICER. The bill has heretofore been read in full as in Committee of the Whole.

Mr. BACON. I think it had better go over.

The PRESIDING OFFICER. It will go over.

TEMPORARY WITHDRAWALS OF PUBLIC LANDS.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification was announced as the next business in order on the calendar.

Mr. CARTER. Let the bill go over. The Senator in charge of the bill requested that it be passed over.

The PRESIDING OFFICER. It will go over without prejudice.

GOVERNMENT BUSINESS-METHODS COMMISSION.

The bill (S. 6168) creating a government business-methods commission was announced as the next business in order on the calendar.

Mr. BRISTOW. I ask that it go over.

The PRESIDING OFFICER. It will go over.

AMENDMENT OF MORRILL ACT.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as the next business in order on the calendar.

Mr. CARTER. The Senator in charge of the bill is not present. I ask that it go over.

The PRESIDING OFFICER. It will go over.

RECLAMATION FUND.

The bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund was announced as the next business in order.

Mr. GALLINGER. Let it go over.

Mr. CARTER. Pass that over.

PENSIONS TO WIDOWS OF SOLDIERS AND SAILORS.

The bill (S. 6058) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, was announced as the next business in order, and was read.

Mr. JOHNSTON. I ask that the bill be laid over.

The PRESIDING OFFICER. The bill will go over without prejudice.

FRANK H. PEQUETTE.

The bill (S. 5787) authorizing the Secretary of the Interior to make allotment to Frank H. Pequette was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to allot to Frank H. Pequette, a missionary to the Bois Fort band of Chippewa Indians, not to exceed 80 acres of vacant unallotted land within the Bois Fort Indian Reservation, in the State of Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN ALLOTMENTS WITHIN NATIONAL FORESTS.

The bill (S. 5788) authorizing the Secretary of the Interior to make allotments within national forests was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to make allotments within the national forests of not exceeding 80 acres of agricultural or 160 acres of grazing land to any Indian occupying, living on, or having improvements on land included within any such national forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof.

Mr. HEYBURN. I should like to ask the Senator in charge of the bill whether the operation of this measure is limited to a particular section of the country?

Mr. CLAPP. No; I think not. It is a bill which has been recommended by the office, and the very——

Mr. HEYBURN. Is it proposed to give the Indian a preferential right over a white man by allowing him to make a home in a forest reservation?

Mr. CLAPP. It does not give him a preferential right.

Mr. HEYBURN. No such right rests in the white man.

Mr. CLAPP. The white man has a right to homestead——

Mr. HEYBURN. Within a forest reservation?

Mr. CLAPP. Within a forest reservation on lands that are agricultural.

Mr. HEYBURN. It would be difficult to find any adequate provision in the statute which gives him that right. There is a pretense of such right that is utterly unavailable. I did not observe, in listening to the reading of the bill, that there is the same limitation against the Indian that there is against the white man.

Mr. CLAPP. It is just the same. It has to be approved by the Forestry Bureau, through the Department of Agriculture. I think the Senator is probably correct in one respect. The statute gives the right of homestead in forest reserves. But this does not add anything to the right of the Indian as against the white man. It simply gives the department, when the reservation is exhausted, the right to allot to an Indian within a forest reservation, on the approval of the Department of Agriculture.

Mr. HEYBURN. Could an Indian, under the provisions of this bill, be brought from Arizona to Montana and given an allotment in a forest reserve in Montana?

Mr. CLAPP. Undoubtedly. To-day he can be brought from Arizona to Montana and given an allotment upon public land generally, the title to which is still in the Government.

Mr. HEYBURN. The Indian?

Mr. CLAPP. The Indian; under a law that was passed, I think, about two years ago.

Mr. HEYBURN. Without any reservation?

Mr. CLAPP. It was passed about a year ago. Yes; he is so allowed. If the Indian reservation is exhausted, so that the Indian can not obtain an allotment in his original reservation, to-day, under the law, he can be allotted anywhere in the United States upon public land.

Mr. HEYBURN. Against his protest?

Mr. CLAPP. Oh, no; certainly not. It is simply a right extended to him because his original reservation is exhausted; and this bill simply extends that right to the forest reserve, subject to the approval of the Department of Agriculture.

Mr. HEYBURN. I think the Senator understands that I am heartily in favor of allowing men, of whatever race, to take homes within forest reserves.

Mr. CLAPP. Yes.

Mr. HEYBURN. I was only somewhat astonished to find that a measure came here with the recommendation of a department of the Government in favor of giving the Indians a larger right——

Mr. CLAPP. No.

Mr. HEYBURN. Than is accorded to white men.

Mr. CLAPP. No; it is just the same.

Mr. HEYBURN. It must have been declared to be agricultural land before the white man can enter upon it.

Mr. CLAPP. Yes; and so it must under this bill before it can be allotted to the Indian. There is the same restriction precisely.

Mr. HEYBURN. I have no objection to the principle. I was only astonished at the application of it by the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACCIDENTS ON INTERSTATE COMMON CARRIERS.

The bill (H. R. 3649) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission, was announced as the next business in order; and the Secretary proceeded to read the bill.

Mr. ALDRICH. There are some changes to be made in that bill, I think, and I suggest that it be recommitted to the committee for the purpose of further consideration.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Rhode Island that the bill be recommitted to the Committee on Interstate Commerce.

The motion was agreed to.

HEIRS OF JOHN W. WEST, DECEASED.

The bill (S. 2430) for the relief of the heirs of John W. West, deceased, was considered as in Committee of the Whole. It proposes to pay to the heirs of John W. West, deceased, out of the funds of the Cherokee Nation of Indians, $5,000 and interest thereon at the rate of 5 per cent per annum from September 16, 1884, in full payment for the property of West taken by the Cherokee national council October 30, 1843.

Mr. BACON. I would ask if there is a report accompanying the bill? The claim dates back a good long ways, and we ought to know something about it.

The VICE-PRESIDENT. There is a report, and the Secretary will read it.

The Secretary proceeded to read the report submitted by Mr. CURTIS on the 18th instant.

Mr. CURTIS. Mr. President, what is the parliamentary situation?

The VICE-PRESIDENT. The bill is in Committee of the Whole and is open to amendment. At the request of the Senator from Georgia, the report made by the Senator from Kansas is being read.

Mr. BACON. I shall be perfectly content if the Senator from Kansas will make a short statement. It may save time.

Mr. CURTIS. I was absent from the Chamber when the bill came up. The only amendment suggested by the committee is the one striking out the allowance of interest. The report is a very short one, and I ask that it may be read.

The Secretary resumed and concluded the reading of the report, which is as follows:

The Committee on Indian Affairs, to whom was referred Senate bill 2430, submit the following report, and recommend the passage of the bill when amended as follows:

On page 1, lines 8, 9, and 10, strike out the following words:

"And interest thereon at the rate of 5 per cent per annum from September 16, 1884."

This claim arises out of property owned by Bluford and John W. West, the former having a two-thirds and the latter a one-third interest, and taken by the Cherokee Nation under authority contained in the act approved October 30, 1843.

By the seventh article of the treaty of 1846 (9 Stat. L., 874) with the Cherokees it was provided:

"The value of all salines which were the private property of individuals of the Western Cherokees, and of which they were dispossessed, provided there be any such, shall be ascertained by the United States agent and a commissioner to be appointed by the Cherokee authorities; and, should they be unable to agree, they shall select an umpire, whose decision shall be final; and the several amounts found due shall be paid by the Cherokee Nation, or the salines returned to their respective owners."

In 1873 Mrs. Markham, administratrix of the estate of Bluford West, presented the claim of the heirs of Bluford West to the Cherokee national council, which appropriated $12,000 in full settlement thereof. (See letter of Assistant Secretary Wilson, Mar. 21, 1908, p. 3.) John W. West received no part of the above amount.

In November, 1882, the department found that the Cherokee Nation had not followed the treaty in fixing the value of some of the property taken and directed the nation to proceed in accordance with the treaty. D. W. C. Duncan was appointed by the Cherokee Nation to assist John Q. Tufts, Indian agent at the Union Agency, in ascertaining the value of the property. (See letter Assistant Secretary Wilson, Mar. 21, 1908, p. 5.) After an elaborate investigation, during which much testimony was taken (decision Secretary Lamar, Apr. 26, 1886, pp. 3, 4), the commission found:

"This testimony going to show that John W. West held a third interest in the saline is not contradicted by any satisfactory showing. Joel M. Bryan and Mrs. Nancy Markham both testify that they were not aware that he had any interest in the saline (testimony, pp. 117, 154); at the same time, however, Mr. Bryan knew that he was prosecuting a saline claim at Washington.

"It is the opinion of this commission that John W. West, in his lifetime and at the date of his death, was justly entitled to a one-third interest in the saline in question, and that by means of his death his heirs or legal representatives have rightfully succeeded to the same.

"As to who these heirs are, see testimony, page 100.

"If the valuation ($15,000) approved by this commission should be sustained, then there will be due the heirs of John W. West the sum of $5,000. * * *"

In transmitting the findings of the commission to the Secretary, the Commissioner of Indian Affairs (decision Secretary Lamar, Apr. 26, 1886, p. 5) recommended that as the department had no funds out of which the amount found due the heirs of John W. West could be paid the claimants "should be left to pursue their remedy before the Cherokee authorities."

On August 29, 1883, the finding of the commission was approved by the Secretary. (See Secretary Lamar's decision, p. 5.)

Later the case was reopened, and on September 16, 1884, Secretary Teller rendered a decision affirming the decision of August 29, 1883, holding that the heirs of John W. West were entitled to $5,000 for the property taken. The Secretary concluded his decision (see Secretary Lamar's decision, pp. 6, 7), as follows:

As to the claim of the heirs of John W. West, deceased:

"I therefore decline to reconsider the decision of the department of August 29, 1883, for the purpose of declaring that that part of the report of the commission relating to John W. West or his heirs is outside of the scope of their duties under the treaty.

"In the decision of August 29, 1883, your recommendations 'that the heirs of John W. West should be left to pursue their remedy before the Cherokee authorities, if they see fit, without interference in their behalf by the department,' was concurred in.

"It now appears by papers filed by Allen Gilbert as attorney and agent for the heirs of John W. West, deceased, that the claimants presented said claim to the Cherokee National Council held in November, 1883, praying for its allowance and payment, that the said council adopted a report, adverse to the payment of the claim, made by a committee of that body, and that said council still refuses to pay the claim or any part thereof; in view of these facts, he claims that it is the right of the United States Government, as a party to the treaty, to insist on its fulfillment by the Cherokee Nation, and he therefore prays that such steps may be taken by this department as will secure the rights of the claimants.

"The treaty provided that if the United States agent and Cherokee commissioner fail to agree 'they shall select an umpire whose decision shall be final; and the several amounts found due shall be paid by the Cherokee Nation or the salines returned to their respective owners.'

"The Cherokee Nation has not only failed but refuses to comply with the terms of the treaty. There are no funds to the credit of the Cherokee Nation out of which this department can order payment of the amount claimed by the heirs of John W. West, deceased, and as it is therefore not considered within the power of this department to enforce payment of the claim without special legislation by Congress therefor. The matter should be presented to the Congress for appropriate action.

"In order to do this you will prepare and submit the necessary papers in proper form, to be laid before Congress at the approaching session."

Later the case was again reopened, upon representation by counsel for the heirs of Bluford West that new evidence had been discovered, and on April 26, 1886, after careful review, Secretary Lamar rendered a decision (H. Rept. No. 2397, 50th Cong., 1st sess., p. 7), concluding as follows:

"No new evidence has been presented since the decision of September 16, 1884. The hearing took place on the 22d and 23d instant, and all the matter stated in argument by the attorneys and counsel have been carefully considered, and the conclusion reached is that no good and sufficient reason has been shown for disturbing the decision on the claim of August 29, 1883, reaffirmed by decision of September 16, 1884.

"On the other hand, it is made more clearly to appear that the action already had on the case was right and just."

Bills providing for the payment of this claim have been reported from the Committees on Indian Affairs in the Fiftieth, Fifty-second, and Fifty-fourth Congresses.

Mr. CURTIS. I think that is a substantial and full statement of fact. The payment provided for is to be made out of the Cherokee fund and not out of the funds of the Government.

Mr. GALLINGER. I will ask the Senator if that is the reason why the committee ignored the suggestion of the Secretary of the Interior and allowed the provision to remain in the bill that interest should be paid? Of course the Senator knows—we hear it every day—that the Government never pays interest. I do not quite agree to that. Is the Senator going to propose an amendment?

Mr. CURTIS. The committee report an amendment striking out the part of the bill providing for the payment of interest. The amendment is stated in the report.

Mr. GALLINGER. I did not know but that the Senator thought it was proper that interest should be paid, inasmuch as the transaction is between the Indians themselves and the Government is not a party to it.

Mr. CURTIS. The position taken by the committee was that no interest should be allowed.

Mr. GALLINGER. That is agreeable to me.

Mr. BACON. I should like to inquire of the Senator from Kansas whether it is a fact that the Cherokee Nation is still opposing this payment.

Mr. CURTIS. The last time the bill was presented to the council it was refused, and I understand that they are still opposed to the payment of this claim.

Mr. BACON. I should like to inquire of the Senator whether the Cherokee Indians were represented before his committee on this examination.

Mr. CURTIS. I may say to the Senator that neither side was represented. The bill was referred to me, and I passed upon it after an examination of all the papers sent up from the department, and after a very careful examination. I declined to report the bill until after I had submitted my decision to the senior Senator from Oklahoma [Mr. OWEN], who is a member of the Cherokee tribe of Indians, and I think he concurred in my conclusions.

Mr. BACON. I, of course, have no right to represent the Indians particularly, except I think we always ought to represent

them. I should like, however, to have the bill go over until the Senator from Oklahoma is present.

Mr. CURTIS. I have no objection to that.

Mr. GALLINGER. We had better amend it first.

Mr. CURTIS. Let the amendment of the committee be agreed to.

Mr. BACON. I have no objection to the Senate acting upon the amendment.

The VICE-PRESIDENT. The Secretary will state the amendment of the Committee on Indian Affairs.

The SECRETARY. On page 1, line 8, after the word "thereon" strike out "at the rate of 5 per cent per annum, from September 16, 1884."

The amendment was agreed to.

The VICE-PRESIDENT. The bill goes over.

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective houses as follows:

That the Senate recede from its amendments numbered 2, 3, 30, 31, 32, 50, 52, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 51, 53, 54, and 55, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lines 18 and 19 of the matter proposed to be inserted in said amendment strike out the words "and for sales to officers" and the comma following; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the words "and hereafter transportation may be furnished for the owned horses of an officer, not exceeding the number authorized by law, from point of purchase to his station, when he would have been entitled to and did not have his authorized number of owned horses shipped upon his last change of station, and when the cost of shipment does not exceed that from his old to his new station;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted in said amendment insert the words "twelve thousand dollars; of a colonel or officer above the rank of captain, ten thousand dollars; and of an officer of and below the rank of captain, six thousand dollars;" and the Senate agree to the same.

On amendment numbered 21 the committee of conference has been unable to agree.

F. E. WARREN,
MORGAN G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.

J. A. T. HULL,
GEO. W. PRINCE,
WILLIAM SULZER,
Managers on the part of the House.

Mr. GALLINGER. I will ask the Senator from Wyoming what amendment it is that the conferees have failed to agree upon?

Mr. WARREN. One amendment which provides for raising at retirement certain brigadier-generals to the rank of major-general. It applies only to four or five remaining civil-war veterans who have served from forty-five to fifty years. That is in disagreement.

Mr. TALIAFERRO. I wish to call the Senator's attention to the fact that the bill does not provide absolutely for these promotions. It is left optional, I understand, with the President.

Mr. WARREN. Certainly; the Senator is right.

Mr. TALIAFERRO. He can appoint one or two or four or five.

Mr. WARREN. The President may, in his discretion, do that.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. WARREN. I move that the Senate further insist upon its amendment numbered 21, that a further conference be asked, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. BULKELEY, and Mr. OVERMAN the conferees on the part of the Senate at the further conference.

CITY AND SUBURBAN RAILWAY.

Mr. CARTER. I ask unanimous consent for the present consideration of the bill (H. R. 15676) to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF BOUNTY-LAND LAWS.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 1408) to extend the provisions of the existing bounty-land laws to the officers and enlisted men, and the officers and men of the boat companies, of the Florida Seminole Indian war.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAROLE OF JUVENILE OFFENDERS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5287) to parole juvenile offenders.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

It provides that every female juvenile offender who is now or may hereafter be committed to the Reform School for Girls of the District of Columbia, and who has by her conduct given sufficient evidence that she has reformed, may be released on parole as hereinafter provided.

If it shall appear to the satisfaction of the board of trustees of the school that there is reasonable probability that any girl detained in the school will, if conditionally released, remain at liberty without violating the laws, then the board of trustees may, in its discretion, parole such girl under such conditions and regulations as the board of trustees may deem proper. But the parole of all such juvenile offenders committed by courts other than those of the District of Columbia shall be subject to the approval of the Attorney-General of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD D. GILBERT.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 6089) to correct the military record of Edward D. Gilbert.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to review the military record of Edward D. Gilbert, late a private in Company I, Twenty-first Regiment Connecticut Volunteer Infantry, and to grant him an honorable discharge as of date March 17, 1863.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECLAMATION FUND.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund.

Mr. CARTER. I ask that the bill be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, that order will be followed.

R. B. WHITACRE & CO.

Mr. BRISTOW. I ask unanimous consent for the present consideration of the bill (S. 6166) for the relief of R. B. Whitacre & Co.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, in line 5, after the word "of," to strike out "$1,056" and insert "$942.97," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $942.97 to R. B. Whitacre & Co., of St. Paul, Minn., in payment for material used in constructing government work at Bellefourche, S. Dak.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. ELLIOTT.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 193) for the relief of James D. Elliott.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CULLOM. How much money is involved in it?

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay James D. Elliott, for services performed as United States district attorney for the district of South Dakota from July 11, 1906, to March 4, 1907, the sum of $2,599.99.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 24, 1910, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 23, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O God, our Heavenly Father, whose ways are past finding out, yet we can not think of ourselves apart from Thee, we realize that we are so involved in Thy love that nothing can separate us from Thee. Hence we come in perfect faith and confidence praying for the Members of this House who are languishing on beds of sickness. If it is in accordance with Thy divine plan we pray that they may be restored to health, strength, and usefulness; but if not, prepare them, we beseech Thee, for that transition which sooner or later comes to us all, and be with those who are watching the inroads of disease lest their dear ones be taken from them. Comfort them with the thought that somewhere, some time, some how, all will be made right. Hear us and answer us, in the name of Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

REPEAL OF SECTION 860, REVISED STATUTES.

The SPEAKER. This being calendar Wednesday, the call rests with the Committee on the Judiciary.

Mr. TIRRELL. Mr. Speaker, there was pending last Wednesday H. R. 16367, a bill reported from the Committee on the Judiciary, and by authority of that committee I call the bill up.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16367) to repeal section 860 of the Revised Statutes.

Be it enacted, etc., That section 860 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Mr. SULZER. Mr. Speaker, we would like to have some explanation regarding this.

Mr. TIRRELL. I will yield what time is necessary to the gentleman having charge of the bill, Mr. DIEKEMA.

Mr. DIEKEMA. Mr. Speaker, this bill proposes to repeal one of the sections of the Revised Statutes, to wit, section 860. First of all, this legislation was called to the attention of Congress by the Attorney-General, who in his last report recommended the repeal of this section. This section is a short one and I will read it for the information of the House. It reads as follows:

SEC. 860. No pleading of a party, nor any discovery or evidence obtained from a party or witness by means of a judicial proceeding in this or any foreign country, shall be given in evidence, or in any manner used against him or his property or estate, in any court of the United States, in any criminal proceeding, or for the enforcement of any penalty or forfeiture: *Provided*, That this section shall not exempt any party or witness from prosecution and punishment for perjury committed in discovering or testifying as aforesaid.

In other words, this section provides first that no pleading of any party shall be so used; second, that no discovery of any party shall be so used, and, third, that no evidence of any party shall be so used.

This is what we might call an immunity statute. The object of Congress in passing this legislation was this: That the Government might be enabled to compel the testimony of a party when his testimony would be incriminating in order that the Government might have the benefit of the disclosure which he thus made. This ran along for many years until in 1890 in the city of Chicago it was determined by the grand jury to investigate certain railroads coming from the West and leading toward Chicago as to the rates fixed on grain.

A man by the name of Councilman was brought before this grand jury and he was asked in the first place, "Have these railroads or any of them given you any special rates?" In the next place, "Have you been paid any rebates by these railroads or by any of them?" He stood upon his rights and said, "I refuse to answer any of these questions because they are incriminating." This body took the question to Judge Gresham. Judge Gresham said, "You must answer because you are protected by section 860 of the Revised Statutes which gives you immunity under these circumstances." He refused to answer and a penalty of $500 was imposed, including costs. He still refused to answer, and the case was taken to the court of appeals. From there it was taken to the United States Supreme Court, and then for the first time the United States Supreme Court said the man was entirely right because this section 860 is not as broad in its scope as is the constitutional provision which gives a man the right to refuse to incriminate himself in any criminal case. In other words, the Supreme Court said that a man is not only entitled to this privilege under the Constitution when a criminal case is pending against him personally, but he is not obliged to divulge in any criminal proceeding any information which might subsequently lead to his arrest.

Mr. HUGHES of New Jersey. Do I understand the gentleman to contend that he is attempting by this bill to repeal an immunity provision of the statute?

Mr. DIEKEMA. Yes.

Mr. HUGHES of New Jersey. Then what becomes of the contention of the Supreme Court that this statute in itself is not as broad as the constitutional provision?

Mr. DIEKEMA. This follows, that the protection of any witness still remains, as far as the Constitution is concerned. In other words, a broader protection, a wider scope, is provided by the Constitution than this law provided. Mr. Speaker, I come now to the iniquity of this statute as it now stands. The Supreme Court has said that no man can be compelled to testify under the protection of this statute, because the protection is not as broad as that given by the Constitution. What has been the result? In two instances, namely, in relation to the interstate-commerce law and the Sherman antitrust law, Congress has passed special immunity laws and has provided that under these special immunity laws the witness can be compelled to testify, because the immunity given under these two statutes is as broad, as wide, as the Constitution itself. Now, then, it is no longer possible under section 860 to compel the testimony of anybody. What is the result? A man is on trial for a crime, and it is learned that he has filed affidavits or has testified in a civil case. Under this statute they can not be used against him in a criminal case. A man may make a statement, for instance, when he comes from abroad and brings in goods, saying that there are no goods subject to duty. Subsequently it is found that there are such goods.

The man pleads guilty in a criminal case. The next thing the Government does is to institute a forfeiture proceeding, to forfeit the goods to the Government which this man brought in. Then the Government attempts to introduce the pleading in the criminal case, to say that this man plead guilty and has served a term in the penitentiary on his own plea. Under the protection of this statute that pleading, that plea of guilty, can not be used against him at all. Hence the result of this statute, since the decision of the Supreme Court, has become simply a shield to the criminal and in no way aids the Government in prosecuting any of these cases. Under these circumstances the

Government feels that the statute should be immediately repealed, and this bill comes here with the unanimous report of the Committee on the Judiciary asking that this statute be repealed.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. If the Government wants to convict this man, what does it summon him as a witness for in another proceeding?

Mr. DIEKEMA. This statute provides that a man may go voluntarily and make a statement without being summoned by the Government and still the cloak is over him; still he is protected.

Mr. CLARK of Missouri. I know; but the way those men escaped out there at Chicago was that the Government harnessed them up in some kind of a proceeding and made them testify, then afterwards indicted them, and they came in and said they were immune because they had been harnessed up in this other proceeding, and the court so held.

Mr. DIEKEMA. Just one moment. That was not exactly the way. A witness there refused to testify. He did not claim his immunity. He said the statute gave no adequate immunity, and in spite of the statute he would not testify, and the Supreme Court said that his contention was correct; that it was not an adequate immunity, and he was not compelled to testify.

Mr. CLARK of Missouri. What I am asking is, If the Government wants to prosecute A, what does it go to work and in another proceeding summon him there as a witness for, when it knows that will act as an immunity bath, as Attorney-General Moody called it?

Mr. DIEKEMA. I will state that this statute applies to voluntary statements, to pleadings made by the party himself, to civil cases, as well as to criminal cases, and there is the iniquity of the present statute.

If it only referred to cases where a man was brought in by the Government and asked to testify it might be different, but it refers to all this class of cases.

Mr. HUGHES of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. DIEKEMA. Certainly.

Mr. HUGHES of New Jersey. As I understand the gentleman, then, a man now may come into court voluntarily and plead orally or in writing or testify before the grand jury or before a court and then claim immunity, not under the Constitution, but under the provisions of this statute?

Mr. DIEKEMA. Surely. A man may now go before the grand jury to testify, as was done in the sugar cases four distinct times, as to a certain statement of facts. Then he may go into the trial court and give an entirely different version, and yet the Government can not bring in a contradictory statement he has made before the grand jury when he is actually on trial in the trial court.

Mr. MANN. If he is on trial for perjury you can.

Mr. DIEKEMA. There is one exception under the statute, and that is the one the gentleman from Illinois suggests; he can be tried for perjury, and here is the difficulty about this. The gentleman from Illinois is an able lawyer and he must understand the difficulty of convicting for perjury. In the first place, it will not do to allege that the witness made one statement before the grand jury and a different statement before the trial court and consequently is guilty of perjury, but the indictment must set forth the very words alleged to be perjury, and the fact that he swore one way once and another way another time is not sufficient ground for the allegation for perjury, and the difficulty of convicting for perjury is so great that although section 860 specially excepts perjury its other vices are so great that repeal is necessary.

Mr. HUGHES of New Jersey. As I gather the object of this proposed legislation now—I am free to say it was not very clear in the beginning—but I gather that this proposed legislation is an attempt to limit immunity. In other words, the section is broader than the constitutional provision?

Mr. DIEKEMA. No; the Constitution is broader than the section. If the gentleman doubts the statement, I will read a statement that will undoubtedly clear up the whole matter, after which the gentleman can not have any doubt. This is the language of Justice Field:

> It is quite clear that legislation can not abridge a constitutional privilege, and that it can not replace or supply one, at least unless it is so broad as to have the same extent in scope and effect. It is to be noted of section 860 of the Revised Statutes that it does not undertake to compel self-incriminating evidence from a party or a witness. In several of the state statutes, above referred to, the testimony of the party or witness is made compulsory, and in some either all possibility of a future prosecution of the party or witness is distinctly taken away or he can plead in bar or abatement the fact that he was compelled to testify.
>
> We are clearly of opinion that no statute which leaves the party or witness subject to prosecution after he answers the criminating questions put to him can have the effect of supplanting the privilege conferred by the Constitution of the United States. Section 860 of the Revised Statutes does not supply a complete protection from all the perils against which the constitutional prohibition was designed to guard and is not a full substitute for that prohibition. In view of the constitutional provision, a statutory enactment to be valid must afford absolute immunity against future prosecution for the offense to which the question relates. In this respect, we give our assent rather to the doctrine of Emery's case, in Massachusetts, than to that of People *v.* Kelly, in New York, and we consider that the ruling of this court in Boyd *v.* United States (116 U. S., 616; 29, 746) supports the view we take. Section 860, moreover, affords no protection against that use of compelled testimony which consists in gaining therefrom a knowledge of the details of a crime and of sources of information which may supply other means of convicting the witness or party.

So that the Supreme Court has held that the Constitution is broader than the statute.

Mr. MANN. Will the gentleman yield for a question?

Mr. DIEKEMA. I will be glad to do so.

Mr. MANN. I agree with the gentleman in all that he has stated, but the statute, section 860, goes further than immunity as to evidence given in a case. The gentleman's statement has related only to evidence furnished in a case, but the proposition to repeal goes much further than that. The statute reads "any pleading by a party nor any discovery or evidence obtained from a party." Now, all the statements the gentleman has made so far relate to the giving of evidence. What about the question of a pleading by a party? Ought not a party be permitted to plead without having his pleading used against him in evidence?

Mr. DIEKEMA. He ought not to be, and there is no statute in any State of the Union, I am informed, where he has the privilege. If a man makes an affidavit, files it in any case which contradicts his statement under oath in a trial of another case, that affidavit ought to be presented, and he ought to be required to explain why on that occasion he swore differently from what he does at present.

Mr. MANN. He may not have any oath at all. It may not be a matter of oath. A man may file a pleading in a case. Is that pleading to be used against him?

Mr. DIEKEMA. That is entirely governed by the common law. A pleading can be introduced in our state practice in any case, but certainly this pleading would not refer to the general pleadings as it is understood commonly in the parlance of the lawyer—would not refer to a declaration or a plea; but this word "pleading," as considered by the courts in this case, is the contradictory statement under oath.

Mr. MANN. The gentleman may be correct, but that is not my understanding. I think the word "pleading" covers a declaration or any pleading that is filed in a case. The pleading can not be used against him in the trial of a criminal case, and the pleading in a criminal case can not be used against a man in the trial of a civil case. That is a different proposition from meeting the difficulty——

Mr. DIEKEMA. Not only can a pleading be used, but any statement made by him outside of court against his interest, to anybody, can be used.

Mr. MANN. But under this statute that pleading can be used.

Mr. DIEKEMA. And if this statement made by him to any witness can be used against him subsequently, then why not a solemn declaration under oath?

Mr. MANN. Well, I am not saying whether it ought to be used or not. I do not undertake to know. But here is a proposition to repeal several requirements of the statute because one of them works injustice to the Government, and it seems to me that it is a matter that ought to receive consideration.

Mr. DIEKEMA. Not only does one of them work injustice, but they all work injustice. For instance, here is the original statement made, "as he transports his goods to this country." Why should not that original statement be used?

Mr. MANN. That is not a pleading.

Mr. DIEKEMA. It is so considered.

Mr. MANN. I am not sure it ought to be used.

Mr. DIEKEMA. I am.

Mr. MANN. This is a complete reversal of the policy of the Government.

Mr. DIEKEMA. It is not a complete reversal of the policy of the Government. Congress would never have enacted this statute if they had not felt sure that as a result of it they would be enabled to compel the testimony of witnesses. That was the ground upon which Congress passed this bill. That was the policy underlying this legislation.

Mr. MANN. That certainly was not the policy as to pleading. It was the policy perhaps as to discovery, the policy as to evidence, but plainly not the policy as to pleading, because the Government does not effect the question of pleading in a civil suit.

Mr. KOPP. Does this apply to pleadings in a bankruptcy court?

Mr. DIEKEMA. This applies to any kind of a criminal proceeding.

Mr. KOPP. Supposing a voluntary bankrupt in his examination, we will say, in the disposition of his property, has violated the criminal law, would this statute prevent the introduction of voluntary testimony?

Mr. DIEKEMA. It would, absolutely. I ask for a vote, Mr. Speaker.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 38. Joint resolution fixing the terms of court in the Philippine Islands;

S. 5252. An act to authorize the closing of a part of Forty-first street NW., in the District of Columbia, and for other purposes;

S. 3254. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, by prohibiting the sale of poisonous hair dressing; and

S. 646. An act for the relief of the estate of Julius Jacobs.

The message also announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 137. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes;"

H. R. 17514. An act to authorize the extension of Twenty-third and R streets SE., in the District of Columbia; and

H. R. 16331. An act to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4617) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5680. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme; and

S. 6191. An act to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas.

ASSIGNMENT OF JUSTICES IN NEW MEXICO.

Mr. TIRRELL. Mr. Speaker, I call up the bill H. R. 20835.

The SPEAKER. The gentleman from Massachusetts calls up the following bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the chief justice and associate justices of the supreme court of the Territory of New Mexico are hereby vested with power and authority to assign from time to time, as they may deem proper, any or either of said judges to any or either of the respective judicial districts of said Territory, and each judge, after assignment, shall reside in the district to which, for the time being, he may be assigned.

Mr. MANN. Will the gentleman yield for a moment? Has not the Senate passed a Senate bill covering this same thing?

Mr. TIRRELL. The gentleman from Ohio [Mr. GOEBEL], who has charge of this bill, can answer that question.

Mr. MANN. I am under the impression that the Senate has passed a Senate bill covering this matter.

Mr. TIRRELL. The Judiciary Committee has not been informed of that fact.

Mr. MANN. However, I would not be sure that the Senate passed it. I think I read it in the RECORD, however, and I think we had better delay this until we find out.

Mr. TIRRELL. Mr. Speaker, on such indefinite information as that I do not think the bill should be postponed. I yield such time as may be desired to the gentleman from Ohio [Mr. GOEBEL], who has charge of the matter.

Mr. GOEBEL. Mr. Speaker, this bill authorizes the chief justice and associate justices of the Territory of New Mexico to divide the Territory in judicial districts and assign the judges to the several districts. It appears that under an existing statute this power was conferred upon the chief justice and associate justices. About a year or more ago this power was exercised by the judges. Owing to the physical condition of one of the judges it becomes necessary to rearrange the assignment, but this can only be done by obtaining this legislation, as it is maintained that the power heretofore conferred has been exhausted. The bill is satisfactory to all the judges of that Territory and to the Attorney-General.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 15676. An act to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, had further insisted upon its amendment disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. OVERMAN as the conferees on the part of the Senate.

LIABILITIES OF COMMON CARRIERS TO THEIR EMPLOYEES.

Mr. TIRRELL. Mr. Speaker, I now call up the bill H. R. 17263.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, be amended in section 6, so that said section shall read:

"SEC. 6. That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

"Under this act an action may be brought in a circuit court of the United States, in the district of the residence of either the plaintiff or the defendant, or in which the cause of action arose, or in which the defendant shall be found at the time of commencing such action. This act shall not be construed as excluding the exercise of a concurrent jurisdiction of cases arising under the act by the courts of the several States."

SEC. 2. That said act be further amended by adding the following section as section 9 of said act:

"SEC. 9. That any right of action given by this act to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee."

The amendments recommended by the committee were read, as follows:

Strike out, beginning with the word "this," in line 2, on page 2, down to and including the word "States," in line 5, on page 2, and insert in lieu thereof the following:

"The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States."

Strike out the period after the word "employee," in line 13, page 2, and insert in lieu thereof a comma, and add after said comma the following:

"But in such cases the recovery shall be limited to compensatory damages and there shall be only one recovery for the same injury."

Mr. TIRRELL. Mr. Speaker, I yield such time as may be desired to the gentleman from Illinois [Mr. STERLING], who has charge of the bill.

Mr. STERLING. Mr. Speaker, this proposed amendment makes three changes in the employers' liability law. As the law is now suit can be brought only in the district where the defendant is an inhabitant. It has been so held by one of the federal courts in Texas. This amendment proposes to allow the plaintiff to begin suit in the district where the plaintiff lives, or in the district where the defendant lives, or in the district where the injury occurred, or in the district where the defendant may be found at the time action is commenced.

The second change in the law provides that the federal courts and the state courts shall have concurrent jurisdiction. I am very sure that they have concurrent jurisdiction as the law is now, but on account of a decision of one of the state courts of Connecticut, where one judge declined to take jurisdiction in a case because it was under a federal statute, the committee thought best to expressly provide in the law that the federal courts and the state courts should have concurrent jurisdiction to avoid the possibility of such a construction in the future.

The third amendment relates to the survival of the action. One of the courts in Connecticut held that under this law, where the injured party died before action was commenced or after action was commenced from some other cause than the injury, the action did not survive to the personal representative of the deceased. This provides that the action shall

survive to the personal representative for the benefit of the widow or next of kin in the order named in the original law.

These are the only changes made in the proposed amendment. I think they are all necessary to make the law more effective and carry out the real intent of Congress in the original act.

Mr. MANN. Will my colleague yield to a question?

Mr. STERLING. Yes.

Mr. MANN. I notice the committee recommends an amendment providing that the recovery, where the injured person is dead and the suit is brought in behalf of those dependent upon him, shall be limited to compensatory damages. Is the gentleman able to inform us what the general practice in the States is with reference to such actions by those left?

Mr. STERLING. I am of the opinion that generally where action is given by state statutes to the representatives of the deceased person dying from personal injury they can not recover for pain and suffering. I know that is the law in Illinois. I believe it is the law generally in the States. This change as made by the committee in the bill is to expressly limit recovery to compensatory damages only in the case where the action survives by virtue of the provisions of this bill.

Mr. MANN. Why should there be any distinction?

Mr. STERLING. I think it has not been the policy to allow the survivor to recover for pain and suffering. I think the theory of the law in such cases is to make the estate of the deceased person whole, and to allow the survivor to recover what his estate lost in the way of time and expenses incurred in being cured. I believe that is the theory of the law in all the States, so far as I am informed.

Mr. MANN. Would not that be a matter for the courts to determine, if the amendment did not prevail?

Mr. STERLING. No doubt it would. I think the bill would be just as well without this additional amendment. I think this simply leaves in the statute what the court would hold to be the right of recovery without this amendment in the bill.

Mr. MANN. I will not ask the gentleman if this is a dangerous limitation, because the gentleman is defending the bill on the floor of the House and the committee has made no amendment.

Mr. STERLING. I do not think it is dangerous.

Mr. MANN. I think it is a dangerous limitation.

Mr. STERLING. I do not think it is a dangerous limitation. I think it is neither harmful nor useful. I am very sure, so far as my observation and experience go, that the trial court would limit the recovery to compensatory damages anyhow in a case where the action is made to survive.

Mr. HUGHES of New Jersey. I want to say for the benefit of the gentleman from Illinois that, so far as I know, in every State in the Union the recovery for death is limited in this way; but, of course, as he suggests, strictly by statute. What is known as "Lord Campbell's act" has been duplicated by almost every legislature, so far as I know; but what I wanted to ask the gentleman was, in this matter of the survival of the action for the benefit of the widow, the husband, or the children, has there been any decision of the courts as to the order in which they take? In my State this matter is fixed by the statute of distribution, but it does not seem to be specifically provided here who shall take in the event of there being no surviving widow, no husband, and so on.

Mr. STERLING. As the law will be amended in case this bill passes, I think the action will survive to the personal representative for the benefit of the persons named in the original act.

Mr. CLAYTON. The state law would settle that matter.

Mr. STERLING. I think not. I think the state law would have no effect in that regard, because when Congress takes cognizance of this subject it renders ineffective all state laws relating to the subject-matter; but the action would survive to the personal representative, and then the beneficiaries would be those in the order named in the original act.

Mr. HUGHES of New Jersey. For instance, the widow, if there were a widow?

Mr. STERLING. The widow or husband and children.

Mr. HUGHES of New Jersey. But if there were a widow and children, would the widow take all?

Mr. STERLING. No; I think not.

Mr. CAMPBELL. That would depend on the state law, would it not?

Mr. HUGHES of New Jersey. The gentleman says not.

Mr. STERLING. I do not say that. I think that would depend on the law of the administration of estates in the State where the cause of action arose. That would relate to the distribution of the estate.

Mr. CLAYTON. That is exactly what I meant to say to the gentleman.

Mr. MOON of Pennsylvania. I do not think there is a particle of doubt about that.

Mr. MANN. It is not a part of the estate.

Mr. CLAYTON. The state laws governing the distribution would control.

Mr. MOON of Pennsylvania. Absolutely.

Mr. CLAYTON. That was my suggestion.

Mr. MOON of Pennsylvania. Congress has not attempted to enact anything which would control that, and it could not if it did. It has no power to.

Mr. STERLING. I did not understand the gentleman from Alabama [Mr. CLAYTON] when he made his suggestion.

Mr. CLAYTON. I was unfortunate in expressing myself, perhaps, but I find that the gentleman and I agree.

Mr. STEPHENS of Texas. What was the intention of the committee in adding the committee amendment to the language of section 1, which amendment provides that—

The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States.

Did you intend to limit the state courts in any way in this matter?

Mr. MANN. Oh, no; just the contrary.

Mr. MOON of Pennsylvania. To enlarge the power of the state courts.

Mr. STEPHENS of Texas. If the suit was brought in the state court, and the state court had original jurisdiction, would this in any way extend the jurisdiction of the federal court?

Mr. STERLING. Not at all.

Mr. STEPHENS of Texas. It does not enlarge the jurisdiction of the federal courts.

Mr. STERLING. It simply declares that the jurisdiction of the state and federal courts shall be concurrent. If the gentleman will read the brief appended to the report on this bill, I think he will be satisfied that the state court would have jurisdiction anyhow; but in view of the decision of a Connecticut state court, which dismissed a case because it held that the state court did not have jurisdiction to execute this law, this amendment was simply put in to avoid the making of such an error by any other state court.

Mr. STEPHENS of Texas. What would be the effect in the case where a charter of a railroad was granted by a State, and a citizen of that State was injured, and brought suit against the railroad company? Would this act grant jurisdiction to the federal court to determine that case?

Mr. STERLING. If he was engaged in interstate commerce at the time of the injury it would.

Mr. MANN. That would give exclusive jurisdiction.

Mr. STEPHENS of Texas. How would it be with reference to a personal injury?

Mr. STERLING. That is what I refer to. A personal injury occurring to an employee when engaged in interstate commerce could bring a suit in either the state or the federal court.

Mr. CLAYTON. And that would be the case whether we passed this particular act or not, under the act we have heretofore passed.

Mr. STERLING. I am very sure that the state courts have jurisdiction without this provision.

Mr. MOON of Pennsylvania. The gentleman means that they have jurisdiction under this act and not jurisdiction under the state law. In other words, a man engaged in interstate commerce must depend on this act. The state courts can entertain jurisdiction of this act only for his protection.

Mr. STEPHENS of Texas. Then this does not enlarge the jurisdiction of the federal courts?

Mr. MOON of Pennsylvania. This came about in this way: In all federal statutes that are passed, unless we insert words giving exclusive jurisdiction to the federal courts, the rule of construction is that under that law the jurisdiction conferred is concurrent with the state courts. Now, we felt when we passed the law in 1908 that because we left out the words "giving exclusive jurisdiction to the federal courts" we therefore conferred upon the state courts concurrent jurisdiction. But Judge Baldwin, in the Connecticut courts, said, although he recognized that principle of law, that the absence of words of exclusive jurisdiction conferred concurrent jurisdiction on the state courts, yet that Congress could confer exclusive jurisdiction on the federal courts in two ways. It could do it by express language and by necessary implication. He admitted that in that case it had not conferred it by express language, but he went on to state that because the devolution of damages recovered under this act after death was different from that provided by the statutes of Connecticut, and that, in addition thereto, this statute gave the right to bring suit against receivers which under the Connecticut statutes could not be done without permission of the courts.

He concluded that the Connecticut state courts, by reason of their different judicial machinery, being inadequate to enforce this law, generally speaking, he arrived at the conclusion that Congress intended by implication to make it exclusive in the federal courts. Therefore for the purpose of correcting that we inserted this language, which is the ordinary language that is used for this purpose in all statutes. That is all there is to it. This is to cure a defect which, in our judgment, ought not to have existed.

Mr. SISSON. Will the gentleman yield for a question?

Mr. STERLING. I will yield to the gentleman from Mississippi.

Mr. SISSON. I notice, in lines 18, 19, and 20, it says:

But in such cases the recovery shall be limited to compensatory damages, and there shall be only one recovery for the same injury.

Does that change the present law in reference to punitive damages?

Mr. STERLING. I do not think it changes the law as practiced in the state courts. That limitation, if it is a limitation, only applies in cases where the action survives by virtue of that section in the bill. I think that is the law now, but the committee saw fit to expressly state it.

Mr. SISSON. Regardless of whether the negligence was gross and wanton?

Mr. STERLING. That would have nothing to do with this question.

Mr. SISSON. Does not the gentleman think that the words "any right of action given by this act to a person suffering injury shall survive to his or her personal representative for the benefit of the surviving widow or husband and children of such employee," and so forth, would be to limit their recovery to compensatory damages? I want to ask this question: Does the federal law now limit the recovery to compensatory damages?

Mr. STERLING. I think it does. That is the law now, wherever the action is made to survive.

Mr. SABATH. Will the gentleman yield?

Mr. STERLING. I will yield to the gentleman from Illinois.

Mr. SABATH. The gentleman from Pennsylvania has explained the proviso in section 1, which provides that the jurisdiction of the courts of the United States under this act will be concurrent with that of the courts of the several States. Now, there is no question that the United States courts have jurisdiction under the liability act.

The question arose whether the state courts had jurisdiction under this liability act. So the question, in my mind, is whether the wording should not have been that the jurisdiction of the state courts should be concurrent with the jurisdiction of the United States courts.

Mr. STERLING. I think it makes no difference in the meaning of the clause whether it be stated this way or transposed. This form is the one that is generally used. It occurs in statutes frequently, and this is worded the same as in all other statutes. The effect of it is to make the jurisdiction of the federal and state courts concurrent.

Mr. SABATH. There was no question as to the jurisdiction of the federal courts?

Mr. STERLING. No.

Mr. SABATH. Why, then, should we not change the proviso and say that the state courts shall have the same jurisdiction as the federal courts have now, instead of giving the federal courts concurrent jurisdiction with the state courts, there being doubt in the minds of some of our judges whether they have jurisdiction or not? If there is any question in the minds of the state judiciary about jurisdiction under the liability act, this will not in any way clear the matter up or give them greater jurisdiction than they now maintain they have.

Mr. STERLING. I think it makes no difference at all whether it be transposed or not transposed. Its meaning is just the same. There has been only one state court that has questioned its own jurisdiction in cases under this act; and if the gentleman will read the opinion of the court in that case, I am satisfied that he will conclude the court was wrong and that state courts do have jurisdiction now.

Mr. CLAYTON. And, Mr. Speaker, if I may interrupt the gentleman, I desire to state that the committee thought that it was better to use the language here employed than the language originally embodied in the bill. The original language said:

This act shall not be construed as excluding the exercise of concurrent jurisdiction in cases arising under the act by courts of the several States.

Now, in using that language the bill seemed to lay down a rule of construction for guiding the courts. The committee thought the better practice on the part of Congress would be to declare what the rule was, not how the court should be governed in construing it. Hence the committee substituted this language:

Jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States.

Mr. DOUGLAS. Will the gentleman yield to me?

Mr. CLAYTON. With the permission of the gentleman from Illinois.

Mr. STERLING. I yield.

Mr. DOUGLAS. I want to call the attention of the gentleman from Alabama to the fact that I think he is mistaken that the language, "This act shall not be construed as excluding the exercise of concurrent jurisdiction" was in the original law.

Mr. CLAYTON. I did not say in the original law. I said in this bill—17263—as the bill was referred to the committee.

Mr. DOUGLAS. Now, this is what I want to call to the attention of the gentleman. Does the gentleman think that this clause, which is said to be already provided as amendatory to section 6, ought to be in the form of an amendment to section 6 of the original law, which is purely a clause of limitation? You have made up a section here with reference to jurisdiction, which I think ought obviously to be a separate section. What has this amendment got to do with the original section 6 of this law? It has nothing whatever.

Mr. CLAYTON. The gentleman has propounded a question and has answered it.

Mr. DOUGLAS. I would like to hear from the gentleman why this section was not made an additional section instead of an amendment to section 6.

Mr. CLAYTON. Well, that is a mere matter of taste. The committee thought that it would improve the efficacy of the law to make this addition here, even though the addition be put in as an amendment to section 6. That was the opinion of the committee. Now, the gentleman from Ohio thinks it does not improve the law. That is his opinion.

Mr. DOUGLAS. I do not deny that it improves the law, but I think the Committee on the Judiciary ought to be the arbiter of good taste.

Mr. CLAYTON. The gentleman's objection is upon another ground, and that is a mere matter of taste. He thinks it ought to be an entirely different section. Well, now, perhaps there might be something in the nicety of his conception about the matter, but it did not come before the House in that shape nor did it come before the committee in that shape, so dealing with it practically, as we have, I am willing to waive all of my ideas as to estheticism or any ideas I may have as a purist and adopt it in the practical way in which it is before us.

Mr. DOUGLAS. But I want to say to the gentleman that they have made a separate section of this other provision, and it seems to me this ought clearly to be a separate section and not an amendment to section 6.

Mr. CLAYTON. Would it not be in legal effect the same thing, whether it is a separate section or in the present section?

Mr. DOUGLAS. Well, I am inclined to think that it would, but that does not correct my objection.

Mr. CLAYTON. The gentleman has a very keen and nice idea of the proprieties, and I appreciate it thoroughly, but the committee can not always control the tastes of the draftsmen of bills, and the committee has taken this bill as drafted and introduced and has undertaken to perfect it and put it before the House in a good and substantial and improved form, and one that we think will be an addition to the legislation of the country.

Mr. CLARK of Missouri. I would like to ask the gentleman from Illinois a question.

Mr. STERLING. Certainly.

Mr. CLARK of Missouri. Does this bill in any way enlarge the jurisdiction of the United States courts or curtail the jurisdiction of the state courts?

Mr. STERLING. It does not. It makes it much more convenient for the plaintiff to bring his suit by providing that he may sue in his own district or the defendant's district or where the injury occurred or where the defendant may be found. As the law is now, a suit can only be brought in the district where the defendant is domiciled.

Mr. WEBB. And it gives the state courts the right to administer the law.

Mr. STERLING. It expressly says they shall have concurrent jurisdiction. I think it is a unanimous opinion now, as far as I know, of the Judiciary Committee that the state courts did have jurisdiction in cases under this law.

Mr. WEBB. There has been one decision to the contrary, and this will cure it.

Mr. SIMS. Mr. Speaker, may I ask the gentleman this question——

Mr. CLARK of Missouri. I desire to ask the gentleman in regard to section 9, which reads, "but in such cases the recovery shall be limited to compensatory damages." Has there ever been any other rule than that?

Mr. STERLING. I do not know of any other rule applied where the action survives.

Mr. CLARK of Missouri. Then the rest of it reads, "and there shall be only one recovery for the same injury." Was there ever two recoveries for the same injury?

Mr. STERLING. I think, perhaps, that is superfluous, but the purpose of it is to avoid any possibility of the personal representative suing as the survivor and also suing by virtue of the original act.

Mr. CLARK of Missouri. Did a widow ever do a thing like that?

Mr. STERLING. I do not know about that.

Mr. CLAYTON. To answer the gentleman further, no widow ever had a right to action under this sort of legislation before. This employers' liability act never was enacted before by Congress, which is now proposed.

Mr. CLARK of Missouri. But section 9 is entirely new.

Mr. CLAYTON. It is entirely new to the employers' liability act, I think.

Mr. MOON of Pennsylvania. I might say in reply to the query of the gentleman from Missouri it will be observed first there is a right of action given to the injured person.

Mr. CLARK of Missouri. Yes.

Mr. MOON of Pennsylvania. Now, he can bring suit in his lifetime and can recover under this provision for any pain and suffering; he can recover for humiliation; he can recover for temporary or permanent disabilities. But in the event of his death before action brought the original bill provided that there should be another and distinct right of original action given to the personal representatives for the benefit of the wife and the children and to other next of dependent kin. Now, that is as far as the original bill went, and it was discovered that there was a hiatus, that it did not provide for another possible contingency, and that was this: The man might have been injured and he might have brought suit, and after bringing suit he might have died, and he might have died after the statute had run against the substituted suit. Now, this amendment cures this defect and provides in that case for the survival of the original action; therefore there might be a time that the personal representatives would have an election to two suits. They might have an election to the original suit provided by the act or to the survival of the existing suit provided by this amendment, and that language was put in to prevent the possibility of two recoveries. Does the gentleman get that clear?

Mr. MANN. Will the gentleman permit a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. MANN. Under the law as it now stands, where an injured person brings suit and dies, does that give the survivor the right to bring suit?

Mr. MOON of Pennsylvania. It does not permit the pending suit to survive, but it gives an original right of action to the personal representative.

Mr. MANN. I mean under the law as it existed.

Mr. MOON of Pennsylvania. No; it does not.

Mr. MANN. Suppose a man who was injured brings a suit, and before that suit is determined he dies, but dies two years after the injury, then what happens?

Mr. MOON of Pennsylvania. Then we give by this amendment the right of survivalship of this action, and it was intended for that purpose. Without the amendment in that case the persons would be without remedy.

Mr. MANN. Where is it given in this bill?

Mr. MOON of Pennsylvania. It is in the express words of the amendment. That is the whole purpose of it, to permit to survive the act under that condition.

Mr. MANN. The right of action shall survive, that is true. I am not sure the suit will survive.

Mr. GRAFF. To answer the question of the gentleman from Illinois [Mr. MANN], that the suit upon which the proceedings brought by the next of kin is based is the death of the man injured, the cause of that suit does not accrue until the death of the injured person.

Mr. MOON of Pennsylvania. Undoubtedly.

Mr. STERLING. That is true if he dies of the injury.

Mr. GRAFF. Now, if the next of kin sues on account of the death of the party, that action does not accrue until his death, and therefore the limitation in the bill does not commence to run until after his death.

Mr. MOON of Pennsylvania. The action must be brought within two years of the time of his death, not from the time the action accrued.

Mr. GRAFF. It says:

That no action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

Now, the cause of action on account of his death does not accrue until his death.

Mr. MOON of Pennsylvania. That is a nice legal question. If the gentleman is right, there would not be any necessity for this legislation.

Mr. SIMS rose.

Mr. STERLING. I yield to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Will the gentleman yield for an amendment, striking out, in line 18 and in line 19, the following language—

In such cases the recovery shall be limited to compensatory damages—

Leaving the rest of the italics in the bill?

Mr. STERLING. I am not at liberty to consent to that amendment. The committee put it in, and it simply expresses what I think the committee feels the law to be now and can do no harm there. Personally I am entirely willing for it to go out.

Mr. SISSON. Mr. Chairman, I do not understand the law to be as broad as you now state it in this act. Suppose the death should occur from the gross and criminal negligence and criminal carelessness of the defendant company engaged in interstate commerce. Now, in a great many of the States punitive damages will lie where the gross negligence can be proved. Are you not by this act, then, so far as it relates to interstate-commerce companies, virtually repealing every state statute which gives the right of punitive damages in those States or allows punitive damages in cases of that character?

Mr. STERLING. The state statutes are ineffective so far as they relate to suits by persons engaged in interstate commerce because this law supersedes the state law.

Mr. SISSON. Suppose, however, the jurisdiction of the court is not raised, and the matter should be tried in the state courts, and under the rules of practice and procedure, as in my State, the court could instruct the jury that if the defendant is guilty of criminal or gross negligence they might assess punitive damages?

Mr. STERLING. Well, if the suit is brought in a state court and this statute is not pleaded as a defense, I can not tell what the trial court would do in regard to it, but if it is pleaded as a defense the state law would not prevail.

Mr. SISSON. Does the language—

In such cases the recovery shall be limited to compensatory damages—

To that extent repeal all the state laws which——

Mr. MOON of Pennsylvania. It suspends the whole state law anyhow, not only in that respect, but in every respect.

Mr. SISSON. Would it not, then, be better legislation to amend it now, so as to preserve human life, by causing the common carrier of passengers to be more careful in the management of their trains when they know if they were guilty of gross negligence they would be punished for that gross negligence? It is not in principle for the purpose of enabling the man to recover from the railroad company for himself any more damages than he has actually suffered; but public policy and the safety of the traveling public and the safety of all the people has caused the courts in the past, as well as state legislatures, to hold that where the railroad or the interstate carrier has been criminally negligent that they may be punished for that criminal negligence, so that the public who have an interest in the safety of travel may be protected. You are depriving the courts and the citizenship of the country of that protection which has come to them under that very wise provision of law, because it is for the protection of human life and an enforcement of safe rules and regulations that punitive damages were never permitted to be recovered in any court.

Mr. BURKE of Pennsylvania. I desire to ask the gentleman in charge of the bill with reference to section 2, relating to jurisdiction, in which it provides that the action may be brought in the circuit court of the United States either in the district of the residence of either the plaintiff or the defendant or that in which the cause of action arises. Under that let us assume that a man was injured between the cities of Pittsburg and Philadelphia, in Pennsylvania, and his residence was in New Mexico, would he have the right, under that language, to institute proceedings in the United States court of New Mexico?

Mr. STERLING. Yes; he would.

Mr. MOON of Pennsylvania. That is not a United States court.

Mr. BURKE of Pennsylvania. Take the State of California. Suppose a man whose residence was in California suffered an injury between Philadelphia and Pittsburg, in the State of Pennsylvania, would he have the right to bring suit in a court in the district in which he resides? Does this confer jurisdiction on that court?

Mr. MOON of Pennsylvania. Oh, no; it would have to be in a district where the defendant could be served.

Mr. BURKE of Pennsylvania. If it is only the intent to confer the right to sue in the district in which the defendant may be found, or in which the defendant may reside, why not strike out this language that raises all these questions and make it more explicit by saying that the action may be brought in a district in which the plaintiff resides or in which the defendant may be found?

Mr. STERLING. I think that the amendment in this bill simply provides the same rule in reference to the place of bringing suit that is provided in practically all of the States of the Union. Now, they can always, in the state courts, bring suit, as a rule, wherever the defendant can be found, and this simply gives the plaintiff the right to bring suit in a federal court where the defendant can be found.

Mr. BURKE of Pennsylvania. Another question: In giving concurrent jurisdiction with a state court, let us assume that the residence of the plaintiff and the residence of the defendant were both in the city of Philadelphia. Do you believe it is wise to take from the common pleas court of the State virtually the right to try those cases?

Mr. STERLING. We do not take from the state courts the right to try these cases.

Mr. BURKE of Pennsylvania. Do you not think it would unnecessarily confer upon the United States courts jurisdiction in a matter for which there is no precedent whatever?

Mr. STERLING. The plaintiff can sue in the state or federal court, as he sees fit.

Mr. BURKE of Pennsylvania. What is the necessity of giving the United States court jurisdiction in a district in which both the plaintiff and the defendant reside, and in which the plaintiff has his remedy in the courts of the State?

Mr. MOON of Pennsylvania. Suppose a case where an accident occurred from 100 to 500 miles away from the home of the plaintiff, and all the witnesses resided there. It would be a great hardship upon the plaintiff not to allow him the right to bring the action where the accident occurred and where the witnesses were present.

Mr. BURKE of Pennsylvania. And that throws light upon the very business that the gentleman has been familiar with, of bringing actions, and would impose as much hardship by bringing actions in remote places under such a change of the law, and thus compel the defendant to take his witnesses a very great distance at his very great disadvantage.

Mr. STERLING. The plaintiff is likely to bring suit where it is most convenient to him; that is, where the witnesses reside or the place of the injury. That would also be most convenient to the defendant. An injured employee ought not to be required to carry his witnesses a long distance.

Mr. CLAYTON. Mr. Speaker, it is impossible to hear what is going on.

The SPEAKER. The House will be in order.

Mr. COX of Indiana. What is the gentleman's opinion upon this proposition: Why should this act give concurrent jurisdiction upon both state and federal courts?

Mr. STERLING. Before the gentleman proceeds further with his question, let me say that I do not think this act does confer jurisdiction on either the state courts or the federal courts. It simply expressly says that the jurisdiction of the state and federal courts shall be concurrent.

Mr. COX of Indiana. I understand that. Now, supposing an employee engaged in interstate commerce is injured while in line of duty and brings an action and elects to bring it in the state courts. Then, supposing in his complaint he discloses the fact that the question of adverse citizenship is involved, the amount being over $2,000. Would the statute relating to the removal of cases from the state court to the federal court apply?

Mr. STERLING. Yes.

Mr. COX of Indiana. It would still be in force?

Mr. STERLING. Yes.

Mr. DAVIS. I should like to ask the gentleman a question. It may not be very pertinent. Referring to the last sentence in section 9, I find this language:

> And there shall be only one recovery for the same injury.

Assume that a man in the employ of a railroad is injured by the loss of a hand or arm or some other injury not fatal at the time, or apparently not fatal. He commences his action and recovers a moderate sum, a few hundred or a thousand dollars. Of course all questions that could be litigated would probably be tried in that connection. Within the statutory limit, but after the conclusion of the previous action, death results, which is directly attributable to the original injury. Would this clause in this bill bar any recovery by the next of kin?

Mr. STERLING. I think it would, without a doubt.

Mr. DAVIS. Does the gentleman think that is the law now?

Mr. STERLING. I think it is the law now; certainly in the State of Illinois, under our practice.

Mr. DAVIS. Is that the law now, according to the federal statute?

Mr. STERLING. I do not know, but I have no doubt that it is.

Mr. DAVIS. Does the gentleman think that is an equitable provision?

Mr. STERLING. Yes; I think it is. I think when one suit is had on an injury of this kind, that ought to be the end of it.

Mr. DAVIS. But the original injury might be the loss of a finger, and there might be a recovery of only a few dollars; but blood poisoning might set in, which was directly attributable to this original injury. Ought the next of kin to be barred from recovery of the statutory limitation, $5,000 or $10,000, and no compensatory damages be allowed the next of kin?

Mr. STERLING. In that kind of a case the plaintiff has the right to wait until he can determine the extent of his injury. Furthermore, when he tries his case he has the right to prove what will be the probable effect of the injury, and so forth. I think he can recover then all that he is entitled to, and certainly ought not to have another action.

Mr. DAVIS. It would not, perhaps, be for the same injury, when it was for the loss of a finger or a hand. The other right of action would be for the death of the person upon whom the next of kin was dependent for support.

Mr. STERLING. It would all be from the same accident.

Mr. DAVIS. It seems to me there ought to be a further right of recovery in a case of that kind.

Mr. COOPER of Wisconsin. Mr. Speaker, this seems to me an exceedingly important measure, and unless I am greatly mistaken its full effect, if enacted into law, has not been made clear. I will ask the gentleman from Illinois if it is not true that the effect of the first section of this bill, if it become a statute, would be to give the state courts concurrent jurisdiction, but that the law of the case would be this federal statute and not the state statute? That is correct, is it not?

Mr. STERLING. Yes.

Mr. COOPER of Wisconsin. In other words, the state courts would put into execution this federal statute?

Mr. STERLING. Yes; that is true without a doubt.

Mr. COOPER of Wisconsin. Now, the second section fixes the measure of damages, and therefore to that extent repeals any state statute on the subject of damages in actions brought to recover for the death of a person killed in an accident?

Mr. STERLING. No; this bill does not limit the recovery at all.

Mr. COOPER of Wisconsin. Just a moment. It provides that in such cases the recovery shall be limited to compensatory damages.

Mr. STERLING. That is only in the case where the suit survives.

Mr. COOPER of Wisconsin. Exactly; but that will be the only law on the subject.

Mr. STERLING. Yes.

Mr. COOPER of Wisconsin. If there be any state statute to the contrary on the question of damages, this federal statute would repeal it.

Mr. STERLING. In the first place, I do not think there is a state statute that permits the recovery of more than compensatory damages where the suit survives. There may be, but I do not know of any.

Mr. COOPER of Wisconsin. The gentleman states that as if it were a fact, and a fact of little importance. It is, however, of fundamental, vital importance if we propose by this bill to repeal the law of damages in the different States as to compensation to be paid to a surviving widow.

Mr. STERLING. We do not limit the damages to be recovered for the benefit of the widow of all. Let us hear the statute the gentleman refers to.

Mr. COOPER of Wisconsin. I read from Joyce on Damages, volume 2, chapter 26—"Death generally," and "Particular statutes:"

Paragraph 846. In Nevada the jury may give such damages, pecuniary and exemplary, as they shall deem fair and just, and may take into consideration the pecuniary injury resulting from such death. In New Mexico the jury may give such damages, compensatory and exemplary, as they shall deem fair and just, taking into consideration the pecuniary injury or injury resulting from such death.

Here are at least two States—a State and a Territory—that permit the recovery of exemplary damages. By this bill it is proposed, in effect, to repeal these respective state statutes and limit the recovery purely to compensatory damages.

Now, in paragraph 797 of the same authority, Joyce on Damages, there is a still further statement on the subject of exemplary or punitive damages:

Damages for the death—Pecuniarily suffered or sustained: The damages which are recoverable in an action for death by wrongful or negligent act are merely compensatory. No exemplary damages can be given except in these cases where there is bad motive or circumstances of aggravation which would justify punitive damages.

So, in an early Pennsylvania case the court, in its charge to the jury, directed that exemplary damages might be recovered in certain cases where the evidence showed oppression, fraud, wantonness, or reckless disregard of others' safety, and so forth, on the part of the defendant. But in the same instruction it was stated that in the case before the jury no such facts were produced.

This bill, if enacted into law, would repeal the statutes of at least two States, and I do not know but more, which permit punitive damages in certain cases of death by accident.

Mr. KEIFER. And also Ohio.

Mr. COOPER of Wisconsin. And I am informed by the gentleman from Ohio that it would also include the State of Ohio. To do this in this way strikes me as not only unusual, but as most extraordinary.

If a company engaged in interstate traffic has been warned by its employees or by the public authorities that one of its bridges or certain of its appliances or cars or portions of its roadbed are in a defective condition and the company neglects to pay attention to the warning, and by its gross negligence causes the death of one of its employees or of a number of them, it ought to be punished as provided by the statutes of the States which look to exemplary damages in cases of willful neglect of the ordinary safeguards that ought to be thrown around human life.

Mr. STERLING. I want to say to the gentleman——

Mr. COOPER of Wisconsin. One moment. Let me close, and then the gentleman can answer the whole of it. The first excerpt which I read was from a chapter dealing with the general subject of recovery of damages for death where the recovery is governed by particular statutes. It declares that ordinarily the rule permitting punitive or exemplary damages would not survive in favor of the widow or next of kin, but that the rule does exist, of course, where the legislature of a State by the exercise of its sovereign authority in a statute has expressly declared that it shall survive and gives to the jury in cases of gross negligence or of willful disregard of the law, the right to award exemplary damages.

Mr. STERLING. Mr. Speaker, the statutes to which the gentleman referred have nothing whatever to do with this section of the bill relating to the survival of the action. The personal representative in his suit for the benefit of the widow and the next of kin is not limited by that clause relating to compensatory damages. The whole field of damages is open to the injured person and to his personal representative. It simply provides that where the action survives, then the damages are limited to compensatory damages. For instance, if the injured man brings a suit and dies, before judgment, from other causes than the injury, then, under this provision of the bill, the action survives to recover compensatory damages only. If he dies from the injury, the administrator has his action under the original law, and there is no limitation there on the recovery. The statutes referred to by the gentleman from Wisconsin relate entirely to that kind of a case and not where the action is made by this law to survive. As I said before, however, this limitation is no limitation. That is the law now, and personally I have no objection to this committee amendment going out.

The original law gives the representative the right to bring the action, so that this clause limiting the damages to compensatory damages relates only to the case where the action survives. In that kind of a case the estate should be made whole, no more and no less, and that is what the law seeks to do now, and that is the only purpose of this clause. As I said before, it is an amendment made by the committee. I think the courts would execute the law in that way anyway, even without this clause. Personally, I think it will make no difference whatever whether that clause remains in the bill or not so far as the effect of the law is concerned in its administration by the courts.

I now yield to the gentleman from Pennsylvania [Mr. MOON].

Mr. KEIFER. Mr. Speaker, I understand the gentleman has occupied one hour, and that the gentleman from Pennsylvania is in favor of the same proposition.

Mr. MANN. He has not occupied an hour yet.

Mr. MOON of Pennsylvania. I propose to occupy a middle ground, and if the gentleman will permit I will make a brief statement.

Mr. STERLING. Mr. Speaker, has my time expired?

The SPEAKER. The gentleman has five minutes remaining.

Mr. STERLING. Then I yield the remainder of my time to the gentleman from Pennsylvania.

Mr. MOON of Pennsylvania. Mr. Speaker, the statement made by the gentleman from Wisconsin is substantially correct in effect, but it is stated in inexact language. The gentleman states that this repeals the state laws of those States that provide for punitive damages. It can not, of course, possibly repeal any state law. That is beyond the power of Congress. It supersedes that state law only so far as accidents are concerned that occur in interstate commerce.

Mr. COOPER of Wisconsin. I understand. I meant it nullifies, of course.

Mr. MANN. That is a distinction without a difference.

Mr. MOON of Pennsylvania. Mr. Speaker, my friend from Illinois says that it is a distinction without a difference. On the contrary, he is more broadly mistaken than the gentleman from Wisconsin. That state law is in force in regard to every action brought in intrastate commerce. This act does not affect either its breadth or its scope at all; it merely takes from under its operation suits regarding accidents in interstate commerce. It suspends it in this particular only as long as this act or some other federal act is in operation.

Now, the gentleman from Wisconsin [Mr. COOPER] is entirely correct in regard to that, that in the class of cases enumerated under this amendment compensatory damages alone can be recovered, and I think I am right in stating that not only under the statutes of the States providing for punitive damages, but under the common law exemplary or punitive damages may be recovered for gross negligence and almost criminal acts of carelessness on the part of the defendant. Therefore, I repeat, the gentleman is entirely correct in his criticisms, and if I may be permitted I want to state that the consideration upon which it was placed in the bill by the committee might very easily be waived. We were influenced in putting it on by the fear that after a man was dead his widow could recover for his pain, his suffering, his anguish of mind, and his humiliation as a result of that accident, and we felt that that was not necessary or just, but that damages against the railroad company in the action by the personal representative should be limited entirely to compensation. My own conviction is that all of those—I mean pain, suffering, humiliation, and loss of earning power—are compensatory damages alone to the man injured. My own conviction is, indeed, I know the fact to be true, that no statute in the land gives in express language damages for pain and suffering. The court says this is a part of the compensation that is due to the injured man.

Mr. SHERLEY. Mr. Speaker——

Mr. MANN. Not in face of the words.

Mr. SHERLEY. Mr. Speaker, I desire to ask this question relative to a matter which I think has puzzled a good many of us: If a suit is brought for injury and that suit asked not only ordinary damages but punitive damages, the law permits it; but if the man dies, not from the injury, and it becomes necessary to revive the suit in the name of his personal representative, then, according to your provision, you do not permit the recovery to carry with it punitive damages?

Mr. MOON of Pennsylvania. That is right.

Mr. SHERLEY. If it was right in the first place to have punitive damages, why is it not right in the second case? The reason for punitive damages is not simply compensation to the individual, but punishment to the defendant for his negligence; and if punitive damages should be allowed in the first place, it should be allowed where the case is revived by the personal representative.

Mr. STERLING. Mr. Speaker, I now move the previous question.

Mr. MOON of Pennsylvania. But the gentleman will not take me off the floor.

The SPEAKER. The gentleman from Illinois demands the previous question.

Mr. KEIFER. Mr. Speaker, I would like to have ten minutes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended for twenty minutes.

Mr. KEIFER. Mr. Speaker, I want ten minutes of that.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Illinois be extended twenty minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. Mr. Speaker, I have no objection if I be allowed ten minutes.

Mr. MOON of Pennsylvania. I shall not occupy more than ten minutes.

Mr. STERLING. I yield ten minutes to the gentleman from Pennsylvania [Mr. MOON].

Mr. MOON of Pennsylvania. Now, in order to get directly and pointedly to the question under consideration, I want to state I believe that the gentleman from Kentucky and the gentleman from Wisconsin are entirely right. I believe, in other words, that the reason for which we put on that limitation does not exist in law now. I believe there is no danger of a widow being allowed to recover for pain and suffering endured by her injured husband, because that is compensation to the man injured and is not an element of damages in a substituted or survived action, and is not compensation to the widow when she sues in her representative right, but this provision in the proposed amendment limiting the damages to compensation alone does eliminate altogether the right to recover punitive damages, which is and ought to be an essential and important element of damages in some cases.

The gentleman from Kentucky [Mr. SHERLEY] has properly said that in an action for negligence the imposition of damages has two objects. It not only tends to compensate the person injured, but it has the further object to inflict punitive and exemplary damages when the evidence shows that the injury arose from gross, inexcusable, or you might say, criminal negligence on the part of the defendant. Now, I believe under this amendment the widow or her personal representative could not recover for pain and suffering if the words objected to were eliminated. It is not necessary to put in any language for that purpose, and the attempt to insert them for that purpose will accomplish a very unfortunate limitation. Therefore, I am free to say, though in this respect I may differ from other members of the committee, that it would probably improve the bill if the words "limiting recovery to compensatory damages only" should be omitted.

Mr. STERLING. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I have no disposition to interfere with proper amendments to the employers' liability act, and after listening for some time to the colloquy here this morning and the statements made pro and con as to these amendments, I think in some respects the proposition to amend that act is better than the gentlemen in charge of the bill claim it is and in some respects worse. I have no objection to the first proposition; that is, that there may be a statute of limitation within which actions may be brought under the act.

I think it will turn out in practice to complicate the whole employers' liability act if the next clause under section 6 is enacted into law: This provides:

> Under this act an action may be brought in a circuit court of the United States in the district of the residence of either the plaintiff or the defendant, or in which the cause of action arose, or in which the defendant shall be found at the time of commencing such action.

There is no attention given here to providing how jurisdiction is to be acquired in cases where the defendant does not reside in the district where suit is brought. If a suit is brought in a federal court district in which, under existing law, service of summons upon the defendant can not be made, there is nothing here indicating how jurisdiction over the defendant is to be acquired. If the plaintiff chooses to bring the suit in the federal district in which he resides and can not serve the party, there will be trouble experienced at once. If he undertakes to go to the scene where the cause of action arose, he may meet the same difficulty. But I think this is a matter which will lead to great confusion and will operate to prejudice rather than to promote the efficacy of the act.

Then we come to an extraordinary provision of the same section, contained in the closing sentence of it, as follows:

> The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States.

I have no recollection that any attempt before has been made of this character since about 1849. The old fugitive-slave law—I mean the one of 1793—undertook to confer jurisdiction on state justices of the peace in executing that law, but finally it was held, by various holdings in state courts, and it was finally held by the federal courts of the United States and the Supreme Court, that there could be no such thing as conferring jurisdiction upon state courts by a law of Congress, and there was then adopted the policy of conferring jurisdiction under the fugitive-slave act upon federal commissioners. No attempt to define and fix the jurisdiction of state courts has since been made. It is proposed in this bill to confer jurisdiction on state courts by an act of Congress.

Mr. MOON of Pennsylvania. Will the gentleman permit a question?

Mr. KEIFER. Well, let me say that the reason is given for this in the report of the committee. (Reading from the report:)

> It is proposed to further amend the act by making the jurisdiction of the courts of the United States "concurrent with the courts of the several States."
>
> This is proposed in order that there shall be no excuse for courts of the States to follow in the error of the supreme court of errors of Connecticut in the case of Hoxie v. New York, New Haven and Hartford Railroad Company (73 Atlantic Rep., 754).

This is the reason given in the committee's report for undertaking to fasten upon the courts of Connecticut in the future, and the courts of other States, a jurisdiction not given by the constitution and laws of the States.

Mr. MOON of Pennsylvania. I understand the gentleman to say it is a very new, unusual, and unconstitutional thing to attempt to give concurrent jurisdiction to the state courts under an act of Congress?

Mr. KEIFER. I did not say that. I said it was a very old attempt, and that it had failed, to undertake to give jurisdiction by an act of Congress to state courts.

Mr. MOON of Pennsylvania. Is not the gentleman aware of the fact that the act of 1789 did create the circuit court and convey to it all the jurisdiction under the laws and under the Constitution of the United States and contained this language, "concurrent with the state courts," and it has been the law ever since?

Mr. KEIFER. The gentleman has gone clear away from the question. The jurisdiction act of 1789 only fixed the jurisdiction of the United States courts "concurrent with the state courts," and not to confer jurisdiction, as does this bill, on state courts. We are undertaking here with a special act to give concurrent jurisdiction to courts, both federal and state, over the latter of which we have no control, so far as its jurisdiction over subject-matter and over persons is concerned.

But I must pass on. I think now when we come to section 9 of the amendment, in the main it is all right, except I dissent from it, as explained by the gentleman in charge of it. He undertakes to say what I do not think will be the effect of it; that if there was a recovery in an action of this kind on behalf of the estate of some person who was injured and who died, that that would be a bar to a recovery by the widow or next of kin in either state or federal court in an action to recover for the death of that party. Now, let me say that I think the section only undertakes to provide that the cause of action which accrued to the injured person survived on his death, and that it does not have anything to do with the cause of action that might arise in behalf, on the various statutes of States, of the widow and next of kin. Therefore that the recovery on a primary action brought by the employee who was injured would be no bar of an action that was of a different kind or class which accrued to other persons than the injured, and there should be none. Let me say, further, that this is a provision to amend what is called the "employers' liability act." That act in its scope nowhere gives jurisdiction to anybody to sue to recover damages but the injured party; and this amendment, I think, is all right, though perhaps not in very good language. This amendment is intended to continue the right of action which accrued to the injured party and to have it survive to his estate. Should he die his rights are fully settled. It would not survive to the widow. It would not survive under this proposed amendment to the widow or next of kin. It would survive to the legal representatives, administrators, or executors in the settlement of estates.

Mr. STERLING. That is what this bill expressly provides.

Mr. KEIFER. But when you undertake to say that it is to operate as a bar to the recovery under other statutes of States of an entirely different character, then that is a mistake, in my opinion, and in that respect the bill, I think, fairly construed, is better than it has been explained to be. The bill should be amended so as to allow a recovery of such damages, compensatory or exemplary, as has been usual in like cases by a long line of decisions.

Now, Mr. Speaker, it has been my misfortune to have to differ with the great Committee on the Judiciary of this House all along the line about the employers' liability act. I stated

four reasons in four minutes on the floor of this House in the Fifty-ninth Congress against the then employers' liability act, and I believe I was the only man on the floor here or in the Senate that voted against it. The case went to the Supreme Court of the United States, and the Supreme Court held that three of the reasons mentioned by me were good in declaring the act unconstitutional. When we came to pass the present act I went to and badgered the members of the committee to let me make some corrections of it, and I was refused that privilege. But when the bill passed the House and passed the Senate and went to the President, he was told by those in whom he had confidence that unless my suggested amendment to that bill was put in it would be unconstitutional, and the committee came back here and had passed a resolution amending the bill through the enrolling committee.

Mr. MANN. Will my colleague allow me to ask unanimous consent?

Mr. STERLING. I yield to the gentleman for that purpose.

Mr. MANN. I ask unanimous consent, Mr. Speaker, that I may be permitted to offer an amendment, to strike out, in lines 18 and 19, page 2, the words "the recovery shall be limited to compensatory damages, and," so that the committee amendment will read: "but in such cases there shall be only one recovery for the same injury."

The SPEAKER. Does the gentleman ask unanimous consent to offer an amendment?

Mr. MANN. I do, without taking the gentleman off the floor.

The SPEAKER. Is there objection?

Mr. STERLING. I do not object.

Mr. MANN. Then I offer the amendment.

The Clerk read as follows:

Page 2, lines 18 and 19, strike out the words "the recovery shall be limited to compensatory damages, and," so that the committee amendment will read: "but in such cases there shall be only one recovery for the same injury."

Mr. COOPER of Wisconsin. Will the gentleman permit me to make a suggestion before he concludes?

Mr. STERLING. I will yield for a question.

Mr. SULZER. Has the amendment been adopted?

Mr. MANN. No; but it will have to be voted upon.

Mr. COOPER of Wisconsin. I want a minute or two of debate, if you please. I wish to present just one point.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the amendment may be voted upon.

The SPEAKER. The gentleman asks unanimous consent that the amendment offered by the gentleman from Illinois may be voted upon now.

Mr. COOPER of Wisconsin. Reserving the right to object, I would like to have the consent of the gentleman from Illinois [Mr. MANN] to say a word before he presses the motion.

Mr. MANN. Certainly; but you will have to ask my colleague for the time.

Mr. STERLING. How much time does the gentleman desire?

Mr. COOPER of Wisconsin. About three minutes.

Mr. STERLING. How much time have I remaining, Mr. Speaker?

Mr. COOPER of Wisconsin. I shall ask that you have more time.

The SPEAKER. The gentleman has seven minutes remaining.

Mr. STERLING. I yield three minutes to the gentleman.

Mr. COOPER of Wisconsin. I do not think I will require it all. In addition to the quotations which I read a moment ago I desire to call the attention of the gentleman from Illinois to the same authority—Joyce on Damages, under the caption of "Death, general and other statutes"—and to a provision of the statutes of still another State, the State of Washingon. It is given here in quotation marks:

The jury may give such damages, pecuniary or exemplary, as under all the circumstances of the case may seem to them just.

Mr. STERLING. Let me say in reply to that, I think that statute is very general throughout the States. But you will find no statute in my judgment where it simply provides that the action shall survive in the estate providing that it shall recover.

Mr. COOPER of Wisconsin. There is no reason why the action should not so survive if the employee is killed in an accident resulting from the company's criminal negligence.

Mr. STERLING. The general statutes do not relate to that which is provided in this bill.

Mr. COOPER of Wisconsin. It relates to it exactly, and the chairman of the committee, the gentleman from Pennsylvania, in effect so admitted when he said that the objection was scarcely in point.

The statute of the Territory of New Mexico, as does the statute of Nevada, provides for recovery in case of death. It does not say instantaneous death nor death after weeks of suffering. It provides simply for recovery for death, whether instantaneous or lingering, from injury occasioned by negligence, unskillfulness, or criminal intent of any officer or agent of a railroad company, stagecoach, or public conveyance; and it provides also that the damages may be either compensatory or exemplary, in the discretion of the jury.

Mr. COX of Indiana. Does the gentleman believe that the law would allow exemplary damages to the next of kin?

Mr. COOPER of Wisconsin. Undoubtedly; where the statute says that such damages may be awarded them.

Mr. KEIFER. Where the common law does that.

Mr. COOPER of Wisconsin. Does the gentleman think that in a case where the gross carelessness of a railroad company results in the killing of an employee there ought not to be recovery of such damages?

Mr. COX of Indiana. I can only speak definitely as to the law of my own State.

Mr. COOPER of Wisconsin. It depends on the statute.

Mr. COX of Indiana. I do not think under the law of my State that exemplary damages could be awarded to the next of kin.

The SPEAKER. The gentleman's time has expired.

Mr. MANN. I renew my request that the vote on amendment may be taken by unanimous consent.

The SPEAKER. Is there objection?

There was no objection.

The amendment of Mr. MANN was agreed to.

Mr. STERLING. I call for a vote on the bill.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time and passed.

GENESEE AND SHIAWASSEE COUNTIES, MICH.

Mr. TIRRELL. Mr. Speaker, I now call up the bill (H. R. 18594) to detach the counties of Genesee and Shiawassee from the northern division of the eastern judicial district of Michigan and attach them to the southern division of the eastern judicial district of Michigan.

The bill was read, as follows:

Be it enacted, etc., That the counties of Genesee and Shiawassee, in the State of Michigan, be detached from the northern division of the eastern judicial district of the State of Michigan and attached to and made a part of the southern division of said judicial district.

SEC. 2. That all process against persons resident in said counties of Genesee and Shiawassee and cognizable before the court in said judicial district shall be issued out of and made returnable to said court in the said southern division, and that all prosecutions against persons for offenses committed in said counties shall be tried in the court of the said southern division: *Provided*, That no civil or criminal cause begun and pending prior to the passage of this act shall be in any way affected by it.

Mr. TIRRELL. I yield such time as he may desire to the gentleman from Ohio [Mr. GOEBEL].

Mr. GOEBEL. The object of this bill is to detach the counties of Genesee and Shiawassee from the northern division of the eastern judicial district of Michigan and attach them to the southern division of the eastern judicial district of that State.

It appears from the evidence before the Committee on the Judiciary that the two counties referred to are populous and important counties, and that it will be more convenient to all concerned to have the business of those two counties transacted at Detroit, where the United States district court is almost constantly in session, rather than at Bay City, which is visited by the court but twice a year, and then for a few days only. The distance of these counties from Detroit is only a little greater than that to Bay City. This bill has the approval of the Attorney-General, the district judge, the district attorney, and the marshal.

I ask for a vote.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time and passed.

BANKRUPTCY.

Mr. TIRRELL. Mr. Speaker, I now call up the bill (H. R. 20575) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, and as further amended by an act approved June 15, 1906.

The bill was read, as follows:

Be it enacted etc., That clause 5 of section 2 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved

February 5, 1903, and as further amended by an act approved June 15, 1906, be, and the same hereby is, amended so as to read as follows:

"Authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services, as provided in section 48 of this act."

SEC. 2. That section 2 of said act as so amended be, and the same hereby is, amended by striking from clause 19 thereof the word "and" and adding a new clause, to be known as clause 20, so that said clauses shall read as follows:

"(19) Transfer cases to other courts of bankruptcy; and (20) exercise ancillary jurisdiction over persons or property within their respective territorial limits in aid of a receiver or trustee appointed in any bankruptcy proceedings pending in any other court of bankruptcy."

SEC. 3. That section 4, clause a, of said act, as so amended, be, and the same hereby is, amended so as to read as follows:

"SEC. 4. Who may become bankrupts.—a. Any person except a municipal, railroad, insurance, or banking corporation, shall be entitled to the benefits of this act as a voluntary bankrupt."

SEC. 4. That section 4, clause b, of said act, as so amended, be, and the same hereby is, amended so as to read as follows:

"Any natural person, except a wage-earner or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any moneyed, business, or commercial corporation, except a municipal, railroad, insurance, or banking corporation, owing debts to the amount of $1,000 or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act.

"The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States."

SEC. 5. That section 12, subdivision a, of said act as so amended be, and the same hereby is, amended so as to read as follows:

"A bankrupt may offer, either before or after adjudication, terms of composition to his creditors after, but not before, he has been examined in open court or at a meeting of his creditors, and has filed in court the schedule of his property and the list of his creditors required to be filed by bankrupts. In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allowance of claims, examination of the bankrupt, and preservation or conduct of estates, at which meeting the judge or referee shall preside; and action upon the petition for adjudication shall be delayed until it shall be determined whether such composition shall be confirmed."

SEC. 6. That section 14, subdivision b, of said act as so amended be, and the same hereby is, amended so as to read as follows:

"The judge shall hear the application for a discharge and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2), with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained money or property on credit upon a materially false statement in writing, made by him to any person for the purpose of obtaining credit or of being communicated to the trade or to the person from whom he obtained such property on credit; or (4) at any time subsequent to the first day of the four months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property, with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of, or to answer any material question approved by the court: *Provided*, That a trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose."

SEC. 7. That section 23, subdivision b, of said act as so amended be, and the same hereby is, amended so as to read as follows:

"Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt, whose estate is being administered by such trustee, might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b; section 67, subdivision e; and section 70, subdivision e."

SEC. 8. That section 47, clause 2, of subdivision a, of said act as so amended be, and the same hereby is, amended so as to read as follows:

"Collect and reduce to money the property of the estates for which they are trustees, under the direction of the court, and close up the estate as expeditiously as is compatible with the best interests of the parties in interest; and such trustees, as to all property in the custody or coming into the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a creditor holding a lien by legal or equitable proceedings thereon; and also, as to all property not in the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a judgment creditor holding an execution duly returned unsatisfied."

SEC. 9. That section 48 of said act as so amended be, and the same hereby is, amended by adding new subdivisions, to be known as subdivisions d and e, to read as follows:

"(d) Receivers or marshals appointed pursuant to section 2, subdivision 3, of this act shall receive for their services, payable after they are rendered, compensation by way of commissions upon the moneys disbursed by them, and also upon the moneys turned over by them or afterwards realized from property turned over in specie by them to the trustees, or upon money or property turned over to creditors or to the bankrupt, alleged bankrupt, or other person under order of the court, as the court may allow, not to exceed 6 per cent on the first $500 or less, 4 per cent on moneys in excess of $500 and less than $1,500, 2 per cent on moneys in excess of $1,500 and less than $10,000, and 1 per cent on moneys in excess of $10,000: *Provided*, That in cases of the confirmation of a composition such commissions shall not exceed one-half of 1 per cent of the amount to be paid creditors on such compositions: *Provided further*, That before the allowance of compensation notice of application therefor, specifying the amount asked, shall be given to creditors in the manner indicated in section 58 of this act.

"(e) Where the business is conducted by trustees, marshals, or receivers, as provided in clause 5 of section 2 of this act, the court may allow such officers additional compensation for such services by way of commissions upon the moneys disbursed by them; and, in cases of receivers or marshals, also upon the moneys turned over by them or afterwards realized from property turned over in specie by them to the trustees; or upon money or property turned over to creditors or to the bankrupt, alleged bankrupt, or other person under order of the court, such commissions not to exceed 6 per cent on the first $500 or less, 4 per cent on moneys in excess of $500 and less than $1,500, 2 per cent on moneys in excess of $1,500 and less than $10,000, and 1 per cent on moneys in excess of $10,000: *Provided*, That in case of the confirmation of a composition such commission shall not exceed one-half of 1 per cent of the amount to be paid creditors on such compositions: *Provided further*, That before the allowance of compensation notice of application therefor, specifying the amount asked, shall be given to creditors in the manner indicated in section 58 of this act."

SEC. 10. That section 59, subdivision g, of said act as so amended be, and the same hereby is, amended so as to read as follows:

"A voluntary or involuntary petition shall not be dismissed by the petitioner or petitioners or for want of prosecution or by consent of parties until after notice to the creditors, and to that end the court shall, before entertaining an application for dismissal, require the bankrupt to file a list, under oath, of all his creditors, with their addresses, and shall cause notice to be sent to all such creditors of the pendency of such application, and shall delay the hearing thereon for a reasonable time to allow all creditors and parties in interest opportunity to be heard."

SEC. 11. That section 60, subdivision b, of said act as so amended be, and the same hereby is, amended so as to read as follows:

"If a bankrupt shall have procured or suffered a judgment to be entered against him in favor of any person or have made a transfer of any of his property, and if, at the time of the transfer, or of the entry of the judgment, or of the recording or registering of the transfer if by law recording or registering thereof is required, and being within four months before the filing of the petition in bankruptcy or after the filing thereof and before the adjudication, the bankrupt be insolvent and the judgment or transfer then operate as a preference, and the person receiving it or to be benefited thereby, or his agent acting therein, shall then have reasonable cause to believe that the enforcement of such judgment or transfer would effect a preference, it shall be voidable by the trustee and he may recover the property or its value from such person. And for the purpose of such recovery any court of bankruptcy, as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction."

SEC. 12. That section 67, subdivision d, of said act as so amended be, and the same hereby is, amended so as to read as follows:

"Liens given or accepted in good faith and not in contemplation of or in fraud upon this act, and for a present consideration, which have been recorded according to law, if record thereof was necessary in order to impart notice, shall, to the extent of such present consideration only, not be affected by this act."

SEC. 13. That the provisions of this amendatory act shall not apply to bankruptcy cases pending when this act takes effect, but such cases shall be adjudicated and disposed of conformably to the provisions of said act approved July 1, 1898, as amended by said act approved February 5, 1903, and as further amended by said act approved June 15, 1906.

Mr. CLAYTON. Mr. Speaker, I am opposed to this bill, but in the interest of expediting the business of the House I would suggest to the gentleman from Massachusetts, who has charge of the measure, that we have some agreement now about the time to be occupied in the consideration of this bill.

Mr. TIRRELL. Mr. Speaker, I ask unanimous consent that two hours and a half be devoted to debate, that at the expiration of that time the previous question be considered as ordered on the bill and amendments to the final passage.

Mr. CLAYTON. The gentleman does not make any provision as to the division of time.

Mr. TIRRELL. I intended to ask also that one-half of the time be controlled by the gentleman from Alabama [Mr. CLAYTON] and the other half by myself.

The SPEAKER. The Chair will state the proposition. The gentleman from Massachusetts asks unanimous consent that all debate upon this bill be closed in two hours and a half, one-half of which time is to be controlled by the gentleman from Alabama [Mr. CLAYTON] and one-half by himself, and that at the expiration of two hours and a half the previous question be considered as ordered upon the bill and all amendments to the final passage.

Mr. CLAYTON. Mr. Speaker, let me have this understanding clear with the gentleman from Massachusetts. It is the purpose of seven of the minority to offer an amendment known as "section 14" to the bill looking to a repeal of the bankruptcy law, to be effective two years hence.

Mr. TIRRELL. It is understood that that opportunity will be afforded.

Mr. CLAYTON. It is understood that I may have an opportunity to offer the amendment and have a vote on it.

Mr. SHERLEY. Mr. Speaker, in order to make that clear, I suggest a modification of the request of the gentleman from Massachusetts, that it be now in order for the gentleman from Alabama [Mr. CLAYTON] to offer his amendment; that debate shall continue for two and one-half hours, one half of the time to be controlled by the gentleman from Massachusetts and the other half to be controlled by the gentleman from Alabama, and at the expiration of that time the previous question shall be ordered on the bill and amendment proposed by the gentleman from Alabama to its final passage.

Mr. CLAYTON. Mr. Speaker, there is no essential difference between the proposition stated by the gentleman from Kentucky and the proposition stated by the gentleman from Massachu-

setts. Of course, Mr. Speaker, I shall offer the amendment as soon as it is in order.

The SPEAKER. The gentleman from Kentucky suggests a modification, which is that the gentleman from Alabama, by unanimous consent, shall offer his amendment now.

Mr. CLAYTON. I prefer the agreement entered into between the gentleman from Massachusetts and myself, that I may offer the amendment at any time.

Mr. SHERLEY. I have no objection to that. The gentleman can offer it now or at the conclusion of the two and one-half hours' debate. But I want it understood that at the expiration the previous question is to apply to the bill and to that amendment.

The SPEAKER. The Chair will state the proposition again. The gentleman from Massachusetts asks unanimous consent that all debate shall close upon this bill at the expiration of two and one-half hours, one-half of the time to be controlled by the gentleman from Alabama [Mr. CLAYTON] and one-half by the gentleman from Massachusetts [Mr. TIRRELL], and that at any time the gentleman from Alabama may offer his amendment to repeal the section referred to; and at the close of the two hours and a half the previous question shall operate upon the bill and amendments to final passage.

Mr. CLAYTON. Mr. Speaker, in order that the House may thoroughly understand the attitude of the minority in relation to this matter, I will yield to the suggestion of the gentleman from Kentucky and ask unanimous consent that I may offer now and have pending as a new section to the bill my amendment known as "section 14," which I send to the Clerk's desk to be read.

The Clerk read as follows:

On page 10, after the words "and six," in line 8, add the following new section:

"SEC. 14. That the act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and all acts amendatory thereof, including the act approved February 15, 1903, and the act approved June 15, 1906, and this act, are hereby repealed, but this repeal shall not be operative until the expiration of two years from the date of the approval of this act."

The SPEAKER. Is there objection to the request that has been stated?

There was no objection.

CONFERENCE REPORT ON ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I present for printing under the rule a conference report (No. 520) on the bill H. R. 15384, making appropriations for the army.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 30, 31, 32, 50, 52, and 56.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 33, 35, 36, 37, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 51, 53, 54, and 55, and agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lines 18 and 19 of the matter proposed to be inserted in said amendment strike out the words "and for sales to officers" and the comma following; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the words "and hereafter transportation may be furnished for the owned horses of an officer, not exceeding the number authorized by law, from point of purchase to his station, when he would have been entitled to and did not have his authorized number of owned horses shipped upon his last change of station, and when the cost of shipment does not exceed that from his old to his new station;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted in said amendment insert the words "twelve thousand dollars; of a colonel or officer above the rank of captain, ten thousand dollars; and of an officer of and below the rank of captain, six thousand dollars;" and the Senate agree to the same.

On amendment numbered 21 the committee of conference has been unable to agree.

J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

Statement on the part of the House conferees on the act making appropriation for the support of the army for the fiscal year ending June 30, 1911:

Amendment No. 1 increases the appropriation for contingent expenses of the army; and the House recedes.

Amendment No. 2 extends leave of absence at army schools; and the Senate recedes.

Amendment No. 3 is allowing payments to officers exercising higher command, to all officers where their accounts have been held up on account of such amounts being disallowed by the Comptroller of the Currency; and the Senate recedes.

Amendment No. 4 simply separates blacksmiths and farriers in the law, designating one as a horseshoer and the other as a farrier; and the House recedes.

Amendments Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 are merely verbal amendments; and the House recedes.

Amendments Nos. 18 and 19 authorize the detail of clerks already authorized by law to posts commanded by a general officer; and the House recedes.

Amendment No. 20 authorizes the detail of an additional officer in the Bureau of Insular Affairs; and the House recedes.

Amendments Nos. 22, 23, and 24 increase the pay of the Nurse Corps; and the House recedes.

Amendments Nos. 25, 26, and 27 are verbal; and the House recedes.

Amendment No. 28 relates to the six months' additional pay to families of deceased officers and enlisted men. The Senate adopts the language the House committee reported; and the House recedes.

Amendment No. 29 is a limitation on the time the appropriation for maneuvers shall remain available; and the House recedes.

Amendment No. 30 relates to payment for maneuvers out of the annual appropriations for the militia; and the Senate recedes.

Amendment No. 31 changes the method of subsisting competitors in the national rifle shoot; and the Senate recedes.

Amendment No. 32 removes all suspensions or disallowances on account of forage, etc., for horses when the officer is separated from his mount; and the Senate recedes.

Amendment No. 33 authorizes the purchase by the Government of officers' horses under certain conditions; and the House recedes.

Amendment No. 34 changes the language on barracks and quarters, making the language more specific and corresponding with the actual operations of the Quartermaster's Department, with a new proviso in granting authority for sales to officers. The House recedes from its disagreement and agrees to the amendment by striking out that part relating to sales to officers.

Amendment No. 35 relates to repairs to buildings erected at private cost; and the House recedes.

Amendment No. 36 relates to the shipment of baggage and makes no additional cost to the Government; and the House recedes.

Amendment No. 37 is verbal; and the House recedes.

Amendment No. 38 relates to shipment of horses; and the House recedes and agrees to the same with an amendment striking out all in regard to removing suspensions of accounts heretofore passed upon and limiting the shipment to horses actually owned.

Amendment No. 39 is verbal; and the House recedes.

Amendment No. 40 increases the amount appropriated for the transportation of the army and its supplies; and the House recedes.

Amendments Nos. 41 and 42 change the language of the appropriation for Alaska roads; and the House recedes.

Amendment No. 43 reduces the amount appropriated for barracks and quarters in the Philippine Islands; and the House recedes.

Amendments Nos. 44 and 45 relate to the cost of quarters in the Philippine Islands; and the House recedes from its disagreement and agrees to the same with an amendment restoring the

House language, with the exception of quarters to officers below the grade of major; and the House recedes.

Amendment No. 46 relates to the disposition of money arising from the sale of quartermaster stores, making the same available throughout the fiscal year following that in which the disposition was effected; and the House recedes.

Amendment No. 47 specifies the amount to be expended in the erection of hospitals at certain posts without increasing the amount appropriated for that purpose; and the House recedes.

Amendment No. 48 increases the amount for shooting galleries and ranges; and the House recedes.

Amendment No. 49 provides for the improvement of the rifle range at Sparta, Monroe County, Wis., and at Fort D. A. Russell, Wyo.; and the House recedes.

Amendment No. 50 is verbal; and the Senate recedes.

Amendment No. 51 requires traveling expenses in the Engineer Department to be approved by the Secretary of War; and the House recedes.

Amendment No. 52 relates to the disbursing officer of the Engineer Department; and the Senate recedes.

Amendment No. 53 provides for blank ammunition for use of troops in maneuver camps. This item was submitted in the estimates, but overlooked in the preparation of the bill in the House; and the House recedes.

Amendment No. 54 increases by $1,000 the amount appropriated for national trophy at rifle contests; and the House recedes.

Amendment No. 55 permits the Chief of Ordnance to make contracts for small purchases not in excess of $500 in amount, without reducing the same to writing in certain cases; and the House recedes.

Amendment No. 56 permits the issuing of ordnance and ordnance stores without charging the cost or value thereof to the governors of States and Territories; and the Senate recedes.

Amendment No. 21 is a proviso looking to promoting certain officers now on the active list to the grade of major-general. We submit a disagreement on this amendment.

J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Conferees on the part of the House.

BANKRUPTCY.

Mr. TIRRELL. Mr. Speaker, the bill now under consideration is substantially the same bill that passed the House by a large majority in the second session of the Sixtieth Congress, except that some two or three paragraphs have been rewritten so that they are more intelligible and definite. Of course it often happens in the construction of a legislative act that that which would appear clear to strong, logical, intellectual minds when put into actual practice creates contingencies which the law, as it apparently reads, does not properly meet. And so, to avoid any misunderstanding, although no new act has been put in here different from the one passed by the last Congress, some of the paragraphs have been rewritten.

I do not understand that there is any opposition to these amendments. I do understand, however, that there is opposition to the continuance of the bankruptcy law. There always has been, and I presume there always will be, depending upon the view which we take of the proper functions of the federal and state government. Therefore in what I shall say I shall not go over this bill in detail, but leave it to the sponsor of the bill, the gentleman from Kentucky [Mr. SHERLEY], to explain its various provisions.

As far as the matter of the change of the bill from that in the last Congress is concerned, perhaps one illustration alone may be permitted. The question of receivers' fees was left in an ambiguous way. Now it is definite. The bill is so framed that there are two sorts of receivers recognized. One you may call the "holding receiver" and the other the "active receiver" of the bankrupt estate. The holding receiver, who performs precisely the same duty that a trustee performs, holding the property intact to be afterwards disposed of, receives the same compensation that a trustee receives for doing the same work.

Then there is an active receivership, where the receiver must carry on a going business, where it requires skill and intelligence and experience in that particular line of business. It is recognized that an active receiver carrying on such responsible duties is entitled to a larger compensation than a mere holding receiver or a trustee of a bankrupt estate. This bill is so framed that an active receiver shall receive substantially double the amount of a holding receiver, but the amount is specified. It is double the amount that a trustee would receive for doing his ordinary duties, on account of the extraordinary duties that the active receiver performs.

Mr. LIVINGSTON. Why could not the ordinary receiver be an active receiver at the same time?

Mr. TIRRELL. Well, that leads up to an examination and discussion of a feature of the bill that is not really in controversy here. While the active receiver is allowed double the amount that a holding receiver or a trustee receives, the court, in its discretion, if it deems that too much, can award less.

My statement in regard to the matter of receiverships illustrates what this bill contemplates accomplishing, namely, the simplification and clearing up of obscurities which have resulted by different decisions of the courts as they have occurred from time to time. I come now to the consideration of the objections to a bankruptcy bill, which will be the main subject of controversy, as I apprehend, before the House this afternoon. I think in many respects it is owing to a misapprehension of what the bankrutpcy bill was intended to accomplish from the time of its origin down to the present day. Bankruptcy bills were first created in the reign of Henry VIII.

In 1542 the first bankruptcy law was enacted. That law was intended to meet the case of fraudulent and absconding bankrupts. It was intended by the act of King Henry VIII that fraudulent and absconding debtors should not be able to gather together the fruits of their iniquitous conduct, flee the country, and thereby prevent equitable distribution of their estates. There was no discharge for the debtor. He was left helpless. The only object of that law was to attain property which had been fraudulently acquired or fraudulently disposed of and distribute it among the creditors, to whom it belonged, and the debtor was left to his own resources, to struggle along in life as best he might. There was no change in that law until nearly two hundred years had passed away, when, in 1705, in the reign of Queen Anne, there was then inserted a provision in the bankruptcy law by which the bankrupt could be discharged, provided an examination had shown that he had been honest in the administration of his estate and had surrendered all his property and complied with all the provisions of the law. There was even then no voluntary bankruptcy permitted, and there was not a suggestion of voluntary bankruptcy under the English jurisprudence until 1828, when it first became a provision of the English law. If you will take up a history of bankruptcy in this country, you will find that it follows along the same line. The first bankruptcy law, in 1800, did not provide that the bankrupts should be discharged.

The only object sought then was the object sought under the English jurisprudence; namely, that there should be by that law a just and equitable distribution of the bankrupt's estate. That law, it is true, had but a short life. It was annulled in less than four years. It must be remembered that it never had any trial whatever to see whether it had merits or defects. Those were the days when the country was sparsely settled; when men had to travel hundreds of miles to reach a federal court; when a journey would be necessitated perhaps from Boston to Washington, which would take fourteen days to accomplish, in order to have the benefit of the federal court in matters of this sort. Those were the days of the sedition laws and the alien laws, and this bankruptcy law, then enacted, mixed up with those other laws which were in public disrepute, failed to have any trial. Interstate commerce was then of insignificant proportions. Credits were confined to local areas, where the people could reach each other, and there was no call for a national law. No proceedings were instituted under it of any account, and therefore it fell by the wayside. It was not until 1841 that bankruptcy really had any sort of test, and even then not much of a one, to determine whether it was a meritorious proposition. In 1841 a law was passed which contained many of the features which had been developed by a sort of evolution through three or four hundred years, which is the basis to-day of bankruptcy proceedings, because that law then provided not only for the equitable distribution of a bankrupt's estate, but also provided that the bankrupt himself, being honest, should be discharged from his debts. The law recognized the justice, for the first time in American jurisprudence, that the debtor, as well as the creditor, could invoke its aid. Voluntary bankruptcy was permitted, thus enabling the honest debtor to extricate himself from his embarrassments and start again unhandicapped by the burden of hopeless debts.

I ought also to say that that law in the days of "Tippecanoe and Tyler too," when the country was rent from one end to the other with political excitement and when administrations were changing after short tenure, had no opportunity to determine its merits. It was repealed soon after it was enacted, and so it passed away, and we come down to the law of 1867.

The law of 1867 is substantially the insolvency law of Massachusetts. It was based upon that law, but instead of having the economical features of the Massachusetts law, it entailed such costs and such expenses and necessitated such

travel to distant courts that after awhile there arose a prejudice against it for those reasons largely, and after eleven years' trial it ceased to be the law of the land. My recollection is that in those days the fees were so excessive that registers became fairly rich who had any considerable bankruptcy business, and that to prove a claim, no matter if it was no more than $5—the amount was immaterial—it took $1, and you had to go before magistrates, and there was an accumulation of fees all along the line. The law was an excellent one in its general features, but died by reason of the costs imposed upon the poor people, by the difficulty of administrating it, and by the fact that the country was practically cleaned up from bankruptcy and had started upon eras of prosperity, so that there did not seem to be a necessity for the continuance of the law any further at that particular time. Briefly summarized, that law made it too easy to throw a debtor into bankruptcy, too hard for him to obtain his discharge, and it was too costly both for the debtor and creditor.

Now, the present law, enacted in 1898, is universally admitted to have obviated the objections that have been urged against other bankruptcy laws. It contains their merits. It affords an efficient and economical administration of the bankrupt's affairs. It insures a just distribution of his assets. It secures fair play to the bankrupt and seems to have met every requirement, as well as every objection, which has been raised relative to previous laws. The present law, as well as previous laws, has had these two things in mind. The first thing in mind has been in the beginning always, and it is paramount to-day, a just and equitable and square distribution of the assets of the bankrupt. The main provisions of every bankruptcy law are to provide means and methods by which fraud can be prevented and fraudulent conveyances nullified, so that the estate of the bankrupt can be gathered together where it has been improperly placed out of his hands and distributed among the creditors. The creditors ought to have it, as they have themselves created it. Now, then, as illustrative, I quote from the opinion of Justice Miller in Wilson *v.* Bank (84 U. S., 473), where he says:

> The primary object of a bankruptcy law is to secure a just distribution of the bankrupt's property among his creditors. The secondary object is the release of the bankrupt from the obligation to pay his debts.

United States District Attorney Ray, who was on the Judiciary Committee of this House, when the present bankruptcy law was enacted and who also was the author of what is known as the "Ray amendment," which passed Congress in 1903, says in regard to the same matter:

> The main purpose of the bankruptcy law is to prevent preference and to secure a fair and equitable division of the bankrupt's estate among his creditors, not to grant discharges. This end accomplished, the bankrupt is granted a discharge from all his debts.

That is and always has been the purpose since the first English statute was enacted. It is true that in the course of time an equitable distribution of the bankrupt's estate had perhaps become no more important than the second object, namely, the discharge of the honest debtor. We may say that they are upon a par now, but we never would have had any enactment whatever if it had not been for the first and main object of bankruptcy to lawyers—to roll up little bills and a large amount of costs, sometimes exceeding the bill itself. Do you not believe that where bankruptcy does not intervene that there will be more chances taken, more desperate suits, more and more costs piled up than could possibly be done under any contingency you can imagine where the trustee, having the supervision of all the assets of the estate, takes out those claims which are collectible, upon which there is a justification for him to bring suit, and bring it only on them, instead of wasting the money of the estate by fruitless suits, running chances as to whether he makes the collection or not? Therefore this charge that the bankruptcy act is a collecting act, for collecting purposes, has no foundation, I submit, in actual practice. The collecting agencies are outside of bankruptcy, and before a man files his petition in bankruptcy the cost and expenses which have been rolled up diminish the assets to which I just referred. Now, then, what are the objections which have been and will be urged against the bankruptcy law? I take it that there will be no objection to these few amendments, which do not change the law and only illuminate it and make it plainer. The attack this afternoon will, as I conceive it, not be against this bill, but will be against bankruptcy as an act to remain upon the statutes of the United States.

I think that the quotations which I have read and the references which I have made to this legislation show that there is a sort of misconception as to the purposes of bankruptcy and also, I think, misinformation in regard to what the law has accomplished. We shall hear objections made that bankruptcy was designed primarily and is intended now to be for the relief of unfortunate debtors. That is one of its objects now, but I have shown by legislation in this country and in England that it was not the original object. It never has been the primary object, but an incidental object until now perhaps as important as any. Therefore there is legislation along these lines for the relief of unfortunate debtors, in connection, however, with administrative methods to enforce a more just, economical, and speedy marshaling of a debtor's assets, the prevention of fraud, the recovery of preferences, and the distribution of assets among the creditors. It will be said that bankruptcy is a collecting agency, and a more unpleasant agency than ordinary methods of collection.

Now, as a matter of fact, do we not know, those of us who have had bankruptcy practice, that when an estate goes into bankruptcy there are very few debts to collect anyway? The debtor secures all the debts that are collectible before he files his petition. He does not leave any debtor of his to hold money that belongs to him while he is becoming more and more straitened in his circumstances. He resorts to every honest expedient, and sometimes dishonest expedients, in order to force from the debtor what is due him, in order that he might have the wherewithal to keep along in business for a while longer.

The debts which a trustee has to collect on a bankrupt estate amount to comparatively little, usually none at all, for the reason that I have stated. Even if that were not so, do you not think that in bankruptcy under a trustee it is much more economical for him to marshal the assets and collect the debts than it would be for creditors in different States to bring suits, to pile up costs of courts, whereby the creditors must suffer if there is anything collected or anything left after the collection? It is alleged that bankrupt laws eat up the assets in expenses. That may be true, to some extent, of former laws, but certainly not of this. On the contrary, the present law conserves the estate by setting aside fraudulent conveyances, annuls preferences to favored debtors, breaks up the securities by which neighbors and friendly creditors get their debts substantially liquidated, gives a square deal to all, and encourages commercial activity, no matter how distant the creditor and debtor may be. The very fact that all are on an equality and these things not permitted gives confidence to the trade and secures an honest business conduct of it. So also it enhances trade, for by this law it is kept within proper bounds. The per cent paid in bankruptcy is often small, for obvious reasons, but often even that would not be left unless there was a national law under which only it could be obtained and equitably distributed.

Now, outside of these propositions—that bankruptcy is simply for the relief of unfortunate debtors, that it is an agency for the collection of debts, and that it eats up the assets in costs and expenses—I fail to have discovered, in reading the remarks that have been made from time to time in the Congress of the United States by those opposed to a bankruptcy act, any substantial reason why the act should be annulled; and those reasons which have been alleged are founded neither upon suppositions sustained by facts nor the enactment of any law upon this subject whatever.

The truth of the matter is that for an economical method of administering an estate there never has been an act more economical than this one which is the law to-day. The fees are very low and they are fixed by law. If the unfortunate debtor is unable to pay the fees of the court he then, by filing a proper affidavit, is exempt from all fees. What more can we ask of him? Those who are entitled to the fees where they are not absolutely fixed by the law come under the jurisdiction of the court and are limited in a general way as to the amount that they may be allowed. Every feature almost seems to have been properly carried in the law which is now upon the statute books. There is no complaint, certainly in all the northern tier of the United States, from the business men of this country of every kind, class, or description against the continuance of the bankruptcy law. On the contrary, if it should be thought for a moment that the bankruptcy law was liable to be repealed, that such was apparently the sentiment of Congress, we should be inundated by petitions of all the various lines of business throughout this country protesting against such action. Nor is it for the interest of the people of different States that this law should be wiped away. What constitutes the price at which the man sells his goods? You take the great shoe manufacturing industry of Massachusetts which sends down to Louisiana, Mississippi, and Texas hundreds of salesmen every year to dispose of their goods, and what fixes the price of those goods? The law which regulates the manner in which business can be carried on and an estate distributed.

You wipe away the bankruptcy law and the shoe manufacturer of Massachusetts will consider the additional risk he

runs under the state laws, which give preferences, where friends and relatives can be favored, where he can not ascertain, being so far away, what the financial condition of the debtor may be. He will, as sure as fate, place upon the price of his goods an amount sufficient to indemnify him against the additional risk which he suffers, and thereby the price of his goods will be enhanced to the retail customer.

Therefore his prices will be higher than ordinarily at places near by, where he could become informed about these things which never could be when his customer is two or three thousand miles away, where there is no one upon the ground to look after his interest, and when there is every opportunity to make preferences. Under those circumstances he would be compelled to think that he would be left out in the cold. Therefore he must secure such prices for his goods as will compensate him for the risk that he is running. So I say, it is not only for the benefit of the customer at home but the customer hundreds of miles away, when you analyze the real condition between the seller and the buyer. There should be uniformity throughout the country, under which there will be an equitable distribution of the bankrupt's property whereby he may not be able to give preferences to relatives and friends, so that the near-by creditor can not be given a preference over the creditor far away, who has possibly furnished nine-tenths of the capital upon which the debtor has been working. He should be put in the same situation as those who are on the ground, so that he can receive equal privileges.

Now, Mr. Speaker, I reserve the balance of my time, and I ask permission to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. NYE). The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD.

Mr. CLAYTON. Mr. Speaker, before that request is put, I ask to amend the request by asking unanimous consent that all gentlemen who speak on this measure to-day may have unanimous consent to extend their remarks in the RECORD.

Mr. BARTLETT of Georgia. For how long?

Mr. CLAYTON. I should say for five legislative days.

Mr. CAMPBELL. That is upon the subject?

Mr. CLAYTON. That is upon this pending measure.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that all gentlemen speaking on this measure to-day shall have leave to print for five legislative days. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Mr. Speaker, I desire to ask how much time the gentleman from Massachusetts has consumed?

The SPEAKER pro tempore. The gentleman has consumed thirty minutes.

Mr. CLAYTON. Thirty minutes of the hour and a quarter allowed to that side?

The SPEAKER pro tempore. The Chair so understands.

Mr. CLAYTON. Mr. Speaker, I do not agree with the assertion made by the gentleman from Massachusetts in the outset of his remarks. He, in effect, said that he assumed that there was no opposition to the pending bill, which is amendatory of the bankruptcy act and the acts amendatory of the original act. For one, Mr. Speaker, I oppose this particular measure, and I shall vote against it. But I do not at this time desire to address myself to the consideration of the defects or vices embodied in the pending bill. I shall reserve that, if opportunity is afforded, for a later time in this discussion. At this time, I may say, Mr. Speaker, I am in thorough accord with certain members of the Committee on the Judiciary. Seven of us of that committee, without reference to this pending measure, favor the repeal of the bankrupt law. In other words, that minority of this committee—not all confined to partisan lines—is opposed to the longer retention of the bankrupt law as a part of the permanent system of our country.

Mr. Speaker, in pursuance of that idea, and in accordance with the opposition, I have offered here an amendment which was agreed upon by the seven of us in accord in opposition to this measure and which has been read at the Clerk's desk. Since that amendment to the bill was offered, which seeks the repeal of the bill, effective two years from now, the gentleman from Ohio [Mr. KELIHER] suggests than an embarrassing situation might arise at the end of that two years mentioned in the amendment unless some specific provision was made for cases then pending in bankruptcy. Yielding to that suggestion, and after a brief conference with those who agree with me in opposition to the retention of the bankrupt law, I have drawn the following amendment to the amendment, which I ask to be considered as part of the amendment that I will be allowed to offer and which is in line with the amendment, and if Members will listen they will have no objection to it. I ask unanimous consent that it may be added to the amendment which I sent to the desk.

The Clerk read as follows:

Add to the proposed amendment the following:

"*Provided*, That the repeal of said act and amendatory acts shall not affect proceedings in bankruptcy pending at the time when this repealing clause or act becomes operative."

The SPEAKER pro tempore. Without objection, the amendment will be considered as pending.

Mr. CLAYTON. Now, Mr. Speaker, what further remarks I have to make on this subject I will reserve for later along in the discussion, and I now yield to the gentleman from Georgia, my colleague on the Committee on the Judiciary [Mr. BRANTLEY.]

Mr. BRANTLEY. Mr. Speaker, in the limited time I shall consume in this discussion I shall not concern myself with the various amendments to the present bankruptcy law that are incorporated in the pending bill. So far as I have read and considered these amendments, they appear, in the main, to tend toward the cure of some of the evils and objections that exist in connection with the enforcement of the existing law, and I therefore have no quarrel with them. I believe, however, that there is no amendment that can remove all the evils, all the wrongs, and all the injustices that this law permits save the amendment offered by the gentleman from Alabama [Mr. CLAYTON] at the instance of a minority of the Judiciary Committee, in which is proposed a repeal of the entire bankruptcy law, root and branch.

Mr. Speaker, I can not hope to illumine a debate that has been going on periodically since the formation of our Government, and longer in other countries of the world—a debate that has dealt with all phases of bankruptcy laws. There is nothing new on the subject of bankruptcy laws that I can state. I can state my conviction, and that is that a bankruptcy law is a standing invitation to dishonesty, that it is an incentive to fraud, that it results in failures that would not otherwise occur, and that for these reasons it is a law that ought not to be tolerated in this or any other country save, perhaps, in times of widespread financial distress.

My objection to a bankruptcy law is fundamental. There can be no quarrel with anyone upon the proposition that Congress has the constitutional power to enact it. My contention is with those only who insist that this law should remain permanently on our books as one of our standing laws, to be in force from day to day and from year to year for all time. I dissent from that proposition. In my judgment, one of the wisest clauses in the Constitution of this country—one that means more for honesty and uprightness—is the clause that forever prohibits any State from passing any law impairing the obligations of contracts. No State can pass what is really and truly a bankruptcy law, because no State can pass a law impairing the obligation of a contract.

I am one of those who believe that men should pay their debts, that they should live up to their obligations, and that they should not be relieved from them unless some real necessity or some real cause exists for such relief. I believe in this as a moral principle and as a sound governmental principle.

It is inconceivable to me that the framers of our Constitution, restricting as they did the power of the State to impair the obligations of contracts, ever meant or intended that there should permanently remain on our statute books a law that not only permits the impairment, but actually wipes out and destroys the obligations of contracts from one end of this country to the other. The fact that the Constitution confers upon Congress the power to declare war is no more persuasive of the proposition that Congress must keep our country continually at war than that the power given to enact a bankruptcy law is conclusive that Congress must always keep in force a bankruptcy law.

If we look back at the history of our bankruptcy laws, we must conclude that the very thought I suggest has ever been in the minds of our lawmakers.

The first bankruptcy law we had was in 1800. It was repealed in 1803. We did not have another until 1841, and this law did not go into effect until 1842, and then was repealed in 1843 by the very Congress that enacted it. No other bankruptcy law was enacted until 1867, and it was repealed in 1878.

Following this law of 1867 there was an interim of twenty years when we had no bankruptcy law. The present law was enacted in 1898 and has lived longer than any other, and it seems to me that whatever may have been the motive or purpose of its original enactment, that purpose has been subserved and the time has come for its repeal.

I did not rise to do more than state a few propositions upon which I base my judgment upon this question. It is not a question of constitutional power; it is not a question of partisan politics. It is a question for the individual responsibility and judgment of each Member here, and I act upon my own judgment and for myself.

Mr. Speaker, a bankruptcy law derives no force or power by reason of the commerce clause of the Constitution. It goes into a State and takes charge of commercial transactions in winding up a business that is purely intrastate, a power that the commerce clause could not confer.

It is conceded by all that in the absence of a national bankruptcy law the State can enact and enforce insolvent laws. This is both an insolvent and a bankruptcy law and repeals all state insolvency laws. It goes further than the state laws can go, because it relieves a man from his obligation, in his State and out of his State, to pay. Every man here or elsewhere who has ever engaged in the business of extending credit knows that in extending such credit he was never controlled and influenced solely by the amount of property that a man owned at the time the credit was asked. There is always a moral risk that is considered in extending credit. Credit has been given and is given to men who have youth and strength and who are believed to have honesty, even though they have little or no property. They are given credit upon the faith that they have earning capacity and power and that their future earnings will enable them to pay.

Here is a law, however, under which, after what little property a man had at the time of receiving credit is exhausted, relieves him from all obligation to appropriate to the payment of his debts his future earnings, upon which the credit was actually extended to him. I am opposed to retaining permanently upon the statutes of this country any such law.

Mr. Speaker, a man in my State may get credit from this grocer and this dry goods merchant, from this man and that man, all residing in his community, and although the State has not and would not allow him to defraud these people by wiping out all of his debts for him, here is a law of the United States that comes into my State and supersedes its laws and enables this man to perpetrate that fraud. This is an injustice and wrong to the honest people of my State that ought not to continue any longer than some great public necessity requires.

Again, we have in my State a system of laws; we have our duly constituted judges, learned in the law; we have courts in which 12 jurors are required to make a verdict; and I am opposed to keeping permanently on the statutes of this country a law that effaces these laws, judges, and jurors, and substitutes therefor this law and one man, a referee, and he not always chosen from among the best lawyers in the community in which he serves. I am willing, so far as I am concerned, in a time of great public stress, such as we have had, to have a bankruptcy law to enable the downtrodden and oppressed creditor in the midst of public calamity to wipe out and start over, but I am not willing to permanently retain such a law. It has never heretofore been thought wise to retain it for any great length of time, and no argument has been submitted that satisfies me it is wise and proper now to make such a law permanent.

I know of but two classes who in the main are really insistent upon the retention of this law. I cast no reflection upon either of them; one class is made up of the credit men's associations, who have the idea that this law, through its insolvency features, not its bankruptcy features, through its being a national collection law, not a bankruptcy law, is a good thing for them. They feel and believe that this law, wiping out as it does all of the collection laws and insolvency laws of all the States, makes their work and labor easier and lighter. They say they have but one law to look at and they get along better.

But, Mr. Speaker, even that argument, if we will consider the figures I will read in a moment, does not support them. There is another class who want this law—and I make no reflection upon them or any one of them—and that is the referees and other officers who enforce this law. I have no quarrel with them because they want it retained. They know what they want, but the fact of their personal interest is not persuasive to my mind that it is best for the country to keep this law alive.

I said a moment ago that this law contributed to business failures, and it does. More than one man in more than one community, being oppressed and falling behind, has been forced into bankruptcy because his friends who stood ready and willing to put up the money to save him could not do it by reason of this law that made it dangerous to him and to them to go to his assistance.

Mr. SHERLEY. Will the gentleman yield?

Mr. BRANTLEY. I must decline to yield, for my time is limited. Under our state system, as known to all the Members of the House who have practiced law, a man's neighbors and his friends have been able to save him by putting up the money necessary to do so. But to-day, under this law, with all state laws wiped out, let a man's credit be questioned and his doom is sounded. Let him be honest with his friend and reveal his insolvent condition and the friend stands to lose protection for the money he advances to save. Let him transfer or assign property with which to secure his friend and this may be the act that makes him a bankrupt. I object to this law for the reason that it conduces to failures.

I have never heard but one argument in favor of its retention, and that is that it is good and useful as a national collection law in that it is a uniform law for all the States and wipes out the preference laws of all the States. I have before me the report of the Attorney-General for last year, and I have a table, Exhibit 8 of his report, that gives the figures and sets forth in detail the operations of this bankruptcy law. I find, for the fiscal year 1909 the total liabilities, direct and contingent, that were adjudicated throughout the United States in bankruptcy amounted in round numbers to $120,000,000. I find that the total dividends declared to creditors on these one hundred and twenty millions of liabilities was in round numbers $12,000,000, or 10 per cent, and I find that in order to declare this pitiful sum of 10 per cent there were expended in fees and commissions and expenses more than $3,000,000.

Mr. Speaker, the report for the fiscal year 1908 was a little better than this. In that year, out of practically the same amount of liabilities—$120,000,000—there were realized thirteen millions of dividends, while last year these dividends were cut down to twelve millions. In many States dividends of only 1 and 2 and 5 per cent have been realized, while the average for the entire country is but 10 per cent.

I am aware that in some States when we had no bankruptcy law there were enacted insolvency laws and preference laws, about which some people complained, and perhaps justly so, but I believe that there has never been in any State any insolvency law, no matter how much it may have been complained of, under which a greater dividend than 10 per cent was not declared to creditors.

Mr. SHERLEY. Will the gentleman yield?

Mr. BRANTLEY. I must decline to yield, Mr. Speaker. I have not before me now the figures of the various States, but in my State creditors under our insolvency laws averaged more than 10 per cent of their claims. It seems to me that if this law, after twelve years of operation and in the twelfth year of its operation, with all of the perfections and amendments it has received, can not produce to creditors but 10 per cent of their claims, it should not be retained on the statute books, even as a collection law.

I have not the slightest interest in the bankruptcy laws of foreign countries, because those countries have not our dual system of government. The sovereign power and rights of our States as known to us are unknown to them. We can have good and efficient laws governing the collection of debts without a national law on the subject, and the States, being powerless to impair the obligations of contracts, their laws can never invite the dishonesty that the present bankruptcy law and all real bankruptcy laws do. I shall vote for the amendment repealing the law. [Applause.]

Mr. YOUNG of New York. Mr. Speaker, I think the proposition to repeal the bankruptcy law, which has just been made by gentlemen on the other side, is one of the most dangerous that has been suggested in any legislation presented to this body in a long time. I do not speak as a lawyer, and am not going to consider that phase of the question at all, but I speak simply as a business man, cognizant of the operation of the bankruptcy law, and of the absence of a bankruptcy law for nearly thirty years.

During 1908 there were 15,996 commercial and banking failures, the amount involved being $397,000,000, and any proposition to remove the only safeguard which has been suggested and in operation for years to safeguard the creditors is certainly beyond my comprehension. I have observed the working of the bankruptcy law carefully and have studied many cases. Fortunately for me, I have had occasion to participate in but few, but I suggest if the bankruptcy law were stricken from the statutes of this country we would be confronted with a commercial credit condition unparalleled. Bankruptcies would assuredly increase enormously. The bankruptcy law has been a restraint and has deterred many of those who would make dishonest failures, and is a safeguard to those who by misfortune in business are brought to insolvency. The law stands as a guardian and as a refuge for those who in times of business depression are hard pressed by clamorous creditors, and for all those who are brought into this dreadful condition through no fault of their own. They know, if their actions have been upright and their career has been honest, and if their statements made to creditors are true, they have nothing to fear, and they can with confidence turn their affairs over to a bankruptcy court to be adjudicated, and there is not one in a thousand of those who fail honestly but appreciates the value of the law.

Those who are dishonest and those who fail for the advantages that shall come to them tremble, for they know they are to be held to strict accountability for their actions and statements to procure credit in the past, as well as their actions at the time of their suspension.

During the last few years a great many merchants and manufacturers have entered commercial life, who, when their business is successful, pay 100 cents on the dollar, because it brings them continuous credit, and they can make more money by continuing than by failure. There are those that are willing to make money in any way that is possible. Men who are willing to make false statements in order to establish credit secure all the merchandise possible, in some instances knowing they are insolvent and will be unable to pay at maturity. Men who send their goods untouched to the auction rooms to be disposed of for cash, or to friends or relatives, who give preference to favored ones to defraud their creditors, for such as these the bankruptcy court makes impossible their continuance in business and prevents their preying on the business community, as the bankruptcy laws are primarily for the protection of creditors and to prevent fraudulent failures.

Mr. Speaker, I concede that the present law is not perfect and has lamentably failed in some particulars, but almost any bankruptcy law is better than no law, and the purpose of the amendment under consideration is to perfect it as far as possible. Many changes have taken place in the business of this country in the twelve years since the bankruptcy measure became law, and it is high time it should be amended. I am sure the changes in the pending bill improve it very much. The greatest trouble has been the cost of administration, which consumed a large percentage of the assets. This objection is entirely removed in the bill before us, which fixes a maximum amount which may be charged by a trustee, marshal, or receiver.

The statement made by the gentleman from Alabama that we need bankruptcy laws only in time of panic is absurd. We need such laws as will deter those who would fail dishonestly, and aid honest business men in distress. We need bankruptcy laws to prevent panics as far as possible. We want laws which will provide equitable treatment for creditors and debtors alike. We want laws which will set aside attachments made while honest creditors sleep or have not been advised of the failing condition of debtors. We want laws which will give the merchant or manufacturer that which belongs to him.

The gentlemen opposed to the amendment under consideration say that this is simply a debt-collection measure. Mr. Speaker, I hope it may prove not alone a debt collector, but a wholesome deterrent to dishonest debtors. I hope it will place on an equality creditors far away as well as those who are near the insolvent, so that no advantages may be taken by those whose proximity may give them an insight into conditions unobtainable by those creditors at a distance who have parted with their merchandise or money.

Under the bill under consideration the receiver can at any time, either before or after adjudication, consider a composition, which, I think, is an excellent provision.

Mr. Speaker, one of the most important features of this bill is that relating to false statements made in writing to creditors or to anyone for the purpose of establishing credit, obtaining money, or property, or credit. This defines the making of such false statements to mercantile agencies or individuals an offense punishable by imprisonment.

Mr. Speaker, I think the amendments provided in the bill under consideration are admirable, will prove advantageous and effective, and I sincerely hope it will pass. [Applause.]

Mr. TIRRELL. Mr. Speaker, I yield ten minutes to the gentleman from Michigan [Mr. DIEKEMA].

Mr. DIEKEMA. Mr. Speaker, it will of course be impossible within the brief time allotted me to in any way fully analyze the different provisions contained in these amendments to the bankruptcy law, but I think I can summarize them by saying that they are of three different characters. In the first place, these amendments strive to bring within the funds to be administered by the receiver and the trustee all the funds of the bankrupt that legitimately belong there. Under the old law it was possible to keep outside of these funds certain funds of the bankrupt, and the object, the first great object, of these amendments is this: That everything which the bankrupt possesses above his exemptions shall come within this fund and shall be administered. So that his entire estate, all of his assets, must be given up to the trustee or receiver, as the case may be. The second great object of these amendments is this: That this fund when so brought within the purview of the court shall be economically administered. One of the grave difficulties with the present law is this: That in some jurisdictions of the country when the assets once go into the hands of the receiver they never go back to the creditors where they justly belong, the receiver considering it his duty to entirely absorb the assets of the bankrupt's estate. Now, the amendments provided for in this Sherley bill absolutely prevent such a condition.

Mr. BARTLETT of Georgia. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. DIEKEMA. I will yield, but simply for a question.

Mr. BARTLETT of Georgia. I understood the gentleman to say that under the law as now administered the receivers considered it to be their duty to absorb the entire estate. Was that correct?

Mr. DIEKEMA. In some jurisdictions.

Mr. BARTLETT of Georgia. Will the gentleman point out some instances?

Mr. DIEKEMA. I could, Mr. Speaker, but I do not have the time now to go into detail, but I state that is the fact and it can be substantiated.

Mr. BARTLETT of Georgia. I do not deny it.

Mr. DIEKEMA. I am glad the gentleman admits it.

Mr. BARTLETT of Georgia. And I know of cases where it happened.

Mr. DIEKEMA. Now, this bill provides against that iniquity, so that hereafter when these amendments are adopted there will be an estate left after it comes from the hands of the receiver because all he can receive for his compensation is a certain percentage upon the property received and distributed. In the third place the object of these amendments is to provide for uniformity in the construction of this statute in order that we may know in every judicial district of the country just how this statute will be interpreted. Now, a man may become a bankrupt in one district and certain rules will apply, and he may become a bankrupt in another district and certain other rules will apply, but this will make uniformity in the decisions of the court. In the next place it allows corporations to come in and become voluntary bankrupts. Under the old system they could not do this and it was simply whipping the devil about the bush. They could always secure somebody to file a petition and then admit their bankruptcy. By this bill we propose to let the corporation come just as an individual would in filing his petition.

Mr. BARTLETT of Georgia. May I ask a question right there?

Mr. DIEKEMA. Just a question.

Mr. BARTLETT of Georgia. It is not necessary for a corporation which gets its charter from the State to go into bankruptcy in order to wind up its affairs and distribute its assets. It can surrender its charter and give it up to the State and the State distributes the assets to the creditors, and it does not have to go into the bankruptcy court.

Mr. DIEKEMA. Under the provision we make, Mr. Speaker, it allows all of the assets of the corporation to come in and then the state laws step in, and if there is any individual liability on the part of the directors or the stockholders under the state laws this bill does not change the situation.

Mr. KEIFER. That is the present law.

Mr. DIEKEMA. Certainly, that is the present law, but the present law does not allow a corporation to become a voluntary bankrupt, while under the provisions of this bill a voluntary bankruptcy on the part of a corporation is permissible. Now, Mr. Speaker, under the old system before this bankrupt law was adopted there was a systematic series of frauds going on in the different States, the like of which I believe has never been known in this country. Men selected their aunts or cousins, their relatives of every name and nature, their banks, as preferred creditors. They gave them mortgages which were unrecorded, liens and evidences of indebtedness that the public knew nothing about, and then finally when the outside creditors endeavored to secure their rights all the assets of these debtors were distributed among their relatives, who had been made preferred creditors, and if they failed to-day the relatives sold out their property to-morrow, and the day after to-morrow they were back in business under an assumed name, with all of their assets intact, and with their legitimate creditors defrauded out of every cent due them.

Now, this system of favoritism is an invitation to fraud, a highway to corruption. We have wiped out, I say, by this bankruptcy law, this highway to corruption, this great opportunity for fraud and deceit, and under the present law a man, whether he be related to the bankrupt or not, stands an equal chance for a division of the property and assets of the bankrupt. To repeal it would be a step backward in morals as well as business. The amendments are all in the line of a better administration of what is already a good law and will produce more honesty, more integrity, more confidence in the business of the country. [Applause.]

Mr. TIRRELL. Will the gentleman from Alabama [Mr. CLAYTON] consume the rest of his time, inasmuch as we shall close with one speech on this side?

Mr. CLAYTON. Mr. Speaker, I now yield to the gentleman from Georgia. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. Fifty minutes.

Mr. BARTLETT of Georgia. I think I will need about ten minutes.

Mr. CLAYTON. I yield to the gentleman from Georgia [Mr. BARTLETT] ten minutes.

Mr. BARTLETT of Georgia. Mr. Speaker, I have on more than one occasion expressed my opposition to a permanent bankruptcy law. I am not in favor of it, and I have never been in favor of a permanent bankruptcy law. I would to-day, as I have endeavored on some other occasions, vote to repeal it in its entirety. I do not believe that there should be upon the statute books of any country, of this National Government, or of the States a permanent law which invites a man to conceive and know when he make a contract that there is some other way of meeting the obligations than complying with the contract as he undertook it.

I believe in the wisdom of the legislature at times which provides for temporary relief for honest debtors. I believe in the wisdom of the Constitution makers when they provided that Congress should have power to enact uniform bankruptcy laws, and, following that authority, the wisdom of the legislatures of our country has shown that it is following great periods of financial distress that the power of Congress has been sought to be exercised.

Following the Revolutionary war, after seven years of hardship, suffering, and devastation had passed, and our people were all in debt, the act of 1800 provided for a national bankruptcy law in the nature of an involuntary bankruptcy law, the people being permitted only to enforce involuntary proceedings in case of fraud. And the very act itself shows that the Members of Congress did not have any conception that it should be permanent, because it was written in the first bankruptcy law that we ever had that it should expire by its own force in two years. From 1800 to 1841 we never thought of having a bankruptcy law upon our statute books. And following back of 1840 what was known as the bankruptcy law, I wish that I had time to call attention to some of the debates made at that time, especially a debate by Mr. Webster and Mr. Clay, those great constitutional lawyers and great statesmen, who had a large conception of the theory and genesis and formation of our country. They believed that the theory of legislation should be that we should only have a voluntary bankruptcy law, so that the citizen who had been without any fault on his part encumbered with gerat debt might surrender his property and be released from debt, as the States could not pass any law that would violate the obligations of a contract. That very act so aroused the indignation of the honest people of the country that it was repealed by the very Congress that enacted it in 1842. Such was the condition to 1867, when, following the war between the States, the people became indebted and ruined, and devastation was everywhere.

I will put in the RECORD at this point the speech delivered by that great lawyer from Ohio in 1873, Senator Thurman, on the subject of bankruptcy:

Mr. THURMAN. Mr. President, a vote in favor of the motion of the Senator from Iowa to send the bill to the Judiciary Committee with instructions to amend the law as is contemplated in that motion is a vote not to repeal the bankrupt law. It would be an instruction of the Senate to the Judiciary Committee to attempt what that committee attempted four years ago—that is, to so amend the bankrupt law as to preserve it—and consequently the motion is directly adverse to the bill which is now under consideration. The bill proposes to repeal the law; the instruction of the Senator from Iowa proposes to preserve it with amendments. I can not vote for the instruction. I can not do so because I believe that the people of Ohio are almost unanimously in favor of a repeal of the law.

I can not do so for another reason. Four years ago, nearly five, we were flooded with petitions to repeal the bankrupt law. Those petitions did not come from the class of persons that it is supposed are adverse to a repeal to-day. The Senator from Massachusetts on my right and nearest to me [Mr. DAWES] spoke of the bankrupt law as if it were particularly in the interest of the debtor and its preservation necessary for him. Now, sir, in December, 1873, when the House passed a bill to repeal the law, when we were flooded with petitions for its repeal, almost all of them came from the debtors. The creditors did not ask for the repeal. The debtors asked for it; and why did they ask for it? "Because," they said, "this bankrupt law makes it impossible for us to make arrangements by which we can carry on our business; we can not borrow money and give security that this bankrupt law may not set aside; we can not sell property to raise money to carry on business, because the sale may be vacated within four months under the operation of this bankrupt law; we can not make any composition with our creditors who would be disposed to make compositions with us and to aid us in our business and enable us to go on, because of this bankrupt law that sets all of them aside; and, therefore, although nine-tenths of our creditors may be in favor of such composition or such an arrangement with them as will enable us to continue our business and get out of our difficulties, there may be a tenth creditor who insists on levying blackmail on us in order that his assent may be obtained." And thus, sir, it was that the petitions that came here were generally from the debtors, who said, "This law stands in the way of our making such arrangements with our creditors as will enable us to continue our business."

And I say now that in respect to a large number of debtors, men who do not want to go into bankruptcy, men who do not want to become voluntary bankrupts, but who want to make such arrangements as will enable them to carry on their business—in respect of all that class of men, their cry is still the same; they do not want the law to stand, because it interferes with those arrangements which would be necessary to carry on their business. The cry, then, for the repeal of the bankruptcy law heretofore, since 1873, has been more on behalf of the debtors than on behalf of the creditors. I do not deny that there is a large number of debtors who want the law to remain, many of them very meritorious men and some of them not so meritorious; and I do not deny that their wishes ought to be taken into consideration, that their necessities ought to be taken into consideration; nor have I any doubt whatever that if we repeal this law, whenever the country becomes deeply indebted again, whenever such a crisis takes place as took place in 1873, or before that in 1837, there will be just as much or more clamor for a bankrupt law as there is now for its repeal.

For, Mr. President, ever since the discovery made in 1841, that it was competent for Congress to pass what is called a voluntary bankrupt law—a thing never heard of before in any country that I am aware of—that it was competent for Congress to pass a bankrupt law and allow not only traders but everybody, of his own mere motion, on the surrender of his effects, to be relieved from the payment of his debts—ever since that I have never had any doubt that whenever the country became deeply indebted, or when a larger body of the people of the country became deeply indebted, their appeals to Congress would produce the enactment of a bankrupt law of that character; and I have come to the conclusion that the legislation of this country in the future on this subject will somewhat bring us to the idea of the Hebrew jubilee, the fiftieth year, when the debtors went free. We will not wait fifty years for that; only about fifteen or twenty years. Repeal this law now, and there are men in this Senate young enough to see another bankrupt law enacted and the debtors go free—that is, to have another year of jubilee—and when it shall have achieved its task, it will be repealed, and some fifteen or twenty years after that another year of jubilee will be ordained. But so far as the present feelings of the country are concerned, so far as the present opinion of the American people is concerned, it does seem to me, and I do not think I can be mistaken about it—I think the vote in this Senate and the vote in the House of Representatives show it—the present opinion of the country is adverse to the continuance of this law upon the statute book.

Mr. President, I said that in 1873 we had many appeals to us to repeal this law, and a bill actually passed the House for that purpose, and another one passed the House since that, and each time by large majorities. Now, I think it is pretty safe to say that the House of Representatives, so close to the people, understands the wishes of the people pretty well, and would not from time to time send us bills passed by immense majorities to repeal this law if that was not the sentiment of the country. I think it is also pretty certain that the Senate would not have voted as it did to repeal the law if Senators had not convinced themselves of the opinion of the country in respect to it.

Now let me say to those who think it such an easy thing for the Judiciary Committee to frame a bankrupt law which will satisfy everybody, that if they will try to perform that task themselves, they will find they never entered upon a more difficult undertaking. I can say for myself, I can say for the chairman of the Judiciary Committee, I can say for another member of that committee, who was on the subcommittee which considered the subject then, and who reported it to the whole committee, and who bestowed two months of as diligent work as men ever performed in trying to so amend the bankrupt law as to preserve it and make it more beneficial and less harmful, I can say that no men ever did work harder than they did; and if the law which now is on the statute book, and which is the bill as they amended it and reported it to the Senate, and which passed without the dotting of an "i" or the crossing of a "t," I believe, through this body and the House of Representatives, is as imperfect and bad as it has been described to be, I, for one, wish to say that I am wholly incompetent to perform that task which the Senator from Iowa proposes to impose upon us.

I shall never undertake again to amend this law and make it satisfactory either to the Senate or the House or the people. I would rather try to make a new one. Why, sir, take one provision in the amendment that we reported, one great amendment that we reported, that of provided for a composition with the creditors, and which we borrowed from a recent British statute and which came ably commended to us. This very day, on this floor, a Senator told me that that was what made the law so obnoxious; that that was utterly indefensible, and yet I could show him in the committee room letter after letter from lawyer after lawyer and judge after judge to the effect that that is the very best feature in the law. So the profession differ, some of them thinking, as the Senator who spoke to me thinks, that that provision was just as bad as it could be, and that it ought to be stricken out of the law; others that that is the very best provision in the law.

But, sir, that is only one out of many things. The great objection to this law that is usually urged is that nothing comes out of it to the creditor; he gets absolutely nothing; it is all eaten up in costs and expenses and he gets nothing. That is the great objection that is usually made to the law.

There is an objection that is not publicly uttered. It may exist in the mind; it is no doubt in the minds of many of the creditor class who are endeavoring to exact the last penny; and that is the voluntary feature of the law. These men do not want a voluntary bankrupt law at all; they want a real bankrupt law such as was known to this country before the act of 1841, when we had no bankrupt law but such as was known in England and on the Continent of Europe. That is what they want, a law wholly in the interest of the creditor; but our bankrupt laws now and since the act of 1841 are almost wholly in the interest of the debtor, as is supposed by many.

Why, Mr. President, it would have very much surprised an Englishman or a subject of one of the continental powers of Europe, unacquainted with our laws, to have heard what has been said on this floor to-day in respect to a bankrupt law—to hear a bankrupt law spoken of as one of the beatitudes of the debtors of the country. Why, there is no such thing as a voluntary bankrupt law except in the United States, so far as I know or ever heard. All the bankrupt laws in Europe, so far as I know or have heard, are laws for the creditor to compel the

debtor into a bankrupt court, and not for the debtor to go voluntarily into bankruptcy and obtain a discharge from his obligations. So severe are those laws that the old maxim in Italy, where bankrupt laws originated, when Venice and Genoa were the great commercial cities of the world, was that every failure of a merchant to pay his debts was to be esteemed fraudulent until the contrary was proved.

The bankruptcy law as enforced in England and as it had its origin in Venice and Genoa never had any idea of being enacted for the benefit of the debtor. We hear much about the poor debtor. This bankruptcy law now upon the statute books, these amendments sought to be put upon the statute books, are not in the interest of the debtor. The purpose of our bankruptcy laws, until we passed this one, has been to relieve honest debtors of their debt by giving up their property and surrendering it.

The operation of the act of 1867 in the section of the country where I live was fraught with fraud, expense, and extravagance, and did destruction to the rights of contract and the debts of the people, until it rose to be a very stench in the nostrils of the whole people of the country, and it was repealed. Not until after the panic of 1893—a Republican panic, brought on in 1891 and in 1892 by the acts of the Republican party in destroying the surplus in the Treasury and wasteful expenditures of the surplus left there by President Cleveland—following that panic, in 1898, we enacted this law.

I will call attention to the results in the remarks I will print. The bill that came to the House from the Senate and that the Senate passed provided only for the voluntary feature of a bankruptcy bill and an involuntary feature in reference to cases originating in fraud.

This bill that we have here was passed more in aid of collecting debts, and not in aid of the poor debtor, as some of you will be told and as some have been told.

Now, the creditors down where I live—the merchants in my town, the wholesale merchants, the retail merchants, the big merchants and the little merchants—all appeal to me to vote for the repeal, because ordinarily when they go into the bankruptcy court, why, they are glad to get out with anything. I am not criticising anybody. I am going to read some figures and let them criticise the enforcement of this law in the State where I live.

Take the State of Georgia, in the northern district. I live in the southern district. I will read, then, the northern district:

Total liabilities in the northern district, $471,000 of voluntary bankruptcy; total assets realized, $144,450; total dividends, $24,431.50; total fees, commissions, and expenses, $16,360.77, requiring nearly 30 cents on the dollar of court expenses to collect that.

That is voluntary.

Involuntary, northern district, $142,715.71; total assetss and resources, on tof $142,715.71, $43,751.17; total dividends, $38,887; expenses out of $38,000, $6,317.

Think of it! To collect for the creditor, to get $38,000 in the court, without counting what he has to pay for his own lawyer or to others, $6,318.48.

Now I go to the southern district:

Voluntary, total liabilities, $471,000; realized, $144,452; dividends, $24,431——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I yield three minutes more to the gentleman.

Mr. BARTLETT of Georgia. I do not want to consume any time the gentleman needs. (Continuing:)

Total fees and commissions, $16,350.77; involuntary, $548,662; amount realized, $97,000; total dividends, $35,000; expenses, $13,000.

I ask permission to put in the statement of like character from the State of Kentucky. It happens to be the State of my friend, who is advocating the retention of this law, and proposing certain very fruitful amendments if this bill is to remain upon the statute books.

District.	Cases pending July, 1908.	Petitions filed during year.	Cases adjudicated.	Petitions dismissed.	Compositions.	Cases closed.
Georgia, northern:						
Voluntary	215	238	238	27	9	144
Involuntary	81	102	100	10	7	66
Georgia, southern:						
Voluntary	134	40	———	———	———	174
Involuntary	30	2	———	———	———	32
Kentucky, eastern:						
Voluntary	129	108	108	2	1	89
Involuntary	———	28	27	4	2	14
Kentucky, western:						
Voluntary	104	129	171	1	1	90
Involuntary	71	71	61	3	2	24

District.	Liabilities.				
	Total liabilities, direct and contingent.	Cases under $1,000.	$1,000 and under $10,000.	$10,000 and under $20,000.	$20,000 and over.
Georgia, northern:					
Voluntary	$471,047.96	48	86	8	2
Involuntary	1,761,146.24	2	36	12	16
Georgia, southern:					
Voluntary	1,105,540.94	48	110	9	7
Involuntary	548,662.11	1	18	7	6
Kentucky, eastern:					
Voluntary	272,355.15	37	47	2	3
Involuntary	96,569.68	2	9	2	1
Kentucky, western:					
Voluntary	433,037.89	49	34	4	3
Involuntary	448,528.67	0	10	3	6

District.	Assets.		Dividends.		Expenses.
	Total assets realized.	Cases with no assets.	Total dividends declared.	Percentage of liabilities.	Total fees, commissions, and expenses.
Georgia, northern:					
Voluntary	$144,452.71	50	$24,431.90	0.05	$16,350.77
Involuntary	251,714.31	5	371,246.80	.21	85,513.19
Georgia, southern:					
Voluntary	216,117.07	50	94,324.56	.085	24,976.03
Involuntary	97,952.97	6	35,530.04	.064	13,576.95
Kentucky, eastern:					
Voluntary	83,579.57	27	24,296.68	.089	11,045.89
Involuntary	30,043.90	5	17,045.23	.17	8,336.08
Kentucky, western:					
Voluntary	68,741.95	41	15,847.26	.03	12,509.78
Involuntary	170,498.90	1	108,246.25	.24	18,580.13

District.	Nature of business.						Cases pending July 1, 1909.
	Farmer.	Wage-earner.	Merchant.	Manufacturer.	Professional.	Miscellaneous.	
Georgia, northern:							
Voluntary	12	72	26	1	7	16	399
Involuntary	———	4	44	12	2	4	100
Georgia, southern:							
Voluntary	15	88	85	25	1	———	———
Involuntary	———	1	26	5	———	———	———
Kentucky, eastern:							
Voluntary	9	35	34	1	1	9	155
Involuntary	———	———	13	———	———	1	8
Kentucky, western:							
Voluntary	16	15	39	4	5	11	141
Involuntary	———	———	15	5	———	4	113

Mr. Speaker, I believe in keeping contracts. The State of Georgia can enact insolvency laws, and the Supreme Court of the United States decided away back in Fourth Wheaton, in the case of Sturgiss against Crowninshield, as far as her own citizens are concerned and as far as contracts in the future are concerned, the State can enact a law to relieve them from liability. I have the case here, if the gentleman would like to see it.

Mr. SHERLEY. That is right.

Mr. BARTLETT of Georgia. My State and its people are honest. They do not need to be dragged into the federal court in order to pay their debts. The merchants and people that built up that section until it has blossomed like the rose, until it is to-day attracting the amazement and wonder of the world, are unanimous almost in denouncing that law, which is a law not for the keeping of contracts or for the collection of debts, but for the violation of contracts and for defrauding honest merchants of their dues. [Applause.]

Mr. CLAYTON. Mr. Speaker, the consideration of the measure here proposed involves no constitutional question. We all understand that the organic law expressly authorizes Congress to pass a bankruptcy act. The matter now before us is the retention of the bankruptcy act and its further amendment, or its abrogation. The question is not one of authority, but is one of policy.

It can not be denied that the framers of the Constitution never intended to say that we should have a permanent bankruptcy system, but wisely left the character of such legislation to the discretion of the Congress, with the limitation, the only limitation, that any bankruptcy law shall be uniform—that is to say, uniform in the geographical sense.

In pursuance of constitutional authority the legislative policy has been to enact a bankruptcy law to relieve the people of

onerous debts created or existing in time of great financial depression, and this policy has been invariably further extended to the repeal of such bankruptcy act after the return of normal business conditions. Therefore we may say, as being indisputable, that a bankruptcy system was never contemplated as a permanent system of the Government; in other words, bankruptcy law has always been intended to relieve unfortunate debtors in the time of dire distress, and the rule of the Congress has been to repeal such a legislation when the distress passed away. In the very nature of things this is the correct view and practice; for the only reason in law or excuse in morals for a bankruptcy act is the relief of unfortunate debtors in time of general or wide-spread calamity. This is the prime object of such legislation, and no bankruptcy act can be justified upon the ground that it gives a creditor, through the process of involuntary bankruptcy, a remedy for the collection of his debts.

When business conditions are normal there can be no justification of the retention of voluntary bankruptcy laws, for then few, if any, honest men need to invoke its excusatory aid, and certainly no one can contend that dishonest men should have a voluntary bankruptcy law, to exempt them from their just liabilities. And further, it may be said, if there be no reason for retaining a law in the interests of unfortunate and oppressed debtors—and this must be the very foundation of every bankruptcy law—surely an involuntary bankruptcy law ought not to be kept in force primarily or really as collection machinery for creditors.

The country has moved away from the panic which brought about the enactment of the present bankruptcy law, and this, therefore, is the opportune time for its entire repeal. Surely the friends of the present administration, you gentlemen on the other side of this Chamber, will not contend that we are now in the midst of a panic. Will you assert by speech or by your votes here to-day that the country is now threatened with a panic, and that there is great danger of impending and overwhelming financial distress to the people?

This is a time of profound peace; there is no foreign war, and no great domestic trouble, except the high cost of living, brought about largely by the enactment of unwise legislation and the failure to execute laws aimed at the prevention of the wrongful and unlawful trade practices and combinations. Let me ask what sound morality, what sound legislative policy, what business necessity is there, that commits you to the retention of the bankruptcy law? Why is this statute, which has stood much longer than any one of the like kind, more sacred than all bankruptcy acts heretofore passed by Congress? These questions address themselves to the individual judgment of each man here present. Are we wiser or better than those who have gone before us? Is the existing act more deeply rooted in morality than those which have gone before it? Is the present time one more distressful than the times in which the former acts were repealed? Is the country suffering on account of widespread financial distress? Is it to be admitted that impending business disaster so threatens the country that the bankruptcy law must be retained to meet the exigencies of such a calamity? Is such disaster so impending and threatening that you dare not repeal the bankruptcy law? Let us hope not. Rather let us say that the time is ripe for its repeal.

Mr. Speaker, this bill proposes several amendments to the bankruptcy act of 1898. It is an indictment against that law, and it must be remembered that at every session of Congress like measures, seeking to amend the law, are brought here for consideration. The injustices of the act and the abuses of it are so numerous and so grave that these very injustices and abuses demand the abolition of the law. For twelve years the best legal talent and the ripest business experience have not been able to correct these injustices or prevent these abuses. On the contrary, it seems that the evils growing up out of this bankruptcy system continue to multiply. Session after session of Congress has given patient attention to learned men in Congress and out of Congress in the effort to perfect this legislation, and yet, after a life of twelve years, when this legislative infant has taken off its swaddling clothes, can stand alone, and is, in fact, wearing trousers, the gentlemen who advocate its retention admit that this bad infant—now a lusty youth—grows worse as the years increase. They invoke temporizing corrective methods. Mr. Speaker, doubtless a better plan would be, instead of correcting this incorrigible that is doing so much harm, harm which the friends of the bankruptcy law admit; harm which the referees in bankruptcy admit; harm which the receivers at bankruptcy courts admit; harm which the judges who administer the law admit; I think, sir, that instead of attempting to correct the incorrigible, it would be wiser to pursue the Spartan method of destroying this worse than cripple, this hunchback, this legislative monstrosity which has served its purpose, and remove it altogether from the statute books, and let all the people conform their business transactions—buyers and sellers, debtors and creditors—to honest laws and honest methods of administration in the courts.

Again, Mr. Speaker, let me remind the House that the Congress is often called upon to increase the number of federal judges. No one act of Congress has contributed more to the necessity for the increase of the number of federal judges than the bankruptcy act has. This law has piled up unnecessary business in the federal courts, and the interests of the people at large have not been subserved, and debtors and creditors are now receiving no deserved or substantial benefit from its retention. Unjustifiable public expense comes from its retention. Indefensible wrongs are committed by dishonest men under its license, and it is used, or rather abused, more and more as an instrument of oppression on the part of the creditor class.

This brings me, Mr. Speaker, to reply to some of the assertions made by the gentleman from Michigan [Mr. DIEKEMA], who inveighs against the States. He said that prior to the bankruptcy law systematic frauds were being perpetrated under state law. He pictured to your minds a perfect saturnalia of crime and fraud in the various States of this Union, and as being sanctioned by the people of the sovereign States.

Mr. Speaker, I believe that the morality of any State of this Union, that the morality of any legislature of any State in the Union, that the local authorities of any State in the Union average as high as the morals and ideals of the Members of this House of Representatives. No stream can rise higher than its source. We are merely the representatives of the people—the people of the several States—and can not be any better than our people whose exponents we are, or whose exponents we ought to be, if we live up to the just expectations of our constituencies. I deny, sir, that under the laws of Alabama, without any bankruptcy act of Congress to prevent their full operation, there was as much fraud committed as there is under the bankruptcy law. I believe, sir, in the right of local self-government. I believe that the fathers were right when they recognized in the organic law of the Union the reserved powers of the State. I believe that the State which exercises by far the larger number of functions of government, so far as the people in their daily affairs and conduct are concerned, is a wiser instrumentality of government than a centralized despotism at Washington. Against the gentleman's fervent eulogy in behalf of the assumption of power or the exercise of more power by the Federal Government I oppose the rightful and reserved powers of the States and the capacity and the honesty of the people in the States.

Now, Mr. Speaker, I desire to address myself more particularly to the provisions of the pending bill. The friends of the measure say that it is necessary to amend the bankruptcy law because in its administration the courts in construing it have made conflicting decisions, and that there are faults in its administrative features. In other words, that the law, notwithstanding repeated amendments, is still uncertain in its meaning in essential particulars, and is the subject of other great abuses in its administration. Let me predict here and now that conflict in the decisions of the courts in construing the bankruptcy law will continue to multiply, even after the passage of this bill, should it pass. Let me also say that abuses and wrongs will multiply in the bankruptcy law as long as it exists.

Sections 1 and 9 of this bill refer to the compensation of receivers, marshals, and trustees, and seek to limit the compensation of these officials when they render more than ordinary services in the management of a bankrupt estate. My objection to this provision of the bill is that it still leaves the matter of fixing the compensation of these officials too largely to the discretion of the court, and also that the compensation which can be allowed under this amendment to these court officials is too great and in excess of fees allowed in the state court for like services rendered by officials there.

The second section of the bill is for the purpose of making the doctrine of ancillary jurisdiction of bankruptcy proceedings, as laid down in Lathrop *v.* Drake (91 U. S., 516)—the law which, by the way, was a decision made under the bankruptcy act of 1867—control in all cases, rather than have the doctrine laid down In re Williams (123 Fed., 321) and In re Sutter Brothers (131 Fed., 654) and other cases prevail. It may be necessary to confer ancillary jurisdiction on all district courts, and it may be that this jurisdiction is necessary for proper administration of the law for the recovering and protection of assets outside of the districts where the proceedings are pending; and it may be wise, because "of enabling the administration thereof to be conducted near home." I may be permitted to

suggest that this seems to me to partake of the nature of an argument in favor of the state courts, which are at least capable of honestly and justly administering home affairs.

Section 3 of the bill provides for the voluntary bankruptcy of corporations. The excuse for this amendment is that under the bankruptcy act as it now stands a corporation can admit in writing its inability to pay its debts and its willingness to be adjudged a bankrupt on that ground. And, say the committee that reported this bill:

> Of course this act of bankruptcy furnishes merely a roundabout way for a corporation voluntarily to go into bankruptcy.

And further, the committee say:

> There is no reason why a corporation should not be entitled to directly go into bankruptcy as a voluntary bankrupt for the benefit of its creditors without this subterfuge and without the long and expensive preliminaries of an involuntary petition, the appointing of a receiver—

And so forth.

However sound may be this contention, still I must be permitted to observe the sage remark of the committee that corporations indulge in subterfuge not to say fraud under the bankruptcy law, and the majority of the committee seem to be of the opinion that the court should be opened wide to corporations to free themselves of debts. In other words, that corporations are entitled to the same humane provision of law to relieve them of liabilities that have heretofore been accorded to the poor individual citizen laboring under the load of oppressive debts. Corporations are formed by individuals to escape or limit individual liability. Why further enlarge the opportunity to avoid the payment of just debts by extending further provisions in that direction to corporations?

The majority of the committee say that section 4 of the bill strikes out these words from the original act:

> And any corporation engaged in manufacturing, printing, publishing, mining, or mercantile pursuits.

And substitutes for them these words:

> Any moneyed, business, or commercial corporation, except a municipal, railroad, insurance, or banking corporation.

And then the majority of the committee proceed to give the reasons for making this change, and in the report review a number of cases, drawing some very "amazing distinctions," to quote the report, and the report might have added other very "amusing" as well as "amazing" distinctions. I submit this as another argument for the repeal of the bankruptcy law, certainly not an argument for its retention.

Section 5 doubtless improves the bankruptcy law, for that seeks to confer some benefit upon the unfortunate debtor, in that it will permit him to make a composition with his creditors before he is adjudged a bankrupt. This is at least one humane provision in the bill now pending.

Section 6 of the bill contains, in my judgment, a far-reaching and dangerous innovation. This amendment proposes to add to section 14, subdivision b, of the bankruptcy act the new subdivision 3, in these words: "or (3) obtain money or property on credit upon a materially false statement in writing made by him to any person for the purpose of obtaining credit or of being communicated to the trade or to the person from whom he obtained such property on credit," and so forth. This amendment is very liberal toward creditors and very harsh and drastic toward debtors and seems to be primarily in the interests of the commercial agencies of the country. It is true that if such a large office or character is bestowed upon a statement in writing the business of commercial agencies will be benefited by this legislative indorsement of their methods, and by this additional force given to the reports or statements which they gather from time to time. But it will not be said that giving an impetus or encouragement to the private business of commercial agencies can be of real public benefit.

Section 7 makes it clear that the state courts, as well as the federal courts, may entertain suits to set aside certain fraudulent transfers of property. In that this seeks to bring the administration of the law nearer home it is an improvement on the act as it now stands. But why not further improve the law by repealing the bankruptcy act and leaving the state courts to set aside fraudulent conveyances?

On account of the decision in York Manufacturing Company *v.* Cassell (201 U. S., 344), section 8 of the bill is proposed. In that case it was held that property conveyed by an unrecorded instrument, and which would have been void in the state courts had the property been taken by the assignee or receiver of a state court, or levied upon by attachment or execution from a state court, was not void where the possession was taken by a receiver or a trustee in bankruptcy of the federal court—the court holding that the trustee stood in the place of the bankrupt in regard to the unrecorded instrument, and that, although in the state court had the seizure been made by the assignee or receiver of the state court, or by the sheriff under execution or attachment, the unrecorded instrument would have been void as against creditors. In other words, it was held in this case that the trustee in bankruptcy had no more right or title than the bankrupt himself had. This amendment seems to be an improvement upon the federal statute, because it makes the federal statute conform to the state laws of, I believe, all or nearly all of the States of the Union. I may be permitted to observe, Mr. Speaker, that even in this day Congress can learn many valuable lessons from the laws of the States and from the administration of public justice in the States and under state authority.

The subject covered by section 9 of the bill I have referred to in the outset of my review of the measure.

Section 10 merely relates to the matter of practice in giving notice for the discharge of a bankrupt.

Section 11 of the bill follows the legislation of most of the States of the Union and seeks to do away with secret liens. It may be that a business man may find himself sorely in need of ready cash. Although he may be abundantly solvent, yet, with this amendment as the law, he can not obtain the ready cash from a confidential friend and give that friend a valid lien unless the lien be then recorded, and this recordation would probably ruin the credit of the business man. This amendment may be supported by sound commercial morality, but it may work hardship to honest men who need ready cash to tide them over temporary difficulty. It is true that the bankruptcy act recognizes preferences made four months before taking advantage of the law by prescribing a four months' statute of limitations as against state laws that may prescribe a longer period. This amendment is in derogation of any state law on the subject.

Again, I may be permitted to say that the repeal of the bankruptcy law would be better than the amendment proposed in section 12. The justification of this amendment is in the language of the majority of the committee, as follows:

> The change here merely inserts the words "to the extent of such present consideration only" after the word "shall" in the last clause of subdivision d of section 67 of the law. This change is made necessary by decisions of which Coder *v.* Arts (125 Fed., 943) and First National Bank *v.* Holt (155 Fed., 100) are typical, these decisions being nothing less than that if a debtor owes his creditor, say, $1,000, and the creditor, having no security, makes a subsequent loan of $10 to the same debtor and takes security covering both such subsequent and preceding loans, that his security is good as to both loans, even within the four months' period, or, perchance, the day before the bankruptcy. These decisions are now being made use of by creditors to secure unjust and inequitable advantages over other creditors, and are subversive of the plain purpose of the law that all creditors of the same class shall be treated alike. It is thought that the change suggested will meet the decisions and prevent these inequitable results.

Section 13 of the bill merely provides for the time when the proposed amendment shall take effect.

The minority of the committee have presented the suggestion embodied in the motion which I made, in behalf of the seven minority members of the committee, to amend the bill by adding thereto section 14, having as its object the entire repeal of the bankruptcy act, effective two years hence.

The views of the minority are as follows:

> We, the undersigned members of the Committee on the Judiciary, favor the repeal of the bankruptcy law rather than further amendment of it. It must be admitted, however, that if the law is to be retained it ought to be amended in some particulars, if not in all the particulars provided for in this bill (H. R. 20575). Some of us do not agree to all the amendments proposed in this bill and we do not commit ourselves at this time to any specific provision of the measure.
>
> We shall offer an amendment to the bill in the following words: On page 10, after the words "and six," in line 8, add the following new section:
>
> "SEC. 14. That the act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and all acts amendatory thereof, including the act approved February 15, 1903, and the act approved June 15, 1906, and this act, are hereby repealed, but this repeal shall not be operative until the expiration of two years from the date of the approval of this act: *Provided*, That the repeal of said act and amendatory acts shall not affect proceedings in bankruptcy pending at the time when this repealing clause or act becomes operative."
>
> H. D. CLAYTON.
> R. L. HENRY.
> W. G. BRANTLEY.
> E. Y. WEBB.
> H. P. GOEBEL.
> C. C. CARLIN.
> C. C. REID.

Mr. Speaker, the gentleman from Georgia [Mr. BRANTLEY] demonstrated that the bankruptcy law now does no good to anybody except those who take advantage of its provisions to avoid the payment of honest debts. He showed that the creditors get only about 10 per cent of the money collected under the law. Court officials and favorites get all the balance. This leads me to inquire, Whom do we find as the chief advocates besieging Congress for the retention of the bankruptcy law?

Mr. GILL of Missouri. Let me hand you a telegram which I have just received.

Mr. CLAYTON. I thank you. The telegram is in the following language:

ST. LOUIS, MO., *February 23, 1910.*

Hon. PATRICK GILL, M. C., *Washington, D. C.:*

We urge complete repeal of bankruptcy act. It has outlived its usefulness.

FERGUSON MCKINNEY DRY GOODS CO.

The gentleman informs me that this company does a very large wholesale business and that more than 200 traveling salesmen are in its employ.

Mr. BARTLETT of Georgia. I would state to the gentleman that every wholesale house and merchant in my district has written me letters asking that it be repealed.

Mr. CLAYTON. I am very glad that the gentleman made that statement. I knew it to be a fact, because I know that the people of Georgia are always sensible. My good father was born in Georgia, and I have always been proud of that State.

Mr. RUCKER of Colorado. I want to say to the gentleman from Alabama that all of the commercial bodies and the largest business concerns, both retail and wholesale, in Colorado have wired me to oppose the repeal of this act.

Mr. CLAYTON. That happened, I suppose, as a result of the two or three days of the hearing before the committee and the activity of lobbyists in behalf of this bill.

Now, returning to the idea suggested a while ago, let me ask who are the chief advocates besieging Congress for the retention of the bankruptcy law?

As a matter of fact, a few men, calling themselves "credit men," of a few wholesale houses in this country, have cooperated with the referees and receivers in bankruptcy and the court favorites and have carried on a lobby here and systematic work throughout the country for the retention of this law on the books. They have conducted a campaign from year to year since the enactment of this bankruptcy law. One gentleman who signed the minority views has been well nigh deluged with telegrams from a certain portion of his constituency to vote for this amendment and to oppose the repeal of the bankruptcy law. If the people—that is, the honest little merchant in your small town and in your great city, who has been "beaten" frequently out of his money by people taking advantage of this law—if those who are not benefited by the law, in short, who are robbed by this law, were banded together like the beneficiaries of its provisions, this statute would not stand upon the books thirty days. It would have been repealed long since. But it is like most measures. Where the interests of the people are concerned in legislation by Congress sometimes the people, the general public, have no one to voice their sentiments and wishes except Representatives brave and independent enough to know and assert what the people want and what is to their best interests. But whenever a special interest is sheltered behind special legislation, then immediately, by some sort of cooperation, there is formed some sort of a trust, some sort of an association for the benefit of those who are sheltered by the special law and for the perpetuation of that special interest, for that privilege under the law. Therefore no man can wonder that in this city, in the very shadow of this Capitol, within its very walls, within the last few days the special beneficiaries of a bankruptcy law have been here and have been busy for its retention. They have flooded people away from Washington with communications, beseeching them to send the Members of Congress telegrams for the retention of this law. Who is it that has done this? The referees in bankruptcy and the receivers in bankruptcy, the court favorites, men who are fed by virtue of the bankruptcy law, and some of them may have never made an honest dollar except as legislative and court favorites.

Now, if I could refer to what happened in the Committee on the Judiciary, but I can not, I might tell you that somewhere, somehow, at some time, one lone man calling himself a merchant may have appeared in advocacy of the retention of this law. And I might tell you that at some time in the realm of space, somewhere, referees in bankruptcy and receivers, court favorites, those who stand with outstretched arms and open palms asking the courts to hand them out fees and fees and fees—somewhere in the boundless realms of ethereal space these court favorites may have by possibility come with honeyed phrase, one-sided arguments, printed documents, ingratiating manners, and with ingenious counsel, able lawyers, and sought to persuade and to overawe by the use of the trick and flood of telegrams the Representatives of the people who favored the repeal of this act. Such methods are not persuasive of any inherent merit in the retention of this law.

Mr. Speaker, I can not refrain from calling attention to the fact there is all over this country complaint against the bankruptcy law by the retail merchants, because some dishonest people make it a practice to go into debt to these merchants for the necessaries of life and then seek the bankruptcy courts to get relief from the payment of such debts. There is pending before the Judiciary Committee of the House of Representatives a bill proposing to prevent this practice. The majority of that committee, who have brought the pending bill into the House, have not, it seems, deemed the retail merchant worthy of consideration. It seems that their only care is for the wishes of some of the wholesale merchants in the great cities and the court officials who want to retain the law which so abundantly affords them fees.

Mr. Speaker, this bill, in fact every amendment enacted or proposed of the bankruptcy act, is an indictment against that law.

Its dishonesty, abuses under it, and injustices done by it are in evidence on every hand. More frauds and corruption have grown up out of the administration of the bankruptcy act than have come from all the laws of preference in all the States of the Union. We ought to go back to the old-fashioned primitive doctrine that requires the payment of all honest debts. If any forgiveness is sought the creditors will be ready to make a composition with the honest debtor even without the permission of any bankruptcy act. Let us cease to legislate in the interests of court officials and commercial agencies; in the interests of those who pretend to believe in the beneficence of the bankruptcy law, but at the same time want that law so harsh that but little would remain in it of good to the unfortunate debtor, and it would be rendered so drastic in its provisions that hasty and insatiate creditors could use the law as an engine to oppress the unfortunate.

Let us go back to honest and fundamental principles and repeal this law. If some political party in control of the Government shall be misguided or unfaithful in the discharge of public duty, and the country shall be precipitated into a panic and into great financial stringency, or if general distress shall come from other cause, the Congress can pass another bankruptcy act to relieve those who are irretrievably oppressed by debts. Do not let us further impeach the honesty and ability of the States to administer the laws and to subject, and if need be, distribute the estates of debtors as justice demands. Do not further impugn the right and the ability of the States to deal with the relation of debtor and creditor. This bankruptcy law has served its purpose. It should not be perverted into a collection agency or a permanent fee-getting system for the benefit of the court hangers-on. In the language of the street, it is "up to you," gentlemen of the House, whether the law shall be retained or abolished. I indulge the hope that the bankruptcy law will soon be repealed. I thank you for your courteous attention. [Applause.]

Mr. TIRRELL. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has thirty-two minutes remaining.

Mr. TIRRELL. Mr. Speaker, I yield that time to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, if it were possible to put in parallel columns the arguments made by the various gentlemen who favor the repeal of the bankruptcy law, it would not be necessary for me to now reply to them, because they serve to answer each other. One gentleman complains of the bankruptcy law because it gives nothing to the creditors, and another gentleman complains of the law because it is only in the interest of the creditors, and they alone are lobbying for its retention. A curious fact it is that if the law absolutely dissipates the estate and is of no value to the creditor, the ceditor should be asking for its retention.

One man says, "I am opposed to any law that interferes with the payment of a debt," and then proceeds to state that he is in favor of a bankruptcy law occasionally—in times of panic. So that his real argument is this: "I do not want a bankruptcy law, because it interferes with the payment of a debt; but when we have a panic, then I do want it. Whenever the law is going to interfere with the payment of a lot of debts, then I want it; when it is going to interfere with the payment of a few debts, then I do not want it. [Applause.]

The distinguished gentleman from Georgia [Mr. BRANTLEY], a man who has proved his worth in this House, made a speech that I regret I can not agree to in any particular. He challenged a reason for the existence of a bankruptcy law, and then, as I have just stated, immediately said that sometimes he was in favor of such a law. Mr. Speaker, I am not in favor of intermittent justice. The laws of nature—the laws of God—are equitable because they are eternal, and the law that makes the right of a man dependent upon the chance of his embarrassment, his need of it occurring during the limited period of its operation, is not, to my mind, a good law. If it is proper that one man should at one time be relieved of his debt, it is equally proper

that another man similarly situated at some other time should be relieved of his debt, and that can only be brought about by having a permanent law upon the statute books.

But I am not going to defend this law simply on the ground that it gives the poor debtor another chance in life. I defend it on the broader ground that equality is equity, and against the old common-law rule that to the diligent and speedy creditor shall be given the lion's share of a failing debtor's estate. [Applause.]

Against the imperfections of this law I point to the imperfections of the insolvency laws of forty-odd States. When you have pointed out to you the hardships of this law, remember the times of the midnight attachments, remember the preferences to the brother, to the wife, to the father-in-law, to the mother-in-law, whereby the distant creditor was prevented from getting his just debt. Oh, but this is a collection law, we are told. It is, but it is not simply a collection law; and since when, gentlemen, did it get to be a crime to create a law for the collection of debt? Why, the very purpose of government is to see that that which is owing to a man shall be given to him, and what we provide by a bankruptcy law is that all men shall have an equal chance in obtaining what is due him out of a failing debtor's estate. What you had under the old system was that the man near at hand or the man in the special favor of the debtor got the lion's share.

Now, a challenge has been made of a single good that the law has done. I say to you that it has done more to increase the credit of the poorer sections of this country than any law that was ever put upon the statute books. And why do I make that sweeping statement? Because it gives assurance to the foreign creditor, if he lends to a merchant and misfortune overtakes that merchant, that he will have an equal chance with the home creditor. To the South particularly this law is of value; to the States that have had to go to the North and to the East for aid in financing their undertakings it is of value. You let the uncertainty of the collection of a debt exist, and you either prevent the obtaining of credit or you obtain that credit at a higher rate of interest. The fact that the distant merchant knows that he is on an equal footing with every other creditor as to their debtor warrants him in extending credit that he never would extend otherwise, and did not extend prior to this law.

But that is not all. What happened in the old days when a man was in trouble? Did he dare let his creditor know that he was temporarily embarrassed? No. He had to hide from him and from all others the condition of his affairs. Why? Not because a particular creditor might not be willing to give him extension, but because if it got rumored about that he was in failing circumstances, some one creditor would step in and by summary process seek to get the major portion of the estate. Under this law it is possible for a debtor to deal in candor with his creditors. It is possible for him to present his condition, and say: "I am temporarily embarrassed, but if given an opportunity I can get on my feet; I can go forward and pay all my debts."

We had a recent illustration of it in the late panic. I say to you that if it had not been for this law you would have had that panic lasting twice as long as it did, and it would have been ten-fold more severe. A man who was temporarily embarrassed, and nearly all men were embarrassed in those days of doubt and distress, when assets were crumbling, when credits were failing, when demands were made upon all that none could immediately meet. In those days, I say, a man who was honest was able to say to his creditors: "While I am temporarily embarrassed, I will be able to get on my feet if you will give me a chance." He was given a chance, and many and many a man to-day holds his head up in the face of the world as a successful merchant who would have been driven into insolvency if you had had the old rule that "to the diligent creditor shall the estate be given." [Applause.] No one of the creditors would have dared to wait, because it would have enabled every other creditor to rush in.

But we are told, forsooth, that this law ought not to stay on the statute books, because it is imperfect, and its imperfections are acknowledged by this proposal to amend it. Since when did we ever have a perfect law on the statute books? Since when was it that the insolvency of the State that these gentlemen would have us go back to did not require amendment? I suggest that it would be more in accord with high service to the House for men to undertake to perfect the law, to cure its imperfections, than simply to say, because it is not perfect, therefore we will have none of it. [Applause.] It is not a perfect law, but I deny that it is a law that has wasted estates; I deny that it is a law that in its administration is more expensive than the state insolvency laws. I deny that it is a law, as stated by the gentleman from Georgia [Mr. BRANTLEY], that prevents any man helping a failing debtor. Why, the gentleman made the statement on this floor as if it was the law that if a man wanted to lend money to a failing debtor, he could not lend the money and take security for it, when the very act that he was condemning has an express provision in it that to the extent of present consideration liens may be given and accepted in good faith, and they are held inviolate under the provisions of this act.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. SHERLEY. Certainly.

Mr. CLAYTON. To say that the gentleman from Georgia, who was unavoidably taken away, and is not present——

Mr. SHERLEY. I thought the gentleman wanted to ask me a question.

Mr. CLAYTON. I wanted to ask the gentleman——

Mr. SHERLEY. I would rather go on with my remarks, but just ask the question.

Mr. CLAYTON. That is to say, does the gentleman think that any man who in failing circumstances goes to a man who has money, within four months of his failure, and says to him: "I am about to fail; I am in an embarrassed position; let me have a thousand dollars and I will prefer you." Do you think that any sane man, if this bankruptcy law remains on the books, will let him have that thousand dollars?

Mr. SHERLEY. I will say, if you will read the law, you will find the express provision that he can get a thousand dollars and give security for it, and there is not the slightest reason why a man should not lend it if he wants to.

Mr. CLAYTON. That is not an answer to my question.

Mr. SHERLEY. That is my answer; I am not going to answer it as the gentleman wants, but I have answered it according to the law. I must decline to yield.

Mr. CLAYTON. If the gentleman will not be so much in earnest and a little more dispassionate——

Mr. SHERLEY. Permit me to make my speech. After I make it you may make such criticism of my manner as you choose. I insist on consuming my own time.

Mr. CLAYTON. May I interrupt the gentleman?

Mr. SHERLEY. The gentleman can not.

Mr. CLAYTON. I am very sorry that the gentleman's argument is so vulnerable that he can not submit to an interruption.

Mr. SHERLEY. I demand my time.

Mr. CLAYTON. If you want to run away from an honest argument, well and good.

Mr. SHERLEY. If the gentleman can convince the House that I have ever run away from one of his arguments, he is welcome to do so. [Applause.]

Mr. BARTLETT of Georgia. Will the gentleman yield to me?

Mr. SHERLEY. I yield to the gentleman.

Mr. BARTLETT of Georgia. I suppose the gentleman has reference to the present law, which provides that liens created in good faith for a present consideration shall not be affected by the act, and has amended the proposition to have security good to the extent of the present consideration only, and that is proposed to meet the decisions of some of the courts that a security given not only for a present consideration, but also for a debt formerly existing, was good if given in good faith for the entire debt.

Mr. SHERLEY. I agree with you that under the present law, where a loan was made of a certain sum, the security given may be not only for that sum, but for a preceding debt, but the existing provision fully covers the proposition made by the gentleman from Georgia [Mr. BRANTLEY] and insisted upon by the gentleman from Alabama [Mr. CLAYTON].

Mr. BARTLETT of Georgia. May I ask another question? I thank the gentleman for his courtesy.

Mr. SHERLEY. Certainly.

Mr. BARTLETT of Georgia. Then the effect of that amendment would be that if a man owed a thousand dollars and he borrowed another thousand dollars from the same creditor, he could only give security for the new loan?

Mr. SHERLEY. Unquestionably, because that is the only present consideration.

Now, taking up again the law in its main features, much has been said, and sneeringly said, about organizations of men who are supporting this law, that the referees, receivers, and assignees have been the men chiefly concerned in it. It is true that the amendments I offer here represent not only my judgment, but the judgment of the referees of bankruptcy of the country, and I have no apology to make to this House for asking aid of the men best qualified in America to furnish aid in preparing amendments to make it a proper law. These men are engaged daily in the administration of the law. They know the

decisions; they know the way the law has worked. Why, it is the law in some of the States that the judiciary shall give to the legislative body information and make suggestions as to the amendments that should be made in existing statutes. We do not come here asking you to take these amendments because of the sponsors for them. We ask you to take them because they are right; and if any man can show that they are not right, let him speak; but let him not use the time of the House in abusing men whose arguments he can not answer. [Applause.] What I ask is consideration of the bankruptcy law on its merits. If I wanted to make an argument as to who favored the repeal of the law, I might tell you that the clerks of the state courts who no longer get the fees, that the little coterie that hung around the court-house and bought the attachments and no longer get the suits, are the people who are clamoring for the repeal of the bankruptcy law. If you are going to listen to a trivial argument of this kind, take both sides of it.

Now, there is another statement made, never definitely, but by implication, that it is within the power of creditors to seize a debtor's estate, to throw a debtor into bankruptcy, and absolutely ruin him when he is a perfectly solvent man. Yet any man who had read the bankruptcy law would know that that could not be done. The grounds for bringing a petition in involuntary bankruptcy are clearly stated. A bond is required of the petitioning creditors who file the petition. If the court determines upon a hearing that the man is not insolvent, those petitioning creditors and their bondsmen are liable for damages; and yet men would have you believe that it is possible for any number of men to grab an honest debtor, irrespective of his assets, and throw him into bankruptcy. They rail at one time that it enables a man to get free of his debts, and they rail at another time that it enables a creditor to absolutely coerce the payment of a debt by harsh methods.

Mr. SHACKLEFORD. The gentleman spoke a moment ago about bonds being given by petitioning creditors. Can he recall a single instance where there ever was a recovery on one of those bonds?

Mr. SHERLEY. I do not know that I can recall an instance, but that does not prove anything one way or another. If it proves anything, it probably proves that the fellow proceeded against was insolvent and was adjudged a bankrupt, and ought to have been. Of course I am not familiar with all the cases in the bankruptcy court, and do not pretend to be.

Mr. CLAYTON. Did the gentleman ever have any case in any bankruptcy court in his life?

Mr. SHERLEY. Oh, yes. Of course I have not had the extensive practice of the distinguished gentleman from Alabama——

Mr. CLAYTON. Which you admitted——

Mr. SHERLEY. But I have practiced occasionally in the courts. [Laughter.] I believe, Mr. Speaker, that I have said all that it may be necessary to say in regard to the general purpose of this law, except to call attention to this curious fact, that in the article of the Constitution (Art. VIII) relating to the powers of Congress, the fourth enumerated subject in that article will be found to give to Congress the power to pass uniform laws on the subject of bankruptcy. Now, observe this important fact: At the time the Constitution was adopted such a thing as a voluntary petition in bankruptcy, whereby a debtor of his own volition could file a petition and be relieved of his debts, was unknown to the practice of the whole world. The first bankruptcy law that ever permitted that was a law passed in 1825 in England, and the first in America was in 1841. Now, the importance of that is this, that it shows that the makers of the Constitution in putting in the provision that they did in regard to bankruptcy had in mind not simply the release of the debtor, but they had in mind the establishment of a uniform rule whereby preferences should be done away with in the distribution of insolvent debtors' estates.

That is the real fundamental purpose, and it is because of that purpose that that law ought to be a permanent law on the statute book. You say that the other laws have not been permanent. That is true. The other laws were fatally defective in some cases, unduly expensive, and the mistake was made, instead of perfecting them, in complying with the advice of men who thought, as some of my opponents now think, that the law should be repealed, and every time it has been repealed the country has been forced back into an enactment of a new law. If we repeal the national bankrupt law, we take ourselves out of the galaxy of the great nations like England, France, Germany, the great commercial nations of the world, and put ourselves in the class with China and the small backward nations of the earth. Now, if that be a wise move, all right; in my judgment nothing could be more fatal.

Mr. Speaker, I have endeavored to answer the argument of those who favor the repeal of this law. Let me now, in conclusion, briefly state in an affirmative way some of the many reasons why I believe we should maintain a permanent bankruptcy law.

To properly do this the law must be considered as it relates to voluntary petitions—those instituted by the debtor himself—and then in its relation to proceedings brought at the instance of the creditors of a debtor.

Time was when a debtor could be thrown into prison for debt, but the enlightenment of men soon put an end to such a barbarous practice. And that same enlightenment necessarily forced the conviction that it was no more in the interest of society to destroy the usefulness of one of its members by leaving round his neck the millstone of debts that could not be paid, no matter how much he might strive to liquidate them, than it had been to actually imprison him.

Such a man, bowed down by a weight that can not be lifted, subject to an attack from a creditor whenever he may make the least start toward his own uplift, presents one of the most pathetic pictures possible. Of value neither to himself, his creditors, nor to society, death alone can hold out any relief. If it was true that insolvency came only as a result of wrongdoing, as was once urged by those defending the law authorizing imprisonment for debt, I could understand, even if I did not justify, a condition of society that permitted such a life handicap as a punishment. But all men know that insolvency comes more often from accident or from an inferior endowment of that talent needed in the keen competition of modern life than from actual wrongdoing. And this is so apparent that all nowadays favor at some time a law that can relieve the debtor and give him a fresh start in life, and this, under our system of government, can only be done by a national law. To my mind the justification for such a law at any time is a justification for it at all times. It is true that thereby some men may be relieved of debt who should not, but under a law properly safeguarded their number is negligible in comparison to the many who always do in justice need the law, and society as a whole is infinitely bettered.

But, Mr. Speaker, while I believe in the voluntary features of the law, and have endeavored briefly to justify them, I desire to repeat that it was to give the Federal Government power to have uniformly administered the assets of an insolvent debtor that the bankruptcy clause was placed in the Constitution. Were it possible to have uniform and absolutely equitable insolvency laws in each State, the need of the involuntary system would, in large measure, cease; but the makers of the Constitution were judges of human nature; they knew from bitter experience that individual States would endeavor to favor their own citizens as against those of sister States. Provision after provision is to be found in the Constitution looking to prevent this favoritism, and not the least important is that for uniform laws on the subject of bankruptcy.

And that the fathers were justified in this course is amply shown by the various insolvency laws of the different States. Without a national law the foreign creditor is at the mercy of his debtor and home creditors in many of the States. That interstate trade that is essential to the material welfare of our country can only be had in full measure by assuring to capital everywhere in our common country equality of treatment. Credits are dependent upon it; interest rates obey it as the needle the magnetic pole. No great commercial nation of the world but that has learned in the bitter school of experience that commerce is only possible where trade conditions are stable and uniform. Not one of these nations but that has a permanent bankruptcy law. For inasmuch as commercial failures are inseparable from commerce, there must be settlement of estates of insolvent debtors, and this, if that equality which is justice is to be maintained, must be under a permanent uniform law.

The rich man and the rich community may, in a measure, dispense with credit; the poor man and the poor State must obtain it to prosper. To these more than to any is the law a blessing. It gives the assurance necessary to warrant capital going abroad; it makes confidence between the embarrassed debtor and his creditors possible; it enables honorable creditors to unite in help to the honest debtor, and it removes from the avaricious any motive for oppression.

Safeguard the law from abuse by amendment from time to time as experience demonstrates the need, but above all, in the interest of the people of our country wherever situated, preserve it as the best guaranty of abundant credit and trade opportunity, as an indispensable aid to that equality and justice which should be the lodestar of our endeavor. [Applause.]

Now, gentlemen, I owe it to the House to explain, as far as the brief time allotted to me permits, the purposes of the amendments that I have proposed to the bill. I will have to proceed with considerable rapidity and therefore with some degree of

shallowness of exposition, as some of the problems are intricate with which some of the amendments undertake to deal.

Now, as to the compensation that may be allowed and paid trustees: In place of the unlimited discretion that the courts have held they have as to such allowance, we have made a detailed schedule of allowance. We have taken the percentage allowance that is now given the trustees, and about which there has been no complaint, and made it the basis for the allowance of the receiver, both as to special and as to extraordinary compensation. It is to be noticed that in fixing this amount we have provided that that shall be the maximum, but we have not provided that it must be also the minimum. In other words, the courts can not allow more than we fix but it may allow much less, and if the facts in the case warrant it, the courts should allow and I trust will allow much less.

Then I have provided that all the federal courts shall have ancillary jurisdiction of suits brought in any of them. Some of the courts hold now under the law that they have ancillary jurisdiction and others deny it. This makes it clear. When a suit is brought in the district court of Kentucky and property of the debtor lies also in the State of Illinois or in Michigan or New York, it will be possible in these district courts to institute ancillary proceedings looking to the collection of the assets of the debtor without bringing direct new proceedings. Then it is provided that a corporation may become a voluntary bankrupt. Under existing law while a corporation may be made a defendant in an involuntary proceeding, it can not become a voluntary bankrupt. The result has been that when it finds itself insolvent it commits some act which is a ground for involuntary proceedings, and involuntary proceedings are then instituted against it. The effect of my amendment will be simply to permit the corporation to do directly what it does now indirectly, and therefore do away with the receiverships that frequently were necessary heretofore.

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. BARTLETT of Georgia. Does not the gentleman think it is bad policy to permit corporations chartered by the State to go into the bankruptcy court at all; that if they want to wind up as insolvents they should be under the jurisdiction of that sovereign power that gave them the charter?

Mr. SHERLEY. I see no objection to their going into the bankruptcy court, because bankruptcy does not relieve any stockholder or director of any liability placed on him by the act of incorporation under the law of the State.

Mr. SHACKLEFORD. I would like to ask the gentleman a question. In my State there is a provision that if the corporation can not pay its current liabilities, proceedings may be had in the state courts to wind it up. Would the gentleman's amendment interfere with that law?

Mr. SHERLEY. Not necessarily, although under the law as it exists now, if a corporation is insolvent the creditors can put it into bankruptcy, and the only effect of my amendment is to permit it to go in voluntarily as well as to be put in by involuntary proceedings.

Mr. SHACKLEFORD. Would it deprive our state courts of jurisdiction?

Mr. SHERLEY. No more so that they are now deprived under the bankruptcy law.

Mr. BARTLETT of Georgia. I want to say that the circuit court of appeals, in a case from my city, decided where a corporation was carried into the state court before the bankruptcy proceedings were filed, for the purpose of winding it up, that the jurisdiction of the state court should be upheld.

Mr. SHERLEY. If that be the law, and I have no doubt it is as the gentleman has stated it to be, it is not changed in the slightest by my amendment. My next amendment undertakes to make a scientific classification of those who may be put into involuntary bankruptcy. As the bill was originally drawn, an effort was made to name in detail those individuals who were amenable to the law. Instead of stating the rule and then naming the exception, they simply reversed it, so that I provide that any "moneyed, business, or commercial corporations, excepting municipal, railroad, insurance, or banking corporations, may be put into involuntary bankruptcy."

The old law provided that "a corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits" could be put in bankruptcy, and the question then came up in the court as to what was meant by the word "principally," and you have some very strange decisions. For instance, they held in one case that a laundry company that laundered shirts for a shirt factory was engaged principally in manufacturing, but a laundry company that did laundering generally was not. So, instead of having them enumerated, I have adopted the scientific way of declaring a class and then stating the exceptions to the class.

Now, the next amendment ought to appeal even to the critics of the bankruptcy law. It provides that compositions between a debtor and creditors may be had before adjudication as well as afterwards. Under the decisions of the court at present it has been held that a man must be declared a bankrupt before a composition may be had in settlement of his estate. This permits a composition, which is an arrangement brought about by a majority of the creditors with the debtor and which compels the acquiescence of the rest of the creditors—there must be both a majority in number and a majority in amount, to be made before adjudication in bankruptcy as well as afterwards. The effect of that will be, we believe, to permit many settlements between honest debtors and creditors, without going through all the expense of a court proceeding, and will help to quickly settle insolvent estates. The next amendment is the one that is criticised by the gentleman from Alabama [Mr. CLAYTON], and, if I may be permitted to state, incorrectly stated by him. The present law names six grounds for refusing a discharge in bankruptcy. The provision has nothing to do with the commission of a crime; it has nothing to do with punishing a man for a crime, as stated; but there are six grounds for refusing a man his discharge in bankruptcy. One of those grounds is this:

> Obtain property on credit from any person upon a materially false statement in writing, made to such person for the purpose of obtaining such property on credit.

That has been amended to read in this way:

> Obtain money or property on credit upon a materially false statement in writing, made by him to any person for the purpose of obtaining credit or of being communicated to the trade or to the person from whom he obtained such property on credit.

The difference is this: Under the existing law the false statement had to be made to the man who gave the credit. If it was made to A and the credit was given by B, some of the courts have held that it was not a ground to prevent the discharge. We have provided that if property is so obtained it shall prevent the discharge. Mind you, money or property must be obtained, it must be obtained on credit, and it must be obtained on credit upon a materially false statement. If that statement is made for the purpose of being communicated to the trade, can the man who knowingly makes a false statement in writing to get a credit complain? What other justice can he expect? Those who go into equity must go with clean hands. This can affect only the dishonest man, only the man who is trying to get something by holding out a false representation to the country; and I say that whether it be made to Dun or Bradstreets or to John Doe or Richard Roe, if it is made for the purpose of getting credit and is a materially false statement, and thereby the man does get credit, he is not entitled to the beneficial effects of the bankruptcy law and ought to have his discharge refused him.

The next section is purely technical. There are three sections that undertake to provide for the recovery of certain character of property, and they state that the state and federal courts shall have concurrent jurisdiction; but when it came to authorize the trustee to bring that class of suits, it did not carry into it the provision also giving concurrent jurisdiction to both state and federal courts, and what I have done here was simply to make plain that the state and federal courts had concurrent jurisdiction in this character of cases.

The next amendment is very vital and important. The present law says, speaking of the trustees:

> Collect and reduce to money the property of the estates for which they are trustees under the direction of the court, and close up the estate as expeditiously as is compatible with the best interests of the parties in interest.

I have added to that this language:

> And such trustees, as to all property in the custody or coming into the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a creditor holding a lien by legal or equitable proceedings thereon, and also, as to all property not in the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a judgment creditor holding an execution duly returned unsatisfied.

Now, the reason for that was this: The Supreme Court, in the case of York against Cassell, held that the title of the trustee was simply the title of the debtor; that he took no more title than an assignee does under the law; that he stood in the shoes of the assignor, and that if the bankrupt could not object or recover property or set aside a transfer the trustee could not, because he had no better title than the bankrupt had. Well, the effect of that was this: The creditors were prevented from setting aside a conveyance or transfer that might be voidable as to them, because the bankruptcy court had taken possession and they were no longer free to act and the trustee could not, because he had no better title than the bankrupt, and so in order to remedy that and to prevent the evil of secret liens we provide that the trustee shall have just the title that any creditor would have had if the bankruptcy proceedings had

not been instituted. He can then recover this property for the benefit of all the creditors and prevent one creditor getting an undue share by preference. Now, the next amendments relate to the compensation, and that I have already spoken of——

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Speaker, I thank the House for its attention. [Applause.]

In further explanation of the amendments, I subjoin a statement showing in detail the changes proposed and the reasons therefor:

Proposed amendments to the national bankruptcy act as contained in the Sherley bill (H. R. 20575).

AMENDMENT TO SECTION 2, CLAUSE 5.

PRESENT LAW.[a]	PROPOSED AMENDMENT.[b]
Authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services [but not at a greater rate than in this act allowed trustees for similar services].	Authorize the business of bankrupts to be conducted for limited periods by receivers, the marshals, or trustees, if necessary in the best interests of the estates, and allow such officers additional compensation for such services, *as provided in section 48 of this act.*

NOTE.—The act of 1898, as originally passed, gave no additional compensation to the receiver, marshal, nor trustee, for conducting the business. This was an injustice, which the amendment of 1903 sought to correct, by an amendment of section 2, clause 5 of the act—a part of the statute, by the way, not germane to the subject of compensation. Through the unfortunate wording of the amendment of 1903, especially through the use of the word "similar," this clause regarding compensation was ambiguous. It was the intention of the framers of the amendment of 1903 that, where the trustee, receiver, or marshal conducted the business, he might be allowed additional compensation not to exceed once again the ordinary compensation prescribed in section 48 of the law, section 48 carefully limiting the compensation of the trustee to certain fixed percentages upon moneys disbursed.

The courts construed the amendment of 1903 as allowing additional compensation, but, especially in the case of receivers (as to whom no method was prescribed for determining these commissions where property was turned over by them in specie to the trustee), it was held that there was no limit upon the amount allowable. Had the word "similar" been left out altogether it would have been much plainer; but even then it would have been difficult to fix any limit in the case of receivers as to commissions, since a great deal of the property in receivership cases is turned over to the trustee in specie.

The proposed amendment to section 2, clause 5, simply refers the entire question of compensation to the more appropriate section 48, making a new clause (e) in that section.

AMENDMENT TO SECTION 2, CLAUSE 19.

PRESENT LAW.	PROPOSED AMENDMENT.[b]
(19) Transfer cases to other courts of bankruptcy.	(19) Transfer cases to other courts of bankruptcy; *and* (20) *exercise ancillary jurisdiction over persons or property within their respective territorial limits in aid of a receiver or trustee appointed in any bankruptcy proceedings pending in any other court of bankruptcy.*

NOTE.—Here it is proposed to confer on district courts, by statute, ancillary jurisdiction of bankruptcy proceedings pending in any other district court. Such jurisdiction was conceded under the law of 1867 by the decision of the Supreme Court in Lathrop *v.* Drake (91 U. S., 516); but has not been recognized by some decisions under the present act. Some courts assert it; others refuse to do so. Such refusal has resulted in much hardship, as it tends to leave in doubt the efficient protection of assets of bankrupts which happen to be in some jurisdiction other than that of the adjudication.

Reference is made to In re Williams (123 Fed., 321), Ross-Mehan Foundry Company *v.* Southern Car and Foundry Company (124 Fed., 493), In re Tybo, etc., Company (132 Fed., 697), In re Hartz (142 Fed., 726), Hall *v.* Burr (153 Fed., 945), denying jurisdiction; and In re Sutter Brothers (131 Fed., 654), Lawrence *v.* Lowrie (133 Fed., 995), and In re Benedict (410 Fed., 55), asserting it.

AMENDMENT TO SECTION 4, SUBDIVISION A.

PRESENT LAW.	PROPOSED AMENDMENT.[b]
4. Who may become bankrupts.	4. Who may become bankrupts.
(a) Any person who owes debts, except a corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.	(a) Any person who owes debts, except a *municipal, railroad, insurance, or banking* corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.

The object of this amendment is to permit the voluntary bankruptcy of corporations. The great majority of corporate bankruptcies at the present time are cases where the corporations have committed no act of bankruptcy except the so-called act of bankruptcy denominated "Written admission," that is to say, where the corporation has "admitted in writing its inability to pay its debts and its willingness to be adjudged a bankrupt on that ground" [Bankruptcy act, §3-a (5)]. Of course, this act of bankruptcy furnishes merely a roundabout way for a corporation voluntarily to go into bankruptcy. There is no reason why a corporation should not be entitled to go directly into bankruptcy as a voluntary bankrupt, for the benefit of its creditors, without this subterfuge and without the long and expensive preliminaries of the filing of an involuntary petition, the appointing of a receiver, etc. Corporations were entitled to become voluntary bankrupts under the previous bankruptcy act, and were so entitled under all other bankruptcy acts; and there seems to be no good reason for not allowing them to become voluntary bankrupts under the present act. The prohibition upon the voluntary bankruptcy of corporations has augmented the evil of expensive receiverships, and has put an additional burden of delay and expense upon the bankrupt estates, where the bankrupt is a corporation.

The voluntary bankruptcy of a corporation of course, as already provided in the act in the general terms of section 4 (b), does not release its officers, directors, or stockholders from any liability under the laws of a State, or Territory, or of the United States; but, so far as that is concerned, a bankrupt corporation seldom, if ever, even asks for a discharge, a discharge being superfluous in cases of corporate bankruptcy.

[a] Matter in brackets elided. [b] New matter in italics.

AMENDMENT TO SECTION 4, SUBDIVISION B.

PRESENT LAW.[a]	PROPOSED AMENDMENT.[b]
b. Any natural person, except a wage-earner or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, [and any corporation engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits] owing debts to the amount of one thousand dollars or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. [Private bankers, but not national banks or banks incorporated under state or territorial laws, may be adjudged involuntary bankrupts.] The bankruptcy of a corporation shall not release its officers, directors, or stockholders, as such, from any liability under the laws of a State or Territory or of the United States.	b. Any natural person, except a wage-earner or a person engaged chiefly in farming or the tillage of the soil, any unincorporated company, and any *moneyed, business, or commercial corporation, except a municipal, railroad, insurance, or banking corporation,* owing debts to the amount of one thousand dollars or over, may be adjudged an involuntary bankrupt upon default or an impartial trial, and shall be subject to the provisions and entitled to the benefits of this act. The bankruptcy of a corporation shall not release its officers, directors, or stockholders as such, from any liability under the laws of a State or Territory or of the United States.

NOTE.—The changes here are intended to broaden the present law so far as it affects corporations. As the law now stands only corporations "engaged principally in manufacturing, trading, printing, publishing, mining, or mercantile pursuits" can be proceeded against by creditors. There is no good reason for these distinctions. The law, as it now stands, leads to much litigation as to what corporations are included in the enumerated classes, and thus to confusion and the wasting of assets. Some rather amazing distinctions have been made by the courts. In New York a corporation which constructs bridges and piers is liable to bankruptcy (In re Niagara Construction Co., 127 Fed., 782), but in Virginia a corporation engaged in quite similar work is not (In re MacNicholl Construction Co., 134 Fed., 979); a hotel corporation, which also runs a barroom, is amenable (In re Barton Hotel Co., 12 A. B. R., 335), but a restaurant corporation, which also runs a barroom, is not (In re Chesapeake Oyster and Fish Co., 112 Fed., 960); a laundry company which launders new shirts, collars, and cuffs for a company that manufactures them is amenable (In re Troy Steam Laundry Co., 132 Fed., 266), but a similar company, doing a general laundry business, is not (In re White Star Laundry Co., 117 Fed., 570); while it has been held that a company which reservoirs and buys water for distribution to its customers can not be adjudged a bankrupt (In re New York and Westchester Water Co., 98 Fed., 711), and yet a company which gathers and buys ice for the same purpose may be so adjudged (First National Bank *v.* Wyoming Ice Co., 136 Fed., 466); again, a corporation making new automobiles is subject to bankruptcy as a manufacturing corporation, while one which simply repairs automobiles, even though supplying parts thereto, is not subject thereto (Cate *v.* Connell, 173 Fed., 445; 23 A. B. R., 73, C. C. A.).

AMENDMENT TO SECTION 12, SUBDIVISION A.

PRESENT LAW.	PROPOSED AMENDMENT.[b]
A bankrupt may offer terms of composition to his creditors after, but not before, he has been examined in open court or at a meeting of his creditors and filed in court the schedule of his property and list of his creditors, required to be filed by bankrupts.	A bankrupt may offer, *either before or after adjudication,* terms of composition to his creditors after, but not before, he has been examined in open court or at a meeting of his creditors, and has filed in court the schedule of his property and the list of his creditors, required to be filed by bankruptcy. *In compositions before adjudication the bankrupt shall file the required schedules, and thereupon the court shall call a meeting of creditors for the allowance of claims, examination of the bankrupt, and preservation or conduct of estates, at which meeting the judge or referee shall preside; and action upon the petition for adjudication shall be delayed until it shall be determined whether such composition shall be confirmed.*

NOTE.—This section is new, but the reasons for it are convincing. Under the law of 1867, as amended in 1874, compositions could be had both before and after adjudications of bankruptcy. Under the present act, however, such an adjudication, with the stigma which results, must be had before there can be a composition. Section 3 of the English bankruptcy act of 1890 (53 and 54 Vict., c. 71) provides for what are technically called "schemes of arrangement," and permits creditors in that country to compose with their debtors, under the supervision of the court, but without an actual bankruptcy. This provision, therefore, stimulates official settlements, compulsory upon all creditors, when a given proportion in number and amount shall have assented. These schemes of arrangement are very common in England. Here compositions are growing in favor, but, being held to be impossible until after an adjudication, which in the case of involuntary bankruptcies is often considerably delayed, are availed of much less than they should be. Hence the bill would permit official settlements between creditors and debtor, immediately after the filing even of an involuntary petition, on notice and a proper investigation by the court; and thus, in effect, not only prevent the debtor being stigmatized as a bankrupt, but accomplish

[a] Matter in brackets elided. [b] New matter in italics.

speedy settlements with creditors, at present rarely possible in any other way. It is thought, too, that the plan will greatly decrease the expenses of court administration, and thus both creditors and debtors be induced to avail themselves of it.

AMENDMENT TO SECTION 14, SUBDIVISION B.

PRESENT LAW.[a]	PROPOSED AMENDMENT.[b]
The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by parties in interest, at such time as will give parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained property on credit [from any person] upon a materially false statement in writing made to [such] person for the purpose of obtaining [such property on] credit; or (4) at any time subsequent to the first day of the four months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of or to answer any material question approved by the court.	The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by *the trustee or other* parties in interest, at such time as will give *the trustee or* parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant, unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; *or (3) obtained money or property on credit upon a materially false statement in writing, made by him to any person for the purpose of obtaining credit or of being communicated to the trade or to the person from whom he obtained such property on credit;* or (4) at any time subsequent to the first day of the four months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of, or to answer any material question approved by, the court: *Provided, that a trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose.*

NOTE.—It is generally admitted that the law as originally passed was weak in so far as it tended to prevent the discharge of dishonest debtors. It was much strengthened by the amendments of 1903. It should be still more strengthened. First, by settling beyond peradventure that the trustee is sufficiently a party in interest to object to a discharge; second, by making the giving of a false mercantile statement in writing as a basis of credit an objection to a discharge.

As to the first: The weight of authority is that the trustee may not, under the law as it now stands, oppose the bankrupt's discharge. Objections have to be filed, if filed at all, by individual creditors and asserted at their expense. If the trustee, as the representative of all of the creditors, can assert those objections, the expense can be spread over all, and thus many fraudulent bankrupts be refused discharges who otherwise would escape. Creditors are protected against an improper use of their funds by the new proviso clause at the end of the section.

As to the second: The clause which was in Judge Ray's original bill in the Fifty-sixth Congress, is suggested again. It was slightly changed in his bill in the Fifty-seventh Congress, and was very much modified before the bill passed. Indeed, it is now an open question whether a false credit statement, to be available as an objection to a discharge, must not have been made to the creditor who extended the credit and at the time of the extension of such credit. To this effect is In re Allendorf (129 Fed., 981), and, to the opposite effect, In re Dresser (13 Am. B. R., 616) (as affirmed in 146 Fed., 383), and In re Pincus (147 Fed., 621).

AMENDMENT TO SECTION 23, SUBDIVISION B.

PRESENT LAW.[a]	PROPOSED AMENDMENT.[b]
Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt whose estate is being administered by such trustee might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b, [and] section 67, subdivision e.	Suits by the trustee shall only be brought or prosecuted in the courts where the bankrupt whose estate is being administered by such trustee might have brought or prosecuted them if proceedings in bankruptcy had not been instituted, unless by consent of the proposed defendant, except suits for the recovery of property under section 60, subdivision b; section 67, subdivision e; *and section 70, subdivision e.*

NOTE.—The change here would give effect to the last sentence of section 70-e of the present law, which provided, "For the purpose of such recovery—i. e., of property the transfer of which could have been avoided by a creditor—any court of bankruptcy as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction." Such sentence was added by the amendatory act of 1903. The same words were then also added to sections 60-b and 67-e. To make the change effective, a corresponding change was necessary in section 23-b, but for some reason the words "and section 70, subdivision e" were stricken from the amendatory bill. They should be restored, so as to make the statute consistent and obviate the controversy as to whether suits to set aside fraudulent transfers that are not technically preferences can be brought in the federal district courts. (See Gregory *v.* Atkinson, 127 Fed., 183, and Skewis *v.* Barthell, 152 Fed., 534.)

[a] Matter in brackets elided. [b] New matter in italics.

AMENDMENT TO SECTION 47, CLAUSE 2, SUBDIVISION A.

PRESENT LAW.	PROPOSED AMENDMENT.[a]
Collect and reduce to money the property of the estates for which they are trustees, under the direction of the court, and close up the estate as expeditiously as is compatible with the best interests of the parties in interest.	Collect and reduce to money the property of the estates for which they are trustees, under the direction of the court, and close up the estate as expeditiously as is compatible with the best interests of the parties in interest; *and such trustees, as to all property in the custody or coming into the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a creditor holding a lien by legal or equitable proceedings thereon; and, also, as to all property not in the custody of the bankruptcy court, shall be deemed vested with all the rights, remedies, and powers of a judgment creditor holding an execution duly returned unsatisfied.*

NOTE.—One of the most important decisions under the present law is York Manufacturing Company *v.* Cassell (201 U. S., 344), wherein it was held that property covered by an unrecorded instrument which would have been void under the state law, had the property been taken by an assignee or receiver in the state courts, or levied upon by attachment or execution, was not void where the possession of the property was taken by a receiver or trustee in bankruptcy, the Supreme Court holding that the trustee stood precisely in the bankrupt's shoes with regard to the unrecorded instrument, even though under the state law had the seizure been made by a state court assignee in insolvency or receiver, or by the sheriff under execution or attachment, the unrecorded lien would have been void as against creditors. By this ruling the trustee in bankruptcy is by the law, as it now stands, held to be vested solely with the bankrupt's own title except as to property fraudulently transferred and as to property which (within four months of the bankruptcy) has been seized by a creditor by legal proceedings or voluntarily transferred to him by way of a preference. The trustee, under the present law, does not take the rights of a creditor, then, except as to fraudulently transferred property or as to property seized by legal proceedings within four months of the bankruptcy by creditors or preferentially transferred to them by the bankrupt during that period. In this way a distinct advantage is given to the holders of unrecorded liens. The creditors' hands meanwhile are tied from making any levy, because the separate rights of the creditors have become vested in the trustee for all, besides which, as to property already in the custody of the bankruptcy court, of course individual creditors would be in contempt of court should they levy thereon. Thus, the evil of secret liens has continued. It is this evil and the injustice worked upon creditors who rely upon the debtor's apparent ownership against which the bankruptcy law has set its face.

The proposed amendment, while correcting the defect named, at the same time carefully guards the rights of all parties. It is evident that in the proposed amendment attempt is made to give effect to two ideas, quite distinct: First, that as to the property in the custody of the bankruptcy court the bankruptcy trustee shall be considered to have the same title that a creditor holding an execution or other lien by legal or equitable proceedings levied upon that property would have under state law; and, second, that as to property not in the custody of the bankruptcy court, the trustee should stand in the position of a judgment creditor holding an execution returned unsatisfied, thus entitling him to proceed precisely as an individual creditor might have done to subject assets. In this way, in effect, proceedings in bankruptcy will give to creditors the same rights that creditors under the state law would have had had there been no bankruptcy, and from which they are debarred by the bankruptcy—certainly a very desirable and eminently fair position to be granted to the trustee.

AMENDMENT TO SECTION 48, TO BE CALLED SUBDIVISION D.

PRESENT LAW.	PROPOSED AMENDMENT.[a]
No subdivision d in present law.	*d. Receivers or marshals appointed pursuant to section two, subdivision three of this act, shall receive for their services, payable after they are rendered, compensation by way of commissions upon the moneys disbursed by them, and also upon the moneys turned over by them or afterwards realized from property turned over in specie by them to the trustee, or upon money or property turned over to creditors or to the bankrupt, alleged bankrupt, or other person under order of the court, as the court may allow, not to exceed six per cent on the first five hundred dollars or less, four per cent on moneys in excess of five hundred dollars and less than one thousand five hundred dollars, two per cent on moneys in excess of one thousand five hundred dollars and less than ten thousand dollars, and one per cent on moneys in excess of ten thousand dollars: Provided, That in cases of the confirmation of a composition such commissions shall not exceed one-half of one per cent of the amount to be paid creditors on such compositions: Provided further, That before the allowance of compensation notice of application therefor, specifying the amount asked, shall be given to creditors in the manner indicated in section fifty-eight of this act.*

NOTE.—The developing evils against which the amendment is directed have been increasing. The original law, even after it was amended in 1903,

[a] New matter in italics.

did not in terms limit the fees of receivers, though the fees of all other officers were fixed by the statute. Receivers are often necessary; sometimes they are mere custodians and remain in possession, at most, a couple of weeks. At other times, where the adjudication is contested, they remain in possession, perhaps conducting a going business, for months. Clearly they should receive no more for their work, no matter how long they serve, than trustees receive for similar work. They are officers doing the same kind of work as the trustees, and if the trustees' compensation is limited, so also should be their compensation. In actual practice, however, receivers are usually allowed much more. Clearly, too, those receivers who are mere custodians should receive much less than the percentages allowed to trustees for converting and distributing assets. The problem has been much discussed, and the difficulty has led to the promulgation in certain of the districts of rules intended to meet it (thus, see Rule 9, northern district of Illinois, 140 Fed., 5). There is, however, no uniformity and much complaint.

That the amendment of section 2 (5) of the law, made by the amendatory act of 1903, did not accomplish its purpose, but rather increased existing confusion, is indicated in In re Richards (127 Fed., 772) and In re Sully (133 Fed., 997). Subdivision (d) of section 48, as now proposed to be amended, will permit the allowance to receivers whose work has been long and arduous of the same compensation as allowed to trustees; but, by a requiring notice to creditors stating the amount asked for, would tend to check similar allowances where the receiver has been merely a custodian, and by setting maximum limits will prevent the exorbitant allowances which now are unfortunately so prevalent in some localities. It will be noted that the basis upon which the percentages are to be reckoned is the actual value realized and not the inventory value. The reason for this is apparent.

AMENDMENT TO SECTION 48, TO BE CALLED SUBDIVISION E.

PRESENT LAW.	PROPOSED AMENDMENT.[a]
No subdivision e in present law.	*e. Where the business is conducted by trustees, marshals, or receivers, as provided in clause five of section two of this act, the court may allow such officers additional compensation for such services by way of commissions upon the moneys disbursed by them; and, in cases of receivers or marshals, also upon the moneys turned over by them or afterwards realized from property turned over in specie by them to the trustees or upon money or property turned over to creditors, or to the bankrupt, alleged bankrupt, or other person under order of the court, such commissions not to exceed six per cent on the first five hundred dollars or less, four per cent on moneys in excess of five hundred dollars and less than one thousand five hundred dollars, two per cent on moneys in excess of one thousand five hundred dollars and less than ten thousand dollars, and one per cent on moneys in excess of ten thousand dollars: Provided, That in case of the confirmation of a composition such commission shall not exceed one-half of one per cent of the amount to be paid creditors on such composition: Provided further, That before the allowance of compensation notice of application therefor, specifying the amount asked, shall be given to creditors in the manner indicated in section fifty-eight of this act.*

NOTE.—As heretofore remarked, in the note to the proposed amendment to section 2, clause 5, the act of 1898 as originally passed gave no additional compensation to the receiver, trustee, or marshal for conducting the business. This was an injustice, which the amendment of 1903 sought to correct by an amendment to section 2, clause 5. [This part of the statute, by the way, is not germane to the subject of compensation, for which reason it is now proposed to treat of the entire subject of compensation in its appropriate place, section 48.]

Through the unfortunate wording of this amendment of 1903 to this section 2, clause 5, regarding additionnl compensation for the conducting of the business, especially through the use of the word "similar," the amendatory clause was rendered ambiguous. It was the intention of the framers of the amendment of 1903 that, where the trustee, receiver, or marshal conducted the business, he might be allowed additional compensation not to exceed once again the ordinary compensation prescribed in section 48 of the law, section 48 carefully limiting the compensation of the trustee to certain fixed percentages upon moneys disbursed.

The courts construed the amendment of 1903 as allowing additional compensation, but, especially in the case of receivers (as to whom no method was prescribed for determining these commissions where property was turned over by them in specie to the trustee), it was held that there was no limit upon the amount allowable. Had the word "similar" been left out altogether, it would have been much plainer, but, even then, it would have been difficult to fix any limit in the case of receivers as to commissions, since a great deal of the property in receivership cases is turned over to the trustee in specie.

The proposed amendment, clause e, to section 48, preserving as it does additional compensation for conducting the business and at the same time affording a rule for the computation of commissions upon property turned over in specie by receivers and marshals to the trustee, will afford a practicable, just, workable, and eminently satisfactory solution of the vexed question of additional compensation for the conducting of business in bankruptcy.

It is of quite as vital importance that the additional compensation of receivers, trustees, and marshals for conducting the business be placed upon a percentage basis as that the compensation of trustees for the performance of their ordinary duties shall be so placed. The evils of leaving such additional compensation to the discretion of the courts are too obvious and well known to require explanation. The amendment will also tend to prevent long-drawn-out receiverships.

It is to be further observed that this additional compensation is not necessarily to be allowed in full; less, but not more, can be allowed, as the court may direct.

It will also be noticed that the rate of commissions prescribed in proposed amendment, clause e, to section 48, as additional compensation for conducting the business, is the same as that prescribed for the ordinary compensation of trustees in section 48a of the act and of receivers in proposed amendment, section 48d.

[a] New matter in italics.

AMENDMENT TO SECTION 59, SUBDIVISION G.

PRESENT LAW.	PROPOSED AMENDMENT.[a]
A voluntary or involuntary petition shall not be dismissed by the petitioner or petitioners or for want of prosecution or by consent of parties until after notice to the creditors.	A voluntary or involuntary petition shall not be dismissed by the petitioner or petitioners or for want of prosecution or by consent of parties until after notice to the creditors, *and to that end the court shall, before entertaining an application for dismissal, require the bankrupt to file a list, under oath, of all his creditors, with their addresses, and shall cause notice to be sent to all such creditors of the pendency of such application, and shall delay the hearing thereon for a reasonable time to allow all creditors and parties in interest opportunity to be heard.*

NOTE.—It is clearly the law now that involuntary petitions can not be dismissed without the regular ten-day notice to all creditors, but there is no statutory provision requiring a debtor petitioned against to file a list of his creditors, so that such notice can be given. Hence, in several of the districts, the practice has grown up of dismissing involuntary petitions on the application of the alleged bankrupt and the consent of the petitioning creditors, merely on a pro forma proclamation in court. Such practice is indicated in In re Jemison Mercantile Company (112 Fed., 966), tolerated in In re Levi (142 Fed., 962); while the requirement of notice is flatly asserted in In re Plymouth Cordage Company (135 Fed., 1000). The amendment suggested merely gives point to what the law now is, by providing that a list of creditors shall be filed, so that the notice may be given.

AMENDMENT TO SECTION 60, SUBDIVISION B.

PRESENT LAW.[b]	PROPOSED AMENDMENT.[a]
If a bankrupt shall have [given a preference, and the person receiving it, or to be benefited thereby, or his agent acting therein, shall have had reasonable cause to believe that it was intended thereby to give a preference], it shall be voidable by the trustee, and he may recover the property or its value from such person. And, for the purpose of such recovery, any court of bankruptcy, as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.	If a bankrupt shall have *procured or suffered a judgment to be entered against him in favor of any person or have made a transfer of any of his property, and if, at the time of the transfer, or of the entry of the judgment, or of the recording or registering of the transfer if by law recording or registering thereof is required, and being within four months before the filing of the petition in bankruptcy or after the filing thereof and before the adjudication, the bankrupt be insolvent and the judgment or transfer then operate as a preference, and the person receiving it or to be benfited thereby or his agent acting therein, shall then have reasonable cause to believe that the enforcement of such judgment or transfer would effect a preference,* it shall be voidable by the trustee and he may recover the property or its value from such person. And for the purpose of such recovery any court of bankruptcy, as hereinbefore defined, and any state court which would have had jurisdiction if bankruptcy had not intervened, shall have concurrent jurisdiction.

NOTE.—The object of this amendment is to protect against the evil of secret liens, against which evil this same section was amended in 1903, but in such an unfortunate way as not effectually to prevent such liens. As the present law stands, even as amended in 1903, secret liens are still being held good in many jurisdictions, notably in Wisconsin, where the supreme court of that State has held distinctly in the case of Clarige *v.* Evans (118 N. W., 198) that a mortgage withheld for years from record is not a preference, even if finally filed within a few days before bankruptcy, provided the debtor were not insolvent at the time it was given, years beforehand, or provided it were given for money then passing.

Thus, as the law stands, even by the amendment of 1903, as construed in many jurisdictions, a debtor may, if solvent at the time or if presently passing consideration be then received, give a chattel mortgage or other lien upon his property, requiring recording by the state law, and the creditor receiving it may keep this lien off the record for months, or even years—if not so done by agreement—and file it within a few days of bankruptcy, and yet the lien be held perfectly good. This is so held, because the courts rule that the insolvency of the debtor, the existence of a preexisting debt, and all the other elements of the preference are to be determined as of the date of the transfer between the parties. Thus, if at the date of the original giving of the chattel mortgage, the debtor was solvent or present consideration were then given, the transfer would not be a preference, no matter if the instrument be not recorded until within a few hours before the bankruptcy and with full knowledge of the debtor's impending failure. The amendment of 1903, by declaring the four months' period should not begin to run until the date of the recording where the recording is "required" by state law, evidently attempted to make the date of the recording the date at which the existence of insolvency, of a present consideration, and of all

[a] New matter in italics. [b] Matter in brackets elided.

the other elements of the preference should be taken. Nevertheless, the amendment of 1903 did not effectually accomplish this object. Even if the recording be not done until within the four months' period, yet, if at the time of the original transfer, which might have occurred years beforehand, the debtor was solvent or the lien have been given upon a then presently passing consideration, the transfer will not be set aside as a preference; the date of the "transfer" under any theory always being necessarily the date at which all the elements of the preference must be proved to have existed.

The real trouble, it seems, is this: There are, in reality, two times of "transfers" in such cases. As between the transferror and transferee, obviously the time of transfer is the time of the original execution and delivery of the instrument to the grantee or transferee, regardless of its registration; but as to other creditors and the rest of the outer world, the "transfer" is by statute not a complete "transfer," nor, perhaps, a "transfer" at all until recording—until delivery to the public recorder. Then, and not until then, has the debtor signified to outside parties, to all others who might become interested in his assets, the effectual separation of the liened property from the rest of his assets. This, it must be conceded, is the bottom principle upon which the recording statutes rest. It is also the bottom principle of the right to legislate against secret liens. Thus, in our preference statute, the great object should be to make clear that the "transfer," so far as outside parties becoming interested in the estate are concerned, is not complete or, perhaps, is not even to be considered a "transfer" at all until delivery of the instrument to the recorder for registration.

We have seen that, despite the amendment of 1903, the supreme courts of some of the States are still holding, in effect, that liens withheld from record (for years maybe) may not be preferences in bankruptcy, even if they are not recorded until within a few days before bankruptcy; so that all that a careful creditor need do is to take a chattel mortgage at the time he begins business with the debtor, keep it off the records as long as he wants to (provided he does not do so by "agreement" with the debtor), and then slam it on, one or two years afterwards, on the eve of bankruptcy. Creditors, then, by these state supreme court decisions must be able to prove that at the time of the "transfer," perhaps several years beforehand, the debtor was then insolvent, the debt was then a past, a preexisting, debt, etc.—a practical impossibility, indeed, an unreasonable requirement, since it is the present insolvent fund of the debtor that is rightly involved and not some ancient fund existing years beforehand.

This proposed amendment squarely and clearly makes the date of the recording (where recording is required under state law to make the lien valid as against levying creditors) the date at which the creditor is to prove the existence of all the elements of a preference—truly the right date, for, as above noted, it is the present insolvent fund with which creditors are concerned, not the debtor's estate in the condition which might have existed two or three years beforehand.

This amendment, viewed in the light of the previous discussion, would seem to speak for itself. It brings forward to the date of the recording the proof of the insolvency and of all the other operative facts of the preference, and makes the section conform to the real and actual intentions of the framers of the amendment of 1903.

AMENDMENT TO SECTION 67, SUBDIVISION D.

PRESENT LAW.	PROPOSED AMENDMENT.*
Liens given or accepted in good faith and not in contemplation of or in fraud upon this act, and for a present consideration, which have been recorded according to law, if record thereof was necessary in order to impart notice, shall not be affected by this act.	Liens given or accepted in good faith and not in contemplation of or in fraud upon this act, and for a present consideration, which have been recorded according to law, if record thereof was necessary in order to impart notice, shall, *to the extent of such present consideration only*, not be affected by this act.

NOTE.—This change is intended to meet the doctrine of such cases as Coder v. Arts (152 Fed., 941), and First National Bank v. Holt (155 Fed., 100). If such decisions are the law, a creditor holding a claim of $1,000 can, on the day before the bankruptcy, loan his debtor an additional $100, taking from him collateral worth, say, $1,500, applicable to both debts, and thus secure a preference so far as the antecedent debt is concerned. This is contrary to the principles back of the statute, and, if permitted to remain the law, would make it easy for banks and merchandise creditors to secure preferences that would, in effect, nullify the law.

THE TIME WHEN THIS LAW SHALL GO INTO EFFECT.

That the provisions of this amendatory act shall not apply to bankruptcy cases pending when this act takes effect, but such cases shall be adjudicated and disposed of conformably to the provisions of said act approved July first, eighteen hundred and ninety-eight, as amended by said act approved February fifth, nineteen hundred and three and as further amended by said act approved June fifteenth, nineteen hundred and six.

NOTE.—This merely indicates the cases which the act shall affect, and is almost identical with section 19 of the amendatory act of 1903.

During the discussion in the House the gentleman from Georgia [Mr. BARTLETT] read various statistics from the report of the Attorney-General for the year 1909, relative to the cost of administration of cases in bankruptcy in the States of Georgia and Kentucky. An examination of these figures, which are accurately taken from the report of the Attorney-General, show them to be totally misleading.

In illustration of this it is sufficient to call attention to the following figures read by the gentleman as touching involuntary cases in the northern district of Georgia, where they show total assets realized of $251,714.31, whereas the dividends are given as $371,246.89, being over $120,000 in excess of the total assets realized. It is manifest, of course, that dividends could not exceed total assets, but not only are the figures erroneous in this particular, but they give a totally erroneous impression in not showing the assets that were distributed to lien and other secured criditors and in not showing exemptions, and also in mingling the statistics of cases where there were no assets with cases where there were assets. I subjoin herewith a letter from the Acting Attorney-General of the United States, which serves to show how unreliable the statistics given in the reports are:

OFFICE OF THE ATTORNEY-GENERAL,
Washington, D. C., February 28, 1910.

Hon. SWAGAR SHERLEY,
House of Representatives.

SIR: I wish to acknowledge receipt of your communication of the 26th instant regarding the bankruptcy statistics at present furnished this department, and in reply to advise you as follows:

These statistics do not show separately how much of the actual assets realized were paid out to mortgagees and other lien holders, as distinct from payments to general creditors by way of dividends, nor do these statistics show how much of the commissions and other expenses were commissions paid on the money used in liquidating mortgages and other liens, nor how much of the total expenses was incurred in selling the mortgaged property to realize on the equity, all of which commissions and expenses should rightly be charged against the mortgaged fund.

As an illustration, in an estate realizing in gross, say, $50,000, perhaps $45,000 would be paid to lien holders and only $5,000 declared as dividends, yet the commissions would be figured on the $45,000 paid to lien holders, in addition to the $5,000 paid as dividends to general creditors, making an apparent, but not real, high percentage of commissions in proportion to the dividends paid to the general creditors.

It will also be noted that in more than one-third of the cases of voluntary bankruptcy, and in a few of the involuntary cases, there were no assets whatever, yet the statistics furnished this office at the present time do not separate the costs and expenses of such "no-asset" cases from those where assets exist, thus making the percentage of expenses to dividends appear much greater than it actually is.

In this connection it might be added that the bankruptcy forms at present in use will be revised for the fiscal year 1910–11, so as to show, as far as practicable, approximately the total distribution of all bankrupts' assets.

Respectfully,

J. A. FOWLER,
Acting Attorney-General.

An accurate statement of the expenses of bankruptcy administration will show it to be less expensive than under the old insolvency laws of the States.

The SPEAKER. The Clerk will report the first amendment.

The Clerk read as follows:

On page 10, after the words "and six," in line 8, add the following new section:

"SEC. 14. That the act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved July 1, 1898, and all acts amendatory thereof, including the act approved February 15, 1903, and the act approved June 15, 1906, and this act, are hereby repealed, but this repeal shall not be operative until the expiration of two years from the date of the approval of this act."

The question was taken; and the Chair announced the noes seemed to have it.

Mr. CLAYTON. Mr. Speaker, I do not desire to trespass upon the time of the House, but I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 90, nays 166, answered "present" 12, not voting 119, as follows:

YEAS—90.

Adamson	Dixon, Ind.	Hull, Tenn.	Richardson
Alexander, Mo.	Edwards, Ga.	Johnson, S. C.	Robinson
Anderson	Ellerbe	Jones	Rothermel
Ansberry	Estopinal	Kitchin	Shackleford
Bartlett, Ga.	Ferris	Latta	Sheppard
Bell, Ga.	Floyd, Ark.	Lee	Sherwood
Booher	Fuller	Livingston	Sims
Brantley	Gallagher	Lloyd	Sisson
Broussard	Garrett	Macon	Smith, Iowa
Burgess	Gill, Mo.	Maguire, Nebr.	Smith, Tex.
Burleson	Godwin	Mays	Spight
Burnett	Goebel	Moon, Tenn.	Stephens, Tex.
Candler	Graham, Ill.	Moore, Tex.	Sulzer
Carlin	Hamlin	Murphy	Thomas, Ky.
Clark, Mo.	Hammond	Oldfield	Thomas, N. C.
Clayton	Haugen	Padgett	Tou Velle
Collier	Heflin	Page	Underwood
Cox, Ind.	Helm	Palmer, H. W.	Volstead
Craig	Henry, Tex.	Pickett	Watkins
Cravens	Hobson	Rainey	Webb
Denver	Howard	Randell, Tex.	Wickliffe
Dickinson	Hughes, Ga.	Ransdell, La.	
Dickson, Miss.	Hull, Iowa	Rauch	

NAYS—166.

Adair	Burke, S. Dak.	Cooper, Wis.	Durey
Alexander, N. Y.	Burleigh	Coudrey	Dwight
Allen	Butler	Creager	Ellis
Austin	Byrns	Crow	Elvins
Barclay	Calder	Crumpacker	Englebright
Barnhart	Calderhead	Dalzell	Fish
Bartholdt	Campbell	Davidson	Fitzgerald
Bates	Cantrill	Davis	Focht
Beall, Tex.	Carter	Dawson	Fordney
Bennet, N. Y.	Cary	Denby	Foster, Ill.
Boehne	Cassidy	Diekema	Foster, Vt.
Borland	Chapman	Dies	Foulkrod
Bouteil	Cline	Dodds	Gaines
Brownlow	Conry	Draper	Gardner, Mich.
Burke, Pa.	Cook	Driscoll, M. E.	Gardner, N. J.

* New matter in italics.

Gillespie	Kendall	Millington	Slemp
Gillett	Kennedy, Iowa	Mondell	Small
Good	Kinkaid, Nebr.	Moon, Pa.	Smith, Cal.
Graff	Kinkead, N. J.	Moore, Pa.	Smith, Mich.
Grant	Kopp	Morgan, Okla.	Southwick
Greene	Korbly	Morrison	Stafford
Gregg	Küstermann	Morse	Steenerson
Gronna	Langham	Moss	Sterling
Hamer	Langley	Moxley	Stevens, Minn.
Hamill	Lawrence	Murdock	Sturgiss
Hamilton	Lenroot	Needham	Sulloway
Harrison	Lindbergh	Nelson	Swasey
Hay	Loudenslager	Nicholls	Tawney
Hayes	Lowden	Norris	Taylor, Colo.
Heald	Lundin	Nye	Tener
Henry, Conn.	McCreary	Olcott	Thomas, Ohio
Higgins	McCredie	Parsons	Tilson
Hitchcock	McGuire, Okla.	Payne	Tirrell
Houston	McKinley, Ill.	Peters	Townsend
Howland	McLachlan, Cal.	Poindexter	Wanger
Hubbard, Iowa	Madden	Rucker, Colo.	Washburn
Huff	Madison	Sabath	Weeks
Hughes, N. J.	Mann	Saunders	Weisse
Hughes, W. Va.	Martin, Colo.	Sharp	Wilson, Ill.
Humphreys, Miss.	Martin, S. Dak.	Sherley	Wilson, Pa.
Kahn	Miller, Kans.	Simmons	
Keliher	Miller, Minn.	Slayden	

ANSWERED "PRESENT"—12.

Aiken	Goulden	McMorran	Woods, Iowa
Dent	Howell, Utah	O'Connell	Woodyard
Flood, Va.	McDermott	Riordan	Young, N. Y.

NOT VOTING—119.

Ames	Fornes	Kennedy, Ohio	Pratt
Andrus	Foss	Knapp	Pray
Anthony	Fowler	Knowland	Prince
Ashbrook	Gardner, Mass.	Kronmiller	Pujo
Barchfeld	Garner, Pa.	Lafean	Reeder
Barnard	Garner, Tex.	Lamb	Reid
Bartlett, Nev.	Gill, Md.	Law	Reynolds
Bennett, Ky.	Gilmore	Legare	Rhinock
Bingham	Glass	Lever	Roberts
Bowers	Goldfogle	Lindsay	Rodenberg
Bradley	Gordon	Longworth	Rucker, Mo.
Byrd	Graham, Pa.	Loud	Russell
Capron	Griest	McCall	Scott
Clark, Fla.	Guernsey	McHenry	Sheffield
Cocks, N. Y.	Hanna	McKinlay, Cal.	Snapp
Cole	Hardwick	McKinney	Sparkman
Cooper, Pa.	Hardy	McLaughlin, Mich.	Sperry
Covington	Hawley	Malby	Stanley
Cowles	Hill	Maynard	Talbott
Cox, Ohio	Hinshaw	Morehead	Taylor, Ala.
Cullop	Hollingsworth	Morgan, Mo.	Taylor, Ohio
Currier	Howell, N. J.	Mudd	Thistlewood
Douglas	Hubbard, W. Va.	Olmsted	Vreeland
Driscoll, D. A.	Humphrey, Wash.	Palmer, A. M.	Wallace
Edwards, Ky.	James	Parker	Wheeler
Esch	Jamieson	Patterson	Wiley
Fairchild	Johnson, Ky.	Pearre	Willett
Fassett	Johnson, Ohio	Perkins	Wood, N. J.
Finley	Joyce	Plumley	Young, Mich.
Foelker	Keifer	Pou	

So the amendment was rejected.

The Clerk announced the following pairs:

For the remainder of the session:

Mr. HILL with Mr. GLASS.

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Mr. AMES with Mr. AIKEN.

Mr. YOUNG of New York with Mr. FORNES.

Mr. MCMORRAN with Mr. PUJO.

Mr. BRADLEY with Mr. GOULDEN.

Mr. ANDRUS with Mr. RIORDAN.

Until further notice:

Mr. SPERRY with Mr. WALLACE.

Mr. WILEY with Mr. WILLETT.

Mr. WHEELER with Mr. TALBOTT.

Mr. TAYLOR of Ohio with Mr. STANLEY.

Mr. SHEFFIELD with Mr. RHINOCK.

Mr. REYNOLDS with Mr. A. MITCHELL PALMER.

Mr. PRINCE with Mr. MAYNARD.

Mr. PEARRE with Mr. MCHENRY.

Mr. MORGAN with Mr. LINDSAY.

Mr. LONGWORTH with Mr. JOHNSON of Kentucky.

Mr. LAFEAN with Mr. JAMIESON.

Mr. JOHNSON of Ohio with Mr. HARDY.

Mr. HOWELL of New Jersey with Mr. GORDON.

Mr. GRIEST with Mr. GILMORE.

Mr. GARNER of Pennsylvania with Mr. GILL of Maryland.

Mr. FAIRCHILD with Mr. REID.

Mr. ESCH with Mr. DANIEL A. DRISCOLL.

Mr. COOPER of Pennsylvania with Mr. COX of Ohio.

Mr. BINGHAM with Mr. COVINGTON.

Mr. BARCHFELD with Mr. CLARK of Florida.

Mr. ANTHONY with Mr. BARTLETT of Nevada.

Mr. JOYCE with Mr. PATTERSON.

Mr. OLMSTED with Mr. JAMES.

Mr. CAPRON with Mr. O'CONNELL.

Mr. MALBY with Mr. BOWERS.

Mr. SNAPP with Mr. BYRD.

Mr. VREELAND with Mr. SPARKMAN.

Mr. THISTLEWOOD with Mr. TAYLOR of Alabama.

Mr. MCKINNEY with Mr. LEGARE.

Mr. COCKS of New York with Mr. LAMB.

Mr. FOELKER with Mr. GOLDFOGLE.

Mr. MOREHEAD with Mr. POU.

Mr. GRAHAM of Pennsylvania with Mr. FLOOD of Virginia.

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. CURRIER with Mr. FINLEY.

Mr. HOWELL of Utah with Mr. MCDERMOTT.

Mr. WOODYARD with Mr. HARDWICK.

From Wednesday, February 23, to Friday, February 25, 1910, inclusive:

Mr. KNAPP with Mr. DENT.

From Wednesday, February 23, to Thursday, February 24, inclusive:

Mr. FASSETT with Mr. GARNER of Texas.

For this day:

Mr. SCOTT with Mr. LEVER.

On this vote:

Mr. COLE with Mr. RUCKER of Missouri.

Mr. COWLES. Mr. Speaker, I got here during the second roll call, and I did not hear my name called.

The SPEAKER. Was the gentleman present and giving attention when his name was reached?

Mr. COWLES. Well, I got here during the call. I think I arrived after my name was called.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. GORDON. I would like to vote, Mr. Speaker. I got in during the second roll call.

The SPEAKER. After the gentleman's name was passed?

Mr. GORDON. I suppose it was. I did not hear it after I came in. I wanted to vote "No" on this question.

The result of the vote was announced as above recorded.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LAND FOR EXTENSION OF STREETS.

The Speaker laid before the House the following communication from the Senate, which was read, considered, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 4617) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets.

Attest: CHARLES G. BENNETT, *Secretary*.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5252. An act to authorize the closing of a part of Forty-first street NW., in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

S. 3254. An act to amend an act entitled "An act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes," approved May 7, 1906, by prohibiting the sale of poisonous hair dressing—to the Committee on the District of Columbia.

S. 646. An act for the relief of the estate of Julius Jacobs—to the Committee on Claims.

S. J. Res. 38. Joint resolution fixing the terms of court in the Philippine Islands—to the Committee on Insular Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18282. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes; and

H. R. 17514. An act to authorize the extension of Twenty-third and R streets SE., in the District of Columbia.

WITHDRAWAL OF PAPERS.

Mr. LANGLEY, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of William H. Overly, Sixtieth Congress, no adverse report having been made thereon.

Mr. FERRIS, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Miss Sarah Whittlesey, Sixtieth Congress, no adverse report having been made thereon.

CHANGE OF REFERENCE.

By unanimous consent, reference of the bill (H. R. 21593) providing for the purchase of a site and the erection of a public building thereon in the city of Norwalk, Ohio, was changed from the Committee on the Post-Office and Post-Roads to the Committee on Public Buildings and Grounds.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of a bill relating to the sale of liquor on the Cheyenne River and Standing Rock Indian reservations (H. Doc. No. 711)—to the Committee on Indian Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Chickasaw Creek, Alabama (H. Doc. No. 712)—to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting estimates of appropriation for defraying the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1911 (H. Doc. No. 710)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCREDIE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 15820) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, reported the same with amendment, accompanied by a report (No. 521), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Michigan, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof a bill (S. 6271) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 518), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 14957) granting a pension to Joseph Hunter, reported the same adversely, accompanied by a report (No. 519), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII,

The Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4028) granting an increase of pension to Permelia A. Creed, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 21660) to promote the efficiency of the national guard of the States, Territories, and District of Columbia—to the Committee on Militia.

By Mr. LANGHAM: A bill (H. R. 21661) to place certain officers on the retired list of the army—to the Committee on Military Affairs.

By Mr. MALBY: A bill (H. R. 21662) for the establishment of subports of entry at Massena, Morristown, and Nyando, N. Y.—to the Committee on Ways and Means.

By Mr. GREENE: A bill (H. R. 21663) to amend the laws relating to the shipment and discharge of American seamen, for the protection of such seamen, and giving shipping commissioners limited jurisdiction to hear and determine certain questions arising between masters and seamen—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Texas: A bill (H. R. 21664) to add to the Lincoln National Forest Reserve and to the Alamo National Forest Reserve, in New Mexico, certain portions of the Mescalero Indian Reservation in New Mexico, and to provide for the sale of certain lands now embraced in said reservation, for the creation of a fund for the benefit of said Mescalero Indians—to the Committee on Indian Affairs.

By Mr. HENRY of Connecticut: A bill (H. R. 21665) for the erection of a public building in Manchester, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Illinois: A bill (H. R. 21666) authorizing the chairman of the Committee on Enrolled Bills to appoint an additional clerk—to the Committee on Accounts.

By Mr. EDWARDS of Georgia: A bill (H. R. 21667) to provide for a trial by jury of persons charged with contempt of court—to the Committee on the Judiciary.

By Mr. McKINLEY of Illinois: A bill (H. R. 21668) to amend sections 3536 and 3548 of the Revised Statutes, in regard to the standard weight of coins—to the Committee on Coinage, Weights, and Measures.

By Mr. GREENE: A bill (H. R. 21669) to regulate the transportation coastwise of property owned by the Government of the United States and merchandise transported for the use of the Government of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. COWLES: A bill (H. R. 21670) to provide for the erection of a public building at Wilkesboro, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON: A bill (H. R. 21671) to increase the appropriation for a public building at Florence, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. ESTOPINAL: A bill (H. R. 21672) providing for the purchase of land and a building for the use of a subtreasury at New Orleans—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Illinois: A bill (H. R. 21673) granting authority to the city of St. Francisville, Ill., to build a bridge across the Wabash River—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLESON: A bill (H. R. 21674) repealing the tax on oleomargarine and other dairy products as fixed by the act of May 9, 1902, and substituting in lieu of said tax an annual license for manufacturers, wholesalers, and retailers—to the Committee on Agriculture.

By Mr. BUTLER: A bill (H. R. 21675) to increase the efficiency of the United States Navy by building cruisers and torpedo boats after the design of Richard B. Painton—to the Committee on Naval Affairs.

By Mr. MADISON: A bill (H. R. 21676) amending section 20 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended June 29, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Iowa: A bill (H. R. 21677) amending "An act making appropriation for the support of the army for the fiscal year ending June 30, 1907," etc.—to the Committee on Military Affairs.

By Mr. ANDREWS: A bill (H. R. 21678) to add to the Lincoln National Forest Reserve and to the Alamo National Forest Reserve, in New Mexico, certain portions of the Mescalero Indian Reservation in New Mexico, and to provide for the sale of certain lands now embraced in said reservations for the creation of a fund for the benefit of said Mescalero Indians—to the Committee on Indian Affairs.

By Mr. PATTERSON: Memorial of the legislature of South Carolina, memorializing Congress to establish a fish-cultural station in South Carolina—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the legislature of South Carolina, in respect to the drainage of wet and overflowed lands—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 21679) granting an increase of pension to George W. Howell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21680) for the relief of the heirs of Frederick Dieker—to the Committee on War Claims.

By Mr. ANDREWS: A bill (H. R. 21681) for the relief of Pedro Rafel Trujillo—to the Committee on Claims.

By Mr. BOEHNE: A bill (H. R. 21682) granting an increase of pension to Joseph C. McGarrah—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 21683) granting a pension to Robert Akins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21684) granting a pension to Mary E. Simerly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21685) granting a pension to Alvin Rainbolt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21686) granting a pension to William D. Swatsell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21687) granting a pension to Elizabeth Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21688) granting an increase of pension to Landon Snider—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 21689) granting an increase of pension to Ann L. Smith—to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 21690) for the relief of William J. Casey—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 21691) granting a pension to John A. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21692) granting an increase of pension to Philip Jones—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 21693) to correct the military record of William H. Hawley, deceased—to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 21694) granting a pension to Fred J. Jahrries—to the Committee on Pensions.

Also, a bill (H. R. 21695) granting an increase of pension to William H. Overly—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21696) granting a pension to Peter E. Weller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21697) granting an increase of pension to Levi W. Huffman—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21698) granting an increase of pension to Seth Mapes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21699) granting an increase of pension to Henry H. Grimmett—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 21700) granting an increase of pension to John H. Buck—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 21701) granting an increase of pension to Robert Blaine—to the Committee on Pensions.

Also, a bill (H. R. 21702) granting an increase of pension to Adam Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21703) granting an increase of pension to Robert Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21704) granting an increase of pension to James A. Simmons—to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 21705) for the relief of the State National Bank as successor of the Louisiana State Bank, of New Orleans, La.—to the Committee on War Claims.

By Mr. GILL of Missouri: A bill (H. R. 21706) granting an increase of pension to Michael Howard—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 21707) for the relief of Dennis Sullivan—to the Committee on War Claims.

Also, a bill (H. R. 21708) to correct the military record of Bennett Lopp—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 21709) granting an increase of pension to Nathaniel D. T. Willey—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 21710) granting a pension to Pow A. Wootten—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21711) granting a pension to Joseph E. Haralson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21712) for the relief of William H. Snellings—to the Committee on War Claims.

By Mr. HOWELL of New Jersey (by request): A bill (H. R. 21713) for the relief of Edward S. Farrow—to the Committee on Military Affairs.

By Mr. JAMIESON: A bill (H. R. 21714) granting an increase of pension to George Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21715) authorizing an indemnity to John W. Baldwin—to the Committee on Claims.

By Mr. KELIHER: A bill (H. R. 21716) granting a pension to Lucy E. Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21717) granting a pension to Margaret Dillon—to the Committee on Pensions.

Also, a bill (H. R. 21718) granting a pension to Patrick Shea—to the Committee on Invalid Pensions.

By Mr. KITCHIN: A bill (H. R. 21719) granting an increase of pension to Cornelia F. Green—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 21720) granting an increase of pension to Orion B. Colby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21721) granting an increase of pension to Edward P. Nash—to the Committee on Invalid Pensions.

By Mr. LUNDIN: A bill (H. R. 21722) granting an increase of pension to James B. Haines—to the Committee on Invalid Pensions.

By Mr. McCREDIE: A bill (H. R. 21723) granting an increase of pension to Thompson McL. Chambers—to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 21724) granting an increase of pension to Nathan Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21725) granting an increase of pension to George Mudgett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21726) granting an increase of pension to Nathan V. Cleaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21727) granting an increase of pension to William Bentley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21728) granting an increase of pension to James W. Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21729) granting an increase of pension to John H. Arion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21730) granting an increase of pension to John G. Sandback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21731) granting an increase of pension to Allen Emmerson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21732) for the relief of John B. Vallra, alias James Breme—to the Committee on Military Affairs.

Also, a bill (H. R. 21733) for the relief of Daniel Boone—to the Committee on Military Affairs.

Also, a bill (H. R. 21734) for the relief of John Bartholomew—to the Committee on Military Affairs.

Also, a bill (H. R. 21735) for the relief of David A. Hawk—to the Committee on Military Affairs.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 21736) granting a pension to Alverdia O. Crabtree—to the Committee on Pensions.

By Mr. MALBY: A bill (H. R. 21737) granting an increase of pension to William Keenan—to the Committee on Invalid Pensions.

By Mr. MILLINGTON: A bill (H. R. 21738) to carry into effect the findings of the Court of Claims in case of Harriett A. Mills and others—to the Committee on War Claims.

By Mr. COOPER of Pennsylvania: A bill (H. R. 21739) granting an increase of pension to James M. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21740) granting an increase of pension to John S. Reagan—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 21741) granting a pension to Bessie Smith Thomas—to the Committee on Pensions.

By Mr. SLAYDEN: A bill (H. R. 21742) for the relief of A. R. Hill—to the Committee on Claims.

By Mr. SIMMONS: A bill (H. R. 21743) granting an increase of pension to John C. West—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 21744) granting an increase of pension to Nedem J. Bryant—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 21745) to carry into effect the findings of the Court of Claims in the case of A. W. Richards, administrator of estate of Kinchen Bell, deceased—to the Committee on War Claims.

By Mr. TENER: A bill (H. R. 21746) granting an increase of pension to George W. Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21747) granting an increase of pension to Findley Brandon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21748) granting an increase of pension to Robert Thompson—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 21749) granting an increase of pension to John Jibb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21750) granting an increase of pension to John Reithmaeir—to the Committee on Pensions.

Also, a bill (H. R. 21751) granting an increase of pension to William McPheeters—to the Committee on Invalid Pensions.

By Mr. WICKLIFFE: A bill (H. R. 21752) to carry into effect the findings of the Court of Claims in case of Calvin H. Dyson, administrator of George W. Dyson, deceased—to the Committee on War Claims.

By Mr. HAYES: A bill (H. R. 21753) for the relief of John Brodie—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Papers to accompany bills for relief of Wesley Morris, Samuel Phillips, and Marian Harris—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Justin S. Irvine, Patrick M. Foley, and Samuel Cloud—to the Committee on Pensions.

Also, petition of Halle Brothers Company, Butler Drawbar Attachment Company, and Standard Contracting Company, all of Cleveland, Ohio, against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of J. W. Pero and numerous other citizens of Fremont and other towns in Ohio, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of Highland Grange, No. 879, of Defiance County, Ohio, against increase of postal rate on second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of The Week in Cleveland, East Ohio Gas Company, and Standard Contracting Company, of Cleveland, Ohio, for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of adjutant-general of Ohio, for authorization of the funds under section 1661 for expenses of the militia at maneuver camps—to the Committee on Military Affairs.

Also, petition of Congress Grange, No. 1726, West Salem, Ohio, for a parcels-post law, postal savings bank, and federal aid in improvement of highways—to the Committee on the Post-Office and Post-Roads.

Also, petition of Standard Contracting Company, and The Week in Cleveland, favoring an extension of time for filing returns required under the corporation-tax law—to the Committee on Ways and Means.

By Mr. BROUSSARD: Paper to accompany bill for relief of estate of Louis La Forest—to the Committee on War Claims.

By Mr. BURKE of Pennsylvania: Petition of Council No. 226, Knights of Columbus, of Pittsburg, favoring bill prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of Capt. F. A. Tencate and other citizens of Phoenixville, Pa., favoring a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. BYRNS: Paper to accompany bill for relief of William J. Casey—to the Committee on War Claims.

By Mr. CASSIDY: Petition of Tug Firemen and Linemen's Protective Association; Licensed Tugmen's Protective Association; International Longshoremen's Union of Au Sable, Mich.; Central Trades Council of Bay City, Mich.; and Boot and Shoe Workers' Union of Neenah, Wis., against an appropriation for a sea-going dredge on the Great Lakes—to the Committee on Rivers and Harbors.

By Mr. COCKS of New York: Petition of Our Lady of Perpetual Help Council, No. 919, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of National Board of Trade of Washington, D. C., for liberal immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of New York Produce Exchange, for liberal immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of Illinois Manufacturing Association, for corporation-tax amendment—to the Committee on Ways and Means.

Also, petition of American Bankers' Association of New York, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. DIXON of Indiana: Petition of citizens of North Vernon, Osgood, Dillsboro, and Aurora, Ind., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Dearborn County, Ind., favoring a Sunday rest law for the District of Columbia (S. 404)—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of James Shea and others, of Hoosick Falls, N. Y., against the increase of rate of postage on periodicals and not to restrict rural delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. DUREY: Petition of Caughnawaga Chapter of the Daughters of the American Revolution, for retention of the Bureau of Information of Immigration—to the Committee on Immigration and Naturalization.

By Mr. FOSTER of Illinois: Petition of Charles Couch and other citizens of Wabash County, Ill., and local union of the Car Workers of America of Opdyke, Ill., against gambling in futures of agricultural products—to the Committee on Agriculture.

Also, petition of Centralia (Ill.) Trades and Labor Assembly, for an eight-hour law in government contract works—to the Committee on Labor.

By Mr. FULLER: Petition of W. W. Macomber, of Rockford, Ill., general agent of the Penn Mutual Life Insurance Company, favoring the deferring of making reports required under the corporation-tax law—to the Committee on Ways and Means.

Also, petition of McCullough Post, No. 475, Grand Army of the Republic, of Earlville, Ill., against placing of statue of Gen. R. E. Lee in Statuary Hall—to the Committee on the Library.

By Mr. GOULDEN: Petition of Charles Pfriemer, of New York City, favoring ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of New York Typographical Union, No. 6, International Typographical Union, against increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMLIN: Papers to accompany bills for relief of John Gatts, J. M. Munday, Edwin W. Bertz, Samuel C. Gold, W. S. Owen, William S. Trader, Joseph Dixon, James D. Ramsey, and John A. Davis—to the Committee on Invalid Pensions.

By Mr. HANNA: Petition of United Commercial Travelers, of St. Paul, Minn., Grand Council of Minnesota, the Dakotas, Saskatchewan, and Alberta, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of Iroquois Club of San Francisco, for a ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of San Francisco Labor Council, against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of G. W. Richards, of Jamesburg, N. J., against the increase of rate of postage on periodicals and not to restrict rural delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of O. Bostwick and 47 residents of San Francisco, Cal., protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KELIHER: Petition of Massachusetts State Board of Trade, against publicity paragraph of the corporation tax—to the Committee on Ways and Means.

By Mr. McCALL: Petition of Massachusetts State Board of Trade, favoring the Weeks bill relative to forest conservation—to the Committee on Agriculture.

Also, petition of Massachusetts State Board of Trade, against publicity feature of the corporation tax—to the Committee on Ways and Means.

Also, petition of Bunker Hill Chapter, National Society Daughters of the American Revolution, of Boston, Mass., for retention of Bureau of Immigrant Information—to the Committee on Immigration and Naturalization.

By Mr. MACON: Paper to accompany bill for relief of Edward W. Brown—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: Petition of Pawnee County (Nebr.) Farmers' Institute, for House bill 15422, agricultural extension bill—to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Petition of City Park Association of Philadelphia, against use of the Hetch Hetchy Valley to supply water for San Francisco—to the Committee on the Public Lands.

Also, petition of T. T. Gucker and Dr. John W. Musser, favoring the Weeks bill to create a national forest reserve—to the Committee on Agriculture.

Also, petition of E. B. MacDonald & Co., J. M. Hansell's Sons, Rudolph H. Hoar, American Type Founders' Company, Edward Stein & Co., and T. A. Winchell, favoring the Tou Velle bill

(H. R. 3075), relative to printed cards and advertisements on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of General George A. Custer Council, No. 22, Oakland, Cal., favoring House bill 13404, regulation of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of San Francisco, Cal., for retention of the Pilot Chart in the Hydrographic Office of the Navy—to the Committee on Appropriations.

By Mr. PAGE: Petition of citizens of Montgomery County, N. C., and citizens of Union and Davidson counties, N. C., against gambling in futures on farm products—to the Committee on Agriculture.

By Mr. ROBINSON: Paper to accompany bill for relief of H. C. Chase (H. R. 13754)—previously referred to the Committee on the Post-Office and Post-Roads, reference changed to the Committee on Claims.

By Mr. SIMS: Paper to accompany bill for relief of Nedem J. Bryant—to the Committee on Invalid Pensions.

By Mr. SPERRY: Protests of manufacturers and stock companies of the State of Connecticut against the corporation tax—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Sally Plummer Chapter, of Epping, N. H., National Society Daughters of the American Revolution, for retention of the Bureau of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of Council No. 12, of La Société Des Artisans Canadiens Français, of Manchester and New Market, N. H., favoring House bill 17543 and in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Walter Coles Cabell, against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of adjutant-general of the State of New York, favoring amendment to the army appropriation bill relative to expenses of the militia in joint encampment and maneuvers—to the Committee on Military Affairs.

Also, petition of United Shirt and Collar Company, against the publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of National Business League of America, for an appropriation to publish a trade directory of the world—to the Committee on Interstate and Foreign Commerce.

Also, petition of United States War Veterans of New York, for an increase of pension for Mrs. Julia Coghlan from $50 to $100 per month—to the Committee on Pensions.

Also, petition of National Liberal Immigration League, for repeal of the Hayes immigration-restriction bill—to the Committee on Immigration and Naturalization.

Also, petition of the Lincoln Mining Company, favoring a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. TENER: Petition of Washington County Chapter, Daughters of the American Revolution, of Washington, Pa., for retention of Bureau of Information in Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of C. C. Townsend, of New Brighton, Pa., for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. TOWNSEND: Petitions of Northwestern University Dental School; William F. Hoch, of Pasadena, Cal.; and J. A. Sanborn, of Portsmouth, N. H., favoring a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Grand Rapids Board of Trade, favoring House bill 15814—to the Committee on Ways and Means.

Also, petitions of Page Woven Wire Fence Company, the Marshall Furnace Company, and the A. J. Phillips Company, all of Adrian, Mich., against the corporation-tax law—to the Committee on Ways and Means.

Also, petition of United Brotherhood of Carpenters and Joiners of America, for House bill 15441, eight-hour law on government contract work—to the Committee on Labor.

Also, petition of Farmers' Institute of Jackson County, Mich., against any change in the oleomargarine law—to the Committee on Agriculture.

Also, petitions of Charles King & Co., of Ypsilanti; Wakefield State Bank, of Morenci; and the Union Bank of Jackson, all in the State of Michigan, against the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Demoto Car Company, Krit Motor Car Company, Stellwagen & McKay, Frederick M. Alger, Chalmers Detroit Motor Company, Reo Motor Car Company, National Bank of Commerce, Flint Wagon Works, Carter Car Company, Welch Motor Car Company, and the Packard Motor Car Company, all of Detroit, Mich., favoring House bill 5176, federal registration automobile bill—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of Belfast Grange, No. 1068, Patrons of Husbandry, of Belfast, N. Y., and Sherman Grange, No. 36, Patrons of Husbandry, of Sherman, N. Y., against change in oleomargarine law—to the Committee on Agriculture.

By Mr. WICKLIFFE: Paper to accompany bill for relief of Calvin H. Dyson, administrator of George W. Dyson—to the Committee on Claims.

SENATE.

THURSDAY, *February 24, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

INTERSTATE BUSINESS BY TELEGRAPHERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of May 28, 1908, a supplemental report showing the results of an investigation made by the Bureau of Labor into the telephone companies engaged in the conduct of interstate business as to their methods of business, wages paid, etc. (S. Doc. No. 380), which, with the accompanying papers, was referred to the Committee on Interstate Commerce and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, it Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 5702) to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads;" asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MANN, Mr. WANGER, and Mr. ADAMSON managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the bill (S. 4617) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16367. An act to repeal section 860 of the Revised Statutes;

H. R. 17263. An act to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908;

H. R. 18594. An act to detach the counties of Genesee and Shiawassee from the northern division of the eastern judicial district of Michigan and attach them to the southern division of the eastern judicial district of Michigan;

H. R. 20575. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, and as further amended by an act approved June 15, 1906; and

H. R. 20835. An act authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

S. 5680. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme;

S. 6191. An act to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas;

H. R. 15676. An act to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes;

H. R. 16331. An act to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets;

H. R. 17514. An act to authorize the extension of Twenty-third and R streets SE., in the District of Columbia;

H. R. 18282. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes; and

H. J. Res. 137. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a memorial of sundry citizens of Decatur, Ill., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Illinois, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 999, United Mine Workers of America, of Springfield, Ill., praying for the enactment of legislation for the establishment of a bureau of mines and mining in the Interior Department, which was referred to the Committee on Mines and Mining.

Mr. DU PONT presented a petition of sundry citizens of Wilmington, Del., praying for the enactment of legislation to prohibit the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CLARK of Wyoming presented a petition of sundry citizens of Wyoming, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BRISTOW presented a memorial of sundry citizens of Kansas, remonstrating against the proposed increase in the rates of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURTON presented a petition of sundry citizens of Ohio, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Ohio, remonstrating against the passage of the so-called "Hayes bill," to regulate immigration, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Ohio, praying for the enactment of legislation providing for a change in the postal rates so as to extend to fraternal insurance periodicals the privileges of second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a memorial of John W. Martin, of Moundsville, W. Va., remonstrating against the enactment of legislation prohibiting the wearing of a United States uniform by unauthorized persons, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Charlestown, Glen Easton, Davis, Charleston, Salt Sulphur Springs, Harpers Ferry, Piedmont, Parkersburg, Willow Grove, Chapel, Morgantown, Fairmont, and Clarksburg, all in the State of West Virginia, and of sundry citizens of Chicago, Ill.; Columbus, Ohio; Independence, Kans.; Fort Wayne, Ind.; White Hall, Ill.; and Spring Lake Farm, N. J., praying for the passage of the so-called "volunteer officers' retired list bill," which were referred to the Committee on Military Affairs.

Mr. NEWLANDS presented a memorial of sundry citizens of Nevada, remonstrating against the proposed increase in the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Carson City, Nev., remonstrating against the holding of sessions of the United States court at Reno, in that State, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of F. J. Van Anden, of the city of Washington, praying for the enactment of legislation to regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BOURNE presented the petition of J. M. Grant, J. C. Hayter, Ed. F. Coad, and 175 other citizens of Oregon, praying for the enactment of legislation for the relief of settlers in the Siletz Indian Reservation of that State, which was referred to the Committee on Public Lands.

Mr. WETMORE presented a memorial of Local Union No. 268, Electrical Workers, of Newport, R. I., and a memorial of Local Union No. 176, Carpenters and Joiners, of Newport, R. I., remonstrating against an increase in the rate of postage on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Pawtucket Business Men's Association, of Rhode Island, praying for the enactment of legislation providing for the establishment of a forest reserve in the White Mountains, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BURKETT presented a petition of Fitzgerald Council, No. 833, Knights of Columbus, of Lincoln, Nebr., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a memorial of sundry citizens of Norway, Me., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of Ste. Marie Branch, No. 392, La Société des Artisans Canadiens Français, of Lewiston, Me., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a memorial of sundry citizens of Cooperstown and Hartwick, N. Y., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Dunkirk, N. Y., and a petition of Local Union No. 6, Cigar Makers' International Union, of Syracuse, N. Y., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of the Department of New York, United Spanish War Veterans, praying for the enactment of legislation providing for the removal of the wreck of the battle ship *Maine* and for the interment of those who perished in the wreck, which was referred to the Committee on Naval Affairs.

He also presented a petition of the National League of Commission Merchants of the United States, praying for the enactment of legislation to provide standard packages and grades for apples, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the City Union of Epworth Leagues of Binghamton, N. Y., remonstrating against the enactment of legislation to amend an act entitled "An act donating public lands to the several States and Territories which provide colleges for the teaching of agriculture and the mechanic arts," approved July 2, 1862, and acts subsequent thereto so as to extend the benefits thereof to the District of Columbia, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Missionary Union of the Second Baptist Church, of Rochester, N. Y., praying for the enactment of legislation providing for the appointment of surgeons, immigrant inspectors, and matrons on vessels carrying immigrant passengers between ports of the United States and foreign ports, which was referred to the Committee on Immigration.

He also presented a memorial of Crary Mills Grange, No. 54, Patrons of Husbandry, of Canton, N. Y., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Merchants' Association of New York, praying that an appropriation be made for the purchase and erection of embassy, legation, and consular buildings abroad, which was referred to the Committee on Foreign Relations.

He also presented a petition of Johnstown Chapter of the National Society of Daughters of the American Revolution, of Johnstown, N. Y., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented petitions of Acme Council, No. 25; Brooklyn Council, No. 16; Excelsior Council, No. 13; and Yorkville Council, No. 24, all of the Loyal Association of New York City, and of Sing Sing Council, No. 311, Knights of Columbus, of Ossining, all in the State of New York, praying for the enactment of legislation providing for the admission of publications of fraternal

societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SMITH of Maryland presented a memorial of sundry citizens of Crisfield and Marion, in the State of Maryland, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BEVERIDGE. I report back from the Committee on Territories the bill (S. 6574) to create and establish a national coal reserve in the Territory of Alaska, and for other purposes, and I ask that the bill be referred to the Committee on Public Lands. This is in accordance with the reference of the two bills made yesterday to that committee at the request of the Senator from Minnesota [Mr. NELSON].

The VICE-PRESIDENT. If there be no objection, the Committee on Territories will be discharged from the further consideration of the bill, and it will be referred to the Committee on Public Lands.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 970) for the relief of Edward C. Kittle, reported it without amendment and submitted a report (No. 271) thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 4473) for the relief of Rasmus K. Hafsos, reported it without amendment and submitted a report (No. 272) thereon.

Mr. STEPHENSON, from the Committee on Claims, to whom was referred the bill (S. 2441) for the relief of the next of kin of Stewart & Co. and the heirs of C. A. Weed, for whom A. P. H. Stewart was agent, reported it with an amendment and submitted a report (No. 273) thereon.

Mr. DICK, from the Committee on Military Affairs, to whom was referred the bill (S. 5905) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, reported it with amendments and submitted a report (No. 274) thereon.

Mr. GUGGENHEIM, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2419) for the relief of C. E. Moore, reported it without amendment.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the joint resolution (H. J. Res. 116) to amend an act to correct chapter 271 of volume 35, United States Statutes at Large, reported it with an amendment to the title and submitted a report (No. 275) thereon.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 1866) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof, reported it without amendment and submitted a report (No. 276) thereon.

Mr. BURNHAM. I am directed by the Committee on Claims, to whom were referred certain bills, to report them adversely, and I ask that the bills be indefinitely postponed as the subject-matter contained in them is covered by duplicate bills which are now pending before the Committee on Claims.

The bills were indefinitely postponed, as follows:

A bill (S. 2912) for the relief of the estate of John W. Austin, deceased;

A bill (S. 5526) for the relief of the legal representatives of Dr. W. D. Barnett, deceased, late of Cleveland County, Ark.;

A bill (S. 1470) for the relief of the heirs of Charles and Palmyra Barre, his wife, deceased;

A bill (S. 4316) for the relief of H. H. Belew;

A bill (S. 4317) for the relief of H. J. Brewer;

A bill (S. 4014) for the relief of Allan L. Briggs;

A bill (S. 4315) for the relief of heirs of J. J. Brison, deceased;

A bill (S. 6028) for the relief of Beulah Free Will Baptist Church, of Johnston County, N. C.;

A bill (S. 5389) for the relief of Spencer Etheredge, J. E. Berry, and Charles Meekins, trustees of Roanoke Island Baptist Church, of Roanoke Island, North Carolina;

A bill (S. 3073) for the relief of the heirs or estate of Aulsey Dean, deceased;

A bill (S. 4319) for the relief of heirs of Louis Charles Dumanet;

A bill (S. 2431) for the relief of the estate of John Wesley Eubanks, deceased;

A bill (S. 4343) for the relief of the heirs of Amasa Ezell, deceased;

A bill (S. 4307) for the relief of D. Froneberger, for himself, and as surviving partner of D. Froneberger & Co.;

A bill (S. 2016) for the relief of the heirs of Michael Haak, deceased;

A bill (S. 3615) for the relief of the heirs and estate of Abraham Hisey, deceased;

A bill (S. 5494) for the relief of the estate of Thomas S. Howard, deceased;

A bill (S. 5476) for the relief of Elizabeth F. Irvin;

A bill (S. 1879) for the relief of Pete Jelovac;

A bill (S. 1970) for the relief of Sabini Jones;

A bill (S. 3794) for the relief of Sabini Jones;

A bill (S. 3552) for the relief of the estate of William Joslin, deceased;

A bill (S. 4327) for the relief of George T. Larkin;

A bill (S. 4300) for the relief of Solomon Lyons;

A bill (S. 4299) for the relief of S. R. McAlexander;

A bill (S. 876) for the relief of the heirs of James Peck, deceased;

A bill (S. 433) for the relief of Ella Phillips, widow of David Phillips, deceased;

A bill (S. 4114) for the relief of heirs or estate of J. M. Sanders, deceased;

A bill (S. 3694) for the relief of the estate of Lee Shute; and

A bill (S. 3066) for the relief of the heirs or estate of Sarah E. Wedelstedt and Nimrod E. Berk, deceased.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 10106) authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land contiguous to the Andersonville National Cemetery, in the State of Georgia, reported it without amendment and submitted a report (No. 277) thereon.

He also, from the same committee, to whom was referred the bill (S. 2530) authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land, contiguous to the Andersonville National Cemetery, in the State of Georgia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. JOHNSTON, from the Committee on Military Affairs, to whom was referred the bill (S. 6496) to correct the military record of Sumeral Dennis, reported it with an amendment and submitted a report (No. 278) thereon.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (S. 1877) to grant certain lands to the town of Fruita, Colo., reported it with amendments and submitted a report (No. 280) thereon.

Mr. DOLLIVER, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 4501) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, asked to be discharged from its further consideration, and that it be referred to the Committee on Forest Reservations and the Protection of Game; which was agreed to.

IMMIGRANT BANKS.

Mr. DILLINGHAM. By direction of the Immigration Commission, I send to the desk a report to Congress on immigrant banks. I move that the report be printed and referred to the Committee on Immigration.

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURTON:

A bill (S. 6725) for the establishment of a light and fog-signal station at the entrance to Sandusky Harbor, Ohio; to the Committee on Commerce.

By Mr. TALIAFERRO:

A bill (S. 6726) to perfect the title to certain land to the heirs of Henry Hyer and his wife, Julia Hyer, deceased, and other persons; to the Committee on Public Lands.

By Mr. CULLOM:

A bill (S. 6727) granting an increase of pension to Timothy L. Boswell; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6728) providing for the retirement of certain officers of the Philippine Scouts; to the Committee on Military Affairs.

By Mr. TAYLOR:

A bill (S. 6729) for the relief of Mrs. Mary F. Swindell (with an accompanying paper); to the Committee on Claims.

By Mr. MARTIN:

A bill (S. 6730) for the relief of the heirs of Thomas Jones, deceased, and others; to the Committee on Claims.

By Mr. NEWLANDS (by request):

A bill (S. 6731) for the relief of former occupants of the present military reservation at Point San Jose, in the city of San Francisco, and to repeal an act entitled "An act to refer the claim of Jessie Benton Fremont to certain lands and improvements thereon in San Francisco, Cal., to the Court of Claims," approved February 10, 1893 (with an accompanying paper); to the Committee on Private Land Claims.

By Mr. OWEN:

A bill (S. 6732) to enable the Telepost Company to connect its offices in various cities with United States post-office buildings in such cities; to the Committee on Post-Offices and Post-Roads.

By Mr. RAYNER (by request):

A bill (S. 6733) for the relief of the Seaboard and Roanoke Railroad Company; to the Committee on Claims.

By Mr. DICK:

A bill (S. 6734) granting an increase of pension to James S. McDonald; to the Committee on Pensions.

A bill (S. 6735) for the relief of Joseph Shields, administrator of the estate of Herman Baernstein, deceased; to the Committee on Claims.

By Mr. GAMBLE:

A bill (S. 6736) to determine the title and ownership of the lands embraced within the pipestone quarries in the State of Minnesota; to the Committee on Indian Affairs.

POSTAL SAVINGS DEPOSITORIES.

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with security of the Government for repayment thereof, and for other purposes, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. BURTON to the bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with the security of the Government for the repayment thereof, and for other purposes, viz: Strike out all of section 8, beginning on page 5, to and including the word "California," in line 3 of page 8, and insert in lieu thereof the following:

"That money deposited under the provisions of this act shall be disposed of or invested as follows:

"First. For the maintenance of an adequate reserve and to provide funds to meet withdrawals by depositors, such funds for withdrawals shall be deposited as nearly as practicable in the immediate neighborhood in which the funds are received, in proportion to the amounts deposited in such localities. Deposits may be made in national banks or in state banks subject to inspection under laws or regulations approved by said board mentioned in section 1. Such deposits in banks, or loans as herein provided, shall draw a rate of interest of not less than 2½ per cent per annum, and shall be secured in the manner hereinafter stated in paragraph 4.

"Second. In the purchase of bonds and securities of the United States, with due regard to the interest or income upon investments in such bonds or securities and the amount of the issues thereof.

"Third. In bonds or other interest-bearing obligations of any State of the United States, or in any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years and which for that time has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed 10 per cent of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes.

"Fourth. In loans to banks of the class specified in paragraph 1, and as nearly as feasible in proportion to deposits in the localities in which such banks are located, to be made upon the security of bonds or obligations mentioned in paragraphs 2 and 3: *Provided*, That the said board may, in its discretion, accept from such banks other securities or obligations if assured of prompt repayment of such loans, and the adequacy of such securities or obligations. The reserve herein provided shall be retained in the Treasury of the United States, but a part thereof may, in the discretion of said board, be invested in securities or loans upon which ready realisation can be obtained. All losses incurred from the depreciation of bonds, securities, or obligations, as well as from failure to realize upon loans, shall be charged as part of the expense in the administration of this act. In case there is more than one bank of the class specified located in any city, town, or village which shall receive such deposits, or obtain the loans herein mentioned, the amount of such deposits or loans shall be divided among them substantially according to their capital and surplus."

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. MARTIN submitted an amendment proposing to appropriate $600,000 for improving Norfolk Harbor and approaches thereto, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for a survey of Pagan River and a turning basin at Smithfield, Va., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $60,000 for improving the Potomac River at Alexandria, Va., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the James River, Virginia, to $250,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $6,000 for improving the harbor at Rogers City, Mich., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BACON submitted an amendment proposing to increase the appropriation for improving Altamaha, Oconee, and Ocmulgee rivers, Georgia, to $90,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE "THIRD-DEGREE" ORDEAL.

Mr. HEYBURN. I introduce a resolution, which I ask may be read and referred to the Committee on the Judiciary, and I ask that the Secretary may read the accompanying paper.

The resolution (S. Res. 186) was read, as follows:

Senate resolution 186.

Resolved, That a select committee of three members of the Senate be appointed to inquire and report to the Senate the facts upon the practice of administering of what is known as the "third-degree" ordeal by officers of the law for the purpose of extorting from those charged with crime statements and confessions. Said committee shall have power to send for papers and persons, to subpœna witnesses, and administer oaths. The expenses of said committee to be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. The Secretary will read the accompanying paper, if there be no objection.

The Secretary read as follows:

[From the Washington Post, Wednesday, February 23, 1910.]

SEYLER'S "THIRD-DEGREE" ORDEAL.

French methods of fastening a crime on a person accused, as sharply brought out in the Steinheil case at Paris recently, aroused in America a feeling akin to horror. Yet, cruel and merciless as they were, we ourselves have in the "third degree" a police method of extorting confessions from persons charged with crime which goes beyond the French ordeal both in inception and operation. Carried on behind closed doors, the accused denied benefit of counsel, and nobody present other than the inquisitors and their prey, the "third degree" lends itself to practices not present or possible in open-court proceedings, as in France.

A striking illustration of the devilish process of forcing a confession by mental torture comes to hand from Atlantic City, where Jane Adams came to her death on a pier one night early in the month. Arrested in Virginia on suspicion, William Seyler and his brother, Arvis, were separated and subjected to the "third degree" by their captors. Arvis quickly weakened and made admissions that were used to wring a confession from his more stubborn brother. Beset day and night for a week by relentless inquisitors, who worked in relays, Seyler eventually broke down and made, the police say, a clean breast of the story.

"We had given up hope of coercing him into making a confession," naïvely remarks Chief of Police Woodruff, "when he blurted out his confession. We made no promises, but Seyler trembled in his chair, and declared that his conscience troubled him." Meantime, the inquest had been postponed from time to time, while the "tortures of the damned"—mental tortures no less effective than the rack and thumbscrew—were assiduously employed to "coerce" Seyler.

Now, what authority in law is there for this Americanized form of the French code? Why is not the accused at once brought into court and provided with counsel, as the sense of justice prompts? The Seyler case suggests that if the police choose, a man could be held incommunicado indefinitely, as is done in Mexico, while they continued the "process of coercion," to the end that either the prisoner or his tormenters were forced to give up. The "third degree" has been denounced by the courts time and again, and juries have refused to convict on the strength of confessions thus obtained, but the practice is permitted to go on unchecked.

It is suggested that the International Association of Police Chiefs, which was organized for the betterment of the police service in this country and Canada, could put an end to this abuse of authority by discountenancing the practice formally, and severally seeing to its discontinuance in their respective jurisdictions.

Mr. HEYBURN. Mr. President, I ask the indulgence of the Senate for a moment until I explain the purpose of introducing the resolution at this time.

It has been recently and frequently stated that persons charged with offenses against the law are subjected to a more cruel and barbarous treatment than that known in the days of the inquisition. Only recently I saw a statement in a paper where, when the court called attention to a charge to be investigated, the officers requested further time on the ground that they desired to submit the party charged to further inquisition under what they termed the "third degree." The practice is barbarous. It is in direct conflict with the system of our Government, which, strictly administered, prevents an officer from even conversing with a prisoner in regard to the offense for which he is arrested.

No one with a proper sense of the duty of administering the law would object to any reasonable and proper method of obtaining testimony for the purpose of substantiating a charge,

but only a brutal custom, such as can not be recognized in this country, would allow the officers arresting a man to try him, without the benefit of counsel, in secrecy and behind closed doors, prior to his trial in court. It certainly revolts the senses of any American citizen to think that a prisoner, helpless or otherwise, should be first tried in secret in order that weapons may be obtained to oppress him at his trial.

For that reason I have introduced the resolution, and I ask that it go to the Committee on the Judiciary for a speedy report, in order that the Senate may take proper action in the matter.

The VICE-PRESIDENT. The resolution will be referred to the Committee on the Judiciary.

IRRIGATION AND RECLAMATION.

Mr. BORAH. I send to the desk and ask to have printed in the RECORD an article on irrigation by Ern G. Eagleson, a noted western engineer.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho?

Mr. MONEY. I should like to inquire the title of the article that it is asked be printed in the RECORD without reading. What is the subject of the communication or excerpt, or whatever it may be?

The VICE-PRESIDENT. "Irrigation" is the heading of the article.

Mr. MONEY. I have no objection.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

IRRIGATION.

[By Ern G. Eagleson, at state meeting of engineers and surveyors.]

Irrigation, in its broadest sense, embraces all the problems of hydraulics, and especially those relating to water power and municipal works; and, although in a different sense, it also embraces all problems of conservation of soil and forest, and the reclamation of lands that have too much water. The principal thoughts, however, to which I wish to call your attention at this time are those relating to the irrigation of desert lands and the supply of water for the towns, the importance of the work to the race in the past, its prominence to-day, and the future possibilities in our own Idaho at least.

Irrigation began on the Zerapshan River in Central Asia and was perhaps the first of all the peaceful arts to be practiced by the human race. The oldest records of the ancient civilizations of Asia, Africa, southern Europe, and America show that the first agricultural and communal efforts along the lines of self-support occurred in connection with it; and in those sections least ravaged by war it has been followed continuously ever since.

All the ancient methods of handling water, however, either for irrigation or domestic purposes, were necessarily very expensive in the amount of labor required for their construction and use. The earliest irrigation and municipal water works were built of earth and on the surface of the ground, rendering very much the same service as the small earthen ditches do now. The later water systems of Grecian cities, however, were of a much higher class of structure. They consisted principally of tunnels, supplemented by underground conduits of masonry, so constructed for the better holding of water, and no doubt also as a war precaution. A few of these are still in use, though many thousand years old.

The Roman acqueducts mark a distinct advance in the manner of handling water over that of the Grecian cities, and were undoubtedly the greatest engineering feats of the ancients. Some of the systems were run on a very close grade from the point of supply to the point of use, crossing valleys on stone bridges or viaducts, as high perhaps as any other structures of the time. Three of these acqueducts, I am informed, have been in continuous use since their construction about two thousand years ago.

Although small and crude in a modern sense, these few ancient water systems, built by slaves and captives, are the only structures that have withstood the contests of time and have served the purpose for which they were built continuously through the generations of succeeding races occupying those cities until now. And so it may, and very likely will be, with the great engineering feats of to-day, when the centuries shall have rolled as far ahead of us as they have left behind the Romans, Greeks, Hindoos, Egyptians, and the Mound Builders of our own continent.

Of all the structures in existence in Idaho to-day how few will be left in one hundred years, and how very few will stand in one thousand years, and how unlikely that in two thousand or three thousand years and will be serving the purpose for which they were built, except perhaps a few masonry structures in connection with our irrigation systems. Hence it is that the irrigation engineers of this age are more closely connected with the future races of humanity than any other profession or kind of men. If the structures are rightly located and correctly built, then, indeed, will the future races recount the story of the work, even though the name of the designer and the race to which he belonged shall have been forgotten.

In the great development of the human race, beginning with the Christian era, progress was made in every art save that of irrigation. War, pestilence, slavery, and serfdom had held high carnival in the irrigation world until about sixty years ago, when the bonds of its workers were finally dissolved. The irrigated area, for untold ages the seat of world power, had shrunk to unimportant provinces, generally of other races. Mesopotamia, once the garden spot of civilization, had become almost a barren waste, and so it was in almost every other portion of the irrigated earth, only perhaps in less degree. With the ending of enforced servitude, the crude devices and methods of bygone ages were quickly supplanted by new hydraulic inventions. Southern Europe soon blossomed as a rose and all possible extensions to the irrigated area were soon worked out.

At this time England reorganized India and a little later Egypt. She has built and is still building some tremendous irrigation works in those countries that will last so long as any useful thing can last erected by the hand of man. The Assuan dam, storing and regulating the flow of the Nile, is one of the great engineering feats of our age. In both India and Egypt there are to-day greater areas in cultivation that are providing a better living for a larger population per acre than ever before.

In the Western Hemisphere the early irrigation and municipal water systems were constructed by those mythical and wondrous races whose origin is unknown in history, yet whose water systems in South America, Mexico, and the United States were equal to those of the Romans when the Spaniard found the New World. Most of these great systems fell into ruin through the same causes that brought desolation to the sunny lands of the Eastern Hemisphere.

Commencing with the revival of irrigation greater progress has been made in the art of handling water than during all the thousands of years before. The inventions of power pumping and boring machinery, good hydraulic cement, iron pipe, cut-off gates, and many other devices have made wonderful changes in the hydraulic theories of the ancients. They have totally eliminated the water crock and the old oaken bucket from municipal life, as well as the dipper and treadmill from irrigation works. While these inventions permit of more efficient water systems, the materials used are prone to speedy destruction from wear and rust, and will seldom last longer than a generation of time. But the greater efficiency attained more than justifies their use.

The first Europeans to practice irrigation in the United States were the Spaniards. The Mormons, however, were the first to commence irrigation in the intermountain country, and were, perhaps, the first of the Anglo-Saxon race to practice it anywhere.

At the present time there are about 100,000,000 acres of land irrigated in the world, and about 16 per cent of that amount is in the United States. It is estimated that about 60,000,000 acres can be reclaimed in the United States at moderate cost. However, increased population, higher land values, cheaper materials, higher duties of water, and more efficient devices will undoubtedly increase this amount in a few years to at least 75,000,000 acres, and possibly to 100,000,000 acres.

The 16 States and Territories named in the United States reclamation act contain about 52 per cent of the total area of the United States, exclusive of Alaska, and contain about the same population as the cities of New York and Chicago. Of fruit, wheat, and barley this population raises more than 50 per cent of all produced in the United States. Of other grains and forage it produces an average of less than 25 per cent. When the full acreage of the deserts shall have been reclaimed, it is probable that the percentage of all products will be more nearly the percentage of area than it is now.

Of all the arid States and Territories, Idaho will probably reclaim more acres by irrigation than any other. It is estimated that about 6,500,000 acres can be reclaimed in the State, which is about 11 per cent of all the irrigable lands in the United States of moderate cost. About 5,000,000 acres of Idaho land lie in the Snake River Basin above the Huntington Canyon and now support nearly 200,000 population. Egypt irrigates practically the same area and supports upon it 7,000,000 people, an average of 900 to the square mile. In irrigated Italy the population averages 800 to the square mile, while in India as many as 1,200 subsist on the products of 640 acres. All these countries are poorly supplied with timber, fuel, mineral, forage, and water power, while Idaho has more than its share of these natural resources in and adjoining its irrigated areas. But counting for Idaho a family of four to each 10-acre tract, her irrigated area will have a population of more than 2,500,000 inside of thirty years. All this seems more than probable if the rapid manner in which Idaho lands are being appropriated is any indication of a great movement of population.

During the year 1909 there were 733,278 acres of Carey Act land segregated, and during the fiscal year ending June 30, 1909, there were appropriated under the various United States laws, by 8,471 applications, 1,383,444 acres, which may include Carey applications. In either case, if we count four to the application, we find a population of about 34,000 moving upon new lands. Towns and other lands have certainly received a like increase, giving a new population equal in number to that of either army at Waterloo.

Since the granting of the first Carey Act segregation about ten years ago, there have been appropriated under this law 2,478,856 acres, the reclamation of which is estimated to cost $67,750,000. Private enterprises are reclaiming 139,000 acres at an estimated cost of $2,780,000. Eleven irrigation districts are improving and extending their systems to embrace 346,000 acres, a large part of which was desert, at an estimated cost of $1,730,000, making a grand total of $72,260,000 being expended under authority of the State.

The withdrawals under the United States reclamation act for the Minidoka and Payette-Boise projects amount to 480,000 acres, the reclamation of which is estimated to cost something over $13,000,000. Perhaps 20 per cent of all this work in the State has been completed, and the total expenditure on all irrigation projects of the State amounts to about $30,000,000.

In October, 1909, there were power filings on the books of the Idaho state engineer to the amount of 312,000 second-feet, estimated to produce about 750,000 horsepower. When Idaho power is fully developed and the flood-water energy is stored, the State will have enough power to meet all requirements of transportation, manufacturing, mining, heating, and lighting that her large population at that time may require.

Idaho is to-day looked upon as the model State in the matter of handling its resources. It has the best irrigation laws yet devised, giving absolute security to both the home builder and the capitalist. Not a bond or water contract has ever failed to be paid and no home has ever been lost on an Idaho project through any unfair exaction of the capitalist or failure of the law. Capital is invited to come here and its stay is so protected that it deals fairly and satisfactorily with the people.

There are capitalists and capitalists; but such men as Buhl, Kuhn, White, Trobridge, Nivers, Hurtt, Clinton, Hammett, and a host of others are the kind that the irrigator and the home builder are glad to know. The areas made possible of reclamation by each of these men are greater than many of the provinces or principalities of the Old World.

Too much praise can not be given our present and past state officers who have performed their duties so conscientiously and satisfactorily to all concerned in these great and important matters.

To the Federal Government, however, must be given the credit of initiating the present general interest in irrigation throughout the United States. This is particularly true of Idaho, where the reclamation projects have had much to contend with that does not fall to the lot of the private enterprise; moreover, and this should always be kept in mind, the Reclamation Service is not expected to take up the reclamation of inexpensive projects which the people or private capital are able and willing to undertake. If Congress would enact the proper

remedial legislation, there would be very little criticism of these important government projects.

In this great and glorious work it is our privilege as engineers to have a part, though humble, perhaps, it is one full of the inspiration of creation. The repairers and remodelers are of later times. But we must lay our plans well and work on right lines, then the future races will say, "Well done;" and in their song and story will tell of the people who created a beautiful and fruitful land from the desert and sunshine and waterfall.

INCREASED COST OF LIVING.

Mr. BRADLEY. I desire, by unanimous consent, to have printed in the RECORD and referred to the committee on the investigation of the present high prices an article containing very much useful information from the Louisville Post of February 9.

There being no objection, the matter was referred to the Committee to Investigate the Increased Cost of Living and ordered to be printed in the RECORD, as follows:

BUTCHER SAYS HE SELLS MEAT AT LOW PRICES BY AVOIDING MIDDLE PROFITS—PROPRIETOR OF THE SHOAT PORK HOUSE BUYS HIS CATTLE AT THE STOCK YARD, BUTCHERS THEM, AND SELLS THE MEAT TO THE CONSUMER—DEALS ON SMALL MARGIN, BUT DOES BIG BUSINESS.

		Cents.
Pork chops	per pound	10
Pork roast	do	10
Beefsteak	do	10
Beef roast	do	8–10
Soup meat	do	7
Fresh sausage	do	10
Hog livers	each	5
Spare ribs	per pound	10
Pigfeet	per dozen	20
Kidneys	per half dozen	5

These are not the prices we used to pay for meat in "the good old days." They are the prices asked by William Smith Gregory, proprietor of the Shoat Pork House, at Preston and Lynn streets, whose rigid economy, together with the absence of all "new-fangled luxuries," and the knack of using everything and wasting nothing, has enabled him to make a fair profit with prices that to other butchers seem nothing less than certain loss. Mr. Gregory has been a butcher all his life, and, as he says, he knows everything about cattle, from their horns to their hoofs.

The Shoat Pork House, which has attracted considerable attention on account of its extreme low prices in these "meat-boycott" days, is now in its second year. It was started by Mr. Gregory last winter and did a fair business. But the trade has increased so much during the present season that the place is four times as large as the original building and has a separate slaughterhouse, which is larger than the "sales department" with all its additions. In place of the one boy, who acted as assistant to the proprietor last year, there are now 10 men, not counting Mr. Gregory's wife, who acts as cashier.

When asked how he can afford to sell at such prices, Mr. Gregory gave the following reasons:

He does not have the expense of telephones, gas, or electricity, or other "newfangled" luxuries.

He has no horse or wagon.

His rent is very low, compared with other butchers.

BUYS FROM STOCK YARD.

The most important item, however, is the way in which he buys his stock. Mr. Gregory goes direct to the stock yards and buys direct from the cattle raisers. In this way he cuts out the profits of the commission men, the packers, and, in some cases, the wholesale dealers. In going to his customers the meat is handled only by the stock yards and himself, but the ordinary consumer gets his meat only after it is handled by the stock yards, the commission men, the butchers, the packers, and sometimes the wholesale grocers. So in this way Mr. Grogery cuts out the profits of two or three middlemen, and consequently can sell his meat at a comparatively low price.

Mr. Gregory refused to tell what price he paid for his live cattle, but it was learned that it was nearly 5½ cents per pound. For a steer weighing 1,000 pounds he pays $55. This same animal when dressed weighs not over 600 pounds, for which Mr. Gregory receives 10 cents a pound, coming out a little ahead on the deal. More profit comes from the hide, which weighs about 40 pounds, and for which he receives 12 cents a pound, or $4.80. The head and hoofs bring 15 cents a set and the bones bring one-half cent a pound, or about 10 cents from an average steer.

SAYS THE PACKERS INCREASE THE PRICES.

Gregory said that the prices he paid for the steers were even higher than those paid by Armour, Cudahy, Swift, and other big packers, who receive low prices on account of the great amount they buy. In spite of the low prices they pay, these firms advance the prices and the greater part of the profit goes to them.

"They are entirely responsible for the present high prices," concluded Mr. Gregory.

The Shoat Pork House disposes of an enormous amount of meat in a week. Yesterday afternoon Mr. Gregory went to the stock yards and only secured 45 hogs, as porkers were rather scarce. He says that these 45 will be sold before Friday. In an average week's business the following animals were disposed of: Thirty-five cattle, 120 hogs, 10 calves, 10 sheep.

All this meat is inspected by the government inspectors, the same as the stock of the other butchers and packers, and, according to Mr. Gregory, it is just as good as theirs. He says that the people from whom he makes his purchases sell to the commission men, who dispose of the same to other middlemen, and in the course of time it reaches the consumer, but at a considerably advanced price.

RUSH OF BUSINESS ALWAYS.

The Shoat Pork House is busy all the time. The men go on duty at 7 o'clock in the morning and sometimes have to remain as late as 10 or 11 o'clock. Five men in the slaughterhouse start at 7 o'clock and keep busy during the day doing nothing but killing and dressing the animals. These men are experts in their line and one, according to Mr. Gregory, consumed only six minutes in transforming a live hog into pork chops and other choice cuts. "And the next minute," said Mr. Gregory, "the porker went out the front door in the baskets of several customers."

There are four meat cutters, whose sole duty it is to wait upon the customers. Mr. Gregory attends to the financial end of the establishment, except when an unusual rush is on, when he also cuts the meat and leaves his wife in charge of the finance department. The tenth man is the sausage maker.

Last year the Shoat Pork House closed its doors in June, but this season it will run the year through. Mr. Gregory has placed an order for a huge refrigerator and when the summer's heat comes he will be found at the same old stand ready for business with meat at 10 cents a pound. As the motto on Mr. Gregory's card reads:

"I'd rather close my door
Than charge you more."

GOVERNMENT OF HAWAII.

The VICE-PRESIDENT. The calendar, under Rule VIII, is in order.

Mr. DEPEW. Mr. President, the Committee on Pacific Islands and Porto Rico are very anxious to have the bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, taken up. It is an important measure relating to the organic law of Hawaii.

Mr. KEAN. The bill is on the calendar under Rule IX.

The VICE-PRESIDENT. It is on the calendar under Rule IX. The Senator from New York asks unanimous consent for its present consideration. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The Secretary will read the bill.

Mr. DEPEW. The bill has been read.

Mr. KEAN. Let it be again read.

Mr. BACON. It will have to be read again.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, is hereby amended to read as follows:

"SEC. 5. That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections 1841 to 1891, inclusive, 1910, and 1912, of the Revised Statutes, and the amendments thereto, and an act entitled 'An act to prohibit the passage of local or special laws in the Territories of the United States, to limit territorial indebtedness, and for other purposes,' approved July 30, 1886, and the amendments thereto, shall not apply to Hawaii."

SEC. 2. That section 26 of said act is hereby amended to read as follows:

"SEC. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of 10 cents a mile each way, the sum of $1,000 for each regular session, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of $200 for each special session: *Provided*, That they shall receive no compensation for any extra session held under the provisions of section 54 of this act."

SEC. 3. That section 52 of said act is hereby amended to read as follows:

"SEC. 52. That appropriations, except as herein otherwise provided, shall be made by the legislature."

SEC. 4. That section 55 of said act is hereby amended so that the part thereof relating to public indebtedness and beginning with the words "nor shall any debt" shall read as follows: "Nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, harbor, and other public improvements, and for the development of natural resources and public lands, but the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed 1 per cent of the assessed value of the property in the Territory or subdivision, respectively, as shown by the then last assessments for taxation, whether such assessments are made by the Territory or the subdivision or subdivisions, and the total indebtedness of the Territory shall not at any time be extended beyond 7 per cent of such assessed value of property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond 3 per cent of such assessed value of property in the subdivision, but nothing in this act shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States: *Provided*, That, subject to the approval of the President of the United States, the legislature of the Territory may provide for loans of public moneys, or guaranties of private loans, on proper security to settlers on the public lands for necessary permanent improvements of their homesteads, and for loans, subsidies, or guaranties to persons or corporations for the improvement and increase of transportation facilities."

SEC. 5. That section 73 of said act is hereby amended by adding thereto the following:

"No person shall hereafter be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement who or whose husband or wife shall previously have taken or held any land under any such certificate, lease, or agreement hereafter made or issued, or under any homestead lease or patent

based thereon; or who or whose husband or wife, or both of them, shall then own other land in the Territory, the combined area of which and the land in question exceeds 80 acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law; nor shall any person who, having so declared his intention, shall hereafter take or hold under any such certificate, lease, or agreement, continue so to hold or become entitled to a homestead lease or patent of the land, unless he shall have become a citizen within five years after so taking.

"No land for which any such certificate, lease, or agreement shall hereafter be issued, or any part thereof or interest therein or control thereof, shall, without the written consent of the commissioner and governor, thereafter, whether before or after a homestead lease or patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased, or otherwise transferred to or acquired or held by or for the benefit of any alien or corporation; or, before or after the issuance of a homestead lease or before the issuance of a patent, to or by or for the benefit of any other person; or, after the issuance of a patent, to or by or for the benefit of any person who owns, holds, or controls, directly or indirectly, other land or the use thereof the combined area of which and the land in question exceeds 80 acres: *Provided*, That these prohibitions shall not apply to transfers or acquisitions by inheritance or between tenants in common.

"Any land in respect of which any of the foregoing provisions shall be violated shall forthwith be forfeited and resume the status of public land and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceeding. And noncompliance with the terms of any such certificate, lease, or agreement, or of the law applicable thereto, shall entitle the commissioner, with the approval of the governor, with or without legal process, notice, demand, or previous entry, to retake possession and thereby determine the estate: *Provided*, That the times limited for compliance with any such terms may be extended by the commissioner, with such approval, upon its appearing that an effort has been made in good faith to comply therewith.

"The persons entitled to take under any such certificate, lease, or agreement shall be determined by drawing or lot, after public notice as hereinafter provided; and any lot not taken, or taken and forfeited, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, may be disposed of upon application at not less than the advertised price by any such certificate, lease, or agreement without further notice. The notice of any sale, drawing, or allotment of public land shall be by publication for a period of not less than sixty days in one or more newspapers of general circulation published in the Territory.

"The commissioner, with the approval of the governor, may give to any person who has, or who and whose predecessors in interest have, improved any parcel of public land and resided thereon not less than five years immediately preceding the date of application a preference right to purchase so much of such parcel and such adjoining land as may reasonably be required for a home, at a fair price to be determined by three disinterested persons appointed by the governor, in the determination of which price the value of improvements shall, when deemed just and reasonable, be disregarded.

"The commissioner may also, with such approval, issue, for a nominal consideration, to any church or religious organization, or person or persons or corporation representing it, a patent for any parcel of public land occupied continuously for not less than five years heretofore and still occupied by it as a church site under the laws of Hawaii.

"No sale for other than homestead purposes and no exchange by which the Territory shall convey land exceeding either 40 acres in area or $5,000 in value, and no lease of agricultural land exceeding 40 acres in area, shall be made without the approval of two-thirds of a board appointed as provided in section 80 of this act, and until the legislature otherwise provides said board shall consist of six members and its members be appointed for terms of four years.

"All lands in the possession, use, and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales and other dispositions of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this act, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes, or withdrawing the same, shall be made by the governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is hereby authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect."

SEC. 6. That section 84 of said act is hereby amended to read as follows:

"SEC. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror has, either directly or through such relative, any pecuniary interest; nor shall any person sit as a judge in any case in which he has been of counsel or on an appeal from any decision or judgment rendered by him, and the legislature of the Territory may add other causes of disqualification to those herein enumerated."

SEC. 7. That section 91 of said act is hereby amended to read as follows:

"SEC. 91. That, except as otherwise provided, the public property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And any such public property so taken for the uses and purposes of the United States may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purposes of water, sewer, electric, and other public works, penal, charitable, scientific, and educational institutions, cemeteries, hospitals, parks, highways, wharves, landings, harbor improvements, public buildings, or other public purposes, or required for any such purposes may be transferred to the Territory by direction of the President, and the title to any property so transferred to the Territory may thereafter be transferred to any city, county, or other political subdivision thereof by direction of the governor when thereunto authorized by the legislature."

SEC. 8. That section 92 of said act is hereby amended to read as follows:

"SEC. 92. That the following officers shall receive the following annual salaries to be paid by the United States: The governor, $10,000; the secretary of the Territory, $5,000; the chief justice of the supreme court of the Territory, $6,500; the associate justices of the supreme court, $6,000 each; the judges of the circuit courts, $4,000 each; the United States district attorney, $5,000; the United States marshal, $4,000. And the governor shall receive annually, in addition to his salary, the sum of $1,000 for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of $2,000 annually for his private secretary."

SEC. 9. That section 100 of said act is hereby amended by adding thereto the following:

"All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the taking effect of the naturalization act of June 29, 1906, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized."

Mr. DEPEW. Mr. President, when this bill was under consideration a few days since, there were so many questions raised in regard to it that I have concluded to make a general presentation of the whole matter. This seems more necessary because the joint resolution of annexation, which was virtually a compact between the United States Government and the Republic of Hawaii, was passed July 7, 1898, and the organic act providing in detail for the new government under the sovereignty of the United States, became a law April 30, 1900, and on the 30th of April of this year this law will have been in effect ten years. During this period many changes have taken place in the Hawaiian Islands, both in their population, their commercial relations, and their industries, but the organic act has not been amended in any essential particular during this time. In fact, I think only few amendments have been passed, and those related to the Delegate and increasing the power of the territorial legislature. The bill under consideration has been unanimously recommended by both houses of the Hawaiian legislature, is strongly advocated by the governor, and is also approved by the Secretary of the Interior. It has also the approval of the commercial and political organizations and the public press of Hawaii.

Before entering upon a detail of the changes which are proposed to the organic law by this bill, it may be well to recall briefly the story of Hawaii and our relations to the islands. The islands have enjoyed a government of laws for over a hundred years. They were ruled by a king, who was an absolute autocrat for about fifty years, and then by a king and congress of two houses until the revolution, which established a republic in 1894, and then as a republic with a president and two houses of congress, modeled on the American system, until the annexation in 1900.

The political history of the islands is not different in the development of government from the experiences of European nations. Among the petty kings there appeared in 1790 one of those geniuses who arise among all primitive peoples called Kamehameha. He conquered the islands, overthrew all the petty kings, and concentrated supreme authority in himself. Though he had no rules for guidance and knew no history, nevertheless he established a feudal government like that which existed in France during the middle ages.

In 1820 the American Board of Commissioners of Foreign Missions sent seven married men with their wives to Honolulu. The coming of these men and their families was the turning point in the political and religious history of Hawaii and its social conditions. In ten years they and other brethren who came afterwards converted the entire population to Christianity. Hawaii to-day with its high civilization, its very small percentage of illiteracy, smaller than in any State or Territory, its free government, its peaceful and orderly subjection to law, its intelligent exercise of all the powers of government through an elective legislature, its common-school system, and its commercial and industrial progress is a monument to the work, devotion, and genius of the missionary spirit. If the missions needed any defense, the Hawaiian archipelago, separated from the world by thousands of miles of ocean, and owing its changed conditions from savagery to civilization entirely to the efforts of the missionaries, is a permanent and magnificent exhibit of their spiritual and temporal blessings. The sovereign and the nobles, after ten years of Christian teaching, devolved upon the people self-government and divided their authority with a legislature consisting of two houses. These early converts, in a rude effort to conform to the teachings of their spiritual intructors, adopted

as their first constitution and bill of rights the Ten Commandments.

Except for the efforts of succeeding sovereigns to regain autocratic power, which ultimately led to the overthrow of a monarchy and the establishment of a republic, the islands were wisely, intelligently, and conservatively governed. All the great nations of the world saw the value of the Hawaiian Islands and endeavored to secure exclusive privileges through the favor of its sovereign. The British carried the King and Queen, as far back as about 1826, to Great Britain as the guests of the nation. King Kalakaua was received by all the governments of the world, including our own. From San Francisco to New York his journey was a sort of triumphal march in the reception which he received from commercial bodies, who saw great advantages in securing for the United States the commerce of Hawaii.

An incident in this trip was one of those rare contributions to the sedate movement of history, which promotes good fellowship by adding to the gayety of nations. Chicago received the King with impressive ceremonies on his arrival. After a weary day of parades and reviews, the then mayor of the metropolis of the West found a King on his hands. He wished, of course, to promote the commercial interests of the city over which he presided. At the same time kings were not in his line, nor was he familiar with their attributes or customs of court or the methods of addressing them. To relieve himself of embarrassment he drove His Majesty to the leading hotel and, leaving him in the lobby, said, "Good afternoon, King. We have had a hard day, and I think you had better go to your room and wash up." [Laughter.] I was in London at the time of the jubilee of Queen Victoria. Every nation was specially represented, and the royalties who came were received with the consideration due them on such occasions. Among them was the Queen of the Sandwich Islands. She demanded the fullest recognition of her rank as the equal of the rulers of the great kingdoms of the earth. No better testimony could be given of the feeling in the British Foreign Office of the value of the Hawaiian Islands to Great Britain than the fact that the Queen was accorded everything she asked—her place in the procession, an escort of the guards, and a guest at Windsor. There was current a story at the time that at the dinner the Hawaiian Queen said to Queen Victoria, "Your Majesty, I am a blood relative." To the astonished inquiry, "How so?" the Hawaiian Queen answered, "My grandfather ate Captain Cook." [Laughter.]

Foreign historians and encyclopedists claim that our Government promoted the revolution in Hawaii for the purpose of annexation, and that the annexation was a violation of an unwritten but friendly understanding between commercial nations of the world—that the independence of Hawaii should be respected. But the Government was so feeble and the population so small that it was impossible for them long to continue their independence. In fact, the islands had been repeatedly seized and Honolulu occupied, and overtures had been made to the United States at different times under the monarchy for a union for the purpose of protection. In 1829, Laplace, commander of a French frigate, seized Honolulu and held it until he had forced upon the Government a treaty. In 1843, Lord Pawlet, commanding a British frigate, seized the islands in the name of Great Britain, but the British Government subsequently released them on the remonstrances of the other powers. The French again seized the islands in 1849 and held them for a considerable time, but finally gave them up because of the opposition of the United States and Great Britain. In 1851, the King, to escape his difficulties with France and England, gave to our representative a deed of cession of the islands to the United States, to be held until an adjustment could be made with these countries, and failing in that, to be held permanently. In 1854 Secretary of State, Mr. Marcy, authorized negotiations for an annexation treaty. The King made a draft of a treaty which was accepted by Mr. Marcy, but before it was ratified the King died. In 1893 a treaty was negotiated between our Government and that of the Hawaiian Islands for the annexation of the islands to the United States. This treaty was withdrawn by the President from the Senate. Again, June 16, 1897, a treaty of annexation, similar in its provisions to the joint resolutions which were adopted in 1898, was agreed to by the Government of Hawaii and duly ratified by their Senate. In 1900 the union was effected by the action of the United States of America. This recapitulation shows that the islands came to us in the natural course of events and not by illegal methods or undue pressure.

A moment's consideration of the geographical position of the islands will demonstrate why there was such universal anxiety either to control or to capture them. Honolulu is 2,100 miles from San Francisco, about 5,000 from Hongkong, and 4,000 from the Philippines. If Great Britain, or Germany, or France, or Japan, had come into their possession, the protection of our Pacific coast would have been almost impossible. But with the islands in our possession, properly fortified and with a naval harbor and equipment, it is practically impossible for any nation to successfully attack or to reach our Pacific coast. No Japanese fleet of warships could come to any of our harbors unless they could coal in Hawaii, nor would it be possible in practical warfare for a Japanese fleet to carry either coal or the colliers, with Hawaii hostile and in our possession, to make a successful attack upon our Pacific coast or to have any hope of ever returning.

The strategic value of the islands is admitted by the military and naval experts of all countries. Pearl Harbor in Hawaii is of incalculable value. It will accommodate our whole navy. It is reached by a long and deep channel which can be easily fortified. On its shores can be built shipyards, coal yards, and all the equipment of a first-class, up-to-date naval station. The possession of the Hawaiian Islands and the utilization of Pearl Harbor give to the United States for war, for peace, and for commerce the command of the Pacific Ocean. There are eight inhabited and several uninhabited islands, extending in single file about 400 miles. Their total area is 6,449 square miles. The islands are of purely volcanic origin and were thrown up out of the sea. They consist of mountains running up to 14,000 feet, with fertile valleys between, in which under their climate are successfully grown sugar, rice, coffee, bananas, pineapples, oranges, limes, lemons, guava, and figs.

At the time of the annexation the population of Hawaii was 154,000. It is now 200,000. The population at that time consisted of 37,635 Hawaiians and part Hawaiians, 61,115 Japanese, 25,762 Chinese, 15,675 Portuguese, 7,283 Americans and Hawaiian born foreigners, 1,730 British, 1,154 Germans, 410 Norwegians, 2,584 other foreigners, and 653 Polynesians. In the relative proportions now the Hawaiians and part Hawaiians remain about the same, others have gained moderately, but the Japanese have increased from 61,000 to about 80,000.

The climate is particularly healthy. The average temperature is 72°, and never below 55° nor higher than 88°. There is never any frost or snow except on the high mountain peaks.

At the time of the annexation the Territory had a common-school system based upon that of the New England States, and 87 per cent of its native population could read and write. It is reported now that all the natives can do so. In 1900, at the time of annexation, there were 15,000 pupils in the public schools, and in 1909 there were 25,000. The industrial education in the public schools includes agricultural work, bamboo work, and other manual training, sewing, knife work, singing, and drawing. The daily average attendance of the pupils was 18,000 in 1909. There were $368,000 spent for school purposes in 1900, and $533,000 in 1909. In addition to their common schools and high schools they have a college of agriculture and mechanic arts, with 12 members in the faculty, all of whom are specialists in their several lines of work, and 102 students in the prescribed courses.

Since annexation the Territory has expended from its own revenues for public buildings, school buildings, waterworks, sewers, bridges, wharves, landings, and dredging $3,400,000.

The customs receipts for the year 1901 were $1,220,000; in 1909, $1,400,000.

The tonnage of the vessels entering and departing from the islands in 1901 was 943,000; in 1909, 1,160,000.

The deposits in the banks for the first year after annexation, 1901, were $4,000,000 in the commercial banks and $1,000,000 in the savings banks; in 1909 the deposits were $6,300,000 in the commercial banks and $3,323,000 in the savings banks, or in 1901, the first year of annexation, the deposits in all the banks were $5,000,000; in 1909, $9,623,000.

There are 175,000 savings-bank depositors.

The taxes collected in 1901 for territorial purposes were $1,216,000; in 1909, $2,080,000.

The assessed value of property in the islands was, in 1901, $110,000,000; in 1909, $139,000,000.

The imports and exports have also largely increased. I think, nearly doubled.

There are in the islands 7 dailies, 12 weeklies and semi-weeklies, 5 monthlies, and 3 quarterlies.

The water problem is the most important one in Hawaii. There is excessive rainfall in certain districts and very little in others, and a greater portion of the land suited to population lies in arid regions. The work of conserving the water and transferring it to arid lands is now receiving a great deal of attention from the territorial government. They have a commissioner for this purpose who also looks after reforestation

and propagation. Of the sugar lands, one-half were arid lands and have been reclaimed at a cost of $15,000,000, or about $140 an acre. This reclamation has been done entirely by private enterprise.

Now, as to the government of the islands: There are a governor and a secretary appointed by the President, who hold office four years, both of whom must be citizens of the Territory. There are an attorney-general, a treasurer, commissioner of public lands, commissioner of agriculture and forestry, a superintendent of public works, a superintendent of public instruction, an auditor, a deputy auditor, a surveyor and high sheriff, who are appointed by the governor, by and with the advice and consent of the territorial senate. The judiciary of the islands consists of the United States district judge and a territorial judiciary, consisting of a supreme court with a chief justice and two associate justices, and the circuit courts with seven judges. The legislature of Hawaii consists of two houses, the senate and the house of representatives, the members of which are elected by universal suffrage. There are 15 members of the senate and 30 members of the house of representatives. The term of the members of the senate is four years and that of the members of the house of representatives two years.

It is a tribute, and a remarkable one, to the self-governing powers of the Hawaiian people that they should have been granted in the organic act conditions of self-government which have not been given to any other of our possessions or territories, and this is explained in the report of the commission, whose chairman was Senator CULLOM, advising the annexation, in which he said:

> The underlying theory of our Government is the right of self-government, and a people must be fitted for self-government before they can be trusted with the responsibilities and duties attaching to free government.
>
> These remarks are made to negative the idea that because the people of the Hawaiian Islands can, in the judgment of the commission, be consistently given self-government to an extent almost equal to that given to the people in the States, it can be safely inferred that other insular possessions which the United States have, or may acquire by treaty with Spain, can be granted equal freedom in government.

While the organic act provides for a continuance of executive, legislative, judicial, and administrative duties almost the same as existed under the republic, and the laws of Hawaii relating to the public lands and other subjects were continued in force, and a decade has elapsed since annexation, during which these islands have exercised self-government, there has been no call upon Congress to interfere with or to curb or to repeal any action of the Hawaiian legislature. On the contrary, in one of the very few amendments of the organic act the powers of that legislature have been enlarged.

The purpose of the present bill is to so amend the laws under which Hawaii has been governed for ten years as to meet present conditions. These amendments provide for an increase of the salary of the governor from $5,000 to $10,000 a year, of members of the legislature from $600 to $1,000 a year, of the judges of the supreme court from $5,500 to $6,500 for the chief justice, and from $5,000 to $6,000 for the associate justices, and the circuit judges from $3,000 to $4,000 a year.

The governor in his presentation and argument for the bill said that the expense of living in Hawaii is from 25 per cent to 50 per cent greater than on the mainland; that if the salary of the members of the legislature was made $1,000 a higher class of men could be secured to represent the people; that the salaries of the judges were insufficient, as was demonstrated by the fact that two of them had resigned to return to the practice of the law within the last year.

Another amendment relates to the creation of debts by the Territory and its subdivisions and places restrictions other than have heretofore existed. At the same time it permits five-thirty-year bonds to be issued instead of five-fifteen, because with a thirty-year bond the government indebtedness which is about coming due can be refunded under much better terms. The public debt of the Territory is $3,959,000, of which $1,000,000 is due now and another million becomes due next January, and this amount must be refunded.

The governor and his advisers claim that under the conditions in the islands it is necessary for power to be given for loans of public moneys, or guaranties of private loans, on proper security, to settlers on the public lands for necessary permanent improvements of their homesteads, and for loans, subsidies, or guaranties to persons or corporations for the improvement and increase of transportation facilities.

The last power, I think, ought to be restricted by a provision similar to that which is adopted for the Philippine Islands, which should be as follows:

> *Provided*, That the provisions of section four, except the last paragraph thereof, of an act approved February sixth, nineteen hundred and five, authorizing a guarantee of interest on railroad bonds in the Philippine Islands, is hereby extended and made applicable to the Territory of Hawaii, with the following changes: "Hawaiian" shall be substituted for "Philippine," "governor" for "governor-general," and "two hundred thousand" for "one million two hundred thousand," in said section as applied to Hawaii.

With this limitation I think that the provision is a wise one. The conditions of settlement upon the public lands in Hawaii differ entirely from those on the mainland or any of our insular possessions. Most of it is arid land, but very productive under irrigation. The cost of raw material is great and transportation difficult, so that the land presents few attractions for the homesteaders unless they can be helped. It is the opinion of the governor that the land developed by the assistance of the Territory will furnish ample security for the loans. The islands are so cut up, because of their volcanic origin, into chasms, abysses, precipitous mountain sides, and fertile valleys that capital has not been willing to invest in the building of railroads. It is the opinion of the governor that if the credit of the Territory can be extended for the construction of these lines that homesteading and development will follow and the lines become self-sustaining and profitable, but that capitalists before making the adventure must be encouraged by having the Government show its confidence in the enterprises. While this privilege, under ordinary circumstances, would be dangerous and against public policy, I think in the case of Hawaii, as in that of the Philippines, it is wise, and with a restriction to the limit of $200,000 no harm could result. It is also provided that the loans of public moneys or guaranties either to the settlers or corporations, before they can be made, must receive the approval of the President of the United States.

We must remember that Hawaii supports its own government and contributes $1,500,000 a year to the National Treasury.

The most important part of this amendment relates to the disposal of the public lands. There remain of these lands about 1,700,000 acres, but only about 15 per cent can be made agricultural and productive; that is, about 250,000 acres. The land laws are those which existed under the republic, and have not been changed since the annexation. The principal object of the present amendment is to correct the abuses which frequently occurred under the present laws and to place restrictions which will prevent the acquisition and exploitation of public lands by capitalists and corporations. Hawaii needs a permanent population of homesteaders. At present public lands can be disposed of by the land commissioner with the consent of the governor. It is proposed now to have a commission appointed by the governor, and their approval shall be necessary for the leasing, exchange, and sale of lands other than for homesteads, and their action shall be by a two-thirds vote and the governor's approval. There has been a great deal of fake homesteading. A capitalist or a corporation desiring to secure an extensive tract would have the farms, which are restricted in some of the islands to 20 acres and in others to 80 acres, taken up one after another and conveyed to himself or to itself. In the proposed bill this is rendered impossible. The owner is prohibited from mortgaging or leasing the land until after he secures his patent, and then not to a corporation, or to an individual already holding more than 80 acres. If a person has already one plot of 80 acres he can not secure another. It is hoped that with a board of commissioners, acting in conjunction with the governor and the land commissioner, this invaluable possession of the territorial government may be so administered as to secure enterprising and energetic homesteaders who will become the permanent citizens of the islands and cultivators of their farms, and also to derive for the government treasury from these lands a large source of revenue.

Mr. President, in considering this bill we must remember how important to us is the continued prosperity of the Hawaiian Islands. We must take into consideration the development and progress which they have made practically under their own government since annexation to the United States. We must bear in mind that to a remarkable degree, in fact, to a degree quite equal to any of our States, the government of the islands has been intelligent and progressive. We must bear in mind that, without burdening their people, they have devised a system of local taxation under which they have spent vast sums on public works, buildings, and education, and that there is a consensus of opinion among those who are best informed that the administration of these funds has been honest and judicious. Under all the conditions, I think they are entitled to this legislation, which has received the approval of the Secretary of the Interior and of every organ of public opinion, official and unofficial, in the territory.

Now, Mr. President, I should like to offer an amendment, to come in at the end of section 4.

The VICE-PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. At the end of section 4 it is proposed to insert the following proviso:

Provided, That the provisions of section 4, except the last paragraph thereof, of an act approved February 6, 1905, authorizing a guarantee of interest on railroad bonds in the Philippine Islands, is hereby extended and made applicable to the Territory of Hawaii, with the following changes: "Hawaiian" shall be substituted for "Philippine;" "governor" for "governor-general;" and "two hundred thousand" for "one million two hundred thousand," in said section as applied to Hawaii.

Mr. CLARK of Wyoming. Mr. President, not having the law in relation to the Philippines before us, I ask the Senator from New York, in charge of the bill, if he will give us just the significance of the proposed amendment?

Mr. DEPEW. The significance of the proposed amendment is simply to restrict the amount to be expended. Under the Philippine act the amount which can be paid for the building of railroads is restricted to $1,200,000. Under the act, as it is proposed to extend it to the Hawaiian Islands, it is limited to $200,000.

Mr. CLARK of Wyoming. I am opposed to this legislation, so far as it relates to the part of the bill beginning with the proviso in line 6, on page 4. It is not my belief that the Government of the United States ought to authorize any of the Territories to extend the territorial aid to private or corporate enterprises, either by way of loaning them money or guaranteeing their indebtedness. I am exceedingly anxious that this bill shall go through in its main features, because I believe I realize as much as one can, with such observation as I have been able to give it, the necessity of many parts of the bill, but this particular section, I believe, ought not to be enacted into law, and I call the attention of the Senate to the wording of it. It reads:

Provided, That, subject to the approval of the President of the United States, the legislature of the Territory may provide for loans of public moneys, or guaranties of private loans, on proper security, to settlers on the public lands for necessary permanent improvements of their homesteads, and for loans, subsidies, or guaranties to persons or corporations for the improvement and increase of transportation facilities.

Mr. President, I can see a great deal of harm that might come to the people of the Hawaiian Islands by the exercise of that authority if we confer it upon them. I think it is something that is unknown to our legislation in regard to any of our Territories, and I believe it ought not to be entered upon at this time.

Mr. FLETCHER. Mr. President, I quite agree with the Senator from Wyoming [Mr. CLARK]. At the time this bill was considered by the Committee on Pacific Islands and Porto Rico I was unable to be present, but I was impressed with certain objections which ought to be raised to it and intended to submit them to the committee. Being occupied, however, with duties on another committee, which promises to consume considerable time of its members, I was not able to be present. I take it I am within my rights and observing the fullest courtesy to the members of that committee and its distinguished chairman when I, for the first time, raise objection to this bill here.

There are many features of the bill, it seems to me, which are unwise and which Congress ought not to enact into law. The particular amendment offered by the Senator from New York [Mr. DEPEW] is, I think, an improvement on the pending bill, but I agree with the Senator from Wyoming that it would be better still to eliminate the proviso from that section entirely. I shall offer an amendment to that effect.

While I am up, Mr. President, permit me to make a few other observations regarding the measure. To do so logically we should take up the first section of the bill. The purpose of that section is to change the present law of the Territory by incorporating in it the language "including laws carrying general appropriations." When that is accomplished, the entire purpose of this amendment is accomplished; and therefore it is unnecessary, it seems to me, to add in the proviso to that section the various sections of the Revised Statutes and to declare that they shall have no reference to the Territory of Hawaii. I shall, therefore, offer an amendment, when the time comes and it is appropriate, to the effect that we strike out all after the word "and," in line 12, page 1, and add the words "fifty and eighteen hundred and ninety of the Revised Statutes of the United States shall not apply to the Territory of Hawaii."

This would make that section conform to the present law, except only that it puts into the law the language "including laws carrying general appropriations," which it is desirable should be embodied in the law, thus relieving it of certain ambiguities.

The next section, section 2 of the bill, it seems to me, is highly objectionable, in that it provides that the members of the legislature of that Territory shall receive as compensation $1,000 per session. In addition to that they are to receive mileage; and in case of an extra session, they are to receive the further sum of $200.

Mr. President, I submit that this is a long leap in the way of extravagance; that it is a tremendous increase in the expenses of that Territory to provide that the legislator, who is now paid $400 per annum, shall have his compensation advanced to $1,000 per annum.

Mr. DEPEW. Will the Senator allow me to interrupt him?

Mr. FLETCHER. Certainly.

Mr. DEPEW. Under the law as it is now the Hawaiian legislator receives $400 for the regular session and $200 if called in extra session. They are always called in extra session, because they arrange it so that they shall be. This proposes, instead of the $600, that they shall receive $1,000 in full, except their mileage.

Mr. FLETCHER. Exactly; I understand that; and the provision in the present section now proposed, to the effect that they shall have no compensation for services at a special session is a very wise one, and I approve the section in toto, except as to this great increase in the pay of the members of the legislature. They have a house of 30 members, a senate of 15 members. One thousand dollars for each member for the regular session of the legislature means $45,000. Add to that the mileage and add to that other necessary expenses incident to a session of the legislature, and we find it will cost the Territory of Hawaii $75,000 or $80,000 every time the legislature meets.

I submit, Mr. President, that this advance in the pay of the members of the legislature is entirely unwarranted. In most of the States the pay is a per diem ranging from $3 to $8. In only two States is the compensation of the legislators as much as $1,500 per session, as I understand—New York and Pennsylvania. In two other States the compensation is $1,000—Ohio and Illinois. But in the vast majority of States the compensation is a per diem of $3 to $8, making in sixty days from $180 to $480 as the total pay for the members of the legislatures in the States. Most of the States give the same mileage of 10 cents per mile of travel. New Hampshire and New Jersey give no mileage, and in the latter State the legislators are allowed to travel on passes. We propose here to pay the members of the legislature of that Territory $1,000 each for every session of the legislature. This is an enormous increase of expense fastened upon that Territory, and, Mr. President, it seems we are tending too much in that direction these days.

We ought to hesitate before we encourage this marked tendency to extravagance in the administration of governmental affairs. Jefferson allowed $3,000,000 as a sum sufficient to pay the expenses of conducting this Government for one year. We have just heard it authoritatively stated on this floor that we are to-day wasting from $100,000,000 to $300,000,000 in the administration of this Government. In other words, we are to-day spending $300,000,000 where Jefferson calculated to spend only $1,000,000 in conducting the affairs of this Government. We have made tremendous advance; we have prospered beyond all estimates or imagination even. But I submit we have not advanced in any such proportion as that. We are wasting to-day $100,000,000 where we required in Jefferson's day $1,000,000 as necessary operating expenses of the Government. This same sort of tendency we see cropping out in every direction, and here it is proposed to raise the pay of the legislators of the Territory of Hawaii $600 for each member every time the legislature meets.

Now, passing from that, Mr. President, we reach the next section, section 3, which unquestionably is wise and without objection. It only changes the present law by eliminating the word "biennially."

Mr. CLAY. Mr. President——

The PRESIDING OFFICER (Mr. BACON in the chair). Does the Senator from Florida yield to the Senator from Georgia?

Mr. FLETCHER. I do.

Mr. CLAY. As the Senator is discussing sections 1, 2, 3, and so forth, I will ask him whether he has discussed section 5?

Mr. FLETCHER. I have not reached it.

Mr. CLAY. Section 5 is at the beginning of the bill. That is the most serious——

Mr. FLETCHER. That is section 5 of the old act. I am referring to the bill as it is prepared and before us.

Mr. CLAY. Does not section 5 repeal sections 1841 to 1891, inclusive, 1910, and 1912 of the Revised Statutes and the amendments thereto, and those sections of existing law, as I understand, place certain limitations on territorial legislatures in regard to their power to legislate?

On reading those sections I think the Senator will find that they especially provide what the legislature of a Territory may do, how far it can go, to what extent its acts must be submitted to Congress, what indebtedness a territorial legislature can

incur. If I understand that section of the bill, all of the laws relating to Territories in the United States generally are repealed, and the limitations that have applied heretofore to Territories are stricken out by this bill and new limitations created; and, as I understand, if this bill becomes a law, then the only limit placed upon the territorial legislatures in regard to legislation and in regard to indorsing indebtedness for persons and corporations must be found in this proposed act which we are considering.

Mr. FLETCHER. I think the Senator is correct, and, as I have already suggested, I will offer an amendment when it is appropriate striking out the provisions of this section as embodied in the bill, so as to leave it as in the present law, with simply the words "including laws carrying general appropriations" added, and with the present law standing in full force and effect in so far as it eliminates certain sections of the Revised Statutes as applying to that Territory. In other words, I would not enlarge the number of the sections, as this bill offers to do, but I would leave the present law in effect, only adding, as I have said, the words "including laws carrying general appropriations." That meets the whole difficulty and does away with the trouble we have had about construing the present law, and puts into it expressly the provision that the laws of the United States, "including laws carrying general appropriations," shall apply to the Territory; and I would limit the number of sections which it is proposed to strike out of the Revised Statutes to the number stricken out under the present law. The amendment will speak for itself when it is offered, and I think it meets the criticism suggested by the Senator from Georgia.

With reference to section 4, I shall offer an amendment to the amendment by which the provisions beginning with the word "*Provided*," on page 4, and continuing to the end of that section, be entirely eliminated. I believe that would relieve the difficulty suggested by the Senator from Wyoming.

Section 5 is an important portion of the bill. It rather limits than enlarges the power now existing in the officers of the Territory with reference to public lands. It may be a question whether Congress ought to have turned over to the Territory the entire jurisdiction and control of public lands amounting to some 1,700,000 acres, but that has been done, and the present land commissioner of the Territory has practically plenary powers with reference to all these public lands. This provision is rather a limitation upon his power, subjects it to some control and supervision, and rather divides the responsibility between him and the governor, and in some instances among him, the governor, and the legislative authority. So that I am inclined to agree that that section is the most important section in the bill and carries a very valuable and important piece of legislation for the benefit of the Territory.

Section 6, likewise, is without objection. There can be no criticism, it seems to me, of the provisions there disqualifying judges and jurors in certain instances therein named. I refer to the section itself, without taking the time of the Senate to discuss it in detail. It speaks for itself, and accompanying the bill is the report of the committee, which is further explanatory.

Section 7 likewise is, to my mind, a valuable provision and is unobjectionable.

Section 8, however, is subject to very grave criticism, I think, and ought not to be adopted by Congress. For the same reason, signified in discussing section 2, we must certainly hesitate before voting this great increase in the salaries of the officers of the Territory. The people are to furnish this money, and they are already beginning to inquire in this country whether or not government is not getting to be a very great luxury to them. They are beginning already to suggest the question whether they are getting enough out of the government to warrant the enormous amount they are paying for it.

It is proposed in this section to increase the governor's salary from $5,000 to $10,000 per annum. It is proposed to increase the salary of the secretary of state from $3,000 to $5,000, the salary of the chief justice of the supreme court from $5,000 to $6,000, of the associate justices of the supreme court from $5,000 to $6,000, of the judges of the circuit court from $3,000 to $4,000, of the district attorney from $3,000 to $5,000, of the United States marshal from $2,500 to $4,000, and the governor shall receive annually, in addition to his salary, the sum of $1,000, instead of $500, as under the present law, for stationery, postage, and the like.

This means, Mr. President, that the increase in salaries provided for in this bill, to be paid by the United States annually, is $20,000.

Section 2 provides that the increase in the compensation of the legislators shall be $27,000. Meeting biennially, it means an increase of $18,500 of expense annually in conducting that government, making a total increase annually of $38,500. That is, the increase of expense carried by this bill is $38,500 every year; an increase of $45,000 in the pay of the legislature, which meets biennially, and that, annually, means $18,500, and an increase in these salaries annually of $20,000, making a total annual increase in the expense of that government of $38,500.

Not only that, but the number of circuit judges for that Territory seems to me out of proportion and unnecessary. There are five counties in the Territory, with a population of some 175,000 men, women, and children—about 15,000 or 20,000 Americans, about 40,000 or less native Hawaiians, and then Japanese, Chinese, Portuguese, and what not. There are probably 30,000 to 40,000 electors, qualified voters, in the Territory, and these people, with an electorate, say, of 40,000, are required to pay $38,500 every year more than they are now paying for the administration of their government.

The circuit judges are seven. There are five counties in the Territory. It would seem proper to decrease the number of circuit judges rather than to increase the salaries of those they now have. In most of the States circuit judges have jurisdiction extending over four or five counties. In the whole State of Florida, with a population of nearly a million, we have only eight circuits, with eight circuit judges, some of the circuits having four to five counties, and here a Territory, with a population of 175,000, wants seven circuit judges, and they want them paid $4,000 each annually.

I submit, Mr. President, that this is unwarranted and it is unreasonable, and I shall offer amendments to this section providing that the governor's salary, instead of $5,000, as now, shall be $7,000. I understand the governor has to do a good deal of entertaining; that he has no mansion; that the Territory provides for him only an office and no residence, and he has to pay rent.

It is said that Hawaii is the most expensive country in the world to live in. I do not know why that should be. The climate is splendid. The soil, where it can be cultivated at all, is fertile. They ought to grow everything they need or require for food purposes. I suppose, like any State or Territory that depends upon one industry alone—sugar, in this instance—other things are unusually high. It might be an inducement to those officials who, it is fair to assume, are foremost in enterprise and in the industrial development of the islands, if denied this enormous increase in salaries, to bend their energies toward the diversification of the industries of the Territory.

There is no reason why that Territory should not produce everything the people require for their food; but it is reported, and I can not dispute it, that it is an expensive part of the world to live in. At the same time, a salary of $5,000 per annum is not very meager compensation. The salaries of the governors of most of the States do not exceed $5,000. I think only 10 States in the Union pay more than $5,000, 22 pay less than $5,000, and a large number of them pay about $5,000. Quite a number of them pay precisely $5,000.

The governor of Hawaii certainly has no greater responsibilities and no more work to do than the governor of the average State, I take it. I am willing, however, to be reasonable about it and to make his salary $7,000 instead of $5,000, but I do think $10,000 is an unwarranted increase. So as to the salary of the secretary of the Territory, in lieu of $3,000 I would make it $4,000, instead of $5,000 as suggested by this bill. I would make the salary of the chief justice of the supreme court of the Territory $5,500, instead of $6,000 as proposed and in lieu of $5,000 as it now is; of the justices of the supreme court, $5,000 instead of $6,000 as proposed; of judges of the circuit court, $3,500 instead of $4,000 as proposed here and in lieu of $3,000 as under the present law. And so on. Instead of fixing the salary of the United States marshal at $4,000—he now receives $2,500—make it $3,000. And make the allowance to the governor for stationery $500, as in the present law, especially if you increase his salary.

So, Mr. President, it seems to me this bill in these respects ought to be amended. Referring now to the last section in the bill, section 9, I commend it, and feel it ought to be adopted for the reasons mentioned in the report accompanying the bill.

I will not detain the Senate further, but I will offer these amendments as we reach the various sections, and for the present I offer an amendment to the amendment now pending, to wit: After the word "States," in line 6, page 4, strike out the colon and all that follows, and insert a period, so as to have the section end with the word "States." That, I think, will meet the objection of the Senator from Wyoming, and I think his objection to the section is perfectly sound.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from New York yield to the Senator from Idaho?

Mr. DEPEW. Certainly.

Mr. HEYBURN. If the Senator will permit me, I may not be able to be here to-morrow when this matter comes up. I do not intend to make any extended remarks upon the bill, but I want to call attention to one or two features that seem to me should be considered by the Senator in charge of the bill before it is finally acted upon.

This bill in express terms extends the provisions and powers of the Constitution to Hawaii without limitation. I suppose that is the intention of the committee, so that there will never be any question as to whether or not the restrictions and provisions of the Constitution apply in the legislation, either by the legislature of Hawaii or by Congress, with reference to it, or by the commissioner.

In view of that fact, I would direct the Senator's attention to the provisions of section 5, commencing in line 7, page 5. There are some provisions there for forfeiture of patented titles which, it seems to me, are not sufficient under the Constitution, in that they do not provide for due process of law.

The reference contained on page 6, commencing with line 3, which reads "and noncompliance with the terms of any such certificate, lease, or agreement, or of the law applicable thereto, shall entitle the commissioner, with the approval of the governor, with or without legal process, notice, demand, or previous entry, to retake possession and thereby determine the estate."

If you refer back to the subject of that provision you will find that it includes patented lands, and the restrictions would apply to lands the title to which had passed to the individual under the patent. I merely suggest that for the consideration of the committee and of the Senate between now and the time when the question will be taken up again.

The question involved was considered by the court in the case of Burton *v.* Platter as to the application of the fifth amendment to the Constitution. The fifth amendment to the Constitution relates to the United States Government and to Territories. The fifteenth amendment relates to the right of the State to do this. The Senate is thoroughly familiar with the decision that held that the fifth amendment is not a limitation upon the power of the States, but is a limitation upon the Federal Government itself or a Territory.

It may be that that language will need some consideration and some change exempting fee-simple titles that pass under a patent from the operation of the forfeiture clause or without the due process of law. I have made these remarks at the present time because I may not be present when the bill is next considered.

Mr. DEPEW. Mr. President, I will say in regard to the amendment offered by the Senator from Florida [Mr. FLETCHER] to the first section of the bill, I think it is proper. The object of that first section was simply to give to the Territory of Hawaii the privileges that have been withheld from it by the construction of the statute in the department. Hawaii was relieved from the general statutes relating to Territories because it had an organic act of its own which covered all of the ground embraced by the general statutes applying to the Territories which had no special and specific statutes or organic acts. It was thought by the authorities of Hawaii that they should be entitled, notwithstanding that, to such privileges from the National Government as relate to the scientific branches, to the hydrographic, the topographic, and the soil surveys, forestry, and so forth; and the sole object of this first section is that Hawaii may share in that part of the activities of the Government of the United States.

In regard to the criticism of the Senator from Wyoming [Mr. CLARK], without discussing it now, I wish to call attention to section 4 of the act for the government of the Philippine Islands of February 6, 1905, the last one that was passed, which provides—

> That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads, using steam, electricity, or other power, in the Philippine Islands as the Philippine government may hereafter specifically authorize, the said government is empowered to enter into a contract of guaranty with any railroad company organized pursuant to the laws of said government or of the United States or any State thereof undertaking to construct, equip, operate, and maintain any such railroad, whereby the said government shall guarantee interest, at not exceeding 4 per cent per annum upon first lien bonds to be issued by such company, properly secured by mortgage or deed of trust upon the said railroad, its equipment, franchises, and other property, real, personal, and mixed, then owned and thereafter to be acquired.
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> *Provided*, That in no event shall the total annual contingent liability of said government under the guaranties authorized by this section at any time exceed the sum of $1,200,000, and no such guaranty shall continue for a longer period than thirty years.

The statement has been made that there has been no law ever enacted by the United States like that which is contemplated in this Hawaiian bill. I call attention to this to show that in preparing the Hawaiian bill the privileges which had been granted to the Philippine government were taken under consideration, and those privileges were put in this bill for Hawaii on the ground that special conditions exist in Hawaii, the same as in the Philippines. The only change made in this bill is that, while under the Philippine law the Philippine government can loan its credit for $1,202,000, in this bill Hawaii can only loan it for $200,000.

Mr. President, the consideration of the bill can not be concluded to-day, and I will make just a few observations in reference to what has been said in criticism of it. Then I will ask that the bill go over until to-morrow.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the bill may now be laid aside, to be taken up at the conclusion of the morning business to-morrow. Is there objection?

Mr. FLETCHER. Mr. President, I will not object to the request, but I feel that I ought to state that to-morrow and the next day I shall be occupied in work on a special committee, and I shall not be able to be present. I am perfectly willing to let the Senator from New York have his own preference in this matter, but I shall not be able to be present to-morrow because of an engagement on a special committee.

Mr. DEPEW. I want to gratify the Senator from Florida in every way. My only anxiety is to get the bill through. It is a very important measure. Can the Senator state some day?

Mr. FLETCHER. On Monday, the very next day after Saturday, I will be prepared to go on with the bill. Friday and Saturday are days assigned to the work of a special committee, and I am obliged to be absent from the Senate on those days.

Mr. DEPEW. I will substitute Monday for to-morrow.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the bill be laid aside, to be taken up at the conclusion of the morning business on Monday. Is there objection? The Chair hears none, and it is so ordered.

POSTAL SAVINGS DEPOSITORIES.

Mr. BAILEY. I ask that the bill creating a system of postal savings banks may be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. BAILEY addressed the Senate. After having spoken for ten minutes,

The VICE-PRESIDENT. The Senator from Texas will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund.

Mr. CARTER. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside; and the Chair hears no objection. The Senator from Texas will proceed.

Mr. BAILEY. Mr. President, this bill is subject to every objection which can be urged against any measure. It is objectionable, in the first place, because Congress has no constitutional authority to pass it; it is objectionable, in the second place, because it violates the fundamental principle of all good government by requiring the United States to engage in a business which belongs distinctly to individuals and corporations; and it is objectionable in the third place because it will produce more harm than good in its practical operation. Either of those objections, if sustained, would be enough to condemn it; and if I can sustain all of them, as I believe I can, its proponents and its advocates ought to abandon it.

No rule for construing the Constitution of the United States that has ever yet found a general acceptance among the judges and the statesmen of this country will justify this legislation. It is so elementary that I would offend the intelligence of Senators by entering upon an elaborate argument to prove that we must find a warrant in the Constitution for anything and everything we do. I do not mean, of course, that we can only exercise those powers which have been specifically granted, because I recognize as fully as any man what are commonly called the "implied powers," though I do not think that expression either fortunate or accurate. The wise men who framed our Constitution did not leave the powers of the Government created by it to implication, but they expressly authorized Congress "to make all laws which shall be necessary and proper for carrying into execution" all of the powers which had been expressly granted; and to be exact in both thought and speech, we must recognize that the power to do whatever may be necessary and proper to

the execution of those powers expressly enumerated in the Constitution is as distinctly granted as those powers themselves. But whether we follow the usual practice of describing them as implied powers or adopt what I consider the better practice of treating them as expressly granted powers can make no difference in the conclusion which we must reach on this occasion, and I dismiss it as immaterial in this connection.

This proposition I lay down as incontrovertible: Congress can pass no law except in execution of some power expressly conferred on it by the Constitution. Of course I freely concede that Congress has a wide choice of means in executing those powers; but it is obviously true that Congress has no right to employ any means to execute a power unless that power itself has been granted to it by the Constitution. Therefore the first step which we must take in testing the constitutionality of any measure is to read the Constitution and see if Congress has been authorized to do what that measure proposes. If we find a power there to do the thing proposed, then the manner in which it shall be done is within our discretion, subject only to the limitation stated by Chief Justice Marshall in an early case, that the means we employ shall be appropriate to the end and not prohibited by the letter or the spirit of the Constitution.

To illustrate what I mean, let me state some examples. Congress has the power to lay and collect taxes, and in order to execute that power it may provide for the appointment of revenue collectors, establish treasuries and subtreasuries, and under the decision in the great case of McCulloch *v.* The State of Maryland, it may incorporate a bank for the purpose of collecting and disbursing those taxes. Again, Congress has the power to raise and support armies, and it, therefore, has the power to provide for the enlistment of soldiers, for the appointment of officers, and for the compensation of both, together with anything else which may be necessary and proper to maintain an army and render it effective. Congress has the power to establish post-offices and post-roads, and may therefore provide for the appointment of postmasters, for transporting the mail, fix postage charges, and make all other necessary and proper regulations. It would be useless to extend these illustrations, for I do not need to tell those who do me the honor to hear what I am saying that the means must be merely a way of reaching the end. They need not, indeed, be the only way in any given case, but they must be a necessary and a proper way, and we must never lose sight of that limitation.

The power to establish a military academy may well be deemed an appropriate means of raising an army; but I hardly think that any man would be so blind to all true relations as to contend that Congress could establish an agricultural college under its power to raise and support armies. Nor do I think that any man would seriously contend that the establishment of a factory for the manufacture of boots and shoes would be an appropriate means of executing the power to establish post-offices and post-roads. These are extreme examples, but they clearly illustrate the point which I am seeking to emphasize. There are instances where the inadaptability of the means to the end is not so well defined, and in many instances the means which are necessary and appropriate and the means which are not necessary and appropriate approach so near the line which separates them that it is difficult and sometimes impossible for any court to say what is and what is not constitutional. That difficulty, however, never presents itself to the mind or to the conscience of a legislator. He knows perfectly well when he votes for any given measure whether or not he is voting for it in good faith and for the purpose of executing a given power. The principle which I have briefly stated if applied to the measure under consideration demonstrates its unconstitutionality because its most earnest advocates have not and can not refer it to any power enumerated in the Constitution or satisfy us that it is a necessary and proper means of executing any of those powers.

WITHOUT CONSTITUTIONAL SANCTION.

There have been four clauses of the Constitution suggested as authorizing this legislation; and with the permission of the Senate I will examine each of them.

One distinguished Senator has suggested, more in the form of a query, however, than of a declaration, that this bill might be defended under the commerce clause of the Constitution; but before he resumed his seat his own mental processes had refuted his proposition, and he did not press it. Others less clear of thought have adopted the view which he suggested, and while they have not advanced it in the open Senate, they have insisted on it with more or less earnestness in their private conversation. A moment's reflection, Mr. President, will convince any man whose mind is capable of making an analysis that it is utterly absurd to assert that the power to regulate interstate and foreign commerce includes the power to receive deposits from the people and then redeposit their money with banks situated in the same State. Banking is not commerce; but, sir, if it were admitted that the banking business is commerce within the meaning of the Constitution, such an admission would not justify this bill, because the only commerce which is subject to federal regulation is a commerce among the several States, or with Indian tribes, or with foreign nations. The Supreme Court has expressly decided that one who deals in foreign bills of exchange is not engaged in foreign commerce, and surely it is not an interstate transaction when a citizen deposits his money with the postmaster of the town or city in which he lives. To receive money at the post-office and to deposit it in a bank situated in the same community is not commerce at all; and certainly it is not interstate or foreign commerce, which is alone subject to the jurisdiction of the Federal Government.

Some have claimed that this bill is valid under that clause of the Constitution which authorizes Congress to borrow money on the credit of the United States, and it was to connect it with that provision of the Constitution that the Senator from New York offered his amendment. Recognizing that the power to pass this bill must be referred to some specific grant or grants, he has sought to bring it under the borrowing clause of the Constitution. In other words, understanding that Congress has the power to borrow money and that in exercising such power it can receive the money which it seeks to borrow at its post-offices as well as its Treasury, he has proposed an amendment providing that the money deposited with these various post-offices shall be invested, so far as possible, in the securities of the General Government. That amendment might make it possible for the court to hold this bill constitutional, but it would still be none the less unconstitutional, according to the conscience of every Senator, because we all know that its purpose is not to borrow money, and to incorporate such a provision in it would be a palpable subterfuge invented to deny the court the right to consider the bill according to its real purpose. I understand, however, that the amendment proposed by the Senator from New York, though approved by the President in a recent New York speech as necessary to make the bill a constitutional one, has been abandoned.

The power to borrow money was vested in Congress so that it might sustain the Government in those extraordinary situations when sufficient taxes could not be collected to meet its current and necessary expenditures. Such situations had arisen in the history of every country in the world, and our fathers understood that they would arise from time to time in our own country. They therefore wisely supplemented the power of taxation with the power to borrow; and I am of the opinion that Congress would have possessed that power as a necessary and proper means of executing other powers even if it had not been expressly granted. It was, however, expressly granted in a clause as brief as literary skill could frame and as plain as the English language could make it. Congress can call on the people for a loan, and can evidence its indebtedness to them by bonds bearing interest and payable at a certain time, or by notes bearing no interest and intended to circulate as money, or by certificates of indebtedness payable on demand or payable at a fixed day, with or without interest. The form in which the indebtedness may be acknowledged is within the reasonable discretion of Congress, and it may adopt, within certain limits, any form acceptable to those who are willing to lend it their money. Not only may the Government provide the form of acknowledging its indebtedness, but it may also provide the time and place at which this borrowed money may be delivered to it. It may require it to be deposited in such national banks as it may designate, or it may require it to be brought to its subtreasuries, or it can require it to be delivered at the post-offices throughout the land, for while receiving that money would not constitute any proper function of a post-office or post-road, the postmaster could be authorized to accept it and receipt for it under that plain provision which authorizes Congress to borrow money on the credit of the United States.

I do not deny, and no sane man would deny, that this bill is perfectly constitutional if its purpose is to borrow money; but will any Senator stand here and assert that the purpose of those who prepared it, or that his own purpose in voting for it, is to borrow money? No Senator is so foolish as to believe that, and no Senator would be so uncandid as to say it; but if there should happen to be any such, I only need to read to him the several provisions of the bill. The Government does not intend to use this money in defraying its expenses or in redeeming its obligations, but takes it simply and only for the purpose of depositing it in a bank, to be held there until its creditor shall demand the return of his money. The postmaster receives it from the citizen with one hand and passes it with the other hand over to the bank. This does

not amount to borrowing money. It is both in purpose and in effect merely a plan by which the Government guarantees the depositor against all loss. A citizen withdraws his money from the bank and deposits it at the post-office; the Government then takes the money and redeposits it with the bank; and the sum of that transaction is that the citizen then holds the guaranty of the Government instead of the bank, and the bank is answerable to the Government instead of to the citizen. But, Mr. President, even if by any stretch of the imagination this could be considered borrowing money on the credit of the United States, it would still be unauthorized by the Constitution, because that power was conferred on Congress in order to enable the Government to perform its functions, and we were never authorized to borrow money from individuals in order that we might lend it to corporations.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Will the Senator from Texas yield to the Senator from Montana?

Mr. BAILEY. I will.

Mr. CARTER. Will it inconvenience the Senator to ask a question at this point?

Mr. BAILEY. Not at all.

Mr. CARTER. I desire to know if it is the contention of the Senator that the power to borrow money is dependent upon the disposition Congress may think proper to make of the money after it has been borrowed.

Mr. BAILEY. I think that is undoubtedly true. Surely the Senator from Montana will not contend that Congress has the right to borrow money for any purpose except for governmental purposes.

Mr. CARTER. Mr. President, my question goes to the merits in this way: Must Congress in negotiating a loan condition that loan on a disposition of the money in accordance with the Senator's views or the views entertained by Congress with reference to the disposition of the money after it has been borrowed; or, in other words, when Congress authorizes a loan and that loan is negotiated, is it necessary to the validity of the bonds or security issued that the Congress should always thereafter make such disposition of the money as in the judgment of the courts might seem to comport with the Constitution?

Mr. BAILEY. Oh, no, Mr. President; when Congress has authorized our executive officers to sell the bonds of the United States we are bound by every obligation of good faith to pay them, no matter whether that money is wisely or foolishly, honestly or dishonestly, expended. All I mean to say is that the power to borrow money, like every other power conferred on us by the Constitution, was intended to serve a governmental purpose, and as taking money from a citizen, on deposit, and then transferring it to a neighboring bank on a redeposit is not a governmental function, we have no power to borrow for such a purpose.

The third clause of the Constitution, to which this bill has been referred, is the one which confers on Congress the power to establish post-offices and post-roads, and this suggestion comes entirely from the circumstance that this money is to be received at the post-offices. There is not the slightest pretense that receiving deposits from the people or transferring those deposits to the banks bears any relation whatever to the establishment and operation of a post-office or a post-road. The truth is, and the whole truth is, that the post-office has been selected to serve the purpose of this bill purely as a matter of convenience. If the Government were maintaining an internal-revenue office in every city, town, and village of the land, with post-offices at only the more important places, this bill would have provided for the deposit of this money with the internal-revenue collectors instead of with the postmasters. I do not forget, of course, that there has been some attempt to justify this new departure from the original purpose and function of a post-office by referring to the law, passed many years ago, which authorized the post-offices to issue money orders. Had I been a Member of the Congress which passed that law I would, perhaps, have voted against it. Indeed, it is practically certain that I would have done so, because it goes to the very verge of congressional authority and was certain to become a precedent and furnish an argument for going still further, as has been done in this very debate.

But, sir, I would not have doubted then, and I do not doubt now, that both in its origin and in its purpose that law was a valid one and intended in good faith to perfect our postal system. The public had long been in the habit of sending money through the mails. That practice had always been recognized as proper, but it was never considered entirely safe, and the post-office money order was devised to make the mails serve a proper and a lawful purpose with greater safety. The bill before us now presents a very different question. There is absolutely no pretense that the deposit of private money with a postmaster, and the redeposit of it by him in a bank, has, or is intended to have, any connection with the use of the mails. It is a fiscal operation pure and simple, without the remotest relation to a post-office or a post-road as they were understood by the fathers when they framed our Constitution or as they are understood by us to-day. The Congress of the United States has just as much right and power to require our postmasters to act as commission merchants as it has to require them to act as bankers. If we can pass this law which permits a citizen to leave his money at the post-office and directs the postmaster what disposition to make of it, then, sir, we can pass another law authorizing men to leave their cotton or their corn, their cattle or their horses, with the postmaster and impose upon him the duty of caring for them and disposing of them according to our directions.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Will the Senator from Texas yield to the Senator from Utah?

Mr. BAILEY. I will.

Mr. SUTHERLAND. Before the Senator from Texas leaves the question of money orders, I understand that he justifies that legislation upon the ground that it is a way of transmitting money through the mails. But as I understand——

Mr. BAILEY. I would not exactly phrase it that way. I would say that it is a way of transmitting matter more safely through the mails. Whatever the letter might contain, it was for the purpose of insuring its safe delivery to the addressee.

Mr. SUTHERLAND. Either view of it will serve as a sufficient foundation for what I was going to ask the Senator. As I understand the law which provides for the issuance of money orders, there is no requirement that they shall be transmitted through the mails.

Mr. BAILEY. That is true.

Mr. SUTHERLAND. They may be redeemed, and often are redeemed, at the post-office where they are issued.

Mr. BAILEY. That has been done recently; and I think it is a clear abuse of his authority for the Postmaster-General of the United States to advertise that men can buy post-office orders payable to themselves and hold them as a claim against the Government without any intention of using them for their proper and lawful purpose.

Mr. SUTHERLAND. Then the Senator thinks that is an unconstitutional exercise of authority?

Mr. BAILEY. I do.

Mr. SUTHERLAND. And the Senator, then, does not justify the law which permits it?

Mr. BAILEY. I do not.

There is one other clause of the Constitution to which its advocates refer this bill. They declare that under the power to coin money and regulate its value Congress has the right to keep it in circulation. I utterly deny that proposition in the sense which they intend. The power and the duty of the Government is to provide the country with an adequate circulation, and whenever so much of that circulation has been withdrawn, either through actual destruction or through the fear of loss, as to leave an inadequate supply, Congress possesses the power, and Congress rests under the duty, of providing an additional circulation to take the place of that which has ceased to perform the functions of money. But, sir, when Congress has exercised that power and performed that duty and the money so coined or issued has passed into the hands of the individual citizen, it is his private property and he has a right to do whatever he pleases with it. He can deposit it in a bank, or lock it up in his safe, or bury it in the ground. The Government has no more right to determine for him what he shall do with his money than what he shall do with his land. The only exception is that Governments from time immemorial have assumed the power to limit the rate of interest on money, but in that respect only have they assumed to deal with a citizen's money under any rule different from what they apply to his other property.

Let me put this proposition to a test which will at once and completely expose its fallacy. We will all agree that if Congress possesses the power to force money from its hiding places and into circulation it has a right to select its own way of executing that power. That is a constitutional truism. If, therefore, Congress has the power to force hidden money into the channels of circulation, it can exercise that power either by imposing penalties on the men who hide it or by offering premiums to the men who will put it in circulation. Will any Senator assert that Congress could make it a crime for a citizen of the United States to keep his own money in his own way? I think not. I hardly think that any man will stand here and declare that the Federal Government could send a man to prison because he kept his money in a strong box at home and refused

to deposit it in a bank or even with a postmaster. And yet, sir, Congress would have that power without any shadow of a doubt if the Constitution authorizes it to force money out of hiding and into circulation; for whether it will offer a premium for doing so or impose a penalty for refusing to do so is merely a matter of congressional discretion. With the power granted, the means are merely a matter of legislative selection, and whether we shall tempt men by premiums to do what we want done or terrorize them into doing it by punishing their refusal is purely a matter within our own choice.

These four clauses of the Constitution, Mr. President, are the only ones to which its advocates have attempted to refer this bill. Of course I am not unmindful that the Senator from Nebraska [Mr. BURKETT] did say to the Senator from Maryland [Mr. RAYNER] that Congress possessed the power to pass this bill under the general-welfare clause of the Constitution. Nor do I forget that the distinguished Senator from Montana [Mr. CARTER] a few days ago met our challenge to point out a particular provision of the Constitution which authorized them to pass this bill with a counter challenge for us to point out the particular provision which prohibits the passage of it.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Montana?

Mr. BAILEY. I do.

Mr. CARTER. I realize that the Senator from Texas desires to be entirely fair in his statement of my position.

Mr. BAILEY. I do.

Mr. CARTER. I undertook to present the fact clearly to the Senate that the Senator from Maryland [Mr. RAYNER], who had just addressed the body, did not contend that the proposed legislation was prohibited by any clause of the Constitution, and that, therefore, the only remaining question was whether there was any authority for its establishment, express or implied. That is the position I intended to state.

Mr. BAILEY. The Senator from Montana is a lawyer of long experience, as well as a Senator of great ability; and it was painful to see him reduced to the pitiful necessity of attempting to justify the constitutionality of his bill by reversing the rule of constitutional construction. If there had been a better argument, he would have had it at his ready command, and the fact that he offered that one was a positive proof that a better one could not be offered. The Senator from Montana knows as well as I do that here we can do nothing unless the Constitution authorizes us to do it, whereas the rule in the legislature of a State is that they may do anything which the constitution does not forbid; in other words, a state constitution is a limitation on legislative power, while the Federal Constitution is an enumeration of congressional power.

Mr. President, if I have not already succeeded in making it plain to the Senate, I have still another and even a better way of proving that this is not a bill to regulate commerce between the States and with foreign nations; nor a bill to borrow money on the credit of the United States; nor a bill to establish post-offices and post-roads; nor a bill to coin money and regulate the value thereof. I can prove from the bill itself, as well as from an authoritative statement of its purpose, that it is not intended to execute any of those great powers. The title of it declares that it is a bill "to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes." Broadly translated, this simply means that the Government of the United States is required to guarantee bank deposits in cases where the depositor will allow it to select the bank and accept 2 per cent for his money. But even this is the means by which they seek to reach an end, and is not the end itself. Merely forcing the Government to guarantee bank deposits would be an idle and wholly useless performance in itself, and nobody would advocate a law of that kind except to serve some purpose, and that purpose has never been more distinctly stated than by President Roosevelt in his message to Congress on December 3, 1907. In one sentence he commended the postal savings-bank system to the favorable consideration of Congress, and in the next sentence he stated the object of it. Although that message is familiar to all Senators, I will read this particular passage of it to the Senate. These are his words:

> I commend to the favorable consideration of the Congress a postal savings-bank system, as recommended by the Postmaster-General. The primary object is to encourage among our people economy and thrift, and by the use of postal savings banks to give them an opportunity to husband their resources, particularly those who have not the facilities at hand for depositing their money in savings banks.

In the same paragraph he mentions other advantages which the establishment of this system will bring us; but the important point in this connection is his perfectly candid assertion that the primary object of this legislation is to encourage economy and thrift among our people. Is that the purpose of this bill? The Senator from Montana nods his assent. Then, if the Senator from Montana will point us to any clause in the Constitution which authorizes Congress to enact a law for such a purpose, I will resume my seat and vote for this bill—and I offer him an opportunity now to do that.

Mr. CARTER. Mr. President, I fear there would be too long a space between the Senator's sentences.

Mr. BAILEY. Before the Senator could do that, there would be a very long space.

If the Federal Government is authorized to encourage thrift and economy among the people, then I freely admit that Congress has the power to establish a system of postal savings banks, if that is a necessary and proper means of accomplishing such a result. But, sir, you will search the Constitution of this Republic in vain for any intimation that Congress possesses that power, nor is there a single clause in that great document which can be tortured into an implication of it. I am one of those old-fashioned Democrats who do not believe that any government can encourage economy and thrift except by the enactment of such wise and equal laws as will permit every man to employ his energy and his intellect with a wholesome freedom, and leave him to enjoy the fruits of his own exertion, diminished only by his fair contribution to the government's support. An economy and a thrift born of such a system make a broad and safe foundation upon which we can rear a mighty superstructure of agriculture, commerce, and manufacture; but an economy and a thrift into which a government must tease its people would be of little value anywhere and of no value whatever in this country. Like other products of the forcing or hot-house process, they might be good to look at or to talk about, but they can never possess that virility and that resistance which alone can make them a helpful factor in a civilization like ours. But, sir, if I go too far in denying the efficacy of a law-made economy and thrift, I do not err when I maintain that the power to encourage and cultivate them, if existing in any government, was left to the States and was not conferred on the United States.

As the Senate has doubtless observed, I have not thought it worth my while, Mr. President, to read a line from any law book or from the Constitution itself in support of my contention, because it is so plain as to render that unnecessary; and if it were not so plain, the Senator from Maryland [Mr. RAYNER] has relieved me from that necessity by the very luminous address which he delivered several days ago, and in which he cited all the authorities which the case requires. No man has, and no man will, and no man can answer his citations.

NOT A GOVERNMENTAL FUNCTION.

But even, Mr. President, if this bill were consistent with the Constitution I could not support it, because it is inconsistent with that fundamental theory which requires the Government to abstain from all business which can be and ought to be conducted by individuals or corporations. There have been differences of opinion in all countries, and there have been differences of opinion in this country, as to whether certain functions belong properly to the banks or to the Government. Wise and patriotic men have believed that the issuance of notes intended to circulate as money is a proper function of a bank, while other men of equal patriotism and wisdom have contended that the Government alone should exercise that power; but, sir, there has never been until very recently any difference of opinion on the proposition that receiving deposits and making loans is a function of a bank and not a function of the Government. Of course, I am familiar with the great case of McCulloch *v.* The State of Maryland, in which the Supreme Court of the United States sustained the constitutionality of an act incorporating a bank; but, sir, all lawyers perfectly understand that the decision in that case was predicated on the ground that the bank had been created to aid in certain fiscal operations of the Government. No man connected with that case—neither the lawyers for the State of Maryland who assailed the constitutionality of the law, nor the lawyers for the General Government who defended it—insisted that Congress had any right to create a bank with no power except to receive deposits and make loans. No judge who sat in that famous case expressed or intimated any opinion that would sanction this bill, and I venture to say that until the propaganda for the establishment of a system of postal savings banks was inaugurated in this country no man ever supposed that the Government of the United States could either engage itself or could authorize others to engage in a business of this kind.

But, sir, I do not need to rely upon the technical knowledge of lawyers or on the decision of the courts in a matter which so plainly addresses itself to the common sense of the average man. If receiving deposits and making loans is a proper func-

tion of the Government, then, sir, it is not a proper function of the banks, and the Government ought to exclude them from that business. You must admit that either the Government is engaged in a business which properly belongs to the banks, or else that the banks are engaged in a business which properly belongs to the Government when they are both engaged in the same business. When did it become either the duty or the right of this Government to become a custodian of the people's cash? I have been taught to believe that it is the duty of the Government to appoint officers to prevent thieves from taking my money by force and to establish courts to prevent rascals from taking it by fraud, but I have never supposed that it was either the duty or the right of the Government to assume the custody or to control the disposition of my money. That should always be left to the citizen himself, and the fact that he is incapable of doing it in a proper way can not devolve upon the Government an obligation to do it for him. Have we reached a halting point in our progress and must we now reverse the old rule that the people should take care of the Government and teach our children hereafter that the Government shall take care of the people? How long can we maintain that sturdy self-reliance which for a century has so distinguished the American character after the Government has relieved us from the necessity and the trouble of investing what we have been able to save?

If it be wise to discourage men in their individual efforts by teaching them that the Government can do and should do for them rather than leave them to do for themselves, then, sir, this bill is a wise one and ought to pass. If, however, the maximum of individual effort and minimum of governmental interference is the true policy of a free government, then this bill ought not to pass, and it is infinitely better that the improvident shall never save anything than that the provident shall be taught to look to the Government instead of to themselves. The harm which such a policy will inflict upon this country can not be measured in dollars, and all the money that will be deposited in all of the post-offices of this country, if multiplied by itself a thousand times, can not compensate for the injury which will be done by this legislation to the character of our people and the form of our government.

They tell us that a large number of men can not take care of their own money. Doubtless that is true of some, and I deeply regret it; but it is not true of many. I sincerely wish that every man in this Republic could earn a competence and could take good care of it after he had earned it; but, sir, we can never hope to witness that condition. It does not exist to-day; it has never existed in any of the days which have passed; and it will never exist in any of the days which are to come. It is an iridescent dream, fit only for a socialist to cherish, and in seeking it through a governmental interference with the citizen and his private business we will only hinder those who are striving to do what can be done. The struggle between the weak and the strong is one of the tragedies of this life, and yet out of it some benefit comes to the weak as well as to the strong. It is the conflict, sir, which develops in us those high qualities which conquer every difficulty and enable us to make fate our servant rather than our master. It is as true in the business world as it is in the intellectual or the physical world that the use of a faculty increases its efficiency; and a personal attention to his business, no matter how small it may be, is a positive benefit to every man. It teaches him business habits, cultivates a business prudence, and develops a self-reliance. These are great virtues in a free republic; and whenever the Government comes to each man's door and offers to relieve him from a work which develops them, it ought at least to offer him something as good as they are in return.

Does this bill make such an offer? No, sir. The only advantage which it proposes is the absolute safety of the citizen's deposit, coupled with an interest of 2 per cent. The safety is no compensation for the disuse of those faculties which are so essential to men in a country like this; and the 2 per cent interest would hardly tempt any except the very rich or the utterly worthless to surrender the management of their business to the Government. People of great fortunes can well afford to accept 2 per cent, because even that low rate of interest will yield them an income sufficient to satisfy their most extravagant desires; but, sir, a man of less than independent means is foolish to accept such a rate of interest on his money, for if he has sense enough to perform the duties and to exercise the privileges of an American citizen, he can make more than that by using his own money in his own way. The very men for whose benefit you intend this legislation are the ones above all others who need the business education which the management of their own affairs will give them, and who also need a better return on their moderate savings than your 2 per cent. In almost every town where one of these postal depositories is to be established there is a local building and loan association through which the poor man may procure a home and which will yield him a much larger per cent on his savings than you propose to give him. As a stockholder in a building and loan association it is his duty to familiarize himself with its transactions, and he constantly obtains some new suggestion which is of value to him; but as a depositor with the Government he is practically excluded from giving any thought to the management of his property. He accepts the Government's guaranty, coupled with the 2 per cent, and leaves all the rest to the Government, thus absolutely and completely withdrawing himself from participation in business of every kind so far as his postal savings account is concerned.

Mr. President, this bill commends itself to some of its supporters because it prepares the way for another bill which is to follow it. If Congress can be persuaded at this session to put the Government into the business of the banks, then, sir, it will be easier at the next session to put the banks into the business of the Government. If it is competent for the Government to engage in the business of receiving deposits and making loans, which is essentially and purely a banking business, then who shall deny the right of the banks to issue currency and control the volume of it, although that is the business of the Government? It will be difficult, sir, to justify the Government's going into the banking business, and then deny the banks the privilege of going into the Government's business. The same principle which forbids individuals and corporations to engage in the business of the Government forbids the Government to engage in the business of individuals or corporations; and I warn my Democratic associates that in supporting this bill, they commit themselves to a principle which will estop them from opposing the creation of a central national bank.

I can easily remember when stalwart Republican leaders were demanding with wearisome iteration that the Government should be taken out of the banking business. They were then urging a retirement of the greenbacks and a substitution of national bank notes for them. In that day they insisted that the Government should not even issue notes intended to circulate as money, though that is a function which always belongs to the Government and was never the proper business of a bank; but in this day they do not scruple to insist that the Government shall receive deposits and make loans, which was always the business of a bank, and never a function of this Government. That these men should pass from one extreme to another does not surprise me in the least, because the mental quality which will adopt one extreme will adopt an opposite extreme. There has never been a time in the history of the world, and there will never come a time in the history of the world, when the advocates of special privilege will not embrace a paternalistic or even a socialistic proposition, if a political exigency requires it; and it is not singular to me that the men who now favor the policy of requiring the Government to receive deposits will be the same men in the next Congress, or, perhaps, in the next session of this Congress, who will support a bill authorizing a great central national bank to issue and control the volume of our currency.

The one saving grace of this bill is that it limits the sum which may be deposited by one person; but the studied effort to limit its application is a confession that the principle is not a sound one, because a sound principle does not need to be so limited, and the wider the field in which it operates the greater good it will accomplish. Not only have they limited the amount which they will permit any citizen to deposit, but they have attempted to still further neutralize the bad effect of those limited deposits by providing that the Government shall immediately redeposit that money in the banks of the same community where it has been received. As the bill was originally drawn and introduced, it permitted the grossest kind of favoritism between banks, and it was so justly criticised in that respect that its authors have sought to escape that criticism by providing in the present bill that the post-office deposits of every community shall be divided among the banks of that community according to their capital and surplus, provided, of course, that they are willing to receive the money upon the conditions prescribed by the Government. It is undoubtedly true, Mr. President, that this provision of the bill, if administered in good faith, will render impossible that favoritism which, under the old bill, would inevitably have become a scandal. But, sir, in striving to avoid that objection, they have made the real purpose of this bill so manifest that no man of fair intelligence can be deceived about it. Let me make it plain by an illustration. Suppose that in a given community there are three banks, each patronized by A, B, and C, respectively. Now, sir, if each of them withdraws his money from his

bank and deposits it with the postmaster, this law requires that the postmaster shall forthwith redeposit that money with those three banks, according to their capital and surplus. If it should happen that these three deposits do not run according to the capital and surplus of the banks, then the Government has done one of those banks an injustice by inviting its depositor to withdraw a larger sum than it will put back in it; and it has done another bank a special favor by putting in it a larger sum than was withdrawn by its depositor. But I waive all question of that kind, and assume that the arrangement as between the banks is entirely just and equal. That assumption, however, brings me to the very point which I now desire to impress upon the minds of Senators, which is that the net result of this operation is simply and only to make the Government guarantee these bank deposits.

THE REAL OBJECT.

This is not a party question, and yet I can not refrain from reminding all Republican Senators of the bitter reproach which their orators and editors uttered against us two years ago because we ventured to declare in favor of a law compelling all banks to guarantee the deposits of every bank. I did not then, and I do not now, subscribe to the justice or the wisdom of that policy, but I affirm without the slightest hesitation that it is wiser and more just than the policy embodied in this bill. Our proposition was to make the banks guarantee each other's deposits by compelling them to contribute to a common fund out of which all losses should be paid. Every bank is vitally interested in the solvency of every other bank—so much so that it is a frequent occurrence when one bank in a community is in imminent danger of a failure for the other banks to take it over, even at a loss, in the hope of restoring confidence and preventing the withdrawal of money from solvent institutions.

This common interest was supposed by many to be a sufficient ground for the establishment of a common fund to which all banks should be required to contribute, and from which all losses should be paid. It was a proposal to make men engaged in a common business, subject to a common danger, and resting under a common duty, provide a common fund in which all should have a common interest, and which should be used for their common protection. No contribution was exacted from anyone except from the class mainly affected, and the only question involved was how far the public had a right to insure its financial repose by compelling certain corporations to guarantee the contracts of each other. I thought then, and I think now, that such a law goes altogether too far; but, sir, it did not approach the extreme to which this bill has gone. You will not only collect from all banks to make good the losses incurred by some banks, but if the assets of those insolvent banks and the bonds for which you have provided are not sufficient to discharge their indebtedness to the Government, the loss falls upon the Public Treasury, to which every man, woman, and child in this country must contribute. The Democratic plan confined all contributions to the banks, but this bill levies those contributions on every class. The man who never owned a dollar's worth of bank stock in his life and the widow who never made a bank deposit in her life may each be called upon to repair their losses, because when all of the assets have been exhausted the balance must come from the Public Treasury.

If you tell me that the chance of these losses becoming a charge upon all the people of the United States is so remote that it need not be considered, I answer that the chances of a loss to depositors under our present state and national-banking systems are likewise so small that they might fairly be treated as a negligible quantity. When you consider the enormous deposits in our banks and consider the losses which all the depositors have suffered during the last twenty years, the danger seems out of proportion to the measure by which you are seeking to avert it. If in the earlier time, when banks were managed with less wisdom and prudence and when bank failures often culminated in a total loss to their depositors, some statesman had proposed a law like this, he could have supported it with a practical argument of great value; but, sir, in the face of the steady progress toward a full protection of depositors which we have been making through a vigilant supervision of all banks, it seems utterly unnecessary, even from a business point of view, to put the Government itself into the banking business. I favor the governmental supervision of banks, but I seriously object to a substitution of the Government for the banks. You denounced our proposition as socialistic. What shall we call yours? It is socialism run mad.

They endeavor to reconcile us to the Government's unconstitutional and unwarranted intrusion into the domain of individual or corporate business by telling us that this system of postal savings banks will bring a vast sum of money from its hiding places and make it available for the use of men. I have seen the amount they thus calculate on enticing into circulation estimated as high as $1,000,000,000. Of course the gentlemen who promulgated that estimate are sincere, but they are not well informed. There are, in round numbers, $3,000,000,000 of coin, notes, and certificates outside of the United States Treasury, and of this amount $1,500,000,000 are held by the banks and trust companies as cash reserves and for other purposes, leaving only $1,500,000,000 in actual circulation among the people.

Every man familiar with the habits and business methods of our people can easily understand how this money is distributed, and it is almost susceptible of mathematical demonstration that only a small fraction of it is hoarded. There are more than 30,000,000 adults in the United States, and all of them carry pocket money ranging from a few dollars to several hundred. In every home at least a moderate sum must be kept to meet daily marketing expenses; every storehouse, hotel, and café must keep a sum of money within their cashier's easy reach; the great transportation companies collect millions every day, and in transmitting it from the places where it is collected to the places where it must be disbursed always have a vast amount of cash which is not represented in their bank balances; and there is not an enterprise of any character or magnitude which does not find it necessary to keep some cash at its principal offices. These demands for actual money practically absorb the $1,500,000,000 for which we must account and leave but a paltry sum which is hoarded through a fear of the banks or for any other reason, and most of what is hoarded now would still be hoarded no matter how thoroughly the Government might guarantee its deposit, because it is the property of men whose peculiar disposition keeps it where it is. I would not be willing for the Government of the United States to engage in the business of a banker even if that were the only way of inducing these timid or miserly men to put their money where better men could use it; and thoughtful men, even though their aversion to such a policy is not as great as mine, will hesitate to approve it when such a slight result can be produced by it.

A PERNICIOUS POLICY.

The bill first puts the Government in competition with the banks by inviting the people to withdraw their deposits from those banks and place them with the post-offices, and then practices the grossest kind of a discrimination in favor of its own depositors. The citizens of every State with money on deposit in commercial banks must pay taxes on it, but their neighbors who deposit their money with the postmaster will pay no taxes on it. This is not only a discrimination between our citizens, but it will withdraw from the taxation of States, counties, and municipalities a vast sum of money, if your bill works as you say it will. It is true that you have not stipulated in express terms that these certificates of deposit are exempt from state, county, and municipal taxation, but the court must hold that they are exempt if it holds that in issuing them the Government was performing one of its functions. In other words, Mr. President, if these post-office depository receipts are issued in the execution of a governmental power they are no more subject to the taxation of another sovereignty than the bonds or the notes of the United States. If I am right in this view of the matter, you not only offer the depositor with the Government an interest of 2 per cent, but you also offer to exempt him from taxation, which in all places would be equal to an additional 2 per cent, and in many places to an advantage even greater than that.

What, sir, must be the effect of this policy of the Government in paying 2 per cent on deposits and making those deposits free from all taxation? Unless the good sense of the people defeats it, the inevitable effect must be that men will be induced to withdraw their money from the banks and to deposit it with the post-offices, in order that they may receive interest and be relieved from paying taxes on it. To meet this governmental competition the banks themselves must offer their depositors interest, though they can not, of course, offer them a tax exemption. If the interest which the banks will be compelled to pay to their depositors fell only on the banks, and through them on their stockholders, the case might not appeal so strongly to our sympathy, because his dividends will still leave the average stockholder an ample income to provide for his family and himself; but, sir, every man who knows anything about such matters knows that the banks will simply transfer the interest which they must pay on deposits to the men who borrow those deposits. If any man doubts this, let him examine the very provisions of this bill, and he will find that it is based upon the supposition that it is just and proper to do that. The Government pays its depositor 2 per cent on his money, but

no man would be so rash as to suppose that this bill could pass either branch of Congress if it required the Government to deposit the money on which it was paying 2 per cent without requiring the bank with which it must redeposit it to pay at least an equal amount. As a matter of fact, this bill provides that the Government shall pay its depositors at the rate of 2 per cent, and then requires that the banks shall pay it interest at the rate of not less than 2¼ per cent on that same money.

Now, if the Government deems it necessary and just to collect from the banks the interest which it has paid its depositors, is it not perfectly obvious that the banks will deem it just as necessary to collect from the men who borrow that money the interest which they have paid the Government? But, sir, the evil will not stop there. The banks will not only add the interest which they have paid on the money which the Government has left with them, but they will naturally apply the same rule to the deposits made directly with them, and on which the competition of the Government will compel them to pay an interest. The result of all this must be that the enterprising and industrious men of the United States who are employing the money of this country to the country's great advantage must bear an additional burden in order that a few men whose money would otherwise be kept in idleness may have their current interest. The last men in this country who are entitled to levy tribute upon those who are building up our waste places, developing our national resources, and cultivating our farms, are those who would keep their money idle rather than trust themselves to use it.

Not only, Mr. President, does this bill assume a power in Congress to exempt the money of a citizen from taxation by the State, county, and municipality in which he lives, but there is another provision in it even more startling than that. It provides that the wife may open an account with the postmaster, and that it shall be free from her husband's control. Not content to stop with interfering with the State's power to tax its own people, you have gone further and propose to suspend the state law which regulates the relation of husband and wife. Whether or not the wife's property shall be subject to the husband's control is purely a matter of domestic policy which each State has a right to decide for itself, and the Federal Government is entirely powerless to clothe the wife's property with immunity from the husband's control which he possesses under the constitution and statutes of a State. In its wisdom a State may believe that it is conducive to its highest welfare and will better preserve the peace of its homes for the husband to control all the property of the family, and any State which so believes has a full and perfect right to so decree; but this bill provides that if a wife can reach the post-office and deposit her money with the postmaster she can laugh in her husband's face and defy the authority which the State, in a lawful exercise of its authority, has conferred on him. This section of your bill affords another illustration of the class of men for whom you deem it your duty to legislate. This class, like those who can not attend to their business, is insignificant in number and unworthy of legislative attention. The only man who would be restrained by this provision of your law is some miserable creature who would strip his wife of her pin money, and that kind can well be left to the police regulations of the several States.

Mr. President, there are many other particular objections to this bill, but I forbear to consider them, because I have already taxed the patience of the Senate long enough. It has indulged me at length and with its courteous attention so often that I shall not trespass further upon its time this afternoon. In closing, I only beg leave to say that I perfectly understand that the appeal which I have made on behalf of the Constitution, and on behalf of the fundamental principles of good government, are all in vain. I understand, however, that I do not appeal to them more vainly here than I would elsewhere, because the public mind has become infected with a distemper which frets under every limitation upon its power. The people, even more than their Senators and Representatives, jeer at those of us who invoke the Constitution, and they applaud the men who scoff at it as progressive statesmen; but I warn you here and now, that if, in obedience to a public clamor, you violate the Constitution to-day, you will not be heard to plead it against your successful rivals to-morrow. The Constitution must be obeyed at all times and in all things, or else the day will come when it will not be obeyed at any time or in anything. A written constitution which is not religiously obeyed is worse than no constitution at all, and it is certain to become what a Greek philosopher once said all written constitutions are—a mere network which ensnares the weak but through which the strong break with impunity. I do not, sir, believe in a written constitution because I reverence the wisdom of the dead, but I believe in it because I fear the power of the living. I am not willing to trust you, nor am I willing to be trusted by you, to legislate upon the great and inalienable rights of freemen except within the limits of a written constitution; and I demand that those who speak and act for me shall live up to it in the exactness of its letter and in the fullness of its spirit. If you set it aside in order that you may do something which you want done, what right have you to resist your adversaries when they attempt to set it aside in order to do something which they think ought to be done? Do you imagine that you can deny its protection to others and yet enjoy its protection yourself? Others may think that, Mr. President, but I do not.

But, sir, intense as my convictions are upon this subject, I realize that I am out of harmony with the spirit of my time; and I am sometimes almost persuaded that I am living in an age and attempting to do a work for which my opinions totally unfit me. If I could have lived fifty years ago I might not have persuaded the majority to accept my views, but I could never have provoked a controversy with my political associates over them. I hope and believe that such a time will come again, because the American people must soon understand that they are governed too much. If they shall reach that conclusion before paternalism has done its deadly work, then we shall have a revival of that old faith in the man and that old distrust of the Government. We shall learn ourselves, and we shall teach our children, to believe that the Constitution created the Union, and that neither can survive the other. If we destroy the one, we can not save the other; and if we save the one, we can not destroy the other.

Mr. OWEN. Mr. President, at the proper time I shall ask the Senate to consider the following amendment to the bill before the Senate. It is to strike out all after the enacting clause of Senate bill 5876 and to insert:

From and after the passage of this act, the Comptroller of the Currency shall set apart the annual tax on the circulation of the national banking associations of the United States as a special fund to be designated the "Bank depositors' guaranty fund," to be used by the Comptroller for the immediate payment of the depositors of any national bank failing after the passage of this act. The net liquidated assets of any national bank, which the Comptroller of the Currency takes charge for the purpose of liquidation, shall be deposited to the credit of the "Bank depositors' guaranty fund" to the extent required to reimburse such fund any moneys advanced by such fund for the payment of the depositors of such bank. No deposit under contract, either directly or indirectly, to bear interest in excess of 4 per cent per annum on time deposit, or, in excess of 2 per cent per annum on current account, shall be included in the insurance provided by this act, and no such deposit shall be paid out of the "Bank depositors' guaranty fund."

That any state bank or trust company may have its deposits guaranteed by the "Bank depositors' guaranty fund" upon equitable returns to be prescribed by the Comptroller of the Currency and approved by the President of the United States.

Mr. President, to-morrow, after the morning business, if it shall suit the convenience of the Senate, I should like to be heard in regard to this matter.

The VICE-PRESIDENT. Does the Senator from Oklahoma desire to have the amendment printed and lie on the table?

Mr. OWEN. I desire to have it printed and lie on the table.

The VICE-PRESIDENT. That order will be entered, if there be no objection. It is entered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had, on February 24, 1910, approved and signed the following acts:

S. 821. An act to provide for the appointment of an additional district judge in and for the district of Maryland; and

S. 1043. An act providing for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, and an additional district judge in and for the southern judicial district of the State of Ohio.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 16367. An act to repeal section 860 of the Revised Statutes;

H. R. 18594. An act to detach the counties of Genesee and Shiawassee from the northern division of the eastern judicial district of Michigan and attach them to the southern division of the eastern judicial district of Michigan;

H. R. 20575. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended by an act approved February 5, 1903, and as further amended by an act approved June 15, 1906; and

H. R. 20835. An act authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory.

H. R. 17263. An act to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, was read twice by its title and referred to the Committee on Interstate Commerce.

LAND NEAR CONNECTICUT AVENUE BRIDGE.

The VICE-PRESIDENT laid before the Senate the bill (S. 4617) to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets, returned from the House of Representatives in compliance with the request of the Senate.

Mr. GALLINGER. I move that the votes whereby the bill was ordered to a third reading, read the third time, and passed, be reconsidered.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be indefinitely postponed.

The motion was agreed to.

SAFETY OF EMPLOYEES UPON RAILROADS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5702) to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads," and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. KEAN. I move that the Senate insist upon its amendments to the bill and agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. ELKINS, Mr. CRANE, and Mr. TAYLOR the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. DOLLIVER. I report back from the Committee on Agriculture and Forestry, with amendments, the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, and I submit a report (No. 279) thereon.

I desire to give notice that I shall ask the Senate to consider the bill to-morrow after the routine morning business.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. HEYBURN. I think it only fair to say to the Senator from Iowa that inasmuch as the agricultural appropriation bill has just come into the Senate, and will not be printed and subject to inspection until to-morrow, we would want more time in which to consider it and examine it than we would have if it should be taken up to-morrow. I would not want to have it understood by the Senator that there would be no objection to the bill being taken up to-morrow.

Mr. DOLLIVER. If it is not convenient for the Senator to go on with the bill to-morrow, of course I shall not insist upon it.

POSTAL SAVINGS DEPOSITORIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. CARTER. Mr. President, the postal savings-bank bill has now been discussed for a considerable length of time. After interviewing a number of Senators I feel warranted in asking that a day be fixed for a vote on the bill and all pending amendments. I desire that the time shall be amply sufficient to allow full consideration of amendments and the submission of any remarks Senators may desire to make.

I am constantly advised by Senators of their desire to be present when the bill is finally voted upon, and I know of no means by which notice can be given save by the fixing of a date.

I therefore ask unanimous consent that the bill be taken up on Monday next, immediately after the close of the morning business, and that its consideration, together with such amendments as may be pending or offered, shall be continued, and that a final vote shall be taken on the bill and amendments before adjournment on that day.

The VICE-PRESIDENT. May the Chair call the attention of the Senator from Montana to the fact that at the request of the Senator from New York [Mr. DEPEW] an order was entered for the consideration of Senate bill 3360 on that day?

Mr. CARTER. I was not advised of that procedure. I will then change the day to Tuesday.

The VICE-PRESIDENT. That would be Tuesday, March 1.

Mr. CUMMINS. Mr. President, I have, I think, as great a desire as the Senator from Montana to see a speedy disposition of this bill. However, it will be impossible for me to be here either Monday or Tuesday, and I hope the time mentioned for taking up the bill and its consideration will be postponed until Thursday. I do not rise to make objection to the request of the Senator from Montana.

Mr. MONEY. Mr. President, it was impossible to hear the Senator from Iowa.

Mr. CUMMINS. I asked the Senator from Montana to name Thursday instead of Monday or Tuesday.

Mr. CARTER. In view of the condition to which the Senator from Iowa refers, I will substitute Thursday for Tuesday in the request I make.

Mr. HEYBURN. Mr. President, before unanimous consent is given I desire to state, in view of the fact that the agricultural appropriation bill has come in to-day and notice has been given that it will be taken up at a very early time for consideration, that we can not very well fix a time to-day for taking a vote upon the postal savings-bank bill. The agricultural appropriation bill will probably occupy the attention of the Senate for several days. I think that at the last Congress that bill was under consideration for about one week or perhaps longer.

In view of that fact, we do not desire to foreclose the consideration of the postal savings-bank bill to the end of a certain day, with the possibility that the entire intervening time may be occupied by the consideration of an appropriation bill having the right of way as it will. When the appropriation bill is taken up under the rules of this body it will occupy the time, and we will want it to occupy the time, because it is one of the most important bills that comes before us. Therefore, I think we had better not at this time, in view of that fact, undertake to fix a time to vote upon the postal savings-bank bill.

Mr. CARTER. Mr. President, I need scarcely suggest to the Senator from Idaho that under the custom of the Senate and its rules any bill may be considered at any time any Senator has a desire to submit remarks, and amendments may be offered at any time. The devotion of Thursday entire to the bill and amendments would certainly, in view of the time heretofore spent in its consideration, be quite adequate, I think.

I sincerely hope that no objection will be urged. I readily understand that if appropriation bills are to be considered as an adequate reason for denying unanimous consent, we shall not be able to reach a vote on this bill during the session. I have no doubt that every Senator here desires to have the postal savings bill finally disposed of at an early day, the Senator from Idaho included.

In view of our custom which permits a Senator at any time to submit observations upon any bill that is pending, no inconvenience will be suffered by fixing a day, because, with the agricultural appropriation bill or any other bill pending, I know of a number of Senators who, regardless of what may be pending at the time, contemplate addressing the Senate to-morrow, and possibly the day following, on the postal savings bill. The Senator from Oklahoma [Mr. OWEN] has given notice that immediately after the close of the morning business to-morrow he will address the Senate on a certain amendment which he has proposed.

Mr. DOLLIVER. Mr. President, I do not want the Senate to gain the impression that I desire the agricultural appropriation bill to delay the fixing of a time to vote on the postal savings bill. I would certainly be willing to frame my suggestion as to the appropriation bill so as not to interfere with anybody's desire to address the Senate upon the postal savings bill. I think I may assure the Senate for the committee that they would not desire the bill used to postpone for a minute the final vote on the postal savings bill.

Mr. HEYBURN. Mr. President, under that statement and existing conditions, I shall not oppose the fixing of one week from to-day, which is, I understand, the date named by the Senator from Montana as the day at the close of which a vote may be taken on the postal savings bill. This is with the understanding as suggested by the Senator from Iowa.

Mr. MONEY. Mr. President, I am willing to vote on the postal savings bill now. I do not care anything about any speeches that are to be made upon it and I have no desire to postpone the final passage of the bill, if it is to pass, and I believe it will. But it would have been, I think, my duty to object to the fixing of a day but for the assurance given by the honorable chairman of the Agricultural Committee that that bill will give way to anyone who wants to address the Senate on the pending bill.

I do not wish, however, to have it understood that this is to be an order that will exclude anyone who desires to speak upon this subject. There are some Senators, I understand, on this side who would like to speak. I am not one of that number.

If the Senator from Montana will consent that this agreement shall give way in order to make it possible for anyone to speak who desires to do so, I have no objection to fixing a week from to-day, with the understanding from the Senator from Iowa that the agricultural appropriation bill will give way, but I could not consent to an order that would exclude anybody from speaking on this question; it is too momentous a one and affects too many people. Some men are taking a good deal of responsibility with their constituents on both sides of the House. I am willing, however, for next Thursday, a week from to-day, to be fixed, under the conditions that have been proposed by the Senator from Iowa.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Montana what proposal he intends to make regarding the time on the last day. The Senator is probably aware that upon that day there will be quite a number who will wish to speak briefly. Would it not be advisable to have a time limit upon that day, to take up the amendments seriatim and dispose of them, instead of pursuing the practice that is often pursued of allowing the amendments to come up at the close of the debate and at the close of the day?

Mr. CARTER. Mr. President, my understanding is that all Senators desiring to address the Senate at any length on the merits of the bill will do so prior to next Thursday. The request for unanimous consent is, as will be stated by the Secretary, in substance, that immediately after the close of morning business on Thursday the Senate will proceed to the consideration of the postal savings-bank bill, and all amendments then pending or to be offered, and that a final vote shall be taken on the amendments and the bill before adjournment on that day. I presume if any attempt were made to specify the period of time or to invoke any rule, difficulty would be encountered in getting the unanimous consent.

Mr. NEWLANDS. I understand, then, that hereafter the suggestion may be made as to a limitation of time on Thursday, so as to permit those who wish to speak to have the opportunity.

Mr. CARTER. That, I presume, will be arranged later if it is the desire of Senators to bring it forward. I would much prefer not interjecting that question at this time. I doubt very much if any Senator will want to address the Senate at length on Thursday.

Mr. MONEY. I shall have to object to any arrangement by which anybody is limited. I have just heard of two or three Senators on this side who want to speak, and they may not be ready before next Thursday. I will ask the Senator from Montana if it would not suit his convenience to take the bill up on Thursday and continue the discussion until we get to a vote? That would answer his purpose. We might not conclude it on Thursday, but it can be continued as the unfinished business until it is voted upon finally, giving then every Senator an opportunity to express himself who desires to do so.

Mr. CARTER. The Senator from Mississippi realizes that to continue the bill as the unfinished business would be of little gain. My desire is that all Senators wishing to vote on the bill shall have an opportunity to do so, and that notice be given somewhat in advance of a definite day or time when the vote will be taken.

Mr. GALLINGER. If the Senator will permit me, I will suggest that we have never heretofore had any difficulty, during the day upon which a bill is to be voted upon, of limiting the speeches, if it becomes a necessity. I think we had better not undertake to do that in advance, but undoubtedly it can be done on the day upon which the bill is to be voted on.

Mr. MONEY. The remark I made was in view of the fact that I have just been apprised that some gentlemen want to speak on this side, and one at least will not be prepared to do so until Thursday on account of other engagements. I do not propose, for one, to consent to an arrangement that would deprive Senators of the liberty of a full expression on this subject on account of the great responsibility which belongs to everyone who speaks or votes on it.

Mr. GALLINGER. I should think there would be abundant opportunity for every Senator to speak at length on Thursday.

Mr. NEWLANDS. And yet, Mr. President, I submit that under the suggestion made by the Senator from Mississippi [Mr. MONEY] it would be entirely possible, if Thursday is fixed as the day for the final conclusion of the vote on this subject, for a single speaker, or two or three speakers, to take up the entire time. In that view, it seems to be necessary, if the time for the vote is to be fixed, that for at least three or four hours prior to that there should be an opportunity given to Senators to discuss the various amendments as they come up.

Mr. CARTER. Mr. President, I think it is clear that we can remain in session or, if need be, take a recess, so as to allow every Senator an opportunity to address the Senate on Thursday without any difficulty.

Mr. MONEY. That would be perfectly satisfactory, I think.

Mr. BACON. The Senator means take a recess until the next day?

Mr. LA FOLLETTE. Make it the same legislative day.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana [Mr. CARTER]?

Mr. BACON. I understand no hour is fixed, but simply the day.

The VICE-PRESIDENT. That is correct. The Chair hears no objection to the request. The Secretary will state the request, so that there may be no possible misunderstanding.

The SECRETARY. The Senator from Montana [Mr. CARTER] asks unanimous consent that on Thursday, March 3, next, immediately upon the conclusion of the routine morning business the Senate will proceed to the consideration of the bill (S. 5876) to establish postal savings depositories, and so forth, and that a vote will be had upon all amendments pending or to be offered and on the bill itself before adjournment on that day.

Mr. BACON. Mr. President, I suggest to the Senator from Montana, in view of a suggestion which he made privately to some of us, that the language "legislative day" be used.

Mr. CARTER. Very well, Mr. President.

Mr. BACON. The Senator from Montana having made the suggestion, in view of the statement made by the Senator from Mississippi [Mr. MONEY]——

Mr. CARTER. I accept that suggestion.

The VICE-PRESIDENT. The word "legislative" will be inserted before "day."

Mr. BACON. Mr. President, I desire to complete the statement I was going to make in order that it may appear in the RECORD. The Senator from Montana having suggested, in view of a statement made by the Senator from Mississippi, that, if necessary, a recess would be taken, the legislative day being preserved, and, if necessary, going over to the next day, every Senator having the opportunity to be heard.

Mr. CARTER. That will be done if it can be done.

The VICE-PRESIDENT. The change will be made, and the word "legislative" will be inserted before the word "day" in the agreement.

ADDRESS OF SENATOR GORDON.

Mr. GORDON. Mr. President, I am informed that the senatorial deadlock in Mississippi has been broken and that we shall soon have Mr. Leroy Percy to take my place in the Senate. As I am about to retire from the Senate, I wish to express my feelings and sentiments in regard to my brief experience here. I did not expect to-day to make a speech, notwithstanding I found after I got into the Senate Chamber that some of the newspapers had stated I would do so. I wish you to understand that I am not making a set speech, and I have not written any such poetry as that ascribed to me by the newspapers this morning. [Laughter.]

I am guilty of one little act of poetry. I published a little book, which I have got hid away in the desk here and which I am going to give to the President of the Senate when I get through here, and probably he will have a worse opinion of me then than he had before. [Laughter.]

I will tell you how I came to be a United States Senator. I started when I was 5 years old. It took me a long while to get here, and I found it a very rugged road to travel; but I did get here. When I was a little chap about 5 years of age—I will tell you a story, and you may tell your children, and you old fellows may tell your grandchildren—I received as a present something like a map on pasteboard. It had this great Capitol as a picture at the top of it and squares with numbers on them. Those numbers represented all the passions that had escaped from Pandora's box. That map had marked on it all the temptations that would befall a youth growing up. It had a little teetotem, as it was called, in octagon shape, and it had numbers on it up to 8, on which to spin. My mother used to take me to her side.

If you should spin the teetotem and it went over the mark and got on a bad place in the square, that would be one of the bad passions; but if it escaped all those, and the teetotem got on the great Capitol of the United States, you would be in the United States Senate. I saw a great big fellow sitting up there in that stand. I wanted to know of ma if I would get there; and, God helping me, I got there yesterday. [Laughter.] She told me that if I would lead a clean life and form no bad habits I would be sure to get there. She never told a story in her life, and so I knew it would come true. In all my life, Senators, that thing has stuck to me, and every time I wanted to do wrong I saw one of those passions on that board, and that

board has stood before my eyes from that day until to-day, though I have never made it public until now. I thought this was the place to do it.

Now, I wish to talk to you about our affairs in Mississippi, and so forth. I am a peculiar sort of a genius—not much of a genius, either—but I have got about a thimble full of common sense that I use occasionally, and I want to use it now to the best advantage.

I have had a varied life. I was born a multimillionaire, very unhappily, too, for I never saw one of them that was happy yet, and I never was happy myself until I got rid of my millions. The largest portion of them went to feed a large number of slaves that I unfortunately inherited and the rest I spent on my friends, like a gentleman should, and got rid of the incumbrance. [Laughter.]

I have been listening to speeches here very carefully, and the more I heard of the speeches the sorrier I felt for the millionaires. Thank God, I am not one any more. [Laughter.]

I heard the Senator from Arkansas [Mr. DAVIS] the other day make a speech in which he abused Rockefeller. If there is a man in the United States that I am sorry for, it is Rockefeller. [Laughter.] I can not help sympathizing with a fellow that everybody is "cussing," and I never could see what they "cussed" him for unless because he had more money than anybody else. I do not think that is a fault, but it is a misfortune. I am sorry for a man in his condition, when he can not go out on the street and have even his little grandchildren walk in sight of him without threats that they will kill his little babes. I know the old fellow loves those children better than all the gold in his vaults; and he would not be a human being if he did not.

I am now going to say something that is unpopular in my section of the country. If I were an office seeker, I might be tempted to do wrong, but I always did say before my people what I thought was right. I think that Mr. Rockefeller is a good man, and I am going to think so until somebody shows me that he has done wrong. I see his employees very often, and I never saw one of them who did not speak well of him. I am told that he never had a strike among his employees. I am told another thing, that he has given more millions—I do not think much of him for that, because he had more than he had any use for; but he has given more of them—to the poor, to charity, to the churches, to education, and to build hospitals all over the country where they are needed for his employees, where they can go when they are sick and be cared for, than has any other man. If anybody in the United States does not like that let them put it in their pipes and smoke it. [Laughter.] I have said it.

If my friend from Arkansas is opposed to what I call prosperity, I would like for Mr. Rockefeller to come down and run his pipes through Mississippi. He can go all over my land. [Laughter.] We shall be glad to have him. I used to pay 40 cents a gallon for oil to be burnt in my lamps. We are a little better off now, we are independent, because we have got electric lights, but we paid 40 cents a gallon for oil, and now we can get it for 10 cents a gallon. I do not know whether Mr. Rockefeller is the cause of the price coming down to 10 cents, but I think it will be that way in Arkansas if they get the conveniences that this pipe business proposes to give them, and I intend to vote for the pipes. That is all there is to it. [Laughter.]

Well, I want you to understand that I am a plain, blunt, old confederate soldier. I wore the gray and I fought and bled, but I did not die, though I skedaddled frequently. [Laughter.] You understand that word "skedaddled." These old soldiers will understand it.

I had the honor during my service to capture some very prominent men in the northern army; among them was General Coburn, of Indianapolis, Ind. I captured one great, big man, who afterwards became General Shafter. He was then a major in the Nineteenth Michigan. He was a very poor shot, for I advanced on him with my saber, and he shot at me five times and never touched me. [Laughter.]

Now, I will tell another story. That fellow Shafter gave me an awful scare. When I approached him he handed me his pistol and said: "You are welcome to it, but it will do you no good, as I have shot all the cartridges away; but over at the stockade near Franklin, Tenn., I have a valise that has got a thousand cartridges in it, and you are welcome to those, if you will go after them." I said: "Thank you for the pistol; I will go after the cartridges."

In a few weeks later with Forrest I went to Brentwood Station, captured the fort, and got the cartridges, but I never used them. I never fired a shot during the war. [Laughter.] That is a fact. I had just about enough to do to look after the men that I had engaged. That is the kind of a soldier I was. I told the other fellows to do the fighting. A great many of them stayed at home, and if I had been as smart as they were, I might have done the same. [Laughter.]

When the confederate soldier and the Union soldier—we called them "Yanks" in that day, and they called us "Johnnies"—met they were always friendly. General Coburn asked permission of General Cheatham and General Polk to present me his sword for kindnesses extended to him when he was a prisoner of war. I carried him from near Franklin to Tullahoma, Tenn., and that sword was presented to me at Tullahoma. I sent it home with the petition that I had, with the signatures of General Cheatham and General Polk, and I have it yet; and when Grierson made his raid through my country and went by my father's house, my wife presented that order to his adjutant, and they gave us a guard and protected the house.

Another time a gentleman, who is living yet, by the name of Captain Brown, of the Seventh Illinois, and I had a little engagement. That Seventh Illinois was the meanest regiment I ever saw, for it never wanted to quit fighting. [Laughter.] The Seventh Illinois and the Second Iowa were the worst men I had to fight; but I am glad when I see them alive to-day. When we meet, we shake hands; we are the best of friends, and Captain Brown of the Seventh Illinois and I have kept up a correspondence ever since the war. He is living at Leon, Iowa, now; and if you think I am not telling the fact you can call on him and prove it. As I have said, he is still living, and I hope he will live a hundred years, and that I will live to see him decently buried. [Laughter.]

Now, gentleman, I did not get up here just to make you laugh. I want to tell you something that will not make you laugh. Down in Mississippi where I live, when I go home and go to my bed to sleep and dream sweet dreams of the hours I have spent here in the Senate, I sleep with the sword of Damocles hanging over my head. We have a problem to settle there that I want you to help me settle. I do not ask you to agree with me, but I ask you to talk with me and listen to what I have to say, and, in kindness and friendship, I want to see Mason and Dixon's line obliterated from the map of the United States, and on it the words written "Our country." [Applause on the floor and in the galleries.]

I am tired of sectionalism. God knows I got enough of it fighting. I do not want any more of it. I do not want to hear any speech in the Senate or anywhere else that stirs up strife between the old soldiers or citizens who are not in the army.

I do want to bring about peace. I am an old confederate; you are old veterans, perhaps. We disagreed, and you were the victors; but we still think our generals were good men and our people were good people; and we do not dispute that yours were just as good as ours. Our people down South are not quarreling over these things at all. We have a few blab-mouthed fellows that always want to make a fuss, but they are not even worth "cussing." [Laughter.] So I will not use any invectives against them. We have them down South; but they are not my sort, and I have got more influence with the people than they have. I talk with them as I talk to you. I tell them the truth and the facts, and I tell them we have friends here, but they do not see things as we do.

We want you to think well of us, and there is no use of calling us traitors. They used to call George Washington a rebel and a traitor, but we do not think so ourselves; and I do not think any of us fellows were traitors, while we may have been rebels. I do not deny that. We thought we ought to fight for our States, and we disagreed just on a little section in the Constitution—a very small thing to fight about, but we made an awful big fuss when we got at it. [Laughter.]

Now, nobody can take away the glories of either side. A man had as well attempt to scale the ramparts of Jehovah and pluck from heaven's diadem God's brightest star as to snatch the laurel from the brow of the conqueror or the conquered that stood under the apple tree of Appomattox. They go together; they are all famous; and there were good men on all sides. They disagreed, and they fought for it; but when one side conquered and the other was conquered, we took our oaths of allegiance, and I can hold up my hand before high heaven and before this Senate to-day and say I have never violated that oath that I took to be a good citizen of the United States, and I never knew of a soldier of the confederacy violating that obligation.

This is my father's house. I am proud to be in it. I am proud to be associated to-day with the men whom I see around me. I have read the papers and I have heard you all abused and censured, but I find that this is the finest working body of men with whom I have ever been associated. I had no idea

of the amount of work that was incumbent upon a man who occupied a seat in this Senate. If he does his duty, he has a great amount of labor to perform for the benefit of his country—of our country. I know no North, no South, no East, no West; but love my country, every part the best.

I love Mississippi because it is my home. A man always loves his home a little more than any other place. I love the particular spot where I live better than any other spot, and you do the same. We have there ties of friendship and love and everything that we have not anywhere else.

I come to you to talk of friendship and of love for one another. My religion is the eleventh commandment of Christ, when He said, "A new commandment I give unto you; that ye love one another." That is what I want to bring about here; that is my object in standing here to-day to talk to you as I do. I want to implant in you, just as it is in my heart, a growing love for the country I live in and the people I live with. I live with you all; you are not divided from me by Mason and Dixon's line, isothermal lines, or any other plagued lines. [Laughter.] I want to wipe out all lines. That is my desire.

I want to see you join me in taking away the bayonets that are on those guns you sent down there to a race of people who came out of a jungle and are only partially civilized. We can not civilize them in half a century. We were not civilized in a thousand years as we are to-day.

We do not want to hurt the negro. We all love the negro. I want to read you here a little sentiment of mine. I have got a little book here, and I want to read from it and show you just how we feel toward the negro. This is my poetry, but I will not bore you with much of it [laughter], and, understand, I am not advertising it either; it is not on the market yet. [Laughter.]

THE OLD BLACK MAMMY.

'Tis easy to wander off from my theme
When traveling over the ground;
Thro' evergreen pastures across the bright stream
When in fancy I wander around,
And see in the picture which never grows older
Tho' age chills the blood which never grows colder.

In fancy I see those good negroes again
I loved in the days long ago,
As they worked in the fields of cotton and grain
And sung as they chopped with the hoe;
I can never forget, wherever I roam,
The scenes of my childhood and home.

The dear old black mammy, so gentle and tender,
So faithful and true to her trust—
I loved her so well I dared not offend her;
She is gone, yet I honor her dust.
From the wells of my heart arise tears of regret;
Tho' she sleeps 'neath the sod, I can never forget.

She was lovely to me in her colored bandanna
With which she turbaned her head;
Her songs were far sweeter than flute or piano
As she put me to sleep in my bed;
Her soft crooning voice I can never forget,
Like an angel in dreams, she comes to me yet.

Those are our sentiments. [Applause.] I think my friend BAILEY will testify to that. Excuse me for calling your name, Senator——

Mr. BAILEY. That is all right.

Mr. GORDON. I am not familiar here. They call me "Jim" down at home, and I hardly recognize myself when I am called by any other name. [Laughter.]

I want to read another little verse here to you fellows who do not love us:

We make our own sorrows, the evils of fate,
When we take in our hearts malice, envy, and hate.
There is good in the world, and we may be sure
That a heart full of love will keep the soul pure.
When we cross Death's dark river and reach the bright shore
Beloved ones will greet us and welcome us o'er.
And while it is given to dwell on this earth,
No matter where may be the land of our birth,
Our duty to God is to do all we can,
Be true to our country, love our fellow-man.

Those were my sentiments long before I came here or thought of coming here.

Now, gentlemen of the Senate, I have made these few remarks. I hope you will take them in, and I hope you will give consideration to them. I hope you will believe I am telling nothing but the truth; and I want to say in kindness and with regard for the Senator from Idaho [Mr. HEYBURN] that I want him to come down South and come to my cottage on the prairie and I will show him a little of the southern life. When we get through we will come back here and we will walk into Statuary Hall, and what will I say to him? I will say, "Help me persuade the Senator from Indiana [Mr. BEVERIDGE] to take the Lew Wallace statue out of here and hide it away in some river or pond where it never can be seen any more, and build him a statue worthy of so great a man as Lew Wallace." [Laughter.] I have admired him ever since I read Ben Hur and ever since I heard of his getting a little out of temper at the battle of Shiloh. I reckon he must have had a good deal of human nature in him. He is a man that I was very fond of, and I am fond of his memory. I want to see him have a grand statue, and I will come up here and see them set it up. After they do that, with the Senator from Idaho, after he has seen the South through my spectacles—and I will lend them to him on that occasion—I want to come back here and stand before Grant's statue and stand before Lee's statue, and I will pull off my hat and hurrah for Grant, and, I think, he will holler, "Lee was a pretty good fellow," and he will say, "Hurrah for Lee!" That is the kind of feeling I want to cultivate with him. [Laughter.]

I want you all to understand that what I say to the Senator from Idaho I say with no feeling in my heart against him. No; I love him. I love everybody. I am a happy man. I never let hate get into my heart, so as to make me unhappy. That is the reason I have lived and kept young, and retained my youth and beauty while you have gotten old and ugly—some of you. [Laughter.] I have not lost my hair yet; but it is falling out, and I am going to leave here to keep from losing it altogether. I am going to leave here, for many of you have got all the hair off your heads, and I think I had better go home. [Laughter.]

Well, Senators, I am very glad that there is such a good man coming from Mississippi to take my place without the pleasure of having to kick me out.

Senators, I know I am infringing on your time. I did not intend to say as much as I have said, but I do hope I have said something to you that you will remember and ponder over; and when the time comes that you think I told the truth, I want you to write to me and say, "Well, GORDON, old fellow, we will help you." That is what we want—help. I want your capitalists to come down to Mississippi, and we will give them the right hand of fellowship, because we want to get your money. [Laughter.] We want you to erect our factories, build our railroads, and do everything else. We will give you all the opportunities you want, and we will be there with you, whether you run an oil machine or any other sort of a machine. [Laughter.] I do not care whether it is Mr. Rockefeller or Mr. Anybody Else, just so he has what we have not—the money to build up the State.

I thank you, gentlemen, for your attention.

Mr. DEPEW. Mr. President, I have heard a great many farewell addresses in my life; I read the most famous of them on Washington's Birthday, the 22d of this month; but this is the most unique contribution to literature of this character which any of us has ever heard. It will live in the records of the Senate as probably the most remarkable address either of a new Senator coming in or of an old one going out that has ever been delivered. Its patriotism and good-fellowship, broad mindedness, charity, and humor will remain among the best recollections of those who heard it. I believe I express the sentiment of every one of the colleagues of our departing friend when I say that we deeply regret his going, and that no matter how wonderful a genius or great a statesman succeeds him he can never be Senator GORDON, of Mississippi. [Applause.]

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened and (at 4 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 25, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1910.

COLLECTOR OF CUSTOMS.

Frederick O. Murray, of New York, to be collector of customs for the district of Buffalo Creek, in the State of New York. (Reappointment.)

APPOINTMENTS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

David C. Turnipseed, of Alabama, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of Asst. Surg. Charles E. Wood, resigned.

Carlisle P. Knight, of Delaware, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of Asst. Surg. R. A. C. Wollenberg, resigned.

UNITED STATES DISTRICT JUDGE.

Howard C. Hollister, of Ohio, to be United States district judge, southern district of Ohio, under the provisions of the act of Congress approved February 24, 1910.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. George F. Cooke, Twenty-second Infantry, to be colonel from February 23, 1910, vice Col. Joseph F. Huston, Nineteenth Infantry, retired from active service on that date.

Maj. Abner Pickering, First Infantry, to be lieutenant-colonel from February 23, 1910, vice Lieut. Col. George F. Cooke, Twenty-second Infantry, promoted.

Capt. George W. Martin, Eighteenth Infantry, to be major from February 23, 1910, vice Maj. Abner Pickering, First Infantry, promoted.

First Lieut. John L. Jordan, Eighteenth Infantry, to be captain from February 23, 1910, vice Capt. George W. Martin, Eighteenth Infantry, promoted.

Second Lieut. Keith S. Gregory, Sixth Infantry, to be first lieutenant from February 23, 1910, vice First Lieut. John L. Jordan, Eighteenth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1910.

POSTMASTERS.

NORTH CAROLINA.

Brownlow Jackson, at Hendersonville, N. C.

OHIO.

Clarence C. Fravel, at Pataskala, Ohio.
George D. Heisey, at Newark, Ohio.
John J. Leedom, at St. Paris, Ohio.
Orlando P. Mason, at Bellaire, Ohio.
Carl H. Schell, at Hamilton, Ohio.
Chester R. P. Waltz, at Delta, Ohio.
Sidney J. Winney, at Ohio City, Ohio.

PENNSYLVANIA.

Fred G. Fryburg, at Hooversville, Pa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 24, 1910.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

GAMBLING IN FUTURES.

Mr. ADAMSON. Mr. Speaker, I wish, by unanimous consent, to present the following letter:

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

WARM SPRINGS HOTEL,
Warm Springs, Ga., February 21, 1910.

Hon. W. C. ADAMSON,
Washington, D. C.

DEAR ADAMSON: As the fight against the New York Cotton Exchange and gambling in agricultural products seems to have made some headway, allow me to say that I believe if Congress will adopt such measures as will put a stop to this gambling and thereby kill the cotton exchange, it will have accomplished for the South a result which will do more for the good and prosperity of its people than anything else which could be done.

I do not believe that the cotton exchange accomplishes any good result whatever to the cotton producer or the manufacturer, but simply exists for the good of the members of the exchange, enabling them and their associates to live in luxury on the products of other people, as is the case of other gamblers who are allowed to run their games. The only practical difference being that the player against the game in this case never sees the cards dealt, and that the rake off all goes away from home. And besides, this gambling is more tempting because it can be done by men who would never risk the chance of being found out as players against a faro game at home.

As to the information which the exchange professes to furnish for the good of the producers and manufacturers, these get it secondhanded after the exchange members have had an opportunity to discount its effect. In my judgment, it would be much better for the cotton producers, manufacturers, and legitimate or spot-cotton buyers to form a bureau of information for themselves, the reports of which giving information as to the planting, cultivation, and general conditions as the crop progressed would be much more reliable and valuable to these parties interested than any information now coming through the exchange or any of its members.

Moreover, the government reports are to be had for a basis to regulate estimates of the crop on and a much sounder one than those furnished by the exchange.

We know that the prices for future contracts are not now on a parity with the price for spot cotton, and that this difference is only because the former are made in the transaction of a gamble and it is not expected that actual delivery of any cotton will be made.

If you have time please let me hear from you on this.

Yours, truly,

CHAS. L. DAVIS.

SAFETY OF TRAVEL ON RAILROADS.

The SPEAKER laid before the House the bill (H. R. 5702) to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads," with Senate amendments, which were read.

Mr. MANN. Mr. Speaker, I move that the House disagree to the Senate amendments, and ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. MANN, Mr. WANGER, and Mr. ADAMSON.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, H. R. 21419.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

Mr. WEEKS. Mr. Speaker, pending that motion, I ask at the close of the session at half past 5 a recess be taken until 8 o'clock, and the evening session to be continued this evening until 11 o'clock for general debate on the bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the House take a recess at half past 5 o'clock until 8, and that the evening session continue until 11, at which time the House shall stand adjourned until to-morrow at 12 o'clock.

Mr. CLARK of Missouri. I do not have any objection——

Mr. WEEKS. The evening session to be for general debate only.

Mr. CLARK of Missouri. That is what I wanted to know.

The SPEAKER. Will the gentleman from Massachusetts give his attention? The evening session is for general debate only. The Chair will submit the request for unanimous consent, that if the House is in Committee of the Whole, the gentleman's request is that the Committee of the Whole take a recess at half past 5 until 8 o'clock, and after the recess continue in session until 11 o'clock, when the committee will rise and the House by virtue of this agreement will stand adjourned?

Mr. WEEKS. I make that request of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion to go into Committee of the Whole House on the state of the Union was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union; Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 24149, the post-office appropriation bill.

Mr. WEEKS. It is not my purpose to detain the committee with any extended remarks at this time, preferring to explain in detail, during the reading of the bill, such matters as there may be a question about. There are some general observations, however, which may be appropriate in presenting the bill. No governmental department furnishes such a complete barometer of business conditions as does the Post-Office Department. If business is good, it follows with absolute certainty that the post-office receipts will be large. If, on the contrary, business is poor, the receipts of the post-office decline in the same ratio for this reason. Unless the department can correctly prognosticate future business conditions, no accurate estimate can be made of the probable revenues, but for a ten-year period the result may be pretty accurately estimated. Except in two such periods during the one hundred and ten years' life of this department the growth has been very nearly, if not quite, 100 per cent. It was that in the ten-year period ending June 30, 1909, and the rate since that date, owing to a revival in business, has been rather more than 10 per cent, so that the Member now serving his first term who remains in Congress as long as the gentleman from Pennsylvania, General BINGHAM, who was once chairman of this committee, or the Speaker, who saw his early service on it, and who, by the way, was the author of the present method of determining the rate to be paid for transportation, will be likely to see, if postal rates are not changed, a department with receipts nearly as large as the present expenses of the Government and an army of employees at least

twice as large as any military force ever assembled. Such growth must necessarily mean inequalities in service, in the pay of employees, in the number of employees required at different points, and the almost certainty that changes of method and policy will frequently be delayed after conditions have indicated their necessity. It develops the condition which was referred to by the gentleman from Kansas the other day, which he spoke of as curiosities in the postal service. Such curiosities do exist, and many more could have been instanced.

The service labors under the disadvantage of not retaining at its head any Postmaster-General for a long enough period to enable him to become thoroughly acquainted with the service—I am now speaking impersonally—while in the assistants' positions the salaries paid do not generally command the services of those rare men, sometimes met in civil life, who have a genius for organization and administration, and the appointee has not in any case technical knowledge, which can only be acquired after a considerable term of service. On the other hand, if promotions are made from those in the service, while expert knowledge is obtained, lack of experience in modern business may prevent the officer from developing the best qualities of an executive. I do not, of course, refer to the present officers of the department, or, indeed, to any others, and am simply calling attention to the system and the natural results obtained from it.

I venture to say that if any Member of this House were entirely responsible for the business management of the Post-Office Department he would look about to find one of those unusual men in civil life who is an expert organizer and a model administrator to conduct the transportation business of the department. He would pay such a man whatever was necessary to obtain his services, whether it be $10,000 or $50,000 or more annually. Of course it is impossible, under usual conditions, for us to pay such salaries.

It would probably be impossible to pay more than is paid to the head of the department, the Postmaster-General, though I have not any doubt that if the right man could be found he would be worth to the Government any reasonable salary which might be paid him. The department has grown so rapidly that its organization in many respects is not up to date. For instance, there is a divisional organization of the Railway Mail Service, a divisional organization of the salary and allowance division, a divisional organization of the inspecting service, but there is no divisional organization of other branches of the service.

Nobody would attempt to run a great railway company in such a way that a section boss must report to the president of the road or to the central office. He would report to his divisional superintendent. The Post-Office Department, when it has a suitable organization, will be organized along divisional lines. Postmasters will report to their divisional superintendents, and they will make requisitions on their divisional superintendents.

I have suggested only one or two of the many criticisms that I have in mind. I hope that in another bill the attempt will be made to incorporate these criticisms in some changes in the organization of the department; but at the same time, while we are criticising, we should do justice to the organization we have.

Considering the fact that the post-office service is in touch with every person in this country, I think the number of complaints which reach Congressmen are pretty nearly negligible. In other words, the employees of the department and the officers of the department, as individuals, have responded to a remarkable degree to the needs of the service.

The estimates made by the department have been pretty closely followed by the Post-Office Committee in making the appropriations for the ensuing years; that is not only true in the past, but it applies to the work of the committee this year.

The President, in giving instructions to the departmental officers last summer, urged that in making estimates for the year 1911 the greatest economy should be observed. All departments have followed his directions. I understand that something like $50,000,000 have been cut out of the total estimates for all of the departments. The officers of the Post-Office Department have estimated $243,672,000 instead of the $250,000,000, which would be the normal increase, for the year 1911.

The appropriation for the current year was $234,692,000. Subsequent estimates were made by the department while the Post-Office Committee was in session, by which the original estimate was reduced $1,831,000, leaving the final estimate $241,861,000, or only a little more than $7,000,000 more than the appropriation for the current year. The committee, in making its recommendations to the House, reduced this by about $2,000,000, leaving the appropriation recommended $239,812,000, or $5,119,000 more than last year.

Now, before making any comment on this and the reason for changes in recommendations, I want to call the attention of the committee to some elements which will give a definite idea of the growth and cost of the service, which seem to show that the increase in the number of employees and the appropriations therefor have been out of proportion to the increase in receipts.

	1900.	1909.
Salaries of postmasters	$19,116,923.34	$26,572,936.23
Salaries of clerks	12,404,030.15	34,876,492.71
Cost of city delivery	14,671,362.39	29,868,757.95
Railway Mail Service	8,839,767.30	18,356,800.13
Rural Delivery Service	420,499.11	35,583,779.50

During these years the transportation of domestic mail by railroads and other means has increased from $45,109,936.39 in 1900 to $62,025,603.33 in 1909. These figures not only indicate the additional cost of handling the service, but represent more clearly than words could its enormous growth. Incidentally, it may be added that this growth has required the employment, as the expenditures indicate, of a vast army of additional employees, as follows:

	1900.	1909.
Railway postal clerks	8,695	16,044
Post-office clerks	14,886	31,048
City letter carriers	15,322	27,020
Rural carriers	1,276	40,499

The number of postmasters has been reduced from about 76,000 to about 60,000.

The appropriations for the department are made under five heads; that is, to five different offices, the office of the Postmaster-General and the offices of his four assistants. The appropriation for the office of the Postmaster-General includes that for the inspecting service. No change has been made in the number of inspectors provided for the year 1911 or for the pay of inspectors or for the per diem allowance for their traveling expenses. The total appropriation for the office of the Postmaster-General is $1,134,250, a decrease of $17,500; that is, decreased from the appropriation for the current year and from the department's estimates for the following year. The office of the First Assistant Postmaster-General includes the appropriations for postmasters, assistant postmasters, clerks and substitutes for clerks, letter carriers and substitutes for letter carriers.

The appropriation for the current year is $103,992,000. The Post-Office Department estimated for the fiscal year ending June 30, 1911, $110,119,300 for this office. This amount has been reduced by the committee's recommendation to $108,549,300, a reduction of $1,570,000. In the report made by the committee the items in which these reductions have been made are indicated.

The salaries for postmasters are fixed by law, and the estimate for the year is $27,900,000. The committee recommends the estimate made by the department. The salaries for the assistant postmasters are limited by law, and the estimate made by the department is substantially followed in the recommendations made by the committee. The salaries for clerks in the first and second class post-offices are fixed by law, with the practice that Congress may increase the maximum $100 if it so wills. In making the appropriation for this service, the department estimated $34,700,000, which was reduced by the committee $800,000, leaving its recommendation, $33,900,000.

The reason for making this reduction is that it was found that there were available for appointment on the 30th of June, 1909, 973 clerks for whose appointment there was no necessity. In the appropriation bill for the current year there were provided 2,250 clerks, making a total of 3,223 clerks available for appointment this year. Up to the 1st of January the department had appointed 1,300, and it estimated that it would require for service for the balance of the year 450 clerks, which would leave available for appointment the 30th of next June, already provided for by this year's appropriation, 1,473. To that number the committee added 47, making available for the year 1911, 1,520. The number appointed during the last ten years has averaged 1,671 a year. In other words, we are not providing for the average number which have been appointed during the nine preceding years by 151.

Mr. DENBY. Mr. Chairman, will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. DENBY. I would like to ask the gentleman from Massachusetts one or two questions about this. Does the eligibility of the clerks now available stand for a period of one year more?

Mr. WEEKS. It stands for two years from the time the appropriation is made.

Mr. DENBY. So that for the coming year there are 1,400 clerks available and on the list who are eligible for appointment.

Mr. WEEKS. If the department appoints only 450 clerks during the six months ending the 30th of June next, there will be 1,473 clerks carried over who will be eligible for appointment during the year 1911.

Mr. DENBY. What is the average number of vacancies occurring during the year?

Mr. WEEKS. The average appointments for the past nine years have been 1,671 annually.

Mr. FOSTER of Vermont. Will the gentleman yield for a question?

Mr. WEEKS. Certainly.

Mr. FOSTER of Vermont. The Post-Office Department informed me that in administering the last appropriation law it sometimes happened that a clerk in a presidential post-office received more pay than the assistant postmaster. I would like to ask the gentleman from Massachusetts whether that has been provided against?

Mr. WEEKS. It has not been provided against. The salary of an assistant postmaster is limited to one-half the salary of the postmaster. I believe it is the judgment of many men who have investigated the desirability of assistant postmasters in small second-class post-offices that there should be no assistant postmaster in those offices, and that the postmaster should do all the work; but it is contended by the department that if there were not assistant postmasters, clerks would have to be provided in their places. Now, I want to say right there that it is impossible for a legislative committee, where we are taking on employees, not by tens or twenties, but by regiments, to determine whether a definite number of employees are necessary or not. The only way we can determine what should be done is by a system of averages, and, in answer directly to the gentleman from Vermont, I will say that the point which he makes has not been corrected in this bill, and I do not think it ought to be.

Mr. MANN. Will the gentleman yield for a question in regard to the matter of clerks?

Mr. WEEKS. Certainly.

Mr. MANN. The gentleman has stated that all the clerks provided for in the current fiscal year will not be needed.

Mr. WEEKS. No.

Mr. MANN. Of course the gentleman knows, as the rest of us know, that all clerks were not provided for for the full period of a year, so that the number of clerks authorized is not as important a proposition as the money appropriated. How much increase in the appropriation for the clerks has the committee provided?

Mr. WEEKS. It has provided a sufficient appropriation.

Mr. MANN. Has it provided a sufficient appropriation to employ what is needed for the clerks already authorized?

Mr. WEEKS. It has.

Mr. MANN. Of course that is not the case with the current law.

Mr. WEEKS. The increase for this service provided in the law is $1,991,500, which would pay, if they were appointed at the usual times of year when there would probably be vacancies, 1,520 for the next year.

Mr. MANN. Very well. You have only provided for an increase—how many clerks did the gentleman say?

Mr. WEEKS. Forty-seven, I think.

Mr. MANN. Only an increase of 47 clerks in number; but you have provided a very large increase in the amount of the appropriation, so it may be possible to employ all the clerks that you have authorized.

Mr. WEEKS. That is correct.

Mr. MANN. Whereas before it would not be possible to employ all the clerks for the entire fiscal year, at least under the appropriation that was made.

Mr. WEEKS. It was not possible, because it is estimated the clerks will be appointed at intervals during the year. You do not make appointments for the whole year, because the practice of the department is to appoint what are required during the year.

Mr. MANN. But the gentleman understands there has been more or less criticism, and he only provides an increase of 47 clerks——

Mr. WEEKS. Yes.

Mr. MANN. Under a misapprehension, so far as that point is concerned, that no more clerks were, in fact, authorized to be employed than before, whereas you now propose to appropriate enough money to really employ more clerks than could have been employed proportionately before.

Mr. WEEKS. My understanding, Mr. Chairman, is that we have appropriated money enough to employ in the regular course of the practice of the department 1,520 new clerks for the year 1911.

Mr. MANN. The gentleman said the amount appropriated by this bill was one million and some odd dollars more. According to my figures it is nearly $3,000,000 more.

Mr. WEEKS. For that particular item.

Mr. MANN. I mean on that item.

Mr. WEEKS. The figures I have here are $1,191,000. The gentleman is probably correct. This year the appropriation is $33,900,000. That is nearly $3,000,000 increase.

Mr. STAFFORD. The appropriation last year was $30,000,000.

Mr. GOULDEN. I understood the chairman of the committee to say that the increase was only 47 for clerks in first and second class post-offices.

Mr. WEEKS. That is correct.

Mr. GOULDEN. Then he quoted some figures about 1,500. What does that mean?

Mr. WEEKS. It means that the department estimates there will be available 1,473 clerks already provided for, whose appointment will not be necessary during this year.

Mr. GOULDEN. Can the gentleman tell us how many deaths or removals occurred in the clerk's list in first and second class offices during the past year?

Mr. WEEKS. I do not think I have those figures, but it will not change the amount. It is all figured in in the estimates of the department.

Mr. GOULDEN. Can the gentleman tell us what the estimate was of the department for the increase in the clerks in the first and second class offices?

Mr. WEEKS. Their estimate for the year was $34,700,000.

Mr. GOULDEN. How many clerks to be added for the year ending June 30, 1911?

Mr. WEEKS. The first estimate was for 2,100 and the second was for 1,724.

Mr. GOULDEN. Does the gentleman think that in view of the department's estimate the 47 increase was sufficient for good, efficient service?

Mr. WEEKS. I have not any doubt about it.

Mr. GOULDEN. I think that the chairman of the committee is in error. I would certainly increase it more than the committee has done. This is my candid opinion as a business man familiar with the work done by this important department of the Government.

Mr. AUSTIN. The First Assistant Postmaster-General in the hearing before the committee requested he be allowed 2,100 additional.

Mr. WEEKS. He made that request.

Mr. AUSTIN. And at the hearing last year he stated that on account of the growth of the postal service he would require annually an additional clerical force of from 2,000 to 2,500 clerks.

Mr. WEEKS. Quite likely he made that statement.

I want to add in my answer, Mr. Chairman, what I have stated, but which ought to be repeated, that there were available for appointment 983 clerks the 1st of last July, and the department estimates now that there will be available next June 1,473 clerks whose appointment is not necessary.

Mr. MANN. To clear up a misapprehension, I think, on the part of some people, you carry in the bill 296 clerks at $600. Of course, everyone knows you have to take in a great many more clerks at $600 than the 296. Now, I suppose that is figured out by employing persons under the other items at not exceeding so much?

Mr. WEEKS. At not exceeding so much and not exceeding a certain number of clerks.

Mr. MANN. So that 296 is a limitation on the $600 clerks?

Mr. WEEKS. Not at all.

Mr. MADDEN. Why is it not?

Mr. WEEKS. It is not because there are available and carried over for another year 1,473 clerks.

Mr. MADDEN. Will the gentleman explain what he means by available?

Mr. WEEKS. I mean they were provided for in the appropriation bill for the current year, but it is not necessary that they be appointed. The service does not require them. In other words, the department has been estimating for more clerks than the service demanded. They estimated for 983

more than required in the year 1909, and they now estimate that they will have available on the 30th of June next 1,473.

Mr. MADDEN. Do I understand by that statement that the gentleman means that they have money with which to pay that many men?

Mr. WEEKS. I understand the comptroller has decided that that number is carried over for two years from the beginning of the year in which the original appropriation is made.

Mr. MADDEN. Is there an unexpended balance out of which these men can be paid?

Mr. WEEKS. They will be paid out of this year's appropriation.

Mr. MADDEN. That is not quite an answer to my question. I would like to know if there is an unexpended balance out of which they can be paid?

Mr. WEEKS. There is an appropriation of $33,900,000, sufficient to pay all clerks now in the service and 1,520 new clerks the next year.

Mr. SULZER. In that connection may I ask the gentleman a question for information?

Mr. WEEKS. Yes.

Mr. SULZER. Has the committee made any provision in this bill for an increase in the salaries of the various clerks in the Post-Office Department?

Mr. WEEKS. The committee has provided for the increase which is required by the provision, for automatic promotions, which promotes clerks in post-offices of the first class up to $1,100 a year; in post-offices of the second class up to $1,000 a year, and 50 per cent of eligibles to the $1,200 grade in first-class offices, and 50 per cent of eligibles to $1,100 in second-class offices. In so far as the provisions of this bill are concerned, they are exactly as last year.

Mr. SULZER. Then, as I understand it, there is no increase in salaries of clerks of first-class post-offices?

Mr. WEEKS. Oh, yes. Automatically they are promoted from $600 to $1,000, being raised $200 the first year, and $100 a year up to $1,100.

Mr. SULZER. I am glad to hear that, because a great many people are very much interested in the matter. I do not think the committee has gone far enough, however, in increasing the pay of the post-office clerks. There should be a substantial increase all along the line. I think all the post-office clerks should get more pay, on account of the increased cost of living. Most of these clerks have families, and they can not possibly live on the pay they are now getting from the Government. I am in favor of more pay for all these clerks.

Mr. WEEKS. I am very glad to have the judgment of the gentleman from New York on this subject.

Mr. BORLAND. Mr. Chairman, will the gentleman yield to me for a question?

Mr. WEEKS. Yes.

Mr. BORLAND. Is it not true that the new clerks taken on must be in the $600 grade?

Mr. WEEKS. Yes.

Mr. BORLAND. As I understand, the bill at present provides for an increase of that grade of 296, and the recommendations of the department was for 1,800?

Mr. WEEKS. Yes.

Mr. BORLAND. How can these new clerks be taken on unless you change that $600?

Mr. WEEKS. They can not be.

Mr. MANN. On that point will the gentleman yield?

Mr. WEEKS. I yield to the gentleman from Wisconsin to answer the question.

Mr. STAFFORD. I might explain to the gentleman from Missouri the difficulty under which he is laboring whereby they will be enabled to provide for the maximum number of new clerks that enter the service. Even though the number designated is but 296 in the $600 grade, I direct the gentleman's attention to the present law, which provides for 6,961 clerks of the $1,200 class. On December 31 last there were 5,870 clerks of that class employed, leaving about 1,100 places available. The phraseology of the bill is "6,961 clerks, at not exceeding $1,200." Those words "not exceeding" enable the department to appoint any number of additional clerks in the grades below that will aggregate in the appropriations the difference between 6,900 and 5,870 at the rate of $1,200. In any lower grade they can distribute that unused amount and employ additional clerks. In the bill we are now considering, instead of providing for 6,961 clerks of the $1,200 grade, we follow the estimates of the department and provide for 10,345.

Now, I venture to say that there will not be at any time within the next fiscal year 10,345 men employed in the maximum grade of $1,200. Therefore the difference in number will enable the department to appoint a greater number of clerks in the grades below, from $1,200 to $600, than that stated in the bill.

Mr. BORLAND. Does the gentleman say that if appropriation is made for one $1,200 clerk, and he is not appointed, the Postmaster-General may use the money to pay two $600 clerks?

Mr. STAFFORD. He can use that $1,200 for one $1,100 clerk and use the balance of $100 in some other grade below, or employ a clerk in some other grade or employ two $600 clerks. So he utilizes the unused appropriations for distribution in the grades below, when required by the needs of the service. That is the actual method of administration as now carried on by the department.

Mr. BORLAND. Why does not the bill carry the number of $600 clerks necessary to keep the service full? If that is where the service must be recruited, if the $800 and $900 clerks must come from the $600 grade, why does not the bill carry a sufficient appropriation to keep the $600 grade full?

Mr. STAFFORD. In the present bill we make provision for 1,625 clerks at not exceeding $600.

Mr. BORLAND. That is in the last bill?

Mr. STAFFORD. In the present law. On December 31 there were in that grade 3,570 clerks employed, or twice the number that we made provision for, and I have explained to the gentleman the method by which the department is enabled to employ the required number of clerks necessary for the growth of the service in the lower grades, even though the number authorized in the bill is much less than those actually in the service.

Mr. BORLAND. What I am trying to arrive at is the reason for that method of appropriation. Why not specify the number of new clerks at $600 a year which the committee finds to be necessary to fill the service?

Mr. STAFFORD. If the gentleman will take a copy of the hearings and former hearings and read the history of the arrangement, I think he will have an ample understanding; but I do not wish to trespass longer on the time of the chairman of the committee.

Mr. SULZER. I am glad to have the gentleman's statement regarding the matter. I wish to congratulate the committee on having made some progress. It is a very important matter to many deserving men. I am with them in their efforts to get better wages. But I am sorry to say in cases like this it seems we always make progress slowly—too slowly for me.

Mr. OLCOTT. Mr. Chairman, I should like to ask the gentleman in regard to the clerks who, he says, were authorized by the last appropriation bill, 1,473 in number. What I want to know is whether the right of the department to appoint and employ those clerks does not end on the 30th of June?

Mr. WEEKS. Not at all. The comptroller has decided that it extends over two years from the beginning of the fiscal year in which it is authorized.

Mr. MANN. The gentleman from Massachusetts is mistaken about that.

Mr. WEEKS. I do not think I am.

Mr. MANN. Let me see if I can not explain it. The same number is carried in this bill.

Mr. WEEKS. The same limitation is carried in this bill. The number is 33,200.

Mr. MANN. This increased number carried in this bill has not yet been appointed.

Mr. WEEKS. That is true.

Mr. MANN. They can not appoint any clerk after the 30th of June under the old law.

Mr. WEEKS. That is correct.

Mr. MANN. The same number is carried in this bill.

Mr. OLCOTT. If that is the fact, then I do not see any way by which more than 47 more clerks can be employed.

Mr. WEEKS. There is a provision for 33,200 clerks.

Mr. MANN. For the next fiscal year you can only appoint 47 more clerks than the department could have appointed for this year; but, not having need of them all this year, they are not appointed this year. Taking the number that they did not appoint this year, that they might have appointed, that gives room for the increase next year.

Mr. OLCOTT. If they still have the right to appoint 1,473 clerks, I am satisfied.

Mr. MANN. That increase is specifically carried in this bill, and the money is provided for it. The money is not provided by the current law.

Mr. WEEKS. Now I will yield to the gentleman from Maine.

Mr. GUERNSEY. In connection with the gentleman's statement, I would like to inquire whether or not the appropriation recommended by the committee is sufficient to give the assist-

ant postmasters 50 per cent with this limitation placed on the salary by law?

Mr. WEEKS. Not in all cases.

Mr. GUERNSEY. Why should not the appropriation be sufficient to give them 50 per cent?

Mr. WEEKS. Because the department thinks it is not necessary to pay them 50 per cent of the postmasters' salaries.

Mr. GUERNSEY. In the event that the department should determine otherwise, it seems to me that there ought to be an appropriation enough to pay them.

Mr. WEEKS. The department knows the conditions in every post-office, and the committee has adopted the department's estimates for the appropriation for assistant postmasters. The department takes into consideration the conditions governing each case in fixing the salary.

Mr. BENNET of New York. Will the gentleman yield?

Mr. WEEKS. Certainly.

Mr. BENNET of New York. Apparently this bill provides for 296 new clerks in the minimum grade. Now, under the classification act that is the only grade to which a new clerk can be appointed?

Mr. WEEKS. Yes.

Mr. BENNET of New York. Also under that law the clerk can be increased but $100 a year, and that at the end of the year in the lower grades?

Mr. WEEKS. Two hundred dollars the first year and $100 the year after.

Mr. BENNET of New York. Yes. Assuming that there are 296 original vacancies and 1,500 unfilled vacancies of last year, how is it going to be possible under the law, within this year, to appoint more than 296 clerks when the appointment can only be made to the minimum grade, and men can not be promoted until the end of the year?

Mr. WEEKS. I do not know whether the gentleman has been here during the last half hour or not.

Mr. BENNET of New York. I have not.

Mr. WEEKS. That has all been thrashed over and explained.

Mr. BENNET of New York. Then I will read it in the RECORD. Is the gentleman answering interrogatories in relation to other parts of the bill?

Mr. WEEKS. No; I should rather prefer to go on.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman from Massachusetts yield to me for a question?

Mr. WEEKS. I will yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. I desire to say that I was interested in the figures that the gentleman gave showing the increase in the salaries of clerks and the cost of railway mail service, and so forth. I would like to ask if the gentleman can give us the information as to the increase in salaries during the ten-year period?

Mr. WEEKS. Mr. Chairman, I would like to have the gentleman from South Dakota state in what respect he wishes the question answered.

Mr. BURKE of South Dakota. The percentage of increase.

Mr. WEEKS. I have not the percentages figured out, but the number of railway postal clerks was increased from 8,695 to 16,044. The appropriation for them was increased from $8,839,000 to $18,356,000. In other words, the appropriation increased in about the same ratio that the number of railway postal clerks increased.

The number of post-office clerks was increased from 14,886 to 31,048. The appropriation was increased from $12,404,000 to $34,876,000, or about 140 per cent, instead of about 100 per cent as in the case of the railway postal clerks.

Mr. McMORRAN. Will the gentleman yield for a question?

Mr. WEEKS. Certainly.

Mr. McMORRAN. I would like to know from the chairman of the committee from his brief experience in charge of the Post-Office Committee, whether, with the investigation he has made in making up this appropriation bill, there is, in his judgment, any future possibility that the receipts of this Government for the post-office service will take care of the expenditures so long as the present methods of operation are continued?

Mr. WEEKS. Well, Mr. Chairman, I want to say in answer to that question that if this House will adopt the recommendation of the Post-Office Committee in this bill without making any increase the receipts will come nearer to paying the expenses of the Post-Office Department in 1911 than they have for the last twenty-five years.

Mr. McMORRAN. Mr. Chairman, speaking from a business standpoint and from the gentleman's own experience in handling business, where a case occurs in business where the volume of business may be increased, say, 5 per cent, does it show good business policy to have the expense ratio increase 10 per cent?

Mr. WEEKS. Mr. Chairman, I do not want to go into great detail in answering that question, but the Post-Office Department is the only business I have ever known where the expense ratio for employees increased faster than the business itself. For instance, the number of pieces of mail handled increased from a few pieces over 7,000,000,000 in 1900 to a few pieces over 14,000,000,000 in 1909, just about doubling in number. The receipts for the Post-Office Department just about doubled in that nine-year period, but we see that the force necessary to do this business has more than doubled—has doubled in the number of railway mail clerks, has doubled in the number of carriers, has considerably more than doubled in the number of clerks in first and second class post-offices, and the appropriation for clerks in the first and second class post-offices has increased not 100 per cent, as one might expect, but 140 per cent.

I doubt if there is a Member of this House who can instance a business which has doubled in a period of years, conducted under the same general conditions, where the force necessary to conduct that business has increased more than 75 per cent, and many businesses do not require an increase of force of more than 10 per cent. The best estimate that I can make in case a business doubles its capacity or doubles its volume is that the number of employees will increase from 10 to 75 per cent, and yet we see in the Post-Office Department that the number of employees has more than doubled.

Mr. McMORRAN. Taking up this bill, I would like to know, Mr. Chairman, whether the gentleman in charge of it has followed his own judgment in making the several appropriations as to whether they were necessary, or whether he has followed the line of his predecessors, disregarding his own judgment.

Mr. WEEKS. Mr. Chairman, the gentleman from Michigan asks in making up this bill if I have followed my own judgment. He is well aware that I have been chairman of this committee but a very short time; that, comparatively, I know little of the past history of the Post-Office Department.

The lines of previous appropriations have been followed. Reductions have been made where the committee believed they could be made. I want to say, and I say it with considerable satisfaction, that these recommendations come from the Post-Office Committee with a unanimous report. I do not mean to say that every member of the Post-Office Committee approves of every item in the bill, but there was not a roll call in considering any of the items, and the committee makes no minority report. Substantially it is the unanimous report of the committee, many of the members of which have served on it for years, in fact during their entire service in Congress. [Applause.]

Mr. BATES. Mr. Chairman, I desire to ask the gentleman a question in regard to the cost of carrying the mails.

Mr. WEEKS. I will ask the gentleman to wait for a moment before asking that, because I intend to take up that subject shortly.

Mr. BATES. Very well.

Mr. WEEKS. Mr. Chairman, the other considerable item in the appropriation for the office of the First Assistant Postmaster-General is for carriers. This appropriation has been cut down from the estimate of the department of $31,500,000 to $31,000,000. The average number of carriers appointed during the past nine years has been 1,366.

The number of carriers appointed during the first six months of the current year was 243. It is estimated that the total number necessary for appointment during this year will be 328. The number of carriers appropriated for in the bill for the current year was 1,300. There will be a balance left over at the end of this year, if the department's estimates are correct, of 972 carriers. Therefore the committee reduced the estimates of the department to 1,000 additional carriers, making available for the coming year 1,972 appointments, which undoubtedly is many more than will be required.

Mr. BORLAND. Mr. Chairman, I understand that under the present law regulating the promotion of carriers, it takes five years' continuous service to reach the $1,100 grade.

Mr. WEEKS. Four years.

Mr. BORLAND. And from the $1,100 grade to the $1,200 grade the appointment is only upon the recommendation of the postmaster.

Mr. WEEKS. Fifty per cent of the availables are appointed.

Mr. BORLAND. That is on the recommendation of the postmaster?

Mr. WEEKS. Yes.

Mr. BORLAND. Has any step been taken by the committee to have that appointment depend upon the length of service with a good record, without any indorsement of the postmaster?

Mr. WEEKS. It is the purpose of the department to base that recommendation on the efficiency record, without regard to the length of service.

Mr. BORLAND. Without regard to the length of service?

Mr. WEEKS. Without regard to the length of service. When they have reached the limit under automatic promotions, $1,100 promotions from that level to the $1,200 grade are based on efficiency, and 50 per cent of the eligibles are provided for in this bill, as was done last year.

Mr. BORLAND. And that record of efficiency is founded on the recommendation of the postmaster?

Mr. WEEKS. It is.

Mr. BORLAND. And no change made in that respect?

Mr. WEEKS. No.

Mr. BORLAND. Did the committee think that was wise?

Mr. WEEKS. There was no recommendation or suggestion that it should not be done.

Mr. HITCHCOCK. Before the gentleman leaves that point, has there not been complaint of this putting into the hands of the postmasters in various towns the power of control over carriers entirely separate from merit? Has not that caused a great deal of complaint?

Mr. WEEKS. Mr. Chairman, there has not a word of complaint come to the committee or any member of the committee, as far as I know, that it has caused any dissatisfaction. Furthermore, my judgment is that the postmaster is the proper man to determine as to the efficiency of his employees, those who are serving under him. I do not see how anybody could do it as well.

Mr. HITCHCOCK. That was formerly the case, and the recommendation of the postmaster controlled, but since the reform of this service, which was intended to give the carriers a promotion as a matter of right, by the introduction of this method of giving promotions, the postmaster could exert political control over his carriers.

Mr. WEEKS. Mr. Chairman, the right does not continue beyond the $1,100 grade in the offices of the first class or $1,000 in offices of the second class. Congress especially stipulated that automatic promotions should stop at those salaries in those offices, but that promotions might be continued, based on efficiency, to the extent of 50 per cent of the eligibles, and we are carrying that out exactly as was done in last year's bill. It has proved satisfactory as far as I know.

Mr. HITCHCOCK. Can the gentleman state why that distinction was made between one grade and all the others?

Mr. WEEKS. Because some men are more efficient than others. Nobody has any authority to stop their promotion until they reach $1,100. There are men who are especially efficient who ought to be promoted, but there are men who are indifferent, who may be within the efficiency line, who are satisfactory to some extent, but are not sufficiently efficient, in the opinion of the postmaster, to justify this promotion.

Mr. HITCHCOCK. Can the chairman of the committee see any possible safeguard anywhere to prevent the postmaster from exercising a political dictatorship? Now, I understand there is considerable complaint, I know there is complaint, that postmasters in certain places do exercise that political dictatorship which was intended to be obviated in this grade of the service.

Mr. WEEKS. Mr. Chairman, the gentleman from Nebraska is a great deal more fearful of political dictation than I am.

Mr. HITCHCOCK. Well, favoritism, in the nature of favoritism.

Mr. WEEKS. I have had, Mr. Chairman, during the last four months every kind of complaint that could be thought of as applied to the postal service, and I have yet to receive a letter or notice from anyone, Congressman or otherwise, of partiality having been used in the selections made by postmasters from the $1,100 to the $1,200 in first-class offices and from $1,000 to the $1,100 in second-class offices.

Mr. BORLAND. If the gentleman will now permit me to finish my question——

Mr. WEEKS. I yield to the gentleman from Missouri.

Mr. BORLAND. As I understand the present law, Mr. Chairman, it provides that the postmaster has the power not only to select the men who shall be promoted from the $1,100 to the $1,200 grade, but he has power to reduce the salary of carriers guilty of an infraction of the rules.

Mr. WEEKS. That is a regulation of the department, if it exists.

Mr. BORLAND. Now, then, does the committee consider the question of making those infractions of the rules subject to a thirty-day or a greater lay off without change in the annual salary?

Mr. WEEKS. There is no recommendation on the part of the department to do that, and it was not brought to the attention of the committee.

Mr. BORLAND. Does not the committee think it is unwise to lodge in the postmaster the power to reduce the annual salary of a man?

Mr. WEEKS. I submit it is unfair to ask a question about what the committee thinks of matters that have never been brought before the committee and to which the committee has never given any consideration. The time for the gentleman from Missouri [Mr. BORLAND] to bring that before the committee was when the bill was being considered.

Mr. BORLAND. Was it ever brought to the attention of the committee?

Mr. WEEKS. Not since I have been on the committee.

Mr. BENNET of New York. Is it not the fact about this promotion that this classification law was adopted three years ago, and two years ago the $1,100 carriers all went to $1,200, and if Congress appropriates the money all of them can go now, and 50 per cent is simply the judgment of the department and the Post-Office Committee of the number that ought to go up this year?

Mr. WEEKS. That is correct. We followed the action of the committee last year, and the House indorsed that action. We also followed the recommendation of the department.

Mr. BENNET of New York. I would like to ask the gentleman if he is absolutely certain that reducing, as he has, the estimate of the department thirty-one and one-half millions to thirty millions that fully 50 per cent of the carriers of the $1,100 grade can go to $1,200?

Mr. WEEKS. There is no doubt of it in my mind, and my judgment is that we have provided for a thousand more carriers than will probably be needed.

Mr. BENNET of New York. Did the committee take into consideration that if the 50 per cent rate is continued each year, the number of men in the $1,100 grade, and I am alluding now to the number of individuals that were not promoted, will continually increase?

Mr. WEEKS. I do not think that is correct.

Mr. BENNET of New York. If the gentleman would take a pencil and figure it out he would see it is correct.

Mr. WEEKS. I have not time to do that now. Let me call the attention of the gentleman from New York to the promotions in clerks in the different grades. There are now 6,961 clerks in the $1,200 grade. Under the promotions provided in this bill there will be 10,345. In the $1,100 grade promotions there are now 7,815; there will be 9,007. In the $1,000 grade there are now 6,000; there will be 3,950. In the $900 grade there are now 5,000; there will be 3,950. In the $800 grade there are now 4,000; there will be 2,400. In the $600 grade there are now 1,625; there will be 296. In other words, the lower grades are constantly decreasing and the upper grades are constantly increasing, and will continue to do so, under this process, each year.

Mr. BENNET of New York. As to the converse of those figures, can the gentleman give the number of men who remained behind in the $1,100 grade last year as compared with the year before?

The CHAIRMAN. The Chair wishes to inform the gentleman from Massachusetts [Mr. WEEKS] that he has already occupied one hour.

Mr. POU. Mr. Chairman, I notice here one proposition, and that is in the reclassification of the rural free-delivery service——

Mr. WEEKS. Will the gentleman wait until I reach that? I will take it up a little later.

Mr. POU. I certainly will.

Mr. GOULDEN. Why was an arbitrary rate of 50 per cent fixed for the salaries, and by whom was it fixed?

Mr. WEEKS. That was the recommendation of the department, and it was agreed to by the House last year.

Mr. GOULDEN. And the committee thought that was fair?

Mr. WEEKS. The committee thought that was fair.

Mr. GREENE rose.

Mr. WEEKS. I yield to my colleague from Massachusetts [Mr. GREENE].

Mr. GREENE. Mr. Chairman, I would like to inquire whether the committee considered the question of the condition of substitutes in the various offices. They are very limited now, both as to the amount of pay they draw and also as to employment.

Mr. WEEKS. The committee made no change in the department's recommendation about substitutes.

Mr. GREENE. There has been no recommendation to make any change?

Mr. WEEKS. No.

Mr. Chairman, the appropriation for the office of the Second Assistant Postmaster-General for the current year is $88,732,000. The appropriations for this office covers transportation of mails.

The Post-Office Department estimated for the fiscal year ending June 30, 1911, $90,724,975. The committee recommend $88,905,775. The principal change, and the most important item for this office, is the appropriation for carrying the mails by railroads. The committee has reduced the recommendation of the estimates made by the department from $46,620,000 to $45,500,000; and it reduces the recommendation for this service from the appropriations for the past year $1,083,875.

Mr. HARDWICK. Will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. HARDWICK. Has the committee made any comparison between the rates charged by the railroads to the express companies and the rates charged to the Government for carrying the mail; and if so, what is the result of this comparison?

Mr. WEEKS. Mr. Chairman, the committee has not made any sufficiently definite comparison, so it can not make any statement to the House at this time. The comparison involves a great many different conditions, on some of which the committee has no information, and until we make further investigation the committee does not care to make any suggestion in regard to that matter.

Mr. BATES. Mr. Chairman, it was somewhat in line with that inquiry I rose before to interrogate the chairman of the committee. I have received in the last month a large number of letters from residents of my district, and I think that other Members of the House have received similar letters from their districts, protesting against the proposed increase in the rate on second-class mail matter, both newspapers and magazines; and then adding, as an argument for the reason why there ought not to be an increase in the rates for carrying magazines and newspapers, that this Government was paying too much to the railroads for carrying the mails, and insisting that express companies have their matter carried for about one-third the rate paid by the Government for carrying this matter in the Railway Mail Service.

The proposition seemed preposterous, and yet for my own information and, I think, for the information of the people who are writing these letters by the hundreds, and possibly by the thousands—possibly the letters are inspired, I do not know as to that—it would be very desirable that some information be given the committee on this point, whether the railroads are discriminating against the Government because it is a government, and they are carrying the matter for private corporations at cheaper rates than they are carrying second-class matter, or any class of mail matter. It is merely for the purpose of endeavoring to shed some light on this question that I rose to interrogate the Chairman.

Mr. WEEKS. Mr. Chairman, I presume the gentleman does not desire me to enter into a discussion of that matter at any length at this time.

Mr. BATES. Not at all at this time.

Mr. WEEKS. I have been receiving for the last month about 500 letters a day of the same character that the gentleman refers to. I think I am safe in saying that 95 per cent of those letters have been inspired. They do not ask if these facts are true, but make the assertion that they are true. In making that assertion, if true, they evidently have more information than the Post-Office Department or the Post-Office Committee of the House, or the publishers who have appeared before the Committee on the Post-Office and Post-Roads. Nobody knows whether some of these statements are correct or not. The probabilities are that they are incorrect.

The probabilities are, Mr. Chairman, that the pay to the railroads is substantially near what it ought to be. There are members of the committee who have given a great amount of consideration to this question who believe that the pay to certain railroads is less than it ought to be; and, on the other hand, the pay to other railroads may be greater than it ought to be. But one must consider all the conditions covering such a question before he can come to a definite conclusion. For instance, the requirements which the Government makes of the railroads are very much more severe than the requirements which express companies make of the railroads. For instance, let me illustrate that: The Government requires more room in a postal car for the same kind of business than does an express company. On an average, something like 2 tons of mail are carried in a postal car, and something like 12 tons of express are carried in an express car. This is due to several reasons, which I do not care to go into, but that is the fact. The railroads furnish the Government apartments in cars which are less than 40 feet in length, for which the railroads receive no pay at all.

When the express company uses space in a car it either pays for the space, however small it is, or else the railway employee handles the express matter and the express company pays part of the salary of the railway employee. Along the line of the railroad, if the post-office is within 80 rods of the station, the railroad transports the mail to and from the post-office and receives no pay for it. At terminals, if any space is required for the handling of the mail, as very much space is required, the railroad furnishes the space, lights and heats it, and assists in handling the mail. On the other hand, the express company, if it uses any space in a terminal, pays for it.

In very many more ways, which I could instance if I had the time, the conditions are so dissimilar that a conclusive answer can not be given to that question at this time.

Mr. HARDWICK. Does not the gentleman think that the committee ought to investigate that question, so as to be able to give the information required by Members of the House?

Mr. WEEKS. I am glad to say, for the benefit of the gentleman from Georgia, that the Post-Office Department several months ago sent out a very comprehensive list of questions relating to the handling of railway mail, and that answers to these questions are coming in; there is a paragraph in this bill providing $10,000 for the purpose of tabulating those answers, and the committee hopes to get some valuable information from them.

Mr. SCOTT. Pursuing a bit further the inquiry made by the gentleman from Pennsylvania, a great many of us, in the letters to which he has alluded, have noticed allegations that the mail service of Canada was conducted at a profit, notwithstanding the fact that there was a smaller charge made for second-class mail matter than in this country. Has that matter been inquired into at all by the gentleman's committee?

Mr. WEEKS. Mr. Chairman, I will very briefly answer that. The conditions in Canada are entirely different from the conditions in this country. The persons who make those allegations do not consider conditions at all. They make a flat statement and let it go at that. But let me point out to the committee the differences in the conditions in Canada and in this country. In the first place, the railroads in Canada are subsidized. They are governmental organizations, in a sense, and nobody knows just exactly what the rates in Canada are; but I have here the method of arriving at those rates:

> His Majesty's mail and persons traveling therewith and on postal service shall at all times be carried on any railway in Canada on such terms and conditions and under such regulations as are made by the governor in council.

That is all the information we have as to the rates paid to railroads for carrying mails in Canada; but there are other conditions which are so entirely dissimilar that I am sure they will appeal to the gentleman from Kansas.

For instance, the Canadian government pays its employees about two-thirds as much as our employees receive. If we paid our employees the same scale of pay as that which is in force in Canada we would save from $40,000,000 to $50,000,000 annually. We would turn a deficit of $17,000,000 into a profit of probably $25,000,000.

There is no rural delivery service in Canada. Last year we made a loss of $28,000,000 on our Rural Delivery Service. In every condition that I have been able to find the services are along such distinctly different lines that no fair comparison can be made, and in making the broad statement that the Canadian post-office department pays a profit of $800,000 a year, while we show a deficit, those differences in conditons should have been taken into consideration by the maker of the statement.

I want to make another comparison, which I nearly overlooked. The Canadian government evidently wishes to encourage the publication of periodicals in Canada. They have reduced the rates on second-class mail originating in Canada to a quarter of a cent a pound. At the same time they have made the rate for carrying publications into Canada 4 cents a pound. Heretofore most of the publications other than newspapers sold in Canada have been of American production. This absolutely shuts out the American publisher, unless he sends across the line by freight and remails in Canada.

In fact, with the exception of three or four publishers, our publishers have given up the Canadian market, and the one-quarter cent a pound which Canada charges for carrying second-class mail is no criterion whatever as to the cost of the service.

Mr. SCOTT. Will the gentleman yield?

Mr. WEEKS. I will yield to the gentleman from Kansas.

Mr. SCOTT. I have not had time, Mr. Chairman, to read the hearings before the Post-Office Committee, but I believe there was a delegation representing the magazines and periodicals which enjoy the second-class privileges that was heard by the committee, was there not?

Mr. WEEKS. Yes.

Mr. SCOTT. Did that delegation represent that it had made an investigation which warranted it in protesting against any increase in the second-class rates; and as a result of its investi-

gation, did it claim that there was an overpayment to the railroads on the part of the United States for carrying the mails?

Mr. WEEKS. The publishers were represented by Mr. Wilder, of Everybody's Magazine, who made a very complete statement of the relations of the publishers to this service. They did complain that the Post-Office Department, in their judgment, was not thoroughly well administered. They did claim that it was the general impression that more was paid for railway transportation than the facts warranted; but Mr. Wilder added, in answer to a direct question—I do not undertake to use his exact words—that he was of the impression personally that the railroads were not paid materially more than they should be. But to sum up, the publishers had no facts regarding the cost of the Railway Mail Service, and did not pretend to have.

Mr. HAUGEN. Will the gentleman yield for a question?

Mr. WEEKS. I will yield to the gentleman from Iowa.

Mr. HAUGEN. I would like to ask the gentleman if he can give any opinion or estimate as to the rate per pound paid the railway companies for carrying the mails?

Mr. WEEKS. I can give the gentleman from Iowa the rate by a method——

Mr. HAUGEN. The average rate per pound per mile?

Mr. WEEKS. I can not give you that. I will yield to the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, I might interrupt to say that the so-called "Moody commission" that investigated the subject of railway mail transportation and pay ten years ago found that the average rate per pound for transportation was 2¾ cents.

Mr. HAUGEN. Upon what did they base that estimate; has the mail ever been weighed?

Mr. STAFFORD. There were very careful weighings of the mail.

Mr. HAUGEN. Of the second-class matter?

Mr. STAFFORD. Of all classes of matter. Three years ago, when we provided for a postal commission, we gave directions for the mails to be weighed, and there was a weighing of all classes of mail, and these returns are at the disposal of any Member of Congress.

Mr. HAUGEN. Can the gentleman from Wisconsin state the number of pounds carried?

Mr. STAFFORD. No; I am not a walking encyclopedia that can give these statistics offhand. If I had access to the reports now, I could give them.

Mr. HAUGEN. I beg to differ with the gentleman from Wisconsin. I have made inquiries at the department, and they say they do not know of any way of estimating the number of pounds carried in any class of mail.

Mr. STAFFORD. I have never heard any department official take the position that there was no way of telling the amount, but I have heard them state that they knew the weight pretty accurately of the different classes of mails and the distance carried.

Mr. HAUGEN. My understanding is that no weighing has ever been made, and in order to ascertain the rate of pay it would be necessary to ascertain the number of pounds carried.

Mr. WEEKS. There have been weighings of the mail. The different classes of all the mails have been weighed. The department estimates the net weight of the mails for 1908 as follows:

Net weight of mail for 1908.

	Pounds.
First class	167, 502, 610
Second class	785, 833, 110
Third class	179, 694, 654
Fourth class	58, 889, 400
Franked	4, 551, 080
Departmental	43, 092, 474
Foreign	60, 814, 956
Total	1, 300, 358, 284

Mr. STAFFORD. I would like to say of my own knowledge that as a result of the direction by Congress to have weighings made, the department sent circulars to 90 per cent of all the post-offices, and the mail was weighed for thirty days, by classes, so that the department has accurate data of the amount of mail carried by classes, and the distances carried, and those data are now available and at the command of Congress or any Member of Congress.

Mr. HAUGEN. But never at any time has all of the mail been weighed at all parts of the country.

Mr. STAFFORD. Oh, yes; at one and the same time, within thirty days, within the last three years, of my own personal knowledge.

Mr. MURDOCK. Mr. Chairman, if the gentleman from Massachusetts will yield, I think that the gentleman from Iowa [Mr. HAUGEN] is trying to get at this, that there never has been in the United States a complete annual weighing.

Mr. HAUGEN. Exactly; that is my statement.

Mr. MURDOCK. There never has been in the United States a complete annual weighing. The weights for one whole year of twelve months, every day for three hundred and sixty-five days, have never been taken. The result is this, that any figures made upon the total amount of mail carried by the Government for one year is necessarily an estimate, because if we weigh the mails for six months it makes quite a material difference whether we weigh from January 1 to July 1 or from July 1 to January 1. If we do weigh for one of the six-month periods, one-half the year, the department arrives at the total weights for the year by a multiplication by two of the weights found, and, after all, the result is an estimate, as the gentleman from Iowa says.

Mr. STAFFORD. Does the gentleman mean to controvert the statement that I made, that within the last three years there was a weighing in 90 per cent of the post-offices of this country of all classes of mail, and the distances to which those classes of mail were dispatched was taken, and also that there was a weighing at the same time on the railway mail cars?

Mr. MURDOCK. No; I do not mean to controvert the gentleman's statement as to that.

Mr. STAFFORD. That was the question of the gentleman from Iowa [Mr. HAUGEN] to which I replied, in which he took the position that there had been no weighing. I wish to emphasize again that there has been a weighing for thirty days, and it is an accurate basis for computation as to the classes of mail carried and the distances carried.

Mr. MURDOCK. I would like to ask the gentleman from Wisconsin this question: Does he then claim that there is no element of estimate in the total annual-weight figures?

Mr. STAFFORD. Why, of course, no one contends that there is not an element of estimate; no one who has had any knowledge of the service or who has not had any knowledge of it makes that contention, because all of us know that the weight and character of mail varies with the seasons of the year, but for that period, when this weight of mail was taken, it was a fair average and a suitable basis on which to calculate computations as to the weight of mail by classes and distance.

Mr. GOULDEN. In what month was that data obtained?

Mr. STAFFORD. In the fall of the year.

Mr. WEEKS. Mr. Chairman, I wish to call to the attention of the gentleman from Iowa [Mr. HAUGEN] this further statement regarding the weight of mail, that the amount carried in the year 1909 was a little over 1,400,000,000 pounds, and the department estimates that 48 per cent of the weight of the mail is equipment.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. COOPER of Wisconsin. I noticed a little while ago that the gentleman read these figures, substantially, 4,000,000 pounds of franked mail and 43,000,000 pounds of departmental mail. Is not departmental mail franked mail?

Mr. WEEKS. No; that is what is known as "penalty mail." Franked mail simply applies to mail sent by Members of the House and Senators.

Mr. COOPER of Wisconsin. The great bulk of the departmental mail is franked.

Mr. WEEKS. Oh, that is simply the Post-Office Department's method of dividing the two.

Mr. COOPER of Wisconsin. Does either of them pay postage?

Mr. WEEKS. No.

Mr. COOPER of Wisconsin. So, then, the impression would be that there were only 4,000,000 pounds that went free of postage, when, as a matter of fact, 47,000,000 pounds were carried that did not pay postage. Does not the gentleman think that the department ought to be credited with 47,000,000 pounds rather than with 4,000,000 pounds?

Mr. WEEKS. If the gentleman wants to take that question up, I will say that I am personally in favor of providing a stamp to cover all penalty and franked mail, and find out just exactly how much of that mail we are carrying free; but, as a matter of fact, we are carrying penalty and franked mail to the extent of probably the number of pounds to which the gentleman refers, and it is all carried without postage.

Mr. COOPER of Wisconsin. If the statement were left that there were 4,000,000 pounds of franked mail and 43,000,000 pounds of departmental mail, the impression of the casual reader would be that there were only 4,000,000 pounds of mail that went free of postage, when, as a matter of fact, there are 47,000,000 pounds.

Mr. WEEKS. Mr. Chairman, we do not wish to deceive anyone.

Mr. COOPER of Wisconsin. Oh, I understand that.

Mr. WEEKS. And I will put in the RECORD that penalty mail is free mail.

Mr. HAUGEN. I understood the chairman to state that in the aggregate about 1,031,000,000 pounds of mail matter are carried.

Mr. WEEKS. One billion, three hundred million pounds in the year 1908 and 1,400,000,000 pounds in the year 1909. That is mail, and practically the same amount of equipment is carried, so that amount, practically, should be doubled in getting the amount of weight which the railroad companies actually carry.

Mr. HAUGEN. Can the gentleman state the amount paid the railroads?

Mr. WEEKS. About $50,000,000.

Mr. HAUGEN. That includes the cars?

Mr. WEEKS. That includes the cars.

Mr. GARDNER of New Jersey. Forty-four million six hundred and sixty thousand dollars.

Mr. LOWDEN. Does not this $44,000,000 include a very large item of the Post-Office Department, and if that were charged off, would not the expenses of a large part of this $44,000,000 appear as a charge against the Post-Office Department?

Mr. WEEKS. Undoubtedly that is true; that includes all departmental mail. I now yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Earlier in the gentleman's statement he made some suggestion that it might be well under some circumstances to have a business man at the head of Post-Office Department.

Mr. WEEKS. I did not make it in just those terms.

Mr. SMITH of Michigan. You made the suggestion that under some circumstances it might be well to have one.

Mr. WEEKS. I made the suggestion it would be well to have a first-class traffic man to have charge of the transportation problem of the Post-Office Department.

Mr. SMITH of Michigan. Have you made a provision for that?

Mr. WEEKS. No; but we have made provision for it in a bill which we hope to get up later. I desire to include in my remarks a schedule of rates of railway mail transportation which covers the present and recent laws on that subject.

Schedule of rates for railway-mail pay.

Average weight of mails per day carried over whole length of route.	Pay per mile per annum.					
	Act of March 3, 1873.	Act of July 12, 1876.	Act of June 17, 1878.	Act of March 2, 1907.	Land-grant railroads.	Intermediate weight warranting allowance of $1 per mile under the law.
						Pounds.
200 pounds	$50.00	$45.00	$42.75	$42.75	$34.20	
200 pounds to 500 pounds						12
500 pounds	75.00	67.50	64.12	64.12	51.30	
500 pounds to 1,000 pounds						20
1,000 pounds	100.00	90.00	85.50	85.50	68.40	
1,000 pounds to 1,500 pounds						20
1,500 pounds	125.00	112.50	106.87	106.87	85.50	
1,500 pounds to 2,000 pounds						20
2,000 pounds	150.00	135.00	118.25	118.25	102.60	
2,000 pounds to 3,500 pounds						60
3,500 pounds	175.00	157.50	149.62	149.62	119.70	
3,500 pounds to 5,000 pounds						60
5,000 pounds	200.00	180.00	171.00	171.00	136.80	
5,000 pounds to 48,000 pounds						80
For every additional 2,000 pounds over 5,000 pounds and under 48,000 pounds	25.00	22.50	21.38	20.30	16.24	
For every 2,000 pounds over 48,000 pounds	25.00	22.50	21.38	19.24	17.10	
RAILWAY POST-OFFICE CARS.						
Railway post-office cars 40 feet in length	25.00			25.00		
Railway post-office cars 45 feet in length	30.00			27.50		
Railway post-office cars 50 feet in length	40.00			32.50		
Railway post-office cars 55 feet in length	50.00			40.00		

Act of July 12, 1876, decrease of 10 per cent.
Act of June 17, 1878, decrease of 5 per cent.
Act of March 2, 1907, decrease of 5 per cent on each 2,000 pounds in excess of 5,000 pounds.
Land-grant roads receive 80 per cent of rate.

Mr. REEDER. Mr. Chairman, I have taken some pains to prepare a few questions which I would like to ask, and I would like a little time——

Mr. WEEKS. Take some other time.

Mr. REEDER. Very well.

Mr. BENNET of New York. If the gentleman will permit a brief suggestion. Is it not a fact that if a carrier or clerk had complained to the gentleman about the inequality of promotion—the gentleman has replied that there were no complaints—such complaint would have made such carrier or clerk liable to dismissal, the chairman of the committee being a Member of Congress?

Mr. WEEKS. I think he would, but if the department were going to follow with great exactness the clerks who do interrogate Congressmen about various matters connected with an increase of salary, I am afraid there would be a vast number of vacancies in the postal service.

Mr. BENNET of New York. I am inclined to differ with the gentleman on that.

Mr. WEEKS. Mr. Chairman, the appropriations for the office of the Third Assistant Postmaster-General for the current year was $2,216,000. The Post-Office Department estimated for the year ending June 30, 1911, $2,098,000. The committee recommends for that year $2,355,610, which appears to be an increase of $207,000, but the department made subsequent estimates which cover just that amount, so that the recommendation of the committee is substantially the estimates of the department for the office of the Third Assistant Postmaster-General. The office of the Fourth Assistant Postmaster-General——

Mr. MILLER of Kansas. Mr. Chairman, will the gentleman permit an inquiry there?

Mr. WEEKS. Certainly.

Mr. MILLER of Kansas. I notice an increase has been recommended in the following items—manufacturing stamped envelopes, $60,000. Are those the stamped envelopes which are sent out and sold by postmasters to the public generally?

Mr. WEEKS. Yes.

Mr. MILLER of Kansas. About which there is so much complaint?

Mr. WEEKS. Yes.

Mr. MILLER of Kansas. What is the policy of the committee and the department on that subject? Is it the policy or the intention in the future to go more generally into that business than in the past?

Mr. WEEKS. The department has a contract with a manufacturing company in Dayton, Ohio, for the manufacture of envelopes which terminates the 30th of June, 1911, There is a provision in this bill which will change the printing of these envelopes which the gentleman can read if he desires.

Mr. MILLER of Kansas. The point I want to know is this: Whether it is the policy and desire of this committee to continue the policy that heretofore has been followed of going into the business of manufacturing these stamped envelopes and selling them.

Mr. WEEKS. As the Government had a contract for the manufacture of these envelopes, there was no change suggested by the department or considered by the committee in the hearings. Since the hearings terminated there has been much correspondence on the subject. Letters and telegrams without number have been coming in protesting against this policy of the department, but the committee had already inserted in the bill the provision which Members will find there, which will regulate in a different manner the printing on the envelope after the 30th of June, 1911.

Mr. PAYNE. Now, these newspapers want to do the printing on these envelopes, do they not, because the complaint is that the Government does it for nothing? These people would charge three or four dollars a thousand, and they complain of being cut off from that three or four dollars a thousand.

Mr. WEEKS. I do not want at this time to get into a discussion of this question, but I will answer the gentleman from New York by saying that the department's contract for making the envelopes, embossing the stamps, and printing the return, is at the rate of 79 cents a thousand.

The department sells those envelopes for $1.24 per thousand. The profit last year was about $350,000. The printing of the return on the envelope, it is estimated, costs about three-quarters of a cent a thousand. That is what it would cost for the type and the ink. To answer the gentleman directly, I will say undoubtedly the printers who have appealed to Congress wish the Government to go out of the printing business, so that they may print the return on the envelopes. It is a pretty broad question, and I do not care to get into a discussion of it now other than to make that statement.

Mr. PAYNE. This word in addition: I have received some letters from envelope manufacturers protesting against the

stamp being put on the envelope manufactured by the Government, as depriving them of some profit. I have not yet heard from the people who furnish the "gum-stickum" which goes on the stamp. I expect to hear from those later.

Mr. SCOTT. With the gentleman's permission, I would like to make this further statement on behalf of the printers. They not only complain against the competition of the Government in furnishing their customers with printed envelopes at no cost for the printing, but they complain that the Government uses the public money to push that business, that the department publishes attractive advertising matter and sends it all over the country, instructing the postmasters to hang it up in the post-offices, calling the attention of the public to the fact that they can secure their stamped envelopes with their return card on them more cheaply from the Government than they can obtain them from any other source.

Mr. WEEKS. I think those who make that complaint are mistaken. I think that advertising matter is prepared and is sent out by the firm which has the contract. The Government does not do this work. The work is entirely done by contract with a firm in Dayton, Ohio.

Mr. SCOTT. I would like to say, in response to that, when I went personally to the Third Assistant Postmaster-General to protest, he not only admitted the practice, but defended it by declaring it was a part of his business to push the sale of these goods.

Mr. WEEKS. Why, Mr. Chairman, so far as the committee has any evidence, it is to the effect that the department has authorized the placing of these advertisements in post-offices to attract the attention of people who may wish to purchase stamped envelopes.

Mr. MILLER of Kansas. I want to call the attention of the gentleman further to the fact that the very next item justifies the views taken by my colleague [Mr. SCOTT], and justifies the newspapers and the publishers in making protest against the Post-Office Department making the postmasters agents and assistants to distribute stamped envelopes and helping to work up their trade.

Mr. WEEKS. But, Mr. Chairman, the gentleman from Kansas is entirely mistaken in what he thinks the next item is for. That item is for the government agent at the factory to superintend and see that the shipments are made, and so forth. That has nothing whatever to do with what he has in mind.

Mr. MANN. Will the gentleman yield? Is it not an advantage to the business public to be supplied with these return envelopes printed?

Mr. WEEKS. Why, there is no question about it, Mr. Chairman.

Mr. SCOTT. Then should not the business public pay for it?

Mr. MANN. They are doing it now. Then you would have that provision made for the benefit of the printing offices in the towns. That would amount to a subsidy to those printing offices.

Mr. SCOTT. Why ought not they to do the printing?

Mr. WEEKS. I must insist on going on with my statement.

The CHAIRMAN. The gentleman from Massachusetts declines to yield further.

Mr. WEEKS. The appropriation for the office of the Fourth Assistant Postmaster-General for the current year is $38,599,000. The estimate of the department for the year ending June 30, 1911, is $39,598,500. Later, however, the department made another estimate reducing that amount by $900,000.

The committee recommends for the coming fiscal year $38,867,260, which is $300,000 more than the department's revised estimate.

Mr. YOUNG of Michigan. Will the gentleman allow me to ask him a question?

Mr. WEEKS. Yes.

Mr. YOUNG of Michigan. I notice that the appropriation about the rural carriers contained in this bill is about $300,000 increase over that of 1910. Does this mean that there are to be no more rural routes established for the next year, or is there any provision for new routes?

Mr. WEEKS. This appropriation provides for the rural carriers now in the service on the present routes at the present rate of pay and an additional amount for the establishment of new routes amounting to $545,000. There will be on hand at the end of this year $245,000 for the establishment of additional routes under the estimates. The committee added $300,000 to the department's estimate, making $545,000 available for the extension of the service in 1911.

Mr. YOUNG of Michigan. Is it not a fact that there are now about 2,000 applications for new routes pending in the Post-Office Department, with favorable reports?

Mr. WEEKS. I am informed that there are between 1,500 and 2,000 applications, and between 800 and 900 of those have been recommended favorably.

Mr. YOUNG of Michigan. Will the allowances that you have made permit the establishment of those routes; or if not, how many of them?

Mr. WEEKS. It would depend entirely upon the time of year the route was established.

Mr. AUSTIN. I desire to ask the gentleman a question: If this additional appropriation carried in the bill for the extension of the Rural Route Service will not provide for about 500 additional routes?

Mr. WEEKS. It would provide, Mr. Chairman, for about 600 additional routes if they were all established the 1st day of July.

Mr. AUSTIN. That would give about an average of 12 routes to each State?

Mr. WEEKS. The gentleman can figure that out for himself.

Mr. AUSTIN. Now, is it not a fact, Mr. Chairman, that there are 1,600 petitions awaiting action on the part of the Fourth Assistant Postmaster-General, 1,000 petitions investigated and approved, and 670 of them have not been examined, and that additional appropriation will provide service for not exceeding 600 of these additional routes, or an average of about 12 additional routes for each State in the Union?

Mr. WEEKS. Mr. Chairman, I answered that question before. I think the gentleman's figures are a little excessive, but substantially correct. He must remember that if all these routes were established on the first day of the year the amount provided by the bill would only provide for about 600, but if they were established January 1 it would provide for about 1,200.

Mr. NORRIS. As I understand it from the gentleman's own statement, there are 900 of these routes that are already approved. Then would it not follow that they ought to be established right now? And if that be true, then, from the gentleman's own statement, as I interpret it, at least, there would be an insufficient amount of money appropriated to put into effect the routes that are already reported upon favorably.

Mr. WEEKS. It undoubtedly is a fact that if those routes were all established at once there would not be sufficient money.

Mr. NORRIS. What excuse could be offered, excepting the lack of appropriation, that would prohibit the establishment of a route after it had been investigated and a favorable report made upon it?

Mr. WEEKS. I do not want to go into it in great detail, but in a word the reason is this, that provision has been made for all of the service that is now provided in this bill, but in a time of almost national financial distress, when the Treasury is on the verge of needing an issue of bonds to pay operating expenses, it is not believed by the President or the Post-Office Department that unusual expansions of the service should be made. It is believed that this is a time when we should go slowly about extending services; that we should provide for the most important cases, where there are a large number of people who could be served, and that the cases that could be put over for another year should go over. That, in a word, is my answer to the gentleman from Nebraska.

Mr. NORRIS. Of course that is a complete answer, although I do not agree with the view taken. It does seem to me that if these routes are already approved, and, in fact, everything is done except to put them in, it is unjust to the people who would be served by them to permit the money of the Government to serve older routes instead and thus discriminate.

Mr. WEEKS. I have great regard for the gentleman from Nebraska, and I want to ask him a question in my own time: If the gentleman were managing a business which was not profitable, and there seemed to be some demand for an extension of that business, would he go and borrow money for the purpose of extending that business when he knew that he was going to lose money by doing it?

Mr. NORRIS. I will answer the gentleman as frankly as he has asked the question. If I were engaged in a business such as the Post-Office Department is operating, I would refuse to use public money for the purpose of paying the expenses of a rural route in one place while declining to use it in another place where they had complied with the law and everything was done that could be done under the law to have the route established. In other words, I believe, instead of cutting out these routes where the people have complied with the law, if somebody must wait, we had better discontinue some other route where they had the facilities before, and treat all alike.

Mr. WEEKS. The gentleman from Nebraska would never do that.

Mr. NORRIS. In the first place, I would not consider the Post-Office Department exactly as I would a business proposition; but it seems to me that it is an injustice to give one class of people the benefit of a rural route and deny it to others who have complied with the law. I think the people who have com-

plied with the law and are not receiving the service are just as much entitled to it as the people who have complied with the law and are receiving it.

Mr. WEEKS. There are thousands of people in the gentleman's own district who are not served by any carrier service.

Mr. NORRIS. Yes; I have some in the very condition I have mentioned.

Mr. WEEKS. There are thousands of people who would not be served by carrier under any regulation which obtains in the department. If the gentleman's argument is correct, how can he say that any man, however remote he may live from transportation facilities, should not have the same facilities as the man who lives along a rural route.

Mr. NORRIS. The gentleman has perhaps unintentionally misconstrued what I said. What I said was that here on one side of a town are a class of people, the same in number perhaps, who have complied absolutely with the law. They are living along routes that are proposed to be established, and that ought to be established, while on the other side of the same town there are another class of people of the same kind, no greater in number, who are receiving the benefit of the rural-route service. This is unjust and unfair and should not be tolerated.

As far as I am concerned, since the gentleman asks my opinion, if I was running the Post-Office Department, even though it increased the deficit, I would treat all those who had complied with the law in regard to rural free-delivery service the same as any others.

Mr. AUSTIN. Mr. Chairman, I wish to call the gentleman's attention to the fact that in the Republican platform it says:

We favor the extension of the rural free-delivery service until every community in the land can have the benefit of it.

Now, I say to the gentleman, speaking of the financial condition of the country as an excuse why the service should not be extended and the promise kept in good faith, that the President of the United States stated in his New York speech that under the Payne tariff bill we are raising a larger revenue per capita than we did under the Dingley tariff bill. So, the new revenue producer is bringing us more money, which will enable us to carry out the service and to keep the promise. And in addition to that the gentleman and this committee have the power and means of bringing a sufficient revenue into the Post-Office Department to give every community in the United States the benefit of the rural free-delivery service by taking from the express companies of this country a part of the postal business that belongs to the people of the Government. [Applause.]

Mr. WEEKS. I have been pretty liberal, I think, in yielding time to gentlemen to ask questions; but it is rather taking advantage of this liberality for the gentleman from Tennessee to inject a speech into the statement I am trying to make to the House. Later I will yield him time to make any speech he sees fit to make, if I have the time to yield.

Mr. AUSTIN. The gentleman from Massachusetts asked the gentleman from Nebraska a question and I wanted to answer it.

Mr. RANSDELL of Louisiana. Mr. Chairman, I would like to ask the gentleman a question.

Mr. WEEKS. I will yield to the gentleman from Louisiana.

Mr. RANSDELL of Louisiana. I wish to call the gentleman's attention briefly to the hearings before his committee. On page 267 he asked a question of Mr. De Graw, as follows:

The CHAIRMAN. For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of stations, and tolls and ferriage, rural delivery service, $37,345,000. You have recommended a reduction in that of $900,000.

Mr. DE GRAW. Mr. Chairman, that reduction is suggested in view of the existing condition of the government finances, and the consequent necessity for strict economy in all branches of the public service. It is the desire of the Postmaster-General, who in conference with his assistants has given the subject careful consideration, to defer further installation of rural delivery service except where necessary to maintain the efficiency of the service in operation, or where the establishment of new service seems imperatively required to meet demands which can not be met by existing facilities.

On page 265 Mr. De Graw said in answer to a question by Mr. FINLEY that there are 2,037 post-offices which will have been favorably acted upon and ready for installation in the rural free delivery route the 1st day of July next.

Mr. WEEKS. Let me say to the gentleman that I was present, and I do not think Mr. De Graw meant to say that they were to be favorably acted on, but that they would be acted upon and report made.

Mr. RANSDELL of Louisiana. I will quote just what he said:

Mr. FINLEY. How many petitions will remain uninstalled on the 1st of next July at the present rate of expenditure?

Mr. DE GRAW. About 2,037 petitions.

Mr. FINLEY. Petitions that have been acted upon favorably?

Mr. DE GRAW. Yes, sir; that will have been acted upon favorably by that time.

Mr. FINLEY. And there will be 2,037 petitions pending on the 1st of July that will have received favorable action, and can not be installed at the present rate of expenditure?

Mr. DE GRAW. Yes, sir.

Mr. WEEKS. I was present, and I think his intention was to say that they would be acted on.

Mr. RANSDELL of Louisiana. Subsequently in response to a question of Mr. STAFFORD he said that there were 977 already favorably reported upon, and that there were 672 now in the field being examined, on which he estimated that there would be 376 favorably acted upon, and that they were coming in, I think, at the rate of 150 a month, and he estimated that 37½ per cent of them would be acted upon, making an addition of 337, or a total of 1,690 acted upon by July next. In one place he says 2,037 and in another place he reduces it to 1,690.

I want to ask the chairman of the committee if he does not think it is a little unfair to begin economy in the rural free-delivery service when it has grown so splendidly since it began, fourteen years ago, and we have so many routes approved and ready for installation?

Mr. WEEKS. There is no question about the rural free-delivery service having grown splendidly. There never has been any department of the Government that has grown as rapidly as it has. Congress has been extremely liberal, and we are facing a condition now where the President believes, and, I think, most others who have investigated it believe, that reasonable economy should be used in making extensions, and it seemed to the committee that this was a year when extensions of rural free-delivery service might be limited to a less number than would obtain in an ordinary year; the committee added to the estimate made by the department $300,000, which will apply to additional expenditure, making a total of $545,000.

Mr. RANSDELL of Louisiana. How are you going to determine which of the 1,690 routes, if you adopt the lesser number, and 2,037, if you adopt the larger number, shall be installed?

Mr. WEEKS. If I had it to do, I should take the case where there were the most people on the route; but that is a departmental matter, and I do not know what it will do.

Mr. RANSDELL of Louisiana. Is it not quite unfair to give such splendid service as the gentleman says this is, to people who live on 41,103 routes, and deprive the remainder of the citizens of the country of the same kind of service?

Mr. WEEKS. We are simply deferring the installation of this rural service to a time when the finances will warrant their extension. If the gentleman from Louisiana wants to talk about fairness and unfairness he will find illustrations of unfairness in every branch of the government service, or any other service.

Mr. RANSDELL of Louisiana. I notice that the increase for the rural free-delivery service during the current year was $1,400,000 over the previous year, and that there were only 475 routes established.

Mr. WEEKS. I will explain that to the gentleman by saying that the increase was largely to provide for routes that had been established already. The amount provided for the extension of the service for the current year was about $650,000; I do not remember the exact figures.

Mr. RANSDELL of Louisiana. Will the gentleman explain why, when there are 977 routes now ready for installation, they do not use the money which the gentleman insists will be available as a surplus out of this year's revenue?

Mr. WEEKS. I can not answer that.

Mr. RANSDELL of Louisiana. It is a fact, is it not?

Mr. WEEKS. I do not know.

Mr. RANSDELL of Louisiana. Mr. De Graw testified before the gentleman's committee that there were 977 routes approved now, and he also testified he would have something like $245,000 surplus out of this rural delivery fund at the end of the current year. Why is he pursuing that policy?

Mr. WEEKS. I do not think the department is installing many routes at this time, but as to the why or the wherefore of it the committee is not informed.

Mr. FASSETT. The gentleman who was giving the testimony said the reason was that the appropriation is made with reference to the possibility of all of the routes being started at once, but as a matter of fact, in practice, the routes were started a few at a time, from month to month, so that the cost would not all begin to run from one moment.

Mr. RANSDELL of Louisiana. I agree to the truth of that proposition; and if he were to establish them for the fiscal year that is nearing its close, he could out of the $245,000 start a good many out of those 977.

Mr. FASSETT. I suppose if he had the money he could do it.

Mr. BURNETT. Mr. Chairman, what would become of the balance at the end of this fiscal year? Will that be carried over for another year?

Mr. WEEKS. That will be carried over and be available for next year.

Mr. BURNETT. It will not lapse into the Treasury?

Mr. WEEKS. No.

Mr. BURNETT. It will be available for next year, that nine hundred thousand and odd dollars?

Mr. WEEKS. Oh, no; $245,000 is all that would be available for next year.

Mr. BURNETT. The additional amount that is put here in the bill.

Mr. WEEKS. The department estimated for the service which is now installed $245,000 to be carried over from this year, available for installing new service next year. The committee added $300,000 to that, making $545,000 available for installing new services next year.

Mr. BURNETT. How much of the appropriation heretofore made is unused?

Mr. WEEKS. At this time?

Mr. BURNETT. Yes.

Mr. WEEKS. I do not think I have those figures.

Mr. BURNETT. Can any gentleman of the committee give me that information as to how much balance is on hand under which these routes that are now pending and have been approved and recommended could be put in if established?

Mr. WEEKS. I do not think over a quarter of a million of dollars, but I am not sure about that.

Mr. BURNETT. I want to know what will become of that money?

Mr. WEEKS. That will be available for installing routes next year.

Mr. BURNETT. Under this bill or automatically?

Mr. WEEKS. Automatically.

Mr. BURNETT. Then you have appropriated $285,000 more than you appropriated in the bill last year. I have the figures here before me, $37,645,000 for this year and $37,360,000 for last year, which would be, as I make it, $285,000 more than last year.

Mr. WEEKS. About that. I should have said $300,000.

Mr. BURNETT. In round numbers. That will be the extent of the extension of the service for the next year.

Mr. WEEKS. These figures including sufficient appropriation to pay all carriers and all expenses in the service now installed and $545,000 for the extension of the service.

Mr. BURNETT. Of the service?

Mr. WEEKS. Yes.

Mr. BURNETT. That is, including the whole country over from this year into the next year?

Mr. WEEKS. Yes.

Mr. BURNETT. How many routes would that be, roughly estimated?

Mr. WEEKS. I have stated it would depend on the time when they were installed. It would establish about 600 if they were established on the 1st day of July, but if they were established the middle of the year it would install 1,200.

Mr. BURNETT. It would not install, then, as many as are really now pending and favorably reported upon?

Mr. WEEKS. Probably not.

Mr. BURNETT. And for that reason, then, for the next year there could possibly be no extension of the service.

Mr. WEEKS. These installations will be extended along, I take it, for the next sixteen months.

Mr. BURNETT. But will there be any money to pay for that if they consume it?

Mr. WEEKS. It will be $545,000.

Mr. BURNETT. But it will absorb that to pay for the routes already pending and recommendations made, as I understand.

Mr. WEEKS. It may be the policy of the department to extend the more imperative cases. There may be cases of importance coming up, and they would apply it to those cases.

Mr. BURNETT. And turn down those that have now been approved for the fiscal year and approve routes coming in in the next fiscal year?

Mr. WEEKS. Some of them; yes.

Mr. BOEHNE. Is it not a fact that all unexpended balances of a fiscal year go into the General Treasury? Do I understand the chairman to say that this $245,000 will not be expended during this fiscal year, but can be carried over into the next?

Mr. WEEKS. The gentleman, speaking technically, is correct. The money does revert into the Treasury, but we are providing this $245,000 and $300,000 more in this appropriation for the installation of that service.

Mr. BOEHNE. I do not believe the committee so understood the chairman.

Mr. WEEKS. I do not think there can be any mistake about the committee understanding there is $545,000 available for the extension of the rural service for the year 1911.

Mr. BOEHNE. Is it not a fact, to begin with, that instead of $245,000 you have added $545,000 to the original estimates in order to bring it to that amount?

Mr. WEEKS. It amounts to the same thing.

Mr. SIMS. I desire to ask the gentleman a question.

Mr. WEEKS. I yield to the gentleman from Tennessee.

Mr. SIMS. The gentleman has been so exceedingly kind, and it is not often we have a chairman possessed of so much kindness and information together. I understood the gentleman to say the loss on the Rural Free-Delivery Service last year was $28,000,000.

Mr. WEEKS. In round numbers.

Mr. SIMS. Does the gentleman mean gross or net loss?

Mr. WEEKS. Net loss.

Mr. SIMS. Should not the gentleman in all candor credit that amount with the cost of star-route service that has been displaced by the establishment of rural routes, amounting ot nearly $4,000,000?

Mr. WEEKS. I do not think the change amounts to as much as the gentleman from Tennessee states. There have been some discontinuances of star-route services, and rural-delivery services installed, but the appropriation for the star-route service is larger than it was last year, which would indicate either the service was being extended as rapidly as it is being replaced by rural service.

Mr. SIMS. Should there not be another credit of something like $1,000,000 on account of the discontinuance of post-offices and the establishment of rural routes instead?

Mr. WEEKS. There is a credit there; I do not know how much it amounts to.

Mr. SIMS. Furthermore, has not the Government also made a profit by the disestablishment of small post-offices by reason of the establishment of rural routes, where the percentage of cancellation that went to salaries of post-masters exceeded the per cent of cancellation allowed at the initiating offices of the rural route?

Mr. WEEKS. The committee has no figures to that effect and if fourth-class post-offices have been discontinued I assume there will be a credit in that regard.

Mr. SIMS. And, while it can not be exactly stated, the amount so saved should be taken into consideration in treating this branch of the service justly. Furthermore, the department only credits the rural service with the mail collected on the routes, which amounted to $7,250,000, in round numbers. The number of pieces of mail collected is only 450,000,000, while the number delivered on rural routes is over 2,000,000,000, for which it does not give the rural service any credit, 45 per cent of which only is included in the second class.

Mr. WEEKS. Mr. Chairman, I call to the gentleman's attention that you can not change the same pieces of mail——

Mr. SIMS. But it should be divided in all equity. You should credit the loss on the rural service with some portion of the vast deliveries made on the rural service of profit-producing mail, which was not done by the Postmaster-General, and I take it the chairman has been following the Postmaster-General in his statement of facts.

Mr. WEEKS. I gave the figures of the department in making the statement I did.

Mr. SIMS. That is what we all did at first, but the gentleman will excuse us if we do not accept right offhand the statement of the Postmaster-General, repeated by himself, that the net loss is $28,000,000 in rural service for the fiscal year 1909.

Mr. WEEKS. Mr. Chairman, I should want to go into those figures more carefully before I give my assent to that proposition, but the gentleman has made some statements which are entitled to some consideration in giving the rural service a credit.

Mr. SIMS. Which it should justly have. Furthermore, mail put in post-offices at the initiation of a route which goes out on that route and only on that route should be credited to that route as though collected from the mail boxes and post-offices thereon, but the Postmaster-General does not even make a suggestion of that sort.

Mr. WEEKS. I want to suggest to the gentleman from Tennessee [Mr. SIMS] that there is no intention on the part of the committee to do any injustice or to discredit in any way the rural service. I think it has the heartiest sympathy and support of the committee. But the committee is preparing a bill which will fit the conditions which surround it, and in doing so it is not making a large appropriation for the extension of the service. That does not indicate any animosity or any enmity

to the service. I do not wish the gentleman to put me in the position of being unfriendly to reasonable extension of the Rural Free-Delivery Service at this time or ample extension of it when the money is available for that purpose.

Mr. SIMS. I have no thought of such a thing. I believe the committee is liberal and reasonable, but I am afraid the Postmaster-General, judging from his report, has "cold feet" as to this service.

Mr. FASSETT. Was there not some suggestion looking to putting under one head in the department the star-route service and the Rural Free-Delivery Service, and that it would effect some economies and allow this last million dollars to go further than otherwise?

Mr. SMITH of California. I was just going to say, in reply to the suggestion of the gentleman from Tennessee [Mr. SIMS], that where a letter is dropped in the mail box on a rural route in California, and destined for New York, the Postmaster-General gives the entire credit to the rural route.

Mr. SIMS. Well, there are over 2,000,000,000 pieces delivered and only about 450,000,000 received.

Mr. MACON. Mr. Chairman, will the gentleman yield to me for a question?

Mr. WEEKS. I will yield for a question.

Mr. MACON. I desire to state that I received a communication from the Fourth Assistant Postmaster-General, stating that he had adopted the plan of discontinuing the establishment of rural routes in the interest of economy. I want to ask the gentleman in charge of this bill if he thinks that it is not a bad policy on the part of the department to begin its policy of economy at the expense of the farmers who support the world? They are certainly entitled to the very best mail facilities they can get. Many of the citizens of our cities are receiving their mails from six to twelve times a day, and I do not think the farmers should be told that they can not have one mail a day as long as that condition exists.

Mr. WEEKS. Now, what is the question?

Mr. MACON. The question is, if the gentleman thinks that it is a proper or wise policy for the Post-Office Department to begin its economies at the expense of the farmers of the country, in view of the fact that they support it?

Mr. WEEKS. Economies are being made in every branch of the Post-Office Department.

There are other matters in this bill which I hoped to discuss, but I can take them up during the reading of the bill. I ought to apologize to the committee for having detained it as long as I have. I want to say one word in conclusion to this effect, that in preparing this bill the committee has provided for every branch of the service as it is now established. It has provided for such extension of the service as it is believed the financial condition of the Government warrants it in doing. To do more than that would be, in my judgment, and I think in the judgment of the committee, an extravagance. I sincerely hope that the House, in considering this bill, will take into consideration not only the wishes of their constituents, but the condition of the Treasury as well. [Applause.]

Mr. MOON of Tennessee. Mr. Chairman, a little later along I desire to offer some remarks on this bill. At present I yield to the gentleman from Kentucky [Mr. HELM].

Mr. HELM. Mr. Chairman, my presence here on this floor is a complete voucher for my devotion to, and love for, the American flag, as well as my warrant for my patriotism. I represent a constituency that would never have sent me here had there been the least intimation or conjecture that I am lacking in either of these high essentials for membership in this House. Many high-sounding tributes have been paid both our flag and country by those who have advocated ship subsidy, evidently with the hope of making a bad argument appear the better. Our flag and our country have ever been the favorite themes for high pressure and high-colored eloquence, by means of which these advocates undertake to substitute the shadow for the substance. In discussing so serious a subject as government aid, by means of subsidy, to our merchant marine, it does not become us to be swept away by sentiment, nor to abase the American flag by using it to shield a vicious proposition.

Furthermore, as a Representative in Congress, I shall at all times, so far as lies within my power, cheerfully support all proper legislation that will increase and advance the volume of business for the citizens of the United States, in any legitimate and lawful manner that it can be done, within the limits of the Constitution, and without conferring special privileges on the few at the expense of the many. It shall always be my aim while a Representative to foster and aid American enterprise within the limitations stated. I am only too anxious for the time to come when there shall be more American ships sailing the ocean highways, entering every important port in every civilized country on the globe, ladened with American products, and, returning from these ports, bringing in American bottoms, such foreign commerce as may be essential to the welfare of our country that the economy of nature has denied us. I want to see this condition obtain at the earliest possible date, and firmly believe that in due course of time it will come to pass, and that if this branch of business is permitted to develop along correct business lines, it will be more stable, enduring, and efficacious.

Voting subsidy for the merchant marine is not unlike injecting morphia into the human system. It stimulates for a period, but in time the dose must be repeated oftener and in larger quantities. This is the exact proposition presented by the present situation. The purpose of the bill introduced, pursuant to the President's message on this subject, is to more than double the dose of subsidy administered by the act of March 3, 1891, which, while it is not the first hyperdermic administered to the merchant marine, has, like the subsidy voted to the Collins Line in 1850, to the Brazilian Line in 1864, and to the Pacific Line in 1869, proven to be an abject and dismal failure, at the same time entailing upon the Treasury an increasing burden and resulting in a decreasing merchant marine; although the advocates of the passage of the act of March 3, 1891, then asserted that its passage would effect a complete rehabilitation of our merchant marine, as evidenced by the statement of Mr. Dingley in his address to the House, in which he said:

> At the end of the tenth year there is little doubt that we should have in the foreign trade a new merchant marine of 800,000 to 1,000,000 tons, composed largely of first-class iron and steel steamships, built as auxiliary cruisers.

How far this prediction is sustained by the facts we have only to consult the report of the Commissioner of Navigation for 1909, in which it appears that in 1891 we had 1,516 registered vessels engaged in foreign trade, of 988,719 gross tons, while in 1909 we had 1,600 registered vessels of 878,532 gross tons, in which latter are included some vessels which have outlived their usefulness and will never again go to sea, but still maintain their registers. After a test of this act of nineteen years' duration, during which time approximately $28,000,000 have been expended by reason of its enactment, not a single ship of the class it was designed to put into commission has been added to our merchant marine since 1895, and our foreign carrying trade has decreased every year since its passage.

Ships that came within the scope of this bill, and that did fly the American flag, since its passage have taken them down and have run up foreign flags in their stead. Such object lessons as these should in themselves be sufficient to stop any further raid on the Treasury along this line at least. How those of you who are committed to the subsidy policy as outlined by the bill offered by the gentleman from Washington [Mr. HUMPHREY], of the Committee on Merchant Marine and Fisheries, can hope or expect different results, so far as its subsidy features are concerned, to follow its passage, when its only effect is to pay the slow ships classified therein more money for the same service they are now rendering to the Government at less cost is beyond my comprehension. The effect of the amendment contained in the first section of the bill is to place a premium on slow service, whereas there is sharper rivalry to-day than ever before for faster service in both mail and passenger lines. It has always been my understanding that one of the principal, if not the sole, objects for subsidy, has been and is that it would enable us to secure faster service, in order that we might successfully compete with the faster foreign ships. Voting subsidy has been justified and defended on the ground that the Government could afford to offer and pay premiums for fast service.

The ocean carrying trade has advanced and undergone changes in like proportion as overland trade and transportation have. It would be as sensible to subsidize an old-fashioned stagecoach to enable it to compete with the modern-day railroad as to undertake to subsidize some of the ships that are classified in the proposed bill and expect them to successfully compete with ships of the *Lusitania* and *Mauretania* type. In other words, I say to those of you who are committed to the policy of voting the money in the Treasury that has been raised by taxing all the people to aid the private business of a few people, because they represent to you that they are unable to conduct a paying business and that therefore the public revenues should be used to assist them, that the bill that you have offered, so far as the subsidy features are concerned, will only result in paying out more millions in less time uselessly and to no good purpose.

If, having the power to pass this bill, and you have it, you have definitely made up your minds to do so and thereby take from the people's pockets their money and donate it to those

individuals who state to you that they are doing a losing business, and it is for this reason alone that they make the request, then draft your bill so as to take the last cent from the Treasury not otherwise appropriated. Why? Because if you intend to attempt to regain supremacy by subsidy in the ocean carrying trade, your subsidies must be equal to or larger than the largest subsidies now paid by the nation having that supremacy, and of such magnitude and so prodigal as to cover the alleged increase in the cost of American-built ships—the increased cost of operating them under the American flag—and at the same time you will do well to keep steadfastly in mind the fact that you are undertaking to supplant, yes, to take the occupation of those who now have an established trade in this line of business away from them. You are in the attitude of the new merchant who is undertaking to supplant an old-established firm that has for years given reasonable satisfaction to its patrons.

Much stress is laid on the statement that subsidy is required in order to overcome the increased cost of shipbuilding in American yards and the increased cost of operating ships after they have been placed in commission. While I shall not dispute the existence of either of these conditions, I am somewhat curious to know, if this is a fact, how those who are wedded to the subsidy scheme hope to regain and dominate the ocean carrying trade by voting less susidy than either England, France, Germany, or Italy—the nations now in control of the ocean trade—when you contend that all of them are able to construct ships of equal tonnage and speed and operate them cheaper than we can, and at the same time secure larger subsidies from their respective governments than you are proposing. It occurs to me that if the statement is true you must not only vote subsidies as liberal for ships of like tonnage and speed as the foreign ships, but that your subsidy must be larger, so as to cover the increased fixed charges embraced both in construction and operation before you are on equal footing with the foreign ship, else you are in the attitude of backing by taxation a losing private business with no hope of ever putting it upon a sound or paying business by this means."

In other words, your subsidy must be equal to the highest foreign subsidy plus the per cent of the increased cost of construction plus the increased cost of operation.

If this increased cost of construction and operation, both of which do operate to our disadvantage, is the result of legislation, then it would appear that this legislation is the root of the evil and that the proper and the best beginning that could be made, looking to the end desired, would be to repeal this legislation at once. At this point it may not be irrelevant to inquire how it happens that we can build locomotives, make steel rails, armor plate and structural steel, and successfully compete in the markets of the world, and into which materials the same elements of cost enter as into shipbuilding materials. We use the same coal and iron from the same mines, employ the same-priced labor to mine both and to convert them into finished products. Stranger still when there are not lacking instances where our alleged high-priced ship material has been purchased by foreign ship builders to construct the alleged cheap foreign ship.

I have heard of certain plants that could not run if certain presidential candidates were elected to office; of certain railroads that could not operate unless the rates were increased; of certain manufacturers that would have to close down unless they were given more protection; and I have a suspicion that amounts almost to a conviction that this subsidy grab is a part of the same system. [Applause.]

Let no one infer from or be deceived by the arguments of those who favor subsidy into believing that there is a congestion of over-sea freight at the ports on our seaboard awaiting transportation—there are more ships there than there are cargoes with which to load them—nor be misled into the erroneous conclusion that our foreign or export trade has not been increasing annually; that there is any complaint from any source that the rates charged for ocean freight are excessive in the least. On the contrary, there are numerous instances where cargoes are carried free, and some instances where the ship companies pay the shippers for the privilege of carrying the cargo. So that, with this situation facing you, your proposition is not so much one to create new business as it will be to take the other party's business away from him in this branch of trade, which is now suffering from overcompetition. In ocean carrying trade you are confronted with the same rules as obtain in the transportation by rail, where the shipper always sends his freight over the lines offering the most satisfactory accommodations at the lowest rates. The flag on the ship has about as much to do with the one proposition as the color of the car has to do with the other. In fact, no one can or will try to show or even contend that the object of subsidy is to make rates cheaper.

The present Speaker of the House photographed the subsidy scheme fairly well on February 28, 1879, when discussing a similar proposition then before the House, although I regret to say that for some reason satisfactory to himself he has since turned the picture he then made to the wall. [Laughter and applause.]

I quote him:

Now, what is this proposition? Oh, it is to give John Roach $3,000,000 as a practical gratuity and to charge that as a tax on the cotton, the provisions, and tobacco, and wheat, and grain, and breadstuffs, and oils that we produce. What for? To enable somebody to sell something that he has made which it cost $1.43 to make here, while it cost only $1 to make it in Europe, and both manufacturers have to go to the same market, namely, Brazil. Why, gentlemen, if you had a business agent who proposed to do your private business in that way you would put him into a lunatic asylum or swear that he was a thief or an idiot and discharge him.

Continuing, he said:

Commencing in the year 1847, and down to the present time, 1879, act after act has been passed for similar purposes—postal subsidies. I hold in my hand the official statement of the Secretary of the Navy and the Postmaster-General, which shows the payment of subsidies to the amount, in round numbers, of $14,500,000 to steamship lines during the period from the year 1848 to 1858. I hold in my hand a statement that shows that subsidies to the amount of $7,000,000, in round numbers, since that time, making over $21,000,000, have been paid out of the Treasury for the establishment of steamship lines. Seven million dollars would buy all the steamships engaged in commerce that sail under the American flag, in every ocean of the world; and more than that, the subsidizing of these lines, from the Collins Line in 1852 up to the present, 1879, has bankrupted every public man that has favored it.

Subsidy is no safer or saner scheme now than when these words were spoken by the present occupant of the chair; no more honest now than then, nor is it any more worthy of employment now than then, especially since the effect of the act of March 3, 1891, only serves to furnish cumulative evidence of the failure of like legislation, and which act has taken out of the Treasury, approximately, $28,000,000, and our carrying trade is now far less than when the above statement that I have just quoted was made.

I have endeavored, so far, to show how all efforts of Congress to rehabilitate our merchant marine by means of subsidy have failed, and I believe that all future efforts by such means will prove as ineffective for that purpose. There is no branch of business in which there are involved as many underlying complex conditions. It has stubbornly refused to advance on the one crutch—subsidy.

While we may never regain the position we once occupied in the ocean carrying trade, I believe it possible to regain it in a large measure if we will go at the proposition in good faith and in the right manner. I believe that the bill introduced by the gentleman from Wisconsin [Mr. KÜSTERMANN] in the main presents the proper course to pursue for that purpose. It contains no subsidy feature whatever. Yet he produced to the House abundant and conclusive evidence from a perfect cloud of witnesses who had had extended practical experience in the business that if his bill should become a law it would restore the American flag to the sea. Certainly the utter failure of the present law, as well as those of the past, to do so by subsidy ought to establish the fact finally and conclusively that it can not be done in the manner that has been attempted. As stated by the present Speaker of the House, in his address of 1879:

Act after act has been passed for similar purposes * * * that up to the present time has bankrupted every public man that has favored it.

A study of this branch of business or trade will disclose the indisputable fact that the country which can float and man the best ships at the least cost is the country that has always been able to command the largest volume of the ocean carrying trade. Unquestionably the history of our own merchant marine has demonstrated this proposition. We only need to refer to the period of the wooden ship, which we constructed the cheapest and the best, to justify this statement, for it was at that time that we were commanding the ocean trade. It is the inevitable law of trade in an open market that the man who can perform the best service or offer the best values at the lowest cost is the person who will always secure the largest amount of business to do. The oceans are the world's highways, and the right of way is free to all comers, and all are welcome, and in the rivalry for its trade it is preeminently the sphere in which the survival of the fittest obtains. If, then, you are in good faith and honest in your efforts to build up our merchant marine, and if, as you contend, it costs more to build as well as to operate an American-built ship, our plain duty is to repeal the law that forbids an American citizen who has bought a foreign-built ship from flying the American flag from the peak of the ship.

If you really desire to see more American flags in the ports and harbors of the world, give the American the opportunity to

purchase the cheaper ship with which to ply his trade, and let him place the American flag on it. Permit the American seaman to reduce his fixed charges to the point where he can successfully compete with foreign rivals and competitors. As our laws stand to-day, an American citizen can buy a foreign-built ship, put the American flag on it, and trade with all the countries of the world except his own; but he can put a foreign flag on it and be permitted to enter the ports of his own country. Under such legislative restrictions as these is there anything astonishing in the fact that American citizens or capital, looking to the ocean carrying trade, buy their ships where they can buy the cheapest, and operate them under that flag and in the way that they can the cheapest after they have bought them? It is purely a business proposition with the seafaring trader. He is in the business to make money, and he can make money by flying the foreign flag; hence it follows that there are vast sums of American capital invested by American citizens in a large number of vessels flying foreign flags, who, I have every reason to believe, would, the instant these laws were repealed, take down the foreign flag and place the American flag in its stead. In support of this I submit the following list taken from a report of the Commissioner of Navigation:

Name.	Flag.	American interest.	Number of ships.	Gross tonnage.
Leland Line	British	J. P. Morgan, New York	44	277,379
Atlantic Transport	do	B. M. Baker, Baltimore	17	123,593
Oil Tank	British and German	Standard Oil	44	50,296
Red Star, etc	Belgian and British	C. A. Grissom, Philadelphia	15	100,000
North Atlantic Steamship Company	British	C. J. Hogan, New York	11	41,461
New York and Pacific	do	William R. Grace Company, New York	6	20,758
Chesapeake and Ohio	do	Chesapeake and Ohio Railroad Company	6	20,277
Cuban and Mexican	do	H. P. Booth, etc., New York	12	19,545
Pacific Mail	do	Charles H. Tweed, New York	1	7,575
United Fruit	do	A. W. Preston, Boston; R. A. C. Smith, New York	6	5,913
John A. Donald	Norwegian	John A. Donald, New York	3	2,139
Fortuna Fruit Company	do	D. Bacon, New York	1	2,903
Merritt & Chapman	British	Merritt & Chapman	1	347
			136	672,455

Thus it would appear that by simply repealing the superannuated and restrictive features of our navigation laws prohibiting American registry of foreign-built ships, we could at once emancipate from foreign flags 136 vessels now owned by American citizens, and thereby add a total gross tonnage equal almost to the present registered tonnage of our merchant marine, all of which could be accomplished without any charge whatever upon the Treasury. Should the bill introduced by the gentleman from Wisconsin [Mr. KÜSTERMANN] be enacted into law, every one of the 136 vessels above mentioned would become eligible to American registration, and consequently permitted to fly the American flag. If, however, the bill offered by the gentleman from Washington [Mr. HUMPHREY] and reported by the Committee on Merchant Marine and Fisheries, and which has the approval of the administration, is passed, then 21 of the ships enumerated in the above list would be denied registration, because their gross tonnage is less than 2,500 gross tons, this being the minimum tonnage for foreign-built vessels subject to registry as defined by that bill; and, in my opinion, it is an unwise provision. The smaller vessels can get into the shallow harbors, pick up the cargoes, carry them to the important harbors as the branch lines feed the trunk lines in the operation of railroads. I fail to see any valid reason for this restriction in that bill. I am also favorably impressed with the section of the bill introduced by the gentleman from Wisconsin [Mr. KÜSTERMANN] which removes the restriction as to the employment of American seamen on our registered vessels engaged in foreign trade. There may be, and is merit in requiring the employment of only Americans on vessels immediately under the control of the navy.

It occurs to me that foreign labor could be employed with as much propriety on our vessels engaged solely in trade as that it may be employed in the variety of ways that it is employed on shore—certainly with as much consistency as it is employed in the construction of the Panama Canal. In this connection it might be well enough to bear in mind that the law of the port and not the law of the flag governs the scale of wages. Expressed somewhat plainer, American registered vessels and foreign registered vessels in the same port obtain their crews at the same scale of wages. A close examination of the law will reveal the fact that the master of an American registered vessel may engage seamen or crews out of the United States in places where there is a consul or commercial agent, and that they may be engaged there either for a round trip or a definite time, whatever the destination of the ship. This renders the law easy of circumvention, and if its rigid enforcement works to our disadvantage it should be repealed, as I think the entire proposition is abundantly safeguarded by officering the American trade ships with American officers. Certainly, in view of our waning ocean carrying trade, it stands us in hand to remove any and all obstacles that have resulted from unfavorable legislation in the past, and if for this reason we have fallen behind in the race for this class of trade, let us remove the handicap with all possible haste. If we are discriminated against in the matter of insurance or in the management of bonded warehouses, let us adopt such measures, if possible, as will relieve the situation. What is there so sacred about an American trading vessel that no one but an American citizen can own an interest in it, however small?

We have everything to gain and nothing to lose by decreasing the duties laid on all goods imported in American ships. So long as we are carrying so small a per cent of the exports and imports we can well afford to make it profitable for foreigners and importers to use American ships. Besides, this would be in the nature of a little revision downward. This would operate to stimulate American shipbuilding and shipping enterprise. Of course this can not be done so long as the party now in power controls legislation. You would not yield one ounce of protection for a thousand tons of the ocean carrying trade. You will do well, however, to note the fact that as the tariff rate has risen the tonnage of our merchant marine has fallen. Considering the extent of unfavorable legislation on this subject, it is a matter of wonder that we have even a remnant of our merchant marine left; its decline dating back, as it does, to the time of the civil war, when a large per cent of our tonnage was destroyed, either by acts of war or transferred to foreign flags to avoid war risks and escape destruction at a time when our entire business system was completely demoralized, and when our cheap wooden ships were compelled to give way to the English iron and steel ships, which latter type England could then construct cheaper than we could. Just at this period the countries of Europe, beginning to feel the effect of congestion, both as to population and business, all branches and avenues of their domestic trade becoming fully supplied, were consequently driven to the sea to seek trade in the foreign markets, and steamship lines were as essential to the commercial life of Europe as our transcontinental railroads have been to our domestic development—in fact, their steamship lines were more vital to them by reason of their widely scattered colonial dependencies and military and naval stations.

On the contrary what was our situation at that time? The very conditions that operated to force them to the sea were the very forces that militated against the upbuilding of our merchant marine; or perhaps more accurately speaking, that have been partially instrumental in causing its decline. At this time we had no colonies, no military or naval stations abroad, demanding support from home. The States that formed the western banks of the Mississippi were virtually the frontiers; now there is no frontier. Since then that vast domain between the Mississippi and the Pacific has undergone the most wonderful development ever known to the world. To effect this development, which has been and still is an attractive field for investment, together with the unprecedented growth of the country east of the Mississippi, the available capital of our country has been well-nigh absorbed.

Bearing in mind that ocean traffic involves the investment of unusually large capital, when we stop to consider the fact that since the time that I have been referring to there has been constructed and are now more miles of railroad in the United States than in all Europe, Asia, and Africa combined; the great

number of magnificent cities that have sprung into existence here; that there is hardly a village in the United States that is not reached by wire; the development of our vast coal properties, as well as of iron and its varied finished products; gold, silver, and copper mining, manufactures, banking, and agricultural pursuits, all of which have grown with remarkable rapidity since the period that I have referred to, and all being attractive and tempting fields for investment, in that they are safe and remunerative to such an extent that they have not only absorbed American capital, but have been the inducement to bring vast sums of foreign capital here for investment—I ask, when you stop to consider all these conditions and such opportunities as these at our very doors, is it in anywise strange that our merchant marine should have lagged behind and declined as it has, especially since it has been hampered by our unwise navigation laws?

The hazard attending investments in ocean-going property is far in excess of that attending investments on land, and this hazard was greater formerly than now. Capital is proverbially timid, hence the thoughtful and reflective person can see at a glance why our domestic development has outstripped the perilous avocation of the sea. We have not been under the necessity of cultivating a foreign market for the output of our industrial plants. There has been no acute situation demanding ocean lines, and our development at home has completely overshadowed the possibilities of trade abroad. Who is there here present who would exchange this phenomenal development, which has made our country the world's supply house, for England's supremacy upon the sea? The unlimited resources that resulted from developments here are to-day our danger signals to the world, and are to-day a more effective protection to our Government than England's navy is to her or Germany's army to her. The catchy argument that is advanced in defense of subsidy, namely, that it would be the means of constructing an auxiliary to the navy, does not appeal to me. As for me, it gives the proposition no weight or color whatever. Besides I fail to see that vessels capable of making only 16 and 14 knots an hour could render any considerable service to a fleet of battle ships making 20 knots per hour. Either the auxiliary ships need to be as fast as the fleet or the fleet as slow as the auxiliaries. If more colliers and transports are necessary for the efficiency of our navy, I am perfectly willing that they should be built. Admiral Dewey and Rear-Admiral Robley D. Evans ought to be authority on matters pertaining to the navy, and both are on record as stating that our navy is not inefficient for the lack of either. Nor am I impressed with the contention that these so-called "auxiliaries" are needed as a nursery for the navy.

The report of the Commissioner of Navigation for 1909 shows that the merchant marine of the United States, including all kinds of documented shipping, comprised 25,688 vessels; also that there were 180,962 seamen shipped and reshipped last year, and that of this number about 90,000 were American citizens, which strikes me as a reasonably large-sized kindergarten, sufficient for all present purposes at least. The war cry has always been a serviceable theme to extract money from the Treasury. I am not so eager for trade as to acquire it either by duress or force, or by the acquisition of colonies, possession of which is contrary to the letter and spirit of our Constitution, and which carry with them the necessity for an abnormally large army and navy, which, besides possessing an element of danger to our country, entail a stupendous burden upon our Government for their maintenance. Until within the last ten years that clause of the Declaration of Independence that proclaimed that "Government derives all of its just powers from the consent of the governed" was the cloud by day and the pillar of fire by night that guided the course of those who legislated in the Halls of Congress before this Government was converted into part republic and part empire. Nor do I subscribe to that course or policy that would convert this Government into a gigantic pawnbroker's shop in order to acquire trade—I do not think we are materially improving our trade relations with Central and South America by attempting to put men selected at Washington in control of the governments of certain of these countries. In my opinion, it will require something more than subsidy to overcome the adverse feeling engendered by our present policy in that zone of the Western Hemisphere, which should be our best market. I am apprehensive that the good effect of former Secretary Root's visit to the Central and South American Republics, looking to the closer and more cordial relationships with these governments, has been largely discounted by our more recent domineering policy there.

I fear some blunders and mistakes have been made. That quarter of the globe is on the eve of great development, from which we are in position to reap some of the benefits, and I surely believe that the Root policy will yield us better returns than the coercive policy. The truth is that we are not as adept in cultivating and securing a demand for our manufactured products from the foreign trade as we might have been were it not for the fact that until comparatively recent years we have not felt the necessity of securing this foreign-trade outlet, so completely have the output of our plants been absorbed by the home market, at prices higher than the open market affords, by reason of our tariff laws. It has always been more profitable for our manufacturers to sell at home in the protected market. We need not think to regain this lost ground by resorting to subsidy, which from my point of view, besides being wrong in principle, in that if private enterprise is unprofitable the Government must sustain it, if losses are sustained the Government must pay them, will not build up our foreign trade. At present there is a subsidized line to Venezuela, and our trade with it is on the decrease. Here is an instance where subsidy has not and does not create trade. Human nature is about the same the world over. As the American will always undertake to procure that which he is compelled to obtain abroad at the best bargain counter, so in order to get the foreigner to spend his money here it is equally important that we should make an exhibition of some bargains for them on our counters. It is but natural that they, like ourselves, will endeavor to secure the best values at the least cost. Our tariff laws have made this a dear market, and it is only such manufactured articles as can not be obtained elsewhere that we are able, in quantities proportionately large, to place in the markets of the countries mentioned. It is as unreasonable for us to expect the foreigner to purchase in a protected market where the seller insists on his profits that arise by operation of law, as it is to expect the individual to do his shopping at the highest-priced store in any given locality.

Again, there are Members here who have made the statement on this floor that if they had it in their power to prevent it, they would not permit a single article to be imported into the United States that can be manufactured here. Are these men in position to complain of our inability to get our surplus disposed of in the foreign market, or much less to vote subsidy to that end? It is therefore nothing more than should be expected from the countries south of us, where we spend vast sums for their commodities, that the proceeds of these transactions should find their way to the cheaper European markets. We need to consult the tastes, styles, and fashions of these people, which differ widely and radically from ours, and which are as fixed in this regard as ours are, and they must be conformed to. To get their trade we must at least have what they want before we can sell them. As long as we do not consult their pleasure in these matters we will make slow progress gaining their trade, regardless of the amount of subsidy we may spend in the attempt. Our methods of business must be adapted more to their usages. Our goods must be shipped in such condition that it will be possible to get them to their destination by their means of transportation. In most instances in these countries the pack mule and the bridle path serve the purposes of our locomotives and steel railways. The commercial agent there is as indispensable as the traveling salesman here. Our lack of banking facilities there to offer sufficient indulgence in the way of credits has operated against us.

The report of the Commissioner of Navigation shows that we have three subsidized lines on the Caribbean route, and the full, complete, and final answer to all argument in support of subsidy as a trade producer is that, notwithstanding these subsidized lines, our trade in that sphere has decreased instead of increased. Yet, in the face of these stubborn facts, the bill reported by the Committee on Merchant Marine and Fisheries represents a fixed and determined effort on your part to take additional millions from the Treasury, ostensibly for ocean mail service, at a time when there is a deficit of over $17,000,000 in the receipts of the Post-Office Department, the largest in its history. I am unalterably opposed to subsidy in any of its phases, and am unwilling to increase this present deficit at a time when the revenues are falling behind the expenditures, and at a time when there is a universal cry coming up from the people asking relief from the burdens of taxation. [Loud applause.]

Mr. MOON of Tennessee. I now yield to the gentleman from Louisiana.

Mr. RANSDELL of Louisiana. Mr. Chairman, I shall address myself to the rural delivery feature of this bill. This

service began in 1897, and at the close of the current fiscal year it will have lasted fourteen years. During that time it has grown at the rate of 2,935 routes a year, and an average annual increase of about $2,637,864, and the appropriation for this service for the current year was $37,360,000.

The following tables show the beginning and growth of this service, the number of counties in the various States, and the number having complete rural delivery service:

TABLE A.

Fiscal year.	Routes.[a]	Appropriation.	Expenditure.	Increase in expenditure.
1897	82	$40,000	$14,840	
1898	153	50,250	50,241	$35,401
1899	412	150,032	150,012	99,771
1900	1,259	450,000	420,433	270,421
1901	3,761	1,750,796	1,750,321	1,329,888
1902	8,298	4,089,075	4,089,041	2,338,720
1903	15,119	8,580,364	8,051,599	3,962,558
1904	24,566	12,928,905	12,645,275	4,593,676
1905	32,055	21,116,600	20,864,885	[b] 8,219,610
1906	35,706	25,828,300	25,011,625	4,146,740
1907	37,728	28,200,000	26,661,555	1,649,930
1908	39,277	34,900,000	34,371,939	[c] 7,710,384
1909	40,628	35,673,000	35,661,034	1,289,095
1910	41,103	37,360,000	37,073,309	1,400,309

[a] Apparent discrepancies between the figures in this column and in the corresponding column headed "Carriers" in previous annual reports are due to figures having been taken for periods other than fiscal years.

[b] Maximum salary of carriers increased from $600 to $720 per annum.

[c] Maximum salary of carriers increased from $720 to $900 per annum.

TABLE B.

Statement showing the number of counties in the various States and the number of counties in which complete county service has been arranged.

State.	Number of counties.	Counties with county service.
Alabama	67	2
Arizona	13	
Arkansas	75	1
California	58	1
Colorado	60	
Connecticut	8	3
Delaware	3	2
District of Columbia		
Florida	47	
Georgia	146	35
Idaho	23	
Illinois	102	90
Indiana	92	80
Iowa	99	90
Kansas	105	54
Kentucky	119	5
Louisiana	59	
Maine	16	1
Maryland	23	9
Massachusetts	14	
Michigan	83	39
Minnesota	85	57
Mississippi	78	1
Missouri	114	62
Montana	28	
Nebraska	91	37
Nevada	15	
New Hampshire	10	
New Jersey	21	
New Mexico	26	
New York	61	18
North Carolina	96	8
North Dakota	46	
Ohio	88	78
Oklahoma	70	7
Oregon	34	
Pennsylvania	67	23
Rhode Island	5	
South Carolina	42	16
South Dakota	68	22
Tennessee	96	30
Texas	243	10
Utah	27	
Vermont	14	
Virginia	100	5
Washington	38	
West Virginia	55	5
Wisconsin	71	47
Wyoming	15	
Total	2,924	849

In my judgment Rural Free-Delivery Service has given perhaps greater satisfaction to the American people than any other branch of the postal service, or at least greater satisfaction to that large class of our citizens who live in the country districts and do not have the many advantages of city life. After growing for all these years continuously, without the slightest let-up, until it is now serving about 18,000,000 people, with 41,103 routes, it is practically proposed to stop the service; to dole out to the 26 additional millions who live in the country sections of our land $285,000, which the pending bill carries, to extend a service which, since its inception fourteen years ago, has received an average annual increase of $2,637,864.

It seems to me that it is very unfair to adopt any such policy as this at this time. If it be necessary to curtail expenses and economize, I will gladly assist in doing so in many branches of the public service, which a lack of time prevents me enumerating. But certainly, my friends, this is a bad time, and it is bad policy to begin retrenchment with the bone and sinew of our land—the sturdy farmers. [Applause.] One of the crying evils of this day is the fact that country people are flocking into the cities. Another of our great evils is the high cost of living. You do not pick up a paper without reading something about the high cost of living. In my opinion, Mr. Chairman and gentlemen of the committee, one of the most potent factors of this increased cost is the fact that the country people, the great producers of all food products, are leaving the country and going into the city, thereby increasing the number of consumers and reducing the number of producers. It is our business so to legislate as to encourage the people to go into the country, rather than leave the country, and nothing has encouraged country people to be satisfied with their lot more than the Rural Free-Delivery Service. [Applause.]

Let us see now what is the proposition. The Post-Office Department suggests that there be no appropriation at this time for the extension of this service. The Post-Office Committee recommends an increase of about $285,000, and I believe that there is to be a surplus of some $245,000, so that at the beginning of the next fiscal year we will have to expend for this service in new routes the sum of $530,000.

The Fourth Assistant Postmaster-General, who has this service in charge, testified before the Post-Office Committee that on the 1st day of July next there will have been examined and approved and ready for installation 2,037 routes. Later in his testimony he said that 977 routes were now pending in his office, approved and ready for installation; that 672 applications had been examined and were now in the field to be inspected, of which 376, at least, would be approved by July 1; that in addition thereto there would be at least 900 petitions for routes presented to his office and inspected before the 1st of July, of which he estimated that about 337 would be approved; so there would be on the 1st of July next 1,690 routes approved and ready for installation. Yet, in spite of that fact, he says we must not give any money to extend the service.

Notwithstanding that fact, this great Post-Office Committee of ours propose to make available the pitiful sum of $285,000 in this bill, plus the balance on hand of $245,000, equal to $530,000 in all, well knowing, as they do, that 1,690 routes, by one of Mr. De Graw's computations, and 2,037 routes, by another computation, will be pending in the department approved and ready for installation on the 1st of July next, well knowing also that each route costs an average of $869.94, and well knowing that to install these 1,690 routes will cost $1,470,298. Now, I would like to know by what process of reasoning they arrived at the fact that they should add $285,000 for the extension of these routes to the $245,000 already on hand? What is to become of the balance of these routes? What is to happen to those who are not so fortunate as to get in? Is it fair, is it just, is it reasonable, I say, after carrying on this service for fourteen years, establishing 41,103 routes, serving an average of 450 persons each, equal to 18,496,400 people; is it fair to stop the growth of this service now and not extend it to the remaining 26,000,000 citizens who live in the country?

The Census Department estimates that about one-half of the American people reside in the rural districts, and that our present population is 89,000,000. That would give us something like 44,500,000 living in the country. We are now giving rural service to 18,496,400 of them, hence there are over 26,000,000 people not receiving it. I repeat that in that state of facts it is certainly incomprehensible to me that the committee should have taken the stand it did in this matter, and I honestly hope it will recede from that position and consent to an increase of not less than $1,500,000.

Let me state it briefly again, because it is a common-sense business proposition. Paying no attention to the great number of routes which doubtless will be examined and approved during the next year, during the year for which we are now legis-

lating—and, mind you, we are not legislating for the current year, but for the year ending June 30, 1911—paying no attention to the large number of routes which will be approved during that year, we will have barely money enough on the 1st of July to establish one-third of the routes approved and ready for installation at that time. How can you go before these 26,000,000 farmers, these men who are undoubtedly the bone and sinew of this land, and defend your position in giving only one-third of the money necessary to establish these 1,690 approved routes and making no provision for those that are to come hereafter?

My friends, I feel rather deeply on this subject. It is a great business question and demands the most careful consideration. Many of you have nearly complete service. I have before me a table showing the number of routes in every State in the Union and in every county in the Union. That table contains, among other things, the showing, for instance, that in Illinois, with 102 counties, there are 90 counties with complete service. In Indiana there are 92 counties, of which 86 have complete service. Iowa, with 99 counties, has 96 counties with complete service. And so I might go down the list. There are 2,934 counties in the Union, of which 849 have complete service, leaving 2,075 counties with incomplete service, and a great many of them have not a single rural free-delivery route. There are a number of counties in my congressional district that have not a single rural route. Why? Do I charge unfairness in the administration of this law? Not at all. I believe our Post-Office Department is a great business institution and that it has been magnificently administered.

The great trouble in my district has been sparseness of population and inferior roads. People are beginning to flock into that district now. Its citizens are getting aroused to the importance of good roads. Under the leadership of our very able and energetic young governor, Jared Y. Sanders, the good-roads movement is having a big boom in Louisiana, and we are going to be knocking at the doors of Congress from now on to get for Louisiana her share of the rural free-delivery service, which has been such a blessing to so many people in the Republic. [Applause.] My friends, you who have complete service, who have, some of you, 250 to 300 routes in your districts, as compared with 51 routes in mine, are you going to play the dog in the manger and say, "I have been served; I have all I need; I care nothing for you?" I can not believe that the great men who constitute the Post-Office Committee have intended to do anything of that kind, and far from me to charge it to them, but that is the effect of it.

If you do not carry on this work to which the Government is thoroughly and fully committed by fourteen years of continuous, rapidly growing service, certainly the people who have not received the service will be justified in saying that those who have gotten it are dogs in the manger not to give it to the rest of the country. The question is not a political one, and I am not treating it as such, but the party in power will be held responsible.

Mr. Chairman, I do not know how many routes will be established if we get the $30,000 which, it seems, will be carried in the bill, together with the surplus. I do know that the increase for Rural Free-Delivery Service in the last bill was a little over $1,400,000, and with that $1,400,000 available for the extension of Rural Free-Delivery Service we have had only 475 new routes established. It is true that $245,000 of that sum are on hand. Now, I wish some one would tell us why it is that with $245,000 on hand to the credit of rural service and 977 routes approved and ready for installation, they are not establishing them. Why do they wait? Why do they refuse to install the 7 routes in my congressional district in Louisiana, which were approved and ready some time ago? Why do they keep them waiting? Why do they keep approved routes waiting in all other congressional districts in this land to the extent of 957? Why keep them waiting? Echo answers, Why! You can not get a satisfactory answer out of the Post-Office Department, and the chairman of this committee, in response to my question, failed to give one.

Gentlemen, in my judgment, there is nothing for which Congress appropriates money that appeals more forcibly to the people of the rural districts, that appeals to all our citizens, than these sums for the Rural Free-Delivery Service.

I had an instance recently which is worth relating. In one of the principal towns of my district a venerable old man approached me on my last visit there and was most extravagant in his praises of me for securing him a route past his home. He said:

Mr. RANSDELL, I am under the deepest obligations to you, sir, and to our great Government for giving me that rural route. My only son and my daughter had become so discontented on the farm that they had made up their minds to leave their home and go to the city. About that time the rural free-delivery service of the mail was established there. They subscribed at once for some daily papers, and the road had to be improved before they could get the route, and they were enabled to keep up with what was going on in the world, as well as folks in the city. They could travel about with ease on the good roads that were necessitated by the route; they had easy means of communication with their neighbors; and they became happy and contented as the immediate result of the establishment of that rural route.

[Applause.]

The experience of those people can be related, I have no doubt, in the true history of every one of the 41,103 routes in this land.

Gentlemen, I appeal to you, do not embitter the 26,000,000 of country people who do not have the blessings of this splendid mail service with the thought that they are not just as good, just as dearly beloved children of the national father as those already served so effectively and so well by 41,103 routes now in existence.

Mr. COX of Indiana. Will the gentleman yield to an interruption?

Mr. RANSDELL of Louisiana. Certainly.

Mr. COX of Indiana. As the bill abundantly provides for the fellow who lives in the city under all conceivable conditions, does not the gentleman feel that a corresponding benefit should be given to the fellow who lives in the country, and carry his mail to his door?

Mr. RANSDELL of Louisiana. I do beyond any question. I think every citizen of the Republic should, as near as possible, be placed on equal terms, and unless you do that you are going to hear from the country people beyond any question. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5787. An act authorizing the Secretary of the Interior to make allotment to Frank H. Pequette;

S. 5788. An act authorizing the Secretary of the Interior to make allotments within national forests;

S. 1408. An act to extend the provisions of the existing bounty land laws to the officers and enlisted men and the officers and men of the boat companies of the Florida Seminole Indian war;

S. 5287. An act to parole juvenile offenders;

S. 6089. An act to correct the military record of Edward D. Gilbert;

S. 6166. An act for the relief of R. B. Whitacre & Co.; and

S. 193. An act for the relief of James D. Elliott.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. GARDNER of Massachusetts. Mr. Chairman, in 1896 I first began to take an active part in politics. At that time the Democratic party was carrying on a campaign based on the contention that prices were too low; that wheat worth a dollar a bushel was selling for but 50 cents a bushel; that other products were proportionately cheap; and that 4 per cent of the people had entered into a conspiracy to enslave the other 96 per cent by the simple device of artificially lowering prices. The disease was to be cured, according to you gentlemen on the other side, by splitting the dollar in half and calling it $2. Now you tell us that 4 per cent of the people are endeavoring to enslave the other 96 per cent by artificially raising prices. A strange about-face from your former views that low prices help the rich man to grow richer.

Some of you Democrats the other day were convicted of ignorance of Thomas Jefferson's principles and writings. Well, Jefferson lived a long time ago, and perhaps you may be excused for your lapse of memory; but I have here a more modern production—your party bible of the year 1896. Out of it I shall cite passages which I hope will convince you of the utter inconsistency and vacillation of your faith. I hope that you are still familiar with Coin's Financial School.

You tell us to-day that the tariff is responsible for the rise of prices. Let us see what you said in 1896. Turn to page 85 of your party bible and read:

But—

Said Coin—

we are trying to get at what is the main or underlying cause of our present industrial demoralization, and tariff pro and con will not account for it. Our decline in values has been going on steadily and

persistently since the demonetization of silver. During that period we have had different tariff bills, and of late years a very high tariff schedule, and yet it has had no effect in stopping the fall of prices.

So we see that in 1896, when it suited your purpose, the tariff was not supposed to affect prices.

Now, turn to page 119, and find out how you proved that the money sharks thrive on low prices and then compare the syllogism with your new argument by which you show that the money sharks thrive on high prices.

Best of all, read this passage on page 143:

When it is considered that we are giving $2 worth of property now in payment for $1 in gold, you will realize that we are now paying 100 per cent premium on gold.

Well, I confess that it is hard to satisfy you. In 1896 you said that prices were just half what they ought to be and now you shed tears like crocodiles in their native swamps because prices have risen.

But the inconsistencies of the Democratic party are only amusing. A serious situation confronts us.

HIGH COST OF LIVING IN UNITED STATES AND CANADA.

Throughout this country, far and wide, our urban population is demanding to know the reason for the high price of food products. Not only is this the case in this high-tariff country of ours, but in comparatively low-tariff Canada an equally acrimonious debate is in progress. I hold in my hand clipping upon clipping from Canadian newspapers, and I notice a singular resemblance to our own situation in that of our northern neighbors. Nobody is willing to acknowledge that he has got away with the goods. In Canada, as in the United States, the farmer puts the responsibility on the retailer or on the wholesaler or on the high rate of wages. Retailers, wholesalers, and industrial combinations hasten to turn their pockets inside out while they plead extreme poverty and sharply rebuke for their rapacity the farmer or the wage-earner or each other.

There, as here, many persons believe that the increased production of gold has decreased the purchasing power of money, while others insist that the prosperity of the consumer has raised prices in response to the prodigious demand.

There is, however, one significant difference between the dispute in Canada and the dispute here at home. No one in Canada credits the high prices of food to the tariff, for the very good reason that such a charge would hardly hold good in a comparatively low-tariff country.

COMMISSION OF INVESTIGATION FAVORED.

Personally, I do not believe that the high tariff in the United States has raised the price of food products, except in so far as it has brought us extreme prosperity; but, if the tariff is indeed responsible, I wish to know it. If it is so, I wish to face that fact just as I wish to face the fact if the responsibility rests with the farmer, or with the trusts, or with the wage-earner, or with the middleman.

I do not desire to legislate in ignorance of the facts any more than I should care in case of illness to undergo a surgical operation until my disease had been fully diagnosed.

We know that the prices of food products are high, and we know that that fact is a hardship, although we do not agree as to the cause. In exactly the same way, many of us have often been aware that we were physically suffering from pains of whose origin we were ignorant.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. GARDNER of Massachusetts. I should prefer to yield after I have finished stating my proposition.

Mr. HENRY of Texas. It was just on that point. I do not wish to disturb the gentleman. The gentleman's language was that the tariff was not responsible in the least for the high prices in the United States.

Mr. GARDNER of Massachusetts. No; that is not correct. The gentleman will find my exact language in the RECORD to the effect that it is not responsible for the high cost of living. Now, I will ask the gentleman not to interrupt me until I am through stating my proposition.

Mr. HENRY of Texas. Very well. I was trying to quote the gentleman's language. I understood him to say that.

Mr. GARDNER of Massachusetts. As I was saying, perhaps we may have suspected our trouble to be appendicitis. Nevertheless, we did not at once lay ourselves on the operating table until we were quite sure that the seat of our trouble was our appendix and not merely our table of contents.

Personally, I should like to see an investigation into the price of food products conducted by a commission appointed by the President. I should like to see noted political economists appointed upon that commission, although I realize perfectly well that college professors, as a rule, are by no means in favor of a high tariff. I believe, however, that political economists are generally profound analysts and that they are and can afford to be perfectly impartial.

Now, do not understand me as opposing an investigation by Congress if an investigation by a commission is impracticable. Do not imagine for a moment that I have anything in sympathy with those harpies who befoul their own national nest by insinuating that the people's representatives are untrustworthy. Untrustworthy we are not. It is the timidity inherent in our situation which I fear. No matter what a congressional committee reports, that committee is sure to be bespattered with the offal hurled by the demagogue, unless, perchance, its report roasts on the gridiron that part of the community which has the fewest votes.

TARIFF NOT RESPONSIBLE.

It is my purpose this afternoon to prove, so far as in me lies, that the tariff is by no means responsible for the high price of foodstuffs; but in order, so far as possible, to simplify the argument, I propose to state at the outset two propositions, which I believe should be conceded at once by all fair-minded men, whether protectionists or free traders: First, I regard it as self-evident that the tariff increases the price to the American consumer of all staple nonperishable articles, the like of which are sold abroad at a price substantially lower than that demanded for the same articles of American production. It is obvious that under free-trade conditions those articles could be sold here in the United States at the foreign price plus the cost of transportation and intermediate profits. Second, conversely, I regard it as self-evident that the tariff can not increase the price to the American consumer of any staple article, perishable or nonperishable, which we sell abroad in large quantities at a price as high or higher than that which we could obtain at home for the same product.

I expect to show this House that the rise in the price of food products is world-wide, in free-trade England as in protectionist America, and that since the enactment of the Payne bill prices have risen on most articles, whether that measure raised the duty, lower the duty, or left it unchanged. I expect to show this House that for thirty years the course of wholesale prices in free-trade England has kept parallel with the course of wholesale prices in protectionist America, even in spite of the fact that in those thirty years we have had every sort of tariff from the high Republican Dingley and McKinley tariffs down to the disastrously low Democratic Wilson tariff.

If these premises can be established your whole theory of tariff responsibility for high prices of food products falls at once to the ground.

I expect to show you that most of our foodstuffs are exported in vast quantities, and that they find a ready sale in foreign lands at prices as high or higher than can be obtained at home. If that be the fact, free trade in those articles could not lower the price here, for none could be imported with advantage.

Clearly, no one would export to us articles for which a better price could be obtained elsewhere.

Now, Mr. Chairman, I shall proceed with the explanation of my charts and tables of prices. I am perfectly ready to yield to all legitimate interruptions which may be necessary in order to attain a clear understanding, but I am not willing to concede the floor for people to make short stump speeches in the time allotted to me.

WHOLESALE PRICES IN UNITED STATES AND ABROAD.

So far as I know, there have been no tables prepared showing the movement of world's prices since 1901, when the task was undertaken by the United States Industrial Commission. The table then prepared, although out of date, is extremely significant and interesting. It may be found on page 38 of volume 19 of the commission's report to Congress. It shows by means of index numbers the course of wholesale prices from 1878 to 1901 in the United States, Great Britain, and Germany. The table for the United States was prepared by Prof. John R. Commons, now of the University of Wisconsin, a gentleman who, if he is not a free trader, is very near to it; the table for Great Britain was prepared by Augustus Sauerbeck, statistician for the Royal Statistical Society of England; while the table for Germany was prepared by Professor Conrad, statistician for the Jahrbücher für National Oekonomie und Statistik.

A glance at the table Exhibit B shows most clearly that, with slight exceptions, all through that period of twenty-three years, when prices rose in one country they rose in all three countries, and when they fell in one country they fell in all three countries. Yet during that period, as I have pointed out, we had here all sorts of tariffs. Most significant is the comment of the commissioners, found on page 39 following the table. They say:

Such slight divergencies as appear in the table are explained by the fact that the lists of staples are not identical, since the list includes 66 commodities for the United States, 42 for Great Britain, and 30 for Germany. Even with these divergencies *it is evident that with countries on the same monetary basis the causes affecting the general level of prices are international, etc.*

The chart prepared by the Industrial Commission ends with 1901. In the chart which I submit I have shown in addition the fluctuations in wholesale prices, so far as the United States and Great Britain are concerned, from 1901 to the beginning of 1909. The British figures for this latter period are derived from Sauerbeck's tables. The American figures are derived from the tables of the Bureau of Labor, based on the yearly average of about 250 articles (Exhibit C). It will be observed that the rise and fall of prices in free-trade Great Britain have continued to run parallel to the rise and fall of prices in our own country.

The chart in Exhibit C is an exact copy of the chart of the Industrial Commission from 1898 to 1901, except that Germany is left out. The figures and tables from 1878 to 1901 were all prepared by the economists whom I have named. They prepared tables of what are known as "index numbers." Those of you who were active in the campaign of 1896 understand what index numbers are; but, still, perhaps I had better explain briefly. For instance, in preparing his table of index numbers Professor Commons first ascertained the American average of wholesale prices for the period from 1879 to 1889. The index number for that period he then called 100 or par. Now, if, as in 1882, for instance, American wholesale prices rose to a point 20 per cent higher than the average of the whole decade, then the index number for 1882 would be 120. If wholesale prices fell, as they did in 1896, to a point 27 per cent below the average wholesale prices for the period from 1879 to 1889, then the index number for 1896 would be 73. This figure, as you see, is just 27 numbers below 100.

The Industrial Commission did not prepare those index numbers. I told you the names of the economists who did so. All that the Industrial Commission did was to prepare a chart which would show those index numbers in convenient form. This was accomplished by platting out each number for each year on a chart and connecting the numbers by lines, so as to show the course of prices. This chart (Exhibit C) from 1878 to 1901 was the work of the Industrial Commission. It shows that the fluctuation of wholesale prices from 1878 to 1901 was parallel in free-trade Great Britain to the fluctuation in protectionist America. From 1901 to the end of 1908 I prepared the rest of that chart myself. I prepared it from the index numbers in Sauerbeck's tables so far as Great Britain is concerned. Sauerbeck's tables are published in the Journal of the Royal Statistical Society every year in the month of March. They have been so published for some thirty years past. The figures are not out yet for 1909, but will be published in the month of March.

Sauerbeck's numbers are based on the wholesale prices for the decade from 1867 to 1877, a very much higher range of prices than the prices from 1879 to 1889. I have reduced them to the same basis or par as the index numbers of the Industrial Commission's chart, so as to show them to you all together. In the same way for the United States I have taken the index numbers from 1901 through 1908 prepared by the Bureau of Labor. The only difference is that Sauerbeck bases his figures on the average price of about 40 articles, while the Bureau of Labor takes the average of some 250 articles. The United States index numbers are based on the decade from 1889 to 1899, the lowest decade of prices that we have known. I have recalculated those numbers on the basis of the average prices from 1879 to 1889, in order to complete this chart on the basis of the diagram of the Industrial Commission.

CRUISE OF MASSACHUSETTS TRAINING SHIP "RANGER"—BOSTON PRICES COMPARED WITH THOSE OF NINE FOREIGN PORTS.

Mr. Chairman, I think we are all far too prone to mistrust statistics and charts unless they prove the truth of some pet prejudice. For that reason I always like to support statistics by corroborative evidence.

The Massachusetts training ship *Ranger* made a cruise in foreign waters in the summer of 1909.* She took on supplies at Boston, Mass.; Gravesend, England; Copenhagen, Denmark; Stockholm, Sweden; Amsterdam, Holland; Antwerp, Belgium; Gibraltar; Nice, France; Genoa, Italy; and at the Island of Bermuda. I append a table taken from her paymaster's books showing the exact prices paid for food supplies in all these ports. The list includes the prices of 16 staple articles of diet. (Exhibit E.)

It will be seen that the Boston prices were the lowest of all for beef, corned beef, veal, pork, bacon, ham, fowl, Frankfurters, Hamburg steak, fish, and ice, 11 of the 16 articles. For four of the remaining articles the Boston prices were far down on the list, while for potatoes the Boston price was the highest.

Mr. BORLAND. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. GARDNER of Massachusetts. I yield to the gentleman.

Mr. BORLAND. Is it a fact that they buy when they are at home, at the port of Boston, by annual contract, and buy in foreign ports at chance?

Mr. GARDNER of Massachusetts. I can not tell the gentleman, but I recognize the importance of his question. I shall inquire.

Mr. FORNES. I am very much interested in the statistics that the gentleman has just given. I believe it is understood that there are two ingredients in sustaining life; that is, food and clothing. The first is to sustain and the second to preserve. The gentleman has spoken up to now as to the food, but the gentleman has failed to satisfy the Democrats, not only of this House but of the country, why under the present tariff clothing, which is the second essential in livelihood, is so high. I would like to have the gentleman give me an explanation as to that.

Mr. GARDNER of Massachusetts. Is that a question?

Mr. FORNES. It is a question.

Mr. GARDNER of Massachusetts. I have not as yet made a study of the clothing schedule, so I can not tell the gentleman. I am not lecturing on that subject. I am lecturing on the high cost of living.

Mr. NORRIS. Mr. Chairman, I want to ask the gentleman about the first chart that he spoke with relation to. I will ask the gentleman if he will print in his remarks a list of the forty-odd British products, and the 200 or more American products on which the tables of average wholesale prices are based.

Mr. GARDNER of Massachusetts. I am not sure that I can do so, because I have no list of the 42 British items. I have no doubt you could get them from some report of the Royal Statistical Society, in London, or through the British Embassy. So far as the United States is concerned, I have no doubt that a request made of the Bureau of Labor would bring us the facts.

Mr. NORRIS. I suggest that, if the gentleman will permit me, because I would like to have it printed in his remarks.

Mr. GARDNER of Massachusetts. I should like to have it myself.

Mr. NORRIS. I would like to inquire whether the 42 items included in making up the items of Great Britain are included in the items that would make up the chart for the United States?

Mr. GARDNER of Massachusetts. Yes; I think they are included.

Mr. NORRIS. I think, perhaps, if the gentleman could get these items printed in his own remarks it would do very much to illumine the subject.

Mr. GARDNER of Massachusetts. I thank the gentleman very much for what he has said. I think so, too. (See Exhibit H for lists in answer to question.)

Mr. MURDOCK. Does this first chart, showing the colors, relate to the wholesale prices of the items coming under the head of products?

Mr. GARDNER of Massachusetts. No; I could not separate them. This relates to all sorts of items—every kind of thing—clothing, iron, coal, everything.

Mr. MURDOCK. But the second chart relates wholly to food products?

Mr. GARDNER of Massachusetts. Yes, absolutely to food products. I want to say in passing that the price of mutton in Gravesend, England, was only 6 cents a pound; but that was for Australian mutton, a very low grade of mutton.

* Incorrectly stated on diagram shown in Committee of the Whole House as 1908.

I hold in my hand a copy of the London Express of November, 1909.

Mr. BURLESON. Before the gentleman proceeds to read that, I should like to propound a query.

Mr. GARDNER of Massachusetts. Fire away.

Mr. BURLESON. I hold in my hand a clipping from a recent issue of Harper's Weekly, which prints a statement from the New York Herald giving the prices of 20 different articles or food products in Windsor, Ontario, Canada, and in Detroit, Mich., just across the river, less than a mile apart. It shows that prices are 25 per cent higher in Detroit than in Windsor, on an average, and that in 19 cases the prices of these food products are higher, and only in 1 case are they lower in Detroit than in Windsor.

Mr. GARDNER of Massachusetts. And as against that——

Mr. BURLESON. Wait a moment. Is the gentleman willing——

Mr. GARDNER of Massachusetts. I am not willing to yield for a speech, but I am willing to have the gentleman develop his question.

Mr. BURLESON. Is the gentleman willing to have that article read? It is only half as long as my finger. Is he willing to have it read, in order that understanding it he may explain it? You have said that you are willing to meet this issue candidly and courageously.

Mr. GARDNER of Massachusetts. The gentleman can put the clipping in the RECORD when he speaks. I am going to put in the RECORD actual figures from Montreal, extracts from household bills, and figures in comparison from the Washington Center Market. I am also going to put in Dill's report of the comparative prices at Toronto and Buffalo. They show precisely the opposite of that which the gentleman quotes from the New York Herald.

Mr. BURLESON. Then the gentleman——

Mr. GARDNER of Massachusetts. I am not going to print the gentleman's speech in the middle of my own.

Mr. BURLESON. Then the gentleman is familiar with the contents of this clipping?

Mr. GARDNER of Massachusetts. Oh, perfectly.

Mr. BURLESON. And the gentleman says the statements therein are not true?

Mr. GARDNER of Massachusetts. Oh, I do not know whether they are true or not. The Detroit Free Press denies them. Windsor, Ontario, is a suburb of Detroit. Right here in the District of Columbia you will find prices much higher on Connecticut avenue than in the suburban market at Georgetown. I am going to submit statements whose truth I guarantee. The gentleman will guarantee his statements if he is able to do so. Now, I wish to call attention to the London Express for November, 1909, with regard to the price of mutton.

English mutton rose from 69 shillings a hundredweight in 1904 to 71 shillings in 1907, and fell last year (1908) to 69 shillings again.

Sixty-nine shillings a hundredweight, gentlemen, is $17.25 wholesale for British mutton in England. What a row there would be if American mutton brought that price at wholesale!

And yet just such newspaper articles as that which the gentleman from Texas [Mr. BURLESON] has brought to our attention are comparing the price of mutton in this country with mutton in England. They neglect to tell us that the English price which they quote is for Australian frozen mutton and not for the British article.

I know of course that I can not possibly satisfy those who do not wish to be satisfied. I am very much afraid that gentlemen on the other side of the House will not be interested in a magazine article from which I shall read to you. It is written by an American traveler, a keen observer, who last summer investigated the cost of living and the rates of wages abroad. I shall read you a few passages from this article, which I print in full in Exhibit A. I shall not tell you the author's name just now.

WAGES AND COST OF LIVING.

"Where are wages best?" workingmen ask me. "Other points in favor of America don't count for much if a man's earnings here can't bring him a better living than in European countries. Is it true that a mark in Germany or a franc in France will go as far as a dollar in the United States?"

Listen to these figures on English wages:

IN GREAT BRITAIN.

In the debates and conferences at the British Trade Union Congress at Ipswich, in September, the national trade-union secretaries and other prominent delegates could hardly be expected to err greatly when referring to earnings in their own occupations. Some of their statements are herein given. Richard Bell, M. P., of the Amalgamated Society of Railway Servants, speaking of the necessity for *railway men* in the district to come into the unions, said that while working at 17 shillings ($4.25) *a week*, they had refused to assist the union in getting them an advance of 2 shillings. It is to be kept in mind that the English shilling is really 24 American cents, though usually computed at 25 cents. G. H. Roberts, M. P., averred that in some parts of East Anglia, the eastern central part of England, agricultural laborers are being paid 12 shillings a week. Will Thorne, M. P., mentioned that builders' laborers in Ipswich were receiving 4½ *pence (9 cents) an hour*. Men in the audience called out: "Quite right, and 3½ pence, sir."

After more figures of the same sort appears the following sentence:

In the foregoing figures we have for England examples not only of the highest wages paid in some of the best organized trades, but also of the rates current in the most poorly organized. In other words, the range covers the varying scales for all wage-workers' occupations. Further quotations would carry but a repetition of what is a general fact.

So much for England. Let me read you about Germany. Remember that a German mark, an English shilling, and an American quarter are all the same in value.

GERMANY.

A general survey of wages in Germany is to be had in the tables giving the average yearly earnings, as reported under the workingmen's insurance laws. The Correspondenzblatt of the Trade Union General Commission for Germany, April 18, 1908, page 55, has one of these tables. Only three or four of the trades average over 1,200 marks ($300), at which sum, according to the law, begins the excess reckoned at one-third the actual amount. Most of the averages run less than 1,000 marks ($250). These general insurance statistics of wages may be verified by union scales. For instance, the Berlin saddlers' organization calls for 27 or 28 marks a week; the Hamburg shipbuilders, 34 to 50 marks; the Berlin plumbers, 60 to 70 pfennigs an hour for a nine-hour day, being eight to nine dollars a week. These are among the highest wages. The lowest are for day laborers, which rarely go above 3 marks a day and sometimes below 2½, in a list compiled by the local authorities in three cities, in accordance with the insurance laws.

GERMANY AND ENGLAND PAY THE BEST WAGES IN EUROPE.

Is there anyone here interested in the name of the author of this article? He is said to be a Democrat. I suppose you gentlemen on the other side of the House think that he is some minion of the tariff robbers.

Mr. MURDOCK. Will the gentleman yield for a question?

Mr. GARDNER of Massachusetts. Certainly.

Mr. MURDOCK. Does he give the wages of the farm laborers in Germany?

Mr. GARDNER of Massachusetts. I am not sure, but I shall print the whole article in connection with this speech as Exhibit A. My observation is that farm labor in Germany is, to a large extent, performed by women.

Now we come to one of the most significant passages in the report:

VARIATION IN STANDARDS OF LIVING.

Mentally contemplating the many cities I visited, and having in mind the conversations I had with workingmen who had lived both in Europe and America, I believe I may assert that whether the cost of living in Europe or America is greater to the workingman depends entirely on the standard of living he adopts while in America. If he voluntarily lives the life of self-denial in this country that he compulsorily lived in his native land, his outlay in money will remain about the same. Even then he will hardly be able to escape gaining something from the superior supply of the good things of life in America.

A LIST OF NECESSARIES CHEAP IN AMERICA.

Living is cheap to the wage-worker in Europe only because he does without what in America soon becomes a necessity to him—food in good quantity and quality, presentable clothes among his aspiring fellow-workmen and their families, and a comfortably furnished home in quarters responding to his awakened desire for equality with his American neighbors, and in general a larger and freer life.

* * * * * * *

How often do these people eat meat? is a question the American in Europe finds himself asking when looking about among wage-workers. *Meat is usually from 25 to 100 per cent higher in price than in the United States.*

* * * * * * *

The immigrant coming to America finds that if he can buy in quantity, and (in cases where he need not) his flour, fuel, potatoes, oil, sugar, coffee, salt—the essentials for his plain table—*all cost less than they ordinarily do in the land he left.* The cheapness and abundance of many varieties of fruits and of our melons and tomatoes is a surprise to him. Closely after the most pressing necessities comes a line of things cheaper than in Europe—cotton clothing, including overalls, jumpers, shoes.

* * * * * * *

Fine wool and silk stuffs, furs, laces, and kid gloves cost less abroad than in the United States—a fact, however, which bears as lightly in an inquiry into the conditions of the masses as does a tariff on the masterpieces of art.

Well, gentlemen of the Democratic party, I suppose you think that this article was written to bolster up the tariff. The moment has come for me to inform you that I have been reading out of the American Federationist for January, 1910, from

a report made by the president of the American Federation of Labor, Samuel Gompers. [Applause on the Republican side.] I never expected to see the day when there would not be even a hand of applause at Mr. Gompers's name from the Democratic side. Now, I shall read you a little more.

Finally, Mr. Gompers concludes in this way:

CONCLUSION.

The main conclusion as to housing is the same as that relating to food: If the immigrant to this country is willing to continue living here at the same level he was obliged to accept in his native land, he can find it for the same money.

That report of President Gompers——

Mr. BOEHNE. Will the gentleman yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. BOEHNE. Is it not somewhat strange that Samuel Gompers is quoted here? Is it not a fact that his statements are discounted a very great deal on the Republican side of this House, and have been in the past?

Mr. GARDNER of Massachusetts. No, sir. When Samuel Gompers is right the Republican party is with him every time, and when he is wrong, or when anyone else is wrong, the Republican party is not with him.

Mr. BOEHNE. Has the Republican party at any time thought that Samuel Gompers was right?

Mr. GARDNER of Massachusetts. Not when he supported Bryan.

Mr. BOEHNE. Mr. Chairman, I think that is an evasion of the question.

Mr. GARDNER of Massachusetts. Oh, I think I have treated the gentleman fairly.

Mr. BOEHNE. I would not expect the gentleman to be candid in his answer to that question.

Mr. GARDNER of Massachusetts. That report of Mr. Gompers is the best evidence the world has yet received that the higher wages of American workmen are clear gain. That report explains, as nothing else has explained, why a million souls come as immigrants annually to this country, and that report cuts the ground out from underneath all you free traders.

A MEMBER on Democratic side. We are not free traders.

Mr. GARDNER of Massachusetts. The gentleman says that you are not free traders. Perhaps I was thinking of the declarations of the Democratic party platform in 1908 rather than of the votes of Democratic members on the tariff bill in 1909.

Mr. BURLESON. Will the gentleman yield?

Mr. GARDNER of Massachusetts. In a few minutes, not now. I want to read some very interesting literature first. Perhaps you may not all be free traders, but you have elected as your leader a man who is proud to call himself a free trader. If by any mischance you control the next House you will elect that same free trader to the Speakership. I am aware that the passages from the CONGRESSIONAL RECORD which I shall read are not new to all of you. Here are some words spoken by your leader, the gentleman from Missouri, Mr. CHAMP CLARK, on the floor of this House. He said:

I repeat, so that all men may hear, that I am a free trader.

* * * * * * *

If I had my way to-day, sir, I would tear them [the custom-houses] all down from turret to foundation stone, for from the beginning they have been nothing but dens of robbers.

Oh, tear them all down, gentlemen, when you get the power, but beware of the American workman when he finds himself forced to compete with the foreigner who earns less than $1 a day.

MONTREAL AND WASHINGTON FOOD PRICES COMPARED.

A little further evidence as to the cost of living elsewhere may not be amiss. On February 2, 1910, I secured from Mr. W. H. Bradley, our consul-general at Montreal, a list, taken from his provision bills for the last few months, of the prices he paid for the ordinary daily supplies for his own household.

On receipt from Canada of this interesting statement, I secured, on February 6, from the superintendent of the Center Market, in Washington, a list of the current prices here for ordinary family provisions. While in many respects the nomenclature of the two lists does not correspond, and while the measures by which vegetables are sold are widely different, I think that the two lists are well worthy of inspection, and therefore I shall print them in full as an appendix to this address (Exhibit G).

Many items in both lists, however, correspond in names and in measures. I shall now give you the different prices in each city in all cases where they can be accurately compared:

	Montreal (Bradley).	Washington (Center Market).
	Cents per pound.	*Cents per pound.*
Leg of mutton	18 to 20	15 to 18
Loin of pork	18	18
Chickens (roasters)	20 to 25	25
Fowls	18 to 23	20
Turkeys	22 to 25	27 to 28
Geese	18 to 22	20
Porterhouse steak	22	25
Roast beef	20	20
Veal roast	20	18 to 20
Fresh haddock	8	10 to 15
Finnan haddie	12½	15
Halibut	15 to 20	20
Smelts	15	20
Salmon	25	25
Potatoes	* 20 to 25	* 25
Cabbage	5 to 12	2½
Table butter (winter)	34	40

* Per peck.

I print as Exhibit F the report of Mr. H. P. Dill on the corresponding prices of food products at retail in Toronto and Buffalo. This report shows that the prices in Toronto are higher than those in Buffalo.

Mr. GILLESPIE. Mr. Chairman, I would like to ask the gentleman a question before he leaves the question of prices and on this question free trade. I judge from the gentleman's diagram of the cost of food that he is a free trader so far as food products are concerned. I think he has admitted we export those products largely and we get them cheaper than they do anywhere in the world anyway, whereas it is not the producer being injured but the consumer.

Mr. GARDNER of Massachusetts. Of course you know that I am no free trader. You are asking why the farmer needs protection if what I have said is correct. Is that the question?

Mr. GILLESPIE. On food products, I said. What good does the tariff do the farmer so far as food products are concerned?

Mr. GARDNER of Massachusetts. A very proper question and one which I am glad to answer.

Canada lies to the north of us. Its fields are fertile, its people are intelligent. The inhabitants of Manitoba and Alberta and Saskatchewan can scarcely be distinguished from the inhabitants of the Dakotas and of Montana. Our neighbors to the north are far advanced in the science of husbandry, and, on even terms, they compete with us in the world's markets. Break down our protective barrier and Canadian food products will pour into our market to compete at equal prices with our own products. The prices will be no lower, but Canada will save all her large export charges and transfer them to the shoulders of our own people. For every bushel of wheat which Canada sends us a bushel of American wheat must give way and seek a foreign market. For every pound of meat she sends us we must make room at the expense of a pound of American meat. "True enough," perhaps you think. "But shall we not in return, under a reciprocity agreement, displace an equal amount of Canadian goods in their own home market?" By no means. We should find that we had exchanged a market of 80,000,000 souls for a market of less than 7,000,000 souls—a poor bargain, I submit.

Mr. GILLESPIE. Then it is not true that the foreign market so far as food products is concerned is higher than our market. Then why should Canadian food products come here if the foreign market is higher than ours?

Mr. GARDNER of Massachusetts. Why, because of the higher cost of transportation to foreign markets and because of the large middleman's profits connected with exports to Europe. In many foreign markets duties must also be paid.

THE PAYNE LAW.

If it be true that the tariff, otherwise than as a promoter of general prosperity, is responsible for the rise in prices of the last decade, how is it that sugar, one of the most highly protected articles of diet, has remained practically at the same price at which it stood in 1896? How is it that the sensational rise in raw cotton has been maintained through good crops and bad crops when it has been on the free list all the time?

If the imposition of a tariff raises the prices of food products, a reduction of the tariff surely must lower them. In vain we looked for that result last summer.

The Payne Act lowered the duty on articles whose yearly consumption in this country amounts in value to $5,000,000,000. It raised the duty on articles whose yearly consumption amounts to $850,000,000, and two-thirds in value of the latter class of articles were luxuries at that; $5,000,000,000 on the credit side as against only $850,000,000 on the debit side. (Exhibit D.)

Yet, whether the Payne Act raised the duty on any given article or whether it lowered the duty on that article or whether it left the duty untouched, since the passage of the act, so far as I know, almost every article has risen in price. Meanwhile the smiling retailer with Democratic leanings beguiles his customer with apologies for raising his prices on account of the wicked Payne Act.

In the food schedule of the new tariff law the duty was slightly raised on sweet biscuit, hops, figs, almonds, lemons, pineapples, and chicory root. I believe that this exhausts the list of increases in the tariff on food products. The duties were substantially cut on cabbages, tallow, peas, sugar beets, salt, lard, bacon, hams, and dressed meats. Since the law was passed most of these commodities have risen in price. Yet who could guess which of those articles have been given greater protection and which of them have been given less if his sole source of information were a comparison of the increase in their prices?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WEEKS. I yield the gentleman ten minutes additional.

Mr. GARDNER of Massachusetts. That will be sufficient.

REPUBLICAN DOCTRINE OF FIFTY YEARS' STANDING.

If we in New England desire protection for our manufactures against the products of the ill-paid workmen of Europe, how can we deny a like measure of protection to the food producers of the nation? Protection as a great national policy must be applied to all or to none. Without protection the textile industries of New England could not live, and the day is already at hand when our shoe shops will feel the result of the improvements of shoemaking methods in Europe.

The temptation is strong for us New England Congressmen to shout for free trade in food. That cry this year would save us many a vote in our districts. Shortsighted is mankind. Many a man in Massachusetts demands free trade in food with the very same lips that are daily fed by protection to the industry wherein he is engaged. Once deprive the farmer of the protection which is his due, and the time is short before he will join with our enemies and overthrow our system.

The United States has led the whole world in the destruction of the doctrines of the Manchester school of free traders. England alone holds out; but even in England the handwriting is on the wall and the days of free trade are numbered.

I say to you, my fellow-members of the Republican party, do not recant your faith. Do not for the sake of the coming election yield one jot or one tittle of your principles. Every one of you knows that the repeal of the farmer's protection means the destruction of our tariff edifice.

Do not quail before the gathering clouds. Fight it out on the lines that we have held for fifty years, and if in the people's wisdom we are driven from power for a time rest assured that we shall again be restored, stronger, purer, and manlier, in that no blot of cowardice has stained our record.

LIST OF EXHIBITS.

EXHIBIT A.—Report of President Gompers.
EXHIBIT B.—Table of wholesale prices in Great Britain, Germany, and United States.
EXHIBIT C.—Chart showing fluctuation in wholesale prices in Great Britain and the United States from 1878 to January 1, 1909.
EXHIBIT D.—Table of reductions and increases in the tariff under Payne law.
EXHIBIT E.—Prices compared between Boston, Mass., and nine foreign ports in 1909 (cruise of training ship *Ranger*).
EXHIBIT F.—Retail prices compared between Buffalo, N. Y., and Toronto, Canada, in September, 1909.
EXHIBIT G.—Retail prices compared between Washington, D. C., and Montreal, Canada, in February, 1910.
EXHIBIT H.—List of articles on which tables of United States and British wholesale prices are calculated.
EXHIBIT I.—Statement of manner in which provisions for training ship *Ranger* were purchased.

EXHIBIT A.

WAGES AND COST OF LIVING.

[Report of President Gompers, of the American Federation of Labor. American Federationist, January, 1910.]

"Where are wages best?" workingmen ask me. "Other points in favor of America don't count for much if a man's earnings here can't bring him a better living than in European countries. Is it true that a mark in Germany or a franc in France will go as far as a dollar in the United States?"

In reply, some examples of wages in Europe may be given and then some description of the circumstances in the European workmen's situation as I took note of them. Precisely what the differences are in the cost of living in the different countries is a question involving many factors over which sociological investigators and tariff wranglers have long disputed. What I can give is the result of visiting workmen in their homes in various cities, hearing the statements of labor representatives and others as to prices and wages, and completing this sort of information with comparisons of wage scales and trade-union reports given me in the countries I visited.

IN GREAT BRITAIN.

In the debates and conferences at the British Trade Union Congress, at Ipswich, in September, the national trade-union secretaries and other prominent delegates could hardly be expected to err greatly when referring to earnings in their own occupations. Some of their statements are herewith given. Richard Bell, M. P., of the Amalgamated Society of Railway Servants, speaking of the necessity for railway men in the Ipswich district to come into the unions, said that while working at 17 shillings ($4.25) a week they had refused to assist the union in getting them an advance of 2 shillings. It is to be kept in mind that the English shilling is really 24 American cents, though usually computed at 25. G. H. Roberts, M. P., averred that in some parts of East Anglia, the eastern central part of England, agricultural laborers are being paid 12 shillings a week. Will Thorne, M. P., mentioned that builders' laborers in Ipswich were receiving 4½ pence (9 cents) an hour. Men in the audience called out: "Quite right, and 3½ pence, sir." A. G. Smith, of the London cab drivers, said public motor-car men received 25 per cent on every pound they took in, but as they had to pay for their gasoline, which was often wasted, it frequently happened that all they had for themselves after a fifteen-hour day was 2 shillings. R. Davies, of the municipal employees, arguing for a recognized minimum in all industries, quoted the Ipswich trade-union minimum for builders' laborers as 5 pence per hour. A resolution was adopted advocating minimum wages of 30 shillings for a 48-hour week for government workers in the London district and 36 shillings in the danger buildings of the explosives factory in the arsenal at Woolwich. These two demands, it is to be observed, which mark an objective point above what is paid, reach only $7.50 and $9 a week.

In London the present weekly union scale for men in the binding department in printing offices is 34 shillings for fifty-four hours, and for cutters 30 shillings, and girl folders 15. In the private shipyards doing naval work—those in the Tyne, Clyde, Mersey, Thames, and Barrow districts—the wages run on the average: Platers, 38s. 3d.; riveters and calkers, 24s. 9d.; holders up, 28s. 3d. Government dockyards maximum pay is: Platers, 28 shillings; riveters and calkers, 28 shillings; holders up, 25 shillings. The entire range here is $6 to less than $9.50.

The long hours worked in some occupations was called to the attention of the Congress. It was said by Alderman J. Hayhurst, J. P., of the bleachers' union, to be a common thing for men in the bleaching, dyeing, and calico-printing industries to work twelve and fourteen hours a day. Councilor G. T. Jackson, J. P., of the tramway employees' union, introduced a resolution calling for an eight-hour lapse between the end of one day's work and the beginning of the next, and providing that any one day should not be spread over more than twelve hours. He told of an accident occurring at 11 p. m. through the exhaustion of a man who had begun work at 6 a. m. E. Spice, of the London watermen, wanted twelve hours as a maximum day for the lads under 18 working at lighterage on the Thames. A delegate of the tailors stated that women employed by a fashionable Regent street firm worked eighty-four hours a week for 3 pence an hour.

In the foregoing figures we have for England examples not only of the highest wages paid in some of the best organized trades, but also of the rates current in those poorly organized. In other words, the range covers the varying scales for all wage-workers' occupations. Further quotations would carry but the repetition of what is a general fact. Earnings in England, however, can not be based on weekly wage scales; unemployment, varying as to the individuals involved, is now so bad as to be spoken of as a settled national feature in industry. The inspector-general of the army was quoted at Ipswich as mentioning in his last annual report that 90 out of every 100 men enlisting in the army had given unemployment as their reason for becoming soldiers.

IN GERMANY.

A general survey of wages in Germany is to be had in the tables giving the average yearly earnings as reported under the workingmen's insurance laws. The Correspondenzblatt of the Trade Union General Commission for Germany, April 18, 1908, page 55, has one of these tables. Only three or four of the trades average over 1,200 marks ($300), at which sum, according to the law, begins the excess reckoned at one-third the actual amount. Most of the averages run less than 1,000 marks ($250). These general insurance statistics of wages may be verified by union scales. For instance, the Berlin saddlers' organization calls for 27 or 28 marks a week; the Hamburg shipbuilders, 34 to 50 marks; the Berlin plumbers, 60 to 70 pfennigs an hour for a nine-hour day, being $8 to $9 a week. These are among the highest wages. The lowest are for day laborers, which rarely go above 3 marks a day and sometimes below 2½ in a list compiled by the local authorities in three cities in accordance with the insurance laws.

IN AUSTRIA-HUNGARY.

In Austria and Hungary wages run, as seen by the American eye, accustomed to dollars, at about equal levels for the two countries, high in big cities and low in agricultural districts. The industry of Hungary in flour milling. Budapest millers boasted to me that their mills were better than those of Minneapolis. A few years ago, before the workmen were organized, mill wages varied, one giving but 50 cents a day for work that in other mills brought 80. The pay for skilled millers, while more nearly uniform, averages now less than the latter figure. In Budapest, bricklayers, among the best-paid workmen in the building trades, get $1 to $1.20 a day. In the winter they find unskilled work at 60 cents. First-class carpenter joiners earn $1.30 to $1.90. Budapest has a thousand female cigar makers, working in the government factories, at 30 to 40 cents a day. Miners in north Hungary sometimes attain to the level of 60 cents.

IN ITALY.

The wages in Italy reach their highest point in Milan, the great modern commercial and industrial city of the Kingdom. In 1907 the following were some of the demands of the unions: The painters and

paper hangers, a minimum of 60 cents, 80 cents, and $1 a day (American money), eight and a half hours in the winter and ten the rest of the year; stationary firemen, 9 cents an hour; gold-leaf workers, $1.20; assistants, 75 cents, nine hours; bookbinders, 10 per cent advance for the men making 80 cents a day, 15 per cent for hands making 50 cents to 80, 22 per cent for those making 30 to 50; masons and assistants in the building trades, minimum per hour, 9 cents; apprentices, 7½; laborers, 6; boys, 4; lithographers, graded, $8.40, $7.80, $7; street cleaners, graded, 78, 72, 67, 60, and 45 cents a day.

The trade unions are much stronger in Milan than elsewhere in Italy. Wages taper off southward, the unions also diminishing in number and importance. The building trades in the south have wages only 60 to 70 per cent of those paid in Milan, as recorded at the union national headquarters.

CHEAP POLICEMEN.

Quotations from my notes on union wage scales for the smaller countries, such as Belgium, Switzerland, and Bohemia (the latter having its own national labor movement), would give slight variations of wages, somewhat between the Italian and English or German levels. As I have said, the American mind, accustomed to make estimates in dollars, can not easily appreciate differences that to the European workman may appear considerable. To be told that the policemen in London get $6 to $9 a week; in Paris, $6 to $8; in Vienna or Rome, $5 to $7, leaves the man who has acquaintances on the New York force at $20 and $30 only under the impression that all European policemen are cheap, an impression deepened after he has tipped a London policeman 6 pence for hunting a cab for him ten minutes, or a Vienna policeman 5 cents for giving information as to his baggage at a railway station.

AMERICAN WORKING PEOPLE TRAVELING IN EUROPE.

In Europe it is a matter of great astonishment that our women school-teachers can afford to make "the grand tour" on their own savings. Scores, perhaps hundreds, to-day of our bright instructresses make the two ocean voyages for $100 and travel to London, Paris, the Rhine, perhaps Berlin and Rome, for six or seven or even ten weeks, for $250 more. The young European mechanic or laborer, home again after two or three years in America, smartly clothed and flush in spending money, perhaps back to be married, is a common subject for neighborhood gossip in Europe, whether it relates to the printer in Liverpool, the miner in Westphalia, the cigar maker in Prague, or the "excavator" in Naples. Such facts, elusive to the census maker, tell a story of their own.

PRINTERS' WAGES COMPARED.

The printing trade, in all countries at the highest point in union organization, affords a basis for wage comparisons. In New York the union weekly scale for compositors on morning newspapers is $31; on book work, $21.50. In London the book scale is 39 shillings (less than $9.50); in Paris, the minimum, $9; in Milan, $7 (5.20 lire per day); in Austria the towns and cities are divided into six classes for compositors' weekly wages, running, respectively, $4.40, $4.80, $5.20, $5.60, $5.80, and $6.20; in Budapest the minimum scale is $4.80. The custom of paying the best hands more than the minimum scale is more prevalent in European countries than in America. The briefest mention of the printing business, with comparison of wages, requires notice of the fact that machinery, and that of the first order, in the press and composing rooms is in more common use in America than in any European country. I was shown through a model book and job printing office in London that had no composing machines, and the Cologne Zeitung, the great daily newspaper of Rhenish Germany, has none. Seldom are any seen in the many cooperative establishments. They are rare in the offices of Austria, Hungary, and Italy. I am reliably informed that more type is set in one daily newspaper office in a week in New York than in all the printing offices of Naples. That fact is in agreement with the rule that with high wages in America there is often a low cost of production, coming from the education and energy of the workers, perfected machinery, and organization on a large scale. My facts indicate that money wages in America in many trades are double those paid abroad.

But, the cost of living?

VARIATION IN STANDARDS OF LIVING.

Two classes of writers and talkers may be found who assert that "one may live in Europe on half what it costs in America." The first of these classes is the employers of Europe as a body; they are interested in keeping their workmen with them, to compete with one another, besides being actuated by anti-American sentiment that calls for no more than mention here. The other class is mostly made up of well-to-do American sojourners abroad. The latter undoubtedly find several items in their own outlay less than in America, among them being personal service, objects of luxury, and their house rents. As relating to themselves and their social classes, their assertions are correct, especially as regards city life. The European working classes, however, neither hire servants nor buy articles of luxury except in rare cases. The struggle for a barely decent living is ever before them. Their necessary annual family "budget" comprises plain and cheap food, which, on the average, takes 40 to 65 per cent of the entire outlay, quarters in either an "industrial" or "slum" district, requiring 20 to 35 per cent, and clothing 10 per cent or more. These percentages must be indefinite, depending as they do upon the size of the family, on earnings, and on climate, and even the government. Mentally contemplating the many cities I visited, and having in mind the conversations I had with workingmen who had lived both in Europe and America, I believe I may assert that whether the cost of living in Europe or America is greater to the workingman depends entirely on the standard of living he adopts while in America. If he voluntarily lives the life of self-denial in this country that he compulsorily lived in his native land, his outlay in money will remain about the same. Even then he will hardly be able to escape gaining something from the superior supply of the good things of life in America.

If I am called on to name one of the good things which is conspicuous, I reply: "Our common schools for the workers' children," and as I write the words I hear again the enthusiastic sentiments on this point uttered in my presence by Italians, Bohemians, Austrians, and Irishmen. "To think," they say, "your country gives even the schoolbooks free!"

A LIST OF NECESSARIES CHEAP IN AMERICA.

Living is cheap to the wage-worker in Europe only because he does without what in America soon becomes a necessity to him—food in good quantity and quality, presentable clothes among his aspiring fellow-workmen and their families, and a comfortably furnished home in quarters responding to his awakened desires for equality with his American neighbors, and in general a large and freer life.

"How often do these people eat meat?" is a question the American in Europe finds himself asking when looking about among wage-workers. Meat is usually from 25 to 100 per cent higher in price than in the United States. Naples and vicinity is often spoken of as offering plentiful and cheap living. Within the customs-bonded district of the port of Naples are large cold-storage warehouses, whence meat is furnished to vessels in the American and Mediterranean service. It is American meat. If it could be carted just 100 yards from the warehouse through the gates of the great iron customs-department fence into Naples, this meat could be sold at from 25 to 50 per cent below local prices. The warehouse owners stand ready to do business with all Italy, furnishing a better grade of meat at greatly reduced prices, if the tariff barrier were removed. This is but a single illustration of a general fact. Staple American agricultural products—wheat, fruits, cheese—in many parts of Europe are sold at lower than the local prices or as low. The immigrant, coming to America, finds that if he can buy in quantity (and in cases where he need not) his flour, fuel, potatoes, oil, sugar, coffee, salt—the essentials for his plain table—all cost less than they ordinarily do in the land he left. The cheapness and abundance of many varieties of fruits and of our melons and tomatoes is a surprise to him. Closely after the most pressing necessities comes a line of things cheaper than in Europe—cotton clothing, including overalls, jumpers, shoes (the American shoe has a sale all over the Continent); newspapers, the cent buying twice to four times the reading matter contained in a German, French, or Italian paper. Access to good water renders expenditure for alcoholic drinks less common. The cheapness of good amusements in America deserves more attention than has been given the subject by the professional investigator; it is a social factor having an enormous influence on the tastes and education of the working-class public. The possibility of regarding outlay for amusements as one of the regular items in family expenses is an indication of the working class standard of living.

POVERTY IN GREAT BRITAIN.

How the wage-earners and their families attire themselves is not so much a question of the cheapness of clothing as it is of what is left over for this purpose after food, shelter, and other unavoidable family needs have been provided for. The features of climate, national customs, and class standards must also be considered. In southern countries, where the same clothes are worn the year around, people may appear well in public at half the expense required in America, in the North, where there are four seasons. In the United Kingdom the poor dress in much the same clothing summer and winter, the large proportion of the people in shabby clothes in the streets of Dublin, Manchester, or London giving an impression to the American observer of a prevalent poverty.

The masses make a better appearance in Paris and Berlin. In Italy a young fellow may be a dandy in a straw hat and cotton duck suit. Fine wool and silk stuffs, furs, laces, and kid gloves cost less abroad than in the United States—a fact, however, which bears as lightly in an inquiry into the conditions of the masses as does the tariff on the masterpieces of art.

HOUSING.

The housing of the wage-workers of the various European countries as compared with that of the same class in America would, in order to bring out the full truth, require a long and faithful study. When the facts were ascertained, the real point remaining would be how to present them in order to create an exact impression of the truth. Besides, in making comparisons, a difficulty would be in fixing an American standard. Conditions exist in a few American cities, such as New York, Pittsburg, and Chicago, representing neither European nor American standards, but what are created through the transition of the most helpless of our newly arrived immigrants from a state perhaps more miserable than that in which they lived in their native countries to a level equal to the financially lowest that is permanent among the American-born citizens. Looking at the housing problem widely, the greatest fact in favor of America is space. The workingman in the country towns and in the cities smaller than those in which the foreign population is congested can rent or perhaps buy a separate home. In general, Europe does not give this opportunity. For example, Bremen is the only considerable city in Germany which has small single-family houses adapted to the needs of working people. Only the big tenement house, except in rare cases, is to be found in other cities. The wage-earner in them is regarded as permanently a rent payer, an animal in a stall in a five, six, or seven story stable. No, not one animal in one stall; not so good as that—whole families or a herd of lodgers live in one of the stalls. The doubling up of families of relatives, the keeping of lodgers, the hiring of a small apartment by several young persons, such devices for distribution among many persons the burdens of rent must be general in cities where apartments are made the landlord's investment and few small homes are built to sell the man with a small purse. The barracks-like houses of the German cities are planned so as to accommodate people in comparatively easy circumstances in the desirable apartments of the front, up to the fourth story, while the basement and the small rear and the topmost apartments go to the swarm of folks living on low wages. Berlin has been called "the city that wears a dickey," since its imposing streets of big dwelling houses have the best apartments on view to the front, behind which exist shabbiness and the general unattractiveness of things unseen. In the northern district of Berlin is the new "workingmen's quarter," with broad streets, window-garden houses, and evidences of municipal care as to hygiene, one result being that rents, compared with wages, run close to the high American level.

RENTS.

In no city in Europe did I find rents any cheaper, wages considered, than they run in Philadelphia, Baltimore, Louisville, or in the New England towns not having a boom, or even in many cities of the Mississippi basin. What strikes the American is how little the European renting wage-worker gets for his money. Very seldom indeed has he a bit of garden; he takes a poor water service for granted; his rooms are fewer and smaller than is ordinarily the case in an American house. The rent payer is usually a rent payer for life. No institution of the proportion of the American building and loan association exists in any European country. The movement of large masses from the position of rent payers to that of householders has been characteristic of Amer-

ica. European philanthropists, statesmen, and cooperators are at the present time endeavoring to establish the necessary methods to bring about the same results.

CONCLUSIONS.

Space here, to my regret, is insufficient to permit me to quote the rentals paid by wage-workers in various European cities which are entered in my notes. I have been obliged to give my conclusions on the subject in general terms. The main conclusion as to housing is the same as that relating to food: If the immigrant to this country is willing to continue living here at the same level he was obliged to accept in his native land, he can find it for the same money.

EXHIBIT B.

COURSE OF WHOLESALE PRICES IN ENGLAND, GERMANY, AND THE UNITED STATES.

[From the report to Congress of the Industrial Commission, Vol. XIX, p. 38.]

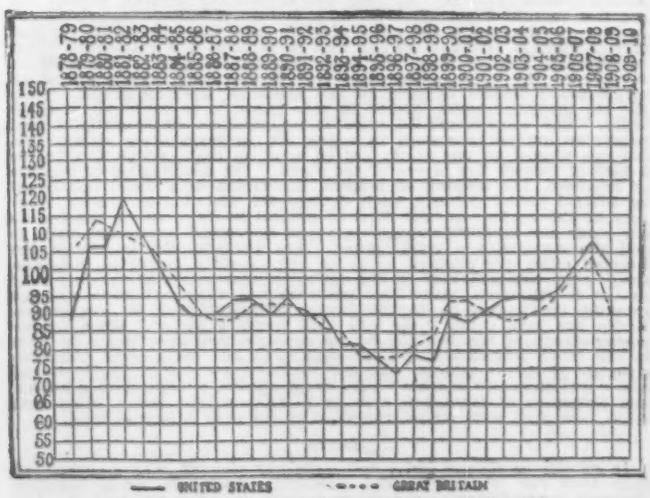
Comparative movement of wholesale prices in the United States, Great Britain, and Germany, 1878 to 1901, average prices for 1879–1889 being 100.[a]

Year.	United States.	Great Britain.	Germany.
1878–79	89	112	----
1879–80	107	107	102
1880–81	107	114	110
1881–82	120	110	107
1882–83	111	108	104
1883–84	102	106	103
1884–85	94	95	99
1885–86	90	91	94
1886–87	90	88	97
1887–88	98	89	94
1888–89	94	93	97
1889–90	90	98	100
1890–91	95	93	106
1891–92	90	91	98
1892–93	90	87	95
1893–94	82	85	92
1894–95	81	79	83
1895–96	77	79	82
1896–97	78	79	83
1897–98	79	82	83
1898–99	77	84	84
1899–1900	90	93	100
1900–1901	88	94	----

[a] Index numbers for the United States are compiled by Mr. John R. Commons; for Great Britain, by Mr. Augustus Sauerbeck, London, published annually in Journal of the Royal Statistical Society; for Germany, by Professor Conrad, published in Jahrbücher für National Oekonomie and Statistik, 1894, and following years. The index numbers for Great Britain, as originally compiled, are based on the prices for the years 1867–1877, but have been converted to the base of 1879–1889 for comparison. The index numbers for the United States are for the crop or fiscal year July 1 to June 30, while those for Germany are calendar years, and those for Great Britain are calendar years 1879 to 1883, and thereafter crop years.

EXHIBIT C.

FLUCTUATION IN WHOLESALE PRICES IN THE UNITED STATES AND GREAT BRITAIN FROM 1878 TO JANUARY 1, 1909.



Average prices for period from 1879 to 1889—100.

This chart, from 1879 to 1901, is taken from Volume XIX, page 38, Report of the Industrial Commission (based on Professor Commons's tables for the United States and Sauerbeck's tables for Great Britain). After 1901 this chart is based on Sauerbeck's tables for Great Britain and tables prepared by the Bureau of Labor for the United States.

EXHIBIT D.

REDUCTIONS AND INCREASES IN THE PAYNE TARIFF LAW OF 1909.

Annual consumption value by schedules.

Schedule.	Article.	Consumption value. Duties decreased.	Duties increased.
A	Chemicals, oils, and paints	$433,099,846	$11,105,820
B	Earths, earthenware, and glassware	128,423,732	----
C	Metals, and manufactures of	1,221,956,620	37,675,804
D	Wood, and manufactures of	566,870,960	31,280,372
E	Sugar, molasses, and manufactures of	300,965,958	----
F	Tobacco, and manufactures of (no change of rates)	----	----
G	Agricultural products and provisions	483,430,637	4,380,043
H	Spirits, wines, and other beverages	----	462,001,856
I	Cotton manufactures	----	41,622,034
J	Flax, hemp, jute, and manufactures of	22,127,145	804,445
K	Wool and manufactures of wool. (No production statistics available for articles affected by changes of rates.)		
L	Silks and silk goods	7,947,568	106,742,646
M	Pulp, papers, and books	67,628,055	81,486,466
N	Sundries	1,719,428,069	101,656,598
	Total	4,951,878,575	878,756,074

Of the above increases the following are luxuries, being articles strictly of voluntary use:

Schedule A. Chemicals, including perfumeries, pomades, and like articles	$11,105,820
Schedule H. Wines and liquors	462,001,856
Schedule L. Silks	106,742,646
Total	579,850,322

This leaves a balance of increases which are not on articles of luxury of $298,905,752, as against decreases on about $5,000,000,000 of consumption.

EXHIBIT E.

PRICES COMPARED BETWEEN BOSTON, MASS., AND NINE FOREIGN PORTS.

Prices paid in Boston and abroad by Massachusetts training ship Ranger, summer of 1909.

	Boston prices.	Gravesend, England.	Copenhagen, Denmark.	Stockholm, Sweden.	Amsterdam, Holland.
Beef, per pound	$0.09	$0.1622	$0.134	$0.112	$0.16
Lamb and mutton, do	.11	[a].06	----	----	.16
Fresh corned beef, do	.08½	.131	----	----	.16
Veal, do	.11	----	----	----	----
Fresh pork loins, do	.12	.1622	.2278	.142	.18
Bacon, do	.12½	.162	----	[b]	.17
Ham, do	.12	.162	----	[b]	.17
Fowl, do	.14	[b]	[b]	[b]	[b]
Frankfurters, do	.09	[b]	[b]	[b]	[b]
Hamburg steak, do	.08	----	.134	[b].142	[b]
Fish for chowder, do	.05 to .06	.0811	[b]	.08	.13
Ice, per ton	3.00	9.73	10.73	4.60	4.02
Eggs, per dozen	.36	.195	.225	.200	.24
Milk, per quart	.07	.07	.076	.064	.08
Bread, per pound	.04	.055	[b]	[b]	.04
Potatoes, per bushel	.90 to 1.20	.82	.48	.65	.72
Coal, per ton	4.25	5.84	----	----	4.49

	Antwerp, Belgium.	Gibraltar (free port).	Nice, France.	Genoa, Italy.	Bermuda (English possessions).
Beef, per pound	$0.1419	$0.141	$0.115	$0.115	$0.192
Lamb and mutton, do	----	.151	.164	.135	.172
Fresh corned beef, do	----	----	----	[b].102	.182
Veal, do	----	----	.164	----	----
Fresh pork loins, do	.164	----	.164	----	.182
Bacon, do	.164	.202	----	.193	.212
Ham, do	.142	.223	----	.193	.192
Fowl, do	[b]	[b]	[b]	[b]	[b]
Frankfurters, do	[b]	[b]	[b]	----	----
Hamburg steak, do	.1419	[b]	[b]	----	----
Fish for chowder, do	.061	.121	----	----	.081
Ice, per ton	4.63	19.47	28.85	12.07	14.60
Eggs, per dozen	----	.182	.278	.184	.36
Milk, per quart	.06	----	.077	.102	.121
Bread, per pound	.035	.05	.038	[b]	.04
Potatoes, per bushel	.58	----	.868	.66	----
Coal, per ton	4.88	5.62	----	----	7.91

[a] Australian. [b] Too high to buy.

EXHIBIT F.

RETAIL PRICES COMPARED BETWEEN BUFFALO, N. Y., AND TORONTO, CANADA.

Report of United States Consul H. P. Dill as to prices in Toronto and Buffalo (United States Consular Reports, Sept. 13, 1909):

"A Toronto newspaper has investigated the prevailing retail prices in Buffalo and Toronto, and shows that prices generally are lower in the United States than in Canada. These two cities were selected because of their relative equality in population, location, transportation, and general development. The summing up seems to favor the American city in about every case:

"'Ready-made clothing is about the same in price in both cities, though boys' suits at $2.75, overcoats with fur collar at same price, an exceedingly good-looking suit for a man at $9.75, and goods which appeared of equal quality, have never been seen in Toronto. In the very cheap lines of things used by men the difference is distinctly in favor of Buffalo. Umbrellas at 42 cents would bring in Toronto 60 cents. Cotton shirts at 42 cents are 50 cents here. In footwear the Buffalo people have the advantage. Ladies' and men's boots displayed at several Buffalo stores at $2.50 are sold "every day" in Toronto for $3.50.

"'In crockery, Buffalo prices are much lower. Vegetable dishes, retailing at 20 cents in Toronto, are to be had for 10 cents in Buffalo. Three-piece toilet sets selling at 52 cents would be quick sellers in Toronto for $1. Very many smaller articles were selling at 5 cents each, but the prices could not be duplicated in Toronto. Granite ware and such has a shade margin in favor of Buffalo on most articles, but on some the difference is fully as great as on crockery. Crumb trays at 10 cents are 25 cents in Toronto.

"'A gas range selling in Canada for $25 can be bought for $21. A No. 9 cooking stove, with hot-water tank attachment, sells for $35; this is fully $7 lower than in Canada. In all goods in this line Buffalo has the advantage by just about the amount of the Canadian duty, or 25 per cent.

"'In tea and coffee, as far as can be judged, the Toronto price is a shade below. In this connection it might be well to say that it is very difficult to find as good coffee in Canada as in the United States. Canada has relatively more tea-drinking people than the United States, and grocers generally carry a larger variety of tea than do American dealers. There is no doubt that as good tea can be found in the United States as in Canada; but, on the other hand, a first-class coffee is a scarce article in Canada.'

"Taking into account all the lines covered, the cost of household necessities is considerably higher in Toronto than in Buffalo."

EXHIBIT G.

RETAIL PRICES COMPARED BETWEEN WASHINGTON, D. C., AND MONTREAL, CANADA.

AMERICAN CONSULAR SERVICE,
Montreal, Canada, February 2, 1910.

Hon. A. P. GARDNER,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your favor of January 28th, would say there are no catalogues published in Montreal covering the prices of food products in general. I am sending a list of prices of the ordinary daily supplies, taken from my own household bills of the last few months, to the Department of State for transmission to you.

I have not included groceries beyond the staples, as they vary much in quality and are largely imported from England and the United States. If it would help you to have them, I will make a list as complete as may be.

Please let me know if this is not just what you want, with such details as may guide me in procuring what would be most helpful to you.

Very truly, yours,

WILLIAM HARRISON BRADLEY,
Consul-General.

MUTTON.			
Leg of mutton	per pound	$0.18 to	$0.20
Fore quarter	do	.10 to	.12½
Hind quarter	do		.18
Saddle	do		.20
Chops	do		.31
PORK.			
Ham, whole	per pound		.18
Ham, half	do		.20
Ham, sliced	do		.25
Bacon	do		.24
Spare ribs	do		.08
Loin for roasting	do		.18
Chops	do	.20 to	.25
FISH.			
Fresh haddock	per pound		.08
Finnan haddie	do		.12½
Cod, fresh	do	.10 to	.12
Halibut	do	.15 to	.20
Smelts	do		.15
Salmon	do		.25
SWEETBREADS.			
Two for 25 cents.			
POULTRY.			
Ducks	per pound	.20 to	.23
Chickens, roasters	do	.20 to	.25
Fowls, boilers	do	.18 to	.23
Turkeys	do	.22 to	.25
Geese	do	.18 to	.22
Pigeons	per pair	.50 to	1.00
BEEF.			
Porterhouse steak	per pound		.22
Sirloin steak	do		.20
Round steak	do		.15
Corned beef	do		.12½
Shin beef	do	.50 to	.08
Roast beef	do		.20
Tripe	do		.10
VEAL.			
Veal roast	per pound		$0.20
Veal cutlets	do		.25
Calf's head	per head		.75
Calf's feet	per four		.75
Calf's liver, according to size, including the heart, per liver		$0.15 to	.25
VEGETABLES.			
Potatoes	per peck	.20 to	.25
Cauliflower, summer	per head	.10 to	.12
Cauliflower, winter	do	.25 to	1.00
Carrots, summer	per large bunch		.05
Carrots, winter	per dozen		.10
Turnips	for three		.10
Onions, summer	per quart		.05
Onions, winter	per pound	.05 to	.08
Onions, Spanish	do		.05
Cabbage, summer	do	.05 to	.12
Cabbage, winter	do	.10 to	.20
Brussels sprouts	per quart		.12½
Parsnips	for three		.05
Strings beans, summer	per quart	.05 to	.10
String beans, winter	do		.30
Spinach, summer	per peck		.25
Corn	per dozen	.08 to	.12
Peas	per peck		.25
Squash, summer	each	.10 to	.25
Celery, winter	do		.12
Celery, summer	per plant		.05
Celery, winter	do		.12
Tomatoes, summer	per pound		.10
Tomatoes, winter	do	.25 to	.30
Lettuce, summer	for three heads		.10
Lettuce, winter	per head	.10 to	.15
Beets	for three		.05
BUTTER AND LARD.			
Table butter, summer	per pound		.32
Table butter, winter	do		.34
Cooking butter, summer	do		.27
Cooking butter, winter	do		.29
Lard	per 3-pound pail		.65
EGGS.			
Fresh-laid eggs, summer	per dozen		.30
Fresh-laid eggs, winter	do	.60 to	.75
Cooking eggs, winter	do		.35

List of retail prices furnished by the superintendent of the Center Market, Washington, D. C., February 6, 1910.

Potatoes:			
Per bushel		$0.75 to	$0.90
Per peck			.25
Onions:			
Native—			
Per bushel			1.00
Per peck			.35
Spanish, for 6			.25
Carrots	per peck		.30
Turnips:			
Per bushel		.60 to	.75
Per peck			.20
Beets (old):			
Per bushel			.75
Per peck		.20 to	.25
Cabbages	per pound		.02½
Apples:			
Cooking	per peck	.50 to	.60
Table	do	.60 to	.75
Eggs:			
Fresh	per dozen		.35
Storage	do		.30
Turkeys	per pound	.27 to	.28
Chicken:			
Fowl	do		.20
Roasters	do		.25
Broilers	do	.25 to	.30
Geese	per pound		.20
Roasts:			
Sirloin	do		.20
Rib	do		.20
Porterhouse	do		.25
Tenderloin	do	.25 to	.30
Pork:			
Loins	do		.18
Salt	do	.15 to	.18
Shoulder	do	.12½ to	.14
Sugar:			
Granulated	do		.05½
Brown	do		.05
Maple (pure)	do		.20
Creamery butter	do		.40
Renovated and storage creamery butter	do		.35
Cheese	do	.20 to	.25
Oranges	per dozen	.20 to	.40
Lemons	do		.20
Legs and loins:			
White veal	per pound	.18 to	.20
Red veal	do		.15
Lamb	do	.18 to	.20
Mutton	do	.15 to	.18
Milk	per quart		.09
Bread	per loaf		.05
Haddock	per pound	.10 to	.15
Halibut	do		.20
Salmon	do		25
Mackerel (Spanish)	do		.20
Smelts	do		.20
Finnan haddie	do		.15
Boneless cod	do	.15 to	.20
Lobster	do		.35
Shad	do	.20 to	.25
Salt cod	do	.10 to	.15
Fillet of haddies	do		.15
Newfoundland herring	per dozen	.50 to	.60

EXHIBIT H.

UNITED STATES.

The list of articles of general use on which the wholesale price tables of the United States Bureau of Labor are based varies a little from year to year.

For 1908 the table and index numbers were averaged on the following groups (258 different commodities) (see Bulletin of the Bureau of Labor, No. 81):

Group.	Number of commodities priced.
Farm products	20
Food, etc	57
Cloths and clothing	66
Fuel and lighting	13
Metals and implements	38
Lumber and building materials	28
Drugs and chemicals	9
House furnishing goods	14
Miscellaneous	13
All commodities	258

GREAT BRITAIN.

Sauerbeck's tables are based on the wholesale prices of the following list of articles (with slight annual changes):

Wheat, English and American; flour; barley; oats; maize; potatoes; rice; mutton, prime and middling; pork, large and small; bacon; butter; sugar, beet and cane; coffee, Ceylon and Rio; teas; iron, pig and bar; copper, bar and cake; tin; lead; coal, steam and domestic; cotton, American and Indian; flax; hemp; jute; wool, English and Australian; hides, dry and salted; leather; tallow; oils, various kinds; seeds; petroleum; soda, crystals and nitrate; indigo; timer, hewn, sawn, and split. (See Journal Royal Statistical Society, March, 1909.)

EXHIBIT I.

Supplies for the Massachusetts training ship *Ranger* were bought during 1909, as follows:

In Boston, Mass., by wholesale contracts (similar to hotel contracts) running for some six months.

In foreign ports, on competitive bids in each port to supply provisions for the ship's company (about 125 persons) to last for varying short periods.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. Mr. Chairman, I desire to submit a few remarks upon the post-office bill, but after listening to the splendid presentation of it this morning by the able chairman of this committee, I feel that my remarks will be wasted. Before I enter upon a discussion of any of the things embraced in the bill I desire to testify on behalf of the worthy chairman of this great committee as well as the members of the subcommittee which prepared the bill for the House. I know the chairman and his subcommittee worked faithfully to present to this body and to the country a bill above criticism, working along two lines—one economy, and the other efficiency of service.

When the bill is understood, I believe it will be the unanimous judgment of all the Members of this House that it is as near a perfect bill as can be prepared by any committee, and in saying what I intend to say I shall offer no criticism whatever upon the committee or upon Congress, because I do not believe there can be found in the bill a single dollar but what is a necessary dollar going to the efficiency of the service, and which dollar is based upon law. But I do desire this evening in a few words to bring to this committee some criticism upon some of the existing law now governing the Post-Office Department. The Postmaster-General in his report says that at the close of the fiscal year 1909 there was a deficit of $17,479,770.40. Where does this deficit come from? I do not appropriate to myself the ability to correctly answer this question, because men of much more ability than I possess, of longer tenure in this House, for the past fourteen years have been wrestling with this problem, namely, What is the cause of the deficit and how are we going to wipe it out?

President Taft, in his message to Congress of last December, used this language:

> The deficit every year in the Post-Office Department is largely caused by the low rate of postage of 1 cent a pound charged on second-class mail matter, which includes not only newspapers but magazines and periodicals. The actual loss growing out of the transmission of this second-class mail matter at 1 cent a pound amounts to $63,000,000 a year. The average cost of transportation of this matter is more than 9 cents a pound.

The Postmaster-General, in his report, arrives at substantially the same conclusion, figuring that it costs 9.235 cents a pound for the Government to transport second-class mail matter and that the Government derives 1.143 cents a pound revenue, and that there is a loss of 8.092 cents per pound to the Government in the handling of second-class mail matter. Both the President and the Postmaster-General agree upon the one proposition, that the present postal deficit is due absolutely and alone to the low rate of postage upon second-class matter.

Mr. MURDOCK. Will you permit me a minute?

Mr. COX of Indiana. Yes, sir.

Mr. MURDOCK. Is not this distinction to be made between the President and the Postmaster-General in their reports, that the President said the cost was for the transportation of second-class matter, and the Postmaster-General said that a similar cost was for the transportation and handling of second-class matter? Is not that true?

Mr. COX of Indiana. That may be true. Possibly there is some small difference in their opinion upon that, but they both arrive at the same opinion—that the deficit is due to the low rate of postage upon second-class matter. They both have the same opinion as to the wiping out of that deficit—that is, to increase the rate of postage upon second-class matter.

President Taft, in his message, says that this is a subsidy pure and simple to the publishers. Mr. Chairman, I deny that this is a subsidy to the publishers. But if it be a subsidy at all, it is a subsidy inuring to the masses of the people by giving to them cheaper newspapers, magazines, and periodicals. But, strange to say, Mr. Chairman, the President is unwilling to stand for a subsidy inuring to the benefit of the masses of the people, but in the same message to Congress he is in favor of a ship subsidy. Upon this point, in the same message, he uses this language:

> The profits on foreign mails are perhaps a sufficient measure of the expenditures which might first be tentatively applied to this method of inducing American capital to undertake the establishment of American lines of steamships in those directions in which we now deem it most important that we should have means of transportation controlled in the interests of the expansion of our trade.

Our present postal deficit is now more than $17,000,000. The Postmaster-General, in his report which reached this body a short time ago, says that the Government of the United States made in the year 1909 $2,505,010.71 as a profit from our foreign mails.

The President is exceedingly anxious to wipe out the postal deficit by increasing the rate of postage upon second-class mail matter, and at the same time he is willing to withdraw from the Post-Office Department the sum of $2,500,000 which we are now annually making as a profit upon our foreign mail, and turn this over to a few shipowners, so as to stimulate foreign trade at the expense of the mass of the people.

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. COX of Indiana. I will.

Mr. GOULDEN. Does the gentleman regard the deficit of $17,000,000 a very serious thing for the postal service?

Mr. COX of Indiana. I do not.

Mr. GOULDEN. Or one that the business interests of the country would complain of?

Mr. COX of Indiana. I do not.

Mr. GOULDEN. Does he not regard it as in the interest of the best postal system there is for the purpose of supplying the people?

Mr. COX of Indiana. I do.

Mr. Chairman, in addition to the answers to the above questions propounded by the gentleman from New York, I desire to say that while I want to see the Post-Office Department run in the interest of economy, and made self-sustaining, if the same can be done without crippling the service, I am in favor of good, efficient service in this department. It is the only department of the Government which attempts to be self-sustaining. No one of the other departments are self-sustaining.

What would be the situation if we followed to its last analysis the recommendation of the President? Perhaps we would wipe out the deficit, but in doing so we would withdraw two and a half million dollars which we are now making as profit on our foreign mail and give it to a few shipowners as a ship subsidy.

The committee, of which I have the pleasure of being an humble member, gave exhaustive hearings to the publishers of all second-class matter, and it was the unanimous opinion of all the publishers of second-class matter that if the rate of postage be increased above 1 cent a pound that the readers and subscribers of all second-class matter would have their subscription price raised to them.

Mr. SMITH of California. Will the gentleman permit me to interrupt him?

Mr. COX of Indiana. Certainly.

Mr. SMITH of California. The committee did not at any time during that hearing go into the question of the profit now being paid by the publishers, did they? We did not inquire as to their capitalization nor the dividends they are paying to-day?

Mr. COX of Indiana. Oh, no; but there was a very full and exhaustive investigation as to the profits in advertising.

Mr. SMITH of California. Will the gentleman allow me to make one statement?

Mr. COX of Indiana. Yes.

Mr. SMITH of California. Since that inquiry I have been told by an entirely reputable gentleman that one gentleman who appeared before us, and he is a publisher of a very well-known magazine, draws a salary of $75,000 a year for conducting that magazine, and the salary is made in a large part, or one of the purposes is to keep the dividends of the concern from becoming outrageous, and the gentleman said to me, "Of course they will continue to pay this over."

Mr. COX of Indiana. That may be true, but it does not militate against the indisputable fact that if the rate on second-class matter be increased, the subscription price of all these peirodicals, newspapers, and magazines, will inevitably be increased to the subscriber. On this point I do not believe there was a single dissenting voice or opinion before our committee among all the publishers who appeared and testified before it. So far as I am concerned, Mr. Chairman, I refuse to withdraw the profits we now make upon foreign mails and pay this money as a subsidy to the shipowners, and then make it up again by increasing the rate of postage upon all second-class mail, because this would increase the subscription price on all newspapers and farm journals to the readers of these periodicals. Would the President of the United States be willing to withdraw the profits we now make upon our foreign mail, and increase the rate of postage upon that dear old family paper, The Ladies' Home Journal, admired so much by our mothers, wives, and daughters, and then increase the price of this paper to its readers? Would he withdraw the profits we are now making upon our foreign mail, and increase the rate of postage upon all lodge organs and religious periodicals, and increase the price of these papers to their readers, so as to build up the interest of a few shipowners in this country?

I submit to gentlemen on that side of the House or upon this side of the House the unfairness of this proposition. So far as I am individually concerned, I refuse to vote an increased rate of postage upon second-class matter, because I know full well that this would increase the price of newspapers and magazines to the people. At least, Mr. Chairman, I refuse to vote any increased rate of postage upon second-class matter until other propositions are figured out and a true inventory of the situation taken and we are able to see where the Post-Office Department is. I refuse to do it, even though the President be unable to force through this Congress his unjust, unholy, and unrighteous ship-subsidy scheme. [Applause.] The President and the Postmaster-General both bottom their case upon the lone proposition that the deficit is due to the low rate of postage upon second-class mail matter. I refuse to bottom the case upon that proposition alone. The Postmaster-General in his report says that during the year 1909 we lost the following amounts upon the following classes of mail, to wit:

Third-class mail	$3,229,522.22
Free congressional mail	518,385.45
Free departmental mail	5,219,661.65
From registry service	3,878,524.61
From money-order service	68,392.74
Total loss in handling of this mail	12,914,486.57

Deducting this amount from the deficit leaves a deficit of $4,565,283.85. This would represent the true deficit if everything that went through the mails had been posted as the law requires it to be posted. No man can say, or no man can figure, the exact relation existing between first and second class mail. No man can say, or no man will even venture to say, that the Government last year would have made the handsome profit of $53,674,194.62 out of first-class mail if we had not had such an enormous quantity of second-class mail. It is unfair to separate the mails and charge up the deficit only to one class. The only fair way to treat the Post-Office is to treat it as an entirety and all the mail handled by it as a unit, and treating it in this light, giving the Government credit for the amount of mail which it handled free of postage, the deficit is now only a little more than $4,000,000.

Mr. Chairman, I believe that overpayment to the railroads for the transportation of mail is largely responsible for the present postal deficit, but in making this statement I desire to exonerate not only the chairman of the committee, but the entire committee, because the appropriation carried in this bill for railroad transportation is based upon law.

The law governing railway mail transportation was passed in 1872, amended in 1876, and in 1878, and in 1907. From 1878 to 1907, a period of twenty-eight years, there was no reduction in railway mail pay, although during this period of time freight rates were constantly being hammered down. But before we can determine as to whether or not the railroads are being overpaid, Congress must be furnished with some tangible facts along this line. In 1872 Congress passed a law giving the Postmaster-General power to call upon the railroads for information showing the exact cost to the railroads for the transportation of mail, but this act, although nearly forty years old, has been a dead letter upon the books. I understand that the Postmaster-General has recently called upon the railroads for this information, and that it will soon be forthcoming, but when it comes it must be remembered that it is information coming from the railroads themselves, but for one I welcome even their side of the case, with the hope that it will give Congress some light upon this important question. The railroads, for the transportation of mail, are paid by the pound, and the following schedule shows the rate of pay to the railroads for this service:

Schedule of rates for railway-mail pay.

Average weight of mails per day carried over whole length of route.	Pay per mile per annum. Act of March 3, 1873.	Act of July 12, 1876.	Act of June 17, 1878.	Act of March 2, 1907.	Land-grant railroads.	Intermediate weight warranting allowance of $1 per mile under the law.
						Pounds.
200 pounds	$50.00	$45.00	$42.75	$42.75	$34.20	
200 pounds to 500 pounds						12
500 pounds	75.00	67.50	64.12	64.12	51.30	
500 pounds to 1,000 pounds						20
1,000 pounds	100.00	90.00	85.50	85.50	68.40	
1,000 pounds to 1,500 pounds						20
1,500 pounds	125.00	112.50	106.87	106.87	85.50	
1,500 pounds to 2,000 pounds						20
2,000 pounds	150.00	135.00	118.25	118.25	102.60	
2,000 pounds to 3,500 pounds						60
3,500 pounds	175.00	157.50	149.62	149.62	119.70	
3,500 pounds to 5,000 pounds						60
5,000 pounds	200.00	180.00	171.00	171.00	136.80	
5,000 pounds to 48,000 pounds						80
For every additional 2,000 pounds over 5,000 pounds and under 48,000 pounds	25.00	22.50	21.38	20.30	16.24	
For every 2,000 pounds over 48,000 pounds	25.00	22.50	21.38	19.24	17.10	
RAILWAY POST-OFFICE CARS.						
Railway post-office cars 40 feet in length	25.00			25.00		
Railway post-office cars 45 feet in length	30.00			27.50		
Railway post-office cars 50 feet in length	40.00			32.50		
Railway post-office cars 55 feet in length	50.00			40.00		

Act of July 12, 1876, decrease of 10 per cent.
Act of June 17, 1878, decrease of 5 per cent.
Act of March 2, 1907, decrease of 5 per cent on each 2,000 pounds in excess of 5,000 pounds.
Land-grant roads receive 80 per cent of rate.

I do not wish to be harsh or hard upon the railroads, but I wish to be generous and just to them. They are entitled to reasonable compensation for the transportation of the mail. This they are entitled to; no more and no less. If they are being overpaid, the people have a right to know it and to object to it. The people have a right to call upon Congress, upon its committees, upon the Postmaster-General, to investigate this question and see whether or not they are receiving more pay than they ought to receive. This bill carries an appropriation of $46,620,000 for the transportation of mail by the railroads for the year 1911.

But, Mr. Chairman, while we do not have correct data from the railroads or from any other source showing the actual cost to them of the transportation of the mail, yet we have other data at hand, figures that, in my judgment, are nearly accurate.

Since the President's message was sent to Congress upon this proposition, the country has become aroused upon it as never before; and if his message has done nothing else it has stimulated the country to call the attention of Congress to this one fact.

I do not know what relation exists between express companies and railroads. There are many similarities between the

two and some dissimilarities. It is a known, undisputed fact, to which there are, in my judgment, no exceptions whatever, that within a given radius express companies take second-class matter and transport it at less than 1 cent per pound, and 1 cent per pound is the rate of postage paid by the publisher upon second-class mail matter. Now, what is this radius or haul? There is not much dispute upon this proposition by all concerned when it is followed out to its last and final analysis. As I said a moment ago, all unanimously agree on the proposition that within a radius of 500 miles express companies do haul and transport second-class mail matter at a cost less than 1 cent per pound.

Mr. Wilder, speaking for the magazines, before our committee, fixed the radius of haul at 620 miles. You can take the Postmaster-General's own report upon this point, and, leaving out of his report the haul of magazines, he fixes the average haul for all second-class matter not to exceed 655 miles, and magazines only constitute 20 per cent of second-class mail matter, so we have the unanimous agreement that express companies within a haul of 500 miles do haul second-class matter less than 1 cent per pound; and Mr. Wilder, an expert, who fixes the average haul for second-class matter at 620 miles, and the Postmaster-General practically fixing it at 655 miles, the difference is too slight between all of these gentlemen to even raise a question. I think it can be safely taken that express companies are to-day transporting second-class matter throughout the United States at a price less than 1 cent per pound.

How do the express companies do this? How are they able to accomplish this feat? The best and most reliable information which I can procure is that the railroads take one-half, or charge the express companies one-half, of the gross amount of the haul, leaving the other half to the express companies.

Mr. FASSETT. Will the gentleman yield?

Mr. COX of Indiana. With pleasure.

Mr. FASSETT. I do not want to interrupt, but since we were in committee I discovered a report of the express companies made to the Wolcott commission, containing the express contract, and if you will allow me, I will state what it is.

Mr. COX of Indiana. If it is not too long.

Mr. FASSETT. There is a guaranteed minimum to the railroad by every express company. With that as a working basis, the railroad company takes 40 per cent of the business and the express companies 60 per cent unless the 40 per cent goes beneath the minimum. When it goes above the minimum the railroad company takes 40 per cent.

Mr. COX of Indiana. I read the report myself, but, be that as it may, there is no one questions for a moment but what express companies are making enormous sums of money by hauling second-class mail matter and hauling it for less than 1 cent a pound, while we are paying the railroads for hauling the same class of matter from 3 to 4 cents a pound. I read a statement in one of the newspapers the other day that the Wells Fargo Express Company, in New York, on the 1st day of last January declared a dividend of 300 per cent to its stock owners, and Mr. Curtis, who was before our committee on behalf of the Ladies' Home Journal, and Mr. Seitz, representing the New York World, both testified that they used express companies to transport immense quantities of their commodities. It is a known fact from a business view point that express companies must haul this stuff below 1 cent per pound, otherwise the publishers would take their magazines and newspapers and put them in the post-office and let the Post-Office Department transport them to their destination. To the publisher of second-class matter it is a business proposition, pure and simple, and they transport their periodicals in such way as to save money upon the transportation; and if the express companies can haul it cheaper for them than they can get the Government to do it by paying to the Government 1 cent per pound postage, as a business proposition, they will transport by express or otherwise, in any way to save money. When it is a conceded fact that express companies are actually hauling second-class mail matter cheaper than 1 cent per pound, this is a conclusive proposition to my mind that the express companies are hauling it for less than 1 cent a pound, or less than the government postage rate upon it.

Mr. GOULDEN. Will the gentleman allow an interruption?

Mr. COX of Indiana. Yes.

Mr. GOULDEN. The express companies get the short haul, and the Government gets the long haul, which is the most expensive and, of course, less profitable.

Mr. COX of Indiana. Mr. Chairman, I doubt that statement. I have heard that quoted around here for the last two months, but I do not believe it at all, because I do not believe that it is true. I want to read from the postal service investigation of the railway mail pay, page 237, part 2, what is known as the "Wolcott commission," and I read from Prof. Henry C. Adams (formerly connected with the Ann Arbor University, of Ann Arbor, Mich., now statistician for the Interstate Commerce Commission, a man who is known and accepted as authority along these lines), and by a careful reading of Professor Adams's report one will soon be convinced of the untruth of the proposition that express companies get the short hauls and the railroad companies get the long hauls. Let me cite the gentleman from New York to some of his figures, found on page 237 of this report. From New York to Buffalo, the distance being 440 miles, it costs the Government $31.65 to transport a ton of mail over the railroads.

To transport a ton of freight, $7.80; to transport a ton of express, $12.50; it costs $1.58 to transport 100 pounds of mail, 39 cents to transport 100 pounds of freight, and 63 cents to transport 100 pounds of express.

Mr. HUGHES of New Jersey. Will the gentleman yield for a question?

Mr. COX of Indiana. Yes.

Mr. HUGHES of New Jersey. Will the gentleman tell us whether or not the railroad companies make any distinction between second and first class mail, or whether they haul all mail the same?

Mr. COX of Indiana. It all goes by the pound.

Mr. HUGHES of New Jersey. So far as the charge for space in a car is concerned, it would not apply to the bulk of mail, which is second-class mail.

Mr. GOULDEN. The express companies would get the short haul to Buffalo.

Mr. COX of Indiana. Now, I will continue reading, if the gentleman will wait a moment.

From New York to Chicago, a distance of about 1,000 miles, it costs $71.39 to transport a ton of mail. It costs $15 to transport a ton of freight, and it costs $25 to transport 1 ton of express.

Let us take a longer haul, from New York to San Francisco. That is about as long a route as you can get in the United States. From New York to San Francisco, by the New York Central, the Lake Shore, the Chicago, Burlington and Quincy, the Union Pacific, and the Southern Pacific, to transport a ton of mail costs $265.63. To transport a ton of freight from New York to San Francisco costs $60, and to transport 1 ton of express from New York to San Francisco costs $135. To transport 100 pounds of mail from New York to San Francisco costs $15.28; to transport 100 pounds of freight costs $3, and to transport 100 pounds of express costs $6.75.

Mr. SULZER. Will my friend yield for a question?

Mr. COX of Indiana. Yes; for a question.

Mr. SULZER. Are these charges the cost to the railroad or to the shipper?

Mr. COX of Indiana. The cost to the railroad.

Mr. SULZER. Do they charge the shipper more?

Mr. COX of Indiana. No, indeed; it will be found by an examination of these tables that the railroads haul express for express companies from two to three times cheaper than they charge the Government for the hauling of the same kind of material. As an illustration, if the railroad was shipping from New York to San Francisco 1 ton of second-class mail matter, it would charge the Government for this service $265.63, provided it went in a railway post-office car and was shipped as mail, and the same railroad, if this same ton of second-class matter was shipped as freight, would charge the publishers $60 for transporting this ton of second-class matter from New York to San Francisco, and if the publisher saw fit to send a ton of second-class matter from New York to San Francisco by express, the railroads would haul this ton of second-class matter for the express companies for $135, and I believe that this is almost a universal rule, that the railroad companies charge the Government, two, three, and four times as much for transportation of mail by the Government than it charges a private shipper or an express company for the same service and the same haul.

Mr. SULZER. Why is there such a difference between the cost to the shipper and the cost to the Government?

Mr. COX of Indiana. That is exactly the question that I am trying to solve, and I believe I must confess my inability to solve until the law is amended in some way.

Mr. SULZER. Is not that the whole trouble?

Mr. COX of Indiana. I think it is absolutely. I think that is the "nigger in the woodpile," so far as the deficit is concerned.

Mr. SULZER. Then let us get at it and root it out.

Mr. FASSETT. Mr. Chairman, has the gentleman compared the cost to the Government of the United States for railway mail transportation with the cost in Canada to the Canadian

government for railway mail transportation, and also the cost in Germany and France and England?

Mr. COX of Indiana. To some extent I have; and in response to that, in addition to what the chairman of our committee said to-day, as I understand the law of Canada it classifies mail as first-class freight, and it is transported as such, and this has been the law since 1865.

Mr. FASSETT. It costs about twice as much in Canada as it does here.

Mr. COX of Indiana. Oh, I beg the gentleman's pardon. That is not my information at all; it is less than half of what it costs us in this country.

Mr. FASSETT. Oh, no; it is twice as much.

Mr. COX of Indiana. Now, so far as Germany, France, Switzerland, Italy, and Austria are concerned, it is hard to compare those countries with the United States for the reason that in those countries the railroads are owned by the Government, at least the trunk lines; but even before that occurred, which, if I am correct in my history, began in 1865, the railroads in Germany, France, Switzerland, Italy, and Austria-Hungary carried the mails free, unless the government required an extra postal car to be put on for extraordinary services, in which case, so far as Germany was concerned, they were paid from 8 to 10 cents per car-mile, and, so far as France was concerned, about 1 cent a mile.

Mr. SMITH of California. And that is true to-day, is it not, in those countries?

Mr. COX of Indiana. It is true to-day, very largely, with this exception: In Switzerland the Government does not own all of the lines of railroads, and they have this kind of a law, that where the stock of the railroads earns 3½ per cent to the stockholders, then the railroads must haul the mails free over those lines. If the stock does not pay the stockholders 3½ per cent annual dividend, then they are paid what it is fairly worth to haul the mail.

Mr. SMITH of California. If the gentleman will permit, I would like to get him back to that comparison he made a short time ago, bring his attention again to the comparison he made between the cost of carrying the mail across the continent and the cost of freight and express. What was the figure which he gave as the freight rate across the continent?

Mr. COX of Indiana. From New York to San Francisco?

Mr. SMITH of California. Yes; and what was the commodity?

Mr. COX of Indiana. Oh, it is classed as first-class freight, whatever that is. I am no shipper. I have always understood first-class freight to mean perishable freight. From New York to San Francisco the freight rate was $60 a ton, and if the gentleman recollects, that is about what the proof showed it to be before our committee.

Mr. SMITH of California. Of course the gentleman knows there are as many freight rates between San Francisco and New York, practically, as there are commodities shipped.

Mr. COX of Indiana. That is first-class freight.

Mr. SMITH of California. The classification of freight produces as many rates as commodities. For instance, we ship oranges from California to New York for $23 a ton and raisins for $35 a ton, and we ship various kinds of fruits at various rates; but the thing to which I wish to direct attention is this—and I am sure the gentleman wants to be quite fair with the House——

Mr. COX of Indiana. I do.

Mr. SMITH of California. And he would not risk his reputation by endeavoring to deceive the House. Does the gentleman honestly believe from his examination of the railroad end of the postal question that there is any element of fairness in a comparison of the amount for mail and freight, measured by the item of weight?

Mr. COX of Indiana. I do.

Mr. SMITH of California. Does the gentleman think that the item of weights is the controlling factor in the cost of mail?

Mr. COX of Indiana. It may be; it is one of the items.

Mr. SMITH of California. When it is admitted that the average amount of weight put into a mail car is only about two and a half tons, and that in carrying that amount of mail they carry a dead equipment that equals 75 per cent of the weight of mail. What I want to bring to the attention of the gentleman is, and I think he will agree with me, that no man on earth can figure out a fair basis of pay between the railroad and the Government on the item of weight, because weight is not a controlling factor. A postal car is a moving office.

Mr. COX of Indiana. It may be so; I do not yield for a speech.

Mr. SMITH of California. I think you will admit a postal car is not a freight car at all; it is a moving office.

Mr. COX of Indiana. I object, Mr. Chairman, to the gentleman making a speech. I do not object to yielding for a question.

Mr. SMITH of California. I think I have made my point clear.

Mr. MURDOCK. The gentleman has given from the Walcott report three rates—one express, one freight, and one mail. His speech will be widely read and quoted, and the gentleman ought to place in there a statement to the effect that since the Walcott report was made and the mail rate across the country given there has been a reduction in mail pay, so that the reader who reads his speech all over the country may know there has been a reduction in mail pay since the figures he gives were made.

Mr. COX of Indiana. I quite agree with the gentleman from Kansas on that point, but still, when we take into consideration the enormous increased volume of mail from 1872 down to 1907, I doubt very much whether there has been a decrease or a reduction of railway mail pay. We must recollect that during that interval of time the weight of mails have trebled and quadrupled in this country from 1878 to 1907; so, taking the enormous increase in the volume of mail which occurred during this period of time, even if there was a reduction in 1907, it was not a proportionate reduction to what it ought to have been, corresponding to the increased volume of mail.

Mr. MADDEN. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX of Indiana. I would like to have twenty minutes more.

Mr. MOON of Tennessee. I yield the gentleman twenty minutes additional.

Mr. MADDEN. I would like to ask the gentleman if he has given any attention to the question as to what the largest tonnage in mail ever has been in any one car?

Mr. COX of Indiana. Oh, I should say 2½, 3½, or 4 tons to the car.

Mr. MADDEN. What is the largest tonnage that has ever been carried on any one express car?

Mr. COX of Indiana. I have no data upon that at all.

Mr. MADDEN. Is there any difference whether they haul 2½ or 12½ tons in the cost of hauling?

Mr. COX of Indiana. In the case of the larger amount the railroads would make more money.

Mr. MADDEN. No; the question is, Could not the railroad company haul 12½ tons at a cheaper price per ton than it could haul 2½ tons?

Mr. COX of Indiana. Oh, I think they could.

Mr. MADDEN. Does the gentleman think because it only hauls 2½ tons on any one car that has anything to do with the cost of the Government for the amount of mail? Does the gentleman think that enters into the question at all?

Mr. COX of Indiana. I think it does. Now, then, Mr. Chairman, as I said a while ago, there is some line of similarity between the handling of express and the handling of mail. The express companies hire their own messengers to take care of the express matter. The railroads are at no expense in the handling of express matter, and they are at a very small expense in the handling of mail in the car, except the hauling of the car, because the Government puts in the car railway postal employees to care for and handle the mail while it is en route. Both cars—the one an express car, the other a railway post-office car—are run in the same train, pulled by the same power, and manned by the same crew of men. I would not contend that railroads can transport mail as cheaply as they can either freight or express, because they are at some additional expense in the transportation of mail which they are not put to in the transportation of either express or freight—for instance, where the post-office is within 80 rods of the depot the railroads are required to deliver the mail from the depot to the post-office and return it again to the depot. What this amounts to I do not know, nor do I have the means of knowing, but I would say, as compared to the total amount of money paid to the railroads for the transportation of mail, that the amount is indeed negligible; but I do insist that when the railroads charge the Government from two to four times more for transporting second-class matter than it charges either express companies or private shippers that this is an overcharge on the part of the railroads, and that they are getting too much for hauling the mail.

Mr. HUGHES of New Jersey. I would like to ask the gentleman this question, to which I presume he has paid attention, and that is whether or not second-class mail has to be handled in the car en route; whether a car transporting second-class mail is supposed to be a post-office on wheels; and if mail

has not to be handled in transit, and whether that applies to freight and express?

Mr. COX of Indiana. I can answer the gentleman from the testimony given before our committee, and this showed that practically all of second-class matter was routed in bulk by the publishers at the time of publication, and that they delivered the matter in bulk to the railroads, and that this bulk matter was then transported by the railroads to some distributing center, and that the bulk was not broken while en route until it reached the distributing center; but I take it that this would make no difference, because after the mail reaches the railroad, the railroad has nothing at all to do with the handling of it or with the distribution of it—this being done by the Post-Office Department through its railway postal employees.

Mr. HUGHES of New Jersey. It can go right along the same as express matter, without being handled?

Mr. COX of Indiana. This is true, and it is exactly what is done. The express companies, through their express messengers, handle the express matter while en route by their own employees, and the Government handles the mail while en route by its employees free of any charge to the railroad.

Mr. SMITH of California. The gentleman does not intend to convey the impression, however, that magazines, except in a few extraordinary cases, move in carload lots to their final destination? I suppose there may be carloads of magazines starting from New York to Chicago——

Mr. COX of Indiana. What is the gentleman's question?

Mr. SMITH of California (continuing). But a carload going to California would ultimately be broken up on the train and distributed.

Mr. COX of Indiana. The gentleman recalls what Mr. Wilder said about this before our committee—that a carload of magazines going to the Pacific coast would not be broken up until the car reached the State of Washington, where the bulk load would be broken up and the magazines sent to the distributing centers on the coast for distribution.

Mr. CULLOP. If it were not broken up, it would not cost the railroads any more?

Mr. COX of Indiana. Not a penny more. I am not talking about the cost to the Government for the transportation and distribution of second-class matter. I know it costs the Government more to distribute it than it does to hire the railroads to haul it. What I am trying to discuss and get before this committee is the cost to the Government in the transportation of second-class matter over the railroads, or, in other words, the amount of money we pay the railroads for hauling the mail.

Mr. Chairman, there is another item in this bill that I want to discuss for a moment, and that is the amount of money we are paying the railroads as rent or royalty upon their post-office cars, and while this bill carries an item of $5,670,000 as pay for railway post-office cars, I am not criticising this item, because it is based upon law, but I am criticising the law upon which it is based, and I am criticising the Postmaster-General of the United States and all of his immediate predecessors, together with the Presidents, in failing to call the attention of Congress to this statute and asking Congress to amend and modify the law so as to reduce the appropriation upon this item. The law upon which this item is based, in my judgment, can not be defended upon the ground of good conscience, justice, or economy, and, Mr. Chairman, I have introduced a bill, which is now pending before our committee, which proposes to reduce the pay upon this item one-half, and I propose to follow it up before our committee and see if we can not get it enacted into law.

There was carried in the post-office bill in the year 1909 $4,800,000 as pay for lease or royalty upon the railway post-office cars. At that time there were 1,342 railway post-office cars in use in this country on the railroads. Dividing the amount we paid the railroads by the total number of railway post-office cars we find we paid the railroads $3,575.10 for each postal car.

Mr. CULLOP. Now, will the gentleman yield right there?

Mr. COX of Indiana. I will.

Mr. CULLOP. And did you ascertain what the cost of one of those cars was?

Mr. COX of Indiana. To the best of our ability.

Mr. CULLOP. What was it?

Mr. COX of Indiana. The Second Assistant Postmaster-General, testifying before our committee, said that the average cost of a wooden post-office car was between $6,500 and $7,500.

Mr. CULLOP. Did you then further ascertain what the life-time of one of these cars is?

Mr. COX of Indiana. About ten years.

Mr. SMITH of California. Will the gentleman permit a question? How many apartment cars were in the service at that time?

Mr. COX of Indiana. I do not know. But I do know that we do not pay anything to the railroads as a lease or royalty on an apartment car, and the proof showed that one-half of the total mail of the United States is transported in apartment cars.

Mr. SMITH of California. Will the gentleman permit me to state——

Mr. COX of Indiana. No; I prefer that the gentleman make his own speech. I will yield for a question, however.

Mr. Chairman, no business man on earth could stand for paying $3,575.10 upon a $7,000 investment each year; and this is exactly what it amounts to, for a car which costs the railroads $7,000 we pay them each year for the use of this car $3,575.10. This is equal to more than 50 per cent each year upon their investment. Although we are paying to the railroads annually $3,575.10 for the use of each railway post-office car, this is in addition to the railway pay for the transportation of mail; yet the railroad companies get no pay whatever from express companies in the way of royalty or lease, and haul for the express companies from two to four times cheaper than they charge the Government for the transportation of mail, and still make money out of their part of the profits made by express companies. The Post-Office Department only requires a 40-foot space in a railway post-office car, and many of the railroads are now building 70-foot railway post-office cars. This leaves 30 feet of the car to be used by the railroads in either carrying express or baggage, and this very thing the railroads are doing in hundreds of instances to-day, and the people are paying for a part of the car now being used by the railroads in which to transport baggage or express. It would require a sum of money equal to $59,585 loaned out at 6 per cent to bring in each year $3,575.10, and I undertake to say that an average cost of constructing one mile of railroad in this country by grading, putting cross-ties upon it, with steel rails, ready for locomotives, and trains of cars to pass over it, does not equal upon an average the sum of $59,585.

Neither the United States Steel Trust, although incorporated for $1,400,000,000, nor the Standard Oil Company, at the head of which is the greatest magnate upon the earth, John D. Rockefeller, could stand this constant drain; yet the Government of the United States for the last forty years has been standing it. How the Government can endure it, gentlemen of the committee, is more than I can understand, and I fear that Uncle Sam will soon stagger under this load.

Mr. CULLOP. Will my colleague permit another question?

Mr. COX of Indiana. I will.

Mr. CULLOP. You have then solved the question as to why the railroad companies just before each national election give out the order of coercion that their employees must vote the Republican ticket or they will quit the business.

Mr. COX of Indiana. I thank the gentleman for that statement, which is true. In addition to that——

Mr. SMITH of California. Will the gentleman permit me there?

Mr. COX of Indiana. I take it for granted that the law of 1873 as amended by the act of 1878, fixing the pay of mail to the railroads of this country, together with the law of 1872, giving to the railroads a lease for their cars, must be exceedingly satisfactory to the railroads, or else, in my judgment, they would be beseeching Congress day in and day out to have these laws repealed or amended and they be given more for their service.

Now I yield to the gentleman.

Mr. SMITH of California. I wanted my question to follow the remark of your colleague.

Mr. COX of Indiana. Ask it, then.

Mr. SMITH of California. I will ask if at the time when all branches of the Government were in the hands of the Democratic party it was not just the same?

Mr. COX of Indiana. I am not injecting any politics in this discussion. I am trying to discuss some of the evils.

Mr. SMITH of California. And I am not, either.

Mr. COX of Indiana. If you want it, I will bring it in.

Mr. SMITH of California. The remark of your colleague injected that.

Mr. COX of Indiana. I refuse to have my time consumed in that way. Mr. Chairman, my colleague from Indiana is abundantly able to take care of himself, here or any other place.

Mr. SMITH of California. He is taking care of you, I trust.

Mr. COX of Indiana. I do not need him or anyone else to help take care of me. I think I am abundantly able to do this myself. [Laughter and applause on the Democratic side.]

Mr. Chairman, we have reached a serious point. It is a condition and not a theory confronting us to-day, and a condition that appeals to every Member of this House, because if we wipe out the postal deficit, under the recommendation of the Presi-

dent and the Postmaster-General, by increasing the rate of postage upon second-class matter, this inevitably means an increase in the price of all newspapers and magazines to their readers, something for which I am unalterably opposed. Rather than to increase the rate of postage upon second-class matter, I am in favor of going to the bottom of the entire situation and "fight it out along these lines" if it takes all summer, and in going to the bottom of it, let us see if we are not overpaying the railroad for hauling the mail. In my judgment, if we do this we will soon find that the cause, or one of the large causes, of our large postal deficit is due to overpayment of the railroads. I know the railroads meet this argument and say that they transport free of charge the railway postal clerks; but at the same time they transport free of charge express messengers on the same trains, and that both railroads and express companies make enormous profits out of these hauls of second-class matter there is no doubt. I listened attentively this morning to the able argument made by the chairman of this committee insisting that the Post-Office Department should be put upon strictly a business basis, with a business man placed at the head of it. I thoroughly agree with him on this proposition, and I agree with him that we ought to have a business man at the head of it, and that the Post-Office Department should be taken out of the domain of politics. [Applause on the Democratic side.] You never will put the post-office upon a paying basis until you put a business man at its head, and put it upon business principles instead of political principles. This was the opinion of Mr. Wilder, and it was one of the things he advised doing.

I read from the Washington Post of January 27:

HITCHCOCK'S QUEST VAIN—WALL STREET'S PURSES CLOSED TO REPUBLICAN APPEALS, SAYS REPORT.

[Special to the Washington Post.]

NEW YORK, *January 27, 1910.*

A Washington dispatch to the New York World says:

"The Republican national committee wishes this year to assist the Republican congressional committee with funds, and it became known to-day that Postmaster-General Hitchcock, former chairman of the national committee and still its actual head, went to New York ten days ago to see what could be done. He returned empty handed, having been told that the antitrust programme of the administration would not open Wall street pocketbooks.

* * * * * * *

"But money is still needed, and Mr. Hitchcock and Frederick W. Upham, western treasurer of the Republican committee, were almost constantly together during the latter's short visit here. Mr. Upham left for Chicago to-day after a talk with the President."

How do you expect to put a business man at the head of a great institution like the Post-Office Department, with its head serving the dominant political party as its national chairman? I agree the Post-Office Department ought to be reorganized, but not along political lines.

Mr. SISSON. Will the gentleman from Indiana state who is the chairman of the Republican national executive committee at this time?

Mr. COX of Indiana. The national committee?

Mr. SISSON. Yes.

Mr. COX of Indiana. I understand Mr. Hitchcock, the Postmaster-General.

Mr. AUSTIN. Oh, no; General Hitchcock resigned the chairmanship of the national committee about the time he entered President Taft's Cabinet.

Mr. COX of Indiana. I understand he has tentatively resigned, but that he is still its actual head, still its vitality, its director, and its power behind the throne, and that he is now using all the post-office patrongage to direct the course of the Republican party.

Mr. BOEHNE. Mr. Chairman, this resignation is on the same level as that of Mr. Ellis, who recently resigned a position in the Attorney-General's office to become manager of the Republican party's campaign in Ohio, is it not?

Mr. COX of Indiana. I think it about on a parity with it. Mr. Chairman, I now read from a clipping from the Louisville Post of January 17, a Republican organ:

In the Louisville Times of Friday, January 14, there appeared a special telegram over which we have been pondering for forty-eight hours in a vain hope of answering the question, Who is actual President of the United States? In order to invite the assistance of our readers, we publish the telegram entire:

"FIELD COMING HOME.

[The Times correspondence.]

"WASHINGTON, *January 14, 1910.*—Having received official confirmation that his nomination as collector of internal revenue at Lexington will go to the Senate shortly, T. A. Field, of Ashland, left for home early to-day. The assurance of his selection for Collector S. J. Roberts's place was given with the sanction of Postmaster-General Hitchcock at the White House."

What puzzles us is why it should be necessary for the White House to get from Postmaster-General Hitchcock sanction for any announcement the White House cared to make.

"Out West" we have considered the President a bigger man than any P. M. G. Studying the Constitution, the President seems a big feature in the new scheme of government, and there is no mention of a Postmaster-General. Studying history, we have found all members of the Cabinet subordinate to the White House. All formal announcements of the President's purpose have come from the White House; at least when a Cabinet minister made any statement it carried with it the sanction of the White House.

Now it is all changed. Before the President can inform an applicant for a position in the Internal Revenue Bureau, Treasury Department, he must get the sanction not of the Secretary of the Treasury but of the Postmaster-General.

Evidently "things" have changed since Roosevelt went hunting, and they have not changed for the better.

Mr. FOSTER of Illinois. Has it not been reported that the Postmaster-General was using his political influence in the Post-Office Department to drive the so-called "progressives" back into line?

Mr. COX of Indiana. Of course it has. If the newspapers of this city can be believed at all, they have teemed with reports to the effect that the appointments of postmasters were being withheld because certain Members upon that side of the House refused to line up with the regular organization. [Applause.] Mr. Chairman, no man can serve two masters at the same time. We are commanded by the divine law to render unto Cæsar that which belongs to Cæsar and unto God that which belongs to God. No man can serve as Postmaster-General of the United States, and give to the people that full degree of efficient service which the people have a right to demand of him, and at the same time serve as the head and master of a great political party. But we all recollect distinctly how the steam roller rolled over every aspirant for the Presidency at the Chicago convention in 1908, and how the present Postmaster-General was unerringly directing its work; and as a result of that performance we now have the spectacular example of seeing the Postmaster-General, tentatively at the head of the Republican party, dispensing patronage to the faithful who stood by him in the log-rolling process at Chicago instead of attending to his duties as Postmaster-General. [Applause.]

Mr. BORLAND. Mr. Chairman, at the request of the gentleman from Wisconsin [Mr. WEISSE] I ask unanimous consent to insert in the RECORD a table of prices from La Follette's Magazine. I do not know anything about them except that the gentleman from Wisconsin [Mr. WEISSE] left them with me, with that request.

Mr. MANN. I shall have to object to any request to insert things in the RECORD where they are not connected with the continuation of a speech.

Mr. BORLAND. I am making this request at the request of the gentleman from Wisconsin [Mr. WEISSE].

The CHAIRMAN. Objection is made.

Mr. WEEKS. I yield to the gentleman from Massachusetts [Mr. WASHBURN] ten minutes.

Mr. WASHBURN. Mr. Chairman, a member of another body, speaking of the prices of farm products on February 4, 1910, said:

* * * I had a meat man a short time ago give me an estimate of what a 4-year-old steer would bring if served at one of the restaurants here in the city of Washington at these rates, taking all the items that you find in this list, and he estimated that it would bring from $2,000 to $3,000. The farmer's price is about $60 to $80, with all the four years' work that he expended upon that steer. With the little additional work—thirty minutes in the city of Chicago and transporting him here to the city of Washington and cooking him at your café—he advances from $70 to $2,500 or $3,000, enough to pay half the price of a farm.

* * * That represents his work upon it. Now, I want any man to compare the amount of energy expended in producing a bushel of wheat on the farm with the amount of energy expended in transporting that wheat to the city of Minneapolis or to Chicago, grinding it into flour, transporting it to the bakery, and converting it into bread. I think you will find that there has been at least double the amount of energy expended in producing it than was expended upon it after it left the farmer's hands. And yet, taking the average price that the baker receives, say 5 cents a loaf, you will find that that bushel has advanced from 90 cents to $3.75 a bushel, or an increase of 400 per cent.

If it is desired to ascertain what the consumer pays for meats and other products raised, say, in North Dakota, why not give the prices paid for meats at representative retail markets by 99 per cent of the people.

I have taken some pains to ascertain the facts. To show how impossible it is to get $2,500 out of a carcass of beef, I will take an 800-pound carcass of best corn-fed beef. Every ounce of that carcass would have to be porterhouse or tenderloin steak and sell at $3.33 a pound to bring $2,500. As a matter of fact, not more than 6 or 7 per cent of that carcass can be served for best steaks in first-class restaurants; and as nearly as I can ascertain, that 6 or 7 per cent is served at the rate of

about $1 per pound, which includes the accessories, for which no charge is made when you order a steak.

Of the balance of the carcass, the best hotels and restaurants can use more or less at very much lower prices; but much of the carcass can not be used to advantage, and there is a large percentage of waste. However, figuring that all parts of the carcass of beef could be used in the best restaurants, and figuring all the usable parts at their proportionate value, I am, upon the best information I can get, unable to see how it could bring much over $250, which, as before stated, would include all the accessories, for which no charge is made.

One of the large New England markets has given me the results of a test of a carcass of beef weighing 816 pounds, which netted them $91.14. This carcass of beef, they said, was bought by them at least 1 cent under the market by reason of a weakness in prices at the time of the arrival of the shipment. If they had paid 10 cents per pound, which was the nominal market price, they would have made a gross profit of about 10½ per cent, and inasmuch as it costs them more than 14 per cent to do a retail business, they would have lost money on it, selling it at their present retail prices, and their expense of doing business is probably less than that of any other similar concern in New England. It is seldom that a retail business in their line can be done at less than 18 per cent, and frequently it costs about 20 per cent. They probably could not make any margin on meats under present conditions of the market at present retail prices if they always had to pay the nominal market price. It is only by watching for every opportunity everywhere that they are able to make a small margin. By buying this particular carcass 1 cent under the market they made a gross profit of 19½ per cent.

Now, as to the packers' profit on this carcass, the following schedule will give a pretty clear indication of how narrow are the margins on which beef is handled all along the line. I quote for the live steer—the Chicago market—and I believe the figures given are fairly accurate. Anyone can, of course, obtain from reliable trade papers the daily quotations of both live cattle and dressed beef in Chicago and elsewhere. I can not give the farm price of the steer, but knowing the live cost in Chicago, you can readily judge what probable profit there may be between the farm and the packer, or what the packer pays the feeder or commission man at the stock yards:

1,360 pound live-weight steer, at 7 cents per pound		$95.20
Result of sale.		
816-pound carcass of beef, at 9 cents	$73.44	
80 pounds hide, at 13 cents	10.40	
1 liver	.50	
75 pounds tallow, at 8 cents	6.00	
Tongue, heart, tail, etc	1.10	
Fertilizer material	1.00	
		92.44
Apparent loss to the packer		2.76

Sixty per cent of beef is the accepted ratio of yield.

It was, of course, expected that this carcass of beef would bring the packer at least 10 cents per pound in this market, and in that case it would have shown a gross profit of $5.36—this to cover packing-house expense, freight to New England, and selling cost there.

This illustrates, I believe, the general condition in the meat trade, excepting that all retailers can not buy quite as low as the New England market I am quoting, nor do they sell at as low prices, so that probably the margin of profit is about the same in either case.

The fact is that the short supply of food animals, and not the exorbitant profits realized by those engaged in the industry, is responsible for the present high prices. From reliable sources I learn that the high point in the supply of the different kinds of food animals was as follows:

	Head.
1907, cattle	72,533,996
1908, hogs	56,084,000
1903, sheep	63,964,876

Compared with the current supply, the decrease has been as follows:

	Head.
Cattle	3,453,996
Hogs	8,302,000
Sheep	6,748,876
Total	18,504,872

The aggregate decrease of food animals in the United States since 1903 amounts to 18,504,872 head, and during that time the population has probably increased 10,000,000, more or less.

Hogs bring nearly twice as much to-day as they did in 1908 and almost as much as at the high point in 1882, and the price is increasing from day to day. The natural consequence is that pork is high, and pork is a large element in the bill of fare of the mass of the people.

Now, let us see about the profit on wheat.

I believe that the government crop report gives the average farm value of wheat for 1909 at $1.02. Five bushels of wheat are, I think, the accepted quantity figured for a barrel of flour. We all pay for bread flour according to grade, and, governed by seasons and the condition of the market, all the way from $5 to $7 per barrel. I give below the tests on two barrels of flour:

TEST NO. 1.

350 loaves of bread, at 3 cents a loaf		$10.50
Less estimated shrinkage of 10 per cent for stale bread		1.05
Leaving		9.45
Manufacturing cost.		
Barrel of flour	$5.40	
3 pounds salt	.02	
1½ pounds yeast	.38	
16 quarts milk	.95	
3½ pounds lard	.35	
3½ pounds sugar	.18	
Malt extract	.08	
Bakery labor	1.50	
		8.86
Gross gain		.59

TEST NO. 2.

300 loaves of bread, at 5 cents a loaf		$15.00
Less estimated shrinkage of 10 per cent for stale bread		1.50
Leaving		13.50
Manufacturing cost.		
Barrel of flour	$6.20	
3 pounds salt	.02	
1½ pounds yeast	.38	
25 quarts milk	1.50	
3½ pounds lard	.35	
3½ pounds sugar	.18	
Bakery labor	1.50	
		10.13
Gross gain		3.37

The cost of retailing bread is far beyond the average retail cost of other merchandise by reason of innumerable 3 and 5 cent sales, and I am informed that it can not be done in a first-class store for less than 20 per cent and probably much more. It will, therefore, be seen that on low-priced bread there would be a considerable loss, which is offset by the profit on the better grade.

The total gain on these two barrels of flour was $4.16, and the total sales were $22.95, showing a gross gain of about 18 per cent, or less than is usually conceded to be the cost of retailing. I am informed that a bakery can not be conducted in expensive locations in the retail section of our cities except as an incident to help bring other business.

Very large baking establishments in large cities can perhaps reduce the costs I have given materially, but they have to distribute through retailers, and the shrinkage on stale goods, I am told, is in some cases as high as 25 per cent or above. The deduction I draw is that except in very favorable cases, there is no profit for the retailer, and the margin must be narrow for the manufacturer.

RECESS.

The CHAIRMAN. The hour of half past 5 having arrived, the committee will stand in recess until 8 o'clock this evening.

AFTER THE RECESS.

The recess having expired, at 8 o'clock p. m. the committee resumed its session, with Mr. LAWRENCE in the chair.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. WEISSE].

Mr. WEISSE. Mr. Chairman, I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. That leave has already been granted by the House.

Mr. WEISSE submitted the following extract from La Follette's:

WHY PRICES ARE SOARING—ANY INVESTIGATION INTO THE INCREASED COST OF LIVING MUST INCLUDE THE RECENT REVISION-UPWARD TARIFF LAW.

[By Clyde H. Tavenner.]

Why is the cost of living increasing so fast in the United States?

For two months discussion over this question has been raging like a blizzard of words, the zone of discontent over the 11 per cent increase in the cost of living during the last year extending from Maine to Florida and from the Atlantic to the Pacific.

There have been "investigations" galore. But there seems to be a disposition on the part of some investigators, at least, to avoid looking into any corners where there is the remotest possibility of finding the real cause of the agitation.

President Taft declares the increase in the cost of living is due to the "proportionate increase in the output of gold." Secretary of Agricul-

ture Wilson, at the behest of Senator ALDRICH and others of the high priests of protection, made an "investigation" for the purpose of whitewashing the recent revision-upward tariff law and fastening the blame on the corner grocer.

There are other "investigations" in progress. Every one of them, however, has studiously avoided taking into consideration the Dingley law and its still more infamous successor, the Payne-Aldrich-Cannon law.

The only place where there is any doubt as to what is the chief cause of the increase in the cost of living in the United States is in our own country. The leading political economists of the world agree almost without a dissenting voice that the cost of living is increasing more than four and one-half times faster in the United States than Great Britain, owing to our policy of maintaining excessive import duties.

The protectionists of the United States are practically the only protectionists who refuse to concede that the import duty is paid by the consumer and not the foreigner. The leading protectionists of Europe tacitly admit that as a general rule the price of an article is enhanced by about the amount of the tariff.

TARIFF AFFECTS PRICES.

The writer attended a political meeting at Manchester, England, last summer, at which a workman interrupted a protectionist speaker to ask a question.

"If we should change our policy of free trade for one of protection, would not the cost of living be increased?" asked the workman.

"There is no doubt about that," replied the speaker, frankly. "But you must take into consideration the fact that if the manufacturer can charge more for his products, he can and will pay higher wages, and you will not mind the increased prices."

When the German Government introduced its tariff law of 1902, it published with it, as is the custom in Germany, a printed explanation of the reasons for its introduction. This official document, which squarely declares that import duties raise the cost of living, reads, in part, as follows:

"A means whereby the agricultural interests are enabled to cover their cost of production is to be found, under the given circumstances, by creating a factor which will determine the inland selling price through relative protective duties. Inland prices are raised, so far as a consideration of the circumstances of the last ten years will allow us to judge, in proportion to the duties."

In France, Italy, and some other European countries a part of the municipal revenue is raised by duties on goods entering the towns. At the gates of such towns there is an official who collects this tax, and it is found that the difference in prices of articles purchased outside of the towns and within the towns is in nearly every instance exactly the amount of the duty. The same happens in trade between nations.

In Holland there are no import duties on food or raw materials, the sole protective element being a tax of 5 per cent on imported manufactured goods. In Germany there is a high duty on food and an excessive tariff on all the necessaries of life. A household of six persons can buy for $5.04 in Gelderland (one of the eastern Provinces of Holland) the necessaries of life which in Germany, just across the frontier, would cost $6.78. As a result a village of 4,000 inhabitants has grown up at Glanerbrug, near the German frontier. There German manufacturers have built houses for a colony of their workmen, because they can live more cheaply and better across the frontier in the foreign country, where there are practically no import duties.

CONSUMER PAYS THE TAX.

If an import duty does not enhance the price of an article, how do the protectionists account for the fact that the price of wheat in Germany is always equal or greater than the English or free-trade price by the amount of the German import duty on wheat?

After it is explained that the German duty on wheat is $2.84 a quarter (480 pounds), four paragraphs will suffice to convince even protectionists that at least in this instance the import duty is added to the price of the article taxed, and that instead of being paid by the "foreigner" it is paid by the consumer (the figures given were supplied by Mr. George Broomhall, an expert, and printed in the Economist, a journal of prominence in Great Britain):

1. At the beginning of August, 1908, the Berlin workman paid for a quarter of wheat $10.48. At that time the price of wheat per quarter in free-trade England was $7.64. Thus it will be seen that the Berlin consumer paid the free-trade English price and the amount of the tariff.

2. By the middle of October the Berlin consumer was paying $10.56 for his quarter of wheat, which represents $7.48, the average English price of wheat at the time, the German tariff of $2.84 and a shilling extra. This is an instance of how protection puts a fictitious value on an article. While the price of wheat fell in free-trade England, it increased in high-protection Germany.

3. At the end of November the price of wheat in Berlin was $11.04, which means that the Berlin consumer was paying the prevailing English price of $7.72, the tariff of $2.84 and 2 shillings extra. And even this is not all.

4. On March 10, 1909, the Berlin consumer was paying $11.78 for his quarter of wheat. This represented the prevailing English price of $8.36, the $2.84 tariff tax, and a 58-cent steal.

And under the Payne-Aldrich law the American consumer is being bled in the same manner every time he purchases an article on which there is an excessive tariff rate, such as sugar, clothing, blankets, farming implements, and some two thousand other articles too numerous to mention.

WHAT THE FIGURES SHOW.

Joseph Chamberlain, the British protectionist, in a speech at Glasgow, said:

"I propose to put no tax whatever on maize, because maize is a food of the very poorest of the people. I propose to exclude bacon from protection also, because bacon forms the staple food for many of the poorest of the population."

In other words, Mr. Chamberlain admitted that the import duty on maize and bacon would have to be paid by the consumer, and not the "foreigner."

Another question: If our protective system is not the "substantial" explanation of the abnormal increase in the cost of living in the United States, how does it come that British prices, under free trade, increased but 7.7 per cent in ten years, while American prices, under protection, increased 34.3 per cent?

Here is the table which tells its own story, and ought to be considered "Exhibit A" in any congressional or other investigation into the increased cost of living:

Year.	English prices.	United States prices.
1896	100.0	100.0
1897	104.4	104.6
1898	109.6	112.6
1899	105.1	117.2
1900	107.2	124.3
1901	107.6	126.3
1902	109.0	132.8
1903	108.0	127.8
1904	108.7	127.9
1906	107.7	134.3
Increase	7.7	34.3

These figures are calculated from official statistics of the British Board of Trade in the Eleventh Abstract of Labor Statistics, and from figures in the Seventy-first Bulletin of the United States Bureau of Labor.

The year 1896, which was the year preceding the enforcement of the highly protective Dingley tariff, is taken as the standard year, the cost of food in each country being taken as 100. The meaning of the table is that food which cost $1 in Great Britain in 1896 could not be duplicated for less than $1.077 in 1906, and that food for which the American consumer paid $1 in 1896 cost $1.343 in 1906.

A STRIKING COMPARISON.

Coming nearer home, the difference in the cost of living in Detroit and just across the river in Windsor, Canada, supplies us with a striking definition of the real meaning of excessive tariff rates. Prices of foodstuffs, wearing apparel, and rents average from 20 to 25 per cent more in Detroit than in Windsor. And between the two cities there are but 2,561 feet of water—and the Aldrich-Payne tariff bill!

The Detroit man is "protected," and the Windsor man is not.

By not being "protected," the Windsor man pays $15 for a suit of clothes that the Detroit man will find it difficult to duplicate in quality for $25. What the Windsor man is escaping in this instance is the Aldrich-Payne tax of 44 cents a pound on good all-wool clothes, and the additional tax of 60 per cent of the value of the goods.

While reading the following comparative prices, Mr. Reader, keep in mind that Detroit and Windsor are practically one city, that all in the world that separates them is the half mile of water—and the "revision upward" tariff wall:

Commodity.	Price in Windsor.	Price in Detroit.
Butter, best, per pound	$0.28	$0.36
Eggs, per dozen	.34	.42
Beef, cheapest cut, per pound	.06½	.10
Pork, mess, do	.13	.20
Lard, prime, do	.11	.13
Bacon, breakfast, do	.19	.24
Potatoes, per bushel	.70	.65
Cabbage, per head	$0.05–.07	$0.08–.15
Turnips, per bushel	.40	.60
Carrots, do	.50	.60
Rutabagas, do	.35	.40
Beets, do	.25	.60
Parsnips, do	.50	.60
Turkeys, dressed, per pound	.20	.25
Chickens, dressed, do	.11	.15
Milk, per quart	.07	.08–.09
Cheese, per pound	.11½	.16½
Plug tobacco, do	1.00	2.00-3.00

"But," protest the protectionists, "there has been an increase in the United States in the cost of many articles on which there is no tariff. Does not this show that protection is not the cause of the increase in the cost of living?"

Answering this question, Senator MOSES E. CLAPP, of Minnesota, says:

"You will hear it said constantly, with reference to something on which the price has been advanced, 'Oh, that isn't in the tariff at all. That increase has nothing to do with the tariff.' But the fact is that the tariff reaches all along the line. You can't raise the cost of living to a man who is producing something to sell without forcing that man to raise correspondingly the price of what he has to sell."

Mr. MOON of Tennessee. Mr. Chairman, I now yield thirty minutes to the gentleman from Mississippi [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, I shall take this opportunity to voice my protest against the proposition of giving subsidies to American ships. I desire the restoration of our foreign shipping trade as earnestly as any Member of this House, but I do not believe that this end can be accomplished by giving subsidies to the owners of private and individual interests. It is wrong in principle that the general public should be taxed to increase the profits of a special few now engaged in the shipping business. While the bill now pending before this Congress does not of itself contemplate the immediate spending of vast sums of money, yet it can not and it will not be successfully denied that the passage of the bill introduced by the gentleman from the State of Washington [Mr. HUMPHREY], or any other ship-subsidy bill, is but an entering wedge which in the near future will be used as a precedent to extort millions of dollars from the

Treasury of the United States to bolster up the profits of special enterprise.

We are confronted with a deficit, an ever-increasing deficit, and the highest tariff rates the history of the world has seen have not only increased the cost of living to the American people, but are proving wholly inadequate to produce revenue sufficient to meet the expenses of a government whose reckless extravagance causes uneasiness and concern to all thoughtful minds. With such a condition confronting us, is this the time to donate millions of dollars of the people's money to shipping interests because the owners of certain American vessels are not making satisfactory dividends on their capital invested? The merchant at the close of a year's business who fails to make a satisfactory profit is as much entitled to a subsidy as the man who owns a ship and fails to make the profit he expected.

While it is absolutely true that all foreign countries which have recklessly given away public moneys as donations to shipowners to build up their foreign shipping trade have found that their efforts have been worse than useless; while all this is absolutely true, yet, in the limited time at my disposal, I shall not go into that nor attempt to discuss this question in all its phases. I will endeavor to show to this House and to the country that the decline of our foreign merchant marine is due to two causes: First, the laws which forbid Americans to register in the United States ships built in foreign countries; and, second, by reason of a protective tariff.

The Humphrey bill makes a pretense of restoring free shipbuilding. Like many measures which come so frequently from the other side, it makes it possible for the rich to secure some benefit from this bill. These benefits apply only to steel vessels of certain tonnage. A steel vessel of not less than twenty-five hundred tons can be built abroad and registered in the United States, but even that vessel can not be used in domestic or coastwise trade without being forfeited to the Government; so this bill fails altogether to restore free shipping.

But free shipbuilding by itself can not build up our foreign marine trade unless the prohibitive tariff rates are materially reduced. Free shipping would undoubtedly stimulate this trade, for it would permit an American citizen to purchase his ship where he could get it the cheapest and then fly the American flag, which our laws now will not permit. Buying vessels abroad at 20 or 30 per cent less than they can be built here would, of course, place more ships in the American foreign trade.

The policies of the Republican party have killed our foreign shipping trade. Fifty years ago, when you secured control of the Government, our merchant marine was in the zenith of its prosperity. To-day by laws enacted by the Republican party, according to your own admission, it is dead. I shall show that in 1846, when the tariff was reduced, our foreign merchant marine, in both tonnage and business, increased with amazing rapidity. I shall show that when you got in power and began to enact your tariff laws, making all the people pay tribute to give special privileges to a favored few, our merchant marine went down. The pen that records the upward progress of your tariff rates has written the melancholy epitaph of American shipping upon the high seas. [Applause.]

As the tariff rate went down, the volume of our seagoing trade went up. As the tariff rate went up, the volume of our foreign shipping trade went down. When our country enjoyed a minimum tariff rate, it also enjoyed a maximum volume of foreign shipping trade. And to-day, when our land is groaning under a maximum tariff rate, we have a minimum volume of foreign shipping. When you took control American ships were carrying over 65 per cent of the value of our total exports and imports. Now, after forty years of Republican control, American ships are carrying less than 10 per cent of the value of our total exports and imports. [Applause on the Democratic side.] When you toook charge of the Government we had vessels of over two and a half million tons engaged in foreign trade. The tonnage of these vessels to-day is less than 1,000,000 tons. When you took charge of the Government American vessels had carried over $500,000,000 of our foreign commerce in one year. Now these vessels are carrying less than $275,000,000 of this commerce, while, at the same time, our foreign commerce increased over 400 per cent.

Robert J. Walker, probably the greatest authority on tariff legislation our country has produced, in 1845 said:

> American tonnage has not increased in the proportion as British tonnage in the last ten years. Even in the ports of the United States there has been a great increase of foreign vessels in the last few years. It is unprofitable under these circumstances to own vessels, and there is no other way for accounting for the depressed state of the shipping interest than that the tariff, in the first instance, enhances the cost of vessels and then cuts off their employment by prohibitory duties, which diminish imports and cripple commerce, while our greatest rival and competitor proclaims to the shipbuilders: "Take free of duty all that you require for your outfit."

Now note his prophecy: Carrying out the Democratic policy of refusing special privileges to a favored few the tariff was reduced in 1846. The very next year showed an increase of over 100,000 tons in our vessels engaged in foreign trade. In 1848 there was an increase over 1847 of 120,000 tons; in 1849 an increase over the preceding year of 90,000 tons; in 1850 an increase of over 180,000 tons; in 1855 there was an increase in the tonnage of American vessels engaged in foreign trade during the five years from 1850 to 1855 of over 900,000 tons; and in 1861, when you took charge, the vessels in our foreign shipping trade had increased from 943,307 tons in 1846, when we reduced the tariff, to 2,496,894 tons, an increase of tonnage during the fifteen years of tariff reduction of 1,553,587 tons. The first year that you took charge there was a decrease of over 300,000 tons. [Applause on the Democratic side.]

But, of course, some reduction of tonnage must be accounted for by the civil war; but that was only an incident and only temporary. The war did not permanently paralyze other lines of business, the value of exports and imports increasing from $604,412,996 in 1865 to $3,055,115,138 in 1908, an increase since the war of over 400 per cent. During the war of 1812 American foreign shipping declined, but in less than fifteen years we were carrying over 90 per cent of our foreign commerce in American vessels.

In 1870, under Republican administration, the tonnage of our foreign trade had decreased to 1,448,846 tons, a decline of over 1,000,000 tons. In 1880 there was only 1,314,402 tons; in 1890, 928,062 tons. In 1900 our tonnage had decreased to 816,795 tons, and in 1908 the tonnage of registered vessels was only 930,413 tons, a falling off since 1861 of over 1,560,000 tons. [Applause on the Democratic side.]

Let us go back to 1861, when you took charge of the Government. In 1860 the value of the imports and exports carried in American ships amounted to $507,247,756, being 66 per cent of the total imports and exports. In 1861 American ships carried $381,516,788 in value of exports and imports. In 1870 the value of exports and imports carried in American bottoms had declined to $352,969,401. In 1880 the reduction continued, only $258,346,577 in value carried in American ships. In 1890 the value had decreased to $202,451,086, and in 1900 only $195,084,192 worth; and in 1908 there was carried in American vessels values of imports and exports amounting to $272,513,322, being less than 10 per cent of the total imports and exports, and showing a falling off since 1860 of $234,734,434, while foreign vessels carried $2,793,253,186 worth of exports and imports.

Thus you see that as the tariff went up the tonnage of American foreign marine declined. As the tariff rates increased, the values of the imports and exports carried in American ships decreased from over 65 per cent to less than 10 per cent.

There is something else that happened when the tariff was reduced. I want you protective standpatters to bear in mind that the only decade in the history of the Republic when the Nation's wealth increased 100 per cent was from 1850 to 1860, when the tariff had been reduced and the Democracy was in control. [Applause on the Democratic side.]

In 1861 the Republican party secured control of the Government and, with the exception of eight years, have been in control ever since; while a short time afterwards the manufacturing industries secured control of the Republican party and, with no exception, have been in control ever since. [Applause on the Democratic side.] The Republican policy is to grant privileges to special interests, and, by reason of these privileges, the rates of the tariff have been systematically increased until now these rates prohibit many articles from entering this country. These rates have increased from 50 to 100 per cent. This, too, in face of the fact that our domestic manufacturers are successfully competing with foreign manufacturers even in their own markets. Competition in any article on the tariff list is necessarily limited to American dealers and manufacturers, because European and Asiatic manufacturers can not afford to pay this tariff and then compete with American dealers under such conditions. Competition then being restricted to American dealers and manufacturers and vast numbers of articles being prohibited from entering our ports, we find that our exports largely exceed our imports.

In 1908, when the Republican party promised us a revision of the tariff that we never got, our exports exceeded our imports in value $666,431,554. In other words, during that year nearly $700,000,000 worth of cargoes were sent out of the United States more than entered the United States. A large part of these exports consisted of cotton, grain, and other raw materials of great size and bulk; so, for this reason, the cargoes of our exports was probably several times larger in bulk than the cargoes of our imports. It is manifest, then, that there must be great demand for vessels to carry this immense cargo across

the sea. The reason for few American ships in this trade is thus explained: All things being equal, the shipper will naturally favor the vessel carrying the flag of his own country. The owner of a foreign vessel securing a cargo of imports for the United States knows that when he has unloaded his cargo at Boston or New York or New Orleans or any other port in the United States, that he will have no difficulty about securing a return cargo and thus make a reasonable profit on both trips because of the great volume of exports waiting for shipment. But when an American ship unloads its cargo in foreign ports the chance of obtaining a return cargo is much diminished by reason of prohibitory tariff rates which prevent many articles from entering the United States, and it frequently occurs that American ships failing to secure a return cargo come home in ballast and are thus forced to make one cargo stand the expense and profit of two trips.

Again, home industries have been so highly protected by tariff laws and returns upon money invested in tariff-swollen properties are so great and the percentage of gain is so large that American capital, in obedience to natural laws, has been diverted from shipping interests where the profit would be comparatively small, and has sought those channels of commercial activity where favored legislation insures a profit. In shipping upon the high seas competition is open to all.

A Republican Congress of protective standpatters can not by tariff legislation restrain or interfere with the argosies of other lands. You can not syndicate the eternal charters of nature, nor subsidize God's great highways of traffic. The patriotic capitalists who are so loudly clamoring for the Government to aid the shipping business are willing to take no chances themselves. They have put their money in protected industries, where by taxation of all the people they are insured a profit; and they now ask that the Government tax all the people to increase the profits of the shipping business.

The Republican party partly justifies this high tariff on the ground of protection to American labor. The unselfish, generous spirit which prompted these high priests of protection to increase the tariff on axes, hoes, plows, anvils, mowing machines, and the steel parts of other agricultural and mechanical implements must fill the workingman's heart with admiration and love as, wringing the sweat from his face, he pays two prices to the steel trust. [Applause on the Democratic side.] The working man who works ten days for the real value of a suit of clothes would be ungrateful to complain because he is forced to work six more days to pay a tariff to the woolen trust. [Applause on the Democratic side.] The farmer of the South must forever cherish in his heart of hearts the grateful remembrance of the tender solicitude of those who sectionally taxed over 12,000,000 southern farmers to enrich two barons of the cotton-bagging trust. [Applause on the Democratic side.] The great masses of the American people on the farm, at the workshop, in the factories—all who toil and make their bread by the sweat of their brows—would stand accused of ingratitude sharper than a serpent's tooth if their very souls did not melt in grateful recognition of that legislation which has not only raised the price of lumber, so that hundreds of American citizens are forever denied the ownership of their own homes, but has also so increased the cost of living and so raised the price of provisions that thousands of little children are going breakfastless to school and supperless to bed. [Applause on the Democratic side.]

Your generous devotion to American labor is fooling no one but yourselves. And it is equaled only by your patriotic declaration that we must place the flag on every ship if it costs countless millions of the people's money to do so.

I would like to see Old Glory floating at the masthead of every vessel which carries our foreign commerce; but because I am not willing to take millions of dollars of the people's money to place it there, I and those who think with me have been called by these merchant-marine magazines and newspapers and ship-subsidy articles "ignorant asses, unprincipled demagogues, mouthy blatherskites, ignorant boors, contemptible agitators, and paid emissaries of foreign influences." These commercial patriots, sailing under patriotic titles, denouncing honest men for refusing to give the people's money to a few shipowners, are very anxious to fly the American flag—but they must be well paid for doing so. Their patriotism is measured by dollars and cents.

You on the other side of this Chamber boast that by your tariff laws we are now paying the highest wages in the world. You tell us that cheap foreign labor has driven Americans from the sea, and therefore, by subsidies, you want those men whom you say are well paid, contented, and happy, to relinquish their jobs at home and go upon the sea and compete with the cheap labor of the world. If an American workingman is making $50 per month in the factory or the workshop, the $50 that he makes is added to the wealth of the Nation. If he takes the place of a man whose toil is worth but $20 per month, $30 every month he fills the $20 man's place is taken away from the wealth of the country.

American labor is not seeking employment upon the sea, and there is no good reason why it should. Our resources at home are by no means exhausted. There is plenty of room for Americans in America. The American working man will not go upon the sea; he does not want to go roaming all over the face of creation ill-fed, ill-lodged, and working for half wages. He wants to be at home where his toil can be added to the Nation's wealth. He wants to be at home where he can mingle with his friends, enjoy the companionship of his wife, and watch over his children, so that they may grow up into useful, God-fearing citizens. He has made his choice; he wants to stay at home, and he should be congratulated on the wisdom of his selection. Why should we pay subsidies to induce Americans to go upon the sea when the seafaring men of other countries are eager to work for the reduced wage?

The wages of American labor are higher than the wages of the labor of other countries; yet, by reason of tariff legislation, $1 in Europe will often buy as much as $2 over here. Also, our labor is the most efficient in the world. The skill of our workmen surpasses that of any other labor. The man of skill, the efficient man, at twice the wage, may often do three times the work of the man not fitted by lack of skill for such employment. Yet you wish our skilled labor to leave the factory and the workshop at home and go into the business of loading and unloading vessels in competition with the coolies of China and the cheap pauper labor of the world. The true friend of our workingmen does not wish to force them upon the sea, but looks forward to a policy where the fruits of their toil may be carried to the markets of the world at the lowest possible rate, so that the profits on cheap transportation may be put into making more machinery, enlarging plants, building new factories, and in countless other ways creating new and additional employment for our labor.

Wages upon the sea which an American would scorn are eagerly sought for by the seamen of the overcrowded countries of Europe and the Orient. Shall we tax our people to put them out of business when our people do not want to do this work themselves; and will not do this work unless you pay them much more than now satisfies this cheap labor? Is such policy dictated either by humanity or common sense? We are the great export country of the world. Therefore, let us carry our goods to our markets as cheaply as we can. If, according to your theory, by subsidies we raise wages and take employment from those who buy from us, we will, of course, have fewer markets in which to sell. When we take employment from the pauper labor of other countries, this labor will come in swarms to our own. And the very ships which are asking us to enrich them by these subsidies may have labor agents all over Southern Europe and Russia inducing thousands of the illiterate, the anarchistic, the pauper labor of those countries to come in swarms to the United States to swell the dividends of the owners of these subsidized vessels, not alone by their passage money but also for the purpose of placing them in the manufacturing industries of the United States in direct competition with American labor. [Applause on the Democratic side.] While the tariff-swollen manufacturing industries clamor so loudly for the protection of American labor, yet if these same industries can secure this pauper labor at a wage lower than our people can work for and live, their boasted love for the American working man, like Bob Acre's courage, will ooze from their finger tips, and American labor must either come down to the reduced wage or else seek other employment. [Applause on the Democratic side.]

If anyone doubts this assertion, I will refer him to conditions in the States of Rhode Island and Pennsylvania, the most highly protected States in this Union, where I am reliably informed that in the cities of Providence and Pittsburg a large per cent of the labor of the manufacturing industries are foreigners, many of whom can neither read nor write nor speak the English language.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MOON of Tennessee. I yield five minutes more to the gentleman from Mississippi.

Mr. COLLIER. While the prohibitive tariff has done more to increase the cost of living than all other causes combined, yet you tell us that the reason for the increased cost of the necessaries of life is due to the fact that so many people are leaving the farms and going into other business. The population of the country is increasing; the consumers of food products are increasing, while, on the other hand, the producers of

these products are decreasing and going into other vocations of life. If this be true, if the farms are being abandoned, if labor is scarce in the fields of productiveness, why—by subsidies, according to your theory—why increase wages so that others will be induced to leave these same fields of productiveness and add themselves to the great mass of consumers, and by so doing still further decrease the productive wealth of the Republic?

Mr. CLARK of Florida. Will the gentleman yield for a statement?

Mr. COLLIER. I will yield to the gentleman.

Mr. CLARK of Florida. I want to state for the gentleman's information that the president of the Seamen's Union of America testified before the Committee on Merchant Marine and Fisheries to-day that there was absolutely no difference between the wages paid seamen on American vessels and those paid seamen on foreign vessels.

Mr. COLLIER. I am obliged to the gentleman. Such has been my information. I do not care how much you subsidize these vessels, I do not believe that the American seamen will get any more wages. [Applause.]

The reduction of the tariff will restore our merchant marine, but the party of protection will never agree to this. Rather than yield the tremendous profits they now enjoy by tariff legislation, these protected industries, so loudly clamoring for a ship subsidy, would see our merchant marine at the bottom of the sea. Rather than surrender one tithe of the enormous sums wrung every year from the pockets of the great masses of the American consumers, these commercial patriots would furl Old Glory forever and continue to sail on, under the piratical flag of protection.

> For you may as well go stand upon the beach
> And bid the main flood bate its usual height;
> You may as well use question with the wolf,
> Why he hath made the ewe bleat for the lamb.
> You may as well forbid the mountain pines
> To wag their high tops and make no noise
> When they are fretten with the gusts of heaven,
> You may as well do anything most hard

than which what is harder—make a Republican see through the smoke of tariff-swollen industries and over the ramparts of protection, the struggling, toiling millions of the American people, who, with despairing faces and outstretched hands, are vainly looking for relief from the party in power to-day. [Loud applause.]

Mr. FLOOD of Virginia. Mr. Chairman, there can be no effective road improvement in many States of this Union without the aid of the General Government. There is nothing, moreover, that is so much needed to the development of these States and to the prosperity and happiness of their people as a good system of public roads. This is admitted on all hands, as it is also well recognized that there will have to be a cooperation of county, State, and Nation before the roads in our more sparsely settled States can be so built as to be of essential service to the people of those States.

These facts being admitted, it seems strange that it is so hard to arouse Congress to the necessity of taking some action toward helping the States and people to construct a comprehensive system of roads. I have heard but two objections urged. The first is the size of the appropriation it will require, and the second is that it infringes upon the rights of the individual States.

I desire in this connection to have read a bill which I have introduced providing for an appropriation for this purpose and against which neither of the objections above referred to can be applied:

A bill (H. R. 5159) to distribute the surplus in the Treasury of the United States to the several States, Territories, and the District of Columbia for the sole purpose of improving the roads therein.

Be it enacted, etc., That it shall be the duty of the Secretary of the Treasury at the end of each fiscal year to take an account of all the funds in the Treasury of the United States, and after deducting from said sum the amounts required by law to be kept in said Treasury the remainder, if any, shall be declared a surplus.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to immediately provide for the distribution of said surplus, not exceeding $25,000,000 annually during the continuance of this law, on a per capita basis to the States, Territories, and the District of Columbia, to be computed from the last general census taken by the national authorities, and shall prorate the same accordingly for the sole purpose of improving the postal roads in said States, Territories, and District of Columbia, under such rules and regulations as the States, Territories, and District of Columbia may provide, and said Secretary shall immediately notify the governors of said States and Territories and the Commissioners of the District of Columbia the amounts due each, and that the same will be paid over to such person or persons as may be duly authorized by said States, Territories, and the District of Columbia to receive and receipt for the same.

SEC. 3. That it shall be the duty of the governors of the several States and Territories and the Commissioners of the District of Columbia to make a full and complete report to the Secretary of the Treasury on the 15th day of November of each year what legislation, rules, and regulations have been adopted for the expenditure of said funds upon the postal roads, the manner in which the same has been spent, and the results accomplished. And it shall be the duty of the said Secretary to submit said reports to Congress on the first day of each regular session.

This bill provides for an appropriation of $25,000,000 a year. Surely to a legislative body which is appropriating a billion dollars a year an appropriation of the size carried by this bill could not be thought to be extravagant when it goes to the accomplishment of improvements which will benefit directly and indirectly nine-tenths of the people of the American Republic.

Nor is this bill subject to the objection that it is conferring upon the National Government duties and functions which should be performed by the state governments. It provides simply that the National Government shall aid the States, Territories, and District of Columbia in doing a work of great public interest which the revenues of the States and Territories do not enable them to do properly. The National Government will have no discretion as to the method of expending this appropriation, except to see that it is not diverted or wasted. This bill provides that the appropriation shall be distributed among the States according to population, to be paid over to such persons as may be authorized by said States, and expended under the rules, laws, and regulations of those States and by the officers of those States. Surely the most punctilious States' rights man could not object to a measure of this character.

Under this bill Virginia would get, approximately, $608,546, and every other State, Territory, and the District of Columbia would get the part its population bears to the whole population of the country by the census of 1900.

Under this bill the counties in my congressional district would get the following sums:

Alleghany	$5,357
Amherst	5,836
Appomattox	3,147
Augusta	12,985
Bath	1,904
Botetourt	5,609
Buckingham	4,985
Craig	1,377
Cumberland	2,952
Fluvanna	2,952
Highland	1,835
Nelson	5,248
Rockbridge	7,905

A decided impetus has been given in the State of Virginia in the past year or two to the improvement of her public roads. The State and counties combined will spend during the coming year nearly a million dollars. This bill will add $608,546 to this amount, without any effect upon the revenues of the National Government and without any effect upon the Government itself, except to make Congress a little more economical in the expenditure of the public revenues in other directions.

Furthermore, the provisions of this bill are such as to exempt it, as I have shown, from the imputation of centralization by leaving the disbursement of the appropriation to the discretion of the States and Territories. And it also guards against malfeasance and extravagance by requiring that the annual expenditures shall be submitted to the rigid scrutiny of Congress.

With the aid of the Federal Government, and the amounts that are now being spent by state and local governments, good roads can be secured in a few years. I desire here to incorporate in my remarks the address of Mr. W. R. Golt, president of the Oklahoma Good Roads Association, which is one of the best addresses on this subject I have ever read, and demonstrates that with aid coming from the three sources I have indicated, a good system of public highways is within the reach of the people of this country:

ROAD CONSTRUCTION AND DRAINAGE.[a]

To undertake to locate, drain, and construct a railroad, to build a bridge, or a building without plans, would be disastrous, financially and otherwise, and subject one to just criticism, which applies with equal emphasis to road location, drainage, and construction.

Skilled location of a road accurately determines route, drainage, and grades, and skilled supervision and construction intelligently and economically executes the plans of the engineer, and conserves the moneys, resulting in enduring, permanent work at minimum cost.

The use of any material for bridges, culverts, or surfacing of a road that will not resist the elements, and sustain the wear of travel, is reprehensible indeed; such makeshifts should not be countenanced or permitted if permanent construction be intended or desired.

Build for all time, and 'tis cheap at any cost; and where the moneys are derived from the voting of bonds, posterity has every right to expect that there will be something left for them that will at least endure until the bonds mature; but temporary construction and makeshifts, without adequate plans and estimates, will be forever calling for continuous expenditure for maintenance, and prove, as has been demonstrated in the past, "an expensive luxury to the taxpayer."

Education is the one great factor that makes the engineer a necessity in road location and construction. His training for the purpose qualifies him to obtain results; whereas one uneducated and untrained usually leaves us "in the mud."

[a] Paper read at the Tenth National Goods Roads Convention, Topeka, Kans., December 14 and 15, 1909.

A mixture of soil or dirt and water produces mud, the depth of consistency being determined by the quantity of water present. It is simply a question of cause and effect; remove and prevent the water from obtaining access to the soils, and subsequent evaporation and absorption will leave only dry soils or dirt remaining after a mud hole is drained. Such a simple remedy for the treatment of a mud hole surely can be applied by any ordinary mortal, though he be not educated or skilled in the work. Where is the mortal who is willing to admit he does not know enough to "run water downhill?" Strange as it may seem, there do be mortals who venture where "engineers" fear to tread, who do attempt to run water uphill—a most extravagant and expensive undertaking, never accomplished by the wisest road overseer who ever built a mud hole—and there do be many.

In the location of a road or highway, a survey of the route will locate the road so as to obtain the shortest distance between the two points to be connected. Do not deviate from a straight line between these two points, except where first cost would be greatly reduced by locating on a more circuitous route, either to avoid heavy cuts through hills or high embankments across valleys, or in case property through which the road would pass would be excessively damaged. The less mileage there is to maintain the less the cost of maintenance. The shorter the distance the less time it requires to cover the road between the two points. All of our railroads built in the years gone by are now making cut-offs to shorten distance, and are reducing grades by cutting through the hills and filling across the valleys to obtain approximate levels and enable them to draw the maximum tonnage with the minimum expenditure of power—an economical feature which also applies to wagon roads and could be profitably utilized in their location and construction. Locate the roads as direct as is practical and possible, and to reach points off and away from the direct line or route locate lateral or branch roads. Under no circumstances, when easy grades obtain, should the highway or thoroughfare deviate from a direct course from the point of departure to the objective point. The direct line or location that enables the engineer to eliminate grades and obtain required drainage is the most economical, even though first cost is greater, for the reason that it will require less power to move the tonnage that must pass over the roadway and less time to cover the decreased or shortened distance. The old adage, "time is money," aptly obtains when a circuitous, undrained, muddy road with steep grades is encountered, though the locator evidently was not cognizant of the fact.

After location is determined, grades and drainage follow, and both should receive careful attention and consideration at the hands of the engineer. First, the grade line must be established, to reduce the hills, and fill the valleys, and bring the roadway to a maximum uniform slope or grade, of easy ascent and descent; not too steep, so as to permit heavy loads to be hauled without overtaxing the team, and where long ascents obtain, rests or level sections should be introduced in the grade line at proper intervals, to enable the teams to obtain a breathing place and take the loads off the collars. This will materially increase the tonnage that can be drawn, and be a factor in determining the value of the road commercially, as the steep sections of the road limit the tonnage though the major portion of the road may be practically level. Hence the economy of keeping down steep grades by cutting the hills as far as practical, even at a greater initial cost. After locating route and establishing grade lines, the material necessary for construction of embankment should be borrowed in such manner as to leave perfect drainage in both ditches, and to permit free run-off of the storm water; for perfect drainage and proper diverting of storm waters are the basic principles in the construction and maintenance of good roads.

The question of proper and perfect drainage is an essential feature, and is the principal factor in determining the cost of road maintenance. Avoid concentration of storm water, and do not attempt to carry it long distances in the upper ditch to save the cost of an additional culvert. Dispose of it at the first opportunity, and it will cease to add to the problems that confront us in road construction. When an embankment across a waterway imposes as a dam, and obstructs the free run-off of the storm water, provide a culvert under and across the roadway of adequate size to accommodate the storm water from each drainage area centering at each waterway, thus effectually draining the subbase of the embankment so as to give it a dry footing. Keep the subbase drained and dry and it will reduce the cost of maintenance to a minimum. The one enemy of good roads that must be continually combated is water. Unmolested, it will undermine and wash away the most expensive and carefully constructed roadway, and if permitted to stand in ditches on the upper side of the roadway it will seep through the subbase and destroy the embankment. Thorough and perfect drainage secures a dry, permanent subbase, without which a good road can not be maintained with any reasonable cost. Build from the subbase up. Expensive surfacing of roads with macadam, asphalt, oil, or any other approved material, can not stand under travel without a dry, well-drained subbase, which is the foundation of all permanent road construction, and must obtain.

Storm water conducted long distances in a ditch is constantly augmented by run-off from intersected water courses, and is ultimately concentrated and becomes difficult to handle; whereas if disposed of at frequent intervals, when the volume is limited, and conducted under and across the roadway into the lower ditch or spillway by small, permanent culverts constructed of vitrified culvert pipe, stone masonry, or cement concrete, the concentration of the storm water does not result, and its disposal is easily and economically accomplished and the subbase kept drained and dry. Assist the storm water in following its natural course from each drainage area. Simulate natural conditions, and provide an adequate culvert of sufficient port or capacity to accommodate the storm water that concentrates at each identical waterway obstructed by the embankment. The drainage should then be perfect, provided the lower ditch or spillway is constructed to accommodate the run-off. Fall is the factor that determines the velocity of the water and the carrying capacity of a flow line. Without fall there would not be any run-off to the storm water. Water is acted upon by the same general law that governs solids, and falls precisely as fast. Release a drop of water at a given point, permitting it to fall in space, and at the expiration of one-fourth of a second it will have reached approximately 1 foot from the initial point of release; whereas at the expiration of one-half second it will have reached 4 feet from the initial point of release, falling only 1 foot in the first quarter of a second, and with constantly increasing velocity, is finally falling with a velocity of 3 feet in a quarter of a second, virtually moving through three times the space in the last interval of time, which accelerated velocity is due to gravity. This establishes the axiom: "Fall is the factor that handles water." Conserve it, and utilize it, and you will find it a valuable assistant, as it will decrease the cost of culverts and drainage. Increasing the area of the cross section of a culvert is only obtained at an additional cost, and is neither advantageous or economical. Carefully compiled tables can be obtained from various sources giving the exact capacity in gallons per minute of any size culvert pipe on stated fall per hundred feet. A study of these tables will convince the most skeptical that the capacity of a culvert is determined by the velocity or momentum of the water, rather than by the area of the cross section.

The velocity of water flowing on a fall of 36 inches to the hundred feet is approximately 22 miles per hour, while the velocity of water flowing on a fall of 1 inch to the hundred feet is only approximately 4 miles per hour.

In the construction of culverts, vitrified culvert pipe will prove to be the most convenient, durable, and economical whenever it can be used to accommodate the volume of storm water or run-off. Purged by the fires of the kilns of all that is volatile, and fused together by the intense heat to which it is subject, it is the density of glass, and has all the strength of steel, resisting the action of the elements, and enduring until the end of time. In the construction of culverts where one line of vitrified culvert pipe will not accommodate the run-off, two or more lines can be laid, so as to secure enough port of capacity to care for the storm water originating on the watershed. Care should be taken to utilize all the available fall, that the velocity may be secured to assist in handling the run-off. When the ground is level and the fall is slight, only a shallow ditch should be excavated on the upper side of the roadway or embankment, excavating the majority of the grading material from the lower ditch, which construction will increase or converse the existing fall, elevating the upper end of the culvert so as to obtain the greatest fall across the roadway. When two or more lines of pipe are required to secure enough capacity to accommodate the run-off, the best results are obtained by separating the lines of pipe when placed in the embankment, allowing a space of 4 or 5 feet between them, which will prevent them from being obstructed by floating debris. When the embankment will not permit the use of a large-size pipe, because sufficient cover can not be secured to protect it from travel, the same capacity can always be obtained with two or more pipes of equal area if the same fall be maintained through the embankment from upper to lower ditch.

Example: If only 12 inches of cover could be secured when using a 24-inch vitrified culvert pipe, a cover of 18 inches can be obtained by using two 18-inch pipes, as there is 6 inches less diameter. The area of a 24-inch pipe is 452 square inches, whereas the area of an 18-inch pipe is 254 square inches. The capacity of the two 18-inch pipes on any stated fall is approximately the same as the capacity of one 24-inch pipe on the identical fall. If the road builder desires to increase the run-off or capacity of the culvert, and can secure adequate cover, he can obtain 6 inches more fall or gradient across the roadway by the use of two 18-inch pipes rather than one 24-inch pipe, for the reason that the upper end of the 18-inch pipe can be elevated 6 inches above the flow line of the 24-inch pipe, and still secure the same cover. This will materially increase the velocity and consequent run-off and decrease the cost of handling the storm water. Do not forget that fall has a value, if utilized, that can be computed in dollars and cents; remember that increasing the velocity increases the capacity, and thereby decreases the size of the pipe required to handle a stated quantity of run-off or storm water.

Example: A 24-inch pipe on a fall of 1 inch to the 100 feet has a carrying capacity of 2,396 gallons per minute. Increase the fall to 36 inches to the 100 feet, and it will have a carrying capacity of 14,466 gallons per minute, which is over six times the capacity it had on 1 inch of fall. Under these conditions, if the fall can be obtained, the road builder could use one pipe in lieu of six at one-sixth the expense, which is evidence that fall has a money value, and is an economic factor in road construction. Nature bestows it lavishly at times, and again almost withholds it. If you will conserve and utilize it you will not find it so expensive to handle the storm water. We refer to vitrified culvert pipe particularly, for the reason that an established gradient can always be maintained and a fixed velocity secured whereby the capacity can always be accurately determined. When any other approved material is used in culvert construction, it is still imperative that fall receive due consideration to economically handle the run-off or storm water.

Substantial abutments of brick or stone masonry, or cement concrete, should be constructed at each end of the culvert when either vitrified pipe or other approved material is used for culvert construction.

On level bottom lands no excavation should be permitted to form a ditch on the upper side of the grade on embankment, as it will only provide a place for water to accumulate and stand, constantly seeping into and through the subbase. The better construction on such lands is to borrow all the material for the embankment from the lower ditch and wherever water is concentrated in depressions on the upper side of the embankment, provide and construct a culvert to secure a run-off into the lower ditch. If the embankment is high enough to insure a dry surface court of 18 inches to 24 inches and the run-off of the lower ditch secures sufficient drainage to keep it dry, a good road can be easily maintained.

In the construction of all grades longitudinal or lengthwise drainage must be maintained, so as to permit of run-off from the numerous ruts that occur at some seasons on steep grades or hillsides. "Thank-you-marms" or V-shaped obstructions should be constructed across the roadway at frequent intervals with the apex uphill to divert the water from the ruts to the ditches. On steep ascents no water should be permitted to pass over the embankment. The roadway should slope toward the hill and shed the water into the upper ditch, from which it should be permitted free exit through culverts under and through the embankment, to secure free run-off and prevent concentration and consequent erosion or washing out of upper ditch. This is usually secured by an obstruction in the form of a dam across the ditch immediately below the run-off culvert.

The embankment or grade should be constructed to secure free run-off of storm water and should consist of a berm on either side of the roadway proper to support and sustain the spread of the roadway under travel.

Subdrainage should be appealed to where it becomes necessary to intercept a seep, or drain the subbase, by lowering the water levels. Common porous drain tile is used exclusively for this purpose by engineers; the tile being laid in such manner as to drain into the lower ditch, where the end should be protected by an abutment.

Absolutely level gradients should never obtain in the construction of embankment on approximately level ground, but slight grades should be secured longitudinally to accelerate and secure run-off from the ruts produced by travel. This can always be accomplished by raising the grade of the embankment gradually from each side when a culvert is constructed, so that the culvert will be at the apex or summit of the grades.

This will prevent any holes and insure drainage of the surface of the roadway. Subsoils should be used in the construction of embankment and when complete the slopes and surface should receive a cover of the surface soils to encourage the growth of grass and prevent erosion of the surface by rut or the run-off of the storm water.

Light wash soil on dirt that is deposited in the draws or depression should never be used to construct an embankment. The usual method of construction of embankments by throwing all the grass, sod, and humus to the center of the roadway, where it becomes a storage for all the moisture it will retain, should be discountenanced.

The relation of drainage to good road construction is so important that every little detail must be provided for to insure the stability and permanency of the construction of good roads. The skill of the most expert engineer is often taxed, and various experiments must be made before success is achieved and the work secured from damage or injury for want of proper drainage. Therefore the employment of the unskilled, uneducated, and inexperienced should be discountenanced, and those placed in charge who are educated for the work.

Drainage is all there is to road building. This accomplished, and you have a good, dry road. What more could you ask for? Macadam! Eh? This is only a question of what your pocketbooks will stand for, but without drainage, macadam would be an extravagant waste of money, and ineffectual.

On the road to the creaking water mill,
Halting, the mud-burdened horses stand still;
In torrents and gusts pours the pitiless rain
On the roadway the builder neglected to drain.
The driver said: "If I had a boat,
I could cross this flood,
But a wagon won't float."

Some question has been raised as to the constitutionality of the Federal Government aiding in the construction of our highways. I think undoubtedly the power of the Government to make appropriations for this purpose is ample and can be defended.

The power is expressly given to Congress by the Constitution "to provide for the general welfare," and the general welfare of this country demands at this time nothing so imperatively as it does a good system of public roads—a thing which we can never have without the aid of the Federal Government.

The exercise of this power to aid in the building of public highways is more than one hundred years old. As far back as Jefferson's first administration Congress made provision for a national road from Georgia to New Orleans, which was completed during Jefferson's last term, and of which there is a map in the Library of Congress.

In 1816 Henry Clay made a speech in advocacy of the construction by the General Government of an extensive system of turnpikes and canals. He was ably seconded by John C. Calhoun.

At the next session of Congress, in 1817, Calhoun took the lead in advocating a bill to set apart and pledge the bonus of the national bank and the shares of the United States as a permanent fund for constructing roads and canals and improving the navigation of water courses.

In 1818 Clay made another speech on the subject of internal improvement, in which, after an elaborate argument upon the constitutionality of the subject, he discusses the great benefit of canals and turnpikes to the country. His remarks would apply to turnpikes at the present time. He said:

I think it very possible that the capitalist who should invest his money in one of these objects might not be reimbursed 3 per cent annually upon it, and yet society in various forms might actually reap 15 or 20 per cent.

And again he said:

Of all the modes in which a government can spend its surplus revenue none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land, itself diffusing comfort and activity and animation on all sides.

Mr. Clay was an untiring and strenuous advocate of the Cumberland road—the great national pike to extend from Cumberland, Md., to St. Louis. The bill for the first section of this road passed Congress March 29, 1806, which authorized the President [Mr. Jefferson] to appoint three commissioners to lay out the road from Cumberland to the Ohio River. This road had many ups and downs during successive administrations, but by the time railroads began to loom up it had been completed to Vandalia, Ill., at an expense to the Government of nearly $7,000,000, a sum which meant then many times to the Government what that amount would mean now.

In the Eighteenth Congress Thomas H. Benton fathered the bill to lay out a road from the border of Missouri to the boundary line of the United States, and thence, with the consent of Mexico, to the frontier of New Mexico. In his Thirty Years in the Senate he attributed the waning interest in the subject to the application of steam to boats and railway trains. He uses the following language:

The progress of events has withdrawn the whole subject—the subject of a system of national internal improvements once so formidable and engrossing the public mind—from the halls of Congress and discussion of the people. Steamboats and steam cars have superseded turnpikes and canals.

Even the great works accomplished by Congress at vast cost, after long and bitter debates, and deemed national at the time, have lost their character and sunk into the class of common roads. The Cumberland road, which cost $6,700,000, was a prominent subject in Congress for thirty-four years, from 1802, when it was conceived, to 1836, when it was abandoned to the States. This road, once so absorbing the public money and public attention, has degenerated into a public highway and is entirely superseded by the parallel railway.

There is no real distinction between a turnpike and a railroad in their claims for help from the General Government. But the railroads have been aided to the extent of millions and millions of dollars in land and money by the National Government, while the proposition to secure aid for the highways of the country meets with no favor beyond a respectful hearing.

There is no real distinction, so far as the public good and welfare is concerned, between the aiding of public roads and the aiding of waterways, and yet our waterways and harbors have been aided to so colossal an extent as to dwarf and finally eclipse our equally valuable highways.

The importance of good roads is so apparent it will not be questioned by one and need not be discussed.

We are approaching this year hundreds of millions for rivers and harbors, for our naval establishment, and for the army.

The building of a comprehensive system of good roads is of more importance to the people of this country than any one or all of these purposes.

The necessity for better roads in many parts of this country is the greatest need of the hour. The States and counties can not build them. The right kind of roads can only be built, and will only be built, when the National Government lends a helping hand. If we are ever to have a system of roads in this country to compare with those of the other enlightened nations of the world, it must be done by the aid of the Federal Government. If the agricultural communities of this country are ever to be thoroughly developed and made desirable as places of abode during all seasons of the year, it can only be done when the Federal Government has determined to aid in the construction of proper highways and turnpikes.

The cost of transportation is the vital question in all modern commerce. With the world's markets in which to dispose of our products, our success and prosperity is largely dependent on costs of carrying our products to these markets. * * * The cost of carrying a ton 100 miles in England is $2.35; in Germany $2.25; in France $2; in the United States 72 cents, the cheapest freight rates in the civilized world, and we have very properly regulated them. On the other hand, the cost of moving our products from the farms to the railroad stations is from two to four times as much as it is in France or Germany. This part of the cost of transportation to the markets of the world is just as vital to our success and the development of our foreign trade as is the railroad freight.

A circular of the Agricultural Department states that, on an average, it costs 25 cents per ton per mile for hauling farm products over common earth roads.

All the progressive nations of Europe are giving national aid to their highways, while our Government is following the example of the South American nations, thereby imposing a burden of millions of dollars annually upon our producers; and a glance at the condition of the South American countries ought to convince us of the error of our ways. That land, so prodigal in its resources, is still more affluent in the number and availability of its waterways, and yet Brazil, Argentina, and Peru have burdened themselves with railroads, which have weighted them down, while their domestic commerce is largely transported upon the pack saddle.

What a different picture has been presented by the countries of Europe. A splendid system of roads has been inaugurated by those countries. The great Napoleon, following the example set by the Roman Empire, built an extensive system of roads throughout France, and now not less than $7,000,000 each year is expended by the French Government in keeping up these roads and making new roads. This work employs 35,000 people, and they now have 350,000 miles of well-paved roads.

The central Government of England began to improve the roads in that country in 1835, and now $15,000,000 is being expended yearly upon their roads. Macaulay, in writing of the condition of the public roads in England prior to 1835, gives a description of them that is applicable to our roads seventy-five years later. He says:

The fruits of the earth were sometimes suffered to rot in one place, while a few miles distant the supply fell short of the demand. One general cause of the badness of the roads was the defective state of the law. Every parish was bound to repair the roads which passed through it, and thus a sparse and impoverished parish was often compelled to maintain highways between rich and populous towns.

The farming element of the country constitutes about 35 per cent of its population, and it is not fair or equitable to expect it unaided to build and maintain the public highways of the country. It creates the wealth of the Nation, which largely finds its way into the pockets of other people, and yet has been required unaided to maintain the highways of the Nation. It has produced an amount of wealth within the past

ten years equal to one-half of the entire national wealth, and, though but little more than one-third of the population, it has contributed more than two-thirds of the amount needed to support the Government, and yet its just demands for aid in building a good system of thoroughfares go unheeded.

Let the farmer withhold his hand from the plow for two seasons and the grass will grow in your thoroughfares, barnacles and bilge water will rot your ships as they lie idle at your docks, cobwebs will festoon your countinghouses, owls and bats will usurp your warehouses, your children will clamor to you for bread, and we will gather in this Chamber with pallor in our faces.

Who, sir, are the most trustworthy guardians of the Republic? Why, sir, those whose activities cluster around the home, whose virtues are those of the family, and whose patriotism springs from and is fostered by the roof tree. Such men are not blown about by every wind of doctrine, but are the ultimate and supreme hope for the conservation of our institutions.

It is but just that a class of our population which furnished so much of the greatness of the Nation and to the support of the Government, and hitherto has gotten so little from the National Government, should receive all the aid that can be given to it constitutionally.

While the country has advanced in area, in population, and in wealth, and along all lines of science, trade, and industry, no advancement has been made in the condition of our roads in many sections of the country during the past one hundred years.

The statement of the average cost of transportation from the farm to the railroad station, to which I referred a few minutes ago, demonstrates what an immense financial advantage a good system of roads would be to the farmers of this country. And of vital and pressing moment to the national welfare is the fact that a good system of roads would check the tendency of the people to leave the farm and go to the city. This drift has taken from the farm much of the bone and sinew essential to a successful carrying on of our agriculture. It is producing an unhealthy congestion in large centers of population. The problem of getting young men to go back to the country from the cities and those already there to remain in the country is growing graver every day. The State and Nation alike have been wisely contributing to the advantages of the country as a place of residence. A more extensive system of schools is being inaugurated each year. I know this to be true in my own State, and I believe it is true of every other State in the Union. Circulating libraries are doing much to add to the comfort of country life, and the rural free delivery of mails makes a great and permanent inducement to such a life. How these advantages would be enhanced by a system of good roads every intelligent man can see. Every mile of turnpike would secure to the farmers on both sides what political economists call the "unearned increment," just as the proximity to the railroad or the church or the schoolhouse does, and with the main permanent thoroughfares in good condition more time and heart would be given to the farmer to improve the plantation road.

The wear and tear of his team, which is his capital, would be greatly lessened. The increase in value of his land would be greatly increased. The development of a neighborhood with such thoroughfares would proceed in geometrical ratio.

With the agricultural interests of the land upon a satisfactory basis we have the real breakwater to financial disaster, for all real value is in the land. With the earth yielding her increase, the fluctuations upon the stock market are of no vital moment. The exploitation of railroads, the watering of stock, the artificial showings, the manipulation and even wreckage of railroads are not disasters save to the gamblers, for the railroads never cease to haul the produce to the markets.

Our great cities are augmenting their population in an accelerated ratio. Some day without warning they may tell a tale of disaster, and then there will be no escape or refuge save in the immunity, the stability, and the conservation of the country.

Let the General Government foster this great enterprise, not only at the behest of justice, but of wisdom, for whatever confirms and strengthens the agricultural interests performs the same for every other interest. Upon the strength and security of the farmer rests the integrity and security of the Nation.

Mr. WATKINS. Mr. Chairman, as we are in the Committee of the Whole House on the state of the Union, having under consideration the Post-Office appropriation bill, I will endeavor, so far as possible, to confine my remarks to the features bearing upon the questions at issue; but regret that the limit on my time will not permit of my dealing at length upon the many questions of momentous importance to the people which are incorporated in the bill. I am glad to know that our efforts to prevent the increase of postage on second-class mail matter have succeeded, as I looked upon the measure as an attempt to put a tax on knowledge, and as an embargo upon the dissemination of intelligence, and if an effort is made to so amend this bill as to increase the postage on newspapers and periodicals, I wish now to enter my most vigorous protest.

RURAL FREE-DELIVERY ROUTES.

While a small amount is carried in this bill for the purpose of extending rural free-delivery routes, it is nothing like adequate to supply the demands of the people. Under the pretext of economizing, it is not right to begin on those measures which are so vital to the welfare of the great mass of the people. I recognize the fact that in many sections of the country the people are supplied with adequate mail facilities and that there are vast areas of country where adequate Rural Free Delivery Service prevails. In other sections the service is entirely inadequate to supply the wants of the people.

For four years I have worked to have this service extended in the congressional district which I have the honor to represent, and I have no complaint to make against the department officials for not granting the requests which have been made for the further extension of these routes, for their official report shows that the funds for the purpose were not available, and their good faith has been shown by the fact that favorable reports have been sent in in favor of the establishment of a number of these routes in the Fourth Congressional District of Louisiana, which could not be established for the want of funds.

GOOD ROADS.

One of the obstacles in the way of the establishment of rural free-delivery routes is bad roads, and in Louisiana, until recently, there had been no concentrated effort to establish good roads throughout the State; but recently a movement has been inaugurated by the governor to construct good roads, and the state convicts furnished for the purpose of building good roads, and an active interest is being taken throughout the entire State in the construction of good roads, and to-day the roads are in such shape as to justify the establishment of many new routes. Good roads are conducive to the welfare and the happiness of the people, and I have never missed an opportunity to work and speak in favor of them. The desire for the establishment of rural free-delivery routes arouses an interest in good roads. When these routes are established, the reports of the Weather Bureau can be sent over them and the people can be kept advised daily as to the condition and changes in the weather. They keep in touch with the outside world and do not have to go to the expense and lose the time required to leave their work and go for miles to the post-office.

PARCELS POST.

It has been recommended by the Postmaster-General that a system of parcels post be established over the rural free-delivery routes. He suggested that the parcels be delivered to the carrier at the initial point, or at any intermediate point on the rural free-delivery route, and be carried at a greatly reduced rate of postage. This plan will not only overcome the objection which some of the local merchants have had to the rural routes, but will greatly benefit both the merchant and the farmer, and at the same time put the rural routes on a paying basis.

My time being limited to fifteen minutes, I can not state the many other advantages of the rural free-delivery routes; but I trust that when an effort is made to increase the appropriation for the purpose of extending these routes it will not be opposed by those who already have adequate service, for this question is next in importance to the agriculturists to that of suppressing the gambling in agricultural products, for which we have been laboring.

BOLL WEEVIL.

I do not intend, by this statement, to minimize the effects of the ravages of the cotton boll weevil in the South, for the extermination of which I have worked for the last four years, and for which purpose I spoke a few days ago in this House; but if the farmers of the South build good roads, and through them get rural free-delivery routes, they can the better handle the boll-weevil situation. With bad roads they can not haul perishable farm products to market, and without the stimulus to build good roads, which the hope of getting rural free-delivery routes gives them, they are not so apt to have their roads in condition so as to enable them to resort to the diversification of their crops when the boll weevil reaches their section of country.

PAY OF MAIL CARRIERS.

If the appropriation for the extension of these rural free-delivery routes is not increased, I fear that there will be an effort to carry into execution the suggestion which has been made to cut down the salaries of the rural free-delivery carriers, as the pressure will be so great to have new routes established that the salaries of the carriers will have to be reduced to provide funds for the extension of the service. It will be wrong to reduce the salaries of the rural carriers. By the time they buy their teams and conveyances and pay for their maintenance there is no profit left for them; if they get a meager support out of it they must resort to the most rigid economy. This is clearly shown by the reports which I have from the carriers in my congressional district, which, by permission, I will append to my statement and extend it in the RECORD.

We all understand, Mr. Chairman, that the legislation of this body is done by the committees of the House, and that after a committee has made its report it is difficult to procure an amendment to it. Having this in view, I requested a hearing before the committee, besides filing a bill to have the salaries of the rural free-delivery carriers increased, which was filed anticipating an opportunity of fully presenting my views upon all the questions to which I have hastily referred.

ECONOMY.

While expressing my desire for increased appropriations for the objects referred to, I have been chided for my efforts to economize in other matters. While a member of the Committee on Naval Affairs I opposed the construction of four battle ships each year, as that would incur an enormous expense for visionary purposes; but for every dollar spent in the development of the country and adding to the prosperity of the people, we are simply returning to those who contribute to support the Government what is justly due to them. We all recognize that agriculture is the mainstay, the foundation, the support of all other occupations and that it receives a mere pittance in return from the Government, while nearly 70 per cent of the revenues of the Government is spent in matters pertaining to warfare in a time of profound peace. I also thought that it was the proper time to economize when there was an effort to increase the salaries of the President, Vice-President, the Speaker of the House, and the Members of the House of Representatives, and I have voted against all these measures, as I believe that the effort to economize should be made where it could be easiest borne, and I did not believe that it was right to increase the salaries of those who could afford to do without the increased pay; besides it bordered somewhat on a question of morals, and I have made it a rule to support every proposition which tended toward the moral uplift of the people, as was the case when the law was passed to prevent the Members of Congress and other officials riding on railroad passes, and when the law was passed at this session of Congress to put a stop to the nefarious practice of transporting women for immoral purposes, either from State to State or from another country to this country. While I have alluded to the fact that rural free-delivery routes have been generally established in some sections of the country, while there are localities in the South where very few of them have been established, I trust that the idea that there is any sectionalism involved in the question at issue will not be conveyed, for I believe that it is due to the conditions and not on account of the locality.

POLITICS.

I hoped that neither politics nor sectionalism would be injected into this discussion; but it has been stated that if the tariff bill of last year had been so framed as to have reduced the rates on all commodities the competition would have been greater, more foreign goods would have come into our country, and we would have derived a sufficient revenue from the imports at the reduced rate to have run the Government without having to face a hundred-million-dollar deficit and be pleading for economy in those lines of government business which are so vital to the welfare of the people.

It is difficult to understand how a difference can be made in legislative matters based on sectional lines, for the South is just as much a part of this great country as the North or the East, and still when the tariff bill was made those sections of the country were protected to the exclusion of the South.

THE TARIFF ON LUMBER.

While the Republican party stands for a high protective tariff, the members of that party voted to take the protective duty of $2 per thousand off of rough lumber and placed the tariff of $1.25 per thousand on it. The lumber industry had shifted from the North to the South, and some of the wealthy lumbermen of the North had gone into Canada and were engaged in the lumber business there.

The only article in the entire tariff bill on which I voted to place a tariff duty was on lumber. The tariff on rough lumber was at that time $2 per thousand. I voted to cut this rate one-half and put the tariff duty on rough lumber at $1 per thousand. This was one of the first items in the tariff bill which was reached, and if the tariff on all of the other items could have been cut one-half, we would have something like a Democratic tariff bill for revenue. Forty-seven Democrats in the House of Representatives voted as I did on this item in the tariff bill. When the bill went to the Senate the rate on rough lumber was raised from $1 a thousand, at which price it had been fixed in the House of Representatives, to $1.50 per thousand. This was an increase in the tariff of 50 per cent.

On this proposition to increase the rate from $1 to $1.50 per thousand 27 Democratic Senators voted. Of these 27 Democratic Senators 17 voted for the tariff rate on lumber to be fixed at $1.50 per thousand, while 10 Democratic Senators voted against it. It was not treated as a party measure at all. These Senators, many of whom are veterans of the civil war and have been true and tried Democrats all of their lives, fully understood that they were not voting for a measure for the protection of the lumber interests, but for a revenue interest in conformity with the requirements of the Democratic party. In conference the tariff on rough lumber was finally fixed at $1.25 per thousand, which is 25 cents a thousand less than a majority of the Democratic Senators voted for, and 25 cents a thousand more than I voted for.

When our "Peerless Leader," W. J. Bryan, was a Member of Congress he would not accept a tariff of 20 cents or of 22 cents on barley, but contended for 25 cents, because his people wanted barley protected; but when some of the lumber people wanted me to vote for $2 a thousand on lumber I declined to do so, because I thought that rate might be slightly protective and not in harmony with the Democratic policy of a tariff for revenue.

The government statistics clearly show that a tariff duty of $1 a thousand is not a protective duty on lumber, as it costs the lumbermen of the United States more to get their lumber into competing lumber markets than it costs their competitors, the Canadians.

If the Democrats had won the last election there would have been a chance to put lumber on the free list; because the Democratic majority then could have framed the tariff bill on a basis of equalizing duties, as well as harmonizing the western Democrats, whom it would have taken to give this majority.

But the people of the West did not accept the proffer of free lumber which was made to them, and there was a Republican majority, which meant a protective tariff bill as a whole. There was a revenue of $4,000,000 to be derived from the tariff on lumber. A $1 tariff would not prevent the Canadians from bringing their lumber to America, because their freight would not be half what it costs the American to have his lumber delivered into the same market. Therefore the tariff of $1 a thousand is not a protective tariff, but a tariff which will produce us millions of dollars a year in revenue without costing our people anything.

If we had dispensed with this revenue derived from the tariff on lumber, it would have been necessary to have made up the deficiency by increasing the tariff on shoes, clothing, or in some other way, as it was necessary to raise $400,000,000 to run the Government whether the Democrats or the Republicans were in power. Regardless of which party is in power there has to be a tariff to support the Government, and the Democratic party has uniformly recognized this necessity by framing a tariff bill when in the majority.

The $4,000,000 saved out of the tariff on lumber would go a long way toward supporting the rural free-delivery routes throughout the entire country.

When parties or individuals make pledges based on conditions and the conditions fail, and it becomes impossible to carry out the pledges, then it is safe to adopt measures of justice, right, and equality.

W. J. Bryan, who has three times been selected as the standard-bearer of the Democratic party, adopted this as his criterion when he was a Member of Congress, and voted against the repeal of the law which places a tax on the issue of state banks.

THE DEMOCRATIC NATIONAL PLATFORM.

The Democratic national platform had a plank in it demanding the repeal of this law. Mr. Bryan voted against its repeal after the platform was adopted. He had voted against the repeal of the law before the platform was adopted, and after the party platform was adopted he again spoke and voted against it, although the Democratic party won the election on that platform. He stated that prior to his nomination he had taken

that position, and he stood by it. In other words, he did not consider that he was nominated on the Democratic platform like the President and Vice-President were, but as a Democrat to represent his congressional district.

Whether his position was correct or not, he has been greatly honored since then by the Democratic party.

PARTY MEASURES.

On all party measures I have voted with the Democratic party and have attended and been bound by every caucus which has been held since I have been a Member of Congress. If on this account I am not to be accorded privileges which are conceded to others who are not obedient to the behests of their party, then I am content to suffer in patience and bide my time until there is a change in the political complexion of this House. The day is coming in the near future when those Democrats who have been loyal will come into their own.

Mr. McKINLEY of Illinois. Mr. Chairman, to meet misrepresentations widely circulated, I desire to present some truth about the tariff and prices, giving a few facts and figures that may, perhaps, as a whole, be called a "congressional campaign spike."

First. What was the Republican pledge regarding the tariff revision?

Here is the plank adopted at the Chicago convention, June 18, 1908:

The Republican party declares unequivocally for the revision of the tariff by a special session of Congress immediately following the inauguration of the next President, and commends the steps already taken to this end in the work assigned to the appropriate committees of Congress which are now investigating the operation and effect of existing schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries. We favor the establishment of maximum and minimum rates, to be administered by the President under limitations fixed in the law, the maximum to be available to meet discriminations by foreign countries against American goods entering their markets, and the minimum to represent the normal measure of protection at home, the aim and purpose of the Republican policy being not only to preserve, without excessive duties, that security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage-earners of this country, who are the most direct beneficiaries of the protective system. Between the United States and the Philippines we believe in a free interchange of products, with such limitations as to sugar and tobacco as will afford adequate protection to domestic interests.

As President Taft said at Winona:

I did not agree, nor did the Republican party agree, that we would reduce rates to such a point as to reduce prices by the introduction of foreign competition. That is what the free traders desire. That is what the revenue tariff reformers desire; but that is not what the Republican platform promised, and it is not what the Republican party wished to bring about. To repeat the statement with which I opened this speech, the proposition of the Republican party was to reduce rates so as to maintain a difference between the cost of production abroad and the cost of production here, insuring a reasonable profit to the manufacturer on all articles produced in this country; and the proposition to reduce rates and prevent their being excessive was to avoid the opportunity for monopoly and the suppression of competition, so that the excessive rates could be taken advantage of to force prices up.

WAS THE TARIFF REVISED?

Immediately after the convening of the second session of the Sixtieth Congress, following the election of 1908, the Ways and Means Committee of the House of Representatives, where all tariff bills must originate, began the preparation of a tariff law to carry out the pledge of the Republican platform. Hearings were held almost daily and thousands of pages of testimony were taken. On the invitation of the committee everyone in any way interested in the tariff question was invited to come to Washington and testify before the committee or to file a brief regarding their industry.

President Taft on March 6, 1909, two days after his inauguration, kept the pledge of the platform and called a special session to convene March 15 for the sole purpose of revising the tariff. On the second day of this extra session the President's first message was read in both Houses, and on the day following a tariff bill was presented. It was reported by the Ways and Means Committee on March 18. It passed that body on April 15, and was at once taken up by the Senate, where it was exhaustively debated and largely amended, going to conference, and becoming a law on August 6.

How prolonged and exhaustive was the debate is seen in the fact that 4,888 pages of the CONGRESSIONAL RECORD were consumed by its consideration, as compared with 2,527 pages given to the debate on the Dingley bill.

As will be seen by Statement A, of 2,024 items of the Dingley law, 874 were changed, there being 654 decreases of duty and 220 increases. We are therefore justified in saying that the Republican pledge concerning the tariff was kept, that a special session was called, that an entirely new bill was framed, and that the schedules were very generally and substantially revised.

Statement A, showing changes of duty by items and schedules.

Schedule.	Items in Dingley law.	Changes in Dingley law by Payne law.			Unchanged.
		Decreases.	Increases.	Total changes.	
A. Chemicals, oils, etc	232	81	22	103	129
B. Earths, earthen and glass ware	170	46	12	58	112
C. Metals, and manufactures of	321	185	30	215	106
D. Wood, and manufactures of	35	18	3	21	14
E. Sugar, molasses, and manufactures of	38	2	0	2	36
F. Tobacco, and manufactures of	8	0	0	0	8
G. Agricultural products and provisions	187	14	19	33	154
H. Spirits, wines, etc	33	4	23	27	6
I. Cotton manufactures	261	28	47	75	186
J. Flax, hemp, jute, manufactures of	254	187	4	191	63
K. Wool, and manufactures of	78	3	0	3	75
L. Silk and silk goods	78	21	31	52	26
M. Pulp, papers, and books	59	11	9	20	39
N. Sundries	270	54	20	74	196
Total	2,024	654	220	874	1,150

Statement B, showing changes of duty according to consumption values.

Schedule.	Articles.	Consumption value.	
		Duties decreased.	Duties increased.
A	Chemicals, oils, and paints	$423,099,846	$11,105,820
B	Earths, earthenware, and glassware	128,423,732	
C	Metals, and manufactures of	1,221,956,020	37,675,804
D	Wood, and manufactures of	566,870,960	31,280,372
E	Sugar, molasses, and manufactures of	300,965,953	
F	Tobacco, and manufactures of (no change of rates)		
G	Agricultural products and provisions	483,430,637	4,380,043
H	Spirits, wines, and other beverages		462,001,856
I	Cotton manufactures		41,622,024
J	Flax, hemp, jute, and manufactures of	22,127,145	804,445
K	Wool and manufactures of wool. (No production statistics available for articles affected by slight changes of rates.)		
L	Silks and silk goods	7,947,568	106,742,646
M	Pulp, papers, and books	67,628,055	81,486,460
N	Sundries	1,719,428,069	101,666,598
	Total	4,951,878,575	878,756,074

WAS THE TARIFF REVISED DOWNWARD?

The answer to this question can be found in statements A and B.

In the first place, as regards items changed, there were 654 decreases as compared with 220 increases—that certainly would show three times as much revision downward as revision upward, although for the purpose of deriving sufficient revenue and adequate protection 1,150 items were left unchanged, the majority believing that the old duties fully met all requirements—for example, only 33 of the 187 items in the agricultural schedule were changed. But referring to the table showing the consumption value of articles affected, it is found that duties were decreased upon articles having a consumption value in round numbers of $5,000,000,000 and increased upon articles having a consumption value of $878,000,000. But of those articles upon which the duties were increased, $638,000,000 in consumption value were luxuries, leaving some $240,000,000 only of increases on necessaries, or twenty times as much decrease as increase.

This is shown clearly as follows:

Total consumption value of articles on which rates of duty were decreased		$4,951,813,175
Total consumption value of articles on which rates of duty were increased	$878,756,074	
Total consumption value of luxuries, articles of voluntary use, on which rates of duty were increased	637,903,549	
Total consumption value of articles, not luxuries, on which rates of duty have been increased		240,852,525

These figures, then, answer the above question and show that there was a most substantial downward revision.

This conclusion, however, is made even more convincing by giving the following specific examples of actual reductions of duty on articles of common every-day use:

EXAMPLES OF TARIFF REDUCTION.

Beef, tariff reduced 25 per cent.
Veal, tariff reduced 25 per cent.
Pork, tariff reduced 25 per cent.

Bacon and ham, tariff reduced 20 per cent.
Lard, tariff reduced 25 per cent.
Cabbage, tariff reduced 33⅓ per cent.
Salt, tariff reduced 10 per cent.
Corn meal, tariff reduced 5 per cent.
Flour, tariff not changed.
Potatoes, tariff not changed.
Beans, tariff not changed.
Eggs, tariff not changed.
Butter and milk, tariff unchanged on all dairy products.
Coal, no duty on anthracite coal; tariff reduced 33 per cent on bituminous, or soft, coal.
Wood and manufactures of wood, tariff greatly reduced.
Hides, placed on free list.
Boots and shoes, tariff reduced 60 per cent.
Harness and saddles, tariff reduced 55 per cent.
Agricultural implements, tariff reduced 25 per cent.
Varnishes, tariff reduced 20 to 48 per cent.
Window glass (common), tariff reduced 4 to 20 per cent.
Bar iron, tariff reduced 25 to 50 per cent.
Boiler or other plate iron or steel, tariff reduced 16⅔ to 40 per cent.
Boilers and parts thereof, tariff reduced 25 per cent.
Steel rails, tariff reduced 50 per cent.
Structural steel not assembled or fabricated, tariff reduced 20 to 40 per cent.
Iron ore, tariff reduced 60 per cent.
Pig iron, tariff reduced 37½ per cent.
Tin plates, tariff reduced 20 per cent.
Beams and building girders, tariff reduced 20 to 40 per cent.
Barbed wire, for fences, tariff reduced 37 per cent.
Knives and forks, commonly used, tariff reduced 13 to 26 per cent.
Sewing machines, tariff reduced 33⅓ per cent.
Typewriters, tariff reduced 33⅓ per cent.
Glazed brick, tariff reduced 22 per cent.
Oilcloth and linoleum, tariff reduced 9 to 38 per cent.
Cotton thread, tariff reduced 16 to 20 per cent.
Laths, tariff reduced 20 per cent.
Clapboards, tariff reduced 16⅔ per cent.
Hammers, sledges, etc., tariff reduced 8 per cent.
Nails, spikes, and tacks, tariff reduced 20 to 50 per cent.
Saws, tariff reduced 16 to 25 per cent.
Silks, commonly used, tariff reduced 10 per cent.
Gloves, commonly used, tariff reduced 25 per cent.
Cream of tartar and saleratus, tariff reduced 16⅔ per cent.
Hooks and eyes, tariff reduced 47 per cent.
Starch, other than made of potatoes, tariff reduced 33⅓ per cent.
Sodas, tariff reduced 12 to 33 per cent.
Crinoline haircloth, tariff reduced 20 per cent.
Gunpowder, tariff reduced 33⅓ to 50 per cent.
Ethers, tariff reduced 20 to 80 per cent.
Dress steels, tariff reduced 17 to 26 per cent.
Manufactures of leather, tariff reduced 13 to 75 per cent.
Cotton goods, tariff not changed, except in certain finer grades, which are luxuries. Raw cotton has always been on the free list.
Woolens, tariff unchanged, except in unimportant details.
Stockings, common, tariff not changed.
Tobacco and manufactures of, tariff unchanged.
Petroleum, oil and products, placed on free list.

President Taft says:

I have signed the Payne tariff bill because I believe it to be the result of a sincere effort on the part of the Republican party to make a downward revision.

Congressman McCALL, who was the Massachusetts member of the conference committee on the Payne tariff bill, says:

It represents the greatest reduction that has been made in the tariff at any single time since our first revenue law was signed by George Washington.

Congressman BOUTELL, in a recent speech, said:

I close with a statement which everybody who has studied the Payne tariff knows is true. Every man in this body ought to know it. Investigation by a commission such as I have suggested, made up exclusively of Democrats from agricultural districts, would prove it, and it would be a unanimous report of all that investigated this subject of high prices: There is not in the Payne tariff law a single advance in rate above the Dingley rates that justifies an increase in the final retail price to the ultimate consumer of a single necessary article of food, of clothing, or of household use.

Governor Hughes, during the campaign, said:

Revision there must be. It should be prompt, thorough, and fair. But the policy of protection will be maintained and American industry, involving the interests of our wage-earners, must be properly safeguarded.

Now, a word about raw materials:

Under the new tariff bill hides have been placed on the free list. Timber has been reduced 50 per cent; lumber has been reduced from 20 to 50 per cent; bituminous coal has been reduced 33 per cent; iron ore has been reduced 62½ per cent; pig iron has been reduced 37½ per cent; scrap iron has been reduced 75 per cent; petroleum and all its products have been put on the free list.

WAS THE TARIFF REVISED WISELY AND SUCCESSFULLY?

President Taft and many others have asserted that the present tariff law is the best that we have ever had, and this statement seems to be fully substantiated by the results attained so far during its operation. In the first place, we find that from a revenue standpoint it has been unusually successful. The revenues have increased by some $45,000,000 since its enactment. The deficit for the entire fiscal year, if not wiped out entirely, will probably be but a few million dollars.

The new law had not been in operation many weeks before there was a most decided revival of business, and before the end of the year 1909 it was estimated that 3,000,000 idle men had found employment.

When the tariff was passed there were some 200,000 idle freight cars in the country; before the end of the year there were none. When the tariff was passed our consumption of pig iron was only about half that of the preceding year, but during the last six months of 1909 our consumption was larger than during any similar period in our history, and the record for the year, in spite of the poor business of the first six months, was greater than that of any previous year. In all avenues of industry there was not only almost record-breaking activity, but the prospects for more business grew brighter and brighter every week. The additional purchasing power, given to the people during the latter months of 1909, created a demand for our agricultural products to such an extent that their value is estimated at more than $9,000,000,000, or a billion dollars in excess of the record-breaking figures of the year before.

Weighing, then, the conditions which existed previous to the enactment of the tariff and those which have followed during its operation, it can not be questioned that the tariff was revised and that it was revised downward and that it was revised wisely and successfully.

HIGH PRICES.

In the midst of this prosperity and industrial progress which have come under the operation of the new tariff law we are confronted by perhaps higher prices in some commodities than we have ever known before in time of peace. We are told by certain Democrats and demagogues that these higher prices are due to the tariff. This assertion is made in the face of the fact that upon no article which has been increased in price was the tariff increased, but, on the contrary, in most of them there was a reduction of the duty. In this connection attention is called to the list of commodities in general use upon which the tariff was left unchanged or materially reduced. A single example or two will show the absurdity of those who contend that higher prices are due to the new tariff law. Not only was the duty on boots and shoes reduced from 25 per cent to 10 per cent ad valorem, a reduction of 60 per cent, but hides were made free, and yet to-day we are compelled to pay a higher price all over the country for our boots and shoes. An attempt has been made in certain quarters to increase the price of clothing, and yet there was no increase of duty. On woolens the duty was left unchanged, and on cotton goods the few increases were only upon the higher priced and luxurious grades. On almost all building material, whether of wood or iron and steel, the tariff was very substantially reduced. On agricultural implements and household utensils, and in fact all the necessaries of life, there was a substantial reduction, as can be proved by examining the various schedules of the new law.

Higher prices, therefore, on any commodity can not be attributed to the new tariff law, and those who raise the price and give the tariff as the reason are deceiving their customers by falsifying the facts.

One important cause for high prices is made clear by a recognized authority, as follows:

COST OF LIVING.

[From the Commercial American.]

The general high prices and increased cost of living continue to trouble our legislative bodies and bid fair almost to supply the place for discussion occupied a few years ago by railway rates. High as the present rates are, the conditions are by no means confined to America. Similar conditions are reported from Germany, Austria, England, and elsewhere. There is doubtless some connection in this country between our own high prices and the crop situation as regards export shipment, and the official reports on the subject are also considering the general advance in the standard of living.

GOLD PRODUCTION.

At the same time the figures for the world's gold production, as pointed out in President Taft's message at the opening of Congress, must be held largely responsible.

The following figures from the report of the Director of the Mint for 1909 show the production of gold in recent years:

Year.	Gold production in the United States.	Production of gold in the world.
1890	$32,845,000	$118,800,000
1896	53,088,600	202,251,000
1897	57,363,000	236,073,700
1898	64,463,000	286,879,700
1899	71,053,400	306,724,100
1900	79,171,000	254,576,300
1901	78,606,700	260,992,000
1902	80,000,000	296,737,600
1903	73,591,700	327,702,700
1904	80,464,700	347,377,200
1905	88,180,700	380,288,700
1906	94,373,800	402,503,000
1907	90,435,700	412,532,900
1908	94,560,000	443,400,000

These figures show that in less than twenty years the world's production has quadrupled. How little have the facts justified the predictions made in certain political campaigns as to the fate of this vanishing metal! The Treasury Department's report of money in circulation in the United States shows the same trend:

January 1, 1910	$3,100,000,000
January 1, 1905	2,500,000,000
January 1, 1900	1,900,000,000
January 1, 1895	1,600,000,000

In the past fifteen years our circulation has almost doubled.

Year ending June 30—	Actual circulation per capita.	Relative circulation per capita (1899=100).
1896	$21.41	83.7
1897	22.87	89.4
1898	25.15	98.3
1899	25.58	100.0
1900	26.94	105.3
1901	27.98	109.4
1902	28.43	111.1
1903	29.42	115.0
1904	30.77	120.3
1905	31.08	121.5
1906	32.32	126.3
1907	32.22	129.6
1908	34.72	135.7
1909	34.93	136.6

Surely an increase in per capita circulation in fifteen years of almost 50 per cent, an increase in total circulation of almost 100 per cent, and an increase in the world's production of gold of about 225 per cent in the same period have had their effect in producing the present price situation.

HIGH PRICES IN FREE-TRADE ENGLAND.

Mention has been made of the fact that high prices are world-wide, and particularly has this increase of recent years been apparent in free-trade Great Britain. In this connection the following statement from the London Express for November, 1909, will be particularly pertinent:

A volume of statistics issued on Saturday from the board of agriculture is a damaging answer to the claims of the free traders that food prices remain almost stationary in a country without tariffs.

One of the many promises made by the Liberals before the last general election was that under a free-trade government the price of the necessities of life could not increase, and that tariff reform meant dearer food. These statistics show conclusively that it is free trade that means dearer food. In the last three years the price of nearly every article of food has increased.

Further, Samuel Gompers, president of the American Federation of Labor, in the American Federationist, January, 1910, makes the following statement:

"How often do these people eat meat?" is a question the American in Europe finds himself asking when looking about among wage-workers. Meat is usually from 25 to 100 per cent higher in price than in the United States.

Confirming the statement that record-breaking industrial activity has followed the operation of the new tariff law, a few figures appertaining to our agriculture and commerce are presented:

FARM STATISTICS.

[From the American Agriculturist.]

Year.	Number of farms.	Value of farms (millions of dollars).	Value farm products (millions of dollars).
1910	6,730,000	29,640	9,512
1900	5,753,000	20,512	4,795
1890	4,765,000	16,082	2,460
1880	4,009,000	12,181	2,213
1870	2,660,000	11,125	----------
1860	2,044,000	7,981	----------
1850	1,450,000	3,967	----------

Value of farms.—Including land, buildings, improvements, tools, machinery, and all live stock, as of January 1, 1910, the figures are millions of dollars—that is, North Atlantic farms are worth $3,339,000,000.

	1910.	1900.	1890.	Increase last ten years.
				Per cent.
North Atlantic	3,339	2,970	2,070	13
South Atlantic	1,961	1,454	1,333	34
North Central	16,476	11,505	8,518	43
South Central	4,459	2,816	1,891	58
Western	3,405	1,715	1,371	98
United States total	29,640	20,514	16,082	44

Value of farm productions.—Including the fair worth of all crops and the other returns from the soil, including live-stock products and the increase of live stock born during the year, these figures are millions of dollars—thus the farms in the North Atlantic States show for 1909 productions worth $1,267,000,000, or 1,267 millions of dollars.

	1910.	1900.	1890.	Increase last 10 years.
				Per cent.
North Atlantic	1,267	742	418	71
South Atlantic	770	461	293	67
North Central	4,636	2,355	1,113	96
South Central	1,808	884	480	104
Western	1,031	331	156	211
United States, total	9,512	4,739	2,460	100

BANK CLEARINGS.

As the completed figures for the year 1909 are made up it becomes evident how general and substantial was the recovery in every line of business as compared with the year of uncertainties that preceded it.

The total bank clearings for the year exceed $165,000,000,000, setting a new record for the Nation's exchanges by exceeding the best previous record of $160,000,000,000 made in 1906. The following totals for the past sixteen years, according to the New York Chronicle, show that in that period bank exchanges have nearly quadrupled:

1909	$165,608,879,423
1908	132,408,849,136
1907	145,175,733,493
1906	143,909,448,441
1905	160,019,717,333
1904	112,621,012,711
1903	109,209,187,764
1902	118,023,298,740
1901	118,579,964,282
1900	86,205,688,683
1899	94,178,089,235
1898	57,321,973,206
1897	68,931,197,724
1896	51,333,931,439
1895	53,382,278,527
1894	45,686,235,075

PIG-IRON PRODUCTION.

[From the Iron Age.]

	First half.	Second half.	Total.
	Tons.	*Tons.*	*Tons.*
1909	11,035,000	14,750,000	25,785,000
1908	6,918,004	9,018,014	15,936,018
1907	13,478,044	12,303,317	25,781,361
1906	12,582,250	12,724,941	25,307,191
1905	11,163,175	11,829,205	22,992,380
1904	8,173,438	8,323,595	16,497,033
1903	9,707,367	8,201,885	18,009,252
1902	8,808,574	9,012,733	17,821,307
1901	7,674,613	8,203,741	15,878,354
1900	7,642,569	6,146,673	13,789,242
1899	6,289,167	7,331,536	13,620,703
1898	5,869,708	5,904,231	11,773,934
1897	4,403,476	5,249,204	9,652,680

SOME FACTS.

Number of men idle when tariff bill was passed	3,000,000
Number idle now, except the sick and voluntary	None.
Number of freight cars idle when tariff bill was passed	200,000
Number idle now	None.
Treasury deficit February 21, 1909	$69,529,195
Treasury deficit February 21, 1910	$23,066,374

And this splendid result is exclusive of the corporation tax which goes into effect March 1.

FAILURES.

There were fewer failures in the United States in 1909 than in the preceding year. According to the figures reported by Messrs. R. G. Dun & Co., the total number in 1909 was 12,924 as against 15,690 the year before, and the total liabilities were $154,000,000 as against $222,000,000.

FOR EXAMPLE.

Price increased on free list: Cotton, cotton-seed oil, and coal.

Price decreased or unchanged bearing tariff duty: Steel rails, sugar, and tableware.

Mr. REEDER. Mr. Chairman, I desire to occupy most of the time allotted to me by asking questions from some member of the Committee on the Post-Office and Post-Roads, and I presume, as the chairman is present, I will interrogate him. I desire to ask these questions of some member of this committee, because they are the persons best informed among us as to these matters. The Committee on Post-Offices and Post-Roads, having occupied much time in the study of these questions, and having extraordinary opportunities to secure information, are easily our best source for information on the questions on which I desire information.

I have received numerous letters from constituents who seem convinced that the Committee on Post-Offices and Post-Roads intend to present in the House a bill making the rates of postage on newspapers and magazines several hundred per

cent higher than they now are, and to thus deprive the farmer of these great sources of information. I wish to inquire of the chairman of the committee if this is true?

Mr. WEEKS. Mr. Chairman, the President in his annual message last December called the attention of Congress to the fact that it was costing more to carry second-class mail than the Government was receiving for the service. The Postmaster-General made the same suggestion in his annual report. This part of the President's message was referred to the Post-Office Committee, which has been investigating the subject, but is not ready to make a report; and there is nothing in the appropriation bill now pending that relates to the subject.

Mr. REEDER. Is there any effort being made, to your knowledge, to raise the postal rate on second-class mail to any great extent?

Mr. WEEKS. There is no bill before our committee to increase these rates, and no disposition, as far as I know, on the part of anyone to make other than a very reasonable raise of the postal rate on second-class mail.

Mr. REEDER. These letters generally state that the railroads carry matter for the express companies at very much cheaper rates than the railroads carry the same kind of matter for the Government in the way of mails. Is that true?

Mr. WEEKS. I do not think anyone can definitely answer that question. The Post-Office Department has sent out to all railroads in the United States a very comprehensive list of questions for the purpose of obtaining all the information possible regarding the relations of the railroads to the carrying of the mails. The Post-Office Committee has no information as to the exact terms the railroads impose in hauling express cars, but there are a great many differences in the service which should be called to the attention of the gentleman from Kansas if he wishes to make a comparison of those services. The postal car carries about 2 tons of mail matter on an average, while the express car carries about 12 tons of matter. The railroad furnishes a large amount of equipment for the conduct of the postal service. Both at terminals and elsewhere when a post-office is within 80 rods of the railroad station the railroad transports, without charge, the mail to and from the post-office. The railroad furnishes apartment cars, where the space furnished is less than 40 feet in the car, without any charge for the space. In the case of express companies terminal charges are made. If any space is used in the terminal station, charge is made for it by the railroad. If room is required by the Post-Office Department, it is furnished by the railroad gratis, and it also furnishes water, light, and heat, all without charge. There are a great number of different conditions governing these services, and any statement relating to them can not be accurate unless all these conditions are taken into account.

I ought to add that the express companies pay the railroads about 50 per cent of their gross receipts for the service which the railroads perform. The Government is paying about $50,000,000 a year for railroad transportation. The gross receipts which the Government receives from mails are substantially $220,000,000 a year. In other words, we are paying for the transportation of mail not more than 22 to 23 per cent of our gross receipts, while the express companies are paying substantially 50 per cent of their gross receipts.

Mr. REEDER. Considering all the circumstances, are the railroads paid more for carrying express than they are for carrying the same weight of mail for the same distance?

Mr. WEEKS. Well, I am not prepared to answer that question definitely. Those members of the Post-Office Committee who have given a great deal of attention to that subject are under the impression that about a fair rate is being paid to railroad companies, but that it should be rearranged, so that some roads would receive more than at present and some less. I think that there are some railroads which are probably receiving less than they should for the service which they perform, and there are other railroads which are being paid more than they should be.

Mr. REEDER. I would like to ask the chairman of the committee this question: What does the Government receive per pound for carrying magazines through the mails?

Mr. WEEKS. The Government receives a cent a pound.

Mr. REEDER. What does it cost the Government per pound to transport these magazines?

Mr. WEEKS. The Postmaster-General in his report states that it costs about 9 cents a pound, but in making up that cost the figures used include many items which to my mind should not be charged to second-class mail. For instance, the deficit in the Rural Delivery Service is estimated to be $28,000,000. Forty-five per cent of the mail carried over rural routes is second class, therefore in making up its figures the Post-Office Department says 45 per cent of $28,000,000 should be charged to second-class mail. I think the propriety of making this charge to second-class mail is very doubtful, because it may be possible that the department has included among its items of cost those which should be charged to some other account.

Mr. REEDER. What per cent would the gentleman say is the difference?

Mr. WEEKS. I have not come to a conclusion myself, but my guess is that it costs between 2 and 3 cents a pound to carry second-class mail.

Mr. REEDER. I will here insert the figures of the Postmaster-General by which he proves that the Government loses over $60,000,000 per annum in the carrying of second-class mail, or over 7 cents per pound:

The public paid in 1909 84 cents per pound for 157,500,000 pounds of first-class mail matter, which netted a profit of $53,674,194.62. The publishers paid in the same year 1 cent per pound for 792,500,000 pounds of second-class mail matter, which netted a loss of $64,128,026.91.

Hence the public paid over 7,000 per cent (to be exact 7,249) per cent) more per pound to mail our letters than the publishers did to mail their periodicals and magazines for 1909.

POSTMASTER-GENERAL'S REPORT FOR 1909, PAGES 27 AND 28.

Revenue, expense, and profit or loss for the several classes of mail and the registry, money-order, and special-delivery services.

Item.	Revenue.	Expense.	Profit.	Loss.
Classes of mail:				
First	$132,304,844.51	$78,630,649.89	$53,674,194.62	
Second	9,066,043.61	73,194,070.52		$64,128,026.91
Third	25,556,111.37	28,785,633.49		3,229,522.12
Fourth	7,755,921.70	5,659,732.19	2,096,189.51	
Free congressional ("franked")		518,385.45		518,385.45
Free departmental ("penalty")		5,219,661.65		5,219,661.65
Foreign	8,585,564.24	6,080,553.53	2,505,010.71	
Special services:				
Registry	2,889,912.80	6,768,437.41		3,878,524.61
Money order	5,946,813.78	4,015,206.52		68,392.74
Special delivery	1,373,451.40	1,233,164.35	140,287.05	
Total	191,478,663.41	210,105,496.00	58,415,681.89	77,042,513.48
Net loss				18,626,831.59
Amount paid ocean steamship companies, in accordance with act of March 3, 1891, for transportation of foreign mails in excess of amounts allowable under the regulations of the Universal Postal Union				626,261.04
Total deficit				19,253,092.63

Revenue, expense, and profit or loss per pound and per piece for the several classes of mail.

Class of mail.	Revenue per pound.	Expense per pound.	Profit per pound.	Loss per pound.	Pieces per pound.
First	$0.84001	$0.49923	$0.34078		45.10
Second	.01143	.09235		$0.08092	4.80
Third	.12711	.14317		.01606	8.56
Fourth	.10867	.12308	.04559		3.16
Free congressional		.11441		.11441	1.99
Free departmental		.12113		.12113	5.38
Foreign	.16879	.11246	.04633		10.32

Class of mail.	Revenue per piece.	Expense per piece.	Profit per piece.	Loss per piece.
First	$0.01862	$0.01107	$0.00755	
Second	.00238	.01923		$0.01685
Third	.01485	.01672		.00187
Fourth	.05337	.03895	.01442	
Free congressional		.05754		.05754
Free departmental		.02252		.02252
Foreign	.01538	.01090	.00448	

Mr. REEDER. I will ask the gentleman this question: Would the publishers of these magazines, in your judgment, be justified in raising the price of subscription to the readers of the magazine in case the mail rate is raised 50 per cent?

Mr. WEEKS. The publishers have notified the Post-Office Committee that they will raise their subscription price if any increase is made in the rates charged for transportation.

Mr. REEDER. What amount would it add to the price of a copy of the magazine, I mean a single copy of an ordinary magazine, if the rates were raised 50 per cent?

Mr. WEEKS. It would depend altogether on the weight of the magazine.

Mr. REEDER. I understand it would. But, say an ordinary magazine.

Mr. WEEKS. If the magazine weighed a pound and the rates were doubled, it would add a cent a pound.

Mr. REEDER. Then a raise of 50 per cent would add one-half a cent to a single magazine, or 6 cents to a year's subscription of a monthly publication.

Mr. WEEKS. The Curtis Publishing Company informed the Post-Office Committee that it now costs them $300,000 for postage. If the rates were doubled, it would, of course, cost $600,000.

Mr. REEDER. What would a raise of 50 per cent on the postal rate on second-class mail add to the postal revenue of the Government?

Mr. WEEKS. It would add about three and one-half millions of dollars.

Mr. REEDER. Can you tell me what per cent of their incomes the publishers of magazines get from subscriptions?

Mr. WEEKS. The Post-Office Committee has no definite information in regard to that.

Mr. LLOYD. Would you say it would double the receipts on second-class matter if the rates were doubled? It would increase the zone within which the publisher used freight and express?

Mr. WEEKS. I think I should put some limitation on my answer. If the zone in which the publishers use express service or freight were not increased, it would double the receipts from second-class mail if a raise of 1 cent a pound were made, but undoubtedly the zone would be increased somewhat, so that it would only be an estimate and it would probably be too high.

Mr. REEDER. You mean they would use the express companies to transport their mail?

Mr. WEEKS. Express and freight.

Mr. REEDER. Would this indicate that magazines and newspapers now use the express companies for short hauls and the mails for long hauls?

Mr. WEEKS. Express companies charge less in limited zones than the postal rates, but I want to add that great numbers of periodicals are carried by freight and distributed by local express or in some other way. For instance, the Curtis Publishing Company sends a large number of its publications to its distributing points, and then they are sent out by their own distributing agencies, either by local express or otherwise.

Mr. REEDER. Did you give your opinion as to what per cent of the receipts of magazine publishers comes from subscription?

Mr. WEEKS. I do not think anybody has those figures.

Mr. REEDER. What is your best judgment as to what portion of the revenue received by magazines and newspapers which are carried as second-class mail comes from subscriptions and what part from advertising?

Mr. WEEKS. Different publications have very different percentages. I think one magazine publisher has told me that 75 per cent of his magazines went to individual subscribers. On the other hand, it is quite likely with some magazines that not more than 10 per cent go to individual subscribers.

Mr. REEDER. I was asking as to the cash receipts of these papers and magazines—their sources of profits. Could you make an estimate as to what per cent comes from advertising? What I desire to learn is, Will the subscriber suffer if the magazines pay a higher rate of postage and these subscribers are only charged their pro rata of the increase? Will it come from the magazine proprietors or the person who advertises or the subscribers, if the subscribers are treated fairly? You will observe we insist on a square deal in Kansas.

Mr. WEEKS. Somebody would have to suffer if the publishers pay more for their transportation. Either it will come out of the treasury of the publisher or a higher charge will be made for advertising or a higher subscription price will be charged.

Mr. REEDER. Can you help me to locate the persons who are likely to pay the extra postage?

Mr. WEEKS. I can not locate that for you.

Mr. REEDER. You agree it would be simply one-half cent more a copy, whoever pays it?

Mr. WEEKS. It would if the copy weighed a pound and the rate were raised from 1 cent a pound to a cent and a half a pound.

Mr. REEDER. I am judging that magazines would weigh less than a pound ordinarily. What does the average magazine weigh?

Mr. WEEKS. About a pound.

Mr. REEDER. If the advertisers pay twice as much, which is surely below the amount they do pay, as the subscribers pay toward the income of the magazines and newspapers coming under this class of postage and the increase of one-half cent a copy, or 6 cents a year, were divided on this basis, the subscriber, if he paid no more than his share and the magazine owner paid none of the additional postage, the subscriber would only pay 2 cents a year more than at present for his subscription. If the owner of the magazine paid one-half of the raise of 50 per cent in postage and the other half were prorated as above, then the subscriber would only pay 1 cent additional for a full year's subscription to his magazine. Is this a true statement?

Mr. WEEKS. It probably is.

Mr. REEDER. Then some one has fooled these readers of magazines, who think they are to be largely or wholly deprived of reading matter if a little less of the actual expense of carrying certain person's wares to their customers is donated by the Government.

Mr. WEEKS. If the periodicals you are talking about weighed a pound and the rates were raised 50 per cent, assuming that it is a monthly, it would cost the publisher 6 cents a year more for postage than at present. This, of course, would be paid by the subscriber or the advertiser or the publisher, or all of them. Many publications are extremely profitable, and naturally their owners do not like to give up any of their profits, so they have led their subscribers to believe that they, the subscribers, would be the sufferers.

Mr. REEDER. I note that the railroads and the magazines tell quite a different story in discussing this subject.

Mr. STERLING. May I ask the gentleman a question?

Mr. REEDER. Does the gentleman desire to ask me a question?

Mr. STERLING. I desire to ask a question of the gentleman who has the floor. Assuming that the increased postage would raise the subscription price of the magazines, do you think that is any justification for not increasing the postage to what it would actually cost the Government? Ought not the readers of the magazines to be willing to pay what it really costs and not impose a burden upon everybody, whether they are subscribers to magazines or not?

Mr. REEDER. Generally they would. But they have been led to believe this raise, if we have a raise, will be such a burden as will make it impossible almost for people to secure such literature, whereas if the subscriber pays only his share of a 50 per cent raise on the postage it will cost him only 1 cent a year for a monthly magazine weighing 1 pound.

If the Government is paying a higher rate to the railroads for carrying the mail than the express companies pay for the same class of freight for like distances and under the same conditions, then I think there should be complaint on the part of the people as well as the publishers, and Congress should pass a law to remedy such an injustice, and no one will go further than I will to do so. I have hopes to get at the truth of this matter and get it before the people, so we may remedy the wrongs of our postal system, whether the wrong is against publishers, the Government, or the subscribers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. I yield fifteen minutes more to the gentleman.

Mr. REEDER. I will try to get through in the fifteen minutes by being as brief as possible.

I have here some statements which were sent to Members of the House by a committee on railway-mail pay:

They state that reductions aggregating $8,500,000 per annum, or 17 per cent of the total railway mail pay for the year ending June 30, 1909, were made in the face of large increases in the cost of labor and materials used in railroad operation.

I will ask the chairman [Mr. WEEKS], Is this true?

Mr. WEEKS. It is practically true.

Mr. REEDER. They state that in 1907 the postal deficit was $6,653,283. In 1909 it was $17,441,719, an increase of 162 per cent in the deficit. During the same period the postal revenues increased $19,977,378, from $183,585,005 to $203,562,383, or 19 per cent, and as tonnage of second-class mail was practically the same—only 2 per cent more—it shows at once the deficit was due to other causes than increase in second-class mail. The pay to the railroads was the same in both years, although the ton miles of service increased 14 per cent.

I would like for the chairman to state, is this true or false?

Mr. WEEKS. It is partially true; but many other conditions than those in the question would have to be taken into consideration to give a definite answer.

Mr. REEDER. The report shows the revenues and expenditures of the Post-Office Department per pound by classes of mail handled—Postmaster-General's 1909 report—itemized as to payments to railroads and other expenses. On first-class mail the Government received a revenue of 84 cents per pound. The total expense of handling was 49.92 cents, of which 5.56 cents, or only 11 per cent, was paid to the railroads and 89 per cent for other expenses. On second-class mail the total expense was 9.23 cents, of which 3.19 cents, or 34 per cent, was paid to the railroads and 66 per cent for all other expenses. In the case of the first-class mail matter the Government pays the

railroads 6.6 per cent of the gross earnings for handling; in the case of the second-class mail, 290 per cent of the gross earnings.

I desire to ask Mr. WEEKS, Is this statement true?

Mr. WEEKS. It is partially true.

Mr. REEDER. The report shows that for a 60-foot railway postal car carriers receive 5.5 cents per mile hauled, according to the scheduled railway post-office-car rates. These cars weigh about 50 tons, so the average earning per gross ton-mile hauled is 1.1 mills. The department on many lines uses the car one way only, forcing the carriers to haul it back empty, so that on such lines the car-mile earning would be reduced to 2.8 cents, or about the same earnings per mile as from one and one-half first-class passengers, and the ton-mile earning to six-tenths of a mill. From published railway tariffs we find that for hauling empty passenger cars, which weigh much less, the railroads receive 11 cents a car-mile, or 2.4 mills a ton-mile; that to haul empty baggage, express, and mail cars in passenger trains they receive 8 cents to 15 cents a car-mile, or from 2.2 mills to 4.2 mills per ton-mile—twice to four times as much as they receive from the Government. To move empty freight cars in freight trains carriers receive more than they receive for moving postal cars in passenger trains, and when the revenue accruing from moving loaded freight cars in freight trains is considered the disparity becomes almost incredible.

Will the chairman state whether this is true or false?

Mr. WEEKS. That is practically correct, if I understand the question.

Mr. REEDER. The Railway Post-Office Pay says it is the popular impression that the compensation paid the railways for railway post-office cars is a rental simply. Nothing could be more erroneous. The pay covers not only the exclusive use—a very small part, indeed, of the expense to the carrier—but the very burdensome and expensive duty of hauling the car—a fully equipped post-office on wheels—in fast passenger trains, in which mail is assorted and distributed en route by a corps of clerks to expedite its delivery at intermediate points and terminals. These cars are hauled in trains, next to baggage cars, with ample cubic capacity to carry all mail tendered, and to earn all transportation charges prescribed by law, but for public convenience the department provides these moving post-offices, weighing 12.4 per cent of the average passenger train. For the use and cost of hauling this car ridiculously inadequate railway post-office pay is allowed.

Is this statement true or false?

Mr. WEEKS. The figures given are, I think, correct; there is a question whether the rates are entirely inadequate, however.

Mr. REEDER. The Railway Post-Office Pay makes the following statements:

On short hauls express rates are lower than second-class postal rates, because postal rates are made regardless of distance, while express rates take account of distance carried. Therefore, for long distances express rates are much higher, and the only fair comparison that can be made is one based on average hauls.

Considering the conditions and reciprocal obligations, express is far more attractive and remunerative than mail traffic, and would be so though the ton-mile earnings from express are far less. Bearing in mind that economical train operation means good car loading and good train loading, express is handled with baggage in cars loaded to full capacity; mail requires a post-office on wheels, with space for mail racks and postal clerks working en route, loaded with an average of but 2 tons, or one-seventh full-weight capacity. The design and specifications of the post-office car are made by the department regardless of expense, as the carrier pays; and, therefore, because of its special fittings for post-office use, is much more costly to build, equip, maintain, and haul in trains, as its dead weight is 50 per cent greater than baggage and express cars. On the other hand, it brings in less revenue, as its net carrying capacity for mail is not more than 2½ tons, whilst express cars, having no space taken up with special fittings and equipment, can be loaded to 15 or 20 tons. Mails are handled on the fastest trains, often compromising their schedules, and special expenses are imposed on the carriers to transfer at junctions, handle free at terminals and into intermediate stations; fines and deductions are made for delay, etc., all of which are charges against gross mail revenue. In the case of express the carriers' compensation is increased by services rendered by express companies, such as free carriage of remittances and packages, express messengers acting as baggagemen, joint station agents and employees, etc.

Under existing contracts the carriers are paid from 50 per cent to 55 per cent of the gross earnings of express companies for the transportation service rendered by the carriers. If the railroads were to offer the Post-Office Department the more favorable contracts which it is thought the express companies enjoy, the railroads would expect, say, 50 per cent of the gross earnings of the department, and their pay from all sources for the carriage of mail would be raised from $49,700,000 to over $102,000,000. Express companies pay the railroads 50 per cent to 55 per cent of their gross earnings for transportation; the department pays only 24 per cent. The department retains 76 per cent of its gross earnings and shows a large deficit yearly; the express companies retain 45 per cent of theirs and after paying all expenses of collecting, delivering, messenger hire, etc., pay handsome dividends to their stockholders. The Post-Office Department conducts its traffic regardless of all well-founded principles of economy—and very properly so—solely for public convenience, and the beneficiary should expect to foot reasonable bills for the service. The express companies are required by the carriers to handle their traffic with strict regard to economy.

Any comparison of mail with express or freight rates is valueless unless all conditions are considered and valued, such as average haul, character, and flexibility of contracts and of service rendered. The higher ton-mile rate may when modified by conditions be the less remunerative to the carrier. On the average passenger train carrying mail, express, and passengers, 12.4 per cent of the weight of the train is devoted to post-office features not needed by the carrier to accommodate mail tonnage, and is therefore a special charge demanding a much higher ton-mile rate for mail alone to yield the same net return as express and passengers. In 1908, passenger train earnings from all sources were $674,042,400; 12.4 per cent of the weight of trains should have yielded the railroads $83,581,258, whereas the total payment for handling mail was but $49,737,519.

Mail traffic is of a class distinctly higher than express, and on account of light loading, only 2 tons average per car, must be classed as less than carload business, whilst express traffic in full carloads, with no special additional equipment, approximates carload business. Wide differences in ton-mile rates are sanctioned by law because of classification and size of load.

A greater disparity in rates is found in freight trains. Coal or ore is moved in the same train with silk, hops, automobiles, willow ware, yet the carriage of the low-grade commodity might yield a larger net return to the carrier because of the much heavier load in the car, less exactions of the shipper, less risk of damage, etc. The following illustrates the wide range of ton-mile rates in freight service:

Freight rates per 100 pounds, Chicago to St. Paul.

Passenger vehicles	L. C. L.	$2.10
Motocycles	do	1.50
Chairs	do	1.20
Dry goods	do	.60
Sugar, coffee	do	.25
Agricultural implements	do	.40
Agricultural implements	C. L.	.20
Bar iron	L. C. L.	.25
Bar iron	C. L.	.14
Pig iron	do	.14
Hard coal	do	.10

The range in rates for freight carried in the same train is from unity to twenty times as much, due to difference in classification and size of load, other conditions of transportation being identical. In the case of second-class mail and express the range is extremely small. In the case of freight rates a disparity is also noted of 80 per cent to 100 per cent between carload and less than carload rates on the same material.

Are these statements true or false?

Mr. WEEKS. That question is so long that it is impossible to answer it definitely, but I think the statements in it are substantially in accord with the facts.

Mr. REEDER. Then I note that newspapers and magazines make quite a different class of statements.

I have before me an advance sheet of an editorial which came to my desk recently. By a circle they inclose territory containing 46.4 per cent of the population of the United States, with St. Louis in the center, and state that in this territory the express companies carry St. Louis papers for one-half cent per pound and deliver them. They then enlarge the circle until it includes the Gulf, Atlantic, and Lake coasts, and in this territory they claim the express companies carry St. Louis papers for 1 cent per pound.

Then they say that Canada carries all mail from coast to coast for one-fourth cent per pound. Are these statements true; and if true, how account for our higher rates?

Mr. WEEKS. Express companies do not usually deliver papers or periodicals except to the news dealer. The proportion of periodicals carried by express is probably not greater than 2 per cent.

Canada has put a prohibitive rate on foreign periodicals crossing the line—4 cents a pound—to build up local periodicals.

Rates of pay to employees in Canada are only about two-thirds what they are in this country. There is no rural service. Railroads are subsidized and are paid by order of the governor-general and council a rate sufficient only to prevent a deficit.

The rates at which periodicals are carried and the methods of carrying them are very different in different classes of periodicals. Some periodicals are sent out very largely through the American News Company. That company ships these magazines by freight to some distributing point and then distributes them through newsdealers. On the other hand, many magazines are sent directly through the mails to individual subscribers; in very many instances magazines are sent by the makers from the place of publication to the place of destination by freight. Freight is used in shipping publications long distances much more generally than the express companies, express companies being confined to local service; but beyond about a thousand-mile zone they all go by mail.

Mr. REEDER. In your judgment, as I understand you, only one-third of the actual cost to our Government of carrying the magazines and newspapers through the mails is paid by the publishers, and the other two-thirds of the cost to the Government for carrying this mail is donated to these publishers by the Government?

Mr. WEEKS. I do not understand that question.

Mr. REEDER. It is this: The publishers pay only 1 cent a pound for carrying their mail. The cost to the Government of performing this service for the publishers is, in your judgment, 3 cents a pound.

Mr. WEEKS. It costs 3 cents a pound to send freight to San Francisco. We carry a pound of second-class mail at a cent a pound to any part of the country.

Mr. REEDER. Then, we get one-third pay for carrying this class of mail, and the other two-thirds is donated to the publishers, as it is their business to publish magazines and deliver these magazines to their customers.

Mr. WEEKS. An answer that I made to the gentleman a little while ago may be repeated; the cost is, in my judgment, from 2 to 3 cents a pound.

Mr. REEDER. That practically answers the question in the affirmative, and, as I have proved before in this speech, if the rate on this class of mail were increased 50 per cent, the publishers would still enjoy a donation from the Government of one-half of what it costs the Government to perform this service of carrying these publishers' wares and delivering the same to their customers; and if this increase of rate of 50 per cent were equitably apportioned among the publishers, the advertisers, and the subscribers, only 1 cent per annum extra would be charged to the subscribers for papers and magazines.

Mr. Speaker, this being true, I want to hurry the news to Kansas that we are still safe if we raise a good crop of corn, hogs, cattle, and wheat, and the grand old Republican party remains in power so that our friends the insurgents can not, with their boycott, cut the prices too much on farm products. If we can continue to get about $1 for our wheat, 8 cents for our hogs, 7½ cents for our beef, and 75 cents for our corn, we can stand a square deal on this second-class postage, as it will only cost us 1 cent per annum on each periodical we subscribe for.

Let the readers of these publications get their coats off and see that we get a fair divvy of the 6 cents extra a magazine or newspaper will cost in postage if the bad old Republican party should add 50 per cent to the postal rate on second-class mail.

The Post-Office Department insists that, by a fair method of figuring, we donate $64,000,000 annually to the publishers of second-class mail. If these figures are true, and these publishers would pay only one-half what it costs to carry their mail, we could have a 1-cent letter rate of postage and wipe out our annual postal deficit, and a fair divide of the raise could not possibly add 25 cents a copy to a yearly subscription, which we would save on 25 letters.

I will here insert a few letters to show what persons have been led to believe as to these postal rates:

Hon. WILLIAM A. REEDER,
Congressman Sixth District Kansas,
Washington, D. C.

DEAR SIR: We believe the proposed increase of postal rates for farm papers and magazines is an injustice to the farmer and inadvisable, if not dangerous as a precedent.

We earnestly hope you will do your utmost to prevent this mistaken policy.

Hon. WILLIAM A. REEDER.

DEAR SIR: I have been talking with my neighbors, and we believe the proposed increase of postal rates on farm papers and magazines is a terrible mistake and an injustice to the farmer and workingman, and we hope you will do your best to defeat the bill.

Hon. WM. A. REEDER, *Washington, D. C.*

DEAR SIR: According to press reports there is soon to be introduced in Congress a bill to increase the postage on farm papers, etc., from 1 cent to 5 cents per pound. This seems to be another blow at farmers in general and I hope you will use your influence against it.

Mr. W. A. REEDER, *Washington, D. C.*

DEAR SIR: I believe the proposed increase of postal rates for farm papers and magazines is an injustice to the farmer and inadvisable, if not dangerous as a precedent. I hope you will do your utmost to prevent this mistaken policy.

Hon. WILLIAM A. REEDER.

DEAR SIR: I believe the proposed increase of postal rates for farm papers and magazines is not only an injustice, but an injury to the farmer and inadvisable, if not dangerous, as a precedent. I hope you will do your utmost to prevent this mistaken policy.

Hon. W. A. REEDER.

DEAR SIR: I believe the proposed increase of postal rates for papers is an injustice to the farmers; inadvisable, if not dangerous. I hope you will do your utmost to prevent its passage.

WILLIAM A. REEDER, *Washington, D. C.*

DEAR SIR: I believe the proposed increase of postal rates for farm papers and magazines is an injustice to the farmer and inadvisable, if not dangerous, as a precedent. I hope you will do your utmost to prevent this mistaken policy.

Mr. REEDER.

DEAR SIR: I thought that I would write you a line to know where you stand on the question of raising the price on newspapers. You know that if such a thing would take place the people of this Nation would be at the mercy of the money power.

Hon. W. A. REEDER.

DEAR SIR: I see by the papers that a bill is to be introduced in the Congress to raise the postage on newspapers to 5 cents a pound. I can hardly believe that Congress will depart from its long-established rule of low rates of postage on the very class of papers in which the public is most vitally interested.

Hon. WILLIAM A. REEDER, *Washington, D. C.*

DEAR SIR: We earnestly request you to use your influence to kill a certain bill. The bill is to increase the postal rate on the farmers' most useful reading matter—an outrage and a mistaken policy. This is the sentiment of most all of the farmers in your district.

Hon. W. A. REEDER:

I write to you in regard to this move on the raising of rates on second-class mail matter. Now I take several trade journals and they request their subscribers to do what they can for them. It would be a bad blow to us if they had to quit their publication or raise their rates of subscription.

Mr. REEDER.

KIND SIR: I hope you will use your influence to crush the bill that will raise the postage rate on papers, magazines, etc., as it will cause lots of poor people to get along without reading matter, and be a burden that no one needs to bear.

These people are honest in their convictions and really believe that the Government is about to inaugurate a policy which will deprive them of much of their reading matter.

They seem badly frightened, and I concede they had me shaking in my boots at the prospect of some great, impending calamity which was to engulf our fair State and its superb citizenship. By the way, our State justly boasts the highest average of intelligence of any State in the Union, if we bar a small corner of the State in my friend CAMPBELL's district which is largely populated by foreign miners.

Mr. Chairman, I shall now read you a letter from a constituent who takes a more optimistical view of the situation. As this letter came to hand to-day, I shall be compelled to ask the permission of the writer later to read this letter or ask his pardon for so doing.

DALE, KANS., *February 16, 1910.*

WM. A. REEDER, *Washington, D. C.*

DEAR SIR: Inclosed find two clippings from Mail and Breeze.

This Mail and Breeze is a farm journal of much more than ordinary merit. Its editor's name is Thomas McNeal. I state this so you may understand the letter. The smaller clipping, as the writer of this letter designates it, is from this Mail and Breeze and says:

TO PREVENT A GREAT MISTAKE.

In a few days, without the full knowledge of the American people, a bill is to be introduced in Congress for increasing the postage rate on farm papers, magazines, and other periodicals from 1 cent per pound to 5 cents per pound.

I wish to ask the chairman of the committee, Is this statement true?

Mr. WEEKS. The writer is mistaken in making the statement quoted.

Mr. REEDER. Further on in this smaller clipping it says:

The express companies carry matter of this class on the railroads for less money than the Government and make a good profit at it. And the railroads carry passengers at the same rate as the Government's second-class mail matter and make money at the business.

Is this statement true, Mr. Chairman?

Mr. WEEKS. I can not take your time to answer that statement in great detail, but, in a word, express companies only compete with the mails for distances less than 500 miles. The revenue from a carload of passengers is much greater than from a mail car.

Mr. REEDER. The same clipping closes thus:

If the proposed bill passes, the people on the farms will be obliged to pay much more than at present for their best and most useful class of reading matter. The only way to stop it is for each reader to write a protest—write it at once and mail it immediately to his Congressman. We believe this is very important and very necessary. People all over the country are doing this. Let every reader of Farmers' Mail and Breeze write to some Congressman to-day to the following effect: "I believe the proposed increase of postal rates for farm papers and magazines is an injustice to the farmer and inadvisable, if not dangerous, as a precedent. I hope you will do your utmost to prevent this mistaken policy."

The Kansas Congressmen, in the order of their districts, are: D. R. ANTHONY, CHARLES F. SCOTT, PHILIP P. CAMPBELL, JAMES M. MILLER, WILLIAM A. CALDERHEAD, WILLIAM A. REEDER, E. H. MADISON, VICTOR MURDOCK. A letter will reach any of them if addressed: House of Representatives, Washington, D. C.

Oklahoma's Congressmen are BIRD S. MCGUIRE, Elmer L. Fulton, James S. Davenport, C. D. CARTER, SCOTT FERRIS.

Is this true, Mr. Chairman, except as to the names of the Congressmen from Kansas and Oklahoma?

Mr. WEEKS. The writer seems to give the impression that the President's suggestion applied only to farm papers and magazines, when he probably knows that it applies to all second-class mail matter—that is, to all papers and periodicals.

It sounds to me as if he were making large profits, largely due to the Government's carrying his paper for less than the service costs, and he appeals to the prejudices of his subscribers to pull his chestnuts out of the fire. I do not believe he is publishing his paper for any other purpose than for profit, and he writes as if he were not willing to pay the Government what it costs to perform his transportation service. In other words, he is getting a subsidy and does not wish to be disturbed.

Mr. REEDER. I will now read further from the letter:

The smaller "Tom's wail" caused me to investigate, and I find this paper contains 64 pages, 12½ of reading matter and 51½ of advertising, including title-page; price, $1 per year; weekly. Now, this is a good sample of the farm papers and magazines that are crying for cheap postage. A small per cent of the reading matter is valuable, but most of it consists of theories that would "bust" any farmer that attempted to follow them. The price is from two to eight times that charged for newspapers—reading matter considered—and the price received from advertisers must be large. Therefore, I believe Tom's wail should not be considered and the proposed advance is very conservative.

The inclosed advertisement presents a problem that I believe should receive the attention of Congress or the Postal Department. (Not this one in particular, but the class which this one illustrates:)

I WANT TO SEND YOU THIS $3.50 PAIL FREE.

I want you to know for yourself why Wilbur's Stock Tonic is fed by 500,000 stock raisers daily. I want you to see what it does for your horses, your milch cows, your hogs, your sheep, and poultry. I want to prove to you beyond all doubt that Wilbur's Stock Tonic is a wonderful feed saver, fattener, and positive preventive of disease. I want you to find out by actual test that my tonic makes money for you every time you feed it, and there are 1,240 feeds in the pail I want to give you free. I don't want you to pay me one cent for this free pail. That's why I will send a 25-pound pail absolutely free to you and to every reader of this paper, where I have no agent, who fills out and sends me coupon below.

Is my offer fair? Do you risk one cent by accepting this $3.50 pail free? Is it worth a 2-cent stamp to make $3.50? If so, just fill out this coupon and mail to-day.

WHAT OTHERS SAY.

WILBUR STOCK FOOD COMPANY,
Milwaukee, Wis.

GENTLEMEN: I have been feeding Wilbur's Stock Tonic for some time, with best results. I feed it daily to horses, cows, and hogs, and find it does everything you claim for it. I have fed other kinds, but they are nowhere to compare with yours. I never expect to be without Wilbur's Stock Tonic.

Yours, truly,
E. E. FOX,
Perrysburg, Ohio.

WILBUR STOCK FOOD COMPANY,
Milwaukee, Wis.:

In regard to Wilbur's Stock Tonic, I can say I think it is all right. I have had two or three horses die and several sick ones, but since I commenced using your stock tonic I haven't lost a horse or had one to be sick that I know of. I have been using it for the past two years.

Yours, truly,
G. W. BEAVERS,
Hurst, Ill.

WILBUR STOCK FOOD COMPANY,
Milwaukee, Wis.

DEAR SIR: Your stock tonic is the best I ever used to bring up run-down horses. I could not get my horses to improve until I commenced to feed your tonic. They are fattening up, and I feed only half the grain I did before, and my cattle are doing well; in fact, everything I feed it to. Would not be without it again.

Yours, truly,
J. O. MCNUTT,
Warrens, Wis.

THIS BEAUTIFUL PICTURE FREE.

Champion 6-horse team of the world. Fed on Wilbur's Stock Tonic. Awarded first prize at St. Louis World's Fair. I mail you this beautiful picture free, size 15 by 31 inches, in exquisite colors, if you mail coupon without delay.

F. P. WILBUR,
President Wilbur Stock Food Company, Milwaukee, Wis.

Free $3.50 pail coupon.

F. P. WILBUR,
President Wilbur Stock Food Co.,
Milwaukee, Wis.:

Please send me the 25-lb. pail of Wilbur's Stock Tonic and the large colored picture, both free.

I own.....horses.....cattle.....hogs.....poultry.

My name.....

P. O.....R. F. D.....

Freight Sta.....State.....

I use this one to illustrate, because I have tried it out, after filling out and forwarding the coupon. They advised me to send $14 for four pails, and they would give me one free, to which I made no reply. They then followed with an additional offer of a $15 American watch, and later yet, added five $1 knives, one knife with each pail. I then asked them to forward the trial pail, as advertised, or take my name off their mailing list. I have not heard from them since. While this class of advertisements may be legally honest, it is very misleading, and represents a large per cent of the advertisements carried in the farm papers and magazines, and I believe should be excluded from the mails.

Very truly, yours,
F. F. CUTLER.

The editor of a magazine or a newspaper serves in a field of great opportunities.

Persons entrusted with such chances to be of service to their fellows, especially if endowed with ability to improve these opportunities, have a great obligation resting on them.

We all insist on more perfect living at the hands of a minister of the Gospel than we do of others. The editor is also held to a higher standard of truthfulness and honesty, because of the great audience he meets daily and the peculiar access he has to their minds and hearts.

I am glad to be able to assert that a very large percentage of these ministers and editors meet this demand on them for upright, honest living in a way which gives great hopes for the future of our civilization, of which they form so essential a part of the foundation.

It is true, we concede to an editor the privilege of some exaggeration in favor of a policy he may wish to advance, yet a very strong condemnation is due those editors who will falsify in order to carry their point.

When these misrepresentations are directed against a public servant they are to be doubly deplored.

The acts or words of a public servant are public property and should be discussed and criticised by those opposed to such acts or statements.

But the editor who uses his ability and the circulation of his paper to create false impressions as to persons holding public place in the Government thereby discredits the Government.

Such editors as the one who, by the editorials in his own columns, asserts that Congressman SMITH, of California, denounced him as preaching anarchy, surely comes under this class when he heads an article directed against a committee of Congress thus: "Fresh robbery."

The only possible motive of this editor in his efforts to create an impression that the members of this committee are thieves seems to be to retain a certain special privilege of paying about one-third of the actual cost to other citizens—the Government—of certain services rendered to him by the Government.

Such insinuations, and especially when they seem to class therein the President, who has stood before the people with such honor, integrity, and ability in so many positions of responsibility as has President Taft, is surely doing what he can toward discrediting the Government, and therefore deserves the condemnation of all good citizens.

Such editors also make it plain, in my judgment, to all public servants that regardless of their conception as to what is right, or as to their duty to the masses, they must give these editors what they demand or suffer a fight against great odds in weapons—sometimes sustained by statements not warranted by facts.

I can not refrain, in this connection, from mentioning a circumstance which occurred in my last campaign and since.

I stated in my speeches and published in a great Democratic daily, which circulates in my district, that I would vote in the caucus for some other Republican than Mr. CANNON for Speaker. Every Republican member of the caucus knows that this is exactly what I did. This great Democratic daily stated later that I did not do as I had promised. I immediately set forth the truth through the press. This same editor continues to reiterate this false statement to his readers, and thus uses the advantage of his circulation to create an impression which he knows to be false. Whether this editor desires to force me to put up, or whether his wish to discredit Republicans is so great as to justify in his conception of right falsehood as a weapon, I am not able to say. I can not conceive of any possible motive but one of these two.

I feel safe in asserting that such an attack is mean and cowardly, based on no higher code than the ethics of the fisticuff contests as they prevailed in the early settlement of central Illinois.

Even a friend of a fighter would not permit his friend to use a weapon not furnished to his opponent in those early contests.

Such misrepresentations are vastly more criminal when we consider that such use of a great power simply leaves a man in public life one of three alternatives:

First. Quit public life.

Second. Make a fight against much more effective weapons than he has at his command.

Third. Putting up in cash or favors of some kind what such an editor figures he can bleed you for, or be blackmailed.

To make sure no wrong inference can be drawn from my statements, I reiterate a public servant's actions and words are public property, and are properly subject to criticism or refutation.

But when an editor goes so far as to deliberately publish falsehoods to discredit a great committee of Congress or public servants individually, he becomes a menace to honesty in politics and an enemy to our form of government.

There is no class who, in my judgment, merit criticism and condemnation more at the hands of all good citizens than such editors.

Mr. MOON of Tennessee. I now yield to the gentleman from Texas twenty-five minutes.

Mr. SHEPPARD. With the enactment of the Payne tariff bill the lash of the taxgatherer falls more mercilessly upon the tired shoulders of the American people. It would be difficult to imagine a more signal instance of political treachery than this Republican tariff law of 1909.[3] Summoned by a majority of a million in a voting total of 14 millions to correct the oppressions of its own tariff law, the Dingley law of 1897, the Republican party devised a measure that gave oppression wider sway. Called to reform the tariff, the Republican party deformed it beyond all conscience. Its response to the people's cry for lower taxes was a statute imposing higher taxes. Like the Ethiopian, it could not alter its skin; like the leopard, it could not change its spots. [Laughter and applause.]

In returning the Republican party to power in 1908 the American people evidently forgot the history of this faithless organization. From its first accession to control it has multiplied the burdens and obstructed the advancement of the Republic. From 1860 to 1909 it has erected a veritable stairway of increasing tariff, each more oppressive than the last. Beginning with the colossal emergency tariffs of the American civil war, tariffs tolerated only because of a crisis involving the Nation's life, enacted with the solemn understanding that they would be reduced when the struggle ended, it has kept succeeding tariffs at and above the martial level throughout nearly all the forty-five succeeding years of peace. In the Dingley law of 1897 it established the highest tariff duties the United States had ever known, levying so heartless a tribute on the people that within a few years the demand for tariff revision became almost universal. The spectacular performances of Mr. Roosevelt diverted popular attention to other measures during the seven lurid years of his ascendency. But the tide of the people's anger could not permanently be stayed. Unable longer to ignore the popular demand the Republican party in its national platform of 1908 covenanted to modify the tyrannies of the tariff. It would seem that with so plain a mandate from the people, so plain a promise in its platform, so generous an indorsement at the polls the Republican party would have made serious effort to remedy its own abuses of the tariff.

But what occurred? With a perfidy unapproached in all the ages the Republican party enacted a tariff law carrying a higher average of rates than the law it pretended to revise. The new Republican tariff law can not be excused on the ground of haste or ignorance or fear. For twelve years the Republicans had possessed full opportunity to study the operation of the extortionate Dingley rates. For twelve years they had heard on every side the appeal for a sane and scientific reformation of the customs laws. They were men skilled in every phase of politics and legislation. They selected for the task of revision a time removed as far as possible from the succeeding general elections. It may well be said, therefore, that the Payne tariff law is a deliberate and characteristic Republican product, that it represents the best tariff legislation of which the Republican party is capable. It is evidence, therefore, of the most conclusive character that the Republican party is essentially unable to make a genuine and honest reduction of the tariff. It is evidence, furthermore, of the corrupting influence of high protection. Holding tenaciously to this theory, it is impossible for the Republican party to bring about an adequate readjustment of the tariff rates. It has never done so and it never will. The practical effect of the Republican theory of protection is the taxation of the entire people to guarantee the profits of certain industries.

The benefit reverts principally to the owners of these industries because the labor they employ is in constant competition with the world. Still less is labor helped, because any raise in wages by reason of the tariff is offset by an equal or greater tariff on what the laborer must eat and wear and use. In its final analysis the Republican doctrine of protection creates an aristocracy of the dollar. It grinds the masses to sustain the millionaires; it oppresses the cottage to upbuild the palace. It makes the multitudes in jeans and calico support the few in silks and furs.

It destroys the vital principle of equality before the law without which the Republic can not long survive. It violates the divine command, "Thou shalt love thy neighbor as thyself," substituting for it, "Thou shalt skin thy neighbor for thyself." It overturns the constitutional safeguards for the integrity of property rights. Such are the teachings that pollute the whole fabric of Republican tariff laws and mock every Republican effort to revise them. Powerful as the Republican party is, it can never commit the American people to a permanent acceptance of high protection. After every tariff it has enacted it has been compelled by public sentiment sooner or later to undertake at least a pretended readjustment. The Payne tariff law has been in existence less than seven months, and already the voices of protest are reaching to the heavens.

A careful examination of the Payne tariff law will reveal sufficient basis for the general protest against it. It contains 14 schedules of dutiable articles, lettered alphabetically, and a free list. Let us review the law schedule by schedule. In Schedule A, which deals with chemicals, oils, and paints, there are quite a number of reductions, but the increases are such that the statement of the Republican majority of the Senate Finance Committee, framed to accompany the Payne bill, shows an actual ad valorem increase for the entire schedule. In this schedule the Republicans have reduced the duty on strychnine and raised it on soap. Thus they have made it easier for a man to destroy his body and harder to keep it clean. [Laughter and applause.] Let it be noted that the reductions in this schedule are usually as to articles such as most of the items in the acid section, ammonia, borax, and the like, which can be produced more cheaply here than elsewhere, and consequently afford no substantial relief. In Schedule B, earths, earthenware, and glassware, there are reductions and increases, but the average decrease is immaterial, being less than one-half of 1 per cent. In this schedule the Republican party has reduced the tariff charges on marble and onyx for the mansions of the rich from 30 to 40 per cent, but has made no reduction on cement, an ordinary building necessity, raising some kinds from 55 to 522 per cent.

A characteristic Republican trick is seen in the manipulation of the duty on carbons for electric lighting. Under the Dingley law it was 90 cents per hundred; under the Payne law it is 65 cents per hundred feet on certain grades, 35 cents per hundred feet on others. Only the grades rated at 65 cents per hundred feet are actually imported, and the net result is a large advance over the former duty.

Nor can it be said that the reductions in Schedule C, the metal schedule, are productive on the whole of any real relief from inordinate taxation. It is true that there are numerous decreases in this schedule, including iron ore, pig iron, scrap iron, bar iron, cotton ties, steel rails, steel ingots, wire rope, and the like, but there are corresponding increases, including ferrosilicon, tungsten-bearing ores, certain classes of cutlery, notably razors, on which the tariff is raised from 28 to 68 per cent, structural steel, antimony, and so forth. As in the chemical schedule the articles reduced are largely those which could be made in this country in absolute immunity from competition abroad without any duties at all. The result is a net reduction in the whole metal schedule of less than 1 per cent, or from 32.13 ad valorem to 31.35. To show how immaterial are the changes in this schedule let me say that the expected revenue under the new rate is $21,400,000 in round numbers, while the actual revenue in 1907, under the old law, was $21,900,000, a difference of only $500,000.

The value of the articles of this schedule produced each year in the United States is over three billions of dollars. The imports under this schedule amounted to sixty-eight millions in 1907, the year adopted by the Republican majority of the Senate Finance Committee, in the official statement before described, as the typical fiscal year. Mark well the situation. In order to raise $21,400,000 of revenue the American people must pay a tribute of 31 cents in every dollar of the $3,000,000,000 worth of metal articles annually turned out in the United States, the steel trust being the principal beneficiary.

Schedule D, wood and its manufactures, presents a condition largely similar. While reductions are made in lumber, both rough and sawed, the total decrease in the entire schedule is only from 15.12 ad valorem under the Dingley law to 12.79 under the new measure. The reductions in this schedule, as well as the reductions in all other schedules, may be neutralized at any time by the operation of the maximum and minimum features of the law, with which I shall deal later. In the next two schedules, E and F, embracing sugar and tobacco, respectively,

there are no changes, the rates continuing at the enormous figure of 65 per cent ad valorem for the former, 87 per cent for the latter. There is no lightening of the tariff burdens on these two fundamental necessities. Sugar manufactures total four hundred and thirteen millions a year in the United States; tobacco manufactures, three hundred and thirty millions. What a harvest for the sugar and tobacco trusts, which control the principal output!

Schedule G, agricultural products and provisions, shows on the whole a slight increase of duty. This schedule includes live animals, breadstuffs, dairy products, vegetables, nursery stock, seeds, fish, fruits, meat products, salt, starch, spices, and vinegar, and the average ad valorem charge remains in the neighborhood of 32 per cent. On spirits, wines, and other beverages, Schedule H, there is a general increase of about 20 per cent, and there is no objection to this. One of the chief outrages of the new Republican tariff is Schedule I, covering cotton manufactures. It contains provisions for added duties wherever cotton goods have been mercerized and wherever they can be separated into threads, which have the effect of doubling, tripling, and quadrupling the already high tariff rates on a vast class of common cotton stuffs. According to the official Republican estimate the duties in the cotton schedule were raised from an average ad valorem of 44.84 in the Dingley law to 50.62 in the Payne law. Cotton hosiery bears a tax ranging from 55 to 87 per cent under this new Republican tariff, cotton underwear a tax of from 50 to 60 per cent, while cotton ribbons and suspenders bear a tax of 45 per cent. Even the wicks of the candles that feebly light the poorest firesides are taxed nearly 50 per cent, while diamonds and pearls, in another section of the law, escape with a charge of only 10 per cent. The home manufactures of cotton have a value of a billion dollars a year, on which the American people must pay the equivalent of an average tariff charge of over 50 per cent to raise an estimated revenue on forty or fifty millions of imports of only sixteen millions.

In the flax, hemp, and jute schedule, Schedule J, there is a slight increase on the whole, the average ad valorem in both Dingley and Payne bills being in the neighborhood of 44 per cent, the one slightly below, the other slightly above it. In the woolen schedule, Schedule K, there are only four reductions, and they are unimportant, in the 20 paragraphs of the schedule covering hundreds of articles of universal use. If there was a schedule in the Dingley law which needed thorough overhauling it was this woolen schedule, with rates on blankets ranging from 107 to 165 per cent, on the cheaper flannels 140 per cent, dropping to 60 and 75 per cent for oriental rugs and velvet carpets, and keeping the main burden of taxation on the masses. This schedule remains practically unchanged, imposing the Dingley average ad valorem of nearly 60 per cent. Thus, to raise thirty-six millions of revenue on sixty-two millions of woolen imports, the American people are subjected to a tax of nearly 60 per cent on the seven hundred and sixty-seven millions of woolen goods manufactured annually in the United States. The silk schedule, Schedule L, remains substantially without change, retaining an average ad valorem of about 50 per cent. It is a typical Republican act to keep cottons and woolens, which are so necessary to the comfort and life of the masses, under as high a tax as silks, which only the more fortunate may wear; yea, to keep the cheaper grades of the former under a much higher impost than the latter.

In Schedule M, which relates to pulp, paper, and books, there is on the whole an increase of duty, a condition that shocks the Nation's moral sense. The extortions of the paper trust under the Dingley law aroused the newspapers of the country to angry and impatient protest. The Republican Congress appointed a special committee, headed by that vigorous and vigilant Republican, the gentleman from Illinois [Mr. MANN] to investigate the situation. After thorough investigation the committee recommended the free admission of wood pulp and the reduction of the duty on print paper from $6 to $2 per ton. The Payne law as finally enacted made mechanically ground wood pulp free, but added a discriminating duty of one-twelfth of a cent per pound against countries levying export duties or other charges. Chemical pulp, bleached and unbleached; print paper, surface-coated paper, and lithographic paper were nominally reduced, but the discriminating duties were supplied. On all forms of writing paper a distinct advance was made, the highest tax resting on the commonest kinds. The net result was an increase in the schedule as a whole, instead of a reduction as recommended by the Republican investigating committee, and the gentleman from Illinois [Mr. MANN], in complete disgust, voted against the Payne bill on its final passage. The paper trust had scored a tremendous triumph. Late dispatches report that the price of Bibles has been raised on account of the new Republican tariff tax. How long will the American voter submit to a party which taxes without mercy the food of his table, the clothing of his family, and the Bible of his God? In the miscellaneous schedule, Schedule N, there is a net decrease, but not a sufficient decrease to lower the total average of the Payne law. Hides are placed on the free list, but the corresponding reduction on leather goods is not sufficient to bring about the needed relief.

Coal is reduced from 67 cents to 45 cents per ton; agricultural implements, from 20 to 15 per cent. Dolls and marbles and toys in general are still subjected to a heavy tariff. Thus the amusements of childhood are laid under tribute to protected greed. The reductions of this schedule as well as those of all the other schedules, I again assert, are by no means permanent on account of the maximum and minimum regulations embraced in section 2 of the new law.

This brief review will suffice to show the emptiness and the impudence of the assertion that the Payne law makes a material reduction of the enormous Dingley rates or is even a step in that direction. The labored efforts of Republican apologists, including the President himself, to show that the new Republican tariff law is a step toward lower tariffs are doing more to undermine the archaic dogma of protection than all other agencies combined. [Applause.] Once high tariffs were applauded; now they are disowned. Once the American people were told that the foreigner paid the tariff tax; now this argument is never seriously advanced. The inability of the Republican party to reduce the tariff taxes, the actual enlargement of tariff burdens in the Payne law, the growth and insolence of monopoly, the rise in price of articles of general use have awakened the people to a bitter sense of wrongs no longer to be endured. The American people can not sustain much longer the yearly burden of an average ad valorem of nearly 50 per cent on nearly all the fifteen billions of goods manufactured in the United States.

They are beginning to see that out of every dollar of the greater part of this fifteen billions which they expend every year for articles of necessity and comfort they receive only about 50 cents in actual value. It is little wonder that nine-tenths of the schools of political economy in the universities and colleges of the land condemn the Republican doctrine of protection. It is little wonder that the Republican President advocates higher postage rates on weekly newspapers and magazines. These periodicals are the torch bearers of intelligence in America; they reach and teach the firesides of the masses. They afford to the countless millions unable to buy a daily paper the only means of keeping in touch with the world's affairs. They are exposing the true nature of tariff and other governmental evils, and their circulation is a menace to the Republican party. [Applause on the Democratic side.] True to its traditional love of monopolistic wealth the Republican party, through its President, suggests this increase in postal charges on the cheaper periodicals, despite the fact that the railroads are being paid the most insufferable rates for mail transportation. [Applause on the Democratic side.]

We are now in position to consider the maximum and minimum feature of the Payne law. Let it be remembered that the Dingley law in section 4 established a basis for reciprocal trade relations by offering 20 per cent reductions on such of or all its articles in return for similar favors abroad. The Payne law establishes a new form of foreign-trade arrangements so different from section 4 of the Dingley law as to amount to a repudiation of the true principle of reciprocity.

The rates specified in the various schedules of the Payne tariff law constitute its minimum list, and it provides that an additional 25 per cent shall be levied on all its articles on and after March 31, 1910, as to countries not according us equal trade and tariff treatment with all others. Thus, our minimum rates are increased over 20 per cent, being higher than the maximum rates of the Dingley law. All existing commercial treaties are abrogated and other nations are abruptly told that they must accept our enormous minimum list, giving no preferences over us in any of their trade arrangements under pain of a further increase in our tariff of 25 per cent. It matters not that a foreign country may obtain concessions from other foreign countries far below the minimum rates of the Payne bill; the President is empowered to require that foreign country to accord us equal advantages with these others, although we may not give an equal consideration. The law is so worded that either the entire maximum list or the entire minimum list must be applied, regardless of the number or importance of the articles involved. It is a system unknown in international law, alike without precedent or equity, a challenge of all the earth to economic war. [Applause.]

But this is not all. Republicans, you confessed your skepticism as to the ability of your tariff law, with its almost prohibitive charges on the essentials of existence, to produce sufficient revenue; your failure as practical tariff legislators when in section 40 of the Payne measure you increased the authority of the Government to borrow money with Treasury certificates to two hundred millions. Moreover, you began a vicious practice by providing in the Payne law Panama Canal bonds to the extent of nearly three hundred millions in addition to the eighty-four millions already issued. A few years ago you told us the canal would cost one hundred and forty millions, now you tell us it will cost three hundred and seventy-five millions. What will it be next year?

You have introduced the fatal custom of capitalizing previous expenditures, a practice that has complicated the fiscal affairs of France and Germany almost beyond solution, a practice that may later be applied to army and navy and other expenditures. So you celebrated the passage of the crowning Republican tariff of five decades by preparing to borrow over $500,000,000. But there is more. By another stroke of your miserable statesmanship you authorized in the Payne Act a bond and certificate interest of 3 per cent, without readjusting the circulation taxes on national-bank notes. As 3 per cents pay only 1 per cent tax per annum, while 2 per cents, the present basis of circulation, pay 1½ per cent, the issue of the threes would cause a depreciation of the twos, upsetting the stability of the currency, and thus the very expedients you have devised are fraught with endless danger to the country. [Applause on the Democratic side.]

In your fifty years of almost uninterrupted power you have driven the American merchant flag from the ocean highways. Under the moderate tariffs of Democracy the American merchant flag floated on every sea, emblemizing our supremacy in the world's carrying trade. Now it has all but vanished from the oceans, being rarely seen in foreign ports. When you assumed national control in 1860 American ships had been carrying the greater part of our own trade and the trade of the world. Last year, of the two and three-quarter billions of American exports and imports less than 10 per cent was carried in American ships. Several of the great foreign steamship companies have each to-day a greater tonnage than all our merchant ships in the foreign trade. You now attempt to restore what you have destroyed by suggesting subsidies from the Treasury. You forget that liberal trade relations with all the world based on livable tariff rates at home and modern navigation laws are the only means by which an adequate merchant tonnage may be restored. Your exorbitant tariffs have so angered foreign peoples and so prejudiced foreign markets that our share in the world's trade is comparatively insignificant.

And yet we are foremost among the nations in natural wealth and resource! We sell comparatively little to most of the other nations, because our enormous tariffs forbid them to sell freely to us. Of the more than one billion of imports entering France in 1908 we sent less than 11 per cent; of the more than one billion entering the Netherlands, less than 11 per cent; of the more than two billions entering Germany, only 15 per cent; of the four hundred and twelve millions entering Russia, less than 6 per cent; of the five hundred and seven millions entering Austria-Hungary, less than 10 per cent; of the seven hundred and seven millions entering Belgium, less than 9 per cent; of the three hundred and thirteen millions entering Switzerland, less than 5 per cent; of the sixteen billions entering all the nations of the earth, about 14½ per cent. Of all the imports going to the entire continent of South America we furnish less than 5 per cent; of those going to the entire continent of Asia, less than 6 per cent; of those going to Oceania, less than 3 per cent; of those going to Africa, less than 2 per cent.

You have established an era of intense materialism. Your tariffs have fashioned an age of monopoly and millionaires, an age with arms of steel, ideals of brass, and heart of stone; an age in which material success has become the dominating aspiration of society. You have established an idolatry of the rich, a modern paganism more revolting than all the superstitions of antiquity. You have builded the modern trust, surpassing in wealth and power the wildest conjectures of the past. The millionaire has supplanted the statesman, the divine, the judge, in the regard of men; the dollar mark has eclipsed the cross. [Applause on Democratic side.] Patten in the wheat pit at Chicago, pale and breathless while millions accumulate and the price of bread grows dearer; Morgan restoring the trembling edifice of finance, while the mere fact that he takes a cup of coffee at 2 o'clock in the morning is cabled to the remotest sections of the earth; Rockefeller fixing the price of one of life's necessities, in this morbid hour an object of such world interest that the appearance of a single hair on his desolate cranium would be given a column in the Associated Press [laughter], are truer types of Republican ideals and tendencies than Jefferson composing the gospel of a nation's liberties or Washington declining an empire to resume the quiet labors of the farm. [Loud applause.]

But there are indications everywhere of an awakening that portends immediate political revolution. The American people are rapidly returning to the Democracy, the party that applies to the tariff, as to all other problems, the spirit of equality, the spirit that made the founder of the Democratic party the author of the Declaration of American Independence. They will restore to its ancient supremacy the party of human brotherhood, whose survival of the defeats of fifty years is the highest evidence of the purity of its principles, the justice of its cause. It is the only American party that has ever made a real revision of the tariff. It emerges to-day from the national reverse of 1908 to inspire hope among its followers and terror among its foes. Soon its banners will float in triumph above a people united and redeemed, and 80,000,000 tongues will shout "Democracy forever!" [Loud applause on the Democratic side.]

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from Ohio [Mr. HOLLINGSWORTH].

Mr. HOLLINGSWORTH. Mr. Chairman, I desire to submit a few remarks while the House is in Committee of the Whole House on the state of the Union.

On May 3, 1909, there was submitted in this House a resolution of inquiry directed to the Secretary of the Navy, requesting information as to a proposed gift of silver service for use on board of the United States battle ship *Mississippi*, the chief decoration of which was understood to be a portrait engraving of Jefferson Davis, late chief of the defunct southern confederacy. It sought to inquire into the propriety and authority for the act and contemplated corrective legislation. That its exact nature and scope may be readily understood, it is here quoted in full:

Whereas the dignity and character of the United States Government and its creditable standing at home and abroad require that its battle ships should be in command of officers imbued with high American ideals, healthy loyalty, and a just pride in the history and institutions of the Government they serve; and

Whereas public monuments, paintings, engravings, and other works of art exhibited or used in government buildings, structures, or in other public places belonging to the General Government are intended and should be calculated to inspire reverence for such ideals and teach valuable lessons of patriotism and love of country; and

Whereas it is reported in the public press and not contradicted that an elaborate silver service set of 62 pieces, with the centerpiece thereof decorated by an artistic portrait engraving of Jefferson Davis, the head of the late southern confederacy, has been purchased for presentation to the battle ship *Mississippi* for the permanent use of its officers at social and public functions, to the exclusion of any other service which might be furnished by the Government or presented by other donors; and

Whereas of the 37 officers now in command of the vessel, including Capt. John C. Fremont, of California, a worthy descendant of a brave Union general in the civil war, only 7 were appointed from the States lately adhering to the confederacy, and such proportion of appointments from the different States of the Union is likely to be continued in the future: Therefore be it

Resolved, That the Secretary of the Navy be requested to inform the Congress by whom and on what authority such gift is to be accepted, and what lesson of loyalty or patriotism such portrait engraving is intended to teach, and with what ideals of government it is expected thereby to inspire the officers and men now or hereafter to be in control of such battle ship, and especially to ascertain and inform the Congress whether or not the proposed gift of silver service thus decorated and such use of it are agreeable to or desired by the officers now in command of the *Mississippi*.

As will be seen, the resolution does not contain an offensive word or reference of any kind. It is in line with the loyal sentiment of the country and the policy of the Government ever since the close of the civil war to carefully exclude from government buildings and grounds everything that might tend to offend or wound the feelings of our southern brethren, especially unpleasant reminders of their attempt in 1861 to disrupt the Union and destroy the Government established by George Washington and his compatriots.

The sons of the confederacy, thanks to this considerate thoughtfulness on the part of the General Government, may pass through the full courses at West Point and Annapolis without seeing on the walls or in the corridors of the buildings any picture or motto calculated to remind them of the fact that their fathers at one time deserted the old flag under which they serve as cadets. A confederate reunion might be held here in this Capitol building, and not a soldier of the "lost cause" be reminded, by picture, cut, or carving, of Vicksburg or Appomattox. He would see in the Rotunda a magnificent painting of the surrender of Cornwallis, but nothing of the fate of Pemberton or Lee. He would see representations of glorious victories won by American arms in Mexico and against foreign foes on other battlefields, but nothing of Lookout Mountain, Sherman's march to the sea, or the capture of Richmond. No

arc de triumph has ever been permitted to span any of the magnificent avenues of the Nation's capital.

The dominant element of the Government—loyal people of the North, if you please—have ever been thoughtful and considerate of the vanquished, those who failed in their ill-advised, ill-timed, and ill-starred effort to destroy by arms the best government God ever gave to man. The right hand of friendship and forgetfulness, ever since the tragic furling of the stars and bars at Appomattox, has been generously extended by the victors. It is not their fault if a want of fraternal feeling exists anywhere within the Nation's domain.

The passing years have done their perfect work on both sides in healing the wounds of the civil war. Generously has the line between the Blue and the Gray been obliterated except in matters of vital principle. Equality of citizenship under the law has been made absolute without humiliating conditions. The Government and the people have closed their eyes to the constitutional definition of treason.

Only one man, Jefferson Davis, of all the confederacy spurned the Government's generous proffer to restore forfeited citizenship. After the collapse of his hopes of a southern empire, he seemed to live and die literally as "the man without a country."

Quoting from a eulogy by his chief lieutenant, Gen. John B. Gordon:

> Mr. Davis for the last quarter century of his life was the citizen of no country, professed allegiance to no government, was not concerned in the duties or ambitious for the rewards which make the life of an ordinary man.

Peace, blessed peace, and forgetfulness seemed to spread her wings alike over North and South after the surrender and parole of the armed forces of the confederacy, and, with rare exceptions as in the case of Mr. Davis, it was fondly hoped that the confederacy itself and all that it stood for in opposition to the General Government might in time be forgotten, might pass away like a horrid dream of the night.

But, sad commentary on American patriotism, this hope has not been realized. On the contrary, the false ideals of the confederacy would seem from recent events to have been only temporarily laid aside, incased as it were in chrysalis form, cocoon-like, in furled confederate flags, only to burst forth in new forms as soon as the General Government and the loyal, forgiving people of the North could again be lulled into a feeling of security, brotherly love, and indifference.

Has this condition arrived? Are there no longer any cherished ideals of the Northland? Has maudlin sentimentality replaced heroic conviction? Does the recent chiseling of the name of Jefferson Davis immediately above that of Abraham Lincoln on Cabin John Bridge, at Washington, indicate a mistaken belief in the waning glory and fame of Lincoln or a wish for the recrudescence of his confederate rival?

The portent of the times would seem to indicate a belief in the minds of southern statesmen that the ideals of Lincoln and Grant, the eternal principles of right vindicated in a four years' war for the Union, are being forgotten, or at least lost sight of in the present mad, feverish, money-getting commercial age. There is no other explanation of recent events. The erection of a monument to Major Wirz, of Andersonville fame; the forcing into the National Hall of Fame a statue of a confederate general in the full uniform he wore while fighting to destroy the Government; the attempted decorating of an American battle ship with engraved object lessons calculated to teach young officers reverence for the false ideals of the confederacy, and the congressional attacks now pending in Congress, one in the Senate and one in the House, to nullify and destroy both the fourteenth and fifteenth amendments, guaranties on which rest many of the vital results of the civil war, only tell a part of the story.

In unguarded moments the hidden thoughts and purposes of a people come to light. Note the sudden outburst of violent invective at the unexpected introduction of the resolution in question at the late special session of Congress. Simple, plain, and inoffensive as were its terms, it was at once attacked and, with its almost unknown author, made the object of merciless abuse and misrepresentation. All the deep-seated rancor and prejudice of the old days of the southern slavocracy, when northern men were called "mud sills" and Union soldiers were contemptuously referred to as "Lincoln hirelings," seemed to break forth with increased violence on a mere suggestion that United States battle ships are not the proper place for the display of confederate emblems, and that the young officers of the American Navy are entitled to different object lessons and different incentives to duty than the engraved portraits of confederate chiefs.

The storm raged with bitter fury in the press of the South, especially in that of Mississippi. The United States mails from that section were burdened with threats of violence against the hapless author of the resolution. Even here in the national capital there was a suggestive feeling that possibly a mite of the old spirit of Preston Brooks and others, who were wont to strike down officials for opinion's sake, might be lingering in the halls or underground recesses of the Capitol building.

It was a sudden awakening for the people of the North, who had fondly cherished the belief that Grant's magnanimity at Appomattox was still remembered and appreciated in the South.

So violent and abusive was this attack in a personal sense that, on May 15, at the extra session, I rose in the House to a question of privilege, and, ignoring the low, scurrilous abuse of irresponsible letter writers and small newspapers, asked to reply to certain articles in four of the leading southern journals, one of them published at the capital of the State of Mississippi, styling itself the "official journal of Mississippi."

I believed then, and I believe yet, that I was entitled under the rules to the privilege. But it was denied after the articles had been read in full by the Clerk. They are printed in the RECORD of that date.

To make the situation plain, however, I here quote from them a number of personal excerpts:

> This man HOLLINGSWORTH is serving his first term in Congress, and is evidently a South hater of the rankest kind, who is seeking to make political capital for the future.
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> Raised in a section notorious for its hatred of the South, of southern men and southern institutions, in a restricted and narrow sphere, and with no public experience, and taught to believe that Jefferson Davis was a traitor who should have been tried, convicted, and hung, it is perhaps natural that such a contemptible little whelp should rise up to abuse the men and slander the section that appreciates him. HOLLINGSWORTH belongs to the past, though a young man, to that class of narrow-minded political wretches who think it a virtue to wave the "bloody shirt" and an honor to denounce the South's great chieftain.
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> It is all nonsense for this little Ohio Congressman to talk about the proposed gift being agreeable to the officers, or to ask by whom and on what authority such gift is to be accepted. The Navy Department has known for months what the design would be, and no word of displeasure has been received, no suggestion as to change made, so it is safe to say that no attention will be paid to the cheap resolution of the political nonentity from Ohio.
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> The Ohio Congressman who got up in the House the other day and raised all manner of sand about the picture of Jefferson Davis being put on the silver service presented to the battle ship *Mississippi* ought to be informed that nobody cares what he thinks about it. A politically prejudiced gas bag from Ohio can no more cast reflection upon the life and character of Jefferson Davis than a mangy, flea-bitten, bobtailed cur dog can insult the moon by getting up at 2 o'clock in the morning and barking himself to death at the pale-faced luminary.
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> Davis is the idol of the South, and will continue to be long after this windy misfit from Ohio has been retired by his constituency and everlastingly forgotten by the Nation.
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> It will be interesting to know when and where Congressman DAVID A. HOLLINGSWORTH, of Ohio, "fit, bled, and died" for his country.
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> Had Congressman HOLLINGSWORTH been informed, as he should have been, he would have known that whatever are the designs and ornaments and figures and emblems on this silverware were selected by a commission of men named by the State; that the money for this service was contributed by citizens of Mississippi; and that nothing has been done without the approval of the Secretary of the Navy at Washington.
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> Measured by his frothings, he is indeed a little man. If aged enough to have enlisted in the struggle between the States he was not one of the brave men who were actively engaged in active service and on the fighting line. Brave men, men who experienced the hardships of the march, the camp, the bivouac, and the shock of battle do not "wave the bloody shirt." Perhaps Congressman HOLLINGSWORTH was one of the "home guards" or one of Sherman's bums, who robbed defenseless women, old men, and children. Who is HOLLINGSWORTH? Has he ever "fit and bled and died" for his country?
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> The man who holds the position of Secretary of War to-day in the Cabinet of President Taft believes in Jefferson Davis. And if Davis deserves the contempt and execration that this pusillanimous pigmy from Ohio would heap upon his name, the son of a confederate soldier, who believes in his father's political creed, has no place in the Cabinet of Mr. Taft.

These quotations, Mr. Chairman, fairly represent, in my judgment, the real feeling and spirit in ex-confederate circles toward those in the North who are unwilling to shut their eyes to the manifest and growing recrudescence of the confederacy in thought and power here at the national capital.

I am not alone entitled to the distinction.

On attempting respectfully to reply after the articles were read I was met by technical objections from at least five honor-

able Members representing States lately adhering to the southern confederacy, and two from New York—seven in all; and, on their objections, it was held that such accusations, sufficient, if true, to warrant expulsion, did not "reflect upon the gentleman from Ohio in his representative capacity" and were not, therefore, subject to a question of privilege; that is to say, it is not officially regarded as a reflection upon the representative character of a Member of the House, barring personal epithets, to accuse him of being a misfit Congressman, introducing cheap resolutions, and raising all manner of sand in the House to make political capital for the future. A graver or more contemptible charge against the actions or motives of a Member or against his official integrity could not, in my humble judgment, be made. If guilty, he should be expelled. It seemed to me unfair, but it was effective. I was knocked out, in the language of the prize ring, before I got on my gloves.

Unanimous consent, a request seldom denied to a Member, was asked to have my remarks printed in the RECORD, explaining my position and the resolution I had offered, but again objections from the same source came prompt and vigorous.

I was squelched; I felt like a "steam roller" had unexpectedly passed over me as the gavel fell, ending my efforts.

The result? My own discomfiture shall not weigh a feather with me in the calculation. It was not the first time I had witnessed an apparent confederate victory.

But, sinking my own personality entirely, I ask again, What of the results?

The press and public men of the South seemed to accept and hail the incident as a complete vindication in the Congress of the United States of the principles for which the confederacy stood. Exultant echoes of this sentiment were heard at every confederate reunion from the Potomac to the Gulf, and even here in the National Capital it was as plainly manifested in certain quarters as was the joy which showed itself in many faces immediately following the first battle of Manassas Junction. The quoted newspaper articles claimed to have been thus approved were read and reread with gleeful comment. Literally, a broad smile spread over the Southland at my discomfiture.

And why not, my countrymen? They stand to-day unchallenged on the records of this Congress. They contain sentiments abhorrent to the calm, conservative, just judgment of the people whose loyalty under Lincoln saved this Government from destruction, and yet no reply was permitted.

Let me quote a few other excerpts not of a personal nature:

> Everybody in America who knows the history of the two men knows that in point of education, native ability, culture, oratory, legal attainments, character, and unselfish patriotism, that Jefferson Davis was a greater man than Abraham Lincoln, and knows, furthermore, that the cause for which the southern soldiers fought was the cause of right.
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> In revering the memory of Jefferson Davis the State of Mississippi has honored itself and exalted the patriotism of her gallant sons and the devotion and heroism of her daughters.
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> The people of Mississippi have contributed the money to buy the silver service for the battle ship *Mississippi*, bearing the name of their State. And the people who contributed believe in the purity and nobility of the life of Jefferson Davis. They sympathized with him during the war between the States. They honor his memory and admire beyond expression his superb qualities.
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> If the portrait was not on the silver service, I should have it put on the service, and I would put it in such a conspicuous place that it would be impossible to look at the service without seeing the best likeness possible of the incomparable man who served as president of the confederacy.

These expressions, Mr. Chairman, are not the words of irresponsible passion-led men of the South. They were not written in 1860 and 1861, when turbulent hot-heads, South and North, if you please, were rushing the American people into a clash of arms. They were not inspired in the heat of the conflict as it raged from Manassas Junction to Appomattox. They were written deliberately in 1909 by representative men of the so-called "New South," and reveal a present purpose and determination not to let "by-gones be by-gones," not to stand by the honorable settlements made between the brave officers and men who fought to a finish the most unfortunate war ever known in history.

Silently and insidiously, night and day, in the schools, churches, and other organizations for the control of public sentiment in the South, even here in the halls of Congress, the leaven of distrust and discontent seems to be constantly working. The senseless cry of the "bloody shirt" is still heard repeated and rerepeated as a complaint, although sensible people long ago recognized it as a mere ruse to conceal southern hopes and designs.

Southern ideals are being revived; southern idols are being recanonized. What, I ask, does this mean? Are the results of the civil war to be undermined and destroyed? If not, why the pending resolutions in this Congress to nullify the fourteenth and fifteenth amendments? Why the scores and hundreds of bills introduced, forty-four years after the civil war, to pay for alleged damages in the Confederate States caused by the Union armies in the necessary prosecution of the war? Why all this commotion about a simple protest against making our battle ships places for the display of confederate emblems? Why the reported raising of a large fund to erect a confederate memorial at Arlington, eclipsing in size and magnificence any of the present monuments, if its purpose be not to establish a rival center for the annual display of confederate sentiment at a place peculiarly sacred to the memory of Union soldiers who lie buried there in such numbers that they and their widows and orphans have been rudely referred to as the greatest of all monuments to confederate valor and confederate honor? Why the recent demand that antislavery mottoes be removed from the walls of the Lee mansion by executive order?

The truth ought to be known. If the State of Mississippi, merely because the Navy Department has chosen to name one of its battle ships after the State, may force upon it for use anything offensive to the general sentiment of the country, the sooner that fact is made known the better. If one State may do this, another may. If the portrait engraving of Jefferson Davis be a proper object lesson on board the *Mississippi*, then that of Brigham Young would be equally appropriate on the recently launched battle ship *Utah*. Either suggestion would make of the vessel a laughingstock in any foreign port in Christendom.

I do not disguise, Mr. Chairman, the ultimate purpose of my resolution to be a law to prohibit such objectionable displays on all American vessels and public buildings. They should be forbidden just as the law now forbids the official acceptance of foreign gifts.

Abuse of the author and sarcastic references to his motives, the usual resort of small minds in the absence of substantial arguments, can not reduce or minimize the subject. It will not down.

I waited patiently during the extra session in the hope that opportunity might come to bring up my resolution, but I was disappointed.

Meantime conditions changed somewhat after June 1, the date heralded in advance for the ostentatious delivery of the silver service on board the vessel with characteristic pomp and blandishment, there to be accepted in like spirit by Captain Frémont, son of a Union general and first Republican candidate for the Presidency. It was impossible to learn from the public press whether the Davis silver had actually been taken on board. An opossum-like reticence seemed to settle upon these same southern journals after the 1st of June. The last published trace of the precious gift, so far as I know, shows it on shore in the hands of some of Mr. Davis's friends and a subaltern of the vessel, all seemingly making merry over what they evidently believed to be the indifferent attitude of Congress and the Navy Department of the United States Government.

I thereupon, in the closing days of the extra session, finding it impossible to secure consideration, introduced another resolution, to be taken up at the regular session, and which embodied all the terms of the former one, with this addition:

> Whereas under the present rules of the House as administered it has so far been impossible to get such resolution up in the House for consideration, and it has been reported in the public press that a subaltern officer of the vessel while on shore June 1, 1909, assumed to accept such gift from some of Mr. Davis's friends on behalf of the Navy Department of the United States Government: Therefore
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> *Resolved*, That in addition to the requests for information set forth in the original resolution above the Secretary of the Navy be also requested to inform the Congress whether or not such a gift has been accepted by any one; and if so, how, by whom, and on what authority.

I again call attention, Mr. Chairman, to the total absence of any offensive words in the resolution. It seeks only information on which to base future legislation.

I may be pardoned, therefore, for a brief reply to the harsh invectives which my resolution excited. "The war is supposed to be over," says this official journal of Mississippi, coupled with a personal reference intended to be offensive. I agree with it in this sentiment. The tragedy of Appomattox, forty-odd years ago, was supposed to end a great civil war, a war between the States, a sort of War of the Roses, as some modern statesmen insist on calling it.

Ulysses S. Grant, the great captain of the Union forces, when he said "Let us have peace," meant it from the bottom of his big loyal heart, and every true soldier of the North re-

sponded "Amen! so let it be." They had learned to respect southern valor and southern courage.

They have kept the faith; loyally have they abided by the pact of peace made by Grant and Lee. Conscious of the rectitude of their own hearts and the justice of their own cause, northern soldiers have been content with the simple fruits of victory and have not in any manner sought the personal humiliation of the equally brave soldiers of the lost cause.

I also agree with another sentiment of my editorial critic, applying it to the soldiers of both armies, that "brave men, men who experienced the hardships of the march, the camp, and the bivouac, and the shock of battle, do not wave the 'bloody shirt;'" a fact, Mr. Chairman, easily learned at any reunion of either the Blue or the Gray, especially at such confederate reunions as the one held last summer at Memphis. The veterans of Lee and Jackson and Johnston present on that occasion did not need to afterwards explain or apologize for anything they said or did. They were not there to fight over again the battles of the war or exploit their own acknowledged bravery. They were not disturbed by the excited expressions of a few tame civilians ostentatiously wearing confederate emblems and waving confederate flags in a time of profound peace.

When Robert E. Lee, of Virginia, Grant's famous rival, the real idol of the Southland, with calm dignity and a nobility of soul born of his own belief in the righteousness of his cause, feeling that his personal honor was untouched, but recognizing the inevitable, bowed his head in sorrow and handed his sword to General Grant in token of capitulation and his acceptance of terms the most generous ever offered by a victor on the field of battle, he acted in good faith, intending thereby the full significance of his action. When he said, in anguish of heart, to his devoted followers, "Boys, the war is over," he meant it, and they, too, like their comrades in the North, responded in fitting approval. They also have kept the faith.

Lee did not by hysteric efforts seek personal safety in flight. He gave no cause for scandal or false accusation. He was not captured in hiding or in disguise.

It had been a contest of giants. Anglo-Saxon had contended against Anglo-Saxon and cavalier for the triumph of ideas. There was no middle-ground for compromise. God himself had drawn the line, and surrender meant abandonment of the cherished ideals of a lost cause. Deeply touched by Grant's magnanimity and in a spirit of heroic resignation, Lee bade his brave band of survivors farewell, and they, in turn, with deep feeling and affection, accepted his advice and returned to their homes, henceforth to live the life of good citizenship.

They abided by the results of the war and have kept the pact of peace. This action of Grant and Lee and their respective commands is an object lesson, a benediction, an inspiration, and an example for all time to those who place God and country above passion and prejudice. It is an object lesson in historic setting, dwarfing in comparison into infinitesimal proportions the action of the State of Mississippi in its recent attempt to revive war memories by forcing upon an American man-of-war, where only loyal thoughts should be taught or tolerated, an object lesson for young officers such as the engraved portrait of the chief of the forces lately confederated against the Government.

Nor can I, Mr. Chairman, pass by without resenting it, another suggestion of one of those quoted articles to the effect that the Union Army of General Sherman was an army of "bums who robbed defenseless women, old men, and children." I was not with General Sherman on his famous march to the sea, but I knew him personally and knew enough of the character of his subordinate officers and men to denounce this sentiment as an atrocious libel. Man for man, officer for officer, no more creditable army ever marched to battle under a civilized flag.

My own part in the great war drama of the sixties was an unimportant and modest one. A year or more of service as a private in the Twenty-fifth Ohio Volunteer Infantry did not furnish many opportunities for distinction or for doing harm to the confederacy, but, simple and uneventful as it was, I am proud of it and have no apologies to make.

One or two little incidents of my service ought perhaps to shield me from the embittered pens of writers who, from the safe vantage of editorial sanctums, charge me with being a "South hater of the rankest kind," "narrow-minded political wretch," "waver of the 'bloody shirt,'" "home guard," or "one of Sherman's bums," and so forth.

Allow me to recite one of these incidents, not only in answer to the ill-tempered inquiry as to where I "fit, bled, and died for my country," but as showing that there never was any real animosity or hatred existing between the men behind the guns, such as now seems to inspire certain fire-eating editors and reunion orators who were either too young or too feeble to do any of the fighting, but who now delight in hurling hot explosions of wrath at imaginary foes, forgetting that their efforts would be laughable if it were not for their serious effect on the minds of women and children. Don Quixote attacking his windmill was not more ludicrous.

But to the incident I was about to relate.

I hold in my hand a little keepsake given me by a confederate prisoner captured in one of the minor engagements of the war. It is a fractional bill of one dollar and a half, issued August 1, 1861, by the Metropolitan Savings Bank, Richmond, and payable in current funds of the kind then in use in the Southern States. It is a curiosity to-day, but its value and significance to me, then and now, are shown by a memorandum of facts entered by me on its back after my return to camp. It follows:

This note was given to me December 13, 1861, on the battlefield of Alleghany Summit, Virginia, by a confederate soldier whom I personally captured. He belonged to a Georgia regiment. I shot at him once before he surrendered. After throwing down his gun and giving up, he remarked that he was nearly starved, and I gave him enough for a good square meal out of the cooked rations in my haversack before turning him over to the prisoners' guard. He thanked me very cordially, said the "Yanks" were not such bad people after all, and asked that I accept the note as a keepsake. I felt a boyish pride in having captured a full-grown rebel when I was only 17 years and 22 days old. (DAVID A. HOLLINGSWORTH, Company B, Twenty-fifth Ohio Volunteer Infantry.)

God bless that particular son of the South. I am glad my shot went wild of its mark. I called him a "rebel" then and he called me a "Yank," in the common language of the time; but I shared with him my "flitch and hard-tack," and if he is still living and will visit me at Washington, I shall be glad to entertain him with the best meal the Capitol café can afford.

Such incident is mentioned, not in self-praise, but in self-defense, against the poisoned arrows incessantly winged at me from all sections of the South.

The Navy Department is also charged with complicity, or rather with knowledge, for months, without objection, of the intention of the State of Mississippi to present this portrait engraving for use on the United States battle ship of the same name. I doubt this statement. It may be true, but I call for specific proof or, in default, that an apology be made to the loyal sentiment of the country.

If true, the American people are entitled to know the fact.

I do not believe in perpetuating the hatreds of the war, North or South. Time has softened its asperities and smoothed out its wrinkles. No one to-day objects to the Southland honoring its heroes at home in its own way. Southern statesmen can truthfully boast that they decorate their homes with confederate flags and the pictures of Davis, Lee, and Jackson, without offense to northern visitors of highest distinction, and without injury to their political standing. No official, certainly in the North, thinks of encroaching upon individual rights. In all the history of civil wars the world over there is not a parallel to the leniency, high consideration in fact, shown by the General Government toward those who, less than a half century ago, were striking at the life of this great Nation.

As a contrast, Mr. Chairman, I noticed on a recent visit to the old confederate capitol at Richmond that the captured confederate flags which, instead of having been destroyed as they properly might have been at the close of the war, were kept and eventually returned to the several States, and those of Virginia are now displayed in glass cases in the most conspicuous corridor of the capitol building, object lessons again teaching the rising generation to revere the false doctrines of the lost cause.

The same conditions doubtless exist at other southern capitals.

It was this false educational use of such flags, foreseen twenty-odd years ago by Governor Foraker of Ohio, which called forth his fiery but notable response when asked to join in the sentimental movement for their return, that no such flags would be returned from his State while he was governor, and subsequent events, Mr. Chairman, have vindicated his wisdom and forethought.

Indulgence and sympathy for the South have marked every national administration from Lincoln to Taft. Generously have they accorded to the South every right. Willingly have southern statesmen been called into the councils of the Nation, at times seemingly to the disparagement of those who stood by the General Government when loyalty meant something in this country.

The internal policy of the Southland has been sacredly regarded.

Even though shocked to the point of resistance by the recent erection of a monument on the horrible dead line at Anderson-

ville to Maj. Henry Wirz, a foreign-born confederate adjudged responsible for the admitted atrocities there enacted during the war, the rising tide of public indignation at the National Capital and in the Northern States has been restrained. No action has been taken against such desecration. No dynamite has been applied. No congressional resolution has been introduced.

There has been marvelous toleration, not interference or restraint, for all southern ideals and tastes. Even recently, since the close of the extra session, there has been placed in Statuary Hall of this Capitol a confederate memorial which is a distinct shock to many loyal hearts throughout the country, but inasmuch as it is supposed to be lawful under an old statute of permission to the several States it will doubtless be tolerated until the law can be repealed, as it should be, and all state memorials be sent back to the respective States, where they belong. But, with due deference to the South and to all southern sympathizers, I protest that the limit has been reached in the proposed action of the State of Mississippi, claimed as a right, but without any law therefor, to decorate one of our national battle ships with objectionable emblems—"trophies," so called, of the confederacy; object lessons, if you please—calculated to inspire in young officers want of respect for the high ideals and history of the Government, simply because such battle ship happens to bear the same name as the adopted State of Jefferson Davis. As well demand on behalf of the State that "Old Glory" be hauled down and the "stars and bars" be run up to the masthead. It is the same spirit which seeks further, notwithstanding Mr. Davis's boasted refusal of American citizenship, to place an honorary memorial to his memory in Statuary Hall of the National Capitol, a place supposed to be reserved for the most honored citizenship of the Republic.

Shades of Lincoln, Seward, Sumner, Chase, Grant, and their illustrious compeers, what next? What next?

Some things, Mr. Chairman, like the war itself, were supposed to have been settled at Appomattox. They were subsequently embodied in constitutional amendments of which all right-thinking Americans are to-day jealous and watchful. They are as sacred as our form of government. They constitute the fundamental truths for which free men have contended in all ages. They lie at the very foundation of republican government. Any attack upon them is an attack upon free institutions.

Human slavery, although shot to death by Union guns, was not effectually destroyed until the adoption of the thirteenth amendment to the Constitution of the United States.

Citizenship and the equal protection of all citizens under the law came only with the adoption of the fourteenth amendment, now sought to be nullified by a resolution offered at the extra session and still pending in the Senate. Its guaranties are universal. Individual independence is secured by it in all matters of private concern. No citizen under it can be questioned for individual conscience; individual action, lawful in itself, can not be restrained. Racial lines, it is true, in matters of public right, are obliterated, but in private life, in individual association and choice, the individual is and always must remain, so to speak, the architect of his own fortune. No man, not even the President, can be questioned or called to account officially because of his friends, his associations, or those with whom he may wish to break bread.

Political equality does not mean social opportunity.

The fourteenth amendment also wisely forbids payment of the confederate debt and claims for emancipated slaves. Its repeal therefore as proposed would make such payments possible by a simple act of Congress.

Are we ready for this?

The fifteenth amendment, guaranteeing equal suffrage to all citizens, was a culmination only of political rights. It also should be enforced in spirit and in letter. The resolution to repeal it, offered July 9 and still pending in this House, must be regarded as revolutionary. It should be defeated.

I protest, therefore, in the name of constitutional government, in the name of a just people, against all modern attempts to nullify these great settlements of the war period, and especially against the open efforts now being made in certain quarters to teach false doctrines and false ideals to the rising generation by such object lessons as the ostentatious display of confederate memorials in the hall of fame at the National Capitol, or by the decoration of our United States war vessels with the emblems of a defeated and defunct confederacy.

Let the pact of Grant and Lee at Appomattox be kept inviolate in spirit and in fact. It is the only safety of our redeemed Republic. Anything else means the complete domination of the General Government, either by the North and northern ideas or by the South and southern ideas, possibly by both at different times, but the changes always attended by bitter political animosity and strife, such as led to the fiery outbreak of 1861. Americans all, let us as patriots faithfully observe every duty of good citizenship, and avoid all such acts and displays as tend to weaken the harmony and peace of the sections.

Let us honor but one flag on all occasions, and that the starry flag of our great Republic, destined as it is, under Providence, to lead the world upward to a higher, purer, nobler, grander civilization, a civilization in which the individual rights of man shall never again be questioned.

Mr. WEEKS. Mr. Chairman, I now yield to the gentleman from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Chairman, I desire to say a few words in behalf of the rural carrier. I very much regret that the Committee on Post-Offices and Post-Roads have not seen fit to give them some relief. I am somewhat familiar with the conditions of the rural carrier in my part of the country, and I am fully convinced that they do not receive adequate pay for their services. Rural Free Delivery News, a paper published in the interest of the rural carriers, sent me some statements of expenses which it received from rural carriers in my district. I presume that other Members of the House, perhaps all Members of the House, received the same information from the same source.

I have 25 itemized statements sent me by this publication, which came direct from the carriers to the paper, and which I have taken pains to tabulate, and which, I think, give a very definite idea of the cost to the rural carrier of maintaining his outfit. I desire to read to the House just a few figures showing the cost of maintaining the outfit of the rural carrier.

This statement itemizes the expenses under the heads of grain and hay purchased for the use of their teams, blacksmithing, veterinary service, repairs on wagon and harness, and loss of horses by death. The average cost of grain to the rural carrier in six months ending December 31, 1909, was $77.35. The average cost to these 25 carriers for hay for their teams during that six months was $65.60. The average cost for blacksmithing was $16.17. The average cost for veterinary service was $3.25. The average cost for repairs to vehicles and harness was $10.12. Average loss to the carriers for the loss of horses by death was $24.12, making a total of $196.61 to each carrier for the cost of maintaining his equipment in these particulars during the six months.

The statement shows that the average money invested by the carriers in their outfit is $438 each. They should be allowed something for the depreciation of the value of horses, vehicles, and harness. I should think 20 per cent would be a fair estimate of loss by depreciation in the value of their equipment, but I have computed it at 15 per cent, so that the loss by depreciation as an additional item for maintaining the outfit would amount to $32.85 for the six months. Six per cent interest on the investment is $13.14, making a total cost to each carrier for the maintenance of his outfit of $248.60.

His salary for six months was $450, leaving a net salary to the carrier for the six months of $201.40, or $33.50 a month.

Now, I do not think this average, as it is computed from this statement, is a high average. There may be some items which seem to be high, but in many instances in my part of the country some carriers feel that they are bound to maintain three horses. Most of them, however, maintain two, and I undertake to say that the cost of $248.60 to each carrier for maintaining his outfit is a very fair and reasonable estimate of the actual cost to the carrier.

Now, a salary of $33.50 per month is a very small salary. I do not know of any man engaged in any service, in or out of the Government, who makes as small an amount of money as that—a little more than $1.10 a day for the support of his family; a little less than $1.25 a day for the days actually worked.

Mr. SULZER. Will the gentleman yield?

Mr. STERLING. Yes.

Mr. SULZER. Mr. Chairman, I am in accord substantially with the gentleman. The rural carriers should be paid more than they get now. I am seeking to accomplish the same results that I presume the gentleman is seeking to accomplish. Can the gentleman tell me about how many pounds of mail matter, on an average, these rural carriers deliver?

Mr. STERLING. No; I can not. I have not any information on that point.

Mr. SULZER. Well, I understand it is about 25 pounds a trip. Not a very heavy load for a horse to carry. I am in favor of a parcels post, and I ask the gentleman if he does not think it would be a good idea if we had a parcels post, like

other countries? The money that the Government would necessarily make by reason of a parcels post, in my opinion, would provide ample funds not only to pay the rural carriers good wages, but also to pay the post-office clerks good wages and to pay the letter carriers good wages. That is the policy we should adopt. I would like to know if my friend has looked into the advantages of a parcels post in connection with the Post-Office Department?

Mr. STERLING. No; I have not. I have given parcels post but very little consideration. I have reached this conclusion, however, so far as I have considered it—that if the Government undertakes to carry parcels on the same basis that it carries magazines and mail matter of that kind, there would not be very much profit in it for the Government and not much inducement for the Government to pay the carriers any higher salaries. It is not an answer to the demand for higher wages to the carrier to say that that service is losing money to the Government. They should not stand the burden. The Government demands that work done, and it ought to be willing to pay a fair and reasonable compensation for the service. Any day laborer anywhere in the country can get at least $2 a day for his services, with no money invested in an equipment or outfit, and no expense. He, with his hands alone, can earn anywhere in the country, I say, from two to two and a half dollars a day. Carpenters get $3.50 and $4 a day, and I know of no person, no class of persons, anywhere in the government service who get so little as $33.50 per month.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. STERLING. Yes.

Mr. STEPHENS of Texas. Is it not a fact that the gentleman has underestimated rather than overestimated the amount they get? I have received similar statements to the statement which the gentleman has suggested receiving from his district. The statements which I have received come a long distance from those which the gentleman has received, possibly a thousand miles, and I presume that that is the condition all over the country. Now, I think that, from the estimate I have made, the calculations on the statements that I have received, these men do not receive as much as a dollar per day, and that evidently is entirely too small wages for the service required. I am in full accord with the gentleman's views on this question.

Mr. STERLING. Mr. Chairman, I will say to the gentleman, taking a good many of these statements here alone, that the carrier does not receive a dollar a day, and I have no doubt they are entirely honest. Some of them perhaps have been more fortunate than the others, but there are a number of carriers in this list of twenty-five that make only 85 and 90 cents a day clear money for the support of their families. I do not know of any employees of the Government, except the rural carriers, who do not receive from $50 to $60 a month for their service, and the service of the rural carrier is just as important to the people as any service that is rendered in the Post-Office Department. I believe that the committee ought to make an additional appropriation and recommend to this House that the rural carriers receive more pay.

Mr. MILLER of Kansas. Will the gentleman yield?

Mr. STERLING. Yes.

Mr. MILLER of Kansas. Will the gentleman inform the House how much is paid to carriers in cities for carrying the mail?

Mr. STERLING. Well, I know something about the amount that is paid to carriers in cities. They begin at $600 the first year. The second year they get $800, and then an increase of $100 each year until they reach $1,100. Then there is a provision in the law where in the larger cities the department may promote the carriers to $1,200 a year.

Mr. MILLER of Kansas. That is after four years of service. Is it not true that nearly all of these carriers have been employed as much as four years, so that they will be entitled, under the same general plan, to from $1,000 to $1,100—or, at least, from $1,000 to $1,200? Further, what equipment does a city letter carrier have to have? Does he have to have the horses and harness and all other kinds of equipment necessary to carry the mail? Is he required to have extra expenditures of any kind at all?

Mr. STERLING. None whatever. The Government even furnishes him with his mail sack in which to carry the mail.

Mr. MILLER of Kansas. Is there any good reason at all why a carrier in the country who has to get up before daylight in the morning to take care of his horses and get them ready for the trip, spend the entire day in serving the people in carrying the mail, and then take care of his horses at night, should not have as much at least as the man in the city, who spends from 8 in the morning until about 6 in the evening?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WEEKS. Mr. Chairman, I yield five minutes more to the gentleman from Illinois.

Mr. ADAIR. Will the gentleman yield for just a moment?

Mr. STERLING. Mr. Chairman, I desire to say to the gentleman from Kansas that I think the city carriers get little enough. I do not think the salaries of city and rural carriers should be equalized by reducing the salaries of the city carrier, yet their services are no more important to the people of the country than that of the rural carriers. The service of the city carrier is not as important to the people in the city as the service of the rural carrier is to the people of the country. Yet I think the city carriers earn all they get.

I think these promotions ought to be made to city carriers just as fast as they can be made. These salaries should be equalized by raising the salary of the rural carrier.

Mr. MILLER of Kansas. One more question. I agree most heartily with the gentleman from Illinois upon that subject as far as city carriers are concerned. I say neither the city carriers nor the rural country carriers are getting sufficient for the amount of service which they render. Will the gentleman from Illinois be willing to make this speech and let it rest there, or be willing to join with the rest of this House who believe these salaries ought to be increased and vote to increase them?

Mr. STERLING. I will most heartily vote for any proposition which tends to relieve the situation in regard to the rural carriers. Now, I yield to the gentleman from Indiana.

Mr. ADAIR. The gentleman has stated that after deducting expenses, in his judgment, the salary does not exceed $31 or $32 per month. The gentleman from Texas says that he believes from the statements that he has examined that it is even less than that. Does not the gentleman from Illinois believe that even though it was 25 or 50 per cent more than these amounts mentioned, that it would still be less than it ought to be under present conditions?

Mr. STERLING. I think this, I think the rural carriers ought to have at least, in addition to the salary they are now getting, a reasonable sum for the maintenance of their equipment. Seventy-five dollars a month for the support of a family is not too much, and if the Government could make them an allowance, either by increasing the salary or paying them a sum to maintain their equipment, it would make no difference to me, but it ought to make an addition sufficiently large to pay the cost of maintaining the equipment. A farm hand makes more money than a rural carrier. No farm hand gets less than $25 per month. Good farm hands get from $30 to $35 per month and their board, so that the farm hand gets from $45 to $50, and there is no class of labor in the United States that gets so little pay as the rural carriers.

Mr. WEEKS. Will the gentleman from Illinois yield for a question?

Mr. STERLING. I will.

Mr. WEEKS. I would like to ask the gentleman from Illinois if he has ever been able to assign to himself any reason why there have been 25,000 or 30,000 applicants for places in the rural free-delivery service during this year, something like ten times more than the number of vacancies?

Mr. STERLING. I will say to the gentleman, that is not the situation out in my country. I know that a great many rural carriers are considering the advisability of quitting the service, and some of them have done so within a year. I do not know what it is in other localities, but I know that is the situation there. Many of them who are in the service now are considering the question of retiring from the service, and I say that there have been nearly 500 changes in the rural service in the last year, showing that many have quit the service throughout the country, and 150 more have quit the service within the last year than quit the service in the year before.

Mr. STEPHENS of Texas. If the gentleman will permit, I will state that several of them have recently quit in my district, and quit on account of the low wages.

Mr. STERLING. And the department will find that unless Congress does something to help the rural carriers that they will have difficulty in getting good men. And they are good men; they are selected men; men who have taken an examination; men who have qualified and shown their fitness by examination; men who give a bond for the performance of their duties. They are selected men, and they certainly ought to get not the least wage that is paid for any service in the country.

It seems to me they ought to get better pay than is paid for some kinds of labor.

Now, Mr. Chairman, the Rural Free Delivery News also sent me a list of States showing the average net earnings for the six months and the average per month. It is as follows:

Statement showing the average net earnings of rural letter carriers, after providing and maintaining the equipment necessary for the performance of their duties, for six months ending December 31, 1909. Compiled from expense statements furnished by carriers in practically every congressional district in which Rural Delivery Service is in operation.

State.	Net earnings for six months.	Average per month.
Alabama	$188.00	$32.00
Arkansas	177.08	29.51
California	234.75	39.13
Colorado	258.28	43.05
Connecticut	137.85	22.97
Florida	39.69	6.62
Georgia	184.79	30.79
Idaho	230.30	38.38
Illinois	220.00	36.00
Indiana	207.00	34.50
Iowa	185.00	31.00
Kentucky	206.33	34.39
Kansas	204.00	34.00
Louisiana	150.10	25.02
Mississippi	169.00	28.15
Montana	237.50	39.59
Maine	195.20	33.00
Maryland	143.00	24.00
Massachusetts	163.25	27.20
Michigan	190.40	32.00
Minnesota	207.40	35.00
Missouri	176.17	29.36
New Hampshire	188.80	31.47
New Jersey	175.49	29.25
North Carolina	167.00	28.00
North Dakota	165.00	27.63
Nebraska	254.80	42.46
New York	203.74	33.95
Ohio	244.70	40.78
Oklahoma	181.86	30.31
Oregon	171.06	28.51
Pennsylvania	211.56	35.26
South Carolina	177.51	29.58
South Dakota	167.00	28.00
Tennessee	180.00	30.00
Texas	177.90	29.65
Utah	240.31	40.05
Vermont	173.00	29.00
Virginia	178.34	30.00
Wisconsin	205.08	34.16
Washington	136.42	22.74
West Virginia	223.25	37.20
Average	189.00	31.50

Number of changes in the carrier service:

December, 1909	484
December, 1908	344
Increase (40 per cent)	140

This statement shows the average net salary paid to these men throughout the country to be $31.50 per month. Is that enough? Should not men who work every working day in the month get better pay in these times of high prices than $31.50 per month, men who must go in all kinds of weather and over all kinds of roads? Suppose the Government can get men, good men, with equipment, at $900 per year. Men are lured into this service because they want steady employment and a permanent position. They are anxious to work, and must work, and are anxious to work all the time, but the Government ought not take advantage of the necessities of men to get their service at less than a comfortable living salary.

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GRIEST].

Mr. GRIEST. Mr. Chairman, an act of Congress passed March 3, 1845, provided for the transportation of the mails with "celerity, certainty, and security," and those words have been an incentive and a motto to the postal service. It is with special reference to the "celerity" and "certainty" of the mails that these remarks are addressed, for without those important elements the efficiency of the governmental administration of the postal monopoly would be seriously affected.

The celerity of the postal service is attained at a cost of more than $80,000,000 annually for mail transportation by nearly every known mode of conveyance, and the modern conveniences, such as railroads, electric car lines, pneumatic tubes, and automobiles, are freely employed.

In our larger cities there has been established a city delivery service which has developed a laudable standard for "certainty," while throughout the rural territory there has been inaugurated in recent years an efficient and highly valuable postal delivery system officially known as the "rural delivery."

The city and rural delivery systems have attained a high degree of efficiency, and the facilities afforded are of incalculable value to the patrons served and a main factor in the growth and development of our country.

It is officially reported that the City Delivery Service supplies over 40,000,000 people living in the larger cities with a frequency of one to five deliveries daily, and that about 20,000,000 people in the rural districts receive a daily (except Sunday) delivery by carriers. Thus the postal service accords "celerity" and "certainty" to approximately 60,000,000 people. There are, however, many millions of patrons of the postal service who reside in towns with a population of more than 1,000 and less than 10,000 inhabitants who are not accorded "celerity" and "certainty" in the delivery of mail matter, for who no carrier service has been established, and it is in the interest of these people that my appeal is made for the extension of mail-delivery facilities.

By our republican form of government the people are closely associated with the several branches of the Government, but no department is more intimately associated with the people than the postal service. It is a valuable instrumentality for the public good.

The rapid interchange of thought, news and business, as afforded by the modern postal service, has been a mighty factor in enabling the people of the United States "to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," for which purposes the people of the United States established the Constitution.

In section 8 of the Constitution the Congress is vested with legislative powers over the revenues, commerce, the courts, naturalization, coinage, post-offices and post-roads, the army, the navy, the militia, and given general legislative power to make necessary laws. An important feature of section 8 provides that "the Congress shall have power * * * to establish post-offices and post-roads."

The Federal Government thereby became possessed of a monopoly of the post-office business of the United States. Our forefathers appreciated the necessity of possessing adequate channels of communication, and they framed the constitutional stipulation accordingly. With the appearance of the mail carrier the social, educational, commercial, and political prosperity of the Nation received a wonderful impetus to its development.

With the establishment of regular mail routes between the cities, it was recognized that local delivery facilities were essential, and as early as 1692 the first deputy postmaster-general of America, with the approval of the postmaster-general of England, introduced in the American colonies a postal system whereby mail matter which was not called for at the post-office within forty-eight hours after arrival was to be delivered at the residence of the addressee.

Dr. Benjamin Franklin inaugurated a mail-delivery service by carrier in Philadelphia, but during the colonial period house delivery of mail had an uncertain status.

However, in 1794 the Congress passed a law establishing regular letter-carrier service, and the carriers received 2 cents for each letter delivered, the acceptance or rejection of the service being optional with the patrons. At that time the postmasters were entitled to charge 1 cent "for handling the letter to the addressee." Since 1863 the letter carriers in the mail-delivery service have been paid regular salaries by the Government.

The City Delivery Service is now operative under the act approved January 3, 1887, providing as follows:

SEC. 709. Letter carriers shall be employed for the free delivery of mail matter, as frequently as the public business may require, at every incorporated city, village, or borough containing a population of 50,000 within its corporate limits, and may be so employed at every place containing a population of not less than 10,000 within its corporate limits, according to the last general census, taken by authority of state or United States law, or at any post-office which produced a gross revenue for the preceding fiscal year of not less than $10,000: *Provided*, This act shall not affect the existence of the free delivery in places where it is now established: *And provided further*, That in offices where the free delivery shall be established under the provisions of this act, such free delivery shall not be abolished by reason of decrease below 10,000 in population or $10,000 in gross postal revenue, except in the discretion of the Postmaster-General.

Congress has enacted very little legislation concerning the administration of this important branch of the postal service, but under the general authority granted the head of an executive department by section 161 of the Revised Statutes the Postmaster-General has prescribed regulations which experience has shown to be essential for the government of the service. On July 1, 1863, the city delivery was established in 66 cities, with 685 carriers, and the remarkable growth of the cities is illustrated by the fact that the number of cities that

enjoyed carrier service June 30, 1909, was 1,440, and the carriers number 27,620. The great importance, the commercial value, and the social benefits of the city mail delivery are so generally recognized that discussion of these is unnecessary.

Practically within the past decade the Congress authorized the establishment of free mail delivery in the rural districts, and experimental routes were established in 1896. The rural delivery promptly assumed permanent form, and in a few years this branch of the postal service has developed until it now serves more than 20,000,000 persons daily (except Sunday) by 40,628 routes.

The statement here submitted graphically details the marvelous development of the rural delivery to July 1, 1908:

Year.	Carriers.	Mileage.[a]	Annual appropriation.	Annual cost.	Population served.[a]
1894	.....	.....	$10,000	(b)	.....
1895	.....	.....	20,000	(b)	.....
1896	.....	.....	(c)	.....	.....
1897	83	1,843	40,000	14,840	22,772
1898	148	2,960	50,250	50,241	60,499
1899	391	8,929	150,032	150,012	273,604
1900	1,276	28,685	450,000	420,433	897,127
1901	4,301	100,299	1,750,796	1,750,321	2,840,644
1902	8,466	186,252	4,089,075	4,089,041	8,428,730
1903	15,119	332,618	8,580,364	8,051,599	6,123,195
1904	24,566	552,725	12,926,905	12,645,275	9,929,230
1905	32,055	721,237	21,116,600	20,864,885	12,982,275
1906	35,666	820,318	25,828,300	25,011,625	14,444,730
1907	37,582	883,117	28,350,000	26,747,000	16,911,900
1908	39,143	891,432	34,900,000	34,371,000	17,614,350
1909	40,628	.....	35,673,000	[a] 35,661,034	[a] 19,000,000

[a] Approximations. [b] Not used. [c] No appropriation.

The value of this rural mail delivery is of incalculable value to the Nation in many ways which can not be specifically illustrated in dollars and cents. Upon the farmer and those who reside in the rural communities there rest responsible duties as citizens, and ever has the agriculturist performed an important part in the development of our standards as set forth in the preamble of the Constitution.

To-day the American farmer is prosperous and contented. This condition is largely due to the existence of modern postal conveniences and to other policies which have been followed under the administrations of the Republican party.

The value and importance of both the city and the rural delivery services being recognized, it is most unfortunate that the Post-Office Department should be placed in the position which savors of discrimination against the millions of residents in the smaller cities and towns having from 1,000 to 10,000 inhabitants. There are probably 2,500 or 3,000 such places in this country with presidential post-offices of the second or third classes, having paved and well-lighted streets, good sidewalks, and provided with other conveniences common to the larger cities. The residents in such cities are without mail collection and delivery facilities such as are possessed and valued by their friends in the larger cities and in the rural district. Unless an incorporated community of American citizens can prove a population of 10,000 or more, with gross annual postal receipts in excess of $10,000, there is no delivery accommodation for them. This is an inequality which I think Congress should correct.

Several years ago the Postmaster-General recommended the extension of the city-delivery service to cities with gross annual postal receipts in excess of $5,000, and in the 1908 annual report the First Assistant Postmaster-General made a similar recommendation. He said:

> In view of the very general establishment of rural delivery, which brings mail directly to the homes of the people who live beyond the outskirts of our towns and villages and in the farming districts, the department is placed in the position of discriminating against the residents of smaller towns, who are unable, under the present law, to obtain either rural or city delivery. To meet the needs of such communities and to distribute the mail facilities of the country more equitably an extension of the city-delivery service is proposed.
>
> The enactment of the proposed law will permit the establishment of free-delivery service in over 1,400 towns, although it is unlikely that during the first year more than 1,000 will comply with the department's requirements relative to sidewalks, street lights, street signs, and house numbers.
>
> The proposed service will be comparatively inexpensive, as the average number of carriers to a town will be only two. It will be economical in comparison with rural delivery, which costs annually about $2.30 per capita, while the expense of the city service averages but 67 cents per capita, and in many small towns is under 50 cents.

It is admitted that the extension of the present city delivery system to these smaller towns would be highly desirable, but it would be very costly, and for that reason I have introduced a bill providing for an urban free delivery, the provisions of which will be explained later in these remarks. The employees of the city delivery communities necessarily require higher rates of compensation than may be essential in the smaller places. The Postmaster-General estimated that the city delivery could be extended to about 1,400 offices, with an average of two carriers per office, which would result in an expense of approximately $3,000,000 annually. But this would not afford the desired and just benefits to which the people of other presidential second and third class post-offices are entitled.

In the Ninth Congressional District of Pennsylvania, which consists of Lancaster County, there are 16 presidential post-offices. I cite this county as an illustration of my proposition. Lancaster city, a first-class post-office, and Columbia, a second-class office, are the only two places in the district which have collection and delivery mail facilities. Of the other 14 presidential offices 3 are second class and 11 third class. With but a single exception there are rural delivery routes emanating from these presidential post-offices, and in nearly every instance the towns have a population in excess of 1,000 inhabitants. In many cases the postal patrons and residents of the town reside a half mile or more from the post-office, and they are deprived of a desirable postal supply, while a neighbor just a few feet over the corporate boundary line can enjoy the full fruits of a well-developed rural delivery service. This condition of affairs is no doubt familiar to every Member of this House.

As an example I submit the following table as a fair criterion of conditions in nearly every thickly populated district in the country:

Presidential second and third class post-offices in Lancaster County, Pa., which now have no mail-carrier service.

Post-office.	Class.	Salary.	Population.	Rural delivery routes.
Christiana	Third	$1,200	1,100	2
Denver	do	1,000	1,000	2
Elizabethtown	do	1,800	2,000	4
Ephrata	do	1,800	2,556	5
Lititz	Second	2,000	2,500	6
Manheim	Third	1,700	1,926	6
Marietta	Second	2,000	2,469	2
Millersville	Third	1,400	1,240	2
Mount Joy	do	1,800	2,018	1
New Holland	do	1,400	1,008	4
Strasburg	do	1,100	1,100	2

Appreciating the needs of these communities, and realizing the necessity of providing an economical plan for the extension of the mail collection and delivery benefits to these citizens against whom there exists this discrimination, the following bill was introduced by me in December last:

A bill (H. R. 14604) for the establishment of a mail-delivery system at post-offices of the second and third classes.

Be it enacted, etc., That from and after July 1, 1910, the Postmaster-General may establish urban delivery service for the free delivery of mail matter as frequently as the public business may require at every incorporated city, village, or borough containing a population of not less than 1,000 within its corporate limits according to the last general census taken by authority of State or United States law and having a post-office of the second or third class.

SEC. 2. That applications for such urban delivery service shall be made according to rules to be prescribed by the Postmaster-General, who may adopt suitable regulations as to sidewalks, gates, numbering of houses, naming of streets, and the placing of approved mail receptacles at the door or entrance of residences and offices.

SEC. 3. That the urban delivery service may be employed for the collection and delivery of mail for patrons of a second or third class post-office residing without and adjacent to the corporate limits of any city, village, or borough having urban delivery service, under such rules and regulations as the Postmaster-General may adopt.

SEC. 4. That letter carriers of the urban delivery service shall upon appointment receive a salary not exceeding $600 per annum, and may be promoted after one year's service to $720; and where the service shall require more than one delivery each day the carriers performing such service may after two years' service receive a compensation at a rate not exceeding $900 per annum, or when the exigencies of the service shall require the employment of a mounted carrier such carrier may be allowed horse hire at a rate which, combined with the salary paid said carrier, shall not in the aggregate exceed $900 annually.

SEC. 5. That such statutes as have heretofore been enacted with reference to the city delivery and rural delivery services are hereby extended to the urban delivery service so far as they are applicable.

The provisions of this bill contemplate the creation of a feature of the post-office delivery service which might properly be viewed as an extension of the Rural Delivery Service, while, in fact, it also embodies the principles of the city delivery. By reference to the first section of the bill it will be noted that the provisions are similar to those enacted as a part of the law authorizing the establishment of the City Delivery Service, including stipulations as to incorporation, population, and so forth.

The second section has been framed to meet the recommendations of the Post-Office Department with reference to sidewalks, gates, numbering of houses, naming of streets, and the

placing of approved mail receptacles at the door or entrance of residences, as suggested, for application to towns of less than 10,000 population.

The third section authorizes the use of urban delivery letter carriers for the delivery and collection of mail outside the corporate limits when the exigencies of the service might necessitate travel beyond such limits in going from one portion of a route to another or for the purpose of serving a rural patronage adjacent to the corporate limits and without supply by a rural carrier, such facilities being incidental to the service on the urban delivery route provided within the corporate boundary.

The fourth section provides for the appointment of urban letter carriers at the minimum salary of $600 per annum. After the first year of satisfactory service they may be promoted to $720. This rate would undoubtedly be the maximum salary of most of the carriers at the offices entitled to proposed mail-delivery facilities. There would be practically no places where mounted carriers would be required, and in but few small towns is there much real necessity for more than one mail delivery per day. Thus the great majority of the urban delivery carriers would receive $720 annually. The maximum urban delivery carrier pay would be $900 annually.

In such cases where the conditions necessitate two deliveries a day the carriers would not receive the $900 rate until after they shall have had two years' satisfactory service. This arrangement would permit of service development and resultant increased revenues before reaching the maximum cost of operation, and the expense of the carrier, together with the increased efficiency, would justify additional compensation on the scale of advancement provided as an incentive for diligent service.

There are about 5,000 second and third class post-offices which do not now have mail-delivery facilities. Many of these are rated as third class only because of their gross annual postal receipts, owing to the existence of some prosperous industry in the community, while in fact the population is small and far less than 1,000. Furthermore, there are many places which, for various reasons, would be unable to comply with the requirements and become beneficiaries under the terms of the proposed law at an early date. Hence it is fair to presume that with a liberal estimate hardly more than 2,000 of the nondelivery second and third class offices would qualify during the first year or two.

Accepting a liberal estimate of 2,000 offices, with an average of one and a half carriers per office, the total expense of the urban bill for the year would barely exceed two and a half million dollars, and the mail-delivery facilities might be extended to all eligible second and third class presidential post-offices at a maximum expense of about five millions, while many millions of industrious and prosperous citizens would be benefited. This expense would be inconsiderable when it is noted that we are now expending $30,090,000 annually for the city delivery and about $38,000,000 for rural delivery. We are also expending millions for other public conveniences which do not so directly serve the great masses of people as would the urban bill if enacted into law.

The failure of the Government to provide a mail-delivery service for the citizens of the smaller cities or towns is an unjust discrimination not alone because these benefits have not been granted uniformly as provided for the larger cities and in the rural districts. The nondelivery second and third class post-offices are rightly entitled to these modern facilities, because the postal revenues from such offices warrant the employment of a mail carrier in such communities. Before a post-office of the fourth class can be assigned to the third or presidential class the gross postal receipt for four consecutive quarters must amount to at least $1,900. At this minimum rate of revenue the salary of the postmaster is $1,000 per annum, leaving a difference of $900 for clerk hire and such other incidentals as enter into the expense of operating the office. But few of these offices consume a considerable portion of that $900, and as the scale raises the balance in favor of the postal earnings increases. The cost of an economical delivery service would not consume the present profit from the third-class offices, and it would give the larger third-class and all of the nondelivery second-class offices a just return on the basis of the postal receipts at such offices. In this connection it is proper to recall that the postal revenues at these nondelivery post-offices are produced largely by postage on first-class matter, and practically no second-class mail originates at such offices. Inasmuch as the Postmaster-General in his last annual report announced that the annual profit from first-class mail matter was over $53,000,000, it would seem reasonable to apply a portion of this profit for the convenience of the citizens who assist in creating it.

Not only are the nondelivery second and third class offices now self-supporting and profitable, but it is the experience of the postal authorities that the installation of every modern postal development produces increased revenues, and this is always evident when an office is granted city delivery facilities.

During the fiscal year ended June 30, 1909, the 1,440 city delivery offices produced gross receipts in excess of $149,000,000, and the service cost $29,738,123, or 19.93 per cent of the gross receipts, affording a very handsome margin. In the case of the rural delivery service, the Fourth Assistant Postmaster-General presents an interesting statement for the year, showing an 87 per cent increase in the total amount of rural mail delivered and 151 per cent in the mail collected, or a total of 96 per cent in the total amount handled.

Recognizing that the so-called "deficit of the Post-Office Department" was greater for the fiscal year 1909 than that for any previous year in the history of the department, it is not expected that favorable consideration of the urban delivery bill will be accorded at this session; but inasmuch as the Republican party has ever been a progressive organization, and to it belongs the credit for the great city and rural delivery mail systems of to-day, the people of the country will look to the Republican party for a further extension of the mail-delivery facilities. The people are filing with the Congress petitions setting forth their desires and needs for an extension of the mail-delivery conveniences. As soon as the government finances shall permit, these appeals must be seriously considered, and the mail-delivery system must be extended to meet the requirements of the urban delivery bill.

In the Republican platform of 1892 the party announced that—

> We approve the policy of extending to towns, villages, and rural communities the advantages of the free-delivery service now enjoyed by the larger cities of the country.

Again, in 1900, the Republican platform contained the following plank:

> We favor the extension of the rural free-delivery service wherever its extension may be justified.

These assurances to the people have been fulfilled as rapidly as the conditions of the finances have allowed. In the meantime, however, the chasm of nonfree delivery existing between the city and the rural services has grown to such proportions that to-day it is discriminatory and unjust, and the chasm should be bridged as speedily as possible.

It has been both a duty and a pleasure to advocate this proposed extension of mail-delivery facilities to provide improved service for the residents of the smaller cities and towns, and I trust that the Congress will at an early date wisely consider the necessity of enacting legislation which will extend to all of the American people the ideal postal delivery service now enjoyed by three-fourths of them.

Mr. WEEKS. Mr. Chairman, I yield fifteen minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I am sure that all listened with interest and profit to-day to the very able presentation of this bill by the distinguished Member from Massachusetts [Mr. WEEKS], having it in charge, and on the first day of its introduction in the House of Representatives I believe we followed with great interest the speech of the gentleman from Kansas [Mr. MURDOCK]. Every member of the Committee on the Post-Office and Post-Roads, whether on this side—a regular or an insurgent—or a Representative on the other side of the Chamber, agrees that the time has come for a reorganization of this great department of the Government. I want to say as a Representative, and one who had his beginning in the government service as a clerk in that department thirty-one years ago that, in my judgment, Congress has been remiss in its duty in not having perfected a reorganization of the department many, many years ago. It is a department nearer to the people of this country than any of the great executive departments of the Government, and the committee that attempts to make this department self-sustaining at the expense of the extension and the efficiency of the service will not receive public approval at the hands of the people.

Why should this department be self-sustaining and produce a revenue equal to the cost of its administration? Is that rule applied to any other great department of the Government? If so, when and how? However, if the committee is bent upon a programme of that kind, let me suggest to the committee needed legislation looking to giving the Government a monopoly of the mail business, and stop a division of it with the express companies of this country. [Applause.] If you will report a bill prohibiting the express companies from transporting valuable letters and papers, money orders, daily newspapers, and maga-

zines, then you will wipe out the deficit in the Post-Office Department without impairing or injuring any branch of the service.

There are other sources of revenue. The gentleman from New York [Mr. SULZER], in his interruption of the gentleman from Illinois [Mr. STERLING], asked: "Why not give the American people a local parcels post in the interest of progress and in the interest of the people, and secure a division of the express business?"

Mr. SMITH of California. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from California?

Mr. AUSTIN. Yes.

Mr. SMITH of California. Is it not true that we already have a local and general parcels post?

Mr. AUSTIN. Not as understood and not as advocated and believed in by the American people.

Mr. SMITH of California. Will you give the definition of what that is?

Mr. AUSTIN. Yes. The parcels post that will prevent the mail-order houses of the great cities from monopolizing the local trade of local merchants along the rural delivery routes of the country. A parcel post in line with the best now in operation in European countries. We could also make money for the Post-Office Department and also relieve the people by providing a postal telegraph system.

Mr. SMITH of California. Will you allow me to put in the RECORD as a part of your speech——

Mr. AUSTIN. No, sir.

Mr. SMITH of California. Will you allow me to state at this time——

Mr. AUSTIN. No, sir. You can interview the gentleman from Massachusetts [Mr. WEEKS] and secure a little time in which to make your own speech. [Laughter and applause.]

Now, we ought to have a reorganization of that department. We have had the work of commission after commission, and by and by perhaps we will have another commission, and future Congresses will continue to appoint commissions. We need a director of posts. While there would possibly be no applicant for that position from my own district, I do not know of a more efficient man for it than the present Fourth Assistant Postmaster-General. [Applause.]

Mr. MURDOCK. Mr. Chairman, I know the gentleman has made a long study of postal affairs; let me ask him what he would make the tenure of the director-general?

Mr. AUSTIN. For life and during efficiency.

Mr. MURDOCK. You would continue him in office?

Mr. AUSTIN. I would continue him in office.

Mr. SMITH of California. Will the gentleman allow me to ask him a question?

Mr. AUSTIN. Provided there is no speech attached to it. [Laughter.]

Mr. SMITH of California. Do I understand you would give the director of posts a free hand in the matter of repealing the manifold regulations that now tie everybody's hand in connection with postal service?

Mr. AUSTIN. The previous chairman of the Committee on Post-Offices and Post-Roads, a Representative from Indiana, submitted a reorganization plan to this House that ought to have been adopted. Then if any changes are made necessary by experience to perfect it, Congress could by legislation from time to time improve it.

Now, Mr. Chairman, I know it is a very easy matter to criticise a bill. It is easy to find fault with the provisions of any bill. I want to submit what I consider some just criticisms to this pending measure. The Republican party, in its platform at Chicago, as I said this afternoon in interrupting the chairman of the committee, pledged itself to an extension of the rural delivery system until every rural community in the land should have its benefits. Now, that pledge, Mr. Chairman, was made in the national convention at Chicago, made when we were passing through a panic, when there was just the same demand and necessity for economy as now; yet in the face of the financial condition of the country and the great deficit in the Treasury Department, that plank was written in the Republican platform in Chicago, pledging the party on this side of the Chamber that if intrusted with power we would extend the advantages of the free delivery system to the rural districts of this country. What provision does this bill carry looking to a fulfillment of that pledge? Why an appropriation of $285,000 for additional rural delivery service? There are perhaps 6,000,000 farmers in this country, and we are supplying to-day rural service to one-half of that number. There are already approved in the Fourth Assistant Postmaster-General's office 1,000 rural delivery routes ready for service, which will more than take all of the money carried in this bill. There are 1,600 petitions for new routes in the department awaiting investigation.

Mr. Chairman, this was not only the platform upon which our candidate appealed to the farming interests of this country, and upon which he succeeded, but I doubt not every Republican Member on this side of the Chamber who has an agricultural constituency pledged the voters that he would favor an extension of the rural delivery system.

Now, if this item in this bill is not increased, during the next year not a single solitary additional rural-delivery route will be established in the United States, not one. No Member of Congress can vote for this item in this bill and go home and look his constituency in the face and justify that vote if he has previously made a pledge to favor the extension of the rural-delivery system.

According to President Taft's speeches, which I will insert, we are raising sufficient money under the new tariff law to meet the necessary expenses to care for new service and better pay for the carriers.

Mr. BENNET of New York. Would it interrupt the gentleman if I ask him a question?

Mr. AUSTIN. No, sir.

Mr. BENNET of New York. How much money do you think ought to be appropriated to fulfill the party pledges?

Mr. AUSTIN. I would extend that service just as fast as the corps of inspectors of the Post-Office Department could visit the localities and report upon the petitions. Three million American farmers have the daily papers to-day, giving them the market reports daily and 3,000,000 have not the advantage of that information. It is unfair and unjust to the agricultural people of this country to deny them the benefits, advantages, and blessings that follow the establishment of the rural-delivery system. Why, this bill carries in it a provision looking to the establishment of 500 rural routes and 1,000 additional city routes for the delivery of daily mail in the cities of this country. To-day in the great city of New York eight deliveries a day are made to the favored population of a certain section of that city, with a denial here of one delivery a day to one-half of the farmers in the agricultural sections of the country.

Mr. WEEKS. Will the gentleman permit me to interrupt him?

Mr. AUSTIN. Certainly.

Mr. WEEKS. I hope the gentleman from Tennessee does not intend to leave the impression that eight deliveries are made to the residences in New York?

Mr. AUSTIN. "The gentleman from Tennessee" never attempted to make that impression.

Mr. BENNET of New York. Mr. Chairman, if the gentleman will permit me, it is my impression, my knowledge, in fact, that deliveries are made later at night in residence portions of New York. In the neighborhood of my residence a delivery is made at 8 o'clock at night.

Mr. AUSTIN. I have this to say: You need not talk about extravagance or economy if you are voting money here to give the residents of New York City a night delivery when you withhold from the farmers a single day delivery. [Applause.]

Now, Mr. Chairman, I want to say a word about the character of the men of the Rural Delivery Service. Mark you, if this appropriation is not increased, there will be an average of 12 additional routes for each State in the Union, and there are over 337 congressional districts to-day with Rural Delivery Service in them, located in 47 States and Territories.

The President of the United States believes in economy, but above and beyond that the President has on every occasion insisted that the pledges made by his party and contained in its platform should be carrier out in good faith. One of those pledges, just as binding as any other pledge in that platform, is an extension of the Rural Delivery Service to all portions of the country where it is needed.

Mr. ADAIR. Has the gentleman any information as to why the department has not used all of the appropriation at its disposal for this purpose?

Mr. AUSTIN. I have not. Now, Mr. Chairman——

Mr. BENNET of New York. Before the gentleman starts in again, can the gentleman give us an idea of the amount of money that he thinks ought to be appropriated this year in order to carry out the party pledges? I am asking the question in good faith.

Mr. AUSTIN. Let me answer it in my own way. The Post-Office Department has adopted a certain method to be pursued prior to the establishment of these rural-delivery routes. For instance, they require the people to sign a petition bearing the names of not less than 100 families. That petition is filed in the Post-Office Department, referred to an inspector, who is

required to go on the ground, to ride over the route, verify the statements in the petition, and return it with a favorable or unfavorable report, and upon that the Fourth Assistant Postmaster-General takes final action. I will say to the gentleman, I would vote to-day to double the number of rural-delivery carriers in the United States, and I would vote for any amount of money necessary to carry out in good faith that promise made to the American voters living in the rural districts.

Mr. BENNET of New York. Yes; but you do not say how much.

Mr. AUSTIN. No; because I do not know.

Mr. BENNET of New York. That is what I wanted to know.

Mr. AUSTIN. Now, Mr. Chairman, the rural carriers ought to have more money. I have reports here showing that in the congressional district that I represent men whom I know personally, who have made these returns, receive net average salaries per month of $30.62, $40, $40.99, $34.42, $44, $55, and $38.19. Practically every supply that a rural carrier must furnish to maintain himself has advanced in price. Does the Republican party believe in good wages? Certainly it does. Are we making that profession good when we are insisting on paying 40,000 of the trained, experienced, and deserving public officials of this Government an average of less than $32 a month net out of which to support themselves and families? Why, the city carriers are given, as stated here, after three or four years in the service, $100 a month—none too much—and they do their work in cities with paved streets and sidewalks, and if they are required to deliver their mail by wagon or vehicle they are given an additional allowance of $250 a year.

Now, something is said about the resignations of rural carriers. There were 2,526 resignations last year, 19 per cent greater than the number in the year preceding.

[The time of Mr. AUSTIN having expired, Mr. WEEKS yielded to him five minutes more.]

Mr. AUSTIN. Since the annual report of the Fourth Assistant Postmaster-General, during the month of July, 1909, there were 178 resignations; in August, 297 resignations; in September, 333 resignations; in October, 356; in November, 472; in December, 475; in January, 1910, 493; over 10 per cent of resignations of the entire force going out of the service on account of insufficient pay.

Mr. Chairman, I want to say this: We are the richest nation in the world. And yet the very fact that we are paying these low wages is a reflection upon the American Government, and will be a reflection upon the American Congress if it does not correct it.

What is the character of the men in this service? Out of 40,499 carriers only 175 were dismissed for cause, and of those dismissed, 36 were for embezzlement of the funds and 35 for intoxication. There is no better record in any branch of the government service or in employment by private corporations, for honesty and efficiency, than that revealed by the records of these 40,499 rural carriers. [Applause.]

Now, Mr. Chairman, Members on both sides of this Chamber, recognizing the justice of this cause, introduced bills which were referred to the Committee on the Post-Office and Post-Roads asking that this condition be changed. Fifteen of us appeared before that able committee with information gathered from over 4,000 of these rural carriers scattered from ocean to ocean and from the Lakes to the Gulf, showing the insufficient pay of the rural carriers, and in response the committee placed this provision in the bill:

That the Post-Office Department shall investigate and report to Congress not later than December 10, 1910, its conclusion as to the advisability of the transferring of the Rural Delivery Service and the star-route service to one bureau, its conclusion as to the advisability of a classification of the Rural Delivery Service, taking into consideration mileage, climatic conditions, condition of roads, the local cost of animals and feed, and any other facts which bear on a reorganization and improvement of this service.

We asked them for bread and they gave us a stone. Yet they will not report a bill here; our hands are absolutely tied under the rules of this House. Why? Nineteen men virtually say they will not report a bill increasing the pay of the rural carriers. Here are 40,499 deserving officials scattered throughout the districts we represent, and yet they can not have relief, and we can not have a yea-and-nay vote or an opportunity to do justice by them.

Mr. Chairman, if I live long enough and have the honor to represent a district on the floor of this House, I will never cast a vote for a set of rules that will make it possible for any 19 men to deny 391 Representatives an opportunity to do justice by American citizens who are faithful, worthy, and deserving officials. [Applause.]

Now, I have talked long enough. I hope there will be enough votes on this side of the Chamber added to the votes on the other side to change this bill, to change it in the interest of fair play. That is what we want, that is what we demand; nothing less, nothing more. If the pledge contained in the Republican platform, binding alike on every Member on this side of the Chamber, is not carried out, that responsibility shall not rest upon me. I will do all that is in my power to redeem it. [Applause.]

APPENDIX.

THE AMERICAN FARMER.

[From the Republican national platform, 1908.]

Among those whose welfare is as vital to the welfare of the whole country as that of the wage-earner is the American farmer. The prosperity of the country rests peculiarly upon the prosperity of agriculture. The Republican party during the last twelve years has accomplished extraordinary work in bringing the resources of the National Government to the aid of the farmer, not only in advancing agriculture itself, but in increasing the conveniences of rural life. Free rural mail delivery has been established; it now reaches millions of our citizens, and we favor its extension until every community in the land receives the full benefits of the postal service. We recognize the social and economical advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting owner. In this work we commend the growing practice of state aid, and we approve the efforts of the National Agricultural Department, by experiments and otherwise, to make clear to the public the best methods of road construction.

TAFT'S SPEECH AT NEWARK—PRESIDENT REVIEWS EXPENDITURES OF THE GOVERNMENT—BUDGET SYSTEM LACKING—FAVORS COMMISSION TO SUGGEST BETTER METHODS—GREAT NEEDS POINTED OUT—PAYS HIS RESPECTS TO NEWSPAPER CRITICS IN AN ADDRESS TO THE NEWARK BOARD OF TRADE.

NEWARK, N. J., *February 24.*

President Taft came to Newark yesterday afternoon by automobile from New York, and addressed the board of trade last night.

In beginning his speech the President said that he had told ex-Governor Murphy a year ago that "I had hoped to make good, but I am not so sure of it now."

The President paid his respects to the newspapers opposed to his administration and himself. He said their attitude was either one of open hostility or patronizing friendship.

"The newspapers," continued the President, "do not carry all of the public opinion in their vest pockets. Perhaps the American people are able to see through something approaching hypercriticism, something of hysteria, something of hypocrisy, and to have a considerable responsi- the man under a considerable responsibility who is doing the best he can. With this flattering reception in my mind, which has something very sincere about it, I will return to Washington and avoid the newspapers."

PRESIDENT TAFT'S ADDRESS.

The President said:

"When I accepted the invitation to come here I learned that I was to have the pleasure of being a fellow-guest with my friend Senator LODGE, and that he was to take up the question of high prices—a question which has occupied the attention of all the people and has invited the investigation into its cause of the Congress of the United States and some of the state legislatures. For my part of the evening I should like to direct your attention to a more prosy subject—to the question of government expenditures and government revenues, and the possible economies, and what expenditures are essential at whatever burden of taxation.

"In the first place, it should be said that we have been so far from exhausting the resources of national taxation and federal revenues have been collected so easily and in such an amount that we have failed in the past to adopt a budget system, which is practiced in every other civilized country. By a budget system I mean a reference of proposed expenditures and receipts to some one authority or tribunal, which, after determining what the revenues will be, must also determine what the expenditures can be and make a budget without deficit.

REVENUES AND EXPENSES.

"In our legislative body which provides the revenue and authorizes the expenditures time was when the Committee on Ways and Means, on the one hand, determined the revenues of the Government or provided the laws for raising them, and, on the other hand, determined the appropriations and measured the expenditures. But for many years in our Congress these functions have been divided. The revenues are provided by the Ways and Means Committee of the House and the Finance Committee of the Senate and submitted to their respective Houses, while the appropriations are made by the Appropriation Committees of the House and Senate, and in too many instances without apparent reference to the revenues which are to be available to meet the appropriations.

"It has so happened that in many years of the past the revenues have increased more rapidly than the expenditures, and there has been a surplus. During the life of the Dingley bill, which carried us from 1896 to 1908, the revenues exceeded the expenditures by about $250,000,000, but the surplus took place in the earlier years, so that in 1908 we had a deficit and in 1909 we had a deficit.

"The pinching effect of the falling off of the revenues and discontinuances of the expenditures at the same rate attracted the attention of Congress, so that now a preliminary duty is thrown upon the Secretary of the Treasury to make a budget; that is, by law he is required to receive all the estimates of all the departments, himself to make an estimate of the probable revenues, and if his calculations show a deficit, to recommend legislation for additional taxation or the raising of money by bonds sufficient to meet it.

increased to $50,000,000. On the other hand, if the Congress proposes to add to the expenditures of the Government over those estimated for for new enterprises in the river and harbor bill and for the construction of the federal buildings under a building act, it will be very easy to consume or exceed the entire surplus.

RECEIPTS UNDER NEW TARIFF.

"The calculation of the Secretary of the Treasury for the present year showed that the deficit was likely to be $34,000,000 in respect to ordinary receipts and expenditures. I am glad to say that the operation of the new tariff bill has been so much more productive of income

that this deficit for the current year is likely to be considerably reduced. In addition, however, to the ordinary deficit, we have to add the Panama Canal expenditures, calling for immediate provision for $38,000,000, or what was estimated to be a total deficit of $72,000,000 is now reduced considerably by the better rates under the present tariff bill.

"By meeting the expenditures on the Panama Canal by the proceeds of the bond issues we have enough cash in the Treasury to meet the deficit in our ordinary expenses for the current year, and if we meet the expenditures on the Panama Canal for the following year, we shall have a surplus of $35,000,000, or if the revenue-producing capacity of the new tariff keeps up to its present indications, this surplus may be increased to $50,000,000. On the other hand, if the Congress proposes to add to the expenditures of the Government over those estimated for new enterprises in the river and harbor bill and for the construction of the federal buildings under a building act, it will be very easy to consume or exceed the entire surplus.

PAYING FOR CANAL WITH BONDS.

"Everyone must admit the wisdom of providing for the payment of the canal expenditure by bonds. The original act made provision for the issuing of bonds, and while the amount therein estimated was far short of the actual cost, the policy of the Government in supplying funds for the enterprise by bonds was sufficiently declared. This is a work of a permanent character for the millions who come after us, and it seems only fair that that which we provide in such a generous measure for posterity should be paid for in part, at least, by posterity.

"Not only is the application of such a principle just and right in the case of an enterprise like the Panama Canal, but it seems to me wise and appropriate to adopt it with reference to other projects which commend themselves to Congress and the economical completion of which requires the issuing of bonds. I refer to those definite projects that have been agreed upon in respect to the improvement of our inland waterways. I would not begin the expenditure of any money on any project the wisdom of which had not been fully vindicated by experts and the cost of which had not been fully ascertained by the most experienced engineers; but having determined to put through the improvement it ought not to be done by fits and starts, but it ought to be done as one job, and provision for its completion ought to be made by the issuing of bonds, unless the current revenues afford a sufficient amount to complete it within an economical time.

WATERWAY IMPROVEMENTS.

"This statement has peculiar application to the river and harbor bill which now has passed the House. There the Ohio River improvement, to cost $63,000,000, is entered upon and an appropriation made for its continuing. The same thing is true of the improvement of the Mississippi from St. Paul to St. Louis, and the same river from St. Louis to Cairo, and of the Missouri River from Kansas City to St. Louis. These projects seem to be warranted by the traffic in sight.

"While I am dealing with the Panama Canal, however, I ought to refer to the discrepancy between the estimated cost of the enterprise and the actual cost, as we are now able to fix it, with very considerable accuracy, within four or five years of its completion.

"The estimated cost of the engineering and construction of the canal was $139,700,000. Its actual cost for engineering and construction will be $297,000,000, an increase of about $157,300,000. This increase is to be explained, first, by the very great appreciation in the cost of labor and material between the time when the estimate was made in 1900 and the time when the work was done between 1904 and 1909; second, by the fact that the canal had been enlarged substantially beyond the original dimensions estimated for.

"You know that the great work of excavation in the canal is called the Culebra cut. This is where the backbone of the continent, reduced to its lowest height, is cut through in order to permit the flowing of the canal, and through 5 miles of that cut, which altogether is about 9 miles long, for purposes of economy the original plan and estimate made the bottom of the canal in the rock 200 feet wide. This would not enable two of the largest steamers to pass each other in the canal with any degree of safety and would require that one of them should tie up to the bank while the other went by.

"In order to avoid this delay in that part of the canal, it has been thought wise to increase the bottom width from 200 to 300 feet in a place and in material that, of course, make the change most expensive. So, too, in order that the canal may be adapted to the largest size of steamers possible, the dimensions of the 6 locks have been increased from 900 feet usable length by 90 feet width to 1,000 feet usable length and 110 feet width. This was done at the instance of the Navy Department on the ground that they could look forward to the future and see vessels of a beam exceeding 100 feet.

"It has also been found necessary to change the channel of the canal on the Pacific side from a lake with a dam and locks on the shore of the bay of Panama to a sea-level canal running 4 miles inland, so as to remove the locks 4 miles inward and beyond the possible reach of the guns of an enemy in Panama Bay. These two changes also have added very considerably to the cost.

"Again, it has been found wise to enlarge the canal into a lake in the basin at the foot of the Gatun locks, and whatever variation in the plans which experience in the construction has demonstrated the necessity for, the more than doubling the cost of constructing and engineering has been necessary. In addition to this, the cost of sanitation and government, without which the canal could not have been built, will be about $73,000,000, and will carry the entire cost of the canal to $373,000,000.

CUT TO NEARLY $50,000,000.

"To return to the state of finances, I repeat that the surplus for the year ended June 30, 1911, for which we are now making provision in this Congress by appropriation will be about $35,000,000, if the estimates made by the departments and transmitted by the Secretary of the Treasury to Congress are not exceeded, and if the revenue from the tariff bill equals that which the Secretary of the Treasury has estimated it as likely to be. This surplus is also upon the supposition that the $38,000,000 necessary annually in the construction of the Panama Canal will be met by bonds.

"In view of the threatened shortage for the year ended June 30, 1911, I directed the heads of departments in making their estimates to cut them to the quick and to avail themselves of every possible economy and reduction. The result was that the total of the estimates forwarded by the Secretary of the Treasury was $42,818,000 less than the total of the appropriations for the previous year ended June 30, 1910.

"A river and harbor bill has now been introduced and has passed the House, which appropriates nearly $40,000,000. This is a very considerable increase over the amount estimated for by the Secretary of the Treasury. In addition to this, if a building bill passes Congress appropriating $15,000,000 or $20,000,000 for the coming fiscal year, there may still be a deficit, unless the receipts from the tariff bill and the corporation tax exceed what was originally estimated from them. I am bound to say that the results of the tariff bill thus far indicate a considerable increase over the estimate of the Secretary of the Treasury.

"Now, I would like for a moment to go into the question of what it was that we cut down in our estimate for the coming year in the departments.

"The reduction in the estimates of the War Department below the appropriation of last year amounted to $10,000,000. The reduction in the estimates of the Navy Department for the expenses of the year ending June 30, 1911, also amounted to $10,000,000. The reduction in the Interior Department of estimated expenses for 1911 below the appropriations for 1910 amounted to $8,000,000. The reduction in the Treasury and in the Post-Office Department made up the balance of the $42,000,000.

EXPENDITURES POSTPONED.

"Speaking with reference to the army and the navy, it should be said that the reductions were not in what may be called the 'permanent expenses' of the departments, but were rather in cutting down proposed improvements, which, if the plans of the departments are properly carried out, must some time be met. In other words, it is a postponement only of expenditures that are general until the income is sufficient to meet them.

"Let us take the War Department. There was a very considerable cut in the expenditures needed to complete with modern appliances the coast defenses on the Pacific and Atlantic seaboard. There is needed at the mouth of the Chesapeake Bay, between Cape Henry and Cape Charles, an artificial island upon the so-called 'middle ground,' which shall command the entrance to Chesapeake Bay. Chesapeake Bay is the most important body of water from a strategic naval standpoint on the whole Atlantic coast, and it must be defended.

"So, too, we have now determined that the great naval base of the Pacific for us is to be Pearl Harbor, near Honolulu. For years there was a discussion as to whether we ought to make the naval base at Subic Bay or at Cavit, in Manila Bay, in the Philippines. By unanimous consent of naval and military authorities it is now conceded that we do not need a naval base in the Philippines at all; that we ought to make Corregidor Island, at the mouth of Manila Bay, impregnable, establish a naval supply station in Subic Bay, but rely on the Sandwich Islands as our base. This will all involve a heavy expenditure at Honolulu, but for the present the amount proposed is comparatively small.

TWO NEW BATTLE SHIPS.

"In the naval expenditures we have retained a provision for two battle ships of the large 25,000-ton capacity, and we have done this on the ground that until the Panama Canal is completed we ought to go on and add to our naval strength. The Panama Canal will certainly be completed in 1915, and if we have two battle ships a year until that time, the opening of the canal will so double the efficacy of our navy for the protection of our Pacific and Atlantic coasts that we can then abate and reduce our expenditures in new construction.

"The reductions in the Treasury Department were, I think, more of them in the administration than in the expenditures for improvements, and this was also the case in the Post-Office Department.

"The reduction in the Interior Department—$5,000,000—was due to a reduction of the amount of pensions to be paid out, and we may reasonably hope that as the years now go on this amount will gradually be reduced.

"On the other hand, there are certain of our departments, to wit, the Agricultural Department, with its Forestry Bureau; the War Department, in so far as it is a constructive department for the improvement of rivers; the Department of Commerce and Labor, including, as it ought, it seems to me, a bureau of health, which—as opportunities for bettering the conditions of the people by government investigation increase—grow in importance and cost, and we ought not to expect a reduction, either, in the expenses growing out of a conservation of our resources.

ANNUAL COST OF GOVERNMENT.

"For some time it has been said that we have 'billion-dollar' Congresses. The statement in itself is an unjust one, because it is generally construed to mean that the total expenses of the departments to be paid out of taxation amount to a billion dollars a year. This is quite an error, for the reason that in making up the billion dollars the expenses for the Post-Office Department are always included, whereas the expenses of the Post-Office Department are not paid for out of the proceeds of taxes. They are paid for out of the receipts of that department from the sale of stamps, with the exception of $17,500,000, which was the excess of the cost of the Post-Office Department last year over its receipts. This, therefore, reduces the cost by taxation of the Government each year to something like $750,000,000.

"It is now proposed to appoint a congressional commission to look into the question of a general reorganization of the departments of the Government, with a view to reducing the expense of administering the Government. I think I have already made clear the distinction between those expenditures of the Government that go into permanent improvements, and that may be reduced one year and must be increased another, and the actual routine cost of administration. A reduction in the cost of proposed improvements is not an elimination of them, but merely a postponement of them, whereas a reduction in the cost of administration would be a permanent economy that, of course, on that account becomes most important.

GREATER SAVING POSSIBLE.

"It has been stated on the floor of the Senate that it will be possible by this commission to reduce the cost of administering the Government $100,000,000 a year, and that if a free hand were given to a business man the reduction in the expense of administration might be doubled or tripled. I am unable to confirm these statements as to exact amount, but I am very sure that a conservative, prudent, and fearless commission could make a most material reduction in the cost of administering the Government.

"They will find opposition in Congress to every change recommended, because there is no branch or bureau so humble that it can not secure its adherents and defenders within the legislative halls. But if by the totals that it shows this commission shall justify its existence, it is probable that it can secure a majority sufficient to carry through its proposed reforms. This Government has been constructed not all at one time, but bureau has been added to bureau, and department to department, and it has been impossible to avoid duplication and expensive methods.

"In creating a new bureau there was no time to go back and reform the Government with reference to the adjustment of that bureau to its proper place or to consider the work of the entire Government with reference to it. This proposed commission, as I understand it, is to take up the bureaus of all the departments, is to see whether they may not often be connected, and also to lay down such rules governing the civil service as will secure the utmost efficiency from each civil servant or each unit of labor.

CIVIL PENSIONS FAVORED.

"It is undoubtedly true to-day that we have a great many more persons employed in the Government than we would need if every person in the Government rendered to the Government a service of a high degree of efficiency. This commission will have to take up the question which has troubled great industrial corporations and great railroads, as to the methods of disposing of superannuated servants. Our military pensions have reached so large an annual sum, to wit, $150,000,000, that we have avoided the suggestion of civil pensions, but I am convinced that some method must be adopted by which superannuated civil servants may be retired on an income sufficient to support them, and that such a provision will ultimately bring about great economy in the administration.

POST-OFFICE DEPARTMENT DEFICIT.

"It has been reported by the Postmaster-General that we are carrying in the Post-Office Department the weekly periodicals and magazines at a loss to that department of upward of $60,000,000, and that the business of the Government in the Post-Office Department is now run at a general loss of $17,500,000. The committees of Congress are investigating the correctness of this view. The owners of magazines dispute the correctness of the figures. There ought to be some way certainly of determining this fact; and if it is a fact, it calls for a reform and an increase in the postage of a sufficient amount at least to take away the deficit in the Post-Office Department. Should the two postal committees not be able to reach a conclusion satisfactory to them under this question, the whole matter may well be left to the commission to consider.

"It will be essential for this commission to employ expert men who have had to do with the organization of great businesses and who are familiar with the most modern methods of economy. The truth is that the success of modern business has been the adoption of successful economies, and the time has come for us to make an effort at least to introduce something of these economies into an administration of the greatest business that we have in this country—the business of our Federal Government.

GREAT REFORMS POSSIBLE.

"I am quite aware that things done by the Government are done under conditions so different from those of a business concern that there are certain expenditures necessary, in view of the fact that the government business done is for the benefit of all the people, and that therefore all the people are entitled to know how it is done, and a number of them are entitled to be selected in a fair way to share in its doing. But, in spite of the added expenditure of administration incident to the requirements of popular government, everyone familiar with government methods now in vogue must recognize the possibility of reforms leading to great economy, if the Congress shall have the courage to adopt plans which may be recommended by this commission after a full examination by business experts.

"I have already occupied your time too much, and I, perhaps, have not made this statement very informing or interesting, but I can not close without congratulating you and myself on the prospect that the present tariff bill offers such an increased income as to make any deficits under any condition unnecessary. Of course, if there were to be a halt in our prosperity and a panic the reduction in imports might be so substantial as to lead to deficits again."

[Extract from President Taft's speech at Lincoln birthday banquet of the Republican Club of New York City, February 12, 1910.]

For the production of revenue, the Payne law is even more an improvement on the Dingley bill. During the six months that the Payne tariff was in force, from August 5 to the night of February 5, the customs receipts amounted to $166,002,856.54. Under the Wilson-Gorman tariff the semiannual average was $83,147,625.90. Under the Dingley tariff the semiannual average was $130,265,841.84. Under the Wilson tariff the monthly average was $13,857,937.65. Under the Dingley tariff the monthly average was $21,710,973.64; while under the Payne tariff the monthly average has been $27,667,142.75, or 100 per cent greater than the monthly average under the Wilson tariff and 26 per cent greater than the monthly average under the Dingley tariff.

Of course as the country increases in population the customs receipts increase, but even considering the population, the increase in the tariff receipts has been marked. Under the Wilson tariff the average annual customs receipts per capita were $2.38; under the Dingley tariff, $3.23; while under the Payne tariff they are $3.71.

For the six months that the Payne tariff has been in force the total receipts, both from customs and internal revenue, have been $323,899,231.91, while the disbursements have been $332,783,283.08, showing an excess of disbursements over receipts of about $8,884,051.17, with no collection as yet from the corporation tax. For the corresponding period last year the expenditures exceeded the receipts by over $40,000,000. This showing indicates that under the present customs law the deficit will be promptly wiped out, and that to meet our normal expenditure we shall have ample revenue.

STATEMENTS OF EAST TENNESSEE RURAL FREE-DELIVERY CARRIERS.

EXPENSE ACCOUNT.

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending ———.

NOTE.—If automobile or motocycle used, make necessary changes in form.

Corn, 49 bushels, at 85 cents	$41.65
Oats, 31 bushels, at 60 cents	18.60
Hay, 4,200 pounds, at 50 cents	21.00
Blacksmithing	3.00
Repairs:	
Vehicles	5.00
Harness	8.75
Depreciation:	
Vehicles	$3.00
Harness, etc	4.00
Horses	10.00
Total invested in horses and outfit (not including feed) is	175.00
Six per cent for six months on this is	5.25
Insurance and taxes on horses, outfit, and feed for six months, about	.90
Grand total for six months	115.00
Salary for six months	450.00
Net earnings for six months	334.10

My route is No. —, from Andersonville, Tenn.; Congressional District, Second; name of Representative, R. W. AUSTIN.

——— ———, *Rural Carrier.*

EXPENSE ACCOUNT.

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending ———.

NOTE.—If automobile or motocycle used, make necessary changes in form.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$5.50	$5.00	$5.25	$5.75	$5.35	$6.00	$32.85
Oats	7.32	7.25	7.50	7.00	5.00	7.25	41.32
Hay	6.00	5.00	5.00	5.00	4.00	6.00	31.00
Bran, etc	.....	1.25	1.00	.....	1.25	.....	3.50
Blacksmithing	2.00	2.00	2.00	2.00	2.00	2.00	12.00
Repairs, vehicles	5.00	5.25	4.50	4.00	6.25	5.25	30.25
Repairs, harness	.50	.50	.50	.50	.50	.50	3.00
Depreciation, vehicles	3.00	3.00	3.00	3.00	3.00	3.00	18.00
Depreciation, harness, etc	.65	.65	.65	.65	.65	.65	3.90
Horses: Depreciation	4.50	4.50	4.50	4.50	4.50	4.50	27.00

Total invested in horses and outfit (not including feed)	$200.00
Six per cent for six months on this	6.00
Grand total for six months	206.00
Salary for six months	432.00
Net earnings for six months	229.19

My route is No. —, from Jacksboro, Tenn.; Congressional District, Second; name of Representative, R. W. AUSTIN.

——— ———, *Rural Carrier.*

EXPENSE ACCOUNT.

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

NOTE.—If automobile or motocycle used, make necessary changes in form.

Expenses.	Aug.a	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$12.00	$12.00	$12.00	$12.00	$12.00	$72.00
Oats	2.00	.....	.....	.....	.....	2.00
Hay	11.00	11.00	11.00	11.00	11.00	66.00
Bran, etc	.....	2.00	.....	.....	.....	2.00
Blacksmithing	1.50	1.50	1.50	1.50	1.50	9.00
Repairs, vehicles	.....	1.00	.....	1.00	.....	2.00
Repairs, harness	.....	.....	1.00	.....	.....	1.00
Depreciation, vehicles	5.00	5.00	5.00	5.00	5.00	30.00
Depreciation, harness, etc	1.00	1.00	1.00	1.00	1.00	6.00
Horses: Depreciation	5.00	5.00	5.00	5.00	5.00	30.00

a I entered the service on August 1.

Total invested in horses and outfit (not including feed)	$544.00
Six per cent for six months on this	16.00
Insurance and taxes on horses, outfit, and feed for six months	4.00
Grand total for six months	270.00
Salary for six months	450.00
Net earnings for six months	180.00
There are other things amounting to	30.00
	150.00

My route is No. —, from Loudon, Tenn.; Congressional District, Second; name of Representative, RICHARD W. AUSTIN.

——— ———, *Rural Carrier.*

EXPENSE ACCOUNT.

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending ———.

NOTE.—If automobile or motocycle used, make necessary changes in form.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$5.85	$5.85	$5.85	$5.85	$5.85	$5.85	$35.10
Oats	2.00	2.00	2.00	2.00	2.00	2.00	12.00
Hay	10.00	10.00	10.00	10.00	10.00	10.00	60.00
Blacksmithing	1.40	1.40	1.40	1.40	1.40	1.40	8.40

Repairs, vehicles	$3.00
Repairs, harness	1.00
Depreciation, vehicles	35.00
Depreciation, harness, etc	10.00
Horses: Depreciation	25.00
Paid for barn tools, blankets, robes, etc	7.50
Total invested in horse, buggy, harness, and robes	217.50
Six per cent for six months on this is about	6.54
Grand total for six months	414.50
Salary for six months	432.00
Net earnings for six months	18.50

My route is No. —, from Jefferson, Tenn.; Congressional District, Second; name of Representative, R. W. AUSTIN.

——— ———, *Rural Carrier.*

EXPENSE ACCOUNT.

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December, 1909.

NOTE.—If automobile or motocycle used, make necessary changes in form.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$13.00	$13.00	$13.00	$12.50	$12.50	$12.50	$76.50
Hay	11.25	11.25	11.25	11.25	11.25	11.25	67.50
Blacksmithing	1.60	.....	1.60	.....	1.60	2.00	6.80
Repairs, vehicles	2.00	.....	1.00	2.00	.....	.....	5.00

Depreciation, vehicles	$8.28
Depreciation, harness, etc	2.10
Horses, depreciation	9.96
Paid for barn tools, blankets, robes, etc	4.00
Total invested in horses and outfit (not including feed)	250.00
Grand total for six months	180.14
Salary for six months	450.00
Net earnings for six months	269.86

My route is No. —, from Powell Station, Tenn.; Congressional District, Second; name of Representative, R. W. AUSTIN.

——— ———, *Rural Carrier.*

EXPENSE ACCOUNT.

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending January 31, 1910.

NOTE.—If automobile or motocycle used, make necessary changes in form.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	.....	$1.20	$4.20	.....	$5.30	.....	$10.70
Oats	$9.80	8.00	3.75	$7.50	3.75	$7.60	37.40
Hay	3.60	4.00	3.80	4.10	3.60	4.10	23.20
Bran, etc	.....	1.60	1.60	.....	1.60	1.60	6.40
Blacksmithing	.60	.80	.40	.80	.60	.80	4.00
Veterinary	.....	.50	.....	.....	.25	.....	.75
Repairs, harness	.....	.....	1.20	.....	.....	3.60	4.80
Depreciation, vehicles	.....	4.75	.....	.....	.....	.....	4.75
Horses, depreciation	.....	20.00	.....	.....	.....	.....	20.00
Paid for barn tools, blankets, robes, etc	.....	.....	.50	.....	.....	.....	.50

Total invested in horses and outfit (not including feed)	$125.00
	119.50
Six per cent for six months on this	3.75
Grand total for six months	248.25
Salary for six months	432.00
Net earnings for six months	183.75

My route is No. —, from Oakdale, Tenn.; Congressional District, Second; name of Representative, R. W. AUSTIN.

——— ———, *Rural Carrier.*

EXPENSE ACCOUNT.

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December, 1909.

NOTE.—If automobile or motocycle used, make necessary changes in form.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$6.51	$6.51	$6.30	$6.51	$6.30	$6.51	$38.64
Oats	.....	.....	9.00	.....	.....	.....	9.00
Hay	7.50	.....	35.10	.....	.....	.....	42.60
Blacksmithing	1.00	1.00	1.00	1.00	1.00	1.00	6.00
Veterinary	.....	.25	.....	1.00	.....	.....	1.25
Repairs, vehicles	6.30	.....	1.60	.....	5.00	.....	12.90
Repairs, harness	.....	.....	.....	.....	1.00	.....	1.00
Depreciation, vehicles	9.00	.....	2.00	.....	10.00	.....	21.00
Depreciation, harness, etc	.....	.....	.....	.....	3.00	.....	3.00
Horses, depreciation	.....	.....	.....	.....	.....	.....	20.00
Paid for barn tools, blankets, robes, etc	.....	1.00	.....	1.00	.....	.....	2.00

Total invested in horses and outfit (not including feed)	$250.00
Six per cent for six months on this	7.50
Insurance and taxes on horses, outfit, and feed for six months	2.50
Grand total for six months	167.39
Salary for six months	432.00
Net earnings for six months	264.61

My route is No. —, from Maynardville, Tenn.; Congressional District, Second; name of Representative, R. W. AUSTIN.

——— ———, *Rural Carrier.*

STATEMENT FURNISHED BY THE RURAL FREE DELIVERY NEWS.

Now, Mr. Chairman, the Rural Free Delivery News also sent me a list of States showing the average net earnings for the six months and the average per month. It is as follows:

Statement showing the average net earnings of rural letter carriers, after providing and maintaining the equipment necessary for the performance of their duties, for six months ending December 31, 1909. Compiled from expense statements furnished by carriers in practically every congressional district in which Rural Delivery Service is in operation.

State.	Net earnings for six months.	Average per month.
Alabama	$188.00	$32.00
Arkansas	177.08	29.51
California	234.76	39.13
Colorado	258.28	43.05
Connecticut	137.85	22.97
Florida	39.69	6.62
Georgia	184.79	30.79
Idaho	230.30	38.38
Illinois	230.00	38.00
Indiana	207.00	34.50
Iowa	185.00	31.00
Kentucky	206.33	34.39
Kansas	204.00	34.00
Louisiana	150.10	25.02
Mississippi	169.00	28.15
Montana	237.50	39.59
Maine	195.20	33.00
Maryland	143.00	24.00
Massachusetts	163.25	27.20
Michigan	190.40	32.00
Minnesota	207.40	35.00
Missouri	176.17	29.36
New Hampshire	188.80	31.47
New Jersey	175.40	29.25
North Carolina	167.00	28.00
North Dakota	166.00	27.66
Nebraska	254.80	42.46
New York	203.74	33.95
Ohio	244.70	40.78
Oklahoma	181.86	30.31
Oregon	171.06	28.51
Pennsylvania	211.56	35.26
South Carolina	177.51	29.58
South Dakota	167.00	28.00
Tennessee	180.00	30.00
Texas	177.90	29.65
Utah	240.31	40.05
Vermont	173.00	29.00
Virginia	178.34	30.00
Wisconsin	205.08	34.16
Washington	136.43	22.74
West Virginia	223.25	37.20
Average	189.00	31.50

Mr. MOON of Tennessee. Mr. Chairman, I yield twenty minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS of Georgia. Mr. Chairman, the bill (H. R. 6516) introduced during the first session of this Congress by the gentleman from New York [Mr. BENNET] has for its purpose the reduction of the South's representation in the House. It is to this proposed iniquitous measure that I wish to make reference and to enter an earnest protest.

Knowing the membership of this House as I do, and knowing that even though the Republican party is decidedly in the majority, I can not think that any legislation having as its object such an intolerable purpose as is openly expressed in this bill can or ever will be enacted into law. Regardless of political parties we are all men, and I am sure we are not so devoid of reason or a sense of right as to ever seriously consider such "firebrand" legislation to which the people of the section against which it is aimed would not patiently submit, and against which decency and justice would compel people of all sections, regardless of creed or party, to vigorously protest. [Applause.]

If this bill should become a law, the representation in this House for the State of Georgia would be reduced from 11 to 6 Representatives. This would be depriving that State of 5 of its Representatives. The reduction as proposed by this bill would reduce the representation of Alabama from 9 to 5; Arkansas, from 7 to 5; Florida, from 3 to 2; Louisiana, from

7 to 4; Mississippi, from 8 to 3; North Carolina, from 10 to 7; South Carolina, from 7 to 3; Tennessee, from 10 to 8; and Virginia from 10 to 7.

If this proposed reduction was made it would mean that a total of 32 southern Congressmen would lose their seats in this House, and the 10 Southern States just named would have their representation reduced from 82 to 50 Members, or a total loss of 32 Representatives, and for no other reason than these 10 sovereign States have dared to exercise their rights, as guaranteed to every State of the Union under the Constitution. These 10 Southern States are to be chastised and the people thereof humiliated and trodden upon for doing what they had an absolute right to do. The gentleman from New York, and the few who agree with him in this unjust measure, hardly know the danger of the "dynamite" with which they are playing. God forbid that men who are blind to justice, empty of love for the white race, and who disregard constitutional rights should ever get control of the Congress of the United States, for not until then will any State suffer humiliation because it dares to purify the ballot and morals in its borders by prescribing certain restrictions as to who shall be permitted to exercise the right of franchise and to control its government.

The Constitution of the United States provides in section 2, Article I, that "the electors (for Members of the House of Representatives) in each State shall have the qualifications requisite for electors of the most numerous branch of the state legislature." Representation in the House of Representatives is not based upon the number of voters in a State, but upon the population.

From time to time, out of a fit of political desperation, the country is called upon to witness the spasmodic efforts of some gentlemen on the other side of the Chamber to destroy white supremacy in the South, but while white men live in the South it will never be done. These gentlemen who pretend that they would foist "force bills" and "reduction of representation bills" upon the Southern States hardly mean it. I can not believe they are sincere in it.

Some of these gentlemen, thank God there are not many of them, and I hope the day is not far distant when none of them will be here, insist that the negro be given in the South all kinds of equal rights—political, social, and otherwise. If anyone thinks he can drive us to it he is mistaken and does not know the "folks" he is dealing with. Notwithstanding the fact that these gentlemen are insisting on these rights for the negro in the South, yet they always see to it that he is not appointed to any federal office in the North, and that he is not elected in the North to any of the important offices.

Just remember one thing, my friends, that for the very reason you do not want him in office over you, and in power over you, is the same reason that white people in the South will not tolerate it. People of the same race, of the same blood, are pretty much the same in spirit and in sentiment wherever you find them, and I can not believe that the white people in the districts represented by gentlemen claiming such rights for the negro approve of the conduct of their Representatives in this regard.

This bill to almost deprive the Southern States of representation here in the "House of our Fathers" is the latest exhibition of "long-distance brotherly love" for the negro, and it is about the worst bill of its kind that has ever been aimed at the South. The gentleman from New York would destroy at one stroke all the rights of the Southern States to regulate their own elections and place them in the position of elective serfs at the feet of tyrannical legislation, born of bitterness, hate, and political selfishness. The membership of the House, under the enforcement of this proposed legislation, would be reduced from 391 to 359 Members.

The reductions would be made in States having Democratic delegations, and if made, drunk with power and crazed with the crime committed, would not these "South-hating" gentlemen then use the increased majority resulting to them by reason of this reduction undertake and accomplish even more shameful acts against States that would then be almost entirely in their power and at their mercy?

The gentleman from New York, out of a pretended spirit of fairness that is hard to account for, very kindly adds to this "firebrand" bill of his a proviso, that when the dismantled Southern States shall repent of their desire to govern themselves and shall conduct their elections in entire accordance with the specifications of certain designing Republican politicians, they may again have their full share of representation to which they are entitled. I wish to suggest that such is a pretty big concession to be made by Democratic States, and I hope the gentleman from New York will hold his breath until such is acceded to by us.

He further provides in this obnoxious bill of his that unless the legislatures of the specified States shall make provision for elections in accordance with this new plan all the Representatives generously allowed them shall be elected from the States at large.

Mr. Chairman, the author of this bill is a serious man and in no sense a humorist; otherwise we might conclude that he was trying to add to the "gayety of nations" and vary the monotony of Congress.

Does the gentleman from New York really mean what he says in this bill of his? Would he, as a man of the white race, the purest and noblest race known to history, be a party to a fiendish scheme that would place black heels on white necks in the South? Oh, my friends, I am afraid the gentleman has never broadened up enough to realize that there is even a part of the world other than the State of New York.

Through this foul proposition he would reestablish the dark days of reconstruction, would demolish the supremacy of the descendants of the noblest race of men that ever walked the globe, and put in its place a blistering government of mongrel type, in which the negro would hold the balance of power.

Sir, I deeply and sincerely regret all political movements of this character. They tend to reopen old sectional wounds which we of the present generation are striving to forget. It is a fatal mistake to inject into the present era of good feeling between the sections anything tending to keep alive the enmities engendered by the war. As a son of a private confederate soldier who fought his best as long as the war lasted and turned his sword into a plowshare when the war had closed and has nobly done his duty as he saw it, I revere next to heaven itself the sacred cause of the South. I honor as I honor nothing else on earth the memories of our southern ancestors; but I fully realize, nevertheless, that no good result can come from perpetuating any of the bitterness of the past and that the sooner sectional animosities are entirely forgotten the better will be the fate of every portion of our united country. I am sure I speak the sentiment of the southern people when I declare that they would be most grateful if the gentleman from New York and those who agree with him and seek distinction through bills such as he stands sponsor for would leave them alone to settle the race question and all other local problems that confront them.

The southern people are honest, courageous, noble in every particular, and though they lost practically everything they had in the bitter conflict of the sixties, they have put aside all that and have met and overcome misfortune in a manner that established a new record in the world. They thank God that power has been given them to so splendidly rebuild our fair country; that they have been endowed with wisdom and courage to meet and master all local problems, including the race question; and they only ask to be let alone, that they may work out the solution of this vexatious problem, so vital to our moral, political, and social institutions.

It is most deeply to be regretted, Mr. Chairman, that legislation such as that proposed in this bill has the backing of a single Member. I believe that every fair-minded person, every one of evenly balanced judgment, every one who can correctly gauge cause and effect, every broad-minded patriot, would grieve to see such an enactment. It would set back for scores of years the hands on the dial of southern progress; it would bring about the reinstatement of the social and political chaos that reigned in the South when the ballot was polluted by the Republican bayonet; it would rekindle all the fires of racial prejudice, which are now almost extinguished; it would cause constant and horrible clashes between the negro and the white race in the South; it would again plunge into the abyss of despair the fairest hopes of peace and harmony between the sections.

I am happy to say that the wounds from which the South bled after four years of strife, followed by other years of suffering, have so well closed that nearly all the scars have faded. The indescribably horrible rule of the reconstruction era was happily succeeded by safe and sane legislation in the interest of civic order and the revival of industry and commerce. Capital which had shunned territory where investment had been considered hazardous came rushing to the South as soon as it was clearly shown that her true sons had resumed their sway, and that law and order were in command. Industry unfolded her potent wings and gave employment to thousands. The husbandman's plow again furrowed the grateful earth which yielded abundant harvest. The South started on that career of recuperation which has become the wonder of all the world, and she now holds out promise of a future in comparison with which the prosperity of bygone years will fade into pale insignificance. [Applause.]

Into this state of peace and order Republican politicians, selfish for their own advancement, would throw the apple of discord; for let me tell you, sir, horrible discord and "confusion worse confounded" would result from the passage of this bill. The population of the Southern States is about 25,000,000. Of these about 9,000,000, or 30 per cent, are negroes. If the illiterate and purchasable negroes were allowed to vote, they would become facile tools in the hands of designing politicians. The rule of this unholy combination will never again be permitted.

Mr. Chairman, I protest against this attempt at discord. My people, the southern white people as a whole, have done their full duty by the negro. They have done more than ought to have been expected of them; they have heavily taxed themselves for his education; they have given him every opportunity to earn a respectable livelihood; they have given him justice in the courts; they are gladly giving him aid along his journey toward self-respect and self-reliance. The negro in the South has all the rights of citizenship save only that of suffrage, and he has that except as it is denied to all under qualifications set forth in the law of certain States.

The Anglo-Saxon is the only race that has thus far successfully solved the great problem of self-government. For this great task that race had centuries of preparation. From Magna Charta to the Declaration of Independence much precious blood was shed to establish government by the people.

From the foundation of our Government down to the present day the people have settled every question that presented itself, and to-day this country is the most shining example in all the world of a well-balanced, well-established democratic Republic. In our whole national existence there is but one period—the reconstruction era—when the negro was injected into our career as a controlling factor. I want to partially rehearse the story of this era with the hope that its rehearsal will prove an antidote to the poison contained in this bill, and other bills like it, and a preventive against such vicious legislation in the future.

When Lee laid down his sword at Appomattox and Grant bade the confederate soldiers to take their horses home for use "in the spring plowing," the hearts of the southern people were filled with gratitude to the generous northern chieftain; those soldiers went home to rebuild their shattered homesteads and again make fruitful the fields laid waste by war. All was going well when, like a thunderbolt from a clear sky, came the reconstruction acts of 1867, and a blight fell upon the land. Four million ignorant negroes from whom the gyves of bondage had just been struck—as ignorant of government as their ancestors in Africa—were invested with the right of suffrage, and the intelligent white people of the South were excluded from the public councils. Every Southern State was put under military rule and soldiers were made the judges of the qualifications of voters. Negroes were election officers; negroes controlled the constitutional conventions, directed by carpetbaggers and scalawags, who were worse than negroes; fraud, theft, rapine, and murder were the order of the day. Those acts of March 2, March 23, and July 19, 1867, plunged the Southern States into misery on which the plunderers feasted and fattened. Under these laws the negroes and their allies obtained control of every one of the reconstructed States except Virginia and West Virginia.

The negroes were angels by comparison with their allies. Southern men know full well that the negroes of those wretched years were but the tools of the designing hordes of plunderers who plied their iniquitous trades under the ægis of governmental protection.

As a lesson and as a warning to those who would inflict "force bills" upon the South, let me mention a few suggestive facts of past history. Under these iniquitous reconstruction election laws in Alabama there was a heavy penalty imposed upon anyone who challenged a vote; in South Carolina the commissioners of election (carpetbaggers) could fix the places of election at any time, even on the day of election, and could keep the ballot boxes ten days after the election before declaring the result; in Georgia no registration was required, no challenges were allowed, and there was the fullest opportunity to "repeat;" in Arkansas the courts were forbidden by law to interfere with the partisan appointees who conducted the election; in Louisiana the governor appointed the registrars, the registrars appointed the supervisors, who were not required to live in the parish where they served, and, in fact, many of them went from New Orleans to serve in parishes where they had never set foot before and sometimes returned themselves elected to office.

These are but a few illustrations of those horrible laws. Legislative bodies in the South, composed of men who were not taxpayers, and many of whom could not read or write, robbed their States of credit abroad while they plundered the citizens at home. In South Carolina alone there were 200 trial justices who could not write. As a result of this reign of ignorance and crime, there were in the Forty-first Congress, for instance, from March 4, 1871, to March 4, 1873, from the 12 Southern States 22 Republican and 2 Democratic United States Senators and 48 Republican and 13 Democratic Representatives.

As further enlightenment as to the legacies left by the selfish political gluttons of that era: In Alabama the state debt in six years was increased $17,000,000. In North Carolina in three years the state debt was increased $24,000,000, while the assessed valuation of taxable properties was only $120,000,000, and $14,000,000 were issued in bonds for railroads not one of which was ever built. In South Carolina, after the state debt had become so big that even the carpetbaggers repudiated part of it, that State threw off the yoke before they had a chance to make a fresh start, but was still left with a debt of $6,000,000. In one year, 1872, the printing expenses of South Carolina ran up to $450,000, which was a great deal more than the similar expenses for twenty-five years previous to reconstruction.

During the two years' administration of Governor Bullock in Georgia the state debt was increased by $6,623,000, and bonds were issued amounting to nearly $6,000,000. Florida's debt was increased $1,000,000, besides a bond issue of $4,000,000. In Tennessee a bonded debt was created of more than $16,000,000. In Arkansas, in the six years between 1868 and 1874, the average annual expenses of the state government, exclusive of schools and public buildings, were four times as much as in the succeeding six years of Democratic administration. In Mississippi the debt ran up in six years from practically nothing to several millions; the tax rate in 1871 was four times as high as under Democratic régime; in 1873 eight and half times; in 1874 fourteen times as high and 64,000,000 acres of land, one-fifth the area of the State, were forfeited for taxes. At the beginning of the reconstruction era Texas had scarcely any state debt, but after four years of carpetbag rule she owed about $4,500,000. When the carpetbaggers took possession of Louisiana the state tax was 3¼ mills on the dollar, but by 1872 it was 21½ mills, and the state debt had jumped in that time from $8,700,000 to $48,000,000.

Facts like these, Mr. Chairman, could be continued almost indefinitely. As to these conditions, let me call to witness a distinguished Massachusetts Republican, member of the Massachusetts Historical Society, a historian of international repute, Dr. James Ford Rhodes. In his History of the United States, published in 1906, Doctor Rhodes says:

> No large policy in our country has ever been so conspicuous a failure as that of forcing universal negro suffrage upon the South.
>
> The scheme of reconstruction pandered to the ignorant negroes, the knavish white natives, and the vulturous adventurers who flocked from the North. Intelligence and property stood bound and helpless under negro carpetbag rule. And the fact that such governments continued to exist, were supported by federal authority, and defended by prominent Republicans, has a share in the demoralization of politics at the North.

Again, says this fair-minded Republican, in the same volume:

> The negro's political activity is rarely of a nature to identify him with any movement on a high plane; he takes no part in civil service or tariff reform; he was not a factor in the contest for honest money; he is seldom, if ever, heard in advocacy of pure municipal government; and for him good-government associations have no attraction. He is greedy for office and emolument; it is for this reason that he arrogantly asserts his right to recognition; and he has had remarkable success in securing offices under the Federal Government. In a word he has been politically a failure and he could not have been otherwise. In spite of all the warnings of science and of political experience, he was started at the top and, as is the fate of most such unfortunates, he fell to the bottom. (Rhodes's History of the United States, vol. 7, p. 168, et seq.)

The only rights, Mr. Chairman, that the negro has received that have been worth anything to him have been accorded him in the South. A bulletin recently issued by the Bureau of Education states that "It is estimated that at the present time about 30 per cent of the public-school funds in the South is for the support of the schools for negroes." And remember that practically all of this fund comes from the taxation of whites. According to the same publication, at least $165,000,000 has been expended by the Southern States since 1870 to support common schools for the colored race. Within the lines of demarcation prescribed by social rules the negro in the South is absolutely untrammeled. We will not give him social equality; we will not allow him political supremacy; we will help him through any other channels to the best advancement of which he is capable.

The negro would not be so terribly anxious to vote if he were not encouraged so to do by these periodic force bills in Congress, and the foolish, false doctrines of scheming Republican politicians. Real students of the situation, either North or South,

know this. In the Political Science Quarterly for March, 1905, Francis Gordon Caffey, in an article entitled "Suffrage limitations at the South," declares that "It is a mistaken assumption of fact to say that in temper the negroes as a body are anxious to vote."

In comparing the election laws of the South and New England, Mr. Caffey further says:

> The policy of rewarding those who learn to read and write by giving them a vote has been permitted to remain in operation in New England for many years as an influence tending to reduce illiteracy. Now, when the South, still so far away from victory in the great war it is making against illiteracy, offers the same premium to her citizens as New England has long and with profit offered, it is proposed either to punish her by loss of influence in Congress and in the electoral college, or to force her, in order to retain her proportionate representation, to restore to ignorance the political power which she desires to offer as a premium upon intelligence, and this alternative is to be imposed upon her because, in order to establish an educational qualification, it was necessary for her, as it was necessary in 1857 for Massachusetts, to preserve the rights of those illiterate persons who already had the suffrage.

This able writer was discussing the force bill presented by the gentleman from Indiana [Mr. CRUMPACKER], who seems to have realized the folly of it, and hence has abandoned it, but what he says is equally applicable to the bill of the gentleman from New York. The real object of all such bills is to reinstate negro supremacy in the Southern States and perpetuate the domination of the Republican party in Congress. No one thinks for a moment that the Republican party is animated by altruistic sentiment, or that it aims at abstract political justice. The late Thomas B. Reed on one occasion, with a cynicism so frank as to be almost pleasing, declared that the Republican party was perfectly willing to let the Southern States do as they pleased in the regulation of their affairs, but that it wanted "the votes that belong to us in the House of Representatives." These politicians do not "care a rap" for the rights of the negro, politically or otherwise, but they want to use him as a "means unto an end" in their own political life.

There is absolutely nothing but unadulterated demagogism in all this agitation in favor of force bills. The time for such legislation, if it ever existed, is long past. They that urge it are far behind the age. They have failed to learn the lesson of the last three decades. To them the renaissance of the South is a sealed book. The "Godspeed!" heard on every side, to cheer on the South in its new career of prominence in the Nation, finds them deaf to its call. But measures such as they propose will not avail against the calm determination of the southern people to work out their glorious destiny unhampered and unchecked by such influences. Conscious of her might, the South will move forward in her civic life. She is thoroughly alive to her great opportunities and advantages. She knows her superiority in coast line and navigable rivers, in the distribution of rainfall, in soil and climate, in agricultural possibilities, in quantity and variety of minerals, and most of all, in her splendid contribution to the dominant race of the world. Dealing fairly, honestly, and liberally with all men, she will not forget where her rights are or how to maintain them, but she will press ever forward toward the mark of her high calling in the perfection and fulfillment of her own destiny and in the betterment of all mankind. [Applause on the Democratic side.]

Mr. MOON of Tennessee. Mr. Chairman, I now yield ten minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, the few remarks that I shall make on this bill will be made entirely in a sympathetic vein, at least not in the spirit of criticism, because my service here and my knowledge of the subject is not of long enough standing to weigh against the judgment of the men representing both sides of this House on this industrious and important committee. I make these few observations, however, in the full realization of what was stated by the chairman of the committee, the gentleman from Massachusetts [Mr. WEEKS] that the postal service was very close to every American citizen, closer possibly than any other branch of the governmental service, and that it had grown wonderfully in the last few years, and is still growing at such a rate that necessarily there are inconsistencies and inequalities as the result of that tremendous expansion of the postal service; and in the further ardent hope that the statement made by that gentleman and other members of the committee that a complete and thorough reorganization after a scientific investigation of the postal service was about to be undertaken.

The rural carriers have friends in this House, and I am glad they have. If the rural service has grown to such a remarkable extent in the brief time it has been in existence, it has demonstrated by that fact not only its usefulness to the American public, but the insistent and ardent demand of the American public for such service.

I believe that the mail carriers are underpaid and that their pay should be increased to a proper compensation for the ability and fidelity required of men in that service. I am not one of those who are in fear of the deficit in the postal service. I do not believe that the American people intend the postal service to be put on a basis of profit, or even that they intend that it be on a self-sustaining basis. I look upon the alleged profit in the first-class mail department of the postal service as not being a profit legitimately belonging to that branch of the service. If it did it should be eliminated. If it be not the result of a liberality in the rate on the second and third and fourth class mail matter, then there should be no profit in the first-class service. If the second-class liberality has any legitimate effect it should be to increase the first-class mail, and having done so the profit should not be credited to the first-class mail, but should be distributed through the other branches of the service; so that in no case should there be a profit in the postal service. Nor am I concerned that as a matter of bookkeeping there should be credited to the postal department the free mail now carried for the other departments of the Government, whether they be legislative or executive. It would be no more than a matter of bookkeeping if it were done, and if it can be done and thus reduce this apparent or alleged deficit, it should certainly be done in the reorganization scheme.

The Department of Commerce and Labor, the Department of Agriculture, and many of the departments of the Government have grown enormously in the last decade, not only in their actual work carried on at the seat of government, but in their contact with the individual citizen of the Nation. The use of the Postal Department should be considered as one of the agencies of their development.

The Government, through its various departments and bureaus, is collecting large amounts of valuable information bearing on every industry and occupation. This is done at the expense of the Nation, and its usefulness consists solely in having it widely distributed among the people. This necessitates an increasing use of the Postal Department for free public mail.

No American citizen complains of that, nor desires to see a curtailment of the proper use of the Postal Department for such purpose either by the executive departments or by Congress.

Perhaps on a thorough investigation and reorganization of the department the deficit will disappear.

But the existence of a deficit, or alleged deficit, should not be made a motive or an excuse for economy which would reduce the efficiency or restrict the further profitable extension of the postal service. It is clear that the employees of the Post-Office Department itself are not to blame for any alleged deficit. If the city carriers under the present cost of living in the cities are paid no more than the average wage for that class of skill and intelligence in their lines of business in those communities, then there is no charge to be laid at their door of having caused this deficit. In its reorganization I should like to see a change made in that respect. I asked the chairman of the committee this morning if it did not require under the present law five years to reach the maximum grade of $1,100.

I still understand it does; that the first year is $600, the second $800, the third $900, the fourth $1,000, and the fifth $1,100; differing from the law as it was a few years ago. I believe that under the present cost of living the increase ought to be automatic, for good behavior and good record, up to $1,200, and that it is not only a mistake in the service, but it puts an improper power in the hands of the postmaster to allow the designation of promotion above the $1,100 grade to be made solely on his recommendation. I believe this is true, also, of the postal clerks; that they should increase automatically, and I believe that both the carriers and the clerks should be paid on the 48-hour-a-week working basis. I should like to see, also, a change in the regulations that permit a postmaster to reduce the annual salary of a carrier for an infraction of rules. This seems to me an improper and dangerous power, aside from its possible political abuse. A breach of the rules which is not serious enough to justify discharge, ordinarily may be sufficiently punished by a lay off. I believe, as I indicated in my questions to the chairman of the committee this morning, that this bill does not go far enough in providing the new clerks to recruit the lower grades of the service. The clerks have the right to believe, as many of them do believe, that there will not be enough new clerks to provide for resignation, death, and promotion, and that they will be compelled in many offices to work nine and ten and eleven hours of service many days.

I have full realization of the fact that the mail can not be handled in fixed hours in all the offices all over the Nation, but I believe that a forty-eight-hour working basis is possible, and is consistent with economy and efficiency.

I believe that many reforms could be made in the Railway Mail Service, one of the services which expedites more than all others the assortment and delivery of the mail, one of the services that requires the highest degree of skill and faith, and which has hanging over it at all times the highest degree of personal danger.

Never a train goes into the ditch but that the telegraph reports say the mail clerk was one of the killed or injured. Every time a mail clerk goes out upon his run he takes his life in his hands. He not only does that, but every time we lose a mail clerk from the government service we lose a trained and skilled man. I believe every precaution of public safety should be put upon the railroads that carry these mail cars in order to compel them to provide for the safety of the mail clerks. I believe the sanitary conditions of those cars should be raised to the level of the sanitary conditions of the post-offices in the cities where the clerks work. I believe the mail clerks should have their traveling expenses, and I do not believe that the $250,000 provided in this bill will cover that item.

I am going to vote for an amendment to increase this amount. I am going to vote for adequate pay for the mail carriers, and I am going to vote for more postal clerks than this bill provides. [Applause.]

The CHAIRMAN. The hour of 11 p. m. having arrived, the committee will now rise.

Accordingly the committee rose; and Mr. BENNET of New York having assumed the chair as Speaker pro tempore, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21419, the post-office appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 15676. An act to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes;

H. R. 16331. An act to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets; and

H. J. Res. 137. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5787. An act authorizing the Secretary of the Interior to make allotment to Frank H. Pequette—to the Committee on Indian Affairs.

S. 5788. An act authorizing the Secretary of the Interior to make allotments within national forests—to the Committee on Indian Affairs.

S. 1408. An act to extend the provisions of the existing bounty-land laws to the officers and enlisted men and the officers and men of the boat companies of the Florida Seminole Indian war—to the Committee on the Public Lands.

S. 5287. An act to parole juvenile offenders—to the Committee on the District of Columbia.

S. 6089. An act to correct the military record of Edward D. Gilbert—to the Committee on Military Affairs.

S. 6166. An act for the relief of R. B. Whitacre & Co.—to the Committee on Claims.

S. 193. An act for the relief of James D. Elliott—to the Committee on Claims.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18282. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes.

H. J. Res. 137. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prison where they died, and for other purposes."

H. R. 15676. An act to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes.

H. R. 16331. An act to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets.

H. R. 17514. An act to authorize the extension of Twenty-third and R streets SE., in the District of Columbia.

ADJOURNMENT.

The SPEAKER pro tempore. The hour of 11 p. m. having arrived, the House, in accordance with the order heretofore made, stands adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting additional statement of withdrawal of power and reservoir sites in the Flathead Indian Reservation (H. Doc. No. 718)—to the Committee on Indian Affairs and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation for withdrawal of power and reservoir sites on Indian reservations (H. Doc. No. 717)—to the Committee on Indian Affairs and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Marys River, Michigan, with a view to the construction of a filling basin (H. Doc. No. 716)—to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation for regulating the furnishing of certified copies of papers in the department (H. Doc. No. 715)—to the Committee on Expenditures in the Interior Department and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for special examiners in the Division of Naturalization (H. Doc. No. 714)—to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for regulation of immigration (H. Doc. No. 713)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17754) authorizing the Commissioners of the District of Columbia to set aside certain lands for street purposes, etc., reported the same without amendment, accompanied by a report (No. 525), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FISH, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 18818) to authorize certain changes in the permanent system of highways, District of Columbia, reported the same with an amendment, accompanied by a report (No. 526), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILEY, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 20370) authorizing the widening of First street NE., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 527), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BORLAND, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13473) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," reported the same without amendment, accompanied by a report (No. 528), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 11131) providing for the acquisition of private holdings in Sequoia and General Grant national parks, reported the same with amendment, accompanied by a report (No. 548), which

said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1864) to facilitate the use for manufacturing purposes of square No. 328 in the city of Washington, as authorized in the act of Congress of February 1, 1907, reported the same with amendment, accompanied by a report (No. 549), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3544) to grant right of way over the public domain in the State of Arkansas for oil or gas pipe lines, reported the same without amendment, accompanied by a report (No. 550), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 16915) to authorize the abandonment of Jefferson street, between Fourteenth street and Colorado avenue NW., Washington, D. C., reported the same without amendment, accompanied by a report (No. 523), which said bill and report were referred to the House Calendar.

Mr. BORLAND, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17744) in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof, reported the same without amendment, accompanied by a report (No. 524), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. AMES, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 21754) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 522), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 21693) to correct the military record of William H. Hawley, deceased, reported the same with amendment, accompanied by a report (No. 529), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 4738) for the relief of the estate of James Allender, deceased, reported the same without amendment, accompanied by a report (No. 544), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 3664) for the relief of persons who participated in the suppression of Indian hostilities in the Territory of Utah, and for other purposes, reported the same adversely, accompanied by a report (No. 530), which said bill and report were laid on the table.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 4513) for the relief of William Murray and David Murray, reported the same adversely, accompanied by a report (No. 531), which said bill and report were laid on the table.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 5550) for the relief of Acencion Lucero, widow of Gabriel Lucero, deceased, reported the same adversely, accompanied by a report (No. 532), which said bill and report were laid on the table.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 6332) for the relief of E. H. Biernbaum, reported the same adversely, accompanied by a report (No. 533), which said bill and report were laid on the table.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 6335) for the relief of Eduardo Martinez, reported the same adversely, accompanied by a report (No. 534), which said bill and report were laid on the table.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 6340) for the relief of Manuel Madril, reported the same adversely, accompanied by a report (No. 535), which said bill and report were laid on the table.

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 6438) for the relief of the estate of Martin Vigil, deceased, and the administrator of said estate, Eslavio Vigil, of Albuquerque, N. Mex., reported the same adversely, accompanied by a report (No. 536), which said bill and report were laid on the table.

Mr. COWLES, from the Committee on Claims, to which was referred the bill of the House (H. R. 6440) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca, reported the same adversely, accompanied by a report (No. 537), which said bill and report were laid on the table.

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 6441) for the relief of the estate of William Le Blanc, deceased, reported the same adversely, accompanied by a report (No. 538), which said bill and report were laid on the table.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 1000) for the relief of the estate of Louis Schneider, deceased, reported the same adversely, accompanied by a report (No. 539), which said bill and report were laid on the table.

Mr. PATTERSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 11752) for the relief of Frank H. Hands, reported the same adversely, accompanied by a report (No. 540), which said bill and report were laid on the table.

Mr. CANDLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 13512) for the relief of Theophilus L. Keen, reported the same adversely, accompanied by a report (No. 541), which said bill and report were laid on the table.

Mr. GILL of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R. 17889) for the relief of Sarah Elizabeth Wilbanks, reported the same adversely, accompanied by a report (No. 542), which said bill and report were laid on the table.

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the House (H. R. 18915) for the relief of Jesus Gallegos y Vigil, reported the same adversely, accompanied by a report (No. 543), which said bill and report were laid on the table.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 6853) for the relief of J. B. Maryman, reported the same adversely, accompanied by a report (No. 545), which said bill and report were laid on the table.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 4251) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, reported the same adversely, accompanied by a report (No. 546), which said bill and report were laid on the table.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 13493) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher, reported the same adversely, accompanied by a report (No. 547), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 743) granting a pension to D. H. Harrison—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8933) granting a pension to Birdie Brenock—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17352) granting a pension to Charles E. Pendleton—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20448) granting a pension to Martha J. Howell—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10089) granting an increase of pension to Charles Hinman—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 18514) for the relief of Girard G. Butler—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 21152) for the relief of the heirs of Lewis F. Hicks, deceased—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 21153) for the relief of the heirs of C. M. Lucas, sr., deceased—Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 18018) to reimburse the estate of Gen. George Washington for certain lands of his in the State of Ohio lost by conflicting grants made under the authority of the United States—Committee on Claims discharged, and referred to the Committee on Private Land Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SHEFFIELD: A bill (H. R. 21755) to authorize the towns of Warren and Barrington, R. I., or either of them, to construct a bridge across Palmers or Warren River, in the State of Rhode Island—to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: A bill (H. R. 21756) to remove certain restrictions and disabilities now enforced in the administration of the pension laws against soldiers who served in the First, Second, Third, Fourth, Fifth, and Sixth regiments United States Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 21757) requiring all vessels under the control of the Government, excepting torpedo boats, torpedo-boat destroyers, and submarines, to be equipped with wireless teleghaph apparatus—to the Committee on Naval Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 21758) to provide for the erection of a public building at Hilo, Hawaii, and for other purposes—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21759) providing aids to navigation in the Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Minnesota: A bill (H. R. 21760) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota—to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 21761) to provide for the opening to settlement of the Klamath Indian Reservation, in Oregon, and for other purposes—to the Committee on Indian Affairs.

By Mr. PEARRE (by request): A bill (H. R. 21762) to regulate evidence in ejectment suits in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. MORGAN of Oklahoma: A bill (H. R. 21763) granting registers and receivers authority to grant homestead entrymen in certain cases additional time in which to establish residence—to the Committee on the Public Lands.

Also, a bill (H. R. 21764) authorizing two persons to unite in making a homestead entry, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 21765) for the relief of homestead entrymen—to the Committee on the Public Lands.

Also, a bill (H. R. 21766) allowing a second homestead entry in certain cases—to the Committee on the Public Lands.

By Mr. CARTER: A bill (H. R. 21767) providing for the holding of the United States district and circuit courts at Hugo, Okla.—to the Committee on the Judiciary.

By Mr. HEFLIN: A bill (H. R. 21768) to provide for the erection of a public building in the city of Lanett, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 21769) to provide for the erection of a public building in the city of West Point, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. RICHARDSON: A bill (H. R. 21770) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, to enlarge the powers of the Interstate Commerce Commission, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Ohio: A bill (H. R. 21771) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 21772) to provide for the erection of a public building at Naugatuck, Conn.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 21773) to amend an act entitled "An act to distinctively designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes," approved March 3, 1899—to the Committee on the District of Columbia.

By Mr. BARTLETT of Georgia: Resolution (H. Res. 406) to pay Jesse G. Perry a certain sum of money—to the Committee on Accounts.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 407) requesting certain information of the Secretary of Commerce and Labor—to the Committee on Ways and Means.

Also, resolution (H. Res. 408) requesting certain information of the Secretary of the Navy—to the Committee on Naval Affairs.

By Mr. BENNET of New York: Resolution (H. Res. 409) to strike House resolution 478 from the Journal of the second session, Sixtieth Congress—to the Committee on Rules.

By Mr. FITZGERALD: Resolution (H. Res. 410) directing the Secretary of the Navy to furnish certain information relative to government contracts—to the Committee on Naval Affairs.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 157) construing section 6 of the act of May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes"—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 21774) granting an increase of pension to John Frolick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21775) granting an increase of pension to Lewis Siples—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 21776) granting a pension to Frank Newman—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 21777) granting a pension to Charles G. Miller—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 21778) granting an increase of pension to Richard M. Daniels—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 21779) to carry into effect the findings of the Court of Claims in the case of B. J. Cowart, administrator of Aaron Turner, deceased—to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 21780) for the relief of Hector A. Robichon—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 21781) granting an increase of pension to Frank F. Goodwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21782) granting an increase of pension to Daniel H. Smith—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 21783) for the relief of Sallie E. Barnes, administratrix of the estate of Joseph Barnes, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 21784) granting an increase of pension to Sheldon F. Ketchum—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 21785) granting an increase of pension to Richard Prager—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 21786) granting a pension to William Tuttle—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 21787) granting an increase of pension to Charles T. Ostrander—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 21788) granting a pension to Jesse R. Guinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21789) granting a pension to George W. Row—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21790) to correct the military record of John L. Owen—to the Committee on Military Affairs.

Also, a bill (H. R. 21791) granting an increase of pension to F. Coatney—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 21792) granting an increase of pension to John Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21793) granting an increase of pension to Delos Coburn—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 21794) to carry into effect the findings of the Court of Claims in the case of John T. Hester, administrator of estate of John W. Hester, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21795) to carry into effect the findings of the Court of Claims in case of Methodist Episcopal Church South, of Germantown, Tenn.—to the Committee on War Claims.

By Mr. HOWELL of New Jersey: A bill (H. R. 21796) granting an increase of pension to John McElmeel—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 21797) to remove the charge of desertion from the record of Dudley I. Tinker—to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 21798) for the relief of William H. Johnson—to the Committee on Military Affairs.

By Mr. LAW: A bill (H. R. 21799) granting a pension to Alfred Deitrich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21800) granting a pension to John Tully—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 21801) to amend the military record of George W. Richardson—to the Committee on Military Affairs.

By Mr. MACON: A bill (H. R. 21802) to carry into effect the findings of the Court of Claims in the case of Thaddeus C. Ferrell, Mattie U. Boykin, and Lula D. Meriweather—to the Committee on War Claims.

By Mr. MADISON: A bill (H. R. 21803) granting a pension to Henry McManigal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21804) granting a pension to Othello A. Sherman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21805) granting a pension to Mortimer L. Milledge—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 21806) granting an increase of pension to Philip L. Shouse—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 21807) granting a pension to Lorenzo C. McDougall—to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 21808) granting an increase of pension to George M. Douse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21809) granting an increase of pension to Charles S. George—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21810) granting an increase of pension to William S. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21811) granting a pension to Eveline M. Latham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21812) granting a pension to Henry B. Gorman—to the Committee on Invalid Pensions.

By Mr. POINDEXTER: A bill (H. R. 21813) granting an increase of pension to Pauline Suing Bloom—to the Committee on Pensions.

Also, a bill (H. R. 21814) granting an increase of pension to Mary J. Myers—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 21815) granting a pension to William H. Carey—to the Committee on Pensions.

Also, a bill (H. R. 21816) granting an increase of pension to Jackson Taliday—to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 21817) to carry into effect the findings of the Court of Claims in the case of Cumberland Presbyterian Church, of Larkinsville, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 21818) to carry into effect the findings of the Court of Claims in the case of Cumberland Presbyterian Church, Bellefonte, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 21819) to carry into effect the findings of the Court of Claims in the case of Edward M. Ragland, Mrs. Ursula Ragland Erskine, and Edward M. Ragland, administrator of John D. Ragland, deceased—to the Committee on War Claims.

By Mr. THOMAS of Kentucky: A bill (H. R. 21820) for the relief of Temple D. Harreld—to the Committee on War Claims.

By Mr. TILSON: A bill (H. R. 21821) granting an increase of pension to George Hoey—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Farmers' Institute of Haviland, Ohio, praying for the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of South Dakota: Petition of citizens of Stratford, S. Dak., against the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of Ohio State Horticultural Society, for effective measures beneficial to forest trees and agricultural products—to the Committee on Agriculture.

Also, petition of H. A. Gossard, for the farmers and fruit growers of Ohio, for House bill 3658 and Senate bill 6131, against adulterated insecticides and fungicides—to the Committee on Agriculture.

Also, petition of United Spanish War Veterans, for appropriation to raise the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of United Spanish War Veterans, encampment at Oswego, N. Y., August, 1909, for increase of pension of the widow of the late Rear-Admiral Joseph B. Coghlan from $50 per month to $100—to the Committee on Pensions.

By Mr. CARY: Petition of Chamber of Commerce of Milwaukee, Wis., for light-house and fog signal between Point Abino and Sturgeon Point—to the Committee on the Merchant Marine and Fisheries.

By Mr. CLARK of Missouri: Petition of Mexico (Mo.) Chapter of the National Society of the Daughters of the American Revolution, for retention of Bureau of Information in Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. CONRY: Petition of American Embassy Association, for House bill 15814, for consular buildings—to the Committee on Foreign Affairs.

Also, petition of Produce Exchange of New York, opposing tax on oleomargarine—to the Committee on Agriculture.

Also, petition of National Business League, favoring an appropriation for a trade directory of the world—to the Committee on Interstate and Foreign Commerce.

Also, petition of Isley, Held & Co., of New York City, favoring the Humphrey bill—ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of New York Zoological Society, of New York City, favoring House bill 5648, for establishment of the Glacier National Park, west of the summit of the Rocky Mountains—to the Committee on the Public Lands.

Also, petition of adjutant-general of New York State, for a militia appropriation to meet expense of joint encampments and maneuvers—to the Committee on Miliary Affairs.

Also, petition of Chamber of Commerce of Buffalo, N. Y., against publicity paragraph of the corporation tax—to the Committee on Ways and Means.

Also, petition of Religious Liberty Association, of New York, favoring a Sunday rest law for the District of Columbia (S. 404)—to the Committee on the District of Columbia.

By Mr. DODDS: Petition of Michigan Ladies' Society of Equity, of East Jordan, Mich., against increase of postal rate on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Maritime Association of Perry, N. Y., against certain clause of House bill 17536, relative to destruction of the rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York State Bar Association, favoring the Sherley bill, amending bankruptcy law—to the Committee on the Judiciary.

Also, petition of Chamber of Commerce of Buffalo, N. Y., against the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

By Mr. MICHAEL E. DRISCOLL: Petition of citizens of State of New York, for an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Jesse R. Guinn—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George W. Row—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of St. John's Council, No. 1338, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By. Mr. FORNES: Petition of National League of Commission Merchants, for House bill 16919, Lafean apple bill—to the Committee on Agriculture.

Also, petition of American Enameled Brick and Tile Company, against the corporation-tax law regarding the publicity clause—to the Committee on Ways and Means.

Also, petition of United Shirt and Collar Company, of Troy, N. Y., against publicity requirement of the corporation-tax

feature of the Payne tariff law—to the Committee on Ways and Means.

Also, petition of United Spanish War Veterans, for an appropriation to raise the wreck of the *Maine*—to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Chicago Negro Business League, of Chicago, Ill., favoring the holding of a negro national exposition in 1913 to celebrate the fiftieth anniversary of emancipation—to the Committee on Industrial Arts and Expositions.

By Mr. GARDNER of Massachusetts: Petition of Peabody Branch, No. 407, La Société des Artisans Canadiens Français, of Peabody, Mass., for House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts State Board of Trade, against the corporation-tax law regarding the publicity clause—to the Committee on Ways and Means.

By Mr. GORDON: Papers to accompany bills for relief of the Methodist Episcopal Church South, of Germantown, Tenn., and the estate of John W. Hester—to the Committee on War Claims.

By Mr. GOULDEN: Petition of adjutant-general of the State of New York, for an appropriation for expenses of the militia in joint encampments and maneuvers—to the Committee on Military Affairs.

Also, petition of citizens of the State of New York, for House bill 15441, eight-hour law on government works—to the Committee on Labor.

Also, petition of Walter Coles Cabell, favoring an extension of time for filing returns required under the corporation-tax law—to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of Penn Mutual Life Insurance Company, Chamber of Commerce of Pittsburg, Charles F. Stiffe Company, and National Casket Company, against publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of George H. Alexander, of Pittsburg, Pa., favoring bill prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of International Union of Steam Engineers, Local Union No. 66, against the pernicious measure of increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Exchange National Bank, of Pittsburg, and the Union National Bank, of Pittsburg, favoring House bill 17267, bills of lading—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fort Pitt Supply Company, favoring House bill 17504, relative to the corporation-tax clause of the Payne tariff law—to the Committee on Ways and Means.

Also, petition of American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Lucentia Realty Company, Booker T. Washington, and Hospital and Nurse Training School, favoring joint resolution in House and Senate, now pending, to carry out the celebration of the fiftieth anniversary of the abolition of slavery in the United States—to the Committee on Appropriations.

By Mr. HAMMOND: Petition of Lincoln Clough and 54 others, of Faribault County, Minn., against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. HANNA: Petition of citizens of North Dakota, for House bill 15441, eight-hour law on government works—to the Committee on Labor.

Also, petition of Riggers and Stevedores' Union of San Francisco, for House bill 15441, eight-hour law on government works—to the Committee on Labor.

By Mr. HOLLINGSWORTH: Petition of Steubenville Council, No. 472, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Belmont Central Trades and Labor Assembly, for an eight-hour law on government works—to the Committee on Labor.

By Mr. HOWELL of Utah: Petition of Salt Lake Federation of Labor, favoring a universal eight-hour law and for House bill 15441—to the Committee on Labor.

By Mr. HUGHES of New Jersey: Petition of citizens of Newark, N. J., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Linnehahn Council, No. 114, and Hamilton Council, No. 50, Loyal Association, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. KENDALL: Petition of citizens of Ira, Iowa, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KNAPP: Petition of citizens of Daysville, N. Y., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petition of Thomas Leslie, of Port Huron, Mich., favoring House bill 18682—to the Committee on the Merchant Marine and Fisheries.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of Osborne Council, No. 4, favoring House bill 17543 and in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of William B. Eaton Post, No. 199, Grand Army of the Republic, of Massachusetts, against the statue of Robert E. Lee being placed in Statuary Hall—to the Committee on the Library.

Also, petition of citizens of Lynn, Mass., against the increase of rate of postage on periodicals and not to restrict rural delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. PLUMLEY: Papers to accompany bills for relief of Charles S. George, Henry Averill, George M. Dowse, Harry G. Gorman, and William S. Stevens—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: Petition of Pomona Grange, No. 3, of Boulder County, Colo., against increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Texas: Petition of citizens of Howard County, Tex., against gambling in futures on farm products—to the Committee on Agriculture.

Also, petition of citizens of Howard County, Tex., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Texas, for the eight-hour law on all government contracts—to the Committee on Labor.

Also, petition of citizens of Shackelford and adjoining counties in Texas, against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of Rural Free Delivery News, for increase of pay to rural carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles S. Silver, of New York City, for House bill 15441, eight-hour law—to the Committee on Labor.

Also, petition of United Spanish War Veterans of New York, for an appropriation to raise the wrecked battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of New York Produce Exchange, against the tax on oleomargarine—to the Committee on Agriculture.

Also, petition of Mount Olivet Colored Baptist Church, of New York City, for an appropriation for a semicentennial celebration by the colored people in 1913—to the Committee on Appropriations.

Also, petition of Anthony Wayne Memorial Building Committee, for an appropriation for memorial to Gen. Anthony Wayne—to the Committee on the Library.

Also, petition of Walter Coles Cabell, favoring the deferring of making reports required under the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Religious Liberty Association, against the Johnson Sunday bill (S. 404)—to the Committeee on the District of Columbia.

Also, petition of Robert Ingersoll & Bro., favoring the Sherley bill—to the Committee on the Judiciary.

Also, petition of National Liberal Immigration League, against restrictive laws regarding immigrants—to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of Buffalo, N. Y., against the corporation-tax publicity clause in the Payne tariff bill, and for its repeal—to the Committee on Ways and Means.

Also, petition of Maritime Association of Port of New York, against clause of House bill 17536 affecting rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

Also, petition of National League of Commission Merchants, favoring House bill 16919, Lafean apple bill—to the Committee on Agriculture.

By Mr. VREELAND: Petition of Friendship Grange, No. 72, Patrons of Husbandry, against change in oleomargarine law—to the Committee on Agriculture.

By Mr. WICKLIFFE: Paper to accompany bill for relief of George W. Dyson—previously referred to the Committee on Claims, reference changed to the Committee on War Claims.

SENATE.

FRIDAY, *February 25, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCCUMBER, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

FLATHEAD INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior supplementing the report of the Interior Department authorized by section 22 of the act of March 3, 1909, giving an additional list of lands in the Flathead Indian Reservation reserved for the purpose mentioned in the act, subject, however, to the voluntary relinquishment of the Indians holding allotments therein, etc., which was referred to the Committee on Indian Affairs and ordered to be printed.

USE OF FUEL OIL IN THE NAVY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Navy transmitting, in response to a resolution of the 9th instant, certain information relative to the amount of fuel oil, and the average cost thereof, consumed on torpedo and other naval vessels for the last five years, which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

CLAIM OF CHARLES ADAMS AND OTHERS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims transmitting a certified copy of the findings of fact filed by the court in the cause of Charles Adams and sundry subnumbered cases (Boston Navy-Yard) *v.* United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House insists upon its disagreement to the amendment of the Senate (No. 21) to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, agreed to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER managers at the conference on the part of the House.

COURT OF COMMERCE, ETC.

Mr. ELKINS. Out of order, I ask leave to introduce a bill.

There being no objection, the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. ELKINS subsequently said: I am directed by the Committee on Interstate Commerce, to whom was referred the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, to report it favorably without amendment. I ask that the bill be placed upon the calendar, and I desire leave to file a written report on behalf of the committee later on, and that the minority likewise shall have a right to file their views.

The VICE-PRESIDENT. The bill will be placed on the calendar. The Senator from West Virginia asks unanimous consent to be permitted later to file a written report, and that the minority be given permission to file their views. Is there objection? The Chair hears none.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry citizens of Middleton, Idaho, remonstrating against the passage of the so-called "postal savings-bank bill;" which was ordered to lie on the table.

Mr. FRYE presented a memorial of the Savings Banks' Association of the State of Maine, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of the Savings Banks' Association of the State of Maine, praying for the enactment of legislation providing for a tax on national-bank deposits, which was referred to the Committee on Finance.

He also presented a petition of the Eunice Farnsworth Chapter of the National Society Daughters of the American Revolution, of Skowhegan, Me., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. DEPEW presented a memorial of Henry Hudson Company, No. 4, Uniformed Rank, Knights of Pythias, of Hudson, N. Y., and a memorial of John Banim Lodge, No. 83, Knights of Pythias, of Hudson, N. Y., remonstrating against the enactment of legislation to prohibit the wearing of the United States uniform by unauthorized persons, which were referred to the Committee on Military Affairs.

He also presented a petition of the board of directors of the Maritime Association of the Port of New York, praying for the enactment of legislation to create a court of commerce and to amend an act entitled "An act to regulate commerce," which was referred to the Committee on Interstate Commerce.

He also presented a petition of Rear-Admiral Commandery, Spanish War Veterans, of Oswego, N. Y., praying that the pension of widows of ex-Union soldiers be increased from $50 to $100 per month, which was referred to the Committee on Pensions.

Mr. KEAN presented the petition of Otto J. Schwab, of Newark, N. J., and a petition of the Pattern Makers' Association of New York City, N. Y., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a memorial of Ellsworth Post, No. 14, Department of New Jersey, Grand Army of the Republic, of Weehawken, N. J., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented petitions of sundry labor organizations of Newark, Rutherford, Jersey City, Paterson, and Arlington, all in the State of New Jersey, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of G. Van Houten Post, No. 3, Department of New Jersey, Grand Army of the Republic, of Jersey City, N. J., praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented the memorial of H. T. Borden, of Swedesboro, N. J., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. CURTIS presented a memorial of sundry citizens of Marysville, Kans., and a memorial of sundry citizens of Moline, Kans., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a memorial of Local Lodge No. 21, Brotherhood of Railway Car Men of America, of Pittsburg, Kans., remonstrating against an increase in the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Sherman Post, No. 30, Department of Kansas, Grand Army of the Republic, of Ness City, Kans., remonstrating against authority being given for placing the statue of Gen. Robert E. Lee in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

Mr. BRISTOW presented a memorial of sundry citizens of Kansas, praying for the enactment of legislation to prevent gambling by exchanges in farm products and remonstrating against the proposed increase in the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Iola, Kans., remonstrating against the loaning of any property owned by the Government for use at a reunion of confederate veterans, which was ordered to lie on the table.

He also presented a memorial of McCook Post, No. 51, Department of Kansas, Grand Army of the Republic, of Iola, Kans., remonstrating against authority being given for placing the statue of Gen. Robert E. Lee in Statuary Hall, United States Capitol, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURTON presented petitions of sundry insurance unions of Cleveland and Toledo, in the State of Ohio, praying for the enactment of legislation providing for the admission of the pub-

lications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Delaware, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. BURROWS presented petitions of sundry fraternal societies of the State of Michigan, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry labor unions of Flint, Houghton, Detroit, and Adrian, all in the State of Michigan, remonstrating against any increase in the rate of postage on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Delton, Mendon, Adrian, Gagetown, Athens, Three Rivers, Dowagiac, Battle Creek, Washington, and Mount Pleasant, all in the State of Michigan, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the Farmers' Institute Society of Berrien County, Mich., praying for the passage of the so-called "rural parcels-post and postal savings-bank bills," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of village council of Detour, Mich., praying for the removal of certain shoals and reefs in the St. Marys River, in that State, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Owosso, Saginaw, Constantine, Three Rivers, Jackson, and Detroit, all in the State of Michigan, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Grand Rapids, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Jackson County, Mich., and a memorial of Richmond Grange, No. 878, Patrons of Husbandry, of Reed City, Mich., remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Kent City, Mich., praying for the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Detroit, Mich., praying for the enactment of legislation providing for the construction or purchase of buildings for the American ambassadors in foreign countries, which was referred to the Committee on Foreign Relations.

He also presented a petition of Rebecca Dewey Chapter of the National Society Daughters of the American Revolution, of Three Oaks, Mich., and a petition of Louisa St. Clair Chapter, of the National Society, Daughters of the American Revolution, of Detroit, Mich., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

Mr. GALLINGER presented a memorial of C. B. Spofford Company, No. 15, Uniformed Rank, Knights of Pythias, of Claremont, N. H., remonstrating against the enactment of legislation to prohibit the wearing of the United States uniform by unauthorized persons, which was referred to the Committee on Military Affairs.

He also presented a petition of the Lutheran Ministers' Association of the city of Washington, praying for the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DIXON presented memorials of sundry citizens of Miles City, Poplar, Billings, and Clyde Park, all in the State of Montana, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. HEYBURN presented a petition of Carpenters' Local Union, No. 220, American Federation of Labor, of Wallace, Idaho, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union, No. 33, Farmers' Education and Cooperative Union of America, of Morton, Idaho, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. OVERMAN presented a petition of Guilford Battle Chapter of the National Society Daughters of the American Revolution, of Greensboro, N. C., praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. FLINT presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing for the reimbursement of the Southern Pacific Company for its outlay in controlling the break in the Colorado River in that State in November and December, 1907, which was referred to the Committee on Claims.

He also presented petitions of the congregations of sundry Presbyterian churches of El Cajon and Lakeside, in the State of California, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Lakeside and El Cajon, in the State of California, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the California Federation of Women's Clubs, of Los Angeles, Cal., remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

He also presented petitions of sundry citizens of Lakeside and El Cajon, in the State of California, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling debts, which were referred to the Committee on the Judiciary.

He also presented a petition of the California Development Board, praying that an appropriation of $400,000 be made for the rectification and improvement of the Sacramento and San Joaquin rivers in that State, which was referred to the Committee on Commerce.

Mr. STEPHENSON presented a memorial of sundry citizens of St. Cloud, Wis., and a memorial of sundry citizens of Wausau, Wis., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the enactment of legislation to establish a light-house and fog signal at a point about midway between Point Abino and Sturgeon Point, in that State, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the enactment of legislation to conserve and protect the watersheds of navigable streams, which was referred to the Committee on Commerce.

He also presented a petition of the Rock River Improvement Association of the States of Wisconsin and Illinois, praying that an appropriation be made for a survey and report of Rock River from Rock Island, Ill., to Janesville, Wis., which was referred to the Committee on Commerce.

He also presented a memorial of the City Federation of Women's Clubs, of Whitewater, Wis., remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

He also presented the petition of J. T. Leek, of Sturgeon Bay, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented the petition of J. T. Leek, of Sturgeon Bay, Wis., praying for the enactment of legislation to prohibit the interstate transmission of race gambling debts, which was referred to the Committee on the Judiciary.

He also presented the petition of J. T. Leek, of Sturgeon Bay, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of Local Council No. 905, Knights of Columbus, of San Bernardino, Cal., praying for the enactment of legislation providing for the admission of the

periodicals of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Council No. 109, Farmers' Educational and Cooperative Union of America, of Napa, Cal., praying for the enactment of legislation to prohibit gambling in farm products, which was referred to the Committee on Agriculture and Forestry.

Mr. LA FOLLETTE presented a memorial of sundry business firms of Milwaukee, Wis., remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McENERY presented sundry papers to accompany the bill (S. 6674) for the relief of the heirs of Phoebe Fuqua Peirce, which were referred to the Committee on Claims.

Mr. PENROSE presented a memorial of the Maritime Exchange, of Philadelphia, Pa., remonstrating against the enactment of legislation to transfer pilot charts of the United States Hydrographic Office to the Weather Bureau, which was referred to the Committee on Appropriations.

He also presented an affidavit to accompany the bill (S. 2327) to correct the military record of James Hagerty, which was referred to the Committee on Military Affairs.

Mr. RAYNER presented a petition of Columbia Council, No. 31, Loyal Association, of Baltimore, Md., and a petition of Peabody Council, No. 116, Loyal Association, of Baltimore, Md., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the enactment of legislation to further regulate the importation of aliens into the United States, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6639) for the relief of Margaretha Weideman, Clarence C. Weideman, and Augerite E. Weideman, owners of lots Nos. 1, 2, and 3, square No. 434, in the city of Washington, D. C., reported it without amendment and submitted a report (No. 281) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 282), accompanied by a bill (S. 6738) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following bills heretofore referred to that committee:

S. 699. Harry E. Wagner;
S. 2330. Charles J. Snyder;
S. 3220. Louis H. Duryee;
S. 3281. Samuel Willis;
S. 3825. Francis M. Simmons;
S. 4129. Albert W. Kelley;
S. 4528. Agnes White;
S. 5013. William W. Bishop;
S. 5095. John N. Skidmore;
S. 5212. Stephen S. Joyce;
S. 5572. Leaston Simms;
S. 5882. Harry A. Shuman; and
S. 5971. William Mickler.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 283), accompanied by a bill (S. 6739) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors, the bill being a substitute for the following bills heretofore referred to that committee:

S. 50. James K. Watts;
S. 52. Edward Woolring;
S. 266. German L. Hunt;
S. 392. James H. Dickson;
S. 604. Monroe Masterson;
S. 675. Young S. Slater;
S. 839. John B. Lydick;
S. 985. William S. Smith;
S. 986. Alfred Evans;
S. 1209. Henry W. Crow;
S. 1280. Wilbert B. Teters;
S. 1356. William D. McKenney;
S. 1585. Charles W. Branson;
S. 1598. Greenleaf D. Farnum;
S. 1821. Charles E. Peabody;
S. 1961. Henry H. Baldwin;
S. 2350. Samuel A. Hogue;
S. 2640. Joseph P. Theobald;
S. 2782. Levi L. Beers;
S. 2921. John C. Woody;
S. 3272. John E. True;
S. 3436. Samuel Lemon;
S. 3769. Peter Dugan;
S. 3772. Charles A. Gilman, alias Charles Abbott;
S. 3955. George O. Miller;
S. 3956. William Howells;
S. 4411. Peter Dick;
S. 4418. Rodney P. Drury;
S. 4419. John W. Dickens;
S. 4439. Joseph March;
S. 4445. Halvor T. Anderson;
S. 4497. Caroline Williams;
S. 4565. Frank A. Couts;
S. 4571. Charles B. Gilbert;
S. 4572. Henry Snidemiller;
S. 4615. Henry Luther;
S. 4772. Lydia M. Harris;
S. 4873. William L. La Rose;
S. 4904. James J. C. White;
S. 5039. Joseph M. Moore;
S. 5076. George F. Sutherland;
S. 5173. James H. McFarland;
S. 5178. George E. Lewis;
S. 5257. Alanson H. Allard;
S. 5260. Darwin A. Brink;
S. 5294. Jefferson Caldwell;
S. 5480. George S. Dugan;
S. 5506. William Tripp;
S. 5591. Abner B. Coryell;
S. 5601. Gideon P. Myers;
S. 5602. James Smith;
S. 5649. Mary McCook;
S. 5728. William H. Leas;
S. 5755. Joseph R. Emery;
S. 5761. James K. Smith;
S. 5793. John R. Daucer;
S. 5826. Carlton Talmadge;
S. 5906. Edwin S. Knight;
S. 5943. Thomas Dickerson;
S. 5946. William M. Morris;
S. 5947. Benjamin W. Spencer;
S. 5951. James Gallagher;
S. 5952. George F. Tyler;
S. 5996. Eliab Averill;
S. 5997. Effie V. B. Aldrich;
S. 6130. William H. H. Blanchard;
S. 6172. Lucius I. Bartlett;
S. 6181. Firmin James;
S. 6192. Joseph Elliott;
S. 6242. Orlando F. Davis;
S. 6244. Barnard S. Reed;
S. 6301. Daniel E. Edwards;
S. 6302. William H. Boyden;
S. 6328. William T. Mitchell;
S. 6329. George D. Roberts; and
S. 6383. Hial E. Wylie.

Mr. GAMBLE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2925) to increase the limit of cost for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak., reported it with an amendment and submitted a report (No. 284) thereon.

Mr. HEYBURN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 5920) providing for the erection of a public building at Pocatello, in the State of Idaho, reported it with an amendment and submitted a report (No. 286) thereon.

He also, from the same committee, to whom was referred the bill (S. 1) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes, reported it with amendments and submitted a report (No. 285) thereon.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2484) to provide for the purchase of a site and for the erection of a public

building thereon at Portland, Oreg., reported it with an amendment and submitted a report (No. 288) thereon.

He also, from the same committee, to whom was referred the bill (S. 533) for the erection of a public building at Milwaukee, Wis., reported it without amendment and submitted a report (No. 289) thereon.

Mr. OVERMAN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1829) for the erection of a public building at Burlington, N. C., reported it without amendment and submitted a report (No. 287) thereon.

Mr. CLAY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6032) to provide for the erection of a public building at Cartersville, Ga., reported it without amendment and submitted a report (No. 290) thereon.

Mr. WARREN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4703) to increase the limit of cost of the United States post-office at Fort Collins, Colo., reported it with an amendment and submitted a report (No. 291) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DEPEW:

A bill (S. 6740) for the relief of Lorenzo A. Bailey; to the Committee on Claims.

A bill (S. 6741) to amend the bankruptcy law; to the Committee on the Judiciary.

By Mr. FRYE:

A bill (S. 6742) granting an increase of pension to Aubrey Leavitt (with an accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6743) to amend an act entitled "An act to distinctively designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes," approved March 3, 1899 (with an accompanying paper); to the Committee on the District of Columbia.

By Mr. BEVERIDGE:

A bill (S. 6744) granting an increase of pension to Anna M. Bennett (with accompanying papers); to the Committee on Pensions.

Mr. DU PONT. I introduce a bill on behalf of my colleague [Mr. RICHARDSON], who is unavoidably absent from the Senate.

The bill (S. 6745) for the relief of Charles W. Johnston and of Harry C. Maull and Charles S. Morris, administrator of Elihu J. Morris, his sureties, was read twice by its title and referred to the Committee on Claims.

By Mr. CLAPP:

(By request.) A bill (S. 6746) authorizing the Secretary of the Interior to reserve from location, entry, sale, allotment, or other appropriation certain Indian lands which are necessary for any irrigation project; and

A bill (S. 6747) for the relief of the heirs of John Hoffman, deceased; to the Committee on Indian Affairs.

By Mr. McCUMBER:

(By request.) A bill (S. 6748) for the relief of Choctaw and Chickasaw Indians; to the Committee on Indian Affairs.

A bill (S. 6749) granting an increase of pension to William Posey (with an accompanying paper); and

A bill (S. 6750) granting an increase of pension to Jonathan Beal (with an accompanying paper); to the Committee on Pensions.

By Mr. BACON:

A bill (S. 6751) granting an increase of pension to Elizabeth McNeely; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 6752) to provide for the improvement of rural delivery routes, and for other purposes; to the Committee on Post-Offices and Post-Roads.

A bill (S. 6753) for the relief of the Alabama Great Southern Railroad Company; to the Committee on Claims.

A bill (S. 6754) for the relief of the Alabama Great Southern Railroad Company; to the Committee on Post-Offices and Post-Roads.

By Mr. SIMMONS:

A bill (S. 6755) granting an increase of pension to William White (with an accompanying paper); to the Committee on Pensions.

By Mr. DIXON:

A bill (S. 6756) for the relief of Capt. Joseph Herring, U. S. Army, retired; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 6757) granting an increase of pension to Sarah G. Gardner (with accompanying papers); to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 6758) granting an increase of pension to Enoch W. Hurst (with accompanying papers);

A bill (S. 6759) granting an increase of pension to Harvey W. Hastings (with an accompanying paper);

A bill (S. 6760) granting an increase of pension to W. A. Bartholomew (with an accompanying paper); and

A bill (S. 6761) granting an increase of pension to Michael Foley (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6762) granting a pension to M. V. B. Chapman;

A bill (S. 6763) granting an increase of pension to Rufus D. McKnight (with accompanying papers); and

A bill (S. 6764) granting an increase of pension to George Moore (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6765) granting an increase of pension to Elias Horton, jr.;

A bill (S. 6766) granting an increase of pension to Thomas C. Neely;

A bill (S. 6767) granting an increase of pension to James Musser;

A bill (S. 6768) granting an increase of pension to Eugene Helmbold;

A bill (S. 6769) granting a pension to Daniel Doherty;

A bill (S. 6770) granting a pension to Nancy M. Jarvis, now Rose;

A bill (S. 6771) granting an increase of pension to Charles Shelly;

A bill (S. 6772) granting an increase of pension to James D. Harris;

A bill (S. 6773) granting a pension to Sophia Neubecker (with accompanying papers);

A bill (S. 6774) granting an increase of pension to Henry Harer (with accompanying papers);

A bill (S. 6775) granting an increase of pension to John Patton (with accompanying papers); and

A bill (S. 6776) granting an increase of pension to William T. Saylor (with accompanying papers); to the Committee on Pensions.

A bill (S. 6777) to place certain officers on the retired list of the army;

A bill (S. 6778) to correct the military record of Samuel Geissinger;

A bill (S. 6779) to correct the military record of David S. Sink (with an accompanying paper);

A bill (S. 6780) to correct the military record of Samuel M. Siple (with an accompanying paper);

A bill (S. 6781) to correct the military record of Charles Kuert (with an accompanying paper);

A bill (S. 6782) to correct the military record of Thomas T. Seal (with accompanying papers); and

A bill (S. 6783) to correct the military record of James Boyd (with an accompanying paper); to the Committee on Military Affairs.

By Mr. MONEY:

A bill (S. 6784) for the relief of the estate of Francis Mayerhoff; to the Committee on Claims.

By Mr. RAYNER (by request):

A bill (S. 6785) for the improvement of the Anacostia River and the reclamation of its flats, and for other purposes; to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLINT submitted an amendment proposing that all moneys hereafter appropriated for the support of the Northern Indians in California and not covered back into the Treasury shall be made available for the purchase of lands for landless Indians in California, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PENROSE submitted an amendment relative to leaves of absence of employees in first and second class post-offices, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. STONE submitted an amendment proposing to appropriate $150,000 for improving the Missouri River at or near Lake Contrary, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. KEAN submitted an amendment providing for the survey of Absecon Inlet with a view to narrowing the same and concentrating the waters into one channel, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FRYE submitted an amendment proposing to appropriate $175,000 for removing the central shoal and other obstructions from the anchorage area in the harbor of refuge at Point Judith, Rhode Island, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. TALIAFERRO submitted an amendment relative to the survey of Withlacoochee River from Port Inglis to the head of navigation, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment providing for the survey of the channels leading to Key West Harbor and for the survey of St. Marks Harbor from the Gulf of Mexico to the town of St. Marks, Fla., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $10,000 for dredging the channel at Arcadia, Mich., and $10,000 for repairs on the south pier in the harbor at Arcadia, Mich., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLINT submitted an amendment proposing to increase the appropriation for improving Sacramento and Feather rivers, California, to $30,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—PHOEBE E. DAVIS.

On motion of Mr. BURTON, it was

Ordered, That the papers in the case of Phoebe E. Davis, S. 2862, be withdrawn from the files of the Senate, no adverse report having been made thereon.

PAYMENT OF DISTRICT DEBT.

On motion of Mr. GALLINGER, it was

Ordered, That 2,000 copies of the bill (S. 3260) to provide for the payment of the debt of the District of Columbia, and to provide for permanent improvements, and for other purposes, be printed for the use of the document room.

CHARLES COODY.

Mr. CURTIS submitted the following resolution (S. Res. 187), which was referred to the Committee on Claims:

Senate resolution 187.

Resolved, That whereas on February 5, 1908, S. 5015 was introduced and referred to the Committee on Claims, and subsequently said committee referred said bill to the Court of Claims embodied in Senate Resolution No. 197, May 22, 1908. The name as it appears in said bill and resolution as "Charles Goody" should have been "Charles Coody," and the Court of Claims is hereby authorized to make this correction in the spelling of the name.

PERSONAL EXPLANATION—INCREASED COST OF LIVING.

Mr. SIMMONS. Mr. President, in the morning papers there are various statements about what occurred in the meeting of the committee charged with the investigation of the prices of commodities on yesterday, most of which have no foundation in fact. By reason of these unwarranted statements, which have been published to the country, and as a result of which the minority members of that committee may be put in a false attitude before the country, I wish to ask the indulgence of the Senate for a few moments while I make a statement concerning these rumors and concerning the attitude of the minority members of that committee.

I read from the Washington Times of yesterday evening:

FOOD-TRUST PROBE WILL NOT BE OPEN.

The Senate cost-of-living committee will hold to the plan that its efforts to fix the responsibility for the present high prices of foodstuffs and clothing will be made virtually behind closed doors.

I want to say, Mr. President, that there has been no action on the part of the committee upon this question at any meeting at which I was present, and I think I have been present every minute when the committee as a whole has been in session. Of course, I do not know what may have been determined by the majority members of the committee in executive session. I have not heard that any such session had been held, and I do not presume that any such has been held.

Mr. LODGE. None has been held, I will say to the Senator.

Mr. SIMMONS. The Senator says none has been held. Speaking for myself, and I think I speak for the minority members of that committee, we have not assented to an investigation behind closed doors, and we do not propose to assent to any such procedure. We may be overruled, but we will not consent to it.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Will the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. I am sure the Senator is satisfied in his own mind that a majority of the committee has had no such purpose in view.

Mr. SIMMONS. I have not heard of any such purpose of the majority. I am simply reading a statement that seems to have got currency in the press of the country that the investigation was to be made behind closed doors and the committee had so decided.

Mr. GALLINGER. There has been no conference on that matter on the part of the majority members, I will say to the Senator.

Mr. SIMMONS. I did not think there had been. Reading from the Times further:

The methods of procedure in the investigation will be to depend almost solely on evidence and data to be furnished by government officials and employees. The members of the committee this morning decided that the data upon which they will draw and which will fix the responsibility they seek will come through government channels.

Secretary of Agriculture Wilson and Commissioner of Labor Neill, of the Department of Commerce and Labor, this morning presented to the committee their ideas as to the methods which they think should be employed to make the investigation. In Senator LODGE'S opinion the two departments represented this morning can provide practically all the data which will be needed to locate the blame for prevailing prices.

Again, Mr. President, that statement as to the attitude of the committee, so far as any action it has taken up to this time is concerned, is not warranted by the facts. As a matter of fact, there has been no decision on the part of the committee that the committee will content itself for the information which it desires with investigations made by experts or officials of the departments. I repeat, there has been no decision by the committee to that effect. There have been statements that this department-gathered data would be very valuable, that probably we could get a large part of the information desired through these department investigations, but there has been no action looking to thus limiting our sources of investigation.

On behalf of myself and the minority members upon that committee, I want to make it plain that we do not assent to the proposition that an investigation made through the departments will be adequate to meet the needs of the situation or the demands of this inquiry.

Again, Mr. President, I read from the Washington Post reportorial column this morning:

BLAME TRUSTS FOR PRICES—DEMOCRATS OF INVESTIGATING COMMITTEE CENSURE REPUBLICANS.

Democratic members of the Senate committee to investigate the high cost of food products yesterday gave evidence of their purpose to attempt to show that the increase is due to trusts, and that, inasmuch as they believe the Republican party is responsible for trusts, the party in power is responsible for high food products.

Yesterday Secretary Wilson and Commissioner of Labor Neill were before Mr. LODGE'S investigating committee to give an outline as to the character of information that might be expected from their departments. Questioning along this line was being conducted by Mr. LODGE when Senators CLARKE of Arkansas and SIMMONS branched off into questions intended to develop the trust idea.

The Republicans opposed this at the present stage of the inquiry, but the Democratic members persisted. Senator LODGE was quoted later in the day as saying this course on the part of the Democrats would not be permitted.

Of course I do not know what the Senator from Massachusetts [Mr. LODGE] said the latter part of the day after the committee adjourned, but I do know, Mr. President, that nothing occurred in the committee to justify that comment upon the conduct of the Democratic Senators on the committee.

Mr. LODGE. I should like to say to the Senator that that thing he has read is absolutely false. I never made any statement of the sort, and, as the Senator well knows, nothing of that kind occurred.

Mr. SIMMONS. Absolutely nothing of that kind occurred, Mr. President.

Mr. LODGE. The whole thing is falsehood from beginning to end.

Mr. SIMMONS. I wish to read further, Mr. President, to show to what extent this effort to put the Democratic members of the committee in the attitude of being obstructionists is being made by a part of the press of the country. Here is an editorial from the Washington Post of this morning:

POLITICS IN SENATE FOOD PROBE.

Leading questions put to Secretary Wilson and Labor Commissioner Neill by the Democratic members of the Lodge food inquiry committee precipitated a clash along political lines at the very outset. The Republican members charged the minority with seeking political advantage by going into the trust question prematurely, whereas Messrs. Wilson and Neill had been called merely to indicate what department data on the food question the committee might expect from them. This technical objection to their line of inquiry having no weight with the Democrats, the Republican majority called a halt, as the news filtered out through the closed doors.

Mr. President, I want to say that the meeting of the committee yesterday was most harmonious. The Senators referred to, representing the minority, did ask the Secretary of Agriculture and Commissioner Neill quite a number of questions, but those questions were directed, not with a view of putting the blame of high prices upon the trusts, or upon the tariff, or upon the retailer, or upon the wholesaler, or upon the manufacturer, or anybody else, but, so far as those asked by myself—and I think I can say that for my colleague, the Senator from Arkansas [Mr. CLARKE]—for the purpose of eliciting facts pertinent to inquiries directed by Congress to be made and for the purpose of showing that an investigation which confined itself to inquiries made through the departments of the Government would be too restricted.

No objection was made to any question asked either by the Senators from Arkansas and Alabama, or myself. No member of the committee intimated that our inquiries were not pertinent and in the proper line to elicit information pertinent to the inquiry.

Now, Mr. President, I had just as well take advantage of this opportunity to state in a general way my position and, I think, the position of the minority members of the committee, with reference to this investigation. I am certain that we have no desire to give it any partisan color. It is not our view or purpose to fix the blame on the trusts, or on the tariff, or on the retailer, or on the wholesaler further than the evidence may saddle it on them.

But we do desire, Mr. President, that if the evidence discloses that the exorbitant and artificial prices under which the people of this country are groaning are the result of any one of these causes, the blame should be properly fixed.

I believe, Mr. President, and I am sure my Democratic colleagues agree with me, that this investigation ought to be thorough, searching, exhaustive, and impartial, whether the result shall advance the cause of one party or the other, whether it shall put the blame upon one interest or another, on one organization or another, the truth should be elicited. I do not believe that anything short of this kind of an investigation will satisfy the country.

With reference to the suggestion that we can get all needed data through the departments of the Government, I want to say that already gathered by the government departments, especially that in the possession of the Departments of Agriculture and of Commerce and Labor, and that which the committee may be able to secure through the experts of these departments, acting under its direction, will be very valuable. But an investigation confined in the main to information gathered through these departments, in my opinion, will not meet the situation or the just expectations of the people with reference to this investigation.

I believe, and I think it is the opinion of the country at large, that the prices of most of the commodities which enter into daily use and consumption are largely controlled by organized capital or interests, and through these organizations not only are the prices paid by the middleman and the retailer, but the prices at which they sell what they buy are fixed and maintained. The result of this system is to destroy competition, and thereby arbitrarily and extortionately, as the experience of the country shows, advance prices.

Any investigation, Mr. President, which does not inquire into the methods and devices by which this result is accomplished as well as the effect of these methods upon prices would be incomplete, unsatisfactory, and, in my opinion, impotent.

The purpose of the questions propounded by the minority members of the committee on yesterday at the meeting of the committee was largely to show that satisfactory information along these lines could not be secured through investigations conducted by department experts, however expert or skillful they might be as investigators. In my opinion, and I think I speak the sentiment of my Democratic colleagues on the committee, this can only be effectively done by rigid oral cross-examination of the responsible agents of these organizations.

Mr. President, yesterday when we were making these inquiries, it was practically admitted by the Secretary of Agriculture that his department could not make a thorough, satisfactory probe of high prices, because while his agents could ask questions, they could not compel answers; and, of course, had no power to verify answers by cross-examination of the witness. He stated positively, in response to an inquiry asked him, I think, by myself, and I think Mr. Commissioner Neill made the same statement, that there was no machinery in either of their departments which would allow them to adequately probe into the methods and devices by which these organized interests fix the prices of the things they sell and the price at which the purchaser sells, and in that way suppress competition and maintain artificial prices. I think that is apparent without the statements and admissions of the Secretary of Agriculture or the Commissioner of Labor.

I believe, Mr. President, that the manufacturers, the wholesalers, the jobbers, the retailers, the managers of the packers, cold-storage firms, and so forth, ought to be brought before the committee and subjected to a searching and scrutinizing examination and cross-examination with a view of eliciting the truth. An investigation which does not apply the test of cross-examination to ascertain facts as to prices and methods by which artificial prices, both of purchase and sale, are fixed and maintained, whether through the organizations of interests or of trusts or of tariff, will fail, in my judgment, of what is expected of this committee, and personally I want to say that I would feel little interest in such a restricted and inadequate investigation.

Mr. President, I have asked the attention of the Senate this morning as long as I have because I thought that in view of the unwarranted statements that have gone out through the press, giving color to the idea that in the outset an attempt was to be made to influence, if not coerce, the Democratic members in the course they shall pursue in this investigation by creating a public sentiment that they were acting as obstructionists and trying to lead the investigation into channels of politics, a clear, distinct statement of the facts and of the views of the minority members of the committee should be made. In making that statement I want it understood that I am not complaining of the committee or its chairman. I do not mean to intimate that he has given out any of this information. I do not know where it has come from. I believe that the larger part of it has been purely manufactured.

Mr. President, the press comments of this morning, those which I have referred to and others, indicate a purpose on the part of certain journals to try to influence or coerce the investigation away from the trusts and the tariff. The blame should not be placed where it does not belong; but if the object of this investigation is to clear the trusts and the tariff and fix the blame upon the retailer, the wholesaler, and the farmer, then I should feel like washing my hands of it.

Mr. LODGE. Mr. President, the statements which the Senator from North Carolina [Mr. SIMMONS] has read from the Washington Post of this morning were misrepresentations as complete as I think it is possible to make misrepresentations. The committee of inquiry has had two meetings, and, so far as I am aware, there has been no difference of opinion developed between the minority and majority of the committee or between one party and the other party. The purpose of the committee, as I understand it, is to get at the facts, no matter whom they hurt or whom they help, and to get those facts as rapidly before Congress and the country as it is possible. The statement of the Senator from North Carolina that the meetings have been entirely harmonious is absolutely true, and there have been no meetings except the meetings of the committee.

At the first meeting the committee agreed to instruct the chairman to call the Secretary of Agriculture and to call the Commissioner of Labor, in order that we might find out from them what material they had in their possession which would aid us in the inquiry. The committee also instructed the chairman to request the Secretary of State to get reports as rapidly as possible from our ambassadors, ministers, and consuls abroad as to prices at the present time in foreign markets, taking, of course, certain representative markets; and, so far as was possible, to get us the prices for the preceding decade. The chairman, of course, carried out the instructions of the committee.

The Secretary of Agriculture and the Commissioner of Labor came before the committee yesterday, and the committee heard from them in a general way what material they had. I think we all agreed to the statement made by the Senator from Arkansas [Mr. CLARKE] that what we wanted to get at first was to ascertain what information the Government had, and then to supply the deficiency ourselves in such a manner as might seem best when the situation was developed.

Mr. President, I have only this to add to what the Senator from North Carolina has said. So far as I am personally concerned—and I think I speak for the entire committee—our purpose is to get at the facts without fear and without favor; to bring the facts, so far as possible, before Congress; and to enable the country to understand what the facts show as to the causes of the advance in prices, no matter what those causes may prove to be.

But it is also to be remembered that it is the desire of the committee to get this information as rapidly as possible. The committee does not desire to drag out its time in useless inquiries which will result in nothing. They want to get something before the people of the country, and to get it before them now. They do not want to enter on an inquiry which will take two or three years before any result is reached. They want to get results at the earliest possible moment. They already appreciate the difficulties of the inquiry; they appreciate the extent of the field; and they are trying as rapidly as they can to organize the inquiry, so that it shall produce results at the earliest possible moment. There is no intention, so far as I am aware, on the part of any member of the committee to make the investigation either partisan or political. They have been charged with an inquiry into facts; and the facts they will try to bring before the Congress and the country at the earliest possible moment. Wherever we are satisfied that there is anybody—and I do not care who he may be or what he represents—who, in the opinion of the committee, can under examination and cross-examination furnish us with information as to the facts, he will be brought before the committee and examined.

But, Mr. President, the preliminary necessary to work intelligently is to lay out the work. We do not want to begin by duplicating a great mass of information; we want to find out if we can what we have got to start with, and then we shall know what is lacking; and the committee is at that point now. Their first action will be to frame lines of inquiry—that they hope to do at their meeting to-morrow—to mark out the lines of inquiry, and then answer those questions which they themselves put by the best possible information.

There was not only no obstruction of the minority such as was stated in the newspaper articles which were read, but, on the contrary, every member of the minority, so far as my observation went, was trying to do exactly what the rest of us were trying to do—to find out how we could get facts most certainly and most quickly.

Mr. OWEN. Mr. President, I should like to suggest to the committee that the scope of their inquiry should be enlarged so as to deal with individual articles in this country, and particularly with oil, which sells in Oklahoma at 35 cents a barrel of 42 gallons, while the refined product in the way of gasoline sells for 20 cents a gallon in Washington.

Mr. LODGE. If the Senator from Oklahoma will take the trouble to look over the resolution under which the committee was created, I think he will see that it does not need enlargement. It is one of the most extensive inquiries that I have ever seen projected, and it includes oil among the enumerated articles.

Mr. OWEN. That is already included, then?

Mr. LODGE. It includes some things which it would be simply impossible for any committee to determine within any reasonable time. I do not mean oil or a product like that, but rents have been included. To determine rents in this country would require an investigation which would take the whole force of the Government, and I think the Senator from Oklahoma, appreciating the economic importance of rents, would realize that at once—it would take the whole Government and any committee of this Senate a year or two to get at any general idea of rents throughout the country. It is the most complicated and difficult subject relative to which I know of no collected material, and it varies from one end of the country to the other. There are, however, a great many articles, like oil, which we can inquire into and find out about and discover the cause of the discrepancies which the Senator from Oklahoma has pointed out. That is exactly what the committee want to get at.

POSTAL SAVINGS DEPOSITORIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. OWEN. I ask that the amendment I have proposed to the pending bill may be read.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause of Senate bill 5876 and to insert:

From and after the passage of this act the Comptroller of the Currency shall set apart the annual tax on the circulation of the national banking associations of the United States as a special fund, to be designated the "bank depositors' guaranty fund," to be used by the comptroller for the immediate payment of the depositors of any national bank failing after the passage of this act. The net liquidated assets of any national bank of which the Comptroller of the Currency takes charge for the purpose of liquidation shall be deposited to the credit of the "bank depositors' guaranty fund" to the extent required to reimburse such fund any moneys advanced by such fund for the payment of the depositors of such bank. No deposit under contract, either directly or indirectly, to bear interest in excess of 4 per cent per annum on time deposit, or in excess of 2 per cent per annum on current account, shall be included in the insurance provided by this act, and no such deposit shall be paid out of the "bank depositors' guaranty fund."

That any state bank or trust company may have its deposits guaranteed by the "bank depositors' guaranty fund" upon an equitable system to be prescribed by the Comptroller of the Currency and approved by the President of the United States.

Mr. OWEN. Mr. President, in offering a substitute for the postal savings-bank bill I do not do so under the belief that it will be adopted by the Senate, but for the purpose of calling attention to the importance of the subject-matter and because as a Democrat, believing in the doctrine laid down by the national Democratic convention, for one I should like to offer to the Senate at least an opportunity to conform to the proposal of the Democracy in its last national platform, which is as follows:

We pledge ourselves to legislation under which the national banks shall be required to establish a guaranty fund for the prompt payment of the depositors of any insolvent national bank, under an equitable system which should be available to all state banking institutions wishing to use it.

We favor a postal savings bank if the guaranteed bank can not be secured, and believe that it should be so constituted as to keep the deposited money in the communities where the depositors live.

The postal savings-bank bill has been amended in the committee and in the Senate so as to provide that the money shall be kept in the vicinity in which it is proposed these deposits shall be made, and unless it be amended to the contrary before its passage I should feel obliged to support the bill, because it appeals to my judgment as being practical and sound, as serving a great public use, and because I believe it to be constitutional; but, Mr. President, I see no reason why the postal savings-bank bill should not become a law, and at the same time the bank-guaranty plan be applied to the national banks of the United States under a system which would permit the state banks to be the beneficiaries of that plan.

There has been carried on in this country a deliberate propaganda against either the postal savings-bank proposition or any plan of mutual guaranty of bank deposits by the legislative committee of the American Bankers' Association. I hold in my hand their report of a meeting in Chicago in September, 1909, and, since they are deserving of a hearing, I shall read their objections. They say:

Resolved, That the American Bankers' Association is unalterably opposed to any arbitrary plan looking to the mutual guaranty of deposits either by a State or the Nation, for the following reasons:

1. It is a function outside of the State or National Government.
2. It is unsound in principle.
3. It is impracticable and misleading.
4. It is revolutionary in character.
5. It is subversive to sound economics.
6. It will lower the standard of our present banking system.
7. It is productive of and encourages bad banking.
8. It is a delusion that a tax upon the strong will prevent failures of the weak.
9. It discredits honesty, ability, and conservatism.
10. A loss suffered by one bank jeopardizes all banks.
11. The public must eventually pay the tax.
12. It will cause and not avert panics.

Resolved, That the American Bankers' Association is unalterably opposed to any arbitrary plan looking to the mutual guaranty of deposits either by a State or the Nation, believing it to be impracticable, unsound, and misleading, revolutionary in character, and subversive to sound economics, placing a tool in the hands of the unscrupulous and inexperienced for reckless banking, and knowing further that such a law weakens our banking system and jeopardizes the interests of the people.

Every hostile economic suggestion of these excellent gentlemen has been fully met by the Oklahoma banking system and demonstrated beyond reasonable doubt to be ludicrously untrue.

If there were any more adjectives available in the financial vocabulary they would have been doubtless used by these gentlemen, who, if they lived in the Indian country, would be called "Young-men-afraid-of-losing-their-deposits." When their verbal abuse is all summed up, the meaning of this opposition of the members of this legislative committee of the American Bankers' Association can, I think, be put in a few words, namely, that the very few citizens representing the larger banks of the country who practically dominate and control this association, believe that a guaranty plan making safe the deposits of the small banks will take away from the larger banks, to some measurable extent, a portion of their deposits. In my own judgment, they are in error as to this, because when the small banks become the depositories of the money which is now hidden in private hoards and which is not now in circulation in any bank, the increasing deposits passing into the hands of the small banks will, through the reserve system, contribute most substantially to the city banks. I think the accuracy of their criticism of this system is perhaps illustrated also by the accuracy of their prophecies. They say:

> Your committee's greatest work during the past year was that of preparing plans and assisting the committee of the savings bank section in defeating the numerous measures for the establishing of a postal savings banking system for the United States.
>
> We will not at this time discuss the various bills, as they are all dead (peace to their memory).

It seems that they are not all dead, but the spirit of the postal savings plan is very much alive in the pending bill. The present postal savings-bank bill is offered to the country in pursuance of the declaration of the Republican platform, pledging to the people of the United States a postal savings-bank bill. Both parties are committed to this proposition—the Democratic party in the alternative, the Republican party directly. I shall stand for this bill in the alternative, as proposed by the national Democracy, and I shall at the proper time propose this amendment to the bill, as well as offer it as a substitute for this bill.

Mr. President, on the 15th of January, 1908, I introduced a bill, Senate 3988, providing substantially for the above provision, for the purpose of preventing panics in the United States and for the purpose of giving stability to our national commerce. On the 14th of February, 1908, the State of Oklahoma passed an act establishing a bank depositors' guaranty fund for the state banks of Oklahoma, under which the national banks of that State might avail themselves of the bank depositors' guaranty fund by a plan to be agreed on between the authorities of the State and the Comptroller of the Currency. The Comptroller of the Currency held that no national bank could be authorized, under the law, to take advantage of the privileges offered by the State of Oklahoma, and the Attorney-General of the United States, in an opinion, sustained that view of the Comptroller of the Currency. In consequence, 73 national banks in Oklahoma in the first seventeen months of the operation of the Oklahoma bank depositors' guaranty law gave up their charters as national banks and became state banks of Oklahoma.

Up to date I understand that over 90 of the national banks have given up their charters in the State of Oklahoma. That is, over a fourth of these banks have retired in less than two years.

Are you prepared to let the national banking system in Oklahoma lose further prestige by refusing the remedy I propose?

The actual operation of the bank depositors' guaranty fund has been the most brilliant answer to every hostile prophecy and the most triumphant reply to every critic of the system. The Oklahoma statute was drawn with great care, with the active assistance and cooperation of many of the leading bankers of that State.

Every reasonable safeguard was provided to give the Oklahoma banks the greatest security and stability possible. For example, the persons organizing a bank were subject as individuals to the approval of the bank commissioner of the State, who required such persons to be men of good character and of good precedents, and free from the suspicion of engaging in the banking business for speculative purposes.

A double liability was imposed upon stockholders.

The capital was required to be fully paid.

The bank was not permitted to receive money on deposit in excess of ten times the amount of its paid-up capital and surplus, but provided for increase of capital in that event to correspond with increase of deposits.

It was forbidden to pay interest on deposits in excess of a rate to be fixed from time to time by the bank commissioner, who fixed a low rate not exceeding 4 per cent on time deposits and a lower rate on current accounts.

Real estate loans in excess of 20 per cent of the aggregate loan of such banks was forbidden.

The bank commissioner was authorized to require the increase of the bank's capital or surplus to prevent an excess of the bank's deposits of over ten times its capital and surplus.

The active bank officers were forbidden to lend the money of the bank to themselves.

The bank was forbidden to employ its moneys in trade or commerce, to buy the stock of other banks, or to make loans on its own capital stock.

The banks were required to carry a reserve of from 20 per cent in towns of 2,500 or less to 25 per cent in towns exceeding 2,500 inhabitants.

Savings associations were required to keep 10 per cent of their deposits on hand in cash and 10 per cent additional in bonds of the United States, or state, county, or municipal bonds of the State of Oklahoma worth not less than par.

The total liabilities to any bank of any person, company, corporation, or firm for money borrowed, including in the liabilities of such company the liabilities of the several members thereof, were forbidden in excess of 20 per cent of the capital stock actually paid in.

Banks in an insolvent condition were forbidden to receive deposits.

Suitable penalties were provided for any false report or improper conduct.

Full publicity was required.

Frequent reports and examinations were provided.

Overdrafts were forbidden, the officer of the bank allowing the same to be personally liable.

Preference to any depositor or creditor by pledging the assets of the bank as collateral security was forbidden.

Habitual borrowing for the purpose of reloaning was placed under control.

The immediate replacement of an impaired capital was provided.

A bank depositors' guaranty fund was provided, to reach in twenty years an equivalent of 5 per cent of the average deposits of the banks, the guaranty fund to equal 1 per cent of the deposits for the first year and a sum equal to one-twentieth of such 5 per cent, or one-fourth of 1 per cent of such deposits per annum, until the total amount of 5 per cent of such deposits should have been paid at the end of twenty years.

New banks organizing were required to set aside 3 per cent of their capital for the guaranty fund.

Additional assessments were provided for in case of extraordinary emergency, with a proviso that the emergency assessments should not in any calendar year exceed 2 per cent of the average daily deposits of such banks and trust companies.

If the emergency assessments should prove to be insufficient to pay off the depositors of any failed banks having valid claims against said depositors' guaranty fund, the state banking board is required to issue and deliver to each depositor having any such unpaid deposit a certificate of indebtedness for the amount of his unpaid deposit, bearing 6 per cent interest, consecutively numbered and payable in serial order.

The law provided that any bank put in liquidation by the bank commissioner should have its depositors immediately paid from the bank depositors' guaranty fund. The bank commissioner has similar powers to the Comptroller of the Currency.

The banks are forbidden to loan money in excess of 12 per cent, with a legal rate of 7 per cent.

Mr. President, I have thus outlined the principal features of the Oklahoma law, because it has been much misunderstood throughout the United States and indeed has been grossly misinterpreted by special interests, who regard the prosperity of small banks and the growth of the deposits of small banks with hostility, upon the narrow and unsound doctrine that the volume of deposits going to small banks will diminish the volume of deposits in the large banks.

In point of fact, as the deposits of the small banks grow, such banks naturally become depositors in the larger banks of the country to the extent which the convenience of commerce justifies.

For the information of the Senate and for the information of the people of the United States, I requested a statement from the state banking department of Oklahoma and submit the following letter from Hon. A. M. Young, bank commissioner, together with the inclosed condensed and comparative statements, giving the resources and condition of the state banks and of the national banks between February 14, 1908, when the

Oklahoma bank-depositors' guaranty law went into effect, and June 23, 1909, with a further statement between June 23, 1909, and November 16, 1909:

STATE BANKING DEPARTMENT,
STATE OF OKLAHOMA,
Guthrie, February 2, 1910.

Hon. ROBERT L. OWEN,
Washington, D. C.

MY DEAR MR. OWEN: Your telegram received. I should have given this matter attention earlier, but I have been extremely busy.

I inclose condensed and comparative statements which will give you some idea as to the popularity and growth of the guaranty law in our State.

We have had three national and three state bank failures since the law went into effect. Three national banks have converted into state banks since the failure of the Columbia Bank and Trust Company and three state banks have converted into national. I have had about 25 applications for new banks since the failure of the Columbia Bank and Trust Company.

I took charge of the Columbia September 29, with deposits of $2,900,000. The doors were never closed, but individual depositors were paid as they called for their money. This large failure did not in the slightest degree interfere with other banks or the financial interests of the city or State. * * *

* * * In fact, in the first sixty days after this failure state banks gained more than 33 per cent in deposits and the national banks something like 16 per cent. I mention this, as it is entirely foreign to what usually follows a bank failure.

The First State Bank at Kiefer had on deposit with the Farmers' National Bank at Tulsa something over $20,000 at the time the latter institution failed. I took charge of this bank December 14. They had $78,000 on deposit. In eight days' time every single depositor had received their money. The Farmers' National Bank, which closed on the above date, is still closed.

The way a failed national bank is handled is very little short of barbarism.

If there is any other information desired that I can give you do not hesitate to call for it.

Assuring you of my best wishes, I am,

Very respectfully,

A. M. YOUNG, *Bank Commissioner.*

STATE BANKING DEPARTMENT,
Guthrie, Okla.

CONSOLIDATED STATEMENT OF THE CONDITION OF STATE BANKS IN OKLAHOMA AND OTHER INFORMATION IN REGARD TO NATIONAL AND STATE BANKS AS SHOWN BY REPORTS OF COMPTROLLER OF THE CURRENCY AND OF THE BANK COMMISSIONER OF OKLAHOMA UNDER DATE OF JUNE 23, 1909.

Consolidated statement of the condition of the state banks in Oklahoma, and other information in regard to national and state banks, as shown by reports under date of June 23, 1909:

State banks of the State of Oklahoma.

RESOURCES.	
Loans and discounts	$35,137,300.08
Overdrafts	719,616.37
Bonds, warrants, and securities	3,598,934.06
Banking house, furniture, and fixtures	2,274,558.28
Other real estate owned	307,304.71
Due from banks	14,390,114.86
Exchange for clearing house	299,479.34
Checks and other cash items	280,325.60
Cash in banks	3,643,366.56
	60,650,999.86
LIABILITIES.	
Capital stock paid in	$10,270,800.00
Surplus fund	758,774.03
Undivided profits	1,615,882.23
Due to banks	3,896,541.02
Individual deposits	42,722,927.57
Cashiers' and certified checks	527,593.53
Bills payable	720,250.98
Rediscounts	138,230.50
	60,650,999.86

The Oklahoma guaranty law went into effect February 14, 1908, since which time 163 state banks have been chartered, 73 of which were conversions of national banks, with deposits approximating $7,300,000.

Individual deposits in state banks February 29, 1908	$18,032,284.91
Individual deposits in national banks February 14, 1908	38,298,247.07
Individual deposits in state banks June 23, 1909	42,722,927.57
Individual deposits in national banks June 23, 1909	38,111,948.40
Gain in state bank deposits since the guaranty law went into effect	24,690,644.66
Loss in national bank deposits for the same length of time	186,298.67
Capital stock of state banks February 29, 1908	5,833,216.65
Capital stock of national banks February 14, 1908	12,215,350.00
Capital stock of state banks June 23, 1909	10,270,800.00
Capital stock of national banks June 23, 1909	9,730,000.00

Number of state banks February 29, 1908, 470.
Number of national banks February 14, 1908, 312.
Number of state banks June 23, 1909, 631.
Number of national banks June 23, 1909, 222.
Ninety national banks have converted and liquidated since guaranty law went into effect.
Average reserve held by state banks June 23, 1909, 42.3 per cent.
The state banks of Oklahoma on February 5, April 28, and June 23, 1909, held a higher reserve than the national banks of any State in the Union except Colorado.
Bank failures, none.

A. M. YOUNG, *Bank Commissioner.*

STATE BANKING DEPARTMENT,
Guthrie, Okla.

Consolidated statement of the condition of all state banks in the State of Oklahoma, as shown by reports under dates of June 23, 1909, and November 16, 1909.

	June 23, 1909.	Nov. 16, 1909.
Number of banks	631	662
RESOURCES.		
Loans and discounts	$35,137,300.08	$35,010,721.96
Overdrafts	719,616.37	2,248,575.08
Bonds, warrants, and securities	3,598,934.06	3,543,359.18
Banking house, furniture, and fixtures	2,274,558.28	2,396,957.14
Other real estate owned	307,304.71	234,726.09
Due from banks	14,390,114.86	18,508,385.20
Exchange for clearing house	299,479.34	1,653,558.19
Checks and other cash items	280,325.60	497,346.52
Cash in banks	3,643,366.56	4,607,348.70
Total	60,650,999.86	68,700,978.06
LIABILITIES.		
Capital stock paid in	10,270,800.00	10,767,800.00
Surplus fund	758,774.03	881,340.87
Undivided profits	1,615,882.23	1,511,122.34
Due to banks	3,896,541.02	4,537,090.83
Individual deposits	42,722,927.57	[a] 49,775,433.41
Cashiers' and certified checks	527,593.53	[a] 650,752.02
Bills payable	720,250.98	428,378.37
Rediscounts	138,230.50	149,070.22
Total	60,650,999.86	68,700,978.06
Average reserve held.....per cent	42.3	49.7

[a] Total deposits, $54,963,266.25.

Increase in individual deposits between June 23, 1909, and November 16, 1909	$7,052,505.84
Increase in individual deposits between September 1 and November 16, 1909	4,998,173.96

A. M. YOUNG, *Bank Commissioner.*

Mr. OWEN. Mr. President, I am informed by the bank commissioner that in his judgment the bank guaranty fund of the State of Oklahoma will not be seriously impaired when the assets of the Columbia Bank and Trust Company have been entirely liquidated; that the private depositors will lose nothing and that the State will lose nothing.

It will be observed that the state banks in Oklahoma had only $18,032,000 of individual deposits on February 29, 1908, and on November 16, 1909, had $49,775,433.41 of individual deposits, with total deposits of over $54,963,000, an increase of about 200 per cent in deposits in less than two years.

The individual deposits in the national banks February 14, 1908, were $38,298,000 and the individual deposits in national banks on June 23, 1909, were $38,111,000, showing a gain in the state-bank deposits in seventeen months of over $30,000,000 and a loss in national-bank deposits of $186,000.

Seventy-three national banks, however, during this period were converted into state banks with deposits approximating $7,300,000, so that this item must be considered in comparing the two systems.

The number of state banks has increased from 470, February 29, 1908, to 662 banks. The number of national banks has decreased from 312 to 222 banks, June 23, 1909.

In this short time the state banks from exceeding the national banks in number by about 50 per cent now exceed the national banks in number by about 300 per cent.

The increase in individual deposits in the state banks between June 23, 1909, and November 16, 1909, was $7,052,505.84, a very remarkable showing, considering that in September the serious bank failure of the Columbia Bank and Trust Company, a state bank at Oklahoma City, with deposits approximating three millions. Notwithstanding this failure, the individual deposits of the state banks increased from September 1 to November 16, 1909, $4,998,173.96.

The average reserve held by the Oklahoma state banks June 23, 1909, was 42.3 per cent—a higher reserve than that of any of the national banks of any State in the Union, except Colorado. And on November 16, 1909, the average reserve held by the Oklahoma state banks was 49.7 per cent—a reserve about as great as the average reserve of the Bank of England—and offering a favorable comparison with the Treasury of the United States, as against its outstanding liabilities.

Mr. President, the State of Oklahoma has the best banking system in the United States; it is a model for the balance of the United States. It protects the small depositor and gives him confidence, and when there is a loss due to mismanagement the loss is distributed in such a manner that it is not felt by any

of the banks contributing. It is, after all, merely a mutual insurance plan.

And this is the banking system, Mr. President, which is criticised by the American Banking Association as unsound, and as a reckless banking system. It is precisely the contrary. It has promoted stability, a high reserve, and banking of the highest order.

The confidence of the people of Oklahoma in this improved banking system is shown by the deposits of the people increasing nearly 200 per cent in less than two years. The preference of the people to this banking system over the national banking system is clearly manifested by this extraordinary mark of their confidence in making their deposits. The national banks gained but a small per cent, comparatively, on an average, and the state banks gained nearly 200 per cent in this short period of time.

This development of confidence is reflected in the marvelous growth of our towns and cities in Oklahoma, which are growing as rapidly as these astonishing deposits. Let States and cities who want to learn the secret of confidence, of stability, and of rapid development come to Oklahoma and learn the lesson from her wise and virtuous laws.

Mr. President, I had the privilege of establishing the first national bank in Indian Territory, and caused the extension of the national-bank act to that Territory which afterwards became Oklahoma. My personal interests have been, and are now, almost exclusively in the national banks. The national banking system is splendidly administered; it is worthy of all honor and credit. Those banks are thoroughly deserving of the confidence of the depositors of the country, and I should like to see the national banks enjoy the full prosperity to which they are entitled. During the ten years preceding the last panic the loss to the national-bank depositors did not exceed $1 per annum out of exceeding $60,000 dollars of deposits. The abrasion of gold coin in the pockets of the people would greatly exceed this. It is a wonderful record of fidelity and of sound administration. Yet, notwithstanding this high tribute to the national banking system, we can not forget that a failure such as that of the National Bank of Commerce, of Kansas City, involving a bank whose deposits amounted to thirty-five millions, shook the confidence of the depositors contributing to this bank in twelve or fifteen States. The Walsh failure, in Chicago, served a like harmful purpose in the region of the Great Lakes.

The Morse-Heinze failures in New York shook the confidence of the depositors on the Atlantic seaboard. These failures could have been easily prevented by the guaranty fund plan. It may be true that the depositors under this system may have lost nothing through the National Bank of Commerce, nor through the Walsh failure, but they had their money tied up; they could not get their deposits when they wanted them, and the consequence is the statistical argument is not satisfying to the ordinary depositor, while it may be persuasive to the statesman who is not considering the subject from the standpoint of a depositor.

Our national-bank act should be amended, and amended immediately. It would cost the Government of the United States nothing whatever to provide this mutual insurance plan for the depositors of the national banks, and every State in the Union would immediately follow suit.

This system would give to the people of the United States freedom from financial disturbance, freedom from commercial disturbance. When the banks are disturbed every business man in the country is disturbed, for all of our business men are both borrowers and depositors.

A brilliant example of the stability obtained by the mutual insurance plan was shown in the failure of the Columbia Bank and Trust Company at Oklahoma City, a state institution, with about $3,000,000 of deposits. If this had been a national bank and these deposits had been tied up, to be ultimately paid after the bank assets were liquidated, involving from two to five years, it would have left a harvest of distrust. As it was, the depositors were promptly paid; they immediately redeposited their funds with other banks, and the state banks gained $4,998,000 of deposits from September 1 to November 16, 1909, in two months and a half, showing that the confidence of the people was not impaired by the failure of the Columbia Bank and Trust Company. The people were not hurt by it. The banks of Oklahoma City were not thrown into a panic by it; the commerce of Oklahoma City suffered no serious embarrassment and no shock; the banks did not force their clients to pay up under pressure, but the business of the community remained undisturbed, and the value of the Oklahoma bank system was triumphantly vindicated and its great worth demonstrated in a manner which should forever silence the criticism of those who prophesied evil of it, and who desire to deal fairly, frankly, and justly with this economic question.

The bank mutual insurance plan by the guaranty fund is preferable to the postal savings system, because the banks can afford to pay a higher rate of interest than the Government offers through the postal savings plan.

It avoids increasing the governmental activities or offices and leaves the people to manage their own business without increase of government expense or supervision, beyond the present supervision of the comptroller.

The postal savings bank is but another form of the guaranty of bank deposits. It is an unlimited but justifiable guaranty by the United States.

If the guaranty of bank deposits can not be established, then as an alternative I approve of the postal savings-bank system under the amendments accepted by the Senator from Montana, as set forth in the reprints of this bill, under date of February 3, 1910. This system will not take money away from the small communities to concentrate such funds in the large financial centers, but will be an important auxiliary to the state banks and to the national banks, by adding to their deposits those funds which would not be deposited at all, unless such deposits were properly guaranteed. The guaranty of the United States of these deposits will bring from hiding many millions of dollars, which will be immediately redeposited in the local banks. Under this system the unreasoning panic and want of confidence, which has heretofore caused bank depositors to withdraw currency for hoarding, will be prevented. It may not entirely prevent the occasional withdrawal for hoarding by wealthy manipulators, who occasionally lock up currency for speculative purposes in order to depress the stock market and take advantage of such depression as buyers of depressed stocks, but it will make the country outside of the influence of the rich manipulators incapable of being stampeded by the cry of panic, and will go far to give stability to our national commerce, a consummation devoutly to be wished.

The postal savings bill should add to our national banking capital several thousand millions of dollars, because every dollar of currency brought from hiding means approximately $10 of deposits and $10 of loans, the ratio of currency to deposits in the national banks of the United States being at least 10 to 1, as will appear from the reports of the Comptroller of the Currency.

If we can not have the depositors' guaranty plan, I should approve the postal savings bill as now drawn.

Mr. President, I can not acquiesce in the suggestion that the postal savings bill violates the Constitution of the United States, for the reason that I regard the postal savings system as a legitimate extension of the postal service.

The Constitution of the United States was established by the people of the United States, and was ratified by the people of the various States acting through their constituted authority, and was drawn, as its preamble declares:

> In order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, *promote the general welfare*, and so forth.

And the idea of promoting the general welfare runs like a golden thread throughout the entire Constitution, giving life and vitality to clauses which require interpretation in the light of this national purpose.

While I do not believe that section 8, Article I, which provides for the laying and collecting of taxes, could be construed to apply to any and all objects beyond this obvious and manifest purpose of the raising of taxes, I do believe that the Constitution of the United States, authorizing the establishment of the postal system, providing for the establishment of post-offices and post-roads, is not extended unduly when it embraces the postal savings system. In its primary establishment it was necessarily crude, but by the common consent of all of the people of the United States it has been gradually extended without protest, without conflict, without challenge on the part of anyone that it was a violation of the Constitution of the United States as it has been expanded.

For example, in the matter of issuing money orders, a citizen goes to a post-office, deposits his money in the post-office, receives a postal money order payable either to himself or to his order. It becomes, in effect, a bill of exchange, to be cashed by the post-office in any part of the United States. It is, in fact, a banking transaction. It is making the post-office a place of deposit. It is making the post-office a place where deposits are paid, and the extension of the postal savings system, in the manner proposed in this bill, is only an enlargement providing that these transactions shall be limited to a fixed amount and shall bear interest. Mr. President, since the consent of the governed

is the best evidence of the justification of government and since the Republican party, through its national platform, has declared in favor of the postal savings-bank system, and since the Democratic party has made the same declaration through its platform, and since the people of the United States, from the Atlantic to the Pacific, have voted for candidates upon those two platforms, I take it there never was a proposition brought before the Congress that had a more universal acquiescence of the people in its constitutionality. I therefore take it that it is not outside of the grant of constitutional power to extend the postal system so as to include the postal savings plan, because it is a reasonable expansion of the conveniences of the post-offices established under the Constitution and because such expansion is universally approved by the people of the United States.

More than that, Mr. President, since the postal savings plan is of the greatest importance in preventing panics in this country, by providing a safe place of deposit, by taking care of those depositors who are the most timid of any, and who always constitute a menace to the banks of the country by precipitating runs on the banks because of their fears, and since this system will be an important factor in preventing financial panic, the postal savings system will be an agency of the United States in regulating commerce between the States and preventing its paralysis by panic.

By preventing panic it will serve also as an agency of government in regulating the value of money or its purchasing power. I have heretofore shown that money in times of panic has twice the purchasing power which it has in times of financial prosperity.

I take it that both parties in the United States, through their representatives in national convention believed the postal savings system to be constitutional, otherwise both parties in the United States would not have committed themselves to the postal savings system, and therefore it is in order to justify this legislation, outside of constitutional considerations, by saying that it would promote the providence of the people, their economy, their thrift. Outside of the constitutional argument, this legislation is justified because it will bring from hiding immense hoards of banking capital and will add greatly to our financial strength and to our commercial power as a nation.

Every other civilized nation in the world has adopted it. Gladstone declared that it was the most important act of his long life to have promoted this system in the British Empire.

For these reasons, Mr. President, I should give my adherence to this bill in the event that the Senate does not accede to the plan proposed for the strengthening of the national banks, which I should like to see done in any contingency, and I shall at the proper moment offer such an amendment to the consideration and vote of the Senate, after it shall have been disposed of by the vote of the Senate, as a proposed substitute.

APPENDIX.

Statutes of the State of Oklahoma.

CHAPTER VI.

BANKS AND BANKING.

ARTICLE I. Organization.
ARTICLE II. Banking board—guaranty fund.
ARTICLE III. Bank commissioner.

ARTICLE I.

ORGANIZATION.

An act relating to banks and banking and declaring an emergency, as amended by laws of 1909, senate bill 39, same being a bill entitled "An act to amend chapter 6 of the Session Laws of Oklahoma, 1907–8, relating to banks and banking, and declaring an emergency," taking effect March 11, 1909.

SEC. 278. Three persons may organize a bank—Procedure: Any three or more persons, approved by the bank commissioner, a majority of whom shall be residents of this State, may execute articles of incorporation and be incorporated as a banking corporation in the manner hereinafter provided. Said articles of incorporation shall contain the corporate name adopted by the corporation, which shall not be the same name used by any corporation previously organized, or any limitation of such name; the place where its business is to be conducted; the purpose for which it is formed; the amount of its capital stock, which shall be divided into shares of the par value of $100 each; the name and place of residence of and number of shares subscribed by each stockholder; and the names of the stockholders selected to act as the first board of directors, each of whom shall be a bona fide holder of at least $500 of the stock of said bank, fully paid and not hypothecated; the length of time the corporation is to exist, which shall not exceed twenty-five years; and such other matters not inconsistent with law as the incorporators may deem proper. Said articles of incorporation shall be subscribed by at least three of the stockholders of the proposed banking corporation, and shall be acknowledged by them and filed in the office of the secretary of state and a copy thereof, duly certified by the secretary of state, shall be filed with the bank commissioner. The secretary of state shall issue a certificate in the form provided by law for other corporations, and the existence of such bank as a corporation shall date from the filing of its articles of incorporation and the issuance of certificate of the secretary of state, from which time it shall have and may exercise the powers conferred by law upon corporations generally, except as limited or modified by this act: *Provided*, That such bank shall transact no business except the election of officers and the taking and approving of their official bonds, the receipt of payments on account of subscriptions of its capital stock, and such other business as is incidental to its organization until it shall have been authorized by the bank commissioner to commence the business of banking as hereinafter provided.

SEC. 279. Conditions precedent to doing business: When the capital stock of any bank shall have been paid up the president or cashier thereof shall transmit to the bank commissioner a verified statement showing the names and places of residence of the stockholders, the amount of stock subscribed, and the amount paid in by each, and the bank commissioner shall thereupon have the same power to examine into the condition and affairs of such bank as if it had before that time been engaged in the banking business; and if the commissioner is satisfied that such bank has been organized as prescribed by law, and that its capital is fully paid, and that it has in all respects complied with the law, he shall issue to such bank, under his hand and seal, a certificate showing that it has been organized, and its capital paid in as required by law, and is authorized to transact a general banking business: *Provided*, That in the reorganization of a bank or trust company the assets may be accepted in lieu of cash at their actual value.

SEC. 280. Amount of deposit—Interest: A banking corporation organized under the provisions of this act shall be permitted to receive money on deposit not to exceed ten times the amount of its paid-up capital and surplus, deposits of other banks not included, and to pay interest thereon not to exceed the rate that may from time to time be fixed by the bank commissioner, as the maximum rate that may be paid upon deposits by banks in this State; to buy and sell, exchange, gold, silver, coin, bullion, uncurrent money, bonds of the United States, or of this State, or of any city, county, school district, or other municipal corporation thereof, and state, county, city, township, school district, or other municipal indebtedness; to lend money on chattel and personal security, or on real estate secured by first mortgages, running not longer than one year: *Provided*, That such real-estate loans shall not exceed 20 per cent of the aggregate loans of any such bank; to own a suitable building, furniture and fixtures, for the transaction of its business, the value of which shall not exceed one-third of the capital of such bank fully paid: *Provided*, That nothing in this section shall prohibit such bank from holding and disposing of such real estate as it may acquire through the collection of debts due it: *And provided further*, That all banking institutions now organized as corporations doing business in this State are hereby permitted to continue said business as at present incorporated, but in all other respects their business, and the manner of conducting the same and the operation of said bank, shall be carried on subject to the laws of this State and in accordance therewith: *And provided further*, That no bank, except those that have complied with or that may be organized under the laws of this State relating to trust companies, shall engage in any business other than is authorized by this act. And whenever it shall appear from the preceding-year reports made by such banking corporation that the total deposits are more than ten times the amount of its paid-up capital and surplus, deposits of other banks not included, the bank commissioner shall have power and it shall be his duty to require such bank within thirty days to increase its capital or surplus to conform to the provisions of this act or cease to receive deposits.

SEC. 281. Amount of capital—Grades: That hereafter the capital stock, which shall be fully paid up, shall not be less than $10,000 in towns having 500 inhabitants or less; the capital stock, which shall be fully paid up, shall not be less than $15,000 in towns having more than 500 inhabitants and not more than 1,500 inhabitants; the capital stock, which shall be fully paid up, shall not be less than $25,000 in cities and towns having more than 1,500 inhabitants and less than 6,000 inhabitants; the capital stock, which shall be fully paid up, shall not be less than $50,000 in cities having more than 6,000 inhabitants and less than 20,000 inhabitants; the capital stock, which shall be fully paid up, shall not be less than $100,000 in cities having more than 20,000 inhabitants.

SEC. 282. Capital stock may be increased or decreased, subject to approval of commissioner: The capital stock of any banking association doing business under the laws of this State may be increased or decreased at any time by resolution adopted by three-fourths of its stockholders at any regular meeting or at a special meeting called for that purpose, of which all stockholders shall have due notice in the manner provided by the by-laws of such banking association. A certificate must be filed with the bank commissioner by the chairman and secretary of the meeting, and by a majority of all the directors, showing the compliance of the provisions of this section, the amount to which the capital stock has been increased or decreased, the amount of stock represented at the meeting, and the vote upon the question to increase or decrease the capital stock. No such changes in the capital stock of any such association shall be valid or binding until the same shall have been approved by the bank commissioner. No increase of the capital stock shall be approved until the amount thereof shall have been paid in cash: *Provided, however*, That such increased capital may, when authorized by all the stockholders of said bank, be paid in whole or part from its surplus or undivided profits. Whenever the capital stock of any bank shall be decreased as provided in this section, each stockholder, owner, or holder of any stock certificate shall surrender the same for cancellation, and shall be entitled to receive a new certificate for his proportion of the new stock. No decrease of the capital stock of any such bank shall be approved unless such bank with reduced capital shall be entirely solvent, and no reduction in capital stock shall be approved to an amount less than is authorized by section 2 of this article (279). Whenever the capital stock of any bank shall be increased or decreased, as provided in this section, and the same shall have been approved by the commissioner, a certificate signed by the president and cashier of the bank, setting forth the amount of stock held by each stockholder, shall be filed with the secretary of state, with the bank commissioner, and with the corporation commission.

SEC. 283. Bank to be under control of board of directors: The affairs and business of any banking association organized under the laws of this State shall be managed or controlled by a board of directors of not less than three nor more than thirteen in number, who shall be selected from the stockholders, at such time and in such manner as may be provided by the by-laws of the association. No person shall be eligible to serve as director of any bank organized or existing under the laws of this State unless he shall be a bona fide owner of $500 of the stock of such bank, fully paid and not hypothecated. Any director, officer, or other person who shall participate in any violation of the laws of this State, relative to banks and banking, shall be liable for all damages which the said bank, its stockholders, depositors, or creditors shall sustain in consequence of such violation. The board shall select from

among their number the president and secretary, and shall select from among their stockholders a cashier. Such officers shall hold their offices for the term of one year and until their successors are elected and qualified. The board shall require the cashier and any and all officers having the care of the funds of the bank to give a good and sufficient bond, to be approved by them, and held by the state banking board. The board of directors shall hold at least two regular meetings each year, and at such meetings a thorough examination of the books, records, funds, and securities held by the bank shall be made and recorded in detail upon its record book and a certified copy thereof shall be forwarded to the bank commissioner and to each stockholder of record within ten days.

SEC. 284. Removal of officers: Any officer of a bank found by the bank commissioner to be dishonest, reckless, or incompetent shall be removed from office by the board of directors of the bank of which he is an officer on the written order of the bank commissioner.

SEC. 285. Penalty for any violation of law: The violation of any of the provisions of this act by the officers or directors of any bank organized or existing subject to the laws of this State shall be sufficient cause to subject the said bank to be closed and liquidated by the bank commissioner and for the annulment of its charter.

SEC. 286. Liability of stockholders: The shareholders of every bank organized under this act shall be additionally liable for the amount of stock owned, and no more.

SEC. 287. Limitation to investment: No bank shall employ its moneys, directly or indirectly, in trade or commerce by buying or selling goods, chattels, wares, or merchandise, and shall not invest any of its funds in the stock of any other bank or incorporation, nor make any loans or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such securities or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; after the expiration of six months, any such stock shall not be considered as part of the assets of any bank: *Provided*, That it may sell any personal property which may come into its possession as collateral security for any debt or obligation due it, upon posting a notice in five public places in the county wherein the property is to be sold, at least ten days before the time therein specified for such sale, and which said notice shall contain the name of the bank and the name of the pledgor, the date of the pledge, the nature of the default and the amount claimed to be due thereon at the date of the notice, a description of the pledged property to be sold and the time and place of sale.

SEC. 288. Reserve required—Depositories—Penalty—Savings associations: Every bank doing business under the laws of this State shall have on hand at all times in available funds the following sums, to wit: Banks located in towns or cities having a population of less than 2,500 persons, an amount equal to 20 per cent of their entire deposits; banks located in cities having over 2,500 population, an amount equal to 25 per cent of their entire deposits; two-thirds of such amounts may consist of balances due to them from good, solvent banks, selected from time to time with the approval of the bank commissioner, and one-third shall consist of actual cash: *Provided*, That any bank that has been made the depository for the reserve of any other bank or banks shall have on hand at all times in the manner provided herein 25 per cent of its deposits. Whenever the available funds in any bank shall be below the required amount, such bank shall not increase its liabilities by making any new loans or discounts otherwise than the discounting or purchasing bills of exchange payable at sight, nor make any dividends of its profits until the required proportion between the aggregate amount of its deposits and its lawful money reserve has been restored; and the bank commissioner shall notify any bank whose lawful money reserve shall be below the amount required to be kept on hand to make good such reserve, and if such bank or association shall fail to do so for a period of thirty days after such notice, it shall be deemed to be insolvent, and the bank commissioner shall take possession of the same and proceed in the manner provided in this act relating to insolvent banks; the bank commissioner may refuse to consider, as a part of its reserve, balance due to any bank from any other bank association which shall refuse or neglect to furnish him with such information as he may require from time to time relating to its business with any other bank doing business under this act, which shall enable him to determine its solvency: *Provided*, That all savings associations which do not transact a general banking business shall be required to keep on hand at all times in actual cash a sum equal to 10 per cent of their deposits, and shall be required to keep a like sum invested in good bonds of the United States or state, county, school district, or municipal bonds of the State of Oklahoma, worth not less than par.

SEC. 289. Limit to liabilities to any bank: The total liabilities to any bank of any person, company, corporation, or firm for money borrowed, including in the liabilities of the company or firm the liabilities of the several members thereof, shall not at any time exceed 20 per cent of the capital stock of such bank, actually paid in, but the discount of bills of exchange drawn in good faith against actual existing values as collateral security and a discount of commercial or business paper actually owned by the person shall not be considered as money borrowed.

SEC. 290. Penalty for making a false report: Every officer, director, agent, or clerk of any bank doing business under the laws of the State of Oklahoma who willfully and knowingly subscribes to or makes any false report or any false statement or entries in the book of such banks, or knowingly subscribes to or exhibits any false writing on paper with the intent to deceive any person as to the condition of such bank, shall be deemed guilty of a felony, and shall be punished by a fine not to exceed $1,000 or by imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment.

SEC. 291. Officers prevented from borrowing from bank: It shall be unlawful for any active managing officer of any bank organized or existing under the laws of this State to borrow, directly or indirectly, money from the bank with which to loan to any of said persons, as well as the person receiving the same, shall be deemed guilty of a larceny of the amount borrowed.

SEC. 292. Insolvent bank prevented from receiving deposits—Penalty: No bank shall accept or receive on deposit, with or without interest, any money, bank bills or notes, or United States Treasury notes, gold or silver certificates, or currency, or other notes, bills, checks, or drafts, when such bank is insolvent; and any officer, director, cashier, manager, member, party, or managing party of any bank who shall knowingly violate the provisions of this section, or be accessory to or permit or connive at the receiving or accepting of any such deposit, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment in the penitentiary not exceeding five years, or by both such fine and imprisonment.

SEC. 293. None but banks and trust companies to receive deposits: It shall be unlawful for any individual, firm, or corporation to receive money upon deposit or transact a banking business except as authorized by this act, or by the laws relating to trust companies. Any person violating any provisions of this section, either individually or as an interested party, in any association or corporation, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than $300 nor more than $1,000, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment.

SEC. 294. Reports, quarterly, published: Every bank shall make at least four reports each year, and oftener if called upon, to the bank commissioner, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association and attested by the signatures of at least two of the directors. Each such report shall exhibit in detail and under the appropriate heads the resources and liabilities of the association at the close of business on any past day by him specified, and shall be transmitted to the bank commissioner within ten days after the receipt of a request or requisition therefor by him, and shall be published in the same form in which it is made to the bank commissioner within ten days after the same is made in a newspaper published in the county in which such bank is established, for two insertions, at the expense of the bank; and such proof of publication shall be furnished within five days after date of last publication as may be required by the bank commissioner. The bank commissioner shall also have power to call for special reports from any bank whenever, in his judgment, the same are necessary in order to gain a full and complete knowledge of its condition: *Provided*, The reports authorized and required by this secton to be called for by the bank commissioner shall relate to a date prior to the date of such call, to be specified therein.

SEC. 295. Dividends to be reported: In addition to the reports required by the preceding sections, each bank doing business under this act shall, within ten days after the declaring of any dividends, forward to the bank commissioner a statement of the amount of such dividend and the amount carried to the surplus and undivided profit accounts, and shall forward to the bank commissioner within ten days after the 1st of January in each year, in such form as he may designate, a verified statement showing the receipts and disbursements of such bank for the preceding year.

SEC. 296. Penalty for failure to make report: Every bank which fails to make and transmit or to publish any report required under either of the two preceding sections shall be subject to a penalty of $50 for each day after the period respectively therein mentioned that it delays to make and transmit its report or the proof of publication. Whenever any bank delays or refuses to pay the penalty herein imposed for a failure to make and transmit or to publish a report, the commissioner is hereby authorized to maintain an action in the name of the State against the delinquent bank for the recovery of such penalty, and all sums collected by such action shall be paid into the treasury of the state banking board.

SEC. 297. Banks may voluntarily place their affairs in hands of commissioner: Any bank doing business under this act may place its affairs and assets under the control of the bank commissioner by posting a notice on its front door as follows: "This bank is in the hands of the state bank commissioner." The posting of such notice or the taking possession of any bank by the bank commissioner shall be sufficient to place all of its assets and property of whatever nature in the possession of the bank commissioner and shall operate as a bar to any attachment proceedings.

SEC. 298. Banks may voluntarily liquidate: Any bank doing business under this act may voluntarily liquidate by paying off all its depositors in full, and upon filing a verified statement with the bank commissioner setting forth the fact that all its liabilities have been paid, and the surrendering of its certificate of authority to transact a banking business, it shall cease to be subject to the provisions of this act and may continue to transact a loan and discount business under its charter: *Provided*, That the bank commissioner shall make an examination of any such bank for the purpose of determining that all its liabilities have been paid.

SEC. 299. Banks, when deemed insolvent: A bank shall be deemed to be insolvent, first, when the actual cash market value of its assets is insufficient to pay its liabilities; second, when it is unable to meet the demands of its creditors in the usual and customary manner; third, when it shall fail to make good its reserve as required by law.

SEC. 300. Dividends and surplus funds—declared when: The directors or owners of any bank doing business under this act may declare dividends of so much of the net profits of their bank as they shall judge expedient, but each bank shall, before the declaration of a dividend, carry not less than one-tenth of its net profits since the last preceding dividend to its surplus fund, until the same shall amount to 50 per cent of its capital stock: *Provided*, That such dividends, if any, shall be declared on the first day of January and the first day of July of each year, and it shall be reported to the bank commissioner on forms prescribed by him.

SEC. 301. Losses charged to surplus account: Any losses sustained by any bank in excess of its undivided profits may be charged to its surplus account: *Provided*, That its surplus fund shall thereafter be reimbursed from its earnings, and no dividend shall be declared or paid by any such bank until its surplus fund shall be fully restored to its former amount.

SEC. 302. When dividends may be declared: No bank officer or director thereof shall, during the time it shall continue its banking operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have been at any time sustained by such bank equal to or exceeding its undivided profits then on hand, no dividend shall be made, and no dividend shall be declared by any bank while it continues its banking business to any amount greater than its profits on hand, deducting therefrom its losses, to be ascertained by a careful estimate of the actual cash value of all its assets at the time of making such dividends. The present worth of all maturing paper shall be estimated at the usual discount rate of the bank. Nothing in this section shall prevent the reduction of the capital stock of any bank in the manner prescribed herein.

SEC. 303. Penalty for any bank official to fail to perform duties: Every banker, officer, employee, director, or agent of any bank who shall neglect to perform any duty required by this act, or who shall fail to conform to any lawful requirements made by the bank commissioner, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not to exceed $1,000, or by imprisonment in the penitentiary not to exceed five years, or by both such fine and imprisonment.

SEC. 304. Rewards may be offered and paid: The state banking board shall have power to offer and pay out of the depositors' guaranty fund, under such conditions as it may deem proper, and not to exceed the sum of $500 in any one case, rewards for the arrest and conviction of any officer, agent, director, or employee of any bank charged with violating any of the laws of this State relating to banks and banking for which a criminal penalty is provided, or for the arrest and conviction of any person charged with stealing, with or without force, any money, property, or thing of value of any bank.

SEC. 305. Certified checks must be drawn, how: It shall be unlawful for any officer, clerk, or agent of any bank doing business under this act to certify any check, draft, or order drawn upon the bank unless the person, firm, or corporation drawing such check, draft, or order has on deposit with the bank at the time such check, draft, or order is certified an amount of money equal to the amount specified in such check. Any check, draft, or order so certified by the duly authorized officer shall be a good and valid obligation against any such bank, but the officer, clerk, or agent of any bank violating the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished as provided in this act.

SEC. 306. Penalty for embezzlement: Every president, director, cashier, teller, clerk, officer, or agent of any bank who embezzles, abstracts, or willfully misapplies any of the moneys, funds, securities, or credits of the bank, or who issues or puts forth any certificate of deposit, draws any draft or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes use of the bank in any manner with intent in either case to injure or defraud the bank or any individual, person, company, or corporation, or to deceive any officer of the bank, and any person who, with like intent, aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a felony, and upon conviction thereof shall be punished as provided in this act.

SEC. 307. Penalty to pay overdrafts: Any bank officer or employee who shall pay out the funds of any bank upon the check, order, or draft of any individual, firm, corporation, or association which has not on deposit with such bank a sum equal to such check, order, or draft shall be personally liable to such bank for the amount so paid, and such liabilities shall be covered by his official bond.

SEC. 308. Banks may borrow money: No bank, banker, or bank official shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security: *Provided*, That any bank may borrow money for temporary purposes, not to exceed in amount 50 per cent of its paid-up capital, and may pledge assets of the bank as collateral security therefor: *Provided further*, That whenever it shall appear that a bank is borrowing habitually for the purpose of reloaning the bank commissioner may require such bank to pay off such borrowed money. Nothing herein shall prevent any bank from rediscounting in good faith and indorsing any of its negotiable notes.

SEC. 309. Impairment of capital stock: Whenever it shall appear that the capital of any bank doing business under this act has become impaired the bank commissioner shall notify such bank to make such impairment good within sixty days, and it shall be the duty of the officers and directors of any bank receiving such notice from the bank commissioner to immediately call a special meeting of its stockholders for the purpose of levying an assessment upon its stockholders sufficient to cover the requirements of its capital stock: *Provided*, That such bank, if not insolvent, may reduce its capital stock to the extent of such impairment, if such reduction will not place its capital below the amount required by this act: *And provided further*, That the bank shall have a prior lien upon the stock of each individual shareholder to the extent of such assessment, and upon the failure of any such stockholder to pay the assessment authorized by this section within the time fixed by the bank commissioner for making good said impairment said lien may be foreclosed and the stock of such delinquent stockholder sold by giving public notice of the time and place of such sale, and of the stock to be sold, by advertisement for fifteen days in some newspaper of general circulation published in the county where such bank is located.

SEC. 310. National banks may become state banks: Any national bank doing business in this State may incorporate as a state bank, as provided herein for the organization of banks: *Provided*, That the bank commissioner may accept good assets of such national bank worth not less than par in lieu of cash payment for the stock of such state bank.

SEC. 311. Bank to keep list of its shareholders: The president and cashier of every incorporated bank shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the bank and the number of shares held by each in the office where its business is transacted. Such list shall be subject to the inspection of all the shareholders and creditors of the bank and the officers authorized to assess taxes under the state authority during business hours of each day in which business may be legally transacted. A copy of such list on the first Monday in January of each year, verified by the oath of such president or cashier, shall be transmitted to the bank commissioner.

SEC. 312. Commissioner may revoke charter of any bank for cause: Whenever an officer of the bank shall refuse to submit the books, papers, and effects of such bank to the inspection of the commissioner or his assistant, or shall in any manner obstruct or interfere with him in the discharge of his duties, or refuse to be examined on oath touching the affairs of the bank, the commissioner may revoke the authority of such bank to transact a banking business and proceed to wind up its business.

SEC. 313. When real estate may be purchased and sold: Any officer of any bank whose authority to transact a banking business has been revoked, as herein provided, who shall receive or cause to be received any deposit of whatsoever nature after such revocation, shall be subject to the same penalty provided for persons transacting a banking business without authority.

SEC. 314. Real estate, how conveyed: A bank may purchase, hold, and convey real estate for the following purposes: First, such as shall be necessary for the convenient transaction of its business, including its furniture and fixtures, but which shall not exceed one-third of the paid-in capital; second, such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its business; third, such as it shall purchase at sale under judgment, decree, or mortgage foreclosures under securities held by it; but a bank shall not bid at any such sale a larger amount than enough to satisfy its debts and costs. Real estate shall be conveyed under the corporate seal of the bank and the hands of its president or vice-president and cashier. No real estate acquired in the cases contemplated in the second and third subsections above shall be held for a longer time than five years. It must be sold at a private or public sale within thirty days thereafter.

SEC. 315. Shares deemed personal property: The shares of stock of an incorporated bank shall be deemed personal property, and shall be transferred on the books of the bank in such manner as the by-laws therefor may direct, but no transfer of stock shall be valid against a bank or any creditor thereof so long as the registered holder thereof shall be liable as a principal debtor, surety, or otherwise to the bank for any debt, nor in such cases shall any dividend, interest, or profits be paid on said stock so long as such liabilities continue, but all such dividends, interests, or profits shall be retained by the bank and applied to the discharge of such liability, and no stock shall be transferred on the books of any bank where the registered holder thereof is in debt to the bank for any matured and unpaid obligations.

SEC. 316. Bank can not loan on its stock: It shall be unlawful for any bank to loan its funds to its stockholders on their stock on collateral security, and the total indebtedness of the stockholders of any incorporated bank shall at no time exceed 50 per cent of its paid-up capital: *Provided*, That any bank may hold its stock to secure a debt previously contracted.

SEC. 317. Commissioner to preserve records: For the purpose of carrying into effect the provisions of this act, the bank commissioner shall provide a form for the necessary blanks for such examinations and reports; and all examinations and reports received by him shall be preserved in his office.

SEC. 318. Penalty for false swearing: Every officer or employee of a bank required by this act to take an oath or affirmation who shall willfully swear or affirm falsely shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished as provided by the laws of this State in case of perjury.

ARTICLE II.

BANKING BOARD—GUARANTY FUND.

SEC. 319. State banking board, who compose: The state banking board shall be composed of the governor, lieutenant-governor, the president of the board of agriculture, state treasurer, and state auditor. Said board shall have the supervision and management of the depositors' guaranty fund, hereinafter provided for, and shall have power to adopt all suitable rules and regulations not inconsistent with law for the management and administration of the same.

SEC. 320. Assessment for guaranty fund: There is hereby levied an assessment against the capital stock of each and every bank and trust company organized or existing under the laws of this State for the purpose of creating a depositors' guaranty fund equal to 5 per cent of its average daily deposits during its continuance in business as a banking corporation. Said assessments shall be payable one-fifth during the first year and one-twentieth during each year thereafter until the total amount of said 5 per cent assessment shall have been fully paid: *Provided, however*, That the assessments heretofore levied and paid by banking corporations or trust companies now existing shall be deducted from and credited as a payment on said 5 per cent assessment hereby levied. The average daily deposits of each bank during the preceding year prior to the passage and approval of this act shall be taken as the basis for computing the amount of the first payment on the levy hereby made. One year after the passage and approval of this act, and annually thereafter, each bank and trust company doing business under the laws of this State shall report to the bank commissioner the amount of its average daily deposits for the preceding year, and if such deposits are in excess of the amount upon which the first or subsequent payment of the levy hereby made is computed, each bank or trust company having such increased deposits shall immediately pay in the depositors' guaranty fund a sum sufficient to pay any deficiency on said first or subsequent payment, as shown by such increased deposits. After the 5 per cent assessment hereby levied shall have been fully paid up no additional assessments shall be levied or collected against the capital stock of any such bank or trust company, except emergency assessments hereinafter provided, to pay the depositors of failed banks, and except assessments as may be necessary by reason of increased deposits to maintain such funds at 5 per cent of the aggregate of all deposits in such banks and trust companies doing business under the laws of this State. Whenever the depositors' guaranty fund shall become impaired or be reduced below said 5 per cent by reason of payments to depositors of failed banks the state banking board shall have the power, and it shall be their duty, to levy emergency assessments against the capital stock of each bank and trust company doing business in this State sufficient to restore said impairment or reduction below 5 per cent; but the aggregate of such emergency assessments shall not in any one calendar year exceed 2 per cent of the average daily deposits of all such banks and trust companies. If the amount realized from such emergency assessments shall be insufficient to pay off the depositors of all failed banks having valid claims against said depositors' guaranty fund, the state banking board shall issue and deliver to each depositor having any such unpaid deposit a certificate of indebtedness for the amount of the unpaid deposit bearing 6 per cent interest. Such certificates shall be consecutively numbered and shall be payable upon the call of the state banking board in like manner as state warrants are paid by the state treasurer in the order of their issue out of the emergency levy thereafter made; and the state banking board shall from year to year levy emergency assessments as hereinbefore provided against the capital stock of all banking corporations and trust companies doing business in this State until all such certificates of indebtedness, with the accrued interest thereon, shall have been fully paid. As rapidly as the assets of failed banks are liquidated and realized upon by the bank commissioner the same shall be applied first after the payment of the expense of liquidation to the repayment to the depositors' guaranty fund of all money paid out of said fund to the depositors of such failed bank, and shall be applied by the state banking board toward refunding any emergency assessment levied by reason of the failure of such liquidated bank: *Provided, further*, That 75 per cent of the depositors' guaranty fund shall be invested for the benefit of said fund in state warrants or such other securities as state funds are now required to be invested.

SEC. 320. Assessment for guaranty fund: There is hereby levied an assessment of 1 per cent of the bank's daily average deposits, less the deposits of the United States, and state funds, if otherwise secured, for the preceding year, upon each and every bank and trust company organized or existing under the laws of this State, for the purpose of creating a depositors' guaranty fund. Said assessment shall be collected upon call of the state banking board. In one year from the time the first assessment is levied, and annually thereafter, each bank and trust company subject to the provisions of this act shall report to the bank commissioner the amount of its average daily deposits for the preceding year; and if such deposits are in excess of the amount upon which 1 per cent was previously paid, said report shall be accompanied by additional funds to equal 1 per cent of the daily average excess of deposits, less the deposits of the United States Government for the year over the preceding year, and each amount shall be added to the

depositors' guaranty fund. If the depositors' guaranty fund is depleted from any cause it shall be the duty of the state banking board, in order to keep said fund up to 1 per cent of the total deposits in all of the said banks and trust companies subject to the provisions of this act, to levy a special assessment to cover such deficiency, which special assessment shall be levied upon the capital stock of the banks and trust companies subject to this act, according to the amount of their deposits as reported in the office of the bank commissioner. And such special assessment shall become immediately due and payable.

SEC. 321. New banks to pay 3 per cent on capital stock: Bank and trust companies organized subsequent to the enactment of this act shall pay into the depositors' guaranty fund 3 per cent of the amount of their capital stock when they open for business, which amount shall constitute a credit fund, subject to adjustment on the basis of its deposits, as provided for other banks and trust companies now existing at the end of one year: *Provided, however,* That said 3 per cent payment shall not be required of new banks and trust companies formed by the reorganization or consolidation of banks and trust companies that have previously complied with the terms of this act.

SEC. 322. Commissioner to close up business of insolvent banks: Whenever any bank or trust company organized or existing under the laws of this State shall voluntarily place itself in the hands of the bank commissioner, or whenever any judgment shall be rendered by a court of competent jurisdiction, adjudging and decreeing that such bank or trust company is insolvent, or whenever its rights or franchises to conduct a banking business under the laws of this State shall have been adjudged to be forfeited, or whenever the bank commissioner shall become satisfied of the insolvency of any such bank or trust company, he may, after due examination of its affairs, take possession of said bank or trust company and its assets and proceed to wind up its affairs and enforce the personal liability of the stockholders, officers, and directors.

SEC. 323. Depositors to be paid in full from guaranty fund—Lien on assets: In the event that the bank commissioner shall take possession of any bank or trust company which is subject to the provisions of this act, the depositors of said bank or trust company shall be paid in full; and when the cash available, or that can be made immediately available, of said bank or trust company is insufficient to discharge its obligations to depositors, the banking board shall draw from the depositors' guaranty fund and from additional assessments, if required, as provided in section 2, the amount necessary to make up the deficiency, and the State shall have for the benefit of the depositors' guaranty fund a first lien upon the assets of said bank or trust company and all liabilities against the stockholders, officers, and directors of said bank or trust company against all other persons, corporations, or firms. Such liabilities may be enforced by the State for the benefit of the depositors' guaranty fund.

SEC. 324. Commissioner to take charge: The bank commission shall take possession of the books, records, and assets of every description of such bank or trust company, collect debts, dues, and claims belonging to it, and upon order of the district court or judge thereof may sell or compound all bad or doubtful debts, and on like order may sell all the real or personal property of such bank or trust company upon such terms as the court or judge thereof may direct, and may, if necessary, pay the debts of such bank or trust company and enforce the liabilities of the stockholders, officers, and directors: *Provided, however,* That bad or doubtful debts as used in this section shall not include the liability of stockholders, officers, and directors.

SEC. 325. Certificate of compliance: The bank commissioner shall deliver to each bank or trust company that has complied with the provisions of this act a certificate stating that said bank or trust company had complied with the laws of this State for the protection of bank depositors, and that safety to its depositors is guaranteed by the depositors' guaranty fund of the State of Oklahoma. Such certificate shall be conspicuously displayed in its place of business, and said bank or trust company may print or engrave upon its stationery and advertising matter words to the effect that its depositors are protected by the depositors' guaranty fund of the State of Oklahoma: *Provided, however,* That hereafter all banks operating under the guaranty law of the State of Oklahoma shall be permitted to advertise that their deposits are guaranteed by the depositors' guaranty fund, but that no bank shall be permitted to advertise its deposits as guaranteed by the State of Oklahoma, and any bank or bank officer or employee who shall advertise their deposits as guaranteed by the State of Oklahoma shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500, or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment, in the discretion of the trial court.

SEC. 326. Stockholders may repair loss: After the bank commissioner shall have taken possession of any bank or trust company which is subject to the provisions of this act, the stockholders thereof may repair its credit, restore or substitute its reserves, and otherwise place it in condition so that it is qualified to do a general banking business as before it was taken possession of by the bank commissioners; but such bank shall not be permitted to reopen its business until the bank commissioner, after a careful investigation of its affairs, is of the opinion that its stockholders have complied with the laws, that the bank's credit and funds are in all respects repaired, and all advances, if any, made from the depositors' guaranty fund fully repaid, its reserve restored or sufficiently substituted, and that it should be permitted again to reopen for business, whereupon said bank commissioner is authorized to issue written permission for reopening of said bank in the same manner as permission to do business is granted after the incorporation thereof, and thereupon said bank may be reopened to do a general banking business.

SEC. 327. Guaranteed banks may become state depositories: Any bank or trust company which has complied with the provisions of this act shall be eligible to act as a depository of state funds, of any fund under the control of the State or any officer thereof, upon compliance with the laws of this State relating to the deposits of public funds.

SEC. 328. State and county depositories: Any bank duly organized under and in compliance with the laws of this State relating to banks and banking corporations and doing business in the State of Oklahoma, or any national bank organized under the laws of the United States and doing business in the State of Oklahoma, shall be qualified to become state and county depositories, when so designated according to law, by giving securities by the depositing with the proper state or county officers United States bonds or state bonds or general-fund state warrants or state special-fund warrants, or approved county or municipal bonds in the State, or approved county or school district warrants in the State, and the proper officers are hereby authorized and empowered to contract accordingly.

ARTICLE III.

BANK COMMISSIONER.

SEC. 329. Commissioner to be appointed by governor: The governor shall appoint, by and with the advice and consent of the senate, a bank commissioner, who shall hold office for the term of four years and until his successor is appointed and qualified. No officer or employee of any bank or any person interested as owner or stockholder of any bank shall be eligible to the office of bank commissioner: *Provided,* That no person shall be appointed as bank commissioner who shall not have had, prior to such appointment, at least three years' practical experience as a banker.

SEC. 330. Commissioner to give bond: The bank commissioner shall, before entering upon the discharge of his duties, take and subscribe the usual oath of office and execute to the State of Oklahoma a bond in the sum of $25,000, with sufficient surety, for the faithful performance of his duty, to be approved and filed as provided by law.

SEC. 331. Banks must be examined twice each year: It shall be the duty of the bank commissioner, or one of his assistants, to visit each and every bank or trust company subject to the provisions of this act at least twice each year, and oftener if he deems it advisable, for the purpose of making a full and careful examination and inquiry into the condition of the affairs of such bank, and for that purpose the bank commissioner and his assistant are hereby authorized and empowered to administer oaths, and to examine under oath the stockholders and directors and all officers and employees and agents of such banks, or other persons. The commissioner shall reduce the result thereof to writing, which shall contain a full, true, and careful statement of the condition of such bank or trust company, and file and retain the same in his office.

SEC. 332. Salary—Positions created: The bank commissioner's salary shall be $2,500 per annum and traveling expenses. There is hereby created and established eight positions, each position to be known as an assistant to the bank commissioner, and to be filled by appointment by the bank commissioner, subject to the approval of the governor, and the salary of each said assistant to the bank commissioner shall be $1,800 per annum and traveling expenses.

SEC. 333. Fee for examination: Each and every bank so examined having not more than $15,000 capital stock paid in shall pay a fee of $15 for each and every examination; and each and every bank having more than $15,000 capital stock paid in and not more than $25,000 paid in shall pay a fee of $20; and each and every bank having more than $25,000 capital stock paid in and not more than $40,000 capital stock paid in shall pay a fee of $25; and each and every bank having more than $40,000 capital stock paid in and not more than $50,000 capital stock paid in, shall pay a fee of $30; and each and every bank having more than $50,000 capital stock paid in shall pay a fee of $35 to the commissioner.

SEC. 334. Fees to be paid into state treasury: It shall be the duty of the bank commissioner to pay over to the treasurer of the state banking board all fees collected by him, and said banking board shall use the same, or so much thereof as may be necessary, in paying the expenses incurred in making examination of banks, subject to any of the banking laws of this State, and other expenses incurred by said banking board in the administration of said depositors' guaranty fund.

SEC. 335. Special reports may be required: The bank commissioner shall have power at any time when he deems it necessary to call upon any bank or trust company organized under the laws of this State, and upon any national bank whose depositors are protected by the depositors' guaranty fund, for a report of its condition upon any given day which is passed, or as often as the bank commissioner may deem it necessary: *Provided,* That he shall require at least four such reports during each and every calendar year. A copy of each call made by the bank commissioner shall be mailed to each such bank.

SEC. 336. Commissioner may be removed from office: Ank bank commissioner or assistant bank commissioner who shall neglect to perform any duty provided for by this act, or who shall make any false statement concerning any bank, or who shall be guilty of any misconduct or corruption in office, shall, upon conviction thereof, be deemed guilty of a felony and punished in the manner provided in this act, and in addition thereto shall be removed from office.

SEC. 337. County attorney to enforce law: It shall be the duty of the bank commissioner to inform the county attorney of the county in which the bank is located of any violation of any of the provisions of this act, which constitutes a misdemeanor or felony, by the officers, owners, or employees of any bank, and upon receipt of such information the county attorney shall institute proceedings to enforce the provisions of this act.

SEC. 338. Repealing clause: All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 339. Bank, what constitutes: Any individual, firm, or corporation who shall receive money on deposit, whether on certificates or subject to check, shall be considered as doing a banking business and shall be amenable to all the provisions of this act: *Provided,* That promissory notes issued for money received on deposit shall be held to be certificates of deposit for the purpose of this act.

The PRESIDING OFFICER (Mr. BRISTOW in the chair). The calendar under Rule VIII is in order and will be proceeded with.

BILLS PASSED OVER.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as the first bill on the calendar.

Mr. BORAH. I ask that the bill may go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as next in order.

Mr. WARREN. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as the next in order.

Mr. JOHNSTON. Let the bill go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes, was announced as next in order.

Mr. WARREN. The bill goes over under the order.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order.

Mr. WARREN. Let the bill go over. The Senator who reported it is not in the Chamber.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress, or for examination and classification, was announced as next in order.

Mr. WARREN. On the request of the Senator from Minnesota [Mr. NELSON], who reported it, the bill is to be passed over in his absence.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 6168) creating a government business-methods commission was announced as next in order.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as next in order.

Mr. WARREN. The bill will go over, as the Senator who reported it is not present.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 6058) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, was announced as next in order.

Mr. WARREN. I think the bill should be passed over until the Senator from Kansas [Mr. CURTIS] is here.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2430) for the relief of the heirs of John W. West, deceased, was announced as next in order.

The PRESIDING OFFICER. The bill has been read.

Mr. WARREN. The bill was read, and I think was under discussion when the Senate proceeded to other business.

The PRESIDING OFFICER. The bill was laid aside on request of some Senator, and it will go over for the present.

The bill (S. 5715) providing for the establishment of building lines and special building restrictions in the District of Columbia, was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over at the request of the Senator from Idaho.

OVERTIME CLAIMS OF LETTER CARRIERS.

The bill (S. 3638) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, was announced as next in order, and the Secretary read the bill.

Mr. CLAY. From what committee does the bill come?

Mr. SMOOT. From the Committee on Claims.

The PRESIDING OFFICER. The bill was reported from the Committee on Claims.

Mr. SMOOT. A similar bill has passed the Senate two or three times.

Mr. CLAY. I think it carries $287,000.

Mr. SMOOT. It carries $282,943.88.

Mr. CLAY. Was it unanimously reported by the committee?

Mr. SMOOT. It was unanimously reported by the committee. It is simply to pay claims that were barred by the statute of limitation. All other letter carriers in the country were paid, and virtually these did not make their claim in time for the reason that the Post-Office Department gave them to understand that the claims would be taken care of in the course of time. There is a full and complete report.

Mr. CLAY. A similar bill passed the Senate in the last Congress?

Mr. SMOOT. In the last Congress, and I think twice before.

Mr. WARREN. May I ask the Senator if there is not a report in the shape of a letter from the then Postmaster-General Bissell recommending that these claims be paid?

Mr. SMOOT. It is recommended by the department, not only by one Postmaster-General, but by two.

Mr. CLAY. I will withdraw my objection, Mr. President.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES J. SMITH.

The bill (S. 5752) to correct the military record of Charles J. Smith, was considered as in Committee of the Whole. It provides that Charles J. Smith shall hereafter be held and considered to have been honorably discharged as a private in Company F, Third Regiment New Jersey Volunteer Cavalry, as of date August 1, 1865, and directs the Secretary of War to issue to him an honorable discharge as of that date. But no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. WARREN. Mr. President, with the condition of the business of the Senate and the numerous committees that are to meet to-morrow, I think the business would be best subserved if we should adjourn over. I therefore move that when the Senate adjourns to-day it shall be until Monday.

Mr. HEYBURN. Has the Senator taken into consideration the fact that we have fixed a limitation upon the consideration of some very important measures, notably the Hawaiian bill and the postal savings-bank bill? It was stated yesterday, whether formally or informally I do not remember, that certain Senators expected to speak to-morrow. There is a very thin attendance here.

Mr. WARREN. If there is any objection——

Mr. HEYBURN. I have no objection; I only made the suggestion.

Mr. WARREN. I investigated as far as I could, and I found that no one was ready; but if the Senator has in mind any Senator who wishes to address the Senate to-morow, I shall withdraw the motion.

Mr. HEYBURN. I made the suggestion merely because there are very few present, and because of the fact that yesterday, in fixing the time to conclude the consideration of the postal savings-bank bill, it was suggested that Senators might take advantage of to-morrow. I have personally no objection whatever; in fact, I would rather welcome an adjournment of that kind.

Mr. WARREN. I will ask the Chair if the clerks at the desk have notice of any remarks to be delivered to-morrow?

The PRESIDING OFFICER. They have none. The question is on agreeing to the motion of the Senator from Wyoming.

The motion was agreed to.

The PRESIDING OFFICER. The next bill on the calendar will be stated.

SERVICE OF GRAND JURIES.

The bill (H. R. 16037) to amend section 810 of the Revised Statutes was announced as next in order.

Mr. BACON. I will inquire whether that bill comes from the Judiciary Committee?

The PRESIDING OFFICER. It comes from the Committee on the Judiciary.

Mr. HEYBURN. I ask attention to the bill. It is a bill, as I remember it, of general application all over the United States.

Mr. KEAN. I presume it is to apply to the southern district of New York.

Mr. HEYBURN. The next bill on the calendar, the bill (H. R. 16364) to amend in part section 658 of the Revised Statutes, applies to New York. There are two bills here, and I think there might be some confusion in the mind of the Senate. One bill is local to New York. That I should not undertake to consider or discuss.

RECLAMATION FUND.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund.

Mr. WARREN. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. It will be temporarily laid aside.

SERVICE OF GRAND JURIES.

Mr. HEYBURN. The bill (H. R. 16037) to amend section 810 of the Revised Statutes proposes to establish a uniform system in regard to the calling of grand juries that shall apply in each of the States. We have varying rules now. The Com-

mittee on the Revision of the Laws has had this matter under consideration off and on for a month and has been dealing with the subject. It is not one, as we know from experience in that committee, that can be taken up and disposed of under Rule VIII, unless we are ready to stop and consider it at this time.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. In view of the absence of the Senator having the bill in charge, I think it had best be passed over.

Mr. HEYBURN. I am perfectly willing either to have the bill passed over or to consider it.

Mr. CLAPP. The Senator in charge not being here, I think it should be passed over.

Mr. HEYBURN. I merely make this statement now in order that it may rest in the minds of Senators that this is not a measure which should be hastily considered, because you will find that it changes the existing law in some of your States.

The PRESIDING OFFICER. At the request of the Senator from Minnesota, the bill will be passed over.

COURT TERMS IN NEW YORK.

The bill (H. R. 16364) to amend, in part, section 658 of the Revised Statutes was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over, on the request of the Senator from Idaho.

LIQUOR TRAFFIC IN HAWAII.

The joint resolution (S. J. Res. 80) providing for a special election in the Territory of Hawaii was announced as next in order.

Mr. KEAN. The chairman of the committee, from which the joint resolution was reported, is not present. Let it go over.

The PRESIDING OFFICER. The joint resolution goes over, at the request of the Senator from New Jersey.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, to strike out lines 1, 2, and 3, on page 2, in the following words:

The name of Walter S. Hall, alias Walter McLaughlin, late of Company D, Twelfth Regiment United States Volunteer Infantry, war with Spain.

The amendment was agreed to.

The next amendment was, on page 4, to strike out lines 8, 9, and 10, as follows:

The name of James O'Rourke, late of Troop D, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was on page 4, line 21, after the word "Volunteers," to insert "war with Spain," so as to make the paragraph read:

The name of Sarah F. McKee, widow of Warren M. McKee, late of Thirteenth Company, Signal Corps, United States Volunteers, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was on page 4, line 24, after the word "Cavalry," to insert "and pay him a pension at the rate of $12 per month," so as to make the paragraph read:

The name of John Hiet, late of Troop G, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was on page 5, line 3, after the word "Spain," to insert "and pay him a pension at the rate of $12 per month," so as to make the paragraph read:

The name of Schofield Henderson, late of Company K, Second Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, to strike out lines 14, 15, 16, and 17, as follows:

The name of Hannah Kelley, dependent mother of John D. Kelley, late of Company L, Eighth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, to strike out lines 14, 15, and 16, as follows:

The name of Walter P. Chatham, late of Company I, Sixth Regiment Missouri Volunteer Infantry, war with Spain.

The amendment was agreed to.

The next amendment was, on page 7, to strike out lines 6, 7, 8, and 9, as follows:

The name of Thomas J. Seay, late of Company M, Second Regiment Arkansas Volunteer Infantry, and Company K, Third Regiment United States Engineers, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 7, to strike out lines 18, 19, and 20, as follows:

The name of Robert T. Himes, late of Company C, Third Regiment Kentucky Volunteer Infantry, war with Spain.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

SECOND HOMESTEAD ENTRIES.

The bill (S. 4274) to provide for second homestead entries was considered as in Committee of the Whole. It provides that any person who, prior to the passage of this act, has made entry under the homestead laws, but from any cause has lost, forfeited, or abandoned the same, shall be entitled to the benefits of the homestead law as though such former entry had not been made, and any person applying for a second homestead under this act shall furnish the description and date of his former entry. But the provisions of this act shall not apply to any person whose former entry was canceled for fraud, or who relinquished the former entry for a valuable consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 19278) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments. The first amendment was, on page 3, to strike out lines 12, 13, 14, and 15, as follows:

The name of Samuel J. Miller, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 9, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the paragraph read:

The name of Aaron Elgin, late of Company A, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, to strike out lines 5, 6, 7, and 8, as follows:

The name of John H. Kimmel, late of Company B, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 19, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the paragraph read:

The name of Alexander Hanchett, late of Company D, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 5, before the word "dollars," to strike out "fifty" and insert "forty," so as to make the paragraph read:

The name of Samuel Hamilton, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $10 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 5, after the word "William," to strike out the initial "J." and insert the initial "G.," so as to make the paragraph read:

The name of William G. Spurlock, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 4, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the paragraph read:

The name of Charles H. Smith, late unassigned, Seventh Regiment Maine Volunteer Infantry, and First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the paragraph read:

The name of Martin Minster, late of Company A, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 23, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the paragraph read:

The name of Mortimer O. Rowe, late of Company I, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 3, before the word "dollars," to strike out "fifty" and insert "forty," so as to make the paragraph read:

The name of Charles F. Stark, late of Company B, First Regiment Illinois Volunteer Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 3, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the paragraph read:

The name of George Page, late of Company A, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 13, after the name "William," to strike out the initial "R" and insert the initial "B," so as to make the paragraph read:

The name of William B. Hodgsdon, late of U. S. S. North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, to strike out lines 23 and 24, and, on page 34, to strike out lines 1 and 2, as follows:

The name of Mary Walls, widow of John W. Walls, late of Captain Kennamer's independent company Alabama scouts and guides, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 34, to strike out lines 3, 4, 5, and 6, as follows:

The name of George T. Kennamer, late of Captain Kennamer's independent company Alabama scouts and guides, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. McCUMBER. I move to amend the bill by striking out lines 7, 8, 9, and 10, on page 30, for the reason that the beneficiary thereunder has died since the bill was reported.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 30, strike out lines 7, 8, 9, and 10, in the following words:

The name of Alexander McLane, late of Company D, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIM FOR DAMAGES CAUSED BY COLLISION.

The bill (S. 3752) for the relief of the owners of lighter No. 128 was considered as in Committee of the Whole. It provides that the claim of the owners of lighter No. 128 against the United States for damages caused by collision between the said lighter No. 128 and the United States Quartermaster's Department tug *General Joseph E. Johnson* in the waters of East River, harbor of New York, on December 23, 1907, may be sued for by the owners of lighter No. 128 in the United States district court for the southern district of New York, sitting as a court of admiralty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 18681) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 7, to strike out lines 7, 8, 9, and 10, in the following words:

The name of Helen E. Wilcox, formerly Helen E. Greene, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The net amendment was, on page 10, to strike out lines 7, 8, and 9, as follows:

The name of James Lee, late of Company L, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, to strike out lines 15, 16, and 17, as follows:

The name of Jacob L. Kennamer, late of Capt. John B. Kennamer's company, Alabama Scouts and Guides, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 13, before the word "dollars," to strike out "twenty-four" and insert "thirty," so as to make the paragraph read:

The name of Thomas J. Abbott, late first lieutenant Company I, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 10, before the word "dollars," to strike out "sixty" and insert "fifty," so as to make the paragraph read:

The name of Henry C. Walbridge, late of Company E, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, to strike out lines 9, 10, 11, and 12, as follows:

The name of Sidney C. Early, late of Fourth Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HOMESTEAD PATENTS WITHIN RECLAMATION PROJECTS.

The bill (S. 5048) providing that entrymen for homesteads within reclamation projects shall receive patent upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act, was announced as next in order.

Mr. WARREN. Mr. President, that is a very important bill, and the Senator from Montana [Mr. CARTER] who reported it is out of the Chamber for the time being. I think he is probably engaged on a committee. I therefore suggest that the bill go over without prejudice.

The VICE-PRESIDENT. The bill goes over.

Mr. BURKETT. Mr. President, I want to suggest that the bill might be taken up even in the absence of the Senator from Montana who reported it. I do not think there is any objection to it from that source, but I am anxious to have the bill amended. The bill, as I originally introduced it, is reported here with amendments. I will say to the Senator from Wyoming [Mr. WARREN] that this is such an important matter that, if it were not for the fact that I wish to have some of the amendments disagreed to, I should want to take it up even by a vote; but since the Senator from Montana is absent, I think it is not proper, in his absence, that I should undertake to have any amendments made to the bill or to have any amendments disagreed to which have been reported by the committee. Therefore I am not going to object to the bill going over in accordance with the request of the Senator from Wyoming.

Mr. KEAN. Then, do I understand the Senator from Nebraska to object to the report of the committee on this bill?

Mr. BURKETT. Well, Mr. President, the Senator from Nebraska is not entirely satisfied with the report which the committee has made on the bill.

Mr. KEAN. Would the Senator like to have the bill recommitted to the Committee on Public Lands?

Mr. BURKETT. I think that we can perhaps make suitable amendments to the bill here on the floor, as is the general custom, without having the bill go back to the committee. I want it to stay on the calendar where it is at present.

Mr. KEAN. I beg the Senator's pardon. I see the bill was reported from the Committee on Irrigation and Reclamation of

Arid Lands. That committee seems to have reported a good many bills and to be quite active.

COURT TERMS IN NEW YORK.

Mr. DEPEW. Mr. President, I was out of the Chamber attending to important matters when Order of Business No. 265 came up and was passed over. I ask unanimous consent that it may be now considered.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the bill named by him, which the Secretary will state by title.

The SECRETARY. A bill (H. R. 16364) to amend in part section 658 of the Revised Statutes.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New York?

Mr. KEAN. I do not object to going back to the bill, but I should like to have an explanation of it from the Senator from New York.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. DEPEW. Mr. President, this is a bill that applies entirely to the southern district of New York. Its only object is to facilitate and expedite criminal trials there.

The VICE-PRESIDENT. In the absence of objection, the bill is before the Senate as in Committee of the Whole.

Mr. CULLOM. The bill has not yet been read.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That so much of section 658 of the Revised Statutes of the United States as provides for the holding of circuit courts in the southern district of New York "exclusively for the trial and disposal of criminal cases, and matters arising and pending in said court, on the second Wednesday in January, March, and May, on the third Wednesday in June, and on the second Wednesday in October and December," be amended so as to read "exclusively for the trial and disposal of criminal cases, and matters arising and pending in said court, on the first Mondays in January, March, May, July, September, and November."

Mr. KEAN. Will not the Senator from New York kindly explain what the proposed change is?

Mr. DEPEW. The sessions of the court for the purpose of transacting criminal business are irregular. Some are long, others are too short, and this bill has been recommended by the bar practicing in that court and by the judges for the purpose of equalizing the terms. They say that it will not only facilitate and expedite business, but will make it more convenient for the court and also for the bar.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SERVICE OF GRAND JURIES.

Mr. DEPEW. Mr. President, for the same reason which I have suggested in regard to the bill just passed, I ask that House bill 16037 be now taken up.

The VICE-PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the bill named by him, which the Secretary will state by title.

The SECRETARY. A bill (H. R. 16037) to amend section 810 of the Revised Statutes.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. What is the question before the Senate, Mr. President?

The VICE-PRESIDENT. The question now is whether the bill shall be considered.

Mr. KEAN. Let it be read, and let us have an explanation of the bill, subject to objection.

Mr. HEYBURN. I do not rise to object, but I rose to make some remarks when the bill is before the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I should like, first, to have an explanation of the bill. The Senator from New York [Mr. DEPEW] has a report which, I believe, he would like to present.

The VICE-PRESIDENT. Reserving the right to object, the Senator from New Jersey requests an explanation of the bill.

Mr. DEPEW. Mr. President, there is a report of the House committee, which is very clear. The bill was unanimously reported by the House Committee on the Judiciary and passed unanimously by the House. It was also unanimously reported by the Senate Committee on the Judiciary. The enormous burden put upon the courts in New York on account of the sugar cases renders it necessary to have more grand juries than are now called for. The object of the bill is to enable the district attorney to petition the court to secure an extra grand jury, or to have two or three grand juries, as the case may be, sitting at the same time, in order that criminal business may be fairly and properly transacted.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 810 of the Revised Statutes so as to read:

SEC. 810. No grand jury shall be summoned to attend any circuit or district court unless one of the judges of such circuit court, or the judge of such district, in his own discretion, or upon a notification by the district attorney that such jury will be needed, orders a venire issue therefor. If the United States attorney for the district shall certify in writing to the district judge, or the senior district judge of the district, or one of the judges of said circuit court, that the exigencies of the public service require it, the judge may in his discretion also order a venire to issue for a second grand jury. Either of said courts may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever in its judgment it may be proper to do so. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found.

Mr. HEYBURN. Mr. President, I call attention to the fact that this is limited to two grand juries. The language is explicit.

Mr. DEPEW. To two grand juries.

Mr. HEYBURN. Yes. And it is general. It is a pretty serious question outside of New York City. In New York City it would seem that the conditions are unusual. The pressure of business there might require, if we can have two grand juries in session at the same time, that we should allow them to have them in New York; but this is of general application. Ordinarily there is very serious objection to impaneling two grand juries at the same term of court to sit at the same time, because every man who is indicted will say that, had his case been submitted to the other grand jury, they would not have indicted him; and the venire from which the second grand jury is drawn will be impoverished to the extent of the first grand jury drawn.

This matter has been under serious consideration in a committee of this body, and whether or not this should be made of general application throughout the United States is a question that the lawyers especially of this body ought to give consideration to. If the business pressure is so great in the courts in New York that the long-established rule in every civilized country shall be deviated from, let us do it with our eyes open; but whether or not this should be confined to New York is a question that should receive consideration now.

In other parts of the country where there is no such pressure under the provisions of this bill some one exercising bad judgment, or not having judgment in the matter, might have two grand juries impaneled for the very purpose of getting rid of 16 men by drawing them on the first panel of the grand jury. Lawyers will readily understand how that might be done; and that which might be done is deemed by the law in legislating to be done, because we are here for the purpose of preventing those things.

I think that the Senator from New York, having this bill in charge, probably had better confine it to the districts where its application is urgent and free from at least some of the objections I have suggested.

I have grave doubt of the right of a court to split itself. The grand jury is a part of the court; and I have grave doubt as to whether or not the court can sit at two places at the same time, and whether or not two grand juries can be impaneled. Of course it has not received any interpretation, because it has not been possible heretofore for the question to be raised; but I think it would be a little safer to confine the application of the bill to those districts in New York.

Mr. DEPEW. Would the Senator suggest an amendment, then?

Mr. HEYBURN. Yes; I suggest that the provisions of the bill be confined to any particular district in New York.

Mr. KEAN. The southern and eastern districts.

Mr. DEPEW. Yes; to the southern and eastern districts of New York.

Mr. HEYBURN. To the southern and eastern districts of New York. There is not full enough attendance here, especially of lawyers, to make a law of this kind, applicable all over the United States, with the meager consideration that it is receiving. I move that amendment.

Mr. DEPEW. The amendment should be inserted in line 6, should it not?

Mr. HEYBURN. In the sixth line. Instead of the words "any circuit or district court," define it and limit it to the southern and eastern districts of New York.

Mr. DEPEW. Let it read "summoned to attend the circuit and district courts for the southern and eastern districts of New York."

Mr. CLARK of Wyoming. Mr. President, I should like to ask the Senator from Idaho, if he thinks any difficulty would arise from the fact that there would not be uniformity of practice in the United States courts in this particular? I myself think there would not; but I make the suggestion to the Senator. I am not entirely in harmony with his views as to the matter, because I think all legislation of this sort, so far as it can be, should be uniform throughout the United States.

Mr. HEYBURN. Yes; and we are endeavoring to make it so.

Mr. CLARK of Wyoming. And I see no reason why, if this matter is left to the sound discretion of the court, as it is in this bill, as I remember, any harm or difficulty would arise from making it uniform, as the bill provides. Of course I think that no district in the United States requires two grand juries, perhaps, except the districts in New York to which the Senator has had his attention directed; but personally I would much prefer the bill to carry a uniform system of grand juries than to run the risk, perhaps, of having a diversified classification.

Mr. HEYBURN. Mr. President, I have no doubt at all that in the very near future we will determine here the question as to whether or not this very measure shall be made applicable throughout the United States, because it is entirely proper that I should say that the matter is already agreed upon in the Committee on the Revision of the Laws, and the report of that committee will doubtless be before this body in a few days. It contains a provision including this.

This is like some other matters that are pending. Simply in order to get an expression of the sentiment of either House of Congress, we have sent ahead several measures dissociated from the general report, so as to get an expression of opinion beforehand.

My object in proposing the segregation of this was that the legality of it might be tested in New York between now and some very near time in the future without making it applicable to the whole country. A dozen cases might arise throughout the country, because this does open the way to unscrupulous men to fix the proceedings in the court, for a United States attorney could select the men that he would send before a certain grand jury. He might say "I am going to send those men before grand jury No. 1," having in mind, so far as his judgment would enable him to determine, the peculiar results that might come from that grand jury as distinguished from the other. That is a very dangerous power to place in the hands of any man; and the way this bill is drawn, of course, it would be entirely within the province of a district attorney to say before which grand jury he would send particular men. That is more serious than it might seem at the first suggestion.

Mr. BURKETT and Mr. DEPEW addressed the Chair.

The VICE-PRESIDENT. To whom does the Senator from Idaho yield?

Mr. HEYBURN. I yield to the Senator from Nebraska [Mr. BURKETT], as I think he rose first.

Mr. BURKETT. I merely want to ask a question. If this bill is amended in the way the Senator suggests, what would become of the general law for the other districts in the United States?

Mr. HEYBURN. We have an existing law now. That would leave existing law stand just as it is.

Mr. BURKETT. Then this does not change the provision of the general law, with reference to the other districts?

Mr. HEYBURN. No; it does not change it; and the suggestion that I have made is so serious that in the consideration of it elsewhere we have had grave doubts. I do not think there is a member of the committee who has not grave doubts as to whether it is safe to place in the hands of any man an engine with the possibility of wrong and harm. I think the suggestion will appeal to the Senator from New York.

Mr. DEPEW. Mr. President, if I understood correctly the Senator from Idaho, he intimated that the Committee on the Revision of the Laws have already agreed upon a provision in the Revised Statutes which is substantially the same as this bill.

Mr. HEYBURN. I may say that we have tentatively agreed. There are a few sections that are still open for further consideration. I am not sure, when that committee's report comes in here, that I shall support a provision for two grand juries sitting at the same time in the same court, giving the district attorney the power to select which one of them he will send accused parties before.

Mr. DEPEW. Mr. President, the law as it stands to-day provides:

SEC. 810. No grand jury shall be summoned to attend any circuit or district court unless one of the judges of such circuit court or the judge of such district, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire issue therefor.

That relates to the usual and ordinary grand jury. It is proposed to add to that this provision:

If the United States attorney for the district shall certify in writing to the district judge or the senior district judge of the district, or one of the judges of said circuit court, that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury.

In other words, the provision added by the amendment is precisely the same as the law is now, except that it provides for another grand jury.

Mr. HEYBURN. That is the whole proposition, and it was to that condition that I directed my remarks, Mr. President. It is not the manner of securing the second jury that I deem either insufficient or objectionable in any way; but it is as to the propriety of creating two tribunals and leaving the power of selection with the United States attorney as to which of those two tribunals, each having the same jurisdiction, he will send certain people before. I think that question will appeal to lawyers here.

I do not know at this time whether or not there is a substantial constitutional objection to the bill. The grand jury is a unit; the grand jury is a part of the jurisprudence of a given jurisdiction.

Mr. KEAN. The bill is still subject to objection.

Mr. HEYBURN. I know it is; but I think there is profit sometimes, even at this stage of the consideration of a bill, in giving out such suggestions as may cause those who must act upon it to give it their fullest attention. I do not believe that this measure to-day should be disposed of, because it involves these questions. I would have been content with a simple objection, except that I know that at first glance all of the difficulties that may arise very often do not present themselves. I think the bill had better go over.

The VICE-PRESIDENT. The bill is under consideration by unanimous consent.

Mr. KEAN. But subject to objection. I withheld my objection to it, Mr. President.

The VICE-PRESIDENT. The Chair stated that the Senator from New Jersey withheld an objection to unanimous consent subject to an explanation of the Senator from New York.

Mr. KEAN. Subject to an explanation of the bill.

The VICE-PRESIDENT. After the Senator from New York had made the explanation, the Chair then asked if there was objection to the consideration of the bill. The Chair then said that the bill was before the Senate as in Committee of the Whole. The Chair thinks the Senator from New York will be only too glad to let the bill go over if the Senator from Idaho or the Senator from New Jersey desire, but the Senator wanted to know what the parliamentary situation was, and the Chair has given it to him.

Mr. DEPEW. I would suggest to the Senator that in line 10 there should be added after the words "United States attorney" the words "for the southern or eastern district of New York."

Mr. HEYBURN. I shall not object to the bill passing with limited application. Then, perhaps, between now and some time in the near future we shall have a decision upon the question and practically test it, although it is quite dangerous even to allow it.

Mr. DEPEW. It is a matter of vital importance, in view of the immense amount of criminal business which is thrown upon the district attorney and upon the court there, that they should have two grand juries. In the state courts it is the commonest thing with us to have two grand juries. I think last year there were two grand juries running all the while. So I move to amend line 10 by inserting, after the words "United States attorney," the words "for the southern or eastern district of New York."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 10, before the word "shall," strike out the word "district" and insert the words "southern or eastern district of New York."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT BUILDING LINES AND RESTRICTIONS.

Mr. SCOTT. Mr. President, I inquire what became of the bill (S. 5715) providing for the establishment of building lines and special building restrictions in the District of Columbia? I presume it came up when I was unavoidably out of the Senate. I should like to have that bill passed. It is recommended by the commissioners and unanimously reported by the Committee on the District of Columbia of the Senate. Certainly there can be no objection to it.

Mr. WARREN. It went over without prejudice in the absence of the Senator from West Virginia.

Mr. SCOTT. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of the bill named by him. Is there objection to the present consideration of the bill?

Mr. KEAN. Let the bill be read first.

The VICE-PRESIDENT. The Secretary will read the bill.

Mr. KEAN. I do not object to the bill, because I have not read it; but it ought to be read, subject to objection.

Mr. SCOTT. It is a short bill.

The VICE-PRESIDENT. The Secretary will read the bill, subject to objection.

The Secretary proceeded to read the bill.

Mr. HEYBURN. Mr. President, we are consuming a lot of time in reading a bill that can not possibly be considered during the remaining hours of this day. There is an attempt here to carry out the Haussmann plan of Paris or some such plan. We can not do this under the law. You can not, because 90 per cent of the men choose to give their property away, compel the other 10 per cent to do it. You can not enforce it at all. It is a pretty large proposition. The bill provides that they shall control the style of architecture that shall be applied.

Mr. CULLOM. Object.

Mr. HEYBURN. The bill has been taken up.

Mr. KEAN. No; it has not. It is being read, subject to objection.

Mr. HEYBURN. I object to the bill's being taken up.

The VICE-PRESIDENT. The bill will go over.

Mr. SCOTT. Mr. President, a number of Senators know more about these bills than Senators who are on the committee and who for weeks have gone into the details of the bills very thoroughly and have got a unanimous report from the committee. Yet Senators in five minutes know more about the bills than those of us who have devoted weeks to them.

Mr. HEYBURN. A man does not have to give one minute's consideration to the provisions of this bill to observe that it undertakes to allow 90 per cent of the people to compel the other 10 per cent to give away their property.

Mr. SCOTT. I hope the Senator will read the bill. He will then change his opinion on finding that he is mistaken. I am sure he has not read the bill.

Mr. HEYBURN. I have read the bill.

Mr. SCOTT. No; you have not read it.

The VICE-PRESIDENT. The bill has gone over.

TIMBER-CULTURE LAWS.

The bill (S. 9) to amend an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, was announced as the next business in order on the calendar, and was read.

Mr. SCOTT. Let the bill go over. I have not had time to consider it. I ask that it go over.

The VICE-PRESIDENT. The bill will go over.

LANDS IN WISCONSIN.

The bill (S. 5835) for the settlement of conflicting claims of the State of Wisconsin and its grantees, and the La Pointe and Lac du Flambeau bands of Chippewa Indians, to certain school and swamp lands in the reservations of said Indians in Wisconsin, was announced as the next bill in order on the calendar, and was read.

Mr. SCOTT. Before objecting to the bill—and I do not know that I shall—I should like to hear from the Senator from Wisconsin and have him explain the bill. It is a very long and complicated measure, and I think we should know more about it.

The VICE-PRESIDENT. Reserving the right to object.

Mr. LA FOLLETTE. In order to make the bill conform to the report from the Committee on Indian Affairs, I wish to offer an amendment, on page 1, line 4, after the word "authorized," to insert "subject to the approval of Congress." By an error the bill was not reported with that amendment, which was adopted by the committee. It should have been so reported, and I should like to make that correction in it now.

The VICE-PRESIDENT. The bill is not now before the Senate. The Senator from West Virginia has reserved the right to object until an explanation, satisfactory to him, of the bill is given. The Chair was waiting for the explanation.

Mr. LA FOLLETTE. I did not understand the statement of the Senator from West Virginia.

The VICE-PRESIDENT. The Senator from West Virginia reserved the right to object until a statement explaining the terms of the bill was made.

Mr. LA FOLLETTE. Mr. President, a controversy has arisen between the Federal Government and the State of Wisconsin with respect to certain lands in Wisconsin—some of the school sections and swamp lands granted to the State at the time the State was admitted. Subsequently, the Federal Government made treaties with the Indians and located them upon lands in Wisconsin, including within those reservations certain school sections and certain sections designated as swamp lands which had theretofore been granted to the State.

Now, all this bill proposes to do is to have a preliminary investigation by the Secretary of the Interior, have the lands appraised, and because a part of the lands are timber lands to ascertain the value of the timber and the value of the land. When the authorities of the State of Wisconsin and the Secretary of the Interior agree upon a basis of settlement, this bill provides that a report of the result shall be made to Congress and a plan be submitted to Congress for the settlement of the differences arising between the Federal Government and the State of Wisconsin out of this conveyance of land to both parties—that is, to the State and to the Indians.

In a letter to the chairman of the Committee on Indian Affairs, the Secretary of the Interior states clearly the purposes of this bill and lays stress upon the fact that under its terms no final action can be taken until the action agreed upon shall be approved by Congress.

The letter of the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 21, 1910.

SIR: I have the honor to acknowledge the receipt, by your reference of January 29, for consideration and report by this department, of S. 5835, a bill for the settlement of conflicting claims of the State of Wisconsin and its grantees, and the La Pointe and Lac du Flambeau bands of Chippewa Indians, to certain school and swamp lands in the reservations of said Indians in Wisconsin.

The bill provides a method of settling the pending controversies and litigation between the State of Wisconsin and its grantees on the one part and the United States, representing the La Pointe and Lac du Flambeau bands of Indians, on the other, concerning certain swamp and school lands within the boundaries of the reservations of said Indians.

By the act of August 6, 1846 (9 Stat. L., 56), enabling Wisconsin to become a State in the Union, Congress granted to it for school purposes the sixteenth section "in every township of the public lands in said State, and when such section has been sold or otherwise disposed of other lands equivalent thereto and as contiguous as may be shall be granted to said State for the use of schools," and the convention held for that purpose having accepted the terms offered by the enabling act, Wisconsin was admitted into the Union by the act of May 29, 1848 (9 Stat. L., 233).

The reservations referred to in the bill were created by the treaty of September 30, 1854 (10 Stat. L., 1109).

The La Pointe Reservation embraces lands in townships 46 to 48 north, ranges 1 to 4 west, the lands having been surveyed on various dates from 1855 to 1873. The plats of survey show the following sections numbered 16 in the La Pointe Reservation:

Sec. 16, T. 46 N., R. 2 W., contains 640 acres; 240 acres thereof have been allotted to Indians and patents issued thereon in accordance with the direction of the department.

Sec. 16, T. 47 N., R. 2 W., contains 640 acres; 320 acres thereof have also been allotted and patented to Indians.

Sec. 16, T. 47 N., R 1 W., is not shown on the plat of survey, but apparently contains 640 acres.

Sec. 16, T. 46 N., R. 3 W., contains 640 acres; 240 acres thereof have also been allotted and patented to Indians.

The Lac du Flambeau Reservation embraces lands in townships 39 to 41 north, ranges 4 to 6 east, the surveys having been made on various dates from 1860 to 1865.

The approved plats of survey of this reservation show sections numbered 16, as follows:

Sec. 16, T. 40 N., R. 5 E., contains 350.70 acres.
Sec. 16, T. 41 N., R. 5 E., contains 587.05 acres.
Sec. 16, T. 41 N., R. 4 E., contains 640 acres.

The total area of sections numbered 16 in this reservation is 1,577.75 acres.

These matters of detail are mentioned because of the ruling of this department and the courts that the grant to the States in support of common schools does not attach until the lands are surveyed in the field, and that prior to such time the right of the State to a specific location may be defeated by reason of the Government's making other disposition thereof. (See Cooper *v.* Roberts, 18 How., 173; Heydenfeldt *v.* Daney Gold, etc., Co., 93 U. S., 634; Minnesota *v.* Hitchcock, 185 U. S., 373; Wisconsin *v.* Hitchcock, 201 U. S., 202; State of Colorado, 6 L. D., 413; Barnhurst *v.* State of Utah, 30 L. D., 314; State of South Dakota *v.* Trinity Gold Mining Co., 34 L. D., 485.)

Applying the principle above announced, it will be seen that the permanent reservations for these Indians were created prior to the survey of the lands by the Government and that as the State's title under the

school grant could not attach until the survey was made such title has never obtained. The Supreme Court of the United States has so decided in a comparatively recent case, that of Wisconsin *v.* Hitchcock, supra. However, the court seems to have based its decision, not so much upon the fact that the permanent reservation was created before the survey of the lands in the field, but because of the right of occupancy granted the Indians prior to the date of the act by which Wisconsin was enabled to become a State. In this regard, some difficulty is experienced in reconciling the decision in this case with the decision in the case of Beecher *v.* Weatherby (95 U. S., 517), because, in the latter case, the court held specifically that the mere right of occupancy granted the Indians by the earlier treaties did not defeat the grant to the State by the later act of 1846. However, as stated above, the conclusion reached in the State of Wisconsin *v.* Hitchcock seems justified by the fact that the survey was not made until after the lands were included in an Indian reservation.

Speaking generally, it may be said that the school sections were embraced in what are known as permanent Indian reservations prior to the time of their survey, and the State's rights under the school grant did not for that reason attach, but the State is unquestionably entitled, both under the enabling act of 1846 and the later act of February 28, 1891 (26 Stat. L., 796), to select indemnity or to await the possible termination of the Indian reservation and take the school sections in place in the event that they are not in the meantime allotted to the Indians.

In this connection I wish to say that in order to test the validity of the State's claims under the school grant, eight allotments of 80 acres each in section 16, T. 46 N., R. 2 W., in the La Pointe Reservation, were made, and having been approved by the department on June 26, 1907, as provided by the treaty of September 30, 1854, supra, patents were duly issued. Thereupon the J. S. Stearns Lumber Company filed suit in the circuit court at Ashland, Wis., against two of the allottees for the purpose of quieting title, and this department, in October, 1908, requested the Department of Justice to defend the Indians' rights. This department is not advised of the present status of these suits.

By the act of September 28, 1850 (9 Stat. L., 519), Congress granted to the several States all the swamp and overflowed lands within their respective boundaries, to the end that they might be reclaimed.

The records of the General Land Office show that, approximately, 18,000 acres in the Lac du Flambeau Reservation were included in the list of swamp lands reported to that office on October 22, 1866, and an additional amount of 21,000 acres was included in the report submitted by the commission appointed to determine swamp lands; that something over 9,000 acres in the La Pointe Reservation were selected as swamp on July 30, 1870, and approved as such on April 24, 1871, but no patents have been issued therefor; that 13,000 acres were selected at the same time, which selection has not been approved; and that in addition to these lands approximately 2,500 acres were included as swamp in the report of the commission, which is referred to above.

I do not find that the swamp-land grant in Wisconsin has been the subject of any decision by the Supreme Court of the United States. That tribunal, however, has rendered decisions construing generally the swamp-land grant made by the act of 1850, the most important of which is that in the case of Wright *v.* Roseberry (121 U. S., 488). In this case the court distinctly held that the swamp grant was one in præsenti, vesting in the State proprio vigore, from the day of its passage title to all the land of the particular description therein designated, wanting nothing but the definition of the boundaries to make it perfect. If we apply the observations of the court in the case of Wisconsin *v.* Hitchcock, supra, respecting the force of the right of occupancy by the Indians, and following the rule announced therein to its logical conclusion, it may be held that such swamp lands as were subject to this right of occupancy may be allotted to the Indians, and in this manner the State's title under the swamp grant might be defeated.

On December 19, 1894, the Secretary of the Interior instructed the General Land Office that there should be no approvals of selections of swamp land by the State of Wisconsin as long as the Indian reservations were in existence. In re the State of Wisconsin (19 L. D., 518) this department held that while the State of Wisconsin acquired the naked fee to the swamp lands in the several reservations the same was subject to the right of Indian occupancy, and that no action should be taken looking to the disturbance of the Indians' rights while the same existed. Such is the status of these lands as held by this department and the courts.

I see no objection, however, to the appointment of a commission, as provided in the bill, for the consideration of the conflicting claims of the State of Wisconsin and its grantees and the United States representing the La Pointe and Lac du Flambeau bands of Chippewa Indians, and the making of an agreement by the Secretary of the Interior with the State of Wisconsin and its grantees for their settlement, subject to the approval of Congress; and, in fact, I think that the consideration of the matter, as provided by the bill, will afford a satisfactory conclusion to a much-vexed question that has harassed this department for many years, provided the State will, by proper authority, consent to the proposed plan of settlement.

Very respectfully, R. A. BALLINGER, *Secretary.*

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs, United States Senate.

Mr. SCOTT. Then I understand from the Senator from Wisconsin that no action can be taken until it comes back to Congress.

Mr. LA FOLLETTE. I beg pardon.

Mr. SCOTT. As I understand your explanation, there can be no action until the matter comes back to Congress.

Mr. LA FOLLETTE. No action will be taken settling titles——

Mr. SCOTT. Then I withdraw my objection.

Mr. LA FOLLETTE (continuing). Until the whole matter is referred back to Congress and Congress confirms the report of the Secretary of the Interior.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 1, line 4, it is proposed to insert "subject to the approval of Congress."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OREGON TRUNK RAILWAY OF WASHINGTON.

The bill (H. R. 17160) to authorize the Oregon Trunk Railway of the State of Washington to construct a bridge across the Columbia River and Celilo Canal was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BIG SANDY RIVER BRIDGE, KENTUCKY.

The bill (H. R. 19967) to authorize Thomas J. Ewing, George B. Catton, Otto Burger, William Cecil, and Milton E. Foster to construct a bridge across the Tug Fork of the Big Sandy River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD C. KITTLE.

The bill (H. R. 970) for the relief of Edward C. Kittle was considered as in Committee of the Whole. It proposes that in the administration of the pension laws the authorization of the Secretary of War permitting Edward C. Kittle, formerly captain Company D, Sixty-first New York Volunteers, to reenter the service shall be held and considered as an honorable discharge from his service with that command.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RASMUS K. HAFSOS.

The bill (S. 4473) for the relief of Rasmus K. Hafsos was considered as in Committee of the Whole. It proposes to pay to Rasmus K. Hafsos, of Aberdeen, S. Dak., $2,560, in settlement of his claim for payment of amount withheld as liquidated damages under a certain contract for the construction of certain buildings for Indian school purposes at Bismarck, N. Dak.

Mr. BACON. Is there a report accompanying the bill? If so; and if it is not too long, I should like to hear it.

The VICE-PRESIDENT. The Secretary will read the report.

Mr. GAMBLE rose.

Mr. BACON. Possibly the Senator from South Dakota can make a statement that will answer my purpose.

Mr. GAMBLE. Mr. President, I think it will be sufficient for the Secretary to read the letter from the Secretary of the Interior, which appears as a part of the report. It fully discloses the facts and justifies, I think, favorable consideration of the bill.

A contract for the construction of certain school buildings at Bismarck, N. Dak., was entered into by the claimant, and, under the contract, if there was a delay in the completion of the buildings, there was a penalty of $40 per day. The delay was occasioned by the inability of the railways to carry the material, also from the scarcity of material and delay in supplying it, and on account of the limited supply of labor. The evidence submitted shows the contractor was without fault and in no sense was the Government prejudiced. The buildings were ready in ample time for occupancy. The delinquency was for sixty-four days, and at $40 per day provided by the contract, it amounted to $2,560, the amount named in the bill.

Mr. KEAN. I suggest to the Senator that he allow the Secretary to read the last paragraph of the letter of the Secretary of the Interior.

Mr. GAMBLE. Yes; of the letter of the Secretary of the Interior.

Mr. BACON. This is simply for the remission of the penalty? Is that all?

Mr. GAMBLE. It is simply for the remission of the penalty. There was no loss to the Government because the buildings, as I understand, would not have been occupied at an earlier date even had they been completed within the time specified in the contract.

Mr. BACON. I will not ask for the reading of the report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEWART & CO.

The bill (S. 2441) for the relief of the next of kin of Stewart & Co. and the heirs of C. A. Weed, for whom A. P. H. Stewart was agent, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to reopen, consider, and adjust, any statute of limitation to the contrary notwithstanding, the claims of Stewart & Co., and

A. P. H. Stewart, agent, for internal-revenue taxes alleged to have been illegally collected between January 1, 1865, and January 1, 1866, on cotton purchased from the Government by the claimant and which taxes have not heretofore been refunded; and if it shall appear that said taxes were illegally collected then and in that event there shall be paid, out of any money in the Treasury not otherwise appropriated, by way of refund, an amount not exceeding $11,208.04, said sum to be paid to the next of kin of C. A. Weed and to the legal representatives of A. P. H. Stewart, formerly copartners, trading under the firm names of Stewart & Co., and A. P. H. Stewart, agent; which sum shall be in full settlement of all claims of said parties for internal-revenue taxes illegally collected on cotton purchased from the Government by the claimants during the period aforesaid and not heretofore refunded.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. The bill will go over.

LAWTON AND FORT SILL ELECTRIC RAILWAY COMPANY.

The bill (S. 5905) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, was announced as the next business in order, and was read.

Mr. KEAN. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is.

Mr. KEAN. I should like to have it read.

The VICE-PRESIDENT. The Secretary will read the report.

The Secretary proceeded to read the report submitted by Mr. DICK on the 24th instant.

Mr. KEAN. The Secretary need not read any further. I have read the illuminating remarks of the Secretary of War, and I have no objection to the bill.

Mr. WARREN. I think the Senator has no objection to it.

Mr. KEAN. I have just said that I have no objection to the bill after reading the illuminating remarks of the Secretary of War.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 1, line 6, after the word "operate" to strike out the article "a;" and in line 9, after the word "such," to strike out "line or lines" and insert "terms and in such location," so as to make the section read:

That the Lawton and Fort Sill Electric Railway Company, a corporation created under and by virtue of the laws of the State of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, and maintain and operate railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation in Comanche County, State of Oklahoma, upon such terms and in such location as may be determined and approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 1, after the words "authorized to," to strike out "take" and insert "occupy;" in line 10, after the word "be," to strike out "taken" and insert "occupied;" and in line 18, after the word "be," to strike out "taken" and insert "occupied or used," so as to read:

SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph, telephone, and trolley lines, and for no other purpose, a right of way 50 feet in width through said Fort Sill Military Reservation, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width or as much thereof as may be included in said cut or fill: *Provided*, That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That before the said railway company shall be permitted to enter upon any part of said military reservation, a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of War.

The amendment was agreed to.

The next amendment was to add at the end of the bill a new section, as follows:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. E. MOORE.

The bill (S. 2419) for the relief of C. E. Moore was considered as in Committee of the Whole. It authorizes the Postmaster-General to cause the accounts of C. E. Moore, late postmaster at Cherryvale, Kans., to be credited with the sum of $130, being on account of the loss of $130 in postal funds lost by the failure of the Cherryvale National Bank, of Cherryvale, Kans.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESURVEYS OF PUBLIC LANDS.

The joint resolution (H. J. Res. 116) to amend an act to correct chapter 271 of volume 35, United States Statutes at Large, was considered as in Committee of the Whole. It proposes to amend the chapter referred to so as to authorize the Secretary of the Interior, in his discretion, to cause to be made such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of, with the limitation that not to exceed 20 per cent of the total annual appropriation for surveys and resurveys of the public lands shall be used for the resurveys and retracements.

Mr. BACON. I should like to have the Senator who is in charge of the measure state what reason there is for this large increase.

Mr. CLARK of Wyoming. It is to correct an error in the enrollment of a bill passed at the last session of Congress, and the correction leaves it exactly as the two Houses agreed upon it in the conference report. They agreed upon the words "twenty per centum," and the bill was enrolled at "five per centum."

Mr. BACON. Was that the original law upon the subject, or was it an amendment to a previous law?

Mr. CLARK of Wyoming. The law is made from year to year in the appropriation bill. In the appropriation for surveys there is always a provision that a certain amount of the money so appropriated may be used for the retracement and resurvey of land already surveyed.

Mr. BACON. The question I desire to have information upon from the honorable Senator is whether the law as it existed prior to the one in which he says there was a mistake was for that amount or was it for 20 per cent? Was it 5 per cent prior to that time?

Mr. CLARK of Wyoming. I do not think it has been uniform.

Mr. BACON. I want to know what is the reason for the great increase. If there was an increase in the prior bill, it was for the same reason as now, and I want to know what that reason is.

Mr. CLARK of Wyoming. No. I do not think there was any increase, but the fact of the matter is that Congress agreed that 20 per cent of the amount provided for surveys could be applied to resurveys, and in the enrollment the "twenty per centum" was made "five per centum."

Mr. BACON. I quite understood that, but I did not understand whether that was an increase on similar amounts previously provided for in other bills or whether it was the same.

Mr. CLARK of Wyoming. I do not think it could possibly be the same, because the amounts vary with the necessity of the service from year to year. I can ascertain for the Senator by looking back through the various appropriation acts. The purpose of this joint resolution——

Mr. BACON. I have no special interest in it except that when I first made the inquiry I supposed it was in the nature of an amendment to previous acts.

Mr. CLARK of Wyoming. Oh, no.

Mr. BACON. I supposed it was a change from previous yearly provisions in the nature of an amendment.

Mr. CLARK of Wyoming. I suppose very likely it was a change, because it is seldom that appropriations for specific objects carry the same amounts each year. It depends on the necessity of the service.

Mr. HEYBURN. Mr. President, in committee certain members of the committee reserved the right to oppose the report made upon this measure. A member of the committee will bear me out in that statement. We feel inclined to carry our opposition into the present consideration of the measure.

In the gross amount appropriated for public surveys the sum was fixed—it is the general phrase—as to how much might be used for resurveys. A resurvey, of course, is based upon the fact that there has once been a survey of the land. Congress had been appropriating money, I think I am safe in saying between two and three hundred thousand dollars, in special appropriations for resurveys of land in the States where the surveys had practically been of the whole area.

Mr. WARREN. Not so much as that.

Mr. HEYBURN. One of them was $120,000, I think. There were large appropriations made for resurveys independent of the provisions of the act. Under the rule of the department they had been exercising a certain right to apportion the money between surveys and resurveys. There are certain States that have once been almost entirely surveyed. Colorado, I think, was surveyed up to within 92 per cent, Wyoming is surveyed up to more than 90 per cent, and so on. But other States are, some of them, surveyed up to only about 18 per cent of the survey, and others 24 per cent, and another one 42 per cent.

It seems only just to say that the States which have never been surveyed should be given first consideration; in other words, that the entire aggregate amount of the appropriation of $200,000 should not be, any of it, or, if any at all, only a very small per cent of it, used for making surveys that have once been made. When a survey has once been made and the posts set upon the ground the county surveyor, under the laws of every State and Territory of which I have any knowledge, and I think I am correct in saying under the laws of all of them, may reestablish destroyed or lost corners. There is always enough of any survey remaining to afford a basis for reestablishing the lines.

Now, that is done under local laws or at the expense of the person whose interest it is to find out where his land is situated. But the settlers who go upon the public lands are interested in finding the surveys made and the plats filed, in order that they may file their entry, because land is not subject to entry until after it has been surveyed and the plats filed. When the plats are filed they file with reference to the plats in the office, and if their lines have been obscured or destroyed they can be reestablished.

But if you take 20 per cent of the appropriation made for the survey of public lands and use it to establish or resurvey lands that have been once surveyed, you do it at the expense of the settlement of the country, and you do it at the expense of the States that are entitled to have their lands at least once surveyed before we begin to survey lands more than once.

For that reason we have reserved the right upon the floor to oppose this measure, because whatever the recollection of men may be in regard to it is not very material; the present law says that not more than 5 per cent of the appropriation shall be used for resurveys.

It is said that is a mistake. The Senate committee reported in favor of 5 per cent; the Senate passed it at 5 per cent; and the conferees, either under the pressure of conditions about which we know nothing or for reasons that we know not, claimed that they fixed it at 20 per cent.

Mr. CLARK of Wyoming. Mr. President——

Mr. HEYBURN. Am I correct in that statement?

Mr. CLARK of Wyoming. The Senator is not correct in it.

Mr. HEYBURN. Who did fix it at 20 per cent?

Mr. CLARK of Wyoming. The conferees and the Senate——

Mr. HEYBURN. I understand——

Mr. CLARK of Wyoming. One moment. I propose to answer that now.

Mr. HEYBURN. Am I speaking in the Senator's time?

Mr. CLARK of Wyoming. You are.

Mr. HEYBURN. Then, I yield the floor until I can have it in my own right.

Mr. CLARK of Wyoming. The Senator says the conferees claim it was fixed at 20 per cent. There is no claim about it. It was fixed, the Senator well knows it was fixed, by the conferees at 20 per cent, and as such was passed into law so far as the two bodies could pass it. Now, the Senator gets unduly excited——

Mr. HEYBURN. Mr. President, I am not excited; and I am tired of that old saw. The Senator has been too long in the public service not to know better than to attack the integrity of a man's speech in that way. I claim the right, and I shall exercise it, to speak earnestly on this floor; and I shall resent the charge that I am speaking in heat.

Mr. CLARK of Wyoming. Mr. President, the fact of this matter is one that need not concern the Senator to the extent to which he has gone by stating that certain conferees claimed that things were done. Certain things were done.

The Senator is a great stickler for the proper way to enact laws and for the proper way and the proper time to address the Senate and the country upon those laws. It occurs to me that the time to have opposed this 20 per cent was when the conference report was under consideration.

I am not sure but that the Senator did oppose it at that time; but notwithstanding that fact, it is not a question as to what States are entitled to surveys or to resurveys. I am very thankful the State of Wyoming is surveyed as far as it is surveyed, and I think the money has been well expended. I wish that the State of Idaho were equally covered with public surveys.

But the situation is exactly this: The Congress of the United States at its last session determined that 20 per cent might be used in the discretion of the Secretary of the Interior for the retracement and the resurvey of surveys already made. So far as Congress can settle it, it was settled at that time.

The effect of the opposition to this joint resolution is not to allow the Senate and the House of Representatives to make laws for the Nation, but to allow an enrolling clerk to make laws for the Nation. The action of Congress, as it appears upon the statute books now, is the law as it was made by an enrolling clerk and not the law as it was made by the Senate and House of Representatives.

So far as I am concerned, it is a matter of total indifference whether this correction is made or is not made, but I think, for the integrity of our own proceedings, what the Senate and House of Representatives put on the statute books should express exactly what we have expressed by our votes.

Mr. HEYBURN. Mr. President, I do not think there is any difference in regard to the facts or the statement of facts between the Senator from Wyoming and myself in this matter. The House passed the measure, as I understand it, at 20 per cent. The Senate passed it at 5 per cent. Somewhere in conference the Senate yielded to the House. It came in here as conference reports very often come in, I presume. The RECORD will show the real facts. The conference report was adopted, perhaps without consideration, perhaps after consideration; I do not know. The Senator may remember about it. Certain it is that it came before this body under such circumstances as I will not say deceived, but as misled those who were insisting upon not more than 5 per cent of this fund being used for the purpose of resurveys.

Now, the proposition is that it became a law for us through the misconduct of some enrolling clerk somewhere in the clerical treatment of the bill, and it is proposed by a joint resolution to condemn that clerk, either as to his efficiency or otherwise; and no testimony is brought in. The conference report, it appears, contained a provision that 20 per cent of this fund should be used for resurveys. I do not know whether it did or not; but some clerk in enrolling the bill is charged with having changed that to 5 per cent, the provision that the Senate incorporated into the bill.

There is the whole story, and the question is whether or not we are going to repeal a law, even though it was wrongfully enacted in that way. There should have been some testimony in regard to it. Perhaps the figures in the report of the conference committee might be proven to have been a mistake of the clerk; I do not know. That is just as liable to be the case. They certainly do not agree with the enrolled bill. Now, which is correct? Did the clerk of the conference committee make the mistake or did the clerk enrolling the bill make the mistake? That is the question.

I am not willing that an additional 20 per cent of the inadequate sum of money appropriated for public surveys should be withdrawn from the survey of lands that have never been surveyed and used for the purpose of resurveying lands that have been surveyed and paid for. I am not willing to see it done. I propose to vote against it. I want the Senate, so far as I can contribute to their information on this subject, to be informed as to whether or not we are going to accept a statement, of course made in good faith and believed to be true by those who make it. But there was no testimony taken as to which of the clerks made the mistake. Nobody who was a member of the conference committee has testified that he recollects the conclusion of the conference committee. No one pretends to do so. They find in the conference report 20 per cent, four times as much as the Senate recommended by its vote. They find it there. It is more favorable to those who want resurveys, but it is not fair. There should have been some responsible statement here by members of the conference committee as to what they agreed upon. Then there should have been a statement from both these clerks—the clerk of the conference committee and the clerk who enrolled the bill. We have nothing except a statement, not of the parties who were actors, as I understand it. I will inquire if the Senator from Wyoming was a member of the conference committee?

Mr. CLARK of Wyoming. The Senator from Wyoming is unable to recollect whether he was on the conference committee or not.

Mr. HEYBURN. Yet, in the face of an enrolled bill, signed by the President of the United States, we are asked to change it, when the Senator from Wyoming does not recollect even whether he was a member of the conference committee or not.

Mr. CLARK of Wyoming. It would make no difference whether the Senator from Wyoming was a member of the conference committee or not; the report of the conference committee, signed individually, is in the possession of the Senate. That report shows the facts as I have stated them, and the Senator has not attempted to indicate that they show any other facts.

As to the clerks, the Senator knows very well that a clerk of a conference committee is something almost unheard of in bills of this sort. There are none.

Mr. HEYBURN. It has not been brought to the attention of the Senate that any proceedings were had when the conference report was made. It may be that while the conference report does contain 20 per cent, it will appear from the record of the proceedings had in this body that the conference report was sent back or amended or changed; I do not know.

Mr. CLARK of Wyoming. I do.

Mr. HEYBURN. I ask that the joint resolution may go over.

The VICE-PRESIDENT. The joint resolution goes over. The Secretary will state the next business on the calendar.

LANDS IN WYOMING.

The bill (S. 1866) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof was considered as in Committee of the Whole.

Mr. BACON. I suppose there is good reason for the bill. I hope the Senator from Wyoming will explain it.

Mr. WARREN. There is the best of reasons for it. In the construction of the various reclamation works sections 36 and 16, which became, under the statutes, the property of the State as regular school sections, are oftentimes necessary to the Government for reservoir sites and ditch and dam rights of way. In other places the usefulness of whole sections or parts of sections of state lands is destroyed by reservoirs, ditches, and dams built or to be built by the Government. If such lands needed by the Government were put up by the State at auction some of them would bring from the Government quite a sum of money. In other cases the State would be harmed very much by destroying sections 36 and 16, or selected indemnity lands, by the dams and flood gates that are used in the reclamation projects. This proposition of exchange is something the Interior Department has indorsed and desires to have put upon the statute book.

Mr. BACON. How much land does it involve?

Mr. WARREN. About 9,600 acres of regular sections 16 and 36, school lands, and a little over 5,000 acres or, perhaps, 5,500 of selected indemnity lands. It is to be an even exchange, acre for acre.

Mr. SHIVELY. Let me ask the Senator from Wyoming a question. I understand that these are lands on which reclamation projects are being carried forward.

Mr. WARREN. They are lands largely desired for that purpose and for other purposes of like character. As I said, sections 16 and 36 are in place wherever they may fall by the surveys. The 5,000 acres are lands that have been selected as indemnity lands, and are located largely along streams. These selected lands come in the way of these main canals to a considerable extent.

Mr. SHIVELY. Sections 16 and 36 are dedicated to public-school purposes.

Mr. WARREN. Yes.

Mr. SHIVELY. And these lands being used for reclamation purposes, the Senator desires to have other lands within this State available?

Mr. WARREN. For the same purpose.

Mr. SHIVELY. That is, for public schools?

Mr. WARREN. And transferred from sections 16 and 36 to such other lands as may be selected in lieu of sections 16 and 36, where used or taken by the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDERSONVILLE NATIONAL CEMETERY LAND.

The bill (H. R. 10106) authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land contiguous to the Andersonville National Cemetery, in the State of Georgia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUMERAL DENNIS.

The bill (S. 6496) to correct the military record of Sumeral Dennis was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment.

Mr. SHIVELY. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report.

Mr. JOHNSTON. I have in my hand a copy of the report.

Mr. SHIVELY. Was Mr. Dennis a soldier of the war of 1812?

Mr. JOHNSTON. Yes, sir.

Mr. SHIVELY. I do not request the reading of the report.

The VICE-PRESIDENT. The Secretary will state the amendment.

The amendment of the Committee on Military Affairs was, on page 1, line 10, after the words "eighteen hundred and fifteen," to insert the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act—

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Sumeral Dennis, a private of Capt. Jonathan Beatty's company, First (Mean's) Regiment South Carolina Militia, war of 1812, to show that said Dennis enlisted January 15, 1815, and was honorably discharged therefrom on February 21, 1815: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The amendment was agreed to.

Mr. KEAN. I have no objection to the bill, but I should like to know whether the individual is still alive.

Mr. JOHNSTON. The War Department tried to kill him twice and he survived and went into three wars. The last one was the Mexican war. He finally died when 102 years old. We want to be sure he did not die in 1815.

Mr. SHIVELY. It is for the benefit of his descendants, I suppose, that this action is taken.

Mr. JOHNSTON. It is.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

Mr. SMOOT. I ask that the next bill on the calendar, being the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, be passed over.

The VICE-PRESIDENT. The bill will go over.

FRUITA, COLO.

The bill (S. 1877) to grant certain lands to the town of Fruita, Colo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands, with amendments. The first amendment was, in section 1, page 2, line 2, at the beginning of the line, to strike out the words "and behoof forever," so as to make the section read:

That the following-described tract of land, situate in the county of Mesa and State of Colorado, namely, sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16, or so much thereof as may be desired, in township 14 south, range 102 west of the sixth principal meridian, containing 7,680 acres, more or less, be, and the same is hereby, granted and conveyed to the town of Fruita, in the county of Mesa and in the State of Colorado, upon the payment of $1.25 per acre by said town to the United States, to have and to hold to its use for purposes of water storage and the supply of water for the use of said town; and for these purposes the town of Fruita shall forever have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, subject to the existing laws and regulations concerning the preservation of forest reserves, and in the construction of reservoirs, laying such pipes and mains, and in making such improvements as may be necessary to utilize the water contained in any natural or constructed reservoirs upon such premises: *Provided, however*, That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 18, after the word "lands," to insert "other than matured, dead, and down timber," so as to make the section read:

SEC. 2. That nothing herein shall authorize the cutting or removal of timber from said lands, other than matured, dead, and down timber, and it shall be the duty of the town of Fruita on accepting this grant to provide for the proper protection of the forests on the same, and said lands shall not be used for any purpose save that of the protection of the water supply: *Provided*, That said town shall not have the right to sell, convey, or lease the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I inquire if the bill provides for paying $1.25 for the whole tract or an acre?

The VICE-PRESIDENT. One dollar and twenty-five cents per acre.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 3 o'clock and 48 minutes p. m.) the Senate adjourned until Monday, February 28, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 25, 1910.

SURVEYOR OF CUSTOMS.

Edward F. Woodward, of California, to be surveyor of customs in the district of San Francisco, in the State of California. (Reappointment.)

UNITED STATES ATTORNEY.

Herbert F. Seawell, of North Carolina, to be United States attorney, eastern district of North Carolina, vice Harry Skinner, whose term has expired.

UNITED STATES MARSHAL.

Robert A. Fulwiler, of Virginia, to be United States marshal for the western district of Virginia, vice S. Brown Allen, whose term will expire on March 20, 1910.

COMMISSIONER OF IMMIGRATION.

Louis T. Weis, of Maryland, to be commissioner of immigration at the port of Baltimore, Md., Department of Commerce and Labor. (Reappointment.)

POSTMASTERS.

ALABAMA.

Nenian L. Steele to be postmaster at Birmingham, Ala., in place of John R. Carter. Incumbent's commission expired January 20, 1909.

ARKANSAS.

William D. Foster to be postmaster at Gravette, Ark., in place of Wiliam D. Foster. Incumbent's commission expired January 15, 1910.

Frank L. Mallory to be postmaster at De Queen, Ark., in place of James R. Hudson. Incumbent's commission expired December 13, 1909.

CALIFORNIA.

W. S. Anderson to be postmaster at Anderson, Cal., in place of Grace E. Fuller, resigned.

Robert P. Stephenson to be postmaster at Hollister, Cal., in place of Robert P. Stephenson. Incumbent's commission expires February 27, 1910.

COLORADO.

John J. Williams to be postmaster at Marble, Colo. Office became presidential January 1, 1910.

CONNECTICUT.

Joseph R. Sperry to be postmaster at Warehouse Point, Conn. Office became presidential October 1, 1909.

GEORGIA.

William E. Burch to be postmaster at Hawkinsville, Ga., in place of William E. Burch. Incumbent's commission expires March 27, 1910.

ILLINOIS.

Joseph Campeggio to be postmaster at Ladd, Ill., in place of Malcolm T. McIntyre. Incumbent's commission expired December 13, 1909.

George S. Faxon to be postmaster at Piano, Ill., in place of George S. Faxon. Incumbent's commission expires March 26, 1910.

INDIANA.

John Owen to be postmaster at Noblesville, Ind., in place of John Owen. Incumbent's commission expired February 7, 1910.

Elisha Sexton to be postmaster at Shelbyville, Ind., in place of Albert V. Randall. Incumbent's commission expired February 13, 1910.

Rankin C. Walkup to be postmaster at Crawfordsville, Ind., in place of Rankin C. Walkup. Incumbent's commission expired January 4, 1910.

Joseph A. Young to be postmaster at Middletown, Ind., in place of Willis L. McCampbell. Incumbent's commission expired February 13, 1910.

IOWA.

Harry E. Hull to be postmaster at Williamsburg, Iowa, in place of Harry E. Hull. Incumbent's commission expired February 7, 1910.

Lauren E. Hulse to be postmaster at Keota, Iowa, in place of Lauren E. Hulse. Incumbent's commission expires March 9, 1910.

E. L. Martindale to be postmaster at Clinton, Iowa, in place of Willis S. Gardner. Incumbent's commission expires March 12, 1910.

Henry A. Perrin to be postmaster at Monroe, Iowa, in place of Henry A. Perrin. Incumbent's commission expires March 21, 1910.

Lucy B. Smith to be postmaster at Sioux Rapids, Iowa, in place of Lucy B. Smith. Incumbent's commission expired January 31, 1910.

KANSAS.

Arthur F. Dunbar to be postmaster at Wellsville, Kans., in place of Arthur F. Dunbar. Incumbent's commission expires March 28, 1910.

Harry E. Glenn to be postmaster at Kiowa, Kans., in place of Harry E. Glenn. Incumbent's commission expires March 20, 1910.

Lair D. Hart to be postmaster at Westmoreland, Kans., in place of Lair D. Hart. Incumbent's commission expires March 2, 1910.

William E. Hogueland to be postmaster at Yates Center, Kans., in place of William E. Hogueland. Incumbent's commission expires March 14, 1910.

Clinton O. Kinne to be postmaster at Alma, Kans., in place of Clinton O. Kinne. Incumbent's commission expires March 2, 1910.

James B. Morris to be postmaster at Scott, Kans., in place of David D. Beck. Incumbent's commission expired January 24, 1910.

Bror A. Rosenquist to be postmaster at Osage City, Kans., in place of Bror A. Rosenquist. Incumbent's commission expires March 2, 1910.

Clement O. Smith to be postmaster at Burlington, Kans., in place of Clement O. Smith. Incumbent's commission expires March 14, 1910.

LOUISIANA.

E. S. Rogers to be postmaster at Berwick, La., in place of Thomas J. Johnson, resigned.

MICHIGAN.

Louis Larson to be postmaster at Newaygo, Mich., in place of Edwin O. Shaw. Incumbent's commission expired January 18, 1910.

Daniel P. McMullen to be postmaster at Cheboygan, Mich., in place of Daniel P. McMullen. Incumbent's commission expires March 23, 1910.

Albert A. Worthington to be postmaster at Buchanan, Mich., in place of Albert A. Worthington. Incumbent's commission expires March 7, 1910.

MINNESOTA.

Samuel Y. Gordon, jr., to be postmaster at Brown Valley, Minn., in place of Samuel Y. Gordon, jr. Incumbent's commission expires March 23, 1910.

Thomas L. Jones to be postmaster at Warroad, Minn. Office became presidential January 1, 1910.

MISSISSIPPI.

Joe C. Craig to be postmaster at Como, Miss., in place of David F. Breckenridge, resigned.

MISSOURI.

William J. Huggins to be postmaster at Malden, Mo., in place of Herschel P. Kinsolving. Incumbent's commission expired February 5, 1910.

Daniel McCoy to be postmaster at Sikeston, Mo., in place of Daniel McCoy. Incumbent's commission expires April 16, 1910.

William R. Strickland to be postmaster at Rockport, Mo., in place of Thomas M. Bailey. Incumbent's commission expired February 20, 1910.

MONTANA.

James H. Powell to be postmaster at Virginia City, Mont., in place of James H. Powell. Incumbent's commission expired February 5, 1910.

NEBRASKA.

William K. Sargent to be postmaster at Elmwood, Nebr., in place of Spicer D. Eells, deceased.

George W. Williams to be postmaster at Albion, Nebr., in place of George W. Williams. Incumbent's commission expires February 27, 1910.

NEW JERSEY.

Olin D. Sickley to be postmaster at Springfield, N. J., in place of George M. MacDonald. Incumbent's commission expired February 5, 1910.

NEW YORK.

George H. Brown to be postmaster at Kinderhook, N. Y., in place of George H. Brown. Incumbent's commission expired December 19, 1909.

John Dwyer to be postmaster at Hudson Falls (late Sandy Hill), N. Y., in place of John Dwyer. Incumbent's commission expires March 9, 1910.

Melvin J. Esmay to be postmaster at Schenevus, N. Y., in place of Melvin J. Esmay. Incumbent's commission expires February 28, 1910.

Stott Mills to be postmaster at Warwick, N. Y., in place of Stott Mills. Incumbent's commission expires March 22, 1910.

Ellwood Valentine to be postmaster at Glen Cove, N. Y., in place of Fred A. Wright, deceased.

NORTH CAROLINA.

Robert B. Colwell to be postmaster at Wallace, N. C. Office became presidential January 1, 1908.

A. W. Davis to be postmaster at Walnut Cove, N. C. Office became presidential January 1, 1910.

Elizabeth H. Hill to be postmaster at Scotland Neck, N. C., in place of Elizabeth H. Hill. Incumbent's commission expires March 7, 1910.

Byron J. Luther to be postmaster at Biltmore, N. C., in place of Frances J. Reed. Incumbent's commission expired March 1, 1909.

Albert Miller to be postmaster at La Grange, N. C., in place of Albert Miller. Incumbent's commission expired December 19, 1909.

Benjamin T. Person to be postmaster at Wilson, N. C., in place of Benjamin T. Person. Incumbent's commission expired November 24, 1907.

George W. Prescott to be postmaster at Ayden, N. C. Office became presidential January 1, 1910.

Wallace W. Rollins to be postmaster at Asheville, N. C., in place of Wallace W. Rollins. Incumbent's commission expired January 17, 1910.

Lindsay M. Russell to be postmaster at Troy, N. C. Office became presidential January 1, 1910.

Hayes S. Smith to be postmaster at Rowland, N. C. Office became presidential January 1, 1910.

O. D. Wallace to be postmaster at Carthage, N. C., in place of Carlos McLeod. Incumbent's commission expired December 19, 1909.

Alvis S. Willis to be postmaster at Morehead City, N. C., in place of Alvis S. Willis. Incumbent's commission expired January 31, 1910.

Mary W. Yarborough to be postmaster at Louisburg, N. C., in place of Rufus R. Harris, deceased.

D. Luther Yount to be postmaster at Lincolnton, N. C., in place of Charles A. Jonas, resigned.

NORTH DAKOTA.

George W. Downing to be postmaster at Velva, N. Dak., in place of Walter A. Stafford, deceased.

OHIO.

Fanny B. Allen to be postmaster at Greenwich, Ohio, in place of James K. Allen, deceased.

Harry McDaniel to be postmaster at Fort Recovery, Ohio, in place of Isaac N. Medford. Incumbent's commission expired February 5, 1910.

OKLAHOMA.

John K. Hannah to be postmaster at Sallisaw, Okla., in place of John K. Hannah. Incumbent's commission expires March 22, 1910.

Odel Squier Combs to be postmaster at Haileyville, Okla., in place of Charles N. Martin, resigned.

PENNSYLVANIA.

Joseph L. Roberts to be postmaster at Sharon, Pa., in place of Malin Ewing. Incumbent's commission expired December 13, 1909.

George Sowash to be postmaster at Irwin, Pa., in place of George Sowash. Incumbent's commission expired February 1, 1910.

Nathan Tanner to be postmaster at Lansford, Pa., in place of Nathan Tanner. Incumbent's commission expires March 22, 1910.

SOUTH DAKOTA.

E. G. Akam to be postmaster at Flandreau, S. Dak., in place of George H. Few, resigned.

Frank D. Lowry to be postmaster at Leola, S. Dak. Office became presidential January 1, 1910.

TENNESSEE-VIRGINIA.

Gaylord A. Goodell to be postmaster at Bristol, Tenn.-Va., in place of Eli A. Warren. Incumbent's commission expired January 30, 1910.

TEXAS.

Thomas J. Darling to be postmaster at Temple, Tex., in place of Thomas J. Darling. Incumbent's commission expires March 21, 1910.

Dunn R. Emerson to be postmaster at Marlin, Tex., in place of Dunn R. Emerson. Incumbent's commission expired February 20, 1910.

James A. Gammill to be postmaster at Calvert, Tex., in place of James A. Gammill. Incumbent's commission expires February 27, 1910.

Milton O. Gleason to be postmaster at Hico, Tex., in place of Milton O. Gleason. Incumbent's commission expires March 2, 1910.

Mary A. Haskell to be postmaster at Stockdale, Tex. Office became presidential January 1, 1910.

Charles J. Hostrasser to be postmaster at Hearne, Tex., in place of Charles J. Hostrasser. Incumbent's commission expires March 21, 1910.

Lola Weand to be postmaster at Fort Sam Houston, Tex., in place of Lola Weand. Incumbent's commission expires March 7, 1910.

UTAH.

Arthur L. Thomas to be postmaster at Salt Lake City, Utah, in place of Arthur L. Thomas. Incumbent's commission expires February 28, 1910.

WASHINGTON.

Charles C. White to be postmaster at Waterville, Wash., in place of Charles C. White. Incumbent's commission expired February 7, 1910.

WEST VIRGINIA.

J. Walter Criss to be postmaster at Belington, W. Va., in place of Frederick Moore, removed.

William A. Mason to be postmaster at Philippi, W. Va., in place of William A. Mason. Incumbent's commission expired January 30, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 25, 1910

COLLECTOR OF INTERNAL REVENUE.

Charles G. Covert to be collector of internal revenue for the seventh district of Indiana.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

Maj. William S. Peirce to be lieutenant-colonel.

QUARTERMASTER'S DEPARTMENT.

Lieut. Col. William W. Robinson, jr., deputy quartermaster-general, to be assistant quartermaster-general, with the rank of colonel.

Maj. Thomas Cruse, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel.

Capt. Abraham S. Bickham, quartermaster, to be quartermaster, with the rank of major.

COAST ARTILLERY CORPS.

Second Lieut. Peter H. Ottosen to be first lieutenant.

MEDICAL CORPS.

Lieut. Col. Charles Richard to be colonel.
Maj. Euclid B. Frick to be lieutenant-colonel.
Capt. Wallace De Witt to be major.

APPOINTMENT IN THE ARMY.

MEDICAL RESERVE CORPS.

William Paul Lamb to be first lieutenant.

RECEIVER OF PUBLIC MONEYS.

Lewis J. Pettijohn to be receiver of public moneys at Dodge City, Kans.

REGISTER OF THE LAND OFFICE.

Henry F. Millikan to be register of the land office at Dodge City, Kans.

POSTMASTERS.

ARKANSAS.

Elijah O. Lefors, at Bentonville, Ark.

CALIFORNIA.

Marcus J. Isaacs, at Etna Mills, Cal.
Frank L. Powell, at Lemoore, Cal.

HAWAII.

Joseph G. Pratt, at Honolulu, Hawaii.

MICHIGAN.

Ramsay Arthur, at Schoolcraft, Mich.
Charles O. Ball, at Homer, Mich.
Elliott O. Bellows, at Stanton, Mich.
Charles Brown, at Vicksburg, Mich.
James Clancey, at Ishpeming, Mich.

Byron H. Colburn, at Lawrence, Mich.
William F. Crane, at Manistique, Mich.
Michael H. Kern, at Menominee, Mich.
Glover E. Laird, at Mendon, Mich.
Josiah C. Richardson, at Jackson, Mich.
John J. Saxton, at Farwell, Mich.
Thomas H. Warwick, at Litchfield, Mich.

MISSISSIPPI.

W. J. Price, at Meridian, Miss.

NEW JERSEY.

James E. Baldwin, at Newton, N. J.

NEW YORK.

Michael Gleason, at Carthage, N. Y.
Joseph Ogle, at Greenport, N. Y.
Fred E. Payne, at Clinton, N. Y.
John J. Roehrig, at Rosebank, N. Y.

NORTH CAROLINA.

Felix M. McKay, at Duke, N. C.

PENNSYLVANIA.

Harley J. Barns, at Albion, Pa.
Frank R. Cyphers, at East Pittsburg, Pa.

SOUTH CAROLINA.

F. H. Fetzer, at Greenwood, S. C.
Ira S. Pitts, at Westminster, S. C.
William F. Rice, at Denmark, S. C.

SOUTH DAKOTA.

George A. Fehlman, at Frankfort, S. Dak.
John D. Lyon, at Hecla, S. Dak.
J. Melroy Staley, at Clear Lake, S. Dak.

WYOMING.

F. E. Rounds, at Sundance, Wyo.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 25, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in heaven, we bless Thy holy name for that subtle, indefinable something we all know, and which we call love, the golden link which binds us together into families, which makes home the dearest spot on earth; the bond of true friendship, the inspiration to patriotism, which makes the real citizen and the true statement; the basis of pure religion, which flowers in philanthropy, charity, and justice to all. Give us, O God, we beseech Thee, more love that we may have less hate, more love that we may have less revenge, more love that we may have less jealousy, more love that we may become God-like. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

UNAVAILABLE BALANCE IN THE TREASURY.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to present to the House two letters from the Secretary of the Treasury, giving a full statement of the facts in regard to the unavailable balance, which has been discussed here at this session on several occasions, and ask that the same be printed as a document and be referred to the Committee on Appropriations.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to print certain communications from the Secretary of the Treasury touching the matter referred to, as a document, and that the same be referred to the Committee on Appropriations.

Mr. CLARK of Missouri. What are you going to do with it after you get it printed?

Mr. TAWNEY. The Secretary of the Treasury makes certain recommendations with a view of disposing of it, so far as the books of the Treasury are concerned, and he asked that consideration be given it at this time. In order that it may be considered, I thought it ought to be printed as a document, and it has been suggested that it also ought to be printed in the RECORD and referred to the committee.

The SPEAKER. Is there objection to printing the same in the RECORD and also as a document and referring the same to the Committee on Appropriations?

There was no objection.

The communications are as follows:

[House Document No. 271, Sixty-first Congress, second session.]

UNAVAILABLE FUNDS, UNITED STATES TREASURY.

LETTER FROM THE ACTING SECRETARY OF THE TREASURY, TRANSMITTING A COMMUNICATION FROM THE TREASURER OF THE UNITED STATES RELATING TO ITEMS OF UNAVAILABLE FUNDS REPORTED IN HIS GENERAL ACCOUNT.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 15, 1910.

SIR: I have the honor to transmit herewith a communication from the Treasurer of the United States, relating to items of unavailable funds reported in his general account.

This communication sets forth the history of the deposits of public moneys, amounting to $28,101,644.91, made with the States under the provisions of the act of JUNE 23, 1836, and subsequent legislation taking the control of these funds from the Treasury Department.

It seems desirable and important that the Congress should enact legislation that will finally dispose of said deposits, and my recommendation is made for such action.

Respectfully,

CHARLES D. NORTON,
Acting Secretary.

HON. JAMES A. TAWNEY,
House of Representatives, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF TREASURER OF THE UNITED STATES,
Washington, February 15, 1910.

DEAR SIR: I have the honor to submit for your consideration a statement relating to the deposits of public moneys, amounting to $28,101,644.91, made with the States under the provisions of the act of June 23, 1836, sections 13 and 14 of which are as follows:

"SEC. 13. *And be it further enacted*, That the money which shall be in the Treasury of the United States on the 1st day of January, 1837, reserving the sum of $5,000,000, shall be deposited with such of the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States, as shall, by law, authorize their treasurers or other competent authorities to receive the same on the terms hereinafter specified; and the Secretary of the Treasury shall deliver the same to such treasurers, or other competent authorities, on receiving certificates of deposit therefor, signed by such competent authorities, in such form as may be prescribed by the Secretary aforesaid; which certificates shall express the usual and legal obligations and pledge the faith of the States receiving the same, to pay the said moneys, and every part thereof, from time to time, whenever the same shall be required by the Secretary of the Treasury for the purpose of defraying any wants of the Public Treasury, beyond the amount of the five millions aforesaid: *Provided*, That if any State declines to receive its proportion of the surplus aforesaid, on the terms before named, the same shall be deposited with the other States agreeing to accept the same on deposit in the proportion aforesaid: *And provided further*, That when said money, or any part thereof, shall be wanted by the said Secretary to meet appropriations by law, the same shall be called for, in ratable proportions within one year, as nearly as conveniently may be, from the different States with which the same is deposited, and shall not be called for in sums exceeding $10,000 from any one State in any one month without previous notice of thirty days for every additional sum of $20,000 which may at any time be required.

"SEC. 14. *And be it further enacted*, That the said deposits shall be made with the said States in the following proportions, and at the following times, to wit: One-quarter part on the 1st day of January, 1837, or as soon thereafter as may be; one-quarter part on the 1st day of April, one-quarter part on the 1st day of July, and one-quarter part on the 1st day of October, all in the same year."

The amounts of public moneys transferred to and deposited with the respective States under the foregoing provisions were as follows:

Maine	$955,838.25
New Hampshire	669,086.79
Vermont	669,086.79
Massachusetts	1,338,173.58
Connecticut	764,670.60
Rhode Island	382,335.30
New York	4,014,520.71
Pennsylvania	2,867,514.78
New Jersey	764,670.60
Ohio	2,007,260.34
Indiana	860,254.44
Illinois	477,919.14
Michigan	286,751.49
Delaware	286,751.49
Maryland	955,838.25
Virginia	2,198,427.99
North Carolina	1,433,757.39
South Carolina	1,051,422.09
Georgia	1,051,422.09
Alabama	669,086.79
Louisiana	477,919.14
Mississippi	382,335.30
Tennessee	1,433,757.39
Kentucky	1,433,757.39
Missouri	382,335.30
Arkansas	286,751.49
Total	28,101,644.91

These deposits represent but three of the installments provided for in section 14 of the act of June 23, 1836; when the time arrived for making the transfer of the fourth installment the necessities of the General Government were such that it became necessary to postpone such transfer, which was done by Congress in the following enactment (act of Oct. 2, 1837):

"*Be it enacted, etc.*, That the transfer of the fourth installment of deposits directed to be made with the States under the thirteenth section of the act of June 23, 1836, be, and the same is hereby, postponed till the 1st day of January, 1839: *Provided*, That the three first installments under the said act shall remain on deposit with the States until otherwise directed by Congress."

You will observe that by this enactment the transfer to the States of the fourth installment was not only postponed, but also that control of the first three installments previously transferred to and deposited with the States was taken from the Secretary of the Treasury, and that the amounts thereof were to remain on deposit with the States until otherwise directed by the Congress.

The Congress in assuming direct control of these deposits by this enactment excepted them from movement under the laws governing public moneys deposited in the general account to the credit of the Treasurer of the United States, viz:

"All public moneys paid into any depository shall be subject to the draft of the Treasurer of the United States, drawn agreeably to appropriations made by law. (Sec. 3593, R. S.)

"The Secretary of the Treasury may, except as provided in the next section (3641), transfer the moneys in the hands of any depositary of public moneys to the Treasury of the United States to the credit of the Treasurer; and he may transfer moneys in the hands of one depositary to any other depositary, as the safety of the public moneys and the convenience of the public service shall seem to him to require." (Sec. 3640, R. S.)

The Government has on several occasions since 1837 been very much in need of money to pay the ordinary expenses, yet the Congress has never reinvested the Secretary of the Treasury with authority to recall to the Treasury the public moneys deposited with the States. And now, seventy-three years after the last enactment relating to these deposits, it may be safely assumed that the Congress will not authorize the recall of these deposits to the Treasury. For many years they have been stated as "unavailable funds" in the annual reports of the Treasurer of the United States. They form a part of the general account, and are so stated quarterly by the Treasurer.

There is no way by which these deposits, anomalous in character, can be taken out of the general account under existing law; therefore I have to request that recommendation be made to the Congress, in such manner as you may deem advisable, for legislation that will relieve the Treasurer of further accountability for said deposits with the States.

Respectfully, yours, LEE MCCLUNG,
Treasurer of the United States.

The SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 15, 1910.

SIR: I have the honor to transmit herewith a communication from the Treasurer of the United States relating to items of public moneys that have been lost without fault or negligence on the part of the Treasurer.

This letter narrates in detail the items of unavailable funds representing losses by deficit, by default, by failure of depository banks, etc., amounting to $1,585,154.24. In previous years the Congress has been asked several times for legislation that will relieve the Treasurer from further accountability for moneys that have been lost or become unavailable without fault or negligence on the part of the Treasurer. Such legislation has not been enacted; therefore the attention of the Congress is again invited to the subject, and it is recommended that provision be made for the elimination of these unavailable funds from the general account by authorizing a credit to the Treasurer of the United States and a corresponding charge upon the personal account books of the department against the defaulting officer or depositary who fails to pay the money on demand.

Respectfully, CHARLES D. NORTON,
Acting Secretary.

Hon. JAMES A. TAWNEY,
House of Representatives, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE OF TREASURER OF THE UNITED STATES,
Washington, February 15, 1910.

SIR: I have the honor to invite your attention to the items of unavailable funds reported in the general account of the Treasurer of the United States, amounting to $1,547,877.18, which, by deficit, by default, by theft in various places, by neglect of administrative officers in the mints of the United States, by failure of national banks designated as depositories of public moneys, and by shortages discovered in transfers of public moneys between offices, have gone from the control of the Treasurer of the United States through no fault or negligence on the part of the Treasurer, and which sums he can not, from the nature of the case, account for and thereby obtain credit therefor on the books of the department.

The first of these items occurred at the mint of the United States at San Francisco in 1856, and the other items at various dates since that year, as will appear in the following narrative giving the history of each of said items of unavailable funds.

UNAVAILABLE FUNDS IN SUBTREASURY OFFICES.

The reports on examinations of subtreasuries and correspondence in relation to deficits and shortages therein are filed in the office of the Secretary of the Treasury (Division of Public Moneys).

Assistant treasurer of the United States, New Orleans, La., 1867 ..... $680,891.53

Special agents of the Treasury Department made an examination of the office and accounts of William R. Whitaker, assistant treasurer of the United States at New Orleans, La., in May, 1867, and found him to be a defaulter for more than $1,000,000, but which has since been reduced by recoveries to the amount above stated. Proceedings were instituted in the courts against said Whitaker, and upon the trial he was acquitted.

Assistant treasurer of the United States, New Orleans, La., 1886 ..... $328.80

This item represents the net amount of "shorts" that were discovered in the count of $10,000,000 in silver dollars transferred from New Orleans to the Treasury Department in 1886. The amount was reported to the assistant treasurer of the United States at New Orleans (Mr. Samuel Flower) with the request to credit that sum ($328.80) to the Treasurer, which he refused to do, and the item has since been carried in the transit account.

Assistant treasurer of the United States, New Orleans, La., 1895 ..... $20,959.81

An examination of the office and accounts of P. F. Herwig, assistant treasurer of the United States at New Orleans, was made in June, 1885, and the above shortage was discovered in the cash account of the assorting teller (John H. Aufdemorte). It appears that he deliberately stole the funds of the office and absconded. By subsequent recoveries the amount was reduced to that stated in the foregoing; the said Aufdemorte was apprehended, tried, found guilty, and sentenced to serve a term of years in the penitentiary. Suit has not been entered against the sureties of Mr. Herwig (now deceased) to recover the amount of the shortage.

Assistant treasurer of the United States, St. Louis, Mo., 1906.. $61,500

During the month of October, 1906, an examination was made of the office and accounts of T. J. Akins, assistant treasurer of the United States at St. Louis, and the count of the assets disclosed a shortage as above stated. The deficit was located in the account of the receiving teller (David P. Dyer, jr.). Criminal proceedings were instituted against the said Dyer, and upon trial he was acquitted. Suit against the sureties of Mr. Akins has not been entered for the recovery of the amount of the shortage.

Assistant treasurer of the United States, Boston, Mass., 1907.. $3,000

On June 7, 1907, the assistant treasurer of the United States at Boston (E. M. Curtis) charged in his transcript of the general account a remittance, lot No. 2561, of $105,000 in gold certificates and forwarded the same by express to the Treasurer of the United States. The package was received at the office of the Treasurer in good condition, and was delivered to an experienced and trustworthy counter who opened it and made an inventory of the contents. Finding the inventory correct, the counter then began opening the straps one by one and counting the certificates in each. On opening a strap marked "$30,000," the counter found in it but twenty-seven $1,000 certificates, and immediately called attention to the shortage, which was verified by subsequent recounts, and no offsetting discrepancy was discovered. The assistant treasurer was notified by wire of the shortage of $3,000, and as the result of an investigation made by that officer, criminal proceedings were instituted against an employee of the subtreasury office, but upon trial he was acquitted. Suit against the sureties of the assistant treasurer has not been entered for the recovery of the amount of the shortage.

A part of the moneys in the general account of the Treasurer of the United States is in the immediate custody of the officers in charge of the mints and assay offices, and it is classified as the "bullion fund." (R. S., 3526 and 2545.) Under the provisions of law governing the administration of these institutions (Rev. Stat., Title XXXVII—Coinage, Weights, and Measures) a strict accountability is exacted of the officials in charge of mints. In the operative departments of each mint a fixed allowance for wastage is made by law, reimbursable from the appropriation for operative and incidental expenses. It is the duty of the superintendent of each mint to make adjustments and to keep the bullion fund intact. However, it appears that the bullion fund in the mint at San Francisco has in former years been mismanaged, and as a result several items of deficits are reported in the accounts of that institution, which were described by the Director of the Mint (George E. Roberts), in his annual report for 1898, as follows:

DEFICIENCIES IN THE BULLION ACCOUNTS OF THE MINTS.

Mint at San Francisco.—The first item of shortage in the bullion accounts of this mint occurred in 1856, upon the settlement of the accounts of A. Haraszthy, melter and refiner, when it was found that in his gold operations the wastage was $150,550.70 in excess of the legal limit of allowances, and in his silver operations $1,776.33, making a total wastage of $152,327.03 in excess of the legal allowance. Suit was instituted against Haraszthy and his sureties for the recovery of the amount ($152,327.03) of wastage over the legal allowance, and judgment given for the defendant. It was alleged on the trial that the chimney flue of the refinery as constructed by the Government was defective, permitting gold to escape by volatilization in undue quantity, and also that the assayer upon whose reports the value of the bullion delivered to the melter and refiner was determined was of unsound mind, and his assays were not reliable.

The second item arises from a difference between entries made on the books of the coiner and the treasurer's cashier, of a delivery of coin, December 9, 1865, the coiner charging the treasurer with $120,000 in double eagles, and the cashier crediting the coiner with only $100,000. There is little doubt that the coiner delivered to the cashier the amount, $120,000, claimed by him, as shortly afterwards it was discovered that the cashier was guilty of the embezzlement of other moneys from the mint and had absconded. No suit appears to have been brought against either the coiner or the treasurer for the recovery of this sum, $20,000.

The third item is a loss in gold in the melter and refiner's accounts in 1867, stated to be due to the fraudulent alteration of the assayer's report by a clerk in the office of the treasurer of the mint in increasing the fineness in gold of certain deposits. The clerk was arrested, tried, and acquitted. No suit was ever instituted against the melter and refiner, Mr. J. M. Eckfeldt, deceased, for the recovery of this loss, $7,735.34.

The fourth item is the amount of the net wastage of William Schmolz, coiner, for the fiscal year 1866, and not reimbursed the bullion fund from the appropriation for contingent expenses. As the treasurer of the mint declined to credit or acknowledge the receipt of the $20,000 heretofore referred to, the coiner maintained that he was entitled to credit for that sum, $1,956.21.

The fifth item, annual assay coins for the years 1865, 1866, and 1867, sent to the mint at Philadelphia for test as to their fineness by the annual assay commission, being expended on the request of the superintendent of the mint at San Francisco in the purchase of supplies for the San Francisco mint, and the coinage accounts not reimbursed by a transfer from the appropriation for incidental and contingent expenses for this sum, $21,962.85.

The sixth item, amounting to $195,258.81, arises from the loss on sale of sweeps for a series of years prior to June 31, 1870, and wastage of operative officers, though within the legal limit of allowance. The bullion fund should have been annually reimbursed for these items from the appropriation for incidental and contingent expenses.

The seventh item is the amount claimed by the coiner, William Schmolz, to have been wasted in his gold operations from July 1 to August 14, 1869; disallowed by the accounting officers upon the ground that the wastage claimed was not a bona fide one. No suit appears to have been brought for the recovery of this sum, $14,317.72.

The items above enumerated make the total deficit in the bullion accounts of the mint at San Francisco $413,557.90.

Mint at Philadelphia.—A deficit of $13,543.82 exists in the bullion accounts of the mint at Philadelphia. Of this sum $12,810.02 is the balance due on account of $113,425.85 in gold bullion embezzled in 1893 by Henry Cochran, weigh clerk, not recovered, and the remainder, $733, a shortage found on recount in the number of silver dollars stored in the vaults of that institution. Suit was instituted against the late superintendent, Mr. O. C. Bosbyshell, and the sureties on his bond, for the recovery of the amount of the deficit, and judgment was rendered

in favor of the Government for the balance due on account of gold bullion embezzled, but the decision of the court was adverse to the United States on the loss of 733 silver dollars. Mr. Bosbyshell has taken an appeal from the decision of the United States district and circuit courts, holding he was responsible for the balance due the Government on account of gold bullion embezzled, to the Supreme Court of the United States, and the case is still pending.

Action in this case was discontinued when Congress passed a bill for the relief of Mr. Bosbyshell.

The bill for the relief of Mr. Bosbyshell became a law February 2, 1899, and was as follows:

"*Be it enacted, etc.*, That Oliver C. Bosbyshell, late superintendent of the United States mint at Philadelphia, is hereby relieved and discharged from all liability for the acts of Henry S. Cochran, late weigh clerk of said United States mint at Philadelphia, in the embezzlement or larceny of certain gold bullion bars, the property of the United States aforesaid, and from all liability to account for any and all embezzled or stolen gold bullion bars by the said Henry S. Cochran, as aforesaid, the same having been without the default or negligence of the said Oliver C. Bosbyshell."

It will be seen that the relief given Mr. Bosbyshell by this act was for the balance due on account of the gold bullion embezzled by Henry S. Cochran, amounting to $12,810.82. As this amount was included in the bullion fund and constituted a part of the balance in the general account of the Treasurer of the United States, the Treasurer has raised the question before the accounting officers of the department, and claims that credit should also be given him in his general account, and release him, as well as Mr. Bosbyshell, from further accountability therefor, as it was evidently the intention of Congress to clear the books of this item. The matter is still pending.

Mint at Carson.—A deficiency of $75,549.75 exists on the bullion accounts of this institution, due to the embezzlement of that amount in gold bullion from the melter and refiner's department by John T. Jones, while occupying the position of assistant melter and refiner, and James Heney, silver dissolver in the refinery. Both of these persons were arrested, tried, and convicted, being sentenced to undergo imprisonment at hard labor for a term of eight years and to pay a fine of $5,000.

The embezzlement of the last-named sum was made at various times between January 1, 1891, and June 1, 1894, and was effected by abstraction and the substitution of base silver bullion containing a small percentage of gold. Suit has been instituted and is pending against the estate and sureties of E. B. Zabriskie, deceased, who held the position of melter and refiner of the Carson mint during the period the amount above named was embezzled. The recovery of any part of the amount is very doubtful.

To the foregoing may also be added deficits in the bullion fund in other offices, as reported by this office:

Branch mint at Charlotte, N. C $32,000

There is a balance due from Green W. Caldwell, superintendent and treasurer, and it has been unavailable since the beginning of the war of the rebellion, in 1861.

Branch mint at Dahlonega, Ga $27,950.03

There is a balance due from George W. Kellogg, superintendent and treasurer, and it has been unavailable since the beginning of the war of the rebellion in 1861.

Mint at New Orleans.—The vaults in the mint at New Orleans having become filled with silver dollars, it was determined to remove as many as practicable to the vault in the Treasury Department. In order to avoid the payment of a large sum for transportation, bags said to contain $10,400,000 were moved by means of United States naval vessels in September, 1885, at an expense which saved the Government about $40,000. However, after the arrival of the silver dollars at the Treasury Department they were counted, and "shorts" to the amount of $54 discovered in the shipment. These were reported to Mr. G. Montegut, superintendent of the mint of the United States at New Orleans, with the request to credit the Treasurer of the United States in his bullion fund account with that amount, being "shorts" in the $10,400,000 previously charged. Considerable correspondence passed in relation to the matter, but finally the superintendent refused to give the credit, and since that time the amount, $54, has been carried as an item in transit.

Mint at Philadelphia, recoinage account $77.93

On July 8, 1895, the assistant treasurer of the United States at New York was directed by transfer order No. 27849 to transfer $250,000 in uncurrent subsidiary coin to the mint at Philadelphia for recoinage. In the shipment 1,100 uncurrent standard silver dollars were unintentionally included and counted as subsidiary coin. The superintendent of the mint verified the count when the shipment was received, and proceeded in the usual manner to melt and determine the value of the bullion resulting therefrom, as well as the loss on the recoinage, and submitted a report thereon.

When request was made for reimbursement of the loss, it was refused to the extent of $77.93, the loss on the recoinage of 1,100 standard silver dollars, because Congress had made no appropriation for the recoinage of uncurrent standard silver dollars; and that amount has been reported as "loss on recoinage" in the assets of the mint at Philadelphia since that date. (Request has been made for an appropriation to reimburse this loss.)

DEFICITS IN NATIONAL-BANK DEPOSITORIES.

The Government has employed hundreds of the national banks of the country as depositories of the public moneys, and many of these depositories have failed with public moneys in their possession; but the bonds pledged as security for these public deposits have protected the Government from loss, except in two instances, viz:

Venango National Bank, of Franklin, Pa., a depository of the United States, failed in 1866, and the amount of public moneys carried as unavailable on account of the failure is $181,377.51.

First National Bank, Selma, Ala., a depository of the United States, failed in 1867, and the amount of public moneys carried as unavailable on account of the failure is $33,383.87.

DEFICITS IN DEPOSITORIES OF THE UNITED STATES.

There are some small balances charged to the late depositaries of the United States, which are carried as unavailable funds, viz:

Depositaries of the United States:	
Galveston, Tex., 1861	$778.66
Baltimore, Md., 1866	547.50
Pittsburg, Pa., 1867	2,126.11
Santa Fe, N. Mex., 1866	249.90
Total	3,702.17

DEFICITS IN THE ACCOUNT FOR SERVICE OF THE POST-OFFICE DEPARTMENT.

At the outbreak of the rebellion in 1861 there were balances to the credit of the Treasurer of the United States for the service of the Post-Office Department, with officers located in States that went into the rebellion. These amounts have not been recovered and are carried as unavailable funds in the Post-Office Department account, viz:

Assistant treasurer of the United States, New Orleans, La., 1861	$31,164.44
Depositaries of the United States:	
Savannah, Ga., 1861	205.76
Galveston, Tex., 1861	83.36
Little Rock, Ark., 1861	5,823.50
Total (Post-Office Department account)	37,277.06

RECAPITULATION.

Unavailable funds:	
In subtreasuries	$766,680.14
In mints and assay offices	562,733.49
In depository banks	214,761.38
In United States depositories (old)	3,702.17
Total General Treasury	1,547,877.18
In post-office account	37,277.06
Aggregate of deficits, etc	1,585,154.24

Many recommendations have been made by my predecessors in office, with a view to relieve the Treasurer of accountability for amounts that become unavailable without fault or negligence on his part. The whole subject has been gone over time and again with the committees in the Senate and House, and bills have been introduced in both Houses of Congress and reports made thereon that fully explain the matter.

In Senate Report No. 371, Forty-fourth Congress, first session, from the Finance Committee, submitted by the honorable chairman, Senator Sherman, on page 3, reference is made to this question of unavailable moneys, as follows:

"All moneys in the Treasury, wherever it may be deposited or placed for disbursement or custody, is charged to the Treasurer of the United States. It is obvious, however, that this money may be lost without fault on the part of the Treasurer, by robbery, accident, defalcation of a subordinate officer, misconduct of depositaries having it in charge, or otherwise. Still, under the law, the Treasurer is responsible, and is charged with these sums. Such a deficit would, in the accounts of a firm, be a simple plain entry in the profit and loss account by crediting cash and debiting the defaulter. But from the fact before stated that money can not be taken from the Treasury except by an appropriation, this course can not be pursued. An account called 'unavailable' was created, which was charged with the amounts, and the Treasurer credited in his general account through the statement of the account by the accounting officers. This method of relieving the Treasurer is, your committee are informed, a practice which has grown up and is not authorized by law, and for some years past has been prohibited by the comptroller and has been discontinued. It is plain that the Treasurer should be relieved from this responsibility, and that Congress should in some proper way provide by law for the dropping of these unavailable funds, by authorizing a credit to the Treasurer and a corresponding charge against the defaulting officer who fails to pay the money on demand."

And on page 14, as follows:

"All public moneys are received into the Treasury and paid out upon warrants issued by the Secretary of the Treasury, the Treasurer being debited with the amounts received and credited with the amounts paid. This forms what is known as the 'Treasurer's general account,' by which the cash in the Treasury is determined. When a depositary who has public moneys in his possession for which the Treasurer is responsible proves to be a defaulter, this amount becomes unavailable. It has been the practice of the accounting officers in some cases to state an account, charging such defaulting officer on the books of the Treasury with the amount of the defalcation and crediting the Treasurer, but as no money can be drawn from the Treasury except on warrants issued in accordance with the appropriations made by law, there is no way of reconciling these unavailable amounts in the accounts of the Treasury Department, except by crediting the Treasurer in his general account without the issuing of a warrant for such credit.

"As the Treasurer's accounts are not adjusted until long after the publication of the tables contained in the finance report, these items must be regulated subsequently; and whenever they occur, the tables must be changed to this extent. When anything is recovered from such defaulting officers, the amount is charged to the Treasurer in his general account as 'receipts from unavailables,' which also necessitates a further change in the tables to this extent. This defect in the present system has long been felt, but can not be remedied without legislation authorizing these transfers to be made by warrants, and in accordance with an appropriation, and Congress has several times been asked for such legislation."

Notwithstanding the necessity for such legislation, as set forth in this masterly report, Congress has failed to act in the matter, and as the items of unavailable moneys are becoming more numerous, I respectfully request that you recommend such legislation as will accomplish the results desired.

You are advised that there is precedent for such legislation in the act of March 3, 1837 (5 Stat., 178).

Respectfully, yours,

LEE MCCLUNG,
Treasurer of the United States.

The SECRETARY OF THE TREASURY.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I call up the conference report of H. R. 15384, the army appropriation bill.

The SPEAKER. The gentleman from Iowa calls up the conference report of the army appropriation bill.

Mr. HULL of Iowa. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The statement was read at length.

[For conference report and statement, see House proceedings of February 23.]

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. HULL of Iowa. Mr. Speaker, there is an amendment, No. 21, that was not included in the agreement. I ask that the Clerk read amendment No. 21.

The Clerk read as follows:

Provided, That the President may, in his discretion, extend the proviso contained under the heading "Retired officers" in the act making appropriation for the support of the army for the fiscal year ending June 30, 1908, approved March 2, 1907, so as to include any officer who served creditably in the regular or volunteer forces of the United States during the civil war, and who is now and has been for a period of not less than one year serving as a brigadier-general on the active list of the army, and who at date of retirement will have served in the army more than forty years.

Mr. HULL of Iowa. Mr. Speaker, this proviso is virtually extending to, I understand, five officers of the army now on the active list the same retirement privileges that were given by the Congress of the United States two or three years ago to four officers who had served as brigadier-generals on the staff in Washington. I am informed that this closes up all of the civil-war men who could have been brigadier-generals and served one year before retirement. This matter was never discussed in the House. It was a proposition that, though we had a precedent for it, the committee of conference did not believe it should bring in any agreement on that would estop the House from expressing itself fully upon the matter. I do not know that I can call the names of all who are affected. One of them is General Marshall, Chief of Engineers, and General Morton, commander of the Department of the Missouri; another General Thomas, now in command of the Department of the Colorado, and there are two others that I can not now recall.

I can only say this, that it has been claimed that these five will close up all who could have had civil-war service and who have served a year as brigadier-general.

Mr. SLAYDEN. Will the gentleman yield to a question?

Mr. HULL of Iowa. I will.

Mr. SLAYDEN. I would like to ask the gentleman if, in recognizing civil-war service, they count the period for which these gentlemen were cadets?

Mr. HULL of Iowa. It would in the way that the language is drawn. If we were to leave those words out, "other than as a cadet," and were to provide the same as in the matter of General Humphrey, then Quartermaster-General; General O'Reilly, then Surgeon-General; General Mackenzie, then Chief of Engineers; and General Davis, then Judge-Advocate-General; those words were not in the act.

Mr. SLAYDEN. Did these gentlemen have military service aside from that at the academy as cadets?

Mr. HULL of Iowa. Oh, yes; all of these men have served in the ranks during the civil war.

Mr. SLAYDEN. All of them had served in the civil war?

Mr. HULL of Iowa. Yes; outside of the cadetship; that is my understanding. I know it is true as to General Thomas and General Morton. They served two or three years and carried guns in the civil war as lads, and then went to the academy and graduated after the close of the civil war.

Mr. SLAYDEN. That, I understand, is true as to General Marshall, except as to the length of time.

Mr. HULL of Iowa. General Marshall served as a private in a Kentucky cavalry regiment during the civil war, and then was appointed a cadet at West Point after the war.

Mr. SLAYDEN. Can the gentleman recall the names of the others?

Mr. HULL of Iowa. I do not at this time.

Mr. SLAYDEN. Would General Hall be one of them?

Mr. HULL of Iowa. My understanding is the other two men had actual civil-war service.

Mr. SULZER. With the permission of my colleague, I can say that the officers who will be affected, provided this proviso should become law, are General Thomas, General Morton, General Hodges, General Brush, and General Marshall, and none others.

Mr. HULL of Iowa. I will say that The Adjutant-General of the Army, whom I have always found exactly correct in all information he ever gave me, claims that that is all who can possibly come in.

Mr. SLAYDEN. Who does that?

Mr. HULL of Iowa. The Adjutant-General.

I will say this: As an original proposition I assume that the House should have hesitated as to the adoption of this provision; but having set the example, there is no more reason why it should not be adopted than any other legislation where a precedent has been so clearly established.

Mr. HAY. Will the gentleman allow me to ask him a question?

Mr. HULL of Iowa. Certainly.

Mr. HAY. Can the gentleman state how many officers there are on the active list of the army below the rank of brigadier-general who have served in the civil war?

Mr. HULL of Iowa. I think there are a good many colonels and below, but there is no place where they can go into the position of brigadier-general and serve a year before their retirement. In other words, every colonel who had civil-war service becomes a brigadier on retirement. If these men did not become brigadiers on the active list, they would become brigadiers on retirement. This is to give them one grade higher. It costs the Government $1,500 a year for each man.

Mr. HAY. If they do become brigadiers, this precedent now set, or heretofore set, will apply to the men who are now colonels, will it not?

Mr. HULL of Iowa. Oh, no; they become brigadiers anyhow.

Mr. HAY. I do not mean this law, but I mean it will give an opportunity for those gentlemen who have served in the civil war, and who are now on the active list below the rank of brigadier-general, to come to Congress hereafter and ask to be made major-generals.

Mr. HULL of Iowa. They are not in the same class with the four whom we have promoted and these five here, for the reason that the old law provided that they would have to serve at least a year as brigadier-generals and have had so long a service in the army. It can not apply to them, because they can not be brigadiers for a year; but as to the equity of the matter, the gentleman from Virginia [Mr. HAY] is as able to pass on that as I am.

Mr. HAY. I am just stating the proposition.

Mr. HULL of Iowa. Those that are now colonels will unquestionably become brigadiers on retirement.

Mr. HAY. There are others who will be seeking the benefit of this precedent.

Mr. HULL of Iowa. There are very few, but possibly some, who may claim they should have it.

Mr. HAY. Congress could not very well refuse them, could it?

Mr. HULL of Iowa. That is a question. There are many men on the retired list as to whom, in my judgment, it would not be any great violence to the equities and the justice of the matter if they were made major-generals on the retired list, in view of the past action of Congress. Take General Carr, of Illinois, for instance, who was a major-general of volunteers and served continuously for forty-four years. Take General Schwann, who was in the Utah expedition in 1856, a most accomplished officer. But that case is not before us, and I doubt whether it ever will get before us. This is a proposition that these men claim puts them on an equality with what we did over two years ago for four staff officers. I am glad to say that only one of these five men is a staff officer. If it ought to be done for any man, it ought to be for the man that is out fighting all the time, in place of working in an office, in the staff.

Mr. SLAYDEN. Have we now practically exhausted the material from which we can draw in order to continue following the bad precedent heretofore established?

Mr. HULL of Iowa. That is my information from The Adjutant-General of the Army, and I have never found him mistaken in his statements.

Mr. SLAYDEN. Every colonel on the active list who becomes a brigadier will unquestionably ask us——

Mr. HULL of Iowa. Oh, he does not become a brigadier until he is retired.

Mr. SLAYDEN. He may become a brigadier before he retires.

Mr. HULL of Iowa. No; because there are no vacancies. They all retire in a very short time. I think all the civil-war officers will retire within the next year or a little over that. I have not looked into that to learn the exact situation.

Mr. SLAYDEN. The gentleman is mistaken.

Mr. HULL of Iowa. I have not looked into that, because I am sure that none of them could be on the basis of these gentlemen; but I will say to the gentleman from Texas, with entire frankness, that if any of the civil-war men are promoted to be brigadiers and do serve a year and have had forty years' service in the army, this Congress can hardly refuse to give them the same recognition if they come before it.

Mr. SLAYDEN. If they serve a year or less?

Mr. KEIFER. I should like to ask the gentleman whether this proposition involves an extension of the retired list?

Mr. HULL of Iowa. It does not extend it, except that it places these men on the retired list with the rank of major-general.

Mr. KEIFER. Is the conference report an agreement upon this matter?

Mr. HULL of Iowa. Not at all.

Mr. KEIFER. This is outside of it?

Mr. HULL of Iowa. Outside of agreeing to the conference report.

Mr. KEIFER. One question further: Is the gentleman able to state the names and the number of persons who would be eligible to be put upon the retired list in the discretion of the President if this proviso is put in the bill?

Mr. HULL of Iowa. Yes; there will be five of them—General Morton, commanding the Department of the Missouri; General Thomas, commanding the Department of the Colorado; General Marshall, the Chief of Engineers, who occupies exactly the same position on this proposition as did General Mackenzie, to whom Congress gave this; and two other men mentioned by the gentleman from New York [Mr. SULZER], whose names I can not now recall.

Mr. KEIFER. This will exhaust the list?

Mr. HULL of Iowa. This exhausts the list.

Mr. PARKER rose.

Mr. HULL of Iowa. I will yield to the gentleman from New Jersey.

Mr. PARKER. I want to ask whether the retirement of these gentlemen would not make vacancies which would be filled from the list of other colonels?

Mr. HULL of Iowa. No; because they could not be brigadiers for one year.

Mr. PARKER. I understand, but they might be retired right away.

Mr. HULL of Iowa. No; because there is no vacancy. Mr. Speaker, I now yield ten minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, all matters in controversy between the two Houses on the army appropriation bill have been amicably settled by the conferees, and this conference report is unanimous with the exception of amendment No. 21, which the Senate incorporated in the bill. I will read that amendment for the benefit of the House:

Provided, That the President may, in his discretion, extend the proviso contained under the heading "Retired officers" in the act making appropriation for the support of the army for the fiscal year ending June 30, 1908, approved March 2, 1907, so as to include any officer who served creditably in the regular or volunteer forces of the United States during the civil war, and who is now and has been for a period of not less than one year serving as a brigadier-general on the active list of the army, and who at date of retirement will have served in the army more than forty years.

Now, sir, if this proviso should be adopted it will affect the following officers: Generals Thomas, Morton, Hodges, Brush, and Marshall, now brigadier-generals, and retire them as major-generals. I will give briefly their records in the Army of the United States.

First, Gen. Earle D. Thomas. He has been in the service, volunteer and regular, for over forty-seven and one-half years. He has been a brigadier-general for two years and ten months. He will be retired January 4, 1911, and when retired will have served forty-eight and one-half years. He is now the commander of the Department of Colorado.

The next officer is Gen. Charles Morton. He has been in the volunteer and regular service for over forty-eight years. He has been a brigadier-general two years and ten months. He will be retired on account of age March 18, 1910. When retired he will have been in the service over forty-eight years. He is now commander of the Department of Missouri.

The next officer is Gen. Charles L. Hodges. He has been in the volunteer and regular service forty-four years and two months. He has been a brigadier-general two years and nine months. He will be retired on account of age on March 13, 1911. He will have served continuously forty-five years and three months. He is now commander of the Department of Dakota.

The next officer is Gen. Daniel L. Brush. He has been in the volunteer and regular service forty-two years and nine months. He has been a brigadier-general for two years. He will be retired on account of the age limit May 9, 1912, and when retired will have served continuously over forty-five years. He is now in command of a department in the Philippines.

The next officer is Gen. William L. Marshall. He has been in the service, volunteer and regular, forty-six years and nine months. He has been a brigadier-general one year and seven months. He will be retired on account of age limit June 11, 1910, and when retired will have served continuously over forty-seven years. He is now on the General Staff and Chief of the Corps of Engineers of the Army.

Briefly, these are the records of these brave men. All of these officers did hard and glorious service during the war for the Union. Some of them afterwards went to West Point and graduated, and all of them have been in the Regular Army ever since the close of the civil war. They have been on the firing line in the Indian wars. Most of them did heroic service for years on the frontier. They went all through the Spanish-American war and did gallant service for the Government. In the opinion of the best men in the army, in the judgment of those familiar with the great services they have rendered, they should have this recognition. To do otherwise would be an unjust discrimination against them. We retired recently at one grade higher, under the act referred to in this proviso, several brigadier-generals on the staff who never performed the services that these officers have rendered for more than forty years. We should be fair and just in this matter to all, and it is believed that we would be recreant to now discriminate against these officers whose names I have mentioned. They are the last of the brigadier-generals now in the army who served gallantly during the civil war. They should be treated the same as the others that were retired as major-generals. I do not believe in making invidious distinctions. No better soldiers than these heroic men ever served in our army. They, too, should be retired, as well as their predecessors, as major-generals; and when this bill becomes a law and these officers are retired in accordance with this provision, that will forever close the doors to any more of these retirements. As I said, they are the last of the brigadier-generals who served in the civil war. Hence the Senate unanimously adopted this provision, and the conferees on the part of the Senate were unanimous in insisting upon its adoption, and I, for one, as a conferee of this House, believe that it is just, believe it is right, and I believe that we should agree to it, and give these grizzled warriors and battle-scarred veterans the rank to which they are justly entitled when retired for age.

Mr. Speaker, I have in my hand a number of letters and several petitions from all over the country and from leading citizens, asking that this be done, and I shall, with the consent of the House, incorporate some of them in the RECORD as part of my speech. I move that the House recede and concur in the Senate amendment.

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. BARTLETT of Georgia. I understand that this amendment of the Senate simply puts these five remaining brigadier-generals upon the same plane and status where we have placed all the others.

Mr. SULZER. The gentleman is correct.

Mr. BARTLETT of Georgia. And not to do it is to discriminate against equally meritorious officers.

Mr. SULZER. Quite so. That is what I said.

The data referred to by Mr. SULZER are as follows:

NEW YORK, *February 21, 1910.*

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

MY DEAR MR. SULZER: The Senate has adopted an amendment to the military appropriation bill, which I understand is amendment No. 21, and which has the effect of promoting Gen. William L. Marshall to the rank and pay of major-general on retirement on June 24 next.

General Marshall has been so efficient in promoting the interests of New York Harbor when in charge of the operations of the construction of Ambrose Channel, which is now approaching completion, that I wish particularly to commend this amendment to your kind and favorable attention, and am sure that New York's gratitude to him can not be evinced in a better way than by the adoption of the amendment in question.

Yours, very truly, GUSTAV H. SCHWAB.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE,
Washington, January 20, 1910.

Hon. F. E. WARREN,
United States Senate.

DEAR SIR: In compliance with your telegraphic request of the 19th instant, addressed to the Secretary of War, I have the honor to transmit herewith, by the Secretary's direction, a statement of the military service of Brig. Gen. William L. Marshall, Chief of Engineers, and copies of such letters and indorsements commending him as have been found upon the files of this office.

Very respectfully, F. C. AINSWORTH,
The Adjutant-General.

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.
(Founded A. D. 1768.)

At the monthly meeting of the chamber of commerce, held Thursday, November 7, 1907, the following resolutions, reported by the committee of the chamber on the harbor and shipping, was unanimously adopted:

"*Resolved*, That the chamber of commerce recognizes with great satisfaction the report of its committee on the harbor and shipping that one-half of the adopted plan of the United States Government for the excavation and widening of the east channel, now named the 'Ambrose Channel,' has been accomplished and perfected so that vessels of the huge dimensions of the *Lusitania* can enter and leave with safety.

"*Resolved*, That the chamber recognizes how very much this great work is due to the skill, energy, and persistence of Col. William L.

Marshall, United States engineer in charge thereof, and in view of the work still to be done in excavating the other half so that a channel of 2,000 feet will be afforded, expresses its earnest wish and desire that the same efficient officer may be retained in that work, and that the Government will considerately not permit the diversion of his time and talent to any other object until the same is completed."

A true copy.

[SEAL.]

J. EDWARD SIMMONS, *President.*
GEO. WILSON, *Secretary.*

Statement of the military service of Brig. Gen. William L. Marshall, Chief of Engineers.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE.

He served as a private in Company A, Tenth Kentucky Cavalry, from August 16, 1862, to September 17, 1863.

He was a cadet at the United States Military Academy from July 1, 1864, to June 15, 1868, when graduated and appointed brevet second lieutenant, Corps of Engineers. He became a second lieutenant in that corps February 22, 1869; was promoted first lieutenant June 21, 1871; captain (on account of fourteen years' service) June 15, 1882; major May 10, 1895; lieutenant-colonel April 23, 1904; and colonel August 27, 1907. He was appointed Chief of Engineers with the rank of brigadier-general to rank from July 2, 1908, and accepted the appointment July 6, 1908.

SERVICE.

With engineer battalion at Willetts Point, New York, from October 1, 1868, to August 28, 1870; on duty at the Military Academy to August 31, 1871; with engineer battalion at Willetts Point, New York, to July 5, 1872; assistant engineer on western explorations under Lieutenant Wheeler, Corps of Engineers, to August, 1876; on engineer duty at Chattanooga, Tenn., to June, 1877; at Rome, Ga., to May, 1881; on works of improvement of Vicksburg Harbor and in the third engineer district, Mississippi River Commission, to April, 1884; in charge of harbor improvements in southeastern Wisconsin and of improvement of Fox and Wisconsin rivers to September, 1888; in charge of various harbor improvements in Michigan and Wisconsin to May, 1886; in charge of improvement of Chicago and Calumet harbors and Illinois and Calumet rivers and of the construction of the Hennepin Canal and various other engineering works to December, 1899, during which time he was also engineer officer of the division and department of the Missouri from 1892 to 1897, and member of various boards pertaining to bridges, harbors, locks, surveys, etc., from 1890 to 1899. He was a member of the Missouri River Commission from November, 1897, to June, 1902.

General Marshall was on duty in New York City from January, 1900, to July, 1908, during which period he was in charge of the defensive works of New York Harbor and of river and harbor improvements, especially the deep channels entering New York Harbor, and was a member of various boards on fortifications and improvements. Since July, 1908, he has been in charge of the office of Chief of Engineers and of engineering works under the control of that office, and has been a member of the Board of Ordnance and Fortification and the Inland Waterways Commission.

F. C. AINSWORTH,
The Adjutant-General.

JANUARY 20, 1910.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 24, 1907.

(Memorandum for General Duvall.)

AMBROSE CHANNEL.

Referring to memorandum of the 21st instant, the Chief of Engineers would say that he now has good reasons to expect the completion of Ambrose Channel in New York Harbor during the year 1910.

An important element of Colonel Marshall's efficiency in the prosecution of this work flows from the fact that he has been in charge of the work almost from the inception of the project and has the advantage of an intimate knowledge of all its aspects, including some which are not wholly of an engineering character.

Colonel Marshall is personally known to the maritime interests most deeply concerned in the success of the project and enjoys their unreserved confidence. He can best conserve the interests of the United States in the execution of this work, because those who are concerned in the matter and whose influence must be reckoned with will be guided by Colonel Marshall's opinion and judgment as they would not be guided by the opinion and judgment of his successor, howsoever capable.

In these important particulars candor compels the Chief of Engineers to admit that he can not replace Colonel Marshall without a temporary lowering of the efficiency and vigor of administration of the work, for this reason, and the sole reason, that he can not supply a man for the place whose familiarity with local conditions will equal that of Colonel Marshall.

In the Corps of Engineers changes of station are ordinarily accompanied by changes of duty, and it is only men who are unsatisfactory who can be replaced with advantage. Changes of station are made from considerations of policy and justice which can not be ignored, and ordinarily in spite of some sacrifice of the interests of the work.

As to whether the conditions which make for Colonel Marshall's present retirement outweigh the disadvantage to the works now in his charge and that to the Corps of Engineers which will result from such retirement the Chief of Engineers is not in position to express an opinion.

Very respectfully,

A. MACKENZIE,
Brigadier-General, Chief of Engineers, United States Army.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
December 17, 1907.

Hon. THEODORE ROOSEVELT,
President of the United States, White House,
Washington, D. C.

MY DEAR MR. PRESIDENT: In 1899 Congress took action providing for the construction of the Ambrose Channel in the port of New York to a depth of 40 feet and a width of 2,000 feet. The creation and successful completion of the channel is, in our opinion, one of the most important pieces of work for the trade and commerce of the whole country which has ever been undertaken as a harbor improvement.

It is hardly necessary to call your attention to the fact that the vast proportion of the foreign commerce of the United States and a large proportion of the coastwise commerce of the country passes in and out of New York Harbor. You are also doubtless aware that the old ship channel, with its acute angle near the southwest spit and with its inadequate width and depth of water, continues to be a constant menace to the navigation of the larger steamships, which, because of their very size, have been able to reduce, and with the increased depth of the Ambrose Channel will be able still further to reduce, the rate of transportation upon commodities.

This improvement was authorized by Congress only after a vigorous fight, which was led by Mr. John W. Ambrose, a director and representative of this association, to whom was given the hearty cooperation of practically all the other trade and steamship organizations in and around this port.

The appropriation provided for this work was at that time considered by most experts to be entirely inadequate. There was serious doubt as to the possibility of obtaining bids which would permit the completion of the work within the appropriation, but after considerable trouble, including the rejection of the first set of bids because of the excess of cost over the amount fixed by Congress, acceptable bids were finally obtained and contracts were let. The exceedingly low contract price necessitated the most careful and vigilant supervision on the part of the Government to insure proper execution and completion of the work in accordance with the specifications. Shortly after the execution of the contracts and before the actual work of construction began Lieut. Col. W. L. Marshall, Corps of Engineers, United States Army, was assigned to the port of New York and was put in charge of the supervision of this work, and from the very beginning of the actual construction, as supervising engineer on behalf of the Government, he has been in constant touch with its progress. The execution of his duties in this capacity has been highly satisfactory to the mercantile and steamship interests in this port, who are the parties directly affected and are in a position to be cognizant of his ability.

We suggest that in this particular instance it would be eminently proper and, we believe, most beneficial to the commerce of the whole country to have Colonel Marshall retained in his present office in charge of this most important work until its ultimate completion. We therefore respectfully request that if any proposed action would result in Colonel Marshall's retirement an exception be made in his case, in order that the vast interests of this port, the commerce of the country, and the Federal Government may have the benefit of his peculiar knowledge, experience, and ability in completing the improvement.

For your information we attach hereto a copy of letter to the Secretary of War relative to this subject.

Very respectfully, yours,

EXECUTIVE COMMITTEE MERCHANTS' ASSOCIATION OF NEW YORK,
By CLARENCE WHITMAN, *President.*

NEW YORK PRODUCE EXCHANGE,
December 19, 1907.

To Hon. WILLIAM H. TAFT,
Secretary of War, Washington, D. C.

SIR: We have been given to understand that the retiring board have under consideration the question of retiring Lieut. Col. W. L. Marshall, who has been in charge of the harbor works in New York. This gentleman, with energy and judgment, has supervised the important work of the harbor and the construction of Ambrose Channel. The members of our exchange who are conversant with his work believe it is of importance to our city and the whole country that the important work of our harbor should be carried along on the same lines and under the supervision heretofore employed until the work is completed. We therefore consider the retention of the gentleman named is most desirable, so he may be at the head of this enterprise, pushing it along for the benefit of our commercial community.

Trusting you may see your way to favorably consider this appeal to you, I am,

Respectfully, yours,

WM. HARRIS DOUGLAS,
President.

THE MERCHANTS' ASSOCIATION OF NEW YORK,
December 17, 1907.

Hon. WILLIAM H. TAFT,
Secretary of War, Washington, D. C.

DEAR SIR: The Merchants' Association of New York respectfully represent that the important work of the deepening of the Ambrose Channel, leading from the harbor of New York to the sea, has been since its inception under the charge of Lieut. Col. W. L. Marshall, Corps of Engineers, United States Army, and has been continuously supervised by this officer.

The shipping and business interests of New York, and, in a wider sense, the commerce of the whole country, await the early completion of this improvement, which will result in far-reaching benefits not only to the city of New York but to the whole country in an increase rendered possible in the size of the carrier and a decrease in the rate of transportation; and will, furthermore, contribute very largely to safe navigation in the approaches of this harbor, now restricted to a narrow and difficult channel.

The Merchants' Association of New York, in view of the vast interests involved, strongly urge the retention of Lieutenant-Colonel Marshall in charge of this work until the ultimate completion of the improvement, and deprecate strongly any change in the supervision of the work in question at the present time.

Very respectfully, yours,

THE MERCHANTS' ASSOCIATION OF NEW YORK,
By CLARENCE WHITMAN, *President.*

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,
New York, December 19, 1907.

Hon. WILLIAM H. TAFT,
Secretary of War, Washington, D. C.

SIR: It is our understanding that the army retiring board has under consideration the retirement from the service of Lieut. Col. W. L. Marshall, Corps of Engineers, United States Army, who has been in charge of the harbor works of New York, including the construction of the Ambrose Channel, which, as you are of course aware, is much needed

at this port to accommodate the rapidly increasing size of our modern steamships, and the congested condition of the main ship channel makes it hazardous for these giants to maneuver, and relief by the Ambrose Channel becomes imperative and at the earliest date possible.

The work carried on by Colonel Marshall in planning and supervising the construction of this channel to its present state can not be too highly commended and is heartily approved by all who are familiar with this project. His retirement at the present time, depriving the project of the knowledge and ripe experience gained by his many years of association with this great work would, to our minds, be a great detriment to its prompt and efficient completion. In view of the above, therefore, the Maritime Association of the Port of New York, comprising in its membership of nearly 1,000 the leading steamship and ship owners and agents, importers and exporters, and so forth, at this port, most earnestly and respectfully request that Colonel Marshall be retained in his present position at this port until the completion of the Ambrose Channel. It is our prayer that in view of the great importance of this work, not only to New York City but the country at large, that you will see fit to grant this most urgent request and, in consequence, confer a great favor upon this association and the commercial interests of our city and country.

We have the honor to remain,
Very respectfully, yours,

C. R. NORMAN, *President.*

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,
New York, December 10, 1907.

Hon. THEODORE ROOSEVELT,
President of the United States, Washington, D. C.

SIR: We understand that Lieut. Col. W. L. Marshall, Corps of Engineers, United States Army, who has been in charge of harbor works at this port, including the construction of the Ambrose Channel, is about to be retired. If this be so, this last-named project, which was planned and supervised up to its present stage by Colonel Marshall, will of necessity be intrusted to his successor, who, notwithstanding whatever attainments and qualifications he may have as an engineer, will not be possessed of the experience and knowledge regarding this particular work that Colonel Marshall has secured through his long connection with it. A change, therefore, at this time would without doubt result in delays and greatly deter the completion of this important improvement.

The main ship channel to-day, owing to the enormous size of the trans-Atlantic steamers and the increased size of our coastwise steamers, is so congested that the maneuvering of these vessels is extremely hazardous.

We pray, therefore, on behalf of our association, comprising in its membership of nearly 1,000 the leading steamship and ship owners and agents at this port, that Colonel Marshall's retirement from his work at this port be deferred until such time as the Ambrose Channel can be completed and the main ship channel relieved of the crowded condition which now prevails. The benefits that will accrue to our shipping generally through the early completion of this important improvement can not be overestimated and will extend throughout our entire country.

We trust, Mr. President, that you will give this matter your prompt attention, as we understand that the Secretary of War will act upon the findings of the retiring board upon his arrival home.

I have the honor to remain,
Your obedient servant,

C. R. NORMAN, *President.*

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 2, 1907.

Col. W. L. MARSHALL,
Corps of Engineers, New York City.

COLONEL: In reply to your letter of the 27th ultimo, I have the honor to furnish the information requested, as follows:

The records of the office of the Chief of Engineers show that Colonel Marshall, since 1877, has been absent on leave a total of one hundred and forty days, as per statement herewith.

The records of the office of the Chief of Engineers seem to show that during all of these leaves Colonel Marshall remained in charge of his works, supervising them, however, while absent from his regular station.

There is no record in the office of the Chief of Engineers of Colonel Marshall having been absent on account of sickness at any period of his service.

The conditions of Colonel Marshall's service have been quite intimately known to the present Chief of Engineers during almost his entire service in the army, and the reputation in which he is held by this office is that of relieving his superiors of responsibility for details in all cases which come within his province to decide, his actions, however, at all times being governed by the fullest subordination to superior authority. He possesses the qualifications, in addition to great ability as an engineer, of a good soldier.

Very respectfully,

A. MACKENZIE,
Brigadier-General, Chief of Engineers, United States Army.

COPY OF INDORSEMENT ON APPLICATION MADE BY COL. W. L. MARSHALL, CORPS OF ENGINEERS, FOR RELIEF FROM THE TEST OF SKILL AND ENDURANCE IN HORSEMANSHIP.

HEADQUARTERS DEPARTMENT OF THE EAST,
Governors Island, New York, October 5, 1907.

Respectfully forwarded to The Adjutant-General of the Army.

Colonel Marshall has been physically examined, and no reason for his not undergoing the test for horsemanship has been found other than that herein stated by him.

This is, in my opinion, sufficient to justify him being excused from the test, and I have accordingly excused him.

Colonel Marshall has been and is an exceptionally efficient officer. I know of no engineer officers of superior ability and few of equal.

It is highly improbable that he will be assigned to mounted duty during his remaining two years and eight months of service on the active list.

For the above reasons, I recommend that no further action, because of his not undergoing the test of horsemanship, be taken in his case.

F. D. GRANT,
Major-General, United States Army, Commanding.

UNITED STATES ENGINEER OFFICE,
New York City, March 24, 1908.

The ADJUTANT-GENERAL,
United States Army, Washington, D. C.

SIR: The Chief of Engineers will be retired for age May 25, 1908.

If, preparatory to filling the vacancy thus caused, the President should consider the records of any engineer officers of rank junior to that of my seniors in the Corps of Engineers, I have the honor to request and recommend that he consider the record of Col. W. L. Marshall, who, in my opinion, is of all engineer officers best entitled to promotion to Chief of Engineers by reason of his exceptional talents, his use of these for the best interests of the Government, his application to duty, and his integrity.

He does not retire for age until June 11, 1910.

Very respectfully,

JOHN G. D. KNIGHT,
Colonel, Corps of Engineers.

NEW YORK, *November 6, 1907.*

To the honorable THE SECRETARY OF WAR,
Washington, D. C.

SIR: The undersigned, controlling and representing steamships employed in the transportation of hundreds of thousands of lives and of many millions in value of cargo, and interested in insurance on cargo and on vessels, respectfully represent—

That the improvements in the approaches to the harbor of New York, now under way, which will render this harbor one of the safest and finest in the world, were begun and have been most efficiently prosecuted under the direction of Lieut. Col. W. L. Marshall, Corps of Engineers, United States Army;

That the interests represented by the undersigned require the continued supervision by Colonel Marshall of this important improvement until its final completion, to the end that the work, which calls for constant careful attention and which demands the accumulated knowledge and experience of years, may be carried through at an early date and on the same lines as heretofore pursued.

The undersigned, therefore, respectfully urge the retention in his present position of Lieutenant-Colonel Marshall until the Ambrose Channel improvement to its entire extent shall have been finished, and beg leave to remain,

Your very obedient servants,

American Line; Atlantic Transport Line; Red Star Line; White Star Line; National Line; Leyland Line, P. A. Franklin, vice-president; North German Lloyd, by Oelrichs & Co., agents; The Cunard Steamship Company, per Vernon H. Broom; Hamburg-American Line, E. L. Boas, resident director and general manager; Compagnie Générale Transatlantique, Fugen, general agent for United States and Canada; Wilson Line steamers; The Royal Mail Steam Packet Company; Phoenix Line, Sanderson & Son, agents; Hansa Lines, United Tyser Line; Brazil Line; Scandinavian American Line; United States and China-Japan Line; Bordeaux Line; Union Line, by French Engel, agent; Austro-Americana Steamship Company, Phelps Brothers & Co., agents; Anchor Line, Henderson Brothers, general agents; Holland-America Line, A Sipe, general agent; La Veloce, Navigazione Generale Italiana, Harefield Solari Company, agents; Fabre Steamship Company, J. Pen Knile, general passenger agent; Russian Volunteer Fleet; Lloyd Italiano Steamship Company; Sicula American Steamship Company; Prince Line (Limited), by C. B. Richard & Co., general agents; Quebec Steamship Company (Limited); Bermuda and West India Lines, A. E. Outerbridge & Co., agents; Lamport & Holt Line, Busko Jevons, agents; Barber & Co. (Incorporated), J. Barber, vice-president; Red Cross Line; English and American Shipping Company, Bowring & Co., agents, L. B. Stoddart, director; Old Dominion Steamship Company, by N. B. Walker, president; Clyde Steamship Company, H. H. Raymond, vice-president and general manager; The New York and Porto Rico Steamship Company, Franklin D. Mooney, president and general manager; The New York and Pacific Steamship Company, W. R. Grace & Co., agents, per A. D. Snow; New York and Cuba Mail Steamship Company, Alfred Gilbert Smith, vice-president and general manager; Mallory Steamship Company, C. D. Mallory, secretary; Red D Line of Steamships, by Banton (?), Bliss & Davis (?), general managers; The Atlantic Mutual Insurance Company, by A. A. Raven, president; Mannheim Insurance Company; Fireman's Fund Insurance Company; The Union Marine Insurance Company (Limited), per F. Heumann, manager, Arthur Hadley; Federal Insurance Company; The Sea Insurance Company (Limited); The Marine Insurance Company (Limited); The London Assurance (marine); The New York Marine Underwriters; General Marine Insurance Company of Dresden, C. Nupp & Son (?), agents; Boston Insurance Company (signature can not be read).

Mr. KAHN. Will the gentleman from Iowa yield?

Mr. HULL of Iowa. Mr. Speaker, I yield for a question.

Mr. KAHN. Will the gentleman inform me what disposition has been made of amendment No. 30, which provides—

That the Secretary of War is authorized, under requisition of the governor of a State or Territory, or the commanding general of the militia of the District of Columbia, to pay to the quartermaster-general, or such other officer of the militia as may be duly designated and appointed for the purpose, so much of the allotment under the annual appropriation authorized by section 1661, Revised Statutes, as amended, as shall be necessary for the payment of subsistence, transportation, and other expenses of such portion of the organized militia as may be engaged in encampments, etc.

Mr. HULL of Iowa. Mr. Speaker, as to that amendment, the Senate receded, and that has gone out of the bill by reason of

the adoption of the conference report. I think, as there has been such an immense number of telegrams showered upon Congress, it is only fair for me to extend my answer to the gentleman enough to say that section 1661 of the Revised Statutes is the one that provides for arms, ammunition, clothing, camp and garrison equipage of the militia of the several States. It is a specific and annual appropriation that goes on from year to year for the maintenance of the militia. Congress some years ago adopted as part of the law a provision that the maneuvers should be provided for in a separate item, and the money paid out for maneuvers to the milita must be appropriated by Congress. This year we gave to the milita every dollar asked for for maneuvers. We increased it $350,000 more than ever was appropriated in any one year before by Congress.

Now, this proposition comes up, and proposes to let the governors of the States, backed by their adjutants-general, take out of the permanent appropriation for arms, ammunition, clothing, and camp and garrison equipage whatever they may desire of that four millions and divert it to the maneuvers from year to year when authorized by Congress. The committee of the House and of the Senate had no difference of opinion when we discussed it that such a proposition was bad legislation, and that no state officer should ever have the power to divert funds provided by Congress for a specific purpose to any other purpose than that for which the Congress appropriated that money. So, on a full discussion there was no difference of opinion between the two Houses, and the Senate receded.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Iowa [Mr. HULL] a question or two. How many more officers are there in the army that served during the civil war?

Mr. HULL of Iowa. I could not answer that because I did not take any pains to look it up, but I think not a very large number.

Mr. CLARK of Missouri. Nearly all get some kind of promotion before they get out?

Mr. HULL of Iowa. My understanding is that Charles Morton's place is already filled by an officer, a colonel, who has been selected, and that he does not come under the clause provided for here at all, and could not. There will be no other vacancies at all, in my judgment, until the civil-war men are all retired. All civil-war men of a lower grade will have been retired, and it is impossible for them to have served the year that is required here. So I assume that the department is correct in saying that these five close up this line of legislation; at least, that is, all that are on all fours with what we have done before.

Mr. CLARK of Missouri. Is it the settled policy to keep up this process of retiring officers in the army at the age of 64, or is there any possibility of repealing that?

Mr. HULL of Iowa. That is the law, and I think there is no possibility of repealing it. I will say to the gentleman that a great many officers at 64 are just as competent as at any other period of their lives.

Mr. CLARK of Missouri. That is what I think myself.

Mr. HULL of Iowa. Some of them are more competent than younger men; but you stop the flow of promotion entirely when you do away with the age limit.

Mr. CLARK of Missouri. What difference does that make?

Mr. HULL of Iowa. It makes a great difference. They come here and get relief on what they call their "humps," as you gave them to the navy, by providing for compulsory retirement if they do not reach a certain grade before attaining a certain age.

Mr. CLARK of Missouri. How many are on the retired list?

Mr. HULL of Iowa. I should say several hundred.

Mr. CLARK of Missouri. There are enough to make a regiment, are there not?

Mr. HULL of Iowa. Not so many as that; but they would make a very good battalion.

Mr. CLARK of Missouri. Why does not the Government take these retired officers and put them to drilling boys throughout the country?

Mr. HULL of Iowa. Because those in charge of the boys do not want them. There is no school in the United States that will take a retired officer as an original proposition if they can possibly avoid it.

Mr. CLARK of Missouri. If the War Department had sense enough to refuse to furnish them officers on the active list, they would be glad to get these retired officers, would they not?

Mr. HULL of Iowa. They have some. They have one retired officer, I think, in Illinois, who is very satisfactory.

Mr. MANN. He was not retired for age.

Mr. HULL of Iowa. The schools want a younger man and a more active man than a man over 64 years of age.

Mr. CLARK of Missouri. Nobody cares what the schools want. The business of a Congressman is to do the best he can for the country, and I am in favor of having a thoroughly drilled militia in the United States of a million men, so that if we ever have another war we will have an army, and these retired officers might as well be drilling these boys as sitting around and sucking their thumbs.

Mr. HULL of Iowa. There is a bill before the House relative to rifle practice containing similar features, and the gentleman will probably have an opportunity to vote on that later.

Mr. SLAYDEN. In reference to the inquiry of the gentleman from Missouri [Mr. CLARK], that an active, healthy, able-bodied, clear-headed officer should not be retired because he has reached the age of 64, I want to say that, so far as there is any probability of the repeal of that law, the great influence of the administration is now being exercised and pressure is being brought to bear upon the Congress to even go further to accelerate promotions, to establish elimination by which many officers, and efficient men, I believe, too, will be put out of the army for the purpose of securing a more rapid flow of promotion. I believe, as the gentleman from Missouri [Mr. CLARK] evidently believes, that retired officers, regardless of the wishes of the superintendents of these schools, should be put to work in the schools. I know from personal letters I have received——

Mr. HULL of Iowa. I do not like to yield out of this hour for a discussion on something that is not before us at all.

Mr. SLAYDEN. All right, Mr. Speaker; I have said all I want to say.

Mr. HULL of Iowa. Mr. Speaker, how much time have I remaining?

The SPEAKER. Thirty-two minutes.

Mr. HULL of Iowa. I yield three minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER. Mr. Speaker, it is a grief to me not to be able to vote to recede and concur in the Senate amendment, because I know some of these gentlemen, and I love them and admire them as officers and for themselves. But so far from being a discrimination against them if this amendment be rejected, it is a discrimination in favor of them if the amendment be accepted. There are hundreds of gallant officers upon the retired list, not only brigadier-generals, but majors and colonels, and there are thousands of others who served throughout the war who are on no retired list whatever, and all are equally entitled to our kindness. They include men who have given as long and gallant years of good service before, in, and after the war. Because these five officers have had the good fortune and favor before they were 64 to be chosen as brigadier-generals, and to serve and be paid one year as such, is no reason that we should further promote them as major-generals over colonels who were alongside them in the war, and did perhaps just as good service. [Loud applause.] Now, I have said all that I have to say. It is a grief to vote against any good friend and officer in the army, and against giving him any rank that is possible; but special bills for the giving of rank should be discouraged by this House, not only because they are always unfair, but because such bills destroy the spirit of any army. [Loud applause.] Any army of officers that feel they can get rank by favor of Congress is no longer an army of officers.

I can not approve this special bill or provision to confer special rank. I can not vote for it.

Mr. SULZER. I ask the gentleman from New Jersey if he did not vote for a similar bill—the act of March, 1907?

Mr. PARKER. I did.

Mr. SULZER. Then, why does the gentleman vote against an identical provision in this bill?

Mr. PARKER. Because I repented the moment I had voted for that act. [Laughter and applause.]

Mr. MADDEN. Mr. Speaker, it seems to me that the enactment of this clause of this bill will operate as a great injustice against the men who are in the ranks of the army; men who are in line for promotion—who should be promoted on merit. This will prohibit them from getting the promotion to which they are entitled by reason of their service, because it fills the places to which they ought to be promoted. To promote a man and pay him more when retired than when on the active list is an injustice to the other officers of the army. It seems to me there ought not to be two ideas in this House as to what should be done with this proposition. The conferees should be sent back with instructions to insist upon the position of the House, and to insist upon the elimination of this amendment which was placed in the bill by the Senate.

Mr. SULZER. I assume from the gentleman's argument that he is opposed to rewarding merit?

Mr. MADDEN. I am opposed to rewarding anybody as a matter of favor. If any man has performed distinguished service for his country and is deserving of reward because of that distinguished service, I will be one of the first men on this floor to vote to reward him.

Mr. SULZER. Then the gentleman will vote for this amendment.

Mr. MADDEN. I am opposed to rewarding men merely because they think they have influence. Let them stand upon their own merits. Let them secure their promotion in accordance with the rules of the army; let Congress keep its hands off all questions of this kind, and give every man who has the honor to serve as an officer in the army equal opportunity for promotion. [Loud applause.]

Mr. HULL of Iowa. Just one correction of the gentleman's remarks, where he says this gives the men more on the retired list than when on the active list. That is not quite correct.

Mr. MADDEN. How near to it?

Mr. HULL of Iowa. It would be the same pay proper, but the allowances are not given any longer, and that amounts to several hundred dollars.

I now yield ten minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I think there is some misapprehension on the part of some gentlemen who have recently spoken on this amendment as to the retirement provision of this bill. The amendment provides for officers going upon the retired list, and does not undertake to make up an army of officers for active service at all. These men are to be promoted and retired, and the proposed proviso applies simply to a few officers and gives them the right to be retired with the honor of the increased rank and with the increased retired pay, if you please. The latter is a very important part to a man who has served all his life in the army, who has a wife and family to provide for, an officer who is getting old and frail and feeble, and with a family dependent upon him, who has not accumulated anything during that period, even though he has lived with great economy all his life.

It is not a question of preference, because to retire officers with an increased rank will make way for somebody else to come up to the rank which the retired officer formerly held. So it is not unjust to those who remain on the active list in the army.

Having said that much, I feel it to be my duty to vote for this provision, not because I think it works out equitably and justly all around in the matter of retiring officers of the army, for there are very many officers on the retired list who are just as worthy by reason of active field service during the civil war as the men who will be promoted if this provision becomes a law; but as we all know it is impossible to work out justice in every case.

There are men on the active list in the army now who served long in the civil war and with credit. If they were not officers in all cases they still served with distinguished credit. I know a man in the United States Army now who ought to be a brigadier-general, and should have been long ago, who served in the civil war when almost a child. He was in the battle of Chickamauga, and other battles in 1863, when 12 years of age. He was small for his age then. He served to the end of the war without having any chance to get a good education. He afterwards aspired to go to West Point, and I will tell you how he went through that institution. He solicited, shortly after the civil war, of General Grant, when President of the United States, an appointment as a cadet at West Point. President Grant promised it to him as soon as he was old enough and felt ready to take the required examination. When later he notified President Grant that he was ready to try to get into the Military Academy as a cadet, General Grant nominated him as a cadet as he had promised. This young man started from his western home and went to West Point, where he underwent the examination, physical and mental, and the old board up there passed upon it and rejected him on every known ground. He was too short, he did not weigh enough, and he failed in mathematics and literature, and in everything else. On his way homeward he came to this city, called on President Grant, and succeeded in getting into the cabinet room, found Grant there alone, thanked him for the opportunity that had been given him to get into the United States Army as an officer, and told the President that he had been unfortunate and had failed in his examination and must go home and resume some other occupation than that of a soldier. Grant, in an assumed, cold, stern way, told this ambitious young man and soldier that he was glad he had failed in his examination. That was not very consoling to a broken-hearted, ambitious, patriotic soldier boy; but before he left, Grant wrote a little card and put it in an envelope and asked this young man to take it over to the War Department to the Secretary of War. He carried it over as requested, and he said as soon as he handed the envelope to the Secretary, the Secretary was very polite to him, asked him to take a seat, paid him great respect, and immediately made out an appointment for him as a second lieutenant in the army of the United States. He is to-day the senior colonel in the Quartermaster's Department of the United States Army—John L. Clem. [Applause.] He has served all along the line with distinction; chief quartermaster at Porto Rico, chief quartermaster for a number of years in the Philippines. He has been a military instructor at a great university. He acquired an education and became an accomplished officer. I saw him last when he was chief quartermaster on the Pacific slope, and he is now serving in the line of his duty with great distinction. He might be retired as a brigadier-general or a major-general and do credit to this country; but we can not do justice to all the deserving officers and soldiers of the great civil war and all along the line. According to my habit and the precedent of my past votes, I shall be obliged to vote for this amendment, notwithstanding it works out inequality in particular cases.

Mr. HULL of Iowa. Mr. Speaker, I ask the gentleman from New York if he desires to move to recede and concur?

Mr. SULZER. Mr. Speaker, I move to recede and concur.

The SPEAKER. The gentleman from New York [Mr. SULZER] moves that the House recede from its disagreement to the Senate amendment and concur in the same, which motion takes precedence.

The question was taken, and on a division [demanded by Mr. SULZER] there were—ayes 52, noes 43.

Mr. MANN and Mr. MADDEN demanded tellers.

Tellers were ordered, and the Speaker appointed Mr. MANN and Mr. SULZER.

The House again divided, and the tellers reported—ayes 51, noes 70.

Mr. SULZER. The yeas and nays, Mr. Speaker.

The yeas and nays were refused, not a sufficient number seconding the demand.

Accordingly the motion to recede and concur was rejected.

Mr. HULL of Iowa. I move that the House insist on its disagreement and agree to the conference asked by the Senate.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House, Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER.

PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that bills on the Private Calendar in order to-day may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

WILLIAM KEYES.

The first bill on the calendar was the bill (S. 4672) to correct the military record of William Keyes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the records of the War Department against the name of William Keyes, late private in Company B, One hundred and forty-second Regiment New York Volunteer Infantry, and to grant him an honorable discharge from said organization: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws William Keyes shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, One hundred and forty-second Regiment New York Volunteer Infantry, on the 30th day of October, 1864: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BRADLEY, the title was amended so as to read: "An act for the relief of William Keyes."

PETER FLEMING.

The next business on the Private Calendar was the bill (S. 2445) an act for the relief of Peter Fleming.

The Clerk read the bill, as follows:

Be it enacted, etc., That Peter Fleming, late private in Battery E, Third United States Artillery, be, and he is hereby, declared to be entitled to admission to the National Home for Disabled Volunteer Soldiers, or any branch thereof.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Peter Fleming, now a resident of Colorado, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery E, Third Regiment U. S. Artillery, on the 8th day of May, 1864: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

JAMES J. ELLIOTT.

The next business on the Private Calendar was the bill (H. R. 1324) for the relief of James J. Elliott.

The Clerk read the bill, as follows:

Be it enacted, etc., That James J. Elliott shall be held and considered to have been mustered into the service of the United States on September 15, 1864, as of Company E, Seventh Regiment Tennessee Mounted Infantry Volunteers, and to have been honorably discharged from said service on January 25, 1865, and that the Secretary of War is hereby authorized and directed to place his name on the rolls of said organization and to grant him an honorable discharge therefrom.

The following committee amendment was read:

Add at the end of the bill the following:

"*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES M'KENZIE.

The next business on the Private Calendar was the bill (H. R. 3348) for the relief of James McKenzie.

The Clerk read the bill, as follows:

Be it enacted, etc., That James McKenzie be held and considered to have been honorably discharged from Company D, First Battalion, Eleventh United States Infantry, as of date of August 26, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James McKenzie, now a resident of Iowa, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company D, First Battalion, Eleventh Regiment United States Infantry, on the 26th day of August, 1865: *Provided*, That no pension shal accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DANIEL H. WIGGIN.

The next business on the Private Calendar was the bill (H. R. 16824) for the relief of Daniel H. Wiggin.

The Clerk read the bill, as follows:

Be it enacted, etc., That Daniel H. Wiggin shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private of Company B, Third Regiment New Hampshire Volunteer Infantry, on the 23d day of August, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Daniel H. Wiggin, now a resident of New Hampshire, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Third Regiment New Hampshire Volunteer Infantry, on the 1st day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GEORGE W. FLACK.

The next business on the Private Calendar was the bill (H. R. 17838) for the relief of George W. Flack.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws George W. Flack shall be deemed and taken to have been honorably discharged from the military service of the United States as a private of Company I, Fifth Regiment United States Veteran Volunteers, on the 13th day of June, A. D. 1866.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, George W. Flack, now a resident of Pennsylvania, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Fifth Regiment United States Veteran Volunteer Infantry, on the 16th day of June, 1866: *Provided*, That no pension shall accrue prior to the passage of this act."

Mr. MANN. Mr. Speaker, I raise the point of order that this bill can not be considered to-day for the purpose of getting a ruling upon this class of bills. The rules provide:

The second and fourth Friday in each month, after disposal of such business on the Speaker's table as requires reference only, shall be set apart for the consideration of private pension bills, bills for the removal of political disabilities, and bills to remove charges of desertion.

This bill is a bill providing that in the administration of the pension laws George W. Flack shall be deemed and taken to have been honorably discharged from the military service. Of course, it is in order to-day only on one of two grounds—either that this bill removes the charge of desertion, or it is a bill granting a pension.

The Committee on Military Affairs, I notice, has adopted this form of bill in preference to the form of bill that used generally to be used directly removing the charge of desertion.

Personally, I think the present form is much superior to the old form. Of course if this bill is in order to-day it would not be in order on the day that claims or war claims are in order. If it is not in order to-day it would be in order on those days. I raise the question solely for the purpose of having a ruling, in order that the House and Clerk may know what day these bills shall be considered. Plainly, they are in order on one of the Fridays.

The SPEAKER. The Chair is inclined to hold that this bill and amendment would substantially be entitled to consideration to-day as a pension bill. It provides—

That in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, George W. Flack, now a resident of Pennsylvania, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Fifth Regiment U. S. Veteran Volunteer Infantry, on the 16th day of June, 1866: *Provided*, That no pension shall accrue prior to the passage of this act.

Now, that does not change the record. The greater includes the less, and the effect, in the opinion of the Chair, of this bill, if enacted into law, would be to give the soldier a pensionable status under the general law. The Chair, therefore, overrules the point of order.

The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 5702) to supplement an act entitled "An act to promote the safety of employees and travelers upon railroads," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ELKINS, Mr. CRANE, and Mr. TAYLOR as the conferees on the part of the Senate.

PATRICK SHIELDS.

The next business was the bill (H. R. 20180) for the relief of Patrick Shields.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Patrick Shields, now a resident of New York, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first sergeant of Company B, Sixty-second Regiment New York Veteran Volunteer Infantry, on the 5th day of January, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following amendment:

Line 10, strike out the word "fifth" and insert in lieu thereof the word "fourteenth."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

CIVIL WAR PENSIONS.

The next business was the bill (H. R. 21108), granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William H. Wright, late of Company I, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Guy, late of Company A, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James L. Mayers, late of Company E, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane K. Hall, widow of James Hall, late of Company B, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William B. Britton, late major Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. Edie, late of Company L, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen Patrick, late of Company C, One hundred and ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert Carlton, late of U. S. S. Conestoga and Black Hawk, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin Cowell, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rachel Turner, widow of John L. Turner, late of Company I, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Freddie Turner, helpless and dependent son of said John L. Turner, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rachel Turner, the name of said Freddie Turner shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Rachel Turner.

The name of Barbara A. Bacon, former widow of Clark W. Dewell, late of Company D, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas Henderson, late of Company K, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas S. Coley, late of Company H, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Strawn, late of Company B, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Hughes, late of Company F, Thirteenth Regiment, and Company D, First Regiment, Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elwood W. Coleman, late of Independent Battery A, Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herman Ecke, late of Company E, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George G. Morrison, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. V. Kelly, late of Company G, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sumner Cummings, late of Nineteenth unattached company, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick W. Verkins, late of Company F, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos W. Littlejohn, late of Company H, Sixth Regiment Indiana Volunteer Cavalry, and Company G, One hundred and fifteenth Regiment, Company F, Eighty-fifth Regiment, and Company F, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward K. Chapman, late of Company E, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliab Averill, late of Company G, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph T. Duffy, late of Company E, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Harriet L. Burwell, former widow of Prescott B. Burwell, captain Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Carlton D. Hays, late of Company K, One hundred and sixty-ninth Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah D. Drew, widow of John Drew, late of Company B, Thirteenth Regiment New Hampshire Volunteer Infantry, and Company A, Sixth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of William McMannis, late of Company E, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nelson Haggerty, late of Company K, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Russett, late of Company G, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Lawa, late of Company K, Twelfth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Doty, late of Company B, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi E. Eames, late of Company G, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anton Wolf, late of Company D, Ninth Regiment, and Company I, Eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Huffman, late of Company A, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Davis, late of Companies D and B, One hundred and fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Stallard, late of Company K, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alvin Eckley, late of Company E, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Young, late of Company H, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marion Vandiver, late of Company B, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Roswell B. Gotham, late of Company G, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip S. Fletcher, late of Battery D, West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James P. Hill, late of Company B, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben G. Kingsland, late of Seventh Independent Battery Wisconsin Volunteer Light Artillery, and first lieutenant Battery I, Second Regiment United States Colored Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James C. Boyle, late of Company A, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catherine L. Willis, widow of Robert M. Willis, late of Company G, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Santford S. Liller, late of Company K, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Pulver, late of Twelfth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Silas A. Lambert, late of Company C, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. King, late of Company A, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Blachly, late of Company H, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob B. Davis, late of Company C, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph A. Brown, late of Company B, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Pack, late of Company B, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Pruette, late of Company C, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Detty, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Darwin S. Curtis, late of Company E, One hundred and twenty-ninth Regiment, and Company G, One hundred and seventy-fourth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Lemon, late of Company E, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas R. Harris, late of U. S. S. Princeton, Linda, and Delta, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Zirkle, late of Company F, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jerome T. Richter, late of Company D, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Campbell, late of Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha R. Griswold, widow of John M. Griswold, late captain Company B, Forty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of McKager Lowhorn, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Henderson, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Smith, late of Companies B and M, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Mallonee, late of Company I, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Albert N. Barnes, late of Company B, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. G. Thompson, late of Company G, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Bollinger, late of Company E, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Holton, late second lieutenant Company B, Sixtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William B. Whitcomb, late of Company B, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza A. Elliott, widow of Jonathan Elliott, late second lieutenant Company I, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Solomon M. Price, late of Company M, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Stultz, late of Company C, First Regiment Pennsylvania Volunteer Infantry, and Company C, Thirty-eighth Regiment Pennsylvania Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar N. Greer, late of Company G, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McGowen, late of Company H, One hundred and twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alonzo C. Grout, late of Company G, Sixth Regiment Massachusetts Volunteer Infantry, and Company A, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Billmyer, late of Company K, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert O. Whitten, late of Company I, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Schachleiter, late of Company G, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Miller, late of Company G, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Jones, late of Company F, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Zacheus B. Fifield, late first lieutenant and adjutant, Ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Baker Mote, late of Fourteenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Pangburn, late of Company H, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Burns, late of Company G, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles G. Cochran, late of Company G, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Rosenbarger, helpless and dependent child of Philip Rosenbarger, late of Company A, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Hiram M. Waltman, late of Company D, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Johnson, late of Company G, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Terwilliger, late of Company E, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Lewis, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John D. Moore, late second lieutenant Company A, Eighty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Flynn, late of Company K, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. B. Trowbridge, late of Company C, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Woodbury, second, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Thompson, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edgar Chyle, late of Companies C and H, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Begley, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edmund Jones, late of Company H, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of August H. Strains, late of Company G, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bush, late of Company I, One hundred and sixty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jennie Benjamin, widow of William H. Benjamin, late first lieutenant Company E, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Christian S. Huishizer, late of Company C, Thirty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Hawkins, late of Company C, One hundred and twenty-eighth Regiment, and Company F, One hundred and fiftieth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben T. Putney, late of Company C, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Strickland, late of Company I, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Berry, late of Company H, Sixteenth Regiment New York Volunteer Infantry, and Company F, Twenty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Johnson, late of Company B, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Turner, late of Company F, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Whitaker, late first lieutenant and captain Company C, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of August Siederman, late of Company D, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Hilberry, late of Company B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William V. Thompson, late of Battery L, First Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen E. Webb, former widow of George H. Webb, late of Company I, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jacob F. Reamer, late of Company D, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Mitzel, late of Company A, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Gray, late of Company F, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Larimer, late first lieutenant Company C, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orlando Wood, late of Company H, Fifteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin Young, late of Company G, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Tucker, widow of Ezra Tucker, late chaplain, One hundred and eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Michael Campion, late of Company G, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Steves, late of Company I, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hamilton Lyon, late of Company F, One hundred and thirty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles G. Fisher, late of Company G, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Wilson, late of Company M, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Russell, late of Company G, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Noyes, late of Company B, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Megiemire, late of Company D, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Schiesl, late of Company A, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Hammond, late of Company G, One hundred and fifty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Rogers, late of Company B, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Doyle, late of U. S. S. North Carolina, Wabash, and Princeton, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Almon Herrick, late of Company I, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert F. Aylsworth, late of Company B, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Davis Brooks, late of Company F, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James T. Gothard, late of Company E, Sixth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward S. Kennedy, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel Martin, late of Company C, Ninth Regiment Massachusetts Volunteer Infantry, and Company C, Eighth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Conrad Baker, late of Company M, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Cary, late of Company G, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Boyer, late of Company I, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. McHenry, late of Captain Weaver's Independent Company, Pennsylvania Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Johnson, late of Company K, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fletcher M. Baldwin, late of Company D, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Job Ingram, late of Company I, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josiah T. McKee, late of Company E, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Sloan, late of Company E, Thirty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis H. Crist, late of Company C, Third Regiment Pennsylvania Volunteer Heavy Artillery, and Company I, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Mitchell, late of Company G, Fifteenth Regiment, and Company G, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Mullin, late of Company I, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Valentine, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas C. Dunaway, late of Company F, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher Clarkson, late of Company I, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Sturch, late of Company H, Twenty-fourth Regiment Missouri Volunteer Infantry, and Battery D, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary McNally, widow of Patrick McNally, late major, Second Regiment Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of David H. Ebbert, late of Company I, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel Vernum, late of Company C, Eleventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Swartwood, late of Company I, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles W. Gandy, late of Company G, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna Quinn, widow of Timothy Quinn, late major, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas McClure, late of Company F, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Phelan, late of Company H, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses Frazar, late of Company H, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Enos D. Delong, late of Company G, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred F. Stier, helpless and dependent child of Charles Stier, late of Company E, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Duncan Croy, late of Company G, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Levi S. Blasdell, late of Company D, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Richard Phillips, late of Company E, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Noah S. Jones, late of Company I, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eugene Dwight, late of U. S. S. Black Hawk and Tempest, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Victor M. Jones, now known as Victor M. Hawley, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Gatchell, late of Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel M. Maxson, late of Company B, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram McKim, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hollis L. Rich, late of Company D, Second Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Avery, late of Twenty-fourth Independent Battery New York Volunteer Light Artillery and Battery L, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mathias Bressler, late of Company H, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Hillyard, late of Company I, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Kohler, late of Company E, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jonathan Purvis, late of Company I, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan P. Eckles, late of Company G, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan M. Riffle, late of Company B, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis L. French, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George G. Robertson, late of Company A, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Lemke, late of Company C, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Snyder, late of Company F, One hundred and thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Wareham, late of Captain Tompkins's battery, Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna M. Benner, widow of Adam Benner, late of Company D, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jackson Painter, late of Captain Ford's independent cavalry company attached to the Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Albin Irey, late of Company I, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ebenezer Pruden, late of Company F, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Herbert A. York, late of Company D, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simon Smith, late of Company F, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Armon, late of Company D, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George C. Platt, late of Troop H, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Gardner, late of Company G, Thirteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas H. Shillito, late of Company A, Twenty-third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Osborn Sheely, late of Company A, Hall's independent battalion, Michigan Volunteer Sharpshooters, and Company A, First Regiment Michigan Volunteer Sharpshooters, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Keve, late of Company E, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Wolbert, late of First Battery, Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Dimmler, late of Company B, Tenth Regiment New York Volunteer Cavalry, and Company B, First Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Allard, late of Company I, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Spear, late of Company H, Twenty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Gardner, late of Company A, Ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar Law, late of Company A, First Regiment Indiana Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Spencer, late of Company E, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac N. Johnson, late captain Company H, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles J. Smith, late of Company F, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Hiatt, late of Company A, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James S. Sines, late of Company F, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Mitchell, late sergeant-major, Fifth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augustus Hubbell, late first lieutenant and regimental quartermaster, Fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John L. Abbott, late of Company D, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary C. Opdyke, widow of George W. Opdyke, late of Company I, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Calvin B. Holbrook, late of Company G, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Baker, late of Company B, Seventh Regiment New York Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wilson S. Lenhart, late of Company E, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to said committee:

H. R. 141. William Henry Wright;
H. R. 377. W. H. Guy;
H. R. 460. James L. Mayers;
H. R. 562. Jane K. Hall;
H. R. 589. William B. Britton;
H. R. 823. William H. Edie;
H. R. 1273. Allen Patrick;
H. R. 1289. Robert Carlton;
H. R. 1520. Edwin Cowell;
H. R. 1539. Rachel Turner;
H. R. 1560. Barbara A. Bacon;
H. R. 1577. Thomas Henderson;
H. R. 1591. Thomas S. Coley;
H. R. 1599. William R. Strawn;
H. R. 1626. John W. Hughes;
H. R. 1750. Elwood W. Coleman;
H. R. 1800. Herman Ecke;
H. R. 1938. George G. Morrison;
H. R. 2034. George H. V. Kelly;
H. R. 2077. Sumner Cummings;
H. R. 2317. Frederick W. Verkins;
H. R. 2415. Amos W. Littlejohn;
H. R. 2599. Edward K. Chapman;
H. R. 2609. Eliab Averill;
H. R. 2804. Joseph T. Duffy;
H. R. 2903. Harriet L. Burwell;
H. R. 2941. Caralton D. Hays;
H. R. 3028. Sarah D. Drew;
H. R. 3242. William McMannis;
H. R. 3377. Nelson Haggerty;
H. R. 3685. Charles Russet;
H. R. 3812. George Laws;
H. R. 3972. James H. Doty;
H. R. 4105. Levi E. Eames;
H. R. 4216. Anton Wolf;
H. R. 4579. James Huffman;
H. R. 4593. Harrison Davis;
H. R. 4848. John Stallard;
H. R. 4990. Alvin Eckley;
H. R. 5740. George H. Young;
H. R. 6028. Marion Vandiver;
H. R. 6086. Roswell B. Gotham;
H. R. 6094. Philip S. Fletcher;
H. R. 6197. James P. Hill;
H. R. 6248. Reuben G. Kingsland;
H. R. 6722. James C. Boyle;
H. R. 6979. Catherine L. Willis;
H. R. 7070. Santford S. Liller;
H. R. 7128. James M. Pulver;
H. R. 7210. Silas A. Lambert;
H. R. 7219. Henry C. King;
H. R. 7987. William W. Blackley;
H. R. 8088. Jacob B. Davis;
H. R. 8786. Joseph A. Brown;
H. R. 8994. William Pack;
H. R. 9343. William R. Pruette;
H. R. 9378. David Detty;
H. R. 9385. Darwin S. Curtis;
H. R. 9551. John R. Lemon;
H. R. 9677. Thomas R. Harris;
H. R. 10015. Jacob Zirkle;
H. R. 10119. Jerome T. Richter;
H. R. 10161. James Campbell;
H. R. 10306. Martha R. Griswold;
H. R. 10477. McKager Lawhorn;
H. R. 10526. George Henderson;
H. R. 10535. William A. Smith;
H. R. 10598. William A. Mallonee;
H. R. 10599. Albert N. Barnes;
H. R. 10614. John L. G. Thompson;
H. R. 11042. Alexander Bollinger;
H. R. 11146. William M. Holton.
H. R. 11167. William B. Whitcomb;
H. R. 11369. Eliza A. Elliott;
H. R. 11372. Solomon M. Price;
H. R. 11483. William H. Stults;
H. R. 11544. Oscar N. Greer;
H. R. 11722. John McGowen;
H. R. 11784. Alonzo C. Grout;
H. R. 11830. Henry Billmyer;
H. R. 11886. Robert O. Whitten;
H. R. 11950. George W. Schachleiter;
H. R. 11953. Alexander Miller;
H. R. 12007. John Jones;
H. R. 12210. Zacheus B. Fifield;
H. R. 12236. Baker Mote;
H. R. 12444. Harrison Pangburn;
H. R. 12526. Martin Burns;
H. R. 12586. Charles G. Cochran;
H. R. 12614. William Rosenberger;
H. R. 12656. Hiram M. Waltman;
H. R. 12669. Thomas Johnson;
H. R. 12681. Thomas Terwilliger;
H. R. 12785. William Lewis;
H. R. 12839. John D. Moore;
H. R. 12863. James Flynn;
H. R. 12920. John W. B. Trowbridge;
H. R. 12929. Samuel Woodbury, 2d;
H. R. 12939. Charles H. Thompson;
H. R. 13141. Edgar Chyle;
H. R. 13570. William A. Begley;
H. R. 13571. Edmund Jones;
H. R. 13825. August H. Strains;
H. R. 14008. John Bush;
H. R. 14012. Jennie Benjamin;
H. R. 14014. Christian S. Hulshizer;
H. R. 14025. William H. Hawkins;
H. R. 14053. Reuben T. Putney;
H. R. 14075. John Strickland;
H. R. 14156. Charles H. Berry;
H. R. 14240. William H. Johnson;
H. R. 14300. Henry Turner;
H. R. 14327. William H. Whitaker;
H. R. 14332. August Siederman;
H. R. 14404. James S. Hilberry;
H. R. 14460. William V. Thompson;
H. R. 14819. Ellen E. Webb;
H. R. 14905. Jacob F. Reamer;
H. R. 14990. William G. Mitzel;
H. R. 14991. Hiram Gray;
H. R. 15033. James H. Larimer;
H. R. 15062. Orlando Wood;
H. R. 15102. Calvin Young;
H. R. 15500. Mary A. Tucker;
H. R. 15507. Michael Campion;
H. R. 15512. Francis M. Steves;
H. R. 15528. Hamilton Lyon;
H. R. 15708. Charles G. Fisher;
H. R. 15745. Charles W. Wilson;
H. R. 15774. James Russell;
H. R. 15927. George W. Noyes;
H. R. 16124. John E. Meglemire;
H. R. 16171. William Schiesl;
H. R. 16269. John C. Hammond;
H. R. 16435. John Rogers;
H. R. 16689. Thomas Doyle;
H. R. 16707. Almon Herrick;
H. R. 16745. Albert F. Aylesworth;
H. R. 16761. Davis Brooks;
H. R. 17037. James T. Gothard;
H. R. 17043. Edward S. Kennedy;
H. R. 17112. Daniel Martin;
H. R. 17146. Conrad Baker;
H. R. 17191. John Cary;
H. R. 17348. Samuel Boyer;
H. R. 17354. William A. McHenry;
H. R. 17667. Thomas J. Johnson;
H. R. 17677. Fletcher M. Baldwin;
H. R. 17684. Job Ingram;
H. R. 17782. Josiah T. McKee;
H. R. 17809. John S. Sloan;
H. R. 17822. Lewis H. Criat;
H. R. 17912. John G. Mitchell;
H. R. 17933. George W. Mullen;
H. R. 18038. James Valentine;
H. R. 18084. Thomas C. Dunnaway;
H. R. 18104. Christopher Clarkson;
H. R. 18117. William W. Sturch;
H. R. 18141. Mary McNally;
H. R. 18184. David H. Ebbert;
H. R. 18191. Samuel Vernum;
H. R. 18322. Thomas Swartwood;
H. R. 18499. Charles W. Gandy;
H. R. 18520. Anna Quinn;
H. R. 18545. Thomas McClure;
H. R. 18579. John Phelan;
H. R. 18648. Moses Frazar;
H. R. 18651. Enos D. De Long;
H. R. 18754. Alfred F. Stier;
H. R. 18771. Duncan Croy;
H. R. 18787. Levi S. Blasdell;
H. R. 18799. Richard Phillips;
H. R. 18801. Noah S. Jones;
H. R. 18820. Eugene B. Dwight;
H. R. 18821. Victor M. Hawley;
H. R. 18910. Jacob Gatchell;
H. R. 18982. Daniel M. Maxson;
H. R. 18995. Hiram McKim;
H. R. 18998. Hollis L. Rich;
H. R. 18999. John Avery;
H. R. 19114. Mathias Bressler;
H. R. 19158. George W. Hilliard;
H. R. 19190. William Kohler;
H. R. 19300. Jonathan Purvis;
H. R. 19315. Nathan P. Eckles;
H. R. 19332. Jonathan M. Riffle;
H. R. 19346. Francis L. French;
H. R. 19371. George G. Robertson;
H. R. 19433. Henry Lemke;
H. R. 19474. William Snyder;
H. R. 19519. John Wareham;
H. R. 19573. Anna M. Benner;

H. R. 19584. Jackson Painter;
H. R. 19594. Albin Irey;
H. R. 19722. Ebenezer Pruden;
H. R. 19743. Herbert A. York;
H. R. 19768. Simon Smith;
H. R. 19769. William Armon;
H. R. 19801. George C. Platt;
H. R. 19820. William Gardner;
H. R. 19858. Thomas A. Shillito;
H. R. 19980. Osborn Sheely;
H. R. 19981. Henry A. Keve;
H. R. 19982. William R. Wolbert;
H. R. 19990. Charles Dimmler;
H. R. 19997. William H. Allard;
H. R. 19998. John H. Spear;
H. R. 19999. William C. Gardiner;
H. R. 20064. Oscar Law;
H. R. 20067. Benjamin F. Spencer;
H. R. 20121. Isaac N. Johnston;
H. R. 20301. Charles J. Smith;
H. R. 20315. John J. Hiatt;
H. R. 20335. James S. Sines;
H. R. 20341. William Mitchell;
H. R. 20342. Augustus Hubbell;
H. R. 20350. John L. Abbott;
H. R. 20388. Mary C. Opdyke;
H. R. 20424. Calvin B. Holbrook;
H. R. 20513. John G. Baker; and
H. R. 20534. Wilson S. Lenhart.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The next business was the bill (S. 6072) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Moses Ashenfelter, late of Company I, Seventy-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anthony L. Bledsoe, late of Company H, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dewitt C. Gardner, late of Company K, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Simon Jenson, late of Company G, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Kinney, late of Company F, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Moore, late of Company I, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Clegg, helpless and dependent son of John Clegg, sr., late of Company C, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Peter Vandyke, late of Company G, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William P. Lovejoy, jr., late of Company G, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Carr Nicholas, late of Company B, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Rodgers, late of Company F, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Lewis, late of Company F, Seventeenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Benjamin S. Wilbur, late of Company I, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Edson, late of Company C, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. Parker, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Knight, late of Company M, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph B. Fearon, late of Company A, First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel W. Upright, late of Companies A and L, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Mann, late of Company G, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas A. Crouch, late of Company A, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse Hiner, late of Company D, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Flier, late of Company E, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Millard F. Lash, helpless and dependent son of Jacob S. Lash, late of Company H, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Francis M. Linn, late of Company A, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and Companies H and I, Mississippi Marine Brigade, Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Mallo, late of Company B, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James I. Moss, late of Company D, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver F. Pettibone, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel W. Hart, late of Company H, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Hoskin, late of Company F, Seventh Regiment Ohio Volunteer Infantry, and Company I, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Kate Gorham, widow of James Gorham, late of Company A, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward Waltemeyer, late of Company D, First Regiment Maryland Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph B. Driesbach, late of Company F, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Congdon, late of Company E, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Walter Smith, late of Company M, Eighteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas H. Brown, late of Company F, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Shute, late of Company A, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Stewart, late of Company E, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cassle Thompson, late of Company K, Forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Sager, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles J. Decker, late of Company G, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harrison Sloggy, late of Company B, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel W. Ingersoll, late of Company B, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas E. Stanley, late of Twentieth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Enos, late of Company D, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Golden, late of Company H, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison L. McGinnis, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliot J. Hotton, late of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram D. Brown, late of Company F, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Williauer, late of Company E, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Stanley, late of Company K, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Hemmant, late second lieutenant Company A, One hundred and twenty-first Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse F. Snow, late of Company D, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Muncy, late of Company G, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin Kerns, late of Company F, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Slates, late of Company A, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Woodford, late of Company F, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Fagan, late of Company A, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asa B. Henry, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gus D. Robison, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry G. Pickens, late of Company F, Ninth Regiment West Virginia Volunteer Infantry, and Company F, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Bishop, late of Company G, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John French, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gates Saxton, late of Company H, Fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Tilman P. Edgerton, late of Companies D and B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred H. Livingston, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and Companies G and C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Vinyard, late of Company G, Thirty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hubert Steimel, late of Company H, Cole County, Mo., Home Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Hamilton, late of Battery K, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Hinman, late of Company I, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Hewson, late of Company K, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hannah J. Dinsmore, widow of Marquis D. L. Dinsmore, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John M. Johnson, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. McCormick, late acting ensign, U. S. S. Ottawa, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Volney J. Shipman, late captain Sixth Company, First Battalion, New York Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christian R. Shirey, late of Company D, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Robertson, late of Company L, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas R. Buxton, late of Companies H and D, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen Thrasher, late of Company K, Fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Shoemaker, late of Company E, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias H. Funk, late of Company I, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Allen, late of Company H, Eighth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Johnson, late of Company L, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Margaret J. Davis, widow of Frederick A. Davis, late hospital steward, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Hasty, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ozen B. Nichols, late of Company I, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson Carter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Crisley G. Hagan, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Heathfield, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Wheeler, late of Company K, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Alyea, late of Company A, Twelfth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William D. W. Pringle, late first lieutenant and adjutant, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William O'Brien, late of Company A, One hundred and ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gertrude Smith, widow of John Smith, late of Company C, Third Regiment Pennsylvania Reserve Volunteer Infantry, and Companies F and B, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jacob H. Wolcott, late of Company D, Twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Andrews, late of Company I, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Johnson, jr., late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, and Company B, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Napoleon B. Neal, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David S. Green, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Olds, late of Company D, Forty-second Regiment Illinois Volunteer Infantry, and One hundred and fifty-sixth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McGlone, late of Company D, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph L. Kitchen, late musician, band, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Taylor, late of Company C, Twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martin W. Frisbie, late of Company E, Twentieth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marcus M. Chatfield, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Auld, late of Company B, Seventieth Regiment New York Volunteer Infantry, and captain Company K, First Regiment North Dakota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Kerr, late of Company B, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George L. Duston, late of Company G, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick D. Reed, late of Company K, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Early, late of Company K, Fourth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Teagarden, late of Company D, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred N. Scott, late of Company I, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charlese H. Bartlett, late of Company H, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James C. Watson, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James A. Edsall, late of Company F, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ella F. Laverty, widow of Oliver P. Laverty, late of Company E, Twenty-fifth Regiment Massachusetts Volunteer Infantry and unassigned Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Allen Osborn, late of Company D, First Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eli Estridge, late of Company C, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Stephens, late of Company C, Gasconade County, Missouri Home Guards, and pay him a pension at the rate of $12 per month.

The name of Margaret Dempsey, widow of John Dempsey, late of Company A, Sixty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Leonard Briggs, late second lieutenant Company I, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Kimmel, late of Company B, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Wharton, late of Company E, Seventh Regiment Wisconsin Volunteer Infantry, and Second Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catharine O'Keeffe, widow of Daniel O'Keeffe, late of Company K, Ninty-ninth Regiment New York National Guard Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph Thomas, late of Company B, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Thomas, late of Company A, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Leonard, late of Company H, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wilson Hoag, late of Company A, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Addison L. Ewing, late captain Company I, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gillis J. McBane, late of Company G, and sergeant-major Seventy-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aaron Richardson, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Catlin, late commissary-sergeant, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George P. Price, late of Company F, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Marshall, late of Company D, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Roberts, late of Battery C, First Regiment Ohio Volunteer Light Artillery, and Company B, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Jeremiah Thomas, late of Company A, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alfred M. Buttolph, late of Company D, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harrison T. Wilson, late of Company A, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Davis, late of Company I, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Gunnels, late of Company K, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Ream, late of Company C, Thirty-third and Thirty-fourth Regiments Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles J. Jenner, late of Company F, Seventh Regiment Michigan Volunteer Cavalry, and Company D, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Augustus Parish, late of Company C, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theodore Hardeland, late of Company L, First Regiment New York (Lincoln) Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Harris, late of Company E, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ursula Dickinson, widow of Hiram L. Dickinson, late of Company G, One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Milton Nourse, late of Company G, Forty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nellie A. Farrell, widow of John E. Farrell, late of Thirtieth Unassigned Company Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary E. McKeen, widow of Salmon McKeen, late of Company B, Fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph Dudley, late of Company F, Thirty-second and Thirty-first Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna P. Daggett, widow of Converse R. Daggett, late of Company G, Twenty-third Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cecilia E. Griffith, widow of David D. Griffith, late of Company H, Twenty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles H. Ellis, late of U. S. S. Supply, Savannah, and Wachusett, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Plunkett, late of Company D, Fourth Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis T. Pierce, late of Company K, Fifty-sixth Regiment Massachusetts Volunteer Infantry, and Two hundred and forty-sixth Company, First Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Hanthorn, late of Company B, Seventy-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Rowe, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Mills, late of Captain Walker's company, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward L. Allen, late of Company H, Thirteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry A. Van Dalsem, late of Company A, One hundred and fifty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Judson N. Willis, late of Company H, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Markward, late of Company C, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frederick Basford, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius V. Vansyckel, late of Company C, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stillman P. Cannon, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and One hundred and sixty-eighth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Cole, late of Company C, Second Regiment, and Company D, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathaniel W. Davis, late of Company F, Fourth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Dowd, late of Company G, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matthew B. White, late of Company C, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert P. Murray, late of Company C, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pope Catlin, late of Company C, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lawrence Usher, late of U. S. S. Florida, Catskill, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram H. Heath, late of Company A, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Townley, late of Company D, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Tyson, late of Company D, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Jordan, late of Company C, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry R. Millett, late first lieutenant Company G, and captain Company E, Twenty-ninth Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo J. Nevers, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William O. Needham, late of Company G, Thirty-second and Thirty-first Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph H. Holbrook, late of Company I, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Parker J. Rhoades, late of Company H, Fifteenth Regiment Ohio Volunteer Infantry, and Company D, Seventeenth Regiment, United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles S. Davis, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Snow, late of Company H, Twenty-third Regiment Massachusetts Volunteer Infantry, and Company H, Twenty-first Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Campbell, late of Company A, One hundred and fifth Regiment, and first lieutenant Company B, Two hundred and sixth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Crayon, late of Company A, Seventh Regiment Illinois Volunteer Infantry, and Company K, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Reynolds, late of Company I, Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan W. Haskell, late of Company I, Forty-ninth Regiment Massachusetts Militia Infantry, and Company D, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Sharp, late of Company A, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Kitchell, No. 1, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harrison C. Wells, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George R. Knapp, late of Company K, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli E. Peck, late of Company B, Seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick O. McPherson, late of Company E, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Carrigan, late of Battery A, Second Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. James, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amasa S. Condon, late of Company E, Sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Grissom, late of Company F, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah A. Musgrave, widow of Job Musgrave, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That, in the event of the death of Mont. J. Musgrave, helpless and dependent child of Job Musgrave, the addi-

tional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah A. Musgrave the name of said Mont. J. Musgrave shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Sarah A. Musgrave.

The name of Joseph F. Healey, late of Company D, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Dobson, late of Company G, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Corwin F. Camp, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leicester P. Riley, late of Company F, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and of U. S. S. Fort Hindman, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. McKinley, late of Company H, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James M. Merritt, late of Company K, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Hester, late of Company C, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Foster D. McKibben, late of Company D, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Pierce, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Cullen, alias George Farrand, late of Company G, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Haymond J. Powers, late of Company H, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. O'Harnett, late of Company D, Fifteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Bishop, late of Company G, Fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Douglass, late of Company D, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Getchel, late of Company D, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Burroughs, late of Company B, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph P. Redman, late of Company H, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John D. Harker, late of Company B, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nebet Hickman, late of Company E, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William McCoy, late of Company D, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. S. Wellis, late of Company F, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Henshaw, late captain Company K, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Austin B. Wells, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Crooks, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Christie, late of Company H, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Elliott, late of Company D, Second Regiment Wisconsin Volunteer Infantry, and Company A, Independent Battalion Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Frankhouse, late of Company F, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Carl, late of Cavalry Company A, Thirty-sixth Regiment Illinois Volunteer Infantry; Company I, Fifteenth Regiment, and Company M, Tenth Regiment, Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maurice Crimmings, late of Third Battery, Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank W. Richards, late of Company I, Sixtieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha J. Bussell, widow of John B. Bussell, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edward W. Thomas, late of Company C, Fifth Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Lloyd, late of Company C, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Price, late of Company E, Fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob C. Cumins, late of Company H, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin N. Josselyn, late of Company E, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Reither, alias Charles Debeau, late of Company I, First Regiment Pennsylvania Reserve Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isabella Morrison, widow of William Morrison, late of Battery A, First Regiment Rhode Island Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth A. Burritt, widow of Ira N. Burritt, late second lieutenant Company K, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Whipple B. Bradley, late of Company A, First Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Byron C. Barrows, late of Company C, First Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellen C. Brown, widow of James G. Brown, late of Company A, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank Howard Brown, helpless and dependent child of said James G. Brown, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen G. Brown the name of the said Frank Howard Brown shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after date of death of said Ellen G. Brown.

The name of Charles H. Schuler, late of Company I, Tenth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Andrew J. Madden, late of Company E, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Carpenter, late of Company B, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Marcellus F. Cushman, late of Company K, Seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David A. Jordan, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Allendorph, late of Company A, Second Regiment Iowa Volunteer Infantry, also of Company L, Eleventh Regiment Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen N. Perry, late of Company C, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph R. Paradise, late of Captain G. W. Smith's independent company Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey McCaskey, late of Company K, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of thirty-six dollars per month in lieu of that he is now receiving.

The name of George P. Sanborn, late of Company B, Fifteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carlton M. Rhoades, late of Company I, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Hennessy, widow of William Hennessy, late of Company B, Seventy-seventh Regiment New York National Guard Infantry, and pay her a pension at the rate of $12 per month.

The name of Sylvanus F. Westlake, late of Company H, Thirtieth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin P. Jefferis, late of Company E, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. R. Waters, late of Company G, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James R. Caudle, late of Company C, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Newell Coburn, late of Company F, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edrick Adams, late of Companies L and C, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Martin, late of Company B, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Dyson, late of Company A, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane Moore, widow of Robert Moore, late of Company D, First Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mabel Moore, helpless and dependent daughter of said Robert Moore, the additional pension hereby granted shall cease and determine.

The name of Libbie B. Smith, widow of Charles A. Smith, late lieutenant-colonel Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward A. Campbell, late of Company A, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry F. Royce, late of Company B, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David E. Stevens, alias David E. Tripp, late of Companies B and K, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aime M. Golay, late second lieutenant Company G, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet A. Wheeler, former widow of Henry Barnes, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Joseph Robinson, late of Company A, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Franklin Stotts, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, and Company A, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet V. Wheeler, widow of Daniel Edson, jr., late first lieutenant and regimental quartermaster Seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas F. Rowley, late of Company A, Twelfth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan C. Schroeder, widow of Henry T. Schroeder, late of Company A, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and first lieutenant Company B, First Regiment North Carolina Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Jessie Green, widow of Edmund Green, late of Second Battery, Vermont Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

This bill is a substitute for the following Senate bills referred to said committee:

S. 17. Moses Ashenfelter;
S. 19. Anthony L. Bledsoe;
S. 29. Dewitt C. Gardner;
S. 32. Simon Jenson;
S. 36. Robert Moore;
S. 54. John R. Clegg;
S. 57. Peter Vandyke;
S. 61. William P. Lovejoy, jr.;
S. 80. Carr Nicholas;
S. 139. William F. Rodgers;
S. 141. William H. Lewis;
S. 142. Benjamin S. Wilbur;
S. 144. George W. Edson;
S. 200. Samuel H. Parker;
S. 202. Thomas W. Knight;
S. 203. Joseph B. Fearon;
S. 239. Samuel W. Upright;
S. 242. George W. Mann;
S. 253. Thomas A. Crouch;
S. 265. Jesse Hiner;
S. 298. John H. Flier;
S. 340. Millard F. Lash;
S. 342. Francis M. Linn;
S. 344. Charles H. Mallo;
S. 348. James I. Moss;
S. 349. Oliver F. Pettibone;
S. 385. Samuel W. Hart;
S. 394. Charles W. Hoskin;
S. 421. Kate Gorham;
S. 444. Edward Waltemeyer;
S. 454. Joseph B. Driesbach;
S. 457. James Congdon;
S. 460. James Walter Smith;
S. 470. Thomas H. Brown;
S. 474. William C. Shute;
S. 480. Robert Stewart;
S. 570. Cassie Thompson;
S. 591. Charles W. Sager;
S. 632. Charles J. Decker;
S. 633. Harrison Sloggy;
S. 634. Daniel W. Ingersoll;
S. 643. Thomas E. Stanley;
S. 668. Charles H. Enos;
S. 679. Charles H. Golden;
S. 680. Harrison L. McGinnis;
S. 691. Eloi J. Hotton;
S. 692. Hiram D. Brown;
S. 718. Charles Willaner;
S. 722. James M. Stanley;
S. 728. Alfred Hemmant;
S. 729. Jesse F. Snow;
S. 756. George W. Muncy;
S. 757. Edwin Kerns;
S. 782. Albert Slates;
S. 790. William S. Woodford;
S. 859. John Fagan;
S. 969. Asa B. Henry;
S. 990. Gus D. Robison;
S. 1048. Henry G. Pickens;
S. 1098. William C. Bishop;
S. 1248. John French;
S. 1252. Gates Saxton;
S. 1253. Tilman P. Edgerton;
S. 1274. Alfred H. Livingston;
S. 1279. Thomas J. Vinyard;
S. 1288. Hubert Steimel;
S. 1289. George W. Hamilton;
S. 1295. Charles A. Hinman;
S. 1303. Thomas Hewson;
S. 1363. Hannah J. Dinsmore;
S. 1366. John M. Johnson;
S. 1409. William H. McCormick;
S. 1412. Volney J. Shipman;
S. 1428. Christian R. Shirey;
S. 1449. John Robertson;
S. 1457. Thomas R. Buxton;
S. 1473. Stephen Thrasher;
S. 1476. George F. Shoemaker;
S. 1700. Elias H. Funk;
S. 1733. Charles Allen;
S. 1735. Thomas Johnson;
S. 1739. Margaret J. Davis;
S. 1741. William H. Hasty;
S. 1800. Ozen B. Nichols;
S. 1847. Wilson Carter;
S. 1850. Crisley G. Hagan;
S. 1887. Charles Heathfield;
S. 1891. George H. Wheeler;
S. 1935. Andrew Alyea;
S. 2014. William D. W. Pringle;
S. 2018. William O'Brien;
S. 2026. Gertrude Smith;
S. 2035. Jacob H. Wolcott;
S. 2273. James B. Andrews;
S. 2295. William H. Johnson, jr.;
S. 2296. Napoleon B. Neal;
S. 2307. David S. Green;
S. 2315. James Olds;
S. 2333. John McGlone;
S. 2352. Joseph L. Kitchen;
S. 2355. John S. Taylor;
S. 2364. Martin W. Frisbie;
S. 2380. Marcus M. Chatfield;
S. 2383. George Auld;
S. 2384. Thomas Kerr;
S. 2435. George L. Duston;
S. 2436. Frederick D. Reed;
S. 2438. James Early;
S. 2449. George H. Teagarden;
S. 2454. Alfred N. Scott;
S. 2456. Charles H. Bartlett;
S. 2500. James C. Watson;
S. 2511. James A. Edsall;
S. 2512. Ella F. Laverty;
S. 2522. Allen Osborn;
S. 2535. Eli Estridge;
S. 2555. William R. Stephens;
S. 2557. Margaret Dempsey;
S. 2559. Leonard Briggs;
S. 2625. John H. Kimmel;
S. 2725. John Wharton;
S. 2789. Catharine O'Keeffe;
S. 2796. Joseph Thomas;
S. 2812. William Thomas;
S. 2814. Andrew J. Leonard;
S. 2816. Wilson Hoag;
S. 2819. Addison L. Ewing;
S. 2821. Gillis J. McBane;
S. 2823. Aaron Richardson;
S. 2830. Charles M. Catlin;
S. 2831. George P. Price;
S. 2845. James F. Marshall;
S. 2850. Henry Roberts;
S. 2871. Jeremiah Thomas;
S. 2874. Alfred M. Buttolph;
S. 2875. Harrison T. Wilson;
S. 2876. Richard Davis;
S. 2877. James W. Gunnels;
S. 2879. John T. Ream;
S. 2972. Charles J. Jenner;
S. 2973. Augustus Parish;
S. 2992. Theodore Hardeland;
S. 2995. John D. Harris;
S. 3034. Ursula Dickinson;
S. 3211. Milton Nourse;
S. 3263. Nellie A. Farrell;
S. 3268. Mary E. McKeen;
S. 3270. Joseph Dudley;
S. 3280. Anna P. Daggett;
S. 3293. Cecilia E. Griffith;
S. 3302. Charles H. Ellis;
S. 3303. James Plunkett;
S. 3304. Lewis T. Pierce;
S. 3307. Charles Hanthorn;
S. 3309. John W. Rowe;
S. 3345. Thomas Mills;
S. 3346. Edward L. Allen;
S. 3355. Henry A. Van Dalsem;
S. 3356. Judson N. Willis;
S. 3357. William C. Markward;
S. 3358. Frederick Basford;
S. 3359. Cornelius V. Vansyckel;
S. 3361. Stillman P. Cannon;
S. 3362. John H. Cole;
S. 3363. Nathaniel W. Davis;
S. 3364. Patrick Dowd;
S. 3366. Matthew B. White;
S. 3371. Robert P. Murray;
S. 3375. Pope Catlin;
S. 3383. Lawrence Usher;
S. 3392. Hiram H. Heath;
S. 3444. William W. Townley;
S. 3461. George Tyson;
S. 3470. Henry C. Jordan;
S. 3471. Henry R. Millett;
S. 3473. Alonzo J. Nevers;
S. 3474. William O. Needham;
S. 3475. Joseph H. Holbrook;
S. 3479. Parker J. Rhoades;
S. 3533. Charles S. Davis;
S. 3534. John W. Snow;
S. 3714. Henry C. Campbell;
S. 3745. Thomas Crayon;
S. 3809. Michael Reynolds;
S. 3810. Nathan W. Haskell;
S. 3856. William Sharp;
S. 3881. John W. Kitchell, No. 1;
S. 3936. Harrison C. Wells;
S. 3941. George R. Knapp;
S. 3954. Eli E. Peck;
S. 3981. Frederick O. McPherson;

S. 3985. John Carrigan;
S. 3995. John R. James;
S. 4000. Amasa S. Condon;
S. 4007. John W. Grissom;
S. 4027. Sarah A. Musgrave;
S. 4103. Joseph F. Healey;
S. 4126. Richard Dobson;
S. 4157. Corwin F. Camp;
S. 4223. Leicester P. Riley;
S. 4224. William H. McKinley;
S. 4229. James M. Merritt;
S. 4231. James W. Hester;
S. 4232. Foster D. McKibben;
S. 4233. James Pierce;
S. 4243. Richard Cullen, alias George Farrand;
S. 4373. Haymond J. Powers;
S. 4374. Charles H. O'Harnett;
S. 4390. George H. Bishop;
S. 4392. Joseph Douglass;
S. 4395. Andrew J. Getchel;
S. 4426. William Burroughs;
S. 4434. Joseph P. Redman;
S. 4435. John B. Harker;
S. 4449. Nebet Hickman;
S. 4451. William McCoy;
S. 4491. John C. S. Weills;
S. 4523. Charles H. Henshaw;
S. 4552. Austin B. Wells;
S. 4584. James Crooks;
S. 4591. John W. Christie;
S. 4593. Samuel Elliott;
S. 4596. Frederick Frankhouse;
S. 4598. Joseph Carl;
S. 4612. Maurice Crimmings;
S. 4634. Frank W. Richards;
S. 4636. Martha J. Bussell;
S. 4657. Edward W. Thomas;
S. 4716. Thomas Lloyd;
S. 4717. David Price;
S. 4727. Jacob C. Cumins;
S. 4734. Edwin N. Josselyn;
S. 4736. Joseph Reither (alias Charles Debeau);
S. 4739. Isabella Morrison;
S. 4859. Elizabeth A. Burritt;
S. 4864. Whipple B. Bradley;
S. 4867. Byron C. Barrows;
S. 4868. Ellen G. Brown;
S. 4870. Charles H. Schuler;
S. 4879. Andrew J. Madden;
S. 4894. George Carpenter;
S. 4895. Marcellus F. Cushman;
S. 4897. David A. Jordan;
S. 4924. John C. Allendorph;
S. 4926. Allen N. Perry;
S. 4927. Joseph R. Paradise;
S. 4939. Harvey McCaskey;
S. 4987. George P. Sanborn;
S. 5068. Carlton M. Rhoades;
S. 5083. Mary J. Hennessy;
S. 5088. Sylvanus F. Westlake;
S. 5100. Calvin P. Jefferis;
S. 5124. William J. R. Waters;
S. 5136. James R. Caudle;
S. 5168. Newell Coburn;
S. 5170. Edrick Adams;
S. 5190. John T. Martin;
S. 5194. John W. Dyson;
S. 5221. Jane Moore;
S. 5226. Libbie B. Smith;
S. 5297. Edward A. Campbell;
S. 5361. Henry F. Royce;
S. 5431. David E. Stevens (alias David E. Tripp);
S. 5442. Annie M. Golay;
S. 5448. Harriet A. Wheeler;
S. 5461. Joseph Robinson;
S. 5464. William Franklin Stotts;
S. 5540. Harriet V. Wheeler;
S. 5542. Thomas F. Rowley;
S. 5614. Susan C. Schroeder; and
S. 5740. Jessie Green.

With the following amendment:

Page 2, strike out lines 11 to 14, inclusive, as follows:

"The name of Alexander Kinney, late of Company F, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SULLOWAY. Mr. Speaker, I offer the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 7, strike out lines 9 to 12, as follows:

"The name of James Walter Smith, late of Company M, Eighteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

Page 25, strike out lines 18 to 21, inclusive, as follows:

"The name of Ursula Dickinson, widow of Hiram L. Dickinson, late of Company G, One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The next business was the bill (H. R. 21580) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John W. Lowry, late of Company F, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius Chamberlain, late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert C. Watson, late of Company G, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James C. Ayers, late of Company H, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan Goodman, late of Company I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cyrus Payne, late first lieutenant Company I, Eighteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Bowen, late of Company E, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company M, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonard Lawrence, late of Company D, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate $24 per month in lieu of that he is now receiving.

The name of Joshua F. Whipps, late of Company D, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi Williams, late of Company A, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Bennett, late of Company C, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John E. Drohan, late second lieutenant Company A, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Tucker, late of Company F, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David M. Hull, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. Smith, late of Company C, Fourteenth Regiment Indiana Volunteer Infantry, and Company C, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Gilmore, late of Company I, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and Company C, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rac of $24 per month in lieu of that he is now receiving.

The name of James H. Bowles, late of Company A, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Harvey, jr., late of Company H, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles B. Strout, late of Company B, Twenty-fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonathan Wells, late of Company G, Third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alonzo W. Harrington, late of Twenty-fifth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederic B. Nevins, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Henry Robison, late of Company K, Sixty-first Regiment, and Company I, Eighty-second Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew A. Stewart, late of Company I, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Watson, late of Company I, Eighty-fourth Regiment, and Company K, Fifty-seventh Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harmon Varner, late of Company D, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herman R. Ferguson, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Northrup, late of U. S. S. Josco, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael A. Arthur, late of Company A, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles J. Whitsel, late of Company I, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert P. Murray, late of Company K, Nineteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George B. Henderson, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of David H. Goyen, late first lieutenant Companies B and I, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elias W. Routson, late of Company G, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bradford J. Peasley, late of Company M, Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Luther F. Heath, late of Company D, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herman F. W. Fisher, late of Company E, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alvey P. Howard, late of Company I, Sixty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Martin, late of Company D, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Benjamin F. Hedrick, late of Company D, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nathan N. Coy, late of Company B, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Douglass, late of Company K, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and Company K, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Hefley, late of Company K, Thirty-second Regiment, and Company E, Eighth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey S. Stone, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Norman C. Smith, late of Company D, Ninth Regiment, and Company D, Sixth Regiment, New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Loar, late of Company B, One hundred and thirty-eighth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter F. Myers, late of Company F, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elisha M. Root, late of Company F, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Mottinger, late first lieutenant Company E, Sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Asbury J. Stewart, late of Company D, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Price, late of Company D, Seventh Regiment Maine Volunteer Infantry, and U. S. S. Colorado, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Snyder, late of Company K, Tenth Regiment, and Company I, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Deming, late of Company I, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Oneal, late of Company F, Fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Nyce, late of Company A, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William G. Gyles, late of Company C, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Augustus B. Farnham, late lieutenant-colonel Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter L. Rork, late of Company C, Eleventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis S. Shirk, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James B. Smith, late of U. S. S. Rhode Island, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edmund B. Pullen, late of Company L, Third Regiment Missouri State Militia Cavalry, and Company C, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel J. Carper, late of Companies A and G, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Thomas, late of Company F, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment, without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Coleman Lewellen, late of Company F, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezra Rodgers, late of Company L, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Morris L. Thomas, late of Company E, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Leach, late of Company B, Ninety-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles P. Borden, late of Battery B, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Woodall, widow of S. P. Woodall, late of Capt. John B. Kennamer's independent company, Alabama Scouts and Guides, and pay her a pension at the rate of $12 per month.

The name of George W. Coultas, late of Company C, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Frederick Troescher, late of Company E, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company D, Ringgold's battalion, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wells Knapp, late of Company K, First Regiment Michigan Volunteer Engineers and Mechanics, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warren D. Stafford, late second lieutenant Company C, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederic H. Norton, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Sanders, late of Company C, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel F. Smith, late of Company D, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Mead, late of Company C, Fiftieth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy S. Simmons, widow of Benjamin F. Simmons, late first lieutenant Company D, Sixtieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Josephine Brown, widow of John G. Brown, late first lieutenant and captain Company I, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edwin Loosley, late of Company A, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Columbus Hill, late of Company D, Fourth Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of John Devine, late of Company I, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Sylvia, late of U. S. S. Brandywine, Granite, and Hetzel, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Warren D. Robbins, late of Company B, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel D. R. Weaverling, late of Company H, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson Petry, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hermon, late of Company I, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary A. Brady, former widow of Daniel L. Echternach, late of Company G, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William K. French, late of Company D, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Holver Helgeson, late of Company E, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edgar A. Richards, late of Company C, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas F. Leahy, late unassigned substitute, Vermont Volunteers, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Emma Bero, helpless and dependent child of William Bero, late of Company D, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The name of George F. Gill, late of Company D, Fifty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Hickman, late of Company H, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles F. Woodley, late of Company F, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Addie B. Thomas, widow of Joseph R. Thomas, late of Company H, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alexander McCormick, late of Company F, One hundred and twenty-seventh Regiment, and captain Company I, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen G. Averitt, late second lieutenant Company B, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Berstler, late of Company H, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James F. Griffin, late unassigned, Fifteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter C. Woodruff, late of Company B, Thirty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles G. Dixon, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Phineas Allen, late of Company D, Sixteenth Regiment Vermont Volunteer Infantry, and Company C, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warren W. Dodge, late of Company H, Sixty-seventh Regiment, and Company D, Sixty-fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lemuel E. Sinsabaugh, late of Company H, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Lyons, helpless and dependent child of William W. Lyons, late of Company F, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William D. Sparks, late of Company L, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza L. Davis, widow of Charles C. Davis, late major, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Starling Chandler, late of Company A, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam M. Kerns, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Gaines, late of Company F, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Carson, late of Company F, Twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of George N. Shillinger, late of Company C, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ella Welch, widow of James Welch, late of Company A, Twenty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Susan Bedell, helpless and dependent child of David E. Bedell, late of Company E, Twenty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William McKinley, late of Company C, Eighth Regiment, and Company K, First Regiment, Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac P. Metcalf, late of Company K, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Horatio G. Carr, late of Company F, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Kirby, late of Company I, One hundred and fortieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy O. Mills, widow of William T. Mills, late of Company C, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George C. Rogers, late colonel, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert Marshall, late of Company G, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Heinrich Wedig, late of Company G, One hundred and sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Gray, late of Companies F and C, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Dahl, late of Company A, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph B. Spence, late of Company E, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Carter, late of Company D, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elisha K. Cady, late of Company G, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gerhard Ferber, late of Company F, Ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel D. Kingsbury, late of Company H, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. McCoy, late of Company F, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Newell B. Clark, late unassigned, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of William Jones, late of Company B, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles T. Rogers, late of Company A, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Davis, late of Company I, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles S. Dow, late of Company I, Twenty-ninth Regiment Massachusetts Volunteer Infantry, and Company I, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Vernal F. Prewett, late of Company D, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Agnes Luyster, widow of Theodore Luyster, late of Company B, Tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John B. A. Foin, late of Company A, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Wilkinson, late of Company I, Seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary A. Brown, widow of Oscar Brown, late of Company B, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William E. Earl, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George L. Maltz, late of Company I, and first lieutenant Company E, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edmond Haynes, late of Company D, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Blaine, late of Company F, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. C. Rentfro, late of Company K, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Simpson, late of Company A, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jeptha D. Newman, late of Company I, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George N. McMahan, late of Company B, Fifth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Schneider, late of Company K, One hundred and seventy-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Holden, late captain Company C, Twenty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry B. Hawes, late of Company I, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Christopher Houser, late of Company G, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rowland N. Evans, late major Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Ryan, late of Company E, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin N. Trout, late of Company F, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Stone, late of Company B, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Wilson, late of Company G, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Brown, late of Company I, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 825. John W. Lowry;
H. R. 1232. Cornelius Chamberlain;
H. R. 1258. Robert C. Watson;
H. R. 1551. James C. Ayers;
H. R. 1744. Nathan Goodman;
H. R. 1943. Cyrus Payne;
H. R. 2296. George W. Boner;
H. R. 2633. Leonard Lawrence;
H. R. 2634. Joshua F. Whipps;
H. R. 3271. Levi Williams;
H. R. 3371. David Bennett;
H. R. 3977. John E. Drohan;
H. R. 4524. William Tucker;
H. R. 4894. David M. Hull;
H. R. 5106. James H. Smith;
H. R. 6097. Joseph Gilmore;
H. R. 6538. James H. Bowles;
H. R. 7818. John Harvey;
H. R. 8121. Charles Baker Stout;
H. R. 8733. Jonathan Wells;
H. R. 9248. Alonso W. Harrington;
H. R. 9403. Frederic B. Nevin;
H. R. 9791. Henry Robison;
H. R. 10016. Andrew A. Stewart;
H. R. 11166. William Watson;
H. R. 11187. Harmon Varner;
H. R. 11202. Herman R. Ferguson;
H. R. 11523. William H. Northrup;
H. R. 11528. Michael A. Arthur;
H. R. 11547. Charles J. Whitsell;
H. R. 11596. Albert P. Murray;
H. R. 11656. George B. Henderson;
H. R. 11825. David H. Goyen;
H. R. 12022. Elias W. Routson;

H. R. 12241. Bradford J. Peasley;
H. R. 12248. Luther F. Heath;
H. R. 12553. Herman F. W. Fisher;
H. R. 12595. Alvey P. Howard;
H. R. 12612. William T. Martin;
H. R. 12654. Benjamin F. Hedrick;
H. R. 12667. Nathan N. Coy;
H. R. 12753. Joseph Douglass;
H. R. 12777. Robert Hafley;
H. R. 12934. Harvey S. Stone;
H. R. 12943. Norman C. Smith;
H. R. 13184. James A. Loar;
H. R. 13208. Peter F. Myers;
H. R. 13252. Elisha M. Root;
H. R. 13378. Samuel Mottinger;
H. R. 13580. Asbury J. Stewart;
H. R. 13788. Charles W. Price;
H. R. 13814. John Snyder;
H. R. 13826. George F. Deming;
H. R. 13962. Joseph Oneal;
H. R. 14010. Jacob Nyce;
H. R. 14151. William G. Gyles;
H. R. 14219. Augustus B. Farnham;
H. R. 14295. Peter L. Rork;
H. R. 14426. Francis S. Shirk;
H. R. 14726. James B. Smith;
H. R. 14877. Edmund B. Pullen;
H. R. 14928. Daniel J. Carper;
H. R. 15246. James A. Thomas;
H. R. 15475. Coleman Lewellen;
H. R. 15481. Ezra Rodgers;
H. R. 15495. Morris L. Thomas;
H. R. 15502. Charles A. Leach;
H. R. 15513. Charles P. Borden;
H. R. 15638. Sarah E. Woodall;
H. R. 15743. George W. Coultas;
H. R. 15883. Charles Frederick Troescher;
H. R. 16093. Wells Knapp;
H. R. 16102. Warren D. Stafford;
H. R. 16131. Frederic H. Norton;
H. R. 16147. Albert Sanders;
H. R. 16250. Samuel F. Smith;
H. R. 16254. John Mead;
H. R. 16258. Nancy S. Simmons;
H. R. 16760. Josephine Brown;
H. R. 16838. Edwin Loosley;
H. R. 16965. Columbus Hill;
H. R. 16974. John Devine;
H. R. 16989. William Sylvia;
H. R. 17198. Warren D. Robbins;
H. R. 17199. Samuel D. R. Weaverling;
H. R. 17306. Nelson Petry;
H. R. 17350. John Hermon;
H. R. 17653. Mary A. Brady;
H. R. 17966. William K. French;
H. R. 17991. Hoiver Heigeson;
H. R. 18049. Edgar A. Richards;
H. R. 18064. Thomas F. Leahy;
H. R. 18111. Emma Bero;
H. R. 18239. George F. Gill;
H. R. 18241. John W. Hickman;
H. R. 18242. Charles F. Woodley;
H. R. 18243. Addie B. Thomas;
H. R. 18273. Alexander McCormick;
H. R. 18313. Stephen G. Averitt;
H. R. 18323. George H. Berstler;
H. R. 18523. James Griffin;
H. R. 18534. Peter C. Woodruff;
H. R. 18634. Charles G. Dixon;
H. R. 18640. Phineas Allen;
H. R. 18713. Warren W. Dodge;
H. R. 18731. Lemuel E. Sinsabaugh;
H. R. 19020. George W. Lyons;
H. R. 19200. William D. Sparks;
H. R. 19224. Eliza Davis;
H. R. 19238. Starling Chandler;
H. R. 19333. Adam M. Kerns;
H. R. 19348. Edward Gaines;
H. R. 19365. William H. Carson;
H. R. 19377. George N. Chillinger;
H. R. 19484. Ella Welch;
H. R. 19489. Susan Bedell;
H. R. 19524. William McKinley;
H. R. 19525. Isaac P. Metcalf;
H. R. 19585. Horatio G. Carr;
H. R. 19649. John R. Kirby;
H. R. 19688. Nancy O. Mills;
H. R. 19742. George C. Rogers;
H. R. 19802. Robert Marshall;
H. R. 19819. Henry Wedig;
H. R. 19935. Joseph Gray;
H. R. 20038. Charles A. Dahl;
H. R. 20282. Joseph B. Spence;
H. R. 20290. Benjamin F. Carter;
H. R. 20391. Elisha K. Cady;
H. R. 20423. Gerhard Ferber;
H. R. 20432. Samuel D. Kingsbury;
H. R. 20441. John S. McCoy;
H. R. 20450. Newell B. Clark;
H. R. 20453. William Jones;
H. R. 20503. Charles T. Rogers;
H. R. 20510. William Davis;
H. R. 20516. Charles S. Dow;
H. R. 20517. Vernal F. Prewett;
H. R. 20525. Agnes Luyster;
H. R. 20538. John B. A. Foin;
H. R. 20566. John W. Wilkinson;
H. R. 20595. Mary A. Brown;
H. R. 20617. William E. Earl;
H. R. 20620. George L. Malts;
H. R. 20622. Edmond Haynes;
H. R. 20672. Richard Blaine;
H. R. 20673. John M. C. Rentfro;
H. R. 20787. William Simpson;
H. R. 20858. Jeptha D. Newman;
H. R. 20868. George N. McMahan;
H. R. 20908. Charles F. Schneider;
H. R. 20913. William G. Holden;
H. R. 20940. Henry B. Hawes;
H. R. 20943. Christopher Houser;
H. R. 20961. Rowland N. Evans;
H. R. 21067. John W. Ryan;
H. R. 21068. Benjamin N. Trout;
H. R. 21141. George Stone;
H. R. 21264. James Wilson; and
H. R. 21414. George W. Brown.

Mr. SULLOWAY. Mr. Speaker, on page 21 I move to amend by striking out lines 7 to 10, inclusive, the beneficiary (George N. Chillinger) being dead.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, strike out lines 7, 8, 9, and 10.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES O'BRIEN.

The next business was the bill (H. R. 20658) to remove the charge of desertion from the military record of James O'Brien.

The bill was read, as follows:

A bill (H. R. 20658) to remove the charge of desertion from the military record of James O'Brien.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against the military record of James O'Brien, late private in Company D, Tenth United States Infantry, and grant him an honorable discharge.

Also the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in the administration of the pension laws James O'Brien shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company D, Tenth Regiment United States Infantry, on the 7th day of January, 1866: *Provided*, That no pension shall accrue prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill for the relief of James O'Brien."

LAFAYETTE L. M'KNIGHT.

The next business was House joint resolution (H. J. Res. 98) for the relief of Lafayette L. McKnight.

The Clerk read as follows:

House joint resolution 98.

Resolved, etc., That the Commissioner of Pensions is authorized and directed to consider Lafayette L. McKnight to have been in the military service of the United States over the period specified in an act approved February 9, 1909, entitled "An act for the relief of Lafayette L. McKnight."

The SPEAKER. The question is on agreeing to the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN REED, ALIAS MICHAEL FLANAGAN.

The next business was the bill (S. 2072) to remove the charge of desertion from the military record of John Reed, alias Michael Flanagan.

The Clerk read as follows:

A bill (S. 2072) to remove the charge of desertion from the military record of John Reed, alias Michael Flanagan.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing on the rolls and records of the War Department against the name of John Reed, alias Michael Flanagan, late of Company E, Fifth Regiment New Jersey Volunteer Infantry, and Company D, Second Regiment United States Cavalry, and grant him a certificate of honorable discharge therefrom: *Provided*, That no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

Also the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, John Reed, alias Michael Flanagan, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company D, Second Regiment United States Cavalry, on July 25, 1865: *Provided*, That no pension shall accrue prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "For the relief of John Reed, alias Michael Flanagan."

CIVIL WAR PENSIONS.

The next business was the bill (S. 6271) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Maria H. Amsden, former widow of William D. Wrighter, late second lieutenant Company K, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of David Chapman, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen D. Maurer, late first lieutenant and captain Company C, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob D. Passage, late of Company D, Seventeenth Regiment, and Company F, Eighth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of La Fayette Platt, late of Company H, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Cornwell, late of Company B, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Loron G. Robinson, late of Company I, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Rose, late of Company F, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Duane E. Simons, late of Company C, Thirty-fifth Regiment New York Volunteer Infantry, and Company F, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Rogers, late of Company A, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward F. Parker, alias Edward Franklin, late of Company I, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Phillip Sutton, late of Company G, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nellie A. Getchell, helpless and dependent daughter of Charles O. Getchell, late of Company F, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of George W. Board, late of Company B, Eleventh Regiment, and Company H, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry K. Carson, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Nicholas, late of Company B, Tenth Regiment, and Company E, Twenty-fourth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi J. Smith, late of Company D, Fifteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis W. Graham, late of Companies I and C, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Swett, late of Company E, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Woodbury Blocksom, alias Ralph Wood, late hospital steward, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin T. Simpson, late of Company D, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Luther W. Whitbeck, late of Company H, Eighth Regiment Ohio Volunteer Infantry, and Sixth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Sharpney, late of Company I, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin T. Noel, late of Company E, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jervis E. Barber, late of Company E, Forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David F. Ragsdale, late of Company M, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Adkins, late of Company K, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George P. Sargent, late of Company H, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Creasman, late of Company A, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert H. Clark, late of Company B, First Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William J. R. Bench, late of Lieutenant Sheldon's company, Sturges Rifles, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Melvin L. Colman, late of Company G, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Dollman, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Luckman, late of Company C, One hundred and twelfth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah H. Bean, late of Company C, One hundred and forty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Detty, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ashley R. Williams, late of Company B, Fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph L. Buckley, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mortimer L. Milledge, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Milton Yeager, late of Company D, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos H. Hampton, late of Company C, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Mary E. Barker, widow of William H. Barker, late first lieutenant Company G, Sixth Regiment United States Colored Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Albert Kalt, late of Company A, Brackett's battalion, Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin L. Rood, late of Second Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Dodge, late of Company L, Second Regiment Michigan Volunteer Cavalry, and second lieutenant Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David H. Hill, late of Company E, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George P. Clark, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephine Amsden, former widow of Martin N. Slocum, late second lieutenant Company E, Sixty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $15 per month.

The name of Judson Spofford, late of Company K, Tenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Harman, late of Vaughn's battery, Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Cannon, widow of Moses Cannon, late of Company G, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cushing Nichols, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George E. Worcester, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Whiteman, late of Company M, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Moore, late of Company G, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert P. Given, late of Company E, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alice P. Anderson, widow of William H. Anderson, late acting assistant paymaster, assistant paymaster, and paymaster, United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Christa A. Hoge, widow of John Hoge, late of Company N, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joanna Williams, widow of Peter S. Williams, late hospital steward, United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Samuel T. Thomas, late of Company G, First Regiment, and second lieutenant Company D, Seventh Regiment, Delaware Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Thompson, late of Company C, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edwin L. Thrasher, late of Company B, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David A. Paige, late of Company H, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William E. Shepherd, late of Company G, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Rice, late of Company C, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nellie A. Sanborn, widow of Augustus D. Sanborn, late captain Company G, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Minot, late of Company A, One hundred and fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles G. English, late of Company G, First Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Bushman, late of Warren's Independent company, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Ormiston, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert C. Little, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Greenough D. Sanborn, late of Company F, Fifteenth Regiment New Hampshire Volunteer Infantry, and Company B, Headquarters Troops, Louisiana Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McKeever, late of Company D, Thirty-fifth Regiment United States Infantry; Company D, Fifteenth Regiment United States Infantry; Company D, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lester Knight, late of Company B, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin Walker, late of Company M, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Spencer, late of Company D, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catherine E. Sperry, widow of Nelson D. Sperry, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alamanda B. Richardson, late of Company B, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Emery, late of Company D, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $46 per month in lieu of that he is now receiving.

The name of Joseph Copler, late of Company I, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin F. Briggs, late of Company C, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucinda A. Hoyt, widow of Hiram I. Hoyt, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Byron J. Stockwell, late of Company B, Thirteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob C. Neff, late of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret Mack, widow of Alexander Mack, late captain of top, U. S. S. North Carolina, Brooklyn, and Ohio, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan L. Brown, widow of Henry S. Brown, late second lieutenant Company E, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Edmund Moore, late of U. S. S. Ohio, Huron, and Nahant, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas A. Curran, late of Company I, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Place, late of Company A, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Powers, late of Company G, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frances M. Richardson, widow of Wentworth R. Richardson, late passed assistant surgeon United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Joel M. Sawyer, late of Company D, Seventeenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ida Thomas Hobson, widow of William E. Hobson, late colonel Thirteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Astoria A. Austill, late of Company G, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Arnold, late of Company C, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis O. Hills, late of Company G, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis M. Strong, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Romulus M. S. Hutchins, late of Company F, Sixty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William R. Brabazon, late of Company D, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Florence Van Etta, former widow of John H. Furcell, late first lieutenant, First Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of George E. Guthrie, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Dunn, late of Company F, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathaniel T. Smith, late of Company F, First Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Dixon, late of Company D, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Kain, late principal musician, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William W. Aspinwall, late of Company H, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Kean Maull, widow of David W. Maull, late surgeon, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Annie S. Shay, widow of James Shay, late of Company A, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Ellen J. McIntire, helpless and dependent daughter of John McIntire, late of Company H, Seventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles C. Whitmore, late of Company G, Tenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 18. Maria H. Amsden;
S. 22. David Chapman;
S. 37. Allen D. Maurer;
S. 39. Jacob D. Passage;
S. 40. La Fayette Platt;
S. 73. William E. Cornwell;
S. 352. Loron G. Robinson;
S. 353. Henry B. Rose;
S. 358. Duane E. Simons;
S. 463. Charles Rogers;
S. 477. Edward F. Parker, alias Edward Franklin;
S. 666. Phillip Sutton;
S. 989. Nellie A. Getchell;
S. 1049. George W. Board;
S. 1131. Henry K. Carson;
S. 1191. James M. Nicholas;
S. 1203. Levi J. Smith;
S. 1214. Lewis W. Graham;
S. 1254. John J. Swett;
S. 1368. Woodbury Blocksom, alias Ralph Wood;
S. 1474. Benjamin T. Simpson;
S. 1475. Luther W. Whitbeck;
S. 1616. Joseph Sharpney;
S. 1737. Franklin T. Noel;
S. 1742. Jervis E. Barber;
S. 1771. David F. Ragsdale;
S. 1786. William T. Adkins;
S. 1795. George P. Sargent;
S. 1849. William L. Creasman;
S. 1863. Robert H. Clark;
S. 1945. William J. R. Beach;
S. 2269. Melvin L. Colman;
S. 2320. William Dollman;
S. 2377. Joseph Luckman;
S. 2382. Elijah H. Bean;
S. 2387. David Detty;
S. 2392. Ashley R. Williams;
S. 2455. Joseph L. Buckley;
S. 2483. Mortimer L. Milledge;
S. 2494. Milton Yeager;
S. 2561. Amos H. Hampton;
S. 2649. Mary E. Barker;
S. 2817. Albert Kalt;
S. 2881. Edwin L. Rood;
S. 2882. William H. Dodge;
S. 2883. David H. Hill;
S. 2905. George P. Clark;
S. 2906. Josephine Amsden;
S. 2929. Judson Spofford;
S. 2953. Peter Harman;
S. 3055. Mary Cannon;
S. 3080. Cushing Nichols;
S. 3100. George B. Worcester;
S. 3262. Henry M. Whiteman;
S. 3269. Henry Moore;
S. 3275. Albert P. Given;
S. 3279. Alice P. Anderson;
S. 3295. Christa A. Hoge;
S. 3306. Joanna Williams;
S. 3308. Samuel T. Thomas;
S. 3344. David Thompson;
S. 3368. Edwin L. Thrasher;
S. 3370. David A. Paige;
S. 3407. William E. Shepherd;
S. 3467. John Rice;
S. 3531. Nellie A. Sanborn;
S. 3532. James Minot;
S. 3541. Charles G. English;
S. 3554. John H. Bushman;
S. 3747. James Ormiston;
S. 3761. Albert C. Little;
S. 3774. Greenough D. Sanborn;
S. 3802. John McKeever;
S. 3942. Lester Knight;
S. 3945. Franklin Walker;

S. 4161. John A. Spencer;
S. 4244. Catherine E. Sperry;
S. 4371. Alamanda B. Richardson;
S. 4391. Robert Emery;
S. 4485. Joseph Copler;
S. 4614. Edwin F. Briggs;
S. 4635. Lucinda A. Hoyt;
S. 4668. Byron J. Stockwell;
S. 4718. Jacob C. Neff;
S. 4764. Margaret Mack;
S. 4765. Susan L. Brown;
S. 4862. Edmund Moore;
S. 4869. Thomas A. Curran;
S. 4871. Charles A. Place;
S. 4900. Thomas Powers;
S. 4901. Frances M. Richardson;
S. 4902. Joel M. Sawyer;
S. 5030. Ida Thomas Hobson;
S. 5099. Astoria A. Austill;
S. 5104. Andrew J. Arnold;
S. 5127. Lewis O. Hills;
S. 5169. Lewis M. Strong;
S. 5193. Romulus M. S. Hutchins;
S. 5220. William R. Brabazon;
S. 5234. Florence Van Etta;
S. 5530. George E. Guthrie;
S. 5640. George W. Dunn;
S. 5735. Nathaniel T. Smith;
S. 5739. William H. Dixon;
S. 5777. John L. Kain;
S. 5801. William W. Aspinwall;
S. 5830. Mary Kean Maull;
S. 5849. Annie S. Shay;
S. 5936. Ellen J. McIntire; and
S. 5985. Charles C. Whitmore.

The bill was ordered to a third reading, read the third time, and passed.

OTHER THAN CIVIL WAR PENSIONS.

The next pension business on the Private Calendar was the bill (H. R. 21754) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of George F. Willard, late of Troop C, First Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Robert C. Foster, late of Company K, Forty-fifth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Mary Walsh, dependent mother of William S. Walsh, late of Company C, First Regiment United States Volunteer Engineers, United States Army, and pay her a pension at the rate of $12 per month.

The name of Dewey C. Shaw, late of Company H, Third Regiment Nebraska Volunteer Infantry, war with Mexico and Indian war, and pay him a pension at the rate of $16 per month.

The name of James C. Burwell, late of Company K, Tenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Adolph Weil, late of Troop E, Third Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of William L. Williams, late of Capt. John H. Conner's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William B. Reagan, late of Capt. W. A. A. Wallace's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William W. Parker, late of Captain Blackwell's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Charles H. Nimitz, late of Captain McCulloch's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James M. Low, late of Capt. J. H. Conner's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George W. Light, late of Captain Ford's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Anton L. Berger, late of Capt. G. H. Nelson's company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Joseph H. Harris, late of Capt. J. H. Conner's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John H. Hutchinson, late of Capt. P. H. Rogers's company, Texas Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Henry T. Hill, late of Captain Bourland's first company, Texas Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John R. Gibbons, late of Capt. John S. Ford's company, Texas Mounted Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Emory Gibbons, late of Capt. John S. Ford's company, Texas Mounted Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John Campbell, late of Capt. John S. Hodges's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Benjamin F. Cotton, late of Captain McCown's company, Texas Mounted Rangers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William Schaffer, late of Troop I, Third Regiment United States Cavalry, and pay him a pension at the rate of $24 per month.

The name of Frederick A. Emery, late of Company K, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $14 per month.

The name of Robert W. Lee, late of the U. S. S. Yosemite, United States Navy, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Michael J. Tully, dependent father of Frank A. Tully, late of Company H, Eighteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Flemon Boles, late of Company H, Fourth Regiment Tennessee Volunteer Infantry, war with Spain, and pay him a pension at the rate of $10 per month.

The name of Patrick Fahey, late of Company H, Twenty-eighth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Lillie B. Dieterich, widow of Richard F. Dieterich, late of Seventy-fourth Company, United States Coast Artillery, and pay her a pension at the rate of $12 per month.

The name of Duncan McCraney, late of Capt. W. H. Kendrick's independent company, Florida Mounted Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Hattie R. Fisher, widow of Henry C. Fisher, late first lieutenant, United States Marine Corps, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Edwin R. Mears, late of Fifty-eighth Company, United States Coast Artillery, and pay him a pension at the rate of $12 per month.

The name of Margaret Kuhlwein, widow of Leonard J. G. Kuhlwein, late chief gunner (relative rank of ensign), United States Navy, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of each of the two minor children of said Leonard J. G. Kuhlwein, until they reach the age of 16 years.

The name of Louisa H. Highley, dependent mother of Robert A. Highley, late of Company M, First Regiment Missouri Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Herbert P. De Lano, late of Company B, Thirty-first Regiment Michigan Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Thomas N. Hopkins, late captain Company A, First Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Martha Jones, widow of Frank F. Jones, late of Company F, Thirteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the five minor children of said Frank F. Jones until they reach the age of 16 years.

The name of John W. Tilly, late of Company D, Santa Fe Battalion, Mounted Volunteers, war with Mexico, and pay him a pension at the rate of $12 per month.

The name of Jesse W. Dabbs, late of Company K, Ninth Regiment United States Infantry, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Lewis W. Culter, late of Company I, Thirty-fourth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Emma C. Wiese, widow of Frank J. Wiese, late of Company C, Tenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the four minor children of said Frank J. Wiese until they reach the age of 16 years.

The name of Sarah E. Kerns, widow of Moses E. Kerns, alias Edward Kerns, late of Company M, Second Regiment Ohio Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the two minor children of said Moses E. Kerns until they reach the age of 16 years.

The name of John H. Border, late of Company A of Instruction, General Service, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Morris, late of Company B, Seventh Regiment United States Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of William J. Birge, late first lieutenant, Company D, First Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of William Cunningham, late of Companies K and A, Third Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert D. Risley, late of Company G, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of George Brough, late of Capt. Lyman L. Stevens's company, Col. George A. Smith's Regiment of Cavalry, Nauvoo Legion, Utah Indian disturbances, and pay him a pension at the rate of $8 per month.

The name of Phillip Smith, late of Capt. Lyman L. Stevens's company, Col. George A. Smith's Regiment of Cavalry, Nauvoo Legion, Utah Indian disturbances, and pay him a pension at the rate of $8 per month.

The name of James Carlile, late of Capt. William M. Alfred's company of infantry, Nauvoo Legion, Utah Indian disturbances, and pay him a pension at the rate of $8 per month.

The name of Alexander Robertson, late of Capt. William M. Alfred's company of infantry, Nauvoo Legion, Utah Indian disturbances, and pay him a pension at the rate of $8 per month.

The name of Richard H. Humphries, late of Company E, Fourth Regiment Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Louisa B. MacConnell, widow of Charles J. MacConnell, late captain (with relative rank of chief engineer), United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Clarence W. Davis, late of Twenty-eighth Company United States Coast Artillery, and pay him a pension at the rate of $40 per month.

The name of Morgan J. Treadway, late captain Company G, Fourth Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of L. Place Bostwick, late of Company I, Fiftieth Regiment Iowa Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Green A. Settle, late of Troop D, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Katherine S. Finlayson, widow of John L. Finlayson, late captain Philippine Scouts, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said John L. Finlayson until he reaches the age of 16 years.

The name of William J. Hemby, late of Battery H, Fourth Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Peter Walsh, late of Company C, Twelfth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary McGuire, widow of Mike J. McGuire, late of Company D, Fifth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said Mike J. McGuire until she reaches the age of 16 years.

The name of Robert G. Clark, late of Company E, Third Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of Mary B. Cooley, widow of Darius Cooley, late of Company G, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Josephine L. Whitt, widow of Jonas R. Whitt, late of Company I, Second Regiment Missouri Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 additional on account of each of the two minor children of said Jonas R. Whitt until they reach the age of 16 years.

The name of Alexander B. Davis, late of Capt. P. H. Rogers's Company F, Mounted Battalion, Texas Volunteers, Texas and New Mexico Indian war, and pay him a pension of $16 per month in lieu of that he is now receiving.

The name of William M. Cordwell, late of Company D, Third Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to offer the following amendment: Page 2, line 3, after the word "engineers," insert "war with Spain."

The question was taken, and the amendment was agreed to.

Mr. LOUDENSLAGER. Mr. Speaker, I move an amendment to page 2, line 7: Strike out the words "Mexico Indian war" and insert the word "Spain;" and in line 7, strike out "six" and insert "twelve dollars."

The Clerk read as follows:

Page 2, line 7, strike out "Mexico Indian war" and insert "Spain;" strike out "six" and insert "twelve dollars."

The question was taken, and the amendment was agreed to.

Mr. LOUDENSLAGER. Mr. Speaker, I move to amend, on page 2, line 11, by striking out after the word "month," all the rest of the line and line 12.

The Clerk read as follows:

Page 2, lines 11 and 12, strike out the words "in lieu of that he is now receiving."

The question was taken, and the amendment was agreed to.

This bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 773. George F. Willard;
H. R. 1143. Robert C. Foster;
H. R. 1407. Mary Walsh;
H. R. 2002. Dewey Shaw;
H. R. 2030. James C. Burwell;
H. R. 2687. Adolph Weil;
H. R. 3102. William L. Williams;
H. R. 3125. William B. Reagan;
H. R. 3131. William W. Parker;
H. R. 3138. Charles H. Nimitz;
H. R. 3150. James M. Low;
H. R. 3151. George W. Light;
H. R. 3170. Anton L. Berger;
H. R. 3183. Joseph H. Harris;
H. R. 3185. John H. Hutchinson;
H. R. 3187. Henry T. Hill;
H. R. 3192. John R. Gibbons;
H. R. 3194. Emory Gibbons;
H. R. 3213. John Campbell;
H. R. 3219. Benjamin F. Cotton;
H. R. 3734. William Schaffer;
H. R. 4651. Frederick A. Emery;
H. R. 5732. Robert Wetmore Lee;
H. R. 5750. Michael J. Tully;
H. R. 6235. Flemon Boles;
H. R. 6658. Patrick Fahey;
H. R. 6956. Lillie B. Dieterich;
H. R. 7493. Duncan McCraney;
H. R. 8072. Hattie R. Fisher;
H. R. 9937. Edwin R. Mears;
H. R. 10588. Margaret Kuhlwein;
H. R. 10590. Louisa H. Highley;
H. R. 10929. Herbert P. De Lano;
H. R. 11026. Thomas N. Hopkins;
H. R. 11077. Martha Jones;
H. R. 11186. John Wesley Tilley;
H. R. 11476. Jesse W. Dabbs;
H. R. 11661. Lewis W. Culter;
H. R. 11768. Emma C. Wiese;
H. R. 12534. Sarah E. Kerns;
H. R. 12959. John H. Border;
H. R. 13771. Michael Morris;
H. R. 14003. William J. Birge;
H. R. 14133. William Cunningham;
H. R. 14176. Robert D. Risley;
H. R. 14267. George Brough;
H. R. 14268. Phillip Smith;
H. R. 14269. James Carlile;
H. R. 14270. Alexander Robertson;
H. R. 14339. Richard H. Humphries;
H. R. 14734. Louisa B. MacConnell;
H. R. 14795. Clarence W. Davis;
H. R. 15059. Morgan J. Treadway;
H. R. 16564. L. Place Bostwick;
H. R. 16587. Green A. Settle;
H. R. 17133. Katherine S. Finlayson;
H. R. 17990. William J. Hemby;
H. R. 18043. Peter Walsh;
H. R. 18302. Mary McGuire;
H. R. 19241. Robert G. Clark;
H. R. 19682. Mary D. Cooley;
H. R. 20175. Josephene L. Whitt;
H. R. 20807. Alexander B. Davis; and
H. R. 21088. William M. Cordwell.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended in line 2 by inserting, after the word "soldiers" the words "and sailors."

On motion of Mr. LOUDENSLAGER, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

WILLIAM H. HAWLEY, DECEASED.

The next business on the Private Calendar was the bill (H. R. 21693) to correct the military record of William H. Hawley, deceased.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws William H. Hawley, alias Henry Hawley, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company E, Twenty-first Regiment Illinois Volunteer Infantry, on the 6th day of April, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21419, the post-office appropriation bill.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

The question was taken, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union; Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21419, the post-office appropriation bill.

Mr. WEEKS. Mr. Chairman, I will ask the gentleman from Tennessee to use some of his time.

Mr. MOON of Tennessee. Mr. Chairman, I yield twenty minutes to the gentleman from New York.

Mr. GOULDEN. Mr. Chairman, in the post-office appropriation bill, now under consideration, an effort has been made, as in all the fiscal and appropriation bills already presented here, to effect the economy so earnestly requested by the President. But, with all due respect to the President and the appropriation committees, the Post-Office Department is the one place, in my judgment, where economy is misplaced. The one department producing revenue of almost sufficient volume to maintain itself should receive encouragement, and not be subjected to the strong hand at a time of stringency in revenues.

Not only is this department practically self-supporting, but it is of such extreme usefulness to the people in every way, its functions have grown to be such an inseparable part of every-day life, that economy in this question is altogether out of place, when it can be effected in so many other departments of not such equal usefulness and importance.

The cry for economy in this particular department is excused at present, on the ground that there is a large deficit in the postal revenues, amounting to $17,000,000, not enough to build two modern battle ships. It has come to be such an expected thing in the post-office for it to maintain itself and not look for financial help, that a deficit is looked upon as a defect, to be punished by enforcing economy. Thus, from all points of view, this useful branch of the Government is being attacked, instead of praised and helped.

An analysis of the situation seems to show that the present deficit in postal revenues is due largely to the rapid extension of the rural free-delivery system and to the low rates on second-class mail. If economies are to be effected, it would seem that these are the items which need attention. While not admitting that the Post-Office Department needs compression of appropriations, yet I am willing that these items should be so amended as to enable it to catch up with the decreased revenues, if that is deemed necessary.

Mr. FORNES. Will the gentleman yield to a question?

Mr. GOULDEN. Certainly.

Mr. FORNES. Is not the large deficit on account of the large expenditures in the rural delivery, which show, I believe, a loss of $34,000,000?

Mr. GOULDEN. It is.

Mr. FORNES. And then the second-class mail, which shows a loss of $63,000,000. Is it not a fact that since the establishment of the second-class rate the magazines and the papers have largely increased their advertising in place of its devotion to literature as was intended when the rate was made?

Mr. GOULDEN. No doubt about that, so far as the second part of your question is concerned. The second-class matter is responsible, more than any other cause, for the present deficit, and in my judgment there will be some remedy necessary in order to correct it. It is well settled that the large magazines and periodicals now have space taken up by advertising that runs up as high as $2,000 a page per issue, and they are regarded in my own city as one of the best-paying activities in which men can engage.

As to the rural free delivery, I am heartily in favor of that, because I believe it has been one of the best things introduced into the postal service, and benefits more people than any other item in this bill. However, I believe that the rapid extension of the system, perhaps, has grown faster than intended originally when this magnificent service was placed in the law giving to the people generally rural free delivery. I have heard some questions in regard to the rural free-delivery carriers, and while I voted for the increase a few years ago, I still do not believe that they are overpaid. I have in mind two carriers, tenants of mine, one who owns a farm of 100-odd acres, and he devotes the afternoons of each day to the cultivation of that farm. Another who has a plot of ground, and gives his afternoons to the cultivation of that. So that they are different from the carriers in the cities. Their expenses, so far as living are concerned, are lighter, and they have opportunities of doing something that will enable them to add to their incomes, which the city carriers have not.

All students of the subject admit that the extension of the second-class mailing privilege has been so enormous as to stagger the ideas of the original promoters; it has made possible the present widespread publication of newspapers and magazines, and of the periodical literature of which, in most cases, we are so justly proud. It has given our people the opportunity to show what a real freedom of the press means; it has enabled the people to be educated in every possible way that printed matter can achieve. As a good friend of mine has stated, this second-class mail privilege has been the means by which Congress has spread education and enlightenment among the people, as provided for in the Constitution.

At the same time, many of the periodicals, especially the larger and more cultured of the magazines, have not had an altogether educational or philanthropic intention in their motives of publication; they have been, and are, inspired more by business ends than otherwise. Even the latest race of "reform" magazines, those whose purpose, according to themselves, is to show Congress how it should behave, to teach Senators and Representatives how they should legislate, to show the Government how it should govern—even these keepers of our consciences are not averse to the cent-a-pound rate for mailing, and not opposed to accepting from $200 to $500 a page for advertisements each month.

Such publications, run on strictly business lines, and paying handsome profits to their owners and editors, are well able to pay a higher rate of mailing than a cent a pound. Even if not obliged to pay the usual rate for printed matter, or third-class rates, at least some increase in the rate should be made. I do not believe it would hurt the American people any, and yet it would correct some of the deficiencies of revenue.

The rural free-delivery system has also grown beyond all original bounds and estimates. In the comparatively few years it has been in existence it has grown into a gigantic system, and is now responsible for some $28,000,000 of a yearly deficit. While not opposed to the system, because of the great good it has been to the farmers and the rural communities, yet I believe that too much money is being expended on it at present; and it seems a cruel hardship to the cities of the first and second class, which produce the profits of the department, to have them expended in rural districts in an almost charitable fashion.

As a farmer myself I am in thorough sympathy with all projects for the so-called "uplift" of rural communities and farms, but if such sums of money are to be expended, it would seem to me that they should come from the General Treasury, and be directly expended on agricultural education, as contemplated in several bills now pending before this House, rather than that the money should come from post-office profits and be expended on a post system that only indirectly helps the farmers.

The worst feature of the whole matter is that the deficit produced in these two items alone, second-class rates and rural free delivery, has to be made up from the profits of the large cities and post-offices; it looks like an unjust perversion of funds to divert these profits from the cities which produce them into the rural communities which give no adequate return, and which do not show much disposition to help themselves.

Mr. LLOYD. Is it not true that the second-class mail that causes this deficit goes out from these large cities?

Mr. GOULDEN. True; but that is no justification of the other claim which I have just referred to, and I am sorry that the Committee on the Post-Office and Post-Roads, for all of whose members I have the greatest admiration and in whom I have great confidence, did not take up the matter more seriously and do something to remedy the evil in that direction.

And now, adding insult almost to injury, not only are the cities and large offices to be deprived of their revenues, but when the cry for economy goes forth these same cities are told that they must submit to reduced allowances for salaries and expenses out of their own earnings.

The Postmaster-General has stated that the natural increase of the business requires the services of some 2,000 additional clerks each year; and if the department is to be kept up to its proper efficiency and the normal producing capacity maintained, these additional clerks should be provided for. But for the year beginning July 1 next only some 47 new clerks are provided for in the bill now under consideration. This is a shortsighted policy, for if a sufficient working force is not provided, the usual capacity of the department will be crippled and a larger deficit may be looked for in the next fiscal year.

The committee should by all means make allowance for at least 1,500 extra clerks in the bill H. R. 21419 (1,750 extra was the exact number requested by the Postmaster-General in the estimates of the department for 1911). Their employment will amply justify itself in the increased efficiency of the entire service.

Another matter which needs attention is an increase in the appropriation for salaries to clerks, permitting a larger number to be placed in the $1,200 class. Only half the number eligible for this class received the compensation last year because of the small appropriation; yet every man eligible should receive this $1,200 salary. The present bill will increase the $1,200 men from 7,000 to over 10,000, the number requested by the Postmaster-General, but as the number of supervisory officials has not been increased, a large number of such men will have to be carried in the $1,200 class, thus shutting out a corresponding number of men from their $1,200 salary.

The clerks in the larger cities are especially entitled to this consideration. In the first place, as their working hours are not fixed by law, they are obliged to work from ten to twelve and even fifteen hours a day; the day of the letter carrier is limited by law to eight hours; other employees of the Government have their time regulated by law, but the postal clerks, as hard a worked body of men as exists in the government service, are obliged to work any old number of hours they may be ordered. That they do it willingly is a magnificent tribute to their loyalty, and they should be properly rewarded. [Applause.]

The bill of my friend from Illinois [Mr. WILSON] now pending, as it has been for several sessions, should be taken up and receive the favorable action of Congress, fixing the working hours of postal clerks at eight per day for six days a week; any overtime to be paid for. It should also be remembered that most of the work of these clerks is done at night, which makes their places particularly harsh and disagreeable; and in thus giving up the time usually allotted to other men for home life and recreation they should be rewarded by at least having their working time fixed at eight hours a day for six days a week. This, with their compensation fixed at $1,200 whenever eligible, would make these men happy and contented, and the Government would reap the benefit in a better and more highly efficient service.

The $1,200 salary rate for carriers should also be given to them as soon as they have been long enough in the service to qualify; it should not be dependent upon favor or recommendation or any other consideration whatsoever; it should be given them for length of service and good behavior only, and not taken away by any local authority, subjecting them to the personal whims or peculiarities or dislikes of small officials or politicians.

In view of the increased cost of living, which is no joke to men with incomes of only $1,200, nothing but a very serious matter should deprive them of this salary. With families to support, and at least a decent show made at living, the cost of living, in our larger cities especially, makes it impossible for the men to get along properly on less than $1,200; and if the government service is to be properly maintained, the men must be decently paid. Therefore the whole service of carriers and clerks should be put on a $1,200 basis, or higher, at the earliest possible moment, and the men will be made strong, loyal civil officials and willing employees of a considerate Government. [Applause.] In addition, a retirement fund should be speedily enacted into law for both clerks and carriers.

The increased cost in the appropriations for this $1,200 salary to all eligible clerks and carriers would not be enough to hurt anybody; even if it does produce a deficit in the postal revenues, it will be produced in a worthy cause. Decent pay for these men is surely as good a cause for a postal deficit as cent-a-pound mail to rich and prosperous periodicals, or free delivery to rural communities; and, with all respect to the literary and farmer folk, I believe the carriers and clerks come first, as they actually help us to produce postal revenues, and not merely help to spend them.

And even if we do not make an effort to supply the deficiency by increasing the second-class rates or by cutting off some of the free-delivery routes, it would be well to make additional appropriations for the $1,200 clerks and carriers; it is no crime for the Post-Office Department to be additionally short that amount, or for a total deficit of $30,000,000 or $35,000,000. If other departments can expend hundreds of millions without a cent of direct return, why can not the Post-Office Department be indulged to a little extent? If there is to be economy, let it commence elsewhere than in a department doing its single-handed share to support itself.

I would like to make part of my remarks a letter from the Postmaster-General concerning a falling off in the fines imposed on railroads for late deliveries and other reasons. In the fiscal years 1907 and 1908 the net fines collected were some two-thirds of a million dollars; in 1909 and 1910 the net fines have shrunk to very small proportions, explained by the Postmaster-General as being due to the lack of such laws as compelled the railroads to live up to their time-tables and schedules. This law should be rigidly enforced. If this was done, it would materially help reduce the deficit.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 7, 1910.

Hon. JOSEPH A. GOULDEN,
House of Representatives.

MY DEAR SIR: In compliance with your telegraphic request of the 4th instant that you be furnished with a detailed statement of fines imposed upon railroads for delinquencies, and what were collected and what remitted, with causes, during the past ten years, I have the honor to submit the following statement, which shows the gross amounts of deductions and fines, amounts of remissions, and the net amounts of such fines and deductions, for the fiscal years ended June 30, from 1900 to 1909, inclusive, and for the first half of the present fiscal year, July 1 to December 31, 1909, inclusive, on account of failures of service, late operation of mail trains, and other delinquencies, which covers all deductions, fines, and remissions ordered in the railroad service during that time:

Fiscal year.	Deductions and fines.	Remissions.	Net deductions and fines.
1900	$138,564.50	$3,093.35	$135,471.15
1901	98,917.20	8,654.61	90,262.59
1902	94,064.54	1,005.43	93,059.11
1903	122,106.66	575.76	121,530.90
1904	178,116.19	2,056.77	176,059.42
1905	146,169.30	2,678.47	143,490.83
1906	172,004.91	12,854.59	159,150.32
1907	624,183.66	16,184.88	607,998.78
1908	938,372.81	263,203.98	675,168.83
1909	193,489.43	159,557.74	33,931.69
1910 (first half)	46,025.77	11,291.80	34,733.97
Total	2,752,014.97	481,157.38	2,270,857.59

The heavy deductions made during the fiscal years ended June 30, 1907, 1908, and 1909, were largely due to the enforcement of the provision of the acts of Congress of June 26, 1906, and March 2, 1907, making appropriations for the service of the Post-Office Department for the fiscal years ended June 30, 1907, and June 30, 1908, respectively, that the Postmaster-General should require all railroads carrying the mails to maintain their regular train schedules as to the time of arrival and departure of said mails, and to impose and collect reasonable fines for delay when such delay was not caused by unavoidable accidents or conditions. This provision has not since been incorporated in the law.

Yours, very truly,

F. H. HITCHCOCK, *Postmaster-General.*

Mr. LLOYD. Will the gentleman state how it would reduce the deficit to have a more expeditious train service?

Mr. GOULDEN. If you enforce the fines and collect them as you did, three-quarters of a million dollars or more a year—and if properly enforced I have no doubt it ought to be $2,000,000 or $3,000,000 a year—it will reduce the deficit that much. The Postmaster-General in his letter says:

For the first half of the present fiscal year, July 1 to December 31, 1909, inclusive, on account of failure of service, late operations of mail trains, and other delinquencies, which covers all deductions, fines, and remissions ordered in the railroad service during that time.

After giving the amounts, he says:

The heavy deductions made during the fiscal years ended June 30, 1907, 1908, and 1909, were largely due to the enforcement of the provision of the acts of Congress of June 28, 1906, and March 2, 1907, that the Postmaster-General should require all railroads carrying the mails to maintain their regular train schedules as to the time of arrival and departure of said mails, and to impose and collect reasonable fines for such delay when such delay was not caused by unavoidable accidents or conditions. This provision has not since been incorporated in the law.

I should like to ask the chairman of the committee why has not that provision been in the law since 1908?

Mr. WEEKS. I presume the gentleman from Missouri [Mr. LLOYD] might answer that more definitely than I; but my understanding is that the department recommended that it be not continued in the last year's appropriation bill.

Mr. GOULDEN. Does not the gentleman think that if the law produced large fines, amounting to upward of a million dollars, it ought to be continued? Will the gentleman from Missouri [Mr. LLOYD] answer that question?

Mr. LLOYD. The Assistant Postmaster-General, who was before the committee last year when this subject was discussed, took the position that as a rule the trains were unavoidably delayed and it was no fault of the train service that the trains did not fill out their schedules; that the railways were just as anxious to have their schedules complied with as the Post-Office Department was, and that as a rule the delay was not properly chargeable to the railway service, and that it would be a hardship on the railroads to charge against them any fine on account of the delay.

Mr. GOULDEN. Does not the gentleman think, however, that in many cases if the trains were made up with a respectable number of cars they would be able to get the mails through in time, and that frequently even the best roads in the country haul such immense trains that it is impossible to make the time?

Mr. LLOYD. I hardly think there are any trains now with any fixed schedules that can not comply with the schedule under ordinary conditions. Even the fastest trains between New York and Chicago can comply with the schedule time if normal conditions prevail.

Mr. O'CONNELL. Do I understand that the gentleman is opposed to the extension of the rural free-delivery system?

Mr. GOULDEN. No; I am not opposed to it, providing we go at it in a conservative manner and do not extend the rural free-delivery service to such an extent that instead of a deficit of $28,000,000 it may be $40,000,000 or $50,000,000. I believe the system to be a good one, but I do not want to see it extended quite so rapidly, at the expense of the first and second class city clerks and carriers.

Mr. O'CONNELL. I think the gentleman is quite right. Without wishing to be considered hostile to the rural free-delivery system, I, too, believe that the efforts of this House ought to be directed to the inequalities, handicaps, and disadvantages under which our carriers, clerks, and railway mail clerks have been and are now obliged to work, rather than to increase appropriations for the development of new branches of the service. The railway mail clerks have been patient and long sufferers at the hands of this Government on the utterly far-fetched and strained argument of economy, and this House should not plead economy to deprive them of their just merit of due, while at the same moment vast sums are spent on new ideas not nearly so worthy of our attention. [Applause.]

Mr. FORNES. I wish to correct the amount that I obtained in the committee report. They stated in the report, for rural carriers, $37,645,000. I inferred there was a saving on total cost of about 10 per cent, and that is the way I reached the amount of $34,000,000. I am told now that there is a saving of at least 20 per cent on total outlay, which would leave a net loss of $28,000,000.

In discussing remedies for the deficit, why not put back the laws compelling the railroads to deliver their mails promptly, and thus get back part of the money they receive for carrying the mails, which is regarded by many as excessive? This would give some $600,000 or more a year extra, just enough to enable the department to increase the salaries of 3,000 clerks and carriers from $1,000 to $1,200, without extra appropriations and without making further deficit. I offer this as a suggestion, showing just what might be done, and I hope it will be taken under consideration by the committee and so arranged that the present bill will take care of the matter.

I have frequently heard it claimed on the floor of this House that the amounts paid the railroads for carrying the mail were too high, and that the weights were padded during the limited period required to weigh the mails. Be that as it may, I have no doubt that considerable sums could be saved if proper measures were adopted. I hope that the committee will take up these various suggestions, not made in a captious spirit, but for the benefit of the department, and investigate them thoroughly, to the end that justice may be done a most deserving class of hard-working people. [Applause.]

Consequently the gentleman from New York will excuse me for having misled him by stating that it was thirty-four millions. Now, will the gentleman indulge me still further?

Mr. GOULDEN. Certainly.

Mr. FORNES. In this actual loss of 80 per cent in carrying out the work of the rural delivery, I believe the loss is well repaid from the very fact that the Post-Office Department is doing one of its best works in that direction.

Mr. O'CONNELL. Will the gentleman from New York yield for a question?

Mr. GOULDEN. Certainly.

Mr. O'CONNELL. Does not the gentleman think that the carriers and clerks and railway mail ought to be better attended to before there is any more extension of rural free delivery?

Mr. GOULDEN. Before there is much extension of the rural free delivery I want to see the people who produce the revenue taken care of in a proper way. [Applause.]

Now, Mr. Chairman, I have frequently heard it claimed on the floor of the House that the amount paid the railroads for carrying the mails is too high and that it is padded. That rumor has gone around the House; I have heard it in speech, in prose, in poetry for four or five years, and I should be glad if the chairman of the committee could enlighten us on this subject.

Mr. WEEKS. If the gentleman from New York can furnish the committee any evidence whatever on that subject to substantiate the remarks he is repeating the committee would be greatly obliged to him.

Mr. GOULDEN. I think the gentleman is aware of the rumor, and that he has heard statements made on the floor by Members of Congress in good standing, as they all are.

For, after all, Mr. Chairman, the post-office appropriation bill is one in which every Member of Congress, in fact, the whole country, is interested; and I know of no bill, I know of no issue of the RECORD that is more carefully read than that dealing with the bill now under consideration, and I am sure, Mr. Chairman, that the Post-Office Committee has given careful attention to all the details; but they, like others, are not infallible, and may have made mistakes. I trust therefore in the future a deserving class of men for whom I am speaking to-day, namely, the carriers and clerks in the first and second class cities, may receive their just dues. [Applause.]

Mr. KITCHIN. Mr. Chairman, it was indeed a beautiful sight yesterday afternoon to see the patriotic band of stalwart "regulars" hanging upon the lips of the eloquent speech of the distinguished gentleman from Massachusetts. It was a more beautiful sight to behold the distinguished Speaker of the House melting at the pathos, chuckling at the wit, and held absolutely entranced and captivated by the eloquence and logic of the same distinguished gentleman, the illustrious insurgent from the State of Massachusetts, the Hon. AUGUSTUS PEABODY GARDNER. [Laughter.]

Let us hope that this presages the dawn of a happier and brighter day for the reign of peace on that side of the Chamber. I trust that I shall not say one word to mar even the beginning of the loving harmony which will hereafter prevail over there. [Laughter.]

The membership of the House is to be commended for the good nature and courtesy that have marked its discussions during this session. I hope I shall not disturb the amenities of debate; but, of course, my friends of the majority, you appreciate how difficult it is for one to discuss with the whole truth your record and at the same time be entirely parliamentary. [Laughter.] The older we grow the more softened becomes our partisan feeling. I reckon I used to have as much of it as anybody, but since my service here I have met so many good Republicans that I have long ago reached the conclusion that a Republican is never dangerous to a Democrat except in elections and is never harmful to the public except in office. [Laughter.]

I have said during this session that there is not a Republican in this House that had the nerve to defend boldly and openly upon this floor the Aldrich-Payne Act, but when I heard that the distinguished gentleman from Massachusetts [Mr. GARDNER] was going to make a speech, I said to my comrades here, "There is one man, an insurgent at that, the regulars are going to 'gold brick' into undertaking the hopeless task." Imagine my disappointment when out of the hour and ten minutes speech on the tariff and high prices not one single reference was made to the unfortunate act. Yet it was said that he was going to defend the Aldrich-Payne Act. He did defend it in the only way that any Republican can defend it. The entire strength of his defense lay not only in the failure to say one good word for it, but in the absolute failure to even mention it. [Applause on the Democratic side.] But there is one man on that side of the House who has had the courage, or rather audacity, to attempt a defense of it, as I recollect now, and that was the distinguished gentleman from Illinois, my friend Mr. BOUTELL. At the very time he was delivering his speech every newspaper was burdened and every telegraphic wire was trembling with the deplorable news that the laboring people and others by the hundreds of thousands throughout the protected sections of the country were entering into solemn agreements to half starve themselves and their wives and children in order to get relief from the results of Republican legislation and the failure to enforce the antitrust laws by a Republican administration. [Applause on the Democratic side.]

As my friend was speaking I was in a quandary whether more to admire his daring audacity or to pity his poor judgment in reminding the House and the country afresh, with commending praise, of the Payne Act, when every other Republican inside of the Capitol was trying to forget that there ever was such a thing as a Payne Act [applause on the Democratic side], and was praying that every Republican outside of the Capitol would forget that one of them ever participated in the passage of such an act. [Applause on the Democratic side.]

I wish to acknowledge my debt of gratitude and thanks to the gentleman from Illinois for paying the splendid tribute to the South, in unfolding here the story of her marvelous growth. As he attributed that growth and prosperity to protection, let me remind him and the House that the products on which rests her prosperity go out by land and sea into the marts of the world, unaffected by the tariff except by its burdens, and meet the competition of all the nations. In spite of a mistaken view, as I believe, of some of her patriotic people, in my judgment the best thought, the best integrity, the best sense of fairness in the South demand for her industries, whether of mine or field or factory, no tariff protection.

She does not seek to place burdens upon the backs of any of the American people for her profit and benefit. [Applause on the Democratic side.] Subject only to revenue, limited to the necessities of government, she is content, sir, that Congress leave her to the laws of trade and the mercy of God, and then, relying upon her own resources and industry, she is ready and willing to work out her commercial destiny in the contest of trade against a competing world. [Applause on the Democratic side.] With this policy to the forefront, with her state governments in the hands of men of integrity, of prudence and economy, knowing neither favoritism nor greed nor graft, every southern heart thrills with conscious pride as he points to that young commercial empire lying south of the Potomac as the fairest and the happiest portion of the globe. [Applause on the Democratic side.]

Mr. Chairman, the gentleman from Illinois charged that Democrats always applauded distress, and complained that, as the gentleman from Texas [Mr. HENRY], in his admirable speech some days ago, described the pitiable conditions of the school children in the city of Chicago, applause came from this side of the Chamber. He assumes to mistake a demonstration of protest for an applause of approval. As we listened with pain to the heartrending story revealed in the report of the public-school officials in Chicago of the thousands of little children daily going to school breakfastless and often to bed supperless; of their going about the streets hunting for the fallen crumbs of food and fishing through the garbage piles for scraps of refuse meat to keep their little souls and bodies together, if, sir,

I had failed to join with my colleagues on this side in a storm of protest against those distressing conditions, I would have been less than human. [Applause on the Democratic side.]

My only regret is that the storm of protest was not loud enough and strong enough to reach with quickening effect the heart and conscience of every man in civil or official life responsible for such horrible conditions. [Applause on the Democratic side.] My surprise was that as I looked across this Chamber I saw more than a hundred of you Members sitting there unmoved and untouched, with an indifference as stoic as marble.

But the gentleman from Illinois said that it was denied that those conditions existed in 1908 or that they exist now. However, I understand the superintendent of schools wrote here after Mr. HENRY's speech and gave out an interview in the Chicago papers declaring that the pity of it was that this tale of woe was too true. The very day, the very moment that my friend Mr. BOUTELL was making his speech the papers of his city were bringing the news that not only among the children but among the laboring people there was actual suffering. I read from the Chicago Record-Herald:

Alderman Thomas F. Scully announced yesterday that on next Monday night he will introduce an order in the city council asking that body to take official cognizance of the prevailing high prices of food products, and to grant permission to investigate. "Something must be done," said Alderman Scully; "out in my ward and in many of the sections of the city the working people are actually suffering."

The prices of food products are so high in the protected city of Chicago that according to the report of the food commissioner the poor people and laboring people are being fed on old, maimed, worn-out horses. I read the other day in the papers that the children in New York City were hunting through the streets and garbage piles, picking up scraps of everything they could get, even to cigar bands, and making soup out of them—and this under the Aldrich-Payne bill! [Laughter.]

And I read, too, that the food commissioners of some of the States in the protected section were discussing whether or not they should allow the poor people to buy billy-goat meat as mutton. My friends, you may talk about the hard times under the Wilson-Gorman Act, but I will be blessed if the people ever got down to eating old worn-out horses and billy goats and making soup out of cigar bands in order to keep from perishing. [Laughter.]

Relative to the present conditions in Chicago, I find in another Republican paper, the Chicago Tribune, of January 28, 1910, the day after the first speech of the gentleman, the following:

CHILDREN FORCED TO WORK.

High cost of living is blamed by Superintendent Robert L. White, of the Elgin public schools, for a noticeable increase in the number of children under 16 years of age who have left the schools and gone into factories and shops. Seventy-five students, between the ages of 14 and 16, left the schools at the opening of the second semester this week. Of this number 22 are girls. Each case was investigated, and it was found necessary that the students work to assist in the support of their families.

And this under the Aldrich-Payne Act!

Think of it. Out in the protected city of Chicago, where the meat trust and the steel trust hold sway, even the children of their labor must leave the schools and dedicate their little tender bodies to the shop machine to supplement the wages of their parents in order to keep the family from perishing—under the Aldrich-Payne Act!

Such conditions prevail not only in Chicago, but throughout the protected sections of the country. Here is an item from the Duluth Herald, in the State of Minnesota, of February 1, 1910, another good Republican paper:

WAGES FOR WORKINGMEN NOT EQUAL TO COST OF LIVING—CHARITABLE ORGANIZATIONS HAVE TO HELP FAMILIES OF MEN WITH JOBS.

Miss Jean Poirier, state factory inspector, says: "At the present time much suffering exists in families where the father is constantly at work. * * * The situation is really alarming when a man can not earn enough to feed and keep his family in comfort. There is no end to these cases. * * *

"The problem is a serious one to all those that labor for a living, and it seems to be growing more serious every day. It has been brought home more forcibly the last few weeks when applications to charitable organizations have been received for assistance from the families of men with steady jobs."

In the protective-tariff State of Minnesota, men who have steady jobs, to supplement their scant wages, must seek charitable institutions and beg alms to help support their wives and children—and this under the Aldrich-Payne Act!

Let us now turn from this picture of gloom and distress to one of brightness and cheer and happiness. In the very issue of the Chicago paper that tells us of the "actual suffering" of the laboring people we read in another column with flaming, jubilant headlines:

PAY EXTRA ON STEEL—PROFIT SHOWS A TREMENDOUS GAIN.

The statement of the corporation's net earnings for the final quarter of 1909 showed a total of $40,971,309. This brought the earnings for the full year up to $131,479,975, as compared with $91,826,520 in 1908.

The dispatches of a few days thereafter brought the still more cheering news that Armour & Co., head of the meat trust, for the last year, according to its report, had made 35 per cent dividend.

And yet the very laboring men that helped them make these immense profits must take their little children out of school to supplement their wages and must apply to charitable institutions in order to keep the wolf of want and hunger from the door. And this under the Payne-Aldrich Act, that no Republican on that side has got the courage to openly defend. [Applause on the Democratic side.]

I was a little amused at the gentleman from Illinois [Mr. BOUTELL] persisting, in his two speeches, in calling this act the "Payne Act." And I wondered what he must have had against the gentleman from New York [Mr. PAYNE] that caused him to shoulder upon him the sole responsibility for this legislative curse. I had supposed that its name was the "Aldrich-Payne Act." And I believe the gentleman from New York [Mr. PAYNE] is willing for somebody else to help him shoulder the responsibility of that act. [Applause on the Democratic side.]

Mr. PAYNE. I want to say that "the gentleman from New York" will be very happy to shoulder the entire responsibility for the recent tariff bill. [Applause on the Republican side.]

Mr. KITCHIN. Then I can only say to the gentleman that he is willing to tote more than any man I have ever seen. [Laughter.]

Now, if he will permit me, I will say further that if the "near insurgents" are successful in the plot to which I shall hereafter allude, they are not going to let him have a chance to shoulder any more responsibility in this House. [Laughter and applause on the Democratic side.]

Well, now, gentlemen, the country has understood the act was the Aldrich-Payne Act. I can not see why any man in the world in the face of present conditions should want to be proud to have that offspring named after him. [Laughter on the Democratic side.] The newspapers, the periodicals, and the people of the country know it as the Aldrich-Payne Act. When we contemplate the actual suffering of the laboring people and the hungered condition of their children throughout the protected sections on the one hand, and the immense profits and dividends of the steel trust and the meat trust on the other, all must admit that its name is most appropriate—the "All-rich-Pain Act." [Laughter and applause on the Democratic side.] It bears the right name. It has brought what the Democrats predicted: Blessings to the all-rich, and the pain of hunger to millions of the poor. [Applause on the Democratic side.] The present conditions of the country stamp that name upon it. [Applause on the Democratic side.]

The gentleman from Massachusetts attempted to relieve the gloom of the present situation by a discussion of conditions in 1908 and the prices of food products, especially meat products, in this and foreign countries in the summer of 1908 and in some previous years. He produced here a chart of prices made by some American ship in its travels during the summer of 1908, showing the prices of beef at Boston to be 9 cents; at Copenhagen, Denmark, 13 cents; at Stockholm, Sweden, 11 cents, and so forth. He was "conspicuously absent" in his discussion of the prices existing now and since the enactment of the Aldrich-Payne Act.

Mr. GARDNER of Massachusetts. Will the gentleman allow me?

Mr. KITCHIN. Why, certainly.

Mr. GARDNER of Massachusetts. The gentleman did not hear me quote from Mr. Gompers's report the conditions since the Payne bill?

Mr. KITCHIN. No; I did not; but I did hear——

Mr. PAYNE. You ought to read that.

Mr. KITCHIN. I believe Mr. Gompers's article was written a very short time after the Aldrich-Payne Act, and the distinguished Senator from Massachusetts, whose name is familiar to my friend, as I recall, put it in a speech which he made during the last tariff bill discussion in the Senate.

Mr. GARDNER of Massachusetts. Now, Mr. Chairman, I am sure the gentleman does not want to make a misstatement to this House. The Senator from Massachusetts did nothing of the sort. He put in the speech on January 31, this January; and in the very opening, in the words which I read from Mr. Gompers, he will find the account of the British Trade Congress at Ipswich, in September, after the passage of the Payne bill.

Mr. KITCHIN. Well, now, is not that a pretty good time to see the effect of the Payne Act—one month? [Laughter on the Democratic side.] Just one month! I am talking about six months afterwards. The laboring people as well as other citizens in the city of Boston met a few weeks ago in Faneuil Hall, with an ex-governor of the State presiding, to protest against

the hunger and suffering produced by the existing hard times and high prices in this country, and to seek a remedy for relief. I want to ask my friend seriously what consolation is it to a poor fellow in Boston, who is now hungry and half-starved because of high prices put upon meat products by the meat trust under the tariff, to produce charts and statistics to prove to him that in July, 1908, he could buy beef in Boston at 9 cents, but would have to pay 11 cents in Stockholm, Sweden? What he wants to know is how about beef and bacon in this country in January and February, 1910.

My friend reads with approval something from Mr. Gompers. I believe he has not heretofore entertained a very high regard for this gentleman. He says that Mr. Gompers found when in Europe that meat was from 25 to 100 per cent higher than in America. Is that what he said?

Mr. GARDNER of Massachusetts. Does the gentleman want what Mr. Gompers did say?

Mr. KITCHIN. Yes.

Mr. GARDNER of Massachusetts. Mr. Gompers says:

How often do these people eat meat is a question the American in Europe finds himself asking when looking among the wage-earners. Meat is usually from 25 to 100 per cent higher in price than in the United States.

Mr. KITCHIN. The statistics you produced yesterday, if correct, condemn the figures of Mr. Gompers as untrue. There seems to be a conflict between you and Mr. Gompers as to meat prices. According to the statistics contained in the speech of the Senator referred to, the poor man can buy in Europe for 10 or 12 cents as much loaf bread as he can get here for 20 or 25 cents.

Perhaps, you will find some places in Europe where meat may be a little higher than in some places here, but Mr. Gompers did not tell you what kind of meat it was. I notice that statistics show that horse meat is twice as high in some places in Europe as it is in Chicago and Boston. [Applause and laughter on the Democratic side.]

Mr. GARDNER of Massachusetts. Does the gentleman mean the House to infer that Mr. Gompers made any report on the cost of horse meat?

Mr. KITCHIN. He must do it, if the figures that you gave yesterday are correct. I believe it is the first time in several years that any Republican has quoted or applauded with approval anything that Mr. Gompers has said or done. [Laughter and applause on the Democratic side.] And I believe you are trying now to atone for his jail sentence, for which, in the final analysis, the policies of you standpatters are responsible. [Applause on the Democratic side.]

But you must take your choice between Mr. Gompers and a Republican. I do not know what Mr. Gompers said or what he meant, but I do know that there is one distinguished Republican in this country who, as an authority on the subject, no Republican will dispute. He is at the head of a great department in this Government, twelve years a member of a Republican Cabinet, hailing from the great agricultural State of Iowa, Mr. Wilson, Secretary of Agriculture. I do know that after Mr. Gompers wrote that article Mr. Wilson testified here before the District of Columbia Committee, on January 24 of this year, that the beef trust were selling meats to Europe and the foreigners cheaper than they were selling meat to the starving people in this country. [Applause on the Democratic side.] I am going to read what Mr. Wilson testified to just a few days ago, and then I want to see whether you Republicans will continue to applaud our friend Mr. Gompers and sit in silent contempt of what Mr. Wilson said. You may take your choice. [Applause on the Democratic side.] I hold in my hand his testimony. He said:

The food products of the American farmer are being sold in foreign countries to the consumers abroad for less than they are being sold to consumers at home.

Being asked what products he was talking about, he answered:

Meat products.

[Applause.]

Now, whom are you going to believe, and whom are you going to applaud? Who do you believe knew more about it? The gentleman from Illinois and the two gentlemen from Massachusetts who spoke yesterday asked, "How can you have low-price beef when you have high-price cattle?" Why, they want us to believe that the farmer is getting the benefit of these prices. They want us to believe that the farmer has created these distressing conditions by demanding high prices for his product. If it be true, as you claim, and I deny, that the farmer, the producer, is responsible for the high cost of living and is getting the benefit of the high prices, is it not mighty strange that when the steel-trust goods, the woolen-trust goods, and all other trust-made articles were soaring sky high, not a Republican in this Nation suggested an investigation of their high prices, but just as soon as they thought the farmers' products were too high then resolution after resolution, at both ends of the Capitol, are introduced to investigate the cause of these high prices and find a remedy to lower them? The beef trust first raised the cry that the farmer, the producer, was responsible. It declared that the farmer was in a trust to put up the price of cattle, hogs, and sheep. Then every defender and apologist of the trusts began to declare that the present suffering was to be attributed to the high prices demanded by the farmer for his product. Members of this House and Republicans elsewhere in this Capitol are now taking up the complaint started by the beef trust that the farmers in this country are responsible for the deplorable conditions of suffering and hunger prevailing among the laboring people and the children in our cities. In the name of the farmers of this country I protest against this outrageous libel upon them. The farmer, the cattle producer, is not getting the benefit of the high prices.

Mr. Wallace, the president of the Association of Meat Producers in the West, declared the other day that the farmer was not getting the benefit of these high prices. A good Republican paper in the city of Pittsburg declares:

While in the course of a decade the market value of live stock has remained almost unchanged, the price of meat has been arbitrarily forced up to the present standard, under which positive suffering is inflicted upon the people in this country.

Mr. BATES. May I ask the gentleman a question?

Mr. KITCHIN. I will yield to the gentleman from Pennsylvania.

Mr. BATES. Does the gentleman undertake to inform this House and the country that the farmers' products are bringing them no higher prices to-day than they were ten years ago?

Mr. KITCHIN. I do not know——

Mr. BATES. I understood the gentleman to make that statement.

Mr. KITCHIN. I do not know of my own knowledge. I did not raise beef ten years ago, and we are talking about beef products; but I want to tell the gentleman one thing, the highest Republican authority in this country says they are not, and that is James Wilson, Secretary of Agriculture.

Mr. BATES. I ask the gentleman—I am not going to bother him, and I apologize for interrupting him——

Mr. KITCHIN. The gentleman does not interrupt me. [Laughter.]

Mr. BATES. Is it not a fact that fifteen or sixteen years ago——

Mr. KITCHIN. The gentleman said "ten years ago."

Mr. BATES. Or ten years ago that the price of live hogs was only about one-half of what it is to-day? They sold yesterday for 9½ and 10 cents, live weight. Did the gentleman ever know farmers to obtain such prices as that ten or fifteen or twenty years ago?

Mr. KITCHIN. We were discussing cattle and beef products prices. But about live hogs; statistics show that in 1893, under Cleveland's administration, the farmer of the West got more for his live hogs than he has since. But let us get back to beef and meat.

Mr. ROBINSON. Will the gentleman yield for a question?

Mr. KITCHIN. I will yield to the gentleman.

Mr. ROBINSON. I want to ask the gentleman from North Carolina if it is not a fact that Secretary Wilson stated in his testimony that the price of stock cattle, the cattle that the farmer sells to the feeders, is no higher now than it was ten yeras ago?

Mr. KITCHIN. The gentleman is correct. I have Secretary Wilson's testimony right here, and I will read it for the benefit of the gentleman from Pennsylvania.

Mr. BATES. If the prices are no higher now than they were, what is the gentleman complaining about?

Mr. KITCHIN. We say that the beef on the hoof, the farmer's product, is no higher now than it was then, but after it gets into the hands of the Beef trust, with the cent and half and 2-cent tariff, they control the price of the dressed product absolutely, and they have put up the price to the consumer until now it is 50 per cent higher than it was ten years ago. That is our complaint against you; you have not divided the spoils with the farmer; you have taken it all for the trust. [Applause on the Democratic side.] Now, let me read what Secretary Wilson said on January 24, in his testimony:

We inquired into the prices that the farmer gets on the farm to ascertain whether the farmer was getting all the money of the country for the sale of his meat. We found that the stock steer on the farm, a 2-year-old steer, is not a particle dearer now than it was twelve years ago. You can buy them just as cheap now as you could twelve years ago.

But the product of the steer after it gets into the hands of the Armour, Swift, and Morris combine has been increased nearly 50 per cent. The very ground of the present prosecution of the beef trust in Chicago by the Government is that the big packers combine and fix absolutely the price to be paid the farmer for his live stock, to which he is forced to yield, and then in turn fix the price for the dressed product to which the dealer must yield. And thus the farmer, the retailer, and consumer are all sandbagged by the trust.

Recalling the introduction recently of two bills to remove the tariff from meat products, respectively, by two high-tariff Republicans prompts me to remind the House of a few significant acts passed by former Republican Congresses. When distress and want has seized the country, the Republican party has often resorted to Democratic policies in order to relieve that distress.

In 1866, when Portland, Me., was devastated by fire and her people were made homeless, a Republican Congress at once invoked a Democratic policy to relieve her unfortunate people, and placed for one year lumber and building materials on the free list. When, in 1871, the great fire in Chicago swept thousands of her people shelterless into the streets, again a Republican Congress vindicated a Democratic policy by removing the tariff for one year on building materials. It is still fresh in the minds of us all, when the coal trust, taking advantage of the great strike in the winter of 1903, were plundering by monopoly prices a suffering people, a Republican Congress, to relieve the distress, again resorted to a Democratic measure by removing for one year the tariff on coal; and now when millions of people, and especially the laboring people and their families, are suffering with hunger on account of the high cost of living exacted by the meat trust, at least two protective-tariff Republicans, to relieve the distress, are asking a Republican Congress to again adopt a Democratic theory of the tariff by putting upon the free list meat products. Now, I put this to your conscience and judgment: If it was a good thing to relieve the freezing people from the avarice and greed of the coal cormorants in 1903 by putting coal on the free list for a year, why would it not be a good thing to make this Democratic measure permanent, in order to forever hereafter prevent the coal barons forcing the people to the freezing point? If the enactment into law of a Democratic measure was a wise and good thing for a year to relieve the suffering and distress of the people of the cities of Portland and Chicago and help them to rebuild their homes, why would it not be wise and good and just to crystallize that policy into a permanent statute to help millions of our homeless people to build their first homes? [Applause on the Democratic side.]

Mr. DAWSON. Will the gentleman give us his opinion as to what chance the proposition for free building material would stand at this time, particularly upon the Democratic side of the aisle?

Mr. KITCHIN. We are not discussing free building materials now. We are talking about keeping the fellows from starving out in your State, in Illinois, Minnesota, and the other protected States; and I want to tell you right now, every Democrat on the Ways and Means Committee, every Democrat in this House, will vote for either one of these free meat-product bills, if you will give us an opportunity, to help relieve a suffering people. [Applause on the Democratic side.]

Mr. DAWSON. There are no starving people in Iowa, let me say to the gentleman. I understood the gentleman was discussing free lumber, and I would like to ask him——

Mr. KITCHIN. Now, the gentleman is getting away from the subject.

Mr. DAWSON. How many on that side, I would like to ask, would vote for it now?

Mr. KITCHIN. The gentleman asks now how free lumber would stand on this side of the House. I will tell the gentleman. It would get an overwhelming majority, as it did in the last session, and I will ask him now how would a bill to put meat products on the free list to feed the hungry people of the country stand on the Republican side of the House? [Applause on the Democratic side.] I will anticipate the question that the gentleman from New York [Mr. PAYNE] is about to ask. Lumber was not put on the free list in the case of the Chicago fire. All other building materials were. The little lumber trust in Chicago, even at that time, had influence enough with a Republican Congress to prevent that.

Again, I put it to your conscience and judgment: If a protective tariff is a blessing to all the people, as you always argue, and not to the few only, and you are honest and sincere in the argument, then why, in the name of common sense and common humanity, in order to relieve the distress caused by the Portland and Chicago fires, instead of removing the tariff on building materials did you not increase it? If protection is a blessing, why did you not increase the protection in order to increase the blessing and thereby more easily relieve the distress? [Applause on the Democratic side.]

When the people were freezing in 1903, if protection was a great blessing to the people of this country, instead of putting coal on the free list, why did you not increase the protection on coal in order to multiply the blessings to the people and thereby relieve the suffering. [Applause on the Democratic side.]

If protection is a blessing to the people, why did not my protective-tariff friends, Mr. GARNER of Pennsylvania and Mr. FOELKER of New York, introduce bills to raise the tariff on food products instead of removing it in order to relieve the present distress? [Applause on the Democratic side.] Gentlemen, your conduct and your record are against your sincerity or against the soundness of your argument.

Mr. Chairman, I want my friend Mr. BOUTELL and my other friends across the aisle to go back and tell the people of Boston and Pittsburg and Philadelphia and New York and Chicago that two bills are now pending before the Ways and Means Committee, each of which was introduced by a protective-tariff Republican, promising to give some relief to the people of this country by removing the high tariff on meat products, and that not a Republican on that committee will dare attempt to bring it out and give the House a chance to vote on it. Tell them that a Republican committee and a Republican House refused even to consider a measure for their relief.

But the standpatters now say that the tariff does not and can not affect one way or the other the price of food products.

In fact the gentleman from Massachusetts [Mr. GARDNER] attempted to show, amid Republican applause, by his charts and statistics that food products, especially meat products, were much cheaper in this country than in any other country in the world. I need not suggest the ridiculous position in which this argument puts the high-tariff standpatters. In every tariff debate for the last forty years protection advocates have based their argument and appeal for high tariff on the fact that the prices were higher in this country than anywhere else, and that the high tariff was necessary to maintain such prices and to prevent other countries competing with us with their cheaper goods. And now after the new high tariff has been enacted and the people are complaining of the excessively high prices under this tariff, the standpatters are now answering their complaints by declaring and attempting to prove that the necessaries of life—food products—are cheaper here than in any other nation of the world. If it be true that the tariff has nothing to do with the prices of meat products, why is it that the Aldrich-Payne Act levies a tariff of 4 cents per pound on hams and 4 cents per pound on bacon and 1½ cents per pound on beef and from 15 per cent to 30 per cent on fish? If the tariff does not affect it, then you levied that tariff and retain it for the purpose of deceiving the supposed beneficiaries. But we know and the country knows that you put this tariff upon the meat products for the purpose of building a wall behind which to shelter the meat trust in plundering the people. Does the tariff upon meat products affect or raise the prices? Let Republican witnesses answer. Prof. William B. Guthrie, of the chair of economics in the College of the City of New York, a Republican, in an article in the Philadelphia North American, a Republican paper, of date January 23, 1910, says:

> The tariff is one of the major influences in the rise of food products.

Mr. Byers, attorney-general of the State of Iowa, a Republican, in an interview published in the Des Moines Capital, on January 31, 1910, a Republican paper, in fixing the blame for the present high prices of food products declared that—

> the responsibility for the high prices lies wholly upon the trusts, the excessive tariff, the exorbitant transportation charges, the stock and grain gambling, and if any one is more to blame than the other of these I would fix their responsibility about in the order I have named.

The New York Journal of Commerce and Commercial Bulletin, a Republican paper, in its issue of January 24, 1910, asserting that the tariff and trusts are the main causes of the high prices of food products, said:

> The matter can not be normally regulated either by boycott or prosecution, but only by the unfettered law of supply and demand.

The Pittsburg Leader, a Republican paper, of issue of January 26, 1910, said:

> According to Secretary Wilson, exported meat is sold for far less abroad than is demanded at home for identically the same cuts. In short, in order to maintain low prices abroad, open robbery is practiced on the markets at home. The bill introduced to remove duties on meat products should be passed, and speedily, for at present the tariff goes beyond its intended usefulness by safeguarding the packers and retailers, and making it impossible for the public to get a square deal. If Congress does not do it, Taft should have it done. Let the President remember that every day he delays he is making countless thousands suffer.

The Harrisburg Star, Republican, of January 26, 1910, says:

Let the Government "bust" one of the mammoth trusts and prices will drop, because the big fellows are keeping them up. Let the Government take every cent of protection off such products as are sold more cheaply to the foreign than the domestic consumer, and prices will fall.

But however great may be the demand, the people need not expect relief by removal or reduction of the tariff on food products. Not a Republican member of the Ways and Means Committee will dare move to report out any such bill, though many are now pending before it, unless the meat trust consents.

With the permission of the House, I now desire to advert to the distress which prevails among our friends across the way. If a high protective tariff is a blessing producer and a suffering reliever, the Aldrich-Payne Act surely ought to be putting in its good work over on that side. If it is really a measure of relief, the Speaker's room ought to be plastered all over with Aldrich-Payne acts. [Laughter.] Much has been said here pro and con about the groanings of the people under this blessed act. The gentleman from Illinois [Mr. BOUTELL] declared that there were no groanings down in Texas, and the gentleman from Texas [Mr. HENRY] said there were lots of groaning out in Chicago. I do not know about this, but I believe I know where there has been some groaning since the recent passage of the Norris resolution, which no man will dispute. They tell me that in the Speaker's room the groanings have been so loud and so long as to find expression in such emphatic nouns and adjectives that to repeat them here would be most unparliamentary. [Laughter and applause on Democratic side.] I see in the Republican press that the Speaker is inclined to question a man's Republicanism if he groans any under the recent tariff act. When the Republican congressional committee met here some time ago, the latter part of January, it is said that one of my near-insurgent friends—the term "near-insurgent," gentlemen, describes that class of Republican Members who are always talking against Cannonism and the rules and always voting for Cannonism and the rules [laughter and applause on Democratic side]—my good friend from Michigan [Mr. HAMILTON], so goes the report, arose in the meeting (and, gentlemen, I am just quoting, you know, from Republican sources—the Republican organs of the country—and, of course, you understand, I can not vouch for their character for exact truth) [laughter], and looking around to see that the doors were shut and all the windows down—he did not want it to get out—said:

Gentlemen, you can say just what you please, but there are two things that we have got to go up against out in Michigan.

Being asked what they were, he answered:

First, Cannonism; second, high prices of living among the poor people and the laboring people under this here Aldrich-Payne tariff.

[Laughter.]

The Speaker did not mind the "Cannonism" suggestion, but that any Republican—and a Representative at that—should be groaning under the Aldrich-Payne Act aroused him, and he up and said:

This Aldrich-Payne Act is the best tariff act ever put upon the statute books. It is a party measure, and it is the duty of every good Republican to stand by it—

And he did not want any groaning around here under it, either. [Laughter.] Whereupon the gentleman from Michigan meekly arose and said:

Well, Mr. Speaker, I am just as good a Republican as you are, but—I did not mean to groan; I did not go to do it, but the people out in my district have been groaning so loud under this here tariff act, that I was just bound to groan a little through sympathy.

[Loud laughter and applause.]

After the Speaker was assured that it was only a sympathetic and not a personal groan, it is said that he was willing to leave the staunchness of their respective Republicanism to an umpire, who decided it was a tie between them. [Laughter.]

With much pain and sorrow, I proceed now to reveal to the House the horrible conspiracy which is slowly but surely advancing here against the head of the king.

I read from the New York Tribune, the great Republican organ:

A number of the regulars in the House of Representatives, conservative men, and little prone to political hysteria, have arrived at the conclusion that not only must Speaker CANNON abdicate his throne, but that there must be a change in the leadership of the lower body. These regulars are all part of the so-called Cannon machine in the House, and have been for years earnest laborers for the success of the Republican party, and men who concern themselves deeply lest it should make a mistake at a crucial moment.

* * * * * * *

They feel that in order to assure an increase in the Republican majority in the House they will have to announce their unwillingness to vote again for Speaker CANNON. They feel that it would be wise to announce his withdrawal before the campaign begins.

[Laughter.]

And in another issue:

While those regulars in the House who place their wishes for the success of the Republican party above their desire to gratify Mr. CANNON still hope that the Speaker will soon announce his withdrawal from the field, preparations are being made to eliminate him from the present dangerous situation—

[Laughter.]

if necessary, by compulsion. Each day the ranks of those who admit that "Cannonism" and the high cost of living are the only two issues which the Republicans need fear in the next campaign are increasing. To-day, for the first time, definite plans for the removal of the former issue were discussed by regular Republicans. Several plans are talked of, which may not be carried out for several weeks, but it is practically assured that before the close of the present Congress a great number of Republicans will put themselves on record as opposed to Mr. CANNON'S reelection to his present position.

[Laughter on the Democratic side.]

Mr. Chairman, for eight years I have seen in this House a strong man, an intellectual giant, riding the very whirlwinds and directing the storms for his party. I have seen this remarkable man, who is called a "king," a "czar," an "autocrat," wield more power than the President. I have seen his party in the House erect for him a throne, and he has sat as its undisputed ruler. He has controlled his party. He has controlled legislation. He has stood here for nearly forty years a bulwark of strength for his party. He has been the very god of the standpatters' idolatry. For Republican policies he has behind him a proud record and a great service, and to them he has given active loyalty. For long years he has been the central figure of the Nation's Capitol. But, alas, no more!

I have touch'd the highest point of all my greatness,
And from that full meridian of my glory
I haste now to my setting.

* * * * *

Farewell, a long farewell, to all my greatness.

This sad retrospect is being pressed to his lips.

My friends, my heart is crushed with grief as I contemplate this powerful man writhing, helpless and hopeless, in the hands of the conspirators, his former friends and followers. I see him driven from the throne, repudiated and condemned. I see his head falling from the block and dangling at their belt.

Let us read on:

That these men have not gone about openly expressing their opinions is due not only to their desire that no impression of discord should go abroad, but to their extreme regard and loyalty to Mr. CANNON, whom they feel to be more the victim of unfortunate circumstances and frequent misrepresentation than of deserved and intelligent criticism. In a personal way it is probable that Speaker CANNON is more popular and respected at the Capitol to-day than at any other time in his career.

Now they are letting him down easy, bending his head for the ax, just as tenderly and lovingly as possible. [Laughter and applause.]

No friends are more unsparing in their praise and more lenient in their criticism than the men who now feel compelled to admit that Mr. CANNON'S present determination will be a detriment to the party in the coming congressional campaign.

I do not see, to save my life, with such pathetic appeals for the grand old party, how any man who has been Speaker for seven or eight years and a Member of the House for thirty-six years can help making the sacrifice and get out of the way, in order to give the Republicans a majority in the next House. [Laughter.]

Again I read, and just listen at the woolngs of the conspirators:

All possible deference will be paid to the feelings of the Speaker, and it will be made clear that the Republican party has entire confidence in his sincerity and honesty of purpose and a grateful appreciation of his efforts in the past.

[Laughter.]

"Oh, yes, Mr. Speaker," they say, "we are willing to concede you every virtue and write for you a most splendid epitaph. In your execution we are going to be just as gentle and tender and loving as possible; but you, of course, understand that, in order to keep our heads on, it is necessary to lop your head off." [Laughter and applause on the Democratic side.]

I will now read from the Republican papers the honor roll of these conspirators [laughter], men by whom the Speaker has always stood, and who, by his grace and strong right arm, have been lifted into favor and prominence. Here is the list of the honor-roll men, who are going to help assassinate the great Cæsar [laughter]:

FOSTER of Vermont [laughter], AMES, BARCLAY, BARNARD, CASSIDY, COCKS of New York, COLE, CRUMPACKER, DAVIDSON, DIEKEMA—

[Laughter.]

And here I am reminded of a little incident I saw in a Republican paper the other day, which is too good to keep. As the story goes, the whip for the majority, the popular gentle-

man from New York [Mr. DWIGHT], approached his floor leader and said:

Mr. PAYNE, they are going to try to get Mr. CANNON to decline to be a candidate for the Speakership in the next Congress, and I understand that if he does decline, DIEKEMA is going to be a candidate to succeed him.

The serene gentleman from New York, with a frown of the forehead and a scratch of the head, replied:

DIEKEMA, DIEKEMA! Why, who is DIEKEMA, and where did he come from?

[Great laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DIEKEMA. May I ask that the gentleman's time be extended indefinitely? [Great laughter and applause.]

The CHAIRMAN. The time is under the control of the gentleman from Tennessee.

Mr. MOON of Tennessee. I yield the gentleman fifteen minutes more.

Mr. KITCHIN. I am certainly under obligations to my friend Mr. DIEKEMA, in asking that I have unlimited time.

Mr. DIEKEMA. The gentleman is under obligation to the gentleman for his free advertising. [Laughter.]

Mr. KITCHIN. I would advise the gentleman never to take the advertising of an adversary. [Laughter.]

I return to the list of honor men:

HANNA, HENRY, GILLETT, HUBBARD of West Virginia, JOHNSON of Ohio, LAFEAN, LOUD, MCKINLEY of Illinois, MCLAUGHLIN of Michigan, MOON, MOORE, NYE, PRINCE, and SCOTT—

And my good friend TOWNSEND, they get him in twice. [Laughter.]

When and how will the "deep damnation of his taking off" occur?

I quote again from the Tribune:

The plan now talked of is to call a caucus within a few weeks, or when a majority of the Republicans in the House have approved the idea, to make some minor changes in the rules and in some diplomatic manner to put the caucus on record as opposed to Speaker CANNON'S re-election. Several of the regulars to-day made the prediction that a majority of the Republicans were now ready to take some such action, but that it might require several weeks of persuasion before they would be willing to enter such a caucus.

The plan will be prepared by the regulars, and the insurgents will be merely auxiliaries.

* * * * * * *

They do not believe that such a moment has arrived.

Not ready for the blow yet. Careful preparation must be made for the successful execution of the awful deed. Why postpone the tragedy? Gentlemen, you ought, like bold assassinators, strike the fatal blow at once. It is cruel to torture him with this long, hard, writhing, lingering death. [Laughter.]

Why, even the cruel Macbeth, in pondering the murder of Duncan, felt compassion for his victim:

If it were done, when 'tis done, then 'twere well it were done quickly.

[Laughter.]

I commend to you conspirators, you near-insurgents and deserting regulars, the humanity of murderous Macbeth. [Laughter.]

History tells us that the men who caused the execution of Louis of France ordered that he be hurried to the block and that the ax fall quickly, to save him pain and humiliation. My friends, if it must be done, let it be done quickly. Permit me to read a few head lines in different Republican papers:

CANNON has got to go!
No more of Cannonism.
Don't want any more of Uncle JOE.

And here comes the Ohio State Journal headlining my friend TAYLOR thus:

TAYLOR of Ohio says he is done with Uncle JOE!

[Laughter and applause.]

And my good young friend COLE shouts: "Me, too!" [Loud laughter and applause.]

It is said that the whole Ohio Republican delegation has prayerfully come to the conclusion that it is best for the country, best for legislative reform, best for the promotion of Republican politics, best for the success of the grand old party that we have no more of Uncle JOE! [Laughter on the Democratic side.] I need not remind gentlemen that no delegation in Congress for the last eight years has done more to fasten Cannonism and the system on the House and the country than the Republican membership from Ohio.

Let me ask my Ohio friends and my friend from Michigan and my friend from Vermont and my other friends of the "honor roll" to get up in this House and point out one single measure the Speaker has ever advocated since they entered this body that they did not advocate. [Loud applause on the Democratic side.] Let them name one measure the Speaker ever opposed that they did not oppose. Let them mention one single policy the Speaker has ever pursued that they did not indorse. I challenge them to get up before us, who know their record and votes, and tell their constituents and the people of the country what rule or rules has CANNON or Cannonism ever presented to the House that they did not vociferously advocate and vote for? [Loud applause on the Democratic side.] These good Republican friends from Ohio and Vermont and Michigan and elsewhere can play MURDOCK and COOPER and NORRIS and other progressive Republicans back home among their people, but they can not play their parts before us who know their records. [Laughter and applause on the Democratic side.] You can not powder and wig up like the MURDOCKS and the COOPERS and the NORRISES and the LINDBERGHS and come out and make your speeches before us. [Laughter.]

We see you behind the curtains making up. You can not strut the stage with such indignant reforming air here before us with straight faces. We know you, and you know that we know you are playing. [Laughter and applause on the Democratic side.] You may be able to fool the folks at home, but in justice to the Speaker, in justice to your constituents, in justice to the country, you ought to rise in your seats here, before these gentlemen who know your records and your votes, and specify on what particular measure or policy or method or rule you have ever differed with the Speaker since you have been a Member of this House and when and where you have ever failed to follow or indorse him [Applause on the Democratic side.]

Oh, yes; Uncle JOE has just got to go, for the good of the grand old party. Now, let me ask you, suppose the Speaker does go, what are you willing to promise your constituents at home? Are you willing to pledge them that you will elect as Speaker one of these 25 or 30 real, progressive insurgents who have been against Cannonism and the rules for years and, at times, too, when it meant ostracism by their colleagues, or will you help put in somebody just as near like Uncle JOE as possible? Unless you promise your constituents that if you are elected you will not only not vote for the Speaker to succeed himself, but that you will not vote for any one of the 185 Cannonites over there, you will do nothing to promote legislative reform.

If you are sincerely opposed to Cannonism and its system; if you desire to see the one-man power destroyed in this House; if you wish to put beyond the power of the Speaker the naming of the Rules Committee; if you wish to prevent him from packing committees to keep in or bring out such measures as he wills; if you wish the majority of the House to have power to legislate when and on what it desires, then, sirs, you should be willing to pledge your constituents that, if elected, you will vote neither for CANNON nor a Cannonite either in the caucus or in the House for Speaker; that you will vote only for one who by his record here has proven his earnest opposition to Cannonism.

But, Uncle JOE has got to go! My friends, I do not know how he feels about it, but when I see gentlemen who have always been regulars and who have always received the Speaker's smiles deserting him now one by one, there comes to my mind the thought of the poet:

The wretch whom gratitude once fails to bind,
To truth, to honor, to virtue let him lay no claim.
But stand confessed before the world the brute disguised in man.

I commend it to the Speaker. [Laughter.]

I can seen how a Republican Member, who is simply a humble subject, can desert his king under stress of circumstances for the good of the grand old party, but how gentlemen whom he has lifted out of the ordinary into prominence and given chairmanships of committees can turn their backs upon him I can not understand.

I have forgotten which one of Milton's works this is in, but I bet the Speaker can tell me: [Laughter.]

Swinish gluttony ne'er looks to heaven
Amidst his gorgeous feast;
But with besotted, base ingratitude
Crams and crams, then turns to blaspheme his feeder.

[Laughter and applause.]

After feasting at the hands of the Speaker's generosity, now they turn to condemn him. I will not venture even to guess how often of late he has repeated these words. As I said, the Speaker can refer you to the page. [Applause and laughter.]

It is but fair to the distinguished gentleman from New York [Mr. PAYNE] to notify him that this terrible plot encompasses his overthrow as floor leader. In the closed-door meeting of the

Republican congressional committee, according to the Republican organ, one of my near-insurgent friends—

Intimated also that the floor leader, Representative SERENO PAYNE, of New York, should relinquish that position at the end of this Congress, so that a younger and more agile man might take his place.

[Laughter.]

Let me read further:

Some of them, however, agreed that Mr. PAYNE should relinquish the floor leadership to a younger man. It has not been suggested that he withdraw from the inner councils of the organization, for on all sides he is recognized as a most sagacious and sane of advisers—

Oh—

Thou cutt'st my head off with a golden ax!—

[Laughter.]

but it is believed by a number of his friends that he should be supplanted by a man who is more in touch with the Republican Members, who comes into contact with the entire majority.

He keeps himself, they say, too much in cold storage. [Laughter.] He does not mix with "the boys," and smoke and joke and pat them on the back enough. He does not jolly them like my good friend, Hon. JOE GAINES [laughter]—

and whose perspective has not, perhaps, been blurred by viewing for many years the Republican membership from a niche in the Speaker's anteroom—

[Laughter.]

Oh, just listen, if you please:

In the opinion of those who desire some change he should be reserved as a piece of heavy artillery which can be brought into the legislative fight after the more modern and sprightly sharpshooters have found the enemy.

[Much laughter and applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. UNDERWOOD. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina may have time to conclude his remarks.

Mr. MOON of Tennessee. Of course, Mr. Chairman, the Committee of the Whole can not give unanimous consent, but I will yield fifteen minutes more to the gentleman.

Mr. KITCHIN. Mr. Chairman, I am certainly gratified to know that these gentlemen who desire to get rid of my distinguished friend from New York and reserve him as a piece of "heavy artillery" are giving a very fine excuse for him to voluntarily retire under fire. [Laughter.] They say the gentleman from New York—and in my opinion he physically and intellectually is one of the most vigorous and strongest men here—is too old, and that when forced out he can console his pride with this explanation. My friends, I do not believe the gentleman from New York is much older than he was when you passed the act now called by you the Payne Act. I do not believe it is the age of the gentleman from New York that is troubling Members who want to behead him, but it is the age of the act, of which he is half father, that is getting too old for the judgment and consciences of your constituency and the people. [Applause on the Democratic side.]

Another gentleman comes out, saying that he thinks more of the Speaker than anybody else in the world, but the only reason he has for being against him is that "Uncle JOE is getting too old." Now, gentlemen, if you have ever seen a younger man in all your life—well, I never have. [Laughter.] I want to tell these men who are putting up that excuse that he is but a few days older than when you stood loyally by him on the Norris resolution and tried to fasten with a tighter hold Cannonism on the House. [Applause on the Democratic side.] He is only a few months older than when he, with your aid and consent, named the Rules Committee, with himself as chairman, and—I do not want to say "packed," but I do not know any better word—he is not much older than when he fixed up the committees of this House so that legislation could be kept in or brought out according to his will. It is not the age of the Speaker, gentlemen, but it is the constituency back yonder at home that is worrying you. [Applause on the Democratic side.]

But Uncle JOE has got to go!

And you are asking your people to send you back to fight and destroy the Speaker and his system.

Mr. Chairman, some years ago I was in New York and I went to hear Joe Jefferson play Rip Van Winkle. As I saw him in rags and tatters and heard him tell his pathetic story, a pitiless, friendless, helpless, hopeless wreck, I found myself with my handkerchief to my face wiping away the tears. I looked about me and saw 5,000 others doing the same thing. Then I caught myself and said: "What a fool I am, crying here over that miserable fellow of the stage, when the man behind those rags is a millionaire and never felt the want of a luxury! He is acting, simply acting!" And back went the handkerchief into my pocket. Then I sat there and knew it was Joe Jefferson playing instead of Rip Van Winkle living.

When I think, Mr. Chairman, of how these militant gentlemen are going to vote against Uncle JOE, how they are going to repudiate him, how they are going to send him out of the Capitol, drive him out of the city back to Danville, a political outcast, and picture him as he sits at the car window on his way homeward, peering into space, repudiated, "unwept, unhonored, and unsung," murmuring to himself:

* * * My way of life
Is fallen into the sere, the yellow leaf;
And that which should accompany old age,
As honor, love, obedience, troops of friends,
I must not look to have, but in their stead
Curses, deep-mouthed curses—

when I see him stepping off the train at Danville, stretching out his hand to his people, pleading with the pathos of the fallen cardinal:

An old man broken with the storms of state
Is come to lay his weary bones among ye—

O Mr. Chairman, when I contemplate this pitiable picture I am overwhelmed with saddest emotion, my heart melts, my eyes fill with tears, and—I catch myself again and say: "What a fool I am! Why, FOSTER and HAMILTON and COLE and TAYLOR and the whole hosts of near-insurgents are acting, acting, simply acting!" [Prolonged applause and laughter on the Democratic side.]

Yes, Mr. Chairman, they are coming back to fight mightily against Uncle JOE. What are you going to do? "Oh, I am coming back here to Washington and I am going to fight him." Where? "I am going to fight him in the caucus." How? I will tell you. They are going into the caucus, as they always have, but this time with blood in their eye, until the door is shut, and then they are going to stretch out their hands, with a knowing wink, to the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from New York [Mr. DWIGHT] and the gentleman from New Hampshire [Mr. CURRIER], and others of the House machine, and say, "Tie tight; tie good." [Laughter.] And while they are being tied, I know them so well, I fancy I can hear them say, "You are tickling; you are tickling." [Prolonged laughter.] Then after it is all over and Uncle JOE is the caucus nominee and again Speaker by their vote in the House, they will sob and say, "I could not help it; I had to stand by my party; it made me do it." [Applause on the Democratic side.] Yes, I see them tying my friends from Ohio and Vermont and Michigan and all of these other near insurgents, tying them good; and then I see them sitting there voting against Uncle JOE, when they knew at the very time they entered the caucus that three-fourths of the Republicans in that caucus were for Uncle JOE. [Loud applause on the Democratic side.] When their constituents ask, "What did you do that for?" they are going to say, "Oh, I could not help it; see how they bound me; I had to be a Republican or a Democrat; but you just send me back one more time and I will go into the caucus and fight him again in the same old way." [Laughter.] Now, gentlemen, they are not fooling me; they are not fooling anybody on this side; and I know that there is one man in this House that they can not fool, and that is the Speaker himself. [Laughter.] There never was a more complacent countenance upon any man than the Speaker, although the papers have been full of abuse and criticism, and, I may say, sometimes of slander against him. I knew they were playing and the regulars knew they were playing, or else they were the biggest cowards in the world. For two months and a half the papers and periodicals in this country have raked in most scathing terms the Speaker, his rules, and his system, and yet not one single Republican on that side has had the nerve or the gratitude to say one defending word for the Speaker, except the Speaker himself. [Laughter and applause on the Democratic side.]

Gentlemen, let us be honest and candid. You know and we know that the Speaker represents and typifies the political sentiments and principles of more than three-fourths of the Republican membership in this House and in the Senate. He stood with you on the passage of the Aldrich-Payne Act. He stands, and so do four-fifths of you, for a tariff wall behind which to shelter the trusts in plundering the people. He is in favor, and so are four-fifths of you, of the protected barons writing the schedules of the tariff, instead of the representatives of the people. He favors, as do four-fifths of you, ship subsidy—granting to the ship syndicate the right to plunge its hands into the Federal Treasury and take the people's contributions to satisfy its passion for profits. He favors, as do four-fifths of you, power in the Speaker to name the Rules Committee, with himself as chairman. He favors, as do four-fifths of you, packing committees to defeat or enact measures as the Speaker wills. He favors, as do four-fifths of you, making the Speaker the autocrat of the

House. He represents the policies of the Republican party as interpreted by a vast majority of its membership in Congress for the last ten years. These policies, with the fundamental idea of protection and favoritism to the few at the expense of the many, demand Cannonism at the Capitol. Organized privilege could not exist twenty-four hours unless it had the system which prevails and has prevailed in this House. [Applause on the Democratic side.]

The system outside of the Capitol must have a system inside of it. Let us not mistake the situation. The Speaker is no better and no worse than the 185 Cannonites here. Cannonism is no better and no worse than the Republicanism that has held sway in Congress for a decade. The way to destroy Cannonism in the House is to defeat the men responsible for Cannonism.

Brutus, when he assassinated Cæsar, promised the Roman people a better than a Cæsar. I remind the people that his conspiring friends, in the contemplated assassination of the Speaker, make no promise of a better, but only of a weaker, than a CANNON.

If the people in the coming election shall again return to Washington a Republican House, and we must have a one-man power; if the Republican who occupies that chair must be an autocrat; if we must have a Cannonite as Speaker, then, sir, having some pride in the intellectuality and the courage of this body, I would prefer to see Mr. CANNON in the chair. I had rather see a giant there than a weakling. I would rather have a lion there than a fox. [Loud and prolonged applause on the Democratic side.]

Mr. WEEKS. Mr. Chairman, I yield twenty minutes to the gentleman from Vermont [Mr. FOSTER].

Mr. FOSTER of Vermont. Mr. Chairman, I appreciate the fact that one exposes himself to criticism and to misrepresentation if in this House he shows the least tendency toward independence. For many centuries the members of the human race have been surrendering their independence. In fact, there never was but one absolutely independent man, and that was Adam in the early days of his experience in the Garden of Eden. Adam was the original czar. Why, the Speaker of the House of Representatives in his most halcyon days was never in the same class with him. There were no insurgents, redheaded or baldheaded, in those days to say him nay. Even the animals that came to him to be christened could register no appeal. A cow became a cow for all time, and the donkey became a donkey for all time.

But all that came to an end. You remember the morning when it happened. It was that morning when he got up feeling a stitch in his side, as though something had been interfering with his ribs. As he stalked down the avenue lined with those beautiful flowers which he had just named "American beauty" roses he met Eve. Then it was all up with Mr. Czar Adam. She did not take any stock in his talk about how the majority must rule and how the majority had its responsibilities and how the majority must move forward, and how he was that majority. From that moment he was just plain Mr. Adam.

I said that Adam was the only man who was absolutely independent. The moment he met Eve he surrendered more than half of that independence. And from that day to this, as the family has expanded into the tribe and as the tribe has expanded into the nation, and as the nation has expanded into the civilized world, the sons of Adam continued to surrender their independence in order to secure and enjoy the benefits of advancing civilization. We Americans boast of our independence, and our orators tell us on the Fourth of July how we are a land of liberty, a land of freedom, a land of independence, and yet it is an unquestioned fact that whenever a man becomes a citizen of the United States he must necessarily surrender a very large portion of the independence which was given to him by his Creator. It is an axiomatic fact that in popular government, wherever situated, the majority must rule. It is the fundamental principle of popular government that the minority must submit to the rule of the majority so long as it remains the majority. So I, as an American citizen, am bound to yield peacefully to the will of the majority so long as that majority remains. But while this is true, it is also true that it is my right and privilege as an American citizen and my duty as an American citizen, if I believe that the majority is wrong and that I am right, to use my best endeavors to see that the minority of to-day becomes the majority of to-morrow.

So it is with parties. Political parties are necessary in this country. We are governed by political parties. And in order to secure party solidarity, and therefore party efficiency, it is equally necessary that the majority should rule within the party; that the minority yield peacefully to the will of the majority so long as it remains the majority. But while this is true, it is equally true that I, as a member of my party and still an American citizen, have the right and the privilege and the duty, if I believe that I am right and the majority of my party wrong, to use my best endeavors to see to it that my minority within my party to-day becomes the majority of to-morrow. It is this that gives vitality and virility to parties and preserves them from stagnation. Old ocean itself would stagnate into rottenness but for the ceaseless action of the remorseless waves and tides.

Having said this much it is unnecessary to add that I am not entitled to the compliment which the gentleman from North Carolina [Mr. KITCHIN] would bestow upon me by calling me an insurgent or a near insurgent. I never have been an insurgent. It has been my steadfast faith that the problems which confront us as a party could be worked out to better and more lasting advantage within our party lines. So during the last Congress, while I insisted that there should be a change in the rules of the House I set about to secure the change through the party organization. The result was the adoption of the rule providing for calendar Wednesday, which has wrought a veritable revolution in the procedure of the House. When we organized the House at the opening of the extra session last March I had no sympathy with the movement which resulted in a combination with the gentleman from North Carolina [Mr. KITCHIN] and his Democratic friends to humiliate the Speaker of the House. I resent the implication that a Republican who shows the least inclination toward independence is an insurgent. Lincoln expressed the true doctrine of Republicanism in the phrase: "In essentials, unity; in nonessentials, liberty; in all things, charity." I stand for party unity as to all essentials, and I insist that I shall not be called opprobrious names when I stand for individual freedom as to nonessentials.

In four successive Congresses I have supported for the Speakership the gentleman who now occupies the Speaker's chair. But because I have supported him four times I shall not be charged with ingratitude or with insurgency or with forgetfulness if, as a Member of the next Congress, acting upon my judgment and conscience, I determine that the best interests of the Republican party and the best interests of the American people require me to support some other good Republican for the Speakership. I recognize the long public services of the present Speaker of the House. I yield him the loyal support that is due his official position. But, as an American citizen and as the personal representative of the people who sent me here, and as a Member of this House and as a member of the Republican party, I have my duties and my responsibilities, and it will continue to be my purpose to discharge those duties and responsibilities according to the best light that is given me.

It is true that when the Republican congressional committee, of which I am a member, met a few weeks ago to organize for the work of the campaign upon which we are about to enter for the reelection of a Republican House, I was called upon by the acting chairman to tell what the people of New England wanted. My reply was that the people of New England, in my judgment, desired, first of all, a Republican House to enact into law the legislative programme of President Taft; and, secondly, a new Speaker of the House of Representatives. In making that statement I declared that I had not the least personal feeling toward the present Speaker of the House. And I say now that if there is anything personal in all this between the gentleman who occupies the chair and myself, it is on his side, not on mine. But I submit that if I am a Member of the next House, the fact that I have voted for him four times for Speaker should not preclude me from voting for the gentleman from Massachusetts [Mr. LAWRENCE] if, in my judgment, he is the best man for the place; or for the gentleman from Pennsylvania [Mr. DALZELL] if I think that, under all the circumstances, his selection would be the best; or for that other distinguished son of Massachusetts [Mr. WEEKS] if I decided that his selection would be the best for the party and for the country; or for the distinguished gentleman from Iowa [Mr. SMITH] if I believed him the best man for the place. Nor am I limited to these men. We are no one-man party. We have many men in this House amply qualified and well equipped to fill the Speaker's chair.

The gentleman from North Carolina [Mr. KITCHIN] says, in effect, that in taking this position I am representing my constituents. I plead guilty to the charge. It is a question in which my constituents have a deep interest and in which they have the right to be deeply interested. The selection of a Speaker is a matter in which they have the right to have a voice through their Representative. And so long as I continue to be their Representative I shall continue to endeavor to voice their wishes in this behalf.

So I say again that the gentleman gives me an undeserved compliment in classing me with the insurgents. I have differed with the Speaker from time to time as to measures and methods. But I have thrashed out those differences within the party. I voted for the tariff bill which we passed last August and which President Taft says is the best Republican tariff law ever put upon the statute books. I did not vote for it because it was what I wanted, but because it was the best I could get. President Taft told the American people it was the best tariff law the Republicans ever put upon the statute books.

But if he had not been the perfect gentleman he is, he might have gone further and declared that while this statement was true, it was also true that he was disappointed in not being able to secure a better tariff law for them. If he had not been possessed of a keen sense of the proprieties, he could have gone further and insisted that Congress and not he was answerable for the fact that a better law was not enacted. And if he had not been thus possessed of a keen sense of the proprieties, he could have added that perhaps after all his mistake was that he did not follow the example of his distinguished predecessor and club Congress into submissiveness. Had he said this, the chances are that the American people, with genuine Methodist fervor, would have cried "Amen and amen!" But he said none of these things; he shared the responsibility with Congress. Since his inauguration he has fulfilled, so far as within him lay, the pledges of the party. We Republican Members of the House were elected upon the same platform. Our work is yet to be done. His recommendations are before us and it is our duty before the adjournment of the session to enact these recommendations into laws. These are the essentials on which there must be unity of action within our party. I stand for that unity. And I shall continue to stand as I have stood in the past for the dignity of the House. With unity there should be within the membership of the House an independence of spirit commensurate with the dignity of our positions.

So our good friend from North Carolina [Mr. KITCHIN] may get all the enjoyment possible out of the situation. But let him not be deceived. Before this session closes, the Republican majority will have placed upon the statute books the substantial part of President Taft's legislative programme. This is what the American people want first of all. Then, when November rolls around and the congressional elections are held it will be found that the Republican party has its old-time majority in the House. We will move forward. We will regain the confidence of the public. We will reestablish the prestige of the House. We will vindicate its right to the title of a great deliberate legislative body.

Thus the seasons will come and go until the fateful year of 1912 rolls around. Then the peerless leader from the shoals and shallows of the Platte will again return and put the hook into the nose of my genial friend from North Carolina and of all those like-minded with him. Gently but firmly he will lead them to the national convention of the relic of the party of Jefferson and Jackson and Cleveland, which has become the despair of its political friends, the butt of its political opponents, and the laughingstock of the American people. There he will renominate himself for the Presidency amid uncontrolled enthusiasm. Then my friend from North Carolina and all those like-minded with him will be permitted to return home to pursue the even tenor of their way while the great American electorate, the peace army of the Republic, marches to the polls to reelect as President of the United States the distinguished statesman, the high-minded patriot, the beloved fellow-citizen, William Howard Taft. [Applause.]

Mr. RAINEY. Mr. Chairman, I ask that his time be extended long enough to answer my question.

The CHAIRMAN. The time is not within the control of the Chair nor the committee.

Mr. RAINEY. Then I ask that the gentleman on the other side yield him five minutes, in order that he may file a bill of particulars.

Mr. WEEKS. I will yield to Members only when they make a personal request. Mr. Chairman, I now yield ten minutes to the gentleman from Iowa [Mr. KENDALL].

Mr. KENDALL. Mr. Chairman, we have just concluded the omnibus pension bill, and I did not interrupt the proceedings, for I would not postpone for a moment the enactment of a measure carrying benefits so much deserved and so long delayed to so many meritorious men. But it must have occurred to the House, as it has to the country, that if every private bill introduced were allowed exactly as presented, thousands and thousands of disabled veterans whose claims upon our generous gratitude are equally imperative with those relieved would remain without adequate provision in the concluding days of their earthly pilgrimage. I favor this method and its liberal application only because no other seems available to effectuate what ought to be the national purpose, to render as comfortable and happy as possible the declining years of every member of those invincible battalions who followed Grant and Sherman and Sheridan and Logan and McPherson in their incomparable campaigns against the armed enemies of their country.

I venture at this moment to invite the attention of the House to the matter of pensions, because it is a subject of paramount concern to every patriotic citizen of the Republic. Our existing laws are so conflicting and confusing; so much formality has been required in their execution; so many extravagances have been tolerated in their administration; such a variety of technical defenses has been invented to defeat just applications; and such tedious delays have characterized the adjudication of honest claims that the old soldier, weary and perplexed and disappointed, is fast driven to doubt the good faith and fair intention of the Government whose perpetuity his fidelity and valor assured. Nearly half a million of the Union's defenders are on the pension rolls, and yet, forty-five years after the civil war terminated in a blaze of glory at Appomattox, the average value of each pension is only $14.58 per month. In the meantime we are annually expending for incidental charges vast sums that ought to go directly to the veteran. I undertake to enumerate some of these charges:

For medical examinations	$500,000
For attorneys' fees	322,000
For examining surgeons	189,000
For pension agencies	553,000
For special examiners	380,000
For salaries in the bureau	1,650,000
For soldiers' homes	2,200,000

Here is an aggregate of about $6,000,000 which ought to be disbursed to the pensioners themselves. Both the principal political parties declared in their last national platforms for more liberal pensions for our surviving soldiers. The great party with which I am affiliated said:

> Another Republican policy which must be ever maintained is that of generous appreciation for those who have fought in the country's battles and for the widows and orphans of those who have fallen. We commend the increase in the widows' pension made by the present Congress and declare for a liberal administration of all pensions laws, to the end that the people's gratitude may grow deeper as the memories of the heroic sacrifices grow more sacred with the passing years.

The Democratic party said:

> We favor a generous pension policy, both as a matter of justice to the surviving veterans and their dependents and because it tends to relieve the country of the necessity of maintaining a large standing army.

It must be assumed that these declarations were made honestly, to be redeemed faithfully. Accordingly, on the 12th day of April, 1909, I introduced and had referred to the appropriate committee the following bill:

A bill to provide for service pensions for surviving volunteer soldiers of the Army of the United States.

Be it enacted, etc., That from and after the passage of this act every surviving volunteer soldier of the Army of the United States who served in the field for a period of three months, between the 1st day of April, 1861, and the 1st day of August, 1866, and who has been honorably discharged from said army, shall be entitled, from and after the date of his application therefor, and during his natural life, to a pension of $1 per day, to be paid out of any money in the Treasury appropriated for pensions.

SEC. 2. That applications for pensions under this act shall be accompanied by evidence identifying the applicant as the person whose name appears in the records of the organization to which said applicant claims to have belonged, and shall be verified as the law requires in other applications for pensions.

SEC. 3. That any person who shall receive a pension under the provisions of this act shall be held to have relinquished all right or claim to any other pension after the date of filing the application herein provided.

The object of the measure is obvious. It is to allow a pension of a dollar a day for the remainder of his life to every honorably discharged soldier who served ninety days or more in the field during the civil war. Substantially the same relief is provided in numerous other bills proposed by Members of the House, but those interested in the effort to secure more reasonable legislation for the veterans of that rapidly vanishing army which mustered under the Stars and Stripes from 1861 to 1865, have been profoundly discouraged by the announcement, issued apparently on authority, that no amendment of the present law will be favorably recommended at this session of Congress.

Mr. WEISSE. Mr. Chairman, will the gentleman yield?

Mr. KENDALL. I will yield to the gentleman.

Mr. WEISSE. How much money would that bill which you advocate take out of the Treasury to pay a dollar a day?

Mr. KENDALL. I have no hesitation in saying that the amount necessary is largely problematical. The best estimate I have been able to obtain is that it would require $6,000,000, but I am not appalled at that amount.

Mr. HINSHAW. The gentleman means $6,000,000 in addition to the amount now appropriated?

Mr. KENDALL. I mean $6,000,000 in addition to the amount now appropriated, but it must be remembered that that appropriation will gradually decline as the veterans pass on, and they are now passing on with great rapidity.

Mr. WEISSE. Is it not a fact that from 1893 to 1897, the four Democratic years, the total pensions paid to soldiers was $614,972,794.85, and in the last four years it amounted to only $610,349,500, while all the other appropriations have increased from 50 to 350 per cent?

Mr. KENDALL. I will say it is always disagreeable to me to remember those Democratic years, but I doubt if the figures of the gentleman are correct. [Applause on the Republican side.]

Mr. WEISSE. They are absolutely correct, according to the statement of the Commissioner of Pensions, and I hope the gentleman will take the trouble to verify them.

Mr. KENDALL. In any event, whatever money was paid was paid as the result of Republican legislation. [Applause on the Republican side.]

If the proposition embraced in the measure I have offered could be submitted to the American people to-day it would be approved almost without division—East as well as West, North as well as South. Since the introduction of this bill it has been indorsed in letters received by me from every section of the country. Some of these letters come from men who were with Grant in the decisive battle of Shiloh; some come from men who were with Sherman in his memorable march to the sea; some come from men who compelled the evacuation of Vicksburg; some come from men who were with Meade when the invasion of Pennsylvania was repulsed; and some come from men who were present when the colors of the confederacy were finally furled at Appomattox.

I believe the soldiers of the country are unanimous in the hope that the principle embodied in this bill may be speedily enacted into law. I know there is powerful opposition, some of it captious and some of it sincere, to the measure I have proposed. But the conviction is general throughout the country that if the Government of the United States is ever to allow further benefits to the men who maintained its emblems from the Ohio to the Gulf, that provision must be adopted now. The veterans are disappearing with a mortality which is amazing, and which must increase appallingly in the coming years. Since January 1, 1909, more than 52,000 have crossed the dark river to a reward more certain and more commensurate than any dispensed by human governments. The generation now entering upon the scene of action will witness the utter dissolution of the Grand Army of the Republic and the complete extinguishment of its membership. The surviving soldiers of the civil war are all old, many of them are physically infirm, and some of them are financially needy. It is asserted that the cost of living has advanced 35 per cent in recent years, and whether that statement be fortified by fact or not, it is undeniable that the pension of the private soldier, which often constitutes his only income, has not been augmented to correspond with changed conditions. We will appropriate for the current year for the support and expansion of our navy $135,000,000; for the maintenance and equipment of our army, $96,000,000. These enormous sums stagger the imagination, but they are granted without effective or considerable protest from any quarter. No war is imminent, for a profound peace prevails throughout the world, and all our mighty preparation seems wickedly wasteful when we reflect that the enlightened conscience of mankind will never tolerate another international conflict. The increase of expenditure which would be rendered necessary by the enactment of the bill I have introduced would be so modest as to be nominal when compared with the magnitude of our outlay for forts and fleets and battlements and battle ships. It could be provided for without detriment to the public service by a negligible reduction for the army or the navy, or both—a reduction which ought to be insisted upon in any event.

Mr. Chairman, more than two score years have elapsed since the last gun was fired in that fratricidal misunderstanding between the people of the North and the people of the South. It was a conflict unparalleled in the written records of the world. Whether estimated by the principles involved or by the sacrifices suffered or by the results achieved, it was unprecedented in the annals of humanity. It was a calamity unspeakably sorrowful, but inevitable as destiny. From the inauguration of Washington radical differences of opinion had existed as to the character of the Nation. One school of thought maintained that it was a voluntary association of sovereign States, subject to be dissolved at the election of any one or number of its membership. Another school of thought insisted that it was a union inseparable, indivisible, perpetual. Out of this disparity of belief, earnestly entertained and energetically defended, there arose, as the years elapsed, heated discussion, bitter controversy, crimination and recrimination; all to be adjudicated irrevocably, to be adjudicated forever, to be adjudicated right by the arbitrament of the sword.

When the surrender of Sumter was demanded, civilization waited with breathless anxiety for an answer to the question, Can the only government ever instituted deriving its just powers from the consent of the governed, and dedicated to the proposition that all men are created equal, preserve its own integrity among the peoples of the earth when assailed by domestic insurrection? The inquiry was immediate and it would not be postponed. The hour for argument in the forum had expired and the time for action in the field had arrived. It was a supreme crisis in the history of humanity—that crisis which wrenched and almost wrecked the American Republic.

But men appeared in response to the imperative summons of duty, men with muscles of iron and nerves of steel. They came from every city, from every town, from every village, from every hamlet; from the farm, from the factory, from the mine, from the store, from the school, from the bank; and they offered all that they were and all that they hoped to be freely to their country in its awful extremity. No hope of conquest, no ambition of office influenced their enlistment in the great army of freedom; nothing but the most ideal patriotism, nothing but the most devoted loyalty inspired their unfaltering endeavor. They discounted all difficulties which interposed, they laughed at all dangers which menaced, and the paltry compensation they were promised they considered not at all. The authority of their Government had been challenged, the flag of their country had been insulted, the perpetuity of their Union had been threatened; and without a thought of personal consequences, they hurried away to the wild, grand music of the war,

> Theirs not to reason why,
> Theirs but to do and die.

They were the very flower of the finest manhood of the North, and upon a thousand battlefields the valor, the endurance, the bravery they exhibited communicated a new and illustrious glory to the warfare of the world. On every tedious march, in every sweltering trench, at every deadly charge, always and everywhere, they achieved imperishable renown and rendered forever incomparable the heroism of the volunteer soldier. And they confronted an antagonist as brave, as determined, as valorous as themselves. Wherever the fearless daring of the South encountered the superb courage of the North there was blood and death and immortality. After four years of unequaled carnage they triumphed over a foe who would have been invincible against any other adversary, and the Union was preserved as the most priceless inheritance ever bestowed upon the sons of men. And when the cause of freedom had finally prevailed, when the spirit of the rebellion was completely subdued, when the indivisibility of the States was irrevocably established, they modestly discarded the uniforms they had made immortal, silently substituted the implements of peace for the armaments of war, and quietly resumed the employments of civil citizenship. That was over forty years ago. The more than four decades which have intervened since that April afternoon when Lee surrendered his shining sword to Grant have been busy with these cherished veterans. The brow has wrinkled with increasing years, the hair has whitened with advancing time, the body is bent with the burden of life. Their ranks have been disabled by disease and decimated by death. The departed are enshrined in a Nation's reverence. The surviving are embraced in a country's love.

And what was the proximate result of their historic heroism? A single commonwealth with a single flag and a single destiny; one common country extending from ocean to ocean and from Superior to the Keys, without a master and without a slave; peaceful, united, prosperous; the most powerful, the most enlightened, the most progressive people on the globe; a country in which life is secure, liberty guaranteed, property protected, labor rewarded, justice established, equity maintained; a country of schools and churches and homes, in which education is free, the Bible open, and the fireside sacred; a country which at this moment enjoys the most perfect civilization ever attained in the history of mankind. And who is responsible for this beneficent condition? I canonize the private soldier who battled in the great war for the Union. This is his contribution to the happiness of humanity, to the welfare of the world. And shall the Government for which he rendered such inestimable service now hesitate to reward him suitably as he approaches the twilight of life, decrepit with years and enfeebled with disease? Every pecuniary obligation incurred in the overthrow of the rebellion has been fully redeemed. Every financial de-

mand has been satisfied. There remains but a single debt which has not been paid. It is one which never can be entirely discharged—the debt which our country owes to the gallant men who preserved its life in the awful years from Fort Sumter to Appomattox. They suppressed an insurrection without a precedent and without a parallel. They saved a Government which is rich enough and strong enough and just enough now to render unto them the reward to which they are so abundantly entitled. [Loud applause.]

Mr. WEEKS. Mr. Chairman, I yield ten minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Chairman, I want to congratulate the Committee on the Post-Office and Post-Roads for one amendment contained in this bill to the present law. It is the proviso found on page 26 of the bill, and provides that after the beginning of the next fiscal year it shall be unlawful for the Government to engage in the manufacture and sale of stamped envelopes containing thereon a return card of any firm, corporation, or individual. It seems to me, and has seemed to me for quite a number of years since I have been acquainted with the practice of the department, that it was unjust, that it was unfair, for the great Government of the United States to enter into competition in the way of printing return cards on envelopes with the people ordinarily known throughout the country as the country printers. In every community and hamlet of the United States, as a rule, the man who is doing more for the upbuilding of his community and the advancement of his town or his city, occupying almost a semipublic position, is the editor of the country newspaper. The compensation of his avocation or business is not very great under the most favorable circumstances, and it seems to me to be very unjust that the Government of the United States should undertake to enter into that line of business in every village and town of our country, thus taking away from him and from under him—the publisher of the country newspaper—the opportunity of his livelihood and a portion of the means belonging legitimately and properly to his business and his profession. This particular provision in the bill, gentlemen will observe, is subject to a point of order.

I sincerely trust that no man will make the point of order when we reach it; but I want to say that if it does go out on the point of order, I have an amendment which is not subject to a point of order, which, if I can get recognition from the Chair, I expect to offer at that time, and which will, at least for the fiscal year which the bill covers, completely meet the difficulty and be a complete remedy at least for that length of time.

Mr. SHEPPARD. Will the gentleman publish his amendment for the information of the House?

Mr. NORRIS. I will state briefly what it is: The committee amendment as contained in the bill will enact into permanent law an inhibition which we want; but my amendment, to avoid the point of order, could only apply to the fiscal year for which the appropriation is made. It will be a limitation on the appropriation making it unlawful to use any of this money for printing return cards on stamped envelopes.

Mr. SHEPPARD. I hope it will not be necessary for the gentleman to offer his amendment.

Mr. NORRIS. I hope not.

Mr. SHEPPARD. We will heartily support it over here, however, if he does.

Mr. NORRIS. I regret to say, Mr. Chairman, that the Post-Office Department has been guilty, in my judgment, of unwarranted activity in the line of securing business in the way of printing of return cards on stamped envelopes. No one contends, who favors the proposition, that it brings any revenue to the Government. No one contends that it in any way helps out the deficit in the Post-Office Department. On the other hand, it must be, and it is, admitted by all who will give it a thought that this very activity practiced by the Post-Office Department of our Government does seriously interfere with and does take away the legitimate profit and the legitimate business of every man engaged in the newspaper business. I want to read to the House some of the arguments made by the present Postmaster-General in favor of the continuation of this practice.

I have quite a lengthy communication or a copy of it written to the chairman of the Committee on the Post-Office and Post-Roads, in which he makes, I presume, as good an argument as can be made in favor of the continuation of the present practice. I find that during the present fiscal year there was appropriated and there is applicable for this particular purpose funds as follows. Mr. Hitchcock says:

> Selling price of all these envelopes for fiscal year mentioned, $30,068,584.77. The postage value was $28,072,108.63, leaving for the cost of manufacture and distribution $1,996,476.14. The contract cost of manufacture was $1,264,677.54, leaving for cost of distribution $731,798.60.

The Postmaster-General says in this letter that stamped envelopes present many advantages. In passing, I want to make this statement, that the enactment into law of the amendment proposed by the committee or the one I shall propose will not do away with stamped envelopes at all.

We should not get the idea that if the Government is prevented from printing the return card on stamped envelopes that it will necessarily follow that there will be no stamped envelopes issued. As a matter of fact, I think if this proposed change in the law should be enacted there will be greater convenience on the part of the public who use stamped envelopes than there is now. It is a well-known fact that when any business firm, corporation, or individual orders stamped envelopes from the Government it requires in some instances months before the order can be filled. It would be an easy matter for the Government to keep on sale at every post-office in the land stamped envelopes, and the business man who desires a return card printed thereon could go to the post-office in the morning and buy a quantity of 500 or 1,000, carry them across the street to the country printer, and before 4 o'clock in the afternoon the stamped envelopes, with the return card printed thereon ready for use, could be delivered at his desk. He can not do that at the present time.

I know it is said—and it is said in the letter from which I have read an extract—that the cost would be greater. This is probably true, but to a very limited extent. But, as a matter of fact, on principle the Government of the United States has no moral right to go into any line of business and do the work of that business at actual cost, resulting in the taking away of the business from its own citizens and thus depriving its own people of an honest livelihood. But it would also follow that what little additional cost there was, the business man who uses the envelope would have the knowledge that every cent of that extra cost remained in his own town, remained in his own vicinity for the upbuilding or the sustaining of the business that does more for the uplift of his community and his town than any other business within it.

Now, the Postmaster-General says also in his letter, speaking of stamped envelopes—

> They are the best size and shape for handling.

I submit, gentlemen, that this is no argument why the business should be continued by the Government. It is said in another place in this letter that all the work is done by private parties, by one private corporation, under contract with the Government. There is no reason, as I said before, why the same size and the same quantity of stamped envelopes should not be sold by the Government. There is no reason—and as a matter of fact it exists now—why the same quality and the same size envelope should not be on sale in every store and at every news stand in every town in the land. The sale of stamps is a legitimate governmental function as carried on through the Post-Office Department, but what excuse can be given for the Government to enter into competition with the country printer and drive him out of his legitimate and chosen profession? Especially is this true when the business can do no possible good to the Government, but often results in actual financial loss, as I shall show. I can see no more reason why the Government should do printing for the people than to manufacture clothing for its citizens or with its mighty hand to give a monopoly to some corporation to make all the typewriters for use in commerce.

The Postmaster-General further says in the same letter:

> The Government does not, however, compete with private enterprise in the issuance of stamped envelopes for the reason that these envelopes are manufactured under a private concern. The only difference between the business methods of this corporation and those of any other printing or envelope concern is that it receives its orders from the public through the Post-Office Department instead of directly from the consumer, because of the safeguards which must surround the production and issuance of stamps. If the furnishing of return-card stamped envelopes were discontinued, it would simply take away the business from one private concern, especially equipped and organized to handle it economically, and divide it amoung other private concerns.

I submit that this is no argument for the continuance of the business by the Government, but on the other hand it is one reason why the Government should discontinue this practice. The effect of the Government's operations in this line is to give one private concern a monopoly of the entire business. One of the objects of the amendment is that instead of giving this one private concern a monopoly the business shall be divided up among the local printers and publishers in the various communities where the envelopes are to be used. It is absolutely wrong, in my judgment, for the Government to, in effect, organize and sustain this monopoly at the expense of the printers of the country, whose legitimate business and whose honest living are thereby interfered with. It is undoubtedly

true also that the Government loses some money on a portion of this business.

A great many orders for stamped envelopes with return card thereon are orders for 500 envelopes. When they are furnished in small lots like this, my understanding is that the envelopes are sent under the frank of the Post-Office Department through the mails. Inasmuch as the actual work is done without profit to the Government, it necessarily follows that the hauling of this material through the mails increases to an appreciable degree the deficit now existing in the Post-Office Department. It is time that this injustice that has too long existed should be remedied. It is time that the Government, especially where there is no profit in the transaction to the Government, should discontinue its interference with the legitimate and honest occupations of many of its most worthy citizens. It is but an act of common justice and fairness, and only the enforcement of a square deal to the great army of editors and publishers in all the towns and cities of our land that I ask Congress to enact this provision into law.

Mr. WEEKS. Mr. Chairman, I yield one minute to the gentleman from Iowa [Mr. HUBBARD].

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10106. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land contiguous to the Andersonville National Cemetery, in the State of Georgia;

H. R. 19067. An act to authorize Thomas J. Ewing, George B. Patton, Otto Burger, William Cecil, and Milton E. Foster to construct a bridge across the Tug Fork of the Big Sandy River;

H. R. 17160. An act to authorize the Oregon Trunk Railway, of the State of Washington, to construct a bridge across the Columbia River and Celilo Canal;

H. R. 16364. An act to amend in part section 658 of the Revised Statutes; and

H. R. 970. An act for the relief of Edward C. Kittle.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. HUBBARD of Iowa. Mr. Chairman, in line with the remarks of the gentleman from Nebraska [Mr. NORRIS], I send to the Clerk's desk a letter to be read.

The CHAIRMAN. Without objection, the letter will be read in the time of the gentleman.

The Clerk read as follows:

ALTON DEMOCRAT,
Alton, Iowa, January 31, 1910.

Hon. E. H. HUBBARD,
Washington, D. C.

DEAR SIR: If Congress hasn't passed a law prohibiting the Government from printing envelopes, you tell it I want one passed right away. I have a job of printing 500 envelopes in sight, and if the Government will keep hands off I will land it sure as fate, and make 30 cents on it. If the Government butts in and does the job for nothing I lose the 30 cents on that job, and the next duffer who comes along and gets envelopes will want me to print him a batch of soap wrappers for nothing, because he could have gotten the envelopes "cheaper from the Government," and so on, ad infinitum to Gehenna and back. See how it works? Tell Congress I'm a lone Democrat in a county that's lousy with Republican editors, and I need the money. Tell it the surplus in the Postal Department can be applied on the Panama Canal, if it doesn't know what else to do with it. Tell it anything—just so you entertain it till I get that job of envelopes. Besides, I object to having this great and glorious Government squander its resources competing with my shop. If it should go broke, I would get the blame. Tell the Government if it has a stock of trust-made envelopes on hand that are going to be a dead loss when it stops its job press that I will mortgage my plant and take a couple of boxes. Give my regards to the President and Uncle JOE CANNON and Brothers PAYNE and ALDRICH.

Very respectfully,

CHAS. B. WOLF.

[Laughter and applause.]

Mr. WEEKS. Mr. Chairman, I yield ten minutes to the gentleman from Missouri [Mr. CROW].

Mr. CROW. Mr. Chairman, I desire to call the attention of this House to what seems to me to be a great and expensive mistake. It is not my desire to make play to the galleries by abusing any corporation, but in view of the fact that the President has recently recommended that the postage on newspapers and magazines be increased, because of the loss this Government sustains in carrying them in the mail at the 1-cent-per-pound rate, it seems proper to me that I make a few remarks on the subject.

I fully agree with the President that there is a great loss in carrying that class of mail at the present rate, especially when it is hauled any great distance, but I am sorry to say that I must disagree with him in the remedy he offers.

I have heard many able Members of this House say this Government pays too much to the railroads for carrying the mails. I have heard just as able Members say that the railroads are not paid too much for carrying the mails. I have not heard any Member give definite proof that the railroads are paid too much nor have I heard any Member give definite proof that they are not paid too much.

I unhesitatingly say they are paid too much, and I intend to give what I believe is definite proof that this is a fact. I am going to go a step further and say that if the roads were paid a fair and only a fair price for their services in carrying the mails there would be no loss to the Government in that service, but that the deficit now found in the Post-Office Department would be wiped out and a surplus appear instead. I realize fully that this is a broad assertion, but I shall endeavor to prove it, at least to my own satisfaction, and I shall propose a method of having the mails hauled which will be just to both the Government and to the railroads and at the same time save this Government at least $25,000,000 a year.

I shall read to you a part of a circular sent out by a committee of railroads called "the committee on railway-mail pay," which attempts to prove that the railways are not paid enough for the cars in which the mail is hauled:

IMPROVIDENT RAILWAY MAIL CONTRACTS.

RAILWAY POST-OFFICE PAY.

(A) It is the popular impression that the compensation paid the railroads for railway post-office cars is a rental simply. Nothing could be more erroneous. The pay covers not only the exclusive use—a very small part, indeed, of the expense to the carrier—but the very burdensome and expensive duty of hauling the car—a fully equipped post-office on wheels—in fast passenger trains in which mail is assorted and distributed en route by a corps of clerks to expedite its delivery at intermediate points and terminals. These cars are hauled in trains, next to baggage cars, with ample cubic capacity to carry all mail tendered, and to earn all transportation charges prescribed by law, but for public convenience the department provides these moving post-offices, weighing 12.4 per cent of the average passenger train. For the use and cost of hauling this car, ridiculously inadequate railway post-office pay is allowed.

Exhibit C shows that for a 60-foot railway postal car the carriers receive 5.5 cents per mile hauled, according to the scheduled railway post-office car rates. These cars weigh about 50 tons.

You will notice that this statement says these cars are both furnished and hauled by the railroads at the present rate per car per mile, and that a 60-foot car weighs 50 tons, or about 100,000 pounds. I have no reason to deny that a 60-foot car weighs 50 tons, but I believe that is more than it weighs. There are not many 60-foot cars used anyway, and I believe the weight of the average car in which mail is hauled is about 40,000 pounds, although it would make my argument stronger should I place the average at twice that amount.

Assuming that 40,000 pounds is the average weight of all the cars used by the roads, I am informed that we pay only a little more than $5,000,000 a year for having that 40,000-pound car furnished and hauled. I am also informed that we pay about $43,000,000 per year for the hauling of the mails in those 40,000-pound cars, and that the average amount of mail hauled in these cars is about 5,000 pounds. Thus we pay less than $6,000,000 per year for the hauling of 40,000-pound cars and more than $40,000,000 for hauling 5,000 pounds of mail in them at the rate per hundred pounds.

Mr. ELVINS. Will the gentleman yield, Mr. Chairman?

Mr. CROW. I yield.

Mr. ELVINS. Do we pay more, proportionately, for hauling mail by the pound or hundred pounds than we do by the carload?

Mr. CROW. Yes.

Mr. ELVINS. Why is that, if the gentleman knows?

Mr. CROW. The rate per car, as I would suppose, is easily figured. The rate per hundred pounds I have never yet found anyone who can tell whether that is right or wrong, but in making a comparison of the rate of mail hauled as compared with the rate of the car it seems to me to prove it is a great deal too much.

Now, if any member of the Post-Office Committee or anybody else can give me any reason why we should pay seven times as much for having 5,000 pounds of mail hauled as for having the 40,000-pound car hauled, I would be glad to hear him. It may be difficult to see that the larger weight I refer to is of the car itself and not of the mail hauled in the car. Can you not see that it would cost the railroads about the same to pull the car empty as it does to pull it with the mail in it?

But granting that we pay the railroads as much for hauling the 5,000 pounds of mail as for hauling the 40,000-pound car, we would then only pay about $11,000,000 per year for having the mails hauled, instead of the fifty millions per year which we are now paying.

Now, the remedy which I propose is that the railroads be paid at the rate per car only and not anything at the rate per

hundred pounds. In justice to the railroads, I believe it would be necessary if paid per car only that the present rate per car be increased very largely, possibly doubled, and that a just and equitable rate be made for the space used when a whole car is not used; but even then we would cut the amount down to between ten and fifteen million dollars per year instead of fifty millions, which we now pay. There is another argument in favor of this method of remuneration, and that is that we would not have to spend hundreds of thousands of dollars every year weighing the mails, with the risk of having them padded by the railroads during the weighing periods.

Should my proposition become a law, we would not have to worry about the loss in carrying second-class matter, for there would be no loss, nor would we have to worry about any any deficit, for we would have none; nor would we need to fear raising the salaries of the rural carriers and the letter carriers, nor would we need to fear raising the salaries of railway postal clerks and passing a law allowing them half pay while sick or crippled to such an extent as to render them unable to work temporarily.

I have no desire to criticise the railroads for accepting all this Government will give them for any service which they may perform, but I can see no reason why we should needlessly waste money by giving them three or four times as much as it is worth to carry the mails, and then stint ourselves and finally be forced to discontinue establishing rural routes altogether. I think the railroads have been a great blessing to this country, and they have certainly done their share in the development of the country, but so have the pioneer farmers and lumbermen and factory men. I do not wish to be understood as standing in the way of the development of this great country, but our President has correctly said that we should economize, and I believe in taking him at his word. I do not believe, however, in building up the railroads nor any other kind of corporations at the expense of the rural routes, rural carriers, letter carriers, railway mail clerks, nor even the newspapers, for I believe in a higher education of the people, instead of checking the present progress made by them in enlightening the people along all lines.

Digressing a moment from my main line of argument, I would recall a statement of a prominent Democrat in my district who not long ago gave as his opinion on recent Republican victories in Missouri that the establishment of rural routes and other modern mail facilities which bring information to all classes of residents there was responsible. Unconsciously he admitted that general education brought about Republicanism. And so it is my opinion that since under Republican administration this country has seen its greatest and most wonderful development, and that since the Republican party is responsible for all the facilities in postal and other services which have tended to bring about that wonderful development, we should curtail in no wise these facilities, but rather build them up still further. We certainly should not raise the rates of postage on newspapers. If that deficit must be wiped out, let us remove the chief cause of it—the exorbitant pay to railways. Newspapers certainly do their share toward educating the people. Education and Democracy do not go together, but, on the contrary, education and Republicanism go hand in hand.

Ignorance breeds Democrats, but education breeds Republicans.

[Mr. SMALL addressed the committee. See Appendix.]

Mr. MOON of Tennessee. Mr. Chairman, I now yield fifteen minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, I am in accord with much that has been so well said by my friend who has just taken his seat. I believe that the Rural Free Delivery Service is meeting the expectations of the people and doing a great deal of good throughout the country. The Congress made no mistake when it adopted the rural free-delivery policy. I would not curtail the service. I am in favor of extending it. I am with the farmers of the country in this matter, and I am in the fight to the end.

However, I want to say again what I have frequently said before, and that is that the rural carriers are not paid sufficient wages to live on decently, especially the carriers who have families to support. I have here a statement which shows that the average net earnings of the rural carrier is only $31.50 a month. Now, in my judgment, with the increased cost of living mounting higher and higher all the time, it is absolutely impossible for these carriers to live on the little stipend they are receiving.

Mr. SHEPPARD. Does the gentleman mean that the average net earnings after deducting the cost of the rural carrier's equipment is only $31.50 a month?

Mr. SULZER. Yes; that is just what I mean. I am receiving letters from rural carriers almost daily complaining about the poor pay they are now receiving, and I will read two or three of them as samples.

Mr. FASSETT. Are they from the gentleman's district?

Mr. SULZER. No; I have no rural carriers in my district, but I think I have received some from the district of my colleague.

Mr. FASSETT. Those letters have been in the RECORD three times already.

Mr. SULZER. I think not; but reiteration in the cause of justice may hasten justice. I am talking for the good of the country generally, and I wish others would do the same.

I now send to the Clerk's desk, and ask to have read in my time, the statement and the letters to which I have referred.

The Clerk read as follows:

Statement showing the average net earnings of rural letter carriers, after providing and maintaining the equipment necessary for the performance of their duties, for six months ending December 31, 1909. Compiled from expense statements furnished by carriers in practically every congressional district in which Rural Delivery Service is in operation.

State.	Net earnings for six months.	Average per month.
Alabama	$188.00	$32.00
Arkansas	177.08	29.51
California	234.76	39.13
Colorado	258.28	43.05
Connecticut	137.85	22.97
Florida	39.69	6.62
Georgia	184.79	30.79
Idaho	230.30	38.38
Illinois	220.00	36.00
Indiana	207.00	34.50
Iowa	185.00	31.00
Kentucky	206.33	34.39
Kansas	204.00	34.00
Louisiana	150.10	25.02
Mississippi	169.00	28.15
Montana	237.50	39.59
Maine	195.20	33.00
Maryland	143.00	24.00
Massachusetts	163.25	27.20
Michigan	190.40	32.00
Minnesota	207.40	35.00
Missouri	176.17	29.36
New Hampshire	188.80	31.47
New Jersey	175.49	29.25
North Carolina	167.00	28.00
North Dakota	166.00	27.63
Nebraska	254.80	42.46
New York	203.74	33.95
Ohio	244.70	40.78
Oklahoma	181.86	30.31
Oregon	171.06	28.51
Pennsylvania	211.56	35.26
South Carolina	177.51	29.58
South Dakota	167.00	28.00
Tennessee	180.00	30.00
Texas	177.90	29.65
Utah	240.31	40.05
Vermont	173.00	29.00
Virginia	178.34	30.00
Wisconsin	205.08	34.16
Washington	136.42	22.74
West Virginia	223.25	37.20
Average	189.00	31.50

HATTIESBURG, MISS., *January 23, 1910.*

MY DEAR SIR: My sympathy goes out to every rural carrier in the land. I have been through the mill. Three years is enough for me. I commenced to carry mail on route 1, March 1, 1907, and I am going to quit when I have served three years. I hate to be a quitter, but I can't afford the job any longer. Meat, 25 cents per pound; corn, $1 per bushel; lard, 18 cents per pound. If I hire a carpenter, I must pay him $3.50 per day. The doctor charges $2.50 for a visit; a little sick spell in the family means about $50. To have my fireplace fixed I must pay 50 cents per hour. If I hire a negro for common labor, it is $2 per day. There are only three in my family. How the boys live that have five and six in the family, I can't see.

Waiting for Congress to do something for us is like looking for gold at the end of the rainbow. The army, navy, and Panama Canal, etc., need too much money. Congress seems to go on the principle that anything is good enough for the farmers.

Just so long as the people are willing for army and navy officers to live in luxury, just so long as vast sums are fooled away in Panama and elsewhere, why, just that long will the rural carriers have to patch up old harness with tacks and strings.

After three years' service as a rural carrier, I can not imagine how any young man who wants to do something for himself or family can stay in the service.

I visited one of Uncle Sam's war ships at New Orleans, and when I saw how lavish your Uncle Samuel was with his naval officers and men, I naturally thought of the boys in the Rural Service who have a close shave to make both ends meet.

Farewell, boys! I hope to meet you all in a better world, where you will have a better show for comfort than you have here below.

W. E. OLDHAM,
Rural Free Delivery No. 1.

NEW AUGUSTA, IND., *January 26, 1910.*

DEAR SIR: I have been keeping an itemized account of my expenses for several years and can show what every penny was spent for during that time, and no honest Congressman, Senator, President, Postmaster-General, or any other honest man with a heart, can look me square in the face and tell me I lived too high or spent my money foolishly.

For the year 1908 I came out in the hole to the amount of $10.60, and for the year 1909, after earning quite a little for odd jobs outside of my salary, I had only $36.40 to lay up for a rainy day or old age. Isn't that encouraging?

When I started carrying the mail, four years ago, I had a nice bank account started up, but it soon started down. Now, my dear friend, you can use this to help the poor fellows out who still hang onto their routes, if you want to, but for me the chances are nine to one my resignation will be on its way to headquarters before you receive this.

In closing, I wish the boys who hang on like a dog at a root the best of good luck, and you, Mr. Editor, and your paper, I wish the same good luck and a grand success.

Yours, very truly, LESTER P. AVERY.

Mr. SULZER. Mr. Chairman, those letters—and they are only samples of many—and that statement corroborate all that I have said about the meager pay of the rural carriers. These men can not live on the pay they are getting. The force is in a panic. Many are resigning, claiming that the high cost of living and the bad roads for man and beast makes it impossible to live upon the paltry sum the Government pays for the service. The rural carriers must be paid more or the service must be crippled, and the people will never consent to the latter proposition. We must pay the rural carriers decent wages. That is all I want to say now on this subject.

Mr. Chairman, the Post-Office Department is a great department of the Government. It comes closer to the people than any other governmental department. It is practically self-sustaining, and if it were administered in a businesslike way it would be self-sustaining. That is all the people want and expect of the Post-Office Department—to have it economically administered in their interest along business and not political lines. If this were done it would be self-supporting, and all the clerks and carriers would be better paid and work shorter hours.

The people will always take an abiding interest in the Post-Office Department. It is preeminently their department. It comes in touch with almost every man, woman, and child of the country, and they are deeply interested in its material welfare. I am now and always have been in favor of the employees of the Government being paid decent salaries, so that they can live respectably and clothe and feed their children and send them to school, so they will grow up to be good men and women. The salaries we are paying the rural carriers, the post-office clerks, and the letter carriers of the cities are not sufficient to maintain them or their families, especially in view of the tremendous prices for the necessaries of life, which are getting higher and higher every day under Republican legislation. [Applause.]

In this connection there is a matter germane to this legislation that I referred to briefly yesterday, and that is the establishment in the Post-Office Department of a parcels post. I believe from investigation, and I have been informed by men who are competent to judge intelligently, that if the Government established a parcels post in the Post-Office Department the revenues from it would be sufficient not only to pay the rural carriers decent wages, but to pay better salaries to all the letter carriers in the cities and to all the post-office clerks and at the same time materially shorten the hours of toil. There is no valid reason in the world of which I am aware why there should not be a parcels post in connection with the Post-Office Department. The people want it and have been demanding it for years. They are insisting upon it from all parts of the country, and every year the Post-Office Committee of the Congress of the United States has turned a deaf ear to their entreaties, pigeonholed their petitions, and refused to grant their requests.

There must be some potent reason for this, and I have looked into the matter sufficiently to find out the reason. The sole objection, so far as I can learn, is that the express companies of the country, who are now doing this business at a great profit, do not want the Government to do it. The express companies are charging the people exorbitant rates for carrying small parcels into the country districts. The Government could do it for about a quarter of the cost and make a substantial profit. Why should not the carriers on the rural routes carry parcels? The record shows that these rural carriers convey only about 25 pounds a trip, and that generally only one way. They could easily take about 250 pounds a trip with their horses. They ought to be allowed to do it, and I say here and now that there is no reform in connection with the post-office administration so urgently desired by the people who live in the country districts as the establishment of a parcels post. It would be great economy to all concerned—not only the people, but also to the Government—and it would in a thousand ways materially help the people as well as the Government. Nearly every European government has a parcels post in connection with its post-office department. The United States is far behind the times in this matter. We must be up to date. This postal reform is bound to come.

The people demand it, and what the people want they generally get, especially when their demands are just and the proposition is right, the express companies to the contrary notwithstanding.

Mr. Chairman, in this connection I send to the Clerk's desk and ask to have read in my time an illuminating editorial written by Arthur Brisbane, the able and fearless editor of the New York Evening Journal, and published in that paper on February 24, instant.

The Clerk read as follows:

MASS MEETING ON THE PARCELS POST TO-NIGHT—IT OUGHT TO BE INTERESTING; THE LACK OF A PARCELS POST IS NOT SO MUCH A DISGRACE TO OUR GOVERNMENT AS IT IS A DISGRACE TO OUR PEOPLE.

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At Cooper Union to-night at 8.15 there will be a mass meeting to consider the question of postal parcels delivery "in its relation to the economy of the Nation."

The meeting has been organized by John Brisben Walker, who has a faculty of seeing things clearly and discussing them energetically. The Postmaster-General has been invited to attend and answer some questions. He probably won't be there.

Here are some questions that the people ought to ask:

Why do the departments of government, from the greatest, such as the Post-Office, down to the least, consider first the interests of the few that live on the people, and, last of all, the interests of the people themselves?

Why does the Government refuse to carry parcels for the people, when the carrying of such parcels would increase the comfort and business of all, reduce greatly the price of living, put the consumer in direct contact with the producer, kill off thousands of middlemen parasites and weaken the hold of the trusts that live by their control of the middlemen?

Why does the Government give a few exorbitant express companies a monopoly of business, with the opportunity to combine and charge extortionate rates?

Why does not the Government use for the people its carrying plant—the largest in the world—with its 60,000 fully equipped stations, its 60,000 paid managers, and more than a hundred thousand clerks?

Why does not the Government use for the people, in the distribution of parcels, buildings costing more than $200,000,000, and its great staff of inspectors, superintendents, lawyers, and detectives already under salary?

The people pay annually for the management of the post-office more than $240,000,000; the people lose a large sum on this. Why are not the 30,000 post-offices made into distributing stations for parcels and, incidentally, into receiving stations for the public savings?

Why does the Government send on its rural free-delivery routes thousands of horses and wagons every day, carrying loads averaging only 25 pounds per horse, when, without any extra cost whatever, those free-delivery wagons could carry 100 times as much, oblige the farmers, who pay the expense, and cause the post-office to be run at an enormous profit instead of a very great loss?

Why does our government post-office limit the parcel that it will carry for the ordinary citizen to 4 pounds, while European postal service carries trunks and heavy parcels of all kinds?

Why does our government post-office, in carrying the small parcels that it does carry, charge a thousand per cent more for the service than the German post-office?

Why is it possible for a Scotchman living in Edinburgh to send a package across the Atlantic Ocean and through our American mail across the American continent to Seattle—why is it possible for that Scotchman to send that parcel 6,000 miles, including 3,000 miles of travel in the American post-office, for less than a man living in New York can send the same parcel to Jersey City?

There are some questions that ought to be answered. One answer, too complete, unfortunately, can be given right here. The answer is:

The United States post-office is run largely to oblige the express companies and to permit robbery by the railroad companies, because those that manage the express companies and the railroad companies exceed in intelligence and determination the ordinary voters; because the big man that manages the corporations is the intimate friend and constant associate, and often the owner, of your political bosses and your men in office.

The people are exploited; they are made fools of by the big, cunning accumulators of millions, because the people divide up like sheep into different flocks at election time, and they vote blindly and stupidly.

They discuss their grievances between elections and forget them on election day. And, what is more, the average citizen is so busy chasing the individual dollar that is to go into his own pocket that he has not time to give real attention to the individuals that are chasing the millions and the hundred millions.

Go up and hear the discussion to-night at Cooper Union if you want to. A big crowd might do some little good. But remember that the chief difficulty is with the people themselves. One of the truest things ever said is that men get just about as good a government as they deserve.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON of Tennessee. I yield three minutes more to the gentleman.

Mr. SULZER. Mr. Chairman, that biting editorial speaks for itself more eloquently than any words of mine. It expresses my sentiments, and if I am any judge of public opinion in this country, I believe it voices the sentiments of seven-tenths of the people of the United States who live outside of incorporated

towns and cities. I am glad of this opportunity to put it in the RECORD for all to read and to ponder. As I have said, there is no reason in the world why there should not be a parcels post as a part of the post-office system. It was recommended by Postmaster-General Wanamaker. It has been advocated for years by Fourth Assistant Postmaster-General De Graw.

Its economies and advantages were fully set forth in a very elaborate argument by Postmaster-General Meyer, but for some reason inexplicable to me the Post-Office Committee of this House turns the proposition down and refuses to bring in legislation to do it. If an amendment to this bill were in order to accomplish it I would offer such an amendment, but it is not in order. I do not want to unjustly criticise the Post-Office Committee, but I want to give its members timely warning now that if they do not bring in a bill ere long for the establishment of a parcels post they will hear something drop at home that will make some of them sit up and take notice. The time has come when they must heed the voice of the people, and not listen longer to the fallacious arguments of the express companies. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. Mr. Chairman, I yield twenty minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, as my time is limited, I will ask that I may be permitted to proceed uninterrupted; and if I have any time left after concluding what I have to say, I shall then be very glad to answer any questions that may be propounded.

I send to the Clerk's desk a copy of the Chicago Record-Herald of February 18, 1910, and ask to have read the article which I have marked.

The Clerk read as follows:

ONE MAY NOW WRITE LETTERS BY TELEGRAPH—NIGHT EPISTLES, SENT BY WIRE BUT DELIVERED IN FIRST MAIL, IS WESTERN UNION PLAN—PHONE IS TO BE UTILIZED—ITS USE AS FEEDER FOR MORSE SYSTEM IS TO RECEIVE THE FIRST TRIAL IN CHICAGO.

[Special to the Record-Herald.]

NEW YORK, *February 17, 1910.*

Several new features for the convenience of the public are to be introduced by the Western Union Telegraph Company as the result of its alliance with the American Telephone and Telegraph Company. The first of these is a new service called the "night letter," whereby 50 words can be sent by telegraph at night for delivery early the following morning at the same price as the customary 10-word day message.

The next step will be to utilize the telephone as a collector of telegraph messages, so that there will be no necessity of going in person with the written message to offices and paying the charges over the counter. It is planned that any telephone subscriber can call up a Western Union office, dictate his message, and have it sent. The charges therefor will be rendered at the end of the month with the regular telephone bill.

This system will be tried first in Chicago, where the arrangements already have been made for the experiment. If successful there, it will be established in other cities.

The company's official announcement concerning the "night-letter" service is as follows:

"That, in addition to the forms of service heretofore authorized, a 'special night-letter' service be established as soon as practicable.

"The charge for this service shall be the standard day rate for 10 words for the transmission of 50 words or less, and one-fifth of such standard day rate for 10 words shall be charged for each additional 10 words or less.

"'Night letters' shall be written in plain English. Code language is not permitted.

"'Night letters' will be received not later than midnight to be transmitted only for delivery on the morning of the next ensuing day.

"'Night letters' may, at the option of the telegraph company, be mailed at destination to the addressees, and the company shall be deemed to have discharged its obligation in such case with respect to delivery by mailing such message at destination, postage prepaid."

WILL UTILIZE IDLE WIRES.

A greater part of the vast telegraph system, crowded to capacity during the day, lies idle at night. The new management figures that at small additional expense these idle wires can be made to earn something and also accommodate the public.

Messenger-boy delivery, which is costly, is to be done away with by use of the post-office. The "night letters" will be placed in the local post-office at point of destination in time for postmen to take them around on the first morning delivery of the regular mails. Where there is no free delivery, messengers or the telephone will be utilized.

Another plan of great magnitude now being worked out is to have every city, town, and village, and even farmhouse, in the entire United States in touch with telegraph and telephone communication at all hours of the day and night.

CAN USE WIRES ALL NIGHT.

At present all telegraph offices, save those in the central parts of cities, close at 6 or 8 o'clock in the evening. Most of the world is cut off during the night. The telephone company offices everywhere, however, are always open for business. Anyone wishing to send a telegraph message after the Western Union office is closed can give it to the telephone company, which will transmit it to the nearest all-night telegraph office for transmission to point of destination.

Mr. SMITH of Michigan. Mr. Chairman, I send to the Clerk's desk, also, an article from the New York Times of February 19, 1910, and would ask to have it printed in the RECORD.

The article is as follows:

TELEGRAPH LETTERS SHOULD BE POPULAR—COMPANIES INITIATING THE NEW FORM OF SERVICE EXPECT ALMOST EVERYBODY TO USE THE WIRES, EVEN TO THE FARMHOUSES—FIFTY WORDS AT NIGHT FOR THE COST OF TEN IN THE DAY—BY TELEPHONE FROM HOUSE TO TELEGRAPH OFFICE.

Letters by telegraph are expected to become a popular means of communication after a while. That is the idea the directors of the American Telephone and Telegraph Company and the Western Union, which now belongs to the first-named company, had in mind when they decided upon the fifty-word night letter as a new feature of the telegraph service. The additional facilities that the telephone company was able to supply were counted upon to make it easy for the sender to get the letter from his house to the wires.

The night-letter system is scheduled to start some time within a month.

It is to be handled in combination by the telegraph and telephone when that is the quickest and most convenient way. When it reaches its destination in the early morning hours it is put in the mails there and delivered in the first morning distribution.

In announcing the new service the company stipulates that only plain English letters will be received. Code words are excluded. The rate for 50 words is to be the same as the day rate for 10 words, and one-fifth of the day rate is to be charged for each additional 10 words or less.

"We are inaugurating this 'night-letter' plan in order to keep our idle wires busy at night," said an official of both the American Telegraph and the Western Union Telephone companies yesterday. "It will be a great economy to business men and an additional convenience to them.

"Messages handed in at a Western Union office in one city up to midnight will be transmitted to destination with customary rapidity. The office of destination will place the messages in stamped and addressed envelopes and messengers will carry them over to the local post-office, depositing them before 3 a. m., long before the first morning mail goes out.

"The 'night-letter' service is really meant for letters. It insures quick transmission. If I send a letter from here to St. Louis, for example, by mail to-day it will reach its destination to-morrow afternoon, and may not be delivered until next day. If I send the same letter by our 'night-letter' service this evening the letter will be delivered in St. Louis to-morrow morning in the first mail."

People who live remote from the telegraph office, where the telegraph office closes early in the evening, are to have city accommodations under the new plans that have been worked out. They may call up the Bell Telephone Company "central" in their locality and dictate their telegraphic messages. "Central" will communicate the message to the nearest office of the American Telephone and Telegraph Company, and it will from there be dispatched to its destination over the telegraph wires.

As the American Telegraph Company's offices in the big cities are open day and night, every private person who has access to a Bell telephone may send a telegram to any distant part of the country at any hour of the night. The answer also can be delivered back to the sender over his telephone by telephone "central."

The rates to be charged for this combination of telephone and telegraph service have not yet been worked out, but it was said yesterday that they would not be high.

Edward J. Nally, vice-president and general manager of the Postal Telegraph-Cable Company, said yesterday that the idea of a night letter service was not new, having been discussed by telegraph men for years. For his company he had made an exhaustive study of the question, however, for the purpose of finding out if there was a demand for such a service, and the reports he received were that what the public wanted was not a deferred service, but an instantaneous service, the result being that the Postal Telegraph last August installed a special rush service, under which they undertake to handle messages between all important places, from customer to customer, within twenty minutes. This service, Mr. Nally said, was an instant success. Facilities by which persons having telephones could get in touch with remote telegraph offices at all hours of the night, Mr. Nally added, had been furnished by his company for some time.

Mr. SMITH of Michigan. And also I send to the Clerk's desk an editorial from the New York American of February 22 of this year, that I would like to have read.

The CHAIRMAN. Without objection, the article will be read in the time of the gentleman.

There was no objection.

The Clerk read as follows:

A CHALLENGE TO THE WESTERN UNION.

The Western Union Telegraph Company announces that it is going to transmit 50-word messages at regular day rates if filed between 6 o'clock in the evening and midnight.

The question is, if this corporation can profitably send 50 words for 25 cents during six hours of the day, why can't it afford to do the same during the other eighteen?

There is a company in existence that can. The Telepost Company, which uses the Delaney automatic system, with a sending capacity of 2,000 words a minute, has been doing as well as this or better for the last year between Boston and Portland and between Chicago, St. Louis, Indianapolis, and other points in Illinois, Indiana, and Missouri.

And the Telepost Company asked the same rate between its two most distant points as between those that are nearest together, just as the United States mails do.

Colonel Clowry, president of the Western Union, told a New York state legislative committee the other day that the rates of his company were as low "as are consistent with good business management." Perhaps so, if good business management means squeezing the public for all the traffic will bear.

But Clarence Mackay told the same committee that his Postal Telegraph Company had forced down the rates of the Western Union by competition.

Presumably the rates stand where they are because the Postal has ceased to compete.

The competition of the Telepost Company begins where the Postal Company left off. It is said to be making huge inroads in Western Union business between the points where the new company is in operation.

Before the Telepost stops competing and goes into the combine the country has a chance to learn its lesson. And the public service commission of the future should make their legal applications of that lesson.

Sixty-seven years ago—on February 21, 1843—Representative John P. Kennedy, of Maryland, arose in Congress and moved for the appropriation of $30,000 for a government test of the merits of the Morse system of telegraphy. Peals of derisive laughter greeted the motion.

But the world has moved since then. And if cheap telegraph service can not be got from private corporations, the people have a great public corporation that will provide it.

Mr. SMITH of Michigan. Mr. Chairman, I feel that the Western Union Telegraph Company ought to be congratulated for imitating its young rival—the Telepost—in adopting this, its new feature, for the convenience of the public. But it is to be regretted that they could not have seen their way clear to have made this and other concessions to the public before they were practically forced to do so by the entrance of the Telepost into the city of Chicago.

The "night letter" referred to in the article which has just been read by the Clerk will be transmitted between midnight and morning, and 50 words will be sent at the rate charged for 10 words during the day. These "night letters" will be delivered at the post-office at their destination in time to go out by the first carrier deliveries. The company announces that the messenger-boy delivery, which is costly, is to be done away with by the use of the post-office. The system is to be tried first in Chicago, and, if successful there, it will be established in other cities.

Compare this service in this respect with the service of the Telepost Company, and you will at once see that the Telepost ought to be encouraged in every reasonable way to extend its lines to every part and portion of the country. Here are the Telepost rates:

In addition to the address and signature: Twenty-five-word telegrams, any distance, 25 cents; 10-word telecards, any distance, 10 cents; 100-word teletapes, any distance, 25 cents; 50-word telepost, any distance, 25 cents.

Compare this last proposition with the proposal of the Western Union Telegraph Company, and you will observe that the Western Union Company is not able to cope with the Telepost. Take, for illustration, the proposition of the Western Union Telegraph Company to send a "night letter" of 50 words at the same price as the customary 10-word day message. This would mean that this "night letter" from New York to San Francisco would cost $1 as compared with 25 cents—the price fixed by the Telepost—and many such comparisons could be made in all sections of the country showing the decided advantage that the Telepost has now and always will have over the slow hand methods of the Western Union Company, and it never will be possible for the Western Union Company to compete successfully with the Telepost. We no longer rake hay with the old wooden rake, nor cut our meadows with a scythe, nor reap our grain with the old-fashioned cradle. We use the up-to-date methods of machinery in rakes, mowers, and binders, and why should we not pursue the same methods in telegraphing and use machinery in sending our telegrams, and thus encourage and adopt the Telepost system, which can send a thousand words in a single minute over a single wire?

You will also note that the proposition of the Western Union Telegraph Company limits the sending of the 50 word so-called "night letter" to the time between midnight and the morning, whereas by the Telepost you can send these letters any time during the day or night, which is another decided advantage of the Telepost over the concession of the Western Union Telegraph Company.

I can not conclude this brief statement without calling attention to the fact that it seems almost a pity that the great journal in which this article appears prominently on its front page has not long since seen fit to give a like space in as prominent a place to its readers describing the advantages to be secured through the Telepost. It is to be further regretted also that the leading newspapers of the country do not take the same keen interest in the establishment of postal telegraph, or at least in the reduction of telegraph rates, that they did some years ago when men like Greeley, Storey, Prentice, Forney, Childs, Medill, Abell, McCullough, Bennett, Raymond, and William Cullen Bryant, and other great editors wrote the editorials in the newspapers, and I can account for it only in one way, and that is, then the editors wrote their convictions, while now, in many cases, they write what they are told to write.

I will be glad if the chairman or some member of the Committee on the Post-Office and Post-Roads will inform us as to whether any steps have been taken on the part of the committee looking to the establishment of a postal-telegraph sysem in this country, or a reduction in the telegraph rates. I am aware of the fact that we will be confronted with the statement that, even if it was found to be feasible, there is a deficit in the Post-Office Department and that the revenues of the Government will not permit of the Government engaging in the work of postal telegraphing. But I beg to remind the gentlemen of the committee that if Australia, with an area practically as large as that of the United States, and with only about one-sixteenth of the population of the United States, can establish a postal-telegraph system and make it profitable with the very low rates which exist in Australia, then no good reason can be assigned why a similar system should not be adopted in this country. Just for a moment let us look at the rates in Australia.

If Washington were located in Australia, we could send a 16-word message, in addition to the address and signature, for 12 cents in the city of Washington, and for a radius of 10 miles around. Have we anything in this country to compare with this? Australia has six States, three of which are two and one-half times as large as Texas. South Australia has a greater area than all the 26 States east of the Mississippi River.

West Australia has an area even greater than all of these 26 States with any one of the States of Minnesota, Iowa, Arkansas, or Louisiana added.

West Australia is more than one and one-half times larger than North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

Larger than Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, and Oregon.

Three and one-half times larger than Texas.

Six times larger than California.

Nine times larger than Colorado.

Ten times larger than either Idaho, Utah, or Oregon.

Fourteen times larger than either Washington or Missouri.

Sixteen times larger than either Michigan, Illinois, Iowa, Arkansas, North Carolina, Louisiana, Mississippi, Alabama, Georgia, or Florida.

Almost twenty times larger than New York.

Twenty-one and one-half times larger than either Pennsylvania, Virginia, Ohio, Kentucky, Indiana, Tennessee, or South Carolina.

Twenty-nine and one-half times larger than Maine.

Notwithstanding the area of this and other States, you can send a telegram in any one of the States of Australia, in addition to the address and signature, of 16 words for 18 cents, and it will be delivered within a radius of 1 mile from the receiving office, and for this there is no extra charge.

No one will contend for a moment that we have anything comparable to this in the United States. I have only to call your attention to the fact that in the smallest States we pay, in addition to the address and signature, 25 cents for 10 words, and in some of the larger States as high as 40 cents.

Let me cite just one case: In New York the population is 39 times that of West Australia; yet, in area, it is not one-twentieth as large. Why should not the people in the State of New York enjoy even cheaper rates than they do in Australia?

Remembering, as I have said before, that Australia is practically as large as the United States, lacking in round numbers only about 14,000 square miles, in addition to the address and signature you can send a telegram of 16 words for 24 cents anywhere in Australia. In all cases the charge for extra words beyond the 16 is a uniform rate of 2 cents a word, while in the United States it is from 2 to 7 cents. For a moment compare these rates with the extortionate rates of either the Western Union or Postal Telegraph companies, and what other conclusion can we honestly come to than that there ought to be a very substantial reduction in telegraph rates in this country.

When it is remembered that Australia, as a whole, is a country of the same area as the United States, and that the distances actually traversed are very much greater than those between any points of telegraph communication in America, it will be seen that the charge of 24 cents for a 16-word message is very much less than one-half, and would probably work out at about one-third, the amount charged in America.

Australia borrowed $18,000,000 at 3 per cent interest and established its system of telegraph lines, and I have no hesitancy in saying that if this country so desires it could borrow the money at 2 or 2¼ per cent interest with which to purchase the lines of either the Western Union or Postal Telegraph Company, or build a line of its own, and could still increase the Australian prices to the people of this country and in two years wipe out the entire cost, in addition to the annual expense, and in the third year and for each succeeding year

could pay any reasonable annual deficit in the Post-Office Department.

The telegraph lines now owned and operated by the federal government for the people of Australia have a length of fully 48,000 miles, while the length of the wires is considerably more than 100,000 miles. Thus it will be seen the people of Australia and their government have a considerable experience in the cost both of constructing and operating a telegraph system. The mileage of their lines is actually greater than that of any European country, with the exception of Russia, Germany, and France, while in proportion to the number of inhabitants it is probably nearly six times as great as that of any other country in the world, with the single exception of its near neighbor, New Zealand. There are upward of 3,000 telegraph stations kept open for the convenience of a population which does not exceed 4,000,000, and the revenue derived from messages is shown to be sufficient to defray the cost of operating and maintaining the lines, as well as defraying the interest charges on the cost of construction at the annual rate of 3 per cent.

In Australia the telegraph and telephone services are both incorporated with the post-office, and as such they require few, if any, separate offices. There are fully 3,000 telegraph stations in the country for the convenience of the public, and nearly every one of these is also the district post-office. There are in the United States about 27,000 telegraph stations, but there are not less than 70,000 post-offices for the use of the people—that is to say, there is a post-office for every thousand, but a telegraph station for every three thousand. In the newer, poorer, and far less thickly settled country of Australia there are fully 6,000 post-offices to meet the requirements of 4,000,000 people, or one to every 666 people, and more than 3,000 of these are also telegraph stations, being 1 to about 1,300 persons. The contrast is suggestive, but it is most suggestive of all in its financial aspect. If every second post-office in this country were also a telegraph station, the public would be nearly as well supplied with the means of rapid communication as the settlers in Australia now are, instead of one-third as well, and they would also be saved a great deal of money. In America it would then be, as it now is in the commonwealth of the South Pacific, each telegraph station would be at the natural center of population, where it would require no separate offices and no separate staff of clerks and operators, except in cities of considerable size. Every country postmaster or clerk would in that case be required also to be a competent telegraph operator, and thus an endless duplication, both of offices and officials, would be avoided.

I give it as my deliberate judgment that from this time on no public building known as a "post-office building," should be built in this country that does not make ample provision for caring for the necessary amount of help and other facilities that may be needed when a postal-telegraph system is adopted in this country, for I am more and more convinced that unless the people can get the relief which they feel they are justly entitled to, that it will only hasten the time when the Government will be compelled to adopt a system that is enjoyed by every civilized nation on earth.

I desire to call your attention to a recent Associated Press dispatch, sent out from New York on January 21, which reads as follows in the Washington Post of January 22:

> The Postal Telegraph Company will be the last competitor in telegraphy, and when that competition ceases there will be a choice only between monopoly and government ownership. * * * This is Clarence H. Mackay's view of the telegraph situation in the United States, as expressed to-day before a committee of the state legislature which is trying to determine the advisability of placing telegraph and telephone under state regulation. * * * As president of the Postal, he was reiterating that keen competition between his company and the Western Union would continue, and by reason of this competition he said rates had been reduced from 20 to 50 per cent.

I addressed a letter to Mr. Clarence H. Mackay, president of the Postal Telegraph Company, New York City, February 4 last, calling his attention to the above dispatch, and said to him that I would like to ask him a few questions, and would thank him for an early reply; so far I have not received any. My first question was, Why have not the telegraph companies of New York been under the control of the public-service commission in that State, as are other corporations?

Second. Why are you seeking to defeat the efforts of Governor Hughes in this respect, that both the Postal Telegraph and Western Union may be under the supervision of the public-service commission of New York?

It is due Mr. Mackay to say that since I wrote him he has been quoted in the public press as saying that he would not oppose the placing of the Postal Telegraph under the public-service commission of New York.

Third. Can you give any good reason why both of these corporations should not be under the supervision and control of the Interstate Commerce Commission?

Fourth. You speak of competition between the Western Union and Postal Telegraph companies. Will you kindly suggest where it exists? For illustration: Is it possible to send a telegram by either of these companies from Washington, D. C., to any village, city, or hamlet in the Union where there is the slightest competition; or, on the other hand, is not the rate exactly the same in every case? And if the same is not true of other cities and villages throughout the country, I would most respectfully thank you to call my attention to the same.

Fifth. Will you kindly tell me when it was that, by reason of competition or otherwise, telegraph rates were reduced from 20 to 50 per cent? I understand that, whether by competition or otherwise, rates have been increased and not decreased.

Just a word to all those who are in no way interested or connected with the Western Union and Postal Telegraph companies and their allied influences, which are many. If we are to succeed in securing this further right and blessing to the people, then we must unite all our efforts, for, as was and is to be expected, these great corporate influences are being exerted to the end that they may crush out any and all attempts to encroach upon the exorbitant rates which they are charging the people.

In conclusion I want to say, however much we may wish that it were otherwise, we must not lose sight of the fact that there is an ever increasing and growing demand in this country for a substantial reduction in telegraph rates, a marked reduction in express rates, and for the establishment of postal savings banks and a parcels post. [Applause.]

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21419, the post-office appropriation bill, and had come to no resolution thereon.

LEAVE TO PRINT ILLUSTRATIONS.

The SPEAKER laid before the House a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Ordnance, a report of tests of iron and steel at the Watertown Arsenal.

The SPEAKER. There are illustrations with this letter. If there be no objection, the same will be printed.

Mr. CLARK of Missouri. Mr. Speaker, what is it?

The SPEAKER. The Clerk will read:

The Clerk read as follows:

> Letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Ordnance, a report of tests of iron and steel at Watertown Arsenal.

Mr. FINLEY. What will be the cost of printing with the illustrations?

Mr. SULZER. No matter what the cost is, it ought to be printed. It is a very important document.

The SPEAKER. The Chair is not informed as to the cost. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WEEKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Dunkirk Harbor, New York (H. Doc. No. 720)—to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of portions of the Hudson River (H. Doc. No. 719)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 16684) granting an honorable discharge to James Ovens, reported the same with amendment, accompanied by a report (No. 554), which said bill and report were referred to the Private Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8699) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war, reported the same with amendment, accompanied by a report (No. 555), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13936) for the relief of William P. Drummon, reported the same without amendment, accompanied by a report (No. 556), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19243) to correct the military record of John B. Ford, reported the same with amendment, accompanied by a report (No. 557), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19747) to remove the charge of desertion against William C. Rich, reported the same with amendment, accompanied by a report (No. 558), which said bill and report were referred to the Private Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 863) to correct the military record of John M. Miller, reported the same with amendment, accompanied by a report (No. 559), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 864) to correct the military record of John Oates, reported the same with amendment, accompanied by a report (No. 560), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 4514) for the relief of William Murray and David Murray, reported the same adversely, accompanied by a report (No. 551), which said bill and report were laid on the table.

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the House (H. R. 6337) for the relief of Theophilus L. Keen, reported the same adversely, accompanied by a report (No. 552), which said bill and report were laid on the table.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 11007) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, reported the same adversely, accompanied by a report (No. 553), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COUDREY: A bill (H. R. 21822) to investigate the agreement or combination that appears to exist between the leading laundries in the District of Columbia—to the Committee on Rules.

By Mr. ANDREWS: A bill (H. R. 21823) authorizing a bond issue of the city of Gallup, N. Mex., for reservoir purposes—to the Committee on the Territories.

Also, a bill (H. R. 21824) authorizing the Territory of New Mexico to sell and transfer certain school lands to the town of Artesia, Eddy County, N. Mex.—to the Committee on the Territories.

Also, a bill (H. R. 21825) authorizing the Territory of New Mexico to sell and transfer certain school lands to the city of Tucumcari, N. Mex.—to the Committee on the Territories.

Also, a bill (H. R. 21826) authorizing the Territory of New Mexico to sell and transfer certain school lands to the city of Roswell, N. Mex.—to the Committee on the Territories.

Also, a bill (H. R. 21827) authorizing the Territory of New Mexico to sell and transfer certain school lands to the town of Melrose, Curry County, N. Mex.—to the Committee on the Territories.

By Mr. SPIGHT: A bill (H. R. 21828) to encourage the development of the American merchant marine, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. STEENERSON (by request): A bill (H. R. 21829) to amend section 1661, Revised Statutes of the United States, as amended—to the Committee on Militia.

By Mr. BORLAND: A bill (H. R. 21830) to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River, in the neighborhood of Sibley, Mo., and to remove the existing structure—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 21831) to increase the efficiency of the Quartermaster's Department of the United States Army—to the Committee on Military Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 21832) to provide for the construction of a revenue cutter for service in the Hawaiian Islands—to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: A bill (H. R. 21833) to authorize the Secretary of War to donate two condemned brass or bronze cannon or field pieces to the county court of Preston County, W. Va.—to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 21834) to equalize navy pay with that of the army—to the Committee on Naval Affairs.

By Mr. WEEKS: A bill (H. R. 21835) to provide for the transmission free of postage of certain reading matter for the blind—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: A bill (H. R. 21836) to amend section 4488, Revised Statutes, for the greater safety and protection of passengers on steam vessels of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. FERRIS: A bill (H. R. 21837) providing for the erection of a public building at Shawnee, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 21838) to establish a fish-cultural station in the State of Oklahoma—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAWNEY: A bill (H. R. 21839) authorizing the erection of a public building at Owatonna, Minn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21840) authorizing the erection of a post-office building at Lake City, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. FERRIS: A bill (H. R. 21841) providing for the erection of a public building at Lawton, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 21842) to provide for the erection of a public building at Chickasha, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. CARLIN: A bill (H. R. 21843) authorizing the Secretary of War to have constructed a highway bridge across the Potomac River from or near Point of Rocks or Brunswick, Md., to some point on the Virginia shore opposite—to the Committee on Military Affairs.

By Mr. OLMSTED: Resolution (H. Res. 411) to pay to R. B. Horton a certain sum of money—to the Committee on Accounts.

By Mr. FINLEY: Joint resolution (H. J. Res. 158) extending the time within which returns may be made under section 38 of the tariff act of August 5, 1909, for the year 1910—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 21844) granting a pension to Gertrude Brown—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 21845) granting an increase of pension to Samuel F. Stanley—to the Committee on Invalid Pensions.

By Mr. BURGESS: A bill (H. R. 21846) granting an increase of pension to Andres Johnson—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 21847) granting an increase of pension to C. W. Pool—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 21848) for the relief of the estate of William W. Monroe, deceased, of Prince William County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 21849) for the relief of the estate of John Milburn, deceased—to the Committee on War Claims.

Also, a bill (H. R. 21850) for the relief of William Knight—to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 21851) granting an increase of pension to Andrew L. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21852) granting an increase of pension to William Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21853) granting an increase of pension to William H. Edwards—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 21854) for the relief of the legal representatives of Thomas Fawcett, deceased—to the Committee on War Claims.

By Mr. EDWARDS of Georgia: A bill (H. R. 21855) for the relief of the First Presbyterian Church of Darien, Ga.—to the Committee on War Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 21856) granting an increase of pension to Joseph S. Looney—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 21857) granting a pension to Philena Huffman—to the Committee on Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 21858) granting an increase of pension to Schuyler B. Bascom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21859) granting an increase of pension to Christopher Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21860) granting an increase of pension to Daniel Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21861) granting an increase of pension to Josiah Piles—to the Committee on Invalid Pensions.

By Mr. GRONNA: A bill (H. R. 21862) granting an increase of pension to Lyman K. Raymond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21863) granting an increase of pension to Isaac Coles—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 21864) granting an increase of pension to Augustus E. Zeitler—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 21865) granting an increase of pension to William M. Hervey—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 21866) for the relief of Charles G. Jones—to the Committee on War Claims.

By Mr. JOYCE: A bill (H. R. 21867) granting a pension to Sarah McClellan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21868) granting a pension to Zella E. Bowles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21869) granting an increase of pension to Hosea Sarchett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21870) granting an increase of pension to Thomas Blazer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21871) granting an increase of pension to Jesse O. Hillegas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21872) granting an increase of pension to Robert J. Hanlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21873) to correct the military record of William T. Carpenter—to the Committee on Military Affairs.

Also, a bill (H. R. 21874) to correct the military record of Bennett F. Jackson—to the Committee on Military Affairs.

By Mr. KOPP: A bill (H. R. 21875) granting an increase of pension to William H. Batchelor—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 21876) for the relief of T. J. McGrath—to the Committee on Claims.

By Mr. LOWDEN: A bill (H. R. 21877) to amend the military record of George W. Rand—to the Committee on Military Affairs.

By Mr. McMORRAN: A bill (H. R. 21878) granting a pension to Jemina Grigg—to the Committee on Pensions.

Also, a bill (H. R. 21879) granting a pension to Sumner Starks—to the Committee on Invalid Pensions.

By Mr. MOXLEY: A bill (H. R. 21880) granting an increase of pension to Leonard S. Van Vliet—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 21881) granting an increase of pension to Isaac Leroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21882) to correct the military record of Horace D. Bennett—to the Committee on Military Affairs.

By Mr. RAUCH: A bill (H. R. 21883) granting an increase of pension to Bennoah Kellogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21884) granting an increase of pension to Louis E. Parsons—to the Committee on Pensions.

Also, a bill (H. R. 21885) granting an increase of pension to Felix G. Buck—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 21886) granting an increase of pension to Patrick Costin—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 21887) to carry out the findings of the Court of Claims in the case of the trustees of the Glasgow graded common schools, of Glasgow, Ky.—to the Committee on War Claims.

By Mr. WOODYARD: A bill (H. R. 21888) to pay the trustees of the Baptist Church at Sutton, W. Va., for material taken and used for the Federal Army—to the Committee on War Claims.

By Mr. PATTERSON: A bill (H. R. 21889) granting a pension to Mike Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21890) granting a pension to Mike Murray—to the Committee on Pensions.

Also, a bill (H. R. 21891) for the relief of Mike Murray—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of James B. Angell, president emeritus of the University of Michigan, and 35 other presidents of state universities; Charles C. Thatch and 15 other presidents of independent colleges; E. M. Shackelford and 95 other presidents of public state normal schools from all parts of the country, protesting against the passage of bills now before Congress to appropriate money from the Federal Treasury for a private institution in the District of Columbia, known as the "George Washington University"—to the Committee on Appropriations.

By Mr. ANDERSON: Petition of Clyde Council, No. 1175, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Council No. 994, Knights of Columbus, of Coshocton, Ohio, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of William Wince—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: Petition of Booker T. Washington Hospital and Nurse Training School, of Pittsburg, Pa., for a celebration of the fiftieth anniversary of the emancipation proclamation—to the Committee on Industrial Arts and Expositions.

Also, petition of Military Order of Loyal Legion of Pennsylvania, for a volunteer officers' retired list (S. 4183)—to the Committee on Naval Affairs.

Also, petition of Pittsburg Association of Credit Men, against repeal of bankruptcy law—to the Committee on the Judiciary.

Also, petition of Monongahela Council, No. 491, Knights of Columbus, of Pittsburg, Pa., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Nevada: Petition of certain citizens of Nevada, against increase in second-class postage rates—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of Marine Engineers' Beneficial Association of Erie, Pa., for the Goulden bill (H. R. 18682) for security of lives of passengers and crews of vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Central Labor Union of Erie, Pa., for the eight-hour law on government works—to the Committee on Labor.

Also, petition of Grove Cattrell, of Corry, Pa., and International Association of Mechanics, of Erie, Pa., against increase of postal rate on second-class periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of George A. Eisaman, of East Springfield, Pa., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bishop of Pittsburg, Pa., for a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of J. T. Campbell, of Hartstown, Pa., for improvement of the oleomargarine law—to the Committee on Agriculture.

Also, petition of Commandery of the Loyal Legion of the State of Pennsylvania, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. BURLEIGH: Petition of Savings Bank Association of Maine, favoring authorization of a State to levy a tax on deposits in national banks at such rates and under such conditions as shall not discriminate in favor of similar deposits in state banking institutions—to the Committee on Banking and Currency.

By Mr. CALDER. Petition of Union League Club, of New York City, favoring attitude of the administration and commissioner of immigration of the port of New York, relative to immigration laws—to the Committee on Immigration and Naturalization.

By Mr. CALDERHEAD: Petition of H. R. Bayton Company, of Los Angeles, Cal., and W. F. Potts Son & Co., of Philadelphia, Pa., in favor of repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Salina Council, No. 23, and C. S. Crawford and other citizens of Abilene, Kans., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. CARLIN: Paper to accompany bill for relief of estate of John Milburn—to the Committee on War Claims.

By Mr. CONRY: Petition of National Business League of America for a government publication of a trade directory of the world—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. Cales Cabell, of Washington, D. C., for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of Produce Exchange of New York City for repeal of the oleomargarine law—to the Committee on Agriculture.

Also, petition of William Green, of New York City, favoring House bill 3075—to the Committee on the Post-Office and Post-Roads.

Also, petition of Merchants' Association of New York, for Houes bill 15864, relative to legation buildings—to the Committee on Foreign Affairs.

Also petition of Merchants' Association of New York, for House bill 14530, against pollution of navigable rivers—to the Committee on Rivers and Harbors.

Also, petition of Spanish War Veterans, for appropriation to raise the wrecked battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of United Shirt and Collar Company, of Troy, N. Y., against the publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Posts Nos. 40, 51, and 271, Grand Army of the Republic, and citizens of Fort Wayne, Ind., for a memorial building to Gen. Anthony Wayne—to the Committee on the Library.

By Mr. COOPER of Wisconsin: Petition of Group No. 713, Polish National Alliance of America, against House bill 20729, the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Paper to accompany bill for relief of the legal representatives of Thomas Fawcett, deceased—to the Committee on War Claims.

Also, petition of Monongahela Council, No. 491, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Commercial Club of Davenport, Iowa, and corporations, against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

Also, petition of Tri-City Typographical Union, No. 107, against increase of postal rate on periodicals, and for a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of National Editorial Association and other printing associations of the United States, favoring the Tou Velle bill (H. R. 3075) relative to printed cards and advertisements on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of G. H. McBride and 178 others, against present law governing manufacture and sale of oleomargarine—to the Committee on Agriculture.

Also, petition of Union League Club of New York City, favoring rigid enforcement of immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of George E. McLean and others, against appropriation for the George Washington University—to the Committee on Agriculture.

By Mr. MICHAEL E. DRISCOLL: Petition of citizens of New York State, for an eight-hour law on government works—to the Committee on Labor.

By Mr. ESCH: Petition of citizens of Wisconsin, against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. FASSETT: Petition of citizens of New York State, against a law favoring Sunday observance in the District of Columbia (S. 404)—to the Committee on the District of Columbia.

By Mr. FITZGERALD: Petition of American Business League, for publication by Department of Commerce and Labor of a trade directory of the world—to the Committee on Interstate and Foreign Commerce.

Also, petition of Union League Club of New York City, for an amendment to the immigration laws, requiring an educational test—to the Committee on Immigration and Naturalization.

Also, petition of the Maritime Association of the Port of New York, against features of Senate bill 5106 and House bill 17536, relative to rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

Also, petition of Union League Club of New York, for rigid enforcement of present immigration laws—to the Committee on Immigration and Naturalization.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Garfield Lay—to the Committee on Pensions.

By Mr. FORNES: Petition of Produce Exchange of New York, for the Burleson bill—to the Committee on Agriculture.

Also, petition of New York Zoological Society, of New York City, for the Carter Rocky Mountain Park bill—to the Committee on the Public Lands.

Also, petition of Merchants' Association of New York City, favoring House bill 14530, preventing pollution of navigable rivers—to the Committee on Rivers and Harbors.

Also, petition of Merchants' Association of New York City, favoring House bill 5864, relative to consular buildings—to the Committee on Foreign Affairs.

Also, petition of Chilton Paint Company, for the Humphrey ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of William Green, of New York City, for House bill 3075, prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Maritime Association of New York, against House bill 17536 and Senate bill 5106, concerning rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of legislative committee of the National Association of State Universities, against proposed appropriation in favor of George Washington University, a private institution in the District of Columbia—to the Committee on Appropriations.

Also, petition of numerous citizens of Oglesby, Ill., for an eight-hour workday on all government work—to the Committee on Labor.

Also, petition of the national joint committee of the National Editorial Association and other kindred organizations, against the printing of advertisements on government stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. B. Westbrook, secretary of religious bureau, of Buffalo, N. Y., in opposition to the passage of the Johnston Sunday bill (S. 404)—to the Committee on the District of Columbia.

By Mr. GOULDEN: Petition of Anthony Wayne Memorial Committee, of Fort Wayne, Ind., and Grand Army of the Republic posts Nos. 40, 51, and 271, favoring a memorial building for Gen. Anthony Wayne—to the Committee on the Library.

Also, petition of O. C. Cowan, of New York City, for a semicentennial exposition in 1913, commemorative of the emancipation proclamation of 1863—to the Committee on Industrial Arts an Expositions.

Also, petition of Herman Oelrichs, of New York City, favoring promotion of Gen. William Marshall to major-general, United States Army, on retirement—to the Committee on Military Affairs.

By Mr. GRAFF: Petition of Local No. 707, United Mine Workers of America, of Peoria, Ill., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Petition of citizens of Weaver and Bottineau, N. Dak., in opposition to the proposed rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petitions of J. Grignol, James F. Breen, E. A. Brown, James T. Bailey, and James J. Beatty, citizens of San Francisco; San Francisco Lodge, No. 68, International Association of Machinists; United Garment Workers' Union, No.

131, of San Francisco, Cal.; Division No. 265, Amalgamated Association of Street and Electric Railway Employees of America, of San Jose, Cal., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of Farmers' Educational Cooperative Union of America, for legislation to stop gambling in farm products—to the Committee on Agriculture.

Also, petition of James Hallett, Thomas H. Dowd, G. E. Bitterlin, C. J. Paise, Frank Moss, A. T. Wynn, J. A. Wynn, John J. Malone, James de Succa, A. Windrow, and M. J. Roche, all of San Francisco, Cal., favoring House bill 15441, providing for an eight-hour workday on work done for the Government by contract or subcontract—to the Committee on Foreign Affairs.

Also, paper to accompany bill for relief of Mrs. F. M. Sampson—to the Committee on Pensions.

Also, petition of J. L. Mosher, N. Barton, M. B. Sears, B. G. Sears, Thomas Hardie, William T. Turner, W. C. Turner, N. P. Johnson, and A. C. Nicholson, citizens of Campbell, Cal., urging legislation to eliminate gambling in farm products by boards of trade, exchanges, and other speculators—to the Committee on Agriculture.

By Mr. HOBSON: Petition of W. W. Beasley and 120 other citizens of Reform, Ala., against gambling in futures—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of John McElmeel—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petition of Young People's Society of Missionary Volunteers of Polk County, Iowa, against S. 404, relative to Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JOHNSON of Kentucky: Petition of Ashland (Ky.) Business Men's Association, favoring repeal of corporation-tax-clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. KELIHER: Petition of Pilgrim Publicity Association, of Boston, against increase of rates on second and third class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of New England Manufacturing Jewelers and Silversmiths' Association, against publicity paragraph of the corporation tax—to the Committee on Ways and Means.

By Mr. KENNEDY of Ohio: Petition of Methodist Church and Friends' Church of Damascus, Ohio, against the Johnston and Curtis bill—to the Committee on the Territories.

Also, petition of citizens of Ohio, against modification of the oleomargarine law—to the Committee on Agriculture.

By Mr. KINKEAD of New Jersey: Petition of Paulus Hook Council, No. 9, Loyal Association, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Petition of residents of York, Pa., against the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Papers to accompany House bill for relief of Sumner Starks, late of Companies E and H, Fifth Michigan Volunteer Infantry—to the Committee on Invalid Pensions.

Also, petition of the East Huron Grange, No. 1097, of Harbor Beach, Mich., protesting against any change in the present oleomargarine law—to the Committee on Agriculture.

Also, papers to accompany House bill for the relief of Jemina Grigg, mother of George G. Grigg, late of Company F, Thirty-third Regiment Michigan Volunteer Infantry—to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: Petition of Foresters' Institute School, for House bill 15422, for agricultural extension work—to the Committee on Agriculture.

By Mr. MILLINGTON: Petition of Union League Club, of New York City, for certain amendments to the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. MURDOCK: Petitions of citizens of Arkansas City, Cherokee County, Leeds County, Inmann, Macksville, Eldorado, Iola, Genda Springs, Pittsburg, Webster County, Concordia, Coffee County, Allen County, Blue Mound, Fort Scott, Sedgwick County, Neosho Falls, Smith County, Green, Emporia, all in the State of Kansas; Ventura, Cal.; and Logan county, Okla., against postage increase on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of business firms and citizens of Wichita, Kans., against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petitions of Elk Grove Friday Club and Mrs. H. C. Bates, president of the Woman's Improvement Club of Modesto City, Cal., against the use of Hetch Hetchy Valley as a water tank for San Francisco—to the Committee on the Public Lands.

Also, petition of San Francisco Labor Council, against the increase of rate of postage on periodicals and not to restrict rural delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of citizens of Minneapolis, Minn., for Senate bill 1614 and House bill 3035, against printing free government stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Paper to accompany bill for relief of Lorenzo C. McDougall, son of Samuel Nelson McDougall—to the Committee on Invalid Pensions.

By Mr. PETERS: Petition of Jamaica Plain (Mass.) Indian Association, favoring an Indian medical service and other measures—to the Committee on Indian Affairs.

By Mr. PLUMLEY: Petition of P. J. Cowles and 39 other members of Champlain Lodge, No. 7, Knights of Pythias, against Senate bill 1712, wearing of the United States uniform by unauthorized persons—to the Committee on Military Affairs.

By Mr. PRAY: Petition of veterans of civil war of Flathead County, Mont., favoring amendment of act of June 27, 1890—to the Committee on Invalid Pensions.

Also, petition of citizens of Clyde Park, Mills City, and Belgrade, Mont., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Retail Merchants' Association of Montana, for increase of salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Typographical Union No. 95, of Helena, Mont., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RAUCH: Petition of Marion (Ind.) Chapter, No. 429, American Insurance Union, favoring support of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Kansas, favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of James B. Angell and others, against an appropriation for the George Washington University—to the Committee on Appropriations.

By Mr. SHEFFIELD: Petition of Newport (R. I.) Council, No. 256, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rhode Island Business Men's Association, of Providence, R. I., for Senate bill 290, for a revenue cutter to replace the cutter *Dexter* in Narragansett Bay—to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence (R. I.) Chapter, No. 2, Sons of the American Revolution, for retention of the Bureau of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of Newport (R. I.) Social Union, No. 268, of the International Brotherhood of Electrical Workers, against increasing the postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of Lansing Chapter, National Society Daughters of the American Revolution, for retention of the Bureau of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Texas: Petition of citizens of Runnels County, Tex., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Petition of Nathan Hale Memorial Chapter, Daughters of the American Revolution, of East Haddam, Conn., for retention of Bureau of Immigrant Information—to the Committee on Immigration and Naturalization.

Also, protests of manufacturers and stock companies of the State of Connecticut, against the corporation tax—to the Committee on Ways and Means.

By Mr. WANGER: Petition of Edwin E. Sparks and others, presidents of state colleges and universities and of public normal schools, against any appropriation from the Federal Treasury to George Washington University—to the Committee on Agriculture.

Also, protest of the Baltimore Chamber of Commerce against the section of Senate bill 5106 which subjects independent water lines to the jurisdiction of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: Petition of Massachusetts State Board of Trade, against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Petition of A. P. Heuell and others, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 26, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

DISPOSITION OF WORTHLESS PAPERS.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to offer a privileged report (No. 561) from the Committee on Accounts.

The Clerk read as follows:

House resolution 373.

Resolved, That the Doorkeeper of the House be, and is hereby, authorized to employ 10 laborers for a period of two months at a compensation at the rate of $60 each per month, to be paid out of the contingent fund of the House, said laborers to be employed exclusively in the handling and disposition of worthless documents, in compliance with House resolution 220.

Mr. MANN. Mr. Speaker, may I ask the gentleman how long are these employees to be paid for?

Mr. BARTLETT of Georgia. Sixty days.

Mr. HUGHES of West Virginia. Sixty days, and no longer.

The question was taken, and the resolution was agreed to.

TRANSFERRING DOCUMENTS TO HOUSE OFFICE BUILDING.

Mr. HUGHES of West Virginia. Mr. Speaker, I also present the following privileged report (No. 565) from the Committee on Accounts.

The Clerk read as follows:

House resolution 413.

Resolved, That there shall be paid out of the contingent fund of the House to J. M. McKee $154, to P. L. Coultry $118.80, to August Ruppel $102.37, to S. L. Wilson $76.68, and to John Morrisey $76.68 for services rendered in transferring documents and other material from the annex folding room to the House Office Building, pursuant to the authority contained in the urgent deficiency act approved August 5, 1909.

Mr. MANN. Mr. Speaker, I think we ought to have some little explanation of that.

Mr. HUGHES of West Virginia. Mr. Speaker, I will ask that the report of the committee be read.

Mr. BARTLETT of Georgia. Will the gentleman yield to me for a moment before the report is read?

Mr. HUGHES of West Virginia. Yes, sir.

Mr. BARTLETT of Georgia. Mr. Speaker, as a member of that committee, after investigating this resolution very thoroughly, and having the matters before the committee which the report will disclose, these are the facts upon which the committee acted, upon which I acted, and upon which I apprehend the committee acted. These documents were stored in the annex folding room, which had to be surrendered on the 1st of September last, and transferred from that place over to the Office Building. Proposals were submitted to three companies that do that kind of business in this city to transfer them from that building over to the House Office Building. The hours of work of the transfer company were from 7 until 6. Under the law of the United States an employee of the United States does not work but eight hours. The hours of the office force here in the folding room were from 9 until 5. Now, when the bids were submitted, the disbursing clerk, Mr. Browning, informed these three bidders that the office would furnish these men to work overtime, in order that the work might be done; and with all of that information before them the lowest bid was a thousand and odd dollars lower than the next lowest bid. These gentlemen made a statement, which will be found in the report, which probably better be read after my statement. These gentlemen mentioned in the resolution worked overtime in the folding room in the arrangement of the books. Now, the employees of the transfer company—Messrs. Littlefield, Alvord & Co., who obtained the contract—are not skilled people, so far as handling this immense number of books is concerned. It required somebody familiar with their arrangement in order to have the books properly transferred and cared for from the office which is known as the "Southern Railroad Building" into the Office Building. These gentlemen frequently worked overtime up to 7 o'clock p. m. in the day in the removal of these books, and it is for the performance of this service that this claim is made, which will amount to a little over $400.

Mr. MANN. Will the gentleman yield for a question?

Mr. BARTLETT of Georgia. Yes; of course.

Mr. MANN. Does the gentleman state that the employees of the House are covered by the eight-hour law?

Mr. BARTLETT of Georgia. That was the statement made to the committee.

Mr. MANN. Well, I think the gentleman on a moment's reflection will know that the eight-hour law is not applicable either to Members of Congress——

Mr. BARTLETT of Georgia. I know it is not as to Members of Congress.

Mr. MANN. Or to the employees of the House, whose duty it is to be here, many of them as long as the House is in session. Nor do I understand that the folding room closes at 4 o'clock. It ought not to at least.

Mr. BARTLETT of Georgia. It does generally in the summer time, when Congress is not in session.

Mr. MANN. It may in the summer time, and they are closed a good part of the time then.

Mr. CURRIER. I will state to the gentleman from Illinois that this caused these men to lose their vacation. They worked from 7 o'clock in the morning until 6 o'clock in the evening, sometimes the hours were longer than that; and their work expedited the business of removing the books so that it was not necessary to renew the lease for one extra quarter, otherwise the Government would have to pay $1,250 for a renewal of the lease for a quarter.

Mr. MANN. I certainly would be the last man to make any reflection upon Captain McKee. He is in every respect a most efficient man in the business; and, of course, if the committee say that he ought to be paid extra, very well; but I do protest against paying an employee of the House extra money simply because at some one time he happens to work a full day's work, when at another time he does not perform a full day's work.

Mr. HUGHES of West Virginia. If the gentleman will allow me to make this explanation, I will say that the people who did this work are employed in the folding room. Their hours are from 9 o'clock until 4. There is no law, of course, to that effect, but that has long been the custom. In addition to that these employees work on piecework, and most of them, if they are energetic and active, get their work done in less time than that. Now, in order to save something over $1,400, these people agreed to work these extra hours with this transfer company, and in other similar cases it has been the custom to pay the employees for the overtime they work.

Mr. BARTLETT of Georgia. When these books were moved up from some other place a resolution on the same basis was passed by the House.

Mr. HUGHES of West Virginia. Mr. Speaker, I will withdraw the demand for the reading of the report of the committee, because, in view of the explanation which has been made, I do not think it is necessary.

The question being taken, the resolution was agreed to.

HANNA CORBIN.

Mr. HUGHES of West Virginia. Mr. Speaker, I also present the following resolution (H. Res. 404) from the Committee on Accounts.

The SPEAKER. The gentleman from West Virginia [Mr. HUGHES] presents from the Committee on Accounts the following resolution, which will be reported by the Clerk. (Report No. 562.)

The Clerk read as follows:

House resolution 404.

Resolved, That there shall be paid out of the contingent fund of the House to Hanna Corbin, widow of Richard T. Corbin, late messenger janitor to the Committees on Reform in the Civil Service and Levees and Improvements of the Mississippi River, of the House of Representatives, an amount equal to six months of his salary, and an additional amount, not exceeding $250, to defray the funeral expenses of said Richard T. Corbin.

The question being taken, the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3638. An act to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation;

S. 5752. An act to correct the military record of Charles J. Smith;

S. 4274. An act to provide for second homestead entries;

S. 3752. An act for the relief of the owners of lighter No. 128;

S. 5835. An act for the settlement of conflicting claims of the State of Wisconsin and its grantees, and the La Pointe and Lac du Flambeau bands of Chippewa Indians to certain school and swamp lands in the reservations of said Indians in Wisconsin;

S. 4473. An act for the relief of Rasmus K. Hafsos;

S. 5905. An act to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

S. 2419. An act for the relief of C. E. Moore;
S. 1866. An act providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof;
S. 6496. An act to correct the military record of Sumeral Dennis; and
S. 1877. An act to grant certain lands to the town of Fruita, Colo.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 19403. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;
H. R. 19278. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;
H. R. 18681. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and
H. R. 16037. An act to amend section 810 of the Revised Statutes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3638. A bill to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation—to the Committee on Claims.
S. 5752. A bill to correct the military record of Charles J. Smith—to the Committee on Military Affairs.
S. 4274. A bill to provide for second homestead entries—to the Committee on the Public Lands.
S. 3752. A bill for the relief of the owners of lighter No. 128—to the Committee on Claims.
S. 5835. A bill for the settlement of conflicting claims of the State of Wisconsin and its grantees, and the La Pointe and Lac du Flambeau bands of Chippewa Indians, to certain school and swamp lands in the reservations of said Indians in Wisconsin—to the Committee on Indian Affairs.
S. 4473. A bill for the relief of Rasmus K. Hafsos—to the Committee on Claims.
S. 1877. A bill to grant certain lands to the town of Fruita, Colo.—to the Committee on the Public Lands.
S. 6496. A bill to correct the military record of Sumeral Dennis—to the Committee on Military Affairs.
S. 1866. A bill providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof—to the Committee on the Public Lands.
S. 5905. A bill to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes—to the Committee on Military Affairs.
S. 2419. A bill for the relief of C. E. Moore—to the Committee on Claims.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 970. An act for the relief of Edward C. Kittle;
H. R. 10106. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land contiguous to the Andersonville National Cemetery, in the State of Georgia;
H. R. 17160. An act to authorize the Oregon Trunk Railway of the State of Washington to construct a bridge across the Columbia River and Celilo Canal;
H. R. 19967. An act to authorize Thomas J. Ewing, George B. Patton, Otto Burger, William Cecil, and Milton E. Foster to construct a bridge across the Tug Fork of the Big Sandy River; and
H. R. 16364. An act to amend in part section 658 of the Revised Statutes.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 21, 1910:

H. R. 11989. An act to provide for the removal of present grade crossing and construction of a new grade crossing on the line of Q street NE., District of Columbia;
H. R. 16324. An act to authorize the extension of Park place NW.;
H. R. 16328. An act for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road;
H. R. 16329. An act to provide for the extension of Newton place NW. from New Hampshire avenue to Georgia avenue, and to connect Newton place in Gass subdivision with Newton place in Whitney Close subdivision; and
H. R. 16336. An act authorizing certain changes in the plan for the permanent system of highways for that portion of the District of Columbia lying west of Rock Creek Park, north of Klingle road, east of Connecticut avenue, and south of Ellicott street NW.

On February 24, 1910:

H. J. Res. 111. Joint resolution to donate a brass cannon to the State of Georgia;
H. R. 2828. An act for the relief of William Martinson;
H. R. 17752. An act granting pensions and increase of pension to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;
H. R. 17755. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;
H. J. Res. 101. Joint resolution authorizing the extension of the tracks of the Atchison, Topeka and Santa Fe Railway on the military reservation at Fort Leavenworth, Kans.; and
H. R. 3037. An act to correct the lineal and relative rank of certain officers of the United States Army.

On February 25, 1910:

H. R. 18282. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1910, and for other purposes;
H. J. Res. 137. Joint resolution to continue in full force and effect an act entitled "An act to provide for the appropriate marking of the graves of the soldiers and sailors of the confederate army and navy who died in northern prisons and were buried near the prisons where they died, and for other purposes;" and
H. R. 18364. An act to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909.

JESSE G. PERRY.

Mr. BARTLETT of Georgia. Mr. Speaker, I present the following resolution (H. Res. 406) from the Committee on Accounts.

The SPEAKER. The gentleman from Georgia, from the Committee on Accounts, presents the following resolution, which the Clerk will report. (Report No. 563.)

The Clerk read as follows:

House resolution 406.

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to pay, out of the contingent fund of the House, to Jesse G. Perry, the sum of $20.80, being the amount due him as clerk-hire allowance for services rendered the late Hon. James M. Griggs, a Representative from Georgia, from January 1 to January 5, 1910, inclusive.

The question being taken, the resolution was agreed to.

PRINTING AND BINDING FOR COMMITTEE ON ACCOUNTS.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution (H. Res. 412).

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 412.

Resolved, That the Committee on Accounts is hereby authorized to have such printing and binding done as may be required in the transaction of its business.

The resolution was agreed to.

ACCEPTANCE OF STATUE OF GEN. LEW WALLACE.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

On motion of Mr. CRUMPACKER, by unanimous consent,
Resolved, That exercises appropriate to the acceptance from the State of Indiana of the statue of Gen. Lew Wallace, erected in Statuary Hall in the Capitol, be made the special order for Saturday, February 26, 1910, after the conclusion of the routine morning business.

The SPEAKER. Under the special order, the gentleman from Indiana [Mr. CRUMPACKER] will be recognized, and the gentleman from Indiana [Mr. BARNARD] will take the chair as Speaker pro tempore.

Mr. CRUMPACKER. Mr. Speaker, I send to the Clerk's desk a letter from the governor of the State of Indiana, which I ask to have read.

The SPEAKER pro tempore (Mr. BARNARD). The gentleman from Indiana sends to the Clerk's desk a letter, which will be read by the Clerk.

The Clerk read as follows:

EXECUTIVE DEPARTMENT, GOVERNOR'S ROOM,
Indianapolis, Ind., January 5, 1910.

To the Senate and House of Representatives of the United States, Washington, D. C.

GENTLEMEN: I have the honor to inform you that the State of Indiana, having heretofore accepted an invitation contained in section 1814 of the Revised Statutes of the United States of America, and having placed in Statuary Hall in the Capitol at Washington, D. C., the statue of her illustrious war governor, Oliver P. Morton, the general assembly of said State, by chapter 102 of the acts of 1907, made an appropriation to procure a statue of Gen. Lewis Wallace to be placed in said hall. By virtue of said act of the general assembly of Indiana the governor of said State appointed John P. Megrew, William Allen Wood, and William H. Fox to constitute a commission to procure and have said statue erected. I am informed by the commissioners that the statue was made by Andrew O'Connor and that it has been duly placed in position and is now ready to be presented to you.

As governor of the State of Indiana it affords me pleasure to present to the Government of the United States the statue of Lewis Wallace, distinguished soldier, statesman, diplomat, and author. Permit me to subscribe myself.

Your obedient servant, THOMAS R. MARSHALL,
Governor of Indiana.

Mr. CRUMPACKER. Mr. Speaker, I call up for consideration Senate concurrent resolution 19, and ask that it be reported by the Clerk.

The Clerk read as follows:

Senate concurrent resolution 19.

Resolved by the Senate (the House of Representatives concurring). That the thanks of Congress be presented to the State of Indiana for providing the statue of Gen. Lewis Wallace, a citizen of Indiana, distinguished as a soldier, diplomat, and author; and be it further

Resolved, That the statue be accepted and placed in the National Statuary Hall in the Capitol, and that a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Indiana.

The SPEAKER pro tempore. The Chair understands that this resolution was before the Committee on the Library, and without objection that committee will be discharged from the further consideration of it, and it will be considered by the House. Is there objection?

There was no objection.

Mr. CRUMPACKER. Mr. Speaker, the State of Indiana honors both herself and the Nation in selecting from among her distinguished dead Gen. Lew Wallace, whose pulseless counterpart has been placed in Statuary Hall—the Pantheon of the Republic—as a representative of that which is highest and noblest in American life. General Wallace was born in Brookville, in Franklin County, Ind., on the 10th day of April, 1827, and he died in Crawfordsville, in his native State, on the 15th day of February, 1905. Indiana was in the twelfth year of her statehood at the time of his birth, with a small and sparsely distributed population. He was the second son of David and Esther Test Wallace, who were pioneers in the young State and who contributed greatly toward the development of its rich resources. David Wallace was educated at the Military Academy at West Point through the favor of Gen. William Henry Harrison, and after completing the course in that institution he gave up arms and entered the profession of the law. He served in the Indiana state legislature three terms, was lieutenant-governor of the State two terms, and was Governor of the State one term. He was a member of this body for one term, and was defeated for reelection upon an issue that illustrates the incredulity of the public mind at that time respecting the practical value of electricity as a means of communicating intelligence. A measure was introduced providing for an appropriation of $30,000 to aid Professor Morse in establishing a telegraph line from Washington to Baltimore with the view of testing the utility and practicability of the telegraph, and it was referred to a special committee of five, of which Governor Wallace was a member. The committee made a favorable report and Congress made the appropriation, and the line was constructed. Governor Wallace's opponent in his campaign for reelection made the Morse telegraph the paramount issue of the contest. The voters of the district were persuaded to believe that telegraphy was a contrivance of the "evil one," a species of witchcraft to be shunned and condemned by all God-fearing people, and Governor Wallace was defeated by an overwhelming majority.

Gen. Lew Wallace educated himself for the law, and was engaged in the practice at Indianapolis when the Mexican war came upon the country. The quota of Indiana under the first call of President Polk for volunteers was three regiments, and the young lawyer at once closed his office and began campaigning for recruits. The three regiments were quickly organized and set off for the field of action, Wallace carrying a commission as second lieutenant in the First Regiment. That regiment was assigned to guard duty chiefly and took no part in any serious engagement. The Second and Third Indiana regiments participated in the desperate battle of Buena Vista, where the Mexicans under command of Santa Anna were defeated, although they outnumbered the Americans over 5 to 1.

The Second Indiana Regiment was assigned a position in defense of a battery which provoked a furious attack from the Mexicans, in overwhelming numbers, and while the regiment was gallantly maintaining its position under a galling fire, its colonel, in the belief that the battery had fallen back, when in fact it had advanced, ordered his regiment to "cease firing and retreat." The regiment retreated in disorder and did not further participate in the battle as an organization, but practically all of its survivors at once joined other regiments and bravely fought to the end of the bloody conflict. In his official report of the battle, Gen. Zachary Taylor, who was in command of the American forces, placed the stigma of cowardice upon the Second Indiana Regiment, and in the light of events that clearly showed its injustice, he stubbornly refused to remove it. That aspersion was keenly felt and righteously condemned by all Indiana soldiers as a cruel injustice. General Wallace made a careful investigation of the facts at the time, and they clearly showed that there was no braver organization on the field than the Second Indiana Regiment. It entered into the conflict with only 360 men in line, and its losses in killed and wounded were 107, about 30 per cent of its entire active force. There was only one other regiment in the engagement whose losses were as great.

General Wallace was intense in his nature and he had a passion for justice. He never forgave General Taylor for the flagrant wrong he did the Indiana soldiers at Buena Vista. His father belonged to the Whig party and General Wallace's inclinations were to that party, but when General Taylor was the Whig candidate for President in 1848, he not only refused to support him, but went into the campaign actively against his election, and while Taylor was elected, he felt much satisfaction in the fact that the electoral vote of Indiana was cast for Lewis Cass, General Taylor's Democratic opponent. General Wallace affiliated with the Democratic party from that time until the civil war. It would be unjust to his high character and patriotism to say that he became a Democrat through his dislike of General Taylor.

During the exciting political decade beginning with 1850, with its intense and acrimonious controversies in the federal legislative forum, General Wallace was associated with such conspicuous party leaders as Jesse D. Bright, Ashbel P. Willard, Thomas A. Hendricks, and Joseph E. McDonald. On the slavery question he was a constitutionalist and a supporter of Stephen A. Douglas's doctrine of "squatter sovereignty." He supported Douglas for the Presidency in 1860, but after the beginning of the civil war he became a Republican and acted with that party in the main until his death. In 1860 party politics became largely a matter of latitude, and it has remained so, more or less, ever since.

General Wallace was not a politician in the common understanding of that term, although he was more or less active in every political campaign. He regarded party organizations as mere agencies to promote the common good, and he never defended or apologized for wrong for party's sake. He was thoroughly democratic in spirit. His political creed was that the chief duty of government is to secure to every citizen, without regard to birth or color, rank or fortune, an equal opportunity with every other citizen in the exercise of those fundamental rights and privileges that are necessary to the highest and best use of the talents committed to his keeping, be they many or few. He was passionately devoted to the Government and the maintenance of law, and yet he believed that every individual was endowed with those inalienable rights that were necessary to the fulfillment of that destiny appointed to him by Almighty God, and that it was as great a wrong for the Government itself to invade those primary rights as it was for an individual or a combination of individuals to do so.

When fraternal ties were sundered with sectional discord and civil war burst upon this fair land with cataclysmal fury General Wallace was one of the first to offer his services in defense of the Union. He was engaged in the trial of a case in court at Frankfort, Ind., when he received a telegram from Governor Morton that Fort Sumter had been fired upon by foes of the Union, asking him to come to Indianapolis at once. He

arranged with his associate counsel to assume sole charge of the case, and he took the first train to the state capital and reported to the governor for duty. He was commissioned colonel of the Eleventh Indiana Infantry, organized under President Lincoln's first call for volunteers, and was assigned to service in Maryland and Virginia. His regiment rendered conspicuous service under its first enlistment, although it was only of three months' duration.

General Wallace had a natural aptitude for the field; he possessed all the qualities for successful military leadership. He was methodical, aggressive, courageous, and discreet. He appreciated the value of discipline and all things that made for the comfort and efficiency of his command. He possessed the rare quality of being able to attract and hold the confidence and affection of his army.

At the termination of its three months' enlistment the Eleventh Indiana Regiment reorganized and reentered the service for a period of three years, with Colonel Wallace at its head. It was assigned to duty in the Southwest, and was in the campaign to open communication on the Cumberland and Tennessee rivers and participated in the capture of Fort Donaldson. Colonel Wallace was commissioned a brigadier-general of United States Volunteers on the 3d of September, 1861, and in March, 1862, he received his commission as major-general of United States Volunteers. He was in command of a division in General Grant's army at the battle of Shiloh. He had been stationed at Crumps Landing, on the Tennessee River, about 6 miles north of Pittsburg Landing, for several weeks before the battle, expecting an order to move on the enemy at Corinth. The confederate forces, under command of Gen. Albert Sidney Johnston, moved from Corinth in the direction of Pittsburg Landing, where the bulk of the Union Army was in camp, and opened attack early on Sunday morning, April 6, 1862. General Wallace was apprised of the battle by the incessant firing of artillery and put his division in condition to move, and eagerly awaited orders from the commanding general. He waited impatiently until about 11.30 o'clock, and then decided to move on his own order. Between Crumps Landing and Pittsburg Landing ran Snake Creek, upon each side of which was a large expanse of low marsh or quagmire, exceedingly difficult to cross. There were only two accessible bridges across Snake Creek over which the army could march with its artillery, and General Wallace decided to take the west one, because of the condition of the road. His army was well under way, when he was overtaken by an aide from General Grant's staff, with an oral order to retrace and approach Pittsburg Landing via the east road. By the time the army could turn back and traverse the 6 miles of swamp and quagmire over the east road it was nightfall and hostilities were suspended. General Wallace's division had no participation in the battle on the first day, but on the second and decisive day of the contest his division was actively engaged and performed valiant service.

Much has been said and written in criticism of the Union forces on the first day of that battle, and attempts have been made to involve General Wallace in culpability for his failure to reach the scene of action in time to engage in the first day's conflict. There was much confusion and lack of systematic execution on the first day of the battle, but certain it is that General Wallace was absolutely without blame or responsibility for his failure to arrive earlier. His own disappointment, though entirely free from self-reproach, was deep and lasting.

He was afterwards put in charge of the defense of Cincinnati at a time when that city was without protection and was threatened by a large force of confederates. In that work his capacity for organizing and executing plans of defense on a large scale and upon short notice was amply demonstrated.

His most important command was of the Eighth Army Corps, with headquarters at Baltimore, which was given him March 12, 1864. In July, 1864, a large command of confederates, hearing that Washington was inadequately defended, contemplated an attack upon the city before provision could be made for its protection. General Wallace surmised the purpose of the enemy and confronted them with a small army made up largely of inexperienced men, at Monocacy Junction, where he made such a stubborn resistance as to delay the progress of the confederates until General Grant could send an adequate force to protect the capital. General Wallace's plan of action at Monocacy was admirably conceived and faultlessly executed.

He was a member of the military commission that tried and condemned David E. Herold, Mary E. Surratt, and others for conspiracy to assassinate President Lincoln, Vice-President Johnson, and certain Cabinet officers. He was president of the commission that tried and condemned Capt. Henry Wirz, of the confederate army, who was in charge of the military prison at Andersonville, for cruel and barbarous treatment of Union soldiers who were prisoners in his charge. There are many now who feel that those convictions were the result of an abnormally excited condition of public feeling, as a sequel to the four tragic years of internecine conflict; but General Wallace, who brought to those investigations his training and experience as a lawyer, carried to the end of life an abiding belief that the judgments of the commissions were just and altogether righteous.

General Wallace resigned his commission in the army in September, 1865, and after spending some time in Mexico he returned to his home in Crawfordsville.

In 1878 he was appointed governor of the Territory of New Mexico, which position he occupied for about two years. In 1881 President Garfield appointed him minister to Turkey, and he remained at that post for four years. It is doubtful if any minister ever discharged the delicate duties of that position with greater ability than he did. Sultan Abdul Hamid at once became his warm personal friend, and the attachment continued during his entire service at that Moslem court. When General Wallace's service was terminated and he presented his letter of recall, the Sultan said:

> It is my wish to have the letter unceremoniously, for you must understand I regard you as more than a minister. Since I have been on the throne no foreigner has come to me officially, or in private capacity, for whom I have had the friendship I have for you.

Notwithstanding the strong personal attachment between the Sultan and General Wallace, he gave scrupulous regard to the interests of the great Republic whose honor and welfare he was charged to uphold.

General Wallace was educated for the law and was in the practice for several years, yet he did not achieve high eminence in that profession because he thoroughly disliked it. To use his own words, he regarded it as a "detestable business." The bickerings of the forum disclosing, as a rule, the ugly, uncandid side of human nature were peculiarly distasteful to him. His aspiration was to live above those ill-tempered controversies so common in the courts, where he might be able to reach the highest and best in life and promote a closer fellowship among mankind. While he achieved great prominence as a soldier and a diplomat, his tastes and talents found more congenial employment in the domain of letters. From his early youth he evinced a marked preference for literature, sometimes, at the expense of other branches of learning. His first important literary production was "The fair God." He began the preparation of that great historical novel in 1849 and had it published in 1873. That book met with high favor in the literary world and became immensely popular with all English-speaking people. Among many voluntary tributes to the merit of the book, I quote a letter from Sir Charles W. Dilke to Lord Dufferin:

> NOVEMBER 25, 1881.
>
> MY DEAR LORD DUFFERIN: I was very sorry to miss Gen. Lew Wallace, and, not having his address in London, not to be able to write to him. His The Fair God is, in my humble estimation, the best historical novel that ever was written; better than Romola, better than Rienzi, better than Old Mortality.
>
> Yours, ever sincerely, CHARLES W. DILKE.

While governor of New Mexico he entered upon the preparation of that sacred novel that appealed so powerfully to the popular taste and challenged the admiration of the critics—Ben Hur; A Tale of the Christ. [Applause.] He wrote that marvelous book without having visited Palestine, but depended for its setting upon his knowledge of history, geography, and, most of all, his deep insight into the life of the Savior, gotten from a study of the four Gospels. It was at once the most sublime and the most happily executed literary creation of the century. It carried fiction into a field that had remained fallow for centuries on account of its sacredness. The rare discrimination and reverential delicacy with which the subject was treated brings no offense to the most refined spiritual nature nor the highest standard of literary taste. It is a masterpiece of composition and construction, judged purely from a literary standpoint. Its antitheses of spirituality and worldliness, its climaxes of beauty and eloquence, its purity and grace of diction delight the artistic taste. But its strength and charm are powerfully enhanced by the subtlety with which it weaves into a complete fabric the purest love and the highest hope of the human soul. Its appeal to all that is tender and sacred in the religious life is simply irresistible. It is a book of the man as well as the scholar. It has been translated into 11 languages, and its popularity is not confined to the Christian civilization. To have been the author of that great work is a crown of glory as enduring as human civilization. We may do homage to the life and character of General Wallace by our memorials and statues, but Ben Hur will live long after our granite and marble shall have crumbled into dust. [Applause.]

General Wallace had little respect for religious dogma, ceremony, or ritualism, but he was a Christian in the broad sense that he lived the great truths of the Christian faith and philosophy. He absorbed them into his being and translated them into acts and deeds of Christian love and fellowship. The poet says:

The evil men do lives after them, but the good is oft interred with their bones.

That line is half truth and half error. No man ever lived who did not leave behind him an influence, good or bad, that will abide to the end of time.

The moving finger writes, and, having writ,
Moves on; nor all their piety nor wit
Shall lure it back to cancel half a line,
Nor all their tears wash out a word of it.

The good men do never dies. The virtues of our time are the sum of the good impulses and noble deeds of the nameless millions that have gone before us. They are the soul of our civilization, and that soul will be perfected and glorified by the sum of the good impulses and noble deeds of the countless millions that are to come. General Wallace's spirit is immortal in a double sense. He contributed much toward making life better, richer, and happier. His great influence was and is and always will be on the side of the good and the true. His life was a benediction, his death was a triumph. He did much to hasten the realization of the angel song to the humble shepherds on the plains of Bethlehem:

Glory to God in the highest; on earth peace, good will toward men.

[Applause.]

Mr. BARNHART. Mr. Speaker, it is a glorious privilege and a distinguished honor to stand in this Capitol, a representative of the people of this great Nation, and assist in the formal acceptance by our country of the statue donated by my home State of Indiana to perpetuate the conspicuous individuality of one of her most illustrious sons in the world-renowned Hall of Fame.

To those of us, his neighbors, who knew Gen. Lew Wallace and who have watched with unspeakable pride the growth of his fame to world-wide grandeur this memorial in perishable marble seems commonplace, for we know that the name of this celebrated soldier, diplomat, and author is written on the hearts of his countrymen, never to be effaced. And while it is said of him that he was great in war and profound in statecraft, the world would have had but passive peans of praise for him except for the beacon light he gave to mankind in his story of the Christ.

Others may eulogize his achievements as warrior and political strategist, but I want to cite to you the glories of his home life and the triumphs of his scholastic genius. General Wallace was born under favorable circumstances, and casually embraced his opportunities for culture. The son of one of Indiana's early governors, he traces his ancestry through distinguished Anglo-Saxon blood. His grandfather was a close personal friend of Gen. William Henry Harrison and his grandmother was a niece of the great sea captain, John Paul Jones. His father was a West Point graduate, a professor of mathematics in that splendid institution, and later a leading factor in public affairs of Indiana, having been its lieutenant-governor twice and its governor once. He was also a man of enthusiastic literary inclinations, being richly talented in book lore and an eloquent orator.

Being a student and scholar himself, Governor Wallace was ambitious to have his son Lew equipped with a classical education; but in this he achieved only a modest degree of accomplishment. When his father became governor, Lew Wallace was a lad of only ten summers. At this age Gustavus Adolphus had reached the council chamber, Horace Greeley was a student of the Bible and had read every paragraph of it, and Edward Everett Hale was a marvel in his familiarity with books. But, according to approved biography, at this age Lew Wallace had won no distinction, shown no inclination to become anything beyond a careless, dashing youth, with no apparent conception of the larger meaning of life. He loved a gun and to hunt and fish; and to exploit the perilous seemed his major bent. Could such a boy be resigned to student life? Not of the formal, methodical kind. But he loved good books, and his absence from school was frequently attributable to his having stolen away to some secluded spot to delve in the enchanting pages of a classic volume. See that boy stretched in the shade of a forest tree, his eyes fastened on the pages of a book, his gun lying at his side, and you behold a prophetic vision of a soldier-author of the future.

Being compelled to make his own way at 16 years of age, because he would not take the educational course prescribed by an ambitious father, young Wallace suddenly realized the stern necessities of life. He found employment as an office clerk and "made good." He increased his scope of knowledge by night study, and at the age of 19 he had read every book in his father's library—700 standard works. His school days had furnished him with but the rudiments of an education, and his clerical work taxed his energies, but his desire for knowledge was such that, to use his own words, "I persisted to such an extent that the dawn often stole through my window and found me over my books."

With this equipment of knowledge and inclination to participate in military offense and defense, Lew Wallace entered manhood's estate and gradually rose to general, lawyer, author, and diplomat. After heroic careers in the Mexican and civil wars, he resumed the practice of law at his home in Crawfordsville, Ind.; but his love of art and his literary propensity outstripped his professional zeal, and in 1873 he came into prominence as an author and sculptor, and his first book, The Fair God, was published. From this time on success favored this man of ultimate greatness, but it did not come without persevering exercise of rare will power. Speaking of his change from careless boyhood to a determination to make a success of life, General Wallace said to an admiring young friend who had called to learn of him:

I had to almost change my nature; all the loose habits had to be crushed out. A man can apply himself to anything if he has a certain fund of will. By a persevering effort he can discipline himself to a task which is in the beginning most laborious and disagreeable until it becomes a real pleasure. The secret of success is work! work! work! It takes work—

He repeated, pointing to a manuscript which had just been completed—

For instance, here are nine closely written pages which I have finished rewriting for the seventh time.

In 1878 General Wallace was made territorial governor of New Mexico, and in 1880, Ben Hur; A Tale of the Christ, appeared. The scene was laid in the East and displayed such a knowledge of the manners and customs of that country and people that General Garfield—that year elected President—considered its author a fitting person for the Turkish ministry, and accordingly, in 1881, he was appointed to that position. It is said that when President Garfield gave General Wallace his appointment he wrote the words "Ben Hur" across the corner of the document, and as Wallace was coming away from his visit of acknowledgment at the White House the President put his arm over his friend's shoulder and said:

I expect another book out of you. Your duties will not be too onerous to allow you to write it. Locate the scene in Constantinople.

This suggestion was, no doubt, General Wallace's reason for writing The Prince of India, which was published in 1890.

However, of all his literary work, in Ben Hur he reached the zenith of his fame, the triumph of his genius. Upon the windows of a publishing house in one of our great American cities, the passer-by may read the words: "Books are the only things that live forever." That is a noble sentiment, though but a partial truth. Books do live forever—that is, some books. And so do folks—that is, some folks. There is an earthly immortality. George Eliot writes of—

The choir invisible
Of those immortal dead who live again
In minds made better by their presence,
In thoughts sublime that pierce the night like stars,
And with their mild persistence urge man's search
To vaster issues.

Thought is immortal. It can no more be buried than it can be burned or hanged. What better fame then, what more enduring monument can a man have than he has whose thoughts live after him, whose words are lifted up like banners to call humanity to worthier living? There is also a reflected immortality for the man who makes it his ministry on earth to search out the best thoughts of others and give them to the race.

And so Ben Hur reflects the aggressive concept, the dramatic splendor, and the sacred trend of Lew Wallace's life standard. In this, he gave color to his admiration for conquest in the "chariot race;" to his dramatic art in the thrilling triumph of the "galley slave;" and to his religious fervor in the "Prayer of the Wandering Jew," in which he graphically depicts the surrender of a soul in these words:

God of Israel—my God! These about me, my fellow-creatures, pray Thee in the hope of life. I pray Thee in the hope of death. I have come up from the sea, and the end was not there; now I will go into the desert in search of it. Or if I must live, Lord, give me the happiness there is in serving Thee.

Thou hast need of instruments of good; let me henceforth be one of them, that by working for Thy honor I may at last enjoy the peace of the blessed. Amen.

Perhaps no writer of modern times gained so wide a reputation on so few books or began his literary career so late in life as did the author of Ben Hur. Moreover, no other writer so

suddenly leaped into such fame as to at once class him among the literati of the world, with such masters of wholesome fiction as William Dean Howells, James Fenimore Cooper, Edward Eggleston, Nathaniel Hawthorne, and Edward Everett Hale, the typical novelists of America. He fixed his high rank in the galaxy of world-famed authors at a single show of talent, and his name is written there for all time.

So much for his wonderful accomplishments. But here, sirs, I ask you to turn with me to the supreme test of man's greatness—his home life. Some one has truly said that the place to take the true measure of a man is not the market place nor the amen corner, not the study nor the field, not the office nor the shop, but at his own fireside. [Applause.] There man lays aside his mask, and you may learn whether he is an imp or an angel, a king or a knave, a hero or a humbug. Care not what the world says of a man, whether it crown him with bays or pelt him with eggs; care never a copper what his reputation or religion may be; if his babes dread his home-coming and his wife swallows her heart every time she has to ask him for help, that man is a fraud, even though he prays night and morning until he is red in the face and shouts hallelujah until he shakes the eternal hills. [Applause.] But if children rush to open the front gate to meet him and love's own sunshine illumines the face of his wife when she hears his footsteps, he is true gold, for his home is a heaven, and the humbug never gets that near the great white throne.

General Wallace was not an amiable man in the popular conception of the term. His was a character of distinguished dignity in public, made so, no doubt, by his military training and his devotion to close friends and to books; and yet, to those who enjoyed the good fortune of intimate friendship with him, he was a most hospitable soul and interesting character. Not only did he read and write, but he was a musician and artist, and his collection of violins and his own paintings are among the most treasured legacies he left to his family.

And if you will indulge me a personal reference I will give you an insight into his gracious and generous heart, instances of his admiration of children and his concern for ambitious youth. Once when I called on him at his inviting home, where he spent most of his days either in the glow of his family fireside, in his quaint but imposing study, or 'neath the shade of the primeval beech trees of his six-odd acres of picturesque lawn, he left me to amuse myself while he entertained my two youthful descendants by spending so much time in showing them his collection of war and other curios, his books, his paintings, and so forth, that time of departure came and my share in the visit consisted only of a cordial greeting and a farewell salute.

Again, an ambitious Wabash College student of my intimate acquaintance, who had high ideals, sought out General Wallace at his home to learn of him in conjunction with his scholastic endeavor. He was not disappointed. The general at once welcomed him to use of his books, and spent hours with him in discussing the problems of the age and the philosophy of life. And by this mutual young friend I was given a word picture of General Wallace's home life that entitles him to greater honor than he ever achieved on field of battle or in the world of letters. It was a sketch of devotion and mutual inspiration of a loving and cultured wife and a great man. Mrs. Wallace was a woman of becoming dignity and rare intellectual gifts. Herself an author, it is known that she aided the general materially in his literary work. She was generous and kind, and directed many charities, quietly and unknown to the world, and gave much of her time and talent to glorifying the cause of her religion. He was constantly her companion and her comfort, and so the home life of these two was ideal. Alike in their tastes and with superior poise, their kindred souls became so much entwined that after the general's death his wife pined away in desolate loneliness for a few short months and then followed him joyously—beloved helpmeet in life, soul mate in death. [Applause.]

To the believer that environment shapes destiny the life of Wallace furnishes an impressive demonstration. Surrounded with classical books and official atmosphere in youth, blessed with the early and lasting companionship of a cultured and Christian wife, drilled in the school of military experience, favored with responsibility in the world court of diplomacy, and ever inspired by the wholesome habitation of a poetic home, Lew Wallace became great as a matter of course. His inviting fireside and his storehouse of knowledge furnished the sturdy foundation for culture, and the wide expanse of nature beauty and artistic handiwork about him inspired dramatic finish. His mind developed by practical endeavor and philosophic research, his heart content with home, sweet home, and his artistic tastes enriched by environ of gigantic beech forest trees, with their sweeping branches "festooning earth and sky," and his study touched with a quaint clear pool fed by a trout-stocked stream, what more could mortal need to lift him to loftiest realms of scholastic dreams? Did he tire of the study, he betook himself with tablet and pencil to an easy chair in the shade of a historic tree. Did he tire of writing, he stood on the balcony of his study with rod and reel and cast his baited hook to the shy trout or the game bass hiding in the moss-covered rocks below.

Such were the surroundings of the beautiful home life and the splendid career of him whom our country commemorates by this statue placed here among those of America's most illustrious sons. And yet it is said of him that, like all of us, he was not satisfied with his achievements. But such is life—yearning, yearning, yearning! Wealth does not satisfy, fame does not satisfy, literary attainment does not satisfy, travel does not satisfy, and home and family and friends do not satisfy. Nothing suffices for the heart's longing except the consolation furnished by the world's masterpiece of philosophy—the Book of Life, the inspiration of the ennobling narrative of Ben Hur; A Tale of the Christ.

May the memory of Lew Wallace, Indiana's illustrious author, outlive this durable cast as love survives mortality, and may the creative influence that gave the world such authorship and citizenship as his endure forever! [Applause.]

Mr. CLINE. Mr. Speaker, the historian will write in his book after a while that Lew Wallace is entitled to a place in history because he was a great author and a wise diplomat. He was a soldier, too, but his superiority as a military strategist was not so marked, because, possibly, he did not have the opportunity to show it.

Two elements enter prominently into every man's success—singleness of purpose and constancy of effort; a clear, rational, and intelligent selection of a purpose in life to be accomplished, one in harmony with your trend, one that appeals to your earnest efforts, and then that constant, unceasing, tireless task to realize your hopes and see the fruit of your ambition.

Every man, high or low, exalted or debased, living in the lap of luxury or in the poorest penury, has an ideal and seeks its inspiration. You like an ideal in every walk and profession of life, and you have always been touched with the fitful splendor of an ideal life, an ideal condition, and in proportion as your ideal is lofty and high so will you sacrifice largely to accomplish that ideal condition.

Carlyle said: "God makes a man and steps over centuries to make another." There is but one Homer, one Jesus Christ, one Shakespeare, one Washington, but he makes these evidences of His power to illustrate the possibilities of the race. [Applause.] In the knowledge of Homer, the absolutely perfect life of the Nazarene, in the marvelous conceptions of Shakespeare, in the statesmanship of Washington, the whole human race may find a high ideal. The whole trend of consciousness is toward that ideal condition. [Applause.]

Wallace was a threefold man—a diplomat, an author, and a soldier. So far as our diplomatic and consular service goes, we are in the infancy of what we may accomplish. The particular field of our diplomacy and consular service lies in establishing those friendly relations, socially and commercially, that the prominence of the United States as a world power commands.

For many years we penalized our foreign trade by vicious legislation. Our foreign commerce was a commercial piracy, snatching from the counters of the world's trade centers a little here and a little there and scurrying to cover under a high protective tariff law, and this continued to be so till that "Plumed Knight from Maine," than whom none greater ever rose in his party except the immortal Lincoln, learned the truth that Washington uttered in his farewell address, that our commerce could not grow except we were fair in our foreign relations. He declared that it was only through the doctrine of reciprocal trade relationship that we could permanently increase our foreign trade; that reciprocity would open to us the closed door for trade.

Wallace was sent to Turkey, a people whose name was a hiss-word and whose inhuman history was despised by the civilized world. But the tact and genius of that man, with a knowledge of our superiority in the world's affairs and of what we are yet to be, established a bond of friendship and respect for us through his official relationship that can not be broken. Through the influence of Wallace, and directly attributable to his influence as an official of the Government, we have increased our trade with Turkey in the last four years more than 100 per cent. Turkey learned from Wallace that the United States was her friend and sought to help her and her people, but, like a parent with a child, we would not suffer her to slay the innocent or commit crimes repugnant to an enlightened people without our reproof. More than once she has heeded our admonition.

As an author, the production of Ben Hur places Wallace in the class with Milton and Victor Hugo. The profundity of feeling, the sweep of his imagination, the comprehensive mental grasp exhibited in the story of the Christ gives it an ever-rising tide of moral worth. The influence of the age in which the story is laid, the environment, the stupendous event of the whole history of man unfolded, lent to him forces which only a Wallace could mold to his account in that marvelous production. What man may not be crowned as a successful man whose thoughts permeate the manners, customs, and lives of the under races of the world and shape them for the better, not for a day, but for ages to come. Into his diplomacy and the story of the Christ Wallace flung his whole life till they were finished. It is said of him that every waking hour was given to Ben Hur, so enraptured was he himself with his own story.

I turn to this splendid life of Wallace, to its inspiration, to its accomplishment of his purpose, to the brightness of his genius, to his strength and power, and behind all and above all is a force no human thought can know. It is only the exhibition of the life force we see, and not the life itself. Herbert Spencer sought to encompass the entire field of knowledge with the theory of evolution of forces, but after his failure he said:

> Life itself proves to be utterly inconceivable; there is probably an inconceivable element in its ultimate working. We do not see the power, only the manifestation of the power; the power itself is inconceivable.

The trend of consciousness is toward a perfect condition—toward a more complete life for every individual. In the whole economy of the universe this all-embracing purpose is made minifest. Our desire to perpetuate the memory of Wallace is the desire of the whole human race. We receive his marble statue in this Hall of Fame to attest our admiration of him and to project his character and work into the future. The millions that shall tread to and fro and look upon Lew Wallace will find in him the representation of the man who wrought one of the masterpieces of English literature. [Applause.]

A curious fact in this nature of ours: We admire the genius of Wallace, his deep feeling, his pathos and rise with him to the sublime heights that he rose, but he can not give to us for our keeping and enjoyment those generous powers he possessed. We, each for ourselves, if we desire to, must feel the thoughts he felt, be moved by the same impulses he was moved by, by our own individual effort.

In this closing hour of tribute there comes to us, as it always comes, unbidden, the most stupendous of all problems, that problem that makes the blood run slower in your veins and turns the soul back upon itself: Is there a Lew Wallace in all this vast universe to-day? And faith, not the child of despair, nor the heredity of ecclesiasticism, but an elementary constituent principle of our moral natures, turns to the everlasting eternal power for answer. Beyond the distant centuries it was written, "What is man that thou art mindful of him, or the son of man that thou visitest him?" And since that inquiry man himself has responded that in all the vast creative genius of the Almighty he is the only creature that by his own power builds upon his own accomplishments higher and higher, till he reaches the very bosom of God himself. [Applause.] Assume that death is all! Let the stars go back into the black vault from which they came, if in their greeting there is no token of the breaking of an eternal morning; let the bursting rose of spring wither to ashes in the hand if in it there is no gospel of eternity; and let hope, the richest, dearest possession, die among the broken crags of a lifeless world!

> It must be so. Plato thou reasonest well:
> Else whence this pleasing hope, this fond desire,
> This longing after immortality?
> Or whence this secret dread and inward horror
> Of falling into naught? Why shrinks the soul
> Back upon herself and startles at destruction?
> 'Tis the divinity that stirs within us;
> 'Tis heaven itself that points out an hereafter,
> And intimates eternity to man.

[Applause.]

Mr. ADAIR. Mr. Speaker, it was in 1864 Congress invited each State of the Union to erect statues of two of its most eminent citizens in the Old Hall of the House of Representatives. In pursuance of this invitation many of the States have accepted the privilege, Indiana being among the number. As you pass from one end of the Capitol to the other, you must, of necessity, go through Statuary Hall, and in passing through it you never fail to observe the large number of visitors charmed by the scene. Not only the statues, that attract, charm, and win the admiration of all who pause and think, but the memories that cluster around every object and bring fresh to the mind the memorable scenes in the history of that hall, all unite to constrain you to feel that you are in the presence of objects rendered sacred by their history.

Mr. Speaker, in selecting from among the illustrious dead of the State of Indiana the two most worthy to be represented in the Hall of Fame, it seemed to the general assembly of our beloved State appropriate, first of all, to choose the war governor, Oliver P. Morton, whose statue was presented to the Nation nine years ago; and, second, the scholar, patriot, lawyer, soldier, and author, Gen. Lew Wallace, whose statue now stands beside that of Morton.

It is both fitting and fortunate that these two statues should stand together. During the dark days of the sixties, when the black clouds of war hung heavy and thick over our Nation's capital, these two men were united in their effort to preserve the Union. Morton, as governor of Indiana, made a wise selection when he appointed Wallace adjutant-general; but Wallace was not contented in sending other men to the front, but asked to be relieved from the duties of adjutant-general, that he might go in the active service and fight for liberty, justice, and the preservation of the Union. And it was by reason of the service of such men as Wallace that the current of American patriotism was widened and deepened and the country saved from the peril that threatened her existence almost fifty years ago. Such patriotism infused a spirit into American citizenship that will guide and protect the American Union for centuries to come.

Gen. Lew Wallace was born at Brookville, Ind., April 10, 1827. He was, in every sense, a self-made man. He knew what it was to labor, and in this he was not different from his neighbors and associates, who, like himself, found the healthy and vigorous training by labor in early life the best preparation for the mental, as well as physical, tasks of after life. In his early life he never lost an opportunity to learn, as well as to labor, and although in those days the road to knowledge was rough and difficult, yet he acquired a good education and a command of language that enabled him to write a single book that made his name a household word the world over. At the beginning of the Mexican war he entered the army as a first lieutenant, and after having been honorably discharged from that service in 1848 he began the practice of law in Covington, Ind., but later moved his office to Crawfordsville, where he continued his practice. He was subsequently elected to the state senate and served four years in that body, with credit to himself and with credit to the people he represented. As I have stated, at the beginning of the civil war he was made adjutant-general of Indiana, but soon thereafter became colonel of the Eleventh Indiana Volunteer Infantry, with which he served in West Virginia, taking part in the capture of Romney and the ejection of the opposition at Harpers Ferry. On September 3, 1861, he was appointed brigadier-general of volunteers, and led a division of the Union lines at the capture of Fort Donelson. In this contest Wallace displayed such remarkable ability that on March 21, 1862, he was commissioned as major-general of Volunteers. He took an active part in the battle of Shiloh, his division having been placed on the north side of Snake Creek, on a road leading to Savannah or Crumps Landing to Purdy. He was ordered by General Grant to cross the creek and come up to Gen. W. T. Sherman's right, which covered the bridge over that stream, Sherman depending upon him for support, but on account of the almost impassable condition of the road he did not arrive until night. He was in time, however, to render efficient service in the second day's fight, and the subsequent days' advance on Corinth. It is to his credit to note that in November, 1862, he was president of the court of inquiry on military conduct of Don Carlos Buell in the operations in Tennessee and Kentucky. It was Wallace who prepared the defenses of Cincinnati in 1863, which he saved from capture and was subsequently assigned to the command of the Middle Department and the Eighth Army Corps, with headquarters in Baltimore, Md. With 5,800 men he intercepted the march of General Early on Washington, D. C., and on July 9, 1864, fought the battle of Monocacy, and although he was defeated he gained sufficient time to enable General Grant to send reenforcements to the Capitol from City Point.

General Wallace was in no way responsible for his defeat, but General Halleck, not at the time fully understanding the situation, issued an order removing him from his command, and Wallace was superceded by General Orde; but when General Grant learned all the particulars of the action he immediately reinstated Wallace. It will also be remembered that General Wallace was honored by being made the second member of the court that tried the assassins of President Lincoln, and was also made president of the court which tried and convicted Capt. Henry Wirz, commandant of Andersonville prison. He was mustered out of volunteer service in 1865, having given four years of his life in the service of his country. After having been mustered out of the volunteer service he returned to

Crawfordsville, Ind., and again took up the practice of law. So far as I know, he won no particular distinction in the practice, but enjoyed and deserved the reputation of carefully and faithfully discharging every duty to his clients.

In 1878 he was made governor of New Mexico by President Hayes, and served in that capacity until 1881. It was during this service that he first conceived and wrote a part of Ben Hur, of which 300,000 copies have been printed and sold. It is no exaggeration to say that this was one of the most successful novels ever written, and has been read by millions of people the world over. It has been printed in many languages, and is without doubt the best story of Jesus ever written by mortal man. He also wrote the tale of The Fair God, being a story of the conquest of Mexico. This novel, however, was not so popular as Ben Hur, and the sale was somewhat limited. After his service as governor of New Mexico had ended, in 1881, he was appointed United States minister to Turkey by President Garfield and served in that capacity until 1885, when he returned to Crawfordsville and resumed the practice of law. General Wallace had been tendered other positions at foreign courts, but refused to accept them; but when offered the position as minister to Turkey he accepted and discharged the duties of that position in such manner as no other than a scholar, lawyer, soldier, and author could have done. With his rare ability, his courteous and graceful manner, he was splendidly equipped for the diplomatic service. In that position he won the admiration of the American people in his devotion to their interests and in the protection of their rights.

After his service had ended at a foreign court he returned to Crawfordsville and again resumed the practice of law. Lew Wallace was a man of such irreproachable integrity of character that all men who knew him were constrained to acknowledge his virtues. As a citizen he loved his country and her institutions and rejoiced in her progress and prosperity. As a soldier and author he ranked high, while as a debater and a lecturer he was exceptionally gifted. As a politician he never claimed to be a success, and as a legislator his experience was limited. While by voice and vote he contributed but little to the laws of our State, he always urged a strict observance of all the laws, both state and national. While he believed that bad laws, if any there were, should be repealed as speedily as possible, he also believed for the sake of example they should be sacredly observed while in force. He also believed, as did Lincoln, that every American, every lover of liberty, every well-wisher to his posterity should swear by the blood of the Revolution never to violate in the least particular the laws of the country and never to encourage their violation by others. As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor—let every man remember that to violate the law is to trample on the blood of his fathers, and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in the schools, in seminaries, and in colleges; let it be written in primers, spelling-books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altar. While ever a state of feeling such as this shall universally or even very generally prevail throughout the nation, vain will be the effort and fruitless every attempt to subvert our national freedom. [Applause.]

While General Wallace earned and accumulated some wealth, he never allowed the almighty dollar to come between him and duty. It is unfortunate for the future welfare of our country that many of the American people place too high an estimate on riches. I have much admiration for the man who is industrious, economical, and provident, while I have no patience with the man who is reckless, indolent, and extravagant. We should remember the real purpose of earning money is to secure a happy and useful life, and not the sole end and aim of existence. The individual whose only purpose is to see how many dollars he can accumulate, how much of this world's goods he can gather together, is a detriment rather than a benefit to the Nation. Love, charity, and benevolence will be strangers to such an individual, and avarice, covetousness, and greed will be his companions. Unfortunately this mercenary spirit has grown in our country to such an extent that it is a reproach to our religion and a blot on our civilization. It is poisoning the life-blood of our Nation and marring the beauty of our free institutions with the ugly ulcers of official dishonesty. The effect of this mercenary spirit is detrimental to the welfare of our people and deserves the censure and condemnation of every true, loyal-hearted, patriotic American citizen. It is the duty of each one of us to do what we can toward crushing out selfishness and greed and inculculating a spirit of toleration, liberality, and charity, to the end that the people may not live for self alone, but for the good and happiness of all mankind. I am certain, Mr. Speaker, if Lew Wallace were living to-day, he would use his powerful intellect and his migty pen in striking down this grasping spirit which threatens the very foundation of our Government.

Mr. Speaker, the people of Indiana, among whom he was born, reared, and lived, and who are proud to mention his name, present to the Nation his image in enduring marble, and have placed it in "the sacred circle" among the immortal membership. We come now asking that it be accepted as the gift of Indiana, not claiming for him to have been the greatest of all, but only one of our citizens who was loved and trusted by our people, and who discharged his full duty as a citizen, as a soldier, as a patriot, and as a statesman. I ask that you accept our gift and express the hope for the prosperity, the happiness, and the continuance of the great American Union, "one and inseparable, now and forever." [Applause.]

Mr. DIXON of Indiana. Mr. Speaker, to-day this House turns from the routine order of business for a time to accept from the State of Indiana a statue of one of her most illustrious and distinguished sons, Lew Wallace.

This tribute she thus bestows upon her honored dead is in recognition of his services to his State, his country, and to mankind as soldier, diplomat, and author. As a soldier he was faithful and brave, and his services honored his State; as a diplomat he gave character and standing abroad to his country, and as an author he brought the life of the Nazarene nearer to the hearts of all mankind. Indiana thus honors Wallace dead, for Wallace living added to the fame and glory of that State.

In 1864, after the completion of the present Hall of the House of Representatives, a law was enacted which provided in substance that each and all the States be invited to provide and furnish statues, not exceeding two in number, of deceased persons who had been citizens thereof and illustrious for their historic renown or for distinguished civic or military service, and when so furnished should be placed in the old Hall of the House of Representatives, which was set apart as a National Statuary Hall.

It was a beautiful conception of Senator Morrill, of Vermont, that led to the dedication of that Chamber as a Statuary Hall, wherein should be placed the marble and bronze figures of so many renowned and distinguished heroes. That old Hall was the scene of many contests, in which the Nation's greatest leaders had engaged. It had been hallowed by their presence, and fitting, indeed, that it should become the place where the country's history could be read in the silent figures gathered there. It typifies our loyalty to the past, strengthens us in our devotion to the country, and will be an inspiration to those yet unborn who will linger in that silent chamber of the dead.

Within that Hall are found eminent soldiers, citizens, and statesmen, whose names are not only familiar to all, but whose services have added luster and renown to our country. They represent the soldiers whose bravery and daring in the Revolutionary war gave us a free Government; those who carried our banners in triumph in the war with Mexico, and those who led our forces in the civil war and carried our banners, in defeat and victory, from Manassas to Appomattox, but always with bravery and devotion and to ultimate success; statesmen whose learning and wisdom builded the great fabric of our civil government, that has stood the assaults of more than a century and has become an inspiration and a hope for the struggling and oppressed of other lands; statesmen whose diplomacy has secured an extension of our territory from the 13 original States until it encompasses the land from the Atlantic to the Pacific—a territory of untold wealth; statesmen who followed the noble example of the magnanimous Grant at Appomattox, and cemented the union of States and of hearts which found its happiest realization in the Spanish war, where sons of grandfathers who had marched shoulder to shoulder in the Revolutionary war and had rejoiced together at the surrender of Burgoyne; sons of fathers who had met in the many battles of the civil war and had rendered famous the battlefields of Shiloh, Chickamauga, and Gettysburg; and in Cuba marched side by side up San Juan Hill and displayed the same courage that had made their fathers famous in the battlefields of the civil war and their forefathers illustrious by their victories in the war for independence.

The legislature of Indiana had a delicate task to perform in selecting the persons whom she would honor by presenting their statues to the Government. Indiana had a galaxy of distinguished, patriotic, and heroic sons from whom to choose. There sleep within her beloved borders many men who had no peers as statesmen, no superiors as scholars and authors, and none who displayed greater courage or bravery on the battlefield, any one of whom Indiana would proudly honor. She has produced statesmen whose learning and patriotism have given strength and power to the Nation; scholars whose learning has called them to the highest educational institutions in the land; orators whose words have enraptured and thrilled the multitudes; poets whose sweet songs have enthralled the continent; authors whose writings have illuminated the literature of the world; and soldiers whose bravery and devotion on every battlefield have added grandeur and glory to our country. To-day she has a high and intellectual citizenship of noble and honest people, the highest type of civilization, the choicest and the brightest gem of all her possessions.

Indiana could have selected with pride Benjamin Harrison, a former President and a statesman in the highest and the broadest sense of the word; Thomas A. Hendricks, the gifted and patriotic governor, Senator, and Vice-President, who graced, dignified, and honored every official position he ever occupied [applause]; David Turpie, the intellectual giant and most scholarly gentleman who ever graced and adorned the Senate Chamber; Daniel W. Voorhees, the brilliant orator and friend of all mankind, whose warm heart beat in sympathy with the oppressed of every land [applause]; or Joseph E. McDonald, whose legal mind had no superior. These men would each be worthy associates of the immortals in this Pantheon of the Nation.

On April 14, 1900, this House accepted the first statue contributed by the State of Indiana, that of Oliver P. Morton. It was a fitting gift from the State he loved and served so faithfully and well. To-day, the second statue from our State—the first man whom Morton called for consultation and advice after Sumter had been fired on.

Lew Wallace was born in Brookville, Franklin County, Ind., on April 10, 1827, and remained a citizen of Indiana until his death, February 15, 1905.

Lew Wallace was not a student as a boy and gave no early premonitions of his future success. As a schoolboy of 6 he witnessed the departure of the volunteers for the Black Hawk war; plaudits of the crowd thrilled him with pleasure, the military display captivated his mind, and he imbibed a love for a soldier's life.

He attended college and later reported the proceedings of the legislature for one of the city papers. During this time he gave great attention to literary reading and conceived the idea of writing a book that ultimately developed into The Fair God. With such taste his failure to secure a license to practice law is not surprising. Blackstone, Chitty, and Kent were not especially interesting to him whose thoughts and ideas were on other things.

It was at this time that General Taylor had departed on an unknown mission to Mexico, and war with that country was regarded as a probability. Wallace was more interested in reading the account of threatened war than in reading law, and promptly at the beginning of that war he opened a recruiting station and raised a company of volunteers, was elected an officer thereof, and went to Mexico. A soldier for a year, he was never in a battle nor heard the roar of contending armies, but was ready at all times to respond to orders and perform a soldier's duty. His military life ended, he began the practice of law. He was elected prosecuting attorney for two terms, and in 1856 he became state senator. A few years before, he was reporting the speeches of others; he had now returned to become a participant himself. Wallace was a Democrat at that time, and every office he ever held by election was received from that party.

As a member of the Senate he introduced a resolution favoring the election of United States Senators by a direct vote of the people, in harmony with the sentiments then and now of that party. In the fierce political contests in the legislature, when the fight seemed to threaten the party, he never flinched, but obeyed the command of the caucus, though its decrees were not always in accordance with his judgment.

Morton and Wallace had been political friends and associates, both Democrats, and when Morton espoused the cause of the new Republican party they became estranged. When the signs pointed to war in 1861 Wallace called upon Morton, then governor, and tendered his services in case war became inevitable. The coldness between them melted away in the presence of threatened danger to the Nation, and they became united in purpose for the preservation of the Union. On April 13, 1861, Wallace was addressing a jury when a telegram was placed in his hands; a message short, yet momentous in its results. It read, "Sumter has been fired on; come immediately," and was signed by Oliver P. Morton. The speech was left unfinished, and Wallace reported for duty.

Hardly had the electric wire flashed the message over the borders of Indiana than thousands of her sons shouted their willingness to uphold the flag. Wallace reported for duty Sunday night and was appointed to raise the troops in response to the President's call. Within five days 130 companies were in camp, more than double the number requested. Wallace was appointed colonel, and marched from Indiana with the Eleventh Regiment Indiana Volunteers. From that day to the end of the war he gave his thoughts, his services, and his heart to the Union cause. He won rank and distinction; entering the army as colonel, he left it as major-general. His services in the field were supplemented by his counsel at headquarters. A disciplinarian, yet always considerate of the private soldier. He knew that victories were won by private soldiers whose names were merged in the general result of battles and only the officers' names remembered. Hope of military renown and the voice of ambition were not in his thought; he responded to his country's call and faithfully performed a soldier's duty. On every battlefield where he was present he was in the foremost of the fight, and his presence both cheered and encouraged his brave troops. The Shiloh episode for a time dimmed the luster of his military fame; but "Truth crushed to earth will rise again," and those who were first to censure later were generous enough to confess their original error. The loyalty of his men gave added evidence of the injustice of the charge. This alleged misconduct dimmed for a period his military prestige and relieved him of active duty in the field. Later Wallace was placed in charge at Baltimore.

He saw the confederate forces under General Early massing for action and believed the objective point was Washington. With speed, energy, and tact he gathered his small forces in the path of the 30,000 marching on Washington. Victory was impossible, success inconceivable, but to delay the enemy's march a day meant Washington saved. With courage that was matchless, with heroism that was sublime, he blocked the progress of the confederate troops until Grant could reenforce Washington. General Grant gave Wallace alone the credit of saving Washington, and Wallace was recognized as the hero of Monocacy. In that great conflict Indiana did her full duty. One-half of her citizens eligible by age for military service went to the field. No State did more.

Wallace left the army at the close of the war and returned to the pursuits of peace. The war over, he taught the lessons of forgiveness and sought to bind up the wounds of the broken South. He believed a cessation of war should be followed by reunion and reconciliation, and that—

> You can not chain the eagle,
> You will not harm the dove,
> And many a gate which hath bars to hate
> Will open wide to love.

[Applause.]

In 1873 he published The Fair God, which established in the country his literary genius. Ben Hur, the crowning glory of his life, was given to the world in 1878.

The world has placed a high estimate upon the literary works of Wallace. Ben Hur has been dramatized, and this has added to the publicity and value of the work. It has been translated into French, Bohemian, Swedish, Turkish, Spanish, Portuguese, and Arabic, and printed in raised letters for the blind. Few books receive such prominence and few deserve the same. His stories are not only interesting and entertaining, but they are thrilling and instructive. His style is pleasing and inimitable; his word painting, beautiful and fascinating. The account of the chariot race is so natural that it is thrilling as well as vivid and realistic. The sea fight is intensely dramatic and wonderful, and the disentombing of Ben Hur's mother and sister and their midnight visit to their old home at Jerusalem holds one entranced.

The religious belief of Wallace has been a subject of discussion by those whose only knowledge of him was from his works. In his autobiography he says:

> In the very beginning, before distractions overtake me, I wish to say that I believe absolutely in the Christian conception of God. As far as it goes this confession is broad and unqualified, and it ought and would be sufficient were it not that books of mine, Ben Hur and The Prince of India, have led many persons to speculate concerning my creed. I am not a member of any church or denomination, nor have I ever been. Not that churches are objectionable to me, but simply because my freedom is enjoyable, and I do not think myself good enough to be a communicant. None the less, I believe in the divinity of Jesus Christ, and that there may be no suspicion of haggling on the word "divinity" permission is besought to quote the preface of a little volume of mine, The Boyhood of Christ.

Should anyone ask of another or wonder in himself why I, who am neither minister of the gospel, theologian, nor churchman, have presumed to write this book, it pleases me to answer him, respectfully, I wrote it to fix an impression distinctly in my mind. Asks he for the impression thus sought to be fixed in my mind, then I would be twice happy did he content himself with this answer: The Jesus Christ, in whom I believe, was, in all the stages of His life, a human being. His divinity was the Spirit within Him, "And the Spirit was God."

General Wallace was governor of New Mexico and minister to Turkey. He believed that with a change in the political administration of the Government the President should be relieved of the services of those of opposite politics. Upon the day Cleveland was inaugurated he telegraphed his resignation as minister to Turkey. On the preceding day, in a letter to his wife, he said:

I have tried many things in the course of the drama, the law, soldiery, politics, authorship, and last, diplomacy; and if I pass judgment upon the success achieved in each, it seems now that when I sit down finally in the old man's gown and slippers, helping the cat to keep the fireplace warm, I shall look back upon Ben Hur as my best performance and this mission near the Sultan as my next best.

Wallace was a man of great ability and spotless character, and had a most memorable, most remarkable, and most successful career. Obedience to duty was the rule of his life; he obeyed his superior and expected obedience from his subordinates. Devoted to the soldiers of his division, they in turn were loyal in their devotion to him. He was happiest when adding to the pleasures of others, and believed a life of duty was the only pathway to the heights of true greatness.

In the life of Wallace can be seen the relative reward of politics and authorship. Political position may dazzle the mind for a time and becloud the judgment; its honors may appear alluring and priceless, but they are unstable, uncertain, and transitory. But authorship will survive the cataclysm of politics. Wallace's father was governor, but only the political student remembers that fact; the author of Ben Hur will be known in the centuries yet unborn.

Mr. Speaker, Indiana has no ordinary place in her relations to other States; with less than a hundred thousand when admitted into the Union, she now has nearly three million citizens. Her broad plains, her inexhaustible mines of hidden wealth, her fertile valleys and beautiful rivers, have made her an enviable name. Her institutions of learning dot her broad surface as the stars bedeck the illimitable blue, her houses of religious worship, lifting heavenward their countless spires, join in the enchanting chorus of her material prosperity, intellectual development, and moral elevation.

In engineering she gave to the world James Buchanan Eads; in painting, Steele, Stark, and Forsythe, whose works delight the eye and charm the beholder; in sculpture, Mahoney and Bernard, whose works adorn and beautify the parks and public buildings of the country; in diplomacy, Hay and Foster, Denby and Wallace, and each has graced the international politics of the world; in statesmanship, Hendricks and Morton, McDonald and Harrison, Kerr and Colfax, Lane and Julian, Thompson and Voorhees, Turpie and Gresham. "She has furnished illustrious names to other States, Harding to Utah, Blaisdell to Nevada, Lane to Oregon, Burnside to Rhode Island, Wright to Iowa, and Spooner to Wisconsin." In literature she has given to the world Edward Eggleston, Maurice Thompson, Meredith Nicholson, Booth Tarkington, Charles Major, George Ade, and James Whitcomb Riley. She has furnished a President, three Vice-Presidents, and three Speakers of the National House of Representatives, whose services are interwoven with the Nation's history.

In Indiana there lived for many years a youth who gained there his early education and whose character was molded by its environments, a youth who in later years became the idol of our Nation, the tenderest, most loving, and most loved of all our leaders—the martyred Lincoln. [Applause.]

Mr. Speaker, we as Indianians are proud of our beloved State, proud of its history, proud of its people and its high standard of citizenship, proud of their devotion to the State and Nation, proud of the intellectual and social position of its inhabitants, proud of its physical character as one of her own gifted women has so truthfully said:

The winds of Heaven never fanned,
The circling sunlight never spanned,
A fairer or a better land
Than our own Indiana.

[Applause.]

Proud as we are of all this, we are prouder yet to be citizens of the mighty Republic in which are wrapped the hopes and aspirations of all mankind—a nation destined to be the controlling factor in the progress of the world.

Now Indiana places by the side of Morton the image of Wallace and salutes him as a soldier, diplomat, and author. [Applause.]

Mr. BARNARD. Mr. Speaker, it seems especially fitting that in these exercises I should express a tribute to the memory of the man whose statue we to-day accept and place in Memorial Hall, because I am an Indianian and share with my people a just pride in her great men, and for the further reason that Gen. Lew Wallace was born in the congressional district I have the honor to represent in this body.

The old town of Brookville, situated in one of the most picturesque and beautiful portions of the country and made historic by reason of having located in it the land office through which entry was made to the lands in the new country and by reason of furnishing to the country many men who distinguished themselves in the various walks of life, was his birthplace.

When less than 5 years old he removed with his family to Covington, Ind., on the banks of the Wabash, and before reaching the age when he was placed in school became the almost daily companion of the ferryman who plied his boat across the river at that point, sharing with him his noonday meal, and by this association no doubt learning lessons which were to be a strength to him in his life work.

In his school days he was a normal boy, for while attending a seminary he says of himself:

The river was a siren, with a song everlasting in my ears. I could hear it the day long. It seemed especially addressed to me, and was at no time so sweet and irresistible as when I was struggling with the multiplication table or some abstruse rule of grammar.

We get an insight into the character of mind it took to produce the books he wrote when we learn that he had no taste for mathematics and made up his mind when he first saw an arithmetic that the science of numbers and himself would never be friends, which he says proved to be true through all his life, and when we learn the further fact that geography appealed to him and strengthened his imagination. From its pages he learned that there were other rivers than the Wabash, and that beyond the great oceans there were countries peopled as was his own neighborhood.

If programmes made out for the youth by teachers had have been always strictly enforced, many of the world's greatest orations would have remained unspoken, and poetry and song that is worth while would not have been written.

He seemed from his youth to be destined for a soldier, for while in school he spent much time in the drawing of imaginary battlefields and placing contending armies thereon.

While yet a very young man he became a soldier for his country in the Mexican war, and his gallantry and zeal won for him the approval of his people and distinguished him as one possessed of military genius of a high order.

As adjutant-general of Indiana under the great war governor, Oliver P. Morton, he bore a conspicuous part in the work of raising and equipping Indiana's first soldiers in the war of the rebellion, and finally, at his earnest solicitation, the military spirit within him having taken complete possession, he was permitted by the governor to leave his post and go to the front, and during the years from 1861 to 1865 in that great conflict he bore such a part as to make for himself a name as a soldier that shall last so long as there is history.

The thing that brings him nearer to the hearts of the people of to-day than any of his achievements was the writing of Ben Hur, a book that has been translated into every modern tongue and read by more people than any book, save two, that has ever been penned by man.

Various reasons have been assigned by different persons, some of which have been claimed by the authors to have been obtained from him, for his writing this book, but I believe that what appealed to his soul and took possession of him and was the starting point from which the story was evolved was the following from Matthew's gospel:

Now, when Jesus was born in Bethlehem of Judea, in the days of Herod the king, behold, there came wise men from the east to Jerusalem saying, Where is He that is born King of the Jews, for we have seen His star in the east and have come to worship Him.

He saw and touched hands and lived with the characters of this great book as he himself expressed it. He rode with Balthasar on his great white camel to the place appointed for the meeting beyond Moab. He traveled with the mysterious three wise men on their several journeys to their place of meeting, and was present and listened to their introductions and explanations of how each was summoned by the spirit to come. He sat down and ate with them in the shade of their tent and journeyed with them to Jerusalem, guided by the star. He lay with the shepherds in their sheepfold on that first Christmas night. He saw the serene and beautiful face of Mary. He worked as a galley slave and drove the wonderful and beautiful horses in the chariot race.

When Dickens wrote Nicholas Nickleby he awakened the conscience of the English people and aroused them against the ex-

isting school system, and thus did more for the children of that country than could have been accomplished in a long time by the teaching of the philosophers, and through the pages of Ben Hur Wallace struck infidelity a harder blow than had been dealt it by the preaching of years.

He believed that a government such as ours would live and be perpetuated only through opposing political parties, and having this belief he was a loyal and ardent member of that political party he thought best able to administer the affairs of the people, but he was so mindful of the rights of those who differed from him as to their opinions that he carried his partisanship without giving offense.

He was a leader of men, who sought and procured a following by no other means than the force of his character and abilities as an orator and writer. A man of convictions and courage, who indulged them without bitterness or hate.

The speeches and writings of the statesmen whose statues grace this Hall may be read less and less as generations succeed each other, but as long as the story of the life and mission of Jesus is read and believed, so long will the story of Ben Hur be read and appeal to the hearts of the people, and in years to come more will look upon the statue of General Wallace and feel that they have an acquaintance with the character of the man whom it represents than almost any other placed about it. [Applause.]

He discharged the duties of every public trust honestly, faithfully, and with full measure.

We present this monument to the Nation as a tribute to him as soldier, diplomat, and author, and in the hearts of the people who knew him best he is enshrined as a gallant soldier, a matchless diplomat, a great author, and, above all, an ideal citizen. [Applause.]

Mr. CULLOP. Mr. Speaker, Gen. Lew Wallace was born at Brookville, Ind., in April, 1827, and died at Crawfordsville, in his native State, in February, 1905.

His life covered a span of seventy-eight years, considerably more than the allotted three score and ten. His birth occurred just eleven years after Indiana had been admitted into the Union as a State and when it contained a population of less than 150,000 people in all of its territory of more than 35,000 square miles. Its broad, unbroken prairies and giant forests, with but few exceptions, were as they had come from the hand of nature, and the painted and plumed barbarian still made his habitation within its boundaries; settlements were few and distances between them great.

There was not at that time a single mile of railroad, telegraph, or telephone in the entire State or a city with a population of as much as 10,000. Its great mines and quarries were undiscovered, and its vast reservoirs of gas and oil were unknown. Its great manufactories now operated were not even within the dream of the most optimistic.

How marvelous the progress which marked the period embraced in his lifetime! At the time of his death the State contained a population of nearly 3,000,000; its territory checked and interlaced with steam and electric roads, telegraph and telephone lines, dotted with splendid cities, and the whole territory in a high state of cultivation, yielding more of the cereals according to its size than any other State in the Union; with its inexhaustible mines and quarries producing enormous wealth and its mineral wells pouring out their great quantities of gas and oil, multiplying the wealth and supplying comfort and happiness for its people; its great manufactories scattered over every part of the State, employing thousands and producing almost every article of mechanics which the genius of man has been able to invent or devise.

The transition was most wonderful and is hard to realize, but it occurred under his observation as he worked out the problem of a noble life. It has been said that one of the greatest blessings than can fall to the lot of man is "to be born well, live well, and die well." It can be truthfully said that he enjoyed all these, and the legacy he left to his posterity embraces this noble distinction. His father was a public man of high renown, a Member of the Congress of the United States, and an honored governor of the State of Indiana, a man of ability, sterling character, and endowed with fine intellectual qualities. His mother was a woman of great culture, noble mind, and rare womanly graces. Reared amid such splendid environments and such good influences impressed upon his mind in youth and early manhood shaped and fashioned his character for the useful career and splendid life of his mature manhood and the great achievements carved out for him when life's battles had ended he had truly won great victories as a reward.

He lived not only in a period of great material and mental progress, but also in a period when surrounded in every department of life with great and noted intellectual characters. He had for contemporaries in his own State men of great mental powers, with whom to earn distinction he must measure arms and do battle. Fearlessly he entered the arena and withstood the contest and carried off honors which gave him an enviable position among the illustrious men of the world.

Among his associates in Indiana were such distinguished men as Thomas A. Hendricks, Benjamin Harrison, Richard W. Thompson, Oliver P. Morton, Daniel W. Voorhees, Joseph E. McDonald, and David Turpie, each of whom arose to high positions in the eyes of their countrymen and left undying fame as a legacy for their great State. These men and others were rivals with him before the public for favors and preferment at the same time, and all of them earned a reward worthy of a place in the great "Hall of Fame" as a distinction for work well done and conspicuous public service.

Their great services and wonderful achievements in statesmanship successfully challenge the history of any other State in the American Union to produce such a galaxy of names living at the same period of time. As a statesman, President, and constitutional lawyer, Benjamin Harrison is without a peer; Thomas A. Hendricks as a Vice-President, governor, Senator, and statesman has no superior; Oliver P. Morton as governor and Senator was celebrated for his executive ability and great leadership; Daniel W. Voorhees was the greatest orator of his day, either at the bar or on the hustings; Joseph E. McDonald was a great lawyer, organizer, and a fearless leader; Richard W. Thompson as a Cabinet officer was a diplomat of great distinction; David Turpie was a man celebrated for his rare scholarly attainments. With such renowned men as these Lew Wallace had to compete and won his way to fame.

He selected the law as a vocation in life, and made reasonable progress fighting his way among such distinguished and powerful associates. When the civil war broke out he was in the prime of manhood and earning in his chosen profession a splendid reputation, commanding the confidence of bench and bar by his sterling qualities of head and heart and manly conduct.

In the spring of 1861, while trying a lawsuit at Frankfort, Ind., during the course of his argument to the jury, he was interrupted and handed a telegram from Governor Morton, requesting his immediate presence at Indianapolis for a conference and advising him that the flag had been fired on at Fort Sumter. He turned from the jury and handed the message to the judge on the bench, and at once, without concluding his argument, left the court room, mounted a horse, rode miles to the nearest railroad station, and took the first train for Indianapolis. Arriving there, he immediately sought the governor, learned of the national situation, the impending danger, and then and there tendered his services to his country, which were accepted, and he at once raised a regiment and marched to the front in defense of his country.

As the colonel of his regiment when mustered in, he required each man on bended knees and with uplifted hand to pledge his honor as a sacrifice to unfaltering bravery, either in or out of battle, as long as he remained in the service. At this time excitement ran high and public sentiment was at fever heat. The State was stirred to patriotic duty from the Ohio state line on the east to the Wabash River on the west and from the Ohio River on the south to Lake Michigan on the north.

Indiana at that time had a population of about 800,000, and yet it furnished for the federal army 250,000 soldiers, a record of which few States can boast, a record that made it famous throughout the Union.

Lew Wallace, on account of bravery and military skill, was promoted to a generalship, and as a skillful commander was often commended, as a reward of high merit. When the war closed and peace was declared he returned to the civic walks of life and took up his chosen profession, and aided in binding up the wounds of the Nation, healing its sores, and reestablishing the marvelous prosperity which has marked its onward march since the sisterhood of States was restored. But he had become conspicuous in the public eye, and he was soon afterwards called to be a territorial governor and a foreign diplomat as the reward of his well-trained mind and splendid conception of public duty.

In every public position he elevated the public service by his faithful and able discharge of its duties, so that whether in civil or military office he left an impression for good accomplished in the work performed. He made a commendable record, he elevated the public office to a position of public trust, and established higher standards as precepts for others to follow and imitate. But it was not in military or official life where he won greatest honors. If rested on these alone, his fame would be secure and legacy rich. But his greatest triumphs were in

the literary fields, where he earned honor greater than all else, and which has made his name a household word throughout the literary world, and where it will remain as long as the Anglo-Saxon civilization exists.

Fair God, Ben Hur, and The Prince of India are the products of his brain, displaying his rare genius and power, the great resources of his well-trained intellect. These contributions to the literature of the world are worthy of the pen of the writers of any age and have heralded the fame of their author to the limits of civilization and will continue to do so for ages, and will instruct, amuse, and entertain generations yet unborn. [Applause.]

In the evolution of time, with its unfolding mysteries, these works, the products of his pen, will hold a place secure in the public affection as works worthy of the libraries of the most fastidious, as companions for the student and delight for the public. In them is displayed the real genius of the man, the magnitude of his ability, and the high order of his well-trained mind. The moral each unfolds and impresses as the lesson taught elevates the thought and inspires higher and better ideals in all who read and study these great productions.

In these are revealed the real character of the man and the noble purposes to which he dedicated his life work—that from his soul he loved the good above all else as the highest and best purpose to which his powers could be devoted in pointing out the object of man's creation. He left by this employment of his great genius a heritage to posterity which will bear lasting fruits in the betterment of his race and the elevation of conditions throughout the world, contributing to the supremacy of mental power over physical force and the triumph of reason in the struggle which ensues among the millions of humanity for power and domination in the tempestuous course of life.

As days crowd days into weeks, weeks into months, and months into years, the value of his well-spent life and devoted efforts will increase in public appreciation, and his services will yield greater influence in the measure of human greatness. Around his memory will be woven garlands of great richness as evidence of the growing esteem the world has for the memory of one who carved on the temple of undying fame the work of a great and useful life, devoted to the elevation of his race and to the inspiration of life eternal. It is fitting that the State of his birth, the scene of his entire life, the theater of his action, should place a statue in the great Hall of Fame as a mark of distinction, as an evidence of recognition of the great services he rendered, and as an approval by his State for the honor and glory he left it as an enduring heritage, crowned by his countrymen with laurels, lauded and envied by his rivals in the struggling march of humanity throughout the countless ages as measured on the calendar of time, he will sleep in the soil of his native State waiting the verdict of eternity oblivious to what we say or do here.

As future generations will march through the Hall of Fame in this the Capitol of the greatest Nation in the world, they will pause and look upon the marble figure representing Gen. Lew Wallace, soldier, diplomat, and author, an honored son of the great Republic, it will inspire them to higher purposes, greater zeal, and loftier ideals in life's work, and it will increase their devotion to the institutions of their country and impress upon them the reward the fulfillment of good citizenship will receive, and that a human life well spent for the uplift of humanity has its lasting compensation which a generous public will bestow in commemoration as a reward. [Applause.]

Mr. RAUCH. Mr. Speaker, as a Member of Congress and a citizen of the State that gave to our country Lew Wallace, it is my pleasure, and I deem it my duty, to say something on this occasion in commemoration of that great man and to call attention to what I regard as being the most important feature of his work.

In the work of most men some particular part stands out preeminent. This is true of Wallace. Ben Hur is the crowning glory of his accomplishments. As a boy, the work made a profound impression on me; with advancing years, it has become one of my treasures. Its great strength lies not in its pure diction, wonderful style, or tender pathos, but in its purpose. Before writing this book Wallace was a man indifferent in feeling respecting the "to-morrow of death" of the "succession of life." No doubt this was an unsatisfactory state of mind. Without any formulated ideas as to his conclusion, he took for a key to the subject of his tale the quotation from St. Matthew:

> Now, when Jesus was born in Bethlehem of Judea, in the days of Herod the king, behold there came wise men from the east to Jerusalem, saying: Where is He that is born King of the Jews? For we have seen His star in the east and are come to worship Him.

In speaking of his work, after commenting on his lack of convictions about God or Christ, Wallace says: "Long before I was through with my book I became a believer in God and Christ." As the Egyptian, the Hindoo, and the Greek are irresistibly drawn to their meeting place in the desert, so is the author drawn to his conclusions. The purpose is thus clearly disclosed. And therein lies the secret of the great success of the work. As the character of Hur grows in the book the conviction has grown in the author. So far as the belief of Ben Hur went, it was very much like that of Wallace. He wrote reverentially and sometimes with awe.

The only time that Jesus Christ is present as an actor in a scene created by Wallace is when He gives the cup of water to Ben Hur at the well near Nazareth. Afterwards, when Ben Hur listened to the preaching of the Nazarene, gazing upon his wonderful countenance, he remembers having seen the man.

> The look so calm, so pitiful, so loving, had somewhere in the past beamed upon him as that moment it was beaming on Balthazar became an assurance. Faintly at first, at last a clear light, a burst of sunshine, the scene by the well at Nazareth what time the Roman guard was dragging him to the galleys returned, and all his being thrilled.

The wise men saw by the light of inspiration and believed. Ben Hur did not. In undertaking to convince Ben Hur the author convinces himself. That same conviction gradually steals over the reader. The work of Wallace as a soldier and a diplomat made him one of the benefactors of his country; Ben Hur one of the benefactors of the Christian world.

The American who in the future visits the Capitol of our country and stands in the presence of the figures which adorn Statuary Hall will think of Wallace as the author of Ben Hur. They will feel again the thrill of the chariot race. Their pity will again be excited by the misfortunes of the family of Hur, their indignation aroused by the cruelty of the Romans, and they will again be moved to religious emotion and persuaded to religious belief by his portrayal of the life and death of the lowly Nazarene. [Applause.]

Mr. MORRISON. Mr. Speaker, during the ceremonies at the unveiling of his statue in Statuary Hall, and during the proceedings had in the United States Senate and thus far in the House by way of formal acceptance thereof by the Congress, high tribute has been paid to Gen. Lew Wallace as scholar, soldier, diplomat, author, and citizen.

No word of mine can add in the slightest degree to the just, but appreciative and affectionate, characterization of this great man, as the same has already been set forth in poetry and prose by men who were intimately acquainted with his life and labors.

General Wallace was a true soldier. He was skilled and efficient in military organization. He was a wise and valiant commander of his men. One who served under him and learned on the field of battle to obey, admire, and love General Wallace has borne cheerful testimony to these elements of his many-sided character. The fittest tribute to our soldier dead falls naturally from the lips of a living soldier, his comrade in arms, his faithful officer of inferior rank.

The best loved of living American poets has cast the deathless character of General Wallace into the changeless form of classic verse. The chief executive of the State he loved and its representatives in the Senate of the United States have given to the world, and left upon the records of the Congress, full and fair estimates of General Wallace as scholar, soldier, diplomat, author, and as an ideal citizen of Indiana and of the Republic. To these the Members of this House have craved permission to add such words as shall in some fair measure give expression to the deep and deathless admiration and gratitude of the men and women whom they represent.

We, who were his neighbors, are permitted to pass and repass the almost enchanted spot where he wrote his immortal Ben Hur, a spot that grows dearer and more attractive with the passing years. To us, as to all the world, General Wallace is, and shall ever be, a scholar, soldier, and statesman. But I fancy that by us he shall, in an ever-increasing measure, be remembered as the ideal citizen of Crawfordsville and the author of Ben Hur.

Men give character to the communities in which they live. Communities give character to men. Men and communities mutually mold, fashion, beautify, and adorn each other. It was a fact of no small import that the life of this splendid man was lived in the "Athens of the West." Learning and high character had given to his city a distinctive name known of all men throughout the Republic. He dwelt amidst its classic influences and was part of its refinement and culture. His character and works were, in part, inspired and ennobled by the community in which he lived. Upon the city of Crawfordsville and far beyond its confines the influence and memory of his personality and daily life shall long rest as an abiding benediction, pleading "like angels, trumpet-tongued," against all that is little and mean and selfish in men's lives.

He has taken his place among the immortals. He has realized the highest of all the hopes of men. I know of no hope that is sweeter to the human heart than the hope of immortality. I know of no assurance more blessed to one, in sickness or in health, than the assurance that, when one is called out of the activities of this life, he shall yet live. So, indeed, the true man shall. He shall live in his own good works. He shall live in the memory of his friends and in the hearts of those whom he loved and by whom he was loved. He shall live in the Father's house, in the City Beautiful beyond the stars. This is immortality, indeed, a triple immortality, the rich reward and fruitage of a good man's life.

His earthly immortality is of no common type. The greatest of the products of his brain and heart takes deeper hold upon the hearts and minds of men year after year and shall generation after generation. The translator has added his contribution to the work of the author. In every civilized nation on the globe men are reading the thoughts of Lew Wallace in their own mother tongue. The prophecy of Pentecost is finding a partial fulfillment in the ever deepening and widening influence of our hero's masterpiece.

For the sake of the fair renown of our beloved dead, for the spread of the kingdom of our common Master, and for the highest good of human kind, let it be our fond hope and fervent prayer that in every age, in every land, and in every tongue men shall read more and more the inimitable and imperishable drama of Ben Hur, a tale of the Christ.

Mr. CRUMPACKER. Mr. Speaker, I ask unanimous consent that general leave to print remarks on the pending resolution be granted for five legislative days.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that general leave to print remarks for five legislative days on the pending resolution be granted. Is there objection?

There was no objection.

Mr. CRUMPACKER. I move now, Mr. Speaker, that the Senate concurrent resolution 19 be agreed to.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE PRESIDENT—PERSONNEL OF THE NAVY.

The SPEAKER pro tempore laid before the House the following message from the President of the United States (S. Doc. No. 388), which was read and, with the accompanying papers, referred to the Committee on Naval Affairs and ordered printed:

To the Senate and House of Representatives:

I wish to bring to the attention of the Congress the urgent need of legislation for the improvement of the personnel of the navy.

I am strongly of the opinion that the future of our navy will be seriously compromised unless the ages of our senior officers are materially reduced and opportunity is given thereby for experience and training for battle ship and fleet commands.

Under our present system the average age of captains is 55 years and of rear-admirals 60½ years.

This is the direct result of an absurd system which allows nearly all officers, provided they retain their health, to pass through the various grades and retire as rear-admirals.

The greater number of our older commanding officers have had inadequate experience in command. Experience in command of a large vessel in the battle fleet is essential to the command of a division or squadron of the fleet, and preliminary training in flag officers' duties is necessary before succeeding to the chief command of a fleet. We are now training officers in command of battle ships and armored cruisers, many of whom can not serve as flag officers on account of their short time on the active list after reaching that grade.

The line of the navy is in an abnormal condition, the result of past legislation.

There is still a "hump" in the flag and command grades, there is a great deficiency of officers of suitable ages for the intermediate grades, there is the beginning of a new "hump" in the lower grades, and the total of all the grades is very considerably short of the requirements of the service.

The Congress, in 1903, authorized an increase in the number of midshipmen at the Naval Academy, without increasing correspondingly the grades of officers, and the result is now a large "hump" near the bottom of the list, due to the large classes graduated since that date. Unless legislation relieves the situation, these young officers will have little promotion for many years to come. From now on, about 160 officers per year will enter the junior lieutenants' grade, and, under existing law, but 40 a year will be promoted out of it; so that that grade will increase out of proportion to the others.

The following table shows the ages of the oldest and youngest and the average ages of the flag officers of different grades and captains in the English, French, German, Italian, Austrian, and United States navies at the present time:

[About January 1, 1910.]

	Great Britain.			France.		
	Oldest.	Youngest.	Average.	Oldest.	Youngest.	Average.
Admirals of the fleet	70	65	68			
Admirals	64	59	62			
Vice-admirals	62	53	59	64	58	62
Rear-admirals	58	46	53	62	54	59
Captains	53	36	44	60	47	54

	Germany.			Japan.		
	Oldest.	Youngest.	Average.	Oldest.	Youngest.	Average.
Admirals of the fleet	[a]					
Admirals	61	58	60	67	48	60
Vice-admirals	57	54	55	60	50	54
Rear-admirals	54	49	51	53	42	50
Captains	51	41	45	51	41	45

	Italy.			Austria-Hungary.		
	Oldest.	Youngest.	Average.	Oldest.	Youngest.	Average.
Admirals	[b]	[b]		[c]	[c]	
Vice-admirals	66	60	62	65	57	61
Rear-admirals	60	37	56	58	52	55
Captains	54	46	51	54	47	50

	United States.		
	Oldest.	Youngest.	Average.
Admirals of the fleet	[d]	[d]	
Rear-admirals	62	58	60.5
Captains	61	50	55

[a] One only active.
[b] One only, 54 years.
[c] One only, 66 years.
[d] One Admiral of the navy, special.

The averages of rear-admirals of different countries, about January 1, 1910, were thus, as follows:

Japanese	50
German	51
English	53
Austrian	55
Italian	56
French	59
American	60.5

The effect of the proposed measure would be to promote our officers to the grade of rear-admiral at an average age of 54 to 55, and to make the average of all the rear-admirals about 58.

The average ages of captains about January 1, 1910, were, from the same table, as follows:

	Years.
English	44
German	45
Japanese	45
Austrian	50
Italian	51
French	54
American	55

The effect of the proposed measure would be to promote officers to the grade of captain at an average age of 46 to 47, and to make the average age of all the captains about 50.

The ages for rear-admirals and captains produced by the proposed measure are not young enough, in my opinion, for the arduous duties of the modern vessels of war and for the best success in a fleet engagement, should war come, but they are a decided improvement. To reduce the ages still further would not increase the cost; but for other reasons, I am unwilling to advocate any further reduction at the present time.

The creating of higher ranking flag officers is a military necessity. Through custom and tradition, at a time when the service was small, grades higher than that of rear-admiral were regarded as rewards of merit for exceptional war service. The size of the fleet now demands two grades above that of rear-miral of the fleet (grand admiral), admiral, vice-admiral, rear-

found in foreign services. The customary naval grades are admiral of the fleet (grand admiral), admiral, vice-admiral, rear-admiral. Foreign fleets are commanded by admirals and vice-admirals. In international council, or in combined operations, the American admiral, whatever the importance of his command, must assume the junior position. In our Atlantic Fleet there are now four rear-admirals. There should be an admiral in command, a vice-admiral for the second squadron, and a rear-admiral for each of the other two divisions.

Considerations of proper military efficiency, as well as a due sense of national dignity and self-respect, as befitting this great Nation, urge that the existing situation shall cease.

The Secretary of the Navy has prepared a tentative bill for reorganizing the personnel of the navy, which is at the disposition of the Congress should it be desired. This proposed plan for relief meets with my hearty approval.

OUTLINE OF PROPOSED MEASURE.

The personnel of officers and men is based on the tonnage of effective ships. Increases or decreases of ships, due to authorization by Congress or to sale or other disposal, will increase or decrease the personnel in a fixed proportion. In time, though, the increases in new tonnage will be offset by old ships struck from the list. Adequate provisions are made to guard against sudden fluctuations in the personnel.

The ratio provided is 100 men and 5 line officers and midshipmen for every 2,000 tons of ships, including ships authorized and building, the principle being followed that it takes as long to train the midshipmen and enlist and train the men as it does to build the ships.

With 1,200,000 tons of ships, as now authorized, the ultimate personnel would reach 3,000 line officers and midshipmen and 60,000 enlisted men, but under the measure as drawn the full authorized strength of officers and men can not be reached for a number of years to come, nor in any case, except with the approval of the Congress year by year.

The officers, as now, are to be drawn from the Naval Academy, with certain additions from the ranks, as authorized by existing law; but it is not proposed to increase the present size of the Naval Academy classes, and it is estimated that under present conditions it will take about eight years for the full strength of officers to be reached.

As regards the men, the present authorized strength is 44,500. The current estimates provide for 47,500, which estimates are not to be altered. In future years, if approved by the Congress, the number can be brought up gradually to the proportion required for the actual ships, the present measure not authorizing any increase.

After the grades of officers assume the fixed proportions set for them there will be an excess in the upper grades due to promotion for length of service.

Each July 1 a board of high ranking officers recommends sufficient retirements to reduce such excess.

The rate of pay for such retired officers will depend on length of service. After eighteen years they would get about one-fourth pay, after twenty years about one-third pay, after twenty-four years about one-half pay, and after thirty years three-fourths pay.

The method of retirement is an important part of the proposed plan. At present too many officers reach the highest grade and retire with the rank of senior rear-admiral, without adequate return to the Government.

The present personnel law of 1899 has been in operation eleven years. In that time 304 officers have retired from age, length of service, or by operation of the law. In the next eleven years, if the proposed measure becomes operative, there will be about 138 retirements from the same causes, at a cost of less than one-half the former 304.

The lengths of service proposed for line officers in the various grades will bring promotion, at the latest, at the ages set forth following:

	Years.
Age at entry	18
Ensign	22
Lieutenant (junior grade)	25
Lieutenant	28
Lieutenant-commander	36
Commander	42
Captain	47
Rear-admiral	55

The staff corps are put on the same basis as the line, as nearly as the requirements of the different corps will permit.

EXPENSE OF PROPOSED MEASURE.

In drawing up the measure which I have approved, a prime consideration was that there was to be no immediate increase in expense, nor, except for authorized increases in ships, any eventual increase.

On the basis of tonnage, any increase in both officers and men must be authorized each year by Congress when it authorizes ships.

The saving in this measure is principally in the retired list of the line. Under the present law, and that which preceded it, most retirements were from the higher grades at the higher rates of pay. Under the proposed plan, with the exception of the captains already due for promotion to the grade of rear-admiral, no increase of rank is allowed on retirement, and retirements will be distributed along the grades at rates of pay which depend on length of service.

Finally, I wish to emphasize to the Congress that this measure is intended primarily to reduce the ages of the officers in the senior grades of the line of the navy and to secure more efficient captains and flag officers.

Incidentally it is intended to increase the efficiency of the staff corps by providing some measure of compulsory retirement for them and some increases which are necessary.

While it might be possible to include improvement in some other minor details of the line and staff corps, these matters are not directly concerned with improving the military efficiency of the fleet, and I deem it best not to complicate the desired improvement by introducing them at this time.

The wisdom of Congress, urged by the overwhelming voice of the people of our country, has provided us with ships of the best quality. It is necessary that our personnel of officers match these superb vessels if the navy is to be at the efficiency which is vitally necessary for its chief purpose and only reason for existence.

I earnestly urge upon the Congress the passage of suitable personnel legislation.

WM. H. TAFT.

THE WHITE HOUSE, *February 25, 1910.*

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21419, the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

Mr. MOON of Tennessee. Mr. Chairman, I yield thirty minutes to my colleague [Mr. SIMS].

Mr. SIMS. Mr. Chairman, when I took up for reading and study the annual report of the Postmaster-General for the fiscal year ending June 30, 1909, I found that it stated that the total deficit for that year was $17,479,770.47. This showing was a great surprise to me, but I was simply astounded when I read, on page 6, the following:

> Recent investigations have shown that the two great sources of loss to the postal revenues are second-class mail matter and rural delivery.
>
> The loss on second-class mail matter has been increasing for many years, until it now amounts to more than $64,000,000.
>
> The loss from rural delivery, a service begun hardly a dozen years ago and of unprecedented growth, reaches nearly $28,000,000.

I had no idea that the loss to the Government on rural delivery was anything like the sum stated by the Postmaster-General.

Under the heading "Rural delivery," page 11 of said report, the following statement appears:

RURAL DELIVERY.

> The Rural Delivery Service has developed in twelve years from an experiment involving the disbursement of less than $15,000 to one of the largest branches of the postal establishment, with an annual expenditure exceeding $35,000,000. The postage on matter mailed on rural routes is estimated at about $7,250,000.

Further on in said report, under the heading "Cost of rural delivery," the following statement appears:

COST OF RURAL DELIVERY.

> On June 30, 1909, 40,628 rural routes were in operation. The expenditures on account of the rural service for the fiscal year ended on that date were $35,661,034. Compared with the previous year, there has been an increase of 1,351 routes and of $1,289,095 in expenses.
>
> From a count kept in March, April, and May, 1909, it was shown that the average amount of postage on mail collected on a rural route was $14.92 a month. The average monthly cost of the service on a route was $72.17. This means that the cost of service on a rural route exceeded the revenue derived from the postage on the mail originating thereon by $687 a year. On that basis the cost of all the rural routes in operation at the close of the last fiscal year exceeded the revenue from matter mailed thereon by more than $27,900,000.

Mr. Chairman, these extracts I have read from the last annual report of the Postmaster-General cover substantially all that is said by him regarding the cost of rural delivery, also

as to the receipts from and the loss to the Government on account of that service.

When I first read this report, and before looking further into the facts that should be examined before passing judgment on this great branch of our domestic mail service, I confess I felt very much discouraged. I doubted whether the people would be willing to maintain and further extend a service which, as shown by the extracts I have just read, cost the Government $7 for every one it received from its patrons. I submit, Mr. Chairman, that my conclusions and fears were but natural, without looking further into the matter than the annual report above referred to. It is but natural that we expect and have a right to expect, that the solemn annual report of the Postmaster-General shall contain, and in fact does contain, all information necessary to a fairly comprehensive and accurate understanding of all facts connected with the operations of his great department. There is no branch of the public service that so directly interests each and every individual person in the United States as does the postal service. Therefore it is so much the more important that the people be fully and correctly informed, not only as to the service as a whole, but as to each branch of the service treated independently.

I do not charge that the Postmaster-General has willfully misstated any fact in his report with regard to the rural service or that he has willfully failed to state any fact necessary to be considered in connection with this branch of the service, but I most respectfully submit if it is not a fact that his annual report is meager in its statement of facts, does not call attention to facts well known to the Postmaster-General, without the knowledge of which a comprehensive understanding of this branch of the postal service can not be had. So, in order to have a more perfect knowledge of facts which I then thought and now think should have been stated in his annual report, I addressed the following letter to the honorable Postmaster-General:

WASHINGTON, D. C., *February 8, 1910.*

Honorable POSTMASTER-GENERAL,
Washington, D. C.

MY DEAR SIR: In your recent report you show in round numbers that the cost of the rural service, as estimated by you, is $35,000,000 per annum; that the receipts for mail collected on the rural routes is about $7,000,000, leaving what appears on the face of your report to be a clear net loss to the Government of about $28,000,000.

While I do not question the facts stated in your report, in fairness and in justice to the rural service, treated as an independent branch of the service, should there not be deducted from this $28,000,000 the cost to the Government of the star routes displaced and discontinued by reason of the establishment of rural service, and also some saving to the Government by the discontinuance of post-offices where the annual cancellations were so small that 100 per cent of these cancellations went to the post-offices discontinued, and the increased cancellations at offices where the routes initiated in which a less per cent of cancellations went to the postmaster as compensation, and thus save something to the Government due to the extension and development of rural service?

To be perfectly fair toward the rural service as an independent branch of the postal service, should it not be credited with the savings I have pointed out, together with such natural increase as the expenses of star-route service would have entailed had it not been displaced by the rural service? I mean by this that it would cost more to sustain the star-route service displaced at this time than it was costing the Government at the time the star-route service was discontinued.

While your report shows the gross loss to the Government by the rural service, it does not show the net loss, and as your report, as well as all others, should not be open to misconstruction, but should give information so fully as to leave no question as to the accuracy and as to the proper understanding of the report in detail as well as in whole, will it not be necessary to take from the total gross loss by rural service, as estimated by you, the cost of the star-route service displaced and the discontinuance of the post-offices where the compensation was larger in proportion to the cancellation than now exists?

If you can make something like a reasonable estimate of these economies in gross that should be credited on the total gross loss of cost of rural service, I shall be glad to have you do so.

Very truly, yours,

T. W. SIMS.

Mr. GARDNER of New Jersey. Will the gentleman yield?

Mr. SIMS. Well, I wanted first to read the answer.

Mr. GARDNER of New Jersey. Before the answer is read, lest I might be thought to frame my question upon it, I would suggest to the gentleman that he is talking of a matter that I have been over somewhat, and I think we both want to be right in our arithmetic.

Mr. SIMS. Certainly.

Mr. GARDNER of New Jersey. Assuming that the fourth-class postmaster displaced took the entire value of the stamps for cancellation, still then crediting to the rural delivery the value of the mail originating on those routes, the gentleman has already credited them with the salaries of all the postmasters, and as much more than the salary of the postmasters as the amount would exceed the postmasters' salaries.

Mr. SIMS. Of course the gentleman understands that my time is limited, but information is what we are all after, and as the gentleman is a member of the committee and can give it, I will be very glad to listen further if he will agree to extend my time.

Mr. GARDNER of New Jersey. Well, that is all at this time.

Mr. COX of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Wait until I finish reading the answer of the Postmaster-General. I received the following reply thereto:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 11, 1910.

Hon. T. W. SIMS,
House of Representatives.

MY DEAR SIR: The receipt is acknowledged of your letter of February 8, 1910, in which you urge that the cost of Rural Delivery Service should be credited with the cost of any facility superseded by the establishment of rural delivery, and asking to be furnished with a reasonable estimate of the cost to-day of facilities which have been superseded by Rural Delivery Service incident to its institution and extension.

In reply I have to say that the annual cost of star-route service superseded by Rural Delivery Service, at the rate paid at the time of discontinuance, aggregates $3,050,000. Taking the increase or decrease in the rate of cost per mile of star-route service from year to year as a basis of computation, the increased cost of star service superseded by rural delivery, were it in operation to-day, would be approximately $647,000.

The aggregate of the compensation of postmasters at offices which have been discontinued as a result of the existence of Rural Delivery Service is approximately $1,369,000. This entire sum, however, can not be regarded as a saving, as a considerable portion of it is paid to postmasters at rural delivery distributing offices as compensation. There are no data available from which any computation can be made as to the proportion of this amount which is an actual saving.

It is not practicable to present an accurate statement or even a satisfactory approximation of the effect of rural delivery on the revenues of the postal service. The value of the postage on mail collected can be approximated very closely, and for the fiscal year ended June 30, 1909, was about $7,250,000, but a portion of this sum was paid as commissions to postmasters at offices of the fourth class, which are distributing offices for Rural Delivery Service. Exactly how much of the remainder can be credited to the cost of rural delivery can not be determined.

The institution of rural delivery has resulted in a marked increase in the volume of mail delivered to and dispatched from the territory supplied by rural service, the increase in four years being 96 per cent, with a consequent increase in revenue, but it is not possible to determine the proportion of this increased volume of mail that is due to the existence of rural delivery.

Yours, very truly,

F. H. HITCHCOCK,
Postmaster-General.

Mr. COX of Indiana. I am glad that the gentleman has brought out this point. It ought to be discussed. I thoroughly agree with the gentleman, and if he will examine the reports further on that point I think he will find that in 1897, when we were only appropriating $40,000 for rural service, there was a deficit in the Post-Office Department of upward of $11,000,000.

Mr. SIMS. Certainly; and, of course, we should not charge this increase in deficit wholly to the rural delivery.

Mr. AUSTIN. Mr. Chairman, has the gentleman taken into consideration that where the rural delivery service is established from a post-office it reduces the amount previously allowed for clerk hire in the distribution of star-route mail? I know I have had that up several times, where the department has declined to allow clerk hire at those offices, because it is no longer regarded as a distributing office for star routes.

Mr. SIMS. I am very glad the gentleman has called my attention to that, but I have made no estimate of that saving to the Government on account of the establishment of the rural delivery.

It thus appears from the letter just read that the Postmaster-General did not embrace in his last annual report the facts brought out in reply to my letter of inquiry, which was as necessary to be stated in order to a full and comprehensive knowledge of the Rural Free-Delivery Service as the facts that were stated.

Mr. Chairman, I insist and charge that the meagerness of the Postmaster-General's annual report as to the rural service is such as to amount to a gross injustice to that branch of the service and such as to cause a misunderstanding of the facts and as to be wholly misleading to the public or anyone else who looks no further than the bald statements contained in his report.

In his report, under the heading "Cost of rural delivery," the Postmaster-General says:

This means that the cost of the service on a rural route exceeded the revenue derived from the postage on the mail originating thereon by $687 a year.

In making this computation, as appears from his report, he only included revenues derived from postage on mail collected on the rural routes. This is unjust, unfair, and misleading. All mail originating at the post-offices from which the rural routes initiate, going out on the several routes, having been handled by no other mail carrier, is mail originating on rural routes in all respects as fully as if collected by the rural carriers from the several boxes of patrons thereon. While it may be impossible to make a report of the exact number of pieces of mail thus originating at the post-offices from which rural routes emanate, it must be so large as to have been entitled to mention in the Postmaster-General's annual report, and which must be considered in a just treatment of the net cost of rural delivery.

Mr. Chairman, when we make a careful study of all the facts obtainable by the Postmaster-General bearing on the cost of rural delivery, and then consider how few he has brought out in his annual report and how misleading are these few facts stated, we are driven to the conclusion that he is not an enthusiastic friend of this great branch of our public service.

On page 62 of said report it appears that the total number of pieces of all mail handled by all branches of the mail service for the year 1909 was 14,004,577,271.

On page 34 of said report it appears that for the same year the rural carriers handled 2,723,262,000 pieces, which is nearly one-fifth of all pieces of mail handled by all branches of the service. In the same report, page 5, it appears that the total expenditures of the Post-Office Department for all purposes amounted to $221,004,102.89.

The total cost of rural delivery for same time was $35,000,000, or about one-sixth of the total expenditure. So, measured by the pieces of mail carried, the percentage of cost to service rendered on the rural routes is less than on all other branches of the mail service, while the increase in the number of pieces carried by the rural service for the last five years far exceeds the percentage of increase in any other branch of the service and shows an increase of net revenue in excess of the increase of cost for same period, thus assuring us that the percentage of net loss to the Government on account of rural delivery will diminish instead of increasing from year to year.

That we may have a fuller and better understanding of the facts bearing on rural service, I now read from page 6 of the last report of the honorable Fourth Assistant Postmaster-General, made to the Postmaster-General for the year ending June 30, 1909:

The installation of rural delivery, as a rule, has been followed by an increase in the amount of mail delivered and collected within the territories respectively served by that service. During the earlier years this increase was gradual, as a whole. In order to ascertain the percentage of mail carried on rural-delivery routes, a count was kept during the months of March, April, and May, and taken as a basis of conservative calculation, which showed that rural carriers throughout the United States handled during the fiscal year ended June 30, 1909, the enormous bulk of 2,723,262,000 pieces. During the four years succeeding June 30, 1905, the number of routes advanced 26 per cent, but the increase in the amount of mail delivered was 87 per cent, and mail collected 151 per cent, or an increase of 96 per cent in the whole amount handled. There was an increase of 149 per cent in the number of money orders issued, and 91 per cent increase in the number of letters registered. In 1905 the average number of pieces of mail handled per route per month was 3,600. Based upon the count kept during March, April, and May, mentioned, the average number of pieces now handled per route per month is 5,600—the largest in the history of the service. Another significant fact is that on only 2,117, or 5.2 per cent, of the rural routes was the quantity of mail handled less than 9,000 pieces per quarter, which is considered a fair average for a standard route.

Additional evidence of the increase in the amount of mail passing through rural delivery is furnished in the fact that 992 routes handled 25,000 or more pieces of mail during the three months ended June 30, 1907, and 3,232 routes 25,000 or more during the three months ended May 31, 1909.

In 1907, 27 routes handled more than 50,000 pieces of mail during the quarter ended June 30; in 1909, 95 routes more than 50,000 during the quarter ended May 31. On 35 of these routes the value of the stamps on mail collected for the period indicated exceeded $200. On 24 routes this item exceeded the carrier's salary.

Mr. Chairman, I now read further from page 6 of said report:

The following statement shows the amount of mail of the various classes handled on rural routes during the year 1909 (an approximation based upon the three months' count herein described) and the year 1905, the increase, and the percentage of increase:

	Year 1909 (approximated).	Year 1905.	Increase.	Per cent of increase.
DELIVERED.				
Registered letters or packages	1,321,380	640,248	681,132	107
Letters	464,154,856	243,153,867	221,000,989	90
Postal cards	259,996,180	50,899,139	209,097,041	410
Newspapers	1,226,515,964	773,277,783	453,238,181	58
Circulars	279,927,200	118,605,919	161,321,281	136
Packages	46,324,284	23,219,244	23,105,040	99
Total delivered	2,278,239,864	1,209,796,200	1,068,443,664	87
COLLECTED.				
Letters and packages registered	1,074,868	617,574	459,294	74
Letters	273,616,060	151,460,977	122,155,083	80
Postal cards	157,284,036	16,610,302	140,673,734	846
Newspapers	3,519,968	2,361,478	1,158,490	49
Circulars	4,939,656	3,095,561	1,844,095	59
Packages	4,587,700	3,115,619	1,472,619	47
Total collected	445,022,288	177,261,511	267,760,777	151
Total handled	2,723,262,152	1,387,057,711	1,336,204,441	96

This remarkable increase is conclusive evidence that the institution of rural delivery has enlarged the amount of the mails handled, and therefore increased the revenues. This is true, although 45 per cent of the bulk of the mail on rural routes is second-class matter, as the increase applies to all classes of matter, especially to letters and postal cards, the latter due to the enormous use of souvenir or picture post cards.

Is it not a little remarkable that with these facts, all in the possession of the honorable Postmaster-General when he wrote his last annual report, he said, in bold, brutal, cold-blooded fashion, that the loss to the Government on rural delivery for the last fiscal year was $28,000,000?

It will be seen by the above detailed statement of the Fourth Assistant that the total pieces of mail delivered for that year was 2,278,239,864, while the total pieces collected for same period on rural routes was only 445,022,288, while the Postmaster-General seemingly takes into account in determining costs only the mail collected on the several rural routes, ignoring altogether any account of the vast volume of mail delivered, and giving the rural service no credit for any share in the profits derived in the delivery for that year of 1,321,380 registered letters and packages, 464,154,856 letters, 259,996,180 postal cards, 279,927,200 circulars, and 46,324,284 packages, making the grand total of 1,051,723,900 pieces of mail delivered on which the Government received a profit, while the total number of pieces of second-class mail delivered for the same period was 1,226,515,964, showing that only about 45 per cent of all pieces of mail delivered on rural routes is of the second class. It also appears for the last four years the rate of increase on registered mail delivered has been 107 per cent; on letters, 90 per cent; postal cards, 410 per cent; circulars, 136 per cent; packages, 99 per cent; while that of second class—the unprofitable mail—is only 58 per cent. It thus appears that the increase of unprofitable mail delivered on rural routes for the last four years has been only about half the increase in profit-paying mail for the same time, thus demonstrating that the net expenses of rural delivery, viewed from the standpoint of mail delivered, is growing less all the time.

Mr. Chairman, viewed from the standpoint of mail collected on the rural routes for the last fiscal year the facts are as follows:

Registered letters collected, 1,074,868; increase for four years, 74 per cent; letters collected, 273,616,060; increase for four years, 80 per cent; postal cards collected, 157,284,036; increase for four years, 846 per cent, or over 200 per cent per annum; circulars, 4,939,656; increase for four years, 59 per cent; packages, 4,587,700; increase for four years, 47 per cent; newspapers, 3,519,968; increase for same period, 49 per cent. Thus showing as a whole that the grand total of pieces of mail collected on rural routes for last fiscal year on which the Government receives a profit, was 441,502,320 pieces, while the total pieces of second-class mail in which the Government incurs a loss was only 3,519,968.

Viewed from the standpoint of mail collected, nearly all of which is profit-paying mail, the cost of rural delivery is being rapidly reduced as must necessarily appear from the most casual examination of these figures.

Mr. Chairman, I have accepted the report of the honorable Postmaster-General as to loss on second-class matter as being in excess of $64,000,000; for the last fiscal year, as being accurate or substantially so, I have no means of finding out the facts or the methods used in arriving at this item of net loss on second-class mail, but if he is as far away from substantial accuracy in that matter as he is in rural delivery, we can not justify such drastic action as at first seemed necessary in the way of increasing the rate of postage on second-class mail matter. Further investigation and study will be necessary before final action if mistakes are to be avoided.

Mr. Chairman, rural delivery is the idol of the country people, and no man or political party can long survive if just suspicion of his or its unfriendly attitude is once aroused. This fact must be well known to the present Postmaster-General, in view of which I am exceedingly surprised, that he should do or say anything or fail to say anything that will give reasonable grounds to charge him with lack of sympathy for and energetic championship of this great and growing arm of the public service.

Mr. Chairman, I beg to call the attention of the House to page 4 of the report of the honorable Fourth Assistant Postmaster-General recently made to the Postmaster-General under the heading "Rural letter carriers," which reads as follows:

RURAL LETTER CARRIERS.

During the past year 2,526 resignations of carriers were accepted, which is 19 per cent greater than the number accepted during the preceding fiscal year; whereas there was a decrease in the number of resignations from the year ended June 30, 1907. However, the number of carriers resigning is only 6 per cent of the number of carriers in the

service June 30, 1909. Two hundred and three carriers were separated from the service by death. Out of 40,499 carriers only 175 were dismissed for cause, which is an increase of but 10 over the number during the previous fiscal year. Of the carriers dismissed, 36 were for embezzlement of funds and 35 for intoxication.

I pause to ask: Was there ever such a record made in the public service of any government—city, State, or national—in the history of the world, ancient or modern, where out of a body of 40,499 officials there was so small a number of dismissals for cause in one year? Think for a moment, that each and every one of this vast army of government officials each and every day of his official service handles actual sums of money, of currency, and only 36 out of the 40,000 yielded to the ever-present temptation and became embezzlers. I beg you, Mr. Chairman, to consider the almost unbelievable statement that out of this number of more than 40,000 men selected from every part of every State in these United States, who must go through heat and cold, mud and dust, fair weather and foul, that the dismissals for drunkenness for a whole year were only 35. Where is there another nation on this earth that can make such an exhibit of honesty and good behavior in any equal number of its citizens subject to like temptations and hardships?

Mr. Chairman, I am proud of this great body of our best men. To this great army of model citizens I point with pride as the best evidence of the fruit of our glorious free institutions.

But there is another side to this picture. One suggestive of injustice, one not calculated to quiet the conscience, one not calculated to cause us to feel that we properly and fully appreciate the great services of this vast number of our most worthy citizens. The maximum salary of a rural letter carrier is $900 per annum, while the maximum salary of a city letter carrier is $1,200 per annum. Why this difference?

The city carrier has a legal eight-hour day. He has no expense by way of equipment. He has paved streets and sidewalks upon which to travel while he makes his rounds. The rural carrier must often start in the winter before daylight and return in the night. He has poorly kept country roads over which to make his weary journey. He must furnish himself with at least two horses and a wagon or buggy, which cost him an outlay of from $400 to $600; he must pay for frequent repairs of the vehicle; he must be at a daily expense in feeding and caring for his horses; none of said expenses are incurred by the city carrier, yet he is paid 25 per cent more for his work than is paid to the rural carrier.

Mr. Chairman, I denounce such discrimination as rank, inexcusable injustice.

I know that it is said that the living expenses of the city carrier are greater. This is not true to as great an extent as may first appear. In the first place, the city carrier has only eight hours of service; he is often enabled to do something by which he can earn something in addition to his salary. Then he has advantages of good public schools for his children all the year round and the further advantage of public high schools for his children, in which a fairly good college education can be had free of cost, which advantages are almost unknown to the rural carrier. The difference in the food cost of living is not so great as may seem at first blush. The rural carrier does not and can not live out in the country on a farm. He must live where his route initiates, which is nearly always in a town or village, where the difference in the prices of food products is simply the freight charge from the town to the nearest city, which is usually a small per cent of the total cost. The price of feed-stuff, corn and hay, for the rural carriers' horses has advanced in an equal ratio with the cost of living to the family. Since the last increase of salary for rural carriers the cost of living has increased fully 25 per cent.

Mr. Chairman, there may be some States in the Union where the roads are so good that one horse can do the service of two and where the present compensation for rural carriers is fairly remunerative, but I am convinced that in a much larger number of States the present salary or compensation ought to be increased to $1,200 for all carriers now receiving $900 and all others increased in like ratio. Nothing less is compensative, and if present high prices are to continue I can not see how the service can fail to be crippled, if not greatly retarded. We can not afford to let this great and beneficial service retrograde, we must do simple justice to this most deserving class of our public servants and vote them a maximum salary of at least $1,200 per annum, and thus in salary, if no further, put them on a level with the city carriers, who walk upon smooth pavements, cross asphalt-covered streets, have the protection of awnings, and bask in the shade of beautiful parks to the music of playing fountains and city-paid bands, while the poor dust-covered, mud-bespattered rural carrier homeward plods his weary way.

Mr. GARDNER of New Jersey. Mr. Chairman, the matter of a $13,000,000 deficit in our postal revenues in 1908 nor a $17,000,000 deficit in the following year, probably slightly to be increased in the next, is not a matter about which I have more than a slight concern. With me the present condition of the postal revenues is not of importance to-day, except in the sense that it points the finger of warning toward the by and by. I became interested in a little postal investigation about 1880. I can still see the figures on which I was then working, and the aggregate of the bill was less than $40,000,000. In a little less than three decades to get the aggregate of the present bill we multiply by six the figures of thirty years ago; and still, as regularly as the years come and go, we are adding about the same annual percentage of increase. If this is to continue through the next three decades—and there is nothing to indicate the contrary—the post-office appropriation bill for the year 1940, together with the cost of the department, will carry about one and one-half billions of dollars. Then the difference in percentage between the two sides of the ledger will have become a vital matter.

Everybody, I take it, who has served long on the Post-Office Committee sees here and there an opportunity to make real improvement. It has been patent, I take it, to everybody familiar with the subject for the last twenty years that in the interest of simple justice our mail matter needs a reclassification. Experts have agreed on that, but they have differed radically as to whether the number of classes should be increased or decreased, and it somehow happens—I am not going to intimate that any powerful parties at every proposition to revise the service play the ink fish—it always happens, however, that something quite irrelevant and unimportant is brought out and fired at the people in continuing volleys as the great and pivotal question on which everything ought to turn. When there was some talk of reclassifying mail matter, with no definite determination as to whether the postage should be raised on any, we could scarcely look a print in the face without being told of what Germany was doing for her people in the way of postal service. It was made to appear disreputable to the United States that our Government should deal less favorably with our people than the Empire of Germany did with hers. Well, we are not hearing anything about that now, for it appears that at last it has percolated sufficiently into the public minds that there is no comparison in any respect as to mail matters between Germany and the United States.

Their country is so very much smaller and the average haul so very much less; the fixed limitation upon grades and salaries of employees, and, besides, the Government owns the railroads, or if giving a private party the right to construct a railroad imposes the condition of carrying the mails, carrying troops and munitions in time of war, I think, and what not; and when the authorities come to fix the rate on passenger and freight traffic, it seems that the German pays so roundly for those mail facilities, concerning which we heard so much, he would be better off, indeed, if he could pay for them directly.

A gentleman with whom I happen to be very well acquainted found it necessary a few years ago to ship some coarse potash about 42 miles along the Elbe, because the river was frozen up. He was amazed on the receipt of his freight bill to find it was $1.12 a ton. He said that there was not a branch or a high-cost railroad in the United States that would charge him over 60 cents for that, not possibly over 70 cents. He learned that the 52 cents per ton was his share of the mail service and other services performed by the Government of Germany. Very well; we are not hearing about that nowadays. But just now it happened that our post-office matters were being investigated.

The postal commission had done a good deal of work and the President had spoken. Some gentlemen wanted a hearing, and behold, we found one morning a new and mighty problem before Congress and mankind, "How did Canada manage her mail system?" Publications of high repute said that all movements in the United States should be delayed until conditions and results in Canada could be explained. This was the information for which a hungry world felt a gnawing at the vitals. I have known a little, not much perhaps, about Canadian postal affairs for some time, but it had never occurred to me that they furnished a single element for an equation or that could be used in the solution of our problems in the United States. Some facts in regard to Canada I perhaps know, and since a number of Members have said to me that their correspondents were copying articles referring to the new problem and they needed information about the subject, I am willing to give the limited amount which I have.

Canada receives, as I deduce, about $9,000,000 of mail revenue. The report says, in cold type, that the government receives $7,410,623.93, but they have a system of nonaccounting

post-offices, and from the accounts balanced before return we may deduce that the total receipts are $9,997,913.94. The conclusion is that the result in nonaccounting offices shows an addition to the $7,410,623.93 of about $2,401,623.93, and inasmuch as the accounts are made to balance, an increase of her expenses by about the same amount.

So we have to compare with the mail system of the United States another system which involves less than $10,000,000. We, in the report for 1908, spent $210,000,000. The aggregates are very wide apart. Let us see about some percentages. I can not compare conditions, for I have not investigated them in Canada. They seem to have an internal service something akin to our rural delivery, the service being along the star routes. But her star-route service, her mail messenger service, her screen-wagon service, if she has it, and her rural delivery to the extent that she has it are charged under one heading, that of "Inland transportation of the mails," and it is $1,508,000, or 16 per cent of her gross expenditure. Add together our screen-wagon service, our rural mail, and sundry other items that go into that sort of delivery and the star-route service and we get something like 14 per cent of our gross expenditure. So we are bound to conclude that Canada has an internal system that is of greater importance in percentage of her revenue than ours is to us, rural delivery included. There is only about 2 per cent difference. That is a little in our favor on these items. So if we are to save anything by modeling after Canada, that is not the item out of which we are to get the economy.

Well, Canada has a railway mail service which she runs a little more than half as frequently per route as we run ours. The proportion is 1,100 and above to 1,900 and above. She has a railway postal-car system. I have not seen the cars, but of the last 30 new routes established, 21 of them are marked "Served by R. P. O." Nine of them are marked "Served by B. C."

I inquired from a gentleman who thought he knew what that meant, and he said "baggage car." So that on all these routes mail handed in at a post-office at B, if it is for C, it is not delivered when the car gets there. It goes to some distributing office and is there reworked, and goes back by a later train to the post-office that it has passed. But in the ration of items of expenditure their railway mail pay per pound for its greatest possible weight, even with this kind of service, must materially exceed ours.

Canada has a classification of mail matter very much like ours. In fact, the system seems to be copied just as closely after that of this country as it is possible to copy one system after another under different conditions. Her classifications are practically the same, if not identical. Her rates on three classes are identical. Her rate on second-class matter is less.

She had in the last year, or the last year that I have a report of, derived $133,000 from second-class matter, at half a cent a pound for most of it, if not all, indicating a weight of 26,000,000 pounds, which is about one-thirtieth of the second-class matter we carry, but we carry about 26 times as much and do some 32 times the gross business in weight, so her proportion of second-class matter is less than ours, but not materially less. It is going to be very materially less. The postal rates on foreign periodicals have been advanced by Canada to 4 cents per pound. There is plenary authority in the postmaster-general to admit or to refuse to admit to second-class privilege in Canada whatever foreign publication he will; and the indications are, judged by results up to this time, that a low percentage of American periodicals are going to be admitted to second-class rates in Canada. So that while she has reduced the postage on second-class matter to a quarter of a cent a pound, she is calculating on a saving on former losses. At half the former rate, the diminished quantity will reduce the loss.

Now, that scheme seems to please our publishers, if we may judge by what we read.

Now, Canada has $800,000 surplus. The United States has, according to the figures for 1908, $13,000,000 of deficit. I suppose that every gentleman on this floor now has received letters calling his attention to that fact, and probably charging incompetency on the part of our own Post-Office Department.

I find by the statement that I have already made that, in comparison with Canada, we can save nothing by striking out our rural delivery and other inland service, as on that her percentage exceeds ours. We can find no relief or remedy in turning to the railway-mail service over there because apparently by their mileage system they are paying more per pound, and perhaps considerably more a pound, than is the United States. We are left, unfortunately, to find the entire difference in the outcome in the United States and Canada of two systems, very similar and operated on the same plans, in the difference in the percentage of salaries paid. That may or may not have a relation to the size of the salary—the amount of a given salary. It may result from their greater slowness, indicated by the statistics given, being in about the proportion of 11 to 19 here in the matter of speed in the delivery of the mails.

But the truth is, that of this post-office appropriation bill, 60 per cent of it is carried for salaries. Take the Canadian reports, charge all the salaries that the postmaster-general has paid and charged as salaries in his report, and the balances of the transactions in the nonaccounting offices, try to build it up, as an advocate of the superiority of that service might do, so that you will not find a discrepancy in the salary rates, and you get theirs up to 47 per cent. The difference between 47 and 60 in our expenditures at the close of the year 1908 would be nearly $26,000,000, wiping out the deficit and leaving $13,000,000 surplus.

Mr. LLOYD. Mr. Chairman, I desire to ask the gentlemen, if you were to leave out the expenses of the rural service, have you then made a comparison?

Mr. GARDNER of New Jersey. I had those figures but have not incorporated them.

Mr. LLOYD. They have the star-route service, with the box system, have they not?

Mr. GARDNER of New Jersey. Yes.

Mr. LLOYD. That is, delivery along star routes. They have no regular rural-delivery system?

Mr. GARDNER of New Jersey. No. I could not determine just what they do have from the report. I think we can readily solve the problem mentally, can we not, taking the rural delivery out?

Mr. FORNES. The figures which the gentleman gave as to the proportionate amount for salaries in their service and in our service were 47 per cent and 60 per cent——

Mr. GARDNER of New Jersey. A difference of 13 per cent.

Mr. FORNES. We could hardly save anything in that direction, because that is virtually the commercial difference in salaries between the United States and Canada, is it not?

Mr. GARDNER of New Jersey. I do not know. I think it certainly above 8 per cent, and possibly 15.

Mr. FORNES. I think it to be the fact that 13 is about correct.

Mr. GARDNER of New Jersey. I was simply saying here that they were saving a little money, about 10 per cent, and we were losing money, and that by comparison of the items of expenditure I endeavored to find the place to locate that difference. I could not find it in the Railway Mail Service; I could not find it in the inland service; and could not find it anywhere in the account until it came to the amounts paid for salaries. I noticed that our 1908 bill was carrying $136,000,000 out of $210,000,000, and yet I am not saying that their salaries are high or low. It is just a question of difference in figures.

Mr. FORNES. As I understand it, our great loss is owing to the fact of the salaries that we are paying. The statement I understood you to make was that 60 per cent of the entire cost of the mail service is paid out in salaries, and what I wished to make clear was that there is a difference between the salaries in Canada and in the United States, owing to the greater cost of living and in every way the greater expense, so that that difference is only a normal one.

Mr. FASSETT. That would apply to the relative cost of railroad service and every other service in the same way.

Mr. GARDNER of New Jersey. Of course, that difference would apply all through.

And now, you gentlemen must take the responsibility for putting into my comparisons this cost element, or dollar value element, which furnishes the shortest cut to a full comparison, but which I had decided to leave out, solely from an indisposition at this time to even call attention to the fact of the higher prices prevailing here than in some other places.

Of course, if our dollar has the purchasing power in Canada of $1.13, then Canada charges a higher postage rate than we do by 13 per cent. Thirteen per cent on Canada's $10,000,000 is $1,300,000, which wipes out her $800,000 surplus and writes in its place a half-million deficit; then her beauty and her power as a post-office example are gone. On the other hand, increase our incomes by 13 per cent and you add nearly $26,000,000 to our revenue, and our $13,000,000 deficit is changed to a $13,000,000 surplus.

Suppose the difference of the power of the dollar here and there is but 8 per cent; then Canada is charging an 8 per cent higher rate of postage than her figures express.

This would about exactly strike out her surplus.

Now, add 8 per cent to our rate, and our income increases $16,000,000, equal to our deficit, with a remainder of $3,000,000 of surplus.

If the difference is 10 per cent, Canada at our postal rates has a deficit of $200,000; the United States would have a surplus of nearly $10,000,000.

There is another consideration that would enter the calculation, to some extent, but I can state no percentages of different costs. Canada, in handling her second-class matter, as I understand it, follows the German plan, and sends along with it a very low-salaried clerk—in fact, a man who does not rank as a clerk at all—and the second-class matter is put off at the various stations through which they pass.

Mr. MURDOCK. Just for information, not to interrupt the gentleman's argument, what proportion of the 60 per cent in the United States is composed of postmasters' salaries and what proportion of the 47 per cent in Canada is postmasters' salaries?

Mr. GARDNER of New Jersey. I did not figure on that percentage, nor can I deduce it from the Canadian report other than in this way: The first table states flatly that their net income is a certain figure and their gross income a certain figure. In a table you will find in the accounts from the nonaccounting offices $2,370,000, made up of salaries and shopkeeper's accounts—that is, twine and such stuff, I suppose; and the indications that I gather from it are that $2,000,000 is composed of the salaries of postmasters and assistant postmasters, or salaries of postmasters and such other employees as they have a right to pay out of the postal funds. Now, if those salaries amount to $2,000,000 and their gross expenditure is $9,000,000, then the postmasters' salaries amount to two-ninths of their total expense, and theirs would be a very much higher percentage than ours on those figures.

Now, we have some items that they have not, such as pneumatic tubes. If they have the substations in the larger cities, such as we have, there is nothing from which I deduce it. Their accounts are not like ours, though in a general way this system that has been held up to us in letters sometimes as superior is copied right after our own. The two are alike, but our administration secures better results and greater economy, upon the whole.

Mr. MURDOCK. Is the only variation in their system of postage rates on the second class? Do they charge the same for first class, third class, and fourth class as we do?

Mr. GARDNER of New Jersey. They do. They have first class; then second class, papers and so on; third class, printed matter, books, and like things; fourth class, merchandise; so that the classification is not only about identical, but the prices are identical, expressed in figures, 2, 8, and 16. The railway mail system is copied after ours, but their method of pay is on some sort of a mileage plan rather than a weight plan, but they pay unquestionably something more per pound than we do for railway mail transportation. As to the inland service, it amounts to a little higher percentage than ours, including the rural delivery. So, trace it along, and you find out where the difference is between the thirteen million deficit and the $800,000 profit, and you are left almost entirely to the difference of percentage in salaries or difference in dollar value.

Now, I would like to say to the gentleman who questioned me a little while ago that that difference comes by no means out of the different amounts paid to different men engaged in the service. I think we make great sacrifices to expedition. We cover, as I have said, in our railway postal routes an average of nineteen hundred and more times a year, and they eleven hundred and more times, indicating that their mail is held back, goes less frequently, in larger proportions, and can be handled by a less number of employees.

My advice is that their second-class matter is not handled by the railway mail carriers, but by cheaper men. So that while there may be a difference the table would indicate the rates of salary paid, and we are sacrificing a considerable percentage to our expenditure for expedition, for more speed. We can not have anything go on wheels unless it carries a mail. A road here put on a sixteen-hour train from New York to Chicago, and they charge $10 extra to ride on it. Neither you nor I, going around the foothills of the Alleghenies, want more than three cars on that train, but it had not run long before the mails rammed in and said, "We belong on this, too."

Mr. FORNES. Will the gentleman yield for a question?

Mr. GARDNER of New Jersey. Certainly.

Mr. FORNES. Will the gentleman inform us whether the mail trains make better time in this country than they do in Canada?

Mr. GARDNER of New Jersey. My understanding is that our general schedule is faster here than it is in Canada; I am speaking of the general railroad schedules.

Mr. FORNES. It is a self-evident proposition that speed costs money.

Mr. GARDNER of New Jersey. Yes; and we make more frequent dispatches of the mail. I suppose quantities of mail matter in the other country is held back and dispatched, perhaps, in two dispatches a day, while we would send four or five.

Mr. AUSTIN. Will the gentleman yield?

Mr. GARDNER of New Jersey. I will yield to the gentleman.

Mr. AUSTIN. Are express companies in Canada permitted to handle mail matter?

Mr. GARDNER of New Jersey. I have not the slightest knowledge about that, because the Postmaster-General's report would not show it any more than an examination of our report would show it here. Since that matter is brought up, and as this seems to be a rambling sort of an hour, I want to say something about the carrying of mail by express companies, or rather the sending by express of matter that would be mailable. I think my friend from Kansas [Mr. MURDOCK] the other day advocated the enforcing of the government monopoly on mailable matter. I would have to change my views before I could favor that. We who subscribe for publications and get them through the mail in the East pay 1 cent a pound, or the publisher does, on that mail. We think that it may pay the Government for hauling that mail, that it only loses in the carriage or delivery. But my friend from California may be getting the same publication, and the Government is probably paying 6 cents to carry it to him. So, so far as my interest in the National Treasury goes, I am already paying a tax to help him get his magazine. If I want them in quantity, I do not want to be further taxed by compelling the publisher to put into the mail 100 pounds of something that may be brought by freight or express for 50 or 60 cents.

Mr. AUSTIN. Will the gentleman allow me one question more?

Mr. GARDNER of New Jersey. Certainly.

Mr. AUSTIN. Would it make any difference in the cost of publication to require them to send it by mail rather than by express in your neighborhood?

Mr. GARDNER of New Jersey. Oh, I can not answer that. These things are all worked up by averages. My understanding is that the magazine published in New York goes up to Boston by freight or express at, say, 75 cents a hundred. Whether the publisher would charge any more for it if he had to send it some other way I do not know.

Mr. AUSTIN. It retails in Boston and New York at the same price it does in San Francisco, does it not?

Mr. GARDNER of New Jersey. Certainly it does, on the system of averages.

Mr. MURDOCK. The gentleman proposed an equation in which there were two parties, himself and the gentleman from California. I propose an equation in which there are three parties in interest, the Government, the gentleman from New Jersey, and the gentleman from California. Now, if we are to cover this country with a uniform rate, naturally we, by maintaining a monopoly in the carriage of any class of mail matter, will possibly make some money on the short haul, as we are rather certain to lose it on the long haul. Does not the gentleman think, then, that when the Government as a third party to this transaction surrenders its carriage on the short haul and retains it only on the long haul, the Government, regardless of the interests of the gentleman from New Jersey, gets the worst of it?

Mr. GARDNER of New Jersey. Yes; the Government gets the worst of it; but, Mr. Chairman, my opinion of the mail system is that when it comes to anything so much a matter of commerce as periodicals in bulk, if the mail steps into the matter at all, it should be to assist the citizen at the point beyond which he can not get them by some other method more cheaply. I do not believe that it is the business of the Government or the right of the Government on a matter that is so much merchandise as half a car of magazines, or a hundred pounds of them, for that matter, to compel a citizen to send them to Boston by mail, and not by some other method, if he prefers it.

Mr. MURDOCK. Of course, the gentleman makes an exception with regard to first-class mail.

Mr. GARDNER of New Jersey. Oh, the letter business! It is out of the question for an individual to ever handle his own letters, and nobody will ever produce enough letters to make it worth while for him to send them by freight or some other

way and have them delivered, one by one, to the addressees. That is beyond imagination, even.

Further, as to this compulsory monopoly of the mail, Mr. Chairman, I can not figure it out, including the delivery, just as some gentlemen have figured it out; and it is my opinion that, while by declaring a monopoly of that mail you may decrease the percentage of loss per pound on all of it you handle, nevertheless the aggregate loss will be increased according to the degree of rigidity with which you enforce the monopoly.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. GARDNER of New Jersey. Yes.

Mr. BENNET of New York. What have you to say as to substituting space for weight, paying for the cars used at a certain rate per mile, full or empty?

Mr. GARDNER of New Jersey. In the consideration of revision of methods of railway-mail pay I have met this difficulty in the space-payment method: It would increase the cost of the mail which is now most expensive to the Government, and possibly reduce the cost of the mail which is transported most cheaply, and this would accentuate the differences which are now used by critics as a weapon in assaults upon our pay system. We now pay $171 per mile of track per annum for 5,000 pounds of mail, but we pay $42.50 per track mile per annum for less than 200 pounds of mail. The 200 pounds with workable room requires, say one-fifth of the floor space that 5,000 pounds requires, which would make our 100 pounds of mail cost not less than $9 a trip, but $34 a trip per mile per annum. The floor space used in our apartment cars nearly equals the floor space used in our post-office cars in the aggregate, so while the space method might be more equitable it would so emphasize the greater cost of our apartment-car mails as to possibly bring about greater pressure for their curtailment as a means of economy, but this curtailment is precisely what much more than 50 per cent of our people do not desire.

Mr. BENNET of New York. Is there a postal savings bank or a parcels post in Canada?

Mr. GARDNER of New Jersey. Canada has a postal savings-bank system. She has no parcels post except as our fourth-class classification is used as a parcels post, and if she has one it goes at 16 cents a pound.

There has been a good deal of criticism, Mr. Chairman, and it is natural, of our Post-Office Department, the executive capacity of its officials, and its administration. I think I ought to say now that in seeking information, in going through its reports and others, I become justified in the assertion that whatever the faults of our own department, it is the best on the globe. [Applause.]

And whatever the faults of its own reports, they are the best published by any government on the face of the earth. [Applause.] And you can get more of the exact truth out of them and know more of the operations of your own postal system from your own reports than you can that of any other nation by their reports. One of the usual criticisms, as we all know, is lodged alike as against Congress and the department, I would suppose, that we are paying more to the railroads than we ought to pay. I hold no brief from the railroads, Mr. Chairman, and if we are paying them too much I am as anxious as any man here to find it out. I freely confess that by every comparison I have been able to make I have thought if it is either way, they were underpaid. A gentleman whom I will not now name, but whom I believe to be the best expert in such matters on top of the ground, says that he thinks the system ought to be revised in the interest of simplicity, but the results will be the raise of the pay as an aggregate. To-day, in looking for some matters, I happened to return to the report of the Wolcott commission, and there I found, over the signatures of Eugene Loud, Senator Wolcott, Justice Moody, men of caliber and probity, a statement that the cost per railway mail route in England, Ireland, and Wales, with their dense population in most parts, was four hundred and odd dollars per route, as against $190 in the United States; but as the methods of computations were different, they could not make the exact comparison by pounds, but felt safe in saying that in densely peopled England, Scotland, Ireland, and Wales, the Government of England is paying more per pound for the carrying of her mail than is the United States, and since those words were written the railway mail pay in the United States has been reduced from 17 to 20 per cent.

Mr. FASSETT. Have you at command the comparison which that same commission made and reported upon as between the cost here and in Germany, and also in France and Canada? It will be interesting to put it in the RECORD right here.

Mr. GARDNER of New Jersey. I have not it. If I had recalled that they reported anything on Canada, I would gladly have put it in the RECORD.

Mr. FASSETT. They printed Bradley's report. He is superintendent of the Railway Mail Service in New York. He made this statement in several forms: That so far as he could find routes in this country and Canada which were comparable one to the other, and so far as he could compare services which were fairly comparable one with the other, the Canadian cost was nearly two to one in every instance—twice as much in Canada as in the United States as to the railroads, and almost a similar thing in Germany.

Mr. GARDNER of New Jersey. I do not feel justified in occupying any more time. I only meant to endeavor to come as near as I could to answering questions which might be asked, particularly about this Canadian system, since our mails have been loaded with the potent query.

Mr. KEIFER rose.

The CHAIRMAN. Does the gentleman from New Jersey [Mr. GARDNER] yield to the gentleman from Ohio?

Mr. GARDNER of New Jersey. I do.

Mr. KEIFER. What I want to get at from you or somebody is whether they have the rural route system of delivering mail that is anything like in character to that in the United States. My understanding is that it is a mere incident to some star routes or something of that kind, but not a rural free delivery as we have it.

Mr. GARDNER of New Jersey. I will say to the gentleman from Ohio that I have not been there to see it and know nothing whatever of it except what I can deduce from the reports. As I have said before, they pay for their star routes and their rural service, whatever it is, and screen wagon service and like things, a greater percentage of their total expenditure than we pay for ours, rural delivery included. So it ought to be a pretty thorough system of rural delivery by star routes.

Mr. KEIFER. I understood the statement you just repeated. That was very clear. I have been trying to find out whether they had anything that was at all comparable with our system of delivering mail frequently through the rural regions of Canada.

Mr. GARDNER of New Jersey. Nothing that they call a rural delivery system.

Mr. KEIFER. Is it the equivalent of ours in any way?

Mr. GARDNER of New Jersey. Well, perhaps as nearly equivalent as the delivery and the taking up of letters by our star-route carriers could do.

Mr. MURDOCK. I want to ask the gentleman this: Second-class publications in the United States go at 1 cent a pound. In Canada they go at one-fourth of a cent a pound, and for a considerable period our publications going into Canada went at one-fourth of a cent a pound——

Mr. GARDNER of New Jersey. That was for a very short period.

Mr. MURDOCK. That was for a very short period. After an interim Canada then placed a rate of 4 cents a pound on American publications reaching Canada. Now, is it any part of the Canadian system, in your judgment, to build up that system by the low-class rate of one-fourth of a cent a pound?

Mr. GARDNER of New Jersey. Mr. Chairman, I suppose we are not at liberty here to ask the stenographer to lift his pencil. Canada has two motives unquestionably. One is to foster within Canada such literature as she wants, and the other is to exclude from Canada such literature as their chief postal official thinks Canada does not want by a prohibitive postage rate——

Mr. FASSETT. The discrimination is 16 to 1, which is Democratic. [Laughter.]

Mr. MURDOCK. Mr. Chairman, as I understand it, the postmaster-general of Canada does not differentiate between the character of publications, but that all American magazines, for instance, would be charged at the rate of 4 cents a pound. That is true, is it not?

Mr. GARDNER of New Jersey. They can all go in at 4 cents a pound; but the postmaster-general of Canada may admit any foreign publication he pleases to the second-class rate in Canada.

Mr. BENNET of New York. He has plenary powers, has he?

Mr. GARDNER of New Jersey. I understood so.

Mr. FASSETT. If you are through with your speech, I should be very glad if you would illuminate the RECORD on something about the fact that express charges are hardly comparable to mail charges.

Mr. GARDNER of New Jersey. We will take that up "by request." You see, I have no notes.

I have said, Mr. Chairman, that it is my opinion—and I think I have a right to it—that railway-mail pay here in the United States is less, on any fair basis of computation, than it is anywhere else in the world.

After all this Canada $800,000 surplus that was to dazzle and blind us by being thrown suddenly in our faces, we hear Uncle Sam is paying more than the express companies for these cars. Take a 20-mile route on an apartment car carrying 100 pounds of mail, $42.50 per track-mile per annum. They pay to the railroad companies $8.50 per annum. Well, if you compute that on the basis of 100 pounds of mail, of course it is very high; but if you compute it on a basis of space in the car, why equally, of course, it is ridiculously low.

A dealer asked me last winter why he could not get as good treatment in the cars as Uncle Sam. I said, "What do you mean?" "Why," he said, as he figured it out, "the Government is paying $2.58 a day for this space. I will pay $8 a day for it." I asked, "What do you want with it?" He said, "I want to send poultry and truck in it in the morning, and to bring something back in the evening—material that would command a very low rate of freight." [Laughter.] Take the railway-mail matter, Mr. Chairman. Assume that we put in a car 5,000 pounds of mail and six men to work it. Run it to Chicago; it makes $230 plus $5.50—$235.50. Well, we will say $235. That is about what it would amount to. The rate to Chicago for passengers is $17.50 each. Take a passenger car with 13 or 14 passengers only, or one-third full; it yields more money than the mail car pays. If there is an express car on the train holding, say, 8 tons, much of it may be magazines and heavy matter, which are taken very cheaply. A package comes down that contains milady's hat, and it doubtless pays 35 cents a pound, perhaps 50 cents. If there be some valuable papers on which a high value is set, they pay four. five, or six dollars a pound. If there is money in there and the bills are large enough, it is paying several thousand dollars a pound, and so on. When the car is made up, it is a ridiculously low assumption to state that the average rate of the stuff in the car will be 3½ cents a pound. Three and one-half cents a pound would be about $560; 60 per cent, $336; $41 more than the railway postal car pays to the railroad.

Mr. FORNES. Right there I would like to ask the gentleman a question on the express car and the mail car. The express car will earn more money than the mail car. But whatever there is in the express car the companies will be liable for because of fire, theft, or negligence. Now, what represents the compensation in that respect concerning the railway mails?

Mr. GARDNER of New Jersey. The car has in it six men in the government employ. Working on their feet, they are more likely than the rest to be injured. They claim a right to additional salary on that account, and they have the same claim of liability that is given to a passenger in the parlor car against the company.

Mr. FORNES. I admit, then, their liability is greater concerning the mail car.

Mr. GARDNER of New Jersey. Mr. Chairman, if there is any reasonable basis or any reasonable comparison on which to figure down this railway-mail pay, I am looking for it, and the first gentleman that feels that he is possessed of it I hope will share his treasure with me.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. GARDNER of New Jersey. Yes.

Mr. STEPHENS of Texas. It is charged that they carry heavy freight, such as the magazines you have mentioned, and also daily papers, at one-half a cent a pound by express, while they charge the United States Post-Office for carrying the mail 1 cent a pound. Why that difference?

Mr. GARDNER of New Jersey. Before I could answer why there was the difference, the difference would have to be established. The testimony of the gentlemen interested represents that they make special contracts with the railroad, not with the express companies, as I understand it——

Mr. FASSETT. That was for the New York World?

Mr. STEPHENS of Texas. Extra issues.

Mr. FASSETT. They make contracts with the railroad, not the express companies.

Mr. GARDNER of New Jersey. The contracts are made directly with the railroads, and for carloads or large weights. Now, a cent a pound is $20 a ton, which is a high rate for that kind of business.

Mr. STEPHENS of Texas. I do not know how it is. I am not a member of the gentleman's committee and have not been present at the hearing. These are only statements that I gather from the newspapers. It is stated that express charges are about half the post-office charge on the same papers, carried over the same road on the same train, the only difference being that one is an express car and the other is a mail car.

Mr. GARDNER of New Jersey. Take up that statement and let us see what it means. It just illustrates what I was trying to state awhile ago, that these things are made up on averages. A car is down here at the Union Depot, for instance, going to New York. There is a quantity of newspapers to go. They are packed tightly, and they make heavy packages, which go at a low rate. There is a quantity of magazines to go. I have no doubt they go at a cent a pound. Then comes a box of dry goods at a very much higher rate. Then comes a package of millinery at a very much higher rate; so that when that carload of stuff is made up the average price on it is many per cent of what they charge for hauling the mail.

[The time of Mr. GARDNER of New Jersey having expired, Mr. WEEKS yielded to him five minutes more.]

Mr. GARDNER of New Jersey. Mr. Chairman, unaware until recently that this turmoil was to be raised, or that there was to be a comparison between our system and other systems, or that we were to be asked to locate specifically the sources of our deficit as compared with the Canadian system, nobody had notice enough to give necessary time to the foreign reports, which are much more blind than ours, and deduce from them an accurate conclusion, to which the House would be fairly entitled if accurate information were necessary. But I have found enough, as I think, to satisfy us that while it may not be all that it ought to be, we have the best administered postal service extant. We have individual officials, if we can judge by their reports, who know more about the details of the service than the individuals who make the reports found in the pamphlets of other governments. Nevertheless I would like to see this postal service reorganized in a sense.

I have no doubt that we are making millions annually on first-class matter which we are dissipating on other matter. Whether anybody thinks of raising the rates on any class of matter is not in the question at this time; but we ought to know where the profits that we make on some matter are being expended; because, as I said in the beginning, sooner or later, and the time is not so far ahead, that question must be met. If at the end of three decades the increase shall have been as rapid as it has been in the last three the deficit of $17,000,000 will have grown to $100,000,000, and a deficit of $100,000,000 will be a vital matter. Gentlemen say that if there is going to be a change in the rates there must be a time for interests to be adjusted to it. I am not here this afternoon asking for a change of rates, but I do want the investigations to go on until a substantial agreement can be reached as to just where the earned millions are dissipated, so that when the matter becomes serious and we are compelled to take notice of it we will not have to proceed to the discovery of just where the difficulty lies while the deficit is growing. [Applause.]

Mr. WEEKS. I yield to the gentleman from Alabama [Mr. UNDERWOOD] forty minutes.

Mr. UNDERWOOD. Mr. Chairman—

We believe in the upbuilding of the American merchant marine, without new or additional burdens upon the people and without bounties from the Public Treasury.

Thus spoke the representatives of the Democratic voters of the United States in the convention at Denver, Colo., in 1908, when they gave to the country as the exponent of their faith the national Democratic platform.

Shall the Representatives in Congress holding allegiance to the Democratic party keep the faith and redeem the pledge? If so, how can the upbuilding of the American merchant marine be accomplished without new or additional burdens upon the people and without bounties from the Public Treasury? Let us follow in the footsteps of the fathers of our party and we will find the way.

A convention called at Annapolis shortly after the close of the Revolutionary war for the purpose of devising ways and means by which the colonies could protect the commerce and shipping interest of the newborn Republic was the first move toward the adoption of the Constitution of the United States, and from this convention ultimately sprung the constitutional convention that gave to our country the greatest written constitution ever conceived by man for the organization of free governments, so that it can be justly said that the encouragement of American shipping and American commerce was one of the foundation stones of our Republic.

No question outranked in importance the fostering care of our commerce in the first Congresses of the United States. The building of American ships and the development of our foreign commerce for years has been discussed from many and varied standpoints. When we consider the building up of the American merchant marine we naturally ask the question, Is it worth while, and if it is worth while, what are the benefits to be obtained? Almost before the dawn of civilization nations were fighting for trade, and it has always been recognized that

a favorable balance of trade was a vital factor in the commercial life of nations to be contended for by all. A country may maintain the balance of commerce in its favor by its export of commodities produced at home, either agricultural or manufacturing; or it may maintain a balance in its favor by reason of the work done by it for other nations. England, Norway, Germany, and France are great carriers of commerce for others than themselves. They annually have an adverse balance of trade against them amounting to hundreds of millions of dollars, but as great as this adverse balance of trade is, they easily pay it by carrying in their ships the products of other nations. Without their earnings from their ships they could not for any length of time continue their present excessive importation of commodities from other lands.

Transportation must be balanced as well as trade, either by trade, by transportation, or by the exchange of precious metals, securities or investments. It has been recognized universally that a country that settles its balance of commerce in gold must ultimately become a decadent nation, poorer and poorer as the years go by.

Our early statesmen, recognizing this fact, contended for fair commerce between the colonies and foreign nations. Benjamin Franklin stated:

> Fair commerce is where equal values are exchanged for equal, the expenses of transportation included. Thus, if it cost A in England as much labor and charge to raise a bushel of wheat as it cost B in France to produce 4 gallons of wine, then are 4 gallons of wine the fair exchange for a bushel of wheat, A and B meeting at half distance with their commodities to make the exchange. The advantage of this commerce is that each party increases the number of his enjoyments, having instead of wheat alone and wine alone the use of both wheat and wine.

The balance of commerce in its trade relations with other countries is largely the determining factor in the life of a nation, that ascertains whether it shall be rich or poor, weak or strong, dependent or independent. Shipless trading nations are constantly in foreign debt and often in financial straits.

The preponderance of exports over imports may fix the balance of trade in a nation's favor; nevertheless, if some other nation is carrying its commerce, the cost of transportation being paid to the foreigner, the balance of commerce often is left in favor of the foreign nation and must be paid in gold or its equivalent. Let us not forget that commerce consists of transportation as well as trade. The freight charge becomes a part of the value of the cargo; whether it is credited to the side of the imports or the exports depends on whether the ship is foreign or domestic. Our own ships carrying goods abroad increases our credit there; our own ships bringing goods home saves in debt here. It is of equal importance that the charge for transportation should be equally balanced as that the trade balance should be in our favor. Where two countries do an equal amount of the carrying trade between them, a balancing of the imports and exports may show the debtor and creditor side of their trade condition, but where one is doing a preponderance of the transportation, that must be taken into the reckoning before a true balance of the account can be ascertained.

This is illustrated from the history of our own commercial transactions. The first favorable balance of commerce, of 66 cents per capita, occurred in 1793, four years after the inauguration of the Government. Our trade balances, as shown by the imports and exports, were adverse to the extent of $1.18 per capita, but transportation being in our favor to the extent of $1.84 per capita, left us on the credit side of the national ledger. The first favorable balance of trade, that is of imports and exports, did not happen until 1811, and was largely induced by conditions growing out of the threatened war with England, but up to that time the balance of commerce had been largely in our favor, due to the earnings of our ships in the carrying trade. The greatest excess of transportation per capita that our country has ever experienced was in 1807, when it amounted to $6.90 per capita. That year our exports were $16.25 per capita and our imports $20.78 per capita, which left a balance of trade against us, but our earnings on the sea converted an adverse balance of trade to a favorable balance of commerce to the extent of $2.37 per capita. For the first half century of our Government our shipping interest by its earnings secured for us a balance of commerce in our favor, but after the decline of the American shipping interest had once begun we have had a balance of commerce against us with very rare exceptions, notwithstanding the fact that in many years the balance of trade has been favorable, by reason of the exports being in excess of our imports.

From 1862 to 1896 we had 25 favorable balances of trade, but 9 of these were converted to adverse balances after paying our transportation charges, reducing our favorable balances of commerce to 16, as against 28 for foreign benefit, in spite of ample exports and a high protective tariff that restricted importations as far as possible. These adverse balances were largely paid in bullion. I find in the statistics of the movement in gold and silver coin and bullion for thirty-three years prior to 1896 that there was a net export of precious metals to the amount of $1,366,755,000 toward the payment of our adverse balances, a dangerous condition for even the strongest and wealthiest of nations to continue in, and yet during all these years that the Republican party has controlled the Government absolutely nothing has been done to correct the evil of shipping our basic money abroad, to discharge adverse balances of transportation recurring from year to year, caused by the absence of an adequate merchant marine.

The importance of a merchant marine to our country was clearly expressed by Thomas Jefferson, then Secretary of State under George Washington in 1791, when he said that "the marketing of our products will be at the mercy of any nation which has possessed itself exclusively of the means of carrying them, and our politics may be influenced by those who command our commerce." This statement, made nearly one hundred and twenty years ago, is prophetic of our present condition. Foreign governments are almost exclusively possessed of our foreign carrying trade, and, to a large extent, the arrangement of their shipping routes has excluded our commerce from the markets of South America and will continue to do so as long as present conditions remain.

Since the civil war the Republican party has had either absolute or partial control of the Government, except for two years during the first half of the second Cleveland administration. In this period of nearly sixty years nothing has been done toward building up our carrying trade or restoring it to the position it occupied in the first half century after the organization of the Government. In 1860 our carriage in American vessels of imports amounted to 60 per cent and of exports to 72 per cent, or an average of 66 per cent of American commerce carried in American ships; to-day the American commerce carried in American ships averages about 9 per cent. During the life of the Republican party it has placed on the statute books what is known as the act of March 3, 1891, which provides for a mail-contract subsidy, providing bounties for certain ships carrying the mail of the United States. As our shipping has decreased to a very large extent since the passage of this act, this fact has demonstrated that the act was not an effective remedy for existing evils. It has also enacted into law a pretended discriminating tariff against foreign ships, which under its terms became inoperative at once. All the legislation it has ever passed has been ineffective and barren of results, so far as our merchant marine and foreign commerce is concerned.

The Republican party now again proposes a mail-contract subsidy to relieve the situation, but this proposition is sure to be as ineffective and barren of results as the law passed in 1891. A few million dollars paid by way of subsidy to favored ships can not possibly build up an American merchant marine or change the channels of commerce along the lines most beneficial to the American export trade.

Senator Hanna, of Ohio, realizing that if bounties were paid American ships to carry American commerce they must be large enough to become effective, introduced and advocated for the Republican party a ship-subsidy proposition at the beginning of this century. The bill was known as the "Hanna-Payne bill," and provided that the compensation paid to American ships should be as follows:

1. Upon gross tonnage.
2. For mileage sailed both outward and homeward bound.
3. To all vessels engaged in trade between our own and foreign countries.
4. According to speed, the rate per ton to certain vessels with ability to speed over 14 knots was increased proportionately.

It was claimed by the advocates of this bill that the terms of the bill were as low as feasible, if success might be hoped for. Sailing vessels of less speed than 14 knots were to be compensated at the lowest rate, namely:

> One and one-half cents per each gross ton for each 100 miles for the first 1,500 miles sailed, both outward and homeward bound, and 1 cent per gross ton for each 100 miles over 1,500 miles sailed, both outward and homeward bound.

Additional rates were payable to certain steamers that could sail faster than 14 knots an hour. It was computed that the average voyage in our foreign trade is about 3,756 miles, and that for the average ship the compensation would amount to 82.62 cents per ton for its gross tonnage. It was further estimated that for the year 1900 the inward and the outward movement of the foreign trade of the United States in vessels would be about 48,751,333 tons. Under these circumstances, if American commerce had all been carried in American ships, the subsidy for that year to be paid out of the

Treasury would have amounted to over $40,000,000, and with the increased commerce in the last ten years, if the bill had passed and been placed on the statute books, the amount paid out of the Federal Treasury up to date would have amounted to more than one-half of the national debt of the United States. These figures so alarmed the proponents of the bill that they ultimately limited the amount that could be expended under its terms to $9,000,000 a year, but this proposition, of course, was illogical; $9,000,000 a year would only have carried one-fourth or one-fifth of our foreign commerce, one-half would have been paid to ships already in commission engaged in the foreign carrying trade, and the total increase under the terms of the bill of American ships in the foreign carrying trade would have been only one-tenth of the whole.

If it were a good thing to pay $9,000,000 to increase our carrying trade one-tenth, the logic of the argument would carry us to the conclusion that it would have been a good thing to have paid sufficient subsidy to enable American ships to carry our entire commerce. The amount of the bounty to be paid out of the Federal Treasury, and the fact that the bill was more in the interest of shipbuilders than of foreign commerce, as under its terms a ship would receive its bounty for each voyage whether it carried a cargo or not, demonstrated so conclusively the ineffectiveness of the bill that the Republican party could not be united in favor of it, so it fell of its own weight.

Surely if it would have taken $40,000,000 under a system of bounties and subsidies to restore the American ships to the control of our foreign carrying trade in 1900, a mail-subsidy contract providing for an appropriation of a few millions could not possibly be effective at this time, and the only result of the passage of such a bill would be to pay an additional subsidy to ships already in commission, without increasing our present fleet to an appreciable extent.

The greatest objection to this form of legislation is that when you make a direct appropriation from the taxes gathered from the people to build up special interests, there is no defining where the line will ultimately be drawn; for if we can tax the people to subsidize one man's business, we can tax them to pay tribute to another. It is a most dangerous proposition to contend for. The Constitution of the United States contemplated the raising of taxes for specific governmental purposes, such as the maintenance of the courts and the building of the navy, but clearly did not contemplate, within the limited powers granted by the States to the Federal Government, the right to subsidize special interests out of the Federal Treasury.

This proposition was stated very clearly by James Madison in a speech in Congress on a bill to grant bounties to deep-sea fisheries. Mr. Madison said:

> Several arguments have been advanced to show that because, in the regulation of trade, indirect and eventual encouragement is given to manufactures, therefore Congress has power to give money in direct bounties or to grant it in any other way that would answer the same purpose. But surely, sir, there is a great and obvious difference, which it can not be necessary to enlarge upon.
>
> A duty laid on imported implements of husbandry would, in its operation, be an indirect tax on exported produce; but will any one say that, by virtue of a mere power to lay duties on imports, Congress may go directly to the produce or implements of agriculture or to the articles imported?
>
> It is true duties on exports are expressly prohibited; but if there were no article forbidding them, a power directly to tax exports could never be deduced from a power to tax imports, although such power might directly and incidentally affect exports.
>
> In short, sir, without going further into the subject, which I should not have here touched on at all but for the reasons already mentioned, I venture to declare it as my opinion that were the power of Congress to be established in the latitude contended for, it would subvert the very foundation and transmute the very nature of the limited government by the people of America; and what inferences might be drawn and what consequences ensue from such a step, it is incumbent on us all well to consider.

In other words, an indirect benefit may arise to special interests by reason of the power to levy taxes, such as the incidental protection that may come from levying a duty on foreign imports coming into this country; but the fact that Congress is authorized to levy taxes, and that thereby some special interests derive a benefit from levying these taxes, does not by any means authorize the collection of taxes and the paying of the money collected out to special interests, no matter how worthy the purpose of the appropriation may be.

Many of the men who were members of the Constitutional Convention were Members of the first Congresses of the United States. These Congresses were greatly interested in the development and building up of our merchant marine and the control of our foreign trade. No men understood better the limitations of the powers of Congress than the men who served in the Senate and the House of Representatives in the early history of our Government, and it is interesting to note the policy they pursued and the course they followed to produce the desired results. The first bill enacted by the Congress after it assembled was the tariff act of July 4, 1789. Section 5 of that act reads as follows:

> SEC. 5. And be it further enacted by the authority aforesaid, that a discount of 10 per cent on all the duties imposed by this act shall be allowed on such goods, wares, and merchandises as shall be imported in vessels built in the United States and which shall be wholly the property of a citizen or citizens thereof, or in vessels built in foreign countries, and on the 16th day of May last wholly the property of a citizen of the United States, and so continuing until the time of importation.

From this it will be seen that a discriminating duty by way of discount of 10 per cent was given on all goods imported into the United States in American ships owned by American citizens. James Madison, the father of the Constitution of the United States, was in charge of the bill, and the logic and force of his great intellect was in favor of the adoption of the discriminating duty in favor of American ships.

A few years later the tariff act of August 10, 1790, was passed, and section 2 of this act reads as follows:

> SEC. 2. And be it further enacted, that an addition of 10 per cent shall be made to the several rates of duties above specified and imposed in respect to all goods, wares, and merchandise which after the said last day of December next shall be imported in ships or vessels not of the United States, except in the cases in which an additional duty is hereinbefore specially laid on any goods, wares, or merchandise which shall be imported in such ships or vessels.

From this law it will be seen that the discriminating duty was still continued in force, but was changed from a discount of 10 per cent on goods coming in American vessels to an additional duty of 10 per cent on goods imported in foreign vessels.

These discriminating tariff duties were again enacted in the act of June 7, 1794, and again in the tariff act of January 29, 1795, and again in the tariff act of May 11, 1800. The tariff act of March 12, 1804, section 3, reads as follows:

> SEC. 3. *And be it further enacted*, That an addition of 10 per cent shall be made to the several rates of duties above specified and imposed in respect to all such goods, wares, and merchandise as aforesaid as shall, after the said 30th day of June, be imported in ships or vessels not of the United States.

It is worthy of note that this bill was passed in the administration of Mr. Jefferson, was signed by him when it became a law, and carried his approval of a discriminating duty of an additional 10 per cent levied on all goods imported into this country in foreign ships for the purpose of upbuilding the American merchant marine.

Practically the same law was reenacted in the tariff act of July 1, 1812, and again reenacted in the tariff act of February 25, 1813, when James Madison was President of the United States, and received his approval, as did the first discriminating duty passed by the First Congress. These discriminating duties in favor of the American ship and the upbuilding of our foreign commerce were advocated, proposed, and enacted into law by the founders of the Democratic party. Our statesmen advocated the enactment of this legislation both as a matter of principle and as a good business and governmental policy. The wisdom of their laws was demonstrated by the results obtained. Such was the purpose and good effect of these acts of Congress that from 1789 to 1794, a period of seven years, the carrying of foreign imports in American ships rose from about 17 per cent to 94 per cent, and the exports of all American goods in American ships during that same period rose from about 30 per cent to 90 per cent, until the war of 1812, when it fell to an average of 55 per cent, but fully recovered in six years and culminated at an average of 92½ per cent in 1826.

At this time a suspension of the discriminating duties in favor of the American ships was recommended by the President, and in 1828 an act for this purpose was passed, which I will now read:

> That upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied in the ports of said nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufacture, or merchandise imported in the same from the United States or from any foreign country, the President is hereby authorized to issue his proclamation declaring that the foreign discriminating duties of tonnage and impost within the United States are and shall be suspended and discontinued, so far as respects the vessels of the said foreign nation and the produce, manufactures, and merchandise imported into the United States in the same from the said foreign nation or from any other country, the said suspension to take effect from the time of such notification being given to the President of the United States and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes as aforesaid shall be continued, and no longer.

The new policy was admitted as experimental, but it was contended that if it should not work as expected and a loss of carrying trade should follow, then Congress could repeal the conventions made under its terms and reinstate the old system. The passage of the bill proved the undoing of the merchant marine, and the policy it inaugurated has never been changed.

Shipping nations were not honest enough between themselves for the application of free-trade principles in navigation, and most of our rivals while professing to practice a policy of non-

discrimination against American ships, acted unfairly and resorted to some form of ship protection, either by granting subsidies or bounties or by adopting other methods of discrimination against American ships.

Great Britain did not avail itself of the benefits of the law of 1828 until 1850, and in twelve years thereafter we had lost 21 per cent of our carrying trade. This brought us up to the period of the civil war, and shows conclusively that it was not war conditions alone that destroyed our merchant marine, but the change of policy on the part of our Government had commenced its destruction before the war period was reached. Under these circumstances it seems clear to me that the constitutional and effective way to restore the American ships to the seas and carry American commerce in American bottoms is to return to the policy of the fathers and for the Congress to adopt again a discriminating duty in favor of American ships.

A reduction of the tariff of 5 per cent on all goods imported into the United States in American ships would give the American shipowner an advantage over the foreign shipowner in payment of duties of from ten to fifteen millions of dollars annually. This would not fall as a burden on anyone; it, of course, would enable the American shipowner to charge nearly the amount of the discriminating duty as additional freight rates, but it would not increase the cost of goods imported in this country a dollar over what they are to-day. It would not take a dollar out of the Federal Treasury, and, in my judgment, it is the only effective remedy that can be adopted toward building up the merchant marine of our country, and keep the profits that are derived from the transportation of our foreign commerce at home instead of paying it to foreign nations. The only objection that I have heard urged to this policy has been that it would be in violation of our foreign treaties, and that we could not afford to endanger our trade relations with foreign countries in this way.

I hold in my hand a pamphlet that has been issued by William W. Bates, president of the Shipping Association of America, and at one time Chief of the Bureau of Navigation, then a bureau in the Treasury Department, but now in the Department of Commerce and Labor. There is no man in America better advised and informed on these questions than Mr. Bates, and I read you what he says as to how far conventions made under the act of 1828 are effective and control our actions to-day:

> It is supposed by some who are friends of our marine, and others who are not, that certain conventions, which some term treaties and others think are commercial covenants, stand in the way of reviving our early policy of trade regulations. They take it that our early policy was abandoned, and that foreign nations have acquired the rights that we relinquished. These notions are mistaken. The "conventions" were made for nothing else than the mutual suspension of ship protection, then generally secured by trade regulations. In making these agreements our early policy was not abandoned, only temporarily and conditionally "suspended" (that is the word in the act) as to such nations as would reciprocate for a term of years—generally ten. With respect to other nations, our primal policy is in full force to-day. Only twenty-two nations are now excepted from our regulations as they stood in 1828. Several nations—such as Brazil, Peru, Nicaragua, and Venezuela—have terminated their conventions with us, without at all disturbing their trade relations. We had a commercial convention with England (1854–1864) for trade reciprocity with Canada, which we terminated in 1865 without injuring our trade relations in the least.
>
> We relinquished no rights whatever by granting a privilege for a term of years. On the contrary it may be contended that our rights on the sea, and to the regulation of our trade, were confirmed by every nation that made a convention with us—for a privilege to bring to our ports ships and cargoes from their own and other countries free of discriminating duties. The conventions merely made exceptions to our permanent law. The right to terminate the conventions, after the expiration of the term fixed, was reserved by stipulation to each party, and the exercise of this right can not be questioned by either party, nor can other parties offer valid objections.
>
> However, there are some to whom these facts should be common knowledge, who ask whether the termination of our "maritime reciprocity conventions" (not treaties) "would not mean the tearing up of our trade relations with the rest of the world?" The answer is, most decidedly, "No!" Trade relations are not at all concerned. Our trade relations were established with foreign nations long before any of these "conventions" were made. They are like a coverlet to a bed—that may be left on or laid off.
>
> We have a just cause of action against these conventions. Under them, and owing to them, our foreign carrying trade has been lost. Other nations have gained it from us. Doubtless they believe in them, because our hands are tied from using against them the only protection possible under our Constitution; but why any American feels like longer tolerating them seems strange indeed. With the conventions terminated the argument for the safety of trade relations would vanish, since it has no more weight than a summer cloud.
>
> Besides, in point of fact, our rivals have paid no attention to the spirit and true object of these conventions—the doing without ship protection. On the contrary, all of them have resorted to protective devices of some sort. Devices such as some substitute for trade regulations are impossible of application in the United States. The truth is that our foreign carrying trade needs more protection than that of any foreign nation, and Congress must be perfectly free to make it into law; to provide a defense against the advantages and adverse devices of foreign nations, and to secure in perpetuity for our commerce the services of an adequate American marine.
>
> These conventions, save one, with two years remaining, have long since run out their time. They were based on "reciprocity," but we have now no ships, and reciprocity has vanished. No longer is there a pretense of equity or usefulness in them. While they continue there seems to be the shadow of an excuse for calling on Congress for "ship subsidy"—as compensation for their injurious action.
>
> Some have advanced the idea that termination of these conventions would cause retaliation of some sort. That would be unjustifiable. It would be very uncivil treatment, a manifestation of malice, a breach of the peace. It would challenge our freedom, our courage, and our pride. It would mean war, with its "horrid front." It would mean a merchant marine with the return of peace—unless the Republic shall go down in defeat. We are a free Nation, and it is known that we can and will defend our rights, our honor, and our national life. The idea of "retaliation" because we act within our rights to regain our place on the sea—what is it? Nothing but a foolish appeal to cowardice. There will be no "retaliation" until the nations have lost their senses. Tell the world that we, Americans, dare not by proper legislation recover our lost place as a shipping nation if you will, but there is no brave nation governed by rulers so simple as to believe it. Only the fearful among the politicians of our own Nation would be such simpletons.

As stated by Mr. Bates, it is clear that there are no treaties that stand in our way to prevent us from enacting a discriminating tariff duty in favor of American ships. It was the policy of the fathers; it built up our merchant marine from a point where it was carrying 17 per cent of our commerce to a point where it was carrying 90 per cent of American commerce in a period of seven years. It does not place additional burdens on the people; it is not a policy of doubtful constitutionality; it is a policy that has been tried and proven effective. It is a policy by which we can restore the American flag to the seas and the American ships to our commercial trade. It is a policy that will enable us to build up the export trade of the American people. It is a policy that will enable us to find foreign markets for our surplus products in agriculture and manufacture. It is a policy that will restore the balance of commerce as well as trade to our Nation. It is a policy that will ultimately overcome the necessity of our paying a foreign balance in gold to European nations and will bring prosperity to all lines of industry. [Applause on the Democratic side.]

Mr. MOON of Tennessee. Mr. Chairman, I now yield twenty minutes to the gentleman from Ohio [Mr. TOU VELLE].

Mr. TOU VELLE. Mr. Chairman, in the second session of the Sixtieth Congress I introduced H. R. 28071, to prohibit the Post-Office Department from printing certain matter on stamped envelopes. Said bill was reintroduced in the first session of the Sixty-first Congress as H. R. 3075, and is as follows:

> *Be it enacted, etc.*, That from and after the approval of this act it shall be unlawful for the Post-Office Department, or any officer, head of bureau, or chief of division thereof, to print or have printed, or sell or offer to sell, any stamped envelope bearing upon it a printed direction giving the name of any individual, firm, or company, or any number of any post-office box or drawer, or any street number, or the name of any building to which it shall be returned if uncalled for or undelivered: *Provided*, That this shall not apply to those envelopes printed with a return card left blank, as to name, address, box, drawer, street number, or building, and which only give the name of the town or city, with the State, District, or Territory.

As reported by the House Committee on the Post-Office and Post-Roads February 18, 1910 (Report No. 498), the substance of this bill appears as a proviso in the annual appropriation bill. The same language is used, except that instead of taking effect "from and after approval," it is to be in force "from and after June 30, 1911," in order not to interfere with the existing contract with the manufacturer of stamped envelopes.

The Government has printed special-request envelopes since 1865. They are not printed in government printing offices, as is sometimes assumed, but by the corporation that manufactures stamped envelopes.

No profit is to be derived by the Government. The Statutes of the United States, Supplement 1, page 110, section 114, provide that—

> No stamped envelopes or newspaper wrappers shall be sold by the Post-Office Department at less—in addition to the regular postage—than the cost, including all salaries, clerk hire, and other expenses connected therewith.

This provision is construed by the Postmaster-General, in an official statement, to require that—

> stamped envelopes be sold at cost of manufacture and distribution in addition to the postage value.

This is the manifest intent and purpose of the law.

It is claimed by the gentleman from Indiana [Mr. BARNHART], in his speech delivered on the 21st instant, that on envelopes of a certain size the Government loses 22 cents per thousand on each 1,000 distributed, in addition to the cost of the clerical work required to handle this business.

The Third Assistant Postmaster-General, in his annual report for the year ending June 30, 1909, makes the following statement:

> Of the 1,509,626,246 stamped envelopes and newspaper wrappers issued in the fiscal year 1909, 1,027,474,889, or 68.06 per cent, were return-card "special-request" envelopes.

If there is only a slight loss on every thousand of these special-request envelopes, which are purchased in lots of 500

or more, the aggregate would be very great. The Government, under the present law, can not receive a profit arising from the sale of these envelopes, so that a claim of financial advantage can not be urged in support of the continuance of the system.

The arguments made to sustain the practice which this bill seeks to remedy, though undoubtedly urged in good faith, can be, I believe, successfully controverted. Let us first disabuse our minds of any misapprehension as to the scope and purpose of this bill.

No attack is made on the government stamped envelope. The utility of this device is acknowledged; its convenience to the people as well as its value in the mail service is freely admitted. There is no section or line in the bill which in any manner interferes with the production and distribution of the plain stamped envelope commonly used.

No attack is made on the general principle involved in the return request. The proviso of the proposed bill specifically enacts that—

> This shall not apply to those envelopes printed with a return card left blank as to name, address, box, drawer, street number, or building, and which gives only the name of the town or city, with the State, district, or Territory.

The request for a return is a good thing, either written or printed.

We therefore recognize the fact not only that the stamped envelope is a necessary convenience and that its manufacture and sale must be controlled by the Post-Office Department, but we also realize that in many cases the printing of the blank corner card, specifically permitted by the proposed bill, is a convenience to the smaller user and of a sufficient advantage to the postal service to justify the manufacture and sale of envelopes so printed under public auspices. We deny, however, that there is any justification, either in principle or in policy, for the Post-Office Department to continue in competition with our local newspapers by offering to print without charge individual corner cards on stamped envelopes in quantities of 500 or upward.

The fact that the department, in the performance of its prescribed functions, enters into competition with other private enterprises furnishes no argument tending to establish the justice of its encroachment on private rights and privileges in this case.

When this practice of printing return requests without charge was inaugurated forty-five years ago, there may have been sufficient reason for it. The mail system was in its infancy, with only a fraction of the volume of business that it now enjoys; the methods of transportation, distribution, and delivery were crude; the public had very little conception of a rapid and efficient service; scarcely anybody took the trouble to write or print a request for the letter, if undelivered, to be returned to the writer; and the work of the Dead-Letter Office was undoubtedly swollen through the lack of this system.

But the system has now endured for forty-five years. The habit of using printed requests, whether furnished by the Government or private persons, has become well-nigh universal in business circles and would continue if the Government ceased to furnish them.

The private correspondence of the occasional letter writer, which furnishes almost the whole of the mail that goes to the Dead-Letter Office, is not now reached by this practice of which we complain, and will never be reached by it. They will never purchase stamped envelopes in lots of 500. If they use stamped envelopes with return cards, they purchase, and will continue to purchase, them at the post-offices, paying for them at the rate of $10, $5, and so forth, per thousand—in addition to the value of stamps—according to the number purchased.

The contention that the withdrawal of this free individual corner card-return privilege would fall most heavily upon the farmers, millers, creameries, lumbering firms, and other rural concerns is without force. It would be difficult to conceive of a farmer, or an industry of any of the classes mentioned, doing business enough to warrant the purchase of 500 stamped envelopes in one order so remote from a printing office as to experience inconvenience in placing an order for such envelopes as he needed.

The strongest argument offered by those who advocate the extension of government functions to compete with private enterprises is based on the claim that it is sometimes necessary to do this to break up a monopoly; but this practice by the Government of furnishing envelopes with a special individual request printed thereon free of charge to the purchaser has a direct adverse effect. It builds up a monopoly in the form of a government contractor with a plant so extensive that no one can bid against him on equal terms. It is true that the contract is awarded to the lowest bidder, but since the inauguration of the stamped envelope in 1865 it is understood that only two corporations have ever held the contract.

The present system destroys individual competition by the private printers, who would otherwise bid against each other to furnish the consumer with printed envelopes. This competition would guarantee the public against exorbitant charges, and at the same time furnish employment to citizens in towns and villages.

The country editors of the Nation perform in the aggregate more gratuitous public service and, when their power is concentrated, exert more beneficent and patriotic influence than all other classes of journals.

> Trade hardly deems the busy day begun
> Till his keen eye along the sheet has run;
> The blooming daughter throws her needle by
> And reads her schoolmate's marriage with a sigh;
> While the grave mother puts her glasses on
> And gives a tear to some old crony gone.
> The preacher, too, his Sunday theme lays down,
> To know what last new folly fills the town.

Yet the country newspapers, these recorders of local history, receive but a fraction of the compensation they richly earn. They submit patiently to varied forms of competition. City printers canvass for all the profitable jobs of the local business men—men whom the editors unselfishly serve; rural free delivery carries to their farmer subscribers the cheap city daily at nominal postage rates.

They are surrounded by many disheartening conditions, which are endured without murmur or complaint; but when the Government offers and furnishes free printing on stamped envelopes, which unnecessarily deprives them of a legitimate source of revenue, and when the Government by this practice derives no benefit, either financially or otherwise, they most respectfully, but emphatically, object.

We suggest to other workers and business men the reflection as to how they would feel if the Government unnecessarily introduced competition with them and supplied consumers with their goods at cost or less than cost. If the Government were a direct competitor of the manufacturers and dealers in other lines, selling to their consumer at cost or less than cost and using the mails without postage to take away their customers, with every postmaster an agent for this destructive competition, would these gentlemen submit to such an invasion of their private enterprise without making an effort, at least, to get relief?

The country editors are justified in asking help of other industries for two reasons: First, because they should be glad to assist fellow business men when suffering from injustice, and, second, because if this unnecessary tendency toward paternalism continues all forms of industrial enterprise may become involved.

Mr. Chairman, I believe that every Member of this House wants the newspapers in his district to have the right to compete for this business, and, so believing, ask their unanimous support for this change in the postal laws.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. TOU VELLE. Certainly.

Mr. STEPHENS of Texas. Is it not a fact that on the return blank they print the name of a corporation?

Mr. TOU VELLE. I think they can.

Mr. STEPHENS of Texas. Can they give the business of the private individual?

Mr. TOU VELLE. I do not think they can.

Mr. STEPHENS of Texas. I would like to ask the gentleman from Massachusetts, chairman of the committee, if they allow in this return the line of business of the individual to be stated?

Mr. WEEKS. I understand the return is limited to the request for the return, the name of the person, the street, town, and State.

Mr. TOU VELLE. But they can say it is a corporation—a bank, for instance.

Mr. WEEKS. I am not sure about that.

Mr. STEPHENS of Texas. I agree with the contention of the gentleman from Ohio. If it is permissible to advertise the man's business, under the practice, I think it is a reprehensible practice. I have been informed that the return cards can be printed in that way.

Mr. TOU VELLE. I do not think they give the business of the individual.

Mr. STEPHENS of Texas. But to put the name of the corporation on the return card advertises the corporation at that point.

Mr. TOU VELLE. It is my opinion that no one is permitted to put anything on the special-request envelope in the nature of an advertisement that will show the nature of the business unless the words showing the nature of the business or adver-

tisement be part of the incorporate name. Under this exception every corporation can advertise its business at government expense, as "Return to First National Bank, Third and Crown streets, Oswego, N. Y.;" "Return to the International Harvester Company," and so forth. These, I think, are advertisements and can be printed on special-request envelopes at government expense.

An individual can not have printed the "Return to Henry Johnson, merchant," or "John Smith, butcher."

I think this covers the question raised by the gentleman.

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and Mr. BENNET of New York having assumed the chair as Speaker pro tempore, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration H. R. 21419, the post-office appropriation bill, and had directed him to report that it had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. WOODYARD, by unanimous consent, was given leave of absence for one week on account of important business.

ADJOURNMENT.

Mr. WEEKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the dismissal by the court in the case of John H. Jackson against The United States (H. Doc. No. 727)—to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Rainy Lake, Minnesota (H. Doc. No. 723)—to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the dismissals by the court in the cases of Joel Mann and others against The United States (H. Doc. No. 728)—to the Committee on War Claims and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of proposed legislation relating to Columbia Institution for the Deaf and Dumb (H. Doc. No. 724)—to the Committee on Education and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Treasurer of the United States relating to items of unavailable funds reported in his general account (H. Doc. No. 721)—to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Public Printer submitting an estimate of appropriation for printing and binding (H. Doc. No. 722)—to the Committee on Appropriations and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Shedrack Pollard, sole heir of estate of Thornton Pollard, against The United States (H. Doc. No. 725)—to the Committee on War Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lee Robbins, administrator of estate of Jacob G. Robbins, against The United States (H. Doc. No. 726)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 89) to reorganize and enlist the members of the United States Naval Academy Band, reported the same with amendment, accompanied by a report (No. 564), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8914) to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 574), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURKE of South Dakota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10321) for the relief of homestead settlers under the act of February 20, 1904, reported the same with amendment, accompanied by a report (No. 575), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19505) for the relief of Eugene Martin, reported the same with amendment, accompanied by a report (No. 566), which said bill and report were referred to the Private Calendar.

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 153) for the relief of Henry Mulvin, reported the same with amendment, accompanied by a report (No. 567), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18848) to amend the record of Joseph S. Oakley and grant him an honorable discharge, reported the same with amendment, accompanied by a report (No. 568), which said bill and report were referred to the Private Calendar.

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the House (H. R. 21636) to provide for the payment of the claim of the Roman Catholic Church of Zamboanga, in the Philippine Islands, reported the same without amendment, accompanied by a report (No. 572), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2863) to provide for the payment of the claims of certain religious orders of the Roman Catholic Church in the Philippine Islands, reported the same without amendment, accompanied by a report (No. 573), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. LAW, from the Committee on War Claims, to which was referred the bill of the House (H. R. 5014) for the relief of William Goldsborough, reported the same adversely, accompanied by a report (No. 569), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 7467) for the relief of the heirs of Adolphus Feininger, reported the same adversely, accompanied by a report (No. 570), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 18909) for the relief of Dennis E. White, administrator of the estate of Buckner and Sarah Henderson, deceased, reported the same adversely, accompanied by a report (No. 571), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 20565) granting a pension to Anna S. Anderson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21567) granting an increase of pension to Oscar B. Zartman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21723) granting an increase of pension to Thompson McL. Chambers—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 21892) authorizing the Territory of New Mexico to sell and transfer certain school lands to the town of Gallup, McKinley County, N. Mex.—to the Committee on the Territories.

By Mr. MORGAN of Oklahoma: A bill (H. R. 21893) to authorize the issuing of bonds in certain cases to aid in the reclamation of arid and semiarid lands, and for other purposes—to the Committee on Ways and Means.

By Mr. CRAVENS: A bill (H. R. 21894) to exclude from Arkansas National Forest all lands within the county of Montgomery and restore same to public domain—to the Committee on the Public Lands.

By Mr. BROUSSARD: A bill (H. R. 21895) for the erection of a public building, to be used as a post-office, at Lafayette, La.—to the Committee on Public Buildings and Grounds.

By Mr. MAYNARD: A bill (H. R. 21896) authorizing the extension of Seventeenth, Evarts, and Bryant streets NE., in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MONDELL: A bill (H. R. 21897) providing for an appropriation for an iron stairway from the foot to the summit of the Devil's Tower, in the Devil's Tower National Monument—to the Committee on Appropriations.

By Mr. HEFLIN: A bill (H. R. 21898) to appropriate $500,000 for the purpose of carrying on demonstration work on public roads in the United States—to the Committee on Agriculture.

By Mr. COOPER of Pennsylvania: A bill (H. R. 21899) to provide for increasing the limit of cost of the public building authorized to be erected at Connellsville, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 21900) extending the provisions of the Carey Act to the desert lands of the ceded portion of the Shoshone or Wind River Indian Reservation in Wyoming—to the Committee on Indian Affairs.

By Mr. BARTHOLDT: A bill (H. R. 21901) to prevent the manufacture, sale, or transportation of adulterated or mislabeled white lead and mixed paint, and to prevent lead poisoning—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERWOOD: A bill (H. R. 21902) to pension certain disabled veterans of the civil war—to the Committee on Invalid Pensions.

By Mr. CARTER (by request): A bill (H. R. 21903) for the establishment of a probation system in the United States courts, except in the District of Columbia—to the Committee on the Judiciary.

By Mr. HANNA: A bill (H. R. 21904) to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. LUNDIN: A bill (H. R. 21998) to increase the limit of cost for the new public-building site for the West Side, Chicago, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. ANTHONY: A bill (H. R. 21999) to amend an act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

By Mr. GORDON: Joint resolution (H. J. Res. 159) proposing an amendment to the Constitution of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 21905) granting an increase of pension to John Zedeker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21906) granting an increase of pension to David Wertz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21907) granting an increase of pension to Peter W. McIntyre—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 21908) granting an increase of pension to Harvey McConkey—to the Committee on Invalid Pensions.

By Mr. BARNARD: A bill (H. R. 21909) to provide compensation for injuries received by George F. O'Hair—to the Committee on Claims.

By Mr. BELL of Georgia: A bill (H. R. 21910) granting a pension to Toliver W. Corn—to the Committee on Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 21911) granting an increase of pension to Watson E. Coleman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21912) granting an increase of pension to James Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21913) granting an increase of pension to George W. Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21914) granting a pension to Herbert C. Alderson—to the Committee on Pensions.

Also, a bill (H. R. 21915) granting an increase of pension to James Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21916) granting an increase of pension to William M. Bagby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21917) granting an increase of pension to Henry Presley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21918) granting an increase of pension to William M. Glover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21919) granting an increase of pension to George H. Skeens—to the Committee on Pensions.

Also, a bill (H. R. 21920) granting an increase of pension to James G. A. Middleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21921) granting a pension to Walter Scott—to the Committee on Pensions.

Also, a bill (H. R. 21922) granting an increase of pension to R. A. Hillman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21923) granting a pension to Lewis Jordan—to the Committee on Pensions.

Also, a bill (H. R. 21924) for the relief of Henry L. Wood—to the Committee on Claims.

Also, a bill (H. R. 21925) to appropriate $9,900 to Lawrence County, Ky.—to the Committee on War Claims.

By Mr. CAMERON: A bill (H. R. 21926) granting an increase of pension to Robert L. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21927) for the relief of John Miller—to the Committee on Claims.

By Mr. CANTRILL: A bill (H. R. 21928) granting a pension to Robert Mitchell—to the Committee on Invalid Pensions.

By Mr. CASSIDY: A bill (H. R. 21929) granting an increase of pension to Sebastian Glasstetter—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 21930) granting a pension to Beatrice G. Head—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 21931) granting a pension to Susan Chambers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21932) granting a pension to John A. Kelly—to the Committee on Pensions.

Also, a bill (H. R. 21933) granting a pension to Mile Bean—to the Committee on Pensions.

Also, a bill (H. R. 21934) granting a pension to Payton Lacy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21935) granting an increase of pension to Joseph D. Boyer—to the Committee on Pensions.

Also, a bill (H. R. 21936) granting an increase of pension to Danforth B. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21937) granting an increase of pension to John Dauenhauer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21938) granting an increase of pension to William J. Light—to the Committee on Pensions.

Also, a bill (H. R. 21939) granting an increase of pension to S. N. Burdsall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21940) granting an increase of pension to John Barbeau—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21941) granting an increase of pension to Thomas W. Aylsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21942) granting an increase of pension to Eli R. Westfall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21943) granting an increase of pension to Eliza Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21944) granting an increase of pension to Richard McMahon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21945) granting an increase of pension to Mitchell Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21946) granting an increase of pension to Francis Howard—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 21947) granting an increase of pension to Samuel De Voss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21948) granting an increase of pension to Phillip McCann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21949) granting an increase of pension to Edwin Ayer—to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 21950) removing the charge of desertion against William H. H. Edwards—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 21951) granting a pension to Camille Dodge—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 21952) granting an increase of pension to Caroline Leyman—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 21953) granting a pension to Hannah J. Alexander—to the Committee on Pensions.

By Mr. JAMES: A bill (H. R. 21954) to carry into effect the findings of the Court of Claims in the case of John M. Wilson, administrator of Joseph Wilson, deceased—to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 21955) granting a pension to Amanda F. Gray—to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 21956) granting an increase of pension to Abraham K. Miller—to the Committee on Invalid Pensions.

By Mr. LUNDIN: A bill (H. R. 21957) granting a pension to Benson Bidwell—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 21958) granting a pension to Zoa Boshaine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21959) granting a pension to William G. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21960) granting an increase of pension to Charles E. Herrington—to the Committee on Pensions.

Also, a bill (H. R. 21961) granting an increase of pension to Gilford Matice—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 21962) granting an increase of pension to Albert Yoder—to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 21963) granting an increase of pension to William H. Castleberry—to the Invalid Pensions.

Also, a bill (H. R. 21964) granting an increase of pension to Benet Messer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21965) for the relief of Mary Wind French—to the Committee on Private Land Claims.

By Mr. MOSS: A bill (H. R. 21966) for the relief of James M. Powell—to the Committee on Military Affairs.

By Mr. HENRY W. PALMER: A bill (H. R. 21967) granting a pension to Lucy Ann Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21968) granting a pension to Rebecca Eldridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21969) granting a pension to Mary Spade—to the Committee on Invalid Pensions.

By Mr. PUJO: A bill (H. R. 21970) to carry into effect the findings of the Court of Claims in case of Emile E. Zimmer, administrator of estate of George Neck, sr., deceased—to the Committee on War Claims.

By Mr. RAINEY: A bill (H. R. 21971) for the relief of Robert Fielder—to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 21972) granting an increase of pension to Robert H. Church—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21973) granting an increase of pension to John W. Purnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21974) granting a pension to William H. Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21975) granting an increase of pension to William R. Wright—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 21976) granting an increase of pension to Gertrude E. Pershing—to the Committee on Pensions.

By Mr. SHARP: A bill (H. R. 21977) granting a pension to Austin L. Straub—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21978) granting an honorable discharge to John L. Holly—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 21979) granting an increase of pension to Washington L. Todd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21980) granting an increase of pension to Eliza Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21981) granting a pension to Lucy Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21982) granting an increase of pension to David H. Richardson—to the Committee on Invalid Pensions.

By Mr. SPERRY: A bill (H. R. 21983) granting an increase of pension to Wilson Allen—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 21984) granting an increase of pension to James L. McDaniel—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 21985) granting an increase of pension to Thomas R. Cushing—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 21986) granting an increase of pension to Jacob Fisher—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 21987) granting an increase of pension to Gaston Q. McWaid—to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 21988) authorizing the payment to Dorence Atwater of compensation for services rendered the United States of America—to the Committee on Claims.

Also, a bill (H. R. 21989) granting an increase of pension to Margaret S. Kellett—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 21990) granting a pension to Mary L. Fowler—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 21991) to carry into effect the findings of the Court of Claims in the case of Joseph H. Bean, administrator of estate of Joseph Bean, deceased—to the Committee on War Claims.

By Mr. WEBB: A bill (H. R. 21992) granting an increase of pension to Lucinda Tweed—to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 21993) granting an increase of pension to Howland P. Kneeland—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 21994) granting a pension to Mrs. M. F. Sampson—to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 21995) granting a pension to Elizabeth Weber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 21996) granting a pension to James Runyan—to the Committee on Pensions.

By Mr. RANDELL of Texas: A bill (H. R. 21997) for the relief of Mrs. Martha J. Couchman—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Paper to accompany bill for relief of George H. Howell—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Patrick M. Foley—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. ANSBERRY: Petition of George E. McLean and others, against an appropriation for the George Washington University—to the Committee on Agriculture.

By Mr. BARCHFELD: Petition of Pittsburg Chapter, No. 79, American Insurance Union, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: Petition of Lenox Council, No. 48; Loring Council, No. 17; Republic Council, No. 99; Columbus Council, No. 46; and Hallenbeck Council, No. 19, Loyal Association, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT of Kentucky: Petition of board of directors of the Business Men's Association of Ashland, Ky., for repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. DIEKEMA: Petition of G. H. McBride and 178 others, against any change in present oleomargarine law—to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: Petition of Farmers' Educational Union of America, of Placer County, Cal., and F. P. Robinson and 26 other residents of Napa, Cal., against gambling in farm products—to the Committee on Agriculture.

Also, petition of Methodist Episcopal Church of Auburn, Cal., for the Burkett-Sims bill, against transmission of race-gambling bets—to the Committee on Interstate and Foreign Commerce.

Also, petition of Methodist Episcopal Church of Auburn, Cal., favoring the McCumber-Tirrell bill—to the Committee on the Judiciary.

Also, petitions of W. G. Tubby, manager of the marine department, Union Oil Company, of Colorado, and board of trustees of the Chamber of Commerce of San Francisco, against transfer of construction of Pilot Charts from Hydrographic Office to Weather Bureau—to the Committee on Naval Affairs.

Also, petitions of the Federated Trades Council, of Eureka, Cal., and C. S. Jobe and 20 others, of Corning, against increase of postal rate on periodicals, and for a postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Red Bluff, Cal., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of William Grundt and 7 other members of Branch No. 758, Amalgamated Society of Carpenters and Joiners, of Los Angeles, Cal., for an eight-hour law on government works—to the Committee on Labor.

Also, petition of the Golden West Lodge, No. 73, Brotherhood of Railway Trainmen, of Bakersfield, Cal., for Senate bill 4656 and House bill 17263—to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Ola Thompson, previously referred to the Committee on Invalid Pensions—reference changed to the Committee on Pensions.

By Mr. FORNES: Petition of Chamber of Commerce of Buffalo, N. Y., against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, for Burleson's oleomargarine bill—to the Committee on Agriculture.

Also, petition of Produce Exchange of New York and the Maritime Association of New York, for retention of the Pilot Chart in the Hydrographic Office of the Navy—to the Committee on Appropriations.

Also, petition of Walter Coles Cabell, against use of the Hetch Hetchy Valley to supply water for San Francisco—to the Committee on the Public Lands.

Also, petition of adjutant-general of New York State, favoring appropriation for militia expenses in joint maneuvers—to the Committee on Military Affairs.

Also, petition of the Zoological Society of New York, for Senate bill 5648, relative to Rocky Mountain Park—to the Committee on the Public Lands.

Also, petition of Thomas Ferguson, of New York City, for House bill 18804, relative to increase of pay for firemen in public buildings—to the Committee on Appropriations.

By Mr. FULLER: Petition of the milk producers and farmers of Poplar Grove, Ill., against proposed repeal of oleomargarine law, etc.—to the Committee on Agriculture.

Also, petition of Burritt Grange, of Pecatonica, Ill., against any change in the oleomargarine law—to the Committee on Agriculture.

Also, petition of Ford & Howard Company, of Chicago, Ill., against the publicity-feature clause in the corporation-tax law—to the Committee on Ways and Means.

By Mr. GRONNA: Petition of citizens of Jamestown, N. Dak., for an eight-hour law on government works—to the Committee on Labor.

By Mr. HAMMOND: Petition of St. Patrick Council, No. 1076, Knights of Columbus, of New Ulm, Mo., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. HARRISON: Paper to accompany bill for relief of Catherine Arnould, previously referred to the Committee on Invalid Pensions—reference changed to the Committee on Pensions.

By Mr. HENRY of Connecticut: Petition of Polish National Alliance of the United States of America, of Plantsville, Conn., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HIGGINS: Petition of Ann Wood Elderkin Chapter, Society of the Daughters of the American Revolution, of Willimantic, Conn., for retention of Division of Information of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. HOUSTON: Papers to accompany House bill 6760, to erect a public building at Shelbyville, Tenn., and House bill 3672, to erect public building at Tullahoma, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. HOWLAND: Paper to accompany bill for relief of Justin S. Irvine, previously referred to the Committee on Invalid Pensions—reference changed to the Committee on Pensions.

By Mr. HUFF: Petition of Western Pennsylvania Branch of Consumer's League, for House bill 15816 and Senate bill 4514, relative to white-slave traffic—to the Committee on Immigration and Naturalization.

Also, petition of Mount Pleasant Council, No. 97, Loyal Association; New Kensington Council, No. 1381, Knights of Columbus; and Fairview Chapter, No. 104, American Insurance Union, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of 184 citizens of Derry, Pa., protesting against the proposed rate of postage on second-class mail matter, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HULL of Iowa: Petition of Young People's Society of Missionary Volunteers, in opposition to the passage of the Johnston Sunday bill (S. 404)—to the Committee on the District of Columbia.

By Mr. KELIHER: Petition of Massachusetts Council, No. 80, Loyal Association, against the ruling of the Post-Office Department and favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Petition of California River and Harbor League, of Oakland, Cal., favoring establishment and operation of government-owned steamships in connection with the Panama Railroad—to the Committee on Interstate and Foreign Commerce.

Also, petition of California Door Company, against corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. LAWRENCE: Petition of St. Casimir Society, Branch No. 525, Polish National Alliance of North America, of Holyoke, Mass., against repeal of section 40 of the immigration act of 1907, etc.—to the Committee on Immigration and Naturalization.

By Mr. LIVINGSTON: Petition of Joseph Habersham Chapter, National Society of the Daughters of the American Revolution, for retention of the Bureau of Information relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. McKINLAY of California: Petition of Sebastopol berry growers, favoring the Winchester bushel of 2,150.4 cubic inches in apple packing, as against the size provided by the Lafean bill, 2,342 cubic inches—to the Committee on Agriculture.

By Mr. MANN: Petition of Ohio State Horticultural Society, for prevention of introduction of the black scab of the potato, etc., into the United States from foreign countries—to the Committee on Agriculture.

Also, petition of L. H. Drury Woman's Relief Corps, No. 230, Department of Illinois, against placing and dedication of statue of Robert E. Lee in Statuary Hall—to the Committee on the Library.

Also, petition of National Business League of America, favoring publication of a trade directory of the world—to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN of Missouri: Petition of George A. Whert, L. G. Hillhouse, and others, for pensions for the Enrolled Missouri Militia—to the Committee on Invalid Pensions.

Also, petition of Commandery of Missouri, Military Order of the Loyal Legion, favoring the Townsend bill for a volunteer officers' retired list—to the Committee on Military Affairs.

Mr. MORGAN of Oklahoma: Petition of members of Local Farmers' Union, No. 547, Byron, Okla., favoring the anti-gambling bill on farm products—to the Committee on Agriculture.

Also, petition of sundry citizens of Texas County, Okla., opposing increase of postage rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry voters of the State of Oklahoma, opposing increase in the rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry members of the Farmers' Union of Custer County, Okla., favoring the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petitions from Grand Army of the Republic posts of the Second Congressional District of the State of Oklahoma, supporting the National Tribune bill—to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Carnegie, Caddo County, Okla., petitioning against any raise in postage on periodicals, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. PAGE: Petition of citizens of Union County, N. C., against gambling in farm products—to the Committee on Agriculture.

By Mr. RAINEY: Petition of Jerseyville (Ill.) Commercial Club, against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REID: Paper to accompany bill for relief of L. B. Burcham—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. ROBERTS: Petition of citizens of Saugus Center, Mass., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions of Invincible Council, No. 90, Loyal Association, of Meriden, Conn., favoring House bill 17543, relating to fraternal publications—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of National Association of Surviving Union Volunteer Officers of the Civil War, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of National Liberal Immigration League, against repeal of sections 26 and 40 of the immigration law of February 20, 1907—to the Committee on Immigration and Naturalization.

Also, petition of New York Zoological Society, for Senate bill 5648, Rocky Mountain Park—to the Committee on the Public Lands.

Also, petition of Woman's Municipal League of New York, for a federal child's bureau—to the Committee on Labor.

Also, petition of C. Cabel & Co. and others, that in pending negotiations with France, as to evaporated apples, the United States be placed in same position as is Canada with France—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of W. D. McNarny and other citizens of Columbus, Ohio, for an eight-hour law on government work—to the Committee on Labor.

Also, petition of Crystal Ice Manufacturing and Cold Storage Company and other citizens of Columbus, Ohio, in favor of repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. WALLACE: Petitions of citizens of Ouachita County and Norphlet, Ark., against gambling exchanges—to the Committee on Agriculture.

By Mr. WEBB: Petition of citizens of Cleveland County, N. C., against gambling in farm products—to the Committee on Agriculture.

Also, petition of J. A. Tood and other citizens of Mecklenburg County, N. C., against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Petition of citizens of New Jersey, favoring an eight-hour law for government work—to the Committee on Labor.

SENATE.

MONDAY, *February 28, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Friday last was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of LEROY PERCY, chosen by the legislature of the State of Mississippi a Senator from that State for the unexpired portion of the term ending March 3, 1913; which were read and ordered to be filed.

CLAIM OF A. BOSCHKE.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and opinion filed by the court in the cause of A. Boschke *v.* United States (S. Doc. No. 387), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

William T. Elliott, George W. Elliott, Rachel Bain (née Elliott), and John Elliott, heirs of Hiram B. Elliott, deceased, *v.* United States (S. Doc. No. 386);

Adolf Dugue, administrator of Andrew B. James, deceased, *v.* United States (S. Doc. No. 384); and

James Bigler *v.* United States (S. Doc. 385).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its chief clerk, announced that the House had passed the bill (S. 6271) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 2072. An act to remove the charge of desertion from the military record of John Reed, alias Michael Flanagan;

S. 2445. An act for the relief of Peter Fleming;

S. 4672. An act to correct the military record of William Keyes; and

S. 6072. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the concurrent resolution of the Senate extending the thanks of Congress to the State of Indiana for the donation of the statue of Gen. Lew Wallace.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1324. An act for the relief of James J. Elliott;

H. R. 3348. An act for the relief of James McKenzie;

H. R. 16824. An act for the relief of Daniel H. Wiggin;

H. R. 17838. An act for the relief of George W. Flack;

H. R. 20180. An act for the relief of Patrick Shields;

H. R. 20658. An act for the relief of James O'Brien;

H. R. 21108. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 21580. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 21693. An act for the relief of William H. Hawley;

H. R. 21754. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 98. Joint resolution for the relief of Lafayette L. McKnight.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 970. An act for the relief of Edward C. Kittle;

H. R. 10106. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land contiguous to the Andersonville National Cemetery, in the State of Georgia;

H. R. 16364. An act to amend in part section 658 of the Revised Statutes;

H. R. 17160. An act to authorize the Oregon Trunk Railway of the State of Washington to construct a bridge across the Columbia River and Celilo Canal; and

H. R. 19967. An act to authorize Thomas J. Ewing, George B. Patton, Otto Burger, William Cecil, and Milton E. Foster to construct a bridge across the Tug Fork of the Big Sandy River.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Democratic Territorial Central Committee of the Territory of Hawaii, praying that the bill to prohibit the liquor habit in that Territory be amended, so that the question may be submitted to a referendum vote of the electors of the Territory, which was referred to the Commitee on Pacific Islands and Porto Rico.

He also presented the petition of F. J. Wood, of Houston, Tex., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Polish Immigration Socley, of Salem, Mass., remonstrating against the adoption of certain proposed amendments to the immigration law, which was referred to the Committee on Immigration.

He also presented a petition of the California State Society, Sons of the American Revolution, praying for the retention and strengthening of the Division of Information of the Bureau of

Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. SHIVELY presented petitions of sundry councils, Knights of Columbus and American Insurance Union, of Lafayette, Columbus, Logansport, Decatur, and Fort Wayne, all in the State of Indiana, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry local unions, Farmers' Educational and Cooperative Union of America, and of sundry citizens of Switz City, Loogootee, and Hyatt, all in the State of Indiana, praying for the enactment of legislation to prohibit dealings in futures and gambling in farm products, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Agnes Pruyn Chapman Chapter of the National Society, Daughters of the American Revolution, of Warsaw-Winona, Ind., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. OLIVER presented a petition of the congregation of the First Methodist Episcopal Church, of Verona, Pa., and a petition of sundry citizens of New Galilee, West Newton, and Wilkinsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Carbondale, Mount Pleasant, Pittsburg, Philadelphia, Elderton, Bethlehem, Fairview, and Erie, all in the State of Pennsylvania, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of New Galilee, Pa., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Verona, New Galilee, West Newton, and Rouseville, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. WETMORE presented a petition of Woonsocket Chapter of the National Society, Daughters of the American Revolution, of Woonsocket, R. I., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of Newport Council No. 256, Knights of Labor, of Newport, R. I., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Olneyville Business Men's Association, of Providence, R. I., remonstrating against the retention of the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Providence, R. I., praying for the passage of the so-called "Owen-Hamilton bill," to place a 25-mile prohibition zone around all Indian reservations, which was ordered to lie on the table.

Mr. SCOTT presented a memorial of the Clearing House Association of Wheeling, W. Va., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of Local Union No. 1207, Brotherhood of Carpenters and Joiners, of Charleston, W. Va., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of Ruth Hart Chapter of the National Society, Daughters of the American Revolution, of Meriden, Conn., and a petition of Anna Wood Elderkin Chapter of the National Society, Daughters of the American Revolution, of Willimantic, Conn., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a petition of Invincible Council, No. 90, Loyal Association, of Meriden, Conn., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a memorial of sundry citizens of Iola, Kans., remonstrating against the action of the United States Senate in voting to loan tents to the confederates on the occasion of their reunion to be held at Mobile, Ala., which was ordered to lie on the table.

He also presented a memorial of McCook Post, No. 51, Department of Kansas, Grand Army of the Republic, of Iola, Kans., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of Local Union No. 135, United Mine Workers of America, of Frontenac, Kans., praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

Mr. GALLINGER presented a petition of La Société des Artisans Canadiens Français, of Laconia, N. H., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woodburn Citizens' Association, of the District of Columbia, praying for the enactment of legislation to amend an act entitled "An act to authorize the Baltimore and Washington Transit Company, of Maryland, to enter the District of Columbia," which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Northeast Washington Citizens' Association, remonstrating against the permanent retention of railroad grade crossings in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CULLOM presented petitions of sundry citizens of Mattoon and Champaign, in the State of Illinois, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. BULKELEY presented a petition of Invincible Council, No. 90, Loyal Association, of Meriden, Conn., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Vice-President General Chapter of the National Society, Daughters of the American Revolution, of Bridgeport, Conn., and a petition of Nathan Hale Memorial Chapter of the National Society Daughters of the American Revolution, of Moodus, Conn., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Bridgeport, Conn., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. WARNER presented a petition of sundry citizens of Ava, Mo., and a petition of sundry citizens of Macks Creek, Mo., praying for the enactment of legislation to extend the provisions of the pension act of June 27, 1890, to the Enrolled Missouri Militia and other militia organizations of the State of Missouri who served in the war of the rebellion, which were referred to the Committee on Pensions.

Mr. LORIMER presented an affidavit to accompany the bill (S. 4235) to remove the charge of desertion from the military record of John C. Whittin, which was referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of General Richard Montgomery Chapter of the National Society, Daughters of the American Revolution, of Gloversville, N. Y., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented petitions of sundry councils of the Loyal Association of Hallenbeck, Columbus, Loring, Republic, and Lenox, all in the State of New York, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Sheet Metal Workers' Local Union, No. 58, American Federation of Labor, of Syracuse, N. Y., and a petition of Assistant Pressmen and Feeders'

Local Union, No. 32, American Federation of Labor, of Syracuse, N. Y., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. WARREN presented a petition of sundry citizens of Rock Springs, Wyo., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 2174, United Mine Workers of America, of Rock Springs, Wyo., praying for the enactment of legislation to create a bureau of mines and mining in the Interior Department, which was referred to the Committee on Mines and Mining.

Mr. RAYNER presented a petition of the Woman's Christian Temperance Union, of Cambridge, Md., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. ROOT presented petitions of sundry citizens of Yonkers and New York City, in the State of New York, praying for the passage of the so-called "children's bureau bill," which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Brooklyn, White Plains, Syracuse, Buffalo, Schenectady, Kingston, Lockport, and Batavia, all in the State of New York, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Corinth, Middleburg, Yonkers, West Hampton Beach, and Pike, all in the State of New York, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented petitions of sundry citizens of Rochester, Easton, and Heuvelton, all in the State of New York, praying for the enactment of legislation providing for the appointment of United States surgeons, immigrant inspectors, and matrons on vessels carrying immigrant passengers between ths United States and foreign ports, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Cambridge, Trumansburg, Brooklyn, South Glens Falls, Gloversville, and Fair Haven, all of the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the United Spanish War Veterans, Department of New York, of Oswego, N. Y., praying for the enactment of legislation providing for the removal of the wreck of the battle ship *Maine* and the proper interment of the remains of those who perished therein, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry citizens of New York City and Wellsville, in the State of New York, remonstrating against the enactment of legislation providing for the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the board of managers of the Produce Exchange of New York City, N. Y., remonstrating against the transfer of the publication of pilot charts from the United States Hydrographic Office to the Weather Bureau, which was referred to the Committee on Appropriations.

He also presented memorials of sundry citizens of Troy, Newburgh, Brooklyn, New York City, Rochester, and Albany, all in the State of New York, remonstrating against the retention of the publicity clause in the corporation-tax law, which were referred to the Committee on Finance.

Mr. CHAMBERLAIN. I present a petition of representative citizens of Oregon, including the governor and state officials, praying for the passage of the bill for the relief of Siletz Indian Reservation settlers. The petition is short, and I ask that it be printed in the RECORD, together with the signatures, and referred to the Committee on Public Lands.

There being no objection, the petition was referred to the Committee on Public Lands and ordered to be printed in the RECORD with the signatures, as follows:

SALEM, OREG., *February 19, 1910.*

To the Senate and House of Representatives of the United States of America in Congress assembled:

We the undersigned citizens of the State of Oregon, respectfully petition that the bill for the relief of Siletz settlers, introduced by Senator CHAMBERLAIN January 24, 1910, and by Congressman HAWLEY January 17, 1910, be speedily enacted into law, believing that justice demands the passage of such a law, and further believing that its provisions could not possibly harm or injure any right or rights to which any other person or persons are entitled.

Respectfully submitted,

F. W. Benson, governor; G. A. Steel, state treasurer; C. N. B. Arthur, speaker of the house; G. G. Brown, clerk state land board; Chas. V. Galloway, state tax commissioner; J. B. Eaton, state tax commissioner; Oswald West, railroad commissioner; Thos. K. Campbell, railroad commissioner; John H. Lewis, state engineer; Percy A. Cupper, assistant state engineer; S. A. Kozer, insurance commissioner; R. E. Lee Steiner, superintendent O. S. I. A.; C. W. James, superintendent O. S. P.; Al. H. Crawford, attorney-general; J. C. Woodward, clerk supreme court, Salem, Oreg.; W. S. Duniway, state printer; R. J. Hendricks, manager Statesman, United States census supervisor; W. M. Bushey, county judge, Marion County; H. P. Minto, sheriff Marion County; R. D. Allen, county clerk, Marion County, Oreg.; D. G. Drager, county recorder, Marion County; J. G. Moore, county treasurer, Marion County; F. J. Rice, county assessor, Marion County. W. M. Smith, county school superintendent, Marion County; Geo. F. Rodgers, mayor of Salem, Oreg.; W. A. Moores, city recorder of Salem, Oreg.

REPORTS OF COMMITTEES.

Mr. CRAWFORD, from the Committee on Claims, to whom was referred the bill (S. 3806) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, reported it without amendment and submitted a report (No. 293) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 5785) to amend an act entitled "An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.," approved February 8, 1905, reported it without amendment and submitted a report (No. 294) thereon.

He also, from the same committee, to whom was referred the bill (S. 5786) to amend fifth paragraph of section 4 of act approved June 28, 1906 (34 Stats., p. 539), reported it with amendments and submitted a report (No. 295) thereon.

Mr. BROWN, from the Committee on Patents, to whom was referred the bill (S. 4982) to establish a United States court of patent appeals, and for other purposes, reported it with amendments and submitted a report (No. 296) thereon.

Mr. WARNER, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2209) to provide for the purchase of a site and the erection of a public building thereon at Trenton, in the State of Missouri, reported it with amendments and submitted a report (No. 297) thereon.

SIGNING OF WARRANTS.

Mr. LODGE. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 18586) amending sections 246 and 247, Revised Statutes, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 246 of the Revised Statutes be so amended as to read as follows: "The Secretary of the Treasury may, by an appointment under his hand and official seal, delegate authority to the Assistant Secretaries of the Treasury to sign in his stead, and he may in like manner delegate such authority to a clerk in his office to sign in his name, all warrants for the payment of money into the Public Treasury and all warrants for the disbursement from the Public Treasury of money certified by the proper accounting officers of the Treasury to be due upon accounts duly audited and settled by them; also all accountable warrants placing money in the Treasury to the credit of disbursing and other fiscal officers, and all appropriations, repay, and transfer warrants. The warrants so signed by either of the Assistant Secretaries of the Treasury or by the designated clerk shall be in all cases of the same validity as if they had been signed by the Secretary of the Treasury himself."

SEC. 2. That section 247 of the Revised Statutes be, and the same is hereby, repealed.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHIVELY. Will the Senator from Massachusetts indicate why it is necessary to designate a clerk? I can see why it is necessary to designate assistant secretaries.

Mr. LODGE. That is the present law; the assistant secretaries have the right now to sign. The only addition is to allow the Secretary of the Treasury to designate a clerk to sign warrants. The comptroller has that authority now, and the Treasurer of the United States. It is utterly impossible for the secretaries to attend to it. There are a million warrants. The signing is a mere formal act.

This is a House bill. The committee examined it with great care and have come to the conclusion that it is a perfectly proper bill in every respect. It is simply to give the Secretary of the Treasury the same privilege that the Treasurer and Comptroller of the Currency have now.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT WILMINGTON, DEL.

Mr. DU PONT. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4446)

to give the Secretary of the Treasury discretionary power in regard to the improvement of the post-office and court-house at Wilmington, Del., to report it favorably without amendment, and I submit a report (No. 292) thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes, for the purpose of carrying into effect the provisions of section 2 of the act of May 30, 1908, for the enlargement, extension, remodeling, or improvement of the post-office and court-house at Wilmington, Del., the Secretary of the Treasury to acquire additional land as authorized by the act of March 4, 1909, or, in his discretion, in lieu of the acquisition of additional land, to construct a fire wall along the rear line of the site of the building and to disregard the provisions of existing legislation requiring the preservation of a fire limit of 40 feet on all sides of the building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES COODY.

Mr. BURNHAM. I am directed by the Committee on Claims, to whom was referred Senate resolution 187, submitted by the Senator from Kansas [Mr. CURTIS] on the 25th instant, to report it without amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Senate resolution 187.

Resolved, That whereas on February 5, 1908, S. 5015 was introduced and referred to the Committee on Claims, and subsequently said committee referred said bill to the Court of Claims embodied in Senate resolution No. 197, May 22, 1908. The name as it appears in said bill and resolution as Charles Goody should have been Charles Coody, and the Court of Claims is hereby authorized to make this correction in the spelling of the name.

The VICE-PRESIDENT. Should it not be a joint resolution? It is reported as a simple Senate resolution. Would it not require the concurrent action of the House of Representatives?

Mr. CURTIS. The resolution referring the case to the Court of Claims was simply a Senate resolution, and therefore it is not necessary that this should be a concurrent resolution, I understand.

The resolution was agreed to.

COURT PRACTICE IN WESTERN DISTRICT OF ARKANSAS.

Mr. CLARKE of Arkansas. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 18019) to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas" to report it favorably without amendment. I ask unanimous consent to have the bill considered at this time.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I would say to the Senator from Arkansas that this is a matter we now have under consideration, and we have reached a conclusion in the Committee on the Revision of the Laws along the same lines, but more comprehensively. I would suggest to the Senator from Arkansas that until the Senate is advised as to the action proposed by the Committee on the Revision of the Laws he let the bill go to the calendar, and then it can come up.

Mr. CLARKE of Arkansas. Mr. President, there is not anything that the Committee on the Revision of the Laws can do which can touch the subject-matter of this bill. There was a special act passed a year or so ago that allowed those persons who have been confined in other divisions of the western district, willing to plead guilty, to do so at the first term of the court, regardless of the place of confinement. That has been working there. There is no provision of the general law to cover it. It is peculiar to that district. That is the only omission this proposed act is intended to cover. There was no provision made to pay the clerk's costs in such cases.

Mr. HEYBURN. The Senator knows, as a member of the Committee on the Revision of the Laws, that we are substituting general for special provisions wherever it can be done. I am entirely familiar with the fact that this is a special provision, but when you come to make a general provision it is necessary to adapt it to general conditions. I prefer that the matter should go to the calendar.

Mr. CLARKE of Arkansas. That is very true; but if a general provision shall be hereafter enacted into law covering this special question the law repealing all private privileges, this will go out with the other matters. Unanimous consent has been given for the consideration of the bill now before the Senate, I understand.

The VICE-PRESIDENT. Unanimous consent has not been given.

Mr. CLARKE of Arkansas. I beg pardon of the Chair.

The VICE-PRESIDENT. The Chair asked if there was objection, and the Chair assumes that the suggestion of the Senator from Idaho that the bill go to the calendar is equivalent to an objection.

Hr. HEYBURN. It is equivalent to it.

The VICE-PRESIDENT. The Senator from Idaho has objected.

Mr. HEYBURN. I do so in the interest of legislation. It would accomplish no good purpose, as the Senator will find, to pass the bill now.

Mr. CLARKE of Arkansas. Let it go to the calendar.

The VICE-PRESIDENT. The bill will go to the calendar.

DIGEST OF SUPREME COURT DECISIONS.

Mr BURKETT, from the Committee on Pacific Railroads, reported the following resolution (S. Res. 189), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 189.

Resolved, That the Secretary of the Senate be directed to purchase for the use of such committees of the Senate as are supplied with the decisions of the Supreme Court of the United States a suitable digest of such decisions and that the expense thereof be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time and referred, as follows:

By Mr. GALLINGER:

A bill (S. 6786) granting a pension to Mary L. Bingham; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 6787) granting an increase of pension to John Ruble (with an accompanying paper);

A bill (S. 6788) granting a pension to Tillie L. Eckard (with an accompanying paper);

A bill (S. 6789) granting an increase of pension to John Boler (with an accompanying paper); and

A bill (S. 6790) granting an increase of pension to Hugh Jarvis (with accompanying papers); to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 6791) to amend acts embodied in section 3258 of the Revised Statutes of the United States, second edition (1878) relating to the registry of stills, etc., so as to exempt turpentine stills; to the Committee on Finance.

A bill (S. 6792) granting an increase of pension to Albert Osteen (with an accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6793) authorizing the construction of a bridge across the Columbia River, in the counties of Okanogan and Douglas, Wash.; and

A bill (S. 6794) authorizing the construction of a bridge across the Okanogan River in the county of Okanogan, Wash.; to the Committee on Commerce.

A bill (S. 6795) granting to the board of trustees of Whitman College the lands embraced in Fort Walla Walla Military Reservation; to the Committee on Military Affairs.

A bill (S. 6796) granting an increase of pension to David Woolford; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 6797) granting an increase of pension to William F. Chappell; to the Committee on Pensions.

By Mr. PILES:

A bill (S. 6798) granting an increase of pension to David Dickson (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6799) fixing the pay of paymasters' clerks in the United States Navy; to the Committee on Naval Affairs.

A bill (S. 6800) to remove the charge of desertion from the military record of William A. Griffith; to the Committee on Military Affairs.

By Mr. BURNHAM:

A bill (S. 6801) to increase the efficiency of the Life-Saving Service; to the Committee on Commerce.

A bill (S. 6802) granting an increase of pension to James S. Plaisted; to the Committee on Pensions.

By Mr. WARNER:

(By request.) A bill (S. 6803) for the relief of Mary E. Willett and others; and

A bill (S. 6804) for the relief of Philip A. Thompson, postmaster at Craig, Mo. (with an accompanying paper); to the Committee on Claims.

A bill (S. 6805) granting a pension to James Summers;

A bill (S. 6806) granting an increase of pension to Woodroe Douglass (with an accompanying paper); and

A bill (S. 6807) granting an increase of pension to Carrie H. Gregg (with an accompanying paper); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 6808) granting lands for reservoirs, etc.; to the Committee on Indian Affairs.

By Mr. CULLOM:

A bill (S. 6809) to regulate the practice of pharmacy and the sale of poisons in the consular districts of the United States in China; to the Committee on Foreign Relations.

A bill (S. 6810) imposing a tax upon and regulating the production, manufacture, and distribution of certain habit-forming drugs; and

A bill (S. 6811) to amend the act of October 1, 1890 (26 Stats., p. 1567), regulating the manufacture of smoking opium within the United States; to the Committee on Finance.

By Mr. LORIMER:

A bill (S. 6812) providing for pensions to the children of deceased soldiers and sailors of the United States in cases where said children have become insane, idiotic, blind, deaf and dumb, or otherwise physically or mentally helpless before the age of 22 years; to the Committee on Pensions.

A bill (S. 6813) to remove the charge of desertion from the military record of Carlos Baker (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6814) for the relief of William P. Ryan; to the Committee on Claims.

By Mr. BURKETT:

A bill (S. 6815) granting an increase of pension to James E. Rippetoe; to the Committee on Pensions.

By Mr. BULKELEY:

A bill (S. 6816) to amend an act entitled "An act to provide for the thirteenth and subsequent decennial censuses," approved July 2, 1909; to the Committee on the Census.

By Mr. PENROSE:

A bill (S. 6817) granting an increase of pension to John S. Jury;

A bill (S. 6818) granting a pension to William H. Wolfe; and

A bill (S. 6819) granting a pension to Sarah E. Burns; to the Committee on Pensions.

By Mr. BOURNE:

A bill (S. 6820) granting an increase of pension to Meichael Anderson; to the Committee on Pensions.

A bill (S. 6821) providing an additional 1,000,000 acres of land for the State of Oregon under the provisions of the Carey Act, permitting the drainage of certain swamp and submerged lands, and granting such lands to said State; to the Committee on Public Lands.

By Mr. OWEN:

A bill (S. 6822) granting a pension to Mrs. Isaac C. Parker; to the Committee on Pensions.

A bill (S. 6823) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Pawnee tribe of Indians against the United States; to the Committee on Indian Affairs.

By Mr. McENERY:

A bill (S. 6824) for the relief of Antonio Hook; and

A bill (S. 6825) for the relief of Alice R. Anderson, administratrix of the estate of Albert Bell, deceased; to the Committee on Claims.

By Mr. DEPEW:

A bill (S. 6826) granting an increase of pension to Simon Hasselback (with an accompanying paper); and

A bill (S. 6827) granting an increase of pension to Dexter E. Buell (with an accompanying paper); to the Committee on Pensions.

By Mr. MONEY:

A bill (S. 6828) for the relief of W. W. Warren, administrator of the estate of Jackson Warren, deceased; to the Committee on Claims.

By Mr. GORE:

A bill (S. 6829) granting a pension to Joseph D. Smith (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment proposing to appropriate $25,000 to enable the Government to continue its efforts to mitigate, if not entirely stamp out, the opium evil, through a proposed international conference, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $150,000 to extend the quay wall at Key West, Fla., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. FLETCHER submitted an amendment relative to the survey of St. Josephs Bay, Florida, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. STEPHENSON submitted an amendment proposing to appropriate $11,500 for the construction of a turning basin in the Fox River at Depere, Wis., intended to be proposed by by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $7,700 for improving Warroad Harbor, Minnesota, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LORIMER submitted an amendment relative to the survey of the West Branch, South Fork, Chicago River, from Robey street west to Forty-eighth avenue, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of Rock River from Sterling, Ill., to Janesville, Wis., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BROWN (for Mr. BEVERIDGE) submitted an amendment relative to the survey of a ship canal from Toledo to Chicago via Fort Wayne, Ind., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DEPEW submitted an amendment proposing to appropriate $1,350,000 for improving the Hudson River, New York, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $99,275 for improving the harbor at Dunkirk, N. Y., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following resolution (S. Res. 198), which was considered by unanimous consent and agreed to:

Senate resolution 198.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill and engrossed Senate amendments thereto (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

ALONZO H. STEWART.

Mr. HALE submitted the following resolution (S. Res. 190), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 190.

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate, to Alonzo H. Stewart, late assistant doorkeeper of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his resignation.

THE POSTAL SERVICE.

Mr. OLIVER (by request) submitted the following resolution (S. Res. 188), which was referred to the Committee on Post-Offices and Post-Roads:

Senate resolution 188.

Whereas for fifty consecutive years, prior to 1875, the Post-Office Department was self-sustaining: Therefore

Resolved, That the Committee on Post-Offices and Post-Roads be, and they are hereby, instructed and requested to inquire into the expediency of so amending the laws in relation to the postal service of the United States as to produce an annual revenue adequate to the support of said service.

GOVERNMENT OF HAWAII.

The VICE-PRESIDENT. The morning business is closed. The Chair lays before the Senate the special order, which is Senate bill 3360.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

Mr. DEPEW. The bill has been read through, and I believe that one amendment offered by myself has been accepted. Otherwise I think no other amendment has been adopted. Is there any amendment pending?

The VICE-PRESIDENT. The amendment submitted by the Senator from New York is pending.

Mr. DEPEW. It is pending?

The VICE-PRESIDENT. So the clerks advise the Chair.

Mr. DEPEW. I ask for action on the amendment.

The VICE-PRESIDENT. The Secretary will again read the amendment offered by the Senator from New York.

The SECRETARY. It is proposed to add at the end of section 4 the following additional proviso:

Provided further, That the provisions of section 4, except the last paragraph thereof, of an act approved February 6, 1905, authorizing a guaranty of interest on railroad bonds in the Philippine Islands, is hereby extended and made applicable to the Territory of Hawaii, with the following changes: "Hawaiian" shall be substituted for "Philippine," "governor" for "governor-general," and "two hundred thousand" for "one million two hundred thousand," in said section as applied to Hawaii.

Mr. BACON. Mr. President, I think that is a matter of sufficient importance for us to have the amendment presented in the terms in which it will be effectual in the law. Here is a reference simply to an important piece of legislation in regard to the Philippine Islands, which, I understand, goes to the extent of guaranteeing certain investments made by private individuals, and so forth, simply by reference to it and by amending it in the substitution of certain words. We have not the act before us. I think at least it ought to be read to us and let us see what it is that is to be engrafted upon the bill in the shape of this amendment. I think the amendment as it will be enforced as law ought to be stated in full.

Mr. FLETCHER. Mr. President, I offered an amendment, when this measure was up last Thursday, to the amendment. I supposed that my amendment to the amendment was pending. If it is not, I desire to offer it as an amendment to the amendment now.

The VICE-PRESIDENT. The Senator from Florida can present his amendment. There seems to be some question whether the amendment he presented was an amendment to the amendment or to some other part of the bill.

Mr. FLETCHER. It was an amendment to the amendment, and is as follows:

Strike out in section 4, page 4, the semicolon after the word "States," in line 6 and insert a period, and strike out all of the section following.

In other words, my amendment would eliminate entirely all the section after the word "States" in line 6 on page 4, doing away with the proviso, which is objectionable in many ways, it seems to me, and I think it would meet the situation. The proviso is to the following effect:

That, subject to the approval of the President of the United States, the legislature of the Territory may provide for loans of public moneys, or guaranties of private loans, on proper security to settlers on the public lands for necessary permanent improvements of their homesteads, and for loans, subsidies, or guaranties to persons or corporations for the improvement and increase of transportation facilities.

It seems to me that is a very dangerous power to lodge in the legislature. It is safeguarded to some extent by the provision that such acts of the legislature must be approved by the President of the United States; but I submit it is a work which ought not to be placed on the President to investigate into the details which would prompt the legislature to authorize subsidies and loans of the public moneys of that kind. It seems to me that the entire proviso ought to be stricken from the bill. It does not cure it entirely by inserting a clause similar to that in the laws governing the Philippine Islands. I think, under all the conditions in that Territory, the power ought not to be vested in the legislature.

The VICE-PRESIDENT. As the Chair understands, the amendment proposed by the Senator from Florida is not an amendment to that offered by the Senator from New York. The Chair understands the Senator from Florida proposes to strike from the bill certain matter which precedes that to which the Senator from New York has offered an amendment, and also to strike out what the Senator from New York proposes to insert in the bill. While the matter which the Senator from Florida presents is all right in itself, it seems to the Chair that it is not an amendment to the amendment offered by the Senator from New York.

Mr. FLETCHER. Very well, Mr. President, I will be glad to submit it after the amendment of the Senator from New York is voted on. I mention it now so as to inform the Senate of my position and my objection to the section. I will offer the amendment after the amendment of the Senator from New York is voted on. I believe the amendment offered by the Senator from New York ought not to prevail.

The VICE-PRESIDENT. If it should prevail, of course the Senator from Florida understands that he could not immediately move to strike it out, it having just been voted in.

Mr. BACON. I understand the Senator from Florida will move to strike out not simply what the Senator from New York offers as an amendment, but that which it also amends.

The VICE-PRESIDENT. That is the proposition.

Mr. BACON. You can amend the section and then move to strike out the entire section, or you can amend a part of the section and then move to strike out that entire part.

The VICE-PRESIDENT. The Senator can move to strike out the entire section, of course.

Mr. BACON. I presume I misunderstand the Chair or I misunderstand the Senator from Florida, one or the other. The rule that the Chair now recognizes, that after an amendment has been adopted to a section a motion to strike out the entire section is in order, will also apply to a part of a section or to a clause in a section or to a paragraph in a section.

The VICE-PRESIDENT. The Chair thinks the Senator from Georgia states the matter correctly.

Mr. BACON. I have no doubt that the Chair and myself entirely agree upon that, and simply differ, probably, as to what the Senator from Florida seeks to accomplish. I understood the Senator from Florida to desire, after the Senator from New York had offered his amendment, and in case it should be adopted, to strike out that part of it which he had thus amended, not simply the amendment, but the contiguous part of the section.

The VICE-PRESIDENT. Of course, the Senator from Florida can do that.

Mr. FLETCHER. My purpose is to allow the section to stand down to and including the word "States," in line 6, page 4, and to end the section there.

The VICE-PRESIDENT. The Chair now understands the Senator from Florida. That is all right.

Mr. DEPEW. The Senator from Georgia asked what was the section of the Philippine act that was proposed by my amendment to be made applicable in its restrictive character to the bill as it is now before the Senate, and I ask the Secretary to read what I send to the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The SECRETARY. The statute applicable to the Philippine Islands, volume 33, part 1, United States Statutes at Large, pages 690 and 691, reads:

Such contract of guaranty shall be signed on behalf of said government by the governor-general thereof and on behalf of the railroad company undertaking the construction——

Mr. BACON. I may be in error, but I understand there is nothing, so far, in the bill which guarantees any contracts, and this is a proposition to make it such.

Mr. DEPEW. There is nothing now in the law which guarantees a contract. The proposition is substantially to enact for the Territory of Hawaii the law as it now prevails in the Philippine Islands.

Mr. BACON. If the Senator will pardon me, let me state the purpose of my interruption, which will probably save some little time. I may not have it before me, but I do not understand that, so far, there is anything in this bill which authorizes the guaranteeing of any contracts or anything of that kind.

Mr. DEPEW. The provision in the bill is for the guaranteeing of the bonds of railroads for the purpose of constructing railroads.

Mr. BACON. On what page is that?

Mr. DEPEW. It is the fourth section.

Mr. BACON. Yes; I see that. Well, Mr. President, with that information, I shall withdraw my interruption. I did not suppose that the language had the proper connection until I saw that.

The VICE-PRESIDENT. The question, then, is on agreeing to the amendment.

Mr. BACON. No; I interrupted the reading because I supposed it had not connection at the right point.

The VICE-PRESIDENT. The Secretary will continue the reading of the statute.

The Secretary resumed and concluded the reading of the statute in relation to the Philippine Islands, as follows:

SEC. 4. That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads using steam, electricity, or other power, in the Philippine Islands as the Philippine government may hereafter specifically authorize, the said government is

empowered to enter into a contract of guaranty with any railroad company organized pursuant to the laws of said government or of the United States or any State thereof undertaking to construct, equip, operate, and maintain any such railroad, whereby the said government shall guarantee interest at not exceeding 4 per cent per annum upon first-lien bonds to be issued by such company, properly secured by mortgage or deed of trust upon the said railroad, its equipment, franchises, and other property, real, personal, and mixed, then owned and thereafter to be acquired.

* * * * * * *

Provided, That in no event shall the total annual contingent liability of said government under the guaranties authorized by this section at any time exceed the sum of $1,200,000, and no such guaranty shall continue for a longer period than thirty years.

Mr. BACON. I want to suggest to the Senator from New York that I think this amendment ought to be written out as it will be when incorporated in the pending bill, and not simply by reference to another statute. We can not tell exactly what the relation of it is by striking out certain words and substituting others. It seems to me that it ought to be rewritten, with the words stricken out and substituted, so that we may see in a concrete form the amendment which is to be put into the bill.

Mr. HALE. Will the Senator from Georgia yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. Certainly.

Mr. HALE. Mr. President, I hope the Senator from Georgia [Mr. BACON] will insist upon the view of this matter which he has just taken. Where the Government is to be held responsible there ought not to be anything except definitive terms governing every provision. I hope the Senator from New York [Mr. DEPEW] will not insist upon taking legislation upon another and an entirely distinct subject, very far away in every respect, and putting it on in this way, but that he will take his bill and frame the provision, as he easily can, as he is a good lawyer, so that we may know in reading the bill just what is the extent of the Government's liability. I do not know now, the Senator from Georgia does not know now, what is the extent of the Government's liability under this method of legislation. I hope the Senator from New York will let the matter stand over and prepare an amendment that will cover every detail of this bill.

Mr. BACON. In other words, Mr. President, we want to see the bill in its entire form, and do not want to have to go and hunt for another statute to see what is really the law in reference to this matter.

Mr. DEPEW. Mr. President, I have no objection to having the bill go over, providing it can retain its place and have the same position on Wednesday that it has to-day.

Mr. HEYBURN. Mr. President, before the bill goes over I would make this suggestion: As I listened to the reading of the bill, there is no provision that the Government's mortgage or lien shall be a first mortgage or lien. There is no limitation as to what it may come in behind, and there should be some more definite statement. Otherwise the Government may find itself compelled some day in foreclosure proceedings to own this railroad.

Mr. HALE. Let the bill go over without prejudice and hold its position on the calendar.

Mr. DEPEW. The position that it now holds, Mr. President.

The VICE-PRESIDENT. The request of the Senator from New York [Mr. DEPEW], then, would be that the same order be entered for this bill for Wednesday, March 2, that is now in existence for Monday, February 28. Is there objection to entering that order? The Chair hears none.

GOVERNMENT BUSINESS-METHODS COMMISSION.

Mr. ALDRICH. Mr. President, I ask unanimous consent that Senate bill 6168 may now be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6168) creating a government business-methods commission.

Mr. ALDRICH. The bill has been heretofore read and amended.

Mr. BURKETT. Mr. President, I should like to have the bill read as now amended.

The VICE-PRESIDENT. If there be no objection, the bill as amended will now be read.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That a commission is hereby created, to be called the "government business-methods commission," to be composed of five Members of the Senate, to be appointed by the presiding officer thereof, and five Members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the commission shall be filled in the same manner as the original appointment.

SEC. 2. That it shall be the duty of this commission to inquire into and report to Congress at the earliest date or dates practicable, what changes are necessary or desirable in the methods of transacting the business of the Government or in the laws relating thereto, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said commission was created. The commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations of the subjects committed to their charge as they shall deem necessary.

Mr. BACON. Mr. President, I should like to inquire of the Senator from Rhode Island [Mr. ALDRICH] whether it might not be important to insert some words to put beyond doubt the power of the President of the Senate or the Speaker of the House of Representatives to make such appointment if a vacancy should occur in vacation? I do not know whether or not the language as it now stands would give that authority. Possibly, if there is any doubt, there ought to be some words inserted to cover and remove that doubt.

Mr. ALDRICH. I think they certainly would have the right to appoint whenever a vacancy occurred, whether in vacation or otherwise.

Mr. BACON. Possibly the colloquy which we now have might be sufficient.

Mr. HALE. It has always been done.

Mr. ALDRICH. I think there is no question about the power. It was exercised in the case of another commission within my knowledge during vacation.

Mr. BACON. Very well.

Mr. NEWLANDS. Mr. President, I have just come into the Chamber, and I do not understand the status of this bill.

The VICE-PRESIDENT. The bill is before the Senate, as in Committee of the Whole, by unanimous consent.

Mr. NEWLANDS. Will it be in order now to offer a substitute for the bill?

The VICE-PRESIDENT. It will.

Mr. NEWLANDS. I offer the substitute for the bill, which I send to the desk and I ask that it may now be read.

The VICE-PRESIDENT. The substitute offered by the Senator from Nevada will be read.

The Secretary read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That a commission is hereby created, to be called the 'Government business-methods commission,' to be composed of not exceeding nine members, to be appointed by the President of the United States; and any vacancy on the commission shall be filled in the same manner as the original appointment. Such commission may be composed of such employees of the executive departments and such experts in business methods and administration as the President may designate. The President is authorized to fix the compensation of such experts or administrators, but the employees of the executive departments so appointed shall receive no extra compensation except for such incidental expense as they may be put to by reason of their duties on such commission. The total expenditures under this act, both for contingent expense and for salaries, until further authorized by law shall not exceed $50,000.

"SEC. 2. That it shall be the duty of such commission to inquire into and report to the President at the earliest date or dates practicable what changes are necessary or desirable in the methods of transacting the business of the Government or in the laws relating thereto, and for this purpose they are authorized to sit at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said commission was created. The commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations of the subjects committed to their charge as they shall deem necessary. The President is authorized to carry out such recommendations of said commission as he may approve and as not inconsistent with existing law, and wherever changes in the existing law are necessary for such purpose he shall report the same to Congress.

"SEC. 3. That the President is also authorized to bring into coordination and cooperation the departments, bureaus, and services of the executive departments of the United States with a view to preventing duplication of work, improving business methods, and uniting the experience and information of the various departments, bureaus, and services in matters of construction and administration, and to appoint such boards and committees in connection therewith as he may deem advisable."

The VICE-PRESIDENT. The question is on agreeing to the substitute proposed by the Senator from Nevada [Mr. NEWLANDS], which has just been read.

Mr. NEWLANDS. Mr. President, I am hardly prepared for the discussion of this matter, for I did not expect it to come up so soon, but as I understand the status regarding this bill it is this: The new Committee on Public Expenditures, which was expected to be a very important committee, organized with a view to so shaping the appropriation bills of the Government as to keep within our revenues, and organized with a view to diminishing public expenditures and economizing in government operations, has been in session upon two or three occasions, and a subcommittee was appointed with reference to business methods. Upon that subcommittee were the Senator from

Oregon [Mr. BOURNE], the junior Senator from New York [Mr. ROOT], the Senator from Colorado [Mr. HUGHES], and others; and their unanimous report was in favor of a joint commission, three members to be appointed by the Senate, three to be appointed by the House, and three to be appointed by the President, with a view to bringing into cooperation the legislative and the executive departments of the Government upon this important matter. That report was approved by the Committee on Public Expenditures in full session, not a dissenting voice at the time being raised against it, if my memory is correct.

The bill came into the Senate, and objection was made to it by the Senator from Mississippi [Mr. MONEY] upon the ground that it included in the commission appointees of the executive department, his contention being that the two departments should be kept absolutely separate and distinct in the consideration of these matters. To my surprise, that amendment was accepted by the Senator from Rhode Island [Mr. ALDRICH], who had charge of the bill, and it was therefore impossible for those who believe that the two departments should be brought into cooperation to make any successful issue against the proposed amendment. So the bill has been amended, and now stands before this body a bill for the organization of a joint commission of Senators and Representatives for the purpose of inquiring into the question of good business methods in the administration of the executive departments, and recommending changes in administration and changes in the law in order to accomplish that purpose.

I then, Mr. President, gave notice that I would offer a substitute, contending that if only one department of the Government was to be represented upon the commission, whose effective service demanded the cooperation of both departments, the wise thing to do was to give the President the power to appoint a purely executive commission, so that he could put upon that commission such chiefs of the various bureaus and services of the executive departments as he chose to assign to it, and bring in collaboration with them the best experts in the country.

It is perfectly obvious that this whole question involves simply and purely the question of executive administration, and, inasmuch as reform was to come from the executive department, and not from the legislative department, I thought it but fair as between the two to give the President of the United States the power to avail himself of the best capacity in his department and of the best capacity outside of his department, in order to bring about administrative and economic reform. So the matter stands to-day, upon the proposal of the Senator from Rhode Island, that only the legislative department shall be represented upon the commission, and the proposal of my substitute, that we shall immediately authorize the President of the United States to take such steps as are necessary to secure administrative reform in his department.

In connection with this, I have suggested that we should put in this bill a provision giving the President of the United States the power to bring into coordination and cooperation the various bureaus and services of the Government, so that their labors can be secured in the line of administrative reform through the organization of committees or boards or councils, which will arouse the esprit de corps of each bureau and service in the department affected and make them all harmonize their efforts to a common purpose.

We all know that the restraints of the Tawney amendment would paralyze the President of the United States in any act tending to bring the bureaus or services of his own department into coordination and cooperation. According to its terms, though that end might not have been intended, the President of the United States is not only forbidden to pay out of any funds whatever the expenses of such a board or council or commission or committee, or whatever you may term it, but he is absolutely forbidden to detail any man in the service in the line of joint action upon these important matters.

Of course Congress intended to aim a blow at President Roosevelt's activity in creating executive commissions, appointed by him under the recommendatory power enjoyed by the President under the Constitution, a power which makes the President of the United States a part of the legislative body.

We speak of the legislative department and of the executive department as being entirely distinct. That is true; but the President is a part of both. He is not only the Chief Executive of the United States, but he is charged by the Constitution itself with certain legislative functions. It is his right and his duty to make recommendations to Congress—not simply general recommendations, but to recommend measures—and it is his right to veto any action of both Houses of Congress; so that under the Constitution he is a part of the legislative branch of the Government.

Some may think that Mr. Roosevelt was a little too active in appointing commissions for the purpose of inquiring into various matters relating to economics and sociology, but undoubtedly he had the power to do it. The only power that he lacked was to pay for such services out of the National Treasury. That power he could not exercise without the sanction of Congress.

If Congress disapproved; if, in contravention of the law, the President was paying the expenses of these commissioners out of the public funds—though I have heard no instance of it—it was the right of Congress by law to declare that that should not be done, though it was not necessary for Congress to so declare by law, for clearly and obviously the President of the United States has not the power, in appointing a purely executive commission under his recommendatory power, to provide for the payment out of the public funds of the expenses of such a commission. But Congress went beyond that, and in the sundry civil act of last year by the so-called "Tawney amendment" declared:

Not only—

SEC. 9. That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law—

But also—

Nor shall there be employed by detail, hereafter or heretofore made, or otherwise, personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

So that unless the "commission, council, board, or other similar body" is expressly authorized by law, the President can not by detail or otherwise assign any employee of the executive departments to service upon such commission.

Now, then, I think it should have the power to authorize the President to appoint a board or boards composed of the officials of the executive departments, who can bring the various services and bureaus into coordination and cooperation for the purpose of advancing good business methods.

But under the provisions of the Tawney amendment the apparent purpose of Congress was to prevent the President from organizing a commission or even a committee in his own department for the purpose of acting in cooperation with reference to administrative reforms.

I wish to ask the Senator from Rhode Island, if I may have his attention, whether, in his judgment, the following words in the Tawney amendment will prevent the President from appointing a purely executive board or commission or committee for the purpose of inquiring into and acting in cooperation with reference to questions of administrative reform:

Nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

Mr. ALDRICH. Mr. President, in answer to the question of the Senator from Nevada, I should say that the President can appoint gentlemen to perform certain services in the executive departments, which I suppose he might call a commission or otherwise, but he has no right to pay them out of the Public Treasury.

Mr. NEWLANDS. That is the opinion of the Senator from Rhode Island. Now, may I ask the Senator from Maine his view regarding that matter?

Mr. HALE. I think, Mr. President, that what is known as the Tawney provision is very far-reaching, and I think Congress intended that it should be. I think the purpose was to prevent too much government by commissions and boards, and that it was believed by Congress that some well-devised, well-phrased provision, as the Tawney amendment certainly is, should be applied to conditions then existing. I do not think with that provision a part, as it is, of the existing law any board, any commission, by whatever name it may be called, can be set afloat and make a voyage of discovery and of administration and spend any money.

It does not prevent certain boards and certain commissions which Congress, in terms, authorizes, and in certain cases, which are now existent, provides money for them. That domain is not invaded by the Tawney amendment; but generally speaking I agree with the Senator from Rhode Island that unless the board is recognized by Congress—appropriated for—no money can be spent upon it; and, of course, the Senator understands that that practically does away with these numerous commissions. I think it is a matter upon which Congress can felicitate itself that the operation of the Tawney provision has largely, almost completely, put an end to the vagrant commis-

sions which have sought to engross the right not only of administration but of legislation, and that the provision is working out for good to the public service.

Mr. NEWLANDS. I will ask the Senator, then, specifically, whether under the Tawney amendment it would be within the President's province to appoint a board or a commission, to be called the "department good business methods commission," with a view to that commission making inquiries in the departments regarding present business methods and recommending changes, and with a view also to having such a board appear before the commission authorized by this amended bill and presenting their views as to changes in the law which may be necessary in order to make good business administration, provided that none of the moneys in the Public Treasury are drawn upon by such a board or commission?

Mr. HALE. Oh, undoubtedly, Mr. President, the President of the United States directly or acting through his ministers, the heads of the departments, could send one person or another, or one or many before this joint commission of the two Houses to make suggestions and to give information and to help mature proper results to be brought about by that commission.

Mr. NEWLANDS. Then I would ask the Senator whether he would not think it advisable to give the President some fund from which to pay the expenses of such a commission in employing proper expert aid?

Mr. HALE. Mr. President, the Senate is not now confronted with that question.

Mr. NEWLANDS. I will ask the Senator whether he would think it proper, as we are entering upon this investigation as to good business methods, to arm the President of the United States with the power and the means with which to make such an inquiry efficient?

Mr. HALE. I should not be in favor of a niggardly policy which would improperly cripple the hands of the Executive in any regular and legal function of his, and all that makes up a subject which will be dealt with when we come to the appropriation bills relating to the workings of the Government in the different departments.

Mr. NEWLANDS. Will we have the assurance of the Senator that he will endeavor to make provision for such expenses upon the part of the President?

Mr. HALE. So far as I am concerned, the Senator can have this assurance from me, that in the light of any matter when it is brought to my mind I will try to do the fair and reasonable thing not only for Congress, but for the President. I can not say now, the Senator can not say now, no Senator can now say what ought to be done on a problematical case. When any special thing, a distinct proposition, is brought before the Committee on Appropriations, or any committee that has charge of an appropriation bill, it will receive, so far as I am concerned, fitting attention.

Mr. NEWLANDS. I have to say in that connection that I think the whole question is before us now. The Committee on Public Expenditures reported a bill which practically brought the two departments into coordination upon this commission and authorized the appointment of experts. Now, the amendment which has been accepted by the Senator from Rhode Island absolutely eliminates the executive department and makes it a one-sided inquiry.

I suggested that if there is to be a one-sided inquiry, that inquiry should be made by the department affected and not by a department that has nothing whatever to do with the administration. But I am willing to compromise, if you will take present action in this bill, and whilst you authorize a legislative commission you will also authorize a purely executive commission and give that executive commission the same power to employ experts and to pay them that is given to the legislative commission.

The Senator from Maine says that that is a thing for the future; that that is a thing for consideration when the appropriation bills come up. I say it is a thing to be settled now, for the whole question of good business methods in the departments is now before the Senate, and we are called upon here to provide the machinery essential to secure good business methods, and I insist upon it that we give the President himself the machinery, and not only the machinery, but the money. The Senator from Maine says he already has the machinery; that notwithstanding the plain terms of the Tawney amendmen he can appoint a commission or a board to make this investigation and inquiry. But he proposes now to deny him the means, whilst he is giving the legislative commission the means by which to make this inquiry; or, at all events, he proposes to postpone to a later day giving the President the means to make an inquiry that ought to be started now and for which he ought to have ample funds.

Now, in view of the fact that there is some difference of opinion between the Senator from Rhode Island and the Senator from Maine—and here I will ask the attention of the Senator from New York [Mr. ROOT] for a moment—as to the real meaning of the words employed in the Tawney amendment, I would ask him whether, according to the plain terms of the Tawney amendment, the President could, even for the purpose of inquiry, even if he did not pay out a dollar of expense, organize a commission or board for the purpose of instituting good business methods, or whether he would, disregarding the law, have to rely upon his constitutional power, which Congress can not invade.

Mr. ROOT. I do not know whether the Senator from Nevada is authorized by the Senator from Maine, who is not present for the moment, to submit this question to me as referee or arbitrator. If the Senators from Maine and Rhode Island unite in its submission, I will try to answer the question.

Mr. NEWLANDS. I suggest to the Senator from New York that the Senator from Maine is not absent from the Chamber, and, as he is silent, acquiescence can be presumed.

Mr. ROOT. Then, perhaps, we had better presume that he acquiesces in the views of the Senator from Nevada.

Mr. NEWLANDS. Will not the Senator, for the information of the Senate, state what his opinion is as to the terms of the Tawney amendment?

Mr. ROOT. The terms of the Tawney amendment are very comprehensive. Of course, in construing statutes of that kind, and all statutes which deal with the method of performing executive duties, you have to construe them reasonably and sensibly with reference to the subject-matter to which they are to be applied; and I assume there are some commissions that would be excluded, and that there are other so-called "commissions" that would not be excluded.

The object of the act is plain; as the Senator from Maine has said, to prevent the substitution of a great variety of commissions unknown to the law for the ordinary processes of the law. I do not understand that it would prevent, or that it would be construed as preventing, the President, or even the heads of departments, from calling to their assistance a number of gentlemen who may act together in an advisory or investigating way for the purpose of assisting them in the performance of their duties. There is to be a practical, sensible application of the statute which adapts it to meeting the evil it was intended to cure.

Mr. NEWLANDS. The Senator then, as I understand, would be of the opinion that the section should be construed with reference to its purpose and not exactly by its words, and that it should be so construed as not to deny the President the power of appointing a commission or board for the purpose of bringing the services of the Government—whatever department they may belong to—into coordination and cooperation. Do I understand that, substantially, to be the view of the Senator from New York?

Mr. ROOT. I would rather not give my assent to any statement except one I myself make.

Mr. NEWLANDS. I have no disposition, of course, to endeavor to trap the Senator from New York. I simply wished to understand what his view was before progressing with my argument. I think the Senator from New York will agree with me——

Mr. ROOT. It may be that I did not fully apprehend what it was that the Senator from Nevada had in his mind in asking the question. If I have failed to answer the question to his satisfaction, it is not because I did not mean to, but because I did not appreciate exactly what it was that he was driving at. It seems to me rather a moot question or an academic question. I do not know to what the Senator was seeking to apply any answer regarding this statute. I do not know why he thinks that an answer regarding it is relevant to anything before the Senate. I answered the question out of respect to the Senator from Nevada, not because I had the slightest idea what my answer was relevant to.

Mr. NEWLANDS. I will point out to the Senator from New York the relevancy of my question to this discussion. I am contending that if you propose to establish good business methods in the departments it will involve two things: One, reform in administration by the departments themselves; the other, possible changes in the law. The reforms in administration can, so far as they are consistent with existing law, of course be accomplished by the President without the interposition of Congress. The reforms in which changes of law are necessary can only be accomplished with the aid of Congress.

Now, then, I insist upon it that when we are starting out upon an era of organizing good business methods in the departments we should set both the executive department and the legislative

department to work. Through the amendment which has been accepted by the Senator from Rhode Island, the executive department has been absolutely eliminated from this inquiry, although the subcommittee of which the Senator from New York is a member reported unanimously in favor of the inclusion of both, and although the Committee on Public Expenditures voted without dissent so far as I recollect in favor of it.

Now, then, the inquiry comes up as to what the executive department can do in aid of this work, and the first obstacle we encounter is the so-called "Tawney amendment," adopted by Congress two years ago toward the close of Mr. Roosevelt's administration, in which the President is forbidden to appoint any member of an executive department to any board or commission, or other similar body not authorized by law. The first question then comes up as to the meaning of that. The Senator from New York says it does not include this case. Then comes up the next question, How is the President to get the money with which to conduct the investigation? And with reference to that the Senator from Maine says that that is a matter for future action.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. Is the Senator afraid that if this is made a purely legislative commission the President of the United States will not cooperate with that commission to secure the results which are desired?

Mr. NEWLANDS. I do not fear at all that the President of the United States——

Mr. ALDRICH. I feel authorized to say for the President of the United States that he will cooperate to the fullest manner possible to secure it.

Mr. NEWLANDS. I have no doubt——

Mr. ALDRICH. So I can see——

Mr. NEWLANDS. The question is, first, whether you are furnishing him with the machinery with which to cooperate; and, secondly, whether you are furnishing him with the means with which to cooperate.

Mr. ALDRICH. Does the Senator from Nevada, or will any other Senator, question the power of the President of the United States to call together his heads of departments or head chiefs of bureaus, or any executive officer, and ask them to confer and cooperate with this commission? Does the Senator from Nevada deny that?

Mr. NEWLANDS. I do not doubt the President's constitutional power to do that.

Mr. ALDRICH. Does any Senator?

Mr. NEWLANDS. But I do believe that the terms of the Tawney amendment deny him that power, and, therefore, I was anxious to get the opinions of some of the leaders of the Senate as to whether or not he would be bound by the terms of the Tawney amendment.

Mr. ALDRICH. The Senator has my opinion; and no Senator has risen in his place, and I venture to say that no one will, and has said that the President can not do that.

Mr. NEWLANDS. I am very glad to get that statement. It is a valuable statement. There is a feeling in the departments to-day that the Tawney amendment was designed to prevent just such appointments. Mr. Roosevelt appointed the Keep commission, and Congress had in view the so-called "meddlesomeness" of the Keep commission, as well as other things, when it passed the Tawney amendment. The Keep commission was simply a good business methods organization appointed by the President with a view to reforming administration.

Mr. ALDRICH. Knowing something about that legislation, I can say with absolute certainty that the Keep commission was not in the minds of the legislators when the Tawney amendment was adopted. It was a class of commissions like the one of which the Senator from Nevada was a member, the Waterways Commission, so-called, that were undertaking to determine what Congress should do with reference to the treatment of the waterways. I think there were one or two Members of Congress upon that commission. It was made up largely of people outside both the legislative department and the executive branch of the Government, and they were spending large sums of money—I do not know how much—in investigating subjects which ought never to have been submitted, I think, to a commission of that kind; and it was to hit cases of that kind, which, in the opinion of a great majority of both branches of Congress was substantially and abuse of the power of appointment of commissions, that that amendment was adopted. It was not to hit the Keep commission. The Keep commission was composed entirely of heads of departments, or of persons connected with the executive departments, whom it was clearly within the right of the President to appoint, and it was a commendable thing for any President to do. It was not commissions of that kind which were in the contemplation of Congress when the so-called "Tawney amendment" was adopted.

Mr. NEWLANDS. This debate is serving a useful purpose. It is clearing the atmosphere. I am glad to know now that notwithstanding the terms of the Tawney amendment expressly forbid the appointment of such a commission as the Keep commission, it was not in the contemplation of Congress.

Now, with reference to the Inland Waterways Commission, to which the Senator has referred and of which I was a member, I wish to say that I hesitated for some time before accepting an appointment upon that commission. However, I finally came to the conclusion that the President under his power of recommendation to Congress and with a view to informing himself concerning the development of our inland waterways for the purpose of recommending definite measures to Congress had the power to make an inquiry of that kind either individually or through a commission or board, and that it was the patriotic duty of any citizen to respond to his invitation to serve on such a commission. I am not aware that the commission spent any public moneys. So far as my personal expenses were concerned, I defrayed them myself, and I understood that to be the action of every other member of the commission. I believe that the President had the constitutional power to appoint that commission.

I believe that the commission, composed as it was of two Senators, two Representatives who have since become Senators, and five chiefs of the various scientific services of the Government, did good service and made a report that will be of value to the country, and which certainly was of value to the President in his recommendations, recommendations which will yet ripen into law under the force of public opinion. But, of course, he had no power to take a dollar out of the Treasury, unless authorized by law, and apply it to the expenses of the commission, and he never did.

Mr. President, we now find that, notwithstanding the express prohibition of the Tawney amendment, it is within the constitutional power of the President of the United States himself to appoint a good-methods commission composed entirely of chiefs of the departmental service and to engage them in this inquiry. I ask the Senator from Rhode Island whether he would be willing to authorize in this bill the President of the United States in aid of such a commission to employ experts within a limited sum?

Mr. ALDRICH. That is an absurd question, it seems to me. This commission can employ experts. Why should the President employ other experts?

Mr. NEWLANDS. Then, as I understand, we have it that while the Senator from Maine suggests that when the proper time comes, on an appropriation bill, he will favor—he intimates it; he does not say so—an appropriation to pay such expenses as the executive department thinks are proper in the employment of expert services, I understand the Senator from Rhode Island to indicate that he would not favor such legislation?

Mr. ALDRICH. I can see no useful purpose in discussing hypothetical questions which may arise next year or the next year after that. The terms of the pending bill before the Senate are perfectly plain, and I think the terms of the amendment suggested by the Senator from Nevada are perfectly plain. I am quite willing to submit those questions to the Senate for its action.

Mr. NEWLANDS. I am very intent upon making effective this movement for the introduction of good business methods in the departments of the Government. I do not see how that can be accomplished except by cooperation of the executive and the legislative departments, and I do not see how that can be accomplished unless you furnish to each the expert aid that is essential in this work.

You admit that expert aid is essential, for you have authorized its employment in this bill so far as the congressional committee is concerned. All that I ask you is that you should also authorize the President to proceed pari passu with you, so that he, through the experts and through the cooperative services of men now in the employ of the Government, can make inquiry and not only institute business methods, but also prepare to appear before the legislative commission and make recommendations as to needed changes in the law.

It seems to me an entirely reasonable thing to insist that while we are acting upon this subject-matter we should act upon it in its entirety and not by piecemeal. I can not understand why this committee, the Senator from Rhode Island having found his bill dismantled by an amendment not really put to the test of a vote in this body, but accepted by him without a contest, and conscious of the purpose of the Committee on Public Expenditures that the executive departments should cooperate in this great work, should deny now not only the ma-

chinery but the moneys essential to that purpose, and should leave this question a matter of doubt so far as the machinery is concerned, the Tawney amendment prohibiting the appointment of such a commission, and thus compelling the President to resort to construction or to the great source of all power, the Constitution itself, in order to enable him to act intelligently upon this subject.

I can not understand what purpose there can be in refusing to amalgamate these two bills—the amended bill offered by the Senator from Rhode Island and the substitute bill prepared by myself. They can be amalgamated. The substitute can be put in this bill, and it will simply give the President the power to appoint a commission to bring these services into coordination and to employ experts.

The Senator indicates that he has no disposition and the Senator from Maine at all events indicated that he has no purpose to deny the President this machinery and these moneys. Why not provide the machinery and the money now?

I ask the Senator from Rhode Island whether, if I withdraw this as a substitute, he will accept it as an amendment and thus provide for an additional commission purely executive in character, and proceeding pari passu with our own in the investigation of this matter, so that the two departments of the Government, the legislative and the executive, can be brought into hearty cooperation on so important a subject.

Mr. ALDRICH. Mr. President, if this commission should be appointed, and if there is any lack of cooperation on the part of the President, or if they have any reason to suppose that further or additional powers are necessary in order to secure the best results they can report that fact to Congress, and I have no doubt additional legislation will be enacted without dissent. But I see no reason at this stage for accepting the suggestion of the Senator from Nevada either as an amendment or as a substitute.

Mr. NEWLANDS. Mr. President, I know I will be powerless to carry this substitute through.

Mr. SHIVELY. Will the Senator permit me to ask him whether his amendment has been printed?

Mr. NEWLANDS. It has. I will ask the Secretary to read the amendment.

The VICE-PRESIDENT. If there be no objection, the Secretary will again read the proposed substitute.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That a commission is hereby created, to be called the "Government business-methods commission," to be composed of not exceeding nine members, to be appointed by the President of the United States; and any vacancy on the commission shall be filled in the same manner as the original appointment. Such commission may be composed of such employees of the executive departments and such experts in business methods and administration as the President may designate. The President is authorized to fix the compensation of such experts or administrators, but the employees of the executive departments so appointed shall receive no extra compensation except for such incidental expense as they may be put to by reason of their duties on such commission. The total expenditures under this act, both for contingent expense and for salaries, until further authorized by law shall not exceed $50,000.

SEC. 2. That it shall be the duty of such commission to inquire into and report to the President at the earliest date or dates practicable what changes are necessary or desirable in the methods of transacting the business of the Government or in the laws relating thereto, and for this purpose they are authorized to sit at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, and to employ such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said commission was created. The commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations of the subjects committed to their charge as they shall deem necessary. The President is authorized to carry out such recommendations of said commission as he may approve and as are not inconsistent with existing law, and wherever changes in the existing law are necessary for such purpose he shall report the same to Congress.

SEC. 3. That the President is also authorized to bring into coordination and cooperation the departments, bureaus, and services of the executive departments of the United States with a view to preventing duplication of work, improving business methods, and uniting the experience and information of the various departments, bureaus, and services in matters of construction and administration, and to appoint such boards and committees in connection therewith as he may deem advisable.

Mr. NEWLANDS. I move that that be added to the bill as additional sections.

The VICE-PRESIDENT. Does the Senator from Nevada withdraw it as a substitute?

Mr. NEWLANDS. I withdraw it as a substitute.

The VICE-PRESIDENT. The Senator from Nevada withdraws his substitute and offers it as an amendment to follow the last word in the bill. The question is on agreeing to the amendment proposed by the Senator from Nevada.

The amendment was rejected.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by M. C. Latta, one of his secretaries, announced that the President had, on February 26, 1910, approved and signed the following acts:

S. 5680. An act authorizing the construction of a bridge across the Connecticut River, in the State of Connecticut, between the towns of Old Saybrook and Old Lyme; and

S. 6191. An act to authorize the Fort Smith and Van Buren district to construct a bridge across the Arkansas River at Van Buren, in the State of Arkansas.

CHOCTAW AND CHICKASAW COAL LANDS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 390), which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, reports rendered in connection with the investigation to determine the extent and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, in Oklahoma, which investigation has been made under the direction of the Department of the Interior, pursuant to the act of June 21, 1906, which provides in part as follows:

That the Secretary of the Interior is hereby authorized and directed to make practical and exhaustive investigation of the character, extent, and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, in Indian Territory; and the expense thereof, not exceeding the sum of $50,000, shall be paid out of the funds of the Choctaw and Chickasaw nations in the Treasury of the United States: *Provided*, That any and all information obtained under the provisions of this act shall be available at all times for the use of the Congress and its committees.

There are also inclosed memorials of the Choctaw Nation protesting against the payment of the expenses of this investigation from the tribal funds and requesting the United States to purchase the surplus and undivided property of the Choctaw and Chickasaw nations.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1910.*

CIVIL SERVICE COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Civil Service Commission, submitting draft of proposed legislation providing that any member of the United States Civil Service Commission, or any officer, examiner, clerk, employee, or other representative thereof lawfully detailed to investigate frauds or attempts to defraud the Government or any irregularity or misconduct of any officer or agent of the United States, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

The proposed legislation has my hearty approval, and I commend it to the careful consideration of the Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1910.*

RECLAMATION FUND.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund.

The VICE-PRESIDENT. If there be no objection, the unfinished business will be temporarily laid aside. The Chair hears no objection.

PERSONNEL OF THE NAVY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 388), which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs and ordered to be printed.

To the Senate and House of Representatives:

I wish to bring to the attention of the Congress the urgent need of legislation for the improvement of the personnel of the navy.

I am strongly of the opinion that the future of our navy will be seriously compromised unless the ages of our senior officers are materially reduced and opportunity is given thereby for experience and training for battle ship and fleet commands.

Under our present system the average age of captains is 55 years and of rear-admirals 60¼ years.

This is the direct result of an absurd system which allows nearly all officers, provided they retain their health, to pass through the various grades and retire as rear-admirals.

The greater number of our older commanding officers have had inadequate experience in command. Experience in command of a large vessel in the battle fleet is essential to the command of a division or squadron of the fleet, and preliminary training in flag officers' duties is necessary before succeeding to the chief command of a fleet. We are now training officers in command of battle ships and armored cruisers, many of whom can not serve as flag officers on account of their short time on the active list after reaching that grade.

The line of the navy is in an abnormal condition, the result of past legislation.

There is still a "hump" in the flag and command grades, there is a great deficiency of officers of suitable ages for the intermediate grades, there is the beginning of a new "hump" in the lower grades, and the total of all the grades is very considerably short of the requirements of the service.

The Congress, in 1903, authorized an increase in the number of midshipmen at the Naval Academy, without increasing correspondingly the grades of officers, and the result is now a large "hump" near the bottom of the list, due to the large classes graduated since that date. Unless legislation relieves the situation, these young officers will have little promotion for many years to come. From now on, about 160 officers per year will enter the junior lieutenants' grade, and, under existing law, but 40 a year will be promoted out of it; so that that grade will increase out of proportion to the others.

The following table shows the ages of the oldest and youngest and the average ages of the flag officers of different grades and captains in the English, French, German, Italian, Austrian, and United States navies at the present time:

[About January 1, 1910.]

	Great Britain.			France.		
	Oldest.	Youngest.	Average.	Oldest.	Youngest.	Average.
Admirals of the fleet	70	65	68			
Admirals	64	59	62			
Vice-admirals	62	53	59	64	58	62
Rear-admirals	58	46	53	62	54	59
Captains	53	36	44	60	47	54

	Germany.			Japan.		
	Oldest.	Youngest.	Average.	Oldest.	Youngest.	Average.
Admirals of the fleet	(a)					
Admirals	61	58	60	67	48	60
Vice-admirals	57	54	55	60	50	54
Rear-admirals	54	49	51	53	42	50
Captains	51	41	45	51	41	45

	Italy.			Austria-Hungary.		
	Oldest.	Youngest.	Average.	Oldest.	Youngest.	Average.
Admirals	(b)	(b)		(c)	(c)	
Vice-admirals	66	60	62	65	57	61
Rear-admirals	60	37	56	58	52	55
Captains	54	46	51	54	47	50

	United States.		
	Oldest.	Youngest.	Average.
Admirals of the fleet	(d)	(d)	
Rear-admirals	62	58	60.5
Captains	61	50	55

[a] One only active.
[b] One only, 54 years.
[c] One only, 66 years.
[d] One Admiral of the Navy, special.

The averages of rear-admirals of different countries, about January 1, 1910, were thus, as follows:

	Years.
Japanese	50
German	51
English	53
Austrian	55
Italian	56
French	59
American	60.5

The effect of the proposed measure would be to promote our officers to the grade of rear-admiral at an average age of 54 to 55, and to make the average of all the rear-admirals about 58.

The average ages of captains about January 1, 1910, were, from the same table, as follows:

	Years.
English	44
German	45
Japanese	45
Austrian	50
Italian	51
French	54
American	55

The effect of the proposed measure would be to promote officers to the grade of captain at an average age of 46 to 47, and to make the average age of all the captains about 50.

The ages for rear-admirals and captains produced by the proposed measure are not young enough, in my opinion, for the arduous duties of the modern vessels of war and for the best success in a fleet engagement, should war come, but they are a decided improvement. To reduce the ages still further would not increase the cost; but for other reasons, I am unwilling to advocate any further reduction at the present time.

The creating of higher ranking flag officers is a military necessity. Through custom and tradition, at a time when the service was small, grades higher than that of rear-admiral were regarded as rewards of merit for exceptional war service. The size of the fleet now demands two grades above that of rear-admiral, which still would not compare with the grades to be found in foreign services. The customary naval grades are admiral of the fleet (grand admiral), admiral, vice-admiral, rear-admiral. Foreign fleets are commanded by admirals and vice-admirals. In international council, or in combined operations, the American admiral, whatever the importance of his command, must assume the junior position. In our Atlantic Fleet there are now four rear-admirals. There should be an admiral in command, a vice-admiral for the second squadron, and a rear-admiral for each of the other two divisions.

Considerations of proper military efficiency, as well as a due sense of national dignity and self-respect, as befitting this great Nation, urge that the existing situation shall cease.

The Secretary of the Navy has prepared a tentative bill for reorganizing the personnel of the navy, which is at the disposition of the Congress should it be desired. This proposed plan for relief meets with my hearty approval.

OUTLINE OF PROPOSED MEASURE.

The personnel of officers and men is based on the tonnage of effective ships. Increases or decreases of ships, due to authorization by Congress or to sale or other disposal, will increase or decrease the personnel in a fixed proportion. In time, though, the increases in new tonnage will be offset by old ships struck from the list. Adequate provisions are made to guard against sudden fluctuations in the personnel.

The ratio provided is 100 men and 5 line officers and midshipmen for every 2,000 tons of ships, including ships authorized and building, the principle being followed that it takes as long to train the midshipmen and enlist and train the men as it does to build the ships.

With 1,200,000 tons of ships, as now authorized, the ultimate personnel would reach 3,000 line officers and midshipmen and 60,000 enlisted men, but under the measure as drawn the full authorized strength of officers and men can not be reached for a number of years to come, nor in any case, except with the approval of the Congress year by year.

The officers, as now, are to be drawn from the Naval Academy, with certain additions from the ranks, as authorized by existing law; but it is not proposed to increase the present size of the Naval Academy classes, and it is estimated that under present conditions it will take about eight years for the full strength of officers to be reached.

As regards the men, the present authorized strength is 44,500. The current estimates provide for 47,500, which estimates are not to be altered. In future years, if approved by the Congress, the number can be brought up gradually to the proportion required for the actual ships, the present measure not authorizing any increase.

After the grades of officers assume the fixed proportions set for them there will be an excess in the upper grades due to promotion for length of service.

Each July 1 a board of high ranking officers recommends sufficient retirements to reduce such excess.

The rate of pay for such retired officers will depend on length of service. After eighteen years they would get about one-fourth pay, after twenty years about one-third pay, after twenty-four years about one-half pay, and after thirty years three-fourths pay.

The method of retirement is an important part of the proposed plan. At present too many officers reach the highest grade and retire with the rank of senior rear-admiral, without adequate return to the Government.

The present personnel law of 1899 has been in operation eleven years. In that time 304 officers have retired from age, length of service, or by operation of the law. In the next eleven years, if the proposed measure becomes operative, there will be about 138 retirements from the same causes, at a cost of less than one-half the former 304.

The lengths of service proposed for line officers in the various grades will bring promotion, at the latest, at the ages set forth following:

	Years.
Age at entry	18
Ensign	22
Lieutenant (junior grade)	25
Lieutenant	28
Lieutenant-commander	36
Commander	42
Captain	47
Rear-admiral	55

The staff corps are put on the same basis as the line, as nearly as the requirements of the different corps will permit.

EXPENSE OF PROPOSED MEASURE.

In drawing up the measure which I have approved, a prime consideration was that there was to be no immediate increase in expense, nor, except for authorized increases in ships, any eventual increase.

On the basis of tonnage, any increase in both officers and men must be authorized each year by Congress when it authorizes ships.

The saving in this measure is principally in the retired list of the line. Under the present law, and that which preceded it, most retirements were from the higher grades at the higher rates of pay. Under the proposed plan, with the exception of the captains already due for promotion to the grade of rear-admiral, no increase of rank is allowed on retirement, and retirements will be distributed along the grades at rates of pay which depend on length of service.

Finally, I wish to emphasize to the Congress that this measure is intended primarily to reduce the ages of the officers in the senior grades of the line of the navy and to secure more efficient captains and flag officers.

Incidentally it is intended to increase the efficiency of the staff corps by providing some measure of compulsory retirement for them and some increases which are necessary.

While it might be possible to include improvement in some other minor details of the line and staff corps, these matters are not directly concerned with improving the military efficiency of the fleet, and I deem it best not to complicate the desired improvement by introducing them at this time.

The wisdom of Congress, urged by the overwhelming voice of the people of our country, has provided us with ships of the best quality. It is necessary that our personnel of officers match these superb vessels if the navy is to be at the efficiency which is vitally necessary for its chief purpose and only reason for existence.

I earnestly urge upon the Congress the passage of suitable personnel legislation.

WM. H. TAFT.

THE WHITE HOUSE, *February 25, 1910.*

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 1324. An act for the relief of James J. Elliott;
H. R. 3348. An act for the relief of James McKenzie;
H. R. 16824. An act for the relief of Daniel H. Wiggin;
H. R. 17838. An act for the relief of George W. Flack;
H. R. 20180. An act for the relief of Patrick Shields;
H. R. 20658. An act for the relief of James O'Brien;
H. R. 21693. An act to correct the military record of William H. Hawley, deceased; and
H. J. Res. 98. Joint resolution for the relief of Lafayette L. McKnight.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 21108. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;
H. R. 21580. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and
H. R. 21754. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

JOHN REED, ALIAS MICHAEL FLANAGAN.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2072) to remove the charge of desertion from the military record of John Reed, alias Michael Flanagan, which were to strike out all after the enacting clause and insert:

That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John Reed, alias Michael Flanagan, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company D, Second Regiment United States Cavalry, on the 25th day of July, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The title was amended so as to read: "An act for the relief of John Reed, alias Michael Flanagan."

Mr. WARREN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PETER FLEMING.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2445) for the relief of Peter Fleming, which was to strike out all after the enacting clause and insert:

That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Peter Fleming, now a resident of Colorado, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery E, Third Regiment United States Artillery, on the 8th day of May, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. WARREN. I move the concurrence of the Senate in the amendment of the House.

The motion was agreed to.

WILLIAM KEYES.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4672) to correct the military record of William Keyes, which were to strike out all after the enacting clause and insert:

That in the administration of the pension laws William Keyes shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, One hundred and forty-second Regiment New York Volunteer Infantry, on the 30th day of October, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The title was amended so as to read: "An act for the relief of William Keyes."

Mr. WARREN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 2 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 1, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 28, 1910.

COLLECTOR OF CUSTOMS.

Alfred L. Sharpe, of Texas, to be collector of customs for the district of Paso del Norte, in the State of Texas. (Reappointment.)

SURVEYORS OF CUSTOMS.

Charles W. Clarke, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri. (Reappointment.)

Leopold G. Rothschild, of Indiana, to be surveyor of customs for the port of Indianapolis, in the State of Indiana. (Reappointment.)

RECORDER OF DEEDS.

Henry Lincoln Johnson, of Atlanta, Ga., to be recorder of deeds for the District of Columbia, to take effect May 1, 1910, vice John C. Dancy, resigned.

UNITED STATES MARSHALS.

William E. Logan, of North Carolina, to be United States marshal for the western district of North Carolina, vice James M. Millikan, resigned.

Claudius Dockery, of North Carolina, to be United States marshal for the eastern district of North Carolina. (A reappointment, his term expiring March 6, 1910.)

RECEIVER OF PUBLIC MONEYS.

L. E. Rowe, of Texarkana, Ark., to be receiver of public moneys at Camden, Ark., vice Frank L. Mallory, resigned.

PROMOTIONS IN THE NAVY.

I nominate the following-named ensigns to be lieutenants (junior grade) in the navy, from the 31st day of January, 1910, upon the completion of three years' service in their present grade:

Hugo Frankenberger,
Ormond L. Cox,
Herbert F. Leary,
Albert T. Church,
Logan Cresap,
Hiram L. Irwin,
Byron McCandless,
Roscoe C. MacFall,
Edgar G. Oberlin,
Arthur B. Cook,
Reuben B. Coffey,
Lucian Minor,
Harry E. Shoemaker, and
Andrew F. Carter.

The following-named lieutenants (junior grade) to be lieutenants in the navy, from the 31st day of January, 1910, to fill vacancies existing in that grade on that date:

Hugo Frankenberger,
Ormond L. Cox,
Herbert F. Leary,
Albert T. Church,
Logan Cresap,
Hiram L. Irwin,
Byron McCandless,
Roscoe C. MacFall,
Edgar G. Oberlin, and
Arthur B. Cook.

The following-named assistant paymasters, with the rank of ensign, to be assistant paymasters in the navy, with the rank of lieutenant (junior grade), from the 31st day of January, 1910:

Fred E. McMillen, and
Maurice H. Karker.

POSTMASTERS.

OHIO.

Edward E. Truesdale to be postmaster at Delphos, Ohio, in place of William A. Coble. Incumbent's commission expired December 13, 1908.

VIRGINIA.

S. Brown Allen to be postmaster at Staunton, Va., in place of Robert A. Fulwiler. Incumbent's commission expires March 2, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 28, 1910.

UNITED STATES ATTORNEY.

Herbert F. Seawell to be United States attorney, eastern district of North Carolina.

POSTMASTERS.

KANSAS.

Alexander Barron, at Kirwin, Kans.
Harvey G. Lawrence, at Thayer, Kans.
John M. Watson, at Frankfort, Kans.

LOUISIANA.

Benjamin F. Cowley, at Leesville, La.
Marcus N. Limbocker, at Lake Arthur, La.

NEW JERSEY.

Olin D. Sickley, at Springfield, N. J.

PENNSYLVANIA.

William J. Murray, at Girard, Pa.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 28, 1910.

POSTMASTER.

William A. Coble to be postmaster at Delphos, in the State of Ohio.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 28, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Saturday was read and approved.

SWEARING IN OF A MEMBER.

The Speaker laid before the House the following credentials:

STATE OF GEORGIA.

By his excellency Joseph M. Brown,
governor of said State, to the Hon. S. A. Roddenbery, greeting:

Whereas by the second section of the first article of the Constitution of the United States of America it is ordained and established that the House of Representatives shall be composed of Members chosen every second year by the people of the several States; and

Whereas by the returns, made agreeably to law, of the election held on the 16th day of February, A. D. 1910, for one Member to represent this State in the House of Representatives of the Congress of the United States for the unexpired term of two years, beginning on the 4th day of March, 1909, you, the said S. A. RODDENBERY, were duly elected one of the Representatives in and by the Second Congressional District of said State:

These are, therefore, to commission you, the said S. A. RODDENBERY, to take session in the House of Representatives of the United States for the unexpired term of two years beginning on the 4th day of March, 1909, and to use and exercise all and every the privileges and power which of right you may, or can do, in and by virtue of the Constitution of the United States, in behalf of this State.

Given under my hand and the great seal of the State, at the capitol, in Atlanta, this 22d day of February, in the year of our Lord one thousand nine hundred and ten and of the Independence of the United States of America the one hundred and thirty-fourth.

By the governor:

JOSEPH M. BROWN, *Governor.*
PHILIP COOK, *Secretary of State.*

Mr. RODDENBERY appeared at the bar of the House and took the oath of office.

ABANDONMENT OF JEFFERSON STREET.

Mr. SMITH of Michigan. Mr. Speaker, this being District day, I call up the bill H. R. 16915, to authorize the abandonment of Jefferson street between Fourteenth street and Colorado avenue NW., Washington, D. C.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to abandon Jefferson street, between Fourteenth street and Colorado avenue NW., as indicated on the first section of the highway extension plans; and any future subdivision shall omit said part of Jefferson street lying between said limits.

Mr. MADDEN. Mr. Speaker, I would like to ask the gentleman in charge of the bill what is the purpose of abandoning this street?

Mr. SMITH of Michigan. This is a little piece of land at the corner of Fourteenth street and Colorado avenue. On the Colorado side it is 105 feet in length, on the north side 65 feet, on the west side of Fourteenth street it is the same width as on Jefferson street, and on the south side it is 115 feet. It is a little piece of land about 22 feet high, and never will be used for highway purposes. The gentlemen who own the piece of property have written a letter stating that they would give to the District, I think, about 20 feet on the south end of it where some steps can be put in to pass from Fourteenth street to Colorado avenue. The District has no title to it; it is a part of the highway plan of Jefferson street.

Mr. MADDEN. What has the District got to do with it if it has no title to it?

Mr. SMITH of Michigan. It was a part of the original highway plan, part of the plan for Jefferson street when it was laid out.

Mr. MADDEN. What is going to become of it?

Mr. SMITH of Michigan. The title rests with these people who owned the land originally.

Mr. MADDEN. You are going to give away some more property, are you?

Mr. SMITH of Michigan. No; we are giving a release to whatever interest the District may have by reason of its being a part of the highway plan when Jefferson street was laid out. The District never will use it. It has never been opened and never will be.

Mr. MADDEN. Does the gentleman know any reason why it should be abandoned?

Mr. SMITH of Michigan. Yes; because the District will never utilize it. Furthermore, these gentlemen who own it have written a letter, which I will put into the RECORD or have read now, in which they say they will deed a small portion of the south end of that lot to the District for the purposes for which I stated.

Mr. MADDEN. Why do they do that?

Mr. SMITH of Michigan. I can not tell the gentleman why they do it. They have written a letter saying they would do it.

Mr. MADDEN. How much more is this land worth that is supposed to be abandoned than the land which they propose to give to the District?

Mr. SMITH of Michigan. I think there are 8,100 square feet in it. I would not undertake to say how much it is worth.

Mr. MADDEN. Would it not be a good idea for the committee to know all of the facts connected with this before they recommend it?

Mr. SMITH of Michigan. I think we do know all that is necessary to know.

Mr. MADDEN. Then the committee does not know very much.

Mr. SMITH of Michigan. What is it the gentleman would like to know that we do not know?

Mr. MADDEN. I would like to know how much it is worth, what the city proposes to do with it, who it is that is going to give it up, how much it is going to get for it, why it is going to abandon it, what advantages there are to the District by its abandonment.

Mr. SMITH of Michigan. O Mr. Speaker, two-thirds of those questions I have already answered.

Mr. MADDEN. I have not heard one answered.

Mr. SMITH of Michigan. I will answer the question. First, this was part of the original highway plan when Jefferson street was laid out, and, secondly, the District has no use for it now, nor will it ever have.

Mr. MADDEN. Let them make a park out of it if they have not any other use for it.

Mr. SMITH of Michigan. They have no title to it in order to make a park of it.

Mr. MADDEN. Of course they have title to it.

Mr. SMITH of Michigan. No; they have not. The gentleman is mistaken.

Mr. KAHN. It belongs to private owners.

Mr. MADDEN. Then what have we to do with it?

Mr. SMITH of Michigan. We are simply abandoning it, taking it out of the original highway plan.

Mr. MADDEN. Why do we need to legislate if this property belongs to private owners?

Mr. SMITH of Michigan. Because, I have said to the gentleman, that it was a part of the highway plan. I yield to the gentleman from California.

Mr. JOHNSON of Kentucky rose.

Mr. MADDEN. I would like to hear from the gentleman from Kentucky [Mr. JOHNSON], who will tell me what he knows about it.

Mr. JOHNSON of Kentucky. I will give way to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, this piece of property is owned by private owners. The highway plan that was adopted some years ago would in time put a street through there. The property would then have to be condemned, and the price of the property would have to be paid to these private owners.

Now, the land there is very steep. There is a great declivity. It has been determined by the engineer commissioner that it would be impracticable at any time to open up that area as a street, the grade being entirely too heavy. Besides that, the property is located in a portion of the block that is only a very short distance from the main highway that comes up from the lower grade, so that it is no inconvenience for anybody who wants to go in that direction to go around the corner and take the street that leads to the lower grade.

Mr. MADDEN. I want to ask this: If the property is owned by private individuals now, what has the District government got to abandon?

Mr. KAHN. Well, these private individuals probably want to put up some improvements, and they feel that they do not want later on to have their improvements condemned.

Mr. MADDEN. The chairman of the committee, the gentleman from Michigan [Mr. SMITH], in charge of the bill, says that the District government has no ownership in this property which it is proposed to abandon.

Mr. KAHN. That is true.

Mr. MADDEN. And the gentleman from California says that the property is owned by private individuals. Now, if it is owned by private individuals, the District has no ownership in it at all, and there is no reason why we should legislate to abandon it. Why do they want us to abandon something we have not any interest in at all?

Mr. KAHN. We want to abandon the plan which contemplates at some future time the possibility of cutting through a street there. If that street were ever cut through, the property would have to be condemned and purchased by the District. Now, the present owners contemplate erecting some important improvements there.

These improvements would have to be purchased by the District, and a considerable sum of money would have to be paid by the District for these improvements in addition to the price paid for the land, if that street were ever opened up. It is in order to save that money and in order to avoid the possibility of additional expense to the District that this legislation is contemplated.

Mr. MADDEN. I understand that it came out in the hearings that the District of Columbia has the ownership of this property.

Mr. KAHN. Oh, no; the gentleman is entirely mistaken.

Mr. MADDEN. Let the gentleman from Kentucky [Mr. JOHNSON] reply if he knows anything about it.

Mr. JOHNSON of Kentucky. Mr. Speaker, I will state before the committee it was stated that the District had already acquired this easement. I have a memorandum made upon the bill at the moment, and nobody disputed it, that it had acquired the easement of that piece of property there, 160 feet long.

Mr. SMITH of Michigan. I suggest to the gentleman the easement spoken of there is what the District would acquire under the highway plan, when Jefferson street was originally laid out under the original plan.

Mr. JOHNSON of Kentucky. I think, Mr. Speaker, that it is a matter of no consequence as to whether or not the District of Columbia has actually acquired and paid for this property. I consider that it should not be abandoned, because the people who seek its abandonment admit that a portion should be reserved at least for a walk way.

Mr. SMITH of Michigan. No; they do not admit it; they simply write a letter here that they will give outright to the District so much.

Mr. JOHNSON of Kentucky. Then, why do they come and make the suggestion, may I ask?

Mr. SMITH of Michigan. Why, just as the gentleman from California has said, these people can go ahead and erect buildings there.

Mr. JOHNSON of Kentucky. After it is abandoned and the buildings have been erected this walk way can never be secured.

Mr. SMITH of Michigan. I will state to the gentleman I hold in my hand a copy of the letter they have written to the District Commissioners, and which I offered to have printed in the RECORD, and I would like for the gentleman to hear it. I will read it——

Mr. JOHNSON of Kentucky. I know what it is.

Mr. SMITH of Michigan. They offer to deed so much, so that the District can have absolute title.

Mr. JOHNSON of Kentucky. There is quite a difference between offering to deed and an actual conveyance.

Mr. SMITH of Michigan. I want to say to the gentleman right here, if there is any doubt as to what these gentlemen will do, I have here a bill, and I will move to strike out all after the enacting clause in the bill under consideration and insert this bill, which expressly provides what the owners are to do.

Mr. JOHNSON of Kentucky. I can not understand why that has not been done.

Mr. SMITH of Michigan. I can tell you why. Engineer Commissioner Judson came before the committee, and I think the gentleman will recall that he said the course which we are now pursuing, in his judgment, was the better way.

Mr. JOHNSON of Kentucky. Nobody can make me believe it is better to surrender that which you already have and then afterwards be compelled to condemn a part of that same property.

Mr. SMITH of Michigan. You have no title to it.

Mr. JOHNSON of Kentucky. The proposition ought to be to release so much as is not needed, and retain the rest; then we would actually have——

Mr. PAYNE. May I ask the gentleman a question?

Mr. JOHNSON of Kentucky. You may.

Mr. PAYNE. Has the Government anything which amounts to more than a cloud on the title, that being a map in which this was given as part of a street?

Mr. JOHNSON of Kentucky. Congress has found it necessary to have that piece of property opened as a highway.

Mr. PAYNE. But we have not paid for it; we have not acquired title to it.

Mr. JOHNSON of Kentucky. Now, this bill——

Mr. PAYNE. Have we acquired title to it?

Mr. JOHNSON of Kentucky. This bill proposes to abandon that right and afterwards to acquire, subject to the will of these people, a part of the same property.

Mr. PAYNE. I agree with the gentleman that it all ought to be expressed in the bill, whatever the bargain is; but it seems to me that if we are giving any opportunity for relief of this cloud on the title and these people propose now to go ahead and put valuable improvements on it, so if we condemn it we will have to pay a much larger sum for it, we do not want it, and the best way will be to pass the bill upon their conveying this portion they propose to convey to relieve whatever cloud there is on the title of the balance of it.

Mr. JOHNSON of Kentucky. I will answer the gentleman by saying that the statement made by him is the best reason yet advanced why we should not abandon this property. The reason is that when we abandon it these buildings of which you speak may be erected; and, afterwards, when we want enough ground there for this walk way we can not get it. The gentleman agrees with me that the whole transaction should be embodied in this bill.

Mr. PAYNE. I do not hardly understand the gentleman, but I am in favor of having everything embodied in the bill.

Mr. CLARK of Missouri rose.

The SPEAKER. Does the gentleman from Michigan [Mr. SMITH] yield to the gentleman from Missouri [Mr. CLARK]?

Mr. CLARK of Missouri. I wanted to ask the gentleman from Kentucky [Mr. JOHNSON] a question or two.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] does not appear to have the floor.

Mr. SMITH of Michigan. I will yield to the gentleman from Missouri five minutes.

Mr. CLARK of Missouri. Suppose this bill passes, who gets the fee to this land?

Mr. JOHNSON of Kentucky. The abutting property owners.

Mr. SMITH of Michigan. Oh, no.

Mr. KAHN. The present owners.

Mr. JOHNSON of Kentucky. The Government has nothing but the easement.

Mr. CLARK of Missouri. Who has the title to this land now?

Mr. JOHNSON of Kentucky. I do not know their names.

Mr. CLARK of Missouri. Does the city of Washington simply have an easement over it?

Mr. JOHNSON of Kentucky. Yes; as it has on all the streets.

Mr. CLARK of Missouri. If it abandons its claim, where does the title go?

Mr. JOHNSON of Kentucky. To the original property holders.

Mr. CLARK of Missouri. What do they want to abandon it for?

Mr. JOHNSON of Kentucky. In my judgment, to get more land.

Mr. SMITH of Michigan. That certainly is not the situation at all.

Mr. JOHNSON of Kentucky. That is my opinion about it.

Mr. SMITH of Michigan. That may be. I have said that there is a 22-foot grade there, and it never will be opened as a street.

Mr. JOHNSON of Kentucky. There is a 24-foot grade in 160 feet of length.

Mr. SMITH of Michigan. I perhaps made a mistake. The engineer commissioner testified there was a 22 per cent grade there.

Mr. JOHNSON of Kentucky. The report says 25 per cent grade, but the engineer commissioner testified 24.

Mr. SMITH of Michigan. It is all the way from 22 to 23 or 24.

Mr. JOHNSON of Kentucky. It is immaterial.

Mr. SMITH of Michigan. There is this much about it, that the District will never use it for a highway.

Mr. JOHNSON of Kentucky. But it is proposed to use it as a highway for a walk way instead of a driveway.

Mr. SMITH of Michigan. That is done in different portions of the city now. The commissioners have built walk ways for people to walk over.

Mr. JOHNSON of Kentucky. According to your own statement, you propose to do by two bills what could be done by one, if it should be done at all.

Mr. SMITH of Michigan. Now, to save any question in this matter, I have a letter here that has been addressed to the District Commissioners saying they would deed the south 20 feet. I will move to strike out all after the enacting clause of this bill and insert the following bill in order to overcome the objection.

Mr. JOHNSON of Kentucky. I have not yet heard what it is.

Mr. SMITH of Michigan. It will take but a minute to read, and there is nothing but what anybody can understand. The motion is to strike out all after the enacting clause and insert the bill that I send to the Clerk's desk.

The SPEAKER. The gentleman from Michigan offers the following amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to strike from the plan of the permanent system of highways for the District of Columbia Jefferson street NW., between Fourteenth street and Colorado avenue, and to omit the said street between the limits named from any future subdivision of the parcel of ground through which the said Jefferson street runs: *Provided*, That the owners of the parcel of ground through which the said Jefferson street between the limits named runs shall dedicate to the District of Columbia the south 20 feet of the said Jefferson street between Fourteenth street and Colorado avenue."

Mr. JOHNSON of Kentucky. I fail to catch just the idea.

Mr. MANN. It is 20 feet.

Mr. JOHNSON of Kentucky. Read it again, and let us see.

Mr. MANN. That is what it is.

Mr. SMITH of Michigan. Well, now, to prevent any question, I will ask the Clerk to read it again. It says 20 feet.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. SMITH of Michigan. Certainly.

Mr. UNDERWOOD. I understand that under the law in the District of Columbia the District owns all the streets, and that the adjacent property owners have no right like they have in many other cities. The entire width of the street is dedicated to the District of Columbia. If this bill passes in the form that it is in under this amendment, this land will not go to the adjacent property holders, will it?

Mr. SMITH of Michigan. The title to this piece of property is in private parties. This was included in part of the original highway plan, when Jefferson street was laid out. As the District will never use this little plot of land the purpose is to amend the bill with the bill which has just been substituted for the original bill, which provides further that the people, the owners, will dedicate to the District the south 20 feet of it.

Mr. UNDERWOOD. Well, but is not this street within the original plan of highways?

Mr. SMITH of Michigan. Certainly; Jefferson street is within the original highway system.

Mr. UNDERWOOD. Were not all the streets at that time dedicated absolutely to the District?

Mr. SMITH of Michigan. Oh, no.

Mr. UNDERWOOD. My understanding is that they were by the adjacent property owners.

Mr. MANN. May I ask the gentleman a question?

Mr. SMITH of Michigan. Certainly.

Mr. MANN. In order to put a plot of the subdivision on record, it requires the approval of some District official, I take it.

Mr. SMITH of Michigan. The District Commissioners.

Mr. MANN. On account of the provision heretofore made by law the plot can not be approved, and hence can not be placed on record, unless in certain cases they dedicate certain widths under the highway plan. In most cities that is not the requirement. I think that probably causes the confusion here. This street, although never dedicated, although the easement has never yet been given to the public, is shown on the highway plan, and the property owners there are not permitted to subdivide their property and record their plats without having dedicated this street. This proposition, as I understand it, is simply to change the requirements, so that these people may subdivide their property and put their plats on record upon dedicating 20 feet of it, instead of the ordinary width, because it is impossible to improve a street of the ordinary width, and it is practicable to make steps upon 20 feet of it. That is it, is it not?

Mr. SMITH of Michigan. That is it.

Now, Mr. Speaker, unless there are some more questions, I will ask for a vote upon the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. Without objection, the bill will be ordered to be engrossed for a third reading.

Mr. JOHNSON of Kentucky. I object, Mr. Speaker.

The question was taken, and the bill was ordered to be engrossed for a third reading, and it was accordingly engrossed and read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. JOHNSON of Kentucky. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 90, noes 56.

So the bill was passed.

The title was amended so as to read as follows:

A bill (H. R. 16915) to direct that Jefferson street NW., between Fourteenth street and Colorado avenue, be stricken from the plan of the permanent system of highways for the District of Columbia.

EXTENSION OF MILITARY ROAD.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of District business.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. STAFFORD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of business of the District of Columbia.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 20164).

The bill was read, as follows:

A bill (H. R. 20164) authorizing the extension of Military road NW., in the District of Columbia.

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Military road NW., through parcels 87–17 and 87–16, with a width not to exceed 75 feet, upon such lines as the Commissioners of the said District of Columbia may deem best for the public interests: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of the proceeding, shall be assessed by the jury as benefits.

SEC. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto, and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits, and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. SMITH of Michigan. Mr. Chairman, the report of the committee is very complete, and I will ask to have it read.

The report (by Mr. FISH) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 20164) authorizing the extension of Military road NW., in the District of Columbia, report the same back to the House with the recommendation that it do pass.

This bill was submitted to the committee and strongly recommended by the commissioners in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 31, 1910.

SIR: The Commissioners of the District of Columbia have the honor to submit herewith draft of a bill authorizing the extension of Military road NW., in the District of Columbia, and to request its enactment.

A map is inclosed on which is shown in red the land necessary to be acquired for this small extension. This land consists of two small triangles containing about 4,000 square feet of land, the estimated value of which is about $2,000.

The extension is necessary in order to make a straight connection from Georgia avenue to the Military road. This road is one of the entrances to Rock Creek Park, and is much used by automobilists and others. The entrance to the road from Georgia avenue is now very narrow, and on account of the many turns necessary in order to enter the road a very dangerous condition for travel is created. If the land shown in red on the plat is condemned, it will cause a straight entrance and increase the width, both of which conditions are very desirable.

Very respectfully,
THE BOARD OF COMMISSIONERS DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

Hon. S. W. SMITH,
Chairman Committee on District of Columbia,
House of Representatives.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MANN. To address the committee.

The CHAIRMAN. Does the gentleman from Michigan yield the floor?

Mr. SMITH of Michigan. How much time does the gentleman from Illinois desire?

Mr. MANN. The gentleman from Michigan exhausted his right to the floor when he moved to lay the bill aside with a favorable recommendation. If the gentleman wishes to resume the floor, I am perfectly willing to stand here while he does so.

Mr. SMITH of Michigan. Go ahead.

Mr. MANN. Mr. Chairman, I want to call the attention of the committee to a proposition different from the one relating to the bill.

Some time ago the District Commissioners changed. Two former District Commissioners, of very high repute, and who, I think, had given very great satisfaction, retired, and two other commissioners were appointed, who, I do not doubt, will give great satisfaction.

I call attention to an article published in one of the papers of the city at the time of the retirement of the two former commissioners. A portion of the article reads like this:

Alonzo Tweedale, auditor of the District, who has worked side by side with Mr. West in the business and financial affairs of the District government, bade his former chief good-bye in the name of everyone connected with the departments which fell under Mr. West's charge. At the close of the farewell he stepped forward, pointing to a magnificent silver service in colonial style, and testified for his fellow-workers that the appreciation for Mr. West was sincere and solid.

"After a service of more than seven years as commissioner," Mr. Tweedale said, "you, at your own request, have just severed your official relations with the municipal government of the District of Columbia, and we who served with you take this opportunity to express our appreciation of your true worth as a competent, painstaking, and zealous public official."

In the course of his remarks he said further:

In expressing our regret that our pleasant official relations have been now severed, and with the assurance that you carry with you our deep affection, gratitude, and best wishes for unbounded success in your future work, we take this opportunity to tender you this silver service as a token of our esteem.

That was one of the presentations to Mr. West. One of the presentations to the other commissioner is spoken of in this language:

GIFT FROM FIRE DEPARTMENT.

Then a real surprise was sprung. The fire department had been keeping it under the hat of Chief Wagner for a long time, and though some persons suspected something was going to happen, few really had any idea of what was in the wind.

Mr. Macfarland went back to his former office and Chief Wagner, Deputy Chief Sullivan, Battalion Chiefs Keliher, Henry, and Proctor, Superintendent of Repairs Robinson, and Chief Clerk Watson met him there with a handsome gold watch.

The chief acted as spokesman and made the presentation with this speech:

"Mr. Macfarland, we have come here to-day to express our regret at your leaving office. We feel, officially, that we have lost a head who had always the best interests of the fire department and its members at heart, and, personally, that a true, good friend is about to leave us.

"We appreciate what you have done for the department—what you have done for us, both as individuals and as public servants—and while we are unable to give full expression of our gratitude, yet the officers and members of the department felt that the least they could do would be to thank you in person and to offer this small token of their esteem and good wishes.

"We hope that it will be of use to you and that it will serve for many years to come to remind you of your grateful friends who had the honor and good fortune to serve under you for so many years."

Then this article proceeds:

The silver service is of elegant form and simple design. The inscriptions attached to the gifts are "Henry B. F. Macfarland, from his fellow-workers in the government of the District of Columbia."

The gift to Mr. West was a large silver service of six pieces, all wrought in colonial style. It consisted of a large silver tray of handsome design, a coffee pot with an ebony handle, a teapot, a sugar bowl, and drip bowl.

The inscription on the tray reads as follows:

"To Henry Litchfield West, as a token of appreciation and esteem from those who were associated with him in various branches of the District service during his terms as Commissioner of the District of Columbia, 1902–1910."

In connection with these presentations to retiring District officials it may be interesting to read a provision of the United States Statute in reference to the subject of collecting subscriptions from subordinate officials in order to present to an official in charge some appreciation of the subordinate officials.

Section 1784 of the Revised Statutes provides:

No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the government employ.

It may be claimed by these gentlemen that they are not in the government employ. I will not argue that question. If there is any reason why the subordinates in the departments in Washington should be forbidden to contribute to the purchase of presents to their superior officials, the same reasons apply to the officials of the District of Columbia. The reason is, in

the first place, a moral one. I fear that many of the departments have forgotten that this provision of law exists. It was not very many years ago that a prominent official in the Interior Department upon retiring from office received gifts of considerable value, paid for by contributions forced from the clerks that worked under his supervision; and I say that whether the statute applies to these particular officials or not, it is contrary to all idea of the proper conduct of government for the chief of the fire department of the District of Columbia to require the officials under him to contribute money that he may make a present to anybody, and the same applies to the District auditor. [Applause.]

Mr. SMITH of Michigan. Now, Mr. Chairman, I renew my motion.

The question was taken, and the bill was ordered to be laid aside to be reported to the House with favorable recommendation.

SETTING ASIDE CERTAIN LANDS FOR STREET PURPOSES.

Mr. SMITH of Michigan. Mr. Chairman, I now call up the bill (H. R. 17754) authorizing the Commissioners of the District of Columbia to set aside certain lands for street purposes, and so forth.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to set aside for street purposes so much of lot 16 in Baer's subdivision of Granby, now owned by said District of Columbia, as lies within the lines of Twentieth and Jackson streets as said streets are shown on the recorded plans for a permanent system of highways in that part of the District of Columbia lying outside of cities, and they are hereby further authorized to sell or exchange at a fair valuation so much of said lot as lies without the limits of said Twentieth street, between Jackson and Kearney streets, any money derived from the sale of said lot to be covered into the United States Treasury, one-half to the credit of the District of Columbia.

Mr. SMITH of Michigan. Mr. Chairman, the report is brief, and I would like to have it read.

The CHAIRMAN. The report will be read in the gentleman's time.

The Clerk read the report [by Mr. SMITH of Michigan], as follows:

The Committee on the District of Columbia, to whom was referred H. R. 17754, authorizing the Commissioners of the District of Columbia to set aside certain lands for street purposes, etc., report the same back to the House with the recommendation that it do pass.

The purpose of this bill is the extension of two streets—Twentieth and Jackson streets NE.—just where they intersect in a lot of ground formerly used for school purposes, but long since abandoned. The land, aggregating 29,780 square feet, was bought June 29, 1869, for $240. When the permanent highway extension plan for the District was subsequently adopted by Congress, the intersection of the aforesaid streets fell on these grounds.

The amount of land required for the extension of the two streets is 24,423 square feet, and the rest of the parcel will be left in four small portions, aggregating 5,357 square feet, which the bill provides shall be sold or exchanged.

This land is not needed for any school purposes. It is about 4,000 feet distant from the nearest colored school and about 1,600 feet distant from the nearest white school, so it is not needed as a playground in conjunction with any existing school. It is not deemed best to maintain the site with a view to its ultimate use for school purposes, inasmuch as it falls right at the intersection of the two streets named.

The Commissioners of the District of Columbia have given the proposition their approval, as appears by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 29, 1910.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on House bill 17754, Sixty-first Congress, second session, authorizing the Commissioners of the District of Columbia to set aside certain lands for street purposes, etc., which you referred to them for examination and report.

The object of the bill is to extend Twentieth and Jackson streets NE. through a lot which was purchased and used many years ago as a school site, but which has long since been abandoned, and which is now used as a thoroughfare; and to sell or exchange the remaining portion of said lot which is not needed for highway purposes. A plat is inclosed showing in red the part of the lot which will be used for highway purposes, and in green the portion which the bill authorizes the commissioners to sell or exchange. It is provided in the bill that any money derived from the sale of the portion of the lot not needed for street purposes shall be paid into the Treasury, one-half to the credit of the District of Columbia. The lot was purchased from an appropriation, one half of which came from the United States Treasury and the other half from revenues of the District of Columbia.

There is no likelihood that this lot will ever be needed as a school site, and in its present situation it blocks the extension of the two streets—Jackson street and Twentieth street.

The commissioners believe that the proposed disposition of the lot is a proper one, and that its conversion to the uses proposed by the bill is for the public benefit. They therefore recommended favorable action on the bill.

Respectfully,

THE BOARD OF COMMISSIONERS DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives, Washington, D. C.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FASSETT having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, bill of the following title:

H. R. 18586. An act amending sections 246 and 247, Revised Statutes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill H. R. 19403 and engrossed Senate amendments thereto, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

SETTING ASIDE CERTAIN LANDS FOR STREET PURPOSES.

The committee resumed its session.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from Michigan who is to decide what the fair value of this property is?

Mr. SMITH of Michigan. The Commissioners of the District.

Mr. MADDEN. Is it going to be sold through the court? I do not understand why the District of Columbia has got to go to a court to decide whether they can sell property. But you are not trying to buy lands, you are trying to sell, are you not?

Mr. SMITH of Michigan. Yes.

Mr. MADDEN. Well, you are not going to condemn the property you want to sell. What I want to find out is, in this case, who is to fix the value of the property, whether we are going to get what the property is worth? I want to find out whether we are going to give the property away to somebody, or not.

Mr. NORRIS. Ought we not to find out whether we want to sell it or not, and how much there is of it?

Mr. SMITH of Michigan. There are 5,357 square feet.

Mr. MADDEN. We are buying property here all the time, and a lot of these philanthropists in the District of Columbia who have property for sale on which they own options, on which they secured the options at a low price, which they want the Government to pay them a high price for, now want to buy this property from the Government. Somebody in the District has said to the officials of the District that we no longer need the land.

The CHAIRMAN. How much time does the gentleman from Michigan yield to the gentleman from Illinois?

Mr. SMITH of Michigan. How much time does the gentleman want?

Mr. MADDEN. I do not want any time. I want to ask a few questions of the gentleman from Michigan to find out about this case.

Mr. SMITH of Michigan. I hold in my hand a plat of this land.

Mr. MADDEN. I do not care about that, what I want to find out is who fixes the terms on which the land is to be sold?

Mr. SMITH of Michigan. The commissioners, of course.

Mr. MADDEN. Why should the commissioners fix the terms, or why should the commissioners be authorized to sell the land at all? I think it is bad policy.

Mr. SMITH of Michigan. It is not needed for street purposes, and the gentleman will see on this map here the two little strips in green that represent the land covered by this bill.

Mr. MADDEN. Did it ever occur to the gentleman from Michigan that it might be needed for some other purpose?

Mr. SMITH of Michigan. I can not conceive what it would be needed for.

Mr. MADDEN. We are buying land every day for playgrounds.

Mr. SMITH of Michigan. This is not large enough for playgrounds.

Mr. MADDEN. It is adjacent to two schoolhouses.

Mr. CAMPBELL. Will the gentleman from Illinois take the map and look at the two small green slips representing this land?

Mr. MADDEN. I see it; it contains 5,000 and more square feet of land.

Mr. CAMPBELL. In two narrow strips.

Mr. MADDEN. It is within 800 feet of one schoolhouse and 1,600 feet of another. There ought to be an opportunity given for the children to use the land for playgrounds. There might be an opportunity for the District to use the land for beautifying the neighborhood. We ought to make a small park of it. It can be used for a small park or a playground. If we are going to sell the land at all, this condition should be required: That the commissioners be given authority to ascertain what price the land can be sold for, and then Congress ought to decide whether it is a fair price or not; and after we have decided on that, we can decide whether we want to sell it.

Mr. SMITH of Michigan. I would like to ask the gentleman a question. Does the gentleman not think we ought to repose

confidence enough in our three commissioners to dispose of 5,357 square feet of land?

Mr. MADDEN. I do not think we ought to give blanket authority to anybody to sell property that belongs to the United States Government before we know what they are going to sell it for.

Mr. SMITH of Michigan. They are going to sell it for money, and put half of the money in the Treasury of the United States and the other half in the treasury of the District.

Mr. MADDEN. We want to know what they are going to get for it.

Mr. EDWARDS of Georgia. Where is this land located?

Mr. SMITH of Michigan. In the northeast portion of the District, near Twentieth and Jackson streets. It is about 5 miles from the District building.

Mr. EDWARDS of Georgia. Have the commissioners stated what they were going to sell this land for?

Mr. SMITH of Michigan. They are going to sell the land, the 5,357 feet, and they ask authority in this bill to sell that little strip of land on either side of the road.

Mr. EDWARDS of Georgia. What have they been offered for it?

Mr. SMITH of Michigan. I do not know that they have been offered anything for it. I do not know that they have offered it for sale. They are asking authority to sell.

Mr. EDWARDS of Georgia. Has the gentleman any information showing the probable value of the land and what the Government will get out of it?

Mr. SMITH of Michigan. No; I do not know what the value of land is in that neighborhood.

Mr. EDWARDS of Georgia. And the proposition is to leave it entirely to the commissioners?

Mr. SMITH of Michigan. Certainly. We do that frequently. We are only following the usual custom in these matters. I yield to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, the question as to whether this land could be used for playground purposes was gone into by the committee, and it seems that the two tracts are so very narrow and small that they are practically valueless for that purpose. I think the strip is 11 feet wide at one end and 24 feet at the extreme other end on one side of the street, and on the other side of the road it is 9 inches wide at one end and 11 feet at the other. Now, the gentleman from Illinois [Mr. MADDEN] is entirely mistaken as to the distance to the nearest school. The nearest school is 1,600 feet, one-third of a mile away, and the other school is 4,000 feet, almost a mile away. The commissioners have explained that perfectly. So far as the value of this tract of land is concerned, the committee has absolute confidence in the commissioners, and the commissioners are authorized by this bill not to sell it outright, if in their judgment they deem an exchange preferable. They are authorized either to exchange or to sell the land. The committee has deemed it wise to give them discretion in that matter. The land is seemingly of little value to the city, and for that reason it was deemed best to sell or exchange it. The whole tract cost the city and the Government of the United States $240 originally.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. KAHN. Yes; I yield for a question.

Mr. MADDEN. I just wish to ascertain from the gentleman whether he thinks the principle involved in the question of disposing of this land is worth considering.

Mr. KAHN. I think the question was gone into by the committee very fully with the commissioners, and I want to say to the gentleman that I have absolute confidence in the integrity of the commissioners. They have taken an oath to support the Constitution and the law, just as the gentleman and I have.

Mr. MADDEN. I am not questioning the integrity of the commissioners. I am making inquiry about the method that is being pursued in the granting of authority to the commissioners. The point with me is this: I think there is a principle involved here, and it does not matter whether it is 1,000 square feet of land or 1,000,000 square feet of land, the principle is just the same. If the District of Columbia has land to dispose of, it ought first to decide whether it wishes to dispose of the land or not, and then it ought to decide what it is willing to sell the land for.

Mr. KAHN. They may not want to sell this land. They may want to exchange it for some other land under this very bill.

Mr. MADDEN. The commissioners ought not to be given absolute power to make final disposition of this property without reporting back to this House what they can do with the property. The commissioners ought to be given authority to ascertain what they can secure for the land, and they ought to be obliged to report back to this House what they can secure for it before we act finally.

Mr. KAHN. Does the gentleman think the House would be better informed if it knew exactly in dollars and cents what the property would bring?

Mr. MADDEN. Why, I certainly do.

Mr. KAHN. Does the gentleman think the House would withhold its consent to sell the property in case the commissioners deemed its use by the District as remote?

Mr. MADDEN. My experience in public affairs leads me to the conclusion that when the public has land for sale it is never worth much, but when the public wants to buy land it is always worth a great deal. Now, there is an argument being made that this land is not worth anything, and if we had to buy it it would be extremely valuable. It seems to me that we would want to know what we are going to pay for it if we were going to buy it. If that is the case, we ought to know what we are going to get for it if we are going to sell it, and why should we as Members of Congress be called upon to vote blanket authority to somebody to sell something that is owned by the Government without knowing why we are doing it or what we are going to get for it.

Mr. JOHNSON of Kentucky. Mr. Chairman, I would like to ask the chairman if he knows when this property was acquired?

Mr. SMITH of Michigan. It was acquired June 29, 1869, the entire property, and we paid $240 for it.

Mr. JOHNSON of Kentucky. Who paid it?

Mr. SMITH of Michigan. Half was paid by the District of Columbia and half by the General Government.

Mr. JOHNSON of Kentucky. The reason for my asking that question is indicated in the last two lines of the bill.

Mr. SMITH of Michigan. Yes.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, I see one very serious objection to this bill, and that is this, that the commissioners are authorized "to sell or exchange at a fair valuation." Now, I take for granted that when it is sold they would receive money in payment; but when they exchange, without any limitation upon the word in the bill, what do they get in exchange? They could swap it off for jackknives——

Mr. SMITH of Michigan. I hardly think that.

Mr. JOHNSON of Kentucky. Or anything else they may choose.

Mr. SMITH of Michigan. I hardly think the gentleman from Kentucky thinks that the three distinguished commissioners we have now would trifle away this land.

Mr. JOHNSON of Kentucky. I am not saying what they would do, but I am talking about what they are permitted to do under the provisions of this bill. And, in addition to that, Mr. Chairman, this bill gives them the right to sell at private sale. There may be 100 people who would like to buy it, but under this bill the commissioners would never find perhaps but one man who would like to buy. There ought to be a provision in the bill that if a sale would be had it should be sold at public sale, and until that is done I shall vote against it.

Mr. SMITH of Michigan. I have not any hesitation in saying to the gentleman from Kentucky that the commissioners will seek to get all they can for this property, either by private sale or public sale.

Mr. JOHNSON of Kentucky. But the bill would compel them in every instance, instead of leaving it to the discretion——

Mr. NORRIS. Will the gentleman yield me two minutes?

Mr. SMITH of Michigan. I yield the gentleman from Nebraska five minutes.

Mr. NORRIS. Mr. Chairman, it seems to me that there are at least two good reasons why this bill, if unamended, should not pass the House. I want to say, to begin with, I do not question the honesty or ability of the commissioners or others who will have to do with the carrying out of the will of Congress if this law should pass, but there is a principle involved in it that we can not afford to establish by the passage of this particular bill. One is that property belonging to the Government and to the District shall be sold at private sale by the commissioners, and another is that these same commissioners may practically buy at private sale. If this land is to be sold—I am not saying that it should not; I do not know as to that—but if it is to be sold it ought to be sold at public sale to the highest bidder. We ought not to put in the hands of the commissioners the right to go out and buy land. Under this bill they can trade this off for town lots in the city of New York if they want to do so. They can trade it off for personal property in some other part of the District——

Mr. SMITH of Michigan. Would you be satisfied with an amendment, in line 10, after the word "sale," to insert the words "at public sale?"

Mr. NORRIS. I would be satisfied in regard to this bill if we simply cut out all the bill after the opening up of these streets

and let the balance be for the further consideration of the committee and further legislation.

Mr. MANN. Will the gentleman yield for a question?

Mr. NORRIS. I will.

Mr. MANN. Is the gentleman aware that under the statutes by which authority to sell by the different departments is usually conferred is authority to sell at private sale, which has been the law for a great many years?

Mr. NORRIS. The gentleman is asking a question of the gentleman from Michigan [Mr. SMITH]. I did not understand it. Will the gentleman repeat it?

Mr. MANN. The gentleman said he thought we ought to establish a precedent of selling at private sale, yet, as I recall, the revised statutes already have prescribed that practice and precedent for a great many years.

Mr. NORRIS. Even if that be true, it would not be wrong and would, in my judgment, be right, if we are going to make a sale of this land, to provide in the law that authorizes the sale the method of the sale.

Mr. SMITH of Michigan. Why change the statute in this particular case when we have been following this practice for many years?

Mr. NORRIS. I want to ask the gentleman, then, this: Is there any general statute that gives to the commissioners or any other officers in the District the right to purchase other property or to trade property now belonging to the District for other property?

Mr. SMITH of Michigan. I do not know of such a statute.

Mr. NORRIS. There is not, at least, any general law that will apply to that part of the bill. I think that is the most dangerous thing in this bill, to authorize the commissioners to trade for other property. We are going to set them up in the real estate business under the authority of the Government of the United States in the District of Columbia, and furnish them a working capital to start with.

It seems to me that we could not under any circumstances stand for a principle of that kind, authorizing the commissioners to take property that now belongs to the Government and to say "You have the right, now, to trade that for other property," without specifying what the other property shall be, the kind of trade, or for what purpose it is going to be used, or anything—without any limitation whatever. I believe the bill ought to pass as the committee has introduced it in reference to the opening up of this street, but it is not necessary to confer upon the commissioners authority to make a trade of real estate and let them have the discretion to make any kind of a trade they want to.

Mr. SMITH of Michigan. Suppose they do open the street, what are you going to do with these two little parcels of property on either side of it?

Mr. NORRIS. If I was going to sell it, I would make the sale a public one.

Mr. SMITH of Michigan. That is what we are going to do.

Mr. NORRIS. But you are going to authorize the commissioners to trade it for something else. They may trade it for automobiles or bicycles under this bill. Now, I do not think they will—I will admit that—but it is the principle, as I said, against which I make my protest. I do not question but that they would make as good a trade as they could. But their ideas as to what they could get for it in the way of real estate or where it should be located would be only ideas of individual men, and that ought to be done by authority of Congress, and no other way.

Mr. MANN. Will the gentleman from Nebraska yield for a question?

Mr. NORRIS. Yes, sir.

Mr. MANN. This land was purchased for schools, in the first place. Does not the gentleman think it would be likely that the commissioners might be able to trade for another school site?

Mr. NORRIS. It may be.

Mr. MANN. And get a much better bargain in that way than by selling this property for cash and then purchasing the other site?

Mr. NORRIS. They may trade it for a gold mine, and that will make it unnecessary for the government of the District to ever levy taxes in the future. At the same time, that does not avoid the principle of the thing—of authorizing the commissioners to trade real estate belonging to the Government for other property and letting them decide what it shall be.

Mr. MANN. If they can decide what it shall be sold for, as many departments of the Government can, and we have any confidence in their judgment at all, and they may be able to get a better bargain by exchange, is it not wisdom to permit them to use that opportunity to get a better bargain?

Mr. NORRIS. If there is such a bargain, there is no reason why the commissioners should not report it here. If we are going to give that kind of an authorization it ought to be made with the full knowledge of all the facts.

Mr. SMITH of Michigan. I have not the slightest objection to an amendment to this bill giving the commissioners the right, in their discretion, to sell at private or public sale. We are all anxious to see the commissioners get out of this property all they can.

Mr. MADDEN. Will the gentleman from Michigan yield for a question?

Mr. SMITH of Michigan. I will.

Mr. MADDEN. Will the gentleman accept an amendment which will provide that the commissioners may be given authority only to ascertain what can be done with the property and then report back to this House for further consideration?

Mr. MANN. They can not do anything of that kind; nobody would make a proposition.

Mr. COOPER of Wisconsin. Mr. Chairman, Congress occupies a relation to this property analagous to that of a trustee to the property of his cestui que trust, or of a guardian to the property of his ward. In the vast majority of cases, before either a trustee or a guardian can sell the trust property he must first report to the county court the bargain which he desires to make and the amount that he can get for the property, and receive from the court an express authorization to make the sale. The amount in question does not at all affect the principle. It is immaterial whether it be 5,000 square feet or 5,000 square miles that are to be sold, the principle involved is identical.

This bill proposes to leave to three men authority to dispose of public property—real estate—at public or private sale, and upon any terms that they may elect to accept. What would the gentleman from Michigan think of a proposition to allow a guardian to dispose of the real estate of a ward at public or private sale in his discretion without first making a report to the court, so that the court might determine as to whether the reasonable value of the property was to be received and the interests of the ward properly protected?

Now, I do not question the integrity of the honorable gentlemen, the Commissioners of the District of Columbia, who, if the bill pass, would make this sale. But this is not a question of men. It is a question of the proper practice to pursue in selling public property. If it be true, as was said by the gentleman from Illinois [Mr. MANN], that this bill is in line with the precedents and practice of the Government in vogue for a long time, that fact does not prove that these ought to be observed any longer. This Congress, within my experience here, has overturned precedents which have stood for generations. When the attention of Congress has been brought to the fact that precedents should no longer be followed, Congress has not hesitated to disregard them.

I remember how in my own State a very important precedent of long standing was overthrown. Formerly in Wisconsin the Bible was read in the public schools. In the city of Edgerton suit was brought to enjoin this practice, and the court decided that the precedent, which had existed from the foundation of the State, was altogether wrong, and that the Bible must not be read in schools supported by public taxes. That case went to a Protestant supreme court, and the Protestant supreme court, in a unanimous opinion, sustained the lower court and overturned the established custom of forty years.

Now, if it be true that it has been customary for Congress to turn over to government officials the right to sell public land at public or private sale upon any terms to suit themselves and with no limitations as to price, then that is a precedent which ought at once to be overthrown, and I shall therefore vote against the bill as presented by the gentleman from Michigan.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. TILSON having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives. The House of Representatives was also informed that the President had, on February 26, 1910, approved and signed bill of the following title:

H. R. 17531. An act to amend an act authorizing the Washington, Spa Springs and Gretta Railroad Company, of Maryland, to enter the District of Columbia, with amendments, approved February 18, 1907.

SETTING ASIDE CERTAIN LANDS FOR STREET PURPOSES.

The committee resumed its session.

Mr. SMITH of Michigan. I yield to the gentleman from New York.

Mr. OLCOTT. Mr. Chairman, it does not seem to me the gentlemen who are opposing this bill can possibly have looked at the map. Of course it is impossible to furnish maps to each

Member of the House so that they can all see it. This property was acquired by the United States in 1869. It was anticipated that it would be used for school purposes. It has never been utilized for school purposes, and there has never arisen any necessity for having a school there. It is not used for school purposes now, nor is it suitable for playgrounds connected with existing schools. The nearest school is 1,600 feet and the next nearest 4,000 feet away. The most of this particular piece of land lies in that part of Twentieth and Jackson streets which are projected and shown on the plans of these two streets, and the rest lies practically in two strips, one on the west side and the other on the east side of the portion of the plat in the proposed streets. These strips ought to be sold. Of course they can be retained. So far as I am concerned, I would be as willing that the United States should retain the land and not sell it at all; but not to pass this bill when it is necessary for the extension of these streets already projected, when the property has not been utilized at all by the Government or by the District, and to oppose its being used now for this necessary extension of the streets because the commissioners are allowed to sell two little side strips with very little value in their discretion——

Mr. GRAFF. What is the probable value?

Mr. OLCOTT. I do not know. One of them is a strip 11 feet wide and running as high as 24 feet, and the other very much less than that.

Mr. KAHN. Nine inches.

Mr. OLCOTT. I do not know any property in that region that is of any particular value, and practically no one wants it. In my opinion it would cost more to advertise this property and sell it at public sale than the entire value of the property. I hope this bill will pass exactly as it was drawn.

Mr. GRAFF. Can the gentleman give the approximate value of it?

Mr. OLCOTT. I think the extreme value of it would be about $1,500, and I think that is very high. It certainly can not be more than that. This bill was carefully considered. The subcommittee went up and looked at the property. I was not a member of that subcommittee, but they examined the property, and the committee had the engineer commissioner before them in regard to the matter.

Mr. COOPER of Wisconsin. I understood the gentleman to say it would cost more than the value of the property to advertise it. Did the gentleman say it was worth $1,500?

Mr. OLCOTT. Probably it would not cost that much to advertise the property, and I will withdraw that statement, but it would be much more economical to allow this to be sold at private sale than at public sale. It does not establish any precedent. It is simply that in the laying out of streets a little bit of property remains the title to which is in the Government.

Mr. MADDEN. I am reminded by one of our distinguished friends behind me of this thought, that perhaps, as the Government purchased the property for school purposes or for a specific purpose, there is a question whether it has a right to use that property for street puposes.

Mr. OLCOTT. I suppose that this is a change in the purpose for which this property was originally bought. It was purchased in 1869 and has never been used for the purpose for which it was originally acquired. I do not think there is any difficulty about that.

Mr. MADDEN. The question is whether they have a right to use it for this purpose.

Mr. OLCOTT. I think they have, and I think the gentleman will think so. It is a part of the highway plan——

Mr. MADDEN. Here is a point that may occur to the gentleman. If we have the right, of what advantage is it to the abutting property? This street is supposed to run through territory in which there is no street. The property adjoining the street wants it opened. It has now no access to the public street at all, and will of course derive a benefit from the opening of the street. Is there any justice in condemning public property to this use without assessing some benefit on the private property which is given such advantages?

Mr. OLCOTT. The benefits are going to be assessed on the adjoining property, as is the case in the opening of all streets.

Mr. MADDEN. This bill does not so provide.

Mr. OLCOTT. This bill does not so provide, because this is not a bill to extend the street. We have already agreed to make the street through our own property in accordance with a permanent system of street extension.

Mr. MADDEN. What benefit is the Government of the United States getting out of it?

Mr. OLCOTT. The city of Washington gets a great benefit by having its plans for street opening continued and completed.

Mr. MADDEN. What compensation does the Government of the United States get for property which it dedicates for street purposes?

Mr. OLCOTT. They are taking their own property.

Mr. MADDEN. I understand they are taking their own property; but of what advantage is it to the adjoining property? Does the gentleman wish the House to understand that the Government of the United States will go into the market and buy a large tract of property——

Mr. OLCOTT. For which they paid $240.

Mr. MADDEN. No matter whether they paid anything for it or not. That was in 1869. It may be worth $240,000 now.

Mr. OLCOTT. But the Government has already adopted plans for cutting streets through this particular piece of property.

Mr. MANN. The commissioners adopted a plan.

Mr. MADDEN. The commissioners suggested a plan.

Mr. OLCOTT. They had authority from us to do it.

Mr. MADDEN. The plan will not be adopted until we pass this bill.

Mr. OLCOTT. The plan has been adopted.

Mr. MADDEN. I do not understand that it has. But now let me assume that the Government owns this tract of land for which it only paid $240 in 1869, and then let us assume that since 1869 the value of this land has increased materially until today it is worth, it may be, $240,000.

Mr. OLCOTT. It is not, of course.

Mr. MADDEN. We are going to give this property to the public here.

Mr. OLCOTT. We are going to open a street that has been approved of in accordance with a statute passed by us, and the benefits of that street will be assessed against the adjoining property abutting the street.

Mr. MADDEN. Does that include the payment for the ground?

Mr. OLCOTT. In this particular case it does not.

Mr. MADDEN. Does the gentleman think that the District of Columbia should buy ground for school purposes and then dedicate it for street purposes without receiving any compensation from the people who own the property which is enhanced in value by the opening of a street? Does the gentleman think a report from a committee having jurisdiction over this matter recommending that kind of a transaction ought to be adopted by Congress?

Mr. OLCOTT. I think this report ought to be adopted by Congress; yes.

Mr. MADDEN. Does the gentleman think it a wise recommendation?

Mr. OLCOTT. I think it is a wise recommendation, and I think if the gentleman had looked at the map and had gone up there and seen the property he would have thought so, too.

Mr. MADDEN. It is not a question of a map; it is a question of what the Government owns, whether it wants to dispose of it, whether we are violating a principle that ought not to be violated, whether we are giving property for a public street that ought to be used for public schools, whether we are receiving anything in return for the property we are giving, and whether the property that is benefited by opening the street upon which this property is dedicated ought not to pay for the benefits which they derive from it.

Mr. OLCOTT. The property was taken for school purposes and abandoned because it was useless for that purpose. It has been held since 1869, and is absolutely useless for that purpose.

Mr. MADDEN. Let me ask the gentleman one further question. Suppose the gentleman owned this property, and suppose the Government was going to take the property owned by the gentleman; would not he expect compensation from the Government for the property so taken?

Mr. OLCOTT. Certainly I would.

Mr. MADDEN. How would the gentleman get it?

Mr. OLCOTT. It would be assessed on the adjoining owners, and the value of the assessment would be determined by the jury.

Mr. MADDEN. Then the gentleman puts himself in a different attitude than he would put the Government. The Government is not going to get anything for the property which it dedicates. I understood the gentleman to say that the Government would not get anything.

Mr. OLCOTT. They will not get it, because it is theirs. If I had a large area of property and had made up my mind that I was going to build a barn on one part of it, and I changed my mind and wanted to make a road through it, it never would occur to me that I was doing any serious damage or injury to myself for changing my plans, nor do I think the United States Government, owning this large area in the District of Columbia,

and the United States being in partnership, are going to do any great harm or damage, having bought this land for school purposes, now make it useful for some other purposes.

Mr. MADDEN. The gentleman's statement is inconsistent. The gentleman said that if he owned a large tract of land and was going to put a street through it, to open up a street for the benefit and advantage of a part of the property, he would not think he was making any sacrifice by opening the street; then he said if the Government, owning a large tract of land, put the street through, it ought not to receive any revenue in return for the dedication of the land, even though it owned no land on the other side or around the part dedicated.

Mr. OLCOTT. The gentleman from Illinois seems to forget or ignore the fact that this is beneficial to the District of Columbia. The change of the particular use that was originally intended for this particular property is for the benefit of the District. The gentleman will understand that this property is at the junction of two streets, which has been determined by the commissioners under authority given them by Congress; it is in the intersection of those streets. If they build a schoolhouse on the street the schoolhouse would have to come down in order to carry out the plan, or else they would have to make irregular streets around the land. Since 1869 the District Commissioners have had authority to build a schoolhouse there. They have always believed that it would be a foolish thing to do, and so they have not built it.

We have got some property that is not doing us any good. We can not sell the property to private individuals because it is on the line of street improvements, and we want to utilize something without any expense to ourselves. The improvement itself will be paid by the abutting property owners, and we come to you and say, Will you not give us authority to sell two little irregular strips to those who will buy them? I do not care whether it is sold at public or private sale, but I do believe in this case, with so little money involved, it would be idle for us to sit here and tie the hands of the commissioners.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SMITH of Michigan. I yield five minutes more to the gentleman from New York.

Mr. MADDEN. But you do more than that. In the first place, you take all the property that is owned by the District in that neighborhood and you dedicate it to street purposes.

Mr. OLCOTT. Certainly. We take this property.

Mr. MADDEN. Is the gentleman willing to admit that you take all the property that is used for the streets that belongs to the Government, except these two strips?

Mr. OLCOTT. Yes.

Mr. MADDEN. Is not that so?

Mr. OLCOTT. Yes.

Mr. MADDEN. What I want to know is how much the Government gets for the property.

Mr. OLCOTT. For the actual fee of the land they now own?

Mr. MADDEN. For the land which is used for street purposes. That is what I want to find out.

Mr. OLCOTT. These streets, except for this particular piece, are already opened.

Mr. MADDEN. The streets are opened?

Mr. OLCOTT. These streets are opened, with the exception of this particular piece that we are talking about now. We are trying to complete the street.

Mr. MADDEN. And we intended to build schools on this property originally?

Mr. OLCOTT. Yes; we intended to and found it unwise to so utilize the property.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. OLCOTT. Yes.

Mr. MANN. Suppose we should sell the entire 20,000 or 25,000 feet of ground. Would we get any more for it than we would for the 5,000 feet?

Mr. OLCOTT. Nobody would buy it because they could not erect anything on it, because it is in the line of the streets already opened. They could not use it at all; they could not erect anything on it.

Mr. MANN. There is no law of the District or any other law that would prevent them from erecting something upon it.

Mr. OLCOTT. No; but we would have to commence condemnation proceedings before we could get it back.

Mr. MANN. And then we would get the money, would we not, in the first place? The property owners who were benefited would pay for the opening of the street. That is the difference.

Mr. OLCOTT. I have no doubt the money we would get would be inadequate to pay for the condemnation proceedings.

Mr. MANN. That may be. We have not had that explained to us, as to what it is worth.

Mr. MADDEN. That is what I want to find out, whether we are getting anything for it.

Mr. OLCOTT. We are utilizing some property that is not worth anything now.

Mr. MADDEN. Does the gentleman wish to have the House understand that this property which was bought in 1869 at Twentieth and Jackson streets is not worth anything?

Mr. OLCOTT. I mean to say it is not worth anything to any private individual to buy it.

Mr. MADDEN. I understand that these two strips are worth $1,500.

Mr. OLCOTT. Oh, I said that. I do not know really, but I think they could not be worth any more than that. They are irregular strips.

Mr. MADDEN. If they are worth that, then how much more would the other 20,000 feet be worth?

Mr. OLCOTT. The gentleman can make that calculation as easily as I can.

Mr. MADDEN. It must be worth $20,000 an acre there, according to the way property is being sold. There is at least half an acre of land there. We have 25,000 feet of ground, and there are about 42,500 feet of ground in an acre. That is more than half an acre, and the land is certainly worth more than $20,000 an acre. What are we going to do—give it away?

Mr. OLCOTT. No.

Mr. MADDEN. That is what we are going to do.

Mr. OLCOTT. We are using it for other purposes.

Mr. SMITH of Michigan. We are using it for street purposes.

Mr. MADDEN. Who gets the benefit of it?

Mr. SMITH of Michigan. The public does, just the same as in any other street.

Mr. MADDEN. Has the property abutting this street enhanced in value?

Mr. SMITH of Michigan. I suppose the whole section will be enhanced in value if these streets are opened up.

Mr. MADDEN. They do not pay a cent to the Government when the land is dedicated, do they?

Mr. SMITH of Michigan. I did not hear the gentleman.

Mr. MADDEN. The abutting property pays nothing whatever into the Federal Treasury when the land is dedicated, does it?

Mr. SMITH of Michigan. No; they pay only for the opening of it.

Mr. MADDEN. If you owned the property, they would pay you something for it; then why should not they pay the Government?

Mr. OLCOTT. For the simple reason that we are benefiting ourselves; because the Government of the United States is being benefited by the extension of these streets; that is the reason.

Mr. MADDEN. That is no argument at all.

Mr. OLCOTT. It is certainly a benefit to the city of Washington and the District of Columbia to have these streets opened and cared for. We have a right to have our property improved with yours or any individual's property.

Mr. MADDEN. If we owned a large tract of property on each side of the street, I can see the gentleman's logic.

Mr. OLCOTT. We own property on either side of the street, and it is a regular thing——

Mr. MADDEN. But where we own nothing on either side of the street which is to be improved by the opening of the street, we ought not to dedicate this property free of cost to the people who do own property on both sides of the street.

Mr. OLCOTT. Would the gentleman answer this question? Would he suggest a way to do this? Would he sell this property first at private sale and then proceed to condemn it?

Mr. MADDEN. If I was going to sell the property at all, I would sell it before I opened the street.

Mr. OLCOTT. And then buy it back again?

Mr. MADDEN. No; I would not buy it back again. The man owning abutting property would certainly have to pay his part. I would not pay for it all out of the Public Treasury, anyway.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MADDEN. I object.

The question was taken; and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. MADDEN) there were—ayes 30, noes 42.

Mr. SMITH of Michigan. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. SMITH of Michigan and Mr. MADDEN) reported that there were—ayes 43, noes 67.

So the committee refused to lay aside the bill with a favorable recommendation.

Mr. SMITH of Michigan. Mr. Chairman, I move that the committee rise and report back the separate bills as amended.

Mr. MADDEN. Mr. Chairman, did I understand the Chair to say this measure was laid aside with a favorable recommendation?

The CHAIRMAN. The Chair did not so state; the Chair decided that the measure was refused consideration.

Mr. MADDEN. That is right.

The CHAIRMAN. And the bill reverts to the calendar.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20164), and had directed him to report the same with the recommendation that the bill do pass.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. SMITH of Michigan a motion to reconsider the last vote was laid on the table.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21419, the post-office appropriation bill.

Mr. MANN. Mr. Speaker, pending that motion, may I ask the gentleman whether he expects to go ahead with the reading of the bill under the five-minute rule?

Mr. WEEKS. Mr. Speaker, we hope to finish the general debate on this bill this afternoon, but the reading of the bill will not be taken up.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21419, the post-office appropriation bill, Mr. LAWRENCE in the chair.

Mr. WEEKS. Mr. Chairman, I ask that the gentleman from Tennessee [Mr. MOON] use some of his time.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. MOON of Tennessee. I yield one minute to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Chairman, I desire to ask unanimous consent to print in the RECORD certain remarks affecting the recent salary increase.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARDWICK. Mr. Chairman, during the last session of the Fifty-ninth Congress an amendment was adopted to the legislative appropriation bill by which the salaries of Senators, Representatives, and Delegates in Congress was fixed at $7,500 per annum on and after March 4, 1907. This action was taken in January, 1907. Previous to that time the salary had, for a number of years, been $5,000. The vote on this question was not a party vote, and a large majority of the members of both Houses, Democrats as well as Republicans, finally voted for the increase. The press of the country, without regard to party, generally and heartily approved it, and the people generally in all sections and of all parties approved it, and of the many members of both Houses who voted for it no one of them, in any part of the country, has been defeated by his constituency because of that vote. Indeed, so far as I have been able to learn, about the only instance in which the vote of a Member for it has been urged as a reason for his defeat was in the case of the late Hon. J. M. Griggs, of the second Georgia district, whose opponent for the Democratic nomination in 1908 assailed him for voting for it, with the result that Mr. Griggs was returned to Congress with the overwhelming indorsement of his constituents. On roll call I voted, on December 14, 1906, for an amendment to the legislative appropriation bill, the effect of which amendment was to fix the salary to be paid Senators, Representatives, and Delegates in Congress at $7,500 per annum, on and after March 4, 1909. This amendment was lost by a vote of—yeas 106, nays 190. This amendment being defeated, the matter was again brought to the attention of the House on January 18, 1907, during the further consideration of the legislative appropriation bill. One of the Senate amendments to that bill had increased the salary of the Vice-President and of the Speaker of the House. When this Senate amendment came to be considered by the House, Mr. Littauer, of New York, moved to concur in the Senate amendment, with a House amendment, fixing the salary of Members of Congress at $7,500 per annum from March 4, 1907, when the life of the next, or the Sixtieth, Congress would begin. There was no record vote on this proposition, which passed the House by a vote of 133 to 92, was concurred in by the Senate, and approved by the President, and thus became the law. While there is no record of the vote, yet I willingly state that I supported the motion and voted therefor.

The criticism aimed at those of us who so voted is usually couched in about these words: "He voted to increase his own salary as a Member of Congress." While this is not an untruthful statement of the question, it is a most disingenuous one, and either purposely or ignorantly states the question in a misleading manner, in that it seeks to convey the impression that the Members of Congress who voted the increase acted in some unusual and particularly odious manner in order to increase their compensation. Now, what is the truth about that? Article I, section 6, of the Constitution of the United States provides that—

Senators and Representatives in Congress shall receive a compensation for their services to be ascertained by the law.

What other body except Congress has any authority to make the laws of the United States, and by what other authority except by that of Congress could these salaries be fixed at all? It seems to me that these questions answer themselves. Whenever congressional salaries are to be raised or lowered or paid at all Congress, and Congress alone, can do it. The First Congress of the United States fixed the compensation of its Members, and after they had all been elected, and every succeeding Congress from that day to this has, once a year, fixed the compensation of its Members in the annual legislative appropriation bill. According to my investigations, there have been some four or five changes in the congressional salary since the establishment of the Government, all of them except one being increases, and in each instance Congress has, as a matter of course and of necessity, made the change. Nobody else had the power to do it. The suggestion may be made that in changing the salary Congress ought to have postponed the date on which the increase in pay was to begin until March 4, 1909, as was provided in the first amendment submitted, and that if this had been done Members would not have been called upon to vote for an increased compensation to be paid to the Members of a Congress to which they had already been elected, but whose term of service had not then begun.

I freely admit that, looking at this matter from the standpoint of the House alone, that view of it appealed to me very strongly, and I did not hesitate to so express myself in a speech I made in the House on December 14, 1906, when the first amendment was being considered. If the question be viewed from the standpoint of the House alone, that undoubtedly would have been the best course, but when you remember that the Senate as well as the House had to act on this question, and when you recall that while the Members of the House are elected for a term of two years only, the Senators are elected for six-year terms, and that only one-third of the Senate terms expire every two years, then you can see how impossible it was to adopt that plan, for the House could not expect the Senate to put itself in a different position from that of the House. If at any time a change in the congressional salary, whether it is to be raised or lowered, is desirable or necessary, and such change ought not to be made unless it shall take effect at some time when it will not affect the compensation to be paid any Representative or Senator during a term for which he has already been elected, what sort of a condition would we be in? Whenever Congress wished to change the salary it would have to postpone the time at which such change should take effect to such a far distant period in the future that by the time that period arrived the necessity for the change might no longer exist, conditions that had rendered it desirable might have entirely changed, or the evils sought to be cured might have been immensely aggravated or rendered incurable by delay. In the meantime, in order to avoid personal criticism, Congress would not only have failed to exercise a plain constitutional power, but its Members would have shirked a public duty, for I intend to show you to-day that this question does not so much involve private interests as it does the most important public interests. Congress having the plain right, not only constitutionally but morally, to make this increase, and to make it in the manner it was made, if it was expedient and right to make it at all, this brings us down to the plain question, Was it right to increase the salary?

Permit me, as a man who has had actual, practical experience on this question, to say that I know we made no mistake in increasing the salary, and that no matter who may come to

the next Congress, whether it be myself or anyone else, he will find it difficult enough to get along on the present salary, as he would have found it impossible to come out even on the old salary, if he is a man of no wealth and without other resources except the salary.

This statement may seem almost incredible to many of the people whose earnings are not large but whose expenses are small. To many men, who do not stop to consider that whether a man's pay is really large or not depends to a great extent upon what the demands upon him are, it will doubtless seem that a salary of $5,000 is a princely stipend with which even the most greedy avarice ought to be content, and these men will doubtless be encouraged in that belief by gentlemen who hope to get their votes thereby, for I know of no question that offers such fruitful and promising regards to demagoguery as a question like this, in which the opportunity offers itself to an ambitious politician to go to the poor but honest man who makes but a small wage or has but a small income and say, "We were paying our Congressman $5,000 a year, and he did not think even that was enough." Still, in my judgment, Congress made no mistake in making this increase, if men without wealth are to remain in congressional life. If a Member of Congress could stay at home all the time, the salary of $5,000 would have been enough; but when you remember that we have to stay in Washington almost half of the time, and that our expenses in that great city are extremely heavy, I do not hesitate to assert, from hard experience, that it is almost, if not quite, impossible for any poor man who is honest to do justice to his family and to his constituency, pay his expenses in Washington, and meet his obligations at home and in the district on the salary of $5,000. Let me tell you, also, that even at the present salary there is not a lawyer or a doctor or a business man in any one of the smaller towns of our district who makes as much as $2,500 or $3,000 a year who has not got a better job, from a financial standpoint, than a Member of Congress.

Oh, but it is suggested, "some other man is willing to take the job at the old salary and thinks that it is enough. He is willing and anxious to serve at a cheaper salary," so he might say, and so he might be. As far as that is concerned he might be willing to take the Presidency at the same salary. But is that any good reason why he should be elected either to Congress or to the Presidency? On the contrary, it seems to me to be an exceedingly strong reason why he should not. And let me say here that if the office is to be given to the man who favors the lowest salary, there will doubtless be a stirring competition among the demagogues of the country, and I doubt not that some might be willing to take it for a thousand dollars a year. So far as I am concerned, I refuse to enter into such competition; I think the present salary is by no means excessive, and I stand on my vote in favor of the increase. I do not believe in cheap labor of any sort, physical or mental. I have never believed that there was any real economy in cheap labor, or that the best results could be obtained from it. I do not believe in cheap carpenters, cheap mechanics, cheap railroad men, or cheap farmers. I do not believe in cheap lawyers or in cheap doctors. I most certainly do not believe in cheap Congressmen. It seems to me that when the American people send men to Congress who must spend almost a billion dollars a year to support this great Government of ours, and who must necessarily provide the money by taxation to meet these enormous expenses, and who are constantly passing on important questions that involve the happiness and prosperity of 90,000,000 of people, that it is the poorest of all so-called economy and the most shortsighted of all policies to do a little cheeseparing in the matter of their salaries. There is hardly a business or a profession in these days that does not offer to those who succeed in it financial reward incomparably greater than attends even the highest political success. While financial reward is never the chief incentive nor even a consideration of the first importance to men who love the public service and are qualified to adorn it, yet it is my judgment that it would be the most shortsighted and mistaken policy for us not to offer a compensation for congressional service sufficiently adequate to at least permit men of the highest capacity and character to devote themselves to it.

Take the district I represent; there are a great many lawyers and doctors and hundreds of business men in every line there who make more than the salary paid its Congressman, and who could not and would not accept the place. On this subject let me quote the words of a distinguished Georgian long since gone to his reward and long since awarded his proper place in the Valhalla of Georgia's illustrious and immortal dead. I refer to Hon. Alexander H. Stephens, who represented for many years with distinction and credit both to himself and to his constituency the district I now represent. While Mr. Stephens was a Member of Congress, after the war, the question came up whether the salary of Members of Congress, then fixed at $7,500, should be reduced to $5,000—exactly the question I am discussing now. Mr. Stephens both voted and spoke for the $7,500 salary. I quote from his speech of December 11, 1873, in the House of Representatives:

> This brings me to the second view which I propose to present to the House. I am not going to state what I deem my services here worth, but I do intend to state what I think the services of a Representative of any people in any district in the United States ought to be worth, and perhaps I will go far above the figure of any law which has ever been passed upon the subject. I will say this: That Representatives in this House ought to be men of that mental caliber, that moral caliber, that information, that education, that virtue, of that trustworthiness, of all the qualities that make men fit for the highest pursuits of life. The Representative ought to be of that character which would entitle him to the highest amount of wages, if you choose to call it so, which is given to the highest grade of skilled labor in the country. There are, Mr. Speaker, various kinds of labor, skilled and unskilled, and there are various kinds of power—water power, steam power, muscle, and mind or brain power.
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> My standard of wages for a Member of this House would be that amount which the higher grades of skilled labor, combined with brain power and virtue, usually commands. And I am satisfied that when the people of this country understand the nature of the duties and the proper character of a Member of Congress, when they understand the importance of government, and the good government, and wise government, there are none throughout the length and breadth of the country who will dispute this proposition.
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> Why, sir, the salaries of managers of railroads reach $25,000. There is hardly a master mechanic in any of the machine shops who does not receive $10,000 as a compensation for his skilled labor, his brain labor. There is hardly a town in which there are not merchants who make from $10,000 to $15,000. There is hardly a district in the United States, I suspect, where there are not one or more lawyers whose incomes are as much as $10,000 or $15,000. There is hardly any place or district where the most eminent physicians do not make $10,000 or $15,000. There is hardly any business of life requiring labor or brain labor which does not command that compensation; the income of many journalists greatly exceeds it.
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> Now, sir, when you teach the people what government is, the science of government, the nature of the duties of a Member of Congress, the interest that everybody in the community feels and every member of society has in good government, in the laws we pass here within the sphere of federal limited power, touching more or less the interest and the pocket of the humblest human being within the jurisdiction of these States, they will say that legislation should be in the hands of men of character, of virtue, and integrity, who understand their duties, men who understand the science of government. This requires study, this requires labor, it requires an immense deal of thought; and therefore if the Government is maintained rightly in the Senate and in the House the rule of fixing the pay under the Constitution should be such as to afford an arena in these halls for the virtue and talents of the highest grade in our country.
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> Some sham, would-be leader of the people may go to the poor man driving the plane or the plow and tell him he is getting only a pittance for his daily toil, while a Member of Congress is getting $16 a day; and he may induce that man, in the humblest but honest walks of life, to vote for him on his promise to reduce the pay. But that man, if he were ill, would send for a skilled physician in preference to a quack, though the former was making twice as much as the latter. So with the other learned professions; and when the people properly understand the importance of good legislation they will have as little use for a cheap Congressman as for a cheap doctor or a cheap lawyer.

Let me quote again from the same speech. Mr. Stephens also said:

> The Government in all its departments should offer fair competition for the highest virtue and intelligence with all the other vocations in life. The youth of the country in selecting pursuits should not be driven from the political field for want of those inducements offered by other kinds of employment. The political arena, with just compensation, affords the broadest, widest, and grandest field for intellectual action. With that view it is necessary that the Government should offer the highest inducements to skilled and brain labor in all its departments. * * * A young man comes from college. His father has toiled, and even his mother, spending their earnings—I know of many such cases—and using their means to educate their boy; and when he comes out of college their object is that he shall get into some business, something that will repay their sacrifices. Such young men, Mr. Speaker, do not, of course, come into this field. As long as the law offers a better opening they will go to the law. If mercantile business offers a better opening they will go there. If the profession of medicine offers a better opening they will go into that. At present the mania is for engineering, in connection with railroads and otherwise. Speak to them about studying government, and they will tell you that they can not afford to go at that. Why, sir, in my own district I have known men with families to provide for who never could think of coming to Congress. They were among the ablest intellects in the district; but they could not think of leaving their more profitable business, when living was really a vital question. Their means were not sufficient to support them.

So spoke Georgia's great commoner, while serving as a Representative in Congress in 1873. His words were those of a wise and able statesman, who had the confidence and love of his people and who did not hesitate to speak out plainly on this question upon which long years of brilliant congressional service had so well qualified him to speak. His words of wisdom and of statesmanship come to us, as it were, from the grave.

One other suggestion and then I will have done with the discussion of the merits of this question. There are some countries in which no salary at all is paid to members of the legislative body. For instance, in the British House of Commons members receive no compensation whatever. And what has been the result? The House of Commons is made up almost entirely of

rich men and members of the English aristocracy, who control its proceedings. The only exceptions to this rule are the representatives of organized labor. They are the only poor men there, and they have to be supported by voluntary contributions from their brethren, taken up in union meetings all over Great Britain. If we are to have no congressional salary in America, or an inadequate one, it will be utterly impossible for poor men to go to Congress or, if once elected, to remain there. The result will be that Congress will be controlled by rich men or by grafters, or by a combination of both, for no poor man who is honest will be able to either become or remain a Member. If this happens what protection will the masses have against class legislation and against the granting of all sorts of special privileges to the wealthy and the powerful, to the hurt and injury of the poor and the weak? God knows the situation is bad enough as it is, but it would be infinitely worse if a condition existed which would tend to drive from congressional service everybody except rich or dishonest men.

Many of our very ablest and purest men are poor, but they ought to have the opportunity to enter and to remain in public service. Many of them now adorn the public service and many others are qualified to do so. The people need their services and are entitled to them. I will never, by voice or vote, close the door of opportunity upon them. In voting for adequate compensation for Members of Congress I did not listen to the voice of personal interest or selfish motive, but voted in the interests of the whole people and of my own constituency and especially of every poor boy in our land, who may develop the necessary talent for high public office, without either inheriting or acquiring wealth.

While I have discussed the merits of this question fully, and have, I hope, shown that I am right about it, yet I now wish to call attention to certain facts that will show that all the criticism recently heard of me, on this question, is both belated and selfish, and therefore worthless. It will be recalled that I cast the votes that are criticised on December 14, 1906, and on January 18, 1907. The last of these votes was not a record vote, but it was given complete publicity, with my entire approval, in almost every newspaper in Georgia, and almost without exception our press warmly approved and applauded that vote. Not only that, but when the short session of Congress adjourned on March 4, 1907, I came home and made several speeches in my district, giving my constituents an account of my stewardship. One of these speeches I particularly recall. It was delivered at the April term, 1907, of Lincoln superior court, Senator CLAY speaking with me. In that speech I went fully into the question of my vote for the salary increase, giving, as nearly as I can remember, about the same reasons for it I have given to-day. So far as I could judge from the manifestations and expressions of my audience, those of my constituents who were present and heard me approved of my action. Certainly there was no expression, public or private, to the contrary. I merely mention these facts to remind you that there was the utmost publicity and openness about my vote, both at Washington and in Georgia, at the time it was cast and afterwards. In June, 1908, with full knowledge of the vote, and with every evidence of approval thereof, the people of the district I represent unanimously renominated me for Congress, and at our congressional convention, held during the same month at Augusta, Ga., heartily and enthusiastically approved my record as a Member of Congress. Where were the gentlemen then who now so vociferously criticise me about this matter, and are so unjust and hasty in ascribing unworthy and selfish motives to me? Which one of them raised a voice in protest or in criticism while I was submitting my candidacy to our people in 1908? Why were they silent then? Were they less intelligent then than now, or less patriotic, or less disinterested? Can the remarkable change in them from approval, or, at least, acquiescence, in 1908, to violent and unjust criticism in 1910 be ascribed to a growth in virtue, in patriotism, or intelligence? Ought it not rather be ascribed to a new born and then undeveloped thirst for the office I hold, and valued accordingly? These are questions which the people of the tenth district ought to consider and must decide. The demagoguery of such an attack ought to be patent to every fair-minded man, and I can not believe that a great and intelligent constituency will fail to plainly perceive it. Which one of the gentlemen who now demagogues about this matter will refuse to take the increased salary if elected?

Mr. MOON of Tennessee. Mr. Chairman, in the beginning of the debate on this bill I suggested that possibly I might, before its close, have some remarks to make not only upon the bill, but upon other and kindred subjects. I have no manuscript or prepared speech, but I hope the dignity of my audience will not suffer on this account, as I have given some thought to the questions I desire to discuss. While I should be pleased to be in a position where I could present to the House an orderly, consecutive, and logical argument upon this great measure, the measure itself is of such character, so varied in all of its details, that such a course would be impossible, covering even partially the field of debate. However, before speaking to a few sections of the bill, and then passing to the consideration of other questions, I feel, as a representative of the minority upon this committee, that the thanks not only of the committee but of the House of Representatives are due the gentleman from Massachusetts [Mr. WEEKS], the chairman of the committee, who has so successfully and ably managed the preparation and presentation of this bill to the House. Without partisanship, with a profound interest in the welfare of the country, and a sincere desire upon his part, I believe, to economize, he has done all within his power to bring this great bill within proper limitations.

It is the greatest bill, perhaps, in the amount involved that has ever been presented for any one department of the Government in any country of the civilized world. Ten years ago the Post-Office Committee presented to the country a bill that carried some $89,000,000. In the last Congress and this one the measure runs to some two hundred and thirty-odd millions of dollars. We naturally pause and ask ourselves the question whether in the decade that has passed there has been such growth in population and in the business of this great department as to justify an increase from $89,000,000 to two hundred and thirty-odd millions of dollars in the administration of this department of the Government?

I am not here to criticise this administration. I have watched item after item under this bill, and consulted the laws under which the estimates have been presented by the department for consideration. If there has been an absence of economy, it is due, in my judgment, not to the committee—perhaps not wholly to the administration of the department—but to the unscientific and unbusinesslike methods and unwise laws controlling the Post-Office Department. Every business has advanced by the perfection of details looking to the accomplishment of satisfactory results except this business. Profits and losses may be accurately determined in every line of trade and every business relation save in this greatest department of business known to-day to the American public. The Post-Office Department is operating under laws by no means suited to modern business affairs. Experts tell us that under our methods of accounting in this department that a correct balance sheet can not be obtained from the officers charged with the administration of its affairs. All else in the business world has advanced but the postal affairs of the United States. The main and essential features of the department have been improved in many ways, yet it has remained practically unprogressive. Would you think it probable that under our legalized method of computation of inland railway mail pay that no human being could come within $15,000,000 of the fair and legitimate cost of transportation of the American inland mail, and yet this is a practically conceded fact? Is not Congress to blame for such a condition? We are told that the department pays for the transportation of mail so many millions of dollars. We all readily understand that. We are told that the mail is weighed for a certain period of time. We all understand that.

But the mysterious factor in the method of computation is this: The uncertainty of an accurate result rests in the fact that we have no way of ascertaining with accuracy the amount of mail that is carried in the United States annually. We weigh the mail in one of the four grand divisions of the United States once in four years. The time of weighing is short and date uncertain. The weight in one section is made the basis of computation for four years' weighing and pay. Whether the mails increase or whether the mails decrease or what the conditions are looking toward increase during the weighing period and a decrease during the period that the mails are not weighed we do not know. We go on from year to year making these appropriations in the dark. The railroads say that they are not fully compensated. They tell us that while the actual cost of the transportation of the mail may be at a fixed figure per ton per mile, that their compensation, in marshaling all the factors and elements that enter into the determination of the compensation, is less than 5 cents per pound; that the remainder of the cost is in the handling. The short-line railroads claim that their compensation is entirely inadequate. The long-line roads say that their compensation is no greater than it ought to be.

I have not the time nor the figures before me to review the contention of the railroad companies of the United States on this question. But it is apparent that the short-line railroads, by reason of the method of computation of the pay, in the fact that they only have a short haul, and the expense attending

the care and control of the mails is as great almost as for a long haul, have some justification for the contention that they are not under the present system fully paid. But when you remember the uncertainty of the method of computation as compared with the short as well as the long haul, we are left in doubt and uncertainty upon both of these propositions.

Shall we continue a situation of this character? Shall an administration be enforced that can produce no more of accuracy in results than this from year to year?

We have in connection with the mail service the full railway post-office cars; cars the rental of which cost the Government from five to six thousand dollars each per annum; cars that have a life of from 10 to 16 years; cars that can be constructed for the amount almost of one year's rental. We have the compartment cars, and we have the mail thrown in the cars and delivered by the railroad men from station to station, where there are no railway-mail clerks. Those who have investigated, those who have made the computation, have suggested to us another method, one at least by which we could accurately ascertain what compensation ought to be paid.

No honest man wants to make the railroads carry the mail of the United States for less than it is worth to carry it, and no honest man wants to pay them more than it is worth to carry it. To ascertain the truth is our dilemma. We ought to have a system under which the exact truth can be ascertained, whether it results in greater or less compensation for carrying our mails. I am much inclined to favor the idea that economic results would follow if we should abandon our present method and pay only a fair price for the space that our mail occupies in the ordinary cars for transportation of the mail per mile per annum and for use of space in compartment cars. This at least will bring to us accurate results as to the just measure of compensation. And while I do not believe in government ownership of railroads, while I do not believe for one moment in destroying the legitimate power and the influence of the private citizen in the business affairs of this country, while I oppose the Government of the United States interfering in the business affairs and private relations of the people, yet, under the Constitution of our country, the Post-Office Department of the United States is entitled to and of right ought to exercise a monopoly of all the mails in the interest of all the people; and in order that that result may be accomplished with the least expense to the American people, I believe we ought to own and run every postal car in the United States. [Applause.]

Mr. Chairman, if our Government means anything it means a government of equality of rights. It means "Equal rights to all and special privileges to none." If it shall amount to anything, it must exercise to its full extent the powers conferred upon the federal institution by the Constitution of the United States. Economy in administration is an essential principle of a free republic.

If there be no economy, there must be an inequality and injustice. If there be no economy in the administration of our affairs, the wealth of the people of necessity is absorbed in maladministration. Let this Government undertake to enforce the business of this department in obedience to the organic law. What right has any express company or common carrier, existing under the law of the land, to undertake to carry the mails of the United States, to participate in this service without the consent of Congress?

This monopoly belongs to the people. It ought to be rigidly enforced and exercised. The Government ought to determine what is mail matter. It ought to carry it, and it ought to permit none other to carry it without its consent. If it sees fit to turn over the carrying of the mails, as it must of necessity do, at least so far as payment for wheelage is concerned, to the common carriers, it must pay the legitimate compensation, and it ought not to pay more.

And now let us come back for a moment to that question of compensation. As I have remarked, it is in doubt. But there is one significant fact which should challenge the attention of legislators. The express companies of the United States will carry the mails, and they will deliver the mails; perhaps not in the same advantageous way that the delivery is made by the government officials, but they will bear the great burden of the expense of transportation and handling for about one-fourth of the sum which the railroads demand. If the express companies can pay to the railroad companies for wheelage of their cars 45 per cent of their gross earnings, can not the Government of the United States profit by the ownership of these mail cars and pay the same measure in money for wheelage that is paid by the express companies? It looks to me like a feasible, reasonable, business proposition.

We are told that the Government of the United States ought not to administer the affairs of the Post-Office Deparment for a profit. They tell us that there is no profit in the appropriations for the army, for the navy, or for that great domestic concern which we call the Department of the Interior, or the Department of Justice, or the Department of Agriculture. These great departments administer certain functions of the executive branch of our Government. They have no means of making revenue. There stand your army and your navy, both for national defense. There is the Department of Justice for the maintenance of federal justice. There is the Department of Agriculture looking to the welfare of the farms and the fields. There is the Department of Commerce and Labor overlooking the business and laboring interests of your country. There is the great Interior Department concerned with your internal affairs. But this great Post-Office Department is unlike them all. It is the business institution of your country. Shall you not run a business institution for the purpose of obtaining the revenue at least necessary to administer it? Can you throw away the only opportunity that you have in the distribution of the departments of your Government to make the money that is necessary to conduct one of them? I have no sympathy with the suggestion that we ought not to practice rigid economy, save, and make every dollar that can legitimately be made in the Post-Office Department. Why not? The very manner in which it was established, the very power of the Constitution that called it into existence, presupposes that fact. It gave to the department a monopoly of the greatest business in the world in order that the American people as one people might have the benefits of that monopoly.

How are we, then, to administer these affairs for the benefit of the people unless it be done wisely, economically, and profitably? Now and then some separate question affecting the affairs of this department is presented to us, and solution is demanded. We are to-day confronted with a proposition in reference to the second-class mail matter of the United States. It stands alone. It is separate. It is distinct in its appeals for solution from any and every other question affecting the Government. Keep in mind the fact that the post-office is a constitutional monopoly. You will find that the Congress, in establishing this department, exercised the power of that monopoly in another direction for the interest and welfare of the people; not merely a monopoly for the accumulation of the means to administer the Government, but the power of monopoly was to be converted, in the judgment of the Congress, to the welfare and interest of the American people. In fixing, therefore, the rate of postage, they fixed 32 cents per pound upon letters or mail matter of the first class, 8 and 16 cents, respectively, on third and fourth class; but when it came to the second-class matter, there was fixed but 1 cent per pound. Why this discrimination? It is apparent to every man that the relative rates are such that if money must be made upon one, and if compensation alone comes from another, loss must come from that part of the pay on the class that is so low that it is impossible to be compensatory in its nature. Why was the loss deliberately fixed upon second-class matter? The fundamental doctrine of monopoly, which in our institutions is applicable alone to this department, was invoked. It was desired that the benefits should be given to the people of the United States in the dissemination of knowledge and information.

It was believed that the great papers of the country, the weeklies and dailies and other publications, were of more value to the people as a means of education, as a means of the preservation of those great principles of government which are so dear to the hearts of the American people that we could afford to lose upon that class of matter. It is a loss. It is a great loss. I am utterly surprised that gentlemen engaged in that line of publication, the editors of great papers, should insist by any possible system of computation, any method of juggling with figures, that anything but a loss can be figured to the Government of the United States upon second-class matter. Why apologize for it? Why undertake to say that the second-class matter produces a large amount of first-class, third-class, and fourth-class matter, and therefore the rate is justified because of its production of revenue under other lines? The argument is fallacious. By the same reasoning and the same logic you may say that third and fourth class matter produces first-class matter; that first, third, and fourth produce second-class matter, and therefore one is of greater advantage than the other. It is impossible to determine the line of demarcation in the production of postal revenue for the people by the different classes of matter, and it is a false ground upon which to place it. Let us stand up before our educational interests and say that this monopoly of the Post-Office Department may and shall be used for the benefit of the American people; that it is to the benefit of the American

people to disseminate knowledge and information, that it may go down to the masses of the people that they may know what their Government is doing, that they may know whether the trend of events is in behalf of liberty or of tyranny. Let there be no apology for the exercise of this power in the interest of the press, in the interest of free speech, and free government. [Applause.] I desire to offer to this House no illogical position upon a proposition so sound as that.

But let us not forget the purposes that were intended. Shall it be said that this beneficent purpose shall be perverted? Shall publications that are merely advertising sheets, that contain one-half or more of advertisements and the remainder fiction that teaches nothing of value to the people, shall they fall in the category of the protected press? That is the question that you must consider. There is the line of cleavage; there you strike down the false that the true may live.

I am satisfied that not only the people but Congress understands the delicacy of that situation. It would take more than an ordinary judgment, more than an ordinary discretion, to frame a law that will maintain this principle and policy for the education of the people and yet preserve that principle from the insidious assaults of those engaged in mere commercial pursuits. We can trust to Congress, in its good time, to reach that solution. Let us only keep in view the great fundamental question and policy that underlies the proposition before us and its solution will come in justice at last.

We are again told that we are not paying the officers of the Government all that they ought to be paid; that there ought to be an increase of salaries. You are told that you raised your own salary; why not raise the salaries of all the other employees of the Government? There is a difference in the nature of public service and of public responsibility, and yet I am not inclined to say to the man engaged in the service of this Government in this department that if you are not satisfied with your salary, you can leave your position and another can take it.

But I am satisfied to say to him that while you ought to have under all circumstances and conditions remuneration for your service, pay commensurate with the labor that you perform for the people, your pay already is enough in most instances, and you ought not to persist and demand by organization and otherwise an increase of compensation, at least until the Federal Treasury is plethoric again and a proper readjustment of all salaries is made.

The committee has not undertaken to raise the salaries of the postal officials in many respects. Some of us desired to give to that splendid class of postal officials, the railway mail clerks, an additional compensation. I myself felt that each clerk ought to have, in view of the great risk he runs and because his life is in peril almost every day, at least $100 more compensation by way of money, not by the way of per diem and payment for meals and lodging, but the committee, in its wisdom, had another view and has perfected a plan by which this class of brave men will finally, in a measure, be better compensated than they are now. It is a plan that may have danger ultimately lurking in it, the beginning, perhaps, of a system which, in my judgment, is an unwise one. I do not believe in invading the private affairs of a public official; I do not believe in paying for his lodging and his board. I do not believe in making him a ward of the Government; I do not believe in an allowance for per diem expenses in any line of business beyond the actual expense, and that ought to be covered not in the way of expense, but in the way of compensation for monthly or daily services performed. You in part take away the high spirit of independence and courage in your public servants when you follow them into the private affairs of life and administer to them food and lodging. Why not clothing, too?

Mr. LLOYD. Would the gentleman take away the per diem from the post-office inspectors?

Mr. MOON of Tennessee. The post-office inspector is not on regular duty. He is assigned for certain duty at certain times. I would pay the post-office inspector just what it costs him to live. I would not give him $4 a day and let him live upon $1, and turn the other $3 out of the Federal Treasury into his own pocket. I would make him an honest man by giving him an honest compensation for his services. If his special duties were such that it required a variance from the general rule of administration, I would give him the actual expense, but I think that there is nothing more detrimental to the public service than the policy that is pursued in that very line of business to-day. The hundreds of inspectors are traveling free upon the roads. They are going into all of the offices of the country and making inspections—and, by the way, I think about half of them are useless—and they are given $4 per day for expenses. Information that comes to me is that in most instances their per diem expense is about $1.50 to $2. They concede that they take the other $2 and use it for their own private purposes. Why not let the Government have the benefit of this situation and limit the expense daily to a reasonable amount and pay it, and not give this inducement to peculation on the part of its public servants? If they are not paid enough, raise their salaries and put an end to this improper practice.

Mr. Chairman, talking about the post-office bill is like talking about an encyclopedia or trying to define a dictionary. You get through with one subject, and by the time you do you have another one waiting for you. I can not attempt to go into a full discussion of all these questions, but I have suggested that certain evils exist in the departments; that certain methods obtain there by which maladministration is unavoidable in many features of that service. There are other methods there which are inviting—as we unfortunately know from the history of the past—to a career of corruption. Let me suggest some method of relief. I have already suggested in reference to the railway mail pay, the space or compartment pay, and the ownership of our post-office cars. But that department needs a reorganization; it needs the establishment of business methods somewhat along the line reported by the postal commission and as outlined to-day by a bill prepared by that commission, and of which I had the honor to be a member, and now introduced to the House by the chairman of the committee, being H. R. 21321. In that bill you will find outlined a system which will correct, in my humble judgment, many of the unbusinesslike methods of this department that will preserve it, in a measure, from an extravagance which almost of necessity has existed in many of its branches. The Postmaster-General should be continued as the political head of the department only and as a member of the President's Cabinet with general supervision of the department, but the business administration of that department ought to be taken away from politics. [Applause.]

I care not what party is in power, that is one office that ought not to be the seat of political power. There business methods should be diligently applied; there we ought to have a director of posts, with sufficient knowledge and information acquired by long service in the business world and in postal affairs to enable him to give a direction to the affairs of that great department, which will enable him to fully comprehend the postal affairs of the country and their relation to the affairs of the business world, and determine that which in good judgment, good common sense, and justice ought to be done.

Sir, I believe so firmly that a director-general ought to have charge, and not a political Postmaster-General, of the affairs of that office, that I would be willing to depart for a time from the time-honored principle of the Democratic party and see a man placed in power there for a long term of years, without the possibility of rotation in office with anyone and without the right of removal, except for corruption or maladministration. With him I would have a half dozen assistant directors or bureaus, each with all the corelated subjects of jurisdiction belonging to that branch coming under one head for the purpose of speedy and correct administration.

Let us have the departmental affairs under the control of the director-general of posts, with a bureau of transportation, bureau of mail matter, bureau of appointments, bureau of finance, bureau of accounts and supplies, the purchasing agent of post-offices, the commission to determine all questions that may arise between the people and the department upon principles of law and equity, to avoid the ruins of arbitrary administration. We, of course, of necessity must have the various officers necessary to carry on the affairs of the Government under these bureaus, both in the departmental and the postal service. The various heads of the bureaus, under the director of the posts, should meet with him at least once a week and consult over the affairs and matters relating to these departments. Each subdirector should submit to the director-general a report of the service to determine and remedy any defects in the administration that could be reached by postal regulations.

Let them have their purchasing agent before them. Let them bring before them any administrative officer and inquire into the affairs. We should have a balance showing the affairs of that department at least once a month. Expert accountants tell us that is impossible now to obtain at any time. The bill of the Postal Commission suggested a division of the country into 15 great sections, in each of which there was to be an inspector, a chief clerk, and a stenographer. That territory would be controlled, so far as postal affairs are concerned, by those officials. They would submit to the director-general a report of the service in their districts monthly.

The advantages of such a system would be apparent. The proximity of the officers in charge of a section with the work of that section would be such as to secure better information and better means of information. The cost would be lessened. You can accomplish results more satisfactorily in a confined field than a broad open field, over which you have control from a central point and from which you have no control over intermediate points necessary to the proper discharge of the duties involved in that field of endeavor. It would save this Government an immense amount of money in the transportation of supplies. Why should you transport at great expense from the Commonwealth of Connecticut to California postal supplies when, if your country was divided into the districts shown for the purpose of administration, those supplies might be purchased in San Francisco or the State of California or some adjoining State, and the long haul across the continent saved to the Government?

Mr. FINLEY. Will the gentleman permit?

Mr. MOON of Tennessee. Certainly.

Mr. FINLEY. Mr. Chairman, is the gentleman aware that the practice at present is, in most of the States, to have a depository where supplies are kept and the offices in the State are supplied from that depository?

Mr. MOON of Tennessee. Oh, I understand that; and I understand, too, they are hauling a great deal of them from one point of the country to another. And I understand another fact, and it is to the credit of the administration that it is so, that along those lines of economy many of the suggestions which are contained in this bill now have been adopted by regulation. Again, Mr. Chairman, another feature of this bill is a provision for accounting. It is an adoption of a method of checks and balances by which ultimate settlement of the accounts of the various bureaus of the Department of the Post-Office may be facilitated to the auditor's office for that department in the Treasury Department. It provides for a system by which fraud in the issuing of money orders and various other issues connected with the Third Assistant's office may be possibly avoided by the use of those checks in accounting. Again, it provides for the abolition, by the creation of an impressed system of post-offices, of more than 24,000 fourth-class offices in the Uniter States and the accounting that now takes a vast sum of money to keep us informed and the department informed of the workings of those offices.

But I must pass from this question. We might talk for a day on the question of the administrative features proposed in this measure which we have offered for the consideration of the Congress at a subsequent day, but closely related and heretofore contained as a provision in this bill is another measure upon which I desire to speak but briefly, because it is connected with the postal service. There is pending before the House a bill which bears this title:

A bill to promote the American merchant marine in foreign trade and the national defense, and for other purposes.

This bill is reported from another committee. It comes from the Committee on Merchant Marine and Fisheries. It is the same measure that heretofore came from the Post-Office Committee and met defeat in the House of Representatives. The title of this bill, to say the least, is anomalous. How is it possible for any honest array of facts or any statement that is sought to be enacted as a mandate of this Congress into law to be contained in the conglomerate, perverted statement of the purposes of a bill like that one before me? Do not you know what this measure means? Are you deceived? Do you think that a few unimportant sections like those that are recited in this bill can rehabilitate and reestablish the American merchant marine and the supremacy of this Republic over the high seas? Do you believe that there is a single suggestion in this measure responsive to the title "for the national defense?" What effective feature does it contain for national defense? Why the lobby in the corridors of the Capitol and hired agents, the tools of fraud and trusts, discussing ship subsidies over the country, misrepresenting the facts, falsifying the records, attempting to obtain from the people a commendation of a measure reeking with political corruption and shameless in its dishonor? There is plunder for hired agents in the measure.

There are no people on this earth so susceptible, if I may use the term, to the very instincts of commerce as the American people. There are no people upon this earth to whom so successful an appeal can be made as when you appeal to their patriotism in the alleged interests of their country in any way.

Ah, time and time again, Mr. Speaker, have the plunderers of the Federal Treasury directed the eyes of the people to the stars on the flag of the Republic while they reached down and plundered the National Treasury. [Applause.] This is but a repetition of that oft, that long-practiced method of deception.

And what is this proposition? Why should it be here? Has, indeed, the American merchant marine fallen into ultimate decay? Are no longer our merchantmen dipping their sails in foreign ports? Are the ships that so proudly bore our commerce tied to the shore and in decay forever? If so, tell us why and who is responsible. Was it ever so, or is it now only so? If this condition exists, there is a reason for its existence. If it can be remedied, those evils that brought the hour of decadence must be removed. What are they? Whence did they come, and who is responsible? Perhaps the grave events that have passed in the last half century were such that benefit came to the American people greater than could have obtained possibly if a merchant marine had still flourished. I am not here to concede that, but no doubt the gentlemen who believe in the policies, the economic polity of this Government for the last half century, will find the only legitimate and logical excuse for the decay of the merchant marine in that declaration. Did the American merchant marine ever occupy the seas? Was your flag, protecting commerce, ever seen in all the civilized ports of the world?

There was a day when this was true. What was the period of our history in which it was true? It was before the days of combinations and of trusts in trade. It was before the day when the ports of your country by your tariff laws were closed to the commerce of all the world beside. It was in that day of Democratic supremacy, when the tariff was raised for the purpose, not of protecting monopolies in trade, but for the purpose of obtaining revenue to administer the government of the people economically and justly. [Applause on the Democratic side.] In those days there was a merchant marine. In those days the Republic was the mistress of the commerce of the seas. Why the end of that period? I am not here to charge all the evils that may have befallen our country upon the opposite party. Here is a fact with which we must deal in determining the propriety of the amendment now proposed to the oceanic subsidy act. We must know, as we do, that our merchant marine once flourished; that our commerce was once great, and that it is no more. You ask me why tariff should have that effect. You may send your ships laden to the four quarters of the earth with the products of the Republic, but they must, perforce, of necessity, by virtue of your very law, return without a cargo. Why bring a cargo from the ports of the earth, from other lands and from other seas, when the tariff tax upon it is so heavy at our ports as to prevent its entry and the possible disposition of it? Does not that have some effect, gentlemen? Can commerce flourish when ships must return empty? Has not that fact in the history of your country sufficient in it to appeal to your judgment for a change in the great economic policy of the Republican party that stands, not for equality, not for the equal rights of the citizen, but for the special-privileged class that finds protection under the tariff laws of your country? [Applause on the Democratic side.]

Then, let us start out with the suggestion, with the demonstrated fact, that a high protective tariff and a successful and flourishing merchant marine can not live contemporaneously. If you would have the high protective tariff, if you would close your ports to the commerce of the world, you must abandon the idea of a merchant marine. If you would have a merchant marine, you must withdraw the subsidy of protection from the manufacturing interests and give equality of taxation to the common people, that your Government may be administered with purity and integrity and all of its great functions performed on land and sea. [Applause on the Democratic side.] You then, by your legislation upon this question, have made in part a merchant marine impossible. Ah, what more have you done by your registry and navigation laws? You have shut off the competition of the world and given to shipowners and shipbuilders the benefit of laws creating monopoly, in the vain hope that they may rehabilitate the lost trade, a trade destroyed by a domestic economic proposition which you call the protective tariff, which we know is a destructive tariff, a blight to commerce, a crime against consumers, a protection only to monopoly. How will you do it? You can not do it. You will never reach the realm of supremacy to which you aspire without the expenditure of many more millions of money in the subsidies than even proposed in this bill, without a change in your policies.

But look at the facts for a minute. We already have a ship-subsidy law. We already have a law by which ships of the first class making a voyage of 4,000 miles to certain portions of the earth are paid a subsidy of $4 a mile. You have another section in the statute which gives to second-class ships $2 per

mile, to third-class ships $1 per mile, to fourth-class ships two-thirds of the compensation of the third-class vessels. What is the result? They carry your mails. Your foreign mail pays you, as Members all know—the exact figures are not before me—but in the neighborhood of $3,000,000 of profit annually. Have you enough facilities to carry your mail that you are subsidizing? No one doubts it. You claim that your subsidies are not as great as the subsidies of other countries. The performance of duty on the part of your subsidized lines is not as great. The business does not exist for them in the transportation of mails from those remote places on the Pacific that exists with foreign countries, and the comparison of the figures of subsidized lines in other countries is totally irrational and illegitimate.

But, back to the question of compensation. What are they getting? Suppose they perform a voyage of 4,000 miles; suppose they carry a single letter. There is in that case a compensation of $16,000 for one trip under the subsidy law as it now stands. Is there any complaint that our mails are not carried? Is there any evidence before you that by doubling the provisions for the subsidy, as proposed in this bill as an amendment of the act of March 3, 1891, we will accomplish any more results? Where is the benefit to the postal service upon which the bill rests? Under a subsidy we pay to the owners of American vessels about three times as much as we pay to foreign vessels for the same service and yet the merchant marine is not improved and foreign vessels clear large profits.

The lines are already in commission, all that are needed for this purpose. Does anybody tell us that the law requires new ships or new lines? If we grant this additional subsidy, it means that second-class ships may be used in the place of first-class ships under the very terms of the act, receiving the compensation of first-class vessels. It is doubling the compensation for second-grade work. Where is the benefit to arise to this people from that condition? You propose by this bill to let shipbuilders of vessels that are now in commission carrying the mail to sequestrate by operation of law 80 per cent of your foreign-mail revenues. Why do not they come and ask the sequestration of the revenue in some branch of the service that is doubtful in the amount that it would yield? They clasp upon the ocean revenue, where the profit exists. They ask you to do this in the interest of our merchant marine, in the face of economic provisions which prevent a flourishing marine, in the face of the fact that more than double compensation is now received by them. They ask you to give away all the profits on the ocean-bearing mail to the owners of the ships, and what do they promise you in return? That they will carry one American boy on the deck of each ship to be trained in the art of seamanship and of war.

Mr. ALEXANDER of Missouri. I desire to correct the gentleman. The compensation for this naval cadet is to be paid out of the increased tonnage tax that is developed under the present bill, and not under this subsidy at all.

Mr. MOON of Tennessee. I am glad the gentleman has made this suggestion. They make us pay for training a boy and give them subsidy, too. Where is the benefit to your navy? What good will these second-class hulls, plying on the waters of the Pacific and the far-off isles of the sea, do for our navy? What service will they render to you in the way of help if any foreign war should be declared? What of benefit would there be? How would they stand before the Dreadnoughts of Great Britain? What good would they be even for coaling transports or convoys?

Mr. Chairman, under the proposition for a ten-years' contract, the Treasury of the United States will give and lose to these ship lines more than $4,000,000 of money per year. This enormous sum of $40,000,000 could be available for the purpose of building ships and convoys for war vessels if the conditions were such that we would need them. Do not be disturbed. It is the feeblest blind that was ever offered to an intelligent Congress. [Applause.] With your great navy, with the building year by year of more battle ships, with the declaration to all mankind that we are for peace, but will prepare for war if it must come, would you rely on the rotten hull of a mail-bearing vessel as even a temporary aid to your navy and your national defense?

A single boy, indeed, to be trained in the art of navigation, in the duties of a sailor, by these menials who man the ships bearing the post cards and letters of the people to distant islands! The national defense, indeed! What a step toward a great national defense!

Gentlemen, the proposition in this bill that these old vessels shall not be sold without the consent of Congress, that no great railroad corporation shall have any connection with the subsidized line which the people are going to give to the men now interested in ship subsidies, but not in railroad subsidies, is, indeed, a tender suggestion of patriotic prejudices. Why, do you think that because of the great combinations of railways in the United States, and the great questions of transportation and rates that are paramount in the public mind, the statement in a bill like this that there shall be no combination with the railroads, should appeal to you? Have you no more sense than to swallow a bait like that? Ah, sir, there is no honest man who can read that bill and find within it anywhere a single item that will appeal to the patriotism of any man in this House. It is the blind of the corruptionist that is held up before you; I trust, to your astonished vision.

But this brings me to a sadder reflection. I do not believe, I never did believe, that these people in this great country with whom I differ upon economic questions are less honest, less sincere, and less patriotic than I claim to by myself, or than I claim the Democratic party, of which I am a member, is. If I thought that any great portion of this people were actuated by the spirit of corruption, I would fear not so much for my country or its institutions, because the spirit of plunder can not ultimately prevail over national honor.

But when honest people fall in line behind the corruptionists, not believing in a scheme of corruption, but following the policies which their party proclaim as best for the public interest, pressing a remedy more dangerous than the conditions to be relieved, danger is ever portended. It is along the lines of unsound political education and thought resulting in unsafe policies that danger exists. Fixing my faith upon the principles of the Constitution of my country, believing in the doctrine of morality and truth, I stand here to-day to proclaim that from my standpoint I could not be an honest man and divert one single dollar from the Treasury of my country into the coffers of the ship subsidists or the railroad plunderers. [Applause.] And yet there are men who are as honest as I am, who are more intelligent, who, following the principles of government in which they believe, necessarily pursue policies predicated upon those principles of government, and reach the conclusion, in truth and honesty, that a course with which I disagree is best for me and for them and for our common country. It is to them that we must appeal. It is to that reason, that intellect, that superb patriotism that must at last guide us all to which we must appeal. Shall we take them back to the Constitution? Shall we say "Your policies are not in accordance with it?" They meet us upon the field of debate. They are trained differently, they think differently, they are honest in their faith. Their environment has been one, ours has been another. But to us all, as one, must come the solution of the great questions that affect the welfare of our country. No subsidy—to a Democrat—can be honest. And yet upon the doctrine of the Republican party, with its views as to the exercise of the taxing power, with the implication of power upon power which they assume, in the construction of the Constitution, it appears to them to be right.

We talk about our country, its Government, and its Constitution. I believe that men of all parties in every period of this country's history have loved the Republic and cherished the Constitution as they understood it. But the great differences have arisen in construction. Did you ever think, as we proclaim the glories of the Democracy and the splendors of the Republican policies, that this great Government of ours, the freest Republic in the world, rests upon a Constitution that is only half Republican or half Democratic—a Constitution in which lie buried, germinating perhaps to-day, the seeds of monarchy itself? Your great Constitution was the result of a compromise between an advanced Democracy and the advocates of imperial power. You had no constitution upon which a republic could survive for a century until the immortal Jefferson and his compeers charged their souls with God-like spirit to heave a tottering nation once again up to glory, and had passed the first ten amendments to the Federal Constitution. In these are the renewed faith, the hope of human government and human happiness. There you find the declarations that make the real Constitution and determine the purposes of this Government; there you learn the lesson that the Federal Government while supreme within the sphere of its jurisdiction is but a half sovereign; there you learn that the state government while supreme within the sphere of its constitutional powers is but a half sovereign; there you learn, too, of the inalienable rights of the people not delegated to any government. This trinity of rights—federal, state, and individual—is the consummation of a system at once the most unique, free, and powerful in the history of human governments. The exer-

cise separately but in unison of these powers makes a complete sovereignty.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

This is the language of the Constitution. This is, then, a Republic of limited powers. Differences in the construction of the powers of governments have produced for us parties of diverse principles and policies. These amendments and others linked to the Constitution unite it in purpose and spirit with the Declaration of Independence. In these you find the faith of Democracy.

Do you ask me what a Democrat is? I will tell you that he is one who believes, first and foremost, in the love of humanity; he believes in those principles of government upon which policies can be evolved and used to carry forth to the world those endeavors that are best for mankind. He believes in the doctrine of "equal rights to all and special privileges to none." He believes in economy of administration in state and federal affairs, and, clinging ever to the central doctrine of the Republic, he believes that his country can survive alone by obedience to its Constitution. He forever opposes the doctrine that if the reserved rights of States and citizenship be not exercised that the Federal Government has any right to exercise those powers. [Applause.]

Without jealousy of federal power, he would carry federal authority to the limits of its exercise in obedience to the Constitution, and leave forever untouched by federal jurisdiction the supreme rights of States and the inalienable rights of the citizen.

I would not detract from the splendid achievements of the Republican party nor the sincerity of purpose of that great political organization. The history of this party is the history of nearly half a century of America by Americans one and all.

But when we consider the policies of this party, its practices and tendencies, its unjust system of taxation, its partiality to the classes, its usurpation of power in legislative, judicial, and executive departments, its utter extravagance and waste of the people's money, its thorough contempt for and disregard of constitutional limitations as evidenced by a part of its record, we must appreciate the more the necessity of teaching to the rising generation the cardinal doctrine of a constitutional democracy.

Mr. Chairman, we do not appreciate how we pass away from the doctrines that alone can make us a great people, nor the significance of our example and its influence on the world and the world's history. The spirit of our Constitution is pervading the earth.

From the hour of the promulgation of the Declaration of Independence democratic thought has seriously challenged the attention of nations and the progress of republican government has steadily advanced. Our example has encouraged and enlightened mankind, and while it may not be the controlling reason for the modification of conditions in autocratic government, it has made beneficent conditions possible there.

We have seen in our day the popular electorate established in hitherto practically absolute governments, and church and state separated that both might be free. France has reared the standard of a republic. Germany has consolidated feeble principalities in a great federal institution with constitutional guaranties. Slavery has practically disappeared from the earth. The shield of Russia's autocracy has been pierced and the voice of the people heard at the foot of her throne.

The unspeakable Turk, halting in a career of crime, hears the proclamation of a constitution as he becomes a prisoner of state in his palace. Armenia shall yet worship as Americans do, according to the dictates of their own consciences. The blood of her people has not been shed for religious liberty in vain. The crescent banner of Mohammed shall yet protect the votaries of the cross of Calvary. But yesterday Great Britain spoke at the ballot box; to-day Ireland holds the balance of power in that mighty Empire. Her struggle for liberty is nearing an end. With tears of love and pity we encouraged her in her sorrows. We shall greet her soon with shouts of joy, when home rule is established and Freedom waves her banner once more over every foot of the soil of the Emerald Isle. Mr. Chairman, one-third, perhaps, of mankind believes in the doctrine of the Nazarene. Many look upon Him as a seer and prophet, in whose existence, as an elder brother, there may at last be union and oneness with God. The vast number of the earth believe in the immutable laws of nature and that nature is God and that God is love. Strike down the faith of a people, if you will, and the world will move back to the darkness of medieval ages.

Let the minister in the Christian pulpit cease persistently to declare the simple text of "Christ and Him crucified," and the Christian religion in one century would fade from the earth, and that magnificent civilization that followed it would perish before mankind.

So, too, in the affairs of a nation. This Republic was builded on the foundation of equality. It was built and maintained that truth and justice and liberty might not perish. It knows no law above the sublime individuality and power of its citizenship regulated and controlled by its Constitution. It knows no sovereignty save that of the common citizen. Yet, if to-morrow in the administration of national affairs, we shall destroy national guaranty and equality of rights under the law, then that rock upon which the Republic was founded will crumble and we shall see the fabric of the Union totter and fall, and amid its ruins behold the annihilation of the States, as each star upon that flag representing their sovereignty fades away before the coming light, the glare and the glitter of imperial power. [Applause.]

Mr. WEEKS. Mr. Chairman, I will ask the gentleman from Tennessee to use more of his time.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Missouri [Mr. LLOYD] one hour, or such time as he desires.

Mr. LLOYD. Before I proceed, I yield one minute to the gentleman from Indiana [Mr. Moss].

Mr. MOSS. Mr. Chairman, I have a letter here which I should like to have read and inserted in the RECORD. It is a letter written to me by a constituent and bears on the bill before the committee.

The CHAIRMAN. Without objection, the letter will be read in the time of the gentleman. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

CLINTON, IND., *February 14, 1910.*

Hon. R. MOSS, *Washington, D. C.*

DEAR SIR: I am a miner, and as a natural sequence, very poor. Among the luxuries that I and my family enjoy and which have become necessities to us are four or five magazines and a weekly paper or two. These, like meat, we do not wish to boycott. In the last year or two we have been compelled to pay 50 per cent more for them—a tribute, it is said, to the paper trust. Some of our wise statesmen have recently discovered that newspapers, periodicals, etc., are the recipients of a substantial subsidy at the hands of the Government. They, unfortunately, have not been able to see the cranium of the colored gentleman in the national wood pile in its relation to railroad and express companies. Possibly it may be well to remind these gentlemen that history tells us that in some instances boycotts have been followed by revolutions. The American people have been very, very patient while being plundered by special interests. There comes a time when patience ceases to be a virtue. We are getting mighty close to it. When millions of laboring men are talking of, and in some cases—as in this city—boycotting the physical necessities of life, is it wise to compel a mental boycott? It can lead to only one thing, a change in our rulers or a revolution.

Sincerely and respectfully, yours,

T. J. LLEWELLYN.

Mr. LLOYD. Mr. Chairman, the Post-Office Department is the people's branch of the Government and is maintained almost wholly by special stamp taxes. It is a rapidly growing service. In 1800 its receipts were $280,804 and its expenditures $213,994, while in 1900, after a century of usefulness, there receipts were $102,354,000 and its expenditures $107,700,000. For the fiscal year ending June 30, 1909, the receipts were $204,000,000 and the expenditures $221,000,000. This service reaches the home of every individual, whether rich or poor, urban or rural. There has been very much discussion recently about the discrepancy between the receipts and expenditures, and there seems to be a well-defined sentiment in favor of making the receipts equal the expenditures. For myself, I do not understand why it is necessary that the expense of this department of the Government should be wholly met by special taxation. If there is a deficiency in the proper administration of the department and in carrying to the people the service that is best for them and the General Government, I do not know why there should be any objection to making a part payment for that service out of the General Treasury. In either event its expenses must be met by taxation. If it does not come in one form, it does in another.

This bill carries an immense appropriation. A greater amount is provided in it than in any bill in the history of this Government—$239,000,000. It is necessarily larger than last year, and will continue to grow with the expanding postal service. Very much that this bill carries simply complies with the provisions of the existing law. The salaries of the postmasters,

clerks in post-offices, letter carriers, railway mail clerks, rural letter carriers, and many other employees are fixed by statute. The amount designated for the transportation of the mails depends upon the law in such cases, and the appropriation is only intended to meet the requirements of the existing service. The railway mail pay of star routes, steamboat service, electric and cable lines, and pneumatic-tube service are all fixed either by statute or contract, and it is the duty of the Post-Office Committee to provide the amount necessary to meet all these expenditures. You will readily observe, after taking out of this appropriation the items to which I have referred, that but little remains about which the Post-Office Committee has discretion. In other words, under present conditions it is not possible to make this bill much less in amount than that which it now carries.

I take pleasure in commending the statement that was made by my colleague from Tennessee [Mr. MOON], with reference to the chairman of the Post-Office Committee, the gentleman from Massachusetts [Mr. WEEKS]. No man with whom I have been associated has apparently endeavored more sincerely to fully discharge the duty that he owes to this House and to the country than he has in the preparation of this bill. I take pleasure in making this statement about an individual who happens to be my political adversary, and I am gratified that I may say that in the consideration of this great supply bill politics has received no consideration. There are numerous features in the bill about which the members of the committee have differed, but seldom, if ever, have they divided on political lines. I would not confine my commendation of the committee, however, to the chairman alone. I am pleased to say that the Post-Office Committee devotes itself to its work and presents nothing to this House without careful consideration.

Recently we have heard much about second-class mail matter. The newspapers, magazines, and periodicals have been greatly exercised about the statements made by the Postmaster-General in his report and recommendations made by the President in his annual message to Congress. Some people who have not given this careful consideration feel that these periodicals have been rather too much concerned about what is likely to occur, but my judgment is that they have acted very wisely in undertaking to change what might otherwise have been the trend of public sentiment in favor of an increase of postal rates on second-class matter.

In order that I may be entirely fair to the President, I quote from his message the following language:

> The deficit every year in the Post-Office Department is largely caused by the low rate of postage of 1 cent a pound charged on second-class mail matter, which includes not only newspapers, but magazines and miscellaneous periodicals. The actual loss growing out of the transmission of this second-class mail matter at 1 cent a pound amounts to about $63,000,000 a year. The average cost of the transportation of this matter is more than 9 cents a pound. It appears that the average distance over which newspapers are delivered to their customers is 291 miles, while the average haul of magazines is 1,049, and of miscellaneous periodicals, 1,128 miles. Thus, the average haul of the magazine is three and one-half times and that of the miscellaneous periodical nearly four times the haul of the daily newspaper, yet all of them pay the same postage rate of 1 cent a pound. The statistics of 1907 show that second-class mail matter constituted 63.91 per cent of the weight of all the mail and yielded only 5.19 per cent of the revenue.
>
> The figures given are startling, and show the payment by the Government of an enormous subsidy to the newspapers, magazines, and periodicals, and Congress may well consider whether radical steps should not be taken to reduce the deficit in the Post-Office Department caused by this discrepancy between the actual cost of transportation and the compensation exacted therefor.
>
> A great saving might be made, amounting to much more than half of the loss, by imposing upon magazines and periodicals a higher rate of postage. They are much heavier than newspapers, and contain a much higher proportion of advertising to reading matter, and the average distance of their transportation is three and a half times as great.

I suppose that no one would believe that the President himself has had the opportunity to carefully investigate the delicate questions involved in the determination of proper rates for the carriage of the mail and the relative burden of the several kinds of mail matter. His statement was evidently based almost wholly upon the report of the Postmaster-General, and in order to corroborate fully this statement, I submit herewith quotations from the latest report of the Postmaster-General:

> Until recently the department did not possess the necessary data on which to base reliable estimates of the cost of the various services performed in return for these charges. The special weighing of the mails in 1907 furnished the first statistics that were sufficiently comprehensive for this purpose. A few weeks ago a careful computation based on these statistics and on the revenues and expenditures of the postal establishment for the fiscal year 1908 was brought to completion, showing the profit or loss chargeable in that year to the handling of the several classes of mail and to the conduct of the registry, special delivery, and money-order services. In arriving at the cost of each item not only the amount expended solely on its account was included, but also a fair proportion of the expenditures indirectly chargeable in part to the item. The results obtained were as follows:

Item.	Receipts.	Expenses.	Profit.	Loss.
First-class mail	$132,304,844.51	$78,630,649.89	$53,674,194.62	
Second-class mail	9,066,043.61	73,194,070.52		$64,128,026.91
Third-class mail	25,556,111.37	28,785,633.49		3,229,522.12
Fourth-class mail	7,755,921.70	5,659,732.19	2,096,189.51	
Foreign mail	8,585,564.24	6,080,553.53	2,505,010.71	
Free congressional mail		518,385.45		518,385.45
Free departmental mail		5,219,661.65		5,219,661.65
Registry service	2,889,912.80	6,768,437.41		3,878,524.61
Special delivery service	1,373,451.40	1,233,164.35	140,287.05	
Money-order service	8,946,813.78	4,015,206.52		68,392.74

> The most striking fact disclosed by the statistics here is the tremendous loss on account of second-class mail. While this class of mail provides a revenue of little more than 1 cent a pound, the cost to the Government for its handling and transportation averages 9.23 cents a pound. The annual loss thus incurred, as already stated, is more than $64,000,000.

The Postmaster-General further discussed the subject of second-class mail matter by calling attention to the per cent of weight of various kinds of second-class mail and the average distance such mail is carried in the following words:

> From the special weighings of 1906 and 1907 estimates have been made of the per cent of weight and the average hauls of each of the several subclasses named in the statute of 1906, subscribers' copies and sample copies combined, with the following results:

Class of periodical.	Per cent of weight.	Average haul.
		Miles.
Daily newspapers	40.50	291.27
Weekly and other than daily newspapers	15.23	558.20
Scientific periodicals	1.30	903.84
Educational periodicals	.64	733.75
Religious periodicals	5.91	682.50
Trade-journal periodicals	4.94	805.32
Agricultural periodicals	5.00	598.48
Magazines	20.23	1,048.67
Miscellaneous periodicals	6.25	1,128.10

> It will be noticed that the average haul of the magazine is more than three and one-half times, and of the miscellaneous periodical nearly four times, the haul of the daily newspaper, yet all of them pay the same postage rate of 1 cent per pound.

In another place in his report he makes this statement:

> Magazines proper, because of their long average haul, show a cost of more than 5 cents a pound for transportation, while in the case of daily newspapers, for which the average haul is much less, the transportation cost is less than 2 cents a pound.

The Postmaster-General, in discussing the different suggestions with reference to the method of increasing the rate, where it should be adopted, and what should be the plan by which the present deficiency should be overcome, concludes with this general statement:

> No matter which of these plans shall be adopted, or whether the simpler method now in force of charging a flat rate on all second-class mail shall be continued, some substantial advance in the postage rate on such mail should be made in order to reduce the tremendous losses the government revenues are now suffering from this source. The educational and other benefits that come from the spreading of information through the medium of periodical publications are generally recognized, but the fact that the postal service is now handling these publications at a public expense so many times greater than the revenue yielded is worthy of most earnest attention.

It seems to me perfectly evident that the President and the Postmaster-General had the purpose of overcoming a deficit of $17,000,000 by increasing the rate on second-class mail matter. Why call special attention to it? Why figure so closely as to how much is lost by reason of carrying second-class mail matter? Why lay special stress upon it, if it was not intended that there should be a change in these rates? I am inclined to the belief that the Post-Office Department has not fairly represented the case of second-class mail matter to the country. Neither do I believe that periodicals and magazines, through their representatives before the Post-Office Committee, are borne out by the facts in the contention they make, that the Government loses nothing in carrying second-class mail at 1 cent per pound. I fully concur with the statement made by my colleague [Mr. MOON] on this point. There is a loss on second-class matter. I do not think anyone need question that. Just how much that loss is no man can tell. It is a remarkable thing, as was explained by the gentleman from Tennessee, that nearly every feature of post-office methods is so changed from the ordinary

manner of conducting business that it is impossible to determine the exact cost of any class of mail. I do not believe there is an individual in the United States who can tell you to-day what it costs to carry the second-class mail.

The Postmaster-General has made a computation of the expense for different purposes on account of the several classes of mail and the registry, money-order, and special-delivery services, as follows:

Item.	Total weight of mail, based on special weighing of 1907.	Transportation.	Railway post-office car service.	Railway Mail Service.	Rural Delivery Service.	Compensation of postmasters, clerks, carriers, rentals, miscellaneous.	Other expenditures directly assignable.	Other expenditures not directly assignable.	Total expenditures.	Per cent of total.
Classes of mail:	*Pounds.*									
First	157,502,610	$9,958,917.77	$1,061,804.24	$8,102,140.48	$15,439,230.94	$40,519,373.35	$2,300,558.60	$1,248,624.51	$78,630,649.89	37.424
Second	792,580,967	29,511,205.79	2,455,444.08	4,481,072.11	13,821,100.60	21,516,411.55	246,502.66	1,162,333.73	73,194,070.52	34.837
Third	179,694,654	9,423,417.00	633,465.02	2,036,850.96	2,940,805.89	13,079,544.82	214,483.00	457,066.71	28,785,633.49	13.701
Fourth	58,889,400	2,366,523.97	143,158.36	181,053.42	563,425.43	2,249,297.49	66,323.78	89,949.75	5,659,732.19	2.694
Free congressional ("franked")	4,531,080	222,960.92	7,524.27	30,175.57	54,968.33	88,060.79	6,472.88	8,232.69	518,385.45	0.247
Free departmental ("penalty")	43,092,474	2,756,304.38	83,221.06	256,492.34	972,252.42	1,048,604.88	19,849.85	82,936.72	5,219,661.65	2.484
Foreign	54,067,099	1,564,689.96	137,313.56	208,480.04	233,615.42	1,544,891.00	2,391,563.49	----------	6,080,553.53	2.894
Special services:										
Registry [a]	----------	[b] 261,709.71	117,040.93	2,077,072.00	96,194.59	3,722,003.01	493,817.17	----------	6,768,437.41	3.221
Money order [a]	----------	----------	----------	----------	233,615.42	2,499,119.40	1,282,471.70	----------	4,015,206.52	1.911
Special delivery	----------	----------	----------	----------	----------	125,000.00	1,108,164.35	----------	1,233,164.35	0.587
Total	1,290,358,284	56,165,729.50	4,638,971.51	17,373,336.92	34,355,209.04	86,392,896.35	8,130,207.57	3,049,144.11	210,105,495.00	100.000

[a] Weight of mail included in proper class.

[b] Cost of transporting equipment only; mail included in proper class.

It might be of interest also to know in this connection the estimate of the Post-Office Department with reference to the revenue expense and profit or loss per pound and per piece for the several classes of mail. I submit herewith a table which is found in his report:

Class of mail.	Revenue per pound.	Expense per pound.	Profit per pound.	Loss per pound.
First	$0.84001	$0.40923	$0.34078	----------
Second	.01143	.00235	----------	$0.00892
Third	.12711	.14317	----------	.01606
Fourth	.16867	.12308	.04559	----------
Free congressional	----------	.11441	----------	.11441
Free departmental	----------	.12113	----------	.12113
Foreign	.15879	.11246	.04633	----------

Class of mail.	Pieces per pound.	Revenue per piece.	Expense per piece.	Profit per piece.	Loss per piece.
First	45.10	$0.01862	$0.01107	$0.00755	----------
Second	4.80	.00238	.01923	----------	$0.01685
Third	8.56	.01485	.01672	----------	.00187
Fourth	3.16	.05337	.03895	.01442	----------
Free congressional	1.99	----------	.05754	----------	.05754
Free departmental	5.38	----------	.02252	----------	.02252
Foreign	10.32	.01538	.01090	.00448	----------

My own conviction, from the best information I can gather, is that it costs about 3 cents per pound to carry second-class mail. I concur in the conclusion reached by the chairman of this committee in his opening statement in that regard. A better statement, charging to second-class mail the expense to the Government for its transportation, handling, and delivery, would be:

Transportation	$13,511,205.79
Railway post-office car service	1,705,444.08
Railway Mail Service	3,231,072.11
Compensation of postmasters, clerks, carriers, etc	9,516,411.55
Other expenses chargeable	1,408,836.39
	29,372,969.92
Deduct from this the receipts from second-class mail at the 1 cent per pound rate	9,066,043.61
Leaves a total loss of	20,306,926.31

Which is very nearly 3 cents per pound.

It must be borne in mind that the purpose of the Post-Office Department as originally designed was to carry letter mail. Other classes of mail have been added, but, after all, the primary purpose of the establishing of the mail system was for the purpose of carrying first-class matter.

There has been very much complaint of second-class matter. If it were left out of account and no second-class mail were handled and it were possible to ascertain just what that cost would be, we could then easily determine the real cost of carrying second-class mail matter. A casual investigation will show that it would cost just as much to carry on the rural service without second-class mail as with it. So that in determining the abuses that arise from second-class matter it would be proper to wholly eliminate any charge upon second-class matter for its carriage through the rural service.

As to the railway transportation, it seems to me that the best method of determining what it costs the Government to transport second-class matter would be to take the transportation expense at a time when the total amount of mail carried was equal to the present weight of first, third, and fourth class mail. If this is done, you will readily ascertain that the computation I have made is very nearly correct as to transportation. The postmasters' salaries and other expenses incident to the work in the post-office is determined wholly, or in part, by the receipts of the Government for its carriage. The reports show that not quite one-twentieth of the receipts of the Postal Department come from second-class mail. In my computation for this branch of service I have more than doubled such a per cent. I do not see how more than I have charged should be justly placed against second-class matter.

Mr. FASSETT. But has not second-class mail largely overtaken in ratio the proportion of the other classes?

Mr. LLOYD. No; I think that statement has gone out, but I am very sure it is a mistake.

If you will take the weighings of 1899, you will find that the second-class mail carried was 427,168,055 pounds, while the total weight of mail was 635,180,362 pounds; or, second-class mail was about 67 per cent of the whole weight.

According to the estimates made from the special weighing of 1907, we find 792,580,967 pound of second-class matter, while the total weight of mail was 1,290,358,284 pounds; or, the second-class matter was about 61 per cent of the mail. It will be observed from this that there was a considerably greater per cent in 1899 than in 1907. It is true, it may be, that in the last three or four years there has been a special effort to get rid of the advertising sheet in second-class mail matter, and that has to some extent made a comparative reduction in the weight of second-class matter; but this reduction is very slight.

Mr. GAINES. In your computation of the cost of handling second-class mail you say that it would cost as much for the rural service if there was no second-class mail carried. Would this not apply to other classes as well?

Mr. LLOYD. There is something in that contention; but, remember, the primary object of carrying the mail is to transmit first-class matter.

Mr. GAINES. Carry the logic of it all through, and you could prove that none of it costs anything to carry it.

Mr. LLOYD. If it be true, as I have stated, that the Post-Office Department was established for the purpose of the transmission of letter mail and that afterwards the second, third, and fourth classes were added, it would not be fair, it seems to me, to make the same application to first-class matter as to either second, third, or fourth classes. There is at present no complaint on account of first-class matter, and none on account of third and fourth class rates, except that many persons think the rates are too high. But there is a constant complaint by the department about the loss on second-class mail. There seems to be no complaint in the country and no demand for a change, except from the officers of this department, who seem to have a prejudice against second-class mail. It is to me

something of a mystery that nowhere do we hear of any serious complaint, except from the department itself. This department ought to represent the people, and I do not understand why it should continue to repeat, year after year, its reflection on the second-class mail rate.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. LLOYD. With pleasure.

Mr. FINLEY. If the gentleman will pardon me, will it interrupt the gentleman from Missouri if I call his attention to the fact that there was a loss last year on third-class mail of $3,229,522.12?

Mr. LLOYD. That is true.

Mr. LONGWORTH. With regard to second-class mail, does the gentleman believe that it would be practicable to have a different rate for the advertising matter, pure and simple, and the reading matter?

Mr. LLOYD. That is a matter for grave consideration, and on which I am not fully able to pass. The matter was repeatedly suggested in questions by my good friend from New York [Mr. FASSETT] in the investigations that were had from time to time before our committee. I am not sure whether that is practical or not. Now, there are those who believe we can separate the two and charge one rate for carrying the reading matter and another rate for carrying the advertising matter. If that could be done it would to a very great extent relieve the situation and overcome the deficit. But whether that is a practical proposition or not is a question. My own opinion is, however, that it is not practicable, because it is almost impossible to distinguish between advertising matter and that which is not, because so much of the advertising matter is reading matter and does not carry on its face the absolute stamp of the fact that it is advertising matter.

Mr. HARDY. Might it not be possible to provide a percentage that would be allowed for advertising matter in these literary magazines and publications of that kind?

Mr. LLOYD. Yes, sir; I am inclined to think that is a matter worthy of consideration and might be effected. In other words, you might say that no magazine shall be admitted to the mails which carries more than 50 per cent of advertising matter.

Mr. GAINES. The same difficulty would intervene in determining what is advertising matter.

Mr. LLOYD. That is certainly true.

Mr. GAINES. It seems to me that it might be done by requiring the publishers to make affidavit of what was and what was not paid for.

Mr. LLOYD. The administration feature of this proposition, I think, can be more readily reached than the administration feature of the other proposition. One thing would be true. The enforcement of this provision would exclude from the mails magazines which bear a greater amount of advertising than that allowed by law.

Mr. CLARK of Missouri. Mr. Chairman, I was out and do not know whether the gentleman went into this question or not. Some of the magazines claim that the advertising features generate enough first-class mail matter to more than give compensation for the carriage of the second-class mail matter. Has anybody ever attempted to go into that, or would a man naturally go crazy if he did? [Great laughter.]

Mr. LLOYD. He would go crazy if he did. But the committee has undertaken to reach that question to some extent in the hearings before it.

It is not my purpose to further discuss second-class mail matter. It is, however, one of the greatest questions with which Congress has to deal. We need not weary ourselves about the deficit and the means by which it may be overcome, for if the Post-Office Department is placed on a modern business basis somewhat along the lines suggested by the gentleman from Tennessee, it will become a paying institution without increasing the rates anywhere. [Applause.]

I do not believe it is necessary to increase second-class rates, and if it were necessary to overcome the deficit by changing them, I would think it unwise. It is the duty of the American Congress to encourage everything which tends to the upbuilding of citizenship of the country, and nothing accomplishes this more or better than for the people to be informed about conditions as they are.

The greatest civilizing agencies in America, in my judgment, are sent as second-class mail matter. The grandeur and greatness of this Republic, so dear to our hearts, is due more to that which is carried as second-class mail than to any other agency. If its prowess depended upon great navies and frowning fortresses, it would stand fifth in the race for preferment. If marshaled hosts and standing armies were the measure of its greatness, then it would sink into insignificance compared with the nations of the world. If ancestral blood and pampered aristocracy are to be the criterion which determine recognition, then Americans must stand aside and allow the royal pageants to pass. But if individual worth and respectability are determining factors, then our Government stands at the head of the column of achievement. This Government is what it is largely because of the public press and the crossroad school-house. To-day the county newspaper circulates free of postage in the county of its publication.

If you had the writing of the law, would you demand postage for this literature? This is the purest and cleanest of journalism. It is the channel through which the masses are directly reached in rural districts. It is the thermometer of public thought, the source of intelligence and information, the medium through which the home is reached and the knowledge of local affairs made known. It is a business with little of financial profit, engaged in by moral, patriotic, and exemplary men, free from graft and the demoralizing tendencies of the time.

Would you in any wise discourage the great daily newspapers by additional postage burdens? These papers may carry too many advertisements. Some go too far in scandal, vilification, and abuse, but these mighty engines of influence have the advantage of the mails at the second-class rate and pay only 1 cent a pound postage. Has the Government acted unwisely in fixing this law? Should this body discourage by any act the dissemination of such information? The laborer, as he wends his way to his place of business in the city, can, for a single cent, put himself in touch with the doings of the world. As he returns in the evening, for another penny he can take to his home the daily paper for his family to read.

The farmer now in most localities, when he sits with his family round the evening fire, can read the same daily paper and inform himself of the current events of the world. Would you place any barrier between the publisher and the reader of these great papers by adding additional postage, whether the postal rate is a source of revenue or a means of expense to the Government?

The magazines and periodicals, about which we have heard so much in condemnation because of their failure to bear their part of the postal burden, means much to the reading public. They give to them the deliberate and thoughtful judgment of great students on the issues affecting mankind. Who would take from the second-class mail the Youth's Companion, the Saturday Evening Post, and kindred publications? Why should the great magazines be deprived of the quickest transit at the present rate? In my judgment no expenditure brings greater returns than second-class mail matter. No investment means so much in its relation to the home and schoolhouse. None has added more to the sum of individual knowledge, and no step backward should be taken in this contribution to the intelligence and enlightenment of the people.

It is my purpose to call your attention to another matter about which most of you have received some correspondence. I have reference to the return-envelope proposition. You will notice that in this bill there is a provision that prevents, after the 30th of June, 1911, the printing by the Government of the name of the individial in the return card; the name of the individual, firm, or corporation, as the case may be. This proposition in the bill is what is known as the "Tou Velle bill," which was introduced in this Congress by the gentleman from Ohio. It is changed only in reference to the time when the law shall become effective. The Government now has a contract to furnish all the stamped envelopes that are used. This contract is awarded to a firm in Dayton, Ohio. These people print more than 1,459,510,000 stamped envelopes annually. The average price that is paid for such envelopes by the Government is something like 79 cents per thousand. Of course, in addition to that, 2 cents is paid by the consumer for postage on each envelope. The envelope then, without the stamp, costs the Government about 79 cents a thousand, and the retail price is about $1.24 per thousand. It is stated by the Postmaster-General in his report that under this contract the department made last year something like $731,789.60, or rather it had that amount left to pay the cost of distribution of stamped envelopes.

My belief is, from such examination of the matter as I have been able to make, that the Government not only did not make a profit of a single dollar, but on the other hand expended on account of this monopoly, given to the Dayton, Ohio, firm, as much, above all receipts, as is usually claimed as profit.

Mr. FASSETT. Are you charging it at 9 cents a pound?

Mr. LLOYD. Yes; I use the department figures in making the calculation.

Mr. FASSETT. Nine and three-fourths cents, to be accurate?

Mr. LLOYD. No; that same report which figures the cost of second-class matter at 9 cents figures the cost of merchandise or fourth-class matter at 12.3 cents. These 1,459,510,000 envelopes weigh about 100 to the pound. A thousand of them weigh about 10 pounds. You can readily estimate how many pounds of envelopes there would be. They weigh 14,595,100 pounds. If it costs the Government 12.3 cents to carry every pound of merchandise through the mail as the department estimates, then at that rate the postage expense on these envelopes would be $1,798,187.30.

Now, in order that you may understand me at this point, I want to call attention to this fact: These stamped envelopes are manufactured at Dayton, Ohio. The Government takes possession of these envelopes at Dayton, Ohio, and carries them through the mails to the various distributing points at its expense.

The Dayton, Ohio, firm has no carrying expense whatever. In addition to that, under existing regulations, the Post-Office Department advertises the stamped envelopes in every post-office. I have here a communication from the Postmaster-General on this subject, in which, at my request, he calls attention to what he sends through the mails. It may be interesting to you to know what the department does in the way of advertising these stamped envelopes.

A communication was sent on January 25, 1909, to each postmaster, which read as follows:

> The department is sending you herewith a supply of folders inviting attention to the advantages of stamped envelopes to the public and to the postal service. These are to be placed in the call and lock boxes of your office. Please give the distribution your immediate and careful attention. Additional copies will be supplied on request.
>
> A. L. LAWSHE,
> *Third Assistant Postmaster-General.*

The folders referred to in the letter consisted of three pages of typewritten matter, and explained the advantages of the stamped envelope, and especially directed attention to the fact that these stamped envelopes would be furnished in lots of 500 with the name and address printed in the upper left-hand corner without extra charge. It fully described the envelope, its quality, cost, and method of obtaining it.

There are 60,000 post-offices. Suppose there are 200 lock and call boxes in each office in the United States. There would be 12,000,000 of these circular letters in addition to the envelopes themselves.

A similar letter with a price list and order book was sent to each postmaster with these instructions:

> These are to be distributed by your city letter carriers to the principal business houses, professional men, fraternal organizations, public officers, and institutions likely to be interested in the use of stamped envelopes. The folders are to be left by the carriers at business houses and offices along their routes, without being addressed or inclosed in envelopes. Please give the distribution your immediate and careful attention.

There are over 30,000 letter carriers, and it is a reasonable supposition that these instructions would result in each letter carrier distributing as many as 100 of each of these several letters.

A third letter was sent to the postmasters bearing the same date, January 25, 1909, in which was found these instructions:

> These are to be distributed by your rural carriers to their patrons. The folders are to be left by the carriers in the boxes along their routes without being addressed or inclosed in envelopes. Please give the distribution your immediate and careful attention.

This letter was accompanied by a descriptive letter and an extended price list. There are over 40,000 rural letter carriers, and perhaps an average of 100 boxes to the route. This would give you an idea of the immense number of these several letters which were thus distributed by the order of the Postmaster-General.

Mr. SMITH of California. Will the gentleman yield for a question?

Mr. LLOYD. Certainly.

Mr. SMITH of California. In these notices that the gentleman has read I see reference to the printing on the corner of the envelope. Is not the Postmaster-General there dealing only with the question of stamped envelopes, whether they be printed or not?

Mr. LLOYD. Yes.

Mr. SMITH of California. And your criticism of the carriage of envelopes through the mail, which I think is, in a measure, very just, applies as much to the stamped envelope which is not printed as it does to the one which has printing on the upper left-hand corner.

Mr. LLOYD. Yes; it does.

Mr. SMITH of California. Therefore, the printing on the corner does not enter into the discussion?

Mr. LLOYD. The gentleman is exactly right. Thus far I have made no distinction between the stamped envelope which has the name of the sender to whom it may be returned upon it and the one which does not. But I wish to call attention at the present time to what the Post-Office Department is doing.

Mr. CANTRILL. Mr. Chairman, I have been informed that this company at Dayton secured this contract because they bid about $300,000 less than the so-called "paper trust," which formerly had this contract. Just for information, I should like to know if that is so?

Mr. LLOYD. They bid less. I do not know the exact figures.

Mr. CANTRILL. I have been informed that they bid $300,000 less.

Mr. LLOYD. There may be some member of the committee who can answer that. I can not.

Mr. FASSETT. If the gentleman does not object, I should like to ask him if he wants to leave the impression that it is his opinion that it actually does cost 12.3 cents a pound to send these envelopes through the mail?

Mr. LLOYD. Oh, no. I said I took the Government's figures. Certainly, however, the Post-Office Department can not complain.

Mr. FASSETT. Would you say that your own estimate of about 3 cents a pound would be nearer?

Mr. LLOYD. Yes; I would think so.

Mr. HARDY. As I understand it, the sending of these envelopes through the mail is a part of the penalty mail of the country, is it not?

Mr. LLOYD. I do not see how you can call this penalty mail.

Mr. HARDY. It is sent by the Government.

Mr. LLOYD. It goes as if it was penalty mail, but does not go under the penalty envelope. It has no envelope. The department that is especially complaining of the country that second-class privileges are abused is the department that is sending these circulars through the mail.

Mr. HARDY. That is what I wanted to have in the RECORD.

Mr. LLOYD. Think of how many people receive these folders. Here is a department directing the postmasters of the several towns and cities of the United States to deliver this advertising matter to the post-office boxes, to the city letter carriers, to the rural letter carriers. It is sent to the postmasters free of postage, and it is delivered through the post-office without postage charge. Who can compete with the Dayton (Ohio) firm? It has a complete monopoly. Here is where the newspapers and the stationers complain, and they have a right to complain.

Mr. SMITH of California. I think the gentleman is in error in saying that the newspapers complain of that part of it. They complain of the printing on the corner of the envelope, not in the sale of stamped envelopes. They have no interest in that.

Mr. LLOYD. There are two things of which the newspapers complain: One is the Government advertising these stamped envelopes, and the other is of the return name of the firm, corporation, or individual on the return envelope. The provision in this bill does not prevent the sending of stamped envelopes; as many stamped envelopes can be used after the bill passes as now. The law would not go into effect until the present contract with the Dayton, Ohio, people ceases; that is, after June 30, 1911.

Mr. SMITH of California. I understand the gentleman is inveighing against the practice of having stamped envelopes?

Mr. LLOYD. I am not taking that position. I have simply called attention thus far to what it costs the Government and what the Government is doing in the way of advertising and of distributing the stamped envelopes.

Mr. SMITH of California. I thought the gentleman's criticism ran to that effect.

Mr. LLOYD. It may run to that effect, but I have not made the statement, and it was not my purpose to do so. I intended to be understood that this bill had in no way interfered with the issuance of the stamped envelope nor with the existing contract with the Dayton, Ohio, firm. It may be readily seen that the Post-Office Department is sending these circulars through the mail, and that it is done so at great expense.

Mr. BEALL of Texas. Will the gentleman allow me to ask him a question?

Mr. LLOYD. I will yield to the gentleman.

Mr. BEALL of Texas. Do I understand from the gentleman's remarks that he is complaining that the Government is spending a large amount of money to give publicity to the fact, to business men and to people of the towns along the rural routes, that they will print for them the return envelope?

Mr. LLOYD. Yes.

Mr. BEALL of Texas. And that the department does this at great expense?

Mr. FOSTER of Illinois. Let me ask the gentleman: Is it not the intention of these circulars that they send to business

people through the rural routes to show that it is necessary to have the return cards printed on the envelopes?

Mr. LLOYD. Yes; all the literature conveys the idea that the important thing is to have their names printed on the envelopes, and how they may be secured through the postmaster.

Mr. BEALL of Texas. Not necessarily to buy stamped envelopes, but to buy envelopes that has the return card printed on them?

Mr. LLOYD. Yes.

Mr. SMITH of California. I think that this point is worth making perfectly plain. As the gentleman read the notice, it did not mention any printing at all, and the Government does promote and encourage the purchase of stamped envelopes, regardless of the printing.

Mr. LLOYD. In order to be perfectly plain at that point, and to take no advantage of the department, I will be excused for reading from one of these letters:

> Government stamped envelopes will be furnished in lots of 500 with your name and address printed in the upper left-hand corner without extra charge.

The words "without extra charge" are emphasized, being printed in large capitals. Then there is this:

> This printing is termed the return card, and its value to users and to the Government is great.

Mr. SMITH of California. Do I understand that in all of these circulars which were sent to the postmasters and to the rural carriers reference was made to the printing?

Mr. LLOYD. Yes.

Mr. SMITH of California. Then I did not understand the gentleman before.

Mr. MURDOCK. Does the gentleman know who furnishes the printed slips, the Dayton company or the Government?

Mr. LLOYD. During the present administration there has been nothing printed by the Post-Office Department in the way of advertisements. You will notice that these letters I have read were dated prior to the 4th of March, 1909, and as far as I know neither the present Postmaster-General nor any one of his assistants is responsible for the advertisements of this class of envelopes.

Mr. FASSETT. Mr. Chairman, if the gentleman will permit me to make a suggestion, I will state that the Government has heretofore furnished the envelopes with return card, but not with the name. The differentiating advantage in this case is that the name, as well as the return blank, is printed on the envelope.

Mr. MOSS. Will the gentleman permit me just to make a statement about what I know, of my own knowledge, of the custom of the rural carriers themselves?

Mr. LLOYD. If it is not too long.

Mr. MOSS. I should like to say that I live on the route of a rural carrier. He called my attention personally to the advantage of the matter, and wanted to take my order for some envelopes, so that the carrier himself called attention to it and solicited me to buy stamped envelopes from him. There is no question about that.

Mr. LLOYD. Mr. Chairman, on just a little different line, but rather difficult to differentiate, I present here the congressional franked envelope.

Mr. MACON. Yes; we have heard of those. [Laughter.]

Mr. LLOYD. I suppose everyone is aware of the fact that these can not be sent through the mail in bulk unless there is something in the envelope.

Mr. MURDOCK. Will the gentleman explain? Does he mean that we can not take the ordinary congressional franked envelope, seal it, and send it without anything within the envelope?

Mr. LLOYD. I did not mean that exactly, because if it is sealed the supposition is that there is something in it. What I mean is this: That you can not get a box of these franked envelopes and send them to your homes without paying the mail charges or violating the law. That is not only true with reference to franked envelopes, but it is equally true with reference to the document slips and seed slips.

A number of Members of Congress in the past have sent their seed slips and packages of envelopes through the mail without knowing that it was a violation of the regulations of the department. The department that forbids their going through the mail sends these stamped envelopes and advertising matter without even being placed in a penalty envelope.

There are some figures that I now wish to submit that state in a more concise form the facts which I have related and the deductions which I have made.

The amount paid last year to the Dayton (Ohio) company by the Government was $1,264,677. If we add the cost of carrying the envelopes at the price shown by the Government to be the expense to it for carrying fourth-class matter, then there must be added $1,798,187. There was received by the Government from the sale of stamped envelopes $1,996,476, leaving as the amount of loss on account of stamped envelopes $1,065,288, a loss almost equal to the cost of the envelope. If each piece of literature distributed through the Post-Office Department in advertising the stamped envelope had been required to be placed in an envelope, it would have cost anyone sending them at least $238,000 for the stamps alone. According to the computations I have made, there were as many as 23,800,000 pieces of literature handled in distributing the advertisements—4,000,000 through rural carriers, 7,800,000 through city letter carriers, 12,000,000 through post-office boxes.

I do not think this is fair to the people, and I am certain it is not just to the stationers and printers of the country generally, who are engaged in manufacturing envelopes, printing, or selling them. [Applause.]

Mr. WEISSE. Mr. Chairman, will the gentleman yield for a question?

Mr. LLOYD. Yes.

Mr. WEISSE. I hold in my hand a business envelope. The gentleman has been telling about the abuse of the franking privilege. Never before in the history of the country did we have any discrimination in the Post-Office Department until they began to publish or allow this matter to go out. Under this any large commercial house that will send 2,000 pieces—and nobody knows whether they send 10,000 pieces—can put them in the Post-Office Department and mail them without a stamp or anything except a printed permit, opening the Post-Office Department to fraud absolutely in mailing matter this way. And there is not any reason why these permits should be allowed to circulate in the mails because other commercial houses can buy printed wrappers with stamps, and if they misdirect a letter or wrapper, the Government will pay them back a cent and all they lose is the paper. All they lose here is the paper, and when they throw them in the post-office box, this permit matter, they can throw in 10,000 or 100,000 and nobody knows whether they have paid the right amount or not, except probably one or two. And never before, until these modern business people, who wanted to mail millions of these things, did this occur in the post-office, but they could not let a special privilege alone even in the Post-Office Department.

Mr. WEEKS. I hope the gentleman from Wisconsin will support the provision in the present bill repealing that.

Mr. WEISSE. Absolutely that or repealing any other privilege I will support when it comes here, and nobody will vote me as a party man either on it.

Mr. LLOYD. I do not think, Mr. Chairman, that any member of the Post-Office Committee would indorse this kind of action on the part of the Post-Office Department, and we are as anxious as the gentleman from Wisconsin that the practice shall not be followed.

A few words with reference to the railway-mail pay. It was not my purpose to discuss this subject, but I have received numerous letters, and I suppose most of you have, wanting to know "how I stand on the question." I have given the subject of railway-mail pay a great deal of attention. I do not mean that I have any expert knowledge, but I have such knowledge as I could pick up in my experience with the department and my service on the Post-Office Committee, and through such investigation as I could make. When I came to Congress I was impressed with the idea that the railway companies were receiving several times as much as they ought to receive for carrying the mails, but as I investigated the matter from time to time, the more I became doubtful as to what pay for railway mail ought to be. I believe in being frank in everything we are called upon to deal with, and I will tell you candidly today I do not know what these rates should be. I think my colleagues on the Post-Office Committee would say about the same thing. We do not know, because we have no way of determining. You can not compare railway rates with express rates [applause]; you can not compare them with freight rates. There is no system of comparison that can be made that will determine certainly what should be the amount that should be paid for carrying the mails. My own conviction is that too much is paid through trunk lines and too little is paid on short and independent lines, as stated by the gentleman from Tennessee [Mr. MOON]. I believe with him that we ought to adopt some kind of a system so that all may know what is the proper compensation.

Mr. WEISSE. Will the gentleman permit a question?

Mr. LLOYD. Certainly.

Mr. WEISSE. Can the gentleman tell me how they get at the railway rate now as to what the railroads get for carrying the

mails? What is the basis they use for computing the charges that the Government pays the railroads?

Mr. LLOYD. Well, I think so. It is on the weight of the mails.

Mr. WEISSE. When do they weigh the mail?

Mr. LLOYD. They weigh the mail in the springtime for a period of one hundred and five days. The United States is divided into four sections and they weigh in one section in each of the four years.

Mr. WEISSE. Do the postmasters undertake to go out and tell the customers in a town they are going to weigh the mail at such and such a time and ask them to put all the mail they can in in the next two weeks or the next month? I have had the postmaster several times come into the office and tell me to mail all matter we could; did not ask why, and it was long before I was a Member of Congress, and I did not know what he meant, but know now it meant more money to railroads and maybe to the postmaster.

Mr. LLOYD. That may be true of Sheboygan Falls, but I hardly believe it is true of the country at large.

Mr. WEEKS. I would like to ask the gentleman from Wisconsin if he will produce the postmaster of his town before the Committee on Post-Offices and Post-Roads and furnish that testimony.

Mr. WEISSE. It was B. H. Sanford, of Sheboygan Falls, who came into our office and made that request—that weighing was going on in his office and they wanted to make a good showing, and to mail all we possibly could.

Mr. LLOYD. He is not in office now, is he?

Mr. WEISSE. No; because he was a stalwart, and a half-breed has the job now, appointed by our senior Senator. [Laughter.]

Mr. FASSETT. Was there any more mail actually sent than would have been sent otherwise?

Mr. WEISSE. I think probably some of them did; but I did not. Our office did not, but other offices did.

Mr. LLOYD. Now, with reference to the question of railway mail pay, of which I was trying to say something, it is one of the most difficult things to reach a correct conclusion after any kind of investigation. For instance, it is said that the express companies receive entirely too much for their service; and then, on the other hand, it is said that the express companies do not pay the railroads anything like as much as the railroads charge the Government for carrying the mails. And yet it is a fact that the railroads receive more for carrying express matter than they do for carrying the mail matter. They receive from $5,000,000 to $7,000,000 more per year for carrying express matter than they do for carrying mail matter. Now, it is said, and I do not know that it is true, but it seems to be generally understood, that one-half of the receipts from an express office are paid to the railroad companies for carrying the express. Then, if that be true, there is received more than twice as much by the express companies for carrying the express matter of the country than there is by the railroads for carrying the mails.

The CHAIRMAN. The gentleman's time has expired.

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from Missouri such time as he desires.

Mr. LONGWORTH. Mr. Chairman, I would like to ask the gentleman a question. I realize, of course, that it is very difficult to give accurate figures, as the gentleman has said. Could the gentleman tell us whether the rates in general are higher or lower in this country than they are in other countries?

Mr. LLOYD. No, I can not; and my judgment is that no one else can. The reason for that is this: We do not have the same elements in the computation. If we did, then we could determine whether they pay more or less in other countries than is paid here.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. BURKE of Pennsylvania. The gentleman stated that the railroad companies receive from five to seven million dollars more from express companies for carrying express packages than for carrying the mails. Is that a complete statement? Do I infer from that that they receive from five to seven million dollars more for carrying the same amount of express?

Mr. LLOYD. No. I do not know how much express they carry. The gentleman is aware of the fact that we have no report, except in a general way, on express matter. The statistics of the railways of the United States for 1907 show that the amount received by railroad companies for carrying the mails that year was $50,000,000 in round figures, and for carrying express, $57,000,000 in round figures. In 1906, the year preceding, $47,000,000 for carrying the mails and a little above $51,000,000 for carrying the express.

Mr. BURKE of Pennsylvania. There are no means available for determining the relative proportions of the two?

Mr. LLOYD. None at all, so far as I know.

Mr. MACON. Will the gentleman yield? Does that amount include the amount paid for the mail cars?

Mr. LLOYD. Yes.

Mr. MACON. Includes all the cost paid to the railroads?

Mr. LLOYD. Yes, sir.

Mr. MURDOCK. The gentleman has no doubt that the total weight of express matter carried in this country is greater than the total weight of mails?

Mr. LLOYD. Mr. Chairman, I imagine it is twice as much, but I am not sure about that, because I have no way of ascertaining the facts.

Mr. MURDOCK. There are no figures?

Mr. LLOYD. Not so far as I know. I wish to say that I have only suggested two or three of the very many difficult questions that we had for consideration before our committee. My only conviction is that there are more real difficult questions to be solved in this committee which more vitally affect the people than are to be found before any committee of this House. Not only do we deal with the questions I have discussed, but with many others, all of which vitally affect the people.

The Post-Office Department is an intricate business establishment, and should be conducted along modern business lines. It needs as Postmaster-General a well-trained business man, the best that can be secured. He should devote his whole time and energy to the discharge of his important duties. It seems to me at present that a new Cabinet officer should be provided, known as the "secretary of political appointment," whose duties should be to make the recommendations for appointment to the President and Cabinet officers. [Laughter.] You gentlemen are aware of the fact that at the present time the important duties of determining who shall fill the appointive offices of the United States devolve almost exclusively on the Postmaster-General, and this far he has been so busy in making the appointments for other departments than his own that he has not had time to name his First, Second, Third, and Fourth Assistant Postmasters-General. [Laughter and applause.] Now, somebody may consider that as being a reflection upon the Postmaster-General. Far from it. He can not help it. His friends say that he was one of the best First Assistant Postmasters-General that has been in that position for twelve years, a faithful and painstaking public servant. [Loud applause.] Grant it, this makes the situation the more deplorable. If this be true, a capable man is rendered inefficient by the unfortunate demands made upon him by the administration. [Loud applause.]

Mr. WEEKS. Mr. Chairman, I yield fifteen minutes to the gentleman from California.

Mr. SMITH of California. Mr. Chairman, I only desire to occupy a very few moments of the time of the House; and I do so for the purpose of directing further attention to the subject of railway mail transportation. The country is very much disturbed over that branch of the public service. I do not recall the time when there was not criticism of that branch of the Post-Office Department; and I have never yet found the man who had studied the subject ever so much who would undertake to justify or explain the present system. The older members of the Post-Office Committee generally advise me that they do not believe that the total pay exceeds the value of the total service; and yet nobody can prove it; nobody can put his finger on the facts which justify or establish that proposition. On the other hand, I may say that everybody can take available figures out of postal reports and out of other railroad reports and prove anything he pleases in reference to mail transportation. The expert railroad accountant brings in his comparison between mail transportation, express transportation, and other lines of railroad movement, which demonstrates to a nicety that the railroads are headed for the poorhouse so far as railway mail transportation is concerned; and then our friends come in from all over the country with their figures, and show that the railroads are highwaymen and that we are all in cahoot in despoiling the Government open-handed in midday.

Now, the situation is so exceedingly unsatisfactory that it ought to be cured; and I have only risen for the purpose of directing attention to the matter, and to express the hope that a system of compensation to railroads for mail transportation may be discovered which we can justify.

A common rule of comparison is with the movement of express matter, but that is not a fair basis. It is admitted all around that railroads do not charge the express companies so much a pound as they do the Government, but on the contrary they get a percentage of the receipts of the express company—

generally said to be 40 to 50 per cent. It is also known to all men that express rates vary much according to the value of the commodity shipped. If I want to send bullion, it will be weighed, to be sure, but the charges will be governed by its value and not by its weight except as the latter helps to fix the former. If I send valuable papers—stocks, bonds, deeds, and so forth—the express company cares nothing for the weight—value is the thing that counts. From these things of value the rates grade downward till for some short hauls the express companies can take some business away from the postal service.

As I shall show in a moment, the service to which a mail car is put is quite different from the use of an express car. The latter carries weight, the former does not. Anyone who has stood at a depot and seen the heavy weight but comparatively few articles of express matter which are taken on or put off and compared them with the many bags of mail must realize the difference between the two services. Heavy machinery, live animals, and full carloads, even whole train loads, of ore or fresh fruit are sent by express, and this volume of business is taken into account by the road and express company in agreeing upon rates and divisional percentages.

It may be mentioned incidentally, though I do not think the point is very important, that the express companies do and the Government does not exempt the roads from liability for injury to the employees in a wreck or otherwise.

If there could be any just comparison between the railroad pay for mail and express matter, it would seem as though it should be found in the movement of small articles or packages. The Government receives nothing weighing over 4 pounds in domestic mails. The Wolcott commission instituted an inquiry between mail pay and express pay on articles weighing 7 pounds or less, and here is the result—I do not know whether it is valuable or not; I give it for what it may be worth:

Paid to the railroads for 100 pounds.

	Distance.	Mail.	Express.[a]
New York to—	*Miles.*		
Buffalo	440	$1.58	$4.13
Chicago	980	3.57	5.47
Omaha	1,480	5.38	6.62
Indianapolis	906	3.27	5.04
Columbus	761	2.49	5.32
East St. Louis	1,171	4.38	5.70
Portland, Me	347	1.33	4.83
Chicago to—			
Milwaukee	85	.34	3.30
Minneapolis	421	1.83	4.52
New Orleans	922	5.27	6.43
Detroit	284	1.34	3.48
Cincinnati	306	1.20	3.96
Cincinnati to—			
St. Louis	374	1.61	3.72
Chicago	306	1.20	3.58
Cleveland	263	1.26	3.47

[a] Seven pounds or less.

The Railway Mail Service divides itself into two parts: First, the mail which moves in carload lots out of the large cities, particularly about the publication days of the magazines. But out of the large cities I suppose there are mails in carload lots leaving the stations every day. I see no reason why a rate per ton or per ton-mile or something of the kind might not be discovered which would fit that situation and which we could justify before the country. But as to the general movement of mail cars, you can not possibly figure out what ought to be paid for their service by the weight which they carry. What is an R. P. O. car? R. P. O. stands for railway post-office, and that is what it is. It is a post-office on wheels. It is no more a freight car than a post-office is. There is no more comparison between what goes on in a railway post-office car and a freight car than there is between housekeeping and running a dray. As the train leaves the larger cities, there are from 6 to 12 or 15 men employed in a railway post-office car. The car is filled with long tables, some chairs, cases and pigeonholes on the wall, and racks to hold the bags, and those men are busy emptying bags of mail on the table and sorting it out and distributing it, ready to discharge at the next station the mail that belongs there. Then they receive the mail at that station, and the same thing is done again. As the train approaches a large city the men begin to throw the mail for that point into carrier routes, so that when the city is reached each carrier's mail is ready for him.

That is the occupation carried on in a railway post-office car. Now, if you were going to rent a building in which to carry on a work of that kind, you would not reckon the rent by the weight which the floor would carry. You would not take into account the size of the joists or strength of the building beyond knowing that it was an ordinary superstructure, and you would never think of reckoning the rent by the weight you might have in it at any one particular time; and that is the false notion or false basis on which our post-office system rests so far as transportation is concerned; and we will never satisfy the people of the country and never satisfy ourselves until we choose another basis. I am a new man on the committee. This is my first session upon it, and I am not going to undertake to pass out great chunks of wisdom to the older Members, but I am going to suggest to the members of the committee and of the House two or three possible standards that may be chosen instead of the present one. One would be the car-mile, paying according to the size of the car and the distance traveled. Another would be the car space. If you had a large car, pay in proportion to the space, but on that you have to reckon the distance also; so we might put these two factors into one item and call it "car mileage."

Or we might do as the British Government does, pay the railroads a certain percentage of the postage which we take in. I am not certain whether that would work out well, or how it would work out, but that is the plan adopted by the British Government. It gives 55 per cent of the postage received from merchandise—its parcels post. As far as I can discover, they pay nothing for first and second class mail, but it is predicated upon a percentage of the business, the same as the express transportation is in this country.

There is one matter in connection with car pay which is always a source of annoyance and aggravation. We pay nothing theoretically for the use of a compartment car; that is, where the car is divided and in one end there is baggage or express, and in the other a post-office, we pay nothing; but if we use the whole car, then we pay what seems to be a very large rate. Now, in the service last year there were 1,342 railway post-office cars. At the same time we were enjoying the use of 3,755 compartment cars. We paid nominally for the full cars and nominally we paid nothing for the others. Yet I fancy that if I were to go to a neighbor and say: "I want to hire your 2-horse wagon and will pay you for that, but I want you to send along three 1-horse wagons to carry some lighter loads, and I will pay you nothing for them," he would charge me enough for the 2-horse wagon so that he would come out about even on the deal. So that as a matter of truth we do pay for the compartments. In figuring on the subject the railroads reckon in the number of compartment cars that are furnished for which they nominally get nothing. When you take the pay for the cars and divide it by the number of full railway post-office cars, you get a figure that looks to be unfair, because it is very high.

Mr. WEISSE. According to these estimates the annual rental of a railway post-office car is about what the car would sell for, is it not?

Mr. SMITH of California. No; that is not true, and no one who has looked into the figures will make such a statement.

Mr. WEISSE. Do you think those old cars would sell for over $3,500?

Mr. SMITH of California. I think there is absolutely no foundation for the suggestion that the annual rental of a car is equal to the value of the car.

Mr. WEISSE. Do you think one of those old cars would sell for more than $3,500 or $3,600 after it has been in the service some time?

Mr. SMITH of California. I know what the gentleman is driving at. He is driving at that supremely ridiculous statement that has been made through the press over and over again. Now, the figures are bad enough, if you state the truth, but they can be aggravated in various ways. The Government designates the kind of car that shall be used. At the present time it is designating steel cars, which cost from $12,000 to $14,000 apiece, and the rent, or the total car pay, divided by the number of railway post-office cars, amounts to $3,517 a year. That is a high figure; higher than I should be able to justify. But if you divide the amount paid out by the number of cars, plus the number of compartment cars, you get $925 a year, with all the dangers of smashups and wear and tear and things of that kind.

Now, that may not be an unfair figure. Then I have estimated it in another way. I called two compartment cars equal to one railway post-office car, and took the railway post-office cars and added one-half of compartment cars and found that the annual rent is $1,469. That may be too large. But here is a state of facts that we ought to deal with, and in order to get at the true basis this theoretical notion that we will take the use of three cars for nothing and pay for the fourth one ought to be abandoned. Let us get on a rational basis and say to the people frankly what we are doing and put it on a plan that we

can explain. When that is done I think there will be some peace in the people's minds. Until that is done I do not think there ought to be any peace. I do not complain because the people are complaining. They have a right to know and understand the operations of the Government.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. SMITH of California. I will yield with pleasure.

Mr. LONGWORTH. I understood the gentleman to say that on the cars there were from 6 to 12 men.

Mr. SMITH of California. Yes; where they run out of the larger centers, but in the open country not so many.

Mr. LONGWORTH. I ask for my own information, is there any fare charged for those men on the cars?

Mr. SMITH of California. I was going to speak of that. That is an interesting factor. There are in the employ of the Government in what is called the railway post-office service 16,000 clerks. If you estimate that one-third are on duty at a time, you have got something like 5,000 men that the railroad is hauling up and down the country all the time. That is never taken into account in the estimate of the railroad pay. If we were to go to the railroads of the country and say, We want to mobilize the army, and for the next fiscal year we will have on an average 5,000 soldiers on the trains all the time, day and night, moving up and down the country, I guess you will agree with me that we would have a tidy railroad bill to pay at the end of the year. That is exactly what we do, and that is not all we do. The railroads not only furnish transportation for 5,000 men every hour of the day and night, but they furnish each of them a large workroom. They are not packed in like soldiers in the old cars, without berths, but they are given elbow room—a large table, chairs, and racks, the weight of which is three-quarters as large as the mail. Now, take your army of 5,000 men, and give to each man a good, comfortable workroom, and in many cases a place for his cot, and a place to prepare a meal when the train is going, and you see something of the service you are receiving from the railroad, and which it seems to be impossible to bring to the attention of the country.

Mr. WEEKS. Will the gentleman allow me to ask him a question?

Mr. SMITH of California. Certainly.

Mr. WEEKS. Is it not true that the railroads not only furnish 5,000 men in the employ of the Post-Office Department with transportation, but there are also inspectors and other certificated men for which the railroads receive no compensation?

Mr. SMITH of California. That is true. In addition to the 5,000 men in the postal service, there are 500 or 600 post-office inspectors who travel upon their certificates, and that, I suppose, is taken into account in fixing mail pay. I do not look upon it is a gratuity from the railroads, all of which goes to show that it is entirely an erroneous system to pay the railroads by weight of the mail in the car; it can not be justified, and ought not to be justified.

I should add one further fact. The average weight of mail that is carried in one of the great cars is only two tons and a half; that is, in a 60-foot car, where there may be six or eight men at work manipulating the mail. The average pay in this country at the present time per car mile is shown to be under 12 cents. I do not know whether that is too much or too little; but I made this interesting calculation the other day: From my town to Los Angeles the mail car would earn $20.40. A car loaded with hay would earn $36.

Mr. MURDOCK. The gentleman has stated that the railroads apparently ought to be granted a credit for the hauling of the mail clerks in the car. The gentleman has evidently studied this proposition from all sides. Does he know whether the Pullman Company pay for the carriage of its conductors and porters?

Mr. SMITH of California. I do not; but I certainly would not like to have the United States mail service in any way compared to the Pullman-car service. [Laughter.]

Mr. MURDOCK. Is the gentleman acquainted with the fact that the Pullman Company is paid for the haul of its cars?

Mr. SMITH of California. I am not informed at all as to the Pullman Car Company's arrangements with the railroads.

Mr. MURDOCK. I want to say that it is.

Mr. FASSETT. Well, why should it not be?

Mr. MURDOCK. The gentleman says that he has studied the question of railway-mail pay and that he can not come to any definite conclusion on some of the rates; that he has routed the mail from Los Angeles east. Now, the gentleman is aware——

Mr. SMITH of California. Oh, I merely mentioned the earnings per car in one case.

Mr. MURDOCK. The gentleman is a shipper. If he starts a shipment from Los Angeles east as freight or express, he pays a flat rate per pound. If as a government servant the gentleman should start 50,000 pounds of mail from Los Angeles east, does he know that he would not rate it at so much per pound; that he would not pay a rate at so much per pound, but that he would pay on this basis, for the first 5,000 pounds $171, for everything between 5,000 pounds and 48,000 pounds $20.30 a ton, and for the 2,000 pounds above the 48,000 pounds, up to 50,000 pounds, he would pay $19.24? Now, as a business man, does the gentleman think that is a fair way to compute the carriage of 50,000 pounds of mail?

Mr. SMITH of California. I think not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. I yield five minutes more to the gentleman.

Mr. SMITH of California. Mr. Chairman, I said at the outset that I thought we could reach a price on carload lots, and that would comprehend the 50,000-pound shipments the gentleman speaks of. I do not justify the present rate. What I am trying to bring to the attention of the committee is that we ought to set ourselves to the task of devising a new standard or measure of value in this service and then try to get things in harmony with it. [Applause.]

Some students of this question say that the Government should own the mail cars and not rent them. That is a detail. It is much like the question, Should the Government own all the post-office buildings required? I imagine that if we owned the cars there might be some complicated accounting with the roads for wreckage charges, repairs, and so forth. Under the plans I have suggested there need not be any car rental, and there should not be any now. There should be some flat rate of pay, and only one rate.

And now let me turn to another phase of the post-office question which has nothing to do with the subject of transportation. It is understood that within a few days the Senate will act, probably favorably, upon the postal savings-bank bill, and then it will be up in this House for consideration and determination. It is not my intention at this time to state what should be done with the bill, but merely to propound a few questions for the consideration of Members of the House, and possibly suggesting a few thoughts to our constituents at home.

The last Republican national convention resolved in favor of the establishment of postal banks, and it is well known that the President is anxious to have that promise carried out, as he is to have all the promises made by the party kept, but to say that one is in favor of a postal-bank law is about as indefinite as to say one intends to build a house or improve a farm. All of the details are then to be worked out, and the details are the important parts of the enterprise. So while the country may generally favor the idea of postal banks, I am certain that there are many details of the subject on which there are many ideas and differences of opinion.

I shall at this time content myself with asking a few questions, and replies thereto from Members of the House and also from our constituents may help us to reach a solution of this important problem.

First, then, should every post-office be a bank?

Should only the offices in the large cities where those of small means are most numerous be banks?

Should the opposite class only, the offices in country places, where there are no private banks, be open for this line of business?

Or should this point be left to the President and his Postmaster-General to decide, they to establish the banking business where they think best as they now decide what offices shall do a money-order business?

During what hours should the post-offices be open for the receipt of deposits?

Particularly should they be open for business during the evenings or later in the afternoon than the usual banking hours?

What additional equipment in the way of safes or vaults will be needed in the post-offices?

What would be a fair approximation of the cost of such equipment? (There are in the country 61,158 post-offices and 4,060 stations at the present time.)

Shall deposits be received in any amount?

Shall daily deposits be limited to a given sum?

Shall monthly and total deposits be limited or unlimited?

If one sells his crop, his live stock, or his farm and receives the price in cash, may he deposit it all with the postmaster?

Or shall these banks be conducted only for the receipt of savings—small sums at a time?

If the people of a community become fearful of the soundness of their local bank, should they be encouraged to take their deposits over to the post-office for safe-keeping?

What would be the effect along that line if there arose a period of distrust of banks generally as in the fall of 1907?

Should deposits be for a stated time, or be payable on demand?

Should they be payable on the written order of the depositor, or only to him in person?

Should deposits draw interest; and if so, at what rate?

Should money on deposit in the post-office be taxable?

Should it be liable to attachment and execution for debt?

Should the postmaster furnish a statement of deposits to the assessor or to the officer armed with a process?

What should the Government do with the deposits?

Should it deposit them in the nearest bank, or in the banks of larger capital; i. e., in the larger cities?

Should it require security of the banks for such deposits, or take the same chances as other depositors in the bank?

If a bank having postal deposits should fail, should the Government be a preferred creditor?

Should the Government demand interest on its deposits; and if so, how much?

Should it deposit its receipts where it can get the highest rate of interest?

Should deposits by the Government be made in national banks only, or in both national and state banks?

If deposits be made in state banks, should the Federal Government have the right to examine them as to their business methods and their solvency?

If the Federal Government be permitted to examine state banks and the examiner declares such a bank insolvent while the state examiner asserts that it is solvent, how shall the question be settled?

In other words, as between the federal and the state authority over a state bank, which should be paramount?

Can Congress determine that point?

How much in proportion to a bank's paid-up capital should the Government deposit with it?

If in the course of years the Government should find that deposits and withdrawals about balanced and that therefore it had constantly on hand a given sum—the common experience of banks of deposit—would it be wise to expend this sum in public improvements?

Finally, what will be the effect of postal banks on our present system of banks?

Will the former tend to crowd the latter, particularly savings banks, out of business?

If so, is that desirable?

Mr. MOON of Tennessee. Mr. Chairman, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. Mr. Chairman, the Treasury of the United States is in a bad way. This has been the condition of the Treasury for some time, and the reformer is abroad in the land. There are those who seek to give a reason for this condition of affairs, and it seems that criticism to a very large extent has centered upon the Post-Office Department. I am not a special champion of the Post-Office Department. I have no more interest in it than any other of the 390 Members of this House, but it is true that in the eleven years that I have been a Member of this body I have given the very best work of which I am capable to the study of postal questions and helped to enact into law some propositions that make the postal service better and give to the people of this country what they are entitled to—the very best postal service in all the world. The intelligence of the people of this country can be measured and is largely attributable to the fact that we have a postal service, a free-school system, and a higher system of education, and a system of free institutions that is the best in all civilization.

As I find it, those who criticise the postal service center their criticism upon three points: First, second-class mail matter; second, the rural-delivery service; third, railway-mail pay. Perhaps it has been forgotten by the country that only three years ago the Post-Office Committee took action and amended the law in many and most important particulars, and the result was that more than $10,000,000 were saved to the Government in its annual expenditure for the postal service. Not only is this true, but we tried to incorporate into the law of 1907 what was commonly known as the "divisor;" that is, where the practice had been to weigh one hundred and five days and then to divide by 90, we endeavored in the bill we offered in the House to have that changed by law to require that the divisor be 105. We failed entirely in the House, but many of us thought, and some of us stated on the floor of the House, that new law was unnecessary, that executive order could accomplish that, and really, actually, and in point of fact the law at that time, as now, required the divisor, where there was a weighing for one hundred and five days, to be 105, so by executive order, ordered, as I understand, by a very distinguished gentleman then occupying the White House and who is now in Africa; at any rate, the change was made.

But I want to say, Mr. Chairman, that but for the reform and but for the reductions which were made in 1907, three years ago, that to-day the post-office appropriation bill, which carries in round numbers for railway mail pay and railway postal-car pay about $50,000,000, that that amount would most assuredly exceed $60,000,000. Now, I am not prepared to say that in some cases railway mail pay is not too high; not at all; perhaps it is; but I am prepared to say that in some instances, and particularly on the short-line railroads, railway mail pay is too low. In other words, these small short-line roads do not receive a compensation commensurate with the service they perform, whereas, on the other hand, the great trunk-line railroads, over which lines is carried the great bulk of the mails of this country, many of them no doubt receive too much. But, Mr. Chairman, I want to say that, to a very large extent, the law as it was intended, as it was framed, as it was understood at the time it was framed three years ago in reference to railway mail pay, has not been carried out by the Post-Office Department. We provided that the mail equipment, post-office supplies, and so forth, when in freightable lots should be withdrawn from the mails during the weighing period and thereafter shipped by freight.

Many of us supposed that 300 pounds and upward would be a freightable lot. Many of us argued it, I will not say where but in the only place we could argue it officially outside of this House, and many of us understood that freightable lots of mail equipment and mail supplies would be something like from 300 to 500 pounds and upward, but, Mr. Chairman, we were mistaken in our belief. We did not understand the spirit which moved the then Postmaster-General, not the present one. He ruled that only carload lots should be deemed freightable lots and ordered his subordinates to enforce the law accordingly. Little benefit, comparatively speaking, to what we contemplated was the result. Mr. Chairman, let that provision which has been the law since 1907 be carried out to the letter. I want to say something in this connection about rates on second-class mail. I would go one step farther and amend that provision of law providing that in addition to what is enumerated in the act of 1907 and which is carried in the present bill, in addition to postal cards, stamped envelopes, newspapers, wrappers, mail bags, furniture, equipment, and other supplies for the postal service, I would add "magazines and periodicals" when in freightable lots.

Do this, Mr. Chairman. Amend the law in this way and you will withdraw anywhere from 30 to 35 per cent of the weight of mails during the weighing season, and let those items be shipped by freight, as they can be, and profitably, by the Government at a saving amounting to millions of dollars annually. How much I do not know, but I think almost enough to wipe out the present postal deficit of $17,000,000. Certainly the saving will amount to more than $12,000,000 a year.

Mr. NICHOLLS. Will the gentleman yield for a question?

Mr. FINLEY. I will.

Mr. NICHOLLS. In your opinion, is it feasible for the mail to be weighed in each post-office where it is received and to be distributed daily and continuously throughout the year, classifying each kind separately and reporting in full to the Government at the end of each year, thereby having an accurate and exact weight of all and each kind of mail shipped or sent?

Mr. FINLEY. I will say to the gentleman the proposition is entirely feasible and practical. It is only a question of expense; that is all.

Mr. NICHOLLS. May I ask if the post-offices now have not in most of them, if not in all of them, weighing machines by which this can be done without any increased expense on that account?

Mr. FINLEY. I will say to the gentleman only the larger post-offices have the weighing equipment he speaks of. The smaller offices do not, as a general rule. In addition to this there would be increased labor and service required in the post-offices wherever that weighing was had, and of course it would require an additional force to the one now employed in the post-offices to do the work.

Mr. NICHOLLS. You do not think that work could be done incidentally as the mail was being received and divided up for distribution?

Mr. FINLEY. I am sure it can not be done incidentally, as the gentleman says, by the force in a great many of the post-offices of the country as they are now equipped.

Mr. NICHOLLS. If you will pardon me, just one word more.

Mr. FINLEY. Certainly.

Mr. NICHOLLS. Do you not think, at any rate, it will be best for the Government and best for the service finally if the mail was actually weighed in order that this discussion, which goes on continuously upon this question and which arises at almost every session of Congress, could be settled positively and fairly for all concerned?

Mr. FINLEY. As I understand the gentleman, he would have the mails weighed for an entire year?

Mr. NICHOLLS. And continuously.

Mr. FINLEY. All the time?

Mr. NICHOLLS. All the time.

Mr. WEISSE. The same as the shipper weighs his freight.

Mr. FINLEY. Would we not then run into difficulty?

Mr. NICHOLLS. I will say to the gentleman I am not thoroughly informed on the postal situation, and I am really asking for information.

Mr. FINLEY. I understand the gentleman to say he would have this weighing go on all the time?

Mr. NICHOLLS. Yes; I would like to know whether or not it would be feasible. I am inclined to think it would be.

Mr. FINLEY. I am very sorry I can not agree with the gentleman. I think that would be an impracticable proposition. I think that the Government would pay out a great deal of good money for no good purpose and receive no practicable results in return.

I am entirely in favor of such weighing as will give to Congress and the people of the country accurate information as to the amount of mail that is actually handled in the country; I do not care if it would take a year. I would like to have that information myself.

But I was discussing the postal deficit. What is the loss on second-class mail? One of the most distinguished men in this country says that the loss is $64,000,000 a year. I believe that is also the figure given by one other official. Now, is it true? I for one do not agree to the proposition. I do not think so, and for this reason: The Postmaster-General, on page 9 of his report, states that the actual cost of handling daily newspapers—that is, the transportation, the mileage on railroads—is between 1 and 2 cents a pound. Now, if that is true, Mr. Chairman, then I submit that no such cost to the Government as 8 or 9 cents a pound can possibly exist, for the reason that the separation service of newspapers and periodicals and magazines is far less than that of first-class mail. In other words, I would say that the cost of transportation of second-class mail, taking the daily newspapers, is certainly one-half of the total cost. That is my view of it.

Now, to go back to the proposition I made. Amend the law. Add magazines and periodicals to this provision of law which I have read, and you will withdraw at least a third of the mail from railroad carriage, and hereafter it will be carried by freight, and at a cheaper and at a lower rate. So that you not only reduce the railway mail pay, but you reduce the railway post-office car pay, for the reason that second-class mail requires the greater part of the space that is occupied by the postal service in railway post-office cars. It is taken up by second-class mail matter, and to a small extent by third-class mail.

These are some of the views I hold. I have endeavored to be fair in expressing them. I believe them to be true. A great many people think that new law is necessary, and a great deal of new law, in order to reform the postal service. Gentlemen, is it not a fact that the postal service to a very large extent is subject to executive order? When you compare the postal service, as it is directed by law and as it is controlled by executive order, you will find that at least three-fourths of the instances it is a matter that can be controlled by executive order. Others contend, and I believe the distinguished chairman of the Committee on Post-Office and Post-Roads is one of them, that we should have a high-priced man there as director, or as somebody having charge of transportation, one who has made a life study of this service, and so on.

I want to say that we have an expert in the Second Assistant Postmaster-General's office to-day, the Hon. Joseph Stewart, who, in my judgment, is fully competent to deal with the question of transportation. Throw this office open to competitive examination to-day, and I believe he would hold his own against all comers and win out. He is one of the four subordinates, one of the Assistant Postmasters-General. These gentlemen are selected by the Postmaster-General. They carry out his policies. The Postmaster-General is selected by the President. The Postmaster-General carries out the President's policies. It is further contended that the Postmaster-General should have a long tenure of office, or, rather, that there should be somebody there who has or will have a long tenure of office.

This a government by parties, and I state this to be a fact, based on the one hundred and thirty years of the history of this country, that no Postmaster-General or other official will hold his office longer than he has the favor of the President of the United States. Suppose we should have a high-priced man at the head of transportation or in the office of Second Assistant Postmaster-General. What guaranty is there that that office would be filled by one who is efficient and entirely competent? Why, Mr. Chairman, that office would be filled at the instance of ple-loving politicians in the House and Senate, and he would remain in office no longer than the powers that placed him there saw fit to retain him and give him their support.

Mr. Chairman, nine-tenths of the criticisms urged against the postal service or the complaints made that there is not sufficient law are founded in error and should be directed at the Executive. The President of the United States and the Postmaster-General by executive order can correct more than four-fifths of the complaints that have been made. President Roosevelt, as I said a moment ago, corrected the making use of a wrong divisor during the weighing period by executive order, or had it done. We have had during the present session of Congress a good deal of talk about increasing the rates on second-class mail. Now, I will say that I am not skeptical at all, not a bit of it; but I have my notions about some things. I have not had the slightest idea that there would be any serious effort made to increase the rates on second-class mail at this session of Congress, or at any time, for that matter. Not only that, but I do not think there should be. All the evils that are complained of are on account of the weight of magazines and other publications and the length of carriage that is given to these publications. That can be corrected by amending the act of 1907, as I have stated. So that you may rest assured that no proposition will come here for consideration to increase the second-class mail rates. Not at all. The G. O. P. elephant and all will shy at that. There are, however, a few individuals, including the chairman of the committee, who would not shy. He will not have an opportunity to shy.

The exception only proves the rule; and nobody is better aware of that fact than my distinguished friend, the chairman of the Post-Office Committee.

But it is said that rural delivery is responsible for this last year's bird's-nest condition of the Treasury, or rather that the rural delivery is largely responsible for it. Why, it is said that last year the rural delivery lost to the Government something like $28,000,000. My only regret is that everybody who has made that statement did not first take the figures and go over them. According to the Postmaster-General's report the estimated revenue originating directly on rural routes is $7,250,000 during the past fiscal year. It is also estimated that mail originated elsewhere going to patrons on rural routes amounted to something like $12,000,000 last year. I am satisfied, Mr. Chairman, that this estimate is too low. Now, all the years that I have been here I have tried to study this one proposition particularly, and the best information that I have gathered from observation and from facts obtained wherever I could find them is that for every dollar of mail originating on a rural route two and a half times that amount is originated or created elsewhere on account of the existence of the rural route. But at any rate, if $12,000,000 or $13,000,000 originated elsewhere, add this, or three-fourths of it, to be perfectly fair, and I want to be perfectly fair, to the amount of $7,250,000; this would make it nearly $15,000,000, directly traceable to the Rural Delivery Service.

Not only is this true, not speaking at all with reference to the great benefits this service is to the country in the way of spreading intelligence, knowledge, and information, and keeping the people informed as to what is going on in their neighborhoods, but in the outside world, a benefit which can not be measured; yet there are other benefits that are so great that they can hardly be calculated, although they have a value in dollars and cents. There are 41,000 and odd rural routes in this country, serving a population of 20,000,000 and upward. I took the trouble to make a calculation of the value of the time saved. I know that the chairman of the committee will agree with me that time is money. Take the time saved by the country people on account of the fact that they do not have to go to the post-office, because the post-office is brought to their door, at $10 per year for each family, and it amounts to more than $40,000,000 annually in saving of time. In addition to this, patrons of rural routes live on farms comprising more than 200,000,000 acres. The institution of the rural delivery has brought a vast increase in the value of farm lands. I

have made a calculation on this, and it amounts to the astounding sum of one thousand million dollars' increase in land values in the United States on account of the Rural Delivery Service. Four per cent on this would more than pay the annual cost of the Rural Delivery Service.

But it is contended strenuously by some people who are not well informed but are high in place and power that the rural-delivery system needs reformation; that it should be placed on a contract basis, the same as the star-route service.

Mr. AUSTIN. Before the gentleman proceeds to that, I should like to ask him if he has made a calculation of the value of a daily market report to the farmers, and also of improved road conditions?

Mr. FINLEY. I am very glad the gentleman called my attention to that, and I will refer to it.

There are those who believe that the Rural Delivery Service should be placed on a contract basis, the same as the star routes. I have endeavored to secure from those who believe that some good reason for the proposition. I have not obtained any as yet. The rural-delivery carrier to-day is an employee of the Government, under civil-service regulations. He is a clerk under his local postmaster. That is his official status. Not only that, but he is bound to obey and carry out to the letter the rules and regulations of the department. If he infringes these, if he does not perform his duties properly, he can be reported and generally is reported to the Post-Office Department, and he is disciplined and sometimes dismissed from the service. Not only that, but the department, by its regulations or practice, has provided that if the patrons on a route sign a petition giving any satisfactory reason why a rural carrier does not suit them or does not suit the service on that particular route, he may be dismissed.

I see over there my distinguished friend from Illinois [Mr. LOWDEN], a member of the Post-Office Committee. He is the largest farmer in the House, and, in my opinion, when all of his southwestern lands are improved and have the Rural Delivery Service, he will be richer by more than a hundred thousand dollars in his land holdings. I am sure he does not join in this hue and cry to place the Rural Delivery Service on a contract basis.

No, Mr. Chairman, there is no good reason for this. I want to ask those who believe in this heresy why we should place the rural carriers on a contract basis.

Mr. WEISSE. In certain parts of this country you can hire men for $1.50 a day. In other places you can hire them for 75 cents a day. Do you think it is proper to pay a rural carrier the same price in a place where you can hire men for 75 cents a day that you should pay in a place where you have to pay $1.50? Is there any justice in that?

Mr. FINLEY. It always has been the rule and always will be the rule that when a person enters the government service and performs like service as some one else, he shall receive the same pay. My friend from Wisconsin, for instance, comes here as a Member of Congress. No doubt he is worth a great deal more to the country than I am, but I receive the same salary that he does, and he receives the same that I do. So that in government employment you can not discriminate and pay a man performing the same service a different wage to what you pay another man engaged in the same character of service.

Mr. WEISSE. Do you not think it is entirely unreasonable to pay a man the same wages in one place that you would pay in another where it costs nearly twice as much to live as it does in the other part of the country?

Mr. FINLEY. I have studied that proposition. In the South, no doubt, in the winter time the carrier has an easier time than the carrier in the extreme North; but there are corresponding disadvantages. If the gentleman will analyze conditions throughout the country, he will find that there is not so much room for taking a position like that as he imagines. I have no doubt that in the gentleman's country horse feed is a great deal cheaper than it is in my country. During certain seasons of the year it is almost impracticable for a rural carrier to perform his duties in the gentleman's country. The carrier in my country can perform his duties without interference from snow or weather, as a rule. Yet, if the gentleman's would compute the comparative expense of horse keep, he will find it is much greater in my country than it is in Wisconsin.

Mr. AUSTIN. I should like to ask the gentleman from Wisconsin if he would vote to pay a rural carrier 75 cents a day in his district and $2 for the same service in my district?

Mr. WEISSE. Provided you could hire other men at the same wages, I would, because I do not believe in taxing the man who earns 75 cents a day to pay another man $2 a day who could not otherwise earn 75 cents a day.

Mr. AUSTIN. In Tennessee as well as in Wisconsin the standard route is 24 miles, and the carrier is required to provide himself with a team, and he must be on that route so many hours regardless of the amount of mail he delivers.

Now, would you come into this House and vote that one of your constituents, carrying the mails over the same length of route the same number of hours, should not receive more than 75 cents and at the same time vote to give the rural carrier in another district $2 a day?

Mr. WEISSE. If I was going to run the post-office system in a business way, I would; if I was going to run it in a political way for plunder, I would not.

Mr. FINLEY. Mr. Chairman, I am inclined to proceed with my remarks. [Laughter.] The question the gentleman asked necessarily raises the question of what is the proper compensation for the rural carrier. I want to say that the compensation is to-day insufficient. The Fourth Assistant Postmaster-General stated in the hearings that probably the average cost of keeping a horse was about $20 a month the country over. A great many carriers on the majority of the routes that are 24 miles and over necessarily have to keep two horses, for the reason one horse is unable to perform the service. Perhaps he can feed those two horses on $17.50 each, or $35 a month. That leaves the carrier only $40 a month on a standard route of 24 miles. So we have it that more rural carriers resigned last year than at any time in the history of the service—2,526, as I remember.

Mr. BORLAND. Will the gentleman yield for a suggestion?

Mr. FINLEY. Certainly.

Mr. BORLAND. I was going to suggest that, in addition to the facts which the gentleman has brought out so clearly, there are also the upkeep of the carriers' equipment and other expenses in addition to the actual feed of the horse.

Mr. FINLEY. Yes; his harness and vehicle will cost him $50 a year. When you add to this the high price of living, it accentuates it. The question of the high price of living is of such general importance that the House and the Senate have taken it up. People all over the country have taken up the question. This question affects the rural carriers just the same as it does anyone else.

There is no doubt that he is not properly compensated to-day.

Along this line I may state that I have introduced and advocated elsewhere a bill giving to the rural carrier, on a standard route of 24 miles, a salary of $1,050, and for each mile in excess of 24 miles the sum of $43.75 in addition, and a reasonable allowance when he carries a lock pouch, so that, Mr. Chairman, when it is contended that the rural carriers of this country are overpaid the facts do not bear out the contention. In fact, the truth is absolutely and overwhelmingly to the contrary.

But I stand here to assert that the rural delivery is not responsible for the loss of $28,000,000 to the postal service in a year. Perhaps the service does not yield $28,000,000 of revenue directly, but when you calculate it directly and indirectly, taking the benefits to the country, if we couldn't have it otherwise, I would have a deficit of $50,000,000 rather than to dispense with it and deprive the American people of the great benefits that they receive from it. [Applause.]

So, Mr. Chairman, the condition of the Treasury is bad to-day. It is worse than it has been for a long time. The time was when it was argued here upon this floor that Republican rule meant a full Treasury, a surplus in the Treasury, and not a deficit, as we have to-day. I want to say that I am sorry that there is a deficit. I regret it. I wish to say, further, that the figures that are given in the Postmaster-General's report relative to the revenue from the Rural Free-Delivery Service are based upon figures taken in panic times, beginning with October, 1907. We had a stress of hard times in this country for something like two years. These figures were gathered in that time. If the figures were gathered to-day, I am sure the rural free-delivery service would make an infinitely better showing than is stated in the Postmaster-General's report.

Now, Mr. Chairman, I have stated my views with reference to the rates on second-class mail. I have stated how, in my judgment, the loss, whatever there is on this class of mail, can be wiped out, to some extent, at least. I have argued, and I believe successfully, that the Rural Free-Delivery Service is not costing the country $28,000,000 a year, and that I can not agree with those who believe that the Rural Free-Delivery Service should be placed on a contract basis the same as the star routes. The people down South know a good deal about star routes. We know what sort of service it is; that it is a little better than no service, but not much.

Now, I have not given the figures in relation to the post-offices that have been discontinued when the star-route service has been discontinued. All of this is to be added to what I have said in the way of revenue directly and indirectly arising on account of the Rural Delivery Service. Star-route service, rendered unnecessary by rural service, cost at the time of dis-

continuance $3,150,000 annually. To-day that service would cost four and a half millions at least.

The compensation of postmasters at offices discontinued on account of the Rural Delivery Service is estimated at $1,369,000. With the increased volume of business in the postal service to-day the compensation of the postmasters at these offices would be at least two and a half million dollars. These figures are to be added when you come to count up the cost and expense of the Rural Delivery Service, and amount to $22,000,000 in the way of revenue directly and indirectly and in the way of saving. But it is contended that the service could be made a good deal cheaper. Let us see about that. Second Assistant Postmaster-General Stewart states on page 134 and 135 of the hearings that the cost of the star-route service being let now and estimated for the future is 8.27 cents per mile. It is estimated that the cost of the Rural Delivery Service on star-route contract basis would be 10¼ cents per mile traveled. The cost of the star-route service is constantly increasing, so that the people who believe that a great amount of money would be saved in this way have not taken into account this fact. The present rate of cost per mile of the Rural Delivery Service is a fraction over 11 cents per mile traveled.

As to the postal deficit, I am not through as yet. Second-class mail, rural delivery, and railway mail pay are not responsible for all of it. On page 8 of the Postmaster-General's report we find that third-class mail matter cost the Government last year $3,229,522.12. Why does not somebody want to reform this? Why does not somebody take this in hand? Why confine their efforts and activities to the rural delivery service and to second-class mail? Free congressional mail, on this same page of the Postmaster-General's report, it is stated, cost the Government $518,385.45. Free departmental mail, mail sent out by the departments, cost the Government $5,219,661.65. All of this goes to swell the postal deficit. The registry service cost the Government last year, over and above the receipts from that service, $3,878,524.61. So that, Mr. Chairman, here are other branches of the postal service adding to the deficit, and why these have not been dilated upon and why they have not been exploited and held up to the country as adding to and increasing the postal deficit I do not know. Steps have been taken to decrease the loss from the registry service.

My information is that the cost of registering a letter has been increased from 8 to 10 cents by executive order. This only goes to show that a great many things can be done by executive order. A great deal of this deficit can be wiped out; in fact, every bit of it can be wiped out by executive order, and by carrying out that executive order afterwards in the administration of the postal service.

Mr. AUSTIN. I would like to ask the gentleman if he can tell us the cost of an express money order as compared with the cost of the postal money order?

Mr. FINLEY. I will say to the gentleman that I have not a great deal of experience and have made no special study of that, but I have some information in regard to it. My information is that the express companies compete with the Post-Office Department in the matter of money orders, and, of course, the Government competes as best it can with the express companies. I for one would like to see the Government win out, but the postal service of this country is a great institution. It is not rotten. It is not going into the hands of a receiver. The American people, with all of the resources of this country, are behind the postal service, and they will continue to be behind it, and the man who lays his hand upon that service so as to cripple it in any material way will hear from the people to his detriment.

The total appropriations for the maintenance of the army and navy in the last appropriation bill amounted to more than $238,000,000. A great many people in this country, myself included, do not believe there is any necessity for these large appropriations. The army and navy do not bring a cent in the way of revenue to the Treasury of the United States. Yet, notwithstanding the fact that the statement of the United States Treasury at the close of business February 23, 1910, only showed a total balance in general fund, exclusive of the deposits made by national banks to retire circulation, of $29,789,435.50.

I repeat that notwithstanding this condition of the Nation's finances, and the hue and cry that expenditures must be held down, the Secretary of the Navy is advocating the construction of two battle ships of the largest type, costing $18,000,000 each. Why does not somebody set about reforming the military and naval service of this country, to the end that it will cost a great deal less money?

The estimates of the Post-Office Department, $37,345,000, did not contemplate any extension of the Rural Delivery Service. (See Hearings before the Post-Office Committee, p. 257.)

The committee finally increased this amount by $300,000, not enough by at least $500,000. Congress can not afford to take the position that there is no longer any demand or necessity for extension of the service. On the contrary large sections of the country, particularly in the Southwest, have little or no rural service.

There are other items in this bill that I have not touched, upon which I intended to make some remarks. I think the amount provided for clerks in city post-offices is insufficient. That is my belief and it has been my belief, and for this reason: The postal business is increasing; it increases every year; and now that the panic is to some extent passing it requires a definite and certain amount of force to handle the business in the post-offices where clerks are employed, the first and second class post-offices. There is a branch of the service which can be cut, where the number of employees can be reduced, and only the patrons will feel the effect. I allude to the city carriers. Take in the great cities in the business sections, where there are eight or more deliveries a day, where there are three or four or five deliveries in less important sections of the city, when you reduce the carrier force in the cities you necessarily bring about a reduction in the number of these deliveries per day. That can be done. I do not advocate it at all, but I simply call attention to the fact that it can be done, and no cut, as I remember, was made that would at all cripple the carrier service. As between that and the clerks in first and second class post-offices, it is the service that can be cut without detriment to the service, except as to the patrons of the post-office themselves, served by the carriers.

Mr. GORDON. May I ask about the salaries of the railway mail clerks?

Mr. FINLEY. I am glad the gentleman mentioned that. In the classification act of 1907 it provided automatic promotion for clerks and carriers in first and second class offices. And at that time we increased the salaries of all railway mail clerks by $100. Since that time no direct increase has been made. In the present bill there is a provision that squints at giving the railway mail clerk an expense allowance when away from home.

Mr. GORDON. That is what I wanted to get at.

Mr. FINLEY. I think it is rather an awkward affair. I do not think it is perfection at all, not because it is not the work of my hands, not a bit of it; but there are two objections to it. First, I think the period that a railway mail clerk must be absent from home before he receives any allowance on this account is too long; and, next, the provision of law which is in the bill which is under consideration is temporary. In other words, it will not be permanent law even when passed by Congress, as it now stands.

Mr. GORDON. The allowance for this expense account?

Mr. FINLEY. Yes. It will not be permanent law, but it will rest in the discretion of Congress to renew it next year or not to renew it. In other words, this matter has been up for years and years, and I think the matter should be settled finally and conclusively. I think that these people should have an expense account.

Mr. GORDON. This is really experimental, then, for this one year? Is that the idea?

Mr. FINLEY. Well, I am not sure whether it is experimental or a dodging of the question. I am not sure about that. What I am in favor of is what is practically the recommendation of the Second Assistant Postmaster-General, on page 39 of his report, and I would put it in the bill if I had my way. By the way, I have not had my way in this and a great many other matters, and I never expect to have my way generally. I think this is starting on my eighteenth year as a legislator, here and elsewhere, and during that time I have learned to be pleasant even when I do not have my way. The following is the recommendation of the Second Assistant Postmaster-General, as I would amend it:

That on and after the 1st day of July, 1910, the Postmaster-General, under such regulations as he may prescribe, may make a travel allowance in lieu of actual expenses to each railway postal clerk who is assigned to duty in a railway post-office, at the rate of 25 cents for each meal and lodging which, in the opinion of the Postmaster-General, may be necessary for said railway postal clerk while he is traveling on duty away from his home and the initial point of his run, but such allowance shall not exceed $1 for any period of twenty-four hours.

That gives an expense allowance to those who are away from home and actually undergo expense. Now, it has been said here——

Mr. HITCHCOCK. Will the gentleman permit a question?

Mr. FINLEY. Certainly.

Mr. HITCHCOCK. He states that he will be in favor of such a change in the law as will give to these traveling railway

postal clerks reasonable expenses when they are away from home?

Mr. FINLEY. Yes.

Mr. HITCHCOCK. Will the gentleman state what reason is advanced against that reform? Is it merely a desire for economy, or is there any contention that such a claim is unjust?

Mr. FINLEY. There is no contention whatever that the claim is unjust. The principal argument that I have heard advanced is the objection of the condition of the Treasury; that we are now running the Government at a loss; that there will be a deficit this year; and that we can not afford to undertake this new departure. It would not cost a great deal of money. In fact, it can not cost more than Congress annually appropriates for the purpose, even under the amendment I have advocated elsewhere and advocate now, and which I will insert in my remarks. I hope I have answered the gentleman's question.

Mr. HITCHCOCK. Yes. I have never heard any argument advanced why these railway mail clerks, traveling on government business, should not receive expenses while traveling, just as the traveling representatives of business houses are paid expenses when they travel.

Mr. FINLEY. And the post-office inspectors.

Mr. HITCHCOCK. The post-office inspectors and other government representatives.

Mr. FINLEY. If there is any logical reason why distinction should be made, I am not aware of the fact.

Mr. AUSTIN. I would like to ask the gentleman the question, inasmuch as he is familiar with this bill and its provisions, if it carries a sufficient appropriation so that clerks will not be compelled in numerous post-offices in the United States to work over eight hours' time?

Mr. FINLEY. Frankly, Mr. Chairman, the bill does not.

Mr. AUSTIN. What reason is there that the committee did not provide for that?

Mr. FINLEY. The condition of the Treasury.

Mr. AUSTIN. The same old old story.

Mr. FINLEY. The same old story—economy and cutting down expenses. So the complaint is made, in at least some of the larger post-offices in the country, that the clerks are being worked considerably longer than eight hours a day.

Mr. HITCHCOCK. Has any estimate been made to the committee of the amount of additional expenditure that will be necessary by allowing the railway mail clerks actual expenses while on the road?

Mr. FINLEY. Yes.

Mr. HITCHCOCK. I would like the gentleman to state it.

Mr. FINLEY. The department estimates it would require anywhere from a million and a half to one and three-quarter millions of dollars annually.

Mr. HITCHCOCK. I am amazed at that statement. I have had estimates made to me which base it at less than one-half of that amount.

Mr. FINLEY. I think the gentleman's informant was in error.

Mr. HITCHCOCK. I am not speaking now of any per diem, but the actual expenses incurred by these railway postal clerks while they are away from home.

Mr. FINLEY. I will say to the gentleman, from the best information I have, it would exceed a million and a half of dollars annually.

Mr. WEISSE. How many of them are there?

Mr. FINLEY. There are something like 15,000. [Applause on the Democratic side.]

Mr. WEEKS. I yield to the gentleman from New York [Mr. CALDER].

Mr. CALDER. Mr. Chairman, the post-office appropriation bill now under consideration by the Committee of the Whole House on the state of the Union, is one which is of more importance to the citizens of this country than any other bill that will be considered during this session of Congress. The business of the post-office is a sort of barometer which shows the condition of affairs throughout the country, as it is the first to feel the effects of industrial depression and likewise the first to indicate a return of prosperity in business. In every well regulated and successful business institution in this country it is found necessary to employ the best help that the market affords, and as an inducement to bring to their ranks the talent that makes any business a success, it is necessary to offer proper inducement in the way of compensation and the hope for advancement in the event of the employee making good in his position. That which applies to the commercial world should, in my mind, apply equally as well in the conduct of the government service.

Acting on the recommendation of the Post-Office Department officials, Congress passed a law reclassifying the salaries of post-office clerks and letter carriers, which went into operation July 1, 1907. The law provides:

That after June 30, 1907, clerks in offices of the first and second class and carriers in the City Delivery Service shall be divided into six grades, as follows: First grade, salary $600; second grade, salary $800; third grade, salary $900; fourth grade, salary $1,000; fifth grade, salary $1,100; sixth grade, salary $1,200.

It further provides:

That clerks and carriers at first-class offices be promoted successively to the fourth grade.

The law also provides that "no promotion shall be made except on evidence satisfactory to the Post-Office Department of the faithfulness and efficiency of the employee during the preceding year, and that all promotions of both clerks and carriers shall be made at the beginning of the quarter following the expiration of a year's service in the next lower grade." In the arguments advanced before the Committee on the Post-Office and Post-Roads and before Congress it was shown that conditions warranted and required such new legislation. It was held that by the passage of such salary legislation it would be an incentive for faithful and efficient work, and make it possible to reward exceptionally faithful and efficient men throughout the service, and would enable the department to raise the standard of remuneration.

The clerks and carriers were led to believe that faithful and efficient service would be rewarded by promotion to the higher grades, with the result that the service was greatly benefited, as is shown by the report of the First Assistant Postmaster-General for the year following the enactment of the new salary law. He said:

The passage of the reclassification act has undoubtedly infused into the great army of post-office employees a new spirit of enthusiasm for the service and of loyalty to the department, the effect of which can not be overestimated.

To conduct the postal service in the proper manner and maintain the high standard of efficiency that the public demands requires men of exceptional ability, and they should be paid accordingly. When an employee, whether a clerk or carrier, performs his service in a satisfactory manner and complies with all the rules and regulations laid down by the department, and by every test of efficiency required of him by the officials has earned a promotion, it is only fair and just that his services should be rewarded. Last year Congress in its wisdom saw fit to appropriate only sufficient money to provide for the promotion of 50 per cent of the clerks and carriers in the higher grades in first and second class post-offices. The result of this action has been anything but satisfactory to the officials and the employees, for the reason that a postmaster has been called upon in numerous instances to make a selection between two employees for promotion, each of whom had given equally satisfactory and meritorious service. The result has been that the clerk or carrier who failed of promotion was naturally disappointed and felt, and to my mind justly so, that he had been unjustly discriminated against. It is not fair or just to the department or to the postmaster to be compelled to withhold from the employee a promotion justly earned, through the mistaken idea of trying to save a few dollars through this spirit of what I believe is false economy. I believe it was the intention of Congress when they passed the reclassification act to provide for the promotion of every clerk and carrier who had earned a promotion, to the highest grades, and I trust that the Members of this House will vote to appropriate sufficient money to have that law put into practical effect. The increase in the cost of living affects these employees just the same as it does the Members of Congress and other citizens, and when we deprive any part of them from that to which they are justly entitled, I believe it is a great injustice.

SUBSTITUTE LETTER CARRIERS.

Mr. Chairman, two years ago I drew the attention of the Members of this House to a condition of affairs affecting the substitute letter carriers of this country, in the hope that something would be done to relieve their condition. After the Members of Congress realize the condition of affairs surrounding this branch of the postal service, I firmly believe they will find a remedy. We read occasionally in our daily papers that an examination is to be held in the federal building for the position of post-office clerk and letter carrier, and the news item gives the information that the initial salary is $600 per annum and that automatic promotions are made annually until a clerk or carrier reaches the $1,100 grade if it is a second-class post-office and $1,200 in the event of it being a first-class office. Many young and ambitious men are induced to take the examination after reading the statement, believing that the position is an attractive one and the opportunities offered are better than is held forth in ordinary business. Now, Mr. Chairman

and gentlemen, let me draw your attention to the actual facts as they exist. After passing the required civil-service examination and receiving a standing high enough on the eligible list to receive an appointment, the applicant is notified by the local postmaster to call on him at the post-office and is administered the oath of office in the regular manner. He is then told that he must procure a uniform at his own expense, after which he is to report for duty to the assistant postmaster or superintendent. The uniform being purchased, the young man, congratulating himself on his good fortune, reports at the post-office, only to find that instead of receiving an appointment at a regular salary he must first serve as a substitute for an indefinite period, and for which service he will receive a compensation of 30 cents an hour, and employment will be given him when regular carriers are off duty on their vacations or when they become sick or disabled and unable to perform their regular duties. This substitute service varies in time, but the average time served by substitutes throughout the country is three years, and during this period they average about $30 a month and are required to report for duty every day in the year if so instructed by the postmaster, and they receive no compensation whatever for the time they are required to lay around waiting for an assignment. The result of this condition of affairs is that competent and capable men, disappointed and discouraged with their lot, are not long in seeking positions in other vocations that offer better inducements, and are not long in finding them.

I ask the House to do something for the employees in this branch of the service, and make it attractive enough to induce the proper kind of men to continue in it. I am informed by one of my colleagues that an amendment will be offered which will allow these substitute carriers the time that they serve to count in their favor when they receive their appointment as a regular carrier. In other words, that a substitute appointed regular, having served as a substitute less than one year, shall be paid a salary of $600, his rating to begin at the time of his appointment as a substitute carrier.

A substitute carrier appointed regular, having served as a substitute one year and less than two, his entrance salary shall be $800, his rating to begin at the time of his appointment as substitute carrier.

A substitute appointed regular, having served as a substitute two years and less than three, shall be paid a salary of $900 his rating to begin at time of his appointment as a substitute carrier.

A substitute appointed a regular carrier, having served as a substitute three years and less than four, shall be paid an entrance salary of $1,000, his rating to begin at time of appointment as substitute carrier and the full limit of salary thereafter.

As such an amendment will not require an additional appropriation for this branch of the service, but merely provides that the time served by these substitute carriers shall count in their favor from the date of their appointment as regular carriers, I trust that this committee will look with favor on such an amendment, and that it will be accepted with the approval of the honorable chairman of the Committee on the Post-Office and Post-Roads.

SUNDAY SERVICE IN POST-OFFICES.

Another matter I would like to draw the attention of the Members of this House to is the performance of Sunday work by clerks and carriers in free-delivery post-offices. In very other branch of the government service, if employees are required to perform Sunday work, they are paid double time for such service. The employees in post-offices, however, not only do not receive compensation for this Sunday service, but it is looked upon by the officials as part of their regular duty. I believe and maintain that these employees are entitled to one day of rest after six days of labor, and if it is necessary to employ them on the Sabbath day, they should be allowed one other day in that week in which to rest, so as to be better able to perform the duties required of them. The Sunday work in post-offices has attracted the attenion of the churchgoing people of this country to such an extent that the Lord's Day Alliance has taken the matter up and are advocating compensatory time off for these postal employees who may, of necessity, be compelled to work on Sunday. It is a recognized principle among all business institutions to allow their employees one day of rest in seven, and, to my mind, there is no good reason why the post-office clerks and letter carriers should not be treated in a like manner.

Mr. WEEKS. I now yield to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, the able speech of the chairman of the Committee on Post-Offices and Post-Roads in support of the bill showed not only absence of any provision to increase the rates of postage on second-class mail matter, but also the insertion of a provision to determine the competition of the Government with the printers of the country. While the law as it stands to-day may in a way be of service to many business interests, it is no proper governmental function to compete with any class of labor.

The action of the committee in these particulars meets with the wishes of my constituents, but in the meager pittance allowed for the extension of the rural free-delivery service and the failure to increase the compensation of the rural carriers there is reasonable ground for complaint.

I do not mean to charge that the committee has in any way intentionally discriminated in favor of mail facilities in the cities as against the country district, but an analysis of the appropriation carried in this bill convinces one that the rural communities have not got their just deserts.

The reports of the Post-Office Department show that there are 975 routes approved ready for installation, and yet the committee brings in an increased appropriation of only $285,000, which would barely allow the establishment of one new rural delivery route to a congressional district and no increase in the compensation of the carrier, whereas his net compensation is not equal, in many parts of the country, to the wages of the ordinary day laborer.

Those of us who live in a northern clime know the hardships these men have to endure during the winter months, often breaking the roads themselves through the snowdrifts, and, unlike the city carrier, they have no place to stop for a moment's shelter in the face of the storm; and let me say, from my knowledge of them, there are no more faithful employees in the government service, and the appeal which will be made on this floor to increase the appropriation for their compensation will, I believe, meet with a hearty response on both sides of the Chamber.

One of the greatest minds and the greatest railroad man in the United States, James J. Hill, recently, while reviewing the increased cost of living, has assigned as one of its leading causes the tendency of the younger generation to leave the farm and move to the city, thus diminishing the number of producers.

It should be the aim of every man on this floor to improve conditions in the rural districts, to make the homes there accessible, so that contentment should overcome or at least lessen that tendency. We should do everything in our power to increase the number of producers. The gentleman from Tennessee [Mr. AUSTIN] did well to call the attention of the House to our party platform on the subject of extending the rural mail service, and I for one am old-fashioned enough to believe in carrying out the principles laid down in the party platform on this and other subjects. Personally, I attach more sacredness to the party platform than I do the rules of this House, which were introduced by a leading Democrat, Mr. FITZGERALD, and which could not have been adopted without Democratic votes.

The only defense that the Committee on Post-Offices makes for the meager appropriation in this bill is that a deficit exists in the Treasury. In face of the fact that nearly a thousand new routes have been approved and are ready for installment, and in spite of the pledge in our party platform and in view of the fact that in many of the large cities there are five or six, and in some even seven, daily deliveries, it will be difficult for Members of the House who represent rural communities and who have voted to furnish an automobile for the use of each of the presiding officers of the Senate and House, to explain to their constituents that they are to be denied any further mail facilities owing to the reason given by the committee. [Applause.]

There is another subject which is largely agitating the public mind, and that is the establishment of a parcels-post system. The members of the granges in my district have importuned me, the master of our state grange has written me in its behalf, and doubtless their sentiments reflect those of the members of the granges throughout the country.

Almost every country in Europe has had the benefit of this system. That it has worked advantageously and in the interest of the people is the universal testimony. Then why does this great progressive country of ours lag behind?

The late Postmaster-General, the present Secretary of the Navy, Mr. Meyer, a man of rare intelligence and a great administrator, after giving the matter a searching investigation, became its warm advocate. A year ago last fall Fourth Assistant Postmaster-General De Graw, a capable and experienced official, brought the matter to my attention and urged my support of it.

Impressed by my research, I introduced on February 7 a resolution, of which the following is a copy:

House resolution 375.

Whereas a government parcels-post system has been in successful operation in several European countries; and

Whereas there is a strong demand by the granges and people of rural communities for the establishment of a properly guarded parcels-post system in the United States: Therefore be it

Resolved, That the Committee on the Post-Office and Post-Roads be requested to inquire into its feasibility and desirability and report to the House within thirty days.

By the term "properly guarded" it is intended to protect not only the interests of the local merchant, but also of the Government.

The House will notice that the resolution does not commit this body to the establishment of a parcels-post system; it merely requests the Committee on the Post-Office and Post-Roads to make an inquiry and report back to the House its conclusions.

The resolution has been for three weeks in the Committee on Rules. I have made repeated efforts to have it reported, but so far without avail.

With the general interest in the subject, the judgment of the House would sanction its being at least considered.

The action of the committee in keeping the lid on the resolution causes me to believe that every bill or resolution that goes to that committee which has not the visé of the House organization should be inscribed as Dante's Inferno, "All hope abandon, ye who enter here."

Mr. FITZGERALD. Since the gentleman has stated that he made repeated efforts to have his bill reported and failed, will he not just state what the efforts were? I am perfectly certain that he never spoke to me about his resolution.

Mr. FISH. The gentleman's memory fails him. [Laughter and applause.]

Mr. FITZGERALD. Oh, it is one of my misfortunes that my memory seldom fails me.

Mr. FISH. I beg the gentleman's pardon; while sitting there in front, I came down and called his attention to the matter which they had before the committee, and asked him to get it out.

Mr. FITZGERALD. The gentleman, I think, is under a misapprehension——

Mr. FISH. The gentleman is not under a misapprehension——

Mr. FITZGERALD (continuing). As to whom he spoke. The gentleman makes a statement about the Committee on Rules. Has the gentleman introduced a bill creating a parcels post and had it referred, as it should be, to the Committee on Post-Offices, where it could be considered?

Mr. FISH. The resolution which I have introduced speaks for itself, as well as the action of the Committee on Rules speaks for itself.

Mr. FITZGERALD. I will be frank with the gentleman and say that, if the resolution came before the Committee on Rules, I should not vote to report it, so that there may not be any misunderstanding about my position. If the gentleman wants to have the Committee on the Post-Office and Post-Roads consider this question of parcels post—if, as he says, he has given careful research to the question—why does he not embody his ideas in a bill and get his bill considered by the Committee on the Post-Office and Post-Roads without the intervention of the Committee on Rules?

Mr. FISH. I will answer that inquiry by making another inquiry of the gentleman—why the committee has been keeping the lid on for three weeks past?

Mr. FITZGERALD. If I controlled the committee, I would tell my colleague that I would keep the lid on, because, from the gentleman's own statement as to the character of the investigation he wishes made, I do not believe that any disinterested and honest committee of this House can make an investigation and prepare a report within thirty days as to whether a parcels post should be established.

Mr. FISH. The gentleman well knows that the committee had the power to make it sixty, ninety, or one hundred days.

Mr. FITZGERALD. Yes; but the gentleman in his resolution told us to have it within thirty days.

Mr. FISH. I stated to that committee that they could change the phraseology as they chose; all I wanted was to get the matter brought up.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISH. I ask two minutes more, as I have been interrupted.

Mr. WEEKS. I extend the gentleman's time for five minutes.

Mr. FISH. I wish to thank the chairman of the committee.

This has brought forcibly to my mind how helpless a Member of this House is under such circumstances to get any bill or resolution reported, no matter how beneficent the measure may be.

Is such a state of things known in any other legislative body in any civilized country, with possible exception of Russia and Turkey? [Laughter and applause.]

In other words, a majority of the House may want a rule requiring a bill to be reported, and yet without the consent of three members of the Committee on Rules it can not be even considered by the House. To my mind this is not representative government.

Mr. WEEKS. If the gentleman will permit me, if he really wished an investigation of the parcels post, and real information, does he not think it would have been well to have introduced a bill on the subject which would have been referred to the proper committee to investigate that subject?

Mr. FISH. I do not want at the present time to enter into a discussion with the chairman of the committee. I have had a little experience with the committee on another bill. [Laughter.]

Mr. WEEKS. The gentleman is quite right, that he had an experience with the committee on another bill of trifling importance, when the committee was devoting ten and twelve hours a day to the great appropriation bill now before the House.

Mr. FISH. But the gentleman would state, in reply to the chairman, that after he introduced the bill he was informed by a member of that committee that there was no precedent for the passage of the bill which he introduced, and he proved by the statement of the Librarian of Congress such was not the fact.

Mr. WEEKS. But the gentleman from New York will recollect that he spoke to the chairman of the Committee on the Post-Office and Post-Roads, who told him that he could have a hearing as soon as the appropriation bill was disposed of.

Mr. FASSETT. At the next meeting.

Mr. FISH. I will say in reply that I will take advantage of the first opportunity that the gentleman's committee gives me to be heard on that bill.

Mr. PARSONS. Perhaps it may not require any hearing.

Mr. FISH. As the gentleman from New York suggests, the bill which I introduced possibly may not require a hearing. It may at the hands of the Committee on the Post-Office and Post-Roads, but it does not require a hearing at the hands of the people of this country, for they are convinced of its merits.

Mr. WEEKS. I wish to say to the gentleman from New York that no bill comes before the Post-Office Committee without a hearing by somebody. We do not do business in that way in that committee.

Mr. SHACKLEFORD. Why does not the gentleman move to discharge the committee from the further consideration of the resolution and that it be taken up in the House?

Mr. FISH. Because I well know that there is no opportunity to discharge the committee. How can I get the opportunity to discharge the committee? One has that opportunity in every legislative body except this.

Mr. TAWNEY. And the gentleman knows that as a Member of this House he has that opportunity, immediately after the reading of the Journal, every morning.

Mr. FISH. No, sir; I could not get recognition for that purpose, and nobody knows it better than the gentleman from Minnesota, who belongs to the inner council.

Mr. SHACKLEFORD. Will the gentleman explain to the House why it is that he can not get recognition for the purpose?

Mr. FISH. If I had time enough I would go into that subject, but I prefer not to be interrupted at present. But I will say, if I may have the support of the gentleman from Minnesota [Mr. TAWNEY] and the other gentlemen who are close to the throne, I will make that motion to-morrow morning. [Laughter.] If an opportunity is offered to revise the rules so that after a bill or a resolution has been in a committee for fifteen days or more it shall be in order, upon the written demand of, say, 175, or possibly 200, Members of the House to compel the committee to report the same, I shall unhesitatingly support such an amendment.

Anyone who keeps abreast of the current of public opinion must be convinced that the rules of the House will be liberalized during the present Congress or at the opening of the next, so that measures demanded by a majority of the House may not be chloroformed in committee, but brought before the House for consideration. Is it not, then, the part of political wisdom to amend the rules at the present session rather than endanger the Republican supremacy of the House by permitting it to be an issue in every congressional district?

My first knowledge of public affairs was gained when, as a young man, four or five years after the close of the civil war, I spent two years in Washington. The bitterness engendered by

that strife had not been effaced; it even extended to a greater or less degree into social life. The Southern States were largely the prey of adventurers, and misgovernment was the rule rather than the exception in their statehouses, a deplorable incident of the reconstruction days.

What a wondrous change do I find upon my return! No longer a trace of bitterness; those great Commonwealths enjoying an abounding prosperity, their affairs well administered, and the Members of this House from all sections commingling. The man on either side who attempts to revive the passions and recall the bitterness of the past strikes no sympathetic chord.

While we have different political opinions, all are animated by a common purpose, the greatest good for the greatest number. In the brief year that I have been a Member of this House I count as one of my highest privileges the cordial relations I have established with many of the Representatives of the South, a section of the country which is so largely agricultural, and, therefore, has interests akin to those of many districts of the North. Let us, then, Representatives of those districts, unite in a common determination to see that our districts are given the benefits of postal savings banks, parcels post, an extension of the rural mail service, and adequate compensation for the carriers, and in so doing we will be fostering contentment and happiness throughout our common country and legislating for the welfare of the Republic.

Mr. MOON of Tennessee. I yield to the gentleman from New York [Mr. FITZGERALD] five minutes.

Mr. FITZGERALD. Mr. Chairman, I regret that there should be a difference of opinion between my colleague [Mr. FISH] and myself as to whether he called my attention to the resolution to which he refers. Still, I will not assert too positively that I am correct in my claim, but will concede that he did call this resolution to my attention. If he had called it to my attention and showed the resolution to me, I would have suggested that if he desired the Committee on the Post-Office and Post-Roads to take up the question of a parcels post, the proper way to accomplish it would be to prepare a bill according to what he believed the proper method to create such a parcels post and have it referred to that committee.

While I have not given a great deal of attention to the question of the parcels post, from the divergent views entertained by many, I am quite convinced that it involves so many questions that the Committee on the Post-Office and Post-Roads, engaged as it has been in the preparation of the post-office appropriation bill, could not have given it the consideration to which it was entitled within thirty days. But I doubt much whether this resolution was introduced with the intention of having it acted upon and reported, if the gentleman entertains the convictions which he says he does about the Committee on Rules, so much as it was to lay a foundation upon which he might make the speech which he has just made.

The gentleman stated that the rules were not sacred to him. They are not sacred to me, Mr. Chairman. Whenever I believe that changes which will improve the procedure can be made I shall be very willing to support changes in the rules. I have never seen a resolution introduced by my colleague proposing to change in a single particular any rule of this House; and that is all the more surprising, if he be not satisfied with them, although he voted for them, since he is not like a tyro in a legislative body, but has had wide experience, not only as an humble Member but as the presiding officer of the lower house in the legislature of the State of New York. It is a commentary upon the times that the gentleman should to-day inveigh so strongly against the powers of the presiding officer of this House, for, as I recall, when he was the presiding officer in the lower body of the New York legislature, the then incumbent of that distinguished office was not supposed to be permitted by those in control to exercise any independent judgment whatever. [Laughter.]

Now, Mr. Chairman, I simply wish to say that there are in the Committee on Rules a number of resolutions upon different questions. I believe some of them should be reported. Some of them I would not support, either in the committee or in the House. I will not hesitate, however, to express my belief or position upon any resolution pending in that committee, whenever it is proper or whenever the occasion arises that I should. I have no hesitation in stating that I would not vote for the resolution introduced by my colleague under any circumstances. And moreover, Mr. Chairman, as to the gentleman's statement that it is not possible to get a resolution out of that committee, I wish to say that those who know and understand the rules of this House, if there be a majority of the Members anxious to accomplish what they seek, they can discharge any committee in this House from the consideration of any bill or any resolution. I make that assertion, based upon my knowledge of the rules of the House.

Mr. MURDOCK. Will the gentleman explain how?

Mr. FITZGERALD. I shall not explain to the gentleman now; some other time, perhaps. The rules are plain, and anyone who takes the time to study them and understand them can readily find out the way to accomplish what he wishes, provided a majority of the House is sincere in its desire to do what is proposed.

Mr. MURDOCK. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. AIKEN. Mr. Chairman, I have come so often before this body with a plea for the rural carriers that I sometimes fear that I may try your patience. But whether, like the importunate widow of Holy Writ, I have been heard for my much speaking, or for whatever cause, we have from time to time on each successive appeal granted these good men a measure of relief. All that we have done, however, has been by parsimonious piecemeal, as if we were feeling our way with a doubtful experiment.

Now, let us ask ourselves the question fairly: Has the rural service passed the experimental stage? Is it a fact of our Government's administration?

The rural service has come to stay. This is the wealthiest Nation on earth, and it is wealthy because of the great variety and quantity of raw material produced by its agriculturists, the men who dwell in the rural sections. It is their brawn and brain that give us the balance of trade with the civilized world. On their labor cities are built and millions of artisans and professional men are sustained. All other wealth is but so much margin of profit on the original substance coaxed from the soil or reared on the farm.

The farmer is not an obtrusive person. For many years he submitted to every conceivable inconvenience in getting the semiweekly mail that the Government delivered at some remote office, while his neighbor in the city was having his mail delivered daily at his door. In the rural-delivery service the rural resident was accorded tardy recognition of his right to participate in the taxes he paid. The Government, recognizing as it must that its very roots are imbedded in the soil, can not turn backward in the rightful accommodation and uplift of its husbandmen. Is it not, then, and should it not be the policy of this Government to adequately support the rural service? I maintain and propose to prove a little further on in my remarks that we are not doing it.

I understand that the deficiency of something like $9,000,000 in the postal service is charged up largely to the rural free delivery. I would like to know by what process this conclusion is reached.

Is it not just possible that lax management by the Post-Office Department, rather than the rural service or the rate on second-class matter, is accountable for the postal deficiency? The President states that it costs the Government 9 cents per pound to carry second-class matter. The express companies as well as the Government are in the carrying business, doing business on the same trains all over this country. The express companies charge on second-class mail matter from Washington to Chicago, a distance of 1,000 miles, 2½ cents per pound on 50-pound quantities or more. For shorter distances the price is about half as much, and for across-continent transportation about twice as much. In the longest haul that an express company can possibly make it does not charge exceeding 6 cents per pound for second-class matter. This is based on the express company's general schedule of rates, while it is compared with the lowest article on the government rate. Does anybody believe that the express companies are operating at a loss? One of them only recently distributed $17,000,000 in dividends to its stockholders. They have made no concessions to newspaper or periodical men. They have simply used business methods in making their schedules, and it is hard to conceive of a more profitable business than they are conducting.

Here is a specimen of the Government's lack of business methods: "The Government is paying an annual rental of $3,000 each per year for the use of postal cars which cost the railroads less than $7,000 each to buy." If the Government is to be held up in this way by the railroads, had it not better suspend building battle ships for a while and devote its attention to the building of postal cars?

If the Post-Office Department does not pay, neither does the War Department nor the Navy Department, measured in dollars and cents. If it is important to protect our country from the invader, without reference to the hundreds of millions expended in the sinews of war, and despite the fact that we are enjoying

profound peace with the world, surely a small deficit charged to the postal service, its agency for the enlightenment and elevation of its citizenship, is not misappropriated. But I verily believe that if business methods are substituted by the Government for political preferment all shortages in the Post-Office Department will be wiped out.

While I have not the figures at hand, I know as a fact that the rural service has stimulated correspondence by rural residents until it has more than doubled in the last decade. It has abolished thousands of small post-offices with the salaries on cancellations allowed the postmasters. It has driven out the equally expensive and unsatisfactory star-route system. When the service is credited with the stimulated correspondence and the pay of postmasters and star-route carriers, I believe that its account with the Government would be balanced. But its greatest value as a revenue producer is in none of these, and for this the system receives not one cent of credit. The largest revenue derived from the rural system is from response to rural correspondence. There is the letter advertising goods, then the letter acknowledging receipt of orders, then the letter making prices on specific articles, then the letter notifying that the article has been sent, and, finally, if the package is one that can be carried in the mail, the article itself is so sent. All of this has been stimulated more than a hundred per cent, and yet the Rural Delivery Service is not credited with one cent on account of it. It is reflected in the larger post-offices, and there, too, the credit goes. Post-offices are rapidly advanced to third and second class offices and postmasters' salaries are increased accordingly, but no thought is given to the humble carrier, who through the snows of winter and the scorching heat of summer has made his ceaseless rounds, building up the revenue of the service.

I have said that the rural carriers are poorly paid. Let us see if the facts do not bear out this assertion. In many instances they are forced to keep two horses, but I have not singled out such for the purpose of my argument. I have received from many of the carriers of my district their actual expense account for six months, covering the following items: Horse feed, blacksmithing, veterinary, repairs to vehicles, repairs to harness, depreciation of vehicles and harness, depreciation and death of horses, blankets and robes, and interest on outlay at 6 per cent. For convenience I have taken at random the accounts of nine carriers of my district, with this result: The nine carriers received as pay for six months $3,645, and they incurred expenses aggregating $1,915.25. This means that these men, whose work is more trying than that of any official in the government service, received pay which averaged $192.19 for six months' service. I may add that in looking over the expense account I noted no dead horses and no extraordinary or large item entering into it. Take out of this pitiful sum of $192.19 the scanty support of the carrier, and perhaps of a family, and think what his plight must be at the end of six months. Now, these are homely facts that I am bringing to your attention; but since they are facts they must appeal to every conscientious Representative on the floor of this House.

Conditions in the district that I have the honor to represent are not different from those prevailing over the entire country. A statement covering 42 States and practically every district in which the rural service is in operation, shows that the average net earnings of the thousands of carriers employed for six months, closing December 31, 1909, after deducting maintenance of equipment, was $189. Live stock has advanced fully 50 per cent; harness and equipment have advanced fully 50 per cent; horse feed, especiall corn and oats, has advanced 100 per cent; provisions have advanced in many articles—meat, for instance—300 per cent; and yet the carrier is expected to support himself and family out of the small sum of $189 for six months. Such parsimony is unworthy of a Government that looks, or should look, first to efficiency.

I ask now, Is the Government so parsimonious in dealing with its officers and agents generally? We maintain an army of clerks, many of whom have only nominal duties; we maintain officers of the army and navy in splendor until old age overtakes them, and then we retire them on munificent salaries; we maintain a system of public schools in the far-away Philippine Islands for the uplift of the alien. In a word, we spend annually over a billion dollars, much of which is wasted in the vain effort to become a colonial power. Could we not at least be just to our own rural inhabitant who furnishes the sinews of government and to his immediate servant, the rural carrier?

I feel almost ashamed to place the demand for the rural service on the mere plane of revenue, though I believe that it can be more than sustained on this plane.

Since a country is prosperous directly in proportion to the number and intelligence of its producing class, it is of most vital importance that the producer be content and that his numbers be not reduced. I do not believe that any single agency has done so much to satisfy the producer with his surroundings as a daily mail, bringing him into immediate touch with the pulse throbs of the outside world. It has linked the country with the town, and when a few other agencies, such as the telephone and the trolley, have more generally contributed their part to this great work, we will see life in the country restored to that preeminence that characterized it for so many years in England; and the popular tide will be from the towns to the rural sections.

Believing that the rural carrier is to-day one of the greatest conservative agents in the service of the Government, I favor increase of his pay until he is placed on an equal footing with his brother carrier in the city, and I shall favor any proposition looking to that end.

If we can not get but $1,000 maximum for him, I shall vote for that amount. If we can get $90 per month for him for standard 24-mile routes, I shall vote for that amount. One of the first bills that I introduced in this House and the first speech I made here were to secure an increase of the carrier's pay. I was convinced of the justice of his cause then, and though much has been accomplished much more is due this faithful servant of the people.

The pay for the service as carrier is so small that there are more resignations from this branch of the service than from the whole government service beside. But they are not dismissed for nonperformance of duty. [Applause.]

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and Mr. FASSETT having assumed the chair as Speaker pro tempore, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21419, the post-office appropriation bill, and had directed him to report that that committee had come to no resolution thereon.

INVESTIGATION OF COAL LANDS IN OKLAHOMA.

The SPEAKER pro tempore laid before the House the following message from the President of the United States (S. Doc. No. 390), which was read and, with the accompanying papers, referred to the Committee on Indian Affairs and ordered printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, reports rendered in connection with the investigation to determine the extent and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations in Oklahoma, which investigation has been made under the direction of the Department of the Interior, pursuant to the act of June 21, 1906, which provides in part as follows:

That the Secretary of the Interior is hereby authorized and directed to make practical and exhaustive investigation of the character, extent, and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, in Indian Territory; and the expense thereof, not exceeding the sum of $50,000, shall be paid out of the funds of the Choctaw and Chickasaw nations in the Treasury of the United States: *Provided*, That any and all information obtained under the provisions of this act shall be available at all times for the use of the Congress and its committees.

There are also inclosed memorials of the Choctaw Nation, protesting against the payment of the expenses of this investigation from the tribal funds and requesting the United States to purchase the surplus and undivided property of the Choctaw and Chickasaw nations.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1910.*

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 970. An act for the relief of Edward C. Kittle;

H. R. 10106. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land contiguous to the Andersonville National Cemetery, in the State of Georgia;

H. R. 16364. An act to amend in part section 658 of the Revised Statutes;

H. R. 17160. An act to authorize the Oregon Trunk Railway of the State of Washington to construct a bridge across the Columbia River and Celilo Canal; and

H. R. 19967. An act to authorize Thomas J. Ewing, George B. Patton, Otto Burger, William Cecil, and Milton E. Foster to construct a bridge across the Tug Fork of the Big Sandy River.

AUTHORITY TO ADMINISTER OATHS TO WITNESSES.

The SPEAKER pro tempore also laid before the House the following message from the President of the United States, which was read and, together with accompanying papers, referred to the Committee on Reform in the Civil Service:

To the Senate and House of Representatives:

I transmit herewith a communication from the Civil Service Commission submitting draft of proposed legislation providing that any member of the United States Civil Service Commission, or any officer, examiner, clerk, employee, or other representative thereof lawfully detailed to investigate frauds or attempts to defraud the Government, or any irregularity or misconduct of any officer or agent of the United States, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

The proposed legislation has my hearty approval, and I commend it to the careful consideration of the Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1910.*

SPEECH OF HON. JOSEPH G. CANNON.

Mr. BURKE of Pennsylvania. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the speech of Hon. JOSEPH G. CANNON, of Illinois, before the Pittsburg Chamber of Commerce on February 12, 1910, on the subject of "My personal recollections of Abraham Lincoln."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEAVE OF ABSENCE.

Mr. BELL of Georgia, by unanimous consent, was given leave of absence for one week on account of sickness in family.

PENSIONS.

The SPEAKER pro tempore laid before the House the following resolution:

IN THE SENATE OF THE UNITED STATES,
February 28, 1910.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill and engrossed Senate amendments thereto (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The resolution was agreed to.

ADJOURNMENT.

Mr. WEEKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 14 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for improvement of the United States jail, District of Columbia (H. Doc. No. 729)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of Commerce and Labor, transmitting a detailed statement of estimates heretofore made for the expenses of the Immigration Service (H. Doc. No. 731)—to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for employees in the General Land Office (H. Doc. No. 730)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MOREHEAD, from the Committee on War Claims, to which was referred House bill 8521, reported in lieu thereof a resolution (H. Res. 414) referring to the Court of Claims the papers in the case of Mrs. Martha V. Jones, accompanied by a report (No. 576), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 8793, reported in lieu thereof a resolution (H. Res. 415) referring to the Court of Claims the papers in the case of the estate of Henry Sessler, deceased, accompanied by a report (No. 577), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 8590, reported in lieu thereof a resolution (H. Res. 416) referring to the Court of Claims the papers in the case of the estate of D. Froneberger and firm of D. Froneberger & Co., of Knoxville, Tenn., accompanied by a report (No. 578), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 19725, reported in lieu thereof a resolution (H. Res. 417) referring to the Court of Claims the papers in the case of the legal representatives of Ann D. Halsey, deceased, accompanied by a report (No. 579), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 19087, reported in lieu thereof a resolution (H. Res. 418) referring to the Court of Claims the papers in the case of the heirs of Thomas J. Holmes and Richard R. Holmes, deceased, accompanied by a report (No. 580), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 19643, reported in lieu thereof a resolution (H. Res. 419) referring to the Court of Claims the papers in the case of Robert G. Wilson, sr., accompanied by a report (No. 581), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18190, reported in lieu thereof a resolution (H. Res. 420) referring to the Court of Claims the papers in the case of the heirs of C. C. Blancit, deceased, accompanied by a report (No. 582), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18189, reported in lieu thereof a resolution (H. Res. 421) referring to the Court of Claims the papers in the case of Thomas Seymour, accompanied by a report (No. 583), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 7620, reported in lieu thereof a resolution (H. Res. 422) referring to the Court of Claims the papers in the case of William A. Goble, accompanied by a report (No. 584), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 7614, reported in lieu thereof a resolution (H. Res. 423), referring to the Court of Claims the papers in the case of Mrs. J. W. Yates, accompanied by a report (No. 585), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 9572, reported in lieu thereof a resolution (H. Res. 424) referring to the Court of Claims the papers in the case of the heirs of Samuel Hollingsworth, deceased, accompanied by a report (No. 586), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 164, reported in lieu thereof a resolution (H. Res. 425) referring to the Court of Claims the papers in the case of Jacob C. Barkley, accompanied by a report (No. 587), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 20036, reported in lieu thereof a resolution (H. Res. 426) referring to the Court of Claims the papers in the case of the heirs of Permelia F. Henry, accompanied by a report (No. 588), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 20062, reported in lieu thereof a resolution (H. Res. 427) referring to the Court of Claims the papers in the case of Sarah Jane Pirtle, widow, and the heirs of John W. Pirtle, deceased, accompanied by a report (No. 589), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 20123, reported in lieu thereof a resolution (H. Res. 428) referring to the Court of Claims the papers in the case of the heirs of David A. Miller, accompanied by a report (No. 590), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 20122, reported in lieu thereof a resolution (H. Res. 429) referring to the Court of Claims the papers in the case of William P. Rowland, accompanied by a report (No. 591), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 20200, reported in lieu thereof a resolution (H. Res. 430) referring to the Court of Claims the papers in the case of the heirs of Elizabeth Cessna, deceased, accompanied by a report (No. 592), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18735, reported in lieu thereof a resolution (H. Res. 431) referring to the Court of Claims the papers in the case of William E. Seward, accompanied by a report (No. 593), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 14806, reported in lieu thereof a resolution (H. Res. 432) referring to the Court of Claims the papers in the case of Owen Bray, acccompanied by a report (No. 594), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 21854, reported in lieu thereof a resolution (H. Res. 433) referring to the Court of Claims the papers in the case of the legal representatives of Thomas Fawcett, deceased, accompanied by a report (No. 595), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18519, reported in lieu thereof a resolution (H. Res. 434) referring to the Court of Claims the papers in the case of Sarah Elizabeth Watson, administratrix of the estate of David Buck, deceased, accompanied by a report (No. 596), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18516, reported in lieu thereof a resolution (H. Res. 435) referring to the Court of Claims the papers in the case of the heirs of John A. Regan, deceased, accompanied by a report (No. 597), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18515, reported in lieu thereof a resolution (H. Res. 436) referring to the Court of Claims the papers in the case of Hugh M. Brown, executor of Andrew Brown, deceased, accompanied by a report (No. 598), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 21855, reported in lieu thereof a resolution (H. Res. 437) referring to the Court of Claims the papers in the case of the First Presbyterian Church of Darien, Ga., accompanied by a report (No. 599), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5013, reported in lieu thereof a resolution (H. Res. 438) referring to the Court of Claims the papers in the case of Jasper C. Banks, accompanied by a report (No. 600), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5012, reported in lieu thereof a resolution (H. Res. 439) referring to the Court of Claims the papers in the case of Elishama Beaty, accompanied by a report (No. 601), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 16098, reported in lieu thereof a resolution (H. Res. 440) referring to the Court of Claims the papers in the case of W. C. Eller, accompanied by a report (No. 602), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 8864, reported in lieu thereof a resolution (H. Res. 441) referring to the Court of Claims the papers in the case of the estate of George Hodge, deceased, accompanied by a report (No. 603), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 8863, reported in lieu thereof a resolution (H. Res. 442) referring to the Court of Claims the papers in the case of Dr. J. A. Reagan, accompanied by a report (No. 604), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18150, reported in lieu thereof a resolution (H. Res. 443) referring to the Court of Claims the papers in the case of Annise F. Zeringue and the estate of Mathilde Champagne Zeringue, accompanied by a report (No. 605), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 21153, reported in lieu thereof a resolution (H. Res. 444) referring to the Court of Claims the papers in the case of the heirs of C. M. Lucas, sr., deceased, accompanied by a report (No. 606), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 6627, reported in lieu thereof a resolution (H. Res. 445) referring to the Court of Claims the papers in the case of the estate of William I. Longacre, accompanied by a report (No. 607), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 21866, reported in lieu thereof a resolution (H. Res. 446) referring to the Court of Claims the papers in the case of Charles G. Jones, accompanied by a report (No. 608), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 6015, reported in lieu thereof a resolution (H. Res. 447) referring to the Court of Claims the papers in the case of Andrew Crowl, of Oneida, Carroll County, Ohio, accompanied by a report (No. 609), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 6149, reported in lieu thereof a resolution (H. Res. 448) referring to the Court of Claims the papers in the case of the estate of William R. Poole, deceased, accompanied by a report (No. 610), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 21712, reported in lieu thereof a resolution (H. Res. 449), referring to the Court of Claims the papers in the case of William H. Snellings, accompanied by a report (No. 611), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 19485, reported in lieu thereof a resolution (H. Res. 450) referring to the Court of Claims the papers in the case of the estate of John Brown, deceased, accompanied by a report (No. 612), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5537, reported in lieu thereof a resolution (H. Res. 451) referring to the Court of Claims the papers in the case of James Gothard, accompanied by a report (No. 613), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5536, reported in lieu thereof a resolution (H. Res. 452) referring to the Court of Claims the papers in the case of A. G. Duncan, accompanied by a report (No. 614), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 3987, reported in lieu thereof a resolution (H. Res. 453) referring to the Court of Claims the papers in the case of the estate of James F. Phillips, deceased, accompanied by a report (No. 615), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 1697, reported in lieu thereof a resolution (H. Res. 454) referring to the Court of Claims the papers in the case of the heirs of J. A. J. Rooker, deceased, accompanied by a report (No. 616), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 2898, reported in lieu thereof a resolution (H. Res. 455) referring to the Court of Claims the papers in the case of the heirs of Larkin Echolls, accompanied by a report (No. 617), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 7402, reported in lieu thereof a resolution (H. Res. 456) referring to the Court of Claims the papers in the case of William H. Howard and Oliver D. Lewis, accompanied by a report (No. 618), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 19825, reported in lieu thereof a resolution (H. Res. 457) referring to the Court of Claims the papers in the case of the heirs of James H. Corbin, deceased, accompanied by a report (No. 619), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 20081, reported in lieu thereof a resolution (H. Res. 458) referring to the Court of Claims the papers in the case of James B. Bazell, accompanied by a report (No. 620), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 21160, reported in lieu thereof a resolution (H. Res. 459) referring to the Court of Claims the papers in the case of the estate of John Henry, accompanied by a report (No. 621),

which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 20082, reported in lieu thereof a resolution (H. Res. 460) referring to the Court of Claims the papers in the case of Moses J. Robertson, accompanied by a report (No. 622), which said resolution and report were referred to the Private Calender.

He also, from the same committee, to which was referred House bill 17472, reported in lieu thereof a resolution (H. Res. 461) referring to the Court of Claims the papers in the case of Mary A. F. Smith, accompanied by a report (No. 623), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 17812, reported in lieu thereof a resolution (H. Res. 462) referring to the Court of Claims the papers in the case of the heirs of Sarah Mallett, deceased, accompanied by a report (No. 624), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 21083, reported in lieu thereof a resolution (H. Res. 463) referring to the Court of Claims the papers in the case of the heirs of James J. Clark, accompanied by a report (No. 625), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5812, reported in lieu thereof a resolution (H. Res. 464) referring to the Court of Claims the papers in the case of the heirs of Cornelius P. Cassin, accompanied by a report (No. 626), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5790, reported in lieu thereof a resolution (H. Res. 465) referring to the Court of Claims the papers in the case of George T. Reeves, accompanied by a report (No. 627), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 20947, reported in lieu thereof a resolution (H. Res. 466) referring to the Court of Claims the papers in the case of John W. Watkins, accompanied by a report (No. 628), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18552, reported in lieu thereof a resolution (H. Res. 467) referring to the Court of Claims the papers in the case of Elise Trigg Shields, accompanied by a report (No. 629), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 8754, reported in lieu thereof a resolution (H. Res. 468) referring to the Court of Claims the papers in the case of Martin Jeffries, accompanied by a report (No. 630), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 1164, reported in lieu thereof a resolution (H. Res. 469) referring to the Court of Claims the papers in the case of the heirs of William Pitcher and Axel Hayford and Samuel Otis and George B. Ferguson, accompanied by a report (No. 631), which said resolution and report were referred to the Private Calendar.

Mr. MOREHEAD, from the Committee on War Claims, to which was referred House bill 21308, reported in lieu thereof a resolution (H. Res. 470) referring to the Court of Claims the papers in the case of the heirs of Hayden M. Prior, accompanied by a report (No. 632), which said resolution and report was referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 20657, reported in lieu thereof a resolution (H. Res. 471) referring to the Court of Claims the papers in the case of Henry C. Nesbitt, accompanied by a report (No. 633), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 10681, reported in lieu thereof a resolution (H. Res. 472) referring to the Court of Claims the papers in the case of J. R. Hollowell, accompanied by a report (No. 634), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 10722, reported in lieu thereof a resolution (H. Res. 473) referring to the Court of Claims the papers in the case of the heirs of Thomas Duty, deceased, accompanied by a report (No. 635), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 18146, reported in lieu thereof a resolution (H. Res. 474) referring to the Court of Claims the papers in the case of the heirs of Elisha Lowry, accompanied by a report (No. 636), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 17836, reported in lieu thereof a resolution (H. Res. 475) referring to the Court of Claims the papers in the case of the heirs of S. W. Hyatt, accompanied by a report (No. 637), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5128, reported in lieu thereof a resolution (H. Res. 476) referring to the Court of Claims the papers in the case of Rebecca Walthall, widow, and the heirs of John Walthall, deceased, accompanied by a report (No. 638), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 21888, reported in lieu thereof a resolution (H. Res. 477) referring to the Court of Claims the papers in the case of the trustees of the Baptist Church at Sutton, W. Va., accompanied by a report (No. 639), which said resolution and report were referred to the Private Calendar.

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the Senate (S. 3638) to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation, reported the same without amendment, accompanied by a report (No. 640), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the Senate (S. 3905) for the relief of the Merritt & Chapman Derrick and Wrecking Company, reported the same without amendment, accompanied by a report (No. 641), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from consideration of the following bills, which were referred as follows:

A bill (H. R. 307) granting a pension to John Collins—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18764) granting an increase of pension to Annie Freeman—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19782) granting a pension to Ella Tibbens—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21978) granting an honorable discharge to John L. Holly—Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. RUCKER of Colorado: A bill (H. R. 22000) providing for the establishment of a bank depositors' guaranty fund—to the Committee on Banking and Currency.

By Mr. MANN (by request): A bill (H. R. 22001) to prevent cruelty to poultry when transported from one State or Territory or the District of Columbia into or through any State or Territory or the District of Columbia in any vessel or vehicle of any description operated by a common carrier—to the Committee on on Interstate and Foreign Commerce.

By Mr. HAMER: A bill (H. R. 22002) constituting Eastport, Idaho, a subport of entry in the customs collection district of Montana and Idaho, and for other purposes—to the Committee on Ways and Means.

By Mr. COVINGTON: A bill (H. R. 22003) providing two beacon lights at Barren Island, in the State of Maryland—to the Committee on Interstate and Foreign Commerce.

By Mr. HIGGINS: A bill (H. R. 22004) for the relief of the holders of Kaw or Kansas Indian scrip certificates—to the Committee on Indian Affairs.

By Mr. MOREHEAD: A bill (H. R. 22005) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States and authorizing loans out of drainage funds in North Carolina, Virginia, and other States having swamp and overflowed lands not belonging to the United States—to the Committee on Agriculture.

By Mr. LIVINGSTON: A bill (H. R. 22006) providing for a military highway between Fort McPherson and the military rifle range near Waco, Ga.—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 22007) to authorize the compilation of military and naval records of the Revolutionary war, with a view to their publication—to the Committee on Printing.

By Mr. DICKSON of Mississippi: A bill (H. R. 22008) providing for the purchase of a site and the erection of a public building thereon at McComb, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A bill (H. R. 22009) to authorize the villages of Taylors Falls, Minn., and St. Croix Falls, Wis., to construct a bridge across the St. Croix River between Minnesota and Wisconsin—to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: A bill (H. R. 22010) to authorize the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain lands in the State of Louisiana not needed for naval purposes—to the Committee on Naval Affairs.

By Mr. PARKER (by request): A bill (H. R. 22011) to amend an act entitled "An act to expedite the hearing and determination of suits in equity pending or hereafter brought under the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' 'An act to regulate commerce,' approved February 4, 1887, or any other acts having a like purpose that may be hereafter enacted," approved April 11, 1903—to the Committee on the Judiciary.

By Mr. FLOYD of Arkansas: A bill (H. R. 22012) to reinstate certain homestead entries in the Ozark and Arkansas national forests and to confirm titles to the lands embraced therein in the original claimants, and for other purposes—to the Committee on the Public Lands.

By Mr. GILLETT: A bill (H. R. 22013) for the retirement of employees in the classified civil service—to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 22014) to amend section 167 of the Revised Statutes of the United States—to the Committee on Reform in the Civil Service.

By Mr. FLOYD of Arkansas: A bill (H. R. 22015) providing for one elevator for the federal building at Harrison, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. ESCH: Resolution (H. Res. 478) to pay to I. H. McMichael and F. W. Collier a certain sum of money—to the Committee on Accounts.

By Mr. DAVIDSON: Resolution (H. Res. 479) to pay James A. Gassaway for services as laborer—to the Committee on Accounts.

By Mr. FITZGERALD: Resolution (H. Res. 480) requesting the President to transmit to the House certain information relative to the frauds in the customs service—to the Committee on Expenditures in the Treasury Department.

By Mr. DRAPER: Memorial of the legislature of New York concerning the construction of battle ships, etc.—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bill and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 22016) granting an increase of pension to David Johnson—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 22017) granting a pension to Isaac B. Hawke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22018) granting a pension to A. F. Robison—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 22019) granting a pension to William McCarthy—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 22020) granting a pension to John R. P. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22021) granting an increase of pension to Eli M. Blair—to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 22022) to carry into effect the findings in the Court of Claims in the case of Methodist Episcopal Church South, of Phoenix, Miss.—to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 22023) for the relief of the estate of John R. Poplin, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 22024) for the relief of Leonard Seis—to the Committee on Military Affairs.

By Mr. CLINE: A bill (H. R. 22025) granting an increase of pension to John C. Stafford—to the Committee on Invalid Pensions.

By Mr. COVINGTON: A bill (H. R. 22026) granting a pension to Sarah R. Mowbray—to the Committee on Invalid Pensions.

By Mr. DRAPER: A bill (H. R. 22027) granting an increase of pension to Charles Sommers—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 22028) for the relief of J. W. Freeman, receiver of the United States land office, Harrison, Ark.—to the Committee on Claims.

By Mr. HIGGINS: A bill (H. R. 22029) granting an increase of pension to Jerome B. Snow—to the Committee on Invalid Pensions.

By Mr. HUGHES of New Jersey: A bill (H. R. 22030) granting an increase of pension to Mordecai M. N. S. Merritt—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 22031) granting a pension to Ellen G. Robison—to the Committee on Pensions.

Also, a bill (H. R. 22032) granting an increase of pension to Aaron Buzzard—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 22033) for the relief of the estate of Jonathan Polk, deceased—to the Committee on War Claims.

By Mr. KELIHER: A bill (H. R. 22034) granting a pension to William J. Cashman—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 22035) granting a pension to Emma A. Hogan—to the Committee on Invalid Pensions.

By Mr. KRONMILLER: A bill (H. R. 22036) for the relief of Mrs. Georgia M. Marks—to the Committee on the District of Columbia.

By Mr. LANGHAM: A bill (H. R. 22037) granting an increase of pension to Jacob Wenner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22038) granting an increase of pension to Johiel Vasbinder—to the Committee on Invalid Pensions.

By Mr. LATTA: A bill (H. R. 22039) granting an increase of pension to Miles Zentmyer—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 22040) granting an increase of pension to John A. Owens—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 22041) granting an increase of pension to Norman A. Hamilton—to the Committee on Invalid Pensions.

By Mr. MALBY: A bill (H. R. 22042) granting an increase of pension to Joel B. Hurlburt—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 22043) granting an increase of pension to William Scott—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 22044) to correct the military record of Augustus J. Fairbanks—to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 22045) for the relief of George A. King—to the Committee on Military Affairs.

Also, a bill (H. R. 22046) for the relief of Franklin T. Rose—to the Committee on Naval Affairs.

Also, a bill (H. R. 22047) granting a pension to James E. Gallagher—to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 22048) for the relief of the heirs of Isaac Hassell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22049) for the relief of the heirs of William W. Glenn, deceased—to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 22050) granting an increase of pension to Andrew J. Wallis—to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 22051) for the relief of Elwin A. Howe—to the Committee on Claims.

Also, a bill (H. R. 22052) for the relief of Gilbert J. Gross—to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 22053) granting an increase of pension to George W. Cory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22054) granting an increase of pension to William Simpson—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 22055) granting an increase of pension to Jacob Geibig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22056) granting an increase of pension to Merritt H. Raymond—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 22057) granting a pension to Rose B. Dures—to the Committee on Pensions.

By Mr. SWASEY: A bill (H. R. 22058) granting an increase of pension to Hiram B. King—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 22059) to carry out the findings of the Court of Claims in the case of the Baptist Church of Bowling Green, Ky.—to the Committee on War Claims.

By Mr. WEISSE: A bill (H. R. 22060) granting an increase of pension to Edwin Daharsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22061) granting an increase of pension to Frank Lafond—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 22062) for the relief of Henry S. Winner—to the Committee on Military Affairs.

By Mr. YOUNG of New York: A bill (H. R. 22063) granting a pension to Louise M. Foster—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Petition of Post No. 119, Grand Army of the Republic, of Stanberry, Mo., to increase pensions of veterans of the civil and Mexican wars, and to repeal clauses of acts of June 27, 1890, and subsequent acts—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petition of F. A. Evans and others, against Senate bill 404, relative to Sunday observance—to the Committee on the District of Columbia.

By Mr. ANDERSON: Petition of Philadelphia Board of Trade, against the printing of advertisements on government stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Springfield (Mass.) Board of Trade, against publicity feature of the corporation-tax clause of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of Washington Grange, No. 1480, Bryan, Ohio, against increase in second-class postage rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of Springfield (Mass.) Board of Trade, against the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of A. A. Leonard, of Cleveland, Ohio, favoring a Sunday rest law for the District of Columbia (S. 404)—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of No. 70, of La Société des Artisans Canadiens Français of Augusta, Me., for House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of Woman's Club of Phoenixville, Pa., against use of the Hetch Hetchy Valley to supply water for San Francisco—to the Committee on the Public Lands.

By Mr. BYRNS: Paper to accompany bill for relief of Liberty Spring Missionary Baptist Church—to the Committee on War Claims.

By Mr. CALDERHEAD: Petition of Farmers' Union of Minneapolis, Kans., against trading in futures of farm products—to the Committee on Agriculture.

Also, petition of Farmers' Local Union of Minneapolis, Kans., against increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Lee Hardware Company and the Kansas Ice and Storage Company, of Salina, Kans., for repeal of the federal corporation tax—to the Committee on Ways and Means.

Also, petition of Marysville (Kans.) Council of the Sons and Daughters of Justice, in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. CASSIDY: Petition of Forest City Chapter, No. 315, American Insurance Union, against legislation preventing fraternal periodicals from right to carry advertising—to the Committee on the Post-Office and Post-Roads.

By Mr. CLINE: Paper to accompany bill for relief of John C. Stafford—to the Committee on Invalid Pensions.

By Mr. CONRY: Petition of assembly of the State of New York, favoring building one battle ship by the New York Navy-Yard—to the Committee on Naval Affairs.

Also, petition of United States Typothetæ, for elimination of printing return cards on stamped envelopes by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Association of State Universities of Illinois, against appropriation for the George Washington University—to the Committee on Agriculture.

Also, petition of Rochester (N. Y.) Chamber of Commerce, favoring embassy buildings abroad—to the Committee on Foreign Affairs.

By Mr. COOK: Petition of Philadelphia Board of Trade, favoring the Tou Velle bill (H. R. 3075) relative to printed cards and advertisements on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Board of Trade, for repeal of the federal corporation tax—to the Committee on Ways and Means.

Also, petition of Philadelphia Board of Trade, for the Weeks forest-reserve bill (H. R. 11798)—to the Committee on Agriculture.

By Mr. DICKINSON: Paper to accompany bill for relief of Fred Yeomans—to the Committee on Pensions.

By Mr. DRAPER: Petition of Salem Union Grange against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. DUREY: Petition of General Richard Montgomery Chapter, Daughters of the American Revolution, of Gravesville, N. Y., and Johnstown Chapter, Daughters of the American Revolution, of Johnstown, N. Y., for retention of the Bureau of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. ELLIS: Petition of Russellville Grange, No. 353, of Oregon, against the increase of rate of postage on periodicals and not to restrict rural delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. FITZGERALD: Petition of Electric Council, No. 69, Loyal Association, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Board of Trade, against sale of stamped envelopes with printed matter by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of Chamber of Commerce of Rochester, N. Y., for appropriation for United States consular buildings—to the Committee on Public Buildings and Grounds.

Also, petition of Women's Municipal League of New York, favoring a federal children's bureau—to the Committee on Labor.

Also, petition of the Typothetæ of New York, for House bill 3075, prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSS: Petition of Ouilmetta Council, No. 922, Wilmette, Ill., Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. FOSTER of Vermont: Petition of Degoesbriand Council, No. 279, and Bennington Council, No. 307, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Associated Fraternities of America, of Chicago, Ill., favoring the passage of the Dodds bill (H. R. 17543) to admit to the mails as second-class matter periodicals published by fraternal insurance societies, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Board of Trade, protesting against the printing of private matter on government stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of Massachusetts: Petition of Estus J. Hatch and 13 other members of Local Union No. 93, International Union of Steam Engineers, for the eight-hour bills, House bill 15441 and Senate bill 5578—to the Committee on Labor.

By Mr. GRAHAM of Illinois: Petition of Local Union No. 648, United Brotherhood of Carpenters and Joiners of America, of Peoria, Ill., for the eight-hour bill—to the Committee on Labor.

By Mr. HAMILTON: Petition of citizens of Paw Paw, Mich., against present law governing manufacture and sale of oleomargarine—to the Committee on Agriculture.

By Mr. HANNA: Petition of citizens of Russell, N. Dak., against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of Retail Butchers' Association, relative to increase of prices of living—to the Committee on Agriculture.

Also, petition of the Open Court, a literary society of San Jose, Cal., favoring conservation of national resources as per the policy of Roosevelt and Pinchot—to the Committee on Agriculture.

Also, petition of Shipowners' Association against transfer of the Pilot Chart preparation from the Hydrographic Office of the Navy Department to the Agricultural Department—to the Committee on Naval Affairs.

Also, petition of D. Holbert and 22 other farmers, of Campbell, for legislation against gambling in farm products—to the Committee on Agriculture.

Also, petition of Paul Zoiner, Fred Hassmann, Oscar Sellman, Fred G. Fraser, D. P. Haggerty, George Korman, Battisto Boetto, William Joyce, W. G. Permar, and J. N. Vendel, citizens of San Francisco, favoring an eight-hour workday on work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petitions of J. L. Schumacker, H. P. Borchers, Bruce McDonald, Fred W. Schaefle, F. G. Volkers, H. Koster, P. P. Thiel, S. J. Larmon, G. R. Fowler, A. J. Peters, W. P. Grant, Henry James Pascoe, Louis L. Goor, H. V. Kinsell, J. J. Giannini, J. H. Stockton, E. Mylchreest, William De J. Evans, J. Hannam, and B. S. Almason, citizens of San Jose, and Martin Miller, of Santa Clara, Cal., favoring an eight-hour workday on work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. HEALD: Petition of Methodist Episcopal Christian Endeavor Society, of Reliance, Del., for bill restricting liquor traffic in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HUGHES of New Jersey: Petition of citizens of Paterson, N. J., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. JAMES: Paper to accompany bill for relief of Nancy Polk, widow of Jonathan Polk—to the Committee on Invalid Pensions.

By Mr. JOYCE: Petition of W. C. Hammond and others, of Cambridge, Ohio, for an eight-hour workday on government works—to the Committee on Labor.

Also, petition of Farmers' Institute of Reinersville, Ohio, for a parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of San Francisco Lodge, No. 68, International Association of Machinists; United Garment Workers' Union No. 131; and Joseph M. Balmar and other residents of San Francisco, for House bill 15441, relative to an eight-hour day on all government works—to the Committee on Labor.

By Mr. KELIHER: Petition of citizens of Boston, favoring the eight-hour bill for government works—to the Committee on Labor.

By Mr. KNAPP: Petition of citizens of the Twenty-eighth Congressional District of New York, favoring House bill 8682, for better security of lives of passengers and crews of United States vessels—to the Committee on Interstate and Foreign Commerce.

By Mr. KORBLY: Petition of citizens of Indianapolis, Ind., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. KRONMILLER: Petition of Lodge No. 478, of the Polish National Alliance of the United States, against adoption of the Hayes bill—to the Committee on Immigration and Naturalization.

Also, petition of Independent Citizens' Union of Maryland, against Senate bill 404—to the Committee on the District of Columbia.

Also, petition of Columbia Council, No. 31, and Peabody Council, No. 116, Loyal Association, and others, of Baltimore, Md., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Albert M. Butts, alias Albert J. Stewart—to the Committee on Invalid Pensions.

Also, petition of citizens of Baltimore, Md., against Senate bill 404, relative to Sunday observance—to the Committee on the District of Columbia.

By Mr. McHENRY: Petition of citizens of Milton, Pa., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Danville, Pa., for Senate bill 404, relative to Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Shamokin, Pa., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Memorial of the Ot-si-ke-ta Chapter, of St. Clair, Mich., National Society Daughters of the American Revolution, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization, in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of the Kent County Volunteer Retired List Club, Grand Rapids, Mich., favoring the volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. MAGUIRE of Nebraska: Petition of Nebraska State Board of Health, for Senate bill 5072, relative to state board of health bulletins—to the Committee on the Post-Office and Post-Roads.

By Mr. MALBY: Papers to accompany bills for relief of Joel B. Hurlburt and William G. Smith—to the Committee on Invalid Pensions.

By Mr. MILLINGTON: Petition of Traffic Bureau of Utica, N. Y., against legislation to extend authority of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of Mohawk Valley Chapter, of Ilion, N. Y., and Astinnagen Chapter, of Little Falls, N. Y., Daughters of the American Revolution, against repeal of section 40 of immigration law—to the Committee on Immigration and Naturalization.

Also, petition of secretary of Typographical Union No. 62, of Utica, N. Y., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: Petition of Clayton Brothers, of Jenkintown, Pa., for House bill 3175, against printing stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Messrs. Barker & Co., B. Brown, and McMahon, all of Philadelphia, Pa., for Senate bills 234 and 3776, and House bill 9530—to the Committee on Interstate and Foreign Commerce.

Also, petition of The Commercial Exchange of Philadelphia, Pa., favoring House bill 17267—to the Committee on Interstate and Foreign Commerce.

Also, petition of William H. Hoskins Company, Edwin S. Paret Company, Charles J. Cohen & Son, Joseph Greiner, Francis B. Forderer, and Herbert Deuel, favoring House bill 3075 prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. OLDFIELD: Paper to accompany bill for relief of Rodney D. Rightmire—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of Andrew J. Wallis—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of Susan Leroy, wife, and committee of Isaac Leroy Company—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Horace D. Bennett—to the Committee on Military Affairs.

By Mr. PERKINS: Petition of 105 members of the Italian Branch, Rochester Street and Building Laborers' Union, of Rochester, N. Y., favoring House bill 15441, for an eight-hour law on government work—to the Committee on Labor.

By Mr. PLUMLEY: Papers to accompany bill for relief of Elwin A. Howe, of Ludlow, Vt.—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of Kansas City Clearing House Association, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of Edward Supple and other citizens of Chelsea, Mass., for an appropriation to raise the wreck of the *Maine*—to the Committee on Naval Affairs.

By Mr. SCOTT: Petition of Eli Rabbett and 21 others, all of Iola, Kans., against Senate bill 404—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of Washington Council, No. 4, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLOWAY: Petition of La Société des Artisans Canadiens Français, of Laconia, N. H., favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. SWASEY: Petition of La Société des Artisans Canadiens Français, Nos. 31 and 392, Branch St. Marie, Lewiston, Me., favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of sundry citizens of Norway, Me., against the establishment of postal savings banks, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Kentucky: Petition of sundry citizens of Muhlenberg County, Ky., favoring the eight-hour law on contract work for the Government—to the Committee on Labor.

By Mr. WEISSE: Petition of Albert Blankenheim and Peter Feider and others, against change in oleomargarine law—to the Committee on Agriculture.

Also, petition of Chamber of Commerce of Milwaukee, Wis., for an appropriation for improvement of the harbor of Buffalo—to the Committee on Rivers and Harbors.

Also, petition of Philadelphia Board Trade, for Senate bill 1614 and House bill 3075, relative to printed cards and advertisements on stamped envelopes—to the Committee on Expenditures in the Post-Office Department.

SENATE.

TUESDAY, *March 1, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

Mary Ellen Taylor, widow and sole heir of William Taylor, deceased, *v.* United States (S. Doc. No. 391);

Judah Bloomstein, administrator of Jacob Bloomstein, deceased, *v.* United States (S. Doc. No. 394);

Henry C. Pearson *v.* United States (S. Doc. No. 395);

Trustees of the Methodist Episcopal Church South, of Boothsville, W. Va., *v.* United States (S. Doc. No. 397);

Martha A. Vaughn Benton *v.* United States (S. Doc. No. 393);

Herman W. Reichow *v.* United States (S. Doc. No. 396); and

Cornelius F. Terrell, Cordelia I. Terrell, and Vera R. Terrell-Harper, sole heirs of the estate of Richard Terrell, deceased, *v.* United States (S. Doc. No. 392).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16915. An act to direct that Jefferson street NW., between Fourteenth street and Colorado avenue, be stricken from the plan of the permanent system of highways for the District of Columbia; and

H. R. 20164. An act authorizing the extension of Military road NW., in the District of Columbia.

The message also returned to the Senate, in compliance with its request, the bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 6271. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 18586. An act amending sections 246 and 247, Revised Statutes.

PETITIONS AND MEMORIALS.

The Vice-President presented a petition of the Appalachian Mountain Club, of Boston, Mass., praying that recognition be granted to Commander R. E. Peary, U. S. Navy, for his services in the expedition of the discovery of the North Pole, which was referred to the Committee on Naval Affairs.

Mr. LODGE. I present memorials of 42 Grand Army posts in the State of Massachusetts, remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol. I ask that the names of the Grand Army posts be printed in the RECORD and that the memorials be referred to the Committee on the Library.

There being no objection, the memorials were referred to the Committee on the Library, and the names of the Grand Army posts were ordered to be printed in the RECORD, as follows:

William Logan Rodman Post, No. 1, New Bedford; Charles Russell Lowell Post, No. 7, Boston; Abraham Lincoln Post, No. 11, Boston; H. M. Warren Post, No. 12, Wakefield; Fletcher Webster Post, No. 13, Brockton; John A. Andrew Post, No. 15, Boston; E. K. Wilcox Post, No. 16, Springfield; Major E. F. Fletcher Post, No. 22, Milford; A. B. R. Sprague Post, No. 24, Grafton; H. H. Legg Post, No. 25, Uxbridge; William H. Smart Post, No. 30, Cambridge; Theodore Winthrop Post, No. 35, Chelsea; Needham Post, No. 39, Lawrence; Union Post, No. 50, Peabody; J. C. Freeman Post, No. 55, Provincetown; General Wadsworth Post, No. 63, Natick; Allen Post, No. 67, Manchester; Joseph P. Rice Post, No. 69, Westminster; David A. Russell Post, No. 78, Whitman; C. D. Sanford Post, No. 79, North Adams; John Goodwin, jr., Post, No. 82, Marblehead; General Sylvanus Thayer Post, No. 87, Braintree; Paul Revere Post, No. 88, Quincy; John H. Chipman, jr., Post, No. 89, Beverly; E. P. Carpenter Post, No. 91, Foxboro; Miller Post, No. 93, Shelburne Falls; Charles Sumner Post, No. 101, Groveland; O. W. Wallace Post, No. 106, Rockport; L. L. Merrick Post, No. 107, Palmer; Parker Post, No. 123, Athol; E. B. Nye Post, No. 203, Bourne; General Lawton Post, No. 146, Lawrence; Preston Post, No. 188, Beverly Farms; John Rogers Post, No. 170, Wakefield; Major Boyd Post, No. 151, West Newbury; Charles W. Carroll Post, No. 144, Dedham; Robert A. Bell Post, No. 134, Boston; Justin Dimick Post, No. 124, East Bridgewater; George H. Ward Post, No. 10, Worcester; Francis Gould Post, No. 36, Arlington; General Lander Post, No. 5, Lynn; and McPherson Post, No. 73, all of the Grand Army of the Republic, Department of Massachusetts.

Mr. CULLOM presented a memorial of sundry citizens of Peoria, Ill., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of Local Union No. 707, United Mine Workers of America, of Peoria, Ill., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Springfield, Ill., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the Williamson Produce Company, of Quincy, Ill., praying for the repeal of the corporation-tax law, which was referred to the Committee on Finance.

Mr. BRISTOW presented a petition of sundry citizens of Jewell, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Home Missionary Society of Salina, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Home Missionary Society of Salina, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of Local Union No. 135, United Mine Workers of America, of Frontenac, Kans., praying for the enactment of legislation to establish a bureau of mines in the Interior Department, which was referred to the Committee on Mines and Mining.

He also presented a memorial of sundry presidents, chancellors, and principals of educational institutions in the United States, remonstrating against any appropriation being made in aid of the George Washington University, Washington, D. C., which was ordered to lie on the table.

He also presented a petition of sundry citizens of the State of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on Interstate Commerce.

Mr. OLIVER presented a petition of the Bethlehem Indian Association, of Bethlehem, Pa., praying for the enactment of legislation providing for the improvement of the Indians now in the care of the Government under the reservation system, which was referred to the Committee on Indian Affairs.

He also presented memorials of sundry citizens of Milton and Apollo, in the State of Pennsylvania, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Woman's Club of Phœnixville, Pa., remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on the Conservation of National Resources.

He also presented a memorial of Lieutenant S. C. Potts Post, No. 62, Department of Pennsylvania, Grand Army of the Republic, of Altoona, Pa., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

Mr. ELKINS presented a memorial of the Clearing House Association of Wheeling, W. Va., remonstrating against the

passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BULKELEY presented a petition of Stamford Chapter of the National Society, Daughters of American Revolution, of Stamford, Conn., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. PERKINS presented a petition of Fresno Council, No. 840, Knights of Columbus, of Fresno, Cal., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the enactment of legislation to create a court of commerce and to amend an act entitled "An act to regulate commerce," which was ordered to lie on the table.

Mr. FRYE presented a petition of the Maine Federation of Women's Clubs, praying for the enactment of legislation providing for the preservation of the national parks of the country, which was referred to the Committee on Conservation of National Resources.

Mr. DEPEW presented a concurrent resolution of the legislature of New York, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, IN ASSEMBLY,
February 14, 1910.

Whereas the United States possesses one of the finest navy-yards in the world, situate in the borough of Brooklyn, city and State of New York, and comprising 144 acres of land and 3 miles of water front; and

Whereas said navy-yard is sufficiently equipped to economically and expeditiously construct the largest class of battle ships, as has been demonstrated by the building of the U. S. battle ship *Connecticut*, once the flagship of Rear-Admiral Evans; and

Whereas the maintenance of a well-organized and efficient mechanical force in said yard, ready to meet any emergency, is demanded; and

Whereas the general board of the navy has requested the immediate construction of four new ships of the *Delaware* type, or superior thereto, and the Naval Committee of Congress now have under consideration a bill providing for the construction thereof: Now, therefore, be it

Resolved (if the senate concur), That the Representatives in Congress from this State be, and hereby are, requested to secure the incorporation in the bill providing for the construction of said ships a clause requiring that at least one of them be constructed in the Brooklyn Navy-Yard, and that the clerk be directed to transmit a copy of this resolution to each of the Representatives in Congress from this State.

By order of the assembly.

RAY B. SMITH, *Clerk.*

IN SENATE, *February 17, 1910.*

Concurred in without amendment.
By order of the senate.

LAFAYETTE B. GLEASON, *Clerk.*

As directed by the foregoing resolution, I hereby transmit the same to you.

RAY B. SMITH,
Clerk of the Assembly.

ALBANY, N. Y., *February 23, 1910.*

He also presented a petition of the Chamber of Commerce of Rochester, N. Y., praying that an appropriation be made for the purchase and erection of buildings for the ambassadors of the United States in foreign countries, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Society of Civil Engineers of Albany, N. Y., praying for the enactment of legislation to increase the efficiency of the civil engineers of the army and navy, which was referred to the Committee on Military Affairs.

He also presented a memorial of Typographical Union No. 62, American Federation of Labor, of Utica, N. Y., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry chapters of the National Society, Daughters of American Revolution, of Ilion, Addison, and Little Falls, all in the State of New York, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented petitions of sundry councils of the Loyal Association and Knights of Columbus, of Brooklyn, New York City, and Whitehall, all in the State of New York, praying for the enactment of legislation providing for the admission of the publications of fraternal societies as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ALDRICH presented petitions of sundry citizens of Providence, R. I., praying for the repeal of the publicity clause contained in the corporation-tax law, which were referred to the Committee on Finance.

Mr. HALE presented a petition of the Margaret Goff Moore Chapter of the National Society, Daughters of the American Revolution, of Madison, Me., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of Washington Council, No. 42, Knights of Pythias, of Woodland, Me., remonstrating against the enactment of legislation to prohibit the wearing of the United States uniform by unauthorized persons, which was referred to the Committee on Military Affairs.

Mr. RAYNER presented a petition of Mordecai Gist Chapter of the National Society, Daughters of the American Revolution, of Baltimore, Md., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. PILES presented a memorial of Local Grange No. 292, Patrons of Husbandry, of Poulsbo, Wash., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURTON presented a memorial of Washington Grange, No. 1480, Patrons of Husbandry, of Defiance, Ohio, remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Piqua Council, No. 1094, Knights of Columbus, of Ohio, and a petition of Mansfield Council, No. 687, Knights of Columbus, of Mansfield, Ohio, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PENROSE presented a petition of the American Philosophical Society, of Philadelphia, Pa., praying for the enactment of legislation to establish a national bureau of seismology under the management of the Smithsonian Institution, which was referred to the Committee on the Geological Survey.

Mr. STONE presented memorials of sundry citizens of Hermann, Rea, Owensville, Mount Vernon, and Miller, all in the State of Missouri, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the repeal of the publicity clause in the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Benton, Mo., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Benton, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Benton, Mo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented memorials of sundry lodges, Knights of Pythias, of Kansas City, Chaffee, Jefferson City, and Camden, all in the State of Missouri, remonstrating against the enactment of legislation to prohibit the wearing of the United States uniform by unauthorized persons, which were referred to the Committee on Military Affairs.

He also presented a petition of the Missouri Commandery, Military Order of the Loyal Legion of United States, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

He also presented a petition of Jemina Alexander Sharp Chapter of the National Society, Daughters of American Revolution of the State of Missouri, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of Local Council No. 858, Knights of Columbus, of St. Louis, Mo., praying for the enactment of leg-

islation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Cardwell, Mo., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry lodges, Farmers' Educational and Cooperative Union of America, of Mountain View, Westplains, Poplar Bluff, Dixon, Essex, Malden, Richville, Sedan, Blanche, Lynchburg, Lebo, Peace Valley, Lebanon, and Sudheimer, all in the State of Missouri, praying for the enactment of legislation to prohibit gambling by exchanges in farm products and remonstrating against the increase in the rate of postage on second-class mail matter, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry local unions, American Federation of Labor, of Poplar Bluff, Springfield, Sedalia, and Joplin, all in the State of Missouri, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry local unions, American Federation of Labor, of St. Louis, De Soto, Joplin, Richmond, and St. Joseph, all in the State of Missouri, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. BOURNE presented the petition of Frank Parker, Joseph Kosydar, and 62 other citizens of Siletz, Oreg., praying for the enactment of legislation for the relief of the settlers on the Siletz Indian Reservation, which was referred to the Committee on Public Lands.

He also presented sundry papers to accompany the bill (S. 6821) granting an additional 1,000,000 acres of land to the State of Oregon under the provisions of the Carey Act, and permitting the drainage of swamp and submerged lands and granting such lands to said State, which were referred to the Committee on Public Lands.

Mr. OVERMAN presented a petition of sundry citizens of Raleigh, N. C., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

INCOME TAX.

Mr. BROWN. I present a letter from Senator ROOT to Hon. Frederick M. Davenport, a member of the legislature of New York, relative to the proposed income-tax amendment to the Constitution of the United States. I ask that the letter be printed in the RECORD and also as a Senate document (S. Doc. No. 398).

There being no objection, the letter was ordered to be printed as a document and also in the RECORD, as follows:

UNITED STATES SENATE,
Washington, D. C., February 17, 1910.

MY DEAR SENATOR: Since our conversation last month I have given much consideration to the scope and effect of the proposed income-tax amendment to the Constitution of the United States.

Much as I respect the opinion of the governor of the State, I can not agree with the view expressed in his special message of January 5, and as I advocated in the Senate the resolution to submit the proposed amendment, it seems appropriate that I should state my view of its effect.

The proposed amendment is in these words:

"ARTICLE 16. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration."

The objection made to the amendment is that this will confer upon the National Government the power to tax incomes derived from bonds issued by the States or under the authority of the States and will place the borrowing capacity of the State and its governmental agencies at the mercy of the federal taxing power.

I do not find in the amendment any such meaning or effect. I do not consider that the amendment in any degree whatever will enlarge the taxing power of the National Government or will have any effect except to relieve the exercise of that taxing power from the requirement that the tax shall be apportioned among the several States. The effect of the amendment will be, in my view, the same as if it said, "The United States may lay a tax on incomes without apportioning the tax, and this shall be applicable whatever the source of the income subjected to the tax," leaving the question "What incomes are subject to national taxation?" to be determined by the same principles and rules which are now applicable to the determination of that question.

If we were to construe the proposed amendment only by a critical examination of its words, the view upon which the objection is based would be reached by practically cutting the provision in two and reading it as if it read, "The Congress shall have power to lay and collect taxes on incomes from whatever source derived," without the concluding words. But we are not at liberty to do this. The amendment consists of a single sentence, and the whole of it must be read together. It expresses but a single idea, and that is that the tax to which it relates must be laid and collected without apportionment among the several States and without regard to any census or enumeration, while the words "from whatever source derived" are obviously introduced to make the exemption from the rule of apportionment comprehensive and applicable to all taxes on incomes.

We are not left, however, to a mere critical examination of words. This provision, as Mr. Justice Bradley said of the Constitution, in the Legal Tender cases, is "to be interpreted in the light of history and of the circumstances of the period in which it was framed." Justice Story said of another clause of the Constitution, in Brisco *v.* The Bank of Kentucky (11 Pet., 332):

"And I mean to insist that the history of the colonies, before and during the Revolution, and down to the very time of the adoption of the Constitution, constitutes the highest and most authentic evidence to which we can resort to interpret this clause of the instrument; and to disregard it would be to blind ourselves to the practical mischiefs which it was meant to suppress, and to forget all the great purposes to which it was to be applied."

This view must necessarily be applied to the proposed amendment if it be adopted. It will be construed in the light of the judicial and political history which led to the proposal and which appears upon the public records of our Government.

What is that history? The Constitution of 1787 conferred upon the National Government the power of taxation without any limit whatever except that taxes on exports were prohibited.

The method of exercising the power, however, was subjected to two limitations. One, that imports, duties, and excises should be uniform, and the other, that direct taxes should be apportioned among the States. The apportionment provisions were as follows:

Article I, section 2:

"Representative and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers," etc. (Amended, but not in this respect, by the fourteenth amendment.)

Article I, section 9:

"No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken."

For more than a hundred years after the adoption of the Constitution various tax laws of Congress were from time to time brought before the courts upon objections that they imposed direct taxes in violation of the rule of apportionment. The decisions of the courts uniformly sustained these laws, from the Hylton case, in 1796, which sustained an unapportioned tax on carriages (3 Dall., 171), to the Springer case, in 1880, which sustained an unapportioned tax on incomes (102 U. S., 586).

In the meantime numerous laws were passed and enforced imposing taxes on incomes without apportionment; and a great part of the means for carrying on the civil war was derived from such taxes.

In the year 1895, however, an income-tax law, included in the Wilson tariff act of 1894, was brought before the Supreme Court in the case of Pollock *v.* The Farmers' Loan and Trust Company, and in that case the court decided against the law. The case was heard twice. On the first hearing a majority of the court held that a tax on income derived from real estate must be apportioned as a direct tax, because a tax on real estate itself would be direct; and the judges divided equally as to whether a tax on income derived from personal property must be apportioned (157 U. S., 429).

Upon the second hearing of the case the court, by a majority of five to four, held that a tax upon income derived from personal property must be considered a direct tax and must be apportioned (158 U. S., 601). All the judges agreed, however, that taxes on incomes derived from business or occupations need not be apportioned. The effect of these decisions was thus described in one of the minority opinions:

"But the serious aspect of the present decision is that by a new interpretation of the Constitution, it so ties the hands of the legislative branch of the Government, that without an amendment of that instrument, or unless this court, at some future time, should return to the old theory of the Constitution, Congress can not subject to taxation—however great the needs or pressing the necessities of the Government—either the invested personal property of the country, bonds, stocks, and investments of all kinds, or the income arising from the renting of real estate, or from the yield of personal property, except by the grossly unequal and unjust rule of apportionment among the States. Thus, undue and disproportioned burdens are placed upon the many, while the few, safely intrenched behind the rule of apportionment among the States on the basis of numbers, are permitted to evade their share of responsibility for the support of the Government ordained for the protection of the rights of all."

It was so evidently impossible to collect an income tax by apportionment among the States according to population that the general judgment of the country confirmed the opinion that the decision in the Pollock case had practically taken away from Congress a power of vital importance to the General Government—a power the exercise of which had, at least in one time of peril, proved essential to the Nation's life.

The attention of the country was sharply called to the need of more government revenue for the first time after the Pollock case by the decrease of customs and internal-revenue receipts and the rapidly mounting deficit which followed the financial panic of 1907; and in the extraordinary session of Congress which began March 15, 1909, when the revised tariff bill came into the Senate, an amendment to the bill was introduced, reproducing in substance the old income-tax provisions of 1894, which the Supreme Court had held to be invalid, both as to income derived from real estate and as to income derived from personal property.

The avowed and necessary effect of including such provisions in the new tariff law would be to present again to the Supreme Court the same questions which had been decided in the Pollock case and to challenge a reversal of their decision. Thereupon the resolution for the submission of this amendment was introduced in the Senate and was passed by Congress.

The proposal followed the suggestions of the Supreme Court in the Pollock case.

The evil to be remedied was avowedly and manifestly the incapacity of the National Government resulting from the decision that income practically could not be taxed when derived either from real estate or from personal property, although it could be taxed when derived from business or occupation.

The terms of the amendment are apt to cure that evil and to take away from the different classes of income considered by the court a practical immunity from taxation based upon the source from which they were derived.

There was no question in Congress or in the courts or in the country about the taxation of state securities. No one claimed that the inability of the General Government to tax them was an evil. The inability to tax them did not arise from the terms of the Constitution, but from the fact that, being the necessary instruments of carrying on other and sovereign governments, they were not the proper subject of

national taxation, and that therefore no provisions of the Constitution, however wide the scope of their language, could be held to apply to such securities or to the income from them. Judge Cooley, in his work on Constitutional Law, says:

"The power to tax, whether by the United States or by the States, is to be construed in the light of and limited by the fact that the States and the Union are inseparable, and that the Constitution contemplates the perpetual maintenance of each with all its constitutional powers, unembarrassed and unimpaired by any action of the other. The taxing power of the Federal Government does not therefore extend to the means or agencies through or by the employment of which the States perform their essential functions, etc."

This rule of construction has been maintained for generations. It is undisputed; it was referred to with approval by the justices who wrote and delivered the opinions in the Pollock case both for and against the judgment. It has been declared again and again by the Supreme Court to be not open to question. It is a rule of construction just as controlling in defining the scope of the proposed amendment as it is in defining the scope of the existing provisions. Under it, from the earliest times of our Government, the apparently unlimited taxing power conferred by the terms of the Constitution has been held not to apply to the instrumentalities of the State. Under it acts of Congress which, by their express terms, appeared to include instrumentalities of state government have uniformly been held not to include them.

This uniform, long-established, and indisputable rule applied to the construction of our Constitution—a rule which has been declared to be essential to a continuance of our dual system of government—forbids that the words of that instrument conferring the power of taxation shall be deemed to apply to anything but the proper subjects of national taxation. Under it we are forbidden to apply the words "from whatever source derived" in the proposed amendment to any of the instrumentalities of state government.

This amendment will be no new grant of power. The Congress already has power to impose taxes on incomes from whatever source derived, subject to the rule of construction which excludes state securities from the operation of the power, but the taxes so imposed must be apportioned among the States. Under the proposed amendment there will be the same and no greater power to tax incomes from whatever source derived, subject to the same rule of construction, but relieved from the requirement that the tax shall be apportioned.

It appears, therefore, that no danger to the powers or instrumentalities of the States is to be apprehended from the adoption of the amendment.

It would be cause for regret if the amendment were rejected by the legislature of New York.

It is said that a very large part of any income tax under the amendment would be paid by citizens of New York. That is undoubtedly true, but there is all the more reason why our legislature should take special care to exclude every narrow and selfish motive from influence upon its action and should consider the proposal in a spirit of broad national patriotism and should act upon it for the best interests of our whole country.

The main reason why the citizens of New York will pay so large a part of the tax is that New York is the chief financial and commercial center of a great country, with vast resources and industrial activity. For many years Americans engaged in developing the wealth of all parts of the country have been going to New York to secure capital and market their securities and to buy their supplies. Thousands of men who have amassed fortunes in all sorts of enterprises in other States have gone to New York to live, because they like the life of the city or because their distant enterprises require representation at the financial center.

The incomes of New York are in a great measure derived from the country at large. A continual stream of wealth sets toward the great city from the mines and manufactories and railroads outside of New York. The United States is no longer a mere group of separate communities embraced in a political union; it has become a product of organic growth, a vast industrial organization covering and including the whole country; and the relation of New York City to the whole organization of which it is a part is the great source of her wealth and the chief reason why her citizens will pay so great a part of an income tax. We have the wealth because behind the city stands the country. We ought to be willing to share the burdens of the National Government in the same proportion in which we share its benefits.

The circumstances that originally justified the establishment of the rule of apportionment in the Constitution have long since passed away. It is universally conceded that its application to existing conditions would be so unjust and inequitable as to be impossible. The power of taxation which the rule makes it impossible for the Nation to exercise may be again, as it has once been, vital to the preservation of national existence. It would be most unfortunate if the several States of the Union were to insist upon the continuance of this unjust and useless limitation upon the necessary powers originally and wisely granted to the National Government.

With kind regards, I am always,

Very sincerely, yours, ELIHU ROOT.

Hon. FREDERICK M. DAVENPORT,
Senate Chamber, Albany, N. Y.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (H. R. 11421) for the relief of R. J. Warren, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. 20835) authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory, reported it without amendment.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4024) to provide for the purchase of ground for and the erection of a public building for an immigration station, on a site to be selected for said station, in the city of Seattle, Wash., asked to be discharged from its further consideration and that it be referred to the Committee on Immigration, which was agreed to.

Mr. McCUMBER, from the Committee on Finance, to whom was referred the bill (H. R. 5272) for the relief of the Bridgeport National Bank, Bridgeport, Ohio, reported it without amendment.

Mr. ELKINS, from the Committee on Interstate Commerce, to whom was referred the bill (H. R. 17263) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. OVERMAN, from the Committee on Claims, to whom was referred the bill (S. 1318) for the relief of Arthur H. Barnes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4399) for the relief of Maj. Pierre C. Stevens, reported it without amendment and submitted a report (No. 299) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5269) to provide for allotments to certain members of the Hoh, Quileute, and Ozette tribes of Indians, in the State of Washington (Report No. 300);

A bill (S. 6808) granting lands for reservoirs, etc. (Report No. 301); and

A bill (S. 6747) for the relief of the heirs of John Hoffman, deceased (Report No. 302).

LEVEE STEAM COTTON PRESS COMPANY.

Mr. BURNHAM, from the Committee on Claims, reported the following resolution (S. Res. 191), which was considered by unanimous consent and agreed to:

Senate resolution 191.

Resolved, That the bill (S. 6245) entitled "A bill for the relief of the Levee Steam Cotton Press Company, of New Orleans, in the State of Louisiana," now pending in the Senate, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

ST. CROIX RIVER BRIDGE.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6449) permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota, to report it favorably with amendments, and I submit a report (No. 298) thereon.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate as in Committee of the Whole proceeded to its consideration.

The amendments were, on page 1, lines 5 and 6, to strike out the words "its successors or assigns;" in line 7, after the words "St. Croix River," to insert "at a point suitable to the interests of navigation;" to strike out all of section 2 of the bill on page 2, and to renumber section 3 to stand as section 2, so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Wisconsin Central Railway Company, a railway corporation organized under the laws of the State of Wisconsin, to build a railroad bridge across the St. Croix River at a point suitable to the interests of navigation from a point on the east bank of said river in the vicinity of the township line between townships 30 and 31 north, in St. Croix County, Wis., to a point on the west bank of said river in the vicinity of the township line between said townships 30 and 31 north, in Washington County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 16, submitted by Mr. BRADLEY March 29, 1909, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 16.

Resolved, That the Committee on Expenditures in the Department of Justice be, and is hereby, authorized to employ an assistant clerk to be paid from the contingent fund of the Senate at the rate $1,440 per annum.

ALONZO H. STEWART.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 190, submitted yesterday by Mr. HALE, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 190.

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate, to Alonzo H. Stewart, late assistant doorkeeper of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his resignation.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 6830) granting an increase of pension to Inzetta A. Small (with accompanying papers); and

A bill (S. 6831) granting a pension to Emma A. Brown (with an accompanying paper); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 6832) granting an increase of pension to William H. Chapin; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6833) granting an increase of pension to Francis W. Seeley; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6834) granting a pension to Mary Carr; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 6835) granting an increase of pension to William Hobbs (with accompanying papers);

A bill (S. 6836) granting an increase of pension to A. J. Morgan (with accompanying papers); and

A bill (S. 6837) granting a pension to Sarah Wilson; to the Committee on Pensions.

A bill (S. 6838) for the relief of James Anderson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6839) to provide for the purchase of a site and the erection of a public building at Chanute, Kans.;

A bill (S. 6840) to provide for the erection of a public building at Abilene, Kans.; and

A bill (S. 6841) to provide for the erection of a public building at Concordia, Kans.; to the Committee on Public Buildings and Grounds.

A bill (S. 6842) to authorize the Secretary of the Interior to rent water to actual settlers, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 6843) for the relief of Jacob Samuel Weaver (with an accompanying paper); to the Committee on Claims.

By Mr. LODGE:

A bill (S. 6844) authorizing the President to appoint Charles L. Lavinne a second lieutenant (with accompanying papers); to the Committee on Military Affairs.

By Mr. ELKINS:

A bill (S. 6845) granting a pension to Sampson Snyder; to the Committee on Pensions.

A bill (S. 6846) for the relief of Andrew Harper; to the Committee on Claims.

By Mr. FRYE:

A bill (S. 6847) granting an increase of pension to Albert A. Burleigh;

A bill (S. 6848) granting an increase of pension to James L. Baker (with an accompanying paper); and

A bill (S. 6849) granting an increase of pension to Edward King (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6850) to amend section 4868 of the Revised Statutes of the United States (with accompanying papers); to the Committee on the Judiciary.

By Mr. GALLINGER (for Mr. NELSON):

A bill (S. 6851) authorizing the village of Taylors Falls, Minn., and the village of St. Croix Falls, Wis., to construct a bridge across the St. Croix River; to the Committee on Commerce.

By Mr. BORAH:

A bill (S. 6852) repealing section 29 of the act of August 5, 1909; to the Committee on the Judiciary.

By Mr. BURNHAM:

A bill (S. 6853) granting an increase of pension to Leonard Boardman; and

A bill (S. 6854) granting a pension to Marion E. Laird; to the Committee on Pensions.

By Mr. CLAY:

A bill (S. 6855) for the relief of Josephine Garcia, administratrix of the estate of Bernardo Garcia, deceased; and

A bill (S. 6856) for the relief of the estate of Mary Lloyd, deceased; to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 6857) for the relief of Frederick Pate; to the Committee on Claims.

A bill (S. 6858) granting a pension to Stephen Rice; and

A bill (S. 6859) granting an increase of pension to Jerry Ramsey; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6860) granting a pension to Isaac W. Chatfield (with accompanying papers); and

A bill (S. 6861) granting a pension to William R. Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6862) to correct the military record of Charles E. Bentley and to grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. SMITH of South Carolina:

A bill (S. 6863) for the relief of Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased, late of Charleston, S. C.; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 6864) for the relief of Dr. J. L. Vineyard; and

A bill (S. 6865) for the relief of the heirs or estate of W. C. Burlison, deceased; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 6866) to provide for the erection of a public building at Casper, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

By Mr. OVERMAN:

A bill (S. 6867) to credit certain officers of the Medical Department, United States Army, with services rendered as acting assistant surgeons during the civil war; to the Committee on Military Affairs.

By Mr. CLARK of Wyoming:

A bill (S. 6868) to provide for the erection of a public building in the city of Douglas, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

By Mr. PENROSE:

A bill (S. 6869) to determine the quantity of the so-called hammer blow, centrifugal lift, and tangential throw of the counterbalance in locomotive driving wheels; to the Committee on Interstate Commerce.

A bill (S. 6870) to provide for the erection of a public building in the city of Sunbury, in the State of Pennsylvania; to the Committee on Public Buildings and Grounds.

A bill (S. 6871) granting a pension to William H. Richardson;

A bill (S. 6872) granting a pension to Kate G. Stackhouse (with accompanying papers); and

A bill (S. 6873) granting a pension to Blanche Irene Buckwalter (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $20,000 for the organization and maintenance of a seismological laboratory under the direction of the Smithsonian Institution, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Geological Survey and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $20,000 for the construction, equipment, and support of one or more schools in the State of Florida for Seminole Indian youth, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. BORAH submitted an amendment providing that lands in private ownership shall pay only $6 per acre for water rights, including construction charges, as provided in the act of March 1, 1907, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. CLAY submitted an amendment proposing to appropriate $90,000 to pay Hugh H. Gordon, attorney for Indians on the Colville Reservation, for services rendered in the prosecution of their claim for the payment of lands ceded to the United States, etc., which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. BRANDEGEE submitted an amendment relative to the survey of New Haven Harbor, Connecticut, intended to be proposed by him to the river and harbor appropriation bill, which

was referred to the Committee on Commerce and ordered to be printed.

Mr. BOURNE submitted an amendment relative to the improvement of the Willamette River between Portland and Oregon City, Oreg., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. ELKINS submitted an amendment relative to the separating of the waters of the Red and Atchafalaya rivers from those of the Mississippi River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PENROSE submitted an amendment relative to the survey of a canal from the Ohio River at or near Pittsburg, Pa., to Lake Erie, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JONES submitted an amendment relative to the survey of the Hoquiam River, State of Washington, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. McCUMBER submitted an amendment relative to the survey of the Missouri River from Sioux City, Iowa, to Fort Benton, Mont., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. McENERY it was

Ordered, That the following bills with the papers attached, there being no adverse reports, be withdrawn from the files of the Senate and be returned to the attorneys representing the claimants:

S. 5816 (61st Cong.). The estate of Felix De Jean, of St. Landry Parish, La.;

S. 5810 (61st Cong.). The estate of Felix J. Guidry, of Lafayette Parish, La.;

S. 5815 (61st Cong.). The heirs of J. Casimir Le Blanc, of St. Landry Parish, La.;

S. 5814 (61st Cong.). The heirs of Pierre Goudeau, of St. Landry Parish, La.;

S. 5817 (61st Cong.). The heirs of Joseph D. Guidry, of St. Landry Parish, La.; and

S. 5818 (61st Cong.). The heirs of Rodolphe Chachere, of St. Landry Parish, La.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14464) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 12, 15, 16, 19, 20, 34, 35, 39, 40, 45, 48, 49, 50, 59, 64, 65, 81, 85, 86, 87, 92, 93, 94, 95, 96, 97, 98, 117, 125, 126, 130, 140, 141, 142, 143, 147, 155, 156, 158, 166, 170, 171, 175, 182, 183, 184, 185, 187, 195, 197, 198, 199, 213, 215, 216, 217, and 218.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 9, 10, 11, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 42, 43, 46, 47, 52, 53, 54, 55, 56, 57, 58, 63, 66, 69, 70, 72, 73, 77, 79, 80, 82, 84, 89, 90, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 113, 114, 115, 121, 122, 123, 124, 128, 129, 131, 136, 138, 139, 146, 148, 150, 151, 152, 153, 154, 157, 159, 160, 162, 163, 164, 165, 167, 169, 179, 180, 181, 186, 188, 192, 202, 203, 204, 205, 208, 209, 210, 212, 214, 220, 223, 224, 225, and 226; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Storekeeper, eight hundred dollars; messenger, six hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "One thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Chief clerk, one thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and nine thousand seven hundred and seventy-six dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-one thousand seven hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Strike out the amended paragraph and in lieu thereof insert the following:

"For extra labor in the preparation of tax-sale certificates, with authority to employ clerks, eight hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out all after the words "clerks," in line 5, down to and including the word "hours," in line 6, of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-nine thousand four hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided further*, That hereafter no illustrations shall be used in the annual report of any department of the government of the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: At the end of said amendment, after the word "necessary," insert the following: ", to be immediately available;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: On page 22 of the bill, in line 23, after the word "clerks," strike out the words "of the auditor's and other offices after office hours;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"Northeast: Monroe street, Thirteenth to Fifteenth street, grade and improve, four thousand dollars; and the City and Suburban Railway of Washington be, and it is hereby, authorized and directed to remove its double tracks from Michigan avenue from the intersection thereof with Monroe street NE. eastwardly to the tracks of the Baltimore and Ohio Railroad, and to extend its double tracks on Monroe street NE. eastwardly from said intersection and over the Monroe Street Bridge to Twelfth street NE., thence on Twelfth street northwardly to the Bunker Hill road, and thence northwardly on such street or road as may be designated by the Commissioners of the District of Columbia to the intersection of such street or road with the boundary line of the District of Columbia.

"The removal of existing tracks east of the intersection of Monroe street and Michigan avenue and the extension of the new double tracks on Monroe street as far as Twelfth street NE., as herein provided for, shall be completed within six months from the date of the granting of a permit therefor by the Commissioners of the District of Columbia; that the construction of that portion of the extension from Twelfth and Monroe streets to the Bunker Hill road, as herein provided for, shall be commenced within six months from the date of the granting of a permit therefor by the Commissioners of the District of Columbia and completed within six months from the commencement of construction operations; that the construction of that portion of the extension from the Bunker Hill road to the District line, herein provided for, shall be commenced within six months from the date of the granting of a permit therefor by the Commissioners of the District of Columbia and completed within one year from the commencement of construction operations; that the cost of widening the roadway of Monroe street NE. between Tenth and Twelfth streets, to make the same forty feet wide from curb to curb, shall be paid by the City and Suburban Railway of Washington; and in default of such commencements and completions within the several periods specified herein all rights, franchises, and privileges granted herein shall, with respect to the defaulted portions of the route or routes, cease and determine.

"The said City and Suburban Railway of Washington shall have, over and respecting the routes herein provided for, the same rights, powers, privileges, duties, and obligations as it has, and hereafter may have, by law over and respecting its present route, and shall be subject in respect thereto to all the other provisions of its charter and of law.

"The City and Suburban Railway of Washington is hereby authorized to operate over its tracks cars for the conveyance of parcels, milk, ice, light freight, and of fuel for the use of such company: *Provided*, That fuel cars shall be operated only during the hours between twelve o'clock midnight and five o'clock antemeridian, and shall be subject to such regulations as may be made by the Interstate Commerce Commission."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with amendments as follows: After the matter inserted by said amendment, insert as separate paragraphs the following:

"Southeast: Fourteenth street, U to V streets, pave thirty-four feet wide, seven thousand eight hundred and fifty dollars."

"Northwest: For additional amount to widen Thirteenth street extended ten feet on the easterly side between Park Road and Monroe street, three hundred dollars, to be immediately available; and no assessment shall be made against or collected of adjacent property owners in consequence of the widening, grading, and improving of said street."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with amendments as follows: In line 6 of said amendment, after the word "Vernon," strike out the word "avenue" and insert in lieu thereof the word "street;" and in line 8 of said amendment, after the word "Vernon," strike out the word "avenue" and insert in lieu thereof the word "street;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty-nine thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Transpose said amendment and insert the same on page 33 of the bill, between lines 21 and 22; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and ten thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 36, in line 3 of the bill, strike out the word "five" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 74 and 75, and agree to the same with amendments as follows: Strike out said amendments, and strike out the amended paragraph, being lines 11 to 13, inclusive, page 37 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Insert before the amended paragraph the word "Playgrounds;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and in lieu thereof insert the following:

"The public convenience station appropriated for in the District of Columbia appropriation act for the fiscal year nineteen hundred and ten, approved March third, nineteen hundred and nine, to be located under the sidewalk on the east side of Ninth street northwest, between F and G streets, shall be located under the sidewalk, and under such portion of the public reservation adjoining such sidewalk as the Commissioners of the District of Columbia may deem necessary for said purpose; and the jurisdiction and control over such portion of said reservation as may be selected by said commissioners for said purpose is hereby transferred from the United States official having charge of said reservation to the Commissioners of the District of Columbia, such transfer to take effect on the date of notice by said commissioners to the said United States official of the portion of said reservation so selected.

"For one underground public convenience station to be located in Dupont circle, to be immediately available, fourteen thousand dollars, or so much thereof as may be necessary: *Provided*, That the jurisdiction and control over such portion of Dupont circle as may be selected by the Commissioners of the District of Columbia for the location of such station and its approaches is hereby transferred from the Chief of Engineers, United States Army, to the Commissioners of the District of Columbia, such transfer to take effect on the date of notice by the commissioners to the Chief of Engineers, United States Army, of the portion of Dupont circle so selected.

"And the authority granted in the District of Columbia appropriation act for the fiscal year nineteen hundred and ten, approved March third, nineteen hundred and nine, for the location of a public convenience station on the triangle west of Dupont circle, between Twentieth and P streets and Massachusetts avenue is hereby revoked, and the Commissioners of the District of Columbia are authorized to enter into a supplemental contract with the contractor for erecting said convenience station, providing for the abandonment of further work of construction, for removing construction work already done by him, for replacing said triangle in the condition which existed prior to beginning the construction of said station, and for the construction of the underground public convenience station in Dupont circle. The balance of the appropriation of fifteen thousand dollars for the station on the triangle west of Dupont circle is hereby made available for this purpose, in addition to the fourteen thousand dollars herein appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following:

"For the purchase, installation, and maintenance of water meters to be placed on the water services of the Government Printing Office, the United States Navy-Yard, the United States Capitol building, the House and Senate Office buildings, and the District building, said meters to be purchased, installed, maintained, and to remain under the observation and control of the officer in charge of the Washington Aqueduct, with the exception of the meter to be placed on the water service of the District building, which shall be purchased, installed, maintained, and be under the observation and control of the Commissioners of the District of Columbia, fourteen thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one thousand seven hundred and thirty-four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following: "*And provided further*, That teachers now employed in the normal, high, and manual-training schools, or hereafter to be appointed from without the District of Columbia in the said normal, high, or manual-training schools, may be placed in group A, class 6, and receive their longevity increase according to their previous number of years of experience in accredited normal, high, or manual-training schools;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and sixty-two thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventeen thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand eight hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and thirteen thousand nine hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixteen thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirteen thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-seven thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "not exceeding eight thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of an eight-room building for Randle Highlands, D. C., to be erected on a suitable site to be donated of not less than 1 acre of ground, the location thereof to be determined by the Commissioners of the District of Columbia, $64,000;" and on page 58, line 6 of the bill, before the word "three," insert the words "not exceeding;" and on same page, in line 12 of the bill, before the word "forty," insert the words "not exceeding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "ground," insert the following words: "not exceeding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In line 5 of said amendment, after the word "feet," insert the following words: "not exceeding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand five hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine hundred and thirty-five thousand six hundred and eighty-nine dollars and ninety-nine cents;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred and twenty thousand six hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-four thousand five hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eleven thousand one hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two assistant clerks, at one thousand dollars each;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixteen thousand four hundred and eighty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nineteen thousand six hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eleven thousand two hundred and eighty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and twenty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred and forty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fourteen thousand eight hundred and eighty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-nine thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-seven thousand nine hundred and thirty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: On page 86 of the bill, in line 1, after the word "children," insert the following: "(white and colored);" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-two thousand two hundred and sixty dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirteen thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-four thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-seven thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "hereby," strike out the words "and hereafter;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with

an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"Toward the extension of water trunk mains to Congress Heights, D. C., said sum to be in addition to the sums herein appropriated from the revenues of the water department, $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and in lieu thereof insert the following:

"For the extension of 12-inch water main from Elliot place along the Conduit road to Weaver terrace, and for laying 8-inch water mains in Forty-seventh place, Ashby street, Edmund street, and Sherrier place, said sum to be in addition to the sums herein appropriated from the revenues of the water department, $24,000: *Provided*, That assessments for water mains hereinbefore provided for shall be levied in accordance with the provisions of an act approved April 22, 1904, entitled 'An act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes:' *And provided further*, That all such assessments when collected shall be covered into the Treasury to the credit of the revenues of the District of Columbia and the revenues of the United States in equal parts."

And the Senate agree to the same.

J. H. GALLINGER,
S. B. ELKINS,
MURPHY J. FOSTER,
Managers on the part of the Senate.

WASHINGTON GARDNER,
E. L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on the part of the House.

The report was agreed to.

Mr. GALLINGER. I submit a brief statement, which I desire to have appear in the RECORD following the conference report.

The statement referred to is as follows:

District of Columbia appropriations, 1911.

Amount of estimates, 1911		$11,180,628.49
Amount of Senate bill		11,012,960.99
Amount of House bill		10,258,067.99
Amount in disagreement		754,893.00
Amount of Senate recessions	$387,535	
Amount of House recessions	367,358	
		754,893.00
Amount of House bill as agreed upon		10,625,425.99

INVESTIGATION OF WAGES AND PRICES.

Mr. LODGE. Mr. President, I desire to ask that there may be printed in the RECORD a statement of the lines of inquiry which were agreed upon by the committee appointed to inquire into wages and prices. That committee met on Saturday and adopted a statement of certain lines of inquiry which they meant to pursue. They gave the statement to the press. The press, however, on Sunday is so overwhelmed with valuable matter that it found it necessary to condense the statement of the committee. The committee had given some time to the statement, and it was as condensed as possible. The result was that those who were kind enough to further condense it, with their natural horror of superfluous language, cut out essential parts of the very brief statement which the committee had made.

For example, the committee had put down as one line of inquiry, prices of food products, at the farm, at wholesale, at retail. The press omitted "at the farm, at wholesale, at retail," and left simply "prices of food products," which would mean that we were going to gather a mass of uncompared and unimportant figures which would have no purpose or object. They also left out entirely the list of articles specified in the resolution, such as cotton, wool, hides, leather, and so forth. I had inquiries from Senators yesterday, who had seen only what appeared in the newspapers, asking whether we were not going to look into the prices of oil, coal, and so forth.

Therefore, Mr. President, I ask that the statement may be printed in the RECORD, where, at least, it will be printed in its completeness. It will occupy only a few paragraphs. Fortunately, space in the RECORD is not so valuable as it is in the Sunday newspapers.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

1. Prices of food products:
a. At the farm.
b. At wholesale.
c. At retail.

So far as possible show prices by years from 1900 to the present time.

2. The price of manufactured articles:
a. At the factory.
b. At wholesale.
c. At retail.

So far as possible show prices by years from 1900 to the present time.

3. Cotton, wool, hides, leather, lumber, coal, iron, steel, oil, brick, cement, and farming implements:
a. Initial price at point of production.
b. Wholesale price.
c. Retail price.

So far as possible show prices by years from 1900 to the present time.

4. The effect of combinations upon the prices of commodities.

5. The effect of cold-storage plants upon prices, and their methods of doing business.

6. Invoice price and market price in April, 1909, of all imported articles mentioned in the tariff.

7. Invoice and market price at the present time of imported articles mentioned in the tariff.

8. Foreign wholesale and retail prices at the present time, and so far as possible by years from 1900.

9. Wages and salaries at home and abroad by years from 1900 to 1910.

10. The production of gold and the additions to the gold coinage by years from 1897 to the present time, both in the United States and in the world.

11. World's prices of commodities by years from 1897 to the present time.

12. Procure and tabulate all information possible to be obtained from the United States Consular Reports, the Reports of the British Board of Trade, and similar official reports of other countries, the Journal of the Royal Statistical Society, the London Economist, and the London Statist, and other journals of high standing which give statistics as to wages and prices by years from 1897 to 1910.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6072) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which were, on page 2, to strike out line 11, down to and including line 14, page 2; on page 7, to strike out line 9, down to and including line 12, page 7; and on page 25, to strike out line 18, down to and including line 21, page 25.

Mr. McCUMBER. The amendments propose to strike out two items where the beneficiaries have died since the bill passed the Senate, and one case of remarriage. I move that the amendments of the House be concurred in.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 16915. An act to direct that Jefferson street NW., between Fourteenth street and Colorado avenue, be stricken from the plan of the permanent system of highways for the District of Columbia; and

H. R. 20164. An act authorizing the extension of Military road NW., in the District of Columbia.

MEMORIAL ADDRESSES ON THE LATE SENATOR JOHNSON.

Mr. McCUMBER. Mr. President, at this time I wish to ask unanimous consent that Saturday, the 2d day of April next, immediately after the conclusion of the morning business, may be set aside in order that the Senate may pay just tribute to the memory of Hon. MARTIN N. JOHNSON, late Senator from the State of North Dakota.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and that order is made.

MEMORIAL ADDRESSES ON THE LATE SENATOR M'LAURIN.

Mr. MONEY. Mr. President, I desire to give notice that on the same day, immediately after the exercises commemorative of the late Senator JOHNSON, of North Dakota, I will offer resolutions commemorative of the character and life of my late colleague, the Hon. ANSELM J. MCLAURIN. I ask unanimous consent that that order be made.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and the order is entered.

THE CALENDAR.

The VICE-PRESIDENT. The calendar is in order under Rule VIII.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as first in order on the calendar.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. It will go over.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. It will go over.

WALES ISLAND PACKING COMPANY.

The bill (S. 1035) authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company was announced as next in order.

Mr. KEAN. The bill has been read. I think it is a very meritorious case.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of State to examine the claim of the Wales Island Packing Company for injury to its business and property on Wales Island on account of the recent decision of the Alaska boundary tribunal, under which the possession of the island has passed from the United States to the Dominion of Canada, and allow to the company whatever sum may be found due, not exceeding $81,689.60.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE-PRESIDENT. It will go over.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The VICE-PRESIDENT. It will go over.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification, was announced as next in order.

Mr. SMOOT. This bill goes over.

The VICE-PRESIDENT. It goes over by unanimous consent granted on the 16th of February that it should not be considered in the absence of the Senator from Minnesota [Mr. NELSON].

EXTENSION OF MORRILL ACTS TO THE DISTRICT OF COLUMBIA.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as next in order.

Mr. BRISTOW. I should like to have the bill go over.

Mr. GALLINGER. I hope the Senator from Kansas will not insist upon an objection. The bill has been reached at least ten times on the calendar. The Senator from Washington [Mr. JONES] asked that it should go over in the first place, but I understand that he has not any desire to obstruct it now.

Mr. BRISTOW. I should like to look into it a little further.

Mr. GALLINGER. Very well; let it go over this morning, but I will venture to make the suggestion that in the near future, unless the bill shall be considered under Rule VIII, I shall feel it my duty to move to take it up. But let it go over for the present.

The VICE-PRESIDENT. The bill will go over.

RECLAMATION FUND.

The bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. CARTER. I ask that the pending amendment be disposed of.

The PRESIDING OFFICER (Mr. JONES in the chair). The pending amendment will be stated.

The SECRETARY. The pending amendment, offered by the Senator from California [Mr. FLINT], is, on page 3, in the proposed amendment of the committee, line 13, before the word "projects," to strike out the word "feasible;" after the word "projects" to insert "and portions of such projects;" and after the word "Interior," in line 14, to strike out the remainder of the paragraph, so that if amended that portion of the amendment will read:

That the money borrowed under the authority of this act shall be expended in the completion of such projects and portions of such projects as have been heretofore approved by the Secretary of the Interior.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from California to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. CARTER. I now offer a substitute for the bill, which I ask may be read.

The PRESIDING OFFICER. The Secretary will read the proposed substitute.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That to enable the Secretary of the Interior to complete government reclamation projects heretofore begun the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior, to transfer from time to time to the credit of the reclamation fund created by the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, such sum or sums, not exceeding in the aggregate $30,000,000, as the Secretary of the Interior may deem necessary to complete the said reclamation projects and such extensions thereof as he may deem proper and necessary to the successful and profitable operation and maintenance thereof or to protect water rights claimed by the United States; and such sum or sums as may be required to comply with the foregoing authority are hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the sums hereby authorized to be transferred to the reclamation fund shall be so transferred only as such sums shall be actually needed to meet payments for work performed under existing law.

SEC. 2. That for the purpose of providing the Treasury with funds for such advances to the reclamation fund the Secretary of the Treasury is authorized to issue certificates of indebtedness of the United States in such form as he may prescribe and in denominations of $50 or multiples of that sum; said certificates to be redeemable at the option of the United States at any time after three years from the date of their issue and to be payable five years after such date and to bear interest, payable semiannually, at not exceeding 3 per cent per annum, the principal and interest to be payable in gold coin of the United States. The certificates of indebtedness herein authorized may be disposed of by the Secretary of the Treasury at not less than par under such rules and regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed and the aggregate issue of such certificates shall not exceed the amount of all advances made to said reclamation fund, and in no event shall the same exceed the sum of $30,000,000. The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States, as well as from taxation in any form by or under state, municipal, or local authority; and a sum not exceeding one-tenth of 1 per cent of the amount of the certificates of indebtedness issued under this act is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

SEC. 3. That, beginning five years after the date of the first advance to the reclamation fund under this act, 50 per cent of the annual receipts of the reclamation fund shall be paid into the general fund of the Treasury of the United States until payment so made shall equal the aggregate amount of advances made by the Treasury to said reclamation fund, together with interest paid on the certificates of indebtedness issued under this act and any expense incident to preparing, advertising, and issuing the same.

SEC. 4. That all money placed to the credit of the reclamation fund in pursuance of this act shall be devoted exclusively to the completion of work on reclamation projects heretofore begun, as hereinbefore provided, and the same shall be included with all other expenses in future estimates of construction, operation, or maintenance; and hereafter no irrigation project contemplated by said act of June 17, 1902, shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States.

And further amend by changing the title so as to read:

A bill to authorize advances to the reclamation fund and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes.

Mr. CLAY. Mr. President, does the Senator from Montana offer this as a substitute for the original bill?

Mr. CARTER. It is offered as a substitute for the original bill.

Mr. CLAY. Does the Senator think we ought to be called upon to consider the substitute now, when it is first presented and has not been printed, and has not been examined by Senators? Does not the Senator think it best that the matter should go over until to-morrow morning?

Mr. CARTER. Mr. President, the substitute does not increase the amount. It changes the form, however, of the obligation. The substitute, as I understand it, was unanimously agreed to in so far as the character of the obligation of the Government is concerned, by the Committee on Finance, and otherwise it is just as the bill was originally reported.

Mr. CLAY. To say the least of it, a measure which carries $30,000,000 ought to be critically examined by each Senator before it is passed upon.

Mr. CARTER. If the Senator——

Mr. CLAY. I notice that it incurs an indebtedness of $30,000,000. I will not say now that I am opposed to it, but I want to look into it, to say the least of it. Then, I see we are to issue $100,000,000 of bonds for public buildings, or we are moving in that direction. I had an idea that this was to be a session devoted to reducing the expenditures of the Government. It strikes me that if we are going to incur a bonded indebtedness of $130,000,000 when we have been in session for only three or four months, we have not given any substantial evidence of economy thus far.

Mr. CARTER. Mr. President, this is a mere advance, as the Senator will observe upon examination. I hope the Senator will accede to the present consideration of the measure.

The Senator, I think, was fairly represented in his views upon the Committee on Finance. The matter was very thoroughly considered and approved by the Senator from Mississippi [Mr. MONEY] and his colleagues on that committee. It is desirable that the bill be passed without delay, and I hope the Senator will permit its present consideration.

The VICE-PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute for the bill.

Mr. SUTHERLAND. Mr. President, I could not follow very thoroughly the reading of the substitute. I wish to ask the Senator from Montana whether or not any provision is made in the substitute on the subject of the exemption from taxation of these securities?

Mr. CARTER. Mr. President, that portion of the substitute which relates to exemption from taxation is identical with the text of the bill as originally reported.

Mr. SUTHERLAND. Yes. Then another inquiry: What becomes of the proposed amendment to the original bill providing, in substance, that money borrowed under the authority of the act shall not be expended except for the completion of feasible projects which had been theretofore approved by the Secretary of the Interior?

Mr. CARTER. The Senator from Utah will observe that that feature of the original bill has been preserved in the first section of the substitute, wherein it is provided that such sum or sums not exceeding what the Secretary of the Interior may deem necessary to complete such reclamation projects—that is, projects heretofore begun—"and such extensions thereof as he may deem proper and necessary to the successful and profitable operation and maintenance thereof."

Mr. SUTHERLAND. Is that language found in the substitute?

Mr. CARTER. It is found in the substitute.

Mr. BACON. Mr. President, I should like to inquire of the Senator from Montana whether the amendment which is proposed as a substitute has been printed?

Mr. CARTER. Mr. President, the amendment has not been printed, I will state to the Senator. I have no objection to the matter going over if Senators desire to see the substitute in print. However, I will state to the Senator that the substitute was unanimously approved by the Committee on Finance; that it was approved by the Committee on Irrigation; and that it was checked and corrected according to the Treasury rules and regulations by the Assistant Secretary of the Treasury. The substitute does not depart in essence from the original bill, which has been under consideration for some time, but merely makes a change in the form of the obligation. It divides all relations between the reclamation fund and the purchaser of these certificates. The purchaser of the certificates will look to the Government of the United States, and the Government of the United States will, in turn, look to the reclamation fund to reimburse the Treasury.

Mr. BACON. Mr. President, I should say that is a very serious proposition, and one to which I shall undoubtedly be opposed—making the Government primarily liable in that matter. At any rate, a matter which involves $30,000,000 certainly ought not to be passed upon until it has been put in print, so that we may read it and see what it means.

Mr. CARTER. I ask, then, in view of the request of the Senator from Georgia, that the bill go over, and that the substitute be printed.

The VICE-PRESIDENT. The bill goes over, and the substitute will be printed.

BILLS PASSED OVER.

The bill (S. 6058) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, was announced as next in order on the calendar.

Mr. LODGE. Let that bill go over, Mr. President.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 2430) for the relief of the heirs of John W. West, deceased, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 5715) providing for the establishment of building lines and special building restrictions in the District of Columbia was announced as next in order.

Mr. HEYBURN. Let that bill go over.

The VICE-PRESIDENT. The bill will go over.

SPECIAL ELECTION IN HAWAII.

The joint resolution (S. J. Res. 80) providing for a special election in the Territory of Hawaii was considered as in Committee of the Whole.

Mr. GORE. Mr. President, I wish to offer an amendment at the conclusion of the joint resolution. As I did not apprehend the resolution would come up this morning, I shall simply have to repeat to the Secretary the amendment I desire to offer.

Mr. GALLINGER. Mr. President, if the Senator from Oklahoma will permit me, the chairman of the committee not being in the Chamber, if the Senator proposes to offer an amendment I will ask that the joint resolution go over, if that would suit the convenience of the Senator.

Mr. GORE. That is perfectly satisfactory to me.

The VICE-PRESIDENT. The joint resolution goes over.

HOMESTEAD PATENTS WITHIN RECLAMATION PROJECTS.

The bill (S. 5048) providing that entrymen for homesteads within reclamation projects shall receive patent upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Irrigation and Reclamation of Arid Lands with an amendment to strike out all after the enacting clause and to insert:

That from and after the filing with the Commissioner of the General Land Office of satisfactory proof of residence, improvement, and cultivation for the five years required by law, persons who have, or shall make, homestead entries within reclamation projects under the provisions of the act of June 17, 1902, may assign such entries to other persons, and such assignees, upon submitting proof of the reclamation of the lands and upon payment of the charges apportioned against the same, as provided in the said act of June 17, 1902, may receive from the United States a patent for the lands: *Provided*, That all assignments made under the provisions of this act shall be subject to the limitations, charges, terms, and conditions of the reclamation act.

Mr. BURKETT. Mr. President, I want to make an observation to the chairman of the Committee on Irrigation and Reclamation of Arid Lands who reported this bill. I am in rather a peculiar position, I will say to the Senate and to the chairman of the committee. The amendment, as the committee has reported it, grants some relief to these settlers, but it does not grant the relief which the settlers want; and, as it seems to me, the relief which the settlers ought to have. The bill, as I introduced it, provided for the giving of patents to settlers in the regions that come under the reclamation act after they had complied with all the other homestead laws. As Senators have had called to their attention by the discussion which has been had on the bill with reference to the issue of bonds for the completion of irrigation projects, the settlers have gone upon these lands and they have lived there the required time to get their patents, as required by the homestead laws. But the Government has failed to supply them with the water. Accordingly, the settler has no opportunity to pay up and get his patent; he can not make a living on the land without water; and he can not leave without his patent. These settlers are in an absolutely helpless condition as the matter now stands. They have lived there five years and have spent all the money, in many instances, that they could get together to go there and make these homestead entries and the necessary improvements. They are not able to raise anything on the lands, and they can not get their patents, so that they can go away and leave the lands. They either have to stay there, if they hold the lands, or leave there and lose all the money that they have paid out in their improvements. The bill which I introduced provided that they should have a patent upon the theory that the Government has not complied with its part of the agreement to furnish water that it made with the homestead settlers when it threw these irrigation lands open to settlement and invited the settlers there, and that the Government having failed in that particular it ought to issue patents to these settlers.

The committee has proposed an amendment which, as I say, does improve the condition of the settler, but it only gives him the right to assign his interests. There are other important

questions involved to these localities in addition to the individual settlers' troubles.

So long as the patent is not issued the land can not be taxed. This may throw the burden of taxation upon a very small per cent of the land. In one particular place that was called to my attention, in a whole township of 36 sections there is only one section that is subject to taxation for the maintenance of roads and schools and for other county expenses. Again, so long as they do not have a patent the settlers are afraid to leave their lands lest somebody else might jump the claim. In short, the settlers individually are suffering and the community in general is handicapped by this delay and through no fault of their own. Those are good people who have gone there to make homes under terms and provisions that the Government prescribed. They have complied with their part, and it seems to me that the Government, having failed on its part, that very liberal treatment should be accorded to the settler to enable him to hold his land and to save the vast expenditure he has made.

I should like to have this committee amendment disagreed to and the bill passed as I introduced it. I know it is an unusual request, but I make it in view of this unusual condition that presents itself. I hope that this amendment will be disagreed to and that the bill as originally introduced will be passed.

I want to ask the attention of the Senator from Montana to the merits of the matter and the equities both to the settler and to the community. Especially do I want him to consider the question of taxation and the right of the settler to leave his land before he gets a patent, as well as the right of the assignee of these entries to live apart from the land until such time as the water shall be supplied to these projects. These are questions of great importance, and I hope the chairman of the committee will consider them before he asks the Senate to adopt the committee amendment.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. BURKETT. I do.

Mr. CRAWFORD. Mr. President, the question occurs to me in relation to these assignments, as to whether or not the language of the proposed statute sufficiently protects against possible abuse in the bunching together of this land by one assignee getting several tracts?

Mr. BURKETT. Well, of course, whenever a settler gets a patent, anybody can bunch the lands who can buy them.

Mr. CRAWFORD. This is before patent.

Mr. BURKETT. I understand that.

Mr. CRAWFORD. What is there to prevent some person who wants to get large areas from taking assignments of 15, 20, 30, or more of these claims—as many as he can get?

Mr. BURKETT. Under the original irrigation act, I will say to the Senator from South Dakota, I think that would be protected against. However, in any event, I recognize the possibility of that if it were permissible under the original irrigation act. But these people have lived there five years, and I take the position that they are entitled to have their patent, which will give them the right to sell to anybody to whom they may desire, but my bill provided that they should have a patent, instead of simply a right to assign to somebody else. I do not want to leave it so that practically the only avenue of escape these settlers have is to assign their rights. I want them to get their title and be the actual owner of the land, and then if they want to and have to they can go somewhere else and make a living until the water comes, and know that they can go back and take possession of their own.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported from the committee.

Mr. BURKETT. Mr. President, I asked some questions of the chairman of the committee in charge of the bill, who reported it, and would like to have some explanation of the matter.

Mr. CARTER. Mr. President, the bill as originally presented by the Senator from Nebraska [Mr. BURKETT] provided for the issuance of patents to settlers within the limits of reclamation projects who had merely complied with the terms of the homestead act. That act entitles a person to patent upon proof of five years' residence and such improvements as indicate good faith. Within the reclamation projects, however, in addition to the obligations of the homestead contract, comes in the obligation created by the reclamation act approved in June, 1902, which obligates the settler not only to live upon the land and to comply with the homestead law, but likewise to pay the annual charges for the maintenance of the irrigation work plus installments paid annually for ten years, to embrace in the aggregate the total cost of reclaiming the land embraced within the entry. If a patent issues at the expiration of five years, one contract will have been concluded; the Government will have parted with the fee-simple title and still have another contract outstanding with reference to that land with the original entryman, but not with his grantee. Thus it may come to pass that the grantee of the entryman to whom patent had issued would feel disinclined to execute the portion of the contract relating to the reclamation of the land. In order to protect itself, therefore, the Government must withhold title until the terms of both acts shall have been complied with. Title will not pass under the reclamation act and the homestead act combined until the individual claiming the land as an original entryman, or as the assignee of an entryman, as provided in this bill, has paid the Government the full cost of reclaiming the area embraced in the entry.

The department concluded, and so advised the committee, that the rights of the Government would be jeopardized in the matter of collecting back the cost of reclamation if patent should issue before the final payment had been made, and the committee agreed with that view.

This bill does give some relief to the settlers who have been unfortunately detained upon their lands awaiting the delivery of water by the Government through the government canals. It permits them to assign the entry after they have made proof in compliance with the homestead law; and I will say to the Senator from Nebraska that, in my opinion, a final receipt would issue upon the submission of proof of compliance with the homestead act, but the patent would not issue. Upon the issuance of that final receipt, the land will become subject to taxation. It has been the practice throughout all the western country to tax land when the final receipt has been issued by the Government. That receipt ordinarily takes the place of a patent; and, in the absence of fraud, it is the equivalent of a patent, but it does not constitute a complete title. It is only a high form of evidence of right to the title complete. So that the permission to submit final proof and obtain the final receipt and then to assign the right thereby acquired to another will permit the homesteader who is unable for any cause to wait longer to sell his improvements and his rights, true, short of a complete title, but he has not made complete payment, and has therefore not become entitled to the patent from the United States.

The committee felt that it could go no further without invading the rights of the Government, as viewed by the department and as regarded by the committee itself. I believe the measure will prove in its present form highly beneficial to the people who are situated in such position as to be required to take advantage of its terms.

Mr. BORAH. Mr. President, is the bill now subject to amendment?

The VICE-PRESIDENT. It is. The pending amendment is still amendable.

Mr. BURKETT. Mr. President, the amendment needs one amendment before it shall be adopted.

Mr. BORAH. I desire to offer an amendment to the pending amendment.

The VICE-PRESIDENT. That is in order.

Mr. BORAH. After the word "entries," on page 2, line 8, I move to insert the words "or any part thereof."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 2 of the proposed amendment of the committee, line 8, after the word "entries," it is proposed to insert "or any part thereof."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. CARTER. Mr. President, I am inclined to think that that phraseology should be somewhat different in order to carry out the idea. The entry is not land; it is a proceeding. I presume the better form would be to provide that the settler might assign any part of the land embraced in the entry.

Mr. BORAH. I take it, Mr. President, that this language would cover that which we seek to do, for the reason that "entry" here is used synonymously with land, and all that the homesteader has to assign is his entry. He can not transfer any land; he can only assign the entry right, which entitles him, upon doing certain things, to secure the land. I will be glad, however, if the Senator thinks that the language should be different, in order to be sure to cover the subject, to accept his suggestion; but it seems to me that the amendment I have suggested will cover it.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Idaho [Mr. BORAH] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BORAH. Now, Mr. President, the subject which is covered by this bill has been one of more than ordinary interest

to the settlers upon the western lands. It has been a matter of agitation as to whether or not they could secure patent before they made their final water payment. A great many have felt that patents under certain circumstances, as suggested by the Senator from Nebraska [Mr. BURKETT], ought to be issued, but upon the other hand it was apparent that the Government had rights there which it could not give over to the settler without some means of protecting the Government in its deferred water payments. It has been pretty well determined from investigation of the situation and from inquiry from the department that we can not secure here the passage of a bill which would provide for the issuance of patents, and, as has been suggested by the chairman of the committee, the committee have been compelled, therefore, to report such bill as could secure the approval of Congress. While it does not offer all the relief that should be offered, it is a step in advance of what we now have. I myself should have preferred to have seen a law passed which would enable them to secure absolute title, the Government taking some security for its deferred payment, but that being impracticable, and in one sense impossible, from a parliamentary situation, the committee adopted this course, which seems to be the only one open for successful action.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee in the nature of a substitute as it has been amended.

Mr. BURKETT. Mr. President, before the amendment of the committee is voted on I move to amend, on page 2, line 3, at the beginning of the line, by inserting the word "the" before the words "General Land Office."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 2, in the proposed substitute of the committee, in line 3, before the words "General Land Office," it is proposed to insert the article "the."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended. [Putting the question.] The ayes appear to have it, the ayes have it, and the amendment as amended is agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act."

TIMBER-CULTURE LAWS.

The bill (S. 9) to amend an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was, on page 1, line 3, after the word "section," to strike out "five" and insert "twenty-two hundred and eighty-nine."

Mr. CLARK of Wyoming. Mr. President, I desire to ask the Senator from Idaho if this amendment is not an inadvertence? The amendment recites "that section 2289 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,'" shall be amended. I think there should be some change in that wording. "Section 2289" must refer to a section in the Revised Statutes.

Mr. HEYBURN. I think that was the original title of that act. I would have to examine to ascertain. It was examined at the time, and I think it will be found that that provision is in the act relative to the timber-culture laws.

Mr. CLARK of Wyoming. The provision is in the act, but as reported from the committee by the Senator the amendment provides "that section 2289 of the act entitled 'An act to repeal timber-culture laws, and for other purposes,'" shall be amended, and so forth. I do not think there are 2,289 sections in the act to repeal the timber-culture laws.

Mr. HEYBURN. I should have to look at the act to see.

Mr. CLARK of Wyoming. I call the Senator's attention to that.

Mr. HEYBURN. Without referring to the act, I would not be able to say.

Mr. CLARK of Wyoming. I think undoubtedly section 5 of the timber-culture act is the section sought to be amended, which probably is identical with section 2289 of the Supplement to the Revised Statutes.

Mr. HEYBURN. I have not before me the bill containing the committee amendments as adopted in committee, and it may be that in transcribing them the direction of the committee has not been entirely carried out.

Mr. President, let the bill go over, retaining its place.

The VICE-PRESIDENT. The bill will go over. The Secretary will state the next bill on the calendar.

C. A. WEED—A. P. H. STEWART.

The bill (S. 2441) for the relief of the next of kin of Stewart & Co., and the heirs of C. A. Weed, for whom A. P. H. Stewart was agent, was announced as the next business in order, and was read.

Mr. CRAWFORD. I ask that the bill may go over. It involves a question which, if the bill is passed, will establish a precedent.

The VICE-PRESIDENT. The bill will go over.

Mr. BRANDEGEE. I did not hear the request of the Senator from South Dakota.

The VICE-PRESIDENT. The Senator from South Dakota requested that the bill go over.

Mr. BRANDEGEE. May I ask the Senator from South Dakota what is his objection to the bill?

Mr. CRAWFORD. It proposes to disregard the question of limitation, and therefore, of course, will be a precedent which we will be asked to follow in a great many other cases. I think it is a serious matter. It was considered in the committee at some time when I was not present. I should like to have an opportunity to look into it.

Mr. BRANDEGEE. I could not hear the latter part of the remarks of the Senator from South Dakota, but I get the idea that he thinks the bill disregards the statute of limitations. Would the Senator be willing to bear with me for a moment in order that I may request that the report be read?

Mr. CRAWFORD. Certainly.

Mr. BRANDEGEE. It explains the situation very succinctly.

The VICE-PRESIDENT. The Secretary will read the report.

The Secretary read the report submitted by Mr. STEPHENSON on the 24th ultimo, as follows:

The Committee on Claims, to whom was referred the bill (S. 2411) for the relief of the next of kin of Stewart & Co. and the heirs of C. A. Weed, for whom A. P. H. Stewart was agent, having had the same under consideration, beg leave to report it back with the recommendation that it be amended, and, as so amended, that it do pass.

The amendment which your committee recommended is as follows:

"Strike out all after the enacting clause and insert the following:

"'That the Secretary of the Treasury be, and he is hereby, authorized and directed to reopen, consider, and adjust, any statute of limitation to the contrary notwithstanding, the claims of Stewart & Co., and A. P. H. Stewart, agent, for internal-revenue taxes alleged to have been illegally collected between September and November, 1865, on cotton purchased from the Government by the claimants and which taxes have not heretofore been refunded; and if it shall appear that said taxes were illegally collected, then, and in that event, there shall be paid, out of any money in the Treasury not otherwise appropriated, by way of refund, an amount not exceeding $11,208.04, said sum to be paid to the next of kin of C. A. Weed and to the legal representatives of A. P. H. Stewart, formerly copartners, trading under the firm name of Stewart & Co., and A. P. H. Stewart, agent; which sum shall be in full settlement of all claims of said parties for internal-revenue taxes illegally collected on cotton purchased from the Government by the claimants during the period aforesaid and not heretofore refunded.'"

The bill is recommended by the Commissioner of Internal Revenue, and is aimed to refund taxes erroneously collected on cotton in 1865, said cotton having been purchased by the claimants from the Government, whereas the statute, section 177, act of June 30, 1864 (13 Stat. L., 223), provided that "all cotton sold by or on account of the Government of the United States shall be free and exempt from duty at the time of and after the sale thereof."

Favorable reports have been made on the bill in the Senate in the Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses and by the House in the Fifty-third and Fifty-fourth Congresses, and a bill passed the Senate in the Fifty-fourth Congress. A similar bill was also favorably reported in the Sixtieth Congress, passed the Senate, and was favorably reported in the House.

On June 24, 1909, Acting Commissioner of Internal Revenue Caleb Williams reported on this bill to the Hon. HENRY E. BURNHAM, chairman of the Committee on Claims. In said report Mr. Williams invited attention to the report of February 4, 1896, of then Acting Commissioner of Internal Revenue G. W. Wilson on the two claims embraced in this bill, and the following is an extract from said report:

"The facts in each of the cases are as follows, viz:

"First. As to the claim for $3,486.64, filed in this office July 9, 1894, the evidence tends to show that Messrs. Stewart & Co. were dealers in cotton in Mobile, Ala., and in the course of business as such dealers purchased 383 bales of cotton, weighing 174,332 pounds, which had been captured by the United States and was sold to them on account of the Government, and that, notwithstanding the fact that the statute, section 177, of the act of June 30, 1864 (13 Stat. L., 223), provided that all cotton sold by or on behalf of the Government 'shall be free and exempt from duty,' Mr. Stewart was required to pay and did pay to the United States a tax thereon of 2 cents per pound, amounting to $3,486.64.

"Second. As to the claim for $7,721.40, filed March 7, 1893, the records of this office show that A. P. H. Stewart, agent, paid, from September 13 to 25, 1865, both days inclusive, a tax of 2 cents per pound on 402,156 pounds of cotton, amounting to $8,043.12, 4 per cent

of which, $321.72, has been refunded as having been paid on tare of cotton. Mr. Stewart alleges that the whole of this 402,156 pounds was government cotton. If this is a fact, no tax should have been collected on it, it being exempt under section 177, act of June 30, 1864, above referred to.

"Had these claims been presented prior to June 7, 1873, they could have been considered in this office without further legislation. It is understood that this delay in presenting the claims was due to the fact that the claimant supposed that a letter written by his attorney to this office in July, 1871, was sufficient to save the bar, and to the further fact that he relied for evidence in support of the first-named claim on the case of The United States *v.* Harrison Johnson, decided by the United States Supreme Court at its October term, 1887.

* * * * * * *

"I feel disposed to say that the circumstances connected with the first two claims embraced in the bill appear to have been such as to render it proper that the claimants, Stewart & Co. and A. P. H. Stewart, agent, should be relieved from the operation of the statute of limitation and allowed to prosecute the claims as if they had been filed in time.

"To the extent that they were required to pay taxes contrary to the provision of law, above mentioned, they should undoubtedly have relief."

The first two claims above mentioned are the only ones embraced in the bill.

In view of the statement of the Commissioner of Internal Revenue, that "to the extent that" the claimants "were required to pay taxes contrary to the provision of law, above mentioned, they undoubtedly have relief," your committee recommend that the bill do pass.

Mr. BRANDEGEE. I should like to ask the Senator from South Dakota if, upon the statement of the Commissioner of Internal Revenue with reference to the merits of this case, and the fact that the money was collected illegally by the Government and has been withheld from the claimants, he is not willing to have the bill put upon its passage?

Mr. CRAWFORD. Was the finding made by the Court of Claims?

Mr. BRANDEGEE. As I understand, it is to be adjusted in the office of the Commissioner of Internal Revenue.

Mr. CRAWFORD. It gives him the authority? I have no objection to the bill as such. It was the question of throwing down the bar and its effect generally that led me to ask that it go over. But in view of the expressions of the department I will withdraw my objection.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to reopen, consider, and adjust, any statute of limitation to the contrary notwithstanding, the claims of Stewart & Co., and A. P. H. Stewart, agent, for internal-revenue taxes alleged to have been illegally collected between January 1, 1865, and January 1, 1866, on cotton purchased from the Government by the claimant and which taxes have not heretofore been refunded; and if it shall appear that said taxes were illegally collected, then and in that event there shall be paid, out of any money in the Treasury not otherwise appropriated, by way of refund, an amount not exceeding $11,208.04, said sum to be paid to the next of kin of C. A. Weed and to the legal representatives of A. P. H. Stewart, formerly copartners, trading under the firm names of Stewart & Co., and A. P. H. Stewart, agent; which sum shall be in full settlement of all claims of said parties for internal-revenue taxes illegally collected on cotton purchased from the Government by the claimants during the period aforesaid and not heretofore refunded.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The senior Senator from Utah suggested when this bill was heretofore considered that the title should be amended.

Mr. SMOOT. Yes; the title should be amended.

The title was amended so as to read: "A bill for the relief of the next of kin of C. A. Weed and the legal representatives of A. P. H. Stewart."

TIMBER-CULTURE LAWS.

Mr. HEYBURN. I ask the Senate to recur to the bill (S. 9) to amend an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891. I find that the discrepancy in the print arose from the fact that an uncorrected copy of the bill was evidently sent to the printer. The committee agreed upon certain amendments, and I will state them, so that they may be made.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. HEYBURN. I will state the amendments as they were agreed upon in the committee: In line 4, after the word "the," insert the words "Revised Statutes;" then strike out the balance of line 4 down to and including the bracket in line 7; then, in line 7, after the word "amended," strike out "in the third paragraph of said section." That was the agreement of the committee, and the marked copy evidently got confused with one that was not marked.

Mr. KEAN. But that does not remedy the difficulty.

Mr. HEYBURN. It will read then:

Be it enacted, etc., That section 2289 of the Revised Statutes be amended.

That is what we are amending.

Mr. CLARK of Wyoming. Is it not the supplement to the Revised Statutes?

Mr. HEYBURN. No; I have it before me. I have compared the language.

Section 2289 of the Revised Statutes is the first paragraph of the homestead law.

Mr. CLARK of Wyoming. Oh.

Mr. HEYBURN. That is the section we are proposing to amend.

Mr. CLARK of Wyoming. Yes.

Mr. HEYBURN. The act of 1862.

The VICE-PRESIDENT. The committee recommends certain amendments, as the Chair understands.

Mr. HEYBURN. Yes.

The VICE-PRESIDENT. The Secretary will state the amendments.

The SECRETARY. On page 1, line 3, strike out the word "five" and insert "twenty-two hundred and eighty-nine;" after the words "of the" in line 4 insert "Revised Statutes;" in line 4, beginning with the word "Act," strike out all of the bill down to and including the bracket after the word "forty-two" in line 7; in line 7 strike out the words "in the third paragraph of said section;" on page 2, line 1, strike out the word "paragraph" and insert "section;" so as to read:

That section 2289 of the Revised Statutes be amended by striking out the word "proprietor" and inserting in lieu thereof the words "owner in fee," so that the section shall read, when amended, as follows:

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HEYBURN, the title was amended so as to read: "A bill to amend section 2289 of the Revised Statutes."

RESURVEYS OF PUBLIC LANDS.

The joint resolution (H. J. Res. 116) to amend an act to correct chapter 271 of volume 35, United States Statutes at Large, was announced as the next business in order on the calendar.

Mr. HEYBURN. When this order was before the Senate it was suggested that certain information could, and as I understood would, be procured in regard to the records in this matter. I should like to inquire of the Senator from Wyoming [Mr. CLARK] whether he has any further information than that stated upon the former occasion.

Mr. CLARK of Wyoming. I understand the only information possible to be obtained along the line of my remarks is the conference report, which will show the fact as I stated it. Of course, I have not brought to my desk the conference report.

Mr. HEYBURN. Would it not be well, when we take up this matter again, to have the conference report and the enrolled bill before us, and then we could ascertain whether the mistake was made in the conference report? I understood the Senator to say he was not a member of the conference committee.

Mr. CLARK of Wyoming. No; the Senator from Idaho misunderstood me. The Senator from Wyoming said he could not recall whether he had or had not been a member of the committee.

Mr. HEYBURN. Has the Senator consulted the RECORD?

Mr. CLARK of Wyoming. No; I have not. I am perfectly willing to have the joint resolution go over.

Mr. HEYBURN. The Senator will realize the importance of it. It is a difference of some $40,000 as to which fund it goes into.

Mr. CLARK of Wyoming. Not necessarily; but I ask that the joint resolution may go over.

The VICE-PRESIDENT. The joint resolution will go over at the request of the Senator from Wyoming.

COURT OF COMMERCE.

The bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, was announced as the next business in order on the calendar.

Mr. KEAN. I should be very glad to have the bill passed over.

The VICE-PRESIDENT. The bill will go over.

MARGARETHA WEIDEMAN AND OTHERS.

The bill (S. 6639) for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners

of lots Nos. 1, 2, and 3, square No. 434, in the city of Washington, D. C., was announced as the next business in order on the calendar, and was read.

Mr. BRANDEGEE. The Senator who reported the bill is not in the Chamber, and I suggest that it go over.

The VICE-PRESIDENT. The bill will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 6738) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the persons named at the rates stated:

Harry E. Wagner, late of Company A, Twentieth Regiment Kansas Volunteer Infantry, war with Spain, $30 per month in lieu of that he is now receiving.

Charles J. Snyder, late of Company D, Fifteenth Regiment Pennsylvania Volunteer Infantry, war with Spain, $30 per month in lieu of that he is now receiving.

Louis H. Duryee, late of Company E, Battalion Engineers, United States Army, $24 per month.

Samuel Willis, late of Battery A, First Battalion Maine Volunteer Heavy Artillery, war with Spain, $12 per month.

Francis M. Simmons, late of Capt. C. W. Swindal's Company F, Second Regiment Washington Territory Foot Volunteers, Oregon and Washington Territory Indian war, $16 per month in lieu of that he is now receiving.

Albert W. Kelley, late of Company M, Fourteenth Regiment Minnesota Volunteer Infantry, war with Spain, $17 per month.

Agnes White, widow of George Edward White, late of Company B, Twentieth Regiment Kansas Volunteer Infantry, war with Spain, $12 per month and $2 per month additional on account of each of the minor children of said George Edward White until they reach the age of 16 years.

William W. Bishop, late of Troop C, First Regiment United States Cavalry, and Sixty-sixth Company, Coast Artillery, United States Army, $20 per month.

John N. Skidmore, late of Captain Hembree's Company E, First Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, $16 per month in lieu of that he is now receiving.

Stephen S. Joyce, late of Troop C, Sixth Regiment United States Cavalry, $20 per month in lieu of that he is now receiving.

Leaston Simms, late of Captain Moseley's independent company, Florida Mounted Volunteers, Seminole Indian war, $16 per month in lieu of that he is now receiving.

Harry A. Shuman, late of Company A, First Regiment Nebraska Volunteer Infantry, war with Spain, $20 per month in lieu of that he is now receiving.

William Mickler, late of Captain Moseley's independent company, Florida Mounted Volunteers, Seminole Indian war, $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 6739) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the persons named at the rates stated:

James K. Watts, late of Company I, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edward Woodring, late of Company D, One hundredth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

German L. Hunt, late of Company H, Thirty-second Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James H. Dickson, late of Company C, One hundred and sixtieth Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

Monroe Masterson, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Young S. Slater, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

John B. Lydick, late second lieutenant Company C, Twelfth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William S. Smith, late of Company E, Thirty-fifth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alfred Evans, late of Company B, Forty-seventh Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry W. Crow, late of Company C, Ninety-first Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Wilbert B. Teters, late captain Company H and lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William McKenney, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles W. Branson, late of Companies H and C, Second Regiment West Virginia Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Greenleaf D. Farnum, late of Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Charles E. Peabody, late of Company E, Eighth Regiment Massachusetts Militia Infantry, $24 per month in lieu of that he is now receiving.

Henry H. Baldwin, late of Company C, One hundred and twelfth Regiment, and Company F, Sixty-fifth Regiment, Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel A. Hogue, late of Company H, Nineteenth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph P. Theobald, late of Company E, First Regiment Illinois Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Levi L. Beers, late of Company A, Thirty-second Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John C. Woody, late of Company F, Twenty-fifth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John E. True, late of Company E, Third Regiment Maine Volunteer Infantry, Company I, Seventeenth Regiment Maine Volunteer Infantry, and Company I, First Regiment Maine Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Samuel Lemon, late of Company B, Thirty-fourth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Peter Dugan, late ordinary seaman, U. S. S. *Mound City*, United States Navy, $40 per month in lieu of that he is now receiving.

Charles A. Gilman, alias Charles Abbott, late of Company H, Fourth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George O. Miller, late of Second Battery, Maine Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

William Howells, late of Company H, One Hundred and twenty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Peter Dick, late of Signal Corps, United States Army, $24 per month in lieu of that he is now receiving.

Rodney P. Drury, late of Company B, First Regiment Wisconsin Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

John W. Dickens, late of Company B, Twenty-seventh Regiment, and Company B, Twelfth Regiment, Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph March, late of Company F, Ninth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Halvor Anderson, late of Company D, Tenth Regiment Minnesota Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Caroline Williams, widow of Evans Williams, late of Company C, Eleventh Regiment Michigan Volunteer Infantry, and Company C, Second Regiment United States Veteran Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frank Couts, late of Company G, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, Company C, One hundred and ninety-first Regiment, Pennsylvania Volunteer Infantry, and Company L, Seventh Regiment United States Cavalry, $30 per month in lieu of that he is now receiving.

Charles B. Gilbert, late of Company H, Seventh Regiment Maryland Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry Snidemiller, late of Company H, First Regiment Maryland Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Henry Luther, late of Company K, Fiftieth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lydia M. Harris, widow of Joshua B. Harris, late of Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, $12.

William L. La Rose, late of Company C, Fourth Regiment Rhode Island Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James J. C. White, late of Company A, and assistant surgeon Twenty-third Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph M. Moore, late of Company K, Fourteenth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George F. Sutherland, late of Company C, Twenty-fifth Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

James H. McFarland, late of Company D, Sixth Regiment Ohio Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

George E. Lewis, late of Company L, First Regiment Maine Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Alanson H. Allard, late of Company D, Third Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Darwin A. Brink, late of Company F, First Regiment Vermont Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jefferson Caldwell, late of Company I, Eighty-fourth Regiment, and Company K, Fifty-seventh Regiment, Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George S. Dugan, late of Company H, Fortieth Regiment, and Company I, fifty-first Regiment, Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Tripp, late of Company I, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Abner B. Coryell, late of Company E, Second Regiment Kansas Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Gideon P. Myres, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James Smith, late of Company C, Fourth Regiment Kentucky Volunteer Mounted Infantry, $24 per month in lieu of that he is now receiving.

Mary McCook, widow of Edward M. McCook, late brigadier-general, United States Volunteers, $40 per month in lieu of that she is now receiving.

William H. Leas, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Joseph R. Emery, late of Company D, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James K. Smith, late of Company B, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John R. Dancer, late of Company C, Twenty-ninth Regiment New Jersey Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Carlton Talmadge, late of Company L, Third Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Edwin S. Knight, late of Company G, Ninth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Thomas Dickerson, late of Company L, Twelfth Regiment United States Colored Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

William M. Morris, late captain Company D, Thirty-second Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Benjamin W. Spencer, late of Company G, Eighteenth Regiment Missouri Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James Gallagher, late of Company I, Eighty-first Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George F. Tyler, late captain Company K, Eleventh Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Eliab Averill, late of Company G, Twelfth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Effie V. B. Aldrich, widow of Chauncey S. Aldrich, late captain Company B, Eighty-fifth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. H. Blanchard, late of Fourteenth Independent Battery, Ohio Volunteer Light Artillery, $40 per month in lieu of that he is now receiving.

Lucius I. Bartlett, late of Company G, Tenth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Firmin James, late of Company D, Eighty-eighth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph Elliott, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Orlando F. Davis, late of Company C, One hundred and thirty-sixth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Barnard S. Reed, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, and Company C, Veteran Battalion, Eighth Regiment New Hampshire Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Daniel E. Edwards, late of Company I, Twenty-eighth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William H. Boyden, alias George Marsh, late of Company H, Second Regiment Ohio Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

William T. Mitchell, late of Company E and commissary-sergeant Fourth Regiment Tennessee Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George D. Roberts, late of Company G and quartermaster-sergeant Thirteenth Regiment Tennessee Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Hial E. Wylie, late of Battery M, Third Regiment United States Artillery, war with Mexico, and Company L, Second Regiment California Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT SIOUX FALLS, S. DAK.

The bill (S. 2925) to increase the limit of cost for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds, with an amendment in line 8 to strike out all of the bill after the word "dollars," so as to make the bill read:

Be it enacted, etc., That the limit of cost fixed by the act of Congress approved May 30, 1908, for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak., be, and the same is hereby, extended from $100,000 to $190,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS IN THE CITY OF WASHINGTON.

The bill (S. 1) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes, was announced as the next business in order on the calendar.

Mr. JOHNSTON. Let the bill go over. It involves $10,000,000.

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives returning to the Senate in compliance with its request the bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the votes by which the bill was ordered to a third reading and passed be reconsidered.

The motion was agreed to.

Mr. McCUMBER. I move to reconsider the vote by which the Senate agreed to an amendment striking out lines 10 to 13, inclusive, on page 5.

The motion was agreed to.

Mr. McCUMBER. Let the question be put on the amendment, which I trust will be rejected.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5 it is proposed to strike out lines 10 to 13, inclusive, as follows:

The name of Hannah Kelley, dependent mother of John D. Kelley, late of Company L, Eighth Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was rejected.

Mr. McCUMBER. I move to strike out all of lines 22 to 25, inclusive, on page 5.

The SECRETARY. On page 5 it is proposed to strike out lines 22 to 25, inclusive, as follows:

The name of Mary Ryan, dependent mother of Peter Ryan, late of Company I, Second Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

Mr. SHIVELY. Will the Senator state the reason for the amendment?

Mr. McCUMBER. I will. In preparing the bill one of the committee clerks made an error and struck out the wrong paragraph, contrary to what was the direction of the Committee on Pensions. The bill passed without our observing that that paragraph had been stricken out and the one we intended to have stricken out left in. I had the bill recalled for that purpose, and these amendments correct the error.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill read the third time.

The bill was read the third time and passed.

PUBLIC BUILDING AT POCATELLO, IDAHO.

The bill (S. 5920) providing for the erection of a public building at Pocatello, in the State of Idaho, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 3, before the word "hundred," to strike out "two" and insert "one," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected on the site heretofore purchased by the United States a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office, United States court, and United States Weather Bureau at the city of Pocatello, in the State of Idaho, which said building, with its appurtenances, when completed upon plans and specifications to be previously made by the Secretary of the Treasury, shall not exceed in the aggregate $100,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT BURLINGTON, N. C.

The bill (S. 1829) for the erection of a public building at Burlington, N. C., was considered as in Committee of the Whole. It proposes to appropriate not to exceed $75,000 to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, approaches, and other necessary appurtenances for the use and accommodation of the United States as a post-office at Burlington, N. C.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PORTLAND, OREG.

The bill (S. 2484) to provide for the purchase of a site and for the erection of a public building thereon at Portland, Oreg., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 10, before the word "million," to strike out "two" and insert "one," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office in the city of Portland, State of Oregon, the cost of same not to exceed the sum of $1,500,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MILWAUKEE, WIS.

The bill (S. 533) for the erection of a public building at Milwaukee, Wis., was considered as in Committee of the Whole. It proposes to appropriate not to exceed $150,000 to cause to be erected on a site already purchased by the Government a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States appraisers' stores in the city of Milwaukee and State of Wisconsin.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARETHA WEIDEMAN AND OTHERS.

Mr. GALLINGER. In my absence the bill (S. 6639) for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners of lots numbered 1, 2, and 3, square numbered 434, in the city of Washington, D. C., was passed over. It is a bill to which there is no objection. I ask that it be now considered.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CARTERSVILLE, GA.

The bill (S. 6032) to provide for the erection of a public building at Cartersville, Ga., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 4, after the word "to," to strike out the words "acquire, by purchase, condemnation, or otherwise, a site and;" in line 5, after the word "erected," to strike out the word "thereon" and to insert "upon the site already selected and purchased by him in the city of Cartersville, Ga.;" in line 8, after the word "elevators," to insert "approaches;" and on page 2, line 1, before the word "building," to strike out the words "site and," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Cartersville, Ga., a suitable building, including fireproof vaults, elevators, approaches, and heating and ventilating apparatus, for the use and accommodation of the United States post-office, in the city of Cartersville, Ga., the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed $50,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FORT COLLINS, COLO.

The bill (S. 4703) to increase the limit of cost of the United States post-office at Fort Collins, Colo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 6, before the word "thousand," to strike out "fifty" and insert "thirty-five," so as to make the bill read:

Be it enacted, etc., That the limit of cost of the United States post-office at Fort Collins, Colo., be, and the same hereby is, increased from the sum of $60,000 to the sum of $135,000, said increase to be employed in the enlargement and betterment of the building.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF FIRE-INSURANCE COMPANIES.

The bill (S. 3806) to reimburse certain fire-insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The VICE-PRESIDENT. It will go over.

RED LAKE INDIAN RESERVATION LANDS.

The bill (S. 5785) to amend an act entitled "An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.," approved February 8, 1905, was considered as in Com-

mittee of the Whole. It proposes to amend the act referred to by adding at the end thereof a section reading as follows:

SEC. 7. After said company shall have filed maps of definite location and the same shall have been approved by the Secretary of the Interior, as provided in section 3, and compensation shall have been made to the tribes of Indians and occupants, as provided in section 2, the Secretary of the Interior shall cause a patent for the land selected and taken to be issued to said company, the same to be in proper form to show the title vested in the company to the land selected by the terms of the grant in this act contained.

Mr. SHIVELY. Is there a report accompanying the bill?

Mr. CLAPP. Yes, sir.

The VICE-PRESIDENT. There is a report.

Mr. SHIVELY. I should like to have it read.

Mr. CLAPP. I will say to the Senator from Indiana that the only question involved here is that ordinarily and previous to this the department has held that the filing of maps of location and acceptance constitute the title. I think the company very properly prefers that a patent shall issue, the report of the department setting forth those facts. There is no objection to the bill. The only possible change is that after they have made the compensation, instead of the title merely resting on the acceptance by the Secretary of the Interior of the maps filed, a patent shall issue to the company for the right of way.

Mr. SHIVELY. I withdraw my request for the reading of the report.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSAGE INDIAN AGENCY.

The bill (S. 5786) to amend fifth paragraph of section 4 of act approved June 28, 1906 (34 Stat., 539), was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 3, before the word "paragraph," to strike out "fifth" and insert "fourth," so as to make the bill read:

Be it enacted, etc., That the fourth paragraph of section 4 of the act of Congress approved June 28, 1906 (34 Stat., 539), be, and the same is hereby, amended by striking out the words "not to exceed $30,000 per annum" and inserting in lieu thereof the words "not to exceed $50,000 per annum."

The amendment was agreed to.

Mr. SHIVELY. Will the Senator from Minnesota explain the purpose of this proposed legislation?

Mr. KEAN. I was going to ask that the report be printed in the RECORD in connection with the bill. I think the report explains it very fully.

Mr. CLAPP. The bill is here at the request of the department, that they may have $50,000 instead of $30,000 out of the fund for the Osages to administer the affairs of the tribe at the agency. I can have the report read if the Senator desires.

Mr. SHIVELY. Do I understand that $30,000 under the present statute is a lump sum to be used at the discretion of the department?

Mr. CLAPP. It is to be used by the department at that agency, and they found it was not enough. It has to be partly paid out for the expenses of the agency and partly as an emergency fund on account of sickness, and so forth. The bill is recommended by the department.

Mr. SHIVELY. It does not increase the appropriation, but merely diverts more of the funds for this purpose.

Mr. CLAPP. It is all taken out of the Indian fund. It is the Indian fund that we are administering.

Mr. KEAN. Let the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 295, Sixty-first Congress, second session.]

AMENDING ACT RELATING TO OSAGE INDIAN AGENCY.

Mr. CLAPP, from the Committee on Indian Affairs, submitted the following report, to accompany S. 5786:

The Committee on Indian Affairs, to whom was referred Senate bill 5786, having examined the same, make favorable report and recommend that the same do pass, with certain amendments.

In support of the bill letter of the Secretary of the Interior of date January 25, 1910, is attached.

DEPARTMENT OF THE INTERIOR,
Washington, January 25, 1910.

SIR: By direction of the President, I have the honor to invite your attention to the need of additional assistants for field and office service at the Osage Indian Agency.

The act of Congress approved June 28, 1906 (34 Stat. L., 539), provides that all funds of the Osage tribe and all money due or becoming due shall be held in trust by the United States for the period of twenty-five years from and after January 1, 1907. It further provides that the royalty received from oil, gas, coal, and other mineral leases, money received from the sale of town lots, and all money received from grazing lands "shall be placed in the Treasury of the United States to the credit of members of the Osage tribe of Indians as other moneys of said tribe are to be deposited under the provisions of this act, and the same shall be distributed to the individual members of said Osage tribe according to the rule provided for herein, in the same manner and at the same time that payments are made of interest on other moneys held in trust for the Osages by the United States, except as herein provided."

The exceptions are (*a*) the provision that there shall be set aside from the royalties received from the oil and gas a sum not exceeding $50,000 per annum for ten years for the support of certain schools; (*b*) the provision that there shall be set aside from the royalties received from oil, gas, coal, and other mineral leases money received from the sale of town lots and rents from grazing lands, "not to exceed $30,000 per annum, for agency purposes and emergency fund for the Osage tribe, which shall be paid out from time to time upon the requisition of the Osage tribal council, with the approval of the Secretary of the Interior."

It will therefore be seen that by the terms of the act of June 28, 1906, the sum of $30,000 per annum is allowed for salaries and as an emergency fund to be expended by the Osage tribal council. There has been paid out of this sum the compensation of the tribal attorneys, Messrs. Kappler & Merillat, amounting to about $6,000 per annum, and about $2,800 per annum for salaries of the tribal council, leaving $21,200 for the conduct and management of the business affairs of the Osage Reservation, which contains approximately 1,500,000 acres of valuable land.

The inadequacy of the present force for administering the affairs of the agency has long been apparent, and can best be appreciated when it is understood that the superintendent of the agency is handling an office where the collections and disbursements will approximate $2,400,000 annually. These funds must be accounted for and paid out annually at a cost of about $21,000, or a basis of seven-eighths of 1 per cent.

There is transmitted herewith a proposed amendment to the act of June 28, 1906 (34 Stat. L., 539), increasing the allowance which may be spent from the royalties received from oil, gas, coal, and other mineral leases, money received from the sale of town lots, and rents from grazing lands from $30,000 to $50,000 per annum. A considerable number of clerks are required at the present time to bring the work of the agency to date, and on account of large oil and gas operations on the Osage lands it is estimated that there will be required permanently, in addition to the present force, about six additional clerks and six field men. The compensation of these employees, in addition to the incidental expenses which will be required in the administration of the affairs of this agency, will, it is estimated, require about $20,000 per annum, the sum provided for in the amendment to the bill.

I have the honor to request that you will cause this bill to be introduced in the Senate, and that it be given the favorable consideration of your committee.

Very respectfully, R. A. BALLINGER, *Secretary.*

Hon. MOSES E. CLAPP,
Chairman Committee on Indian Affairs,
United States Senate.

Mr. GORE. I should like to have the bill go over, if it is not too late.

The VICE-PRESIDENT. The bill goes over on the objection of the Senator from Oklahoma.

COURT OF PATENT APPEALS.

The bill (S. 4982) to establish a United States court of patent appeals, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The VICE-PRESIDENT. It will go over.

PUBLIC BUILDING AT TRENTON, MO.

The bill (S. 2209) to provide for the purchase of a site and the erection of a public building thereon at Trenton, in the State of Missouri, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 1, line 4, to strike out the words "acquire by purchase, condemnation, or otherwise, a site;" in line 5, to strike out the word "thereon" and insert "upon the site already selected and purchased by him in the city of Trenton, in the State of Missouri;" in line 11, before the word "building," to strike out the words "site and;" and on page 2, beginning with line 4, to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site already selected and purchased by him in the city of Trenton, in the State of Missouri, a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of governmental offices in the city of Trenton and State of Missouri, the cost of said building, including said vaults, heating and ventilating apparatus, elevators, and approaches, not to exceed the sum of $75,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection of a public building at Trenton, in the State of Missouri."

RECLAMATION FUND.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund.

Mr. HEYBURN. I move that the Senate proceed to the consideration of Senate bill No. 1.

The VICE-PRESIDENT. It was understood that this bill should go over when it was reached as unfinished business. Without objection, the unfinished business will be laid aside.

PUBLIC BUILDINGS IN CITY OF WASHINGTON.

Mr. HEYBURN. I move that the Senate proceed to the consideration of the bill (S. 1) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

Mr. CLARKE of Arkansas. I ask the Senator from Idaho to allow the next bill on the calendar to be disposed of.

Mr. HEYBURN. I will yield after the question is put.

Mr. CLARKE of Arkansas. All right.

The VICE-PRESIDENT. The Senator from Idaho moves that the Senate proceed to the consideration of Senate bill No. 1. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

COURT PRACTICE IN WESTERN DISTRICT OF ARKANSAS.

Mr. CLARKE of Arkansas. The next bill on the calendar is the one to which I had reference. It is the bill (H. R. 18019) to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas." The bill went over yesterday on the objection of the Senator from Idaho. He said that the Committee on the Revision of the Laws had proceeded so far with the preparation of matters which they would subsequently present to the Senate, and this covered the same subject-matter. I thought we should afford him any opportunity he wants, and if he proposed he could get it, whether we afford it or not, to advise himself as to the particular provisions of this bill. Some time must elapse before the report of the Committee on the Revision of the Laws can be adopted. In the meantime this bill ought to be operative. It simply provides for paying the costs in certain cases accidentally omitted in a special act that applies to the western district of Arkansas.

Mr. HALE. All right; we will pass the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The bill was read yesterday.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HALE. Are there any executive communications on the desk?

The VICE-PRESIDENT. There are none.

Mr. HALE. Then I move that the Senate adjourn.

The motion was agreed to, and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 2, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 1, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE APPOINTMENT.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, February 28, 1910.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives.

Mr. SPEAKER: I beg respectfully to hereby resign from the House Committee on Public Buildings and Grounds.

I am, very truly, yours, W. G. BRANTLEY.

The SPEAKER. Without objection, the gentleman from Georgia will be relieved from service on the Committee on Public Buildings and Grounds.

There was no objection.

The Chair announced the following committee appointment:

Representative S. A. RODDENBERY, of Georgia, a member of the Committee on Public Buildings and Grounds.

HOMESTEAD SETTLERS.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for a reprint of the bill (H. R. 10321) for the relief of the homestead settlers under the act of February 20, 1904, to correct an error, the bill having been printed differently from the way it was reported.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

QUESTION OF PRIVILEGE.

Mr. STEENERSON. Mr. Speaker, I rise to a question of personal privilege. A publication called the "American Flag," purporting to be issued in Cleveland, Ohio, and bearing date December 1, 1909, has been sent, as I am reliably informed, to every Senator and Member of the House and has been very extensively circulated in my own district. It attacks me in my official capacity as a Representative. It affects my reputation and my right and conduct as a Member of the House of Representatives. It charges me with various wrongs as a Representative, among others that while the question of the ship-subsidy bill was before the House I voted in the interest of foreigners; that I attended the meetings of the Committee on the Post-Office and Post-Roads, and that, apparently, I did not know what happened in the committee. I simply mention these things because I want to show that it comes directly within Rule IX of the Rules of the House of Representatives. In order that the matter may be fully before the House, I will ask the Clerk to read part of the article which is relevant, and which I have marked, and which is headed "Congressman STEENERSON, of Minnesota—Does he represent the foreign shipping interests or his own district?"

The Clerk read as follows:

CONGRESSMAN STEENERSON, OF MINNESOTA—DOES HE REPRESENT THE FOREIGN SHIPPING INTERESTS OR HIS OWN DISTRICT?

HALVOR STEENERSON, of Crookston, Minn., has been a Representative in Congress from the ninth district of that State for six years and has now entered on his fourth term. Throughout his first three terms he was a member of the House Committee on the Post-Office and Post-Roads, to which are referred bills relating to mail pay for ocean service.

It justly may be inferred because of Mr. STEENERSON'S previous experience as an attorney, his length of service as a public servant and his unusual and almost perfect facilities to get at the truth of most public questions, if he wished to do so, that, should he indulge in gross misrepresentations relating to a public matter with which he is, or ought to be, thoroughly familiar, that he does so with malice and aforethought and with full realization of his responsibility.

LEAGUE MAKES A STATEMENT ABOUT CONGRESSMAN STEENERSON.

On June 6, 1909, the Merchant Marine League received a letter from Mr. E. A. Force, of the firm of Wilson & Force, Minneapolis, Minn., representative of the United States Fidelity and Guaranty Company, of Baltimore, Md., in which Mr. Force expressed strong interest in the matter of the restoration of our merchant marine and asked for further information and literature. We fully explained the situation and made a statement to the effect that Congressman STEENERSON was the only one from his State to oppose merchant-marine legislation.

MR. STEENERSON IS HEARD FROM.

Mr. Force sent a copy of our letter to Mr. STEENERSON and received the following reply from Mr. STEENERSON dated July 7:

"I have yours of the 2d instant stating that you are considerably interested in the work undertaken by the Merchant Marine League of the United States and inclosing a letter from that concern criticising my opposition to the so-called 'subsidy proposition.' In reply I have to say that I have consistently opposed the legislation in question in several Congresses and the reasons were both privately and publicly expressed. I have ordered sent you a copy of my remarks on the last subsidy proposition which I think will indicate to you that I am not opposed to the upbuilding of our merchant marine in the foreign trade, but I am anxious to see it properly encouraged. I am in hopes that some proposition will be worked out that will be an improvement on the former one, for certainly, according to my best judgment, the bill referred to, which was defeated in the last Congress, was a vicious bill and would never have accomplished what was claimed for it. Of course, you understand that the Merchant Marine League is an organization of interested parties who expect to get big contracts and make money at shipbuilding and other enterprises stimulated by the proposed subsidy and that their patriotism and love for the flag is largely, if not wholly, due to the appropriations involved.

"Are you aware of the fact that under the existing law, and as it would have been if the late subsidy bill had passed, the proposed ships would not have paid American wages to American seamen as they pretend to be desirous of doing? Under the existing law our subsidized lines in the foreign trade, including the Pacific Mail and the Hill Line, have the right to employ cooly labor and they avail themselves of that right to the fullest extent and are now, and have been in the past, employing the cheapest kind of labor obtainable. Unless some measure can be passed that will actually encourage American shipping in foreign trade, without at the same time resulting in private gain and graft, I will continue to oppose subsidies of this kind, although, as I have said, I should like to see the end pretended to be achieved accomplished."

The Merchant Marine League was organized in 1904, and during its five years of active propaganda the league is frank to admit that never before has there been brought to its attention a letter signed by a Congressman that contains so many actual misstatements and apparently so much deliberate perversion of truth as does this one.

WORD "VICIOUS" IS ANALYZED.

Mr. STEENERSON asserts in his letter that the ocean mail bill of the last Congress was a "vicious bill." The bill was framed by members of President Roosevelt's Cabinet and indorsed by him and the entire Cabinet in the most earnest way. It was approved by practically all of the great commercial organizations of the country, including the trans-Mississippi Congress, representing especially the middle and farther West. Mr. Taft advocated it in several public speeches, and though it was bitterly fought by the European steamship combinations that monopolize 90 per cent of our carrying trade and their retained representatives, it was defeated by only three votes. If the bill was "vicious," then Mr. Roosevelt and all the members of his Cabinet, including President Taft, are "vicious."

The ocean-mail bill, which Congressman STEENERSON fought so "viciously" both in the committee of which he was a member and on

the House floor when he spoke against it, would not have added a dollar of extra burden to the country, for it contained the following clause:

"*And provided further*, That the total expenditure of foreign-mail service in any one year shall not exceed the estimated revenue therefrom for that year."

SOURCE OF INCOME EXPLAINED.

For several years the revenue received by the Government from the sale of sea postage has exceeded the cost of having our mails carried largely by foreign vessels. In the year 1908 the Government received an income of $8,585,564.24 from the sale of sea postage and paid for having it carried across the seas $2,875,911.72, leaving a profit of $5,709,662.52. This was the money, proposed by the terms of the bill, to be expended for the establishment of American-built, owned, and manned steamship lines, regular, speedy, and direct, plying between the ports of the United States and the ports of South America, the Philippines, Australasia, and the Orient, with which we now have either inefficient or no steamship communication. Should this bill have been enacted it would have caused the American flag on merchant vessels to be seen in ports where it has been seen rarely, if at all, since the civil war.

The proposed law was agreed to by the Senate without dissent. Its enactment was earnestly sought by the business interests of the country, who saw in the proposed service not only a stimulation of trade of benefit to all kinds of industry but also the formation of the nucleus of an auxiliary naval marine of supreme necessity to the navy in event of war. The enactment of the bill would have been a long step forward toward the revival of our cross-seas marine, which, with but 10 vessels now in the service, is threatened with extinction.

STEENERSON EXULTS AND FOREIGNERS REJOICE.

HALVOR STEENERSON, in opposition to the majority sentiment of his State, stood up in his place in the House of Representatives and to the delight and exultation of the foreign shipowners and ship operators, used the power of his position, of his ability and his voice to fasten on the country more securely than ever the grip by which foreign nations through their subsidized shipping companies largely control the foreign trade of the country and incidentally endeavor to dictate the commercial relations of the United States with the world. To HALVOR STEENERSON may be given some of the honor and the credit of our present humiliating naval position, as evidenced by the cruise of our battle ships around the world, when they were accompanied by 27 colliers flying the flags of foreign nations.

PROVE IT, MR. STEENERSON.

Congressman STEENERSON says further in his letter:

"The Merchant Marine League is an organization by interested parties who expect to get big contracts and make money at shipbuilding and other enterprises, stimulated by the proposed subsidy and that their patriotism and love for the flag is largely, if not wholly, due to the appropriation involved."

The Merchant Marine League and its work, its officers and its membership have been before the public for five years. The names of its officers are printed on its literature. Some of the most eminent men of the Nation have been pleased publicly to acknowledge their connection with the league and openly to approve of its objects. The membership includes manufacturers, professional men, bankers, miners, farmers, railroad men, traders, publicists, and writers and speakers, more than one of national fame. Every State in the Union is represented in this membership. Can HALVOR STEENERSON name one member of the league who hopes "to get big contracts and make money at shipbuilding and other enterprises stimulated by the proposed subsidy?" If so, let him do it; if he can not he should apologize.

NO SHIPBUILDER'S MONEY WANTED.

Again the Merchant Marine League makes the announcement that has been made more than once to this Congressman: Neither the league nor its officers have any pecuniary interest in shipbuilding or ship operation. The league has never accepted a dollar from any person connected with shipbuilding and ship operating. Contributions from these quarters have been offered the league time and time again, but just as often they have been respectfully declined, and the league will continue to decline such contributions if any should be offered in the future. This policy is not dictated by hypocritical pretense, by a desire to throw dust in the eyes of the people, but simply because the league can get along without such contributions. At the very beginning of the league's work, its executive officers decided that the organization must be so conducted as to be in position truthfully to assert at all times that it is free from connection with shipping interests, since such a charge is about the first one to be looked for from the foreign shipping combinations and their representatives in and out of Congress who bitterly resent the activity of the league in demanding such legislation as will restore the American flag to something of the commercial importance and political dignity it once enjoyed on the seas of the world. * * *

EVERYBODY WRONG EXCEPT MR. STEENERSON.

Does this Congressman believe that the strong desire of President Roosevelt and his Cabinet that the ocean mail bill be enacted was "wholly due to the appropriation involved?"

Does HALVOR STEENERSON wish to have it understood that in his opinion the frank and generous indorsement of the bill by President Taft was dictated by some secret, selfish purpose?

Does HALVOR STEENERSON charge that Vice-President SHERMAN, Speaker CANNON, and the 172 Members of Congress who voted for the bill "expect to get big contracts and make money at shipbuilding and other enterprises stimulated by the proposed subsidy?"

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DOES MR. STEENERSON INDICT CONFRÈRES IN CONGRESS.

Does HALVOR STEENERSON charge that Senators KNUTE NELSON and MOSES EDWIN CLAPP, of Minnesota, voted for the ocean mail bill for an ulterior reason, and that their "love for the flag is largely, if not wholly, due to the appropriation involved?"

Does HALVOR STEENERSON desire to indict his confreres in Congress, Messrs. TAWNEY, DAVIS, STEVENS, NYE, LINDBERGH, VOLSTEAD, and MILLER, all of whom voted for the bill, as dishonest, disloyal men?

Surely, HALVOR STEENERSON, there may be a kind of patriotism quite different from your conception of it. Thank God that in the State of Minnesota there are men of the caliber of NELSON, CLAPP, VAN SANT, TAWNEY, DAVIS, STEVENS, NYE, LINDBERGH, VOLSTEAD, and MILLER who hold a radically different view of the meaning of "loyalty" to their native land!

Then Mr. STEENERSON writes as follows:

"Are you aware that under the existing law, and as it would have been if the late subsidy bill had passed, the proposed ships would not have paid American wages to American seamen, as they pretend to be desirous of doing?"

No, we are not aware of any truth existing in these false statements; neither is Mr. STEENERSON. The bill came through the Committee on Post-Offices and Post-Roads, of which Mr. STEENERSON at that time was a member. The bill was fully discussed in committee. If Mr. STEENERSON attended the meetings, it was impossible that he should not know the truth. If he did attend the meetings and makes the foregoing statement, he has deliberately and maliciously lied. If he did not attend the meetings, and does not know the truth, he should not attempt to write and speak on a matter of which he is ignorant.

MR. STEENERSON IS UNINFORMED OR MALICIOUS.

If Mr. STEENERSON knows anything about the ocean mail bill which he strove to defeat last spring in the House, while the foreign shipping combinations rejoiced, he knows that the ocean mail bill was simply an amendment to a single section of the ocean mail law of March 3, 1891, passed during the administration of President Harrison. The defeated ocean mail bill simply asked for a restoration of the rates strongly urged by Mr. Harrison, the bill providing that the rate to be paid vessels of the first class, as described in the act of 1891, should be paid the vessels of the second class, as described in the act of 1891, and that vessels of the third class, as described in the act of 1891, should draw the pay applicable to vessels of the second class, as described in the same act. Had the ocean mail bill passed, every other clause of the act of 1891 would have remained in full force in the making of any contracts for the carrying of United States mails under the terms of the act.

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Mr. STEENERSON is again guilty of deliberate and malicious falsification when he says:

"Under the existing law our subsidized lines in the foreign trade, including the Pacific Mail and the Hill Line, have the right to the fullest extent and are now and have been in the past employing the cheapest kind of labor obtainable."

Neither the Pacific Mail nor the Hill Line draws one dollar of subsidy from the United States Government, and Congressman STEENERSON knows it.

The present subsidized lines of the United States are the American Line from New York to Southampton, the Ward and "Red D" lines to various South American and West Indian ports, the Admiral Line to ports of the West Indies and Mexico, and in the Pacific only one small steamer of the Oceanic Line to Tahiti.

LAW REQUIREMENTS ARE RIGID.

These subsidized lines are bound by the requirements of the Harrison ocean-mail law, which, we have shown, carefully and specifically provide the percentage of Americans that shall be employed during the various periods of the contract. While the law does not require that more than one-half of the crew of an American mail subsidized ship shall be American citizens, yet, because of the fact that white men will not work and eat and live with coolies on shipboard, the effect of the law is to prohibit absolutely the employment of such labor except, perhaps, for cooks, stewards, and scullions. The subsidized vessels are expected to pay, and they do pay, the American scale of wages. This fact is clearly established by the following tabular summary giving the actual pay-roll total of three vessels in the Atlantic trade, the *St. Louis*, American, a typical mail steamer; the *Oceanic*, British; the German steamer *Kaiser Wilhelm der Grosse;* and the American is the smallest ship of the lot.

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MR. STEENERSON WORKS FOR COOLIES.

The abandoned American line to Australia, while in operation actually received under the Harrison ocean-mail act less mail pay than either European or Japanese ships performing similar service for their countries. The line was withdrawn two years ago because of the defeat of the ocean-mail bill providing additional compensation. Mr. STEENERSON voted against that bill, the failure of which drove American steamships, manned by American seamen, built by American material and by American workmen, off the Pacific Ocean, thus affording larger employment for the cooly labor of the Orient, and turning over to the control of foreigners all of the commerce we had with Australia, which as a result was completely wiped out. Mr. STEENERSON struck a direct blow at American labor on the seas, in addition to the injury that he did to the cause of labor, when he took away from American manufacturers and American workingmen the profits of the trade that we had built up with Australia.

PACIFIC STEAMERS NOT SUBSIDIZED.

The five Pacific Mail steamships and the one Hill steamship now plying between our Pacific coast and the Orient are officered, as the law requires of all ships, by American sailors, but are manned chiefly by Asiatics, who also man the British and Japanese subsidized lines running in direct competition with them. It would manifestly be impossible for the Pacific Mail and Hill ships, without mail compensation, to employ American seamen at $40 a month, while their British and Japanese rivals not only have the advantage of generous subsidies, but have the added advantage of coolie labor at $8 a month. The Oceanic Line to Australia tried the experiment. It employed white American crews and it had a mail contract under the law of 1891, but in three or four years it had lost a very large sum of money, and when Congress refused to increase its compensation so that it could continue to employ American ships and American crews, the service was abandoned.

When the ocean-mail act of 1891 went first into effect the Pacific Mail took a contract and sought to run under its provisions. After a few voyages the contract was given up, the company declaring that the requirement of regular sailings, increased speed, and the employment of American high-wage crews added to the cost a great deal more than the subsidy amounted to. For many years the Pacific Mail has operated its ships without a mail contract, without aid, with the help of Asiatic labor. Mr. R. P. Schwerin, vice-president and general manager of the company, before the Congressional Merchant-Marine Commission, at San Francisco, in August, 1904, stated that it would cost $436,000 annually to replace with American citizens the Asiatic crews of his five trans-Pacific liners.

BOTH HILL AND HARRIMAN AGAINST SUBSIDIES.

Both the Pacific Mail managers and Mr. Hill have declared publicly and privately year after year that if the ocean mail bills that have

been brought up and defeated had been passed, they would not have run their ships under the legislation because of the requirement that they should give up their Asiatic crews. Both the late Mr. Harriman and Mr. Hill openly attacked the proposed legislation time and time again, declaring that they desired to employ Asiatic labor and were not in favor of the subsidy. Mr. STEENERSON ought to know, and probably does know, that this has always been Mr. Hill's position and that Mr. Hill was one of the most active and powerful opponents of the Frye-Hanna subsidy bill of several years ago. Both Mr. Harriman and Mr. Hill repeatedly made it known that if Congress attempted to prevent them from employing Asiatic labor, they would promptly place their vessels under the flag of some foreign government, as has only recently been done with three large unsubsidized American steamships of the International Navigation Company in foreign trade.

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INDEPENDENT OPERATORS STAND READY.

But independent shipowners have always shown themselves far more willing to employ Americans in place of Asiatic seamen, if only they were adequately protected and encouraged by their Government. * * *

The five American steamships controlled by independent American shipowners, not by the railroads, were consequently withdrawn, and their business has been taken over by British and Japanese ships manned by Asiatics and worked primarily in the interests of British and Japanese commerce. The practical effect of the defeat of the bill was to turn our mail carrying and cargo carrying in the Pacific more completely than ever over to cooly labor—exactly the thing that would result, as was pointed out by President Roosevelt in a message to Congress.

STEENERSON SOON TO HAVE CHANCE.

If Congressman STEENERSON has any real solicitude for American labor, if he is in truth not throwing dust in the eyes of his constituents by declaiming against cooly labor, then he will soon have an opportunity to show his sincerity. * * *

WHAT MANNER OF MAN IS THIS?

Is a man fit to hold high public office that will deliberately pervert and maliciously falsify the facts connected with any important public question? Is he a safe, a trustworthy man? We hold that he is not; that such a man is dishonest and an enemy to his country and his country's best interests, and that he and men like him are a constant menace to American progress at home and abroad.

There are not many such in Congress, but there will always be found a few, and the ninth district of Minnesota has one.

The SPEAKER. Has the gentleman yet reached the question of personal privilege?

Mr. STEENERSON. Mr. Speaker, I think some of the questions have been reached; there are four or five different places where my official conduct is reflected upon and my honesty and integrity as a Representative is impugned.

The SPEAKER. The Chair is informed that there are quite a number of additional pages. The Chair will ask the gentleman to point out the matters of privilege that he wishes to reply to or that the gentleman inform the Chair whether he wishes to have the whole article printed.

Mr. STEENERSON. I think it will be necessary, in order to understand the charge made, to read the part of the article that I have marked. I have marked some parts and other parts I have marked out. For instance, there is a table of wages. I have marked that out. Of course I can insert the whole thing in the RECORD, and I will refer to each charge in my remarks, but I think it has already appeared unquestionably that this attacks me in my capacity as a Member of Congress and as a member of the Committee on the Post-Office and Post-Roads, and my official fidelity and honesty is questioned.

Mr. PAYNE. Mr. Speaker, I think I must raise the point of order against the gentleman, although I dislike very much to do it. I can not find anything in the article as it has been read, except an argument to show that the gentleman was mistaken in his vote.

Mr. STEENERSON. Oh, no; they go further.

Mr. PAYNE. And an argument to bolster up those of us who did not agree with him on that vote.

Mr. STEENERSON. I will say to the gentleman from New York that, in the first place, I contend that the letter was written to me asking the reason why I took the position that I did in the House of Representatives, that that was an official letter, and that I answered it, giving my views in my official capacity. It could not relate to anything else but my official duties. Now, they charge that every statement in my letter is false. That affects, within Rule IX, my reputation as a Member of the House of Representatives. They say that I have charged all the Members who disagreed with men with being vicious, and so forth, and that is not justified.

But this article goes further than to question the truth of the statement in my letter. It goes far beyond that and assails my official conduct in the House and in committee. It impugns my motives and questions the honesty of my purposes as a Representative.

Rule IX provides: "Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety and dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members individually in their representative capacity only, and shall have precedence over all other questions except motions to adjourn." The published article comes, I submit, directly within the rule.

They say on page 5:

HALVOR STEENERSON, in opposition to the majority sentiment of his State, stood up in his place in the House of Representatives and to the delight and exultation of the foreign shipowners and ship operators used the power of his position, of his ability, and his voice to fasten on the country more securely than ever the grip by which foreign nations, through their subsidized shipping companies, largely control the foreign trade of the country——

Mr. PAYNE. I submit, Mr. Speaker——

Mr. STEENERSON. Wait until I get through. Then on page 6 it says:

Every State in the Union is represented in its membership——

The SPEAKER. Will the gentleman from Minnesota suspend? The gentleman stands so far back in the Hall that the Chair is not able to hear him intelligently. Will the gentleman have the kindness to move down the aisle a little bit, as the Chair desires to hear the gentleman.

Mr. STEENERSON. The statement on page 5 is that—

HALVOR STEENERSON, in opposition to the majority sentiment of his State, stood up in his place in the House of Representatives and to the delight and exultation of the foreign shipowners and ship operators used the power of his position, of his ability, and his voice to fasten on the country more securely than ever the grip by which foreign nations through their subsidized shipping companies largely control the foreign trade of the country and incidently endeavor to dictate the commercial relations of the United States with the world.

Now, that charges misconduct as a Representative in being disloyal to our own country. Under Rule IX it says, "anything that affects a man's reputation as a Member." Now, on page 7 there is this statement, after copying from my letter with regard to what ships would have paid in wages:

No, we are not aware of any truth existing in these false statements; neither is Mr. STEENERSON. The bill came through the Committee on the Post-Office and Post-Roads, of which Mr. STEENERSON at that time was a member. The bill was fully discussed in committee. If Mr. STEENERSON attended the meetings, it was impossible that he should not know the truth. If he did attend the meetings and makes the foregoing statement, he has deliberately and maliciously lied.

Now, that reflects upon me as a Member of the House in my official capacity. There are four or five other places that——

Mr. PAYNE. Is not this all directed against the letter which you wrote?

Mr. STEENERSON. No.

Mr. PAYNE. Is it not founded upon a statement in the letter to a private party?

Mr. STEENERSON. No. The letter, I contend, was written in my capacity as a Congressman, but the criticism on the letter goes on and refers to what I did while in the committee and on the floor of the House.

The SPEAKER. Is there anything further?

Mr. STEENERSON. Yes; I will read all these.

The SPEAKER. But the Chair means upon which the gentleman rests his question of personal privilege——

Mr. STEENERSON. I mean that, too.

The SPEAKER. In the gentleman's estimation.

Mr. STEENERSON. For instance, on page 8, it says:

If Mr. STEENERSON knows anything about the ocean mail bill which he strove to defeat last spring in the House while the foreign shipping combinations rejoiced, he knows that the ocean mail bill was simply an amendment to a single section of the ocean mail law of March 3, 1891, passed during the administration of President Harrison. The defeated ocean mail bill simply asked for a restoration of the rates strongly urged by Mr. Harrison, etc.

That accuses me of falsehood in my representative capacity as to what the bill meant.

Mr. PAYNE. I do not see that it does; it accuses the gentleman from having a different opinion from President Harrison on the subject.

Mr. STEENERSON. No; I will submit further on page 9:

Mr. STEENERSON is again guilty of deliberate and malicious falsification when he says:

"Under the existing law our subsidized lines in the foreign trade, including the Pacific Mail and the Hill line, have the right to the fullest extent and are now and have been in the last employing the cheapest kind of labor obtainable."

Further, on page 9, it says:

The subsidized vessels——

The SPEAKER. It is impossible for the Chair to hear the gentleman.

Mr. STEENERSON. On page 12 it says:

Mr. STEENERSON works for coolies.

That does not relate to anything in my letter.

The abandoned American line to Australia, while in operation, actually received under the Harrison ocean mail act less mail pay than either European and Japanese ships performing similar services for their countries. The line was withdrawn two years ago because of the defeat of the ocean mail bill providing additional compensation. Mr. STEENERSON voted against that bill, the failure of which drove Ameri-

can steamships, manned by American seamen, built by American material and by American workmen, off the Pacific Ocean, thus affording larger employment for the coolie labor of the Orient, and turning over to the control of foreigners all of the commerce we had with Australia, which, as a result, was completely wiped out.

And then at about the center of page 14 it says:

The New England owners of the five steamships that formerly plied between Seattle and the Orient expressed themselves as entirely willing to comply with the terms of the ocean mail law of 1891 and to employ American seamen on ships subsidized and under contract if a mail law were passed placing them on even terms with the British and the Japanese. But Congress—or rather the House—assisted by the untiring efforts of HALVOR STEENERSON, defeated this legislation.

* * * * * * *

If Congressman STEENERSON has any real solicitude for American labor, if he is in truth not throwing dust in the eyes of his constituents by declaiming against cooly labor, then he will soon have an opportunity to show his sincerity.

* * * * * * *

WHAT MANNER OF MAN IS THIS?

Is a man fit to hold high public office that will deliberately pervert and maliciously falsify the facts connected with any important public question? Is he a safe, a trustworthy man? We hold that he is not; that such a man is dishonest and an enemy to his country and his country's best interests, and that he and men like him are a constant menace to American progress at home and abroad.

There are not many such in Congress, but there will always be found a few, and the ninth district of Minnesota has one.

Now, I submit that according to the precedents, and I have some on my desk, that this goes a great deal further than, for instance, the case that is cited there, where there was a dispute between two Congressmen in the committee, and one of them made statements with reference to an outsider. The outsider sent an article to a newspaper which attacked a Member of Congress. The Member of Congress was allowed as a question of privilege to refute the article, and I have it right here.

Mr. PAYNE. Mr. Speaker, the whole of this article relates to a letter written by the gentleman from Minnesota [Mr. STEENERSON] to another party, explaining his vote, perhaps, and making certain statements in regard to it.

Mr. STEENERSON. I refer the Chair to volume 3 of Hinds's Precedents, commencing at the bottom of page 1045, section 2541. This is on a question of order:

Mr. JOSEPH G. CANNON, of Illinois, made the point of order that no question of privilege was involved—

This was on May 17, 1890, in the Committee of the Whole House on the state of the Union. It begins on page 1045 and goes over on to the next page, as follows:

Hon. JOSEPH G. CANNON, of Illinois, made the point of order that the question of privilege was not involved, and also that a question of personal privilege touching the right of a Member of the House of Representatives could only be made in the House of Representatives—

Of course that question is not involved here, because this is in the House.

There was no Journal in the Committee of the Whole. There was no power in the committee—

And so forth.

Then the Chairman said:

The rules of the House, so far as possible, are applicable to the Committee of the Whole.

* * * * * * *

A Member may rise and deny that he has made a certain statement without invoking any action of the House, simply permitting the denial to go into the RECORD. He would have the right to do that as a question of privilege. * * *

The rule is that in order to constitute a question of personal privilege the attack must be made upon the Member in his representative capacity. Now, what are the facts before the committee? On one of the days of this session the gentleman from West Virginia [Mr. Wilson] and the gentleman from Indiana [Mr. Bynum] assailed—the Chair uses the term as expressive of the general generic nature of the remarks of the gentlemen—the character of a citizen of the country. That citizen now sends a letter which is intended to have some effect; whatever the ultimate effect may be, the intention is manifest.

I see by the Associated Press—

This is in quotation marks—

I see by the Associated Press report of the proceedings of Congress yesterday that Messrs. McMillin, Bynum, and Wilson made an attack on me personally. In relation to the statement of Mr. McMillin—

And so forth.

Thereupon the statement proceeds with a view of furnishing denial and refutation of the attack thus made in a representative capacity by gentlemen on the floor.

The Chair is therefore of the opinion that it is a reflection upon the gentlemen in their representative capacity, and it is a question of privilege.

And they were given the right, even though that occurred in the Committee of the Whole; but, of course——

The SPEAKER. The gentleman will notice that the precedent that he reads from is quoted as covering the point that a statement could be made in Committee of the Whole while the House was in Committee of the Whole, that would involve a question of privilege in that committee. But what the question of privilege was, and what disposition was made of it, there is nothing appearing. So that the Chair suggests to the gentleman that his precedent sheds no light upon this question of privilege in the House.

Mr. STEENERSON. Well, I disagree with that conclusion, because the Chair in that case, regardless of the question whether it arose in the Committee of the Whole or not, says that this newspaper article attacked this Representative in his representative capacity. That is just exactly what this newspaper article did in regard to me. There is an absolute similarity between the two cases, and it turned just as much on that point as on the point whether or not it was in Committee of the Whole.

The SPEAKER. Whatever the facts may be touching the question of privilege raised, the letter referred to does not appear in the precedent, and it is perfectly patent that it was quoted for the purpose of showing that a question of privilege could arise in Committee of the Whole House. Now, it is impossible for the Chair to tell what virtue this precedent has unless the Chair had the letter, which is not quoted in the precedent.

Mr. STEENERSON. The precedent does state that this letter in the newspaper assails Mr. Wilson, of West Virginia, for what he did in Committee of the Whole—what he did in Congress.

Mr. PAYNE. Mr. Speaker, I want to appeal to the gentleman from Minnesota to know if he has any objection to having the letter printed in full in the RECORD and let the letter and point of order against it go over until Thursday, and then bring it up?

Mr. STEENERSON. I do not think so. Of course I would continue my remarks.

Mr. PAYNE. The point would still be pending. The Speaker would then have the chance to read the letter.

Mr. STEENERSON. I have been here seven years now, and I have known a great many gentlemen to occupy the floor with matter of less importance than this. The other day the gentleman from Tennessee, because a newspaper article which said that Congressmen had violated the franking privilege, discussed it as a matter of privilege.

The SPEAKER. The gentleman's remarks shed no light——

Mr. STEENERSON. I am citing a precedent.

The SPEAKER (continuing). Upon the question of privilege. Now the Chair wants to treat his colleague the gentleman from Minnesota with the greatest deference and courtesy; but it is impossible for the Chair to get an intelligent understanding from the article just read.

Mr. STEENERSON. I am willing to agree to the suggestion of the gentleman from New York, that the matter go over until Thursday.

Mr. PAYNE. I ask unanimous consent, Mr. Speaker, that the letter be printed——

Mr. ROBINSON. Mr. Speaker, I make the point of order that the House is not in order.

The SPEAKER. The point is well taken, and the House will be in order.

The Chair understands the gentleman from New York to ask unanimous consent that the letter of the gentleman and the article in the paper be printed in the RECORD, and that the matter go over until Thursday morning.

Mr. PAYNE. Yes; with the point of order pending.

Mr. STEENERSON. I want to call the attention of the Chair to the incident the other day as a recent precedent in point. I also cite the following:

Section 2694, Hinds's Precedents (v. 3, p. 1140):

A newspaper charge that a Member had been influenced in his action as a Representative by the Speaker was held to involve a question of privilege.

Section 2704:

An accusation in a newspaper that certain Members had received an excess mileage pay was held to involve a question of privilege.

Section 2708:

A newspaper report charging Members of the House generally with abuse of the franking privilege was held to involve a question of privilege.

Section 2709:

A newspaper allegation that a certain number of Representatives, whose names were not given, had entered into a corrupt speculation was held to involve a question of privilege.

Section 2716:

Charges alleged to have been made against Members in the report of an agent of a foreign power and presented by a Member were held to involve a question of privilege.

Section 2718:

An employee of the House having in a newspaper charged a Member with falsehood in debate, a resolution relating thereto was held to be a question of privilege.

The SPEAKER. The Chair does not care to hear of that incident; it sheds no light on the point of order.

Mr. STEENERSON. It was a question of privilege.

Mr. PAYNE. I suggest to the gentleman, Mr. Speaker, that he can bring that up on the point of order on Thursday.

Mr. STEENERSON. Very well.

The SPEAKER. Precisely. Is there objection to the request? [After a pause.] The Chair hears none.

CIVIL-WAR PENSIONS.

The SPEAKER laid before the House the bill (H. R. 18681) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments, which were read.

Mr. SULLOWAY. Mr. Speaker, I move to concur in all the Senate amendments except Senate amendment No. 5.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent to concur in all the Senate amendments except No. 5. Is there objection? [After a pause.] The Chair hears none.

Mr. SULLOWAY. I move that the House disagree to amendment numbered 5.

The question was taken, and the motion was agreed to.

Mr. SULLOWAY. Mr. Speaker, I understand the parliamentary situation now is that the bill goes back to the Senate to be disposed of as they choose.

The SPEAKER also laid before the House the bill (H. R. 19278) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments, which were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken, and the motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for further consideration of the bill H. R. 21419, the post-office appropriation bill, and, pending that motion, I ask unanimous consent that general debate on this bill be limited to one hour and ten minutes more.

The SPEAKER. The gentleman from Massachusetts moves that the House resolves itself into the Committee of the Whole House on the state of the Union for further consideration of the post-office appropriation bill, and, pending that motion, he asks unanimous consent that all general debate close in one hour and ten minutes. Is there objection?

Mr. MOON of Tennessee. I see no objection to that.

The SPEAKER. The Chair hears no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21419, the post-office appropriation bill, with Mr. LAWRENCE in the chair.

Mr. WEEKS. Mr. Chairman, I yield to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I notice, with a great deal of interest, that the chairman of the Committee on the Post-Office and Post-Roads has announced a new policy in relation to the hearings before that committee. This is the fifth year I have been trying to get a hearing before that committee on certain bills, and I have even introduced an amendment to the rules providing that any Member of the House, on any bill pending before a committee, with certain exceptions, shall be entitled to be heard at least ten minutes, as I now recall it, or possibly fifteen. I am glad that the chairman is going to give Members who have bills before that committee, including those who have bills in regard to letter carriers, clerks in charge of numbered stations, and so on, an opportunity to present their views. [Applause.] Here is the rule I proposed in the Sixtieth Congress and reintroduced in this:

House resolution 18.

Resolved, That Rule X be amended by adding the following section:

"63. On the written request of the Member introducing a bill, the committee to which such bill was referred shall fix a day, not more than two weeks subsequent to the receipt of the request, in which such Member may be heard as to the bill so introduced, such hearing to be limited, if the committee so directs, to ten minutes. Notice shall be sent to the Member of such meeting. Neglect to comply with this rule shall make privileged a motion to discharge the committee from the further consideration of the bill. This subdivision shall not apply to the following committees: Elections, 1, 2, and 3; Invalid Pensions, Pensions, Claims, War Claims, and Enrolled Bills."

I desire to put into the RECORD a few words in relation to the city carrier. We hear a great deal about his blessings. The facts are that he starts in as a substitute at 30 cents an hour. He reports every day. Frequently he gets no employment at all, thus getting no pay and losing his expenses. Here in Washington men have been substitute carriers for as long as three years, I am informed. Finally the carrier is made regular. He starts at $600 a year and goes automatically through the classification act, which we passed three years ago, in succeeding years to $800, $900, $1,000, and $1,100. Congress has fallen into the habit of appropriating for 50 per cent of the appropriation, so that, allowing that he substituted one year, but went to $1,200 at his first opportunity, he reaches the $1,200 salary in his seventh year of service. In New York City it is not an exorbitant salary. The bricklayer gets $5.60 a day, the carpenter and the plasterer, each $4.50. In 1906 and the first part of 1907 the resignations of carriers to go into better positions were numerous.

The clerk also starts at the bottom and gets to the $1,200 grade at about his seventh year. The carrier has an eight-hour law; the clerk has none. The distinguished chairman of the committee stated that the average day of the clerk is but a little more than eight hours. Later he admitted that he had not included Sunday work in his calculation; neither did he include the hours spent at home studying city and distribution schemes necessary to be known to pass the efficiency tests required by the department. The classification law has improved both the clerk and carrier service. The increased pay keeps good men in and makes them more contented. A retirement law is the next step, and, in my judgment, not a far-distant one. I append a paper prepared by the Postal Progress League:

A FREIGHT, PASSENGER, AND INTELLIGENCE POST THE PUBLIC NEED.

In his article "Ethics of corporate management," in the North American Review of January 18, 1907, President Hadley, of Yale University, said that the demands of the various railway commissions for increased power in order to enable them to cope with the difficulties of the railroad problem reminded him of the minister in the country church who said, "O, Lord, we pray for power; O, Lord, we pray for power," until an old deacon, unable to contain himself, interrupted, "Tain't power you lack, my young man; its idees."

Far back in 1837 Rowland Hill, of England, discovered to the world the "idee" that within the limits of a public transport service the cost of its use is regardless the distance traversed by any unit of traffic upon the moving machinery, and upon this "idee" Mr. Hill based the English penny letter post of 1839.

To-day this "idee" is the recognized law not only of the modern postal service of the world, it is the law of our city trolley services and of the through freight services of our railways. * * *

THE POST-OFFICE—OUR MUTUAL TRANSPORTATION COMPANY.

The post-office is our mutual transportation company. Its management, the terms and conditions of its use, are subject to our will. Its only physical limitation is the capacity of the machinery of transportation. It is the only public transportation agency that covers the whole country.

Its underlying principles are: Rates regardless of distance, regardless of the character or the volume of the matter transported; rates determined by the representatives of the ratepayers in Congress assembled, and on the cost of the service rendered. Within its limits all persons, places, and things are on a plane of the most perfect commercial equality. Up to its limits the humblest citizen on the most out-of-the way rural route is on a par with the richest corporation in our greatest metropolis.

In his speech in favor of a uniform 2-cent letter rate, delivered in Congress February 21, 1839, Congressman Palfrey, of Massachusetts, spoke of the postal system of uniform rates as follows:

"The idea of charging higher postage on a letter on account of the greater distance it travels is an absurdity. The long routes are all made up of a series of short ones. Whether the letter or the 10,000 letters mailed at Boston shall stop at Worcester or go on to Galena will not make $1 difference in the contract." Says Rowland Hill: "It is not a matter of inference, but a matter of fact that the expense of the post-office is practically the same, whether a letter is going from London to a village 11 miles distant or to Edinborough, 397 miles. The difference is not expressable in the smallest coin we have. The average cost of the transportation of each letter, taking all the mails in the Kingdom, is estimated at one-ninth of a farthing." At this rate the average cost of the transportation of a half ounce American letter is about one-half a mill, a rate which it is idle to think of graduating by distance.

At 10 cents a mile for transportation of a mail bag it may cost the department a dollar to carry a single letter 10 miles, while 10,000 letters of another bag are carried at the same rate 100 miles, each costing for ten times the distance only one-thousandth part as much.

In 1862 Postmaster-General Montgomery Blair suggested the application of this principle to a world postal service. In 1863, under the leadership of Abraham Lincoln, it was made the basis of the modern United States post-office. In 1874 it became the basic principle of the new-born World Postal Union, under which books are now posted anywhere throughout the world at a common rate of 1 cent each 2 ounces, 8 cents a pound, and in this same year the United States Congress established a general merchandise post, limited to 4-pound parcels, at the common world book rate for all distances within our territory. The Congress of 1885 gave to magazines and newspapers—registered second-class matter—a uniform cent a pound rate, and thus provided the American people with the greatest public school on earth.

American express companies apply this principle of uniform rates in their transportation of books, seeds, bulbs, etc., for planting—third-class mail matter—throughout their respective jurisdictions—New York to California—in parcels 10 pounds and over, at a rate just under that of the post-office, with insurance up to $10. On magazines and newspapers—registered second-class mail matter—their uniform rates are: Parcels, up to 10 pounds, 10 cents; larger parcels, 1 cent a pound, collect and deliver within distances covered by their merchandise rate of $4.50 a hundred pounds or within zones of 1,500 miles, east or west of the Ohio-Pennsylvania state line.

This principle of uniform rates is applied in the trolley service of every American city, and to it more than to anything else they owe their wonderful growth and prosperity. In 1888, Judge Cooley, of the Interstate Commerce Commission, said of the then existing uniform railway milk rates to New York, distances up to 220 miles: "It has served the people well. It tends to promote consumption and to stimulate production. It is not apparent how any other system could be devised that would present results equally useful or more just."

RAILROADS DEFEND UNIFORM MILK RATES.

In 1895 this uniform milk rate, which then covered distances up to 330 miles, was attacked by the Orange County milkmen on the issue that it deprived them of their natural monopoly of the New York milk market. The Hon. Joseph H. Choate, of New York, represented the milkmen. Messrs. Rogers, Locke & Milburn represented the railroads. At that time the uniform rates from points west of the Hudson to the railroad terminals opposite New York City were as follows:

On cream in 40-quart cans, 100-pound packets, 50 cents per packet, one-half cent a pound; in crates of 12-quart bottles, 70-pound packets, 15 cents per packet, a trifle less than one-fourth cent a pound; on milk, 32 cents per packet, less than one-third cent a pound in cans; 9.6 cents per packet, one-seventh cent a pound in crated bottles. The empty packets weighed, cans, about 20 pounds; crated bottles, 30 to 35 pounds. The weight of the filled-bottle packets was partly due to the ice in which they were packed, and the above rates paid not only for two handlings of these filled packages and their transportation to the Hudson, opposite New York; they also covered the icing of the milk in summer, the heating of the cars in winter, and the return of the empty packets to their stations of origin.

UNIFORM RATES TOO HIGH.

With all this service the business was exceedingly remunerative to all engaged in the traffic, their rates, according to Mr. Choate, being from two to three times the cost of the service rendered. In the case of the Delaware, Lackawanna and Western Railroad the business was so profitable that the railroad managers actually paid their milk contractor, Westcott, $50,000 a year as his share of the plunder. In the case of the Delaware, Lackawanna and Western Railroad, which then transported about one-fourth of the milk brought by rail to New York, the president of the road determined the rates, and accepted as the share of his associate stockholders 80 per cent of the receipts, giving 20 per cent to Westcott. In other words, the actual milk pay received by the Delaware, Lackawanna and Western Railroad was 25.6 cents per 40-quart milk can, weighing filled 100 pounds, empty 20 pounds, and about the dimensions of a half barrel; and on bottled crates, weighing filled 75 pounds, empty 30 to 35 pounds, and of dimensions 12 by 12 by 24 inches (1½ bushels), 7.68 cents; 83 per cent of the entire business originated beyond Binghamton, N. Y., 206 miles from Hoboken, and on this part of the business every car and crate was hauled a round trip of at least 412 miles, each single trip involving a haul of heavy grades over the Catskill Mountains on special trains made up of refrigerator cars costing about $2,500 each, iced in summer and heated in winter. The Lackawanna milk trains average eight cars, and ran on a schedule time of 40 to 45 miles an hour. The average load of the cars was 160 cans, weighing filled on their way to New York 8 tons and on the return trip 1⅞ tons. In this business, according to Mr. Choate, the milk cars of the Erie Railroad earned 26 times as much as the average freight car and nearly 80 per cent more than their average passenger car.

This old New York milk traffic compares well with the mail service rendered the Government by the railroads, and exceedingly well with their traffic in second-class mail sacks. The transport of the mail sacks is, indeed, less costly to the roads and less injurious to their cars than that of either milk cans or milk crates. Rates that proved so wonderfully profitable to the railroads in the milk traffic can be made equally profitable in mail service. Congress has but to provide for the government ownership of its mail cars (its wooden mail bags), paying the railways a certain definite rate per mile for their transportation, full or empty, and with a low uniform rate on merchandise, postal cars will always run well filled, at little if any more cost to the Government than it is now paying for cars occupied to hardly a fifth of their capacity, and postal deficits will disappear.

RAILROADS DEMAND UNIFORM CONTINENTAL RATES.

In December, 1895, Commissioner George R. Blanchard, of the Joint Traffic Association, testifying in behalf of the uniform rate on milk to New York before the Interstate Commerce Commission, declared that there was no reason why it should not be extended to a thousand miles, and Messrs. Rogers, Locke & Milburn, counsel of the Delaware, Lackawanna and Western Railroad, said:

"The distance, within which the rate on milk should be uniform, need only be limited by the time required to make it with the train and meet the wants of the New York market with milk not affected by its transportation.

"The cost of train operation is not appreciably more whether there be 200 cans in a car, or 160 cans in a car, or 10 cans in a car. The same crew, the same messengers and organization, and the same terminal service have to be maintained whether the car be carried from Binghamton or not, or from Sussex County or not, and the cost of the delivery of the can at the Hoboken terminal is in no real sense dependent upon the length of its haul."

In his great work, The Economic Theory of Railway Location, Arthur M. Wellington says: "As a matter of purely public policy—that is to say, if the interests of the railways were identical with the interests of the community as a whole—railway rates should be the same for all distances."

Note also this testimony as to the uniform rates of the railways in their through traffic, set forth before the railway-rate committee of the United States Senate of 1905 at Washington:

IOWA'S PROSPERITY DUE TO APPLICATION OF THE POSTAL PRINCIPLE IN THROUGH RAILWAY TRAFFIC.

Hon. L. S. Coffin, late railroad commissioner of Iowa: "Some forty years ago the agricultural papers announced the fact that a shipment of butter from Davenport, Iowa, and a shipment of butter from central New York, and a similar shipment from St. Albans, Vt., were brought to Boston in the same car, and the freight rate on the butter from St. Albans and from central New York was the same as that from Davenport." And Mr. Coffin went on to say that the position of Iowa as the foremost of the States in agriculture was due to the fact that this system of uniform rates on dairy products had put her on a level as to the cost of transportation with localities 500 or 1,000 miles nearer the great marts of trade. To this custom was due the fact that his farm, which is a thousand miles farther from the great markets of New York and Boston, was worth as much for dairy purposes as farms in New York or Vermont. It was this application of the postal principle to railway traffic that had brought to him his prosperity and had enabled him to so educate his children that they could be as intelligent as the children of farmers living near those great markets. "We want this same thing to go on; we want the farmers a thousand miles away from a great market to be as prosperous and his children to have the same and as good facilities for intelligence as the children of farmers only a hundred miles away," and, finally, he concluded: "There should be no wholesale rates as against retail rates; no more so than in buying postage stamps."

GROUPED RATES IN THROUGH TRAFFIC DEVELOP AGRICULTURE IN THE WEST, MANUFACTURES IN THE EAST.

Prof. Hugo R. Meyer, late of Chicago University: "The one thing which has done more than all others for the development of this country is the common custom of the railways to group large districts of territory with a uniform rate regardless of distance. Except for this system of grouped rates we never should have seen the years when we built 10,000 and 12,000 miles of railway, for there would have been no farmers west of the Mississippi River who could have used the land opened up by those railways. Except for these grouped rates we could not have in New England a great boot and shoe industry or a great cotton milling industry; we could not have spread throughout New York and Pennsylvania and Ohio manufacturing industries of the most diversified kinds, because those industries would have had no market among the farmers west of the Mississippi River."

THE EXISTENCE OF NEW ENGLAND INDUSTRIES DEPENDENT ON THROUGH UNIFORM RATES.

President Tuttle, of the Boston and Maine Railroad.—"The boot and shoe industry of New England flourishes," says Mr. Tuttle, "because of the common rate—1½ cents per pair on shoes carried 20 to 1,400 miles. The barbed-wire industry of Worcester, Mass., continues to employ 5,000 hands because of the common rate which Worcester enjoys with Pittsburg to all the west. The textile industries of Massachusetts flourish because of their grouped rates over a great part of the United States."

THROUGH UNIFORM RATES CREATE NEW ENGLAND INDUSTRY.

But this system of low uniform rates not only keeps industries flourishing; it creates industries. "In the northern part of Maine," says Mr. Tuttle, "there are hundreds of thousands of acres of spruce lands. Up to within ten years ago, in certain parts of Maine, there were no inhabitants. At a certain place there was primeval forest, not containing even a hundred cabins. A railroad was put into that territory—the Bangor and Aroostook. Certain capitalists discussed the establishment of a pulp and paper mill in that region. They selected a place where they could bond a large quantity of timber land, with a good water power, and where the other conditions for manufacturing were satisfactory, and called it Millinocket.

"NEAR-BY MARKETS TOO SMALL FOR MODERN INDUSTRIES.

"In order to establish a profitable industry up there it was necessary to manufacture upon a scale sufficiently large to make the product cheap, and this meant a production very much in excess of what could be used in the nearer markets. So they came to the railroad and said: 'We want to know what rate you will charge to carry our products to Boston, New York, and Chicago, and all about us, and then we can determine whether we can build that mill.' Then the railroad had to bear in mind that Chicago was receiving paper from other mills within 500 miles from Chicago, and if the Maine mill was to compete with these mills it must have the same rate for its 1,400 to 1,500 mile haul as they had for the 500-mile haul. The railroad therefore equalized its rates, so that the company could put their products into the markets of the United States. As a result, we have this place Millinocket, with its schools, churches, streets, electric lights, and its population of 3,000 or 4,000, who live as comfortably as they do anywhere in the world, a place where ten years ago it was primeval forest. To illustrate further in regard to this product, paper, we have other mills in different parts of New England producing paper which is sent to the same markets. We have to equalize the cost of transport, regardless of distance between all these mills, so that the product shall be sold in the market at the same price."

WHY NOT HAVE UNIFORM RATES IN ALL PUBLIC TRANSPORTATION?

Manifestly a system of transport rates so useful in through traffic could hardly fail to be of equal benefit in local business. Strange as it may appear, however, though our railways ignore distance over continental areas, they carefully mark up the miles in local traffic, and investigation will prove that in many cases the very lowest less-than-carload rate for the very shortest distance is higher than the through rate for very long distances. In the course of the legislative hearings at Boston in 1900, relative to the issue "The state management of the Boston and Albany Railroad *v.* The New York Central management of this great state highway," President Tuttle, of the Boston and Maine Railroad, gave these as the figures charged for the transportation of flour in carloads from Ogdensburg, 429 miles via the Rutland Railroad and his own road, to Boston:

	Cents.
For transportation, 429 miles	7.2
Terminal charges at Boston for handling and delivering the barrel, guaranteeing its safety, collecting charges, and paying back to the lines from the West their share of the transportation tax	3
Total	10.2

The less-than-carload rate on a single barrel of flour over the New York, New Haven and Hartford Railroad, Hartford to Wethersford, 4 miles, is 25 cents; in quantities of several barrels, 12 cents. Taking the average haul of general produce at 429 miles, it would seem clear that a common 12-cent rate for the railway transport of 200-pound parcels of all kinds of commodities would provide all the revenues needed from all railway freight traffic. The average tax levied by the railways of the United States for the transport of all kinds of freight in 1907 was about $1.06 a ton, or a trifle over 5 cents a hundred. The average passenger tax was about 65 cents per trip, this for trains filled to hardly a sixth of their capacity.

Mr. Childs, general manager of the Erie Railroad, testifying before the Interstate Commerce Commission in the milk case of 1895, already referred to, said that as railway business increases the cost of the service decreases in the ratio of 25 per cent for every 100 per cent increase of traffic; in other words, "if the business be doubled the cost is diminished 25 per cent per unit of persons or produce transported. There is no extra cost in extra speed, because any possible extra expense involved in making fast time is offset by the increased service thus secured from the engine."

"It is a principle of transportation," declared the general freight agent of the Erie, H. B. Chamberlain, "that the constant movement of cars is what makes profit for a road. It's the constantly moving wheel which makes the profit. In the traffic of the roads running into New York these milk cars, which are constantly on the move, although not heavily loaded, carry over four times as much traffic in the course of a year as the ordinary box car."

With public transportation under the complete control of a council composed, say, of the officers of the Post-Office Department, of the governors of the different States, and of army and navy engineers, we believe that the public transport business of this country might be supported by a system of uniform, cost-of-the-service, station-to-station rates as follows:

Rates regardless of distance.

Freight rates, regardless of character of commodities or volume of business:

Closed cars, 5 cents per haul per 100 pounds.

Open cars, not over 50 cents, possibly as low as 40 cents, per haul per ton.

Passenger rates.

Fast trains, stopping at intervals 40 miles or more	$1.00
Express trains, making more frequent stops	.25
Way trains, stopping at all stations	.05

EVILS OF PRESENT TRANSPORT DISCRIMINATIONS—BIG DEALERS GIVEN LOW UNIFORM RATES OVER CONTINENTAL AREAS—SMALL DEALERS IMPRISONED IN NARROW SLAVE PENS.

Under present conditions the value-of-the-service system of rates, rates according to distance and the value of the service rendered, is quite strictly applied in general passenger traffic and in local freight traffic. In through freight traffic, on the other hand, large dealers and large producers are generally given uniform rates over large areas of territory regardless at once of distance and of the character of their commodities. As to travel, they are usually provided with cheap mileage books, if not with free travel. Almost all westbound commodities destined to Pacific coast terminals have a common blanket rate, regardless of distance and regardless of the character of the commodity from all points east of the Missouri River, and on their eastbound traffic from the Pacific coast terminals to points east of the Missouri River they also enjoy a common blanket rate on their through carloads over zones of many hundreds of miles.

ORDINARY CITIZENS TAXED "ALL THE SUBJECT WILL BEAR."

The ordinary citizen, on the other hand, receives very different treatment. Unable to invest in a thousand-mile mileage book, my tax New York to and from Washington is $11.30. My wealthier friend, occupying the seat beside me and the owner of a mileage book, pays for the same service $9.04, and Congress, whose business it is to secure equality of privileges and rights to all the people, forces the ordinary citizens of the United States to submit to this discriminating taxation. The day laborer is infinitely worse off than I. Even under the best conditions—with fares at but 2 cents a mile—he is taxed 20 cents—10 per cent of his $2 a day earnings—for a round trip to and from a short job, but 5 miles from his home. If his job be 25 miles distant, his round trip costs him $1, or 50 per cent of his earnings. This for a service which, under government ownership of the railways, could be profitably done at a charge of not over 10 cents a round trip. The government railways of Belgium furnished even lower rates than this to Belgium workmen as long ago as 1883, and the business was exceedingly profitable.

INDIVIDUAL ENTERPRISE CRUSHED—SMALL DEALERS AND SMALL PRODUCERS DRIVEN OUT OF EXISTENCE—THE BIG TOWN ENRICHED, THE SMALL TOWN IMPOVERISHED.

The small dealer and the small producer suffers the same discriminating taxation as the workman. The rates on their local traffic and their less-than-carload business are sometimes 50 per cent higher than those of their great competitors engaged in carload traffic covering continental areas. The great dealer of the interior unquestionably sends his produce to Europe on occasion at a less tax than that levied on similar produce of the small dealer sent to our seaboard for home consumption. The large towns at railway terminals get far lower rates than are accorded to the smaller towns between the terminals.

THE PRIVATE EXPRESS COMPANY KILLS THE SMALL TOWN.

The private express custom of taxing additional rate for each line over which a parcel passes makes the establishment of a business requiring express service in small towns an impossibility. Such business must be located, if it would be successful at great centers, where several express lines diverge and where supplies and produce are usually subject to but one expressage.

Boise, Idaho, is controlled by the Pacific Express Company. Buffalo and Cleveland, on the Pacific Express line, enjoy several other express services. The smaller towns near by, subject to a second express charge, pay nearly twice as much as Buffalo and Cleveland on their Pacific Express business; to Boise, Idaho, on 8-pound parcels from Buffalo, N. Y., 2,437 miles, $1.20; Batavia, N. Y., 2,473 miles, $2.20; Cleveland, Ohio, 2,295 miles, $1.20; Euclid, Ohio, 2,306 miles, $2.20. With similar discriminations on all their express business, the fate of these smaller towns is evident.

THE PRIVATE EXPRESS COMPANY KILLS THE SMALL MANUFACTURER, FARMER, AND DEALER.

Rates from New York: Where the express rate on a 100-pound parcel is 40 cents, two 50-pound parcels pay 80 cents; four 25-pound parcels pay $1.40; ten 10-pound parcels pay $3. Where a 100-pound parcel pays $1, two 50-pound parcels pay $1.60; four 25-pound parcels pay $2.20; ten 10-pound parcels pay $4.50.

The smaller the business, the higher the tax; the small business goes to the wall. The late 300 per cent dividend of the Wells-Fargo Express Company is striking evidence of the express exploitation of the general public.

TAXATION WITHOUT REPRESENTATION.

"Our present system of making railway rates," said Interstate Commerce Commissioner Prouty, January 12, 1903, "is taxation without representation in its most dangerous form." This taxation now amounts to over $2,500,000,000 a year, to over $150 a year for the average American family. In the determination of these taxes the taxpayers have no share. These taxes continue to be levied upon the principle "what the subject will bear." They always discriminate in favor of the big dealer and the big producer as against the small dealer and the small producer and against the little town and in favor of the big town. The result is the rapid concentration of our population in great cities within which laborers are huddled in narrow slave pens, while those who are enriched by this taxation live in palaces in other sections of the same city.

And the railway legislation proposed for the consideration of the Sixty-first Congress offers us a future almost worse than the past. The railway speculators left in control of our public highways are to be deprived of inducements for the improvement and extension of their transport agencies, while transport taxation is to be left in a chaos that can not fail to result in widespread disaster.

PREDICTION OF CARROLL D. WRIGHT, 1894.

The Hon. Carroll D. Wright foretold the present condition of things in his notable address on the Chicago strike of June, 1894:

"The Chicago strike is epochal in its influence," he said, "because it emphasizes the claim that there must be some legislation which shall place railroad employees on a par with railroad employers in conducting the business of transportation, so far as the terms and conditions of employment are concerned; because the events of that strike logically demand that another declaration of law and of the principles of the Federal Government shall be made; a declaration that all wages paid as well as charges for any service rendered in the transportation of property, passengers, etc., shall be reasonable and just. It has emphasized the power of the Federal Government to protect its great interests in the transportation of the mails."

Personally, he added, he was opposed to the government management of the railroads, but if it came, it would come because of a great necessity, and good citizens should have no fear. When it came, moreover, it would be not at the demand of the labor involved in carrying on the work of transportation, but "at the demand and in the interest of the railroads and of the shippers," and the movement would be most seductive.

The demand would be that the Government should take charge of the roads—not purchase them—should take charge of the roads, and out of the proceeds of the transportation business guarantee to the existing stockholders a small but reasonable dividend. And this seductive movement would command the support of the conservative men of the country, of the stockholders themselves.

RAILWAYS—POST-ROADS.

This dictum thrown out by Ex-President Roosevelt in his speeches at Indianapolis, Ind., and at Lansing, Mich., in the spring of 1907 suggests the seductive movement predicted by Mr. Wright, and the times now seem ripe for its consideration.

A TRANSPORT PROGRAMME.

* * * * * * *

President Roosevelt's reference to the railways as post-roads suggests the following transport programme:

1. Government control and guaranty of fair return on investments.

The National Government, under its constitutional power over post-roads, to take control of the entire business of public transportation and to guarantee to the holders of transport securities a return on their investments equal to the average annual return of the past ten years, a similar return on their cost to be guaranteed on roads recently built. (This will insure absolute safety to the investments of savings banks and similar associations. It will insure more than a square deal to railway speculators.)

2. Maintenance, extension, and operations of post-roads.

The maintenance, extension, and operation of the consolidated system to be under the control and management of an extended postal department, including the engineering corps of the army and navy; all postal employees to be enlisted as men are now enlisted in the army and navy. The government engineers intrusted with the building and maintenance of the Panama Canal may be safely intrusted with the care of all our public highways. To prevent waste, the post-road policy of the National Government should be the same as the highway policy of the different States, viz: Any community, town, county, or State asking for an extension of post-roads should pay some share of the cost. Local roads may, perhaps, be left to local control, as local roads are now left to the care of the smaller communities within the different States. But the whole business must be under the general jurisdiction of the National Government.

3. Funds.

As to funds, United States 2 per cent thirty-year bonds are worth 101. The new postal savings banks will offer the Government an opportunity to secure funds for the improvement and extension of its post-roads at 2 per cent. A large part of the funds needed for this purpose may be secured, indeed, without the payment of any interest by the issue of postal notes—orders for postal services—with blank payable-to-order spaces, to continue in circulation as currency until made payable to particular individuals, and may be redeemed at the various post and railway offices of the country with new currency.

4. Tolls, freight rates.

Make the very lowest less than carload rate on merchandise the uniform rate for the station to station service, adding thereto the lowest possible rate for collection and delivery, to the end that we may have a universal door-to-door rate within the entire public service.

* * * * * * *

The possibilities as to low transport rates under a well-coordinated system of transportation are altogether beyond imagination. It is estimated that a saving of $50,000,000 a year could be made in the transport service of the city of New York alone if the entire business were in the hands of one well-equipped organization, run in the public interest. Vice-President Buckland, of the New York, New Haven and Hartford Railroad, is quoted as saying that $15,000,000 a year could be saved to the people within his railroad province under a door-to-door freight-transport service undertaken by the railroad in connection with the trolley lines. The time is near at hand when heat and light and power, derived from coal, transformed into electricity at the mine, and conveyed by cable to the place of use will free the railroad from the transport of coal, and the cars now employed for this purpose will be free for the transport of general merchandise.

5. Hours and wages of labor.

Not over eight hours per day, not over forty-eight hours a week, the hours and the wages of labor to be determined by the Representatives of the people in open Congress. (Experience has abundantly proved that long hours of service in this nerve-destroying employment are at once dangerous to the public and deathly to the workman. Insured through his Representatives in Congress a share in determining the hours of his work and his remuneration, the worker upon the post-roads will have no occasion to strike.)

6. The extended post-office department.

The new department of post-offices and post-roads to manage the entire service of transportation and transmission may be composed of one member of the National Cabinet and ten or more associates, each of whom shall be at the head of a postal division corresponding to one of the groups into which the railway system of the country has been divided by the Interstate Commerce Commission, and shall be responsible for the postal business within his territory. This department may be assisted by an advisory council made up of the governors of the different States.

The pending substitution of electricity for steam, resulting as it surely will in a very large reduction of transportation expenses, makes the present hour a most appropriate time for the consideration of this programme. Uncle Sam, the representative of all of us, may be safely intrusted with the interests of each of us.

"Upon the postal service more than upon anything else does the general economic as well as the social and political development of the country depend." (Postal Commission, 59th Cong., Jan. 28, 1907.)

And what is true of the United States of America is equally true of the United States of the postal world.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MALBY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14464) making appropriations to provide for the expense of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4446. An act to give the Secretary of the Treasury discretionary power in regard to the improvement of the post-office and court-house at Wilmington, Del.; and

S. 6168. An act creating a government business methods commission.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 2072. An act to remove the charge of desertion from the military record of John Reed, alias Michael Flanagan;

S. 2445. An act for the relief of Peter Fleming;

S. 6072. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

S. 4672. An act to correct the military record of William Keyes.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. WEEKS. I yield ten minutes to the gentleman from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. Chairman, in rising to offer these few remarks on the pending bill I wish to congratulate the committee and the country for the wisdom and good judgment shown by the committee upon the important question of second-class mail matter, in leaving the rate of postage unchanged on this class of mail. In my humble opinion, their action will be approved by the public in general.

I also believe that the committee will be commended for their action in incorporating into the bill a provision to stop the Government from being a competitor with the printers of the country. I regret, Mr. Chairman, that I can not go on and approve of all that the committee has done in drafting this bill. I believe they have made a mistake in limiting the appropriation for Rural Delivery Service to practically the same amount appropriated last year.

We should have at least $5,000,000 more than this bill carries, and it is with a certain degree of hope that the committee will accept an amendment for an increase in the amount of appropriations for rural carriers, for the maintenance of all rural routes now in operation, and for the establishment and maintenance of routes which have been favorably reported, but upon which action has been suspended for lack of funds, still leaving a balance which can be used in the establishment of routes which may be authorized during the coming year.

I can to a certain extent sympathize with the committee in their efforts to keep appropriations down to as small a sum as possible, providing it will result in true economy to the Government—and when I say the Government, I mean the people, because they are the Government. Those of us who appreciate the benefits of the Rural Delivery Service fully realize that the services performed by the rural carriers, especially in the western States, where the routes are long and the climatic conditions are severe, are performed by them more as a patriotic duty, at a real sacrifice, than for gain or profit. We had hoped at this time to be able to tell these patriots, who have been patiently knocking at our door for better pay, that the Committee on the Post-Office and Post-Roads recognize the value of their service to the people to the extent of allowing an increase in their salary of $25 per month. I am sure that such action would be approved by a large majority of the Members of this House. [Applause.]

Mr. Chairman, the present pay of the rural carrier is wholly inadequate. Mr. W. D. Brown, editor of the Rural Free Delivery News, has collected a lare number of facts in regard to this, and his statement shows that the average net earnings of the rural mail carriers in the United States for the six months ending December, 1909, were $189, or $31.50 per month. In North Dakota the average was only $167 for six months, or $27.66 per month. This is the lowest salary paid to anyone in the service of the United States Government. Why practice such rigid economy in the performance of so valuable a service? The people in the rural districts are entitled to a good mail service as well as the people who live in our cities and towns. I do not complain because the letter carrier in the city receives a salary of $100 per month; I am glad that he receives a fair pay for his services. But what about the rural carrier, who receives 25 per cent less, or only $75 per month, and then has to furnish and maintain his own equipment? The present arrangement is a gross discrimination against the rural carrier, and one of which he rightly complains.

In my opinion, it is a great mistake to commence the practice of economy in the distribution of mail. Every citizen of the United States should enjoy the privilege of receiving his mail promptly and properly. This bill carries some $37,000,000 for Rural Delivery Service, and a total appropriation of $240,000,000. It is said that the rural service caused a deficit of more than $24,000,000, but those who are urging this as a reason for retrenchment forget that 60 per cent of our population live in the rural districts. Admitting that this service causes a deficit of $24,000,000, it is a small sum to pay for the service rendered. It is hardly necessary to remind you that the total appropriations every year exceed $1,000,000,000.

The rural service was initiated by the Republican party. Let us see what we promised the people in our platform adopted at the Chicago convention in 1908, the platform upon which every Republican was elected, from President down. This is what the platform contains:

We favor the extension of free rural mail delivery until every community in the land receives the full benefit of the postal service.

Shall we keep faith with the people to whom these promises were made or shall we violate our pledge? I feel it to be my duty to call the attention of my Republican colleagues to this plank in our platform. The very least expected of us by the people is that we appropriate sufficient money to enable the department to establish rural routes where conditions warrant it. There is at present in the Post-Office Department more than 2,000 cases in which the prospective patrons of rural routes have petitioned for their establishment, and have fulfilled all requirements of the law and of the department, and where the department has found that conditions fully warrant the establishment of the proposed routes, but action on which has been suspended as a measure of economy. In my State alone there are 99 of these cases. I wish to insert at this point a letter from the Fourth Assistant Postmaster-General, showing the number of routes in North Dakota, the number of cases favorably reported on but upon which action has been suspended, and the number of petitions for rural routes at present pending:

POST-OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, February 24, 1910.

Hon. A. J. GRONNA,
House of Representatives.

SIR: Referring to your inquiry of this date by telephone, you are advised that the records of this office show the following:

Number of rural routes in operation in North Dakota	426
Number of cases favorably reported upon which action has been suspended	99
Number of petitions for rural routes now pending	22

Very respectfully,

P V. DE GRAW,
Fourth Assistant Postmaster-General.

It seems to me that it must be clear to anyone who will give the matter consideration that it is false economy, as well as a violation of party pledges, to fail to provide adequately for the maintenance of this service. At this time we are much exercised about the high prices of food products, and yet fail to see that a daily mail service in the rural districts will bring relief. In my opinion, the only way to remedy this condition is to bring the consumer in close contact with the producer, thereby benefiting both. The appointment of committees will, in my

judgment, be as useless and will bring to those most interested the same degree of relief and satisfaction as a political stump speech would to a hungry man. It is not promises that we want, but action. The citizens in the rural districts can always be depended upon to do their duty, but they will not accept party promises which seem to be made only to be broken. They expect results, and are fully determined to have results.

Mr. Chairman, there is another phase of this question to which I wish to call attention. We have been reminded, time and again, by thoughtful men that our people are flocking to the cities; that boys brought up on the farm leave the farm and go to the city, in larger numbers some years than in others, but in large numbers every year; and that few people leave the city for the farm. The result of this constant drain is that an ever-increasing proportion of our population lives in the cities and an ever-decreasing proportion is engaged in agricultural pursuits. It is hardly necessary for me to call your attention to the ensuing danger if this process goes too far. An ever-decreasing rural population will not always be able to produce enough to sustain an ever-increasing urban population.

Our lands are not now producing as much per acre as they might with other methods of cultivation, and this is largely due to a scarcity of farm labor. If farm life is to be made attractive to the American boy, if the tide which is so strongly setting toward the city is to be turned the other way, it must be done by increasing the advantages of farm life, not by denying the farmers advantages to which they are entitled. [Applause.]

Are we doing our duty as representatives of the people if we curtail the postal service, one of the most important services that the Government is performing? Do you realize that in pursuing a policy which prevents the establishment of 2,000 rural routes where conditions warrant their establishment we are denying to 1,000,000 of our people a service to which they are entitled, for which they are paying, and which they have had every reason to believe would be provided for them? Are we fulfilling our oath of office in acquiescing in this policy? It may be true that the Post-Office Department could be run on a more economical basis, that it could perform the same service as at present at a smaller cost, but I submit that the way to economize is not to curtail the service that is rendered or that ought to be rendered. We are not yet so poor but that we can afford to make liberal provision for a service which is more important in the diffusion of knowledge and interchange of ideas than any other rendered by the Government. I appeal to the members of the committee and to the Members of this House not to permit the passage of this bill until such changes have been made as will make adequate provision for the extension of the Rural Delivery Service wherever warranted. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURKE of South Dakota having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 18019. An act to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas."

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 19403. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. WEEKS. Mr. Chairman, the gentleman from North Dakota [Mr. GRONNA] in his remarks just now indicates that he has come to the conclusion that because there is not in the pending appropriation bill any reference to a change in the rate on second-class mail matter the Committee on the Post-Office and Post-Roads have concluded not to take any action on that subject. I think I ought to say to him and the House that that matter is now under consideration by the Committee on the Post-Office and Post-Roads, and the fact that no reference is made to it in this appropriation bill does not indicate whether action will or will not be recommended to the House later on.

I now ask the gentleman from Tennessee [Mr. MOON] to use the balance of his time.

Mr. MOON of Tennessee. I yield to the gentleman from Missouri [Mr. BOOHER] twenty minutes.

Mr. BOOHER. Mr. Chairman, on the 25th day of January I introduced in the House—and in the usual course it was referred to the Committee on Census—the following resolution:

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to inform the House of Representatives whether enumerators of the census are permitted to do extra work not a part of their duties as enumerators, but demanded of them as a condition of their appointment.

On the 11th day of February, by its chairman, the majority of the committee reported the resolution back to the House with the recommendation that it lie upon the table. As soon as the report was read, on motion of the chairman of the committee, the report was adopted. The motion cut off debate, and no opportunity to explain the reason for offering it was given. Hence, I deem proper at this time to state to the House the reason that prompted the offering of the resolution.

A few days before the resolution was offered there appeared in the St. Louis Post-Dispatch and other newspapers a letter, with a short explanation from the writer, which I will now read:

CARUTHERSVILLE, MO., *September 9, 1909.*

DEAR FRIEND: I received your letter and note all you say about being appointed census enumerator. Your being a Republican is the first qualification, and you are O. K. in that line. You probably will be asked to do some extra work, not a part of your duty as enumerator, if you are appointed, but it is such work as any enthusiastic Republican will be glad to do, and will in no way conflict with your duty as enumerator.

This extra work will be outlined to you before you are appointed, so that you need not accept the appointment if you do not desire to do what will be asked of you.

You get the indorsement of your county committee, and then if you are willing to do the extra work, I think you will have easy sailing.

Yours, very truly,

C. A. CROW.

"I did not realize how strictly President Taft intended his order," said Mr. CROW to-day. "The instructions I referred to as likely to be forthcoming were that the enumerators were to report informally to the Republican county or the district committee as to the sentiment they found—if the section they canvassed was filled with insurgent sentiment or whether it was inclined to stick by the regular party, or if there was defection that might take men out of the party altogether. We wanted to know where we stood, and this seemed a good and, I am sure, a legitimate way of ascertaining the lay of the land."

Mr. Chairman, in view of the debate that has heretofore taken place concerning this very remarkable document, I do not care to enter upon a discussion of it just now.

Had the usual courtesy observed by the committees of this House been extended to its author, either in the committee room or on this floor, I would not now call it to the attention of the House. Is there a Member on this floor, outside the majority of the Census Committee, that indorses the letter, in view of the oft-repeated declarations of the majority that the census will be taken in a fair, nonpartisan manner?

The action of the majority of the Committee on Census clearly shows that they approve it and do not propose to in any manner become a party to the taking of a fair, nonpartisan census, else why do they refuse to give the House the information sought? What is it the resolution asks for? Only that the Secretary of Commerce and Labor—

Inform the House if the census enumerators will be permitted to do extra work, not a part of their duties as enumerators, but demanded of them as a condition of their appointment.

Anything wrong about that resolution? Why not have the information from headquarters—from the one man in this administration that can speak authoritatively upon this question?

If you are honest in your shouting for a nonpartisan census and the things set out in the letter and statement of the writer will not be permitted, who is better qualified to tell us of that fact? We must not lose sight of the fact that the writer is a Member of this House and is presumed to state the exact facts in relation to public matters. We are fully warranted in believing that the statements in the letter are true. If not true, why not submit the evidence of their falsity? If not made with the approval at least of those charged with this work, why is the majority of the Census Committee afraid to produce the evidence? The law is that where a party has possession of evidence and refuses upon request to produce it, it is taken to be against him; and the court would indulge the presumption that everything alleged against the party was true. This evidence is in your possession, you refuse to produce it, and it is not wrong to draw the conclusion that the law presumes under like circumstances; that is, that the letter of my colleague was not written without full knowledge on his part that no information would be forthcoming that would in the least tend to discredit him.

If you are honestly in favor of a nonpartisan census, why not show it by discrediting the written declaration of a Member of this House, who, if his letter and statement be true, proves con-

clusively that such is not your intention, that you are not in favor of a nonpartisan census?

You may lay resolutions of inquiry on the table, but you can not prevent the people reading and forming their conclusions from your conduct.

In some cases actions speak louder than words, and this is one of that class of cases.

During the three years that I have been a Member of this body I have consumed as little of the time of the House as any Member here, and would not now trespass further on your time and patience had it not been for the remarkable speech of my colleague from the fourteenth district [Mr. CROW], the writer of the letter just read.

However, when a Member of this House wantonly and without cause assails the people of the State I in part represent, it is meet and proper that reply should be made, not in kind, but by a plain statement of facts and the law as it exists in the State of Missouri, touching elections. I do not believe there is a State in this Union that has a more just, nonpartisan, nonpolitical election law than has the State of Missouri, and there are no people anywhere in this broad land of ours more jealous of the political rights of its citizens than is a genuine Missourian, whether native born or adopted. [Applause.]

I believe it is true that men usually act from some preconceived idea or motive in all matters of public interest; therefore, I am bound to presume that my colleague either acted upon his own judgment after mature deliberation, and after he had finished his lunch, or upon the advice of the distinguished gentleman he visited the night before. Whether the visit was made upon invitation or otherwise, my informant sayeth not.

The moving cause that produced the outbreak of my colleague was the position in which he found himself after the reading of the letter written by him, and of which he frankly admits the authorship. He told the House it was read while he was at lunch, meaning to infer that advantage was taken of his absence. He should have been equally frank and told the House that the debate raged around his letter for four hours, and for at least three hours of the time he was in his seat and not a word was heard from him; neither does he intimate that any bad results followed his lunch. Let me quote from his speech. He said:

> Mr. Speaker, while I was absent yesterday at lunch a letter was read which I wrote. I am wholly responsible for every word that is in that letter and it expresses my views exactly, and I do not regret having written it. The only thing I do regret is that there are some Members of this House so narrow-minded as to get the idea that the President of the United States, or any of his subordinates, had anything whatever to do with the writing of that letter.

That kind of talk may satisfy people who are unacquainted with the ways of the average Republican politician from Missouri. If there is anything in politics they will not attempt, that particular thing has not been brought to their notice. [Applause on the Democratic side.]

Every Member of this House holds a position equal in honor, dignity, and trust to that of any other officer of this Government, and, thank God, it has not yet become a crime for a Member of this House to express his views on this floor concerning the manner of conducting the business of any other department of the Government, or the man who fills the place.

My colleague avows responsibility for the letter. Who expected him to do otherwise? But will he tell us how it is that these letters were scattered over the State—not all written by the gentleman from the fourteenth district? They even permeated the State of Nebraska and, we might presume, other States. That my colleague actually wrote the letter none will deny. That he furnished the brains and mapped out the plan no one acquainted with the facts will believe. The letter proves the hypocrisy of the cry of a nonpartisan census that we have heard in season and out of season. The determination to have a nonpartisan census cost the late Director of the Census his job. No; a nonpartisan, nonpolitical census is not and has not been contemplated by the managers of the Republican party. Your promises to that end, when compared to your conduct, remind me forcibly of the cold-storage egg—grows worse with age. [Laughter and applause on the Democratic side.] Go ahead and take the census just as you please, but out of consideration for the truth and in the interest of fair play and political honesty stop shouting at the top of your voices that it is to be nonpolitical, when all of the supervisors, whenever a competent one could be found, are Republican. Be politically honest with yourselves once and see how you feel.

I say here and now that the gentleman's letter was the deliberate result of a scheme concocted by the leaders of the Republican party in Missouri, a bold, impudent attempt to make a poll of the voters of that and other States for the benefit of the Republican party at the expense of the people. If this is a reflection upon, or an insinuation against, private citizens or officials within or without the State of Missouri, I am alone responsible for the statement.

I have before said, in this connection, and I now repeat, that if the Secretary of Commerce and Labor over his own signature will inform this House that nothing of the kind suggested in the letter will be permitted by the census enumerators, we on this side will accept it. But until that information is forthcoming we shall draw our own conclusions from your conduct and act accordingly. The evidence is in your possession; bring it forth, or your failure to do so will be taken by the people to be a confession of your purpose not to have a fair nonpartisan census. Your voice is the voice of Jacob, but your hand is not the hand of Esau. [Laughter and applause on the Democratic side.] Again he said: "Another shining example of Democratic fairness can be seen in one county in my State, which is strongly Democratic. One township of that county had, it was estimated, 2,000 persons living in it, and yet a vote was cast of more than 1,500. The Democratic chairman was asked how he accounted for that. He said, 'Why, we always vote the name of every man, living or dead, who has ever lived in this township within the last forty years, and to make it good measure we vote his horses and his dogs' names sometimes.'" Applause on the Republican side greeted this slander. The statement, if true, is an indictment of every election officer in the State of Missouri. No State in this Union has a more fair, impartial, nonpolitical, and nonpartisan election law than has the imperial Commonwealth of Missouri.

My colleague was so indefinite as to time, I have no doubt that he referred to that period in the history of the State from 1865 to 1870, when the Republican party had full possession and complete control of every department of the state government, when the elections were held with every member of the election board a bitter partisan Republican; when ballot boxes were burned and every crime that could be conceived against the ballot was committed with impunity and without fear of punishment, but that time has passed never to return. Had the gentleman used the word "Republican" in place of "Democrat," it would have been a correct description of the time to which I allude, and let me say to my colleague that that is a period in the history of our State to which decent men are loath to refer and no honest man will defend. [Applause on the Democratic side.] Like the snowflake in the river, it is gone forever.

I beg the indulgence of the committee while I give a short synopsis of the election laws of the State:

First. The county court of each county is composed of three citizens elected by the people. Among other duties, these three judges are charged with the duty of appointing election officers. Six judges and four clerks compose the election board in every precinct in the State. Three judges must be taken from each of the two parties casting the largest vote at the last prior election, and these three judges are recommended by, and must be appointed from lists furnished by, the chairmen of the political parties entitled to the judges. In addition to these judges, each party is entitled to two clerks, to be chosen by the election judges thus appointed. Then, to make more sure that the election shall be fair and honest, each party that has a ticket in the field may appoint a watcher, who can be present and see every vote cast and counted. The law further provides that the tickets shall be printed at the expense of the several counties, each party ticket on a separate ballot. When a voter enters the polling place he is given one of each ticket printed, by one of the judges known as "distributing judges," two judges acting in this capacity, one from each party. He takes all of the tickets, retires to the booth, selects the ticket he desires to vote, delivers the ticket to one of the two receiving judges, who numbers and deposits it in the ballot box, announcing the name of the voter and number of the ballot so it can be heard by the entire board, and two of the clerks record his name. The voter then hands the remaining ballots that have been given him to the other receiving judge, who places them in a box prepared for that purpose. If a voter enters the polling place who can not for any reason make out the ticket he desires to vote, he informs the distributing judges of that fact; announces the party ticket he desires to vote; states the changes, if any, he desires to have made, and one of these two judges must make out the ticket as requested. No suggestion can be made to the voter, and should either of the judges offer a suggestion as to how he should vote he would be guilty of a serious offense under the law.

But the law does not stop here. It requires that the initial letters of the names of the distributing judges shall be indorsed on every ballot delivered to the voter. A ballot without these initial letters will not be counted. When the ballots are counted

they are securely sealed up and, by one of the election officers, delivered to the country clerk, who keeps them in his office for one year, at the end of which time they are destroyed. No one is allowed to inspect the ballots, under a severe penalty, unless it becomes necessary in an election contest.

If a fairer election law can be drawn, I submit to you that the people of Missouri would gladly adopt it.

The gentleman charges a serious crime against every election officer in each of the 114 counties of the State. The fraud he charges could not have been committed without the active aid of every member of the election board. About 10,000 citizens of the State act in this capacity at each election, one-half of whom are members of his own party. In justice to himself and the people of the other 113 counties, he should have named the county and township, the time the fraud was perpetrated, and the name of the man making the statement. I want to say for the people of the State, regardless of party ties and party affiliations, that they will not tolerate any violation of the election laws, and woe to the offender, whoever he may be, when his sin has found him out.

I now challenge the gentleman to name the township, county, the date of the election, and the name of the man who made the declaration. Nay, more, in the name of all the people of the State of Missouri, I demand that he give the name as publicly as he made the charge, or in this presence confess the statement was not true. He must do this or stand before his people a self-confessed traducer of their honesty and integrity.

My colleague, evidently as an excuse for writing the letter and having been caught, tells us he comes from a district that was purposely gerrymandered by the Democrats to make it everlastingly and forever Democratic, and then he informs us that northern people have settled it in such numbers that the hopes of the Democrats are forever blasted; that the district is now and will remain Republican, notwithstanding the gerrymander. He complains about the gerrymander of Missouri congressional districts. To gratify my friend and tickle his fancy, I want to admit that the fourteenth district has the appearance of having been fearfully and wonderfully made. In this connection, just in order that a fair comparison may be made, let me call my friend's attention to a few examples in some of the Republican States. I must say that they were constructed by experts who probably were coached by Republican politicians from Missouri, who are also noted experts in the art of letter writing when nonpartisan work is to be done.

Look at the eighteenth Illinois district, so ably represented by the Speaker of this House; for length and width I solemly aver in the language of the poet, "she's a daisy." Republican majority about 8,000.

The twenty-fourth Illinois district is so crooked and humpbacked that a sober Republican politician never attempts to go over it in the daytime without a guide, and it has to be twice numbered on the map so it may be traced. It is also reliably Republican.

The fifteenth Illinois must not be neglected. For shape and symmetry it at once attracts attention. In fact, it is a work of art. At one point the corners of two counties are so close that I am informed that two farm wagons can not pass, and a look at the map, to which I call your attention, convinces me of the truth of the assertion. Overwhelmingly Republican.

Now, let us drop in on the twenty-first Pennsylvania. Behold it in all its gorgeousness. Nothing like it for shape has ever been discovered. It is reported that when the legislature constructed the districts of that State they had enough left over for another district, so they named it "twenty first" and joined it together without regard to shape, size, or previous condition of political servitude. Do not forget, however, that it is reliably Republican. At one place a farmer has shut out travel across it by merely putting up an ordinary farm gate. Look at the map and be convinced.

Take the State of Kansas. The Republicans have so perfectly adjusted district lines that a Democratic vote of 161,209 is denied representation on this floor, while 197,216 Republican voters have eight Representatives. However, we console ourselves with the thought that we have one simon-pure insurgent and one other that shows signs of repentance; at least has spells that indicate it. To be more explicit and to show more clearly just how fair the gentleman's party in Kansas is, I will say that the total vote cast against the Republican party in 1908 was 178,963 and no representation in this House.

Do not pass the State of Iowa. If you do, in the language of the showman, you will miss a good thing. Mr. Taft received at the last election in that State 275,210 votes and Mr. Bryan 206,358 votes, with one lone Representative in Congress. Or if we take all the votes cast against the Republican party in Iowa in 1908 we find a total of 285,157, a clear majority anti-Republican of 9,947, with one Representative out of a total of 11. It is a beautiful map, do not miss it.

I entreat my colleague to look for a moment on the twelfth Michigan. It is certainly a thing of beauty, if not a joy forever. Safely Republican.

See also the fourteenth Massachusetts. It has remarkable architectural proportions, and can not be termed just a happen-so. We must conclude that it was built with malice aforethought, with no other purpose in view than making it Republican for "all time."

The map of the State of Ohio furnishes so many works of art that comparisons would be odious. So I call attention to the entire lot.

My colleague objects very strenuously to the length of his district, and in order that he may not weep alone on that feature of the subject, let me call his attention to the map of Vermont. I solemnly aver that for length alone the fourteenth Missouri district is not in it.

Of course some beautiful examples of the district builders' art may be found in States where no Republicans abound, where the census officials could not find a member of that party with sufficient intelligence to supervise the taking of a purely nonpartisan census, and we hear no complaint from anyone in relation to them.

There is another feature of the remarks of my colleague that deserves attention. That is that the fourteenth district will always remain Republican. If he will examine the record of the last election he will very readily discover that there is an anti-Republican majority in his district of 1,872 votes. Do not forget that we Democrats in Missouri have grown desperately tired of family rows and have concluded to turn over a new leaf by turning down the party of monopoly and greed and show the country what we can do when we try. I do not wish to cause any unnecessary pain or uneasiness to our friends on the other side of the aisle, but as sure as grass grows and water runs the next congressional delegation from Missouri will be 15 Democrats and 1 Republican with a narrow margin. No bribes in the shape of promised tariff protection or special privilege will again seduce the people of any of the districts of the State of Missouri, no matter by whom they are offered.

Since the passage of the Payne-Aldrich revenue-deficit producer, two congressional districts have held elections. That measure and the policy and practices of the Republican party were the issue, and in both instances a majority of the people voted against them. In the sixth district of Illinois a majority of 15,447 in November, 1908, was turned into an adverse majority of 137 in November, 1909. That is to say, a Republican was elected by a plurality only, as against a former majority of 15,447.

I want to call the attention of the committee to the election of February 1 in the sixth district of Missouri. The district comprises seven counties, purely agricultural. The largest city in it has a population of not over 6,500. Two issues only were presented to the people for their decision—the tariff and Cannonism. The issues were sharply defined. Both sides were ably represented. All the argument that could be brought to bear was forthcoming, and Cabinet ministers, governors, ex-governors, Senators and Members of Congress joined in debate. The result clearly indicates the drift of public sentiment in the great Middle West. The Payne tariff bill and the Republican administration were on trial before a strictly farming constituency, and were overwhelmingly crushed and beaten. A Democratic majority of 1,893 in November, 1908, was increased to 3,778—a striking example of what Missouri Democrats can do when they take a notion to pull together and work in harmony. For the first time since 1870 we have a Republican governor, and, my word for it, there will not be another for the next century.

A little of that thing goes a long distance with people who are used to better things.

In conclusion, I now say to my colleague, if he will give the name of the precinct and county in which the alleged fraud was perpetrated, I will personally bring it to the attention of the prosecuting officers of the county, and I assure this House that whatever may be the political affiliation of the officers, the offenders will speedily be brought to justice, and this includes the judges of the election, for the fraud could not be committed without the connivance and active aid of the election officers. Will my colleague give the information? [Loud applause.]

Mr. MOON of Tennessee. Mr. Chairman, I now yield twenty minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, on the 21st day of February, 1910, Senator ALDRICH, the leader of the Republican party on the floor of the United States Senate, said:

If I were a business man, and could be permitted to do it, I would undertake to run this Government for $300,000,000 a year less than it is run for.

This, Mr. Chairman, is a plea of guilty to the charge of extravagance and incompetency which the Democratic party has preferred against the Republican party in the last three national campaigns. [Applause on the Democratic side.]

It is a fair and frank admission that $300,000,000 a year, an enormous sum of the people's money, is wasted by the reckless management of the party in power; that appropriations exceed the needed amounts for the Government by this great sum; that the party in power annually appropriates this amount more than it ought to. In other words, 30 per cent of all the appropriations is absolutely thrown away. This sum is equivalent to three and one-third dollars for every individual, large and small, old and young, in the Republic.

The appropriations of the Sixtieth Congress, by their enormity, shocked the public and angered the people. At the last session of that Congress there was appropriated to defray the annual operating expenses of the Government for the year ending June 30, 1910, the enormous sum of $1,044,014,298.23. This is a sum equal to $12.50 for every person in the Republic, a sum which is more than equal to $1 per minute for every minute of time which has elapsed since Christ was born up to the present hour, $1 for every minute of time of the one thousand nine hundred and ten years constituting the entire Christian era. [Applause on the Democratic side.]

It is already known that this year's appropriations will exceed that of any former year in the history of the Government. How large no one can tell until the labors of this session are ended. No other nation on earth is so expensive. If the state and municipal governments in this country were equally as expensive the people could not maintain the burden of sustaining them and would not tolerate them to exist. This evil of extravagance is growing, and the Republican party has clearly demonstrated that it is powerless to stop or curb it. It is committed to the policy of extravagance, and all efforts upon its part to control it are futile.

True, its leaders preach economy, but by their votes here in this House practice and encourage extravagance. It can not change the policy to which it has been so long committed, and all attempts upon its part are in vain. One of the reasons alleged by leading Republicans for its inability to economize in public expenditures is that the methods employed in the public offices are antequated, and it is impossible to get the officials in them to adopt up-to-date methods, so that economy and better results would ensue and more efficient service be rendered. It is, in my judgment, the best argument that could be made for a change of the party in power in order that new methods and up-to-date officials should be installed. It is asserted that these offices are conducted as they were forty years ago, and the system of that period is the one used now. This only strengthens the charge that the departments are behind the times and new men should be put in charge, who would inaugurate new methods to improve and facilitate the public service, save the large amounts now wasted, and produce better results for the people. "A public office is a public trust," and should be administered for the public benefit, but under Republican rule a public office is treated as if it were a private sinecure.

The bill under consideration is to appropriate money for the Post-Office Department for the coming fiscal year. The amount proposed to be appropriated by it is, in round numbers, $240,000,000, an enormous sum, an increase over last year's appropriation for this department of $5,119,825. It was confessed that the amount appropriated last year was extravagant, a sum much larger than was needed, if properly managed; but instead of reducing the amount for the coming year it is increased. It is a notorious fact that this department of the government service is run at a loss instead of at a profit; that it costs more to run it than it earns, and yet it is a business department and ought not only to be self-sustaining, but earn a large surplus for the Government every year. Other businesses similar in character do so, and if this department was conducted upon a business basis and run in a business manner it would do so. The various express companies do a competing business with it and earn, as the public well knows, enormous dividends for their stockholders.

The President in his annual message informs the country that it costs the Government 9 cents per pound to transport second-class mail matter, such as newspapers, magazines, and periodicals, and this produces a deficit, yet it is a well-known fact that express companies carrying such freight for 2½ cents per pound are able to declare enormous dividends on their capital stock. If express companies can do this, why can not the Government? The difference is that the former is conducted on a business basis and the latter as a political machine operated to keep the Republican party in power and ignores the application of business principles in its management.

To adopt the President's recommendation in this matter would be adding additional tax on intelligence, as it would increase the price of newspapers, magazines, and periodicals, which the reader would have to pay. In other words, it would tend to diminish their circulation by increasing their cost. For one I am opposed to the proposed increase and shall vote against it. Knowledge should circulate freely and cheaply, in order that the standard of intelligence of the people from year to year may improve.

By applying strict business methods to this department and less political manipulation the deficit can be overcome and the necessity for raising the cost of postage avoided. This Government is paying the railroads too much for carrying the mails, a sum far in excess of what it should pay, and a much larger sum than a business institution would pay for similar service, and this is the cause of the deficit in this department.

For the last seven years the Government has paid, as the records show, the following amounts for this service, including which this bill carries an appropriation for the coming fiscal year:

1905	$39,698,000
1906	40,900,000
1907	43,000,000
1908	44,660,000
1909	45,250,000
1910	46,568,000
1911	46,620,000
Total	306,696,000

This enormous amount is paid by the Government to the railroads alone for carrying the mail, a sum much larger, yes, more than double, than the amount the express companies pay for carrying a similar amount of like matter. This could be reduced in the interest of economy and in the interest of the promotion of the general welfare of the people.

But another and more serious complaint can be justly made against the business methods of this department in the rental of post-office cars from the various railroads of the country. In addition to paying the railroads for carrying the mails, there has been paid by the Post-Office Department for the rental of such cars in—

1909	$4,800,000
1910	4,800,000

and it is proposed by this bill for the coming fiscal year to pay them the sum of $5,047,000 as rental for such post-office cars. For these cars the entire cost of construction and equipment does not exceed $7,000 each, and this sum makes the rental paid on each car per year used $3,575.10.

The average lifetime of these cars, as shown by experience in the service, is ten years. One of them therefore earns for the railroad company during its time of service $35,751, and the companies are paid that amount for its use as rental by the Government. A most splendid investment; more than 50 per cent profit per year. Such methods are sufficient to wreck any business institution. Such reckless extravagance and utter disregard of public welfare demands rebuke. [Applause.]

Is there surprise that the Post-Office Department is not self-sustaining under such business methods? Would it not be better to practice economy and practical business sense in this branch of the service by reducing these enormous charges to a reasonable basis, instead of increasing the rates on second-class postal matter? Here is an example of extravagance and waste which should be corrected. It is said that nearly everything in the Post-Office Department is controlled by executive order. If this be true, then there should be a timely executive order made which would cancel these contracts and direct new ones, which would be in keeping with good, sound business principles and common justice to the American people.

If the business of this department is under executive orders, as claimed, another matter at this time might be suggested with propriety which would relieve this department of much work and save much time, which could be profitably employed by the Postmaster-General in looking after the business of his office, and also relieve the President of much embarrassment and work, and that is an order that all postmasters hereafter at the national presidential election be selected by a vote of the patrons of the several post-offices of the country. [Applause on the Democratic side.]

Such an order would be approved by the people and hailed as a much-needed reform in this country. [Applause.] There is no good reason why the people of this country should not be permitted to select their postmasters by ballot, say who they want to hold the office and handle their mail. They are better qualified to select them than some man a thousand miles away, who is not acquainted with either the applicant or the patrons. But to do this would weaken the great political machine which is operated in behalf of the party in power. This is a reform coming at no distant day, and its advent will encourage all believers in good local self-government. [Applause.] It would have a great tendency to purify the department service, reduce the expense of operating the office, and lighten the duties now performed in that department.

The amount paid by the Government to the railroads in another branch of the service is a flagrant example of official extravagance and mismanagement which demands the attention of the country at this time. In the last eleven years the Government has paid for transporting the army and its supplies enormous sums in proportion to the number of enlisted men and the amount paid them for service. I submit for consideration the following authentic statement from the records:

Year.	Number of enlisted men.	Pay of same.	Transportation of army and supplies.
1899	95,426	$4,961,172.00	$61,301,474.98
1900	94,940	14,225,000.00	26,000,395.97
1901	81,235	16,020,846.00	29,900,000.00
1902	59,866	15,000,000.00	34,000,000.00
1903	55,500	12,462,492.00	25,189,415.00
1904	65,940	10,000,000.00	15,625,583.02
1905	63,022	10,288,650.00	15,062,471.61
1906	63,402	10,500,000.00	12,042,279.19
1907	55,108	9,956,570.25	12,651,560.16
1908	77,457	11,178,504.00	17,159,091.44
1909	80,897	11,206,000.00	11,250,000.00
Total		125,799,234.25	280,186,271.37

More than twice as much, as the records show, was paid the railroads for transportation of the enlisted men and their supplies than was paid the men for their services. The men who put their lives in jeopardy, the men who carried the musket and faced the enemy, the men who stood ready and willing for battle, did not receive one-half as much for their patriotic service as did the railroads for carrying them and their supplies during the above period of time. An unreasonable proposition, but nevertheless true. Economy in this matter could be used to good advantage, and very profitably so, without crippling the service.

What is true of the army in this respect is true of the naval department, and I here submit a statement from the records for the last twelve years:

Naval establishment.

Year.	Strength.	Pay of navy.	Total appropriation.
1899	13,750	$9,125,460.00	$148,395,525.27
1900	20,000	13,500,171.00	54,548,798.96
1901	20,000	12,810,000.00	70,623,717.99
1902	20,050	15,200,284.00	82,477,649.78
1903	28,000	16,138,199.00	85,137,123.93
1904	31,000	17,706,099.00	84,672,048.73
1905	34,000	19,324,093.00	103,633,115.40
1906	37,000	17,500,000.00	115,420,997.75
1907	37,000	20,269,637.00	104,508,719.83
1908	38,500	21,000,000.00	99,693,208.32
1909	44,500	30,979,225.00	129,974,371.95
1910	44,500	32,803,486.72	139,216,545.02
Total		226,356,654.72	1,218,303,092.93

The total cost of maintenance of the naval establishment from 1899 to 1910, inclusive, has been $1,218,303,092.93.

There can be no doubt of extravagance in this department. Five times as much has been appropriated to maintain the navy as there was to pay the officers and men engaged in the naval service during the last twelve years.

This condition requires public attention, and demands reformation. In the last three national campaigns it is a notorious fact that the railroads were very active in behalf of the Republican party. Their officers employed coercive methods to make their employees vote the Republican ticket by stating that if the Republican party was not successful they would not be able to continue in business. Sir, whether or not this liberal patronage of the Government was the cause of such highhanded coercion I do not know, but I do know it was a strong inducement for such coercive conduct. [Applause on the Democratic side.]

But, sir, extravagance does not exist alone in the three departments mentioned, but has invaded and exists in every department of the National Government. Congress about three years ago appointed a commission to investigate the subject of foreign immigration to this country. It traveled nearly all over the world on a junket at the expense of the Government, and has cost the people of this country $657,000 and has not reported yet the result of its work, only its expense, and has had $125,000 more appropriated to complete its work, thereby entailing a total cost of $782,000 on the people. It was useless to create such a commission, because men could have been taken out of the Commerce and Labor Department of the Government, trained in this branch of work, who could and would have performed this work more satisfactorily for less than one-tenth of what it has cost, and would have reported before this time the result of their work to the public.

For the fiscal year ending June 30, 1910, there have been appropriated for the use of the President the following:

President's salary	$75,000
Vehicles, stables, etc	35,000
President's traveling expenses	25,000
Contingent fund	25,000
Improvements to the White House	40,000
Furnishings and draperies	15,000
Secretaries and clerks	69,920
For care of grounds	5,000
Lighting White House grounds	19,500
Fuel for White House and stables	6,000
Repairs of greenhouse	3,000
Care of greenhouse	9,000
Printing	2,000
Total	329,420

An enormous sum, more than ever was appropriated for any Executive of this Nation for the same period of time. How can the President expect economy in other departments of the service when there is such an increase of expenditure in his own department? There was a raise in his salary from $50,000 to $75,000 per year; traveling expenses appropriated of $25,000; and for automobiles $25,000—at least $75,000 per year more than it should have been.

Again, former Vice-Presidents were paid $8,000 per year; the present occupant of that high office is paid $12,000 per year, and, in addition, is given $6,000 for an automobile. The Speaker formerly received $8,000 per year, but his salary was raised to $12,000 per year, and he was donated $6,000 for an automobile. What right has Congress to appropriate money to buy automobiles for public officials? The Cabinet officers were formerly paid a salary of $8,000 per year, but under this administration they are paid $12,000 per year. Sir, the party in power is liberal in its increases of salaries for its high officials. The Republican party has in the last seven years created 100,000 new federal offices, at an annual expense of $80,000,000 to the American people.

It is not an opportune time to increase salaries and raise taxation. There is a deficit now of $100,000,000 in the National Treasury, and the new revenue law—the Payne bill—does not raise sufficient revenue to meet the requirements of the government expenditures, and now, in time of profound peace, the Government, as administered by the Republican party, is borrowing $50,000,000 with which to pay its daily operating expenses. By its inability to check extravagance and establish and conduct a business administration of public affairs, it confesses its incompetency and forfeits its right to a continuance in power.

Mr. Chairman, performance is a better guaranty on any proposition than promise. The party in power talks economy, but votes for extravagance; it promises to lighten the burdens, but increases the load under which the citizens groan; it raises the rate and widens the inequalities of federal taxation; it levies a 10 per cent duty on the diamonds of the rich and 160 per cent on the blankets of the poor; it fixes a high duty on the raiment of the laborer and a low duty on the jewels of the idler. [Great applause on the Democratic side.]

Mr. MOON of Tennessee. Mr. Chairman, I yield one minute to the gentleman from Porto Rico [Mr. LARRINAGA].

Mr. LARRINAGA. Mr. Chairman, I shall avail myself of the courtesy of the gentleman from Tennessee to present to the House a memorial from the house of delegates of Porto Rico which I received to-day and in which their views are embodied about the bill now pending before the Committee on Insular Affairs, and I ask leave to have it printed in the RECORD.

The CHAIRMAN. The gentleman has that privilege under the rule.

The memorial is as follows:

The house of delegates of Porto Rico
to the United States Congress:

A message of protest against bill No. 19718, presented before the House of Representatives by the Hon. M. E. OLMSTED, chairman of the Committee on Insular Affairs.

The house of delegates of Porto Rico feels the imperious necessity of bringing before the notice of the United States Congress an energetic protest, unanimously proclaimed throughout the entire island, against the above-named project, which offends our country's dignity, denies her capacity, and attacks her liberty and indisputable rights to an honorable life within the inviolable coexistence of all American countries.

The regimen created by the Foraker Act is absurd and despotic, installing the higher house by presidential appointment without the intervention of the people, mingling and confusing the legislative and executive powers, and leaving the Porto Ricans without a definite and recognized personality in the law of nations.

Together with these grave errors which could dim in the eyes of the world the light and glory of the great Republic, our political constitution contains other defects, such as the absolute lack of unity in the administration, divided between the governor and six department heads, without any strong hierarchical bond nor cohesion in power cohibiting and weakening by repeated conflicts the uniform direction of public affairs.

In addition to these defects, the present organic law deprives us of the inherent rights of interior government and snatches from native hands all participation in executive power, putting our treasury, public instruction, and other branches of insular administration into the hands of strangers.

The errors contained in the Foraker Act may be classed in three distinct orders: Those which affect the prestige of the American Government in the light of international law; those which concern the efficacy of the American Government in the local administration, and those which wound our people in one of the fundamental aspects of their right to the exercise of power.

The bill presented for consideration before the United States Congress corrects the errors which pertain to the American Government, but as respects the others they still stand, fortified, augmented, and unbearable, in every detail oppressive and odious to the people of Porto Rico.

True, the legislative and executive powers are divided, but neither are in the hands of Porto Ricans. We are allowed a senate of 13 members, 5 by election and 8 by presidential appointment, which actually implies a still smaller minority in the higher house. It is also true that we are granted the right of naturalization as a means of acquiring citizenship, this being an absolute requisite for the filling of public offices and suffrage, thus attaching a shade of mercenariness and concupiscence to the acquisition of citizenship, which should be considered for its sacred purity a national sacrament.

Thus a new absurdity appears in the division of the Porto Ricans into two classes of citizens, one of the United States, the other of Porto Rico; like two castes, one enjoys political rights, the other does not; and while the naturalized citizens of the United States have the exclusive right to public office, the real citizens of Porto Rico remain as strangers in their own land, and notwithstanding their citizenship are deprived of all civic prerogatives.

One by one the Olmsted bill searches out, erases, and restringes in the Foraker Act all those precepts which conferred a small participation in the insular affairs upon the natives of the island; it goes still further, penetrating into our local statutes and depriving us of all our rights so patiently obtained by incessant effort for the past ten years, during which time native capacity, striking against our hard regimen, like the iron against the stone, produced a few sparks of liberty.

The franchises belong to the legislative branch of the federal system, yet the Foraker Act, while not recognizing the right, confides the concession of all franchises or privileges of a public character to the executive council, thus permitting the intervention of the Porto Ricans numbered among its members; the Olmsted bill confers this delicate faculty upon five department heads, who have not been Porto Ricans under our present regimen and will not be probably under the new one, thus eliminating from the legislature a legislative matter and depriving the Porto Ricans of their legitimate intervention in the distribution of benefits which properly belong to the people of Porto Rico.

It was doubtful, owing to the terms employed in the Foraker Act, whether or not the executive council was qualified to determine the salaries of the functionaries and employees not fixed by the President and to authorize the payment of salaries without the consent of the House of Representatives, and the council never dared do it; the fixing of salaries was always submitted to the house of delegates to be included in the general budget; yet bill No. 19718, now before the United States Congress for consideration, invests the senate, upon the approbation of the governor, with the total, indisputable right of determining alone, without the aid of the house of delegates elected by the people, the personal expenses of the administration, which form a very important part of the general appropriations which the people have to pay without having the right to fix the limit of their own expenditures.

If to this be added the fact that the general appropriations bill is not presented to the house of representatives by one of its members, but by the governor, who may, in case the bill should fail to be approved by the legislature, formulate, distribute, and order payment of any and every item pertaining to the public treasury according to his own pleasure so long as the sum total of the expenses does not exceed that of the preceding bill, it results, both clear and terrible, that the people of Porto Rico would be obliged to pay, but not allowed to vote, the public appropriations, thus being obliged to drag out a miserable existence under the tragic oppression of a tyranny so frightful as to be without a precedent in America.

During the ten years of continuous sufferings and untiring perseverence we had somewhat relieved the hard conditions of the regimen; we obtained an executive department with a Porto Rican functionary at its head; we constituted autonomically our municipalities; we placed in the hands of the people the election of the municipal judges and the secretaries and marshals of the district courts; we secured thus by constant struggle a little light and liberty in spite of the dense black shadow of our political constitution, which hung so closely over us. All this effort, all this anguish gave birth to a pale reflection of happiness and triumph which were ours, the fruit of our sorrows and struggles, and all this is thrown to the ground under the cruel blow which this bill directs against the life and hopes of the Porto Rican people.

A cruel project this, which extinguishes the department directed by an insular functionary, restringes electoral suffrage, destroys the municipal autonomy in matters of transcendental importance, and deprives the people of the right to choose their own judges and magistrates.

We are deprived of what our local statutes concede us, of the benefits which the Foraker Act grant us; and what is inconceivable, we are deprived of that which is outside of all law, but which dwells in every human heart, the love of a people for its leaders, and the right of those leaders to the only honor in the hands of the people to give, that of designating them as members of their house of representatives.

All this would be realized should Congress approve the division of the island into numerous election districts and exact a personal residence of the nominees in these districts, for our legislature would be deprived of its most influential members, those who for their mental capacity and business knowledge are better qualified to direct their country's affairs and to defend her dignity and honor, for nearly all our men of prominence reside either in San Juan or other important cities of the island.

This is what the Olmsted bill pretends and against which we all protest, with due respect to the United States Congress and with all the energy which the rights of our people require of us.

We still hope, and sustained by that hope we ask for that which should be ours by natural right, by the rights proclaimed by history and moral law, a democratic constitution, which should grant to our people, well capacitated for the same, the ample and complete direction of their own affairs without detracting in any way from the high prerogatives of the Federal Government.

We received as allies the American Army in days of conflagration and danger; we have been faithful during a long period of bitter trial; we love and admire the glory and grandeur of the United States, and for that same grandeur and glory we ask them to preserve our admiration, our love, our fealty, and that they swell with the debt of gratitude the stream of noble sentiments and apart from our hearts this sorrow and desperation which are almost madness.

HOUSE OF DELEGATES OF PORTO RICO,
February 23, 1910.

I hereby certify that the foregoing is a full, true, and correct copy of a message to the Congress of the United States unanimously adopted at a meeting held on the 18th day of February, A. D. 1910.

JOSÉ MUÑOS RIVERA,
Secretary House of Delegates of Porto Rico.

Mr. MOON of Tennessee. Mr. Chairman, I believe only eighteen minutes remain of the time for general debate, and I desire to yield of that time ten minutes to the gentleman from Virginia [Mr. SAUNDERS] and the remainder to the gentleman from Oklahoma [Mr. FERRIS], and I would ask the Chair to recognize the gentlemen in that order.

Mr. SAUNDERS. Mr. Chairman, the rural letter carriers have preferred a request for a moderate increase in their compensation. This request is a reasonable one, and should be allowed. The rural carrier service in many respects is a hard one. It is a service in the field. It is a service of exposure, of hardship, a service that tries the mettle of a man, and reveals the stuff of which he is made. It is not a place for a weakling, or a shirker. Day in, and day out, with monotonous and unvarying regularity, without regard to wind or weather, in storm and in sunshine, these poorly paid agents of this great Government deliver to the farmers of the country their daily portion of mail.

It is often said that the Post-Office Department comes closer to the people than any other governmental department. Doubtless this is true. But the farmers never came into a realizing sense of this fact, until the establishment of the rural delivery system. For the first time a farmer, not immediately at a post-office on some railroad, found himself justified in taking a daily paper—instead of the weekly or triweekly edition, which generally arrived three or four days late, containing news, a week, or more old. For the first time such a farmer could answer an important business letter on the day of its receipt, with assurance of immediate dispatch.

The few trial carriers with whom the department inaugurated the experiment in Rural Delivery Service, have become a mighty army, but the growth of the service has not been marked by an adequate increase of compensation. This increase in compensation is entirely justified by changed conditions in the cost of living. The enormous advance in this respect which is a direct consequence of the policies of the Republican party, lays its heavy hand on every employee, whether of the Government, of the individual, or of the public-service corporation, who draws a fixed salary.

Organized labor in every section of the United States is making its protest in the form of strikes against present conditions. The employees of the Government can not strike, and in addition are hindered by departmental regulations from presenting in effective form, their case for an increase of compensation. But the facts are before this body, and with knowledge of the facts, we ought to do justice. The average employee is affected by the advance in the cost of living in so far as it increases his

domestic expenses, but the rural carrier is affected by this advance in a twofold capacity.

It increases all of his purely domestic expenses, and in addition, it increases the prime cost, and the cost of maintenance, of his outfit. If the Government furnished and maintained this outfit, the claim of the rural carrier for increased compensation would be the claim of the average department employee, but such is not the case. His equity is much greater, his request much more compelling. A brief statement of the facts in this connection, will be serviceable: "The Government provides nothing for the equipment of a rural carrier, and the statements of the carriers, show that they are required to make an average initial outlay which at present prices, amounts to at least $400. The monthly expense incurred for the maintenance of this outfit, amounts to about 50 per cent of the carrier's earnings."

At present the maximum salary of the rural carrier is about $900 per year for routes 24 miles or more in length—with reductions on 2-mile gradations for routes of less length. The carriers are required to cover their routes daily on schedule time, regardless of the weather, or other hindering conditions.

In view of the many hardships to which the carriers are exposed: the great and increasing cost of maintaining their equipment, and the wonderful and increasing benefits of the service, the carriers make out a strong and reasonable case for an increase of compensation. But the carriers do not ask for the average cost of equipment maintenance.

They merely ask for $90 a month for standard 24-mile routes, with an increase of $2.50 per month for each additional mile, and a reduction of a like amount for every mile below that standard; major fractions of a mile to be treated as a full mile." This advance in compensation, having in mind the increased cost of living will render the compensation for a 24-mile route, the substantial equivalent of what $900 a year meant a decade ago to an official in this service.

In this connection, I reproduce the following interesting and instructive expense accounts kept by a few carriers in my own district, for the six months ending December 31, 1909. These accounts are accurately kept, and may be taken as fairly and fully representative:

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$17.00	$17.00	$17.00	$17.00	$16.15	$16.15	$100.30
Oats	1.50	1.50	1.50				3.50
Hay	9.15	9.15	9.00	9.00	9.00	9.00	54.30
Blacksmithing	1.20		1.20	.30	1.40	.60	3.70
Repairs, vehicles					.40		.40
Repairs, harness			.50				.50
Depreciation, vehicles						30.00	30.00
Depreciation, harness, etc						5.00	5.00
Horses, depreciation						40.00	40.00

NOTE.—If automobile or motocycle used, make necessary changes in form.

Total invested in horses and outfit, not including feed, is	$477.00
Six per cent for six months on this is	14.31
Insurance and taxes on horses, outfit, and feed for six months	9.37
Grand total for six months	270.38
Salary for six months	450.00
Net earnings for six months	179.62

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$15.00	$15.00	$15.00	$15.00	$15.00	$15.00	$90.00
Hay	3.00	3.00	3.00	3.00	3.00	3.00	18.00
Blacksmithing	1.00	1.00	1.00	1.00	1.00	1.00	6.00
Repairs, vehicles	7.80					.65	8.45
Depreciation, vehicles	2.00	2.00	2.00	2.00	2.00	2.00	12.00
Horses, depreciation	10.00	10.00	10.00	10.00	10.00	10.00	60.00

NOTE.—If automobile or motocycle used, make necessary changes in form.

Total invested in horses and outfit (not including feed)	$400.00
Six per cent for six months on this	12.00
Insurance and taxes on horses, outfit, and feed for six months	6.00
Grand total for six months	212.45
Salary for six months	450.00
Net earnings for six months	237.55

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn		$4.00				$8.00	$12.00
Oats						1.00	1.00
Hay	$8.40	8.40	$9.60	$10.80	$12.00	12.00	61.20
Bran, etc	9.00	5.40	10.00	10.50	10.50	8.00	53.90
Blacksmithing	2.80	2.00	1.25	3.00	1.60	1.60	12.25
Veterinary	3.00			3.00			6.00
Repairs, vehicles		.40			1.00	.25	1.65
Repairs, harness	.80			1.00			1.80
Depreciation, harness, etc				1.75			1.75
Horses, depreciation		25.00					25.00
Paid for barn tools, blankets, robes, etc	40.00				5.00		45.00
Total							221.55

NOTE.—If automobile or motocycle used, make necessary changes in form.

Total invested in horses and outfit (not including feed)	$370.25
Six per cent for six months on this	22.2150
Insurance and taxes on horses, outfit, and feed for six months	4.00
Grand total for six months	243.7650
Salary for six months	432.00
Net earnings for six months	188.2350

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$120.00
Hay	10.00	10.00	10.00	10.00	10.00	10.00	60.00
Blacksmithing	2.00	2.00	2.00	2.00	2.00	2.00	12.00

NOTE.—If automobile or motocycle used, make necessary changes in form.

Veterinary	$0.75
Repairs, vehicles	2.50
Repairs, harness	1.00
Depreciation, vehicles	10.00
Depreciation, harness, etc	2.50
Horses, depreciation	20.00
Paid for barn tools, blankets, robes, etc	15.00
Total invested in horses and outfit (not including feed) is	510.00
Six per cent for six months on this is	22.61
Insurance and taxes on horses, outfit, and feed for six months	5.00
Grand total for six months	271.36
Salary for six months	432.00
Net earnings for six months	160.64

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn, 78 bushels	$13.00	$13.00	$13.00	$13.00	$13.00	$13.00	$78.00
Hay, 6,000 pounds	10.00	10.00	10.00	10.00	10.00	10.00	60.00
Bran, etc	2.00	2.00	2.00	2.00	2.00	2.00	12.00
Blacksmithing	2.00	2.00	2.00	2.00	2.00	2.00	12.00
Repairs, vehicles	5.00	1.00			1.00		7.00
Repairs, harness			3.00				3.00
Depreciation, vehicles						25.00	25.00
Depreciation, harness, etc						5.00	5.00
Horses, depreciation							50.00
Paid for barn tools, blankets, robes, etc							10.00

NOTE.—If automobile or motocycle used, make necessary changes in form.

Total invested in horses and outfit (not including feed)	$400.00
Six per cent for six months on this	12.00
Grand total for six months	259.00
Salary for six months	450.00
Net earnings for six months	191.00

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$23.25	$23.25	$22.50	$23.25	$22.50	$23.25	$138.00
Hay	7.75	7.75	7.50	7.75	7.50	7.75	46.00
Blacksmithing	1.00	1.00	1.00	1.00	1.00	1.00	6.00
Repairs, vehicles	.50	.50	.75	1.00	1.00	.75	4.50
Repairs, harness					.50		.50
Paid for barn tools, blankets, robes, etc						2.50	2.50

NOTE.—If automobile or motocycle used, make necessary changes in form.

Total invested in horses and outfit (not including feed) is	$250.00
Six per cent for six months on this is	15.17
Insurance and taxes on horses, outfit, and feed for six months	1.00
Grand total for six months	463.67
Salary for six months	432.00
Deficit for six months	31.67

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$2.00				$24.00	$21.37	$47.37
Oats	2.00	$25.50					27.50
Hay							25.00
Bran, etc	2.80	3.00	$19.50		46.65		71.95
Blacksmithing	1.80	1.50	2.15	$1.15	.55	1.80	8.95
Repairs, vehicles			3.85			11.95	15.80
Repairs, harness	.30		.60			.35	1.25
Depreciation, vehicles							20.00
Depreciation, harness, etc							5.00
Horses, depreciation							25.00
Paid for barn tools, blankets, robes, etc				4.30	7.35	6.00	17.65

NOTE.—If automobile or motocycle used, make necessary changes in form.

Total invested in horses and outfit, 2 horses and 2 buggies (not including feed)	$410.00
Six per cent for six months on this	12.00
Insurance and taxes on horses, outfit, and feed for six months	4.20
Grand total for six months	241.67
Salary for six months	450.00
Net earnings for six months	208.33

It will be seen from these statements that the net earnings of these carriers, which represent the sum out of which they must live and support their families, feed, clothe, and educate them, amount to about $380 a year. The following table gives the net earnings for six months of the carriers throughout the country, as well as the average per month:

Statement showing the average net earnings of rural letter carriers after providing and maintaining the equipment necessary for the performance of their duties for six months ending December 31, 1909. Compiled from expense statements furnished by carriers in practically every congressional district in which rural delivery service is in operation.

State.	Net earnings for six months.	Average per month.
Alabama	$188.00	$32.00
Arkansas	177.08	29.51
California	234.76	39.13
Colorado	258.28	43.05
Connecticut	137.85	22.97
Florida	39.69	6.62
Georgia	184.79	30.79
Idaho	230.30	38.38
Illinois	220.00	36.00
Indiana	207.00	34.50
Iowa	185.00	31.00
Kentucky	206.33	34.39
Kansas	204.00	34.00
Louisiana	150.10	25.02
Mississippi	169.00	28.15
Montana	237.50	39.59
Maine	195.39	33.00
Maryland	143.00	24.00
Massachusetts	163.25	27.20
Michigan	190.40	32.00
Minnesota	207.40	35.00
Missouri	176.17	29.36
New Hampshire	188.80	31.47
New Jersey	175.49	29.25
North Carolina	167.00	28.00
North Dakota	166.00	27.66
Nebraska	254.80	42.46
New York	203.74	33.95
Ohio	244.76	40.78
Oklahoma	181.86	30.31
Oregon	171.06	28.51
Pennsylvania	211.56	35.26
South Carolina	177.51	29.58
South Dakota	167.00	28.00
Tennessee	180.00	30.00
Texas	177.90	29.65
Utah	240.31	40.05
Vermont	173.00	29.00
Virginia	178.34	30.00
Wisconsin	205.08	34.16
Washington	136.42	22.74
West Virginia	223.25	37.20
Average	189.00	31.50

In further connection with this matter, Mr. Chairman, I wish to reproduce some letters from the carriers, giving in succinct form the details of actual experience under present conditions.

———, IOWA, *January 19, 1910.*

W. D. BROWN,

DEAR BROTHER: I am inclosing my report to you to-day. My corn and hay I bought in a bunch, so I just give an average per month.

Hay I got for $8.50 per ton, now it is worth from $13 to $18 per ton, that is what I will have to pay for the next I buy.

When my horse died I told some of my patrons I was ready now to resign and quit; they did not want me to, so they went to work and raised $100.15 and gave it to me. This makes me feel as if I owed it to my patrons to hold on a while longer, but if a change does not come soon I will have to quit and go at something else, so I can make a living for my family of four.

I began carrying mail four years last June; would be out of it now if it was not for friends.

If I chewed, smoked, and drank, a little, I don't know where I would be, but I am a teetotaler in this line.

Thanking you for your efforts for the carriers, and wishing you much success in the future, I am,

Fraternally, yours, ——— ———.

———, MICH., *January 28, 1910.*

RURAL FREE DELIVERY NEWS:

I am glad to note the interest you are taking in this matter for the benefit of the boys in the wagons, and heartily cooperate in and thank you for the effort you are making for us. I think your plan a good one and sincerely hope for its success, for we are greatly in need of it at this time.

I have made the report as nearly correct as I can; partially from estimate, but largely from facts. For instance, depreciations and the like, it is impossible to get at the facts. I could not give the expense by months for most of my stuff I purchase in quantity. I am very sure it is not too high, for I find I have left out items, such as straw for bedding, $5, so that I think it very nearly, or quite, reaches $400 for the year.

I have stated there was no net income. It is a fact; but you may think my family extravagant, so I will give a few items; neither do we spend money foolishly. I have bought a pair of cotton-flannel shirts; I am wearing my shoes the third winter; have not purchased a suit of clothes for best in five years, and a part of the last one was a present. I am not writing this boastingly, nor as a complaint, but that you may be able to see the boys' needs. I know it takes a great sum of money to pay the 40,000 boys.

Again thanking you, I am,

Yours, very truly, ——— ———.

———, MISS., *January 23, 1910.*

EDITOR RURAL FREE DELIVERY NEWS:

My sympathy goes out to every rural carrier in the land. I have been through the mill. Three years is enough for me. I commenced to carry mail on route 1 March 1, 1907, and I am going to quit when I have served three years. I hate to be a quitter, but I can't afford the job any longer. Meat, 25 cents per pound; corn, $1 per bushel; lard 18 cents per pound. If I hire a carpenter, I must pay him $3.50 per day. The doctor charges $2.50 for a visit; a little sick spell in the family means about $50. To have my fireplace fixed I must pay 50 cents per hour. If I hire a negro for common labor, it is $2 per day. There are only three in my family. How the boys live that have five and six in the family I can't see.

Waiting for Congress to do something for us is like looking for gold at the end of the rainbow. The army, navy and Panama Canal, etc., need too much money. Congress seems to go on the principle that anything is good enough for the farmers—else why is it that most city carriers can get $100 per month, with no horses to feed? When a city carrier is mounted, how is it he gets $25 to $30 per month extra for horse feed?

Just so long as the people are willing for army and navy officers to live in luxury, just so long as vast sums are fooled away in Panama and elsewhere; why, just that long will the rural carriers have to patch up old harness with tacks and strings.

After three years' service as a rural carrier, I can not imagine how any young man who wants to do something for himself or family can stay in the service.

I visited one of Uncle Sam's war ships at New Orleans, and when I saw how lavish your Uncle Samuel was with his naval officers and men, I naturally thought of the boys in the rural service, who have a close shave to make both ends meet.

Farewell, boys! I hope to meet you all in a better world, where you will have a better show for comfort than you have here below.

——— ———.

———, TEX., *January 17, 1910.*

EDITOR RURAL FREE DELIVERY NEWS:

I certainly do appreciate more than I can express the efforts you are making for the betterment of the rural carriers. I would be glad to fill out the blank in the News and forward to you, but I have kept no account of expenses. However, it is costing about 50 cents per day to feed one horse, which would make about $35 per month for feed and repairs for two horses.

I have been in the service seven years and nearly seven months. I have not by several hundred dollars made expenses, and it is growing worse all the time, as the cost of living has doubled since I went into the service. I know some one would say why don't you quit; simply because I went into it on account of my health, and it has improved a great deal. I had been in business for about twenty years, and my health was so bad that I was forced to quit, so there is nothing else that I can do.

I do hope that Congress will do something for us; $100 would help us greatly, but we ought to have $300 at least to live decently.

I have not time to write more, and I am not writing for publication, but for your information. Every word I have written can be substantiated by the best people here.

Thanking you again for your efforts in our behalf and wishing for you abundant success, I am,

Your sincere friend, ——— ———.

———, WIS., *February 10, 1910.*

W. D. BROWN, *Washington, D. C.*

DEAR FRIEND: In the News of last month you asked the carriers to send a statement of expenses for six months. I filled out the blank, but made some mistakes, so did not send it, but I know at the present price of oats, hay, shoeing, and wear and depreciation of the property it will amount to about $200 for six months. So you can see where we stand.

I am quite discouraged. We can not ask for more, and they will not give us parcel post so that we can wipe out that awful deficit. That reminds me. How can we expect anything but a deficit when we have to travel from 20 to 30 miles every day to take the mail to our patrons for nothing, while we who live in town are expected to pay 80 cents to $1.50 per year box rent and go to the post-office and get mail? Wonder how much of a deficit the city carriers create. Wonder how many of the inspectors earn their salary.

The carriers do not get wages enough to make a decent living, and are not allowed to engage in other business to help make ends meet. I think there is a temptation to the carriers to be dishonest. Talk about the dignity of the office! Not much dignity when we have to use our clothes and rigs until they fail to pieces, to make ends meet. I would like to wear a uniform and have nice horses and rigs, and have scales to weigh packages, and keep three horses, so I could drive double when the roads are heavy. And I would like to send my sub. oftener, so I would not be all tired out. Can not afford it.

I was at Milwaukee in the hospital twice last summer and had two operations, which took all the money I had saved in the five years I have been carrier. Now, if I should lose a horse I would have to go begging to get another. But we are not allowed to do that, are we?

I am very grateful to you, Editor Brown, for the efforts you are making in our behalf, and may God bless you abundantly.

Yours, truly,

——— ———.

PENSACOLA, FLA., *February 9, 1910.*

EDITOR RURAL FREE DELIVERY NEWS:

As I have not as yet seen in print the letter I wrote you soon after I was appointed, last July, I suppose same has been destroyed.

However, for fear you might be saving it to fill up space during some dull month, I am writing to ask you to be sure that you do not publish it now, unless you put this one along with it.

I find I can not make a bare living on the small salary paid for my 17-mile route, on which I had over 200 boxes and carried over 7,000 pieces of mail in December; so I have resigned and left.

Hoping the next man can live cheaper—or can he yet hope some day to get more pay?

Yours, very truly,

——— ———.

NEW AUGUSTA, IND., *January 26, 1910.*

Mr. W. D. BROWN, *Washington, D. C.*

DEAR SIR, FRIEND, AND BROTHER: I have been keeping an itemized account of my expenses for several years and can show what every penny was spent for during that time, and no honest Congressman, Senator, President, Postmaster-General, or any other honest man with a heart can not look me square in the face and tell me I lived too high or spent my money foolishly.

For the year 1908 I came out in the hole to the amount of $10.60, and for the year 1909, after earning quite a little for odd jobs, outside of my salary, I had only $36.40 to lay up for a rainy day or old age. Isn't that encouraging?

When I started carrying the mail four years ago I had a nice bank account started up, but it soon started down. Now, my dear friend, you can use this to help the poor fellows out who still hang on to their routes, if you want to, but for me the chances are nine to one my resignation will be on its way to headquarters before you receive this.

In closing, I wish the boys who hang on like a dog at a root the best of good luck, and you, Mr. Editor, and your paper I wish the same good luck and a grand success.

Yours, very truly,

——— ———.

———, N. DAK., *January 8, 1910.*

RURAL FREE DELIVERY NEWS,
Washington, D. C.

GENTLEMEN: My expense account may look excessive, but I would take oath that it is not any less, but probably more.

One carrier that has resigned here lost two horses last year. His report would open some of their eyes to what the carriers have to stand on $75 a month, if he was only here to send it in.

Thanking you for calling my attention to this matter, I remain,

Yours, very truly,

——— ———.

———, N. Y., *January 24, 1910.*

RURAL FREE DELIVERY NEWS,
Washington, D. C.

KIND SIRS: In regard to rural carriers resigning, we have had our share, 15 carriers in this county, 3 of them have resigned in the last three months.

This may be rather late, but I hope you may find place for it.

Yours, very truly,

——— ———.

Mr. Chairman, these letters tell a pathetic story of strenuous endeavor. The facts stated constitute a most effective appeal to the sense of justice of every man on this floor, and no words of elaboration on my part can avail to make this appeal more convincing.

Under pressure of these conditions many carriers are resigning, and others are contemplating resignation, as soon as they can arrange for other employment.

CARRIERS GIVE UP JOBS—SIX IN POTTAWATTAMIE COUNTY OUT BECAUSE OF BAD ROADS AND LOW PAY.

COUNCIL BLUFFS, IOWA, *February 11.*

Something akin to a panic has hit the force of rural mail carriers in Pottawattamie County, six of whom have resigned their places recently, claiming that the bad roads and high cost of living for man and beast renders it impossible for them to live decently upon the $75 a month the Government pays for the service.

Number of changes in the carrier service:

December, 1909	484
December, 1908	344
Increase (40 per cent)	140

Mr. Chairman, are we treating these officials fairly? In many sections of the country, the railroads, and large corporations are voluntarily increasing the compensation of their employees. In other sections, under pressure of necessity the labor unions are engaged in a fierce struggle to better their condition.

BOSTON "L" INCREASES PAY—RAILROAD COMPANY ANNOUNCES VOLUNTARY RAISE IN WAGES TO EMPLOYEES.

BOSTON, MASS., *January 13.*

The Boston Elevated Railroad Company to-night announced an increase in wages amounting to upward of $100,000 a year, to go into effect immediately. The advance was not requested by the employees. It is the third voluntary increase of the kind in the last seven years and affects all grades of employees.

GET INCREASE IN WAGES—ADVANCE OF 15 PER CENT OVER OLD SCALE FOR WINDOW-GLASS WORKERS.

PITTSBURG, *January 29.*

Fifteen per cent advances in the wage scale over the scale signed last July was agreed upon by representatives of the National Window Glass Manufacturers' Association at conference here with a committee of workmen. The advance becomes operative from the time the schedule was signed, and it will affect 1,000 workmen. The manufacturers' committee represented plants from the Kansas gas belt to Pittsburg.

The increase will place the men on a more prosperous basis than they have been for years. The manufacturers' committee was headed by H. N. Hilty, of Port Allegheny, Pa., while J. R. Neeman, of Cleveland, president of the National Glass Workers' Union, conducted the workmen's part in the conference.

INCREASE PAY OF CARMEN—BROOKLYN COMPANY MAKES VOLUNTARY OFFER TO 8,000 EMPLOYEES.

NEW YORK, *January 8.*

The Brooklyn Rapid Transit Company to-day announced a voluntary increase in the pay of its 8,000 motormen, conductors, and other train men. The increase will be graded according to present pay and length of service, and will cost the company about $200,000 annually.

Mr. Chairman, should this Government admit by its inaction, that the corporations are more ready to do justice, than "Uncle Sam?" Is the case of the carmen, or other wage-earners, more meritorious than that of the rural carriers? Are the conditions of living anywise different?

Does the increased cost of living affect only the employees of private concerns? Is it a fair response to the carriers' request, to say that there is a deficit in the Post-Office Department? The use of the word "deficit," in this connection is misleading. The expense of maintaining this department is one of the fixed and annual charges of government. Unlike the other departments it is largely self-supporting. Hence some portion of the public thinks that it should be entirely so. But this is a mistaken view of the situation. Without regard to its receipts, this department should be adequately supported, and the measure of that support should be the needs of the public service. Does the huge appropriation for the army, and the navy, represent an annual deficit to that extent in that department?

The annual waste in every department of government due to incompetence and mismanagement, is notorious. Recently the President has quoted approvingly the statement that by the application of business methods to the conduct of its business, the Government could save $100,000,000 a year. On the floor of this House a distinguished Member has asserted that the Post-Office Department could afford to pay $100,000 a year to secure the services of a business head, who would apply business methods to the management of its affairs.

This being so, a slight exercise of economy, or a moderate application, on the part of the Republican administration, of essential business principles to the conduct of public affairs, would furnish ample means with which to pay living wages to the employees in the carrier service.

Mr. Chairman, the party in power is responsible for present conditions. Their policies are on trial, and in the carrier service at least, the dinner pails are no longer full. If these policies have made existing salaries inadequate, it is a plain proposition that these salaries should be increased. The Government can not afford to be unjust. [Applause.]

Mr. FERRIS. Mr. Chairman and gentlemen of the Sixty-first Congress, I introduced in the Sixtieth Congress a bill providing for the improvement of the post-roads of the country. I reintroduced it this session of Congress, and I very much crave the attention of this Congress, and the country as well, to consider the advisability of such legislation.

The question is not a new one, but a very old one instead. During the years from 1806 to 1838 this Government appropriated from the Federal Treasury $7,000,000 for the improvement of highways, and since that they have appropriated nothing.

That the improvement of post-roads, over which the Government carries its mail by government employees, is constitutional I think none will gainsay or deny.

For the benefit of those opponents of this legislation who may for ulterior reasons make the charge of unconstitutionality, I want to refer to a resolution passed by the American Congress on the 14th day of March, 1818. The following is the exact language of the act:

Resolved, That Congress has power under the Constitution to appropriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of waterways.

It is no less interesting that the great Democratic party, in convention assembled in the good year 1908, embodied in their national platform the following language, which I quote with pride and no little esteem:

Post-roads.—We favor federal aid to state and local authorities in the construction and maintenance of post-roads.

It is with a keen sense of pride that we read from the document of all documents, the American Constitution, when we find the breadth and depth of character of our forefathers in the formation of that document. How farsighted they were, and how clearly they foresaw what must inevitably come. Article I, section 8, provides in part:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Now, I think it is safe to assume that no fair-minded or thoughtful man will contend that the clause "general welfare" is not abundantly sufficient to cover the improvement of post-roads used by the Government for the transporting of the mail, and traveled over by their very employees, the rural carriers.

But we are not without authorities on the subject of more recent years, and it is interesting to know that this question has not gone without the attention and deep consideration of the best law writers of this age, and so conceded by both lawyer and layman.

Cooley on Constitutional Law, and his worth as a law writer is not a matter of question for either friend or foe, says:

Every road within a State, including railroads, canals, turnpikes, and navigable streams existing or created within a State, becomes a post-road whenever, by the action of the Post-Office Department, provision is made for the transportation of the mails upon or over it.

Other opponents of the measure in years gone by have sought to create a prejudice in our minds against legislation looking to the improvement of the post-roads on the ground of paternalism. This charge has never appealed to me as a serious one, but, on the contrary, a frivolous one. For, as we have observed both in practice and in law, the improvement of the post-roads was a proper one and always in the interest of the State and never to their disadvantage. Further have we seen the Federal Government using the highways for the transportation of the mails by government employees and, at the same breadth, the enjoyment of the same thoroughfare by individuals in their private capacities.

We have the same observation to point to the fact that the roads are used by rich and poor, weak and strong, soldier and civilian, Government and individual, yea, even savage and civilized. Surely the improvement of a medium of such general and universal utilization is not to-day, was not yesterday, and never will be paternalism. For if this be paternalism, let all embrace it together. If this be paternalism, the word no longer possesses a stigma or a sting. For those who would longer make this charge we can but stand and be amazed at them standing alone, threadbare of reason and sound logic.

There is a charge made against the improvement by federal aid of the post-roads of this country that has at first blush more merit than the rest. It is the charge "that it is too gigantic in its proportions"—too much for this Government to undertake. My reply to this charge is but to compare the aid the Government has rendered the three great methods of transportation, viz: First, the railroads; second, the waterways; and third, the common dirt roads or post-roads of the country. I can not resist before entering on a discussion of the three great methods of transportation of the Nation's wealth asserting that the question of transportation is not outdone in greatness with even production itself.

GOVERNMENT AID TO RAILROADS.

This Government has granted 159,125,734 acres of the public domain to the railroads of the country to encourage them in railway building. This acreage, at $10 per acre, would be and amount to an appropriation of $1,591,257,340 of the people's money. This was the granting away of homes for 3,988,143 American families of 40 acres each. This was not for the benefit of all of the people and to remain their own, but was for the direct benefit of the railways, to become their private property, and for the indirect benefit of all of the rest of us.

Now, as there are 40,628 rural routes in the United States of approximately 24 miles each, we have a total rural route or post-road mileage of 975,072. Now, if the amount we have appropriated to railways in government land grants could have been expended on the post-roads of this country in conjunction with the States and municipalities, every post-road in this United States would have received an expenditure of $2,000 per mile and there would be in the Treasury $616,185,340 to extend rural routes and bring happiness, intelligence, and progress to the heart of every citizen who enjoyed its beneficent influences and effects. This comparison must make those who would oppose the improvement of roads cringe in their seats to observe how they have been generous in the past with railways, which are private corporations, and how they are now practicing economy on those who are entitled to liberality and fair treatment. To appropriate for post-roads would not be passing public property into private hands, but placing it at the disposal of all, for the use of all, and the property of all always.

WATERWAYS AND WHAT THE GOVERNMENT HAS DONE FOR THEM.

The Government has aided the waterways of the country from time to time by the appropriation from the Federal Treasury of $610,068,875.78, and this does not include the Panama Canal, which has already cost $210,590,528, and will, in the estimation of the President, cost $397,000,000 when completed. Neither does the first amount named include the appropriation for waterways passed at this very Congress for more than forty-two millions, and passed without even a roll call or record vote.

Now, to those who would oppose this legislation on the ground of impossibility of operation, I want to call your attention to the fact that the amount expended for waterways would improve every post-road under the cooperative plan in the United States and leave a balance on hand of $73,996,875 for the further extension of roads for rural routes, and thereby extend the blessings of government to the plain people, who produce more every year than they themselves consume. This would be a distribution of the blessings of this Government to the producer and the consumer, to the soldier and the civilian—lo, to every citizen of the land irrespective of race, color, or station.

It also may well be observed that if we would appropriate the same amount each year that we have appropriated this year for waterways and there were no other source to draw from we would in less than twenty years have every route improved; and I submit that it would be distributing benefits more widely, would be more lasting in character, and would add more to the beauty, grandeur, and power of the Nation.

Again we may observe that the amount appropriated for the Panama Canal each year for three years would improve every post-road under the cooperative plan and have money left in the Treasury for extension and further improvement of rural routes and post-roads. I assert that it is possible and the part of wisdom, justice, and economy as well.

GOVERNMENT AID FOR POST-OFFICES AND PUBLIC BUILDINGS.

It is interesting to note that the Government has expended for federal buildings throughout the country more than $150,000,000. Now, answering the charge further of its being too gigantic in character for the Government to undertake, we readily observe that an expenditure of $2,000 per mile under the cooperative plan could be expended on every post-road in the country if this amount be appropriated each year for six and one-half years.

While it is true that we all rejoice to have government buildings in our towns and cities, and while the town that has them or can get them invariably wants to keep them and get them, respectively, still think of the thousands of villages and hamlets that can not expect to have them. Observe, in fairness, how the roads benefit all, while the erection of public buildings in a few cities benefit the cities that have them and do not even indirectly benefit the cities that do not have them. One is general in character, the other special. Both are desirable, but one more desirable by reason of being universal; the other less desirable by reason of being special and not uniform. One is being appropriated for every year, the other being neglected every year—unfair on its face and inequitable as well.

TOO MUCH FOR WAR—TOO LITTLE FOR AGRICULTURE AND PEACE.

The American Congress is appropriating too much for war and too little for peace. The American Congress is appropriating too much for war and too little for agriculture and internal improvements.

The increase in the average appropriations for army and navy for the eight years succeeding the war with Spain over the eight preceding years is $1,072,000,000. This increase for the last eight years would, if you please, expend under the co-

operative plan $2,000 on every mile of post-road in the United States and leave in the Treasury for extension more than $97,000,000. The 90,000,000 American people have the right to ask, Would not the latter expenditure on roads benefit all more than the increase in annual appropriations for war or navy? The people have a right to your reply. This eight-year increase exceeds the national debt by $158,000,000.

It exceeds the entire expense of the Government for the whole year of 1910.

It is three times the estimated cost of the Panama Canal.

It is more than the entire irrigation projects planned for the next generation.

It is $60 for every family in the United States. Interest on this increase for the past eight years at 8 per cent would yield $2,000 per year to every family making up a city of 200,000 population.

Our defenses prior to 1898 were adequate, and why not presume that they are adequate now? No war clouds hover around or about us. Why not spend this enormous increase on internal improvements and legislate the hearts of this country closer to the Government by light burdens, rather than drive them away with heavy burdens? Four hundred million dollars annually for war and navy and $10,000,000 for agriculture is all out of proportion and will not operate to cement us together, but will drive us apart. It will unnecessarily tax us beyond our endurance. It will burden us for things we do not need. It will necessitate neglect of things we do need. How wrong it is to appropriate so much for war and so little for industry and peace. One appropriation makes widows and orphans, while one feeds hungry mouths and clothes threadbare limbs.

One is to maim and kill, the other brings peace, progress, and success.

War places homes in ashes. Peace and industry build homes instead of hovels.

One unites families in patriotism and love, the other dissipates and disrupts the home.

One adds to love of country and patriotism, the other to bluster, heartaches, disaster, and want.

I tell you such inequities can not go on without my protest. I tell you, sir, if this extravagance does not cease, my protest will be the protest of the many. [Applause.]

It is interesting to note the result of the industry and thrift of the American producer. Last year the American farmer produced the following crops:

	Total production.
Corn	$1,652,822,000
Hay	689,345,000
Wheat	730,046,000
Cotton	668,861,806
Total	3,741,074,806
	Total exports.
Corn	$25,444,990
Cotton	461,919,568
Wheat	50,576,602
Flour	49,952,779
Total	588,984,475

The amount of products that went abroad last year, bringing back golden treasure and wealth and power to this Nation would in less than two years improve all the roads now used as post-roads. Then this class, who produce more every year than all of us at home can consume, and bring back to this shore treasure aggregating nearly $600,000,000, have the right to expect that some of the beneficent influences of the Federal Treasury may be used on the thoroughfares that make the marketing of their crops possible, the education of their children possible, the habitation of their farms possible, and their profits in proportion to what they earn and what they do, and at government expense.

Good roads are the common milestones marking our civilization.

Good roads, like good deeds, live forever, while bad roads, like bad deeds, retard our progress and success.

Good roads make better profits for the producer, and enable the consumer to buy a better grade of products for less amounts.

Good roads are the pride and joy of the country that have them; it is our duty to act.

I tell you, sir, this is not a single appeal, but it is one common appeal from every citizen in every walk of life. It is an issue that will not down until it is met by aid at the hands of this Government. [Applause.]

HIGH PRICE OF LIVING DUE PARTIALLY TO BAD ROADS.

This country is to-day in turmoil and furor at the enormous cost of living. Its unusual proportions are bringing pangs of hunger to the industrious as well as to the idle. The wages paid the toiler of this land will not feed and clothe himself and the dependent ones. We read of the bread line in the cities, and we read of the strikes in the great centers, and it must tug at the heart strings of every citizen who has a heart to ache. It must wound the pride of every American. No small portion of this is caused by the inability of the farmer to market his crops when there is a demand for them at a reasonable price and forcing him at certain periods of the year to glut the market and destroy prices on account of bad roads, with corresponding scarcity and inflated prices when roads are impassable. For with bad highways and bad roads the producer can not market his products when the markets are active, but when it is possible to get to market with them. Here the farmer gluts the market and destroys the prices at one period of the year and denudes the market at other periods of the year. In the one instance the consumer suffers and in every instance the producer suffers. A losing and a suffering at the hands of bad and impassable highways, that could be easily, sanely, and wisely improved merely by practicing economy in the lavish appropriations for the army and navy for at least four or five years.

The present high prices will and is doing more to disrupt business affairs in the cities now than any other one thing. The wage-earner who received $2 per day when his living cost him $40 per month is still getting $2 per day and his living now costs him $70 per month. In the former case the toiler was able to save $20 per month, whereas now he loses $10 per month. This is a losing deal for the wage-earner, and his dissatisfaction is of necessity immediately aroused. His very existence and hearthstone is at stake. His employer has not become accustomed to the increased cost of living, and the suffering and the trouble and want that is going to result from this increased cost of everything we eat and wear is going to cause more trouble than we know.

BAD ROADS ENABLE MIDDLEMEN TO CORNER MARKETS.

The fact that during a large portion of the year the roads are wholly impassable, thereby denying the producer the opportunity to market when he may market to advantage. It further enables a cornering of the markets and the exacting of exorbitant prices from the consumer without any corresponding advantage to the producer. Here is an injustice that is to-day nation wide in the cotton-gambling evils and the bucket-shop evils that haunt the producer and the consumer by day and by night.

I tell you, sir, it is the solemn duty of this Congress to afford an open and an honest market for the producer to sell and the buyer to buy. It is wrong to let the man who neither produces nor consumes fix the price for the seller and the buyer by reason of lax laws and the neglect in the improvement of the American highways and post-roads.

WE NEED MORE RURAL ROUTES AND BETTER ONES.

I am glad to say that in my judgment the greatest boon to the American farmer is the rural route. Nothing is so near to him and nothing so dear to him. I am in favor of those 40,628 routes that we now have, and am in favor of more of them and better ones as well. The average route is now 24 miles, with unimproved roads. With improved roads we could lengthen them out to 30 miles, thereby dispensing with every fifth carrier; hence one-fifth of the expense eliminated. For it is easily understood and will not be controverted that if a carrier can travel through mud and unbridged streams 24 miles with difficulty, he can on improved roads travel 30 miles with ease. Hence, we see that in a short time the roads would pay for themselves, even if the amounts expended were made reimbursable to the Government. It is not only good for the producer and consumer, but it is economy as well for the Government, who yearly makes appropriations therefor.

IN PROGRESS AND POWER THIS NATION STANDS AT THE HEAD; IN ROAD IMPROVEMENT AT THE FOOT OF ALL NATIONS.

Every heart swells with pride when we point to the sisterhood of States as standing at the very head of all the nations of the earth in power and in greatness. But how it must wound the pride of every true American to admit that with all our zeal, our energy, and ambition we stand at the very bottom when it comes to the improvement of our post-roads. England, France, Germany, Belgium, and all of the civilized nations of the earth have improved their highways, and here we are faltering and waiting and neglecting a duty we owe to the country and to all.

IMPROVE THE ROADS AND DRIVE THE BOYS BACK TO THE FARMS.

One of the greatest dangers that to-day haunt the American people is the universal desire of the American boy to leave the farm and go to the bright lights of the cities and the crowded centers. This mania is not without a reason, and that reason is apparent to us all. With bad roads, the boy or girl living in

the rural communities is denied the use of the higher education that goes with the city school and that is impossible in the country schools where the country is sparsely settled. It denies the country boy or girl the churches, the libraries, the theaters, and places of amusements. With improved post-roads and highways this distance will be annihilated, this evil will be remedied, and the farmer's daughter and son, respectively, will share in the benefits that their industry and frugality will richly entitle them to.

These conditions are some of the things that is allowing the farm to grow up in weeds; these are the conditions that make the cost of living so extremely high; these are the evils that will cause this Nation to retrograde if not changed, and it is the duty of this Congress to act.

To improve the highways and allow them the advantages offered by the city will but make their race for the good things in life equal.

I again repeat: Give the farmer's son and daughter a chance to attend the churches, the libraries, the theaters, the colleges, and their frugality, their industry, their freedom from the bad habits, their simplicity, and earnestness of manner will but win for them the success that their efforts, industry, frugality, and intelligence have long entitled them to.

Improve the highways and make farm life more attractive and the congested conditions in the great centers will cease, and the farmer's son will take his back track and again take up his avocation on the farm with a light heart and willing hands. It can but result in good to all. It will increase the scope of employment in the cities and towns. It will increase the Nation's wealth in the products we produce. It will develop the bald prairies of the West and convert plain and forest into a garden of homes, and the world will prosper and improve as the years speed by.

The consumer can live more cheaply and care for wife and baby better. The farmer, with farm under a high state of cultivation, can produce and market more products at a greater profit. The farm, the mine, and the forest can be brought to the door of the factory, and the world will be made brighter and better from every aspect.

Let us not neglect the old homestead until it grows up in the weeds of neglect, brought about by neglect and unfair treatment. Let us not be unmindful of the adage, old but true, "That you may tear down the cities and towns of this Nation and willing hands will rebuild them, but forsake the farm and disaster will ensue." In order that we have cities we must first have farms. In order that we have farms we must have markets. In order to have markets we must have transportation. In order to have transportation we must have roads. All, I tell you, sir, we must have working together and in unison and in accord or this Nation will never reach the zenith of its greatness and power.

RURAL ROUTES WERE SCOFFED AT IN THE BEGINNING.

In 1897, when the American Congress made the first appropriation of $40,000 for aid in the establishment of a rural delivery of the mails, the idea was scoffed at, and it was then by many of the Members of Congress and citizens outside of Congress deemed a wild orgy of speculation—was characterized as a bubble unworthy of solution.

The advocates of the measure were jeered at and complained of and charged with all sorts of paternalism; all sorts of criticism was hurled at them. To-day how changed. None so poor as to do the opponents reverence. To-day this Congress is appropriating $37,500,000 for rural routes, and everyone sanctions the appropriation. No one now says it is paternalism. No one now complains of it as a bubble. No one would repeal it if he could. No one could repeal it if he would.

I tell you, sir, dear as the rural route is to the American farmer, dearer yet to him is the subject of highway improvement. All the countries of the world have acted and become thoroughly committed to it. This question will not end. This question will not down.

Let the rural routes be extended, and also the roads over which the faithful carrier daily travels. Let the daily paper be each night handed to the farmer, with tired muscles and limbs, but with rested brain. Let the mail go to him and to his family, and the education and golden results that it accomplishes flow to him free and untrammeled. It is worth more to us in war, as well as in peace, to have a prosperous, patriotic people, free from excessive taxes from without and more internal improvements from within. This law is for the plain people, who will defend us in time of war, who will love us in times of peace. This service must never be reduced, but rather extended and increased. Carve other appropriations. Yea, carve them all rather than to touch one hair in the head of this appropriation for the producers of this country.

Let the ignorant be educated. Let the weak be made strong. Let equal rights to all and special privileges to none ever be the watchword and the glory of this Nation of nations.

TONNAGE OF FARM PRODUCE MOVED EACH YEAR.

The Department of Commerce and Labor shows by carefully compiled statistics that each year in the United States there is moved 265,000,000 tons of farm produce. They further show us that the average haul is about 9 miles to market, and that the cost of transporting them averages $2 per ton. This, as you will observe, costs the American producer and consumer the sum of $560,000,000 annually to move their crop over the unimproved roads of this country. If the farmer can haul a ton of wheat, oats, corn, cotton, or hay for $2 per ton over muddy roads, he can haul 2 tons over improved roads with ease for the same $2. In this way there would be a saving of $265,000,000 to the producer every year. This saving each year in actual cash would in three and one-half years, under the cooperative plan, improve every post-road in the country now in use. This, as you will observe, does not include the saving to the Government in carrying the mails. This does not include the wear and tear occasioned by bad roads on the teams and vehicles. Why, sir, the saving to the producer, the saving to the Government, the increase in value of property by reason of them, the education they impart to those along the lines will pay for themselves each year, and the charge that they are impossible of solution for a Nation ranking as we do at the head is shameful and is threadbare of all that appeals to well-thinking persons.

The Department of Commerce and Labor advises us that it costs the American farmer 5.11 cents per bushel to haul his wheat the average 9 miles, while it costs but 3.5 cents per bushel to ship wheat from New York to Liverpool, a distance of 3,100 miles. I doubt not if the loss could be all carefully compiled and followed out to the minutest detail, that it would result in a loss to the American people of more than a billion dollars per year, and this would be a loss to each and every individual in the United States of $12.50 per head.

I tell you this is not the appeal of any one citizen or class of citizens, but it is the common appeal of every class from every walk of life. It will not down until it is met. It is not met until these highways are improved. [Applause.]

POSTMASTER-GENERAL'S DEFICIT NOT A REPLY.

The postal deficit concerning which we have heard so much during the Taft administration is not a valid defense to this legislation. It is not a defense at all, for while you are appropriating four hundred million for war and navy, appropriating lavishly for public buildings in every hamlet in the country, appropriating lavishly for the improvement of waterways, many of which are not navigable and never will be; while you are digging Panama canals with locks and dams, you shall not be heard to practice economy on the plain people of this country, who have no lobbies here and will not have any. You shall not grant ship subsidies to steamship lines and give away the public domain to the railroads and then be heard to complain of a deficit that your lavishness and foolish extravagance brought about. I favor economy more rigidly than the rest, but I favor it with the citizen who has no lobby here the same as I favor it for the citizens who maintain lobbies here the year around. I tell you the time is rife that some one take up the cause of the citizen who stands ready to defend us in war and stands ready to feed us in peace. I tell you it is not right to subsidize and aid all but the producer and practice rigid economy on him. Improve the roads and the postal deficit will vanish and disappear. [Applause.]

MORE INTERNAL IMPROVEMENTS AND LESS TAXES ARE NEEDED.

We must spend more within and less without. Improve the conditions within and we will have no fears from without. Make the improvements for those who are here to-day secure and make them more secure to those who are to follow us. Money spent on internal improvements, thereby enhancing the wealth of the Nation, insuring peace among ourselves, is the salvation of the Republic. Practicing this, patriotism will ever increase and never wane as the years speed by.

Internal improvements, in which the plain people have a deep and immediate interest rather than a remote one, will do more to keep us a happy, closely united, and contented people than all the subsidies paid to railroads, to mail ships and steamships, to tariff subsidies and high duties laid on the one least able to bear and for the benefit of the class least in need. I tell you, sir, the American people will not sit idly by and be ground down by inequalities and inequities for which you can give no good or adequate answer. I tell you, sir, in a Republic where all are free and equal you shall not trample down the many for the glories of the few.

Four hundred millions for war and navy and not one cent for improvements of highways and post-roads of the country will not satisfy them when they know, and they shall know as long as such injustice and inequality prevails.

I tell you, sir, forty-two millions for waterways this year and not one cent for post-roads will not satisfy them when they know, and the truth will out.

Millions for post-offices and public buildings for a few towns of the country and no assistance for the post-roads and the little towns will not satisfy them, and is wrong as well.

A billion-dollar session of an Aldrich-Cannon Republican Congress and not one cent for post-roads or internal improvements will not satisfy the producers, who sent abroad last year $588,984,475 in products from their toil, zeal, and industry, thereby replenishing our Treasury to the brim.

You have arranged tariff schedules for the manufacturer, so that his riches are greater than he ever anticipated. You have subsidized the railroads with land grants until they have grown corpulent with wealth. You have increased the appropriations for the war and navy until the patience of this citizenship is almost exhausted, and now, when asked to do something for the plain citizen, who produces more every year than he himself consumes, you answer with the word "economy." It is no answer, and you shall not plead it. The masks shall be torn from your hypocritical faces, and the taxpayer shall know the truth.

These comparisons will and should haunt you while you sleep and harass you while you wake. They should stare you in the face until you correct them. Spend more at home and less abroad and patriotism will increase and taxes diminish. [Applause.]

Good roads bring the products of the mine and forest to the factory door.

Good roads bring thrift to the farmer and thrift to the consumer and wealth to the Nation.

Good roads make farm life pleasant and profitable and enhances its usefulness.

Good roads will bring us more rural routes—will bring us better ones and more efficient ones.

They make better homes, happier firesides, more patriotic people.

They distribute the products of the mine, the forest, and the factory.

They are the avenues of progress and the highest and best proof of the intelligence we enjoy.

It does justice to producer and consumer and withholds injustice from all.

They save time, labor, money, and failure. They patronize the railways and the waterways you have appropriated for so lavishly.

Highways, I tell you, sir, are not the property of one man or class of men, but are the property and the interest of everyone, whether he be black or white, educated or uneducated, weak or strong, high or low, savage or civilized. They are the property of us all, and we should all aid in their upbuilding.

The beneficent effects of good roads flow to the city and the hamlet as well as to the farmer. They walk hand in hand in community of interest, and surely it is a picture beautiful to look upon and sound at the core.

Good roads are indispensable to our growth and progress and we must not falter or wait to provide for them. [Applause.]

The CHAIRMAN. The time for general debate has expired. The Clerk will now read the bill by paragraphs.

The Clerk read as follows:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day, $325,000: *Provided*, That the Postmaster-General may, in his discretion, allow inspectors per diem while temporarily located at any place on business away from their home, or their designated domicile, for a period not exceeding 20 consecutive days at any one place, and make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That no per diem shall be paid to inspectors receiving annual salaries of $2,000 or more.

Mr. COX of Indiana. Mr. Chairman——

Mr. MANN. I raise the point of order on the paragraph.

Mr. COX of Indiana. I want to offer an amendment; of course the point of order will have to be disposed of first.

Mr. MANN. I wanted to ask the gentleman in charge of the bill concerning this paragraph. I notice this provision, which I believe is in the existing law, provides that no per diem shall be paid to inspectors receiving an annual salary of $2,000 or more. What is the policy of the department in reference to the per diem of officials who receive salaries of more than $2,000? On page 15 is an item of assistant superintendents in the Salary and Allowance Division, at the rate of $2,000 per annum, who shall in addition have per diem. I simply wish to ask what is the reason for the distinction between these two sets of officials who receive the same salary?

Mr. WEEKS. Mr. Chairman, the assistant superintendents referred to by the gentleman from Illinois, and the inspectors who receive more than $2,000 a year, and the inspectors who receive less than $2,000 a year, are paid per diem. I do not think that indicates consistent policy on the part of the department. It has been the practice for years to pay inspectors known as "city inspectors," those who receive $2,000 or more in annual salaries, their actual expenses when traveling, and to pay inspectors who receive less than $2,000 salary a per diem of $4 a day.

Mr. MANN. Well, I withdraw the point of order.

Mr. COX of Indiana. I move the following amendment: Strike out the word "four" in line 20, page 2, and insert the word "three," so as to read "$3 per day."

The Clerk read as follows:

Page 2, line 20, strike out "four" and insert "three," so as to read "$3 per day."

Mr. COX of Indiana. Mr. Chairman, I do not believe that this $4 per diem can be justly defended. I know that the Post-Office Department insists that it is necessary in order to pay the inspectors a reasonable salary. I oppose this per diem upon the ground that it provides for the fee system, which obtained not only in the federal courts, but in the state courts years ago, but I believe this fee system has been entirely abandoned, and all state and county officers are now paid a regular salary.

Now, Mr. Chairman, this $4 a day, in my judgment, is money used in an indirect way to increase the salaries of the inspectors. If the salaries of the inspectors are not high enough, they ought to be increased. Besides the proof before the committee shows that a large number of these inspectors never leave the home city in which they live. And yet the proof shows beyond a doubt that these inspectors draw their $4 per diem for expense account.

Mr. STAFFORD. Will the gentleman yield to me?

Mr. COX of Indiana. I yield for a question.

Mr. STAFFORD. The gentleman has stated just now that the hearings disclosed that there are inspectors who never leave their homes——

Mr. COX of Indiana. I will not yield for a speech.

Mr. STAFFORD. I am going to embody it in the question. Now, if the gentleman does not wish to yield——

Mr. COX of Indiana. I yield for a question. I said that.

Mr. STAFFORD. If the gentleman will kindly give me the opportunity, I will put my question; otherwise I will desist.

Mr. COX of Indiana. The gentleman can exercise his own pleasure as to that. I said I yielded to a question.

Mr. STAFFORD. The gentleman does not wish to phrase the question——

Mr. COX of Indiana. If the gentleman wants to put a question, let him do so.

Mr. STAFFORD. The gentleman said that the hearings disclosed that there were inspectors receiving per diem who never left their places of residence or their official domicile. I would like the gentleman to point out in the hearings where there is any such testimony.

Mr. COX of Indiana. I have not time to turn to the hearings and read them.

Mr. STAFFORD. I do not believe the gentleman can find any such statement.

Mr. COX of Indiana. Probably my statement should be modified to some extent.

Mr. STAFFORD. I think to a very great extent.

Mr. COX of Indiana. To the extent that they had been in the field at least half a day.

Mr. STAFFORD. I do not take exception to that statement.

Mr. COX of Indiana. This is entirely too much money to pay these men, and the proof shows that these inspectors while traveling upon railroads have their train fare paid and their sleeping-car fare paid, and the only thing that this $4 a day goes to pay is simply their hotel bills. Now, I do not believe it to be a proper policy to let these men live at inordinately cheap places, but at the same time I do not believe it to be in the interest of economy that this class of inspectors be permitted to stop at exhorbitantly high-priced hotels. In these days when everybody is talking economy, and, in my judgment, it would not cripple the service in the least to reduce this per diem from $4 to $3 per day, and that reduction would save, upon this item alone, the sum of $81,250.

Mr. GARRETT. Will the gentleman yield for a question?

Mr. COX of Indiana. I do.

Mr. GARRETT. Is the $4 always used, all of it?

Mr. COX of Indiana. The proof shows that it is always used; that the price is never fixed below $4 per day by the Postmaster-General.

Mr. GARRETT. Was it not the intent of the law that the inspectors should report his actual expenses, and is it not required that he shall send in a voucher?

Mr. COX of Indiana. I think they do.

[The time of Mr. Cox of Indiana having expired, by unanimous consent it was extended five minutes.]

Mr. GARRETT. Is it true that in every instance, notwithstanding the amount that may be reported by the inspector, he is allowed $4?

Mr. COX of Indiana. If he is out as much as a half a day, he is entitled to his full $4 per day.

Mr. GARRETT. That is not the intent of the law, is it?

Mr. COX of Indiana. I doubt very much whether it is the intent of the law. It is an indirect way that the inspectors have of getting their salaries increased, something that is radically wrong, something which can not be defended upon any ground, and as I said a while ago, if the salaries of these men are not high enough, let us increase them until we know exactly the amount of money that is being paid to the inspectors in the field doing this kind of work.

I undertake to say that if this amendment be adopted, reducing the amount from $4 to $3 per diem, it will not in the least cripple the service. We shall have just as many good and efficient men in this line of service as we have to-day, when their per diem is $4.

I notice in other appropriation bills which have come upon the floor of Congress, particularly the agricultural appropriation bill, in a major portion of the instances, if not all of them, no per diem at all is allowed, but they pay actual traveling expenses, which is fair. Every time a traveling expense is paid, not only the Government but the people have an opportunity to know exactly what that expense is; but under the per diem system of $4 per day allowed the post-office inspectors nobody can tell what their salaries amount to. Nobody can tell what they are getting for their actual work, and for their expenses while they are doing the actual work. The proof further shows, as I said a while ago, that a large part of these inspectors live in cities, where, to say the least of it, they have the opportunity of being at home every night. They have the opportunity of eating their morning meal at home and the opportunity of eating their dinner at home, and the only expense that they are put to is their midday lunch. This, therefore, resolves itself into the one proposition that we are paying this class of men by indirection a great deal more than the law ever contemplated we should pay them. Upon an average this increases the pay of each inspector $1,080 a year. It is only allowed to the men whose salaries are below $2,000, and yet when we allow them $4 a day we increase the salary of each one of these men $1,080. It is wrong and ought to be remedied, and, in my judgment, the only way to remedy it is to reduce this appropriation and fix this per diem not at $4 per day, but at $3 per day. I hope that the amendment will be agreed to.

Mr. WEEKS. Mr. Chairman, I hope the amendment offered by the gentleman from Indiana [Mr. Cox] my colleague on the committee, will not prevail. The post-office inspectors are men of the highest quality. They are the representatives of the department on the road. They must be expert accountants. They must know the postal laws, and in every respect they must represent the department. Furthermore, they must have a capacity for ferreting out crimes against the service. They must to a certain degree be possessed of the qualities of Sherlock Holmes. Now, these inspectors below the $2,000 grade commence their service at $1,200 annually. They usually serve in that grade about four years. Then they are men promoted to the $1,400 grade, and they serve on an average in the $1,400 grade about the same length of time. They then go to the $1,600 grade, and a great majority of the inspectors serve in the $1,400 and $1,600 grades. I am in accord with the gentleman from Indiana to this extent, that it would be better business to pay the inspectors their actual expenses rather than the per diem; that is the system that prevails in the case of inspectors who are paid more than $2,000 a year.

I am also of the opinion that these inspectors who serve for less than $2,000 a year are receiving too little pay for the quality of service they are obliged to furnish, and that we should increase their pay if any change is made in the per diem.

Mr. GARRETT. Will the gentleman yield?

Mr. WEEKS. I will yield to the gentleman from Tennessee.

Mr. GARRETT. Under the provisions here the men drawing salaries of less than $2,000 really get more pay, some of them, than the $2,000 men.

Mr. WEEKS. The gentleman from Tennessee is taking the statement of the gentleman from Indiana literally when he makes that suggestion.

Mr. GARRETT. I was.

Mr. WEEKS. There is a great difference in the pay that these men actually receive. The man who lives in a congested district will naturally save much more from his $4 per diem than the man who lives in a thinly settled district. I doubt if a man in the extreme West can save much of anything from his per diem. I think, on the other hand, that the men who are serving near large cities may be making a material saving. I have talked with an inspector who told me that he saved $300, another one $250, and another one admitted that he saved $400 a year.

The point I want to make is that if any change is to be made in the per diem that has obtained since 1885, when it was reduced from $5 to $4, the salaries of these inspectors who serve outside of cities should be readjusted and they should receive higher salaries.

The department will investigate this subject this year and get returns from the inspectors as to the actual amount that they have to spend for a three-months' period, so that we may have some data on which to base salaries or to pay per diem if we continue it hereafter. My judgment is that the per diem should be discontinued, and after the salaries are adjusted inspectors should be paid actual expenses; but until we have this information I think it would be unfair to reduce the per diem, and I hope the amendment will not prevail.

Mr. GARRETT. Mr. Chairman—if the gentleman from Massachusetts will allow me—as I understand it, the classification of salary is the $2,000 men, and the $1,600, and the $1,400 men, and it is not presumed that the $1,600 man shall get more than the $2,000 man. It is not presumed that the efficiency and experience or the service of a $1,200 man could give him more than the $1,600 man; and yet it seems to me that under this provision there is a possibility that the man who is really in the $1,600 grade may receive more compensation than the man who is in the $2,000 grade, with the proviso that is at the end of this paragraph.

Mr. WEEKS. I think there is that possibility. At the same time, if this change is made, it might do a gross injustice to the man who is getting $1,200 a year; he may be located where he is not making more than $100 out of the per diem, and possibly he is not making anything. We should have the real facts before we make any such change as this amendment proposes.

Mr. STAFFORD. Mr. Chairman, there is no denying that if we reduce the per diem as provided in this amendment it will necessarily reduce the salaries of the inspectors. The committee in no instance in this bill have reduced the salary of any official. It is generally known that these inspectors are not the most popular with some persons in official life, but no one will gainsay the importance of having this service up to the maximum of efficiency. In many instances these inspectors do save some money from the allowance of $4 per diem. But the committee believe that we did not have the information at hand whereby we can properly readjust their salaries and provide for only their expense allowance. Who will contend that a man in the $1,600 class of inspectors, who, on an average, has been in the service eight or ten years, is receiving too much salary, even if he should save a certain balance from the per diem allowance in the neighborhood of $400? Who will contend that in certain portions of the country, particularly in the far West, $4 per diem is too large an amount for the inspectors to meet their everyday expenses when in the field?

What will be the result in those sections if you restrict the amount per diem? You will naturally deter the inspectors from going into the field and pursuing the work which they are called upon to perform, and cause them to remain in their offices, whereas if this work is going to be properly performed they should be in the field inspecting depredations and examining post-offices. So I think, with the policy adopted by the committee of calling upon the department to make inquiries as to the expense allowance of the inspectors throughout the country, so that next year when we frame our bill we can have before us data so as to intelligently act in this matter, that it would be better not to adopt this amendment, unless this body insensately is going to reduce salaries pellmell without regard to the conditions.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken and, on a division demanded by Mr. Cox of Indiana, there were—ayes 22, noes 71.

The Clerk read as follows:

The unexpended balance of the appropriation for the fiscal year 1910 of $10,000 for expenses incident to the investigation and testing of mechanical and labor-saving devices, under the direction of the Postmaster-General, for the use of the postal service, is hereby reappropriated and made available for the fiscal year 1911.

Mr. WEEKS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 4, line 6, strike out "ten" in 1910 and insert "nine," so as to read nineteen hundred and nine.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For compensation to assistant postmasters at first and second class post-offices, 4, at not exceeding $4,000 each; 33, at not exceeding $3,000 each; 6, at not exceeding $2,500 each; 6, at not exceeding $2,000 each; 15, at not exceeding $1,900 each; 40, at not exceeding $1,800 each; 75, at not exceeding $1,700 each; 115, at not exceeding $1,600 each; 180, at not exceeding $1,500 each; 120, at not exceeding $1,400 each; 275, at not exceeding $1,300 each; 475, at not exceeding $1,200 each; 225, at not exceeding $1,100 each; 181, at not exceeding $1,000 each; 200, at not exceeding $900 each; 150, at not exceeding $800 each; and 140, at not exceeding $700 each; in all, $2,700,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word. I notice that this appropriation has been increased about $80,000. Will the gentleman in charge of the bill explain why that was done?

Mr. WEEKS. That is to cover natural and necessary increases in the service which the experience of the department has determined are likely to occur.

Mr. MACON. I notice in the paragraph just preceding that that there was an increase of $900,000 in the appropriation carried in it. Will the gentleman explain the necessity for that great increase?

Mr. WEEKS. I will say as to that that the salaries of the postmasters are absolutely fixed by law, and the estimate made by the department is based on previous years and the probable growth of the service.

Mr. MACON. It is to provide for the natural growth of the salaries of the various postmasters?

Mr. WEEKS. Yes.

Mr. MACON. I withdraw the pro forma amendment.

Mr. WEISSE. Mr. Chairman, I move to strike out the last word. I believe if the Post-Office Committee wants to make a saving, it can very easily make it in the salaries of the postmasters receiving $2,000 a year or over——

Mr. WEEKS. Mr. Chairman, I would call the attention of the Chair to the fact that the paragraph fixing the salaries of the postmasters has been passed.

Mr. WEISSE. Then, it would be out of order to say anything in regard to it at this time?

Mr. WEEKS. I think the Chair would so rule unless the gentleman asks to go back to the paragraph.

Mr. WEISSE. I would like to talk for a minute or two if the Chair will allow me or if the chairman of the committee will allow me.

The CHAIRMAN. The Chair does not understand that the gentleman from Massachusetts has made a point of order. He just called attention to the fact.

Mr. WEISSE. Mr. Chairman, in this bill the amount for salaries of the postmasters has been increased about 100 per cent from 1897, as shown by the following letter I received from the Postmaster-General:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 19, 1910.

Hon. CHARLES H. WEISSE,
House of Representatives.

MY DEAR SIR: With reference to your letter of the 16th instant, I beg to submit the following statement showing the gross receipts, the number of post-offices, the number of employees at first and second class offices, including city carriers, the salaries of postmasters, and the aggregate salaries paid employees for the fiscal years 1897 and 1909:

	1897.	1909.
Number of post-offices	71,022	60,144
Number of employees, first and second class offices (assistant postmasters, clerks, city carriers, laborers, etc.)	26,350	60,640
Postal receipts	$82,665,402	$203,562,383
Salaries of postmasters	$16,908,385	$26,569,893
Salaries of employees, first and second class offices	$23,199,790	$59,283,852

The number of employees at third and fourth class offices is indeterminable from the records of the department, the postmasters at offices of these classes being granted only specified allowances for the payment of clerical assistance and not being required to report to the department the number of such employees.

Yours, very truly,

F. H. HITCHCOCK,
Postmaster-General.

In 1897 there were 71,022 postmasters in the service of the United States, receiving a total salary of $16,908,385. In 1909 there were 60,144 postmasters in the service of the United States, receiving a total salary of $26,569,893, or an increase of about 60 per cent, which increase no doubt is due entirely to their political activity, as no one has yet said on this floor that the postmasters of 1909 were a better lot of men and gave us better mail service than the postmasters in 1897. This being a fact the additional compensation of about $10,000,000 yearly is nothing more or less than a campaign contribution of this class of employees in the postal service, and the people no doubt have been taxed to this extent to maintain this one branch of this political machine, which is the greatest political machine in the Government, the head of which is the chairman of the National Republican Committee, the honorable Postmaster-General, who at times does not acknowledge the receipt of a letter until a week or ten days after he has received it.

Another letter of the Postmaster-General is as follows:

POST-OFFICE DEPARTMENT,
February 28, 1910.

Hon. CHARLES H. WEISSE:

Thirty-three postmasters receive over $5,000 a year, aggregating $206,000, as follows: Four at $8,000, and 29 at $6,000.

Five postmasters receive $5,000, and 4 receive $4,000 per annum, aggregating $41,000.

Three hundred and fifty-six postmasters receive salaries ranging from $3,000 to $3,900, inclusive, aggregating $1,161,600.

One thousand seven hundred and four postmasters receive from $2,000 to $2,900, inclusive, aggregating $4,004,400.

Two thousand five hundred and twenty-nine postmasters receive from $1,500 to $1,900, aggregating $4,162,100.

F. H. HITCHCOCK,
Postmaster-General.

I find that there are 33 postmasters who receive over $5,000 a year, and I take these facts from a letter of the Postmaster-General, which letter I will incorporate with my remarks. There are 5 postmasters who are receiving from $4,000 to $5,000 a year, 356 postmasters who are receiving a salary of from $3,000 to $4,000, and 1,704 postmasters who receive a salary of from $2,000 to $3,000 a year. I would say that if the committee wants to make a saving it should change present law of postmasters' salary here at this time, saving at least several million dollars in the appropriation for the postmasters, and repeal that law and classify them and put them on different basis than they were in 1883. I further wish to say that if they want to adopt a business policy and business principles, to use business methods, and to do that would be as my friend, the gentleman from Indiana [Mr. CULLOP], stated this morning, elect the postmasters by the people in their own districts and thus take it out of politics, and if you would do this you would get these $5,000 postmasters——

Mr. FASSETT. Would that take it out of politics?

Mr. WEISSE. Absolutely it would, if you would let the people elect them. [Laughter.] You could get in any one of these $5,000 offices a man taken from the Railway Mail Service who is more able, who knows more about the post-office service than the postmasters, and you pay him only $1,100 a year.

I have spent some time on this floor this week listening to the general debate on this post-office appropriation bill, which carries over $240,000,000. I have heard some Members advocate more pay for the rural carriers, no doubt because they had rural carriers in their district. I have heard others advocate more pay for the railway mail clerks; no doubt they were friends of theirs. I have heard others advocate more pay for city carriers—city carriers in their district. Not a single Member upon this floor has stated that we could not get all the men that we needed in the service at the present salaries we are paying, nor has anyone said that the service was suffering on account of low pay to their men.

Now, in my estimation, the lowest paid employee in the service, who has to perform the hardest work for the least money, and is away from home a great deal of the time, is the railway mail clerk; but he is satisfied, as we are having no trouble in getting all the men we need in that service. He is the man that must have the most ability of anyone in the service, postmaster not excepted. If this is true, would it not be well to consider the men who are being taxed to pay them. Are we offering any relief to them in any way, shape, or manner? Is anybody sympathizing on this floor with the taxpayer of this country on the other side of the House? If so, I have not heard it. There are about 400,000 employees in the postal service of this country. We are taxing 90,000,000 people to pay them for this service. According to the statement of Mr. GARDNER of New Jersey, Canada is paying about 47 per cent of

the gross receipts of the post-office for salaries and we are paying 60 per cent, which shows at once where there is a great loss in the postal service compared with the Canadian service.

The gentleman from South Carolina [Mr. FINLEY] shows in his speech in the RECORD that if the Government would ship by freight all of the boxed envelopes and post-office supplies, mail equipments, and other matter in freightable lots—freight rates to Chicago are about 75 cents a hundred, mail rates from $9 to $12 a hundred—they could make a saving of least one-third the cost, which would be $15,000,000, of the transportation charges to the railroad. Why should a box of printed envelopes be carried as mail matter by the railroads and a box of franked envelopes not allowed the same privilege, both paying the mail rate by the Post-Office Department? Why should a wooden box used by a Member of Congress be frankable when full of public documents and not returnable empty with the same privilege?

These conditions exist, according to the debates on the post-office bill, and some Members get up and say that we could not make any changes that would be of any benefit. The facts presented in this debate show where a great many changes can be made, and at least, to my knowledge and belief, a saving of $25,000,000 to $50,000,000 can be made in this bill, and we will have equally as good service as we now have. This debate shows that our foreign mail service pays us a profit of over $5,000,000; our domestic service, a loss of $17,000,000, with the same rate of postage.

We are told, however, by the President that we want a business administration and want to put it on a business basis. I wonder where he got his business training?

Well, Mr. Chairman, I spoke to a United States Senator in regard to appointing a postmaster, and he stated to me that he did not feel like making a change because the postmaster attended all political conventions of his party.

I, as a business man, do not want postmasters to attend political conventions, as they had a great deal of trouble in one of the Republican state conventions in our State. It contained stalwarts and half-breed postmasters, and before they got through the stalwarts had left the hall and nominated a state ticket. The half-breeds held their convention and nominated a state ticket. We had election the next fall in our State; our senior Senator was elected governor and passed a direct-primary election law. The Republicans in our State have had no state convention of this kind since. The postmasters now get busy at home getting the people to vote for their different candidates at the primaries, and only have retail troubles, where formerly they had troubles by the wholesale amongst the leaders themselves.

I for one, as a taxpayer of this country, am absolutely opposed to these present conditions existing any longer, where I am being taxed with others to the amount of, no doubt, $50,000,000 as a campaign fund, for no other purpose than to sustain the present system, to keep in power and continue their lieutenants in office. I was told at one of the departments that they discontinued a light-house—to protect the lives of sailors—in my district, which cost $1,000 a year to maintain, because they did not have money enough in the fund to maintain it. A business administration pure and simple, no doubt, without any business training. A commission is asked for by the head of this Nation and by the Senator from Rhode Island, the boss. Why? Because they are so wrapped up in the system that they can not break it themselves without losing their jobs, and now are asking for a commission to shoulder the responsibility, to take off the leeches, so that they can still hold their job and fool the people for another four years, but the people will relieve them next election and defeat everyone that belongs to the system. My Democratic friends, a great many of them, have very little to say; no doubt they want to practice the same system if they get into power, but I wish to warn them now, if they do not change these conditions when they get into office that they will not be reelected the second time. The people are being educated; they want a change; and the system must go out of business.

The Clerk read as follows:

And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph. I would like to ask the gentleman from Massachusetts how the salaries of assistant postmasters are now fixed?

Mr. WEEKS. The salaries of the assistant postmasters are limited by law to one-half the salary of the postmaster. The amount, however, appropriated for the salaries of assistant postmasters does not aggregate a sufficient amount to pay one-half the salaries of postmasters where there are assistant postmasters. The reason for this is the department passes on each case individually. If an office seems to deserve a salary equal to one-half of the postmaster's salary, that allowance is made; but in many cases where there are assistant postmasters the work of the office does not seem to require a man who should be paid a salary equal to one-half the salary of the postmaster, and in those cases the salary is reduced in proportion to the requirements of the service.

Mr. MANN. Is not that a matter that can properly be left to the discretion of the department, as to whether the assistant postmaster's salary shall be one-half or only 45 per cent of the salary of the postmaster, without permitting that pressure to be brought upon a man through the department?

Mr. WEEKS. Mr. Chairman, that is just what is done. It is within the discretion of the department to determine what the salary shall be.

Mr. MANN. Well, it would be without this provision, but with this provision in it the department does not have the discretion to determine what the man's salary shall be. If they shall wish an assistant postmaster at 50 per cent, that 50 per cent is increasing the amount of the appropriation over the amount provided for here. Now, the law, as it stands, permits the Postmaster-General to fix the salary of the assistant postmaster at 50 per cent of the postmaster's salary. If in doing that the amount awarded for salaries of assistant postmasters amounts to more than is provided here in the post-office appropriation bill, that is a sufficient warrant for a deficiency appropriation bill and a deficiency appropriation, and I notice this same thing runs all through this bill. I am not interested myself in any way personally in the salaries of assistant postmasters, but if the law contemplates that the Postmaster-General shall, in a proper case, fix the salary of an assistant postmaster at post-office A at 50 per cent of the postmaster's salary, then he ought to have the same authority at post-office B, if he chooses to exercise that authority, it seems to me.

Mr. STAFFORD. Mr. Chairman, the gentleman from Illinois is usually correct, but in this instance he is far from the path of correctness. The very purpose of this limitation is to restrict the discretion of the Postmaster-General so that he can not raise the salary of assistant postmasters to the maximum amount of 50 per cent and to limit the total expenditure to the amount appropriated in the bill. The phraseology is as follows:

And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Referring to the total sum which is appropriated. Now, this total sum that is carried in this bill, aggregating $2,700,000, is not sufficient, by any means, to pay all the assistant postmasters at the maximum of 50 per cent. In fact, five years ago we established three subordinate grades of $900, $800, and $700 to provide for assistant postmasters at small second-class offices that had just emerged from the third class, believing that in those instances it was not good business policy to pay assistant postmasters the initial salary of $1,000.

This limitation is the only means in this appropriation whereby Congress has any control whatsoever over the appropriations and that forces the department to restrict and cut down the salaries of assistant postmasters below the 50 per cent amount. But it is fair to say to the Members of the House that except in the classes below $1,200, or, rather, in those cases of post-offices where the salary of the postmaster is $2,400 and under, it is the rule in all other cases for the department to grant the 50 per cent, and the assistant postmaster has a salary of 50 per cent of the salary of the postmaster.

It is only in the lower grades that the department in any particular restricts the maximum allowance of 50 per cent of the salary of the postmaster, and I think that the gentleman, upon further consideration of this paragraph, when he has time in connection with his other duties, will come to the conclusion that this is a limitation along the lines that I have indicated.

Mr. MANN. Mr. Chairman, as I have said before, I have no interest in any assistant postmasters. So far as this item is concerned, I withdraw the point of order, but I shall raise it on some other items in this bill where it is far more pertinent.

Mr. GARDNER of New Jersey. Mr. Chairman, I do not know that the House cares to hear any more about this matter, but it is a fact that the present condition and the section of the bill in the way it reads is an evolution. The segregations that you read in this section were not embodied in the old appropriation bills at all. The law allowed an assistant postmaster to have half of the salary of the postmaster. The practice before this plan of segregation was adopted was to appoint assistants as long as the money held out, and then stop, but all that were

appointed got the 50 per cent, resulting in a very great inequality, in that the offices that came in the class the latter part of the year, in many instances, would be more meritorious than some of those already supplied with assistants. The Postmaster-General himself suggested a way out of it, and, to get away from their own former construction, when we came to make these segregations, suggested that we should classify and limit the number in each class and fix the maximum of the salary, making it 50 per cent. So the section as it now reads represents an evolution from the old system, first, of segregating, and then overcoming the construction that it was the congressional intent that each must have 50 per cent. It was all, you see, in the interest of better administration.

Mr. MANN. Now, it is a reward of diligence, I suppose—this getting of 50 per cent?

Mr. GARDNER of New Jersey. Yes; as a reward of diligence in a general way, Mr. Chairman, in the Post-Office Department, for, after all the clatter and claptrap, diligence in the post-offices comes nearer to receiving its just recognition than in any other department of the Government of the United States, in my opinion. [Applause.]

The Clerk read as follows:

For compensation to clerks and employees at first and second class post-offices.

Mr. GOEBEL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. GOEBEL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, after line 19, insert as a new paragraph the following:

"That after June 30, 1910, employees in first and second class post-offices and in other post-offices having City Delivery Service shall be granted leave of absence with full pay for not exceeding thirty days in a fiscal year."

Mr. MACON. Mr. Chairman, I reserve a point of order.

Mr. WEEKS. Mr. Chairman, I make a point of order against that.

Mr. GOEBEL. Will the gentleman from Massachusetts [Mr. WEEKS] withhold the point of order a moment?

Mr. WEEKS. I reserve it.

Mr. GOEBEL. Mr. Chairman, I am glad the gentleman from Massachusetts withholds his point of order for a moment. I think I can convince him of the justice of this amendment, and I think I can convince this committee of the justice of it. The purpose of the amendment is to put the post-office employees upon equal footing with every other employee of this Government, to wit, to grant them a leave of absence for thirty days with pay. Whether that ought to be done enters into the question of administration of that great department, and I assume, Mr. Chairman, that the Post-Office Department is better able to judge as to whether this is desirable and whether it is in the interest of the department than we are. I want to call the gentleman's attention and the attention of this committee to the report of the Postmaster-General, made to this House in 1907, in which he said:

I renew the recommendation of last year for legislative authority to grant post-office employees thirty days' annual leave instead of fifteen, as at present. I am strongly in favor of this plan, as by its adoption the post-office employees would be placed on an equality with the classified employees in practically all other branches of the government service.

In 1908 he renewed his recommendation. In 1908 he said:

Under the law employees of the executive departments in Washington may be allowed thirty days' annual leave with pay, exclusive of Sundays and holidays, and in case of sickness thirty days' additional leave with pay. Post-office clerks and city letter carriers are entitled by law to fifteen days' leave with pay, exclusive of Sundays and holidays. The recommendation was made last year that the leave of absence with pay allowed by law to employees of the postal service be increased to thirty days. These employees are required to work Sundays and holidays and at all hours of the night. In the case of post-office clerks, during the holiday season they are frequently on duty from ten to fifteen hours daily, and if they are sick their pay is forfeited. If other employees of the Government may be granted thirty days' leave with pay and in case of sickness an additional leave of thirty days, surely the hard-working post-office clerks and city letter carriers are entitled to at least thirty days' leave with pay as a maximum.

Post-office clerks and city letter carriers should be placed on a par in this regard with employees in other branches of the federal service, and it is confidently believed that the improved health and increased vigor and enthusiasm of the employees would justify the cost of the change. Like every other improvement in the conditions of the employment, it would tend to bring better men into the service.

In the case of post-office clerks it is in most instances feasible to grant leave of absence with pay during the dull season of the year without any expense, by requiring the clerks on duty to render extra service and do the work of those on leave.

Mr. LIVINGSTON. May I disturb the gentleman?

Mr. GOEBEL. Yes.

Mr. LIVINGSTON. I understand that the railway mail clerks only get fifteen days' leave of absence. Why not cover them in your proposition?

Mr. GOEBEL. Well, we will come to them later in the bill.

Mr. LIVINGSTON. They are the most deserving class we have in the whole service.

Mr. GOEBEL. We are now considering clerks and carriers.

Mr. LIVINGSTON. You could cover them in just as well as the others.

Mr. GOEBEL (reading):

The entire appropriation for substitutes for clerks on vacation is only $110,000. In the case of letter carriers, however, the practice has been to allow a substitute in the place of each carrier every day of his annual leave, so that the expense of allowing a carrier fifteen days' leave with pay—including intervening Sundays and holidays—would be about $40, or for the 26,352 carriers in the service on June 30, 1908, more than $1,000,000 per annum. Believing that the cost of carriers' vacations could be decreased by reducing the number of collections and deliveries in residential districts during the heated term when many of the patrons are away from home, an experiment was tried last summer to ascertain how much could be saved in this way without impairing the efficiency of the service, with the result that an economy of more than $100,000 was effected. It is believed, therefore, that if authority is given the department to allow clerks and carriers not to exceed thirty days' leave of absence with pay in each fiscal year, the expense will not be by any means double the cost of allowing them fifteen days' leave under present conditions.

Now, then, the First Assistant Postmaster-General in his last report says:

The department is on record as favoring thirty days' leave of absence with pay for clerks and carriers in first and second class post-offices. The present cost of employing substitutes for clerks on vacation during the fifteen days' leave now authorized by law is less than $110,000 per annum. The cost of carriers' vacations, however, owing to the necessity for employing substitutes for a large part of the time the carriers are on leave is much larger, although last year by rearrangement of their routes and in some instances by curtailing deliveries and collections during the summer season, a considerable reduction in the time served by substitutes was effected, representing a saving of more than $150,000. A still larger saving will be shown at the close of the present fiscal year. It is estimated, however, that an appropriation of not less than $500,000 additional for substitutes would be required to allow letter carriers thirty days' leave of absence with pay and $100,000 additional for substitutes for clerks. Nevertheless, if other employees of the Government are allowed a vacation of thirty days there are the strongest arguments in favor of a like provision for employees of the postal service.

Mr. FASSETT. The departmental employees do get thirty days' leave of absence now, do they not?

Mr. GOEBEL. I think so.

The midwinter holidays, instead of bringing rest and recreation to postal employees add to their burdens, and in the case of clerks lengthen their workday far into the night. All are required to perform more or less service on Sundays and holidays and at night. The additional vacation would be gratefully appreciated and the Government, it is believed, would receive a full return for the outlay in the improved health and increased capacity for work of the employees affected.

Now, Mr. Chairman, the First Assistant Postmaster-General, in the hearings before the committee, again suggested that this provision be inserted in this bill. I hope my friend will see the justice of this amendment. I hope he will withdraw his point of order, and that we may, by adopting this amendment, do justice to these employees and put them upon a par with other employees of the Government. [Applause.]

Mr. WEEKS. Mr. Chairman, I insist upon the point of order against the amendment of the gentleman from Ohio.

The CHAIRMAN. The gentleman makes the point of order. The Chair is ready to rule.

Clause 2 of Rule XXI, with which the committee is very familiar, provides that "no provision changing existing law is in order on an appropriation bill or upon any amendment thereto." This amendment offered by the gentleman from Ohio is clearly legislative in character and therefore repugnant to the rule. The Chair sustains the point of order.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 5, after line 19, amend by inserting:

"That after June 30, 1910, clerks in post-offices of the first and second classes shall be required to work not exceeding forty-eight hours each week, including such number of hours on Sundays and intervening holidays as may be required by the interests of the postal service.

"That clerks shall be required to work in shifts of eight consecutive hours, or as nearly so as practicable.

"That should any clerk or clerks herein provided for be employed more than forty-eight hours during any week, they shall be paid extra for the same in proportion to the salary they are receiving."

Mr. WEEKS. I make the point of order against that amendment.

Mr. MADDEN. Will the gentleman reserve the point of order?

Mr. WEEKS. I will reserve the point of order.

Mr. MADDEN. Mr. Chairman, the principle involved in this amendment has for a long time been recognized by the Government. It has been recognized that the Government should not exact more than eight hours a day from its employees, and many of the government employees are only required to work eight hours a day now. The great majority of the government employees, as I understand, are limited in the hours which they are required to work by statutory provision; but for some strange reason no law has ever been enacted to limit in any

way the hours of the post-office clerks. The clerks of the post-office of the city from which I come are frequently required to work ten and eleven hours a day without any additional compensation. It seems a strange condition of things that these men employed in this particular branch of the government service should be required to work a number of hours greatly in excess of the hours required, not only in their department, but by other men in the same branch of the service in the same office, if you please.

There has been an effort on the part of the Post-Office Department to reduce the hours of post-office clerks in the past by increasing the number of post-office clerks; but it is still true that in many post-offices of the first and second classes clerks are compelled to work very much in excess of nine and ten, and sometimes in excess of eleven hours in a day. The clerks receive no compensation whatever for such extra hours of labor. Neither is consideration of any kind extended to them on account of the hours they devote to the study of difficult schemes of mail distribution outside of their official hours of duty. And I may say here that every clerk employed in the Post-Office Department is required to spend hours every day of his service in the department in the study of schemes for the distribution of the mails. When he completes the study of one scheme, he is started out on the study of another scheme, and when he has completed this, he has imposed upon him the study of still another scheme, and so on all during his service, no matter how long that service may be.

That conditions as to the hours of the clerks are not worse is due to the fact that the Congress, on the recommendation of the Post-Office Department, has each year provided for additional clerks to meet conditions caused by the constantly increasing volume of mail.

In the post-office appropriation bill now pending no provision is made for the employment of additional clerks during the next fiscal year, commencing July 1, 1910. This is the first time that no such provision has been made, and it will mean that the hours of the clerks will become even more excessive and that the efficiency of the service will suffer. Without a sufficient force to handle the mails there must be delay and failure to make important mail-train connections.

All additional clerks are employed in the $600 grade. The department in its estimates asked for 1,800 clerks in this particular grade. The Post-Office Committee in the appropriation bill only provides for 296 clerks in this grade. Unless the 1,800 clerks are restored in this grade there can be no appointment of additional clerks, as I see it. Perhaps the chairman of the committee can show where we can employ additional clerks, but I have not yet been able to figure it out.

In his report for the fiscal year ended June 30, 1909, the First Assistant Postmaster-General states that on June 30, 1909, there were 29,320 clerks employed in the first and second class post-offices, a net increase over the preceding fiscal year of 1,710 clerks. These 29,930 clerks were employed in the 398 first-class offices and 1,707 second-class offices, a total of 2,105 post-offices. Of this number of post-offices 1,440 were city-delivery offices or offices having letter-carrier service, while the remainder, or 665, were second-class offices without city-delivery service. In 1900 there were 14,886 clerks employed in first and second class offices. In ten years the number has just about doubled. In ten years the number of first and second class post-offices, including delivery and nondelivery offices, have doubled. The number of employees in other branches of the service has doubled.

The receipts of the service in 1900 amounted to $102,354,579, and in 1909 the amount was $203,562,383, lacking only $1,146,775 of having doubled. The number of pieces of mail handled doubled, while the number of letters registered and money orders issued more than doubled. At the present time the receipts of the 50 largest post-offices of the country are increasing at the rate of 12½ per cent. This ratio of increase, if maintained, is twice the percentage of increase for the fiscal year ended June 30, 1909, and three times the increase for the year ended June 30, 1908. Additional clerks will be even more necessary than in former years to handle this increased volume of business. Additional clerks can only be appointed to the $600 grade.

Unless the House makes provision for the 1,800 clerks asked for by the department in the $600 grade, then no additional clerks can be appointed.

If no additional clerks can be appointed, the hours of service must be increased, and additional burdens must be placed upon the shoulders of the men in the service.

The Government recognizes the humanitarian side of the labor proposition, and having committed itself to the eight-hour day in nearly every branch of its service, should give these men who are acting as clerks in the postal service the same advantages that are accorded to men in all other branches of the government service.

No class of men render better service than these men. They are patriotic, painstaking, attentive to their duties. Their integrity is beyond question. They are required to make a study of the work in which they are engaged. They are not only required to be efficient while at work, but from the moment they enter the service until they leave it they are required to make a special study of the work which they are called upon to do. My judgment is that no more meritorious measure could be adopted as a part of the pending legislation than the amendment which is now before the House.

The CHAIRMAN. Does the gentleman from Massachusetts insist on his point of order?

Mr. WEEKS. I insist on the point of order against the amendment of the gentleman from Illinois; but before doing so I want to call attention to the extravagant character of the statements he has been making about the hours of labor in post-offices. I will limit my statement to the Chicago post-office, because that is the one in which the gentleman from Illinois [Mr. MADDEN] is especially interested. Instead of clerks working nine, ten, eleven, and sometimes more, hours a day, as the gentleman from Illinois has stated, the actual time that clerks were employed in the Chicago post-office for the first five months of this fiscal year was eight hours and three minutes a day. I obtained those figures from the department, and it is correct.

Mr. MANN. For what time?

Mr. WEEKS. The first five months of this fiscal year.

Mr. MANN. That is the lightest season of the year.

Mr. WEEKS. It is not the lightest.

Mr. MANN. Oh, yes; it is—July, August, September, October, November.

Mr. WEEKS. September is a very large month in all post-offices. The clerks work overtime more in September than in any other month in the year except December.

Mr. WILSON of Illinois. Mr. Chairman, I am frank to say that the clerks in the Chicago post-office work over nine hours; that is, in the mailing division. When you take all the clerks in the post-office and figure up the time they may not work but a little over eight hours. But take the boys in the mailing division and the other divisions and they work over nine hours a day.

Mr. WEEKS. It is the policy of the Post-Office Department to limit the hours as near to eight hours a day as it can be done and promote the efficiency of the service. There are some months when it is absolutely necessary to work longer than eight hours a day, but that happens in all mercantile business affairs. There are times when they work a shorter time and times when they work a longer period. The clerks in the Chicago office for the first three months of the calendar year worked less than eight hours a day. The fact remains that the number of clerks, outside of the distributors, who are working more than eight hours a day in any post-office is a negligible quantity. If more clerks are needed in the Chicago post-office, there are 1,900 available in last year's appropriation bill, and I suggest that the gentleman from Illinois make application for additional clerks.

Mr. MADDEN. Will the gentleman allow a question?

Mr. WEEKS. Certainly.

Mr. MADDEN. Does the gentleman contend that the post-office authorities will have the power after this bill is law to appoint additional clerks, which he says are now available, after the end of the fiscal year?

Mr. WEEKS. I do.

Mr. MADDEN. Is not the money covered into the Treasury?

Mr. WEEKS. Yes; but we have appropriated money enough in this bill to cover additional clerks.

Mr. SABATH. If the gentleman will permit me, how many additional clerks has the committee appropriated for?

Mr. WEEKS. I will state that later when we come to that subject.

Mr. SABATH. The gentleman can not state now?

Mr. WEEKS. I can, but I prefer to wait.

The CHAIRMAN. The point of order is made that this changes existing law. The Chair sustains the point of order.

The Clerk read as follows:

Assistant superintendents of mails, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, finance clerks, superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of stations, 22, at not exceeding $2,200 each.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word in order to ask the chairman why it is that the superintendent of registry has been stricken from this paragraph of the bill?

Mr. WEEKS. Mr. Chairman, there are a great many titles among the higher officials of the Post-Office Department which

seem to conflict with one another. The department officials admit that there might be eliminated from this very large list of titles perhaps one-half of them, and the men who are employed under these titles employed under some other title which would be equally applicable. It does not decrease the number of employees, but removes one title from the list of those which have heretofore prevailed.

Mr. MADDEN. There was provision for one superintendent of registry which this bill omits, and I would like to know if it does not eliminate that place?

Mr. WEEKS. If the gentleman from Illinois will consent to pass over this, I will look it up and see if it is not included in some other provision.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, examiners of stations, finance clerks, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, superintendents of inquiry, and superintendents of stations, 95, at not exceeding $2,000 each.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word in order to ask the chairman how many promotions are authorized in this series here and above, included in the $1,300 a year?

Mr. WEEKS. None.

Mr. BENNET of New York. Is it the judgment of the committee that they can carry on effective work in this large enterprise and not make any provision for promotion in the supervisory grade?

Mr. WEEKS. I want to say in reply to that that in my judgment there should be some change made, possibly in the numbers and possibly in the pay of the supervisory officials. There are a large number that are not carried at a higher rate than $1,200 a year, some even under that rate of pay, but the committee did not have information before it which seemed to warrant making any change which would be systematic in character. There are undoubtedly men employed as supervisors who are receiving less pay than they should, and some method should be evolved which will cover that service and enable a classification which will return to each man suitable pay.

Mr. BENNET of New York. Mr. Chairman, I am asking these questions strictly for information. Is it the intention of the gentleman to recommend to his committee that some such reclassification and readjustment as he indicates be taken up in connection with the postal bill now before his committee introduced by himself?

Mr. WEEKS. I do not think that would be done in this bill, but I should think it would be done, after information has been furnished, in the next appropriation bill, which would change the numbers and the rates of pay.

Mr. KELIHER. I would like to ask the gentleman if the committee considered the scheme of regulating the salary of these men by receipts?

Mr. WEEKS. The committee did not consider any particular scheme to any extent, because the scheme of the department has never been followed, and it is not in such shape that it seemed to the committee that changes could be made at this time.

Mr. PARSONS. Is it not necessary to authorize expenditures generally, so that the department can make increases in certain localities? You can not pick out localities very well.

Mr. WEEKS. I think that the localities can be picked out, that it will depend very much on the receipts in any particular locality, and at the same time it ought not to depend entirely on the receipts.

Mr. PARSONS. Then the gentleman would make the compensation to the superintendents and assistant superintendents in substations dependent upon receipts?

Mr. WEEKS. I should make them dependent on receipts and dependent on the number of men they have under their charge, and the whole character of the service which they are responsible for directly to the postmaster.

Mr. PARSONS. Is not that something that should be included in the general reorganization bill which the gentleman has introduced?

Mr. WEEKS. I am not sure that it should be. I think it can be properly done in an appropriation bill. However, I want to investigate it further before I am ready to give a definite answer to the gentleman's question.

Mr. PARSONS. I want to say that we felt, in some of the larger cities, that there ought to have been this increase, and have felt so for some years, but it has been held back on the ground of economy. We hope next year that what is necessary will be done.

Mr. WEEKS. I think the ground of economy should carry as much weight this year as in previous years; but the committee hopes next year to report something which will make some change in these supervisory offices.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of money order, assistant superintendent of mails, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, private secretaries, special clerks, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 630, at not exceeding $1,300 each.

Mr. MADDEN. I move to strike out the last word for the purpose of asking the gentleman a question. What is meant by "examiners of stations?" What is that intended to convey?

Mr. WEEKS. There are several such men in every large post-office, and it is their business to examine the accounts. They are auditors in the substations.

Mr. MADDEN. Then why not call them "auditors," so that we will know what is meant?

Mr. WEEKS. I raised exactly that question in the hearings, and the answer was that they had some other duties than acting as auditors; that they did some inspection work; and that "examiners of stations" was thought to be a rather better title than auditor.

Mr. OLCOTT. Mr. Chairman, I would like to ask the gentleman a question. Has any provision been made for any increase in the number of superintendents of stations at all?

Mr. WEEKS. There has not.

Mr. OLCOTT. Was not that recommended by the First Assistant Postmaster-General?

Mr. WEEKS. Yes.

Mr. OLCOTT. The committee took it under consideration and decided not to do it?

Mr. WEEKS. Decided not to do it.

Mr. STAFFORD. Mr. Chairman, reverting to the suggestion of the gentleman from Illinois [Mr. MADDEN] as to the absence of the term "superintendents of registry" in the paragraph on page 6, lines 17 to 22, I wish to say that in the bill of last year that phrase was carried, and as the phrase is found in the paragraph before and the paragraph that follows, I believe it is better to have it inserted here, and I therefore offer an amendment to insert, after the word "order," in line 20, page 6, the words "superintendents of registry."

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return——

Mr. STAFFORD. Mr. Chairman, that was passed without prejudice upon the request of the chairman of the committee.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 20, after the word "order," insert the words "superintendents of registry."

Mr. WEEKS. Mr. Chairman, I accept the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 10,345, at not exceeding $1,200 each.

Mr. MACON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill as to this enormous increase in the number of clerks provided for in this paragraph. It seems they are increased from 6,961 of last year to 10,345 this year. That is an enormous increase of employees in one department, it strikes me—about 50 per cent.

Mr. MANN. That follows the law, that is all.

Mr. STAFFORD. Under the classification act providing for automatic promotions that passed Congress four years ago, Congress surrendered to the department authority over promotions in all classes from $600 to $1,100 in offices of the first class and from $600 to $1,000 in offices of the second class, leaving the discretion with Congress on the amount appropriated for promotions in the grades above those, namely, $1,100 to $1,200 in first-class offices and $1,000 to $1,100 in second-class offices. Last year and the year before Congress, in its good judgment, voted an increase of 50 per cent of all clerks in the $1,100 grade to be promoted to the salary of $1,200——

Mr. MACON. Fifty per cent of the number?

Mr. STAFFORD. Those who for a year had been receiving a salary of $1,100. And last year, for the first time, Congress, without any recommendation of the department and in opposition to the judgment of the committee, provided for an increase of 50 per cent of clerks from the $1,000 maximum grade in the automatic scale of promotions in second-class offices to

$1,100. This year the committee, following the policy of the House and of the Congress last year, provided for 50 per cent for promotions in the $1,000 grade in second-class offices and in the $1,100 grade in first-class offices.

Mr. MACON. That is 50 per cent increase in number, I believe?

Mr. STAFFORD. This number here stated is more than 50 per cent, and will be more than what will be needed during the forthcoming year. Of course Congress has surrendered the question of promotions to the department, and it loses control over the number in the grades where automatic promotions take place; for if Congress would provide a less number of places in the respective grades from $1,200 to $600, the department would necessarily be obliged to promote the clerks—and this applies to carriers as well—to the places above, even if there were not adequate places or adequate appropriations. Each one of the clerks and carriers would be entitled, by reason of that promotion which is guaranteed to them under the law, to the increased salary, which would be recognized in the Court of Claims.

In studying the various numbers provided in this grade and the grades below, and as the subject has been forecasted by the gentleman from Illinois when he states that no provision is made for additional clerks during the forthcoming fiscal year, it might be well, while I have the floor, to explain——

Mr. MACON. I thought I had the floor, Mr. Chairman.

Mr. STAFFORD. If the gentleman has the floor I will gladly surrender to him.

Mr. MACON. I desired to ask the gentleman a few questions before he takes his seat.

Mr. STAFFORD. I will be very glad to reply, so far as I can.

Mr. MACON. You say under the law this number of employees has been increased 50 per cent?

Mr. STAFFORD. Fifty per cent.

Mr. MACON. That is, 50 per cent of them have been promoted?

Mr. STAFFORD. Last year all the clerks who attained the efficiency test after being employed for one year in the $1,100 grade were promoted to the $1,200 grade, and the same is true of carriers.

Mr. MACON. That moved 50 per cent of them up to a higher grade?

Mr. STAFFORD. Fifty per cent of them.

Mr. MACON. Does that mean that there are 50 per cent of new employees added to this force every year?

Mr. STAFFORD. Not 50 per cent of new employees. Suppose the service would not require any more additional clerks. Under the effect of the automatic promotion law the salaries of clerks would rise each year from $600 to $1,100 and $1,200, until all had reached the maximum grade of $1,100 or $1,200, and there would be no one in the lower grades.

Mr. MACON. Will not the lower grades increase correspondingly?

Mr. STAFFORD. I am trying to answer that question. If the gentleman will give me the time, I will try to enlighten him as far as I can. With the growth of the service there are necessarily additional clerks required. Some years the average has been 1,750. During boom years, when business is on the increase abnormally, the number of clerks is in the neighborhood of 2,100; in this bill we make provision for additional clerks to the number of 2,100. Those new clerks would necessarily have to be provided in the lowest grade, because they enter the service at the lowest salary, that of $600, and after serving in that grade for one year they are promoted under the automatic law to $800 salary.

Mr. MACON. Mr. Chairman, I withdraw the pro forma amendment.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words, for the purpose of continuing the explanation that I began a minute ago in the time of the gentleman from Arkansas [Mr. MACON].

The gentleman from Illinois [Mr. MADDEN] brought to the attention of the committee what he believed to be inadequate provision for additional clerks for the next fiscal year, and claimed that we had not made provision for any additional clerks. I wish to direct the attention of the committee to the fact that these numbers as carried in the grades from $1,200 to $600 are aggregate numbers that will not be reached in appointment of clerks during the next fiscal year. I can best explain that by citing the conditions in these respective grades on December 31 last. Take, for instance, the maximum grade of $1,200. Provision was made in the bill of the present year for 6,961, whereas on that date but 5,870 were provided. In the $1,100 grade provision was made for 7,815, and but 5,434 were in the service. In the $1,000 grade 6,000 were provided and 6,479 were in the service, more than were provided in that respective grade. In the $900 grade 5,000 were provided, and in the service on December 31 there were 4,679. In the $800 grade there was provision made for 4,000 clerks, and on December 31, 2,848, less by 1,200 than the number that was provided.

Here I wish to direct the attention of those gentlemen who believe we have not made provision for the increase in service during the next fiscal year to the following:

In the $600 grade the present law provides for but 1,625, and yet on December 31 there were twice that number and more in the service, namely, 3,570. In the minds of the Members there naturally arises the query as to how that is possible. It is all brought about by the phraseology in the bill, which says——

Mr. MADDEN. Will the gentleman let me ask him a question?

Mr. STAFFORD. I will be glad to yield as soon as I finish this explanation. The phraseology in these respective grades that designates the number is followed by the words "at not exceeding" the stated amount. The words "not exceeding" enable the department to avail themselves of the employment in the grades below of the number not employed in the higher grades. Otherwise, the department would be limited in the $600 grade to the number provided in the last bill, which is but 1,625, whereas on December 31, as I have just stated, there were 3,570. Now, taking up the question in the aggregate, I will try to demonstrate as well as I can the provision we make for additional service.

If Members will follow me closely, I think they will be able to agree that we have made ample provision for all the clerks necessary for the coming year. On December 31 there were employed in the grades from $1,200 to $600, 28,880. In the grades above $1,200 there were employed 1,750, making a total of all clerks and supervisory officials of 30,630. The testimony of First Assistant Postmaster-General Grandfield before the committee was that between January 1 and the end of the fiscal year—June 30—there would be appointed 450 additional clerks that would be in the service on June 30 of this year. Adding that number to the 30,630 that were in the service on December 31 last would make 31,080. In this bill we make provision for the maximum number of 33,200. The difference between 33,200 and 31,080 is 2,120. No one can dispute the accuracy of that statement. The First Assistant Postmaster-General recommends an increase for the next fiscal year of 2,125. We have conformed to the estimate of the department in this particular by providing additional clerks to the extent of all recommended except five. Where is the man that will say that that is not an adequate number of men according to the facts as advanced by the First Assistant Postmaster-General when he testified before the committee?

Mr. MADDEN and Mr. OLCOTT rose.

Mr. STAFFORD. I will yield first to the gentleman from Illinois, to whom I had previously promised to yield.

Mr. MADDEN. I went somewhat carefully over the hearings, and if the gentleman will allow me to go at some length into this thing, I will be able to get at the point I wish to make.

Mr. STAFFORD. I would rather surrender the floor, if it is going to be a detailed statement.

Mr. MADDEN. I want to have it in connection with your statement.

Mr. OLCOTT. I want to ask you but one question.

Mr. STAFFORD. I will have to decline to yield to the gentleman from Illinois, if the gentleman is going to make a lengthy statement.

Mr. MADDEN. It is simply in line with your statement; I have made out some figures about it.

Mr. STAFFORD. I will yield to the gentleman, if he will not take too much of my time.

Mr. MADDEN. I will not. I have made a somewhat careful study of the hearings of the Post-Office Committee. The total appropriation for clerks in first and second class post-offices carried in the pending appropriation bill is $33,900,000. This sum is $800,000 less than the estimate of the department for this purpose. This is taken from page 43 of the hearings.

The department estimates it will cost to pay the salaries of all clerks in all grades that will be in the service on the 30th of June, 1910 (the end of the present fiscal year), and during the next fiscal year, commencing July 1, 1910, the sum of $32,345,000.

Mr. STAFFORD. Now, Mr. Chairman, I will have to decline to yield further, because that is a subject to which I have not addressed myself at all. The gentleman from Illinois is now challenging whether the appropriation as provided in this bill is adequate for the number of persons that we provide for. I was only engaged in trying to show to the members of the committee that we had made ample provision for the number of men required by the service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that I may have more time.

Mr. MANN. I ask unanimous consent that the gentleman may have ten minutes.

Mr. MADDEN. Mr. Chairman, I do not believe the gentleman is fair, and I am sure that he wants to be fair.

Mr. STAFFORD. The gentleman has not been recognized, but when recognized will yield.

Mr. MADDEN. The gentleman yielded to me.

Mr. STAFFORD. My time has expired.

Mr. MADDEN. The gentleman made a statement a moment ago——

The CHAIRMAN. The Chair hears no objection, and the gentleman is recognized for ten minutes.

Mr. STAFFORD. Now, certainly the gentleman does not wish to make that charge directly or impliedly that I am not fair. The gentleman took up the question of appropriations. I had directed my attention to the number of employees, and the gentleman interrogates as to the appropriation.

Mr. MADDEN. The gentleman said a while ago that provision had been made for a sufficient number of men to properly equip the Post-Office Department, and when I undertook to analyze his statement, and I had received his courteous consent, he listened to me, and after he knew I was analyzing his statement he wished to yield to the gentleman from New York. The gentleman did not want to be embarrassed by having an intelligent statement made on the subject.

Mr. PAYNE. Mr. Chairman, a parliamentary inquiry. What is the question before the committee?

The CHAIRMAN. The gentleman from Wisconsin has the floor.

Mr. STAFFORD. I shall have to decline to yield further to the gentleman. When he says that I unqualifiedly yielded to him for any kind of inquiry, I prefaced my yielding with the remark that I would yield within some limits. When I ascertained that he was directing an inquiry on different lines, I thought that, for the best interests of expedition in the consideration of this bill, I should first consider the questions as to the numbers, and I will be glad to consider the other phase of it later.

Mr. MADDEN. I will take the floor in my own right later.

Mr. MANN. Will the gentleman yield now on a question which is directly in point?

Mr. STAFFORD. I will be glad to yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Can the gentleman tell us now how many clerks are provided for in this bill in and under the $1,200 grade?

Mr. STAFFORD. Does the gentleman mean the bill that we are now considering?

Mr. MANN. Yes.

Mr. STAFFORD. I have not those figures right before me, but I can readily give them to the gentleman in a minute.

Mr. MANN. It is a mere matter of computation.

Mr. STAFFORD. I am making the computation now. There are 31,448. The way I arrive at that is this: According to the estimate of the department there were 32,952, and they provided in their schedule for 1,800 in the $600 grade, whereas we provide for but 296, a difference of 1,504. Deducting 1,504, it leaves 31,448.

Mr. MANN. While those figures do not quite agree with the figures which I have, is there any increase in this bill over current law above the $1,200 grade?

Mr. STAFFORD. No; none whatsoever.

Mr. MANN. What is the total increase of clerks in the bill?

Mr. STAFFORD. Two thousand one hundred and twenty——

Mr. MANN. No; over the number authorized by law.

Mr. BENNET of New York. Required by law.

Mr. STAFFORD. As required by law.

Mr. MANN. I am not using the expression "required by law." "Authorized by law" is the term that correctly expresses it.

Mr. STAFFORD. In the present law there is a provision for 33,153 of both clerks and supervisory officials. I will have to do some figuring to give the number of clerks authorized in the grades of $1,200 and under.

Mr. MANN. I thought the gentleman had it before him.

Mr. STAFFORD. No; and I do not know whether the clerk of the committee has it either. I can furnish it to the gentleman readily after a little calculation.

Mr. OLCOTT. I wish to ask the gentleman how much provision is made for the appointment of $600 clerks by this appropriation bill?

Mr. STAFFORD. We make provision for the appointment of 2,120.

Mr. OLCOTT. Have you appropriated money for that number?

Mr. STAFFORD. I am so informed by the clerk of the committee, who has computed the various sums required in these respective grades. He says that the appropriation is adequate to provide for the service.

Mr. OLCOTT. I would like to print here in the RECORD a statement in regard to the appropriations for the clerks of the various grades. I ask unanimous consent to print it.

The CHAIRMAN. If there be no objection, the request of the gentleman from New York [Mr. OLCOTT] will be granted.

There was no objection.

Mr. OLCOTT. The Post-Office Committee has cut the estimates for compensation of post-office clerks by $800,000. The committee makes no provision for the promotion of any of the supervisory officials, though the First Assistant Postmaster-General stated at the hearings that there are at the present time 655 supervisory officials receiving only $1,200 per annum. This compensation is entirely insufficient when the responsibilities of their positions are considered, and all of these men have spent years in the Postal Service.

A table is submitted herewith, showing in detail the present number of clerks authorized for each grade, the number in each grade requested by the department in the Book of Estimates, and the number finally allowed in each grade by the Post-Office Committee:

Salary grades.	Number of clerks provided for in last appropriation bill for fiscal year ending June 30, 1910.	Number of clerks in each grade provided for by House Post-Office Committee for fiscal year commencing July 1, 1910.	Number of clerks in each grade asked for by Postmaster-General in estimates for year commencing July 1, 1910.
$600	1,625	296	1,800
$800	4,000	2,400	2,400
$900	5,000	3,950	3,950
$1,000	6,000	5,450	5,450
$1,100	7,815	9,007	9,007
$1,200	6,961	10,345	10,345
$1,300	620	620	700
$1,400	413	413	450
$1,500	162	162	180
$1,600	117	117	125
$1,700	113	113	120
$1,800	84	84	100
$2,000	95	95	100
$2,100	20	20	25
$2,200	22	22	25
$2,400	33	33	33
$2,500	6	6	10
$2,600	20	20	20
$2,700	19	19	19
$3,000	2	2	2
$3,200	16	16	16
Total	33,153	33,200	34,877

APPROPRIATION FOR CLERKS IN FIRST AND SECOND CLASS POST-OFFICES.

The total appropriation for clerks in first and second class post-offices carried in the pending post-office appropriation bill amounts to $33,900,000

This sum is $800,000 less than the estimates of the department for this purpose (p. 43, Hearings). The department estimates it will cost to pay the salaries of all clerks, in all grades, who will be in the service on June 30, 1910 (the end of the present fiscal year), during the next fiscal year, commencing July 1, 1910, the sum of $32,345,000

This will leave a balance of the appropriation for all purposes for the next fiscal year, commencing July 1, 1910, amounting to $1,555,000.

To make the promotions provided for by law (successive promotion after one year of service in a grade, up to $1,100 in first-class offices and up to $1,000 in second-class offices) will cost, approximately (see "Automatic promotions," p. 43, Hearings) 1,000,000

According to the statement of Chairman WEEKS, the appropriation bill provides for the promotion of 50 per cent of the clerks in first-class post-offices from $1,100 to $1,200 per annum and for the promotion of 50 per cent of the clerks in second-class post-offices from $1,000 to $1,100 per annum. The department estimates the cost of promoting 50 per cent of these $1,100 clerks in first-class offices at 235,000

The department estimates the cost of promoting 50 per cent of these $1,000 clerks in second-class offices at (see p. 43, Hearings) 85,000

This leaves a net balance of the proposed appropriation available for the appointment of additional clerks after July 1, 1910, amounting to 235,000

33,900,000

This sum of $235,000 would only provide for the appointment of 392 additional clerks at $600 per annum if appointed for a full year on July 1, 1910.

In its estimates the department asked for 2,100 additional clerks.

Mr. STAFFORD. The gentleman should consider that it would require a great deal more than the appropriation here provided if all these clerks in the respective grades received the maximum allowance of those grades during the entire year. Take the case of the 2,120 clerks for whom provision is here made in the lowest class. They will not all be appointed on the 1st of July, the beginning of the fiscal year. They will be distributed throughout the year, and according to the computation of the clerk of the committee something of a little more than one-half of the total salary at the rate of $600 a year is estimated for that service.

Mr. OLCOTT. I still believe the gentleman has not made the full appropriation to employ these 296 clerks, plus those that were authorized—I think 1,473—during the last fiscal year.

Mr. STAFFORD. The gentleman does not question the fact that we have made ample provision by numbers for the employment of the 2,120 additional clerks during the coming year.

Mr. BENNET of New York. Can the gentleman state to the committee what percentage of the $1,100 clerks went into the $1,200 grade so far during this fiscal year?

Mr. STAFFORD. There was no direct question put to the First Assistant Postmaster-General during the hearing as to whether the full 50 per cent were promoted, but there was a general answer which led us to believe that the entire 50 per cent quota were promoted from the $1,100 grade to the $1,200 grade.

Mr. BENNET of New York. Adding to the authorized 50 per cent the promotions that come to fill the vacancies by death and resignation, will the gentleman say that the promotion of the $1,100 men was over 50 per cent?

Mr. STAFFORD. I think the department, following the liberal rule, provided more than 50 per cent.

Mr. HUGHES of New Jersey. Will the gentleman from Wisconsin yield?

Mr. STAFFORD. Certainly.

Mr. HUGHES of New Jersey. Is it not true that the number of men provided for in this bill, or the number of places, has not any real relation to the number of new clerks, but that that is governed entirely by the amount of money appropriated?

Mr. STAFFORD. By no means. The committee has adopted a new policy this year, the first time since we passed the classification act, limiting the total number of clerks and carriers that might be employed in the service during the fiscal year. We took that course because we found that under the estimates as presented by the department they were making calls for many more places than the service required. For instance, there would be at the end of the fiscal year from 1,500 to 1,700 places which there was no requirement for filling.

This year we thought, as a measure of economy and conformable to good business principles, that it would be well for us to limit the number, so that the department would not have that leeway that they could without any limitation at all appoint to the limit of appropriation. Instances were called to our attention where there had been a reduction of clerks in some post-offices, because their services were not required by the business, and we thought this was the only way whereby Congress could limit the number of clerks employed by limiting the total number, but nevertheless making provision for promotion under the automatic system.

Mr. HUGHES of New Jersey. If you provide, say, for 100 additional places in the $1,100 grade in addition to the places already appropriated for, when the promotion from the other grade is made, does not that interfere with the amount of money left to fill the places in the upper grades?

Mr. STAFFORD. I think if the gentleman would work this out with the care that the committee has worked it out, he will find that the places provided by the committee are adequate. I see that the gentleman has before him a carbon copy which is in the possession of numerous Members here, the authenticity of which I know nothing, but if he can give us any enlightenment on the subject in his own time, I will be glad to hear him and to reply to him.

Mr. HUGHES of New Jersey. I will try to get some time to do that.

Mr. MANN. Will the gentleman from Wisconsin yield to me?

Mr. STAFFORD. Certainly.

Mr. MANN. As I understand it, under the appropriation bill now, you provide for 47 more clerks in and below the $1,200 grade than is authorized in the current law.

Mr. STAFFORD. The gentleman is right.

Mr. MANN. And you increase the appropriation $1,991,500 for the appointment of clerks.

Mr. STAFFORD. That is right; the gentleman is correct.

Mr. MANN. Of course, the number of clerks in the $600 grade will necessarily be more than the number specifically authorized in the bill.

Mr. STAFFORD. There is no question about that; that is the condition at the present time.

Mr. MANN. Last year we appropriated for 1,625. Now, under the form of the appropriation bill, the amount that can be actually used in the different grades depends somewhat on the appropriation. In other words, for the current fiscal year we did not make sufficient appropriation to employ all of these clerks that were authorized by number in the bill.

Mr. STAFFORD. The gentleman is correct; not for the full year.

Mr. MANN. Now, you authorize an additional appropriation of $1,991,800; that is equivalent to 3,318 new clerks at $600. So the effect of this bill is to provide or authorize 3,318 additional clerks at $600, so far as the $600 grade is concerned.

Mr. STAFFORD. The gentleman recognizes that the new additional clerks are not put into the service at the beginning of the fiscal year, but they are distributed over the year as the exigencies of the service require, and therefore the amount of salary that will be needed is much less than the maximum amount.

Again, in the grades above, for instance in the $1,200, the $1,100, the $1,000, the $900, and the $800 grades, the clerks at the end of the next fiscal year will not have been receiving the maximum salary of those respective grades during the entire year, because promotions are going on at various periods of the year, and therefore it will not require a maximum amount as estimated under the plan of the gentleman from Illinois.

Mr. MANN. I understand, but I simply wish to ascertain whether I am correct in my assumption.

Mr. STAFFORD. The gentleman, in a general way, is correct.

Mr. MANN. That the increase of the appropriation, if used for the employment of $600 clerks, would provide for the employment of something over 3,300 clerks.

Mr. STAFFORD. I have not gone through the arithmetical problem of dividing 600 into the amount, but I presume the gentleman's figures are correct.

Mr. MANN. They are probably approximately correct. I wanted to get at the idea as to whether I was right in that assumption.

The Clerk read as follows:

Assistant superintendents of stations, clerks, private secretaries, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 9,007, at not exceeding $1,100 each.

Mr. MANN. Mr. Chairman, I move to strike out the last word just for an observation. There has been considerable criticism of this bill on the ground that it provided for an increase in the clerks in all of the post-offices of the first and second classes of only 47. That has been explained. I suppose the misapprehension has arisen largely through the segregation of these clerks into different classes, and the segregation which is mostly theoretical and not practical. I have no criticism to make of that, because I do not see how else it could be done. For instance, we provide in the current law for 6,961 $1,200 clerks, and in the present appropriation bill we provide for 10,345 $1,200 clerks. When I say we provide for that number I mean we provide for that number at not exceeding $1,200. That little phrase "not exceeding" is what has caused most of the trouble with the postal clerks throughout the country, I think. Of course the jump from 6,961 $1,200 clerks to 10,345 is a considerable jump, and while it is not 50 per cent of the number of clerks authorized, we are informed by the committee that it is 50 per cent of the number of clerks in the service at $1,200. In the $1,100 grade we have authorized for this year 7,815.

The bill carries for next year a jump to 9,007. Those two positions, the $1,100 and the $1,200 grades, carry all the increases in this bill. In the $1,000 grade there is a reduction from 6,000 to 5,450. In the $900 grade there is a reduction from 5,000 to 3,950, and in the $800 grade a reduction from 4,000 to 2,400. In the $600 grade there is a reduction from 1,625 to 296; and if that ended the story, there would be a proper criticism of this bill; but as we all know, these new clerks are not employed for the full length of the year, but if there is a sufficient increase to warrant the increase in the salaries now authorized by law and a sufficient increase of the appropriation to provide the additional clerks which may be needed, at salaries not exceeding $1,100 and $1,200, and so forth, that is all we ought to ask for. Now, I want to ask the chairman of the committee whether, in his judgment, the increase that is now authorized of 47 clerks in this bill over that authorized by the current law, and whatever the number may be authorized over those new in the service, will be sufficient to properly take care of the postal service during the next fiscal year?

Mr. WEEKS. I have not any doubt of it.

Mr. MANN. I have great respect for the opinion of the gentleman on such matters.

The Clerk read as follows:

Clerks, and clerks in charge of stations, two hundred and ninety-six, at not exceeding $600 each.

Mr. MADDEN. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

On page 11, lines 6 and 7, amend by striking out the words "two hundred and ninety-six" and insert in lieu thereof the words "one thousand eight hundred," so as to read:

"Clerks, and clerks in charge of stations, one thousand eight hundred, at not exceeding $600 each."

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for ten minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I have made a somewhat close examination of the conditions which prevail, and I have reached the conclusion that the provisions of this bill are not adequate to meet the conditions which are necessary to be met in the proper conduct of the Post-Office Department.

For some years it has been the practice in annual post-office appropriation bills to segregate in grades the clerks and officials in first and second class offices from the $600 grade to the $3,200 grade.

Each appropriation bill indicates a certain number of places or positions in each grade. But the number of places or positions specified in each grade is absolutely no guide to the actual number of clerks that may be employed at a given salary or grade at any time.

The language of each segregation or grade reads so many "at not exceeding." These words "at not exceeding" nullify the idea of a fixed number of clerks in any grade.

It is admitted by the chairman of the Post-Office Committee and by the gentleman from Wisconsin [Mr. STAFFORD] in the debate that this is so. To assume that the total amount appropriated for clerks in first and second class offices is sufficient to employ a total number of clerks equal to the total number of places or positions mentioned in all the grades is a wrong conclusion.

In the so-called "automatic" grades, from $600 to $1,100 in first-class offices and from $600 to $1,000 in second-class offices, the promotions are provided for by law. The clerks move up one grade after serving one year in the next lower grade. They do not move up at the same time. A certain number move up at the beginning of each quarter in a year, according as the individual clerk finishes a year in the next lower grade. The result is that some of the clerks will be in two different grades during the course of a fiscal year.

The maximum number of places are specified in the bill for each of the automatic grades to make allowances for this constant changing, and manifestly at no time will the total number of clerks correspond with the total number of places in the bill.

To assume that it were possible for the total number of clerks in all grades to equal the total number of positions provided for in the bill would necessitate that each grade be appropriated for separately, which is not done. If each place or position indicated in the different grades in the pending bill were to be filled by a clerk at the indicated salary of each grade for the next fiscal year, it would cost $36,130,100, or $2,230,100 more than the total appropriation carried in the bill.

The number of places indicated for each grade in the bill means practically nothing. The total appropriation is the only guide to the number of clerks that may be employed. At the end of each fiscal year the actual number of clerks in the service never corresponds to the number of places carried in each annual bill, because the appropriation is never sufficient.

The chairman of the committee stated in his opening statement on the floor that on June 30, 1909, the department had available for appointment 973 clerks who were not appointed because the department did not have need for them. This statement is in error. The department could not have appointed this number of additional clerks, because the unexpended balance on account of clerks in first and second class post-offices for that fiscal year, ended June 30, 1909, was only $60,555.56, as shown in the annual report of the Auditor for the Post-Office Department. This sum would not have employed 100 additional clerks, to say nothing of 973 clerks.

For the fiscal year ended June 30, 1909, the appropriation bill provided a total of 31,048 places or positions in all grades. The department in its reports for the year ended June 30, 1909, shows only 29,930 clerks in the service.

The chairman of the committee assumed that the department had sufficient appropriation to carry as many clerks as there were places in the bill, namely, 31,048. The same condition existed for the fiscal year ended June 30, 1908. The department only reported 28,220 clerks as actually employed. But the appropriation bill for that year specified a total of 29,312 so-called "places" in all the grades.

But there was no appropriation for such a number. The number of places specified in each grade is not the actual basis of calculation of the department is submitting its estimates.

Now, I beg to call the attention of the committee to this state of facts. The total appropriation for clerks in first and second class post-offices carried in the pending post-office appropriation bill amounts to $33,900,000.

This sum is $800,000 less than the estimates of the department for this purpose, and I take this information from page 43 of the hearings. The department estimates it will cost to pay the salaries of all clerks in all grades who will be in the service on June 30, 1910—at the end of the present fiscal year—during the next fiscal year commencing July 1, 1910, the sum of $32,345,000. This will leave a balance of the appropriation for all purposes for the next fiscal year commencing July 1, 1910, of $1,555,000.

To make the promotions provided for by law—successive promotion after one year of service in a grade up to $1,100 in first-class offices and up to $1,000 in second-class offices—will cost approximately $1,000,000. I take that from page 43 of the hearings.

According to the statement of Chairman WEEKS, the appropriation bill provides for the promotion of 50 per cent of the clerks in first-class post-offices from $1,100 to $1,200 per annum and for the promotion of 50 per cent of the clerks in second-class offices from $1,000 to $1,100 per annum.

The department estimates the cost of promoting 50 per cent of these $1,100 clerks in first-class offices at $235,000. It also estimates the cost of promoting 50 per cent of the $1,000 clerks in second-class offices at $85,000. This leaves a net balance of the proposed appropriation available for the appointment of additional clerks after July 1, 1910, of only $235,000.

This sum of $235,000 would only provide for the appointment of 392 additional, at $600 per annum, if appointed for a full year from July 1, 1910. In its estimates the department asked for 2,100 clerks, and I submit, Mr. Chairman and gentlemen of the committee, that with only $235,000 available for the necessary promotions you can not furnish the number of clerks that will be required to conduct the business of the Post-Office Department in an efficient manner. Three hundred and ninety-two clerks are all that could under these circumstances be employed in the $600 grade, and 392 clerks are not enough to meet the conditions which are developing from day to day.

Mr. COX of Indiana. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. COX of Indiana. Is the gentleman aware of the fact that the Post-Office Department in its estimates to the Treasury Department only estimated for 1,724 clerks, and yet before the Post-Office Committee it estimated for 2,100 clerks?

Mr. MADDEN. Whether they estimated for 2,100 clerks or 1,724 clerks, whatever the case may be, the Committee on the Post-Office and Post-Roads are only appropriating at the maximum for 392 additional clerks at $600 per annum.

Mr. COX of Indiana. Now, will the gentleman yield in that connection? If the Post-Office Department, in making this estimate to the Secretary of the Treasury, estimated it was only necessary to have a little over 1,700 clerks, how does the gentleman account for the fact that when the officials of the department came before the committee they asked for 2,100 clerks? In which place was it right?

Mr. MADDEN. I do not undertake to account for what somebody else does. I have all I can do to account for my own actions. I certainly hope the committee will adopt the amendment I have introduced and which is now pending.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MADDEN] has expired, and the question is on the amendment offered by the gentleman from Illinois.

Mr. WEEKS rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. WEEKS] wish to be recognized?

Mr. WEEKS. Yes. If one were to judge by the remarks made by the gentleman from Illinois he would conclude that the Post-Office Committee was deliberately trying to prevent sufficient force being provided to care for the service in the first and second class offices next year.

Mr. MADDEN. No; I do not think that.

Mr. WEEKS. As a matter of fact, Mr. Chairman, the committee has very carefully been over all the facts and statements in this case, and, as I said in reply to a question from the gentleman from Illinois [Mr. MANN], I have no doubt that suffi-

cient force and sufficient money have been provided for this service. The real facts of the matter are that during the past nine years the number of men employed in the Post-Office Department, while the work of the department has doubled and while the receipts of the department have doubled, has very much more than doubled.

There are more than twice as many carriers, about twice as many railway mail clerks, more than twice as many clerks in the first and second class post-offices than there were in the year 1900. During that period the pay of the clerks in the first and second class post-offices, from the year 1900, has increased between twenty-one and twenty-two millions of dollars. The average increase in the appropriation for the last eleven years has been $1,855,500. The increase for 1911 provided in this bill is $1,991,500. The number of clerks estimated for any particular year has been more than the requirements of the service. Last June there were 973 more clerks available than needed for the service. The department now estimates that on the 30th of June next there will be 1,473 more clerks provided for in 1910 than were required for the service this year. The same thing applies to the carrier service. The department this year estimates for the current year 1,500 carriers, besides carrying over 900 more than needed under the estimates for the current year. Now, the committee has reduced this number by 500 to 1,000 carriers, and I am informed that the department thinks that the committee has recommended too many carriers, and it could get on for the year with 500, plus the number carried over from the current year. In other words, the department has in some cases been estimating for more employees in the past than have been required. We have provided for 1,520 clerks in the first and second class, and, as I have said, provided more money than the average during the last eleven years. In reply to an inquiry made by the gentleman from Illinois [Mr. MANN], neither the committee nor the chairman of the committee has any doubt about having provided amply for this service.

Mr. MADDEN. The gentleman has just stated that at the end of the last fiscal year there were 973 available which the department had authority to appoint. Can the gentleman tell the committee how it could have appointed these 973 clerks with only $60,000 of unexpended balance?

Mr. WEEKS. I do not remember the amount of the unexpended balance, but if there had been a requirement for clerks they could have been appointed at the end of the year, and it would not have required more than $60,000 if they had been appointed near the end of the year.

Mr. MANN. If the gentleman will permit me, I understood the gentleman to say that the department estimated at the end of this fiscal year it would have authorized 1,400 clerks more than necessary.

Mr. WEEKS. One thousand four hundred and seventy-three.

Mr. MANN. How much of the money will they have left under the estimates of the $31,900,500 of the current fiscal appropriation?

Mr. WEEKS. I do not think I have that amount; but it would revert to the Treasury.

Mr. MANN. It would not revert to the Treasury unless it was there to revert. In other words, if the appropriation was not available, they might have a great many more clerks authorized by law, but they could not employ them without making appropriation in connection with that authorization.

Mr. GARDNER of New Jersey. Taking the statement of the other gentleman from Illinois, he says that there would be money enough to pay 392 clerks the following year.

Mr. MADDEN. At $600 a year.

Mr. GARDNER of New Jersey. In view of the fact that the average of these appointments are not more than six months' service, that means 784 might be appointed. There are 1,473 available to-day, so that the men available and the money to care for the pay are calculated up to June 30, 1911.

Mr. MANN. We are not talking about 1911; we are talking about June 30, 1910.

Mr. WEEKS. Let me call the attention of the gentleman from Illinois to this fact. The average increase of appropriations for the past eleven years has been $1,855,500. The increase for the year 1911 is $1,991,500, or $136,000 more than the average for the past eleven years.

Mr. MANN. Yes; but if the gentleman will pardon me, great stress has been laid upon the statement that, according to the estimates of the department, the department would have 1,400 clerks authorized at the end of the year which they have not employed.

Now, it is far more pertinent to know whether at that time they have any money with which to employ the clerks; because if their money is exhausted, of course they can not employ clerks. I take it that if the department can estimate that they will have 1,400 clerks authorized at the end of the year, not employed, by the same method by which they reach that estimate they will know how much money they will have left. I think the gentleman ought to get that information.

Mr. WEEKS. Mr. Chairman, I do not need to get any more information to satisfy myself upon this subject. Let me give the gentleman from Illinois and the committee the method followed in making up this appropriation. The estimated annual rate June 30, 1910, is $32,345,000, which would include in the service all available clerks now provided for, including all those who will not be appointed during this year. The promotion of 50 per cent of the $1,100 clerks to the $1,200 grade would be $235,000. The promotion of 50 per cent of the clerks from the $1,000 grade to the $1,100 grade would require $85,000. The automatic promotions in all grades from $600 to $700 in first and second class post-offices would require $1,310,000. The 47 additional clerks other than those provided for would require $21,821, a total of $33,996,821. Deduct from that lapsed salaries and changed grades, which are the figures of the department, $310,000, and 10 per cent of the automatic promotions, $131,000, would leave $33,565,821 as the amount of money that will be required for all the clerks who will be available for appointment during the next year.

Mr. MANN. If the gentleman will pardon me again, the gentleman's figures are interesting and important; but if I can, I should like to get the other information. There are no automatic promotions, as I understand it, made between now and June 30.

Mr. WEEKS. Yes.

Mr. MANN. Not by operation of law.

Mr. WEEKS. There may be the 1st of April.

Mr. MANN. The department knows what those are, of course. How many clerks are there now authorized but not employed?

Mr. WEEKS. The 1st of January there were 1,473, plus 450.

Mr. MANN. That was on the 1st of January. Does the gentleman know how many there are now?

Mr. WEEKS. I do not.

Mr. MANN. The gentleman stated that the department estimated that there would be something over 1,400 on the 1st of June.

Mr. WEEKS. They estimated that there would be 1,473 on the 1st of July.

Mr. MANN. The department must have made an estimate upon which they reached their conclusion as to the number of clerks who will still be unappointed on June 30. In making that estimate they must figure what they are paying clerks at present and the number of clerks who will be employed in certain grades. Certainly that information ought to be available.

Mr. WEEKS. That information is available in these figures: The estimated annual rate June 30, 1910, for all clerks in the service will be $32,245,000.

Mr. MANN. But the appropriation for this current year is $31,908,500. That would not look as though they could employ very many of the $1,400 clerks if they wanted to.

Mr. WEEKS. There was not any suggestion on the part of the post-office officials who appeared before the Post-Office Committee that there was not ample money to provide for all the clerks authorized under the bill for the current year. I want further to call the attention of the committee to this fact, that in making the estimate which has already been called to the attention of the committee by the gentleman from Indiana [Mr. COX], in making the estimate to the Secretary of the Treasury, the department estimated for 1,724 clerks for next year. In estimating to the committee they estimated for 2,100 clerks, and the figure on which they based the annual rate, June 30, 1910, was exactly the same in both cases.

Mr. MANN. Is the gentleman perfectly well satisfied that there is a sufficient appropriation for the current fiscal year to employ all or any portion of these one thousand four hundred and odd clerks authorized, but not emplyoed, for each department in which they were necessary?

Mr. WEEKS. Undoubtedly, Mr. Chairman.

Mr. HITCHCOCK. Mr. Chairman, I would like to ask the chairman of the committee if the need of these clerks is not shown by the fact that in a very large number of the cities of the country there is a general complaint that clerks are overworked and that the department has responded that it was unable to supply additional clerks?

Mr. WEEKS. I think the gentleman from Nebraska is entirely wrong in his premises. I know that complaints are made that clerks were overworked, but on investigation I do not find any such condition. I do not mean to say that clerks in certain instances do not work overtime, that there are not clerks in the distributing department in the large offices who do work over-

time, sometimes more and sometimes less, but I do mean to say that it is the policy of the department to work clerks in the first and second class offices eight hours a day as nearly as they can do it, and when requisitions have been made during the last six months the requests are granted if the inspector thinks they are needed.

Mr. HITCHCOCK. The gentleman made a point of order against an amendment to the bill preventing the working of clerks overtime, and it seems to me, in view of the fact that the restriction is removed, there should be an abundant supply of cheap clerks, so that the department may, with the growth of business in the cities, permit the introduction of additional clerks in the great post-offices.

Mr. WEEKS. I have no doubt that there are sufficient clerks for the purpose. I have investigated several post-offices, have obtained the number of hours that the clerks work in those offices, and I do not think that anybody need be disturbed by clerks working overtime in the average post-office.

[The time of Mr. WEEKS having expired, his time was extended five minutes by unanimous consent.]

Mr. BENNET of New York. Mr. Chairman, if the chairman of the committee during the progress of this bill should find that he was in error in his computation—because there are several gentlemen here that think that he is—would there be any objection on his part at any time the error was palpably demonstrated to increasing the amount to a sum sufficient to provide for the clerks that are authorized by the bill?

Mr. WEEKS. I would not hesitate a moment to do that.

Mr. SABATH. Will the gentleman yield for a question?

Mr. WEEKS. Certainly.

Mr. SABATH. The gentleman has stated that he has investigated the conditions in the large offices. I desire to ask him whether he has investigated the conditions that exist in the Chicago post-office?

Mr. WEEKS. Yes.

Mr. SABATH. The postmaster of that city was here a few days ago and demanded, or requested, additional help. I wish to say that I have been in the post-office myself, and I was surprised to see how hard these clerks have to work. I have never seen a government clerk in any department work as hard as the employees work in our post-office.

Mr. WEEKS. The gentleman from Illinois states that the postmaster of Chicago has been here for some days. He did request additional help, and I understand was allowed 100 additional clerks, notwithstanding the fact that during the first six months of the fiscal year the average time the clerks were employed in that post-office was eight hours and nine minutes. Excepting the month of December, the heaviest month of the year, they worked on an average eight hours and three minutes a day.

Mr. SABATH. The work is increasing in our city day by day.

Mr. KELIHER. Mr. Chairman, will the gentleman yield?

Mr. WEEKS. I will yield to the gentleman from Massachusetts.

Mr. KELIHER. I would like to ask the gentleman if he is willing to assure the committee that the amount carried in this item is adequate to provide for the promotion from the fifth to the sixth grade in the first-class offices 50 per cent of the eligibles, and also 50 per cent in the second class?

Mr. WEEKS. I have no doubt that the provision is ample.

Mr. COX of Indiana. Mr. Chairman, I want to be heard in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. COX of Indiana. Mr. Chairman, I do not know that I can add anything to what the able chairman of the committee has already said in opposition to the amendment offered by the gentleman from Massachusetts. I do not believe that this amendment ought to obtain. In the first place, I do not believe that this additional number of clerks is necessary. I want to assure this committee that if I believed for one moment that these clerks embraced in the amendment offered by the gentleman from Illinois were necessary in order to promote the efficiency of the administration of the postal service I would unhesitatingly support it. I am interested in economy in the administration of the affairs of the Government, I am interested in economy so far as the post-office is concerned, but I do not believe in carrying economy to the extent of destroying the efficiency of the service. I have heard it stated in the last four or five days time and again upon this side of the House, and time and again upon that side of the House that what the post-office needs is a good business administration. As yet, I have not heard anyone offer any concrete propositions as to what they believe would be a good business administration, but I put it up to every member of this committee in all candor and sincerity whether or not it is a good business administration to tie onto the post-office appropriation bill a large number of clerks that it is admitted are not necessary? [Applause.]

Why do you propose to run your arm into the Treasury of the United States and take out of it millions of dollars to pay to a class of people whose services are not needed in the efficient administration of postal affairs? A few days ago the President of the United States sent a message to Congress in which he recommended an increase of pay in all second-class postage for the purpose of wiping out the postal deficit. I ask you again, How do you propose to obliterate the deficit by continuing to add employees to this department whose services are not necessary?

Mr. Chairman, during the remainder of my time I ask to have read at the desk an editorial which appeared in the Indianapolis News of February 10, 1910.

The CHAIRMAN. Without objection, the Clerk will read.

There was no objection, and the Clerk read as follows:

REGULAR BILLION-DOLLAR SESSION.

[From the Indianapolis News, February 10, 1910.]

We had much talk and loud talk last fall, and even after Congress met, about the retrenchment policy of the administration and the prospective economy of Congress, but an experienced public was inclined to take it all with at least a grain of salt. If there was really to be economy, so much the better, but if there was not—well, extravagance was to be expected, and there was nothing to do but to grin and bear it until next November. The people generally expect nothing in the way of economy, and they are not likely to be disappointed.

It was, of course, encouraging to learn that the President was requiring all the departments to cut their estimates to the bone; it was fine to hear that there was to be no river and harbor, and, perhaps, no public building bill, and it was interesting to hear Mr. TAWNEY eloquently set forth his programme of national economy. But by the time the departmental estimates have gone through the congressional mill they are just about as big as ever. Instead of there being no river and harbor bill, the committee has now framed one that carries some $40,000,000, and doubtless a public building bill of liberal scope is still to come. The President's efforts and the labor of the department heads, like the eloquence of Mr. TAWNEY, have been wasted, and the people's money will continue to be wasted as heretofore. Even the free-seed graft, amounting to over $300,000 for the purchase of seeds, to say nothing of the expense of their distribution, has gone through unscathed.

And why, good sooth, should the public expect anything else? The old guard, which is to say the old gang, is still in control. The people have stood for this sort of thing often before, so why not again? But there is an end to all patience, even of the people's patience, and there are signs everywhere that the people are tired of having their money used as if it did not cost anything; they are tired of official extravagance; they are tired of the extortionate tariff; they are, in fact, tired of everything that has saddled on them the present enormous cost of living, and they are especially tired of the men responsible for it.

Mr. HUGHES of New Jersey. Mr. Chairman, the amendment offered by the gentleman from Illinois [Mr. MADDEN] contemplates an addition of about 1,600 places of the $600 class. The committee authorizes or recommends to the House the appointment of 296 clerks for this grade. I am free to say, and I think a great many members of the committee will also say, that they are unable to understand the reasons that are offered for this great reduction in the number of clerks in that grade. The gentleman from Wisconsin [Mr. STAFFORD], a very active and hard-working member of the committee, attempted to shed light on this proposition, but he in his guilelessness and innocence seems to think that so long as an appropriation bill names a number of places that that is sufficient. He does not seem to realize that it takes money to pay clerks and carriers, and that unless the money is carried in the bill the clerks and the carriers, of course, will not be appointed, because they can not be paid. The gentleman from Massachusetts [Mr. WEEKS] is a great man, of course, but he can not make 269 men do the work of 1,600 men any more than anybody else can. Of course, you can economize by refusing to appropriate money. You can economize by refusing to pay salaries, but this is not true economy. This service is being paid for by the people of the country. Every man who uses the postal service pays for it. He is entitled to have his work done. The experience of years shows us that a certain number of increases in the various branches of the Government are necessary. Now, these gentlemen make a drastic reduction. They come in here with a very radical proposition, and it is one of the few radical propositions that I do not agree with. They do not support it with any reason that appeals to me, and I have tried my best to find the reason for it by questioning the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Massachusetts [Mr. WEEKS]. Neither of them seems to know whether or not there is money appropriated and now available to enable the department to fill the places which they say they have failed to fill heretofore.

I got some information from the committee this morning, and it would seem to show that the Post-Office Department, for some reason or other, failed to fill what places they might have filled under the current bill, and that if they make ap-

pointments at the same ratio this year as they have in the past, there will be something like 972 places unfilled at the end of the present fiscal year. The chairman of the committee is evidently assuming that those places can be filled and those in addition to the small number authorized will be sufficient, but nobody seems to know whether there is money to pay those men if those places are filled. It seems very strange indeed that such a condition of doubt and misunderstanding on an important matter like this should exist in this committee, and it does exist. I contend that there has not been a sufficient explanation of this cut; that there has not been given any good reason why we should instead of appropriating for and authorizing 1,600 or 1,800 places authorize only 269, and take the chance of crippling the postal service.

I hope the amendment of the gentleman from Illinois [Mr. MADDEN] will prevail. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. HUGHES of New Jersey), there were—ayes 41, noes 69.

Mr. MADDEN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed the gentleman from Illinois [Mr. MADDEN] and the gentleman from Massachusetts [Mr. WEEKS] to take their places as tellers.

The committee again divided; and the tellers reported that there were—ayes 50, noes 84.

So the amendment was rejected.

The Clerk read as follows:

In all, $33,900,000.

Mr. OLCOTT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 11, lines 9 and 10, amend by striking out the words "thirty-three million nine hundred thousand" and insert in lieu thereof the words "thirty-four million seven hundred thousand," so as to read "In all, $34,700,000."

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on the amendment close in ten minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the debate on the pending amendment close in ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. OLCOTT. Mr. Chairman, I would say in regard to the amendment I have offered, that in view of the statement made by the gentleman from Massachusetts [Mr. WEEKS] in response to a question asked by my colleague from New York [Mr. BENNET], that I have no particular desire to press the amendment now. I still believe that the appropriation is not sufficient to provide for the 296 clerks, plus the 1,473 which were left over, and I merely wanted to save my rights by offering the amendment at this time. I am perfectly willing to have the matter go over until such time as may be convenient to the gentleman from Massachusetts.

Mr. WEEKS. I would suggest to the gentleman from New York that the gentleman withdraw his amendment at this time.

Mr. OLCOTT. I am perfectly willing to withdraw the amendment at this time providing that after further satisfying myself——

Mr. WEEKS. Then, Mr. Chairman, I will ask for a vote on the amendment if that is the position of the gentleman from New York.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum, and the assignment of the several grades of compensation to the various offices shall be made, so far as practicable, in proportion to the amount of business transacted through such offices and the respective divisions thereof, and that the total number of clerks and employees in the service June 30, 1911, shall not exceed 33,200.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the gentleman what possible service this can be in the first place? The law would not permit the Postmaster-General to employ more clerks than are authorized in this act, I take it, and if he does employ more he violates the law and renders himself amenable to discipline, and I have not the slightest idea in the world he will do that. That is one question I direct to the attention of my distinguished friend from Wisconsin. In the second place, the law now provides for automatic promotions up to the $1,100 grade, and provides that in such a way that if a man is not promoted he is not entitled to bring a claim in the Court of Claims. In other words, while Congress in the law contemplates that every efficient clerk in the Post-Office Department shall receive his annual increase from $600 up to $1,100, if he does not receive that, there is no way in which he can enforce it, and yet in the face of that it is proposed to provide that the department may not give it to him, may not follow the law as it exists if it creates a deficiency. It was the intention of Congress to provide that every efficient post-office clerk, every efficient post-office carrier in the other provisions, should receive his annual increase of salary up to the $1,000 and $1,100 grade, according to what office he was in, and yet that provision of the law is rendered nugatory by this limitation if the appropriation does not happen to be sufficient. Now, the distinguished chairman of the committee says that this appropriation will be sufficient, and the Committee of the Whole House just voted down an amendment to increase the appropriation, on the supposition that the appropriation carried in this bill is sufficient to provide these automatic promotions. If that is so, I can see no reason for following that appropriation with an express provision that the automatic promotion shall not be provided if the appropriation is not sufficient, and I ask for enlightenment from my distinguished friend from Milwaukee.

Mr. STAFFORD. Mr. Chariman, I wish to take exception to the statement of the gentleman from Illinois——

Mr. MANN. Of course, that goes without saying.

Mr. STAFFORD (continuing). Particularly on post-office matters, because the gentleman has already demonstrated that he has been in error in some instances——

Mr. MANN. Well, I have been correct about my figures, and that is more than the gentleman from Wisconsin can say this afternoon.

Mr. STAFFORD. The "gentleman from Wisconsin" does not even accept the statement as far as figures are concerned, because if I have a pride in anything I have pride in my figures.

A clerk under the automatic scheme of promotion, if the department authorizes a promotion, would have a claim in the Court of Claims for the increase allowed regardless of the amount of appropriation. Following the law that was passed four years ago, the clerks in the various grades would be entitled to recover in the Court of Claims if their promotion had been sanctioned by the department and no deficiency or adequate appropriation had been made.

Mr. MANN. The gentleman and I will not quarrel about that.

Mr. STAFFORD. Now, as to the——

Mr. MANN. The gentleman remembers, of course, that he is talking in my time.

Mr. STAFFORD. I am perfectly aware of that.

Mr. MANN. The gentleman and I will not disagree about immaterial questions. Of course, if the department allows the increase, the man can recover it; but the department is not obliged to allow the increase under the automatic promotion, and, if this provision goes in, would not be permitted to allow it.

Mr. STAFFORD. I wish to say, in reply to the gentleman, that this provision, in its main features, has been carried in former appropriations, and in no instance has any clerk been deprived of the automatic promotion as provided by the law which we passed four years ago.

Now, coming to the question as to the purpose of the new limitation, that restricts the total number of clerks that may be employed in any one fiscal year, in which we state they shall not exceed 33,200. That is for the purpose of Congress having some control as to the number of additional men that may be employed in the service during the fiscal year. As I stated in my prior remarks, instances have been called to our attention where there were in some post-offices more clerks than there were needed, and the Post-Office Department, when those facts have been presented, have reduced the number of clerks allowed.

Now, the committee and Congress should have some control as to the number that may be employed, because there may be times when Congress might feel that it is necessary to restrict the discretion of the department, and that is the main purpose of that limitation. As far as the other provision of the paragraph is concerned, that has been carried for years in the appropriation bill.

Mr. MANN. The gentleman is mistaken about its having been carried for years. If he means to convey the idea that it has been in there very long, I will say that we only commenced to make appropriations a very short time ago, and this item was put in after we commenced to do that.

Let me ask the gentleman one further question. In this appropriation bill you authorize the appointment of how many clerks altogether?

Mr. STAFFORD. What is the question?

Mr. MANN. In this appropriation bill you authorize the appointment of how many clerks altogether?

Mr. STAFFORD. Thirty-three thousand two hundred.

Mr. MANN. How does it increase the authority of that by saying we mean 33,200? What good does it do to say a thing to a department officer twice, if he can not understand it the first time? Do you have to bore a hole in his head with a gimlet to let him know the second time?

Mr. STAFFORD. There have been some instances where surplusage would not be out of place; where, by repeating, Congress would reenforce the expressed will. But the committee is proceeding on a new line in this bill. They realize that since the classification act has been established Congress has not control over the appropriation and of the number of men that may be required in the various grades from $1,200 down to $600 as before the classification act. Next year we might make a lump-sum appropriation, because under the law providing for automatic promotions Congress has lost the control, and we follow the recommendations of the department in providing for the promotions of all those clerks who have conformed to the efficiency test.

So I think this provision should be carried in the bill, even though there is some surplusage in the declaration of restriction.

Mr. MANN. Suppose this provision were not in the law; how many clerks could you have?

Mr. STAFFORD. Not more than 3,200.

Mr. MANN. What is the use of repeating it in this provision?

Mr. STAFFORD. As I have stated, we are proceeding on a new line, and hence we propose to limit the total number that may be employed.

Mr. MANN. If the committee do not make any such provision as that, the Committee of the Whole would, perhaps, "But sufficient unto the day is the evil thereof." It is not sufficient for the committee in explaining an item in the bill to say that it is a new line. I will say to my distinguished friend from Wisconsin, that there must be some reason given for a surplus on a given subject when the committee are considering this line in the bill, and say that it means nothing in itself, if you can not explain what it is, and what it means, I am suspicious of it.

Mr. GARDNER of New Jersey. May I say to the gentleman, that in the post-office establishment previously, that department might create any deficit that it saw fit, to be made up by the Appropriation Committee?

Mr. MANN. Only by the automatic promotions and only by appointing men authorized by the bill.

Mr. GARDNER of New Jersey. Yes; they could, if there is no limitation there. If the bill does not provide that the expenditure shall be no greater than the bill there is no restraint upon the appointments. If the bill does not provide the number shall be limited, appointments may be made in the last month of the year, and you could carry these men over as clerks on the roll the year following.

Mr. MANN. Does the gentleman mean to contend that if Congress authorizes 3,200 clerks of any particular class, that that department can appoint more than 3,200 in that class?

Mr. GARDNER of New Jersey. I mean to say that if there is a number of promotions provided for, and if there is no limitation placed there, they can appoint any number and create any deficit without a violation of the law.

Mr. MANN. Let me ask the distinguished gentleman from New Jersey a question, as to these 10,345 clerks of the $1,200 class. Does the gentleman contend that if this bill passes the department can appoint more than 10,345 of the $1,200 grade?

Mr. GARDNER of New Jersey. Where is the law to prevent it?

Mr. MANN. Where is the law to authorize it?

Mr. GARDNER of New Jersey. It does not require it.

Mr. MANN. But the department can not appoint, surely, without authority.

Mr. GARDNER of New Jersey. The habit was to create a deficit until the provision to which the gentleman is now objecting was inserted in the law.

Mr. MANN. Oh, well, I am not going to argue the question that when we provide that a department can appoint 10 clerks of a certain class that the department can appoint 20. That is too elementary.

Mr. GARDNER of New Jersey. If there is not a limit in the bill, and the gentleman knows it from the former practice.

Mr. MANN. Well, I know perfectly well, and I am willing to stake my judgment and reputation upon the proposition, that when Congress provides that a certain department can appoint a certain number of clerks for any purpose that the department can not appoint any more than that number.

Mr. GARDNER of New Jersey. Congress does not so provide without the limitation. It provides for the money. It is not a limitation, and never was held so.

Mr. PAYNE. These $1,200 clerks provided for by the bill are made so by promotion.

Mr. GARDNER of New Jersey. Yes.

Mr. PAYNE. And that is automatically provided by law?

Mr. GARDNER of New Jersey. Yes.

Mr. PAYNE. And the promotion is given under this law because of length of service of the men, and if there are more than the number at $1,200 the law authorizes them, does it?

Mr. MANN. I am not talking about the $1,200 class. There are no automatic promotions of the $1,200 class.

Mr. PAYNE. Take the lower class.

Mr. GARDNER of New Jersey. Take the $1,100 class.

Mr. PAYNE. I only wanted to see if this was necessary.

Mr. MANN. If you take the $1,100 clerks, the men of the $1,000 grade would be entitled to receive promotion, but might not receive the promotion. If this provision is in, they would receive it, and they could create a deficiency.

Mr. PAYNE. And there was an increased number of clerks to the number provided for?

Mr. MANN. By increasing the number to the number provided for.

Mr. PAYNE. Then I can see a reason for having this limitation there.

Mr. MANN. That is what I am trying to ascertain, whether it is put there for the purpose of interfering with the automatic promotion law.

Mr. STAFFORD. Why, no.

Mr. MANN. If that is the provision, as the gentleman from New York now says, and as his colleague on the Post-Office Committee [Mr. FASSETT] said a moment ago——

Mr. FASSETT. Nobody said that.

Mr. MANN. I am glad to have the gentleman say he did not say it.

Mr. STAFFORD. That limitation was placed there so as to limit the maximum number of clerks that would be employed in the next fiscal year. The total number might be increased in the $600 grade. We might have provided for 1,800 instead of 296, and yet the limitation of 33,200 would be applicable.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. STAFFORD. I will be glad to.

Mr. FITZGERALD. Would this limitation of the number of clerks that many be in the service on the 30th of June apply to any other day in the year?

Mr. STAFFORD. Under the phraseology it would not apply.

Mr. FITZGERALD. Where it says that the total number in the service June 30, 1911, shall not exceed so many?

Mr. STAFFORD. It would apply only to the number in the service on June 30, 1911.

Mr. PAYNE. I want to ask the gentleman from New Jersey a question. If it should happen that there were promotions into the $1,100 class more than appropriated for in this bill, I understand that the promotions would be made, although it would increase that number; but if this limitation was there it would limit the appointment of $600 clerks, so that the aggregate would not exceed this number of 33,200.

Mr. GARDNER of New Jersey. That would be the effect of the operation of it.

Mr. PAYNE. So it would not cut off any promotion, but would cut off the appointing of additional clerks in the $600 class; but instead of that they would have clerks in the higher grades corresponding with the number appropriated for in your bill, and corresponding with the number of this limitation.

Mr. GARDNER of New Jersey. It would operate that way. I want to repeat that in the absence of both provisos the department could, if it would, create any deficit that it might elect. The first one prevents that. In the absence of the second proviso it could appoint all the clerks that it is authorized to appoint, on the last day in that year. That would multiply by six the number over what it would be if they were appointed in the middle month of the year, and carry six times the number to the permanent roll, to be appropriated for the next year, that might be carried there with the proviso in.

Mr. MANN. Now, Mr. Chairman, I want to direct the attention of my friend from New York [Mr. PAYNE], who I am proud to follow, to this fact. He asked me a moment ago if more clerks in the $1,100 class could be appointed under the automatic promotion than are provided for here. More clerks could be promoted under the automatic promotion than the number named for the $1,100 class here, but not more than the total provided in this bill; nor can more clerks be appointed in

any class than the number provided in this bill. The number provided in this bill is not indicated by the number specified for a particular class, because in all of these cases it says "not exceeding" so much salary. It says ten thousand and some clerks, at not exceeding $1,200. A lot of those may be in the $1,100 grade. They are not required to be in the $1,200 grade. There is no automatic promotion to the $1,200 grade.

I lay it down as a fundamental proposition that when Congress appropriates for a certain number of clerks in a certain department, the department can not employ more clerks unless specifically authorized to do so, and this is already a limitation as to the number.

Mr. PAYNE. Suppose the department should go to work on the 1st day of July next, after this bill goes into effect, and appoint the full number of $600 clerks provided for in this bill, and afterwards these automatic promotions should go on. Would you not then have more than were appropriated for in the bill, and would it not be lawful from beginning to end, under these provisions already in the bill, aside from this provision?

Mr. MANN. Whether there is a sufficient amount of money appropriated is another proposition. But the department will not authorize all of the $600 clerks at the beginning of the year, and none of these $600 clerks would receive any promotion during the year.

Mr. PAYNE. Suppose at the end of six months they have the full complement of $600 clerks and then the promotion was to go on.

Mr. MANN. The gentleman will have to ask the chairman of the committee; that is one of the mysteries that no one on the floor can solve.

Mr. PAYNE. That would be entirely lawful without the proviso which the committee has put in.

Mr. MANN. That is an assumption that the department is going to do something wrong.

Mr. PAYNE. It may be that there will be a press of business.

Mr. MANN. Then if there is, we ought to provide for it. If you assume that the department is going to do something wrong, I am just as much warranted that they will do something wrong against promoting these clerks as that they will appoint a lot of clerks not needed. I will not assume that they will do anything wrong in either case.

Mr. PAYNE. The gentleman's position is that we should provide for clerks by the wholesale in anticipation that there may be something happen in the future.

Mr. MANN. Oh, my friend is sometimes very happy in stating his own position, but he is never happy in stating mine.

Mr. FASSETT. It is enough to make anybody unhappy to do that.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph.

Mr. WEEKS. Mr. Chairman, I contend that this is a limitation upon the number of appointments and is not subject to a point of order.

Mr. STAFFORD. Mr. Chairman, the paragraph naturally divides itself into three parts: First, there is a limitation on the amount to be expended; second, there is a limitation on the assignment of clerks according to the amount of business; and the last, on the number of clerks that may be employed. The phraseology indicates that in all three parts it is a limitation. It is a limitation on the expenditure, a limitation on the assignment of clerks according to postal business, and a limit on the number of clerks that may be appointed during the fiscal year. There is no other construction, it seems to me, that can be given to the phraseology, except that the various matters are limitations.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. STAFFORD. I will yield to the gentleman.

Mr. FITZGERALD. Has the Postmaster-General, without this limitation, authority to assign these clerks to places in the offices?

Mr. STAFFORD. He might have.

Mr. FITZGERALD. Has he authority to assign the clerks to places in the various offices without this provision?

Mr. STAFFORD. He has.

Mr. FITZGERALD. Then, this is a limitation on his discretion and clearly in violation of the rule. If it is a limitation on the discretion of an official, it is clearly in violation of the rule.

Mr. HUGHES of New Jersey. Mr. Chairman, my understanding of this matter—and it is difficult to understand a great many things in connection with this bill—but I have made some investigation of this particular point, and I understand the Postmaster-General has the authority to employ clerks and carriers and other officials. If he has the right now at this time to employ more than 33,200, and I think he has, then this attempt in an appropriation bill to limit his authority to employ more than 33,200 is clearly new legislation and subject to the point of order.

The CHAIRMAN. This provision, in the opinion of the Chair, is not a limit on the appropriation, but a limit on the official functions of an executive officer, and it has been ruled over and over again that that is not proper in a general appropriation bill. The Chair therefore sustains the point of order.

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21419, the post-office appropriation bill, and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I present a statement of the managers on the part of the House and the conference report on bill H. R. 14464, making appropriations for the District of Columbia, for printing under the rule.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 14464) making appropriations for the government of the District of Columbia for the fiscal year ending June 30, 1911.

The conference report (No. 663) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14464) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 12, 15, 16, 19, 20, 34, 35, 39, 40, 45, 48, 49, 50, 59, 64, 65, 81, 85, 86, 87, 92, 93, 94, 95, 96, 97, 98, 117, 125, 126, 130, 140, 141, 142, 143, 147, 155, 156, 158, 166, 170, 171, 175, 182, 183, 184, 185, 187, 195, 197, 198, 199, 213, 215, 216, 217, and 218.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 9, 10, 11, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 36, 42, 43, 46, 47, 52, 53, 54, 55, 56, 57, 58, 63, 66, 69, 70, 72, 73, 77, 79, 80, 82, 84, 89, 90, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 113, 114, 115, 121, 122, 123, 124, 128, 129, 131, 136, 138, 139, 146, 148, 150, 151, 152, 153, 154, 157, 159, 160, 162, 163, 164, 165, 167, 169, 179, 180, 181, 186, 188, 192, 202, 203, 204, 205, 208, 209, 210, 212, 214, 220, 223, 224, 225, and 226; and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "storekeeper, eight hundred dollars; messenger, six hundred dollars;" and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "one thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "chief clerk, one thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and nine thousand seven hundred and seventy-six dollars;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-one thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and

agree to the same with an amendment as follows: Strike out the amended paragraph and in lieu thereof insert the following:

"For extra labor in the preparation of tax-sale certificates, with authority to employ clerks, eight hundred dollars."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Strike out all after the word "clerks," in line 5, down to and including the word "hours," in line 6 of said amendment; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-nine thousand four hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That hereafter no illustrations shall be used in the annual report of any department of the government of the District of Columbia;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: At the end of said amendment, after the word "necessary," insert the following: "to be immediately available;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: On page 22 of the bill, in line 23, after the word "clerks," strike out the words "of the auditor's and other offices after office hours;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"Northeast: Monroe street, Thirteenth to Fifteenth street, grade and improve, four thousand dollars; and the City and Suburban Railway of Washington be, and it is hereby, authorized and directed to remove its double tracks from Michigan avenue from the intersection thereof with Monroe street NE. eastwardly to the tracks of the Baltimore and Ohio Railroad, and to extend its double tracks on Monroe street NE. eastwardly from said intersection and over the Monroe Street Bridge to Twelfth street NE., thence on Twelfth street northwardly to the Bunker Hill road, and thence northwardly on such street or road as may be designated by the Commissioners of the District of Columbia to the intersection of such street or road with the boundary line of the District of Columbia.

"The removal of existing tracks east of the intersection of Monroe street and Michigan avenue and the extension of the new double tracks on Monroe street as far as Twelfth street NE., as herein provided for, shall be completed within six months from the date of the granting of a permit therefor by the Commissioners of the District of Columbia; that the construction of that portion of the extension from Twelfth and Monroe streets to the Bunker Hill road, as herein provided for, shall be commenced within six months from the date of the granting of a permit therefor by the Commissioners of the District of Columbia and completed within six months from the commencement of construction operations; that the construction of that portion of the extension from the Bunker Hill road to the District line, herein provided for shall be commenced within six months from the date of the granting of a permit therefor by the Commissioners of the District of Columbia and completed within one year from the commencement of construction operations; that the cost of widening the roadway of Monroe street NE., between Tenth and Twelfth streets, to make the same forty feet wide from curb to curb, shall be paid by the City and Suburban Railway of Washington; and in default of such commencements and completions within the several periods specified herein all rights, franchises, and privileges granted herein shall, with respect to the defaulted portions of the route or routes, cease and determine.

"The said City and Suburban Railway of Washington shall have, over and respecting the routes herein provided for, the same rights, powers, privileges, duties, and obligations as it has, and hereafter may have, by law over and respecting its present route, and shall be subject in respect thereto to all the other provisions of its charter and of law.

"The City and Suburban Railway of Washington is hereby authorized to operate over its tracks cars for the conveyance of parcels, milk, ice, light freight, and of fuel for the use of such company: *Provided*, That fuel cars shall be operated only during the hours between twelve o'clock midnight and five o'clock antemeridian, and shall be subject to such regulations as may be made by the Interstate Commerce Commission."

And the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with amendments as follows: After the matter inserted by said amendment, insert as separate paragraphs the following:

"Southeast: Fourteenth street, U to V streets, pave thirty-four feet wide, seven thousand eight hundred and fifty dollars;

"Northwest: For additional amount to widen Thirteenth street extended ten feet on the easterly side between Park road and Monroe street, three hundred dollars, to be immediately available; and no assessment shall be made against or collected of adjacent property owners in consequence of the widening, grading, and improving of said street;"

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with amendments as follows: In line 6 of said amendment, after the word "Vernon," strike out the word "avenue" and insert in lieu thereof the word "street;" and in line 8 of said amendment, after the word "Vernon," strike out the word "avenue" and insert in lieu thereof the word "street;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighty-nine thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Transpose said amendment and insert the same on page 33 of the bill, between lines 21 and 22; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended as follows: On page 36, in line 3 of the bill, strike out the word "five" and insert in lieu thereof the word "ten;" and the Senate agree to the same.

Amendments numbered 74 and 75: That the House recede from its disagreement to the amendments of the Senate numbered 74 and 75, and agree to the same with amendments as follows: Strike out said amendments and strike out the amended paragraph, being lines 11 to 13, inclusive, page 37 of the bill; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Insert before the amended paragraph the word "playgrounds;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with amendments as follows: Strike out the matter inserted by said amendment and in lieu thereof insert the following:

"The public-convenience station appropriated for in the District of Columbia appropriation act for the fiscal year nineteen hundred and ten, approved March third, nineteen hundred and nine, to be located under the sidewalk on the east side of Ninth street NW., between F and G streets, shall be located under the sidewalk and under such portion of the public reservation adjoining such sidewalk as the Commissioners of the District of Columbia may deem necessary for said purpose; and the jurisdiction and control over such portion of said reservation as may be selected by said commissioners for said purpose is hereby transferred from the United States official having charge of said reservation to the Commissioners of the District of Columbia, such transfer to take effect on the date of notice by said commissioners to the said United States official of the portion of said reservation so selected.

"For one underground public-convenience station to be located in Dupont circle, to be immediately available, fourteen thousand dollars, or so much thereof as may be necessary: *Provided*, That the jurisdiction and control over such portion of Dupont

circle as may be selected by the Commissioners of the District of Columbia for the location of such station and its approaches is hereby transferred from the Chief of Engineers, United States Army, to the Commissioners of the District of Columbia; such transfer to take effect on the date of notice by the commissioners to the Chief of Engineers, United States Army, of the portion of Dupont circle so selected.

"And the authority granted in the District of Columbia appropriation act for the fiscal year nineteen hundred and ten, approved March third, nineteen hundred and nine, for the location of a public-convenience station on the triangle west of Dupont circle, between Twentieth and P streets and Massachusetts avenue, is hereby revoked, and the Commissioners of the District of Columbia are authorized to enter into a supplemental contract with the contractor for erecting said convenience station, providing for the abandonment of further work of construction, for removing construction work already done by him, for replacing said triangle in the condition which existed prior to beginning the construction of said station, and for the construction of the underground public-convenience station in Dupont circle. The balance of the appropriation of fifteen thousand dollars for the station on the triangle west of Dupont circle is hereby made available for this purpose, in addition to the fourteen thousand dollars herein appropriated."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following:

"For the purchase, installation, and maintenance of water meters to be placed on the water services of the Government Printing Office, the United States Navy-Yard, the United States Capitol building, the House and Senate office buildings, and the district building, said meters to be purchased, installed, maintained, and to remain under the observation and control of the officer in charge of the Washington Aqueduct, with the exception of the meter to be placed on the water service of the district building, which shall be purchased, installed, maintained, and be under the observation and control of the Commissioners of the District of Columbia, fourteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one thousand seven hundred and thirty-four;" and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment and insert in lieu thereof the following:

"*And provided further*, That teachers now employed in the normal, high, and manual-training schools, or hereafter to be appointed from without the District of Columbia in the said normal, high, or manual-training schools, may be placed in Group A, class 6, and receive their longevity increase according to their previous number of years of experience in accredited normal, high, or manual-training schools."

And the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and sixty-two thousand dollars;" and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventeen thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one thousand eight hundred dollars;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and thirteen thousand nine hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty thousand dollars;" and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-seven thousand dollars;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "not exceeding eight thousand dollars;" and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of an eight-room building for Randle Highlands, D. C., to be erected on a suitable site to be donated of not less than one acre of ground, the location thereof to be determined by the Commissioners of the District of Columbia, sixty-four thousand dollars." And on page 58, line 6 of the bill, before the word "three," insert the words "not exceeding;" and on same page, in line 12 of the bill, before the word "forty," insert the words "not exceeding;" and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "ground," insert the following words: "not exceeding;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In line 5 of said amendment, after the word "feet," insert the following words: "not exceeding;" and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-seven thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine hundred and thirty-five thousand six hundred and eighty-nine dollars and ninety-nine cents;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred and twenty thousand six hundred and thirty dollars;" and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-four thousand five hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eleven thousand one hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two assistant clerks, at one thousand dollars each;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixteen thousand four hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 174: That the House recede from its disagreement to the amendment of the Senate numbered 174, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nineteen thousand six hundred and thirty dollars;" and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four;" and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the number proposed insert "six;" and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eleven thousand two hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 190: That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 193: That the House recede from its disagreement to the amendment of the Senate numbered 193, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fourteen thousand eight hundred and eighty dollars;" and the Senate agree to the same.

Amendment numbered 194: That the House recede from its disagreement to the amendment of the Senate numbered 194, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-nine thousand dollars;" and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-seven thousand nine hundred and thirty dollars;" and the Senate agree to the same.

Amendment numbered 200: That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment as follows: On page 86 of the bill, in line 1, after the word "children," insert the following: "(white and colored);" and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seventy-two thousand two hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirteen thousand dollars;" and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-four thousand dollars;" and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-seven thousand dollars;" and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu 3 of said amendment, after the word "hereby," strike out the words "and hereafter;" and the Senate agree to the same.

Amendment numbered 221: That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"Toward the extension of water trunk mains to Congress Heights, D. C., said sum to be in addition to the sums herein appropriated from the revenues of the water department, fifty thousand dollars."

And the Senate agree to the same.

Amendment numbered 222: That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment as follows: Strike out the matter inserted by said amendment, and in lieu thereof insert the following:

"For the extension of twelve-inch water main from Elliot place along the Conduit road to Weaver terrace, and for laying eight-inch water mains in Forty-seventh place, Ashby street, Edmund street, and Sherrier place, said sum to be in addition to the sums herein appropriated from the revenues of the water department, twenty-four thousand dollars: *Provided*, That assessments for water mains hereinbefore provided for shall be levied in accordance with the provisions of an act approved April twenty-second, nineteen hundred and four, entitled 'An act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes:' *And provided further*, That all such assessments when collected shall be covered into the Treasury to the credit of the revenues of the District of Columbia and the revenues of the United States in equal parts."

And the Senate agree to the same.

WASHINGTON GARDNER,
E. L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on the part of the House.

J. H. GALLINGER,
S. B. ELKINS,
MURPHY J. FOSTER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 14464, making appropriations for the government of the District of Columbia for the fiscal year 1911, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the said amendments, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, and 8, relating to the executive office: Increases the salary of one clerk from $600 to $840; provides for a storekeeper at $800 instead of a messenger at $600; increases the salary of the principal inspector of buildings from $1,600 to $1,800; and provides for a chief clerk at $1,500 in the building-inspection division.

On amendments Nos. 7, 8, and 9: Strikes out the provision for an additional fireman at $720 for care of the District building, and provides for laundry for the service of said building.

On amendments Nos. 10, 11, 12, 13, and 14, relating to the collector's office: Increases the pay of one clerk from $1,200 to $1,400; strikes out the proposed increase of pay of one clerk from $1,000 to $1,200; and strikes out the authority to employ clerks on extra labor with pay.

On amendments Nos. 15 and 16: Strikes out the proposed increase of one clerk at $1,000 in the auditor's office.

On amendments Nos. 17 and 18: Provides for a hostler and janitor at $360 in the coroner's office.

On amendments Nos. 19, 20, and 21: Strikes out the designation of assistants as "first" and "second" in the office of sealer of weights and measures; and appropriates $300 for extra services for that office.

On amendments Nos. 22, 23, 24, and 25, relating to the engineer office: Increases the pay of one messenger from $540 to $600, and provides for an additional inspector of gas and meters at $900.

On amendment No. 26: Provides for the organization of the street-sweeping office, as proposed by the Senate, at an aggregate cost of $45,560 instead of $32,960, as proposed by the House.

On amendment No. 27: Inserts the provision, proposed by the Senate, fixing a tax on automobiles or other motor vehicles.

On amendment No. 28: Inserts the provision, proposed by the Senate, relating to the publication of the reports of the superintendent of insurance.

On amendments Nos. 29, 30, 31, 32, and 33: Provides for a clerk at $1,225 instead of $1,500; for one inspector at $1,200 instead of $975; and one draftsman at $1,225 instead of $975, in the surveyor's office, as proposed by the Senate.

On amendments Nos. 34, 35, 36, and 37, relating to the free public library: Strikes out the provision for the chief of the order department at $1,200, and chief of the catalogue department at $1,500, and increases the pay of one collator from $360 to $480.

On amendment No. 38: Inserts the provision, proposed by the Senate, prohibiting illustrations in annual reports of the departments of the District of Columbia government.

On amendment No. 39: Strikes out the appropriation of $1,000, proposed by the Senate, for a time service in the District of Columbia.

On amendment No. 40: Appropriates $5,000, as proposed by the House, instead of $5,500, as proposed by the Senate, for contingent expenses of the stables of the Engineer Department.

On amendment No. 41: Appropriates $2,400, as proposed by the Senate, for a motor vehicle for the engineer commissioner.

On amendments Nos. 42, 43, and 44: Appropriates $900, as proposed by the Senate, instead of $300, as proposed by the House, for copies of papers furnished by the register of wills; and makes immediately available the appropriation for motor-vehicle tags, and the appropriation to complete the classification of the District of Columbia records.

On amendment No. 45: Strikes out the provision, inserted by the Senate, relating to purchases for the District government not exceeding $25.

On amendments Nos. 46 and 47: Provides for the retransfer to the United States, when desired by the Chief of Engineers, of reservation 185; and makes a verbal correction in the text of the bill.

On amendment No. 48. Strikes out the provision, proposed by the Senate, requiring use of "bitulithic pavement."

On amendments Nos. 49 and 50: Strikes out the appropriations, proposed by the Senate, of $15,000 for paving Nineteenth street between L and N streets, and $3,000 for repaving U street between Eighteenth and Nineteenth streets.

On amendments Nos. 51 and 52: Appropriates $4,000 instead of $3,000, as proposed by the House, and $3,750, as proposed by the Senate, for improving Monroe street; inserts a provision relating to the tracks of the City and Suburban Railway of Washington; and makes a verbal correction in the text of the bill.

On amendments Nos. 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62: Appropriates $89,500, instead of $50,500 as proposed by the House, and $83,000 as proposed by the Senate, for the construction of certain country roads and suburban streets.

On amendment No. 63: Strikes out of the bill the provision, proposed by the House, authorizing changes in the width of streets and avenues.

On amendments Nos. 64 and 65: Appropriates $7,000 as proposed by the House, instead of $12,000 as proposed by the Senate, for replacing walks and curbs around public reservations and municipal buildings.

On amendment No. 66: Appropriates $12,000, as proposed by the Senate, for strengthening and stiffening bridge No. 30 across Rock Creek.

On amendment No. 67: Inserts the provision, proposed by the Senate, relating to the widening of Cedar street and constructing a subway and bridge to carry said street under the tracks of the Baltimore and Ohio Railway Company.

On amendments Nos. 68 and 69: Appropriates $110,000, instead of $100,000 as proposed by the House, and $120,000 as proposed by the Senate, for suburban sewers, and appropriates $40,000, as proposed by the Senate, for the Rock Creek main intercepting sewer.

On amendment No. 70: Inserts provision, proposed by the Senate, authorizing purchase of horse-propelled street-washing machines.

On amendment No. 71: Appropriates $10,000 instead of $5,000, as proposed by the House, for cleaning snow and ice from streets, walks, and gutters.

On amendment No. 72: Inserts the provision, proposed by the Senate, authorizing contracts for periods not exceeding five years for removal of garbage, refuse, ashes, night soil, and dead animals.

On amendment No. 73: Appropriates $37,500, as proposed by the Senate, instead of $35,000, as proposed by the House, for the Parking Commission.

On amendments Nos. 74, 75, 76, and 77, relating to playgrounds: Strikes out the entire appropriation of $17,000, payable wholly from the revenues of the District, proposed by the House, for maintenance, repairs, equipment, supervision, and supplies, and increases the amount for toilet facilities and shelter houses for the Rosedale and Georgetown playgrounds from $2,500 each to $3,700 each, as proposed by the Senate.

On amendment No. 78: Strikes out the appropriation of $22,500, proposed by the Senate, for a convenience station at Thirty-second and M streets NW.; inserts an appropriation of $14,000 for an underground convenience station in Dupont Circle; and discontinues the construction of the convenience station authorized at Twentieth and P streets and Massachusetts avenue.

On amendments Nos. 79 and 80: Provides for an additional draftsman at $1,000 in the electrical department, as proposed by the Senate.

On amendment No. 81: Strikes out appropriation of $480, proposed by the Senate, for electric arc lamps on the Union Station plaza.

On amendment No. 82: Appropriates $27,500, as proposed by the Senate, instead of $23,000, as proposed by the House, for treatment of Potomac water by means of a coagulant.

On amendment No. 83: Appropriates $14,000 for installation of water meters in certain government buildings in the District of Columbia, including the Capitol, instead of $30,000, as proposed by the Senate, for water meters to be placed on all services to United States buildings, reservations, or grounds.

On amendment No. 84: Appropriates $17,500, as proposed by the Senate, instead of $15,000, as proposed by the House, for Rock Creek Park.

On amendment No. 85: Strikes out the provision, proposed by the Senate, authorizing the Capitol Traction Company to construct a connecting line into Rock Creek Park.

On amendments Nos. 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, and 98, relating to the officers and teachers of public schools: Strikes out the proposed increase of $200 in the salary of the secretary to the school board; provides for the number of teachers proposed by the House, instead of the number proposed by the Senate; strikes out the provision, proposed by the Senate, in amendments Nos. 91 and 93 relating to the longevity pay of teachers, and the placing of certain teachers in group A, class 6; and inserts a provision authorizing "that teachers now employed in the normal, high, and manual training schools, or hereafter to be appointed from without the District of Columbia in the said normal, high, or manual training schools, may be placed in group A, class 6, and receive their longevity increase according to their previous number of years of experience in accredited normal, high, or manual training schools."

On amendments Nos. 99, 100, 101, 102, 103, 104, 105, 106, 107, and 108: Appropriates for 23 librarians and clerks instead of 22, as proposed by the House.

On amendment No. 109: Appropriates $362,000 instead of $280,000, as proposed by the House, and $403,230, as proposed by the Senate, for longevity pay of school-teachers.

On amendment No. 110: Appropriates $17,500 instead of $17,000, as proposed by the House, and $18,000, as proposed by the Senate, for night schools.

On amendments Nos. 111, 112, 113, 114, 115, and 116: Appropriates $113,960 instead of $112,360, as proposed by the House, and $114,360, as proposed by the Senate, for janitors and care of school buildings and grounds.

On amendment No. 117: Strikes out the provision proposed by the Senate for two public-school nurses at $900 each.

On amendments Nos. 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, and 131, relating to miscellaneous expenses of public schools: Appropriates $16,000 instead of $15,000, as proposed by the House, and $17,500, as proposed by the Senate, for rent; $13,000 instead of $12,000, as proposed by the House, and $13,500, as proposed by the Senate, for atypical and ungraded classes; $60,000 instead of $50,000, as proposed by the House, and $75,000, as proposed by the Senate, for repairs and improvements to school buildings; $10,550, as proposed by the Senate, instead of $10,400, as proposed by the House, for furniture; $47,500, as proposed by the House, instead of $48,000, as proposed by the Senate, for contingent expenses; $67,000 instead of $65,000, as proposed by the House, and $70,000, as proposed by the Senate, for books and school supplies; $2,000, as proposed by the Senate, instead of $1,000, as proposed by the House, for apparatus for the physics departments of high

schools; strikes out the appropriation of $2,000, proposed by the Senate, for laboratories of high schools; makes available for portable schoolhouses the unexpended balances of appropriations for rent of temporary rooms to provide for increased enrollment.

On amendments Nos. 132, 133, 134, 135, 136, 137, and 138, relating to buildings and grounds for the public schools: Appropriates not exceeding $8,000, as proposed by the Senate, instead of $3,000, as proposed by the House, for additional ground for the Orr school; $64,000, as proposed by the Senate, instead of $32,000, as proposed by the House, for an eight-room building for Randle Highlands; not exceeding $1,500, as proposed by the Senate, for additional ground adjacent to the Brookland School; not exceeding $20,000, as proposed by the Senate, for site for a schoolhouse west of the Soldiers' Home grounds; makes available the unexpended balance for the completion of the McKinley Manual Training School for the further extension of that building; appropriates $37,500 instead of $30,000, as proposed by the House, and $45,000, as proposed by the Senate, for additional amount for "repairs and improvement of school buildings and grounds;" and makes all appropriations for sites and for construction of school buildings immediately available.

On amendment No. 139: Appropriates $10,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for the instruction of deaf and dumb persons.

On amendments Nos. 140, 141, 142, 143, 144, and 145: Strikes out the increase proposed by the Senate for the Metropolitan police, and increases the allowance to mounted officers and privates of the force from $240 to $260 each.

On amendment No. 146: Appropriates $3,000, as proposed by the Senate, to aid in the support of the National Bureau of Criminal Identification.

On amendments Nos. 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156, relating to the fire department: Strikes out the proposed increase of one battalion chief engineer at $2,000; provides for a superintendent of machinery at $1,800; appropriates $13,000, as proposed by the Senate, instead of $12,000, as proposed by the House, for repairs to apparatus and for new apparatus; $28,000, as proposed by the Senate, instead of $27,000, as proposed by the House, for forage; $25,000, as proposed by the Senate, instead of $24,500, as proposed by the House, for contingent expenses; strikes out the appropriation of $55,000, proposed by the Senate, for a new engine house in the northwest section of the city.

On amendments Nos. 157, 158, 159, 160, 161, 162, 163, 164, and 165, relating to the health department: Provides for an additional inspector of dairy and dairy farms at $1,000, and a skilled laborer at $600; strikes out the provision for a bacteriologist at $2,000; increases the pay of a driver from $540 to $600; appropriates $10,000, as proposed by the Senate, instead of $6,000, as proposed by the House, for the contagious-diseases service; appropriates $500, as proposed by the Senate, for the bacteriological laboratory; and $1,000, as proposed by the Senate, instead of $500, as proposed by the House, for contingent expenses incident to the inspection of milk.

On amendments Nos. 166, 167, 168, and 169, relating to the juvenile court: Strikes out the provision for an additional clerk at $1,000; provides for a bailiff at $700; and inserts the provision, proposed by the Senate, relating to moneys paid by order of the juvenile court.

On amendments Nos. 170 and 171: Appropriates $500, as proposed by the House, instead of $750, as proposed by the Senate, for repairs to police court building.

On amendments Nos. 172, 173, and 174: Provides for one instead of two additional assistant clerks at $1,000 each, as proposed by the Senate, for the municipal court.

On amendment No. 175: Strikes out the provision, proposed by the Senate, authorizing purchases for the District of Columbia in the open market.

On amendments Nos. 176, 177, and 178: Provides for one additional watchman, at $720, and one additional laborer, at $480, for the court-house.

On amendments Nos. 179, 180, and 181, relating to the Washington Asylum: Increases the pay of the engineer from $720 to $900, as proposed by the Senate; and appropriates $2,750, as proposed by the Senate, instead of $2,625, as proposed by the House, for pupil nurses.

On amendments Nos. 182, 183, 184, and 185, relating to the Home for the Aged and Infirm: Increases the amount for temporary labor from $600 to $800; and the amount for repairs and improvements to buildings from $1,500 to $2,000, as proposed by the Senate.

On amendment No. 186: Appropriates $15,000, as proposed by the Senate, instead of $14,000, as proposed by the House, for the Central Dispensary and Emergency Hospital.

On amendment No. 187: Appropriates $9,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for the Eastern Dispensary.

On amendment No. 188: Appropriates $5,000, as proposed by the Senate, instead of $4,000, as proposed by the House, for the Washington Home for Incurables.

On amendments Nos. 189, 190, 191, 192, 193, 194, 195, and 196, relating to the Tuberculosis Hospital: Increases the pay of the superintendent of nurses from $600 to $720; of seven graduate nurses from $365 to $420 each; of the chief cook from $480 to $540; and of three orderlies from $300 to $360 each; appropriates $29,000 instead of $28,000, as proposed by the House, and $30,000, as proposed by the Senate, for provisions and miscellaneous expenses; and $750, as proposed by the House, instead of $1,000, as proposed by the Senate, for repairs and improvements to buildings and grounds.

On amendment No. 197: Leaves in the bill the provision, proposed by the House, authorizing the acceptance of voluntary medical services in charitable institutions, instead of consulting medical services, as proposed by the Senate.

On amendments Nos. 198, 199, 200, and 201, relating to the Board of Children's Guardians: Strikes out the increase of one placing officer, at $1,000, proposed by the Senate; appropriates $20,000, as proposed by the Senate, instead of $18,000, as proposed by the House, for maintenance of feeble-minded children.

On amendments Nos. 202, 203, 204, 205, 206, and 207, relating to the Industrial Home School: Increases the salary of the superintendent from $1,200 to $1,500; the engineer from $600 to $720; and the farmer from $480 to $540; appropriates $13,000 instead of $12,000, as proposed by the House, and $15,000, as proposed by the Senate, for expenses of maintenance.

On amendment No. 208: Appropriates $5,400, as proposed by the Senate, instead of $5,000, as proposed by the House, for the Washington Home for Foundlings.

On amendments Nos. 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, and 220, relating to the militia of the District of Columbia: Appropriates $47,000, instead of $45,300, as proposed by the House and $49,100 as proposed by the Senate, for expenses of camps, rent, and other purposes; $1,988 as proposed by the Senate, instead of $750 as proposed by the House, for lockers and furniture; $2,000 as proposed by the House, instead of $2,500 as proposed by the Senate, for cleaning and repairing uniforms; $24,000 as proposed by the Senate, instead of $18,500 as proposed by the House, for pay of troops; strikes out the provision, proposed by the Senate, with relation to certain moneys not expended for pay of troops; and inserts in the bill, as proposed by the Senate, authority for deducting from pay of officers or enlisted men to reimburse the United States or the District of Columbia for public property lost, destroyed, or damaged.

On amendment No. 221: Appropriates $50,000, as proposed by the House, instead of $106,000, as proposed by the Senate, for the extension of water-trunk mains to Congress Heights.

On amendment No. 222: Appropriates $24,000 instead of $61,000, as proposed by the Senate, for laying a water main in Conduit road.

On amendments Nos. 223, 224, and 225, relating to the water department: Provides for an additional meter computer at $1,000, and for postage and damages, as proposed by the Senate.

On amendment No. 226: Authorizes, during the fiscal year 1911, the use of $65,000 instead of $62,000, as proposed by the House, out of the general appropriation for improvements, for the employment of personal services under the engineer department.

The bill as finally agreed upon appropriates $10,625,425.99, being $555,202.50 less than the estimates and $74,105.50 less than the current law.

WASHINGTON GARDNER,
E. L. TAYLOR, JR.,
A. S. BURLESON,
Managers on the part of the House.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18586. An act amending sections 246 and 247, Revised Statutes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6271. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 2072. An act for the relief of John Reed, alias Michael Flanagan;

S. 4672. An act for the relief of William Keyes; and
S. 2445. An act for the relief of Peter Fleming.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 18586. An act amending sections 246 and 247, Revised Statutes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4446. An act to give the Secretary of the Treasury discretionary power in regard to the improvement of the post-office and court-house at Wilmington, Del.—to the Committee on Public Buildings and Grounds.

S. 6168. An act creating a government business-methods commission—to the Committee on Appropriations.

PRICE OF FOOD PURCHASED BY UNITED STATES NAVY.

Mr. FOSS. Mr. Speaker, I submit the following privileged report (No. 665), which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 408.

Resolved, That the Secretary of the Navy be, and he is hereby, respectfully requested to furnish to the House of Representatives a table showing the prices paid by vessels of the United States Navy during 1909 in United States and foreign ports for the following-named supplies, to wit: Beef, corned beef, veal, pork, bacon, ham, fowl, ice, eggs, milk, bread, potatoes, and fruit.

With the following amendment:

Line 1, after "navy," insert "if not incompatible with the public interests."

Mr. FOSS. Mr. Speaker, I move the adoption of the resolution.

Mr. MANN. Mr. Speaker, before the gentleman does that, may I ask him what is the object of putting in that provision, "if not incompatible with the public interests?"

Mr. FOSS. It is a usual provision, I will say, in all resolutions of inquiry.

Mr. MANN. It is usual in addressing the President and is usual in addressing the State Department on diplomatic matters, but if my recollection serves me right, it is not the usual form in addressing an ordinary department asking for information. We direct the department to send us information. We determine whether we want it or not, where it does not affect our diplomatic relations, and I hope the gentleman will not insist upon that amendment.

Mr. FOSS. I will state to the gentleman that it has always been customary, as far as the Committee on Naval Affairs is concerned, to insert those words in every resolution of inquiry, and has been for a great many years.

Mr. MANN. I will say to the gentleman it certainly is not the custom of the House to put those words in, and the Senate is extremely particular about striking them out.

Mr. FASSETT. It may well be that in certain lines of inquiry that saving clause ought to be inserted, as, for instance, if a committee of this House should want to know the plans of a battle ship or the details of some patented weapon or powder. In that case it might be well enough to insert the saving clause.

Mr. MANN. Certainly there are cases where it is justifiable, but where we want simply some plain information which the department has, it does not seem to me dignified for the House to insert that saving clause when directing information to be sent here which it knows the department has and of which we can judge just as well as the department as to whether it is incompatible with the public interests.

Mr. CLARK of Missouri. Well, we took leave of our dignity the other night.

Mr. MANN. Then we ought to reassert it now.

Mr. FOSS. I have no objection to those words going out.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. FOSS. Mr. Speaker, I now move the adoption of the resolution.

Mr. CLARK of Missouri. Is this part and parcel of the inquiry into the high cost of living?

Mr. FOSS. No; the resolution was offered by a Member of the House asking for information.

Mr. CLARK of Missouri. I just wanted to know what the reason was.

Mr. FOSS. I do not know what the reason is. The reason is in the mind of the introducer of the resolution. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

GUN CONTRACTS, UNITED STATES NAVY.

Mr. FOSS. Mr. Speaker, I now present the following privileged report (No. 664), which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution No. 410.

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the House of Representatives the following information, to wit:

(a) What contracts, if any, have been made since July 1, 1909, for 12-inch, 7-inch, 6-inch, and 5-inch guns for the navy.

(b) The firm or firms with which said contracts have been made.

(c) The price agreed to be paid to each firm for each gun of the above-mentioned caliber.

(d) The number of each caliber of guns contracted for with each firm and the total amount of these contracts with each firm.

With the following amendment:

Line 1, after "navy," insert "if not incompatible with the public interests."

Mr. FOSS. Mr. Speaker, I move the adoption of the resolution.

Mr. FITZGERALD. Mr. Speaker, I hope the gentleman will not insist on the amendment, "if not incompatible with the public interests." We have a statement about these contracts before the Committee on Appropriations, except that we have not the definite information called for by this resolution. If the department were to take the extraordinary position that it is incompatible with public interests to furnish this information it would lead to a very peculiar situation, since we wish to get the official information from the department before acting upon certain matters. I hope that amendment will not be adopted.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

ADJOURNMENT.

On motion of Mr. WEEKS (at 5 o'clock and 29 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for purchase of storage shed at Mare Island Navy-Yard (H. Doc. No. 732)—to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMILTON, from the Committee on the Territories, to which was referred the joint resolution of the House (H. J. Res. 155) providing for a special election in the Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 659), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18176) making an appropriation for the survey of public lands lying within the limits of land grants, to provide for the forfeiture to the United States of unsurveyed land grants to railroads, and for other purposes, reported the same with amendment, accompanied by a report (No. 660), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 13517) authorizing a credit in certain accounts of the Treasurer of the United States, reported the same without amendment, together with the views of the minority, accompanied by a report (No. 661), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21428) authorizing the Secretary of the Interior to make temporary with-

drawals of public lands for certain purposes, reported the same without amendment, accompanied by a report (No. 662), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21221) to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan, reported the same without amendment, accompanied by a report (No. 644), which said bill and report were referred to the House Calendar.

Mr. GREENE, from the Committee on the Merchant Marine and Fisheries, to which was referred the resolution of the House (H. Res. 402) of inquiry of the Secretary of State, reported the same without amendment, accompanied by a report (No. 645), which said resolution and report were referred to the House Calendar.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21124) to provide for an investigation of the surveys by which the southern boundary line of the State of Alabama, between ranges 4 and 14 east of the St. Stephens meridian, in Escambia County, was fixed, and for a report thereon, reported the same without amendment, accompanied by a report (No. 653), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6542) to authorize the honorable discharge of Theodore F. Colgrove, late lieutenant-colonel of the One hundred and forty-seventh Regiment Indiana Infantry, reported the same with amendment, accompanied by a report (No. 642), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14288) to correct the military record of George W. Spencer, reported the same with amendment, accompanied by a report (No. 643), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6767) for the relief of Charles A. Bess, reported the same with amendment, accompanied by a report (No. 646), which said bill and report were referred to the Private Calendar.

Mr. MORGAN of Missouri, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 6901) to provide for the honorable discharge of Platoff Bush, reported the same with amendment, accompanied by a report (No. 647), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8621) to remove the charge of desertion against Aaron B. Van Pelt and grant him an honorable discharge, reported the same with amendment, accompanied by a report (No. 648), which said bill and report were referred to the Private Calendar.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11936) to remove the record of dishonorable discharge from the record of Jacob Conrad, reported the same with amendment, accompanied by a report (No. 649), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18845) for the relief of Marmon A. Martin, reported the same with amendment, accompanied by a report (No. 650), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 20603) for the relief of Henry Halteman, reported the same without amendment, accompanied by a report (No. 651), which said bill and report were referred to the Private Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 21075) to correct the military record of Frederick D. Grant, reported the same without amendment, accompanied by a report (No. 652), which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 5373) for the relief of Capt. J. W. Hanner, reported the same with amendment, accompanied by a report (No. 654), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 13243) for the relief of S. W. Langhorne and H. S. Howell, reported the same with amendment, accompanied by a report (No. 655), which said bill and report were referred to the Private Calendar.

Mr. MILLINGTON, from the Committee on Claims, to which was referred the bill of the House (H. R. 15226) for the relief of the heirs of the estate of J. Calvin Kinney, deceased, reported the same with amendment, accompanied by a report (No. 656), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17493) for the relief of the Baltimore and Ohio Railroad Company, reported the same without amendment, accompanied by a report (No. 657), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 20881) for the relief of the heirs of Jerry H. Powell, reported the same adversely, accompanied by a report (No. 658), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ROBINSON: A bill (H. R. 22064) to authorize and provide for the investigation and survey of swamp, wet, and overflowed lands in the Mississippi Valley susceptible to drainage, and to devise plans and systems therefor—to the Committee on Agriculture.

By Mr. SMITH of Michigan: A bill (H. R. 22065) to amend the act of June 27, 1890, the act of April 19, 1908, and other acts relating to pensions—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 22066) to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: A bill (H. R. 22067) to promote the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. McCREDIE: A bill (H. R. 22068) to provide a site and erect a public building thereon at Centralia, Wash.—to the Committee on Public Buildings and Grounds.

By Mr. CREAGER: A bill (H. R. 22069) to compensate the Delaware Indians for services rendered by them to the United States in various wars—to the Committee on the Public Lands.

(By request.) Also, a bill (H. R. 22070) providing for the creation of a reserve oil-fuel supply for the United States Navy—to the Committee on Naval Affairs.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 22071) to amend and clarify the provisions of the act approved June 28, 1906, relating to the Osage Nation of Indians, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 22072) to amend and clarify the provisions of the act approved June 28, 1906, relating to the Osage Nation of Indians, and for other purposes—to the Committee on Indian Affairs.

By Mr. LIVINGSTON: A bill (H. R. 22073) providing for the use of the United States prisoners in the construction of a state highway between Fort McPherson, Ga., and the United States rifle range near Waco, Ga.—to the Committee on Military Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 22074) to reinstate certain homestead entries in the Ozark and Arkansas national forests and to confirm titles to the lands embraced therein in the original claimants, and for other purposes—to the Committee on the Public Lands.

By Mr. MOON of Pennsylvania: A bill (H. R. 22075) to fix the salaries of certain judges of the United States—to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 22076) authorizing the purchase of grounds and buildings for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, for Washington market and inaugural hall, and for promotion of the manufacturing industry in the United States and issuing bonds therefor, and for other purposes—to the Committee on the District of Columbia.

By Mr. HENRY of Texas: A bill (H. R. 22077) to amend section 5278 of the Revised Statutes of the United States of America—to the Committee on the Judiciary.

By Mr. CARTER: Resolution (H. Res. 481) requesting information concerning the amount paid railroad companies for transportation of mails—to the Committee on the Post-Office and Post-Roads.

By Mr. BOOHER: Joint resolution (H. J. Res. 160) to enable the States of Missouri and Kansas to agree upon a boundary line and to determine the jurisdiction of crimes committed upon the Missouri River and adjacent territory—to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 161) authorizing and directing the Secretary of State to arrange an international conference to fix the maximum depth of rivers, harbors, and the approaches thereto—to the Committee on Foreign Affairs.

By Mr. SIMMONS: Memorial of the legislature of New York, favoring construction of vessels of war at the United States navy-yard at Brooklyn, N. Y.—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 22078) for the relief of the legal representatives of Henry Callier, deceased—to the Committee on War Claims.

By Mr. ANDERSON: A bill (H. R. 22079) granting an increase of pension to Lorenzo Emmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22080) granting an increase of pension to Daniel Kanzleiter—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 22081) granting an increase of pension to William K. Easterly—to the Committee on Invalid Pensions.

By Mr. BURLESON: A bill (H. R. 22082) for the relief of the heirs of C. J. Stockbridge—to the Committee on Claims.

Also, a bill (H. R. 22083) for the relief of J. S. Scarborough—to the Committee on Claims.

By Mr. CASSIDY: A bill (H. R. 22084) for the relief of Rudolph L. Johns—to the Committee on War Claims.

Also, a bill (H. R. 22085) for the relief of Joseph Sledz—to the Committee on War Claims.

Also, a bill (H. R. 22086) for the relief of Ignac Rosinski—to the Committee on War Claims.

Also, a bill (H. R. 22087) for the relief of Joseph Kuehne—to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 22088) granting a pension to Nancy Kephart—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 22089) granting a pension to Rachael Gann—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 22090) granting an increase of pension to Joel D. Melton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22091) granting an increase of pension to Francis M. Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22092) granting an increase of pension to Thomas J. Darrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22093) granting a pension to Thomas Lathrop—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 22094) granting an increase of pension to David Hancock—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 22095) for the relief of W. W. Wall—to the Committee on Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 22096) granting a pension to Edward Waldo—to the Committee on Pensions.

Also, a bill (H. R. 22097) granting an increase of pension to Daniel Bayley—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 22098) granting a pension to Caroline E. Tanner—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 22099) granting an increase of pension to Bridget Dixon—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 22100) granting a pension to W. L. Sharp—to the Committee on Pensions.

Also, a bill (H. R. 22101) granting a pension to Tazwell T. Ward—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 22102) granting a pension to Caroline A. Mitchell—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 22103) granting a pension to Charles E. Winkler Walters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22104) providing for the relief of S. C. Gist—to the Committee on Claims.

By Mr. HUGHES of West Virginia: A bill (H. R. 22105) granting an increase of pension to Charles R. Gunn—to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 22106) granting a pension to Timothy Tyler—to the Committee on Pensions.

By Mr. KOPP: A bill (H. R. 22107) granting an increase of pension to Joseph M. Rose—to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 22108) to remove the charge of desertion from the military record of George F. Harter—to the Committee on Military Affairs.

By Mr. KRONMILLER: A bill (H. R. 22109) for the relief of the legal representatives of William P. Custis—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 22110) granting a pension to William Tincher—to the Committee on Pensions.

Also, a bill (H. R. 22111) granting a pension to J. D. Cornett—to the Committee on Pensions.

Also, a bill (H. R. 22112) granting an increase of pension to Jeremiah C. Easterling—to the Committee on Invalid Pensions.

By Mr. LATTA: A bill (H. R. 22113) granting an increase of pension to William W. Miner—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 22114) granting an increase of pension to Charles Schoenbein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22115) granting an increase of pension to Frederick Bittmann—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 22116) granting an increase of pension to Henry Outten—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 22117) granting an increase of pension to William Vandeventer—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 22118) granting an increase of pension to John J. Stockton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22119) granting an increase of pension to John R. Parmley—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 22120) granting an increase of pension to Edward F. Tucker—to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 22121) granting an increase of pension to Charles S. Cairncross—to the Committee on Pensions.

By Mr. PUJO: A bill (H. R. 22122) for the relief of David Siess—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 22123) granting an increase of pension to Sires B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22124) granting an increase of pension to William V. Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22125) granting an increase of pension to Alpheus Grovenburgh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22126) granting an increase of pension to G. H. Wert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22127) granting an increase of pension to Seneca L. Rariden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22128) granting an increase of pension to George M. Trickey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22129) granting an increase of pension to Horace Berlew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22130) granting an increase of pension to Thomas V. Malone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22131) granting an increase of pension to R. H. L. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22132) granting an increase of pension to Charles Butler—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 22133) granting an increase of pension to William Brown—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 22134) granting a pension to Laura B. McClung—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 22135) granting an increase of pension to William H. Overly—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 22136) to remove the record of dishonorable discharge from the record of James Parsons—to the Committee on Military Affairs.

Also, a bill (H. R. 22137) granting an increase of pension to George A. Russ—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 22138) granting an increase of pension to John F. Linn—to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 22139) for the relief of the heirs of Adam and Noah Brown—to the Committee on War Claims.

By Mr. TOWNSEND: A bill (H. R. 22140) for the relief of Arra M. Farnsworth—to the Committee on Claims.

By Mr. WHEELER: A bill (H. R. 22141) granting an increase of pension to Joseph Landis—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 22142) granting an increase of pension to William H. Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22143) granting an increase of pension to Alexander Morrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22144) granting an increase of pension to W. J. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22145) granting an increase of pension to James Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22146) granting a pension to Kate Pennybacker—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of citizens of Pickens, S. C., protesting against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. ALEXANDER of New York: Petition of legislature of New York, for one battle ship to be built in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. ANDERSON: Papers to accompany bills for relief of Lewis Siples, Peter W McIntire, David Wirtz, John Freleck, and John Zedeker—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of assembly of New York State, for construction of at least one battle ship at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Thatford Post, No. 3, Department of New York, Grand Army of the Republic, against placing the Lee statue in Statuary Hall—to the Committee on the Library.

Also, petition of Columbus Council, No. 126, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of N. B. Critchfield, of Pennsylvania, secretary of agriculture, favoring House bill 21318—to the Committee on Agriculture.

By Mr. CALDERHEAD: Petition of Belleville (Kans.) Council, No. 6, and Miltonvale (Kans.) Council, No. 179, Sons and Daughters of Justice, in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. CAMPBELL: Petition of W. P. Sarting and others, against House bill 16314—to the Committee on the Post-Office and Post-Roads.

By Mr. CANTRILL: Paper to accompany bill for relief of Samuel Kephart—to the Committee on Invalid Pensions.

By Mr. CARY: Petition of Philadelphia Board of Trade, favoring House bill 3075, against the Post-Office Department printing on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of Walter Coles Cabell, against enforcement of clause 38 of the Payne law until decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of Maritime Association of New York, for Senate bill 5106 and House bill 17536—to the Committee on Interstate and Foreign Commerce.

By Mr. COUDREY: Petition of St. Louis (Mo.) Paint, Oil and Drug Club, approving appointment of reform board of consulting and scientific experts to enable Secretary of Agriculture to consult eminent and expert chemists for opinion when disputes arise as to deleteriousness of any particles added to the food—to the Committee on Agriculture.

By Mr. DAVIS: Petition of General Alumni Association of University of Minnesota, favoring passage of what is known as the "612 additional officers' bill"—to the Committee on Military Affairs.

Also, petition of John King and other citizens of Rice County, Minn., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Captain Richard Somers Chapter, Daughters of the American Revolution, of St. Peter, Minn., for retention of Department of Information in Immigration Bureau—to the Committee on Immigration and Naturalization.

Also, petition of F. G. Zich and others, of McLeod County, Minn., against increase of postal rate on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Marquette Council, No. 842, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. DODDS: Petition of citizens of Montcalm County, Mich., in opposition to the passage of the Johnston Sunday bill (S. 404)—to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Spanish-American War Veterans, Department of New York, for an increase of pension of the wife of Rear-Admiral Coghlan—to the Committee on Pensions.

Also, petition of Council No. 276, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rochester (N. Y.) Chamber of Commerce, for consulate houses abroad (H. R. 15814)—to the Committee on Foreign Affairs.

By Mr. ENGLEBRIGHT: Petition of W. G. Tubby, of San Francisco, manager of the marine department of the Union Oil Company of California, and board of trustees of the Chamber of Commerce of San Francisco, against transfer of construction of Pilot Charts from Hydrographic Office to Weather Bureau—previously referred to the Committee on Naval Affairs, reference changed to the Committee on Appropriations.

By Mr. FINLEY: Petition of Old Cheraws Chapter, Daughters of the American Revolution, for retention of the Bureau of Information in Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of Eagle Council, No. 38, Loyal Association, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Spanish-American War Veterans, Department of New York, for appropriation to raise the *Maine*—to the Committee on Naval Affairs.

Also, petition of Encampment No. 51, Union Veterans' Union Legion, for a memorial building at Fort Wayne to Gen. Anthony Wayne—to the Committee on the Library.

Also, petition of New York Produce Exchange, for retention of the Pilot Chart preparation in the Hydrographic Office of the Navy—to the Committee on Naval Affairs.

Also, petition of American Paper and Pulp Association, favoring the deferring of making reports required under the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Spanish-American War Veterans, Department of New York, for increase of the pension of the widow of Rear-Admiral Coghlan—to the Committee on Pensions.

Also, petition of legislature of New York State, for building at the Brooklyn Navy-Yard one battle ship—to the Committee on Naval Affairs.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Daniel Bagley—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Gustav H. Schwab, of New York City, for promotion of General Marshall—to the Committee on Military Affairs.

Also, petition of Berlin, Jones & Co., of New York City, against printing stamped envelopes by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of legislative committee of the National Association of State Universities of Illinois, against proposed appropriation in favor of George Washington University, a private institution in the District of Columbia—to the Committee on Agriculture.

Also, petition of A. C. Cowan, favoring exposition in 1913 to celebrate fiftieth anniversary of emancipation proclamation—to the Committee on Industrial Arts and Expositions.

Also, petition of Union League Club, of New York, for better immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of Isley & Held, of New York, favoring the Humphrey ocean mail bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOSS: Petition of Newman Council, No. 1077, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. FOWLER: Petition of Morristown Chapter of New Jersey, Daughters of American Revolution, for retention of Bureau of Information in Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Elizabeth, N. J., for House bill 15441—to the Committee on Labor.

Also, petition of Pattern Makers' Association of Elizabeth, N. J., favoring an eight-hour day—to the Committee on Labor.

Also, petition of Elizabeth Board of Trade for improvement of Elizabeth River—to the Committee on Rivers and Harbors.

Also, petition of A. T. A. Torbet Post, No. 24, Grand Army of the Republic, of Morristown, N. J., against statue of General Lee in Statuary Hall—to the Committee on the Library.

Also, petition of citizens of Dover, Hackettstown, and John P. Weber and others, of Elizabeth, N. J., against the establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Volunteer Lodge, No. 110, and Harmony Lodge, No. 99, Knights of Pythias, of Elizabeth, N. J., against Senate bill 1712—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Haddorff Piano Company, of Rockford, Ill., against the establishment of proposed postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Retail Hardware Association, against the establishment of the proposed parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Farmers' Educational and Cooperative Union of America, Union City, Ga., in favor of abolishing gambling in farm products—to the Committee on Agriculture.

By Mr. GOLDFOGLE: Petition of Public School Athletic League, of New York City, favoring House bill 15798, to promote patriotic spirit among citizens of the United States and for encouragement of rifle practice—to the Committee on Military Affairs.

Also, petition of Searle Manufacturing Company and Chamber of Commerce, of Buffalo, N. Y., against the publicity-feature clause in the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Merchants' Association of New York, for House bill 15864, favoring legation buildings—to the Committee on Foreign Affairs.

Also, petition of Mount Olivet Colored Baptist Church, of New York City, for an appropriation for semicentennial by the colored people in 1913—to the Committee on Industrial Arts and Expositions.

Also, petition of United Spanish War Veterans, for increase of pension of widow of Rear-Admiral James B. Coghlan—to the Committee on Pensions.

Also, petition of United Spanish War Veterans, for appropriation to raise the *Maine*—to the Committee on Naval Affairs.

Also, petition of Merchants' Association of New York, for House bill 14530, to prevent pollution of navigable rivers, etc.—to the Committee on Rivers and Harbors.

Also, petition of National League of Commission Merchants, for the Lafean apple bill (H. R. 16919)—to the Committee on Agriculture.

Also, petition of Marine Association of the port of New York, against sections of Senate bill 5106 and House bill 17536, relative to rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

Also, petition of Downtown Taxpayers' Association of New York, for eight-hour bill (H. R. 15441)—to the Committee on Labor.

Also, petition of League of American Sportsmen, for House bill 10276, to protect migratory birds of the United States—to the Committee on Agriculture.

Also, petition of Posts Nos. 40, 51, and 271, Grand Army of the Republic, and citizens of Fort Wayne, for a memorial building to Gen. Anthony Wayne—to the Committee on the Library.

By Mr. GRAHAM of Illinois: Petition of St. Louis Paint and Oil Club, for creation of board of consulting experts in Department of Agriculture to determine, in contraverted cases, purity of elements in food—to the Committee on Agriculture.

Also, petition of T. A. Griffin, against all radical railway legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: Petition of the Monongahela (Pa.) Council, No. 491, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. GRONNA: Petition of citizens of Reynolds, N. Dak., for a more effective regulation of the liquor traffic—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Brocket, N. Dak., protesting against the proposed rate of postage on second-class mail matter, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of Robert Reid and other citizens of North Dakota, for eight-hour workday (H. R. 15441)—to the Committee on Labor.

By Mr. HINSHAW: Petition of Crete Farmers' Institute, of Crete, Nebr., favoring House bill 15422, for operation of demonstration farms—to the Committee on Agriculture.

By Mr. HOWELL of New Jersey: Papers to accompany bills for relief of Augustus E. Zeitler and John McElmeil—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petition of Young People's Society of Missionary Volunteers, against a law favoring Sunday observance in the District of Columbia (S. 404)—to the Committee on the District of Columbia.

Also, petition of Perry Council, No. 1243, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. KINKEAD of New Jersey: Petition of Jersey City Council, No. 137, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. KORBLY: Petition of citizens of Indiana, against sectarian legislation and a proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LANGHAM: Petition of Commandery of Pennsylvania, Military Order of the Loyal Legion of the United States, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. LAW: Petition of citizens of Fourth Congressional District of New York, for an eight-hour law on government works—to the Committee on Labor.

By Mr. LENROOT: Petition of citizens of St. Croix County, Wis., for increase of rural-delivery facilities—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of St. Croix County, Wis., against ship-subsidy legislation—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of St. Croix County, Wis., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LOUD: Petition of Branch 12, Polish National Alliance of the United States, of Bay City, Mich., against proposed amendment to present immigration law—to the Committee on Immigration and Naturalization.

Also, petition of H. F. Baker and others, of Weadock, Mich., members of the State Grange, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. McCALL: Petition of Society of the Cincinnati, for House bill 22007, for collection by the Government of the correspondence and records of the Revolutionary war and publication of the same as were the records of the civil war—to the Committee on Printing.

By Mr. McCREDIE: Petition of L. R. Weaver and others, against increase of postal rate on periodicals, and for a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Petition of the Michigan State Grange, favoring a parcels post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, papers to accompany House bill 21878, granting a pension to Jemina Grigg—to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: Petition of Louis Fink & Sons, of Philadelphia, Pa., for House bill 3075 and Senate bill 1614, against government envelope printing—to the Committee on the Post-Office and Post-Roads.

By Mr. OLDFIELD: Petition of citizens of Jackson County, Ark., for legislation to stop gambling in futures in farm products—to the Committee on Agriculture.

Also, papers to accompany bills for relief of William U. Glenn and Isaac Hassell—to the Committee on War Claims.

By Mr. REYNOLDS: Petitions of Lieutenant Fred C. Ward Post, No. 248, and Lieutenant S. C. Potts Post, No. 62, Grand Army of the Republic, of Altoona, Pa., against placing the statue of Lee in Statuary Hall—to the Committee on the Library.

Also, petition of Lieutenant S. C. Potts Post, No. 62, Grand Army of the Republic, of Altoona, Pa., for the National Tribune pension bill—to the Committee on Invalid Pensions.

Also, petitions of Military Order of the Loyal Legion, Commandery of Pennsylvania, and citizens of St. Thomas, Pa., for a volunteer officers' retired list (H. R. 18899)—to the Committee on Military Affairs.

Also, petition of Col. James Metzger and other citizens of Bedford, Pa., for a volunteer officers' retired list (H. R. 18899)—to the Committee on Military Affairs.

Also, petition of citizens of Cambria County, Pa., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of St. Thomas Council, No. 1439, Knights of Columbus, of Bedford, Pa., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Towarzystwo sw. Stanislowa Kostki, Grupa 302, Zwiasku, Narodowego, Polskergo, of Barnesboro, Pa., against the bill to further regulate immigration, the bill by Mr. HAYES—to the Committee on Immigration and Naturalization.

By Mr. ROBERTS: Petition of H. M. Warren Post, No. 12, Department of Massachusetts, Grand Army of the Republic, against the statue of Lee being placed in Statuary Hall—to the Committee on the Library.

Also, petition of publishers, advertisers, and business men of Boston, protesting against legislation to increase the rate of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS of Ohio: Petitions of W. G. Burr and other citizens of Akron; Kent Council, No. 1411, Knights of Columbus, of Kent; Barberton Chapter, No. 305, American Insurance Union; and Warren Council, No. 620, Knights of Columbus, all of the State of Ohio, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of Lucy Wolcott Barnum Chapter, Daughters of the American Revolution, of Adrian, Mich., for retention of Division of Information of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of Sarah Caswell Angell Chapter, Daughters of the American Revolution, of Ann Arbor, Mich., against repeal of section 40 of the immigration act of 1907, and for retention of the Division of Information, etc.—to the Committee on Immigration and Naturalization.

By Mr. SHARP: Petition of citizens of Jeromesville, Ohio, against increase of postal rate on second-class periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Monroeville Council, No. 1117, and Mansfield Council, No. 687, Knights of Columbus, and Highland Chapter, No. 334, American Insurance Union, all of the State of Ohio, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Mansfield, Ohio, against House joint resolution 17 and Senate bill 404, Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHEFFIELD: Petition of Olneyville (R. I.) Business Men's Association, against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

Also, petition of Cheney Woman's Christian Temperance Union, of Pawtucket, R. I., for the Johnson Sunday rest bill—to the Committee on the District of Columbia.

Also, petition of Woonsocket (R. I.) Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Labor.

By Mr. STURGISS: Petition of Colonel John Evans Chapter, National Society Daughters of the American Revolution, for retention of Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

Also, petition of West Virginia State Grange, relative to annual report of the Secretary of Agriculture—to the Committee on Agriculture.

By Mr. TOU VELLE: Petition of citizens of Darke County, Ohio, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Philadelphia Board of Trade, for Senate bill 1614 and House bill 3075—to the Committee on the Post-Office and Post-Roads.

By Mr. WHEELER: Petition of Lidionte Chapter, National Society of the Daughters of the American Revolution, for retention of the Bureau of Information relative to immigration—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *March 2, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

INTERSTATE BUSINESS BY TELEGRAPHERS.

Mr. SMOOT. On February 24 the Vice-President laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of May 28, 1908, a supplemental report showing the results of an investigation made by the Bureau of Labor into the telephone companies engaged in the conduct of interstate business as to their methods of business, wages paid, and so forth. Accompanying the communication were illustrations, which can not be printed without authorization from the Senate. I move that the illustrations be printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 19278) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the amendments of the Senate Nos. 1, 2, 3, 4, and 6 to the bill (H. R. 18681) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, and had disagreed to the amendment of the Senate No. 5 to the bill.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 2072. An act for the relief of John Reed, alias Michael Flanagan;

S. 2445. An act for the relief of Peter Fleming; and

S. 4672. An act for the relief of William Keyes.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry manufacturers and business men of Chattanooga, Tenn., praying for the enactment of legislation to encourage the upbuilding of the American merchant marine, which was referred to the Committee on Commerce.

He also presented a petition of George Washington Chapter Society of the Sons of the American Revolution, of Springfield, Mass., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of the Polish National Alliance of South Fork, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. SCOTT presented a memorial of sundry citizens of Price Hill, W. Va., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Commmittee on Immigration.

He also presented a petition of Local Council No. 504, Knights of Columbus, of Wheeling, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Branch No. 109, Glass Bottle Blowers' Association, of Wheeling, W. Va., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the Congress Heights Citizens' Association, of the District of Columbia, praying that an appropriation be made for the improvement of the Anacostia Flats, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Young People's Society of Christian Endeavor of Martinsburg, W. V., praying for the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GUGGENHEIM presented a petition of Centennial State Chapter of the National Society, Daughters of the American Revolution, of Greeley, Colo., and a memorial of the Colorado

Society, Sons of the American Revolution, of Goldfield, Colo., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

Mr. BURNHAM presented a petition of La Société des Artisans Canadiens Français, of New Market, N. H., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Chamber of Commerce of Boston, Mass., remonstrating against the enactment of legislation to create a court of commerce and to amend the act entitled "An act to regulate commerce," which was referred to the Committee on Interstate Commerce.

Mr. WETMORE presented a petition of the Chaney Woman's Christian Temperance Union, of Pawtucket, R. I., praying for the passage of the so-called "Owen-Hamilton bill," to place a 25-mile prohibition zone around all Indian reservations, which was ordered to lie on the table.

Mr. RICHARDSON presented a memorial of sundry citizens of Millsboro, Del., remonstrating against the passage of the so-called "postal savings-banks bill," which was ordered to lie on the table.

Mr. GALLINGER presented a memorial of the Chamber of Commerce of Boston, Mass., remonstrating against the passage of the bill to create a court of commerce and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented a petition of sundry citizens of Illinois, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. JONES. I present resolutions unanimously adopted at the tristate meeting of Idaho, Oregon, and Washington of the Farmers' Educational and Cooperative Union of America, held at Walla Walla, Wash., January 17, 18, 19, 1910, relative to the parcels-post bill. I ask that the resolutions be printed in the RECORD and referred to the Committee on Post-Offices and Post-Roads.

There being no objection, the resolutions were referred to the Committee on Post-Offices and Post-Roads and ordered to be printed in the RECORD, as follows:

The following resolutions were unanimously adopted at the tristate meeting of Idaho, Oregon, and Washington of the Farmers' Educational and Cooperative Union of America, held at Walla Walla, Wash., January 17, 18, and 19, 1910:

Resolved, That we demand the establishment of a parcels-post system and emphatically oppose any curtailment of the present Rural Free Delivery Service or the increase of postage rates on magazines.

Resolved, That we favor and demand the submission of an amendment to the National Constitution providing for a graduated income tax.

Resolved, That we favor and demand the submission of an amendment to the National Constitution providing for the election of United States Senators by direct vote of the people.

Resolved, That under existing conditions the revision of the tariff upward necessarily involved a revision of the standard of living downward, and we therefore favor and demand a lowering of the tariff duties on the necessities of life in accordance with the pledges of both the leading political parties.

Resolved, That gambling in futures on farm products disturbs the natural law of supply and demand to the injury of both the producer and consumers, and we therefore demand the enactment of legislation to prohibit such gambling in futures.

Resolved, That we are unalterably opposed to the ship subsidies.

Resolved, That we favor a wise and practical conservation of our national resources, and that we expect our Congressmen to urge and support such measures as will protect the people against any private exploitation of public wealth that will deprive the people of it, without sufficient consideration or proper control.

Resolved, That we emphatically protest against any action by the Navy Department to prevent vessels carrying coal for the use of the navy from taking cargoes of wheat or other grain on their return voyage.

Resolved, That we believe the report of the Country Life Commission appointed by President Roosevelt to be the most important document ever issued in behalf of agriculture, and we respectfully petition Congress to authorize the publication of this report as a public document in sufficient quantity to supply every farmer who may ask for it.

Resolved, That in the matter of the readjustment of postal revenues and postal expenditures we recommend that, instead of confining investigation to the matter of periodicals alone, Congress take up the cost of transportation and the whole question of revenues from whatever source derived.

L. C. CROW, *State President.*
F. A. SIKES, *Chairman.*
WM. GOODYEAR, *Secretary.*
GEO. L. REID.
H. D. G. COX.
C. W. COTTON.
H. A. REYNOLDS.
JAMES C. FARR.
A. W. LEE.

Attest:
[SEAL.] A. D. CROSS, *State Secretary.*

Mr. RAYNER presented a petition of Merchants' Council, No. 62, Loyal Association, of Baltimore, Md., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FLETCHER presented a memorial of the Board of Trade of Jacksonville, Fla., remonstrating against the enactment of a corporation income-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Tampa, Fla., praying that an appropriation be made for the purchase and erection of buildings in foreign countries for ambassadors of the United States, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Council No. 1016, Knights of Columbus, of Key West, Fla., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Board of Trade of Jacksonville, Fla., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of Jacksonville, Fla., remonstrating against the enactment of legislation to create a court of commerce and to amend the act entitled "An act to regulate commerce," etc., which was ordered to lie on the table.

Mr. GAMBLE presented the memorial of E. C. Engel and 59 other citizens of Keystone, S. Dak., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. CRAWFORD presented a memorial of sundry citizens of Stratford, S. Dak., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. LA FOLLETTE presented a petition of sundry religious organizations of La Crosse, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. BULKELEY presented a petition of Santa Maria Council, No. 8, Knights of Columbus, of New Haven, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McCUMBER presented a petition of John A. Spellman Post, No. 84, Department of North Dakota, Grand Army of the Republic, of Ellendale, N. Dak., praying for the enactment of legislation to extend the provisions of the pension laws to widows of soldiers who have married since 1890, which was referred to the Committee on Pensions.

He also presented a petition of John A. Spellman Post, No. 84, Department of North Dakota, Grand Army of the Republic, of Ellendale, N. Dak., praying that the pension laws be amended so as to grant age service pensions, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Jamestown, N. Dak., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. PILES presented petitions of sundry labor councils and citizens of Tacoma, Wash., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. LODGE presented petitions of sundry local branches, La Société des Artisans Canadiens Français, of Fitchburg, Newton, Ipswich, Leominster, North Attleboro, Dodgeville, Clinton, Peabody, Lowell, Fall River, Worcester, and Southbridge, all in the State of Massachusetts, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of Local Union No. 2532, United Mine Workers of America, of Cambria, Wyo., and a petition of Local Union No. 2336, United Mine Workers of America, of Diamondville, Wyo., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of Jacques Laramie Chapter of the National Society, Daughters of the American Revolution, of Laramie, Wyo., praying for the retention and strengthening of

the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. DEPEW presented a memorial of Local Grange No. 480, Patrons of Husbandry, of Dewittville, N. Y., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Subdivision No. 292, International Brotherhood of Locomotive Engineers, of Middletown, N. Y., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Business Men's Association of Auburn, N. Y., praying for the enactment of legislation to defer the time of filing of the first reports of corporations until a decision has been rendered by the Supreme Court as to the constitutionality of the corporation-tax law, which was referred to the Committee on Finance.

He also presented petitions of sundry councils, Knights of Columbus, of Amsterdam, New York City, and Brooklyn, all in the State of New York, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Caughnauaga Chapter of the National Society, Daughters of the American Revolution, of Fonda, N. Y., and a petition of Patterson Chapter of the National Society, Daughters of the American Revolution, of Westfield, N. Y., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a petition of the New York State Bar Association, praying for the passage of the so-called "Sherley bankruptcy bill," proposing to amend the bankruptcy law of 1898, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry Methodist ministers of San Francisco, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry Methodist ministers of San Francisco, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in ships or buildings owned by the Government, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry Methodist ministers of San Francisco, Cal., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying that the corporation-tax provision of the tariff law be amended by striking out the words "and shall constitute public records and be open to inspection as such," which was referred to the Committee on Finance.

Mr. DOLLIVER presented petitions of sundry citizens of White Plains, Dubuque, Waterloo, and Davenport, all in the State of Iowa, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Waterloo, Iowa, praying for the enactment of legislation to modify the present homestead laws, which was referred to the Committee on Public Lands.

He also presented a petition of Okamanpadu Chapter of the National Society, Daughters of the American Revolution, of Estherville, Iowa, praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of Charles Payne Post, No. 141, Department of Iowa, Grand Army of the Republic, of Iowa Falls, Iowa, remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of the congregation of the United Presbyterian Church of College Springs, Iowa, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the United Presbyterian Church of College Springs, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the congregation of the United Presbyterian Church of College Springs, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of Ellsworth Post, No. 30, Department of Iowa, Grand Army of the Republic, of Ames, Iowa, praying for the passage of the so-called "National Tribune pensions bill," which was referred to the Committee on Pensions.

He also presented a memorial of Julien Lodge, No. 379, International Association of Machinists, of Dubuque, Iowa, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry councils, Knights of Columbus, of Marquette and Cascade, in the State of Iowa, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Ladies' Literary Club of Independence, Iowa, remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

He also presented memorials of sundry citizens of Perry, Ira, and Mingo, all in the State of Iowa, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented a petition of the Commercial Club of Cedar Rapids, Iowa, praying for the adoption of a certain amendment to the interstate-commerce law relative to the right of shippers of live stock, which was ordered to lie on the table.

Mr. ROOT presented a petition of the Commandery of the District of Columbia, Military Order of the Loyal Legion of the United States, of the city of Washington, praying that an appropriation of $1,500 be made for the erection of a suitable monument over the grave of Rear-Admiral Charles Wilkes in Arlington Cemetery, which was referred to the Committee on the Library.

Mr. BROWN presented a petition of the Real Estate Exchange of Omaha, Nebr., praying that an appropriation of $250,000 be made for the protection of the property in the territory of Florence, in that State, to the smelting works from the impending change in the course of the Missouri River, which was referred to the Committee on Commerce.

Mr. CLAPP presented a petition of Local District No. 48, International Association of Machinists, of St. Paul, Minn., and a petition of sundry citizens of the State of Minnesota, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. FLINT presented memorials of the Tuesday Club of Sacramento, of the Woman's Club of Santa Monica, and of the Friday Club of Elk Grove, all in the State of California, remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which were referred to the Committee on Conservation of National Resources.

He also presented a petition of Local Council No. 905, Knights of Columbus, of San Bernardino, Cal., and a petition of Local Council No. 840, Knights of Columbus, of Fresno, Cal., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 862) to reimburse John G. Foster and Horace M. Sanford, reported it adversely, and the bill was postponed indefinitely.

He also, from the Committee on Public Lands, to whom was referred the bill (S. 6093) providing for the granting and patenting to the State of Utah desert lands formerly in the Uinta Indian Reservation in Utah, reported it without amendment.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6643) to increase the limit of cost of the public building at Park City, Utah, reported it without amendment and submitted a report (No. 306) thereon.

He also, from the same committee, to whom was referred the bill (S. 6382) to provide buildings for the departments of State,

Justice, and Commerce and Labor, reported it with amendments and submitted a report (No. 305) thereon.

Mr. GAMBLE, from the Committee on Indian Affairs, to whom was referred the bill (S. 5121) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, reported it without amendment and submitted a report (No. 304) thereon.

Mr. GAMBLE. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 181) granting to the State of South Dakota a certain amount of land in lieu of a like amount of land heretofore granted to the State and subsequently appropriated by the United States for forest-reservation purposes, and for other purposes, to report it adversely. I ask that the bill be postponed indefinitely, as the subject-matter covered by the bill has been adjusted between the state and federal authorities.

The VICE-PRESIDENT. The bill will be postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4626) for the widening of Sixteenth street NW. at Piney Branch, and for other purposes, reported it without amendment and submitted a report (No. 307) thereon.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (S. 6690) providing for the entry of desert lands formerly in the Shoshone or Wind River Indian Reservation, in Wyoming, reported it with amendments and submitted a report (No. 303) thereon.

Mr. CLAPP submitted a supplemental report (Part 2) to Senate Report No. 302, to accompany the bill (S. 6747) for the relief of the heirs of John Hoffman, deceased, heretofore reported by him from the Committee on Indian Affairs.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARTER:

A bill (S. 6874) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes; to the Committee on Education and Labor.

By Mr. MONEY:

A bill (S. 6875) for the relief of the trustees of the Baptist Church of Rienzi, Miss.; to the Committee on Claims.

By Mr. ROOT:

A bill (S. 6876) to authorize the Secretary of the Navy to erect a suitable monument over the remains of Rear-Admiral Charles Wilkes, U. S. Navy, in the national cemetery at Arlington, Va. (with accompanying papers); to the Committee on the Library.

A bill (S. 6877) to amend an act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

A bill (S. 6878) to authorize the acquisition of lands by the Reclamation Service by exchange, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. OLIVER (by request):

A bill (S. 6879) for the relief of Harrison Wagner (with an accompanying paper); and

A bill (S. 6880) for the relief of Harrison Wagner (with accompanying papers); to the Committee on Claims.

By Mr. FLETCHER:

A bill (S. 6881) for the relief of A. T. Triay; and

A bill (S. 6882) for the relief of Alexander Diffin and others; to the Committee on Claims.

A bill (S. 6883) granting an increase of pension to Etta Adair Anderson; to the Committee on Pensions.

By Mr. JOHNSTON:

A bill (S. 6884) for the relief of the heirs of Amy and Howell Jordan (with an accompanying paper); to the Committee on Claims.

By Mr. CULLOM:

A bill (S. 6885) to authorize the President to appoint Alexander H. Holt to be a colonel in the United States Army (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6886) granting an increase of pension to Abram W. Wells (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6887) for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia;

A bill (S. 6888) to incorporate the Rockefeller Foundation; and

(By request.) A bill (S. 6889) making drunkenness in the District of Columbia a misdemeanor, and to provide a hospital for inebriates, and for other purposes; to the Committee on the District of Columbia.

By Mr. GAMBLE:

A bill (S. 6890) to determine the title and ownership of the lands embraced within the pipestone quarries in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. BANKHEAD:

A bill (S. 6891) to amend an act approved June 4, 1906, authorizing the use of the waters of Coosa River at Lock No. 4, in Alabama; to the Committee on Commerce.

By Mr. SCOTT:

A bill (S. 6892) granting an increase of pension to John M. Mitchel (with an accompanying paper); and

A bill (S. 6893) granting an increase of pension to James H. Browning (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6894) for the relief of George Thompson; and

A bill (S. 6895) for the relief of Charles O. Hanna; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 6896) granting an increase of pension to Mattice Shafer (with an accompanying paper); to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 6897) granting a pension to Mary Davis (with accompanying papers); and

A bill (S. 6898) granting an increase of pension to Patrick Carney (with an accompanying paper); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 6899) granting an increase of pension to Mary A. Farnum (with accompanying papers); and

A bill (S. 6900) granting an increase of pension to Dr. J. Wilkes; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 6901) granting an increase of pension to Luther Glenn (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6902) to provide for the revision of the military record of Horace L. Haldeman; and

A bill (S. 6903) to correct the military record of James McGreevey (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 6904) to pension certain soldiers and nonenlisted men who served in the war of the rebellion;

A bill (S. 6905) granting an increase of pension to Ezra Yokes;

A bill (S. 6906) granting an increase of pension to E. P. Pool;

A bill (S. 6907) granting a pension to Caroline M. Anthony (with an accompanying paper);

A bill (S. 6908) granting an increase of pension to Robert Morris (with accompanying papers); and

A bill (S. 6909) granting an increase of pension to Benjamin O. Spaulding (with an accompanying paper); to the Committee on Pensions.

By Mr. SCOTT:

A joint resolution (S. J. Res. 82) directing that a portion of square No. 857, in the city of Washington, D. C., be reserved for use as an avenue and improved (with an accompanying paper); to the Committee on the District of Columbia.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CURTIS submitted an amendment authorizing the Secretary of the Treasury to rearrange the customs districts by abolishing such as he deems unnecessary, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. FLETCHER submitted an amendment relative to the improvement of Charlotte Harbor, Florida, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for removing the water hyacinth from the navigable waters of the State of Florida, etc., to $15,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and order to be printed.

Mr. LODGE submitted an amendment relative to the time required to open any of the drawbridges below the Cambridge Bridge across Charles River or any of the drawbridges across Fort Point channel, Boston, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BAILEY submitted an amendment proposing to appropriate $100,000 for deepening and widening the channel from Galveston Harbor to Texas City, Tex., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the improvement of the harbor at Galveston, Tex., to $350,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. RICHARDSON submitted an amendment proposing to appropriate $2,514,289.70 for the construction of an inland waterway to connect the waters of the Chesapeake and Delaware bays, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. KEAN submitted an amendment proposing to appropriate $10,600 for improving Double Creek, New Jersey, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $75,000 for improving the Missouri River on the Missouri side across from Atchison, Kans., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate $390,000 for improving Los Angeles Harbor (formerly Wilmington Harbor), California, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

PRICES IN CANADA.

Mr. LODGE. I send to the desk a letter from the American consul-general in Ottawa, Canada, inclosing the advance sheets of an inquiry made by the department of labor of Canada into prices in that Dominion. I move that the letter and accompanying papers, together with the charts, be printed as a document (S. Doc. No. 409) and referred to the Select Committee on Wages and Prices of Commodities.

The motion was agreed to.

GOVERNMENT OF HAWAII—POSTAL SAVINGS DEPOSITORIES.

The VICE-PRESIDENT. The morning business is closed.

Mr. DEPEW. I call up Senate bill 3360.

The VICE-PRESIDENT. Under the unanimous-consent agreement, the Senator from New York calls up Senate bill 3360.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3360) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

Mr. HEYBURN. I desire at this time to submit some remarks on the postal savings-bank bill.

Mr. DEPEW. I think that this bill can be disposed of in fifteen minutes. It has been read.

Mr. HEYBURN. I shall speak on that bill if I find it is going to run on, although as the other bill is the special order, I prefer to speak on it.

Mr. DEPEW. I think we can get through with the bill in fifteen minutes.

Mr. HEYBURN. I will not antagonize that; but I want to commence early and get through with my remarks.

Mr. DEPEW. If it will take more than fifteen minutes, I will agree to have it passed over until after the Senator's speech.

The VICE-PRESIDENT. The pending question is on the amendment of the Senator from New York [Mr. DEPEW] to add at the end of section 4 a proviso, which will be read.

Mr. DEPEW. I withdraw that amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. FLETCHER. Since the Senator from New York withdraws that amendment, I offer an amendment. In section 4, page 4, line 6, I move to strike out all of the section that follows the word "States," being the proviso.

The VICE-PRESIDENT. The words proposed to be stricken out will be read.

The SECRETARY. It is proposed to strike out the proviso at the end of section 4 in the following words:

Provided, That, subject to the approval of the President of the United States, the legislature of the Territory may provide for loans of public moneys, or guaranties of private loans, on proper security to settlers on the public lands for necessary permanent improvements of their homesteads, and for loans, subsidies, or guaranties to persons or corporations for the improvement and increase of transportation facilities.

Mr. DEPEW. I accept that amendment.

The amendment was agreed to.

Mr. DEPEW. In section 5, on page 6, line 6, after the word "governor," I move to insert "before patent has been issued."

The amendment was agreed to.

Mr. DEPEW. On page 2, line 12, before the word "dollars," I move to strike out "one thousand" and insert "six hundred." That reduces to $600 the pay of members of the legislature for each regular session.

The amendment was agreed to.

Mr. DEPEW. On page 7, line 21, after the word "board," I move to strike out the word "appointed" and to insert "to be appointed by the governor."

The amendment was agreed to.

Mr. DEPEW. The Senator from Florida [Mr. FLETCHER] will propose certain amendments as to the salaries of the officers. The Senator and I have agreed to make the salary of the governor $7,000 instead of $10,000.

Mr. FLETCHER. In section 8, page 10, line 17, before the word "thousand," I move to strike out "ten" and to insert in lieu thereof the word "seven," so as to read:

The governor, $7,000.

The amendment was agreed to.

Mr. DEPEW. On page 10, line 18, before the word "thousand," I move to strike out "five" and insert "four," so as to read:

The secretary of the Territory, $4,000.

The amendment was agreed to.

Mr. DEPEW. On page 10, line 19, after the word "thousand," I move to strike out "five hundred," so as to read:

The chief justice of the supreme court of the Territory, $6,000.

The amendment was agreed to.

Mr. DEPEW. On page 10, line 20, before the word "thousand," I move to strike out "six" and insert "five;" and in line 21, after the word "thousand," to insert "five hundred," so as to read:

The associate justices of the supreme court, $5,500 each.

The amendment was agreed to.

Mr. DEPEW. In line 22, before the word "thousand," I move to strike out "four" and insert "three," and after the word "thousand" to insert "five hundred," so as to read:

The judges of the circuit courts, $3,500 each.

The amendment was agreed to.

Mr. DEPEW. In line 23 I move to strike out "five" before "thousand" and insert "four," so as to read:

The United States district attorney, $4,000.

The amendment was agreed to.

Mr. DEPEW. In line 24, before the word "thousand," I move to strike out "four" and insert "three," so as to read:

The United States marshal, $3,000.

The amendment was agreed to.

Mr. CLARK of Wyoming. I should like to ask the Senator in charge of the bill what is the salary of the district attorney and the marshal under the present law?

Mr. DEPEW. The salary of the district attorney under the present law is $3,000 and of the marshal $2,500.

The amendment was agreed to.

Mr. FLETCHER. On page 10, line 25, before the word "dollars," I move to strike out the words "one thousand" and insert "five hundred," so as to read:

And the governor shall receive annually in addition to his salary the sum of $500 for stationery, postage, and incidentals.

In view of the increase in the governor's salary from $5,000 to $7,000 it strikes me that the increase proposed in the bill ought not to be allowed for stationery and other purposes. I should think that $500 would be sufficient to cover it.

Mr. HEYBURN. Mr. President, fully realizing the importance of the measure under consideration, fully realizing as well the importance of the legislation that has been at times before the Senate and which will be the special order from this on, I desire to make some suggestions upon Senate bill 5876, the postal savings bill.

At the beginning of the consideration of this subject, Mr. President, I submitted some remarks in the nature of criticism of the bill as it was originally presented to the Senate. Many

changes have been made since that time, and we see much comment in the newspapers as to what has been agreed upon between certain men in and out of Congress. Coupled with all of those statements is generally a reminder of what is called the "pledge" of the Republican party in its national platform at the last campaign. It has not as yet been my intention to support the postal savings-bank bill in any form in which it has been presented in this body, but it does not follow at all that I am not willing at any time to support a satisfactory postal savings-bank bill, one that shall be free from legal objections as well as administrative difficulties.

Mr. President, that fearful threat which is held up before us on every occasion, that admonition of loyalty and fidelity to the platform of the Republican party, is contained in these words and none others:

We favor the establishment of a postal savings-bank system for the convenience of the people and the encouragement of thrift.

We favor the establishment of a "system," not that we favor the provisions of any measure then in form.

Mr. President, I shall cheerfully vote for a measure that, according to my judgment and conscience, will accomplish the things stated in that plank in the platform. The Senator from Texas [Mr. BAILEY] a few days ago pointed out some legal objections to the measure under consideration. I think that the position taken by the Senator is fully justified under the law, and I propose to begin the consideration of this question by getting away from that objection. I would do it by taking off of the bill, which I shall properly denominate the "Carter bill," the head, the label, which reads as follows:

A bill to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

That does not come within the provision or scope of any expression of legislative power in the Constitution of the United States. But there is a provision in the Constitution of the United States that affords an easy release from the embarrassment presented by that title. Section 8, Article I, of the Constitution expressly gives to Congress the power to borrow money, and it places no restriction upon it; it imposes no conditions under which the power may be exercised.

If this measure is to be constitutional, then it must come under that provision. It can not come under the provision of the Constitution relative to the coinage of money, because we are not proposing to coin money. In order to avoid this difficulty, I have written the title to this bill in these words:

A bill authorizing the United States to borrow money through a system of postal savings banks, to provide the manner thereof, and to provide for the receipt, use, disposition, and repayment thereof.

That is strictly the expression of a borrowing clause, and no possible objection could be raised to it under the Constitution.

First, I provide in section 1, or I suggest in section 1, as follows:

That the Treasurer of the United States shall have power, and he is hereby authorized, to borrow on the credit of the United States, through the agencies of the post-offices of the United States, as hereinafter provided, such sums of money as may be deposited at such post-offices in conformity with the provisions of this act, and to agree on behalf of the United States to repay the sums of money so borrowed, with interest thereof at the rate of 2 per cent per annum, at such time and in such manner as hereinafter provided.

That is another strictly borrowing provision. I shall use this draft of a bill as a text in order that I may proceed regularly and orderly along the lines that we must follow in legislating upon this subject. I propose as section 2:

That neither the United States nor any of its agencies, officers, or employees shall be subject to garnishment, attachment, execution, or process of any court in relation to the moneys or depositories thereof under the provisions of this act.

That corresponds to a provision in the Carter bill. Then I propose section 3:

The money deposited by any person under the provisions of this act shall not be subject to the control of any person other than the depositor or his or her legal representative.

The bill before the Senate does not provide for recognition of legal representatives, and inasmuch as it does provide that people not sui generis may deposit money, it leaves that control which must be exercised through some person other than a child unprovided for—

nor shall such money, or any evidence of the deposit thereof, be subject to taxation for any purpose or to execution, garnishment, attachment, or legal process of any kind out of any court except for the purpose of making effective the laws of succession or inheritance.

That is another necessary provision which is omitted from the present bill.

Then section 4, as suggested, provides:

Certificates of deposit of money at any post-office or postal savings bank under the provisions of this act shall not be assignable nor shall any title thereto pass by any attempt to assign the same; and such certificates of deposit shall be payable only to the depositor or his or her legal representatives.

That provision is absolutely necessary, because we provide hereafter that when this money passes into the postal savings and canceled, and in lieu of it postal-bank circulation shall to the Treasury of the United States, there to be macerated and canceled, and in lieu of it postal-bank circulation shall issue. So to avoid double circulation we provide against the transfer of the certificates that are handed out at the postal savings bank.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Will the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Yes; I yield.

Mr. BACON. I should like to ask, in order that I may get the view of the Senator, that he will recur for a moment to the earlier part of what he has said in his address as to the purpose of the bill, that it will be for the borrowing of money. The Senator doubtless has investigated fully the question as to what amount will probably be received by the Government under that system.

In view of that amount of money being brought into the Treasury and being annually added to, I presume, I desire to ask the Senator if he has further considered to what extent the other sources of revenue of the Government should be reduced, or, rather, how far those sources will be affected and the revenue reduced by the proposed system? If the Senator is going to reach that hereafter I will not ask him to answer it now.

Mr. HEYBURN. I would just as lief answer it now, and anticipate it. The provisions of the amendment I am speaking of do not provide for adding a dollar to the circulation. The money that comes in from the postal savings banks is substituted by the new issue of an equivalent amount, and it is sent back to the particular central savings bank from which the money came. The Senator from Georgia will see in a moment——

Mr. BACON. For deposit?

Mr. HEYBURN. That I propose the establishment of a postal savings bank at the capital of each State and that all the post-offices in that State shall do business through that savings bank. I say at the capital, because that would avoid the eternal squabble that would go on as to where it should be located in case we did not locate it at the capital. I think that answers the Senator's question.

Mr. BACON. If the Senator will pardon me, I am asking not for argument, but for information——

Mr. HEYBURN. I am very glad to be interrupted by the Senator.

Mr. BACON. I merely desired to know if the idea of the Senator was that thereafter the money should be on deposit in that bank.

Mr. HEYBURN. I provide what the bank shall do with it. In a very brief time the Senator will see.

Then section 5 provides for the replacement of lost certificates. I need not go into that. It provides that adequate proof shall be made of the loss and the identity, and that thereupon a certificate shall issue in lieu of the lost certificate. In view of the class of at least a large part of the depositors in such institutions it is necessary to have such a provision. The Government ought not to lay the foundation for profit through the misfortunes of those people.

Now, I come to the section dealing with the post-offices:

SEC. 6. That all post-offices in the United States or the Territories, districts or insular possessions thereof now or hereafter authorized to sell money orders are hereby authorized to receive from any persons over the age of —— years, money in sums of not less than $1 or multiples thereof nor more than $100 during any calendar month, or in an aggregate sum which shall not at any time exceed $500.

I am very much inclined to eliminate the words "or insular possessions." I think we had better perhaps try this system on at home, where we can have close supervision of it than to send it out in the beginning into those more or less helpless and new countries.

It will be observed that this makes the post-offices only the agency of the postal savings banks, and not in themselves postal savings banks. I go back a little—

Or in an aggregate sum which shall not at any time exceed $500, and to issue to such depositor a numbered certificate showing the amount deposited, which certificate shall state on its face that the sum of money therein named is deposited under the provisions of this act and subject to the terms and conditions thereof; that said sum so deposited is payable to the depositor or his legal representative, with interest at the rate of 2 per cent per annum.

Another section is that—

Interest shall be paid upon such deposits at the rate of 2 per cent per annum, to be computed upon periods commencing at the beginning of the first calendar month after such deposit and ending at the beginning of the last calendar month before the withdrawal of such deposit.

That provides for the paying of the money into the post-office. It is not an elaborate or a cumbersome provision; it is a short section, but, I think, completely covers all the necessities of the case and does not leave it to rules and regulations to be established in the future.

Now, section 7 is:

Whenever the postmaster shall have on hand deposits amounting to $100 or more, he or she shall transmit the same to the postal savings bank herein provided to be established in the State wherein such post-office is situated, and shall accompany such deposit with a statement of the date of each deposit, the name of the depositor, the amount deposited, and the number of the certificate issued by such postmaster; and such postmaster shall retain in the post-office a copy of such statement.

That is all there is. It provides the method of transmitting money that is paid into the post-office to the postal savings bank.

Upon the receipt of such deposit and statement the proper officer of the postal savings bank shall properly enter in the records of such bank the facts stated in such statement, and note in said entry the date from which such deposit shall draw interest—

That is so as to avoid computing interest every time they have occasion to respond to a withdrawal—

And said postal savings bank shall thereupon make and send to the postmaster from whom such deposit was received a numbered original and duplicate certificate of the receipt of the deposit, stating the date received, the amount, the name of the depositor, and the date from which interest is to be paid. Upon the receipt of such certificate the postmaster shall, upon demand of the depositor or his or her legal representative, deliver to such depositor or to such legal representative the original certificate upon the surrender by the depositor or his or her legal representative of the certificate given by the postmaster at the time of such deposit in the post-office—

So that when the certificate of the postal savings bank reaches the depositor he must surrender the preliminary certificate which the postmaster gave him—

And thereupon the postmaster shall cancel and keep on file such canceled certificate and make and keep a record of such transaction in a book to be kept for that purpose. Thereupon the loan—

Bear this in mind—

Thereupon the loan of the money so deposited shall be complete, and the relation of debtor and creditor be fully established between such depositor and the United States of America pursuant to the terms of this act, and the numbered original certificate in this section provided to be issued by the postal savings bank shall be the evidence of such relation.

Mr. President, that completes the transaction—the transfer of the money from the depositor to the Government of the United States. It is complete when the certificate of deposit made by the postal savings bank is delivered to the depositor. Thereafter the relation of debtor and creditor exists. From that time on it is a question of paying the interest and the principal. It places it entirely upon the provision of the Constitution authorizing Congress to borrow money without limit.

The next section provides for withdrawing the money by these depositors or, in other words, provides for the repayment by the Government to the party making the loan:

Any person desiring to withdraw money deposited with the postmaster, as aforesaid under the provisions of this act, shall notify the postmaster in writing upon blank forms to be provided by the postmaster for that purpose—

This is in response to the absence of any provision in the bill under consideration regulating the manner of withdrawing. This states a brief and sufficient method—

In writing upon blank forms to be provided by the postmaster for that purpose, which notice shall show the date when said notice is given, the amount to be withdrawn, the date and number of the deposit against which such withdrawal is made, and shall be signed by the depositor or his assignee and delivered to the postmaster.

That is the place where I neglected making the change of the word "assignee." I adopted a uniform expression here—"legal representative."

Mr. BRADLEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. Certainly.

Mr. BRADLEY. May I ask a question of the Senator for information?

Mr. HEYBURN. Certainly.

Mr. BRADLEY. Who is to pay the expense of this—the Government?

Mr. HEYBURN. That will be provided for.

Mr. BRADLEY. That is further along?

Mr. HEYBURN. Yes. I call attention to that so that the Senator's mind may be prepared for it. The bill provides that the notes that shall be issued in lieu of the money deposited shall not be money until they reach the postal savings bank, because, like national-bank notes, they are signed by the officers of the bank, who are the direct medium of issue, so that they do not come under the expensive rate of express for the transmission of currency. But that will develop at the proper time. The notes not being completed or signed will save a very large sum of money as against the proposition of transmitting money that is in itself complete. I had that in mind when I was preparing this draft:

The postmaster shall enter such demand upon a proper book kept for that purpose, and thereupon forward such demand to the postal savings bank in the State where such post-office is located.

The postmaster here is merely the medium through whom the postal savings bank receives and pays the money, so that the depositor need never go away from or beyond his local post-office. The responsible custodianship of the money does not rest in the local post-offices, but rests in the postal savings bank in the capital of each State:

The postmaster shall enter such demand upon a proper book kept for that purpose, and thereupon forward such demand to the postal savings bank in the State where such post-office is located. Upon the receipt of the same the postal savings bank shall investigate and check the account of said depositor; and if it is found upon such investigation that the amount sought to be withdrawn by the depositor is to his or her credit, it shall be the duty of the said postal savings bank, after recording such notice and the facts ascertained in a book to be kept for that purpose, to issue the cashier's check upon such bank for the amount to be withdrawn, payable to the order of the depositor, and shall forward the same to the post-office where the notice of withdrawal was filed.

There is another element of safety—the cashier's check. The check of the cashier of the postal savings bank, and that bank authorized by statute, as in this case, would be entirely satisfactory to every depositor, because it is hereinafter provided that no national bank shall make any charge for cashing such checks. We have that right of control so far as the national banks are concerned. The fact is, that no one would pretend to discount or shave a check of that kind, and the element of safety is observed all the way through.

Then it is forwarded to the postmaster—"and the postmaster at said office shall deliver the same to said depositor upon the surrender" by the depositor "of the certificate" given by the postmaster at the time of the deposit. So there are no two papers out at the same time for the same purpose. When the withdrawal is not for the full amount, "then the amount of such withdrawal shall be indorsed upon such certificate, and the certificate returned to the depositor."

That is all that there is on that page and a half, but in my judgment it is necessary——

Mr. FRYE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Certainly.

Mr. FRYE. I am detained from the Senate nearly all the time in committee, and I will ask the Senator from Idaho whether what he is reading is a proposed substitute for the committee bill in relation to postal savings banks?

Mr. HEYBURN. It would amount to that; yes. It covers all of the provisions in the existing bill.

I will say now, in all candor, that I am using this proposed substitute as a text in order that I may compare it as I go along, and I am not going to extend my remarks very long on this question, but I shall probably not offer this as a substitute, or I may. I will be governed by what disposition the Senate makes of this measure or seems to be about to make of it to-morrow, or before the end of the legislative day to-morrow. I have heard frequent expressions of opinion—and I feel at perfect liberty, inasmuch as I speak generally, to state the fact—among Members of this body in favor of referring this measure back to the committee. I have found very few Members of this body who are satisfied with the legislation as it stands at this time. They all feel that the subject is too great, that the action is too irrevocable, to take chances upon anything less than the very best that we can devise after long consideration. There is no promise to urge us to perfect this bill during the first part of the first session of this Congress, and the duty of careful consideration is so much beyond and above that of hasty compliance, as that no man should hesitate, if his mind is in doubt, to postpone the ultimate action, fraught with such grave consequences, until we can give the measure the attention it should have. We must, for our own credit and for the law, avoid enacting unconstitutional measures in this body. I think it may be said in every instance where our action has been held to be unsupported by the Constitution, that it was the result of hasty action. We have seen measures come in here with the alleged pressure of an administration behind them and forced through, only to be told a little later that we have failed in giving such consideration as to insure correct action.

Now, Mr. President, I have enumerated in this draft of a bill the powers of the postal savings banks, into whose hands

this sum of money, whatever it may be, great or small, passes. It is obvious that we can not, without serious inconveniences and difficulties, send into circulation again the same money that is received at the post-offices. It is desirable, so far as we may, to have uniformity in our circulating medium. This would be a postal savings-bank note on its face. It would originate with the Treasury of the United States, as national-bank notes do. It would be provided to the postal savings banks, as national-bank notes are now provided to the national banks. The postal savings banks would not give security, because they have delivered value, and that is one of the very best features of this proposition. The Government has retired dollar for dollar against the issue, so that there is no possible question of security behind the issue, and it is made legal tender beyond the extent of the national-bank notes, because a national-bank note is not legal tender, but we make it legal tender for the payment of all debts except customs dues, and we must preserve the limitation there, because that is where our gold comes back from abroad. That reduces this question down to the borrowing of this money directly by the Government from the citizen.

The draft of the bill provides that any of the postal savings banks may loan this money, or any part of it, to other banking institutions, national and state; to loan it upon the same conditions that the Government to-day deposits public money or loans it to the banks, upon giving the same class, character, and sufficiency of security that the Government requires to-day, and that it shall be loaned to these banks at not less than 3 per cent. Then, in response to what I consider the almost universal demand that this money be stayed with chains and anchors against floating into the corner of the tilted table of finance, it is provided that no bank receiving this money from the postal savings banks shall loan it for a longer period than ninety days. Just bear that in mind. That ninety days means that this money is to come home and register itself every ninety days, and it can not float over permanently into speculative centers, and that time limit is the solution of that question. So that ample security is provided against loss, because, under the present system, the Government loans money or deposits it against a class of securities that have never resulted in any loss to the Government.

The measure would provide that the President of the United States, by and with the advice and consent of the Senate, should appoint the director of each of these postal savings banks. I have confidence enough in the administrative and legislative branches of this Government to believe that there would always be a sense of responsibility that would make it impossible to make these banks political playthings. I would appoint the directors for a term of five years or, at the suggestion of the legislative body, a longer term. I would not have them all go in or all go out of office at the same time, but overlap their terms, so that there would always be the basis of responsibility and experience and capacity in the management of the affairs of the banks.

I would make these postal savings banks national depositories. I would make them the agency through which to engage for the loan or purchase of gold and silver. I would make them the handmaidens of the Government, because they will always be close to the scene of responsible action, there being one at the capital of each State.

It may be suggested that that is rather an expensive proposition, but it is not as expensive as the proposition now before the Senate. It localizes the business of the postal savings institutions, and it provides for a new and clean substitute for the money, real or imaginary, which is resting in old stockings or tin cans.

Did I believe that the minds of the Senate were open enough to receive a measure along these lines I would not hesitate to offer these suggestions in the form of a substitute; but I am inclined to believe that there is a spirit abroad in the Senate to the effect that they will just accept the pending bill because it is a good bit of trouble to make any other—and I say that with all due regard for my associates. I have been told more than once by members of the Senate that the bill was far from being satisfactory, and that accompanied by the inquiry, "But what can we do?" We can stay here long enough and work industriously enough to frame a law that will meet that which is more important than the carelessly written pledge in a platform or the expediency of the hour—a measure that will meet the demands and the necessities of the American people.

The idea of sacrificing the interests of the people merely to conform to a pledge in a platform that was made after many of us had assumed the responsibilities belonging to our office! The conscience of the members of this body was not created at Chicago; their responsibility existed before the convention, and it was not changed by the convention. A measure along the lines I have suggested is as much a compliance with the pledge or declaration in the platform as any other measure that results in the enactment of a postal savings-bank bill.

If we enact it, let it be in conformity with the law and the Constitution, and let there be no doubt about it. Let us not be staggering around in the darkness and fog of wonderment for a year or two as to the ultimate fate of our bill when it is subjected to the test in the courts.

Mr. President, while I have not dealt with all the details that are necessary and incident to the enactment of such a measure, I have certainly covered the controlling ideas, and I state candidly that I have on my desk the complete proposition that would result in the establishment of a system of postal savings banks that would leave no open questions, and, in my judgment, would meet with every political requirement and with every responsible obligation that rests upon the members of this body.

Mr. BRADLEY rose.

Mr. HEYBURN. Does the Senator desire to interrupt me?

Mr. BRADLEY. I will wait until the Senator is through.

Mr. HEYBURN. I yield the floor to the Senator.

Mr. BRADLEY. Mr. President——

Mr. CARTER. Will the Senator from Kentucky yield to me for a moment for a very brief statement?

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Kentucky yield to the Senator from Montana?

Mr. BRADLEY. With pleasure.

Mr. CARTER. Mr. President, the ill-considered substitute offered by the Senator from Idaho makes it manifest that he was endeavoring to get something different, rather than something better. The Senator seriously argued to the Senate that the constitutionality of a bill could be determined by the character of its title.

Mr. HEYBURN. No; I did not, Mr. President——

Mr. CARTER. No comment need be made on that.

Mr. HEYBURN. And I do not want it to go out to the country under any such garbled statement of what I said as that. The Senator will pardon me for using that term, but there can not be any foundation for that statement at all.

Mr. CARTER. Mr. President, the Senator from Idaho laboriously proceeded to show how his title would make the bill constitutional, whereas the title under which it now rests would tend to make it unconstitutional. Let the Senator's remarks stand for themselves.

Mr. HEYBURN. Mr. President, I neither attempted to show it nor did I laboriously try to show it.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. The Senator from Montana declines to yield.

Mr. HEYBURN. He does? I should think he would, after a statement like that. [Laughter.]

Mr. CARTER. The Senator from Montana leaves the RECORD to speak for itself.

Mr. HEYBURN. Yes; I will leave it.

Mr. CARTER. The Senator from Idaho may well leave the room, for he can not defend the kind of speech he made here. [Laughter.]

For thirty-seven years, Mr. President, this subject has been before the Congress of the United States. The bill now pending constitutes the combined wisdom of all the men who have studied this question from the day of its presentation by Postmaster-General Creswell up to this hour. Approved by the Post-Office Department, presented in substantial form by our former colleague, Mr. Knox, who gave the subject profound consideration, and a long line of Senators and Representatives who have introduced bills upon this subject; in the pending bill we have followed the lines they laid down; yet the Senator from Idaho, with an imagination truly wonderful to contemplate, sits down in his room and in one night presents a measure here, which he thinks would be an improvement, in the way of a substitute that has no other virtue on earth than to be different from the pending measure. I pretend to say, Mr. President, that if the proposed substitute of the Senator from Idaho should be enacted into law, it would be ridiculous in operation and would break down the Post-Office Department.

Mr. BACON. Mr. President, before the Senator from Montana takes his seat I desire to ask him a question, with his permission.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. I am speaking in the time of the Senator from Kentucky [Mr. BRADLEY].

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. BACON. If the Senator from Kentucky will permit me, I wish to ask a question for information for my guidance. The Senator from Montana refers to the bill now pending as being one which is perfect in its provisions and satisfactory. The question I desire to ask the Senator is based upon——

Mr. CARTER. The Senator from Montana did not say the bill was perfect.

Mr. BACON. Well, acceptable.

Mr. CARTER. The Senator from Montana realizes that all human productions are imperfect.

Mr. BACON. What I am coming to is this—I am asking the question for information: We have outgivings from the press and otherwise that some very radical amendments are to be offered to this bill in the closing hours of the discussion.

Mr. CARTER. I think the word "radical" might be stricken out of the statement.

Mr. BACON. I will say "material," then. When I say "radical," I mean it goes to the root. That is what "radical" means, and if some of the amendments which are suggested as being those contemplated are as now suggested in the press, they are radical. But I will not quibble on words. I will say "material." I will say to the Senator that I am asking the question in order that I may give the proper investigation and examination to the bill upon which we may be called upon to vote. In view of the fact that we have agreed upon a day to vote, I think we ought to be put in possession, as early as practicable, of any material amendments which it is intended to submit for the action of the Senate. It is with that view that I asked the question whether the bill upon which we shall be called upon to vote is substantially the bill now before the Senate, or whether there are material, if not radical, amendments to be offered?

Mr. CARTER. The inquiry of the Senator from Georgia is very proper, and I think that any amendment of a material character which is to be proposed might well be presented to-day and printed, so as to be subject to inspection.

Mr. BACON. I think so.

Mr. CARTER. I understand that the Senator from Utah contemplates presenting an amendment, and will probably present it during the day. I have, however, no definite information on that subject.

Mr. CLAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Georgia?

Mr. BRADLEY. For fear that I will forget that I have any time at all, I think I will decline to yield any further.

The PRESIDING OFFICER. The Senator from Kentucky will proceed.

Mr. BRADLEY. The Senator from New York desires that a vote shall be taken on the bill in his charge, which he thinks has precedence of any remarks I may make. If that is true, of course I do not desire to proceed until that vote shall have been taken.

Mr. BORAH. I desire to ask a question of the Senator from New York. What do I understand has become of the proviso with reference to guaranteeing——

Mr. DEPEW. It has been stricken out.

Mr. President, the Hawaiian bill was on the eve of passage when the Senator from Idaho [Mr. HEYBURN] began his speech, and I should like now to have a vote on the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida, which will be stated.

The SECRETARY. On page 10, line 25, before the word "dollars," strike out "one thousand" and insert "five hundred," so that if amended it will read:

> And the governor shall receive annually, in addition to his salary, the sum of $500 for stationery, postage, and incidentals.

The amendment was agreed to.

Mr. CLAY. Has unanimous consent been given to vote on this bill to-day?

Mr. DEPEW. The bill is before the Senate properly by a vote of the Senate.

Mr. CLAY. It is open for debate?

Mr. DEPEW. Oh, yes.

Mr. CLAY. I should like to ask the Senator a question. The Senator has stricken from the bill a provision allowing the territorial government of the Hawaiian Islands to obligate itself——

Mr. DEPEW. To loan its money or credit to a corporation or an individual. That is stricken out.

Mr. CLAY. That is stricken out?

Mr. DEPEW. Yes.

Mr. CLAY. Let me call the Senator's attention to the first section of the bill, which repeals the general laws of the United States applying to territorial governments.

Mr. DEPEW. If the Senator will allow me, I will explain all that to him.

Mr. CLAY. Just one minute, with the Senator's permission.

Mr. DEPEW. Yes.

Mr. CLAY. My understanding is that it repeals probably thirty or forty sections of the Revised Statutes, and I thought that one of those was a provision that territorial governments should not create indebtedness beyond a certain amount or become obligated to pay the indebtedness of corporations or individuals except by consent of Congress.

I think the Senator will find on an examination of the Revised Statutes that this first section repeals a provision which was intended generally to apply to territorial governments, limiting the territorial legislatures as to what amount of indebtedness should be created in the Territories.

Mr. DEPEW. That is limited in the Hawaiian organic act.

Mr. CLAY. That may be true. If there is a limitation in the act itself, then the general law would not apply.

Mr. DEPEW. The reason for taking this out is that there is a general law applying to all Territories. That is the one covered by this section.

Mr. CLAY. And the Senator says there is a limitation in the original act creating the territorial government of Hawaii?

Mr. DEPEW. There is; and also in this amendment.

Mr. CLAY. That would probably make the situation different.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL SAVINGS DEPOSITORIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with security of the Government for repayment thereof, and for other purposes.

Mr. BRADLEY. Mr. President, I have listened with a great deal of pleasure to the speech and suggestions of the Senator from Idaho [Mr. HEYBURN]. It would seem, however, that his suggestion would lead to the entire destruction of the bill as now offered, and consequently I should be opposed to so radical a step. That there may be certain provisions in it which should be amended may be quite true, but I can not quite consent that the bill should be destroyed by the adoption of a substitute.

I am aware that the banks are generally opposed to postal savings depositories, and I think that opposition grows out of misapprehension, to a large extent, upon their part. I do not condemn the banks because they are jealous of their rights and desire to protect fully the interests of their depositors. That is praiseworthy, but there is nothing in this bill which is calculated in any way to injure the banks in any respect.

All persons who are willing to risk their deposits in banks where they can obtain 3 or 4 per cent on time deposits will continue their deposits. Hence none of the money they now have will be withdrawn or turned into postal depositories.

Those who will place their money in the postal depositories consist of two classes of people—one who are naturally afraid to risk the bank, and the other, who, when the slightest danger is manifested, withdraw their deposits and unnecessarily alarm other depositors. They are known as "scare depositors," and are really a disadvantage to any bank. The first class is composed in the main of foreigners who have comparatively recently arrived in this country, who know nothing of our banking institutions, and who therefore regard the banks with suspicion and distrust. To these may be added those persons who, though born in our midst, are uneducated and ignorant of commercial affairs. These people, however, are willing to risk the Government and will place their money in postal savings depositories when otherwise they would store it in old stockings, strong boxes, or other places. The second class is equally willing to risk the Government and would not attempt to withdraw their money whenever they hear the breaking of a financial twig.

The money derived from these two classes would be placed in the depositories, when otherwise it would not be placed in any bank, or if so placed, constitute a constant menace to the banking business.

Again, the banks, instead of paying 4 per cent for time deposits, would only pay 2½ per cent. Hence, I repeat that the banks, instead of being injured, would be directly benefited, and the Nation would be benefited by bringing into circulation a large amount of money which otherwise would be hidden away.

There are many who are unwilling to risk the banks. There are none who are unwilling to risk the Government. The guaranty of the banks amounts to nothing compared to the guaranty of the Government.

But we have been asked why it is that only 2 per cent should be paid to the depositor and 2¼ per cent should be required by the Government from the banks. This is merely a captious criticism. If it were not for the charge of this additional one-quarter per cent by the Government we would be confronted with the objection that the whole scheme is unconstitutional, because the Government, at great expense, would be compelled to provide the necessary facilities for depositories merely to protect the people by guaranty of their deposits. The bank can well afford to pay 2¼ per cent, and the Government, by requiring of the banks the one-quarter per cent additional for the purpose of necessary equipment and expenses, could administer the law and thus benefit the people, without incurring expense which would necessitate a tax upon the people.

We have been ridiculed, too, upon the ground that no condition can be lawfully attached to these deposits. For instance, the condition that the deposits of a married woman shall not be responsible for the debts of her husband is said to be ridiculous, and a condition that the State alone can attach. If the States will not, as you have been told, in some instances protect a married woman from robbery by her husband, surely the Nation should, for a man who can not support his family without robbing his wife of her hard earnings should starve on general principles. [Laughter.]

But it must be remembered that this is not a state institution. This is a national institution, created under the authority of the Constitution of the United States, and being under its authority, Congress has the right to attach any conditions that it sees fit to these deposits, and it is not in the power of the States to object.

But we are told that it is not provided in the bill that the States may not tax these deposits. It is not necessary to make such a provision. The Government borrows this money. The certificates or receipts of deposits issued by the Government show on their faces that the Government has borrowed the money, and this is sufficient to prevent taxation by a State. The certificates could not be the subject of taxation, because such taxation would cripple the exercise of a governmental power. Such was the decision of the Supreme Court in Weston *v.* The City Council of Charleston (2 Pet., 449). In that case the court held that Congress had the right to borrow money on the credit of the United States, and that stock issued for the same is the evidence of a debt created in the exercise of the borrowing power, and hence that the stock of the United States bank in the hands of the holder was not subject to taxation. This is in principle a reiteration of the opinion of the Supreme Court in McCulloch *v.* Maryland.

In that opinion, which is one of the leading opinions, one of the greatest opinions, that was ever delivered by the Supreme Court of the United States, the court, through Chief Justice Marshall, disposes of the dangerous doctrine which had been theretofore, and by some even since, contended for, that under the Constitution of the United States all power was delegated to the General Government by the States, who alone were truly sovereign, and must be exercised in subordination to the States, which alone possessed supreme dominion. Substantially, the Chief Justice held in that opinion that such power was not conferred by the States; that the conventions were called by the people, and that, while the Constitution was framed by the convention, it had no vitality until it was submitted to the people of the States and ratified by them; that it did not become the Constitution by reason of the action of delegates, but became the Constitution by reason of the approval of the whole people. And in the preamble of that Constitution we find it is distinctly stated that "We, the people, ordain." What people? "We, the people of the United States," ordain this Constitution; not we, the people of the States—not the States—but "We, the people of the United States."

In this opinion the constitutionality of the law creating the United States bank was upheld, notwithstanding it is admitted by the court that among the enumerated powers nothing can be found authorizing its establishment or the creation of a corporation. But these powers were held to be implied and necessary for the carrying into effect of the powers granted.

Neither can the position be successfully maintained that the bill creates a distinction between a citizen who deposits in bank and one who deposits in the post-office. The citizen who deposits his money in bank may draw any per cent he may be able to obtain, and his contract with the bank is entirely different from a contract made with the Government, where the citizen can obtain no more than 2 per cent. The attitude of the Government to one from whom it borrows money is entirely different from its attitude toward one from whom it does not borrow money and with whom it has no business relation or connection.

Nor can I subscribe to the doctrine asserted that "a government which protects the weak thereby weakens the strong." The strong are able to protect themselves, the weak are not, and while all just laws are intended to protect all citizens, they are much more necessary for the protection of the weak, who but for such protection would be destroyed.

The object of the law is not to borrow from the people to loan to the banks, as contended, but to borrow from the people under a guaranty for their protection, encouragement, and upbuilding, and loan to the banks to cover the expense of the Government in aiding the people. Nor is it probable as contended that money will be taken from the banks and loaned to the Government and the same money replaced by the post-offices, in the same banks, because, as stated, in nearly every instance the money loaned would not be taken from and would never go into the banks except under the guaranty of the present bill. The Government does not loan money to the banks in order to derive pecuniary benefit therefrom, but it loans it in order to benefit the people—the poor, uneducated, and timid, who otherwise would never obtain any increase on their carefully hoarded money. By reason of these deposits the circulation would be greatly increased and thus the entire country be benefited, the Government being enabled, if necessary, to give relief in times of war or panic and simultaneously protect the people from loss.

Now, as to the constitutionality of the bill. The principle therein contained has been indorsed by the Republican party in national convention, and it has been indorsed by the President, himself a learned and distinguished constitutional lawyer and jurist. I have unlimited confidence in the ability and patriotism of the party, and in the ability and patriotism of the President as well, and am willing to be guided by them. Besides, the people, the great controlling power, the real sovereigns, demand the passage of this measure, and if I had a doubt it would always be resolved in favor of the people.

But is the bill constitutional? We are told it can not be justified under the power granted to Congress to establish post-offices and post-roads, nor under the commerce clause, nor under the power to coin money, nor under the power to borrow money on the credit of the United States, nor under the general-welfare clause.

Said the Supreme Court in Legal-tender cases (12 Wall., 457–534):

> It is not indispensably necessary to the existence of any power claimed for the Federal Government that it can be found in the words of the Constitution, or clearly and directly traceable to some one of the specified powers. Its existence may be deduced fairly from more than one of the substantive powers expressly defined or from them all combined. It is allowable to group together any number of them and infer from them all that the power claimed has been conferred.
>
> So that even if the power be not fully granted in any one of these particulars, it is sufficient if it may be inferred by grouping any number of them together.

I assert, in the first place, that the power to regulate commerce among the States clearly implies the right to do any act that will advance, enlarge, or benefit commerce among them. There is probably nothing better calculated to accomplish these ends than to provide for the circulation of a sufficient supply of good money. The more money we have in circulation among the States the easier commercial transactions are carried on. The greater the circulation the greater the incentive to embark in enterprise and the easier to finance it. Certainly, it may be said, at least, that the bill under consideration is calculated to increase commercial activity and prosperity.

Again, under the general-welfare clause, the Supreme Court has not confined itself to the literal interpretation of that clause, but has said:

> Any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted by Congress, must be valid. (160 U. S., 668.)

In that case the court was considering the constitutional right of the Government to condemn land for the purpose of erecting marked tablets showing the positions of the various divisions of the army and otherwise designating the ground on which was fought the great battle of Gettysburg. No man can find specific language in any one of the powers delegated to Congress authorizing such action. The court nevertheless held that the act was constitutional and the power of condemnation could be properly exercised.

In that opinion the court says:

> Such a use seems not only *a public use, but one so closely connected with the welfare of the Republic itself* as to be within the powers

granted Congress by the Constitution for the purpose of protecting and preserving the whole country. It would be a great object lesson to all who looked upon the land thus cared for, and it would show a proper recognition of the great things that were done on those momentous days.

I challenge any Senator to point out in any one of the powers granted to Congress the power to condemn land for the purposes named. In that case the court proceeded upon the principle that the condemnation was for a public use. The establishment of a postal savings depository is also for a public use. That enactment was held to be closely connected with the welfare of the Republic, and so, too, is this. And while on the general welfare of the Republic, it is proper to say that the Constitution itself declares in its opening clause that it is ordained, among other things, to "promote the general welfare." The general welfare there intended was not alone the providing for the collection of taxes to pay debts. Indeed, we may assume that the chief purpose of the Constitution was to provide for the general welfare. This would seem to include almost every other purpose. The general welfare necessitates the "formation of a more perfect union, the establishment of justice, the insuring of general tranquillity, the providing for the common defense, and the securing of the blessings of liberty," for each one of these is only a constituent part of the general welfare. Securing the general welfare was the cardinal purpose of the Constitution, and anything that more fully carries that purpose into effect, although not embraced specifically in the other purposes declared, is within the spirit of that instrument. Hence the court very properly said, in the Gettysburg case:

No narrow view of the character of this proposed use should be taken. Its national character and import, we think, are plain. The power to condemn for this purpose need not be plainly and unmistakably deduced from any one of the particularly specified powers. Any number of those powers may be grouped together and inferences from them all may be drawn that the power claimed has been conferred.

Passing to the construction of the power conferred "to borrow money on the credit of the United States." What was the purpose, what is the meaning, and what is the scope of this authority? We are told that it was intended that this power should be exercised alone in case of war, insurrection, famine, or some such calamity or the happening of some extraordinary thing which rendered the borrowing of money an absolute necessity. Even if such had been the intention, yet, not having been expressed, Congress may act under that grant whenever in its wisdom such action is necessary.

Said the Supreme Court in Legal-tender case (110 U. S.):

The words "to borrow money," as used in the Constitution to designate a power vested in the National Government for the safety and welfare of the whole people, are not to receive that limited and restricted interpretation and meaning which they would have in a penal statute, or in an authority conferred by law or by contract upon trustees or agents for private persons.

It can not be controverted that when the fourteenth amendment was originally considered one of the principal, if not the principal, object was to confer citizenship upon a class of people who had hitherto been slaves, and not only to confer citizenship upon them, but to protect them in the exercise of that citizenship. They had been freed, but freedom unaccompanied by a protected citizenship was a bauble and a sham. Hence the amendment was adopted declaring them "citizens of the United States and the States of their residence." And in order that they might not be discriminated against by the States, it was declared:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any citizen of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The makers of this article "builded wiser than they knew," for it has proven a very bulwark of freedom not only to former slaves, but to every citizen, natural and artificial, throughout the Union. It has been appealed to more frequently and has been the subject of more judicial investigation than any other article in the Constitution. Yet it was never contended that because of its original purpose it could not be legislated under by Congress or utilized for the benefit of all who come within the purview of its provisions.

So we may say of the power to borrow money, whatever may have been intended to be specifically accomplished under it, Congress has power under that grant to legislate for any purpose coming within its purview.

I shall not consume time by inquiring what was in the minds of the framers of the Constitution, except to say that if such events as those enumerated alone were intended to authorize the borrowing of money, the power granted would have been limited to those purposes. The power granted has no limitation placed upon it. It is general, and it is for Congress to say what legislation is authorized by it. The court has authority only in such a case to determine whether the means devised in the execution of that power are forbidden by the Constitution. (Interstate Commerce Commission *v.* Brimson, 154 U. S., 457.)

Now, is the acceptance of the money of the people by the Government and the issuance of certificates agreeing to repay it borrowing money? If not, what is it? By the issuance of certificates the Government becomes invested with the money of the citizen, which it does not propose to retain permanently, but which it agrees to repay. By such action the relation of debtor and creditor is established. As to what the Government may do with that money is its business and not the concern of others, provided it is not squandered or invested in an unlawful enterprise. The Government having the authority to borrow, the courts can not abridge that right, but can only determine whether the means provided for the borrowing are forbidden by the Constitution. They can not determine that such means are not granted, but whether they are actually forbidden.

Courts can not inquire into the necessity for such laws; that is entirely a matter with Congress.

Said the Supreme Court in Legal-tender cases (12 Wall., 542):

The degree of the necessity for any Congressional enactment or the relative degree of its appropriateness is for consideration in Congress, not here.

The court then quotes from Chief Justice Marshall, in McCulloch *v.* Maryland:

When the law is not prohibitive and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground.

And in the same case the court said that it had no power to hold that the means selected were beyond the power of Congress, because it might be of opinion that other means to the same end would have been more appropriate.

Now, Mr. President, I do not question the honesty of purpose of those who are members of the Democratic party in their devotion to the Constitution, but I deny that they only are devoted to that instrument. Republicans are certainly as much devoted to that instrument as they are, although it would seem from the loose language sometimes employed by their representatives that they would make the impression that Republicans do not have the proper reverence for that instrument, and have, indeed, frequently invaded its provisions and set it at naught. I deny the right of Democrats to deliver lectures to Republicans on constitutional law. Their action in the past shows them not qualified to advise.

The truth of history demands that I should refer to the record of the Democratic party before, during, and since the great civil war. I do this with no purpose to rekindle animosities or to offend the sensibilities of anyone. No man sooner realized after the war that it had ceased and it was the duty of all good citizens to go actively to work to heal wounds, to preach and practice forgiveness, and that we were, in fact, brothers having a common interest in one great nation. There is not now and never has been any bitterness in my heart. I would willingly forget all the animosities, all the heartburnings, all the sufferings of that terrible period, and cherish in common with those who opposed us all the glories of the great conflict that tore the badge of slavery from the flag but retained every star on its field of blue.

But, Mr. President, it must not be forgotten that those who lecture us now on the Constitution belong to that same school which taught the right of secession. Had they succeeded, we would have had no Union and no Constitution, and our States would have doubtless been in the same condition as the warring states of South America. Our Constitution would have been in the same condition as John Sloan, who went out West and was run over by a freight train. A dispatch was sent to his father, "Your son John run over by freight train to-day and killed." The old man answered, "Send the remains home." Two or three hours after an answer came, "There hain't none to send." [Laughter.]

Mr. President, the Democratic party fought the constitutionality of the law to give the proceeds of certain sales of public lands to the States for purposes of education, and had they succeeded many of our great institutions of learning would not exist.

They have persistently contended, and yet contend, that the doctrine of protection had, and has, no warrant in the Constitution, and had they succeeded in establishing this doctrine the unparalleled prosperity that has made ours the richest nation of the world would never have blessed the American people.

They fought as unconstitutional the issuance of greenbacks during the war, and had they succeeded in that and their position on the tariff would have destroyed the American Union.

They contested the constitutionality of the legal-tender acts, which were absolutely necessary to the financial and business interests, yea, to the very life of the Nation.

They contended that the national banking law was unconstitutional, and if they had succeeded the Nation would have been deprived of the present banking system, which has proven absolutely essential to its welfare and prosperity.

For years they denied the authority of the Government to inaugurate or maintain a system of internal improvements, and had they succeeded would have turned back the hands on the dial of progress full half a century.

They opposed the adoption of the thirteenth, fourteenth, and fifteenth amendments, but after they were adopted, in 1876, in their national platform, declared themselves devoted to the Constitution of the United States, with its amendments.

To show you how far our critics have gone, I call your attention to the Democratic national platform of 1868, where, in speaking of the Republican party, they made this remarkable declaration:

> Under its repeated assaults the pillars of the Government are rocking on their base, and should it succeed in November next and inaugurate its President, we will meet as a subjugated and conquered people, amid the ruins of liberty and the scattered fragments of the Constitution.

Indeed, the Democratic party has resisted as unconstitutional nearly every great law placed in the statutes since 1861.

Mr. President, the Republican party proudly stands upon its record. I recall none of these great laws denounced as unconstitutional which have not been upheld by the Supreme Court. Under them the country has made rapid strides at home and abroad; it has triumphed on the land and the sea; its pillars, instead of rocking at their base, have grown firmer and more secure; we have no conquered or subjugated people, but from one end of the Union to the other the flag waves over all, is loved by all, and beneath its folds is found no crouching or degraded slave. All are free, all are protected, all are marching along in the great highway of national progress, shoulder to shoulder, a band of brothers to the accomplishment of still greater things. I trust in God that that great procession will continue, triumphal as it is, with its numbers augmented each day until time, having fully accomplished its mission, shall fall asleep in the arms of eternity.

Mr. GORE. I desire to offer an amendment to the postal savings-bank bill. I ask that it be printed and go over.

The VICE-PRESIDENT. The amendment will be printed and lie on the table, without objection.

Mr. GORE. In this connection I ask to have printed in the RECORD a statement from the governor of Oklahoma, a very luminous statement, in regard to the system of guaranteeing deposits.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

GUTHRIE, OKLA., *February 19, 1910.*

Hon. T. P. GORE,
Washington, D. C.

MY DEAR SENATOR: In reply to your request for information in regard to the Oklahoma depositors' guaranty law, I herewith give you the following information:

The depositors' guaranty fund consists of a reserve fund of 5 per cent of the total average deposits guaranteed.

This fund to be created by the payment the first year of 1 per cent of the total average deposits and the payment of one-fifth of 1 per cent of the total average deposits annually thereafter.

One per cent of the increase of deposits paid annually.

New banks pay into the guaranty fund 5 per cent of their capital, which is adjusted on the basis of their deposits at the end of one year.

In case of bank failures an emergency assessment not to exceed 2 per cent of the average deposits may be collected in any one year, and should the guaranty fund be not sufficient to pay the depositors, certificates of indebtedness bearing 6 per cent interest may be issued, the certificates to be paid from future assessments.

This guaranty fund is only a part of the guaranty that is given to the depositors of state banks in Oklahoma. There are many safeguards that protect the depositor, a few of which are as follows:

"The bank commissioner has authority to remove any reckless, incompetent, or dishonest officer of a bank.

"An officer of a bank can not borrow the funds of his bank.

"Interest on deposits are limited by the bank commissioner.

"The deposits of a bank can not exceed ten times the amount of its capital and surplus.

"All officers having care of the funds of the bank must file bonds with the state banking board.

"Two regular examinations are made by the bank commissioner, and five reports are made to the banking department.

"In case of failure the bank commissioner liquidates the bank without the excessive fees of a receiver."

It will be remembered by you that at the time the depositors' guaranty law of Oklahoma was being discussed, the panic of 1907, which has been called a "currency stringency," was at its height. Our first state government had just been formed and financial matters were in a chaotic condition. Clearing-house certificates were accepted, but under protest, and the feeling of uneasiness and lost confidence was not only in the minds of the depositors, but the bankers were afraid of each other and, with this feeling, could not instill in the minds of the depositors the idea that their money was safe.

It is true that statistics show that only a small per cent of the total deposits of banks in the United States are lost through bank failures, but it is exceedingly hard to convince and quiet a depositor when there is even talk of a bank not being safe; and, indeed, it is a small amount of consolation to a depositor who has his money tied up in a failed bank to read statistics stating that only one-twentieth of 1 per cent of the total deposits in banks are lost each year.

A deposit in a failed bank is the poorest asset on earth. It has no value. You can not pay bills with it; you can not keep a mortgage from being foreclosed; you can not use it with a wholesale house; you can not discount it at any price.

Again, bank failures are barbarous. The depositors, realizing their helpless condition, become frantic, and police are called to quell riots, disperse mobs, and protect the officers of the bank from violence. Suicide results, and yet this is the result of modern business conditions existing under state banking laws in other States and under the national-banking system.

The depositors' guaranty law of Oklahoma was enacted to remedy, as far as possible, all of the above conditions, and the guaranty law is an effort to establish confidence in the minds of both depositors and bankers. The question of whether we have done this or not is answered by the following facts:

The officers of the International Bank at Coalgate violated a safeguard of the guaranty law by borrowing about a third of the bank's funds. The bank commissioner took charge of the bank, paid the depositors, reimbursed the guaranty fund, and, as far as the guaranty fund was concerned, the incident was closed. The depositors of the Coalgate bank were not the least bit excited. One farmer telephoned into town that he was too busy to come and get his money and for them to leave his check with a neighbor. All of the depositors received their money; all business conditions were unchanged.

The bank cashier at Afton absconded with $23,000 of the bank's funds. His bond was on file with the state banking board and has since been collected. After an examination of the bank's affairs by an assistant bank commissioner, the depositors were told that the bank was solvent; and the bank is doing a nice business to-day, not having been embarrassed for a moment after the examination.

A bank officer at Ravia was arrested on the charge of embezzlement, and although considerable talk was made in the community in regard to the official being in jail, the bank did not lose a dollar of deposits, and, with the exception of the officer being removed from the board of directors by the bank commissioner, the bank was not affected.

The Columbia Bank and Trust Company, the largest bank in the State of Oklahoma, a bank with over $3,000,000 liabilities, was closed on September 29, 1909, by the bank commissioner because the capital of the bank was impaired and its assets not in condition to be readily converted into cash. It was after a conference of two days' duration between the bank commissioner, the state banking board, and the officers of the bank, the newspapers in the meantime carrying articles relative to the sale of the bank, the gossip among banks extending as far away as Kansas City, that it was decided best to close the bank and pay the depositors. The morning papers carried a statement from the bank commissioner requesting the depositors to call and receive their money from the closed bank. Over a million dollars of individual deposits of Oklahoma City were in this bank. This bank acted also as reserve agent for 112 banks. There could not have been a worse time for a bank to break in Oklahoma City. The cotton season was just beginning; the annual state fair opened the day the bank closed; and the failure of the bank under the old banking methods meant at least the tying up of the funds of several thousand citizens of Oklahoma City, together with disturbing the business of 112 banks. Commercial men from out of the State who happened to be in the city on the day of the closing of the bank wired their houses, but the calamity did not arrive. Two hours after the bank commissioner began paying the depositors business conditions in the city were absolutely normal.

The fair was the greatest success in the history of the fair association, and the deposits in Oklahoma City to-day are greater than they have ever been, deposits in state banks increasing as regularly as they did before the failure. There was never a semblance of a riot, not even one policeman being in evidence. Conditions around the bank were not changed from any other business day around a busy bank.

In addition to the guaranty fund the banking board called an emergency assessment of only three-fourths of 1 per cent, and all the individual depositors have been paid. Ninety-six per cent of the bank's deposits have been paid and enough cash in sight to pay the other 4 per cent, and if 60 per cent of the remaining assets of the bank, together with the assets turned over to the banking board by the stockholders of the Columbia Bank and Trust Company are liquidated, the guaranty fund will not only be reimbursed, but the three-fourths of 1 per cent emergency assessment collected from the banks will be returned.

Following the failure of the Columbia Bank and Trust Company the bank commissioner closed the First State Bank of Kiefer, because this bank had about $20,000, or an amount equal to twice the capital of the bank, on deposit with the Farmers' National Bank of Tulsa, which failed. The president of the Farmers' National Bank of Tulsa was also the president of the First State Bank of Kiefer, and kept all the available funds of the Kiefer bank, except the cash, on deposit with his national bank at Tulsa.

The bank commissioner paid the depositors of the Kiefer bank immediately, while the Farmers' National Bank of Tulsa remained closed.

An Italian laborer at Kiefer, amazed at the fact of receiving his money from a bank that failed, cabled the news to the old folks in Italy.

Some evidence of the fact that the guaranty law has promoted confidence in the minds of our citizens is that while the bank commissioner has lowered the rate of interest that can be paid on deposits from the prevailing rate of 6 per cent, before the law went into effect, to the rate of 3 and 4 per cent, that the deposits in state banks have steadily increased from $18,000,000 to about $51,000,000.

The difference in the rate of interest paid by the banker has paid his assessments to the guaranty fund, and it has been a matter of choice with the depositor where he placed his money, for in many instances he can still deposit his money with national banks at greater rates.

As a matter of evidence that the bankers have confidence in the guaranty law, 94 national banks have denationalised and converted into state banks. Four state banks have nationalized since the law went into effect.

The deposits of the national banks that converted into state banks were about $8,000,000, which is included in the $33,000,000 increase above mentioned, and the deposits in state banks to-day are about $10,000,000 greater than the deposits in national banks in this State.

You will remember that when the guaranty law went into effect the deposits in national banks were about twice the amount of the deposits in state banks. You will also remember the feeling prevailed that a national bank was the safest place to transact business, and that this idea had been prevalent for years. This sudden change of sentiment should denote a remarkable confidence in the guaranty law.

As to the criticisms of the guaranty law, most of these are made by politicians, and the conclusions given are made without any study of conditions. For instance, it is stated that the guaranty law promotes wild-cat banking, and it would be safe to say that some of the most conservative and best bankers in the United States are operating under the Oklahoma guaranty law. In the first place, a man can not be active in a bank in Oklahoma until he has been approved by the bank commissioner, and his neighboring bankers are willing to give all the information they have in regard to him, for they are interested in the guaranty fund. The banker knows that if a reckless, dishonest, or incompetent man goes into the banking business in Oklahoma, that while a run will not be made on his bank because of the failure of the other bank, yet the guaranty fund may be disturbed.

Again, the capital of a bank in Oklahoma must be paid in full before the bank may open for business, and isn't a man in the banking business in Oklahoma, who has invested his own money, in exactly the same condition as a banker opening a bank in any other State? Why should he desire to lose the money he has invested in the banking business? The bank can not get top-heavy, for the deposits are limited to ten times the amount of its capital and surplus.

With the bank commissioner approving the character of the banker, the banker putting his own money into the capital of the bank, interest on deposits limited, deposits limited to ten times the amount of the capital and surplus, the banker denied the right to borrow the funds of his bank, where is there any chance for the wild-cat banker to operate?

If the guaranty law prevented a run on the bank at Afton and the bank at Havia, it was by the confidence it gave our citizens.

If we prevented depressed business conditions at Oklahoma City and left the business of that city in as normal condition as it was before the Columbia Bank and Trust Company closed, then the guaranty law has been a great benefit to our State.

If the above incidents show that we have established confidence in the minds of depositors and bankers, then the guaranty law has been a success.

Sincerely, yours, C. N. HASKELL, *Governor.*

PUBLIC BUILDINGS IN THE CITY OF WASHINGTON.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. If the Senator from Utah will permit, the hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

Mr. HALE. Let that be temporarily laid aside.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside. The Senator from Utah will proceed.

POSTAL SAVINGS DEPOSITORIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest, with the security of the Government for repayment thereof, and for other purposes.

Mr. SUTHERLAND. Mr. President, the postal savings-bank bill has been vigorously assailed on this floor as being unnecessary, unwise, and unconstitutional. I do not agree with these criticisms in any particular. On the contrary, I believe the proposed legislation to be beneficial, wise, and clearly within the constitutional authority of Congress. I do not intend to enter upon any extended discussion of the merits of the bill. The luminous and instructive speeches which have been delivered by the Senator from Montana [Mr. CARTER] upon that subject render it entirely unnecessary that I should occupy the time of the Senate upon that branch of the question. I simply desire to indicate in the briefest possible terms some of the reasons why I believe the legislation will prove beneficial to the country.

First. The effect of it will be to afford banking facilities to people throughout the country, and particularly in the rural and sparsely settled localities where no such facilities now exist.

Second. The people of limited means who are not in the habit of patronizing banks will patronize an institution of this character. There are many people in this country who are afraid of a bank, but who have every confidence in the Government of the United States. That class of people would have no hesitation in patronizing an institution of this character carried on in the Post-Office Department, when they would hesitate to patronize the ordinary banks of the country.

Third. In time of panic, money which may be withdrawn from the banks in large measure will be redeposited in these post-office depositories instead of being hoarded away, and in that manner money will be retained in the channels of trade.

Fourth. The measure will encourage habits of thrift and economy among the people.

Fifth. It will encourage patriotism and personal loyalty by giving every depositor in the post-office a personal and vital interest in the welfare of the General Government.

Sixth. Contrary to the opinion announced here by some of the Senators opposed to the bill, the legislation will not encourage socialism, but I think will operate as a discouragement of socialism, because the effect of it is to give each man his individual property, to which he is adding from time to time, and the result will be to promote individualism instead of socialism.

Seventh. Instead of hurting the banks, it is my judgment that ultimately it will help them. In the first place, the Government itself by depositing these funds in the banks will itself set an object lesson of confidence in the banks which will not be lost upon the people.

I think the result of it will be that after the depositor has been adding to his account from time to time and the amount has reached the maximum allowed by law, or something like the maximum allowed by law, the depositor will take his deposit to a savings bank where he can obtain a larger amount of interest than he would by allowing it to remain in the post-office banks. I think the result in that way will be to help the banks, and particularly the saving banks, of the country instead of being a detriment to them.

Eighth. The effect of this legislation will be to restore to circulation large sums of money which are now in hiding and to prevent further sums from going into hiding, and that will be so particularly in times of panic. The effect will thus be to steady the currency, to promote the circulation of money, and to facilitate trade by keeping an adequate supply of money in circulation.

But, Mr. President, it is not sufficient that this proposed legislation should be beneficial; it must also be constitutional. An unconstitutional law is worse than no law, because it makes a promise of benefit incapable of fulfillment.

It has been asserted upon this floor by eminent lawyers that this bill is so clearly unconstitutional that for anyone to seek warrant for it in the Constitution is to engage not only in an impossible but in an utterly foolish undertaking. I listened with great interest and with great delight, as I always do, to those Senators when speeches were delivered by the Senator from Maryland [Mr. RAYNER] and the Senator from Texas [Mr. BAILEY] to this general effect. I will confess that I was somewhat overwhelmed and somewhat dismayed at the vigorous and confident denunciation of this measure by those Senators, because it brought home to me a realization that if they were correct the Senator from Montana [Mr. CARTER], who reported the bill, and those who are aiding and abetting him in the nefarious attempt to write it into the statute books, were engaged in a flagrant and reprehensible conspiracy against the Constitution, the accomplishment of which would be to inflict sundry and divers mortal wounds upon that ancient and honorable document. There seemed to be no excuse for the assault. It was wanton and willful, with malice prepense and aforethought. It occurred to me that I must either satisfy myself that the Constitution was in no danger of annihilation or withdraw from the unholy enterprise in order to avoid being held up to the scorn of my constituents as an accessory before the fact.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Maine?

Mr. SUTHERLAND. Certainly.

Mr. HALE. Before the Senator amplifies on the constitutional questions raised here, I have been interested in the summary he has given of the different points practically where this measure would be advantageous. In his list twice he has referred to his belief, as he states, that in time of panic the operation of governmental postal savings banks would be beneficial.

The Senator is a thoughtful man and considers matters carefully. Let me ask him whether he has fully considered what has seemed to some of us not a salutary part of the bill, but a dangerous part, and that is its effect upon existing institutions in time of panic. The Senator believes that the establishment of these postal savings banks at a time of panic would be salutary and beneficial and not injurious to existing savings institutions.

I saw the operation, if the Senator will allow me, in the great panic of the conservative force, the public confidence, displayed and shown in state savings banks. In my own State, where the deposits have steadily increased and represent the earnings, accumulations, and savings of tens of thousands of people deposited in the state savings banks, in the time of the disastrous panic of 1907 not one of those institutions went to the wall. There was no raid upon them. There was no demand for their deposits.

Has the Senator thought of this: If at that time there had been governmental postal savings banks, with the guaranty of the Government, and, with what the Senator brings out very clearly, the natural dependence of the public upon the Government as against private institutions, what would have been the result if there had been throughout Maine a system of governmental postal savings banks? What would be the result if the alarm and panic which then pervaded the country arose again?

My fear has been that the very establishment of a governmental postal savings system would be an inducement to the depositor in the local savings bank to withdraw his deposit and put it in a governmental institution, and thereby in my State scores of great savings banks, instead of being saved by this competition, would go to the wall.

I am trying to find my way to vote for the best measure that can be devised after proper amendment in this case; but I have this danger, which I have tried to outline to the Senator before he goes into his constitutional argument. I would like him to tell me and to tell the Senate whether there would not be that element of danger to existing institutions in time of panic which would encourage a temptation and disposition to withdraw from the state institutions and to deposit in the governmental institutions, which, of course, would mean practically the destruction of the state institutions. I suggest that to the Senator as a practical possible difficulty.

Mr. SUTHERLAND. I recognize the force of what the Senator from Maine [Mr. HALE] says with such clearness. Of course, nobody can predict with absolute certainty as to just what the result of legislation in every particular is going to be. After all, I can only guess at it, just as others can only guess at it; but it seems to me that the result which the Senator fears is not likely to occur. In time of panic——

Mr. PAGE rose.

Mr. SUTHERLAND. Just a moment, if the Senator will permit me to finish. In time of panic, as the Senator from Maine has already said, the savings banks of the country generally have not suffered because the people of the country have had confidence in those banks. There has been ordinarily no run upon that class of institutions.

Mr. CARTER. They are protected by the fact that notice of withdrawal must be given.

Mr. SUTHERLAND. Yes. The Senator from Montana suggests that one reason is that notice of varying lengths of time must be given before the money can be withdrawn. But perhaps there is a deeper reason than that, and that is the underlying confidence of the people in that class of our institutions.

It seems to me that if the people of the country have sufficient confidence in the savings banks of the country that they will not withdraw their money in time of panic to hoard it away; they will not withdraw it for the purpose of putting it into a governmental depository where the amount of interest that will be paid to them is far less than is paid by private institutions. Ordinarily the amount of interest so paid is about 4 per cent—from 3½ to 4 per cent. If a man's mind is in a state of panic, he will withdraw his money and hoard it away, even though he loses the entire amount of interest; and if it is not in a state of panic sufficient to induce him to do that, it occurs to me that he will not do it for the mere sake of depositing it in the post-office, where he will obtain a smaller amount of interest.

Mr. HALE. In time of danger, in time of panic, the depositor does not think so much of the interest which he is to get as whether or not he will lose his entire investment. Interest usually disappears in the mind of the depositor, and as the Senator says, he will either keep it on deposit and take his chances in the state institution or he will withdraw it and hoard it, thereby losing his interest. Will not that tendency, which the Senator brings out very clearly, be immensely accelerated and increased if he can put it into a governmental institution, though the interest is smaller than what he is getting from his bank? Will he withdraw it and hoard it away? Will he keep it in his old conservative institution or will he hurry to deposit it with the Government, in which he has confidence, at a lower rate of interest?

Mr. SUTHERLAND. Mr. President, I would hardly care to assent to the proposition that that tendency will be immensely accelerated. I am inclined to think that it may be accelerated to some extent, but I do not think that that condition is sufficiently important to overcome the vast benefits that would otherwise be conferred by this bill.

Mr. CARTER. Mr. President, will the Senator from Utah yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SUTHERLAND. I yield to the Senator from Montana.

Mr. CARTER. Mr. President, the question raised by the Senator from Maine [Mr. HALE] has been very thoroughly considered, and the provisions of the bill have been framed in the light of the question. It is true that absolute security will induce deposits; and certain Senators in the course of this discussion, and the Senator from Georgia [Mr. BACON], not as advocating that idea, but merely suggesting it, raised the question as to why a limitation should be placed upon the amount of a deposit to be received during a given month. "If it is a good thing," said the Senator from Georgia, "to permit a person to deposit $100 during a month, why not permit that person to deposit $100,000, if the person so desires?" The answer to the Senator from Georgia is presented by the question of the Senator from Maine.

The committee considered a state of panic and the effect of this bill upon that condition. It was believed that in time of panic large depositors could take collateral or make certain accommodations with the banks in order to leave their deposits with the banks. Small depositors could not, in the nature of things, do that. Being numerous and the sums being small, it would be quite impracticable to enter into any relation of deposit with collateral. The purpose of the bill is to avoid making the post-office a convenience, in time of panic or at any other time, for large commercial transactions. Therefore it will be found that the bill limits the aggregate deposits that any one person can make to the sum of $500, plus accumulated interest; and a further limitation is contained in the bill restricting the deposit in any one month to $100.

It will be perceived by the Senator from Maine and other Senators interested that in a case of extreme panic, where the public mind happens to be in a disturbed and distorted state, that no one individual could deposit in a post-office more than $100 during that period of hysteria, which would probably pass in a month, and if in two months he could deposit only $200. But what would happen with the $100 taken out of the bank and deposited is the question.

Mr. HALE. A good many $100.

Mr. CARTER. A good many $100. They would pass back to the banks in the community from the postmaster each and every day, so that the financial equilibrium would be maintained in the community by the interjection of the Government as an agency there. We were compelled during the panics of recent years—we have had a good many money flurries—to distribute government money all over the country for the purpose of steadying conditions.

Mr. BACON. The Senator from Montana ought to say "in certain parts of this country."

Mr. CARTER. I understand that the major portion of the deposits was made in the chief reservoirs of cash; but I know that, in the State which I have the honor in part to represent, every bank designated as a depository was supplied with all the money which its collateral warranted, and in some cases the amounts were increased.

Mr. HALE. The Senator will bear in mind that that interposition of the Government, which undoubtedly was valuable, possibly saved the day.

Mr. CARTER. It saved the day, undoubtedly.

Mr. HALE. It possibly saved the day. The savings banks got none of the benefit of that. They kept on in their steady, modest, solvent course, and got no benefit from the Government. They maintained their condition.

I want to apologize to the Senator from Utah [Mr. SUTHERLAND], who has the floor, for interrupting him and arresting his most interesting argument.

Mr. CARTER. The Senator from Maine will realize that the savings banks in New York, at least—and I think in many other States—took advantage of the law, which permitted them to make rules requiring notice of withdrawals. I think that right to exact thirty days', sixty days', or ninety days' notice before withdrawal saved the day in the State of New York quite as much as did the government deposits.

Mr. SUTHERLAND. Mr. President, I do not want to interrupt the Senator from Montana [Mr. CARTER], but I am very anxious to proceed.

Mr. BACON. I want simply to ask the Senator from Utah if he will not let me say one word, as the Senator from Montana [Mr. CARTER] alluded to a question I asked him. I will not occupy a minute.

Mr. SUTHERLAND. I hope the Senator from Georgia will be brief.

Mr. BACON. I will.

Mr. President, the Senator from Montana has undertaken to repeat the question which I asked him when he first presented this bill; I think it was some weeks ago. I simply desire to say that while he has not stated it with entire accuracy, he has simply enlarged it in the matter of amount. The principle is the same. But the fact I wish to state is this: The question I asked the Senator then had relation to the particular view which he was then presenting, and while it might be a sufficient answer to the question in a general way, the question as I then asked it must be considered in connection with the particular discussion which the Senator was then making as to the particular advantages of the postal savings-bank system. It did not relate to such a question as is now before the Senate, or that particular consideration of it.

Mr. SUTHERLAND. Mr. President, another thought that is suggested to me by the Senator from Nebraska [Mr. BROWN], who sits near me, and to which I agree, is that under this bill, when the money is withdrawn, if it should be withdrawn, from the banks and deposited in the post-office depositories, it will be immediately returned to the banks by the Government itself, thus restoring the same money more effectually to the channels of trade than would be the case if the postal-depository institution did not exist.

Mr. SMOOT. Provided that it was allowed to remain there.

Mr. SUTHERLAND. Provided it was allowed to remain in the banks, of course. Now, if I may proceed with the argument which I had outlined. I yield to no man here or elsewhere in my devotion to the great principles of the Constitution. But, after all, the Constitution is not a fetish before which one must prostrate himself in fear and trembling. It is but the great power of attorney framed by the people for the purpose of enumerating the subjects over which the agency of the Government which they created shall extend and to the interpretation of which we must bring our practical common sense and the usual and ordinary rules by which the meaning of all written language is determined. There is nothing occult or mysterious in the process. The simple question to be propounded and answered is: Does the proposed legislation effectuate in some degree any of the constitutionally declared ends of government by unprohibited means? The vast powers of Congress are enumerated in singularly brief and comprehensive terms. Although they embrace the whole legislative authority of the lawmaking power of the richest and most powerful Nation the world has ever known, they are compressed into less than 500 words. They really do little more than enumerate the subjects upon which Congress may legislate. They constitute only the chapter headings for the vast book of laws which Congress has been writing for more than a hundred years and which Congress will continue to write in great and increasing volume for many hundreds of years to come. And Congress has written and will continue to write into each chapter anything which falls within the scope of the heading, broadly and liberally construed.

Mr. President, there are certain fundamental principles which are no longer open to dispute. Some of them may be briefly stated as applicable to the present question:

1. An act of Congress is valid not only where it operates directly to carry into effect any of the specifically enumerated powers, but also where it can be seen in any degree, or under any circumstances, to promote the operation or efficiency of such power.

2. The specifically enumerated powers declare the ends which Congress is authorized to effectuate. The ends which Congress may lawfully attain are limited by the affirmative provisions of the Constitution. The means which may be adopted to attain the ends are unlimited except by the prohibitions of the Constitution.

Any means may be employed which are fairly and reasonably adapted to bring about the result. The extent to which such means conduce to the end—the degree of their efficiency—the closeness of the relationship between the means adopted and the end to be attained, are matters addressed exclusively to the judgment of Congress.

Whether the end sought to be attained is lawful is a matter of constitutional power and not of legislative discretion; but the lawfulness of the end being conceded, the choice of the means is a matter of legislative discretion and not of constitutional power.

3. The relation between the means and the end need not be direct and immediate.

I am aware of the fact that the Senator from Texas [Mr. BAILEY], in a colloquy which occurred when the Senator from Maryland [Mr. RAYNER] was addressing the Senate, seemed to dispute that proposition; but I think it is clearly determined by the decisions of the Supreme Court that the relation between the means and the end need not be direct or immediate. If the law promotes the efficiency or facilitates the execution of an enumerated power, then it is sufficient.

Mr. BACON. Mr. President, I should like to ask the Senator a question, but I will not do so if he objects.

Mr. SUTHERLAND. I do not object.

Mr. BACON. The question is in regard to the proposition that he has just passed from, that the end being within the provision of the Constitution, the means are matters not controlled by the Constitution, but within the legislative discretion. I simply wish, by way of illustration and not to press it in the way of argument, to ask the Senator this question. Of course it is recognized as an entirely constitutional function for the Government to perform, to supply the people with a proper amount of currency. I presume the Senator will agree to that?

Mr. SUTHERLAND. I do agree to that.

Mr. BACON. Now, does the Senator go further and agree with the Senator from Texas in the suggestion that, in the furtherance of that purpose and to accomplish that end, Congress could, by a penal statute, require people to put their money into circulation?

Mr. SUTHERLAND. No; I do not agree with the Senator from Texas as to that.

Mr. BACON. Would not that be the means to accomplish it? I simply illustrate the proposition. I have very grave doubts about the proposition myself; in fact, I am prepared to say that I do not believe it; but it certainly illustrates the principle announced by the Senator. There is the end to be accomplished. It is constitutional, and the means which would be effective are the means suggested; and yet nobody would say that such a measure is in the discretion of Congress, if he believed as the Senator from Utah does.

Mr. SUTHERLAND. But the Senator from Georgia overlooks the qualification which I made, namely, that the end being lawful, the means were within the competency of Congress, provided the means were themselves unprohibited by the Constitution; and I amplify that by saying that the means may be prohibited by the Constitution in express terms or by the spirit of the Constitution itself. I undertake to say that it is contrary to the whole genius of the Constitution to permit a law to be passed which will punish a citizen for doing or failing to do a thing which has none of the elements of criminality whatsoever.

Mr. BACON. I want to say to the Senator, without pressing the argument, that I do not agree with him at all as to any power being exercised simply upon the ground that it is not prohibited.

Mr. SUTHERLAND. I agree with the Senator from Georgia that Congress has no right to pass a law simply because it is not prohibited, but what I say is this: Granted that Congress has the right to attain a particular end under an enumerated power, the road which it shall travel, the means which it shall take to effectuate the end, are wholly matters of legislative discretion and not of constitutional law, provided they are unprohibited by the express language or the spirit of the Constitution. That is the proposition.

Mr. BACON. I understand the Senator's proposition very clearly, and I understand him to draw a distinction between the power to accomplish an end to be controlled by the question whether that end is constitutional or not, and the power to put in motion the means by which the end is to be accomplished.

Mr. SUTHERLAND. Yes.

Mr. BACON. In other words, in the one case he must find his warrant in the Constitution, and in the other case he must find it in the fact that the Constitution does not prohibit it.

Mr. SUTHERLAND. Yes.

Mr. BACON. I can not agree with the Senator in any statement of that kind.

Mr. SUTHERLAND. The Senator from Georgia may find himself opposed to some pretty respectable authority on this proposition.

Mr. BACON. There are respectable authorities the other way, too.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Maryland?

Mr. SUTHERLAND. Yes.

Mr. RAYNER. This is a very important suggestion, and I would like the Senator to give some authority, because the Senator is in conflict with the opinion in McCulloch *v.* the State of Maryland.

Mr. SUTHERLAND. Well——

Mr. RAYNER. Just one moment. The Senator says that if the end is legitimate and the means are not prohibited, the means are within the discretion of Congress. That is the Senator's proposition. That is not the proposition of Chief Justice Marshall in the case of McCulloch *v.* the State of Maryland, because, Mr. President, the end must not only be legitimate, the means must not only not be prohibited, but the means themselves must be appropriate and adapted to the end.

Mr. SUTHERLAND. Certainly.

Mr. RAYNER. I do not want to interrupt the Senator, but let me give him just a few lines to show that he has left out the two principal elements and ingredients in that case as being essential to the performance of a constitutional duty.

Let the end be legitimate—

Says Chief Justice Marshall—

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

The Senator says let the end be legitimate, let it be within the scope of the Constitution, and all the means which are not prohibited are constitutional, but the Chief Justice says that the means must not only be not prohibited, but that they must be appropriate and must be plainly adapted to the end. The Constitution itself says that they must be both necessary and proper, and our contention is that the means here are neither necessary nor proper for the purpose of accomplishing the end in view.

Mr. SUTHERLAND. The Senator cites the case of McCulloch *v.* Maryland, a case with which I am reasonably familiar, but let me direct the Senator's attention to a sentence, which I think follows the extract which he has read. I do not mean immediately follows, but follows in the same case:

> But where the law is not prohibited, and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department and to tread on legislative ground. This court disclaims all pretensions to such a power.

Mr. RAYNER. I admit that. So there is no contention upon the point that Congress is the judge of the degree of necessity, but I still contend that the means must be necessary and the means must be proper, because the Constitution says that they must be necessary and proper. The mere fact that the means are not prohibited is not sufficient, because the means must be adapted to the end and must be necessary and proper. There is where the whole issue arises between those who believe that this bill is constitutional and those who do not. Now, I ask the Senator if he thinks the means must be necessary and proper and adapted to the end? If the Senator believes that this bill performs a constitutional function and accomplishes one of the enumerated powers of the instrument, must not the means be not only not prohibited, but must they not be necessary and appropriate and adapted to the end? If the Senator will admit that, then I will admit that Congress is the judge of the degree of necessity; but in the argument the Senator has made so far, he has left out entirely the proposition that the means must be necessary and proper, and has planted himself upon the same proposition that the Senator from Montana [Mr. CARTER] has, that if the means are not prohibited, we have the absolute discretion to use any means that we desire to use, whether they are necessary or proper or not, or whether they are adapted to the end.

Mr. SUTHERLAND. Mr. President, I prefer to put my views in my own language, rather than to assent to the analysis which the Senator from Maryland makes of my views. Some statements he has made with reference to what I have said are correct, and some of them are not correct. I prefer to stand upon the language which I have myself used.

Of course, the means must be appropriate; they must be calculated to effect the end, or else the law does not tend to carry out the power at all. Nobody doubts that; and I have not undertaken to dispute it. I shall have occasion later along to call attention to some one or two authorities which bear out the proposition which I have here laid down.

Now I proceed.

4. If the law carries out any constitutional power, it is not rendered invalid because it also, to a greater or less extent, accomplishes some other result which is wholly beyond the power of Congress to deal with as a separate and independent matter. And I cite McCray *v.* United States (195 U. S., 27).

5. While it is true that the Constitution continues to speak with its original words and meaning, their scope and application continually broaden so as to include new conditions, instrumentalities, and activities.

If the principles thus briefly stated be granted, the validity of the legislation under consideration logically follows. Within these principles, the law can be justified under—

1. The power of Congress to coin money and regulate the value thereof.

2. Under the power to regulate interstate and foreign commerce.

3. Under the power to establish post-offices and post-roads.

4. If certain proposed amendments are adopted, which I understand are to be offered, under the power to borrow money on the credit of the United States.

The Supreme Court of the United States by a series of decisions has interpreted the coinage clause to confer upon Congress not only the power to coin money, but to provide and maintain an adequate currency for the country. Under the broad and liberal construction of this power now accepted, it is to be acted upon as though it read: "Congress shall have power to provide and maintain an adequate currency for the whole country, and by appropriate legislation secure the benefit of it to the people."

I call attention to the case of Veazie Bank *v.* Fenno (8 Wall., 533). I read from page 549:

> Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end Congress has denied the quality of legal tender to foreign coins, and has provided by law against the imposition of counterfeit, and base coin on the community. To the same end Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile.

And to National Bank *v.* Dearing (91 U. S., 29) holding that the act providing for the system of national banks was constitutional, and rested upon the same principle as the act creating the second bank of the United States. The court expressly approves the reasoning of Hamilton, saying:

> The power to creat carries with it the power to preserve. The latter is a corollary from the former.

The General Government, therefore, being charged with the duty and responsibility of providing an adequate currency for the country, and being the only Government charged with such duty and responsibility, it may accomplish this duty by any means plainly adapted to that end. The Constitution is to be construed so as to enable Congress to adopt any means which will fairly and reasonably conduce to make the powers granted by the Constitution operative, and among the means it may select without restriction such as it determines will best effectuate the end. The selection of the appropriate means by Congress is wholly a question of policy and expediency, without limitation at the hands of the judiciary.

Under the power to regulate commerce, for example, Congress has provided for improving harbors, for building piers and breakwaters, for erecting an astronomical observatory, for making coast surveys, and has sent out expeditions to observe an eclipse. None of these can be regarded as acting directly upon commercial transactions. They affect commerce only by way of rendering it safer or more profitable, or by adding to the facility with which it may be carried on.

After an exhaustive review of the authorities, Mr. Pomeroy, in his work on the Constitution, at section 268a—and I invite particular attention to this language, because by it the author sums up the decisions of the Supreme Court, as I think, upon this question—says:

> If a particular measure has such a connection or relation with one or more of the enumerated powers granted to Congress or to the Government that it can be seen in any degree or under any state of circumstances to promote the efficiency of such power, * * * then the measure is within the competency of Congress to enact. That body alone is the judge of the closeness of the relation or the extent and degree of the efficiency.

And the author says a little later, in the following section I think, that if it has a tendency to bring about the end contemplated by the express power it is valid.

Thus, for example, the creation of the national-bank system was not an act by which money was borrowed, but an act which facilitated the power to borrow money by creating a demand for government securities; and it was held that the relation to the borrowing power was sufficiently close to warrant the legislation.

In the Legal-tender cases (12 Wall., 457) the court laid down this doctrine:

> There must be some relation between the means and the end; some adaptedness or appropriateness of the laws to carry into execution the powers created by the Constitution. * * * The rules of construction heretofore adopted do not demand that the relationship between the means and the end shall be direct and immediate.

Now, within those principles, what does this bill accomplish? Among others, the effect will be to restore to circulation large sums of money that otherwise would remain in hiding. I do not care whether it is a half billion, or, as the Senator from Texas [Mr. BAILEY] says, a mere bagatelle of a few millions. The amount of money which it will restore to circulation only affects the degree of the efficiency. It does not affect the validity of the law.

It has been estimated by the Postmaster-General and by others who are competent to make an estimate, that there are in the neighborhood of a half billion dollars which this bill will bring out of hiding and restore to circulation. If so, it will have a most important effect upon the currency of the country. It assists in the most vital way in bringing into circulation and providing for the people an adequate supply of currency.

The Constitution not only devolves upon Congress the power to provide a currency for the country, but denies the power over the subject to the States.

Congress is, therefore, the only body competent to deal with the matter, and as money is an absolute necessity in the operations of government, as well as the private affairs of the people, it necessarily becomes the constitutional duty of Congress to provide and maintain a sufficient supply at all times.

This being so, it likewise follows as a logical necessity, that Congress has plenary authority to select any and all appropriate means to this end. If the supply becomes inadequate, the power exists to increase it. Confessedly this may be done by coining more money and thus adding to the volume in existence.

I am unable to perceive any good reason why Congress may not in its discretion expand the volume of available currency by passing laws reasonably calculated to bring into circulation the money which has gone into hiding. Money, so long as it is hoarded away, is in practical effect money destroyed.

A law which results in bringing such money into the channels of trade, in substance and effect creates money quite as effectively as does the placing of the government stamp upon a piece of gold or silver or paper.

At any rate, such a law secures the benefit of the currency to the people by rendering it available for use as a medium of exchange, which constitutes its only function and brings the law within the principle of the doctrine of the Supreme Court already stated:

> The power to create carries with it the power to preserve. The latter is a corollary from the former.

Mr. Justice Bradley, in the Legal-tender cases, places the power of Congress to provide for issuing Treasury notes upon the ground, among others, of—

> the necessity of providing a proper currency for the country, and especially of providing for the failure or disappearance of the ordinary currency in times of financial pressure or threatened collapse of commercial credit.

And again that learned justice says:

> When the ordinary currency disappears, as it often does in times of war, when business begins to stagnate and general bankruptcy is imminent, then the Government must have power at the same time to renovate its own resources and to revive the drooping energies of the Nation by supplying it with a circulating medium.

If the Government has power, "when the ordinary currency disappears," to fill the place of this ordinary currency by a substitute circulating medium (and we have the opinion of this eminent justice affirming the power) it is a little difficult to understand why the Government does not possess the power by appropriate legislation to restore, if it can, the ordinary currency itself to circulation instead of resorting to the expedient of providing a substitute. The former would seem to be a more direct method of accomplishing the result than the latter.

Such action falls clearly within the words of the Veazie Bank case already quoted, namely:

> Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation.

But it is argued that money is property, and the owner has the right to hoard it if he pleases, and that Congress has no more power to coax the owner to restore it to circulation than it has to punish him for hoarding it. This brings me to the question of the Senator from Georgia submitted a few minutes ago. The suggestion was made by the Senator from Texas; and lest I may misquote him upon that subject I will insert in the RECORD, without stopping to read it now, exactly what he said upon that question during the colloquy which took place between the Senator from Maryland and myself. The Senator from Texas, in reply to a suggestion which I made upon this subject, said:

> The Senator from Utah also understands there was a divided court in the case of Veazie Bank *v.* Fenno. But I waive all that, and I admit that it is not only the right, but the duty, of the Government to supply the country with a sufficient volume of currency. But I deny that in the performance of that duty the Government can act on anybody except itself. If it is true that the Government has the power to bring this money out of hiding by enticing it from its hiding place, it has the power to bring it out by punishing the man who hides it. The Senator from Utah would not contend that a statute making it a crime for a man to bury or lock up his money would be within the competence of Congress; and yet if Congress possesses the power to keep the money in circulation after it has issued it and possesses the power to act upon those who are disposed to keep it at their homes in any way they please, then it must have ample power, because, the power granted, all the courts say it is plenary, and it is sufficient to fulfill its purpose.
>
> I think nobody would be willing to say that the Congress of the United States could make it a crime if I choose to lock up my money or if anybody else chose to do so.

This argument carried to its logical conclusion accomplishes its own refutation. The Government has the right, and exercises it continuously, to invite its citizens to do things which it has no power to compel them to do. In time of peace we have no power to compel people to loan their money to the Government, but no one doubts our authority to induce them to do so by making it worth their while. We coax the citizen to loan his money by paying him interest, but we are without power to compel him to loan it under a penalty.

We may pay a man for his services to the Government, but except in the case of the war power we can not make it a crime if he declines to enter the Government service.

That is all I desire to say with reference to the money clause of the Constitution.

Mr. BACON. Will the Senator from Utah pardon me for just a minute?

Mr. SUTHERLAND. Certainly.

Mr. BACON. I desire to say I am very fully of the opinion that Congress would not have any power to endeavor to force money into circulation by making it penal for a man to hoard it; but my proposition is this: When the Senator states his proposition as broadly as he does, that the question of the means is one without limitation and one in the discretion of the legislative department, it must follow that if the legislature should, in its wisdom or unwisdom, so determine, it could, according to the argument of the Senator, enact a penal statute against the hoarding of money. We do not differ as to the conclusion that there is no such power, but we differ as to the reasoning by which we reach that conclusion.

Mr. SUTHERLAND. The Senator from Georgia, I think, will agree with me that Congress has the power to invite people to do things which it has absolutely no power to compel them to do.

Mr. BACON. The Senator certainly did not hear me or I was extremely unfortunate in my expression if I did not state the fact that I agreed with him fully in that; but I had simply used it as an illustration of what I conceived to be the fallacy of the Senator's argument; for, if his argument is correct, that it is a power in Congress, restricted alone by its discretion, then if Congress should in its discretion think such a law was conducive to furnishing the country with a sufficiency of currency, it would be within the power of Congress to do it, if it is an unlimited power, restricted only by its discretion.

Mr. SUTHERLAND. I misunderstood the position of the Senator from Georgia. I understood him to agree with the Senator from Texas upon that question, and not with myself.

Mr. BACON. No; I did not; and I do not know that the Senator from Texas intended it more than as a matter of illustration.

Mr. SUTHERLAND. I will put the exact quotation from the speech of the Senator from Texas into the RECORD, so that it will speak for itself.

Now I come to the commerce clause, and I intend to discuss that very briefly. The same facts which I have stated in order to justify this legislation under the money clause will likewise justify it under the commerce clause—that is, the fact that it will restore to the channels of trade and keep in the channels of trade large sums of money that otherwise would remain in hiding.

The relation between commerce and money is very close and intimate. Commerce among the States and with foreign nations at this stage of civilization is impossible without money. This was clearly pointed out by Mr. Webster in his speech on the payment of the surplus revenue, where he said in substance that the duty of the Government with respect to the currency does not consist in merely taking care that the gold and silver coin be not debased; that this duty is further to regulate commerce and trade, and—

> consequently to exercise oversight and care over that which is the essential element of all the transactions of commerce.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. I desire to ask a question for information. As I understand, the Senator is of the opinion that we would have the power to enact this legislation under the interstate-commerce clause for the purpose of bringing into circulation this money and putting it in commerce.

Mr. SUTHERLAND. Putting it in the channels of trade.

Mr. BORAH. If that is true, what would be the necessity of a coinage clause at all? Why should we not provide a currency under the interstate-commerce clause?

Mr. SUTHERLAND. I am not absolutely certain, in that view of it, that the coinage clause would be necessary. Very often clauses of the Constitution overlap one another, and very often we pass laws as a means to carry into effect a particular express power, when we might pass them directly under some other express power itself. I think the law can be justified under both clauses upon precisely the same state of facts.

Mr. BORAH. I asked the question to get the view of the Senator from Utah.

Mr. SUTHERLAND. I want to quote a few words more from this same speech of Mr. Webster, and I make no apologies to the Senate for doing so, because I think everybody agrees that perhaps no man in all the history of this country had a profounder and a truer conception of the real meaning of the Constitution than that eminent gentleman. He says:

It is, in my view, an imperative duty imposed upon this Government by the Constitution to exercise a supervisory care and control over all that is in the country assuming the nature of a currency, whether it be metal or whether it be paper; all the coinage of the country is placed in the power of the Federal Government; no State by its stamp can give value to a brass farthing. The power to regulate trade and commerce between the United States and foreign or Indian nations, and also between the respective States themselves, is expressly conferred by the Constitution upon the General Government. It is clear that the power to regulate commerce between the States carries with it, not impliedly, but necessarily and directly, a full power of regulating the essential element of commerce, namely, the currency of the country, the money, which constitutes the life and soul of commerce.

And in his speech on the currency, on September 28, 1837, he declared that it was the constitutional duty of the Government to see that a proper currency, suitable to the circumstances of the times, and to the wants of trade and business, as well as to the payment of debts due to Government, be maintained and preserved; a currency of general credit and capable of aiding the operations of exchange, so far as those operations may be conducted by means of the circulating medium.

And again in the same speech, speaking directly with reference to the power to regulate foreign and interstate commerce, he said:

This is a full and complete grant, and must include authority over everything which is part of commerce or essential to commerce. And is not money essential to commerce?

And again:

If Congress, then, has power to regulate commerce, it must have a control over that money, whatever it may be, by which commerce is actually carried on. Whether that money be coin or paper, or however it has acquired the character of money or currency, if, in fact, it has become an actual agent or instrument in the performance of commercial transactions, it necessarily thereby becomes subject to the regulation and control of Congress. The regulation of money is not so much an inference from the commercial power conferred on Congress as it is a part of it. Money is one of the things without which, in modern times, we can form no practical idea of commerce. It is embraced therefore, necessarily, in the terms of the Constitution.

So Mr. Webster replies to the question which the Senator from Idaho a moment or two ago addressed to me, that the power is really embraced in the commerce clause.

Mr. BORAH. It does not seem to me that Mr. Webster does reply to the question I asked. The question I asked went to the proposition why it was necessary to have any coinage clause at all. Therefore it would seem to me to follow, whatever reasoning one may adopt at this time, that the framers of the Constitution evidently did not have in mind that under the power to regulate commerce the Congress could regulate the currency.

Mr. SUTHERLAND. The Senator asked the direct question, but I understood it to carry with it the implication that it rather confuted the argument which I had been making, because if I was correct about it, the coinage clause was not necessary.

Mr. BORAH. No; I asked the question solely for the purpose of getting the Senator's view upon the question, without expressing views of my own one way or the other.

Mr. SUTHERLAND. One of the strongest arguments for the establishment of the United States Bank was that it had a natural relation to the regulation of interstate trade. Mr. Hamilton said, in his report to Washington on the constitutionality of the bank, that it was the regulation of commerce among the States—

In so far as it is conducive to the creation of a convenient medium of exchange between them, and to the keeping up a full circulation by preventing the frequent displacement of the metals in reciprocal remittances. Money is the very hinge on which commerce turns.

I will put into the RECORD, without stopping to read it, a most luminous statement upon this general subject by Judge Marvin, of the court of appeals of New York, in the case of the Metropolitan Bank against Van Dyck, in which the constitutionality of the legal-tender law was upheld under the commerce clause. Whether he was right in that I will not undertake to say, but I call attention to his discussion upon the subject of the intimate relationship between money and commerce. Among other things, he said (pp. 510–511):

Now, what is commerce? I need not stop to look up and quote definitions. We know that it consists in the exchanging of property, or the buying and selling of commodities; the latter, as generally understood. And so understood, it can not be carried on without money. In the absence of money it must substantially perish; something called "money" must exist. It is a necessity to commerce; an aid always attendant upon it; and the power that regulates commerce should, theoretically, be the exclusive power to create money, to say what shall be money, the representation of values, and it should have the power to regulate its quantity; not that such power, by way of changing the quantity, should be often or capriciously exerted. The language of the Constitution is "to regulate commerce with foreign nations and among the several States" and "to make all laws which shall be necessary and proper for carrying into execution these powers." It is argued that these powers are not broad enough to embrace the case we are considering—the power expressed is limited to regulating commerce, and this only "with foreign nations and among the several States;" that Congress can only regulate, not create, and that it can not even regulate commerce within the States. Commerce was never created by a mere act of legislation. It must have production to supply it with materials to be sold and bought. But legislation may protect the products of labor, may stimulate and encourage labor, and furnish money, making it easy to buy and sell property. It may, by many regulations of commerce, cause industry to take such direction as to produce the materials for commerce. Regulation of commerce with foreign nations may be productive of great individual and, consequently, national wealth or great poverty. And the same effects may follow regulation of commerce among the States. Money is necessary to commerce. And the kind of money and the quantity may be, indeed are, direct regulators of commerce. Without money there would be no commerce; with certain kinds of money, such as Lycurgus established—iron, there would be little commerce.

Now, it is proposed—and I pass from the commerce clause—to amend this bill, as I understand, by inserting in it an amendment which will read substantially as follows:

Provided, That when, in the judgment of the President, war or any other exigency involving the credit or welfare of the Government so requires, the board of trustees may withdraw all or any part of said funds from the bank and invest the same in bonds or other security of the United States.

If that amendment should be adopted, it seems to me it makes it perfectly clear——

Mr. BACON. Is that an amendment which has been proposed?

Mr. SUTHERLAND. It is an amendment; I am not certain whether it has yet been offered. I am reading from the report in a morning paper, which quotes the amendment and undertakes to say it will be offered. I understand such an amendment will be offered later on; perhaps to-day.

If that amendment should be adopted, then it seems clear to me that it renders this legislation entirely constitutional under the borrowing clause of the Constitution.

Mr. RAYNER. Let me ask the Senator a question. If that is so, which of course I could not admit, would you entitle this bill "a bill to borrow money upon the credit of the United States," or "a bill to create postal depositories?"

Mr. SUTHERLAND. I do not think it makes the slightest difference what you label the bill; the question is what the bill itself provides. You can not make an unconstitutional law constitutional by putting a constitutional title to it.

Mr. RAYNER. Then, can you make a law constitutional by tacking onto an unconstitutional power some other power that is constitutional? Admitting now for the sake of the argument that the creation of postal depositories is not authorized by the Constitution, can you make it constitutional by tacking on the power to borrow money on the credit of the United States? Does that make it constitutional? That gives me my difficulty.

Mr. SUTHERLAND. I will answer the Senator's question by saying sometimes you can and sometimes you can not.

Mr. RAYNER. Will the Senator give me a minute, because I understand the Senator from New York intends to offer an amendment of this sort? I want the Senator's opinion about it. He has examined it carefully. Let us assume now that a bill to create postal savings banks, without anything else at all, is unconstitutional. Could you say that to permit the money to be invested in United States bonds would make it constitutional?

Mr. SUTHERLAND. I think it does.

Mr. RAYNER. Now, the object of this bill is not to borrow money upon the credit of the United States. There is not a Senator here who would pretend to say that the object of this legislation is to borrow money upon the credit of the United States. If the United States wanted to borrow money, it would not create postal depositories for the purpose of borrowing it; and I use the word in no disagreeable way at all when I say that to say that this bill is a bill to borrow money on the credit of the United States is a pretext, because we are not here for the purpose of enacting any legislation to borrow money for the United States. We are here to create postal depositories. This bill is entitled "A bill to create postal depositories;" the object of the bill is to create postal depositories; and if you once admit that the creation of postal depositories, standing by itself, is unconstitutional, but that by tacking on to it some one of the enumerated powers you may make it constitutional, then you may tack on to any unconstitutional bill some constitutional measure which does not come within the purview or meaning of the bill and make the entire legislation constitutional. My judgment is this: I may be mistaken——

Mr. SUTHERLAND. Mr. President——

Mr. RAYNER. Just a moment.

Mr. SUTHERLAND. I hope the Senator will not make a speech.

Mr. RAYNER. This may save me the necessity of inflicting a speech on you to-morrow.

The Supreme Court would say this: If those two powers are dependent upon one another, the whole legislation would fall. If you have an unconstitutional provision and a constitutional provision, the one dependent upon the other, then the whole legislation is unconstitutional, and you can not separate it. It would be impossible to separate it.

Therefore, I stand upon the proposition that you can not take something that is unconstitutional, confessedly so, and just tack on to it, for the purpose of making it constitutional, some enumerated power which does not come within the meaning of the legislation and which does not meet the purposes the legislation would effect.

The Senator from Montana would not dare to rise in this body and say that the object of this bill is to borrow money upon the credit of the United States. I respectfully issue to him a challenge to tell the Senate that the object of this legislation is not to create postal depositories; that that is not its purpose; that its title is false; that its sections are all misleading; and that the real and genuine object of the bill is to accomplish the enumerated power of borrowing money upon the credit of the United States.

Mr. CARTER rose.

Mr. SUTHERLAND. I hope the Senator from Montana will answer the question, but as briefly as possible.

Mr. CARTER. Mr. President, I will be very brief.

The Senator from Maryland will concede at once that the relation of debtor and creditor arises between the depositor in the postal savings bank and the Government of the United States. Therefore the Government is a borrower of the money. The borrowing right is not dependent upon the judicious use of the money after it has been borrowed.

Mr. RAYNER. If the Senator will allow me, I admit if it is a bill to borrow money upon the credit of the United States, you can not inquire into the fact as to what the Government will do with the money after it has been borrowed; but the question I asked the Senator in absolute good faith is this: Is the object of this legislation to enable the Government of the United States to borrow money? Is that the purport of the legislation?

Mr. SUTHERLAND. Let me answer the Senator.

Mr. RAYNER. I think the Senator——

Mr. SUTHERLAND. The object of a law is not determined by what the Senator from Maryland thinks is its object or what the Senator from Montana or what the Senator from Utah thinks is the object of it. The object of it, when we come to consider the question of its constitutionality, is to be determined by the law itself. The court will not inquire into the operations of the mind of the Senator from Maryland or of any other Senator.

Mr. CLAPP. Mr. President, has the Senator finished?

Mr. SUTHERLAND. I have not finished. I undertake to say that if this amendment is put on the bill it does bring it within the borrowing clause, and does make it essentially a different bill than it was before. Conceding for the sake of the argument, and merely for the sake of the argument, that without this clause it would be unconstitutional, I think the addition of this clause would render it constitutional, because the effect of it is to use the post-offices of the country for the purpose of gathering money for the uses of the Government in time of stress, in time of war, and in other cases of exigency of that character, and it gathers the money in that way as truly as the United States Bank did or as the national banks do, and will therefore facilitate the borrowing power.

Now I yield to the Senator from Minnesota.

Mr. CLAPP. I should like to ask the Senator a question. Assuming that this amendment was not adopted, is there any question but that under the provisions of the bill, if there should come into the possession of the United States $100,000,000, not to be returned in kind, but simply creating a general obligation of the United States to make good these deposits, and war should break out or any other national exigency arise, Congress could appropriate that money for it?

Mr. SUTHERLAND. Not the slightest.

Mr. CLAPP. Then, that money being in the Treasury and subject to appropriation by Congress, does it strengthen the bill to-day to reiterate in the law what would be in the law if it was not there in express terms?

Mr. SUTHERLAND. It strengthens it only by declaring in express words what would otherwise probably be implied from the language of the bill.

Now I come to the last branch of the discussion, which is that this legislation is justified under the post-office clause.

The post-office clause of the Constitution is very brief. It provides simply that—

> Congress shall have power * * * to establish post-offices and post-roads.

Literally interpreted, this would mean nothing more than the power to establish places in the various communities of the country for the reception and distribution of the mails, the various routes over which the mails should be carried, and to fix the charges of the Government for its services. But evidently, and of necessity, it includes much more. Under this clause the great Post-Office Department has been organized and carried on and brought to its present vast proportions and multiplied activities. The clause means and is acted upon as though it said:

> Congress shall have power to establish, organize, and define the functions of a postal department.

In no other way can we justify the powers now exercised by that department under the acts of Congress, such, for example, as the authority given to the Postmaster-General to negotiate and conclude postal treaties and conventions with foreign countries (R. S., 398), providing for the issuing of money orders, both foreign and domestic, and so on.

The Constitution of the United States was not made alone for those who adopted it. It was made for those who came after them and for those who will come after us. True, it was said in the case of Dred Scott, and has been many times repeated, that the Constitution speaks not only with the words of the framers, but with their meaning; that it means now what it meant then. This is quite correct. The words of the Constitution have not changed in meaning, but their application and scope have broadened. They apply to new conditions, new things, new activities which have arisen since the Constitution was adopted. A constitution incapable of adaptation to the constant growth and constant change of a progressive and constantly changing people would be a useless and an impossible contrivance, serving only to hamper, and not to promote, the development of a free people.

Chief Justice Waite, in the case of Pensacola Telegraph Company *v.* Western Union Telegraph Company (96 U. S., 1), said:

> The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances.

The same thought was expressed in broader terms by Chief Justice Marshall, in the great case of McCulloch *v.* Maryland, when he said that the Constitution was—

> intended to endure for ages to come, and, consequently, to be adapted to the various crises of human affairs.

In the case of Debs (158 U. S., 564) the Supreme Court said:

> Constitutional provisions do not change, but their operation extends to new matters as the modes of business and the habits of life of the people vary with each succeeding generation. * * * The Constitution has not changed. The power is the same. But it operates to-day upon modes of interstate commerce unknown to the fathers, and it will operate with equal force upon any new modes of such commerce which the future may develop.

In Martin *v.* Hunter (1 Wheat., 304) Mr. Justice Story said:

> The instrument was not intended to provide merely for the exigency of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter; and restrictions and specifications which at the present might seem salutary might in the end prove the overthrow of the system itself.

In the very recent case of South Carolina *v.* United States (199 U. S., 437), Mr. Justice Brewer, speaking of the Constitution, says:

> Being a grant of powers to a government, its language is general, and as changes come in social and political life, it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred.

Mr. President, this is in accordance with the universal law of language. The meaning of words, in one sense, does not change, but the application of words grows and expands with the growth and expansion of society. We do not always find it necessary to coin a new word or a new phrase to express a new condition or a new activity. Old words may be found sufficiently flexible to include new things, new conditions, and new activities. Take, for example, the provision conferring upon Congress the power to regulate commerce among the States. The framers of the Constitution never dreamed that it would be expanded so as to include the multiplicity of things which it undeniably includes to-day. In the beginning the generally accepted meaning of the power was that it extended only to the interchange of commodities among the States. It was

not regarded as applying to transportation or the instrumentalities of transportation except as such transportation and the instrumentalities thereof were connected with navigation. Transportation by land was only dimly, if at all, regarded as being included. Transportation by water was undoubtedly what the framers had chiefly in mind. Carriage by land was of the simplest possible character, requiring no regulation at the hands of the Federal Government and little, if any, regulation at the hands of any lawmaking power. But all this was changed by the advent of the railroad, by the invention of the telegraph and the telephone. The power has been gradually extended, until to-day it is recognized as embracing everything which is the subject of trade and every instrumentality and means by which trade among the States is carried on or facilitated. It is not unreasonable to look forward to the day when, with the perfection of aerial navigation, it will include the regulation of the aerial craft and the air itself, so far as may be necessary to regulate commercial intercourse among the States by this future method.

In the same way, the postal department, the post-office, and post-road to-day include vastly more than they did in 1787. In the early period of the Government it was contended that this power extended no further than to permit Congress to designate the location of the various post-offices and the various post-roads. In practical construction—the correctness of which no one any longer doubts—it includes not only the power to designate where the post-offices shall be, but to build and equip them; not only to designate post routes, but to build or authorize others to build and improve them.

What constitutes a post-office or a postal department is a practical matter. At the time of the adoption of the Constitution the phrase had no judicial meaning, and has none to-day, like many of the words and phrases in the Constitution. When the Constitution speaks of an ex post facto law, of the writ of habeas corpus, of cases at common law or cases in equity, of admiralty, and so forth, the meaning is precise and can be accurately determined, because they are all expressions which had received a judicial interpretation. But the phrase "post-office or postal department" has no judicial or legal meaning. What functions may be properly devolved upon such a department must be primarily and within reasonable limits for Congress itself to determine. Congress has heretofore determined that the issuance of money orders was a proper power for the Post-Office Department to possess. In view of the fact that the reception and safeguarding of savings is, and has been for many years, regarded as appropriately belonging to the post-office establishment in all the civilized countries of the world, I am unable to see why the Congress of the United States may not likewise consider this an appropriate function of the postal department which Congress is authorized by the Constitution to establish.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. I do.

Mr. BACON. With the permission of the Senator, I desire to ask him in this connection a question, which I asked him once before, when he made the same argument in the Senate on this bill. The argument of the Senator, as I understand it, is that the fact that other countries, which I will remark, by the way, are not restrained by written constitutions, have recognized that the incorporation of the postal savings bank upon their system constituted a legitimate part of the post-office business of that country, had enlarged in the world's understanding the meaning of the post-office department, and, therefore, that enlargement having been recognized in other countries, it could with propriety be recognized in this country as a legitimate part of the business of the Post-Office Department.

The question which I asked the Senator before, which he will recall—and I ask him now in order that he may give me the reply he did before, or such modification as he may desire—was this: Suppose that other countries—European countries, for instance, where they have no written constitutional limitation of this kind—should consider that the taking of fire insurance or of life insurance was something which they could conveniently engraft upon their post-office system, and all the countries of Europe should engraft it upon their post-office system, would that make it a matter which, in our constitutional view, and on that account, could the Government of the United States enter into the business of life and fire insurance through its Post-Office Department, using its machinery for that purpose?

Mr. SUTHERLAND. I have already stated, Mr. President, that the functions which might properly be devolved on the Post-Office Department are primarily and within reasonable limits for Congress itself to determine. Now, I can conceive of cases where the function is so entirely foreign to the post-office establishment that all men would agree immediately that it had no proper relation thereto.

Mr. BACON. But as I understand it——

Mr. SUTHERLAND. Whether or not the case which the Senator puts falls within that category I am not able to say. I am rather inclined to think that it would go beyond the reasonable power of Congress.

Mr. BACON. But the entire question as to what was reasonable or unreasonable, I understand the Senator's argument to be, would be one entirely within the discretion of Congress. Therefore, necessarily and logically, anything which Congress may think legitimate business to engraft upon the business of the Post-Office Department could, under the Constitution, be so engrafted——

Mr. SUTHERLAND. No; Mr. President.

Mr. BACON. If Congress approved it and thought it legitimate.

Mr. SUTHERLAND. No; I have not so said.

Mr. BACON. Who is to determine, if Congress does not?

Mr. SUTHERLAND. I have not so said, and I do not so say. It must bear some relation to the department itself. It must be in some degree appropriate.

Mr. BACON. Does the Senator think——

Mr. SUTHERLAND. If the Senator will pardon me just a moment, it must have some appropriate relation to the Post-Office Department.

Mr. BACON. Exactly.

Mr. SUTHERLAND. What I say is, in determining the question as to whether it does bear an appropriate relation to the Post-Office Department, we can consider what other countries of the world regard in that particular simply as a circumstance which throws light upon the question and not as a controlling circumstance.

Mr. BACON. Does the Senator think that the business of a safe-deposit bank bears any legitimate relation to the business of the Post-Office Department?

Mr. SUTHERLAND. I think the creation of this particular savings depository does bear a legitimate relation to it.

Mr. BACON. For other reasons, though, not because it bears any relation to the business of carrying the mails.

Mr. SUTHERLAND. The proposed law provides that the money may be deposited in one post-office and it may be withdrawn at another post-office. It is a way of transmitting the money through the mails, perhaps not as clearly as the transmission by post-office money order, but it is of that same general character.

Mr. BACON. That is not the purpose of the bill. The Senator would not say that that is the purpose of the bill. That is a mere incident. The purpose is to create a safe-deposit bank.

Mr. SUTHERLAND. Mr. President, throughout the centuries the river flows from the mountains to the sea; always it is the same river, but those who live upon its banks are not always the same people; and so yesterday it carried upon its waters only the primitive canoes of the first proprietors; to-day it floats the merchant fleets and the invincible navy of the foremost Nation in all the files of time.

So, Mr. President, with the Constitution. The Constitution is always the same Constitution, but the people who live under it are not always the same people. When it was first adopted it had relation to and covered the small affairs and the simple problems of the handful of people who inhabited the 13 sparsely settled States along the Atlantic seaboard. But to-day it is extended so as to hold within its meaning the vast problems, the vast affairs, the imperial domain of 90,000,000 of people living in 46 tremendous Commonwealths stretching from ocean to ocean, bound together by shining bands of steel, upon which moves a commerce mightier than that which plows the seas.

Every student of constitutional history knows, in spite of any mere philosophic theorizing to the contrary, that while the words of the Constitution are the same to-day as they were in 1787, their scope and application have been and are being vastly extended by practical, by legislative, by judicial interpretation so as to include the new instrumentalities, the new conditions, and the new activities which have come into existence since that day. Written by the pens of wise men, or carved with the swords of brave men, these extensions have been made; and, approved by the practical common sense of a patriotic and progressive people, who have always realized that the Constitution was made for them and not they for the Constitution, these constantly broadening applications have been woven into the very fabric of the Constitution as strongly, firmly, and indisputably as the words of that great instrument themselves.

Mr. SMOOT. I propose an amendment to the bill, which I ask may be read and lie upon the table and be printed.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. In line 7, on page 1, after the word "for," insert "carrying out the provisions of this act in reference to;" on page 7, line 9, after the word "deposit," insert "with the Treasurer." Strike out all after the word "States," in line 12, page 7, down to and including the word "California" in line 3, page 8, and insert the following proviso:

Provided, That when, in the judgment of the President, a war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

The VICE-PRESIDENT. The amendment will be printed and lie upon the table.

ARTICLES OF WAR.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13410) to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its first amendment.

That the House recede from its disagreement to the second amendment of the Senate, and to the amendment of the Senate as to title; and agree to the same.

F. E. WARREN,
M. G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

RECLAMATION FUND.

Mr. CARTER. Mr. President, I ask unanimous consent to proceed to the consideration of the bill (S. 5705) to authorize the issue and sale of certificates of indebtedness against the reclamation fund.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The VICE-PRESIDENT. The pending question is on the substitute proposed by the Senator from Montana [Mr. CARTER].

Mr. CARTER. The amendment has been read.

Mr. KEAN. Let it be again read.

Mr. SHIVELY. Has the amendment been read?

The VICE-PRESIDENT. It was read on a previous day, but not to-day. Does the Senator ask to have it read?

Mr. SHIVELY. I ask that the amendment be read.

The VICE-PRESIDENT. The amendment will be again read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That to enable the Secretary of the Interior to complete government reclamation projects heretofore begun, the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior, to transfer from time to time to the credit of the reclamation fund created by the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, such sum or sums, not exceeding in the aggregate $30,000,000, as the Secretary of the Interior may deem necessary to complete the said reclamation projects and such extensions thereof as he may deem proper and necessary to the successful and profitable operation and maintenance thereof, or to protect water rights claimed by the United States; and such sum or sums as may be required to comply with the foregoing authority are hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the sums hereby authorized to be transferred to the reclamation fund shall be so transferred only as such sums shall be actually needed to meet payments for work performed under existing law.

SEC. 2. That for the purpose of providing the Treasury with funds for such advances to the reclamation fund, the Secretary of the Treasury is authorized to issue certificates of indebtedness of the United States in such form as he may prescribe and in denominations of $50 or multiples of that sum; said certificates to be redeemable at the option of the United States at any time after three years from the date of their issue and to be payable five years after such date, and to bear interest, payable semiannually, at not exceeding 3 per cent per annum; the principal and interest to be payable in gold coin of the United States. The certificates of indebtedness herein authorized may be disposed of by the Secretary of the Treasury at not less than par, under such rules and regulations as he may prescribe, giving all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed and the aggregate issue of such certificates shall not exceed the amount of all advances made to said reclamation fund, and in no event shall the same exceed the sum of $30,000,000. The certificates of indebtedness herein authorized shall be exempt from taxes or duties of the United States as well as from taxation in any form by or under State, municipal, or local authority; and a sum not exceeding one-tenth of 1 per cent of the amount of the certificates of indebtedness issued under this act is hereby appropriated out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

SEC. 3. That beginning five years after the date of the first advance to the reclamation fund under this act, 50 per cent of the annual receipts of the reclamation fund shall be paid into the general fund of the Treasury of the United States, until payment so made shall equal the aggregate amount of advances made by the Treasury to said reclamation fund, together with interest paid on the certificates of indebtedness issued under this act and any expense incident to preparing, advertising, and issuing the same.

SEC. 4. That all money placed to the credit of the reclamation fund, in pursuance of this act, shall be devoted exclusively to the completion of work on reclamation projects heretofore begun as hereinbefore provided, and the same shall be included with all other expenses in future estimates of construction, operation, or maintenance, and hereafter no irrigation project contemplated by said act of June 17, 1902, shall be begun unless and until the same shall have been recommended by the Secretary of the Interior and approved by the direct order of the President of the United States.

Amend the title so as to read: "A bill to authorize advances to the 'reclamation fund' and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes."

The VICE-PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute for the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

Mr. CLAY. Mr. President, I am not going to detain the Senate in the discussion of this bill. When orginally we passed legislation looking toward the reclamation of arid and semiarid lands, it was intended that the proceeds of the public lands in certain States should be used for the purpose of reclaiming those lands. It was not then contemplated that the Government at any time in the future would indorse bonds for the purpose of carrying out those projects. I fear, in the near future, that expenditures for this purpose will reach from fifty to sixty million dollars per year, and that we shall go into the Treasury of the United States for the purpose of carrying out the objects of this legislation.

I doubt if Congress has the right to go into the Treasury of the United States to take money and go into any State for the purpose of reclaiming lands. In fact, I do not believe Congress has any such right. Some of my constituents came to me and wanted me to introduce a bill to drain some valuable swamp lands in my State. I replied promptly that if those lands belonging to the State of Georgia were drained, they would have to be drained by the treasury of our State. For one, I was exceedingly anxious to aid States where such lands were located in reclaiming them and preparing them for agricultural purposes. I was willing to take the proceeds arising from the sale of those lands and apply them to such purposes; but I have said that when it comes to the Government of the United States undertaking to indorse bonds for this purpose, it is a very serious matter.

Mr. SHIVELY. Mr. President, will the Senator from Georgia permit me to interrupt him right there?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. CLAY. I do.

Mr. SHIVELY. This does not seem to me a question of the indorsement of bonds, but it is a question of issuing bonds directly.

Mr. CLAY. Yes.

Mr. SHIVELY. The Government does not simply take the collateral security here, but the Government just issues these bonds as bonds, calling them certificates of indebtedness.

Mr. CLAY. I understand that; but I understand also that this bill provides that this indebtedness shall be paid by the proceeds of the sale of public lands that will become valuable, the friends of this measure say, after the projects are put in operation.

Mr. President, I fear that a policy of this kind when it is begun will lead further every day. I fear the time will come in a few years when we shall take $50,000,000 or $60,000,000 from the Treasury every year to be applied to this purpose.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. CLAY. Yes, sir; certainly.

Mr. WARREN. Mr. President, I think if the Senator would take the time to look over the proposition, he would find that his fears are groundless in that respect, because with this temporary aid, this loan, if you please, to help over the hill, there is money enough coming in from the sale of this land and other lands not only to repay the Government in full, but to provide for all of the future work of this kind contemplated, and finally

in the end to leave a large sum of money to be otherwise disposed of by the Government.

Mr. CLAY. I have understood the friends of this measure, which comes with a favorable report from both sides of the committee, to say, I believe both publicly and privately, though we never refer here to matters that are spoken of privately, that this is the last time they intend to come to Congress and ask the Government of the United States to assume any further responsibility in completing and in keeping in repair these projects.

Mr. WARREN. Mr. President, the Senator from Georgia knows that this is the first time——

Mr. CLAY. And I hope it will be the last.

Mr. WARREN. And we are assuming that it will be the last. I hardly think that we should assume, because we ask one time, that it is the commencement of a series of requests of the Government.

Mr. CLAY. What I am after is to see if we can not get the records to show——

Mr. WARREN. If the Senator will permit me a moment further, I wish to say that this is simply a loan which must be paid. A man who would borrow money because he could would be a bad financier; the man who would borrow money when he did not need it would be a bad financier; and the man who borrows money and expects to pay it hardly expects, having borrowed what his needs compelled him to borrow, that, having paid that loan, he will borrow again because he can.

Mr. CLAY. I do not know how much money it is going to take annually to keep these projects up, and I do not know whether or not you want to extend them further in the future.

It is true that the proceeds of the public lands belong to the people of the United States; but those lands are without any value unless they are reclaimed. I concede that; and I have always had sympathy for the Senators and for the population of the States where those lands are located, but I do believe it to be bad policy on the part of the Government of the United States to undertake to go into the States and spend money for purposes not connected with the National Government. We can not do this unless we place these projects where the government lands are located. That is the only way we are allowed to do it. But, I tell you, there is a sentiment growing in my State and there is a sentiment growing throughout the length and breadth of this country, that the people can come to Congress and get money for almost any purpose—for purposes for which they ought not to expect Congress to provide.

Think of coming to Congress and asking Congress to drain the swamp lands in a State, belonging to the State, or belonging to private individuals! Mr. President, such a bill was pending here at one time, and I received telegrams and letters from my State asking me to give it my hearty support, but I replied: "No; Congress has no right to do any such thing."

My experience here has taught me—an experience of thirteen years—that when you start a project you go step by step in your expenditures until there is no ending of them. We sat here during the last session of Congress, when the leader on the other side of the Chamber told the Senate that we were spending $50,000,000 per year more than we ought to expend, and that he expected at the next Congress to see the expenditures reduced $50,000,000.

The same distinguished Senator stood here the other day and told the Senate and the country that we were spending $300,000,000 a year more than we ought to spend, and that if he were running the Government he would reduce the expenditures $300,000,000 per year, though I do not know how he would do it; I confess that I am unable to see.

Mr. BAILEY. Some folks say he is running the Government.

Mr. CLAY. My friend from Texas [Mr. BAILEY] said that. I did not. My friend from Texas said that the distinguished Senator was running the Government, and therefore he ought to reduce the expenditures of the Government $300,000,000 per year. [Laughter.]

Mr. President, we have heard the Senator from Wyoming [Mr. WARREN] say that this is the first time they have asked the Government to indorse the scheme of making payment to complete these projects. I do not believe we ought to take this step; but I am not going to interpose any further objection to the measure. I do believe we ought not to have started as we have to-day. I fear, however, before my term expires in this Senate, Senators from the arid section will be before this body asking more money for more projects of the same character.

Mr. President, we are absolutely becoming reckless in regard to expenditures. We are getting to such a point in the history of this Government that we can not stop them, and I am not prepared to say that it is confined entirely to the other side of the Chamber. You have seen your post-office expenditures reach $240,000,000 per year. I have been informed by a prominent member of the Naval Committee that this year our naval bill will be in the neighborhood of one hundred and fifty or one hundred and sixty million dollars. You talk about reducing the expenditures of this Government, and yet you increase your naval expenditures from fifteen to twenty million dollars every year. You can not make any reduction in your legislative bill. It applies to salaries. You can never make any great reductions in regard to your expenditures until you take a knife and go into your naval bill, into your army bill, into your postal bill, and examine critically and see where expenditures can be stopped. I do not believe expenditures can be reduced $300,000,000 per year. Frankness compels me to tell you that you may create all the business commissions you wish, but my experience and observation in the Senate teach me that every effort we make to reduce expenditures costs more than the reductions that are brought about in the general expenditures. Your commission to look into the expenditures will cost more than the reductions you will get in your general expenditures.

You will never get reductions in your expenditures in the Post-Office Department until your Post-Office Committee shall spend weeks and months in ascertaining whether or not there are any surplus employees; whether or not we are paying too much money for railway-mail pay; and if there are any dead weights in the Post-Office Department, let them be lopped off. If there are any employees that are not needed, then say so. If you are going to increase your naval expenditures as you have been doing in the last ten or fifteen years, they will reach $225,000,000 per year. I believe in a strong navy; but there ought to be an end of extravagant expenditure. Our expenditures last year were a billion dollars; and I predict that when this session of Congress ends, they will be more than a billion dollars—a small amount more than that.

But, Mr. President, I did not rise for the purpose of saying anything except to express my views in regard to this new departure. We are now using the Treasury of the United States to the extent of $30,000,000 to reclaim arid lands. It was never contemplated before that we should use the Treasury for any such purpose, and I hope, Mr. President, this will be the last time we shall attempt to do so.

Mr. BAILEY. Mr. President, the statement that this bill comes from the committee with a unanimous report, including Senators of both political parties, is true; but I want the RECORD to show that I did not attend that committee meeting. Senators do not generally think it to their credit to announce their absence from committee meetings, but I refrained from attending because the policy which the Government has adopted with respect to its lands is not a policy which I think a wise one.

Twenty years ago, or near that time, when I first entered the Congress of the United States, I felt that the proper disposition of the public lands was to convey them to the States in which they are located. I felt, then, that they would never be a source of revenue to the Government; that the cost of administering and disposing of them would finally absorb the net proceeds from their sale, and I felt, therefore, that the interest which other States might have in them was contingent and most remote. But that view has not prevailed in Congress, and we have held them for ourselves, withholding them from the States.

I myself believe that if the Government is to keep the public lands until it can dispose of them on its own account and for the benefit of the common Treasury, this legislation, or some legislation of this kind, is not only wise, but absolutely necessary, because obviously it will be impossible to sell these lands unless they are first made susceptible of some good use. Otherwise we would have a vast estate, yielding no revenue to the Government, and affording no homes for the people. It, therefore, seemed to me that it was a simple case and a clear case of the Government improving its own lands in order that it might dispose of them to the best advantage.

Of course I do not conceal from myself the fact that the Senators from Montana, Idaho, and Wyoming are very much more interested in making these lands tillable and valuable to their people than they are in returning any revenue from them to the Government. They make no concealment of that either before the committee, before the Senate, or before the country; and yet, while for that purpose I would not vote a penny out of the common Treasury, still, the Government owning them, is under an obligation to take the best care of them, because, treating it as a case of a guardian or an administrator, it ought to preserve the estate and even spend money on it, if by doing so it can render it more valuable.

But, Mr. President, that is not my view of the matter. I should like to give every acre of these public lands to the States in which they are located. I believe the States could administer

them not only more wisely and more economically, but they would make more suitable arrangements according to the situation of their own people. I want to go on record joining my distinguished friend from Georgia [Mr. CLAY] with the suggestion—and I record the suggestion in the hope that it may prevent it from coming to pass—that before we are quite through with this there will be an appeal to Congress to remit the price of these lands.

I remember we sold some lands to an excellent people in a Territory which has since become a State—it is not necessary to designate it further than that—and before they had their lands improved they were before Congress with an application to be released from the payment of the purchase price. I hardly think human nature is very different in the Far West from what it is in the Middle West. It seems to be a common belief among men that whatever they can get out of the Government it is just that much made, forgetting that the Government can give nobody anything unless it first takes it from somebody else. In the bare hope that this prophecy which I record may serve to prevent its coming to pass, I make it.

Mr. FLINT. Mr. President, I have objected from time to time, when this bill has been considered, to its provision in reference to the manner in which the money should be expended; but as I am the only member of the committee who objects to it, the other members of the committee being of the opinion that it is properly safeguarded, I will not urge my objection any further. I am in favor of the issuance of the obligations of the Government to carry on this work. The only question in my mind is whether or not it should not be limited to certain projects, rather than to a general placing of the fund so that it may be used in any part of any project.

Mr. HEYBURN. Mr. President, just a word before the vote is taken. I want to express my accord with the views expressed by the Senator from Texas [Mr. BAILEY]. We wrangle, Congress after Congress, and have been doing so for a long time, and if conditions do not change, we will wrangle to the end of time over matters affecting the public lands, when we are here thousands of miles away from the subject-matter of consideration, and a large majority of those who sit in Congress have never seen or come in contact with the conditions about which they legislate. It is an enormous waste of time and an enormous waste of money. The expenditures of the Government of the United States connected with the administration of the laws governing its public lands have many times outweighed the price of the land. I hope that Congress in some sane moment will realize that the proper and the best place to rest the ownership and the responsibility and the disposition of the public lands is with the legislative and executive governments of the States in which those lands are situated. Men who see them every day—legislatures, composed of men from every section of the State, with an intimate personal knowledge and as clean and capable a conscience as we can boast of in this body—should have the disposition of that question, and they will accomplish the ultimate, primary, and highest purpose. They will secure human beings to settle upon and live on those lands and build up a community that we never can successfully build up at this great distance.

This measure is necessary at this time because of the lack of intimate knowledge in the Congress of the United States when they enacted the legislation upon which this bill is based, and also because of the fact that the Congress of the United States, on account of its want of knowledge in regard to local conditions, has made this legislation necessary by starving the fund from which the expenses of these irrigation problems were to have been paid. When they withdrew from sale and settlement 200,000,000 acres of land, they depreciated the fund that was to contribute to the carrying out of these reclamation projects. I am heartily in favor of the bill and shall vote for it.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize advances to the reclamation fund and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes."

PENSIONS AND INCREASE OF PENSIONS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate Nos. 1, 2, 3, 4, and 6 to the bill (H. R. 18681) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, and disagreeing to the amendment of the Senate No. 5 to the bill.

Mr. McCUMBER. Mr. President, the House has agreed to all the Senate amendments to the bill with the exception of Senate amendment numbered 5. We have investigated the amendment, and I think our investigation justifies us in asking the Senate to recede from the amendment. I therefore move that the Senate recede from its amendment numbered 5.

The motion was agreed to.

PUBLIC BUILDINGS IN THE CITY OF WASHINGTON.

Mr. RAYNER. I ask unanimous consent for the present consideration of the bill (S. 4399) for the relief of Maj. Pierre Stevens.

Mr. HEYBURN. Mr. President, the Senate having temporarily laid aside the unfinished business, I ask that it resume consideration of it.

The VICE-PRESIDENT. The unfinished business is the regular order. The request of the Senator from Idaho [Mr. HEYBURN] is equivalent to an objection to the present consideration of the bill named by the Senator from Maryland [Mr. RAYNER]. The Chair lays before the Senate the unfinished business, the title of which the Secretary will state.

The SECRETARY. A bill (S. 1) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes.

The Secretary read the bill; and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in section 1, page 2, line 1, after the word "numbered," to strike out "226, 227, 228, 229, 230," so as to make the section read:

All of blocks numbered 256, 257, 258, 259, 260, 292, 293, 294, 295, 349, 350, 380, 381, 382, 461, 575, 576, reservation A, reservation B, reservation C, reservation D, reservation 12, according to the official plat of the city of Washington, not already owned in whole or in part by the Government of the United States of America.

The amendment was agreed to.

The next amendment was, in section 3, page 3, line 4, after the word "payment," to insert "for or on account;" after the word "of," to insert "the price of;" and in line 5, after the words "lands or," to strike out the words "the acceptance or," so as to make the section read:

SEC. 3. That the sum of $10,000,000, or so much thereof as may be necessary, to be used for the payment for or on account of the price of said lands or acquiring the title thereto, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. PIERRE C. STEVENS.

Mr. RAYNER. I desire to call up for immediate consideration the bill (S. 4399) for the relief of Maj. Pierre C. Stevens.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Maj. Pierre C. Stevens, paymaster, United States Army, $4,000, being an amount stolen from government funds in his possession at San Juan, P. R., while a major and additional paymaster, United States Volunteers, and which amount he made good from his private funds on or about November 18, 1899.

Mr. SMOOT. I should like to ask from what committee the bill comes?

Mr. RAYNER. The bill comes from the Committee on Claims with a unanimous report. It is recommended by the Judge-Advocate-General, and it is recommended by the Secretary of War. I understand Major Stevens is the only paymaster in the United States to-day who has not had money thus stolen refunded. He paid his money to the Government. In other cases the money has been refunded. The bill comes with a unanimous report from the Committee on Claims, and, as I say, it is recommended by the Secretary of War and the Judge-Advocate-General. It was ten years ago that the money was stolen.

Mr. SMOOT. I have no objection to the bill. I only wanted to know from what committee it came. I am a member of the Claims Committee, and I was absent at the last meeting, when it must have come up.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL SAVINGS DEPOSITORIES.

Mr. CARTER. In order that the postal savings-bank bill may be in better form for consideration to-morrow, I ask unanimous consent that the bill, with the amendments heretofore made and all amendments proposed, be printed, with appropriate type indicating the status of the various amendments.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minues spent in executive session the doors were reopened, and (at 4 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 3, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1910.

CONSULS.

Arthur B. Cooke, of South Carolina, to be consul of the United States of America at Patras, Greece, vice A. Donaldson Smith.

Philip E. Holland, of Tennessee, to be consul of the United States of America at Puerto Plata, Dominican Republic, vice Ralph J. Totten, nominated to be consul at Maracaibo.

Ralph J. Totten, of Tennessee, now consul at Puerto Plata, to be consul of the United States of America at Maracaibo, Venezuela, vice Eugene H. Plumacher.

PENSION AGENT.

Charles A. Orr, of Buffalo, N. Y., to be pension agent at Buffalo, his term having expired. (Reappointment.)

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. George K. Hunter, Fifth Cavalry, to be colonel from February 26, 1910, vice Col. Frederick K. Ward, Seventh Cavalry, who accepted an appointment as brigadier-general on that date.

Maj. Homer W. Wheeler, Eleventh Cavalry, to be lieutenant-colonel from February 26, 1910, vice Lieut. Col. George K. Hunter, Fifth Cavalry, promoted.

Capt. Robert D. Walsh, Thirteenth Cavalry, to be major from February 26, 1910, vice Maj. Homer W. Wheeler, Eleventh Cavalry, promoted.

First Lieut. John H. Lewis, Fifth Cavalry, to be captain from February 26, 1910, vice Capt. Robert D. Walsh, Thirteenth Cavalry, promoted.

First Lieut. Harry N. Cootes, Twelfth Cavalry, to be captain from February 28, 1910, vice Capt. John McClintock, Thirteenth Cavalry, whose resignation was accepted to take effect on that date.

Second Lieut. John G. Winter, Sixth Cavalry, to be first lieutenant from February 26, 1910, vice First Lieut. John H. Lewis, Fifth Cavalry, promoted.

Second Lieut. Herbert E. Mann, Seventh Cavalry, to be first lieutenant from February 28, 1910, vice First Lieut. Harry N. Cootes, Twelfth Cavalry, promoted.

COAST ARTILLERY CORPS.

First Lieut. Charles C. Burt, Coast Artillery Corps, to be captain from February 28, 1910, vice Capt. Edwin G. Davis, retired from active service on that date.

Second Lieut. Edgar H. Thompson, Coast Artillery Corps, to be first lieutenant from February 28, 1910, vice First Lieut. Charles C. Burt, promoted.

INFANTRY ARM.

Lieut. Col. Charles St. J. Chubb, Second Infantry, to be colonel from February 28, 1910, vice Col. Leonard A. Lovering, Thirtieth Infantry, retired from active service on that date.

Maj. James A. Maney, Seventeenth Infantry, to be lieutenant-colonel from February 28, 1910, vice Lieut. Col. Charles St. J. Chubb, Second Infantry, promoted.

Capt. Charles H. Martin, Twenty-third Infantry, to be major from February 28, 1910, vice Maj. James A. Maney, Seventeenth Infantry, promoted.

First Lieut. Walter B. Elliott, Seventh Infantry, to be captain from February 28, 1910, vice Capt. Charles H. Martin, Twenty-third Infantry, promoted.

Second Lieut. Irving M. Madison, Twelfth Infantry, to be first lieutenant from February 28, 1910, vice First Lieut. Walter B. Elliott, Seventh Infantry, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants from March 1, 1910.

Albert M. Fisher, of North Dakota.
Martin William Roan, of North Dakota.
Frederick Bismarck Strauss, of North Dakota.

PROMOTIONS IN THE NAVY.

Lieut. Arthur Crenshaw to be a lieutenant-commander in the navy from the 1st day of July, 1909, vice Lieut. Commander Mark L. Bristol, promoted.

The following-named ensigns to be lieutenants (junior grade) in the navy from the 31st day of January, 1910, upon the completion of three years' service in present grade:

Chester W. Nimitz,
John N. Ferguson,
Arthur K. Atkins,
Jonathan S. Dowell, jr., and
John H. Newton.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 31st day of January, 1910, to fill vacancies existing in that grade on that date:

Chester W. Nimitz, and
John N. Ferguson.

POSTMASTERS.

ALABAMA.

John B. Daughtry to be postmaster at Hartford, Ala., in place of John B. Daughtry. Incumbent's commission expires March 6, 1910.

Howard B. Williams to be postmaster at Gordo, Ala. Office became presidential January 1, 1910.

ARIZONA.

Frank P. Burnet to be postmaster at Globe, Ariz., in place of Ralph W. Sturgis, resigned.

James H. McClintock to be postmaster at Phoenix, Ariz., in place of James H. McClintock. Incumbent's commission expires March 2, 1910.

ILLINOIS.

William G. Dustin to be postmaster at Dwight, Ill., in place of William G. Dustin. Incumbent's commission expires March 28, 1910.

John R. Marshall to be postmaster at Yorkville, Ill., in place of John R. Marshall. Incumbent's commission expires March 28, 1910.

John Mackler to be postmaster at Chicago Heights, Ill., in place of William J. McEldowney. Incumbent's commission expired February 22, 1910.

Michael F. Walsh to be postmaster at Harvard, Ill., in place of Michael F. Walsh. Incumbent's commission expires March 26, 1910.

INDIANA.

Lindley A. Dawes to be postmaster at Wabash, Ind., in place of Jesse Parmenter. Incumbent's commission expired January 18, 1910.

Thomas S. Jones to be postmaster at Corydon, Ind., in place of Charles H. Reader. Incumbent's commission expired January 18, 1910.

Albert O. Lockridge to be postmaster at Greencastle, Ind., in place of John G. Dunbar. Incumbent's commission expired January 18, 1910.

Simeon W. Norton to be postmaster at Hope, Ind., in place of Herman Miller. Incumbent's commission expired December 13, 1909.

George D. Taylor to be postmaster at Worthington, Ind., in place of George D. Taylor. Incumbent's commission expired January 29, 1910.

William Wright to be postmaster at Rochester, Ind., in place of Frank Dillon. Incumbent's commission expired February 27, 1910.

KENTUCKY.

George L. Barnes to be postmaster at Frankfort, Ky., in place of George L. Barnes. Incumbent's commission expired January 24, 1910.

John W. Berryman to be postmaster at Versailles, Ky., in place of John W. Berryman. Incumbent's commission expired March 1, 1910.

Lloyd Clay to be postmaster at Paintsville, Ky., in place of Edna J. Kirk. Incumbent's commission expires June 26, 1910.

Jacob B. Coffman to be postmaster at Russellville, Ky., in place of Jacob B. Coffman. Incumbent's commission expired February 9, 1910.

Abithel Downs to be postmaster at Murray, Ky., in place of Abithel Downs. Incumbent's commission expires April 19, 1910.

James C. Florence to be postmaster at Stanford, Ky., in place of James C. Florence. Incumbent's commission expired January 23, 1910.

Thomas B. Kirkpatrick to be postmaster at Hodgenville, Ky., in place of Thomas B. Kirkpatrick. Incumbent's commission expired March 2, 1908.

Lucy O. Mason to be postmaster at Adairville, Ky., in place of Lucy O. Mason. Incumbent's commission expired January 23, 1910.

N. A. Moore to be postmaster at Paris, Ky., in place of Joseph L. Earlywine. Incumbent's commission expired January 20, 1909.

William H. Overby to be postmaster at Henderson, Ky., in place of William H. Overby. Incumbent's commission expires April 12, 1910.

Harry N. Stringfellow to be postmaster at Carrollton, Ky., in place of Andrew W. Darling. Incumbent's commission expired March 1, 1910.

William Turner to be postmaster at Bowling Green, Ky., in place of Will R. Speck. Incumbent's commission expired January 30, 1910.

William A. Wallace to be postmaster at Leitchfield, Ky., in place of Daniel O'Riley. Incumbent's commission expired December 12, 1908.

William T. West to be postmaster at Lancaster, Ky., in place of William T. West. Incumbent's commission expires April 19, 1910.

Clarence H. Wilson to be postmaster at Sturgis, Ky., in place of Clarence H. Wilson. Incumbent's commission expired December 14, 1908.

MICHIGAN.

Charles R. Culver to be postmaster at Carson City, Mich., in place of Arthur L. Bemis. Incumbent's commission expired February 22, 1910.

Frederick Kruger to be postmaster at St. Ignace, Mich., in place of Frederick Kruger. Incumbent's commission expires March 23, 1910.

MISSISSIPPI.

R. N. Harris to be postmaster at Clarksdale, Miss., in place of Anna Durham. Incumbent's commission expired December 15, 1909.

William J. Willingham to be postmaster at Eupora, Miss., in place of John H. Elkins. Incumbent's commission expired January 30, 1910.

NEBRASKA.

Charles H. Merritt to be postmaster at Wakefield, Nebr., in place of Cyrus E. Hunter. Incumbent's commission expired February 5, 1910.

NEW MEXICO.

Edward C. Burke to be postmaster at Santa Fe, N. Mex., in place of Frank W. Shearon, resigned.

NEW YORK.

J. R. Hawley to be postmaster at Webster, N. Y., in place of George G. Mason. Incumbent's commission expired February 22, 1910.

Moses T. Horton to be postmaster at Southold, N. Y., in place of Moses T. Horton. Incumbent's commission expires March 26, 1910.

John H. Stebbins to be postmaster at Fairport, N. Y., in place of Egbert L. Hodskin. Incumbent's commission expires March 22, 1910.

NORTH DAKOTA.

Charles Gunthorp to be postmaster at Edgeley, N. Dak., in place of Charles Gunthorp. Incumbent's commission expired February 19, 1910.

Anna E. Shaw to be postmaster at Plaza, N. Dak. Office became presidential January 1, 1910.

OHIO.

Grant Coats to be postmaster at Rockford, Ohio, in place of Grant Coats. Incumbent's commission expired December 13, 1909.

Wilson V. Daring to be postmaster at Holgate, Ohio. Office became presidential January 1, 1910.

Samuel E. Nimmons to be postmaster at Plymouth, Ohio, in place of Samuel E. Nimmons. Incumbent's commission expired February 28, 1910.

Otis Sykes to be postmaster at Chicago, Ohio, in place of Otis Sykes. Incumbent's commission expired February 19, 1910.

Fred Yeager to be postmaster at Perrysburg, Ohio, in place of Fred Yeager. Incumbent's commission expired February 5, 1910.

OREGON.

J. W. McMilan to be postmaster at Rainier, Oreg., in place of Laud R. Rutherford, resigned.

PENNSYLVANIA.

Alexander C. Evans to be postmaster at Pitcairn, Pa., in place of Charles Koch. Incumbent's commission expires March 26, 1910.

Jonathan C. Gallup to be postmaster at Smethport, Pa., in place of Jonathan C. Gallup. Incumbent's commission expires March 27, 1910.

Isaac P. Garrett to be postmaster at Lansdowne, Pa., in place of Isaac P. Garrett. Incumbent's commission expires March 23, 1910.

Daniel L. Grier to be postmaster at Watsontown, Pa., in place of Daniel L. Grier. Incumbent's commission expired December 16, 1909.

I. Newton Taylor to be postmaster at Mount Union, Pa., in place of I. Newton Taylor. Incumbent's commission expires March 26, 1910.

TEXAS.

A. H. Culver to be postmaster at Ennis, Tex., in place of Abram M. Morrison. Incumbent's commission expires April 23, 1910.

Robert R. Hyland to be postmaster at Round Rock, Tex., in place of Robert R. Hyland. Incumbent's commission expired February 27, 1910.

VIRGINIA.

Charles T. Holtzman to be postmaster at Luray, Va., in place of Charles T. Holtzman. Incumbent's commission expires March 23, 1910.

WISCONSIN.

Lorenz C. Fensel to be postmaster at Kewaunee, Wis., in place of Joseph J. Schultz. Incumbent's commission expired February 7, 1910.

Frank E. Riley to be postmaster at Two Rivers, Wis., in place of Frank E. Riley. Incumbent's commission expires March 21, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1910.

COMMISSIONER OF IMMIGRATION.

Louis T. Weis, to be commissioner of immigration at the port of Baltimore, Md.

ASSISTANT ATTORNEY-GENERAL.

D. Frank Lloyd, to be Assistant Attorney-General.

UNITED STATES MARSHAL.

Eugene Nolte, to be United States marshal for the western district of Texas.

SURVEYOR OF CUSTOMS.

Charles W. Clarke, to be surveyor of customs for the port of Kansas City, Mo.

APPOINTMENT IN THE NAVY.

William B. Sullivan, to be second lieutenant in the Marine Corps.

PROMOTIONS IN THE NAVY.

Capt. Sidney A. Staunton to be a rear-admiral.

Machinist James M. Ober to be a chief machinist.

The following-named paymasters, with the rank of lieutenant, to be paymasters, with the rank of lieutenant-commander:

Jonathan Brooks,
Eugene F. Hall,
Franklin P. Sackett,
David M. Addison,
William T. Wallace,
Victor S. Jackson,
John R. Sanford, and
Herbert E. Stevens.

ASSISTANT SURGEON, PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Carlisle P. Knight to be assistant surgeon in the Public Health and Marine-Hospital Service.

POSTMASTERS.

ARKANSAS.

William D. Foster, at Gravette, Ark.
Frank L. Mallory, at De Queen, Ark.

CONNECTICUT.

Joseph R. Sperry, at Warehouse Point, Conn.

FLORIDA.

J. Paul Clark, at West Palm Beach, Fla.
Cyrus Lowrey, at Clearwater, Fla.

GEORGIA.

Charles L. Pierce, at Columbus, Ga.

ILLINOIS.

George S. Faxon, at Plano, Ill.
John Mackler, at Chicago Heights, Ill.

MICHIGAN.

Louis Larson, at Newaygo, Mich.
Daniel P. McMullen, at Cheboygan, Mich.
Albert A. Worthington, at Buchanan, Mich.

MISSOURI.

William J. Huggins, at Malden, Mo.
Daniel McCoy, at Sikeston, Mo.
William R. Strickland, at Rockport, Mo.

NEW MEXICO.

Edward C. Burke, at Santa Fe, N. Mex.

NEW YORK.

Stott Mills, at Warwick, N. Y.

OKLAHOMA.

Odel Squier Combs, at Haileyville, Okla.
John K. Hannah, at Salisaw, Okla.

UTAH.

Arthur L. Thomas, at Salt Lake City, Utah.

WEST VIRGINIA.

J. Walter Criss, at Belington, W. Va.
William A. Mason, at Philippi, W. Va.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 2, 1910.

POSTMASTER.

S. B. Grimshaw to be postmaster at Santa Fe, in the Territory of New Mexico.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 2, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. This being calendar Wednesday, the call rests upon the Committee on Banking and Currency.

Mr. SHACKLEFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SHACKLEFORD. Mr. Speaker, my attention has been called to the fact that House bill No. 13517, reported from the Committee on Claims, for the relief of Thomas J. Akins, assistant United States treasurer at St. Louis, has been placed upon the Union Calendar. I want to ask whether that ought not to go upon the Private Calendar?

The SPEAKER. The Chair will later on lay the bill before the House after calendar Wednesday's business has been disposed of, or to-morrow morning.

Mr. SHACKLEFORD. I just simply did not desire to waive any of my rights——

The SPEAKER. This being calendar Wednesday, no business is in order under the rule except the call of committees.

Mr. SHACKLEFORD. Not even to inquire whether a bill has been placed upon the proper calendar?

The SPEAKER. The gentleman has inquired, and there is no difficulty in arriving at the matter.

Mr. SHACKLEFORD. I did not desire, Mr. Speaker, to do more than call attention to the facts, so as not to waive any rights I may have in the matter.

Mr. MANN. You could make the point of order if the bill was called up.

MODIFYING THE ONE HUNDRED AND TWENTY-SECOND AND ONE HUNDRED AND TWENTY-FOURTH ARTICLES OF WAR.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that I may submit a conference report, so that it may be printed in the RECORD under the rule.

Mr. FITZGERALD. Is there any particular hurry about this?

Mr. HULL of Iowa. Not especially, except it has to be printed.

Mr. FITZGERALD. Well, let it wait.

The SPEAKER. It being a conference report, the Chair would submit the question for unanimous consent, because it is in the ordinary transaction of business of a high grade. Is there objection? [After a pause.] The Chair hears none.

The conference report (No. 667) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13410) entitled "An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its first amendment.

That the House recede from its disagreement to the second amendment of the Senate and to the amendment of the Senate as to title; and agree to the same.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

Statement of the House conferees to accompany H. R. 13410, an act to modify the One Hundred and twenty-second and One hundred and twenty-fourth Articles of War.

The first amendment struck out the words "of the army" and radically changed the policy of the Government, and the Senate recedes.

The second amendment simply repeals article one hundred and twenty-three, as the article was virtually repealed by the change in articles one hundred and twenty-two and one hundred and twenty-four, and the House recedes.

The House also recedes from the amendment to the title.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Conferes on the part of the House.

CALENDAR WEDNESDAY.

The SPEAKER. The call rests upon the Committee on Banking and Currency, and the Clerk will call the committees.

The Clerk began by calling the Committee on Coinage, Weights, and Measures.

Mr. CLARK of Missouri. Mr. Speaker, the Committee on Banking and Currency was not called.

The SPEAKER. It has just this moment been called.

Mr. CLARK of Missouri. The Chair announced that the call rested with that committee, but the Clerk never called it.

The SPEAKER. The Clerk has just called the Committee on Banking and Currency.

Mr. GAINES. The Chair corrected the Clerk, and the Clerk has just now called the Committee on Banking and Currency.

Mr. CLARK of Missouri. If he did, he called it after he called the Committee on Coinage, Weights, and Measures.

The SPEAKER. Then he called it in error, because the call does rest upon the Committee on Banking and Currency.

Mr. CLARK of Missouri. That is what I understood.

The SPEAKER. The Clerk called the Committee on Coinage, Weights, and Measures through error, and the Chair directed him to call the Committee on Banking and Currency, where the call rested, and the Clerk did call the Committee on Banking and Currency.

Mr. CLARK of Missouri. All right, I did not hear it.

The SPEAKER. The Clerk will call the committee again.

BRIDGES ACROSS ESCAMBIA BAY, CHOCTAWHATCHEE RIVER, AND APALACHICOLA RIVER, FLORIDA.

When the Committee on Interstate and Foreign Commerce was called,

Mr. MANN. Mr. Speaker, I call up the bill S. 6051.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6051) to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida.

Be it enacted, etc., That the Louisville and Nashville Railroad Company is hereby authorized to reconstruct, operate, and maintain its bridges on the line of railroad between Pensacola and River Junction, in the State of Florida, to wit: First, its existing bridge over Escambia Bay; second, its existing bridge over Choctawhatchee River; third, its existing bridge over the Apalachicola River; all in accordance with the

provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read the third time, was read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2441. An act for the relief of the next of kin of C. A. Weed and the legal representatives of A. P. H. Stewart;

S. 2925. An act to increase the limit of cost for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak.;

S. 2484. An act to provide for the purchase of a site and for the erection of a building thereon at Portland, Oreg.;

S. 4703. An act to increase the limit of cost of the United States post-office at Fort Collins, Colo.;

S. 5048. An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act;

S. 5785. An act to amend an act entitled "An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.," approved February 8, 1905;

S. 5920. An act providing for the erection of a public building at Pocatello, in the State of Idaho;

S. 6032. An act to provide for the erection of a public building at Cartersville, Ga.;

S. 6449. An act permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota;

S. 6639. An act for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners of lots Nos. 1, 2, and 3, square No. 434, in the city of Washington, D. C.;

S. 6738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors;

S. 6739. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors;

S. 2209. An act to provide for the erection of a public building at Trenton, in the State of Missouri;

S. 1829. An act for the erection of a public building at Burlington, N. C.;

S. 1035. An act authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company;

S. 533. An act for the erection of a public building at Milwaukee, Wis.; and

S. 9. An act to amend section 2289 of the Revised Statutes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5920. An act providing for the erection of a public building at Pocatello, in the State of Idaho—to the Committee on Public Buildings and Grounds.

S. 5785. An act to amend an act entitled "An act to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.," approved February 8, 1905—to the Committee on Indian Affairs.

S. 5048. An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act—to the Committee on Irrigation of Arid Lands.

S. 4703. An act to increase the limit of cost of the United States post-office at Fort Collins, Colo.—to the Committee on Public Buildings and Grounds.

S. 2484. An act to provide for the purchase of a site and for the erection of a public building thereon at Portland, Oreg.—to the Committee on Public Buildings and Grounds.

S. 2925. An act to increase the cost for the enlargement, extension, remodeling, and improvement of the federal building at Sioux Falls, S. Dak.—to the Committee on Public Buildings and Grounds.

S. 2441. An act for the relief of the next of kin of C. A. Weed and the legal representatives of A. P. H. Stewart—to the Committee on Claims.

S. 6032. An act to provide for the erection of a public building at Cartersville, Ga.—to the Committee on Public Buildings and Grounds.

S. 6449. An act permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota—to the Committee on Interstate and Foreign Commerce.

S. 6639. An act for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners of lots Nos. 1, 2, and 3, square No. 434, in the city of Washington, D. C.—to the Committee on Claims.

S. 6738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors—to the Committee on Pensions.

S. 6739. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 2209. An act to provide for the erection of a public building at Trenton, in the State of Missouri—to the Committee on Public Buildings and Grounds.

S. 1829. An act for the erection of a public building at Burlington, N. C.—to the Committee on Public Buildings and Grounds.

S. 533. An act for the erection of a public building at Milwaukee, Wis.—to the Committee on Public Buildings and Grounds.

S. 9. An act to amend section 2289 of the Revised Statutes—to the Committee on Immigration and Naturalization.

BRIDGE ACROSS MORRIS AND CUMMING CHANNEL.

Mr. MANN. Mr. Speaker, I desire to call up the bill H. R. 19633.

The SPEAKER. The gentleman from Illinois calls up a House bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 19633) to authorize Aransas Pass Channel and Dock Company to construct a bridge across Morris and Cumming Channel.

Be it enacted, etc., That the Aransas Pass Channel and Dock Company, a corporation organized under the laws of the State of Texas, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Morris and Cumming Channel, at a point suitable to the interests of navigation, at or near Aransas Pass, in the county of San Patricio, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the constructon of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS MORRISON CHANNEL.

Mr. MANN. Mr. Speaker, I desire to call up the bill H. R. 21221.

The SPEAKER. The gentleman from Illinois [Mr. MANN] calls up a House bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 21221) to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan.

Be it enacted, etc., That the city of St. Joseph, a corporation organized under the laws of the State of Michigan, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across Morrison Channel, of the St. Joseph River, at a point suitable to the interests of navigation, at or near the city of St. Joseph, in the county of Berrien, in the State of Michigan, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

REVENUE CUTTER AT KEY WEST, FLA.

Mr. MANN. Mr. Speaker, I desire to call up the bill S. 1381.

The SPEAKER. The gentleman from Illinois calls up a Senate bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 1381) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a steam revenue cutter of the first class for service in the waters of Key West, Fla., at a cost not to exceed the sum of $250,000.

Also, the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized to provide and equip two new revenue cutters at a cost not exceeding the sum of $250,000 in each case; and when either of said revenue cutters shall be placed in service, one of the revenue cutters now in the service shall thereupon be retired from service.

"SEC. 2. That the Secretary of the Treasury is hereby authorized from time to time to make such transfer and change of stations of revenue cutters as he may deem desirable for the best interests of the service, and in his discretion to direct any revenue cutter to cruise in any waters to perform the duties of the Revenue-Cutter Service."

Amend the title so as to read: "An act authorizing the Secretary of the Treasury to provide two new revenue cutters, and for other purposes."

Mr. MANN. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of the bill, and consider it in the House as in the Committee of the Whole House on the state of the Union. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, as I understand it, when a bill is considered in the House as in Committee of the Whole House on the state of the Union it is considered under the five-minute rule.

The SPEAKER. That is correct.

Mr. UNDERWOOD. I would like to get an explanation from the gentleman.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the first section of the bill.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry. If this bill be considered in the House as in the Committee of the Whole House on the state of the Union, will there be opportunity for general debate?

The SPEAKER. Under the five-minute rule.

Mr. TAWNEY. I say, is there no opportunity for general debate?

The SPEAKER. The Chair's recollection is, and he is confirmed in his recollection as to its correctness, that if this bill was under consideration in the Committee of the Whole House on the state of the Union, there would be general debate. But unanimous consent having been given for its consideration in the House as in the Committee of the Whole House on the state of the Union, the precedents are that general debate is not in order. That is the difference between consideration in the House as in the Committee of the Whole House on the state of the Union and consideration in the Committee of the Whole House on the state of the Union.

The Clerk will read the first section.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a steam revenue cutter of the first class for service in the waters of Key West, Fla., at a cost not to exceed the sum of $250,000.

Mr. UNDERWOOD. Mr. Speaker, I would like to inquire whether the Clerk is reading the bill or reading the substitute.

The SPEAKER. There is a committee amendment pending to the bill. It has already been read. Unless a reading is demanded, it will not be read again.

Mr. FITZGERALD. I would like to ask the gentleman from Illinois if there is any use for this proposed expenditure?

Mr. MANN. Mr. Speaker, if the two gentlemen will give me an opportunity to state the reason for the bill before they ask their questions, I will be glad to answer any questions afterwards.

Mr. Speaker, there are now pending in the House six different bills, already passed by the Senate, each bill for the construction of a revenue cutter. There are also pending in the House a number of House bills providing for revenue cutters. Each of these bills provides for a cutter to be located on some particular station. One of the Senate bills pending is the one now reported back to the House. That provides for a revenue cutter to take the place, practically, of the revenue cutter now at Key West, for ocean use in the Gulf of Mexico.

The Secretary of the Treasury, in his last annual report, stated that there was a necessity for doing away with four of the revenue cutters now in existence. They are old and not capable of going out to sea in storms when it is necessary for them to do so. The department also recommended additional launches for the Revenue-Cutter Service. Our committee, on consideration, concluded that it would not be wise to report all of these bills providing for revenue cutters for the various stations and that it would not be desirable to report for the four revenue cutters to take the place of the four which the department is desirous to discard. We finally concluded that we might limit the number of cutters to be favorably reported at this time or at this session of Congress, and probably at this Congress, to two new cutters of such character that they would be capable of ocean service in storms; and then added a provision which would give sufficient authority to the Secretary of the Treasury to change the stations of the cutters now in existence. For instance, while the cutter at Key West may be and is not capable of performing the duties which ought to be performed at that place, it may be sufficient to perform duties at some other place, where it does not have to come in contact with strenuous ocean service. Therefore we have provided for two cutters, with authority to the Secretary to change the station of the cutters as he may please, putting one of the new cutters in one place and putting one of the old cutters now out of duty and incapable of performing proper service in its place.

Mr. CLARK of Missouri. Have they as many cutters as they need if they were all fit for business?

Mr. MANN. They have.

Mr. CLARK of Missouri. And your idea, or the scheme of this committee, is to replace the old ones that are practically worthless with new ones?

Mr. MANN. Yes; practically, but not entirely, worthless.

Mr. CLARK of Missouri. What are you going to do with the old ones when you get through with them?

Mr. MANN. Under the authority of law the Secretary now possesses, the old cutters are sold.

Mr. SHERLEY. Can the gentleman give the names of these useless cutters?

Mr. MANN. One is the *Forward*. I would not say altogether useless, but useless in a measure. One is the *Woodbury*, another the *Perry*, and another is the *Rush*. The *Forward* is located at Key West, the *Woodbury* on the coast of Maine, the *Rush* in Alaskan waters, as I recall it.

Mr. SHERLEY. What are the recommendations of the Secretary of the Treasury as to the purchase of two new cutters?

Mr. MANN. The recommendation of the Secretary of the Treasury in his annual report was that we provide cutters in place of these four cutters.

Mr. SHERLEY. Was not the recommendation that we should provide new cutters when the revenues of the country warranted it?

Mr. MANN. That is not my understanding of the recommendation.

Mr. SHERLEY. That is exactly mine, and we have recently——

Mr. TAWNEY. I will say to the gentleman from Illinois that the Chief of the Revenue-Cutter Service, when before the Committee on Appropriations last week, stated that they did not want these revenue cutters at this time unless the revenues of the country would justify, and that was the recommendation of the Secretary.

Mr. MANN. Oh, well, we had the Chief of the Revenue-Cutter Service before our committee. The Secretary of the Treasury recommended a larger number of revenue cutters in his report. I am certain that no one wants revenue cutters or any expense to the Government unless the revenues of the country justify the expenditure.

Mr. ADAMSON. Will the gentleman from Illinois permit me to interrupt him there?

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I ask for five minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. What will be the cost of these revenue cutters?

Mr. MANN. The limit is $250,000 for construction and equipment.

Mr. UNDERWOOD. For two or apiece?

Mr. MANN. Apiece. I yield to the gentleman from Georgia.

Mr. ADAMSON. Mr. Speaker, the connection is past now. I wanted to state in connection with what the gentleman from Minnesota had just said, that one of the prime purposes of revenue cutters is to aid in the collection of revenues and to prevent defrauding the revenues.

Mr. TAWNEY. Another purpose is to aid Members of Congress representing districts in which the revenue cutters will be located.

Mr. MANN. This bill has nothing to do with Members of Congress, because we have adopted the policy here of providing two revenue cutters, without locating them at particular stations, although I have no doubt whatever that one of these cutters, if constructed, will be located at Key West, because the necessity for it there is greater than at any other place. We

have now no cutter on the Gulf of Mexico which is able to go out in the Gulf in time of storm.

Mr. FASSETT. Will the gentleman explain a little more fully the reason for this new provision allowing a change of station. It seems to me very important.

Mr. MANN. The reason is to permit the department to get the best service out of the cutters.

Mr. FASSETT. Is it a permanent change, or from time to time?

Mr. MANN. It would authorize the department from time to time to make the changes, as the needs of the service warrant, and will permit the department, when it puts in service a new ocean-going cutter in place of some cutter now on the station which is incapable of performing that service, to utilize the other vessel so far as may be possible by transfer.

Mr. FASSETT. It does not have that power now.

Mr. MANN. It has not that power now.

Mr. HULL of Iowa. I should like to ask the gentleman a question for information.

Mr. MANN. Certainly.

Mr. HULL of Iowa. I understand the gentleman to say that if the department builds a new vessel and puts it in commission, and the department has another vessel that is not valuable for certain work, which might be utilized for something else, it can not utilize the old vessel for anything?

Mr. MANN. The law under which these revenue cutters have been constructed provides for revenue cutters at particular points, on particular stations. The law now authorizes the Secretary of the Treasury to change, to put any revenue cutter in service anywhere, so far as the collection of customs is concerned; but he can not change the station for any other purpose, and, practically, he has no authority to change the stations of cutters.

Mr. FASSETT. A station being one of several grand divisions of the service?

Mr. MANN. Yes.

Mr. UNDERWOOD. Mr. Speaker, I do not believe that this is the time for the Government to enter into any unnecessary expenditure. Notwithstanding the fact that we were told some days ago by high authority that we probably would not have a deficit in the revenue at the end of this fiscal year, I see the Treasury reports that are published from day to day continue to predict a deficit in the revenue of something like $22,000,000, even after the money from the sale of the Panama bonds has been paid into the Treasury.

Now, if that is a fact—and I assume that it is, as it is in the Treasury statement day after day—it is certainly not a time for Congress to make any unnecessary expenditures of the public money. I think, of course, it is necessary to keep up this Revenue-Cutter Service, and if it were shown to the House that a necessity existed at this time, I would not hesitate to vote for the necessary appropriation to build new revenue-cutter vessels; but it does not appear to me from the statement of the gentleman from Illinois that there is an urgent demand on the part of the Treasury at this time for the building of these vessels.

I have no doubt that the vessels now in commission are growing old, as all vessels do. As a matter of fact, any vessel is somewhat in danger when it goes to sea in storms. The gentleman does not say that any board of survey have examined these vessels and reported them unseaworthy. He does not bring in a report from the Treasury Department to show that these vessels can not perform their services in protecting the revenue at this time. Under these circumstances I do not think it wise for Congress to make an appropriation of nearly half a million dollars toward building some new revenue cutter when the urgent necessity is certainly not shown at this time. I shall therefore vote against this bill.

Mr. TAWNEY. Mr. Speaker, I move to strike out the enacting clause of this bill. In support of that motion I wish to say that I make it because of information recently obtained from the head of the service and from the Secretary of the Treasury that there is no necessity for increasing the number of vessels in the Revenue-Cutter Service in order to meet the efficiency of that service. When before the Committee on Appropriations last week the chief of that service, Captain Ross, was asked, in effect, whether or not the vessels in the Revenue-Cutter Service to-day were sufficient to meet the requirements of that service and whether the service was performing its duties efficiently. His answer to both propositions was in the affirmative. Knowing that this bill was pending, he was asked by myself and other members of the subcommittee in regard to the necessity of these two vessels and the conditions under which the recommendation of the Secretary was made. He said:

Mr. FITZGERALD. Have you recommended the authorization of any new vessels for the service?

Captain ROSS. The construction of any new vessels?

Mr. FITZGERALD. Yes.

Captain ROSS. The department has recommended new vessels when the revenues of the Government are such that they can be built.

Mr. FITZGERALD. Have you recommended some additional vessels for the service?

Captain ROSS. We have recommended two additional vessels for the service.

Mr. NORTON. With the limitation that the Captain mentioned. I would like to answer that, if I may, Captain. The Secretary has endeavored to see to it that recommendations were made in that way; that whenever the revenues of the Government permit the vessels might be constructed. In other words, the Secretary has not committed himself to a building programme for the Revenue-Cutter Service.

The CHAIRMAN. Under the present condition of the revenues?

Mr. NORTON. Yes, sir.

Mr. SHERLEY. Does he think under the present condition of the revenues, which is known to him, that Congress should now authorize the building of two additional vessels for the Revenue-Cutter Service?

Mr. NORTON. Well, that question has not been directly answered.

Mr. FITZGERALD. Regardless of the condition of the revenues, in view of the statement of the Captain that the service is efficient for its purposes, what I wish to know is, are there any vessels recommended by the department?

Mr. NORTON. There is somewhat of a contradiction. The Captain said that the service was entirely efficient, but not all of the vessels are entirely adapted to the work they are called on to do.

Now, Mr. Speaker, it is proposed, in the light of this testimony and in view of the present condition of the revenues of the Government, which are known to every Member on the floor of this House, to increase the expenditures from the Federal Treasury by appropriations for the next fiscal year to the extent of half a million dollars. I submit that when the administration, as well as this House, is endeavoring to keep down expenditures, and as far as possible keep those expenditures within the estimated revenues of the Government, that a stronger and greater necessity than that which has yet been given to this House should be shown before the House authorizes the expenditure of half a million dollars for this purpose.

The appropriation bills that have been reported to this House thus far during the session, as well as those passed by the House, are $19,000,000 in excess of the estimates submitted by the department. If this rate of appropriation and authorization is continued throughout the session, when the end of the session is reached and the summary of all the appropriations is made up, we will find that we have authorized the expenditure of a great deal more money than the administrative department of the Government has asked for. In view of these facts, I trust that the motion that I have made to strike out the enacting clause will prevail.

Mr. PRINCE. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. The time of the gentleman from Minnesota has expired. The Chair will recognize the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, the calendar shows that on February 15 the bill was reported. It also shows that February 19 it was placed on the Calendar for Unanimous Consent. February 21 it was stricken off that calendar, and, as I understand the chairman of the Committee on Appropriations, the hearings before his committee do not show that the Secretary of the Treasury nor any of his subordinates have asked for this measure. Also, the hearings have been very recently held.

Mr. TAWNEY. That is true.

Mr. PRINCE. If that be true, there ought not to be but one result, and that is to strike out the enacting clause.

Mr. MANN rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. To oppose the motion.

The SPEAKER. Without objection, the Chair will recognize the gentleman for five minutes.

Mr. MANN. Mr. Speaker, all the information that my distinguished friend the chairman of the Committee on Appropriations succeeded in extracting was before the Committee on Interstate and Foreign Commerce. They did not make a discovery so far as the world is concerned; they may have learned something new themselves, but not so far as our committee was concerned.

It is undoubtedly true that the Revenue-Cutter Service will continue in existence if these cutters are not provided, and if half of the cutters now in the service should sink to the bottom of the sea, the Revenue-Cutter Service would still continue in existence, but inefficiently. One of the vessels which we have recommended in the end to be abolished has been in the service more than forty-five years. Another has been in the service for twenty-four years. We all know that on the Gulf of Mexico there are violent storms. Many of our own light-houses and life-saving stations have been swept away, and yet there is now no revenue cutter on the Gulf of Mexico which is capable of going out to sea in time of storm.

We have three vessels there, not one of which is capable of going out to sea in stormy weather, and if the distinguished Committee on Appropriations will stop appropriating money for the repair of old vessels, we will save money enough to rebuild all the vessels that we now have in the Revenue-Cutter Service. We spend more money on the repair of old vessels every year than would be necessary to construct a first-class new revenue cutter.

Mr. SHERLEY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SHERLEY. Will the gentleman inform the House how many vessels are in the Revenue-Cutter Service?

Mr. MANN. Forty-four or 45.

Mr. SHERLEY. And the expenditures for repairs will cover all of these 44 or 45?

Mr. MANN. They would.

Mr. FITZGERALD. Amounting to how much—$75,000?

Mr. MANN. Amounting to how much—the gentleman does not know how much it amounts to——

Mr. FITZGERALD. Seventy-five thousand dollars a year, and——

Mr. MANN. Because the Committee on Appropriations, in making appropriations for the Revenue-Cutter Service, have not properly guarded the appropriations, and much money appropriated for this service is used for the repair of vessels, although nominally it is called for the maintenance of the service.

Mr. TAWNEY. It is $120,000 in the general fund and $75,000 for specific repairs.

Mr. MANN. Now, we will soon get some more. One of them has given it as $75,000 and another adds an additional $120,000.

Mr. FITZGERALD. The gentleman did not allow me to finish my statement. I was about to state that the specific appropriation for extraordinary repairs is $75,000——

Mr. MANN. For years our committee, and Congress at its advice, has resisted the effort to add new revenue cutters, because we thought we might continue to get along; but the time has come when, if the Revenue-Cutter Service is to perform its duty, it must make provision for efficient cutters to go to sea.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. The time has been exhausted on this motion.

Mr. FITZGERALD. I move to strike out the last two words.

The SPEAKER. This motion is a peculiar motion, to strike out the enacting clause.

Mr. FITZGERALD. There is nobody making the point of order that debate is exhausted, and I suggest the Chair need not become too officious on this occasion.

The SPEAKER. Nevertheless, the Chair can recognize the gentleman in order, and he has no doubt the House will give unanimous consent.

Mr. FITZGERALD. Well, I ask unanimous consent for five minutes to support the motion of the gentleman from Minnesota.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, the favorite declaration of the gentleman from Illinois [Mr. MANN] is that the Democrats talk economy and vote appropriations. He has been bewailing the fact that this House continually argues in favor of economy and votes for authorizations of appropriations. This time the situation is a little different. Here is an express declaration by the Assistant Secretary of the Treasury, in charge of this service, hardly dry on the hearings before the Committee on Appropriations, that the department would not ask for an authorization of these vessels until the revenues justify the expenditure; yet the gentleman from Illinois is attempting to coerce the House into making an authorization that the department does not ask at this time. The Treasury statement of February 28 shows that the deficit for the present year up to that time is $24,604,000.

The gentleman from Illinois speaks of the condition of these vessels as if there were some danger to the service because new vessels would not be authorized. These old vessels of which he speaks are wooden vessels and the hulls will last an indefinite time. If the machinery be not in good condition the service is given ample money to keep it in good condition. Of course the vessels are not the new modern, commodious cutters upon which life is so pleasant in pleasant weather and so comfortable in distressing weather. They are not so desirable for pleasure trips by Members who may be in a position to utilize the Revenue-Cutter Service during their spare time, but so far as Congress is informed the work of the Revenue-Cutter Service is not suffering because modern elegant steamers have not supplanted these older wooden vessels, which have been effectively doing the work required. I hope that the House will impress upon the gentleman from Illinois at this time the necessity for exercising more care in the recommendations that are made, and in taking some care in making authorizations for expenditures not essential to the service and not asked for by the department.

Of course it is a desirable thing for the committee charged with the duty of making authorization to do whatever may be possible to keep the most modern and handsome vessels in this service, but so far as the Congress is informed there is no real necessity for them just now.

Mr. BUTLER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BUTLER. Did the hearings disclose whether or not these vessels are suitable for their purposes?

Mr. FITZGERALD. They are not as suitable as vessels built to-day.

Mr. BUTLER. Are they seaworthy, I will ask the gentleman? Can they be used at sea without endangering life? That is what some of us would like to know.

Mr. FITZGERALD. Captain Ross of the Revenue-Cutter Service made the statement that the service was efficient to-day.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. Did Captain Ross make that statement relating to vessels or relating to the personnel?

Mr. FITZGERALD. At first it was difficult to tell.

Mr. MANN. In the end it was not difficult to tell?

Mr. FITZGERALD. No; but the Secretary and himself both stated that in view of the conditions of the revenue the department would not ask for money for new vessels; and, secondly, I shall add if the vessels were in an unseaworthy condition and unfit for use, the department would ask for the vessels regardless of the condition of the Treasury. Now, the gentleman may have some information which indicates that somebody's life is in danger when sailing on these vessels, but nobody in official circles who has never been compelled to put in his time on these vessels at any time thinks there is any danger on them, except the danger that exists on any vessel that may happen to be out in a particularly severe storm. There is danger then, and there will be danger under those conditions to those who are upon the vessels to be authorized in this bill. It seems to me that if the gentleman from Illinois [Mr. MANN] will assist the House at this time in making an example of him in the interest of economy there will be less trouble hereafter in keeping our expenditures down or in preventing unnecessary and unwarranted expenditure.

Mr. MANN. I will agree to make up all this money under the sundry civil bill when it comes in.

Mr. FITZGERALD. I shall not attempt to hinder the gentleman as he is endeavoring to hinder me.

Mr. MANN. Hinder nothing. We work together.

Mr. PETERS. Mr. Speaker, I ask unanimous consent for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. PETERS. Mr. Speaker, in all that has been said to impress on the House the necessity for economy I am in hearty accord, but in speaking in favor of this bill I wish to bring to the attention of this House the reasons which brought to the bill the unanimous consent of the committee.

The statement has been made that this is an unwarranted expenditure. Such is not the case. It is for the purpose of conducting in a more efficient and economical manner the work which the Treasury Department is now doing that these vessels are authorized. The four vessels, two of which it is proposed to replace, are obsolete, and their removal from service is recommended by the Secretary of the Treasury. I will read from his report for the fiscal year ending June 30, 1909, as follows:

> It is recommended that the *Woodbury*, *Forward*, *Perry*, and *Rush* be replaced as soon as practicable by modern, able, well-equipped vessels. The cutters named are obsolete, have been under constant repairs for many years, and are not suitable, either as to hulls or machinery, for the work they are intended to perform. The *Rush*, which was the last of these vessels built, has done service on the Pacific coast and the waters of Alaska for twenty-four years, while the *Woodbury* is 45 years old.

This indicates the official position of the Treasury Department.

The use of a modern vessel is an economy. Any merchant line that should undertake to perform the services which these revenue cutters are performing would, as a matter of business, immediately lay up these old and obsolete vessels and provide new and economical ones in their places. The revenue vessels are expected to put out to sea in any weather to aid vessels in distress. These old boats can not render, in this respect, proper

service when their assistance is most needed, nor can they be run economically or efficiently in their regular work. Would the Committee on Appropriations wait until the old vessels sank, perhaps carrying their crews with them, before it approved of providing new ones? It is to save the excessive cost of maintenance and to aid the efficiency of the service that your committee recommends the two vessels proposed.

Mr. ADAMSON. Mr. Speaker, I trust that the motion to strike out the enacting clause will not prevail. The purpose of this bill, which we amended, was to place a new cutter upon the Florida coast, which has been long needed and for which three or four bills have heretofore been reported. There came six Senate bills to our committee. We recognized the great necessity for this one, and we wanted to report it, but we could not report all of them. So, after hearing the officers of the Revenue-Cutter Service on the present needs of the service, we decided to amend the bill and report it for two cutters, hoping that they would be completed in time to take the place of unseaworthy vessels, which must be retired. The report is unanimous; there is no doubt of the necessity for the two new cutters.

When we come to apply considerations as to the state of the revenues in the Treasury, there is a wide field for difference in judgment and taste as to what may be necessaries and what may be matters of ornament or luxury. I admire gentlemen on the other side when they occasionally and spasmodically talk about economy, but they are not accustomed to economy and do not know how to talk it nor apply it. When the gentleman from Minnesota [Mr. TAWNEY] commences to talk about economy, I hope he will not begin by cutting off what our people need while furnishing what his own people want. [Applause.]

Mr. Speaker, the Revenue-Cutter Service and the Secretary of the Treasury have several times recommended the cutter for Key West. There is no cutter at that station for service on the Gulf and South Atlantic from Mobile, Ala., around to Savannah, Ga., many hundreds of miles. Other stations also needed cutters. In order to make two new cutters serve the purposes intended by the six that were proposed, we are simply changing the rule by this bill, so that this new cutter need not be confined to the Key West station, nor any other cutter to any particular station; but that the Secretary of the Treasury may utilize all cutters and get along with a smaller number by transferring them from station to station, as exigencies of the service may suggest, and utilizing them as far as necessary, so as to economize both in the number of cutters and the amount of money necessary to be appropriated.

These two cutters ought to be built; and the vigilant Committee on Appropriations ought to find some other item, that is not so necessary, to use the knife upon to help to prevent the deficit apparently inevitable no matter how many of these necessaries are cut off. We must not try to deceive the country nor ourselves by cutting off small and necessary appropriations, while making others not so useful nor necessary but requiring many millions more of money.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that I may have five minutes.

The SPEAKER. The Chair will first recognize the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Speaker, this Government is never too poor to take care of the lives of its people. It never was so short of money that it could not afford to provide every safety that will insure the lives of its own people. But, Mr. Speaker, the important question is whether these vessels which it is proposed to put out of service are seaworthy, or will they, if used, endanger the lives of the people who are compelled to use them. For myself, I care not what gentlemen may say about a disposition to economy. I have throughout this session of Congress endeavored to be consistent. Some of my brethren seem to have forgotten their own speeches. What I would like to know, if I can learn from any gentleman informed upon the subject, is whether or not there is an actual necessity to furnish these vessels at this time.

Mr. MANN. Will the gentleman yield to me?

Mr. BUTLER. Certainly; because I know the gentleman is informed.

Mr. MANN. If these vessels put to sea to perform the service the law requires, they would sink to the bottom of the sea. If they hang around the coast in good weather, they can board vessels, so far as that service is concerned.

Mr. GRAHAM of Pennsylvania. Just for information——

Mr. BUTLER. If the gentleman will let me get through with this friendly controversy with the gentleman from Illinois, I will yield to him. Referring to the statement made by Captain Ross, was it as to the efficiency of the service? I could not understand from anyone because of the confusion about me. Does he refer to the personnel or to the vessels employed?

Mr. MANN. He refers to the personnel.

Mr. GRAHAM of Pennsylvania. I call attention to the fact that some of these vesels they propose to put out of business are 45 years old.

Mr. BUTLER. That may be true, and I presume that they are not quite as seaworthy as they were forty-five years ago; but inasmuch as we have all pledged ourselves to be economical during this present term of Congress, I am in favor of searching for the light, so that I may be consistent. If I am convinced that the lives of our people will be more secure by authorizing these ships, I am ready to vote for the bill.

Mr. MANN. Will the gentleman yield to me?

Mr. BUTLER. I always do so with pleasure.

Mr. MANN. We have three revenue cutters on the Gulf of Mexico, but not one of them can safely go to sea in stress of weather.

Mr. BUTLER. Is it necessary, I will ask my friend, that these ships should go to sea?

Mr. MANN. They should go to sea, by all means.

Mr. BUTLER. How are those duties performed now?

Mr. MANN. They have not been properly performed for the last few years, and are not now properly performed.

Mr. BUTLER. That is all; I do not wish more time.

Mr. SHERLEY. Mr. Speaker——

The SPEAKER. If there be no objection, the gentleman from Kentucky [Mr. SHERLEY] will be recognized for five minutes.

Mr. SHERLEY. Mr. Speaker, there seems to be considerable conflict as to what the facts show. The testimony that was given before the Committee on Appropriations was printed and is available to any Member of the House. The testimony given before the Committee on Interstate and Foreign Commerce was not printed, and so I for one am not able to state what the officers of this service testified to before that committee.

Mr. STAFFORD. Will the gentleman yield?

Mr. SHERLEY. Yes; for a question.

Mr. STAFFORD. The testimony has not been available to Members of the House, because I have sent out for a copy and have not been able to obtain it.

Mr. MANN. You can never obtain copies of hearings that are printed simply for the use of the committee.

Mr. SHERLEY. If the gentleman will permit, it is true that the hearings have not been published generally, but they have been published for examination, and the testimony at the hearings has been read on this floor. So if the gentleman had listened, he could have known what the testimony was.

Mr. STAFFORD. A copy of the testimony for use of committee members has been handed to me.

Mr. SHERLEY. This is what I want to call to the attention of the House: We passed a law here last year making it the duty of the Secretary of the Treasury to give us information as to receipts and expenditures, and to have all estimates come through his department, the idea being that we would have some one connected with the administration who would be responsible for expenditures. Every time a proposition comes up, we are told that while we are in favor of economy, this particular proposition is an exception, and that we ought to appropriate the money; and so it goes on from year to year. Now I say to you that a proposition that was not strong enough to have the Secretary of the Treasury officially give his seal of approval to it is not strong enough for this House to pass; and I say to you, gentlemen, that the Assistant Secretary of the Treasury said, of record here, that the Secretary of the Treasury had not determined that the condition of the Treasury was such as to warrant this expenditure.

Mr. PETERS. Will the gentleman yield?

Mr. SHERLEY. Certainly; for a question.

Mr. PETERS. Is the gentleman aware that the Secretary of the Treasury has made a report specifically asking for the retirement of four of these vessels?

Mr. SHERLEY. Even if he had, it would not demonstrate anything. The gentleman assumes that if those four vessels are retired the work is going to cease. What is the fact about the Revenue-Cutter Service? It was originally created for the purpose of protecting the revenues of the country, as its name implies; but it has branched out from that into other fields of activity, such as the going to the rescue of vessels in distress and the removing of derelicts from the high seas, and similar matters. You can give the service 20 more vessels, and they can employ them in scouring the high seas to succor any vessel that may need it, or to find if there is any vessel that does need it, and it is a question of how far you are going to expand the service. You have the statement of Captain Ross that his service is efficient. The gentleman from Illinois [Mr. MANN] undertook to qualify that by saying that his statement simply referred to the personnel. The statement was also made that

they were performing satisfactorily the duties imposed upon them. Now, I do not know what they have said before that committee, and I have no way of knowing, but I do know that after this bill was reported they came before our committee, and the captain of the service and the Assistant Secretary of the Treasury declined to take the reponsibility of saying, considering the condition of the public funds, that this expenditure ought to be made. If they are not willing to take the responsibility, I am not. [Applause.]

Mr. STAFFORD. I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Wisconsin will be recognized for five minutes, if there be no objection.

Mr. STAFFORD. There seems to be a conflict of opinion as to just what was testified to before the Appropriations Committee as to the efficiency of this service. Through the courtesy of the gentleman from New York [Mr. FITZGERALD] I have an advance copy of the hearings, from which I wish to read, to settle, if possible, this controverted question.

At the opening of the hearing the chairman made this inquiry of Captain Ross, the head of the Revenue-Cutter Service:

Is your service efficient in meeting the requirements of that service at the present time?

Captain Ross. No; we have vessels that are not efficient that we are running yet.

Mr. MANN. Read that to the gentleman from Kentucky. He did not hear it in the committee.

Mr. SHERLEY. Oh, if the gentleman will continue reading and give the House the whole testimony, he will find that my statement was correct.

Mr. STAFFORD. Yes; I will continue to read where the chairman of the Appropriations Committee left off. If he had continued to read the very next sentence, he would have enlightened the House.

Mr. SHERLEY. Read it all.

Mr. STAFFORD. He would have enlightened the House and showed that the vessels were not efficient, but that the personnel of the service was. Now, the gentleman from Minnesota left off reading this last answer by Mr. Norton, the Assistant Secretary of the Treasury:

There is somewhat of a contradiction. The captain said that the service is entirely efficient, but not all of the vessels are entirely adapted to the work they are called on to do.

That was the last testimony that the distinguished gentleman from Minnesota [Mr. TAWNEY] read. If he had turned over the page and read the next sentence he would have shown to the House that there was no dispute whatsoever. We have Captain Ross following with this statement:

As I understood the chairman, he asked about the personnel of the service. We have ships in our service that are really of small efficiency and value.

Mr. SHERLEY. Nobody denies that.

Mr. STAFFORD. It shows that Captain Ross wished the committee to understand that whereas the personnel of the service was efficient, so far as these ships were concerned they were not, and no one can contend for a minute that ships that have been in the service for forty-five years—old wooden hulks, that are obliged to go out on the stormy seas of the gulf—are efficient for that character of service.

Mr. SHERLEY. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman from Kentucky.

Mr. SHERLEY. What does the gentleman say to this question and answer, on page 129—

Well, the vessels may not be, but I am talking now about the service generally. Is it efficient in meeting the requirements of the service—not the vessels, but the service?

Captain Ross. I think so; some of our vessels, you know, are old.

Mr. STAFFORD. That does not controvert the position of Captain Ross.

Mr. SHERLEY. It explains it.

Mr. STAFFORD. He says, "I am not talking about the efficiency of the vessel, but of the service." No one questions but that the personnel of the service is the very best. Those who have listened to the debates here and the explanations made by the chairman of the Committee on Interstate and Foreign Commerce, that these two new vessels are urgently needed to replace the old hulks that have been in the service forty-five years. I am not surprised that gentlemen coming from the interior of the country, who do not know about the needs of the service, should be so strenuous in opposition.

Mr. FITZGERALD. Where does the gentleman live?

Mr. STAFFORD. I live upon the shores of Lake Michigan, where we have the severest storms that there are upon the Lakes, and where I know the character of vessels needed for the service. The *Tuscarora* is one of those vessels, and they need to be very seaworthy to weather the storms. I do not live on the Ohio or the Mississippi.

Mr. HAMILTON. Will the gentleman state how many of these boats have been in the service forty-five years? I understood the gentleman to say a number.

Mr. STAFFORD. One of these vessels has been forty-five years in the service, and another about thirty years, and so on; and the gentleman, who has a good deal of maritime knowledge, knows, as he comes from Lake Michigan, that old wooden hulks of thirty years or more are becoming obsolete and no longer useful to the service, and that they are being replaced with steel vessels. In this service it is necessary to have the very best, so as to secure the men in the service against the dangers of the sea.

Mr. FITZGERALD. Is this recommendation for two cutters based on the report of the Secretary of the Treasury?

Mr. STAFFORD. It is based upon the report of the Secretary of the Treasury, wherein he stated that there was need for four additional vessels, and the testimony of Captain Ross before the Committee on Interstate and Foreign Commerce, in which he said that there was urgent need for two new vessels, to take the place of the four old hulks that can not perform the service efficiently to-day.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. FITZGERALD. Mr. Speaker, I ask that the time of the gentleman from Wisconsin be extended five minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. FITZGERALD. I should like to have the gentleman explain why, if the report of the Secretary of the Treasury was of such weight that the committee should recommend four new vessels as essential to the service, the committee thought the opinion of the Secretary of such little importance that they only recommended two vessels.

Mr. MANN. Out of regard for the Committee on Appropriations. [Laughter.]

Mr. STAFFORD. We thought two were sufficient at the present time.

Mr. FITZGERALD. There is one vessel in the harbor of New York 37 years old which has not been mentioned and is still doing duty.

Mr. MANN. But it does not ever go to sea.

Mr. STAFFORD. I can understand the opposition of gentlemen who have no knowledge of seafaring conditions and whose objections are based on the ground of economy. That may explain the opposition of those on the other side, because it is a part of their creed at the present time to preach economy. But last week when we were considering a river and harbor act which appropriated large sums of money for the improvement of the upper Mississippi from St. Paul to St. Louis and below, and for improvement of the Ohio and the Missouri, we did not hear the siren voices of these gentlemen raised in opposition, but when we have a proposition——

Mr. FITZGERALD. We did not hear any opposition from the gentleman from Wisconsin either.

Mr. STAFFORD (continuing). But when we have a proposition to protect the lives of American seamen they spring forth with the cry of economy. That is not economy at all; it is false economy, because the modern ships, such as these are supposed to be, equipped in the most efficient way, will be able to perform twice the patrol duty that is now performed by these old wooden hulks.

Mr. FITZGERALD. I want to ask the gentleman if the new vessels are so much more efficient why does the committee provide for two new vessels and the retirement of one?

Mr. STAFFORD. In this bill we provide that both shall be retired.

Mr. FITZGERALD. Is the gentleman familiar with the phraseology of the bill?

Mr. STAFFORD. I am familiar with the bill, and the gentleman will find that both of the old ones are to be retired. I have read that over closely and I believe that phraseology bears that construction.

Mr. FITZGERALD. Read it; read it to the House.

Mr. STAFFORD. I read it this morning. It was the intendment of the committee to provide for the abandonment of these old wooden hulks.

Mr. FITZGERALD. Will the gentleman read what his committee has reported?

Mr. STAFFORD. And I believe if the gentleman will give as much consideration to it as the members of the Commerce

Committee have he will come to the same conclusion as to the abandonment of these vessels when the new vessels are put in the service.

Mr. TAWNEY rose.

The SPEAKER. The gentleman from Minnesota is recognized for five minutes, in the absence of objection.

Mr. TAWNEY. Mr. Speaker, in view of the remarks of the gentleman from Wisconsin [Mr. STAFFORD] in reference to the Members of this House who are opposed to this proposition coming from the interior part of the country, I wish to say for his information that with the Revenue-Cutter Service and its officers and the necessity for it I am perhaps as well informed as the gentleman from Wisconsin, who has one of these revenue-cutter boats stationed on Lake Michigan at the city of Milwaukee. I want to call the attention of the House to the fact that the origin and purpose of this service was to aid in protecting the public revenues. Since that time this service has been extended. The activities of the Treasury Department through the Revenue-Cutter Service have been extended to the protection of the shipping interest on sea, whether in the United States or in foreign countries, and I want to call attention also to the fact that no government on earth has a service of this kind as efficient as the service which we have to-day, and for that statement I have the authority of Captain Ross, the head of this service himself. I read from the hearings:

The CHAIRMAN. The service outside of the protection of the revenues—and that was the reason for the origin of the service, was it not?

Captain ROSS. Yes.

The CHAIRMAN. And the service has since its origin been extended to the protection of the marine service, has it not?

Captain ROSS. Yes. The duties of our service have expanded very considerably; protecting the revenue is now probably the least, or one of the least, features of our service, although if you take the revenue cutters away you will probably find vessels smuggling cargoes in bulk.

Mr. Speaker, the Revenue-Cutter Service is a police service as originally created. Since that time the service has been extended and now includes protection to vessels of all kinds sailing under any flag, and the removing of derelicts. We have extended that service until to-day in extent and efficiency it is superior to any similar service in any other country on the globe. If we desire, we may increase the number of vessels or still further expand this service for that purpose to any extent and increase the number of vessels, and as the gentleman from Kentucky [Mr. SHERLEY] has well said, and engage those vessels in scouring the sea for the purpose of finding derelicts or vessels in distress. There is no limit to the extent to which this branch of the Revenue-Cutter Service may be extended. The service to-day with the present equipment is an efficient service, and is performing the duty for which that service was originally created. Now, then, that being the case, and the recommendation of the Secretary of the Treasury in respect to the construction of these two vessels being a conditional recommendation, not an absolute recommendation, we are not justified in authorizing these vessels. If the service is in need of these vessels to the extent that gentlemen here contend, does any one suppose for one minute that the Secretary of the Treasury would not have absolutely recommended their construction instead of making a conditional recommendation?

Mr. McMORRAN. Has the gentleman any data that will give us the facts of whether the Government is sustaining any loss of revenue by the nonuse of the revenue cutters? Is the Government to-day losing any revenue through the insufficiency or the unseaworthiness of these revenue cutters?

Mr. TAWNEY. None whatever. I will say that these revenue cutters which it is proposed to retire, are used to-day in the protection of the revenues. They are used for police purposes, and there is no one who claims that their use will not be just as efficient next year as it is now or as it has been for the last ten years.

Mr. McMORRAN. Then what is the necessity for these revenue cutters in protecting the revenue of the Government going out to sea?

Mr. BUTLER. That is the question I want to ask.

Mr. TAWNEY. There is no protection, so far as the revenue is concerned.

Mr. BUTLER. Is there any loss of revenue because they do not go out to sea?

Mr. TAWNEY. None whatever. They police the ports.

Mr. McMORRAN. Has the gentleman any information that demonstrates whether these cutters were ever seaworthy?

Mr. TAWNEY. Yes; and they are now.

Mr. McMORRAN. Then, why should we want new ones?

Mr. TAWNEY. That is what the Secretary of the Treasury says.

Mr. HULL of Iowa. May I ask the gentleman a question?

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. The gentleman referred to the very large expansion of work of the Revenue-Cutter Service, and I would like to ask the gentleman if he does not believe that that expansion is exceedingly valuable to the people of the United States and a most important thing to them?

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that I may have five minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I am not questioning the benefit of this service to the shipping interest; but, Mr. Speaker, this Revenue-Cutter Service, outside of the protection of the revenues, is limited to the coastwise vessels in the coastwise trade. We have no merchant marine to protect, as other countries have.

Mr. HULL of Iowa. But is not that where the danger comes from?

Mr. TAWNEY. Let me read what Captain Ross said about it:

The CHAIRMAN. What foreign countries are there, if any, that maintain a service similar to the Revenue-Cutter Service in this country for purely police purposes?

Captain ROSS. Our duties extend considerably beyond the police feature.

The CHAIRMAN. I understand that; but is there any country, any foreign country, that maintains a service similar to this?

Captain ROSS. I am not sure about that—whether all foreign countries have a revenue-cutter service, so-called—but I do not think that any revenue-cutter service is as efficient or as well maintained or is charged with as many duties as our Revenue-Cutter Service.

Now, in the light of that testimony, in view of the conditional recommendation of the Secretary of the Treasury for these two additional vessels, and the condition of our revenues, I submit that this House is not justified in authorizing the expenditure of $500,000 for that purpose.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. I yield.

Mr. MANN. Is the gentleman able to say how much money was consumed in the last fiscal year in repairs to revenue cutters?

Mr. TAWNEY. The statement submitted for the next fiscal year, which is based upon the expenditures of this year——

Mr. MANN. But I would like information as to the last fiscal year. Has the gentleman that?

Mr. TAWNEY. I have it, if the gentleman will wait.

Mr. MANN. That is what I asked for.

Mr. TAWNEY. There was $75,000 appropriated for extraordinary repairs——

Mr. MANN. For this fiscal year?

Mr. TAWNEY. I am talking about this fiscal year.

Mr. MANN. I am talking about the last fiscal year. Has the gentleman that information?

Mr. TAWNEY. Yes; the last fiscal year, 1909. There was $75,000 for extraordinary repairs and about $120,000 for general repairs.

Mr. MANN. Is the gentleman able to say how much money was expended by the Government on the repair of revenue cutters in the last fiscal year or any other fiscal year in the memory of the gentleman?

Mr. TAWNEY. Well, I have the statement right here.

Mr. KEIFER. Mr. Speaker——

Mr. MANN. Oh, if the gentleman has not the information, I will——

Mr. FITZGERALD. Captain Ross stated in his testimony that for the fiscal year 1909 they had expended about $120,000——

Mr. TAWNEY. And $75,000 on extraordinary expenditures.

Mr. FITZGERALD (continuing). And an additional expenditure of seventy-four thousand and some odd dollars out of an appropriation of $75,000.

Mr. TAWNEY. I will give the gentleman from Illinois that information:

Captain ROSS. We spent for repairs in 1909 approximately $120,000, and also about $75,000. Under the present method we may spend more or less of any item and at the end of the year, if we have a surplus, we can apply it in necessary repairs or to something else if the service is in need. The special fund, if you propose to take it out, should be added to the lump sum of $2,388,000.

That answers the gentleman's question, I hope, to his satisfaction.

Mr. KEIFER. Mr. Speaker——

The SPEAKER. The gentleman from Ohio, without objection, is recognized for five minutes.

Mr. KEIFER. Mr. Speaker, it ought to be presumed that I would know something about this subject, as I was born and reared on the banks of the Mad River, a tributary to the

Miami River, a stream that was ambitious to engage in the flatboat trade in early times; but to be serious, Mr. Speaker, this question is somewhat confused here, I think, by the fact that revenue vessels that are sought to be constructed are used for a double purpose.

Originally they were simply police vessels to watch and aid in collection of the revenue. I think that the vessel which the distinguished gentleman from New York talks about as being now 37 years old, is in New York Harbor, and never goes outside of it, as I understand. There is no occasion for its being retired so long as it can float in the harbor. It is only used as a police ship. It is not sent abroad on the high seas to look out for the safety of vessels in distress and needing assistance. I remember when it was regarded as the principal duty of revenue cutters to go to sea and look out for and aid ships in trouble, especially from certain ports, stations, or harbors.

A very old captain in the Revenue-Cutter Service, one of the best that we ever had, and one of the most daring, was a few years ago removed from his ship, then in the port of Erie, Pa., and ordered down here to report to the Assistant Secretary of the Treasury. I went with him to see the Assistant Secretary. The captain then found out that he was removed from the vessel that he had commanded so long because he had been reported as having gone out into the lake in times of storm for the purpose of protecting and saving vessels that were in danger. It was charged that in that way he had risked the loss of his ship and the lives of some young officers on board of it. I remember with what indignation the captain pulled out of his pocket an order of the Assistant Secretary of the Treasury, read it to him, and said:

My order is to go out into the lake in times of storm and danger, and I have obeyed, and I beg you now, as you have relieved me, to send me back, and, if you want to do so, issue an order that I am always to hunt a haven of safety when there is any possible danger abroad.

The Assistant Secretary then said:

There is a mistake about this. You were doing your duty.

He sent him back to perform that duty, to look out for ships of all kinds in times of danger.

Some of these revenue-cutter vessels, let me add and conclude, are used principally for the purpose of going to sea and looking out for vessels in distress, and a large number of other like vessels never go to sea, but are only used to perform the original duty of police vessels in harbors. They may grow old in service in doing the latter, whereas they would be wholly and totally unfit to go to sea to perform the more important duty of protecting vessels that are found to be in distress.

The fact that some of our revenue cutters are old and unseaworthy for the more dangerous service is no objection to them for mere police service in closed harbors.

Mr. MANN. Mr. Speaker, I ask unanimous consent for three minutes, at the end of which time I will ask for a vote.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I appreciate the interest which my good friends, the members of the Committee on Appropriations, take in this matter. I appreciate also the fact that after this bill was reported into the House the distinguished committee took the opportunity of cross-examining gentlemen in favor of the passage of this bill, in the effort to make them say they were opposed to it. But I would like to make the amicable suggestion to the distinguished members of that committee that if they will attend more closely to the duties of their committee they will render a greater service to this House than they will in this respect.

Mr. SHERLEY. That comes with peculiar grace from the gentleman from Illinois.

Mr. MANN. It comes with grace from any Member of the House to advise the members of the Committee on Appropriations, who are always seeking to advise everybody else. In the appropriation bill for the current fiscal year the item for revenue cutters is carried in a total sum of $2,488,000. If any other committee of this House reported an item like that in a lump sum, and not segregated, my distinguished friend from Minnesota [Mr. TAWNEY] would be batting the air here, telling the committee how the appropriation ought to be segregated into various items. He may spend profitably a portion of his time in the Committee on Appropriations. He might spend profitably a portion of the time he has wasted on this bill discovering a method of segregating the items under the Revenue-Cutter Service by which he could save to this Government a hundred thousand dollars or more a year. There are $2,488,000 in one item, covering repairs of vessels.

Mr. TAWNEY. Will the gentleman permit me to ask him a question?

Mr. MANN. No one knows what the repairs of the revenue cutters have cost. Those items which are charged to repairs amount to $120,000.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. MANN. I always yield to my friend.

Mr. TAWNEY. If the segregation suggested by the gentleman from Illinois was prepared by the Committee on Appropriations and reported to the House, would he not take every item out of that segregation under a point of order on the ground that his committee has not prepared and reported the legislation making these appropriations in order?

Mr. MANN. Mr. Speaker, I would not make the point of order for two reasons: First, the point of order would not lie, and I know enough about parliamentary procedure to know it. Second, I never made a point of order on any proposition which tended to segregate items. The gentleman always talks about other committees segregating the items, and the duties of other committees. Let him divide up the appropriation for the Revenue-Cutter Service and say how much shall be expended for repairs, and he will be the first man in favor of providing a new cutter instead of spending the same amount of money endeavoring to repair an old cutter that would be worthless when repaired. [Cries of "Vote!"]

The SPEAKER. The question is on the motion to strike out the enacting clause.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. TAWNEY. Division, Mr. Speaker.

The House divided; and there were—ayes 70, noes 61.

Mr. MANN. I ask for tellers, Mr. Speaker.

Mr. TAWNEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 144, answered "present" 9, not voting 101, as follows:

YEAS—134.

Alexander, Mo.	Dixon, Ind.	Johnson, S. C.	Pray
Anderson	Dodds	Kendall	Prince
Ansberry	Draper	Kennedy, Iowa	Rauch
Anthony	Driscoll, D. A.	Kinkaid, Nebr.	Robinson
Barnard	Driscoll, M. E.	Kinkead, N. J.	Rucker, Colo.
Barnhart	Dwight	Kitchin	Rucker, Mo.
Beall, Tex.	Edwards, Ky.	Korbly	Saunders
Boehne	Ellerbe	Latta	Shackleford
Booher	Estopinal	Lindbergh	Sharp
Borland	Ferris	Lloyd	Sheppard
Brownlow	Fitzgerald	McKinlay, Cal.	Sherley
Butler	Flood, Va.	McMorran	Sherwood
Byrns	Floyd, Ark.	Macon	Sisson
Calderhead	Foster, Ill.	Madison	Slayden
Campbell	Garrett	Maguire, Nebr.	Smith, Cal.
Candler	Gill, Md.	Martin, Colo.	Smith, Iowa
Carter	Gill, Mo.	Morgan, Okla.	Sperry
Cassidy	Gordon	Morrison	Spight
Clark, Mo.	Griest	Morse	Steenerson
Clayton	Gronna	Moss	Swasey
Cole	Hamer	Murdock	Tawney
Collier	Hamlin	Needham	Taylor, Colo.
Covington	Hammond	Nelson	Taylor, Ohio
Cox, Ind.	Hanna	Nicholls	Thomas, Ky.
Cravens	Haugen	Nye	Thomas, Ohio
Creager	Hay	Oldfield	Tou Velle
Crumpacker	Hollingsworth	Padgett	Underwood
Cullop	Houston	Page	Volstead
Davis	Howell, Utah	Palmer, A. M.	Watkins
Dawson	Howland	Payne	Webb
Denver	Hughes, N. J.	Pickett	Wickliffe
Dickinson	Hughes, W. Va.	Plumley	Woods, Iowa
Dickson, Miss.	Hull, Tenn.	Pou	
Dies	Johnson, Ky.	Pratt	

NAYS—144.

Adamson	Elvins	Huff	Mann
Aiken	Fairchild	Hughes, Ga.	Maynard
Allen	Fassett	Hull, Iowa	Mays
Ames	Finley	Humphrey, Wash.	Miller, Kans.
Austin	Fish	Joyce	Miller, Minn.
Bartlett, Ga.	Focht	Kahn	Millington
Bates	Fordney	Keliher	Moon, Pa.
Bennet, N. Y.	Fornes	Knapp	Moon, Tenn.
Boutell	Foulkrod	Knowland	Moore, Pa.
Brantley	Gaines	Kopp	Moore, Tex.
Burgess	Gallagher	Kronmiller	Morehead
Burke, S. Dak.	Garner, Tex.	Lafean	Morgan, Mo.
Burleson	Gillespie	Lamb	Moxley
Calder	Goebel	Langham	Murphy
Carlin	Graham, Pa.	Law	Norris
Cary	Grant	Lawrence	Palmer, H. W.
Chapman	Greene	Lee	Parker
Cocks, N. Y.	Gregg	Lenroot	Parsons
Cook	Hamilton	Lindsay	Pearre
Cooper, Pa.	Hardy	Longworth	Peters
Cooper, Wis.	Harrison	Loud	Poindexter
Coudrey	Hayes	Loudenslager	Pujo
Cox, Ohio	Heald	Lowden	Randell, Tex.
Crow	Heflin	McCall	Reeder
Currier	Henry, Conn.	McCreary	Reynolds
Dalzell	Henry, Tex.	McCredie	Roberts
Davidson	Higgins	McDermott	Roddenbery
Dent	Hitchcock	McGuire, Okla.	Rodenberg
Dickema	Hobson	McKinley, Ill.	Rothermel
Edwards, Ga.	Howard	McKinney	Russell
Ellis	Hubbard, Iowa	McLachlan, Cal.	Sabath

Sims	Sturgiss	Townsend	Wiley
Smith, Tex.	Sulloway	Wanger	Wilson, Ill.
Stafford	Talbott	Washburn	Wood, N. J.
Stephens, Tex.	Tener	Weeks	Young, Mich.
Stevens, Minn.	Tilson	Weisse	Young, N. Y.

ANSWERED "PRESENT"—9.

Bowers	Hardwick	James	O'Connell
Glass	Humphreys, Miss.	Kennedy, Ohio	Wheeler
Graham, Ill.			

NOT VOTING—101.

Adair	Durey	Hubbard, W. Va.	Richardson
Alexander, N. Y.	Englebright	Jamieson	Riordan
Andrus	Esch	Johnson, Ohio	Scott
Ashbrook	Foelker	Jones	Sheffield
Barchfeld	Foss	Kelfer	Simmons
Barclay	Foster, Vt.	Küstermann	Slemp
Bartholdt	Fowler	Langley	Small
Bartlett, Nev.	Fuller	Legare	Smith, Mich.
Bell, Ga.	Gardner, Mass.	Lever	Snapp
Bennett, Ky.	Gardner, Mich.	Livingston	Southwick
Bingham	Gardner, N. J.	Lundin	Sparkman
Bradley	Garner, Pa.	McHenry	Stanley
Broussard	Gillett	McLaughlin, Mich.	Sterling
Burke, Pa.	Gilmore	Madden	Sulzer
Burleigh	Godwin	Malby	Taylor, Ala.
Burnett	Goldfogle	Martin, S. Dak.	Thistlewood
Byrd	Good	Mondell	Thomas, N. C.
Cantrill	Goulden	Mudd	Tirrell
Capron	Graff	Olcott	Vreeland
Clark, Fla.	Guernsey	Olmsted	Wallace
Cline	Hamill	Patterson	Willett
Conry	Hawley	Perkins	Wilson, Pa.
Cowles	Helm	Rainey	Woodyard
Craig	Hill	Ransdell, La.	
Denby	Hinshaw	Reid	
Douglas	Howell, N. J.	Rhinock	

So the motion was rejected.

The following pairs were announced:

For this session:

Mr. ANDRUS with Mr. RIORDAN.

Mr. BRADLEY with Mr. GOULDEN.

Mr. WOODYARD with Mr. HARDWICK.

Mr. HILL with Mr. GLASS.

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Until further notice:

Mr. GOOD with Mr. HUMPHREYS of Mississippi.

Mr. GUERNSEY with Mr. CONRY.

Mr. THISTLEWOOD with Mr. TAYLOR of Alabama.

Mr. MALBY with Mr. BOWERS.

Mr. DENBY with Mr. GRAHAM of Illinois.

Mr. CAPRON with Mr. O'CONNELL.

Mr. SNAPP with Mr. BYRD.

Mr. VREELAND with Mr. SPARKMAN.

Mr. OLMSTED with Mr. JAMES.

Mr. HOWELL of New Jersey with Mr. BURNETT.

Mr. HUBBARD of West Virginia with Mr. SULZER.

Mr. ALEXANDER of New York with Mr. BELL of Georgia.

Mr. BARCHFELD with Mr. BROUSSARD.

Mr. BENNETT of Kentucky with Mr. BARTLETT of Nevada.

Mr. BINGHAM with Mr. ADAIR.

Mr. BURLEIGH with Mr. CANTRILL.

Mr. COWLES with Mr. CLARK of Florida.

Mr. DOUGLAS with Mr. CLINE.

Mr. DUREY with Mr. GILMORE.

Mr. ESCH with Mr. CRAIG.

Mr. FOELKER with Mr. GOLDFOGLE.

Mr. FOSS with Mr. GODWIN.

Mr. GARDNER of Michigan with Mr. HAMILL of New Jersey.

Mr. GARDNER of New Jersey with Mr. HELM.

Mr. JOHNSON of Ohio with Mr. JAMIESON.

Mr. KÜSTERMANN with Mr. LEVER.

Mr. LUNDIN with Mr. LIVINGSTON.

Mr. OLCOTT with Mr. MCHENRY.

Mr. SCOTT with Mr. PATTERSON.

Mr. SHEFFIELD with Mr. RAINEY.

Mr. SIMMONS with Mr. RANSDELL of Louisiana.

Mr. SOUTHWICK with Mr. RHINOCK.

Mr. TIRRELL with Mr. RICHARDSON.

Mr. GARNER of Pennsylvania with Mr. SMALL.

Mr. MCLAUGHLIN of Michigan with Mr. STANLEY.

Mr. MARTIN of South Dakota with Mr. THOMAS of North Carolina.

Mr. MONDELL with Mr. WALLACE.

Mr. MUDD with Mr. WILSON of Pennsylvania.

Mr. GILLETT with Mr. JONES.

Mr. BARTHOLDT with Mr. WILLETT.

Mr. SMITH of Michigan with Mr. REID.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I would like to know if the gentleman from Iowa [Mr. GOOD] is recorded.

The SPEAKER. The gentleman is not recorded.

Mr. HUMPHREYS of Mississippi. I voted "nay" on the roll call. I have a pair with the gentleman from Iowa [Mr. GOOD], and I withdraw my vote.

The name of Mr. HUMPHREYS of Mississippi was called, and he answered "present."

Mr. JAMES. Mr. Speaker, I desire to inquire whether or not the gentleman from Pennsylvania [Mr. OLMSTED] is recorded as voting?

The SPEAKER. The gentleman is not recorded.

Mr. JAMES. I voted "yea." I desire to change that vote to "present," as I have a general pair with the gentleman from Pennsylvania.

The name of Mr. JAMES was called, and he answered "present."

Mr. STANLEY. Mr. Speaker, I desire to vote.

The SPEAKER. Does the gentleman bring himself within the rule?

Mr. STANLEY. I would like to vote; but I am afraid I can not, Mr. Speaker.

Mr. CLINE. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present when his name should have been called and did not hear it?

Mr. CLINE. I was out part of the time, and came in after my name was called.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. FOELKER. How am I recorded, Mr. Speaker? I desire to vote "nay."

The SPEAKER. Does the gentleman bring himself within the rule?

Mr. FOELKER. I think so.

The SPEAKER. Was the gentleman present when his name was called and did not hear it?

Mr. FOELKER. I was present, and did not hear my name called.

The SPEAKER. But was the gentleman giving attention? The gentleman knows the rule. [After a pause.] The gentleman does not bring himself within the rule.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. HUGHES of New Jersey. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. Until the Chair hears the amendment the Chair can not pass upon it. The Clerk will report the amendment.

The Clerk read as follows:

On page 2 add a new section to be known as "section 3," to read as follows:

"The Secretary of the Treasury is directed to have the vessels provided for herein constructed in accordance with the provisions of the act entitled 'An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia,' approved August 1, 1892."

Mr. MANN. I make a point of order against the amendment.

The SPEAKER. The gentleman from Illinois makes a point of order. The Chair will hear the gentleman.

Mr. MANN. I make the point of order simply on the ground that the amendment is not germane to the bill or the amendments.

The SPEAKER. The Chair has not the act to which the gentleman from New Jersey referred. The Chair will hear the gentleman on the point of order.

Mr. HUGHES of New Jersey. The title of the act is set out in the amendment, and it is the act of 1892, commonly known as the "eight-hour law." When it was passed in this House, according to the debates here, it was supposed to include all such public works of the United States as these very vessels. It was supposed to include public buildings and everything in the nature of a public work constructed on behalf of the United States under any contract, by any contractor or subcontractor; but now, by reason of departmental decisions, the scope of that act has been narrowed more and more each year. There has been introduced in this House a bill attempting to cure the defects said to exist in the present law as found by the heads of departments, but my experience teaches me to despair of ever getting a hearing for that bill on the floor. Now, so far as the germaneness of this particular amendment is concerned, all I have to say is that it simply limits the discretion of the Secretary of the Treasury when he undertakes to have these vessels built and compels him to have them built under an eight-hour day. In my opinion, whatever may be the result as to the merits, the amendment is certainly germane.

The SPEAKER. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MANN. I do not care to be heard further, Mr. Speaker.

The SPEAKER. The Chair believes the amendment to be germane.

Mr. HUGHES of New Jersey. Then, Mr. Speaker, I desire to be heard in support of the amendment.

The SPEAKER. The gentleman is entitled to be recognized for five minutes.

Mr. HUGHES of New Jersey. Mr. Speaker, as I stated in discussing the point of order, the object of this amendment is simply to extend the provisions of the eight-hour legislation to public works of this character. It was not until some time after the act of 1892 was passed by this body that it was ever dreamed by anyone that a public work of this character could be constructed outside of the provisions of that legislation. The passage of this eight-hour law was heralded from one end of the country to the other as the result of the efforts of that distinguished citizen of Ohio, the lamented William McKinley, and nothing in his history and nothing in his legislative career aided more materially in his success in the State of Ohio after his defeat for Congress than the fact that he was the author of this eight-hour legislation. Being nominated for governor he carried the State of Ohio upon that platform by more than 40,000 majority. He said in the debates upon this bill that this legislation had long been promised by his party, that makeshift legislation was then upon the books, that they had spoken the word of promise to the ear and broken it to the hope of the laboring men of this country long enough, and he asked his party and asked this House to pass this legislation, which they did practically without a dissenting voice.

The legislation went upon the books, and from that time to this there has been a constant fight against the legislation by the heads of the different departments. All sorts of claims have been resorted to in order to nullify its provisions. It has been held that the law does apply to a public work, but the departmental heads have held that in the case of the erection of a building the men who were putting stone upon stone came within the provisions of the act, but that a mechanic who dressed the stone upon an adjoining vacant lot did not come within the provisions of the law.

In many other respects the departments have vied with each other in their efforts to render nugatory the legislation, and yet the Republican party claims in every campaign that it is responsible for this legislation. There has been introduced in every Congress since I have been here an eight-hour bill; there have been hearings had on that bill, but there is no hope—I think I can say without violating any committee confidence, in view of the remarkable circumstance that happened in the Committee on Labor—that, in my judgment, there is no hope of that legislation being reported upon the floor of this House, where no power on earth could prevent its passage.

Now, there is only one way, if we really want the legislation, in which we can get at this matter, and that is, whenever the rules will permit us, to legislate so that the work must be done under the eight-hour law. I have time and time again attempted to apply the provisions of this law by amendment to appropriation bills, the naval and other bills, and I have had the remarkable experience once of having my amendment declared in order one year and then out of order the following year. [Laughter.]

There is no question of order involved in this case; it is a flat-footed proposition to say to the Secretary of the Treasury that we authorize him to have the ships constructed; that we vote the money for the construction of these ships under conditions of labor that are humane and that have the sanction and approval not only of the House, but the people of the entire country. [Applause.]

Mr. MANN. Mr. Speaker, I regret very much that the amendment has been offered. It is perfectly plain that if the Government constructs these vessels they will be constructed under the eight-hour law. It is equally plain that if they should be constructed under contract there probably is no shipyard in the country where they would be constructed at a reasonable cost, if we should require the yards and all the manufacturers of material that go into the vessels to operate under the eight-hour law. I think it would practically prohibit the construction of these vessels at any place except by the Government itself.

The Revenue-Cutter Service is not equipped with shipyards for the construction of vessels. It is possible that these vessels might be constructed in one of the navy-yards. It does not seem advisable to tie up the hands of the Government in this way, where it would have no effect upon the establishment of the eight-hour law as a general proposition, and would only embarrass the Government in its construction work, if the construction work is by contract, and increase greatly the cost, not merely the cost of the difference between the eight and ten hours of labor, but the cost in the shipyards that are not prepared now to construct with eight-hour labor or to furnish materials obtained from eight-hour establishments exclusively. I hope the amendment will not prevail.

Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The SPEAKER. The gentleman from Illinois moves the previous question on the bill and amendment to final passage.

The question was taken, and the motion was disagreed to.

Mr. HITCHCOCK. Mr. Speaker, I rise to support the amendment offered by the gentleman from New Jersey. I have been amazed at the statement made by the gentleman from Illinois [Mr. MANN] that no private shipyards in this country can as now organized construct ships under the system of eight hours for a day's work. He says, in effect, that the shipyards in the United States, favored as they are by the laws of the United States in the construction of ships, given a monopoly of the construction of ships flying the American flag, whether used in international or in the coastwise trade—that none of the shipyards, favored as they are by the laws of Congress, are prepared to give to their laborers any of the benefits contemplated by the eight-hour law of the United States and the widespread eight-hour practice. [Applause.]

It is a sad commentary on the shipyards which are subsidized by law and given a profitable monopoly, that it is now impossible, if it is, for the United States to have any of its vessels constructed under the eight-hour law passed by Congress and the eight-hour practice which has become universal in well conducted private enterprises. I think, Mr. Speaker, if there are no private shipyards in the United States to-day able to construct vessels under the eight-hour law and under the eight-hour practice, it is time that Congress withdrew from those shipyards the highly protective laws of the country which give them a monopoly in building American ships and which have been enacted for their benefit. [Applause.]

It is certainly not contemplated by the shipping laws of the United States which give these private yards a monopoly in the construction of American ships that the monopoly is given to them wholly for the benefit of capitalists who build the ships. This monopoly is given them, as has been pretended, at least in part, for the benefit of labor of the United States; and American labor has been committed for many years with the indorsement of Congress and the approval of the great public to the eight-hour practice. [Applause.]

It seems to me that the gentleman from Illinois in his declaration that no shipyard in the United States is prepared to build ships under the eight-hour law has made a very damaging confession, if it be true, and has presented an argument why Congress should adopt the eight-hour amendment offered by the gentleman from New Jersey. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I hope the amendment offered by the gentleman from New Jersey may be agreed to. I see no reason why the Government of the United States should provide for eight hours a day in every department and on every work in which it engages and permit those with whom it contracts for similar work to that which it does itself to employ labor at longer hours. I sincerely hope, therefore, that this amendment may be agreed to. [Applause.] If eight hours a day is proper, and it is in the United States upon work in which we engage, it is proper for those with whom we contract to do work for us. There is no reason why we should place ourselves upon one standard and those that work for us on another. I shall vote for the amendment. [Applause.]

Mr. RAINEY. Mr. Speaker, I move to strike out the last word. I hope the amendment will prevail. For eight years, almost, I have been a Member of this House, and this is the first time the membership of this body has had an opportunity to go on record either in favor of an eight-hour proposition as applied to government work, or against it. For years I have seen representatives of the shipbuilding industry in this country appear before the Committee on Labor and by long-continued hearings make it impossible to report out the eight-hour bill. I have seen it reported out in a former Congress, and I have seen it die on the calendar of this House. I have seen it referred by the Labor Committee to a committee of lawyers to report as to its constitutionality, and I have seen it killed in that way. At the present time it is referred to a subcommittee that never meets.

Mr. NICHOLLS. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. NICHOLLS. Did that subcommittee appointed to examine as to the constitutionality of the bill ever hold any meetings?

Mr. RAINEY. They never had a meeting.

Mr. NICHOLLS. And never made a report.

Mr. RAINEY. Never made a report, and the subcommittee to which the bill is now referred has never had a meeting; but I believe the chairman of that subcommittee, until a very recent date, has been in the State of Florida. For two or three years the force employed in our government arsenals has been gradually diminishing. For two or three years the government contracts have been going in larger and larger amounts to the Bethlehem Steel Works and to Midvale. At the present time in the works of the Bethlehem Steel Company 10,000 men are idle, and the strike commenced there in the shops devoted to government work.

The strike commenced there and is carried on there among unorganized laborers. That strike is unique—labor unions had nothing to do with it. The poorest-paid skilled laborers in the country are employed in the works of the Bethlehem Steel Company. They make the guns for the army; they make the guns for the navy. They make armor plate used in the navy. They claim they make guns up here at Watervliet, but they do not do it. The orders for all the castings and all the forgings of all the guns for the army and practically all of the guns for the navy are diverted by the officers in charge to Midvale and Bethlehem, and there the castings and the forgings are made by the poorest-paid skilled labor in all the world.

Mr. CARY. Is it not a fact that those guns are sent back here to the navy-yard to be finished up?

Mr. RAINEY. After the castings and the forgings are finished up at Bethlehem—and that is the principal part of the work, 80 per cent of it, anyway—they are simply sent to the government yards, and they are assembled there.

The work of making the guns in government arsenals now is simply a process of assembling the parts, and yet they claim they make them there, and they simply assemble and polish and rifle the guns after they are made. They ought to make the guns complete in the government plants. A public scandal is now brewing in this country on account of the operations of these private works, which employ the cheapest skilled labor in the country. Not long ago, I am informed, although the press agencies do not mention it, a great 14-inch gun burst in its trials over here somewhere near Sandy Hook. It was manufactured and forged and the castings made by one of these private companies. Nothing was said about it, and nothing is said as to the amount the Government has lost by the bursting of one of the greatest guns ever manufactured in this country. No one knows that.

The position taken by my colleague from Illinois [Mr. MANN] is not tenable for a moment. He says if these ships can be manufactured in the government yards, then we do not need the eight-hour law, as the existing law already provides for that. If they are built in government yards, then this amendment, I submit, can do no harm, but we know enough already about the methods of letting contracts of this kind to know that these ships will not be built in the government yards unless, perhaps, this amendment prevails. Parts of them will be sublet to Bethlehem if they ever get their 10,000 workmen back there again. No man knows how much the United States is losing at the present time on account of the strike at Bethlehem. Not long ago, on account of the failure of the Government to furnish in time to the Cramp Shipbuilding Company armor plate and other apparatus which was manufactured by some of these private companies, the Cramp & Sons Company sustained a loss. They brought suit against this Government, and a judgment has just been rendered against the Government in the courts for $42,000 and more. These are little revenue cutters. Is it possible that we can not build them in our government yards? Over in Japan they are building great *Dreadnoughts* in their government yards.

The SPEAKER. The time of the gentleman has expired.

Mr. RAINEY. I ask unanimous consent to proceed for three minutes more.

There was no objection.

Mr. RAINEY. If these ships are to be built in the private yards, and they may be, then I submit that the time has come in this country, in this small particular, at least, to establish an eight-hour day in our shipyards. They are doing it in Germany. Over there they have established almost a universal eight-hour day, working men in three shifts in their factories, keeping factories that cost millions of dollars in use for all of the twenty-four hours in the day, thus saving immense sums of money in interest on investments. As a result of all this enterprise our real competitor now in the markets of the world, especially for the heavier machinery and structural iron, is not England, but Germany, where they have established practically an eight-hour day.

I congratulate the House upon this opportunity, and I want to assure the gentlemen on both sides of this House that upon this question, if you attempt to vote down this amendment, there will be a roll call, so that every man can go back to his constituents with a record upon this the most important industrial question at the present time before the people.

Mr. FASSETT. Before the gentleman sits down I would like to ask him if he wants to leave in the RECORD his statement that the wages paid at Bethlehem are the lowest wages in the world in any particular kind of employment?

Mr. RAINEY. I did not say in the world; I said in this country for skilled laborers.

Mr. FASSETT. Then gentlemen on this side of the House misunderstood the gentleman, because we understood him to say in reference to two or three classes of labor that they were the lowest paid at Bethlehem of any skilled labor in the world.

Mr. RAINEY. The statement I made—I do not want to be misunderstood——

Mr. FASSETT. That is the reason I asked the gentleman the question.

Mr. RAINEY (continuing). At Bethlehem they are not organized. You can not charge that strike against organized labor. Up there they are compelling men to work twelve and fourteen hours a day. They are compelling them to work on Sunday. Up there, three or four weeks ago, in one of the shops engaged in government work——

Mr. FASSETT. That is not an answer to my question.

Mr. RAINEY (continuing). Where a committee of workmen was appointed to protest against working two hours overtime without time and a half pay, the usual wages for overtime, the committee were at once discharged by Charles M. Schwab as soon as they presented the case. In this way the strike at Bethlehem commenced, and to-day 10,000 men are out of work and government work there is thus being delayed. What I said was this: At Bethlehem, on account of the fact that they have crushed out the unions completely and on account of the further fact that they have an endless-chain arrangement by which they bring men from Ellis Island down there to work, and keep them away from the farms of the West, they have been able to establish the lowest scale of wages paid in the country to skilled laborers; they have been paying them the lowest wages paid anywhere in the United States, and that is the occasion for the strike; and the treasurer of the Republican national committee is one of the directors at Bethlehem.

Mr. FASSETT. The gentleman's answer is quite different from his statement.

Mr. MANN. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

Mr. TAWNEY. I desire to ask the gentleman if he will withhold his motion for a minute?

Mr. MANN. I will.

The SPEAKER. Will the gentleman make a formal amendment? Without objection, the pro forma amendment will be considered as withdrawn, and the gentleman from Minnesota renews the pro forma amendment.

There was no objection.

Mr. TAWNEY. Mr. Speaker, I rise for the purpose of calling the attention of the House to the fact that the object of this bill is the authorization of two unnecessary revenue-cutter vessels and it is not——

Mr. MANN. I thought the gentleman discussed that a while ago.

Mr. TAWNEY (continuing). And it is not a proposition of whether we are going to adopt or not adopt an eight-hour law, and I trust the Members of the House who are opposed to authorizing these vessels will, on the final vote, vote as they did before.

Mr. FITZGERALD. Has not the House already decided the question as to whether these boats will be built or not——

Mr. TAWNEY. It has not.

Mr. FITZGERALD (continuing). By refusing to strike out the enacting clause?

Mr. TAWNEY. It has not, except indirectly.

Mr. FITZGERALD. That is equivalent to refusing——

Mr. TAWNEY. The question is whether we will vote to pass this bill and authorize these two ships.

Mr. MANN. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. HUGHES of New Jersey. Mr. Speaker, a parliamentary inquiry. Did I understand the gentleman to say bill and amendments?

The SPEAKER. The amendment is pending. The Chair was under the impression the amendment had been agreed to, but the previous question will cover both.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment——

Mr. HUGHES of New Jersey. A parliamentary inquiry, Mr. Speaker: Which amendment? There is a committee amendment and the one I offered.

Mr. MANN. The committee amendment is already agreed to.

The SPEAKER. The Chair is not sure. The Chair is informed the committee amendment has been agreed to, so the only vote is upon the amendment offered by the gentleman from New Jersey.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the amendment be again reported.

The amendment was again reported.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is now on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Chair announced that he was in doubt.

The House then divided; and there were—ayes 118, noes 58.

So the bill was passed.

The title was amended to read as follows:

An act authorizing the Secretary of the Treasury to provide two new revenue cutters, and for other purposes.

On motion of Mr. MANN, a motion to reconsider the votes by which the bill and the three other bills from the Committee on Interstate and Foreign Commerce were passed was laid on the table.

STEAMERS "A. B. WOLVIN" AND "CAMBRIA."

The SPEAKER. The Clerk will call the next committee.

When the Committee on the Merchant Marine and Fisheries was called,

Mr. GREENE. Mr. Speaker, I call up the bill S. 5697.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 5697) to authorize the change of name of the steamers A. B. Wolvin and Cambria, owned by the Port Huron and Duluth Steamship Company.

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed, upon application by the owner, the Port Huron and Duluth Steamship Company, of Port Huron, Mich., to change the names of the steamer A. B. Wolvin, official No. 107563, and the steamer Cambria, official No. 126420.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GREENE, a motion to reconsider the vote by which the bill was passed was laid on the table.

TONNAGE DUTIES ON VESSELS.

Mr. GREENE. Mr. Speaker, I call up from the Union Calendar the bill S. 4639.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 4639) concerning tonnage duties on vessels entering otherwise than by sea.

Be it enacted, etc., That vessels entering otherwise than by sea from a foreign port at which tonnage or light-house dues or other equivalent tax or taxes are not imposed on vessels of the United States shall be exempt from the tonnage duty of 2 cents per ton, not to exceed in the aggregate 10 cents per ton in any one year, prescribed by section 36 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes."

The SPEAKER. This bill being on the Union Calendar, under the rule the Chair declares the House in Committee of the Whole House on the state of the Union, and the gentleman from Massachusetts [Mr. WASHBURN] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 4639.

Mr. GREENE. This bill is unanimously reported from the Committee on Merchant Marine and Fisheries. If anyone desires to occupy any time upon the bill I will yield.

Mr. FITZGERALD. I would like to have some explanation of this bill.

Mr. GREENE. Mr. Chairman, I ask for the reading of the report.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. GREENE. I yield.

Mr. CLARK of Missouri. Does this bill simply refer to Canadian vessels?

Mr. GREENE. It refers to both Canadian vessels and American vessels.

Mr. CLARK of Missouri. I mean—that is, the commerce between the United States and Canada?

Mr. GREENE. Yes, sir; on the Lakes.

Mr. CLARK of Missouri. Is it a unanimous report of the committee?

Mr. GREENE. Yes, sir.

Mr. CLARK of Missouri. Does this confine it entirely to Canadian ships?

Mr. GREENE. The bill is confined to American ships and Canadian ships between the ports of the United States and Canada. It is a reciprocity measure between both American ports and Canadian ports. This had been in existence for twenty-five years, until the last tariff bill was passed, on the 5th of August.

Mr. CLARK of Missouri. Is it confined to vessels engaged in trade on the Great Lakes?

Mr. GREENE. Yes, sir. It does not take in seagoing vessels.

Mr. CLARK of Missouri. Not seagoing vessels?

Mr. FITZGERALD. Will the gentleman explain what provision of the bill excludes vessels in the over-sea carrying trade, except those——

Mr. GREENE. It does not refer to the over-sea trade. It only refers to trade on the Lakes.

Mr. FITZGERALD. It does not say "lake." It says, "By sea from a foreign port."

Mr. GREENE. "Otherwise than by sea." That is the usual expression in regard to the Lakes.

Mr. MANN. Will the gentleman yield for a question?

Mr. GREENE. Certainly.

Mr. MANN. I understand this is to correct a provision that went into the last tariff act.

Mr. GREENE. Yes, sir.

Mr. MANN. May I ask whether it has the approval of the distinguished gentleman from New York [Mr. PAYNE], the chairman of the Committee on Ways and Means?

Mr. GREENE. I have not heard any objection to it. The bill has been on the calendar for about six weeks, and no objection to the bill has been brought to my attention.

Mr. MANN. Well, I do not like to say anything in the absence of the gentleman from New York. I should think it would be lèse majesté for anybody to propose an amendment to the tariff bill.

Mr. GREENE. This bill has been passed by the Senate without objection.

Mr. CRUMPACKER. Will the gentleman tell us what the bill will accomplish?

Mr. GREENE. It remits the tonnage tax between the United States and Canada on through trade on the Great Lakes, which is a convenience that was enjoyed previous to the passage of the last tariff act. There has been no tonnage tax levied on this class of trade since 1885.

Mr. CRUMPACKER. It remits the tonnage tax on foreign vessels as well?

Mr. GREENE. Yes, sir.

Mr. CRUMPACKER. Applies to vessels of a foreign country on the tonnage tax?

Mr. GREENE. It would benefit American more than Canadian trade, because there are so many more American vessels engaged in trade on the Lakes.

Mr. CLARK of Missouri. I would like to ask the gentleman another question. Is this another effort to doctor up the Payne-Aldrich-Smoot tariff bill?

Mr. GREENE. I have no desire to doctor that bill.

Mr. CLARK of Missouri. Is not that what this bill does?

Mr. GREENE. It is to correct an error in that bill.

Mr. CLARK of Missouri. That bill was got up in such a slovenly way that you have got to doctor it up by a bill from another committee.

Mr. GREENE. I do not know about that.

Mr. HARRISON. Why did not this bill, which affects the revenue, go to the committee to which recommendations are made about making a tariff?

Mr. GREENE. I am not able to answer the question. The bill came to the Committee on Merchant Marine and Fisheries and that committee considered it, and it was unanimously reported.

Mr. HARRISON. Does not the gentleman know that the sole reason alleged by the chairman of the Committee on Ways

and Means why a bill was not allowed to postpone the filing of data for the corporation tax was for fear of amendments to the tariff law? Is that the reason why this bill did not go to the Committee on Ways and Means?

Mr. GREENE. I do not know. This bill came directly, by proper reference, to the Committee on Merchant Marine and Fisheries.

Mr. MANN. This bill is beyond the point of amendment in the Senate, is it not?

Mr. GREENE. Why, certainly. I move that the committee rise and report the bill with a favorable recommendation.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WASHBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4639, and had directed him to report the same to the House with the recommendation that it do pass.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. HITCHCOCK. Mr. Speaker, I would like to ask if this bill is open to amendment.

Mr. GREENE. I move the previous question on the bill to its passage.

Mr. HITCHCOCK. It has not been read under the five-minute rule for amendment yet.

The SPEAKER. The Chair has no knowledge of what took place in Committee of the Whole House on the state of the Union except by the report of the chairman of that committee to the House. The bill is reported back by the chairman with the recommendation that it do pass. Now, we are in the House, and the gentleman in charge of the bill, the gentleman from Massachusetts [Mr. GREENE], chairman of the Committee on the Merchant Marine and Fisheries, demands the previous question.

Mr. HITCHCOCK. I can advise the Chair that it was not read; that there was no reading of the bill under the five-minute rule.

The SPEAKER. Well, that was not the report to the Chair. And the Chair has no knowledge, parliamentarily or in fact, except what the gentleman states. The Chair must rely upon the report of the Chairman of the Committee of the Whole House on the state of the Union. The gentleman from Massachusetts demands the previous question.

Mr. GREENE. To the final passage?

The SPEAKER. To the final passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. HITCHCOCK. Division!

The House divided; and there were—ayes 128, noes 35.

So the previous question was ordered.

The bill was ordered to a third reading; it was accordingly read the third time.

Mr. HITCHCOCK. Mr. Speaker——

The SPEAKER. One moment.

Mr. HITCHCOCK. I move to recommit the bill with instructions.

Mr. PAYNE. Mr. Speaker, I make a motion to recommit the bill.

The SPEAKER. Is the gentleman from New York opposed to the bill?

Mr. PAYNE. I am.

The SPEAKER. The Chair will recognize the gentleman from New York.

Mr. PAYNE. I move to recommit the bill to the Committee on Merchant Marine, and on that demand the previous question.

Mr. CLARK of Missouri. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Does not the rule provide that a motion to recommit with instructions shall take precedence over a motion to recommit?

The SPEAKER. The Chair is not aware of any such rule.

Mr. HITCHCOCK. Well, Mr. Speaker, I stood upon my feet demanding the attention of the Chair——

The SPEAKER. Precisely.

Mr. HITCHCOCK (continuing). And made several efforts to get the attention of the Chair, and the Chair studiously refused to give recognition.

The SPEAKER. So did the gentleman from New York. If the gentleman will indulge the Chair, the gentleman from New York was upon his feet asking recognition. Now it is a very simple matter. Somebody is entitled to recognition to move to recommit. The gentleman from New York [Mr. PAYNE] and the gentleman from Nebraska [Mr. HITCHCOCK] were both upon their feet. The gentleman from New York [Mr. PAYNE] was recognized, and he was asked, when he made the motion, whether he was opposed to the bill. The reply was that he was opposed, and pursuant to the ordinary practice of all Speakers, both when the gentleman's party was in power and now when the present party is in power, the Chair elected to recognize the gentleman from New York [Mr. PAYNE].

Mr. HITCHCOCK. But will the Speaker permit me to call his attention to the fact that at the time I was here demanding the attention of the Chair to make a motion which is in order, the gentleman from New York [Mr. PAYNE] was in private conversation at the desk with the Speaker, and he was not recognized until some time afterwards, when he came down upon the floor? [Applause on the Democratic side.]

The SPEAKER. The gentleman barely asked the privilege of recognition, and before the gentleman was recognized the gentleman from New York [Mr. PAYNE] also rose to his feet. The Chair, from his recollection and from the practice of the House in this and former Congresses, elects, under the rule, to recognize a gentleman on the majority side who is opposed to the bill in preference to recognizing a gentleman in the minority who is opposed to the bill.

Mr. FITZGERALD. I submit, Mr. Speaker, that under the practice of the House it has been the custom to recognize those in the minority opposed to the bill in preference to those in the majority; and I call the attention of the Speaker to his own action in recognizing the leader of the minority in preference to the gentleman from Minnesota when an attempt was made to move to recommit the tariff bill, when it was under discussion.

The SPEAKER. That was an occasion when there was a party question involved, and the Chair recognized the most conspicuous opponent, namely, the leader of the minority, if the Chair recollects the occasion referred to. Now, this is not a party question. There comes a conflict as to which of two should be recognized. The Chair recognizes the leader of the House on the majority side, who states that he is opposed to the bill, and who seems to be, from the standpoint of leadership, the most conspicuous gentleman who applied for recognition.

Mr. FITZGERALD. Mr. Speaker, for a conspicuous gentleman opposed to a bill of this kind he remained remarkably silent while the bill was under discussion.

The SPEAKER. The gentleman from New York——

Mr. HITCHCOCK. I appeal from the decision of the Chair.

Mr. PAYNE. And I move to lay that appeal on the table.

The SPEAKER. On a question of recognition the Chair declines to entertain the appeal, in conformity with the precedents of the last forty years. The gentleman from New York [Mr. PAYNE] demands the previous question on the motion to recommit.

Mr. HITCHCOCK. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 116, answered "present" 12, not voting 106, as follows:

YEAS—154.

Alexander, N. Y.	Fairchild	Knapp	Parsons
Allen	Fassett	Kopp	Payne
Ames	Fish	Kronmiller	Pickett
Barnard	Focht	Küstermann	Plumley
Bartholdt	Foelker	Lafean	Pratt
Bates	Fordney	Langham	Pray
Bennet, N. Y.	Foster, Vt.	Langley	Prince
Bennett, Ky.	Foulkrod	Law	Reeder
Boutell	Fuller	Lawrence	Reynolds
Brownlow	Gaines	Lenroot	Roberts
Burke, S. Dak.	Gardner, Mich.	Lindbergh	Rodenberg
Butler	Goebel	Longworth	Scott
Calderhead	Graham, Pa.	Loud	Simmons
Campbell	Grant	Lowden	Slemp
Cary	Greene	McCall	Smith, Cal.
Cassidy	Griest	McCreary	Smith, Iowa
Chapman	Gronna	McCredie	Smith, Mich.
Cocks, N. Y.	Hamer	McKinlay, Cal.	Southwick
Cole	Hamilton	McKinley, Ill.	Sperry
Cook	Hanna	McKinney	Stafford
Cooper, Pa.	Haugen	McLachlan, Cal.	Sterling
Cooper, Wis.	Hawley	McMorran	Stevens, Minn.
Cowles	Hayes	Mann	Sturgiss
Creager	Heald	Miller, Kans.	Sulloway
Crow	Henry, Conn.	Miller, Minn.	Taylor, Ohio
Crumpacker	Hollingsworth	Millington	Tener
Dalzell	Howell, Utah	Mondell	Thomas, Ohio
Davidson	Howland	Moon, Pa.	Tirrell
Davis	Hubbard, Iowa	Moore, Pa.	Volstead
Dawson	Huff	Morgan, Mo.	Wanger
Denby	Hughes, W. Va.	Morgan, Okla.	Washburn
Diekema	Hull, Iowa	Morse	Weeks
Dodds	Humphrey, Wash.	Murdock	Wiley
Draper	Joyce	Murphy	Wilson, Ill.
Driscoll, M. E.	Kahn	Needham	Wood, N. J.
Dwight	Keifer	Nelson	Woods, Iowa
Edwards, Ky.	Kendall	Norris	Young, Mich.
Ellis	Kennedy, Iowa	Nye	
Englebright	Kinkaid, Nebr.	Palmer, H. W.	

NAYS—116.

Adamson	Dickinson	Hitchcock	Pou
Aiken	Dies	Houston	Pujo
Alexander, Mo.	Dixon, Ind.	Howard	Rainey
Anderson	Driscoll, D. A.	Hughes, N. J.	Rauch
Ansberry	Edwards, Ga.	Johnson, Ky.	Rothermel
Barnhart	Ellerbe	Keliher	Rucker, Colo.
Bartlett, Ga.	Ferris	Kinkead, N. J.	Rucker, Mo.
Beall, Tex.	Finley	Kitchin	Sabath
Boehne	Fitzgerald	Korbly	Saunders
Booher	Flood, Va.	Lamb	Shackleford
Borland	Floyd, Ark.	Latta	Sharp
Brantley	Fornes	Lee	Sheppard
Burgess	Foster, Ill.	Lever	Sherley
Burleson	Gallagher	Lindsay	Sims
Byrns	Garner, Tex.	Lloyd	Sisson
Candler	Garrett	McDermott	Slayden
Cantrill	Gill, Md.	Macon	Spight
Carter	Gill, Mo.	Maguire, Nebr.	Stanley
Clark, Fla.	Gillespie	Mays	Stephens, Tex.
Clark, Mo.	Godwin	Moore, Tex.	Talbott
Clayton	Gordon	Morrison	Taylor, Colo.
Cline	Gregg	Moss	Thomas, Ky.
Collier	Hamlin	Nicholls	Thomas, N. C.
Cox, Ind.	Hammond	O'Connell	Tou Velle
Cox, Ohio	Hardy	Oldfield	Underwood
Craig	Harrison	Padgett	Watkins
Cullop	Hay	Page	Webb
Dent	Heflin	Palmer, A. M.	Weisse
Denver	Henry, Tex.	Peters	Wickliffe

ANSWERED "PRESENT"—12.

Bowers	Glass	Howell, N. J.	Martin, Colo.
Calder	Graham, Ill.	James	Russell
Currier	Hardwick	Kennedy, Ohio	Tilson

NOT VOTING—106.

Adair	Estopinal	Knowland	Rhinock
Andrus	Foss	Legare	Richardson
Anthony	Fowler	Livingston	Riordan
Ashbrook	Gardner Mass.	Loudenslager	Robinson
Austin	Gardner, N. J.	Lundin	Roddenbery
Barchfeld	Garner, Pa.	McGuire, Okla.	Sheffield
Barclay	Gillett	McHenry	Sherwood
Bartlett, Nev.	Gilmore	McLaughlin, Mich.	Small
Bell, Ga.	Goldfogle	Madden	Smith, Tex.
Bingham	Good	Madison	Snapp
Bradley	Goulden	Malby	Sparkman
Broussard	Graff	Martin, S. Dak.	Steenerson
Burke, Pa.	Guernsey	Maynard	Sulzer
Burleigh	Hamill	Moon, Tenn.	Swasey
Burnett	Helm	Morehead	Tawney
Byrd	Higgins	Moxley	Taylor, Ala.
Capron	Hill	Mudd	Thistlewood
Carlin	Hinshaw	Olcott	Townsend
Conry	Hobson	Olmsted	Vreeland
Coudrey	Hubbard, W. Va.	Parker	Wallace
Covington	Hughes, Ga.	Patterson	Wheeler
Cravens	Hull, Tenn.	Pearre	Willett
Dickson, Miss.	Humphreys, Miss.	Perkins	Wilson, Pa.
Douglas	Jamieson	Poindexter	Woodyard
Durey	Johnson, Ohio	Randell, Tex.	Young, N. Y.
Elvins	Johnson, S. C.	Ransdell, La.	
Esch	Jones	Reid	

So the previous question was ordered.

The following additional pairs were announced:

Until further notice:

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. GUERNSEY with Mr. RHINOCK.

Mr. MARTIN of South Dakota with Mr. MARTIN of Colorado.

Mr. AUSTIN with Mr. SULZER.

Mr. CAPRON with Mr. HULL of Tennessee.

Mr. CALDER with Mr. CONRY.

Mr. TILSON with Mr. CRAVENS.

Mr. ANTHONY with Mr. CARLIN.

Mr. COUDREY with Mr. COVINGTON.

Mr. DOUGLAS with Mr. DICKSON of Mississippi.

Mr. ELVINS with Mr. ESTOPINAL.

Mr. HIGGINS with Mr. HOBSON.

Mr. LOUDENSLAGER with Mr. JOHNSON of South Carolina.

Mr. MADISON with Mr. MAYNARD.

Mr. MOREHEAD with Mr. MOON of Tennessee.

Mr. MOXLEY with Mr. RANDELL of Texas.

Mr. PEARRE with Mr. ROBINSON.

Mr. SWASEY with Mr. RODDENBERY.

Mr. TAWNEY with Mr. HUGHES of Georgia.

Mr. WHEELER with Mr. SHERWOOD.

Mr. YOUNG of New York with Mr. SMITH of Texas.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the motion of the gentleman from New York to recommit the bill.

Mr. HITCHCOCK. And upon that, Mr. Speaker, I call for the yeas and nays.

The SPEAKER. As many as are in favor of taking the question by yeas and nays will rise. [After counting.] Forty-two gentlemen have arisen; not a sufficient number, and the yeas and nays are refused.

Mr. HITCHCOCK. I ask for the other side.

The SPEAKER. As many as are opposed to ordering the yeas and nays will rise. [After counting.] Forty-two gentlemen arose in favor of ordering the yeas and nays and 145 have voted against ordering the yeas and nays. A sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 119, nays 160, answered "present" 14, not voting 95, as follows:

YEAS—119.

Adamson	Dixon, Ind.	Hughes, Ga.	Pujo
Aiken	Driscoll, D. A.	Hughes, N. J.	Rauch
Alexander, Mo.	Edwards, Ga.	Johnson, Ky.	Robinson
Anderson	Ellerbe	Johnson, S. C.	Roddenbery
Ansberry	Estopinal	Keliher	Rothermel
Barnhart	Ferris	Kinkead, N. J.	Rucker, Colo.
Bartlett, Ga.	Fitzgerald	Kitchin	Rucker, Mo.
Beall, Tex.	Flood, Va.	Korbly	Sabath
Boehne	Floyd, Ark.	Lamb	Shackleford
Booher	Fornes	Lee	Sharp
Borland	Foster, Ill.	Lever	Sheppard
Brantley	Gallagher	Lindsay	Sherley
Burgess	Garner, Tex.	Lloyd	Sherwood
Burleson	Garrett	McDermott	Sims
Byrns	Gill, Mo.	McHenry	Sisson
Candler	Gillespie	Macon	Slayden
Cantrill	Godwin	Maguire, Nebr.	Spight
Carter	Gordon	Mays	Stanley
Clark, Mo.	Graham, Ill.	Moore, Tex.	Stephens, Tex.
Clayton	Gregg	Morrison	Taylor, Colo.
Cline	Hamlin	Moss	Thomas, Ky.
Collier	Hammond	Nicholls	Thomas, N. C.
Cox, Ind.	Hardy	O'Connell	Tou Velle
Cox, Ohio	Harrison	Oldfield	Underwood
Craig	Hay	Padgett	Watkins
Cullop	Heflin	Page	Webb
Dent	Henry, Tex.	Palmer, A. M.	Weisse
Denver	Hitchcock	Payne	Wickliffe
Dickinson	Houston	Peters	Young, Mich.
Dies	Howard	Pou	

NAYS—160.

Alexander, N. Y.	Ellis	Keifer	Palmer, H. W.
Allen	Elvins	Kendall	Parker
Ames	Englebright	Kennedy, Iowa	Parsons
Anthony	Fairchild	Kinkaid, Nebr.	Pearre
Barnard	Fassett	Knapp	Pickett
Bartholdt	Fish	Knowland	Plumley
Bates	Focht	Kronmiller	Poindexter
Bennet, N. Y.	Foelker	Küstermann	Pray
Bennett, Ky.	Fordney	Langham	Prince
Boutell	Foster, Vt.	Law	Reeder
Brownlow	Foulkrod	Lawrence	Reynolds
Burke, S. Dak.	Fuller	Lenroot	Roberts
Butler	Gaines	Lindbergh	Rodenberg
Calderhead	Gardner, Mich.	Longworth	Scott
Campbell	Gill, Md.	Loud	Simmons
Cary	Goebel	Lowden	Slemp
Cassidy	Graham, Pa.	McCall	Smith, Cal.
Chapman	Grant	McCreary	Smith, Iowa
Clark, Fla.	Greene	McCredie	Smith, Mich.
Cocks, N. Y.	Griest	McKinlay, Cal.	Southwick
Cole	Gronna	McKinley, Ill.	Sperry
Cook	Hamer	McKinney	Stafford
Cooper, Pa.	Hamilton	McLachlan, Cal.	Steenerson
Cooper, Wis.	Hanna	McMorran	Sterling
Coudrey	Haugen	Madison	Stevens, Minn.
Cowles	Hawley	Mann	Sturgiss
Creager	Hayes	Miller, Kans.	Sulloway
Crow	Heald	Millington	Swasey
Crumpacker	Henry, Conn.	Mondell	Tawney
Dalzell	Higgins	Moon, Pa.	Taylor, Ohio
Davidson	Hollingsworth	Moore, Pa.	Tener
Davis	Howell, Utah	Morgan, Mo.	Thomas, Ohio
Dawson	Howland	Morgan, Okla.	Tirrell
Denby	Hubbard, Iowa	Morse	Volstead
Diekema	Huff	Murdock	Wanger
Dodds	Hughes, W. Va.	Murphy	Washburn
Draper	Hull, Iowa	Needham	Weeks
Driscoll, M. E.	Humphrey, Wash.	Nelson	Wiley
Dwight	Joyce	Norris	Wilson, Ill.
Edwards, Ky.	Kahn	Nye	Wood, N. J.

ANSWERED "PRESENT"—14.

Bowers	Howell, N. J.	Latta	Vreeland
Calder	Humphreys, Miss.	Martin, Colo.	Woods, Iowa
Currier	James	Russell	
Hardwick	Kennedy, Ohio	Tilson	

NOT VOTING—95.

Adair	Finley	Kopp	Randell, Tex.
Andrus	Foss	Lafean	Ransdell, La.
Ashbrook	Fowler	Langley	Reid
Austin	Gardner, Mass.	Legare	Rhinock
Barchfeld	Gardner, N. J.	Livingston	Richardson
Barclay	Garner, Pa.	Loudenslager	Riordan
Bartlett, Nev.	Gillett	Lundin	Saunders
Bell, Ga.	Gilmore	McGuire, Okla.	Sheffield
Bingham	Glass	McLaughlin, Mich.	Small
Bradley	Goldfogle	Madden	Smith, Tex.
Broussard	Good	Malby	Snapp
Burke, Pa.	Goulden	Martin, S. Dak.	Sparkman
Burleigh	Graff	Maynard	Sulzer
Burnett	Guernsey	Miller, Minn.	Talbott
Byrd	Hamill	Moon, Tenn.	Taylor, Ala.
Capron	Helm	Morehead	Thistlewood
Carlin	Hill	Moxley	Townsend
Conry	Hinshaw	Mudd	Wallace
Covington	Hobson	Olcott	Wheeler
Cravens	Hubbard, W. Va.	Olmsted	Willett
Dickson, Miss.	Hull, Tenn.	Patterson	Wilson, Pa.
Douglas	Jamieson	Perkins	Woodyard
Durey	Johnson, Ohio	Pratt	Young, N. Y.
Esch	Jones	Rainey	

So the motion to recommit the bill was rejected.

The following additional pairs were announced:
For the session:
Mr. CURRIER with Mr. FINLEY.
Until further notice:
Mr. MADDEN with Mr. TALBOTT.
Mr. LANGLEY with Mr. SAUNDERS.
Mr. PRATT with Mr. RANSDELL of Louisiana.
Mr. GRAFF with Mr. BELL of Georgia.
Mr. FOSS with Mr. BEALL of Texas.
Mr. LAFEAN with Mr. COVINGTON.
For the balance of the day:
Mr. KOPP with Mr. LATTA.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. GREENE, a motion to reconsider the last vote was laid on the table.

The SPEAKER. If the gentleman from Massachusetts has no further business from the Committee on the Merchant Marine and Fisheries, the Clerk will continue the call of committees.

The Clerk continued the call of committees.

PURCHASE OF EMBASSY SITES ABROAD.

Mr. LOWDEN (when the Committee on Foreign Affairs was called). Mr. Speaker, by direction of the Committee on Foreign Affairs, I call up the bill (H. R. 15814) providing for the purchase or erection of embassy, legation, and consular buildings abroad, which is upon the Union Calendar.

The SPEAKER. Under the rule the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15814, and the gentleman from Wisconsin [Mr. STAFFORD] will take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15814, with Mr. STAFFORD in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings, suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officers and for the offices of the diplomatic establishment: *Provided, however*, That not more than the sum of $1,000,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings, and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed, which limit of cost shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

With the following committee amendment:

Page 2, line 2, strike out the words "one million" and insert the words "five hundred thousand."

Mr. LOWDEN. Mr. Chairman, many of the Members who are present will recall that this bill was up for consideration a little more than a year ago. There were many objections made to the form of the bill, but I think that generally the Members were in favor of the principle of the bill. In fact, some of those objections which we believe we have done in this bill which has just been read. The committee had given even then much time to the consideration of the bill, but I want to say to my younger friends here that they will have the profoundest lesson in humility, no matter how thoroughly they have studied their bill, when they bring it up for the first time in this House. I wish also to add that instead of justifying all of the provisions of that bill we reached the conclusion that by a careful study we would remedy the substantial defects pointed out, and I submit to the House that we have succeeded in this.

I shall not make an extended argument upon the bill, because I believe that the House is practically ready for a vote. I wish, however, to mention some of the general considerations and will content myself with that which moved the committee at this time to urge with all its ability that the bill be passed, and that the United States of America may take the first step which will lead to the establishment of a diplomatic profession in America. [Applause.]

In the first place, Mr. Chairman, it is very difficult for our ambassadors and ministers to find any sort of a place at all adequate to the needs of the Government for many months, and often more than a year, after they come to take possession of their new posts. What an embarrassment this must be to the diplomacy of the United States all may readily see. I think that many of you will recall the anecdote that went the rounds of the country at the time that Mr. Choate first went to the Court of St. James as ambassador from the United States. He was living at a hotel, and, so went the anecdote, he was out late at night, wandering about, when a policeman accosted him and asked him why he did not go home. He replied, "I have no home; I am the American ambassador." [Laughter and applause.]

Even more difficult than London is it in Berlin and Paris, Vienna and St. Petersburg to rent a house that is at all suitable for this purpose, with the result that just at the time when our representative ought to be able to establish himself on amicable terms with the officials of foreign governments, namely, during the first few months of his service, he is obliged to live somewhere in a hotel.

There is another reason that is equally important to my mind and which ought to be equally persuasive to this House, and that is that we all know that in our own private pursuits if we have an important negotiation to conduct, we frequently maneuver sometimes for weeks to have that negotiation conducted in a place and under the environment which is most agreeable and satisfactory to us. In this way we have a better opportunity of getting what is our due under those circumstances than otherwise. If that be true in our own private affairs, how much more must it be true of the ambassador of a great country who has difficult and delicate negotiations of state to conduct with the foreign government?

I might say in this connection that in every book of memoirs I have seen that has been written by an American diplomat, first and foremost have been pointed out not only the difficulties of negotiations under these circumstances, but in many cases how important negotiations have failed because of the superior facilities of other governments that were interested. But to my mind even more important than either of these is the fact, if we would do justice to our country, that we must so establish facilities for our diplomatic service that the poorest man may look to the highest rewards in diplomacy, provided only he has ability, experience, and industry. By successive executive orders our entire foreign service below the rank of ambassador and minister has been taken out of politics. We thus have the beginning of a profession of diplomacy. It ought to be possible for the lowest man in the foreign service to feel that it is within his power, if his service justifies it, to reach the highest posts. This is impossible under existing conditions. Rents are so high in foreign capitals that only the rich can afford to take the highest places. What would gentlemen think if our practice were such that only the very rich could become Presidents of the United States? What would gentlemen say of this democracy if our policy were such that no man could go upon the federal bench or come to Congress unless he were a millionaire?

And yet we are rapidly drifting into a state of affairs where the men best equipped in every other way have to decline these honorable and important commissions abroad. Gentlemen will recall that it is only a short time ago since this Government was humiliated by the episode which occurred at Berlin at the time an exchange of our ambassadors was made. But it has been suggested by some that to have embassies of our own would make it still more burdensome upon the poor man competent to discharge the duties of these offices. I have taken great pains since the last debate upon this bill to discuss with many of our foreign representatives whether or not this be a true charge. I even last autumn, happening to be in Paris, visited, in company with our then ambassador, Mr. White, the embassies of Great Britain, Germany, and Austria, which were regarded as being typical of the capitals of Europe. I found that in every instance one floor of the embassy, furnished by the Government, was simply used for state occasions and was closed during the balance of the year, the family of the ambassador living in comparative simplicity on the floors above.

I found that in the house which had been rented by Mr. White, our ambassador, the same practice obtained, and he assured me—and no one in our diplomatic service has had a larger experience than Mr. White—that this was his practice, and that the expenses of living, following that method, were no whit larger than even if our representatives were obliged to live in a less suitable place. An interesting incident that he told me at that time brings to my mind now the importance of having the embassy and the chancellery connected in the same building. That is not the situation with reference to our embassies, where the embassy may be off in one place and the chancellery or offices at another. The Government of the United States had ordered, when the late President Cleveland died, in

order to do honor to his memory, that the flag above the embassy should be carried at half-mast. At our embassy at Paris it was attempted to carry out this order but our offices there were simply a suite of offices in a sort of an office building, and we had no more rights than the other tenants, and a real estate agent, who occupied one of the other suites, protested to the landlord. The ambassador of the United States, under the conditions, was obliged to remove our flag and failed for that reason to do honor to a great man whom this country had honored and whose memory will be one of our most priceless possessions as the years go by.

I submit that during the last twelve years, or since the Spanish-American war, according to the testimony of the Secretary of State before the Committee on Foreign Affairs, the business of the State Department has more than doubled. In the years gone by it was not so important, but, whether we will or no, the fact remains that America has become a world power, that the ministers of state of every foreign country desire to cultivate our foreign representatives, and we must put them in a position where they can deal with the foreign countries on something like equal terms. [Applause.] This bill provides for no present appropriation. The reason for that was that the Treasury is not so full as we would wish it, and another reason quite as important was that we preferred to require in this bill, which is simply an authorization to commence upon this policy, that the Secretary of State in making any recommendations in the future with reference to this subject should accompany those recommendations with a detailed statement of what the expense would be after thorough consideration had been had, and that no appropriations in excess of that sum could be appropriated in the future, except by a new authorization. A further limitation was put in the bill, and that was that not more than half a million dollars should be expended in any one fiscal year.

The purpose of that was that we may begin in a businesslike way, possibly next winter, and I hope that the State Department will then have ascertained at which one of these places we have the greatest need and certify what an embassy can be purchased for at such place to enable us in a businesslike and economical way to make a start. There is one other thing of which I wish to remind you.

Beyond our own boundaries the only places which the United States of America may occupy as of right are our embassies, legations, and consulates. Within them the flag of America is as supreme as within the city of New York; elsewhere it floats only by the courtesy of foreign nations. Is it befitting the dignity of a great nation that the whim or the purse of him who for the time represents America abroad should determine whether this bit of American soil shall be here or there in the foreign capitals—one year in a flat and the very next year in a palace? Would it not be better, infinitely better, if the Nation should furnish our foreign representatives a permanent home, simple but adequate, in keeping with the best traditions of the Republic, where the hospitality exercised by them would put the nations of the world under obligations not to the persons of our ambassadors and ministers but to the United States? [Applause.]

We have boasted through all our history that this is a country of homes. Shall the Nation alone be homeless? Shall America's flag be a tramp in the capitals of the world, protecting not a Nation's home but only the temporary abiding place of America's representatives? Shall we arise to the Nation's needs, imposed upon her by the last dozen years of our history?

I would not say one word in criticism of the great body of the men who have represented us in foreign lands. Beginning with Benjamin Franklin and coming down to the present, they have served us faithfully and well. Now, let this Nation do its part. Let us either withdraw from the capitals of the earth, or let us enable our foreign representatives to serve their country abroad on something like equal terms with the rest of the world. [Applause.]

Mr. GAINES. Will the gentleman permit me to ask him a question?

Mr. LOWDEN. Certainly.

Mr. GAINES. I thoroughly agree with the gentleman's proposition that we ought to pay the expenses of our own ministers. I would want to see the American ambassador or minister living abroad in a house that belonged to this country and in a manner which is in keeping with what the people of that community would expect from this country. But has the committee considered the other side of the proposition, whether there is not a practicable way to limit what seems to me to be a vulgar and ostentatious rivalry of the very rich set in foreign capitals? It seems to me we ought to go to neither extreme. We ought neither to be penurious nor unmindful of what is proper in those countries, nor does it seem to me that we ought to attempt to make displays which some of our ambassadors have attempted to make abroad. My question is, Has the committee considered whether there is any practicable way to do away with that side of the matter?

Mr. LOWDEN. The limitation is contained in this bill itself, I will say to the gentleman from West Virginia. Under the new form, for which I am indebted largely to some of the distinguished gentlemen who opposed the bill the last time, no appropriation is in order unless accompanying that is an estimate of the expenses which the Government will incur, and the further provision that nothing in subsequent Congresses will be appropriated under this authorization without a new law, that exceeds the limit so fixed in the statement which the Secretary of State has made.

Mr. MADDEN. And does the gentleman in charge of the bill think it possible under this bill to fix a limit for the cost of any one building at as much as is proposed to be appropriated in any one year?

Mr. LOWDEN. I do not quite understand the gentleman's question.

Mr. MADDEN. This bill proposes that no amount in excess of $500,000 can be appropriated in any one year.

Mr. LOWDEN. Yes.

Mr. MADDEN. Is it the thought of the committee that all of the $500,000 may be spent in any one building?

Mr. LOWDEN. Yes; in a few cases. And doubtless that much will have to be spent in some of the capitals of Europe where land is exceedingly high, and then we will have a simple American home, with nothing at all of the elegance which characterizes the embassies of many of the great nations of Europe.

Mr. MADDEN. Does the gentleman think we ought to commit this Government to the expenditure of as much as $500,000 in the construction of any one building in any capital of any nation of the world?

Mr. LOWDEN. That question will more properly arise, I may say——

Mr. MANN. Will the gentleman permit a question there?

Mr. LOWDEN. Certainly.

Mr. MANN. Is there any possibility under this bill of committing the Government to the expenditure of any sum of money for any embassy building unless it be hereafter authorized by Congress in an appropriation bill?

Mr. LOWDEN. Absolutely none.

Mr. MANN. Under an estimate of cost from the department making a limit of cost, so that when Congress shall make an appropriation for the embassy at any point it would know in advance the limit of cost at that place?

Mr. LOWDEN. Absolutely; and if any appropriation committee in some subsequent year would bring in a bill providing for additional cost, that provision would be subject to a point of order.

Mr. BARTHOLDT. Mr. Chairman, my friend remembers that I was one of those who saw fit to criticise the bill when it was up the last time, for what seemed to me to be a serious defect, inasmuch as it did not fix a limit of cost.

Mr. LOWDEN. Yes.

Mr. BARTHOLDT. In the phraseology of this new bill an attempt has been made to meet that objection. However, I should like to ask my friend whether he thinks that the phraseology really meets the objection? As it is, when we enter upon building legislation Congress reserves to itself the right to fix the limit of cost, while according to this bill the limit of cost would be practically fixed by the Secretary of State, and he would merely give notice to the House, or to Congress, of what he expects to expend for this or that purpose. I would, therefore, suggest, in order to meet that objection—and it will not interfere in any way with the carrying out of the object of this bill—to insert, in line 7, after the words "shall set forth," "subject to the approval of Congress, the limit of cost for acquiring site and building." That will be practically stating it for the information of the House, and that would be the practice anyway, because after the Secretary of State has submitted his estimates, and has fixed the limit of cost, that would have to be subject to the approval of the Committee on Appropriations when it makes the appropriation, this being only an authorization. Therefore no harm is done if you previously specify that the limit of cost shall be subject to the approval of Congress.

Mr. LOWDEN. I do not see how that is possible.

Mr. MANN. Will the gentleman allow me to make a suggestion to the gentleman from Missouri? That proposition would immediately raise the question of legislation on an appropriation bill. If it required the approval of Congress, it would mean legislation, and the whole thing would be subject

to a point of order. So that this would not advance the situation at all.

Mr. BARTHOLDT. Would not this bill, if it passed and became law, be authority to the Committee on Appropriations and bind it, and consequently it would be in accordance with existing law?

Mr. MANN. If the gentleman puts in the bill a provision that the limit of cost fixed by the Department of State is subject to the approval of Congress, it would require the approval of Congress in a separate act. The approval of Congress can not be given in an appropriation bill, because the approval would be an act of legislation, which is subject to the point of order on an appropriation bill. As the bill now stands, the Secretary of State must make an estimate of the limit of cost of a building at a particular place. The estimate of limit of cost in any bill could not in any case be exceeded without the express authorization of Congress. But if the gentleman's proposition goes in, that the limit of cost in each case must be approved by Congress, it must be approved by an act of legislation, which can not be done on an appropriation bill over a point of order, and you would not get any further along than now.

Mr. BARTHOLDT. I suppose the gentleman had caught the point that I have tried to make—that Congress should reserve to itself the right to fix the limit of cost. The theory of this bill is that it shall be given to the Secretary of State.

Mr. MANN. Of course, Congress can easily fix the limit of cost below the amount fixed by the Secretary of State by the limitation "That no part of the money shall be expended," and so forth; but Congress can not fix the limit of cost without legislation, and that can not be done on an appropriation bill.

Mr. BARTHOLDT. That is not intended, either.

Mr. MANN. That, in effect, can be done with the bill as it stands now, as well as it can be done under the suggested amendment.

Mr. BARTHOLDT. Well, I merely reserve to this House the right to say what it shall be.

Mr. MANN. But this House has the right to do that when it makes the appropriation.

Mr. SLAYDEN. We would like to know what the gentlemen are conversing about. We are interested in this bill.

Mr. CLARK of Missouri. I want to ask the gentleman a question or two.

Mr. LOWDEN. I yield to the gentleman.

Mr. CLARK of Missouri. Believing that we ought to go into this thing with our eyes wide open, I want to ask the gentleman from Illinois two or three questions. In the first place, how many of these embassies do you gentleman on the Foreign Affairs Committee, who have studied this question more than the rest of us, intend ultimately to build?

Mr. LOWDEN. I suppose that it is the belief of the committee, I will say to the gentleman from Missouri, within the limitation contained in this bill, that this expenditure of half a million a year, year by year, would build at least one each year if the condition of the Treasury justified an appropriation. That would be my idea.

Mr. CLARK of Missouri. How many would you proceed to build?

Mr. LOWDEN. We would proceed to build, if my views were adopted, until in every capital we owned our own embassy, or where we had a legation, owned our own legation.

Now, with reference to the consular offices, I do not believe that anyone on the committee, so far as I am advised, would favor our owning our own consulates in Europe, but only as we do in some instances now in the Orient, where it seems to be an absolute necessity.

Mr. CLARK of Missouri. About how much does the committee think an embassy building, if that is the proper diplomatic language——

Mr. LOWDEN. The gentleman is always proper.

Mr. CLARK of Missouri. How much would it cost in a city like Paris, Berlin, St. Petersburg, or London?

Mr. LOWDEN. I am not prepared to say, beyond this, that under this bill the limit could not be to exceed half a million dollars.

Mr. CLARK of Missouri. Why not? Did you ever hear how much the court-house in Macoupin County, Ill., cost?

Mr. LOWDEN. I have.

Mr. CLARK of Missouri. They started out to build a $100,000 court-house and ended by building one that cost a million and a half, did they not?

Mr. LOWDEN. Yes; something like that.

Mr. CLARK of Missouri. Now, suppose you get an authorization for $500,000, for one year. Under the estimates of the Secretary of State, some architect goes to work and draws plans that will necessitate an expenditure of three-quarters of a million or a million dollars on the building. When you have spent the half million you will be back here asking Congress to appropriate this other quarter or half million to keep what you have already appropriated for from going to rack and ruin.

Mr. LOWDEN. If we come back with that sort of a proposition on any appropriation bill, it will be subject to a point of order.

Mr. CLARK of Missouri. I understand that.

Mr. HARRISON. Does not the gentleman's recollection accord with mine, that the most expensive of all the propositions submitted to the Committee on Foreign Affairs during the last Congress for the purchase of an embassy building amounted to $400,000?

Mr. LOWDEN. Yes; that is correct.

Mr. CLARK of Missouri. Did that include the site and building?

Mr. LOWDEN. The whole thing, except the furniture, and I am not sure that that was not in it, too.

Mr. CLARK of Missouri. Of course I am not posted as to real estate values in those foreign capitals. The intention of the committee is good, and that is to put our foreign representatives in such a position that a poor man can go over there and serve, if he has brains enough for the post. I want to ask you this question: Suppose you build an embassy costing three or four hundred thousand dollars, who is going to maintain the embassy?

Mr. LOWDEN. In the way of repairs?

Mr. CLARK of Missouri. In the way of furniture and servants and plate, and all of the other paraphernalia that go with an embassy.

Mr. LOWDEN. I should suppose it would be the duty of the Government to make repairs and to provide the general furniture, but that so far as servants were concerned the ambassador would maintain them just as he does now. The only suggestion that was ever made to me by anyone in the State Department was that we ought, perhaps, in some of the most expensive places to furnish light and heat, but no one has ever suggested to the committee, and the committee has never entertained the idea, that beyond that the Government would be called upon to pay any other expenses.

Mr. CLARK of Missouri. Do not the committee think it would work the way the White House has worked, that you would gradually add this thing and that thing and the other thing until you have added five times as much as the original cost?

Mr. LOWDEN. I think this: Not one dollar will be expended until appropriated by Congress. I have confidence enough in Congress, which, under the law, has absolute control of this whole matter, to assume that it will not go on enlarging from year to year unless there is an absolute need for it.

Mr. CLARK of Missouri. One other question. I am not trying to bother the gentleman; I am trying to get information.

Mr. LOWDEN. I understand that.

Mr. CLARK of Missouri. If you build these embassies and the Government does not pay the expenses, such as I have suggested, then is not your ambassador in his latter condition worse than in the first?

Mr. LOWDEN. By no means. I tried to meet that a little bit earlier, in this way. The embassies we will build will not be palaces, like those of the other countries in Europe. No one contemplates that. They will be America's homes. One floor will be closed, except during the three or four days of the year when it is incumbent upon a representative of this country, if he is going to represent it well, to entertain other officials. Then he will open that floor. When that entertainment is over, for all ordinary things, he will simply live on the floor above, just as is done in the other homes.

Mr. CLARK of Missouri. The highest salary received by any representative abroad now is $17,500, is it not?

Mr. LOWDEN. Yes.

Mr. CLARK of Missouri. Does the gentleman believe a man can afford to live in a $250,000 or $300,000 house with an income of only $17,500 a year?

Mr. LOWDEN. If he does not have to pay rent, much better than he lives now.

Mr. CLARK of Missouri. If he had to pay the ordinary expenses of running the house, would he do it?

Mr. LOWDEN. I have not the slightest doubt of it, and every representative in our foreign service that I have talked with has told me that they would be infinitely better off without any increase in salary than they are now. Rents are very high in the capitals of Europe.

Mr. CLARK of Missouri. One other question: Does not the gentleman think it would be better to abolish the diplomatic

corps absolutely? It has outgrown its usefulness; it is archaic. Then, when there was any special occasion for a representative to a foreign country, appoint a man of great distinction and ability and give him plenty of money to live in the style that you desire while he is on that special mission.

Mr. LOWDEN. I do not, for this reason: Really the most useful function of a foreign representative is not simply to negotiate some special thing with which he has been intrusted, but it is to live among the people, to learn what he can, and to advise his country on his own initiative from time to time of the conditions which will enable us to act intelligently. [Applause.]

Mr. CLARK of Missouri. Does the gentleman think that they perform any valuable function since the ocean cables were laid?

Mr. LOWDEN. I do think that they perform very valuable functions. I wish to remind the gentleman that when business houses find it necessary in simple negotiations to employ the personal element, when they do not go into an important contract with some other man or corporation by correspondence, cable or telegram, but send one of their best men there, as long as human nature justifies the business man in doing that, we never will be able to dispense with the personal element in our foreign relations.

Mr. CLARK of Missouri. Another question: Does not the gentleman think it would be better to take the money that we spend on the diplomatic corps and spend it on the consular corps, the men that are out for business?

Mr. LOWDEN. I think both have important influence even on business.

Mr. SLAYDEN. Mr. Chairman, will the gentleman from Illinois yield to me?

Mr. LOWDEN. I will yield to the gentleman from Texas.

Mr. SLAYDEN. I would like to ask the gentleman if the committee has considered at all the question of the order in which these buildings are to be erected? I mean by that that there are 21 governments on the American Continent at which we maintain a diplomatic representative. There are, perhaps, a fewer number, but more important, in other countries where we maintain a diplomatic representative.

Now, the purpose of the diplomatic corps, as I understand it, is to maintain peace and maintain pleasant relations between the two countries and develop commercial relations. Our trade with South America is growing rapidly, and I am a little bit jealous in this matter to see that some steps are taken to take care of the relations with South and Central America. And also can the gentleman tell me, if he has the information, how the compensation of our diplomatic representatives compare with that of much less important countries in the matter of population and wealth?

Mr. LOWDEN. Mr. Chairman, answering the first question, I will say that the committee has not considered the order in which it would make the recommendation of the capitals to be taken up, for the reason that if we were to say that we wanted to begin with Mexico or Vienna or Paris, it would be very difficult to negotiate and get what we wanted there at a fair price. The way we expect to do it—and I assume that the gentleman from Texas might be interested in the embassy of Mexico—would be to take the matter up with the State Department. If the gentleman is interested somewhere else he would make a recommendation to the State Department upon this as he does upon other things. Then the committee, if it agreed with the State Department, would no doubt follow the order which had been suggested by him.

Now, with reference to the gentleman's second question, there is no question but that there are first-class nations, and some that are not regarded as first class, which are very much more liberal with their representatives than we have ever been.

Mr. SLAYDEN. Is it not true that under the practice that has for some years prevailed it is practically impossible for a man with small means to occupy one of the first-class European diplomatic positions?

Mr. LOWDEN. It is; there is no question about that.

Mr. SLAYDEN. Unless we do something of this kind, unless we relieve them one way or the other, it is a declaration, in substance, that we prefer that that practice shall be continued?

Mr. LOWDEN. Yes.

Mr. WILEY. Will the gentleman yield to me?

Mr. LOWDEN. Yes.

Mr. WILEY. I want to say to the gentleman from Missouri [Mr. CLARK] that I think I can throw a little light on his question. A certain place was offered to us for one of our ministers for $200,000. It was quite a handsome place, with ample grounds, and worthy of the dignity of our Nation. We declined it. France afterwards, within a very short time, paid $400,000 for the place for the French ambassador. I visited one of our ministers in a very important place and found that he was going to spend his entire first year's salary in fitting up, not for rent, but for occupation, this place, just outside of the town.

I went to another place where we had a first-class consulate, or a consul-general, and found that his predecessor was living in a place in Venice on the canal with wooden shutters, a place I would not use as a dog kennel. Our representative who was there at the time I made my visit had gone into his own pocket, and he had a very decent place. Either we have to properly provide for our representatives abroad, or we have got to send only men there who have means to pay outside of what the Government allows them. I want to say just one word more, and I want the gentleman to bear in mind, as I think we all do, or once in a while, that the impression which our representative produces upon the people where he lives is the impression that this Nation produces upon them.

Mr. CLARK of Missouri. I would like to ask the gentleman from New Jersey one question, solely for information. When did the condition arise that a man of ordinary means or a man of no means at all could not go abroad as the representative of the United States and hold his own?

Mr. WILEY. I can not answer the gentleman's conundrum. Somebody else may be able to do it.

Mr. CLARK of Missouri. I would like really to know that.

Mr. WILEY. I know they can not do it now. I have been in the habit of going to our representatives abroad, whenever I have been there for the last twenty years, simply because I wanted to know how we were represented.

Mr. CLARK of Missouri. I never have heard that question raised either in Congress or outside of Congress until five or six years ago.

Mr. WILEY. What was that?

Mr. CLARK of Missouri. That is, that nobody but a rich American could afford to take one of these offices.

Mr. WILEY. Well, it is true. All you have got to do in comparison is to see what other nations pay their representatives. Then the gentleman will understand.

Mr. RUCKER of Missouri. Mr. Chairman, I want to ask this question, speaking about a poor man holding one of these offices: What poor man ever had a chance to get a place? Those places always go to somebody who has made a big political campaign contribution.

Mr. CLARK of Missouri. Oh, no; my colleague is mistaken about that. Some of the most distinguished representatives abroad from this country were poor men. James Russell Lowell was one of them, and William H. Prescott was another.

Mr. RUCKER of Missouri. When?

Mr. CLARK of Missouri. Why, my recollection is that Mr. Lowell was ambassador to the Court of St. James during Grant's term.

Mr. FASSETT. Grant's second term.

Mr. HARRISON. Will the gentleman yield?

Mr. LOWDEN. I yield to the gentleman from New York.

Mr. HARRISON. Mr. Chairman, I want to ask the gentleman whether his judgment does not coincide with mine, that the most serious question which has been raised about this project is the question as to whether a poor man could live in one of these two or three or four hundred thousand dollar houses when we put them up. And I want to ask him whether he has had any experience, as some of the rest of us have had, in living abroad and in housekeeping abroad, and if he has, whether he does not agree with me that whereas rents are proportionately as high in most of the countries of Europe as they are here, the cost of living in foreign countries, the wages of servants, and the cost of horses and carriages and other things necessary to maintain a diplomatic establishment, are from one-half to one-quarter the cost they are in the United States?

Mr. LOWDEN. In answer to the gentleman, I will say that I have never lived abroad, but I think that, certainly so far as the wages of servants and that sort of thing are concerned, the gentleman's statement is correct.

Mr. WEEKS. I would like to ask the gentleman from New York if I understood him to state that the cost of servants abroad is from one-quarter to one-half what it is in this country?

Mr. HARRISON. Yes; that has been my experience. [Applause on the Republican side.]

Mr. KÜSTERMANN. Will the gentleman from Illinois yield?

Mr. LOWDEN. Certainly.

Mr. KÜSTERMANN. I want to know whether the main object of this bill is not to have money on hand in case you can buy a property at a bargain. I know that two or three years ago we could have bought a splendid property for this

very purpose in Berlin for about $150,000 or $200,000, but we had no money appropriated for that purpose, and I believe the main object is now to have money on hand in case a bargain offers.

Mr. PRINCE. Mr. Chairman, I desire to oppose this measure for a few moments only. I have before me the letter of the Secretary of the Treasury to the Speaker of the House of date December 6, 1909. Under the law it is the duty of the different heads of departments, as shown on page 1009, volume 31, United States Statutes at Large, the following:

That hereafter it shall be the duty of the heads of the several departments and of other officers authorized or required to make estimates, to furnish to the Secretary of the Treasury, on or before the 15th day of October of each year, their annual estimates for the public service to be included in the Book of Estimates.

Pursuant to the law the Secretary of the Treasury made his estimates. I call upon any member of the Committee on Foreign Affairs to find a single line or word where the Secretary of State has submitted to the Secretary of the Treasury and the Secretary of the Treasury, under the law, has submitted an estimate for the doing of what this committee now seeks to do.

Mr. HULL of Iowa. Let me ask the gentleman a question.

Mr. PRINCE. Certainly.

Mr. HULL of Iowa. I would like to ask the gentleman this question: Would that affect the validity of the act if Congress in its wisdom should decide to make any appropriation it pleases? Would that affect the validity of the appropriation in any way?

Mr. PRINCE. It would not; I am frank to say that.

Mr. FOSTER of Vermont. I wish to say, in reply to the question of the gentleman from Illinois, that we are making no appropriation here. We are simply laying a foundation so that the Committee on Foreign Affairs may hereafter in the diplomatic and consular appropriation bill insert an item, if there is a recommendation for it, providing for the purchase of buildings for the use of embassies without having that item subject to the point of order.

Mr. PRINCE. There is no question about what you are seeking to do, and I want to say to you frankly my colleague from Illinois has been very frank, as he always is, in stating his position to this House. He has told you what it would cost to provide one building, and he has told you it would run for a series of years.

He has not, in the slightest degree, kept anything from the committee, and for that reason he is to be commended; but I am calling attention to the fact that there was no submission of this question to the Committee on Foreign Affairs. There was no estimate; there was no effort or move on the part of the Secretary of State, as successor to others who have held that office for one hundred and twenty years, asking for the doing of this act. Now, why do you want to do it now?

Mr. MANN. May I ask the gentleman a question?

Mr. PRINCE. Wait a moment.

Mr. FOSTER of Vermont. I wish to ask the gentleman from Illinois if we are to understand by this that the State Department does not approve of this proposed legislation. This bill was brought in only after it had had full consideration by the Committee on Foreign Affairs and that committee had listened to the Secretary of State, and the provisions of this bill have been submitted to him and have received his approval.

Mr. PRINCE. Well, that may all be true, and I am not going to dispute that; but the committee report, which I hold in my hand, does not show a single word of that to this committee that we are now in.

If you will notice the reports of some of the committees of this House, they print the letters, they print the views, they print the judgment of the executive branch of the Government, in order to show that the executive branch of the Government commend the doing of what you are seeking to do. Not a syllable of that can you find in this report, not a syllable or a word can you find in your report which justifies you in taking the position you do before this committee. You are asking this House to enter upon a policy of building one building which, as the chairman has frankly said, would, perhaps, cost $500,000. You want to build buildings not in the United States. The people of the United States all over the country want public buildings, and you deny to them the public buildings, but you propose to build public buildings elsewhere than in our respective districts in the United States.

Mr. LOWDEN. Will the gentleman yield for a question?

Mr. PRINCE. Certainly.

Mr. LOWDEN. Would not these questions you put be more proper if they were put when we ask for an appropriation? As a matter of fact, I may say that the report is simply a formal report, and every Secretary of State since I have been here, and some of them before, have been heartily in favor of this project.

Mr. PRINCE. They may be as to private conversations, but I want the officers of this Government, who are equally responsible with me, a coordinate branch of this Government, who under the law should make an estimate to me, to step up to the captain's office and take the responsibility with me when they ask me to appropriate to the extent of $500,000 or $10,000,000.

Mr. LOWDEN. We do not ask you to do it.

Mr. PARSONS. What law would require the Secretary of State to give an estimate preparatory to this present bill?

Mr. PRINCE. We are constantly being asked in the Military Committee to make appropriations—make an appropriation for Corregidor Island, to make an appropriation for this, that, and the other, and where is the law for it? Read these estimates [indicating] and see how many different estimates there are of matters that are to be brought in because there is a need for them. Find for me, if you can, an estimate, a scintilla, or a word where the Secretary of State asks, or the Secretary of the Treasury asks, for the doing of this.

Mr. PARSONS. We are not making an appropriation. That to which you refer is headed "Estimate of appropriation."

Mr. PRINCE. Very well. What does this mean, "For the purchase or erection of an embassy, legation, and consular buildings abroad?" Are you going to purchase a building?

Mr. PARSONS. No.

Mr. PRINCE. What are you going to do with the $500,000?

Mr. PARSONS. We are not appropriating the $500,000.

Mr. PRINCE. Are you not beginning with this $500,000 to lay the foundation to build public embassies?

Mr. PARSONS. You can not find in that bill an appropriation of $500,000. There the bill is. Find it, if you can.

Mr. PRINCE. I know; but here is your report. You propose to start in upon a policy of this kind. You propose to appropriate, as the chairman has frankly said, and for which he is to be commended, for a building to cost $500,000, where it may cost that amount in some of the capitals in Europe. Then——

Mr. DENBY. Will the gentleman yield?

Mr. PRINCE. Certainly.

Mr. DENBY. The gentleman is absolutely wrong in his statement. The gentleman states that we propose to appropriate. We do not propose to appropriate one penny. We propose to pass a bill whereby in the future, when the Secretary of State has sent in his recommendations and his estimates and they have been submitted to Congress and duly passed upon, we can then pass the legislation necessary and appropriate the money without the action being subject to a point of order. But this bill that is up here to-day does not appropriate one penny.

Mr. BUTLER. It whets our appetite.

Mr. PRINCE. Now, let us not dodge. If this bill becomes a law, it will authorize the Secretary of State to make an appropriation, or provides for appropriation——

Mr. DENBY. Not a bit.

Mr. PARSONS. Not at all.

Mr. PRINCE (continuing). And requests Congress to carry out the provisions of this for $500,000.

Mr. MADDEN. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. MADDEN. The gentleman is not afraid of Congress, is he?

Mr. PRINCE. Let me tell you——

Mr. MADDEN. It says that the Secretary of State can request Congress to make an appropriation. Is the gentleman afraid that Congress will make an appropriation unless it is necessary?

Mr. PRINCE. I can only say this to the gentleman, that I remember distinctly of being a member of the Military Committee when it was said that the War College here in this city could be built for $400,000. It has cost over $800,000.

Mr. MANN. That is because you did not have a proper bill like this.

Mr. PRINCE. We limited them, and we are seeking to limit them right along. I heard my colleague tell not long ago how the Agricultural building was erected, namely, one wing one way and another wing another way, and there would have to be a center erected in that; and yet he and I sat here in this House and either were guilty of voting for it or did not know enough to vote against it.

Mr. SABATH. I have heard the gentleman from Illinois [Mr. PRINCE], the other gentleman [Mr. MANN], and the third gentleman from Illinois [Mr. MADDEN] state that this bill limits the cost of these buildings. Now, I ask you, in your opinion, whether it does limit the cost of these buildings?

Mr. PRINCE. In my judgment, from reading it, it does not.

Mr. SABATH. That is my opinion.

Mr. PRINCE. That is not all. Now, you are going to erect a building. You are going to start out with a $500,000 building.

Mr. SABATH. Is there anything that is going to prevent the erection of a building that would cost a million, or, say, a million and a half of dollars?

Mr. PRINCE. If there is not enough, you gentlemen would only have to wait for another year, and after you got started you would claim that we should not destroy it, because you have commenced to build it.

Mr. LOWDEN. I would like to ask my colleague if he will kindly explain——

Mr. PRINCE. Yes; I will if I can get a little order.

Mr. LOWDEN. When only $500,000 can be appropriated in one year, and before it is appropriated the Secretary of State has got to make an estimate, with a provision in the bill that the estimate shall not thereafter be exceeded except by a new authorization, will he kindly explain how there can ever be more than $500,000 expended, unless Congress repeals the law that I am offering to-day?

Mr. PRINCE. I have long been a Member of this House, and I have noticed that after a commission has once been appointed it is next to impossible to kill it. I have seen a bill come in where they started with a certain appropriation, and it turned out that it was hardly enough to meet the fancy notions of the architect; where it was once started, they could always get an additional appropriation for that building. That is my experience as a Member and the experience of every other Member who has served several years in this House. My colleague says it is an appropriation.

I stated so to this House. There is no use "polyfoxing" and playing the cuttlefish. You can not cuttlefish with men in the country. Here is a proposition to expend $500,000 in a house for a man who is receiving a salary of $17,500 a year. You say no poor man can go there. If no poor man can go there, then you are giving additional benefit to a rich man, are you not? [Applause.] What else is it? Do you want to do it? If you do want to do it, vote for it with your eyes open.

Now, let us go a little further. Some of the ablest men that we have ever had abroad were not rich men.

Mr. PARSONS. Who?

Mr. PRINCE. Benjamin Franklin, Elihu B. Washburn, of Illinois. There is a long line of distinguished men who in days gone by, not discrediting the men now, went abroad on account of the gray matter in their heads and their ability to manage great diplomatic questions.

There never was a greater diplomat in the world than lived here in the city of Washington, John Hay, formerly of Illinois, and he lived in his own house. He did not ask the Government to build him one. What excuse can there be of wanting to furnish the ambassadors abroad with a house at the Government's expense if the Secretary of State in Washington, dealing with all the ambassadors and representatives from all the countries here at the seat of government, should not have a house in which to live himself?

But let us go a little further. Five hundred thousand dollars for the house. How much for the furnishings? How much for the maintenance? My colleague stated frankly that he would be in favor of maintaining them according to the dignity of their station. We have here in the city one executive office, not a $500,000 establishment, but that one executive office owned by the Government, and I am creditably informed it costs between two and three hundred thousand dollars a year toward maintaining and running that one institution. [Applause.] Will it cost any less abroad? Will it cost any less for these men to maintain such an establishment on an equal footing with the dignity of this Government and with the dignity of other governments?

Mr. BUTLER. It costs more abroad.

Mr. PRINCE. Yes; a very splendid argument is made in favor of labor organizations; that our servants who work are able to get four times as much as abroad; and that has been confessed by gentlemen on the other side, and I subsequently reiterated it.

Mr. HARRISON. If the gentleman listened to what I said, he would be aware of the fact that when I was speaking of the cost of living abroad I was not playing politics.

But I especially call attention to the fact, while the cost of living abroad is infinitely cheaper than in this country, that the reason for it is the tariff. [Loud applause on the Democratic side.]

Mr. PRINCE. That may be what you think.

Now, let us go a little further. According to the estimate of appropriations for last year, they were $1,008,000,000.

Mr. JAMES. Will the gentleman yield?

Mr. PRINCE. Yes.

Mr. JAMES. According to the argument that the gentleman replied to, made by the gentleman from New York [Mr. HARRISON], to which I do not assent, if that argument is to be maintained, that things are so much cheaper abroad than here, for $500,000 abroad, at the same ratio, you would erect a building equal to a $2,000,000 building here, would you not?

Mr. PRINCE. That is a matter of calculation. You and I are not for the building at all.

Mr. JAMES. Certainly. I am against the bill; but I merely wanted to call the attention of the gentleman to the fact that if building was so much cheaper there, and material was so much cheaper, you would have in the capitals of the Old World buildings that were worth in reality $2,000,000, according to American standards.

Mr. PRINCE. Then it would cost that much more to maintain it. Now, the figures for 1908–9 are $1,008,000,000. The estimate for this fiscal year is $1,044,000,000. We have to pay out, according to the estimates made, $32,000,000 more this year than we paid out last year, and I want to show you how the lid is being kept down. According to the statement of February 28, 1910, the total disbursements for this year are $452,000,000. The total disbursements for last year up to this time were $453,000,000; and there is $32,000,000 more this year to be paid out than last year. Yet we have held it down up to this point. Do you not think there will have to be a pay day between now and the 1st of July, when this $32,000,000 will have to be paid? There is now a deficit of $24,000,000.

On the 28th of February, 1910—and we might as well read it here as Republicans, to the country, as to have it read later—the disbursements exceeded the receipts by $798,000. Almost a million dollars more was paid out than we got in. Now, if we are paying out about what we are getting in, if we have appropriated $32,000,000 more this year than we did last year, at the end of the year where will we be? I say to you frankly, as a member of the committee, and I say it to the country, the President of the United States wisely and justly, in my judgment, tried to pare down the expenses of this Government. He has cut to the quick almost, and I am not going to be a member of a coordinate branch that will swell the appropriations over what he and the department of which he is the chief says ought to be appropriated. I am not going to the country, and I hope my colleagues will not be put in the attitude of going to the country, and showing that they have been untrue to the President, untrue to his policy of economy, but that on every conceivable occasion, against the judgment of the departments, they have added here and they have added there; and this is the beginning of the putting of the nose of the camel in the tent; that means twenty years of appropriation, in my judgment, of $500,000 a year, as the report says, or $10,000,000. I make the statement now that if this measure becomes a law no man in this country will see less than $20,000,000 appropriated for this very purpose, and I am not for it. The country is not ready for it, and I do not believe in it.

Mr. FASSETT. The gentleman is a member of the Committee on Military Affairs?

Mr. PRINCE. Yes.

Mr. FASSETT. How much did their bill, as reported, exceed the estimate?

Mr. PRINCE. I think our bill exceeded the estimate probably $400,000.

Mr. HULL of Iowa. No; less than that—about $300,000.

Mr. PRINCE. About $300,000. Let me tell you and be frank with you about that. You have the right to know.

Mr. FASSETT. How much, as it was agreed to in conference, does it exceed the estimates?

Mr. PRINCE. It has not been agreed to in conference yet, but it is practically very little more. I think, on the whole, it is about the same.

Mr. MANN. It was agreed to in conference more than a week ago.

Mr. PRINCE. No; not wholly.

Mr. MANN. Enough to carry it away beyond.

Mr. PRINCE. Very well. Now let me answer your question. The President of the United States asked the heads of departments in the War Department to furnish him an estimate in April or in May. They made estimates in April or May to the Secretary of War.

The Secretary of War, basing upon those estimates, made a report to the Secretary of the Treasury, and the estimates came in this book. When we met in December we called the Quartermaster-General before the committee and asked him if that estimate could be carried out as made, and he frankly said no. The same thing came from the Secretary of War, and to the

credit of the chairman of the Military Committee he was holding it exactly to what the President said, and the President's official had to change the amount or else the Military Committee would never have changed it by a solitary cent. Is that an answer to the gentleman from New York?

Mr. FASSETT. It was an abundant answer when the gentleman said that it was $526,000 above the estimate.

Mr. PRINCE. I did not say $526,000; I said $300,000, and it is all explained in the hearings, because it was the extra expense on account of the cost of living for their rations. If gentlemen will read that bill and read the hearings they will see that there never has been brought into this House a better bill than the chairman of the Military Committee brought in this year, or one more along the lines of economy.

Mr. FASSETT. It is a good bill, but we could build an embassy with what you raised the bill above the estimate.

Mr. MANN. Nobody has criticised the bill.

Mr. PRINCE. Well, you started out to criticise it, and then withdrew it. Now, you go further and you say there ought to be houses for these men because it takes a man of distinction. I want to say to you, my colleagues, that there are men sitting in this House, few in number; there are men sitting in yonder House, few in number, that are worth to themselves outside of this body from $50,000 to $100,000 a year. I am not one of them, but there are men sitting in the Cabinet that are worth $75,000 to $100,000 to themselves if they wanted to go out, and yet they accept small sums as a salary. Why? Because it is a distinguished honor to stand as a Member or sit in the seat as a Member of the House of Representatives or in the Senate of the United States.

It is a great honor to sit upon the bench. There are men sitting on the bench yonder drawing a small salary who are capable of drawing as large a compensation as the lawyers who appear before them.

No; it is not a question of money. It is a question of service to your country; and I do not believe that the strong men want to get money out of the holding of a distinguished office for the benefit of their country.

Mr. LONGWORTH. Will the gentleman yield?

Mr. PRINCE. I will yield to the gentleman from Ohio.

Mr. LONGWORTH. The gentleman makes a pretty strong argument in favor of the bill because he alludes to the fact that every other office in this country can be held by a poor man. The facts are that these are the only offices under this Government which can not be held by a poor man.

Mr. PRINCE. I am inclined to think if we had men who knew at 1 or 2 o'clock in the morning where they were, whose minds were clear, in these positions, we would be much better off. [Laughter.]

Mr. EDWARDS of Kentucky. Mr. Chairman, I would like to ask the gentleman from Ohio how many of these positions there are that a poor man can occupy?

Mr. LONGWORTH. In my judgment, no one but a very rich man can accept any ambassadorship. In my opinion, there are some positions of ministers that can be held by a comparatively poor man, and many consulships.

Mr. BUTLER. How about the ambassador at Berlin?

Mr. LONGWORTH. He is a man comparatively well off, although not a rich man.

Mr. PRINCE. I want to say one word, Mr. Chairman, in closing. My colleague from Ohio [Mr. LONGWORTH], I think, has summed it all up, showing that these places are not places for poor men. Then, the argument of building a house for a poor man falls to the ground. All there is left is the argument for the rich man, who is getting a salary of $17,500, employing help at a low rate, living at a much cheaper cost than he can here, that he shall be furnished rent free by the Government with a $500,000 house, equipped, furnished, and maintained at the cost of the Government of the United States. I am not in favor of such legislation. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13410) to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War.

PURCHASE OR ERECTION OF EMBASSY, LEGATION, AND CONSULAR BUILDINGS ABROAD.

The committee resumed its session.

Mr. LOWDEN. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings, suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic offices and for the office of the diplomatic establishment: *Provided, however*, That not more than the sum of one million dollars shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings, and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed, which limit of cost shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

The following committee amendment was read:

Page 2, line 2, strike out the words "one million" and insert "five hundred thousand."

Mr. LOWDEN. Mr. Chairman, I wish to offer an amendment to correct a typographical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, strike out in line 11, where it first occurs, the word "offices" and insert the word "officials," so that it will read "residences of diplomatic officials."

Mr. MACON. Mr. Chairman, I move to amend by striking out the enacting clause of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the enacting clause.

Mr. MACON. Mr. Chairman, from the arguments presented in the House pro and con upon this bill it has been clearly shown that it is the intention of a few Members of the House, backed up by outside influence, to build castles abroad in which the servants of the people of this country are supposed to live. Sir, think of the toiling masses of this country, the man who follows the plow, the man who digs with the pick, the sewing woman who wears her life away in some garret den trying to eke out a living with her needle, being called upon to pay their proportionate share of the taxes of the Government, their proportionate share of the amount of money to be put into these buildings that are to cost $500,000 apiece—castles, as I said a while ago, for servants of the American people to live in. Why, sir, as one of the humblest Members of this House, as one of the humblest American Representatives on this floor, I protest against such extravagance at the expense of the people, and I ask those who believe in humanity, those who believe in justice to all classes of our people, to vote to support my amendment to strike out the enacting clause, and put an end to the wild extravagance of this bill now and forever.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. MACON) there were—ayes 63, noes 59.

Mr. LONGWORTH. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed Mr. MACON and Mr. LOWDEN to act as tellers.

The committee again divided; and there were—ayes 80, noes 65.

So the amendment was agreed to.

Mr. PRINCE. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment to the House, with the recommendation that the House concur in the amendment.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. STAFFORD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15814) for the purchase or erection of embassy, legation, and consular buildings abroad and had directed him to report the same back to the House with an amendment of the Committee of the Whole House on the state of the Union striking out the enacting clause, with the recommendation that the amendment of the Committee of the Whole House on the state of the Union be concurred in.

The SPEAKER. The question now is on concurring to the action of the committee in striking out the enacting clause.

Mr. PRINCE rose.

Mr. LOWDEN. Mr. Speaker——

The SPEAKER. The Chair is under the impression that under the rule and practice the gentleman is not entitled to

recognition at this time if some other gentleman, opposed to the bill, desires recognition.

Mr. MANN. Mr. Speaker, the gentleman from Arkansas [Mr. MACON] is entitled to the floor.

Mr. MACON. Mr. Speaker, I will yield to the gentleman from Illinois [Mr. PRINCE].

The SPEAKER. The Committee of the Whole House reports, through its chairman, that that committee struck out the enacting clause. Now, while the Chair is supposed not to know, and does not know as Speaker, upon whose motion the enacting clause was stricken out, or what discussion took place in the Committee of the Whole House, yet that action is evidently adverse to the bill, and therefore the Chair would recognize an opponent of the bill.

Mr. MACON. Mr. Speaker, I move that the House concur in the action of the Committee of the Whole House, and upon that I move the previous question.

Mr. LOWDEN. Mr. Speaker, I move to adjourn.

The SPEAKER. The gentleman from Arkansas moves the previous question on concurring to the recommendation of the Committee of the Whole House, pending which motion the gentleman from Illinois moves that the House do now adjourn. The question is on the motion of the gentleman from Illinois, that the House do now adjourn.

The question was taken, and a division was demanded by Mr. LOWDEN.

The House divided.

The SPEAKER. Upon this question the ayes are 62 and the noes are 88, and the House refuses to adjourn.

Mr. LOWDEN. Mr. Speaker, I demand the yeas and nays on that vote.

Mr. JAMES. Mr. Speaker, I make the point of order that the result of the vote had been announced before the demand was made, and that the demand comes too late.

The SPEAKER. Pending which the Chair, by unanimous consent, will announce the following change of reference.

The Clerk read as follows:

A bill (H. R. 13317) authorizing a credit in certain accounts of the Treasurer of the United States; from the Union Calendar to the Private Calendar.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

Mr. JAMES. Mr. Speaker, I make the point of order that the result of the vote was announced in the House and the result declared before the demand was made for the yeas and nays, and that, therefore, the demand for the yeas and nays comes too late.

Mr. LOWDEN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The Chair is under the impression that the gentleman is in time in his demand for the yeas and nays.

Mr. JAMES. Mr. Speaker, the Chair had announced that the House had refused to adjourn. Therefore, the demand for the yeas and nays comes too late.

Mr. MANN. Why, the Chair always announces the vote whenever the call for the yeas and nays is made.

The SPEAKER. The Chair will read:

The yeas and nays may be demanded while the Speaker is demanding the result of a division, while a vote by tellers is being taken, and even after the announcement of the vote, if the House has not passed to other business.

Now, the matter of unanimous consent, the change of reference which the Chair submitted to the House, the Chair would not consider as "other business," because the whole thing was done by unanimous consent and as a matter of convenience to fix the calendar. The Chair is of opinion that the gentleman is in time with his demand for the yeas and nays.

The gentleman from Kentucky will recollect until the vote was announced the House could not tell what the vote was.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Has not the practice come to be by the present occupant of the chair, and all of his predecessors, so far as I know, that the announcement of the vote has been made this way, "The ayes seem to have it;" and then the Chair waits long enough for somebody to call for a division or the yeas and nays, and, nobody interrupting, he announces "the ayes have it."

Mr. MANN. You do not do that on a division.

The SPEAKER. This is viva voce and there may be a further division, and if it is not demanded of course a further division can not be had; but this is a constitutional provision, and the Chair and all previous Speakers have always construed it liberally, as the Chair read from the Manual.

Mr. JAMES. Mr. Speaker, just a moment. After the division and the Chair's announcement of the vote and before he declared "the noes have it" the gentleman should have demanded the yeas and nays, but the Chair, without any interruption and with great deliberation, then proceeded to say "therefore the House refuses to adjourn," and in the interim between the announcement of the vote and the declaration of the Chair "that the House therefore refuses to adjourn" the call for the yeas and nays not being made according to the practice of this House it now comes too late.

The SPEAKER. The Clerk will read section 6040 of Hinds's Precedents.

The Clerk read as follows:

The yeas and nays may be demanded even after the announcement of a vote if the House has not passed to other business. On February 4, 1850, Mr. Joshua R. Giddings, of Ohio, offered these resolutions. * * *

Mr. Samuel W. Inge, of Alabama, moved that the resolutions be laid on the table. The question was taken, and was declared by the Speaker to have been rejected, when Mr. Joseph M. Root, of Ohio, demanded the yeas and nays. Mr. Thomas L. Clingman, of North Carolina, submitted that after the House had acted on the motion to lay on the table, had rejected it, and after that decision had been announced by the Chair, it was not in order for a gentleman to insist upon a second vote being taken by a demand for the yeas and nays. Each Member had a constitutional right to call for the yeas and nays, but he must do so before the question has been determined. The House could not be compelled in this matter to vote a second time. The Speaker said that the practice adopted by his immediate predecessor, and in the propriety of which he concurred, drew a distinction between a demand for the yeas and nays and other cases. When a demand for the yeas and nays was made the question was entertained at any time before the House had passed to other business. The Chair entertained the motion.

The SPEAKER. There are a number of other precedents to the same effect. This ruling was by Speaker Cobb, of Georgia. The Chair thinks the demand for the yeas and nays is in time.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 123, answered "present" 8, not voting 158, as follows:

YEAS—99.

Alexander, N. Y.	Focht	Loud	Scott
Ames	Foster, Vt.	Lowden	Sherley
Anthony	Foulkrod	McGuire, Okla.	Slemp
Austin	Fuller	McKinlay, Cal.	Smith, Cal.
Bartlett, Nev.	Gaines	McLachlan, Cal.	Smith, Iowa
Bennet, N. Y.	Gardner, Mich.	McLaughlin, Mich.	Smith, Mich.
Brownlow	Garner, Tex.	McMorran	Stanley
Butler	Graff	Madden	Steenerson
Calder	Graham, Pa.	Madison	Sterling
Calderhead	Grant	Mann	Stevens, Minn.
Cocks, N. Y.	Hanna	Miller, Kans.	Sturgiss
Cole	Hawley	Moore, Pa.	Sulloway
Cook	Higgins	Morehead	Taylor, Ohio
Cooper, Pa.	Huff	Morgan, Okla.	Tener
Cooper, Wis.	Hull, Iowa	Moxley	Thomas, Ohio
Cowles	Kelther	Needham	Tirrell.
Creager	Kendall	Olmsted	Townsend
Crow	Knapp	Palmer, H. W.	Wanger
Dalzell	Küstermann	Parker	Washburn
Denby	Langham	Parsons	Wiley
Diekema	Langley	Payne	Wood, N. J.
Dodds	Law	Peters	Woods, Iowa
Elvins	Lawrence	Pickett	Young, Mich.
Fassett	Lenroot	Rodenberg	Young, N. Y.
Fish	Longworth	Rucker, Colo.	

NAYS—123.

Adamson	Dixon, Ind.	Hughes, Ga.	Oldfield
Aiken	Driscoll, D. A.	Hughes, N. J.	Padgett
Alexander, Mo.	Edwards, Ga.	James	Page
Anderson	Edwards, Ky.	Johnson, S. C.	Palmer, A. M.
Ansberry	Ferris	Kinkaid, Nebr.	Prince
Barnhart	Fitzgerald	Kinkead, N. J.	Rainey
Beall, Tex.	Flood, Va.	Kitchin	Reynolds
Bennett, Ky.	Floyd, Ark.	Korbly	Robinson
Booher	Foster, Ill.	Kronmiller	Roddenbery
Borland	Gallagher	Lafean	Sabath
Brantley	Garrett	Lamb	Saunders
Burleson	Gill, Mo.	Lee	Sharp
Byrns	Godwin	Lever	Sheppard
Campbell	Goebel	Lindbergh	Sherwood
Cantrill	Gordon	Lloyd	Simmons
Cassidy	Graham, Ill.	McCreary	Sims
Chapman	Greene	McDermott	Sisson
Clark, Fla.	Griest	Macon	Spight
Clark, Mo.	Hamilton	Maguire, Nebr.	Stafford
Clayton	Hamlin	Mays	Stephens, Tex.
Cline	Hammond	Millington	Tawney
Collier	Hardy	Moon, Tenn.	Thomas, Ky.
Cox, Ind.	Harrison	Morgan, Mo.	Thomas, N. C.
Cox, Ohio	Haugen	Morrison	Tou Velle
Cullop	Hay	Moss	Underwood
Davis	Hayes	Murdock	Volstead
Dent	Heflin	Murphy	Watkins
Denver	Hobson	Nelson	Webb
Dickinson	Hollingsworth	Nicholls	Weisse
Dickson, Miss.	Houston	Nye	Wickliffe
Dies	Howland	O'Connell	

ANSWERED "PRESENT"—8.

Bowers	Goldfogle	Howell, N. J.	Lundin
Carter	Howard	Humphreys, Miss.	Russell

NOT VOTING—158.

Adair	Ellerbe	Humphrey, Wash.	Pratt
Allen	Ellis	Jamieson	Pray
Andrus	Englebright	Johnson, Ky.	Pujo
Ashbrook	Esch	Johnson, Ohio	Randell, Tex.
Barchfeld	Estopinal	Jones	Ransdell, La.
Barclay	Fairchild	Joyce	Rauch
Barnard	Finley	Kahn	Reeder
Bartholdt	Foelker	Keifer	Reid
Bartlett, Ga.	Fordney	Kennedy, Iowa	Rhinock
Bates	Fornes	Kennedy, Ohio	Richardson
Bell, Ga.	Foss	Knowland	Riordan
Bingham	Fowler	Kopp	Roberts
Boehne	Gardner, Mass.	Latta	Rothermel
Boutell	Gardner, N. J.	Legare	Rucker, Mo.
Bradley	Garner, Pa.	Lindsay	Shackleford
Broussard	Gill, Md.	Livingston	Sheffield
Burgess	Gillespie	Loudenslager	Slayden
Burke, Pa.	Gillett	McCall	Small
Burke, S. Dak.	Gilmore	McCredie	Smith, Tex.
Burleigh	Glass	McHenry	Snapp
Burnett	Good	McKinley, Ill.	Southwick
Byrd	Goulden	McKinney	Sparkman
Candler	Gregg	Malby	Sperry
Capron	Gronna	Martin, Colo.	Sulzer
Carlin	Guernsey	Martin, S. Dak.	Swasey
Cary	Hamer	Maynard	Talbott
Conry	Hamill	Miller, Minn.	Taylor, Ala.
Coudrey	Hardwick	Mondell	Taylor, Colo.
Covington	Heald	Moon, Pa.	Thistlewood
Craig	Helm	Moore, Tex.	Tilson
Cravens	Henry, Conn.	Morse	Vreeland
Crumpacker	Henry, Tex.	Mudd	Wallace
Currier	Hill	Norris	Weeks
Davidson	Hinshaw	Olcott	Wheeler
Dawson	Hitchcock	Patterson	Willett
Douglas	Howell, Utah	Pearre	Wilson, Ill.
Draper	Hubbard, Iowa	Perkins	Wilson, Pa.
Driscoll, M. E.	Hubbard, W. Va.	Plumley	Woodyard
Durey	Hughes, W. Va.	Poindexter	
Dwight	Hull, Tenn.	Pou	

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. BURKE of South Dakota with Mr. GREGG.

Mr. CRUMPACKER with Mr. SMITH of Texas.

Mr. DAVIDSON with Mr. BOEHNE.

Mr. DAWSON with Mr. BURGESS.

Mr. DWIGHT with Mr. ELLERBE.

Mr. DRAPER with Mr. FORNES.

Mr. FAIRCHILD with Mr. GILL of Maryland.

Mr. FORDNEY with Mr. HAMILL.

Mr. HENRY of Connecticut with Mr. HITCHCOCK.

Mr. HOWELL of Utah with Mr. JOHNSON of Kentucky.

Mr. HUGHES of West Virginia with Mr. LINDSAY.

Mr. HUMPHREY of Washington with Mr. MOORE of Texas.

Mr. JOYCE with Mr. POU.

Mr. KAHN with Mr. PUJO.

Mr. KENNEDY of Iowa with Mr. RAUCH.

Mr. LOUDENSLAGER with Mr. ROTHERMEL.

Mr. MCKINLEY of Illinois with Mr. SHACKLEFORD.

Mr. WHEELER with Mr. SMALL.

Mr. SOUTHWICK with Mr. TAYLOR of Colorado.

For the remainder of the day:

Mr. CARY with Mr. CANDLER.

On this vote:

Mr. BATES with Mr. PATTERSON.

Mr. HEALD with Mr. HOWARD.

Mr. ELLIS with Mr. SLAYDEN.

Mr. MCKINNEY with Mr. CONRY.

Mr. MCCALL with Mr. RUCKER of Missouri.

Mr. BOUTELL with Mr. HENRY of Texas.

Mr. CARTER with Mr. BARTLETT of Georgia.

Mr. WEEKS with Mr. GILLESPIE.

So the result of the vote was announced as above recorded.

The SPEAKER. The question recurs upon the motion of the gentleman from Arkansas [Mr. MACON] for the previous question on the motion to concur in the action of the Committee of the Whole.

The previous question was ordered.

The SPEAKER. The question is on concurring in the action of the Committee of the Whole House on the state of the Union.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Division, Mr. Speaker.

The House divided; and there were—ayes 160, noes 84.

So the action of the committee was concurred in.

On motion of Mr. MACON, a motion to reconsider the vote by which the action of the committee was concurred in was laid upon the table.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18019. An act to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas."

H. R. 19278. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6072. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

LEAVE OF ABSENCE.

Mr. RANDELL of Texas was granted leave of absence for one week, on account of sickness in family.

LETTER-CARRIER BILL.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent to file the views of the minority on the bill (S. 3638) for the relief of letter carriers. (Report No. 640, part 2.)

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 8 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Postmaster-General transmitting a list of papers and documents not needed in the transaction of public business in his department (H. Doc. No. 739)—to the Committee on Disposition of Useless Papers in the Executive Departments and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury transmitting copies of letters from the Acting Secretary of State and the Auditor for the State and Other Departments, with draft of proposed legislation relating to estates of American citizens dying abroad (H. Doc. No. 738)—to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Secretary of the Interior transmitting a draft of proposed legislation to enable the Associated Executive Committee of Friends on Indian Affairs to acquire title to certain lands (H. Doc. No. 737)—to the Committee on Indian Affairs and ordered to be printed.

4. A letter from the Secertary of War transmitting, with a letter from the Chief of Engineers, report of examination and survey of channel from Aransas Pass Harbor to Rockport, Tex. (H. Doc. No. 734)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for storehouse for the Naval Battalion of the National Guard (H. Doc. No. 736)—to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for credit to the accounts of Lieut. Col. W. W. Robinson (H. Doc. No. 735)—to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Delaware River from Allegheny avenue, Philadelphia, to the sea (H. Doc. No. 733)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HANNA, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 539) to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon, reported the same with amendment, accompanied by a report (No. 669), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 22147) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 666), which said bill and report were referred to the Private Calendar.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 20554) authorizing the Secretary of the Interior to issue patent to Fred G. Smith and Lula Smith, minor heirs of George Smith, deceased, for the title in fee to the east half of the northwest quarter and the east half of the southwest quarter of section 7, township 24 north, range 13 west, sixth principal meridian, in the State of Nebraska, entered as a homestead by said deceased, reported the same without amendment, accompanied by a report (No. 668), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 18978) to authorize the Secretary of the Interior to issue patent in fee simple to the city of Anadarko, State of Oklahoma, for the following-described tract of land: A portion of the southwest quarter and the southeast quarter of sections 15 and 16, in township 7 north, of range 10 west of the Indian meridian, and for other purposes—Committee on Private Land Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 18979) to authorize the Secretary of the Interior to issue patent in fee simple to the Great National Salt Plains Sanitarium Company (a corporation), of Cherokee, Okla., for the following-described tract of land: The northeast quarter and the northeast quarter of the northwest quarter of section 34, township 26 north, of range 10 west of the Indian meridian, and for other purposes—Committee on Private Land Claims discharged, and referred to the Committee on the Public Lands.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severaly referred as follows:

By Mr. HEALD: A bill (H. R. 22148) to change and fix the terms of the circuit and district courts of the United States in the district of Delaware—to the Committee on the Judiciary.

Also, a bill (H. R. 22149) to amend section 724 of the Revised Statutes of the United States in relation to the production of books and writings in actions at law—to the Committee on the Judiciary.

By Mr. HARDWICK: A bill (H. R. 22150) providing for experimental rural parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWERS: A bill (H. R. 22151) to establish a biological station, including a fish-hatching and fish-culture station, at a point on the Gulf of Mexico in the State of Mississippi—to the Committee on the Merchant Marine and Fisheries.

By Mr. FOCHT: A bill (H. R. 22152) to provide for the purchase of a site for a public building at Waynesboro, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. COX of Indiana: A bill (H. R. 22153) to amend section 4004 of the Revised Statutes of the United States, passed March 3, 1873, and entitled "Additional pay for postal cars"—to the Committee on the Post-Office and Post-Roads.

By Mr. RODENBERG: A bill (H. R. 22154) for the purchase of a site and the erection of a public building thereon at Collinsville, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22155) for the purchase of a site and the erection thereon of a public building at Edwardsville, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. McKINLEY of Illinois: A bill (H. R. 22156) to prevent the manufacture or use of dishonest or fraudulent weighing or measuring appliances in commercial transactions—to the Committee on Coinage, Weights, and Measures.

By Mr. GLASS: A bill (H. R. 22157) to erect a custom-house and post-office building in the city of South Boston, Va.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 22158) to confirm and establish the line between the State of Texas and the State of Oklahoma, etc.—to the Committee on the Judiciary.

By Mr. GARDNER of New Jersey: A bill (H. R. 22159) to authorize the appointment of boards of investigation and arbitration and to define their powers and duties—to the Committee on Labor.

By Mr. SMITH of Michigan: A bill (H. R. 22160) to provide for a report upon and a comprehensive map or maps showing the land necessary to be acquired for parks and parkways within the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: A bill (H. R. 22233) granting a pension to widows of deceased soldiers—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 22234) to provide for the erection of a public building at Williamson, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. VOLSTEAD: A bill (H. R. 22235) to prevent overcapitalization and consolidation of interstate carriers—to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Joint resolution (H. J. Res. 162) directing the Secretary of War to revoke a permit granted the Pittsburg, Fort Wayne and Chicago Railroad Company to build a bridge across Chicago River—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 22161) granting an increase of pension to David D. Donahue—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 22162) granting an increase of pension to James C. Armstrong—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 22163) for the relief of the estate of Isham Butterworth, deceased—to the Committee on Claims.

Also, a bill (H. R. 22164) for the relief of Eliza Snell Breckville—to the Committee on War Claims.

By Mr. BOEHNE: A bill (H. R. 22165) granting an increase of pension to William Pirkle—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 22166) granting an increase of pension to James Finnegan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22167) granting an increase of pension to Sarah A. Giles—to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 22168) granting an increase of pension to Thomas A. Worthington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22169) to remove the charge of desertion from the military record of Edward Pruitt—to the Committee on Military Affairs.

Also, a bill (H. R. 22170) to carry into effect the findings of the Court of Claims in case of J. Minnick Williams, administrator—to the Committee on War Claims.

By Mr. CANDLER: A bill (H. R. 22171) for the relief of D. M. Whittaker and heirs of estate of H. H. Whittaker, deceased—to the Committee on War Claims.

By Mr. CLARK of Florida: A bill (H. R. 22172) for the relief of John B. Dell—to the Committee on Claims.

Also, a bill (H. R. 22173) for the relief of E. A. Bryant—to the Committee on Claims.

Also, a bill (H. R. 22174) granting a pension to Anne Olive Erwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22175) granting an increase of pension to Louis Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22176) granting an increase of pension to Horace O. Balch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22177) granting an increase of pension to William T. Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22178) granting an increase of pension to T. B. Hickenloopen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22179) granting an increase of pension to Theodore R. Kuntz—to the Committee on Pensions.

Also, a bill (H. R. 22180) granting an increase of pension to Michael Foley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22181) granting an increase of pension to Helen M. Blanchard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22182) granting an increase of pension to John H. Welsh—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 22183) for the relief of Eli Parks—to the Committee on Military Affairs.

By Mr. CLINE: A bill (H. R. 22184) granting an increase of pension to Levi D. Fry—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 22185) granting a pension to Mary B. Oder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22186) granting an increase of pension to Mary J. Beecher—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 22187) granting an increase of pension to Jordan Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22188) granting an increase of pension to Robert H. Bickers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22189) for the relief of F. M. Clarkston—to the Committee on War Claims.

Also, a bill (H. R. 22190) for the relief of the heirs of Joseph Hemmerback, deceased—to the Committee on War Claims.

By Mr. DENVER: A bill (H. R. 22191) granting a pension to Hannah Leverton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22192) granting an increase of pension to John Carnahan—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 22193) for the relief of the legal representatives of Wilson Parker—to the Committee on War Claims.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 22194) granting an increase of pension to John Hildebrand—to the Committee on Invalid Pensions.

By Mr. ELVINS: A bill (H. R. 22195) granting an increase of pension to John Parke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22196) granting an increase of pension to Henry S. Hartle—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 22197) granting an increase of pension to Willert Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22198) granting an increase of pension to Martin Collins—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22199) granting an increase of pension to David F. Black—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22200) granting an increase of pension to John J. Rosensteed—to the Committee on Invalid Pensions.

By Mr. FOULKROD: A bill (H. R. 22201) granting an increase of pension to John Whitlock—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 22202) granting a pension to Marie A. Kudlich—to the Committee on Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 22203) for the relief of Dr. W. S. Hosack—to the Committee on Claims.

Also, a bill (H. R. 22204) for the relief of Frederick Priebe—to the Committee on Claims.

By Mr. HAMILL: A bill (H. R. 22205) for the relief of Leo Metze—to the Committee on Military Affairs.

Also, a bill (H. R. 22206) granting a pension to Christina E. Higgins—to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 22207) granting an increase of pension to Franklin J. Russell—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 22208) granting an increase of pension to John Weaver—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 22209) granting a pension to Charles A. Lyon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22210) granting an increase of pension to George B. Tolman—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 22211) granting a pension to Frank C. McDonough—to the Committee on Pensions.

By Mr. LANGHAM: A bill (H. R. 22212) granting a pension to Clara Wilson—to the Committee on Pensions.

Also, a bill (H. R. 22213) granting an increase of pension to Jonas J. Boal—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 22214) granting an increase of pension to Elisha A. Durfey—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 22215) granting an increase of pension to Levi North—to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 22216) granting an increase of pension to Elizabeth Denver—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 22217) granting a pension to Catharine Alter—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 22218) for the relief of Mary A. Haney and Clarence E. Haney—to the Committee on War Claims.

By Mr. STERLING: A bill (H. R. 22219) for the relief of Joseph M. Howe—to the Committee on Military Affairs.

Also, a bill (H. R. 22220) granting an increase of pension to Jennettie G. Clary—to the Committee on Pensions.

By Mr. STURGISS: A bill (H. R. 22221) to carry into effect the findings of the Court of Claims in case of Mary E. Buckey—to the Committee on War Claims.

By Mr. TALBOTT (by request): A bill (H. R. 22222) for the relief of Ida A. Chew—to the Committee on Claims.

Also, a bill (H. R. 22223) granting an increase of pension to Lewis Shipley—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 22224) granting an increase of pension to Zelotes Foster—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 22225) granting an increase of pension to J. W. Grubb—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 22226) to carry into effect the findings of the Court of Claims in the matter of the claim of Eleanor G. Whitney—to the Committee on War Claims.

By Mr. CASSIDY: A bill (H. R. 22227) granting a pension to Thomas H. Flynn—to the Committee on Invalid Pensions.

By Mr. GILL of Missouri: A bill (H. R. 22228) for the relief of John Quinn—to the Committee on Military Affairs.

By Mr. ROBINSON: A bill (H. R. 22229) granting an increase of pension to George W. Allen—to the Committee on Pensions.

Also, a bill (H. R. 22230) granting a pension to Thomas S. Garen—to the Committee on Pensions.

Also, a bill (H. R. 22231) granting to the city of Hot Springs, Ark., land for street purposes—to the Committee on the Public Lands.

By Mr. VOLSTEAD: A bill (H. R. 22232) granting a pension to Mary Handran—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Licensed Tugmen's Protective Association No. 4, of Buffalo, N. Y., for experienced seagoing officers to supervise and care for all aids to navigation and against removal of the Light-House Service from the charge of naval officers—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT of Nevada: Petition of citizens of Nevada, against the increase of rate of postage on periodicals and not to restrict rural delivery—to the Committee on the Post-Office and Post-Roads.

Also, petition of Local Union No. 971, United Brotherhood of Carpenters and Joiners of America, of Reno, Nev., for the eight-hour bill for government works—to the Committee on Labor.

By Mr. BEALL of Texas: Petition of citizens of Hill County, Tex., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Isham Butterworth—to the Committee on Claims.

By Mr. BYRNS: Paper to accompany bill for relief of Edward Bruitt—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Thomas A. Worthington—to the Committee on Invalid Pensions.

By Mr. CANDLER: Paper to accompany bill for relief of D. M. Whittaker and heirs of estate of H. H. Whittaker—to the Committee on War Claims.

By Mr. CHAPMAN: Petition of citizens of Pope County, Ill., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Illinois, for eight-hour workday on government works (H. R. 15441)—to the Committee on Labor.

By Mr. CLARK of Florida: Petition of Orlando (Fla.) Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 234, Journeymen Plumbers, of Jacksonville, Fla., favoring an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

Also, petition of Division No. 458, Order of Railway Conductors, of Lakeland, Fla., favoring certain amendments to the interstate commerce law—to the Committee on Interstate and Foreign Commerce.

Also, petition of Pine Hill Local, No. 126, Farmers' Union, of Brooker, Fla., and Farmers' Union of Bradford, Fla., for legislation to stop gambling in futures in farm products—to the Committee on Agriculture.

Also, petition of Board of Trade of Jacksonville, Fla., opposing certain provisions of Senate bill 5106—to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Trade of Tampa, Fla., favoring House bill 15814—to the Committee on Foreign Affairs.

Also, petition of Board of Trade of Tampa, Fla., for a marine hospital at Tampa, Fla.—to the Committee on Interstate and Foreign Commerce.

By Mr. CLINE: Paper to accompany bill for relief of Levi D. Try—to the Committee on Invalid Pensions.

By Mr. ESCH: Petition of citizens of La Crosse County, Wis., against any change in present oleomargarine law—to the Committee on Agriculture.

By Mr. FOCHT: Papers to accompany bills for relief of William C. Hudson (H. R. 4948), James K. Snyder (H. R. 3773), and Henry H. Schrawder (H. R. 3768)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John M. Querry—to the Committee on Military Affairs.

By Mr. FORNES: Petition of American Embassy Association, of New York City, for appropriation for embassy homes—to the Committee on Foreign Affairs.

Also, petition of St. Louis Paint, Oil, and Drug Club, approving the food and drugs act of June 30, 1906, for a referee board of consulting scientific experts—to the Committee on Agriculture.

By Mr. FULLER: Petition of St. Louis Paint, Oil, and Drug Club, of St. Louis, Mo., protesting against the publication of proceedings under the food and drugs act of June 30, 1906, etc.—to the Committee on Agriculture.

Also, petition of American Embassy Association of New York, favoring the passage of the Lowden bill (H. R. 15814) for the purchase or erection of embassy, legation, and consular buildings, etc.—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Petition of New York merchants, for tariff arrangements with France—to the Committee on Foreign Affairs.

Also, petition of assembly and senate of New York State, for building one battle ship at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of Gery & Murray, of New York City, for House bill 3075 and Senate bill 1614, against government envelope printing—to the Committee on the Post-Office and Post-Roads.

Also, petition of Rochester Chamber of Commerce, favoring an appropriation for embassy homes—to the Committee on Foreign Affairs.

Also, petition of the Woman's Municipal League of New York City, for a federal children's bureau—to the Committee on Labor.

Also, petition of the Typothetæ of New York City, favoring House bill 3075, against the Post-Office Department printing on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of Branch No. 95, Glass Bottle Blowers' Association of the United States and Canada, for an eight-hour law on government works—to the Committee on Labor.

Also, petition of American Embassy Association, favoring the Lowden bill (H. R. 15814), relative to homes for ambassadors—to the Committee on Foreign Affairs.

By Mr. HAYES: Petition of H. A. Barger, Simon Hausler, William T. Garland, H. M. Burnet, Frank Lee, James Box, J. C. Robinson, and Henry Axtell, citizens of San Francisco, Cal., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of Chamber of Commerce of San Francisco, against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

Also, petition of J. P. Miller and 49 other citizens of San Francisco, Cal., protesting against the immigration of all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of Arthur Eltner, John Gillet, L. H. Geissberger, H. Barnum, and James E. Hare, favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of Hackmen's Union, Local No. 238, International Brotherhood of Teamsters, of San Francisco, Cal., against increase of postal rate on second-class periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. HEALD: Petition of certain citizens of Wilmington, Del., against House joint resolution 17 and Senate bill 404, Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENRY of Texas: Petition of H. D. Pearson and other citizens of Texas, against the destruction of $346,000,000 in greenbacks and that the silver dollar be not eliminated from coinage and use—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of Faith Trumbull Chapter, Daughters of the American Revolution, of Norwich, Conn., for retention of Division of Information of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. HOLLINGSWORTH: Petition of Dr. H. G. Halderman and 10 other citizens of Monroe County, Ohio, for a parcels post law—to the Committee on the Post-Office and Post-Roads.

By Mr. JAMES: Paper to accompany bill for relief of Jonathan Pold—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on War Claims.

By Mr. JOYCE: Petition of J. W. Harper and others, of Pennsville, Ohio, against change in oleomargarine law—to the Committee on Agriculture.

By Mr. KENDALL: Paper to accompany bill for relief of Timothy Tyler—to the Committee on Pensions.

By Mr. KNAPP: Petition of Volney Paper Company, of Fulton, N. Y., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. LAWRENCE: Petition of Holyoke (Mass.) Council, Knights of Columbus, for House bill 17543, giving fraternal publications the right to carry advertising—to the Committee on the Post-Office and Post-Roads.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Arthur Hutchinson—to the Committee on War Claims.

By Mr. McCALL: Petition of Committee of Safety Chapter, Daughters of the American Revolution, of Boston, Mass., against repeal of section 40 of immigration law—to the Committee on Immigration and Naturalization.

Also, petition of Irving Winslow and others, urging that the United States transmit to the next international peace conference assurance that it will not increase its territory by conquest—to the Committee on Foreign Affairs.

By Mr. McCREDIE: Petition of Mount Valley Grange, No. 79, of Amboy, Wash., protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: Petition of Milton Council, No. 70, Loyal Association, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Warrior Run (Pa.) Chapter, Daughters of the American Revolution, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Memorial and petition of Council No. 521, Knights of Columbus, of Port Huron, Mich., in support of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: Petition of Independence Hall Chapter, Daughters of the American Revolution, of Ann Arbor, Mich., against repeal of section 40 of the immigration act of 1907, for retention of the Division of Information, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Horace A. Reeves & Son, of Philadelphia, Pa., favoring House bill 5008—to the Committee on Military Affairs.

By Mr. NYE: Petition of Minneapolis Chapter, National Society Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. HENRY W. PALMER: Petition of Frank Reuss and others, for House bill 15441, relative to an eight-hour day on all government works—to the Committee on Labor.

Also, petition of citizens of Wilkes-Barre, Pa., against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PRAY: Petition of Silver Bow Chapter, Daughters of the American Revolution, of Butte, Mont., for retention of the Division of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of 36 citizens of Great Falls, Mont., for an eight-hour workday on government works—to the Committee on Labor.

By Mr. ROBERTS: Petition of Boston Chamber of Commerce, against House bill 17536 and Senate bill 5106, concerning rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of Ruth Hart Chapter, National Society of the Daughters of the American Revolution, of Meriden, Conn., for retention of the Bureau of Information relative to immigration—to the Committee on Immigration and Naturalization.

Also, petition of Santa Maria Council, No. 8, Knights of Columbus, of New Haven, Conn., in relation to fraternal publications—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: Petitions of Kane & Keyser Hardware Company and others, of Piedmont; George L. Woodford and others, of Philippi; Robinson & Ford and others, of Parsons; the Kingwood Supply Company and others, of Kingwood, Rowlesburg, and Tunnelton; S. H. Jackson & Co., of Terra Alta; George H. Coffman and others, of Elkins; Friedman Brothers and others, of Grafton; Siever Hardware Company and others, of Keyser; Morgantown Hardware Company and others, of Morgantown; and James T. Kooken and others, of Piedmont, Davis, and Thomas, all in the State of West Virginia, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. TOWNSEND: Petition of citizens of Jackson County, Mich., against Senate bill 404, relative to Sunday observance—to the Committee on the District of Columbia.

By Mr. WALLACE: Petitions of citizens of Cairo, El Dorado, Purifoy, Prairie Grove, and Rosston, all in the State of Arkansas, against gambling exchanges in farm products—to the Committee on Agriculture.

SENATE.

THURSDAY, *March 3, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 4639. An act concerning tonnage duties on vessels entering otherwise than by sea;

S. 5697. An act to authorize the change of name of the steamers *A. B. Wolvin* and *Cambria*, owned by the Port Huron and Duluth Steamship Company; and

S. 6051. An act to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida.

The message also announced that the House had passed the bill (S. 1381) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 19633. An act to authorize Aransas Pass Channel and Dock Company to construct a bridge across Morris and Cumming Channel; and

H. R. 21221. An act to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 6072. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 18019. An act to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas;" and

H. R. 19278. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry Polish societies of Argenta, Ark., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. CULLOM presented a petition of Local Union No. 152, Farmers' Educational and Cooperative Union of America, of Ullin, Ill., praying for the enactment of legislation to prohibit gambling in farm products and future dealings by exchanges, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Union No. 453, Bartenders' International League of America, of Quincy, Ill., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN presented a petition of the Trades and Labor Council, American Federation of Labor, of Wallace, Idaho, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. NIXON presented a petition of Local Union No. 971, Carpenters and Joiners of America, of Reno, Nev., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BROWN presented a petition of sundry citizens of Mitchell, Nebr., praying for the enactment of legislation to modify the present homestead laws and also providing for a bond issue to be used in the completion of irrigation projects now under way, which was referred to the Committee on Public Lands.

Mr. DILLINGHAM presented a petition of William French Chapter of the National Society, Daughters of the American Revolution, of Bellows Falls, Vt., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. FRYE presented a petition of La Société des Artisans Canadiens Français, of Auburn, Me., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SCOTT presented a memorial of the directors of sundry banking institutions of Charleston, W. Va., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURTON presented a petition of Hamilton Council, No. 968, Knights of Columbus, of Hamilton, Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Trades and Labor Council, American Federation of Labor, of Cuyahoga County, Ohio, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Spencerville and Monroeville, in the State of Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

He also presented petitions of Columbus Chapter of the National Society, of Columbus, and of the Return Jonathan Chapter of the National Society, of Pomeroy, all of the Daughters of the American Revolution, in the State of Ohio, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

Mr. DICK presented petitions of sundry citizens of Akron and Cambridge, in the State of Ohio, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of East Rochester, Ohio, remonstrating against the repeal of the so-called "Grout bill," and praying for the enactment of legislation to prohibit the manufacture of oleomargarine, which was referred to the Committee on Manufactures.

He also presented a memorial of Farragut Post, No. 2, Department of Ohio, Grand Army of the Republic, of Lorain, Ohio, remonstrating against the erection of a monument "to the substitute of President Lincoln in the civil war," which was referred to the Committee on the Library.

He also presented a petition of the Woman's Home Missionary Society of the First Methodist Episcopal Church, of Akron,

Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. LA FOLLETTE presented memorials of sundry citizens of Fenwood and Stratford and of the Wisconsin State Union, American Society of Equity, of Warrens, all in the State of Wisconsin, remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Wisconsin State Federation of Labor, remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Stevens Point Council, Knights of Columbus, of Stevens Point, Wis., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the enactment of legislation to establish a light-ship and fog signal between Point Abino and Sturgeon Point, in that State, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Milwaukee, Wis., praying for the enactment of legislation to conserve and protect the watersheds of the navigable streams of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the City Federation of Women's Clubs of Whitewater, Wis., remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

He also presented a memorial of George D. Eggleston Post, No. 133, Grand Army of the Republic, Department of Wisconsin, of Appleton, Wis., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

Mr. ROOT presented a memorial of sundry citizens of Canastota, Clarksville, and Perryville, all in the State of New York, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURKETT presented a petition of the Central Labor Union, American Federation of Labor, of Lincoln, Nebr., and of the Central Labor Union, American Federation of Labor, of Omaha, Nebr., praying for the enactment of legislation to enable two persons to make a joint homestead entry and secure a patent by complying with the homestead laws as to improvement, cultivation, and term of residence, which were referred to the Committee on Public Lands.

He also presented petitions of the Real Estate Exchange of Omaha, of the county commissioners of Douglas County, and of the park commissioners of Omaha, all in the State of Nebraska, praying that an appropriation of $250,000 be made for the protection of property against the impending change in the course of the Missouri River, in that State, which were referred to the Committee on Commerce.

He also presented a petition of Local Union, International United Brotherhood of Leather Workers, of Fremont, Nebr., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of sundry settlers on government land under the North Platte project, of Mitchell, Nebr., praying that a $30,000,000 bond issue be made for the completion of the irrigation and reclamation projects of the country, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 2180) to amend sections 1, 2, and 3 of chapter 3298, Thirty-fourth United States Statutes at Large, with reference to the drainage of certain Indian lands in Richardson County, Nebr., reported it without amendment and submitted a report (No. 310) thereon.

He also, from the same committee, to whom was referred the bill (S. 4179) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims, reported it with amendments and submitted a report (No. 331) thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (H. R. 11580) for the erection of a monument over the grave of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo., reported it without amendment and submitted a report (No. 311) thereon.

He also, from the same committee, to whom was referred the bill (S. 1638) for the erection of a monument over the grave of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo., submitted an adverse report (No. 312) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2428) for the erection of a monument to the memory of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo., submitted an adverse report (No. 314) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 528) for the erection of an equestrian statue of Maj. Gen. John Stark, in the city of Manchester, N. H., reported it without amendment and submitted a report (No. 313) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to whom was referred the bill (S. 1028) to appoint Warren C. Beach a captain in the army and place him on the retired list, reported it without amendment and submitted a report (No. 315) thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 19558) to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky. (Report No. 318);

A bill (S. 4689) to correct the military record of George Baker (Report No. 317);

A bill (H. R. 21693) for the relief of William H. Hawley (Report No. 319);

A bill (H. R. 20180) for the relief of Patrick Shields (Report No. 320); and

A bill (H. R. 17838) for the relief of George W. Flack (Report No. 316).

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 321), accompanied by a bill (S. 6932) granting pensions and increase of pension to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 250. Ella R. Cooper;
S. 606. William H. Hall;
S. 720. Ambrose F. Wade;
S. 828. John Ryan;
S. 1292. Isaac Hollister;
S. 1351. Francis M. Johnson;
S. 1956. Auguste E. Bourquin;
S. 1963. William Myers;
S. 1999. Joseph A. Root;
S. 2347. Jacob Christina;
S. 2385. Thomas Uttley;
S. 2461. Benjamin C. Sparks;
S. 2462. William G. Lewis;
S. 2599. Augustus F. French;
S. 2836. Margaret Rice Sanford;
S. 2865. Davis W. Webb;
S. 2949. Daniel B. Morris;
S. 2971. David A. Cole;
S. 2999. Harlan P. Sherwin;
S. 3027. Willoughby Schaffer;
S. 3197. Neil McDougall;
S. 3223. John S. Herwick;
S. 3231. William H. Ashwill;
S. 3241. George W. Rollman;
S. 3278. John Lang;
S. 3372. Hiram B. Gould;
S. 3385. James Martin;
S. 3391. David E. Cross;
S. 3393. Mary E. Howe;
S. 3400. Chancey Williams;
S. 3405. George W. Boggs;
S. 3542. Peter J. Dresser;
S. 3827. William M. Post;
S. 4001. Henry T. Snyder;
S. 4127. Thomas J. Carr;
S. 4160. Joseph Pyles;
S. 4164. Henry H. Murphy;
S. 4227. John Stephens;
S. 4405. Thomas J. Ausbourne;
S. 4406. Henry C. Babb;
S. 4408. Augustus S. Boughton;
S. 4442. John McCracken;
S. 4602. George B. Pearl;

S. 4753. John D. Hobron;
S. 4758. Frank Morgan;
S. 4766. Catherine Cahill;
S. 5181. Frank M. Barry;
S. 5192. Cassel E. McCoy;
S. 5261. Almont Silsby;
S. 5262. John C. Bettis;
S. 5263. Joseph David;
S. 5545. Ella Palmer;
S. 5600. John H. Morgan;
S. 5639. Samuel Willard;
S. 5644. Leonard B. Corliss;
S. 5674. Charles G. Hastings;
S. 5719. William H. Pleasant;
S. 5808. Minnie E. Lloyd;
S. 5821. William Wansbrough;
S. 5924. Charles W. Culbertson;
S. 5925. George W. Graves;
S. 5934. Susan E. Gaffney;
S. 5948. George Sparks;
S. 5953. John Murray;
S. 5956. Henry Walters;
S. 5958. Lewis J. Laws;
S. 5960. Catherine Cooper;
S. 5965. Henry M. Ramsey;
S. 6077. Adda M. Conner;
S. 6108. Joseph Coates;
S. 6124. Sarah S. Mendenhall;
S. 6207. Samuel P. Dale;
S. 6298. Eliza Brainard;
S. 6299. Susanna A. Johnson;
S. 6300. Orville C. Percy;
S. 6320. Henry Hoss;
S. 6348. Joseph M. Kimball;
S. 6354. Thomas S. Stephens;
S. 6463. Celia Jenks;
S. 6468. Charles M. Long;
S. 6519. Mary L. B. McBride;
S. 6537. Warren I. Buzzell;
S. 6618. Samuel E. Tuttle;
S. 6623. Albert Siler;
S. 6634. Samuel Brockway;
S. 6664. George W. Farrington;
S. 6666. David Barcus;
S. 6683. Thomas Welsh; and
S. 6684. Sarah R. Helsby.

Mr. CLARK of Wyoming, from the Committee on Public Lands, to whom was referred the bill (H. R. 17872) providing for the sale to Johnson County, in the State of Wyoming, of certain lands, reported it without amendment and submitted a report (No. 322) thereon.

Mr. HUGHES, from the Committee on Public Lands, to whom was referred the bill (S. 1874) allowing homesteaders on the Gunnison Tunnel project to leave their claims until water is available, reported it with an amendment and submitted a report (No. 323) thereon.

He also, from the same committee, to whom was referred the bill (S. 1872) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo., reported it without amendment and submitted a report (No. 324) thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 6230) to provide for the transfer of light-vessel No. 56 to Gary Harbor, Indiana, reported it with an amendment and submitted a report (No. 325) thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 6603) authorizing the establishment of submarine signals, reported it without amendment and submitted a report (No. 326) thereon.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4196) to place David Robertson on the retired list of the United States Army, reported it without amendment and submitted a report (No. 327) thereon.

He also, from the same committee, to whom was referred the bill (S. 2470) to correct the military record of John Tudor, submitted an adverse report (No. 328) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BOURNE, from the Committee on Commerce, to whom was referred the bill (H. R. 18593) to authorize the transfer of the government highway known as the "Alter road" to the city of Detroit, Mich., reported it without amendment.

Mr. OWEN, from the Committee on Indian Affairs, to whom was referred the bill (S. 1980) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," reported adversely thereon, and the bill was postponed indefinitely.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 6118) to amend the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes (Report No. 329); and

A bill (S. 6173) to license custom-house brokers (Report No. 330).

COURT OF COMMERCE, ETC.

Mr. CUMMINS. From the Committee on Interstate Commerce I present views of the minority, signed by the junior Senator from Minnesota [Mr. CLAPP] and myself, on the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes. I ask that the views of the minority be printed in the RECORD.

Mr. HALE. I suggest that in the same number of the RECORD the report of the majority also be printed, so that the two may go together.

Mr. KEAN. I call the attention of the Senator from Maine to the fact that the report of the majority has not yet been filed. The Senator from West Virginia [Mr. ELKINS] is absent.

Mr. CULLOM. It is not quite ready.

Mr. HALE. I think the two had better go together and be printed together, in order that the beauties of each may be better appreciated when the other side is seen. Therefore I hope that the Senator will not ask that the views he presents be printed until we also get the report of the majority, which will be later, I suppose, in the day.

Mr. CULLOM. Mr. President, allow me to say a word. The clerk of the committee has just been to see me. He says he understood that the views of the minority were to wait until the report was made. The chairman of the committee has been called away and he will be back, I understand, to-morrow. He will probably be ready to make the report when he comes. I would suggest, therefore, that it would be best to withhold the views of the minority until the chairman gets back.

Mr. HALE. I hope the Senator from Iowa will do that.

Mr. CUMMINS. Mr. President, the understanding before the committee was that the views of the minority should be presented on Thursday morning. I agreed to defer submitting them until that time. It was thought when the agreement was made that the majority report would also be ready by Thursday morning. I am sure that upon reflection by members of the committee it will be remembered that there was no agreement that the views of the minority should be deferred until the majority report came in. In fact, I think it was not certain among the members of the majority of the committee at that time whether there would be any other report than the mere formal report recommending the passage of the bill. Senators will remember that that report came in last Friday morning.

With regard to the printing in the RECORD, I have no objection whatever to its being withheld for the day. I would not want to impeach my own report by admitting that it would suffer at all in comparison with the report of the majority of the committee. Therefore, if it is desired that these two instruments shall stand side by side in the RECORD, I will very cheerfully agree to that suggestion.

Mr. HALE. Then let it go over for the present.

The VICE-PRESIDENT. The understanding, then, is that the views of the minority will not be printed in the RECORD until the majority report is presented, and the order will be entered that the two shall be printed in the RECORD together?

Mr. HALE. That is right.

Mr. CUMMINS. Provided the majority report comes in to-morrow or the next day.

Mr. CULLOM. I have no doubt it will be made very soon after the chairman gets back from New York. He was called there. I think it would be well to wait until he comes back.

Mr. NEWLANDS. Mr. President, I wish to say that there will be two minority reports. I contemplate filing briefly my views regarding an amendment which I shall offer providing for the national incorporation of great trunk-line railroads. I have arranged with the chairman of the committee that my views shall be published with the report which he is to make. I understood from him that he would not be ready with the report until Saturday. Do I understand the Senator from Illinois to state that it will be ready then?

Mr. CULLOM. I do not know exactly, although I suppose it was nearly ready before the chairman was called away. However, I am not sure about that. All that I desire is that the views of the minority which the Senator from Iowa submits

this morning and asks to have printed may be laid over until the chairman comes, and the Senator will then see him.

Mr. NEWLANDS. I will ask that the order which has been requested by the Senator from Iowa, that these reports, when they are presented, shall be printed in the RECORD, include also the minority views which I shall file.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nevada? The Chair hears none.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. WARNER. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 142) for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, to report it favorably without amendment, and I submit a report (No. 308) thereon.

Mr. DICK. I ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It appoints James W. Wadsworth, of New York; Henry E. Palmer, of Nebraska; John M. Holley, of Wisconsin; Henry H. Markham, of California; and Oscar M. Gottschall, of Ohio, as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Maj. James W. Wadsworth to succeed himself, his present term of service expiring April 21, 1910; Capt. Henry E. Palmer to succeed himself, his present term of service expiring April 21, 1910; John M. Holley to succeed himself, his present term of service expiring April 21, 1910; Col. Henry H. Markham to succeed himself, his present term of service expiring April 21, 1910; and Oscar M. Gottschall to succeed Gen. Charles M. Anderson, whose term of service would expire April 21, 1912, but who died on December 28, 1908.

Mr. KEAN. I should like to ask whether there are any changes.

Mr. WARNER. There is no change except in the case of Oscar M. Gottschall, who succeeds Gen. Charles M. Anderson, deceased.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPE FEAR RIVER, NORTH CAROLINA.

Mr. SIMMONS. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6661) in aid of navigation of the Cape Fear River at and below the city of Wilmington, N. C., to report it favorably without amendment, and I submit a report (No. 309) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. Let it be read.

The VICE-PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $21,000 for the better lighting of the Cape Fear River at and below Wilmington, N. C., for the purpose of navigation, and to carry out the project approved by the Light-House Board, to be expended under the direction of the Secretary of Commerce and Labor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OFFICERS OF THE REGULAR ARMY.

Mr. DU PONT, from the Committee on Military Affairs, reported the following resolution (S. Res. 192), which was considered by unanimous consent and agreed to:

Senate resolution 192.

Resolved, That the Secretary of War be, and he is hereby, directed to report to the Senate the names of all officers of the Regular Army now detailed on detached service other than temporary, the report to show the names, rank, regiment, or corps of such officers, and the date of their present assignment to such detached service, and the place and character of the same.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 6910) to provide for the extension of Reno road in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURTON:

A bill (S. 6911) granting an increase of pension to Sebastian Glasstetter;

A bill (S. 6912) granting an increase of pension to Benjamin D. Barton; and

A bill (S. 6913) granting an increase of pension to Levin A. Harvey; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 6914) for the relief of certain purchasers of lots in the Fort Crawford military tract at Prairie du Chien, State of Wisconsin; to the Committee on Military Affairs.

By Mr. GUGGENHEIM:

A bill (S. 6915) to establish standard packages and grades for apples, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. BURKETT:

A bill (S. 6916) granting an increase of pension to Rufus E. Losee; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 6917) granting an increase of pension to George W. Shamel;

A bill (S. 6918) granting an increase of pension to Charles Ball;

A bill (S. 6919) granting an increase of pension to John Cyrus Rinehart; and

A bill (S. 6920) granting an increase of pension to August Frazier (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 6921) to provide for a report upon and a comprehensive map or maps showing the land necessary to be acquired for parks and parkways within the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

By Mr. PENROSE:

A bill (S. 6922) granting an increase of pension to Henry C. Holter;

A bill (S. 6923) granting an increase of pension to Samuel Elliott;

A bill (S. 6924) granting an increase of pension to William C. McEuen;

A bill (S. 6925) granting an increase of pension to John Dugan (with accompanying papers); and

A bill (S. 6926) granting an increase of pension to John Neeb (with accompanying papers); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 6927) for the purchase of a site and erection thereon of a public building at Washington, Ind.; to the Committee on Public Buildings and Grounds.

A bill (S. 6928) granting an increase of pension to John H. Case (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 6929) to authorize the Secretary of the Interior to convey by fee-simple patent certain land within the Otoe and Missouria Reservation, Okla., to the Associated Executive Committee of Friends on Indian Affairs; to the Committee on Indian Affairs.

By Mr. SIMMONS:

A bill (S. 6930) for the relief of William Lewis Bryan; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 6931) to provide for an experiment in the improvement of certain highways by the Secretary of Agriculture, in cooperation with the Postmaster-General, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. CRANE:

A bill (S. 6933) granting an increase of pension to Mary A. Tallman; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 6934) granting a pension to Charles D. Belden (with accompanying papers); to the Committee on Pensions.

A bill (S. 6935) to correct the military record of Alonzo Rich (with accompanying papers); to the committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DICK submitted an amendment relative to the appointment and substitution of letter carriers, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. BURROWS. I submit an amendment relative to the promotion of clerks and carriers at first-class post-offices after June 30, 1910, intended to be proposed by me to the post-office appropriation bill. I ask that the amendment be printed and referred to the Committee on Post-Offices and Post-Roads. I move that 1,000 additional copies of the amendment be printed for the use of the Committee on Post-Offices and Post-Roads.

The VICE-PRESIDENT. Without objection, the amendment will be referred to the Committee on Post-Offices and Post-Roads, and the order for the printing of additional copies will be made.

Mr. OWEN submitted an amendment, proposing to appropriate $1,368 from the funds of the Chickasaw Nation, to be paid to the St. Agnes Academy, of Ardmore, Okla., for board and tuition of Chickasaw children, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate $100,000 for improving St. Lucie Inlet, Florida, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the improvement of Biscayne Bay, Florida, to $15,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for improving Jupiter Inlet, Florida, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PILES submitted an amendment relative to the survey of Dabob Bay, State of Washington, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to appropriate $20,000 each for improving the harbors of White Lake and Pentwater, Michigan, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $686,000 for improving Saginaw Bay and River up to the mouth of the Tittabawassee River, Michigan, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

HON. JAMES GORDON.

Mr. MONEY submitted the following resolution (S. Res. 193), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 193.

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate to the Hon. James Gordon the sum of $102.74, being the compensation of a Senator of the United States for five days, February 24 to 28, 1910, during which he served as Senator from the State of Mississippi.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the foregoing resolution, reported favorably thereon, and it was considered by unanimous consent and agreed to.

HANCOCK ROBINSON.

Mr. MONEY submitted the following resolution (S. Res. 194), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 194.

Resolved, That the Secretary of the Senate is authorized and directed to pay out of the contingent fund of the Senate to Hancock Robinson, who served as clerk to Hon. James Gordon, late a Senator from Mississippi, the sum of $25, the same being at the rate of compensation now paid to clerks of Senators, from February 24 to February 28, 1910.

Mr. KEAN subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the foregoing resolution, reported favorably thereon, and it was considered by unanimous consent and agreed to.

SECOND-CLASS MAIL MATTER.

Mr. PENROSE. I present a summary of the Post-Office Department's reply to the statement of the Periodical Publishers' Association of America regarding second-class mail. I move that the summary be printed as a document.

The motion was agreed to.

Mr. DIXON. I think, in view of the agitation and the queries that come to every Senator, there ought to be several thousand extra copies of the document printed, so that we will be able to send it out in answer to the overwhelming demand for information on the subject.

Mr. PENROSE. I have investigated the cost. I believe it would cost about $70 to print 10,000 copies of the statement. I ask unanimous consent that 20,000 additional copies of the statement be printed for the use of the Committee on Post-Offices and Post-Roads.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 20,000 additional copies of Senate Document No. 410, Sixty-first Congress, second session, "Summary of the department's reply to the Periodical Publishers' Association of America, regarding second-class matter," be printed for the use of the Committee on Post-Offices and Post-Roads.

INTERNATIONAL CROP-REPORTING SERVICE.

Mr. FLINT. I present a report by Dr. Traugott Muller, delegate of the German Empire to the International Institute of Agriculture, relative to the establishment of an international crop-reporting service for the staples of agriculture for 1910–11, and also for the adoption of a uniform method of reporting to the institute information on areas sown, condition of growing crops, and estimates and statements of harvest yields. I move that the report be printed as a document.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 19633. An act to authorize Aransas Pass Channel and Dock Company to construct a bridge across Morris and Cumming Channel; and

H. R. 21221. An act to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan.

POSTAL SAVINGS DEPOSITORIES.

The VICE-PRESIDENT. The morning business is closed, and, under the unanimous agreement of the Senate, the Chair lays before the Senate Senate bill 5876.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

The VICE-PRESIDENT. The Secretary will state the pending amendment.

Mr. CARTER. I understand the pending amendment to be that presented by the Senator from Vermont [Mr. PAGE]. It is found on page 6 of the new print.

The VICE-PRESIDENT. The Secretary was about to read the amendment.

The SECRETARY. In section 8, page 6, line 10, after the word "situated," it is proposed to strike out the following words:

At a rate of interest not less than 2½ per cent per annum, nor more than is reasonably sufficient to meet the expenses and interest charges of the system herein established, and which rate shall be uniform throughout the several States and Territories—

And in lieu thereof to insert:

At a rate of interest not less than 2½ per cent per annum, which rate shall be uniform throughout the several States and Territories, nor more than is sufficient to meet the interest paid to depositors, the expenses, and other charges of the system herein established, and to provide an adequate reserve.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Vermont.

Mr. BURTON. I should like to ask the Senator in charge of the bill whether he interprets this amendment to include losses for moneys loaned to banks?

Mr. CARTER. The intention of the amendment, or the purpose of the Senator in presenting the amendment, I understand, is to provide against losses consequent upon failure of banks or from any other cause.

Mr. BURTON. That is included under the words "the expenses and interest charges of the system herein established?"

Mr. CARTER. "And to provide an adequate reserve," to meet any contingency likely to arise in the course of the operations of the system.

Mr. BURTON. That is the interpretation placed upon this language?

Mr. CARTER. That is my understanding of the meaning.

Mr. BURTON. It is not intended that the Government shall bear losses, but that the amount shall be made good from the rate of interest charged to banks?

Mr. CARTER. That is the purpose of the amendment.

Mr. SHIVELY. The Senator means that this amendment is designed to create a fund with which losses will be met?

Mr. CARTER. That is the purpose of the amendment.

Mr. SHIVELY. Does the Senator think the language is sufficiently broad to make that clear?

Mr. CARTER. The question of an adequate reserve would involve the consideration of the purposes to which a reserve might properly be applied or for which a reserve would be

created. Losses might occur through any one of a variety of ways. If we should insert the words "bank losses," we would thereby exclude losses through embezzlement of funds. If we recapitulated to any considerable extent, the Senator knows that we would exclude those elements not specifically embraced in the recapitulation.

Mr. SHIVELY. Suppose you were to employ the word "losses;" that would not carry you beyond the general purposes of the bill. The word "expenses" seems to me to be very indefinite.

Mr. CARTER. The Senator will observe that the amendment contemplates charging a rate of interest which will yield to the fund an amount sufficient to pay the interest the Government is obligated to pay to the depositor at the post-office; also the expenses of administration and other charges connected with the system and to provide an adequate reserve. An adequate reserve would be such an accumulation as prudence might demand to meet contingent losses of any kind. I do not observe that anything would be lost by employing the word, and I do not perceive that anything would be gained.

Mr. PAGE. Mr. President, in some of the States of New England the laws provide that a savings bank shall not pay above 4 per cent per annum until they have accumulated a 10 per cent reserve. That reserve with us seems to have but one meaning, and that is a fund accumulated out of which may be paid any losses that come through bad investments.

It seems to me that the words "to cover losses by bad debts" would be superfluous in this case. Certainly as the term is construed by bankers generally this covers the exact point that it was designed to reach—that is to say, that the Government shall not be compelled to take from the Treasury of the United States by any special enactment a fund to make good losses which may occur under the provisions of the act.

Mr. SHIVELY. Mr. President, then, in any event, as I understand the Senator, this amendment still leaves the United States as the ultimate guarantor of the deposits.

Mr. PAGE. I suppose it must be, because it is the creditor. But the purpose is that in its practice and operation it shall not be compelled to suffer any loss.

The question was raised that possibly the rate of interest the banks would be willing to pay would not be sufficient to cover the expenses and losses. I have taken a little pains to look up the rates of interest paid and the rates of interest paid in the West. I find that even in the State of Utah corporations professing to have a capital of $400,000 are advertising to-day in the magazines of the country that they will pay 6 per cent. In my judgment, if it should be found necessary to charge 2¾ per cent for this fund in order to save the Government harmless from any loss, the banks would probably pay 2¾ per cent.

But, Mr. President, I do not apprehend that any loss will ever come from this fund that will exceed one-tenth of 1 per cent. I think the experience of banks throughout the country is that one-tenth saved or laid aside for a margin of losses would be more than ample. I can not conceive that in any ordinary case there can be losses equal to one-tenth of 1 per cent.

Mr. McCUMBER. Mr. President, I have not yet learned the necessity for this special fund. If I comprehend the meaning of this bill, the money does not go into the Treasury of the United States, but it goes into the several banks of the several States. When it is paid out in the way of interest, or when the depositor demands the repayment of the principal and the interest, I understand that that will be paid by a draft upon the bank holding the money received from that vicinity. If I am mistaken in that, I should like to be corrected. If that is true, then there would be no necessity for a special fund to pay losses, because the bill itself provides that—

> Withdrawals shall be paid from the deposits in the State or Territory so far as the postal funds on deposit in such State or Territory may be sufficient for the purpose, and, so far as practicable, from the deposits in the community in which the depositor withdrawing resides.

Now, let us suppose that one bank should fail in any one of these States and the depositors in that State would desire to draw out more than the other banks in the State would have money to answer for, still you could go into any other bank in any other State and withdraw a sufficient amount to cover that and to meet any losses that might accrue by reason of such failure. If that is true, what then is the necessity for a special fund that would be 1 per cent, or one-tenth of 1 per cent, or 10 per cent, as some Senators think would be necessary for this special fund?

Mr. CARTER. Mr. President, the Senator from North Dakota [Mr. McCUMBER] will perceive that if the process of payment should continue to the close and business should become hung up, the amount of any losses sustained by reason of the failure of a bank would require a direct call on the Treasury of the United States to make up the deficiency in the last analysis.

Mr. McCUMBER. But that is assuming that we shall close up, and that we shall close up all at one time, which seems to be an impossible contingency.

Mr. CARTER. The Senator will see that the infirmity would necessarily exist in any system which did not provide for repairing an actual and absolute loss of capital. There is no fund to be created against which checks will be especially drawn, but there will be created out of accumulated interest and surplus, if you please—perchance the word "surplus" would be better—out of which losses when encountered may be deducted, instead of deducting losses from the capital at hand or invested. The Government goes into this venture without capital, and it must meet all the charges that may come upon the Government in consequence of the postal bank system, by paying out all the money received at the post-offices. If in the deposits in the banks losses are met, such losses will continue until we pay them by some kind of an accumulation. The purpose is to enable the board to so fix the rate of interest charged by the bank as to accumulate some reserve, out of which incidental losses may be made good without invading the capital of the concern.

Mr. McCUMBER. Let me ask the Senator right here what becomes of the interest when it is not demanded immediately by the depositor when it is due?

Mr. CARTER. It, of course, continues on deposit in the bank to the credit of the Government.

Mr. McCUMBER. In other words, there will be so much more in the banks than there was in the beginning?

Mr. CARTER. It increases the deposits.

Mr. McCUMBER. Then the interest in the bank itself is constantly making an accumulation, the losses in a single year can be very readily estimated, and the amount of interest for the ensuing year computed upon that; so that you would have your accumulations in the several banks, and not an accumulation in the Treasury itself. I understand that this accumulation is intended to go into the Treasury.

Mr. CARTER. This accumulation is not intended to go into the Treasury, Mr. President. It would simply add to the amount of deposits in the banks.

Mr. McCUMBER. That being the case, it can hardly be said to be what is claimed here—a reserve. It is simply an accumulation, and not a reserve for any particular purpose, except for the purpose of paying the losses. It is not a reserve at all.

Mr. PAGE. Mr. President, as a matter of fact, I think it is true that no bank ever carries its reserve in its vaults. A bank may have a 10 per cent reserve perhaps, and that 10 per cent reserve is invested as the capital of the bank or the deposits of the banks are invested. The purpose in this amendment is simply to fix the rate of interest to be paid by the bank sufficient to save the Government from the possibility of any losses growing out of this transaction.

Mr. McCUMBER. Mr. President, if the amendment were amended by adding after the word "established," in line 20, the words "and an accumulation to meet any losses," then it would express just exactly what the Senator has in mind, but it gives the idea here of a reserve fund to be deposited somewhere, when, in fact, it is not a reserve fund; it is a reserve for no particular purpose any more than is all the rest of the fund to pay the principal and the interest, and the designation "reserve fund" seems to be wholly inapplicable.

Mr. LODGE. Mr. President, I want to ask the Senator from Montana [Mr. CARTER] a question as to his understanding of the words in section 8, "solvent bank or banks, whether organized under national or state law," and so forth. I understand that includes savings banks.

Mr. CARTER. Mr. President, I think, fairly construed, the words "bank or banks," as used in the text, would include savings banks and likewise trust companies doing a banking business, but, through an abundance of caution, the Senator from New Hampshire suggested the propriety of an amendment at the close of that section providing that the term "bank," as herein used, should be held to embrace savings banks and trust companies doing a banking business. That amendment, I think, will be presented later by the Senator.

Mr. LODGE. As it read, it seemed to me to include savings banks.

Mr. CARTER. Yes; I think it would include them.

Mr. LODGE. But there is no harm in being explicit.

Mr. BURKETT. Mr. President, I will call the attention of the Senator from Montana to the fact, as he will notice, that in drafting this substitute he has put in the uniformity provision after the minimum rate. As the amendment was origin-

ally drawn—I practically drew that amendment, I will say—it provided:

At a rate of interest not less than 2¼ per cent per annum, nor more than is reasonably sufficient to meet the expenses and interest charges of the system herein established, and which rate shall be uniform throughout the several States and Territories.

That is the way it was originally drawn. Now it reads:

At a rate of interest not less than 2¼ per cent per annum, which rate shall be uniform throughout the several States and Territories.

I suggest to the Senator that he ought to put this uniformity clause after the provision with reference to interest.

Mr. CARTER. I refer the Senator from Nebraska to the Senator from Vermont [Mr. PAGE], who drew the amendment which we are now considering.

Mr. PAGE. Mr. President, replying to the interrogatory of the Senator from Nebraska [Mr. BURKETT], I would refer him to the language of his amendment. He will observe that the phrase, in line 10, is:

At a rate of interest not less than 2¼ per cent.

Then he interjects a clause there, which refers to something besides interest, and goes down to line 13, where it reads:

Which rate shall be uniform throughout the several States and Territories.

It seemed to me that it was better language to say "at a rate of interest not less than 2¼ per cent per annum, which rate shall be uniform throughout the several States and Territories, nor more than is sufficient to meet the interest paid to depositors, the expenses, and the reserve." It is a question that is absolutely immaterial; but I am inclined to like the language of the new clause better, and I think the Senator from Nebraska will also on reflection.

Mr. BURKETT. I do not like that language better. After the Senator reads it, interprets it, and explains it, I presume perhaps he thinks it means the same thing, but I doubt it very much. He is going to have his minimum rate uniform. That is provided absolutely; the words used provide for that. I think we ought to define what the minimum and maximum is going to be, and then put in a provision "which rate, in any event"—whether it is minimum or whether it is maximum—"which rate, in any event, shall be uniform." That is the point I am trying to get at. I do not want this board to establish a uniform minimum rate, and then in some way or other make a maximum rate that shall be different in one State from what it is in another State. I want the rate, whether it is minimum or maximum, whether it be 2¼ or 2¾ per cent, or whatever it may be, to be the uniform rate which they shall make and charge. That is the reason I drew the amendment as I did.

The way it is written now is:

Not less than 2¼ per cent per annum, which rate shall be uniform throughout the several States and Territories.

That is, the minimum rate. Now, it goes on and says:

Nor more than is sufficient to meet the interest paid to depositors, the expenses, and other charges of the system herein established.

We are providing that each State shall be a jurisdiction to itself so far as the payment of its deposits are concerned. Suppose in case it might be construed that in making this rate Iowa ought to take care of itself, that Idaho ought to take care of itself, that New England ought to take care of itself, then they would reason that Congress only intended that this minimum rate should be uniform; that it should not be less than that anywhere throughout the country, but that each State should take care of its own rate for the purpose of paying interest and losses to the reserve.

Now, of course, as the Senator from Vermont explains it, it means exactly what I want it to mean; but it does seem to me that if you put the uniformity clause after the provision for the minimum and maximum rate, you remove any possibility of making it questionable.

Mr. BULKELEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Connecticut?

Mr. BURKETT. I do.

Mr. BULKELEY. Mr. President, I would suggest to the Senator from Nebraska an amendment, striking out the word "which" and inserting the words "provided that the rate established shall be uniform." Would not that meet his views?

Mr. BURKETT. It seems to me that it would make it more certain and more euphonious just to say "at a rate of interest not less than 2¼ per cent, nor more than is sufficient to meet the interest," and so forth, "which rate shall be uniform throughout the several States and Territories." Then you have absolutely established it. There would not be any doubt about it, and you would not need to put in any other provision.

Mr. BULKELEY. Mr. President, it is almost impossible to establish at a given time a rate of interest which is going to meet these exigencies and expenses. No one can estimate in the early stages the expenses of running the system. It might require a very high rate of interest as the minimum.

Mr. BURKETT. That is true. If the Senator please, I realize that, but whatever the rate is it ought to be uniform.

Mr. BULKELEY. That is the very thing which I had in mind in inserting instead of the word "which," the words "provided that the rate established shall be uniform."

Mr. BURKETT. You can not do so if you inject those words between the provision for the minimum rate and the provision for the maximum rate, because there will always be those who will contend that those words refer only to what has gone before rather than to what comes after, but if after providing both for the minimum and maximum you say "the charge shall always be uniform throughout the several States and Territories," you escape any question.

Mr. BULKELEY. I should like to ask the Senator what maximum rate he would establish that he thinks would be sufficient to cover the expenses and losses of conducting this business? I do not think anybody has any idea as to that.

Mr. BURKETT. Of course, we are not disputing on that particular point now. I do not know myself that I want to say just what the rate ought to be. My impression is that a quarter of a cent will very adequately take care of it. I think it would be safe to start out at 2½ per cent, but it does not make any difference what it is if it be uniform. I do not want to leave any doubt that anybody can make it otherwise than uniform.

Mr. PAGE. The point raised by the Senator from Connecticut [Mr. BULKELEY] is another point altogether. The question between the Senator from Nebraska and myself is one that is absolutely unimportant, but if he prefers the phraseology he has suggested let it be so changed, and we will not make any more words about it, so far as I am concerned.

Mr. BURKETT. That would make it absolutely unquestionable.

Mr. BULKELEY. It strikes me that the point I endeavored to make goes exactly to the question that is now pending. The incidental question came in as to whether the minimum rate or the maximum rate that might be established would be sufficient to cover the items referred to in the pending amendment. To my mind it is immaterial whether or not the maximum rate is established.

Mr. BURKETT. Then, Mr. President, agreeably to the suggestion of the Senator from Vermont, I move to amend the amendment by striking out in line 16, the words "which rate shall be uniform throughout the several States and Territories," and adding those words at the end of the amendment in line 21.

The VICE-PRESIDENT. The Senator from Nebraska offers an amendment to the amendment of the Senator from Vermont, which will be stated.

The SECRETARY. Transpose the words "which rate shall be uniform throughout the several States and Territories," so as to come in after the word "reserve," at the end of the proposed amendment before the period.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. CUMMINS. Mr. President, I hope the Senator from Nebraska will withhold his amendment for a moment. I intend to offer one striking out the last six words of the amendment. It might make a difference.

Mr. BURKETT. My amendment would come in at the end. The Senator is not going to move to strike out the provision with reference to the maximum and minimum, is he?

Mr. CUMMINS. No.

Mr. BURKETT. Well, the words "which rate shall be uniform throughout the several States and Territories" would come in at the end anyway. I will, however, withhold the amendment if the Senator desires.

Mr. CUMMINS. I suggest that the Senator offer his amendment at the close of the proposed amendment of the Senator from Vermont.

Mr. BURKETT. I do. I think that was the way it was stated by the Secretary, if I remember—at the close of the pending amendment.

The VICE-PRESIDENT. The Secretary so stated the amendment.

Mr. McCUMBER. Mr. President, is the Senator going to make that motion now?

Mr. CUMMINS. I am.

Mr. McCUMBER. I hope he will, because I wish to vote for it. I agree that there is no occasion whatever for having those

last words in the bill. That is what I have been trying to explain. The word "charges" covers everything; and if there was any possibility about it not covering everything, we could say "charges and losses;" but the country to-day, or some portions of it, have the idea from this wording that we are creating a reserve fund that may be moved to some other section of the country. I do not want them to get that idea, because I do not believe that is what is understood here, and it is not necessary.

Mr. CUMMINS. I move to amend——

The VICE-PRESIDENT. Does the Senator from Nebraska withdraw his amendment? Otherwise the amendment of the Senator from Iowa is not in order. The amendment offered by the Senator from Nebraska, being an amendment to an amendment, must be disposed of first.

Mr. BURKETT. If my amendment were adopted, then the amendment of the Senator from Iowa might be offered.

The VICE-PRESIDENT. If it were; but it has not been.

Mr. BURKETT. I thought it had been adopted. If it is necessary, on account of the parliamentary situation, I will withdraw it, certainly; but there is no objection to it, as I understand, and I thought it could be adopted, and then the amendment would be open to amendment.

The VICE-PRESIDENT. The amendment of the Senator from Nebraska to the amendment is in order, and is the only thing in order, unless the Senator from Nebraska withdraws it.

Mr. BURKETT. I will withdraw it, if it is necessary.

The VICE-PRESIDENT. It is not necessary, except to allow the amendment of the Senator from Iowa to be presented.

Mr. BURKETT. Then let us have it voted on.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. BURKETT] to the amendment of the Senator from Vermont [Mr. PAGE].

The amendment to the amendment was agreed to.

Mr. CUMMINS. Mr. President, I now move to strike from the amendment proposed by the Senator from Vermont the following words, which are in lines 20 and 21, on page 6 of the reprinted bill, "and to provide an adequate reserve." I do not differ in any degree from the Senator from Vermont in regard to the object he desires to accomplish. It will be understood that this——

Mr. PAGE. Just a moment.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. CUMMINS. Certainly.

Mr. PAGE. What I want to do is to reach a certain end, and I think the remark of the Senator is so fair that if I can meet his view I shall be glad to do it. I suggest, to meet his view, that, after the words "other charges," we add the words "or losses," and then leave out the provision for an adequate reserve. In either case I wish to provide for losses, and that is all I care to do.

Mr. CUMMINS. I am entirely willing to withdraw my amendment, if the Senator from Vermont will change his in the manner he has just suggested.

The VICE-PRESIDENT. The Senator from Iowa, then, for the time being, withdraws his amendment?

Mr. CUMMINS. I do.

The VICE-PRESIDENT. The Senator from Vermont offers an amendment to the amendment which will be stated.

The SECRETARY. At the end of line 19, after the word "charges," insert the word "losses"——

Mr. CUMMINS. And strike out the remainder of the amendment, I assume.

Mr. CARTER. Strike out all after the word "established" in the amendment.

Mr. CUMMINS. After the word "losses," as it would read when amended.

The VICE-PRESIDENT. After the words that were inserted on motion of the Senator from Nebraska [Mr. BURKETT].

Mr. CARTER. The portion to be stricken out, as I understand, is, after the word "established," the words "and to provide an adequate reserve."

Mr. CUMMINS. Precisely.

The VICE-PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. After the word "charges," at the end of line 19, it is proposed to amend the amendment by inserting the words "or losses;" and in lines 20 and 21, by striking out the words "and to provide an adequate reserve."

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BURTON. Mr. President, it is certainly a novel proposition to carry on the banking business without any reserve. This bill provides for carrying on the business of banking by the United States on an enormous scale, receiving very large amounts in the way of deposits and placing those deposits in banks which may number 22,000. It is useless for us to ignore the fact that such business must be attended by losses; and, if not by losses, by seasons in which it will be extremely difficult to make this money, so widely scattered, immediately available for the payment of the claims of depositors. There is no clearly expressed provision in the bill, so far as I can see, for any liability on the part of the United States Government. An adequate reserve should be provided, not only for a proper conduct of the business, but also to meet losses and those occasions when there may be delays in payment by the banks.

Mr. President, this proposal for a postal savings-bank system illustrates one reason for the criticism of Congress by the public. It demonstrates the difference between a general proposition and a mature, detailed, well-finished product of legislation. Party platforms express general ideas, but legislators have the responsibility of testing their value and giving them definite shape and form. The demand for a postal savings bank rests on some very excellent grounds, such as the encouragement of thrift and the provision of a safe depository for money, but I question very much whether it is practicable as an enterprise or system under the control of a central government, except in countries where the amount of the national debt exceeds the probable aggregate amount of all the deposits.

When you must add to your plan under which deposits are to be made another under which the funds must be invested in the manner contemplated in this bill you go, in my judgment, beyond the legitimate scope of governmental activity and introduce such elements of danger and complication that the plan will not prove successful.

Perhaps the members of the committee having this bill in charge have done the best they could under the circumstances, with due regard for the demands that are made; but, Mr. President, it is my opinion that the proper plan to pursue would have been to have this bill make provision for the investment of the depositors' money in government securities, and, if the amount of such securities available for purchase is not sufficient, providing an option between state, county, and municipal bonds on the one hand, and loans to banks upon the security of state, county, and municipal bonds as well as government bonds on the other hand. In that way all question as to the constitutionality of this measure would have been removed, because the postal savings bank would be an agency for carrying a part, or possibly the whole, of the national debt. As the bill now stands it is sought to inject an amendment providing that, in case of war or emergency, these funds can be withdrawn from the banks and used for the purchase of government bonds. It would seem that there is more or less of the makeshift about that amendment.

In order to give the bill an element of constitutionality and relieve it from this objection, we introduce a provision for an emergency, which it is not expected will arise; and if it does arise, it is not expected that advantage will be taken of it.

Some days since I spoke here in regard to the proposed plan for investing the money. In addition to some objections mentioned then, there are other criticisms which lie to this bill. In the first instance there is a provision that the money shall be deposited in national banks or state banks subject to national or state supervision and examination. In the first place, this is an injustice to national and other banks which must provide a reserve, the injustice of which is very plain, because if there is a bank which must reserve 10, 15, or 25 per cent, or any portion of its deposits, it can not afford to pay the same rate of interest as another bank which need maintain no reserve.

But from the standpoint of the Government that bank which can borrow this money to the greatest advantage is likely to be less stable and not in a position to respond so promptly to the demands of its creditors or depositors.

There is another feature which deserves comment. There are all kinds of laws in the different States in regard to supervision. What does supervision mean? Does it mean strictness or laxity?

Under the provision in this bill, if they file a statement once a year and an examiner goes around and makes the most superficial examination of a bank, it is eligible to receive funds. It is just as eligible as a bank which is subjected to the most rigid system of frequent examination by competent bank examiners; it is just as eligible to receive funds as is one which is governed and controlled by the most conservative rules regulating the amount of money that it shall lend to any one borrower.

Then, we come to another phase of the plan. This money is to be secured by the banks by giving bonds of indemnity. This is certainly a new kind of banking. Bonds of indemnity are

usually given to secure the honesty of an official or a trustee in the performance of his trust. They are not given to secure an obligation for the payment of a loan. The amounts due upon them are not immediately available. Realization might depend upon a long course of litigation. A great many experiments have been made in banking; for instance, one under which circulating notes were secured by mortgages on real estate. Some years ago in one of the States of the Union this was conceived to be a splendid plan. They thought what is more stable security than the soil? What is better than a real-estate mortgage? But nearly every bank that secured the payment of its notes of issue by real-estate mortgages failed. Why did they fail? Because there could not be that prompt realization which was necessary to meet the demands upon them.

The banking business requires liquid assets—immediate payment—something on which the banker or one who is compelled to meet any obligation can immediately place his hands. Government bonds would meet this demand; state, county, or municipal bonds would meet this demand, because there can be an immediate realization upon them in the market.

More than this, the pending bill provides that, at the option of the bank, collateral security may be deposited in the place of indemnity bonds, giving the option to any bank in localities far removed from the capital to say to these trustees: "We demand this money; we are entitled to it, because we are in the locality where the deposits were made. It is ours. We will not give you bonds of indemnity, but we will give you collateral security." Just think of it! There are over 20,000 banks in this country which can receive deposits under these provisions. What an amount of examination it would entail; what a certainty of mistake there would be if over this entire area these trustees are compelled to transact all this business.

It has been alleged here, with great confidence, that the losses will not be more than one-tenth of 1 per cent. I would that I could believe it. I would I could believe that under a system of banking—for, I repeat, that is what it is—which involves these widespread transactions, the lending out of money everywhere over this great country, the losses will not be more than one-tenth of 1 per cent. It was not so in the old days of the pet banks in the times of the Jackson administration, when the Government made deposits with different banks. At that time so many of them failed that the Government was hampered in its fiscal operations.

It is true we are to-day on more solid ground in our financial transactions, but I can not believe that the losses would be limited to any such trivial amount as that mentioned.

It is possible that this plan, if adopted, would be managed for years without any serious loss, but in time of stress or of panic, when banks are suspending and failing, it is impossible under these regulations to avoid frequent and serious losses.

But even suppose the losses were not to occur, has anyone comprehended the amount of labor that is required to carry out the provisions of this bill? That is, if you make your examinations with any thoroughness. Every time a collateral note is received, whether it be in Maine, in Oregon, or in Texas, there ought to be an examination into the value of that note. What a small army of officials—and they should be men of ability and discernment—will be required to transact all that business.

I must say, Mr. President, that I regret that the bill is not in another form. I do not wish to indulge in unfavorable prognostications about it, but the criterion should be, is this the best plan? If we go into this new field of enterprise we should go into it with careful and wise provision of the plan we adopt; and this I am sure is not the best.

A great many people think that the banking business is very simple; that almost any amateur can engage in it, but the efforts of those unskilled in the business have been marked by wrecks and suffering all along the way. Lord Overstone, the British financier, said that genius was the very worst quality in a bank cashier or in bank management; that adherence to settled methods and to the beaten paths were the qualities most required in banking. I fear, Mr. President, there is too much genius in this bill.

Mr. CARTER. Mr. President, the Senator from Ohio [Mr. BURTON] objects to the provision of the bill which authorizes a bank to deposit collateral security, to be approved by the trustees, to guarantee the repayment of money deposited in the bank. Suffice it to say that every dollar of the Government's money deposited in a bank in the United States to-day is deposited under that identical arrangement, and no loss has ever been encountered.

Mr. BURTON. What do I understand the Senator from Montana to say?

Mr. CARTER. The Senator from Montana stated and reasserts that every dollar of government money deposited in a bank in the United States to-day, or at any time in the past, has been secured by collateral deposited in the Treasury of the United States.

Mr. BURTON. Yes; but what is that collateral, may I ask?

Mr. CARTER. That collateral is collateral approved by the Treasury Department.

Mr. BURTON. Ah! government bonds.

Mr. CARTER. Not at all. I beg the Senator's pardon.

Mr. BURTON. For a time an arrangement was made by which state, county, and municipal bonds could be deposited.

Mr. CARTER. Most assuredly; and they can be deposited to-day in the first instance. Of course there is a difference between the circulation of the country and deposits of government money in banks. The circulation can only be secured by bonds of the United States, but our deposits in the United States depositories are secured by collateral consisting, in part, of government bonds; in some cases wholly so, perchance; but consisting, if the party elects, of any kind of bonds accepted in New England as an investment for savings-bank funds or approved by the law of New York as a proper investment for savings-bank funds; and beyond that, state bonds and a variety of railroad bonds. I think they have accepted railroad bonds to the extent of millions upon millions within the last few years.

Mr. BURTON. If the Senator from Montana will excuse me for interrupting; at any rate I do not understand that the Treasury as security for its deposits accepts notes, bills receivable. This does make provision for just that very class of securities. That is what collateral means here. If it means anything, it means that from all these banks you will take notes given in that locality, drafts discounted, and securities of that nature, while under present arrangements it is practically confined—I think absolutely—to government and, maybe, other bonds—state, county, municipal, and perhaps railroad.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. GAMBLE in the chair). Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. CARTER. I yield.

Mr. OWEN. I would suggest that not only does the Government receive bonds of the various classes referred to for security of deposits, but the Government also takes indemnity bonds for certain classes of deposits.

Mr. CARTER. I think that may be considered as settled, practically.

One word more in reference to the Senator's suggestion that we are turning over this business, which may reach large proportions, to inexperienced postal officials. I admit it is quite probable that we will have as much as two hundred millions of deposits made the first year. What of it? These deposits will be made with the postmasters of the country, who are now handling over seven hundred millions of cash each year—this year two hundred and twenty millions—of the ordinary postal receipts, four hundred and ninety odd millions of money-order money, making more than $700,000,000 being handled by these identical agents. Is the system likely to break down by adding $100,000,000 more, or $200,000,000? If these people are competent to handle $700,000,000, and that, too, without loss or confusion, may they not, with equal facility, handle $800,000,000 or $900,000,000? I think so.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. CARTER. I do.

Mr. ROOT. I was quite unable to hear the colloquy which went on upon the other side of the Chamber, and I would ask that we be informed what is the pending amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the proposed amendment, at the end of line 19, on page 6, after the word "charges," insert the words "or losses;" and in line 21, at the end of the proposed amendment, strike out the words "and to provide an adequate reserve," so that if amended it will read:

> At a rate of interest not less than 2½ per cent per annum, nor more than is sufficient to meet the interest paid to depositors, the expenses, and other charges or losses of the system herein established, which rate shall be uniform throughout the several States and Territories.

Mr. PAGE. Mr. President, I find there is a good deal of difference of opinion in regard to the amendment in question. I assented to it because I wished to facilitate an early vote upon the bill, but, with the consent of the Senator from Iowa, I wish to withdraw the amendment—it was my amendment—and that will leave the matter where I suppose the Senator from Iowa will move that the last six words of the amendment, "and to provide an adequate reserve," be stricken out.

Mr. CARTER. Withdraw the amendment to the amendment.

The PRESIDING OFFICER. The Senator from Vermont withdraws his amendment.

Mr. CARTER. To the amendment.

Mr. CUMMINS. I have no power to assent to the withdrawal of the amendment, but I have no disposition to interpose any objection to its withdrawal. I await the determination of the Senator from Vermont and of the Senate with regard to the proposed amendment in order to determine my own course.

The PRESIDING OFFICER. The Senator from Vermont asks unanimous consent that the amendment proposed be modified as will be indicated.

The SECRETARY. That it be withdrawn.

Mr. LODGE. Mr. President, I make the point of order that this is the amendment of the Senator from Vermont, and that he himself has an undoubted right to modify it. I think that is the universal practice of the Senate.

The PRESIDING OFFICER. Can it be withdrawn after it is in the possession of the Senate?

Mr. LODGE. No. He is not withdrawing it. He is modifying the amendment.

The PRESIDING OFFICER. The Chair did not understand him——

Mr. LODGE. He modified it.

The PRESIDING OFFICER. To make a formal withdrawal of the amendment.

Mr. LODGE. He modified it at first by proposing to strike out the last words and to put in the words "or losses" after "charges." Now he further modifies it by restoring it to its original form, and a Senator has a right to modify an amendment which he himself has offered.

Mr. PAGE. Mr. President, I wished to be entirely fair with the Senator from Iowa, and so I sent out and asked him to come in. I would not be guilty of any discourtesy to him. But I understood he was willing that I should withdraw my amendment for the purpose of permitting him to introduce his amendment to strike out the last six words of my amendment.

The PRESIDING OFFICER. The amendment as now proposed to be modified by the Senator from Vermont will be stated by the Secretary.

The SECRETARY. The Senator from Vermont now withdraws the words added after the word "charges," the words "or losses."

Mr. CLAY. Mr. President, I ask that the amendment of the Senator from Vermont be read as it will read if those words are stricken out.

The SECRETARY. So that it will read:

> At a rate of interest not less than 2½ per cent per annum, nor more than is sufficient to meet the interest paid to depositors, the expenses and other charges of the system herein established, and to provide an adequate reserve, which rate shall be uniform throughout the several States and Territories.

Mr. CUMMINS. Mr. President, I now renew the motion I made for the proposal of the Senator from Vermont to strike out from this amendment, in lines 20 and 21, the words "and to provide an adequate reserve."

Mr. KEAN. Why does not the Senator propose a substitute for it?

Mr. CUMMINS. I have not quite finished. I do not believe it is necessary to substitute anything for it; and in order that the matter may be before the Senate in precisely the form in which it was debated under the proposal of the Senator from Vermont, I ask in my motion the insertion of the words "and losses" at the close of line 19 and immediately after the word "charges."

I did not intend, Mr. President, at this moment to discuss this matter, but inasmuch as it has arisen I think we ought to have a little clearer understanding of it and of the effect of this provision than some of us seem to have.

The amendment originally proposed by the Senator from Vermont is intended only to fix a minimum and a maximum rate of interest. It does not deal with the deposits in the banks as such. It prescribes a minimum rate of interest, 2½ per cent per annum. It is believed by those who are familiar with the subject that one-fourth of 1 per cent per annum will fully cover all the expenses of administration and such losses or charges as may fall upon the system.

I have not yet heard a Senator suggest that the addition of one-fourth of 1 per cent per annum will not abundantly cover every contingency with which this system is confronted. But it was suggested when the matter was formerly before the Senate that we ought to have ample authority in the board of trustees to require a little more than 2½ per cent if it should become necessary to do so. Those of us who believe that this money should remain in the banks of the United States, deposited under the terms of this bill, instantly saw in that suggestion a full and free reign on the part of the board of trustees to fix the rate of interest at a point which would render it impossible for any of the banks to pay the rate, with the result that the money would at once be withdrawn from the banks and used, as the bill then was, either to buy the bonds of the United States or to invest in other securities that were named in the bill.

I believe there has been from the beginning in the minds of a great many people—and I do not criticise that motive at all, because undoubtedly those people believe they are doing the best thing for the country—a determination to inject into this bill something that would enable the board of trustees to overthrow and destroy the policy of depositing these moneys in the banks and to bring them to Washington for investment in national bonds or to send these moneys to other financial centers for investment in a variety of securities named in the bill. Therefore those of use who desire to keep this money in the communities in which it is collected, namely, in the banks, so long as they are willing to pay a fair rate of interest on it, do not want anything in this bill that will enable the board of trustees to prescribe a rate of interest that will have the effect of withdrawing the deposits from the banks.

My objection to the words I have moved be stricken from the bill—namely, "and to provide an adequate reserve"—is that they furnish the board of trustees no definite criterion. I know the Senator from Vermont does not intend that those words shall be so construed as to nullify the real purpose of the bill, but will any Senator here during this debate advise the Senate of the meaning of "an adequate reserve," as connected with the system that we are about to establish? Tell me what will be included within the term "an adequate reserve." Reserve for what? Reserve to pay the depositors who gradually will enlarge themselves into an army? A reserve that will be sufficient in the ordinary banking sense to discharge and protect the obligations? If that is the purpose, if that is the sort of reserve that is sought to be created here, then this board, in fixing the maximum rate of interest, would necessarily fix it so high that there would not be a bank in the United States that could afford to pay it.

That is not the intention of the Senator from Vermont. That I know. His intent, as explained many times, is simply to enlarge the rate of interest to that point where it will meet all the charges and expenses and losses of the system. I think the word "charges" fully covers every obligation which could be or ought to be discharged out of this fund. But for perfect protection to the fund and to the system I am willing that the word "losses" shall be inserted in the proviso. But I am not willing that there shall be used in this bill words the meaning of which no Senator will be able to give; at least there will be no concurrence among Senators as to the meaning of those words. The reserve required of the national banks by law is one thing. The reserve required by state laws governing state banks is quite another thing, or at least it varies in the several States of the Union.

Now, until somebody can rise and tell the Senate what these words mean, what definition will be put upon them by the board of trustees, and until it is seen that the meaning so attached to the words will not permit the prescription of a rate of interest that will destroy the very purpose of the bill, I shall insist that the words be stricken out. We may as well face the real question at this time as at any other. We want—some of us do, at least—a bill that will put it beyond the power of the board of trustees to fix an arbitrary rate of interest that will have the effect of withdrawing this money from the banks in which it is to be deposited. I am not only willing, but I shall insist, that the rate of interest be fixed at a point that will make this system self-sustaining. I want nothing in this proviso or in any other that can be used to withdraw these moneys from the banks so long as the banks are willing to pay a fair and a reasonable rate of interest upon them.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the amendment of the Senator from Vermont [Mr. PAGE].

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES. Let the amendment to the amendment be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. In the proposed amendment, at the end of line 19, after the word "charges," insert the words "or losses;" and in lines 20 and 21 strike out the words "and to provide an adequate reserve."

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained by illness. Were he here, I should vote "nay."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. As he is absent, I withhold my vote. If he were present, I should vote "nay."

Mr. PERKINS (when his name was called). On the pending amendment I am paired with the junior Senator from Kansas [Mr. BRISTOW]. If he were present, he would vote "yea," and I should vote "nay."

Mr. BURROWS (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan] is paired with the senior Senator from Tennessee [Mr. FRAZIER].

Mr. SMITH of South Carolina (when Mr. TILLMAN's name was called). The senior Senator from South Carolina [Mr. TILLMAN] is paired with the senior Senator from Vermont [Mr. DILLINGHAM]. He is unavoidably absent on account of sickness.

The roll call was concluded.

Mr. DEPEW (after having voted in the negative). Has the Senator from Louisiana [Mr. MCENERY] voted?

The PRESIDING OFFICER. He has not voted.

Mr. DEPEW. I have a general pair with that Senator. Therefore I withdraw my vote.

Mr. BACON. Upon all amendments and upon the bill itself I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. Therefore I withhold my vote.

Mr. RAYNER. I will state that my colleague [Mr. SMITH of Maryland] is unavoidably absent. He is paired with the senior Senator from West Virginia [Mr. ELKINS] on the amendments and on the bill.

Mr. DEPEW. I transfer my pair to the Senator from Illinois [Mr. LORIMER] and vote "nay."

Mr. BAILEY. I have a general pair with the Senator from West Virginia [Mr. ELKINS], who has been thoughtful enough to release me from it by telegraph. I feel at liberty to vote on the final passage of the bill, but for the moment I hesitate about voting on amendments in his absence. I believe at this point at least I will withhold my vote.

Mr. BAILEY subsequently said: Mr. President, I wish to make an announcement so that it may go into the RECORD. When a vote was taken on an amendment this morning, I announced that I was paired with the Senator from West Virginia [Mr. ELKINS], but that I had been released from that pair in order that I might vote on the final passage of the bill. My attention having been diverted for the moment, I had not heard the statement of the Senator from Maryland [Mr. RAYNER] to the effect that his colleague [Mr. SMITH of Maryland] was paired on the bill and all amendments with the Senator from West Virginia [Mr. ELKINS]. I had myself been a party to the arrangement which paired the Senator from Maryland with the Senator from West Virginia, but I did not feel at liberty to pair him with respect to the amendments.

I make this statement so that it may correct what appears to be a contradiction in the RECORD as it now stands.

Mr. MARTIN. I desire to state that my colleague [Mr. DANIEL] is detained by sickness. On this bill and all amendments to it he is paired with the junior Senator from Maine [Mr. FRYE].

The result was announced—yeas 38, nays 31, as follows:

YEAS—38.

Bankhead	Cummins	Jones	Shively
Beveridge	Davis	La Follette	Simmons
Borah	Dixon	McCumber	Smith, S. C.
Brown	Dolliver	Martin	Stone
Burkett	Fletcher	Money	Sutherland
Burrows	Foster	Overman	Taliaferro
Chamberlain	Gamble	Owen	Taylor
Clapp	Gore	Paynter	Warner
Clay	Hughes	Purcell	
Crawford	Johnston	Rayner	

NAYS—31.

Bourne	Crane	Guggenheim	Piles
Bradley	Cullom	Hale	Richardson
Brandegee	Curtis	Kean	Root
Briggs	Depew	Lodge	Scott
Bulkeley	Dick	Nixon	Stephenson
Burnham	du Pont	Oliver	Warren
Burton	Frye	Page	Wetmore
Carter	Gallinger	Penrose	

NOT VOTING—22.

Aldrich	Culberson	Heyburn	Smith, Md.
Bacon	Daniel	Lorimer	Smith, Mich.
Bailey	Dillingham	McEnery	Smoot
Bristow	Elkins	Nelson	Tillman
Clark, Wyo.	Flint	Newlands	
Clarke, Ark.	Frazier	Perkins	

So the amendment to the amendment was agreed to.

Mr. CARTER. The question recurs on the amendment as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont [Mr. PAGE] as amended.

Mr. BURTON. I suggest that if the words "and to provide an adequate reserve" are omitted, clearly the words "or losses" are required at the end of line 19. It is the very obvious intent of the provision.

Mr. CARTER. I understood that that was a part of the amendment to the amendment.

The PRESIDING OFFICER. It was a part of the amendment offered by the Senator from Iowa to the amendment.

Mr. CUMMINS. The Senator from Montana is quite right. That was a part of my amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont as amended. The amendment as amended will be read.

The SECRETARY. On page 6, line 10, after the word "situated," strike out the words:

At a rate of interest not less than 2½ per cent per annum, nor more that is reasonably sufficient to meet the expenses and interest charges of the system herein established, and which rate shall be uniform throughout the several States and Territories.

And in lieu of those words insert:

At a rate of interest not less than 2½ per cent per annum, nor more than is sufficient to meet the interest paid to depositors, the expenses and other charges or losses of the system herein established, which rate shall be uniform throughout the several States and Territories.

Mr. SHIVELY. Mr. President, I ask the attention of the Senator who offered this amendment. Should he not employ the words "throughout the United States and its Territories" instead of the words "throughout the several States and Territories?" The Senator will observe that the language employed in the Constitution, wherever a rule of uniformity is prescribed, is "throughout the United States," not "throughout the several States."

The PRESIDING OFFICER. Does the Senator from Indiana propose that as an amendment to the amendment?

Mr. SHIVELY. I offered the words in suggestion to the Senator from Montana. I now propose them as an amendment to the amendment.

Mr. CARTER. I desire to inquire of the Senator from Indiana if he is quite certain as to the constitutional phraseology. My impression is that where uniformity is referred to it refers to "the several States."

Mr. SHIVELY. The reverse is true. If the Senator from Montana will examine, he will find that both in fixing the rule of uniformity in taxation and fixing the rule of uniformity in naturalization, the words "the United States" instead of the words "the several States" are used. The word "several" is objectionable on other grounds than that a different phrase is employed in the Constitution. But the constitutional phrase obviates all objections.

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana to the amendment of the Senator from Vermont as amended will be stated.

The SECRETARY. It is proposed to strike out the word "several" before the word "States," and to insert in lieu the word "United," and also to insert the word "its" before "Territories," so as to read "the United States and its Territories."

Mr. CARTER. I doubt if the Senator means that. At least it would bring some confusion into the law. The Territory and possessions of the United States may be regarded as interchangeable terms. The word "Territories" may mean a legal organization, commonly called a "Territory," as formed under the ordinance of 1787. It might mean a stretch of country if otherwise applied. It seems that the words "United States" would cover it. I think the Senator will find that the language as it is framed in the bill is right.

Mr. SHIVELY. I still insist on the amendment to the amendment. The amendment as amended should, in the respect to which I address my amendment, read as follows:

Throughout the United States and its Territories.

Mr. BAILEY. Mr. President, my impression is that the bill in other particulars does provide for Territories or districts. I think you will find that your own bill is so constructed. The Senator from Indiana is undoubtedly right, and that will need attention.

Mr. CARTER. The bill of course relates to all the territory in which post-offices of a given character may be located.

Mr. BAILEY. For instance, I will just turn to the bill here. In line 9, on page 2, it says:

Receiving deposits of postal savings in each State and Territory.

Undoubtedly it provides for the Territories. I have no doubt that somewhere in the bill it is provided that they may be established in the District of Columbia and probably in the far-away possessions of the Pacific Ocean.

Mr. CARTER. At the conclusion of section 8 the word "Territory" as used in the bill is defined to be "held to include the District of Columbia, the district of Alaska, Porto Rico, and the Panama Canal Zone." I shall later move——

Mr. BAILEY. Then all that you need do would be to adopt the suggestion of the Senator from Indiana and say "the United States and the Territories thereof;" the Territories being defined in another section. But the United States is the Government and not the country as defined in the Constitution. As the Senator from Indiana has well said, the rule of uniformity which the Constitution prescribes for taxation is that all imposts, duties, and excises shall be uniform throughout the United States. Still I think it is probably true that that would bind the Congress as to the District. I have no doubt it has been so decided, but at this moment I do not recall it. However, as you are dealing with the Territories separate and apart, and as you define them, I think the suggestion of the Senator from Indiana a very sensible one.

Mr. CARTER. If the Senator's substitution of the term "United States" for the words "several States" is made, of course it would be necessary to say "and the Territories thereof;" but I do not see any need of amendment at all.

Mr. SUTHERLAND. Mr. President, I think the Senator from Indiana is correct. But it seems to me that we might obviate the difficulty by changing the phraseology somewhat and let the amendment read, instead of as it now appears here, "at a uniform rate of interest not less than 2¼ per cent per annum," and strike out the words "which rate shall be uniform throughout the several States and Territories." I ask the Senator from Indiana will not that cover it?

Mr. SHIVELY. Would not that be omitting the rule of uniformity entirely?

Mr. SUTHERLAND. No; I think not. My proposition is to insert the word "uniform" after the article "a," in line 14, so that it will read:

> At a uniform rate of interest not less than 2¼ per cent per annum.

It seems to me that would cover the question and obviate the difficulty with which we are now dealing.

Mr. SHIVELY. In that we would not be as careful in the use of language in preparing legislation as were the makers of the Constitution. When they wanted to establish a uniform rate they were careful to say "throughout the United States."

Mr. SUTHERLAND. That is true, but we will have to add something to this phraseology if we say "throughout the United States."

Mr. SHIVELY. And the Territories.

Mr. SUTHERLAND. And the Territories or the districts. It seems to me we have the most comprehensive expression if we insert the words I have indicated, so that it will read "at a uniform rate of interest." There can be no doubt as to the meaning of that.

Mr. SHIVELY. I still think that we ought to have what shall constitute a clear rule fully expressed in the legislation. Employing the words which have been suggested, modified so as to read, "throughout the United States and the Territories thereof," gives a rule of uniformity that will exclude all doubt.

Mr. SUTHERLAND. In the opinion of the Senator from Indiana, would that include the District of Columbia?

Mr. SHIVELY. It would include it as much as any other part of the bill includes it.

Mr. SUTHERLAND. If we insert the word "uniform," and simply provide that the interest shall be at a uniform rate, then it seems to me that there can be no question that the rate must be uniform in every place where the deposit is accepted. It is comprehensive, and it seems to me perfectly clear. If that amendment is in order, I will move it as a substitute for the amendment offered by the Senator from Indiana.

Mr. SHIVELY. I submit, Mr. President, that an amendment to an amendment to an amendment is not in order.

The PRESIDING OFFICER. An amendment in the third degree is not in order.

Mr. SHIVELY. I make the point that an amendment to the amendment is pending.

The PRESIDING OFFICER. That is correct.

Mr. SHIVELY. And the Senator's amendment is not in order. If the Senator will give me his attention for a moment he will note the conclusion of section 8 of the bill:

> For the purposes of this act the word "Territory," as used herein, shall be held to include the District of Columbia, the district of Alaska, Porto Rico, and the Panama Canal Zone.

The language I propose prescribes a perfect rule of uniformity, while the words I have just read obviate the difficulty which the Senator from Utah suggested.

Mr. SUTHERLAND. I rather think it enforces the suggestion I have made. I am not certain that we have included every place there in which these postal depositories can be established. At any rate, it seems to me clear that by inserting the word "uniform" we will cover the whole subject.

Mr. BAILEY. Mr. President, nothing could very much better illustrate the folly and injustice of this kind of legislation. You prescribe for the Government a rule that does not exist anywhere in the United States where men are allowed to make their own contracts. You prescribe that money shall be worth exactly the same rate of interest in the great centers, where there is a plethora of it, as it is in those distant and sparsely settled sections, where the banks can take it in and then loan it out at a rate double what the banks will pay or what the banks can receive in sections differently situated.

The people of our State are not in a position to complain, because it is a rather novel and very remarkable experience to find that the Government fixes the same rate of interest in Texas, where we need so much money to develop our wonderful resources, as it fixes in Massachusetts, where they have already developed their resources.

I suppose it would come with bad grace from us to complain, but it still proves beyond question that the banks that must pay the same rate in Texas that other banks pay in Massachusetts can loan this money out for almost twice as much as they can command for it in the State of Massachusetts. Therefore, under your system the banks in Texas will make double as much off of their customers as the banks in Massachusetts would make. You have established arbitrarily a condition which has no justification, because the value of money is not the same throughout the United States either as to its purchasing power or as to its rate of interest, but in this case it happens to accord with our condition better than the old one.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana to the pending amendment of the Senator from Vermont as amended.

Mr. SHIVELY. Mr. President, it has been suggested here, and I think there is some force in it, that it will probably improve the language of the amendment to say "the United States and the Territories thereof," rather than "the United States and its Territories." I wish to perfect my amendment to the amendment by those words.

The PRESIDING OFFICER. The amendment to the amendment as perfected will be stated by the Secretary.

Mr. PAGE. I accept the amendment to the amendment.

The SECRETARY. On page 6, line 17, strike out the words "several States and Territories" and in lieu insert the words "United States and the Territories thereof."

Mr. CARTER. It must be borne in mind that that portion of the amendment has been transposed so it will not appear in line 17, but at a later point.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Vermont as amended.

Mr. SHIVELY. I hope the amendment may be again read as amended.

The PRESIDING OFFICER. The amendment as amended will be read.

The SECRETARY. It is proposed to amend the amendment of the committee, on page 6, line 10, after the word "situated," by striking out the words:

> At a rate of interest not less than 2¼ per cent per annum nor more than reasonably sufficient to meet the expenses and interest charges of the system herein established, and which rate shall be uniform throughout the several States and Territories.

And in lieu of those words to insert:

> At a rate of interest not less than 2¼ per cent per annum, nor more than is sufficient to meet the interest paid to depositors, the expenses, and other charges or losses of the system herein established, which rate shall be uniform throughout the United States and the Territories thereof.

Mr. BAILEY. I should like to ask the committee if in executing this provision it is expected that the authorities will take into account what must be the inevitable increase in operating the Post-Office Department in consequence of additional employees? I think myself that would be the cost of operating the system, but the difficulty in applying it is that there is no special provision which would enable anybody to separate the expenses of the post-offices at which the deposits are received.

Mr. President, unless I am mistaken, before this bill is put into successful operation, certainly before it has been operated very long, it will call for an additional post-office force of 50,000 men. That probably sounds like an astounding statement, but

there are something like 50,000 post-offices to which the bill applies and can be made to apply. When you impose upon those offices the duty of keeping bank accounts—not only keeping an account with their depositors, but also keeping an account with the banks—you must either add an additional employee to those now in those offices or else the employees in those offices are now doing very much less work than they ought to do.

But so far as my experience goes, nearly everybody in every office is trying to get more clerical help. Nobody that I know of dismisses any, and I venture to say that an examination of the Post-Office Department's files will show that there is a constant application, even as the matter now stands, for additional help.

If that is true, how much will that help cost? Certainly upon an average of not less than $900 a year for each employee, because a man who is competent to do this work must be something of a bookkeeper. As the Senator from Minnesota [Mr. CLAPP] says, you can not get a man who is a capable bookkeeper for $75 a month, or $900 a year. I agree with him; but that is certainly the lowest of salaries at which you could expect to get such men. If you are going to have a man at every post-office to keep these books, you will need 50,000 additional employees, and at $900 a year—and that is the minimum—it means an increased expenditure of $45,000,000 annually. Does this bill intend to provide for that?

Mr. President, to propose any system which adds 50,000 employees to the pay roll of the Government should arrest our attention, and then to propose one that will add $45,000,000 to the expenses of the Post-Office Department, in which there is already a deficit——

Mr. BRADLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. BAILEY. I do.

Mr. BRADLEY. Does the Senator from Texas not mean $4,500,000?

Mr. BAILEY. I think not. Fifty thousand men, at $10 each, would be $500,000 a year. Now, multiply that by 90, and I think you will have $45,000,000. My arithmetic may be at fault, but I think it is not. I think that 50,000 men, at a salary of $900 a year, will amount to the stupendous sum of $45,000,000—not stupendous in this day, but, Mr. President, it is within 75 per cent of what the entire cost of the Government aggregated in 1860. Yet now we impose an additional expense of $45,000,000, without knowing whether it is $45,000,000 or $4,500,000, and the chairman of the committee is waiting until the Senator from Kentucky figures it out before he ventures an opinion on it. [Laughter.]

Mr. President, I myself have no doubt that when this bill is put into operation it means 50,000 additional employees, or else if we can do this additional work with the force we now have they have been cheating the Government. If the force we now have has been fully occupied, then the force we must have must be increased by at least an additional man at every one of these post-offices. When you reflect that you pay a rural mail carrier and a local mail carrier something like $900 a year, when you come to get your competent bookkeepers you will pay them very much more.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from New Hampshire?

Mr. BAILEY. Certainly I do.

Mr. GALLINGER. In addition to this added force in the Post-Office Department, will we not necessarily have a large force in Washington or at some other central point to look after this matter?

Mr. BAILEY. I think that is undoubtedly true.

Mr. GALLINGER. And a very large force, in all human probability.

Mr. BAILEY. Yes. Surely they are going to require the postmasters to report to the Post-Office Department at Washington or to this commission; and if this commission do not have the information before them, I am at a loss to understand how they could faithfully and intelligently perform their duties.

Mr. SHIVELY. Mr. President, will the Senator from Texas permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Indiana?

Mr. BAILEY. Certainly.

Mr. SHIVELY. If the Senator will permit me, the Government here at Washington will not only have to keep an account with each post-office with regard to each depositor, but also with each deposit bank and with each individual depositor. Will it not have to keep at least three sets of accounts?

Mr. BAILEY. Undoubtedly, if it is properly safeguarded, that must happen. The Government of the United States will not allow a postmaster in one of these towns or villages to keep his own account with the bank. The Government is going to supervise that account, and it will, therefore, require that account to be reported and duplicated here, as both Senators well suggest.

In addition to that, then, they must have a vast army of special agents, who from time to time will go down to the post-office and compare the postmaster's book with those of the local bank to see if they tally.

Mr. President, in addition to these, you must have the bonds which are to be executed, and into the solvency of each bondsmen there must be an inquiry made, or if in lieu of a bond they deposit securities, then the Government must ascertain and satisfy itself of the value of those securities.

Oh, no, Mr. President; we are organizing a vast banking system in this country, and we must be prepared to incur and defray the expenses of it. Now, mark you, that this is on the supposition that we are going to call all of this money from its hiding places, from the strong boxes and the stockings, and the various other devices for concealing it and keeping it; and if they succeed in doing that, 50,000 men will be fewer than will be required to execute this law, and those 50,000 men will receive a salary of more than $50,000,000. Are the people of the United States to be taxed to pay this vast sum of $50,000,000 and the banks to have this money without being required to meet the expenses of obtaining it?

Mr. CARTER. Mr. President, I certainly do admire the heroic fighting qualities of the Senator from Texas [Mr. BAILEY]. He retreats from one line to another with great dexterity, and always turns about and presents a good, lusty front. First, it was the Constitution with which we could not successfully contend as to this question.

Mr. BAILEY. Having tried that on the Senator from Montana unsuccessfully, I thought I would try the financial argument. [Laughter.]

Mr. CARTER. Mr. President, failing on the logic, the Senator from Texas begins with what we out West call a "ghosting expedition." He conjures up 50,000 alleged employees to receive over $50,000,000 per annum in salary; he loads this vast expense upon this system, and would have us believe that ere this session adjourns we shall be called upon to make a $45,000,000 additional appropriation.

Mr. President, what are the facts? The Postmaster-General announces, and has repeatedly announced to the committee, that the staff in the present presidential post-offices is ample to take care of the money-order business and any other business that may occur in connection with this postal savings depository. It must be borne in mind, as I have taken occasion to say——

Mr. BAILEY. Will the Senator permit me to ask him a question there?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I shall certainly be glad to do so.

Mr. BAILEY. It is rather a statement than a question; and it is that if, with a deficit of $17,000,000 staring him in the face, the Postmaster-General has permitted the post-offices to employ more men than are necessary for the present work, his recommendation is not of much value.

Mr. CARTER. Clearly we must employ in all the first-class, second-class, and third-class money-order offices—what are commonly called the "presidential offices"—a money-order clerk. That clerk, it is true, does some other things in connection with his duty by assignment. These money-order clerks are now transacting a business of over $490,000,000 each year. This may add from $50,000,000 to $100,000,000 more to the volume of the business. The postal authorities, through the various clerical forces now available, transact a cash business exceeding $700,000,000 to-day. It is true that some deficiency arises from the general operations of the service. Various causes are attributed as sufficient or approximate. But, Mr. President, there is no serious charge that any part of the clerical force of the Post-Office Department can be dispensed with, yet additional labor may be placed upon it without overburdening the force at hand, according to the statement of the Postmaster-General.

With reference to fourth-class post-offices, constituting the great mass of this force issuing money orders, there being over 40,000 of them, we provide in this bill for allowing a commission precisely as we allow a commission for the transaction of other business in that class of offices. This commission can not exceed one-fourth of 1 per cent, and probably on an average will not exceed one-eighth of 1 per cent for such business as may be there transacted. The employment of the force at Washington certainly can not exceed in number the force employed to take care of the money-order business, which is now

being taken care of in an orderly manner in the department with about 60 clerks, all told. That business, Mr. President, will each year be five times as large in point of volume and fully as intricate in detail as any part or portion of this work.

The postal system of every country where the postal savings institution has been established has moved along without hindrance or destruction, and surely our system is quite as efficient as the system of Great Britain, or of Russia, or of Austria, or of Italy, or of Belgium, or of Japan, or of the Philippine Islands. It will not do to marshal up this imaginary army, and because of the prospect of such an enormous increase in the staff defeat a measure which ought to be disposed of on the merits. I doubt if it will be necessary at any time to charge in excess of 2¼ per cent in order to make up the expenses. If so, it will not be a charge against the postal revenues, because the board under this bill will be authorized to increase the rate of interest so as to provide for the payment of the interest we are obligated to pay to the depositors, for the expenses of administration, for all proper charges, and to meet losses, so that the system will unquestionably be here, as it has been everywhere else, a self-sustaining system.

Mr. DOLLIVER. Mr. President, I desire to occupy the attention of the Senate for a few minutes in relation to some of the general features of the postal savings-bank proposition. I regret that, owing to my necessary absence from the Senate, I have been driven to postpone these observations to an hour which possibly might be better occupied; but I feel that it is due to those whom I represent here to say some things which they have called to my attention, and with which I am in hearty accord, in respect to some of the pending proposals in connection with this measure.

It is an interesting study, mainly in psychology, that everybody seems to think that the postal savings-bank proposition in the United States is a novel and interesting departure in our jurisprudence. The fact is, this proposition has been pending in Congress in a definite and concrete form for now nearly half a century. It was originally recommended to Congress in the administration of General Grant by Postmaster-General Creswell, and his recommendation was followed by bills which were introduced in both Houses of Congress and reintroduced session after session practically in every Congress from that time to these very recent years.

What was the reason that a proposition thus supported by high executive authority for so many years has failed even of a scant consideration in Congress? It requires no very close study of the debates to see exactly why the proposition went to pieces. The people of the various States objected to having their money, collected in 10-cent pieces and in multiples thereof, taken out of the territory where it was earned, and where it ought to be used in the business and investments of the community, and brought to the political center of the United States to be used for any purpose.

Now, curiously enough, the Republican platform, without any dissent that I have ever heard of, adopted the postal savings-bank idea, but it did not do so without finding in the public mind exactly the sort of a postal savings bank that was intended. I had the honor of serving upon the Committee on Post-Offices and Post-Roads in the previous Congress.

Long before the meeting of the Republican national convention I joined with my honored and distinguished friend from Montana [Mr. CARTER] in reporting, I think without any dissent in either party, from the Post-Office Committee of the Senate the postal savings-depository bill of the last Congress. It was a bill which proposed to establish a universal system of postal savings, requiring the money to be deposited in national banks in the neighborhood where it was accumulated and used in the business of the community where it belonged. That is not any departure from sound doctrine. It was in direct line with the recommendations of John Wanamaker, the most practical and in some respects the greatest business man of America who has ever participated in our Government.

In his annual report to Congress in the year 1890 he pointed out distinctly that it was impossible to find investment for these funds in the bonds of the United States, because the bonds were then being rapidly paid off. He pointed out also that it was an injustice to every neighborhood in the United States to take the modest earnings of the poor and transport them for any kind of use anywhere else, and proposed, as a practical solution of the difficulty, that the funds should be deposited in the neighborhood banks.

That exact recommendation was made to the committee in the last Congress by the then Postmaster-General, who is now the Secretary of the Navy of the United States. He was also a man of farsighted business experience and capacity. He understood the folly and ruin incident to a policy which takes away from remote communities, where capital is most needed, the earnings of the people and brings them to a political center for the purpose of being used to float the fiscal operations of the Government. Testifying before our committee, in words of singular force and influence he proposed the exact scheme of bill which is now pending before this body. So that it is a very farfetched contention that those of us who are anxious to have this money used in the neighborhood where it is most needed and where it has been earned are enemies of any feasible postal savings-bank system.

For my own part, I have had a good deal of difficulty to bring myself to much enthusiasm upon the postal savings-bank proposition as a practical matter. That arises mainly from the fact that the community in which I live is probably better supplied with commercial banking institutions than any similar population anywhere else in the United States. I do not think there is that pressure of public opinion which would warrant a man going very far beyond the boundaries of his own discretion and prudence in such a matter, and yet I have felt as a partisan that it is the duty of those responsible for the Government of the United States now to perfect some working system of postal savings.

I feel that all the more keenly, because it was a part of my business in the late campaign, wherever I had an opportunity to speak to the people where the question of the safety of bank deposits was up for debate, to explain to them that it was the policy of the Republican party to establish this distinct system in order that those who were afraid of the banks in times of trouble and peril and panic might confide their funds to the Government of the United States, which would itself become a depository, and in that sense a guarantor of the integrity of such deposits. So I and many others who participated in that great campaign are not in a position to turn aside from the policy involved in the bill that was then pending in the Senate and was then in the public mind, which had been recommended by the Postmaster-General and approved by the unanimous vote of the Committee on Post-Offices and Post-Roads of this body, and turn about the scheme of postal savings depositories so as to make it a mere accessory of the Treasury of the United States.

I am not one of those who look with very much expectation of good upon thrift cultivated in the individual at the expense of the commercial life of the neighborhood in which he lives. Thrift, while it may be a personal virtue, has never, in the absence of effective commercial machinery, been of very much benefit to any community. The most saving and frugal people in the world are the Chinese, unless, possibly, the people of India, in hoarding their little funds; and yet the very process of hoarding these funds has become a burden and a curse to their commercial life, for the simple reason that society in those nations has furnished no facility to take those earnings and distribute them in the channels of trade and enterprise and investment. So it has literally come about that the most frugal nations of the world have been damaged and bankrupted by the very thrift and economy which their people have practiced. It is those nations which have used this thrift of the people to serve the commercial community, the industrial organization, that have turned natural thrift into an asset and made it a part of the national wealth.

It is not true that the nations of the Old World which have established a postal savings-bank system, have escaped the injuries incident to withdrawing local funds from local enterprises and putting them in the great centers of commerce, industry, and politics. I suppose the best-managed postal savings system of the world is the English. After a debate lasting nearly a century, Mr. Gladstone, in 1861, succeeded in establishing a system of postal savings banks and trustee savings banks in Great Britain, and years afterwards, as Mr. Morley records, he looked back to that act of one of his earliest administrations as the most signal service he had been able to render the English people; but it is not true that the system of the English savings banks, conducted mainly through the post-offices, has been an unmitigated blessing to Great Britain.

I have before me an article printed only a short time ago by the London Statist, which in some respects is the highest authority in economics in the English-speaking world. It speaks especially, commenting upon a letter from an Irish manufacturer, of the burden and curse the postal savings-bank system has laid upon Ireland, a poor country, needing all the capital it could get, maintaining an uncertain commercial and industrial activity, and looking forward to a development that has been very slow in coming. This Irish manufacturer points out the fact that the postal savings system of England has steadily drained out of Ireland the modest earnings of the poor now for more than a generation, and piled them up in

the treasury or in the banks of London, to be used in the fiscal operations of the British Government. Instead of being a service to that community, this practical student says that it has been a burden, and the editor of the Statist, on December 22, 1906, commenting upon that fact, has some very interesting things to say. He says:

THRIFT AND ENTERPRISE.

"An Irish Manufacturer," in a letter upon which we commented in our issue of November 17, cited the growth of Irish deposits in the savings banks as evidence of the increasing prosperity of Ireland. He is not singular in this, it being a common thing for writers and speakers of a certain school to point to the Irish savings-bank deposits as evidence that prosperity in that country is augmenting. This shows a very general misapprehension of the function of thrift which it may be worth while to remove. Saving, as the very word implies, does not mean that anything new is produced. What it does convey is that something already existing is preserved for future use. Saving, then, does not add to the existing stock of wealth. It is good for the individuals who save, inasmuch as they lay by either for their own future or for their family's things which may afterwards be consumed. But it does not change the aggregate wealth. Of the various commodities composing material wealth, some are so quickly perishable that they do not permit of being saved. It is only those which perish slowly that can be saved for any length of time. While money, whether coin or notes—and what we are about to say applies also to precious stones—if hoarded, rather reduces than increases the wealth of the community, the coin or notes being withdrawn from immediate circulation. Moreover, the place where they are hidden may possibly be forgotten, and they may be lost altogether. Even if they are ultimately brought out, they only enable either the holder or his representatives to purchase what they want. They do not add to the wealth already in existence. It is not until savings are employed as capital—until, in fact, they are made the agents of enterprise—that they help production.

Thrift resembles a great waterfall. Niagara has been in existence since North America assumed its present form, yet it did not add to the convenience of man until it was used the other day in producing electricity. Thrift may for an immense length of time be equally balanced; in fact, it was barren in Europe almost from the fall of the Roman Empire until the foundation of modern banking, and to a great extent it is barren to-day over the greater part of Asia. It need hardly be pointed out that the source of all progress is invention and research, using the latter word in its broadest acceptation to cover the speculations, experiments, in short, the labor, of inventors, as well as the inquiries of all who are searching after knowledge of every kind. But even invention, however valuable, would be barren if nobody could be found willing to risk the capital in applying it. Therefore, enterprise is the immediate agent in production, whether we think of savings or of invention. The so-called "orthodox political economists" paid no attention to enterprise, while they dubbed abstinence or thrift one of the three agents of production with land and labor. It is characteristic of that looseness of thinking of theirs, which has so discredited political economy in the minds of the present generation.

The middle classes, though little given to philosophy, early recognized that thrift is barren until fructified by enterprise. They were quick, therefore, to recognize the value of banks and to turn them to their advantage. It was not, however, until joint-stock banking grew up that the full value of banking in general was demonstrated. Then the hoards which had been hidden away in old stockings, bedding, and what not were brought forth and were used for that extraordinary development of the material resources of the world which has characterized the past seventy or eighty years. Whether it be that the task is less easy than it seems or that the working classes are less fitted by their previous history than the middle classes to avail themselves of machinery calculated to serve their class interests, or whether it be that the more ingenious, enterprising, and successful of the working classes quickly rise into the middle class and then cease to interest themselves in the class they have left, at all events it is certain that the working classes have never been able up to the present to devise a banking system suited to their means.

The cooperative banks of the Continent do, no doubt, minister to a small portion of the working classes. But they are not specially working-class banks. They are banks for all classes who care to avail themselves of them, and they are availed of more by the very small trader and the very small farmer than by the working classes. A working-class bank, properly so called, has yet to be founded. Meanwhile the British Government, in its very laudable desire to promote thrift amongst the poor, called into existence the savings banks. But it proceeded almost immediately to neutralize the effect of what it had done; for, on the pretense that the Government could not guarantee the integrity of the deposits unless those deposits were invested in its own securities, it decided to employ the savings-banks deposits for the purpose of bolstering up the credit of the nation; instead, that is to say, of using the deposits of the very poor for the purpose of assisting the enterprise of the very poor—in other words, in the spirit in which the banks of the middle classes had been used—the Government proceeded to employ those deposits for the benefit of the whole community. The thrifty amongst the poor had no option but to submit. As we said in the article referred to above, saving has gone on at all times and in all countries of the world. It went on in mediæval Europe when the barons systematically robbed all who were not strong enough to defend what they possessed. And it went on in Asia, where no man's life or property was safe for a moment. A certain type of man, then, will save even though the probability may be that he will never benefit by his thrift, and as the thrifty knew no way of employing their savings more safely and more profitably than by putting them in the savings banks, they did so. But it is demonstrable in the cleverest manner that the poor, as a class, have not benefited, however the individual thrifty depositors may have done, by this procedure, and it is doubtful whether the whole community has benefited in the long run.

The immense mass of deposits which the Government had at its disposal enabled it to raise the price of consols to such a point that it was in a position to convert the national debt, and it is a debatable question whether the community has benefited or the reverse in consequence of that conversion. It must never be forgotten that the British Government is administered by amateurs—that is, by men who have never had any proper training for the work they undertake, men who often, indeed, are pitchforked into great offices with whose procedure they have not the slightest acquaintance. If it were otherwise, it is possible, of course, that the whole financial administration of the country would have been conducted very differently—that we should not have seen, eight or ten years ago, consols at 113, and the other day at 85. It is also possible that the savings banks would have been differently constituted, and that they would have materially helped to raise the well-being of the poor. But as matters stand, it is extremely doubtful whether the command of such immense sums has benefited the community, and it is demonstrable that the savings banks have not benefited the poor as a class.

Ireland is a very poor country. Her resources are quite undeveloped. Practically, it is hardly an exaggeration to say that she has not yet entered upon an economic life. Until little more than two hundred years ago she was engaged for five centuries in a life-and-death struggle with this country, which ended in a conquest which, to all intents and purposes, made the natives mere helots in their own land, they being disqualified for holding any office of trust or profit, disqualified even for buying the fee simple of land. Since then they have been engaged in a struggle to win back some portion of what they lost during the wars of the conquest.

The result is that economically the country is almost untouched. Naturally, therefore, she requires abundant capital and abundant labor. Of the abundant labor she once possessed she has been deprived, as we have explained in previous articles, by famine, pestilence, eviction, and emigration. And yet, though her population now is barely one-half of what it was sixty-five years ago, the rate of agricultural wages—agriculture being practically the business of five-sixths of the people—is little more than half what it is in Great Britain. Could there be a stronger proof of poverty and decay? Being a poor country, she has not sufficient capital of her own. But the London press dwells so exclusively upon agitation and outrage in its reports about Ireland that it spreads the conviction in Great Britain that Ireland is a country in which neither life nor property is secure. Therefore, the British investor turns away from all invitations to invest in Ireland or, at all events, from all except those of the very highest and securest kind. Thus those who have any little enterprise in Ireland are driven back upon Irish capital; and here again they discover the British Government to be a serious difficulty, for they find themselves face to face with the competition of that Government. In June of the present year the Irish deposits in the savings banks were, in round figures, £13,000,000, and this (for Ireland) very large sum is employed not in developing any Irish industry, but in bolstering up the credit of the United Kingdom. We would ask the reader to look at the quotation for consols, and to consider with himself whether the United Kingdom is really benefited by the system which has brought consols to their present quotation. Nobody will dispute that the Irishman of enterprise is seriously handicapped by the fact that so much Irish money is drawn away from Irish to imperial purposes. Just as Ireland has been laying out large sums annually for sixty-five years in rearing young men and women to export them, without getting any return, to the United States and the colonies, to create there vast wealth, so in finance Ireland is pinching and saving about thirteen millions of money to export it to London for the purpose of bolstering up an amateurish system of finance, which has brought the national credit to the pitch at which we see it.

I desire also, with the consent of the Senate, to read an extract from an article similar in character, and testimony from the London Banker's Magazine of a few years ago:

The branches of the post-office savings bank convey all the savings of the district which they receive straight up to the central office in London. This money is employed there in purchases of the public funds of the country; it is thus removed from the district in which it originates, and incidentally assists in raising the price of the funds to so high a point that the postmaster-general is unable to invest the amount collected on such terms as to obtain back interest which he covenants to allow his depositors, and to obtain also a sufficient margin to meet the working expenses. The deposits of the post-office savings banks thus eventually cause an expense to the country. There was a deficiency in the savings-bank funds last year which had to be made up out of the public taxation. The deposits in a commercial bank in a small town or village are, on the other hand, a source of gain to the country; they are of great service in developing the trade of the place in which the banks exist, and in assisting the inhabitants in their business. * * * Minor, but not unimportant, advantages follow; the use of specie and of notes is economized, while the trade of the country is increasingly carried on by use of checks. None of these advantages take place in the case of the opening of a new branch of the post-office savings bank. They are mentioned here, as they sometimes escape the attention of our public men, even those acquainted with other descriptions of business. They think merely of the savings banks as showing the power of the country to put by and save, and they do not think of the other side of the picture.

What are we confronted with here? I believe it would be perfectly possible to pass this bill substantially in the form in which the committee reported it. It was the purpose of the committee that these postal savings should be collected in every neighborhood in the United States, and that having been collected, the Government of the United States would put them at the service of the neighborhood where they belong. That was supposed to be the purpose of the party; that was supposed to be a rational and practicable method of procedure; but within the last few weeks we are disconcerted by the suggestion that such a procedure is unconstitutional, and besides that, we have just been treated to a very elaborate statement that it is impracticable on account of the vast expenditure of public funds to pay its expenses. It is enough to say that the Post-Office Department has fully considered that aspect of the case and dismisses all such exaggerated estimates of the expense of the system as have been presented in debate here.

I do not believe that it is unconstitutional. I know of no better judge of the Constitution of the United States in this Chamber than my honored friend, the Senator from Montana [Mr. CARTER], who has charge of this bill. I do not pretend to say that he belongs to the group who by a mutual certification of learning have acquired each on his own account a certain standing here as authorized expounders of the National

Constitution, but I do mean that in practical knowledge and good sense applicable to the Constitution of the United States it would be difficult to find a man whose judgment would be better worth paying for than that of my honored friend from Montana. I do not pretend to know as much about the Constitution as a man might. All I have been able to do with it is to read it with patient attention and to make such effort as is within the reach of an ordinary mind to grasp the meaning of its language, looking to the courts to make its obscure phrases clear.

I have never gone very far astray on that, because I find that nearly everything the Government has done or is doing has been confronted by the challenge that it is in violation of the Constitution. I do not believe it. I have adopted for my own guidance a very comfortable theory of the Constitution; in fact, I borrowed it from the Chief Justice of the United States in the McCulloch *v.* Maryland case, in which he suggested with very great force that whatever else our Constitution may be, it is not a dead and dried-up scheme without application to the increasing needs of society and to the growth and the enlargement of the institutions of the country.

I do not intend to spend a minute trying to answer the arguments drawn by learned lawyers from the instrument itself. I find a warrant for the postal savings bank in the letter and in the spirit of the Constitution, in that paragraph which says that the Congress of the United States shall have power to establish post-offices. The post-office of 1789 was a very crude and almost a comical institution.

I was reading the other day a great but forgotten speech of Charles Sumner on the penny postage, delivered in the latter years of his career, a speech that would repay the perusal of anybody who has a taste for archæology of any sort. He gives the history of the English post-office from early days. He shows how it originated as a private institution; how it was run as a business institution; how it became profitable by overcharges; and how kindly sovereigns would pension upon its funds favorites, both male and female, and how through all those ages it had grown and developed to the post-office system which Rowland Hill perfected within the memory of living men.

The post-office of 1789 in the United States was a little institution for delivering letters, mainly on horseback or by wagons, throughout our domain. Does anybody suppose that when Congress was given the power to establish a post-office it meant to define a post-office as it was understood in those days? Our fathers were wiser men than that. They looked forward to the development of this continent. They had an eye also to the larger commercial life that was in store for this people and to the spread of its industries from one ocean to the other; and so they simply said, "Congress shall have power to establish post-offices and post-roads;" and I hold that it is a wicked perversion of legal talent for any man to say that the post-office of the United States is to be bound down by any definition that might have been given in 1789; in fact, it has not been bound down in any such way. It has grown from that feeble beginning until it is now engaged in a good many varieties of business that were absolutely unknown in those days.

I was impressed by the statement of the Senator from Montana that the money-order department of the post-office of to-day handles an annual aggregate fund of $500,000,000.

Mr. CARTER. Four hundred and ninety million dollars.

Mr. DOLLIVER. Five hundred million dollars in round figures. It is a function that was unknown in those days. What power is there in the Constitution for it? Here is a letter-carrying institution, inviting everybody in the United States and in the world to bring his money to any postal money-order office and get a certificate of deposit, which is negotiable anywhere in the market place, payable anywhere in the United States, payable to the man himself within a year at the very place at which it was issued; and yet men who do not dare to dispute the constitutionality of that stand here and tell us that the power to establish post-offices can not be extended to make a post-office the like of which exists in every nation of the civilized world to-day and is being looked forward to with hope by nations that are not yet entirely civilized.

So, I do not intend to go an inch beyond the proposition made so forcibly here yesterday by the Senator from Utah [Mr. SUTHERLAND] that the power to establish a post-office carries with it the power to modernize any post-office system that was in existence at the time the Constitution was written; and yet we are instructed here by the very highest authority to take this postal savings-bank system, which originated in a desire to help the poor and the ignorant and the uninstructed to save their money, and to put that money at the service of the neighborhood where it belongs of right—we are instructed here by the highest authority that such a proposition is contrary to the Constitution of the United States; and we have been treated to a proposal to take this money, the money of the very poor, those who are so ignorant that they do not understand our banking system or even our language, those who know little of our commerce or the mechanism of our trade and our business—we are to go to them and to rake the lowly places of poverty and ignorance with a fine-tooth comb for 10-cent pieces and bring them here in order to relieve the sufferings of the banks of the United States which have been disappointed in a bond investment now more than ten years old.

We are told there is an obligation on the part of the Government of the United States to make good all the hoped-for profits of these banks; and if there is an obligation of that sort, certainly a failure to do so would be a breach of the public credit. A failure to do so would create an exigency in our national financial system which would certainly warrant the President of the United States and his trustees in taking this money and helping these good people out; and for the purpose, I reckon, of exciting sympathy for these poor bank presidents and directors scattered throughout the length and breadth of the United States we are treated to the statement that they have been a long suffering people; that these bankers have lost a good deal of money by this operation; and at Milwaukee not very long ago the President of the United States, speaking on postal savings banks, referring to the unhappy situation of these bankers, left with seven hundred millions of 2 per cent bonds on their hands, said:

> You know we have issued upward of $700,000,000 of 2 per cent bonds of the United States, and we have prided ourselves and our heads have been a little bit swelled on the theory that we could float bonds at 2 per cent and no other country could. We did float these at par at 2 per cent—I do not know but that it was a little more—but we did it by getting the banks into a corner so that they had to have under the law some government security, and so they were obliged to buy those 2 per cent bonds. Now they are liable to be on the market. We have to take care of them in some way. We have got to prevent their going down below par, because the normal interest rate that a government can get is quite above 2 per cent—somewhere between 2 and 3 per cent—and if we have the postal savings banks, if we have a large fund of $500,000,000 or $600,000,000 or $700,000,000, as we may expect to have in view of what has happened in Great Britain, we can use that fund to put in government bonds and take care of that issue which is our child and which, after all, we ought not to be so proud of, because we fooled the world into thinking that we were getting something at 2 per cent and that our credit was worth that, when, as a matter of fact, we were forcing the banking fraternity into taking them because of certain other advantages which they had to have. It was just a little bunco game which the Government played, and it is necessary that in any legislation which comes along we should take care of that issue of 2 per cent and not take on too heavy issue of bonds. This question is one that will doubtless involve a great deal of discussion.

Well, I should think it would. It is going to involve not only a good deal of discussion in this Chamber and in the House of Representatives, but it is going to excite a very large interest among that portion of our people who have left a sufficient independence of mind and thought to care for what is going on in the Congress of the United States.

When I heard that an exigency had arisen which required the Government to take over these 2 per cent bonds, the first thing that occurred to me was, where these 2 per cent bonds would be found to invest this money in. I turned to the reports of the Secretary of the Treasury and I find that all these bonds, or nearly all, are now in the Treasury of the United States as trust funds, held there for the banks who have deposited them as security for their circulation and as collateral for the deposits which the Secretary has been kind enough to make in many of these banks. They are not for sale. They are not due till 1930, and curiously enough the act of Congress creating them does not make them payable till 1930. That struck me as peculiar.

If these bonds can not be paid until 1930, where is the occasion to borrow money now or within the next few years while we are in the Congress of the United States, to create a fund to take them up. Do these banks want to sell them? Was there any obligation on the part of the Government when the banks took them to save them from loss? Was any underhand means adopted by the Government of the United States to force these 2 per cents on the national banks? Was there any bunco game played? My friends, we are come upon a time of amateurs in our national affairs.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. DOLLIVER. Certainly.

Mr. OWEN. If the Senator from Iowa will pardon me for just a moment I should like to call his attention to the fact that the national currency being based upon 2 per cent bonds, if we should have a great war and those bonds should drop to 66, the national currency would be greatly impaired, gold would go

into hiding, and this country would receive a serious financial shock. I should like to have the Senator from Iowa deal with that subject as only the Senator from Iowa can.

Mr. DOLLIVER. I would not object to having the Government lay its hands on any available fund to prevent the collapse of the public credit of the United States, and I shall offer no objection to an amendment to what is known as the "Smoot amendment," putting these funds, in case the public credit is threatened by war, into the hands of the President or these trustees, to be used for the purpose of fortifying the credit of the United States. The thing I object to is using them for the purpose of fortifying the pockets of people who, very far from being bunkoed in their original acquisition, have profited, if I have correctly figured the situation, at least reasonably by the refunding of the public debt in 1900.

I have before me the act of 1900 refunding the national debt. I remember it very well, because in the House of Representatives we were not, in those days at least, overaware of the mental processes that go on here, and I reckon it might as well be admitted that we were not as smart as those who manage our affairs here.

The sections I refer to are as follows:

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing interest at 5 per cent per annum, payable February 1, 1904, and any bonds of the United States bearing interest at 4 per cent per annum, payable July 1, 1907, and any bonds of the United States bearing interest at 3 per cent per annum, payable August 1, 1908, and to issue in exchange therefor an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, in denominations of $50 or any multiple thereof, bearing interest at the rate of 2 per cent per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That such outstanding bonds may be received in exchange at a valuation not greater than their present worth to yield an income of 2½ per cent per annum; and in consideration of the reduction of interest effected, the Secretary of the Treasury is authorized to pay to the holders of the outstanding bonds surrendered for exchange, out of any money in the Treasury not otherwise appropriated, a sum not greater than the difference between their present worth, computed as aforesaid, and their par value, and the payments to be made hereunder shall be held to be payments on account of the sinking fund created by section 3694 of the Revised Statutes: *And provided further*, That the 2 per cent bonds to be issued under the provisions of this act shall be issued at not less than par, and they shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid, and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this act, a sum not exceeding one-fifteenth of 1 per cent of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

SEC. 12. That upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of section 5167 of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided further*, That the circulating notes furnished to national banking associations under the provisions of this act shall be of the denominations prescribed by law, except that no national banking association shall, after the passage of this act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of $5: *And provided further*, That the total amount of such notes issued to any such association may equal at any time but shall not exceed the amount at such time of its capital stock actually paid in: *And provided further*, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the 2 per cent bonds issued under the provisions of this act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money; and so much of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid, is hereby repealed, and all other acts or parts of acts inconsistent with the provisions of this section are hereby repealed.

SEC. 13. That every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of 2 per cent per annum, issued under the provisions of this act, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of 1 per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said 2 per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section 5214 of the Revised Statutes.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. DOLLIVER. Certainly.

Mr. OWEN. I do not wish to interrupt the argument of the Senator at all, but I can not help recalling the fact that the national banks of the United States are practically receiving a bonus of $12,000,000 per annum on these very bonds.

Mr. DOLLIVER. I read this statute for the purpose of confirming a view corresponding to the Senator's opinion, a view which I had formed by a very cursory reference to it.

We have been told—and the document has been printed as a Senate document, I believe; certainly as a House document—that the banks of the United States were bunceed by the Congress of the United States or the Secretary of the Treasury to take these 2 per cent bonds. Fortunately, the act of 1900 is within the memory of living men. Otherwise probably a proposition like that might have gone unchallenged, as it has throughout the public press of the United States, so far as I have observed.

The act of 1900 fixing the gold standard went through the House of Representatives in a very modest form. In those days, without much experience in this cold world, we thought when you wanted to fix the gold standard you could do it in about five or six lines; that all you had to do was to say "Hereafter the standard of value in the United States shall be the gold dollar of a certain weight and fineness." And that is what we did. But we were amateurs, too. When our bill came to the Senate, it became a mere nucleus around which was assembled all the fruitage of the financial wisdom which had ripened in this body up to that time.

So that after the standard of value was nicely fixed the question arose what to do with these bonds of the United States. Here were bonds bearing 5 per cent, bonds bearing 4½ per cent, bonds bearing 4 per cent; some of them had originated as far back as the war; others had originated during an unhappy period in which the Republican administration of government was interrupted for a brief time. They all bore a high rate of interest, and here was the Secretary of the Treasury, with money coming in a good deal faster even than it is now, even comparing the monthly averages, and the problem was what to do with our money—a problem which does not confront us at present. They were buying these bonds at considerable rates of premium and retiring them, not millions, but hundreds of millions of them; and it suddenly dawned upon everybody about the same time that if we paid off the public debt our national-bank system, so far as its circulating feature was concerned, would be without an adequate foundation.

So the Secretary of the Treasury, Mr. Gage—and I speak of him with great respect and reverence, because in some respects he was the wisest man that we have had in that office, within my time at least; a practical banker, a man of good sense in all business questions—suggested that the entire public debt of the United States, amounting to about $900,000,000, could just as well as not be funded at 2 per cent. He proposed it publicly, and the Congress of the United States attached his recommendations in substance to this act fixing the gold standard; and the proposition was that people who held these bonds should present them at the Treasury and that a bonus defined in this law—and I have inserted the exact language of the statute—should be given to cover the difference between the present worth of the bonds surrendered and the par value of the bonds taken in exchange for them, so that everybody who surrendered a 4½ per cent bond of the Government of the United States got paid in cash the difference between the value of that bond as an investment proposition and the value of the bond which he obtained. Am I not correct about that?

More than that, to make the proposition peculiarly palatable to national banks this act to fix the gold standard raised the limit on the circulation privilege. Prior to that circulation could be issued only up to 90 per cent of the par value of a bond. After that act the circulation was issued up to the full par value of a bond.

But they did even more for these long-suffering brethren. They reduced the duty, as this statute describes it—I have heard so many debates that I do not know whether it was a duty or an excise or an internal-revenue tax, or what it was, but this statute calls it a duty—which had previously been 1

per cent upon the circulation of money by the national banks, to a quarter of 1 per cent.

After they had got that all done, the banks, of their own free will and without any compulsion and without any misrepresentation, came in and took the 2 per cent bonds, running for thirty years, in exchange for these old bonds that were about to mature and which had a very dubious value as a speculative proposition owing to that fact; and the banks now own $700,000,000 of these 2 per cent bonds, acquired on profitable terms under this act of their own free will without any bunko or sleight of hand performance of any kind.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. OWEN. May I give a concrete case showing how profitable it was and precisely how it was done?

Mr. DOLLIVER. Which side of this question are you on?

Mr. OWEN. I am on the side of the Senator from Iowa.

Mr. DOLLIVER. I very gladly yield to the Senator from Oklahoma. [Laughter.]

Mr. OWEN. Mr. President, I was connected with one of these banks, and am still, and I have a great interest in it. We telegraphed our correspondent, just after that act was passed, purchasing $250,000 of these bonds. The currency against these bonds, issued as the currency of this particular bank, was used to pay for the purchase of the bonds, less a small item of premium; and thereafter and since that time this bank has been receiving 2 per cent on the bonds substantially without any investment whatever. The bonds yield about one and a half per cent net, and as the national banks are getting the interest on over seven hundred millions of bonds which cost the banks nothing (or a negligible amount), they have abused the confidence of their friends in claiming to be bunkoed. They can stand the game if the American people can.

Mr. DOLLIVER. If that is a typical case, what will the American people say to us? Waiving aside the authority and prestige of great constitutional and economic authorities, what will the American people say to us if we deliberately here, directly or indirectly, provide to take the savings of the humble poor of the country for the purpose of relieving these good people of the losses that are alleged to have grown out of this great condescension on their part ten years ago when they helped the Government of the United States out of trouble?

I undertake to say that none of those bonds are available, and none could be available unless the circulation of the national banks of the United States is curtailed. But as Congress has been for ten years trying to stimulate that circulation until it has more than doubled it in that period, I doubt very much whether anybody expects the circulation of the banks to be curtailed.

What, then, is the purpose of connecting up this postal-savings fund with the Treasury of the United States? My friends, it is a sad confession to make, but it is very difficult to find out what is going on in this town, mainly for the reason that the key to nearly every situation is hung up on a nail somewhere else. I have taken advantage of the leisure, which is a part of the compensation that Providence gives us for infirmities of the flesh, to find out if possible what is the purpose of taking these savings-bank funds and using them at the discretion of the Treasury of the United States in the operations of the bond division.

My friends, it is one of those early birds which predict the coming of spring; it is one of those straws which indicate sometimes the direction of the wind; and it is well for those of us who have not yet made up our minds about the future of the banking system of the United States to understand exactly what is intended here. I have tried in vain to find it out here, although I have diligently talked with every good and sufficient man whom I could engage in conversation.

But I received not long ago a circular letter, and I read it because it was not marked "personal" or "confidential." I am interested in it because it states in advance what we are doing here and because you will get the information a long time before it will come to you in the ordinary course of your mail. It shows that we are not engaged here in encouraging thrift among the poor; we are not engaged here in putting idle money at the service of the business community, which we ought to help instead of hinder; we are engaged here in paving the way for the abolition of the national banking system as a means of circulating paper money in the United States.

I have here a statement, kindly issued by the National City Bank of New York, where information of all sorts is obtainable, according to an advertisement on the back of it. It seems to have facilities for knowing what is doing, because it invites the whole banking community, if they want to know anything about what is going on in Washington, to communicate with them, and it states with absolute clearness exactly what part we are playing in our poor, ignorant, uninstructed way toward those financial reforms that are to be the glory of the future.

While the near future as to government bonds is somewhat clearer than it was a month or two ago—

Says this circular—

general conditions which affect the longer outlook are becoming more and more complicated.

That means that it can hardly tell what we are going to do. That is simply the scientific statement of the uncertainty which has prevailed in this country as to how people might look at these things. They concede to at least some of us a general desire to reflect even in a mild way the prejudices which sometimes are mistaken for the opinions and convictions of the people among whom we live. So in the uncertainty of the future they say that the larger outlook is being more and more complicated.

It is known—

Now, it may be that you know this, but, upon my word, it is the first I had heard of it—

It is known that the Monetary Commission will in the course of a year or two, and perhaps earlier, be prepared to report some plan of currency reform which may involve the note-issuing powers of the national banks. These banks own more than $700,000,000 of the $913,000,000 interest-bearing debt. They hold the bonds under special inducement as to circulation privileges—

There are no special inducements. The bonds were exchanged for these 2 per cent by the seduction of the circulation privileges. They lasted longer and were less liable to create inconvenience, and that was the special privilege that pertained to them.

They hold the bonds under special inducements as to circulation privileges, and have suffered a loss of $30,000,000 in their premium accounts by reason of the depreciation in governments during the last two years.

What does the Senator from Oklahoma say to that? Is that a question of bookkeeping or money?

Mr. OWEN. I did not hear the question.

Mr. DOLLIVER. This circular, in a tone of pathos that has affected me—I do not know how it affects others—says that these banks, which hold $700,000,000 of these 2 per cents, have suffered a loss of $30,000,000 in their premium accounts by reason of the depreciation in governments during the last two years. I wanted to know whether that was on the books or on the counter.

Mr. OWEN. That depends upon whether you take the high prices of those bonds or the one at which they were originally acquired.

Mr. DOLLIVER. Then it is a somewhat complicated question.

Mr. OWEN. Not at all. It is merely a matter of bookkeeping. My bank charged off the premium to start on and suffers no bookkeeping loss or any other loss.

Mr. DOLLIVER. Yet these bonds are likely to be at par when they are paid, are they not? They would not want to throw off any?

Mr. OWEN. These bonds are practically earning 2 per cent, less the charge against the currency annually, without any investment at all.

Mr. DOLLIVER. That seems like a cold-blooded statement.

Mr. OWEN. It is a cold-blooded statement. It is the truth. The bonds are bought with the notes of the bank, and the bank is allowed to issue the notes.

Mr. DOLLIVER. Do the banks get the notes before they put up the bonds?

Mr. OWEN. No; they order the bonds through their correspondent and have the notes delivered to their correspondents in payment of the bonds.

Mr. DOLLIVER. It is a mere exchange of their notes for these bonds?

Mr. OWEN. It is an exchange; that is all. It is a very convenient and comfortable transaction, and is all right from the standpoint of the banker.

Mr. DOLLIVER. It is calculated to bring tears to anybody's eyes after he thoroughly understands it.

Mr. OWEN. The substantial fact is that from twelve to fourteen millions per annum are paid to the banks without consideration, as interest on these bonds bought by the banks with their own notes. For example, a bank buys a hundred thousand dollars of bonds through its New York correspondent, instruct-

ing the bonds to be deposited in the United States Treasury and the national-bank notes of such bank to be drawn from the Treasury in payment thereof. The bonds are thus paid for and thereafter the bank gets 2 per cent per annum less the legal charges of about one-half of 1 per cent. It does not seem clear how the banks can claim to be "bunkoed" by this transaction, but the American people who pay this interest of 2 per cent on seven hundred millions, or fourteen millions annually, have a just right to protest, but they do not seem to care.

Mr. DOLLIVER. Now, let me go ahead:

What will be done as to this vast holding in case the power to issue circulation is given over to a central institution? This is a question which vitally concerns the Government and the banks. Its answer has been attempted in connection with the pending postal savings-bank legislation, by an amendment providing for the investment of postal savings deposits in United States bonds.

What amendment was that? I believe the honored Senator from New York [Mr. ROOT] invented that idea, or at least it came here with that authority which attends an introduction from him. What has become of that amendment? I saw in the newspapers that it has been withdrawn. Withdrawn for what? For repairs? I have thought so. I prefer very much what is known as the "Root amendment" to any of this legerdemain of language with which we have been treated here in the Senate for the last few days. If you want to do a thing and are not ashamed of it, say so, and let judgment at the hands of the American people be the penalty of the errors which you make, if you make any.

The time has come in this Congress when whatever is intended has got to be definitely and openly expressed in the English language, in our laws and in our proposed legislation. I say to you that I would infinitely rather vote for the Root amendment, which says what it means, than for any indirect circumlocution, the meaning of which is known to only a few interpreters, who are harder to understand, even, than the language itself.

That is the reason why I do not like these delicate modifications of what is called the "Smoot amendment." You can not tell what is to be done under them or by them. They refer to the public credit. Everybody is his own judge of what the public credit requires. They refer to the public welfare, some of them, so I see in the newspapers. Where has that amendment gone?

Mr. LA FOLLETTE. Those words were withdrawn.

Mr. DOLLIVER. Withdrawn?

Mr. LA FOLLETTE. Just those words.

Mr. DOLLIVER. I do not know whether this savings-bank bill will pass this Congress or not, but I give you one fair warning that when it passes, it will be in language which is understood not only here, but by the people of the United States, and there will be no covered holes through which their purpose may slip; there will be no masks and false faces upon the measure; but every line of it will be so plain that the wayfaring man, though he has been sick for a while, will not err therein.

But I want to read a line or two further, because this circular is likely to become somewhat classic:

So much opposition from the country has developed because of the insistence that postal deposits be kept in the communities where they originate that it is thought the amendment will fail.

This periodical, it appears, is a monthly, and this number is dated in March; but they probably had not heard that it had failed—that is to say, that it had failed in the form in which the people could understand it.

Although it would undoubtedly be objectionable from other points of view its passage would solve, in great part, a serious and vexing situation.

Namely, what to do with the 2 per cents left in the hands of good people after the national banking system had given way to a central bank of issue—a serious problem two years off, of course; not so far off, however, that those of us who are willing to act as pawns in a game which is not even explained to us might contribute by our votes to prepare the way for the trial of a new scheme of finance without even the poor comfort of knowing what we were doing.

I for one propose to stand by the postal savings-bank system as it was in the mind of the American people when the platform of the Republican party was adopted, with the postal deposits put in the neighboring banks for the service of the people and left there. If there shall creep into this measure any words or any line that would put it within the discretion of anybody, under any pretense of borrowing money or maintaining the public credit, except as a means of defense in time of public danger, I will find in such a provision a sufficient reason for leaving our banking and postal systems substantially as they are, so far as one vote is concerned.

Mr. SMITH of South Carolina. Mr. President, I, of course, like every other Senator, have been very much interested in this question of the postal savings bank and the reason for its being adopted. The plank in the platform of the Democratic party and also in the Republican party give it an additional interest. In reading the two platforms I find a clear distinction between them, and it is expressed in the President's address which I have before me. In a speech that he made in New York, and to which I want to call attention, he said:

We favor the establishment of a postal savings-bank system for the convenience of the people and the encouragement of thrift.

The Senator from Iowa [Mr. DOLLIVER], who has just taken his seat, called attention to the operation of the English postal system and how it had failed to benefit Ireland, the poorest section of that Kingdom. I take it for granted that no man will dispute me when I say that I come, perhaps, from that section of country where we stand most in need of finances and where we have been accused of being lacking in thrift. Therefore the figures that I shall submit come from that section under the present banking system and give an illustration as to whether it is time for the Government to depart from the present plan that we have and take up one that is so questionable here.

I want to call attention to the growth of the banking business of the Southern States comprising the following States: Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, and Tennessee.

In 1900 the total number of national banks in this geographic division was 596; in 1909, 1,406.

The state banks in this same territory in 1900 were 917; in 1909 there were 3,312.

The stock savings banks, joint-stock companies, and operating savings banks in this territory in 1900 were 37; in 1909 they were 181.

The private banks were 91 in the first period and 119 in the second.

The loan and trust companies, which are the pulse of the progress of commerce and finance within any community, in the first year were 3, in the last 131, making a total increase in the Southern States of fiscal institutions taken care of by the people on the soil and who became the holders of the money saved and deposited by these people—the increase in the number of banks was from a total of 1,645 to 5,150, making a net increase of all banks within the Southern States within nine years of 3,505.

That, so far as the number of national banks, I think, may interest some of those who wish to know whether we need the paternal care of the Government to offer inducement to go into the byways and hedges and draw out the money among the people and pour it into these channels about which we have been enlightened so forcibly this afternoon.

I want to call attention to the individual deposits in this geographic division, the people's money.

The individual deposits in the state banks in 1900 were $150,440,319; in 1909 they were $392,646,712.60.

In the savings banks within this same territory in 1900 there were $17,369,650; in 1909 there were $81,369,104.73. The private banks had $5,306,131 in the one period, and in the other $12,892,156.

The loan and trust companies in the Southern States in 1900 had $323,081, and in 1909 they had $58,114,871.64.

These figures are taken from the report of the Comptroller of the Currency. I have read this in order to show that some other motive must be behind this bill than to encourage thrift and economy amongst our people.

I read here what seems to me to be the source and authority for the present legislation. President Taft, in his Lincoln address in New York City, February 12, 1910, said:

A bill has been introduced to establish a postal savings bank. The great difficulty in the bill seems to have been to secure a proper provision for the management and investment of the money deposited. The great advantage of a postal savings bank is the encouragement to thrift of those whose fears of the solvency of any depository except a government depository tempts them away from saving.

In answer to that statement from the President, I have submitted these tables to show that in the poorest section of the Union, not because of their lack of thrift, but because of the unfortunate termination of the war, we have within nine years beginning with this period and going back quadrupled and made as high as 3,000 per cent increase in our savings and in our deposits.

Therefore this statement on the part of the President that this is for the purpose of encouraging thrift and giving the people confidence in their fiscal institutions is not maintained from the poorest section. Reference to the report of the Comptroller of the Currency of 1909 shows that almost, with the exception of one section of the country, the same rate of increase has obtained.

There is just one other point in the President's speech, Mr. President, to which I wish to call attention. He says:

In the present stage of the Senate bill there have been inserted amendments drawn apparently for the purpose of having money deposited as savings in government post-offices distributed through the locality where deposited in the banks, state and national, and so deposited as to make it impossible for the trustees of the fund appointed under the law to withdraw the money for investment in any other form.

He means in any other form save than in the form of government bonds.

I regard such an amendment as likely to defeat the law—

He says he suspects that is likely to defeat the law—

first, because it takes away a feature which ought to be present in the law to assure its constitutionality. If the law provided that the trustees to be appointed under the law with the funds thus deposited could meet the financial exigencies of the Government by purchase or redemption of the government 2 per cent bonds and other bonds, the measure would certainly be within the federal power, because the postal banks would then clearly be an instrument of the National Government in borrowing money.

This is quite interesting in that it controverts some other things which have been said here this afternoon. I read again from the same speech:

We have now about $700,000,000 of 2 per cent bonds with respect to which we owe a duty to the owners to see that those bonds may be taken care of without reduction below the par value thereof, because they were forced upon national banks at this low rate in order that the banks might have a basis of circulation.

I do not care if those on our side are to be twitted with the fact that this is also in our platform, and that we should not oppose this bill. I want to say that I stand here representing a State that has suffered most and striven hardest, and I do not propose to allow any form of bill, under any name, to beguile me into voting for what, in substance, is contrary to the spirit of our party. The President also says this:

This implied obligation of the Government, the postal savings-bank funds would easily enable it to meet. Secondly, if the funds are to be arbitrarily deposited in all banks, state and national, without national supervision over the state banks, and a panic were to come, it is difficult to see how the Government could meet its obligations to its postal savings-bank depositors, because with every bank suspending payment, the funds of the postal savings banks would be beyond the control of the Government, and we should have a financial disaster greater than any panic we have heretofore met.

Further he says:

A provision that when the money is not needed to invest in government bonds or to redeem the same—

I thought it was for the purpose of encouraging thrift, and we are about to convert it into a redemption fund to retire, in case of an emergency or a change of financial system, the bonds now existing, which may not be as desirable in the future as now.

The President further says:

It may be deposited in national banks, in the neighborhood of the place of deposit, will avoid the great danger of a panic and will strengthen a banking system which is an arm of the Federal Government.

I sincerely hope that before the measure is hammered into its final shape it may take on these characteristics which shall give it a constitutional validity and sound financial strength and usefulness. Those who insist upon the elimination of these two necessary characteristic features of the bill will put the party in the position where it can not hope to escape the charge that it is not in good faith seeking the passage of a postal savings-bank act, and is not seeking, therefore, to comply with the promise of the Republican platform in that regard.

Now, Mr. President, the time is late, and I ask the privilege of inserting in my remarks the tables which I have laid before the Senate.

The VICE-PRESIDENT. Without objection, the permission asked for will be granted.

The tables referred to are as follows:

	1900.	1909.
SOUTHERN STATES.		
Individual deposits (state banks)	$150,440,319	$392,646,712.60
Savings banks	17,369,650	81,369,104.73
Private banks	5,306,131	12,892,156.00
Loans and trust companies	323,081	58,114,871.64
Total	173,438,181	545,022,845.38
National banks	201,605,167	514,214,753.50
Grand total	375,043,348	1,059,237,598.88

Statement showing all reporting banks in operation in the States and on the dates indicated.

States.	National banks.		State banks.		Mutual savings banks.	
	September 5, 1900.	September 1, 1909.	July 1, 1900.	April 28, 1909.	July 1, 1900.	April 28, 1909.
Virginia	43	118	95	207	.....	.....
West Virginia	40	96	83	142	1	1
North Carolina	31	72	54	274	.....	.....
South Carolina	17	33	27	202	.....	.....
Georgia	27	102	144	437	.....	.....
Florida	16	39	23	94	.....	.....
Alabama	28	76	20	175	.....	.....
Mississippi	12	31	101	302	.....	.....
Louisiana	21	35	56	178	.....	.....
Texas	223	523	.....	390	.....	.....
Arkansas	7	44	39	200	.....	.....
Kentucky	81	148	219	405	.....	.....
Tennessee	50	89	56	306	.....	.....
Total	596	1,406	917	3,312	1	1
Indian Territory	30	.....	.....	.....	.....	.....
Oklahoma	24	225	71	608	.....	.....
Delaware	19	28	2	4	2	2
Missouri	67	129	510	964	.....	.....
Maryland	72	105	26	36	18	27
District of Columbia	12	11	.....	.....	.....	.....
Total	224	498	609	1,612	20	29

States.	Stock savings banks.		Private banks.		Loan and trust companies.	
	July 1, 1900.	April 28, 1909.	July 1, 1900.	April 28, 1909.	July 1, 1900.	April 28, 1909.
Virginia	.....	22	.....	3	.....	7
West Virginia	5	10	.....	.....	.....	15
North Carolina	9	24	25	3	.....	5
South Carolina	11	28	.....	5	.....	5
Georgia	.....	18	9	16	.....	.....
Florida	1	4	.....	5	.....	.....
Alabama	.....	10	.....	14	.....	.....
Mississippi	.....	12	.....	7	.....	.....
Louisiana	2	9	.....	.....	.....	.....
Texas	2	.....	41	57	.....	42
Arkansas	.....	6	3	7	.....	8
Kentucky	.....	11	13	2	3	43
Tennessee	7	27	.....	.....	.....	6
Total	37	181	91	119	3	131
Indian Territory	.....	.....	6	.....	.....	.....
Oklahoma	.....	.....	.....	.....	.....	4
Delaware	.....	.....	.....	.....	2	10
Missouri	.....	.....	90	57	6	40
Maryland	.....	21	6	3	4	19
District of Columbia	4	12	.....	.....	.....	5
Total	4	33	102	60	12	78

States.	Total banks, etc.		Net increase of all banks.	National banks in operation February 26, 1910.
	1900.	1909.		
Virginia	138	357	219	121
West Virginia	129	264	135	100
North Carolina	119	378	259	75
South Carolina	55	273	218	35
Georgia	180	573	393	111
Florida	40	142	102	41
Alabama	48	275	227	79
Mississippi	113	352	239	31
Louisiana	79	222	143	32
Texas	266	1,012	746	518
Arkansas	49	265	216	45
Kentucky	316	609	293	148
Tennessee	113	428	315	96
Total	1,645	5,150	3,505	1,432
Indian Territory	36	.....	.....	.....
Oklahoma	95	837	742	222
Delaware	25	44	19	28
Missouri	673	1,190	517	130
Maryland	126	211	85	106
District of Columbia	16	28	12	12
Total	971	2,310	1,375	498

Mr. SMITH of South Carolina. The total number of failures of national banks within the period practically that I have named and the territory named was 20. The figures I have not right

at my hand, but they can be verified by reference to the comptroller's report. The number of failures of private institutions, which have increased almost 100 per cent over the national banks, has been about 3 per cent less. So that, in summing up, we find that in the banking institutions of this country the element of failure has been so far eliminated that we have increased our deposits by leaps and bounds, and that the national bank, which is called the "right arm of the Government," has not kept pace even with the private state institutions. I say that this Government should at this period not interfere unless it can offer better facilities for us to do our banking business in our own communities. I do not believe that it is good Republican doctrine, nor is it good Democratic doctrine, for us to pass a law which by the circular which was read by the Senator from Iowa, which circular I read carefully last night, looks toward shouldering upon the unsuspecting people of this country bonds which will have to be retired when the great, monstrous scheme of a central bank shall have been thrust upon us, and this postal savings-bank bill adroitly framed to lead to that event.

The VICE-PRESIDENT. The question is on the adoption of the amendment of the Senator from Vermont [Mr. PAGE] as amended.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The question now is on agreeing to the amendment of the Senator from Iowa [Mr. CUMMINS] as amended by the amendment of the Senator from Vermont [Mr. PAGE].

Mr. HEYBURN. Let it be read, Mr. President.

The VICE-PRESIDENT. The Secretary will again state the amendment as amended.

The SECRETARY. In section 8, page 5, line 25, after the word "banks," it is proposed to strike out all down to and including the word "surplus," at the end of line 6, on page 6, and to insert:

Whether organized under national or state law, being subject to national or state supervision and examination, and doing business in the city, town, or village in which the post-office is situated, at a rate of interest not less than 2¼ per cent per annum, nor more than is sufficient to meet interest paid to depositors, the expenses and other charges or losses of the system herein established, which rate shall be uniform throughout the United States and the Territories thereof. If there is more than one such bank in any city, town, or village willing to take such deposits upon the terms provided for herein, the same shall be divided among them substantially according to their capital and surplus. If no one of such banks in any such city, town, or village is willing to accept the deposits upon such terms, or if there be no bank or banks therein, or if the post-office at which the funds are received is not in a city, town, or village, then the deposits shall be made in a solvent bank or banks, subject to such supervision and examination, of the State or Territory in which the post-office is situated, giving preference to those that are in the same general community as the post-office receiving the funds.

Mr. CUMMINS. I ask what is the question which has just been stated by the Chair?

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. CUMMINS] as amended by the amendment offered by the Senator from Vermont [Mr. PAGE].

Mr. CUMMINS. May I suggest that the amendment I offered was an amendment to the amendment offered by the Senator from Vermont, and it was adopted upon a roll call; so that that question is not now before the Senate.

Mr. HEYBURN. I desire to offer an amendment.

The VICE-PRESIDENT. The Chair understands, if the Senator from Idaho will permit, that the amendment is the one printed in italics in the bill on page 6 as amended.

Mr. CUMMINS. The Senator from Vermont is not the author of that entire amendment.

The VICE-PRESIDENT. The Chair understood that the Senator from Iowa was the author of that amendment.

Mr. CARTER. Mr. President, the parliamentary situation, I think, is this: The amendment pending and printed in the text of the bill is the amendment of the Senator from Vermont [Mr. PAGE]. To that amendment the Senator from Iowa [Mr. CUMMINS] proposed an amendment, upon which a roll call occurred. The amendment proposed was to add the words "or losses," and to strike out the last six words in the amendment of the Senator from Vermont. So the question now is on the amendment of the Senator from Vermont as amended by the Senate on the motion of the Senator from Iowa.

Mr. CUMMINS. That is the question, as I understand it.

The VICE-PRESIDENT. That has been agreed to, and the amendment which has been agreed to is a part of the amendment. That, the Chair understood, was offered by the Senator from Iowa. Possibly it was a committee amendment.

Mr. CARTER. The amendment agreed to consisted of the words "or losses," after the word "charges"——

The VICE-PRESIDENT. That has been agreed to.

Mr. CARTER. And then the striking out of the last six words.

The VICE-PRESIDENT. That has been agreed to.

Mr. CARTER. That has been agreed to.

Mr. CUMMINS. That is the only amendment I have offered.

Mr. CARTER. That is the only amendment. That is an amendment to the amendment of the Senator from Vermont.

The VICE-PRESIDENT. The Chair will have the Secretary report the pending amendment, and possibly the Senator from Montana can enlighten the Chair as to whose amendment it is. The Secretary will again state the amendment.

The SECRETARY. In section 8, page 5, line 25, after the word "banks," it is proposed to strike out:

Subject to public supervision and examination in the State or Territory and as nearly as practicable in the immediate neighborhood in which the funds are received at a rate of interest not less than 2¼ per cent per annum. Where more than one such bank is available the deposits shall be distributed ratably among the banks as far as practicable on the basis of their capital and surplus—

And to insert:

Whether organized under national or state law, being subject to national or state supervision and examination, and doing business in the city, town, or village in which the post-office is situated, at a rate of interest not less than 2¼ per cent per annum, nor more than is sufficient to meet the interest paid to depositors, the expenses, and other charges or losses of the system herein established, which rate shall be uniform throughout the United States and the Territories thereof. If there is more than—

Mr. CARTER. Mr. President, the basic amendment is the amendment of the Senator from Iowa, as stated by the Chair. The amendment acted upon recently involved another motion by the Senator from Iowa, which has been put and carried.

The VICE-PRESIDENT. Then the pending amendment is, as the Chair stated, the amendment of the Senator from Iowa as it has been amended.

Mr. CARTER. As it has been amended.

Mr. CUMMINS. There is a misapprehension, I am quite sure. The amendment now in italics, beginning with line 7, page 6, down to and including the word "funds," in line 8 of page 7, was offered by the Senator from Iowa, and was adopted a long time ago. The Senator from Vermont then moved to strike out a portion of that amendment and substitute that part which is found in large Roman letters upon page 6, and to that amendment I offered the amendment just suggested by the Senator from Montana, which was adopted upon a roll call.

The VICE-PRESIDENT. That is correct. Now, the Chair is attempting to have the Senate act upon the entire amendment as amended up to the present hour.

Mr. CARTER. Has that amendment not been adopted?

The VICE-PRESIDENT. Not since it was modified.

Mr. CARTER. So that that is the question to be put?

Mr. HEYBURN. I desire to offer an amendment to the amendment as it stands. On page 7, line 8, after the word "funds," I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 7, line 8, after the word "funds," it is proposed to insert:

That postal depository funds shall be kept and held by the banks receiving the same as a separate fund, and no bank so holding such deposits shall loan any part of such fund for a longer period than ninety days.

Mr. HEYBURN. Mr. President, I offer that amendment in view of the amendments that have been made, for the purpose of keeping the moneys collected through the post-offices in the neighborhood where they originate. The purpose of this bill comprehends just that thing. It is not intended that one part of the Government may seek secreted or hidden funds in another for its benefit. The spirit of this legislation is that money shall be brought out of hiding for the purpose of the community in which it is hid.

Mr. President, that provision simply requires of necessity that the fund realized through the post-offices shall be a separate fund in the banks; that is, for identification—not the same note, not the same identical pieces of money, but the fund shall be kept as a separate account.

The restriction of time for which it may be loaned is intended to keep that money at home. The speculative market would not be anxious to take that money on a ninety days' loan, and there is more in that ninety days' limitation than may appear upon first glance. If the money collected in the neighborhoods through the post-offices is deposited in the banks, as provided for in this bill, as a separate fund, so far as the amount is concerned—and it can not be loaned for a longer period than ninety days—it will not travel very far from home, and it will be there for the uses and purposes of the community

in which it had been hidden. If it was hidden in New York, let it stay there; if it was hidden in Nevada, let it stay there. I think it will be admitted that the speculative market far distant from the place where the money is discovered will not take it on a ninety days' loan, and, as I have said, I think that within that ninety days' limitation is a prohibition that will prevent the money from traveling very far.

Mr. BEVERIDGE. Mr. President, will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. Could not the ninety-day loan be renewed?

Mr. HEYBURN. Oh, yes; it could be renewed.

Mr. BEVERIDGE. And then for a second time?

Mr. HEYBURN. Yes; but the money jugglers do not want money under those conditions.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho to the amendment.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question now is on agreeing to the amendment as amended.

Mr. CARTER. Mr. President, I call attention to the word "of," in line 6, page 7, following the word "examination." I think the word "of" should be stricken out and the word "in" inserted, so as to make it appear that this language does not exclude the examination of national banks.

Mr. CUMMINS. I have no objection whatever to the substitution of the word "in" for the word "of." I think the meaning would be exactly the same.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 7 of the proposed amendment, in line 6, after the word "examination," it is proposed to strike out the word "of" and insert the word "in."

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On line 7, page 1, after the word "for," it is proposed to insert the words "carrying out the provisions of this act in reference to," so that it will read if amended:

All regulations for carrying out the provisions of this act in reference to the receipt, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. I also offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 19, after the word "deposit," insert the words "with the Treasurer."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. I offer another amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 22, strike out all after the words "United States," down to and including the words "per annum," in line 13, on page 8, and insert the following:

Provided, That when, in the judgment of the President, war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

Mr. SIMMONS. Mr. President, I shall not detain the Senate more than a few moments. No proposition which has been before the Senate since I have been a member of it has given me as much trouble as the proposition involved in this bill. I find myself in this respect, as we are about to approach a vote, very much in the attitude of the Senator from Iowa [Mr. DOLLIVER], who has so interestingly addressed the Senate this afternoon.

Mr. President, I believe that an overwhelming majority of the people of this country are in favor of a postal savings depository. I have been and I am in favor of a postal savings depository; but I have an abiding conviction that the depository which the people of this country are in favor of is a depository which will collect the scattered money of the various communities and make that money available for community enterprise and development, and not such a depository as will collect this money for the purpose of sending it away, to be used in speculation or deposited in distant centers in which they have no direct interest.

After weeks and months, Mr. President, of discussion extending through two sessions of Congress we had, I thought, whipped this proposition for a postal savings depository into a shape that would be satisfactory to the people and that would accomplish the purpose that the people had in view in demanding this character of legislation. We had formulated upon a bill that provided that the funds should be deposited in the banks of the neighborhood, and to clinch the matter the Senator from Utah [Mr. SMOOT] presented an amendment, and the Senate agreed to it, I think, with practical unanimity, in these words:

Provided, That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors and other obligations of the Government under this act.

The last, however, meant, I take it, to pay the expenses of the administration of the system. With the bill in this form I had made up my mind to support it if I could find constitutional authority for its enactment. I addressed myself to the investigation of the constitutional question, which I will not now discuss further than to state my ultimate conclusion. I reached the conclusion, as the result of these investigations, that the power to enact this legislation was not conferred upon Congress by the commerce clause of the Constitution; that it was not conferred by the general-welfare clause of the Constitution; nor was it conferred by the power to establish post-offices and post-roads.

But, Mr. President, I also reached the conclusion that this power was conferred upon Congress—I do not say I reached it without any doubts or misgivings, but whatever were the doubts or misgivings as to my conclusion I decided I would give the people who I believe want a system of this sort the benefit of it—under that clause of the Constitution which empowers Congress to coin money, because it seemed to me that the power to coin money necessarily includes the power to put that money in circulation and keep it in circulation by all proper and necessary means for accomplishing that purpose, and that this bill was fairly an appropriate means for the accomplishment of that end.

At this stage of my troubles with reference to this bill the President of the United States, in a solemn deliverance, declared that these postal funds would be needed for the purpose of paying off the bonded indebtedness of the United States, and that unless these funds were deposited in the national banks or devoted to the payment of the national bonds the bill we have under consideration would be unconstitutional. If the President is correct in his statement of the law, then, Mr. President, from my standpoint, if we pass a bill that the people want, it will be an unconstitutional bill, and if we pass a constitutional bill, it will be such a bill as the people do not want.

Mr. President, I do not agree with the President, and I do not believe a majority of those on the other side of the Chamber who are advocating this legislation agree with the President in his opinion as to the constitutionality of this legislation. But it is manifest that the majority in this Chamber, responding to the suggestion, if not the command, of the President, have made up their minds to take out of this bill the original Smoot amendment, which guaranteed that the deposits should remain in the communities in which they were earned and saved, and without which understanding the people of this country would never have declared themselves in favor of this system, and never have declared themselves in favor of this legislation, and to insert in the place of it provisions different, it is true, from those of the Root amendment, but which can be used and employed to indirectly accomplish the very same purpose that the Root amendment would accomplish, namely, the investment of all postal savings funds in government securities. This bill in the shape in which it is now being framed will be merely a prelude to a central bank.

Mr. President, I wish to say, in conclusion—as I said I merely wanted to state my position upon this matter—that if this bill is allowed to remain as it was before the President's interference with it; if the original Smoot amendment, which provided that when these funds were once deposited in the bank, loaned to a bank, they should not be taken out of the bank except for the purpose of paying a depositor or defraying the necessary expenses incident to this legislation—if that amendment, with a general provision that the funds shall be deposited in the neighborhood in which they were earned and saved, remains in this bill, or provisions which will accomplish that purpose remain in this bill, I am going to vote for it.

If not, if the proviso which the Senator from Utah has just offered is adopted, a provision which, in my judgment changes the whole character of this legislation—which will provide for taking the money out of the communities in which it has been earned and saved, and defeat the purpose and will of the people in demanding this kind of legislation—then I shall vote against this measure, as great as I believe would be the benefits of a properly adjusted bill establishing a postal savings-bank system to the people of this country.

Mr. GORE obtained the floor.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. The Senator from Oklahoma has the floor.

Mr. GORE. I will yield for the present. I wish to submit an amendment.

Mr. CUMMINS. I move to amend the amendment proposed by the Senator from Utah as follows: Strike out the words "when, in the judgment of the President, war or any other" and insert in lieu thereof the words "in time of war, if in the judgment of the President an," so that the proviso if amended in that manner will read:

Provided, That in time of war, if in the judgment of the President an exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

The VICE-PRESIDENT. The Secretary will report the amendment.

The SECRETARY. In the proposed amendment of the Senator from Utah strike out the words "when, in the judgment of the President, war or any other" and insert in lieu thereof the words "in time of war, if in the judgment of the President an," so that if amended the proviso will read:

Provided, That in time of war, if in the judgment of the President an exigency involving the credit of the Government so requires, etc.

Mr. BEVERIDGE. Mr. President, a question. As I understand the amendment, it amounts substantially to striking out of the amendment of the Senator from Utah the words "or other exigency involving the credit of the Government."

Mr. CUMMINS. The amendment I propose limits the exercise of the power of the President or of the board of trustees to a time of war, so that the funds deposited in the banks throughout the country can not be withdrawn for the purpose of investing them in the bonds of the United States or other securities of the United States except in time of war. The difference between the amendment as proposed by the Senator from Utah and as it would be if amended by the suggestions I have made is this: I think we are all agreed that in time of war every other consideration must yield to the public safety, and those of us who favor the policy of keeping these moneys in the communities in which they are gathered in the post-offices recognize that there may be an emergency of war to which this policy must yield. But the amendment of the Senator from Utah proposes to repose in the judgment of the President or of the board of trustees possibly the determination of a wide and indefinite question, namely, a condition that may involve the Government's credit.

As I said with regard to another amendment to which I spoke a few moments ago, there is no man who can define what is meant by "an exigency involving the credit of the Government." What to me might be an exigency might be to another an unimportant and trivial detail or disturbance. If we intend to keep these moneys in the States and in the banks where they are originally deposited, then nothing but the supreme necessity of war should be permitted to overthrow that policy.

It must be remembered that it is always in the power of Congress to deal with these deposits as we see fit, but if we believe in the policy which we are inaugurating we ought not to permit any department of the Government to overthrow that policy. I am not imputing to any officer of the Government a sinister motive. I am not suggesting that any future officer of the Government will be animated by a sinister purpose. But I am hopeful that we may make the policy which we are crystallizing in this law effectual; and we ought not to permit anybody to say that an exigency involving the Government's credit has arisen which authorizes the withdrawal of these funds from the bank.

Mr. HEYBURN. Will the Senator from Iowa permit me to ask him a question?

Mr. CUMMINS. Certainly.

Mr. HEYBURN. I am interested to know how the Government would fortify itself by converting money which was already available to it into government bonds. It would add nothing to the volume of money. The Government may now call for this money and use it. How would it be benefited by converting it into bonds?

Mr. CUMMINS. That question ought to be directed toward those who originally inspired the amendment which I am seeking to amend.

Mr. HEYBURN. I was directing it——

Mr. CUMMINS. I see all the force of the inquiry. I do not believe the amendment ought to become part of the law at all——

Mr. HEYBURN. It does not accomplish anything.

Mr. CUMMINS. But inasmuch as there is difference of opinion with respect to a certain point which it is thought this amendment will cover, I have been willing to go just so far as we can go in safety to the interest of my own State in accepting or agreeing to the suggestion.

Mr. HEYBURN. Will the Senator permit me to add a word?

Mr. CUMMINS. Certainly.

Mr. HEYBURN. Of course, if we take the money and invest it in bonds, we must retire the money. That merely finishes the thought I suggested.

Mr. CUMMINS. There is very great weight in the suggestion of the Senator from Idaho, but I do not intend to discuss it either on the one side or upon the other. All I want to do is to make it impossible, save in time of war, that the moneys which have gone into these banks and which have become part of the financial and industrial conditions of the communities in which these banks exist shall not be withdrawn upon either the whim or the judgment of some officer of the Government that an exigency has arisen which involves the government credit. It is impossible for me to conceive of an exigency of that kind.

I do not know what is meant by those words, nor I fancy does any Senator know with such certainty as that he would be able to give a definition. Therefore we ought not to accompany this bill with so vague and so uncertain a standard. If we intend to put this money into the banks and keep it there so long as the banks are willing to pay the interest that may be required, and so long as they are willing to give the security which the law exacts, let us adhere to that policy. If, on the contrary, we are seeking some way in which those who are not in harmony with that policy can destroy it and withdraw the money, then, as was so well said a few moments ago, let us do it squarely and honestly and divide upon the issue which that proposition would necessarily create.

I do not intend to enlarge upon this subject. I had not intended to extend my observations to the point that I have now gone. But I recognize in this bill, as I think everybody else does, a twofold purpose: First, to provide a place for the deposit of savings on the part of those who for one reason or another will not use the banks of the country; second, to insure the largest possible circulation of our money; that is, by keeping the largest possible proportion of our money at work.

We have agreed, apparently, that the money shall be deposited in the banks. Therefore I hope we will not agree to a proposition which will enable those who do not concur in our policy to overturn and destroy it.

Mr. BACON. I desire to ask for some information from the Senator from Utah [Mr. SMOOT]. The amendment of which he gave notice a day or two ago, or yesterday, I think it was——

Mr. SMOOT. Yesterday.

Mr. BACON. Was one which inserted the proviso, which is found in the last amendment offered to-day, beginning in line 22, after the word "States," and ending in line 5, after the word "California." As I understand, the amendment which he offers to-day goes further.

Mr. SMOOT. Let me explain that.

Mr. BACON. Let me finish the sentence, if the Senator will pardon me.

I understand the amendment which has been offered to-day goes further and strikes out not only the part mentioned in the original amendment proposed by him or of which he gave notice, but extends so that it includes all down to line 13, after the words "per annum." Am I correct in that—that that is the present amendment; that is the amendment offered to-day?

Mr. SMOOT. That is the amendment offered to-day.

Mr. BACON. Now, if the Senator will pardon me for a minute, I understand that the additional which is stricken out, and which has heretofore been adopted, was an amendment offered by the Senator from Utah. I want to read those words in order that they may appear in connection with what I have to say. The amendment which was previously offered by the Senator from Utah and which was adopted was in these words, found on page 8 of the present reprint of the bill:

Provided, That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and to pay the rate of interest prescribed from time to time by said board, which rate shall not be less than 2½ per cent per annum.

The amendment offered by the Senator to-day strikes out those words and removes from the bill that peremptory command, if I may so denominate it. The amendment of which he gave notice yesterday did not strike out those words, but the amendment which he has offered to-day, and which is now pending, does strike out those words.

Mr. SMOOT. I can explain to the Senator from Georgia how that happened. If he will notice the bill that was printed on February 3, 1910—he may have a copy on his desk——

Mr. BACON. No; I have not.

Mr. SMOOT. That was the bill we had under discussion, and the only one or the latest one printed up to last evening, and I offered the amendment yesterday afternoon, taking the bill as printed on February 3, 1910. If the Senator will procure a copy of that bill he will find that my amendment strikes out the amendment offered by me and found in that bill on page 7, beginning in line 15. But in the reprint, which was ordered printed after I offered the amendment and is on the desks of Senators now, that amendment comes on page 8. My amendment, as I offered it last night, strikes out the same words of the February 3 print that it does the print of last evening. I changed the amendment, as I offered it to-day, to correspond with the bill that is upon the desks of Senators, of the print of last evening.

Mr. BACON. I will state that I am not so particularly concerned by the fact that the Senator has offered an amendment to-day different from the amendment he offered yesterday.

Mr. SMOOT. No; it is not different.

Mr. BACON. I say I am not concerned by there being or there not being any such difference, but I am concerned in the fact that the Senator has stricken out the amendment which he had previously offered in the Senate and which the Senate had adopted—that is the fact and the pertinent fact—the command that these deposits should not be removed from the neighborhood or local banks, and under the plan here now is to be utterly abandoned, and not only are we to have stricken out the proviso which is contained in an amendment now pending before the Senate, but we are to have that which is entirely consistent with the proviso also stricken out, to wit, the words I have just read.

Mr. SMOOT. I think if the Senator will take into consideration the first amendment and the second amendment offered by me, he will find it reaches the same result as the amendment originally offered by me, with this exception, that the money may be withdrawn in case of war or where an exigency exists involving the credit of the United States.

Mr. President, I want—like nearly all other Senators, I will say western Senators at least—this money to remain in the banks in the communities in which the money is deposited.

The bill with my original amendment required the money to remain in the bank forever if the banks were willing to pay the rate of interest prescribed and not withdrawn by the depositors. This appealed to me, as a business man, to be unjust. The bill did not provide a way for the Government to withdraw the money from the banks on any account, at any time, or for any purpose.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. BORAH. Is this amendment offered for the purpose of affording some means of getting the money out of the banks?

Mr. SMOOT. The proviso is for this purpose: In case of war, I take it, there is no Senator who would say that the Government should not use the money; and I also take it that if there is any condition of affairs in this country that would involve the credit of the United States the Government should have the right to withdraw the money.

Mr. BORAH. I want to ask the Senator from Utah if this amendment is offered for the purpose solely of affording a means by which to carry on war or to protect the credit of the United States? Is that the object and purpose of the amendment?

Mr. SMOOT. To enable the Government to use the money, if necessary, for those purposes is the object and purpose I have in offering the amendment, Mr. President.

Mr. BORAH. Just one other question, Mr. President.

Mr. ROOT. Mr. President——

Mr. BORAH. I yield to the Senator from New York.

Mr. SMOOT. I will add further, that I am reminded also of the fact that a number of constitutional lawyers think it would make the bill constitutional. I am not going to express an opinion upon that, because I am not a constitutional lawyer.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New York?

Mr. SMOOT. I yield to the Senator from New York.

Mr. MONEY (at 4 o'clock and 40 minutes p. m.). I will ask the Senator from New York if he will yield to me to suggest to the Senator from Montana that we take a recess, to preserve the legislative day? It is getting late; everybody is pretty tired; we have been absorbed here in the debate all day; and if it suits the convenience of the Senator from Montana that course would forward the bill very much.

Mr. ROOT. Certainly; I will yield.

Mr. MONEY. If the Senator from New York will not be incommoded, I will ask the Senator from Montana if he will not make a motion for a recess?

Mr. CARTER. I doubt if it will be possible to reach a vote at any reasonable hour this evening. After consultation with a number of Senators I find that it would be quite impracticable to keep a quorum here during the evening, or, at least, it could only be kept in the Chamber at great inconvenience to Senators. Seeming to be the general desire, I will make a motion that at 6 o'clock we take a recess until to-morrow. I think probably we ought to continue until 6 or thereabouts, and I will move that the Senate then stand in recess until 10 o'clock to-morrow morning.

Mr. CLAPP. If we are going to have a recess, we may just as well take it at 5, which will accord with our usual arrangement.

Mr. GALLINGER and others. At 5.

Mr. CARTER. Very well, Mr. President.

Mr. MONEY. If the Senator will permit me, I will state that he will get any sort of accommodation he wishes on this side. There is no intention in the world to delay the measure, and he will get unanimous consent for almost any hour he wishes.

Mr. BEVERIDGE. I should like to ask the Senator from Montana if he does not think it practicable to get a vote within an hour or two?

Mr. BACON and others. Oh, no!

Mr. CARTER. I would gladly remain here throughout the night in order to get a vote. But I understand that it is the disposition of Senators to take a recess at some later time in the afternoon. I think, however, that we should continue until 5.30. There are Senators here who desire to address the Senate on the pending amendment, and it would be just as well that they should proceed now.

Mr. MONEY. I should like to ask the Senator from Montana if he will not agree that the vote shall be taken this afternoon?

Mr. CARTER. I do not anticipate a vote on the bill.

Mr. MONEY. I do not mean on the bill; I mean on the amendment.

Mr. CARTER. From information I have there are a number of Senators who desire to address the Senate. I have no idea that a vote can be taken on the pending amendment this evening.

Mr. BACON. I understand that the purpose is not to press the session longer than probably 5 or 5.30, and I do not think there ought to be any restraint upon what we shall do between now and then. If we are to continue in session, we ought to continue without any agreement as to voting or not voting.

Mr. KEAN. I suggest to the Senator from Montana that we take a recess at 5.30 o'clock.

Mr. CARTER. I move that at 5.30 o'clock the Senate shall stand in recess until 10.30 o'clock to-morrow morning.

Mr. BEVERIDGE. Could not the Senator modify that to the regular hour of meeting? There are some very important committee meetings to-morrow.

Mr. GALLINGER. I have one.

Mr. BACON. I suggest that as to-morrow will be the same legislative day, and I do not suppose there is any possible doubt about the question that we will come to a vote to-morrow, there is no reason I can see for any earlier meeting than the usual hour.

Mr. BEVERIDGE. Can not the Senator from Montana extend the time until 11.45?

Mr. CARTER. I will change the hour of meeting at the expiration of the recess to 11.30 to-morrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana, that at 5.30 the Senate shall stand in recess until 11.30 to-morrow.

The motion was agreed to.

Mr. BORAH. I wish to ask the Senator in charge of the bill if there has been any agreement about taking a vote now?

Mr. CARTER. There has been none.

Mr. BURTON. Mr. President, in order to make it entirely clear as to the deposit of government moneys in banks I have communicated with the Treasury Department. I find that under a circular or order issued in December the securities for government deposits are United States bonds, including those which are guaranteed by the Government, or substantially guaranteed; United States bonds, District of Columbia bonds,

Porto Rico bonds, Philippine government bonds, are accepted as security at par; Hawaiian bonds at 90 per cent, Philippine railway bonds at 90 per cent of the market value.

That is the present regulation. For a time under the administration of Secretary Shaw municipal and other bonds were accepted, but I find no warrant for the statement that any other kind of security or collateral has been received at the Treasury Department.

There is, as is generally known, a difference between the disposition of money collected at the customs offices and that at the internal-revenue offices. Collectors of customs transmit the amounts received by them immediately and directly to subtreasuries of the United States. Collectors of internal revenue deposit at government depositories, where the rule is that if the amount of the deposit exceeds the value of the bonds deposited by the bank, then the balance must be immediately transmitted to the Treasury.

Mr. GALLINGER. I submit a proposed amendment to the bill which I ask may be printed and lie on the table.

The PRESIDING OFFICER. It is so ordered. The pending question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS] to the amendment.

Mr. GALLINGER. I will ask that it may be once more read, both the original amendment and the amendment proposed to the amendment.

The PRESIDING OFFICER. The Secretary will read the original amendment and the amendment thereto.

The SECRETARY. On page 7, line 22 of the bill, after the words "United States," it is proposed to strike out the following words:

Or in bonds or other securities in which investment of the funds of savings banks is authorized by the law of the State or Territory in which such deposits are received: *Provided*, That postal savings funds deposited in any State or Territory in which no provision is made by law governing the investment of savings-bank funds may be invested in the same character of securities in such State or Territory as are made the subject of investment of savings-bank funds by the laws of the States of New York or California: *Provided*, That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed, from time to time, by said board, which rate shall not be less than 2½ per cent per annum.

And in lieu of those words to insert:

Provided, That when in the judgment of the President war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

The Senator from Iowa [Mr. CUMMINS] proposes to amend the amendment as follows: After the word "That," in the proviso, strike out the words "when in the judgment of the President war or any other," and in lieu insert "in time of war, if in the judgment of the President an," so that if amended the proviso will read:

Provided, That in time of war, if in the judgment of the President an exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

Mr. GALLINGER. Mr. President, I wish to propound an inquiry to the Senator from Iowa [Mr. CUMMINS] or the Senator from Utah [Mr. SMOOT], or both. If there is a war scare, which I am not looking forward to in the immediate future, and this money is all withdrawn and invested in bonds of the United States, and if these poor depositors want their money, just what is the modus by which they would get it?

Mr. CUMMINS. I think inasmuch as the Senator from Utah is the author of that part of the proviso, I will allow him to answer.

Mr. GALLINGER. I will add that, in my judgment, if the President concludes we are going to have a war, you will find these poor depositors tumbling over each other to get to the banks to withdraw their money. They will not take any chances; and I think we had better give them that privilege.

Mr. CUMMINS. May I answer so far as to say that Congress alone has the power to declare war?

Mr. GALLINGER. Certainly.

Mr. CUMMINS. And I assume that in that contingency, if that dire event should occur, Congress will take proper care of these deposits in some way or other.

Mr. SMOOT. Mr. President, answering the Senator from New Hampshire, I should like to say that any depositor can withdraw his money at any time he makes the demand upon the Government of the United States, and the Government of the United States will have to provide money to meet those demands, whether it be in time of war or in time of peace.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. BEVERIDGE. Can the Senator imagine a situation where the Congress of the United States, in the event of war or the imperiling of the credit of the Government, would not take appropriate measure to protect either of these?

Mr. SMOOT. I do not think there is any question but that the Government would take care of the deposits.

Mr. BEVERIDGE. If that is true, then, just exactly what is the point of the Senator's amendment?

Mr. SMOOT. The point of my amendment is that the money shall stop where it is deposited, unless in case of war and the credit of the Government is involved.

Mr. BAILEY. Will the Senator from Utah permit me to ask him a question?

Mr. SMOOT. Certainly.

Mr. BAILEY. I thought this bill was intended to provide for the poor. Certainly you do not think that in a case of war the savings of the poor ought to be first appropriated by the Government. They are generally the men who fight the battles. We ought to require the other men to furnish the money to buy them the guns to fight those battles with.

Mr. SMOOT. The Senator certainly knows that under the provisions of the bill the poor, if they have their money deposited there, draw 2 per cent interest.

Mr. BAILEY. But they might need it before the war was over. War lasts sometimes a long time, and it might be they would starve if they had to await the conclusion of hostilities before they could withdraw from the Public Treasury their hard earnings.

Mr. SMOOT. There is nothing in the amendment which says that the Government of the United States shall not pay the depositor in time of war.

Mr. BAILEY. But it authorizes the Government——

Mr. SMOOT. Every depositor must be paid in time of war or in time of peace.

Mr. BAILEY. Oh, no; there is nothing in the bill that says that during a war they shall be paid. The commissioners fix that.

Mr. SMOOT. The bill provides that depositors shall be paid upon demand under certain regulations made by the trustees.

Mr. BAILEY. The depositor then gets the money back without any interest. He must leave his money there for six months or else he is not entitled to any interest.

Mr. SMOOT. That is the same requirement made by savings banks to-day.

Mr. BAILEY. He gets the money back under regulations. What are those regulations? Nobody knows unless it is somebody who can search the heart of those commissioners, and I hardly think the President of the United States could do that before he appoints them.

Mr. SMOOT. The Senator refers to the old bill where it required a six months' notice. In the present bill there is no requirement of a six months' notice.

Mr. BAILEY. That is six months' limitation as to interest? I may be mistaken.

Mr. SMOOT. As to interest.

Mr. BAILEY. If a man draws it at the expiration of five months he loses his interest. Of course he would not lose much.

Mr. CARTER. I will state to the Senator from Texas that there is no such provision in the bill. There is no limitation at all.

Mr. BAILEY. Perhaps I have been misled by one of the old bills for the present bill. They have been changing the bills so often that I have not been able to keep up with them. If I had, I would not have been able to keep up with anything else that was transpiring in Congress. They have changed this every time they have introduced it. I do them the credit to say they have improved it in this regard—that every time a man made a speech against it and pointed out some defect in it, when there was a new bill, they left that provision out, just as you left out the provision about special exemption from taxation and special exemption from garnishment.

But you know perfectly well that without that in the bill these post-office receipts are not subject to taxation. They have no right to issue them except in execution of some power of the Government, and no evidence of indebtedness issued in the execution of such a power is subject to the taxation of a different sovereign. You also know that the Government will not allow itself to be drawn into the ordinary courts of the country in a garnishment proceeding. So you have answered the argument against them by cutting them out, but you do not relieve your bill from the effect. These changes are my excuse for having supposed that the Senator did provide that there should be no interest unless the money was left on deposit at least six months.

Mr. CARTER. There have been something like 200 bills all told presented to the Congress in the last thirty-seven years.

Mr. BAILEY. And no two of them alike?

Mr. CARTER. I think dozens of them are substantially alike, one being a reproduction of another, as the Senator will find if he reads them; but that is a dry class of literature, and I would not inflict that upon the Senator.

Mr. BAILEY. I did not catch the last observation.

Mr. CARTER. I observed that I would not have the Senator inflicted with the task of reading over those bills, because they constitute a very dry class of literature.

Mr. BAILEY. If you would read one you would have them all?

Mr. CARTER. There have been, it is true, two prints of the bill now under consideration, and some confusion naturally occurs between the two prints. One contains all amendments made up to a certain time and the other no amendments at all, because it constitutes the original print.

Mr. BAILEY. I want to interrupt the Senator to withdraw what might appear a criticism of the committee's efforts to improve this bill. Instead of that being a proper subject of criticism, it is entirely to the credit of any committee of this body, and I think that if we all had less pride of authorship and exhibited a greater willingness to improve a measure when we could we would improve our legislation.

Mr. GORE. Mr. President, I desire to ask the Senator from Utah a question in connection with this amendment. I ask him if he ever heard in the history of war or in the history of finance of any government buying its own bonds or anybody's else bonds with cash during the continuance of the war?

Mr. SMOOT. If that is the case, then the money never would be withdrawn from the banks for that purpose. But I can imagine a combination of circumstances where, perhaps, this amendment would be a saving clause, as it were, to the Government. Suppose we had hard times like, for instance, in 1893 or 1894, and at the same time war was declared and the Government was compelled to sell bonds, and, to sell them, should be obliged to provide a rate of interest, say, of 10 per cent, would the Senator think that it would be a bad business proposition for the President to authorize the trustees to withdraw the money from the banks, perhaps not right at that time on that particular week or month, but within a year, and redeem the 10 per cent bonds and remove the heavy burden from the Government? There could be a combination of circumstances where it would be very proper, indeed, for the Government to use that power, and that is one of the powers that the bill confers by the amendment.

Mr. CLAPP. Will the Senator from Utah pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. GORE. After a moment, unless the Senator insists.

Mr. CLAPP. I merely want to say that the proposition does strike anybody as absurd to buy bonds in time of war. What this bill ought to provide for should be a clear-cut provision that in time of war the funds should be used by the Government.

Mr. BAILEY. A forced loan from the poor.

Mr. CLAPP. No, sir; not a forced loan because of the obligation of the Government to the depositor his legal status could not be affected one particle by that change.

Mr. BAILEY. But the Senator tells me that in ordinary times they can get it on demand. If the Senator from Oklahoma will pardon me, I am going to renew my effort to ascertain the truth. I want to know the provision in this bill where we authorize the depositor to get his money on demand.

Mr. SMOOT. I do not want the Senator to misconstrue what I said. I said that the depositor under this bill can get his money on demand in time of war or in time of peace.

Mr. BAILEY. I understand; but the schoolmaster will recite the page.

Mr. CARTER. If the Senator is desirous of getting the direct information from the text, I call his attention to section 7 of the bill, which reads——

Mr. BAILEY. On what page?

Mr. CARTER. On page 5 of the last print. Section 7 reads:

> That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with the accrued interest, after complying with such regulations as the board of trustees may prescribe.

Mr. BAILEY. Well, now, that is exactly what I said a moment ago, and I did not think I had misread the bill; but out of deference to those who were in charge of it I did not contend for it. The very first section provides for the investment, custody, and repayment of the money under such regulations as the trustees may prescribe; but nowhere does the bill say that the depositor shall have his money on demand, but he must withdraw it under such regulations as these trustees prescribe.

Mr. CARTER. Mr. President, undoubtedly——

Mr. BAILEY. Let us put in there "on demand."

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. GORE] has the floor. Does the Senator yield?

Mr. BAILEY. I beg the Senator's pardon for having interrupted him.

Mr. GORE. All right, sir; I enjoyed the colloquy. I agree entirely with the first suggestion of the Senator from Minnesota [Mr. CLAPP]. I do not agree with the suggestion of the Senator from Utah [Mr. SMOOT]. I believe that no nation in the history of the world ever bought bonds during times of war. It is a universal practice, as it is an uncontrollable necessity, that nations must sell bonds during war rather than buy them.

The Senator made allusion to the panic of 1893. If I remember, during that crisis this Nation sold bonds; it did not buy bonds.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. GORE. I do.

Mr. SMOOT. Does not the Senator concede that the Government could sell these bonds to the board of trustees in time of war and receive the money?

Mr. GORE. I do not understand the Senator's question.

Mr. SMOOT. I say does the Senator think that it would be impossible for the Government of the United States in time of war to sell bonds—government bonds—to the board of trustees? They have control of the money and investments.

Mr. GORE. I do not understand that that is the purpose of the Senator's amendment.

Mr. SMOOT. The board of trustees is invested with authority to invest this money, and if they want to invest it in government bonds they can do so.

Mr. GORE. Mr. President, is it the purpose of the amendment to invest these deposits in bonds now outstanding?

Mr. SMOOT. The amendment does not provide that they shall be bonds that are in existence to-day or bonds that may be hereafter issued.

Mr. GORE. Would it authorize the investment of these deposits in bonds now outstanding?

Mr. SMOOT. In case the President thought that conditions existed to authorize the board to do it, then they could buy bonds that are now issued.

Mr. GORE. That is the provision of which I complain.

I wish to add that during the panic of 1907 this Government felt constrained to sell bonds rather than to buy bonds. I do not indorse the suggestion that these deposits shall be made available for the immediate use of the Government in the contingency of war, but it would certainly be a better resource to provide that the Government might use these deposits in the prosecution of war, rather than to authorize these trustees to invest the deposits in the bonds and securities of the United States.

Mr. President, I wish to ask the Senator further if under the provisions of his amendment the bonds now outstanding could not be purchased with these deposits exactly as they could be under the amendment submitted by the Senator from New York [Mr. ROOT]?

Mr. SMOOT. Mr. President, they could be purchased by the board of trustees, providing such conditions arose as are mentioned in the amendment, and in no other case.

Mr. GORE. Mr. President, in the discretion of the President could the money be used in the purchase of outstanding bonds? That is the question.

Mr. SMOOT. Under the restrictions named in the amendment——

Mr. GORE. In the event the banks had been buncoed——

Mr. SMOOT. Oh, no, Mr. President, there is nothing about banks being buncoed.

Mr. GORE. I believe from the language of the President of the United States——

Mr. SMOOT. Well, that has nothing to do with the amendment. We are discussing the amendment.

Mr. GORE. Very well. What I am driving at is this: Can these bonds be palmed off on the Government in pursuance of this amendment, as suggested in the circular read to the Senate by the Senator from Iowa?

It seems to me that the discretion is vested entirely with the President to make these purchases at any time that he believes or imagines the exigency has arisen, and the plan outlined in the circular and read to the Senate by the senior Senator from Iowa [Mr. DOLLIVER] could be carried out under the terms of this amendment. The other amendment was frank in its

avowal. This, if it means what I have suggested, is veiled. It does seem to me that, however innocent may have been the intention of this amendment, it certainly fulfills the advice of Macbeth when he said:

* * * look like the innocent flower,
But be the serpent under 't.

I merely wanted to arrive at the truth.

Mr. BEVERIDGE. Mr. President, I was engaged in asking a question or two of the Senator from Utah when other Senators wished to ask questions. I now wish to conclude them. I asked the Senator if he could imagine a circumstance, either in case of war or where the credit of the Nation was imperiled, where Congress itself would not take steps to protect either the safety or the credit of the Nation, and he said, "Of course not." Then I asked the Senator what was the point of his amendment, and he said to keep the money in the localities where it was collected. Now, bringing those queries and answers down to the present point, I wish to ask the Senator if his original amendment, which is now a part of the bill, does not accomplish that exact end?

Mr. SMOOT. Mr. President, my original amendment accomplishes that; but it goes further than that. It makes it mandatory upon the Government that the money shall stop there forever. There is no provision to ever draw it from the bank.

Mr. BEVERIDGE. But the Senator now provides that it shall remain there forever except in the emergency of war or except in the emergency of the endangering of the national credit. Is not that the case?

Mr. SMOOT. That is the substance of the amendment.

Mr. BEVERIDGE. That being true, the Senator admitting that in either one of these supreme emergencies Congress itself would be swift to relieve either the safety or the credit of the Nation——

Mr. SMOOT. I said Congress could do it; but Congress may not be in session.

Mr. BEVERIDGE. It could be called quickly in case of war or danger of war, could it not?

Mr. SMOOT. Of course Congress has to act before war can be declared.

Mr. BEVERIDGE. So, as a matter of fact, the Senator's new amendment does not modify the Senator's amendment which the Senate has already adopted and which served the purpose of keeping the money, so far as legislation can keep it, in the community where it was needed, so that it might be used by the people and the merchants, except under these two emergencies, which the Senator admits Congress itself, representing the Nation, would be quick to relieve.

Mr. SMOOT. Could relieve.

Mr. BEVERIDGE. Could relieve. I think that sums up the queries that I have to propound.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment offered by the Senator from Utah.

Mr. CRAWFORD. Mr. President, I should like to hear the amendment read before the vote is taken.

The PRESIDING OFFICER. The Secretary will again state the amendment. Does the Senator desire only the reading of the amendment offered by the Senator from Iowa?

Mr. CRAWFORD. That is all.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the proviso it is proposed to strike out the words "when, in the judgment of the President, war or any other," and to insert in lieu thereof the words "in time of war, if, in the judgment of the President, an;" so that, if amended, the proviso will read:

Provided, That in time of war, if, in the judgment of the President, an exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment of the Senator from Utah.

Mr. BORAH. Mr. President, I do not desire to suggest the absence of a quorum unless it is necessary, but I do not think we want to vote on this amendment to-night.

Mr. HALE. There is a quorum here.

Mr. BEVERIDGE. Mr. President, upon that point, if the Senator will permit me, I myself thought a vote should be taken when the Senate was all here, but upon the statement of the Senator from Montana [Mr. CARTER] that undoubtedly no vote would be reached upon the amendment to-night, it is clear to all that many Senators have left the Chamber and that a full vote can not be had. Otherwise, I should be the first to insist upon an immediate vote, which I thought ought to have been had at that time. But I do not think it is exactly fair to Senators, who acted upon the faith of the general understanding that no vote could be taken to-night, to have a vote now.

Mr. BORAH. Mr. President——

Mr. BEVERIDGE. The Senator from Montana said that he had no doubt there would be no vote on this amendment to-night; otherwise I should have highly desired it, and the RECORD will show that I suggested at the time of the proposed recess that a vote should be then taken, because at that time everybody was here. Since then, I have no doubt, upon the understanding that the Senator from Montana was speaking quite accurately that no vote would probably be reached to-night, it would not be fair to take a vote when Senators under those circumstances have left, as we see they have.

Mr. HALE. Mr. President, this is entirely a new thing in the action of the Senate. When an agreement has been made by unanimous consent that a vote shall be taken on a certain day—sometimes the hour being fixed and sometimes not—and Senators having made their arrangements accordingly expect to be here, and are here, to vote. I have never known, by any postponement or by any device, that unanimous-consent agreement to be changed.

Mr. BACON. Mr. President, I do not know that the Senator from Maine was here when the unanimous-consent agreement was made, but it was expressly stipulated that the final vote should be taken on a legislative day rather than a calendar day, and the words "legislative day" were put into the agreement for the purpose—and that statement was made at the time—of giving every Senator an opportunity to speak, and that if we did not conclude it on the first day there would be a recess taken to the next. That is part of the agreement.

Mr. HALE. That I did not know. I was not here at the time, and unless something of that kind interposed, I should certainly object. The thing that has brought the Senate to a vote, in the absence of a previous question which some of us do not believe in, is the iron-clad rule, never to be deviated from, that when a day is fixed for a vote or an hour is fixed, upon that day nothing else whatever shall interpose. I was not present when the agreement was reached, but if, as has been stated, it was a part of the understanding that the vote might not be taken during the session of the day—Thursday—but might be postponed by recess, of course that is a very different thing, and I do not object to that. For one, however, I shall always insist when an agreement is reached for a vote on a certain day that no unanimous-consent agreement after that can change it.

Mr. BACON. I think the Senator is quite right.

Mr. HALE. I think every Senator here understands that is the safety of the Senate.

Mr. BACON. The Senator is entirely right about that. I was satisfied he did not know the exact terms of the agreement.

Mr. HALE. I did not.

Mr. BEVERIDGE. If the Senator will permit me, the Senator may have been out at the time, but the situation is exactly as the Senator from Georgia stated it was, plus——

Mr. HALE. That entirely satisfies me.

Mr. BEVERIDGE. Plus a motion made by the Senator from Montana, on the suggestion of the Senator from Mississippi, that we should take a recess, thus prolonging the legislative day. At that particular juncture, for the reason that the Senator has stated and because all Senators were here, I suggested that possibly we might have a vote upon this particular amendment. Since then, however, many Senators have left. That is the only reason I suggested that the matter go over.

Mr. HALE. Mr. President, I should not want this to be taken as a precedent simply because the motion is made to continue the legislative day, unless it had been a part of the original agreement——

Mr. BEVERIDGE. It was.

Mr. HALE. Because that is a device to carry things over to another day; but, as that was part of the original agreement, of course I do not object.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. CARTER. Mr. President, the Senator from Georgia [Mr. BACON] very accurately stated the understanding which was reached at the time the unanimous-consent agreement was entered into, and, having that understanding in mind, the motion was made at the solicitation of numerous Senators for a recess until the stipulated hour to-morrow. I said at that time that the Senator from Idaho [Mr. BORAH] and numerous other Senators present desired briefly to address the Senate. I doubt now, without changing any unanimous consent or attempting to change it, whether it will be possible to reach a vote on any amendment before the hour fixed for the recess to begin.

Mr. BEVERIDGE. Mr. President, I think I will withdraw any objection. I would not agree to any hour being fixed to vote on anything to-morrow.

Mr. BORAH. Mr. President, I have no desire merely to consume the time of the Senate for the purpose of consuming time; but I have an intense desire to know something more about this amendment before we are called upon to vote.

The objects and purposes of a bill of this kind were clearly defined and stated when the Congress convened, and it has been thoroughly understood before the country as to why we were endeavoring to legislate upon this subject; and that was for the purpose of furnishing a means by which the less provident and more careless and less informed people of this country might have a place in which to deposit their savings. I was thoroughly in sympathy with that policy and that principle, and I am still.

We commenced legislating, therefore, upon the theory that there was a necessity for this kind of legislation based upon that principle. Now, we have reached the point where it seems that we are legislating not so much for that, but to prepare against the exigencies of war and of the impairment of the national credit.

The bill as framed, otherwise than this proviso changes it, is satisfactory to most Republicans and, I presume, to a great many upon the other side. At least it is in thorough harmony and in thorough accord with the declaration of principles which we made to the people when we asked them for a reassurance of power; but there was one principle thoroughly understood and discussed at all places where this measure was discussed at all, and that was that this measure should not be used as a means by which the money collected in the different localities should be transported to foreign parts or foreign places. That was the matter upon which the people in my part of the country were interested and which they discussed; it is a matter which is of prime concern to a vast portion of the country, and I have no doubt but that some would rather see the bill fail than to have that principle preserved in the measure which we pass.

The bill, therefore, as drawn, as I have said, is satisfactory upon the first principles which were enunciated with reference to this legislation, but this proviso is not as yet satisfactory even to the friends of this measure, and no one has undertaken to defend this proviso before the Senate; no one has undertaken to say why it should be in here. There may be a good reason, a controlling reason, and a reason which will satisfy all of us who wish to support this measure, but it has not yet been submitted to the Senate. No one contends, so far as I know, that it is necessary in order to render the bill constitutional. I know that that rumor has been thrown out, but no one has assumed the responsibility of saying here in the Senate that this great measure, this entire superstructure of credit and business, must depend for its constitutionality upon a single proviso in the bill.

Mr. BAILEY. Will the Senator from Idaho permit me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I do.

Mr. BAILEY. I say, without the slightest hesitation, that if this bill were to be passed as it was reported by the committee, the Supreme Court of the United States will, without any doubt, hold it unconstitutional.

Mr. BORAH. Mr. President, the Senator from Texas, I presume from the manner of his reply, misunderstood my statement. I said that no one had undertaken to say that this measure could be made constitutional by this proviso if it were otherwise not so. That is what I intended to say. Do I understand the Senator from Texas to contend that this proviso renders the bill constitutional when otherwise it would not be? I do not think that the Senator from Texas, or anyone else, will contend that if the measure is unconstitutional without this proviso, it is constitutional with it.

Mr. BAILEY. Mr. President, I will say to the Senator that if he will read the oleomargarine case I think he will thoroughly agree with me that it is possible to impose on the court. The Senators who passed that oleomargarine bill knew perfectly well that they were passing it for the purpose of regulating or suppressing the manufacture of a given article in the States, but when that matter reached the Supreme Court they said that Congress has the power to levy taxes and that they had no power to search the hearts of the legislators to see whether they intended to collect revenue through that bill or whether they intended to regulate the manufacture and sale of oleomargarine.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I will do so if the Senator will allow me a moment. I am entirely familiar with the oleomargarine case, but the Supreme Court held that Congress had the power to do that which Congress did do. As to the motive and purpose which actuated Congress in doing that the court held that they would not inquire into that.

Mr. BAILEY. They held that they could not inquire into that.

Mr. BORAH. That they could not, but they held——

Mr. BAILEY. If the Senator will permit me, I stated in a discussion of that bill that it was unconstitutional, but when I was asked the question if the court would hold it so, I said "no," because the court is confined to the consideration of the law as it appears. What I mean to say is this: If the Congress were to declare that its purpose in passing this bill were to borrow money or to use the postal savings banks as a fiscal agency of the Government, the Supreme Court would have no right or power to say Congress did not mean that.

Mr. BORAH. I agree with the Senator perfectly, but in the oleomargarine case the Congress was exercising the power of taxation, and the Supreme Court found that they had the power to legislate as they did. The purpose of exercising that taxing power upon that particular occasion they would not inquire into.

Mr. ROOT. Will the Senator from Idaho permit me to make a brief remark?

Mr. BORAH. Certainly.

Mr. ROOT. The Senator from Idaho has stated that no one has defended the amendment offered by the Senator from Utah [Mr. SMOOT]. There is lying upon the table an amendment to this bill which I introduced on the 8th of February, which has not been withdrawn. My friend the Senator from Idaho has been misinformed upon that subject. I intend, with the indulgence of the Senate, to say something to-morrow morning, at the end of the recess, upon the subject of that amendment and the amendment offered by the Senator from Utah.

Mr. BORAH. Mr. President, I was perfectly aware that the amendment which has been referred to by the Senator from New York had been offered. It is upon our desks, and it is still here; but what I said was that no one had yet undertaken in the Senate to defend these matters upon constitutional grounds. I understand now that that is to be done to-morrow morning, and, as the hour of half past 5 o'clock has arrived, I will wait.

RECESS.

The PRESIDING OFFICER. The hour of 5.30 has arrived.

The hour of 5.30 p. m. having arrived, the Senate took a recess until to-morrow, Friday, March 4, 1910, at 11 o'clock and 30 minutes a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 3, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read.

CORRECTION.

Mr. CLAYTON. Mr. Speaker, I desire to have the Journal corrected in the matter of a vote. I am recorded on page 2640 of the RECORD of yesterday, and I suppose the Journal corresponds, as not having voted; and I am recorded on page 2641 of the RECORD as being paired and not voting. The truth is, Mr. Speaker, I was present, was not paired, and I voted "yes" on that question. I desire that the Journal shall stand corrected and that my vote be recorded in the affirmative.

The SPEAKER. The RECORD and the Journal will be corrected accordingly.

The Journal was approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HULL of Iowa. Mr. Speaker, I call up the conference report on the Articles of War filed yesterday.

The SPEAKER. That is a question of high privilege, but there is a question of personal privilege pending that was postponed until this morning. Will the gentleman withhold for the present?

Mr. HULL of Iowa. I will.

The SPEAKER. On Tuesday last the gentleman from Minnesota [Mr. STEENERSON] arose to a question of personal privilege, and after some discussion, by unanimous consent, the matters involved in the alleged question of personal privilege were printed in the RECORD of Tuesday. The gentleman from New York [Mr. PAYNE] interposed the point of order that the

matter therein contained does not constitute a question of personal privilege. In the meantime the Chair has very carefully examined in the RECORD the statements or allegations covering the alleged question of personal privilege, and the Chair is ready to rule upon that question.

The rule of the House defines questions of personal privilege as those affecting—

the rights, reputation, and conduct of Members, individually, in their representative capacity only.

The meaning of the words "representative capacity" involves the whole question at issue. Is a letter, written by a Member to a private individual to explain acts of the Member in his "representative capacity," itself an act in that capacity? If it is, then any other act of his in explanation outside the House, as a campaign speech in his district, is an act in the "representative capacity." It seems to the Chair that to extend the right to occupy the floor of the House as to so wide a range of controversy as that between the Member and the newspapers or between the Member and the public generally as to his letters or his addresses outside the House would vastly incumber the proceedings of the House.

As to the portions of the article in question referring to acts of the gentleman from Minnesota [Mr. STEENERSON] in his "representative capacity"—that is, in relation to his acts on the floor or in a committee—it seems to the Chair that there is nothing which goes further than a mere criticism of such acts. There is no charge, so far as the Chair finds, which accuses the gentleman from Minnesota of corrupt acts or any other conduct implying more than error of judgment.

The precedent of 1890, to which the gentleman from Minnesota referred the Chair, appears, on examination, to have been a case wherein a Member read in Committee of the Whole a letter from a citizen assailing other Members for words spoken in debate. The Chair held that one of the assailed Members was entitled to the floor on a question of privilege. That case was therefore very different from that presented by the gentleman from Minnesota.

The Chair now holds that the gentleman from Minnesota does not present a question of personal privilege.

The Clerk will read from the record, as made up from the CONGRESSIONAL RECORD, a statement of the precedent of 1890, which is in full. The precedent as inserted in Hinds's Precedents gives another point in the case and neglects to cover the question under consideration. The Chair directs the Clerk to read.

The Clerk read as follows:

A Member having read in Committee of the Whole a letter from a citizen assailing certain other Members for words spoken in debate, the Chairman held that one of the Members assailed was entitled to the floor on a question of privilege.

On May 17, 1890, Mr. Thomas M. Bayne, of Pennsylvania, having the floor in debate in Committee of the Whole House on the state of the Union had read in his own time a letter from a citizen, James Campbell, of Pittsburg, Pa., in which the following language occurred:

"I see by the Associated Press report of the proceedings in Congress yesterday that Messrs. McMillan, Bynum, and Wilson made an attack upon me personally."

The letter then proceeds to explain the writer's relations with the Members referred to, and concludes:

"Bynum can not scare anyone, and if he and Mr. Wilson had been honorable men they would have made counter affidavit and produced it in rebuttal to the one made by me. Nothing better, however, can be expected of the party that is made up of men whose sole aspiration is to assail men of good character, to shield themselves, and then cowardly attack a man in the House of Representatives who is not present to defend himself, and such proceeding only shows the contemptible methods of the men, their intentions, and their party."

Mr. Joseph Wheeler, of Alabama, raised a question of order as to the letter, and Mr. William D. Bynum, of Indiana, who had been mentioned in the letter, demanded the floor for a question of personal privilege.

Mr. JOSEPH G. CANNON, of Illinois, made the point of order that no question of personal privilege was involved.

The Chairman held that the letter reflected on the gentleman in his representative capacity, and constituted a question of privilege.

The Chair sustains the point of order.

Mr. STEENERSON. Mr. Speaker, pending an appeal from the decision of the Chair, I would like to say that there are other and additional facts in connection with this matter which the published article does not contain, and I would like to state the facts that render this publication a question of privilege.

The SPEAKER. The Chair has read very carefully from the RECORD.

Mr. STEENERSON. Yes; but the Chair has not read what I was going to say to the Chair and the House in addition.

The SPEAKER. What the gentleman himself might say is not material touching a matter that had its genesis outside of Congress, based upon a letter which the gentleman wrote and a newspaper criticism. The Chair rules upon the article submitted by the gentleman——

Mr. STEENERSON. I have additional matter.

The SPEAKER (continuing). And printed in the RECORD. The point of order having been sustained, the gentleman would not be in order to address the House unless by unanimous consent.

Mr. STEENERSON. Mr. Speaker, I have additional facts to this publication, and I desire to raise a question of privilege.

The SPEAKER. But that has been settled. If the gentleman desires to raise a new question of personal privilege, the Chair could not prevent him, if he would.

Mr. STEENERSON. If I have papers and documents in my possession presenting a question of privilege outside of the letter published, it seems to me I am entitled to present it—a letter in which it appears that I am intimidated in my capacity as a Representative in this House.

The SPEAKER. The Chair will examine the precedents touching the matter referred to.

Mr. STEENERSON. I will submit the facts which I will sustain by documents. I am ready to state them now.

The SPEAKER. The Chair has ruled on the question of privilege presented by the gentleman on Tuesday and printed in the RECORD by unanimous consent. The Chair at present can not rule on anything different from that presentation and upon that question of privilege under the point of order.

Mr. STEENERSON. Mr. Speaker, I present a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEENERSON. Whether or not I am now entitled to present a question of privilege with new evidence of documents in my possession and facts, which I will bring within the rules, that I have been intimidated as a Member of this House.

The SPEAKER. The Chair is under the impression that possibly there is a ruling upon that question, and is causing the precedents to be examined. The Chair, however, would say to the gentleman that in the absence of a precedent the Chair would be inclined to hold that that question of privilege is disposed of. As to whether the gentleman may have another question of privilege, the Chair is not informed.

Mr. STEENERSON. Then I make a new point now.

The SPEAKER. The Chair finds in the Index this language:

All points of order shall be stated before a decision is made.

Mr. STEENERSON. I am prepared to state the facts that constitute a question of privilege, and, with the permission of the Chair, I will do so now.

The SPEAKER. The Chair is of opinion, under the precedents referred to, that as to the point of order on a question of privilege submitted to the Chair and decided by the Chair, that that is a closed incident.

Mr. STEENERSON. I am trying to make the Chair understand that there are other facts relating to the question of privilege.

The SPEAKER. This was a decision on appeal to the House, a little different, but apparently involving the same principle:

A question of order just decided on appeal may not be renewed on the suggestion of additional reasons.

Now, the gentleman, of course, has the right to appeal from the decision of the Chair on the point of order. If the gentleman does not do so, the decision would stand. But as to any other question of privilege, the Chair is not informed and can not rule upon it.

Mr. STEENERSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEENERSON. If the facts that I am about ready to state, and will state upon my responsibility as a Member of this House, constitute facts which affect my independence as a Member——

The SPEAKER. The gentleman now is putting a supposed case to the Speaker. If the gentleman desires to raise a new question of privilege——

Mr. STEENERSON. I think that will be the shortest way out of it. I raise the question of personal privilege, and I state that:

Whereas the Merchant Marine League of the United States, whose headquarters are at Cleveland, Ohio, has an executive committee, of which the following-named persons are members: J. G. Butler, jr., of Cleveland, Ohio; Myron T. Herrick, of Cleveland, Ohio; J. J. Sullivan, of Cleveland, Ohio; John A. Penton, of Cleveland, Ohio; M. Andrews, of Cleveland, Ohio; E. C. Converse, of New York City; Samuel Mather, of Cleveland, Ohio; F. F. Prentiss, of Cleveland, Ohio; Ambrose Swasey, of Cleveland, Ohio; James H. Dempsey, of Cleveland, Ohio; Edward Hines, of Chicago, Ill.; D. Z. Norton, of Cleveland, Ohio; Abraham Stearn, of Cleveland, Ohio; George H. Worthington, of Cleveland, Ohio; Frank Billings, of Cleveland, Ohio; A. F. Estabrook, of Boston, Mass.; W. P. Murray, of Cleveland, Ohio; M. A. Potter, of Indianapolis, Ind.; and D. A. Tomkins, of Charlotte, N. C.; and

Whereas said league has a branch organization in the State of California, of which R. P. Schwerin, vice-president and general manager of the Pacific Mail Steamship Company; John Barneson, of the Pacific

Coast Steamship Company; George W. Dickie, general manager of the Union Iron Works; C. C. Moore, Albert E. Castle, and Andrew Carrigan, all of San Francisco, in said State, are members; and

Whereas said persons are engaged in issuing pamphlets, periodicals, and magazines devoted to the advancement and agitation for legislation to increase appropriations by Congress for ocean mail service and for ship subsidies generally; and

Whereas it is alleged that said persons have conspired and confederated together for the purpose of unduly and improperly influencing Congress and the Members thereof and creating hostility against all persons opposed to said legislation——

Mr. PAYNE. Mr. Speaker, the gentleman knows that what he is reading now does not form a question of personal privilege.

Mr. STEENERSON. Wait until I get through.

Mr. PAYNE. Oh, wait until the gentleman gets through. He is getting in a good deal of matter——

Mr. STEENERSON. I will show that I am threatened.

The SPEAKER. So far as the gentleman has proceeded he is stating a question that might affect the House generally, but a question of general privilege is not a question of personal privilege.

Mr. STEENERSON. The same rule covers both.

The SPEAKER. And in such cases the practice of the House has been that the gentleman should present to the House a written proposition for action.

Mr. STEENERSON. There is no doubt that he will do that at the end of his remarks.

The SPEAKER. And the Chair will suggest that the gentleman would withhold until he is prepared to so present the matter.

Mr. STEENERSON. The gentleman is prepared to submit a resolution at the end of his remarks.

The SPEAKER. The gentleman, under the rules of the House, in the opinion of the Chair, before he makes his remarks touching a question of general privilege should send to the Clerk's desk and have read the foundation therefor. The gentleman will at once on mere suggestion see the propriety of that well-established practice.

Mr. STEENERSON. Read the resolution?

The SPEAKER. Whatever the gentleman desires.

Mr. STEENERSON. I desire to state this not only affects the House generally, but it affects me individually as a Member of this House and my action upon legislation pending herein.

The SPEAKER. Well, the gentleman now knows the rule. He may send to the desk such written matter as he desires to be read, as part of his question of personal privilege.

Mr. STEENERSON. Very well. I present the following.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Whereas the Merchant Marine League of the United States, whose headquarters are at Cleveland, Ohio, has an executive committee, of which the following-named persons are members: J. G. Butler, jr., of Cleveland, Ohio; Myron T. Herrick, of Cleveland, Ohio; J. J. Sullivan, of Cleveland, Ohio; John A. Penton, of Cleveland, Ohio; M. Andrews, of Cleveland, Ohio; E. C. Converse, of New York City; Samuel Mather, of Cleveland, Ohio; F. F. Prentiss, of Cleveland, Ohio; Ambrose Swasey, of Cleveland, Ohio; James H. Dempsey, of Cleveland, Ohio; Edward Hines, of Chicago, Ill.; D. Z. Norton, of Cleveland, Ohio; Abraham Stearn, of Cleveland, Ohio; George H. Worthington, of Cleveland, Ohio; Frank Billings, of Cleveland, Ohio; A. F. Estabrook, of Boston, Mass.; W. P. Murray, of Cleveland, Ohio; M. A. Potter, of Indianapolis, Ind.; and D. A. Tomkins, of Charlotte, N. C.; and

Whereas said league has a branch organization in the State of California, of which R. P. Schwerin, vice-president and general manager of the Pacific Mail Steamship Company; John Barneson, of the Pacific Coast Steamship Company; George W. Dickie, general manager of the Union Iron Works; C. C. Moore, Albert E. Castle, and Andrew Carrigan, all of San Francisco, in said State, are members; and

Whereas said persons are engaged in issuing pamphlets, periodicals, and magazines devoted to the advancement and agitation of legislation to increase appropriations by Congress for ocean mail service and for ship subsidies generally; and

Whereas it is alleged that said persons have conspired and confederated together for the purpose of unduly and improperly influencing Congress and the Members thereof, and creating hostility against all persons opposed to said legislation; and

Whereas it is further alleged that in pursuance of the object and purposes of said conspiracy the said persons have raised by subscription and solicitation, from interested persons, a large sum of money, which has been used and is being used in said cause and in furtherance thereof; and

Whereas that pursuant to said conspiracy said persons, their agents, and servants having during the last two years frequently and repeatedly solicited and urged the Member of this House from the ninth district of Minnesota to favor and support said legislation and to express himself thereon; and

Whereas it is further charged that said persons, their servants, employees, and agents, in furtherance of said conspiracy, in October, 1909, sent money to a citizen of Crookston, Minn., where said Member resides, in order to obtain information about the private affairs of said Member, especially as to his travels and trips abroad during the last five years, and after obtaining said information said persons caused said Member to be informed that said information was to be used in articles to appear and to be published by said persons and said league in the public press, all of which was done or caused to be done by said persons in furtherance of said conspiracy and to intimidate, terrify, and influence said Member by fear to change his position on said legislation and to influence his vote and action in this House; and

Whereas it is charged that in furtherance of said conspiracy and in execution thereof said persons have caused the publication of the defamatory article, which was printed in the RECORD last Tuesday, March 1, 1910, and said persons in further execution of said conspiracy now threaten said Member with further defamatory and libelous articles and publications and to send numerous letters to citizens and residents of the said ninth district, defaming said Member and questioning his loyalty, patriotism, honesty, and fidelity, and otherwise, in letters and in the press, to libel and hold him up to ridicule and contempt, for the purpose of influencing his vote in the House; and that said persons are threatening to continue said blackmailing campaign in order to terrify and intimidate said Member; and

Whereas it is charged that in furtherance of said conspiracy large sums of money have been and are being used and expended to employ writers for the press to prepare articles favorable to ship subsidy for publication and to employ lobbyists to solicit and interview Members on said matter and to pay campaign contributions to political parties and organizations and influence election of Members and others; and

Whereas it is charged in the publications purporting to be issued by the said Merchant Marine League, and also in the Texas Farmer, a newspaper published at Dallas, in the State of Texas, that large sums of money and corruption funds have been raised by foreign shipowners and ship companies for the purpose of corrupting and influencing Members of Congress against said ship-subsidy legislation, and which sums and funds are now being used to improperly influence Members of Congress on said subject (see H. Res. 184, present session): Now, therefore be it

Resolved, That a committee of seven Members be appointed by the Speaker to investigate said charges, as to whether or not said conspiracy exists, and what funds have been raised by said conspirators for political agitation or for payment to political parties or organizations or to influence newspapers to create sentiment in behalf of the cause, and what, if any, threats of libelous or scandalous articles, or what, if any, other intimidations have been used or threatened on Members of the House in order to influence or affect their vote or attitude on said subject, and also to investigate what, if any, improper means have been used either to promote or defeat said legislation in Congress.

Resolved, That said committee be empowered to sit during the sessions of the House or during the recess of Congress, to send for persons and papers, to administer oaths, and to do all other acts necessary to fully carry out the objects hereof, and to report their conclusions to the House.

Mr. PAYNE. Mr. Speaker, I want to ask the gentleman if he will be content to have that resolution sent to the Committee on the Judiciary——

Mr. MANN. I make the point of order that the resolution is not privileged.

Mr. PAYNE. With the idea of his having a chance to be heard on the matter when the resolution is reported back.

The SPEAKER. The gentleman from Illinois makes the point of order that the statement does not present a question of general privilege of the House.

Mr. MANN. As far as I could hear the resolution read, it does not charge any corruption on the part of any Member of the House. It charges that people outside of Congress have organized a conspiracy for the purpose of terrifying somebody, possibly Members of Congress.

Mr. STEENERSON. It charges they are terrifying them.

Mr. MANN. Maybe they are terrifying.

Mr. STEENERSON. By libel.

Mr. MANN. A charge that somebody outside of Congress is organizing a conspiracy for the purpose of corrupting Members of Congress does not raise the question of personal privilege or a question of general privilege, it seems to me. There is no charge made against Members of Congress. There is no charge made affecting Members of Congress.

Mr. SHACKLEFORD. Is it not charged in this resolution that they have sought facts and pretend now they are going to publish them against this man if he does not vote correctly?

Mr. MANN. There is a charge in the resolution that they have sought to investigate the private character of a Member of Congress to be used against him. That is no charge against the Member of Congress in any way whatever in his representative capacity. If we should undertake to characterize as privileged every charge that was made that somebody was seeking to obtain information concerning the private character of a Member of Congress, entirely apart from his official duties, for the purpose of using that information against him when it has not been used so far as the charge is made, we would never end, and certainly that does not raise a question of privilege.

Mr. STEENERSON. It has been used. The defamatory article printed in the RECORD last Tuesday was published.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman from Illinois has concluded, I would like to say a few words in reference to the resolution.

The SPEAKER. The Chair will hear the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I do not agree with what the gentleman from Illinois [Mr. MANN] has said in reference to this resolution. It may not present a question of personal privilege, but if the statements contained in this resolution are true it undoubtedly presents a question of the highest privilege

in this House, because the allegations contained in the statement sent to the Clerk's desk state that there are certain persons who have entered into a conspiracy to corrupt and intimidate Members of this House. Now, that may be true, or it may not be true, but that is not the question involved here at this time. The question is whether that statement—that there is a conspiracy being formed by certain men named by the gentleman from Minnesota to corrupt and intimidate Members of this House—does not raise a question of the highest privilege in this House. It seems to me that it clearly and manifestly must do so.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. UNDERWOOD. Certainly.

Mr. COOPER of Wisconsin. I could not distinctly hear the preamble and resolution, but from what I did hear the facts present themselves to me like this: The resolution simply charges that outside of the House of Representatives a conspiracy has been formed to commit a criminal act, to wit, to corrupt the National Legislature. That does not affect the privileges of the House, but it does present a subject for the investigation of a federal grand jury. It charges men outside of the House of Representatives with conspiring to perpetrate a criminal act. We are not to be corrupted. They have not affected us in any way, and I do not think that it affects the privileges of the House, in so far as I understood the resolution.

Mr. HUGHES of New Jersey. I desire to state to the gentleman that in addition to that the resolution charges that this conspiracy contemplates threats and coercion.

Mr. UNDERWOOD. And intimidation.

Mr. HUGHES of New Jersey. And intimidation against Members.

Mr. COOPER of Wisconsin. If that is so, that conspiracy is an offense against the criminal law.

Mr. UNDERWOOD. Manifestly the gentleman's position in this matter is incorrect. Suppose the charge made by the gentleman from Minnesota is true and that there is a conspiracy to intimidate and corrupt Members of this House, is it not a question for this House to determine? Is it not for this House to protect itself? Manifestly it is. It can not be anything else. And if it is for this House to protect itself, and protect the membership of this House, then it must be a question of the very highest privilege and is entitled to consideration on the part of this House.

Mr. COX of Indiana. Will the gentleman yield for a question? I want to get the gentleman's judgment as to whether this language amounts to a personal privilege. The article referred to contains the following:

WHAT MANNER OF MAN IS THIS?

Is a man fit to hold high public office that will deliberately pervert and maliciously falsify the facts connected with any important public question? Is he a safe, a trustworthy man? We hold that he is not; that such a man is dishonest and an enemy to his country and his country's best interests, and that he and men like him are a constant menace to American progress at home and abroad.

There are not many such in Congress, but there will always be found a few, and the ninth district of Minnesota has one.

Now, the question is whether or not, if there is such a thing as personal privilege, this does not amount to it?

The SPEAKER. The gentleman will suspend. The matter that the gentleman reads from the RECORD is disposed of, as a question of the general privilege of the House is presented by the resolution. The Chair is ready to rule.

Mr. STEENERSON. I supposed I had the opportunity to be heard.

The SPEAKER. If the gentleman insists on being heard, the Chair presumes he will still be with the gentleman after he has heard him. [Laughter.]

While the written statement which has been read at the Clerk's desk is exceedingly general, upon allegation, "it is alleged," and so forth, amounting, perhaps, to common rumor, yet there is one allegation in this statement, as follows:

And whereas it is charged in the publications purporting to be issued by said Merchant Marine League, and also in the Texas Farmer, a newspaper published at Dallas, in the State of Texas, that large sums of money and corruption funds have been raised by foreign shipowners and ship companies, for the purpose of corrupting and influencing Members of Congress against said ship-subsidy legislation, and which sums and funds are now being used to improperly influence Members of Congress on said subjects—

And so forth. Then follows the proposed resolution. It may be true, as suggested by the gentleman from Wisconsin [Mr. COOPER], that if there be a conspiracy either upon the part of foreign shipowners or the Merchant Marine League to affect legislation, if such conspiracy in fact existed, the courts of law would have jurisdiction to proceed against parties who had formed the conspiracy, yet the allegation here is that these actions, on the one hand by the foreign shipowners for one purpose, and the Merchant Marine League for another purpose, are as indicated in the statement. The most specific allegation is touching the foreign shipowners. If it were not for the precedents, which the Chair has not had time to examine, except as referred to, the Chair might hold a different opinion.

The precedents are as follows:

A Member having stated, upon the authority of "common rumor," that another Member has been menaced, there was held to be ground for the action.

On April 20, 1848, Mr. John W. Palfrey, of Massachusetts, saying that he rose to a question of privilege, stated that common report had represented to the Members of this House that a lawless mob had assembled for two nights past and committed acts of violence, setting the laws at defiance and menacing individuals of this body and other persons residing in this city, and that he proposed to submit to the House a preamble and resolution thereon.

Mr. Thomas H. Bayley, of Virginia, raised the question of order, and inquired whether the recital of a fact, upon rumor, that a Member of this House had been menaced, could make it a question of privilege.

The Speaker decided that the allegation of the gentleman from Massachusetts raised a question relating to the privilege of Members, and that it would be for the House, and not for the Chair, to decide whether any breach of privilege was involved, or whether any steps were necessary for the protection of any of its Members.

In a later practice the Chair has made a preliminary decision, and then the House, upon that decision, has taken such action touching further inquiry or investigation as it deemed proper, and therefore the Chair overrules the point of order. [Applause.]

Mr. PAYNE. Mr. Speaker, I move that the preamble and the resolution be referred to the Committee on the Judiciary.

The SPEAKER. The gentleman from New York moves that the preamble and the resolution be referred to the Committee on the Judiciary.

The question was taken, and the motion was agreed to.

CORRECTION.

Mr. FASSETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FASSETT. I rise, Mr. Speaker, to ask the House to cause the RECORD to be changed or corrected in one particular.

The SPEAKER. The gentleman from New York desires to correct the RECORD, and the gentleman will state the correction desired.

Mr. FASSETT. Mr. Speaker, I am sorry not to notice the presence of the gentleman from Illinois [Mr. RAINEY] in the House, as it refers to his speech of yesterday. On page 2637 of the RECORD of yesterday, in the first column, Mr. RAINEY is reported as closing up the paragraph by saying:

And there the castings and the forgings are made by the poorest-paid skilled labor in the country.

He had previously made a somewhat similar statement in the same paragraph. As he was taking his seat I asked him if he wished to leave the RECORD in the form I had understood him to say, which, according to the stenographer's minutes, is this——

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. What does the gentleman desire to do?

The SPEAKER. The gentleman proposes to correct the RECORD, as he has stated.

Mr. CLARK of Missouri. Is he proposing to change somebody else's speech?

Mr. FASSETT. Ah, Mr. Speaker, I am proposing to change somebody else's speech, because a change made after the speech leaves my remarks in a rather absurd position.

Mr. CLARK of Missouri. I wish to suggest to the gentleman that the gentleman he is talking about is not now in the House.

Mr. FASSETT. I observed that, and I stated I regretted he was absent; but I am perfectly willing to leave this for the present until the gentleman can be here, and I do not think he will object to it.

Mr. CLARK of Missouri. I wish the gentleman would.

Mr. FASSETT. Certainly, I will. Mr. Speaker, with the consent and the approval of the leader of the minority, I simply want to state what change I desire to have made, and then we will take it up afterwards. I desire to have the language in the RECORD correspond to the language the gentleman used on the floor, which was, according to the stenographer's minutes:

And there the castings and the forgings are made by the poorest-paid skilled labor in all the world.

Now, the gentleman from Illinois afterwards explained that he did not mean to use that language, and his explanation is in the RECORD, but the language ought not to be changed.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent that the matter go over until to-morrow morning.

Mr. FASSETT. There is no objection, Mr. Speaker.

The SPEAKER. The Chair hears no objection, and it is so ordered.

ONE HUNDRED AND TWENTY-SECOND AND ONE HUNDRED AND TWENTY-FOURTH ARTICLES OF WAR.

Mr. HULL of Iowa. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 13410) entitled "An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War."

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13410) entitled "An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its first amendment.

That the House recede from its disagreement to the second amendment of the Senate and to the amendment of the Senate as to title, and agree to the same.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.

The statement was also read, as follows:

STATEMENT.

The first amendment struck out the words "of the army" and radically changed the policy of the Government, and the Senate recedes.

The second amendment simply repeals article 123, as the article was virtually repealed by the change in articles 122 and 124, and the House recedes.

The House also recedes from the amendment to the title.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Conferees on the part of the House.

Mr. HULL of Iowa. Mr. Speaker, I move that the House agree to the conference report.

The question was taken, and the conference report was agreed to.

Mr. O'CONNELL. Mr. Speaker, within the last few weeks this country has achieved a notable victory in the award of the contract by the Argentine Republic for the building of two modern battle ships to the Fore River Shipbuilding Company, of Quincy, Mass., one of the great firms of this country, after open competition with the rest of the world. The award has occasioned a great deal of world-wide comment that has not been favorable to our people, because the true facts were not stated. Last night Admiral Bowles, who secured this contract, returned, and at a complimentary banquet given in Quincy by the people of that city gave his reasons why this country was successful in securing this important and epoch-making contract.

The ability of this country to enter the open market in South America and secure the lucrative business which those rich parts afford for trade and win off is strikingly illustrated in this signal success achieved by Admiral Bowles. It should serve as an inspiration to all other forms of business that seek a world trade and a market outside of this country, because for years it has been generally supposed that Great Britain had a monopoly in this one particular form of business. It has been heralded far and wide and, in fact, has been accepted almost as an axiom that England could build steel ships cheaper than any other nation. This theory is punctured and, I hope, dispelled forever.

If the shipbuilding industry of this country can compete with the other nations of the world and successfully underbid them in a department that heretofore has been regarded as impossible, why can not all our other forms of business likewise hope to compete with the same degree of success? Yes, with even a greater degree of hope, because in other lines the rest of the world does not claim to have the prestige over us which the English shipbuilders have always prided themselves upon.

The same degree of effort, energy, and well-directed zeal would unquestionably result in a continued series of industrial successes for this country that would quickly place us in an impregnable position so far as trade with South America is concerned.

The people of Quincy are justly proud of the achievement of Admiral Bowles and this Nation should also feel elated over the fact that from its Naval Academy and from its naval life there has stepped a man who has been able to enter into the commerce of the world and successfully and victoriously carry through a big business enterprise. It is another jewel in the crown of the maritime glory of this Nation and I trust is only the forerunner of a long series of mercantile marine successes that will follow from this time forth.

The shipbuilding industry of this Nation should receive a great impetus from this splendid work on the part of the Fore River Shipbuilding Company, of Quincy, and should inspire the building of many ships that will once more carry the American flag into all parts of the world and restore and vitalize an industry which was once the pride of this country. [Applause.]

At this time I also wish to call particular attention to the remarks of Admiral Bowles, in which he states that he was "exceedingly fortunate in having the assistance of the American minister, who, because of his training in business, made himself an efficient aid in securing the contract," and to the admiral's further conclusion that he is "in favor of diplomatic representatives abroad being drawn from among the politicians." This candid expression, coming at a time when everyone seems to condemn the man engaged in political life, is a thought which should not be overlooked, because of the part it played in this notable victory. While not wishing to be considered as opposed to a reasonable amount of civil-service regulations, such as is intended and sought by those interested in civil-service reform, I think it might be well to call the attention of this House to the remarks of Admiral Bowles, in which he says, referring to the American ministers:

I am in favor of them being politicians. I have no use for civil service in such matters. I used to be a civil-service reformer, but I believe that out of the battle of politics it is always possible to choose men of great ability, fine character, and good standing, and that they are the best ones to represent the spirit of the United States.

I think the victory was not only an industrial one, but also a diplomatic one, of which we were all very proud, and calls at this time for printing in the RECORD the story from Admiral Bowles himself. I ask unanimous consent to have this article containing the admiral's statement in the Boston Globe read by the Clerk.

The SPEAKER. The gentleman asks unanimous consent, as the Chair supposes——

Mr. PAYNE. I object to the gentleman going on with a speech now.

Mr. O'CONNELL. I am through with it. I am simply asking that this be read at the Clerk's desk.

Mr. PAYNE. I object to that.

Mr. MANN. I have no objection to the gentleman inserting it as a part of his remarks.

The SPEAKER. Does the gentleman modify his request?

Mr. O'CONNELL. I will; but I thought this such an important matter that the House ought to hear it.

Mr. PAYNE. Regular order, Mr. Speaker.

The SPEAKER. The gentleman modifies his request and asks that the newspaper article may be printed in the RECORD.

Mr. O'CONNELL. I so modify it.

The SPEAKER. Is there objection?

There was no objection.

The article referred to is as follows:

PRAISE FOR QUINCY MEN.

I suppose you expect me to tell you something about how we secured this contract, and I feel like talking more freely about that matter than ever before. You are entitled to my confidence. [Applause.]

There is no secret about it, and it is very simple. The whole credit of it does not belong to any one man, but the principal credit belongs right here in Quincy and to the magnificent organization of the Fore River Company. [Applause.]

The original designs were called for in January, 1909. We had at that time only ten days upon which to prepare the designs based upon very generous specifications. This was accomplished, and it was upon those designs—we ranked third in the competition—that I thought it desirable to visit South America.

While there I learned that the Argentinas in their wisdom had found many desirable features in many of the designs and wished to combine them in a more powerful and efficient manner, and they therefore requested, from the 23 original, new tenders.

I was able to communicate the bare information to the works; in fact, I only told them to have the designs ready when I reached London. A number of our competitors were discouraged at the short time available for the task, and our people had only eight or nine days, including Sunday, to work out these plans.

In that competition we came out No. 2. And, fortunately, they gave us another chance, and I called upon the works again to prepare a second set of plans, having acquired by that time sufficient information to do it in a better and more efficient manner than on the first occasion.

I want to assure you that nothing can equal the skill, energy, and devotion with which my boys at the Fore River worked upon those designs. I am gratified to tell you that a more perfect set of general

plans never were prepared, and they were universally admired by the people to whom they were delivered. In that competition we came out No. 1. [Applause.]

REASON FOR SUCCESS GIVEN.

The question which many people have in their minds is how is it that we were able to underbid our foreign competitors when it is a general known fact that ships cost more in the United States than in England and in Germany. The answer is simple.

In the United States the cost of the production of large masses of steel is cheaper than anywhere in the world. The active competition which has existed among shipbuilders and manufacturers of steel and war materials has enabled the United States to build its battle ships cheaper than anyone in the world, so that all we had to do was to guarantee to deliver a battle ship up to the standard of the United States Navy and put on our regular price, and that did the trick.

My answer, therefore, is this: I shall be happy now and at any time to duplicate for the United States the ships for the same money and in the same time. The American shipbuilders, in this competition, all showed creditably. It is necessary in such an affair that the group representing this country should know their business and all our designers of the American shipbuilders made a creditable showing and they won.

We were exceedingly fortunate that in Argentina the United States was represented by a minister, appointed by President Taft, a man of great ability, a man well educated, trained in business, devoted to the interests of his country, not holding down the job, but working for the United States.

That man had acquired the Spanish language, had made himself acceptable to the people generally, and had won for us in three months a position such as North America had never held in that country. That man, Mr. Sherall, is the type and model of which the selection of our diplomatic representatives abroad should be based upon.

QUINCY YARD'S FUTURE.

I am in favor of them being politicians. I have no use for civil service in such matters. I used to be a civil-service reformer, but I believe that out of the battle of politics it is always possible to choose men of great ability, fine character, and good standing, and that they are the best ones to represent the spirit of the United States.

Now, one word about the Argentine Republic. You will receive in Quincy within a few days the beginning of a number of representatives of Argentina who are to come here to inspect their work, and I beg you not to forget that they are American.

They call us North Americans. They are a strong, able, distinguished, and cultivated people. They are worthy of every cordiality and hospitality and kindness that can be shown them. It is necessary that they should be made glad and want to stay, and we want them to come again.

This is not the last battle ship that we shall build in Quincy for South America. [Prolonged applause.]

PENSIONS FOR REGULAR ARMY AND NAVY.

Mr. LOUDENSLAGER. Mr. Speaker, I desire to submit a conference report (No. 670) on the bill (H. R. 18006) granting pensions and increase of pensions to certain sailors and soldiers of the Regular Army and Navy for printing, under the rules.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18006) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments in line 18, page 4, and line 12, on page 7.

That the House recede from its disagreement to the amendments of the Senate in lines 10 to 12, inclusive, on page 5, and in line 4, page 6, and line 6, page 6; and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
Managers on the part of the House.
P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

The Senate recedes from its amendment, on line 18, page 4, the case of Thad Parrish. In this case the House allowed a rate of $16 per month and the Senate cut it to $12.

The Senate recedes from its amendment, on line 12, page 7, the case of Claudia D. Blakeman. In this case the House allowed a rate of $25 per month and the Senate reduced it to $16.

The House recedes from its disagreement to the amendment of the Senate, in line 4, page 6, the case of Eugene Bourassa. This is a case in which the House did not fix any definite rate and the Senate fixed a rate of $12 per month.

The House recedes from its disagreement to the amendment of the Senate, on line 6, page 6, the case of Charles F. Brown. The House did not fix any rate and the Senate made a rate of $12 per month.

The House recedes from its disagreement to the amendment of the Senate, striking out all of lines 10 to 12, on page 5, the case of John D. Smith, in which the House allowed a rate of $30 per month.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
Managers on the part of the House.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21419) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1911, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill, with Mr. LAWRENCE in the chair.

Mr. GARDNER of New Jersey. Mr. Chairman, when the committee adjourned on Tuesday it had under consideration the appropriation for clerks in post-offices. The House struck out a provision on page 11, beginning at line 11. I wish now to offer an amendment, to go in immediately after line 10, on page 11.

The CHAIRMAN. The gentleman from New Jersey [Mr. GARDNER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after line 10, page 11, the following:

"No liability for any amount in excess of this sum shall be contracted for salaries of clerks and employees at first and second class post-offices for services rendered during the fiscal year for which this appropriation is made."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. GARDNER of New Jersey. Mr. Chairman, the amendment is offered as a limitation. It has been carried in the post-office appropriation bill for several years to prevent the expenditure of a greater sum for these services than the amount provided in the bill without further action of Congress.

Mr. MANN. Mr. Chairman, the amendment, I think, is clearly subject to a point of order. The law now provides, in reference to clerks, that clerks shall enter on a salary of $600 a year, but that after being in the service one year, if their record entitles them, in the opinion of the department, to it, they shall be permitted to receive a salary of $800 a year; that after serving a year at $800, under the same conditions, they shall receive a salary of $900, and so on up to $1,100 a year. This amendment is perfectly contradictory of this provision of the law and says that no liability shall be contracted beyond the amount appropriated in here, although the law says that the salary shall be increased, and thereby a liability is contracted which, if necessary, would warrant a deficiency appropriation, or if the department should allow the promotions, would warrant the clerks making claims in the Court of Claims. So that the amendment is clearly legislation to limit a liability which, under the law, now exists, and it is not in any wise a limitation upon the appropriation in the bill.

Mr. GARDNER of New Jersey. Mr. Chairman, the gentleman from Illinois is assuming a condition that does not exist. It is true there is a classification act, and it is true there are a number of clerks now in the department; and it is true that they may go on with their promotions and create a liability, if that would do it; but the fact is that it would not. This bill provides for the appointment of a considerable number of new clerks, and the effect of the limitation is that these appointments, in the administration of this bill, shall not be such as to involve the expenditure of a greater sum than is thereby appropriated. If all the clerks were in the department that were to go there, and they were to get stated salaries and their promotions fixed by statute, then, of course, a liability would have to be created to pay them. That is the substance of the argument of the gentleman from Illinois, but it does not present the facts. This merely amounts to a proviso—and I would like the attention of the Chair.

The CHAIRMAN. The Chair is listening to the gentleman.

Mr. GARDNER of New Jersey. This merely amounts to a proviso that the appointments which may be made by authority of the bill—if there is money used to pay them—shall not exceed the amount appropriated in the bill, and the appointments will be limited by the appropriation.

Mr. MANN. Now, Mr. Chairman, take a case that may arise. I do not know whether it will arise or not. That has nothing to do with the point of order. Supposing the amount appropriated here were only $10,000,000 instead of $33,000,000. So far as the point of order is concerned, the amendment would be

just as much out of order if the appropriation were $10,000,000 as it would be if it were $33,000,000; and yet there is not a man here but knows that if the appropriation in the bill were only $10,000,000, that amount would absolutely prohibit the department from enforcing a law now upon the statute books, not by a limitation on the appropriation, but by a limitation upon an existing law.

Mr. STAFFORD. Does the gentleman contend that if Congress had passed a law authorizing the erection of a public building at a certain amount that Congress would not have the authority in the appropriating act to appropriate less than the maximum amount carried in the original act granting the authorization?

Mr. MANN. It would.

Mr. STAFFORD. Wherein is the difference?

Mr. MANN. Why, you could appropriate here 5 cents for clerks, and there is no authority which could require you to appropriate more than 5 cents for the payment of clerks.

Mr. STAFFORD. That is the very principle for which we are contending in this matter.

Mr. MANN. Not at all. It is true these men may go to the Court of Claims and get judgment, but in that case we would not be required to appropriate the money for the payment of the judgment. There is no coercing Congress in appropriating for anything. But if you have an appropriation for a public building, as suggested by my friend from Wisconsin, it would not be in order upon an appropriation bill to say that the building shall not cost more than so much money. You can say in the appropriation bill we will appropriate no more money, but you can not fix the limit of cost upon an appropriation bill on a public building except on the public-building bill, which is not an appropriation bill.

Mr. STAFFORD. All we attempt to provide by this provision is to limit the amount of expenditure during the coming fiscal year. We in nowise invade the liability of the Government to the clerks by reason of the automatic promotion scheme.

Mr. MANN. Why, the gentleman can limit the amount of appropriation by fixing the amount of appropriation, but he can not limit the liability of the Government under the existing law or fix the liability over a point of order.

Mr. GARDNER of New Jersey. Mr. Chairman, it is difficult to believe that the gentleman from Illinois would occupy the time of the House on a proposition that he does not understand, and even more difficult to believe that if he does understand his assumed basis of argument, that he will attempt to deceive the House. Both horns of the dilemma are hard.

Mr. MANN. And nobody will believe either one.

Mr. GARDNER of New Jersey. Mr. Chairman, if the Post-Office Department was fixed and stationary in regard to its force, if all the clerks were there to-day who were going there under this bill, and if the statute fixed their salaries, and this provision was not enough to cover it, the gentleman from Illinois [Mr. MANN] would be right, but that is not the proposition at all. We are providing a certain amount of money in this bill for additional clerk hire. The number to be employed is uncertain. One end of the problem is and must be in the air, because if they should appoint all the additional clerks that the money would allow, if they were appointed for nine months it would require one sum, for six months another, and for three months another.

Mr. HENRY W. PALMER. And one-half another.

Mr. GARDNER of New Jersey. Yes; and one-half another. So that all this limitation does and can do is to limit the administration in the expenditure of this item as to the people not now under salaries and subject to automatic promotion.

The CHAIRMAN. The Chair is ready to rule. The gentleman from New Jersey offers the following amendment:

No liability for any amount in excess of this sum shall be contracted for salaries of clerks and employees at first and second class post-offices for services rendered during the fiscal year for which this appropriation is made.

He claims that this amendment is in order, on the ground that it is a limitation. In the opinion of the Chair the House can not, on a general appropritaion bill, authorize a contract; neither can it forbid one.

Where an amendment places a limitation which would not otherwise exist upon the discretion of one of the executive departments of the Government, forcing the head of that department to do certain things which otherwise he would not be required to do, that is more than a limitation upon an appropriation. It is substantially a positive enactment.

It seems to the Chair that this amendment is legislation, and not in order under our rule on a general appropriation bill. He therefore sustains the point of order.

Mr. GARDNER of New Jersey. I have another amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 10, page 11, insert:

"The sum herein appropriated shall be subject to the following limitation: That the number of clerks to the payment of whose salaries the amount herein appropriated may be applied shall not exceed 33,200 at any one time."

Mr. MANN. I reserve a point of order on that paragraph until I can examine it.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. MANN. As far as I am concerned, I withdraw the point of order.

Mr. GARDNER of New Jersey. What is meant by the amendment is that it shall limit the number of persons who may be paid out of this appropriation to 33,200 at any one time.

Mr. HUGHES of New Jersey. I reserve the point of order on the amendment, and I should like to ask the gentleman what the effect of his amendment is? How much does it reduce the number of clerks carried in this bill, or does it increase the number, or in what way does it affect the paragraph?

Mr. GARDNER of New Jersey. It limits the number that shall be in the service and paid out of this bill at any one time to 33,200.

Mr. HUGHES of New Jersey. How does that number compare with the total number carried in the bill?

Mr. MANN. It is the same number.

Mr. GARDNER of New Jersey. It is the full number.

Mr. HUGHES of New Jersey. Then the effect of this amendment, as I take it, is the same as the effect sought in the last amendment—to prevent the appointment of additional clerks. I insist upon the point of order. I should like to be heard, if the Chair desires to hear me.

Mr. GARDNER of New Jersey. If the gentleman insists on the point of order I want to state what the amendment does. If you appropriate so much money for clerk hire, that may be used to appoint one number for nine months; if they are appointed on an average of six months, it is another number; and if they are appointed for three months, it is another number; and if appointed for one month, still another number.

Now, the important point in the limitation is this: That all that are appointed during the fiscal year are carried to the roll at the end of the year and are put under the classification act. The limitation there is intended to limit the number that may be appointed under this bill and carried to the permanent roll in the next fiscal year and beyond the jurisdiction of Congress, according to the ruling of the Chair now, except by general statute.

Mr. HUGHES of New Jersey. This is, in effect, as the Chair stated in regard to the last amendment, an effort on the part of the gentleman from New Jersey to limit the discretion of the executive officer. The professed and avowed purpose of the amendment is to prevent the Postmaster-General or other proper official from increasing the number of clerks carried in this paragraph; and inasmuch as by statute this official is authorized to appoint carriers in his discretion, this is certainly an attempt to limit his discretion.

Mr. GARDNER of New Jersey. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from New Jersey asks leave to withdraw the amendment. Is there objection?

There was no objection.

Mr. GARDNER of New Jersey. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

No part of this appropriation shall be applied to the force of clerks of the classes herein appropriated for exceeding in number 33,200.

Mr. HUGHES of New Jersey. Mr. Chairman, I make the point of order on the amendment that it still comes within the ruling of the Chair previously made. While it professes to be a limitation on the appropriation, in effect it is a positive enactment to prevent an executive officer from increasing the number of clerks. It does not matter in what shape you put the words of the amendment, if the object of the amendment is to prevent the Postmaster-General from putting more clerks on during the life of this appropriation bill. This is professedly and avowedly the object of the amendment. If the amendment is so drawn that it affects the purpose, it is a limitation on his discretion.

The CHAIRMAN. The Chair thinks that under the precedents the amendment as now offered by the gentleman from New Jersey should be held to be a limitation. It has been held that an amendment providing that no part of an appropriation for the army shall be available for an army over a certain size was in order on the ground that it was a limita-

tion. The Chair, following this precedent, overrules the point of order.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from New Jersey if he will not add to his amendment the words "at any one time," so that it shall read: "Not more than $3,200 at any one time."

Mr. GARDNER of New Jersey. I have no objection to that, and I ask unanimous consent to add to my amendment those words.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from New Jersey as modified.

The question was taken, and the amendment was agreed to.

Mr. GARDNER of New Jersey. Mr. Chairman, I also offer the following amendment.

The Clerk read as follows:

Add after the last amendment the following:
"The sum herein appropriated shall also be subject to the following limitation: That the allowance of salaries for the several grades in the various first and second class post-offices shall be made, so far as practicable, in proportion to the amount of the business transacted at the several offices."

Mr. FINLEY. Mr. Chairman, I make a point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment:

Add after the last amendment the following:
"And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add after the last amendment the following:
"And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum."

Mr. HUGHES of New Jersey. Mr. Chairman, I make a point of order on that amendment.

Mr. STAFFORD. Mr. Chairman, I think the amendment is a limitation on the amount appropriated. In nowise is it a limitation on the discretion of the executive officer. By this amendment we provide that in no instance shall the total amount appropriated be exceeded in expenditure. It means, in effect, that the Postmaster-General shall not employ any more post-office clerks than what this total amount will provide; and under the precedents of the House, to which I wish to direct the attention of the Chair, I think it is clearly in order.

I direct the attention of the Chair to the Manual, section 826, as found on page 417 of the latest issue, in which the following language is used:

The limitation may not be applied directly to the official functions of executive officers, but it may restrict executive discretion so far as this may be done by a simple negative on the use of the appropriation.

I direct the Chair's attention particularly to this language, referring to the scope of limitations:

But it may restrict executive discretion so far as this may be done by a simple negative on the use of the appropriation, which does not give affirmative directions.

Numerous precedents are cited as found in volume 4 of Hinds's Precedents, namely, paragraphs 3968 to 3972, 3854 to 3859, and 3975. I have those precedents before me, and I would like to call the attention of the Chair to some of them in which the phraseology has been even broader in extent, and yet the Chair in those instances has overruled the point of order.

Reading from page 657 of volume 4 of Hinds's Precedents, paragraph 3968, when the post-office appropriation bill was under consideration on April 12, 1906, and the following paragraph in the bill was under consideration:

For inland transportation by star routes, including temporary service and newly established offices, $7,100,000.

To which the following amendment was offered:

Provided, That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of the Rural Delivery Service, nor shall any of said sum be expended for the establishment of a new star-route service for a patronage which is already entirely served by rural free delivery.

Then there is a further proviso relating to Alaska, which is not pertinent here. A point of order was made against the amendment, and the Chair overruled the point of order.

Again, I call the attention of the Chair to the citation in the following paragraph, 3970, when the post-office bill was under consideration at the same time:

For railway post-office car service, $5,875,000.

To which the following amendment was offered:

Provided, That no part of the sum herein appropriated shall be expended for the payment of rent of railway post-office cars not in actual use in the service of the transportation of the mail.

The chairman, who was the present Vice-President, overruled the point of order.

Now, Mr. Chairman, in the case first instanced to the Chair there is a direction and limitation even on the executive discretion of the Postmaster-General, but it is negative in its character in restricting the expenditure of that money, except on routes of the character described, but in the amendment that is now under consideration there is not even any such restriction.

There is merely a direction that he shall not employ clerks so as to involve an aggregate expenditure of the amount herein designated. There is not in anywise any limitation on his discretion, but merely the exercise by Congress of its right to limit the amount of the appropriation. I could call the attention of the Chair to other citations, but they are along the same line. I think that the Chair on giving consideration to these citations will agree that this is in nowise a limitation on the discretion of the executive officer, but merely a limitation on the appropriation, so that he may not expend any more than the total amount. I have other citations here along the same line, even broader than the one under consideration, but all the citations go to the extent that this character of limitation may be upheld on an appropriation bill. Otherwise Congress is without any authority whatsoever to limit the amount that may be expended or the number of men that may be employed. If the Chair would like to hear further citations, I will be glad to cite them.

Mr. HUGHES of New Jersey. Mr. Chairman, this amendment calls for the appointment and assignment of clerks hereunder. Now, if we strip the paragraph of everything except that which deals with the appointment, let us see how the gentleman's argument sounds then. The amendment then would read—

that the appointment of clerks hereunder shall be so made as to not involve a greater aggregate expenditure than this sum—

Which is tantamount to saying to the Postmaster-General that he shall not, within the life of this bill, employ more than a certain number of clerks. Now, if the committee desires to do this, there is nothing to prevent it from decreasing the total amount of the appropriation, but inasmuch as the statute places in the Postmaster-General discretion as to the appointment or nonappointment of clerks, as to the number that shall be appointed during the year, this is obviously an attempt to limit that discretion.

Mr. MANN. Mr. Chairman, just a word. It seems to me that the decisions cited by the gentleman from Wisconsin [Mr. STAFFORD] had no application to the proposition now pending. Those decisions are simply to the effect that Congress may, in making an appropriation, put a limitation upon the uses of an appropriation; and there can be no question about that; no one controverts it. But here is a limitation, not upon an appropriation, but a limitation upon the amount which may be expended by a department under existing law where the law warrants that expenditure. The department has certain discretion. This is a limitation, not on the appropriation—it does not pretend to limit this appropriation at all—but is a limitation upon the amount of liability which the department may incur under existing law.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] is one which gives affirmative directions to an executive officer and interferes with his discretion. Under the precedents of the House it violates the rule that no legislation is in order on an appropriation bill. Therefore, the Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had receded from its amendment No. 5 to the bill (H. R. 18681) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the House of Representatives.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 142. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4399. An act for the relief of Maj. Pierre C. Stevens;

S. 3360. An act to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900;

S. 1. An act authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes; and

S. 5705. An act to authorize advances to the reclamation fund and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For compensation to printers, mechanics, and skilled laborers, 10, at $1,200 each; 4, at $1,100 each; 3, at $1,000 each; and 6, at $900 each; in all, $24,800.

Mr. AUSTIN. Mr. Chairman——

Mr. HUGHES of New Jersey. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HUGHES of New Jersey. I understood the last amendment, which carries the language commencing on line 11, went out on the point of order—or what became of that language?

The CHAIRMAN. That paragraph went out on the point of order yesterday.

Mr. HUGHES of New Jersey. The language from line 11 to line 20 was included in the last point of order.

The CHAIRMAN. It went out yesterday on the point of order. The language of the whole paragraph was ruled out yesterday on the point of order.

Mr. AUSTIN. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk, at the end of line 20——

Mr. WEEKS. Mr. Chairman, I shall have to make the point of order that we have passed that.

Mr. AUSTIN. Mr. Chairman, I wish to say I was on my feet and failed to obtain recognition when the amendment was disposed of by the ruling of the Chair. The gentleman from Wisconsin offered an amendment, after the word "sum," in line 13, and when that was disposed of I endeavored to obtain the recognition of the Chair.

The CHAIRMAN. The Chair will state the gentleman was on his feet seeking to gain recognition, but the Chair thought the gentleman expected to offer an amendment at the close of the reading of the paragraph, so the Chair therefore will recognize the gentleman.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. To what paragraph of the bill does the gentleman seek to offer his amendment?

The CHAIRMAN. The amendment has not yet been reported. The Clerk will report the amendment.

The Clerk read as follows:

Insert, on page 11, after the last amendment, the following:

"That the clerks in post-offices of the first and second classes shall be required to work not exceeding forty-eight hours each week, including such number of hours on Sunday and intervening holidays as may be required by the interests of the postal service.

"That clerks shall be required to work in shifts of eight consecutive hours, or as nearly so as practicable.

"That should any clerk or clerks provided for in section 1 of this act be employed more than forty-eight hours during any week they shall be paid extra for the same in proportion to the salary they are receiving.

"That all clerks and carriers shall be entitled to an annual leave of absence of thirty days with pay."

Mr. WEEKS. Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard?

Mr. AUSTIN. Yes, sir.

Mr. WEEKS. Mr. Chairman, I would like to call the attention of the Chair to the fact that that amendment was offered day before yesterday, was discussed at that time, and I made the point of order against it. At that time the Chair sustained the point of order.

Mr. AUSTIN. But this is a much better amendment than the one offered day before yesterday, and I hope the gentleman from Massachusetts will admit it.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee briefly.

Mr. AUSTIN. I wish to say in response to the statement made by the chairman of the Committee on Post-Office and Post-Roads that this is not the same proposition that was offered here day before yesterday and which went out on the point of order. While that was a very excellent amendment to the post-office appropriation bill and a decided improvement, Mr. Chairman, with due deference to the gentleman having this measure in charge, this is a far better amendment, and, as the members of this committee are attempting to have general legislation placed upon it, I think the doors ought to be thrown wide open to other Members who are not so fortunate as to be members of that committee, so that they may have an opportunity to amend the bill and give us some legislation upon an appropriation bill, for, in my judgment, if we do not get it there, we will not secure it at all.

I appeal to the gentleman from Massachusetts to let this meritorious proposition go on this bill, and enable us to do justice to a very large, worthy, and deserving class of efficient postal employees.

Mr. WEEKS. Mr. Chairman, I understand the gentleman from Tennessee admits that this is general legislation. I agree with him in that conclusion, and I make the point of order.

The CHAIRMAN. It changes existing law, and therefore the Chair sustains the point of order.

The Clerk read as follows:

For compensation to watchmen, messengers, and laborers, 700, at $700 each; 600, at $600 each; in all, $850,000.

Mr. KELIHER. Mr. Chairman, I move to strike out the last word. I note the absence from this item of the laborers in the $500 class carried in the previous bills. Has that service been done away with, or have these men been promoted?

Mr. WEEKS. Mr. Chairman, in the bill for the current year there were provided 660 men in this class at $700 a year, 425 at $600 a year, and 140 at $500 a year. The committee, after examining the conditions under which this labor is employed, concluded that $500 a year was too low a rate of pay for these men, and therefore increased the $700 grade by promoting 40 men to it, making 700 in that grade, and raised all of the men in the $500 grade to the $600 grade, leaving the bill with 700 men at $700 a year and 600 men at $600, eliminating the $500 grade.

Mr. KELIHER. I wish to congratulate the committee, and I hope that next year we may note the absence of the $600 grade, and to see $700 as the minimum salary paid to laborers in this class of work. [Applause.]

Mr. CALDER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, strike out lines 1, 2, 3, and 4, and insert the following:

"For compensation to watchmen, messengers, and laborers, 350 at $800 each, 350 at $700 each, 600 at $600 each; in all $885,000."

Mr. WEEKS. Mr. Chairman, I make a point of order against that.

Mr. BENNET of New York. Will the gentleman reserve the point of order?

Mr. WEEKS. If the gentleman from New York wishes to make a statement, I will reserve the point of order.

Mr. BENNET of New York. Mr. Chairman, in the first place, possibly the point of order will not lie, because the existing grades as they are in the law are changed, and therefore the paragraph being itself subject to a point of order, an amendment to it is not subject to a point of order. But I do not desire to address myself at this time to that. I think there is an impression in the minds of the Post-Office Committee that these laborers are employed in what you might call "lumping"—that is, simply the rough work—and there is no question that some of the laborers are so employed. With a due consciousness of my responsibility as a Member, I hesitate to say that I have actually seen with my own eyes laborers in the post-office in New York City doing the work that clerks are doing, but it is my very strong impression that the postmaster has pointed out to me men there doing the work. I have read the hearings and am familiar with them.

Mr. WEEKS. Are you discussing the merits of the point of order?

Mr. BENNET of New York. At the moment, the merits of the proposition. I can state almost of my actual knowledge of having seen these people that are being employed as laborers and being paid these inferior salaries doing the same work of clerks, and alongside of the clerks, in the basement of the post-office of New York City.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET of New York. Certainly.

Mr. MANN. These are supposed to be laborers. Is the gentleman aware that while in the postal service they get $700 a year, and if they work under the Treasury Department in the same work they only get $600 a year?

Mr. BENNET of New York. There are a few laborers in the custodian service in New York City that get $600, and I know they are not under the Post-Office Department, of course.

Mr. MANN. All the cleaners, all the laborers in charge of the building, if they happen to be janitors in a postal station, get $700 a year; but if they are janitors at the main office, under the Treasury Department, they get $600 a year.

I think the gentleman ought to direct his attention, along with some of the rest of us, to having the inequality done away with by increasing the salary of some men doing the same work for the Treasury Department before he boosts salaries under the Post-Office Department.

Mr. BENNET of New York. I am paying a little attention to that also. But I think that the committee very possibly has an idea that these people who do clerical work in the main building are under the Post-Office Department, when, as the gentleman from Illinois and myself know, they are under the Treasury Department, and that the postmaster is custodian. I simply want to bring to the attention of the chairman of the committee what I think he does not realize, and what I am trying to show is what the evidence given before his committee did not clearly convey, and that is that these laborers are men in a superior employment; that they handle the mail; that they do clerks' work, and that there ought to be, for a few of them at least, a superior classification to the $800 grade.

Mr. MANN. They receive the mail when it comes in.

Mr. BENNET of New York. Certainly; right along with the clerks, not lumpers, but men of superior intelligence and education, who simply happen to have been appointed as laborers. They are intrusted with the handling of the mails the same as the clerks. They are under oath, and there ought to be an $800 grade to which the best of them could be promoted.

On the point of order, it seems that the $500 grade being abolished—on which I congratulate the committee, and which is a step in the right direction—and it seems, if my position is correctly taken, almost unfair to take advantage of their liberality; but the $500 grade being abolished, being a change, the paragraph would thereby in itself be subject to the point of order, and an amendment to it under the recognized precedents of the House is in order. Last year there was a $500 grade. This year there is no $500 grade, and therefore the amendment, while otherwise it would be a change of law, being offered as an amendment to a paragraph subject itself to the point of order, is in order.

The CHAIRMAN. The Chair would call the attention of the gentleman from New York to the fact that this paragraph is not a legislative provision.

Mr. BENNET of New York. There is legislation by abolishing the $500 grade. Last year there was the $500 grade.

The CHAIRMAN. The House has the right not to appropriate even for a legal object.

Mr. BENNET of New York. I quite agree with that. An appropriation for that purpose would be in order.

The CHAIRMAN. An appropriation for that purpose, if offered by the gentleman, would be in order.

Mr. BENNET of New York. I quite agree with that, but it seems to me it might be in order through an amendment such as my colleague's amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last two words.

This item is curious in this respect, and I want to call the attention of the House to it. It primarily carried the salary of $500 a year for laborers. One of the reasons for the abolition of the $500 grade was that the department could not get men to apply for $500 places. It has often been said on the floor of this House in defense of salaries comparatively low that there is no trouble in getting men to fill the places at a stated salary, and consequently the salary must be sufficient. Here is a case where, in the course of business, in respect to a standing salary, it is stated by the department that it is so low that men can not be found to take the places provided at that figure.

The Clerk read as follows:

For compensation to clerks in charge of contract stations, at a rate above $300 each, and not to exceed $1,000 each, $300,000.

Mr. MANN. I move to strike out the last word. I want to ask the gentleman from Massachusetts whether he is satisfied that this amount appropriated in this paragraph and the succeeding item will be sufficient to make these promotions in substations which will be made under the existing regulations of the department?

Mr. WEEKS. Mr. Chairman, in the item to which the gentleman from Illinois calls the committee's attention the committee has recommended the estimate made by the department. It is the same amount appropriated last year. There is no question about its providing for the necessities of the service. There is an increase in the succeeding item of $45,000, of which $25,000 was recommended by the department and $20,000 was added by the committee.

Mr. MANN. I will say to the gentleman it may not have come before him, in his very arduous work in reference to this bill, and many other propositions pending before his committee, with reference to these substations.

Of course in a city like Chicago, and in the district which I have the honor to represent, the people are mostly dependent on these substations for post-office connections at all, except as the mail is delivered to them. The department has had a practice of increasing the amount paid to a clerk in charge of a substation in accordance with the amount of business transacted, which, as a rule, is computed on the number of money-order and registry transactions. In the past those regulations have been several times changed, because the amount appropriated was not sufficient to make the increases in the salaries provided by the regulation of the prior year. And it would seem as though where a clerk takes a substation for the first time at $100 a year, as is the usual practice, and where we have great difficulty very often in our city in getting people to take those substations at that rate for the first year, that if their business increases so that they do an amount of business which would warrant the payment of four or five hundred dollars a year, under the regulations of the department, they ought to receive that amount of salary. And if that is to be done in one case, then a sufficient amount ought to be appropriated to do it in other like cases.

Mr. WEEKS. I think the gentleman from Illinois is correct in saying that the method which determines the pay of these clerks at substations has been changed; but a clerk at one of these substations takes the appointment, not on account of the salary paid, but on account of the business which it brings to him in other ways. That is the reason that drug stores are so largely the representatives of the Government in such cases; and the First Assistant Postmaster-General, in referring to the question, stated that very largely these clerkships would be taken for the second reason, which I have named, even if no salary went with the clerkship. In other words, that the main reason in accepting these positions is not the salary, but is the business brought to the individual on account of having an office in his store.

Mr. MANN. Mr. Chairman, the First Assistant Postmaster-General is mistaken in that respect so far as my district is concerned. He could not secure the location of these substations in the drug stores in Chicago without paying some compensation. It is true that the compensation paid is not sufficient, and is not intended to be sufficient, to compensate for the extra amount very often paid in clerk hire by the owner of the drug store. Nor is it true that that is the reason why drug stores are selected. Drug stores are selected in the main because the department and the postmaster will not locate a substation in any place except a drug store. They dislike to locate a station elsewhere. The gentleman thinks, and I know it is the popular expression, that people seek these places. It is not an infrequent thing in my district to have a man throw up a substation and for the department to be unable for a considerable period of time to find anyone who will take it.

Mr. WEEKS. That may be true of the district represented by the gentleman from Illinois——

Mr. MANN. It is true elsewhere.

Mr. WEEKS. But all the testimony before the committee is to the contrary; and the department, in my judgment, has had no trouble in obtaining clerks for these substations.

Mr. MANN. I do not know how much testimony the committee has taken. I dare say it has taken very little on this subject. The truth is that the department officials in Washington have very little knowledge in reference to that matter. I went to the department a few years ago and asked them if they knew of any place in the United States with a population of 10,000 people where a postage stamp could not be bought, and they said they did not. I said, "Well, I can name you one in my district, where you can not buy a postage stamp." The storekeepers would not keep stamps for sale.

Mr. COX of Indiana. Why not?

Mr. MANN. There was no person willing to maintain a substation. There had been a number of people in charge of substations and all had thrown them up because of the great amount of work. In that particular case it was on account of foreign money orders. They start a new man in at only $100 a year. In all fairness to the department I will say that in that

case, upon proper presentation of the matter, the department started a man at a salary considerably in excess of $100 a year, although that was a violation of the usual practice, and I agree with the gentleman that as a usual thing that is the proper practice.

Mr. WEEKS. Does the gentleman desire to make a motion on this subject?

Mr. MANN. No; I do not wish to make any motion. I wanted to know whether the committee was endeavoring to provide a sufficient sum to comply with the regulations which the department makes with reference to these substations.

Mr. WEEKS. Mr. Chairman, I suspected from what the gentleman from Illinois said that he had not read the hearings on this subject.

Mr. MANN. To ease the gentleman's mind, I will say that I have not read the hearings, and that I do not expect to.

Mr. WEEKS. The hearings on the subject were very full, so that every member of the committee was satisfied that the appropriations made under the two paragraphs were sufficient for the needs of the service.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. It is only fair to the committee, in view of the inquiry directed by the gentleman from Illinois, to state that the amount appropriated in the first item is not sufficient to provide for the present salaries according to the present established rate of pay based upon money orders and on registered packages. At the time of the hearings the annual rate of appropriation for these contract stations, where the compensation is from $300 to $1,000, was $296,000. And in the following item, where the compensation is $300 and below, the annual rate was $530,000, which in both instances was very near the total appropriation of the present law. I directed an inquiry to the First Assistant Postmaster-General to ascertain whether his estimate of $300,000 in the first paragraph, the same as the present law, would compel him to establish an increased rating for this service if no additional appropriation was made. He said that would necessarily follow.

I then asked him concerning the next appropriation, in which his estimate was $560,000, an increase of $25,000 over the existing appropriation, and which the committee increased an additional $20,000, making it $580,000—whether that would not require a higher number of pieces to be handled in order to obtain the same compensation, and he said that it would.

I quite agree with the gentleman from Illinois and other members of the committee that these stations perform a most valuable work, a work that could not be duplicated to any degree for the same cost if they were under the direct charge of the Government.

The committee believed that there should be no reduction in the present scale of pay so far as these lower-priced stations are concerned, namely, the $300 stations; and there is an increase of estimates so as to provide for the present service upon the present basis of computation, and also to provide for additional service.

In the first item—that is, those of the higher class—I wish to be frank and say that if the present appropriation is carried it will necessarily result in the clerks of those stations being obliged to perform more work for the same compensation than they are receiving to-day.

Mr. MANN. Let me ask the gentleman a question. If a postmaster sells stamps to the amount of $10,000 a year, he is entitled to free-delivery service in his town?

Mr. STAFFORD. Yes.

Mr. MANN. And to quite a salary himself—$2,000 a year, and a number of clerks in addition. Does the gentleman think it is entirely fair to say that where a person in charge of a substation sells more than $10,000 worth of stamps, issues more money orders than will be issued in several of the $10,000 towns, registers more letters than will be registered in several of the $10,000 towns, that he should not be paid more than $300 a year?

Mr. STAFFORD. I quite agree that there are a number of instances where the salaries of postmasters are $2,000 and more, where they have an assistant postmaster at a salary of $1,000 to $700, where they have an allowance for clerks in addition, and where the expense of the rental of quarters is provided—where the total expenses to the Government is $4,000 or $5,000—that do not perform any more work than a clerk in a number of these contract stations, who receive but a few hundred dollars. It is for that reason that the committee felt that it was advisable in the lower-grade stations to grant sufficient money so that there would be no curtailment in the salary, or rather no increase of duties for the same amount of compensation.

Mr. MANN. If the gentleman from Wisconsin will pardon me, in the stations where they only do a small amount of business it is taken care of by the regular employees of the store; but there are many places in the city of Chicago where they employ extra clerks, sometimes one or two, to attend to this business. The result is that they either lose money or else they do not attend to the business as courteously and as properly as it should be done. Now, I can see no reason myself why we should expend $5,000 a year at a place where the sale of stamps would amount to $10,000, and then stick on spending $500 a year to pay in the city a man who sells the same amount of stamps and does other business in reference to money orders and registered letters—as much as would be done in a town.

Mr. STAFFORD. Mr. Chairman, the committee was confronted with the condition of the existing finances, and if that was not such a strong factor in the make-up of this bill, it would very likely have granted an additional appropriation to the estimate in the first item. We thought that the exigencies of the service demanded our increasing the estimate in the second item, because it is in those instances where the clerks perform a greater service and receive less compensation than in the higher-priced offices. It was for that reason that we did not increase the estimate in the first item.

Mr. MANN. Mr. Chairman, I shall test the sense of the committee on the subject at any rate. I move to amend by inserting after the word "hundred," in line 7, the words "and twenty-five," so that it will read "$325,000."

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Line 7, after "hundred," insert the words "and twenty-five," so as to read "$325,000."

Mr. WEEKS. Mr. Chairman, I want to be heard on that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. MANN. I will be glad to hear the gentleman now. He has not yet spoken on the subject.

Mr. WEEKS. Mr. Chairman, the department does have a scale of pay for clerks in these contract stations, which has been changed from time to time. It is simply a regulation of the department. The department, as far as any testimony before the committee is concerned, has had no trouble in filling places in this service, but the appropriation in the second paragraph, which has been referred to, was increased because it was believed by the committee that it was advisable to increase these stations in the outskirts of the towns far from the main post-office, in sections where the people could not get at the post-office easily. There has been no difficulty, as far as we have had any evidence, in obtaining employees for this service.

Furthermore, the clerks' salaries depend on the registry and money-order business done and not on the number of stamps sold, because that amount could easily be increased abnormally; they do not do all of the work of these offices themselves, but very much of it is done at the main office. For instance, the First Assistant Postmaster-General states:

Please bear in mind, however, that these stations do not do all the work. A great deal of work in connection with the business of the stations is done at the main office, such as the keeping of the records, posting of money-order accounts, and all that sort of thing.

In other words, Mr. Chairman, instead of doing the work which would be done if this were a separate post-office, except the physical transaction of passing out the stamps and making returns to the auditor, the keeping of the books is done at the main office, and is another expense to the Post-Office Department. I hope this amendment will not prevail.

Mr. MANN. Mr. Chairman, I think no one will claim that these stations do all of the work that is done at a country or a city post-office, as where they handle the mail, for instance, but they do a good deal more than the Assistant Postmaster-General would lead my distinguished friend to believe. They have to make a daily report of their post-office orders and they have to make a monthly report of their post-office orders. They have to make daily reports of other kinds and monthly reports of other kinds.

Mr. WEEKS. What other kinds?

Mr. MANN. In reference to the registry business.

Mr. WEEKS. Well, what?

Mr. MANN. Oh, I could bring to the gentleman a series of reports which the gentlemen are required to make, and I will give them to the gentleman afterwards. I am not expecting to affect the gentleman's judgment now. He is in charge of a bill

which it is his business to defend, no matter what information he may receive on the floor, and I will undertake to flood the gentleman with a lot of these reports and statements which these gentlemen in charge of these substations are required to make. They make my headache to look at them.

Mr. FASSETT. Then there must be a lot of them.

Mr. MANN. There are a lot of them. It is surprising to see what they are required to do.

Now, the proposition only is whether you should increase this $300,000 $25,000 in order to permit the department, under such regulations as it has or may make, to properly increase the compensation to those offices which largely increase their business. Under this appropriation an office which to-day starts in at $100, or, say, $300, if it increases its sales of stamps from $5,000 to $20,000, or its money-order and registry transactions many fold, there is no chance to increase it unless you decrease somebody else, and it does not seem to me that it is a fair thing, even in the opinion of my distinguished and beloved friend from Massachusetts.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced that the noes seemed to have it.

Upon a division (demanded by Mr. MANN), there were—ayes 14, noes 40.

So the amendment was rejected.

The Clerk read as follows:

For separating mails at third and fourth class post-offices, $700,000: *Provided*, That hereafter the Postmaster-General may allow to fourth-class postmasters additional compensation for separating services and for unusual conditions during a portion of the year, in lieu of the allowance for clerical services for this purpose now authorized by law.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. WEEKS. Mr. Chairman, the purpose of the committee in inserting that proviso which has just been read is that in many third and fourth class offices the postmaster, either personally or through clerks, is obliged to do a large amount of separating business for star routes and rural routes, work that does not belong to his office.

In these offices, of the fourth-class offices especially, the postmaster has no authority to spend any money for clerks, but he has time enough frequently to do the work himself, and it is the purpose of this provision to enable the postmaster to do that work himself, make a return to that effect, and receive the additional pay to which his labor entitles him. If, on the other hand, he did not have the privilege which this proviso would give him, and any work of that sort were done, even if he did the work himself, he would have to make a return that it was done by a clerk, and the money would have to be paid to someone else than himself. It does not increase the appropriation. It enables the money to be paid to the man who does the work rather than to somebody whom he employed for that purpose, even when the postmaster himself has plenty of time to do it.

Mr. FITZGERALD. This proviso does not limit the additional compensation to the man who might be paid for extra help?

Mr. WEEKS. It limits the total appropriation. If the gentleman will notice, it says, "For separating mails at third and fourth class post-offices, $700,000."

Mr. MANN. May I make a suggestion to the gentleman in reference to this item which I think he did not state? There have been a number of bills presented lately and several passed in the Senate which I think are pending before the Committee on Claims in the House——

Mr. FITZGERALD. This is different from what the gentleman has in mind——

Mr. MANN. Oh, no; this is in reference to appointment of clerks and carriers at a higher salary than provided by law.

Mr. FITZGERALD. No; this is at the bottom of page 12.

Mr. MANN. I thought it was the other item.

Mr. FITZGERALD. I wish to ask the gentleman whether it was intended that the additional compensation that might be given to a postmaster should not exceed the amount that might be allowed him for extra clerks?

Mr. WEEKS. I do not understand so. It was intended that the money should be paid to the postmaster instead of paid to the clerks.

Mr. STAFFORD. If the Chairman will permit, I will say in reply to the inquiry of the gentleman from New York that this limitation embodies two separate provisions. It provides an allowance to postmasters at fourth-class offices for separating services in lieu of the present law that limits that compensation only when he employs clerical assistance to perform this work, and, secondly, and that is the question which the gentleman wishes information upon, it provides an allowance for unusual conditions during a portion of the year.

Mr. FITZGERALD. The gentleman is mistaken. I will repeat the question——

Mr. STAFFORD. I may not have grasped the question.

Mr. FITZGERALD. It is very plain. Is it the intention to limit the additional compensation that the postmaster can receive to the amount which could be allowed him if he had employed a clerk?

Mr. WEEKS. Yes.

Mr. FITZGERALD. There is nothing in here to limit it.

Mr. STAFFORD. I wish to say in reply that there is no provision under the law for clerical services to fourth-class postmasters. We provide for clerical services to postmasters in presidential grades—the first, second, and third class—but in fourth-class offices we make no provision whatever.

Now, there was this provision that was called to the attention of the committee, that in summer resorts, notably in the case called to our attention by the gentleman from Michigan [Mr. YOUNG], in whose district is Mackinac, where there is a very heavy business during three months of the year, and which, if continued throughout the year, would bring it into the presidential class. Still there is no provision made by law whereby the Post-Office Department can award that postmaster an allowance for clerical service that is really needed during that period. Here is the provision that permits some allowance for clerical services during the period.

Mr. FITZGERALD. There is a provision of law which authorizes the allowance for clerical services in fourth-class offices for separating the mails?

Mr. STAFFORD. There is, but the postmaster must certify to the department when he receives it that the service was performed with clerical assistance. But there are numerous instances where the postmaster does not need the services of a clerk to do this separation. It was an inducement to fraud to make a certification that he had employed some clerk, and the committee believe that when the postmaster performs the work himself, he should be allowed the amount without the intervention of any clerk.

Mr. FITZGERALD. What limitation is there placed upon the amount which may be allowed to the postmaster under those circumstances?

Mr. GARDNER of New Jersey. The words "in lieu of."

Mr. FITZGERALD. That is not a limitation on the amount. The proviso says he may be allowed additional compensation for separating services.

Mr. STAFFORD. There is no limitation whatsoever, except a limitation as provided by the regulations of the Post-Office Department, based upon the number of pieces of mail separated. It is a matter purely of regulation, where the amount is determined by the Post-Office Department.

Mr. FITZGERALD. I will withdraw the point of order.

The Clerk read as follows:

For unusual conditions at post-offices, $125,000: *Provided*, That the expenditure of so much thereof as may be found necessary to carry out the provisions hereinafter set forth, but in no case exceeding in the aggregate $15,000, is limited as follows:

Whenever a postmaster in any locality with a population of not more than 20,000 inhabitants certifies to the department that, owing to unusual conditions in his community, he is unable to secure the services of efficient employees otherwise, the Postmaster-General may authorize, in his discretion, the appointment of clerks and letter carriers for that office at such higher rates of compensation, within the present recognized grades, as may be necessary in order to insure a proper conduct of the postal business.

Mr. FINLEY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend on page 13, line 4, by striking out the words "in no case exceeding," and insert the word "not;" and in line 5, after the word "aggregate," by inserting the words "to exceed."

Mr. STAFFORD. Will the Clerk kindly report the amendment again?

Mr. MANN. Let it be read the way it would be as amended.

Mr. FINLEY. By permission of the Chair, I will read it as it would be as amended:

Provided, That the expenditure of so much thereof as may be found necessary to carry out the provisions hereinafter set forth, not in the aggregate to exceed $15,000, is limited as follows.

Mr. Chairman, my reason for offering that is that I am apprehensive of the language employed, particularly the words "in no case exceeding" might be held to apply to a single post-office, and the purpose of the committee was to limit this appropriation to all cases coming under this head.

Mr. WANGER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WANGER] desire to offer an amendment to the amendment?

Mr. WANGER. No, sir. I thought the amendment had been adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. FINLEY].

The question was taken, and the amendment was agreed to.

Mr. WANGER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 13, by inserting in line 10, after the word "Postmaster-General," the following: "having ascertained the truth of the certification."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WEEKS. I would like to have that amendment read again, Mr. Chairman.

The amendment was again reported.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For allowance to third-class post-offices to cover the cost of clerical services in offices where the salaries of the postmasters range from $1,000 to $1,500, $580,000: *Provided*, That no allowance in excess of $200 shall be made where the salary of the postmaster is $1,000, $1,100, or $1,200; nor in excess of $300 where the salary of the postmaster is $1,300, $1,400, or $1,500.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend as follows: Beginning with the word "in," in line 19, page 13, strike out all to and including the word "nor," in line 22, page 13, and insert the words "shall be made," after the word "dollars," in line 23.

The CHAIRMAN. The question is on the amendment.

Mr. FINLEY. I raise the point of order against that amendment.

Mr. MANN. With that out, there is no limitation upon the amount that may be allowed—salaries of $1,000, $1,100, or $1,200.

Mr. COX of Indiana. I strike that out.

Mr. MANN. You strike out the limitation.

Mr. STAFFORD. I wish to direct the gentleman's attention to the phraseology in the main body of the paragraph, which grants an allowance to postmasters where their salaries range from $1,000 to $1,500. If you strike out the limitation entirely as to the offices where the postmaster's salary is $1,000 to $1,200, you permit the department to pay any amount for clerical allowance. Here we have a limitation that it will not exceed $200.

Mr. COX of Indiana. I see the point, and I ask leave to withdraw that amendment and offer another.

The CHAIRMAN. Without objection, the amendment is withdrawn.

Mr. COX of Indiana. I offer the following amendment, Mr. Chairman: Insert the word "one" where the word "two" is found in line 19, page 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend so as to read that "no amount in excess of $100 shall be made."

Mr. COX of Indiana. Then I desire to offer another amendment, and to make it now: Insert "two" for the word "three" in line 22, page 13.

The Clerk read as follows:

In line 22 insert the word "two" instead of the word "three," so as to read "two hundred."

Mr. COX of Indiana. Now, Mr. Chairman, this item carries $508,000, and on the top of page 14 is another item of $750,000. The total amount carried by these two items is $1,330,000 to pay clerk hire in third-class post-offices. I do not believe that it is needed at all. If I believed for one moment that it would hurt the efficiency of the postal service to offer this amendment, I would not make it, but my experience and observation has been that third-class postmasters ordinarily are newspaper men, locally speaking; maybe a few of them are lawyers and a few doctors. My experience is that the postmaster goes ahead and attends to his business. The family ordinarily takes care of the post-office. I believe that if the postmaster will devote the proper degree of attention to the office that the public has a right to ask him to devote to it that the office would be carefully and properly handled and the Government saved many hundreds of thousands of dollars each year. The salary of the postmaster of a third-class office is fixed by the receipts of the post-office. If I recollect the provision of the statute correctly, where the receipts aggregate between $1,900 and $2,100, the salary is $1,000; between $2,200 and $2,400, the salary is $1,100; and between $2,400 and $2,800, the salary is $1,200.

I undertake to say that no business man in the United States conducting a business where the sum total of that business each year does not exceed $1,900 or $2,100 would hire clerks. He could not afford to hire clerks. One of the troubles of the Post-Office Department is that it is top-heavy with employees. The very idea that 325,000 people in some way or some manner are connected with the postal affairs of this country is an absurdity; and the total amount of business done by the post-office in the way of receipts and disbursements does not equal $240,000,000.

Instead of undertaking to wipe out the deficit by practicing rigid economy, it looks to me very much as though there is an attempt made to increase the deficit by taking money out of the Treasury and paying it to employees who are not needed for the efficiency of the service. I know postmasters in my district who, while they are very good men, yet I undertake to say they do not spend one-fifth of their time in the post-office. They are following some other avocation or occupation and their families take care of the post-office.

Mr. SMITH of Michigan. What would you say in case they do give all their time and attention to the business of the post-office?

Mr. COX of Indiana. That is just what they ought to do.

Mr. SMITH of Michigan. What would you say then about their compensation?

Mr. COX of Indiana. I would say they would come near earning it, if they give their entire time and attention to their official duties.

Mr. SMITH of Michigan. Is it not true that the third-class postmasters in this country are more poorly paid than the first and second class postmasters?

Mr. COX of Indiana. Oh, no; I do not agree with the gentleman at all. I imagine the gentleman has no trouble in finding a number of men for every post-office in his district.

Mr. SMITH of Michigan. Just the same as with Members of Congress. There is no trouble in finding men who are willing to serve as Members of Congress.

Mr. COX of Indiana. We have no voice in the selection of postmasters, as far as we are concerned, upon this side.

Mr. WANGER. I will ask the gentleman if it is not a fact that the Post-Office Department in passing upon applications for allowances for clerk hire in third-class offices requires a showing by the postmaster of the time which he personally gives to the administration and conduct of the office, and the extent to which he requires clerical assistance?

Mr. COX of Indiana. I do not know; but I understand the law to be this upon that point——

Mr. WANGER. I have been assured that that is the fact.

Mr. COX of Indiana. I understand the law to be that when the receipts from a third-class office reach a certain amount, then the postmaster is entitled to certain clerk hire. I may be in error about that, but I think that is the fact.

Mr. WANGER. The Postmaster-General has repeatedly declared that the department requires a showing of the time given by the postmaster and of the necessary expenditure by him for clerk hire before making any allowance to any of these officers.

Mr. COX of Indiana. Mr. Chairman, without repeating what I said a while ago, this is a useless expenditure of money, and I do not believe it can be properly defended upon any ground of economy whatever. I recollect that the statement appeared in the newspapers the other day that a very prominent gentleman at the other end of this Capitol proclaimed to this country that he could run this Government for $300,000,000 a year less than it was being run now.

Mr. FINLEY. I should like to ask the gentleman, is it not a matter of common belief that that gentleman is running the country now to a very large extent?

Mr. MANN. The gentleman ought not to refer to what takes place in the Senate.

Mr. COX of Indiana. I did not use anyone's name.

Mr. MANN. That does not make any difference.

Mr. COX of Indiana. In reply to the gentleman from South Carolina [Mr. FINLEY] I will say that I do not know. I believe, Mr. Chairman, that what I have suggested here can be done without crippling the service in any way, and I believe it is incumbent on this side of the House that we begin to practice economy in line with the suggestion that has been made elsewhere.

Mr. MANN. Will the gentleman yield for a question?

Mr. COX of Indiana. Yes.

Mr. MANN. Why does not the gentleman, in accordance with his belief in the matter, move to strike out the item?

Mr. COX of Indiana. I do not want to be too harsh, to start with. If the gentleman will make that motion I will readily follow him.

Mr. MANN. Oh, I am not on the committee. The gentleman is on the committee and has superior information, and I am yielding to his judgment in the matter. The gentleman says the allowance is unnecessary, and moves to cut it from $200 to $100. If it is unnecessary, I would cut it out entirely. If it is necessary, I would leave it to the department to judge whether it should be $200 or $100.

Mr. COX of Indiana. I reserved the right to offer an amendment on this paragraph when I was in the committee.

Mr. MANN. I am not criticising the gentleman, but if this appropriation is not necessary, then why not move to strike it out entirely, instead of moving to reduce the amount that may be allowed at an office?

Mr. COX of Indiana. Probably the suggestion made by the gentleman from Illinois would be appropriate; but I do not desire to be too harsh upon this proposition. Whether this amendment passes or not, I hope that gentleman will begin to practice economy along these lines and see if we can not get this institution upon a fair economical basis.

Mr. WANGER. Would not the suggestion of the gentleman be met by an amendment providing that no allowance should be made, except where the postmaster devotes at least seven hours' personal service to the conduct of the office?

Mr. COX of Indiana. I think it would, and if the gentleman will offer such an amendment I will gladly support it.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments be limited to fifteen minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this paragraph and amendments be concluded in fifteen minutes. Is there objection?

Mr. REEDER. Mr. Chairman, I reserve the right to object. I want to ask where is the close of this paragraph?

Mr. MANN. At the bottom of page 13.

Mr. REEDER. I have no objection.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. FINLEY. Mr. Chairman, I am satisfied that the gentleman from Indiana is mistaken when he says that third-class postmasters perform little or no service in the conduct of the offices in their charge. It may be true in the gentleman's district; I have nothing to say about that. It is not true that newspaper men generally are postmasters. That may be true in the gentleman's district; but it does not prevail throughout the country. In the congressional district I represent, out of 150 postmasters there is not a single newspaper man in the whole lot. There is not a lawyer that I remember of, and there is not a doctor. They are individuals generally selected for their fitness.

Now, you can cut out all of this allowance for clerical assistance in third-class post-offices, but you must bear in mind that when you do it you do so at the expense of the efficiency of the service in third-class post-offices. This matter was all thrashed out years ago and was settled, as I thought, for all time, unless the time should come when the patrons of the third-class post-offices in this country demanded better service than they now have, and when that time comes it will be necessary to raise the allowance for clerical assistance.

It is true that third-class postmasters can not remain in the post-office the whole time the office is required to be open and give to the public that service to which it is entitled. There are many third-class post-offices where the salary is not more than $1,000, where the office is hard to fill because the labor is excessive, because conditions exist there that require the services of more than one person. This is not a new question. Congress years ago took up the question dealing with the third-class post-offices and giving the patrons of these offices—not to the postmaster, but giving to the patrons—better and more efficient service, the service they are entitled to. Now, to strike out the allowance for clerical assistance in the third-class post-offices is reducing it below the efficiency that the public is entitled to.

Now, it is true the amounts are paid in full in very rare instances. The amount appropriated here does not begin to pay anything like $200, $300, $400, or $500, so that if the gentleman will investigate the matter he will find that in very few instances is the maximum allowance paid. In the congressional district I represent out of seven third-class offices there is only one third-class office that receives the maximum allowance, and that is on account of unusual conditions. So I hope that the gentleman's motion will be voted down, and it ought to be voted down.

The CHAIRMAN. Does the gentleman from Indiana wish to have both amendments voted on together?

Mr. COX of Indiana. Yes.

The CHAIRMAN. Then both amendments will be considered together.

The question was taken; and the amendments were rejected.

Mr. SMITH of Michigan. Mr. Chairman, I would like to ask if the last paragraph on page 13 and the first paragraph on page 14 is existing law?

Mr. WEEKS. Yes.

The Clerk read as follows:

For rental and purchase of canceling machines, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, $310,000, $35,000 of which sum may be expended in the purchase of such machines, and the Postmaster-General is hereby authorized to enter into contracts for the rental of canceling machines to cover a period not exceeding three years.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. SMITH of Michigan. Mr. Chairman, I would like to inquire of the chairman of the committee about how many machines the Government rents and what is the average price?

Mr. WEEKS. The number under contract at the present time is 240 at a rental of $400, 94 at a rental of $150, 190 at a rental of $90; those are owned by one company. The American Postal Machine Company, of Boston, has 439 at $150 each, 277 at $100 each, 341 at $80 each, 9 at $60 each, 23 at $250 each; the Time Marking Machine Company, Chicago, 53 at $300 each; the Columbia Postal Supply Company, 65 at $150 each; the Universal Stamp Machine Company, New York, 25 at $150 each. The annual rate of expenditure December 8, 1909, for all machines, was $279,000.

Mr. SMITH of Michigan. I would ask in that same connection if the Postmaster-General is permitted to make these contracts direct, or is it done by advertising for bids?

Mr. WEEKS. I take it the same method is followed as in making other contracts—by bids.

Mr. SMITH of Michigan. I would like to ask in that same connection—for I do not know anything about it—would it not be cheaper for the Government to purchase these machines and own them outright?

Mr. WEEKS. Mr. Chairman, the difficulty has been in the past that one of these companies did not wish to sell its machines. One company, the first one to which I referred, does not now care to sell its machines, but the other four companies are willing to, especially the American Machine Company, of Boston, which has recently sold some machines to the Government. Last year there was $2,000 surplus from the appropriation, and 10 machines were bought at $200 apiece. Those were machines that were rented at an annual rental of $60 apiece, and the proviso in this paragraph is for the purpose of enabling the Government to buy machines and test out whether it is cheaper to buy them or rent them. The gentleman from Michigan [Mr. SMITH] will notice that we have provided that longer contracts than for one year may be made, the theory being that if longer contracts are made we will obtain a lower price. I am sure that we can save 10 per cent, and possibly 12 per cent. If we do save 11 per cent, it would provide $35,000 to purchase the machines. Now, the Government owns about 300 machines, known as the "Doremus." They were bought a good many years ago, some of them as long as ten years ago. They have been in operation since, and some of them have gone to pieces. If the cost of maintaining the machine is not too large, there is no doubt about the advisability of the Government buying the machines, and it is for this purpose that we have provided for a longer contract, to determine whether it is wise to adopt that policy or to continue to rent or lease.

Mr. SMITH of Michigan. Where contracts are made like that, who keeps the machines in order?

Mr. WEEKS. The companies do in all cases.

Mr. SMITH of Michigan. In the next paragraph, what other labor-saving devices are there that the Government rents besides these canceling machines?

Mr. WEEKS. The Government is trying to develop labor-saving devices to be used in large post-offices. There is in the Chicago post-office a very complicated system of carrying belts for handling mail and carrying it from one part of the post-office to the other. In the Hudson Terminal, in New York, where a branch post-office has recently been established, a distributing arrangement was installed, at a cost of not more than $9,000, which enabled the department to dispense with the services of 10 laborers employed in that branch post-office. That is simply a sample of what they are trying to do by installing labor-saving devices.

Mr. SULLOWAY. They are all protected by patents?

Mr. WEEKS. I think so.

Mr. KÜSTERMANN. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The CHAIRMAN. Does the Chair understand that the point of order has been withdrawn?

Mr. KÜSTERMANN. There is no point of order made against the amendment, because it has not yet been read.

The CHAIRMAN. The Chair understands that a point of order is made against the paragraph.

Mr. WEEKS. The point of order was reserved.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of line 4, page 15, after the word "dollars;" also strike out lines 5, 6, 7, and 8 and insert in lieu thereof "and no part of the money hereby appropriated shall be used for the payment of rental of canceling machines under new contracts."

The CHAIRMAN. The question is on the amendment.

Mr. MANN. Mr. Chairman, I have not withdrawn my point of order as to the paragraph.

The CHAIRMAN. That is what the Chair was trying to find out.

Mr. MANN. I thought the amendment was to be read for information.

Mr. WEEKS. Mr. Chairman, I will reserve a point of order on the amendment which has just been offered by the gentleman from Wisconsin [Mr. KÜSTERMANN].

The CHAIRMAN. No amendments are in order until the point of order to the paragraph has been determined. The gentleman from Illinois has reserved the point of order as to the paragraph.

Mr. MANN. Mr. Chairman, I will withdraw the point of order.

The CHAIRMAN. Then the question is on the amendment offered by the gentleman from Wisconsin, and the Chair understands the gentleman from Massachusetts to reserve the point of order on that.

Mr. WEEKS. Yes.

Mr. KÜSTERMANN. Mr. Chairman, I believe that the time has come when we ought to do away with this unbusinesslike method of renting anything that is used in the departments.

I referred to this matter about two years ago, but no change has been made. We are still at the mercy of these companies that charge us exorbitant rates for the renting of these canceling machines. The fact is, that there has been spent since 1904, when we first commenced using these canceling machines, in the neighborhood of $2,000,000, which is four to five times the amount for which the machines could have been bought. There were rented last year 1,540 machines at an annual rental of about $257,000, running from $80 up to $400 per machine, and it seems to me that the companies that have got all of this money have not treated us right. There is, for instance, the Combination machine, of which in 1904 we used 64 and are using 390 to-day, and still their rental price remains the same—$150 per year. Perhaps we ought to be thankful to those people for not raising their prices, when they had us at their mercy and could do just as they pleased. Now, some may say, we can not buy the machines because the companies do not want to sell. There are similar machines used in Europe that can be purchased for about $500 to $600, working as well as machines for which we pay $400 a year rental. I also understand that the original inventor of the canceling machine now in use in this country, and who lives in Ohio, has a machine that works well which he is ready to sell to us at $400 each; and if that is the case, it is unbusinesslike for us to continue to pay these postal-supply companies such exorbitant prices for rent. I therefore sincerely hope that my amendment will prevail.

Mr. AUSTIN. I would like to ask the gentleman what is the cost price of these machines to manufacture?

Mr. KÜSTERMANN. That is impossible to state, as they do not quote the price. They are well satisfied if we continue to pay these exorbitant rentals, and they do not want to name a sale price to us.

Mr. AUSTIN. Is the rental price about the value of the original cost of the machine?

Mr. KÜSTERMANN. Just about, as far as I can ascertain.

Mr. AUSTIN. They pay for the cost every year in rent?

Mr. KÜSTERMANN. Yes. We are doing that on canceling machines. We are also paying an exorbitant rent for mail cars. Why, we are paying five, six, and seven thousand dollars yearly rental for each mail car, while you can purchase one outright, fully equipped, for only $15,000, and I tell you if you want to reduce our postal deficit it is about time to change these methods of doing business and thereby save several millions of dollars yearly. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WANGER. Mr. Chairman, the gentleman from Wisconsin is certainly mistaken when he says that the cost of one of these canceling machines is only about what the annual rental is. This subject has been repeatedly investigated and there is no question but there is only one very high grade, very rapid canceling machine, and that is the Hey-Dolphin Flyer, for which a rental of $400 per annum is paid. That is the only machine which appears to be capable of performing such a vast number of cancellations in the briefest period of time. Now, the Committee on Expenditures in the Post-Office Department investigated this subject to some extent about a year ago, and any Member who is desirous of observing what its conclusions were can doubtless obtain a copy of the report which it made to the House. The Hey-Dolphin Flyer can be obtained from no party except the manufacturers. It is not used by some countries which have very thorough, up-to-date postal administration. For example, the German Government does not use that canceling machine at all, and yet the celerity of mail delivery in the great German cities is perhaps as great as it is in any city in this country.

The committee appointed by the Postmaster-General some three years ago examined into this subject and made a report to the Postmaster-General, which was transmitted to Congress, and in their report they reached a tentative conclusion, because they claimed that further investigation and information was necessary, that the life of a canceling machine was only about three years, and that therefore a very high price for rental had to be received by the manufacturers, as compared with the life of the machine. Now, as I recall the fact, the canceling machine used in Germany costs only about $550 for a machine. They have had them for about four years. There is apparently no marked depreciation in the value or efficiency of the machine, and there is very little annual expense for repairs, and it does seem as if this great expedition, which is practicable by the use of the Hey-Dolphin Flyer, is really not essential, and it might be very great economy to adopt certain of the other machines, some of which are now used, and one kind of which, at least, might be obtained by the department.

The machine which was recommended by the gentleman from Wisconsin does not begin to compare in efficiency with other machines which are rented by the department, not even by those which are rented for a much less price than $400 per annum. While I believe that economy is possible in this matter, I yet doubt the wisdom of the amendment offered by the gentleman from Wisconsin [Mr. KÜSTERMANN].

Mr. KÜSTERMANN. Mr. Chairman——

Mr. CLARK of Missouri. Mr. Chairman, what is the reason the Government does not buy these machines?

Mr. WANGER. The Hey-Dolphin Flyer is made under a patent, and it is optional with the manufacturers whether they dispose of their machines or not.

Mr. CLARK of Missouri. Will they not sell them?

Mr. WANGER. They will not sell them, and the information that they gave three or more years ago to the department was that they were getting higher rentals from some other governments or parties that use them than they get from the United States.

Mr. CLARK of Missouri. That is as bad as this shoe-machinery combine.

Mr. WEEKS. Mr. Chairman, I would like to have the amendment offered by the gentleman from Wisconsin [Mr. KÜSTERMANN] again read.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SMITH of California. I would like to say a word in reply to what was said by the gentleman from Wisconsin [Mr. KÜSTERMANN] and what has been emphasized by the gentleman from Missouri [Mr. CLARK]. We have in this country what is known as the "patent-right law," which does more to wrap bands about our hands and feet and every part of the body and deliver us over to more trusts and monopolies than any law in the statutes. I have discussed this matter privately with the gentleman from Wisconsin [Mr. KÜSTERMANN]. He knows that I have a bill pending before the committee of which he is a member, the Patent Committee, which would entirely cure this matter. If he will be so kind as to have that bill reported we may untie our hands, and we will put everybody who invents a machine or an appliance of any kind on the open market, where

anybody can manufacture the invention who wants to pay a reasonable royalty to the inventor.

Mr. CLARK of Missouri. I would like to ask the gentleman from California a question or two. I used to serve on that Patent Committee, and I am very much interested in the matter. How are you going to fix a reasonable royalty? Who is going to fix it?

Mr. SMITH of California. The bill I have introduced provides that the patentee may file with the Commissioner of Patents a statement of the royalty, and then anybody may manufacture it who wants to do so.

Mr. CLARK of Missouri. That is about what these fellows are doing, is it not?

Mr. SMITH of California. No. These fellows have the exclusive right of manufacture, and will not sell, and that is the case with thousands of pieces of machinery in this country. There is not anything in this country, in my opinion, which does so much to raise the prices on the common necessaries of life and extorts as much money from the pockets of the people as the patent-right laws in their present condition.

Mr. CLARK of Missouri. I am sort of coming to that conclusion myself, and have been for some time, but I do not see how the suggestion of yours would remedy the situation. Under that the patentee could fix the royalty so high that nobody could provide these machines.

Mr. SMITH of California. That would be true, and it would have that effect, if he were engaged in the manufacturing business. But if you insert the words "reasonable royalty" you will have a case similar to "a reasonable rate" in transportation, and so forth.

Mr. CLARK of Missouri. I received a letter from a man out in Wichita, Kans., that inclosed an elaborate article on the idea that patents are what make the prices so high, and his remedy was for the United States Government to fix the price at which they were to be sold, which seemed to me to be absolutely visionary.

Mr. SMITH of California. It seems to me that if you insert the words "reasonable royalty," then the courts could determine whether a royalty was reasonable, based upon the use, the selling price, and the general nature of the invention.

Mr. CLARK of Missouri. How would it do to scale the seventeen-year term down to seven or eight years?

Mr. SMITH of California. That may be important. I am not certain. Of course we have got to hold to the idea that an inventor must be well rewarded, in order to stimulate genius. But I do think that we are perpetrating the most monumental folly in the world when we say to a man who discovers a useful instrument or implement that he may have an absolute monopoly, and that he may fix the price and refuse to do business with a man who undertakes to sell below the price which he names.

Mr. CLARK of Missouri. It may be news to the gentleman from California that the Committee on Patents came as near as pease six or eight years ago entering upon a policy that would have extended every patent in the United States ultimately by one-half of the seventeen-year period. We had a battle royal for four years, and finally settled the policy that they should not be extended.

Mr. SMITH of California. The evil runs through every class of farm machines and domestic appliances. A man may invent a machine which is almost necessary for the manufacture of a shoe, and he may give the right to use that very valuable instrument to one factory, and thereby put every other factory at a great disadvantage.

Mr. CLARK of Missouri. Is it not true that nobody can run a shoe factory in the United States profitably at this time without paying tribute to the combination of the manufacturers of machines that manufacture shoes?

Mr. SMITH of California. I am not acquainted with the details; but I have heard it suggested that there are one or two machines entirely necessary for the manufacture of shoes by present-day methods, and, of course, somebody has a monopoly on those machines. I think it was true when Bessemer invented the method of making steel which bears his name. He was permitted or able to place the entire steel industry of the world at his mercy. He could give out franchises or permits to one concern to use that method and deprive all the rest of the world of the advantage. It is a very great wrong, which should be corrected.

Mr. KÜSTERMANN. Mr. Chairman, I just wish to say that whatever improvements we can make in our patent laws I am very much in favor of. I have already started the ball rolling, and have got through the Patent Committee a most important improvement, and shall continue to try for further changes until we have the best patent laws in the world, instead of, as we have to-day, the poorest. [Applause.]

In reply to the gentleman from Pennsylvania, I wish to say that two years ago there was an exhibition in the Washington post-office of a machine, I believe from Great Britain, which is offered for sale at between $500 and $600, which, according to the officials, worked well. If that is true, there is no reason why we should pay $400 a year rent for a similar machine.

Mr. STAFFORD. Will the gentleman state the number of transactions per minute of that machine, whereby we may get at what it would be able to accomplish?

Mr. KÜSTERMANN. I did not stay long enough at the test to look into all the details, but the general facts, as I have stated them, are correct.

Mr. STAFFORD. It is an important matter for us to determine whether it is a similar machine, to ascertain the number of pieces it will cancel, and whether it is capable of performing the same amount of work. The gentleman is making a very broad statement in saying that it is a similar machine. Now, we have any number of different character of machines employed in the service. Some of them we are able to purchase, but they are not capable of performing the high character of efficiency which is required of these Hey-Dolphin machines.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto be concluded in seven minutes.

Mr. FOSTER of Illinois. I must object to that.

The CHAIRMAN. The Chair understands the gentleman from Illinois objects. The gentleman from New Jersey is recognized.

Mr. HUGHES of New Jersey. Mr. Chairman, I rise for the purpose of calling to the attention of the gentleman from Wisconsin the fact that I do not think the amendment he has offered will effect the purpose that he intends it to accomplish. On reading the hearings which were had before the Post-Office Committee I find that Doctor Grandfield, testifying before the committee, stated that one of the reasons why the Post-Office Department had not been able to free itself from the clutches of these different concerns with whom it was doing business was the fact that they were not authorized to contract for more than one year.

Mr. STAFFORD. Will the gentleman permit an interruption there?

Mr. HUGHES of New Jersey. Certainly.

Mr. STAFFORD. Will the gentleman point out to the committee the phraseology in existing law whereby the department is limited in its purchases? It contains no limitation on the total appropriation which can be used for the purchase of machines.

Mr. HUGHES of New Jersey. If the gentleman will listen, Mr. Chairman, he will find that I am in favor of the proposition that he is in favor of, and that I have not made any statement contrary to what he contends.

I am simply calling the attention of the gentleman from Wisconsin to the fact that his amendment strikes out this language which the committee has brought in here, and which enables the Post-Office Department to contract for a longer period than one year. So that the estimable gentleman from Wisconsin, whom we all love and revere, is, unintentionally, I am sure, playing into the hands of these horrific monopolists, whom he is so constantly, earnestly, and sincerely denouncing on the floor; and I am satisfied that when his attention is called to the effect of that part of his amendment he is going to modify it so as to leave it in the power of the Post-Office Department to contract for more than one year, so far as the rental of these machines is concerned, with the result that they can then advertise and receive proposals from all concerns, including the German concern, and award the contract to the lowest and best bidder.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin [Mr. KÜSTERMANN].

The question being taken, on a division (demanded by Mr. KÜSTERMANN) there were—ayes 48, noes 63.

Accordingly the amendment was rejected.

Mr. FOSTER of Illinois. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report:

The Clerk read as follows:

After the word "years," on page 15, line 8, insert the following: "*Provided*, That the rental paid for any canceling machine shall not exceed $300 per annum, including repairs on said machine."

Mr. WEEKS. I reserve a point of order against that amendment.

Mr. FOSTER of Illinois. Mr. Chairman, in the first place, I do not believe that the point of order would lie against this amendment for the reason that this is simply a limitation upon the amount of money which can be paid for the rental of these machines. We are now paying as high as $400 per year for these canceling machines, and I am reliably informed that they cost about that much money.

Mr. WEEKS. Where does the gentleman get his information about the cost of the machines?

Mr. FOSTER of Illinois. From the Assistant Postmaster-General, who informs me that he thinks they could not be bought for a thousand dollars, but that they cost very much less.

Mr. WEEKS. He did not say how much less?

Mr. FOSTER of Illinois. No; but he said very much less. We are renting from the Time Marking Machine Company, of the city of Chicago, canceling machines for $300 per year, and that company keeps those machines in repair and also furnishes the motor; and those machines, as stated by the Assistant Postmaster-General, will cancel as many as 450 letters per minute.

Mr. WANGER. My recollection is that the Hey-Dolphin Flyer cancels from 40,000 to 60,000 letters per hour, and cancels the stamp wherever it may be on the envelope.

Mr. FOSTER of Illinois. I think the gentleman is incorrect in his recollection of the number. I think 450 letters a minute is about as fast as any of them go. It seems to me it is folly for this House to pass an appropriation bill here that pays to these firms nearly the cost of the machine each year. I suggest to the Post-Office Committee that if they really want to practice economy, here is an opportunity, where you can save at least $100 per year upon each of these canceling machines. Not only that, Mr. Chairman, but this machine company in the city of Chicago are willing to rent these machines to the Government, furnish the motors, and keep the machines in repair, and at the end of five years they will give the machines to the Government. Do you want this sort of a provision in the bill for the sake of economy? If you do, here is the opportunity to get it. [Applause.] If you want to go on and make a present of $100 per year on each machine to these firms who hold a monopoly and refuse to sell their machines to the Government, and to allow the Government to pay $400 rental and to furnish the motors, then defeat this amendment or make a point of order against it, and you can present these gentlemen with this extra amount of money.

We pay now from $60 to $90 per year rental for the hand machines that we have in the little post-offices, in the smaller towns like those which the most of us live in. It is shown by the Assistant Postmaster-General that these machines can be purchased for $200. This amendment does not affect them. There are some advantages in the use of these "International Flyers," as has been suggested here by members of this committee; but I want to say that there are advantages, too, in the machine that is made by the firm in Chicago, Ill. There are labor-saving devices connected with that machine that are not connected with the machine manufactured in New York or Boston.

Mr. STAFFORD. Will the gentleman permit an interruption?

Mr. FOSTER of Illinois. I will yield to the gentleman.

Mr. STAFFORD. From the course of the gentleman's remarks I infer that he has consulted the First Assistant Postmaster-General about that canceling machine. Can the gentleman inform the committee whether he asked the Postmaster-General why it was that the department had not adopted more of the time-marking machines made in Chicago?

I ask that for the reason that there is nothing in the hearings that covers that point. Several years ago, when the machine that the gentleman refers to was first put on the market, the representation was made to us that it was not in condition to rent any great number, and that it was not equal to the Hey-Dolphin. I know that the committee would be glad to get the information if the gentleman has it.

Mr. FOSTER of Illinois. It is a fact that the Assistant Postmaster-General has not been able to get all the machines he desired from the Time Marking Machine Company in the city of Chicago, for the reason that they have not yet been able to manufacture a sufficient number of them to supply the Government. Now, it is shown that the time has come to put a limitation in this bill; and if you will do it, they will be able to manufacture in a short time enough to take the place of these machines manufactured by companies that refuse, if they do as they have in the past, to rent their machines to the Government except at an excessive price.

[The time of Mr. FOSTER of Illinois having expired, by unanimous consent his time was extended five minutes.]

Mr. STAFFORD. As I understand the gentleman, the department has been willing to accept more of these time-marking machines, of which there were only 53 in use on December 8 last. Will the gentleman explain why it is that they can not furnish more when the department is in an acceptable frame of mind?

Mr. FOSTER of Illinois. I will say to the gentleman that I believe they are now manufacturing these machines as fast as the Government will take them. Another thing: The gentleman must remember that possibly these machines, or some of them, that have been perfected have only been on the market a short time, but the time has come when it is no longer necessary to pay attention to the machines that have been rented to the Government at these excessive prices, and that the time is now here when we can stop this excessive rental being paid for these machines.

Mr. STAFFORD. Is it not a fact that the department has accepted all the machines from the Time Marking Machine Company, of Chicago, that they could manufacture and deliver to the Post-Office Department; that there has been a limit on the capitalization of the company that prevents the manufacture of any more, so that if there is any fault on the part of anybody, it is on this company itself?

Mr. FOSTER of Illinois. I do not know anything in the hearings that shows where the Assistant Postmaster-General says that he could not secure enough machines from the Chicago firm at this time. He did say that the company had offered to rent for a period, and at the end of five years they would give them to the Government; and these machines will last from eight to twenty years.

Mr. STAFFORD. I can not direct the gentleman's attention to anything in this year's hearings, but several years ago in the hearings the Assistant Postmaster-General stated that this machine was not equal to the Hey-Dolphin machine, and that the company was not adapted to furnish him a sufficient number.

Mr. FOSTER of Illinois. I will say that that might have been true in the past, but I do not believe it is true now.

Mr. STAFFORD. Upon what does the gentleman base his assertion that it is not true at the present time?

Mr. FOSTER of Illinois. Although they were not able to supply them in the past, they have now enlarged the plant and perfected the machines until they are able to supply them when they get the opportunity.

Mr. STAFFORD. Can the gentleman state the capacity of the factory?

Mr. FOSTER of Illinois. No; I do not know. I want to say that these same machines that he is standing up for now is the same company which a few years ago held up this Government and refused to let the Government have the machines when they were making a large profit on the machines.

Mr. STAFFORD. I want to take exception to the remarks of the gentleman, because I have been standing up for the Chicago machine. In fact, when it was first introduced upon the market, as the hearings will disclose, I asked the Postmaster-General why he did not enter into a contract with the Chicago company and reserve the right to purchase them. I have always been in favor of purchasing the canceling machines of that company.

Mr. FOSTER of Illinois. I beg the gentleman's pardon, and I am glad to know that he is in favor of that machine, and I hope the gentleman will vote for this proposition.

[The time of Mr. FOSTER of Illinois having again expired, his time was extended two minutes.]

Now, Mr. Chairman, this is a simple proposition to this House, it seems to me; that is, if it desires to save $100 a year upon each machine, it has an opportunity to do so. If it desires to present these companies over in New York and some other cities with that amount of money, these companies that desire to hold up the Government for an extra $100 a year on each machine, then vote down this amendment and you can do it.

Mr. COOPER of Wisconsin. How much on all of them?

Mr. FOSTER of Illinois. There are 240 machines that we are now paying $400 per year for, and this would cut it down to $300 per year.

Mr. COOPER of Wisconsin. Twenty-four thousand dollars.

Mr. FOSTER of Illinois. Yes; and more than that, we are paying for the motors, which amount to about $20 per year, as I understand it, for these $400 machines, and with these $300 machines that we rent from this firm in Chicago they furnish the motor themselves, and the Government pays that much less. Now, this is the proposition, as I understand it, and if we will put this limitation on this appropriation we can then come in and say to these firms, "Here is $300 per year, and if you do

not want to accept that we will rent these machines from the firms that give them to us at $300 per year." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. Mr. Chairman, I assume that the Members of this House are not very much interested whether a New York machine or a Boston machine or a Chicago machine is used for canceling purposes by the Government. I am sorry to hear any question about whether this machine or that machine should be appropriated for, because it has nothing to do with the case. The facts are that until within a couple of years there have been only two machines for this purpose—the Hey-Dolphin Flyer, or the company which manufactures that machine, which also manufactures machines of other sizes, and the American Company, of Boston. Within the last two years three other companies have commenced to manufacture machines of new types. The Chicago company, to which the gentleman from Illinois [Mr. FOSTER] refers, had a contract with the Government last year, but was unable to furnish the machines. In the hearings last year the First Assistant Postmaster-General is asked this question:

> You furnished us a list last year of the machines in use. Have you added any of the different makes of machines since that time?
> Yes; we have. We had a machine called a "Chicago machine," made in Chicago. We had a contract last year, but we had no machines in service at that time, the manufacturer not having completed any of the machines.

In other words, Mr. Chairman, this is a new machine. The Government has been endeavoring to encourage the building of new machines. It has urged those who were trying to develop new machines to do so, so that there might be more competition. Gentlemen have said that we ought to purchase these machines instead of renting them, that we are paying too high a rental. I am inclined to think that that may be true.

Mr. HUGHES of New Jersey. Mr. Chairman, I wish to call the attention of the gentleman from Massachusetts [Mr. WEEKS] to a statement of Mr. Grandfield, found at the bottom of page 98 of the hearings.

Mr. WEEKS. I read from the hearings of last year.

Mr. HUGHES of New Jersey. Yes, I understand; and I want to call to the attention of the chairman what Mr. Grandfield says this year. He says:

> Since then another company has made an offer of this kind: To rent the machines for five years, making a contract for five years at a certain stipulated price, with the understanding that at the expiration of the five years the machines should become the property of the department. The Postmaster-General has recommended that the department be given authority to make contracts for rental of machines for a term of five years, and we have prepared letters to the canceling-machine companies asking for propositions along those lines.

Mr. WEEKS. Mr. Chairman, under the law, as the comptroller has construed it, the department has not had heretofore the power to make contracts for rentals of machines for a longer period than one year. It is believed that if that period is extended, as is provided in the proviso, machines can be rented at a lower annual rental. That is one purpose in putting the proviso in the bill. We believe we can save of this $310,000, $35,000, which may be applied to the purchase of machines. The Government does not know how much it is going to cost to maintain these machines, because every company furnishing them provides spare parts and keeps the machine in working condition, so that all expense of that character is taken off the hands of the Government.

If the Government has to maintain its own machines it may find it very expensive, and we ought to experiment to find out whether the Government can buy these machines and maintain them, so that the net cost will be less than renting them. We own 300 small machines now, and we maintain a small repair shop in Washington, employing one clerk and two or three men in the repair shop. I maintain that no radical change should be made in any system connected with the government service until we have sufficient facts to warrant making the change. If this authority is given and the amendment of the gentleman from Illinois is voted down we will be able to purchase during the next year, in addition to maintaining this service at the present standard, $35,000 worth of machines. If we buy the $200 machine, which is the kind that was purchased last year, it would enable us to buy 175 machines without adding to our appropriation. Therefore I say that the Government is justified in commencing that experiment in a businesslike way, instead of making a jump without knowing the facts. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman——

Mr. COX of Indiana. Mr. Chairman, is a point of order pending?

The CHAIRMAN. No point of order has been made.

Mr. COX of Indiana. Mr. Chairman, I desire to be heard upon the amendment. I believe the amendment offered by the gentleman from Illinois should carry, and that it should be made a part of this bill. I do not subscribe at all to the doctrine that it is the duty of this House simply to be hung up by the heels by some manufacturing concern by reason of a patent law and for us to say that because of certain patent laws we ought to continue to pay $400 a year rent for certain canceling machines. This House has had a similar experience during the last two years.

I recollect, either last session or the first session of the Sixtieth Congress, that there was a limitation put upon the naval bill fixing the amount that the Government should pay for its powder, and up until that time the Government had been paying a great deal more for its powder than was fixed in the limitation in that bill, yet it was argued at that time that the powder could not possibly be furnished to the Navy Department within the limitation as fixed upon by the bill, but I have heard no complaint whatever but plenty of powder has been furnished, and furnished within that limitation. Now, here we are met with a provision that we can not do better than this and that we have to pay this enormous and exorbitant rental of $400 a year upon certain canceling machines. I undertake to say, and give it as my candid judgment, that if the limitation obtains, as offered by the gentleman from the State of Illinois, we will get just as many canceling machines as we need. At any rate, in my judgment, it is worth the experiment to see whether or not we can not fix a limitation and say to the people furnishing these machines, We will let you have a rental of so much and not above that amount. I hope, therefore, Mr. Chairman, that the amendment offered by the gentleman from Illinois will obtain.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois——

Mr. GARDNER of New Jersey. Mr. Chairman, there was a point of order reserved on the amendment.

The CHAIRMAN. There was a point of order reserved on the amendment——

Mr. GARDNER of New Jersey. And I make the point of order, Mr. Chairman.

Mr. FOSTER of Illinois. Mr. Chairman, it is too late——

The CHAIRMAN. Does the Chair understand the gentleman from New Jersey to make the point of order?

Mr. GARDNER of New Jersey. Yes.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. GARDNER of New Jersey. I wish to point out to the Chair the statute requiring the cancellation of letters.

Mr. FOSTER of Illinois. Mr. Chairman, I submit this, just a moment, that the gentleman who reserved the point of order was the gentleman who called for a vote upon this amendment, and that was the chairman of the committee, Mr. WEEKS, of Massachusetts.

Mr. GARDNER of Massachusetts. I understood the point of order was reserved for the House.

The CHAIRMAN. The gentleman from New Jersey is right about it.

Mr. GARDNER of New Jersey. May I have the proposed amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The amendment was again reported.

Mr. GARDNER of New Jersey. The point of order is, Mr. Chairman, that this section rests upon a statute requiring a duty of the Postmaster-General, and that the amendment of the gentleman from Illinois is not a limitation upon an appropriation, but it is a proposition to change the organic law in an appropriation bill.

The CHAIRMAN. Does the statute to which the gentleman from New Jersey refers authorize the Postmaster-General to make a contract for three years?

Mr. GARDNER of New Jersey. The statute requires the Postmaster-General to perform a duty; that is the requirement of the statute. In pursuance to that appropriations have been made to furnish him with machines to fulfill that duty. The proposition now to be added to the organic law, that in no case shall any amount of money of the given sum be paid for rental machines, is not a limitation on an appropriation bill, but it applies to the organic statute.

The CHAIRMAN. But the Chair has asked the gentleman from New Jersey whether the existing law authorizes the Postmaster-General to enter into contract for the rental of canceling machines to cover a period of not exceeding three years.

Mr. GARDNER of New Jersey. It permits him to do whatever he has authority to do under the general statute; and if this amendment had effect, it is to limit the discretion which he gets by the statute.

The CHAIRMAN. The Chair is ready to rule.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from New Jersey a question. Does not the Government put into its different contracts the right to terminate them whenever it gets ready?

Mr. GARDNER of New Jersey. I do not know what is in the contracts.

Mr. CLARK of Missouri. I know, but is not that the universal practice? Is not that the law?

Mr. GARDNER of New Jersey. I am not informed.

Mr. CLARK of Missouri. Well, it is.

Mr. GARDNER of New Jersey. I wish the gentleman from Missouri [Mr. CLARK] would produce the law.

Mr. CLARK of Missouri. I am not going to produce it. Every man is supposed to know the law. [Laughter.]

The CHAIRMAN. The Chair is ready to rule. In the opinion of the Chair the paragraph itself changes existing law, and this amendment offered by the gentleman from Illinois [Mr. FOSTER] is germane and therefore in order.

The question is on the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WEEKS. Division, Mr. Chairman.

The committee divided; and there were—ayes 73, noes 53.

So the amendment was agreed to.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 4, strike out "thirty-five" and insert "fifty," so as to read "fifty thousand dollars."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. HUGHES of New Jersey. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert after the amendment last adopted:
"And that all contracts entered into shall be let after having advertised for bids, and shall be awarded on the basis of cheapness and efficiency."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HUGHES of New Jersey. Mr. Chairman, I would like to debate the amendment. I would like to put in the RECORD, in support of it, what Mr. Grandfield stated in this connection. It will be found at the bottom of page 98 of the hearings, as follows:

Mr. GRANDFIELD. That is correct. Since then another company has made an offer of this kind: To rent the machines for five years, making a contract for five years at a certain stipulated price, with the understanding that at the expiration of the five years the machines should become the property of the department. The Postmaster-General has recommended that the department be given authority to make contracts for rental of machines for a term of five years, and we have prepared letters to the canceling-machine companies asking for propositions along those lines.

Then the gentleman from Wisconsin [Mr. STAFFORD] asked as to the limitation on the period of rental at the present time. Mr. Grandfield replied:

The law officer holds that without specific authority we can not make a contract for a longer period than one year.

The committee brings in a change in the language of this paragraph and authorizes the Postmaster-General to enter into contracts for the rental of canceling machines to cover a period not exceeding three years.

It seems to me that the committee, if it took any cognizance of that situation at all, should have gone all the way and authorized the Postmaster-General to make contracts for five years. But now the provision removes the obstacle, and a great obstacle, from the path of the Postmaster-General in dealing with this situation regarding these machines. Now, he has authority to enter into a three-year contract. He has authority also to purchase some machines, and the only way to settle this question as to whether or not there are certain favored individuals or corporations dealing with the Government in these machines is to throw the whole thing open to the public. Let them bring their machines and submit them to efficiency tests, and state at what price they will rent them and at what price they will sell them. Then let the Postmaster-General or the proper officer make his selection out in the open, where it can be reviewed and where everybody will know what is going on.

Ever since I have been in the House this question of canceling and time-marking machines has been coming up year after year, and nobody has ever been able to satisfy the committee as to the merits of the proposition. Members have arisen in their places and denounced these companies, and denounced the exorbitant rates they were receiving for the rental of their machines, and yet in all these years nobody has ever put himself to enough trouble to get the information to inform the House whether or not the Government was being actually robbed in this connection. This amendment simply enables the concern referred to by the gentleman from Illinois [Mr. FOSTER], if it thinks it has an efficient machine which it can furnish to the Government cheaply, to come in before the Postmaster-General, take the efficiency test, and bid for the contract.

Mr. WEEKS. Mr. Chairman, I would like to have the amendment offered by the gentleman from New Jersey read.

The amendment was again reported.

Mr. WEEKS. Mr. Chairman, I personally have no objection to the amendment, because it still leaves in the hands of the department sufficient latitude so that whatever is cheapness will mean cheapness from the standpoint of efficiency. But I take exception to the statement made by the gentleman from New Jersey, to the effect that nobody has taken any trouble to find out whether the Government was being robbed by these companies. It is true that one of these companies has refused to sell its machines in the past, but the other companies are selling machines. I understand that four out of five of the companies are now selling machines to the Government, or are ready to sell them, at a reasonable price. Furthermore, the fact that the term of contract is limited to three years is directly in line of encouraging different companies to develop new machines. When you make the contract for five years, as the gentleman from New Jersey suggests, we would have a large number of machines made by the present companies under contract, and the manufacturer of a new machine would not have an opportunity to get many of his machines adopted by the Government for years. We have been doing just what the gentleman from New Jersey wants done, and what his proposition to make the contract for five years would prevent being done.

Mr. HUGHES of New Jersey. The gentleman does not understand my amendment makes it five years?

Mr. WEEKS. No; but that is what your statement made it.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For car fare and bicycle allowance, $460,000.

Mr. HOBSON. I move to strike out the last word. I do that, Mr. Chairman, merely for the purpose of obtaining information, and to ask the chairman of the committee if the Post-Office Department has a mechanical drafting office from which to evolve for itself mechanical devices, and whether, if they do not, such a development is in contemplation.

Mr. WEEKS. Mr. Chairman, the department has a commission or board, made up of departmental officials, who make investigations into new labor-saving mechanical devices which may be of use to the department. That is as far as the department has gone in the establishment of such a department. There have been several labor-saving devices adopted recently that have proved to be very useful and economical. For instance, a table has been adopted by the Hudson Terminal, in New York, a new station, which cost $9,000, and by its means they have been able to discharge ten laborers. They have also adopted a labor-saving device in the Chicago office for transferring the mails from one part of the office to another; and in the Washington office they have distributing tables by which they have been able to save 30 per cent of the cost of installation annually. It is the policy of the department to encourage and develop new devices which will be labor saving in character.

Mr. HOBSON. I am simply asking the chairman for information. The particular point I wish to bring out is that since the private and commercial institutions are not engaged in lines of business like those of the Post-Office Department, the Government should not rely entirely upon private enterprise for the invention and development of improved devices for which large royalties and rentals are charged. The Post-Office Department already has extensive shops for bags, locks, and so forth, and, like any other great industrial establishment, should provide regular means not only for testing new devices that are submitted from the outside, but also for originating and developing mechanical devices and improvements of its own. I

hope that provision may be made for such a useful extension in the department.

Mr. WEEKS. I think, Mr. Chairman, there is value in the suggestion that the gentleman is making.

Mr. DAWSON. I would like to ask the chairman of the committee if this item would cover the investigation or purchase of tieing devices?

Mr. WEEKS. It would.

The Clerk read as follows:

For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, City Delivery Service, $31,000,000. And the appointment and assignment of letter carriers hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and that the total number of carriers in the service June 30, 1911, shall not exceed 30,000.

Mr. MANN. I make the point of order on the following words, beginning in line 20, page 15:

And the appointment and assignment of letter carriers hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BENNET of New York. I make a point of order on the words in lines 23, 24, and 25:

And that the total number of carriers in the service June 30, 1911, shall not exceed 30,000.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GOEBEL. Mr. Chairman, now I offer my amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, line 20, after the word "service," strike out "$31,000,000" and insert "$31,736,300."

Mr. GOEBEL. Mr. Chairman, it will be observed that this amendment tends to increase the amount carried in this bill by $736,300. That amount is made up of three items, to wit, one item of $500,000, one of $233,400, and one of $2,900.

My contention is that if you undertake to carry out the provisions of the bill as reported, you fall short of an appropriation by $500,000. In other words, you will not have, to the extent of $500,000, enough money to carry out the provisions provided for in this bill.

Why do I say this? I am going to read to you the statement of the First Assistant Postmaster-General, made before the Committee on the Post-Office and Post-Roads; you will find it on page 106 of the hearings. The chairman asked him this question:

Now, will you please tell the committee what the condition of the appropriation for letter carriers is?

Mr. GRANDFIELD. Our estimate shows that the annual rate of expenditure for pay of letter carriers on June 30, 1910, will be $30,343,200. We estimate that on July 1, 1910, the following promotions will be authorized: 341 from $600 to $800, 443 from $800 to $900, 437 from $900 to $1,000, 170 from $1,000 to $1,100, and one-half of the carriers in the $1,100 grade at first-class offices, which would be 2,334 from $1,100 to $1,200, making a total of $233,400. Those are promotions at first-class offices. At second-class offices we estimate that there will be 198 promotions from $600 to $800, 221 from $800 to $900, 150 from $900 to $1,000, and 29 from $1,000 to $1,100. That is 50 per cent in that grade.

The CHAIRMAN. In the last grade that you read?

Mr. GRANDFIELD. Only in the last grade $1,000 to $1,100, at second-class offices. That would make the annual rate of expenditure July 1, 1910, $30,829,400.

The CHAIRMAN. As I understand it you have recommended those increases based upon the whole year as if they had been promoted July 1, 1909.

Mr. GRANDFIELD. That is the number that will have been in those several grades one year on July 1 next, consequently every promotion would take effect July 1. Then I have a statement here showing the probable number that will be promoted on October 1.

The CHAIRMAN. That is those who have not been a year in the service?

Mr. GRANDFIELD. Yes; they will have been a year in the service on October next. I also have a similar statement for January 1, 1911, and for April 1, 1911.

The CHAIRMAN. That may be put in the record.

[Statement not furnished.]

The CHAIRMAN. That makes up a total of how much?

Mr. GRANDFIELD. A total of $31,283,550. We have a credit to deduct from that. That is all for promotions. Then in addition to that we estimate that 1,500 additional carriers will be appointed during the year at an average salary of $370 each, that is to say, their service during the year will average between seven and eight months, so that the average pay will be about $370. That is equivalent to $555,000, making a total of $31,838,550. Our estimated credit by change of grade and lapsed salaries is $338,550, which brings us down to our present estimate of $31,500,000 for the City Delivery Service.

Now, observe there is carried in this bill but $31,000,000.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GOEBEL. I ask unanimous consent to proceed for ten minutes more.

The CHAIRMAN. The gentleman from Ohio asks for unanimous consent to proceed for ten minutes more. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on this paragraph and amendments thereto may be terminated in twenty minutes.

Mr. SMITH of California. Mr. Chairman, that is not practicable.

Mr. FITZGERALD. I have an amendment to that paragraph.

The CHAIRMAN. Objection is heard.

Mr. GOEBEL. Now, I will read further from this hearing:

The CHAIRMAN. Do you include in these figures the amount for increasing the pay of carriers from $1,100 to $1,200?

Mr. GRANDFIELD. Yes; 50 per cent of those in first-class offices in the $1,100 grade and 50 per cent in second-class offices in the $1,000 grade to $1,100. That is exactly the way the appropriation for the current year was made.

The CHAIRMAN. All the other promotions are automatic?

Mr. GRANDFIELD. Yes. Of course these are outside figures, assuming that every carrier will have a satisfactory record for faithfulness and efficiency and go up a grade in salary. There will be a certain percentage that will not go up; and in all probability the percentage of those who fail of promotion will be larger next year than this year, due to the operation of the efficiency-rating system. In our deduction on account of credit by change of grade and lapsed salaries we have taken that into account, and the credit is a little larger than it would have been otherwise if we did not consider that some of the carriers would fail of promotion.

Now, Mr. Chairman, you will further observe that the estimate for all purposes, including the necessary promotions in the first and second classes, is $31,838,550; taking into consideration change of grades and lapsed salaries and other conditions, a credit is given of $338,550; deduct that sum and the actual amount that will be needed is $31,500,000; and the committee having provided for only $31,000,000, you are short $500,000. I submit that if you are going to carry out the provisions of this bill you must have the necessary money to do it with.

Now, Mr. Chairman, I am coming to discuss the other two items included in my amendment.

This bill provides for promotions into the $1,200 grade of 50 per cent of the letter carriers, or 2,334 carriers. You also promote in the second-class offices, and from the $1,000 to the $1,100 grade 29 carriers, which is 50 per cent.

Now, my amendment will permit promotion of the additional 50 per cent in first-class offices and from the $1,100 to the $1,200 grade, and will also promote in the second-class offices all of the carriers from the $1,000 grade into the $1,100 grade.

Mr. HITCHCOCK. Will the gentleman yield for a question?

Mr. GOEBEL. Certainly.

Mr. HITCHCOCK. Can the gentleman from Ohio state whether it would then be obligatory on the department to promote from the fifth to the sixth grade all of these letter carriers whose services and efficiency entitle them to promotion?

Mr. GOEBEL. Under my amendment it would.

Mr. HITCHCOCK. And it would not, then, be left to the will and prejudice of the postmaster?

Mr. GOEBEL. Absolutely not, and I am going to speak of that.

Now, Mr. Chairman, in 1907 we established a law which provides for six grades. Up to the fifth grade it is automatic, but we halt at the sixth grade. Up to the fifth grade appropriations must be made. Now, to my mind, it never was contemplated that Congress should withhold an appropriation and thereby defeat the promotion of all deserving carriers into the $1,200 grade.

If that be true, then the provision of the law is a delusion. It would be absolutely wrong. There is no reason in the world why that grade should not be as effective as the other grades. What is the result? Here are 20 carriers, all efficient and all entitled to promotion, and here you have a provision which limits the number to 50 per cent. What is the result? One of two things—either the postmaster plays his favorites or he assumes a duty that he ought not to assume.

He must make the choice.

The man entitled to the promotions and not promoted feels aggrieved, and thinks he has not had a fair chance or there has been some discrimination.

[The time of Mr. GOEBEL having expired, by unanimous consent his time was extended three minutes.]

Now, such conditions ought not to exist. You have put these carriers upon a basis of efficiency. It is efficiency you want, and whenever he stands that test he is entitled to his promotion. As matters now stand, he is subjected every year to the possibilities that Congress may not make an appropriation, or, making an appropriation to the limit of 50 per cent, that he may then be deprived of his promotion.

Therefore I hope, Mr. Chairman, that my amendment will be adopted that we may add to this bill this $500,000 that is absolutely necessary to carry out the provisions of the bill as the committee intended it, and we ought to make the necessary appropriation to permit all carriers in the first and second class

offices to enter into the highest grade whenever their efficiency will permit it.

Mr. HAMILL. Mr. Chairman, I wish to add just a word or two of indorsement to the remarks made by the gentleman from Ohio.

This amendment is to increase from $31,000,000 to $31,765,000 the appropriation for pay of letter carriers at offices already established, including substitutes for carriers absent without pay, in the City Delivery Service. The object of the amendment is to enable the new salary bill to be carried out according to its original intention. The law provides:

> That after June 30, 1907, clerks in offices of the first and second class and carriers in the City Delivery Service shall be divided into six grades as follows: First grade, salary, $600; second grade, salary, $800; third grade, salary, $900; fourth grade, salary, $1,000; fifth grade, salary, $1,100; sixth grade, salary, $1,200.

It further specifies:

> That clerks and carriers at first-class offices be promoted successively to the fourth grade.

It was believed that the enactment of such salary legislation would be an incentive to faithful and efficient work, and would enable the department to recognize and reward those employees who had shown capability and faithfulness in the discharge of their duties. That it has been such an incentive is proved by the First Assistant Postmaster General, who, in a report made a year after the enactment of the new salary law, declared:

> The passage of the reclassification act has undoubtedly infused into the great army of post-office employees a new spirit of enthusiasm for the service and of loyalty to the department, the effect of which can not be overestimated.

Last year, however, Congress adopted a 50 per cent plan of promotion, according to which postmasters were instructed to refrain from recommending for promotion a greater proportion than 50 per cent of those carriers whose records were such as to warrant their advancement. It is upon this policy that the present departmental estimates are based. The result of this policy is to exclude by the operation of a mere arbitrary rule one-half of those entitled to promotion. It is a distinction clearly unjust and one which betrays a parsimony not at all creditable to the Government [Applause.] I believe this amendment should prevail because intelligent popular sentiment supports it. If those gentlemen who oppose it should return to their districts and consult their constituents, I am satisfied they will find that for every one who may possibly oppose it there are at least one hundred who favor it. If, however, mere popularity were its only recommendation I would not presume to advocate it.

The amendment is just and fair as well. The present salary of post-office employees is small enough. It requires nine years' service before a carrier can advance from a substitute into the first class. Taking the total compensation for those nine years and dividing it by the number of years of service, you will find that in first-class offices his average compensation is $742 annually, and that in second-class offices it amounts to $685.

Here is a table which proves the truth of this last statement:

First-class offices.

Three years, at an average salary of $30 per month, as substitute	$1,080.00
Fourth year, first grade, at annual salary of	600.00
Fifth year, second grade, at annual salary of	800.00
Sixth year, third grade, at annual salary of	900.00
Seventh year, fourth grade, at annual salary of	1,000.00
Eighth year, fifth grade, at annual salary of	1,100.00
Ninth year, sixth grade, at annual salary of	1,200.00
Total salary, nine years	6,680.00
Average salary per year	742.00

Second-class offices.

Three years, at an average salary of $30 per month, as substitute	$1,080.00
Fourth year, first grade, at annual salary of	600.00
Fifth year, second grade, at annual salary of	800.00
Sixth year, third grade, at annual salary of	900.00
Seventh year, fourth grade, at annual salary of	1,000.00
Eighth year, fifth grade, at annual salary of	1,100.00
Total salary, eight years	5,480.00
Average salary per year	685.00

I think you will concede that this salary is small enough. Add to it the fact that the Bureau of the Census, in Bulletin 94, shows that as an indication of the strenuous character of the work of a letter carrier the average length of service is a little less than nine years, and you will concede that this amendment ought to be carried. The prices of living have advanced, while salaries have remained stationary.

We gentlemen, with a wise view to our own personal interests, the wisdom of which view I know all here will admit, obeyed the dictates of evident justice by increasing our own salaries. [Laughter.] Let us follow the same course and imitate the same righteousness by increasing the salaries of the post-office employees.

I think, Mr. Chairman, that instead of hearing opposition to this amendment, the members of this committee should be so glad to have the opportunity of recording their desire to do justice to the worthy and upright public servants who carry the mails and conduct the business of the post-offices throughout the country, that they would rise and pass it without a dissenting vote. [Applause.]

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on this amendment close in seven minutes.

Mr. KELIHER. Mr. Chairman, I hope the gentleman will make it ten minutes.

Mr. WEEKS. How much time does the gentleman desire?

Mr. KELIHER. About five minutes.

Mr. WEEKS. I shall want some time myself.

Mr. SMITH of Michigan. I want some time to ask the gentleman a question or two.

Mr. WEEKS. Then, Mr. Chairman, I will make it twelve minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that debate on the pending amendment close in twelve minutes. Is there objection?

Mr. GOLDFOGLE. Mr. Chairman, reserving the right to object, I desire to ask the gentleman from Massachusetts whether he will accord me five minutes?

Mr. WEEKS. I have no time to accord. I want five minutes myself. I do not wish to cut off any gentleman who wishes to speak on the subject.

Mr. GOLDFOGLE. Then I shall object.

Mr. MANN. Mr. Chairman, will the gentleman from Massachusetts permit a suggestion, that all gentlemen who represent large districts have leave to print their remarks on this subject?

Mr. WEEKS. As that is the only purpose of this debate, I shall be very glad to make that suggestion.

Mr. SMITH of Michigan. Mr. Chairman, I desire to say that that is not my purpose in asking a question. I want some information.

Mr. KELIHER. Mr. Chairman, with the particular amount of money carried in this appropriation for the maintenance of the carrier service I have no concern. All I want is an assurance from the committee, based upon an intelligent study and calculation of the needs of that branch for 1911, that the amount of money carried will meet the demand, that is strong, not only in this House, but in the country, that the prevailing system in regard to carrier promotions at least will be maintained. Some two years ago, the chairman will recall, that, after a thorough and intelligent debate, the House decided by a vote, which was carried from the committee to a roll call in the House, in favor of vitalizing the $1,200 grade in the carrier service, which had been created in the act of 1907 and allowed to remain without force because of lack of an appropriation. A sufficient sum for this purpose was, by amendment, after thorough discussion, added to the appropriation for 1909. In the following year money enough was provided to promote 50 per cent of the eligibles to the $1,200 class in the first-class offices, and in the second-class offices those eligible for the $1,100 grade.

Now, there is apprehension on the part of those interested lest the lopping off of the $500,000 from the estimate submitted by the Post-Office Department by the committee will necessitate a reduction in these promotions. I believe the policy of Congress, expressed as it was two years ago, should be respected. I call the attention of the committee to this fact, and ask for an assurance that the present reduction will not compel a change of policy by the department in this respect. The reduction in the pending bill invites doubt.

Mr. Chairman, when we appropriated for the current year for this particular item, we appropriated $1,788,500 over the amount appropriated for similar purposes for the year preceding. This year, in the pending bill providing for 1911, we increase the amount over the current year only $1,376,000. This is $400,000, approximately, less in the increase for next year than that for 1910 over 1909. Now, the Postmaster-General in his estimate fixed the amount essential for the continuance of this service at its present standard, allowing for a normal increase of $31,500,000. The first assistant, before the committee, declared that he really needed $31,500,000, but the committee in its wisdom has deemed it best to lop off $500,000. Now, if I can get assurances, based upon an intelligent calculation, that there will be money enough to carry out the established policy that I have mentioned, I have no concern with the amount carried.

I hope and trust that the committee in arriving at its conclusion has not been influenced by the belief that the country

will take cognizance in advance of the desire of the committee, which hopes to later enact into law a system which will compel the installation of letter boxes in the private homes of the land, in order to facilitate the distribution of the mail. I further hope and trust that in their calculations they have not figured that a great number of people in the country will anticipate that mandatory provision and volunteer the installation of those boxes. I hope this notion has not been an element of any consequence in the consideration and calculation of the amount of money carried for this item in this bill which may be curtailed.

In conclusion, Mr. Chairman, I reiterate I have absolutely no concern with the amount of money carried, if I can but have the assurance of the committee that the amount of money carried is adequate to meet the demands of the department to provide for the promotions for which Congress has declared—that 50 per cent of the eligibles may be advanced into the $1,200 class in the first-class offices and to the $1,100 in the second class—I am perfectly willing to offer no objection. Now, before taking my seat, I would ask the Chairman if, in his opinion, the $31,000,000, being $500,000 less than the estimate of the department, is considered an adequate amount to provide for the promotions of the 2,727 carriers eligible in the offices of first-class and 1,226 in second-class post-offices?

Mr. WEEKS. When the gentleman from New Jersey has used the time he wishes, I will be very glad to go into details and explain to my colleague why I think $31,000,000 will be ample.

Mr. SMITH of Michigan. As I understand, the highest salary paid to letter carriers in the second-class offices is $1,100.

Mr. WEEKS. Yes.

Mr. SMITH of Michigan. As I understand, the great body of the rural free-delivery carriers go out from offices of the second, third, and fourth classes. I would like to inquire how the committee, in making up this bill, were able to fix the salaries of letter carriers in the second class at $1,100 and then the salaries of the rural free-delivery carriers at $900?

Mr. WEEKS. A letter carrier in the classified list who commences at $600 advances $200 the first year and then $100 a year until in the first-class offices he reaches $1,100 and in the second-class offices until he reaches $1,000. It has become the custom to promote 50 per cent of the eligibles from $1,100 to $1,200 in the first-class offices and 50 per cent of the eligibles from $1,000 to $1,100 in second-class offices, but the committee has nothing to do with the workings of the classification system, which is now permanent law.

Mr. EDWARDS of Georgia. Will the gentleman yield for a question?

Mr. WEEKS. I will.

Mr. EDWARDS of Georgia. How many additional rural routes are provided for in this bill?

Mr. WEEKS. Does not the gentleman think it would be well to defer taking that matter up until we reach that subject in the bill?

Mr. EDWARDS of Georgia. I want to ask in connection with the increase——

Mr. WEEKS. In the bill $545,000 is provided for that purpose.

Mr. GOLDFOGLE. Mr. Chairman, the amendment offered by the gentleman from Ohio ought to prevail. I trust, at least, that all those on this side of the Chamber will give their votes in favor of the pending amendment. The effect of the amendment, as I understand it, will be to enable the carriers to receive the maximum sum that Congress intended they should receive under recent legislation. In the large cities the cost of living has greatly increased. In the city from which I come, New York, the rents are higher to-day than they have ever been before.

The cost of living has increased immensely, and surely it is not asking too much for a carrier to receive the additional $100 when he reaches the standard of efficiency that entitles him to be placed in the highest grade of his service.

Mr. REEDER. I would like to ask the gentleman a question, if he will permit.

Mr. GOLDFOGLE. Certainly.

Mr. REEDER. I would like to ask him when he fell into the habit of trying to raise appropriations above what is demanded by the service and by the committee having charge of a bill?

Mr. GOLDFOGLE. I do not know what the gentleman means by "falling into the habit," but I am trying to have men adequately paid when they render good, honest, and efficient service to the Government. [Applause on the Democratic side.]

Mr. REEDER. I want to suggest that the gentleman has fallen into the habit recently of wanting to raise appropriations above what seems necessary.

Mr. GOLDFOGLE. It is necessary that we should raise this appropriation in order to carry out in good faith what was intended by Congress when we provided for the $1,200 class.

Mr. REEDER. We have a great committee here that has the task of discovering what is required to carry out in good faith what the law contemplates, and they say this bill carries sufficient.

Mr. GOLDFOGLE. The committee has said it, but I take it that the action of that committee is reviewable by this body now sitting, and we ought to review it in such a way as to provide adequate, decent compensation for a class of employees that are deserving and who have, after years of service, proven their efficiency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOLDFOGLE. Mr. Chairman, I ask for two minutes more in order to reply to the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. REEDER. The point I had in mind is this: Is yours not a case where your particular ox is being gored? Is not your motive to raise the appropriation for the benefit of your own constituents?

Mr. GOLDFOGLE. Not at all.

Mr. REEDER. But when a raise pertains to any other section, you seem to be unable to see your way clear to raise appropriations above what is estimated by the committee in charge.

Mr. GOLDFOGLE. Not at all. It is a case where I think a man who is deserving of decent wages and ought to receive them at the hands of a great government. I do not believe that the men who have served so long as to entitle them to go into the highest grade ought to be underpaid. We believe they ought to get at least the sum of $1,200.

Mr. REEDER. We will wait with interest to see if the gentleman will favor raising the rural free-delivery pay above $900, when those carriers have much more expense than the city carriers have in serving the Government. Having to own and feed a team or two and the expense of vehicles. Clearly much more expense and also hardship than the city carrier and much less pay.

Mr. GOLDFOGLE. The gentleman will never find me cheeseparing on any proposition. On the contrary, he will always find me ready to vote for decent pay for efficient work. [Applause.]

Mr. HINSHAW. Mr. Chairman, I move to strike out the last word. I would like to ask the Chairman what provision in this bill has been made for an increase of the salaries of the carriers in second-class cities? It may have been answered, but I would like to go into it a little bit more.

Mr. WEEKS. Mr. Chairman, up to the $1,000 grade we have promoted automatically, as is provided by the classification law, and a provision is made for 50 per cent of those in the $1,000 grade to be promoted to the $1,100 grade.

Mr. HINSHAW. It is in effect a new regulation by this bill or new legislation.

Mr. WEEKS. That is exactly what it was last year.

Mr. HINSHAW. Then there has been substantial relief to the second-class offices.

Mr. WEEKS. A 50 per cent promotion of the $1,000 clerks to the $1,100 grade. Mr. Chairman, I ask unanimous consent that debate on this amendment close at twenty minutes to 5.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WEEKS. Now, Mr. Chairman, the gentleman from Ohio [Mr. GOEBEL] read the hearing given to the First Assistant Postmaster-General on this subject. I will state the changes in the different elements used in making up this appropriation.

This bill makes provision for promotion for all the carriers now in the service, as provided by the classification act, and for the promotion of 50 per cent of those in the $1,100 grade to the $1,200 grade in first-class offices and 50 per cent of those in the $1,000 grade to the $1,100 grade in second-class offices.

I can not agree with the gentleman from Ohio that all the carriers in the $1,100 grade should by right be promoted to the $1,200 grade. If I understand correctly the classification act, it never intended that should be done. It intended that the department should have some latitude and should select for promotion those men who have shown special qualifications for the work. The same statement would apply to the $1,000 grade in second-class offices. It never was intended that all in the $1,000 grade should be promoted to the $1,100 grade.

I think we make a grave error if we depart from the classification act in that respect, for nothing stimulates a man to do good work as the prospect of some material reward as a

result of it. In the estimates of the department the rate of expenditure at the end of this fiscal year is $30,344,200. Automatic promotions from $600 to $1,100 in offices of the first class require $630,275. I am wrong; that includes promotions in both classes of offices to the limit of automatic promotions. Fifty per cent promotions in first-class offices from $1,100 to $1,200 grade, and 50 per cent promotions in the second-class offices from $1,000 to $1,100 grade require $310,075 additional. The department estimated for 1,500 additional carriers at $370 apiece. That number has been reduced by the committee to 1,000, at the same rate. One thousand would require $370,000 or a total of $31,653,530. The department estimates in lapsed salaries and changes in grades a credit of $338,500. Ten per cent automatic promotions which do not occur—that is the experience of the department—would add a credit of $94,000. The First Assistant Postmaster-General estimated that $25,000 can be credited this service by increasing the amount appropriated for assistant postmasters $50,000. Taking these credits from the amounts previously allowed, and we have $31,196,000, and this will provide for 1,000 carriers and all other provisions that anyone contends should be allowed in this bureau.

The number of carriers in the service on the 30th of June, 1909, was 27,630. The number on December 1, 1909, was 27,863. Therefore there were appointed in the first six months of this current year 243 carriers. If the same ratio of appointment of carriers is made as the First Assistant Postmaster-General testified would be necessary in the case of clerks, the total number of carriers appointed during this year will be 328. The number of carriers provided for in the appropriation bill this year was 1,300, leaving a balance to carry over to next year of 972. The committee having provided for 1,000 additional carriers, there will be available for appointment 1,972 carriers during 1911. The methods used in arranging the work of the carriers is being radically changed by the department, and their efficiency has increased. For instance, under the present system of marking carriers it is found that the carrier, instead of routing 6 pieces of mail, has become sufficiently expert so that he routes 20 pieces of mail in a minute.

The CHAIRMAN. The time of the gentleman has expired.

[By unanimous consent the time of Mr. WEEKS was extended three minutes.]

Mr. WEEKS. There have been various combinations and changes in route. For instance, where a large number of people leave their homes for the summer, one carrier will cover two routes instead of one, and in that way the department has been enabled to get on for six months with 243 additional carriers instead of one-half the number provided in last year's bill, which was 1,300. If we credit the appropriation required to carry out all the purposes of this service, $31,196,000, with the 672 carriers who may not be needed for appointment in 1911, at $370, as they have been figured in making up these estimates, we will have as the net amount required for the year 1911 $30,886,000, or $114,000 less than the amount which is recommended in this bill.

Mr. GOEBEL. Will the gentleman yield for a question?

Mr. WEEKS. Yes.

Mr. GOEBEL. Where does the gentleman get these figures?

Mr. WEEKS. I get them from the department, and from the hearings, and from the committee estimates.

Mr. GOEBEL. Did the gentleman get the figures from the First Assistant Postmaster-General?

Mr. WEEKS. Many of them.

Mr. GOEBEL. Then the gentleman will admit that those figures do not correspond with the statement that he made before the committee.

Mr. WEEKS. I admit that.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GOEBEL].

The question being taken, on a division (demanded by Mr. GOEBEL) there were—ayes 53, noes 50.

Mr. WEEKS. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. WEEKS and Mr. GOEBEL.

The committee again divided, and the tellers reported—ayes 63, noes 64.

Accordingly the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, line 20, after the word "dollars," insert the following: "*Provided*, That no part of this appropriation shall be used for said purposes unless in the use thereof in promoting carriers in offices of the first class from the fifth to the sixth grade and carriers in offices of the second class from the fourth to the fifth grade preference is given to the senior employees whose record for faithfulness and efficiency during the preceding year is satisfactory to the Post-Office Department."

Mr. WEEKS. I reserve a point of order on that amendment.

Mr. FITZGERALD. Mr. Chairman, the object of this amendment is to prevent discrimination in promotions in offices of the first class from the $1,100 grade to the $1,200 grade, and in offices of the second class from the $1,000 grade to the $1,100 grade.

If I understood correctly, the appropriation contained in the bill will permit the promotion in offices of the first class of 50 per cent of the carriers in the $1,100 grade to the $1,200 grade, and in offices of the second class it will permit the promotion of 50 per cent of the carriers in the $1,000 to the $1,100 grade.

The object of this amendment is to require that the 50 per cent of the clerks promoted shall be the clerks whose service is longest, provided their records for efficiency are satisfactory to the department.

Mr. REEDER. I desire to raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. REEDER. I desire the gentleman from New York to speak to the point of order, as that is pending.

The CHAIRMAN. The point of order has been reserved.

Mr. FITZGERALD. I wish to make a statement as to the merits of the amendment.

The CHAIRMAN. The point of order has been reserved. The gentleman from New York is in order.

Mr. FITZGERALD. I wish to speak to the merits of the amendment because I am convinced that once the amendment is understood nobody will be inclined to insist upon the point of order, even if it be good. Assume there are a number of carriers in offices of the first class, say 100 of whom are entitled to promotion from the $1,100 grade to the $1,200; under the appropriation that is to be made, only 50 per cent of these carriers can be promoted; that is, 50 of the 100 from the $1,100 to the $1,200 grade.

If these carriers, in efficiency and in the record, be equal, the object of this amendment is to provide that those who have served longest shall be promoted in preference to others in their grade. I can not understand how any legitimate objection can be made to this amendment. It is not designed to promote carriers simply because of seniority, but its object is to give those who have served longest, provided their records are equally good, preference over those who have a shorter service.

Mr. MANN. Does the gentleman's amendment provide for a case where the records are equally good for efficiency?

Mr. FITZGERALD. Not in that language. It provides for preference where the record of efficiency and faithfulness is satisfactory to the department, and as the department must make the promotions upon the efficiency record and determine the efficiency, it still leaves it considerable power. I do not wish to make any statement that may seem to be unfair in this discussion. If a postmaster should determine that two clerks, one serving a longer time than another in this class, have records which are satisfactory, and if there be a limitation upon the number that can be promoted, why should not the man that has served the longest be given preference in promotion?

As to the point of order, I submit that this is merely a limitation on the appropriation, and I want to call the attention of the Chair to a decision——

Mr. REEDER. If a point of order has not been made, why does the gentleman wish to argue it?

Mr. FITZGERALD. I might finish and the gentleman from Massachusetts might insist on the point of order, and the Chair might decide it without any light from me.

Mr. REEDER. It seems to me that until the point of order is made there is no use to argue it. I want to save discussion on both sides if I can, and if a point of order is not presented what is the use to discuss it?

Mr. FITZGERALD. Does the gentleman from Massachusetts make the point of order?

Mr. WEEKS. I have reserved the point of order in order to let the gentleman from New York make his speech.

Mr. FITZGERALD. If the gentleman from Massachusetts will agree to accept the amendment I will say nothing further.

Mr. WEEKS. No; I am going to insist on the point of order.

Mr. FITZGERALD. Then, Mr. Chairman, I desire to call the attention of the Chair to the decision on page 658 of Hinds's Precedents, volume 4.

I myself offered, on the 27th of March, 1906, an amendment in this language:

Provided, That no part of the sum hereby appropriated shall be expended unless the programme for the conference contains provision for discussion of reciprocal trade relations between the countries participating in the conference.

At the time there was under consideration a provision in a deficiency bill which read as follows:

To meet the actual and necessary expenses of the delegates from the United States to the Third International Conference of American States, to be held at the city of Rio de Janeiro, beginning on the 21st of July, 1906, and salaried clerical assistance, to be expended under the discretion of the Secretary of State, to continue available during the fiscal year of 1907, $60,000.

A point of order was interposed to the amendment, and was overruled on the ground that the amendment was a limitation on the appropriation. The pending amendment proposes that the money shall not be expended for the purposes enumerated unless certain requirements be followed as to the method of promotion. It seems to me that this is clearly within the decision to which I have called to the attention of the Chair.

Mr. MANN. Mr. Chairman, I would be in sympathy with the gentleman from New York in his amendment if he had provided for promotion where the records were of equal efficiency, but under the amendment offered by the gentleman, wherever a person long in service is not promoted, it will instantly be taken as a declaration by the department that he is not an efficient carrier.

Mr. FITZGERALD. Let me suggest that if the amendment is before the House for consideration the gentleman may convince me that perhaps that modification should be made.

Mr. MANN. That would be a good suggestion to make to a Member who has not been here as long as I have. [Laughter.] I presume that the Chair has the amendment in front of him. It seems to me that it is not a limitation on the appropriation, but is an offer of a trade.

Mr. FITZGERALD. Well, that is not prohibited by the rules.

Mr. MANN. There is no limitation on the appropriation, except to say that the appropriation shall not be expended unless the Post-Office Department violates the law.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. MANN. That is what it amounts to.

Mr. FITZGERALD. No; it does not amount to that.

Mr. MANN. It is not a limitation on the appropriation, but a proposition to trade, a proposition to the department to violate the law. The law now provides that these promotions shall be made by the department at its discretion. Here is a proposition, not to limit the expenditure of the appropriation, but stating that the appropriation shall not be used at all for any purpose, unless the department violates the existing rule of law. Now, it does not seem to me that that is a limitation on the appropriation at all.

Mr. FITZGERALD. The gentleman is mistaken, because for all the gentleman knows the suggestion contained in this amendment is the rule now followed by the department. I was inclined to believe that the gentleman would base his objection to the amendment upon the theory that it was unnecessary because this rule is now followed by the department.

Mr. MANN. Even if the rule were now followed by the department that would not change the position, so far as the law is concerned.

Mr. FITZGERALD. This is a limitation upon the appropriation, because it specifically provides that the appropriation shall not be expended except under certain conditions.

Mr. FASSETT. It provides it shall be expended.

Mr. FITZGERALD. I beg the gentleman's pardon, because I am more familiar with what the amendment says.

Mr. MANN. It reads:

No part of this appropriation shall be used for said purposes unless in the use thereof in promoting carriers of the first class—

And so forth.

Mr. FITZGERALD. Now, I read the amendment to which I called the attention of the Chair:

That no part of the sum hereby appropriated shall be expended unless the programme for the conference contains provision for a discussion of reciprocal trade relations between the countries participating in the conference.

Mr. MANN. Mr. Chairman, the distinction is quite clear. In that case there was no law on the subject. There was no change of existing law by the limitation. In this, what purports to be a limitation is a direction to the department—

That no part of the appropriation shall be used unless—

The department violates the law. That is taken by the department as a change of law. There have been frequent rulings that where a purported limitation would have to be construed by the department as a change of law or as useless, that that must be construed as a change of law, and hence would be obnoxious to the rule and not a mere limitation on the appropriation.

Mr. GARDNER of New Jersey. Mr. Chairman, the gentleman from New York bases his contention that this is not new legislation, but a limitation, upon the ground that the money need not be expended at all; that he provides that if it be expended, it must be expended under the amendment which he proposes; but if you take that view of it, he changes the classification act. The classification act makes the promotions mandatory, and if he really seriously asserts that under his amendment the promotions need not be made, then he asserts that he is repealing or modifying the classification act.

Mr. FITZGERALD. Will the gentleman state in what respect it modifies the classification act?

Mr. GARDNER of New Jersey. The gentleman has just stated himself that this was a limitation, because it was on the assumption that the money need not be expended; but if expended, must be expended under his amendment.

Mr. FITZGERALD. That is true. That is the only way one can make a limitation.

Mr. GARDNER of New Jersey. Very well. If it need not be expended, then you suspend the operations of the classification act and are making a change in existing law.

Mr. FITZGERALD. Oh, no. It is one thing to change the law and it is another thing to appropriate to carry out the law.

Mr. GARDNER of New Jersey. That does not meet the question. I want to go further. If it does not suspend the operation of the classification act, then that act goes on in its operation, and this provision absolutely destroys or takes away the existing discretion in the Postmaster-General, so that, from either point of view, it is evidently new legislation proposed upon an appropriation bill.

The CHAIRMAN. The Chair is ready to rule. It seems to the Chair that the amendment proposed by the gentleman from New York gives affirmative directions to an executive officer in a way which constitutes a change of existing law. The Chair, therefore, sustains the point of order.

Mr. NICHOLLS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 15, line 20, after the word "dollars," insert:

"*Provided*, That if the appropriation is adequate, the Postmaster-General may authorize an annual leave of thirty days' absence to all carriers."

Mr. WEEKS. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman wish to be heard upon the point of order? If not the Chair sustains the point of order.

Mr. REEDER. Mr. Chairman, I desire to submit the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, line 20, after the word "dollars," insert:

"*Provided*, That no part of this appropriation shall be used for making more than two deliveries of mail each day except to business houses, and then only when at least six business houses are found in one city block."

Mr. WEEKS. Mr. Chairman, I make the point of order against that amendment.

Mr. REEDER. Will the gentleman reserve the point of order?

Mr. WEEKS. I will reserve the point of order.

Mr. REEDER. Mr. Chairman, I make this amendment in the interest of economy. Evidently from the size of this appropriation it would make quite a saving, and, in addition to that, I offer this amendment in the interest of the people who receive this mail in the residence districts of the cities. When these mail deliveries occur four, five, six, and seven times a day it requires about one servant to take care of the door and receive the mail, and it is certainly of very little use to the people receiving the mail, and in order to save the citizen the trouble of serving these carriers and also in the interest of economy, I offer this amendment. Now, I desire to say a word on the point of order that is made against the amendment.

Mr. MANN. I would like to ask the gentleman a question. Does the gentleman have any carrier cities in his district where they have five or six deliveries a day?

Mr. REEDER. No, sir.

Mr. MANN. But the gentleman was undertaking to tell what would happen in this case. Does not the gentleman think that he might leave that to districts represented by people where they have these deliveries who may know something about it?

Mr. REEDER. I have my information in that line from the numerous mail deliveries in this city. My mail all comes to my office—that is, all that is of any importance—and it takes half the time of a servant to take in advertisements of one kind and another delivered by a mail carrier. So I realize that the people in the city, while you Members representing such districts would probably not be willing to vote for this amendment, yet you are fully aware that such frequent calls of the carrier are a great nuisance to the people——

Mr. SABATH. Will the gentleman yield?

Mr. REEDER. I wish to talk to the point of order, as I have only five minutes. I wish to say in regard to the point of order I do not believe it is subject to the point of order, because it simply directs as to the use of a portion of this appropriation. This is all I desire to say about it.

Mr. WEEKS. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices already established, $1,100,000.

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21419, the post-office appropriation bill, and had directed him to report that it had come to no resolution thereon.

CLAIMS.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent that the Committee on Claims have one hour after the reading of the Journal to-morrow to consider only claims that have been reported on the Private Calendar and to consider those in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois asks unanimous consent that bills reported from the Committee on Claims on the Private Calendar may be considered for one hour immediately after the reading of the Journal, and that they shall be considered in the House as in the Committee of the Whole House.

Mr. CLARK of Missouri. Mr. Speaker, I do not want to interfere with that except to remind the Chair that the matter which the gentleman from New York [Mr. FASSETT] had up this morning went over until after the reading of the Journal. I do not know how long it will take to consider that.

Mr. FASSETT. Mr. Speaker, I think, without violating any confidence, I can say that I have had an interview with Mr. RAINEY and it will not take a half a minute; and if he were here now, it would not take half a minute.

Mr. CLARK of Missouri. Mr. Speaker, I am very glad to hear it.

Mr. HARRISON. Mr. Speaker, I object.

Mr. HUGHES of New Jersey. Mr. Speaker, may I ask the gentleman from Illinois what these claims are?

Mr. PRINCE. These are small uncontested claims that have been reported favorably by the Committee on Claims.

Mr. HUGHES of New Jersey. Your request, then——

Mr. MANN. It is made so as to go ahead with the post-office bill after the hour is over.

Mr. HUGHES of New Jersey. Is the gentleman asking unanimous consent to have these considered and all other bills on the calendar go off?

Mr. PRINCE. No. To-morrow is claims day. Ordinarily I would be entitled to the whole day. I do not want to obstruct the public work.

Mr. HARRISON. Mr. Speaker, I object.

Mr. PAYNE. I suppose the gentleman from Illinois [Mr. PRINCE] can yield the floor to the post-office bill after the hour, if he desires.

Mr. MANN. This is to consider bills in the House as in the Committee of the Whole.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6051. An act to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 18019. An act to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas;" and

H. R. 19278. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1035. An act authorizing and directing the Secretary of State to examine and settle the claim of the Wales Island Packing Company—to the Committee on Claims.

S. 3360. An act to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900—to the Committee on Territories.

S. 1. An act authorizing the purchase of ground for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes—to the Committee on Public Buildings and Grounds.

S. 4399. An act for the relief of Maj. Pierre C. Stevens—to the Committee on War Claims.

S. 5705. An act to authorize advances to the reclamation fund and for the issue and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes—to the Committee on Ways and Means.

LEAVE OF ABSENCE.

Mr. RICHARDSON, by unanimous consent, was granted leave of absence indefinitely on account of sickness.

CHANGE OF REFERENCE.

By unanimous consent, change of reference was made of the bill (S. 2441) for the relief of the next of kin of C. A. Weed and the legal representatives of A. P. H. Stewart, from the Committee on Claims to the Committee on War Claims.

ADJOURNMENT.

Mr. WEEKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Saginaw River, Michigan (H. Doc. No. 740), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6449) permitting the building of a railroad bridge across the St. Croix River, between the States of Wisconsin and Minnesota, reported the same with amendment, accompanied by a report (No. 672), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. COWLES, from the Committee on Claims, to which was referred the bill of the House (H. R. 2468) for the relief of Thomas P. Curran, reported the same with amendment, accompanied by a report (No. 671), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 14930) for the relief of Lucy L. Bane, reported the same with amendment, accompanied by a report (No. 673), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14077) granting a pension to William J. Goldsmith—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17958) granting an increase of pension to William D. Willoughby—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MANN: A bill (H. R. 22236) to authorize the Lake Shore and Michigan Southern Railway Company to construct a bridge across the Calumet River at South Chicago, Ill.—to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY: A bill (H. R. 22237) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 22238) suspending mail service on star routes on legal holidays—to the Committee on the Post-Office and Post-Roads.

By Mr. DODDS: A bill (H. R. 22239) to admit to the mails as second-class matter periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning or by trades unions, and for other purposes—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLEY of Illinois: A bill (H. R. 22240) for the purchase of a site and the erection of a public building thereon at Urbana, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. HOWLAND: A bill (H. R. 22241) to fix a definite method of measuring the period of service in the Army and Navy of the United States during the civil war—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 22242) providing for the erection of a public building at Bedford, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. CALDER: A bill (H. R. 22243) in relation to frauds in wool or worsted yarns—to the Committee on Interstate and Foreign Commerce.

By Mr. OLCOTT: A bill (H. R. 22244) providing for the creation of a national board of sanitary inspectors—to the Committee on the District of Columbia.

By Mr. STEENERSON: A bill (H. R. 22245) to provide for an official roll of the mixed-blood Chippewa Indians on the White Earth Reservation, in the State of Minnesota—to the Committee on Indian Affairs.

By Mr. EDWARDS of Kentucky: A bill (H. R. 22246) authorizing construction of a road from Mill Springs National Cemetery, in Pulaski County, Ky., to Somerset, in said county—to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 22247) to promote the settlement and reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. STEENERSON: Resolution (H. Res. 482) for the appointment of a committee to investigate the Merchant Marine League of the United States, etc.—to the Committee on the Judiciary.

By Mr. GREENE: Joint resolution (H. J. Res. 163) authorizing the Secretary of War to furnish condemned cannon for a tablet to the monument commemorating landing of Pilgrims at Provincetown, Mass.—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 22248) granting a pension to Luther H. Hester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22249) granting an increase of pension to Adam Laskoski—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 22250) granting a pension to Algernon Weymouth—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 22251) granting an increase of pension to J. S. Esquibel—to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 22252) granting a pension to Sally B. Williams—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 22253) for the relief of Henry L. Woods—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 22254) granting a pension to John R. Jones—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 22255) granting an increase of pension to Frederick Skinner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22256) granting an increase of pension to Lewis Joiner—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 22257) granting a pension to James J. Pearce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22258) granting a pension to Edward Rhoades—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22259) granting an increase of pension to Francis M. Bullock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22260) granting an increase of pension to Jesse Drew—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 22261) granting an increase of pension to Edmond D. Brush—to the Committee on Invalid Pensions.

By Mr. ELVINS: A bill (H. R. 22262) granting an increase of pension to William A. Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22263) granting an increase of pension to Richard Deven—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 22264) granting an increase of pension to James F. Ivie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22265) granting an increase of pension to Thomas B. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22266) granting an increase of pension to Harriet A. Combs—to the Committee on Invalid Pensions.

By Mr. GODWIN: A bill (H. R. 22267) granting a pension to James Laughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22268) granting a pension to Robert H. Cowan—to the Committee on Pensions.

Also, a bill (H. R. 22269) granting a pension to Delia Johnson—to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 22270) for the relief of Amos M. Barbin—to the Committee on Military Affairs.

By Mr. HEALD: A bill (H. R. 22271) granting a pension to Anna Elizabeth Moystin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22272) granting an increase of pension to John Holzer—to the Committee on Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 22273) granting an increase of pension to James W. Byers—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 22274) to provide for an additional professor of mathematics in the navy—to the Committee on Naval Affairs.

By Mr. JAMIESON: A bill (H. R. 22275) granting an increase of pension to W. D. Kinser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22276) granting an increase of pension to Adam Vespers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22277) granting a pension to Charles H. Barr—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 22278) granting an increase of pension to James Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22279) granting an increase of pension to Charles W. Gunter—to the Committee on Pensions.

Also, a bill (H. R. 22280) for the relief of Benjamin F. and John G. Mattingly—to the Committee on Claims.

Also, a bill (H. R. 22281) for the relief of Mrs. Emma P. Barbour—to the Committee on War Claims.

Also, a bill (H. R. 22282) for the relief of Abner Goodman—to the Committee on War Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 22283) granting an increase of pension to Micajah T. Gillespie—to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 22284) granting a pension to Mary S. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22285) granting a pension to Virginia John—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22286) granting an increase of pension to John W. Thompson—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22287) granting a pension to Thomas F. Arnett—to the Committee on Pensions.

By Mr. McCREARY: A bill (H. R. 22288) granting an increase of pension to J. Wilson Irwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22289) for the relief of the heirs of John Chamberlain—to the Committee on War Claims.

By Mr. McKINLAY of California: A bill (H. R. 22290) granting an increase of pension to Margaret E. Gray—to the Committee on Invalid Pensions.

By Mr. McLACHLAN of California: A bill (H. R. 22291) granting an increase of pension to John H. Pope—to the Committee on Invalid Pensions.

By Mr. McMORRAN: A bill (H. R. 22292) granting a pension to Clair R. Black—to the Committee on Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 22293) granting an increase of pension to Jasper N. Rogers—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 22294) for the relief of Valentine Fraker—to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 22295) for the relief of Paul Butler—to the Committee on Claims.

By Mr. SLEMP: A bill (H. R. 22296) granting an honorable discharge to George W. Dutton—to the Committee on Military Affairs.

By Mr. SNAPP: A bill (H. R. 22297) granting an increase of pension to Frederick Brown—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 22298) granting an increase of pension to Calvin W. Edgar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22299) granting an increase of pension to Swain S. Albright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22300) granting an increase of pension to William H. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22301) granting an increase of pension to Winfield S. Douglass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22302) granting an increase of pension to William J. Rosborough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22303) granting a pension to Robert F. Minton—to the Committee on Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 22304) granting an increase of pension to William J. Naugle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22305) granting an increase of pension to Fayette Darling—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 22306) granting a pension to Mary Handran—to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 22307) granting an increase of pension to Isaac Price—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of East Buffalo Live Stock Association, for reduction of duty on fattened live stock—to the Committee on Ways and Means.

By Mr. ANDERSON: Paper to accompany bill for relief of Lorenzo Emmons—to the Committee on Invalid Pensions.

Also, petition of Charles Woodward, secretary of the United States Ex-Letter Carriers' Association, of Chicago, Ill., for Senate bill 3638, for payment of overtime claims—to the Committee on the Post-Office and Post-Roads.

Also, petition of Associated Fraternities of America, of Chicago, Ill., for House bill 17543, giving fraternal publications the right to carry advertising—to the Committee on the Post-Office and Post-Roads.

By Mr. BARNHART: Petition of Polish Turners of South Bend, Ind., against poll tax and property requirement of immigrants to the United States—to the Committee on Immigration and Naturalization.

By Mr. BENNETT of Kentucky: Petition of St. Louis Paint, Oil, and Drug Club, approving appointment of the referee board of scientific experts to decide in close-disputed cases touching impurities in food—to the Committee on Interstate and Foreign Commerce.

By Mr. COCKS of New York: Petition of Huntington Chapter, Sons of the American Revolution, for retention of the Bureau of Information relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. CONRY: Petition of National Association, favoring union volunteer officers' retired list (S. 4183 and H. R. 18899)—to the Committee on Military Affairs.

By Mr. DALZELL: Paper to accompany bill for relief of Edmund D. Brush—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Associated Fraternities of America, of Chicago, Ill., to admit to the mails as second-class matter periodicals published by fraternal insurance societies, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of Willards Mountain Chapter, Daughters of the American Revolution, against repeal of section 40 of the immigration act of 1907, for retention of the Division of Information, etc.—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of citizens of Buffalo County, Wis., protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOYD of Arkansas: Papers to accompany bills for relief of Alfred B. Light and Joseph S. Looney—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20683, a bill to abolish the Ozark National Forest—to the Committee on the Public Lands.

By Mr. FOCHT: Papers to accompany bills for relief of David F. Black and John J. Rosensteel—to the Committee on Invalid Pensions.

Also, petition of John M. Wolff and 50 other citizens of Waynesboro, Pa., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of the American Embassy Association, for an appropriation for homes for ambassadors abroad—to the Committee on Foreign Affairs.

By Mr. FOSTER of Illinois: Petition of H. C. Hays and other citizens of Iuka, Ill.; Farmers' Educational Union of America, of Iuka, Ill.; and George W. Rose and other citizens of Keensburg, Ill., for legislation to stop gambling in futures in farm products—to the Committee on Agriculture.

Also, petition of Isaac Andreek, of Centralia, Ill., and Frank Hogan and other citizens of Breese, Ill., for Senate bill 5578 and House bill 15441, relative to an eight-hour day on all government works—to the Committee on Labor.

By Mr. FULLER: Petition of Illinois Lumber Dealers' Association, of Chicago, Ill., against the publicity feature in the corporation-tax law, etc.—to the Committee on Ways and Means.

Also, petition of McCary, Howell & Co., general agents of the Penn Mutual Life Insurance Company of Chicago, Ill., favoring the deferring of making report required under the corporation-tax law—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of New York merchants favoring tariff arrangements with France relative to evaporated apples—to the Committee on Ways and Means.

Also, petition of American Newspaper Publishers' Association of New York relative to wood-pulp supply from Canada—to the Committee on Ways and Means.

Also, petition of Jamaica Bay Improvement Association favoring appropriation for dredging the upper Hudson River—to the Committee on Rivers and Harbors.

Also, petition of American Embassy Association favoring United States embassy buildings—to the Committee on Foreign Affairs.

Also, petition of E. R. Brackett, of New York, favoring House bill 9530 and Senate bills 254 and 3776—to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: Petition of Pittsburg Association of Credit Men, favoring amendment to the bankruptcy law carried in the Sherley bill—to the Committee on the Judiciary.

By Mr. GRIEST: Petition of J. W. Hawthorn, William S. Evans, and W. C. B. Donley, committee Local Union No. 146, International Molders' Union of North America, of Columbia, Pa., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of citizens of Barton, N. Dak., against the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of California Harbor, No. 15, of San Francisco, for House bill 20152—to the Committee on Indian Affairs.

Also, petition of Orchard City Grange, No. 333, Patrons of Husbandry, of Campbell, Cal., against gambling exchanges in farm products—to the Committee on Agriculture.

By Mr. HEALD: Petition of members of certain Christian Endeavor societies, State of Delaware, favoring Senate bill 404, relative to Sunday observance—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: Petition of Council No. 91, Loyal Additional Benefit Association, of New Britain, Conn., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of Hannah J. Alexander—to the Committee on Pensions.

By Mr. HOUSTON. Papers to accompany House bill 3672 relative to public building at Tullahoma—to the Committee on Public Buildings and Grounds.

Also, paper to accompany bill for relief of Alvis H. Thomasson—to the Committee on Invalid Pensions.

By Mr. HOWARD: Petition of Stephen Heard Chapter, Daughters of the American Revolution, of Elberton, Ga., for retention of Division of Information in the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of New Jersey: Petition of Journeymen Barbers' Union, of Plainfield, N. J., favoring an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

Also, petition of Corey Council, No. 1280, Knights of Columbus, of Roosevelt, N. J., and South Amboy (N. J.) Council, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Labor Information Office for Italians, New York City, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. HOWLAND: Petition of Ohio Society of the Sons of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

Also, petition of citizens' organizations of Cleveland, Ohio, favoring the Goulden bill (H. R. 18622) for better security of life at sea—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUFF: Petition of 27 citizens of Jeannette, Pa., against the increase of rate of postage on periodicals and not to restrict rural delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of John Kelly and 48 other citizens of San Francisco, Cal., protesting against the immigration of all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KORBLY: Petition of Indiana Society of the Sons of the American Revolution, for retention of the Division of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. LAW: Petition of the assembly of the State of New York, for the construction of at least one battle ship in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. LINDBERGH: Petition of farmers and producers of Minnesota, against change in oleomargarine law—to the Committee on Agriculture.

By Mr. LOWDEN: Petition of citizens of East Dubuque, Ill., against any change in present oleomargarine law—to the Committee on Agriculture.

By Mr. McCALL: Petition of 486 clergymen of Massachusetts, against further increase of the navy—to the Committee on Naval Affairs.

By Mr. McCREDIE: Petition of Enterprise Grange, No. 85, Patrons of Husbandry, of Klickitat County, Wash., against redraft of the Lafean apple bill—to the Committee on Agriculture.

Also, petition of Ninth Annual Convention, State Federation of Labor, Hoquiam, Wash., for better regulation of oriental immigration—to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Washington, for an eight-hour law on government works—to the Committee on Labor.

By Mr. McKINLAY of California: Paper to accompany bill for relief of Margaret E. Gray—to the Committee on Invalid Pensions.

By Mr. McMORRAN: Papers to accompany House bill granting a pension to Clair R. Black—to the Committee on Pensions.

By Mr. MAGUIRE of Nebraska: Petition of farmers' institute, at Eagle, Nebr., for House bill 15422, providing for agricultural extension and farmers' institutes—to the Committee on Agriculture.

By Mr. MILLINGTON: Petition of J. B. Mead and others, of Middleville, N. Y., for the proposed bill relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MORGAN: Petitions of C. M. Marker, C. E. Matthews, R. F. Ball, and others, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: Petition of Joseph M. Fritz and others, for legislation against gambling in farm products—to the Committee on Agriculture.

By Mr. NEEDHAM: Petition of Carpenters' Union, No. 316, of San Francisco, favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of Fresno Council, No. 840, Knights of Columbus, of Fresno, Cal., in support of House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. NYE: Petition of International Association of Machinists, of Minneapolis, Minn., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of John A. Rawlins Post, Grand Army of the Republic, No. 126, Department of Minnesota, for a volunteer officers' retired list, House bill 18899—to the Committee on Military Affairs.

By Mr. O'CONNELL: Petition of Worcester (Mass.) Branch of the National Metal Trades Association, deprecating the enactment of hasty legislation touching transportation—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Paper to accompany bill for relief of Elisha A. Duffey—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: Petition of numerous residents of the First Congressional District of Colorado, praying for the passage by Congress of bills providing for the elimination of speculation and gambling in the products of the farm, and the passage of a measure providing for the establishment of the parcels post—to the Committee on Agriculture.

Also, petition of A. G. Case, councilor, and George A. Streeter, recorder, of Denver Council, No. 57, Loyal Association, favoring the passage of House bill 17543, favoring the right of fraternal publications to carry advertising—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. H. Wells, president, and W. W. Kirby, secretary, of Denver Chapter, Society of the Sons of the American Revolution, protesting against the repealing of section 40 of the immigration act—to the Committee on Immigration and Naturalization.

Also, petition of Rudolph Johnson, master, and Mary Moore, secretary, of Left Hand Grange, No. 9, of Niwot, Colo., favoring the establishment of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of Mary M. Thayer, regent, and Myra H. Graham, recording secretary of Centennial State Chapter, Daughters of the American Revolution, of Greeley, Colo., protesting against the repealing of section 40 of the immigration act—to the Committee on Immigration and Naturalization.

Also, petition of George W. Beamer, adjutant of Irving Hale Camp, No. 7, United Spanish War Veterans, Department of Colorado, of Denver, Colo., asking that Congress take action that would provide for the raising of the U. S. war ship *Maine*, now lying in Habana Harbor, Cuba—to the Committee on Naval Affairs.

By Mr. SABATH: Petition of Polish-American Citizens' Club, of Chicago, Ill., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of California Harbor, No. 15, favoring House bill 20152—to the Committee on Indian Affairs.

By Mr. SWASEY: Petition of Maine Federation of Women's Clubs, against use of the Hetch Hetchy Valley to supply water for San Francisco—to the Committee on the Public Lands.

Also, petition of citizens of Dixfield and Mexico, both in the State of Maine, against a law favoring Sunday observance in the District of Columbia (S. 404)—to the Committee on the District of Columbia.

Also, petition of La Société des Artisans Canadiens Français, No. 192, of Auburn, Me., for House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of Patrons of Husbandry of Turner, Me., for conservation of national resources—to the Committee on Agriculture.

SENATE.

FRIDAY, *March 4, 1910.*

(*Continuation of legislative day of Thursday, March 3, 1910.*)

The Senate resumed its session at 11.30 o'clock a. m.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). The Senator from Idaho [Mr. BORAH] is entitled to the floor on the pending bill.

Mr. HEYBURN. Mr. President, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Heyburn	Rayner
Bankhead	Crawford	Hughes	Richardson
Beveridge	Cullom	Johnston	Root
Borah	Cummins	Jones	Scott
Bourne	Curtis	Kean	Shively
Bradley	Davis	La Follette	Simmons
Brandegee	Depew	Lodge	Smith, Md.
Brown	Dick	McCumber	Smith, S. C.
Bulkeley	Dillingham	Martin	Smoot
Burkett	Dixon	Money	Stephenson
Burnham	Flint	Nixon	Sutherland
Burrows	Foster	Oliver	Taliaferro
Burton	Frye	Overman	Taylor
Carter	Gallinger	Owen	Warner
Chamberlain	Gamble	Page	Warren
Clapp	Gore	Paynter	
Clarke, Ark.	Guggenheim	Perkins	
Clay	Hale	Piles	

The PRESIDING OFFICER. Sixty-nine Senators have responded to the roll call. A quorum is present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13410) entitled "An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 6051. An act to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida;

H. R. 18681. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 142. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

MEMORIAL.

Mr. LODGE presented a memorial of Phil. H. Sheridan Post, No. 34, Grand Army of the Republic, Department of Massachusetts, of Salem, Mass., remonstrating against placing the statue of Gen. R. E. Lee in Statuary Hall, United States Capitol; which was referred to the Committee on the Library.

A. J. G. KANE.

Mr. DEPEW presented papers to accompany the bill (S. 6651) to correct the military record of A. J. G. Kane; which were referred to the Committee on Military Affairs.

BILL INTRODUCED.

Mr. BURKETT introduced a bill (S. 6936) granting an increase of pension to Maggie E. Swank, which was read twice by its title and referred to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. TALIAFERRO submitted an amendment relative to a survey of Key West Harbor, Florida, with a view to removal of coral heads, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. DEPEW submitted an amendment relative to the survey of the Narrows of Lake Champlain, New York and Vermont, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

REVENUE CUTTER FOR KEY WEST, FLORIDA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1381) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Florida.

Mr. FRYE. I move that the bill and amendments be referred to the Committee on Commerce.

The motion was agreed to.

POSTAL SAVINGS DEPOSITORIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes, the pending question being on the amendment proposed by Mr. CUMMINS to the amendment of Mr. SMOOT.

Mr. BORAH. Mr. President——

Mr. FLINT. Will the Senator from Idaho permit me to make a statement?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I do.

Mr. FLINT. I am engaged in the joint committee of the Senate and House investigating the Ballinger-Pinchot controversy and will not be present to-day. I desire to announce the fact that I am paired with the senior Senator from Texas [Mr. CULBERSON]. I would vote with the Senator from Montana [Mr. CARTER] on the bill and all amendments, and the senior Senator from Texas, if present, would vote against the bill and such amendments.

Mr. BORAH. Mr. President, I did not rise last evening for the purpose of discussing at length the bill or the pending amendment, and I do not desire to do so this morning. I did not believe that there was any necessity for the amendment which has been proposed, and it seemed to me that there were many reasons why it should not become a part of the bill.

The proviso which has been submitted by the Senator from Utah [Mr. SMOOT] was proposed as a part of the bill at a very late hour of the discussion of this measure. What I arose to say yesterday evening, and what I desire to repeat this morning, is that there has been no reason as yet submitted to the Senate why this radical departure from the original purpose of the bill has been invoked at this time.

The Senator from New York [Mr. ROOT] stated last evening that it was his purpose to state to the Senate some facts and reasons why he believed this amendment, or rather his amendment, which, I take it, is in principle the same as the amendment of the Senator from Utah, should become a part of the bill. In view of that statement, Mr. President, and as the Senator from New York proposes to proceed, and in view of the further fact that I am perfectly willing to support the measure, if it can be justified, I am going to yield this morning to the Senator from New York to discuss the measure. However, I will state, before I take my seat, that I regard the amendment as being so objectionable that I should want a controlling reason for its adoption before I would consent myself to vote for it.

Mr. ROOT. Mr. President, the amendment which was introduced by me on the 8th of February provides that the money received at the post-offices, for which the Government of the United States becomes responsible to the depositors, shall be invested in the securities of the United States, and that whenever and to the extent that securities of the United States are not available for authorized issue or for purchase at prices deemed by said trustees to be reasonable, the funds so received shall be deposited in the banks, leaving the provisions as to the distribution of the deposits in the localities where they are received, as those provisions are contained already in the bill.

A somewhat similar provision has been included in an amendment proposed by the Senator from Ohio [Mr. BURTON], and I think a similar one in an amendment proposed by the Senator from Connecticut [Mr. BULKELEY].

In offering the amendment I had, sir, an idea of what a postal savings bank is and ought to be. It seemed to me that that idea was based upon the universal experience to which the advocates of the bill appealed. A savings bank is, and always has been since such an institution was first known to men, an institution for the investment of savings. Such are all savings banks that are known to the laws of our States, such are all savings banks known in the civilized countries of the world, such are the postal savings banks of all civilized countries, so far as I have been able to ascertain—institutions which receive the slender funds of the poor too small in amount for individual investment in the great enterprises of the world, owned by men too unfamiliar with the great business of the world to make investments, placing them, aggregated in amount, in the hands of wise and experienced trustees, placing them in such investments that they can receive their share of the wealth produced in the great industrial enterprises of our age. I say such is the savings bank and such is the postal savings bank, so far as it has been known to us or to anyone in the past.

And, sir, I have a conception of a postal savings-bank bill which would make it a means by which at the same time thrift should be encouraged among the people of our country, confidence in the safety of their earnings, which would make them willing to deny themselves in order that their earnings might accumulate, a bill which would afford the opportunity to the people of our country to save their earnings and at the same time afford them an opportunity to invest their earnings in the support of their Government, which would release the Government of the United States from the necessity of going to the great bankers of the world in order to obtain the means by which it might carry out the great enterprises for which we have determined to charge a portion of the expense upon future generations.

A few years ago, sir, there was a violent attack, to my mind most unjust, upon President Cleveland because he went to a great banking firm in the city of New York to place bonds that it was necessary to sell in order to sustain the credit of the Government. There was nowhere else for him to go. At the outbreak of the Spanish war an effort was made by the Congress to enact provisions under which the bonds that it was necessary for us to sell to pay the expenses of the war should be offered to the people, and they were widely advertised for public subscription. Who got them, sir? The bankers and the brokers; and if the people obtained any portion of them they had to go to the brokers' offices to get them.

I had an idea of a postal savings-bank bill which would enable the Government of the United States to plant itself upon the industry, the thrift, the accumulated earnings of the great body of the people of the United States, which would enable the man who works with his hands on the farm or in the factory to have his little stake in the Government of the United States by the investment of his earnings through a postal savings bank in the securities issued by his Government. And that idea, sir, was in conformity to all the conceptions of a postal savings bank that had ever before come to light.

Sir, that I understand and believe to be the kind of a postal savings bank that the convention of my party declared for in their last national assemblage; that, sir, I believe to be the kind of a postal savings bank which the President of the United States declared for in his message to Congress; and it was to bring about the enactment of such a bill that my amendment was introduced.

Mr. President, as the bill stands a widely different conception is embodied in it. I do not say, sir, that it is a conception which has not merits; I do not say that it is a conception which is not capable of being embodied in legislation which is constitutional, which is prudent; but I do undertake to say, sir, that that conception as it is embodied in the present bill is neither prudent, wise, nor constitutional.

The conception is, the whole scheme and purpose of the bill is, to provide for the receipt of deposits in the post-offices of the country and the immediate transfer of those deposits to the neighboring bank, and the retention of the deposits in the neighboring bank until returned to the depositor, the Government of the United States interposing and acting as the agent for the receipt and conveyance of the deposit to the bank, and guaranteeing the deposit by assuming the position of principal debtor. Now, sir, it is apparent that that is widely different from any postal savings bank or any other savings bank that ever has been known.

I am not going to discuss the question of constitutionality. It has already been presented in a manner worthy of the best days of the Senate of the United States by the Senator from Texas [Mr. BAILEY] and the Senator from Maryland [Mr. RAYNER] upon the one side, and by the Senator from Utah [Mr. SUTHERLAND], the Senator from Kentucky [Mr. BRADLEY], and other Senators upon the other side.

I am not going to weary the indulgence of the Senate by entering upon that discussion; but, sir, I can not take my seat in this discussion without recording my protest against the treatment of the deliberate and intelligent discussion of the question whether the laws that we are considering are in conformity to the limitations of the Constitution as a subject for derision, or jests, or sneers. I would not be counted, sir, among those who think the Constitution of the United States is an outworn instrument, to be neglected or evaded at will.

The pathway of all popular governments that have seen fit to do whatever at the moment seemed best in their sight is the pathway of civil war, and it is the embodiment of the great and fundamental rules of right in our written Constitution, the embodiment in that instrument of those limitations upon official power which are essential to the maintenance of freedom, that has enabled this country to maintain this Government of just and equal laws for these many years. I hope the time will never come when the Senate of the United States does not listen with respect and grateful appreciation to such discussion of our constitutional power as we have had during the pendency of this bill.

It is our duty, sir, to set for ourselves, according to our own judgments and our own consciences, the rule of constitutional limitation, not to act as it may seem to us to be expedient to act, trusting to the courts alone to undo our action if it be wrong. And, Mr. President, I deem it my duty in governing my own conduct and in expressing my opinions regarding this bill to my fellow-Senators to say that without the amendment that I introduced or some one of these other amendments embodying the idea of investment in government bonds, the bill is not within the constitutional power of Congress. I do not think that as it now stands it can be brought within the just description of any means necessary and appropriate or adapted or suitable or tending toward the exercise of any of the powers conferred.

Sir, these amendments—the amendment which I introduced, the amendment which the Senator from Ohio [Mr. BURTON] introduced, and the others—do furnish as the primary and substantial object of the legislation the gathering up of the small earnings of the great body of the people of the country for the use of their Government in the exercise of the borrowing power. Their inclusion in the bill, or the inclusion of any one of them, would furnish a clear constitutional basis for our action. The amendment introduced by the Senator from Utah [Mr. SMOOT] was the furthest extent to which the gentlemen of the committee, and other gentlemen who had taken active part in the development of this measure, felt able to go in the direction of the amendment introduced by me and the amendments introduced by the other Senators whom I have named. It is not satisfactory to me; it does not go by any means to the extent to which I wish it to go or to the extent to which I think it ought to go; but I do think it does furnish probably a constitutional basis for the proposed legislation, because it would present a purpose on the part of Congress to gather these earnings from the people and put them in such a position that the Government can call upon them whenever it has real need.

The amendment introduced by the Senator from Iowa [Mr. CUMMINS] seems to me to be wholly illusory and worthless for any purpose whatever, and to be practically equivalent to a wiping out from the proposed statute the idea of government investment as any part of the purpose of this bill.

But, Mr. President, there is another view to take of this legislation, which is more serious, if anything can be more serious, than the question of constitutional power. It is a question that presses upon me with greater force, because it is a question that we have to solve here and upon which our mistake can not be remedied by any court. In what position would this legislation place the United States as to its financial life? What is it that we propose to do by this bill as it now stands? It is to impose upon the Government of the United States an obligation estimated at $500,000,000, payable on demand, and to meet which it has no resources except deposits spread throughout all the banks of the country—22,000 and more of them—national banks, state banks, banks a majority of which are not under the superintendence or supervision of the National Government. I do not say, sir, that they may not be under good supervision—the supervision of some of the States is very good, and the supervision of some of the States is very bad and very defective and inefficient—but a great majority of these banks are not within the supervision of the Government of the United States. It is powerless to protect itself, except that it may take bonds of indemnity—bonds of indemnity for $500,000,000! The memory of some of us goes back to times before surety companies, when personal bonds were given to the United States. They piled up in all the district attorneys' offices of the country, practically worthless.

These banks are not required to keep any reserve. How many States require their banks to have reserves? Some doubtless do; many certainly do not. The Government of the United States is to incur a liability of $500,000,000, payable on demand, with no means to meet it except money scattered through 20,000 banks, the majority of which are not under its supervision, which are not required to maintain a reserve, and the credit of the United States depends upon their responding, and substantially all of them responding, to its instant demands.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. ROOT. I do.

Mr. CUMMINS. If this $500,000,000 were invested in bonds of the United States, and the sum were demanded for payment, from what source would the Government make that payment?

Mr. ROOT. Mr. President, I will answer the Senator's question in the due course of the development of an idea which I suppose that I have. I am pointing out now, sir, the situation in which this bill as it now stands would place the Government of the United States. What other things might be done I shall presently discuss.

Will you go with me back to some of the events in our financial history? For many years we have had a regularly recurring series of financial panics. Our financial system in some way fails to respond with the right reaction to the mysterious movements of public feeling and sentiment and interest in the great trade and financial affairs of the world.

We all know that there is a misfit somehow, so that when the string is drawn tight in the finances of the world our system is pulled the wrong way. There has been much argument about it, but evermore we come out of the same door wherein we went. We have a monetary commission now seeking to solve the problem, after long deliberation and investigation, unable to commend to us a suitable conclusion; but that lack of proper relation between our financial system and the ever recurring possibilities of trade and finance is a fixed and admitted fact. No one disputes it. Our only dispute is as to how to remedy it, and we have not yet found how to remedy it. But there are certain distinct and specific facts to be observed in all these successive crises and failures of the system to respond to the demands of the financial movements of the

world; and one of those is that always when certain conditions come from causes beyond our control, so far as we have yet been able to escertain, the banks are unable to pay. Confidence is lost; confidence is destroyed. The creditor no longer trusts his debtor, but seeks to collect the debt. The bank calls its loans. There is contraction throughout the length and breadth of the land. Panic comes. As the battle turns to the rout of the defeated army, as the crowd chokes the door of the theater in fire and tramples each the other down, panic seizes our people, and the banks are unable to respond.

I am not theorizing, Mr. President, but speaking under the compulsion of long experience and of anxious days and nights passed in responsible professional and official relations in every panic that has occurred, beginning with that of 1873 and ending with that of 1907.

Mr. President, when those times come, as come they will again, where will this bill leave the Government of the United States, with $500,000,000 of obligations, and no means to meet them except the banks, which can not pay the Government any more than they can pay the individual? Then, sir, under the working of this bill, instead of a few banks and brokers and merchants going to the wall, the Government of the United States will suspend payment. The credit of our country will be dragged in the dust, and what will then become of our financial and industrial system? During all these series of financial distresses the Government of the United States has stood like a rock unshaken. Confidence in her was never shaken, and never has wavered since those anxious days of 1879, when we first learned that courage was the basis of confidence and that the way to resume was to resume.

Mr. President, why has the Government of the United States retained and merited the confidence that has been awarded to her? Because behind $350,000,000 of our United States and treasury notes we have, first, the working balance in our Treasury; we have, second, $150,000,000 in gold coin and bullion in our vaults; and we have, third, authority by law to the Secretary of the Treasury to issue $50,000,000 more in 3 per cent certificates for the purpose of maintaining the parity. Against $350,000,000 of the obligation of the United States now outstanding we hold $150,000,000 of gold in our vaults, and, not content with that, we have authorized the Secretary of the Treasury to issue $50,000,000 more of certificates. But this bill proposes, as against $500,000,000 of new demand obligations, to put nothing but the obligation of the banks, that all experience shows is worthless in time of panic. Mr. President, instead of giving the credit of the United States to our poor, to our industrious workers, we impose upon the United States the weakness of our defective banking system.

I will answer now the Senator from Iowa [Mr. CUMMINS]. What is it that has enabled the United States to come to the rescue of our disordered finances in times of distress? It is the power of issuing and selling bonds of the United States. What was it that stopped the panic of 1907? It was that in the President's room, under the authority conferred by Congress, a notice was prepared and signed by the Secretary of the Treasury that he was prepared to sell, and would sell, the bonds authorized for the building of the Panama Canal and the $50,000,000 of certificates authorized by the statute for the maintenance of parity. The world knew that those securities of the United States meant cash, because the instant they were put out they could be returned to the Treasury and be made the basis for the issue of currency. That, sir, is the one and only life-preserver that we have now in our financial system.

What do you do here? You not only impose this enormous obligation upon the United States, with no reserve, putting it at the mercy of the banks, but you propose to refuse to put into the hands of the Government any power to protect itself by its own securities; for, sir, if the trustees under this bill were permitted, under the amendment I have proposed or even under the amendment the Senator from Utah [Mr. SMOOT] has submitted, to put a reasonable proportion of the money deposited into the securities of the United States, they would be in a position where, as trustees for the protection of their trust, they could any day put those securities out on the market and realize the money with which they could meet the obligations of the Government. That is one thing that is not a matter of theory in all this hurly-burly of financial discussion that the ability to put out into the market securities of the United States always will realize cash. My proposal is that the trustees of this so-called "postal savings bank" shall have put into their hands, to a reasonable degree, the only means that ever has been known in our financial history always and certainly to realize the cash to meet the obligations that are imposed upon our Government.

I say, Mr. President, the amendment offered by the Senator from Utah does not go as far as I think it ought to go, but it appears to be the best that there is any prospect or possibility of getting included in this bill. Therefore I hope that that amendment will be adopted by the Senate to its full extent.

Mr. President and Senators, it is all very well for us to labor over provisions for encouraging thrift, for enlarging the functions of our postal service, but there rests upon us a higher duty, a duty that we can not on our consciences ignore, and that is to safeguard the credit of our country. Upon my oath as a Senator I can not assent to a measure which I am sure, as it now stands, will imperil—gravely imperil—that credit, the good name of our country, and the perpetuity of our prosperous industry and happy life. I beg of you not to permit any consideration, administration or no administration, Democratic or Republican, to lead us away from the pathway of scrupulous regard for the sacred credit and good name of our country.

Mr. OWEN obtained the floor.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. With pleasure.

Mr. CLAPP. Before the Senator from Oklahoma proceeds, with the consent of the Senator from New York, I should like to ask him a question with regard to his amendment. I should like to inquire whether the amendment is designed to apply to bonds held by private parties, or whether it is intended to apply to bonds which shall be issued by the Government and paid for with this fund, and the bonds held theoretically in the place of the fund so displaced or from which the money is taken?

Mr. ROOT. Mr. President, if the Senator from Oklahoma will allow me, the amendment was prepared with a view to its being applied primarily to the bonds the issue of which is in contemplation or which may be authorized hereafter. We have now authorized two hundred and ninety million, five hundred and odd thousand of 3 per cent bonds for the construction of the Panama Canal. About $105,000,000 has been already expended from the Treasury of the United States for that purpose, to be reimbursed by the issue of a portion of that two hundred and ninety millions of bonds. The Senate has just passed a bill providing for the issue of $30,000,000 of certificates for the purposes of the reclamation projects. There are other matters which are likely to come along from time to time which will lead to the issue of other bonds. So there are now $320,000,000 bonds the issue of which is authorized, and which, it seems to me, would undoubtedly more than absorb all the money which it would be deemed necessary and suitable to invest in the securities of the United States; but it did appear to me that it might be desirable at times, when there were no issues in the future—for we are legislating for many years to come—for the trustees to purchase bonds already issued. The amount of the deposits might grow out of proportion to the issue of securities, so that securities might get out into the hands of the people at a time when it is not considered desirable to put the trust fund into them, but afterwards it might be desirable. In that view it seemed, as the trustees would be acting as trustees, that it would be their duty to buy the bonds which they could get at a rate most favorable to the trust, beginning probably with 4 and 3 per cents, of which we have already $182,000,000 outstanding. I should hardly think that there was any practical possibility or probability of their touching or in any way approaching the $730,000,000 of 2 per cents which are outstanding.

Mr. CLAPP. Then, it would be fair—and I address the inquiry to the Senator from New York—in discussing his speech and his amendment to assume or take the position that the amendment does include, I will say primarily, the proposition of the trustees taking these funds and purchasing bonds that are to be issued in the future and the bonds representing to the fund the money that had been so used. Would that be a fair proposition to deduce from the Senator's argument?

Mr. ROOT. I do not think I quite get the Senator's inquiry.

Mr. CLAPP. I say, would this be a fair deduction from the Senator's argument and from the Senator's amendment—that the purpose of the Senator's amendment is to provide that these trustees may take of these funds and invest in bonds to be issued in the future, the bonds theoretically standing as to the fund in the relation of the money that had thus been taken from the fund?

Mr. ROOT. Precisely.

Mr. CLAPP. I desired to have that explained. I thank the Senator from Oklahoma for his courtesy.

Mr. OWEN. Mr. President, I was one of the subcommittee that reported this bill, and was willing to give it my support as a Senator representing one of the great States of the Union in default of a better plan, because it provided on its face that the money which was to be drawn from the body of the people should be retained in the community from which it was to be drawn, by deposit in the post-offices of the United States and by such post-offices in the neighboring state and national banks, and this is the only condition under which I could give my assent to the bill on the ground of substantial good policy. It is not good policy to draw from the people of this country the savings of the individuals in the several communities and concentrate them in the great financial centers, and to that proposition I am unalterably opposed. I approve neither the amendment offered by the Senator from Utah [Mr. SMOOT] nor the amendment proposed by the Senator from New York [Mr. ROOT], for the substantial reason that the purpose of both amendments is to take the money from the small communities and concentrate it in the great financial centers, where there is no substantial need for it.

The constitutional argument against this bill, as a whole, has not appealed to me as sound in its conclusion. I think there is no substantial force in the argument made against the constitutionality of the proposed bill, or that the emendment either of the Senator from Utah [Mr. SMOOT] or from New York [Mr. ROOT] is needed to make the bill constitutional. I think this bill is constitutional, because, first, it is a reasonable and proper extension of the postal system of the United States, in accordance with the judgment of modern men, who throughout the whole world have improved the postal system of each of the civilized nations by adding the postal-savings system as a part of it.

The whole country has acquiesced heretofore in the deposit of money in the post-offices of this country—the deposit of money with the postmaster and taking from the postmaster a money order. What is that if it be not a deposit? And when a citizen buys a money order and transmits that money order to the end of the country, and it is paid by another one of the post-offices of the United States, it is a banking transaction which is a legitimate extension of the postal system. This system so extended has been acquiesced in by the entire American people.

No man has questioned the constitutionality of that method of administering the postal system; this proposed postal savings system is merely an extension of the present system. Both systems comprise a deposit and repayment, the only substantial difference being that now under the proposed postal savings system the people are invited to buy these money orders by being given interest upon such purchase of money orders payable on demand, while under the present system no interest is paid.

In so far as concerns the argument that the bill will be made constitutional by the amendment offered by the Senator from Utah [Mr. SMOOT], the answer is that without such amendment the United States does borrow money and does pay interest upon it when it receives these deposits. The constitutional right to borrow money being conceded, the purpose of the Government in exercising such constitutional right, wise or unwise, will not negative the authority. This borrowing of money in this form provides a vast additional reserve which makes available a good market for the bonds of the United States in the event that the United States for any purpose—of peace or of war—desires to sell its securities and is justified by other sound reasons of governmental policies.

I was somewhat amazed at the argument of the Senator from New York [Mr. ROOT] that the United States would be required to suspend payment if a financial panic should occur because of its obligation to meet the demand payment of $500,000,000 to the depositors in the postal savings system and universal financial ruin follow.

What financial foundation is there for such a suggestion to the Senate of the United States when our universal experience is to the exact contrary? We all know that in the last panic men drew their money from banks and rushed to the post-office to buy money orders in order to get the security of the Government; and the very establishment of the postal savings system would constitute the most powerful factor against the possibility of panic in the United States. Panic, after all, is due to financial fear.

Depositors may be afraid of banks, and particularly of speculative banks, such as precipitated the Morse-Heinze failure in New York, but the depositors in this country have never yet shown themselves to be afraid of the Government of the United States or of its financial stability with its taxing power of $1,000,000,000 per annum. And what does it mean when we are told that we may save ourselves from panic by selling the bonds of the United States, and that we can not avoid the danger of panic when we open the post-offices of the United States as a haven for the timid depositor, as a safe place to which timid individuals may go when for any reason they shall become afraid of the local bank?

If we invest these funds in the bonds of the United States will we be any more able to pay the cash demands of $500,000,000 due the postal savings depositors which the Senator from New York [Mr. ROOT] so brilliantly imagines will be precipitated upon us by panic?

No. Mr. President and Senators, we should, in that contingency, be confronted with the sale of $500,000,000 of bonds in time of a panic, when, according to the troubled dreams of the Senator from New York, the people had no confidence in the government promises to pay and the banks had all suspended.

The Senator from New York proves too much by his tragic prophecy. He proves his own amendment utterly worthless.

His own amendment, in such a contingency, would be totally inadequate to meet the cash payment of $500,000,000, for his bonds would not be salable.

The dramatic and piteous appeal of the Senator from New York to stand by the credit of the country is not necessary. The credit of the United States is in no danger whatever from the pending bill, either with or without the amendment proposed by either the Senator from Utah or that of the Senator from New York. The United States has abundant resources from which to draw money if any of these depositors should, perchance, become afraid of the Government of the United States and its stability. It will have over 22,000 banks from which to draw, which now have, without adding the postal savings deposits, over fifteen thousand millions of resources. And what may be reasonably anticipated as the extent of the demand of postal savings depositors in time of panic? Mr. President, we may well judge the future by the past, and the panic of 1907 showed that the withdrawal from the private savings banks was confined almost exclusively to the actual daily needs of the depositors, while the Post-Office Department received millions of dollars on deposit *without interest* during the period of financial stringency, merely because of the greater confidence of depositors in the safety of the Government than in the safety of the banks.

What will be the demand of those depositors who in times of panic are alleged to be afraid of the stability of the United States? And how large a demand will they make? I venture the suggestion based upon the experience of this country and the prophecy that never will there be any demand whatever for such a purpose, but only for actual use of currency, and this means merely circulation from one citizen to another and does not mean hoarding—the chief danger of former panics.

There is not the slightest danger of any impairment whatever of the credit of the United States under the system proposed by the bill in its present form in times of peace or of panic, but the exact contrary. The system will minimize danger of panic, and if there were a panic among speculators or among banks the postal deposits would increase precisely in degree as confidence in banks were impaired.

I would like to see, in default of a better system, a postal savings system established in this country. As far as the people of the United States can express their opinion under the Constitution and governmental party forms that we have, they have expressed the opinion that this bill is constitutional, and the leaders of both great parties have proposed as party issues the establishment of the postal savings system, and the voters in the last national election have approved such system as constitutional. The people are right about it. The bill is constitutional.

I have no fear whatever but that this bill, if it is passed without these amendments, will prove a useful measure, but with these amendments, proposing to draw the money from the people of the country to concentrate it in the cities, I do not see how those who represent the several States of the Union, except those who enjoy the locality of the great financial centers, can give it their assent.

I had intended to give my support to the proposed amendment of the Senator from Iowa [Mr. CUMMINS], that in times of war these funds might be used, but I call the attention of the Senate to the fact that if there should come a war the war will be declared by the Congress of the United States, and then will be time enough to make provision for it. I shall not agree even to the amendment of the Senator from Utah [Mr. SMOOT] as proposed to be amended by the Senator from Iowa. I regret to find myself at such a serious difference of opinion with the learned Senator from New York. It is a difference of policy. It is a difference of policy that is irreconcilable. I represent a constituency that would never consent to it, and

while I represent them I shall give voice to what I know to be their opinions as well as my own judgment, and I shall vote accordingly.

Mr. CARTER. Mr. President, a word with reference to the parliamentary situation. As far as the matter directly in issue is concerned, the bill as originally reported by the committee in simple terms provided that the money when received by the postmasters should be deposited in the local banks under certain conditions prescribed in the act itself. The moneys thus deposited might be invested by the board of trustees in certain classes of securities as prescribed in the bill. The Senator from Utah [Mr. SMOOT], during the course of the consideration of the measure, presented, and the Senate adopted, an amendment which I will read at length. It is as follows:

Provided, That money deposited in the banks and secured to the satisfaction of the board of trustees as herein provided shall only be withdrawn to pay depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed from time to time by said board, which rate shall not be less than 2¼ per cent per annum.

Upon the interjection of that amendment into the bill the Senator from New York [Mr. ROOT] and other Senators of like mind determined that a prohibition upon the power of the Government to control the funds for which it stood responsible to depositors rendered the bill, by an affirmative declaration, devoid of any public purpose, and therefore unconstitutional. Without venturing any opinion as to the correctness of that view, I state unequivocally that it was entertained by a sufficient number of Senators to render impossible the passage of this bill with that provision within it. The bill could not be passed if that provision should be retained.

In order to meet this difficulty and to reconcile conflicting views, in the interest of success, the Senator from Utah, after liberal conferences with others entertaining views similar to his own, after very general conferences with those at whose suggestion and with whose aid he had secured the incorporation of the original amendment, proposed this as a substitute for the amendment adopted, together with an additional portion of the text. In lieu of the matter stricken out, which amendment includes the amendment of the Senator previously adopted, the amendment now pending, to which the Senator from Iowa offers his amendment, reads:

Provided, That when, in the judgment of the President, war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

This, as the Senator from New York avers, was not entirely satisfactory to him. He would far rather have had the amendment offered by himself or the amendment offered by the Senator from Ohio, or the amendment offered by the Senator from Connecticut, providing directly and primarily for the investment of this money in the bonds of the United States.

But by way of accommodating judgment and opinion to a general purpose, the Senator from New York and others of his way of thinking acceded to this as a fair compromise which would preserve the idea of a public purpose in connection with the borrowed money.

Now, comes forward the Senator from Iowa with an amendment which confines this public purpose to the unusual and extraordinary event of war alone.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I do.

Mr. BORAH. I suppose, as the Senator from Montana will concede, that the amendment offered by the Senator from Iowa does cover the subject of a public purpose.

Mr. CARTER. I concede that, Mr. President.

That amendment proceeds upon the theory that these funds may not be used by the Government, whose faith and credit are pledged to repay them, save and except when a foreign invader comes with an armed host to assail our flag or our territory. The funds under no possible circumstance could be used to protect the credit of the United States.

Mr. President, some of the greatest and most enduring reputations ever made in this Chamber are traceable to the splendid efforts of our predecessors here to build up and sustain the credit of the United States Government. For more than twenty years I have been privileged to address my fellow-citizens in States extending from ocean to ocean on public questions, and whether audiences have been composed of Democrats, or Republicans, or Populists, I have never known an audience of the plain people to refuse to respond in a hearty round of applause to a compliment paid to the unmatched and unmatchable credit of the Government of the United States.

Mr. BEVERIDGE. Will the Senator from Montana yield for a question?

Mr. CARTER. Certainly.

Mr. BEVERIDGE. From what can the Senator anticipate that the credit of the Government of the United States in time of peace would be in danger?

Mr. CARTER. The Senator from New York well described, and in better terms than I can command, an exigency which might well arise in consequence of the operations of this identical bill if enacted into law.

But, Mr. President, let us strip this question of all present subterfuges. The apprehension is that if this amendment, as presented by the Senator from Utah, is adopted, these funds will be used to relieve the banks of the 2 per cent bonds and permit them to buy Panama threes and substitute them as a basis for circulation. Is not that the milk in the cocoanut? Is not that the basis of the apprehension? Is not that the ground of all the innuendo and suspicion connected with this matter?

Mr. President, I aver and I make the averment without any fear of contradiction at the hands of any Senator, that under the operations of this bill the board of trustees could not, without a violation of the law itself and of their sacred trust under it, invest in 2 per cent bonds of the United States so long as there was available a security at a higher rate of interest.

Yesterday, Mr. President, we adopted a provision which prescribes the conditions under which these funds may be loaned, and I challenge the attention of Senators to that provision. In fixing the rate at which the money is to be deposited in the banks the board of trustees shall take into account: First, the amount to be paid to the depositor, 2 per cent per annum; second, the expenses of administration; third, charges and possible losses; and in no event shall the money be loaned at less than 2¼ per cent.

In the presence of that section of the law, does any Senator pretend to say that the officers of the Government who will be trustees under the law can, without violating both the law and the trust, go to the relief of any bank by picking up a 2 per cent bond. No, Mr. President, that apprehension, if honestly entertained by any Senator, is a groundless apprehension, unless upon the assumption that the trustees will violate their trust.

The seriousness of the situation commands us all to be candid. The situation to-day is that the Panama Canal expenses of the Government from day to day and from week to week and from month to month are being paid out of the current receipts of the Government of the United States. Why? Because, I assume, that if Panama bonds were thrown upon the market, they would quickly be substituted for 2 per cent bonds as a basis of circulation, and the 2 per cent bonds would go below par.

Now, Mr. President, I have never owned a 2 per cent bond, and my constituents are not bond holders to any extent, but I venture to say that there is not a man, woman, or child in the State I represent who would not view with most distressed feelings the approach of a day when any security of the United States Government would drop below par. I care not who the holder may be, the obligation is the obligation of the United States, and God grant that none of us may live to see the day when a government obligation will be one farthing below par. In the desire of the President to maintain the credit of this Government I deeply sympathize. He shows a profound regard for the high duty of his office and the honor of his country.

But to return, if these funds were available, or some part of them, the Panama bonds would be taken over by the trustees and would draw 3 per cent. It would be better for the fund than the banks' interest.

But, Mr. President, Senators will say this will strip the country districts of their little loose change. We have been contending here—and I for one in good faith at least—that these funds will be chiefly made up of money now in hiding, not in banks or in the channels of trade at all. I believe that 90 per cent of the money that will go into the post-offices will be money that never has found its way into a bank, and will not find its way into the channels of trade at all unless by and through the agency of such an institution as this. So we are stripping no community, if our theory in that respect be correct.

Mr. OWEN. Mr. President, I should like to suggest to the Senator from Montana that while these funds which are in hiding are not in active circulation, they constitute a very important currency reserve for the communities in which they rest, and therefore are available in times of any stress or urgent demand to supply the needs of the people of that community.

Mr. CARTER. Mr. President, I remember seeing 1,200 head of good horses sold for $1,800 on the street in a Montana town,

and there was undoubtedly a million dollars in hiding in that town at that time.

Mr. OWEN. Were they wooden horses?

Mr. CARTER. In time of panic the kind of money the Senator refers to is held more tightly than at any other time. The person who is afraid of shadows is not likely to be courageous in a storm.

But, Mr. President, the assumption is that all of this money will be taken out of the local banks. In other words, we are proceeding with this amendment upon the theory that the President of the United States, the Secretary of the Treasury, the Attorney-General, and the Postmaster-General will be likely to form a combination to emasculate and ruin the country. Those officers are as likely to be solicitous for the welfare of this country as the Senators from the respective States.

Mr. OWEN. Mr. President, I call the attention of the Senator from Montana to the speech made by the President of the United States in New York, in which, only a few days ago, he declared the need for this very money to be invested in this way; and therefore, in his opinion, he being the referee, the exigency already exists and has been declared by him.

Mr. CARTER. With reference to that, let me say that the observations of the President of the United States in New York related generally to the situation to which I have very briefly referred. If the 3 per cent Panama bonds are thrown upon the market so as to liberate the 2 per cent bonds now held as security for circulation, of course the crisis will be at hand. But I do hope that the 3 per cent bonds of Panama may be taken care of by the money of the people, not of the banks, so as to leave the 2 per cents where they are doing duty until some scheme of funding entirely apart from this may be devised.

But, Mr. President, to return, it is assumed that at least three executive officers would enter into a conspiracy with the President of the United States to bring panic and disaster upon the respective communities of this our common country. Is that a tenable apprehension? Is that founded upon any fact in past history or any present estimate of character? If it be, Mr. President, then this Government of the people, by the people, and for the people has ceased to perform its functions in respect to the people as they should be performed; it is a failure, in other words.

I have no patience with the consideration of any measure upon a theory which assumes dishonesty in the officers of the Government under which we live. These funds, if invested in bonds for Panama construction or in the irrigation or reclamation certificates referred to, would not all be drawn from one State. What President or board would think of doing that? They would be drawn ratably, a certain percentage from each of the communities, and these percentages would flow not into the centers, in New York and elsewhere, as suggested, but they would flow into the securities of the Government of the United States. Mark you, if you will take a poll among the plain people of any community in this country you will find that ten to one, yea, ninety-nine out of a hundred will say, "Give us the security of a United States bond."

In case of financial trouble the matter would operate much as suggested by the Senator from New York. Government money to the extent of $500,000,000, the Senator says. There would be one thousand million dollars of this money inside of ten years. There would be a billion dollars in the postal savings depositories of the United States by 1920.

This large sum scattered out through 22,000 banks might be very difficult to reach in case a pinch from any point resulted in the rapid withdrawal of large funds. Fear would well be born of the weakness of the situation, and there ought to be some place where a security would be reached on which the actual cash could be procured at any time without distressing the country or the local banks, when at the time perchance it would be inexpedient or unwise to withdraw funds from them.

But, Mr. President, it is a practical question with which we are called upon to deal here to-day. The insertion of the amendment of the Senator from Iowa will probably defeat this bill if inserted, and therefore the person who wants to defeat it will vote for the amendment.

I, Mr. President, for one believe that a postal savings system in this country would be a public and a perpetual benefaction to the people. I think that sacrifices of opinion should be made here and there with reference to the manner of using the assembled dollars of the people. I believe with other Senators in leaving these dollars in the communities where they are collected; but if the credit of my country calls them, I know the men behind the dollars would shoulder their guns as well as send forward their dollars to brace up the credit of this country.

War is not the most thoroughly unmixed evil to be encountered by nations. A prostrate credit, a condition which brings panic and disaster, is as wasteful and distressing as war itself. It brings ruin to homes and distress to minds quite as successfully as war, without the consoling thought of heroic character developed in the people in connection with the transaction.

We are now at a point where this bill is to be passed or defeated. Any Senator who hopes to see a postal savings-bank bill placed upon the statute books of the United States will vote down this amendment, unless he feels that the maintenance of the credit of the United States is so forbidding as to constrain him to forego his just and proper desire for a postal savings system.

Mr. BORAH. Mr. President, I do not propose to discuss this measure at great length, but in view of the very extraordinary statement made by the Senator from Montana and in view of the further fact that we propose to vote against the amendment of the Senator from Utah, I wish the reasons why I do so to go into the RECORD.

The statement of the Senator from Montana that those who desire to defeat this bill are the people who are advocating the amendment of the Senator from Iowa, I think can not be borne out upon any state of facts which will be acceptable to a reasonable and dispassionate view of the situation. Those who have been advocating a postal savings-bank measure long before some of those who are so earnest to-day in its support are those who are in favor of the amendment of the Senator from Iowa, and, notwithstanding the fact that they are advocating this amendment, they still believe that they are earnestly and in good faith supporting this measure.

Mr. President, in the very brief remarks which I propose to make I am going to pass by any challenge of any government officer's integrity or of his carrying into effect this law in accordance with principles which might be questioned by any citizen of the country. It is not necessary to base our argument upon any such position. But, upon the other hand, we will not, I apprehend, be swung from our feet, as it were, by statements to the effect that our position is calculated to challenge the integrity of the administration or the great value of the bill itself.

Mr. President, when did it become necessary to insert the amendment of the Senator from New York or the amendment of the Senator from Utah in this bill in order to make it a valid and a constitutional measure? These measures have been in one way or the other before the country and before Congress for a number of years. They have been advocated upon the theory that it was a means which we could adopt to encourage industry, thrift, and frugality among those not calculated to take care of their earnings, and to protect themselves in the great industrial struggle for existence.

We have been advocating this measure, many of us with some considerable doubt as to its constitutionality, because we believe in the great underlying principle and policy upon which the measure is based, and that is, that there were a vast number of people in this country who were unwilling to trust the banks, who were not in the habit of saving, who were not actuated as they should be at all times by the principle of thrift, who would put their money in the possession of the Government.

As was said by the Senator from Texas [Mr. BAILEY] the other day, that is the argument which has been advanced by the President preceding the present President and by the party of which I am an humble member in all instances where this bill has been advocated.

To-day we have swung away entirely from this underlying and controlling principle and are almost swung off of our feet here by the great appeal which is being made to protect the credit of the United States. We are led to believe here by unusual eloquence that we are upon the verge of war, or, secondly, that the time may shortly come when the credit of the United States will have no other foundation than the dimes which may be gathered from the poor of this country. An appeal is made to us to support this measure, not because we are serving the poor, not because we are providing means and methods by which they can practice thrift and learn industry and cultivate success, but, forsooth, that the bonds of the Government and the credit of the Government of the United States may be amply protected.

I have wondered as I listened to the exceptional presentation of this matter what would become of the credit of the United States in time of war if this measure should fail, or who would take care of the credit of the country if we could not gather up the dimes of the poor people to protect it. Do the Senators who are seriously arguing that proposition insist that in time of such emergency the banks of this country would falter; that

the men who carry on the great enterprises of this country would falter? Does any Senator seriously believe that whatever the emergency might be or the crisis presented there would be any difficulty to raise all the money that was desired to purchase the bonds of the United States?

But it is insisted that this amendment of the Senator from Utah is also necessary for the purpose of putting into the bill a principle which will make it constitutional and that is a public use and public benefit; that it is necessary to have something of that kind interwoven into the bill in order to make it pass the test. If that were an argument which had to be met, I would direct the Senator from New York and the Senator from Montana to read the amendment which is proposed by the Senator from Iowa.

Can there be any doubt of the proposition that the amendment as submitted by the Senator from Iowa covers every legal proposition which has been raised against this measure upon the theory that a public use is not served by the bill? Are not the exigencies of war provided for in the amendment which we propose? Is not the credit of the United States provided for in the amendment which we propose?

The arguments which have been presented as to the constitutionality of the measure or its unconstitutionality are answered in every particular phase and in every way by the amendment which is suggested and proposed by the Senator from Iowa.

But, Mr. President, there is another reason why we should not permit ourselves to believe that the constitutionality of the measure depends upon any one of these amendments. If we can, under the authority of the Constitution, mark monuments where have fallen the brave in defense of the country for the purpose of teaching patriotism, to inspire love of country, is there any possible doubt but what we can compel a postmaster, the servant of an institution already constitutionally created, to receive money for the purpose of encouraging thrift and industry and success among the citizens of the United States?

I am frank to say, Mr. President, that if I were examining this bill with the Constitution alone before me, I would have very grave doubts as to its constitutionality; but when you examine the bill in the light of the Constitution and the construction which has been placed upon certain provisions of that instrument, and the announcement of the court with reference to the principles which shall control it, there can be no possible doubt but what this measure will pass the criticism of the constitutional lawyer who opposes it in the Supreme Court. I say that if you can encourage patriotism and love of country by the power of condemnation, you may subject the instrumentality of the post-office so as to serve the needs and necessities of the people.

No one has said yet as to why the measure will be made constitutional by the amendment, whereas it would not be if it were not adopted. I am perfectly aware that the Senator from New York stated that, in his opinion, it would not be constitutional. But unfortunately we were not given the details of the argument or the reasoning by which he reached that conclusion. The Senator from Montana says that it was for the purpose of giving a public use to the money which was being collected, but, as I have suggested, that is answered by the amendment itself. It covers the subject. It is conclusive upon the matter if it needs to be met at all.

Now, Mr. President, suppose that we should have a threatened panic, with this measure formed as it would be when the amendment suggested by the Senator from Utah should be adopted.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I do.

Mr. CARTER. If it would not inconvenience the Senator, I should like to make an observation to him at this point.

I entertain the view expressed by the Senator that if the constitutionality of this measure depended upon the amendment, the proposal of the Senator from Iowa would present a hook upon which the measure could be hung. But that, however, does not meet the point which we have been compelled to consider in the effort to secure the passage of the bill. We are dealing, in my point of view, with the parliamentary rather than the constitutional situation.

The Senator from Idaho will recall the lucid statement of the Senator from New York with reference to some kind of a reserve which would protect the credit of the United States in the midst of this stupendous financial operation. We have been negotiating, as the Senator well knows, endeavoring to clear the way for this bill through the rocky channel which we have encountered from the very beginning.

The word "reserve" was stricken out yesterday, and that was a shocking thing to many of those who are supporting the bill with many misgivings and come forward to-day with another amendment denying to the Government of the United States the right in any exigency to protect its credit in connection with the operation of the bill. The difficulty which the Senator well understands will be multiplied and developed into an insurmountable obstacle right before our eyes in this Chamber.

Mr. BORAH. Mr. President, the argument of the Senator from Montana answers itself. If those who deposit this money are called upon to meet the exigency suggested by the Senator from Montana, they would meet it with the same patriotism and the same fervor that they would meet an exigency of war itself. You can not convince me that the credit of the United States would be involved unless the Government could take the dimes and the quarters collected from the poor in order to protect the credit, when at the same time that money was in a position where the men who would have it under their control would have a right to use it for the same purpose for which this board could use it if it should have the power to draw it out.

In other words, it is not a question of the credit of the Government, it is not a question of war, but it is a question of what shall be done with this money in times of peace, to protect not those who deposited it, but to satisfy those who are engaged in manipulation with other securities of which they have not at the present time perhaps any considerable need.

Suppose, I was going to say, that the condition which is pictured by the Senator from New York should arise and a panic should be threatened, we would have this condition: The tendency of all the people would be to withdraw their money from the banks. It would be the tendency of the bank depositors, and that has been made a strong argument against this bill, to withdraw their money and put it in the hands of the Government.

The second condition which we would have would be that swinging above every bank of the country would be this Damocles sword of the possibility of the Government withdrawing these deposits from the banks at the same time.

You would have, therefore, Mr. President, an attack upon the banks by the depositors, and you would have the knowledge in the minds of the depositors that it was within the power of the Government at the same time to wreck the banks. If a trap could be devised and a scheme planned which would shock every financial institution in this country in time of panic, it would be the possibility of the people withdrawing upon one side and the knowledge of the possibility upon the part of the depositors that the Government might withdraw upon the other side. There are a great many——

Mr. CLAPP. Will the Senator from Idaho yield for a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I do.

Mr. CLAPP. I want to ask the Senator from Idaho if he does not think it would be a fair and fitting climax to that policy which to-day places this great Government in the alternative of legislation or of financial distress?

Mr. BORAH. I think, Mr. President, that with a few more statutes drawn upon the principle upon which we are proceeding with financial legislation in these days, the time will not be far distant when half a dozen banks in New York City will be able to create a stringency at any time on ten days' notice because they wish to have it for any purpose which they may desire. This, instead of staying the credit of the country, instead of staying the credit of the Government, would be inclined to undermine it and destroy it. If the Government should withdraw money for the purpose of using it in any way, it would be a constant threat to the solvency of every bank which would take the deposit under the postal savings law. The result would be that the banks, as a general rule, would not accept this money. There are a great many banks in the country to-day that will not accept state funds, public funds, unless there are stated periods only when the funds can be withdrawn.

Very many of the best banks of the country will not accept state funds when they may be withdrawn at any moment's notice, because they know from experience and from observation that the very moment the discussion of the solvency of that bank takes place upon the street the second suggestion is that the Government or the State is going to withdraw its funds. In this instance, if this amendment should be adopted, there would be the constant threat against the banks of the country that the funds could be withdrawn at the ipse dixit of the board.

Mr. President, we believe that it is vital to the success of this measure that the money collected be kept in the community where it is collected. We believe it vital for the reason that that money should be there to develop the industries of the country, to afford employment, to afford wages to those who are at the same time depositing. We can not imagine any condition more undesirable than that of the withdrawing of this money in time of panic, taking it to centers, and leaving the outlying communities wholly unprotected with funds with which to transact business.

We had experience in 1907 which leads us to believe that if any law can be passed which will hold money in the communities where it is earned, where it belongs, that that law is necessary and essential to the stable business and industrial affairs of this country. We are opposing the amendment, not because we are opposed to the measure, but because we believe that without this principle the measure itself would be used for a purpose not originally designed and never understood by the American people.

No feature of this discussion which has taken place within the last forty-eight hours was ever submitted to the voters of this country as the reason for the enactment of this legislation. It has never been understood that there was any necessity in this way and by this kind of a measure to protect the credit of the country. If the measure can not be passed with the view of serving those whom it was intended to serve, let those who in this Chamber want to direct its course in another direction take the responsibility of defeating the measure.

If the Constitution has been so framed that this measure must be along certain lines and to serve certain interests, let us know that also, and those who interpret the Constitution in that light may also assume that responsibility.

Before resuming my seat I want to read again the amendment offered by the Senator from Iowa:

Provided, That in time of war, if, in the judgment of the President, an exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

Now, I want to hear the constitutional lawyer who will assert upon the floor of the Senate that this amendment does not cover every legal objection which has been made to this bill—I mean so far as these amendments are concerned. I want to hear in what respect this amendment does not cover the emergency which was supposed to exist as a constitutional proposition.

It is not sufficient in the face of this measure to satisfy the Senate of the United States to say that I do not believe it to be sufficient. It is not sufficient to say that, without the amendment as submitted by the Senator from New York [Mr. ROOT], the bill is unconstitutional, and then to add upon the top of that that those who can not accept it intend to defeat the measure as a whole. With that profound respect with which we listen to such authorities upon constitutional law we still desire to know what public use or public interest is not served by the amendment, as proposed by the Senator from Iowa, which is served by the amendment proposed by the Senator from New York. We have, therefore, with the constitutional question out of it, the other proposition, which is the real purpose of putting this amendment into the bill—we have the real object. Nobody upon this floor believes for a moment, and nobody accepts, the doctrine that it is necessary to have a postal savings bank in order to protect the credit of the United States; and no one believes, whether we protect it by this bill or not, that we have not other and sufficient and efficient means by which to protect it.

We may reason ourselves into the belief that the measure lacks constitutional authority, but we do not think for a moment seriously that the credit of the United States depends in any respect upon any provision which is found in this bill. The emergencies which have been suggested might possibly arise, but, if they should arise, there would not be any more difficulty in selling bonds of the United States Government until the enemy of the country were in possession of the Capitol, than there would be to induce a man to take $20 gold pieces when you should hand them out to him.

There is not any more danger of the credit of the United States being impaired by any possible conditions which have been foreshadowed than there is that this ignis fatuus upon the eastern sky will finally ripen into a deluge of war; there is not any more danger of the bankers and the depositors of this country refusing to accept the bonds of the Government than there is that the gold upon which the stamp of the United States is found will cease to circulate.

The argument of these Senators answers itself. Our untold millions, our imprisoned wealth, our undeveloped resources, our patriotism, are all put aside this morning, and it seems we have but one thing to protect the credit of the United States, and that is the dimes and pennies which are picked up from men who are unfamiliar with our institutions and are unwilling to trust our banks. Will Senators seriously argue that those who are opposing this amendment are not in favor of sustaining the credit of the United States because they do not so lightly regard that credit as to assume that it has no other basis nor substantial foundation than that of the support of the poor?

I have never heard such a complete, such a marvelous, such a remarkable impeachment of the business men of this country, its banks, its wealth, its successful citizens, as has been showered upon us in an effort to write into this bill something which is derelict to the purpose for which it was organized, formulated, and proposed. We are appealed to upon the theory that the administration is involved, that the credit of the Government is involved.

Men will not seriously believe as they read these reports that we have turned aside from the object and purpose which originally actuated us in the formation of this bill to a serious discussion of how we shall protect ourselves and the credit of the Government. They will suspect, as others suspect, that while that is the argument, that while that is the logic sought to be used, the real purpose and object is stated candidly and fairly by the great President of the United States in his speech in New York a few nights ago. If the same candor were used here in the presentation of it that was used by the President, there would be no doubt in my mind as to what would become of the amendment of the Senator from Iowa. It would be adopted, and the measure would go through. The President stated why he desired it. He stated it with the candor which always characterizes him in discussion, with a clearness with which he always presents his views of public subjects; and whether you agree with him or not, you respect the great candor of the man in the presentation of his cause.

The fact that we are unable to bring ourselves to believe that that is necessary is neither a challenge to the judgment nor the integrity nor the high purpose and patriotism of the Chief Magistrate of the country, nor is it an admission upon our part that we are desirous of defeating this measure for trivial or unimportant reasons; but it is what we are all entitled to have, an honest difference of opinion between men who have to deal with great and important subjects upon which they must bring to bear alone their conscience and their judgment, permitting no man to dictate wherein they shall use the one or refuse to use the other. When men take their position in the discharge of a public duty and carry with them into their service a conviction, it belongs to no man to impeach them because he does not happen to agree with the views of another equally as honest in his objects and purposes in life. We are here to discharge our duty as we understand it; and I say to the Senator from Montana [Mr. CARTER] that it ill becomes the leader of this measure upon this floor to assert that those who have striven to make it a successful measure have entered into a conspiracy to defeat it.

Mr. CLAPP. Mr. President, will the Senator pardon a question?

Mr. CARTER. Before the question is propounded——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. CLAPP. I will yield to the Senator from Montana, as my question applies to him.

Mr. CARTER. The word "conspiracy" has been widely bandied through the country of recent years, but it was far from my purpose to assign to the Senator from Idaho [Mr. BORAH], and those believing with him, anything in the nature of a conspiracy to defeat this bill. I took occasion to say that the effect would be to defeat the bill under certain circumstances, which possibly might be avoided by later action of the Senate, but the present parliamentary situation is the one to which I referred.

I accord to every Senator as freely as does the Senator from Idaho the right, which he possesses without my accord, to exercise his judgment and to express his views on any subject of pending legislation without criticism or anathema hurled by me.

Mr. BORAH. Mr. President, I am glad to have that interpretation of the Senator's views as expressed a while ago, because it was certainly understood by those who listened to his remarks, spoken with the energy and the vehemence with which he uttered them, that there was not a good motive behind those who were supporting this amendment.

Mr. CARTER. Mr. President, I think, upon looking over the RECORD, the Senator will find that I spoke of effects and not motives.

Mr. BORAH. Mr. President, that being true, what are the differences here with reference to this proposed amendment? First, the constitutional question is answered by the amendment of the Senator from Iowa. It may be a more remote contingency, but it answers that proposition.

Mr. BAILEY. It is a hook.

Mr. BORAH. It is a hook, as suggested by the Senator from Texas, and while the hook might not be placed in position as quickly as a financial crisis would place it there, yet, so far as the constitutional proposition is concerned, that is answered.

Mr. BAILEY. Nothing but hooks have been proposed.

Mr. BORAH. That being true, Mr. President, then there is this controversy between us here and nothing more. We have a constitutional measure, assuming that that makes it so, which I am going to assume for the sake of the argument. Then, the difference arises over the question whether or not this money shall be kept in the localities where it is collected; whether or not it shall be within the power of anyone to put it away from the development of the localities where the money is earned and where it belongs. That being true, Mr. President, I feel perfectly free to insist upon the amendment becoming a part of the bill.

Mr. CLAPP. Mr. President, as I shall vote for the amendment offered by the Senator from Iowa [Mr. CUMMINS], I propose to trespass upon the patience of the Senate long enough to put what, to my mind, constitutes my reason for advocating that amendment and opposing the second and last amendment of the Senator from Utah [Mr. SMOOT] in the form in which he presented it. But, before doing that, I want to make this suggestion: If this country has reached that financial crisis described by the Senator from Montana [Mr. CARTER], I think the time has about come when some amateurs should take hold of the helm. I regard it, sir, as a confession of weakness beyond parallel made in this Chamber that a great country like ours, in a time of profound peace, with no great burden save the usual burdens of government and the additional burden of the Panama Canal, has got to that point where we must go to the women and the children and to those who put their savings in the post-office orders of this country and are expected to put their savings in the proposed postal savings banks to rescue the credit of this great Nation. Again, I say if that be a true picture, the time has come when there should be some change in the legislation of this Republic.

It is a strange situation that confronts us to-day. We began a few years ago with a plain proposition for a postal savings-bank bill. That proposition was written into the tentative legislation of our last session, and some of those of us who were called upon to advocate the policies of our party, under situations adverse or favorable, as the case might be, explained to the people of our States that that promise meant what it said in the light of the then tentative policy as outlined by the bill then pending in this body; and I want to warn my party associates that there will come a time when excuses will not be taken by the people for the broken faith of party pledges.

The people understood from that bill and from the men who advocated that measure—and they advocated it, let me say, as an offset to the Democratic proposition of the guaranty of bank deposits—that that measure meant that this money should be taken in the communities where it was deposited and used in those communities, to leave those communities only as it might leave under commercial conditions. The people understood that; we discussed that; and we presented that to them; and this measure came in at this session with this new plan of a bond scheme of some sort.

The committee withdrew that plan, and I want to say to the chairman of the committee to-day that if in opposing this second proposition of the Senator from Utah we are opposing the maintenance of the credit of this Nation, then what was the attitude of that committee when they brought in a bill without a suggestion of this character in the bill itself?

But suddenly we discover a change of front; and it requires something of an acrobat to keep up with the changes that have taken place in the conduct of this bill with reference to its terms and conditions. We found, first, the proposition to put this money into bonds and other government securities; and I want to say here that a more subtle scheme was never devised for taking the earnings of the people in the remote sections of this country and putting them where they could be used in the great financial centers without a corresponding community asset in the shape of the obligation to return that money. When the money of one section goes to another section in ordinary commercial transactions, it is accompanied with a corresponding obligation to return it, which obligation may be used by the banks as a community asset.

Take a thousand men in the city, we will say, of Indianapolis, and let each one put $100 into the post-office, and let that $100 be sent East to buy bonds or to be invested there in any form, while it is true there would be a thousand men in Indianapolis individually holding the obligation of the Government to return the money when demanded, it is an obligation which they will not invoke at the very time when that community needs that money most; but if that money has gone into the banks of Indianapolis and by those banks finds in commercial exigencies a resting place in the East, there is the corresponding obligation to return it to those banks which they can use as a community asset in times of financial needs in that community. A more subtle plan to shift that currency without that returning community asset could not be devised. It was promptly repudiated, I believe, by the overwhelming sentiment of this Senate.

Then came the proposition of the Senator from Utah [Mr. SMOOT.] I should like to ask the Senator from Utah a question. Under his plan is it proposed to put this money into existing bonds or into future issues of bonds?

Mr. SMOOT. Mr. President, there is no provision made in the amendment offered by me as to whether the money shall be invested in existing bonds or whether it may be invested in bonds hereafter to be issued.

Mr. CLAPP. Is it a fair deduction from the Senator's amendment to say that the money may be used in future issues of bonds?

Mr. SMOOT. Mr. President, that would be entirely left in the hands of the trustees under the provisions of the amendment.

Mr. CLAPP. Then it is a fair deduction.

Mr. SMOOT. As to the present 2 per cent bonds, if the Senator refers to them——

Mr. CLAPP. They are outstanding bonds to-day.

Mr. SMOOT. They are outstanding bonds to-day, but, Mr. President, under the provisions of the bill it would be impossible to invest in the 2 per cent bonds unless they dropped below par.

Mr. CLAPP. Yes. Well, now we have got one proposition before the Senate, and that is that it is proposed to take this money and issue bonds, turn the bonds over to trustees, take from the fund the amount of the bonds, and the bonds remain theoretically with this fund, taking the place of the money which goes into their purchase.

Mr. SMOOT. Mr. President, that perhaps could be the construction placed upon the amendment, but before that could be done the credit of the Government must be assailed.

Mr. CLAPP. Certainly.

Mr. SMOOT. And it must also be in time of war.

Mr. CLAPP. Not necessarily in time of war under the Senator's amendment.

Mr. SMOOT. In either exigency.

Mr. CLAPP. Very well. Then we have got this concrete proposition that, if an exigency exists, the Government may go through the form of issuing a bond, signing the bond itself, putting it into one pocket of the Government and taking the money out of that pocket and putting it into the other pocket.

Mr. SMOOT. That would not, Mr. President, in my judgment, be the transaction at all. The money deposited by the citizen is put in the banks located in the State.

Mr. CLAPP. And held there by the United States Government.

Mr. SMOOT. The United States Government is responsible for it, but it is held by the bank.

Mr. CLAPP. The Government is the depositor.

Mr. SMOOT. The Government is the depositor. They are responsible for that money. The money is held in the bank for the Government, and if the exigency arises, as provided in the amendment, then, if the President so decides, the board of trustees can take the money and purchase United States bonds.

Mr. CLAPP. What bonds?

Mr. SMOOT. Government bonds are the only bonds we are discussing.

Mr. CLAPP. Exactly. That is, the bonds would stand theoretically in the place of the money taken from that fund, would they not?

Mr. SMOOT. The Government would have the money just the same as if it sold the bonds to anybody else.

Mr. CLAPP. Who would hold the bonds?

Mr. SMOOT. The bonds would be held by the trustees until redeemed.

Mr. CLAPP. In other words, Mr. President, the proposition is that when this money is to be used for an exigency, the Government will issue a bond, buy the bond itself, take the money, and use the money. If that has got to be the case, then I say let us put an amendment in this bill providing that whenever

the appropriations exceed the amount of money in the Federal Treasury the Secretary of the Treasury may certify that fact and this fund be used, to be replaced by an appropriation at the next session; in other words, Mr. President, let us at this session enact one bill into law that the average American citizen can read and tell just what it means. It might be a surprise to the American people, but I would be in favor of treating the American public to at least one surprise of that kind.

Here we are discussing to-day what can be done and what can not be done under this proposed measure. Let us agree what we will do. If we propose to carry the policy of the Senator from New York [Mr. ROOT] into effect, let us say so in his own plain, blunt terms. If we propose, on the other hand, to take this money from time to time, as the exigencies of the Government may require, and use that money, retaining our responsibility to the depositor to pay the deposit whenever it is demanded, whenever asked for, let us write that into this bill, and get rid of this idea of a bond which has been born, bred, and developed since the promise to make this law was given to the American people.

Mr. GALLINGER and Mr. CARTER addressed the Chair.

Mr. CLAPP. Let us for once pass a bill which will not require half a dozen astute lawyers to tell what it means when it becomes a law.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. CLAPP. With pleasure.

Mr. GALLINGER. I was about to ask the Senator if his suggestion that the money could be used in this way to meet the current expenses of Government is not exactly the system that prevails in Great Britain, where all the money deposited in the savings post-offices goes into the general fund?

Mr. CLAPP. It is, and it is a system that has drained Great Britain and impoverished Ireland——

Mr. GALLINGER. Yes.

Mr. CLAPP. And by the munificence of the sum to be appropriated has brought Great Britain to the verge of financial ruin.

Mr. GALLINGER. I think the Senator did not quite understand me.

Mr. CLAPP. I think I do.

Mr. GALLINGER. I asked the Senator if his suggestion was to follow out the custom of Great Britain?

Mr. CLAPP. Yes, sir; practically, with the same effect; that is, if at all, let us do it direct, I would say, too.

Mr. GALLINGER. I think so.

Mr. CARTER. Mr. President——

Mr. CLAPP. I beg the Senator's pardon.

Mr. CARTER. Mr. President, knowing well the desire of the Senator from Minnesota to be accurate in his statements on the floor, I call his attention to the opening remarks made by him to the effect that when the respective parties declared in favor of a system of postal savings banks in the national conventions in 1908, they had in mind a bill then pending in this body, which was plain and specific in its terms and not to be misunderstood, and that that bill made no reference to bonded investments.

Mr. CLAPP. I did not say they made no reference. I said that the plan of that bill, as drawn and presented to the people, was to retain the money in the communities where it was deposited, subject to commercial disbursement.

Mr. BEVERIDGE. That was the argument in the campaign.

Mr. CARTER. So does the present bill, save and except as to the extent that provision is made for the purchase of bonds. The bill which was at that time before the committee and in the Senate was Senate bill 6484, and section 11 of that bill, after providing for the deposit of these funds in the national banks in the respective communities, made this general provision:

> Where it is not practicable to deposit such funds in the counties, States, or Territories where they are received, they may be deposited in banks elsewhere or invested in state, territory, county, or municipal bonds, to be selected by the Postmaster-General, with the approval of the Secretary of the Treasury.

The bill before the Senate as reported by the committee has in that relation this provision:

> If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited in the Treasury of the United States, etc., and invested in United States bonds or bonds approved for savings-bank investment in the respective States.

Where the State has no prescribed rule, then under the rules of either New York or California.

Mr. CLAPP. Mr. President, I submit that that is in no manner a criticism upon what I have said with reference to the pending amendment. Of course this law or any other law would have to provide that if the money would not be received by the banks of the State, it should be put somewhere else; and if the banks would not take it, it would have to be put in securities. But this amendment of the Senator from Utah proposes to take the money, where the banks are willing to take it and actually have it on deposit, where they have got it, and upon the plea of the public credit take it out and invest it in the bonds of the Government.

Mr. SMOOT. In certain cases.

Mr. CLAPP. It does not matter what the cases are. When you say the exigencies of the case, there is no limitation left.

One word with reference to the effect of this upon the credit of the Government.

I undertake to say that a plain, simple law would be much better. I think this is top-heavy. I would have no trustees. I would take the present machinery for the conduct of the business of the Post-Office Department, under which at present people invest in money orders for safety, and simply enlarge it to the extent of giving a man instead of a money-order certificate of deposit a pass book, under a law which would entitle him to a certain rate of interest, and then deposit that money in a bank with adequate security under a contract which would give the Government a certain rate of interest. Then, when the man wants his money, let him go to the postmaster, who has a record of his credit, and get a check to complete the transaction, as it is to-day in the case of state, county, city, and school district deposits. It requires no top-heavy bill here with a board of trustees. But it seems essential, to meet conditions, that there should be some such board as that created.

The effect of this bill, if it becomes a law, would be to take money from three sources. It would to-day take the money, and we do not know how much, that is put into the post-offices under the post-office money-order system for safe-keeping—and the necessity for it must be apparent when the poor miners of this country, as they do in my own State, are willing to pay something to the United States Government for taking care of their hard-earned savings—it would take the money of the small depositor, who is always a menace to the bank in time of trouble; and it would take the hidden money, and no one knows how much; and the money from those three sources would go into the banks, with the United States as the depositor. There would no longer be a line of timid depositors thronging the window of the bank; no longer a lot of panic-stricken people crushing one another as at the door of a theater, as described by the Senator from New York [Mr. ROOT]. But with those three funds together, deposited by the Government in the bank, I venture to say that no well-organized bank would ever have or could have any difficulty or fear of panic under those conditions.

We have to-day a Monetary Commission that is traveling over the world trying to devise some system for improving and steadying our banking system, and I undertake to say that the money in this country which from these three sources would go into the banks, with the Government as the depositor instead of the timid depositor of to-day, would do more to establish a sound, safe, sane, and practicable banking system in this country than any recommendation that will come from any monetary commission.

If you want the credit of this country preserved, if you want the credit of this country maintained, put it upon that sound basis, putting this money in banks in the communities where it belongs; let it find its outlet as it may under commercial conditions, bringing back to those communities a community asset in the form of obligations which return as the money goes out, and you will have a banking system strengthened as no legislation ever offered in this Congress would strengthen the banking system of this country.

If the statement of the Senator from Montana is true that this great country is in the face of the condition which he portrays, I want to suggest that the time has come when somebody should take hold of legislation here and do something of plain and practical nature.

Mr. President, one word more. I regret the fact that it seems as though a few of us must either go against legislation or else be charged as hostile to legislation. I know of no authority empowered to dictate to Members of the Senate what shall be the test of legislation except their own judgment and their own conviction and, politically, their party platforms. I am as ready to yield along lines which do not involve principle as anyone else. Legislation must be something of give and take, but it can not involve the surrender of principle, and we have just as good a right to charge as being hostile to this measure the men who insist upon keeping in here this bond provision in some form—it seems it matters but little, so long as it is left in with the word "bond"—as they have to charge us with hos-

tility to the bill because we insist that it shall be kept out, save alone where other places for the money can not be found for its deposit under the law.

I desire to say again, Mr. President, that I believe it would be infinitely more satisfactory to the people of this country to adopt the amendment of the Senator from New York, which means what it says, and if it is only proposed by the amendment of the Senator from Utah to provide a species of bookkeeping for taking this money, if that must be the plan, then let us write into this bill the plain provision for that plan, so that every man, woman, and child can understand—that we can take this money, that we do propose to take this money, whenever we need it, for public purposes—and for once give the American public a law which they can read and understand.

Mr. CLAY. Mr. President, I was somewhat surprised at the speech of the Senator from Montana [Mr. CARTER]. I have served with him on the Committee on Post-Offices and Post-Roads for ten years. I was a member of the subcommittee that prepared the bill reported to the Senate last session in favor of the postal savings bank.

Mr. President, if the Senator from Montana has ever at any time declared in favor of taking this money and investing it in government bonds previous to to-day, when he declared in favor of the Smoot amendment, I have never heard of it, and I declare here now, and I do not believe it can be successfully contradicted, that when this legislation was originally prepared by the Committee on Post-Offices and Post-Roads and unanimously reported, all of the discussion led to the fact that this money must be kept at home and deposited in the banks in the communities where it was originally deposited in the post-offices. This is the first time I have ever heard, either directly or indirectly, that the Senator from Montana had changed front in favor of taking this money away from home and investing it in government securities.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. CLAY. Certainly.

Mr. CARTER. Upon reading the bill the Senator from Georgia will observe that provision was made, as the bill was reported unanimously by the committee, for investment in bonds of the United States or other securities such as the bill indicated.

Mr. CLAY. That was where it could not be loaned to the banks, and it was only to be in the last emergency. The Senator knows that every member of the subcommittee which prepared this bill and originally reported it was in favor of retaining this money at home, loaning it to the banks, and not bringing it to the centers.

Mr. CARTER. The Senator from Montana adhered to that view then and adheres to that view now. The Senator from Montana this morning asserted that a parliamentary situation had arisen which rendered it quite difficult, if not impossible, to pass this measure unless such provision was made as is included in this pending amendment for the protection of the credit of the United States in an exigency.

Mr. CLAY. I do not hesitate to say to the Senator from Montana that if it becomes necessary, in order to pass this bill, to shape it in such a way that the money must be invested in government bonds and taken away from the localities and brought to our central cities, then the bill ought to go down in defeat.

Mr. CARTER. The Senator from Georgia will clearly perceive that there is no provision in the amendment known as the "Smoot amendment" for taking the money from the local depositories, where the bill provides it shall be placed, unless in the event of war or some other exigency involving the credit of the United States.

Mr. CLAY. Ah, Mr. President, I have respect for the amendment of the Senator from New York. He meets this issue in a manly and a courageous way, and states his position so that no man can misunderstand him. But when you take this amendment, commonly called the "Smoot amendment"—far be it from me to make any reflection upon my friend, the Senator from Utah—it is drawn in such a way as to give the President the right, when any emergency arises in which he thinks he ought to use it, to use the money for any purpose for which he may see proper. It leaves it to his discretion to say whether or not he shall do so, when an emergency arises, outside of the question of war.

Mr. CARTER. Mr. President——

Mr. CLAY. Now, I want to call the Senator's attention——

Mr. CARTER. I desire the Senator to be accurate.

Mr. CLAY. Let me get through this proviso.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. CLAY. Certainly.

Mr. CARTER. It does not permit the President to use the money in any way he sees fit or to deposit it wheresoever he pleases, but in specific terms it requires that the money thus withdrawn for the protection of the credit of the United States shall be invested in bonds or other securities of the United States.

Mr. CLAY. Let us see if the Senator is correct:

Provided, That when, in the judgment of the President, war or any other exigency involving the credit of the Government so requires.

Let us suppose that your receipts are not equal to your expenditures; suppose that your public-buildings bill carried more money than the Treasury had; suppose your river and harbor bill carried more money than the Treasury had, the President of the United States could immediately say that the credit of the United States was involved, and he could use this fund to meet such an emergency.

Mr. CARTER. For the purchase of bonds or other securities of the United States——

Mr. CLAY. Yes.

Mr. CARTER. And not for anything else.

Mr. CLAY. And put the money in the Treasury.

I desire to call the Senator's attention to one fact. The present Secretary of the Navy was Postmaster-General when this bill was first introduced in the Senate. He came before the Committee on Post-Offices and Post-Roads and advocated this measure; and the present Secretary of the Navy is a highly educated and very intelligent man. I have sent for the most excellent speech that he made in favor of the postal savings system, and he laid down the proposition to that committee that these postal funds were never to be mixed with the Treasury funds of the United States. They were to be kept separate and distinct, and were not to be used to pay the current expenses of the Government.

It was never intended by the original framers of this legislation that we should use this money to build harbors and public buildings and to pay for the army or navy. It was intended that this money should be loaned by the Government for the benefit of the depositors and never to pay the current expenses of the Government.

Mr. CARTER. Mr. President——

Mr. CLAY. Certainly.

Mr. CARTER. Of course the Senator from Georgia does not wish to have the Senate understand that under any provision of this bill or proposed amendment the money of the postal savings fund could be used for the current expenses of the Government.

Mr. CLAY. Suppose there is deposited in the post-offices $600,000,000 of this money, and the Government takes it and invests it; issues bonds, invests this fund in United States bonds, and places the money arising from the sale of the bonds in the Treasury of the United States, does the Senator contend that because there is no provision in this bill for the use of this surplus sum lying in your Treasury provision will not be made to use it to meet the current expenses of the Government?

Mr. CARTER. Of course, if the board of trustees of the fund elected to purchase bonds of the United States, they would be compelled to pay the money for the bonds. The money would then belong to the United States, the borrower issuing bonds, and would no longer be in the fund.

Mr. CLAY. And could be used for any purpose?

Mr. CARTER. Most assuredly.

Mr. CLAY. Whenever the Government of the United States sold the bonds and got the money and put it into the Treasury of the United States, the Government could use it for any purpose?

Mr. CARTER. Most assuredly. There is no difficulty whatever about that. The money would then become the money of the United States, and the bonds would be the bonds of the postal fund.

Mr. CLAY. It was never the purpose of those who were in good faith in favor of this system that it should be organized for the purpose of investing in bonds and furnishing the Government of the United States with money. It was the original purpose to secure from certain people, who would not trust banks, their earnings, and keep them for them at a small rate of interest, and reloan the money for the benefit of this class of people; and the Postmaster-General urged this legislation because it would reach a certain class of foreigners who would not trust the banks. He produced the amount of the post-office orders, where foreigners had bought orders, and sent the money home to their own countries, and he insisted that if we put this

system in operation hereafter these people, this class of foreigners, would trust our Government and deposit with the Government where they would not with the banks. That was the purpose of the bill, and the bill received the support of every member of the committee as originally intended. I do not believe if the amendment of my friend the Senator from Utah were adopted and this bill sent back to the Committee on Post-Offices and Post-Roads, it could ever get a majority of that committee as now constituted.

Mr. RAYNER. Mr. President——

Mr. CLAY. Certainly.

Mr. RAYNER. The Senator from Georgia has had a great deal of experience on appropriations committees. Does the Senator look upon this bill as an appropriation of money? In other words, does the Senator believe the President in case of war would have a right under this bill to sell these bonds and apply the money for war purposes?

Mr. CLAY. An act appropriating this same fund for war purposes would have to be passed by Congress.

Mr. RAYNER. I know we could not pass it. That is the reason I asked the Senator whether he thinks this amendment——

Mr. CLAY. I think it would require action upon the part of Congress.

Mr. RAYNER. I should like to ask the Senator from Georgia whether he thinks the amendment of the Senator from Utah would have the effect of doing what we have not any constitutional right to do? That is the question I want to ask the Senator.

Mr. CLAY. That question is worthy of the attention of the Senate.

Mr. RAYNER. Does the Senator think—and I ask him because he has had large experience in such matters—that in case of war the President could sell these bonds and use the money for war purposes? What is the opinion of the Senator on that point?

Mr. CLAY. I think the amendment is intended to give the President that power—but clearly to my mind Congress would have to appropriate the money before it could be used.

Mr. RAYNER. Then it is absolutely unconstitutional, looked upon in that light, because the Constitution says that we have the right "to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years." If one comes to the conclusion that this is an appropriation bill, and if the conclusion of the Senator from Georgia is carried to its logical conclusion, then the amendment itself is a violation of the Constitution. I give no opinion on that subject.

Mr. CARTER. Mr. President——

Mr. CLAY. I shall occupy the floor for only a few minutes longer.

Mr. CARTER. I should like to make a statement in reply to the Senator from Maryland.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. CLAY. Certainly.

Mr. RAYNER. The Senator from Montana will understand that I give no opinion on that point. But the Senator from Georgia argued it in a way that would indicate that in case of war the President would have the right to sell the bonds and use the money. If that is true, then we all admit that the amendment violates the Constitution.

Mr. CARTER. This amendment does not, nor does any provision in the bill, provide for any appropriation of money or any infringement of the constitutional right and power of Congress to make appropriations. It provides merely for the investment by the trustees of certain funds under given circumstances.

Mr. RAYNER. I should like to ask the Senator from Montana a question before he takes his seat, because I think I agree with him upon that subject. Then it requires future appropriations. This bill would require every time a future appropriation in order to use the money in the Treasury resulting from the sale of these bonds.

Mr. CARTER. Most assuredly. There is no invasion of the rights of Congress as to the appropriation of money.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. CLAY. I will yield for a moment.

Mr. CUMMINS. I should like to add to the statement made by the Senator from Montana the suggestion that the amendment proposed by the Senator from Utah does authorize the President, through the board of trustees, to withdraw the money from the banks in the case suggested and invest it in any bonds that have been authorized by Congress.

In the existing situation, as I understand, we have $700,000,000 of bonds outstanding held by the banks, and the amendment would authorize the investment of the proceeds in any of those bonds. We have already authorized—or, I assume will at this Congress, and have, so far as the Senate is concerned—the issuance of $30,000,000 more for irrigation purposes, and the amendment would authorize the investment of the funds in those bonds.

I assume that if bonds are issued in order to construct the Panama Canal or to finish it, the funds could be invested in those bonds. But, of course, the President himself would not use the fund save in the way pointed out in the bill; that is to say, he could not issue bonds that had not before that time been authorized by Congress.

Mr. CLAY. Beyond question when these bonds are sold and the money deposited in the Treasury of the United States it would take further action on the part of Congress before the money could be used for that purpose; in other words, it would have to be appropriated. But I do not care to discuss that feature of the question. I had something else in view.

Mr. SUTHERLAND. Before the Senator from Georgia passes to another branch of the discussion, I should like to make a suggestion.

Mr. CLAY. Certainly.

Mr. SUTHERLAND. I understood the Senator to say that under the provisions of this amendment, in his judgment, the money might be withdrawn from the banks on the direction of the President and invested in bonds; for example, where Congress had appropriated a large sum of money for buildings and the current revenue was not sufficient to meet that expenditure.

I call his attention to the fact that the amendment does not provide for a withdrawal of money and its investment in bonds simply because the revenue of the country is not equal to its expenditures or simply because the credit of the United States is involved.

The credit of the United States must be involved by war or other contingency, and, according to every rule of construction, the other contingency must be of the same serious character as war. There can not be any question about the rule of statutory construction that when we state a particular thing, and follow that particular thing by general language, the general language is confined to things of the same class.

Mr. BEVERIDGE. For example, what?

Mr. SUTHERLAND. Wait a moment. So when we say that the money can be drawn when, in the judgment of the President, war or any other exigency involving the credit of the United States so requires, we mean, and if the question could go to the court it undoubtedly would be construed to mean, where the exigency was war or an exigency of that same serious character. I do not mean a conflict of arms, but of that same general serious character, so the money could not be withdrawn, unless the language of the statute was perverted, in a simple case, where the expenditures of the country were exceeded by its revenues.

Mr. BEVERIDGE. I wish to ask the Senator from Utah a question before he takes his seat.

Mr. CLAY. Certainly.

Mr. BEVERIDGE. The Senator says war or some exigency of like serious character. Now, name one exigency of like serious character.

Mr. SUTHERLAND. I did not understand the question of the Senator.

Mr. BEVERIDGE. The Senator said that the only true interpretation could be war or some exigency of like serious character. Name another exigency of like serious character.

Mr. SUTHERLAND. No other such exigency occurs to me at the moment.

Mr. BEVERIDGE. Then, why put it in?

Mr. CLAPP. Mr. President——

Mr. SUTHERLAND. Pardon me a moment.

Mr. CLAY. I want to get through, but I will hear the Senator.

Mr. SUTHERLAND. I think perhaps a contingency arose in 1893, when we were compelled to issue bonds at great loss.

Mr. CLAPP. Any contingency that went to the credit of the Government. It is war or it is anything that went to the credit as well.

Mr. SUTHERLAND. Not because simply the current expenses at some given time exceeded the revenue.

Mr. CLAPP. Nobody claims that.

Mr. SUTHERLAND. A shortage in the current revenue does not necessarily involve the credit of the United States.

Mr. BEVERIDGE. Just one more question.

Mr. SUTHERLAND. That is the point I should like to make plain.

Mr. BEVERIDGE. The Senator said a contingency such as arose in 1893. I ask him if in such a contingency as that the Government should withdraw from the local banks all over the country the deposits derived from this fund, whether that would not impair the bank's ability to loan to merchants to carry on business, and if it would not create a greater condition for a fundamental panic than the contingency of using bonds in the first place?

I ask the Senator the question if in 1893, at the time of the panic to which the Senator refers, in addition to the situation, the Government could under the provision now contemplated and the instance which he cites take away from the local banks the money deposited there under this bill, thus reducing the ability of the local banks to loan to their local merchants from month to month to carry on their business, would not that in itself create the foundations for a panic which would be fundamental instead of temporary?

Mr. SUTHERLAND. No; I do not——

Mr. BEVERIDGE. A panic which would be a great deal worse.

Mr. SUTHERLAND. I think this authority, wisely exercised, would tend to check it.

Mr. BEVERIDGE. Then the Senator thinks it would tend to check it if they took the money from the local banks which the local banks loaned to the local merchants by which the merchants carry on their business from time to time?

Mr. CLAY. As analyzed briefly, the amendment of the Senator from Utah provides:

That when, in the judgment of the President—

Now, mark you, in the judgment of the President—

war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

Most assuredly the Government could issue bonds and hold these bonds as representing the postal deposits—equal to the amount of the bonds so held—and then the Government could say the depositors are secured by bonds. Now the postal deposits can be used to meet any emergency where the credit of the Government is involved. In other words, the President could say, "We have issued bonds to pay the postal depositors, and we can take the ready cash belonging to the depositors and use it to meet the urgent demands of the Government."

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). Does the Senator from Georgia yield to the Senator from Utah?

Mr. CLAY. Yes, sir.

Mr. SMOOT. I wish to ask the Senator if such an exigency should arise as he has just portrayed, would it not be proper for the Government to have authority to withdraw the money they have on deposit?

Mr. CLAY. I do not believe, in time of profound peace, with our country rich in resources, an emergency ought to arise when the receipts of the Government are less than the expenditures of the Government.

Mr. SMOOT. And, Mr. President, I do not think it ever will arise.

Mr. CLAY. We ought not by any means to take money from the citizen deposited with the Government and use that money for the purpose of paying the current expenses of the Government. This system was not intended to swell the Treasury of the United States. It was intended that the Treasury of the United States should act as the agent for a certain class of unfortunate people in our country who would not trust the banks, in order to encourage economy and thrift among that class of people.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further to the Senator from Utah?

Mr. CLAY. Certainly.

Mr. SMOOT. I wish to state to the Senator that the amendment does not contemplate nor does it provide that the money shall be taken from the banks for the purpose of running the current expenses of the Government. It does not so state. It is not so intended, and I do not see how such a construction could be placed upon it.

Mr. CLAY. Mr. President, the Senator from Utah occupies a peculiar position in the Senate. To my judgment it is almost without a parallel in the history of the Senate since I have been a member of the Senate. I do not speak in any disrespectful way of my distinguished friend from Utah. Less than ten days ago he offered this amendment on the floor of the Senate:

Provided, That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed, from time to time, by said board, which rate shall not be less than 2½ per cent per annum.

Now, Mr. President, this is an amendment offered less than ten days ago by the Senator from Utah providing that these funds should be deposited in home banks, providing that the funds should be kept at home. The Senator was the most vehement advocate of that amendment. The Senator told the Senate and the country that this amendment ought to be adopted or the bill ought not to pass.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. CLAY. I will yield.

Mr. SMOOT. I wish to say to the Senator it is true I offered the amendment he refers to, and it is also true that I am in full sympathy and accord with the desires of Senators here to keep the money in the communities in which it is deposited. I want to say that my amendment offered in place of the original amendment proposed by me some ten days or more ago is offered because of the fact that I have been convinced that with the provisions contained in the original amendment the bill would be rendered unconstitutional.

Mr. BEVERIDGE. Will the Senator permit a question right there? The Senator's new amendment, then, is offered in order to make it constitutional. Would that not be done fully as well from the point of view of its constitutionality if you included merely the word "war" and left out the words "or any other exigency?"

Mr. SMOOT. There is no doubt of it in my mind.

Mr. BEVERIDGE. Then, if that is true, the Senator agrees to the amendment of the Senator from Iowa to his amendment.

Mr. SMOOT. If the Senator had waited, I would have gone on and finished the other reasons that appealed to me for making the change.

It did seem to me, as a business man, rather a novel proposition, after considering the amendment more carefully, for the Government to be compelled to deposit the money in the banks with no provision whatever made for the withdrawal of the money from the banks; or, in other words, the money was placed in the banks and the Government was responsible for it, being the depositor, and it had no power to withdraw the money unless it was to pay the depositor or the interest upon the deposit or the expense of maintaining the system.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. CLAY. Certainly.

Mr. CUMMINS. That was the very purpose the Senator from Utah had in view.

Mr. SMOOT. I still have that in view now, only with the proviso that in case of war or when the credit of the Government is involved the President may have power to authorize the board of trustees to withdraw the money, not to put it into the Treasury of the United States, but to withdraw it and invest it in bonds or other securities of the United States.

Mr. CLAY. Mr. President, the Senator advocated that amendment, and the amendment was adopted by the entire Senate. My understanding is that not a single dissenting vote was cast against it. Less than ten days ago it was the unanimous judgment of the Senate that this provision should stay in the bill. Now, within ten days from that time the Senator offers an amendment to strike the provision from the bill. If the Senate should strike this provision from the bill the country will think that the United States Senate is not very stable in mind. We said to the American people that we believe in this system, and we said, above all things, that this money should be kept at home.

Mr. President, that provision met the approval of the country. But all at once the Senator from Utah got light from somewhere, I know not where—he got light from somewhere and changed his mind, and he now asks the Senate of the United States to strike every provision of that amendment from the bill. [Mr. PAYNTER handed a newspaper clipping to Mr. CLAY.] I knew of that before. I do not like to refer to conferences that lead to Senators changing their opinion or that may or may not do so. I would rather discuss this amendment on its merits.

I declare to you, if this amendment is adopted and the bill is passed, we have defeated every purpose of the friends of this measure heretofore. Instead of being a bill to take care of the earnings and the savings of this class of people it will be a bill to enable the Treasury of the United States to sell its bonds and to place money in its Treasury.

Mr. SHIVELY and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield, and to whom?

Mr. CLAY. I will yield, first, to the Senator from Indiana and then to the Senator from Utah.

Mr. SHIVELY. Mr. President, the Senator will permit a suggestion. By the report of the committee, and a series of speeches made in the Senate, it is claimed by the supporters of this bill that the measure is designed to encourage habits of thrift, prudence, frugality, and economy. To this end it is intended that people who now hoard their money shall be induced to deposit it in the post-offices of the country. These people are represented as being distrustful of our present savings institutions. The pending bill is advocated as a measure to overcome distrust, to allay suspicion, to create confidence, and bring money from its hiding places into activity in commerce. At this juncture we are met by the amendment of the Senator from Utah [Mr. SMOOT], which provides that—

when, in the judgment of the President, war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in the bonds or other securities of the United States.

Here is a mighty fund of discretion lodged in the President. Saying nothing of the enormous temptation offered to powerful interests to produce the "other exigency" which shall set in motion the withdrawal of "all or any" of the deposits from the local banks, does any Senator believe that the power to call from the banks to Washington the money of the postal depositors and lock it away indefinitely from the depositor is calculated to reassure the doubtful, the distrustful, the suspicious, whom it is pretended this bill will induce to carry their money to the post-office? Will the men and women who now prefer the stocking, the tin can, the old crock, or the crevice in the wall to our present savings institutions intrust their money to a Government which announces in advance that their money may or shall be beyond their reach in case of "war or other exigency?" I submit these observations by way of suggestion rather than interrogatory, and probably should address them to the author of the amendment rather than to the Senator from Georgia.

Mr. CLAY. I think so.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. CLAY. I do.

Mr. SMOOT. I understand the Senator from Georgia is a member of the Committee on Post-Offices and Post-Roads?

Mr. CLAY. I am.

Mr. SMOOT. And he voted for the bill as it came from the committee?

Mr. CLAY. I voted for the original bill as it came from the committee. There have been two bills that I recall reported from the committee.

Mr. SMOOT. I mean the last one.

Mr. CLAY. Oh, no; I was not present when the last bill was considered. I was not in the city, and had not been for some time. I was detained in a sanitarium in Atlanta, Ga., on account of sickness.

Mr. SMOOT. I wish to call the Senator's attention to the fact that the bill as reported from the committee had no provision whatever for the moneys to remain in the banks.

Mr. CLAY. I want to call the Senator's attention to the fact that I called the attention of the chairman to that afterwards.

Mr. SMOOT. That is one reason, of course, why I offered the amendment, and I will say now——

Mr. CLAY. I am glad the Senator offered it. The country ought to thank the Senator for offering it, and the Senator ought to strive to keep it in the bill.

Mr. SMOOT. It is a question, of course, that I am not able to decide, but it seemed to me that if the amendment was in a shape in which it was unconstitutional, I ought not to take the responsibility of saying that it should go to the President in that shape. I want to bear witness to what the Senator from Montana has said, and also the Senator from New York, that in order to get a measure through the Senate it became apparent that there had to be some kind of a compromise, and the compromise, it seems to me, was made in the amendment that I offered, which I believe with all my heart carries out the thought and idea that the Senator wishes and that I desire, that the money should remain in the banks unless there was an exigency arising such as is named in the amendment. I do not believe that the President of the United States will ever use that authority unless there is some extreme emergency involving the credit of the country; he perhaps would not use it even in case of war if it were not necessary.

Mr. CLAY. For the life of me, I can not see how the Government can afford to take this money and invest it in bonds even in time of war. This money belongs to the depositors in sums of $125, $150, and $200, never beyond $500.

Mr. SMOOT. But the Government is the depositor in this case.

Mr. CLAY. I understand what I am saying, and let me get through. If the depositors should call for their money and the Government should take it and use it for war purposes, I do not see how the depositors could be paid the money.

Mr. SMOOT. They would be paid by the Government, as they have got to be paid, whether in time of war or in time of peace.

Mr. CLAY. When will they be paid?

Mr. SMOOT. They will be paid upon demand.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. CLAY. Certainly.

Mr. GALLINGER. If the Senator will permit me, I have been struggling with the best intelligence I could command to comprehend this bill and to persuade myself to vote for it, if I possibly could. That is my inclination; but I am troubled now on the very point that is raised by this amendment; that the Government may in time of war or in time of an exigency not related to war, but in any exigency take this money out of the banks and convert it into bonds.

The Senator from Montana has told us that there would be $5,000,000, and to-day he got it up to a billion dollars, deposited. In Great Britain, as I remember, the average deposit is less than $100. We will have, say, in this country 10,000,000 depositors. If an exigency arises, if a panic is imminent, we know how the depositors in our savings banks rush to the bank for their money to get it as speedily as they can. We will have 10,000,000 people in this country clamoring for their money that they have deposited in banks, and the Government will have it. I think we would have a war right on our hands at that moment.

Mr. SMOOT. That would be the case providing the people have no confidence whatever in the Government, but I believe the people will never demand the money of the Government unless they absolutely need it.

Mr. GALLINGER. The argument that is fundamental in this case is that we are dealing with a class of people who have no confidence in our banks; they are for the most part aliens, and they have not much confidence in our institutions, anyway. They might want to go home, and they will want their money.

Mr. BEVERIDGE. Suppose they did?

Mr. SMOOT. I passed through a couple of panics, and I know this——

Mr. GALLINGER. I have passed through four or five or six.

Mr. SMOOT. I mean directly in connection with the banks during the panics. I know that the money that was withdrawn from the banks in very few cases was withdrawn to be used, and after the panic was over that same identical money was brought back by the same identical people and deposited in the banks again.

Mr. GALLINGER. There is no question about that but these people will not have that privilege.

Mr. SMOOT. If this class of people are not afraid of the credit of the Government, they will not withdraw their deposits. Of course the theory is that this money would not interfere with the money in the banks; that it is going to bring out money that is in hiding; money that is already in the possession of the people who mistrust the banks and are perfectly willing to trust the Government.

Mr. GALLINGER. I thank the Senator from Georgia for permitting me to interrupt him.

Mr. CLAY. Certainly.

Mr. GALLINGER. That does not at all meet the suggestion I made. There may not be much wit in what I said, but it strikes me that it is exactly what will happen.

Mr. CLAY. Now, Mr. President, I want to call the attention of the Senate to the fact that I knew I was right at the time; I had not forgotten it. We had before us Postmaster-General Meyer. The first speech I heard in favor of this legislation came from him, and it was a very intelligent speech. I have it before me now. He made the ablest argument I have heard in favor of this measure. He is a very superior man.

It is proposed to bring this money—

He says—

into circulation by asking authority from Congress to place the deposits in the national banks of the country, not in a few financial centers, but in the banks of the district where the money has been deposited.

That is the only way that the system can be maintained. You are not going to do it by your amendment.

Mr. President, I do not believe this bill would have received a vote in the Committee on Post-Offices and Post-Roads had it been known that it was the purpose of Congress to take this money from the localities where located and brought to our centers.

This bill occupies a very peculiar position here now. I have never found a Senator yet a strong advocate of it as it stands. It will pass, I reckon; they say it will, but I have never found anybody in favor of it as it stands. It occupies a peculiar position. I doubt if the sober, thoughtful judgment of the Senate is in favor of this measure, especially if the amendment of the Senator from Utah is adopted.

Mr. President, I want to call the attention of the Senator from Iowa to the fact that his amendment will not cure the entire evil produced by the amendment of the Senator from Utah. It will render the situation better, and I intend to vote for it; but the amendment of the Senator from Utah proposes to strike out lines 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the bill, which provide that the money shall be kept in the localities where it is deposited, and to substitute certain lines in lieu thereof. The Senator from Iowa proposes to substitute certain words instead of the proviso of the Senator from Utah. If that amendment should be adopted, then it will be necessary to reject the amendment of the Senator from Utah as amended by the amendment of the Senator from Iowa. In other words, if we should adopt the amendment of the Senator from Iowa and then adopt the amendment of the Senator from Utah as amended by the amendment of the Senator from Iowa, we will leave this bill without any provision that the money shall be kept in the local banks where deposited.

The amendment of the Senator from Utah will be in better condition for the country if the amendment of the Senator from Iowa is adopted, but, in my judgment, then the entire amendment ought to be defeated after the amendment of the Senator from Iowa is adopted.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. CLAY. Certainly.

Mr. CUMMINS. I only suggest to the Senator from Georgia that if the amendment I have proposed to the amendment of the Senator from Utah is adopted, I hope that either upon my motion or that of some other Senator that portion of the bill found on page 8, and in italics, will be reinserted in the bill.

Mr. CLAY. On page 8?

Mr. CUMMINS. On page 8, beginning with the word "*Provided*," in line 5, and ending with the words "per annum," in line 13. I recognize perfectly that in order to be complete, these words, which are the exact amendment proposed by the Senator from Utah and adopted by the Senate ten days or two weeks ago, shall be retained in the bill.

Mr. CLAY. I agree fully with the Senator from Iowa, Mr. President.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. CLAY. Certainly.

Mr. SMOOT. I call the attention of the Senator from Iowa, and also the attention of the Senator from Georgia, to the fact that beginning with section 8 it says:

> That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks, whether organized under national or state law, being subject to national or state supervision and examination, and doing business in the city, town, or village in which the post-office is situated, at a rate of interest not less than 2½ per cent per annum, etc.

Then:

> If there is more than one such bank in any city, town, or village willing to take such deposits upon the terms provided for herein, the same shall be divided among them substantially according to their capital and surplus.

That provides positively that money shall be taken from the fund. If the Senator will turn to page 7, line 15, it provides:

> If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States, who shall be the treasurer of said board, and may be withdrawn from deposit upon their order for the repayment of postal savings depositors, or for investment in bonds or other securities of the United States, or in bonds or other securities in which investment of the funds of savings banks is authorized by the law of the State or Territory in which such deposits are received.

Then the amendment offered by me yesterday, which was accepted, inserted the words "with the Treasurer," so as to read:

> With the Treasurer upon their order for the repayment of postal savings depositors or for the investment in bonds or other securities of the United States.

Mr. CLAY. Do I understand the Senator to contend that if the proviso on page 6 is stricken out, including the part from line 5 to line 13, there is still a provision left providing that these funds shall be kept in the local banks at home?

Mr. SMOOT. I so contend under the terms of the bill.

Mr. CLAY. Under what provision?

Mr. SMOOT. The section which I have already read—section 8, on page 5:

> That postal savings funds received under the provisions of this act shall be deposited in any solvent bank or banks.

It then goes on and states that such funds shall be deposited in banks—

> whether organized under national or state law, being subject to national or state supervision and examination, and doing business in the city, town, or village in which the post-office is situated.

Mr. CUMMINS. But, as urged by the Senator from Utah [Mr. SMOOT] some two weeks ago, the bill with the words that I have referred to in italics, if they be stricken out, there will still be in the bill a direction that the funds shall be deposited in these banks, but there will be no prohibition in the bill against drawing the money out of the banks.

Mr. CLAY. That is what I was going to say.

Mr. SMOOT. I think that the prohibition goes with the amendment that I offered here yesterday, on page 7, line 19, where it says:

> If such bank or banks refuse to receive such deposits on the terms prescribed, said funds may be deposited with the Treasurer of the United States.

And on the first page of the bill, line 7, an amendment was offered by me yesterday, as follows: "Carrying out the provisions of this act in reference to"—the receipt and investment, and so forth, of the fund. So it would be impossible for the money to be deposited anywhere else than in the banks.

Mr. CLAY. Mr. President, I am sure that the Senator from Utah offered his amendment on page 8, the proviso which I have read in regard to depositing these funds, to prevent their withdrawal except for certain purposes, to cure this very defect; in other words, there was a provision in this bill as to where this money should be deposited, but there was no provision to prevent its withdrawal. My understanding is that the Senator from Utah introduced his amendment, which was unanimously adopted, to cure this objection on the part of Senators—to prevent the withdrawal of these funds for investment in government securities.

Mr. SMOOT. That is true, Mr. President, but without the amendment offered by me yesterday on page 7, line 19, there would still be that defect. I think, however, that absolutely cures it because it says, "withdrawal of deposits with the Treasurer."

Mr. CLAY. Mr. President, it is strange to me that the Senator from Utah discovered this defect, that the board of trustees could withdraw this money at any time from the banks and place it in a central bank if it was desired to do so, and in order to remedy this defect he offered an amendment, which was unanimously adopted by the Senate. Now he wants to have it stricken out.

Mr. President, this bill ought to be recommitted to the Committee on Post-Offices and Post-Roads. If we intend to pass a bill simply to provide for the sale of government bonds and to place the money in the Treasury, we ought to say so, and abandon the idea of a postal savings-bank bill for the purpose of taking care of the small savings of the poor, unfortunate people of our country who have no confidence in our banks. If we intend to abandon the original purpose of the bill and to mix these funds with the funds to pay the current expenses of the Government and to utilize these funds for that purpose, let us in bold language say so.

I believe that a Treasury with just enough funds to bear the expenses of the Government is best for the American people. Show me a State or a nation which collects enough revenue and which only keeps a nominal surplus on hand, and I will show you a State or a nation where economy prevails on the part of the legislative body. A surplus of three or four or five hundred million dollars in your Treasury leads to extravagance. We have experienced that in the last five or six years. The three or four hundred million dollars which we had in the Treasury and which was deposited in our banks has led to a system of extravagance in the last five or six years in this country which is without precedent.

Mr. President, the fact that your Treasury is almost empty has led the leaders of the Senate to the conclusion that retrenchment and economy are absolutely necessary. If you desire to sell bonds and take the money and place it in the Treasury, it is certain to lead to extravagance. The very best way to avoid extravagance is to practice rigid economy and not to have too much idle money in your Treasury.

Mr. RAYNER. Mr. President, I simply rise to present a few obituary remarks upon the Constitution of the United States. It has been my cheerful custom quite a number of times in this Chamber to deliver brief funeral observations upon this lamented friend of ours. [Laughter.] The Senator from Texas [Mr. BAILEY] and myself having participated in these obsequies and being among the principal pallbearers upon this joyous occasion, it is proper now, as the Senator from Montana [Mr. CARTER], the chief embalmer and undertaker in charge of the ceremonies [laughter], is about to close the casket, that one of us, at least, should make a few tender references to the deceased [laughter], as the Senator from Montana permits us to take a last view of its distorted features. [Laughter.]

As the senior Senator from Nebraska [Mr. BURKETT] is one of the principal conspirators in this tragedy, and as a short time ago he delivered a biographical sketch of my constitutional infirmities, my remarks, very brief indeed, will be limited principally to the discourse of the senior Senator from Nebraska.

Before doing that, however, I desire to say that I do not agree in any sense of the word with the proposition of the Senator from Utah [Mr. SMOOT] and the proposition of the Senator from New York [Mr. ROOT] that either of their amendments renders this bill a constitutional measure. I do not believe for a moment that you can take an unconstitutional bill, admitted to be so by the Senator from New York, and tack on to it an enumerated power of the Constitution, and thus make the bill constitutional. I do not believe—and I say it with the utmost deference and respect to the Senator from New York, for no one in this Chamber and no one outside of it has a greater respect and admiration than I have for the learning, the talent, the ability, and, what is more than all of them, the character of the Senator from New York—that you can take any bill, admitted to be unconstitutional, admitted not to be within the delegated powers of the Constitution, and then tack on a power that does not come within the purview or the meaning or the intent of the measure and make that measure a constitutional measure.

Nor do I agree with the remarks that have fallen from other Senators that the Supreme Court will not have the opportunity to look into this measure and declare it unconstitutional upon its face. Now, let me give this illustration to the Senator from New York. Suppose we were to incorporate a railroad to-day to run from the city of New York to the city of Albany, New York to be one terminus and Albany to be the other terminus—not an interstate railway, but an intrastate railway, to carry no freight, to carry no passengers, to perform no service beyond one terminus in the State of New York and another terminus in the same State and for local purposes alone—the Senator from New York will admit that the bill would be unconstitutional and that we have no right to pass a bill of that sort. Now, suppose that we were to provide that one-half of the profits of the railroad were to belong to the United States, or that they could borrow one-half the profits of that railroad, would that make it constitutional? I ask the Senator from New York whether, in his judgment, the right to borrow one-half the net or gross profits of that road under the borrowing power of the United States would render an unconstitutional bill constitutional by thus tacking to an unconstitutional bill one of the enumerated powers of the Constitution? Never, Mr. President, can I bring my mind to the acceptance of such a proposition as that.

We could pass any unconstitutional measure that we wanted simply by tacking on the bill a power of the Constitution, which it is not intended to exercise and which does not come within the intent and purpose of the bill and render it constitutional.

The object of the pending bill is not to borrow money on the credit of the United States. There is not a Senator on this floor who could truthfully arise and say that our purpose here is to borrow money on the credit of the United States. The Government of the United States is not borrowing money in such a way as this. This is not a bill entitled "A bill to borrow money on the credit of the United States." Whoever heard of a bill to borrow money on the credit of the United States that does not even say in its title that it is a bill intended for such a purpose? There is not a section in this measure, except these two amendments, one proposed by the Senator from New York and one proposed by the Senator from Utah, which contemplates that this money should thus be invested in bonds of the United States.

What is this amendment put in for—to effectuate a governmental purpose? Never; not a word of it. It is attached to this bill for the purpose of giving it a constitutional appearance, for the purpose of giving the Supreme Court of the United States a loophole by which it can declare this measure—a measure unconstitutional when it was offered, unconstitutional all through the debate—constitutional by putting on an amendment to enable the Government to invest the money in United States bonds.

Mr. BACON. Mr. President, I simply want to suggest to the Senator, in that connection, that one of the learned Senators on the other side suggested that it would make it more constitutional.

Mr. RAYNER. The Senator has eliminated that from the RECORD.

Mr. BACON. Has he?

Mr. RAYNER. Yes.

Mr. BACON. I did not know that.

Mr. RAYNER. Make it "quasi constitutional," I suppose. It is either constitutional or it is not constitutional. I do not believe, with the greatest deference to both the Senators, that either of these amendments add one iota to the validity of this measure. I think that this bill is just as good, or, rather, just as bad, without the amendments as it is with them.

It is said that the Supreme Court can not go behind them. Why not? Because in the oleomargarine case and in the case of the Veazie Bank *v.* Fenno they said, "We can not tell what the motives of Congress were when the bill was passed." This is a different measure. The Supreme Court can very easily tell what was the motive of Congress.

Here is a bill that does not say a word about war. Whoever heard anything about war until the Senator from Utah rose in this body to declare war under a postal-depository bill? [Laughter.] For months and months this debate has progressed. Has anybody said anything about war? Is there any war in existence? Is there any war imminent? Is there a purpose upon the part of the Government of the United States to use the postal-depository savings for the purpose of furnishing the resources of war?

I use the words, I hope, in no objectionable sense, but it is a legal subterfuge; it is an artifice; it is stratagem; it is tacked onto this bill simply for the purpose of enabling the Supreme Court to say, "We can not tell from the text of this bill whether it is in reality a postal-depository bill, which is unconstitutional, or whether it is a bill to borrow money upon the credit of the United States, which is constitutional." It can not be done, Mr. President, because the Supreme Court will look through this bill, and not one word will they find from the beginning to the end about borrowing money on the credit of the United States.

This bill has been discussed for months. It was discussed at the last session. The Senator from Montana has been challenged, but he has declined to accept the challenge, to state upon this floor that this bill had any other purpose or any other intent in view except the intent to create postal savings depositories.

Therefore, Mr. President, before I come briefly to state the purpose for which I have arisen, I want to stand here not only as a Democrat—because I do not see how our party can divide upon this question—but as a student of the Constitution, to say that I do not believe, and never will believe until the Supreme Court decides it, that when you pass a measure admitted to be unconstitutional, admitted not to be within the express or any implied powers of that instrument, that simply by saying that the Government can borrow the money from these postal depositories and invest it in government bonds that that makes the measure come within the meaning of the Constitution.

Now, Mr. President, I will proceed briefly to reply to the address of the Senator from Nebraska. I think perhaps it would have been better for the senior Senator from Nebraska to have allowed his first speech upon this bill to remain as it was without attempting to correct it, because in his first speech he was simply at war with every other lawyer in the United States except himself, and in his last speech he is at war with all of them, including himself [laughter], and he has precipitated himself into such a wilderness of confusion that even the senior Senator from Montana will not be able to find him; and if he should succeed in finding him, he will be utterly unable, with all his dexterity and ingenuity, to extricate him.

I tried to compliment the Senator from Nebraska when he stated a proposition that, to say the least, aroused the curiosity of every law student and apprentice in his profession in the land who read the observations of the Senator. The Senator does not desire any compliment, however. He would rather stand out in bold relief, challenging and defying the rudimentary principles of his profession, than make an acknowledgment that he had thoughtlessly stated a proposition which, upon further reflection, he deemed it best to reconsider; an acknowledgment that would have served as a sufficient explanation even for a Senator of such recognized professional attainments as the Senator from Nebraska seems to be gifted with.

Now let us glance at some of the treasures of thought that fell from the Senator in this last address of his upon the subject of this bill. The Senator remarked as follows:

The distinguished Senator from Maryland, in one of his heroic and habitual defenses of the Constitution a day or two ago, criticised a speech of mine at the last session of Congress upon the postal savings bank. In fact, a little colloquy between the Senator and myself during the time of my address, which I am sure no one else who heard it took so seriously, seems to have lain heavily upon the Senator's mind during all these intervening months.

Mr. President, the Senator is mistaken. I did not take his address seriously. The Senator should exculpate me from this imputation. I have not taken the Senator seriously. Furthermore, I respectfully submit that if nothing ever lay more heavily upon my mind than the Senator's speech, I would have the lightest and most buoyant intellect of any Senator in this body. [Laughter.]

The Senator then proceeds to say Madison was a great linguist. Admitting this to be so, there is one thing that Mr. Madison never was, and that is that while he may have been a great linguist he never claimed to be a ventriloquist. [Laughter.] The Senator says:

I have neither the time, the inclination, nor the equipment at the moment to undertake an exhaustive address on this subject. I am not vain enough to hope that I shall be able to do what Hamilton and Adams and Webster and the mighty Marshall could not do.

Why not? [Laughter.] The Senator underrates himself. He may not have the time nor the inclination, but he certainly has the equipment. The Senator is always prepared upon one theme as well as another, semper paratus, a gift of Providence of being thoroughly prepared upon subjects with which you are entirely unfamiliar. Why should not the Senator therefore be able to do what Hamilton and Adams and Webster and Marshall could not do? No one of them ever delivered a speech like his. [Laughter.] They could not do that. Therefore the Senator can do what Hamilton and Adams and Webster and the mighty Marshall could not do. We require no greater proof of that than this constitutional argument of the Senator from Nebraska. Great thought, great power, profound research, and, above all, a matchless voice that, reechoed through the corridors and coming back upon the waves of sound, victoriously and triumphantly rode upon the circumambient air. [Laughter.]

The trouble with the Senator is not that he can not do what Hamilton and Adams and Webster and Marshall could not do, but that he did not live in the early days of the Republic, so that he could have shed the illuminating light of his eagle intellect upon the Constitution of the country. Mr. President, that is the trouble with a great many men of wonderful gifts—they live at the wrong time. [Laughter.] If the Senator had been a member of the Constitutional Convention, what a different instrument we would have had, and how men like Hamilton, and Patterson, and Wilson, and Madison, and Rutledge, and Pinckney would have paled into insignificance beside the marvelous and majestic genius of the Senator from Nebraska! The Senator has done what Marshall and Taney never accomplished, because the Senator seems to have studied the Constitution only for about seven days, but within that time he has acquired a familiarity with it greater than both Marshall and Taney, who spent, together, over sixty years upon the Supreme Bench of the United States, interpreting its provisions, and both of whom, at various times, gave expression to the thought that they had hardly approached the threshold of that immortal charter.

Now, the Senator says, speaking of me:

If he had been called for to preach, he probably would have specialized on funerals and chanted requiems to the dead and gone of his fellow-men.

I do not know if this classical allusion to myself by the Senator was intended as an insult or a compliment. If it was intended as an insult I feel highly complimented, and if it was intended as a compliment I feel deeply chagrined. [Laughter.] I would suggest to the Senator that I have no talent along this line. I can neither sing nor chant, but if the time should unexpectedly come when the people of Nebraska desire to celebrate the Senator's political funeral, and such a great calamity should befall them, I will take the liberty of sending as my substitute the junior Senator from Tennessee, who, with his other gifts, possesses great talent in this direction, and he will chant a requiem that in lyric and pathetic tones will, perhaps, fully console the constituencies of Nebraska for the irreparable loss that they have sustained by the premature departure of the Senator at the very meridian of his brilliant power.

The Senator now goes on to observe:

I hope, however, that I am not insane enough to undertake to turn from the accepted construction of these words, quite as old as the words themselves—

Referring to the general-welfare clause of the Constitution.

Mr. President, the Senator should relieve me from this charge. I never said that the Senator was insane. I would not take this speech of his and upon that single effort make a decision upon that question. [Laughter.] I have given some attention and study to diseases of the mind, but it would be necessary for me to take a number of the Senator's speeches before arriving at any definite conclusion. [Laughter.] I therefore think that the Senator has mixed me up with some other alienist who has perhaps given an opinion upon the subject. [Laughter.]

And now the Senator further observes, referring to me, that I deny myself the splendor of contemporary achievement. That is another mistake upon the Senator's part. I listened to the whole of the Senator's great argument from beginning to end, and therefore I have not denied myself what I consider the splendor of the greatest contemporary achievement of modern times.

When the Senator comes right down to the great proposition with which he is struggling in trying to reconcile himself to his former utterances, Mr. President, listen to this priceless gem:

This bill—

Says he—

would be constitutional if Congress believed it would be beneficial in raising and supporting an army.

What a sublime thought! How original in its conception and how unlimited in its expansive possibilities! Here is another jewel, plucked from the very crown of jurisprudence, as a constitutional sanction for its enactment:

It would stimulate trade—

Says the Senator—

and revive the drooping energies of the country and restore confidence to the public mind.

What do you think of that, Mr. President, that among the enumerated powers these undiscovered faculties had been concealed for years until discovered by the Senator from Nebraska, the delegated power upon the part of Congress to restore confidence to the public mind and revive the drooping energies of the country.

Mr. President, I have made these few remarks simply to prevent the Senator's speech from being consigned to oblivion. I have studied it word for word and bestowed upon it all the concentrated attention of my mind. We know by experience that no matter what merits it possesses it may in the multiplicity of arguments that emanate day by day from the Halls of Congress be lost to view, and when once lost to contemporary history it may be gone forever. Sad episodes like this have often occurred before. Some of the finest specimens of literature and some of the greatest efforts of statesmanship have escaped the attention of those for whom they were written and to whom they have been addressed, and sometimes after a century of forgetfulness they have been resurrected from their graves. This ought not to be the fate of the Senator's effort. It ought not to be its fate, because the thoughts it conveys are absolutely original. It has not a feature of imitation about it. It gives to the rising generation an entirely new conception of constitutional guaranties and places the Constitution in a light that it has never been placed before. With no hand to guide him, no beaten track to follow, and no example to emulate, the Senator has struck out for himself, and, to use a borrowed phrase, he has "floated serenely on the surface," absolutely unconscious of the unfathomed depths beneath. With dauntless and intrepid voice he has proclaimed the principle that whenever Congress believes that any of its enactments will accomplish some enumerated power of the Constitution the belief of Congress settles the constitutionality of its legislation. It is not as Marshall said, "That Congress is the judge of the degree of necessity, and if the means are proper to accomplish any enumerated power then the courts will not interfere with the discretion of Congress if adapted to the end." This is no longer the formula. No "such pent-up Utica" contracts the boundless aspirations of the Senator. If it is useful, if it is beneficial, says the Senator, then Congress is alone the judge of its constitutionality.

That I may not misquote the Senator from Nebraska, let me read, because it is only a few lines, his language upon this subject:

If the object of this bill is needed, or if it will be helpful, in the opinion of Congress, to regulate and promote commerce among the States, it is proper under the commerce clause of the Constitution. If it will be useful to the Government in borrowing money, it can be maintained under the clause authorizing Congress to borrow money. If Congress believes it would be beneficial in raising and supporting an army, it is constitutional.

Then all that it is necessary for us to do is to believe that the legislation we are enacting is constitutional, and that makes it constitutional beyond the investigation of the Supreme Court. It need not be necessary, it need not be proper within the lan-

guage of the Constitution, it need not be the means adapted to the end, but if it is helpful, if it is beneficial and we believe it is constitutional, that settles forever the constitutionality of the legislation. Transcendent thoughts!

Mr. President, should a discovery like this be permitted to die?—and it may die unless some steps are taken to save it. Some necessary and proper means should, therefore, be devised to rescue it from oblivion. The Senator alone has it within his power to accomplish this purpose. Transcripts and copies and duplicates of his constitutional discovery should be sent to every academy and college and university and seat of learning in the land wherever constitutional law is taught, so that some day, when this great edifice, with its broken columns and arches, may crumble into ruin, these imperishable utterances of the Senator from Nebraska shall endure and survive, "wrapped in the solitude of their own originality, immutable amid change, magnificent amid ruin."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa to the amendment offered by the Senator from Utah.

Mr. CUMMINS. Mr. President, as soon as the Senate can compose itself after listening to these delightful exchanges——

Mr. BAILEY. There has been no exchange yet. [Laughter.]

Mr. CUMMINS. I have it in mind to say a last word, so far as I am concerned, upon the amendment now before the Senate, and lest the entrancement of the last few minutes has driven from our minds the exact question before the body, I beg to state that the Senator from Utah has introduced an amendment which provides that the money collected at the post-offices, having been deposited in the banks of the country, may be withdrawn if, in the judgment of the President, war or any other exigency involving the credit of the Government shall so require, and be invested in the bonds or other securities of the United States.

The amendment which I have proposed so changes the amendment of the Senator from Utah that the judgment of the President with regard to the exigency involving the public credit can only be exercised in time of war.

I listened with a great deal of pleasure, as I always listen with pleasure, to the observations of the Senator from New York [Mr. ROOT]. I listened with a great deal of interest to the observations of the Senator from Montana [Mr. CARTER]. The Senator from New York evidently believes that I am either unfamiliar with the Constitution of my country or that I am indifferent with regard to that immortal instrument. Both the Senator from New York and the Senator from Montana are of the opinion that I am unpatriotic; that no matter what may be the constitutional difficulties encountered, I am unpatriotic in suggesting that the moneys to be deposited in the banks of the United States may not or ought not to be withdrawn to meet any exigency that peace may create, or that may arise in time of peace involving the credit of our Government.

I can not agree with the analysis of this measure as suggested by the Senator from New York. He says it has been his conception that we were to establish in the United States a postal savings institution similar to the institutions which the countries of Europe have for years maintained. If that be his conception of a proper and effectual postal savings system in the United States, it is one that was not, at least, contemplated in the convention whose announcement upon this subject we are endeavoring to carry into effect.

I will not go far back into the literature of a postal savings system in our country. I only need to go so far back as is evidenced by the speeches and the writings of the President of the United States and of his Postmasters-General for the last four or five years. I never heard, nor do I believe that any other Senator here has ever heard, a recommendation from a President of the United States or a recommendation from a Postmaster-General which involved the investment of these funds in the bonds of the United States.

When the convention met in Chicago in 1908 the plan was already crystallized, the plan had already been announced, and that plan, so far as I remember, involved the deposit of these moneys in the banks of the country. It was not fashioned after the systems of Europe. It is well known that in all the countries of Europe—I think I speak accurately in saying in all the countries of Europe—in which there is a postal savings system in force the public debt is constantly increasing, and the increase or advance in the public debt absorbs the savings of the people that are gathered in the post-offices. Fortunately it has been the policy of the United States to decrease as rapidly as it could its public debt. It was not contemplated when the convention of 1908 met that the public debt should increase from year to year and bonds issued on that account should absorb the savings of these people, who, distrusting the banks, give their faith to their Government.

I therefore must dissent from the view suggested by the Senator from New York, that the only true and genuine concept of a postal savings institution is one in which the Government receiving the money invests it in its own bonds or own securities or uses it for the purpose of discharging its ordinary functions.

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. BEVERIDGE. The Senator is speaking about the convention. The platform specifically states in terms the purpose of establishing the system. It says "for the convenience of the people."

Mr. CUMMINS. I did not overlook the words so well suggested by the Senator from Indiana, but I was trying to make it clear to Senators here that there never has been in any formal way until now a suggestion that the savings collected at the post-offices should be invested in bonds or securities of the United States, save in the event that the banks of the community in which the money is gathered refuse to take the money at an appropriate or profitable rate of interest.

When I came into the Senate one year ago there was already a postal savings bill reported to the Senate, and it was then the unfinished business of the Senate. It provided that the money collected at the post-offices should be deposited in the national banks of the United States and should be there held to meet the exigencies of the service—that is, repayment to depositors. I instantly suggested that there was no righteousness or justice in giving this privilege exclusively to national banks; and therefore, as Senators will remember, I introduced an amendment, and presented it with what argument I could summon, in favor of admitting the state banks to the list of depositories, so that there would be no discrimination between the national and the state banks in this respect.

After this amendment had been debated for several weeks from time to time that bill was recommitted to the Committee on Post-Offices and Post-Roads, and it came this session in practically its present form, namely, that the money collected at the post-offices should be deposited in both state and national banks and there retained until needed to pay the depositors who had left their savings with the post-offices.

Now, mark, when that bill was debated two weeks ago the Senator from Utah believing that the amendment which I presented, namely, that this money must be deposited in the banks, state and national, so long as they were willing to receive it or pay a fair rate of interest upon it, was not sufficiently protective, standing like the guardian for that portion of the country that he represents, offered the amendment which is sought to be stricken out by his present proposal. He believed, then, that not only should we have in this bill a positive direction that the money collected at the offices should be deposited in both state and national banks, but he insisted that there should be an emphatic prohibition against the withdrawal of the money from these banks save for purposes of paying depositors and defraying the expenses of administering the bill; and I assume he is still of that opinion.

But let us see what has changed the atmosphere in this Chamber? The Senate adopted the amendment of the Senator from Utah—and I may say in passing that the amendment was accepted and assented to by the Senator from Montana. He then realized that if we were not to inflict upon this country an evil instead of rendering it a service, there must be these positive prohibitions against the withdrawal of the money for any save the purposes I have suggested. He gave his assent to the amendment of the Senator from Utah, and it became a part of this bill without one dissenting voice, so far as I can now remember. And with that amendment the policy was complete, namely, that the money taken in at the post-offices should not only be deposited in the banks, if they were willing to pay the interest upon it, but that it should remain in the banks until withdrawn for the purposes named in the amendment itself. What has happened? What has changed the opinions of the Senator from Utah and of the Senator from Montana? Abstractly, the Senator from Utah declares he still clings to what the Senator from New York declares to be a flagrant heresy.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. CARTER. The Senator from Montana advocates the amendment presented by the Senator from Utah, as previously stated, believing that it is necessary to make that amendment in order to insure the passage of the bill. I rise to ask the Senator from Iowa—to save the bill, to secure its passage—is he willing to concede as much?

Mr. CUMMINS. When we reach mere matters of comparison, it is impossible for me to weigh one objection that may be in my mind with an objection that may be in the mind of the Senator from Montana. I will answer, however, the question in its substance, in this way. I believe in the postal savings institution, and I believe its object is wise and that its operation will be helpful; but if the organization of a system of this sort means the withdrawal from time to time, by the order of the President of the United States or by the order of the board of trustees of the money gathered into the banks through its operation, then I believe further that an injury will be inflicted upon the business and people of the United States far outmeasuring any good that can be accomplished by collecting the savings at the post-offices; and if when this bill is finally put upon its passage, it is in such form that it does not protect the money gathered in a community for the business of that community, I shall vote against it. I hope the Senator from Montana will do as much.

Just a moment further upon this same subject. The only purpose of the amendment offered by the Senator from Utah—I do not mean that it is his conscious intent, but the only effect of the amendment now offered by the Senator from Utah is to destroy in a certain contingency the amendment that he offered and that the Senate adopted two weeks ago. There can be no escape from that conclusion.

I understand the Senator from Montana to assume an entirely different attitude and one which is much more consistent, if I may be permitted to compliment him to that extent. The Senator from Montana yields what he believes to be right and what I know to be right, because he thinks that if we frame this bill as it should be framed there are Senators here who will not vote for it who otherwise might vote for it.

This is the exact situation at the present moment. Without any invidious comparisons, without attempting to waive the credit which should be attached to the motives of either Senator I vastly prefer the attitude of the Senator from Montana. He is willing to do what he thinks is wrong, because he hopes that he may in that way accomplish a greater right. But I am not able to understand the position of the Senator from Utah.

Mr. CARTER and Mr. SMOOT addressed the Chair.

Mr. CARTER. I hope the Senator will yield to me for one moment.

The PRESIDING OFFICER. Does the Senator from Iowa yield, and to whom?

Mr. CUMMINS. I yield to the Senator from Montana, and then to the Senator from Utah.

Mr. CARTER. Mr. President, honest differences of opinion have arisen with reference to the appropriate disposition of these funds when collected in the banks. The amendment originally presented by the Senator from Utah provided that these funds should never be withdrawn from the banks as long as the banks were willing to pay the stipulated rate of interest and provide the required security. Certain other Senators, equally honest in their purpose, believed that in certain exigencies which might arise it would be well and wise to have these funds, or a portion of them, invested in bonds or securities of the United States. That view is not wrong. It may be impolitic or unwise, but as to the application of the terms "right," on the one hand, and "wrong," on the other, I think the Senator from Iowa may well make a modification.

Mr. CUMMINS. I hope the Senate did not understand that in using the word "wrong" as applied to the Senator from Montana I intended to be understood as imputing to him any wrong motive whatsoever. I was comparing his views as expressed two weeks ago with the position that is now assumed. If I am in error I hope the Senator will correct me, if the Senator from Montana has stated this afternoon that he still holds exactly the opinion with regard to this particular subject that he held when the Smoot amendment was adopted, and that he is willing to surrender to a certain extent in order to accomplish what he believes to be a greater good.

Mr. CARTER. Mr. President——

Mr. BAILEY. If the Senator will permit me, I can straighten this out very easily.

Mr. CARTER. I pray the Senator from Texas to desist for a moment. I think we can straighten it out better. The Senator has his own peculiar point of view with reference to matters, and I do not think it ought to be interjected here.

Mr. BAILEY. It is the same point of view I have had all the time.

Mr. CUMMINS. I would not object to hearing either Senator.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. CARTER. The Senator from Iowa, in his last statement, very nearly expressed my own point of view. All legislation is, in both branches of Congress and between the two Houses, the result of mutual concessions in the main. No bill that passes either House meets the approval of every member of either House. In this case, in endeavoring to secure the adoption of a measure which, in my opinion, will prove of enduring benefit to the American people, respecting the views of the Senator from New York and likewise the views of the Senator from Iowa, it has appeared to me that in order to secure a majority for the measure on this floor a fair accommodation between these views, either in itself free from any moral wrong, is both in conformity with legislative procedure and good sense as well.

I realize that the retention of the amendment of the Senator from Utah in the bill would make its passage difficult if not impossible. The modification of that amendment presented by the Senator from Utah seemed to me to bring about such an accommodation between contending views as would reach a common ground upon which all could stand in the furtherance of a common purpose.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I was not listening to the Senator when he made his reference particularly to me in relation to changing my amendment, but from what the Senator from Montana has said I gather it that the Senator has charged that my position is absolutely reversed from what it was when I originally offered the amendment. Is that it?

Mr. CUMMINS. I would not correct the Senator if he had not just said he did not hear what I remarked upon that subject. What I said was that the amendment which was adopted at the suggestion of the Senator from Utah two weeks ago, or thereabouts, is inconsistent with the amendment which the Senator from Utah now proposes. I said that the Senator from Montana had explained the change of attitude on his part, but that I had heard no such adequate explanation of the change on the part of the Senator from Utah.

Mr. SMOOT. Mr. President, I have made several explanations of the reason why I offered the second amendment. I have told the Senate that I am in thorough sympathy with what the Senator from Iowa has stated he is in sympathy with. I want to have the money deposited in the banks to remain in the banks, and I want it to remain there unless circumstances arise, as provided in the second amendment.

Mr. President, I may say that I do not believe conditions and circumstances will arise under which the President of the United States will authorize the board of trustees to withdraw that money from the banks and buy government bonds. If I thought that was the effect of the amendment, if I thought that would be the result, I would not be in favor of it. But I do not believe that that would be the effect and result of the amendment.

I will say further, as I said this afternoon, that there was a consultation as to the amendment, and I was convinced as far as I could be convinced that the original amendment offered would make the bill unconstitutional. That being the case, I felt that it was my duty as a Senator of the United States, if it were in my power, to offer an amendment to reach the same end that the original amendment reached, but being constitutional.

Mr. CUMMINS. Mr. President, the amendment I have proposed would relieve the President of any temptation. I hope that the prophecy of the Senator from Utah will be fulfilled, but this is a struggle, and we might as well recognize it, between two conflicting policies. I understand perfectly, as suggested by the Senator from Montana, that every bit of legislation of an important character must be a compromise, if you will, and there is no surrender of principle in yielding to detail. But there is a surrender of principle and we do enter upon a domain in which compromise is impossible when we touch a fundamental feature of the bill.

I proceed in the review of the situation. I recall you now to the conditions which existed after the Senate had adopted the amendment of the Senator from Utah. Then for the first time it began to be rumored, and there is probably not a Senator

here but who heard it, that the Senator from New York [Mr. ROOT] was of the opinion that the bill as thus framed was unconstitutional, and that he intended to introduce an amendment providing for the investment of these funds in bonds or securities of the United States in order to make the bill constitutional and, as we have heard this morning, in order, further, to promote the best welfare and the highest policy of our common country.

It was not long after this rumor became current until the President of the United States declared, with that frankness which is common to him, which characterizes him upon every occasion, precisely what he thought with regard to the bill that was then before the Senate. He declared in the most explicit terms that, in his judgment, should the bill pass as it had been amended by the Senator from Utah it would be unconstitutional, and that he desired an opportunity to use the funds collected at the post-offices in the extinguishment or the acquisition of the 2 per cent bonds now held by the national banks of the country.

This was his view of the matter. I am not criticising it. I recognize that honest difference of opinion which was so well and so graphically described a moment ago by the Senator from Montana. I think none the less of the Senator from New York because he does not agree with me upon this question. All that I insist on is that men shall have opinions, and having them shall stand for them and shall vote for them from the beginning to the end of a measure of this sort.

After the declaration by the very officer who would have the right under this bill to declare that an exigency exists which requires these funds to be invested in bonds of the United States, then began this effort to amend the bill in the way suggested first by the Senator from New York. I think it became rather apparent that his amendment would not receive the approval of the Senate, and when that knowledge came to the minds of those who were arranging the matter they began to discover or to endeavor to discover how nearly they could approach the position of the Senator from New York without losing a majority of the Senators in this body.

If by the amendment proposed by the Senator from Utah we not only compromise a difference of opinion in detail upon this bill, but if we accede to the proposition of the Senator from New York indirectly, not appearing to do it directly, we have not compromised any difference of opinion, but we have weakly surrendered the most essential and the most fundamental principle of the measure.

Now, let us see precisely what we do if we adopt the amendment of the Senator from Utah. We declare that when, in the judgment of the President of the United States, an exigency arises which involves the public credit, these funds may all be withdrawn and, as I look at it, precipitate the very disaster that he might seek to avert.

We are not legislating for a single year, for two years, or three years. Who knows what the President of the United States will hold to be an exigency involving the public credit? We have discovered this morning in the debate that has already taken place what some of the Senators believe would be an exigency involving the public credit. That exigency is whenever the Government can not sell its bonds at a price that it desires to sell them, whenever a government bond might fall below par, whenever the clouds of financial trouble settle over the city of New York, and it becomes necessary for the Government of the United States to come to the relief of the banks of New York, or of Chicago, or of Boston, or of Philadelphia. Then an exigency has arisen which will not only warrant but require the President under the terms of this amendment to withdraw from every bank in the United States the funds theretofore deposited and use those funds to purchase the bonds of the United States that may then be purchasable that the President or any other officer may then have a right under the law to issue and put upon the market.

We might as well look this matter squarely in the eye. As I said the other day, I am willing that in the event of war these funds may be withdrawn; and why am I willing? Because war is declared, not by the President, but by Congress, and I assume that if Congress should declare war and it should not believe that these funds ought to be withdrawn from the banks, then some other provision would be made by Congress itself. Here is a power vested in the President immeasurably greater than was ever before committed to any administrative or executive officer of the Government. It is exactly equivalent to a power that would be granted in a legislative act which would declare that whenever the President of the United States desired to do so he might issue an unlimited amount of bonds in order to sustain the credit of the country.

But I am not impressed with the pathetic description and the mournful picture presented by the Senator from New York. I have the liveliest hope that this country of ours will be as strong in the future as it has been in the past. We have now sustained the credit of the Government. Although confronted with the direst perils for a hundred years and more, we have managed to maintain our credit and transact our affairs without the funds gathered in the post-offices from the poor people of the country.

The Senator from New York suggests that in the event of a financial disaster, if all the people who had given money to the post-offices should demand their money, the Government would have no way in which to meet their demands save by drawing the money from the banks. Is it so? If Congress desires to give the Government or any officers of the Government the power to sell bonds in order to pay these depositors, I shall make no objection. That will be one way to meet the exigency or the remote contingency suggested by the Senator from New York.

I do not believe there ever will be such a contingency. If this system is valuable at all, if it is not simply a trick put upon the people of the United States, then the very moment of disaster will see an increase in the confidence of the people in their Government, and, instead of there being a great army of depositors besieging the doors of the United States for the withdrawal of their deposits, there will be an increasing army desiring to deposit their money with the United States in order to escape the hazards and the perils of depositing these moneys in the banks. That is a pure flight of fancy, intended in perfect good faith, of course, because the Senator from New York has the courage to proclaim the policy that he favors; and I would that we might meet in square, unequivocal issue in this body the question of policy as proposed by him and the policy as proposed in the bill at the present time.

I agree with the Senator from Maryland [Mr. RAYNER], if I may be permitted to approach the constitutional question involved in the bill, that the addition of the amendment proposed by the Senator from Utah can not affect the constitutionality of this measure. No more, in my opinion, will the addition of the amendment proposed by the Senator from New York affect the constitutionality of the bill. I may not agree with the Senator from Maryland or the Senator from Texas [Mr. BAILEY] with regard to every legal phase of this controversy, for I have brought my mind to the conclusion that there is a resting place in the Constitution for a measure of this character, but it is not in the clause that gives Congress the power to borrow money upon the credit of the United States; it is not in the clause that confers upon Congress the power to regulate commerce among the States. If we have the power to pass this bill, it is because of the power given to Congress to establish post-offices, supplemented, possibly, by the power to coin money and regulate the value thereof.

I do not intend to enter upon the discussion of that matter. I have views upon it, but the whole field has been so thoroughly explored that it would be idle for me to attempt to add anything to what has already been contributed upon the subject. But I could not allow the debate to close without saying that, as for me, I do not hide myself behind the power to borrow money or the power to regulate commerce among the States.

I suggest to the Senator from New York that he violated in his argument the high and noble precept that he so impressively fastened upon our consciences. I believe that there is a Constitution in the Senate of the United States, a Constitution to be obeyed and respected by us as fully and completely and faithfully and religiously as we expect it to be obeyed by the Supreme Court of the United States.

I deny the right of the Senate to attach to any bill a clause or a proviso that is intended merely as a pretext upon which the Supreme Court may declare our act constitutional. If we do so, we may enable the court itself to perform its high obligation, but we disregard our own oaths in that respect. We are not borrowing money in this bill or making any provision for borrowing money. There is not a government on earth that would borrow money under the terms of a bill like this. The United States does not want to borrow money payable on demand. It is contrary to its fundamental policy to do so. There is no pretext among Senators that we would enter into this measure if our object was to borrow money. We may want to borrow money to finish the Panama Canal; we may want to borrow money to complete the irrigation projects that are now somewhat advanced; but we do not want to borrow money from the people who are invited to deposit their savings at the post-offices. What we are trying to do—and if we are not trying to do it we ought to abandon the whole measure—is to encourage the habit of saving. What we are trying to do is to instill into the minds and hearts of those who have a little surplus at the end of their day's work or their month's

work, as the case may be, and desire to save a little of it, at any rate, in order to provide for a day of misfortune in the future.

That is what we are trying to do; and I for one refuse to satisfy my conscience as to the constitutionality of this bill by alleging that I can convert it into a bill to borrow money by providing that under a certain contingency the money may be invested in the bonds of the United States.

Mr. HEYBURN. Mr. President, I should like to ask a question of the Senator from Iowa in connection with that remark, because it has given me some trouble. Would it be borrowing money from the accumulated fund to convert it into bonds?

Mr. CUMMINS. Mr. President, my answer is "no."

Mr. HEYBURN. It would merely change the form of money that the Government already has?

Mr. CUMMINS. Precisely.

Mr. HEYBURN. So that there is in it none of the element of borrowing money under section 8 of Article I of the Constitution?

Mr. CUMMINS. Such is my conclusion, and I hope that my reasoning led to that result.

Mr. HEYBURN. Just one more suggestion. In contemplation of law, can the Government have any money anywhere except in the Treasury of the United States? Is not the money in the Treasury of the United States, when it has it loaned out to banks, in contemplation of law?

Mr. CUMMINS. Theoretically, I believe it is the money of the United States.

Mr. HEYBURN. Then, could we authorize the President now, upon the happening of something contingent in the future, to use as an appropriated sum of money any part of it? I think not. Does it amount to any more——

Mr. CUMMINS. I will not attempt to answer the question.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield.

Mr. CARTER. I shall be glad to make an observation in connection with the question of the Senator from Idaho [Mr. HEYBURN].

Mr. President, under this bill, if enacted into law, this fund will be under the control of the board of trustees, subject to the provisions of the law.

Mr. HEYBURN. Let me ask a question there. Will it be money of the United States, and technically in the Treasury of the United States?

Mr. CARTER. Not technically in the Treasury of the United States, but with the Treasurer, who is declared to be the treasurer of this board. The funds—the board having the guardianship of the entire matter—may be either deposited in the banks or invested in bonds, as the case may be.

Mr. HEYBURN. Then are we to understand that there is a guardian who stands between the Government and its money?

Mr. CARTER. Mr. President, this board of trustees will as completely control these funds, subject only to the restrictions of this law, as the board of trustees of any incorporated company will control its funds.

Mr. HEYBURN. Congress could not appropriate from this fund?

Mr. CARTER. Of course Congress could repeal the law.

Mr. HEYBURN. That was not the question.

Mr. CARTER. Congress could make other disposition of the fund. Congress will have control of the board of trustees, of course.

Mr. HEYBURN. Could they appropriate money to be paid out of this fund? Could Congress appropriate the money? I want to get the status of the fund, if I am not trenching upon the time of the Senator from Iowa.

Mr. CARTER. Congress would be, of course, omnipotent in the premises.

Mr. HEYBURN. Then Congress could appropriate money for general governmental purposes and could provide that it could be paid out of this fund, then, could it?

Mr. CARTER. Providing Congress desired to alter this law in a radical sense, Congress could provide that these moneys be deposited directly in the Treasury of the United States, to be used for current expenses. Congress may provide, as this bill contemplates, for its deposit in the local banks or, in certain contingencies, for investment in securities. Congress, in the last analysis, controls the whole matter.

Mr. HEYBURN. I am perfectly aware of that, but that is not the question.

Mr. CUMMINS. Mr. President, I pursue the thought just taken up by the Senator from Montana [Mr. CARTER], and therein lies the baselessness of all the fear that has been expressed in the Chamber this afternoon in regard to the consequences which might ensue if we were to fall upon days of trouble. Congress has the power to deal with this money in whatsoever way it desires. It seems to be the policy of Congress at the present time to deposit this money in the banks. Let us adhere to that policy until Congress itself shall change it. If it becomes necessary, even in time of peace, to use this money for the life of the Government, Congress is the body that ought to devote it to that purpose; and it ought to be the only body that could control these funds or destroy the policy which it itself creates.

But I pass to one further question, and then I shall have finished. Assuming that the amendment proposed by the Senator from Utah [Mr. SMOOT] is necessary in order to make the law constitutional—and the Senator from New York [Mr. ROOT], with some reluctance and with some hesitation, agrees that the bill would be constitutional if the amendment proposed by the Senator from Utah were adopted—let us now see in what legal respect the amendment which is now before the Senate, and which I have proposed, must be viewed, or in what legal respect will the bill be changed. Will any lawyer here say that an amendment which declares that these funds may be withdrawn from the banks if in the judgment of the President an exigency of war or any other exigency requires them to be so withdrawn is rendered unconstitutional when the amendment is changed so as to limit the discretion or power of the President to a case of actual war? No one has so contended; no one can so contend.

Mark you, I am not asserting that the Smoot amendment, so-called, makes this bill constitutional, if it is otherwise unconstitutional; but I am contending that if the amendment proposed by the Senator from Utah renders the bill invulnerable to an attack from its constitutional side, then the amendment that I have proposed will leave the bill just as strong and as invulnerable against such an attack as it would be were the amendment proposed by the Senator from Utah to be adopted without change.

I earnestly hope that we shall not open the door to a withdrawal of these funds from the banks of the country in which they are to be deposited. I have yet, so far as the region from which I come is concerned, to hear of one man who is in favor of the establishment of a postal savings system that has in it any possibility of the withdrawal of the moneys from the communities in which those moneys are collected.

I beg to submit further that the people who hold these views are as patriotic, as liberty loving, as careful of the honor and credit of their country as are the people of any part of this broad land. I beg you, when you come to consider this question, to understand that substantially the whole merit of the controversy which has waged here now for weeks and for months is involved in the amendment which I have proposed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS] to the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. NEWLANDS. Mr. President, I have been anxious to vote for a bill which, while aiding the Government in its governmental function of maintaining a stable volume of money and aiding the Government to keep that money in the channels of trade free from obstruction or diversion, would at the same time encourage habits of thrift among the wage-earners of the country. I shall not enter into the discussion of the constitutional question. I shall assume, for the purposes of argument, that the Government has the power under the Constitution to adopt a measure that will prevent the tying up of the currency of the country, its diversion from the channels of trade, and its withdrawal to the stockings and strong boxes of the people. My contention is that, assuming the constitutional power, this bill does not present a means appropriate to that end. I believe that this measure is only partial in its attempt to guard the country against financial stringency, and that the action which we should take upon the subject should be much broader and more comprehensive.

In the first place, it must be recollected that the wage-earners constitute a very small proportion of the depositors in commercial banks, and that when you do something to allay their alarm in times of crises, you do not necessarily allay the alarm of other classes of the community who are likewise depositors, and who, experience shows, are as likely as the wage-earners to take alarm and to withdraw their money from the banks and deposit it in strong boxes. I believe that we should strengthen confidence in the banks by measures strengthening their reserves and their capital, by measures increasing their cooperation and mutual support in times of stringency, by measures which will compel state banks, like state railroads, as instruments of interstate commerce, to apply the safety devices required by the National Government, and by measures bringing

them into association with each other in the various financial districts of the country, in mutual supervision and watchfulness that will eliminate bad banking, and in a mutual support that will unite all their forces and resources in time of danger. I would prevent the massing of the reserves of the country banks in the speculative centers, and I would substitute sound banking for the method here proposed of what amounts to a government guaranty.

I believe that this bill will do more harm than it will do good. Whatever may be the vicissitudes of our financial organizations, there is an absolute trust in the responsibility of the Government itself. That trust will be diminished if the Government of the United States puts itself under obligation to respond upon call to so large a demand as $500,000,000. Why is it that our government bonds are all time bonds, running ten, twenty, and thirty years? It is because the Government must have time within which it can shape measures, can shape taxation, can shape its finances to meet its obligations when they are due. The position of any man or of any corporation or any government that has to respond at a moment of time to a large amount of call obligations is precarious. This bill provides that the Government shall borrow from the postal depositors on call, and loan, practically, to the banks on time, so that the money which is received will be necessarily locked up and will not be ready for use in time of emergency. It will be borrowed on call, and on the call of a class of people admittedly timid, and loaned on time to the banks of the country; for, while that may not be the terms of the obligation, it will, in fact, be the obligation; for, when the time of the emergency comes, the Government will be afraid to call upon the banks for this $500,000,000, lest it prostrate the finances of the entire country.

There is another objection that I have to this bill. If the Government is to borrow on call and loan on time, it is essential that it should have every security. This bill as it is amended provides that the Government shall deposit these funds not only in the national banks, over which it has supervision and control, but in state banks, over which it has no supervision and control. I would not deposit a dollar of the Government's money in any bank save the bank that is created by the Government, and is subject to its supervision, direction, and control.

It is true that the state banks in this country are now outnumbering the national banks; it is true that the deposits in the state banks are exceeding those in the national banks; but why is it? It is because the laws with reference to state banking, as a rule, impose less restraints upon the owners of the banks than do the national-bank laws. Look at the statistics, and you will find that whilst the deposits in the state banks of this country aggregate considerably over $5,000,000,000 and the deposits in national banks aggregate a little under $5,000,000,000, the state banks have in ready cash on hand only $426,000,000, or 8 per cent of their deposit obligations, whilst the national banks have in ready cash $926,000,000, or nearly 20 per cent.

The state banks are permitted by the laws of the various States to conduct business with reserves grossly inadequate in the average, according to all the established rules of banking. I do not mean to say that this applies to all state banks. Some state banks are under proper control as to capital and as to reserve; but the statistics show that, on the average, state banks have only 8 per cent of cash to meet their depositors' obligations, whilst the national banks, on an average, have 20 per cent.

Now, if you are going to include the state banks as the beneficiaries of this bill and provide that these moneys shall be deposited with them, it is only wise that you should insist that they should come under national supervision and control in the matter of reserves and the relation of capital to loans.

What does safe banking require? Safe banking requires that no bank should be permitted to loan out more than $5 of its depositors' money to every dollar of its capital, because the capital is the ultimate security of the depositors, and the margin should be at least 20 per cent; and it also requires that every bank should hold in its vaults subject to the check of its depositors at least 20 per cent in cash.

If you will look over the statistics you will find that many of the state banks do not come up to this rule as to capital, and few of them come up to this rule as to reserves. The state trust companies, which of late years have so trenched upon the business of the national banks, have in many notable cases done a commercial business upon a 3 per cent cash reserve.

Now, Mr. President, we are only treating symptoms when we pass such a bill as this. Our whole financial system requires reorganization. The Monetary Commission is at work on it; but, instead of doing the things that are easily within reach and doing them quickly, it is bent upon a work that is almost impossible of successful accomplishment, and that, too, an accomplishment which, in the present condition of finance and of speculative control of banks, would be undesirable.

There is just one thing that has characterized the action of Congress with reference to the national banks under the leadership of the Senator from Rhode Island [Mr. ALDRICH] as chairman of the Finance Committee, and that has been, legislation tending not to the security of the depositors, but to the increase of the credit facilities of the banks. Look over the whole history of the Finance Committee, under the direction and control of its present chairman, and you will find no measure tending to increase the security of depositors and all legislation tending to increase the credit issues of the bank. Yet, as a matter of fact, we are suffering in this country to-day from too large a money volume and too large issues of credit. The result has been this rise in prices which is felt by all, and which is declaimed against in every household in the country.

The amount of gold in this country has doubled in ten years. From about $700,000,000 in 1899 it has increased to nearly $1,400,000,000 in 1909. That alone would be an inflation amounting to 100 per cent in our basic money, whilst the population has increased less than 20 per cent. That inflation alone would cheapen the dollar and raise the value of everything that the dollar measured; but, under the inspiration of our financial legislation, the banks have been enabled to add to this inflation caused by the increase of basic money the inflation caused by increasing the credit facilities of the banks, and we find that, as compared with ten years ago, the loans of national and state banks, exclusive of savings banks, equaled $10,000,000,000 in 1909, whilst ten years ago they were only $5,000,000,000. In addition to this, the national banks have been permitted by liberal legislation to increase the issue of national-bank notes from $237,000,000 in 1899 to $685,000,000 in 1909, and these notes are covered by only 5 per cent in gold, held in the redemption fund. And so it is that, although we have during the past ten years been going through a period of increased production of gold unprecedented in the history of the world, we have been increasing also our substitute money until to-day the United States has in its greenbacks and in its national-bank notes more uncovered paper money than any country in the world.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from South Dakota?

Mr. NEWLANDS. I do.

Mr. CRAWFORD. What does the Senator suggest as an improvement? Would he contract the currency and reduce the circulating medium or curtail the coinage of gold, or what suggestion does the Senator have as a remedy for the increase in prices caused by this inflation? That is a subject to which I think too little attention is paid at this time, when there is a disposition to complain of increasing prices. Are we to remedy it by reducing the circulating medium and limiting the coinage of gold? What suggestion has the Senator to make?

Mr. NEWLANDS. Mr. President, I will answer the Senator shortly, after I conclude the statement in which I was engaged.

I called attention to the fact that within ten years the basic money—gold—had increased about $700,000,000 in this country, and that during that period the uncovered paper money had been increased about $400,000,000, and the loans given by the commercial banks—national and state—had increased $5,000,000,000. That $5,000,000,000 of loans has the efficiency of money, for the bank loan is turned into the bank deposit and the depositor to whom the credit is given can check against it, by every check practically adding to the money volume of the country.

The Senator from South Dakota asked me what I would do. In the first place, I would take steps gradually, not immediately or rudely, to check this extraordinary issue of credit by the banks, and I would check it by compelling the banks to keep in their vaults a larger reserve, responsive to the demand of their depositors. To-day we have in all the commercial banks less than $1,400,000,000 in cash, and their obligations to their depositors aggregate over $10,000,000,000. We thus have an average cash reserve in the state banks and the national banks of about 13 per cent.

Mr. CRAWFORD. Mr. President, does the Senator consider that it is a bad condition of affairs for the banks all over the country, both state and national, to be loaded down with currency and with deposits? Would the Senator improve the condition by having less funds in those banks to the credit of depositors?

Mr. NEWLANDS. Mr. President, the Senator entirely misapprehends me. I do not propose to diminish by one dollar the

volume of real money in this country, but I would take such action as would either compel the national banks to gradually cover their paper money with actual gold to be obtained from the increased production or to gradually retire their uncovered notes, which under existing conditions have been put out for inflation and not for necessary service; and I would compel the national banks, and also the state banks engaged in interstate commerce, to gradually strengthen their reserves by drawing into their vaults the new coin which comes from the increased production of gold, amounting in this country to $100,000,000 annually, and which otherwise would be employed as the basis of increasing the bank loans to the extent of over $500,000,000 annually, for the Senator knows that under the system of bank loans every dollar in the banks' vaults has the efficiency of $5 or more in the exchanges through the bank loan and deposit and check system. I would restrain future inflation gradually by compelling the banks to increase their reserves, which would absorb for a considerable period the current production of gold in this country and tend to prevent that gold from unduly inflating and raising prices, and I would make the increased gold a bulwark of security to the depositors in the banks, strengthening their confidence in the ability of the banks in any emergency to respond to their checks, and thus diminishing the chance of bank runs and bank panics.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield further to the Senator from South Dakota?

Mr. NEWLANDS. I yield.

Mr. CRAWFORD. That is equivalent, is it not, I would ask the Senator, to contracting the currency; that is, by taking it out of circulation and fixing it in a stationary way as a reserve in the banks? So that, after all, the Senator's remedy is a contraction of the currency.

Mr. NEWLANDS. It does not involve a contraction of the currency. It simply takes the new gold, which is being produced in this country at the rate of $100,000,000 annually, and compels the banks to take that money and put it into their cash reserves, as against their deposit obligations and as a bulwark of security to the depositors themselves.

Will the Senator claim that an average reserve of 13 per cent is sufficient as a security to depositors? Will he claim that a cash reserve of 8 per cent, which is the average cash reserve of the various state banks in the country, is a sufficient security for depositors? If so, why does he not introduce a bill to reduce the reserves required in the national-bank act from 25 per cent in the reserve cities and from 15 per cent in the country banks to 8 per cent? If we are to have reserves, reserves necessarily imply that the money itself must be in the banks. It is not inert, however, for every dollar of cash in a bank enables that bank to issue at least $5 of credit, under the system that I speak of, in the shape of bank loans; and thus every dollar put into a bank has an efficiency of $5 in the exchanges of the country.

All I urge is that you should bulwark the deposit and check system by a sufficient requirement of cash reserves to meet the demands of depositors. What is it that alarms depositors? Are depositors satisfied with the statements that go out that the average loss of all the banks is the infinitesimal part of 1 per cent in a given time? No. Every depositor wants to feel that his money is there responsive to his call, and if he has the least doubt about it, whatever belief he may have about the ultimate security of the money, he wants to get it out, and hence it is necessary to have a large amount of cash always on hand to meet the current checks of the depositors, and it must be sufficient for an emergency. It is a universal rule of good banking that from 20 to 30 per cent is a safe cash reserve for banks.

We in this country have gone to the other extreme, and it accounts for the extraordinary inflation of credit and the extraordinary inflation of prices in this country, for we have had not only the inflation which has reached throughout the world, caused by the increased production of gold, but we have also had the additional inflation from which other countries have not suffered to the same degree—that is, the inflation of the credit system of the banks by which we have put thousands of credit mills to work, practically establishing a currency of their own, and we are beginning to feel the effects of it in an increase of prices that is disorganizing every business; that makes the common denominator, the thing that measures all other values, 30 per cent less in value than it was some years ago, and which has correspondingly raised the price, as compared with it, of all the products that money measures.

It is this of which we complain. It is this that, if continued, is going to bring about a readjustment between the laborers of the country and the employers of the country, a readjustment that will be accompanied by all kinds of violence and distress, unless we by wise and precautionary measures meet the question and restrain this inflation of credit and bring it within true and just proportions.

Mr. CRAWFORD. I simply desire to say——

Mr. NEWLANDS. I wish to state to the Senator that I do not desire to contract.

Mr. CRAWFORD. I will not interrupt the Senator.

Mr. NEWLANDS. I will gladly listen to the Senator. I want to disabuse the Senator's mind of one thing. I do not want to contract anything. I do not want to contract the existing volume of money. I do not want to contract the existing volume of credits. I know as well to-day as anyone that if you diminish the credits of $10,000,000,000 extended by the banks to-day even $500,000,000 it would create a paralysis of trade throughout the country. All I wish to do is to restrain further inflation, and I would do that not by contracting the existing volume of money, not by contracting the existing volume of credits, but by putting cash behind the deposits and utilizing the extraordinary output of gold in a way that will add to the security of business throughout the country without impairing values. I would check the rise of prices. I would not by a revolutionary process bring about a readjustment and destruction of prices.

Mr. CRAWFORD. I simply wish to say to the Senator further, if he will permit me, that I am glad indeed he has been so frank in stating what I believe the people are fast coming to observe and believe; that is, that this very marked increase in the production of gold, the very marked increase in circulating medium, and the extension of credits by the banks, constitute the real reason for the increase in prices.

Mr. NEWLANDS. Of course, I understand the purpose of the Senator's query. He is glad that I am in a measure substantiating the claim of the Republican party that the increase in prices is largely due——

Mr. CRAWFORD. The Senator will excuse me. Not at all. I simply make the statement, coming naturally from one who has arrived at that conclusion as an individual and without any reference whatever to partisanship. I think it is too serious a question to be treated from the standpoint of cheap party politics, and it is too serious to the American people, and the sooner we get to the real truth about the matter and treat it intelligently the better it will be for us.

Mr. NEWLANDS. I accept the Senator's statement and simply say that I am perfectly willing to admit that the larger proportion of the increase in prices which has taken place in this country is due to the increase in the money volume, but still more due to the increase of the credits created by the banks. But they are not responsible entirely for the high prices in this country. There are other factors, and among them is the high protective tariff, which as to the protected articles raises a wall against foreign products on the average 45 per cent high, and cuts them out from domestic competition, thus giving our producers within the tariff wall, by means of combination, the opportunity of raising the prices of the commodities which they produce above the normal level of the world's prices. I do not mean to minimize at all the effect of the tariff as a factor of high prices, but I contend and I believe that every candid man who has made a study of this subject will be forced to the conclusion that the larger portion of this increase of prices is due to the increase in the money volume, and still more due to the bank credits issued by the credit mills which have been organized throughout the country, in many cases with insufficient capital and with insufficient reserves, and which have been grinding out credits that have the full efficiency of actual cash itself in the transactions of the country, in promoting activities, in creating demand, and raising prices.

Mr. MONEY rose.

Mr. NEWLANDS. I yield to the Senator from Mississippi.

RECESS.

Mr. MONEY. Mr. President, the hour is growing quite late; it is evident the bill can not be concluded at this sitting; and I beg to suggest to the Senator from Montana [Mr. CARTER], in charge of the bill, that he move that the Senate take another recess, and let the bill go over until to-morrow. If it suits his convenience to do that, it will suit the convenience of a great many others.

Mr. NEWLANDS. I will state, so far as I am concerned, that I have concluded.

Mr. MONEY. I did not refer to the Senator.

Mr. CARTER. I very much regret that the bill can not be disposed of to-night, apparently, unless by a very protracted session. I am informed that some six or eight Senators desire to make remarks on the bill, and many desire to offer amendments not heretofore presented; and in view of the conditions

I move that the Senate stand in recess until 11.45 o'clock to-morrow morning.

Mr. MONEY. One moment. I was not aware that the Senator from Nevada had not concluded his remarks. He only yielded to me, as he thought, for some question; and if we do take a recess, I hope he will have the floor when the Senate meets again. I want that distinctly understood.

Mr. CARTER. If the Senator from Nevada desires to continue his remarks now, I will withdraw the motion, and will renew it at the conclusion of his remarks.

Mr. MONEY. Very well.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. NEWLANDS. I do not care to say anything further.

Mr. CARTER. Has the Senator concluded?

Mr. NEWLANDS. I have concluded.

Mr. CARTER. Then I renew the motion that the Senate stand in recess until 11.45 o'clock to-morrow morning.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until to-morrow, Saturday, March 5, 1910, at 11.45 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 4, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

CONSTRUCTION OF VESSELS ON GREAT LAKES.

Mr. BOUTELL. Mr. Speaker, I present the following privileged report from the Committee on Expenditures in the Navy Department and ask for its adoption.

The SPEAKER. The gentleman from Illinois [Mr. BOUTELL] presents the following report (No. 674) from the Committee on Expenditures in the Navy Department, which the Clerk will read.

The Clerk read as follows:

House resolution 385.

Resolved, That the Secretary of the Navy be requested, if not incompatible with the public interest, to furnish the House of Representatives the following information:

First. What bids have been received at any time by the Navy Department from shipbuilders on the Great Lakes for the construction of vessels, or parts thereof, and a comparison of these bids with bids for the same work from shipbuilders on the seaboard.

Second. The maximum dimensions of vessels that can now pass through intervening locks between the Great Lakes and the seaboard.

Third. To what extent naval vessels, or parts thereof, could be constructed in the shipyards on the Great Lakes in case the present obstacles to such construction should be removed.

Fourth. What are the obstacles in the way of construction of vessels, or parts thereof, on the Great Lakes. What steps, if any, have been taken by the Government to remove these obstacles.

Mr. BOUTELL. Mr. Speaker, the attention of the Committee on Expenditures in the Navy Department has been called to the fact that the Navy Department is now deprived of the benefit of competition of the lake shipyards in the construction of those vessels of the navy which can go through the canals. The Government is also deprived of the benefit of this competition in the construction of many parts of the larger vessels, such as armor plate, which could be constructed in the lake yards and brought through the canals. The probable reason why bids lower than those on the seaboard have been rejected is the old Rush-Bagot convention, and I do not wish to take the time of the House now to go into the full history or account of this agreement. Suffice it to say, when that agreement was made between the two countries there were no canals, and therefore there was no way of getting from the Lakes to the seaboard. The exact language of this agreement is that no armed vessels except the ones authorized shall be built or armed on the Lakes. At the time this agreement was made to build on the Lakes necessarily meant to maintain on the Lakes, whereas by the construction of the canals smaller vessels can now be taken through to the tide water.

Mr. CLARK of Missouri. How could you build these vessels on the Lakes as long as that treaty or agreement is in force?

Mr. BOUTELL. I just stated that I supposed the reason that would be given would be that this treaty was in force, and that is the exact reason for asking for this information. This treaty has been nominally in force from the year 1818; but, as a matter of fact, the letter of this convention has been violated many times. It has been violated in the maintenance on the Lakes of the old gunboat *Michigan*, now called the *Wolverine*, which I will take up in another resolution. I may say the letter of the convention has been violated in maintaining on the Lakes the large gunboats owned by the Government for the use of the naval militia, and these exceptions to the Rush-Bagot convention have doubtless been agreed to, just as the convention itself was agreed to, by executive correspondence between the two Governments.

Now, then, what the Committee on Expenditures in the Navy Department wants to find out is this: Whether these bids have simply been rejected, when money could be saved by accepting them, without any attempt at negotiation with the other contracting parties for the construction of those vessels.

Mr. CLARK of Missouri. Is the intention of the resolution to cut down expenses and save the Government some money?

Mr. BOUTELL. It is.

Mr. CLARK of Missouri. One other question. Do you hold that this convention that you are talking about, and about which you wrote a very interesting article in some magazine several years ago, has been abrogated by the act of the two Governments, or is it still in force?

Mr. BOUTELL. That convention is still in force. It has been abrogated by the two Governments, not fully, but through suspension, exceptions have been made to the agreement by correspondence between the two parties; and the object of this resolution, if adopted, is simply to get information. When we get the information the committee will be able to report to the House some line of procedure looking to the saving of money and putting the lake shipyards on an equality with the seaboard shipyards in the construction of the smaller boats and armor plate.

Mr. CLARK of Missouri. Your resolution seems to assume that you can build these vessels out on the Lakes cheaper than on the seaboard?

Mr. BOUTELL. That is the information we ask for. The committee has had intimations that bids have been made at shipyards on the lakes lower than shipyards on the seaboard, for the same character of work.

Mr. MANN. Will my colleague yield to me for a question?

Mr. BOUTELL. I yield to the gentleman from Illinois.

Mr. MANN. What facilities have the Navy Department or the Secretary of the Navy for the purpose of ascertaining whether war vessels can be built in shipyards on the Great Lakes? Will not that require a very extended investigation at considerable expense on the part of the Secretary of the Navy?

Mr. BOUTELL. I do not think that this resolution calls for anything that requires any expense. They have in the Navy Department at all times full information as to the character of all the private shipyards in the United States.

Mr. HARRISON. Will the gentleman permit me to ask him a question?

Mr. BOUTELL. Certainly.

Mr. HARRISON. Does not the convention forbid the maintenance of more than two gunboats on the Lakes, and does it not also forbid the construction of any naval vessel there?

Mr. BOUTELL. The exact terms of the Rush-Bagot convention are these: It was agreed to in 1818, when there were still afloat on Lake Erie, Lake Ontario, and Lake Champlain several old vessels which engaged in the war of 1812. The Rush-Bagot convention was a most beneficent agreement for the two Governments. It was an agreement for disarmament and a pledge of perpetual peace. It provided that each Government should maintain on Lake Ontario a vessel of 100 tons burden, with one 18-pound gun; one such vessel on Lake Champlain and two such vessels on the upper Lakes. It further provided that no other war vessels should be built or armed on the Lakes, and the point that I make is this: That in 1818, when there were no canals, to build on the Lakes necessarily was to maintain on the Lakes. It takes us into a very interesting, and, I may say, a romantic chapter of our history and our diplomatic relations. This is a case where the construction of canals has entirely altered the meaning of a great international convention.

Mr. MANN. Will my colleague yield for a question?

Mr. BOUTELL. Certainly.

Mr. MANN. The third item in the resolution reads:

Third. To what extent naval vessels, or parts thereof, could be constructed in the shipyards on the Great Lakes in case the present obstacles to such construction should be removed.

Is my colleague able to state whether the Navy Department has information which will permit it to answer the question, without making a thorough investigation anew of the shipyards on the Lakes?

Mr. BOUTELL. It is the understanding of the Committee on Expenditures that the Navy Department now has all this information in detail as to all the private shipyards on the Lakes.

Mr. MANN. May I make one suggestion to my colleague? The resolution says—

That the Secretary of the Navy be requested, if not incompatible with the public interest.

The House on two former resolutions addressed to the Secretary of the Navy declined to insert the words—

If not incompatible with the public interest.

Because it is not the practice of either House of Congress in requiring or asking for information from the head of a department, as distinguished from the President or as distinguished from the Secretary of State on diplomatic matters, to insert that provision; but it is the practice of the House to direct the head of the department to furnish the information. Has my colleague any objection to having the resolution amended so that it will read:

That the Secretary of the Navy be requested to furnish the House of Representatives the following information.

Mr. BOUTELL. I dislike very much to differ with the gentleman from Illinois on a question of rhetoric or interpretation. My idea is that the word "request" is the language of courtesy, and between the departments of the Government the language of courtesy is just as persuasive and compelling as the language of insistence.

Mr. MANN. I will not dispute that, except that it has been the practice, as a rule, for Congress to direct the head of a department to furnish information, assuming that Congress has the right to require information to be furnished, and that is the general practice. In the body at the other end of the Capitol they are extremely particular about it, as it seems to me with good reason. If my colleague will refer to the history of the rules of the House, he will find that in reference to this character of resolution the rule formerly provided that it should "direct" the head of a department; and when the change was made in the rules that direction was not stricken out, for the purpose of avoiding that provision.

Mr. BOUTELL. I will say to my colleague that the language of this resolution was inserted in its present form in accordance with the spirit of the very exception to which he refers.

This matter of the Rush-Bagot convention and its operation has been before the foreign offices of the two Governments for lo these many years, and the Joint High Commission, if it is still in existence, has this question under consideration. And it occurred to the committee, as it involved the possible interpretation of a treaty, and as it, furthermore, involved the negotiations pending between the two Governments, that this language, in entire harmony with the spirit of my colleague's suggestion, was the exact language proper to be kept in this resolution.

Mr. MANN. But my colleague will admit that this resolution only asks from the Navy Department information concerning bids, the dimension of vessels that can pass through the Welland Canal, and as to shipyards on the Great Lakes, none of which have anything whatever to do with the convention between this country and Great Britain, and the information asked for is said to be information in the hands of the Navy Department, which we are entitled to have, regardless of the convention.

Mr. BOUTELL. If my colleague will turn over the sheet and look at page 2 of the resolution, he will find under the fourth heading the following:

Fourth. What are the obstacles in the way of construction of vessels, or parts thereof, on the Great Lakes? What steps, if any, have been taken by the Government to remove these obstacles?

That is the matter which brings this within the exception to which the gentleman refers, and I think he will agree with me that the resolution ought to remain in its present shape. If there are any negotiations pending which would lead the Secretary of the Navy to think it would not be compatible with the public interest to give them at this time, this gives him an opportunity to say so.

Mr. MANN. The fourth paragraph had escaped my attention entirely. Of course it removes this resolution from the privileged class; and if I had heard that read in the first place I think I would have had to make a point of order against it.

Mr. SHARP. Mr. Speaker, upon the point raised by the gentleman from Illinois as to the ability of these shipyards, located on the Lakes, to compete in building, I wish to say for his information that there is located in my own district, in the harbor city of Lorain, Ohio, on Lake Erie, one of the best equipped shipyards to be found anywhere in the United States.

That shipyard to-day is turning out at the rate of 10 to 15 Great Lake freight carriers that rival in size the very largest ocean steamer, having a tonnage capacity of from 10,000 to 12,000 tons. By improved methods they can turn out these great boats at the end of six or eight weeks, and it has occurred to me for several years past that the treaty obligations ought to be abrogated whereby the building of these great boats on the Lakes is prevented.

A strong reason why the shipyards on the Great Lakes can compete with the shipyards along the ocean lines is that we get the raw material much cheaper. The ore is sent down without breaking bulk or package, and the other material is shipped up to meet it. So, as a matter of fact I presume, offhand, that these large boats can be constructed at the shipyards at Lorain full 20 per cent cheaper than at the ocean shipyards.

Mr. BOUTELL. Mr. Speaker, I call for a vote.

The question was taken, and the resolution was agreed to.

GUNBOAT "WOLVERINE."

Mr. BOUTELL. Mr. Speaker, I also present the following resolution.

The Clerk read as follows:

House resolution 384.

Resolved, That the Secretary of the Navy be requested, if not incompatible with the public interest, to furnish the House of Representatives the following information:

First. An account of the construction and repairs of the gunboat *Wolverine* on the Great Lakes.

Second. The duties now performed by this vessel.

Third. The number of officers and crew.

Fourth. How many months, on the average, this vessel is out of commission in each year.

Fifth. What services are performed by the officers and crew when the vessel is laid up.

Sixth. The annual expense of maintaining this vessel.

Seventh. What duties are now performed by this vessel.

Eighth. Whether the public interest would suffer in any way by discontinuing the services of this vessel on the Great Lakes.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that this is not a privileged resolution. It asks for the opinion of the Secretary of the Navy.

Mr. BOUTELL. I trust that the gentleman from New York will reserve the point of order, so that the resolution may be explained.

Mr. FITZGERALD. The gentleman from Illinois is asking to have it considered as a privileged matter. If it is not privileged it ought not to be considered now. There are claim bills which can be occupying the time of the House.

Mr. BOUTELL. This is a resolution looking to saving the Government $100,000 a year.

Mr. FITZGERALD. Oh, the gentleman can get the resolution up under the rules of the House. He can put it on the Unanimous Consent Calendar.

The SPEAKER. If by unanimous consent this point of order can temporarily be passed to enable one or two other gentlemen to call up alleged privileged resolutions, the Chair would be glad to have it passed. The Chair is having the precedents examined. Without objection, this resolution will be temporarily laid aside.

There was no objection.

CONSTRUCTION OF A GUNBOAT ON THE GREAT LAKES.

Mr. BOUTELL. Mr. Speaker, I also present the following privileged resolution. (Report No. 675.)

The Clerk read as follows:

House resolution 386.

Resolved, That the Secretary of the Navy be requested, if not incompatible with the public interest, to furnish the House of Representatives the following information:

First. Why is not the appropriation for the construction of a gunboat on the Great Lakes, contained in the naval appropriation act of 1898, expended?

Second. What steps, if any, have been taken by the United States Government to remove the obstacles that prevented the construction of this vessel?

Mr. FITZGERALD. Mr. Speaker, I move to amend the resolution by striking out the words "requested, if not incompatible with the public interest," and insert in lieu thereof the word "directed."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In the first paragraph of the resolution strike out the words "requested, if not incompatible with the public interest," and insert in lieu thereof the word "directed."

Mr. BOUTELL. Mr. Speaker, I wish to oppose the amendment, and sincerely trust that it will be voted down. I quite appreciate what the gentleman from Illinois [Mr. MANN] says about the form of the resolution. I want to call the attention of the gentleman from New York to the fact that this resolution, of the three that I have just presented, comes specially within the exception mentioned by the gentleman. The naval appropriation act of 1898 for the year 1899 contained a provision for the expenditure of $260,000 for the building of a small modern gunboat on the Great Lakes. Quoting from memory, it contained this provision, "Provided this does not contravene any existing treaty or convention."

Now, what the Committee on Expenditures want to bring out for the benefit of the House is what, if anything, had been done to see whether the wishes of Congress could be carried out under that old convention. So I think the language in this resolution ought to stand as it is.

Mr. FITZGERALD. Mr. Speaker, with the consent of the gentleman from Illinois, I wish to make a brief statement. The uniform practice of the House has been "to request the President of the United States" for information and "to direct the heads of executive departments" to give information. The House has always asserted its right as the popular branch of the legislature to compel heads of departments to furnish information in the transaction of its business. If this resolution be designed to obtain information relating to our diplomatic relations, it is addressed to the wrong person. The Secretary of the Navy is not in a position to give information of that character.

Mr. GAINES. Mr. Speaker, if the gentleman will allow me, would the gentleman from Illinois accept an amendment, and would the gentleman from New York accept a suggestion, that the resolution be addressed to the President if not incompatible, and so forth?

Mr. BOUTELL. I will say that a resolution of this sort directed to the President is in effect a resolution directed to one of the departments for information. The information asked for must come from the Secretary of the Navy, and I see nothing to be gained by burdening the President with these problems at the present time.

Mr. FITZGERALD. Let me finish what I was saying.

Mr. BOUTELL. The gentleman from New York is in error as to the person to whom this resolution should be directed. The act of 1898 directed the Secretary of the Navy to spend this money, provided it did not contravene any existing treaty or convention. Let me once more make explicit the point which I thought I had made clear to the House, that we do not wish the Navy Department to stand in its refusal to build this boat on the Great Lakes, or to refuse to accept bids upon it, upon the mere letter of the convention. We want the Navy Department to get into correspondence with the other contracting party just as it did when it sent the *Dorothea* and the *Franklin* to the Great Lakes in contravention of the letter of this convention. So, in accordance with the first resolution, we want to know whether the Navy Department has declined to accept lower bids on the Great Lakes simply on account of the letter of this agreement or whether it has attempted by correspondence to secure a modification which would enable the Government to save this money. Therefore, in this resolution we want from the Secretary of the Navy his report as to what the Navy Department has done respecting the carrying out of the will of Congress, if giving that information is not incompatible with the general welfare.

Mr. FITZGERALD. Mr. Speaker, I suggest again to the gentleman from Illinois [Mr. BOUTELL] that, from what he now says, he will not obtain any information that will be of any value. The only action the Navy Department could take would be, in following the usual routine, to ascertain from the Department of State what representations were made to the British Empire or the Canadian government, whichever is the proper way—and I understand it is to the foreign office of Great Britain—seeking to abrogate this agreement. The Secretary of the Navy has not in his possession information showing what has been done by the other department. It seems to me that if the House itself does not insist upon its right to command these officials to furnish information to which the House is entitled, these officials will not be very likely to treat the House with the respect that the House insists it should receive. The universal practice—and it will be found by examining Hinds's Precedents—is "to request the President" to furnish information and "to direct" all other officials to furnish information to the House. There can not be anything so sacred about any negotiations that might have been conducted in this instance as to keep it from the public. If negotiations have been conducted about this matter, and if it be necessary for the House to have the information, it should command the heads of the various departments to furnish the information to the House. It seems to me that, in view of the universal practice and the facts desired, the House should adopt this form in this instance as well as in all others.

Mr. KEIFER rose.

The SPEAKER. Does the gentleman from New York yield?

Mr. KEIFER. I thought the gentleman from New York had concluded.

Mr. FITZGERALD. Very well; I am through.

Mr. KEIFER. Will the gentleman from Illinois yield to me?

Mr. BOUTELL. With pleasure.

Mr. KEIFER. I would like to ask the gentleman a question. Is there any doubt about the fact that the construction of a gunboat on the the Great Lakes to be kept there being in violation of an existing treaty between this country and Great Britain?

Mr. BOUTELL. Well, the second resolution that I introduced called for information in reference to one gunboat, the construction of which is in contravention of the treaty; one gunboat, which has a tonnage equal to the tonnage of the four vessels authorized to be maintained on the Lakes by the treaty.

Mr. KEIFER. Has it not been arranged between the two countries as to that one, and would not this be in violation of the treaty?

Mr. BOUTELL. If we receive full information respecting the second resolution which I introduced, to which a point of order was made and which I do not think will hold good, we will have before the House in accurate form all the information which the gentleman asks for.

Mr. KEIFER. I notice that the second paragraph of this joint resolution reads:

> What steps, if any, have been taken by the United States Government to remove the obstacles that prevent the construction of this vessel?

Seeing that it would look as though we are asking the Navy Department to find out, probably through the Secretary of State, what sort of negotiations are going on and how they are progressing, which might be very serious in that it might prevent the very object that is sought, to wit, to have an agreement on the subject. Therefore I say that it is highly important that that clause in the resolution, which reads "if not incompatible with the public interest," should be left in the resolution so as not to endanger any negotiation that may be now progressing.

Mr. BOUTELL. I quite agree with the gentleman from Ohio, and I think a little reflection and a complete understanding of the nature of these resolutions will commend his opinion to the judgment of every Member of the House.

Mr. GAINES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GAINES. Is it in order to move to amend, pending the amendment of the gentleman from New York, by striking out, in line 1, the words "Secretary of the Navy" and inserting the words "President of the United States?"

The SPEAKER. If the gentleman had the floor, it would be in order, but the gentleman from New York [Mr. FITZGERALD] has the floor.

Mr. GAINES. The gentleman from New York announced, Mr. Speaker, that he had concluded his remarks.

The SPEAKER. Well, then the Chair——

Mr. BOUTELL. Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. GAINES. Then the gentleman will lose his resolution.

The SPEAKER. Did the gentleman from New York yield the floor?

Mr. FITZGERALD. I offered an amendment and yielded the floor.

The SPEAKER. The Chair supposed that the gentleman from Illinois had yielded——

Mr. BOUTELL. I had yielded to the gentleman from New York to offer an amendment.

The SPEAKER. Then the gentleman lost the floor when the gentleman from New York offered his amendment.

Mr. GAINES. Mr. Speaker, I move to amend by striking out, in line 1, the words "Secretary of the Navy" and insert "President of the United States."

The SPEAKER. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Line 1, strike out the words "Secretary of the Navy" and insert "President of the United States."

The SPEAKER. And the Chair recognizes the gentleman from Illinois.

Mr. BOUTELL. Mr. Speaker, I trust that the resolution will be adopted in the form in which it is before the House, and I now move the previous question on the resolution and amendments to its final passage.

The SPEAKER. The Chair was under the impression that the amendment offered by the gentleman from West Virginia was in the nature of an amendment to the amendment, but on examination it seems to be a separate and independent amendment. Is there objection to both amendments being——

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. BOUTELL. Mr. Speaker, I move the previous question.

Mr. GAINES. A parliamentary inquiry, Mr. Speaker.

Mr. MADDEN. I withdraw the objection.

Mr. GAINES. I desire to know the parliamentary status.

The SPEAKER. The Chair hears no objection. The gentleman from Illinois moves the previous question upon the amendments and the resolution to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. The vote will be taken upon the amendment first offered by the gentleman from West Virginia, which the Clerk will report.

The Clerk read as follows:

Line 1, strike out the words "Secretary of the Navy" and insert "President of the United States."

The question was taken, and the Chair announced the ayes seem to have it.

On a division (demanded by Mr. BOUTELL) there were—ayes 101, noes 66.

So the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, in view of the adoption of that amendment, I now ask unanimous consent to withdraw the other amendment.

The SPEAKER. Without objection, the gentleman from New York withdraws his amendment. [After a pause.] The Chair hears no objection.

The question was taken, and the resolution as amended was agreed to.

GUNBOAT "WOLVERINE."

The SPEAKER. As to the resolution (H. Res. 384) that was laid aside by unanimous consent, a point of order pending to the same on the ground that the eighth specification called for an expression of opinion, and which reads as follows:

Whether the public interests would suffer in any way by discontinuing the services of this vessel on the Great Lakes.

The constructions of the rule touching these resolutions have been substantially uniform. The Chair reads from Hinds's Precedents (vol. 3, sec. 1872) from a resolution that was held not to be privileged:

Resolved, That the Secretary of the Interior be requested to furnish to Congress a report—

And so forth—

and his opinion as to whether or not this investigation should be continued.

While the word "opinion" is not used in this section 8, yet really an opinion is asked, and in the view of the Chair it destroys the privilege of the resolution, and the point of order is sustained. The resolution will go upon the calendar.

CLAIMS.

Mr. PRINCE. Mr. Speaker, I ask unanimous consent that all private bills in order for to-day under the rule may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Illinois asks unanimous consent that all private bills in order to-day under the rule may be considered in the House as in Committee of the Whole House. Is there objection?

Mr. MANN. Will not the gentleman make that all bills not objected to?

Mr. PRINCE. Mr. Speaker, in answer to my colleague I will say I have prepared such a motion. I have consulted with a very high authority on parliamentary procedure, and he suggested that I amend my request in accordance with the suggestion I made.

I wish to say to my colleague that I do not wish to press any bills that are objected to, and I am frank to say if objections are made I will lay them aside and go on.

Mr. MANN. I understood it was intended to occupy an hour or so possibly on the Private Calendar. There are some bills on the calendar where there are minority reports, or where there is an adverse report, and the House does not want to take those bills up to-day, whereas, under the gentleman's motion, the House might get into controversy over one of those bills and not make much headway on the other ones.

Mr. PRINCE. I would gladly make any motion along the lines suggested by the gentleman from Illinois if it be in order. I will say to him, however, and to the House that if any bill is presented that the chairman of the Committee on Claims has any control over and objection is made to it, I will have it passed without prejudice and go on.

Mr. MANN. But the chairman has no control over it. I suggest that the gentleman make his request to consider those bills to which objection is not made when reached. In that way he can clear up unobjected bills, and most of them are not objected to.

The SPEAKER. Does the gentleman from Illinois [Mr. PRINCE] modify his request?

Mr. PRINCE. Yes. I now ask unanimous consent that all bills in order to-day, when reached, to which there is no objection, may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that bills in order to-day on the Private Calendar, that are not objected to, may be considered in the House as in Committee of the Whole.

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Illinois [Mr. PRINCE] whether the exception to which he refers would exclude the consideration of bills on which minority views have been filed?

Mr. PRINCE. It would, sir.

Mr. GOLDFOGLE. In other words, the——

The SPEAKER. The Chair will call the attention of the gentleman to the request, namely, that bills on the calendar in order to-day shall be considered in the House as in the Committee of the Whole, but that if any bill when reached is objected to it shall not be considered in the House as in Committee of the Whole.

Mr. GOLDFOGLE. Which, Mr. Speaker, would preclude the consideration to-day of bills to which any Member might object?

The SPEAKER. It would after the unobjected bills had been gone through.

Mr. GOLDFOGLE. I object.

The SPEAKER. Objection is heard.

Mr. PRINCE. I now move that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar under the rules of the House.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for consideration of bills on the Private Calendar, with Mr. GAINES in the chair.

J. A. DENNY.

Mr. PRINCE. Mr. Chairman, I call up the first bill on the calendar.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9447) for the relief of J. A. Denny.

Be it enacted, etc., That the United States Commissioner of Internal Revenue be, and he is hereby, authorized and directed to abate a tax of $669.76 on distilled spirits assesed against J. A. Denny, proprietor of grain distillery No. 2793, located at Triplett, N. C., in the year 1895.

Mr. PRINCE. This is a bill which received very careful consideration by the Committee on Claims in the Sixtieth Congress, and on February 12, 1909, it made a favorable report to the House upon the bill. The committee this year have gone over the papers again, and under date of January 19, 1910, have again favorably reported this bill to the Committee of the Whole House. We have a letter under date of January 24, 1910, giving the amount of the loss by reason of the total destruction of the distillery by fire, and we believe it is a just and meritorious claim and ought to receive prompt and favorable consideration by Congress.

If there are no questions, I ask that the bill be laid aside with a favorable recommendation.

The bill was ordered to be laid aside with a favorable recommendation.

JOHN H. M'BRAYER.

The next business on the Private Calendar was the bill (H. R. 11821) for the relief of John H. McBrayer.

The bill was read as follows:

A bill (H. R. 11821) for the relief of John H. McBrayer.

Whereas on June 27, 1894, suits were instituted in the United States district court at Louisville, Ky., by the United States Government against John H. McBrayer, John S. Price, and Peter Routt, as sureties on the bonds of Ballard D. Hawkins and Jasper R. Hawkins, distillers, located in Anderson County, Ky. (said judgments are numbered 4908, 4909, 4910, 4911, 4912, 4913, 4914, 4915, 4954, and 5285); and that judgments by default were entered in said suits in February and November, 1895; and

Whereas the other sureties on said bonds, Price and Routt, are both insolvent, as are also the principals on said bonds; and

Whereas on September 10, 1893, the warehouse containing the whisky set out in said bonds was destroyed by fire and all the whisky consumed, and that by reason of the age and infirmities of said John H. McBrayer he was unable to give his personal attention to the defense of said suits, and by reason thereof judgments were rendered against him by default; and

Whereas he was not liable for the payment of any of the taxes for the whisky so destroyed by fire and for which said judgments were rendered, and the effort is now being made to collect them; and

Whereas by reason of section 3221 of the Revised Statutes of the United States, and as amended by act of March 1, 1879, said judgments are unjust, the Government is not entitled in good conscience to collect from John H. McBrayer said judgments or any part thereof: Therefore

Be it enacted, etc., That the Secretary of the Treasury and the Attorney-General of the United States are, or either of them is, authorized to cause to be entered as satisfied the judgments aforesaid, and that said John H. McBrayer be, and he is hereby, released from further liability on said bonds.

Mr. PRINCE. Mr. Chairman, the committee offers the following amendment, not as to the merits of the bill at all, but as to the form of it. There are so many "whereases" that it hardly makes it in the form of a bill.

Amend by striking out all on the first page, beginning at "Whereas on June 27," etc., and all the recitals in said bill following thereafter down to and including "Therefore," on the second page of said bill, and inserting, after the word "judgments," in line 5, on page 2 of said bill, the following: "of record in the office of the United States district court at Louisville, Ky., in the cases of the United States Government against John H. McBrayer, John S. Price, and Peter Routt, as sureties on the bonds of Ballard D. Hawkins and Jasper R. Hawkins, said judgments being Nos. 4908, 4909, 4910, 4911, 4912, 4913, 4914, 4915, 4954, and 5285," and also striking out in said line on said page the word "aforesaid," so that said bill, when so amended, shall read as follows:

"*Be it enacted, etc.*, That the Secretary of the Treasury and the Attorney-General of the United States are, or either of them is, authorized to cause to be entered as satisfied the judgments of record in the office of the United States district court at Louisville, Ky., in the cases of the United States Government against John H. McBrayer, John S. Price, and Peter Routt, as sureties on the bonds of Ballard D. Hawkins and Jasper R. Hawkins, said judgments being Nos. 4908, 4909, 4910, 4911, 4912, 4913, 4914, 4915, 4954, and 5285, and that said John H. McBrayer be, and he is hereby, released from further liability on said bonds."

Mr. CAMPBELL rose.

Mr. PRINCE. Mr. Chairman, just a moment until I state the amendment, and then I will yield. This seeks to release from liability upon bond upon which judgments were had on January 27, 1894, in the United States district court at Louisville, Ky. This bill for relief came first in the Fifty-ninth Congress. It was introduced in the Sixtieth Congress. In February, 1909, at the second session of the Sixtieth Congress, the Committee on Claims made a favorable report upon this bill. The present committee, under date of January 19, 1910, also make a favorable report upon this bill. There is printed a full report, which gives all the facts connected with it. It is a loss by reason of the burning of a warehouse. Now, if there are any further questions desired by anyone in the committee I will yield to my colleague on the committee [Mr. SHACKLEFORD].

Mr. CAMPBELL. Mr. Chairman, I would like to know whether or not there was service on this claimant from the United States court in which the judgments were entered?

Mr. SHACKLEFORD. There was no service on Mr. McBrayer, the gentleman who asks this release. Judgment was taken against him by the court. He was an old man, probably 82 or 83 years of age, and paid no attention to the matter, and judgments were taken against him by default.

Mr. CAMPBELL. But how could the court render a judgment without service?

Mr. SHACKLEFORD. I take it for granted that he was served.

Mr. CAMPBELL. It seems very strange that a man of the business ability of Mr. McBrayer should permit a judgment to be entered against him by default.

Mr. SHACKLEFORD. In response to that, Mr. Chairman, I should say that a man over 80 years of age could scarcely be called a good business man. I am told by the gentleman from Kentucky that he was not a specially good business man.

Mr. CAMPBELL. He was doing a large business.

Mr. JOHNSON of Kentucky. No; he was not.

Mr. CAMPBELL. He was engaged in the whisky distillery business.

Mr. JOHNSON of Kentucky. No.

Mr. SHACKLEFORD. I will yield to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. I will say to the gentleman that my information is that he was surety upon the bonds of a man who was engaged in distilling whisky. The other man's distillery burned. Suit was brought against the sureties to compel them to pay the tax on the whisky that was burned. Now, then, judgment by default went against this old man. The others were all insolvent, and as a matter of fact the internal-revenue laws exempt where the loss is by unavoidable casualty. That was this loss—a loss by fire.

Mr. CAMPBELL. Aside from that, the question I want to know is was this claimant served with a summons in that court in the case——

Mr. JOHNSON of Kentucky. I am not able to tell you.

Mr. CAMPBELL (continuing). Upon which the judgment was entered?

Mr. JOHNSON of Kentucky. I can not tell about that.

Mr. CAMPBELL. The first statement was that he was not served.

Mr. JOHNSON of Kentucky. He may have been constructively served.

Mr. NORRIS. Unless there was express service, judgment could not be entered.

Mr. CAMPBELL. It would be absolutely void if he was not served, and we ought not idly to relieve a man of a judgment that has been properly entered.

Mr. JOHNSON of Kentucky. I have not said that he was not served.

Mr. CAMPBELL. If he was served, the judgment was regularly entered.

Mr. JOHNSON of Kentucky. He could be relieved by the Secretary of the Treasury, except for limitation.

Mr. CAMPBELL. Could not the court that entered the judgment, where notice was given, know whether there were any reasons why the man could not appear to answer the summons?

Mr. SHACKLEFORD. I will say, in response to the gentleman from Kansas, that from the papers on file the fact that judgment was entered, I think, would warrant the assumption that he was properly served. But having been served, he made default, and a judgment was taken against him by default for the taxes levied against this whisky that had in fact been consumed by fire. Under the statutes of the United States they were entitled to be relieved from those taxes; but it has gone now to the form of a judgment, and the court has entered a stay until this complainant could appear here and apply for this relief. It is for that purpose that the bill was introduced.

Mr. JOHNSON of Kentucky. Under the law of the United States, when whisky in a Government bonded warehouse is destroyed by unavoidable casualty, relief may be had by applying to the Secretary of the Treasury to have that tax abated. It is the invariable rule that as soon as one of these fires occurs the collector of internal revenue in whose district the loss is levies an assessment against the owners of the distillery for the tax on the whisky which was destroyed. That is the formal process. Then as soon as that assessment is levied the district attorney takes up the matter for suit, during the pendency of which the owner of the distillery may make application to the Secretary of the Treasury to have the tax abated. Now, this old man, who was only a surety upon the bond of this distiller, looked to the principal to see that he was released. The principal himself having been made insolvent by the fire, and the other two sureties being insolvent, the matter just simply went by default. This old man confidently expected his principal to take care of him, but he did not. He left him in the lurch. This is a case where the United States Government has no equitable claim against the party.

Mr. CAMPBELL. What evidence did the committee have that McBrayer made any effort whatever to find out whether a defense was being made in the case, and whether or not his rights were being protected in the courts?

Mr. JOHNSON of Kentucky. I am not a member of the committee and can not answer that, except I understand that the report sets that out fully.

Mr. CAMPBELL. It looks to me very much as though this were a case where a litigant had lost out in the courts and was coming to Congress for the purpose of having the judgment of the court set aside.

Mr. JOHNSON of Kentucky. For the reason that when this old man found out that his principal had not taken care of him, the limitation had run, and the Secretary of the Treasury can not furnish him the relief.

I will say to the gentleman that two similar fires have occurred in my district in the last eighteen months, each of these fires involving nearly a million dollars' loss, and the Secretary of the Treasury remitted the tax on the whisky that was destroyed.

Mr. CAMPBELL. Was any effort made by this claimant to have his loss adjusted and the judgment set aside in the court?

Mr. JOHNSON of Kentucky. I will say I have a statement here signed by McBrayer, and if the gentleman wishes it, I will read it:

To the President of the United States, Washington, D. C.

SIR: Your petitioner, John H. McBrayer, states that he was born in Anderson County, Ky., on the 16th day of June, 1826, and is now 76 years of age; that when only 19 years of age he enlisted in the army to serve his country in the war with Mexico, and was promoted to be captain of Company K, Second Regiment of Kentucky Volunteer Infantry, known as the "Salt River Tigers," before he reached the age of 21; that since his discharge from the army he has been engaged in business in this county at different times distilling, merchandising, and trading generally, and has served his people in the capacity of sheriff of the county; that as he grew older he was unfortunate in his investments and lost all that he had accumulated, except his little home, which is left to him, and one or two small tracts of land, which barely yield him a living for himself and his aged wife, who has been invalid for years.

He states that some time in 1892 or 1893 he, together with one John S. Price and Peter Routt, became surety on the warehousing bonds of Ballard D. and Jasper R. Hawkins, distillers, of this county; that afterwards, to wit, on September 10, 1893, the warehouse containing the whisky set out in said bonds was destroyed by fire and all of the whisky consumed; that on June 27, 1894, suits were brought on said bonds in the United States district court at Louisville, Ky., for the recovery of taxes on said whisky and penalties for nonpayment; that said judgments are numbered 4908, 4909, 4910, 4911, 4912, 4913, 4914, 4915, 4954, and 5285, and that judgments by default were taken thereon in February and November, 1895, said judgments amounting at the present time to the sum of $20,306.68, with $464.53 costs; that his cosureties, Price and Routt, are both insolvent, as are the principals in said bonds; that by reason of the disabilities incident to his great age he is absolutely unable to earn a support for himself and his invalid wife, and

that in order to secure such living he has been compelled to rent a portion of his dwelling to roomers; that he is absolutely unable to pay said judgments, or any portion thereof, and that if they are enforced against him every dollar's worth of property which he now possesses will be taken from him and he will be reduced to absolute penury; that by far the greater part of his small property is now involved in litigation and can not now be subjected to this or any other debt, and that all of said property if sold would not pay more than 25 per cent of said judgments.

He further says that when said suits were first brought he employed counsel to represent him in said court, but that for some reason unknown to him said counsel did not appear when the judgments were taken, and that he was not informed of the sitting of the court and did not appear in person, and that he did not learn that judgments had been entered until it was too late for him to appeal therefrom or to petition for a rehearing. He says that he is advised that there is a provision in the Revised Statutes of the United States for the remission of taxes on whisky which may be burned in a bonded warehouse, and he most respectfully asks that the several judgments against him and others be remitted for the reasons above set out.

This November 11, 1902.

JNO. H. MCBRAYER.

We, the undersigned citizens of Anderson County, respectfully state that we have read the foregoing petition, and, from our personal knowledge of the petitioner, believe the statements therein to be true; that there is no more deserving person in our county than said petitioner, and we join in asking that the relief sought be extended to him.

GEO. W. HUTCHESON, *Postmaster.*
J. R. PAXTON, *S. A. C.*
J. M. POSEY, *Attorney at Law.*
W. H. MORGAN, *County Attorney.*
J. S. ODELL, *County Judge.*
G. L. CROPFIELD, *D. S.*
H. S. WISE, *County Clerk.*
G. W. WALKER, *Clerk of Circuit Court.*

Mr. CAMPBELL. There is not a lawyer in this House who does not know that if the facts set out in that statement had been stated to the court the court would have set aside the judgment.

Mr. JOHNSON of Kentucky. If the application had been made in time.

Mr. MANN. Mr. Chairman, I think not.

Mr. CAMPBELL. He says he employed counsel to represent him in that case.

Mr. JOHNSON of Kentucky. He also states that his counsel misrepresented him.

Mr. CAMPBELL. He states that his counsel failed to appear for him in court. There is not a court in the United States that would not set aside a judgment that had been entered against a defendant under those circumstances in order to give him his day in court.

Mr. MANN. The court could not set aside the judgment after the term had expired, and probably would not set aside the judgment unless some defense was set up.

Now, let me see if I can not help the gentleman out of this. Unfortunately the committee probably did not refer this bill to the Treasury Department, as it should have been referred, and furnish us with a letter from the department covering the subject. I remember this case in days of old. This is not the first time this bill has been before the House.

Mr. CAMPBELL. I remember it very well. I think I was in the chair when it came up the last time.

Mr. MILLER of Kansas. Mr. Chairman, I remember this case very well. It was before the committee when I was chairman. We did refer the matter to the Treasury Department, and the Treasury Department referred it to the Commissioner of Internal Revenue, Mr. Yerkes, and Mr. Yerkes reported to the committee that the equities of the case were such that the party would have a right to receive the relief asked for.

Mr. MANN. I was about to state what had taken place. The claim has been referred to the Treasury Department. These are the facts in the case: Under the law, if it appeared to the Treasury Department, by sufficient legal evidence, that the distillery was destroyed and that the tax was unpaid on the liquor, the tax could be rebated under the law and the bond would be discharged. But there was in this case no legal evidence to show that this distillery was destroyed by accidental fire, and there was some question in reference to the cause of the fire. The Treasury Department, therefore, was not warranted, under the law, in compliance with the strict legal provisions, to cancel the bond or release the payment of the tax. But the Treasury Department believed that the tax ought not to be paid, and yet, in the ordinary course of business, the bonds were turned over to the district attorney, who commenced a suit. No one connected with these bonds thought that they should be enforced or the money collected. But in the course of time the district attorney obtained service and obtained a judgment by default. Those judgments are nearly 15 years old; some of them are over 15 years old.

The Treasury Department has never believed that it ought to collect the money. Although the Treasury Department itself did not have the authority under the strict interpretation of the law to cancel the judgment or to waive the payment of the tax, yet it has always advised that in all fairness under the spirit of the law the tax ought never to have been collected because the liquor was in fact destroyed.

Mr. JOHNSON of Kentucky. This old man wants the cloud removed from his title.

Mr. MILLER of Kansas. I want to call the attention of the committee to what Mr. Yerkes said. He said he was clearly of the opinion that in no way was this claimant responsible for the fire and loss following the fire, and that the equities were strongly in favor of granting him the relief.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

EVAN M. JOHNSON.

The next bill on the Private Calendar was the bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay Evan M. Johnson, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of $1,584, said sum to be payment in full for all losses of personal property incurred by him by reason of the sinking of the U. S. transport Meade in the harbor of Ponce, P. R., on or about March 24, 1902.

With the following committee amendment:

At the end of the bill insert the following:

"*Provided*, That the accounting officers of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War."

Mr. PRINCE. Mr. Chairman, I submit the following committee amendment.

The Clerk read as follows:

Page 1, line 6, after the word "dollars," insert the following words: "and said sum of $1,584 is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. PRINCE. Mr. Chairman, this is a bill to pay Captain Johnson for loss of personal property incurred by him by reason of the sinking of the U. S. transport *Meade* in the harbor of Ponce, P. R., March 24, 1902. Three officers at that time lost property. Two of these officers in the last Congress were paid for their losses. This officer presented his claim too late to be considered by the committee in connection with the other two claims. There is a favorable report from the War Department, and this committee has reported it favorably to the House.

I am frank to say that the committee does not like this kind of claim. They do not like to be paying army and navy officers for the loss of property; they do not believe it proper that the United States should be an insurer of property; but they were confronted with these conditions: The three officers had lost property and two officers had been reimbursed for the loss of that property, and the loss covered by this bill occurred at one and the same time, and Congress has acted favorably in the case of two of the officers. I am frank to say that I believe the temper of the committee would be and is to-day that if it was not for these precedents we would not pay this claim, because we believe that there is hardly any class of men in the government service who are better paid and better taken care of in every conceivable way than the army and navy officers of this country.

I hope that if this should be approved, and I am in favor of this bill, the committee will at least hereafter state to these officers, in effect, "You receive good pay, you receive an allowance, you are paid for transportation of your goods from your home to the warehouse, your goods are packed and carted to the warehouse at the cost of the Government, you are out nothing, and you ought to insure your property against losses like other citizens insure theirs." I hope that the committee will hereafter put them to the same accounting that other people in the United States are put. Because a man is in the army of the United States he is no less a citizen of the United States, and he is entitled to no higher consideration, in the judgment of the members of the committee, than any other citizen who pays his taxes and helps support this Government; but in this case I think the bill ought to pass.

Mr. PAYNE. I would like to ask the gentleman a question. Is it not a fact that the first precedent for paying an army officer for the loss of his goods by fire, the Government thereby being made an insurer, was carried through this House because it was alleged that the officer, instead of trying to attend to the fire in his own house, was busy trying to fight the fire off government property? Was not that the first precedent?

Mr. BUTLER. I do not think that was the first case.

Mr. PRINCE. I can not answer the question of the gentleman.

Mr. PAYNE. The first case I ever heard of in my service in this House came up in that way, and though it was fought in the House, finally, out of sympathy, the House concluded to reimburse that officer for the property lost, because he was alleged to have been engaged in trying to save the government property, whereas he might have gotten out some of his furniture himself if he had devoted himself to his own private interests instead of the interests of the Government which he serves.

Mr. BENNET of New York. If the gentleman from New York will yield, possibly I can refresh his recollection. I think he is accurate in his recollection. I know that two or three years ago I had a bill of that character, and I looked up the precedents and found that up until that time the only ones of this character that had been allowed were those where officers had run away from their own property in the effort to save valuable government property. The bill that I had at that time went through because there were two or three precedents of that character, and mine was of that kind.

Mr. PAYNE. Then my recollection is correct.

Mr. MANN. Mr. Speaker, I think both of the gentlemen in error as to the first precedent. I think the first precedent was when a vessel of the United States was sunk in the Samoan Islands, or some place like that, and we provided for the loss of every sailor and officer on that vessel, and we have been doing it ever since. That went back away beyond those to which the gentleman refers.

Mr. PAYNE. The gentleman from Illinois says that he hopes to stop this by adding one more precedent. That is the way precedents grow up in this House.

Mr. ANTHONY. Will the gentleman from Illinois yield?

Mr. PRINCE. Yes.

Mr. ANTHONY. There are other cases pending before the gentleman's committee involving claims for personal property lost by government officials other than army officers. Is it the intention of the gentleman's committee to consider them in the same way that they do the cases of army officers?

Mr. PRINCE. I have said that if I had the making of this originally I would not have paid the army officers. I do not believe the United States should be an insurer of private property. I do not think army officers stand any higher as citizens of the United States than citizens who are not in the army, because the citizens who are not in the army in time of war may come into the army. They are all on an equality, it seems to me.

Mr. ANTHONY. Is it to be the policy of the gentleman's committee to consider the claim of other government employees for loss of personal effects the same as it did this one?

Mr. PRINCE. If I had the doing of it over again, I would not favor this; and if I would not favor this, surely I would not favor the gentleman's case.

Mr. ANTHONY. I would like to have an answer to the question if I can get it.

Mr. PRINCE. I am not in favor of the Government of the United States paying for the loss of property——

Mr. ANTHONY. Then the gentleman is in favor of making an exception in the case of this army officer?

Mr. PRINCE. I stated very frankly that there were three officers on this same boat who lost their property. Two of them have been paid, and in view of that former act of Congress I feel in a way bound to pay the third. If I were beginning the thing over again, I would pay none of the three.

Mr. ANTHONY. The point is this: Before the gentleman's committee there are now pending bills to reimburse, for loss of personal effects, employees of the Government Weather Bureau—for instance, losses sustained in the recent hurricane in Florida—and bills to reimburse other government employees for loss of personal effects. Will the gentleman put these government employees on a different plane from the officers of the army?

Mr. PRINCE. Speaking for myself alone, I shall oppose the payment of those claims.

Mr. ANTHONY. Then why is it just to allow this one to go through?

Mr. PRINCE. The only semblance of justice in this is that three men on the same boat lost their property and Congress has by act reimbursed two of them. Congress is the judge of this, not myself. Congress has seen fit to pass bills paying two of these men, and I submit this case to Congress.

If they want to pay this bill, all right; if they do not want to pay it we want them to say so, and we will be extremely well pleased if they would give us their views on this question so that we can carry them out.

Mr. ANTHONY. I submit that these other employees of the Government, although they may be very modest ones, men who are not as prominent as these army officers, are entitled to the same treatment, and therefore I shall oppose this bill if it is not intended to treat all alike.

Mr. PRINCE. If the House will so act, the committee will be entirely content with that action.

The CHAIRMAN. The question is on the amendment——

Mr. MANN. Mr. Chairman, I would like to call the attention of my distinguished colleague from Illinois and the Committee on Claims as a committee of the House, to the fact that this is not a very proper way to make a report on a bill.

Mr. PRINCE. I am very frank to say that is true.

Mr. MANN. The report on the bill gives no information of any kind whatever, except to say that the committee thinks the bill ought to pass with an amendment and then it stops.

Mr. PRINCE. I think the gentleman is right about that, and I am willing to say to the gentleman——

Mr. MANN. Now, Mr. Chairman, I do not ask the gentleman to put himself on record, but I did desire to call his attention to that. I would like now to call attention to the amendment proposed by the committee. The bill provides that the sum of $1,584 shall be paid to Captain Johnson, provided—and that is this amendment—provided that the accounting officer of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War. Is this to be a schedule of the property lost and an affidavit supporting it, and stating that he lost the property? After providing that the money shall be paid here, suppose his schedule does not amount to $1,584. Is that amount of money to be paid to the man anyhow? Under this amendment he could file a schedule, stating that he had lost one dollar's worth of property, and have that approved by the Secretary of War, and then receive the $1,584 from the Treasury in payment of his lost property. It seems to me that is not a good proposition.

Mr. PRINCE. I am frank to say to my colleague if that bears that construction the committee does not want it to bear that construction. What the committee wants is this: That there shall be appropriated $1,584, or so much thereof as may be necessary, to pay for losses which appear to the accounting officer of the Treasury upon a schedule filed that this officer has lost this property. If he has lost $1,000 worth, they only pay him $1,000 worth.

Mr. MANN. But the bill provides that a certain amount shall be paid.

Mr. PRINCE. I see.

Mr. MANN. If his schedule is filed without reference to the amount of the loss—and the report of the committee gives no information on the subject—may I ask the gentleman whether his committee does have information that this man did lose this property to this amount and the War Department so reports it?

Mr. PRINCE. Yes; there is the report, and it ought to have been printed.

Mr. MANN. I quite agree with the gentleman on the merits of the proposition. Having paid two of these men for the same character of loss the committee and Congress can not make a distinction between the other two and this one, and having paid a whole lot of these claims similar in recent years we might stop on some claim, but I do not think we ought to stop on one where we have paid losses to two men exactly alike on the same ship.

The CHAIRMAN. The question is on the adoption of the committee amendment.

The question was taken, and the committee amendment was adopted.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. PRINCE]. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, after the word "dollars," insert the following words: "And said sum of $1,584 is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. MANN. Mr. Chairman, I call the attention of my colleague to the fact that probably that amendment is not necessary, and certainly we do not want to say in the bill that there shall be paid out of any money in the Treasury not otherwise appropriated a sum of blank dollars, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. That is a redundancy which does not seem to be necessary to print in the statutes.

Mr. BENNET of New York. All I ask the gentleman is to modify his amendment to the extent of inserting "which sum is hereby appropriated."

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Insert after the word "dollars," in line 6, the words "which sum is hereby appropriated."

Mr. PRINCE. One word in explanation. This same objection was made by my distinguished friend from New York [Mr. BENNET]. I sent a bill of the kind to the Secretary of the Treasury and asked him to pencil in just what he thought ought to be there. Following out that suggestion, he sent back a pencil reference exactly as the committee has now submitted the amendment. He said the other was all right, but he thought that the language was inelegant. I am satisfied with either one of them.

Mr. MANN. I suggest that if the gentleman wants to get the bill in the proper language he keep in the amendment as inserted, and strike out, from lines 4 and 5, the words "out of any money in the Treasury not otherwise appropriated," so that the bill will read:

That the Secretary of the Treasury be, and he is hereby, directed to pay Evan M. Johnson, United States Army, the sum of $1,584, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. BENNET of New York. Why not also say "which sum or so much thereof as may be necessary?"

Mr. MANN. I have no objection.

Mr. PRINCE. I think you ought to make it "so much thereof." I accept it.

The CHAIRMAN. The question is on the amendment.

Mr. PRINCE. Let the Clerk read the amendment.

The Clerk read as follows:

In lines 4 and 5 strike out the words "out of any money in the Treasury not otherwise appropriated," so that the bill will read:

"That the Secretary of the Treasury be, and he is hereby, directed to pay Evan M. Johnson, United States Army, the sum of $1,584, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sum to be payment in full for all losses of personal property incurred by him by reason of the sinking of the U. S. transport Meade in the harbor of Ponce, P. R., on or about March 24, 1902: *Provided*, That the accounting officer of the Treasury shall require a schedule and affidavit from him, such schedule to be approved by the Secretary of War."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

On motion of Mr. PRINCE, the bill as amended was laid aside with a favorable recommendation.

BANK OF FREEBURG, OF FREEBURG, MO.

The next business on the Private Calendar was the bill (H. R. 18563) for the relief of the Bank of Freeburg, of Freeburg, Mo.

The Clerk read as follows:

A bill (H. R. 18563) for the relief of the Bank of Freeburg, of Freeburg, Mo.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Bank of Freeburg, of Freeburg, Mo., the sum of $175, being the amount of money which was contained in registered letter No. 86, addressed to Joseph Wolff, at Argyle, Mo., and destroyed in the burning of the post-office at Argyle, Mo., December 11, 1907.

Also the following committee amendment:

In line 5 strike out the words "two hundred" and insert in lieu thereof the words "one hundred and seventy-five."

Mr. PRINCE. This is a bill, Mr. Chairman, to reimburse for the amount of a registered letter, No. 86, addressed to Joseph F. Wolff, Argyle, Mo., and destroyed in the burning of the post-office at Argyle, Mo., December 11, 1907. The amount was $200. The committee have amended it upon a report from the department and made the amount $175.

Mr. STAFFORD. I wish to inquire of the chairman of the committee whether the bill has been submitted to the Post-Office Department for recommendation?

Mr. PRINCE. Yes, sir.

Mr. STAFFORD. What report have they made upon this bill?

Mr. PRINCE. I think you will find that by the report.

Mr. STAFFORD. There is no such recommendation or no reference in the report to the effect that the bill has been submitted to the department for any consideration whatsoever. Has the committee or any member of the committee any other document referring to the attitude of the department concerning this bill other than that which is contained in the printed report?

Mr. SHACKLEFORD. Mr. Chairman, I may say I introduced this bill myself and went to the department to make inquiry about it, and the Third Assistant Postmaster-General addressed to me a communication, which I laid before the Committee on Claims, and which is contained in the report here, as follows:

POST-OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, January 26, 1909.

DEAR SIR: In response to the verbal request made by you during your visit to the department to-day, you are informed that on April 3, 1908, this office certified to the Auditor for the Post-Office Department as approved the claim of the Bank of Freeburg, Freeburg, Mo., for limited indemnity in the sum of $25, on account of the loss of registered letter No. 86, containing $200, mailed by the Bank of Freeburg, at Freeburg, Mo., on December 11, 1907, and addressed to Joseph F. Wulff, Argyle, Mo., which letter was destroyed by fire in the burning of the post-office at Argyle, Mo., on December 11, 1907.

Respectfully,
A. L. LAWSHE,
Third Assistant Postmaster-General.

Hon. D. W. SHACKLEFORD,
House of Representatives, Washington, D. C.

Mr. STAFFORD. Does the gentleman mean to convey to the committee that that consists of a recommendation in favor of this bill, or that the bill has at any time been submitted to the Post-Office Department concerning its attitude as to whether or not it should pass?

Mr. SHACKLEFORD. Mr. Chairman, I mean to say that this was submitted to the discretion of Congress as to whether it should pass, and to the department for a statement of the facts, in order to present it to Congress. We are here simply attempting to take the judgment of Congress as to whether this bill ought to pass, and in order that Congress may exercise a wise discretion. I submitted what the Post-Office Department says with reference to the facts in the case.

Mr. STAFFORD. Is it not generally the practice of your committee, when bills are submitted to it of a private character for relief, to submit them to the department and ask whether they recommend them or not?

Mr. SHACKLEFORD. Very frequently that is done.

Mr. STAFFORD. Is it not mostly the uniform practice?

Mr. SHACKLEFORD. I do not think it is the uniform practice at all. That is a matter addressed to the discretion of Congress, and Congress ought to have the facts, and having the facts, it is for Congress to say whether they will pay it or not.

Mr. MILLER of Kansas. I want to say, in response to the gentleman from Wisconsin, that this is a matter of which I have some personal knowledge. This matter was before the committee when I was chairman. We considered it and favorably reported to the House. When this bill was before the committee, it was submitted to the Post-Office Department, and the department reported that all the department could pay, because of the limit of liability, was $25, and allowed that amount. The Third Assistant Postmaster-General wrote a letter to the committee, or to the gentleman from Missouri [Mr. SHACKLEFORD], a member of the committee, and said, having allowed the limited liability, $25, the balance of the loss, $175, is now submitted to Congress for its action. That is all there is to it. There is no question about the loss.

Mr. STAFFORD. I feel quite certain, Mr. Chairman and gentlemen, that if this bill had been referred to the Post-Office Department it would have been reported to that committee and to this House with an unfavorable recommendation. I say that for the following reasons: First, the law authorizes no payment for the loss of registered packages in excess of $100. The former postal regulation was that upon proof of loss they would pay to the extent of $25, but the rule has recently been modified, and at the present time they make an allowance of $50. Here we are establishing a precedent that if the proof shows that a person sends a package of registered mail, no matter how much it may contain, whether it be $500, $5,000, or $500,000, that upon its being proven that the loss was without the fault of the person sending it the Government of the United States should reimburse the sender.

I wish to protest as strongly as I can against establishing any such precedent. Particularly in this case should we reject this bill, because it is not the case of an innocent user of the mails, an ordinary person, but a bank, that should be acquainted with the usual practice for the sending of large sums of money. Where is it shown in the evidence before us, or the statement made by any person here, that this money could not have been sent by this bank in the ordinary course of business by a draft? But you are now imposing upon the Government liability that should not be assumed by the Government. The Government in the transaction of its registered-package business does not assume to undertake to insure the delivery of money in unlimited amounts. If they carry amounts running up into the hundreds of thousands of dollars they do so under the limitation of law, which provides that it will not be liable beyond $100.

Mr. SHACKLEFORD. Will the gentleman yield to an interruption?

Mr. STAFFORD. I yield.

Mr. SHACKLEFORD. I desire to call the gentleman's attention to the fact that the Government is assuming no liability in this matter, and could not assume any. This money, as the testimony in this case shows, was outstanding liabilities against the Government. The fire canceled the outstanding liabilities against the Government. The Government is $200 ahead by reason of that fire. Every dollar of that, as shown by the testimony, was paper money, for which the Government itself is liable. It was burned, and the government liability was redeemed. The Government is ahead $200, and that $200 was lost by my constituent. I want to say that there is precedent after precedent for this.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. SHACKLEFORD. Certainly.

Mr. MANN. Was this United States currency or national-bank notes, and does that make any difference?

Mr. SHACKLEFORD. I am not able to say about that. It was all paper money.

Mr. MANN. Was it the promise of the United States Government to pay, or the promise of national banks to pay?

Mr. SHACKLEFORD. In either event it is the same.

Mr. MANN. If it were national-bank notes?

Mr. SHACKLEFORD. If it were national-bank notes, the security for the national-bank notes is in the vaults of the Treasury to-day.

Mr. MANN. I understand that; but I want to know if it makes any difference.

Mr. SHACKLEFORD. I think it does not.

Mr. MANN. I should think there is a difference where the money lost is national currency and in another case it is national-bank notes.

Mr. SHACKLEFORD. How would a national bank get its security except by presenting the notes?

Mr. MANN. I do not know what the national-bank law is as to that matter.

Mr. SHACKLEFORD. I dare say that in the event it is national banks it would be given to the national banks again.

Mr. STAFFORD. Why, Mr. Chairman, so far as this bill is concerned, there can be no basis for this claim upon the statement of the gentleman from Missouri. If this claimant is going to be reimbursed for the currency that has been destroyed, he should file his claim for that purpose with the Secretary of the Treasury, who should be directed to pay him for the currency destroyed.

But you are calling upon the Post-Office Department to reimburse him for the loss of a registered package; not for the loss of currency, but for the loss of a registered package. From the testimony here, accepting the statement of the gentleman at its full value—and it is entitled to be so accepted—how do we know that this claimant has not, in the ordinary course, gone and presented his claim for this burnt money before the Treasury Department? The members of this committee know that when money is destroyed by fire it can be redeemed, if there is any evidence whatever from an examination of the charred material, no matter how difficult of identification.

Mr. GARRETT. That would depend upon whether it was a national-bank note or United States currency.

Mr. STAFFORD. Upon the charred remains of the money which has been destroyed being presented, if there is enough left to enable the department to identify any part of it, they will reissue new currency in place of it. But this question here is one of reimbursement because of the loss of a registered package, and the Government says that in no instance will it reimburse anybody for the loss of a registered package to exceed $100.

Mr. GARRETT. If it is a national-bank note, there must be enough left of the note for them to be able to determine the bank of issue, or else it will not be redeemed.

Mr. STAFFORD. They must have some means whereby they can determine it; but this is not that character of a claim. The gentleman does not seek to recover upon that ground. He seeks to recover because of the nondelivery of a registered letter. Now, I wish to protest strongly, because you are establishing a bad precedent. It is not a question of $175. If we pass this bill, we will be presented with any number of claims on the part of persons who send through the mails larger amounts than the Government undertakes to reimburse in case of the loss of registered mail.

We do not have in the postal service the safeguards for the carrying of large amounts of money, such as the express companies have. When currency is sent by express there are special safes in which it is locked. Not so with registered mail matter. When banks see fit to transmit money, they send it by draft or bill of exchange. Not so with this bank in this case. Unless some proof is shown to the contrary, I think this banker is guilty of laches in sending that much money through the mail. He must be presumed to know the law, that the full liability of the Government is $100, and he should not come to Congress now and ask to be reimbursed for the extra amount. For that reason I protest against the passage of the bill. If this banker has a claim against the Government because it happens to have been currency that was destroyed, let him present his bill in that form and not in the form of a claim for the loss of a registered letter. This bill has never been referred to any department. The distinguished gentleman from Missouri [Mr. SHACKLEFORD] calls upon the Third Assistant Postmaster-General and requests him to give him the facts connected with this case. If it is a claim for reimbursement because of destroyed money, why did he not go to the Secretary of the Treasury and ascertain whether there has been any reimbursement in that particular? So long as he sought his relief through the Post-Office Department, so long as he has sought to construe this as being a recovery by reason of the loss of a registered letter, which is the issue here, we should refuse to recommend this bill favorably.

Mr. MILLER of Kansas. In reply to the gentleman from Wisconsin, I want to say that this matter was presented to the Post-Office Department, but under the regulation of that department the only liability of the Government was $25.

Mr. STAFFORD. I beg to differ with the gentleman. By express provision of law the liability is $100.

Mr. MILLER of Kansas. The Post-Office Department, which ought to know, took the position that their liability in this case was $25, and therefore they paid that amount.

Mr. STAFFORD. If the gentleman would go to the law he would find that the liability of the Government for the loss of a registered letter is not above $100, but that the Post-Office Deparment may by regulation pay a less amount. At the time this matter was presented for indemnity the regulation of the department was that it should be not more than $25. As I said in prefacing my remarks, at present the maximum allowance is $50.

The gentleman does not seek his recovery because this money has been destroyed, but seeks it because it was the result of a loss of a registered package. This claimant has his rights on the ground that the money has been destroyed, but when he introduces a bill of that character it should be sent to the Treasury Department for recommendation. We must consider this bill exclusively as to the form that it is in, for the loss of a registered package, where a bank knowingly sent more money through the mail than the law permits it to be recompensed for.

Mr. MILLER of Kansas. The gentleman says that this is a case for the destruction of the money, and that the gentleman from Missouri ought to present a bill of that kind. This is what the bill provides. It provides for the payment of $175, being the amount of money which was contained in registered letter No. 86, addressed to Joseph Wolf, Argyle, Mo., and destroyed in the burning of the post-office at Argyle, Mo., December 11, 1907.

Mr. STAFFORD. I want to say——

Mr. MILLER of Kansas. I have the floor.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Kansas?

Mr. STAFFORD. I will yield to the gentleman for a question.

Mr. MILLER of Kansas. I do not want the gentleman to yield to me; I will get the floor in my own right at the proper time. I will wait until the gentleman from Wisconsin is through.

Mr. PRINCE. I hope, Mr. Chairman, that the gentleman will not take up the time. I have agreed to ask the committee to rise about 2 o'clock, and I would like to get along a little further with these bills. If the bill is of so much importance, let it be laid aside.

Mr. STAFFORD. I have no objection to its being passed without prejudice.

Mr. PRINCE. No; let us settle it now.

Mr. SHACKLEFORD. Will the gentleman from Wisconsin yield to me for a question?

Mr. STAFFORD. I will be glad to.

Mr. SHACKLEFORD. Mr. Chairman, there are innumerable precedents for the allowance of this claim. The gentleman from Wisconsin says that we should apply to the Treasury Department and ask to be reimbursed for the loss of these identical bills. He knows as well as anybody that in the ordinary course of business nobody has the number of these bills. Nobody can

go to the department and identify or state the particular numbers of the bills that will show what was lost. There is no way in which this man can be compensated for this loss except in the way we have asked. I do not know what the bills were. The banker has not the number of the bills; he does not know whether they were treasury notes or national-bank notes. No reasonable business man ever keeps the number of a bill. If we can not get this loss by such a bill as this, we can not get it at all. There are many precedents for this bill.

Mr. STAFFORD. Only one word, Mr. Chairman, in reply. We have no evidence before the committee that this currency, if it was currency, has not been reproduced by the Treasury Department. You have not referred the bill to the proper Treasury officials. You are basing your whole claim on the fact that it was a registered package and asking for relief in contravention of the law and regulations of the Post-Office Department. I believe it is a bad precedent and that the bill should not be passed.

Mr. PRINCE. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on laying the bill aside with a favorable recommendation.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 35, noes 4.

So the bill was ordered to be laid aside with a favorable recommendation.

MERCHANTS' NATIONAL BANK OF POUGHKEEPSIE, N. Y.

The next business on the Private Calendar was the bill (H. R. 6935) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.

The Clerk read the amendment to the bill in the nature of a substitute, as follows:

That the Secretary of the Treasury be, and he hereby is, authorized and directed to redeem a certain duplicate United States bond issued in place of a certain United States bond No. 10307, for $10,000, under act of July 14, 1870 (consols of 1907), inscribed in the name of the Dutchess County Mutual Insurance Company, and assigned in blank, held by said Merchants' National Bank of Poughkeepsie, N. Y., and lost or destroyed on or about the 24th day of July, 1880, which said duplicate bond is registered in the name of the Merchants' National Bank of Poughkeepsie, N. Y.

SEC. 2. That the Secretary of the Treasury is authorized and directed to pay in full redemption and satisfaction of said bond and duplicate to the Merchants' National Bank of Poughkeepsie, N. Y., out of any moneys not otherwise appropriated, forthwith the sum of $10,000, together with interest, if any, accrued thereon at 4 per cent to the 1st day of July, 1907, the date when said bond was called for redemption and payment: *Provided, however*, That the indemnity bond executed and filed by the Merchants' National Bank of Poughkeepsie, N. Y., pursuant to the terms of said act of Congress, passed the 21st day of May, 1888, shall stand and remain as a continuing liability to secure the United States from any loss, cost, or damages, or claims made on account of said original bond.

SEC. 3. That this act shall take effect immediately upon approval and passage of same.

Mr. MANN. Mr. Chairman, I would like to inquire of the gentleman from Illinois whether this bill is in the shape so that it effects the purpose for which it was prepared. I remember this bill in five or six different shapes that were objectionable.

Mr. PRINCE. My colleague says that it is in the proper shape to make it effective.

The committee amendment in the nature of a substitute was agreed to.

The bill as amended was laid aside to be reported to the House with a favorable recommendation.

JOHN H. FITZHUGH.

The next business on the Private Calendar was the bill (H. R. 18249) for the relief of estate of John H. Fitzhugh, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to John H. Fitzhugh and W. B. Fitzhugh, children and heirs at law of John H. Fitzhugh, deceased, $380.46, for services rendered by the said John H. Fitzhugh, deceased, as United States mail carrier on star routes Nos. 4174 and 4995, Virginia, prior to April 1, 1861.

Mr. MANN. Mr. Chairman, this is one of those cases that is unique, and I think that attention ought to be called to it. A man without any claim against the Government that he knew of, without any thought that there was any claim against the Government, has money shoved onto him by Congress at the suggestion of the Post-Office Department. The bill was introduced in the House to pay a certain sum of money on the ground that it was due the man under a contract for a star route in Virginia prior to the war. That bill was introduced in the House, I think, at a special session of Congress. In the course of time the bill was referred to the Post-Office Department for report. Of course, so far as the report of the Post-Office Department is concerned, it is like other reports. The confederate records do not show whether the claim was paid or not, but the department, not satisfied in reporting the bill which was referred to it for a report, for some inscrutable reason, in making the report upon the bill which was referred to it, undertook to say that these people, who never dreamed that they had any additional claim against the Government, were also in possession of another claim against the Government.

In addition to the above there is a balance of $186.04 in its favor for services performed on route No. 4959, Virginia, during the contract term, 1855 to 1859. The whole amount apparently due him is therefore $380.46.

Mr. Chairman, it seems to me wholly improbable that this man doing star-route service from 1855 to 1859 collected no money from anybody. It is true the records of the department, old as they are, do not show the money was paid. It is true that the records of the confederate government in the possession of the Post-Office Department, not complete, do not show that the claim was paid. It is also true that the people at interest did not dream they had such a claim, and although they were urging the payment of another claim for star-route service against the Government nothing was said about this; but my distinguished friend from North Carolina [Mr. KITCHIN], seizing every opportunity, as he does, to take care of his constituents, as soon as this report came back from the department, dropped the bill which he had previously introduced at the request of his constituents and introduced a new bill to pay the total amount, including what seemed to be a balance due back in 1855. That is a long time ago to commence to pay bills, bills that were not paid because of the war, bills which probably were paid, which probably were settled, but which the department has not ascertained were paid, and which the department undertakes to say, without being asked about it, is an item due to a man for services rendered in 1855, which he did not know about, which his children did not know about, which the Member of Congress from the district had never heard of. I think it is a very queer proceeding, and worthy at least of attracting the attention of my distinguished friend from North Carolina.

Mr. PRINCE. Mr. Chairman, I yield five minutes to the gentleman from North Carolina.

Mr. KITCHIN. Mr. Chairman, my friend from Illinois [Mr. MANN] is complaining because gentlemen like myself are willing to correct their own mistakes. I might have introduced a bill for $194.42 at first, though I have no recollection of doing so. However, if I did, the records of the Treasury Department, of the Auditor of the Post-Office Department, show that I was mistaken and that the true amount owing to claimants was $380.46 instead of $194.42. If the gentleman will take the trouble to look at the report of the Postmaster-General of January 17, 1903, in response to a resolution of the Senate asking for a report of the amounts due to the mail carriers in the South prior to the war, "in cases where the confederate records on file in the department fail to show payment by the confederate government," he will find that there was due the late John H. Fitzhugh, father of claimant, by this government the exact amount of this bill, $380.46. There have, as I now recall, been eight bills similar to this passed by Congress in the last six or seven years. In 1867, on account of sectional feeling which had been engendered by the civil war, Congress passed an act prohibiting the payment to anyone of any claim that arose prior to the war, unless it appeared that the claimant had been actually opposed to the confederate government. On account of this these claims were not presented to Congress with any prospect of passage until after 1898, after the Spanish war, when a better feeling prevailed. Since that time not a single one of these claims, when supported by proper proof, has failed of passage, and there have been eight of them, I think. The services were rendered to the Government. The amount is due and the bill ought to pass.

Mr. MANN. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MANN. Will any of this money go to a claim agent or a claim attorney?

Mr. KITCHIN. No; not a penny. It goes to the two sons of the late Mr. Fitzhugh.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to ask the gentleman from North Carolina a question.

Mr. KITCHIN. I yield.

Mr. MOORE of Pennsylvania. I notice the gentleman from North Carolina is sitting upon the Republican side of the House. Does the gentleman from North Carolina consider it is a good bill?

Mr. KITCHIN. Yes; I think it is a good bill.

Mr. MOORE of Pennsylvania. May I ask the gentleman, then, why he presents the bill from the Republican side of the House, as being a good bill?

Mr. KITCHIN. From this side of the House? [Laughter.]
Mr. MOORE of Pennsylvania. Yes.
Mr. KITCHIN. Oh, I came over here, not to present the bill, but to temporarily decentize this side of the House. [Renewed laughter.]
Mr. PRINCE. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.
The bill was ordered to be laid aside with a favorable recommendation.
Mr. PRINCE. Mr. Chairman, I move that the committee do now rise and report the bills to the House with a recommendation that they do pass.
The motion was agreed to.
Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GAINES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration sundry bills on the Private Calendar, reported from the Committee on Claims, and had directed him to report the same back to the House, some with amendment and some without amendment, with the recommendation that the amendments be agreed to and that the several bills as amended and unamended do pass.
The SPEAKER. The Clerk will report the first bill.
The Clerk read as follows:

A bill (H. R. 9447) for the relief of J. A. Denny.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.
The SPEAKER. The Clerk will report the next bill.
The Clerk read as follows.

A bill (H. R. 11821) for the relief of John H. McBrayer.

The amendments were agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
The SPEAKER. The Clerk will report the next bill.
The Clerk read as follows:

A bill (H. R. 14729) for the relief of Capt. Evan M. Johnson, United States Army.

The amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
The SPEAKER. The Clerk will report the next bill.
The Clerk read as follows:

A bill (H. R. 18563) for the relief of the Bank of Freeburg, Freeburg, Mo.

The amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
The SPEAKER. The Clerk will report the next bill.
The Clerk read as follows:

A bill (H. R. 6935) for the relief of the Merchants' National Bank, of Poughkeepsie, N. Y.

The amendment was agreed to.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
The SPEAKER. The Clerk will report the next bill.
The Clerk read as follows:

A bill (H. R. 18249) for the relief of the estate of John H. Fitzhugh, deceased.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.
The motion was agreed to.
Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21419), the post-office appropriation bill; Mr. LAWRENCE in the chair.
The CHAIRMAN. When the committee rose on yesterday the Chair was about to recognize the gentleman from Massachusetts [Mr. KELIHER] to offer an amendment in line 3, page 16 of the bill. The Clerk will report the amendment.
The Clerk read as follows:

Page 16, line 3, after the word "dollars," insert the following:
"*Provided*, That hereafter substitute letter carriers be paid at the rate of 30 cents an hour for the time they are employed when serving in the places of regular carriers on leave of absence with pay, or when serving for carriers who are granted leave of absence with pay, in order that they may serve as members of the local civil-service boards, or as witnesses for the Government in the United States courts; and that they shall be paid the pro rata salary of carriers for whom they serve who are absent without pay."

Mr. WEEKS. Mr. Chairman, I reserve the point of order.
Mr. KELIHER. Mr. Chairman, this amendment of mine is unquestionably subject to the point of order, but I present it for the purpose of again calling to the attention of this committee the manifest injustice that obtains in the substitute carrier service. Under existing law a substitute carrier is paid at the rate of 30 cents an hour when employed. He may take the place of a carrier who earns $1,200 a year, and if that carrier be absent without pay, I believe that the substitute should get the pro rata pay while serving for the absent carrier, provided the department is not also paying the absentee. Now, the carrier service in the big cities, in first and second class offices, is recruited from these substitutes. They are compelled to serve, under existing conditions, on an average of four years before they go into the regular service. Rarely is it the case that one of them receives $40 a month, yet for four years they struggle on in the hope of being called into the regular carrier service. They are compelled to buy uniforms. They are at the beck and call of the department from 6.45 in the morning until 5 at night, and, as I say, they frequently work four years as substitutes before they reach the regular service. When they do get into the regular service it is in the lowest grade, and in which they must serve for a year or more at a salary of but $12 a week. Now, if my amendment obtained, it would not burden the department. It would not draw upon the funds of the department to any greater extent than under the prevailing system to allow these men the pay of regular carriers who are absent without pay. Yesterday the gentleman from Kansas [Mr. MURDOCK], explaining why the $500 labor class was stricken out of the bill, stated to the committee that it was because of the impossibility to get men to work at a fixed salary of $500 a year, yet here are men who have passed a civil-service examination requiring considerable mental skill, who are eventually to become carriers in the service, working in the department for four years at the miserable rate of $40 a month. Everybody knows that the carrier service is a splendid branch of the service in which to be employed and that these men are ambitious to reach it. They toil on at a pay that will not cover their expenses, no matter how economically they may live. Many of them are married men and must apply themselves absolutely to the work of substitutes. When they do reach the regular service many of them are in debt, for no man can support a family on $10 per week these times, and it is many years before they get out of debt.
Now, it means this, that unless some change is made in this system, unless some provision is made to properly pay substitutes, we are going to get a cheaper class of men in the service, because no man with a family, no man who lives decently, can afford to struggle with such discouraging conditions for four years. We ought to provide these men at least a living wage, and we ought to do so immediately. I offer this amendment solely for the purpose of again calling the attention of the committee to the fact that a desirable change ought to be made, some remedy afforded to the 5,000 men in this branch of the service, that will insure the maintenance of the splendid standard of efficiency and integrity which now characterizes the carrier service of the country.
Mr. WEEKS. Mr. Chairman, before insisting on the point of order which I have reserved, I wish to say that the statement made by my colleague from Massachusetts [Mr. KELIHER] simply emphasizes the high character of the carrier service and the desirability of getting into it. Even under the conditions under which these men labor they frequently, as he has stated, remain on the substitute lists for three or four years, put themselves to inconveniences, financial and otherwise, for the sake of reaching that goal—the carrier service. The department made no recommendation on this subject, and the committee has considered no change. It has no evidence which warrants making a change. The statement made by my colleague indicates that possibly this matter should some time be further investigated, and if it is called to the attention of the committee next time it frames a post-office appropriation bill, I am sure it will be given careful consideration.
I insist on the point of order.
The CHAIRMAN. The amendment offered by the gentleman from Massachusetts, if adopted, would be a change of existing law, and is, therefore, in violation of clause 2 of Rule XXI, providing that legislation is not in order on an appropriation bill. Therefore, the Chair sustains the point of order.
Mr. GOEBEL. Mr. Chairman, I desire to offer an amendment.
The CHAIRMAN. The gentleman from Ohio [Mr. GOEBEL] offers an amendment, which the Clerk will report.
The Clerk read as follows:

Page 16, line 3, after the word "dollars," insert the following:
"*Provided*, That a substitute appointed regular, having served as a substitute less than one year, shall be paid a salary of $600, his rating to begin at the time of his appointment as substitute carrier.

"A substitute carrier appointed regular, having served as a substitute one year and less than two, his entrance salary shall be $800, his rating to begin at the time of his appointment as substitute carrier.

"A substitute appointed regular, having served as a substitute two years and less than three, shall be paid a salary of $900, his rating to begin at time of his appointment as substitute carrier.

"A substitute appointed a regular carrier, having served as a substitute three years and less than four, shall be paid an entrance salary of $1,000, his rating to begin at time of appointment as substitute carrier and the full limit of salary thereafter."

Mr. WEEKS. Mr. Chairman, I reserve a point of order on the amendment.

Mr. GOEBEL. Mr. Chairman, I was in hopes that the gentleman from Massachusetts [Mr. WEEKS] would not make a point of order against the amendment of the gentleman from Massachusetts [Mr. KELIHER]. I hardly think it is an answer to say that because the Post-Office Department has not made any recommendation that therefore the Committee on Post-Offices and Post-Roads, or this House, should not take action that would remedy a wrong. The amendment, if it had been adopted, would have afforded some relief to the substitute carriers. My purpose in offering this amendment is again to test the sentiment of the committee in reference to the substitute carriers.

Now, in effect, my amendment means this, that the time which a man serves as a substitute shall be taken into consideration at the time of his appointment as a regular carrier. In other words, if a man has served three or four years as a substitute, that that time be allowed to him at the time of his appointment as a regular carrier, and he be promoted to the grade to which he would be otherwise entitled as a regular carrier.

Now, what is wrong with this proposition? It involves no appropriation. It adds nothing to the burden of this department. It simply directs the Post-Office Department to take into consideration the time. Mr. Chairman, the average time a substitute serves is three years, and under the law he receives pay at the rate of 30 cents an hour when employed. Some days he has an opportunity of obtaining time. Many days he has not. Yet, he is required to report to the office every day and is at all times subject to the orders of the postmaster of his district. It takes him out of all other employment, and after a service of three long years with an average pay of $30 a month, he is finally appointed a regular carrier. And then he starts in at the $600 grade. In order to reach the last grade he has been nine years in the service. Now, I submit that that is very discouraging. Unless action is taken you will continue to discourage men from entering that service. Remember, he must pass a successful examination and have the necessary qualifications. Again, a substitute who has served three long years is familiar with most every route in his district and becomes a very efficient carrier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOEBEL. I ask for five minutes more.

Mr. WEEKS. I would like to ask the gentleman if he will not be willing to print? I am going to insist on the point of order.

Mr. GOEBEL. Well, if the gentleman is going to insist on the point of order——

Mr. WEEKS. I will not insist on it if you want to go on.

The CHAIRMAN. The Chair hears no objection to the gentleman's request that he may continue for five minutes longer.

Mr. GOEBEL. Why should he not be credited with the time he served as a substitute? In this way you can encourage men to enter the service.

Mr. MANN. Will the gentleman yield for a question?

Mr. GOEBEL. I will.

Mr. MANN. While I agree with the gentleman, does he not think it would be more for the benefit of both the substitutes and the service to provide the substitute during the two, three, or four years he is a substitute a sufficient amount, that the man receives from the Government, to keep body and soul together, rather than to entice him to go through these years of starvation in order to get a higher salary at the end of that time?

Mr. GOEBEL. I fully agree with the gentleman; but, unfortunately, Congress has not yet come to the relief of the substitute. But here is an opportunity to remedy this great evil. I am a little surprised to see my friend from Massachusetts make a point of order against it. I hope, Mr. Chairman, that he will not insist upon it, and that the committee may now adopt this amendment and, to that extent, perfect the bill and, in a measure, do justice to the substitute carrier.

The CHAIRMAN. The Chair understands the gentleman from Massachusetts to make the point of order?

Mr. WEEKS. I make the point of order.

The CHAIRMAN. The point of order is sustained, on the ground that the amendment changes existing law.

Mr. MANN. I move to strike out the last word. This reduces the appropriation from what it was last year, how much?

Mr. WEEKS. Two hundred thousand dollars.

Mr. MANN. What is the reason for the reduction?

Mr. WEEKS. There will be a balance of $227,000.

Mr. MANN. I do not know whether the gentleman has had his attention called to it, but last year in the city of Chicago, at least in a good many cases, where the carrier went on a vacation other carriers were required to do his work. The place where I was living last summer I saw a carrier staggering almost under the weight of the mail when the time came for him to stop work. So that my mail would not be delivered to me as quickly as if I had been living a long way from the railway station in the country on a rural route. It does not seem to me that it was very wise, in the way of economy, to so provide that it was impossible for a carrier to deliver the mails that he had by reason of forbidding a substitute to be employed. That is the way they saved this amount. It is a mistaken economy.

Mr. WEEKS. Has the gentleman any motion to make?

Mr. MANN. I have no motion to make, but I desired to get information from the chairman as to whether he was familiar with this condition, and whether it came to the attention of the committee.

Mr. WEEKS. Mr. Chairman, I am very familiar with the condition. There has been a doubling up of carriers in cases where a large portion of the residents served by those carriers are away for the summer. There have been better methods adopted about routing the mails, and by various other ways the department has been able to reduce the carrier service. Nothing has been brought to the attention of the committee which would warrant the committee in suggesting any change being made in the methods now followed by the department. In 1909, $158,000 was saved out of this appropriation. The First Assistant Postmaster-General for the current year estimates the saving will be $250,000, in which case we are appropriating $50,000 more than will be necessary for the service. But in order to be liberal, in order to take care of the district represented by the gentleman from Illinois, we have added $50,000 to what we think may be a fair appropriation, and we believe that the service can be properly carried on with that amount.

Mr. MANN. If the gentleman will permit, the difficulty was not in the appropriation committee, nor was it with the post-office officials in Chicago, who knew something in regard to the case. The difficulty is that an order has been issued by some post-office official in Washington, who knows nothing concerning the local situation, doubling the requirements that are made upon these carriers, requiring those who are on duty while others are on leave of absence to do double work instead of putting substitutes in their places. They require the carrier to perform the service without compensation, and in that way save money. Now, I have no criticism of the committee, having got their advice from the department, but I think the department, in that matter is subject to criticism; and I know in the case about myself, where my own home was, it was not because people were away from the city.

The trouble was that a carrier was relieved and another carrier required to do his work, when to begin with each had all the work that he ought to do.

Mr. FITZGERALD. Mr. Chairman, I think the criticism made by the gentleman from Illinois is quite appropriate. I understand that a new practice has been initiated in the large cities in the summer time, to give a carrier in addition to his ordinary route a portion or all of another route, and compel him to attempt to deliver the mail in this additional territory, on the theory that because of the absence of some residents in the country his work is not so laborious on his own route. The truth is, however, that because of the excessive heat and other climatic conditions the carriers are unable properly to cover the additional routes given them by the department. While the carriers receive their annual leave, those who have to wait until late in the summer are considerably run down because of the overwork imposed upon them, and those who have their vacations in the early part of the summer have this additional work imposed upon them later, greatly to their detriment.

The theory of the annual leave is that these men by having a reasonable amount of time for recreation and recuperation will be better able to discharge their duties for the rest of the year; but in the large communities where the climatic conditions are such that the heat of the day is excessive and the work is very arduous this doubling up or enlarging of the route to be traveled by the carrier has not aided him in being more efficient. I hope that the influence of the gentleman from Illinois [Mr. MANN], combined with the aid of the chairman of

the committee [Mr. WEEKS], will result in a change of policy, so that this excessive zeal may not be shown in attempting to economize by compelling carriers to do more than a fair share of the work, while perfect indifference is shown to the apparently excessive leaks that seem to be occurring in other branches of the postal service.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6661. An act in aid of navigation of the Cape Fear River at and below the city of Wilmington, N. C.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For horse-hire allowance and the rental of vehicles, $925,000.

Mr. HAMLIN. I should like to ask the chairman of the committee a question or two. Are the automobiles used by the Post-Office Department in gathering up mail matter included in the paragraph that has just been read?

Mr. WEEKS. Yes.

Mr. HAMLIN. How many automobiles are used in this city by the department in gathering up the mail?

Mr. WEEKS. I think two or three. I am not sure about that.

Mr. HAMLIN. What rental is paid for each one of these machines?

Mr. WEEKS. I think it is $3,000 a year.

Mr. HAMLIN. For each machine?

Mr. WEEKS. Yes.

Mr. HAMLIN. Three thousand dollars a year for each machine?

Mr. WEEKS. In answer to a question on that subject, the First Assistant Postmaster-General stated:

I think the price for automobiles, sixteen hours a day, including a chauffeur, is about $3,000 for each machine.

Mr. HAMLIN. Can the gentleman give us any idea as to the cost of these machines for which we are paying an annual rental of $3,000 per year?

Mr. WEEKS. There is no testimony on that subject before the committee.

Mr. HAMLIN. What is the character of these machines? Are they just these little runabouts?

Mr. WEEKS. These machines are used for sixteen hours a day, and the rental includes the services of two men. A driver runs the machine eight hours, and then another man takes his place, so that the service includes the machine and two men.

Mr. HAMLIN. I am informed that these machines cost on an average about $450 each. Has the gentleman any information to the contrary?

Mr. WEEKS. I do not find anything in the testimony regarding that, but I should be surprised if a machine of the character which I see on the streets could be bought for $450.

Mr. HAMLIN. Is it not true that in the city of New York a two-horse wagon and a driver, engaged in the same business exactly, are obtained for $1,320 per year?

Mr. WEEKS. Yes; that is for the screen-wagon service.

Mr. HAMLIN. Mr. Chairman, I desire to offer an amendment to this paragraph.

The Clerk read as follows:

After the word "dollars," in line 8, page 16, insert:

"*Provided*, That no part of this sum shall be used to pay annual rental of automobiles at a price of over $1,400 for each machine."

Mr. WEEKS. Mr. Chairman, I reserve a point of order on that.

Mr. HAMLIN. Mr. Chairman, in the first place I do not believe that the amendment is subject to a point of order, because it is clearly a limitation on this appropriation. But I want to submit to the committee that I have read with some care the hearings before the Post-Office Committee. It appears that in the city of Washington, in the city of Milwaukee, in the city of Indianapolis, and in the city of Boston they use automobiles, and they are the only cities in the United States in which these machines are used for this purpose. I am informed—I do not know upon how good authority—that these little machines used in the city of Washington—and I think they are of the same character in the other States——

Mr. STAFFORD. Oh, I beg the gentleman's pardon. If the gentleman had any acquaintance with the machines used in the other cities he would not say that the character of automobiles in Milwaukee, Indianapolis, and Boston are to be compared with these little obsolete automobiles here in Washington.

Mr. HAMLIN. Where does the gentleman get his information as to the different character of machines in the other cities? I am not yielding for a speech, only for a direct answer to my question.

Mr. STAFFORD. I come from a city where this service is installed, and I know of my own knowledge that the character of the automobiles in Milwaukee is entirely different from those in use here. Furthermore, there was displayed before the members of the subcommittee photographs of the machines in use in Indianapolis and New York. If the gentleman wishes to see them, he can see them in the room of the Committee on Post-Offices and Post-Roads.

Mr. HAMLIN. Now, Mr. Chairman, if I accepted the statement of the gentleman from Wisconsin, that the machines used in the other cities are very much better than those used in this city, it only convicts the Post-Office Department of very bad business sagacity, to say the least. Why? Every man that is giving any attention to the machines used in this city knows that they are simply little, cheap gasoline runabouts. The evidence given to me by the chairman of the committee is that the Post-Office Department pays an annual rental of $3,000 in Washington for these machines.

Mr. SMITH of California. Will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. SMITH of California. The gentleman does not undertake to say that the chairman of the committee gave him any such information. He said that the machines plus the two drivers brought the $3,000.

Mr. HAMLIN. Certainly, there is no dispute between us. When I speak of the machine I speak of the drivers, just as I referred to the two-horse wagon service in New York costing $1,320; that included the driver and the forage and every expense in connection with the wagon.

Mr. SMITH of California. In the gentleman's amendment, does he include the two drivers?

Mr. HAMLIN. Yes; or else I would have made it $300, allowing the difference between $300 and $1,400 for the wages, and that is good wages.

Mr. STAFFORD. It may be good wages from the Democratic standpoint, but not from the Republican standpoint.

Mr. HAMLIN. I observe that the Republicans are very anxious to get the jobs, but the Democrats have no chance.

Mr. STAFFORD. These jobs are not at the disposal of the Republicans.

Mr. KELIHER. Will the gentleman yield for a question?

Mr. HAMLIN. I will yield to the gentleman.

Mr. KELIHER. I want to know what the gentleman's idea is of the prevailing wages for chauffeurs?

Mr. HAMLIN. I have not enjoyed the luxury of being in a position to ride in automobiles, and so I do not know the prevailing wages of the chauffeurs, but I understand it is $60 to $75 per month.

[The time of Mr. HAMLIN having expired, by unanimous consent his time was extended five minutes.]

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. HAMLIN. I will yield to the gentleman.

Mr. RUCKER of Missouri. The gentleman from Wisconsin, as I understood in reply to the statement, said that this represented the Democratic idea of wages. I want to suggest that the gentleman's argument seems to be that the Democratic idea was that automobiles ought not to be paid more than men.

Mr. STAFFORD. It is a question of the chauffeur. We say that $550 a year, which is the gentleman's proposition, is not an adequate compensation for a service of eight hours a day for a chauffeur.

Mr. HAMLIN. Mr. Chairman, the gentleman fails to make the proper calculation. I said in answer to the gentleman from California that if I were not to include the wages of a chauffeur, I would not put the rental of the machine over $300. But this includes the wages of a chauffeur, and I make it $1,400. That is better wages than you fellows are paying the letter carriers of the country.

Mr. SMITH of California. The gentleman's proposition is that out of the $1,400 he will pay two men and the rental of the machine and its upkeep?

Mr. HAMLIN. Yes; that is a sufficient amount, I think. Now, Mr. Chairman, if $1,320 is a sufficient rental to pay a man for two horses and a wagon and a driver and for the feed and care of these horses and the repair of the vehicle, $1,400 is a sufficient amount to pay for one of these little gasoline runabouts here.

If it is impossible to operate one of these machines for less than $3,000, then for God's sake let us do away with these automobiles and get back to horses. We can furnish you plenty of Missouri mules that will gather up the mail.

Mr. MURPHY. Why does not the Government purchase these automobiles?

Mr. HAMLIN. That is the question I asked the chairman a while ago, if it was not true that we could buy one of these machines for $450. If we can, then we can certainly hire a Republican chauffeur and pay for our machine, and do it all within a thousand dollars per year.

Mr. CAMPBELL. That is cheaper than you can get a pair of Missouri mules for.

Mr. HAMLIN. One Missouri mule is worth half a dozen of the gasoline runabouts.

Mr. CAMPBELL. They sold one there yesterday for $3,000.

Mr. HAMLIN. Mr. Chairman, I offer this amendment in perfect good faith. I feel it is inexcusable to pay $3,000 per year for these machines to gather up this mail. I am absolutely certain that if there is any disposition upon that side of the House to practice economy—and I hope they are in good faith about it—we should cut down the expense of these automobiles; and if we can not hire them at the amount fixed by the amendment, let us get back to the old way of gathering it up with horses and a wagon, which was undoubtedly very satisfactory, so satisfactory that there are only four cities in the United States that have adopted any other method. Let us get back to that and gather it up at the expenditure of much less money, and then we can have some money with which to increase the pay of the letter carriers, both city and rural.

Mr. WEEKS. Mr. Chairman, I notice that when a Missouri man makes an untenable proposition he always drags in a mule to becloud the issue. [Laughter.]

Mr. HAMLIN. But nothing would upset the argument on that side of the House but a mule.

Mr. WEEKS. Now, Mr. Chairman, what are the facts in the case? We have contracted for some machines to do collecting service in the city of Washington and in three other cities. The contractor in the city of Washington has to provide four machines. They use three of them, but they have to provide a fourth so that they will have a reserve machine in case one of them breaks down. They maintain these machines, keep them in repair, and furnish gasoline or whatever motive power is necessary, and in every other way keep the equipment up to requirements. Each machine is required to have two men, because the machines run sixteen hours and each man is limited to eight hours a day. If we pay these men the same rate we would pay a carrier in the city of Washington—and they will, of course, collect very much more mail than a carrier could on foot—it would cost the Government something like $2,100 a year to pay the two men, to say nothing of the cost and maintenance of the machines. The First Assistant Postmaster-General, in speaking of these contracts, says he considers them especially advantageous. They are to some extent experimental. They have been tried in only four or five cities. It may develop that some other method of collecting the mail is preferable, but until that has been proven, I submit it would be unreasonable to make any change in the present arrangement.

Mr. HAMLIN. Will the gentleman yield?

Mr. WEEKS. Yes.

Mr. HAMLIN. I understood the gentleman to say these chauffeurs ought not to be asked to work for less than the wages of a city carrier. Now, what do city carriers get in the city of Washington?

Mr. WEEKS. The city carriers average something like $1,050 each per year.

Mr. HAMLIN. That is a little over $75 per month.

Mr. WEEKS. Yes.

Mr. HAMLIN. Now, then, if you were to pay these chauffeurs $75 per month, that would be $1,800 a year, would it not, for your chauffeur hire?

Mr. WEEKS. If you were to pay them $75 per month; yes.

Mr. HAMLIN. Now, you are paying $3,000 a year rent on each machine, including two drivers, and you could pay the chauffeurs $1,800, and that would leave $100 per month rent and for the wear and tear of each machine.

Mr. WEEKS. The gentleman from Missouri confessed that he had not been operating automobiles, and therefore he is not familiar with the cost of maintaining and running an automobile. It costs a good deal of money to run an automobile sixteen hours a day, even on the streets of Washington. There are renewals, repairs, and spare parts to supply, and many other miscellaneous expenses.

Mr. HAMLIN. Then, if the gentleman will permit the question, the point I made was that if it costs so much to use these automobiles, let us go back to the old simple way of doing things where it does not cost so much, and thereby save the money.

Mr. WEEKS. Mr. Chairman, these machines collect from the boxes at the rate of a box a minute, and if we went back to the old method of doing the collecting by a carrier or by a horse or by Missouri mules, we would not be able to collect a quarter as rapidly as we do with these machines. It undoubtedly is an economical measure to adopt this automobile service.

Mr. HAMLIN. If the gentleman will permit another question: If the gentleman is correct, and they collect a box a minute, it ought not to take over ten minutes to make a collection. Then how could you need these machines sixteen hours a day?

Mr. WEEKS. We make more than one collection a day; and, as the gentleman knows, there are more than 10 collection boxes in the city of Washington.

Mr. STAFFORD. Mr. Chairman, this automobile service which is under consideration is a matter of recent origin. Four years ago it was first established in the city of Baltimore. That has since been abandoned, and since then it has been established in the cities of Milwaukee, Detroit, Boston, and is at present in service here in Washington. The service in Washington is under a different form of contract from what it is in the other named cities. Two years ago there was a contract made for the collection by automobiles in this city, and later the contractor became bankrupt at the low rate that was carried in the contract. The contract in this city was not at the rate of $3,000 per automobile, for I admit if it were at such a rate it would be an exorbitant price to be paid for the character of the automobiles I saw this morning going through the streets of Washington gathering up the mail. We should consider this question as to the rate that is paid on the basis of $3,000 per annum for a service for sixteen hours a day, under which the contractor furnishes the chauffeurs and keeps the automobiles in repair and also keeps one or two automobiles in reserve. This service is not only used for the collection from the mail boxes, but it is also used in place of the screen-wagon service for delivery and dispatch of the mails from substations. Now, I wish to call the gentleman's attention to this fact, that the average rate per mile for carriage by the ordinary screen wagon, as shown in the last report of the Second Assistant Postmaster-General on page 44, is 30.82 cents per mile traveled. The cost for this automobile service in New York per mile is 22.54. The cost in the other cities varies from 18 to 30 cents. So in no instance, I wish to call the gentleman's attention, does the rate per mile for this service exceed the average rate of the ordinary screen wagon that was formerly used for this collection.

Mr. HAMLIN. Now will the gentleman submit to an interruption?

Mr. STAFFORD. I will be glad to do so.

Mr. HAMLIN. If it is true, then, that this automobile service is the cheaper service, why has it not been inaugurated in all of the cities?

Mr. STAFFORD. For the very reason that it is in an experimental stage.

Mr. HAMLIN. How is that?

Mr. STAFFORD. I say it is in an experimental stage.

Mr. HUGHES of New Jersey. Will the gentleman yield for a suggestion?

Mr. STAFFORD. Mr. Chairman, I must decline to yield until I answer the question of the gentleman from Missouri.

The CHAIRMAN. The gentleman declines to yield.

Mr. STAFFORD. When the service was first established in Baltimore five years ago the automobile that was used was the ordinary passenger automobile without any special equipment, but the automobiles that are used in these other cities are contracted for and specially designed with box arrangements similar in its compartments to the ordinary screen wagon, and so adapted that there is, as in Milwaukee, space for a clerk or carrier who accompanies the automobile to assort the mail while the automobile is running.

Now, this service is being extended gradually. We did not believe we should establish this all at once, but the department is extending it as fast as they find it is economical. In this bill, in another section, we provide that $100,000, which is appropriated for electric-car service, may be utilized if, in the judgment of the department, it is advisable to substitute automobile for electric-car service.

Now, I yield to the gentleman from New Jersey.

Mr. HUGHES of New Jersey. I simply wanted to make a suggestion to the gentleman——

Mr. STAFFORD. With pleasure.

Mr. HUGHES of New Jersey (continuing). And I think it answers the question of the gentleman perhaps better than

anything the gentleman has said yet; and that is, that the city of Washington, on account of the great number of paved or asphalted streets, lends itself more rapidly to this service than any other city in the country.

Mr. STAFFORD. This automobile service is rapidly taking the place, and should take the place, of the pneumatic-tube and electric-car services. For instance, in New York, as the gentlemen from New York who are acquainted with this service can testify, there are automobiles leaving the post-office station at the Grand Central Station every half hour for deliveries to a dozen postal stations distributed throughout Manhattan Island. If we had had the automobile service in operation ten years ago, or fifteen years ago, when the pneumatic service was first established, there is no question whatsoever in my mind but that the Government would have declined to establish the pneumatic tubes, which is acknowledged to be the most expensive service, and have substituted this very economical service by automobiles, which is no higher than that by screen wagons, but which is much more expeditious.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. And if expedition is the one desideratum that is demanded in connection with the proper administration of the postal service——

Mr. PARSONS. Has the gentleman any facts to show that the automobile service in New York would be more expeditious than the pneumatic-tube service?

Mr. STAFFORD. Twenty years ago or more we established the system of collection and delivery of mails from substations by the electric street-car service. Then, supplementing that, we established the pneumatic-tube service. That service has been extended against the recommendation of the commission appointed in 1898 to consider the advisability and feasibility of extending that service.

Now comes this question of another substituted service by automobiles. There can be no justification for the continuance of the pneumatic-tube service and for the continuance of the electric-car service for serving the same stations, when those stations can be served by automobiles carrying the mails quickly and frequently.

I have before me a very elaborate table compiled by the Post-Office Department showing the duplication of the electric-car, pneumatic-tube, and automobile services, and a close study of those tables will convince anyone that there is a duplication of service that could be avoided. For instance, in Philadelphia they are having this slow-going method of conveyance by electric cars on those streets which are clogged by the ordinary passenger electric-car service to stations that are at the same time being served by pneumatic tubes. Now, where the stations are many, as in New York City, and along a line reaching far uptown, it seems to me as a matter of economy and of good business administration that one character of service is all that is necessary, and if the mail is dispatched by fast-going automobiles that have the use of the highway, whereby we can contract for them every few years, it will be far better than paying the enormous amount of $17,000 per mile for carriage of only one character of mail, namely, the first-class or letter mail, by pneumatic tube.

Mr. PARSONS. Does the gentleman contend that the automobile service in New York is as expeditious as the pneumatic-tube service?

Mr. STAFFORD. I do not contend it is as expeditious, because those cylinders that are driven by compressed air through the pneumatic tubes go at a much more rapid speed than automobiles, but, nevertheless——

Mr. MANN. If you had an automobile loaded with mail going a distance of 3 or 4 miles, it would be more expeditious?

Mr. STAFFORD. I am very glad of the suggestion of the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. The mails are received in New York at two stations—one at present—but when the new Pennsylvania depot is established at Eighth avenue, between Thirty-third and Thirty-fourth, with a post-office station in connection with it, 90 per cent of the mail coming to New York will go into these two stations, and it will be much more suitable to have the mail sent in bulk, already routed on the incoming mail trains for dispatch to the various postal stations, than to compel the mails to be delayed by separation into first-class packages, so that they can be sent through the pneumatic tubes.

Mr. HAMLIN. I want to ask this question. I think the gentleman has got a little off in the discussion. The question was as to what this service was really worth. Does the gentleman contend that a rental of $3,000 per annum in this city is as cheap as the rental of vehicles by which the mail was formerly carried?

Mr. STAFFORD. In reply to that question I will state that there is nothing before us to show that we pay $3,000 rental for the automobiles in this city. The testimony in the hearings would show that it is much less.

Now, coming to the proposed amendment——

Mr. MANN. Will the gentleman permit me to ask him a question? If we were amenable to the law in reference to cruelty to animals for driving such old horses as they drive in the mail wagons in this town, and we continued to pay the fines, would it not be a great deal cheaper to have automobile service than use the decrepit old things they do?

Mr. STAFFORD. Considering the distance that can be covered in the same time by an automobile as compared with a horse of the ordinary character, it would be much cheaper to have an automobile for this kind of service. I must decline to yield any further.

I wish to consider the question at hand—the question of limiting the amount to be paid for an automobile to $1,400. The gentleman admits two chauffeurs are required. He says that the average rental ought to be about $1,400. I can not, from the standpoint of Republican policy of upholding wages, permit for one moment the idea to go to the country that we are in favor of having chauffeurs, expert machinists, receiving the low salary of $550 per year for an eight-hour service. I ask for a vote.

Mr. HAMLIN. Mr. Chairman, in reply——

Mr. WEEKS. Mr. Chairman, has not the gentleman occupied more than five minutes?

The CHAIRMAN. The gentleman has already occupied five minutes on his amendment, and, of course, can not proceed except by unanimous consent.

Mr. WEEKS. I do not want to cut the gentleman from Missouri off from any reasonable discussion of this question, but I submit to the committee that more time has been occupied in general debate on this bill than on any bill since I have been a Member of this House. I have been unusually liberal in granting time to everyone. I am going to give the gentleman from Missouri time to continue his remarks at this time, if he wishes to do so, but I want to serve notice that hereafter I shall refuse unanimous consent to anyone to speak for more than five minutes.

Mr. MANN. I hope the gentleman will not do that.

Mr. HAMLIN. I am very much obliged to the gentleman from Massachusetts. I think, however, that I occupy less time than almost any Member of the House. I only want to say a word in reply to the gentleman from Wisconsin, who says that there was no evidence before the committee that these machines cost $3,000 per annum.

I find on page 120 of the hearings, just handed to me, a question by Mr. STAFFORD:

> Mr. STAFFORD. You described one form of arrangement you had here in Washington with the carriers. You did not describe the other.
> Mr. GRANDFIELD. The other is a contract for three machines, to be operated sixteen hours a day, the company to keep the machines in repair and to keep a reserve machine in case of breakdowns, and to furnish two drivers for each motor car, so that each man would not have to work in excess of eight hours. We did not want to risk a carrier on the rear end of a car driven by a chauffeur who had been on duty sixteen hours. I think the price is something like $3,000 for each machine per annum.

So I was not mistaken; but the gentleman from Wisconsin is the one who was mistaken.

Now, Mr. Chairman, I do not specially object to gathering the mails by automobile process. I do not believe, however, that any man can demonstrate to the committee that it is the cheaper method.

If we are going to employ automobiles, let us pay what they are worth and no more. That is all I want. Since my attention has been called to the fact that it requires two men working eight hours a day each for one of these automobiles, I want to ask unanimous consent to modify my amendment by making it $2,400 instead of $1,400.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HAMLIN. That will give each man at least $75 per month, and allow $50 per month for wear and tear of a machine that I do not believe is worth to exceed $500. I believe the Government could buy one of them for that.

Now, gentlemen, in all seriousness I put it up to you, Do you want to save the Government something in this matter? If you do, adopt my amendment, and you will at least save $600 per year on each one of these machines.

Mr. PARSONS. I move to strike out the last word. I wish to express my dissent to the proposition of the gentleman from Wisconsin [Mr. STAFFORD] that the time is coming when the pneumatic-tube service in New York can be discontinued and the work done by automobile service. There are certain parts of New York where automobiles may do the work. There are certain hours of the night when they may do the work. But in the business hours of the day you can not run automobiles through the crowded streets of New York and do the work that is now being done by the pneumatic tubes. This system that is being tried in New York has already given rise to some complaint. One of these automobiles in New York, running through the crowded streets on the east side, knocked down and killed a child only two weeks ago. While you may be able to do away with some of the pneumatic tubes, you will never be able to do away with them in the crowded business districts. I append a recent article in a New York newspaper showing that already in the brief time that the automobile service has been tried there one serious accident has occurred:

"NOT HURT," BUT SHE DIES—NOT A SCRATCH ON CHILD HIT BY MAIL AUTO—HOSPITAL PUZZLED.

Mary O'Reilly, 7 years old, who was run down by a mail automobile last night in Third avenue at Seventy-fourth street, said she was not hurt and asked to go home.

"Please don't arrest that man," she added, pointing to the driver, "he didn't mean to hurt me." So Policeman Bierman took the chauffeur's name and address, Joseph F. Mitchell, 509 West Fifty-second street, and let him go on his way with the mail.

The policeman insisted on sending Mary to the Presbyterian Hospital, though she was not scratched. She had been there just one hour when she died. The hospital folk said they couldn't account for it, except by undetected internal wounds she might have sustained.

The little girl was the daughter of John O'Reilly, of 219 East Seventy-fourth street. On hearing of her death the police at once began a search for Mitchell, the chauffeur.

Mr. WEEKS. Mr. Chairman, before a vote is taken on this amendment I want to call the attention of this committee to this one fact: When the recommendations of a committee in an appropriation bill are overridden on the floor, there should certainly be good and substantial reasons for so doing. The gentleman from Missouri [Mr. HAMLIN] has made a proposition here upon which he was so little informed that he offered an amendment limiting the appropriation to $1,400 a year. When he got some of the facts connected with the case he increased the amount to $2,400 a year. If he were further informed, I have no doubt that he would sustain the action of the committee. Any such proposition as this should be voted down without any other reason than that. I ask for a vote.

The question being taken on the amendment of Mr. HAMLIN, on a division there were—ayes 30, noes 62.

Accordingly the amendment was rejected.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word, simply for the purpose of supplementing what my colleague [Mr. PARSONS] has said about the pneumatic-tube service. The postal service in the large cities is a highly profitable service. When you remember that this service must compete with the telegraph, the telephone, and the district messenger service, everything that can be done for speed in that part of the service which is profitable ought to be done. I stood in the basement of the New York post-office and saw them dispatch by the pneumatic tube, in the regular course of business, a card addressed to the postmaster in Brooklyn, some miles distant. That card was inclosed in an envelope inclosed in a carrier, sent over to Brooklyn, taken out, taken up to the postmaster's office, stamped there, reinclosed in another envelope, brought down, put in another carrier, and was back to the basement in the New York post-office in, I think, six and one-half minutes.

Mr. MANN. That was a trial, was it not?

Mr. BENNET of New York. No; it was not.

Mr. MANN. An effort for speed?

Mr. BENNET of New York. No, sir.

Mr. MANN. It was not in the ordinary course of business?

Mr. BENNET of New York. It was in the ordinary course of business.

Mr. MANN. The gentleman was not at the other end of the line.

Mr. BENNET of New York. I was at one end of the line. I could not be in two places at the same time. The gentleman was not there and he does not know.

Mr. MANN. There is no postmaster in New York who answers his correspondence that quickly.

Mr. BENNET of New York. I did not say that the postmaster answered it. I said it was taken up to the postmaster's office, stamped there and returned. I am trying to be quite as accurate as the gentleman ever is.

Mr. MANN. It could not be stamped and returned unless it was a trial trip.

Mr. BENNET of New York. It was not a trial trip at all. I was there and the gentleman was not. It went in the regular routine the same as any other message would have gone, and was returned.

Mr. HUGHES of New Jersey. Do they spend their time sending cards through the pneumatic tubes for fun?

Mr. BENNET of New York. Of course they do not. My colleagues Mr. FORNES and Mr. GOULDEN were with me at the time.

Mr. MANN. It was not a trial trip?

Mr. BENNET of New York. Not at all. It went along on the regular trip.

Mr. MANN. Are the gentleman and his colleagues there all the time?

Mr. BENNET of New York. No; we leave that close supervision of postal affairs in cities to the gentleman from Illinois, who has nothing else to do. [Laughter.] Adding to what my colleague has said about automobiles, I want to say that while they are all right in the summer time, there is nothing more pathetic than an automobile in the streets of a large city clogged with snow. Now, my colleague from the northern end of the State [Mr. MALBY] has called my attention to another disadvantage of automobiles. Take away the pneumatic-tube service and it increases the traffic on the street. The United States Government has the right of way, and to fill the street full of mail wagons is thereby to tremendously impede other traffic that has a right to exist in the streets of large cities. You can not send automobile service over a route 11 and 12 miles long the way you can pneumatic-tube service, and as long as the city service is profitable, as long as the service is increasing each year, do not do anything to decrease the efficiency, so that the business men in the cities will be driven to the telegraph, to the telephone, to the district messenger, or any competitor of the postal service which pays in Chicago, in New York, and every other large city.

The Clerk read as follows:

For compensation to 22 mechanics, at not exceeding $900 each, $19,800.

Mr. OLCOTT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 16 strike out lines 12, 13, and 14 and insert in lieu thereof the following: "For compensation of 22 mechanics, not exceeding $1,000 each, $22,000.

Mr. WEEKS. To that amendment I reserve a point of order.

Mr. OLCOTT. Mr. Chairman, it seems to me that the reading of the amendment is a sufficient argument for its adoption. Nine hundred dollars is not enough for a mechanic to live on in the city, and the postmaster ought to be able to pay them $1,000 instead of $900. I ask permission to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Chair will ask the gentleman from New York if these mechanics' compensation is fixed by law?

Mr. OLCOTT. I do not understand that it is.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

For inland transportation by star routes, including temporary service to newly established offices, $7,070,000: *Provided*, That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of rural delivery service, nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already entirely served by rural delivery service: *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 17, line 11, after the word "million," insert the words "one hundred."

Mr. MONDELL. Mr. Chairman, the object and purpose of the amendment is to increase the appropriation for star routes by $100,000. I desire to call attention to the fact that the original estimate for this service was $7,201,000. Later the Second Assistant Postmaster-General stated to the committee that, after having examined the bids which had been received up to

that time, he was of the opinion that this service could be carried on for a smaller sum, and the estimate was reduced by $141,000. The amendment which I offer leaves the appropriation $41,000 below the original estimate.

I think there can be no question, Mr. Chairman, but that, if this amendment is not adopted, there will be a deficiency in this item. The Second Assistant Postmaster-General estimated, at the time he appeared before the committee, that the increased cost, as shown by the bids which had just been received for the fourth contract section, would be about $166,000. I understand that since these bids have been further examined it has been discovered that a very considerable percentage of them could not be accepted, because they are considered too high, and the probability is that the increased cost over the last contract period will be largely in excess of the amount estimated. My opinion is that it will be necessary to still further increase this item in order to meet the demands of the service, and, Mr. Chairman, I want to discuss very briefly this most important service.

We have spent days and days here talking about the employees of the postal service who dwell in the cities. They are well represented on the floor of this House. We have heard amendment after amendment proposed to increase the salaries of men who are already receiving upward of $1,000. We have heard many eloquent pleas, and very proper ones, I imagine, in the majority of cases, for increases of salaries; and yet, Mr. Chairman, there is one class of people employed in the postal service in whose behalf no voice has been raised on this floor, and they are far and away the most miserably paid employees in the service.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I hope the chairman of the committee will not invoke against this discussion, which is entirely new, the five-minute rule that he announced a moment ago. I ask unanimous consent that I may have five minutes more, in view of the fact that the claims of city employees have been presented for days and these country employees have had no hearing.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the contract system is enforced on the star routes. The result of that is that the average star-route carrier earns the magnificent salary of $1.74 per day for himself and his team. He earns, if he works every working day in the year and covers 24 miles every day, the magnificent sum of $588.

Mr. MANN. Is that a specific salary or an average?

Mr. MONDELL. That is an average.

Mr. MANN. There is no salary, is there?

Mr. MONDELL. That is the average earnings, I will say to the gentleman.

Mr. MANN. That is all done on bidding, is it not?

Mr. MONDELL. Yes; and if the gentleman will not take too much of my five minutes I shall explain how it comes to be so low. No one can deny that an American citizen ought not to be compelled to work and to work his team and care for it for $1.74 a day, and if this contract system were carried on in the manner in which a contract system is ordinarily carried on, these men would receive decent, or fairly decent, wages.

But since we have come to have seven deliveries a day in the cities and rural free deliveries in the more thickly settled rural communities, the sparsely settled communities served by star routes have been entirely forgotten, and the attitude of the department toward this service has been to continually force down the cost of the service. The department does not let contracts to the lowest bidder. If, in the opinion of the department, the lowest bidder is too high, they readvertise; and if in their opinion the lowest bid received on the second readvertisement is too high, they again readvertise; and so time and time again they readvertise, hoping to get a lower bid. Finally, if no bid is received which the department considers low enough, and they will not consider a bid that pays $2 a day on an ordinary route for a man and a team, and when the bidders are thoroughly tired out and disgusted, the department proceeds to send an agent through the country and by a more or less alluring tale to some farmer's boy as to the possibilities of gain through the carrying of passengers and express, finally deludes the victim into taking a contract at a price very much less than he can afford to do it for; or, what is more often the case, the people to be served, after two or three advertisements have been had, finally conclude that it is utterly impossible to let the contract at a price the department will accept and agree to chip in and pay part of the cost, and one farmer gives the carrier his dinner, another his supper, and another proposes to take care of his horses. I have on my desk now one case, the longest line in my State, an unusually long one, where the lowest bid was $10,000, and where, before the bid was submitted, I am told, the citizens of the town where the route originates entered into a contract with the man making the bid to save him free of loss up to $5,000. I have no disposition to criticise the officials of the Fourth Assistant Postmaster-General's office in this matter further than to say I think they have a mistaken idea of their duty. I am certain Congress does not expect that any of our citizens shall be compelled to pay for the mail service they receive, except as they pay postage.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent to proceed for five minutes more in behalf of the star-route carrier.

Mr. WEEKS. Mr. Chairman, the gentleman from Wyoming has the right to extend his remarks in the RECORD, and I shall object.

Mr. MANN. Mr. Chairman, I rise to oppose the amendment of the gentleman from Wyoming, and I would like to ask the gentleman a question in reference to how they arrive at this amount—these lettings, and so forth.

Mr. MONDELL. At the amount paid?

Mr. MANN. Yes.

Mr. MONDELL. They arrive at the amount of pay by the cost of the route per mile. The average cost per mile is 7½ cents.

Mr. MANN. The gentleman was attempting to explain a subject, and I did not get all of his statement.

Mr. MONDELL. Mr. Chairman, further replying to the question of the gentleman from Illinois, I want to say that the pay is fixed by the necessities of the people that must have mail service. The department insists that we are expending so much money in other ways, for pneumatic-tube service in New York, for automobiles in Washington, or steamboat service, and for rural free-delivery service, that it can not afford to pay a decent price for carrying the mails to people who happen to live in thinly, sparsely settled districts, and therefore the people in my State often pay a considerable portion of the cost of the delivery of their mail by agreeing with the carrier to save him from any loss incurred in carrying out his contract.

There are sections of routes in my State on which the snow is sometimes 15 feet deep——

Mr. FASSETT. How thick are the inhabitants?

Mr. MONDELL (continuing). And where the carrier receives 8 cents a mile——

Mr. MANN. Does he go under or go over?

Mr. MONDELL (continuing). For carrying the mail. Just this time in the spring he can neither go under nor go over oftentimes, and therefore he is liable to being fined double the amount of his contract. In the winter, when the snow is hard, he goes over on snowshoes, and later, when the snow is off, he goes under, over the roads.

Mr. GAINES. Is not the trouble that the contractor himself bids too low for the work?

Mr. MONDELL. The trouble is that the department will not let a contract, as I have said, will not let a contract to the lowest bidder if the price is over about 7 cents a mile on an ordinary route, over 8 cents a mile on a difficult route, or over 10 cents a mile on a rough, mountainous, snowy route 7,000 to 8,000 feet above the sea level, with snow mountain high in the winter. They will not let a contract; they readvertise over and over, until the people of the community, concluding it is impossible to get the service unless they help pay for it, chip in to help pay the contractor, or, what is worse than that, the department, often, rather than pay as much as 9 cents a mile. Nine cents a mile—think of it!—for a man and team and wagon in that western country, where the cost of grain and wages is high. That means about $1.91 a day. If they must pay as high as 8 or 9 cents a mile, they reduce the frequency of the service, give the people not seven times a day service, as in New York, but a service once in seven days.

Mr. LONGWORTH. Mr. Chairman——

Mr. MANN. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Mr. Chairman, I want to understand the gentleman. Did the gentleman say there was snow in his State on the 4th of March?

Mr. MONDELL. There was in Washington last year, if my memory serves me right, and there is in the Teton Pass to-day, I am sure.

Mr. HAMLIN. Mr. Chairman——

Mr. MANN. Mr. Chairman, I yield to the gentleman from Missouri to ask a question of the gentleman from Wyoming.

Mr. HAMLIN. I understood the gentleman from Wyoming to say the Government would not pay 9 cents a mile.

Mr. MONDELL. Well, there are one or two routes in my State, known as "snowshoe routes," that extend more than 7,000 feet above the sea level, where they pay as much as 10 cents a mile, but ordinarily they will not pay above 7 cents a mile.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I will not ask an extension of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 55, noes 8.

So the amendment was agreed to.

The Clerk read as follows:

For inland transportation by steamboat or other power-boat routes, $800,000.

Mr. WEEKS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 17, line 24, after the word "hundred," insert "and fifteen," so it will read "$815,000."

The question was taken, and the amendment was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman a question. How is it the department holds that fraternal journals can not carry advertising matter?

Mr. MANN. What has that got to do with this?

Mr. SMITH of Michigan. It is about as proper a time as anywhere else, and I want to know.

Mr. WEEKS. Mr. Chairman, the Committee on the Post-Office and Post-Roads has given a hearing on the subject of fraternal journals on their request that they be given the second-class mail rate. That hearing has been sent to the Post-Office Department, which will make a reply very shortly, and then the committee will consider the bill pro and con. Up to this time we have not received the reply from the department to the arguments that have been made in favor of giving that class of periodicals the second-class rate.

Mr. SMITH of Michigan. Do we understand the committee will report and some bill will be passed later in the session?

Mr. WEEKS. The committee will consider the bill and report on it as soon as other business will permit.

The Clerk read as follows:

For mail bags, metal for mail-bag attachments, cord fasteners, label cases, and material necessary for manufacture and repairing of equipment, and for incidental expenses pertaining thereto, $300,000: *Provided*, That out of this appropriation the Postmaster-General is authorized to use so much of the sum, not exceeding $5,000, as may be deemed necessary for the purchase of material, and the manufacture in the mail-bag repair shop of such small quantities of distinctive equipment as may be required by other executive departments, and for service in Alaska, Porto Rico, Philippine Islands, Hawaii, or other island possessions, and for such special equipment for testing and for other purposes in connection with the reduction in the weight of mail equipment: *Provided further*, That not exceeding $5,000 of this amount may be used by the Postmaster-General for the temporary employment of expert service to examine into the methods employed in conducting the affairs of the mail-bag shop and the lock shop.

Mr. GARRETT. Mr. Chairman, I reserve a point of order against that. I would like an explanation of the language in lines 15 and 16 in the first proviso.

Mr. WEEKS. That, Mr. Chairman, is a part of the present law. I do not know what the history is, but it was in last year's bill and has been in other bills so far as I know for several years.

Mr. GARRETT. It is not subject to the point of order possibly, then?

Mr. WEEKS. I think not.

Mr. GARRETT. Then, I move to strike out the last word, if it is not subject to a point of order. I do not understand this:

Provided, That out of this appropriation the Postmaster-General is authorized to use so much of the sum, not exceeding $5,000, as may be deemed necessary for the purchase of material, and the manufacture in the mail-bag repair shop of such small quantities of distinctive equipment as may be required by other executive departments—

Does that mean distinctive mail equipment?

Mr. WEEKS. I understand, Mr. Chairman, that that means distinctive mail equipment, and that that proviso was inserted originally on account of some ruling made by the Comptroller. The Government does not manufacture mail bags except in unusual cases. Mail bags are manufactured by contract, but in this case the Government does manufacture these mail bags that are required for this unusual service. That is my understanding of it.

Mr. GARRETT. It is the understanding of the gentleman that this refers to mail equipment of some sort?

Mr. HUGHES of New Jersey. If the gentleman will read the language of the second proviso he will find it evidently means postal equipment.

Mr. GARRETT. That second proviso does, of course.

Mr. HUGHES of New Jersey. It refers back to the first proviso, I think.

Mr. GARRETT. It looks to me as if the language might include anything.

Mr. WEEKS. It is intended, Mr. Chairman, to manufacture this special equipment for the Alaskan, Porto Rican, or Philippine Islands services.

Mr. GARRETT. Or any other executive department, as to that.

Mr. STAFFORD. The department has its mail carried between the departments and the post-office in a special character of bag.

Mr. GARRETT. The point I wanted to ascertain was whether or not it refers to mail equipment. I will withdraw the pro forma amendment.

Mr. CRUMPACKER. Mr. Chairman, I desire to move to strike out the words "Philippine Islands," in line 18.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 18, line 18, strike out the words "Philippine Islands."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. I would suggest to my friend from Indiana that the striking out of the words "Philippine Islands" will not change the provision in the slightest degree unless you strike out "or other island possessions."

Mr. CRUMPACKER. The chief purpose of my amendment is to get information. The postal service in the Philippine Islands is altogether under the control of the insular government. The revenues go into the insular treasury, and the expenses are paid out of the insular revenues. The postal service in the Philippine Islands is entirely outside of the control or regulation of Congress, and it occurred to me we might establish rather a questionable precedent, at least, to provide out of federal revenues for increasing the facilities of the service in the Philippines. The Philippine Islands are exceptional in that respect.

Mr. WEEKS. Mr. Chairman, I regret to have to confess to the committee that I am not familiar with the original reason for inserting this in the post-office appropriation bill. It was in the last year's bill. No recommendation was made by the department, and I assume that it was desirable to furnish the special equipment for this service, and, as no contract had been made for it, that it should be manufactured in the mail-bag shop. I do not see now, basing my opinion on the statement made by the gentleman from Indiana [Mr. CRUMPACKER], why any change should be made.

Mr. CRUMPACKER. Well, the only reason is that the Philippine service is altogether independent from the federal postal service.

Mr. FASSETT. I am not informed, but it occurs to me that this is not for the Philippine Islands' use at all, but it is for the use of our own governmental department in relation to the Philippine Islands.

Mr. CRUMPACKER. It may be, but the postal service in the other islands is under the control of the United States.

Mr. FASSETT. It can not be very much, for $5,000 is the total limit.

Mr. CRUMPACKER. The amount is inconsequential; but if we now provide an appropriation for $5,000 out of our Treasury that may be used for providing equipment for use in the Philippines we may be called upon in the future to appropriate a substantial sum for the service there.

Mr. FASSETT. I assume it does. I think it is for the use of the equipment service.

Mr. CRUMPACKER. I do not so understand it. It may be used for equipment for the service in the Philippine Archipelago. I am not insisting upon the amendment, but I wanted to call the attention of the committee to the fact that the Philippine service occupies a different status from the service of the other islands.

Mr. PAYNE. I think not.

Mr. STAFFORD. I do not think it can be contended for one minute that this provision applies to the equipment of the Philippine service, because——

Mr. CRUMPACKER. I yield to the gentleman from New York.

Mr. STAFFORD. I beg the gentleman's pardon.

Mr. PAYNE. This proviso is:

That out of this appropriation the Postmaster-General is authorized to use so much of the sum, not exceeding $5,000, as may be deemed necessary for the purchase of material and the manufacture in the mail-bag repair shop of such small quantities of distinctive equipment as may be required by other executive departments, and for service in Alaska, Porto Rico, etc.

For the executive department of the Government for service in those islands.

Mr. CRUMPACKER. For service in those islands.

Mr. PAYNE. I should say that is what it means.

Mr. CRUMPACKER. It is possible that is the interpretation put upon it.

Mr. STAFFORD. I wish to be recognized in opposition to the amendment.

Mr. CRUMPACKER. Mr. Chairman, I will withdraw the amendment.

The CHAIRMAN. The amendment is withdrawn.

The Clerk read as follows:

For compensation to labor employed in the mail-bag repair shop at Washington, D. C., and Chicago, Ill., $110,000.

Mr. SABATH. Mr. Chairman, I move to strike out the last word. I have in mind the purpose of asking the gentleman about this repair shop. Will the gentleman having charge of this bill inform me how much of this money has been spent here in the District of Columbia and how much in the city of Chicago, if the gentleman is in possession of that information?

Mr. WEEKS. Substantially all the money has been spent in the District of Columbia. There are very few men employed in the Chicago shop; but it is the purpose of the department to increase that repair shop so as to repair all mail equipment which comes from points in the West.

Mr. SABATH. I asked that question, Mr. Chairman, for this reason: I understand that all of this work is being done here. The department brings all its empties to Washington, which costs the Government large sums of money annually, and I believe that this work could be done in the city of Chicago and the Government would save a great many thousands of dollars which it now expends for hauling the empties from the Middle West and western sections here. I ask the chairman whether it is not his opinion that it would be much better if that work was done in the city of Chicago?

Mr. WEEKS. Mr. Chairman, I agree to some extent with the gentleman from Illinois; and it is the purpose of the department to extend its Chicago branch for repairing equipment that originates west of that point.

Mr. SABATH. So that is the intention?

Mr. STAFFORD. If the gentleman will permit me, the very purpose of establishing the branch office in Chicago was that it should take care of the equipment that needed repair in the western territory.

Mr. SABATH. They are not now, but will in the future?

Mr. STAFFORD. They are at present. The very purpose of the subrepair shop at Chicago was to take care of the equipment that originated in that territory.

Mr. SABATH. It came to my notice last year, and I called the postmaster's attention to the unnecessary waste, and I suggested that the work be done in Chicago, which would save the Government a large sum of money which it now pays out for unnecessary hauling.

Mr. STAFFORD. Undoubtedly that will be done.

Mr. SABATH. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. HAMLIN. Mr. Chairman, I want to ask the gentleman a question for information. Is this repairing of the mail bags at Chicago and here done under contract, or does the Government employ the people?

Mr. WEEKS. The Government employs the people.

Mr. HAMLIN. I supposed that was true. Can the gentleman state the average wage paid per day to these employees?

Mr. WEEKS. I think so. The scale of wages, Mr. Chairman, ranges from $1.75 to $4.75 a day. The $4.75 men are superintendents and foremen.

Mr. HAMLIN. The men that actually do the work get $1.75 a day?

Mr. WEEKS. There are 172 people employed in these shops. There are some women who are paid, I am informed, $1.75 a day.

Mr. MANN. Are there no women working for less than $1.75 a day?

Mr. WEEKS. According to the testimony at the hearing, there are not.

Mr. MANN. Then the wages have been raised in the last few years.

Mr. SABATH. It is necessary that the wages be raised. The people could not live on the old scale of wages, as the necessities of life are constantly increasing in cost.

Mr. WEEKS. I find that there are people employed at $20 a month. I suppose they are cleaners who work a few hours a day.

The Clerk read as follows:

For mail locks and keys, chains, tools, machinery and material necessary for manufacturing and repairing same, and for incidental expenses pertaining thereto; also for making in the mail-lock repair shop such metal attachments as may be needed for use in the manufacture and repair of mail equipment, $10,000.

Mr. WEEKS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, line 13, strike out "ten thousand" and insert in lieu thereof "eight thousand five hundred."

The amendment was agreed to.

The Clerk read as follows:

For compensation to labor employed in the mail-lock repair shop at Washington, D. C., $35,000.

Mr. WEEKS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers the following amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 19, lines 15 and 16, strike out "thirty-five thousand" and insert in lieu thereof "thirty-six thousand five hundred."

The amendment was agreed to.

The Clerk read as follows:

For inland transportation by railroad routes, $45,500,000.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if the usual increase has been provided for this service—the increase that is provided in the bill year after year?

Mr. WEEKS. Mr. Chairman, there is a reduction in the recommendation as compared with last year. There was appropriated in the bill for the current year $46,568,000. Of this it is estimated that there will be unexpended at the end of the year $1,507,000. The expenditure for this service for this year will be $45,060,000. This is the year for the weighing of the fourth-contract section. The reason there is such a balance for the current year is that it was estimated that there would be an increase in the first-contract section, which was weighed last spring, of about $900,000. As a matter of fact, instead of there being an increase there was a decrease of about $500,000, which accounts for the large balance on hand. Figuring along the same line, it is estimated that there may not be any increase in the weighings in the fourth-contract section, in which case it would only require $45,060,000 for this service for 1911; but, presuming that there may be some increase, we have allowed $45,500,000, which is about $1,100,000 less than last year.

Mr. HAMLIN. Then the small decrease in the appropriation was not occasioned by any reduction in the pay to the railroads for this service?

Mr. WEEKS. Yes; there have been reductions made in the pay to the railroads. Since the report of the Postal Commission in 1907 there have been reductions in three or four instances; first, by a change in the divisor; second, by a change in the rate of pay for railway post-office cars; third, in transporting equipment by freight instead of by mail; and, fourth, the change in the rate paid for a weight of mail of more than 5,000 pounds.

Mr. HAMLIN. Perhaps I did not make myself clear. I mean, taking this year as compared with last year, there is no reduction on account of any reduced pay to the railroads between this year and last year?

Mr. WEEKS. No; none at all.

Mr. HAMLIN. And none is contemplated by the committee in its report?

Mr. WEEKS. No.

Mr. FINLEY. If the gentleman will pardon me, I will state that under the act of 1907, which provided for a reduction in railway mail pay, as the gentleman knows, there are four weighing divisions in the United States, and it would require four years for that act to have its full effect. I believe that this year we will weigh the last of the divisions, and the last one that will be affected by the act of 1907. Up to this time that division has not been affected by the act of 1907. So the weighings that have gone on year after year have resulted in reductions in railway-mail pay.

Mr. HAMLIN. Let me ask the gentleman a question. The proposition I want to develop here is whether the Committee on the Post-Office and Post-Roads have made any attempt to ascertain whether the pay of the railroads for carrying the mails

could or ought to be reduced. It has been charged that we are paying the railroad companies too much money for the service they render the Government. I want to know if the committee has attempted to ascertain whether that is true or not.

Mr. FINLEY. I will say that an item is about to be read in the bill appropriating $10,000 to handle certain reports in answer to questions that have been sent out by the department to all the railroad companies. The information is being received at the department and it will be handled and put in proper shape to be sent to Congress at the earliest possible moment. No legislation has been attempted by the committee in the way of reducing railway mail pay at this session.

Mr. HAMLIN. The matter has been agitated to my knowledge ever since I have been in Congress, six years, and has the committee never yet attempted to reach a conclusion on that proposition?

Mr. FINLEY. Oh, yes; in the act of 1907 we did that very thing, we reduced the railway mail pay.

Mr. HAMLIN. You reduced it by changing the divisor, but you did not reduce the rate for the amount actually carried.

Mr. FINLEY. That is exactly what we did do. We reduced railway mail pay in 1907.

Mr. WEEKS. We can furnish the gentleman with the figures if he desires to have them.

Mr. STAFFORD. Mr. Chairman, if the gentleman will yield to me——

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. STAFFORD. Mr. Chairman, under the act of 1907 we reduced the tonnage rates for carrying the mail on railroads where the average daily weight was in excess of five thousand and up to forty-eight thousand 5 per cent, and where the weights were above 48,000 pounds, 10 per cent. We also reduced the pay for rental of post-office cars, which had been in operation since 1873, from $50 for the larger-sized car to $40 for a daily line of travel. These reductions, so far as the tonnage pay is concerned, averaged from 5 to 7 per cent, and the reduction of the so-called "rental" of the railway post-office cars amounted, on an average, to 16 per cent.

The reduction on the total transportation pay, based on the tonnage basis, amounts to $1,740,494. The reduction based on the reduced price for carriage of the railway post-office cars amounts to $935,974, making an aggregate reduction of $2,676,486.

Immediately on the enforcement of the act of 1907 the department, under department order No. 412, applied the divisor proposition, using seven days as a divisor instead of six. In other words, in ascertaining the average daily weight of the mail it divided by the actual number of days the mail was carried rather than by the secular days, exclusive of Sunday. That resulted in a saving in the three territorial divisions—because it did not take effect in all divisions until the time of the weighing of the mail—aggregating $3,323,060. On the same basis of reduction, by reason of this divisor proposition, it is estimated that the pay in the fourth section, which is now being weighed, will amount to $1,394,561.52, making a total of $7,396,090.

Now, I wish to direct the gentleman's attention to the report of the Wolcott commission of ten years ago. The majority of the commission reported against, or found that the charges by the railroads for carriage of the mail were not excessive. The minority of that commission recommended a reduction that would aggregate not more than $3,000,000 a year. Congress declined to reduce the railway mail pay when the report was presented. In 1907 Congress passed a law reducing the tonnage and railway post-office car pay, which aggregated $2,676,468, without taking into consideration the further reductions which were directed at that time by withdrawing equipment from the mails when they could be shipped in freightable lots, which is estimated by the department to aggregate over $800,000.

The result of the divisor proposition made another reduction in the railway pay of $4,700,000, or a grand total of reduction in railway-mail pay of $7,394,000. Adding to that amount the $800,000 of saving by reason of taking the mail equipment out of the mails when it could be shipped by freight and you have a total saving in railway-mail pay of more than $8,000,000. And yet the commission that investigated this subject for more than two years, on which there were men of the highest standing, reported that the then rates were not excessive. One member is to-day one of the justices of the Supreme Court of the United States, Justice Moody, who gave the subject most careful consideration. He said, in a lengthy speech on February 5, 1901, in this House, that he could not bring himself around to the conclusion that the railway-mail pay should be reduced at all.

Yet, following the recommendation of the Postal Commission, that this body created back in 1905, the Post-Office Committee brought into this House in 1907, in the bill for the year 1908, this recommendation, providing for a reduction of pay of tonnage rates on those lines that carry the heaviest amount—namely, from 5,000 to 48,000 pounds per day of 5 per cent, and of 10 per cent for those that carry in excess of that, so that the aggregate reduction of railway mail pay is more than $8,000,000 from what it was prior to the time when Congress, three years ago, caused that reduction to be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. I ask unanimous consent that the time of the gentleman may be extended for five minutes.

There was no objection.

Mr. HAMLIN. Mr. Chairman, I am satisfied that the gentleman is posted upon this proposition perhaps better than any other man in the House, and I want to ask him this direct question. It has been charged frequently, and I am sure that every Member has received information from all over the country in letters and in the press, that the Government is paying the railroads about four times as much to carry the mail as the express companies are charged by the railroads for practically similar service. I want to know what the gentleman thinks as to the correctness of that proposition. Is that true?

Mr. STAFFORD. Mr. Chairman, when this subject was under consideration in the House at the time when the Walcott commission made its report——

Mr. HAMLIN. I am not talking about ten years ago. How is it to-day?

Mr. STAFFORD. That was the only commission that gave this subject thorough consideration, the thorough consideration that it deserves. At that time Mr. Moody, then a Member of the House, directed attention to the hearings that had been taken by the commission, comparing the payment to the Illinois Central Railroad Company by the American Express Company on space basis and the charges that the Government was paying for carriage of the mail. He stated in that speech that I have referred to that the Government, in that instance, was paying a less rate per mile for the carriage of the mail than the express companies were for their service. There has been a great hue and cry raised against the rates paid for these traveling post-office cars, cars for which we pay a stated amount, based on mileage covered, in addition to the tonnage rate, where the mails are distributed by the clerks while in transit. These 60-foot cars weigh in the neighborhood of 50 to 60 tons, and the latest design of steel car weighs in the neighborhood of 65 tons.

Mr. HAMLIN. Will the gentleman yield?

Mr. STAFFORD. Not now. I wish to explain this subject while I am on it. I decline to yield.

Mr. HAMLIN. Will the gentleman permit one more question, and then he can explain both questions together?

Mr. STAFFORD. What is the question?

Mr. HAMLIN. Does the gentleman want to admit that the Committee on the Post-Office and Post-Roads in the House has never investigated this real live, burning question for a period of ten years? Why does he go back ten years? Why does he not give us some present-day information on the proposition?

Mr. STAFFORD. Mr. Chairman, we have had investigations since then.

Mr. HAMLIN. Then why does the gentleman go back to the Moody report?

Mr. STAFFORD. That commission of ten years ago collected data and information that is valuable to-day, and the Postal Commission, which was created five years ago and upon whose recommendation we acted, investigated the matter in connection with the recommendations and the hearings as collated by the Wolcott commission.

Mr. FASSETT. The difference in the quality of services rendered, when once set out, if it was fifty years ago, would be just as true to-day as it was then, and that difference does not need reinvestigation.

Mr. HAMLIN. It appears that, so far as the committee knows, the rates ten years ago are not the rates to-day.

Mr. FASSETT. That does not make any difference.

Mr. HAMLIN. It does.

Mr. STAFFORD. I just stated to the gentleman that the rates are not the same. We have made a radical reduction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes longer.

There was no objection.

Mr. STAFFORD. Considerable criticism has been made of the rates paid for the carriage of mail in traveling post-office cars, averaging from $25 for a 40-foot car, to $40 for the 55-foot

car, and over, but I wish to direct the attention of the House to the fact that in the carriage of mail in these traveling post-office cars the average amount of mail carried is less than 3 tons; for a 40-foot car the average, including equipment, is 2,028 pounds; for a 50-foot car, 3,126 pounds; and for a 60-foot car 5,668 pounds, according to the weighings had by the department over the entire postal service two years ago.

The average weight would amount to one and a half to two and a half tons. But I would remind Members that at the same time the railroad is giving us the advantage of a distributing post-office on wheels, and it is carrying a dead weight of from forty to fifty times the weight of the mail that is carried in them. Now, there is no question whatsoever that if the Government would ask the railroad company to furnish for its use a railroad post-office car that would be confined in its yards and would not be hauled it would not charge any such rates as that carried in the law, for it would only be entitled to a fair return on its investment. But the present rate includes the cost to the railroad for carrying dead weight forty to fifty times the weight of mail carried. Anyone who has estimated that the pay for these traveling post-offices in connection with the amount of mail carried in these cars will find that the average return to the railroad for this service is less than the average return they receive from passenger service.

The committee must separate from their minds the idea that we are merely paying for the rent of the car. We are paying the railroads for the carriage of forty to fifty times of dead weight over the little weight carried over the railroad when these railway postal cars are traveling. Now, in the case of express matter, the average weight of a car of express matter is from five to seven times that of the weight of mail in the ordinary post-office car, and it is no fair comparison to compare the returns of a compactly loaded express car with a mail car with merely one-eighth or one-tenth the load. Naturally, if the traveling post-office car was a storage car with eight to ten tons of mail, the railroads could afford to carry at a much less rate.

Mr. LLOYD. Why is it that the Government should pay these large sums for railway post-office cars when they haul the Pullman cars without expense to anybody?

Mr. STAFFORD. Why, that is easily explained, because the Pullman Car Company furnishes their own equipment and the Government——

Mr. MANN. Oh, the gentleman ought to make an answer to that very quickly, that the railroad company uses the Pullman cars and collects fares from the passengers which the Pullman cars carry.

Mr. STAFFORD. I dare say that if the Government furnished the cars perhaps the railroad would not charge anything for the use, but the railroad would have to receive compensation based upon the small amount of mail that is carried in the car, which only averages from 1 to 2½ tons to the car. If all the mail was carried in bulk in solid mail cars, then unquestionably the rates could be reduced, but they are giving a service where there is a distribution of the mail on rails with a minimum amount of mail carried per car.

Mr. LLOYD. The gentleman does not wish the answer of the gentleman from Illinois to serve as your own in reply to that question in regard to the Pullman car, for it is a fact, as anybody knows, that if you ride in a Pullman car you have to pay for riding in the Pullman car, and it is also a fact that is very generally known that the railroads receive nothing whatever for hauling the Pullman car.

Mr, STAFFORD. But the railroads receive the same average return from passengers when traveling in Pullman cars, while from the traveling post-office car, if the railroads only received the tonnage rates, they would be receiving but a fraction of what the car could carry and would earn when stored to its usual capacity with packet express or baggage. You must not lose sight of the small weight carried in these cars as compared to the average load in other cars.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I would like to ask the chairman of the committee whether in the payment for inland transportation by railroad routes—$45,500,000—it is all paid on the basis of weight?

Mr. WEEKS. It is; yes.

Mr. HOBSON. I notice in the report of increases under the office of the Second Assistant Postmaster-General that there is an increase of $247,000 for the railway postal-car service. I would like to ask the gentleman if when the Government pays for a railway postal car, if controlling the car the Government still has to pay for the weight carried by the car?

Mr. WEEKS. Mr. Chairman, when a railway post-office car is used the rate of pay is determined by the weight. In addition to that, a charge is made for the car, provided the space used in the car is not less than 40 feet. If it is less than 40 feet; it is called a "compartment car," and no charge is made for it by the railroad. And, incidentally, I would like to say for the benefit of the committee, that the railroads furnish about as much car space for which they receive no pay whatever as they do space for which they are paid in the railway post-office cars.

Mr. HOBSON. I notice there is an increase for freight or expressage on postal supplies. Since the postal cars are not fully occupied—I understand perhaps only about 20 per cent of the cubical space is actually occupied—I would like to know whether these cars could not be used in their unoccupied space for the transportation of these supplies?

Mr. WEEKS. One of the principal reasons why a railway post-office car can not carry as much weight as an express car is because there is not as much available space. The tables and equipment that are used in handling the mails take up so much space in the car that it is impossible to carry the weight which would be carried in an express car, where there is no such equipment.

Mr. HOBSON. I will ask the gentleman whether any investigations have been made looking toward the utilization of the space in the upper portions of the cars, like it is utilized, for instance, in the Pullman cars, or any other improvement of the railway car service, to get a larger benefit therefrom?

Mr. WEEKS. I am not informed on that point; but I want to say to the gentleman from Alabama that the Post-Office Department has sent out a very comprehensive list of questions to railroads all over the country. The returns are commencing to come in. There is a provision in this bill for an appropriation of $10,000 to tabulate those returns. The department and the Post-Office Committee expect that when those returns are in we then will have information that has not been before obtainable.

Mr. HOBSON. Does that mean that the unused and unavailable space in the cars the Government pays for will be availed of?

Mr. WEEKS. I think that will be considered.

Mr. HOBSON. My question, stated in another way, is this: Whether the committee has taken up the question of payment on a basis of space instead of weight, or a combination of the two?

Mr. WEEKS. The committee has not taken up that question.

Mr. HAMLIN. Will the gentleman from Alabama yield to me to ask a question?

Mr. HOBSON. Certainly.

Mr. HAMLIN. Is it not true that the department takes up these matters with the railroad companies each year and never expects any returns or, at least, none are ever made, or conclusions reached on them? Is not that about the end of the attempt made to solve this proposition? Is not that the annual procedure on the part of the Post-Office Department?

Mr. WEEKS. Mr. Chairman, it is not very gracious to criticise an inquiring mind, but the gentleman from Missouri has had explained to him in definite terms that we are not harking back to ten years ago for material to answer his question. The postal commisssion reported on this subject of rates, and recommended changes which have been made which have created a saving of something like $8,000,000 a year, all this since the gentleman from Missouri [Mr. HAMLIN] came to Congress originally. Every effort is being made to reach a reasonable conclusion. The gentleman started his inquiry by asking for a comparison between the express rates and railway post-office rates. Now, there is some comparison in that they both use cars furnished by the railroads, but there are a great many conditions relating to those services which are not comparable at all. I have in my hand a letter from the department which states very material differences in the conditions under which this service is carried on, and, Mr. Chairman, I will ask that this letter be read by the Clerk and included in the RECORD, so that Members may be familiar with the department's explanation of the differences in the character of these two services.

The CHAIRMAN. Without objection, the letter will be read.

The letter was read, as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 31, 1910.

Hon. JOHN W. WEEKS,
Chairman Committee on Post-Office and Post-Roads,
House of Representatives.

MY DEAR SIR: In response to your inquiry as to the difference between the service rendered the Post-Office Department by railroad companies in the carriage and handling of the mails, and that rendered express companies, I would state that from such information as we have been able to obtain in regard to the service rendered to express companies, the difference is substantially as follows:

The Post-Office Department requires the railroad company to take the mail from the post-office wherever the office is within 80 rods of the depot and the company has an agent, and in many cases to perform the terminal service regardless of the distance between the post-office and the station. Wherever the terminal service is taken up by the department, by means of regulation or screen-wagon service, the contractor delivers the mail at a specified place at the depot, and from that point the railroad employees transport it to the cars, and if the amount is so great that it would impose a hardship upon the postal employees to load and store this mail, the railroad company is called upon to furnish porters to do the work. Where the mail messenger or contractor can drive direct to the cars, he does so. The express companies haul all of their matter to the railroad stations and put it in the cars, using their own employees and their own trucks.

The cars furnished the Post-Office Department and those furnished the express companies differ very materially. The former are built according to specifications furnished by the department, and are fully equipped with letter cases, paper racks, drawers, and lockers for registered mail and supplies, and all of the equipment necessary for the distribution of mail en route. The cars furnished the express companies have very little, if any, interior furnishings, and are more like the cars used for the transportation of baggage. In both cases the cars used are owned by the railroad company.

The number of employees transported for the Post-Office Department is very much greater than for the express companies. There are frequently five or six clerks in the postal cars, and on fast mail trains, where there are two or three working cars to a train, the number runs up as high as 23. The express seldom requires more than two men in a car.

The Post-Office Department claims as much space at depots without specific payment therefor as may be required for the storing and handling of mail in transit. The express companies are required to pay the railroad companies for all space used at depots.

On smaller lines a separate apartment must be furnished for the mails other than baggage mails. The express matter is usually placed in the baggage car.

Upon arrival at terminals the railroad company may be required to unload a mail car, if the quantity is such as to impose a hardship upon the clerks, and to see that it is loaded into the contractor's wagons; or, if the terminal service devolves upon the railroad company, that it is delivered into the post-office. The express company unloads and handles its own matter.

The railroad and express companies frequently use a joint employee to handle baggage and express, thereby economizing in cost of help. That can very seldom be done in connection with the postal service.

The railroad company has charge of all baggage mails in transit and receives them into and delivers them from the cars. It also handles other mails when necessary to transfer them between cars or trains. It is held responsible for reasonable care in their transportation. Deductions are made for failures to perform service according to contract, and fines are imposed for delinquencies. The company is required to keep a record of all pouch mails carried on trains in charge of their employees and handled at stations where more than one regular exchange pouch is involved and no mail transfer clerk is located, and to prepare and forward shortage slips when a pouch is due and not received. They are required to make monthly affidavits as to performance of service. It is understood that the company never assumes control of express matter. The department is not informed as to the terms of contracts between railroad and express companies, and therefore can not state what responsibility is imposed as to transportation.

Mail cranes for the exchange of mail at points where trains do not stop are erected and kept in repair by and at the expense of the railroad company, whose employees must hang the mail bag on the crane and adjust it for catching at points where the company provides side service. The mail catchers are also furnished by them. No service of this character is rendered express companies.

A railroad company is required by law to carry the mails upon any train that may be run, when so ordered by the Postmaster-General, without extra charge therefor, and as a result the mails are carried on the fastest trains and with great frequency. Express matter is not as a rule carried on the fast limited passenger trains, nor with the frequency with which mails are carried.

In this connection your attention is invited to pages 84 to 94, 516, 517, 860 to 863, part 1, and pages 687 to 696, part 2, of the testimony before the congressional commission which investigated the postal service in 1900—Wolcott-Loud commission.

Yours, very truly,

F. H. HITCHCOCK,
Postmaster-General.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last two words.

I rise for the purpose of challenging one portion of the remarks of the gentleman from Wisconsin, or rather amplifying them in regard to the history of the legislation of recent years concerning reductions in railway mail pay.

The Wolcott commission made its report about ten years ago. It is a voluminous report. Congress took no action upon it. In 1907 another commission, known as the "Penrose-Overstreet commission," made a report in regard to second-class matter, and proposed an increase in the rate of this class of mail matter. In connection with their proposal in regard to second-class matter, the Penrose-Overstreet commission proposed a reduction of railway mail pay. That proposal was this: That where the average daily weight of mail carried on a railroad route was above 5,000 pounds and less than 48,000 pounds, it should be reduced 5 per cent; and an additional 5 per cent reduction was provided where the average daily weight was above 48,000 pounds. That commission also included in its propositions, and in terms in its proposed bill, this: That the department should continue to compute the weighing of the mail for average daily weight as it had done for years.

Now, the Committee on the Post-Office and Post-Roads of this House in 1907 brought out four propositions, not one. It brought out, first, a proposition to reduce the pay to the railways where the average daily weight was above 5,000 pounds; second, it brought out a proposition to reduce to some extent the pay we make for car service; third, it brought out a proposition to take certain equipments out of the mail; fourth, it brought out a proposition to change the divisor. Now, the House accepted the first reduction, that regarding the average daily weight above 5,000 pounds. It accepted the elimination of certain equipments from the weight of mail, and it also accepted the reduction of car pay. But Congress refused to accept the change in the divisor; and, by a legislative trick which was never tried in this body before, and will never be tried again, these sections carrying reductions in railway-mail pay were so manipulated that two of the propositions were taken out of the bill and, by a vote of the House, placed in the hands of the clerk and reinserted in the bill after its final passage and engrossment; the whole maneuver being for the purpose of preventing the adoption of a new divisor and with the result of keeping the pay to the railroads $5,000,000 above what it ought to have been by all rules of arithmetic for the computation of averages. The change in divisor was made by the department afterwards.

Now, as the proposition stands to-day, the pay to the railroads in the last three years has been cut annually, in round numbers, first, $1,000,000 on car pay; second, $2,000,000 on weight, and nearly $5,000,000 on change of computation in the matter of the divisor, or altogether $8,000,000. The elimination of certain equipment also increased the saving. That amount would have increased greatly annually as years went by if the correction had not been made then.

There is a great deal of profitable study possible in the matter of railway mail pay. No one can solve the problem in a day; no set of men will solve it in a year.

We start with a certain rate as a norm, and until somebody wiser than we are arises in this country to tell us whether the first rate, which we have taken as a norm, is right or not, no one can ever tell the extent we are overpaying the railroads, or with finality whether we are overpaying them at all.

We pay for the first rate on the carriage of mail $42.75 per mile per annum for a weight of 200 pounds average daily weight. In lots of mail over 200 pounds up to 5,000 pounds we pay on a sliding scale. When we get to 5,000 pounds average daily weight we pay $171 for the 5,000 pounds.

Now, if we are going into the matter of computation, I think this change can be made: The New York Central, from New York to Buffalo, carries some 350,000 pounds of mail daily. In the old days, under the old divisor, it carried 411,000 pounds of mail. To-day it carries 350,0000 pounds, and inasmuch as this 350,000 pounds is above the average daily weight of 48,000 pounds, we pay the New York Central in this way, and not in the way that is generally supposed. First, we take 5,000 pounds, and we pay for that $171; then we subtract 5,000 pounds from the 350,000 pounds and have remaining 345,000 pounds; then we subtract from the 345,000 pounds 43,000 pounds, and for that 43,000 pounds we pay at the rate of $20.30 per ton per mile per annum.

For the remaining 302,000 pounds we pay $19.24 per ton per mile per annum. It is generally believed in this House that we pay the New York Central for the transportation of 350,000 pounds of mail average daily weight at the rate of $19.24 per ton of 2,000 pounds. We do nothing of the kind. We pay $171 for the first 5,000 pounds, which is considerably above the rate of $20.30 per ton. I think that is one of the things in the system that suggests the possibility and the justice of a change.

As most of the Members of this House know, there are other things in the system that I think should be changed. The matter of the time of weighing is of great importance. No man can tell how much we would cut the pay of the railroads by changing the weighing period, but there is no question in my mind that we would cut it very heavily by doing so. Speaking for myself, I think the weighing period ought to be changed. January is a very heavy month in mail weights. February is still heavier. March is, in my opinion, the heaviest month in the year for mail weights.

[The time of Mr. MURDOCK having expired, by unanimous consent it was extended five minutes.]

Mr. MURDOCK. The average weight of mail begins to drop off in April and May; it rises a little in June, sinks very low in July and August, and in September the mails again begin to rise in weight, and in one part of the country—in the first weighing section, the New England-New York section—the weight of the mail rises prodigiously in September, differing in that respect from all other parts of the country. In September and October the mails are still increasing in weight, in November still increasing, and in December, the Christmas month, they are very high; but the mail weights of the country are not

as heavy in the Christmas month of December as they are in January, February, and March.

Mr. STAFFORD. At present the one hundred and five days in which the mails are weighed begins about February 20 and end somewhere in June. Can the gentleman suggest any other period of one hundred and five days which would represent a better average period of the year?

Mr. MURDOCK. Yes; and I will get to that proposition. We have a year in the several months of which the mail varies in weight. We have never had in this country a whole year's weighing of the mail. The figures that I have given and the belief that I have are based largely on the time when our postal receipts come in—when we sell the postage out of which we get our revenues. As we now weigh the mails, we include the heaviest month of the year, namely, the month of March. We weigh for one hundred and five days. I do not think it is fair to the system or fair to the Government that the mails should be weighed with the center of the weighing period containing the heaviest month of the year. I think that the weighing should be done in this way: That, first, this country should have a complete year's weighing to determine just where the weights are heavy and just where the weights are light, and to find from that year's weighing an average week which would fairly represent the average weight for the whole year, and then, cutting out the expense of weighing for a great number of days, take some one week in the year that would give a fair average for the whole year.

Mr. STAFFORD. Does the gentleman think a week would be more representative than a period of one hundred and five days?

Mr. MURDOCK. Certainly; because to-day the gentleman is standing for a system which weighs the mails for an average for a year, when there is no man on earth who knows what the weights of mail for a whole year are.

Mr. STAFFORD. But the gentleman knows, from the testimony of the post-office officials before the committee, that according to their position the one hundred and five days represent the best average period of any in the year.

Mr. MURDOCK. The Post-Office Department, in my opinion, is guessing.

Mr. STAFFORD. Does the gentleman contend that one hundred and five days in the fall of the year, in the heavy months, would represent a fair average?

Mr. MURDOCK. I contend that the present weighing time does not produce a fair average.

Mr. STAFFORD. Would the gentleman take one hundred and five days during the summer as a fair average?

Mr. MURDOCK. The gentleman knows I would do nothing of the kind. I do say that the gentleman from Wisconsin does not know that the period in which we are now weighing is a fair period for finding the average daily weight of the mail for a year, and I do believe that this country should determine, first of all, what the weights of mail are for a year—that is, when they are heavy and when they are light—and then take the least possible number of days, for the sake of economy, and determine what is a fair average period, whether it be in the fall or whether it be in the spring.

Mr. STAFFORD. Would there not be graver abuses against the Post-Office Department through the padding of the mails during the short period of a week than during the whole course of one hundred and five days? Does not the gentleman know that the Railway Mail Service has traveling superintendents on the road during the weighing season to detect any possible padding of the mails, which they could not detect if it was limited to merely a week?

Mr. MURDOCK. Oh, I want to say as far as the padding is concerned——

Mr. STAFFORD. I am not in favor of such a limited period of weighing.

Mr. MURDOCK. I do not care whether the gentleman is or not; I think that would be a fair way.

[The time of Mr. MURDOCK having again expired, by unanimous consent his time was extended five minutes.]

Mr. WANGER. Will the gentleman yield for a question?

Mr. MURDOCK. Certainly.

Mr. WANGER. May not the average mail carried in a week vary from year to year in different parts of the country?

Mr. MURDOCK. That is very true, and it might be better to take a longer period than a week, but until you do have a whole year's weighing you are not going to be able to get a correct average. It is true from year to year the weight may differ, but I do not think it would differ as much as gentlemen would imagine.

Mr. GARDNER of New Jersey. If the gentleman will pardon me, I do not understand him to mean to intimate that the rise and fall in the amount of postage received is much of an indication of the rise and fall of the weight of the mail.

Mr. MURDOCK. It is virtually the only indication we have except by actual physical observation.

Mr. GARDNER of New Jersey. Is not the rise and fall of the receipts for postage an indication of the rise and fall of first-class mail matter, whereas the second-class mail matter is more stationary?

Mr. MURDOCK. Oh, I do not know about that; third-class matter would come in. The reason for the heavy mail in March, I understand, is because of the mailing of the catalogues, which go out under third-class rates.

Mr. MURPHY. Will the gentleman yield for a question?

Mr. MURDOCK. Certainly.

Mr. MURPHY. Is it not one of the requirements of the railway companies that they must deliver the mail at the post-office and then go and get it and put it on the train?

Mr. MURDOCK. The gentleman means where the post-office is within 80 rods of the station. That is not a law; it is a regulation.

Mr. MURPHY. But that is one of the requirements that the railroads have to comply with.

Mr. MURDOCK. It is.

Mr. HAMLIN. Is it not also true that in a very large number of cases, perhaps in nearly 100 per cent of these cases, this mail is handled by the station agents without any additional expense to the company?

Mr. MURDOCK. I can not say that; I suppose it is an additional expense to the company; the railroads claim that it is.

Mr. HAMLIN. I am satisfied that it is not.

Mr. WEEKS. Mr. Chairman, I think the committee has seen from the very brief discussion on this question that it is an extremely complicated one, and I think the gentleman from Kansas will agree with me in that.

Mr. MURDOCK. I certainly do. Now, if the gentleman from Massachusetts will permit me, I want to say that in a matter of this kind there ought to be further investigation. The whole subject should be gone over again, and I have no doubt in the course of years it will be gone over and over again. I think in this matter of the railway-mail pay we ought first to get the method down to the simplest way of computation, that we ought to determine, as a Government, a fair weighing period to get an average daily weight.

Mr. WEEKS. I want to ask the gentleman a question. If we were going to do an absolutely fair thing by the corporations and by the Government, we would take some period when the mail weighed a fair average for the year.

Mr. MURDOCK. Certainly.

Mr. WEEKS. The mails increase about 7 per cent a year, do they not, and have for the past ten years? In other words, the weight of the mail four years from now will be 25 per cent greater than now, and perhaps 30 per cent. Now, take a period—and this should be called to the attention of the committee—take a period of one hundred and five days in the spring, even admitting that that is not a fair average period for the year, will not the gentleman from Kansas admit that the railways would carry during the following three years more mail than they were paid for for the year of the weighing? In other words, they are carrying the next year an increase of 7 per cent, and the next year an increase of 14 per cent, and a third year an increase of 21 or 22 per cent, as the case might be.

Mr. MURDOCK. The "gentleman from Kansas" of course knows that the weight of the mail in this country is naturally increasing, and I think in different sections about 7 per cent annually. The "gentleman from Kansas" also knows that this rate was first made in 1873 on a basis of quadrennial weighings which the railroads knew and accepted.

Mr. WEEKS. Now, one more question. I would like to ask the gentleman, because he has given a good deal of consideration to this subject, does he think, on the whole, that the railroads are being paid materially more for the transportation of the mails than the service is worth? I asked that question, admitting that in my judgment this question needs further adjustment and further investigation, but with that in view I would like to ask the gentleman if he thinks it does?

Mr. GAINES. Does the gentleman mean more than they should receive?

Mr. WEEKS. Yes.

Mr. MURDOCK. I believe that the present law should be changed so that there should be a graduated pay above the 5,000-pound average daily weight limit at lesser grades than jumps of 43,000 pounds.

Mr. WEEKS. I agree to that.

Mr. MURDOCK. The gentleman agrees to that; and if that graduated scale should be changed, it should be changed into grades until it covered those routes in the country which carry the largest average daily weight.

Mr. WEEKS. Has the gentleman information which makes him conclude that railroads are being paid materially more than they should be for the service which they are performing? I ask that question because the House and the country are interested.

Mr. MURDOCK. It depends on the railroads. As to those railroads which have larger average daily weight, I should say yes.

Mr. WEEKS. How about what are known as the short-line railroads?

Mr. MURDOCK. I would say in regard to the Long Island Railroad, of Long Island, New York, absolutely no.

Mr. SMITH of California. Mr. Chairman, I would like to ask the gentleman a question. I do not know that there are many members of the committee who have been on the committee longer than has the gentleman from Kansas, and I have not heard any of them indicate that he has dug into this question of railway transportation as much as the gentleman has. I would like very much for my information, and I think other gentleman would appreciate it also——

Mr. MURDOCK. I want to say that I do not claim to be an expert on the matter of railway-mail pay.

Mr. SMITH of California. But I claim that the gentleman is. Let me make the claim.

Mr. MURDOCK. I do not make the claim. I have taken up just certain features of this proposition and tried to get at some concrete facts in regard to it.

Mr. SMITH of California. The only way we can measure out this problem to the people, I think, at the present time is on general results. Therefore, I would like to press the gentleman for an answer to the question propounded by the chairman of the committee. Does the gentleman think the entire mail pay to the railroads is materially in excess of the service we receive from the railroads, take the whole country over? Of course one can pick out exceptions here and there both ways.

Mr. MURDOCK. I will try and answer the gentleman just as he would like to have me.

Mr. SMITH of California. I think the gentleman can answer that yes or no and then explain.

Mr. MURDOCK. Yes.

Mr. SMITH of California. Then explain to us in what particular or to what extent it is excessive.

Mr. MURDOCK. I think that would take me two hours and a half.

Mr. SMITH of California. Oh, boil it down.

Mr. MURDOCK. I will boil it down to two minutes and a half.

Mr. SMITH of California. That is better.

Mr. MURDOCK. I would first find out whether we had a fair way of getting the average daily weight. I think the present method is faulty. I would lower the rates by changing the grades of pay above the average daily weights of 5,000 pounds. I would do those two things first. I would further investigate this proposition as a whole; but above all, as the gentleman knows, I would establish, so far as the transportation of mail matter between towns is concerned, absolutely a government monopoly. I would take over the mails to the Government.

Mr. SMITH of California. That is wandering off to something else.

Mr. MURDOCK. I am not wandering off to something else. I will say to the gentleman, and I want to say it enters vitally into this proposition, that, as a matter of fact, in all our short, heavy routes we get a lower rate by reason of our increased tonnage, and we are all the time lowering our tonnage on short hauls by surrendering the matter that belongs to us to the haul of the express company.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. I ask unanimous consent that the time of the gentleman be extended for five minutes.

There was no objection.

Mr. WEEKS. The gentleman from California having established the fact that the gentleman from Kansas is an expert——

Mr. MURDOCK. I deny it.

Mr. SMITH of California. Well, I will give my word on that.

Mr. WEEKS. I want to ask the gentleman from Kansas if he does not agree with me that Congress has not been unmindful of this great question; that it has not been negligent of this question, but that it has from time to time, especially in the last few years, considered it and made distinct reforms; and that the department is now asking a series of questions which, when they are submitted to Congress, may form a basis for an adjustment along the lines which are criticised by the gentleman himself and by others?

Mr. MURDOCK. Well, that is a pretty long question, but I will answer it by saying "yes." I think that Congress has been diligent in this matter, but I do think that Congress was derelict when it refused three years ago to change a self-evident error.

Mr. SMITH of California. The gentleman refers to the divisor?

Mr. MURDOCK. Yes.

Mr. SMITH of California. On the other hand, do not you believe that 7 is as fair as 6?

Mr. MURDOCK. Seven is a fair divisor. Six is absolutely indefensible as a divisor.

Mr. SMITH of California. I do not know that either one can be justified, because the Sunday mail is not as heavy as the other days. Now, I would like to come to this: I have established the gentleman's reputation as an expert here——

Mr. MURDOCK. For which I thank the gentleman.

Mr. SMITH of California. We are appropriating in this bill approximately $49,000,000 for railroad pay. How much less than that should it be?

Mr. MURDOCK. I have not made the computation on my proposals. I will never be able to make my computation completely until this country determines what is a fair weighing period.

Mr. SMITH of California. Then, with your present information, you are not prepared to assert that it should be any less?

Mr. MURDOCK. As to the matter of the average daily weight, I am prepared to assert that we ought to make a further reduction above the 5,000-pound average daily weight limit.

I did not want to talk this long. I have never made any particular study of railway-mail pay. I have been drawn into it at times by reason of discussion. I want to say, further, before I close, that some day Congress ought to have, and is going to have, the figures to work on in this matter of railway-mail pay. Now, if the gentleman will permit, I will get a little more time and answer at greater length. We have always had these disputes and always will until the day comes when we will have a controlling decision.

The Government and the railroads do not enter into a contract so far as carrying the mails is concerned, if I am correctly informed. The railroads prepare a distance circular, a printed circular which shows the distances between towns upon their lines. Some one in authority signs that circular, and it is sent down here to the department, and the department, after verification of that circular, pays the railroad. The lawyers tell me that it is not a contract. Some day some railroad in this country—and there are a good many of them of this mind—will come to the conclusion that it has not been getting enough money for the carriage of the mails. In other words——

Mr. FASSETT. Is not that the general attitude now?

Mr. MURDOCK. In other words, that it is carrying the mails at a rate that is confiscatory, and that railroad meaning business and grounded in its conviction, will refuse to sign this distance circular.

Mr. STAFFORD. Is not that being done at present?

Mr. MURDOCK. I could not state; but if it is ever done, that railroad will soon go into court, and the courts of this country will finally give us a figure from which we can work so far as rates are concerned. And I want to say to the gentleman from California and to others that even after we have a rate from which to work as a norm, this Government ought to take steps to find out what is a fair period for weighing the mails to determine what the average daily weight should be.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. PARSONS. I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PARSONS. I understood the gentleman to say the Long Island Railroad was not overpaid?

Mr. MURDOCK. I think not.

Mr. PARSONS. Is it underpaid?

Mr. MURDOCK. I should say yes, under our system, and as compared with other railroads.

Mr. PARSONS. How then would you adjust the pay that it should receive as compared with the pay that a road like the New York Central should receive? What are the different elements?

Mr. MURDOCK. It is beyond me, I will say to the gentleman from New York, to adjust the pay of the Long Island Railroad, which is an exceptional case.

Mr. HOBSON. Will the gentleman yield for a short question?

Mr. GARRETT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," line 18, page 19, insert the following:
"*Provided*, That no part of this amount shall be paid to any railway company which does not furnish all mail cars sound in material and structure, and for the purpose of enforcing this provision the Postmaster-General is authorized to have such inspection of cars made as may be sufficient to determine their condition under regulations made by him."

Mr. WEEKS. Mr. Chairman, I reserve a point of order on that.

Mr. GARRETT. I am willing to have the Chair pass on the point of order.

Mr. WEEKS. Mr. Chairman, that is the practice of the department now, and I make the point of order against it.

Mr. GARRETT. Well, Mr. Chairman——

Mr. MANN. The amendment is clearly legislation, Mr. Chairman.

Mr. GARRETT. It is. It is a limitation on the appropriation.

The CHAIRMAN. Does the gentleman from Tennessee wish to be heard on the point of order?

Mr. GARRETT. I think it is a limitation on the appropriation, Mr. Chairman.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Tennessee [Mr. GARRETT], if he cares to say anything on the point of order.

Mr. GARRETT. Mr. Chairman, I have not by me now the book of precedents, but it seems very clear to me it is a limitation, but no more limitation on the appropriation than is frequently the practice in this House. It does not make a permanent law. It is a limitation just on this specific appropriation. It does not make permanent law.

The CHAIRMAN. It seems to the Chair that the amendment is an affirmative, substantive proposition, which would change existing law. The Chair sustains the point of order.

Mr. MURPHY. Mr. Chairman, I desire to offer an amendment.

Mr. GARRETT. May I ask a question or two about this matter?

The CHAIRMAN. The gentleman from Missouri [Mr. MURPHY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, line 18, after the word "dollars," insert:
"*Provided*, That no part of this appropriation shall be paid any railroad which requires any telegraph or telephone operator who handles orders pertaining to or affecting the movements of trains to handle the mail between stations and post-offices."

Mr. WEEKS. I make a point of order against that.

Mr. MURPHY. I ask the gentleman to make it and state what it is.

Mr. WEEKS. That is a limitation on the functions of the executive officers.

Mr. MANN. Mr. Chairman, that amendment would require a work now done by the Post-Office Department which it is not authorized to perform at all. It would require the Post-Office Department to ascertain in reference to the method of conducting the business by the railroad companies, which the department is now not authorized to ascertain, and it seems to me contains a positive requirement of the department to do something not merely which it is not now required to do, but which it is not now authorized to do; and while it is in the form of a limitation, this money shall not be appropriated unless something is done, and that "unless" is to do something positive which the department is neither required nor authorized now to do.

Mr. MURPHY. Now, Mr. Chairman, it is admitted that this is a limitation upon an appropriation, and is clearly in order.

Mr. MANN. It is not admitted.

Mr. MURPHY. I asked the question, as the Chair remembers, during the debate on a previous amendment here, if it was not a requirement on the part of the department for the railroads to handle the mail between the post-offices and the stations, and the answer was in the affirmative. That is where the distance was within 80 rods. And, of course, this amendment would not affect anything that was beyond 80 rods, because the Government would handle it then.

Mr. WEEKS. May I call to the attention of the gentleman from Missouri [Mr. MURPHY] that that is a regulation of the department and not a law?

Mr. MURPHY. Then, sir, it would be in order if it is a regulation, because it would not change any existing law. It would be in order because it is not legislation.

This amendment clearly provides where a railroad company requires one of this class of employees, who ought to be at his post of duty, many accidents having occurred because they were not, to handle the mail between station and post-office, shall not receive any part of this appropriation. Now, as stated, the railroad is required to handle the mail between post-offices and stations. We have a right to say here that they shall not require certain employees to thus handle the mail if they get any of this money that we propose to appropriate. That is all we are attempting to do. We do not say that they shall not handle the mail between stations or between stations and post-offices; but we do say that a railroad requiring a certain class of employees to do this work shall not receive any part of this money for the same if it is handled by a telegraph or telephone operator who handles orders pertaining to or affecting train movements.

Mr. FITZGERALD. Mr. Chairman, there are any number of decisions which will sustain this amendment. For instance, the sundry civil bill every year carries a provision "that no part of the appropriation made for a soldiers' home shall be available for any soldiers' home that contains a canteen." If the reasoning of the gentleman from Illinois were sound, the mere fact that somebody would be compelled to ascertain whether canteens were maintained in one of the soldiers' homes would be sufficient to make the amendment obnoxious to the rule. I called the attention of the Chair yesterday to an amendment which was held in order, which is clearly in line with this amendment. It provided:

That no part of the sum hereby appropriated shall be expended unless the programme for the conference contain a provision for a discussion of reciprocal trade relations between the countries participating in the conference.

That amendment necessitated investigation and inquiry by the Department of State as to whether that conference had in its programme a discussion of the matter mentioned in that particular amendment; and the Chair held that that amendment was in order. If the gentleman offered an amendment that no railroad company which employed red-headed men shall receive any part of the money for transporting the mails, that amendment would be in order. It would be a limitation upon the appropriation within the rule. We can withhold appropriations from any company which does not meet certain requirements. This clearly comes within the well-settled rule.

Mr. MANN. Mr. Chairman, I can not agree with my distinguished friend from New York. The case he cites has no relevancy to this case at all. Here is a proposition, not that we will make an appropriation, not that it shall not be effective if the Post-Office Department does or does not maintain canteens, but a provision that no part of this appropriation shall be paid to a railroad company, when—if it permits a telegraph operator connected with the movement of trains to carry the mail from the post-office to the station. Here we have a positive requirement of the Post-Office Department to ascertain the facts whether this telegraph operator is employed in connection with the movement of trains.

Mr. SHERLEY. Will the gentleman from Illinois permit me to ask him a question?

Mr. MANN. Certainly.

Mr. SHERLEY. Members have frequently offered amendments which have been held in order prohibiting the payment of any part of an appropriation to corporations that were engaged in restraint of trade and that required the ascertainment of whether or not they were trusts.

Mr. MANN. Yes.

Mr. SHERLEY. Here it is simply a limitation that makes it necessary to ascertain whether the railroad is requiring certain things of certain employees.

Mr. MANN. Oh, it is a different proposition entirely.

Mr. SHERLEY. That is the proposition.

Mr. FITZGERALD. Take the case of the canteen at the National Soldiers' Home; the money is appropriated, and the money can not be expended in any soldiers' home where a canteen is maintained.

Mr. MANN. True enough.

Mr. FITZGERALD. Somebody must ascertain.

Mr. MANN. Why, the manager of the soldiers' home knows whether he is maintaining a canteen or not. They can not have a canteen without his direction. Here is a proposition entirely apart from the question of what a government official does, and what a government official knows, and what comes within the purview of his work.

Mr. FITZGERALD. On the question of the purchase of powder from a trust, the Navy Department was compelled to ascertain whether the competitor was in fact a trust or part of a combination understood as a trust. That was entirely outside of the department, and required some investigation to ascertain the facts.

Mr. MURPHY. Would not the postmasters of these various towns at each of such stations know whether the railroad company was requiring this man to carry the mail as easily as any manager of a soldiers' home would know about whether there was a canteen established?

Mr. MANN. The Auditor for the Post-Office would not know; the Post-Office Department would not hear, nor would the postmaster know anything about it.

Mr. MURPHY. Can not they inquire?

Mr. MANN. He might have heard a rumor, but he could not know, because he does not know what the telegraph operator may be doing in reference to the movement of trains. The practical effect of an amendment of this sort would be this: We now have a law under which the department makes a regulation requiring the railroads to carry the mails for a distance of 80 rods between the stations and the post-office. That regulation is within the power of the Post-Office Department. We make contracts with the railroad companies under that regulation, and under which contract they are obliged to carry the mails that distance. If we interfere with that proposition, and say that they shall not be permitted to use the telephone or telegraph operators at some place connected with the movement of trains, perhaps the station agent will be the only one at the station, we absolve the railroad companies from the contract, and take every limitation from the railroad on an appropriation bill.

The result will be if this goes into effect that the mails at these points will not be carried at all. This will be a positive direction by Congress that the only person employed by the railroad company who could carry the mails shall not carry them, and that will absolve the railroad company from carrying the mails in that way, and is a change of law.

Mr. MURPHY. Is there anything in the contract with the railroad company for carrying the mail that says a telegraph or telephone operator shall carry it or shall not carry it?

Mr. MANN. Oh, I assume there is not. I have not examined the contract.

Mr. CLARK of Missouri. The last part of the speech of the gentleman from Illinois was to the merits of this qeustion, and not on the point of order.

Mr. MANN. Not at all; the gentleman is mistaken. It was to the effect that under a limitation we were seeking not only a change of law, but to break a contract authorized by law, which itself would be a change of law.

Mr. CLARK of Missouri. You always have the right to abrogate these contracts. Now, I want to ask you another question: How do you come to the conclusion that the postmaster can not find out, without putting himself to any considerable amount of trouble, whether these men are doing the things that this amendment undertakes to prevent?

Mr. MANN. If the gentleman had had the honor—and I wish he had—of serving on the committee of which I am chairman, and had heard the testimony in reference to telegraph and telephone operators, he would have discovered before this that it was a very difficult thing even for the railroad companies themselves to ascertain whether or not a telegraph or telephone operator was engaged in the movement of trains. And yet the gentleman assumes that the postmaster, entirely apart from the railroad company, can ascertain that.

Mr. CLARK of Missouri. The trouble in that case was that you were listening to the railroad companies.

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21419) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1911, and for other purposes, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6661. An act in aid of navigation of the Cape Fear River at and below the city of Wilmington, Del.—to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 13410. An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War and to repeal the One hundred and twenty-third Article of War;

H. R. 18681. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 142. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5697. An act to authorize the change of name of the steamers *A. B. Wolvin* and *Cambria*, owned by the Port Huron and Duluth Steamship Company; and

S. 4639. An act concerning tonnage duties on vessels entering otherwise than by sea.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. R. 18681. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 142. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. FISH, for three days, on account of important business.

CHANGES OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of the following bills, and the same were referred to the Committee on Rivers and Harbors:

A bill (H. R. 21590) for the construction of a bridge across Millers Creek in Estill County, Ky.; and

A bill (H. R. 21591) for the construction of a bridge across the Red River at Puckett, Clark County, Ky.

LEAVE TO INTRODUCE BILLS, ETC.

By unanimous consent, Mr. SHEFFIELD was given leave, on behalf of his colleague [Mr. CAPRON], to submit for introduction and reference to committees bills, petitions, resolutions, and memorials.

EULOGIES ON THE LATE REPRESENTATIVE DE ARMOND.

Mr. CLARK of Missouri. I ask unanimous consent that Saturday, April 9, beginning at 2 o'clock p. m., be set apart for eulogies on the late Judge DE ARMOND.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Saturday, April 9, after 2 o'clock, be set apart for eulogies upon the late Representative DE ARMOND. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WEEKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a reply to the inquiry of the House as to contracts for certain naval guns (H. Doc. No. 745)—to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Absecon Inlet, New Jersey (H. Doc. No. 747)—to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of State, submitting an estimate of appropriation for expenses of arbitrating

questions relating to the North American fisheries (H. Doc. No. 742)—to the Committee on Appropriations and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of T. F. Stock, administrator of estate of Henry Stock, against The United States (H. Doc. No. 746)—to the Committee on War Claims and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General, submitting an estimate of appropriation for care of court of appeals building, District of Columbia (H. Doc. No. 744)—to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting an estimate of appropriation for protecting the public lands, timber, etc. (H. Doc. No. 743)—to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Mississippi River between St. Paul and Minneapolis (H. Doc. No. 741)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Croix River, Maine (H. Doc. No. 748)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BOUTELL, from the Committee on Expenditures in the Navy Department, to which was referred the resolution of the House (H. Res. 384) requesting the Secretary of the Navy to furnish certain information, reported the same with amendment, accompanied by a report (No. 676), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14331) granting a pension to Noah M. Markle—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18868) granting a pension to George H. Robinson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22248) granting a pension to Luther H. Hester—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22249) granting an increase of pension to Adam Laskoski—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MADISON: A bill (H. R. 22308) to amend section 4 of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works, for the reclamation of arid lands," approved June 17, 1902—to the Committee on Irrigation of Arid Lands.

By Mr. GRAFF: A bill (H. R. 22309) for the purchase of a site and the erection of a public building thereon at Princeton, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. BOWERS: A bill (H. R. 22310) to establish a biological station, including a fish-hatching and fish-culture station, at a point on or near the seacoast of the State of Mississippi—to the Committee on the Merchant Marine and Fisheries.

By Mr. DENBY: A bill (H. R. 22311) to amend an act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905—to the Committee on Foreign Affairs.

By Mr. LOWDEN: A bill (H. R. 22312) providing for the purchase or erection within certain limits of cost of embassy, legation, and consular buildings abroad—to the Committee on Foreign Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 22313) to require the Western Union Telegraph Company to pay a tax to the District of Columbia on its gross receipts—to the Committee on the District of Columbia.

Also, a bill (H. R. 22314) to require the Postal Telegraph-Cable Company to pay a tax in the District of Columbia on its gross receipts—to the Committee on the District of Columbia.

By Mr. NORRIS: A bill (H. R. 22315) for the erection of a federal building for United States court-house and post-office at McCook, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. GILL of Maryland: A bill (H. R. 22316) to authorize additional aids to navigation in the Light-House Establishment—to the Committee on Interstate and Foreign Commerce.

By Mr. PARSONS: A bill (H. R. 22317) to authorize quo warranto proceedings in regard to offices in national banks—to the Committee on Banking and Currency.

By Mr. KENNEDY of Ohio: A bill (H. R. 22318) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: A bill (H. R. 22319) to regulate and increase the efficiency of the personnel of the United States Navy and Marine Corps—to the Committee on Naval Affairs.

By Mr. BURKE of South Dakota: A bill (H. R. 22320) to provide for the forfeiture of rights of way granted to railway companies across Indian lands—to the Committee on Indian Affairs.

My Mr. SMITH of Michigan (by request): A bill (H. R. 22321) for the prevention and punishment of cruelty to animals in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 22322) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes—to the Committee on the District of Columbia.

By Mr. LOWDEN: A bill (H. R. 22323) for the erection of a public building at Rochelle, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. MORGAN of Missouri: A bill (H. R. 22324) to extend the provisions of the pension act of June 27, 1890, and the pension act of February 6, 1907, to the Enrolled Missouri Militia and other military organizations of the State of Missouri that cooperated with the military and naval forces of the United States during the civil war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22325) providing for the erection of a public building at Monett, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. PARKER: A bill (H. R. 22326) to withdraw from the Supreme Court jurisdiction of capital cases and confer the same on the circuit courts of appeals—to the Committee on the Judiciary.

By Mr. BARCHFELD: A bill (H. R. 22369) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 22327) granting an increase of pension to Catherine Koontz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22328) granting an increase of pension to Sarah M. Spence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22329) granting an increase of pension to James E. Ashvill—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 22330) granting a pension to Gustave Schreck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22331) granting a pension to John A. Brindle—to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 22332) to reimburse G. D. Domengeaux, postmaster at Breaux Bridge, La.—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 22333) granting an increase of pension to William L. Martin—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 22334) granting an increase of pension to Henry Flesher—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 22335) granting a pension to Eva L. Hunter—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 22336) granting an increase of pension to Thomas M. Jones—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 22337) granting an increase of pension to Elijah C. Lawrence—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 22338) granting an increase of pension to William Burnie—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 22339) to carry into effect the findings of the Court of Claims in the matter of the claim of Elijah B. Hammontree, administrator of the estate of John Hammontree, deceased—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 22340) granting a pension to Phaon F. Gerhard—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 22341) granting an increase of pension to R. C. Jones—to the Committee on Invalid Pensions.

By Mr. HAMER: A bill (H. R. 22342) granting an increase of pension to Ole Johnson—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 22343) granting an increase of pension to Samuel Shelton—to the Committee on Pensions.

Also, a bill (H. R. 22344) granting an increase of pension to James P. H. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 22345) granting an increase of pension to Isaac Williams—to the Committee on Pensions.

Also, a bill (H. R. 22346) granting an increase of pension to James S. Bigham—to the Committee on Pensions.

Also, a bill (H. R. 22347) granting an increase of pension to Charles Wesley Danley—to the Committee on Pensions.

Also, a bill (H. R. 22348) granting an increase of pension to David McFadden—to the Committee on Pensions.

Also, a bill (H. R. 22349) granting an increase of pension to William A. White—to the Committee on Pensions.

Also, a bill (H. R. 22350) for the relief of the heirs of Elijah S. C. Robertson, deceased—to the Committee on War Claims.

By Mr. HOBSON: A bill (H. R. 22351) granting a pension to Mary Crawford—to the Committee on Naval Affairs.

By Mr. KORBLY: A bill (H. R. 22352) granting a pension to James W. Huston—to the Committee on Pensions.

Also, a bill (H. R. 22353) granting a pension to Elizabeth Holzworth—to the Committee on Invalid Pensions.

By Mr. LEGARE: A bill (H. R. 22354) for the relief of John Duncan, surviving partner of Archibald Duncan & Son—to the Committee on War Claims.

By Mr. MACON: A bill (H. R. 22355) granting an increase of pension to William R. Bateman—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 22356) to correct the military record of Marcus A. Root—to the Committee on Military Affairs.

By Mr. MADISON: A bill (H. R. 22357) granting a pension to Amos Mardis—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 22358) granting an increase of pension to Wesley Queen—to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 22359) for the relief of Jose Felix Ulibarri—to the Committee on Claims.

By Mr. MONDELL: A bill (H. R. 22360) for the relief of James M. Daniel—to the Committee on Military Affairs.

By Mr. MOSS: A bill (H. R. 22361) for the relief of Clark Graves—to the Committee on Claims.

By Mr. OLMSTED: A bill (H. R. 22362) granting an increase of pension to Joseph W. Dissinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22363) granting an increase of pension to Henry Breslin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22364) granting a pension to J. Caroline FitzGerald—to the Committee on Pensions.

Also, a bill (H. R. 22365) granting a pension to Rebecca Zimmerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22366) for the relief of J. H. Mease, postmaster at Mount Gretna, Pa.—to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 22367) granting a pension to Nellie Riggs—to the Committee on Invalid Pensions.

By Mr. RUCKER of Missouri: A bill (H. R. 22368) granting an increase of pension to Reuben M. Hills—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of J. Edw. Nash and others, of Buffalo, N. Y., for an appropriation to commemorate the fiftieth anniversary (1915) of the emancipation of the negro in America—to the Committee on Industrial Arts and Expositions.

By Mr. ALLEN: Petition of G. D. Thorndike and 188 other citizens of Portland and other parts of Maine, against House bill 17426, requiring life-preservers on motor boats under 25 feet in length—to the Committee on the Merchant Marine and Fisheries.

By Mr. ANSBERRY: Petition of Associated Fraternities of America, against legislation preventing fraternal periodicals from right to carry advertising—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Petition of Homestead (Pa.) Chapter, No. 83, American Insurance Union, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pittsburg Harbor, No. 25, American Association of Masters, Mates, and Pilots of Steam Vessels, favoring House bill 20152—to the Committee on the Merchant Marine and Fisheries.

By Mr. BATES: Petition of Meadville (Pa.) Council, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Polish National Alliance, No. 1137, of Erie, Pa., against certain provisions of the Hayes bill—to the Committee on Immigration and Naturalization.

By Mr. BENNET of New York: Petition of New York Board of Trade and Transportation, against preparation of Pilot Charts in Weather Bureau—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of Cobbosseecontee Grange, No. 100, Patrons of Husbandry, of Gardiner, Me., for a national health bureau—to the Committee on Agriculture.

By Mr. CARY: Petition of Associated Fraternities of America, favoring the passage of the Dodds bill (H. R. 17543) to admit to the mails as second-class matter periodicals published by fraternal insurance societies, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington Playgrounds Association, for an appropriation for playgrounds in Washington—to the Committee on the District of Columbia.

By Mr. CASSIDY: Petition of Associated Fraternities of America, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of Union League Club, of New York City, favoring immigration law—to the Committee on Immigration and Naturalization.

Also, petition of Farmers' Educational Union of America, favoring the postal savings-bank bill, parcels post, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Association of State Universities, against appropriation for the George Washington University in Washington—to the Committee on Agriculture.

Also, petition of Walter Coles Cabell, favoring an extension of time for filing returns required under the corporation-tax law—to the Committee on Ways and Means.

Also, petition of the National Joint Committee of American Editorial Association, etc., and others, favoring House bill 3075, against the Post-Office Department printing on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of presidents of colleges, against appropriation for the George Washington University in Washington, D. C.—to the Committee on Agriculture.

Also, petition of Associated Fraternities of America, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. COX of Indiana: Petition of George W. Coward and other citizens of Jeffersonville, Ind., for a volunteer officers' retired list, House bill 18899—to the Committee on Military Affairs.

By Mr. CURRIER: Petition of Lodge No. 396, La Société des Artisans Canadiens Français, of Nashua, N. H., for House bill 17589—to the Committee on the Post-Office and Post-Roads.

Also, petition of Matthew Thornton Chapter, Daughters of the American Revolution, of Nashua, N. H., for retention of the Division of Information in Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. DRISCOLL: Petition of Council No. 112, Loyal Association, against legislation preventing fraternal periodicals from

right to carry advertising (H. R. 17543)—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: Petition of Star Grange, No. 309, of Oregon, in favor of amending the homestead law—to the Committee on the Public Lands.

Also, petition of Oregon Society, Sons of the American Revolution, for retention of the Division of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of New York Produce Exchange, against change of preparing Pilot Charts in office of Weather Bureau—previously referred to the Committee on Naval Affairs, reference changed to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Alfred B. Leight—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. FORNES: Petition of National Joint Committee of American Editorial Associations, etc., protesting against the printing of private matter on government stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Walter Coles Cabell, of Washington, D. C., for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of Union League Club of New York City, favoring immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of New York Produce Exchange, of New York City, for the Burleson bill, relative to oleomargarine—to the Committee on Agriculture.

Also, petition of J. C. Fisher, of New York City, favoring the Humphrey bill, relative to ocean mail—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Cigar and Tobacco Dealers' Association of Philadelphia, Pa., favoring abolishing coupons, gift schemes, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Tim & Co., of Troy, N. Y., for repeal of the federal corporation tax—to the Committee on Ways and Means.

Also, petition of National Liberal Immigration League, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. FOSTER of Vermont: Petition of P. J. Cowles and 39 other citizens of Burlington, Vt., against the Dick bill (S. 1712)—to the Committee on Military Affairs.

By Mr. FULLER: Petition of Albert Schwill & Co., of Chicago, Ill., favoring the repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of A. R. Brundage, of New York City, for House bill 15441, for an eight-hour day—to the Committee on Labor.

Also, petition of H. L. Hunter, of New York City, for the Burkett bill (S. 254), the Bowers bill (H. R. 9530), and the Cummins bill (S. 3776)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Religious Liberty Bureau, of Buffalo, N. Y., in opposition to the passage of the Johnson Sunday bill (S. 404)—to the Committee on the District of Columbia.

Also, petition of B. H. Warner for a branch library at Takoma Park, D. C.—to the Committee on the District of Columbia.

Also, petition of Commandery No. 43, Knights of St. John and Malta, favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of National Business League of America, favoring publication of a trades directory of the world—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Business League of America, favoring immigration laws—to the Committee on Immigration and Naturalization.

By Mr. GRAFF: Petition of Saints Peter and Paul Court, No. 158, of Spring Valley, Ill., against repeal of section 40 of immigration law as provided in the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of R. N. Lowry, against Senate bill 5143, to require life-preservers on motor vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMER: Paper to accompany bill for relief of Ole Johnson—to the Committee on Invalid Pensions.

By Mr. HANNA: Petition of citizens of Kramer, N. Dak., against the passage of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLINGSWORTH: Petition of State Council of Ohio, Junior Order United American Mechanics, favoring regulation of immigration—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Joseph Busche—to the Committee on Pensions.

Also, paper to accompany bill for relief of Annie M. Gladfelter—to the Committee on Pensions.

By Mr. JAMES: Paper to accompany bill for relief of Jonathan Pold—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on War Claims.

By Mr. KAHN: Petition of E. E. Snodgrass and Simon Hansler, of San Francisco, Cal., favoring an eight-hour workday on work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of H. A. Barsen, of San Francisco, Cal., for the eight-hour bill for government works—to the Committee on Labor.

By Mr. KENDALL: Paper to accompany bill for relief of Tymathy Tyler—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. KENNEDY of Ohio: Petition of Frank Stahl and other citizens of Ohio, favoring an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

Also, petition of Pomona Grange, Patrons of Husbandry, of Perry, Ohio, for establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Nathan Hale Chapter, Sons of the American Revolution, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. LAMB: Petition of E. W. Gardner and others, of Richmond, Va., for an eight-hour law on government works—to the Committee on Labor.

By Mr. McCREDIE: Petition of Timber Valley (Wash.) Grange, No. 245, Patrons of Husbandry, in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. McMORRAN: Paper to accompany House bill 21879, granting pension to Sumner Stark—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of Boston deaf mutes, for an appropriation to pay expenses of a world's congress for the deaf, to be held in Colorado Springs, Colo., in August, 1910—to the Committee on Appropriations.

By Mr. MORGAN of Oklahoma: Petition signed by members of the Valley View Local Union, No. 637, favoring the anti-gambling bill on farm products and the postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of certain citizens of Oklahoma, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petitions of Post No. 108, Grand Army of the Republic, of Custer City, Okla., and Grand Army of the Republic Post at Cleo, Okla., against the Lee statue being in Statuary Hall—to the Committee on the Library.

By Mr. OLMSTED: Petition of Harrisburg Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. A. MITCHELL PALMER: Petition of Mickle C. Paul, for an investigation of the hide and leather trusts and extended to the rubber trust—to the Committee on the Judiciary.

By Mr. HENRY W. PALMER: Petition of Harlem Yeager and others, of Hazleton, Pa., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of the Joint Lithuanian Societies of Wilkes-Barre, Pa., against further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PRAY: Petition of Anaconda Council, No. 882, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. RAUCH: Petition of citizens of Logansport, Ind., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. ROBERTS: Petition of deaf citizens of Boston and adjacent places in Massachusetts for appropriation to pay expenses of the World's Congress of the Deaf, to be held in Colorado Springs in August, 1910—to the Committee on Appropriations.

By Mr. SABATH: Petition of citizens of Cook County, Ill., against the increase of rate of postage on periodicals and not to restrict rural delivery—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolution adopted by the Automobile Club of New Haven, Conn., favoring the bill providing for federal registration of automobiles—to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of executive committee of the Michigan State Grange, for parcels-post and postal savings-bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. VREELAND: Petition of Patterson Chapter, Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

Also, petition of Olean Council, No. 336, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Philadelphia Maritime Exchange, to have the port-to-port business of water carriers unaffected by provisions of Senate bill 5106 and House bill 17536—to the Committee on Interstate and Foreign Commerce.

Also, petition of Friends' Temperance Association, of Philadelphia, Pa., for the McCumber-Tirrell bill and the Owen-Hamilton bill, relating to sale of intoxicants in government buildings and upon and adjacent to Indian reservations—to the Committee on Indian Affairs.

SENATE.

SATURDAY, *March 5, 1910.*

(Continuation of legislative day of Thursday, March 3, 1910.)

The Senate reassembled at 11.45 o'clock a. m.

POSTAL SAVINGS DEPOSITORIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). The pending question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS] to the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. KEAN. On that let us have the yeas and nays.

Mr. CARTER. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. MONEY. Mr. President, I make the point that there is no quorum present. This is too important an amendment to be passed over here in a mere beggarly array of empty benches. Therefore I ask for a roll call.

The PRESIDING OFFICER. The roll call will show whether a quorum is present. The Secretary will proceed with the calling of the roll.

Mr. CLAY. May I ask what we are voting on?

The PRESIDING OFFICER. We are voting on the amendment offered by the Senator from Iowa [Mr. CUMMINS] to the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. CLAY. Were the yeas and nays ordered on the amendment to the amendment?

The PRESIDING OFFICER. The yeas and nays were ordered.

The Secretary resumed the calling of the roll.

Mr. KEAN (when the name of Mr. BRIGGS was called). I understand that my colleague [Mr. BRIGGS] is paired with the Senator from Virginia [Mr. DANIEL]. If my colleague were present he would vote "nay."

Mr. BURTON (when his name was called). Mr. President, a parliamentary inquiry. I understand that this is a vote on the amendment of the Senator from Iowa.

The PRESIDING OFFICER. It is a vote on the amendment offered by the Senator from Iowa to the amendment offered by the Senator from Utah.

Mr. BURTON. I vote "nay."

Mr. CLAY (when his name was called). I have a special pair with the senior Senator from Pennsylvania [Mr. PENROSE] on the bill and amendments. If he were present I should vote "yea" on this question.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the junior Senator from Illinois [Mr. LORIMER]. I vote "nay."

Mr. MARTIN (when his name was called). On this amendment and all other amendments and on the final vote on the bill I am paired with the senior Senator from Maine [Mr. HALE]. I therefore withhold my vote.

Mr. PERKINS (when his name was called). On the pending amendment I am paired with the junior Senator from Kansas [Mr. BRISTOW], who is unavoidably detained from the Senate by sickness. If he were present, he would vote "yea" and I should vote "nay."

The roll call was concluded.

Mr. BACON. Upon all amendments to the bill and upon the final passage of the bill I am specially paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If he were present, I understand he would vote "nay," and if he were present and I were free to vote, I should vote "yea."

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Delaware [Mr. RICHARDSON] and vote "nay."

Mr. FRYE. I am paired on the bill with the senior Senator from Virginia [Mr. DANIEL], but I transfer that pair to the junior Senator from New Jersey [Mr. BRIGGS] and vote "nay."

Mr. CLAY. When my name was called I announced my pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I have been requested to announce that if the senior Senator from Pennsylvania were present, he would vote in favor of the passage of the bill and all committee amendments, including the Smoot amendment.

Mr. SCOTT. I desire to announce that my colleague [Mr. ELKINS] is unavoidably detained from the Chamber. I believe he has a general pair with the junior Senator from Texas [Mr. BAILEY]. If my colleague were here, he would vote "nay."

Mr. BURROWS. My colleague [Mr. SMITH of Michigan] is absent from the Chamber on account of sickness. He is paired with the senior Senator from Tennessee [Mr. FRAZIER].

Mr. FOSTER. My colleague [Mr. MCENERY] is unavoidably absent from the Senate. He requested me to state that if he were present he would vote "nay" on this question.

The result was announced—yeas 18, nays 40, as follows:

YEAS—18.

Beveridge	Clapp	Dolliver	Shively
Borah	Clarke, Ark.	Gamble	Stone
Brown	Crawford	La Follette	Taliaferro
Burkett	Cummins	McCumber	
Chamberlain	Dixon	Owen	

NAYS—40.

Bradley	Curtis	Johnston	Rayner
Brandegee	Davis	Jones	Root
Bulkeley	Dick	Kean	Scott
Burnham	Dillingham	Lodge	Simmons
Burrows	Flint	Money	Smith, Md.
Burton	Foster	Oliver	Smoot
Carter	Frye	Overman	Stephenson
Clark, Wyo.	Gallinger	Page	Warner
Crane	Guggenheim	Paynter	Warren
Cullom	Heyburn	Piles	Wetmore

NOT VOTING—33.

Aldrich	Daniel	Lorimer	Richardson
Bacon	Depew	McEnery	Smith, Mich.
Bailey	du Pont	Martin	Smith, S. C.
Bankhead	Elkins	Nelson	Sutherland
Bourne	Fletcher	Newlands	Taylor
Briggs	Frazier	Nixon	Tillman
Bristow	Gore	Penrose	
Clay	Hale	Perkins	
Culberson	Hughes	Purcell	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment offered by the Senator from Utah [Mr. SMOOT].

Mr. BORAH. I desire to offer an amendment to the amendment of the Senator from Utah. It is to add the following proviso——

Mr. HEYBURN. Will the Senator permit me a moment to call attention to a matter of a clerical error. I wish to call attention to it that it may be considered in connection with the Senator's amendment. In the second line the word "Government" is inadvertently used instead of "United States." It should be "United States."

The PRESIDING OFFICER. The Secretary will read the amendment submitted by the Senator from Idaho [Mr. BORAH] to the amendment of the Senator from Utah [Mr. SMOOT].

The SECRETARY. It is proposed to add at the end of the proposed amendment, after the words "United States," the following additional proviso:

Provided further, That no part of said funds shall, in any event, be invested in bonds or other securities bearing less than 2½ per cent per annum.

Mr. CARTER. Mr. President, this proposed amendment, as I understand it, fixes the minimum rate of interest to be borne by securities, the subject of investment, at the same standard fixed as the minimum for the deposits in the banks.

Mr. BORAH. At the same rate?

Mr. CARTER. I see no reason why the same rule should not apply to both.

Mr. BORAH. I desire a yea-and-nay vote on the amendment to the amendment.

The yeas and nays were ordered.

Mr. STONE. Let the amendment be read.

Mr. CRAWFORD. I rose to ask that it be read.

The PRESIDING OFFICER. The Secretary will again read the amendment to the amendment.

The SECRETARY. It is proposed to add at the end of the amendment of the Senator from Utah [Mr. SMOOT] the following additional proviso:

Provided further, That no part of said funds shall, in any event, be invested in bonds or other securities bearing less than 2½ per cent per annum.

Mr. SMOOT. I should like to ask the Senator from Idaho if he would have any objection to modifying the amendment so as to say "yielding," rather than "bearing."

Mr. BORAH. No; I would not want to consent to that.

Mr. BEVERIDGE and Mr. FRYE. Question!

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce that upon this amendment I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. I do not know how he would vote if he were present. If he were present and I were free to vote, I should vote "nay," upon the ground that I am opposed to any investment in bonds.

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. DILLINGHAM (when his name was called). I again announce my general pair with the Senator from South Carolina [Mr. TILLMAN], but I transfer it for the day to the junior Senator from Illinois [Mr. LORIMER]. I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair on this question with the Senator from Kansas [Mr. BRISTOW].

The roll was concluded.

Mr. SMITH of South Carolina. I wish to announce the absence on account of sickness of my colleague [Mr. TILLMAN]. He has a standing pair with the senior Senator from Vermont [Mr. DILLINGHAM].

Mr. DILLINGHAM. And I have transferred my pair with the senior Senator from South Carolina to the junior Senator from Illinois [Mr. LORIMER] on all questions growing out of the bill. I shall make no further announcement during the day.

Mr. FLINT. I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer my pair to the junior Senator from Delaware [Mr. RICHARDSON], and vote "yea."

Mr. TAYLOR. My colleague [Mr. FRAZIER] is paired with the junior Senator from Michigan [Mr. SMITH].

The result was announced—yeas 49, nays 11, as follows:

YEAS—49.

Beveridge	Cullom	Guggenheim	Scott
Borah	Cummins	Hughes	Shively
Bradley	Curtis	Johnston	Simmons
Brown	Davis	Jones	Smoot
Burkett	Dick	La Follette	Stephenson
Burrows	Dillingham	Lodge	Stone
Carter	Dixon	McCumber	Taliaferro
Chamberlain	Dolliver	Oliver	Taylor
Clapp	du Pont	Overman	Warner
Clark, Wyo.	Flint	Owen	Warren
Clarke, Ark.	Frye	Page	
Crane	Gallinger	Piles	
Crawford	Gamble	Root	

NAYS—11.

Bankhead	Burnham	Money	Smith, S. C.
Brandegee	Burton	Paynter	Wetmore
Bulkeley	Kean	Rayner	

NOT VOTING—31.

Aldrich	Daniel	Heyburn	Perkins
Bacon	Depew	Lorimer	Purcell
Bailey	Elkins	McEnery	Richardson
Bourne	Fletcher	Martin	Smith, Md.
Briggs	Foster	Nelson	Smith, Mich.
Bristow	Frazier	Newlands	Sutherland
Clay	Gore	Nixon	Tillman
Culberson	Hale	Penrose	

So the amendment to the amendment was agreed to.

Mr. MONEY. Mr. President, I voted negatively on the amendment of the Senator from Idaho [Mr. BORAH], for this reason: It does not seem to me that the United States could afford, having received money of its citizens on deposit, to use that fund to take up its indebtedness and have nothing to pay the depositor when he called for his deposit. How can you pay the depositor if the President is authorized to invest the deposit in bonds, at any rate of interest? What is there left in the Treasury? There is probably a working balance to-day, taking it out of the juggling of bookkeeping, of about $22,000,000. There is no decided indication that we are going to have such a redundant Treasury at any time that if the United States shall invest these deposits when they shall come in into bonds it can meet the demand of the depositors for cash, and to say that the depositors shall stand outside, out of reach, is putting the United States in the attitude of an embezzler, for it occupies a fiduciary position toward the depositor. That is as to my reason for my vote.

Further, Mr. President, I do not see that there is anything but an obvious device in the amendment of the Senator from Utah to give color of constitutionality to a measure which the President of the United States, after careful consideration, has declared to be lacking in that quality. He is concurred in in that opinion by the ablest lawyers, probably, in the Senate, on both sides of the Chamber. The question is, when there is no constitutionality to do the thing proposed, whether one of the faraway purposes, not immediate objects, can be used to give constitutionality to the act itself.

There is certainly no qualification of utility in the proposition of the Senator from Utah, because the United States does not need any such legislation to enable it to provide for an emergency of war or an exigency of peace. In time of war the Congress has always been ready to use all the machinery in its power to lay and collect taxes, imposts, excises, duties, and so forth. It does not hesitate to lay its sovereign hand not only upon everything that is sold and bought in the market, but directly upon the property of the people. It can impress for the use of its soldiers the very provisions in your storeroom for your family. It can take your horse and your wagon, and can put its hand upon you, if you are of the right age, and can compel you to take your musket and do the fighting. It has the supreme command under the Constitution, not saying a word about martial law, of impressing every man and all his property, if necessary, for the common defense. That is constitutional and legitimate, and it would be used in a case where the Government must preserve its life. It is a time when, as Alexander Hamilton said, all parts and provisions of the Constitution go into shreds; in the emergency of war—of public stress, I believe he said, certainly in time of war.

This is utterly useless legislation. It can not make the Government any more ready or more powerful to exercise its constitutional authority to do what may be necessary to supply the sinews of war.

What may be covered up under the other exigencies which are provided for in the amendment we do not know, but we do know that the Congress of the United States should never delegate its power to the Executive to lay taxes upon the people, and a diversion of the tax fund to put it into bonds can only be justified in any event by some supreme necessity of the state. There has never been a time when Congress was not willing to supply anything that was lacking to prosecute war or to survive any civil peril.

We have seen bonds issued to build the Panama Canal, and for no other purpose, issued at a rate that was a tax upon the people, to be loaned to the national banks for the purpose of preventing a panic, for a merely commercial use. This has been justified, because it was necessary to prevent a panic. It was of doubtful constitutionality in some minds and utterly so in others. We are committing ourselves by this kind of an amendment to loose legislation, without one particle of utility, without one particle of necessity, and it is not intended to serve any useful purpose, I will say, without any disrespect whatever to the distinguished Senator who has offered it, but to give a color of constitutionality to the bill itself.

This bill has not only been pronounced unconstitutional by the President of the United States, but this Chamber has never heard, since I have been here at least, any finer argument than was submitted by the honorable senior Senator from Maryland [Mr. RAYNER] and that profound and lucid exposition of the constitutional question by the junior Senator from Texas [Mr. BAILEY]. It has the weight of the great legal Senator from the State of New York [Mr. ROOT]. It has been debated on both sides. I do not believe there is in this Chamber to-day any very material difference of opinion as to the constitutionality of this bill as it stood in its original text.

These devices do not clear away that difficulty. It is impossible to say that the United States Government has a right to establish these postal savings banks to encourage thrift and economy, and to make it constitutional, which it lacks, at some time in the future not named, for some exigency not foreseen, for some purpose which can not yet be apprehended, it can be used for a purpose that will probably make it constitutional.

Mr. President, you can not confer any quality of constitutionality upon this act by such a makeshift of a device as that. It does not stand the test of reason; it does not commend itself to the common sense. If this amendment is adopted it has no more weight nor influence to give the act constitutionality than it had before. But it may satisfy some gentlemen who are anxious to vote for a bill which they in reality condemn. Of course, every Senator votes exactly as he pleases, to suit his own opinions, and very often against his opinions, to suit the demands of his constituents. I do not wish any Senator to quarrel with his constituents on either good or bad grounds. He is here in some sense as their representative, not, however, in a primary sense. He is here to check the hasty deliberations of another body that comes directly from the people. He is here representing not a constituency of people, but States, sovereign in their sphere, who have taken care to provide for their equality as such in this Chamber.

Mr. President, I suppose this bill will pass, and those who are in the majority of course will take both the credit and responsibility; but I hope that those who represent the Democracy in this Chamber, at least those who represent Democratic States, will see to it that they have a sufficient reason to give their constituents for their action when they vote for a measure like this.

Mr. BORAH. Mr. President, upon reflection I think the words "interest at" should be inserted in my amendment to the amendment, in order to make no doubt as to the meaning of it. I ask unanimous consent that the words "interest at" be included in the amendment after the word "bearing."

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

Mr. KEAN. What is the request?

The SECRETARY. After the word "bearing" to insert the words "interest at."

The PRESIDING OFFICER. Is there objection to the change in the amendment? If not, it is so ordered.

The question now is upon the amendment offered by the Senator from Utah [Mr. SMOOT] as amended.

Mr. HEYBURN. Let it be read as it now stands before the Senate.

The SECRETARY. In section 8 of the bill, on page 7, line 22, after the words "United States," strike out all of the bill down to and including the words "per annum," on line 13, page 8, and insert:

Provided, That when, in the judgment of the President, war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States: *Provided further*, That no part of said funds shall, in any event, be invested in bonds or other securities bearing interest at less than 2½ per cent per annum.

Mr. HEYBURN. Mr. President, before the question is put, I merely want to suggest the position in which it leaves this measure, without doing more. It will be recognized that it eliminates the 2 per cent bonds from the operation of the act, and it not only eliminates the redemption or the purchase of the 2 per cent bonds, but in case of war, which is the contingency provided for in the bill, it would prevent us from using this money through the medium of the issue or purchase of any bonds at a rate less than two and a quarter. We could not fight a war on a 2 per cent basis with this amendment adopted. It makes the war a little more expensive.

Mr. BORAH. That is upon the theory that we could not conduct a war without the funds which are found in the postal savings banks.

Mr. HEYBURN. We have now been amending the bill upon the theory that we are going to use that fund.

Mr. BORAH. In time of war.

Mr. BOURNE. Mr. President, before this amendment is voted upon I should like to make a few remarks.

The Senator from Montana has inferentially labeled as opponents of the establishment of postal savings banks all the members of the Senate who voted for what is termed the "Cummins amendment." I for one object to being thus classified as an opponent of postal savings banks, because I favored the adoption of the Cummins amendment and would have voted for it but for the fact I was unavoidably absent at the time of the vote, though my presence would not have changed the result.

For many years I have been an ardent advocate of the establishment of postal savings depositaries. During my three years' service in this body I have had the honor to serve as a member of the Committee on Post-Offices and Post-Roads and have at all times earnestly endeavored to secure early action in favor of legislation of this character. In the last Congress I was a member of the subcommittee to which was delegated the duty of preparing a composite postal savings-bank bill from the various bills on that subject introduced in the Senate.

The senior Senator from Montana served as chairman of that subcommittee. The subcommittee and the full committee agreed upon a bill and reported it to the Senate. No such provisions as set forth in the Smoot amendment were contained in that bill.

RESTORE HIDDEN MONEY TO CIRCULATION.

The arguments presenting themselves to my mind in favor of postal savings depositaries are: First, the providing of media for restoration to circulation of what I will term frightened and hidden money; second, the establishment of an additional incentive to habits of thrift among our people; third, to give greater convenience for safe-keeping of savings of the people in sparsely settled portions of our country where banking facilities do not now exist.

Assuming the bill as equally constitutional as reported by the Committee on Post-Offices and Post-Roads, or as sought to be amended by the Smoot amendment, I desire to set forth my views as to the movements of the money after deposited by the people. Such movement would ultimately be the same under any of the provisions above referred to unless the President should order a withdrawal under the exigency clause provided in the Smoot amendment.

The postal depositaries would first act as concentrators, or collectors, on account of the absolute confidence of the people in the integrity and solvency of the Government. In time several hundred millions of dollars not now doing duty as tools in our governmental and business life would be vitalized and restored to full efficiency and service. When thus collected, the law of movement of money would govern, namely, it would seek the place or places where it would earn the greatest increment. Thus the money so deposited by the people in the local postal depositaries and borrowed by the banks in the neighborhood under the provisions of the bill or regulations of the board of trustees would, in time, flow through these banks to the money centers during the periods when the banks receiving said deposits could earn more on such money in the moneyed centers than they could in their own localities.

THRIFT ENCOURAGED.

Now I come to the thrift feature, which strongly appeals to my mind. I believe that the individual who through the establishment of these depositaries ultimately saves $500, which is the maximum amount that can be deposited under this bill, will acquire by so doing a habit of thrift. With this habit thus acquired, the next evolution of that individual is necessarily a desire for increased returns on the money he has saved. His chief desire will be the safety of the principal, and this will be assured by the government guaranty; but the opportunity to secure a 3½ or 4 per cent return offered by savings banks, or possibly 6 per cent, as received by some of his neighbors on mortgages, will also appeal to his mind, and the mental contest will continue as between the governmental guaranty of safety of the principal and the desire for all possible returns on his money.

In the end, Mr. President, the wish to make capital earn as much as possible for its owner will, in most cases, overcome the original dominating idea of safety of principal. If right in my reasoning, the depositor will then withdraw his money, or a part of it, from the postal depositary where he is receiving only 2 per cent per annum and redeposit it in a bank where he receives a higher rate of interest, or loan it to individual borrowers at a still greater profit, or invest it in securities returning even a higher rate of interest, or possibly start a business, acquire a home, or use his money in the development of new industries. Thus the money returns to activity in the community in which it was originally deposited. Hence, the two strong features appealing to my mind and causing me to favor the establishment of postal depositaries, namely, the providing of a medium for frightened and hidden money through which channel its efficiency would be increased, and making many converts to the virtue of thrift, would be established.

SMOOT AMENDMENT A MENACE.

While favoring the establishment of postal depositaries for the reasons I have given, yet, Mr. President, I am strongly opposed to the adoption of what is known as the "Smoot amendment." Any student of our Government must realize the steadily increasing power of the President of the United States, due, in part, to the centralization incident to the evolution of both government and business and, possibly, in part to the tendency of humanity to shift responsibility. To my mind, Mr. President, the increasing power of the administrative branch of the Government must bring about a corresponding diminution

of the power of the legislative branch and in its ultimate evolution establish in effect a monarchical form of government.

In what is known as the "Smoot amendment" it is provided that when, in the judgment of the President, war or any other exigency involving the credit of the Government so requires, the board of directors may withdraw all or any part of the postal savings funds from the banks and invest the same in bonds or other securities of the United States.

The adoption of this amendment would delegate to an individual the right to determine what constitutes an "exigency" which, because of the language of the amendment, becomes a menace to the credit of the United States. This is a power, Mr. President, that I am unwilling to assist in degelating to any one man. To my mind, the existence of such a power would be a menace to all the property and business of this country, for if, in the future, a President should be elected who, in his best judgment, should decide that an exigency did exist and should call for these funds, a panic would be precipitated the like of which the history of this or any other country has never known. Sentiment often temporarily controls and always affects values.

EXERCISE OF POWER WOULD CREATE PANIC.

Suppose in the future a President, either under error of judgment or under a mental aberration, should make a call for the hundreds of millions, which we, the advocates of the establishment of postal depositaries, believe will, in the course of a few years, be intrusted to the care of the Government, such action on his part would, in my opinion, immediately cause a shrinkage in the market value of securities, paralyze business, and result in the loss of billions of dollars and the ruin of a large portion of the great class of commercial debtors. In addition to this, during the period necessary for restoration of confidence, there would be a direct loss to the country of billions of dollars in lost efficiency of brains, muscle, and money during the period of stagnation incident to the panic and the time necessary for recovery from its effects. I would infinitely rather give my vote for a provision that those moneys received from the people, deposited in the postal depositaries, should be sent direct to Washington to be invested in the bonds of the United States than to delegate to any individual, no matter who he might be, the right of determination as to when an exigency other than war exists.

Mr. President, it appeals to my mind as illogical that the power proposed to be conferred by the Smoot amendment would in time of emergency save the credit of our Government even if a thousand millions of money were deposited by the people in the postal depositaries and the President had the right to order its withdrawal and investment in securities of the United States. Such action on the part of the President, whether an exigency existed or not, would necessarily result in the withdrawal by the depositors of their funds, a panic would be precipitated instead of avoided, and the Government would be compelled to sell bonds.

Does any Senator here pretend to say that the credit of our Government, in time of war or peace, would be affected or saved by the right of any man to exercise this power, assuming that the power carried with it control of a thousand millions of dollars?

We have in this country, I believe, $140,000,000,000 worth of property. We have enormous undeveloped resources, a virile people, and, with honest, intelligent legislation, I believe that within fifty years from now our wealth will exceed $300,000,000,000. Our credit at home and abroad rests primarily on our wealth, resources, and the integrity of our people.

PANICS NOT DUE TO LACK OF CONFIDENCE IN GOVERNMENT.

Yesterday the junior Senator from New York very graphically depicted the horrors of a panic and predicted others would come. None of the panics referred to by the Senator were occasioned by any lack of confidence in the ability or intentions of our Government to meet all its financial obligations. Cupidity and overspeculation are the basic causes of panics in a marvelously rich country like ours. Under normal conditions there will be no panics in this country if capital is properly regulated, publicity provided, and accountability secured, thus preventing misuse of the corporation method of conducting business.

Mr. President, I desire to reiterate that I deem the exigency clause in the Smoot amendment a menace to, rather than a possible protection of our national credit—an unnecessary delegation of power to an individual when error of judgment in its exercise might precipitate infinite suffering, loss, and unhappiness upon our people, and I shall therefore vote against the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. SMOOT] as amended.

Mr. OWEN. I offer a substitute for the amendment of the Senator from Utah.

The PRESIDING OFFICER. The Secretary will read the amendment in the nature of a substitute.

The SECRETARY. In lieu of the amendment offered by Mr. SMOOT it is proposed to insert:

Provided, That when, in the judgment of the President, the immediate repayment of depositors of the postal savings banks requires it he may authorize the issuance of temporary certificates of indebtedness of the Treasury, bearing 3 per cent interest, to the extent required to meet such contingency.

Mr. OWEN. Mr. President, the main argument of a practical character in favor of investing postal savings in the bonds of the United States is that those bonds may be promptly sold in case of need to furnish money with which to pay the depositors on demand. A 3 per cent temporary certificate will meet that contingency as well as a bond of the United States, because if it should ever prove to be true that the demand of the postal savings depositors should be made upon the Government in times of panic, these temporary certificates will be sufficient to provide currency with which to meet that demand; and, therefore, there is no reason whatever for withdrawing this money from the localities where it is deposited.

I enter my emphatic protest against the proposal that it is necessary to withdraw this money from the different States and concentrate it in New York for the benefit of the holders and owners of the bonds of the Government by the purchase of such bonds because it is not necessary. We know perfectly well—and the history of this country has proven it—that in times of panic in the past the people of the United States who have been afraid of the banks have made haste to go to the post-offices and buy money orders without interest and without invitation for the purpose of obtaining the greater security the Government affords.

It was a very alarming picture drawn by the Senator from New York [Mr. ROOT] that in times of panic the 22,000 banks of the United States, with $1,500,000,000 of resources, would all suspend; that the United States would be called on suddenly to pay $500,000,000 of postal-savings deposits, and that the United States would be bankrupt and unable to meet this demand. The substitute which I offer will meet that contingency, if it should ever arise; but it never would arise and never could arise, because the people of the United States will never lack confidence in the stability of this Government or make such a demand in times of financial panic. On the contrary, the Government, having the right to impose and the ability easily to collect taxes of a thousand million dollars a year, would have a stability so great that it would actually attract and not repel deposits in times of panic, instead of losing the deposits at such a time or being required to make immediate payment.

But, more than that, I call the attention of the Senate to this, that if the contention of the Senator from New York [Mr. ROOT] be true that the banks would all suspend and the people would have no confidence in the Government's promises to pay, of what avail would be his proposal, of what avail would be the amendment proposed by the Senator from Utah [Mr. SMOOT], because both plans propose the sale of bonds at a time when the banks have no money and when the promises of the United States to pay have no credit?

The Senator from New York proved too much. He proved that his own amendment would be entirely valueless and would not furnish the cash he alleges we should in such a contingency require. I have no fear of the stability of the United States. I have no fear of the credit of the United States. It has not only the ability to raise a thousand million dollars per annum, but it has in effect all the property and productive power of the people of the United States behind it, with property so vast and a people so industrious, provident, and stable that the credit of the Government can never lose the confidence of the citizenship of this Republic.

I offer, therefore, this proposal, because I do not believe that the amendment of the Senator from Utah is necessary to make this bill constitutional. It seems to be believed by various gentlemen that this bill is not constitutional unless there be added to it the amendment offered by the Senator from Utah. The effect of that amendment is to bring the postal savings-bank bill within the saving grace of the constitutional power of Congress to borrow money. The bill is already inside the shelter of that clause of the Constitution. Congress has the power "to borrow money" under the Constitution, and the exercise of that power is proposed by the bill without the need of the Senator's amendment. The amendment of the Senator from Utah is a proposal

that these funds may be invested in the bonds of the United States, and therefore it is learnedly contended that this bill in such a contingency will provide for the borrowing of money and be within the constitutional power of Congress.

I agree with the Senator from Mississippi [Mr. MONEY] that that plea is a subterfuge; but I go further, and call the attention of the Senate to the fact that every postal savings-bank deposit is itself a loan by the depositor to the United States and a sum borrowed by the United States from the depositor; and if the United States has a right to borrow money through its bonds at 2 per cent or at 3 per cent or at 4 per cent, it has a right to borrow money at 2 per cent from the individual depositor in the postal savings system, and there is no difference of principle whatever. If the act of borrowing in the second instance on bonds makes the bill constitutional, the act of borrowing from the citizen in the first instance makes it constitutional, and the argument of the Senator from Utah that his amendment is necessary to make the bill constitutional has no persuasive force.

Undoubtedly under section 8 of the Constitution Congress has the right to borrow money upon the credit of the United States. Language can be made no plainer. Will you say that because this money is not to be used for certain specified expenses of the Government that therefore it does not exist as a constitutional power?

Mr. President, I agree that the first clause of section 8 of the Constitution, authorizing Congress to raise taxes to promote the general welfare, is merely a qualification on the purpose of raising taxes and would justify any law merely because intended to promote the general welfare; but here is a proviso most explicit that Congress has the power "to borrow money on the credit of the United States." The purposes of this Constitution are set forth in the preamble of the Constitution, where it is stated why the powers of the Constitution are granted, and among them why the power is vested in Congress "to borrow money." Those purposes set forth in the preamble to the Constitution involve the general-welfare clause, and Congress, therefore, by a reasonable interpretation of that instrument, has the right to borrow money on the credit of the United States for the purposes set forth in that preamble, to wit:

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

And it is then declared, among other direct powers granted, that—

> The Congress shall have power to borrow money on the credit of the United States.

That power is as plain as the English language can make it. When that power is exercised for the benefit of the people of the United States, when it is exercised "to promote the general welfare," it is exercised in a constitutional manner under the purposes of the Constitution. It is exercised in this manner when it serves a sound public policy. It is exercised in this bill within the limit of good policy because it will afford a safe haven of deposit to timid depositors in periods of financial fear, and because it will prevent panic; it will give stability to our national commerce; it will prevent panic by giving a place where the funds of the people may be deposited when they are frightened. When they draw it out of the banks, they can put it in the hands of the General Government with the guaranty of the Government behind it, and because it will prevent panic, because it will prevent the paralysis of commerce, it will itself be an agency of the Government for "the regulation of commerce" between the States, giving it stability.

I think, further, Mr. President, that this bill is constitutional without the amendment of the Senator from Utah because it is a natural and a reasonable extension of the postal savings system. We have already for years been carrying on a banking method through the post-office system. The Supreme Court of the United States held in McCulloch *v.* Maryland that the Government of the United States had a right to establish a bank of the United States, and we have in effect been carrying on a banking business through the post-offices of the United States under the authority of the Constitution as interpreted by the Supreme Court of the United States.

I call attention to the magnitude of these transactions, amounting to six or seven hundred million dollars per annum, and I will ask to put in the RECORD a telegram from the Post-Office Department giving these transactions during the last three or four years.

The PRESIDING OFFICER. Without objection, it will be inserted.

The telegram is as follows:

[United States Senate.—Telegram.]

POST-OFFICE DEPARTMENT,
Washington, D. C., March 4, 1910.

Senator ROBERT L. OWEN,
United States Senate, Washington, D. C.:

Third quarter, 1905, domestic money orders issued, $99,226,858.41; international money orders issued, $13,127,345.71.
Fourth quarter, 1905, domestic, $122,554,364.15; international, $15,907,272.25.
First quarter, 1906, domestic, $114,281,736.13; international, $13,223,915.41.
Second quarter, 1906, domestic, $114,296,093.31; international, $14,946,073.67.
Third quarter, 1906, domestic, $107,004,871.86; international, $18,048,987.67.
Fourth quarter, 1906, domestic, $135,954,261.88; international, $21,545,603.01.
First quarter, 1907, domestic, $120,998,765.18; international, $17,360,268.59.
Second quarter, 1907, domestic, $122,520,247.73; international, $20,298,047.78.
Third quarter, 1907, domestic, $117,191,824.37; international, $24,226,091.98.
Fourth quarter, 1907, domestic, $146,632,515.76; international, $24,516,650.91.
First quarter, 1908, domestic, $126,787,565.37; international, $16,896,474.79.
Second quarter, 1908, domestic, $115,558,109.12; international, $15,862,793.50.

C. A. MCGONAGLE, *Acting Auditor.*

Mr. OWEN. Mr. President, believing that this bill is constitutional without the amendment of the Senator from Utah, believing that the substitute which I have offered for it will suffice and will avoid the objection of withdrawing these funds from the communities where deposited, I believe the Senate ought to adopt the substitute, because it meets the objection offered by the Senator from New York and by other Senators in defense of the amendment proposed by the Senator from Utah that we will need additional ready funds to meet the demands of depositors over and above what the banks can furnish us in time of panic, and because it will make it unnecessary to withdraw these funds from the communities where deposited.

I call attention to the pledge made by the Republican party leaders at Chicago. The Republican national platform, adopted June 16, 1908, declares as follows:

> We favor the establishment of a postal savings-bank system for the convenience of the people and the encouragement of thrift.

Obviously, the leaders of the Republican party, representing, as they did, every State in the Union, believed in the constitutionality of this pledge made to the American people. I wish, however, to call particular attention to the meaning of the kind of a postal savings bill that was proposed. I hold in my hand the postal savings bill offered by the Senator from Montana [Mr. CARTER], April 2, 1908. Section 11 provides—

> That the Postmaster-General shall, as herein provided—
>
> "Shall," not "may"—
>
> deposit postal savings-bank funds in national banks to be designated by him, at a rate of interest not less than 2½ per cent per annum. Such deposits shall be made in national banks in the States and Territories in which the funds are received, and when possible in the counties in which such funds are received, and, as far as practicable, in the immediate vicinity of the places at which funds are so received. If any bank in which such funds are so deposited shall become insolvent, such funds shall be a prior lien upon its assets and shall be first paid, to the exclusion of all other indebtedness of every kind and nature whatsoever. Where it is not practicable to deposit such funds in the counties, States, or Territories where they are received, they may be deposited in national banks at the nearest practicable points thereto or invested in state, territorial, county, or municipal bonds, to be selected by the Postmaster-General with the approval of the Secretary of the Treasury and the Attorney-General.

Mr. President, the Republican party went before the country with this proposal. Here was the postal savings bill upon which they went to the people of the United States, proposing that these funds should be deposited, as far as practicable, in the vicinity from which they were drawn, and, if they could not be so deposited, were to be invested in local securities. I say flatly that this new proposal is a palpable breach of faith. This proposal does not intend to leave these funds in the vicinity where deposited, and in case there is no place of deposit, this original bill proposed that these funds should be invested in local securities. But now the leaders of the Republican party come before the Senate of the United States proposing, not the investment in local banks nor in local securities, but that the money shall be invested in the securities of the United States far away from the place of deposit.

However, Mr. President, I may appeal in vain to the good faith of those charged with the administration of the affairs of that great party; but I call their attention to it, and I call the attention of the people of the United States to it, and I warn you that the people of the United States will hold you to a strict accountability for your wide departure from the promises made to them both in your platform and upon the rostrum.

Mr. President, the Democratic party likewise as an alternative pledged itself to a postal savings system; and while they may not put into effect the policies for which they stood, at the same time their declaration, together with the declaration of the Republican party through their leaders, in favor of a postal savings-bank system was a commitment on the part of all the people of the United States, through both parties, as to their belief in the constitutionality of a postal savings system which keeps the money at the place of its original deposit.

Mr. President, I am one Democrat who believes in the wisdom of all of the people. I believe that all of the people know more than some of the people. The people in effect have declared it to be constitutional, and I believe that the people are right about it. I believe the bill is constitutional without the amendment offered by the Senator from Utah. And the policy declared by the Democratic party in its platform and the policy in effect declared by the Republicans in their platform can be carried out by the amendment which I have offered as a substitute for the amendment offered by the Senator from Utah, while the amendment offered by the Senator from Utah is an obvious breach of faith on the part of the Republican leaders and a violation of a promise made to the people of the United States.

Mr. CARTER. Mr. President, the Senator from Oklahoma offers as a substitute for the pending amendment as amended the following:

Provided, That when, in the judgment of the President, the immediate repayment of depositors of the postal savings bank requires it, he may authorize the issuance of temporary certificates of indebtedness of the Treasury bearing 3 per cent interest to the extent required to meet such contingency.

Mr. President, I can not, on behalf of the committee, accept that amendment, and I trust the Senator from Oklahoma will not press it.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the amendment of the Senator from Oklahoma to the amendment of the Senator from Utah.

Mr. OWEN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce that upon this amendment I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. I will therefore withhold my vote.

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and withhold my vote.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the junior Senator from Delaware [Mr. RICHARDSON] and will vote. I vote "nay."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from Kansas [Mr. BRISTOW], and therefore withhold my vote.

Mr. BURROWS (when the name of Mr. SMITH of Michigan was called). My colleague is paired with the senior Senator from Tennessee [Mr. FRAZIER].

The roll call was concluded.

Mr. CLAPP (after having voted in the negative). In the absence of my pair I withdraw my vote.

Mr. SCOTT. I wish to announce again that my colleague [Mr. ELKINS] is unavoidably absent from the city. He is paired with the junior Senator from Texas [Mr. BAILEY]. I will not make any further announcement of the pair on any additional roll calls to-day.

The result was announced—yeas 4, nays 59, as follows:

YEAS—4.

Chamberlain	Gore	Owen	Stone

NAYS—59.

Bankhead	Crane	Gallinger	Purcell
Beveridge	Crawford	Gamble	Rayner
Borah	Cullom	Guggenheim	Root
Bourne	Cummins	Heyburn	Scott
Bradley	Curtis	Jones	Shively
Brandegee	Davis	Kean	Smith, Md.
Brown	Depew	La Follette	Smoot
Bulkeley	Dick	Lodge	Stephenson
Burkett	Dillingham	McEnery	Sutherland
Burnham	Dixon	Nixon	Taliaferro
Burrows	Dolliver	Oliver	Taylor
Burton	du Pont	Overman	Warner
Carter	Flint	Page	Warren
Clark, Wyo.	Foster	Paynter	Wetmore
Clarke, Ark.	Frye	Piles	

NOT VOTING—28.

Aldrich	Culberson	Johnston	Penrose
Bacon	Daniel	Lorimer	Perkins
Bailey	Elkins	McCumber	Richardson
Briggs	Fletcher	Martin	Simmons
Bristow	Frazier	Money	Smith, Mich.
Clapp	Hale	Nelson	Smith, S. C.
Clay	Hughes	Newlands	Tillman

So Mr. OWEN's amendment to the amendment of Mr. SMOOT was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah [Mr. SMOOT] as amended.

Mr. GALLINGER. Question!

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I again announce that on this amendment and all others I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If he were present I am authorized by him to say he would vote "yea." If he were present, and I were free to vote, I should vote "nay."

Mr. CLAY (when his name was called). I announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present he would vote "yea," and I should vote "nay."

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer it to the junior Senator from Delaware [Mr. RICHARDSON], and will vote. I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from Kansas [Mr. BRISTOW]. If he were present he would vote "nay," and I should vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague is paired with the senior Senator from Texas [Mr. CULBERSON]. He is necessarily absent. If he were present he would vote "yea."

Mr. BURROWS (when the name of Mr. SMITH of Michigan was called). My colleague is paired with the senior Senator from Tennessee [Mr. FRAZIER].

The roll call was concluded.

Mr. TALIAFERRO. I wish to announce that my colleague [Mr. FLETCHER] is unavoidably absent, and on this vote is paired with the senior Senator from Minnesota [Mr. NELSON].

The result was announced—yeas 46, nays 24, as follows:

YEAS—46.

Beveridge	Clark, Wyo.	Flint	Page
Borah	Crane	Frye	Piles
Bradley	Crawford	Gallinger	Root
Brandegee	Cullom	Gamble	Scott
Brown	Cummins	Guggenheim	Smoot
Bulkeley	Curtis	Heyburn	Stephenson
Burkett	Depew	Jones	Sutherland
Burnham	Dick	Kean	Warner
Burrows	Dillingham	Lodge	Warren
Burton	Dixon	McEnery	Wetmore
Carter	Dolliver	Nixon	
Clapp	du Pont	Oliver	

NAYS—24.

Bankhead	Gore	Overman	Simmons
Bourne	Hughes	Owen	Smith, Md.
Chamberlain	Johnston	Paynter	Smith, S. C.
Clarke, Ark.	La Follette	Purcell	Stone
Davis	McCumber	Rayner	Taliaferro
Foster	Money	Shively	Taylor

NOT VOTING—21.

Aldrich	Culberson	Lorimer	Richardson
Bacon	Daniel	Martin	Smith, Mich.
Bailey	Elkins	Nelson	Tillman
Briggs	Fletcher	Newlands	
Bristow	Frazier	Penrose	
Clay	Hale	Perkins	

So Mr. SMOOT's amendment as amended was agreed to.

Mr. GALLINGER. I offer an amendment, to which the Senator in charge of the bill makes no objection, I understand.

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). The amendment will be stated.

The SECRETARY. After the words "Panama Canal Zone," in line 5, on page 9, insert the words:

And the word "bank" shall be held to include savings banks and trust companies doing a banking business.

Mr. CARTER. Mr. President, I am of the opinion that savings banks and trust companies doing a banking business would be within the purview of the bill as it now stands, but through a superabundance of caution I accept the amendment proposed by the Senator from New Hampshire.

Mr. HEYBURN. Mr. President, I desire to record my protest against the amendment. The idea of bringing trust companies in here as depositories on an even plane with national banks and regular banking institutions is a new proposition, and it has not as yet received that consideration which would seem to justify anyone in accepting it offhand. An amendment can not be accepted by a Senator who reports a bill.

Mr. GALLINGER. If the Senator from Idaho will permit me, nobody has asked that that procedure be had. The amendment is before the Senate for action.

Mr. HEYBURN. I am before the Senate for action also. [Laughter.]

Mr. GALLINGER. The Senator usually is.

Mr. HEYBURN. And he usually knows how to get there and how to stay there, too. [Laughter.]

Now, Mr. President, it seems to me that we have undertaken here to span a wide gap with a very quickly devised and flimsy structure. There are 40 kinds of trust companies in the United States. The mails are full of advertisements, attractive inducements offered by bankers in cities like New York, who have nothing but a private office in some building. They buy bank furniture and call themselves "bankers." There is not a Senator, I imagine, on the floor who does not receive these from men who call themselves "bankers." If we are going to include such institutions within the provisions of the bill authorized to receive this money the language should be very carefully selected. Very careful provision should be made against these irresponsible speculative institutions.

Mr. GALLINGER and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield, and to whom?

Mr. HEYBURN. I am not through; but I will yield.

Mr. SMOOT. I was just going to suggest to the Senator that if such an institution had no capital or no reserve, under the provisions of the bill they could not make a deposit with them.

Mr. HEYBURN. Mr. President, this seems to me to send us back to where we were about three months ago, when we were dealing with the question as to the character of the institutions that might receive these deposits; and we are asked here without consideration or discussion to vote for it. At that time we included national banks, state banks, and savings banks, but not trust companies.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. Is it not true that the trust companies in most of the States, certainly in many of them, are savings banks as well as trust companies? In nearly every town in the States of the Middle West the trust companies are among the soundest of our financial institutions. I do not know how it is in the Senator's own State, but they are chosen by the people frequently as a place of safe deposit where they can get good interest on their investment.

Mr. HEYBURN. Mr. President, a very large proportion of the trust companies are not authorized directly by their charters, whether it be merely articles of incorporation under the laws of the State or by some other authority, to do a banking business. They are not authorized to do it. They do it. They do what they call a banking business, but they have not the authority of their charters to transact such business. I have had plenty of opportunity in quite an active business and professional life to know something about how these things are done. I recall institutions calling themselves trust companies that professed to do a banking business until there came a demand from those who had deposited with them to return it, and it was found that, being trust companies and free from the restrictions and limitations of banks, they had placed the money where it was not available, and they were no longer banks—they were insolvent debtors.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. I yield to the Senator from Montana.

Mr. CARTER. I understand that the amendment being offered suddenly, without being printed, the Senator through abundance of caution raises a question concerning it. I wish to briefly state my understanding of what the amendment proposes.

The bill provides that the banks in which these funds are to be deposited shall be solvent banks, subject to state or national supervision and examination. This proposed amendment does not eliminate the qualification of state organization or examination or supervision, but extends a definition so as to make the savings banks thus organized and subject to such examination and the trust companies doing a banking business a part of the definition of banks.

Mr. HEYBURN. It does not, in my judgment, extend a definition; it extends a classification of mediums——

Mr. CARTER. Possibly it might accomplish both.

Mr. HEYBURN. Of mediums through which this money is to be handled. It is startling to me that it should be brought back after we had been told it had been withdrawn. I guess it has been trailing along after us all the time. I want the bill to have that provision taken out of it.

Mr. BEVERIDGE. Is it not an extension of the classification within the definition?

Mr. HEYBURN. I think not.

Mr. SCOTT. Will the Senator from Idaho yield to me for just a moment?

Mr. HEYBURN. Yes.

Mr. SCOTT. I wish to ask the Senator from Idaho, if a bank is doing a savings bank and a trust business at the same time, whether he would understand this amendment to preclude a deposit in that class of a bank? I want to say to the Senator from Idaho that the largest bank we have in West Virginia is one that I am connected with. It has about $5,000,000 of deposits, and is a savings and trust company. I certainly would not want anything to be brought up here that would prevent the largest bank in my State from being a depository of this fund.

Mr. BAILEY. Will the Senator from Idaho permit me to ask the Senator from West Virginia a question?

Mr. HEYBURN. Certainly.

Mr. BAILEY. I ask the Senator from West Virginia if the institution to which he has just alluded engages in the purchase of bonds and other investment securities or undertakes to finance various industrial enterprises?

Mr. SCOTT. In reply to the Senator from Texas I will state that the corporation with which I am connected reloans money upon real estate, upon mortgages, as a rule, at not to exceed 60 per cent of the appraised value of the property.

Mr. BAILEY. I asked the question with a view of saying that I think it would hardly be safe to accept money payable on demand and then invest it in any sort of an industrial enterprise. It is hardly safe to accept money with a promise to pay it on demand and then invest it even in mortgages on land, because, while that is the best security in the world, it is not the most easily convertible If you are going to take the money of the people and promise to pay it on demand—which promise has not been made in this bill, notwithstanding the statement that it is to be payable on demand—you ought to be always prepared to redeem that promise.

I hope you are going to expressly provide that it shall be returned to the depositor on demand. I hardly think it would be safe for the Government of the United States to accept these deposits payable on demand and then invest them in securities which the national-bank law itself prohibits national banks to accept, not upon the very ground that they are an unsafe or an insufficient security, but upon the ground that they are not a liquid security.

Mr. HEYBURN. Mr. President, I am indebted to the Senator from Texas for the elaboration of that idea. I will carry it further. If we adopt this amendment, we give to the trust companies and savings banks a higher status than national banks, because, confessedly, they loan their money upon real estate and mortgages. A national bank can not do that. They do not even have the restrictions applied to national banks.

Mr. President, the people of this country, clamoring, as they have been, for postal savings banks, would repudiate this idea with such an overwhelming vote as that those offering it would want to forget the measure. We drag in here institutions that represent $4,000,000,000 of the money of this country. In a minute we pick up this old discarded corpse and undertake to electrify it into life. Four weeks ago the Senate would not listen to it, and those having charge of the bill did not consider it safe at all to urge it. They said, in talking of it, "We have dropped out those features." They have been kept evidently close at hand.

Mr. CARTER. Mr. President, the Senator is evidently thinking of some discussion at a public dinner in the city. In the opinion of the committee, this text, as it now stands unamended, will permit the deposit of funds in savings banks or in other banks or in trust companies doing a banking business. The Senator from New Hampshire and other Senators concerned desired that that should not be subject to construction. The savings banks of this country are the most substantial institutions in the country.

Mr. HEYBURN. Then, why not put them all in?

Mr. CARTER. Because of the fact that the savings banks are not sufficiently distributed over the country to keep this money in the localities where it is received.

Mr. BAILEY. And the purpose of this bill is to provide a savings bank, not to regulate commerce or do any of those other things of which we have heard.

Mr. HEYBURN. It is not intended to borrow money on the credit of the Government. Is the idea of the Government borrowing money through the instrumentality of the savings banks consistent with what we have heard here in the last two or three days, that the constitutionality of this bill would be assured, because it was a medium through which the Government could borrow money? Then we find that this medium is to

be the savings banks. Did the Government ever appeal to those institutions at any hour of its need for financial assistance? Did the Government ever deposit public moneys of the United States in any savings bank?

Mr. GALLINGER. Did the Government ever do that with a state bank?

Mr. HEYBURN. No.

Mr. GALLINGER. Yet they are in this bill.

Mr. HEYBURN. The state banks are in the bill, but it does not happen that I am discussing the state banks.

Mr. GALLINGER. I know you are not.

Mr. HEYBURN. I propose to select exactly the subject I will discuss and to discuss it in my own way.

Mr. GALLINGER. I have no objection to that.

Mr. HEYBURN. Mr. President, you could not get 25 per cent of the vote of the District of Columbia to support a measure of that kind, and if you will send it out to the country you will find yourselves where this Government has upon more than one occasion found itself. You will find yourselves under the necessity of going into the Treasury of the United States to pick up the losses of an institution that will be held to have been created without authority of law or to have come into existence without authority of law. Suppose you start out with a scheme of this kind—national banks, state banks, savings banks, and the Rock of Gibraltar?

Mr. GALLINGER. That is a good quartet.

Mr. HEYBURN. Why not name the distinguished citizen mentioned in a measure that was before us two days ago, who is going to establish a great foundation based upon two or three hundred million dollars? Why not include that institution as one of the instrumentalities that could be used in this matter? It is probably as solvent as any of the savings banks of the country and represents as much capacity to meet obligations.

Mr. President, if we start these instrumentalities to work and they gather in a few million or a few hundred million dollars and then the law is to be tested in the Supreme Court of the United States and held to have conferred no rights at all, you are going to have a lot of the people's money on hand, and we are going to be called upon to devise some method of paying it back to them. It will be in trust companies, savings banks, national banks, and state banks. It occurred to me while I was listening to this fairy scheme to translate it into plain language. This is the proposition that is before you: When the Government is in danger from a foreign foe, the President may make war on the banks and the depositors therein. That is what it amounts to. The very time of all others when there should be no disturbance of credit or business relations, the President then says to these banks, "Bring up that five or six hundred million dollars here." They say it is out, it is loaned out in the ordinary course and process of banking. "Well, get it in." The bank says to the farmer or business man to whom he has loaned this money, "You must pay that loan." He says it is not due for sixty days or ninety days. It was loaned in the ordinary course of business. The Government has said to these people or these trustees, "There is an enemy at our gates; the war clouds are over us, and we want that money in thirty days." The banks have loaned it for ninety days. What is going to happen in that margin of sixty days? Do you suppose that the country will not have such a crash as we have not known, because we will not have the sunshine of peace and placid business relations upon the country, but we will have war, because it can only be done when war threatens or the contingencies of possible war arise.

It is appalling to think that in a moment we should undertake to transform this plan which, by name, is dear to the people into an engine for the destruction of the people. As was suggested by the Senator from Texas [Mr. BAILEY], there is not a provision in the bill as to the manner in which the depositor can get the money out. We provide for gathering it in. That is probably not for the benefit of the depositor. It takes it out of his possession, but we do not provide or profess to provide for getting it out. There is no provision by which this money can be taken out of the depository by the depositor.

Mr. GALLINGER. That is a criticism on the bill, not the amendment.

Mr. HEYBURN. Yes; I am taking that case just now in my resentment against this kind of legislation as emphasized by the proposal of an amendment that so shocks my sense of right and duty.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. HEYBURN. Certainly.

Mr. PAGE. At the proper time I should like to have the Senator give his thought to this proposition: In Vermont more than half of all our savings banks are savings banks and trust companies. They are subject to the same restrictions, the same charges, the same laws as the savings banks. The only difference is that the savings banks declare dividends on what they actually earn. The trust companies, by reason of having capital stock, are permitted to make a contract as to the rate of interest they will pay, but in no case can they invest their funds in any way other than is permitted to the savings bank.

Mr. HEYBURN. I am quite familiar with those proceedings. They are generally the back door of some national bank. The trust companies of the country, those that verge upon the principles of the savings banks, are ordinarily convenient mediums through which the national banks may violate the restrictions of law that surround them. I have some knowledge of it.

I saw the banks go down one after another like ninepins in 1893. There may have been some exceptions, but a proportion of them carried down with them or were carried by the back door labeled "savings banks."

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. HEYBURN. Yes.

Mr. PAGE. If the Senator from Idaho will permit me, that condition of things has never existed in Vermont as far as I know. Indeed, our banks, with the trust proviso, in Vermont are nearly all named savings banks and trust companies; for instance, the Lamoille County Savings Bank and Trust Company. They are savings banks in every particular, except that they have a capitalization which permits them to make a contract as to the rate paid. We have never had any failure in a great many years with any of our savings banks and trust companies in Vermont. In any event, the suggestion of the Senator from Idaho is incorrect so far as the State of Vermont is concerned.

Mr. HEYBURN. I have no doubt that up in Vermont, where experience has taught them to be conservative, they may perhaps stand above the average, but we are not legislating for Vermont alone. We must guard, frame, and enact this law so that it will work equally well in every section of the country. Simply because Vermont stands on a pedestal of ability and purity and solvency we can not afford to lay a trap here that shall drag down some other State or community that is not so blessed in the world's moral code.

Now, Mr. President, we have had an admission on the floor here within a few minutes that these trust companies loan their money upon real estate mortgages; that they loan it upon town property secured by mortgages. How are they going to realize upon that loan under the provisions of the amendment that we have just adopted here this morning? Suppose the Government says, "Bring this money in," and the banks say, "We have loaned it to the trust companies." Do not the banks loan money to the trust companies in Vermont?

Mr. PAGE. I want to say to the Senator from Idaho I am very proud of the fact that the trust companies in our times of great stress of finance have been oftentimes the salvation of the national banks. They have had more money than national banks, and they have loaned it to them to carry them through difficulties.

Mr. HEYBURN. Do the national banks in Vermont ever loan money to the trust companies?

Mr. PAGE. I was for four years in charge of the savings banks of Vermont as inspector, and I do not now recall any instance of that kind. Still it may exist.

Mr. HEYBURN. I recall some cases of it, and they were in the courts and the public records. A record of them will be found over here in the office of the Comptroller of the Currency. I recall a number of cases. I could name them, but it is not necessary or wise to do so.

Mr. GALLINGER. That was illegal, was it not?

Mr. HEYBURN. They had bonds. What restriction is there upon a national bank against loaning the money to a trust company? They could loan to a trust company as well as to an individual, and they did it. They loaned to the trust company, and I can name three of them, and the trust company loaned it out on real estate, and the bank came and the trust companies closed their doors, and within a few hours the banks that trust companies were indebted to closed their doors.

Mr. PAGE. Mr. President——

Mr. HEYBURN. That was true all over the United States.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. HEYBURN. Yes.

Mr. PAGE. Lest I forget it, I want to say to the Senator that I think I was wrong in that statement. I think I know that savings banks and trust companies sometimes do interchange deposits. Not as a matter of general business, but oc-

casionally a savings bank in Vermont keeps a deposit with a national bank, and the converse of that proposition is true. But it is not a matter of loan to any great extent; it is merely an incident of general business.

Mr. HEYBURN. Just cast your memory back to the condition of affairs in New York in 1907. It was discovered when the savings bank closed its doors it carried two national banks with it, did it not? And when the inquiry was made, Why are these national banks closing their doors? they said it was because the savings banks—the trust company in one case—had closed their doors, and they owed the national banks money.

Mr. BULKELEY. I wish to correct the Senator, if he will permit me. In the bank failures in New York in 1907 no savings bank failed or stopped payment. There were two or three banking and trust companies, absolutely different, that failed.

Mr. HEYBURN. Of course the Senator knows exactly what instance I had reference to, and that illustrates the danger of this thing. You call them "trust companies" in one breath and "savings banks" in another; and in another, if occasion requires, you have a new name for them.

Mr. BULKELEY. I must persist that the likeness which the Senator attempts to draw is not correct. The savings bank of New York to which I particularly alluded is the largest one, probably, in the country, carrying deposits of more than $100,000,000 of savings. That has no comparison with or likeness to the trust company in Wall street and the trust company in Fifth avenue which failed in that panic and carried down the banks with them.

Mr. HEYBURN. The trust companies are included in this amendment. That is what I am objecting to. I am objecting to the very institutions belonging to the class the Senator refers to. They did carry down the national banks not only there, but they carried down national banks thousands of miles away from there that were doing business with them.

Mr. BULKELEY. But the trust companies to which the Senator refers had no savings-bank character whatsoever and were not so recognized under the law.

Mr. HEYBURN. No distinction is drawn here in this amendment between them and other trust companies.

Mr. BULKELEY. I was not discussing the amendment; I was discussing the statement of the Senator. I want to say further, while I am on my feet, the investment of savings banks and trust companies under the law in bonds and mortgages seems to have been severely criticised by the Senator because they are not immediately available. Now, if he will refer to the provisions of the bill, he will find that provision is made in this very bill for the investment of these funds in the same securities, under certain conditions, as the savings banks of the States of New York and of California invest their funds, and that is largely in bonds and mortgages.

Mr. HEYBURN. Is that still in the bill?

Mr. BULKELEY. It is still in the bill.

Mr. HEYBURN. There is an amendment—I did not know but that it might have been adopted—to take that out of the bill.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. GALLINGER. I am anticipating the privilege of saying a word in favor of my amendment at the proper time. I want to ask my good friend from Idaho how he is going to square his position with this fact? He says national banks loan their money to trust companies and the trust companies wreck the national banks.

Mr. HEYBURN. Yes; I know of three.

Mr. GALLINGER. Under the bill we are providing that this money shall be put in national banks.

Mr. HEYBURN. Yes.

Mr. GALLINGER. And yet under existing conditions the national banks are being wrecked by the trust companies. Hence, if they had this money, I am afraid the depositors might have some trouble in getting it, if the national banks were wrecked under existing conditions by trust companies. I do not see how the Senator improves the situation by making that argument.

Mr. HEYBURN. Mr. President, the situation could not be improved by that argument or by any other. It only illustrates the reasonable grounds upon which this bill is being attacked.

Mr. GALLINGER. The bill itself?

Mr. HEYBURN. Yes. I have not contended that the provision that the money should be deposited in the national banks was a safe one. I have never for a moment favored it. If you are going to have a savings bank with the credit of the United States behind it, then put the laws of the United States squarely behind it, and do not have any air cushions between them, for that is all this commission is.

If I were going to support a postal savings-bank bill to protect the depositor in such banks, I would put the money either in the Treasury of the United States or where the Government of the United States would be directly responsible for it; and I would see that it was there when the depositor wanted it. These subterfuges do not appeal to me. The relabeling and misbranding of legislation is as vicious as when applied to food products. This is a clear case of misbranding. I have studied it from day to day, and listened to the arguments which have been advanced for and against it, and my mind I believe is settled to the conclusion that it would be a vicious piece of legislation to occupy the minds of the legislators only in the interest of the use of the money by those who can borrow it to the exclusion of the rights of the parties who deposit it. I have not heard in all of this discussion any serious consideration given to the rights and the privileges of the depositor. I have heard labored financial arguments as to what the banks would do with it and what they would not, and as to what they could do, and what they could not; but I have heard no argument as to the depositor's relation to this money or how he was to regain it.

This is a bill to encourage thrift. In whom? In the banks. The advocates of the bill do not go any further in discussing it. It is to encourage thrift. Well, as I read it, it is to encourage thrift in the depository. How does it encourage thrift in the depositor to stand here for weeks discussing and providing for the use that the banks of the country and the trust companies, and the insurance companies next, will make of this money. I do not see it in the light that some Senators have placed it. If you will spend one hour in considering provisions for the protection of the depositor, and providing a method by which he can withdraw his money, the country will, I think, get more wisdom than it has yet had in the discussion of this measure.

Insurance companies do a banking business—lots of them. Why not include them? It would be no more absurd than to include trust companies. The words "trust company" have no legal significance or definition. No boundaries have been established by any statute or by any decision of the courts as to what a trust company may do and what it may not do. The word "trust" is one borrowed from the general sentiment in human language. It had no application to business. We have the trust reposed in trustees appointed by courts or by individuals, and it is so various and so varied in its character as to be unclassified, and it is not subject to classification. "Trust" means nothing as applied in this amendment, and the organizations that brand themselves with that name are as varied in the character of the business that they engage in as is the locality in which they do engage in business.

I am astonished to find a sentiment here in favor of an immediate vote adding two new classes of financial institutions to the enumerated classes in the bill in which the money may be deposited. What next are we to expect—insurance companies? They do a banking business—lots of them. They take men's money and keep it, subject to repayment, and they repay it and loan it and collect it in and loan it again. That is a banking business. Individuals do it. I have in mind a bank owned by an individual. He owns it himself; he does a banking business; he is solvent; he is very solvent. Why should he not be included?

I should like to have been able to support a measure that represented the composite wisdom of the Senate on this matter. I am not appalled by the threat, based upon the provision, or the point, if you may call it so, in the platform of the Republican party, because the men who were behind that statement never dreamed that Congress would enact a law such as this. The declaration was, "We believe in a system of postal savings banks that shall encourage thrift." Does that call upon us to inaugurate a new system of banking here that has for its prime consideration the men who get hold of the money and gives no consideration to those who loan it or deposit it, as you may choose to term it? Think you that the Republican party in this Nation ever dreamed that Congress was going to make out of that innocent declaration in the platform a juggernaut that would crush out the interest of these people and tie them to the chariot wheels of the banks of the country? I am not one of those who inveigh against bankers and banking in the legitimate scope of their business. There is not a drop of that sentiment or that blood in my veins. But we are dealing here with a new principle, so far as applied to this Government, and it behooves us to give it careful consideration and reconsideration, so as to guard against hasty and imperfect

action that shall fail utterly to express the sentiment of the people or afford them the relief or the benefit intended under that promise.

Here, as the bill stands now amended, it provides that this commission, not the President, but that this commission may demand without limit in one day or in ten hours or in any other time repayment of all of this money or any part of it from the depositories, including trust companies, savings banks, national banks, state banks—may demand that it all come into the Treasury and be converted into the bonds of the United States.

The amendment now limits that and cuts it to 2 per cent bonds. The amendment as it now stands does not permit the Government to borrow money in case of war from these funds for less than 2½ per cent, when we are now and have been borrowing money for 2 per cent. What wisdom is there in a restriction of that kind? A war cloud rises, and this commission and the President, acting cojointly perhaps, say, "We need now a great fund to meet the exigencies of this hour," and they issue a call to all of the banks and trust companies, safe deposit companies, and state banks to bring in this money that was loaned to them under the provisions of this bill upon which they are paying, which they hold subject to a contract, held by right, and have a right to loan. They say, "Bring it in." The reply is, "We can not do it." What is the result? Then, in a few hours or a few days you will have a financial crisis the like of which has not been known in this country. Not only that, you will have the war just the same. Of all times on earth, why should you select the hour of war for the hour of distress financially? It is inevitable; and now you come in and add these two classes of depositories and put them on an equal basis with the banks of the United States, and you give the power of selection to this commission.

Mr. President, I shall not support it.

Mr. GALLINGER. Mr. President, I have taken a very few minutes time during the entire discussion of this bill and feel highly gratified that I am permitted now to say a word in favor of the amendment that I submitted. I did not know when I offered the amendment that it would bring down on my devoted head the flow of oratory on the part of the Senator from Idaho to which we have listened. I did not know when I offered it that it had ever been considered before, or that it had received consideration by the Senate in any form whatever, and I am entirely ignorant of that fact now, except that the Senator from Idaho [Mr. HEYBURN] has intimated that it had received such consideration. I do not know when or where it had such consideration.

This bill, I think, is subject to criticism, and I shall not take exception to the criticism the Senator from Idaho has bestowed upon it. But the bill is here, and it is conceded on all hands that the bill is to pass this body.

Mr. President, the bill as constructed—and I am not responsible for it in any way—has a provision "that all regulations for the receipt, transmission, custody, investment, and repayment of moneys deposited at postal savings depositories shall be prescribed" by the board of trustees. That provision is in the bill. So that that board, if we have any confidence in it, will, after all, have jurisdiction of this matter so far as the custody and investment of the money is concerned.

There is another provision in the bill that this money may be deposited in national and state banks:

> Whether organized under national or state law, being subject to national or state supervision and examination.

Mr. President, for the life of me I can not understand why we shall deposit this money in the little state banks, scattered all over the country, some of them with a capital possibly less than $25,000, and refuse to deposit any part of it in our very prosperous and solvent savings banks and such trust companies as are doing a banking business throughout the United States. If there is any valid reason for it, I confess I have been unable to discover it.

The Senator from Idaho argues that trust companies have failed. So they have failed, and so have national banks failed. Mr. President, I regret to say that I am older than the Senator from Idaho, and I remember the time when, in 1857, a large proportion of the state banks of the country went tumbling down like a row of bricks. The Senator from Idaho does not remember that, but it is a fact. And yet we have got just that same character of banks in this bill, and we are going to deposit some of this money in those banks, and the Senator from Idaho proposes to deny that privilege to the prosperous, solvent, well-regulated, state-examined savings banks and trust companies in certain portions of this country. I do not for the life of me see the philosophy of the argument that the Senator from Idaho has so ably presented, as he always presents his arguments with great ability. The Senator argues that this money will be loaned out by savings banks and trust companies and will not be on call. That is equally true of national banks and state banks.

Mr. HEYBURN. They can not loan it out for more than ninety days.

Mr. GALLINGER. National banks can not loan it out for more than ninety days, but state banks can, and state banks doubtless will.

Mr. HEYBURN. They can loan it out on real estate indefinitely.

Mr. GALLINGER. Certainly. I said a moment ago that I did not want to occupy the attention of the Senate except briefly. The older I grow the less inclined I am to say a single word in this body; but I do want to emphasize the fact that if this bill is to stand as it is to-day and we are going to loan this money to national and state banks, under national and state supervision, there is no reason on earth why we should deny it to savings banks, and to trust companies that are doing a banking business. There is certainly no greater danger in putting this money in a savings bank that has millions of dollars to its credit than there can be in putting it in a little state bank in some obscure town that has a capital of a few hundred or a few thousand dollars and that is not subjected to the supervision that our savings banks are subjected to. Why, Mr. President, in the State of New Hampshire we have a bank commission composed of three men, who are giving attention to our savings banks by way of examination infinitely more thorough and complete than is the examination by one man appointed by the President of the United States and called a "national-bank examiner," whose duty it is to examine our national banks.

Mr. President, if this money is to go into the national and state banks, they are quite as likely to get into financial trouble as any of the other financial organizations of the country, and there is neither logic nor justice in denying it to the classes of banks that I have named in the amendment which I have submitted.

I will say again, Mr. President, that when I offered that amendment I had not the least notion that the question had ever been discussed before, and I am sure it has not been discussed on the floor of the Senate during the consideration of this bill; but whether it has or not, the amendment is a proper one, and I trust it will be adopted.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire [Mr. GALLINGER].

Mr. CLAPP. Mr. President, before that vote is taken, I move to strike out the words "and trust companies doing a banking business."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the amendment offered by Mr. GALLINGER it is proposed to strike out the words "and trust companies doing a banking business," so as to read:

> And the word "bank" shall be held to include savings banks.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Minnesota [Mr. CLAPP] to the amendment of the Senator from New Hampshire [Mr. GALLINGER].

Mr. CLAPP. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. CARTER. I move to amend by striking out, on page 5, line 6, all after the word "on" down to and including the word "thereof," in line 7, and inserting in lieu thereof the words "fractions of a dollar."

The matter, Mr. President, relates to the computation of interest. The text as it now reads is as follows:

> But interest shall not be computed or allowed on any amount less than $1, or some multiple thereof.

Certain Senators have suggested that that language might be subject to misconstruction as it reads, and inasmuch as the direct purpose is to avoid the necessity of computing interest on fractions of a dollar, the better course seems to be to state directly what is meant.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. In section 6, page 5, line 6, it is proposed to strike out the words "any amount less than $1 or some multiple

thereof" and insert "fractions of a dollar," so that, if amended, it will read:

But interest shall not be computed or allowed on fractions of a dollar.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. CARTER].

Mr. HEYBURN. Mr. President, that is a pretty big item. It will amount to some hundreds of thousands of dollars, and it is against the depositor. There is another little strike at the depositor and in favor of the savings banks. That sounds like a small item on its face, but when you undertake to say that no interest shall be computed upon fractions of a dollar, and take a pencil and figure it up, you will find that you have a pretty big item. I merely call attention to it.

Mr. CARTER. Mr. President, I do not understand that interest is figured on fractions of a dollar on deposits anywhere. This amendment merely provides that if a given depositor has to his credit $52.13, the interest will not have to be figured on the 13 cents.

Mr. HEYBURN. But suppose it is 99 cents?

Mr. CARTER. The interest is computed in the same way. The expense of the computation would generally exceed the sum involved.

Mr. HEYBURN. Mr. President, now that is another excuse for it—that it will be too expensive to count up the interest on sums less than $1. The chances are that more than half of these deposits will have at the end of them 30, 50, 80, or 95 cents, on which no interest will be paid.

Mr. CARTER. Mr. President, the Senator from Idaho overlooks the fact that all deposits are to be made in dollars or multiples thereof.

Mr. HEYBURN. These are multiples; 70 cents is a multiple.

Mr. CARTER. Of a dollar? Not at all.

Mr. HEYBURN. It is a cumulative multiple, and would come within the provisions of the bill, the Senator will find, just as much as 10 cents would. If you have become so reckless that you are going to drive right through this thing, all right, do it and take the responsibility and ride in the car. It reminds me of the old saying, "Rattle his bones over the stones; he is only a pauper"—that is, the depositor—but to the great banks and trust companies that have the money you must give the right to charge interest on fractions. I hear of no prohibition against them. It is only the poor depositor, with a few pennies or a few dollars, that shall be deprived of the right to receive interest upon fractions of a dollar, and the fraction is just as likely to be 75 cents or 95 cents as it is to be 10 cents or 5 cents.

Mr. PAGE. Mr. President, if I remember correctly, the senior Senator from Idaho [Mr. HEYBURN], in conjunction with the senior Senator from Texas [Mr. BAILEY], claimed the other day that it was going to involve an immense expense to conduct the machinery of the postal savings-bank system. The expense involved would be increased materially by the suggestion of the Senator from Idaho that we compute interest on fractions of dollars. But the point I want to make in connection with this matter is that the suggestions of the Senator from Idaho and of the Senator from Texas, as to the large expense that would grow out of this machinery, seem to me to be almost absurd. I want to say as a fact that a good, competent bookkeeper in an ordinary savings bank, such as we have in the country, will keep accounts of a million dollars of deposits if you do not include fractions of dollars.

Mr. HEYBURN. Will he keep the accounts of a million depositors?

Mr. PAGE. He will keep the accounts of a million dollars as they run through the year in an ordinary account, and, as I understand, the present prospect of the amount of the deposits under this bill is that they will aggregate in the near future $500,000,000; in other words, 500 good accountants would keep accounts amounting to $500,000,000.

Mr. HEYBURN. Then, this is purely an economical measure?

Mr. BAILEY. Will the Senator from Idaho permit me to respond to the very courteous suggestion that what I said was absurd?

Mr. HEYBURN. Certainly.

Mr. BAILEY. I have no doubt that a Vermont man can do all the Senator from that State says that he can. I have no doubt that Vermont men can do that much, because their Senator speaks, of course, from a personal knowledge of them; but I hardly think he will expect the remainder of the Senate to suppose that we are going to distribute Vermont men all over the United States to keep the various accounts. Consequently we must judge their efficiency by the ordinary standard, and not by the Vermont standard, which, of course, is very high. [Laughter.]

Mr. President, the trouble with the Senator's proof of the absurdity is this: That while a man might be able to keep accounts aggregating a million dollars, or while he might be able to keep a million accounts—I have no doubt a Vermont man might have that facility—still, if you add to the Post-Office Department twenty minutes' work every day more than its present force can do, you must employ an additional man, and, of course, if he is a Vermont man, he could do all these things, and he would have about nine-tenths of his time unoccupied, but still the Government would have to pay for all of his time.

I think the Senator from Vermont did not exactly understand what I meant when I said that it would take at least 50,000 additional employees. I would never have made a statement of that kind if these employees could have been concentrated at one point. I have no doubt the work can be done with very much fewer men than that; and, of course, I would have divided it by 10, and probably by 100, if I had thought it was going to be concentrated in Vermont. [Laughter.] I only meant to say that as the post-offices are scattered all over the country, and as the bookkeepers in one post-office can not supplement the work or reduce the burden of the bookkeepers in other post-offices, we would find ourselves in the end required to employ something like 50,000 additional men.

Mr. PAGE. Mr. President, I am always glad to hear a good word for Vermont. [Laughter.] I want to say that I did have in mind a Vermont bookkeeper with Vermont surroundings when I said that one man could keep the accounts, as they usually run to the extent of a million dollars. When the Senator from Texas, as he did the other day, said that each post-office in the United States, to do the little business connected with that office, would have to employ one additional $900 man to do that business, when, as my experience goes, the bookkeeping for accounts aggregating a million dollars can be done by one man, I thought it went almost so far as to be an absurd proposition.

Mr. HEYBURN. Has the Senator considered the amount of these accounts? A million-dollar transaction might be included in two or three items, and that could be entered up in five or ten minutes, but we were discussing the proposition of the accounts, not of the amounts of the accounts.

Mr. PAGE. Mr. President, I have before me the report of the bank commissioners of Vermont. I find that in the bank to which I have particular reference the deposits aggregate $1,597,000. The total number of depositors was 4,396.

Mr. HEYBURN. That many accounts?

Mr. PAGE. One word. Four thousand three hundred and ninety-six accounts, aggregating $1,597,000. Those 4,396 accounts are all kept by two clerks—not only the seven particular and distinct items or entries that must be made in each account, but also all the bookkeeping connected with the entering up of bills receivable, the sending out of notices of interest due, the computation of interest due on notes. I will make this exception, that during the last half of December and June a clerk is called in for a few days to help compute the interest on the balance due depositors.

Mr. HEYBURN. Do I understand the Senator to say there were 1,400 accounts?

Mr. KEAN. Four thousand.

Mr. CARTER. Over 4,000.

Mr. PAGE. Four thousand three hundred and ninety-six, aggregating $1,597,000.

Mr. HEYBURN. The aggregate does not make any difference. It does not take any more clerks to make a "9" than it does to make a "2." I want to know——

Mr. BAILEY. If the Senator from Idaho will permit me, before the Senator from Vermont leaves that, just for the sake of having the RECORD exactly accurate, the Senator from Vermont must remember my statement was rather in the alternative and to the effect that either we would be required to appoint this large number of additional employees or else the present employees are doing less work than the Government is paying them to do. In other words, if they now have all they can do, to require them to do more work would be to impose upon them a task they could not perform, and consequently we would have to employ new men to do the new work if the old men are already doing all the work they can do.

Mr. PAGE. I should like to ask the Senator from Texas if he still insists that in each of the little offices in the United States an additional clerk costing $900 would be essential?

Mr. BAILEY. I did not say that, because there are more than 50,000 post-offices in the United States, and of course I made due allowance for some of them. But I want to say this to the Senator from Vermont, and it is as true in Vermont as it is in the balance of the country: At some of these offices where you have a man of good sense, but without much prepa-

ration, he is able to take care of the present business of the post-office, but he will distrust his ability to keep these bank accounts, and you will find that even in the smallest of the post-offices where this work is imposed upon the postmaster you will have to get, in many cases, a new class of men.

I know many men who have ample sense to do this, but they have had no experience in bookkeeping, and they would not undertake it. They would absolutely resign their office before they would assume the responsibility. A man does not need learning for many of the things which he is required to do in this life and for this Government. He needs common sense, which I believe Patrick Henry once said "is worth all the larnin' in the world." But if a man is going to keep books, he needs some skill in bookkeeping, and any man who undertakes it without some knowledge or experience in it is apt to find his entries rather confused.

I have no doubt that at some of the very lowest post-offices, where the business would not require the employment of an additional clerk, or of any clerk at all, it still would result in requiring men of a different kind to keep the office.

Mr. HEYBURN. Mr. President——

Mr. PAGE. Just one moment, Senator, if you please. I should like to answer the Senator from Texas. I simply wish to express my opinion as against the opinion of the Senator from Texas. It is to this effect: That in modern bookkeeping in a bank the receiving of deposits is limited to a mere filling out of some blank in a slip. Any child 12 years old, of ordinary intelligence, could in two hours be made competent to do that work.

Mr. BAILEY. Do they have men of that kind for money-order clerks in the post-offices?

Mr. PAGE. This is a great deal less difficult.

Mr. BAILEY. The post-office money-order business is simpler than this; and no children are employed in it, unless it be in Vermont.

Mr. PAGE. I do not expect any children to be employed in this service, Mr. President. I want to express the opinion that it will be in rare instances where the business of a post-office will be so increased by this system as to require any additional force.

Mr. BAILEY. The difference between the Senator and myself is not over how much a man can do after he is employed. I doubt whether the largest bank in this city, a bank with a capital and surplus aggregating, perhaps, $2,000,000, and deposits aggregating, perhaps, $5,000,000, with a vast number of accounts, has over five or six bookkeepers.

I do not underestimate the capacity of the bookkeeper, but I contend that if the men already in the post-office are doing all that the Government requires of them, and if their time is now fully occupied, you can not expect them to do this additional work, and you must therefore employ additional help; and when you employ that additional help, it will not be a question whether his time is completely and fully occupied; not at all. Nobody who works for the Government has his time completely and fully occupied now except the Senators of the United States who do their work properly. If they had more time, they would still have less time than their work requires. But almost everybody else in government service comes at 9 and leaves at 4.30. If some of them did not come at all or left a little earlier, it would be that much better. I think I am safe in saying that amongst all the faithful and efficient employees of the Government none of them will be required to do much more than they are doing now, and that for every new duty imposed on them there will be an increase in the standing army of employees throughout this country.

Mr. HEYBURN. Mr. President——

Mr. PAGE. I desire to interrupt the Senator from Idaho for just one moment, to say that, in my judgment, the Senator from Texas overestimates by tenfold, and I do not know but by twenty or fifty fold the amount of work that will be required to be done.

Mr. HEYBURN. I have been making some figures while the Senator from Vermont was stating his proposition. Of course we must take into consideration the limit upon the amount of the account in determining the number of accounts. The Senator spoke of how much clerical expense there was in connection with accounts amounting to a million dollars, but if we will take these and put them, say, on the basis of $100 for each depositor, which is $20 more than the estimate for every million dollars, you will have 10,000 clerks on the basis of the statement of the Senator from Vermont. I have the figures in my hand. Upon that basis, to handle that money, divided into as many accounts as that sum would be, in the postal savings system, it would take 10,000 clerks for every million dollars, and for five hundred millions of dollars—why, I am lost in figures. [Laughter.] There is no answer. The Senator from Vermont must raise his estimate or else we are going to be drowned in figures.

Mr. PAGE. I simply want to say that they have a different arithmetic in Idaho than we have in Vermont.

Mr. HEYBURN. Oh, I think not. You take a million dollars and divide it up by 100 and it is not difficult to determine that the result is 10,000, and if, according to the estimate stated by the Senator from Vermont you must have so many clerks to handle a million dollars, you will find that is what you will need. But you will not need them, because the clerks will render more efficient service than that.

I merely wanted to demonstrate the fact that the figures given by the Senator from Vermont could not be applied to the postal savings-bank bill. I have made some figures here which I think are more reliable. They are based upon the ordinary business methods in banks, taking as a basis the number of clerks they require for so many accounts—and that is the way banks estimate their business—active accounts vary very little in the amount of work necessary to keep them on the books of the banks, and we know pretty well how many clerks it takes to handle a given number of accounts. We know that under the provisions of this bill you can not talk about the number of clerks necessary to handle $1,000,000; you must talk about the number of clerks necessary to handle so many accounts.

If you will take the amount proposed here as the money that would be received, say, within one or two years, assuming $500,000,000 for purposes of convenience in estimating, you will find that you will add, upon the accepted basis by which banks are governed, resulting from their experience, 50,000 employees to keep these accounts, the entries of going and coming debit and credit. When I say "keeping the accounts" I do not mean filling in the blanks in a deposit slip.

I mean keeping the accounts through all the ramifications of bookkeeping. There is something more to do than to have a man fill in a blank showing a customer has deposited so many dollars. The item has to be carried to books, a letter has to be written transmitting it to the place of deposit, another letter has to be written to tell the man who sent it that it has been received. One can imagine the multiplied correspondence that would follow. We must take that into consideration. Fifty thousand clerks at an average of $1,000 a year, and where are you? Fifty thousand clerks at an average of $500 a year, and where are you? Has anybody gone into those figures? We go along here with a sense of irresponsible assurance—and I do not say that in an invidious way at all, but that is what it seems like—dancing down here like some one utterly irresponsible, with our only object in view to get to the end of something. The Senator says "Let us get to a vote." We had better never get to a vote on a bad measure. You had better spend the rest of your lives talking about a bad measure. The Senator from Vermont, notwithstanding that he disagreed with my criticism of his particular amendment, left the impression upon our minds that his conscience is disturbed about it.

Mr. GALLINGER. A trifle.

Mr. HEYBURN. Yes; and I would like to see some Senator stand in his place here and say that this bill suits him. I have not yet seen it. And ought we to force the issue under those circumstances? I think not.

We are going to be called upon to vote here upon this amendment which takes away from the depositor the benefit of interest upon all fractions of a dollar. Why not take it away from the other man? Why not make a corresponding provision in computing the interest against the bank by the Government that the Government shall not pay upon any fraction of a dollar? That would seem fair. I care not whether it amounts to $10 or $10,000,000; the principle is wrong to say that a depositor shall not have interest upon any fraction of a dollar; and yet you leave the others, who are to handle this money, to pass it from one to the other, to collect full interest. You had better think about that before you vote upon it. If there were no other feature in it than that spirit of injustice, I would not support it; and whatever the vote may be here, before the bill reaches the sifting process through which it must pass, it will not have a friend on earth nor a mourner at its funeral.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. GORE. Mr. President, in order to render less objectionable certain features of this measure, I submit an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert the following, to stand as section 13, next to the last section in the bill:

SEC. 13. Whenever the bank or banks situated in any city, town, or village shall have on deposit a less amount of postal deposits than has been received by the local post-office in such city, town, or village, any

such bank or banks entitled to receive the same shall, upon application to the board of trustees, be entitled to receive within thirty days the amount of such postal deposits applied for: *Provided*, That such amount shall not raise the aggregate of such deposits in such bank or banks above the total postal deposits in the local post-office, and it shall be the duty of the board of trustees within thirty days after such application to supply the amount thus applied for, the same to be taken from the banks situated in a city and in a State wherein the amount of postal deposits held by the banks shall exceed the amount deposited in the post-office of such city and the post-offices of such State.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. GORE. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. GORE. Mr. President, it has been my steadfast intention, and I have uniformly avowed that intention, to vote for this measure upon its final passage. I had intended to support the bill until it received at the hands of the Senator from Utah [Mr. SMOOT] a hypodermic injection of constitutionality. It is passing strange—perhaps I should add it is wondrous pitiful—that when this measure was desirable it was unconstitutional, and when it becomes constitutional it is undesirable. But the Senator from Utah has experienced another supernatural illumination. For my own part, I am unwilling to follow this ignis fatuus; I am unwilling to follow this will-o'-the-wisp; not from the marshes, but from the mountains.

Mr. President, I had quieted my questionings and had resolved to vote for this measure, because it was alleged that it would confer benefits and blessings upon the poor of this country. The poor have too seldom been the direct beneficiaries of our legislation. I marveled at the tender solicitude which had suddenly sprung up in behalf of those who by Divine assurance will always abide with us. But I was unwilling to be driven from my friendship for the poor, I was unwilling to be driven from my friendship for the laboring man by these new allies from strange and unexpected quarters.

But, Mr. President, I am now convinced that the pending measure is the forerunner of a central bank. I believe that this measure is a Trojan horse and that a central bank will be found within its hollow sides, armed for the destruction of those whom it professes to befriend.

I believe that the object, that the purpose of the pending bill, is to necessitate and to create a central bank in the United States. This conclusion is based first upon the circular issued by the National City Bank of New York, recently read to the Senate by the senior Senator from Iowa [Mr. DOLLIVER]. This conclusion is confirmed by the fact that the principal champion of a central bank in the Senate and in the United States was hostile to this measure one year ago. He is a man of matured judgment and of fixed convictions. The reasons which have wrought this change in his convictions or, at least, in his tactics have not been submitted to the Senate. Where is Roderick now? Did he imagine that his presence would excite, or that his absence would allay, suspicion?

There are two obstacles in the way of a central bank: First, the hostility of the people, and, second, the hostility of the bankers themselves. This measure is designed to placate the one and to overpower the other. The bankers are not willing for a central bank to be instituted under existing conditions. The national bankers own some $700,000,000 of United States bonds. They are the basis of the bank circulation of this country. That privilege is a large element in their value. Divested of the power of issue, these bonds would naturally decline in the market. Judged by the securities of other countries, perhaps the privilege of issue contributes 20 per cent to the value of our outstanding securities. If a central bank of issue were created, if the national banks were divested of the privilege and the power of issuing circulating notes, these bonds would decline in value upon their hands. The bankers are therefore hostile to the establishment of a central bank. Under existing conditions it would shipwreck their fortunes and their prosperity.

But, sir, the passage of this measure in its amended form would to some extent placate the bankers of the country. It would provide a market for their bonds. The earnings of the poor, the widow's mite, would be taken from the postal depositories and invested in the securities of the United States now held by national banks as a basis for their circulation. Sir, this would propitiate the bankers. It would pave the way for the central bank of issue. It would eliminate from the pathway of those who would create this central bank that element of opposition which is peculiarly entitled to their respect and to their consideration. The President has already said, in his Milwaukee speech, that the national bankers were "buncoed" into buying the 2 per cent bonds. If the bondholders were "buncoed," then the breadwinners are being "buncoed" now, so we have equal wrongs if not equal rights. I borrow the classic word "bunco" from His Excellency the President of the United States.

I hazard the prediction now that the safeguard sought to be erected by the Senator from Idaho [Mr. BORAH] will be swept away in the House or in conference, and if not, then by construction or by future legislation.

Mr. President, this measure will accomplish another object. It will overpower the hostility of the people to a central bank. When $700,000,000 of bonds are purchased, there must be a corresponding contraction in the national-bank notes of the country. There must be a shrinkage in our volume of money amounting to some five or six hundred million dollars.

A shrinkage of that sort would cause a crisis, would precipitate a panic, would create an emergency, and the Senator from New York and the Senator from Utah and others who on yesterday were crying "My kingdom for an exigency!" would find their demand supplied by an overproduction of panics and emergencies.

Contract the currency five or six hundred million dollars, and you create a void, you create a vacuum in our circulating medium; you create a hiatus between the demand and the supply of currency which would be an overpowering necessity. Relief of some sort would be absolutely indispensable, and legislation of some kind would be absolutely inevitable. Then the friends of the central bank would recommend that institution to Congress and to the country as the only institution whereby to meet the emergency; the only institution that could bring relief. That, sir, in my judgment, is the purpose of the pending bill. It comes in the guise of friendship for the poor. But again, Mr. President, as so often in the past, the poor man is called upon to administer the poison unto himself.

I marvel not that the poor are again to be crucified, but I protest that he should again be betrayed by a kiss. I am unwilling to contribute to the establishment of a central bank, either directly or indirectly. We once had a Bank of the United States vested with the power of issuing notes, but not vested with a monopoly upon that issue, and, sir, that institution dominated the finances of the country, debauched legislation, and threatened the liberties of our people. But that institution could not compare with the power of the one now in contemplation. I desire upon the very threshold to protest against this measure, and to protest against every other measure which has, directly or indirectly, for its motive or its object the creation of a central bank which will be crowned and sceptered as the financial dictator and despot of this Republic.

Mr. President, I am willing to set the dove on her own eggs to hatch out peace and promise for the poor, but I am unwilling to set the dove upon the serpent's eggs, which when hatched out are to sting both the mother and the poor unto the death. I can not vote for this measure, since it has been converted from a buckler for the protection of the people into a guillotine for their destruction.

I ask to have appended to my speech a pamphlet which I have in my hand.

The PRESIDING OFFICER. Without objection, the request of the Senator from Oklahoma will be granted.

The matter referred to is as follows:

NEW YORK, *March, 1910.*

[Those desiring this circular sent to them regularly will receive it without charge upon application.]

BANK EXAMINERS TO COOPERATE WITH BANK OFFICERS AND DIRECTORS.

The Comptroller of the Currency has just decided upon a change of practice which will be welcome to the banks under his supervision. For years many bank examiners have forwarded their reports of examinations directly to the comptroller's office without disclosing to the officers or directors anything relating to their contents. There is maintained in the office of the comptroller a division of reports, and here a large clerical force is employed in reading the reports of examiners and in the preparation of letters of criticism addressed to bank officers and directors. Every known subject of criticism, whether great or small, has in the past practice of the office been met with its own particular letter form or paragraph form appropriate to each case. Thousands of letters were thus addressed to banks, many of them covering trivial matters which could easily have been corrected while an examiner was making his examination or which perhaps were corrected before the office had had time to digest the reports and prepare letters calling attention to those things which were considered objectionable. The result of the old practice was an enormous amount of correspondence, some of it entirely useless and much of it annoying and irritating. A better system is now being inaugurated, which will result in reducing the work of the division of reports to a very small part of what it used to be. Some examiners have obtained good results by calling the attention of bank officials and directors to everything which they found subject to criticism, but many merely reported irregularities to the comptroller's office without any statement of what was done to correct such matters while the examiner was in the bank. It is the belief of the Comptroller of the Currency that a large percentage of the letters of criticism would be unnecessary if the examiners would take up personally with the officers and directors during the examination all matters requiring correction and have them corrected as fully as possible while they are in the bank. If full correction can not be made,

the examiners are requested, if in their judgment it appears advisable, to secure and send with their reports a letter signed by the directors to the effect that they have been advised of the facts subject to criticism by the examiner and stating what has been or will be done to correct them. It is the wish of the comptroller that all minor matters be adjusted while the examiner is in the bank, thus making it unnecessary for his office to take them up by correspondence. The change is really a radical one and fundamental, inasmuch as it involves an almost complete change in the method to be pursued by an examiner in his intercourse with bank officials and directors. Hitherto it has rather been the general practice of examiners to refrain from discussing with bank officers anything which they intended to make the subject of criticism. This lack of cooperation has often resulted in misunderstandings between the comptroller's office and the banks, and, as stated, the causes of complaint have in many instances disappeared before the comptroller's letter of criticism has reached those for whom it was intended. The change will result in less work for the comptroller's force in Washington, less confusion and delay, and certainly less friction.

In the matter of closer supervision on the part of bank directors, the comptroller has decided upon the use of a form which some of the examiners now use for the purpose of having the directors advise his office that they have gone over the bills and notes, etc., with the examiners. Signatures of directors to this form are obtained by the examiner, and it is sent in with his report. The comptroller has recommended to all examiners who have not heretofore used this form to do so now. In substance, this form requires directors to advise the comptroller that they have, on the date the examination is made, examined all the bills and notes forming a part of the assets of their bank. They are required to declare that to the best of their knowledge and belief the signatures and indorsements on the same are genuine; that all collaterals pledged as security for any of the bills and notes are in the custody and control of the bank; that all the bills and notes are good and collectible, the exceptions to be stated if there are any; and that the excess-loan law has not been violated by accommodation notes or otherwise.

This form was prepared for use in the examination of banks in smaller cities and towns; its use in the larger city banks, so far as securing the signatures of the entire board is concerned, is probably impracticable, owing to the number of directors constituting such boards; but the comptroller has suggested that a certificate covering the same features be obtained, signed by the president or cashier of the bank and the discount or finance committee, or such other committee as is actively engaged in looking after the affairs of the bank. The recommendation that such a certificate be used in the smaller towns is put forward by the comptroller largely by the way of recommendation, and in the case of the larger city banks it is expected that the examiners will, if the method suggested appears to be impracticable, advise the comptroller fully with reference to the matter.

GOVERNMENT BOND SITUATION.

Contrary to expectations, there is a fair prospect that neither Panama bonds nor certificates of indebtedness will be issued by the Government in the immediate future. Certainly the Treasury is not any nearer the necessity for such an issue than it was a month ago. The available cash and the working balance have remained at substantially the same figures they were a month since, and both great sources of receipts, customs and internal revenue, are improving. From day to day ordinary receipts are slightly in excess of ordinary expenditures, and only the extraordinary outlay on account of the Panama Canal could be regarded as the occasion for a sale of bonds or certificates. The general fund in the Treasury is entitled on account of canal expenditures to reimbursement exceeding $105,000,000. Of this sum more than $22,000,000 has been spent during the eight months of the current fiscal year now passed.

The working balance in Treasury offices is roundly $19,000,000, but this does not include silver bullion, subsidiary coin, and minor coin, aggregating more than $25,000,000, and which, under the form of statement used by the Treasury prior to last summer, would have been regarded as a part of the working balance. If the old form were still in use, the working cash would appear as $44,000,000 instead of $19,000,000, shown by the new statement. A working balance of $44,000,000, even with more than one-half that sum made up of subsidiary silver, would have been regarded when the old statement was in vogue as sufficient for all immediate Treasury needs.

The depository banks also hold $35,000,000 public funds, and while it might be inconvenient for the Government to transact its enormous business of collecting and disbursing the revenues through these agencies without maintaining such a sum in the banks, still it is not doubted in well-informed quarters that for a while at least the Treasury could reduce the depository accounts materially.

It is well within the possibilities, therefore, that there will be no government issues offered to the public soon. This view of immediate Treasury necessities and prospects takes into consideration the fact that the corporation taxes will, unless the corporation excise-tax law be declared unconstitutional, add from $25,000,000 to $30,000,000 to Treasury funds by July 1 next. If the Treasury shall succeed in warding off a sale of bonds or certificates during the remainder of this fiscal year, it may be able, with the aid of the corporation taxes and with general revenues increasing, to postpone the canal reimbursement still further. There are two principal reasons why it would be desirable to delay an issue of any kind. One is that it is politically inexpedient in the face of congressional elections, and the other that Congress has not, and probably will not, adjust the circulation tax in such manner as to guard against a decline below par of the present 2 per cent bonds, of which there are outstanding $731,000,000. The consequences of such a decline—most certain to follow an offer of new Panama bonds bearing a rate higher than 2 per cent—with circulation privileges equal to those enjoyed by the old twos, would not be favorable to the public credit. The good faith of the Government in thus discriminating against the holders of so large a part of the public debt would also be in question. Altogether this problem is so serious that it is doubtful if the Treasury will ever resort to the sale of Panama bonds while the circulation-tax features remain unadjusted and while it has the power to sell certificates of indebtedness, by means of which temporary financing could be made to care for Treasury needs pending the clearing of the whole government bond situation.

While the near future as to government bonds is somewhat clearer than it was a month or two ago, general conditions which affect the longer outlook are becoming more and more complicated. It is known that the Monetary Commission will, in the course of a year or two and perhaps earlier, be prepared to report some plan of currency reform which may involve the note-issuing powers of the national banks. These banks own more than $700,000,000 of the $913,000,000 interest-bearing debt. They hold the bonds under special inducement as to circulation privileges, and have suffered a loss of $30,000,000 in their premium accounts by reason of the depreciation in governments during the last two years. What will be done as to this vast holding in case the power to issue circulation is given over to a central institution? This is a question which vitally concerns the Government and the banks. Its answer has been attempted, in connection with the pending postal savings-bank legislation, by an amendment providing for the investment of postal savings deposits in United States bonds, thus making a market for securities bearing the low rate of 2 per cent. So much opposition from the country has developed because of the insistence that postal deposits be kept in the communities where they originate that it is thought the amendment will fail. Although it would undoubtedly be objectionable from other points of view, its passage would solve in great part a serious and vexing situation.

It has also been suggested that the only course open to the Government in case circulation privileges are ever withdrawn from the national banks will be to refund its debt at some investment rate. This would be a difficult thing to do, and, no mater how just, is beyond the courage of any political party. A still further suggestion, of much merit, is that in order to cure the situation which would arise from an issue of Panama bonds at a rate higher than the outstanding issues a law be enacted which shall provide that whenever United States bonds are used as a basis for national-bank circulation they shall bear interest at the rate of 2 per cent per annum, and when not so used they shall bear 3 per cent per annum. This suggestion would apply only to future issues, and would not apply to any bonds now outstanding except the 2 per cent issues. But adroit and efficient as might be this plan of safeguarding the old bonds and of providing a better investment rate in case they are not employed in circulation accounts, it fails to note that its adoption would open the way to still further increases in the volume of national-bank notes issued, a contingency which, in view of existing redundancy, would not be desirable at this time. Thus the government bond problems, now and to come, are involved and confusing.

THE NATIONAL CITY BANK OF NEW YORK.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. GORE].

The amendment was rejected.

Mr. OWEN. Mr. President, I offer a substitute for the bill, and ask that the Secretary may read it.

The PRESIDING OFFICER. The Secretary will read the proposed substitute.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

From and after the passage of this act the Comptroller of the Currency shall set apart the annual tax on the circulation of the national banking associations of the United States as a special fund, to be designated the "bank depositors' guaranty fund," to be used by the comptroller for the immediate payment of the depositors of any national bank failing after the passage of this act. The net liquidated assets of any national bank of which the Comptroller of the Currency takes charge for the purpose of liquidation shall be deposited to the credit of the bank depositors' guaranty fund to the extent required to reimburse such fund any moneys advanced by such fund for the payment of the depositors of such bank. No deposit under contract, either directly or indirectly, to bear interest in excess of 4 per cent per annum on time deposit or in excess of 2 per cent per annum on current account shall be included in the insurance provided by this act, and no such deposit shall be paid out of the bank depositors' guaranty fund.

SEC. 2. That any state bank or trust company may enter into a contract with the United States to have its deposits guaranteed by the bank depositors' guaranty fund upon equitable terms, to be prescribed by the Comptroller of the Currency and approved by the President of the United States.

Mr. OWEN. Mr. President, I offer this substitute for the following reasons: In my own State this policy has been, as I have heretofore set forth at some length in the Senate, tried and tested. It has served a good and useful purpose. It has brought from hiding a large hoard of money. The Oklahoma state banks in nineteen months increased from $18,000,000 of individual deposits to $49,775,000 of individual deposits. Several banks failed during that time—three national banks and three state banks. The national banks had no means with which to pay promptly their depositors. Unrest, disquiet, financial disturbance were the consequence of the failure of the national banks. But in the case of the failure of the state banks having a guaranty fund available, the depositors were promptly paid. The depositors who were paid redeposited their money in contiguous banks and no disturbance ensued.

I offer this plan as a substitute for the pending bill, because it will give to the depositors a larger rate of interest with equal security. I offer this substitute for the pending measure because it will accomplish everything that the pending measure can provide, and something more. It will take the Government out of the banking business; it will make unnecessary a large number of government employees who may otherwise be required; and I think that the less the Government does in the way of private business the better.

I have no hope, of course, that this proposal will be accepted; I have no hope that it will be even considered; but, nevertheless, believing as I do that it is far superior in every respect to the bill as it stands, I offer it, and must rest content to see it speedily die at the hands of a ruthless majority.

Mr. CARTER. I move that the amendment proposed as a substitute be laid on the table.

The motion to lay on the table was agreed to.

Mr. STONE. Mr. President, I desire to consume a very brief space to state in as concrete form as I can some of the objections that influence my judgment and will control my action in opposing this measure.

I object to the bill for the following reasons:

First. I find no constitutional warrant for such legislation, although I have followed its sponsors in their belated tortuous and labored explorations through all the realms of constitutional possibilities in search of a hook on which to hang this measure. Those who maintain that the measure is constitutional, after all their efforts at agreement, can not agree upon the clause of the Constitution upon which they predicate their contention. Some say constitutional sanction for the proposed law can be found in the clause empowering Congress to coin money, and in no other clause; others say it can be found in the clause empowering the Congress to establish post-offices, and in no other clause; others say it can be found in the clause empowering the Congress to regulate interstate and foreign commerce, and in no other clause; others say it can be found in the clause empowering the Congress to borrow money on the credit of the United States, and in no other clause; while others, finding no specific power in the actual text of the Constitution, are driven to the extremity of saying that the power is conferred by the preamble to the Constitution. When those who assume the burden of finding constitutional authority for this novel legislation are so widely divided in opinion, it becomes manifest that whatever position they take is the result of a strained, far-fetched, and most uncertain interpretation. It is plain that those who uphold the constitutionality of the proposed enactment are themselves in doubt as to the soundness of the several and varying positions they assume. If that were not so, there would not be such a confusion of tongues among them. In this aspect of the case, so far from being shaken in my first impression that the Constitution confers no authority for this legislation, I am strengthened in it. The weakness of a divided opinion, disclosed by the advocates of the bill, gives greater confidence to those who primarily do not believe in any of their opinions.

Second. Personally I have never been much enamored of this kind of legislation. I have never believed that it is adapted to our institutions, governmental or industrial. It is too much of an interference by the Government with the personal and domestic affairs of the people and accentuates too strongly the rapid and lamentable trend toward paternalism and the centralization of power at Washington. I do not believe it to be within the constitutional province of the Government, and even if it were I do not believe it would be wise for the Government itself to enter into the business of banking, or manufacturing, or mining, or transportation, or farming, or any other business which ordinarily engages the activities of the people. It smacks too much of socialism or communism and is out of harmony with our established institutions.

Third. It is said to be a scheme to bring money out of hiding and to encourage thrift. Those are high-sounding terms, but they belong to the domain of theory and speculation. Our country, taken all in all, considering the extent of its territory and population, the character of its institutions and the very framework of its civilization, make it fundamentally and radically different from all other countries. No man can tell even approximately how much money would be brought from hiding by this measure. That must be purely speculative. But we can count with reasonable certainty that millions now held as savings in local institutions will be diverted to the custody of the Federal Government, and that ultimately it will leave the communities where it is earned and find its way into the Federal Treasury and into the great financial centers of the Nation. Establish this system and you will lay the corner stone for a great central bank, and a straight road will soon be built between the bank and the post-office. It would be far more apt to take unhidden money out of the communities where it belongs than to make money vaguely alleged to be hidden available to those communities.

It may be said that the Democratic party was pledged by its last national platform to a postal savings bank. That part of the Denver platform referring to a postal savings bank is as follows:

> We favor a postal savings bank if the guaranteed bank can not be secured, and believe that it should be so constituted as to keep the deposited money in the communities where the depositors live. But we condemn the policy of the Republican party in proposing postal savings banks under a plan of conduct by which they will aggregate the deposits of the rural communities and deposit the same while under government charge in the banks of Wall street, thus depleting the circulating medium of the producing regions and unjustly favoring the speculative markets.

This bill does not meet the requirements of that declaration. It may be said with reasonable certainty that the terms of this bill are such as to make it certain that the money deposited under its provisions will not be kept in the communities where the depositors live.

Fourth. It would put a tremendous and dangerous power in the hands of the managing board of trustees, and would entail an enormous expense, amounting to tens of millions, on the taxpayers.

There is no need, Mr. President, to multiply objections nor to amplify on those already made. What I have said is sufficient, and it so strongly appeals to my judgment that I can not bring myself to regard this measure with favor.

Mr. BACON. Mr. President, I have taken no active part in the discussion of the general features of this bill. While I have had very pronounced convictions upon this subject, I have been content with the statement of reasons upon which those convictions have been based as they have been given by Senators with whom I am in accord in this opinion; and I shall trespass upon the time of the Senate but a very few minutes now for the purpose of suggesting to the Senate what must necessarily be the practical operations of the bill under the amendment which has been adopted, known as the Smoot amendment. Prior to the adoption of this amendment the bill required that money, when received under the law by the post-offices in the country, shall be deposited in the banks, state and national, in the communities where the money is received, and to make this entirely effective there was added the following:

> *Provided*, That money deposited in the banks and secured to the satisfaction of the board of trustees, as herein provided, shall only be withdrawn to pay the depositors and other obligations of the Government under this act, and shall not be withdrawn for investment so long as the banks are willing to retain it and pay the rate of interest prescribed, from time to time, by said board, which rate shall not be less than 2¼ per cent per annum.

But the amendment just adopted, and known as the Smoot amendment, strikes out all the foregoing and inserts the following in lieu thereof:

> *Provided*, That when, in the judgment of the President, war or any other exigency involving the credit of the Government so requires, the board of trustees may withdraw all or any part of said funds from the banks and invest the same in bonds or other securities of the United States.

That amendment has absolutely revolutionized this bill. It has not simply revolutionized it in the main feature, which has been so forcibly expressed during the last two days by various Senators, in the fact that it removes the money from the local and neighboring banks. That is a revolution in itself sufficient to require one to vote against it, but that is not the main revolution so far as regards the character of the bill. It has entirely changed the character of the bill and the relations of the Government to the money which is to be collected under this law.

As the bill was introduced in the Senate, and as it was up to the time of the adoption of this amendment, the money when collected would not be the money of the Government, it would be the money collected to be held in trust for the depositors. Even if the Government should have put it in its Treasury for safe-keeping, it would not have been the money of the Government. It could not have been converted into the Treasury. It could not have been made a part of the fund subject to the appropriations of Congress. It must necessarily, under the provisions of the bill as originally drawn, have been a trust fund to have been kept separate in the Treasury, or in the banks if it were deposited in the local banks, as was designed.

But, Mr. President, under this amendment, taking the feature of it which authorizes the purchase of bonds, the bonds must be purchased either from the Government itself or from those outside parties who hold bonds in their own right as their private property. Now, take one at a time. Let us see what is to be the practical operation of this bill. Suppose the Government elects to use the fund in exchanging it for its own bonds. Then the money received in exchange for the bonds of the Government does become the money of the Government. The money received at the post-offices is no longer a trust fund, but it is a general fund belonging to the Government to be covered into its Treasury and to be disposed of in any way that Congress may authorize, just like any other money in the Treasury.

Now, when the money received has been thus exchanged by the Government for its bonds, and when thus covered into the Treasury as the money of the Government, how is that to be disposed of? We are told that this fund is to amount to at least $500,000,000. How is it to be disposed of by the Government if the Government issues bonds and takes the money to itself and covers it into its Treasury? It can not be needed for the support of the Government.

We have the word of the President of the United States given in his recent address in New York—I think it was in that address, certainly if not in that in one of his recent addresses—that there is to be no deficit, but that under the operations of the laws as they now exist and being administered the prospect is certain and beyond doubt that the needed revenues of the Government are to be obtained from its ordinary sources.

So we are confronted with the proposition that the Government is to have in its Treasury $500,000,000, or as some think a thousand million dollars, with the question what to do with it, it not being needed for its ordinary disbursements. Is it to be allowed to remain idle in the Treasury? Can it be contemplated for a moment that any part of the people, official or private, would consent to $500,000,000 being locked up in the Treasury, in addition to the reserves which are now required for the gold reserve and otherwise?

Of course not, Mr. President. That is an utter impossibility. Then what else is to be done with it? As it can not be paid out for current expenses there is but one other thing that can be done with it, and that is to deposit it in the banks, not under the provisions of this law, deposited with uniform regularity in the state and national banks throughout the country, at least in proportion to the collections or deposits from the individual depositors, but deposited in the selected national banks under the present law just as deposits have been made for years past. It would be the Government's money; not money belonging to depositors throughout the country. It would not be money deposited under the postal savings-bank law, because, having been received by the Government in exchange for its bonds, it would no longer belong to the postal savings-bank fund, but it would be money deposited under the general law now on the statute book, under which a few years ago over $200,000,000 was deposited by the Government in the national banks of the country.

Mr. President, there is no escape from the three propositions: First, that the Government will not need this vast sum of five hundred millions or any part of it for its ordinary disbursements; second, that it must either keep it idle in the Treasury; or, third, deposit it in such national banks as may be selected by the Secretary of the Treasury, in his discretion, under the present national banking law.

Mr. President, is that the object of this bill? Is it the object of the bill to collect this vast sum of money in order that there may be under the wide discretion that the Secretary of the Treasury now has as to the deposit of this money, the $500,000,000 or a thousand million dollars, as it may be, that it shall be deposited in the few favored, selected national banks at the discretion and will, and, if you please, the favoritism and the caprices of any Secretary of the Treasury who may hereafter hold office?

Mr. President, we have had illustrations in this country of the manner in which that discretion is sometimes exercised by Secretaries of the Treasury. Senators who have been so eloquent here in insisting that this bill should be so shaped that the money collected should be deposited in banks in the localities where it has been received in order that their communities might have the benefit of that money, are the Senators representing sections of the country which have heretofore been discriminated against by Secretaries of the Treasury in the exercise of that discretion, when they have deposited vast amounts in national banks in certain localities and left other localities famishing for currency.

Mr. President, I want to give an illustration of the manner in which that discretion is sometimes exercised. It is not new, but it is well to have the Senate reminded of it when we are about to vote, as it is evidently the purpose of almost the entire membership of this body representing the dominant party to vote to pass a bill which, according to the figures which they themselves have brought here, will deposit in the Treasury of the United States under the sale of bonds by the Government $500,000,000 or possibly twice that amount, as some Senators predict. It is well to have a recurrence to the experience we have had in the past as to how this deposit has been made.

Mr. President, one of the greatest scandals that I think has ever occurred in our governmental administration, or a thing which has given the basis for the greatest scandal, was the sale of the old custom-house in New York. It occurred about ten years ago, and was continued for seven or eight years thereafter. This scandal was caused by a matter of deposit, I will say; I am not speaking of something which is not relevant. Congress found it necessary to erect a new custom-house in New York, and therefore there naturally followed the necessity of selling the custom-house, which the Government then owned.

The custom-house was sold to the National City Bank, of New York, the same bank from which we have the suggestion that this legislation is to lead to the establishment of a central bank, and in that way relieve them of the $700,000,000 of 2 per cent bonds which the national banks now carry. It was sold to the National City Bank for $3,265,000.

Now, that was a very simple transaction if it had been carried out in the ordinary way, and if the $3,265,000 had been paid by the bank and deposited in the Treasury; but, under the discretion which the Secretary of the Treasury had to deposit money in the national banks, as the Senator from Oklahoma [Mr. OWEN] said the other day, in regard to the taking of bonds by the national banks and the issuance of currency on it and paying for the bonds with the currency, it was a mere matter of bookkeeping, and in the purchase of the New York custom-house no money was paid at all. It was arranged that the bank should undertake to pay $3,265,000 for this custom-house in New York, but that of this amount it should pay nominally in cash only $3,215,000, leaving $50,000 unpaid, for a reason which I will tell later. Out of that $50,000 alone thus remaining unpaid, and by leaving it thus unpaid, the National City Bank made something like $500,000, as I will relate.

The $3,215,000 was not paid into the Treasury of the United States, but it was nominally paid simply by the Secretary of the Treasury agreeing that it should be deposited with the bank, and the bank under this agreement simply credited the Government with $3,215,000 on its books, and kept the money as a deposit, paying no interest therefor for seven or eight long and fruitful years. The object in holding back $50,000 of it—and it was simply held back by not crediting that full amount on the books—was that the title should still remain in the Federal Government in order that it should not be liable to state or city taxation. In that way the National City Bank would escape the necessity of paying taxes to the State of New York and to the city of New York; and the new custom-house not being finished, just beginning to be erected, through seven or eight years, with this $3,215,000 not paid into the Treasury, but simply credited upon their books, and no interest paid upon it. The Government of the United States, if the published accounts are correct, then became the tenant of the National City Bank, and paid $125,000 rental a year for the building. The bank, under the deposit law, having simply upon its books a credit to the Government of $3,215,000, became the landlord of the United States and received from the United States $125,000 a year as a rental.

Mr. President, I said "if the published accounts are correct." I want to guard my words. I do not speak of my personal knowledge. These were the published accounts, and they have never been denied, so far as I have seen. I know nothing, so far as having had any examination of the books, of course. It can not be conceived, however, that these facts should be stated, that they should be published to the world, and that there should be no denial of them if they were not true.

Mr. President, taking this case as an illustration, what will the few selected national banks, like the National City Bank, receive under the present existing deposit law, which is the law under which this $500,000,000 would be deposited, if the Government took up the money of the people, through these postal savings banks and converted it into bonds? That is the proposition, as I think I shall demonstrate before I get through. All this talk about the particular kind of state banks or other banks where the money is going to be deposited under the terms of the postal savings-bank law means nothing. There is none going to be deposited in the banks of the localities under the terms of the postal savings-bank law. It is idle to expect it. The honorable Senator from New York [Mr. ROOT] offered an amendment that the money should all be invested in government bonds, which was without disguise; the Senator from Utah [Mr. SMOOT] offered an amendment which in practical operation means the same thing as the amendment offered by the Senator from New York, and nothing else, as I shall show; and I venture to say that the Senator from New York has failed to press his amendment and is supporting the amendment of the Senator from Utah because, in practical administration, it will mean exactly the same thing.

Returning, then, to this bank transaction. This bank, then, Mr. President, received $125,000 rental from the Government of the United States when it owed the Government $3,265,000, of which it had not paid a cent, and for the same property for which the rent was paid. It saved at least $500,000 in the seven or eight years in the way of taxes, if my information from the public press is correct, on this property, kept back from the city and State of New York by leaving the title to the property in the United States, through the device of the unpaid

$50,000. There is another view that has been taken of it. The total amount received in rental, if the published accounts are correct, is about a million dollars—a million dollars paid by the Government of the United States upon its own property, nominally sold to the National City Bank, upon which the National City Bank had not paid a dollar, but under the deposit law had credited the amount on its books to the Government of the United States. It received about a million dollars in rentals, and, with the $500,000 saved in taxes, it amounted to a million and a half of dollars received by this bank without paying out a single dollar for it. If another calculation is made as to the amount that this $3,215,000 was worth to the bank in its ordinary business, it might be very much enlarged. Of course you can not count both the profits on the amount and also the rental, but you must take one or the other. But I shall not dwell on that. I simply bring that forward to illustrate the kind of discretion that this Government and the people of this country must rely upon, the kind of discretion that we as legislators must rely upon, or, at least, be in danger of, when it is proposed to take $500,000,000 and put it in the Treasury, where it must either lie idle or, under the present banking law, be subject to a discretion as to a deposit which can be exercised in the way I have illustrated by this concrete instance.

But, sir, I see the Senator from New York [Mr. ROOT] present. We all of us listened with great interest and were most profoundly impressed with his able and eloquent address on yesterday, when he graphically portrayed the dangers which there would be caused to this country by this large amount of money being in the banks, with the impossibility of collecting it promptly and immediately when the time of panic came. It is equally true that if the Government deposits the money in the national banks, it has got no money with which to pay these depositors, unless the banks will pay the deposits when demanded. It has taken bonds, which it has issued, and exchanged for the money, and it has deposited this money with the national banks; it has got its vaults choked with the bonds of the United States, held in trust for the depositors under the postal savings-bank law, but no money. A panic comes and the Government has to call upon the national banks for this $500,000,000, which it has received from the people and which it has exchanged for its bonds. Who believes the national banks will pay this vast deposit in time of panic. If not, what becomes of the credit of the Government when depositors demand their money and the Government can not pay?

It may be said, sir, that these deposits are to be made under existing law in the national banks, where the Government would be at a less risk than it would be if made in the banks such as were contemplated by the bill originally, scattered through the country, twenty-odd thousand of them; but, be that as it may, it is only a question of degree. Does any Senator here fail to remember that in the panic of a little over two years ago there were no banks in the United States whose doors were more closely locked than those of the great banks of the city of New York? Does any man fail to remember that the banks throughout the country which had their deposits in New York were unable to get their money in order that they might meet their obligations to their people at home, and carry on the business of their people at home? And when panic comes—and panics come suddenly; they come within a month or two—when panic comes, and the Government owes $500,000,000 to the depositors, and it calls on the national banks of New York or Philadelphia or Boston or elsewhere throughout the country, in greater or less degree, where this money is deposited, "Send in the money that we may pay these depositors," and the banks fail to respond, then where is the credit of the Government, for the maintenance of which the Senator from New York so eloquently urged us not to be unmindful?

In what way, Mr. President, except in the matter of degree, is the danger of the Government different under one proposition or the other? When the money is deposited in the banks in the country at large under the terms of the postal savings-bank law, there is a danger of the Government not being able to get the money which the Senator pointed out; but when the money is deposited—as it must be if the Government takes it up for its bonds—in the selected national banks where deposits are now made under existing law, the Government will also be confronted by the same danger. The experience of the recent past leaves us not a shadow of doubt that these national banks would also in time of panic fail to respond.

The Senator from New York said on yesterday that the panic of 1907 was stayed by the proposition that the Government would issue certain bonds and certain certificates which were known to represent cash. By that the Senator meant that the United States bonds could always be sold for cash. I have not had much personal experience in matters of that kind, but I am told by the Senator from Alabama [Mr. JOHNSTON], who is a practical banker, that in the panic of 1893—the Senator is here, and if I do not state him correctly, and I may not in detail, he can correct me, and I hope he will—in the panic of 1893, he then being engaged in the banking business, went to New York for the purpose of raising money, or for the purpose of getting money which he had on deposit with them, I believe it was—am I correct in that?

Mr. JOHNSTON. Yes.

Mr. BACON. The Senator from Alabama went to the bank for the purpose of getting money that they owed him, which he had on deposit with them, and which they refused to let him have, and in conversation with a prominent banker—I have forgotten his name, though the Senator stated it to me; he was one of the prominent bankers of New York—the Senator was told, as an illustration of the impossibility of that bank responding to his demand and paying him his money, that they had United States bonds which had been running on the market at one hundred and thirty and odd, and which could not then be realized upon at par. And that was then and in 1907 the experience of the banks throughout the South and West. The banks in New York had their money and locked the doors of their vaults and would not and could not pay it to them.

So, Mr. President, this does not get away from the danger which the Senator from New York so eloquently portrayed. If it be true that the money when deposited in the local banks throughout the country under the original purposes and terms of the bill would be in a position where the Government could not avail itself of it in time of panic and in the day of trouble, when it required it to pay the depositors, it is also true that there would be the same trouble if the Government buys bonds with the money received under the postal savings-bank law, puts the money in its Treasury, and then deposits it with the national banks under the present existing banking law. In time of panic the money could not be obtained from the national banks.

I do not forget, Mr. President, that the Senator said that we now have bonds immediately in prospect of issuance which would take up some $300,000,000 of this money; but if so, the money for which these bonds were exchanged would be spent by the Government for the purpose for which the bonds were authorized to be issued. Where would the money be found to pay the postal savings-bank depositors when payment is demanded. Shall the Government keep on hand $300,000,000 in cash for this purpose? If so, why issue the bonds to raise the money that is needed for expenditure by the Government? Again, we are not making this law for to-day or to-morrow. When this law is once passed, unless there should be some great convulsion, it stands on the books forever, and we are to enact this measure not with reference to what may be true to-day or to-morrow or next year, but what may be true in the next fifty years and beyond that. It is not to be anticipated that for all time we are to be in a condition where this large amount of money is to be absorbed by the issuance of bonds or that there will be a need to issue bonds. We have got to stand in face of the proposition and answer it. If the Government buys bonds with this money, what is to be done with the money? In what way can the Government keep the money, not only so that it shall be of the greatest benefit to the people, but so that the Government itself may maintain its credit and be in a position to promptly pay these deposits when the time of panic comes.

I respectfully suggest, Mr. President, and submit that the argument of the Senator from New York, if pressed to its logical and legitimate conclusion, is an argument also against the passage of the bill in this shape, under which bonds will be purchased and the money deposited with the national banks. It is simply a turning of the hand, but the same position is presented from either point of view. The danger is as great in the one case as in the other, if we can judge by experience.

Mr. President, there is another thing. The Government might not exchange its own bonds for this fund. If it did not, of course the particular trouble which I have suggested would not arise, but before we take the vote on this bill I would like for some Senator to point out in what way this $500,000,000 is to be cared for, and at the same time the Government protected against danger. If the policy is adopted that the Government exchanges the money reserved under the postal savings-bank law for its own bonds and there happens to be a time when it itself has not bonds to be issued for a specific purpose, like the building of the Panama Canal, what then? And how even if it has such bonds and makes the exchange, the Government will not have the cash on hand to repay to the depositors on demand the money it has received on deposit.

But suppose the Government does not do that, but that it sells the bonds to outsiders. It is true that there are now, under the amendment of the junior Senator from Idaho [Mr. BORAH], not many bonds in which the money could be invested,

because we have a bonded debt of less than a thousand million dollars, and almost all of it is in 2 per cent bonds. Our entire debt, I think, is less than a thousand million dollars. The 2 per cent bonds amount to some $700,000,000, and under the amendment offered by the Senator from Idaho that the money can not be invested in bonds bearing less than 2¼ per cent, which has been adopted, none of the $700,000,000 of 2 per cent bonds could be used for that purpose. The Government could not invest in those bonds.

I have several suggestions to make in reply to that. In the first place, Mr. President, I want to know if there is any Senator here so credulous as to believe when this bill finally passes both Houses that these $700,000,000 of bonds are going to be excluded? Is there any Senator here so credulous as to believe that either in the other House or in the conference committee these $700,000,000 of bonds are not to be restored to this eligibility?

Mr. President, I speak of the President of the United States always with the greatest respect. I have ever done so, and I have served as a Senator when four different Presidents were in office. If there had ever been a time when I would more scrupulously guard my words, so as to not appear in any manner to unduly criticise the President of the United States, this is the time, because there has never been a President, I will say in all frankness, either of my party or opposed to my party, for whom I have had more personal regard than I have for the present occupant of that office; and what I shall say is not in the way of criticism. I am not fond of hearing references—I am not speaking now of the present, but at any time—to the opinions of the President of the United States—any President of the United States—in regard to legislation pending, because I think that is a matter that should be considered by Congress under its own responsibility; but this is a different case.

The function of Congress is to legislate. The function of the Executive is of another sort. Each should perform its function without invading the domain of the other.

We have adopted an amendment, in which we vest a certain discretion in the President of the United States; and, therefore, when we are considering the question whether the bill shall be passed or not, it is a perfectly legitimate consideration as to what is the attitude of the President of the United States in regard to this matter about which he is to exercise his discretion. The President of the United States recently made a speech, which ordinarily, possibly, I might not be justified in alluding to in this Chamber, but that speech has by formal vote of the Senate been published in the CONGRESSIONAL RECORD, and in addition it has been made a public Senate document, so that by every consideration it is entirely proper and in order to allude to the position of the President in this matter, not because his view should guide us in the matter of legislation, abstractly considered, but because we have in this bill vested in him by the amendment thus adopted a certain discretion in regard to this matter.

Now, what does the President of the United States think about this $700,000,000 in bonds? Does the President of the United States agree with the view expressed by the amendment offered by the Senator from Idaho, and which has been adopted by this body, that the $700,000,000 of bonds ought not to be a fund in which this money could be invested? Let me read you what he said, Mr. President. He is saying this now in anticipation of the passage of this bill; he is giving reasons why this bill should be passed in his speech in New York, which is published in the document I hold in my hand. I am reading from a Senate paper, and not from a newspaper. In giving the reasons why this bill should be passed, one of them is this:

> We have now about $700,000,000 of 2 per cent bonds with respect to which we owe a duty to the owners to see that those bonds may be taken care of without reduction below the par value thereof.

What does that mean, Mr. President? It means that, in the opinion of the President of the United States, this fund should be so utilized that in the demand which will be given on the market for these bonds by the investment of this fund the price of these bonds should be kept up. Does anybody doubt for a moment, with that view of the President of the United States, with the influence which we all know he is exerting on legislation, that this bill is going to be passed finally with the amendment of the Senator from Idaho incorporated in it? Is there a Senator, I repeat, so credulous as to believe for a moment, when this bill finally passes, the $700,000,000 of bonds can not be used as an investment for this fund?

Let us come to its consideration a little more closely. We have heard a great deal here about the effect that is going to be exerted upon the public credit of the Government by the disposition of this fund in time of war, in time of exigency. If the money is invested in the $700,000,000 of bonds, the Government has not the money any more; but it has the bonds thus purchased, held in trust for the depositors under the terms of the postal savings-bank law, and the banks have the money paid for their bonds. How are you going to realize on the bonds in time of panic? How are you going to get the $700,000,000? The money is not any longer in the control of the Government, either in its vaults or on deposit in the banks subject to its demand, and you have got in the place of that with which the Government is to protect its credit the $700,000,000 of bonds, which, according to the testimony of my distinguished friend from Alabama [Mr. JOHNSTON], in time of panic can not, according to practical experience, be realized upon within 33 per cent of their value. The same thing would be true of an investment of the money in any other United States bonds which could be purchased from any private holders of the same, whatever might be their rate of interest. That is the practical operation of the bill.

Now, Mr. President, I come to another point, another practical question I want to suggest to Senators. I wish every Senator who within the past few days has thrilled us with his eloquence in portraying the iniquity of diverting this money from the localities where it was deposited in the post-offices and concentrating it in certain favored localities would consider this question that I am about to propound. Is there any man here so credulous as to believe that under the alternative, very mildly suggested by the Senator from Utah in his amendment, any money is going to be deposited in any local, state, or national banks under this bill? It may be deposited arbitrarily for safe-keeping here and there; but is there any man so credulous as to believe that with the adoption of this amendment and the passage of this bill, under this amendment, any money at any time is going to be deposited in the local savings banks or any other kind of local banks under the terms of this bill so that the money collected in the innumerable communities will remain in those communities?

The Senator from Alabama [Mr. JOHNSTON] says it will not remain. Of course I do not believe it will, even temporarily, and I will give my reasons for that in a moment. Who is to determine where it shall be put? The President of the United States. Talk about trustees! The President of the United States determines the whole thing. Does the President of the United States recognize these banks as a proper and a safe place to put money, this money, any money that the Government is to be responsible for? He has not left us in doubt about that. He is a very frank man, and in this Senate document, which is part of our records and of our files, we have the strongest condemnation that could be made of the policy, and a denunciation practically, of depositing the money according to the terms of this bill as it was originally drawn, or according to the terms as faintly contemplated by the amendment of the Senator from Utah. In this speech, which, as I have said, is one of our documents and part of our files, the President of the United States says this, speaking of this bill:

> The great difficulty in the bill seems to have been to secure a proper provision for the management and investment of the money deposited.

Now, that is the broad proposition, and then, going on a little further, he says this:

> In the present stage of the Senate bill there have been inserted amendments drawn apparently for the purpose of having money deposited as savings in government post-offices distributed through the locality where deposited in the banks, state and national, and so deposited as to make it impossible for the trustees of the fund appointed under the law to withdraw the money for investment in any other form. I regard such an amendment as likely to defeat the law.

That was the first amendment of the Senator from Utah, which, when he offered it in the Senate, was supported with so much ardor and zeal and clearness of argument by him that it was adopted unanimously by the Senate, and which on his own motion has since been stricken from the bill. That quotation from the speech, left to itself, might not bring us to a definite conclusion as to the fixed view of the President as to depositing this money at any time, or even temporarily, in the banks; but upon the next page he makes the matter clearer. The first reason he gave in opposition to the amendments alluded to was that it endangered the constitutionality of the bill. Then he said, and I ask Senators to mark this language:

> Secondly, if the funds are to be arbitrarily deposited in all banks, state and national, without national supervision over the state banks, and a panic were to come, it is difficult to see how the Government could meet its obligations to its postal savings-bank depositors, because with every bank suspending payment the funds of the postal savings banks would be beyond the control of the Government, and we should have a financial disaster greater than any panic we have heretofore met.

Mr. President, there is the plain, candid, frank, unqualified avowal by the President of the United States that it would be a matter of great danger to deposit in these banks, as contemplated by this bill; that it would be a great danger to de-

posit even under the very slight and faint suggestion of such a deposit as is made in the amendment offered by the Senator from Utah, which was adopted by the Senate.

Now, sir, we have had discussion here as to what would be the exigency, prescribed in the amended bill, under which the President of the United States would feel himself justified in withdrawing this money from local national and state banks, or in using it when it was first brought to hand through the post-office, and investing it in bonds. Various suggestions have been made. Need we go further than that? Evidently the President of the United States would regard the depositing of this money in the local banks generally throughout the country as so dangerous to the public credit that it would be equivalent to a continuing exigency authorizing him, nay, requiring him, to withhold the money from such local, state, and national banks and to invest it in the purchase of bonds.

With the discretion thus vested in him by the law, would the President be justified in the mind of any man or of the public, if he thought the danger was such as he portrays it, in depositing the money in the local, national, and state banks; and however safe we may think the local banks to be, it is evident the President does not think them safe, and can there be a question of the fact that this bill as it has now been amended and as we are now to vote upon it, when finally passed means the Root amendment and nothing else, and that there will be no deposit in the local banks of the country in the communities where the money shall be collected? I think the Root amendment is infinitely preferable to the Smoot amendment which has been adopted, because the Root amendment disguises nothing and misleads nobody, and in its adoption we would not deceive ourselves or mislead the public. The Smoot amendment means the Root amendment in its practical operation under what the President of the United States has said, and it means nothing else; but it is disguised in order that some Senators may be deluded, and that other Senators may deceive themselves against their own knowledge.

Mr. President, outside of the question of the constitutionality or the unconstitutionality of the bill, I presume there are few Senators who would not have been attracted to the support of the bill by the idea which has been made most prominent both in the public press and in public discussion, that this money was to be gathered up and put in a form where it would be of advantage to the communities from which it was gathered. But let no man deceive himself. I return to the original proposition, that this amendment absolutely revolutionizes the bill, and under the avowals, which I have quoted, of the President of the United States, who is to administer the law when enacted, the passage of this bill means that from every hamlet in this country, from every nook and corner of it, the money of the poor, the money of people making small earnings and engaged in small industries, is to be collected, carried away from those communities and, being invested in United States bonds, put into banks in the great money centers; and not only will it be withdrawn from the ordinary business of each community, but when a money famine comes, if it ever does, it will be more stringent in those communities than if this bill were not passed.

There is no trouble about money under our present per capita circulation, at least in ordinary times. It goes everywhere. It flows from every money center freely and comes back in the ordinary course of trade. But if panic comes—and that is what this bill, so far as concerns this feature of it, is sought to be adapted to—then it is that the extremities, the parts remote from the money centers, will be deprived of money. In the absence of this bill there would be, according to the most earnest and ardent advocates of it, money in the stockings and in the old tin cans to come out to relieve the difficulty in time of panic. But under this bill all that money would have been gone, and we would be in a worse condition than if the bill had not been passed, because that money, instead of being there to be brought out in time of dire necessity, if not for investment, at least for that which is necessary to life and comfort, would be a thousand miles away, locked up in vaults of the great national banks in the money centers, which it would be as impossible to open as it was impossible to open them two years and a half ago.

So far as there has been a popular demand for this legislation the people have asked for bread and you have given them a stone.

I wish to call attention to another matter. We speak about what is to be the final result in regard to this bill, what is to be the final shape of it; and I have alluded to the certainty, in my mind, that when this bill comes back it is going to be a very different bill from what it is; at least, when it comes back from the conference committee. And so far as the $700,000,000 are concerned, they are going to be eligible for this investment. If the Senators who have so eloquently portrayed the injustice and the iniquity of taking this money away from the people, and taking it away from their communities and investing it in bonds and concentrated in the money centers, have built a bridge upon which to cross back to the support of this bill in the amendment of the Senator from Idaho, requiring investment in bonds of not less than 2½ per cent, they will find that bridge broken beneath them and a chasm between them and justice to their people when this bill is finally passed.

If that is not so—I profess neither to be a prophet nor the son of a prophet—I will be more deceived than I ever was in the course of legislation. Not only that, this bill is not only going to come back to us and finally to be passed in a different shape, with this particular feature which I have spoken of at least set right, as right exists in the minds of some people, but the bill itself when it is passed will be but the beginning of things more serious.

Who thought when the savings-bank project was agitated that it had anything to do with the question of great fiscal operations, with the accumulation of $500,000,000 or a thousand million dollars to be afterwards used for other purposes? And yet, while the Senator from Montana most eloquently charmed us all in the beginning with the portrayal of the advantages which were to come to the individuals and to the small communities of the land in gathering up the hidden money and putting into the local banks for the local business and the local needs of each community, he has forgotten the song, and he sings now only of those things which will be of advantage to the great money centers and to the concentration of this money in a few localities, in the Treasury, if you please, though it is an impossibility that it should remain there; and if not in the Treasury, then, through deposits under existing law, in the favored selected national banks of the country.

But, Mr. President, as I have said, while we have progressed in this way and the horizon has been enlarged as to the purposes of this legislation, in my opinion it is but the beginning—even the passage of this bill—to subsequent legislation. And, sir, even if to save their faces, those who control this legislation should finally enact this law at this session and not change the provision which says that no bond shall be purchased bearing less than 2½ per cent interest, it will be only to postpone that change until another near-by session of Congress, possibly until after the $300,000,000 of bonds have been taken up to which the Senator from New York has referred, when another bill will be passed providing that the $700,000,000 of 2 per cent bonds may be purchased with these postal deposits. The President's statement about sustaining the value of these bonds necessarily commits him to that. The passage of this bill is but the beginning of serious matters.

The Senator from Montana [Mr. CARTER] objected the other day to my use of the word "radical." There has been a most radical revolution in this bill, radical in the very point of view which I contemplated at the time I used the word, and when I called for the amendment which has since been introduced and adopted, in order that we might take time for its consideration—"radical," going to the root, converting the collection and custody and care of the money for the benefit of the people into things adapted for enterprises foreign to their interest and inimical to their interest.

I repeat, not only are we to have a development and progression as to this bill before we pass it, but when we pass it it will be but the beginning of a gigantic scheme such as has never been entertained or undertaken by the Government of the United States since the close of the civil war.

Mr. President, I have quoted from a document which contains a speech of the President of the United States, and I have not hesitated to speak of it as his speech, because we know it officially, not from the newspapers, but by having adopted it and made it a document, putting it in our RECORD; and I have read from the official document. Now, I have something else in my hand which is not official and which I do not attribute to the President of the United States. But I think we may safely say it is the programme of those who represent the influence which has brought this bill to its present stage and which intends to pass it.

In the Washington Post of March 1 there is an article entitled "Record of Taft's first year in the Presidency," in which there is a subheading, "What President Taft has accomplished." Second, another subheading, reading, "In addition to tariff revision President Taft named as paramount policies" the following, naming them. Then, "What President Taft will obtain from his legislative programme," naming them, the different bills. One would suppose Congress had nothing whatever to do with all these matters, although they all relate to legislation. Next,

"President Taft's measures which have struck snags and are threatened with destruction at this session." Then there is a list of them.

I repeat that I do not attribute this to the President; I will not even go to the extent of saying it was inspired by those who stand near to him. I make no reference whatever to it except as representing the policy and intentions of those who are supporting this legislation. I do not use the President's name in connection with it except as it appears in an article which mentions his name. I do not attribute it to him at all. I do not intend to indulge in any criticism of him at all, but I do attribute it and I do intend to criticise those who are pressing this legislation in the Senate and in the House, if you please, though I have no right to say anything about the House.

I think I could find other things in newspapers that would be strongly corroborative of this, but I refrain. I simply call attention to this. In speaking of the postal savings-bank bill, it being one of the enumerated bills which it is said in this list will be passed, there is found this language:

> A postal savings-bank bill, but unsatisfactory, and constituting merely the entering wedge.

As a safety-deposit system, which will give to everybody an opportunity to put his little mite in a savings bank, it is not unsatisfactory. Nobody can presume for a moment it had any reference to that feature, because every man who has a dollar or a multiple of a dollar up to one hundred a month could put it in, and ultimately, I think, up to $500. There is no criticism upon that. There is nothing unsatisfactory in that. So there must be other features of the bill which are unsatisfactory.

Now, what are they? And of what is it the entering wedge? I will not repeat what I have already said about changes that are to be made in the bill, but when the bill has been passed, and when the $500,000,000 have been collected, and when annually thereafter the $100,000,000 are collected, there is going to come up the question the Senator from Oklahoma has mentioned; there is going to come up the question to which the president of the National City Bank has given utterance, as to the necessity of a great central bank to take care of money that the Government can not afford to keep idle in its vaults; that the Government, under the present law, can not put on deposit in the banks and trust to its ability to get it back from the banks when panic comes; and, therefore, we must have a great central bank in which to deposit it. And there must be the fund of $500,000,000 and more with which to purchase the $700,000,000 of 2 per cent United States bonds now held by the national banks, so that the Government may pass to the system of the great central bank—a system furnishing the greatest opportunity for graft and spoil and political corruption—a system full of menace to our freedom and to the preservation and purity of our political institutions.

I should like to know who told the president of the National City Bank that the probability was that the postal savings deposit bill was going to be so changed as to make the $700,000,000 of 2 per cent bonds available. It was not in the bill at the time he gave out the interview. There was not anything of that kind in the bill at the time the interview was given out. Some one who was in the secret must have told him before it was disclosed in the Senate. There is a great deal that may be surmised as to the negotiations which are going on, the advice which is being given, the information which is being transmitted, the suggestions as to shaping this legislation that these great financial institutions may adapt themselves to the proposed change in our banking system or that their gigantic schemes may be successfully accomplished through congressional legislation.

Now, again disclaiming that the President of the United States is responsible for this and not meaning to attribute it to him in any manner, but simply attributing it to those who are supporting this legislation, I will read another sentence. There are some Senators here who will appreciate it. Speaking of the postal savings-bank bill, it says:

> The postal savings-bank bill will pass the Senate in a form entirely unsatisfactory to western Senators, and may meet fierce opposition in the House.

Now, here is the point:

> The President will be satisfied to have it go through in any form, believing that amendments can be obtained in the future to make it more complete and effective.

I do not attribute that to the President, I say; but that is evidently the purpose of those who have it in charge and those who are pressing it to its final conclusion.

Mr. President, I do not desire to occupy the attention of the Senate further. I simply wished to point out practically what is to be the operation under this bill—that with the money devoted to the purchase of bonds, putting it in the Treasury, it must either lie idle or be deposited in selected national banks under the present banking law; and if it is used for the purchase of outside bonds, it in no manner effects any governmental purpose, but leaves the Goverment with only bonds to hold for the postal depositors and with no money to pay them either in the Treasury of the United States or on deposit, even, with the banks.

In either of these cases the selected national banks and the bondholders get the benefits and the Government bears the risks. On the other hand, when the money is deposited, as it should be, in the local banks, where it is received, the people of the community get the benefits and the Government runs no greater risks.

Sir, whatever may have been the view of Senators who believe it to be constitutional or unconstitutional it certainly is not for those of us who believe that the people should have the advantage of the money which they themselves have earned, and which they are to put in the post-office depositories—that they are to have the advantage of it in the stimulation of commerce and trade in their communities—to give our support to the bill. Let Senators who believe that it is right to go to every crossroads and every hamlet in this country and gather that money and bring it to a great center and either invest it in the bonds of the Government, so that the money will lie idle in the Treasury, or deposit it in the great selected and favored national banking institutions, give this bill their vote upon its passage, and then let them go to their people and read to them the speeches which within twenty-four hours they have made in this Chamber denouncing this very thing. Those of us who believe that if money is collected from the people it should be kept in the communities where it was collected, that they should have the benefit of it in their commerce and trade, and that it should not be carried away and concentrated in the great money centers, will vote against it.

Mr. SHIVELY. Mr. President, it is not my purpose to enter on any further discussion of the bill. I desire the attention of the Senator from Montana, in charge of this bill. What, in the Senator's opinion, is to be the status of the certificate of deposit with reference to taxation? Does he understand that such certificate will so fall under the operation of existing law as to be exempt from all taxation, national, state, and local?

Mr. CARTER. I presume the Senator from Indiana refers to the deposits made in the post-offices?

Mr. SHIVELY. Yes; the certificate of deposit issued to the citizen who carries his money to the post-office.

Mr. CARTER. I am inclined to agree with the Senator from Texas and others who have expressed the view that this deposit in the hands of the United States would not be subject to taxation. That is my opinion.

Mr. BAILEY. On page 5, line 12, I move to strike out the three words "after complying with" and to insert in lieu of them the four words "upon demand and under," so it will read:

> That any depositor may withdraw the whole or any part of the funds deposited to his or her credit, with accrued interest, upon demand and under such regulations as the board of trustees may prescribe.

Mr. CARTER. I have no objection to the amendment, and I can see none.

Mr. BAILEY. Mr. President, I do not believe the Government ought to make itself the recipient of these deposits at all. I believe, if the Government wants to teach the people anything that is useful, it would infinitely better teach them to use what they have saved than to teach them to save what they have made. But certainly, if the Government is going to receive the people's money at all, it ought to return it to them on demand.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. BAILEY. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BACON (when his name was called). As previously announced by me, upon all amendments and upon the passage of the bill, I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If he were present, he requested me to say, he would vote "yea." If he were present and I were free to vote, I would vote "nay."

Mr. BAILEY (when his name was called). I have a standing pair with the Senator from West Virginia [Mr. ELKINS],

and, out of deference to it, I have refrained from voting on any of the amendments. But I have been released by him to the extent, at least, that I may vote on the passage of the bill, and I vote "nay."

Mr. KEAN (when the name of Mr. BRIGGS was called). My colleague is necessarily absent. He is paired with the senior Senator from Virginia [Mr. DANIEL]. If present, my colleague would vote "yea."

Mr. LA FOLLETTE (when Mr. BRISTOW's name was called). The junior Senator from Kansas is detained at his home in this city on account of sickness. If he were present, he has authorized me to state that, in its present condition, he would vote for the bill.

Mr. CLAY (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am authorized to say that if he were present he would vote "yea," and I would vote "nay."

Mr. TALIAFERRO (when Mr. FLETCHER's name was called). My colleague is paired on these questions with the senior Senator from Minnesota [Mr. NELSON.] If he were present he would vote "nay."

Mr. TAYLOR (when Mr. FRAZIER's name was called). My colleague is paired with the junior Senator from Michigan [Mr. SMITH]. If my colleague were present he would vote "nay."

Mr. FRYE (when Mr. HALE's name was called). My colleague is detained from the Chamber. He is paired with the junior Senator from Virginia [Mr. MARTIN]. If both were present my colleague would vote "yea," and the Senator from Virginia would vote "nay."

Mr. CLAPP (when Mr. NELSON's name was called). My colleague is absent presiding as chairman over a joint committee of investigation. He is paired with the junior Senator from Florida [Mr. FLETCHER]. If my colleague were present he would vote "yea."

Mr. OVERMAN. I ask the indulgence of the Senate to make a statement and explanation of the vote I am about to give.

Mr. GALLINGER. Oh, no.

Mr. OVERMAN. I am opposed to this bill——

The PRESIDING OFFICER. Does the Senate object? There is no objection. The Senator will proceed.

Mr. OVERMAN. Mr. President, I am opposed to this bill because, in my judgment, it is unconstitutional, even with the Smoot amendment, which I regard as——

Mr. KEAN. Let us have the regular order, Mr. President.

The PRESIDING OFFICER. Objection is made.

Mr. KEAN. Nothing is in order except the calling of the roll.

Mr. BEVERIDGE. That is true.

Mr. OVERMAN. Unanimous consent was given, Mr. President.

Mr. BEVERIDGE. Regular order!

The PRESIDING OFFICER. Unless unanimous consent is not only given, but continued, the roll call will have to proceed.

Mr. BAILEY. Mr. President, I rise to a parliamentary inquiry. It is not competent to grant unanimous consent and then withdraw it. The Chair distinctly put the request for unanimous consent to the Senate, and no Senator objected. Then the Senator from North Carolina proceeded with his statement.

Mr. LODGE. Two Senators rose at once.

Mr. BAILEY. Did they rise to object?

Mr. LODGE. They rose to object.

Mr. BAILEY. When the Chair put the question?

Mr. LODGE. They did.

Mr. OVERMAN. Let me state how it was. The Chair asked for unanimous consent, and it was given.

The PRESIDING OFFICER. The Chair will correct the Senator. The question put by the Chair was whether there was any objection; the question was not as to whether there was unanimous consent.

Mr. BAILEY. That is simply stating the same question in a different form.

Mr. OVERMAN. If there is any objection I will not insist on proceeding and will vote.

Mr. BEVERIDGE. The Senator can not, unfortunately, I am sorry to say, interrupt a roll call even by a request that unanimous consent be given. That has been decided heretofore.

Mr. GALLINGER. I ask for the regular order.

Mr. KEAN and others. Regular order!

Mr. OVERMAN. I will not insist upon it if there is any objection. I vote "nay."

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is necessarily absent. He is paired with the junior Senator from Georgia [Mr. CLAY]. If present, my colleague would vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is paired on this question with the senior Senator from Texas [Mr. CULBERSON]. My colleague is necessarily absent. If he were present, he would vote "yea."

Mr. BURROWS (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is detained from the Chamber by illness. He is paired with the senior Senator from Tennessee [Mr. FRAZIER].

Mr. SMITH of South Carolina (when Mr. TILLMAN's name was called). The senior Senator from South Carolina [Mr. TILLMAN] is detained by sickness from being present. He is paired with the senior Senator from Vermont [Mr. DILLINGHAM]. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. SCOTT. I wish to announce that my colleague [Mr. ELKINS] is unavoidably absent from the city to-day. If he were present, he would vote for the passage of the bill.

Mr. FLINT. I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer my pair to the junior Senator from Delaware [Mr. RICHARDSON] and vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I have already voted; but in order that the RECORD may be made clear on the question of pairs, I will again state that I have transferred the general pair that I have with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Illinois [Mr. LORIMER].

The result was announced—yeas 50, nays 22, as follows:

YEAS—50.

Beveridge	Clapp	Flint	Page
Borah	Clark, Wyo.	Frye	Perkins
Bourne	Crane	Gallinger	Piles
Bradley	Crawford	Gamble	Root
Brandegee	Cullom	Guggenheim	Scott
Brown	Cummins	Heyburn	Smoot
Bulkeley	Curtis	Jones	Stephenson
Burkett	Depew	Kean	Sutherland
Burnham	Dick	La Follette	Warner
Burrows	Dillingham	Lodge	Warren
Burton	Dixon	McCumber	Wetmore
Carter	Dolliver	Nixon	
Chamberlain	du Pont	Oliver	

NAYS—22.

Bailey	Hughes	Paynter	Smith, S. C.
Bankhead	Johnston	Purcell	Stone
Clarke, Ark.	McEnery	Rayner	Taliaferro
Davis	Money	Shively	Taylor
Foster	Overman	Simmons	
Gore	Owen	Smith, Md.	

NOT VOTING—19.

Aldrich	Culberson	Hale	Penrose
Bacon	Daniel	Lorimer	Richardson
Briggs	Elkins	Martin	Smith, Mich.
Bristow	Fletcher	Nelson	Tillman
Clay	Frazier	Newlands	

So the bill was passed.

Mr. BACON. In view of the importance of this measure, as there were a great many pairs, I ask that the Secretary be instructed to tabulate the pairs, to be inserted at the end of the announcement of the vote, in order that it may appear in that form.

The PRESIDING OFFICER. If there is no objection, it is so ordered.

The list of pairs is as follows:

Mr. ALDRICH with Mr. BACON.
Mr. BRIGGS with Mr. DANIEL.
Mr. HALE with Mr. MARTIN.
Mr. LORIMER with Mr. TILLMAN.
Mr. NELSON with Mr. FLETCHER.
Mr. PENROSE with Mr. CLAY.
Mr. RICHARDSON with Mr. CULBERSON.
Mr. SMITH of Michigan with Mr. FRAZIER.

Mr. KEAN. I desire to have read from the standing rule of the Senate the first clause of Rule XII.

The PRESIDING OFFICER. The Secretary will read the first clause of the rule, if there be no objection.

The Secretary read as follows:

RULE XII.

VOTING, ETC.

1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate; and no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

Mr. BEVERIDGE. No unanimous consent can interrupt a roll call except for a change of a vote.

Mr. KEAN. That is the rule.

Mr. BEVERIDGE. That is the rule.

Mr. OVERMAN. It is a rule which has not always been adhered to.

Mr. KEAN. I have never known it to be waived in my time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16037) to amend section 810 of the Revised Statutes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PARKER, Mr. TIRRELL, and Mr. REID managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6935. An act for the relief of the Merchants' National Bank, of Poughkeepsie, N. Y.;

H. R. 9447. An act for the relief of J. A. Denny;

H. R. 11821. An act for the relief of John H. McBrayer;

H. R. 14729. An act for the relief of Capt. Evan M. Johnson, U. S. Army;

H. R. 18249. An act for the relief of the estate of John H. Fitzhugh, deceased; and

H. R. 18563. An act for the relief of the Bank of Freeburg, Freeburg, Mo.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4639. An act concerning tonnage duties on vessels entering otherwise than by sea;

S. 5697. An act to authorize the change of name of the steamers *A. B. Wolvin* and *Cambria*, owned by the Port Huron and Duluth Steamship Company; and

H. R. 13410. An act to modify the One Hundred and twenty-second and One hundred and twenty-fourth Articles of War and to repeal the One hundred and twenty-third Article of War.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a memorial of the National Association of Live Stock Dealers and Shippers, remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. BRANDEGEE presented a petition of sundry citizens of Danbury, Conn., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Faith Trumbull Chapter of the National Society, Daughters of the American Revolution, of Norwich, Conn., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of Local Council No. 91, Loyal Association, of New Britain, Conn., and a petition of Yale Council, No. 117, Loyal Association, of New Haven, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HEYBURN presented a petition of sundry citizens of Atlanta, Idaho, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 6937) granting an increase of pension to George Edward Butler; and

A bill (S. 6938) granting an increase of pension to Charles Dupre; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 6939) for the relief of the estate of W. R. Decker, deceased; to the Committee on Claims.

By Mr. OWEN:

(By request.) A bill (S. 6940) to compensate the Delaware Indians for services rendered by them to the United States in various wars; and

A bill (S. 6941) for the relief of the Wichita and affiliated bands of Indians; to the Committee on Indian Affairs.

By Mr. HEYBURN:

A bill (S. 6942) constituting Eastport, Idaho, a subport of entry in the customs collection district of Montana and Idaho, and for other purposes; to the Committee on Finance.

A bill (S. 6943) granting an increase of pension to Joseph A. Brinton; to the Committee on Pensions.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. HEYBURN submitted an amendment relative to the acceptance and ratification of the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi Indian Reservation, in Idaho, May 14, 1880, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. OWEN submitted an amendment proposing certain relief to homestead settlers under the act of February 20, 1904, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. KEAN submitted an amendment proposing to increase the appropriation for improving Keyport Harbor, Matawan Creek, Raritan, South, and Elizabeth rivers, New Jersey, to $150,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PAYNTER submitted an amendment proposing to increase the appropriation for improving the Kentucky River, Kentucky, to $206,000, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRANDEGEE submitted an amendment relative to the survey of New Haven Harbor, Connecticut, by way of Oyster Point, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WATER-POWER SITES.

Mr. BANKHEAD. I submit a resolution and ask that it lie on the table subject to call.

There being no objection, the resolution, S. Res. 195, was ordered to lie on the table, as follows:

Senate resolution 195.

Resolved, That the President of the Senate be, and he is hereby, authorized and directed to appoint a committee to consist of five Senators, whose duty it shall be to consider the question of the improvement of the navigable rivers of the United States with a view of recommending necessary legislation for the preservation of water-power sites and the coordination of navigation and power where available power sites exist on navigable rivers, and report the result of such investigation, with their recommendations, to the Senate by bill or otherwise. The committee shall have power to employ a stenographer at not exceeding $6 per day.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 6935. An act for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.; and

H. R. 9447. An act for the relief of J. A. Denny.

H. R. 11821. An act for the relief of John H. McBrayer was read twice by its title and referred to the Committee on the Judiciary.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 14729. An act for the relief of Capt. Evan M. Johnson, U. S. Army; and

H. R. 18249. An act for the relief of the estate of John H. Fitzhugh, deceased.

H. R. 18563. An act for the relief of the Bank of Freeburg, of Freeburg, Mo., was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

SERVICE OF GRAND JURIES.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16037) to amend section 810 of the Revised Statutes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DEPEW. I move that the Senate insist on its amendments, accede to the request of the House of Representatives

for a conference, and that the conferees be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. DEPEW, Mr. SUTHERLAND, and Mr. BACON the conferees on the part of the Senate.

CHOCTAW AND CHICKASAW COAL LANDS.

Mr. SMOOT. February 28 the Vice-President laid before the Senate a message from the President of the United States, published as Senate Document No. 390, and accompanying that report were certain illustrations which were not ordered to be printed. I move that the illustrations be printed with the document.

Mr. BAILEY. I should like to know what the illustrations are.

Mr. SMOOT. It is a message from the President of the United States transmitting reports rendered in connection with the investigation to determine the extent and value of coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations in Oklahoma, and of course under the printing law no illustrations can be printed without an order of the House or of the Senate.

Mr. BAILEY. I have no objection to that. I had a faint hope that it was some illustration of how Senators on the other side could change their opinion and votes.

Mr. SMOOT. If that had been the case, I would not have made the request so soon.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the illustrations accompanying Senate Document No. 390, Sixty-first Congress, second session, entitled "Message from the President of the United States, transmitting reports rendered in connection with the investigation to determine the extent and value of the coal deposit in and under the segregated coal lands of the Choctaw and Chickasaw nations in Oklahoma," be printed.

AGRICULTURAL APPROPRIATION BILL.

Mr. DOLLIVER. I desire to give notice that on Monday, after the conclusion of the routine morning business, I shall ask the Senate to take up for consideration the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911.

EXECUTIVE BUSINESS.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, March 7, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 3, 1910.
(Calendar day, March 5, 1910.)

SURVEYOR OF CUSTOMS.

George H. Holliday, of Tennessee, to be surveyor of customs for the port of Knoxville, in the State of Tennessee, in place of Thomas B. McLemore, whose term of office expired by limitation January 26, 1910.

UNITED STATES ATTORNEYS.

Warren S. Reese, of Alabama, to be United States attorney, middle district of Alabama, vice Erastus J. Parsons, whose term has expired.

William H. Atwell, of Texas, to be United States attorney, northern district of Texas. (A reappointment, his term expiring June 19, 1910.)

CIRCUIT COURT JUDGE OF HAWAII.

Henry E. Cooper, of Hawaii, to be first judge of the circuit court of the first circuit, Territory of Hawaii, vice John T. De Bolt, appointed associate justice, supreme court, Hawaii.

POSTMASTERS.

ALABAMA.

Nannie S. Coleman to be postmaster at Jasper, Ala., in place of Nannie S. Coleman. Incumbent's commission expired January 22, 1910.

CALIFORNIA.

Samuel S. Johnston to be postmaster at National City, Cal., in place of Samuel S. Johnston. Incumbent's commission expires March 23, 1910.

COLORADO.

George B. Boutwell to be postmaster at Monte Vista, Colo., in place of Edward E. Eversole. Incumbent's commission expires March 23, 1910.

Mahala E. Mosier to be postmaster at La Jara, Colo. Office became presidential January 1, 1910.

FLORIDA.

Isaac E. Foxworthy to be postmaster at Fort Myers, Fla., in place of Walter F. Mickle, resigned.

IDAHO.

Samuel M. C. Reynolds to be postmaster at Meridian, Idaho. Office became presidential January 1, 1910.

ILLINOIS.

Michael Knudson to be postmaster at Steger, Ill., in place of James N. Kelly, resigned.

Henry Mayo to be postmaster at Ottawa, Ill., in place of Henry Mayo. Incumbent's commission expires March 28, 1910.

Robert B. Roe to be postmaster at Pinckneyville, Ill., in place of Harrison P. Huntsinger. Incumbent's commission expired January 23, 1910.

INDIANA.

Walter L. Neible to be postmaster at Edinburg, Ind., in place of Walter L. Neible. Incumbent's commission expired February 27, 1910.

IOWA.

Elmer E. Rayburn to be postmaster at Brooklyn, Iowa, in place of Elmer E. Rayburn. Incumbent's commission expired February 27, 1910.

KANSAS.

William H. May to be postmaster at Walnut, Kans., in place of James M. Goff, deceased.

John W. Nyce to be postmaster at Caldwell, Kans., in place of John W. Nyce. Incumbent's commission expired January 24, 1910.

MISSISSIPPI.

W. C. Peel to be postmaster at Greenwood, Miss., in place of Alice S. McLean. Incumbent's commission expired December 15, 1909.

MISSOURI.

Lewis A. Scott to be postmaster at Carrollton, Mo., in place of Alvin Goodson. Incumbent's commission expires March 14, 1910.

John W. Smith to be postmaster at Thayer, Mo., in place of John W. Smith. Incumbent's commission expired March 2, 1910.

MONTANA.

C. B. Schwindt to be postmaster at Terry, Mont., in place of George A. Tuslee, resigned.

Augusta C. Sheridan to be postmaster at Bigtimber, Mont., in place of Augusta C. Sheridan. Incumbent's commission expires March 21, 1910.

Clarence E. Thompson to be postmaster at Bridger, Mont. Office became presidential January 1, 1910.

NEBRASKA.

J. M. Crowell to be postmaster at Tekamah, Nebr., in place of John F. Nesbit, resigned.

Anton Kadlecek to be postmaster at Hay Springs, Nebr. Office became presidential January 1, 1910.

Charles A. Sweet to be postmaster at Creighton, Nebr., in place of Charles A. Sweet. Incumbent's commission expires March 12, 1910.

William F. Walker to be postmaster at Hemingford, Nebr. Office became presidential January 1, 1910.

NEW JERSEY.

John G. Gaston to be postmaster at Somerville, N. J., in place of John G. Gaston. Incumbent's commission expired March 2, 1910.

James D. Mackay to be postmaster at Lambertville, N. J., in place of James D. Mackay. Incumbent's commission expires March 21, 1910.

Dennis W. Mahony to be postmaster at Passaic, N. J., in place of Dennis W. Mahony. Incumbent's commission expired February 12, 1910.

NEW YORK.

Frederick Bronner to be postmaster at Richfield Springs, N. Y., in place of Frederick Bronner. Incumbent's commission expires March 9, 1910.

NORTH DAKOTA.

Chester A. Revell to be postmaster at Harvey, N. Dak., in place of Chester A. Revell. Incumbent's commission expired February 7, 1910.

OKLAHOMA.

Andrew D. Chapman to be postmaster at Grandfield, Okla. Office became presidential January 1, 1910.

PENNSYLVANIA.

C. William Beales to be postmaster at Gettysburg, Pa., in place of William B. McIlhenny. Incumbent's commission expired February 22, 1910.

Arthur E. Kurtz to be postmaster at Connellsville, Pa., in place of Clark Collins. Incumbent's commission expires March 22, 1910.

David Russell to be postmaster at Renovo, Pa., in place of David Russell. Incumbent's commission expires April 24, 1910.

TENNESSEE.

Harry Swaney to be postmaster at Gallatin, Tenn., in place of Harry Swaney. Incumbent's commission expires March 21, 1910.

TEXAS.

W. P. Park to be postmaster at Port Arthur, Tex., in place of Clark E. Dodge. Incumbent's commission expired April 27, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 3, 1910. (Calendar day, March 5, 1910.)

COLLECTOR OF CUSTOMS.

Frederick O. Murray to be collector of customs for the district of Buffalo Creek, N. Y.

SURVEYORS OF CUSTOMS.

Edward F. Woodward to be surveyor of customs in the district of San Francisco, Cal.

Leopold G. Rothschild to be surveyor of customs for the port of Indianapolis, Ind. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

L. E. Rowe to be receiver of public moneys at Camden, Ark.

PROMOTIONS IN THE NAVY.

The following-named lieutenants (junior grade) to be lieutenants:

Hugo Frankenberger,
Ormond L. Cox,
Herbert F. Leary,
Albert T. Church,
Logan Cresap,
Hiram L. Irwin,
Byron McCandless,
Roscoe C. MacFall,
Edgar G. Oberlin, and
Arthur B. Cook.

The following-named ensigns to be lieutenants (junior grade):

Hugo Frankenberger,
Ormond L. Cox,
Herbert F. Leary,
Albert T. Church,
Logan Cresap,
Hiram L. Irwin,
Byron McCandless,
Roscoe C. MacFall,
Edgar G. Oberlin,
Arthur B. Cook,
Reuben B. Coffey,
Lucian Minor,
Harry E. Shoemaker, and
Andrew F. Carter.

The following-named assistant paymasters, with the rank of ensign, to be assistant paymasters, with the rank of lieutenant (junior grade):

Fred E. McMillen, and
Maurice H. Karker.

POSTMASTERS.

ARIZONA.

Frank P. Burnet, at Globe, Ariz.
James H. McClintock, at Phoenix, Ariz.

COLORADO.

John J. Williams, at Marble, Colo.

INDIANA.

John Owen, at Noblesville, Ind.
Elisha Sexton, at Shelbyville, Ind.
Rankin C. Walkup, at Crawfordsville, Ind.
Joseph A. Young, at Middletown, Ind.

IOWA.

Harry E. Hull, at Williamsburg, Iowa.
Lauren E. Hulse, at Keota, Iowa.
E. L. Martindale, at Clinton, Iowa.
Henry A. Perrin, at Monroe, Iowa.
Lucy B. Smith, at Sioux Rapids, Iowa.

MINNESOTA.

Samuel Y. Gordon, at Brown Valley, Minn.
Thomas L. Jones, at Warroad, Minn.

MONTANA.

James H. Powell, at Virginia City, Mont.

NEBRASKA.

Albert H. Hollingsworth, at Beatrice, Nebr.
William K. Sargent, at Elmwood, Nebr.
Lewis M. Short, at Ainsworth, Nebr.
George W. Williams, at Albion, Nebr.

NEW YORK.

George H. Brown, at Kinderhook, N. Y.
John Dwyer, at Hudson Falls (late Sandy Hill), N. Y.
Melvin J. Esmay, at Schenevus, N. Y.
Ellwood Valentine, at Glen Cove, N. Y.

PENNSYLVANIA.

C. William Beales, at Gettysburg, Pa.
Arthur E. Kurtz, at Connellsville, Pa.
Nathan Tanner, at Lansford, Pa.

SOUTH DAKOTA.

Frank D. Lowry, at Leola, S. Dak.
John E. Sullivan, at Plankinton, S. Dak.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 5, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

The SPEAKER laid before the House the bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, with Senate amendments.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House disagree to Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

AMENDING SECTION 810 OF THE REVISED STATUTES.

The SPEAKER also laid before the House the bill (H. R. 16037) to amend section 810 of the Revised Statutes, with Senate amendments.

The Senate amendments were read.

Mr. PARKER. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. PARKER, Mr. TIRRELL, and Mr. REID.

PRESERVATION OF THE FILES OF THE HOUSE.

Mr. O'CONNELL. Mr. Speaker, I present a privileged report (No. 677) from the Committee on Accounts.

The Clerk read as follows:

House resolution 403.

Resolved, That there shall be paid out of the contingent fund of the House, under the direction of the Clerk, an amount not exceeding $2,500 for the better preservation of the early files of the House, consisting of original manuscripts; said files to be classified, relacketed, and indorsed in such manner as in the judgment of the Clerk will insure their safe-keeping and accessibility.

The Clerk read the following committee amendment:

Add at the end of the resolution the following: "And the Clerk is hereby authorized and directed to deposit all original letters and papers of historical value with the Librarian of Congress for preservation in the Library of Congress as a part of the files of the House of Representatives, subject to removal or withdrawal only by order of the House, a list of same and receipt therefor to be communicated to the House and published in the Journal and in the CONGRESSIONAL RECORD."

Mr. CLARK of Florida. Mr. Speaker, I would like to ask the gentleman from Massachusetts a question.

Mr. O'CONNELL. I will yield to the gentleman.

Mr. CLARK of Florida. I want to ask the gentleman to give the House some idea as to the character of these documents which it is proposed to have printed and preserved.

Mr. MANN. Mr. Speaker, I desire to reserve a point of order on the report.

Mr. O'CONNELL. Mr. Speaker, I would like to have the Clerk read the report.

Mr. MANN. The gentleman from Massachusetts can state what the proposition is.

Mr. O'CONNELL. The proposition, briefly, is that the early files of Congress are in a decaying condition, as illustrated by these papers [exhibiting a bundle of papers]. They are all in this deplorable condition. They are covered with dirt because of their exposed location and are yellow with age; on many of the wrappers the backing is illegible.

These files contain very many important papers. For instance, here is an original letter from Mrs. Abraham Lincoln, asking that a pension be granted to her. It was referred to the Committee on Invalid Pensions in 1869.

Another letter is from Lafayette, urging the appointment of Colonel Harrison to the Supreme Court, which is indorsed by President Monroe.

Another letter is from Martha Washington, relative to the disposition of the body of her illustrious husband. Also a letter from President Washington himself, urging Col. Robert Hanson Harrison to accept an appointment as associate justice of the Supreme Court, and other letters of Washington upon that and other subjects. Still other letters I might mention are from such men as Jefferson, Madison, John Jay, Tom Paine, and David, the French sculptor who executed the original bust of Washington, presented to the United States by France, and which was destroyed some years ago when the old Library of Congress was partially burnt, a replica of which is now in the Rotunda. These papers were once classified according to Congresses, but, as I said, time and dust have rendered their condition a subject for their better preservation and reclassification. It would be difficult to determine their exact contents or to refer to a particular paper, and they are liable to be removed from the files without detection. It seems to me that they are treasures that the House should protect.

The resolution asks that these papers in this condition may be refiled, rejacketed, and so protected by the Clerk that they will serve educational and historical purposes; that the more valuable papers may be sent to the Librarian of Congress and kept by him in such shape as are other important documents now deposited there, such as the State Department collection of valuable state papers, so that they may not be stolen, mislaid, or misplaced.

Mr. MANN. Who determines the historical value of these documents?

Mr. O'CONNELL. I presume the Clerk of this House and those that assist him.

Mr. MANN. I should think that that matter, if it is to be done at all, had better be done by people in the Library of Congress who are able to form a judgment as to the historical value of them.

Mr. FITZGERALD. Mr. Speaker, I think everybody would agree that that is an impeachment of the House and the present management.

Mr. O'CONNELL. I hardly think that criticism just, if it is made seriously, for these papers have been stored in their present location upstairs under the roof for at least a quarter of a century, and have there remained throughout many administrations in this House. On the other hand, I think it commendable in the present officials to call our attention to the matter, that some proper action might be taken. It is a condition the responsibility for which can not justly be attached to anybody. I recall that for many years the late Walter H. French, of Boston, a familiar figure to many of the older Members of the House, was the custodian of the file room, and that during his incumbency many methods were adopted for the better keeping of the archives. Colonel French was raised in an atmosphere where such valuable historical documents are appreciated, and he was zealous in their preservation to the extent of the facilities at his command. It was he, I am told, who prevented possible depredations upon these very papers now under discussion by the erection of iron screens, but this precaution could not prevent further damage from exposure. It seems to me that almost any man connected with the House of Representatives would be able to determine the historical value of these papers. Let me read a letter of Mrs. Lincoln to the honorable Speaker of the House of Representatives. It is as follows:

To the honorable Speaker of the House of Representatives:

SIR: I herewith most respectfully present to the honorable House of Representatives an application for a pension. I am a widow of a President of the United States whose life was sacrificed in his country's service. That sad calamity has very greatly impaired my health, and by the advice of my physician, I have come over to Germany to try the mineral waters, and during the winter to go to Italy. But my financial means do not permit me to take advantage of the urgent advice given me, nor can I live in a style becoming the widow of the Chief Magistrate of a great Nation, although I live as economically as I possibly can. In consideration of the great services my dearly beloved husband has rendered to the United States, and of the fearful loss I have sustained by his untimely death, his martyrdom, I may say, I respectfully submit to your honorable body this petition, hoping that a yearly pension may be granted me, so that I may have less pecuniary care.

I remain,

Most respectfully, MRS. A. LINCOLN.

FRANKFORT, GERMANY.

This was received January 26, 1869, and referred to the Committee on Invalid Pensions by the Speaker and was found among the files and papers unprotected and gradually falling to pieces.

Mr. HARRISON. Will the gentleman yield for a question?

Mr. O'CONNELL. Certainly.

Mr. MANN. How many people are to be employed in going over these old files?

Mr. O'CONNELL. The Clerk says he can do it with the sum of $2,500, and do it before the next Congress comes in.

Mr. MANN. How late down, historically, do they come with this investigation?

Mr. O'CONNELL. To about the Forty-first Congress. Of course a good many of the files were destroyed when the British partially destroyed the old Hall of the House in 1814.

Mr. HARRISON. Will the gentleman yield for a question?

Mr. O'CONNELL. Certainly.

Mr. HARRISON. I think the committee amendment is a subject upon which all the Members of the House should be agreed. As to the disposition of the appropriation that, perhaps, is a question which the Committee on Accounts can best advise us upon, and I think the gentleman from Illinois has put a very pertinent question to the gentleman from Massachusetts as to who are to make the selection of the documents which are of importance historically to Congress. I would like to ask the gentleman whether he will not accept an amendment providing that the selection of these papers for the use of the Library of Congress shall be made under the direction of the Chief of the Bureau of Manuscripts of the Library of Congress?

Mr. O'CONNELL. I do not know why he should do it any more than the Committee on the Library of the House, which has jurisdiction of the subject. I am told by a former assistant file clerk—Mr. Page, now clerk of the Committee on Accounts—that he brought this matter informally to the attention of the Joint Committee on the Library a few years ago.

Mr. HARRISON. If the gentleman has ever investigated that department of the Library of Congress he will find that the Chief of the Bureau of Manuscripts is actively engaged in obtaining and in preserving the original documents connected with our history in the nature of those from which the gentleman has just read, and he is the person best qualified in our Government to determine which are and which are not valuable among these old files.

Mr. O'CONNELL. If the gentleman will put his amendment in writing so it can be understood, I do not believe there will be any objection.

Mr. HARRISON. I will state the amendment orally and ask the Clerk to put it.

Mr. HUGHES of New Jersey. May I ask the gentleman a question?

Mr. O'CONNELL. Certainly.

Mr. HUGHES of New Jersey. I would like to ask the gentleman to state, according to this resolution, by whom is this work to be done.

Mr. O'CONNELL. It is to be done under the supervision of the Clerk of this House.

Mr. HUGHES of New Jersey. It does not necessarily mean that the Clerk himself is to do the work?

Mr. O'CONNELL. Oh, no.

Mr. HUGHES of New Jersey. He can of course employ or call upon the proper officers of the Library of Congress to assist him in this work.

Mr. O'CONNELL. Well, the Clerk has competent and qualified assistants and custodians who are more familiar with these things than anybody else.

Mr. HUGHES of New Jersey. If it became necessary to decide as to the historical value of any particular document there would be nothing to prevent the Clerk from calling upon the library officials or anybody else?

Mr. O'CONNELL. It seems to me that it would be very simple for him to have a conference with the Librarian of Congress as to the value of any particular paper.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. O'CONNELL. Certainly.

Mr. BARTLETT of Georgia. The Clerk when before the committee stated there were certain men who were experts in the business of looking over old papers and people who were familiar with the value of these old letters and things of that

kind and that he expected to employ people who were expert in that business. It was not a proposition for the purpose of giving any money to anybody employed in the Clerk's office, but that they might employ outside of the Clerk's office people who were familiar with what was proposed to be done.

Mr. MANN. Will the gentleman yield for a further question?

Mr. O'CONNELL. Yes.

Mr. MANN. I will ask whether the gentleman or the Committee on Accounts had before it the provisions of the statute found in Thirty-first Statutes at Large, page 642, which provides:

> The Clerk of the House of Representatives is hereby authorized and directed to deliver to the Librarian of Congress all bound volumes of original papers, general petitions, printed matter, books, and manuscripts now in or that may hereafter come into the files of the House, which, in his judgment, are not required to be retained in the immediate custody of the file clerk; and it shall be the duty of the Librarian of Congress to cause all such matter so delivered to him to be properly classified, by Congress, and arranged for preservation and ready reference. All of such matter to be held as a part of the files of the House of Representatives, subject to its orders and rules.

And whether, if that committee did have that statute before it, it now intends by resolution of the House to repeal the statute or to amend it?

Mr. O'CONNELL. Mr. Speaker, I will say, in answer to the gentleman from Illinois, that the statute which he read refers to a lot of bound volumes, and that that order has already been executed. It does not refer to historical papers or papers such as these are that have such interest to the whole Nation, which, in the judgment of the Clerk, did not come within the purview of that act, and which were not intended should go out of his immediate custody without some such specific action as is now proposed.

Mr. MANN. Oh, the gentleman is entirely mistaken. It refers to bound volumes or original papers—

> Also books and manuscripts now in or that may hereafter come into * * * the custody of the file clerk.

Mr. O'CONNELL. That refers to manuscripts and general petitions, it is true, but it would hardly refer to these kinds of letters and communications.

The purpose of that act was to make room by removing bulky matter to make space for current and future files. It seems to me absolutely necessary that we should pass some such resolution as that now before use, because nothing has been done in pursuance of the statute which the gentleman has read to protect this kind of document. If the statute to which the gentleman refers did not cover these things, are we going to leave them still in the condition they are for age to ruin them?

Mr. NORRIS. Will the gentleman yield to a question?

Mr. O'CONNELL. Yes.

Mr. NORRIS. I would like to ask the gentleman whether the statute read by the gentleman from Illinois was considered by the committee?

Mr. O'CONNELL. The Clerk of the House came before us and told us he felt he had no right to send out of this building any of the very early files except such as had been preserved in bound volumes; that his authority did not extend to papers of this nature. The matter transferred to the Library of Congress pursuant to that act was, I believe, afterwards stored in the House Office Building, indicating that the main purpose of the law was simply to provide for its storage, and not to serve an educational or historical purpose, as is now our object.

Mr. NORRIS. Was this law called to his attention or to the attention of the committee?

Mr. O'CONNELL. We knew about the law, but it did not cover the ground covered by the pending resolution.

Mr. NORRIS. It seems to me that this law applies to the condition that is now before us.

Mr. O'CONNELL. Mr. Speaker, I print as a part of my remarks the following report:

[House Report No. 677. Sixty-first Congress, second session.]

BETTER PRESERVATION OF EARLY FILES OF THE HOUSE OF REPRESENTATIVES.

Mr. O'CONNELL, from the Committee on Accounts, submitted the following report to accompany House resolution No. 403.

The Committee on Accounts, to whom was referred House resolution No. 403, have had the same under consideration and recommend its adoption with the following amendment, viz:

At the end of the resolution insert:

"And the Clerk is hereby authorized and directed to deposit all original letters and papers of historical value with the Librarian of Congress for preservation in the Library of Congress as a part of the files of the House of Representatives, subject to removal or withdrawal only by order of the House, a list of same and receipt therefor to be communicated to the House and published in the Journal and in the CONGRESSIONAL RECORD."

The resolution authorizes payment out of the contingent fund of the House, under the direction of the Clerk, of an amount not exceeding $2,500 for the better preservation of the early files of the House, consisting of original manuscripts; said files to be classified, rejacketed, and indorsed in such manner as in the judgment of the Clerk will insure their safe-keeping and accessibility.

The manuscripts referred to are stored in the space under the roof over the west stairway leading to the gallery of the House. About twenty-five years ago iron shelves were placed there to accommodate them, at which time they were removed from the file room proper to make space for the then current and the future files. The wrappers which inclosed them were even then yellow with age and the indorsements only faintly legible, and since then exposure to extremes of cold and heat and the accumulation of dust has caused the strings which bind the bundles to rot, the paper to tear and crack, and the backing to become almost obliterated.

The roof of the House is reached through the file room, where these manuscripts are kept, and at one point the passageway is barely wide enough to admit one person. Along this narrow way on one side are piled from the floor to the roof hundreds of bundles of the early records of the House, neglected and decaying. A more unfit place could not be found. Their early removal to a place of safety and their preservation and identification is demanded by considerations of pride and sentiment, if not alone upon the ground of historical value. The Clerk of the House stated that the work can be done within four or five months by the expenditure of $2,500, the amount named in the resolution.

The files of the House for the first twenty years of our national history are incomplete, the rarest and most valuable manuscripts having been destroyed by the fire of 1814, when the old House wing of the Capitol was partially destroyed by the British. Prior to the Seventh Congress files few papers were saved. The original messages and papers of President Jefferson and of later Presidents and reports of their Cabinet officers are preserved in bound volumes. These a few years ago were deposited in the Library of Congress and recently transferred to the House Office Building.

The manuscripts which it is now proposed to safeguard consist of original bills known as desk copies, with the action of the House indicated thereon, and the original amendments thereto; original letters accompanying bills and petitions, many of them written by distinguished persons; original memorials of state and territorial legislatures, petitions, reports of committees and accompanying papers, etc., covering a variety of subjects, and in themselves furnishing a documentary history of some of the most important events in our history.

It was related by a file clerk, now deceased, for many years a faithful employee, that the letter of Mrs. Martha Washington to the Congress concerning the removal of the remains of her distinguished husband from the crypt in the Capitol to Mount Vernon was stolen from a bound volume of original documents, but was afterwards returned. The volume from which it was taken was filed where the manuscripts under discussion are now filed.

These early files are frequently consulted by historians, under proper regulations, and, as showing their material as well as sentimental value, it is related by a former assistant custodian that a decision in a prominent lawsuit in a local court turned upon certain evidence found in the files of the House of an early Congress embodied in petitions of citizens of Alexandria, before recession, concerning the appointment of justices of the peace. Private claims growing out of the war of the Revolution, the war of 1812, Indian wars, and the war with Mexico, in themselves of no particular interest historically, have been found to be accompanied by letters of distinguished persons. Thus, for instance, in the claim of one Jones, heir at law of Col. Robert Hanson Harrison, of the Continental Line, were found holograph letters to Colonel Harrison from George Washington.

These letters tendered to and urged the appointment of Colonel Harrison as an associate justice on the first Supreme Court bench; one mentioned Washington's feelings of gratitude at the capitulation of Cornwallis; and other letters from Jefferson, Lafayette, Jay, Monroe, and others complete the evidence in the case. Still other letters of Washington and of his contemporaries are scattered through the archives. A few of them were exhibited to your committee and were found to be in such condition as to make their further preservation by a process now used immediately necessary. Moreover, we believe some of these manuscripts to be of such rare historical value as to call for their care and preservation in the Library of Congress along with other valuable collections deposited there. The State Department adopted this method of preserving historical state papers. That splendid edifice is preeminently the proper depository for such priceless literature.

Your committee therefore recommend an amendment authorizing and directing the Clerk to deposit all original letters and papers of historical value with the Librarian of Congress, subject to removal or withdrawal from the Library only by order of the House, and a list of same to be published in the Journal and in the RECORD. Such manuscripts could be designated as the "House of Representatives collection" and always remain a part of the files of the House.

Feeling that it would be a national reproach to allow the early files longer to remain in their present exposed location and neglected condition, your committee report favorably the accompanying resolution and amendment, and ask that the House agree thereto.

Mr. HARRISON. Mr. Speaker, I offer an amendment to the amendment of the committee which is now on the Clerk's desk.

The SPEAKER. The Clerk will report the committee amendment and then report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Committee amendment: Add at the end of the resolution:

"And the Clerk of the House is hereby authorized to deposit with the Librarian of Congress all original letters and papers of historical value for preservation in the Library of Congress as a part of the files of the House of Representatives, subject to removal or withdrawal only by order of the House, a list of same and receipt therefor to be communicated to the House and published in the Journal and in the CONGRESSIONAL RECORD."

Add at the end of the committee amendment the following:

"And the selection of the documents to be transferred to the Library of Congress shall be made under the direction and supervision of the Chief of the Bureau of Manuscripts of the Library of Congress."

Mr. BARTLETT of Georgia. I think that amendment to the amendment is satisfactory to the committee.

Mr. O'CONNELL. The committee will accept that amendment.

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The question was taken, and the amendment to the committee amendment was agreed to.

The SPEAKER. The question now is on agreeing to the committee amendment as amended.

The committee amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

STEAMSHIP SERVICE, UNITED STATES AND SOUTH AMERICA.

Mr. GREENE. Mr. Speaker, by direction of the Committee on the Merchant Marine and Fisheries, I call up privileged resolution (H. Res. 402), which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 402.

Resolved, That the Secretary of State be requested, if not incompatible with the public interest, to communicate to the House of Representatives any recent reports from diplomatic or consular officers in regard to the question of the inadequacy of steamship service between the United States and South America and its bearing upon the export trade of the United States.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman what this is?

Mr. GREENE. It is a resolution calling for information from the Secretary of State.

Mr. CLARK of Missouri. About what?

Mr. GREENE. In regard to the adequacy of shipping facilities between this country and South America.

Mr. CLARK of Missouri. What does the Secretary of State know about it?

Mr. GREENE. He has information from consuls and other officials of the departments.

Mr. CLARK of Missouri. Is the gentleman proposing to have him send over here all of the reports of these consuls?

Mr. GREENE. This resolution speaks for itself. I do not think there can be any objection to asking for such information as the Secretary of State deems not incompatible with the public interest, to be sent to the House for information.

Mr. CLARK of Missouri. The consular reports are already published and furnished to each Member of the House.

Mr. GREENE. This is simply to codify and send to this House information that will be of value, as it is believed by the committee. It is the unanimous report of the committee. The resolution was considered and unanimously ordered to be reported to the House without amendment.

Mr. BARTLETT of Georgia. Mr. Speaker, I ask that the resolution be again reported.

The SPEAKER. Without objection, the resolution will be again reported.

The resolution was again read.

Mr. GARRETT. Mr. Speaker, I make the point of order that that is not a privileged report.

Mr. GREENE. Mr. Speaker, I believe that the point of order is presented too late. The resolution has already been discussed.

The SPEAKER. The report has been debated. The point of order comes too late.

Mr. GARRETT. I will state that I was on my feet to make a point of order at the time, but I did not hear it distinctly.

The SPEAKER. But the gentleman did not make the point of order.

Mr. GARRETT. I did not have the opportunity to do so, and I came, then, to examine it while the colloquy was in progress.

The SPEAKER. Debate has taken place. The gentleman should have reserved the point of order.

Mr. WILSON of Illinois. Mr. Speaker——

The SPEAKER. Does the gentleman from Massachusetts [Mr. GREENE] yield to the gentleman from Illinois [Mr. WILSON]?

Mr. GREENE. I do.

Mr. WILSON of Illinois. Do you not think this would have been proper information for the Committee on the Merchant Marine and Fisheries to have had at the time they were considering a subsidy bill before that committee?

Mr. GREENE. The House, I think, will have ample opportunity to consider the subsidy bill when it comes before the House for action. The committee were satisfied with the information they had at the time that bill was reported.

Mr. WILSON of Illinois. Is not this information that should come directly to the Committee on the Merchant Marine and Fisheries?

Mr. GREENE. It will come to that committee if the House adopts this resolution, and the gentleman himself can have the information.

Mr. FITZGERALD. The committee of which the gentleman from Massachusetts [Mr. GREENE] is chairman has already reported a bill purporting to assist steamships engaged in trade between the United States and South America, and after it has reported the bill, it is now endeavoring to obtain information from the Department of State to bolster up its report. Is that true? That is, the "subsidyites" require their case to have additional bolstering by the department in order to make a good case before the country, and must obtain these files from the Department of State. Is that the object?

Mr. GREENE. The adoption of this resolution will give information of value to the House.

Mr. MANN. It is not trying to get information to bolster up the report, but to see if the committee knew what they were doing when they reported the bill without information.

Mr. FITZGERALD. I would suggest to the gentleman that he ask at the same time to recommit the bill, so that we may consider the bill again when we have the information.

Mr. BARTLETT of Georgia. Why does the gentleman confine the inquiry that he seeks to obtain the information about to "the inadequacy of the steamship service?" It looks to me like obtaining an opinion of the Secretary of State or the consuls. You do not want to inquire whether the service is adequate or not, but you want to inquire whether it is inadequate or not; that is, not all the information, but information as to the inadequacy.

Mr. GREENE. I think there will be no trouble. If the resolution is adopted, the House will obtain all the necessary information.

Mr. BARTLETT of Georgia. As to the inadequacy, yes. But there might be some diplomatic or consular officers who would report that the service was adequate.

Mr. GREENE. If they should, the House will have the information.

Mr. BARTLETT of Georgia. There might be others who might think it was adequate at the present time. Then we would only get the opinion of the diplomatic or consular officers who thought it was inadequate, and not the opinion of those who thought it was adequate. In other words, the resolution, it occurs to me, is a one-sided affair, and calls for one-sided information.

Mr. FASSETT. Will the gentleman from Massachusetts [Mr. GREENE] permit me to make a suggestion?

Mr. GREENE. I yield.

Mr. FASSETT. This resolution would accomplish all that it is desired to accomplish if the words "of the inadequacy" be stricken from the resolution entirely. It should read:

In regard to the question of steamship service——

Mr. BARTLETT of Georgia. If I have the floor to offer it.

Mr. FASSETT (continuing)—

between the United States and South America.

Mr. BARTLETT of Georgia. If the gentleman will permit me, I will make that motion.

Mr. FASSETT. If the gentleman from Massachusetts would make that amendment, it will meet the objection of every gentleman here.

Mr. BARTLETT of Georgia. That is the reason I called attention to it.

Mr. WILSON of Illinois. I would make a further suggestion to the chairman of the committee, and submit to him that he should also strike out the words "and its bearing upon the export trade of the United States."

Mr. GREENE. I do not think I could accept that amendment. I will accept the other amendment.

Mr. BARTLETT of Georgia. I understand the gentleman will permit me to offer that amendment.

Mr. GREENE. I will offer it myself.

The SPEAKER. The gentleman from Massachusetts will indicate his amendment.

The Clerk read as follows:

Strike out the words "of the inadequacy," so that it will read "in regard to the question of steamship service," etc.

Mr. GREENE. I call for a vote.

Mr. WILSON of Illinois. Mr. Speaker——

The SPEAKER. Does the gentleman yield to his colleague?

Mr. GREENE. I yield to my colleague.

Mr. WILSON of Illinois. It does not seem that it is necessary for the House of Representatives to ask for the opinion of these people on this question on the information that they

have received. It seems to me that it would be proper to strike out the words giving their opinion as to "its bearing upon the export trade of this country." If we have the information ourselves, it seems like we could draw our own conclusions better than the State Department.

Mr. BATES. Mr. Speaker, may I ask the gentleman from Illinois if he is afraid to have the facts and information which the consuls of the United States can shed on this question? The Secretary of State has eyes and ears all over the world in the nature of consuls, and from frequent reports give the Secretary of State information which no other officials of the United States have concerning the trade between the United States and foreign ports. I think it would impair the value of the resolution if such an amendment were offered.

Mr. STAFFORD. Mr. Speaker, we are all desirous of ascertaining the necessary information, and I desire to ask the gentleman from Massachusetts whether his committee has received any information compiled recently by the Commissioner of Navigation as to the steamship lines that were in operation between June 30 and December 31 of last year on the Atlantic coast between American ports and South American ports?

Mr. GREENE. I will remind the gentleman that there was an order issued for the publication of that, and it was put in the hands of the Commissioner of Navigation, and he has not yet sent it to the House.

Mr. STAFFORD. I have already received a copy. It was first prepared upon my personal request to the commissioner, and I would like to ask what additional information can be obtained from the consuls?

Mr. GREENE. I am not able to tell you; I can not tell you what will be in the report until it comes.

Mr. STAFFORD. I can not see why any gentleman should be disposed to shut out any of the facts. But is the gentleman aware that some of the information referred to, furnished by these consular representatives, has been criticized as being unfair and untrue by the shipping interests of this country?

Mr. GREENE. No; I have not.

Mr. STAFFORD. The State Department has been informed of this criticism and its fairness questioned.

Mr. FASSETT. Mr. Speaker, it seems to me we are getting unduly excited about a move in the right direction. Whether the Members of this House favor ship subsidy or oppose ship subsidy, everyone, if we can judge from the speeches that have been made, is interested in the restoration of American shipping on the seas. We differ as to the methods. Now, here is a resolution which looks to getting information which comes through the eyes and ears of the State Department. Under a recent executive order, with which I have no disposition at present to quarrel——

Mr. CLARK of Missouri. Why not now?

Mr. FASSETT. Because I am not feeling quarrelsome. It is impossible for any Member of this House to obtain information in the possession of any department of this Government without the official consent of the member of the Cabinet at the head of that department.

Mr. MANN. Will the gentleman yield for a question?

Mr. FASSETT. For a question.

Mr. MANN. Does the gentleman know whether the State Department has any diplomatic and consular reports upon this subject which have not been printed by the Department of Commerce and Labor in their regular consular reports?

Mr. FASSETT. Mr. Speaker, I do not know, in the strict interpretation of that word, but I understand——

Mr. MANN. Has the gentleman reason to believe?

Mr. FASSETT. Yes; I have reason to believe, in the first place, that diplomatic reports are not published. Consular reports are, but they are edited before being published.

Mr. MANN. I understand; but sometimes diplomatic reports are published.

Mr. FASSETT. Mr. Speaker, I have reason to believe that there is valuable information in the possession of the State Department, but as to its bearing on this particular question one way or the other I am not fully informed, and I feel that I have a right, and every Member of this House has a right, to all the information in possession of the Government on this subject, and I hope this resolution will pass.

Mr. GREENE. Mr. Speaker, I move the previous question on the resolution and amendment.

Mr. FASSETT. I want to make one suggestion with reference to the remark of the gentleman from Illinois [Mr. WILSON]. I do not care whether these reports contain the opinion of a consular agent. I do not care to separate the opinion from the facts. I want it all, and when the time comes for discussion nobody can have any surprise sprung on him with reference to any opinion or any fact that our officials have expressed or ascertained.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the resolution and amendment.

Mr. HUGHES of New Jersey. I ask the gentleman to reserve his motion——

Mr. GREENE. For what purpose?

Mr. HUGHES of New Jersey. To enable me to ask him a question and to call his attention to something in the resolution that he may desire to change.

Mr. GREENE. I yield for that purpose.

Mr. HUGHES of New Jersey. I want to call the gentleman's attention to the fact that the resolution reads:

> Communicate to the House of Representatives any recent reports.

It seems to me that would leave it within the discretion of the Secretary of State to make a selection as to the reports that he shall submit. I suggest to the gentleman that the resolution should carry the word "all" instead of "any," so that all the recent reports may be transmitted to us.

Mr. MANN. There is no difference in the meaning.

Mr. GREENE. I do not think the language is open to the construction that the gentleman seems to fear. I call for a vote.

Mr. WILSON of Illinois. Mr. Speaker, I ask the chairman of the committee if he will reserve his motion for one moment, while I ask him a question?

Mr. GREENE. I will reserve it.

Mr. WILSON of Illinois. Would it not be better to amend this resolution, so that it would read:

> Communicate to the Committee on the Merchant Marine and Fisheries of the House of Representatives—

this information, so that the Committee on the Merchant Marine and Fisheries may have the right to question the Secretary of State and other officials who come before us in the proper consideration of this subject?

Mr. GREENE. When the matter comes up it will undoubtedly be referred to the Committee on the Merchant Marine and Fisheries.

The question being taken, the previous question was ordered.

The amendment was agreed to.

The resolution as amended was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 21419, the post-office appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 21419) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1911, and for other purposes, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill. When the committee rose yesterday a point of order was pending to an amendment offered by the gentleman from Missouri [Mr. MURPHY], on which the Chair is ready to rule.

The gentleman from Missouri offered the following amendment:

> Page 19, line 18, after the word "dollars," insert:
> "*Provided*, That no part of this appropriation shall be paid any railroad which requires any telegraph or telephone operator who handles orders pertaining to or affecting the movements of trains to handle the mail between stations and post-offices."

Rule XXI provides that no provision changing existing law is in order upon a general appropriation bill; but the House may withhold entirely an appropriation for a lawful purpose or it may withhold the appropriation in part. It may also specify that the appropriation shall not be used for a certain purpose, under what is termed a "limitation." A limitation must be applied strictly to the appropriation. It must not limit the discretion of an executive officer by affirmative direction, and the language of the limitation must not be such as when fairly construed would change existing law.

The Chair finds upon consulting the precedents that an amendment to the effect that "no part of said sum shall be used to pay for the carrying in the mails any malt, vinous, or spirituous liquors, or intoxicating liquors of any kind," was held to be a limitation. Also, that "no part of any appropriation shall be expended for any purpose in any national home for disabled volunteers that maintains or permits to be maintained on its premises a bar, canteen, or other place where beer,

wine, or other intoxicating liquors are sold" was held to be a limitation. The same ruling was made relative to an amendment that "no part of an appropriation should be paid to any trust."

Acting in harmony with these precedents and in accordance with the principle as to limitations established by the House, the Chair feels that he should hold the amendment offered by the gentleman from Missouri to be simply a limitation on the appropriation and submit it for consideration by the committee. The Chair therefore overrules the point of order, and the question is on the amendment offered by the gentleman from Missouri.

Mr. MURPHY. Mr. Chairman, this amendment does not in any way relieve the railroad company from delivering the mail between the post-offices and stations. It simply provides that they shall not require a telegraph or telephone operator, whose duty it is to handle train orders or orders affecting the movements of its trains, to deliver these mails. They are a class of men who hold the lives of every individual who rides upon a passenger train in the hollow of their hand; if one mistake is made in the delivery of an order, or in the delivery of it to the proper train, it may result in the loss of human life.

There is no provision of law now which requires a railroad company to deliver the mail between post-offices and stations. It is a regulation of the Postmaster-General. I understand—I do not know it to be true, but I am reliably informed of the fact—that it is inserted in the contract with the railroad company who transports the mail.

I speak of this after having had some seven or eight years' actual experience as an operator and train-dispatcher, and for the last thirteen or fourteen years have had close personal observation of the doings in and around railroad stations and of the work that is required of this class of men.

I want to say, before I proceed further, that it does not cost the railroad company one dollar to have this mail carried between the post-office and the station. You are imposing no hardship on the railroad company. The pay of the railroad company is not fixed on account of their carrying the mails in this manner, but it is weighed in accordance with provisions of law, and their pay is fixed thereon. So you are imposing no hardship on the railroad company by requiring them to do this; but you are, by taking this class of employees away from this service, relieving them from hazarding the lives of people in taking care of the mail when it could be done by other people.

I remember, when working at a station in my district in a town of some 2,000 people—the post-office at that time was third class, but is now second class—I was working from twelve to thirteen hours at night. I was required to go to the post-office at night at a certain hour when the mail would be closed, get the mail, and take it to the depot. I was the only employee there at night. In the morning I was required to take the mail to the post-office, a block and a half distant. At that time it would average, besides the 2 pouches of first-class mail, from 8 to 11 sacks full of papers, magazines, and so forth. The postmaster would open the office at half past 4 in the morning, and I was required to deliver the mail not later than 5 o'clock. If I failed, upon being reported by the postmaster, I had to pay out of my salary $1 to the railroad company as a fine. This was a station where I handled from 20 to 30 and sometimes 40 train orders a night, and that hour of the morning was one of the very busiest I had. Yet, failing to answer the calls of the train dispatcher in delivering the mail subjected me to abuse by him, and I was finally reported by him and discharged for failing to attend to the wires.

Mr. HAMLIN. Will the gentleman permit an interruption?

Mr. MURPHY. Yes.

Mr. HAMLIN. The gentleman has just detailed the extra duty imposed upon him by reason of this order or departmental regulation. I will ask the gentleman if he received any extra compensation for this extra service that he rendered?

Mr. MURPHY. Not one dollar. I received the sum of $40 per month for my services. In addition to these duties of attending to the calls upon the wire I was required to sell tickets, both local and coupon, and was also required to book from two to three and four carloads of freight in a night in a book which was practically a copy of the waybills, giving item by item, the weight, the grade, and the amount of freight.

[Mr. MURPHY's time having expired, upon request of Mr. WILSON of Illinois he was granted unanimous consent to proceed for ten minutes.]

Mr. MURPHY. I had then to what was called "expense" those waybills, which was to make out what might be called a "statement" to each of those who received the freight, and that was a copy of each item and the rate and the amount of freight, and then totaled. They used kerosene for lighting, and I was required to clean all of the lamps in and about the station; they used switch lights and I was required to clean and fill the switch lights with oil and put them out at night and take them in in the morning. When I wanted any repairs for the switch lamps I would have to go to the section foreman for them. In addition, I had to sweep out the depot every morning. If the local trains reached there after night, and it was frequently so, I had to take the freight which was unloaded upon the depot platform and put it in the freight house.

Mr. HINSHAW. Did I understand the gentleman to say that he quit that job involuntarily? [Laughter.]

Mr. MURPHY. Yes; I was relieved from duty.

Mr. MANN. His strenuous service there landed him here.

Mr. MURPHY. In addition to that, I was required to check the baggage and load it, and I handled from two to three truck loads of baggage at night, in addition to putting the mail upon the trains and taking it off and putting it in the house. In addition, the railroad company required that the night operator must handle the express as well, and he must take that out on the trucks and put it on the two trains they had at that time, and there are four now, and put it in the house as well. These are some of the duties which are imposed upon this class of men, at that time receiving $40 a month, who to-day receive $50 a month.

I want to state to this House, as I stated before, that while there has been some increase in wages, a slight increase, I showed to this House and proved it to the conference committee in the Fifty-ninth Congress, that more than 100 operators performing this class of duty upon the Southern Railroad were paid the enormous sum of $20 per month. Some may say that the one-man station, the small place where only one man is required, is not a place where there is very much to do, and it is therefore imposing no hardship on the man to carry the mail. Go to these stations, in towns of 200 and 300 inhabitants, and you will find that the agent is busy from morning until late at night, and must go back after night in order to make out his reports and keep up with his work. He must perform the very duties that I have enumerated, that I had to do as a night operator. I had the pleasure of working at one of those stations. I would carry the mail to and from the post-office, and very frequently the postmaster, when I walked over to get the mail, would walk with me back to "see the train go through," and after the train passed would wait and accompany me back while I carried the mail to the post-office for him to open and distribute. [Laughter.] In nearly all of those cases the postmaster receives more than the agent. In many of these smaller places the postmaster is afraid to risk his registered letters in the mail pouch with his card receipt, as he can do, and I know from my own personal experience that many times he takes his registered letters and his receipt book over to the mail car and lets the railway postal clerk receipt him for them while he stands by the side of these operators and sees them put the mail into the cars, and then accompanies the operator back to the post-office.

In a city, one of the best in the country—I will not mention its name—not far from where I live, I can give you some examples.

There the railroad company employs an agent, three operators under the nine-hour law, and a helper. The day operator is required to handle the express, to make out the express reports, to handle the Western Union business and deliver it, to take and receive packages for shipment by express, and to deliver at the counter packages which are received. Notwithstanding the fact that a helper is employed, the duty is imposed upon the operators to see that the mails are delivered to and returned from the post-office and placed on the trains, and a failure results in a fine of $1.

Mr. FORDNEY. Will the gentleman permit just one interruption?

Mr. MURPHY. Yes, sir.

Mr. FORDNEY. Do you state that the railway mail clerks give receipts for registered packages without knowing whether or not they get them?

Mr. MURPHY. No, sir. I said the postmaster, not trusting his registered letters in the mail bag with a receipt card which the railway postal clerk would sign and return to him by next mail, would take the registered letter in a book which is furnished by the department and go to the postal clerk and secure a personal receipt from him.

Mr. FORDNEY. I misunderstood the gentleman.

Mr. BARNHART. In these statements you have made you have not indicated whether all this is the fault of the railway management or the Post-Office Department.

Mr. MURPHY. The Post-Office Department, by regulation, requires the railroad companies to deliver the mails to the

post-office. And, for reasons which I could give to this House, but which I will not do at this time, the railroads impose that duty upon the telegraph operator in each and every case, although they have in their employ at many stations helpers who ought to be doing that work. If an operator fails to deliver the mail or to receive the mail or to put it on the train, the railroad company deducts from his salary the sum of $1 for each and every time, by way of a fine as punishment.

And I will give you another experience along that line which I had as an operator in the State of Texas. I was working nights on a railroad at Pottsboro, Tex.; just north is Denison, and south of Denison is Whitesboro, some 40 or 44 miles, and my station was the only telegraph station between them. There had been a wreck between Pottsboro and Whitesboro, which was to the south, and they would allow no trains to leave Denison, the terminal on the north, until the wreck was cleared. It took several hours to clear it up, and when the track was clear trains were released at Whitesboro and Denison, and to meet at Pottsboro. I had received some fifteen or twenty orders, most of them for passenger trains which had been held and going in either direction. Those passenger trains met at Pottsboro, and there were several freight trains upon the siding, which I had train orders for. Those two passenger trains carried mail. The train from the south must take the siding, and they were given authority by the train dispatcher, as we call it in railroad parlance, "to pull up and back in." They would pull by the station up to the northern switch and back into the siding and save delay to the train that was coming south. It had no more than backed in until the train from the north whistled. The conductors came into my office about the same time. I was delivering my orders to them the best I could, seeing to it that no mistake would be made, and that orders would not be delivered to the wrong train or none withheld which ought to be delivered to either train. I delivered the orders to the northbound train, which was ready to leave, and I told the conductor that he must wait until I could put the mail on the train. He said, "No; I can not do it." And he pulled out. By the time I delivered my orders to the conductor of the southbound train, and he in turn to the engineer, before I could reach the mail car to put the mail on, this train pulled out, and it cost me $2 that night for failing to deliver the mail and neglecting those orders.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MURPHY. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MURPHY. Of course that would not affect this amendment, and I only give it to you as an example to show to you what duties are imposed upon these men by the railroad companies in handling this mail. If this amendment is adopted it does not absolve the railroad company from delivering the mail between the station and the post-office.

If in the judgment of the Postmaster-General under the regulation he ought to do so, then it is up to the railroad company to make this arrangement. I neglected to state that in this city of which I spoke there are four men employed besides the agent by the railway company, and at the post-office there is only the postmaster and two clerks. The postmaster and the two clerks at that place receive $291.66 salary per month, while the five men at the depot receive from the railroad company only $280. In handling this mail, remember, they do not furnish the operator with a wheelbarrow or wagon or anything to carry it with. In transporting it the only means of taking it back and forth to the depot or the post-office is to lug it, package by package, in sacks, and vice versa, on their backs.

As I stated, Mr. Chairman, this class of men ought to be at their post of duty, where they can hear the call of the train dispatcher, receive the train orders they should receive, and, when received, should be there to deliver to the proper train, and they should not have all these duties placed upon them which distract their minds from their duties, and may cause, in fact, has caused, them to make mistakes. But some may say, "Why, you take some of these small stations; they probably do not receive one train order a day." That may be true, Mr. Chairman; but he ought to be there when that one train order comes to receive it properly, handle it properly, receive it and deliver it to the train to which it should be delivered, and see that his signal is in proper order, so that the train may be held. So I say it is requiring too much, and it is risking too much in this day and time, with the numbers of trains that are run to and fro upon the busy trunk lines of this country, to say that operators shall neglect their duty and hazard the lives of its passengers in order to save 25 cents a day, or such a matter, to the railroads of this country. I trust that this amendment will be adopted. [Applause.]

Mr. WEEKS. Mr. Chairman, the House of Representatives very properly assumes that a committee considering a great appropriation bill, or any other measure, shall consider every feature of that bill—the desirability or necessity for increasing appropriations or the necessity for adopting any recommendation which it may make with reference to changes in existing law. The gentleman from Missouri evidently has not considered this as a new proposition. It is an old matter in his mind; yet during the six weeks the Post-Office Committee was considering this appropriation bill the gentleman did not appear before the committee and ask for a hearing; he did not ask any member of the committee for a hearing so far as I know. He is now asking this Committee of the Whole to legislate on a matter which is of considerable importance, maybe of great importance, without sufficient information. I do not know, and no member of this Committee of the Whole knows, what effect the amendment which the gentleman proposes will have on the service. We do know that in cases where a post-office is more than 80 rods from the railroad station we make provision for carrying the mail back and forth to the station, and we have appropriated in this bill $1,590,000 for that purpose. The gentleman from Missouri says it does not cost the railroad anything to transport the mail.

Mr. MURPHY. No.

Mr. WEEKS. I do not know whether it does or not.

Mr. MURPHY. You do not mean that; that it does not cost them anything to transport the mail?

Mr. WEEKS. From the station to the post-office. I do not know whether it does or not. I do not know whether it requires additional men, but I do know that we are appropriating $1,590,000 a year to pay for carrying the mail to and from the post-offices where they are more than a quarter of a mile from the station. Now, this legislation ought not to be considered for a moment until we have had a hearing on it, until we have been advised by the department what effect it will have on their contracts with the railroads, whether it will necessitate additional expense on the part of the department, and in every way have all the knowledge which the committee should have on any and all important matters. I hope, Mr. Chairman, this amendment will not meet the approval of the Committee of the Whole.

Mr. MANN. Mr. Chairman, just a word. I understood the gentleman from Missouri to say that the absence of the telegraph operator from the office while carrying this mail might be detrimental to the train service and cause an accident, because the train might proceed without orders. I undertake to say that the gentleman certainly does not mean that. If the telegraph operator falls asleep or falls dead, the train does not proceed without orders. Trains are not operated upon theory. They can not leave without orders. They proceed on orders; and if the telegraph operator at this station is away from the station delivering mail at the post-office when an order is telegraphed to his station, the train will not proceed until the operator returns to the station, gives the order, again telegraphs, and gives it to the train officials.

The gentleman from Missouri certainly knows that better than I do, and I know it well enough to know that that is the case.

Mr. HAMLIN. I think the gentleman does not mean to make that statement. Does he not know that at many stations along the line of a road that are unimportant to the through trains something will occur after the train has passed a regular stop which renders it necessary to intercept the train with an order at the next telegraph station, where there is a natural clearance, unless the agent is there to receive that order; and is it not a matter of history known to us all that accidents have sometimes occurred because those orders, coming unexpectedly, have not been promptly received?

Mr. MANN. Oh, no; not at all; quite the contrary.

Mr. MURPHY. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from Missouri, who has better information than I have.

Mr. MURPHY. Does not the gentleman know that many train orders are received by operators and delivered to trains as they are running through, and are handed up on a hook, without the train stopping?

Mr. MANN. That may have been the case when the gentleman was a telegraph operator, but it is not the case now.

Mr. HINSHAW. It is the case now.

Mr. MANN. If the train is to receive orders at a particular station, it may be that the operator will deliver them while the train is in motion, by handing them up; but if he does not hand up the orders, the train comes to a stop. Now, in my judgment, the passage of an amendment like this will only have this effect: It will relieve the railroad company of its present obligation to deliver the mail at the post-office and from the post-

office to the trains. It is certainly not the intention of Congress or the department to require the railroad company to maintain an extra official at a small station for the sole purpose of carrying the mail between the station and the post-office, something that does not occupy more than ten minutes a day and requires no effort at all. The result will be that the Government will be called upon to perform that service, which probably will not be done without some expense to the Government.

Mr. MURDOCK. Mr. Chairman, under the regulation of the Post-Office Department, wherever the post-office is within 80 rods of the station, the railroad company must deliver the mail to the post-office. In all the controversies through the years on the matter of railway-mail pay the railroads have always claimed that that requirement was a great injustice to them, and they have always asked to be relieved from that regulation. Now, if the amendment of the gentleman from Missouri [Mr. MURPHY] is agreed to, at those stations where there is a single railroad employee—a telegraph or telephone operator at the station—it will then devolve upon the railroad company to hire some one, probably outside of the railroad service, to get that mail from the railway station to the post-office and back. In all the controversies over railway mail pay, where railroads have made the claim that they ought to have more money for the carriage of the mail, one of the reasons they have given is that they now transport the mail from railway stations to post-offices within 80 rods of the railroad. Our answer to that contention has always been that it did not materially affect the time of the employee of the railroad to make that delivery, and that it was not much of an expense, if any, to the railroads. The minute that the amendment of the gentleman from Missouri [Mr. MURPHY] become law, then you put an argument in the mouth of the railroad company for an increase of railway mail pay, because then it will cost them something to deliver this mail from stations to post-offices.

The railroads have always claimed that it cost somewhere between three and four million dollars per year. I believe that this provision in the law, which we find in the regulations, is an antiquity. It came about, in the first place, from the fact that the stagecoach carried the mail, and the regulation then was that if a new post-office was established within 80 rods of the main-traveled road, the stagecoach should turn out and deliver the mail to that post-office without extra cost to the Government. The stagecoach is gone and the railway is here, but the old regulation survives. If it is to be changed, it ought to be changed after careful consideration in connection with the whole question of railway-mail pay.

Mr. FASSETT. Does the gentleman think this will work to relieve the railroads?

Mr. MURDOCK. I think the railroads would certainly stand for this amendment, and would be pleased to have it come in, because in the end it will result in giving them a further argument for the increase of railway-mail pay.

Mr. WEEKS. Does not the gentleman agree with me that it is not safe to take such an important step without further information?

Mr. MURDOCK. I do agree with the gentleman, and I believe the committee or the House should not touch this matter, which looks of comparative unimportance in a certain light, but may be very great in its effect, without information on the whole subject.

Mr. AUSTIN. Will the gentleman from Kansas yield?

Mr. MURDOCK. Certainly.

Mr. AUSTIN. If this amendment is placed on the bill, what is to prevent the Senate committee from going into it fully?

Mr. MURDOCK. I have found that it is not always profitable to depend upon the Senate to go into investigations in legislation. I want to say further that in the matter of appropriation bills the House devotes the major portion of its time to them, while the Senate, as the gentleman is aware, generally takes our findings and passes our appropriation bills in much less time than we devote to them.

Mr. AUSTIN. They will not do it in this case. Now, the gentleman has stated to the House that, in his judgment, we are paying the railroads too much for the transportation of the mails.

Mr. MURDOCK. Yes.

Mr. AUSTIN. Then what claim would they have for additional compensation on this account?

Mr. MURDOCK. One of the main arguments of the railroad companies for years for increase in compensation has been that this delivery of the mails from the railway stations to post-offices within 80 rods was a great expense to them. I do not believe that it is costing the railroad companies much money to make these deliveries. But the minute this amendment becomes a law, then it will cost the railroad company more money, and you will make the argument that they have made for years in part good.

Mr. AUSTIN. Does the gentleman think they will get any more for transporting the mails?

Mr. MURDOCK. I am not able to answer that question. I know the minute your amendment passes you will make the argument that they have made for years in part a valid argument and a good argument.

Mr. AUSTIN. Well, the gentleman will place his argument against theirs, that they are now getting more than they are entitled to.

Mr. WANGER. Will the gentleman yield for a question?

Mr. MURDOCK. I will yield to the gentleman.

Mr. WANGER. The pending amendment does not limit its operations to stations that have only a single operator, but it prohibits the payment to any company which requires any telegraph or telephone operator at any station from handling the mail between the station and the post-office.

Mr. MURDOCK. That is as I understand it.

Mr. WANGER. That is, whether they have one or a hundred operators so employed.

Mr. MURPHY. Do I understand the gentleman from Kansas to say that the railroads have been making an argument in order to get more money for all these years that this delivery was costing them a large sum of money?

Mr. MURDOCK. Yes.

Mr. MURPHY. Would there not be the same old argument hereafter? [Laughter.]

Mr. MURDOCK. With this exception: That the committee and Congress have never considered the argument a very valid one, because the mail is usually delivered in these cases by the employees of the railroad company who are designated, who are disengaged at the time, to deliver the mail, or could be, without any great harm to the service of the railroad company, and who are not granted extra compensation for this service.

[The time of Mr. MURDOCK having expired, by unanimous consent his time was extended five minutes.]

Mr. CLARK of Missouri. I would like to ask somebody a question—some one who knows; I do not care whether it is the gentleman from Kansas or the gentleman from Missouri. What proportion of post-offices are within 80 rods of the railway station?

Mr. MURDOCK. I do not know; I will refer that to the gentleman from Missouri.

Mr. MURPHY. The gentleman from Kansas said that the railroad companies make the argument that this additional service costs them something, and they want more money. Did the committee ever ascertain how much the railroads were doing and what compensation they were receiving for it?

Mr. MURDOCK. I think the various committees have taken up that subject, and they believe that, under the requirement, it was not costing the railroads any extra amount of money to deliver the mail in this way. But if you prohibit certain men in the railway service from delivering the mail from the station to the post-office, then you are making good, in part, an argument that the railroads have made for years. You are validating an argument that we have not considered valid.

Mr. MURPHY. Does not the gentleman know that in every case the railroad company has three to five section men at each station?

Mr. MURDOCK. Well, I am not a railroad man like the gentleman from Missouri has been, but my idea of section men is that a good part of the time they are out on the section at work.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. MURDOCK. Certainly.

Mr. COX of Indiana. Has the gentleman any information from the railroad company's own side, or from any other source, showing the cost it is to the railroads to deliver the mail to the post-offices and the return to the depot where the post-office is wihin 80 rods of the depot?

Mr. MURDOCK. I have seen the statement made in the hearings before commissions that the railroads claim that that service costs them from $3,000,000 to $5,000,000 a year.

Mr. COX of Indiana. To what commissions does the gentleman refer?

Mr. MURDOCK. I think that information was given in answer to a question by Mr. Eugene Loud before the Wolcott commission, although I would not be certain as to that detail.

Mr. HAMLIN. The gentleman says that he has heard this complaint on the part of the railroads that they ought to have more pay on account of this additional service, but that the committee has taken no stock in that.

Mr. MURDOCK. The railroads have always claimed that they ought to be relieved from this service.

Mr. HAMLIN. And that it costs them something, and therefore they ought to be paid more for the carrying of mail.

Mr. MURDOCK. That inasmuch as they were not relieved from this service and were made to perform it by a regulation of the department they ought to have more pay for the carriage of the mails than they otherwise would have.

Mr. HAMLIN. That is the point I make, but the committee did not take much stock in that.

Mr. MURDOCK. They never did.

Mr. HAMLIN. But the Postmaster-General seemed to take a great deal of stock in it.

Mr. MURDOCK. I think not.

Mr. HAMLIN. In the letter read from the desk here yesterday, is not that the first reason that the Postmaster-General gave as a difference between the cost of carrying the mail and the cost of carrying the express?

Mr. MURDOCK. I did not listen to that letter, and the gentleman from Massachusetts——

Mr. HAMLIN. Then I will just read that part of it.

Mr. MURDOCK. Oh, I do not want to go into that matter now. The gentleman can read that in his own time.

Mr. HAMLIN. I will read that letter later on.

Mr. MURPHY. Mr. Chairman, I did not catch the gentleman's answer to the question a while ago. Did I understand him to say that the railroad companies pay from $3,000,000 to $5,000,000 a year for this service, or claim that they do?

Mr. MURDOCK. They claim that that service costs them from $3,000,000 to $5,000,000 a year.

Mr. MURPHY. I want to state to the gentleman from Kansas, knowing it as I do and from the experience that I have had and what I know to-day, that the railroads do not pay one cent for this additional service.

Mr. MURDOCK. And I want to say to the gentleman from Missouri that that has been the conclusion of virtually every commission before which they have appeared, and if the gentleman from Missouri succeeds in making his amendment law, then he makes the claim of the railroads good in that respect, I hope the amendment will be voted down.

Mr. FINLEY. Mr. Chairman, the chairman of the Committee on the Post-Office and Post-Roads, the gentleman from Massachusetts [Mr. WEEKS], takes the position that this matter has not been considered by the committee; that we have not sufficient information. I think that the gentleman is in error in one part of his statement, and that is that we have no information. Those of us who have been on the Post-Office Committee for years past know that it is only in the comparatively small offices of the country, comparatively small railroad stations of the country, where there is only one individual, that person the railroad agent and the telegraph operator. These offices, Mr. Chairman, are comparatively few in number, and any claim made here that the passage of the amendment offered by the gentleman from Missouri [Mr. MURPHY], a limitation on this appropriation, will cost the railroad companies of the United States $3,000,000 or $5,000,000 or $2,000,000 a year, is a statement not founded in fact. It will cost no such sum, nor will it cost anything like that. There are very few offices of that character. This amendment will only apply where there is only one person at a railroad station.

Mr. FASSETT. There is nothing in the amendment to limit it.

Mr. FINLEY. Oh, the gentleman knows that I am speaking of the amendment in its practical application. The gentleman from New York understands that, and he knows as well as any man on this floor that where a railroad office is large enough to require the service of more than one person then there is no necessity for the telegraph operator performing that service, and that is the point I make. At many of the offices in this country, where the post-office is within 80 rods of the railroad station, there are 2, 3, and often a score and more of persons in the employ of the railroad. Any one of those persons other than the telegraph operator can perform this service, and as a matter of fact they do perform that service to-day. So the amendment of the gentleman from Missouri [Mr. MURPHY] in its practical effect will only apply to a few small railroad stations in the country where there is only one person employed by the railroad at that station.

Mr. HUGHES of New Jersey. Will the gentleman yield for a question right there?

Mr. FINLEY. Certainly.

Mr. HUGHES of New Jersey. Would it not be possible at each of these small number of stations, to which the gentleman has referred, where there is employed but one man, and he the operator, to have the postmaster himself attend to the transportation of the mail?

Mr. FINLEY. There is no question of that; but it is equally possible, and at a very small expense to the railroad or otherwise, to have this service performed by some one else.

Now, the purpose of this amendment is to safeguard human life in travel. It often happens, and I have seen it happen myself, at one of these small stations, even where there is a telegraph office, a train would come by at a high rate of speed, sometimes passenger trains which do not stop there at all, and a message from the train would be thrown out. Often the same will happen in the case of a freight train. A message from an official of the railroad in charge of the train would be dropped out.

Mr. MURPHY. Mr. Chairman——

Mr. FINLEY. I will yield.

Mr. MURPHY. Can the gentleman tell us who was responsible for the Terra Cotta wreck here some three or four years ago? Was it not the mistake of an operator?

Mr. FINLEY. My understanding is that it was.

Mr. MURPHY. The operator gave the wrong signal?

Mr. FINLEY. Gave the wrong signal.

Mr. MURPHY. I will ask the gentleman whose mistake it was that caused the death of Samuel Spencer, the president of the Southern Railway Company?

Mr. FINLEY. Well, my general information on that subject is this, that the Southern Railway at that time worked its operators overtime, and it resulted in a very, very great catastrophe and loss of life. Since that time, I am glad to say, this condition has been improved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY. I ask for five minutes more.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on this amendment be closed in ten minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The question is on the request of the gentleman from South Carolina that he may continue for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LLOYD. In any of the cases here related, do you know that the carrying of the mail in any way interfered with the duty of the operator, or in any of these cases was it true that because he was required to carry the mail the accident occurred?

Mr. FINLEY. I submit the question to the gentleman from Missouri [Mr. MURPHY]. No doubt he is better informed than I am.

Mr. RUCKER of Missouri. We passed a law here a few years ago limiting the day's work for telegraph operators to nine consecutive hours. That was done in order that the men might not be overworked. Now, does it make any difference in its practical results whether the overwork consists in the excess of hours or amount of duty required to be performed?

Mr. FINLEY. The merit of the amendment offered by the gentleman from Missouri lies in this fact: That a telegraph operator in charge of a telegraph office should be at his post of duty all the time when, by the rules of the railroad, that office is required to be kept open, so that he may receive any and all messages relative to the dispatch of trains or the running of trains. It is in this way only that the public may be safeguarded in travel, and I think the amendment is meritorious. I think it would cost practically nothing to the railroads or to anybody else. The number of these offices, in my opinion, is very, very small.

Mr. FASSETT. Why do you not limit the amendment, then?

Mr. FINLEY. Where there is more than one person engaged in the service of the railroad at a railroad station, that other person can carry the mail. So the effect of this amendment will only be to apply this rule to offices where there is only one person.

Mr. LLOYD. The gentleman from South Carolina [Mr. FINLEY] is one of the best informed men on postal regulations that there is in this House. He has given this matter particular atttention in the committee when it has been considered. Do you believe that it would be the right thing, on notice of the department, to require the postmaster to go to the depot at these little stations and obtain the mail?

Mr. FINLEY. I will say to the gentleman that under the discretion that is now lodged in the Postmaster-General, he can by a little regulation bring about exactly what the gentleman from Missouri asks in his question.

Mr. LLOYD. If the postmasters were required to do it, it would not cost the Government any additional sum?

Mr. FINLEY. Not a cent; and even if the Postmaster-General does not by regulation so order matters, as the gentleman from Missouri has suggested, then it will cost the railroads very little. I am not one of those who stand here and believe in conservatism of conditions as they exist. This is a progressive age, and the volume of travel increases each year.

Mr. LLOYD. Do you think it would be any hardship upon the postmasters of these little places to be required to go to the stations and get the mail?

Mr. FINLEY. Candidly I do not, and that matter can be arranged by executive order.

Mr. MURPHY. If the gentleman will allow me, in nearly all of these places the postmaster receives from $10 to $15 a month more than the operator who delivers the mail.

Mr. FINLEY. No doubt that is often true. I think the amendment of the gentleman from Missouri is a good one, and hope the Committee of the Whole will adopt it.

Mr. HAMLIN. I shall not occupy but a moment of the committee's time, but I want to make this one suggestion: I have had a little bit of the experience that my colleague from Missouri has had as a railroad station agent, having filled that responsible and unremunerative position at one time, and I am prepared to believe that his statement is almost entirely accurate. But I am not going into that feature of it now. I want to reply to my esteemed friend from Kansas [Mr. MURDOCK], in whose judgment I have the very greatest confidence. I believe, though, that the solution of the whole proposition is simple. While I am convinced that the expense incurred by the railroads in conveying the mails from the station to the post-office and back again, where the post-office is within 80 rods of the station, is, in a majority of instances, very small or nothing, yet they always plead that as a reason why increased pay should be given them. It seems to me the matter can be solved in this way by the Government: Require each one of these railroad companies who make this claim to file with the Post-Office Department a statement of the expenses that this service entails upon them each year. It is a matter easily ascertained; and if it is a million dollars over the entire country, or three millions or five millions of dollars, then let the department deduct that amount from the total amount paid to the railroad companies for carrying the mail, and relieve the companies from this service, and then the Post-Office Department can use this money so deducted in employing somebody to carry this mail from the station to the post-office and return.

In doing that, I am satisfied that the Government would save two-thirds or more of the amount that the railroads claim this service costs them. As said by the gentleman from South Carolina, there are very few stations that this amendment would affect. I know from my experience and observation that it is extremely hazardous to require the telegraph operator, who is charged with the movement of trains, and upon whose conduct depends the lives of hundreds of people, to be compelled to cart this mail from the station to the post-office and from the post-office back to the station again. But the Government can furnish somebody to be paid a very small salary out of the amount allowed to the railroad to do this work.

Mr. COX of Indiana. Does the gentleman from Missouri know that since 1872 there has been a law on the statute books requiring the railroads to furnish to the Postmaster-General a statement showing the cost it was to the railroad to transport the mail, and up to the present time that law has been a dead letter on the statute books?

Mr. HAMLIN. Why?

Mr. COX of Indiana. That would reach back to a criticism, and would reach the Postmaster-General for not enforcing it. I want to say in that connection that recently the Postmaster-General has called upon the railroads to transmit to the Post-Office Department this information, and I understand they are now preparing it.

Mr. HAMLIN. Mr. Chairman, I do not make this statement in the spirit of criticism; but it appears to me that these annual endeavors on the part of the Post-Office Department to get this information occurs just about the time each year that they want to put through the post-office appropriation bill, and after that bill is through then their efforts seem to cease in that regard until it is about time to pass another appropriation bill.

Mr. FASSETT. I do not think that is a fair statement.

Mr. HAMLIN. You do not think it is a fair statement? Then I say it is a fair statement for this reason, that we are told that they make this effort every year; but no living man upon this floor is able to put his finger on any report ever made on the subject.

Mr. FASSETT. I beg the gentleman's pardon.

Mr. HAMLIN. Can the gentleman cite me to such a report?

Mr. FASSETT. Why, certainly; the report of the Wolcott commission.

Mr. HAMLIN. I have heard of the report of the Wolcott commission for the last ten years.

Mr. FASSETT. And the report of the Overstreet commission; and if the gentleman will read them, he will see that something has been done.

Mr. HAMLIN. Oh, let us not go so far back into ancient history, but let us come down to the present time. What is the report, if any, now?

Mr. FASSETT. If you are coming down to present times, the effort is already being made.

Mr. HAMLIN. I would be ashamed to stand on the floor and plead what was done ten years ago. I will tell you what I think the trouble is. They talk to us to-day about a $63,000,000 deficit in the Post-Office Department. If that department could be transformed from a political headquarters for the Republican party into a business department, then there would be no $63,000,000 deficit. [Applause on the Democratic side.]

Mr. FASSETT. And yet gentlemen on that side want to make every post-office a political headquarters by requiring that postmasters be elected.

The CHAIRMAN. The time for debate has expired. The question is on the amendment offered by the gentleman from Missouri [Mr. MURPHY].

The question being taken, on a division (demanded by Mr. MURPHY) there were—ayes 30, noes 43.

Mr. MURPHY. Tellers!

Tellers were ordered, and the Chairman appointed Mr. WEEKS and Mr. MURPHY.

The committee again divided, and the tellers reported—ayes 35, noes 57.

Accordingly the amendment was rejected.

Mr. GARRETT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 19, line 18, after the word "dollars," insert:
"*Provided*, That no part of this amount shall be paid to any railway company which does not have all mail cars in use on its line of sound material and structure."

Mr. WEEKS. Mr. Chairman, I should like to make an explanation. Under the present law the department has the option of indicating the kind of car, the manner of construction of the car, the arrangement of the car, and the amount of equipment required for conducting this service. I do not think that the amendment offered by the gentleman from Tennessee adds anything to the present limitations of the law, and it simply complicates the question with something which has not been considered by the committee.

Mr. GARRETT. Mr. Chairman, it is true that under the act of 1879 a certain discretion is lodged in the department in fixing the conditions with reference to cars; but I do not think the department has ever satisfied itself fully of the construction that can be placed upon that act. For instance, I find in the hearings this year that Mr. Stewart, the Second Assistant Postmaster-General, expressed doubt whether under that act the department would have the right to order a company to build a steel car. The department is in doubt about the particular construction of that act, evidently; but whatever power the department may have, I wish to say that it is unquestionably true that there are cars now in the service that ought not to be in the service.

Mr. WEEKS. May I ask the gentleman from Tennessee a question?

Mr. GARRETT. Certainly.

Mr. WEEKS. Has the gentleman seen such cars himself?

Mr. GARRETT. I am reliably informed that there is now hanging in an office at Memphis, Tenn., a rotten plank from a railway mail car that was crushed in a wreck on a railroad a few miles out of Memphis less than a year ago.

Mr. WEEKS. I submit that that plank is not now in the service, and that that car is not now in the service.

Mr. GARRETT. Three railway mail clerks were injured in that car when it was crushed like an eggshell. The planks were rotten when the wreck occurred, and the clerks suffered by reason of the unsound condition of the car.

Mr. SHERLEY. And some of the clerks are not in the service now either.

Mr. GARRETT. And some of the clerks are not now in the service. Again, there has come under my observation a case that occurred last fall not very far away from my home, in which two young men from my own county were caught in a

car that had been in use for twenty years and were crushed to death. Again, less than a month ago, on another railway running through the district in which I live, a car that had been in the service for more than twenty years was caught in a wreck, and the four clerks who were in it at the time were injured seriously, though none of them were killed. Mr. Chairman, it is my recollection that the statistics show that one out of every twenty mail clerks is either killed or injured in the service.

The mail car is the most dangerous point in the train. All things considered, perhaps these railway mail crews are composed of as efficient men as there are in the country. They are always working at the point of greatest danger; and while I would not undertake now, because it would not be effective, by any amendment on this appropriation bill to compel railway companies to build steel cars, yet I do believe that they ought to be required to furnish cars that are sound in material and in structure.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. GARRETT. Certainly.

Mr. COX of Indiana. Does not the gentleman believe that the railroads ought to be compelled to furnish steel railway mail cars?

Mr. GARRETT. They ought to be strong cars. Whether they ought to be steel cars or not there is a question. Whether they ought to be all-steel cars or a steel base only is a question, but they ought to be compelled to furnish safe cars.

Mr. COX of Indiana. The gentleman understands that the proof shows that a steel car can be built for $14,000 or $15,000.

Mr. GARRETT. About twice the cost of the ordinary car.

Mr. COX of Indiana. The ordinary car costing $6,500 or $7,500.

Mr. GARRETT. I think they should be compelled to furnish cars sound in material and structure. I am willing to go into that question of steel cars, but of course we can not here on this amendment or by amendment to this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GARRETT) there were 25 ayes and 38 noes.

So the amendment was rejected.

The Clerk read as follows:

The provision of the act of March 2, 1907, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1908, and for other purposes," authorizing adjustment of compensation to be paid for the transportation of mail on land-grant railroads at the rate of $17.10 for each 2,000 pounds carried in excess of 48,000 pounds, is hereby amended to authorize the adjustment of compensation at $15.39 for such weight from July 1, 1910.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the gentleman in charge of the bill some questions relative to the matter just talked about by the gentleman from Tennessee. As I understand, the law now requires the Interstate Commerce Commission to make a report to the Post-Office Department as to any defects that they find in regard to postal-mail cars, and so forth.

Mr. WEEKS. I think that is true.

Mr. SHERLEY. I am quite sure that it is true.

Mr. STAFFORD. As corroborating the gentleman from Kentucky I want to say that the Interstate Commerce Commission does have agents for inspection of these postal cars and that they make their report to the Post-Office Department.

Mr. SHERLEY. Now, what I am coming to is the important fact—whether anything ever comes out of these reports. From what I can learn the Post-Office Department seems to be very hostile to the idea that the Interstate Commerce Commission should have anything to do with the matter, and that these reports are received and filed and that is the end of them.

I feel very strongly in line with the remarks of the gentleman from Tennessee. You hardly ever read of a railroad wreck in the South—and it is particularly true there because of the older rolling stock, the companies being less able financially to put on new stock—that you do not learn of a postal car being smashed to pieces in the wreck, whereas at the same time the baggage car and the express car and the Pullman car are not substantially injured. That is due to the fact that the cars are unsafe. I would like to know what the Post-Office Department is doing as to reports made by the Interstate Commerce Commission.

Mr. WEEKS. I am not able to give the gentleman from Kentucky absolute information on that subject, but I want to say that it is within the province of the department to limit the kind of cars that are furnished for this service and to limit the character of construction of new cars. The department does that. There are 50 steel cars in this service recently built by the Pennsylvania Railroad. I understand the Pennsylvania Railroad is going to supply that kind of a car in future. In many cases the department has stipulated that cars with a steel frame or a metal platform shall be used. There is no evidence before the committee that there are unsafe cars in use in this service.

Mr. GARRETT. Will the gentleman yield?

Mr. WEEKS. Certainly.

Mr. GARRETT. The gentleman from Massachusetts does not mean to say that it is under the direction of the department that the Pennsylvania Railroad is constructing steel cars?

Mr. WEEKS. I do not think the department has ever taken the position that they could insist on steel cars.

Mr. SHERLEY. Mr. Chairman, it is true that the Pennsylvania Railroad is installing some of the best and most modern cars, but we are not speaking of that situation. It is also true that on some of the roads and branches of the roads where the demand for up-to-date cars is not great and where the money of the road is not sufficient, or at least they do not think it is sufficient to enable them to get new stock, cars are being used that do endanger the lives of the employees. The reason I speak of that is that the gentleman from Massachusetts opposes an amendment that would limit the appropriation for any such cars. If that is true, then the responsibility is upon him and upon the department to see to it that in the future there shall be no criticism due to the use of cars that are not safe.

Mr. WEEKS. Mr. Chairman, there is no testimony before the Post-Office Committee that unsafe cars are being used now.

Mr. SHERLEY. There is testimony being brought here on the floor of the House to that effect.

Mr. WEEKS. The committee inquired particularly about that, at considerable length, and found out what was being done to provide safe cars for the government employees.

The committee appreciates the necessity, as much as the gentleman from Kentucky [Mr. SHERLEY], that the best possible equipment should be furnished for this service. It has not seen fit to stipulate that all cars furnished should be steel, but there is not a word of testimony before the committee that the equipment is not improving in quality, that the department is not stipulating the kind of car that is being used, and that, on the whole, the equipment is not in good shape. The statement made by the gentleman from Kentucky, I submit, is not testimony. He has an impression that men are killed and injured in railway accidents. They are killed and injured; there is no doubt about that.

Mr. SHERLEY. Mr. Chairman, it is not simply that I have an impression now, but I know, from the reading of the accounts of the accidents as to the damage done to these cars, as compared with other cars coupled right with them, that they are not cars of the same strength and resisting power. That is not a matter of inference; it is a matter of fact.

Mr. WEEKS. The gentleman may know from some newspaper account, which could not be verified.

[The time of Mr. SHERLEY having expired, by unanimous consent he was granted five minutes more.]

Mr. SHERLEY. Mr. Chairman, I know, also, from the statement made to me personally by railroad clerks engaged in the service, who have investigated the matter. There was an accident in Indiana recently, within eighteen months—I can not recite the place now—where there were several men injured and, it may be, some killed, where the car was not of sufficient strength, and there are plenty of roads down in the South where that condition is existing to-day. I simply wanted to make the statement to the gentleman that if the House is going to take the responsibility of saying that we, who desire to, shall not amend the bill so as to correct this condition, then you who so vote and the department must see to it that the condition does not continue. [Applause.]

Mr. MANN. Mr. Chairman, the most that the gentleman from Kentucky [Mr. SHERLEY] says is very accurately said. I think, however, that it is not quite true that the postal car is so much inferior to the baggage car or the coaches. The truth is that a very large proportion of the cars now used by the railroad companies, constructed of wood, are really fit only for kindling wood; and if it were possible to at once construct sufficient steel cars to handle the passenger business of the country, I think our committee would bring in a bill to that effect. The railroad companies have learned recently, in the last few years, that they have got to construct steel cars, and there are now in construction several large plants throughout the country for the sole purpose of constructing steel cars; and I think that as soon as there are sufficient establishments to furnish the steel cars in place of the wooden cars Congress will be called upon and it ought to pass a law forbidding the use

of any wooden car either as a passenger car, an express car, a baggage car, or a postal car in interstate commerce.

Mr. SLAYDEN. Are they still constructing the wooden cars?

Mr. MANN. They are still constructing wooden cars, more or less, because there are not sufficient establishments yet to construct a sufficient quantity of steel cars. The average wooden coach is just as bad in that respect as the average wooden postal car. The Pullman cars are so strongly constructed that it is a very rare thing for anyone in those cars to be injured in a wreck, and every coach and every car in a passenger train ought to be so constructed that it is practically impossible for it by a mere collision to be smashed up.

Mr. SHERLEY. Mr. Chairman, I appreciate the difficulty, and I realize that we could not to-day require the substitution of steel cars for mail cars now in use, but what I want to impress upon the committee is this fact, that there are wooden cars to-day being used in the mail service of such a character as to make it absolutely sure that in case of accident they are going to be crushed like an eggshell.

Mr. MANN. That is true also of the coaches.

Mr. SHERLEY. But it is, I believe, even more true of the mail car.

Mr. MANN. Oh, they use coaches worse than mail cars.

Mr. SHERLEY. That fact is found in the ratio of the killed and injured of postal clerks as compared with other people traveling on those trains.

Mr. MANN. The postal clerks occupy the most dangerous position in a passenger train.

Mr. SHERLEY. That is true, and one of the reasons it is the most dangerous is the character of the car they are in.

Mr. MANN. I am perfectly willing to admit, as far as that is concerned, that the cars are not of the proper character. They ought to be made as safe as possible, and I am quite convinced that the railroad companies appreciate that fact more or less—not all of them——

Mr. SHERLEY. More or less, but I fear a good deal less, and the poor roads——

Mr. MANN. If the gentleman will permit me, I will say that as rapidly as establishments are created which will be able to furnish proper complements of cars the railroad companies, whether they wish to do so or not, in my judgment, can and will be obliged to discard the present kindling wood they use and furnish steel cars which can not be smashed.

Mr. SHERLEY. I desire to say——

Mr. MANN. And I am glad that this matter has been called to the attention not only of the Committee on the Post-Office and Post-Roads, but to the Committee on Interstate and Foreign Commerce, which would have jurisdiction over the car question, including postal cars and other classes of cars, and it is a live matter in our committee. It is true we could go on and compel the railroads, as soon as they are able, to substitute good cars.

Mr. SHERLEY. But there is not a man in America but that knows it is only by continual pressure that we forced the railroads to adopt many of the safety devices that are used now, and I for one am not willing to let the matter rest optionally with the railroads. I appreciate there is some reason why they must not be expected to do the matter overnight, but unless pressure is brought, and strong pressure, on the railroads, they will always have an excuse not to do something that costs them money.

Mr. WEEKS. Mr. Chairman, I would like the attention of the gentleman from Kentucky [Mr. SHERLEY] and of the committee, to show them that the department is not unmindful of its responsibilities and obligations in these cases. I agree in general terms with the gentleman from Kentucky that this service should be improved wherever it is possible to do it, but I do not want the impression to go out that the department is not taking every business precaution to prevent serious accidents to its employees. Let me read from the report of the Second Assistant Postmaster-General:

> With the usual careful attention to improvement in car equipment and the activity in car construction and renewals upon the part of the companies, the equipment is being kept in good condition. Ninety per cent of the full postal cars now in use have been built within the past ten years, and conform to the plans and specifications prescribed by the department. The older cars are being retired as fast as their physical condition requires it. When a car appears to be weak or unsuitable, inspectors of the Interstate Commerce Commission are asked to examine it and report upon its condition. If they report it unsafe the company is notified to withdraw it without delay.

So it compels a company to replace a car which the agent of the Interstate Commerce Commission reports is unsound and unsuitable.

Mr. WANGER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amend on page 19 by striking out all of the paragraph after the word "purposes," in line 23, and insert:
> "Fixing the compensation to be paid for transportation of mail on land-grant railroads at the rate of $17.10 for each 2,000 pounds carried in excess of 48,000 pounds is hereby amended to make such rates and compensation after June 30, 1910, $15.13 for each 2,000 pounds carried in excess of 48,000 pounds, and the Postmaster-General is hereby authorized and directed to readjust the compensation in accordance with this amendment."

Mr. WANGER. Mr. Chairman, the postal act of 1907, fixing the rates of railway mail pay, not only authorized the Postmaster-General to readjust that pay, but it fixed the rates and declared that the rate of pay to land-grant railroads for each 2,000 pounds carried above 48,000 pounds should be $17.10.

Now, that is a higher price than is paid for the same weight of mail under the 48,000 pounds, and consequently is a seeming absurdity, and it is excessive, and very appropriately ought to be reduced. The pending bill provides that the Postmaster-General shall readjust the compensation to be paid these land-grant railroads at $15.39, but it does not reduce the legal rate of compensation to those roads from $17.10, as now provided by law. Accordingly, the amendment which I offer, in the first place, reduces the rate of compensation to $15.39 for each 2,000 pounds above 48,000 pounds carried annually, and then authorizes and directs the Postmaster-General to readjust the compensation.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. WANGER. Certainly.

Mr. SMITH of Michigan. I think you will admit that the whole section is subject to a point of order, will you not?

Mr. WANGER. It was subject to a point of order, but, having been debated, of course is not at this time.

Mr. SMITH of Michigan. I sought to get recognition for the purpose of making a point of order.

Mr. WANGER. There have been two amendments. First, the gentleman from Kentucky [Mr. SHERLEY] moved to amend. That was debated for a long time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. SMITH of Michigan. I would like to be recognized to make a point of order to this section, that it is new legislation.

Mr. MANN. I respectfully suggest that the point of order comes somewhat late, the matter having been debated for the last twenty minutes.

Mr. SMITH of Michigan. It was not debated; gentlemen were debating a previous section about railway-mail matters.

The CHAIRMAN. Debate took place. It seems to the Chair that the gentleman from Michigan should have made known his wishes before this.

Mr. SMITH of Michigan. How could I when the Chair recognized some one before? He recognized the gentleman from Kentucky and the gentleman from Illinois, and now he has recognized the gentleman from Pennsylvania.

The CHAIRMAN. Because the Chair recognized one gentleman to offer an amendment does not prevent another from making a point of order. The Chair will hold that the point of order comes too late.

Mr. MURDOCK. Mr. Chairman, I rise for the purpose of asking the gentleman from Pennsylvania, very briefly, in what particular does the gentleman's amendment differ from the provision in the bill?

Mr. WANGER. I will state to the gentleman from Kansas that the provision in the bill simply authorizes the adjustment of compensation at $15.39, but does not repeal the provision of the act of 1907, which fixes that as the rate to the land-grant railroads.

Mr. MURDOCK. I thank the gentleman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

> For tabulating and arranging information relative to the operation, receipts, and expenditures of railroad companies carrying the mails, including rental of quarters in Washington, D. C., $10,000, which shall be immediately available.

Mr. MANN. I reserve the point of order on the paragraph. Just what is to be accomplished by this?

Mr. WEEKS. Mr. Chairman, the Post-Office Department has sent to every railroad company in the United States a very comprehensive list of questions, asking for information of all kinds relative to the service which the railroads are performing for the Post-Office Department. These questions were sent out last October or November. The returns are commencing to come in. It will require a considerable force several weeks to tabulate and get them into shape. This appropriation is for

that purpose, and it is made immediately available, so that it can be used as soon as this bill is passed.

Mr. MANN. Has the gentleman any idea as to how long this service will have to continue? The gentleman knows as well as I do that when clerks are employed in a matter of this sort it is a great temptation to delay the final completion of the work.

Mr. WEEKS. Why, Mr. Chairman, the appropriation is limited to $10,000. I take it that in perhaps two months this work may be done; but it will depend entirely on the number of clerks employed for that purpose.

Mr. MANN. I will withdraw the point of order.

The Clerk read as follows:

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, and empty mail bags, $375,000. And the Postmaster-General shall require, when in freightable lots and whenever practicable, the withdrawal from the mails of all postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, in the respective weighing divisions of the country, immediately preceding the weighing period in said divisions, and thereafter such postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the postal service, except postage stamps, shall be transmitted by either freight or express.

Mr. MANN. I reserve the point of order.

Mr. SMITH of Michigan. I would like to make a parliamentary inquiry. Can a gentleman make a point of order unless the Chairman recognizes him?

Mr. MANN. I reserve the point of order upon the paragraph, as I did a moment ago, without recognition of the Chair.

The CHAIRMAN. As soon as a paragraph is read it is the right of any Member to make a point of order. He does not have to be recognized to make the point of order.

Mr. SMITH of Michigan. Then, as the Chair understands, it is the right of the Member without being recognized at all?

The CHAIRMAN. A Member can rise and make a point or reserve it, as the gentleman from Illinois has just now done.

Mr. MANN. May I ask the gentleman from Massachusetts how much is paid now by the Government for freight and how much for express on these post-office supplies?

Mr. WEEKS. I will yield to the gentleman from Wisconsin.

Mr. STAFFORD. While the committee did not ascertain the amount paid respectively for freight and express, as I recollect the hearings of last year the amount paid for freight was many times that paid for expressage. The department only utilizes the express, as I remember the hearings of a year ago, where the character of the article is such that it should be sent by freight and has been withdrawn from the mails during the weighing period, and through some urgent need at some post-office to which it is dispatched it should be sent quickly. In these cases the department believes it would be an imposition on the railroad, when that character of equipment has been withdrawn during the weighing period, to send it through the mails when the exigencies of service demand quicker dispatch than by freight.

Mr. MANN. Well, the law prohibits them from sending it by mail. I suppose they pay some attention to the law in that respect.

Mr. STAFFORD. While the law prohibits that, of course it is merely directory, and it might be abused by nonobservance.

Mr. MANN. I apprehend there is no such intention. Now, I should like to ask, Are postal cards, stamped envelopes, and newspaper wrappers sent to any extent by freight?

Mr. STAFFORD. They are only sent by freight when they are in carload lots, but when in less quantities than carload lots they are sent through the mails.

Mr. MANN. Then, all of these supplies sooner or later get in the mail?

Mr. STAFFORD. So far as those that have just been designated are concerned—that is, postal cards, stamped envelopes, and newspaper wrappers, but not the empty mail bags or other equipment designated here.

Mr. MANN. I was asking about postal cards, stamped envelopes, and newspaper wrappers. Where do they send those in carload lots?

Mr. STAFFORD. Whenever a post-office makes a requisition upon the department for postal cards, stamped envelopes, or newspaper wrappers in sufficient quantities to amount to a carload lot, they will be sent to the large post-offices which act as depositories and as distributing agencies for the post-offices in that locality.

Mr. MANN. How many such post-offices are there?

Mr. STAFFORD. I should say in the neighborhood of 20 to 25. To be accurate, I will say that there is a different system as to stamped envelopes and newspaper wrappers than there is as to postal cards. The depository feature only applies to postal cards. There is no depository for newspaper wrappers and stamped envelopes for distribution to other post-offices.

Mr. MANN. Has there ever been a carload lot of newspaper wrappers sent out at one time?

Mr. STAFFORD. I question whether there has been a carload lot of newspaper wrappers alone; but very likely some of the large post-offices of the country, such as Chicago and New York, would make up a composite order of newspaper wrappers and stamped envelopes, and where there was a carload lot they would be sent by freight.

Mr. MANN. Does the committee know what proportion of postage stamps, postal cards, stamped envelopes, and newspaper wrappers are sent by freight, in proportion to the total quantity consumed?

Mr. STAFFORD. I can not give the gentleman that information. I do not believe we made that inquiry of the officials when they were before the committee.

Mr. EDWARDS of Georgia. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Georgia.

Mr. EDWARDS of Georgia. Are the postal cards printed by the Government?

Mr. STAFFORD. For many years postal cards were printed under a private contract at Rumford Falls, Me. They were printed there for forty or fifty years; but when that contract expired last year, bids were put in by the Government Printing Office, and the work is now being done at the Government Printing Office. I should prefer to have the gentleman defer this matter until we reach the item of postal cards.

Mr. EDWARDS of Georgia. I should like to ask the chairman of the committee whether an investigation has been made to ascertain if it would not be a great deal cheaper for the Government to manufacture these postal cards and stamped envelopes rather than to contract for them?

Mr. WEEKS. For many years heretofore, as the gentleman from Wisconsin [Mr. STAFFORD] stated, the Government contracted for the manufacture of postal cards, but recently, as a result of bids, it awarded the contract to the Government Printing Office. The character of card which it proposes to manufacture is very different from the old card. The old card cost about 21 cents a thousand, and the card that will be manufactured by the Government hereafter will cost about 30 cents a thousand.

Mr. MANN. I withdraw the point of order.

Mr. FINLEY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend, on page 20, line 10, after the words "freight or expressage on," by inserting the words "magazines and periodicals."

Amend, on page 20, line 15, after the word "all," by inserting the words "magazines and periodicals."

Amend, on page 20, line 20, before the words "postal cards," by inserting the words "magazines and periodicals."

Mr. WEEKS. Mr. Chairman, I reserve a point of order on that.

Mr. LIVINGSTON. Mr. Chairman, how will that read if the amendment is adopted?

Mr. FINLEY. If I may answer the gentleman from Georgia, it will simply add magazines and periodicals to what is in this paragraph. The department will pay the freight or expressage on magazines and periodicals, in addition to postal cards, stamped envelopes, newspaper wrappers, and empty mail sacks. It simply adds the magazines and periodicals to the items I have mentioned when in freightable lots.

Now, under the law these items when in freightable lots, except magazines and periodicals, are shipped by freight or express, so that this amendment will simply add to it magazines and periodicals.

Mr. MANN. Will the gentleman yield?

Mr. FINLEY. I will yield.

Mr. MANN. Suppose the gentleman's amendment is incorporated into law and there was a bundle of magazines to go from New York to California in a freightable lot, which means by freight or express, would it not be incumbent on the Post-Office Department in that case to send these magazines by express?

Mr. FINLEY. It could be done in that way.

Mr. MANN. Would not that be much more expensive than to send them by mail?

Mr. FINLEY. I do not know about that. I will say that the department would do what was best and cheapest in the premises.

Mr. MANN. Would the Post-Office Department be warranted in sending mail matter, magazines, by freight from New York

to California when in the ordinary course of business such freight would take from two to three weeks' time, whereas to send it by express would only take a few days' time? Would not the department feel it incumbent to send it by express, though under the gentleman's amendment it would cost more than it would to send it by mail?

Mr. FINLEY. I want to say that it would do no such thing.

Mr. MURPHY. May I ask the gentleman a question?

Mr. FINLEY. Certainly.

Mr. MURPHY. Would it not be better to pay the increased cost during the weighing of the mail?

Mr. SMITH of California. Would it not be still better to send all the mail by express during the weighing period and bring it down to a science? [Laughter.]

Mr. FINLEY. The question which the gentleman from Illinois propounds, that the department would be compelled to send it by express, is not pertinent now. The contention is that the express rates are a great deal cheaper, but I will not go into that.

I will say that this provides for sending by freight or express. Is there a man in the House here that does not know that the Post-Office Department would send it in the manner that would cost the Government the least money? As to its taking two or three weeks to send a shipment of magazines from the great publishing houses in New York to California, of course it would not take any time like that. Certainly ten days would be sufficient.

Mr. SMITH of California. By what movement?

Mr. FINLEY. By freight.

Mr. SMITH of California. Let me give the gentleman some information. When I was at home I had a carload of news paper come from some place in Wisconsin to California, and it was exactly fifty-one days from Chicago to my place.

Mr. FINLEY. That was a case of lost freight, where it had got out of the way.

Mr. SMITH of California. We uniformly give ourselves sixty days from the time we put in an order for a carload of paper until we expect to get it. It does not always take sixty days.

Mr. FINLEY. That is, a carload of paper.

Mr. SMITH of California. Yes; but that would apply to carload shipments of anything.

Mr. FINLEY. Now, Mr. Chairman, I think everybody here will agree that when the Post-Office Department ships mail matter under the present law, it ships it by freight in freightable lots, and there has been no sort of complaint that it has ever been delayed in shipment, or anything of that kind. That very fact is an argument why there would be no delay in this case. The magazines are printed thirty days ahead, as the gentleman from California knows.

Mr. SMITH of California. I think the gentleman will recognize the difference between postal cards and wrappers, which have no season, and a magazine which ordinarily gives itself not more than ten days at the outside.

Mr. FINLEY. The gentleman knows that if there was any undue delay in the shipping of postal cards or newspaper wrappers, there would have been complaints made, and they would have been brought before the Post-Office Committee, and the gentleman knows that there have been no complaints of that kind. So the question of delay cuts no sort of figure here. If you do this, it will be possible to save this Government a great deal of money. We want to pay the railroads for what they do. We want to pay them for what is necessary only. Now, the law that is on the statute books provides for the shipping of these items that I have mentioned when in freightable lots. It will not interfere with the circulation of the periodicals and magazines at all to add this to the law as it is to-day.

The amendment that I have offered does that. Magazines, practically speaking, and periodicals also, to a large extent, are printed three and four weeks ahead of the date line. Now, is there anyone here who contends that it is impracticable to ship carload lots by freight from the great publishing houses of the country over a great part of this country? And if California is so far away that it is impracticable to ship to that point, then the shipments would not be made by the Post-Office Department. So there is nothing in that contention.

Mr. COX of Indiana. Mr. Chairman, the gentleman has been a member of this committee for a great many years and has given the subject very close attention. I want to get the gentleman's opinion on this proposition: What does he say as to the postal laws now as to whether or not a publisher of magazines has the right under the law, as the law now exists, to ship his magazines by freight, upon the same principle that a man ships a carload of wheat? Has he got that right?

Mr. FINLEY. Mr. Chairman, I have made no special study of that legal proposition, but, answering offhand, I will say that I have not any very serious doubt about his right to do so.

Mr. COX of Indiana. The gentleman thinks, then, in other words, that the publisher of magazines has the same right to ship a carload of magazines by freight the same as a dealer in wheat would have the right to ship a carload of wheat.

Mr. FINLEY. Yes; I say that offhand without any special study. I say I think he can. But I think the department can preclude him from shipping and then placing his publications in the mail.

Mr. COX of Indiana. I think the gentleman is quite right. So far as my investigations are concerned on that point they have led me to this conclusion, that the publisher of a magazine has a perfect right to ship his magazines by freight just as a wheat dealer has the right to ship his wheat.

Mr. FINLEY. And they do it now.

Mr. COX of Indiana. I think so.

Mr. FINLEY. They do it at this time to a large extent.

Mr. MANN. Then, if the gentleman wants to require the magazines to be shipped by freight, why does he not propose that they shall not be received in the mail, and let the man who publishes them have control of the shipment of them by freight?

Mr. FINLEY. Mr. Chairman, the gentleman's question is a complete answer to it.

Mr. MANN. I should say not.

Mr. FINLEY. I think it is.

Mr. MANN. If the owner of a magazine is going to have his magazines shipped by freight, I can say to the gentleman he would much rather have control of the shipment and the routing of it than to turn it over to the Post-Office Department.

Mr. FINLEY. I will say this, that at present a great deal of second-class matter for short hauls is sent by express. For long hauls it is sent by mail. Now, my contention is to amend the law as it is to-day with reference to mail equipment and newspaper wrappers and postal cards, by including magazines and periodicals, when in freightable lots. I can not see, Mr. Chairman, how this will interfere with the circulation of magazines and periodicals. I can not see it in any light except that it will amount to a saving of millions of dollars to the postal service. Why, we have it that the shipment by freight to-day saves the Government $3,000,000 annually. That is the estimate, and I hope I have the attention of the gentleman from Mississippi [Mr. SISSON] now, that the shipment of these items saves to the Government $3,000,000 annually.

The cost here is $375,000 by way of freight for these items that I have mentioned, and if they were to go through the mail it would be at a cost of $3,000,000. Of course, then, we would not have the item for $375,000. So that if this amendment is passed it will amount to a great deal of saving to the Government; and if the law is enforced as it should be, and if there is a new ruling by the Post-Office Department that less than a carload lot is a freightable lot, then it will amount to many millions of dollars' saving, at least four times what it is to-day, on account of shipping newspaper wrappers and postal cards and mail equipment by freight. So I think, Mr. Chairman, that the amendment is a good one.

As to the point of order, I do not think that will lie at all. However, if the amendment that I have offered is not in order, then the paragraph in the bill that I am attempting to amend is also subject to the point of order; and if the paragraph under consideration is subject to a point of order, then certainly under all parliamentary usage any germain amendment is in order on that paragraph.

Mr. COX of Indiana. Will the gentleman further yield?

Mr. FINLEY. Certainly.

Mr. COX of Indiana. Was it not substantially the argument of Mr. Wiley, who testified before our committee on behalf of the publishers, that the immense cost of transportation of second-class matter was due to the fact, or to one of the facts, that the Government was giving them better facilities for transportation than they really needed?

Mr. FINLEY. There is no doubt about that.

Mr. COX of Indiana. Sending this heavy stuff on fast trains, when if they send it on slower trains and mail routes, it would not cost so much?

Mr. FINLEY. Not only that, but, Mr. Chairman, there would be a fewer number of railroad post-office cars required. What is the necessity for filling a railway post-office car with magazines or periodicals and shipping from New York or Boston or Philadelphia to Chicago or St. Louis or New Orleans, or anywhere else?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER of Missouri. Mr. Chairman, I ask that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ALEXANDER of Missouri. These items of postal cards, stamped envelopes, newspaper wrappers, and empty mail bags are all the property of the Government, are they not?

Mr. FINLEY. Oh, yes.

Mr. ALEXANDER of Missouri. And the Government does not send them by freight or express because the cost would be less to send them by——

Mr. FINLEY. Three hundred and seventy-five thousand dollars as to $3,000,000.

Mr. ALEXANDER of Missouri. Less than the second-class rate they would be compelled to pay the railroads?

Mr. FINLEY. There is no second-class rate iin railway-mail pay.

Mr. ALEXANDER of Missouri. Now, if a man paid the second-class rate on his magazines or newspapers, if the Government had the election to send them by freight or express, would he not in return expect the postal facilities?

Mr. FINLEY. I do not think so, Mr. Chairman, any further than this, provided the Government gave him a service that was fair, that was practical and sufficient, the publisher could not, and would not, complain. In fact, as I understand it, many of the publishers of magazines throughout the country have no serious objection to this proposition, when in freightable lots that the magazines be shipped from Boston, New York, Philadelphia, or the place of publication in the East to Chicago or elsewhere. There they might be, and would be, distributed through the mails.

Mr. ALEXANDER of Missouri. Is it not a fact, and does not the testimony before the committee show, that they send their magazines and their newspapers by freight or express at a less rate than they can send them by mail?

Mr. FINLEY. For short hauls; yes.

Mr. ALEXANDER of Missouri. Would they not exercise this election rather than pay the rate required by the postal service, and then let the Government send these newspapers and magazines by freight?

Mr. FINLEY. By the long haul?

Mr. ALEXANDER of Missouri. By any haul.

Mr. FINLEY. No; not at all. For the long haul the publishers would not do it differently than they do now; that is, where they ship at present short hauls by express or freight, or in any way they see fit except to place the publications in the mail. As for long hauls, they invariably place their publications in the mails and as a result the Government bears the burden. Wherever it is not profitable for the publisher to ship by express or freight, then they place their publications in the mails, and this is done in all cases on long hauls.

My amendment seeks to protect the Government in this matter wherever practicable. I do not want to do anything impracticable or that will affect the efficiency of the postal service, but everyone here knows that about the first week in a month magazines and periodicals are published for the following month and to a large extent the distribution begins, so it would not affect the publishers in the slightest, nor would it affect the efficiency of the postal service in the least to add this amendment to the law now upon the statute books.

Mr. CLARK of Missouri. I would like to ask the gentleman a question.

Mr. FINLEY. Certainly.

Mr. CLARK of Missouri. Now, the cost to the Government for transporting the mails depends on the length of the haul, does it not?

Mr. FINLEY. There is no question about that.

Mr. CLARK of Missouri. Has any information come to the gentleman from South Carolina individually or to the members of the Post-Office Committee that since this agitation began about this second-class matter a movement is on foot to have 12 or 15 of the biggest magazines published in St. Louis, in the heart of the continent, thereby reducing the haul of the magazines from one-fourth to one-half and thereby reducing the government expense that much?

Mr. MURDOCK. And give all the business to the express company?

Mr. CLARK of Missouri. What difference would that make, if the Government is losing at the present rate? I should think it would be glad to get rid of it.

Mr. MURDOCK. It would still have to take the magazines on the long haul.

Mr. CLARK of Missouri. There would be no long haul.

Mr. MURDOCK. Oh, yes; there would.

Mr. CLARK of Missouri. It is not more than 1,800 miles from St. Louis to any place in the country.

Mr. FASSETT. But 500 miles is the limit of the short haul.

Mr. FINLEY. The magazines, if all were published in St. Louis, would still have the same rates under the law that they have now, and still use the mails for the long haul. I do not think there is any question about that. On the short haul, whether sent by freight or express, the practice would be the same as at present.

Mr. CLARK of Missouri. I understand that the Government claims that it is losing on the second-class mail matter.

Mr. FINLEY. Yes.

Mr. CLARK of Missouri. If you reduce the length of the haul by one-fourth, one-third, or one-half, does it not reduce the expense that much?

Mr. FINLEY. There is no doubt about that.

Mr. CLARK of Missouri. Then St. Louis is the place to publish them.

Mr. MICHAEL E. DRISCOLL. Right there, in that connection, I would like to ask the gentleman from South Carolina, or anybody else on the committee, to answer this——

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that debate on this amendment be closed at 10 minutes to 3.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none.

Mr. MICHAEL E. DRISCOLL. I would like to know if it has been shown why packages can be sent cheaper by express than through the mails?

Mr. FINLEY. I will try to answer the gentleman's question.

Mr. MICHAEL E. DRISCOLL. Will the gentleman state where the line of demarcation comes in?

Mr. FINLEY. On short hauls it is cheaper to send magazines and newspapers, for that matter, by express than through the mails. The postal rate is one rate for the whole country. The express companies operate on the zone principle—so much within a certain distance. Now, when you go beyond the zone rate there is no profit in sending by express. Of course, then all that matter is dumped into the mails.

Mr. MICHAEL E. DRISCOLL. Wait a moment. You have not answered the question. What is the zone in which it is cheaper to send by express than by mail?

Mr. FINLEY. From 300 to 500 miles.

Mr. MURDOCK. Will the gentleman permit me?

Mr. FINLEY. I am afraid I have not the time.

Mr. MURDOCK. We had testimony before the committee which showed that magazines were sent by express to the middle of Missouri, 1,500 miles.

Mr. FINLEY. There is a statement on page 33 of the Postmaster-General's report of the percentage of weight of second-class matter:

Scientific periodicals, 1.30; educational periodicals, 0.64; religious periodicals, 5.91; trade-journal periodicals, 4.94; agricultural periodicals, 5; magazines, 20.23; miscellaneous periodicals, 6.25.

Altogether this makes 44.27 per cent on this class of matter, consisting of magazines and newspapers, and so forth. So that, added to the daily newspapers, it makes altogether 84.77 per cent. The following table is interesting:

From the special weighings of 1906 and 1907 estimates have been made of the per cent of weight and the average hauls of each of the several subclasses named in the statute of 1906, subscribers' copies and sample copies combined, with the following results:

Class of periodical.	Per cent of weight.	Average haul.
		Miles.
Daily newspapers	40.50	291.27
Weekly and other than daily newspapers	15.23	558.20
Scientific periodicals	1.30	903.84
Educational periodicals	.64	733.75
Religious periodicals	5.91	682.50
Trade-journal periodicals	4.94	805.32
Agricultural periodicals	5.00	566.48
Magazines	20.23	1,048.67
Miscellaneous periodicals	6.25	1,128.10

Now, Mr. Chairman, if you can so amend the law that this class of mail when in freightable lots may be shipped by freight, in no case to the detriment of the postal service, nor to the service to which the patrons of these publications are entitled, you will save from ten to twelve million dollars a year in postal expenditures.

Mr. COX of Indiana. I would like to have one minute in answer to the gentleman from New York, who propounded a very pertinent question, which it is difficult to answer. There was no dispute upon the proposition that in cases within a

radius of 500 miles the express companies can and do haul second-class mail matter at less than 1 cent a pound, which is the post-office rate. Mr. Wilder, speaking for the magazines, fixed the zone at 620 miles.

In the Postmaster-General's report the distance is stated at 633 miles. The gentleman will find that the average haul for all second-class matter does not exceed 750 miles. So you can see that there is but little difference between all the gentlemen in fixing the radius of the hauls for which the express companies charge less than the postage rates.

Mr. FASSETT. Mr. Chairman, I just want to call attention to one interesting fact. The third-class postal rate is 8 cents a pound. That is for printed matter, such as books. The second-class rate in the mail is 1 cent a pound, so that a magazine will go for 1 cent a pound, and a copy of the Bible or Shakespeare at 8 cents a pound. The express companies cut just under the postal rate of 8 cents on third-class matter, and by grouping second and third class matter together they get an average rate of from 3½ to 5 cents a pound, and thus apparently carry the second-class matter farther than the Government does at a cheaper rate. Right here is a state of facts which deserves notice.

Mr. WEEKS. Mr. Chairman, I am going to make a point of order against the amendment offered by the gentleman from South Carolina, on the ground that it is not germane to the subject, and that it is new legislation; but before doing so, I want to say that the Post-Office Committee has been giving considerable time to hearings on the subject introduced by the gentleman from South Carolina [Mr. FINLEY]. I am inclined to think that in some way, at some time, something will develop which will be beneficial to the department and the Government along that line; but it is in altogether too unfinished a condition to legislate upon without further consideration by the Post-Office Committee or the Committee of the Whole. For that reason I make the point of order against the amendment, and yield my remaining time to the gentleman from New Jersey [Mr. GARDNER].

Mr. GARDNER of New Jersey. Mr. Chairman, there is not a word in the paragraph to which this amendment is offered that is anything but directory to the department as to how it shall transfer government property. The amendment that the gentleman seeks to inject is a requirement on the part of the postal authorities to do something with one class of mail matter after it has been deposited in the mails.

The CHAIRMAN. The time for debate upon the amendment has expired by order of the committee.

The Chair is ready to rule.

The paragraph in question provides for the transportation of post-office equipments and supplies, and is restricted to them. The Chair thinks that the amendment offered by the gentleman from South Carolina is not germane, and therefore the Chair sustains the point of order.

Mr. MURPHY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 20, line 11, after the word "envelopes," insert "without printing thereon."

Mr. WEEKS. I make the point of order on that, that it is not germane to this paragraph.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts on the point of order. The Chair understands that the paragraph in the bill authorizes an appropriation for the transportation of stamped envelopes. The amendment offered by the gentleman from Missouri seems to be descriptive. The Chair will be glad to hear the gentleman.

Mr. WEEKS. I should like to have the amendment again reported by the Clerk.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. MANN. That will compel the carrying of all these stamped envelopes by mail instead of by freight or express.

Mr. WEEKS. Mr. Chairman, I should like to call the attention of the committee to the fact that if that amendment should prevail it would probably require the carrying of these envelopes by mail instead of by express or by freight and would be a very large additional cost to the Government.

The CHAIRMAN. The Chair overrules the point of order. The question is upon the amendment offered by the gentleman from Missouri [Mr. MURPHY].

Mr. MURPHY. Mr. Chairman, it has been suggested that the effect of this amendment would be to send through the mails all stamped envelopes with printing thereon. I want to be frank with the committee. On page 26 of the bill is a provision that after June 30 next it shall be unlawful for the Post-Office Department to print or sell any stamped envelope bearing upon it a printed direction giving the name of any individual, firm, or company. I anticipate that that provision will go out on a point of order. It feel confident of that, and I propose to offer in other parts of this bill this very same amendment which limits the Government in sending, distributing, or selling envelopes to those which have no printing upon them. The objection may be made that they ought to print a blank return, allowing the party who purchases the envelope at the post-office to write in the name and return address of the purchaser.

As it is now, Mr. Chairman, these envelopes are turned over and a monopoly of the printing given to one concern. When printed the envelopes are transported from the place where the work is done and delivered over to the purchaser. If you will do that for the country newspaper, if you will transport the stamped envelopes to them, and sell to them at cost, let them do the printing of the blank returns, and allow the postmasters to sell them, as you do this concern in Ohio, the printing will be done at a price which the people will be perfectly willing to pay.

It has been argued on this floor that the Government makes some money out of the sale of these envelopes. I deny that proposition. If you figure the cost of carrying them through the mail to their destination, and if you figure in the cost of printing the envelope you will find that it is a loss to the Government and that it is partially responsible for the deficit that we have to-day.

As I stated, wherever hereafter the words "stamped envelopes" appear in this bill, with the exception of where they follow in this paragraph, where they have no appropriation to send them and therefore could not send them, I shall offer an amendment "without printing thereon;" so that the Government can neither manufacture nor sell any stamped envelopes with printing thereon.

Mr. SMITH of California. Will the gentleman yield for an interruption?

Mr. MURPHY. I will yield.

Mr. SMITH of California. I suppose the gentleman is speaking in the interest of the printers. Does the gentleman think the printers would have any objection to the provision in the form in which it is written on page 26?

Mr. MURPHY. Let me say to the gentleman, when he gets to that part of the bill, I am satisfied that he will not be disappointed in seeing a gentleman rise to make a point of order against it.

Mr. SMITH of California. I have had probably as many letters on this subject as any other Member of the House, and perhaps not so many as some others. I have had a large number from printers in my State because I am in the business, and I suppose they assume that I have a fellow-feeling for them, which I have. I have been conducting a printing office for twenty-three and a half years, and a considerable and important part of the small business out of which I make my bread and butter, when I am not a statesman, is job printing, and I have never in the course of the twenty-three and a half years found a man in my zone of business who bought envelopes with the return card printed on them who would otherwise go to a local printing office and have them printed. The envelope bearing the return card is sold in very small lots out of the post-office window. Of course, that does not carry the person's name. I never knew a person in my county who had the Government print his name in connection with the return card.

And during all this winter when I have had letters from the printing offices or newspapers doing a job-printing business on the side, I have constantly asked them if they have found a customer in their respective communities who would be their customer if it was not for the Government Printing Office printing these return cards, and not one of them replied that such was the case. Of all the professional men, merchants, and all that class of people who have purchased stamped envelopes including the return card, I have never known one who patronized a local printing office instead of the Government.

Mr. MURPHY. Then, why do you not provide in this bill that the Government should furnish the uniforms to the postal carriers?

Mr. SMITH of California. I presume there is as little socialism in my blood as in any man in the House. I do not justify the printing because it is socialistic, but it has become a part of the business of the country, and it does aid the post-office tremendously in saving the duties of the Dead Letter Office.

While I favor the language on page 26 and think it goes far enough, I do not believe there is much foundation for the outcry against the present law.

Mr. MURPHY. Is there any more reason why the Government should print this private return card for the individual and for the firm and corporation or partnership than it should print their heads?

Mr. SMITH of California. I do not think so, but this does save much labor for the Dead Letter Office.

Mr. NORRIS. Mr. Chairman, I regret that my friend from Missouri has offered this amendment at this place. I think it does not accomplish what it is desired to accomplish. He wants to prevent the Government from printing the name of the individual, firm, or corporation, or box, or building, on the return card of a stamped envelope. If his amendment prevails, it will only prevent the Government from sending stamped envelopes that have printing thereon by freight or express. It will not prohibit their manufacture or their printing, and the result is that the Government will be able to do that just the same and send them by mail, with the result that the present deficit in the Post-Office Department will be greatly increased.

I want to say further to my friend from Missouri that I do not believe that it is desirable, and I understand the gentleman does not desire, to prevent the Government from keeping on hand at the different post-offices of the country stamped envelopes with the blank return printed on the upper left-hand corner.

Now, then, if we do not want to prevent the department from doing this, then we ought to permit the Government to send those kind of stamped envelopes, with that blank printed on it, by freight or express, as is most economical for the Government. On page 26 there is a committee amendment that I understand is satisfactory to the gentleman from Missouri [Mr. MURPHY], and I think it is satisfactory to a large majority of the Members of the House, which has been put into the bill by the committee itself, the effect of which will be to prevent the Government after the expiration of the present contract from printing the name of a firm, individual, or corporation upon a return card on a stamped envelope. It is true that is subject to a point of order, as the gentleman has said. I gave notice the other day that if that went out on a point of order I would offer an amendment that would have the same effect, as far as the coming fiscal year is concerned, which would not be subject to a point of order, and there can be no question but that such an amendment can be drawn, and if I get recognition I intend to offer it; so that we will reach the point there, and not interfere with the operations of the department in a particular line that, as I understand it, nobody desires to interfere with.

Mr. MURPHY. If I follow this amendment with one on page 25, in line 23, by inserting after the word "envelopes" the words "without printing thereon," does not the gentleman think that will accomplish the object?

Mr. NORRIS. No. On page 25, line 23, if you insert after the word "envelopes" the words "without printing thereon" it would prohibit the Government from keeping on sale a stamped envelope with a blank return card printed on that envelope.

Mr. MURPHY. Oh, no; it would not.

Mr. NORRIS. Yes; indeed it would; it could not have any printing. The Government would not be permitted to have on sale a stamped envelope with a blank return card printed thereon.

Mr. MURPHY. They could not manufacture them.

Mr. NORRIS. If we took that course, then we would be liable to one of the objections that the Post-Office Department has made against us for opposing the printing of a name on the return-card envelope. That objection has been made against our proposition, but, in my judgment, it has no legality and no reason for its foundation as far as applied to our objection to printing the name on a return-card envelope; but if the gentleman's amendment were put in at the place the gentleman suggests, line 23, page 25, then it would be impossible for an individual to go into the post-office and buy a stamped envelope with a blank place left to write in his name.

Mr. FINLEY. Is it not true that if the amendment of the gentleman from Missouri [Mr. MURPHY] prevails, the Government may continue to print envelopes with return cards thereon, and send them through the mail and not ship them by express?

Mr. NORRIS. Certainly they can. There will not be any question about that.

[The time of Mr. NORRIS having expired, by unanimous consent he was granted two minutes more.]

Mr. MURPHY. Mr. Chairman, I think the gentleman is mistaken about that, that they would have to send them through the mail.

Mr. NORRIS. Surely they would. They could not send them by express or freight, but could send them by mail, and thus increase the deficit.

Mr. MURPHY. The gentleman is mistaken about that. If he will read on through the bill there, he will see that they must withdraw all stamped envelopes. It does not make any difference whether there is printing on them or not.

Mr. NORRIS. If I can get permission, I will have the amendment which I propose to offer read. Why not let us get a fair test of the House on the proposition upon an amendment that will absolutely prohibit the printing of the name of an individual, firm, or corporation on a return card on a stamped envelope? In order that there may be no misunderstanding, and in order that we may reach the question fairly and without doing it indirectly, and, as I believe, ineffectually, I will send to the Clerk's desk and have read for the information of the House the amendment that I propose to offer in place of the proviso on page 26, the same being a part of the paragraph on the bottom of page 25, if the paragraph goes out on a point of order.

The Clerk read as follows:

Add at the end of line 24, page 25, the following:

"*Provided*, That no part of said appropriation be used for the payment of the manufacture of stamped envelopes bearing thereon any printed direction, giving the name of any individual, firm, or corporation or any number of any post-office box or drawer, or the name of any building, to whom or to which the same shall be returned, if uncalled for or undelivered."

Mr. NORRIS. Mr. Chairman, I submit to the gentleman from Missouri that if the amendment put in by the committee stays in, then, of course, I shall not offer the amendment which has just been read by the Clerk. If the gentleman's amendment were adopted, it would not cure the evil we are seeking to eradicate, but it would only prevent the Government from sending stamped envelopes by freight or express. They could still print the name of a person or firm on the return card on them and send them by mail under frank, and thus cost the Government an increased price for delivery, while getting no more for the product. The only effect, therefore, would be to increase the deficit in the Post-Office Department.

If the gentleman's amendment goes out and my amendment is offered and adopted, it will certainly meet the question as far as it can be met under an appropriation bill.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WEEKS. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. MURPHY].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For railway post-office car service, $5,047,000.

Mr. BATES. Mr. Chairman, I move to strike out the last word in line 25, page 20.

I desire to send to the Clerk's desk, and ask to have read in my time, a letter which I have received to-day from Mr. Underwood, president of the Erie Railroad Company, in regard to railway-mail pay.

Before it is read I desire to say that I submit the letter for the information of the committee without any comment on my own part. I do not of my own knowledge know whether the extraordinary statements that have been coming in to Members of this House during the past month, stating, for instance, that the Government is paying the railroads three and four times as much in proportion for carrying the mails as do the express companies, is true or not, but I do not believe that all sides are entitled to a fair hearing and fair consideration; and, therefore, as this letter contains matters of interest I submit it for the information of the committee. If the railroads are not receiving adequate pay they certainly should receive it. If any road is receiving an undue rate it should be reduced. I do believe, however, that the railroads perform a difficult and important service and are entitled to fair treatment and consideration.

The CHAIRMAN. Without objection, it will be read in the gentleman's time.

The Clerk read as follows:

ERIE RAILROAD COMPANY,
OFFICE OF THE PRESIDENT,
February 28, 1910.

Hon. ARTHUR L. BATES,
Representative from Pennsylvania,
House of Representatives, Washington, D. C.

DEAR SIR: We desire to call your attention to some inconsistencies in the matter of railway-mail pay, which we trust the present Congress will remedy by passing a law which will fairly compensate railroads for service rendered the United States Government in handling the mails.

The present system of paying railroads for handling United States mails was adopted in 1873, and since that date reductions in compensation have been made as follows:

July 12, 1876, 10 per cent general reduction.
June 30, 1878, 5 per cent general reduction.

March 2, 1907, 5 per cent reduction, weights 5,000 to 48,000 pounds daily.

March 2, 1907, 10 per cent reduction, weights over 48,000 pounds daily.

March 2, 1907, 16.66 per cent full postal-car pay.

June 7, 1907, 9.65 per cent general reduction by Postmaster-General's orders No. 165 and No. 412 (not authorized by Congress).

Representative Overstreet's table in the CONGRESSIONAL RECORD, March 2, 1908, page 2871, showed reductions for 1907 amounting to a total of $8,101,433.61 per annum, equal to 16 per cent of the total appropriation for railroad transportation and railway post-office cars for the following year.

The Post-Office Department has during the past two years reduced the authorization for space payment in full postal-car service, notwithstanding the fact that in many instances the larger cars were requested by the department and constructed strictly in accordance with their specifications and in the face of no diminution in the quantity of mail handled nor in the number of separations made of the mails.

These reductions in railway mail pay have resulted in great injustice to the railroad companies and have made the handling of United States mail unremunerative to the railways, it being, above all other traffic, the most exacting, troublesome, and costly to transport.

To partly correct the injustice that exists through certain acts of Congress and post-office departmental orders, we hereby ask your support of a measure which provides for a readjustment of the rate of pay for full postal-car service, and includes a reasonable car-mileage rate for the use of mail compartments of different lengths provided for the distribution of mails en route.

No car-mileage pay is allowed for the use of mail compartments, except where a full car is used for distributing purposes, and the weight of mails carried in these 15, 20, 25, and 30 foot mail compartments is so small that it frequently results that railroad companies receive as compensation an amount only equivalent to the passenger fare of the postal clerks, leaving the companies to handle the mail at stations, transport it, and furnish a separate compartment in the train for its distribution for no compensation whatever.

The justice of paying for space used for distributing purposes was acknowledged by act of Congress allowing car-mileage pay where the full car is made use of for postal purposes. In equity a pro rata allowance to the railways should be made where a part of the car is used for distributing purposes. The use of this apartment by the Post-Office Department necessitates in many instances hauling an additional car, thereby increasing the costs to the railways to an amount more than the revenue received for performing the mail service.

There are other matters of importance worthy of your consideration, in our opinion, viz:

Railroad companies are required to handle mail between trains and intermediate post-offices located within 80 rods of railroad stations. At terminals they are required to transport mail between trains and the post-office regardless of the distance. This condition creates expenditures that are equal to the total revenue from the service. In fairness, the Government should provide for this service.

The method of adjusting the rate of pay for transporting mails on the basis of weights taken once in four years is unjust, as it requires every carrier to transport the always increasing weights without just compensation for four years. The weighing of mails should take place annually, with a proper readjustment of pay.

We ask that you give the foregoing matters your careful consideration. Any further information relating to the question of railway mail pay or service will be given you upon request, or our mail representative will call and personally explain to you anything connected with the subject.

Your influence in correcting these matters is also asked on the ground of justice to a taxpayer. The taxes paid by the Erie Railroad Company during the past year amounted to $1,369,523, an increase of 56 per cent since 1898.

Your attention is respectfully called to the attached exhibit, showing the relative prices of commodities and labor, and of railway passenger, freight, and mail receipts per ton-mile, from 1898 to 1908; showing that prices of commodities increased from 100 per cent to 138 per cent in 1907; the price of railway labor per day increased from 100 per cent to 130 per cent in 1908; the receipts per passenger mile decreased from 100 per cent to 98 per cent; and that railway mail pay per ton-mile decreased from 100 per cent to 79 per cent in 1908.

Yours, very truly,

F. D. UNDERWOOD, *President.*

Mr. HUGHES of New Jersey and Mr. GARRETT rose.

The CHAIRMAN. The Chair will recognize the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES of New Jersey. Mr. Chairman, I rise for the purpose of asking the chairman of the committee a question having a direct bearing upon this other proposition that has been raised so often during the consideration of the bill by the committee, as to whether or not the railroads are getting more than they should be getting for carrying the mails. This view of the matter has occurred to me several times, and I want to offer it as a suggestion to the chairman of the committee. The Erie Railroad, a letter from the president of which has just been read, operates a number of branches throughout my district. One of those branches I am very familiar with. It is known as the "New York and Greenwood Lake Branch," running from Jersey City up into the mountains to Greenwood Lake, a distance of perhaps 40 or 45 miles.

Now, the conditions on that railroad are such that they never carry enough mail to induce them or to compel them to operate a mail car, and on many of the other branches of the Erie Railroad running throughout the northern section of New Jersey the same situation prevails. Now, this is the point I want to make: They receive no rental for the compartment cars. They receive nothing, as I understand it, for that portion of the car that they dedicate for the handling of the mails. They are paid by weight, regardless of how little space it would take for handling the mail, and I know by personal experience it actually requires very little space. They are compelled, however, to dedicate considerable space to that function. If they are being properly compensated for carrying the mails by weight and under those conditions compelling them to allot a certain amount of space, does it not necessarily follow that the other railroads, which receive this additional compensation of rental in addition to the compensation they receive for weight, are in all probability receiving too much, a matter about which, of course, I do not know and do not express any opinion?

Mr. WEEKS. Mr. Chairman, the chairman of the Post-Office Committee does not know what a correct answer to that question is. But it is his opinion that those short-line railroads—at least some of them—are receiving less than the service is worth. At the same time, the gentleman from New Jersey [Mr. HUGHES] should remember that the Erie Railroad quite likely runs trains with railway post-office cars on them, and in that way it may make up what it may lose on its short branches. The New Haven Railroad, which receives something like $650,000 a year from the Government, and which has a large number of short branches where compartment cars are used, and railway post-office cars are never used, is making the contention that it loses about $350,000 a year in transporting the mails, and it is threatening now—it is carrying the mails under protest—to bring suit against the Government for $350,000, which it claims it loses annually in conducting that service.

Of the space furnished by railroads about one-half is railway post-office cars. The other part is made up of apartment cars. No railroad receives anything for less space than 40 feet in a car.

Mr. HUGHES of New Jersey. Now, Mr. Chairman, I want to state this, in order to make the proposition as clear as I can: The Erie Railroad on its main line operates between New Jersey and Chicago; at any rate, that is as far as I have ever gone on the Erie Railroad. It operates five other branches. I have no doubt that any one of these other branches will carry more passengers and in all probability more mail than the main line, and I do not think it is possible—at least, I think it is highly improbable that it would be possible—for the Erie Railroad to make up on the main line on the mail that is hauled for any great deficiency on these branch lines; so that it seems to me it is the duty of the Post-Office Committee to determine as nearly as possible—and it must be possible—whether or not a railroad, such as the Erie Railroad, is sufficiently and adequately compensated for the work it does on these branch lines. If the railroad which does not have business enough to justify mail cars is being fairly compensated, then there is no question in the world but that the lines which are enabled to keep mail cars and receive rentals for them are being largely overpaid. If that is not true, then it necessarily follows that these lines are being underpaid, and I do not care which of these propositions is true, because I believe that if it is demonstrated that the railroads are being underpaid, that they should be properly paid, and if overpaid their pay should be reduced. And if it is demonstrated that some are being overpaid and some underpaid, then something should be undertaken to equalize the rate of pay.

Mr. WEEKS. Mr. Chairman, I am in perfect harmony with the expression made by the gentleman from New Jersey. We have just within an hour made an appropriation of $10,000 for the tabulation of certain statistics which I believe will give to the Post-Office Committee information which will enable it to come to a reasonable conclusion in regard to this question.

Mr. GARRETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 20, after the word "dollars," in line 25, insert:
"*Provided*, That no part of this amount shall be paid for rent or use of any car which is not sound in material and construction."

Mr. GARRETT. Mr. Chairman, I certainly do not wish to try the patience of the chairman of the Post-Office Committee——

Mr. WEEKS. You can not do it.

Mr. GARRETT (continuing). Or the Committee of the Whole, but I really feel very deeply upon this subject of having sound cars in which the railway mail clerks do business. Now, it may be that I feel more deeply than I have in the past, because of a heartrending scene witnessed of two dead and mangled mail clerks drawn from a car which had been in use twenty years and which was crushed in a wreck—two young men that I knew well and that I liked well. I wish to reiterate what I said here a few moments ago——

Mr. COOPER of Wisconsin. Does the gentleman say that the car had been in use for twenty years?

Mr. GARRETT. That is my understanding.

Mr. MANN. The gentleman remembers that he opposed replacing revenue cutters that had been in use forty-five years?

Mr. GARRETT. But the revenue cutters were not run by postal clerks.

Mr. MANN. But there were sailors on them who might lose their lives.

Mr. GARRETT. That proposition was an entirely different proposition from this.

Mr. MANN. Of course.

Mr. GARRETT. We paid nobody for the use of the revenue cutters. However, I am not going into that, and the gentleman from Illinois knows quite well that there is a very decided difference in the two propositions. If he does not, the people do, and so it is no matter whether he knows or not. I shall reiterate what I said a while ago. In the section in which I live within the last year there have occurred three wrecks.

In one of them the postal car was crushed and the car, according to my information, had been in use for twenty years, and the clerks were killed. On another road, in the same section, another wreck occurred, and I have been informed that the car had been in use for twenty years. I am told that there is hanging in the office of the railway-mail clerks, in the city of Memphis, a plank taken from that crushed car which is rotten, and the defects of which were covered up by paint. Within the last six weeks, on another road in the same section, another wreck occurred in which four postal clerks were seriously injured; and the car had been in use for twenty years and was practically worthless. I do not believe that the Government ought to pay rent, and I do not believe it ought to permit its servants to go into such cars to work; and they ought not to pay rent for any car that is unsound in material or construction.

Mr. WEEKS. This question has been considered by the Committee of the Whole within an hour, and the amendment of the gentleman from Tennessee was voted down. Ninety per cent of the cars now in use have been built within ten years, and the proportion, if there are any cars not suitable for service, is very small. But as the gentleman feels so strongly on this question, believing it does not make any reflection upon the department, disavowing any suggestion that the department is allowing cars to be operated of the description the gentleman suggests, I will not vote against the amendment offered by the gentleman from Tennessee.

Mr. NICHOLLS. Mr. Chairman, I desire to amend the amendment by inserting the word "sanitary" before the word "sound."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Before the word "sound" insert the word "sanitary."

Mr. NICHOLLS. Mr. Chairman, according to what I have read regarding this subject, I believe there is need of more careful attention being given both to the matter of sanitation in these cars and to the matter of having sound cars in use. I read testimony to the effect that some of the railroads are installing steel cars that are entirely satisfactory to the men who have to work in them, and that other companies have not furnished those cars, and that as the train passes along at a high rate of speed sewage has been blown up into the drinking tanks. For that reason this amendment should be adopted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SHARP. Mr. Chairman, I move to strike out the last word. I notice, commencing in line 5, on page 20, there is a provision appropriating $10,000 for tabulating and arranging certain information relative to the operation, receipts, and so forth, of railroads carrying the mails. I should like to ask whether that contemplates the procuring of information relative to the cost of operating these cars in carrying the mails and to the rental of postal cars?

Mr. WEEKS. I understand that it does.

Mr. SHARP. I should like to ask further whether there has been any testimony adduced before your committee on the subject of the Government owning its own postal cars?

Mr. WEEKS. That question was asked of the Postmaster-General, and he sent the following reply:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 3, 1910.

Hon. JOHN W. WEEKS,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

MY DEAR SIR: Your letter of the 21st ultimo, transmitting a copy of House resolution 295, introduced by Mr. SHARP, requesting the Postmaster-General to submit to the House of Representatives the result of any investigation that may have been made by his department regarding ownership by the Government of post-office cars, and report what action, if any, has been taken contemplating such ownership, and requesting that I give the matter early consideration, has been received.

In reply, I have the honor to inform you that no formal investigation of the subject of government ownership of railway post-office cars has been made by the department. However, some years ago some information was secured by the General Superintendent of the Railway Mail Service, which is set forth in his testimony before the Postal Commission in Part 2, at page 679, of the volume entitled "Railway Mail Pay; Testimony Taken by the Commission to Investigate the Postal Service." No action has been taken by the department contemplating the ownership by the Government of such cars.

Yours, very truly,

F. H. HITCHCOCK, *Postmaster-General.*

Mr. SHARP. Mr. Chairman, I am very well aware that the subject of the Government owning its own postal cars is quite an old one. There is nothing new in it. I claim no originality in its revival by the introduction of the following resolution which I introduced in Congress a number of weeks ago bearing upon this subject and asking the Postmaster-General for certain information in reference thereto; but it is because it is an old subject, and because it was recommended by a distinguished Postmaster-General, the Hon. William F. Vilas, nearly twenty-five years ago in the strongest terms that I now wish to bring it up for consideration or discussion, at least, at this time.

House resolution 295.

Whereas, according to the recent annual report of the Postmaster-General, there was incurred an expenditure of about $4,700,000 during the past fiscal year for the use of railway post-office cars, constituting one of the chief burdens in maintaining that service; and

Whereas it is believed, from results obtained from a similar policy adopted by private shippers and carriers, that the Government could greaty profit by owning its own mail cars, the annual rental of which in some years has approximated the value of the cars, thereby also adding to the comfort and safety of a large number of high-grade employees who, from the nature of their employment, are necessarily exposed to unusual danger; Therefore be it

Resolved, That the Postmaster-General be respectfully requested to submit to the House of Representatives the result of any investigation that may have been made by his department regarding ownership by the Government of post-office cars, and report what action, if any, has been taken contemplating the same.

In answer to this resolution and for the promise of reporting the same out to the House, I wish to thank the genial chairman of the committee [Mr. WEEKS]. The Postmaster-General, as appears in his reply above quoted, briefly referred to an investigation by a commission appointed about ten or a dozen years ago on the subject of government ownership of postal railway cars. Upon following that line of information a little further and finding out just what testimony was there adduced, I was surprised to find that what seems to be a very important subject was dismissed at that time with little or no discussion by the commission and by Mr. James E. White, General Superintendent of Railway Mail Service, in a very few lines. But I was impressed by the fact that that testimony, in so far as it related to expense of maintaining the postal cars, thoroughly corroborated the estimates of Postmaster-General Vilas made nearly twenty-five years ago.

Mr. White, in his testimony before that commission, gives the following figures as to the cost of maintaining these postal cars: Lighting, $275; heating, $365; cleaning, water, and ice, and so forth, $365; repairs, $350; life of car, fifteen years; value of car being estimated at $6,000, or $400 per annum. These items all have reference to annual charges. The total only makes a figure of $1,756, which may be charged up against the expense of owning, maintaining, and operating these cars and refunding back at the end of fifteen years, the supposed life period of a car, all that it originally cost. I have been interested during the last few days in the arguments advanced by the Postmaster-General's department to the effect that we ought to have a new additional post-office in the city of Washington, estimated to cost something like $3,000,000. In advocating this a distinguished Senator at the other end of the Capitol has used the argument that we could issue bonds, which would not be a charge on the Government of more than 2½ or 3 per cent per annum and would save to the Government about 15 per cent per annum on the amount involved, which we now pay for the rental of outside buildings for the use of this department.

Now, it seems to me, Mr. Chairman, if it is good to economize in that particular line of the Post-Office Department, it is equally wise to give a very thorough investigation to this matter of the government ownership of the railway postal cars.

Here is what Postmaster-General Vilas reported upon this subject in the year 1887, and it would seem to me that his arguments are as applicable to the present conditions as to those with which he had to deal during his administration of the Post-Office Department:

Among the possibly desirable amendments of present methods there appears to be one step of great advantage to the Government, one preparatory to any more radical change, which may be immediately taken without the least injustice to the roads. I append a table (Appendix D) showing all the lines of railway on which separate postal cars were, on the 30th of June last, run for the additional pay, their respective

lengths, number of trips, annual mileage, number of cars in use and in reserve for contingencies, the size of such cars, average weight of mail, annual transportation pay, annual post-office-car pay, and total compensation; and the whole recapitulated in a summary exhibit. Careful inquiry discloses that very many of these cars, such as they are, would not cost to build $3,000 each; that the best 50-foot cars can be built for $4,000 to $4,500 each, a new 60-foot car equal to the most complete and handsome now in the service for not over $4,600; and that taking together all the post-office cars in the United States, their average value does not probably exceed $3,500; certainly not much more.

Pursuing the inquiry into the cost of cleaning, heating, lighting, supplies of oil, ice, dusters, scrub brushes, soap, lamp fixtures, pails, and other minor articles of daily use, embracing all necessary labor, and including ordinary repairs, it appears that $60 per month for each car in use is an ample provision. The appended table shows that all the post-office cars in the service of the department number 432, of which but 342 are in ordinary use and 90 are in reserve on different lines for contingencies. It is within bounds to affirm that all these might be to-day purchased or their duplicates manufactured for $1,600,000; add for cleaning, etc., as above, at $720 per year each for 342 in use, $246,240, the total is reached of but $1,846,240. Yet simply for the use of these cars for the last year, including cleaning, etc., the department was under the annual rate of charge by the existing system of $1,881,580, and the estimate deemed necessary to submit in prudent provision for the coming fiscal year, on the same basis, is $2,000,000.

* * * * * * *

Instead, then, of appropriating $2,000,000 to rent the use of these cars for the coming year, why should not the appropriation be of a smaller sum to buy them, and of another, say $250,000, for their keeping, the two together not aggregating the proposed rent? The department will thereafter gain at least $1,500,000 per year while sustaining the cost of casualties.

* * * * * * *

It can not be objected that the department is unable properly to assume the charge of these cars. The department can easily discharge these functions. It might receive the custody of all the cars in the service and thenceforward care for them on a month's notice. With moderate addition to its force, the railway mail office can provide for the manufacture of all necessary. Whatever may be done by any private hands may as well be done by the department.

Ownership by the Government of its postal cars can not but much relieve the difficulties of the compensation problem. So far as they are concerned, their transportation may be compensated, doubtless, by the payment of a just price per mile for the distance each car is run, upon a scale not difficult to arrive at fairly, to be accompanied with simple provisions for the protection of the mutual rights of the Government and the transporting companies. The advantages and convenience of such a system will find many strengthening arguments which are not now enlarged upon. Provisionally, the continuance of the present rate of payment would be more than just, as has been demonstrated.

Of course the Government Railway Mail Service has greatly increased since Mr. Vilas's report, the number of postal cars having substantially doubled during the twelve years preceding the time at which the commission above quoted made its report. Since the latter date there has been a further similar increase in the number of such cars until there are at the present time something over 1,100 of them in active use and more than 100 kept in reserve. Then, too, the cost for the construction of the more modern mail cars would be much in excess of the amount estimated by Mr. Vilas. But if the size of these figures has been greatly increased since that time, so, too, has been the compensation paid to the railroads for the rental of railway post-office cars, rendered necessary by the tremendous growth of the mail business in recent years. The amount of appropriation for this purpose called for in the section just read is about three times the total annual rental paid in those years back in Mr. Vilas's régime. In other words, the annual rental at the rate asked for in this bill would certainly amount to enough at the end of two years to buy outright, at a fair price, all the mail cars now in use, in addition to lighting, heating, and properly maintaining them.

I listened with much interest to the gentleman from Tennessee [Mr. GARRETT] in reference to his proposed amendment to compel the railroads to furnish safe and first-class mail cars. I do not think that he overdrew the arguments in favor of safeguarding the lives and providing for the comfort of that great army of faithful public servants, the railway mail clerks.

It is a well-known fact that few kinds of employment are more hazardous, and the long list of the names of dead and seriously crippled men engaged in that service testifies to the risks encountered. Indeed, the very zeal of the Government to transport mail with the highest speed and the competitive tests demanded of the railroads only increase the hazard assumed by these faithful public employees; and, together with the brave fireman and engineer at the throttle of their engine, in case of accident the brunt of the peril is thrown upon them. Not too generously paid at best at a time when their salaries have but two-thirds of the purchasing value of years past, too much care and concern for the safety and comfort of this class of men can not be manifested by our Government. I refer to some of these facts because I can not but feel that if the Government should now commence to adopt the policy of building each year a certain number of its own postal railway cars, better care in their construction, both with reference to safety as well as comfort, convenience, and sanitation, would result.

I very much hope that the Post-Office Department, in gathering the statistics to which the chairman refers and tabulating the same, will not lose sight of what seems to be another important phase of this question and which may shed not a little light upon the advantages of government-owned cars. I refer to the practice long in use by many large private business concerns of owning their own transportation cars. These companies transport many different kinds of commodities, ranging from oil and chemicals to food products, and it would seem to me that the policy which has evidently been demonstrated as the most economical system of transportation by these successful companies could be well tried by our Government in transporting its mails.

So, Mr. Chairman, in conclusion let me say, without the slightest reflection upon this very able Post-Office Committee, that has gone so thoroughly and carefully into all the many and varied questions involved in this bill, that it seems to me the Post-Office Department in years past has at least shown a lack of concern in not having given a far more thorough examination of the merits of a question of such importance in the economical administration of its affairs.

Mr. WEEKS. Mr. Chairman, I have a letter in my hand from the Postmaster-General relating to the cost of the railway post-office cars, which I would like to have printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The letter is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 2, 1910.

Hon. JOHN W. WEEKS,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

MY DEAR SIR: In response to your inquiry made of the Second Assistant Postmaster-General in regard to the cost of maintaining and operating railway post-office cars and its relation to the compensation received by railroad companies for the same and your reference to the speech delivered by Senator Vilas on the subject in the United States Senate, February 13, 1895, I have the honor to advise you as follows:

The department has not at this time sufficient information upon this point to give from its own records a reliable estimate. As you are aware, we have recently asked railroad companies to submit answers to inquiries with reference to the cost of operating the mail service, and it is believed that when these shall have been received we will be in a position to furnish such information. Inasmuch, however, as it may be of importance to you to have estimates made from time to time by others and such incomplete information as we have at present, I submit the following:

The cost of operating a railway post-office car has been variously estimated (but not officially by the department) as from 15 to 30 cents a car mile. The average run per day of such a car is about 300 miles. Estimating the cost at 18 cents a car mile, the total cost of operating such car for one year would be $19,710.

The specific items which constitute this total cost are not definitely known to the department. However, as to the cost of lighting, cleaning, repairs, etc., the General Superintendent of Railway Mail Service furnished the following estimates before the commission to investigate the postal service in 1899, viz: Lighting, $276; heating, $365; cleaning, water, ice, oil, etc., $365; repairs, $350; proportion of original cost of car (estimating the life of a car at fifteen years and the original cost at $6,000), $400; total, $1,756. Recent inquiry gives the following as the approximate cost of maintaining a car at the present time: Lighting (electric), $444; heating, $150; cleaning, $360; repairs, $300; oil and brasses, $120; interest on cost of car (at $7,500), $300; annual deterioration (estimating the life of a car at twenty years), $375; total, $2,049. These figures give the cost of a car built according to the department's standard specifications. The cost of modern steel cars being built by some of the railroad companies is from $14,000 to $15,000.

The compensation received by a railroad company for operating a car and carrying the mails in it would be approximately as follows:

The pay for a 60-foot car at $40 a track mile per annum, for a track mileage of 150 miles, would be $6,000. The average load of a 60-foot car, according to statistics obtained recently, is 2.83 tons. The rate per ton of an average daily weight of 50,000 pounds carried over the route is $25.06. At this rate the company would receive $10,637.97 per annum for the average load of mail hauled in the car. This sum added to the specific rate for the railway post-office car ($6,000), makes the total pay for the car and its average load $16,637.97 per annum.

Senator Vilas's argument was based upon the theory that the rates fixed for railroad transportation alone, based on the weights of the mails carried, are adequate compensation for all services rendered, including the operation of railway post-office cars, and that, therefore, the railroad companies would be required to operate postal cars owned by the Post-Office Department for the compensation allowed by law for the weight of mails alone, including apartment-car space and facilities. Such theory is not justified by the facts, as will appear from the following:

A careful perusal of the debates in both Houses of Congress which led to the enactment of the present law fixing the rate of pay for railroad transportation of the mails and for railway post-office cars clearly indicates that the additional compensation for railway post-office cars was intended to cover the additional expense imposed upon the railroad companies for building, maintaining, and hauling such cars. The companies at that time insisted that these cars, which were practically traveling post-offices, did not carry a remunerative load, and that therefore the amount of pay, based on weight, did not compensate them for their operation. This led to the specific appropriation for railway post-office cars. In this connection it should be borne in mind that the purpose of the railway post-office car is to furnish ample space and facilities for the handling and distribution of mails en route. Therefore the space required is much greater than would be required for merely hauling the same weight of mails.

In regard to any proposal for government ownership of postal cars, other facts as well as the above should be given consideration. Such cars must be overhauled, cleaned, and inspected daily. It would be necessary to either arrange with the railway companies for this service or for the department to employ its own inspectors, repair men, and car cleaners at a large number of places throughout the country, which would probably be more expensive than the cost to the railway companies in that respect at present. It would hardly be feasible to establish a government repair shop. Therefore the department would be compelled to use the shops of the several railway companies throughout the country. Without the closest supervision and attention of the Government's inspectors it could scarcely be expected that our cars would receive the same consideration in railroad shops as those owned by the railway companies. These shops are frequently congested, and it is probable that the railroad work would be given the preference.

Yours, very truly,

FRANK H. HITCHCOCK,
Postmaster-General.

Mr. HAYES. Mr. Chairman, I move to strike out the last word, in order to ask the gentleman from Massachusetts a question or two. I want to ask him in regard to the cost or earning power of these cars. All the matter that has been discussed here is quite confusing to me. I would like to know what a car running from New York to Chicago, for instance, earns per mile—the gross earnings.

Mr. WEEKS. I think that information is included in the letter I have just sent to the Clerk's desk.

Mr. GARDNER of Michigan. It is $40 per mile.

Mr. HAYES. I mean including the charge of the railroad company.

Mr. GARDNER of New Jersey. On a car carrying 5,000 pounds it would be about $280.

Mr. HAYES. Running from New York to Chicago?

Mr. GARDNER of Michigan. From New York to Chicago and back.

Mr. HAYES. And how many mail clerks?

Mr. GARDNER of New Jersey. Six.

Mr. HAYES. What is the fare of the passenger from New York to Chicago?

Mr. GARDNER of New Jersey. Eighteen dollars, I think; about that.

Mr. HAYES. So that seven passengers in the passenger car immediately in the rear of the mail car would return to the railroad company about as much money as they get for carrying the mail car.

Mr. GARDNER of New Jersey. The pay of that car is $40 per mile per annum. Now, if that car could run from New York to Chicago and back every day in the year the car would earn $40,000. If you assume that one car could travel from New York to Chicago and back again three hundred and sixty-five days in the year it would earn $40,000; that is, $40,000 per year for 1,000 miles of track.

Mr. HAYES. I want to get some basis, so that we can compare other similar service.

Mr. GARDNER of New Jersey. That is in an alleged speech which I made in the House last Saturday, as between Philadelphia and Chicago.

Mr. HAYES. Is that speech in the RECORD?

Mr. GARDNER of New Jersey. Yes. My recollection is that the passenger car earns considerably in advance—I know it does—of the postal car. A passenger car carrying 13 passengers earns more than a mail car. An express car returning to the company 60 per cent of its earnings pays considerably more than a mail car.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent to return for a moment to the amendment offered by the gentleman from Tennessee [Mr. GARRETT] and amended by the gentleman from Pennsylvania [Mr. NICHOLLS], in order that a correction may be made which the present wording requires.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WEEKS. I now offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "sanitary" insert a comma and the word "and."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Railway Mail Service: For 13 division superintendents, at $3,000 each; 13 assistant division superintendents, at $2,000 each; 5 assistant superintendents, at $2,000 each; 19 assistant superintendents, at $1,800 each; 141 chief clerks, at $1,800 each; 301 clerks, class 6, at not exceeding $1,600 each; 1,491 clerks, class 5, at not exceeding $1,500 each; 628 clerks, class 5, at not exceeding $1,400 each; 2,757 clerks, class 4, at not exceeding $1,300 each; 2,251 clerks, class 4, at not exceeding $1,200 each; 6,403 clerks, class 3, at not exceeding $1,100 each; 2,775 clerks, class 2, at not exceeding $1,000 each; 600 clerks, class 1, at not exceeding $900 each; 600 clerks, class 1, at not exceeding $800 each; in all, $20,549,175.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. I desire to call the attention of the committee to the paragraph covering page 21 and occupying 25 lines. It is, to my mind, an expression of the highest industrial development in the world. It represents the Railway Mail Service. A man in the Railway Mail Service is the finest skilled workman in the world, in my opinion. The whole service in the United States has attained an average of efficiency of 98.65 per cent. Each man in the Railway Mail Service is not only a workman of skill, but he is also a student. He is regularly put through a most rigorous examination. He must not only know the stations in the States, the 60,000 post-offices in the United States, but he must keep himself constantly informed as to all the changes of schedules of trains. There are men running between Syracuse and Cleveland who know whether to throw a letter directed to a town in central California north or south to obtain for it the quickest dispatch across the country.

There are men running from New York to Washington on the railway postal cars who know more about the post-offices of North and South Carolina than do the Members of this House who hail from those States. There are men running from New York to Pittsburg who know more about Kansas and the towns in it and the counties in which they are situated and the way they are reached by the mail trains than do the men who represent the State of Kansas in this body. This is the finest service in the world. It is at the very tiptop of the whole industrial organization of the United States. Other branches of the postal service halt at some time in the day. This service goes on continuously. There are men in it who work for thirty continuous hours.

Mr. MANN. The gentleman means they are on service for that length of time.

Mr. MURDOCK. They are on service for thirty continuous hours. Strike down for one day the Railway Mail Service and the whole postal system would fall. Strike it down for a single twelve hours and the commerce of the United States would halt. The men in this service are skilled not only in hand, but in mind. Now, for the first time in the history of this Government, in the section of the bill following the one under consideration, an attempt is to be made by the committee to give those men an expense allowance of 75 cents a day when they have been out twelve hours in the service. [Applause.] That plan is reported unanimously by the committee. The proposition may have a point of order made against it. I sincerely hope, and more deeply than I have ever hoped on any single item I have ever had anything to do with in this House, that not a single man in this House will raise his voice against the proposition. [Applause.]

This Government has a corps of the most skillful men in the world. There has never been an army or a navy or a commercial organization of 16,000 men which has exhibited the efficiency that this body of government employees do. They are not paid excessively. Their salaries range from $800 to $1,600 a year. They occupy, as has been said repeatedly here to-day, the most hazardous place on the train. Three or four days ago, out in the West, when the cars of a railroad train went into the ditch they carried with them eight men in the postal cars, and to their death. This House ought to be appreciative of good service. It ought to help these men out. It takes unanimity of sentiment amongst us to keep this proposition in the bill, and I want to see that unanimity here. I would be for this proposition if it stood alone, but we are doing some things for other portions of the service along similar lines.

In city delivery we spent $965,000 for horse hire, and for vehicles and for car fare and bicycle allowance, $460,000. In the inspector service we give a per diem of $325,000 annually and livery hire of $50,000; traveling expenses for the chief inspectors and inspectors in charge, $25,000; to the assistant superintendents we give a traveling expense of $18,000 annually; in the service for special-delivery letters, $3,000 annually; in the special-delivery service we give a car-fare allowance of $13,000 annually. That is, in all those branches in the way of traveling and similar expenses we expend annually $1,816,000. All we are asking for the postal clerks in the railway mail trains in this bill this year is $250,000, and I hope that no man here will raise his voice against it. [Applause.]

Mr. SPERRY. Mr. Chairman, I have not since I have been here this winter spoken except in committee in relation to our postal business. It is a business that you ought to cherish and care for to the extent of your ability. I do not believe that you know the full extent that you are indebted to the railway mail clerks and the business that they perform for you while you sleep comfortably in your beds. What was said of them by my friend who is on the Postal Committee, the encomiums which he paid those railway clerks, are richly deserved, and no higher compliment could be paid. And I hope, as he has said, that this legislation which is proposed by the committee will be

adopted, and if a point of order is raised I hope it will not be acceded to. Do what you ought to do, do the best you can for a body of men than which are none more faithful and efficient, and the people of this country will applaud and commend. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment of the gentleman from Kansas [Mr. MURDOCK] will be considered as withdrawn.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last two words in order to state that the sentiments uttered by the gentleman from Kansas [Mr. MURDOCK] and the gentleman from Connecticut [Mr. SPERRY] have my sincere approval; and I hope that nobody, at least on this side of the House, will make a point of order against this provision.

Mr. MANN. Nobody over there will have the nerve to do it.

Mr. HUGHES of New Jersey. I do not care what qualifications they lack, but I hope they will not make it.

Two or three years ago I offered an amendment of substantially this character, which was subject to a point of order, and, as I recollect, the point of order was made, and then I cited a case that came within my personal experience and a case that caused me to offer and support the amendment which was then offered.

It was that of a railway mail clerk upon one of these branches of the Erie that have been referred to this afternoon. In addition to being compelled to travel on the Erie Railroad, somewhat of a punishment in itself, this young man received a salary of, I think, $675 a year, and was compelled to remain at the end of the line every night when he had finished his run. It was impossible for him to get back home, and, as he explained the situation to me, he was the son of a widowed mother, living in Jersey City, paying rent there and supporting his mother, but every night was compelled to go to a summer hotel and pay for his lodging, pay for his supper that night and his breakfast the next morning.

Mr. MANN. When was this?

Mr. HUGHES of New Jersey. I think it was prior to the last increase in the railway-mail pay. I think my remarks will show that I do not claim that exactly this condition exists now.

Mr. MANN. I understand, but I wondered how long ago it was.

Mr. HUGHES of New Jersey. It was some two or three years ago. I referred to the matter before on the floor of the House, and the gentleman from Wisconsin took issue with me in regard to the amount of salary paid. But whatever the merits of the proposition were then, I will not raise it now, and I will not say now what this man was receiving or what the man who is on that run now is receiving, and I will admit that it is one of the lowest-paid runs in the service. But to-day whoever has that run is compelled to finish up at the mountain end of the New York and Greenwood Lake division. The service is not in effect in the winter time. He must go there when the hotels are full. How this man was able to pay his way is beyond my comprehension, because I had some experience as to the charges made by the hotels in the summer time at that place in that particular year. The man now receives, I think, $800 a year, and every day that he works he has to pay out of his own pocket for his supper, his lodging, and his breakfast. Now, Mr. Chairman, while perhaps this legislation is not of such a character that it will suit the individual exigencies of each case, yet it will help a man situated like this.

If it is true, as perhaps it is, that it will help men who do not really need it, because they are getting salary enough to enable them to meet an occasional additional expense of this kind, yet it will reach a great number of cases; it will help a great number of poorly paid men who are now sent out and who have no option as to where they are to go or when they shall return, and who do not receive salary enough to enable them to discharge this additional expense, forced upon them by the service, in addition to their fixed expenses and charges at home. I sincerely hope that the provision will be permitted to remain in the bill. [Applause.]

Mr. BARTLETT of Georgia. Mr. Chairman, I make a pro forma amendment for the purpose of making some remarks on the subject of the railway-mail service generally and the cost of handling the mail. In the Postmaster-General's report, on pages 26 and 27, the cost of handling the several classes of mail is gone into in detail. I merely want to call the attention of the House to a matter which sometimes heretofore has been called attention to by Members, as to the use of the franking privilege, and its cost. The country, through misinformation, has been impressed with the idea that the deficit in the handling of the mails was caused in a great measure by the franking privilege accorded to Members of Congress by the law. That misinformation has been conveyed to the country, as if the franking privilege was alone used by Members of Congress, and the great sum of $64,000,000 of deficit was caused by the franking privilege. This has been mainly charged by those who are in a great measure the beneficiaries of the cheap rates on certain classes of second-class matter, and to which the Postmaster-General and the President attribute the deficiency.

Now, I find on page 27 of the report of the Postmaster-General, in discussing these matters, he says:

INQUIRY AS TO THE COST OF RAILROAD MAIL TRANSPORTATION.

Of the expenditure for the transportation of the mails about $45,000,000 a year is for carriage on railroads at rates based on the weights carried. About $4,700,000 a year in addition is paid for the use of railway post-office cars. The fundamental law under which adjustments are made was passed in 1873. The rates then fixed have been reduced from time to time by acts of Congress and by order of the Postmaster-General. Congress reduced the rates for transportation 10 per cent by the act of 1876, an additional 5 per cent by the act of 1878, and an additional 5 per cent for weights above 5,000 pounds and less than 48,000 pounds, and about 5.2 per cent for weights above 48,000 pounds by the act of 1907, which also reduced the pay for railway post-office car service. The effect of the Postmaster-General's order of June 7, 1907, requiring the use of the full number of days in the weighing period as a divisor for obtaining the average daily weights of the mails, was to reduce the compensation for railroad mail transportation between 8 and 10 per cent. The act of 1876 provides that land-grant railroads shall be compensated at 80 per cent of the usual rate.

Upon investigation it will be found that we pay the railroads more for carrying the mails than the express companies charge for carrying freight or packages.

These are the matters that should and do merit the attention of those disposed to criticise the Members of Congress and untruthfully allege that the use of the franking privilege by Members in any way contributes to or causes the present large deficit in the Post-Office Department. It is time for the people to know the truth and not be misled by misinformation or untruthful statements.

Now, it is not fair or true, on the contrary, it is bearing false witness to the country, to say that this great deficit of some seventeen millions of dollars of expense incurred by the Government in handling the mail is due to the franking privilege used by the Members of Congress. For instance, I find free congressional "franks," $518,385.45; free departmental "penalty," $5,219,661.45, making for mail "franked" by Members and sent out by the various departments, $5,738,046.10. So, of the nearly $6,000,000 which the Government pays for the transportation of frank and penalty mail matter, only one-tenth of that sum can be charged up to the Members of Congress for the use of the franking privilege in sending out official documents, official letters, seeds, and so forth—in effect sending out their letters, public documents, and the distribution of seeds to their constituents. I want to put these figures in the RECORD; to deny and dispute the information that has been spread broadcast over the country by newspapers and other persons interested in deceiving the people, that this great deficit in the Post-Office Department was due to the use of the franking privilege by Members of Congress, because such is not the fact.

Says the Postmaster-General in his last annual report in reference to the revenue and expense in the Post-Office Department:

The entire work was placed in the hands of a special committee directed to determine the best method of making the estimates and to prepare them. The final report of the committee was submitted in November, 1909, and presents estimates of revenue and cost based on the postal receipts and the total expenditures on account of the postal establishment for the fiscal year 1908, as follows:

Revenue, expense, and profit or loss for the several classes of mail and the registry, money-order, and special-delivery services.

Item.	Revenue.	Expense.	Profit.	Loss.
Classes of mail:				
First	$132,304,844.51	$78,630,649.89	$53,674,194.62	
Second	9,066,043.61	73,194,070.52		$64,128,026.91
Third	25,556,111.37	28,785,633.49		3,229,522.12
Fourth	7,755,921.70	5,659,732.19	2,096,189.51	
Free congressional ("franked")		518,385.45		518,385.45
Free departmental ("penalty")		5,219,661.65		5,219,661.65
Foreign	8,585,564.24	6,080,553.53	2,505,010.71	
Special services:				
Registry	* 2,889,912.80	6,768,437.41		3,878,524.61
Money order	3,946,813.78	4,015,206.52		68,392.74
Special delivery	1,373,451.40	1,233,164.35	140,287.05	
Total	191,478,663.41	210,105,495.00	58,415,681.89	77,042,513.48
Net loss				18,626,831.59
Amount paid ocean steamship companies under contracts, in accordance with act of March 3, 1891, for ocean mail service, in excess of amount which would have been allowed had the carrying steamers not been under such contracts				626,261.04
Total deficit				19,253,092.63

* Fees only.

From this it will be seen that the great loss was sustained in the carrying and handling through the mails of second-class matter, to wit, a loss of nearly $65,000,000, nearly $59,000,000 more of loss to the Government for carrying second-class matter than is paid for carrying all the official mail of the Government, including that carried under the franks of the Members of Congress, Senators and Representatives. Why, I know instances where iron letter boxes have been sent through the mails by the government officials, when it was cheaper to send by express. The Members of Congress are not chargeable for any great expense upon the Government in the use of the mail by exercise of the franking privilege. One-tenth only of this sum is chargeable to them. I apprehend that if an investigation were made of the circumstances where any Member of Congress had abused this privilege, it would be found that instances were very rare indeed, and wherever it may be done, and the frank had not been properly used, it had been franked on the idea that the Member had the right to frank it under the law, and it was the decision of some post-office official construing a regulation of that department. Take the Members franking the labels for the distribution of seeds and documents. They were held up in the post-office here at Washington. Mine were not, because mine were sent by express and as baggage. I received a circular notice from the Agricultural Department saying that it had been informed by the postmaster of this office that numbers of franks of Members which were upon labels for the distribution of seed were held in the post-office for postage under a ruling that these were not frankable.

It is a construction which, in my judgment, is not authorized by law. It is simply authorized by a regulation of the Post-Office Department, and if it is a correct construction and a proper regulation of the post-office, the Post-Office Committee, it occurs to me, ought to have corrected it by an amendment to this bill, because neither the documents nor seeds which are allotted to the Members can be distributed unless they bear the properly addressed labels, and to compel the Members to pay postage would put upon them an expense never contemplated they should incur when they are simply discharging an official duty to their constituents, and it is an expense that I am sure our constituents would not require of us.

As a Member of the House, who has been here for fifteen years and watched the course of Members closely, I am satisfied that these widely circulated charges of the general abuse by Members are utterly unfounded and that the instances of such abuse have been very rare, indeed.

I call the attention of the House and of the country to this subject for the purpose of showing that the largest portion of the mail matter which the Government sends through the mail, for which it pays $5,700,000, is not chargeable to Members of Congress, but is properly chargeable to the departments for sending out the official mail, and what is required to be done by them I apprehend in the proper discharge of their duties to the people of the country. There may be abuses in this regard, but let the blame fall on the proper officials, and not improperly be charged up to the Representatives of the people.

The Post-Office Department was not intended or proposed to be a money-making institution, nor established for such a purpose. It was intended and established, and should be now maintained, for the purpose of carrying the mails for the convenience of the people who pay the taxes to carry on the Government. The franking privilege granted to Members of Congress has not been abused and has not increased the deficiencies of this service. You realize that when you take into consideration the fact that the amount which it costs to carry the official correspondence of Members, the official documents which they send out, and the seeds which they distribute, is only one-tenth of the amount for carrying the mails free for Members and government officials.

I have said this much as a matter of justice to the Members of Congress, so that the country may understand, from the official figures presented by the Postmaster-General, how absurd and false these charges are, and for the purpose of setting them at rest and repelling the flippant slander so freely circulated on this subject. [Applause.]

The Clerk read as follows:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. MANN. Mr. Chairman, I reserve a point of order upon that paragraph.

Mr. WEEKS. That paragraph was in last year's bill. I do not know its previous history.

Mr. MANN. Mr. Chairman, this paragraph is exactly similar to one that went out on a point of order in the case of clerks, and also in the case of carriers. The purpose of it was to interfere with the automatic promotions of railway mail clerks and to require the department to keep within the sum appropriated, although under the automatic-promotion system it might create a deficiency. I will ask the gentleman, Is the amount appropriated herein sufficient to provide for the clerks named?

Mr. FINLEY. Does the gentleman from Illinois understand that railway mail clerks are under the classification act of 1907?

Mr. MANN. I do not know whether they are in the classification of 1907. I do not think they are, but they are in a classification act which provides for automatic promotions. I will not undertake to say which act it is, because I do not recall. They have been increased. The gentleman from New Jersey [Mr. HUGHES] a moment ago referred to a railway mail clerk who received $600 a year.

Mr. HUGHES of New Jersey. Six hundred and some odd.

Mr. MANN. The least that a man receives when he enters the service, as I understand, is $800 a year, and that is only for six months. His salary is then increased to $900.

I did not know whether there was any special reason in this case for having this provision in the bill. If there is not, I will make the point of order against it.

Mr. WEEKS. In this and the preceding paragraph the committee adopted the recommendations of the department, including the number of clerks required for the service, the promotions, and the amount of money to carry on the service; in other words, it has not changed the estimates made by the department.

Mr. CRUMPACKER. I want to suggest that I have frequently asked the Post-Office Department for additional clerks in some growing communities in a district which I have the honor to represent, and have been often informed that there was no provision, that the appropriation had been exhausted.

Mr. MANN. Then I will say to the gentleman from Indiana that the department was stringing him, because there has been no recent year when they did not have additional clerks authorized by law at the end of the year.

Mr. CRUMPACKER. Then I have been frequently strung, and I thought the department was dealing squarely with me. I will investigate. I wondered if this bill provides for the ordinary exigencies that arise in the service. It ought to, in view of this very ironclad provision.

Mr. CAMPBELL. Speaking of stringing——

Mr. MANN. I will withdraw that remark. I do not wish to get into a controversy about it, because I have the greatest respect for the Post-Office Department, and I think they endeavor to do the correct thing as far as they can.

Mr. CAMPBELL. I have frequently tried to secure an increase of the salaries of clerks and assistant postmasters, and have been told that on account of the lack of appropriation it would be impossible to give the assistant postmaster half the amount that was given the postmaster. Was I strung at that time?

Mr. MANN. The information furnished by the Post-Office Department to Members of the House sounds to me very much like the information which Members of the House often furnish to their constituents as an excuse for their inability to secure the passage of bills, when they lay the blame upon the Speaker of the House. [Laughter.]

Mr. CAMPBELL. I never accused the Speaker of anything of that kind.

Mr. MANN. Oh, well, the Speaker or some committee; we are prone to do that; but I apprehend that this item is in the bill simply because it was in the bill last year.

Mr. WEEKS. The committee believed it was a good limitation to place on the department. I do not think any great irregularity will be developed if it goes out on a point of order, and I am not going to take the time to oppose it if the gentleman from Illinois wishes to make the point of order. I believe it is a suitable limitation to be in the bill.

Mr. MANN. I believe the only purpose is to prevent the promotions provided by law which we have promised, and I therefore insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

That in addition to the salaries hereinbefore provided the Postmaster-General is hereby authorized to make travel allowances, not exceeding in the aggregate the sum hereby appropriated, to railway postal clerks assigned to duty in railway post-office cars for expenses incurred by them while on duty, after twelve hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed 75 cents per day; and all the details pertaining to this service shall be reported to Congress not later than December 10, 1910; and for such travel allowances the sum of $250,000 is hereby appropriated.

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. COX of Indiana. Mr. Chairman, I rose for the purpose of offering an amendment, but the point of order had better be disposed of first.

Mr. MANN. I would like to make an inquiry of the chairman in regard to this matter. Upon what basis did the committee arrive at the conclusion it did, and what it intends to cover, in that part of the paragraph which says that all the details pertaining to this service shall be reported to Congress not later than the 10th of next December, when the provision is for the next fiscal year, which does not end for seven months after that time?

Mr. WEEKS. It will not be difficult for the Post-Office Department to report to Congress the methods it has adopted for the expenditure of this money. It is not the policy to pay for those clerks under this provision more than 75 cents a day. The reason for making that limitation is that the clerks have contended that $1 a day would be a fair traveling allowance. The Post-Office Committee does not wish to establish a precedent of paying for a midday meal in the postal service or in the government service, and therefore it places that limitation in this provision.

In addition the committee decided that those clerks who are at their own domiciles overnight, as many are, who get their own breakfast and evening meals at home, were not entitled to the same consideration as those who are away for a longer period, and for that reason the committee put in the limitation that the rate of compensation should commence twelve hours after the clerk leaves his domicile.

Now, the department will establish some method of procedure in this case. It is the purpose of the committee, which has been communicated to the department, that this money be expended for men who are away from home the longest time. When the department has carried out that policy, has made a statement of its method of carrying it out, then the committee and Congress will have information on which to increase or change the allowance if it seems advisable to do so.

Mr. MANN. May I ask the gentleman a further question? This practically will cover all the railway mail clerks in the service?

Mr. WEEKS. Oh, no.

Mr. MANN. How many men in the service are there that do not work over twelve hours a day?

Mr. WEEKS. I do not know how many that do not work sometimes twelve hours a day; they generally work a week on and a week off in the railway post-office cars. There are many clerks on short lines who are at home every night and get their breakfasts and evening meals at home. It is not the intention of the committee that this appropriation shall apply to those men.

Mr. MANN. But it does apply to them, nevertheless.

Mr. WEEKS. I do not think it does.

Mr. MANN. There are a few clerks who work every day in the year, except when they get annual leave. Most of the clerks, I judge over 90 per cent, work two weeks on and two weeks off.

Mr. WEEKS. One week on and one week off, to state it correctly.

Mr. MANN. That is correct; most of them work one week on and one week off. This item will apply to all of those clerks. I dare say there are a few cases where a man works one week on and one week off who does not work more than twelve hours a day the week that he is working. If he commences his run in the morning at 5 o'clock and goes out on a route and comes back and gets in so that the time is more than twelve hours from the time he started out, he gets the allowance, although he may be at home overnight.

Mr. WEEKS. If he did he would only get 25 cents a day.

Mr. MANN. Seventy-five cents a day.

Mr. WEEKS. Not to exceed 75 cents a day is the provision in the bill; and furthermore, the committee is well aware of the fact that $250,000 will not furnish sufficient money to pay all the clerks who are away from home longer than the time provided for in the appropriation, or the proportional part of that amount which they would be paid for the time they are away.

It is quite likely that more money will be required to carry out this provision following. The committee is not informed just how much money will be required for that purpose.

Mr. MANN. I wanted to get some idea about that. How many postal clerks are there in the service?

Mr. WEEKS. About 16,000.

Mr. MANN. This would cost on an average close on to $150 a clerk.

Mr. WEEKS. Mr. Chairman, if the clerks were paid a dollar a day for all the time they are in the service away from their homes, nobody estimates that it would cost more than $1,800,000, and that would include clerks in apartment cars as well as those who serve in railway post-office cars.

Mr. MANN. That is what this practically does.

Mr. WEEKS. Oh, I beg the gentleman's pardon. I do not think it does.

Mr. MANN. I am asking for information.

Mr. WEEKS. I am trying to give it.

Mr. MANN. The gentleman says that he does not see that it does, but he does not explain the language in the bill. It says postal clerks assigned to duty in railway post-office cars after twelve hours from the time of beginning their initial runs shall receive not to exceed 75 cents a day. Certainly it is a very small number of clerks who do not exceed twelve hours a day from the time of the beginning of the run until the time of the end of the run, although they may have laid off several hours during the day.

Mr. WEEKS. That statement is simply an assertion on the part of the gentleman from Illinois, and it does not conform to any of the facts before the Post-Office Committee.

Mr. MANN. The gentleman confines himself to denying an assertion. I have been familiar with the Railway Mail Service much longer than has the gentleman from Massachusetts, and if the gentleman will give us information that has been before his committee, very well, but it does not seem to me that it is sufficient for the chairman of a great committee to give no information in reference to a matter which he wishes to pass by unanimous consent. The gentleman has as yet given us no information as to how many clerks or what clerks would be covered by this provision.

Mr. WEEKS. Mr. Chairman, the reason the chairman of the Post-Office Committee has not given that information is because the committee intends that this shall be an experimental service. It is not intended to limit the manner of expenditure of this money. It is left in the hands of the Post-Office Department to expend in those cases where men are away from their homes the longest time, the most needy cases, along the lines which we hope to follow in future; and the gentleman from Illinois will see in this provision, on line 10, "under such regulations as he may prescribe," that we have left in the hands of the department the method of the expenditure of this money and then have provided that the department shall report to Congress not later than December 10 of next year as to how the money has been expended, so that we may have information how to proceed wisely in future.

Mr. DOUGLAS. Mr. Chairman, I would like to ask for information whether or not the expression "traveling allowance" has come in the departments to have a meaning which includes lodging and meals of anyone entitled to such an allowance. That seems to be accepted by the chairman of the committee, and if that is true I want to know it. Why should not the word "traveling" be stricken out? That is the point with me.

Mr. WEEKS. This allowance is called a traveling allowance in post-office appropriation bills. Men who are on the road are allowed a traveling allowance. That is simply the general phraseology.

Mr. DOUGLAS. It means board and lodging, does it?

Mr. WEEKS. In this case it is intended to give a man 75 cents a day after he has been away twelve hours and let him expend it as he wishes—at the rate of 75 cents a day.

Mr. DOUGLAS. Or any part of the 75 cents which the department may determine?

Mr. WEEKS. Yes.

Mr. CAMPBELL. I think I understand the matter, Mr. Chairman, as the chairman of the committee has stated, and I hope the gentleman from Illinois will not make the point of order.

Mr. MANN. Oh, I do not care what the gentleman from Kansas hopes. I will be glad to have his information, but his hopes do not cut any ice with me—with all due respect to my distinguished friend.

Mr. CAMPBELL. I am aware that the gentleman from Illinois is in the habit of doing as he pleases in the House. But——

Mr. MANN. Now, let me call the attention of the gentleman from Kansas to this proposition. Here is a proposition which theoretically purports to give to the railway mail clerks 75 cents a day when they are on their run more than twelve hours. That is theoretical. It will not do it.

Mr. CAMPBELL. Why?

Mr. MANN. It is a promise held out, no doubt, in good faith by the committee. I think there is grave doubt about the desirability of doing it at all, and I have always gone on the proposition if finally you do agree to promise to a man that

you live up to your promise. The $250,000 will not begin to pay this traveling allowance between the end of this session of Congress and the beginning of the next session of Congress, and even if it did do it, there would still be a deficit. But it will not do that.

Mr. MICHAEL E. DRISCOLL. Did the gentleman say there was $150 to a man? I thought he did a while ago.

Mr. CAMPBELL. If every man in the service was entitled to 75 cents a day for every day in the year, it would amount to that; but it certainly can not be contended by the gentleman from Illinois [Mr. MANN] that every man in the postal service would be entitled to the 75 cents a day under the provision.

Mr. MANN. Ninety per cent of them will be entitled to it so far as dealing justly and evenly with them is concerned. If the intention is not to give them 75 cents a day, but only give them 25 cents or 35 cents a day, I believe in paying that. I do not believe in holding out to the railway mail clerk the supposition and promise of 75 cents a day, and then pretty soon, if the money runs short, not be able to collect the allowance.

Mr. LOWDEN. Mr. Chairman, I move to strike out the last two words simply for one suggestion.

Mr. MANN. Mr. Chairman, I do not propose in this case to insist upon the point of order, because, although I think the committee in doing this has not given it the attention that it ought to receive, so far as they have done anything at all, it is a good step. So I will withdraw the point of order.

Mr. MACON. Mr. Chairman, I renew the point of order.

Mr. WEEKS. I want to make one comment.

Mr. CLINE. Mr. Chairman——

Mr. MACON. Mr. Chairman, I renewed the point of order for the purpose of getting an assurance that there will not be an attempt to increase the amount provided for in this paragraph. I have that assurance now, and I will withdraw the point of order.

Mr. FINLEY. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. COX] desired to offer an amendment.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word.

I agree with the gentleman from Illinois, Mr. Chairman, that when we make a promise we ought to keep it, but under present conditions I am perfectly willing if we can not get a whole loaf to accept half a loaf. I have stood all the way through, both in the Committee on the Post-Office and Post-Roads and on the floor of this House, for economy, but I have never carried it either in the committee room or upon the floor of this House to the extent where I believed it would destroy the efficiency of the service. [Applause.] I will not do that.

Mr. Chairman, the RECORD shows that the first or second item in this bill is an item of $325,000 per diem pay for post-office inspectors. We pay a fair per diem of $4 per day to 300 post-office inspectors, thereby increasing their salaries one thousand and eighty-odd dollars per annum. It can not be found from the beginning to the end of this bill where a single man working in the interest of the Post-Office Department, and traveling in its interest, has not his expenses paid, except the railway post-office employees.

And in making a former amendment I said either the $4 per day was too much or else here was a much-neglected class of people who were entitled to a reasonable traveling pay. But we are assured, Mr. Chairman, that if a motion is made here to increase the amount a point of order will be made against it, and therefore I refrain from making the motion to increase the amount, because I know the item is subject to a point of order, and if a point of order is made against it the entire item will go out of the bill. This is a recognition, as was well said by the gentleman from Kansas [Mr. MURDOCK], and so well said by that venerable gentleman from the State of Connecticut [Mr. SPERRY], of the most valuable and trusted set of employees of all the 325,000 people working for the Post-Office Department.

The proof shows that the average salary of railway postal clerks is $1,165 per year. The proof shows that the average expenses of each one of these clerks is $133.19 per year; that the average net salary to each railway postal clerk is $1,036.08, approximately the same salary that the letter carriers get for working eight hours in the delivery of the mail in the cities, a less amount of salary than the clerks get for working in the majority of the post-offices in this country. Yet here is a class of people that in the year 1909 handled one billion two hundred and odd million pounds of mail, distributed it to the various centers and various places of delivery throughout the United States, yet up to the present time their merits have never been recognized in the matter of giving to them any travel allowance whatever. The proof shows scores upon scores of them every year either lose their lives or become crippled and incapacitated by reason of the perilous work in which they are engaged.

While I would have rejoiced to have seen $500,000 carried in this item, or a million dollars, as a token of recognition to pay a deserving class of people that heretofore have been entirely omitted from such benefit, I trust this work will go on and this travel pay will be extended until equal and exact justice is meted out to employees along this line. Too much credit can not be given to this class of employees. They are compelled to work in perilous places, and many of them soon meet an untimely death is some deadly wreck. Again, their work is so arduous and exacting that they are soon broken down and are compelled to retire and seek other employment. I hope to see Congress pass a law upon which appropriations can be based so that points of order will not be in order, and then a Member of this House will be in a position to offer any amendments he sees fit to offer. [Applause.]

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last two words. I should have liked to offer an amendment to this paragraph, increasing this allowance from 75 cents to $1. But I find myself in the same category as the gentleman from Indiana, under duress under the threat of the gentleman from Arkansas that he will insist upon the point of order. Like the gentleman from Indiana, I prefer half a loaf to no bread; but I frankly state that that 75 cents a day, given for this purpose to the class of men who render such service, looks like an insult. We know that they will not get even three meals a day for that, to say nothing of lodging, although it may be a violent presumption that the railway mail clerk will need any lodging and will want to sleep while away from home. A great deal has been said about the average that it costs the railway mail clerks of the United States for expenses annually. I want to call your attention to some figures, that show not only the cost, but the gross inequality in wages, that is worked by the present discrimination against the railway mail clerk, a discrimination practiced against no other branch of the government service, requiring them to pay all their expenses out of their own pockets.

I hold in my hand a little pamphlet giving the total expenses on all runs in the seventh Railway Mail Service district, which comprises the States of Missouri, Kansas, Colorado, and New Mexico. It contains a table, which was carefully compiled, as I am reliably informed, and it shows that the expenses range annually from nothing to $306. And I find that in my own district in the State of Colorado is located the mail run in which the annual expense is $306. The wages of these mail clerks are nine, ten, and eleven hundred dollars a year, and many of them have to support a family after taking out an annual expense of two or three hundred dollars. This works an inequality in wages of from 25 to 30 per cent between the clerk on one run and another performing an identical service in another portion of the district where there is no expense incurred for food and lodging while away from home.

Mr. WEEKS. May I call the attention of the gentleman from Colorado to the fact that in these long, expensive runs, generally speaking, the clerks drawing the highest salaries perform the service? And it is the purpose of the committee that this 75 cents shall be apportioned and applied to such cases as that which he describes.

Mr. MARTIN of Colorado. Mr. Chairman, for the purpose of future information for this House, I would like the permission of the House to include in my remarks this table that I hold in my hand, and to which I have referred, showing the inequality that has been effected in the wages of the mail clerks by requiring them to pay their travel expenses, and which specifies class 3, or $1,100 clerks.

The statement and table are as follows:

The average pay of the postal clerk is $1,152 per year, and out of this amount he is required to pay his expenses, which average $131.40 per annum. The amount of this expense to the individual is determined largely by the number of hours spent away from home and by the section of the country in which the clerk runs. Clerks of the same class (as class 3, at $1,100 per annum) are paid the same wage the country over. But, for the reasons above mentioned, the expenses of the clerks vary greatly. A clerk may be detailed to office duty and be at home at all times. He may be assigned to a short run and be at home every night and for most of his meals. He may be on a long run, extending over several days and nights, or he may be on a run in a section of the country where living is high. But wherever he runs, or whatever the conditions, the clerk of class 3, out of his pay of $1,100 per year, must pay all of his expenses while away from home attending to the duties of his appointment. The same is true for the clerks of the other classes. They may receive more or less pay than the clerk of class 3, but out of this pay must come the expenses while away from home.

In order to show the great difference that exists, I insert a statement of the expenses of the clerks of the seventh Railway Mail Service division, a division composed of the States of Missouri, Kansas, Colorado, and New Mexico. This statement was made by a clerk upon each

line named, or by a clerk upon a connecting line, and is substantially correct:

Name of line.	Number men.	Cost per month.
Albuquerque and El Paso	4	$53.00
Alamosa and Amethyst	1	10.50
Altamont and Atchison	2	22.50
Amarillo and Albuquerque	5	59.00
Antonio and Santa Fe	2	42.00
Arkansas City and Anthony	1	6.50
Atchison and Lenora	18	162.50
Attica and Belvidere	1	6.50
Belleville and Junction City	2	6.50
Booneville and Versailles	1	6.50
Cairo and Poplar Bluff	2	7.50
Caldwell and Ingersoll	1	6.50
Cameron and Kansas City	2	15.00
Cameron and Leavenworth	1	7.50
Cape Girardeau, Cairo, and Leach	4	40.00
Chanute and Emporia	2	7.50
Chariton and Kansas City	6	70.00
Chariton and St. Joe	3	30.50
Cheyenne and Denver	2	10.50
Do	2	31.50
Do	2	42.00
Colorado Springs and Cripple Creek	1	10.50
Colorado Springs and Glenwood Springs	2	42.00
Colorado Springs division and Cripple Creek	1	15.00
Conway Springs and Larned	2	7.50
Council Bluffs and Kansas City	35	394.00
Creston and St. Joseph	5	28.00
Cuba and Salem	1	6.50
Cripple Creek and Canon City	1	10.50
Denver and Colorado Springs	1	9.00
Decatur and Moberly	3	22.50
Denver and Grand Junction	20	262.50
Denver and La Junta	6	52.50
Denver and McCoy Siding	2	46.50
Denver and Leadville	3	52.50
Des Moines and Kansas City	23	244.00
Denver and Silver Plume	0	84.00
Do	1	21.00
Emporia and Moline	2	6.50
Florence and Arkansas City	1	7.50
Florence and Ellinwood	2	7.50
Grandin and Willow Springs	1	6.50
Great Bend and Scott	2	19.50
Hannibal and North Franklin	4	30.00
Hannibal and Gilmore	3	22.50
Henry and St. Joseph	1	7.50
Herington and Salina	1	6.50
Hutchinson and Blackwell	2	13.00
Hutchinson and Kinsley	1	6.50
Independence and Cedarvale	1	7.50
Jamestown and Burr Oak	1	
Kansas City, A. G. and Spring	6	74.00
Kansas City and Caldwell	38	384.00
Kansas City and Coffeyville	13	131.00
Kansas City and Colorado Springs	41	529.00
Kansas City and Denison	63	700.00
Kansas City and Denver	46	501.50
Kansas City and El Paso	53	529.50
Kansas City and Emporia	2	13.00
Kansas City and Grand Island	16	190.00
Kansas City and Joplin	13	172.00
Kansas City and La Junta	92	905.00
Kansas City and Memphis	52	670.00
Kansas City and Pueblo	25	293.00
Kansas City and Siloam Springs	16	150.00
Kansas City and Springfield	4	43.00
Kansas City and Tulsa	11	116.00
Kansas City and Wellington	11	121.00
Kansas City and Virginia	5	50.50
La Junta and Albuquerque	15	175.50
Larned and Jetmore	1	
Lawrence and Gridley	3	30.00
Leavenworth and Lawrence	1	6.50
Leavenworth and Topeka	1	6.50
Lincoln and Manhattan	2	13.00
Lyons and Denver	1	9.00
Manchester and Barnard	1	6.50
McPherson and Eldorado	1	13.00
Monett and Ellsworth	19	198.00
Montrose and Grand Junction	1	10.50
Nevada and Wichita	6	61.50
Newton and Amarillo	22	247.50
North Platte and Denver	3	42.00
Old Monroe and Mexico	1	7.50
Mexico and Jefferson City	1	
Omaha and Kansas City	14	166.00
Perryvale and Cape Girardeau	1	7.50
Pittsburg and Chanute	1	7.50
Prosser and Concordia	2	32.50
Puxico and Hunter	1	6.50
Ridgway and Durango (north end)	2	51.00
Ridgway and Durango	1	7.50
Rincon and Silver City	2	45.00
Riverside and Doe Run	3	37.50
St. Genevieve and Bismarck	1	7.50
St. Joseph, Atchison, and Topeka	2	30.00
St. Joseph and Nelson	4	37.50
St. Joseph and Topeka	3	30.00
St. Louis and Columbus	6	75.00
St. Louis and Council Bluffs	28	215.00
St. Louis, Eldon, and Kansas City	10	154.00
St. Louis and Jackson	14	116.50
St. Louis and Kansas City	123	1,660.50
St. Louis, Louisiana, and Kansas City	17	216.50
St. Louis and Malden	3	$37.50
St. Louis, Moberly, and Kansas City	39	419.00
St. Louis and Monett	82	828.00
St. Louis and Parsons	19	182.00
Salida and Ouray	4	47.50
Salina and McPherson	1	
Salina and Oakley	6	81.50
Santa Fe and Torrance	2	37.50
Sedalia and Kansas City	4	52.50
Sedalia and Paola	2	30.00
Sedalia and Warsaw	1	6.50
Solomon and Beloit	2	13.00
Springfield and Chadwick	1	6.50
Superior and Strong	4	50.00
Topeka and Fort Scott	3	13.00
Villisca and St. Joseph	2	27.00
Wellington and Tonkawa	1	7.50
Wichita and Englewood	4	85.00

This will show that 1,199 clerks spend $13,276 per month, or $159,312 per year.

Average per clerk per year, $132.87.

Total for clerks on road duty in United States, $1,836,793.56.

Average per clerk in United States yearly, $131.40.

It will be noticed that some of these men are at no expense whatever, and have for the use of themselves and their families the full amount of the wage provided by law. Others are at an expense ranging from $44.80 to $306 per year, which amount must be deducted from the wage provided by law. It does not cost the class 3 clerk on the Salina and McPherson a cent to earn his $1,100. It costs the class 3 clerk on the Ridgeway and Durango $306 per year to earn his $794.

The only way in which this inequality can be remedied is by the payment by the Government of the necessary expenses of the clerks while away from their initial terminal. In no other way can the clerks (and their families), regardless of where they run, have an equal amount at the end of the year.

The Railway Mail Service and the Post-Office Committee are to be congratulated upon the first step, as taken in this bill, to remedy the gross iniquities disclosed by that table, and it is to be sincerely hoped that for the first time a point of order will not be pressed against it.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FINLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 22, by striking out, beginning with line 4, all down to and including the word "ten," in line 14, and insert the following:

"That on and after the 1st day of July, 1910, the Postmaster-General, under such regulations as he may prescribe, may make a travel allowance in lieu of actual expenses to each railway postal clerk who is assigned to duty in a railway post-office, at the rate of 25 cents for each meal and lodging, which, in the opinion of the Postmaster-General, may be necessary for said railway postal clerk while he is traveling on duty away from his home and the initial point of his run, but such allowance shall not exceed a dollar for any period of twenty-four hours."

Mr. MACON. Mr. Chairman, this is a new amendment, it seems, to this bill.

Mr. FINLEY. Why, certainly. It does not increase the $250,000.

Mr. MACON. And seems to be subject to the point of order.

Mr. FINLEY. I am willing for the gentleman to make it; but I do not think it is.

Mr. MACON. Mr. Chairman, I reserve the point of order upon the amendment.

The CHAIRMAN. The gentleman from Arkansas reserves the point of order on the amendment.

Mr. MACON. Mr. Chairman, I will say to the gentleman from South Carolina that I thought I had his word that there would be no attempt to increase this appropriation.

Mr. FINLEY. That is true. This does not increase the appropriation. If the gentleman will observe the reading of the amendment, it does not affect the appropriation of $250,000 at all.

Mr. MACON. It does not affect the lump sum, but it does increase the amount to be paid out by the Postmaster-General to $1 per day, at least.

Mr. FINLEY. Why, Mr. Chairman, the gentleman from Arkansas is mistaken. If he will turn to page 39 of the Second Assistant Postmaster-General's report, he will see that this whole matter is in the discretion of the Postmaster-General, and so is the provision which is in the bill. Mr. Chairman, if I may have the attention of the committee, the gentleman from Arkansas is entirely mistaken. My amendment does not increase the amount appropriated for the purpose of carrying out this proposed new law at all, and I will say to the gentle-

man that what is in the bill now is entirely insufficient to pay in full all that is stated in the provision. It will require from a million and a quarter to a million and a half dollars to carry out what is in the bill, and for this year we only propose to appropriate $250,000, so my amendment proposes two things—first, to make permanent law a provision which is in the bill that is only temporary in its character; it is not permanent law and will not be permanent law when enacted, and I propose the recommendation which is carried in the Second Assistant Postmaster-General's report and which, if enacted, will be permanent law.

I would rather have the permanent law, and I stated frankly to the gentleman, as I have before privately and otherwise, here and elsewhere, that I do not propose to ask for an increase of this item of $250,000, so that I have entirely and fully conformed to what I have said, so far as I am concerned and so far as I believe, that this amount of $250,000 will not be increased.

Mr. MACON. Mr. Chairman, if the gentleman from South Carolina can assure me that there is no difference between 75 cents and a dollar, then he can satisfy me that there will not be any increase in this appropriation. [Applause.] But he must show me that there is no difference between 75 cents and a dollar before I can see it as he does.

Mr. FINLEY. I will say this to the gentleman, that this whole matter is left in the discretion of the Postmaster-General, and he will only pay it to the people who, in his judgment and discretion, are best entitled to it. Two hundred and fifty thousand dollars will not carry out the provision which is here on page 22 of the post-office appropriation bill, beginning with line 4 and ending with line 16.

Mr. MACON. Will the gentleman allow me to ask him if he never heard of a deficiency in an appropriation by reason of a department attempting to pay every demand that was made upon it, and in that way exceeding the appropriation for the department?

Mr. FINLEY. And let me ask the gentleman if he has read line 14, on page 22, these words:

> And for such travel allowances the sum of $250,000 is hereby appropriated.

Mr. MACON. Yes.

Mr. FINLEY. The gentleman from Arkansas does not seem to have caught the meaning of my statement that this $250,000 will not carry out the purpose for which it is intended by over a million dollars.

Mr. MACON. What is to become of the rest of it?

Mr. FINLEY. The Postmaster-General will, in his discretion, make such rules and regulations as will only call for the expenditure of $250,000 next year. There is no doubt about that.

Mr. MACON. Can the gentleman assure me that he has that information from the department?

Mr. FINLEY. I assure the gentleman that here is the provision in the bill, and the Postmaster-General can not go beyond it.

Mr. MACON. My dear sir, we passed a law here a few years ago that absolutely made it illegal for the head of a department to expend any more than was appropriated in an annual appropriation bill for the conduct of the affairs of that department, and the gentleman knows that they have exceeded that authority in every instance.

Mr. FINLEY. Not in every instance. I will assure the gentleman that under this provision in this bill the Postmaster-General can not expend more than $250,000 next year. I make that statement.

Mr. CLINE. Will the gentleman yield for a question?

Mr. FINLEY. Yes.

Mr. CLINE. The gentleman says this will not provide for a quarter of the amount.

Mr. FINLEY. I do not think it will provide for a fifth of it.

Mr. CLINE. Does not the gentleman think the postal clerks ought to have the benefit of the information obtained by the committee that investigated this matter?

Mr. FINLEY. I will say that the matter was investigated by the committee. I am a member of the committee, and I know what I am talking about.

Mr. CLINE. The beneficiaries of this appropriation will discover that there is some uncertainty as to who shall have the benefit of it. Now, the committee must have taken into consideration certain circumstances and conditions under which this money should be expended. Would it not be a proper matter of information for the railway postal clerks to have, in order to show how the committee arrived at this amount?

Mr. FINLEY. I will say to the gentleman that so far as the discretion of the Postmaster-General is concerned, and in so far as he is required to make rules and regulations, there is no difference between the provision in the bill and in the amendment. He must make rules and regulations for carrying out this provision of law within the limits of the appropriation of $250,000 for the next year.

Mr. CLINE. I am not objecting to that, but I supposed that the committee arrived at some conclusion, under what circumstances this money was to be paid out, inasmuch as they could not appropriate for the whole of it.

Mr. FINLEY. The committee knew, and every man in this House is bound to know, that $250,000 will not cover the whole amount. The committee could not formulate rules and regulations. They could not provide by law how much should be paid to each man. What we did was to make a general provision, and then provide an amount of money, which, in my judgment, will not be 18 per cent of what the full expenditure would be if the law were carried out completely.

Mr. COX of Indiana. The paying of the money is solely a matter of administration, is it not?

Mr. FINLEY. That is solely a matter of administration, and the Postmaster-General is required to formulate rules and regulations; and he can not expend more than $250,000 whether the provision in the bill remains or whether the amendment which I have offered is carried. That makes no difference. When a man is absent from home, say, for only one meal, he is not bound to give that man anything if, in his judgment, he thinks he should not have it, as compared with other people who are away from home a longer period.

Now, I will say that this class of people is comparatively small, anyway. It is estimated that anywhere from $15,000 to $25,000, even if you pay that class who would only be absent one meal from home, would be sufficient. That is the best opinion I can get, and I say that the Postmaster-General could not spend one cent more in the administration of this proposed law in the bill or by my amendment than $250,000 in the next fiscal year.

But I may as well be fair, Mr. Chairman and gentlemen, the time will come when of necessity this appropriation will be increased. The time will come when Congress, in the exercise of its sound discretion and judgment, will appropriate more than $250,000, because that sum will only pay a very few of these 15,000 or 16,000 clerks in the railway postal service their expense account; or if you would pay pro rata, it would be a very small percentage to each one of these clerks.

So that the principal point of distinction between the provision in the bill and the amendment is that the provision in the bill is of a temporary character and will only pay for the next fiscal year, while the amendment I offer will be permanent law. Now, I ask those who are in favor of doing justice to this large, laboring, faithful, highly efficient class of public servants, if they wish to do something that will benefit them, that will be of a permanent benefit and not a temporary benefit, to vote for the amendment offered by me, and then they will be carrying out their wishes in the premises.

Mr. MACON. Mr. Chairman, I had the point of order reserved on the paragraph in the bill, and the gentleman from South Carolina assured me that there would be no attempt to change this paragraph if I would withdraw the point of order.

Mr. FINLEY. Mr. Chairman, I insist that I made no such statement to the gentleman from Arkansas.

Mr. MACON. What did the gentleman say?

Mr. FINLEY. I said the appropriation would not be increased.

Mr. MACON. Then there was certainly a mistake about the matter.

Mr. FINLEY. I want to say that I did not make the mistake on my part.

Mr. MACON. I do not know what the gentleman means when he says he did not make the mistake, for he assured me that if I would withdraw it there would be no increase.

Mr. FINLEY. I made no effort to increase it.

Mr. MACON. The gentleman made an effort to increase it in this way, providing $1 a day instead of 75 cents, and also proposed to make it permanent law.

Mr. FINLEY. I did attempt to make it permanent law; that is what I want to do.

Mr. MACON. If the gentleman can afford to do that when he said that he would make no change, all right.

Mr. FINLEY. If the gentleman can afford to stand up there and say that I did violate my agreement, then he can make the best of it. I only stated to the gentleman that there would be no increase in the appropriation of $250,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. FINLEY) there were—ayes 20, noes 46.

So the amendment was rejected.

The Clerk read as follows:

For acting clerks, in place of clerks or substitutes injured while on duty, and to enable the Postmaster-General to pay the sum of $1,000, which shall be exempt from payment of debts of the deceased, to the legal representatives of any railway postal clerk or substitute railway postal clerk who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as the result of such injury, $100,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. WEEKS. Mr. Chairman, I move that the committee do now rise.

Mr. MANN. I will gladly yield for that purpose.

The motion of Mr. WEEKS was agreed to; and accordingly the committee determined to rise, and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the post-office appropriation bill (H. R. 21419) and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. BURGESS, by unanimous consent, was given leave of absence for two weeks on account of important business.

Mr. A. MITCHELL PALMER, by unanimous consent, was given leave of absence for four days on account of important business.

ADJOURNMENT.

Mr. WEEKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until Monday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Bridgeport Harbor, Connecticut (H. Doc. No. 751)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George N. L. Buyers, administrator of estate of Nelson M. Buyers, against The United States (H. Doc. No. 749)—to the Committee on War Claims and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Missouri River at or near Lake Contrary, Missouri (H. Doc. No. 750)—to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Saco River, Maine (H. Doc. No. 752)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HANNA, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 21904) to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect, reported the same with amendment, accompanied by a report (No. 692), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHEFFIELD, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19285) to amend section 773 of the Revised Statutes, reported the same without amendment, accompanied by a report (No. 678), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21760) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 679), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6229) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company, reported the same without amendment, accompanied by a report (No. 680), which said bill and report were referred to the House Calendar.

Mr. MARTIN of South Dakota, from the Committee on Public Buildings and Grounds, to which was referred the resolution of the House (H. Res. 398) requesting the Secretary of the Treasury to transmit a statement of all lands and buildings leased by the Government in the District of Columbia, reported the same without amendment, accompanied by a report (No. 687), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HAUGEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 4747) for the relief of the board of education of the Harpers Ferry school district of Jefferson County, W. Va., reported the same without amendment, accompanied by a report (No. 681), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 9564, reported in lieu thereof a resolution (H. Res. 483) referring to the Court of Claims the papers in the case of the heirs of John Fornea, accompanied by a report (No. 683), which said resolution and report were referred to the Private Calendar.

Mr. MORSE, from the Committee on War Claims, to which was referred House bill 17456, reported in lieu thereof a resolution (H. Res. 484) referring to the Court of Claims the papers in the case of Luster P. Chester and Freeland Chester, executors of Thomas R. Chester, accompanied by a report (No. 684), which said resolution and report were referred to the Private Calendar.

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 17660, reported in lieu thereof a resolution (H. Res. 485) referring to the Court of Claims the papers in the case of Mary J. McGlothlen, accompanied by a report (No. 685), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 22218, reported in lieu thereof a resolution (H. Res. 486) referring to the Court of Claims the papers in the case of Mary A. Haney and Clarence E. Haney, accompanied by a report (No. 686), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5375, reported in lieu thereof a resolution (H. Res. 487) referring to the Court of Claims the papers in the case of W. H. Francis, accompanied by a report (No. 688), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 5430, reported in lieu thereof a resolution (H. Res. 488) referring to the Court of Claims the papers in the case of Mumford Smith, executor of James H. Cecil, deceased, accompanied by a report (No. 689), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 22190, reported in lieu thereof a resolution (H. Res. 489) referring to the Court of Claims the papers in the case of the heirs of Joseph Hemmerback, deceased, accompanied by a report (No. 690), which said resolution and report were referred to the Private Calendar.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18761) granting relief to the estate of Patrick H. Handley, reported the same without amendment, accompanied by a report (No. 691), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. MORSE, from the Committee on War Claims, to which was referred the bill of the House (H. R. 17802) for the relief of Harrison Wagner, reported the same adversely, accompanied by a report (No. 682), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14401) granting an increase of pension to Harvey Johnson—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 20416) granting a pension to Ruth E. Dietz—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURGESS: A bill (H. R. 22370) to build a post-office at Bay City, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22371) to build a post-office at Cuero, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22372) to build a post-office at Yoakum, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of Michigan: A bill (H. R. 22373) for the erection of a post-office building at Albion, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. KENDALL: A bill (H. R. 22374) for the acquisition of a site and the erection thereon of a public building at Colfax, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. GARNER of Texas: A bill (H. R. 22375) to build a post-office at Uvalde, Tex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22376) to build a post-office at Beeville, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. PARKER (by request): A bill (H. R. 22377) to regulate the admission of attorneys to practice before the Department of the Interior, and for other purposes—to the Committee on the Judiciary.

By Mr. RODENBERG (by request): A bill (H. R. 22378) for the incorporation of the United States Shippers' Protective Association, and to create a freight-claims clearing house for the prompt adjustment of freight claims—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER (by request): A bill (H. R. 22379) to amend section 819 of the Revised Statutes of the United States—to the Committee on the Judiciary.

By Mr. BURLESON: A bill (H. R. 22380) to provide for the erection of a public building at Brenham, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. RAINEY: A bill (H. R. 22381) to provide for a site and public building at Jerseyville, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. FOSTER of Vermont: A bill (H. R. 22382) to provide for the erection of a post-office building at Bennington, Vt.—to the Committee on Public Buildings and Grounds.

By Mr. THISTLEWOOD: A bill (H. R. 22383) to provide for the improvement of the Cairo (Ill.) Harbor—to the Committee on Rivers and Harbors.

By Mr. TAYLOR of Colorado: A bill (H. R. 22384) to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September 30, 1890 (26 Stat., p. 502)—to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 22385) authorizing the reconveyance to the United States of land occupied or needed in carrying out the provisions of the act of June 17, 1902, and the selection of lands in lieu thereof—to the Committee on the Public Lands.

By Mr. CAMPBELL: A bill (H. R. 22386) to amend section 812 of the Code of Laws for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAWLEY: A bill (H. R. 22387) to declare the Olalla Slough, in Lincoln County, in Oregon, nonnavigable—to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: A bill (H. R. 22388) for the construction of a bridge across Station Camp Creek, Estill County, Ky.—to the Committee on Rivers and Harbors.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 22389) to provide for the purchase of a site for a public building at Tarentum, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 22390) to require all companies doing telegraph business in the District of Columbia to pay a tax on their gross receipts—to the Committee on the District of Columbia.

By Mr. BENNET of New York: A bill (H. R. 22391) to fix the pay of the laborers in the Immigration Service at Ellis Island, New York Harbor—to the Committee on Immigration and Naturalization.

By Mr. BRANTLEY: A bill (H. R. 22392) to provide a site and erect a public building at Quitman—to the Committee on Public Buildings and Grounds.

By Mr. McCREDIE: A bill (H. R. 22393) to create a standard size of certain fruit boxes for the States of Washington, Oregon, and Idaho—to the Committee on Agriculture.

By Mr. LEE: A bill (H. R. 22394) to authorize the adjutant-general of the State of Georgia to reimburse the military fund of said State from the allotment accruing to the State of Georgia under section 1661, Revised Statutes, as amended—to the Committee on Militia.

By Mr. ANDREWS: A bill (H. R. 22395) authorizing a bond issue of the city of Gallup, N. Mex., for reservoir purposes—to the Committee on the Territories.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 164) construing section 6 of the act of May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes"—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 22396) granting an increase of pension to Samuel A. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22397) granting an increase of pension to Benjamin Copper—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 22398) granting a pension of Pedro Pena—to the Committee on Pensions.

By Mr. ANDRUS: A bill (H. R. 22399) granting an increase of pension to Mercy M. Sutorius—to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 22400) for the relief of Doctors Langworthy & Langworthy—to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 22401) granting an increase of pension to Elizabeth Staneart—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 22402) granting an increase of pension to Philemon H. McCracken—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 22403) granting a pension to George M. Maginnis—to the Committee on Pensions.

By Mr. BARNARD: A bill (H. R. 22404) granting a pension to Harry E. Lane—to the Committee on Pensions.

By Mr. BURLESON: A bill (H. R. 22405) for the relief of J. H. Collett—to the Committee on Claims.

By Mr. BYRNS: A bill (H. R. 22406) granting an increase of pension to Patrick Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22407) granting an increase of pension to Theodore L. Mason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22408) granting an increase of pension to Hezekiah Avery—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 22409) granting an increase of pension to William W. Purcell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22410) granting an increase of pension to Noah Smith—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 22411) granting an increase of pension to Rachel A. Chadwick—to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 22412) granting an increase of pension to Lewis Rowe—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 22413) granting an increase of pension to Theodore Nicolai—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 22414) granting an increase of pension to Eli H. Graybeal—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 22415) granting an increase of pension to Samuel Spires—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22416) granting an increase of pension to Andrew J. Pride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22417) granting an increase of pension to James A. Morris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22418) granting an increase of pension to Samuel H. Lance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22419) granting a pension to I. H. Handy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22420) granting an increase of pension to Robert H. Boon—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 22421) granting an increase of pension to John I. Barrows—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 22422) granting a pension to Emma H. Tompkins—to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 22423) granting an increase of pension to Sylvester H. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22424) removing the charge of desertion from the military record of William H. H. Bennett—to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 22425) granting a pension to Benjamin F. Sloan—to the Committee on Pensions.

Also, a bill (H. R. 22426) granting a pension to Elizabeth Merlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22427) granting an increase of pension to James H. Dinning—to the Committee on Pensions.

By Mr. KELIHER: A bill (H. R. 22428) granting a pension to Margaret Gately—to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 22429) granting an increase of pension to James R. Adams—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22430) granting an increase of pension to Jacob Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22431) granting an increase of pension to William Endicott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22432) granting a pension to Solomon Hogg—to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 22433) for the relief of E. P. Gibson—to the Committee on War Claims.

Also, a bill (H. R. 22434) for the relief of F. F. Felder—to the Committee on War Claims.

Also, a bill (H. R. 22435) for the relief of Polly Hayes—to the Committee on War Claims.

Also, a bill (H. R. 22436) for the relief of the heirs of Louisa Hook, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22437) for the relief of the heirs of John Harman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22438) for the relief of the heirs of Nathaniel Kleckley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22439) for the relief of the heirs of Harriet Holman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22440) for the relief of the heirs of Erasmus Harsey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22441) for the relief of the heirs of John W. Brown, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22442) for the relief of the heirs of A. J. Geiger, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22443) for the relief of the heirs of Daniel Drafts, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22444) for the relief of the heirs of Jesse Banknight, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22445) for the relief of the heirs of Joshua Kyser, deceased—to the Committee on War Claims.

By Mr. LINDSAY: A bill (H. R. 22446) granting an increase of pension to Amalie J. Rhinow—to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 22447) granting an increase of pension to Dora Friedrich—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 22448) granting an increase of pension to William F. Trilloff—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 22449) granting an increase of pension to Nathan Hufford—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 22450) granting a pension to Howard E. Nusbaum—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 22451) granting an increase of pension to Joseph Dugdell—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 22452) granting a pension to John W. Thompson—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 22453) granting an increase of pension to Samuel W. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22454) granting an increase of pension to Samuel Mishler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of the Colonel George Crogan Chapter, against repeal of section 40 of immigration law as provided in the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Samuel G. McClure, of Youngstown, Ohio, against House bill 281—to the Committee on Agriculture.

Also, petition of Charles Woodward, secretary of the United States Ex-Letter Carriers' Association of Chicago, Ill., favoring Senate bill 3638—previously referred to the Committee on the Post-Office and Post-Roads, reference changed to the Committee on Claims.

By Mr. ANDRUS: Petition of Sing Sing (N. Y.) Council, No. 311, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of White Plains (N. Y.) Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. ANTHONY: Petition of Union No. 915, United Brotherhood of Carpenters and Joiners of America, of Horton, Kans., favoring an eight-hour workday on all work done for the Government by contract or subcontract (H. R. 15441)—to the Committee on Labor.

Also, petition of citizens of Effingham, Kans., for law to regulate interstate shipment of intoxicating liquors—to the Committee on Alcoholic Liquor Traffic.

By Mr. ASHBROOK: Petition of United States Ex-Letter Carriers' Association, for Senate bill 3638 and House bill 15414, to pay overtime claims—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Paper to accompany bill for relief of Philemon H. McCracken—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: Petition of Savannah Board of Trade, against House bill 16362, ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of E. W. Warren Council, No. 59, Loyal Accounts, of Macon, Ga., in support of House bill 17543, relative to advertisements in magazines of fraternal orders—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of Belgrade (Me.) Grange, No. 292, Patrons of Husbandry, for a national public health bureau—to the Committee on Agriculture.

By Mr. BYRNS: Papers to accompany bills for relief of Theodore L. Mason, Hezekiah Avery, and Patrick Clark—to the Committee on Invalid Pensions.

By Mr. CLINE: Paper to accompany bill for relief of John C. Phillips—to the Committee on Invalid Pensions.

By Mr. ELLIS: Paper to accompany bill for relief of John Prater—to the Committee on Pensions.

By Mr. ENGLEBRIGHT: Petition of William Roberts and 48 others, of Scott Valley Dairymen's Association, against the Burleson Oleomargarine bill—to the Committee on Agriculture.

By Mr. FOELKER: Petition of James H. Eason and others, favoring an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

By Mr. FORNES: Petition of legislature of the State of New York, for building at least one battle ship at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FULLER: Petition of Grand Army of the Republic, Department of Illinois, protesting against the proposed consolidation of pension agencies—to the Committee on Appropriations.

Also, petition of Mendota Council of United Commercial Travelers of America, of Mendota, Ill., favoring the passage of the Coudrey bill (H. R. 1491) concerning baggage and excess baggage, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Hon. Frank S. Dickson, adjutant-general of the State of Illinois, favoring the passage of the Steenerson bill (H. R. 21829) to amend section 1661, Revised Statutes of the United States, as amended—to the Committee on Militia.

Also, petition of Julius N. Avendorph, of Chicago, Ill., favoring the holding of a national negro exposition to mark the fiftieth anniversary of the emancipation of the negroes from slavery—to the Committee on Industrial Arts and Expositions.

Also, petition of boards of county supervisors of Illinois, favoring the passage of the Graff bill (H. R. 18962) for the relief of certain counties in the State of Illinois, etc.—to the Committee on the Public Lands.

By Mr. GOULDEN: Petition of American Enameled Brick and Tile Company, of New York City, against the publicity-

feature clause in the corporation-tax law—to the Committee on Ways and Means.

Also, petition of American Embassy Association, for embassy residents—to the Committee on Foreign Affairs.

Also, petition of Jacob Christmann, of New York City, against House bill 12343, appropriation for the George Washington University—to the Committee on Agriculture.

Also, petition of Crown Council, No. 42, Loyal Association, of New York City, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Harbor Board of Trenton, N. J., for appropriation to improve the Trenton river front—to the Committee on Rivers and Harbors.

Also, petition of Marine Association of the Port of New York, against Senate bill 5106 and House bill 17536—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Commandery No. 43, Knights of St. John and Malta, for House bill 7509—to the Committee on the Post-Office and Post-Roads.

Also, petition of Merchant Marine League of Seattle, Wash., for the Humphrey bill, favoring ship subsidy—to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM of Pennsylvania: Petition of Pittsburg Provision and Packing Company, favoring bill to repeal the present oleomargarine law—to the Committee on Agriculture.

By Mr. GRAHAM of Illinois: Petition of Springfield Woman's Club, against use of the Hetch Hetchy Valley to supply water for San Francisco—to the Committee on the Public Lands.

By Mr. GRONNA: Petition of citizens of Pierce County, N. Dak., against any change in present oleomargarine law—to the Committee on Agriculture.

By Mr. HANNA: Petition of citizens of North Dakota, for House bills 17, 1017, 2137, 2150, 2167, 2172, 4321, and 5154, or any other bill of like text and effect—to the Committee on Alcoholic Liquor Traffic.

By Mr. HENRY of Connecticut: Petition of La Société des Artisans, Canadiens Français Council, No. 139, of Bristol, Conn., for House bill 17509—to the Committee on the Post-Office and Post-Roads.

By Mr. HINSHAW: Petition of Board of Park Commissioners of Omaha, Nebr., for an appropriation of $250,000 to protect Omaha, South Omaha, Florence, and Dundee from impending change in the course of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. HOWELL of New Jersey: Petition of James B. Curtis, of New York, relative to the requirement of life-preservers in motor boats (S. 5143)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Bayard Post, No. 8, Grand Army of the Republic, of Trenton, N. J., favoring House bill 13383, relative to retirement of Gen. Daniel E. Sickles—to the Committee on Military Affairs.

By Mr. HOUSTON: Paper to accompany bill for relief of Sophia C. Neil—to the Committee on Pensions.

Also, paper to accompany bill for relief of Charles M. Adcock—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 3672, to erect a post-office building in Tullahoma, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. KENNEDY of Ohio: Petition of Manufacturers' Association of Ohio, against publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Junior Order United American Mechanics, of Canton, Ohio, demanding immediate report of the Immigration Commission—to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of Carroll Council, No. 1378, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Muldoon and others, favoring House bill 15441, for an eight-hour day on government works—to the Committee on Labor.

By Mr. McMORRAN: Petition of Alexander McComb Chapter, Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. MACON: Paper to accompany bill for relief of William R. Bateman—to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: Petition by sundry citizens of Oklahoma, opposing the establishment of a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of California Harbor, No. 15, of San Francisco, Cal., favoring House bill 20153, to protect trade and commerce against unlawful restraints and monopolies—to the Committee on the Judiciary.

Also, petition of W. S. Hancock Council, No. 20, Junior Order United American Mechanics, of Los Angeles, Cal., favoring House bill 13404, the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of C. C. Burnett and others, of Burrough, Cal., in opposition to the passage of the Johnston Sunday bill (S. 404)—to the Committee on the District of Columbia.

Also, petition of Chamber of Commerce of San Francisco, against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

By Mr. NYE: Petition of citizens of Minnesota, favoring an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

Also, petition of Cigar Makers' Union of Minneapolis, in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. PLUMLEY: Paper to accompany bill for relief of Elwin A. Howe, of Ludlow, Vt.—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Claims.

By Mr. REEDER: Petition of 300 citizens over 21 years of age of the Sixth Congressional District of Kansas, praying for protection of prohibition territory—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Kansas, against shipping liquor into prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. RHINOCK: Petition of citizens of Kentucky, favoring an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

By Mr. SABATH: Petition of Henryk Sienkiswicz Society, of Chicago, Ill., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of E. G. Wilson, of Chicago, Ill., protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEFFIELD: Petition of Cheney Woman's Christian Temperance Union of Rhode Island, of Pawtucket, R. I., for the Olcott and Hamilton bills for protection of women—to the Committee on the District of Columbia.

Also, petition of Cheney Woman's Christian Temperance Union of Rhode Island, of Pawtucket, R. I., for the Owen-Hamilton bill, a 5-mile prohibition zone around all Indian reservations—to the Committee on Indian Affairs.

Also, petition of Branch No. 88, La Société des Artisans Canadiens Français, of Natick, R. I., favoring House bill 17509, and against increase in postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of T. F. Buckly and 65 other residents of Rhode Island, for House bill 15441, favoring an eight-hour workday on work done for the Government by contract or subcontract—to the Committee on Labor.

Also, papers to accompany bills for relief of Mrs. Alice Case and Catherine Feeley—to the Committee on Invalid Pensions.

By Mr. STERLING: Paper to accompany bill for relief of Jennettie G. Clary and David H. Moore—to the Committee on Pensions.

SENATE.

MONDAY, *March 7, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

Mr. GALLINGER called the Senate to order and directed the Secretary to read a communication from the President pro tempore of the Senate, which was read as follows:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
March 7, 1910.

To the Senate:

Being temporarily absent from the Senate, I hereby appoint JACOB H. GALLINGER to perform the duties of the Chair.

WM. P. FRYE, *President pro tempore.*

Mr. GALLINGER thereupon took the chair as Presiding Officer and directed the Secretary to read the Journal.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. WARREN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist on its amendments, agree to the conference requested by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO the conferees on the part of the Senate.

EXCISE BOARD OF THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate, pursuant to law, the report of the operations of the excise board of the District of Columbia for the license year ending October 31, 1909, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

Thomas Foster *v.* United States (S. Doc. No. 412);

The Trustees of the Methodist Episcopal Church South, of Mount Crawford, Va., *v.* United States (S. Doc. No. 413);

The Trustees of the Chestnut Fork Old School Baptist Church, of Culpeper County, Va., *v.* United States (S. Doc. No. 414); and

Harriet B. Loring and Francis B. Loring, sole heirs at law of Charles G. Loring, deceased, *v.* United States (S. Doc. No. 415).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Illinois Lumber Dealers' Association, praying for the repeal of the corporation-tax law, which was referred to the Committee on Finance.

He also presented a petition of the Illinois Chapter, Society of the Sons of the American Revolution, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. FLINT presented a petition of sundry citizens of San Diego, Cal., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of San Diego, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of San Diego, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government ships and buildings, which was referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union of Berkeley, Cal., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., praying for the adoption of a certain amendment to the corporation-tax provision of the tariff law, which was referred to the Committee on Finance.

He also presented a petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. GUGGENHEIM presented a memorial of sundry citizens of Lafayette, Wellington, and Denver, all in the State of Colorado, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of St. Cloud, Deer Creek, and Ottawa, all in the State of Minnesota, remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Canfield Post, No. 38, Department of Wisconsin, Grand Army of the Republic, of Glenwood, Minn., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented a memorial of the Minnesota Editorial Association, of St. Paul, Minn., remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Local Council No. 1201, Knights of Columbus, of Austin, Minn., and a memorial of the Trades and Labor Assembly, American Federation of Labor, of Duluth, Minn., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Kosciusko Society Grup, No. 972, Polish National Alliance, of St. Cloud, Minn., and a memorial of Local Lodge No. 566, Polish National Alliance, of Duluth, Minn., remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Guysolon du Shut Chapter of the National Society, Daughters of the American Revolution, of Duluth, Minn., and a petition of the Captain Richard Somus Chapter of the National Society, Daughters of the American Revolution, of St. Peter, Minn., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a petition of the Willapa Lumber Company, of Raymond, Wash., praying that an appropriation be made for the dredging of the harbor at that city, so as to permit of the entering of the larger ocean-going steamers, which was referred to the Committee on Commerce.

Mr. BULKELEY presented a petition of Local Council No. 129, La Société des Artisans Canadiens Français, of Bristol, Conn., and of Local Council No. 91, Loyal Association, of New Britain, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURTON presented the petition of Mrs. Edward Orton, jr., vice-president-general of the National Society Daughters of the American Revolution, of Ohio, and a petition of the Colonel George Croghan Chapter of the National Society Daughters of the American Revolution, of Fremont, Ohio, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Delphos, Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of the congregation of the Washington Street Congregational Church, of Toledo, Ohio, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Washington Street Congregational Church, of Toledo, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government ships and buildings, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Washington Street Congregational Church, of Toledo, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. GALLINGER presented a petition of the Columbia Heights Citizens' Association, of the District of Columbia, praying for the reclamation of the Anacostia Flats, which was referred to the Committee on Commerce.

He also presented a petition of the Columbia Heights Citizens' Association, of the District of Columbia, praying for the enactment of legislation making it compulsory for the Commissioners of the District of Columbia to remove snow, ice, etc.,

from the streets of the District, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association of the District of Columbia, praying that the provisions of the so-called Morrill Act be extended to the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the North Capitol and Eckington Citizens' Association, remonstrating against the erection of overhead wires or the trolley system in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. CLAPP presented a petition of Local Lodge, International Association of Machinists, of Winona, Minn., and a petition of the Northwest Consolidated Railroad District, International Association of Machinists, of St. Paul, Minn., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. WARREN presented a petition of the Chamber of Commerce of Sheridan, Wyo., praying for the enactment of legislation to provide for agricultural entries on coal lands, which was referred to the Committee on Public Lands.

Mr. DEPEW presented a petition of the Rifle Club of Gloversville, N. Y., praying for the enactment of legislation to encourage rifle practice, etc., which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Jamaica Bay Improvement Association, of Brooklyn, N. Y., requesting that the report of William M. Black, engineer, United States Army, on the survey of the upper Hudson River, be approved by the Board of Army Engineers and forwarded, so that an appropriation may be made for the work of dredging during the summer of 1910, which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 9, International Alliance of Theatrical Stage Employees, of Syracuse, N. Y., and a petition of the Central Labor Union, American Federation of Labor, of Batavia, N. Y., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of the Maine memorial committee, Manhattan Borough Council, United Spanish War Veterans, of New York City, N. Y., praying for the enactment of legislation providing for the removal of the wreck of the battle ship *Maine* and for the interment of those who perished in the wreck, which was referred to the Committee on Naval Affairs.

He also presented petitions of Metropolis Council, No. 12, Loyal Association, of New York City; of Carthage Council, No. 291, Knights of Columbus, of New York City; and of Cecil Calvert Council, No. 163, Knights of Columbus, of New York City, all in the State of New York, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BOURNE presented a petition of the Oregon Society of the Sons of the American Revolution, praying for the retention and strengthening of the division of information of the Bureau of Immigration and Naturalization in the Department of Commrece and Labor, which was referred to the Committee on Immigration.

Mr. PAGE presented a petition of the Mary Baker Allen Chapter of the National Society Daughters of the American Revolution, of Cornwall, Vt., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. SCOTT presented petitions of sundry citizens of Moundsville, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Trades and Labor Assembly, American Federation of Labor, of Huntington, W. Va., and a petition of Subordinate Lodge, No. 39, International Boiler Makers, Iron Ship Builders and Helpers of America, of Grafton, W. Va., praying for the enactment of legislation providing for the inspection of steam boilers by the Government, which was referred to the Committee on Commerce.

Mr. DICK presented a petition of Congress Grange, No. 1726, Patrons of Husbandry, of West Salem, Ohio, praying for the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 608, United Brotherhood of Carpenters and Joiners, of Coshocton, Ohio, and a petition of Local Lodge No. 608, American Federation of Labor, of Dayton, Ohio, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Pennsville, Ohio, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Historical Society of Greenville, Ohio, praying that an appropriation be made for the erection of a monument to the soldiers slain in the defeat at Fort Recovery, in that State, in 1791, which was referred to the Committee on the Library.

Mr. LODGE presented petitions of Paul Revere Chapter of the National Society Daughters of the American Revolution, of Massachusetts; of Committee of Safety Chapter of the National Society Daughters of the American Revolution, of Boston; of Captain John Pulling Chapter of the National Society Daughters of the American Revolution, of Whitman; and of Susannah Lufto Chapter of the National Society Daughters of the American Revolution, of Weymouth, all in the State of Massachusetts, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

Mr. STEPHENSON presented a petition of Continental Chapter of the National Society Daughters of the American Revolution, of Waukesha, Wis., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of Stevens Point Post, No. 156, Department of Wisconsin, Grand Army of the Republic, of the State of Wisconsin, remonstrating against the acceptance of the statue of Gen. Robert E. Lee, to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a memorial of Local Union No. 205, American Society of Equity, of Burnett County, Wis., and a memorial of the Farmers' Institute of Vernon County, Wis., remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Council No. 839, Knights of Columbus, of La Crosse, Wis., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of J. F. Sawyer Post, No. 7, Department of Wisconsin, Grand Army of the Republic, of Milwaukee, Wis., remonstrating against the enactment of legislation to abolish the pension agencies throughout the country, which was referred to the Committee on Pensions.

He also presented a petition of the Academy of Sciences of the State of Wisconsin, and a petition of the Natural History Society of Milwaukee, Wis., praying for the enactment of legislation providing for the protection of the migratory birds of the country, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. PERKINS presented a petition of Abraham Lincoln Council, No. 2, Junior Order of United American Mechanics, of San Francisco, Cal., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the Department of New York, United Spanish War Veterans, praying for the enactment of legislation providing for the removal of the wreck of the battle ship *Maine* and for the interment of those who perished in the wreck, which was referred to the Committee on Naval Affairs.

Mr. BURKETT presented a memorial of the Omaha Woman's Club of Nebraska, and a memorial of the Beatrice Woman's Club of Nebraska, remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which were referred to the Committee on Conservation of National Resources.

Mr. DILLINGHAM presented a petition of the Marquis de Lafayette Chapter of the National Society Daughters of the American Revolution, of Montpelier, Vt., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department

of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. OLIVER presented a memorial of the Lithuanian Societies of Wilkes-Barre, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of Local Council No. 76, Loyal Association, of Pittsburg, Pa., and a memorial of Local Chapter No. 83, American Insurance Union, of Homestead, Pa., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Woman's Home Missionary Society of the First United Brethren Church, of New Castle, Pa., and a petition of the Woman's Home Foreign Missionary Society of the First Presbyterian Church, of New Castle, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the Woman's Home Missionary Society of the First United Brethren Church, of New Castle, Pa., and a petition of the Woman's Home and Foreign Missionary Society of the First Presbyterian Church, of New Castle, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

Mr. ROOT presented petitions of sundry Councils, Knights of Columbus, of Oneida, Ossining, Brooklyn, Loring, Hallenbeck, Yorkville, Lenox, Excelsior, Acme, Mohawk, Lexington, Whitehall, Electric, Eagle, Metropolis, New York City, Carthage, Rochester, Buffalo, Lockport, Port Jervis, and Marion, all in the State of New York, praying for the enactment of legislation to prohibit the printing by the Government of certain matter on stamped envelopes, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. RAYNER presented a petition of the Maryland Society of the Sons of the American Revolution, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1692) to increase the efficiency of the veterinary service of the army, reported it without amendment and submitted a report (No. 332) thereon.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 1023) to increase the efficiency of the veterinary service of the army, to report it unfavorably, as the subject-matter is contained in the bill just reported. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (H. R. 16824) for the relief of Daniel H. Wiggin, reported it without amendment and submitted a report (No. 333) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to whom was referred the bill (S. 3257) to amend an act entitled "An act to establish a code of law for the District of Columbia," reported it with an amendment and submitted a report (No. 334) thereon.

He also, from the same committee, to whom was referred the bill (S. 4503) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, savings banks, trust companies, and real-estate brokers in the District of Columbia, reported it with amendments and submitted a report (No. 335) thereon.

Mr. SCOTT, from the Committee on the District of Columbia, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 11878) to change the name of Twenty-third street north of Calvert street, in the District of Columbia, to Woodley place (Report No. 336);

A bill (H. R. 13893) to authorize the extension of Forty-first street NW. (Report No. 337);

A bill (H. R. 16915) to direct that Jefferson street NW., between Fourteenth street and Colorado avenue, be stricken from the plan of the permanent system of highways for the District of Columbia (Report No. 338);

A bill (H. R. 19785) to authorize the extension of Columbia road NW., in the District of Columbia (Report No. 339);

A bill (H. R. 20164) authorizing the extension of Military road NW., in the District of Columbia (Report No. 340);

A bill (H. R. 16916) to authorize certain changes in the permanent system of highways plan, District of Columbia (Report No. 341); and

A bill (H. R. 13864) to extend Fourth street SE. (Report No. 342).

Mr. SCOTT. I am directed by the Committee on the District of Columbia, to whom were referred certain bills, to submit adverse reports thereon, and I ask for their indefinite postponement, as they are duplicates of the bills favorably reported by me.

There being no objection, the bills were postponed indefinitely, as follows:

A bill (S. 5911) to authorize the extension of Columbia road NW., in the District of Columbia (Report No. 343);

A bill (S. 3258) granting a right of way through land of the Government Hospital for the Insane to connect Fourth street, Congress Heights, District of Columbia, with Fourth street, Washington Highlands, District of Columbia (Report No. 344);

A bill (S. 5244) to authorize the abandonment of Jefferson street between Fourteenth street and Colorado avenue NW., Washington, D. C. (Report No. 345);

A bill (S. 5245) to authorize certain changes in the permanent system of highways plan, District of Columbia (Report No. 346); and

A bill (S. 6164) authorizing the extension of Military road NW., in the District of Columbia (Report No. 347).

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 6662) to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River, in the neighborhood of Sibley, Mo., and to remove the existing structure (Report No. 348); and

A bill (S. 6721) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota (Report 349).

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 19633) to authorize Aransas Pass Channel and Dock Company to construct a bridge across Morris and Cumming Channel; and

A bill (H. R. 21221) to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan.

Mr. DEPEW, from the Committee on the Judiciary, to whom was referred the bill (H. R. 18902) to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," reported it without amendment.

Mr. OLIVER, from the Committee on Claims, to whom was referred the bill (S. 1056) for the relief of Benjamin Hyde, reported it with an amendment and submitted a report (No. 350) thereon.

Mr. HUGHES, from the Committee on Public Lands, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 1751) to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906 (Rept. No. 351); and

A bill (S. 2984) to grant certain lands to the town of La Junta, Colo. (Report No. 352).

Mr. BURNHAM, from the Committee on Claims, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Foreign Relations, which was agreed to:

A bill (S. 2495) providing for the payment of a specified sum to the estate of Henry Yonge, deceased; and

A bill (S. 6115) providing for the payment of a specified sum to the estate of Henry Yonge, deceased.

Mr. DICK, from the Committee on Mines and Mining, to whom was referred the bill (H. R. 13915) to establish in the Department of the Interior a Bureau of Mines, reported it with amendments and submitted a report (No. 353) thereon.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce, reported it without amendment and submitted a report (No. 354) thereon.

INTERNATIONAL CONFERENCE OF AMERICAN STATES.

Mr. WARREN. From the Committee on Military Affairs I report a joint resolution authorizing the use of a United States army transport for certain purposes, and I ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 83) authorizing the use of a United States army transport for certain purposes was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to employ a United States transport to convey from New York to Buenos Aires, Argentine Republic, the delegates and their assistants, appointed under the authority of the urgent deficiency act, approved February 25, 1910, to represent the United States at the Fourth International Conference of American States, which is to convene in Buenos Aires on July 9, 1910: *Provided*, That the total expense thus incurred shall not exceed $45,000.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Wyoming?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY F. SWINDELL.

Mr. BURNHAM, from the Committee on Claims, reported the following resolution (S. Res. 196), which was considered by unanimous consent and agreed to:

Senate resolution 196.

Resolved, That the bill (S. 6729) entitled "A bill for the relief of Mrs. Mary F. Swindell," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

COURT OF COMMERCE, ETC.

Mr. ELKINS. Mr. President, I had permission, when I reported the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, to submit a written report at a later day. I now submit the report of the majority of the Committee on Interstate Commerce.

The minority views of the Senator from Iowa [Mr. CUMMINS] and the Senator from Minnesota [Mr. CLAPP] are also on the Clerk's desk, and the Senator from Nevada [Mr. NEWLANDS] is to submit his views; and I ask that all three be printed together in a document.

The PRESIDING OFFICER (Mr. PAGE in the chair). Without objection, it will be so ordered.

Mr. NEWLANDS. Mr. President, right in this connection I wish to offer a minority report with reference to the bill to which the Senator from West Virginia has referred. I understand that this, with the minority views of the Senator from Iowa and the Senator from Minnesota, will be printed with the report of the majority——

Mr. ELKINS. Together.

Mr. NEWLANDS. As a public document; and there is a standing order that they all be printed in the RECORD. I imagine the order will be the majority report, the views of the Senator from Iowa [Mr. CUMMINS] and the Senator from Minnesota [Mr. CLAPP], and then my own.

Mr. GALLINGER. I will ask the Senator if he thinks it is necessary to print these reports in the RECORD?

Mr. NEWLANDS. I will state that it has already been so ordered. It was ordered the other day.

Mr. GALLINGER. That they be printed in the RECORD?

Mr. NEWLANDS. Yes.

Mr. KEAN. When they were all three presented, then they were all to be printed in the RECORD.

Mr. ELKINS. They are presented now.

Mr. GALLINGER. If that is so, I certainly shall not object, although I think we are getting quite in the habit of lumbering up the RECORD with all kinds of material.

Mr. NEWLANDS. It was ordered the other day.

The PRESIDING OFFICER. Without objection, the three reports will be printed as a public document and also printed in the RECORD.

The majority report and views of the minority are as follows:

[Senate Report No. 355, Sixty-first Congress, second session.]

REPORT TO ACCOMPANY S. 6737.

The Committee on Interstate Commerce, to which were referred the bills (S. 5106, S. 6737) to create a court of commerce, and amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, having considered the same, reports herewith the bill S. 6737 and recommends its adoption.

Your committee recommends that the bill S. 5106 be indefinitely postponed.

The bill reported provides for the creation of a new court to be known as the "court of commerce," and makes certain amendments to the acts relating to interstate commerce, as to which the committee begs leave to submit the following considerations:

COURT OF COMMERCE.

Every carrier affected by an order of the Interstate Commerce Commission has a constitutional right to appeal to a court to protect it from the enforcement of the order, where it appears from the presentation of the facts by the carrier that the effect of the order will be to deprive it of a reasonable return upon its invested capital, and, therefore, to amount to a taking of property without due process of law, contrary to the provisions of Articles V and XIV of the Constitution, or to unjustly discriminate against the carrier (Smyth *v.* Ames, 169 U. S., 466); and as this right may now be exercised in any one of the courts of the United States, not only does much delay result in the final observance of the orders of the commission, but considerable contrariety of decision, with resulting uncertainty in the law. The only way to effectively meet this condition is by concentrating the judicial review of orders of the commission in one court so organized as to be able to deal speedily and effectively with the questions presented.

The principal argument in favor of the creation of such a court is that it will prevent delay and confusion in the enforcement of the law by creating one tribunal specially versed in the complicated and often technical questions arising out of the application of the interstate-commerce law to railroads and other carriers subject to the act. To meet the objection that such court would become more like a board or commission by reason of being confined to dealing in one special class of subjects, and having its sessions generally in the city of Washington, it is provided that the court be composed of circuit judges of the United States, designated to sit in the commerce court for periods of five years, the term of designation of one of such judges expiring in each year, thus drawing in from the general body of the judiciary every year a judge who has been dealing with general questions of jurisprudence, and at the same time preserving in the court a continuity of personnel and the technical knowledge and experience gained by continued service in the court. In order that the judicial force of the country may be large enough to meet these requirements, provision is made in the bill for the appointment of five additional circuit judges, who shall be designated to sit in the court of commerce in the first instance, and whose successors, as the periods of original designation expire, shall be from time to time designated by the Chief Justice of the United States.

Chairman Knapp, of the Interstate Commerce Commission, has testified that he regards the creation of such a tribunal as the commerce court as highly important.

"There are many reasons which bring me to that conclusion. The rather fundamental reason is grounded in that fact that these are all questions of national scope and interest. They are in no sense the local and isolated questions which arise in the ordinary courts. It is important that there be a tribunal of first instance which shall pass upon all these questions, so that the determination will be harmonious and consistent, not, as it is now, uncertain and conflicting in different parts of the country."

He further testified that such a court would obviate the great delays now experienced, even with the aid of the Expedition Act; that while the recent decisions of the Supreme Court in the Car Distribution cases (215 U. S., 452, 481) had perhaps lessened the need of such a court, still the experience of the commission had shown that the greater part of the cases arising would not turn upon questions of judgment and discretion, but upon construction of the law, the authority of the commission, and the question of confiscation; that out of 31 cases, most of which had been brought within the past year and a half, and a majority within the last year, 24 would not have been affected by the recent cases, because based upon construction of the statutes or the contention that the commission had exceeded its authority independently of the question of judgment and discretion. Judge Knapp further explained that as the commission had made no very important orders of large effect upon revenues of railroads for perhaps a year or a year and a half, and not many for two years or more after the passage of the Hepburn Act (approved June 30, 1906), most of these cases had been brought during the last year.

The bill gives to the court of commerce exclusive original jurisdiction over all cases of the following kinds:

(1) For the enforcement otherwise than by adjudication and collection of a forfeiture or a penalty or by infliction of criminal punishment of any order of the Interstate Commerce Commission other than for the payment of money.

(2) Proceedings to enjoin, set aside, annul, suspend in whole or in part any order of the Interstate Commerce Commission.

(3) Such cases as by section 3 of the Elkins Act, approved February 19, 1903, may be maintained or authorized to be maintained in a circuit court of the United States.

(4) Such mandamus proceedings as under sections 20 or 23 of the interstate-commerce act are authorized to be maintained in a circuit court of the United States.

1. The first group of cases comprises such as section 16 of the existing interstate-commerce law, as amended by section 10 of the new bill, authorizes in this language:

"If any carrier fails or neglects to obey any order of the commission other than for the payment of money while the same is in effect, any party injured thereby, or the United States, by its Attorney-General, may apply to the court of commerce for enforcement of such order."

The existing section 16, apart from the amendment by the new bill, authorizes such action to be taken in the circuit courts. The amendment in section 10 of the new bill provides, like the existing section, that if the court determines "that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it or them obedience to the same."

Prior to the enactment of the Hepburn Act of 1906, the orders of the commission were generally enforced by proceedings under section 16. Since the passage of that act, in view, probably, of the severe penalties imposed for violation of its provisions, orders of the commission have been either obeyed or challenged by suits in the courts, but the provision may be availed of at any time, and is believed to be a valuable adjunct in the enforcement of the law.

2. The "cases brought to enjoin, set aside, annul, or suspend any order or requirement" of the commission, suggested as the second group of cases within the jurisdiction of the court of commerce, are such as section 16 of the existing act sanctions, in the following language:

"The venue of suits brought in any of the circuit courts of the United States against the commission to enjoin, set aside, annul, or suspend any order or requirement of the commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office, and may be brought at any time after such order is promulgated; and if the order or requirement has been made against two or more carriers, then in the district where any one of said carriers has its principal operating office; and if the carrier has its principal operating office in the District of Columbia, then the venue shall be in the district where said carrier has its principal office; and jurisdiction to hear and determine such suits is hereby vested in such courts. The provision of 'An act to expedite the hearing and determination of suits in equity, and so forth,' approved February 11, 1903, shall be, and are hereby, made applicable to all such suits, including the hearing on an application for a preliminary injunction, and are also made applicable to any proceeding in equity to enforce any order or requirement of the commission, or any of the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof or supplemental thereto. It shall be the duty of the Attorney-General in every such case to file the certificate provided for in said expediting act of February 11, 1903, as necessary to the application of the provisions thereof; and upon appeal as therein authorized to the Supreme Court of the United States, the case shall have in such court priority in hearing and determination over all other causes except criminal causes: *Provided*, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the commission shall be granted except on hearing after not less than five days' notice to the commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States: *Provided further*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes."

This language is omitted in the amendment of section 16 by section 10 of the new bill, because the cases are transferred by the bill to the court of commerce, and the procedure concerning interlocutory injunctions in such cases is now regulated by section 3 of the new bill, and appeals in such cases are regulated by section 2 of the new bill. Attention is particularly called to the fact that section 9 of the new bill, amending section 15 of the existing act, retains the following language:

"All orders of the commission, except orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended or modified or set aside by the commission, or be suspended or set aside by the court of competent jurisdiction."

The proper court is now indicated both by the general grant of jurisdiction in section 1 of the new bill and also by the first sentence of section 3 of the new bill, providing that—

"suits to enjoin, set aside, annul, or suspend any order of the commission shall be brought in the court of commerce against the United States."

The phraseology of the new bill on this subject of enjoining, setting aside, annulling, or suspending an order of the commission follows the plan of the existing law. That fact, and especially the sentence just quoted from section 9 of the new bill, repeating in that respect section 15 of the existing law to the effect that all orders of the commission shall take effect and go into operation unless they are "suspended or modified or set aside" by the court of commerce, makes it manifest that the scope of review of the commission's orders in the court of commerce will not be wider than it is now in the circuit courts under the recent decision in the case of Interstate Commerce Commission *v.* Illinois Central Railroad Company (215 U. S., 452). The fundamental ruling of that case is to the effect that under existing statutes the courts can consider only these questions:

"(*a*) All relevant questions of constitutional power or right; (*b*) all pertinent questions as to whether the administrative order is within the scope of the delegated authority under which it purports to have been made; and (*c*) a proposition which we state independently, although in its essence it may be contained in the previous one, viz, whether, even although the order be in form within the delegated power, nevertheless it must be treated as not embraced therein, because the exertion of authority which is questioned has been manifested in such an unreasonable manner as to cause it in truth to be within the elementary rule that the substance and not the shadow determines the validity of the exercise of the power." (Per White, 5, at p. 470.)

The court's conclusion was reached largely in consequence of the language quoted from section 15 of the existing act and repeated in the new bill, which puts the orders of the commission into effect and continues them in force unless suspended by a court, and also because of the fact that courts ought not to be endowed with merely administrative powers such as are involved in the exercise of the commission's discretion. Both reasons support the conclusion that the court of commerce would be limited, under the new bill, in its review of the commission's orders just as the circuit courts now are.

3. The third group of cases over which the court of commerce is by the bill given jurisdiction consists of those which by section 3 of the Elkins Act (approved Feb. 19, 1903) are authorized to be maintained in a circuit court. These cases may be described, without quotation of the full section, as suits to compel observance of the published tariffs of a railroad (either by mandatory injunction or by injunction against allowance of other than the tariff rates) and suits to enjoin discrimination.

4. The last group of cases contains such as arise under a portion of section 20 of the existing act and under section 23 of that act, which read, respectively, as follows:

"That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States at the request of the commission, alleging a failure to comply with or a violation of any of the provisions of said act to regulate commerce or of any act supplementary thereto or amendatory thereof by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said acts, or any of them. (Part of sec. 20.)

"SEC. 23. That the circuit and district courts of the United States shall have jurisdiction upon the relation of any person or persons, firm, or corporation alleging such violation by a common carrier of any of the provisions of the act to which this is a supplement and all acts amendatory thereof as prevents the relator from having interstate traffic moved by said common carrier at the same rates as are charged, or upon terms or conditions as favorable as those given by said common carrier for like traffic under similar conditions to any other shipper, to issue a writ or writs of mandamus against said common carrier, commanding such common carrier to move and transport the traffic, or to furnish cars or other facilities for transportation for the party applying for the writ: *Provided*, That if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact: *Provided*, That the remedy hereby given by writ of mandamus shall be cumulative, and shall not be held to exclude or interfere with other remedies provided by this act or the act to which it is a supplement."

It is claimed by some that there will not be enough business of the character over which jurisdiction is by the bill devolved upon the court of commerce to keep that tribunal occupied. On the other hand, the view is expressed by many that the volume of business will constantly increase, and that the classes of cases which by section 12 of the proposed act may be brought before the court will of themselves occupy much of its time. It is the opinion of a majority of the committee that there will be ample business to engage the attention of the court, but one of the advantages of constituting the court by designation from among the circuit judges is that in case at any time there should not be a sufficient volume of business falling within the jurisdiction of the commerce court to keep it occupied, the judges may be sent back to the circuits where there is the greatest need of judges, thus relieving that congestion of business in the circuits which is continually happening.

By section 2 final judgments or decrees of the court of commerce are made reviewable by the United States Supreme Court if appeal be taken within sixty days after the entry thereof, but such appeal shall not operate as a stay of the decree appealed from unless the Supreme Court or a justice thereof shall so direct.

It is further provided that suits to enjoin or set aside orders of the Interstate Commerce Commission shall be brought in the court of commerce against the United States, instead of against the Interstate Commerce Commission, as at present; that the pendency of such suit shall not itself stay or suspend the operation of the order of the commission, but that the court in its discretion may grant such stay pending final hearing and determination on notice and after hearing, although a temporary stay may be granted by the court or a judge thereof for a period not exceeding sixty days.

The bill gives to the Attorney-General entire charge and control of the interests of the Government in all cases and proceedings in the court of commerce and in the Supreme Court on appeal from the court of commerce. This is a change from the existing law.

By section 3 of the act approved February 19, 1903 (Elkins Act), it is made the duty of the several district attorneys of the United States, whenever the Attorney-General shall direct, either of his own motion or upon the request of the Interstate Commerce Commission, to institute and prosecute proceedings under that act. In Texas and Pacific Railway Company *v.* Interstate Commerce Commission (162 U. S., 197) it was held that the commission was a body corporate, with legal capacity to be a party plaintiff or defendant in the federal courts. Suits to review or set aside orders of the commission are therefore brought against it eo nomine, and are defended under its direction by its own attorneys, under the nominal supervision of the Attorney-General. This practice has given rise to much criticism, as putting the commission in a controversial attitude with respect to matters in which its participation should be wholly of a judicial character. The bill terminates this condition by requiring all proceedings to review orders of the commission to be brought against the United States and by vesting the conduct of all such proceedings in the Department of Justice.

A suggestion has been pressed upon the consideration of the committee and has found favor with some. It is not only that the present system be continued—whereby the Interstate Commerce Commission, having investigated, after perhaps itself originating a complaint against a carrier, hearing and determining the complaint and making an order requiring action by the carrier, then becomes a litigant in the courts to defend its own proceedings, thus combining the functions of investigator, judge, and prosecutor—but that any shipper or other party who has been instrumental in promoting the inquiry or prosecution be allowed of right to intervene in the judicial proceedings brought to review the determination of the commission. In the opinion of your committee nothing could be more contrary to the correct theory of law or procedure. A proceeding before the commission is analogous to a hearing by a committee of Congress. The commission's order is in effect legislation. Prior to such order, in proceedings before the commission any complainant stands as a petitioner to Congress—seeking legislation.

But when the commission acts, the defense of its orders is a matter affecting not one or more particular interests, but one which affects the whole country, and the conduct of such matters should be vested where the conduct of all of the legal affairs of the Government is vested, namely, in the Department of Justice. To enact that any individual considering himself interested in sustaining the order of the commission may of right intervene in a suit brought in the court of commerce to review or set aside such an order, would introduce intolerable confusion in legal proceedings and subordinate the general interests of all the people to the selfish concerns of one or more parties whose special interests might be wholly at variance with the general public welfare. It would be impossible for the Attorney-General to discharge the duty of defending the interests of the Government if the conduct of the lawsuit were suffered to be complicated by one, or a dozen, or perhaps fifty intervening citizens, each advocating his own particular views, which might or might not harmonize with those of the counsel for the Government.

AGREEMENTS BETWEEN CARRIERS.

Section 7 of the bill amends the fifth section of the interstate commerce act by providing that agreements between common carriers subject to the act specifying the classifications of freight, and the rates, fares, and charges for transportation of freight and passengers agreed upon shall not be unlawful under the commerce act or under the Sherman antitrust act, if a copy of the agreement be filed with the Interstate Commerce Commission within twenty days after it is made;

but that all provisions of the commerce act shall be applicable to such agreements; and that any party to the agreement may withdraw from the same on thirty days' notice; and that the agreement in itself shall not be deemed a tariff or schedule of rates, etc., nor operate to alter any such; and that nothing in this section shall be deemed to authorize the making of agreements for pooling freight contrary to the provisions of section 5 of the commerce act.

The effect of this provision is to relieve carriers from the prohibition of the antitrust act as affecting agreements of the character referred to, while preserving unimpaired the control of the commission under the interstate commerce act over all such agreements. The provision is, in the opinion of a majority of your committee, in exact compliance with the declaration in the Republican platform of 1908, in the following language, viz:

"We believe, however, that the interstate commerce law should be further amended so as to give railroads the right to make and publish traffic agreements subject to the approval of the commission, but maintaining always the principle of competition between naturally competing lines and avoiding the common control of such lines by any means whatever."

The contention that this declaration can only be complied with by requiring the approval of such agreements by the Interstate Commerce Commission before they become operative is, in the opinion of your committee, destitute of the slightest foundation. The right to make agreements "subject to the approval of the commission" is obviously a very different thing from the right to make agreements only with the previous approval of the commission. The section in question carefully preserves the principles so clearly enunciated in the platform, and only by a willful distortion of language could it be contended that this carefully guarded provision involved any abandonment of the principle of competition between naturally competing lines.

In order to prevent any misunderstanding on the subject, the section expressly declares that its provisions shall not be construed to legalize pooling agreements between carriers, which are expressly prohibited by section 5 of the interstate-commerce act.

OBLIGATION TO FURNISH ACCURATE QUOTATIONS.

Section 8 of the bill amends section 6 of the interstate-commerce act by requiring a railroad corporation subject to the act to furnish, on written request, a statement in writing of the rate or charge applicable to a described shipment between stated places under schedules or tariffs to which such company is a party; and in the event of a failure to furnish such information within a reasonable time, or of a misstatement, if the party making such request suffers actual damage in consequence of such misstatement or omission to answer, makes the carrier liable to a penalty of $250, to be recovered in a civil action brought by the United States.

In order that this clause may not give rise to petty and vexatious prosecutions where no injury has resulted from the failure to answer an inquiry, or the giving of erroneous information, the section requires some proof to be shown, not of the extent of damage suffered, but that some actual damage did result from the failure on the part of the carrier to comply with a request made for a stated rate.

To illustrate, a shipper may demand a rate, looking forward to the sale of material, which rate is furnished, and in which an error may occur, the shipper having failed to make a bid for the furnishing of said material, no injury has resulted to him, and under such circumstances no penalty should be imposed for the error in the quotation of the rate.

CLASSIFICATIONS.

Some doubt has been raised as to whether, under the provisions of section 15 of the existing act, the commission is empowered to review classifications of freight as well as rates, and to make orders dealing with improper classifications. (Judson on Interstate Commerce, edition of 1908, secs. 209, 210.) By section 9 of the bill this doubt is removed and the power is expressly vested in the commission.

INVESTIGATION BY THE COMMISSION OF PROPOSED INCREASE IN RATES.

Under existing law the commission is only empowered to investigate the question whether or not a rate is unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or prejudicial, or otherwise in violation of any of the provisions of the act, upon a complaint made to the carrier under the provisions of section 13. (See Harriman *v.* Interstate Commerce Commission, 211 U. S., 407; 1 Drinker on Interstate Commerce, p. 395.) Such complaint can not be made and such inquiry initiated until the rate shall have become effective. During the period of investigation the carrier is allowed to collect the rate under investigation or to continue the practices complained of. It is true that by sections 13 and 16 a shipper who has paid a rate subsequently adjudged to be unreasonable may compel restitution by the carrier of the excessive rate paid; but in practice it is found that such restitution is but seldom sought or awarded, probably because the shipper generally recoups himself from the public for the amount of the loss through the augmented price of the commodity.

To meet this situation it has been contended by some that the commission should be empowered to postpone the date when a proposed increase in rates should become effective until it should complete an investigation into the reasonableness of the proposed increase; while on the other hand it is urged on behalf of the railroad companies that such action would bear unjustly upon the carriers, as, if at the termination of such investigation it should be found that the proposed increase was reasonable and proper, the carrier would have lost the entire benefit of the increase in rates during the period of investigation, without any means of reparation. A majority of the committee is of opinion that the Interstate Commerce Commission should be authorized to commence the investigation of a proposed increase in rate, or change in classification, as soon as it is filed with the commission, and that at any time before the rate or classification would become effective the commission should, in its discretion, be empowered, by order stating its reasons therefor, to postpone the effective date of such increase or classification for a reasonable period to enable it to investigate the proposed action.

The bill fixes this reasonable period at sixty days, thus giving the commission ninety days in all within which to complete its investigation—a length of time which can not possibly work any serious hardship to the railroad companies, and which, on the other hand, will afford the commission opportunity with due diligence to complete or, at all events, to make substantial headway in, any such investigation.

The Interstate Commerce Commission, in a statement filed with your committee, recommends that this time be extended to one hundred and twenty days. Some of those who favor the principle of the enactment wish the commission to have the power of unlimited postponement. The power is a new one, and your committee feels that with due diligence the commission can within ninety days determine whether or not a proposed rate, fare, charge, classification, regulation, or practice should be approved.

THROUGH ROUTES AND THROUGH RATES.

The power of the commission to establish through routes and joint rates and to prescribe the division thereof, and so forth, is, under the existing law, wholly dependent upon there being no existing reasonable or satisfactory through route. If there be one, the commission has no power to require the establishment of any other.

By section 9 of the proposed act the commission is empowered, upon complaint or upon its own initiative, to establish such through routes whether there is any other existing satisfactory through route or not; so that, if two or more satisfactory through routes between designated points can be established, the commission is empowered to establish them. In the exercise of this power, however, the commission is prohibited from establishing any through route, classification, or rate between street, suburban, or interurban electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business and railroads of a different character, for the reason that such electric railways would have neither the equipment nor the terminal or other facilities requisite to the proper handling of traffic passing over the line of a general railroad.

The action of the commission is further restricted by providing that in establishing such through route no company shall be required, without its consent, to embrace therein substantially less than the entire length of its railroad and of any intermediate railroad operating in conjunction and under a common management or control therewith which lies between the termini of such proposed through route, unless to do so would make such through route unreasonably long as compared with another practicable through route which could otherwise be established. It would seem to be unreasonable to empower the commission to require a railroad company having a line of its own between two designated termini to allow a portion only of that line to be taken and linked up with other lines for the purpose of creating another through route in competition with it, thus depriving it of the natural advantage of possessing a direct line between the termini, unless such line should happen to be so much longer than the proposed new through route as to make the establishment of such new route not merely an added convenience, but a public necessity.

THE SHIPPER'S RIGHT TO ROUTE SHIPMENTS.

It has been contended on behalf of a large number of shippers and shippers' associations that the shipper should be given the unqualified right to direct the routing of his own shipments. On the other hand, the railroad companies object to granting such right upon the ground that it would interfere with the systematic and effective handling of traffic; would compel them to route freight over lines of railroad whose method of handling traffic is unsatisfactory—who do not promptly return cars and settle accounts; and they point out that as, by section 20 of the existing act, the initial carrier is made liable for any loss, damage, or injury to property caused by it or by any connecting carrier over whose line the property may pass, it would be unfair to compel the initial carrier to direct the shipment over the line of another with whose practices and method of handling business it is dissatisfied and yet for whose action it would be pecuniarily liable. The proposed act endeavors to meet both of these suggestions by giving to the shipper the right to select between any two or more established through routes—a concession which it is believed wil be of great value to the shippers, and yet not unduly burdensome to the carriers.

ANNUAL REPORTS.

Section 11 of the proposed act amends section 20 of the interstate-commerce act so as to empower the commission to require annual reports from the carriers to be made for the period of twelve months, ending either on June 30 in each year, as under the present law, or on December 31 in each year, if the commission shall so require. This provision was inserted at the suggestion of the commission.

PURCHASE OF COMPETING LINES.

For the purpose of "maintaining always the principle of competition between naturally competing lines, and avoiding the common control of such lines by any means whatsoever," it is proposed, by section 12 of the bill to prohibit railroad corporations, being common carriers subject to the interstate-commerce act, from acquiring, directly or indirectly, any interest in the capital stock and from purchasing or leasing the railroad of any railroad corporation owning or operating a line of railroad which is directly and substantially competitive with that of such common carrier respecting the business to which the commerce act applies. Inasmuch as a large number of railroad corporations have heretofore acquired, under sanction of law, stock in other railroad companies, or are operating leased lines which have become integral parts of their systems, it is provided that nothing in section 12 shall operate to prevent a corporation which owns not less than one-half of the entire outstanding stock of another railroad corporation from acquiring the remainder; nor to prevent any corporation operating, under lease made for not less than twenty years, a railroad of any other corporation, from renewing such lease or acquiring the reversion, either directly or through the purchase of stock. Where a company has already acquired one-half of the stock of another, its control is practically as complete as if it had a clear majority, and to prohibit its acquisition of the remainder would operate to deprive the minority stockholders of the best market for their holdings.

On the other hand, where a company is operating as lessee under a long-term lease the railroad of another company, and has incorporated it into its system, the power to acquire the ownership of the demised property is in the public interest, as it unites responsibility with control. It is, however, expressly stipulated in the bill that it shall not affect the rights or liabilities of any party to any pending suit or action, nor authorize nor validate the acquisition by one railroad corporation of any interest in the stock or the purchase or lease of any other railroad, in violation of the Sherman antitrust act. It is further provided that any attempted acquisition, contrary to the provisions of this section, may be enjoined at the suit of the United States by any court of competent jurisdiction; but that any railroad corporation subject to the act may apply to the court of commerce for an adjudication as to the legality of any proposed purchase of stock or interest in a railroad subject to the act; and the court of commerce is given jurisdiction to hear and determine such application on notice to the United States, with power to permanently enjoin any such transaction found to be in violation of the act, the judgment to operate as an estoppel upon the parties.

Some criticism of this section has been made upon the ground that it did not prohibit the acquisition by means of a holding corporation of stocks of competing lines of railway. The provisions of the Sherman

antitrust law, as interpreted by the Supreme Court in the case of Northern Securities Company *v.* United States (193 U. S., 1), so completely cover that ground that your committee deemed it unnecessary to attempt a repetition of those prohibitions in this act, and for the same reason it was not deemed expedient to attempt to deal with the question of combinations of express companies or telegraph and telephone companies, because, where such combinations constitute a restraint of trade, the Sherman Act affords ample authority to reach and prevent them. Much complaint has arisen because of the uncertainty of the application of the Sherman law to agreements which might in some respects affect competition and therefore be deemed to be in restraint of interstate trade and commerce. Your committee deems it to be reasonable to provide a means of ascertaining by judicial investigation and determination whether or not a bona fide contract proposed to be entered into respecting the acquisition of stock or property of railroads is in violation of the prohibitions of the Sherman Act before large investments of capital are made in reliance upon a seeming, although possibly wholly illusory, legality. If these contracts are submitted to rigorous judicial investigation before the money of stockholders is expended in reliance upon them, many purchases and combinations which violate the terms of the act will be prevented and much loss of capital averted. It is also of obvious advantage to the Government to have such investigation conducted before the contract becomes effective and when the burden is on the carrier to prove that it does not violate the law, rather than after it has gone into effect and the burden is on those who attack it. It has been objected by some that this is a novel form of legal proceeding, but in the opinion of the committee, although novel, it is founded upon sound principles and will tend to a certainty in the administration of the law which is now impossible to realize.

PROVISIONS AFFECTING ISSUE OF STOCKS AND BONDS.

Sections 13 and 14 of the proposed act embody provisions for such national restriction and supervision as, it is hoped, will prevent in the future the overissue of stocks and bonds by interstate carriers.

Much discussion has been had over the relation of stock and bond issues to the federal control over interstate commerce.

That corporations are persons within the meaning of the fourteenth amendment and therefore, under the fifth and fourteenth amendments, may not be deprived of their property without due process of law, nor denied the equal protection of the law, is settled. That fixing rates or charges by railroad companies for the transportation of passengers and property which deprive the companies of the power to charge reasonable rates for the use of their property, such deprivation taking place in the absence of an investigation by judicial machinery, is in effect taking property without due process of law; and in so far as they are thus deprived, while other persons are permitted to receive reasonable profits upon their invested capital, the companies are deprived of the equal protection of the laws, is also well settled. (See Smyth *v.* Ames, 169 U. S., 466, 523, and cases cited.)

In judicial investigations into the reasonableness of orders fixing rates, or otherwise regulating the practices of carriers, for the purpose of determining whether or not the constitutional rights above referred to have been invaded, while the principle established by the Supreme Court is, as was said in Smyth *v.* Ames (169 U. S., 466, 546), "that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public."

Nevertheless, in that case, as in others, the court declared that in order to ascertain such fair value "the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stocks * * * are all matters for consideration, and are to be given such weight as may be just and right in each case."

In the application of these rules every such inquiry involves a consideration of the bonded debt and the outstanding capital stock of the corporation, and elaborate inquiry as to the actual investment represented by such issues.

The effect, therefore, of establishing a method of ascertaining that stock and bonds as issued are founded upon legitimate investments of capital, which shall be the basis of the reasonable return guaranteed as a maximum by the Constitution, would seem clear and to fully warrant the enactment proposed by section 12.

Moreover, the National Government has a direct and legitimate interest in the financial ability of every carrier to perform the duties imposed upon it by acts of Congress in furnishing proper equipment and appliances to carry on interstate commerce in a safe, expeditious, and efficient manner, and to this end to prevent it from impairing such ability by assuming unwarranted financial burdens by the improvident issue and sale of securities without adequate consideration.

In framing legislation for the purpose of carrying out this principle, a superficial consideration of the subject would lead to the simple declaration that capital stock issued by corporations subject to the act should be paid for at par in cash or in property at its fair value, but this would give rise at once to an inquiry whether or not stock of the corporation of a different class would be property within the meaning of such prohibition. Many railroad corporations have already outstanding preferred stock of one or more classes, and it often becomes advantageous to the stockholders, as well as to the companies, that such preferred stock should be exchanged for common stock, and the discrimination between the classes of stocks thus eliminated. So, in many instances, when a company is in good credit it is greatly to its advantage, as well as to the advantage of the public, that it should issue its capital stock for the purpose of retiring its bonded or other fixed indebtedness, thus relieving it of the burden of fixed charges which must be met out of its revenues; and, in a very large number of instances, notes, bonds, or other obligations of railroad companies have been issued under authority of law which, by their terms, entitle the holders, under certain conditions, to convert them into stock of the issuing corporation. Where such obligations have passed into general circulation and must be met by the issuing companies at their face value, it would impair the obligation of such contracts to enact legislation in effect prohibiting the companies from carrying out their contracts. In many instances it has been found by experience that companies can secure a much better purchase price for their obligations if they make them convertible into stock than without that feature; and if the issue of the bonds be carefully guarded so that it be for value and at the fair market or selling price, there is no sound reason why such conditions should be prohibited.

Your committee has not attempted to legislate with respect to the application of the proceeds of bonds issued by railroad companies, as that subject is regulated by the laws of the States under which the companies are incorporated, and the only federal purpose involved is to see that stock is issued at its face value and that bonds are issued for their actual market or selling value. This being achieved, the States by which the various companies are incorporated may be safely left to prescribe the purposes for which such proceeds may be applied. The contention by some that the legislation should be so framed as to prevent a holding corporation from issuing stock and bonds ignores the patent fact that Congress can not legislate with respect to any such holding corporation any further than it has done by declaring against combinations in restraint of trade by the antitrust law, thus furnishing through that law a means of preventing the holding company from being used as a means of interfering with interstate commerce. Aside from such application, Congress has no jurisdiction over the amount of stock and bonds that may be issued by a company formed for the purpose or authorized to acquire and hold stock in other corporations.

Section 13 of the proposed act declares that no railroad corporation subject to the interstate commerce act shall hereafter issue for any purpose connected with or relating to any part of its business governed by such act, any stock, except upon the payment of the par value thereof; or any bond (except notes maturing not more than two years from the date they are issued) without payment of not less than the par value thereof; or if sold at less than par, then at not less than its reasonable market or selling value, to be ascertained by the commission; and that no property or other thing than money shall be taken in payment to the corporation for stock or bonds except at its fair value, which shall be ascertained and certified to by the commission.

It is, however, provided that nothing contained in the act shall be construed to prevent such carrier from issuing its bonds or other obligations to refund those now issued and outstanding to an amount requisite to take up or refund the same; or from issuing its capital stock at par in payment or exchange for bonds or other indebtedness now outstanding, or hereafter issued, in conformity with the requirements of this new act. But for such a provision as this a carrier would be deprived of a very necessary means of meeting its present outstanding indebtedness.

The bill also recognizes that railroad companies must have the right to issue short-term notes without previous authorization from the commission, in order to meet business exigencies arising from time to time, but to prevent such exception being made a means of evading the general provisions of the act restricting the issue of stock and bonds except on proper and ascertained consideration, the bill provides that no stock or bond shall be issued for the purpose of taking up such short-term notes in an amount greater than will suffice to yield a sum equal to the amount of money actually received for the notes, or, if sold for less than par, to yield a sum equal to par, or, if the Interstate Commerce Commission shall find that the notes were not issued in good faith for their reasonable market or selling value, then a sum equal to the amount of notes which the commission shall find would have availed to procure for the corporation had they been sold at their reasonable market value a sum equal to the consideration actually received for the notes by the corporation. Section 13 further provides against the issue of capital stock of one class convertible into that of another class, except share for share. With that limitation, no public purpose is invaded by the issue of one share of stock for a share of another class of the same stock.

Section 13 further provides that the act shall not be construed to prohibit the pledge of bonds as security for other notes, bonds, etc., not issued in violation of the act, but in order that this privilege may not be used merely as a means to procure the issue of bonds in violation of the restrictions of the bill, it is further enacted that such notes or bonds shall provide that none of the pledged securities upon nonpayment of the secured notes or bonds shall be sold except after public advertisement; or in case the bonds so secured shall confer upon their holders the right to convert the same into pledged bonds, the Interstate Commerce Commission shall have previously ascertained and certified to the reasonable market value of the pledged bonds, and the rate which such value bears to the reasonable market value of the secured notes, bonds, etc., and that such conversion be a rate not greater than in accordance with such ascertainment and certificate.

These provisions are so framed as not to prevent the ordinary means of financing railroad companies, while interposing an effectual protection against the issue of stock or bonds without adequate consideration.

Some objection has been urged to the provisions of section 13 on the ground that to require stock to be issued only at its par value is to prevent its use in the manner in which it must be employed, in order that capital be secured for the construction of railroads in undeveloped portions of the country.

It is no doubt true that the practice of issuing stock as a bonus with bonds was very common in this country at the time when there was the greatest activity in railroad construction throughout the country. It is also true that the practice was contrary to the law of most States, and that it gave rise to great evils which have called for legislative remedy.

While in one case (Handley *v.* Stutz, 139 U. S., 417) the Supreme Court approved of the issue of stock of a going company as a bonus to assist in the sale of its bonds, the laws of the State under which the company was organized not forbidding, yet that decision has never been followed in any subsequent case, and even in that case Mr. Justice Brown, writing the opinion of the court, said:

"The stock of a corporation is supposed to stand in the place of actual property of substantial value, and as being a convenient method of representing the interest of each stockholder in such property, and to the extent to which it fails to represent such value it is either a deception and a fraud upon the public or an evidence that the original value of the corporate property has become depreciated."

Further provisions are contained in the proposed act to prevent it from operating as an impairment of any contract with respect to the issue of pledge or stock or bonds heretofore executed and in force.

While it may be objected that the provisions of this act do not go far enough in regulating the capitalization of railroad corporations, no candid critic can fail to admit that they constitute a long step in the direction of establishing such national legislation and supervision as will prevent the future overissue of stocks and bonds by interstate carriers, and that they go as far as prudent legislation should go in entering upon this new field of national restraint upon the issue of stock and bonds by interstate carriers.

REORGANIZATION AND MERGER.

By section 14 of the bill provision is made for the granting by the commission to a committee on reorganization of any company or companies subject to the act, of any certificate necessary with respect to the proposed issue of stock or bonds, and that the act shall not operate to prevent the issue pursuant to any such plan of reorganization of

stock to an amount in the aggregate not exceeding the par value of the stocks of the corporation proposed to be reorganized; nor the issue by such new corporation of bonds, etc., to an aggregate amount not exceeding the amount of new money paid to the new corporation under the plan of reorganization and of existing bonds of other obligations or debts, provided the aggregate amount of interest charges of the bonds or obligations to be issued by the new corporation, or to which its property is to be subject, shall not exceed the aggregate amount of the interest charges to which its property was subject before the reorganization, plus interest upon bonds issued for new money.

In the case of a consolidation or merger of corporations, it is provided that the act shall not be deemed to prohibit the issue of stocks to an amount not exceeding the aggregate par amount of the stocks of the corporations consolidated or merged, nor of bonds to an amount not exceeding the aggregate amount of the existing bonds, provided the interest payable on the same shall not exceed the aggregate interest payable on the bonds, etc., of the corporations so consolidated or merged.

It is further provided that nothing in the act contained shall prevent a railroad corporation subject to the act from acquiring the stock and bonds of another noncompeting railroad corporation by the issue of its own stock and bonds, provided the aggregate amount thereof shall not exceed—

1. The fair value of the property of the corporation whose stock and bonds are so acquired, such value to be ascertained by the commission; or

2. The aggregate par value of the stock and bonds so acquired, but without increase in the aggregate interest payable thereon, which fact shall be ascertained by the commission; but it is further provided that nothing in the act contained shall be construed to authorize or validate a consolidation or merger in violation of the Sherman Act or any other act of Congress.

It is believed that these provisions, while preserving the principle of the act to prevent the improvident issue of stock and bonds without adequate consideration, will allow practicable means of reorganizing existing companies on a sound basis.

By section 15 the Interstate Commerce Commission is given jurisdiction to entertain applications for certificates under sections 13 and 14, and the issue of stock or bonds contrary to the provisions of sections 13 or 14 may be enjoined at the suit of the United States or of an officer of the corporation, or the holder of not less than 10 per cent of its stock, and penalties are imposed for violation of the act.

Section 16 provides that nothing in the act shall affect proceedings pending before the commission, and section 17 authorizes necessary inquiries to be prosecuted before a single commissioner, whose decision shall be taken as that of the commission, unless either party shall object, in which case the matter is to be submitted to the full commission.

Respectfully submitted.

[Senate Report No. 355, part 2, Sixty-first Congress, second session.]

VIEWS OF THE MINORITY (TO ACCOMPANY S. 6737).

I.

The members of the committee whose names are hereto signed do not concur with the majority of the committee in the recommendation that Senate bill 6737 pass without amendment. They beg to recommend the passage of the bill with certain amendments, which are either submitted herewith or herein mentioned. They are of the opinion that the bill as reported by the committee, while it has some excellent provisions, is as a whole not an advance in the regulation of interstate commerce, but a long step backward; and the effect of the bill, if it becomes a law, will be not to further restrain the power of common carriers, but to seriously impair the efficiency of existing statutes. It furnishes common carriers new weapons, and it weakens rather than strengthens those heretofore given to the people for their defense.

The first six sections of the bill create and equip a court to be known as the United States court of commerce. This court is to be composed of five circuit judges, to sit chiefly in Washington, but with power to sit anywhere. A full corps of officers, such as usually accompany a court, is provided for. Five new circuit judges are to be appointed, and in the first instance these new judges are to constitute the court. After having served for a time, they are to return to the circuits and the commerce court is to be recruited from the ranks of the circuit judges generally. The commerce court is given exclusive original jurisdiction of four classes of cases of which the circuit courts of the United States now exercise jurisdiction. A new jurisdiction is conferred which will be hereafter more specifically noted. Of the four classes of cases the one of importance is the second, which includes "cases brought to enjoin, set aside, annul, or suspend any order or requirement of the Interstate Commerce Commission."

As we view the matter, the court and the expenditure it involves are wholly unnecessary. According to the reports of the Interstate Commerce Commission there arose between the time the Hepburn Act went into effect in the middle of the year 1906 and the close of the year 1909, a period of three and one-half years, 26 cases, of which the court of commerce would have had jurisdiction had it been in existence during that time; that is to say, less than eight cases per year. It seems to us indefensible to put upon the taxpayers the burden of maintaining such a court under such circumstances. The view we have taken is, we think, emphasized when it is remembered that the jurisdiction of the courts over the orders of the commission, as interpreted by the last decision of the Supreme Court of the United States in Interstate Commerce Commission *v.* Illinois Central Railroad, so narrows the power of the courts that in the future it may be safely asserted that there will be fewer attacks upon these orders than there have been in the past. The suggestion that the institution of the court of commerce will bring uniformity into the decisions and that it will speed the disposition of cases that may arise is without merit, inasmuch as the Supreme Court is the final arbiter of the law, and there is no substantial similarity in the facts which the cases develop, nor in the past has there been undue delay in the trial of such cases.

An inspection of the record will show that the time has been consumed in the preparation of the testimony, and not in reaching a conclusion after the submission to the courts. Further, it seems to us fundamentally wrong to create a court whose sole work will be the trial of railway cases. Without enlarging upon the subject, we merely remind the Senate of the tremendous influences that will inevitably surround the selection of such a tribunal. It is far better for the country that all such controversies shall be disposed of by the regularly constituted judicial tribunals, proceeding in the orderly established way. We therefore recommend the adoption of an amendment as follows:

Strike from the title of the bill, in the first line thereof, the following words: "create a court of commerce;" and also strike out, beginning with the word "that," in line 3, page 1, down to and including the word "transfer," in line 5, page 13.

If the foregoing amendments are not adopted, we recommend that the proposed new court be reduced to three members. If we are to have an additional tribunal, three judges will be able to do all the work that will come before them and still have much leisure time. There is no necessity for a large court in order to guard against possible error, for every judgment of the court of commerce is reviewable by the Supreme Court. To that end, we submit the following amendments:

Strike out of line 24, page 2, the word "five" and insert "three."

Strike out of line 2, page 3, the word "five" and insert "three."

Strike out of line 4, page 3, the word "five" and insert "three."

Strike out of line 6, page 3, the comma after the word "three;" also strike out the word "four" with the comma after the same and the words "and five," and insert the word "and" after the word "two."

Strike out of line 17, page 3, the word "five" and insert "three."

In line 1, page 4, strike out the word "five" and insert the word "three."

Strike out of line 13, page 4, the word "four" and insert the word "two."

If, however, the Senate shall be of the opinion that we ought to add a new court of five judges to our judicial system, it then becomes of the first importance to prescribe with accuracy the jurisdiction which the new court is to exercise. It will be remembered that in the notable debate of 1906, arising upon a proposal to amend the interstate-commerce law, the jurisdiction which the court should be permitted to hold over the acts of the commission was regarded by everybody as of the highest concern. After much discussion and great deliberation the provisions which are now found in section 15 of the act of 1887 as amended were agreed upon. We shall not attempt to state the jurisdiction so conferred, for it has finally received a definition in the case of the Interstate Commerce Commission *v.* The Illinois Central Railroad, decided at the present term of the Supreme Court of the United States. It may, however, be noted in passing that in section 15, as so amended in 1906, it was provided—

"That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the commission shall be granted, except on hearing after not less than five days' notice to the commission. An appeal may be taken from the interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States."

In the bill under consideration all that part of section 15 which relates to suits brought to enjoin, set aside, annul, or suspend any order or requirement of the commission is repealed, and the whole subject is disposed of in those sections of the present bill which create the United States court of commerce and set forth its jurisdiction and procedure. For the moment our observations are confined to the jurisdiction and power of the new court in suits brought to enjoin, set aside, annul, or suspend, in whole or in part, an order of the commission. It is hardly necessary to remark that hereupon there arises the ancient controversy with respect to the extent to which such orders shall be reviewable by the courts. The common carriers have always contended for a broad review, approaching as nearly as possible a retrial, upon its merits, of the case decided by the commission. On the other hand, the advocates of effective regulation have always contended that the review should be brought down and narrowed to the constitutional point—that is to say, should be limited to the inquiry as to whether the constitutional rights of the carrier were invaded.

The moment the bill we are now considering was made public, the fear was expressed in many quarters that the provisions of the first six paragraphs of section 1, coupled with the last paragraph but one of the same section, and section 3 would enlarge the jurisdiction and power of the court of commerce over such orders of the commission as compared with the jurisdiction and power of the circuit courts under the existing law, so that the court of commerce in the trial of any such case would not be limited to the inquiries, first, did the commission obtain jurisdiction by proper procedure, and, second, did it so abuse its discretion as to infringe upon a constitutional right, and (possibly) third, was its order within the power granted by the law; but would be extended to a practical retrial upon the merits of the order.

The Interstate Commerce Commission, in its appearance before the committee, submitted a statement upon the subject which we quote:

"Assuming, as we do, that it is so intended, and to remove any doubt that may hereafter arise, we strongly recommend that the bill be so amended as to contain the explicit statement that the commerce court shall have no jurisdiction or power over orders of the commission not now possessed by circuit courts of the United States as defined and limited by the Supreme Court in the 'car distribution' cases, so-called, which were recently decided. Therefore we desire to have the language of the bill expressly limit the jurisdiction of the court of commerce as the Supreme Court has in effect limited the jurisdiction of circuit courts under the present law by holding, in substance, that orders of the commission involving the exercise of judgment and discretion are not open to review by the courts unless (a) the commission has acted without jurisdiction or (b) made an order which operates to deprive the carrier of its property without due process of law.

"To this end we propose the following amendment: After the word 'exclusive,' in line 12, page 2, insert 'but nothing in this act contained shall be construed to give the court of commerce in such cases any jurisdiction or authority not now possessed by circuit courts of the United States or the judges thereof.' Strike out the words 'but this act,' in said line 12, and insert 'this act, however.'"

The Attorney-General, who drafted the bill, was evidently impressed with the suggestion, and in the next succeeding revise of his draft adopted the idea, but, preferring his own method of correction, inserted an amendment immediately following line 16 of page 2 of the bill now before the Senate, as follows:

"But nothing hereinbefore contained shall be construed as enlarging the jurisdiction now possessed by the circuit courts of the United States or the judges thereof, which is hereby transferred to and vested in the court of commerce."

It is fair to say that the Attorney-General expressed the opinion that the bill, as he had originally drawn it, did not confer any jurisdiction upon the court of commerce, so far as these cases are concerned, that is not now possessed by the circuit courts; but to remove any doubt, he inserted the amendment just quoted. The advocates of a broad review were not content with this plain statement, because, as is evident, they hoped that the bill as originally drafted would be interpreted to give the court of commerce greater jurisdiction over such orders than the circuit courts now have. After some discussion upon

the point the Attorney-General withdrew the amendment, and it does not appear in the bill reported by the committee and now before the Senate. If, therefore, the bill passes as it has been reported, it will be with the understanding that the carriers, and those who have always insisted upon a broad review, will contend that the law has been changed, and that the court of commerce will be invested with the jurisdiction to practically retry, upon the merits, cases that have been decided by the commission.

It would unduly lengthen this report to enter upon an argument respecting the proper interpretation of the bill as it is reported. This will be done in the debate before the Senate. It must be clear, however, that there can be no possible reason for leaving any doubt whatsoever upon the subject, or any opportunity for contention. We insist that either the amendment proposed by the Interstate Commerce Commission, or the amendment proposed by the Attorney-General, which he afterwards withdrew, or better still the one we now propose, be made a part of the bill. We believe that the doubt will be removed in the fewest possible words by striking out line 6, page 1, and substituting the following:

"have exclusive original jurisdiction over all cases of the following kinds, but no other, different, or greater jurisdiction with respect thereto than is now possessed and exercised under existing law by the circuit courts of the United States."

Recalling attention to the quotation heretofore made from section 15 of the act to which the present bill is an amendment, it will be observed that no injunction, interlocutory order, or decree suspending or restraining an order of the commission can be issued without at least five days' notice. The present bill authorizes such an injunction without any notice whatever. We quote a sentence from section 3:

"No order or injunction so restraining or suspending an order of the Interstate Commerce Commission shall be made by the court of commerce otherwise than upon notice and after hearing, except that in cases where irreparable damage would otherwise ensue to the petitioner said court or a judge thereof may allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission for not more than sixty days from the date of the order, pending application to the court for its order or injunction."

When it is remembered that it is the general law that no preliminary injunction can be issued without a showing of irreparable injury, it is manifest that this section of the bill withdraws the safeguards which a former Congress put around the shippers and remits them to the injustice from which the act of 1906 sought to protect them. To prevent this backward step, we propose the following amendment: Strike from line 16, page 10, all after the word "suit" to and including line 7, page 11, and substitute therefor the following:

"No injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the commission shall be granted except on hearing after not less than five days' notice, and appeal may be taken from an interlocutory order or decree granting or continuing an injunction in any suit to the Supreme Court of the United States."

II.

The most objectionable and harmful feature of the bill under consideration is found in the departure from the existing method of defending suits brought by common carriers to set aside, annul, enjoin, or suspend the orders and requirements of the commission. As the law now is, all such suits are brought against the Interstate Commerce Commission and are defended by the commission, and the almost universal practice of the commission is to secure the assistance of the attorney who conducted the case before the commission in behalf of the complainant or complainants. In this way the common carrier is met in the courts (1) by the commission having full knowledge of the case and with an interest to defend it; (2) by attorneys who are as familiar with the facts as are the carriers themselves. The result is a real lawsuit, the commission being moved by the natural desire to maintain its order and the shipper being moved by the determination to secure the redress of a wrong.

The bill reported by the majority of the committee proposes that all suits attacking orders or requirements of the commission shall be brought against the United States, and the commission and all other parties interested in the outcome are by express provision prohibited from taking any part in the proceedings before the court of commerce. The defense is placed wholly in the hands of the Attorney-General and his Assistant Attorneys-General; and it is fair to assume that his discretion to employ counsel will not be often exercised in the employment of attorneys who conducted the proceedings before the commission, although their ability to conduct such cases is evidenced by their success in securing the order sought to be set aside. It is our deliberate judgment that this transfer of responsibility and power will destroy in large measure the efficiency of the interstate commerce law; and we look upon it as the most serious blow that could be dealt to those who must from time to time ask their Government for relief from the injustice inflicted by railway companies and other common carriers.

The cases that are prosecuted before the Interstate Commerce Commission arise out of wrongs put upon the shippers, who are vitally interested in fair transportation charges. Let us see what will happen. These shippers complain to the commission, and with infinite labor and careful investigation upon the part of their attorneys they make their case, and the commission awards them a remedy. The railway company or companies assail the order in the court of commerce. The shippers are just as much concerned in the judgment of the court as they were in the award of the commission; but they are not only deprived of any influence or control of the matter thereafter, but the commission itself is forbidden to take any part in it. The whole subject passes into the hands of the Department of Justice, which, although equipped with excellent lawyers, knows nothing about the case and can have no more than an abstract interest in it.

The Department of Justice makes itself familiar with the work that has been done by the commission as best it can, and then it may either defend or not defend, as it pleases. If it should happen to believe that the commission was wrong in its order, it would of course not defend, but allow final judgment to be entered in favor of the common carrier. Thus the amazing spectacle would be constantly presented of a review of the orders of the commission not by a court, but by the Department of Justice. Not only so, but if it should happen that the peace and quiet of business required at that particular time a conservative administration of the law, we assume that the Department of Justice would feel that it ought to go a little slow, lest a financial or commercial disturbance might ensue. If the particular case should be fortunate enough to successfully run the gantlet of these considerations, it would then be in the hands of a lawyer who knew nothing about it, although it had already been once tried. He would be necessarily ignorant of the vast details of evidence, with the complications and intricacies of rates and transportation conditions, and no matter how good a lawyer he might be, and we assume that none but competent lawyers would be in the Department of Justice, nevertheless he would prepare the testimony and try the case under the most disadvantageous circumstances that can be conceived.

We reiterate our conclusion that to pass over in this manner the defense of cases brought to set aside or enjoin the orders of the commission to any department and to exclude the commission and all the parties before the commission from any participation in the case is to deprive the people of the most effective weapon that the present law has put into their hands. We recommend therefore the following amendments in order to keep the defense of such suits where it now is and where it properly belongs:

Strike from line 9, page 8, the words "United States" and insert the words "Interstate Commerce Commission."

Strike from lines 11 and 12, page 8, the words "and in the Department of Justice."

Strike out lines 8, 9, 10, and 11, and the words "United States, and," in line 12, page 11, leaving section 4 to read:

"The United States may intervene in any case or proceeding in the court of commerce whenever, though it has not been made a party, public interests are involved."

Strike out section 5, being from and including line 15, page 11, to and including line 3, page 12.

We believe that the parties in interest before the commission should be granted the absolute right to appear in any suit brought to set aside the order which such parties have procured from the commission, and therefore we recommend an amendment as follows:

Insert at the end of line 8, page 9, the following:

"In any suit brought in said court of commerce to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission any person, copartnership, or corporation which was a party to the proceeding in which the order sought to be enjoined, set aside, annulled, or suspended was made shall have the right to appear in the court of commerce and be made a party thereto, and shall be permitted to introduce evidence and make argument as though an original party to the suit, and upon an appeal to the Supreme Court of the United States shall be heard in like manner as though originally a party to the suit."

III.

Section 7 of the bill repeals the antitrust law with respect to agreements between common carriers specifying the classifications of freight and the rates, fares, charges for transportation of passengers and freight, and expressly legalizes them. The only power reserved to the commission upon the subject is that it may change the rates, fares, charges, or classifications after hearing, exactly as it may change any rates, fares, charges, or classifications put into effect by individual carriers. It is obvious that this provision will destroy the last vestige of competition between carriers as to rates. It is only necessary to observe all the railways of the country in a single meeting consulting about rates and with the power to agree upon them to understand that this amendment to the law would result in the surrender of all independence on the part of the railwnys which can afford to put in low rates. The inevitable consequence must be an increase in rates.

It has long been recognized that stability in the business of transportation requires some cooperation among the carriers, but until this bill was introduced it had never been proposed by any friend of regulation that the unlimited and unqualified power conferred by this section would be of advantage to the people. The only defense for this section that has been suggested is that the Republican party declared for it in its platform of 1908, and that therefore it is the duty of the members of that party to carry the announcement of the platform into effect. The members of the committee who sign this report are Republicans; but they deny that this section is an effort to put the platform of their party into law; on the contrary, they insist that the proposed amendment is in direct violation of the platform. They take the liberty of quoting that part of the Republican announcement. It is as follows:

"We believe, however, that the interstate-commerce law should be further amended so as to give railroads the right to make and publish traffic agreements subject to the approval of the commission, but maintaining always the principle of competition between naturally competing lines and avoiding the common control of such lines by any means whatsoever."

If language means anything, the above quotation means that such agreements made by the carriers shall be approved by the commission before they become effective, and yet the amendment we are considering specifically allows the agreements to go into force without the approval of the commission. In order, therefore, to prevent the complete abandonment of a cherished principle heretofore held inviolable, as well as to bring the proposed law into harmony with the platform of the party now in power, the minority signing this report recommends the following amendment:

Insert, after the word "if," in line 17, page 13, the following:

"made in terms subject to the approval of the commission, and if also any such agreement, together with all the rates, fares, charges, or classifications therein prescribed or therein referred to, shall be approved by the commission before any such agreement, rates, fares, charges, or classifications go into effect."

Strike out the word "a," in line 17, page 13, and insert the words "and a."

Strike out the word "is," in line 18, page 13, and insert the words "shall be."

IV.

Section 8 of the bill is an attempt to make carriers more careful in quoting rates to proposed shippers. There have been many instances in which serious loss has been sustained by reason of the inaccuracy of the statements of agents in giving information with regard to rates. It is impossible to award damages to the shipper for such misstatements, because it would be easy under such practice, by collusion between the carrier and the shipper, to give rebates and make discriminations. Therefore the remedy must be confined to a penalty imposed upon the carrier.

There are two respects, however, in which the section as reported by the majority is defective; first, it is confined to railroad corporations, whereas it ought to embrace all common carriers subject to the act. We therefore recommend that the words "railroad corporation, being a" be stricken out of line 24, page 14. It is unjust, also, to confine the imposition of the penalty to the cases specifically mentioned in the section. It ought to be imposed whenever the rate is misstated or there is a refusal to state a rate and the shipper suffers legal damage from the misstatement or the refusal to give the rate, as the case may be. We therefore recommend that there be stricken out of line 10 all after the word "rate," and lines 11, 12, 13, 14, and the words

"his or its cost," in line 15; all on page 15. We further recommend, in order to carry out fully the purpose of the first amendment, that the words "railroad corporation," in line 19, page 15, be stricken out and that there be inserted the words "common carrier."

V.

Section 9 of the bill rewrites section 15 of the present interstate-commerce law. The first paragraph of the section provides the authority of the commission in prescribing rates, charges, regulations, and practices for the future, and it enlarges the authority of the commission in two respects—first, to proceed to an investigation and hearing upon its own initiative, and, second, to deal with classifications affecting rates. We thoroughly approve this enlargement, and have only to suggest that if the real controversies which are now before the commission, and which will constantly come before the commission, are to be settled effectually, the commission must at least have the additional power to prescribe a relation between rates. Without this power the contest between the various communities of the country, and especially the western country, for commercial advantage will never be satisfactorily adjusted. We therefore recommend the following amendment:

Insert after the word "charged," in line 5, page 17, the words "or to determine and prescribe what will be the just and reasonable relation between such rates or charges to be thereafter observed;" also insert after the word "prescribed," in line 14, page 17, the words "and preserve the relation so fixed."

The second paragraph of the section is entirely new to the law. It confers upon the commission the power to suspend changes in rates, pending a hearing upon the propriety of the change, for not to exceed sixty days beyond the time when the proposed changes would otherwise go into effect. We fear that the limitation will nullify the object sought to be accomplished, because it is admitted that it would be impossible for the commission to make the proper investigation of the larger number of the changes that will be made within the time so fixed. It is so vital to the business of the country that there shall be a reasonable supervision exercised by the commission before changes in rates shall go into effect that we earnestly recommend an amendment which will permit the suspension to continue until the hearing is concluded. Therefore we suggest the following:

Strike out from and after the word "practice," in line 22, page 18, to and including the word "effect," in line 25, page 18.

VI.

Section 12 of the bill, as reported by the committee, begins with the laudable attempt to prevent the consolidation or combination of railway lines which "directly and substantially" compete with each other; but before it reaches its end, it not only nullifies the prohibition with which it started out, but actually takes the back track, and if it were to become a part of the law, it is our opinion that consolidations and combinations could be lawfully effected that are now forbidden. Our first objection to the section is that it is confined to railroad corporations. It does not pretend even to control those instances, of which we have seen many in the past and of which we will see more in the future, that present a consolidation or combination between water routes and rail routes. It does not include express companies or telegraph and telephone companies, and by its express terms suburban or interurban electric passenger railway corporations are declared not to be railroad corporations within the meaning of the section.

In so far as this bill is concerned, a railroad corporation could buy all the competitive steamship or steamboat lines, or any interest in them, or could consolidate water and land transportation in any way that the existing statutes will permit, and on the other hand the same freedom is preserved to the water lines in dealing with the land lines. Any railway company operated by electric power and carrying passengers could purchase, so far as this bill would affect the transaction, all the railways in the United States and combine them into a single corporation; and likewise any railroad company operated by steam could extinguish all the competition of electric railways by purchase, lease, or combination. Moreover, the holding corporation is in nowise restricted by the bill from acquiring any ownership or control of competing lines of transportation that would not fall under the condemnation of the antitrust law. The section not only permits a railroad company that has acquired, before the act goes into effect, 50 per cent of the capital stock of a competing line, to purchase and hold the remainder, but it expressly authorizes the renewal of any lease which runs for more than twenty years, or the purchase of the reversionary interest of the lessee by the lessor.

The defects in the section just recited are bad enough, when it is remembered that the purpose of any new legislation upon the subject is to strengthen the law rather than to leave it as it is; but these defects seem to lose their importance when compared with the striking characteristic of the section. It is proposed in the latter part of the section to create a novel kind of lawsuits, and to confer upon the court of commerce the jurisdiction to hear and decide cases before the transactions out of which they arise take place. It is provided that when any individuals or corporations are about to effect a purchase or consolidation which may be contrary to the law, they shall state their case to the court of commerce; that thereupon the Department of Justice shall appear and defend for the United States; that if, upon the hearing, the court finds that the case, as stated, would be lawful if carried into an actual transaction, then the court shall issue a certificate of innocence which will create an estoppel as between the transaction and the United States. We look upon such a procedure as indefensible, even if it were limited to the jurisdiction already described.

We know of no good reason why a court should attempt to declare in advance the legality of a proposed railway merger, any more than it should attempt to determine for an individual what he may lawfully do in his business. The proposition, however, would not be so startling if the court, in deciding such a case, were limited to the ascertainment of the legality of the contemplated merger, tested by the provisions of the law, as laid down either in this bill or by the provisions in the act to protect trade and commerce against unlawful restraints and monopolies, commonly known as the "antitrust law." The most extraordinary feature of the section will be found in its closing sentence, which we quote:

"In making the determination herein provided for the court shall take into consideration the effect of such proposed acquisition upon the due observance and effective enforcement of all the laws of the United States, and the relative importance of any benefit to the public interest and of any effect upon competition resulting from such acquisition."

If these be not mere idle words, they confer upon the judicial branch of the Government a power which Congress can not constitutionally grant, and which, if it could be granted, would destroy the fundamental principles of civilized and organized society. In effect this sentence says to the court of commerce: If you find the proposed merger, purchase, or consolidation to be contrary to all the acts of Congress upon the subject, and especially the antitrust act, and contrary to the provisions of this particular bill, nevertheless you may enter a judgment of legality that will forever bind the United States and forever protect the proponents of the merger, purchase, or consolidation, if you believe that upon the whole the contemplated transaction will be of benefit to the public interest, and all this notwithstanding the well-settled policy of the people and every legislative body which forbids the merger or consolidation in any form of competing lines of transportation.

To merely state such a doctrine is to pronounce its severest condemnation. It is manifest that the attempt to bestown such jurisdiction upon a court is an attempt to grant to the court legislative power; and if it could be done, it would violate the most cherished and the most sacred principles of representative government. We shall, during the course of the consideration of the bill by the Senate, present a substitute for the section, the purpose and effect of which will be to effectually prevent the further consolidation, through stock interest, lease, or purchase, of competitive lines of transportation. We had hoped to be able to present it to the committee, but the precipitate action of the committee in reporting the bill immediately after the hearings upon it had closed has made it impossible to incorporate the amendment in our report.

VII.

Sections 13, 14, and 15 of the bill add to the existing law a plan for the regulation of the capitalization of railroad corporations. It is so intricate and complicated that an effort on our part to state just what is accomplished would make our report unreasonably long. We content ourselves, therefore, with an expression of our conclusions. We have reached them after the most careful study of these sections, and being in full sympathy with the universal demand that all the power that Congress has should be exerted to prevent the overcapitalization not only of the railroad corporations, but of all common-carrier corporations.

1. We believe that, however commendable the motive which inspired the writer of these sections, the abuse of overcapitalization can be continued under them without legal abatement.

2. We believe that a plain, straightforward declaration that capital stock issued by corporations which Congress has the power to regulate shall be paid for at par, and that if paid for in property or services the reasonable value of the property and services shall be fixed by the Interstate Commerce Commission, is all that is required; and that the infinite variety of qualifications and exceptions found in these sections should be eliminated.

3. We believe that capitalization of common carriers represented by bonds will be sufficiently guarded if the purposes for which the proceeds of the bonds can be used are carefully prescribed and the proper penalties for misuse of the proceeds are imposed.

4. We believe that it would be prudent to so separate the legislation upon this subject as not to imperil the regulations enacted under an unquestioned legislative power by their association with the exercise of a legislative power which, although we believe it exists, has not yet been affirmed by the Supreme Court of the United States.

Of these sections, as of section 12, we say that the unexpected action of the committee in reporting the bill as soon as the hearings had finished, prevented us from maturing the substitute which will be offered for the proposed legislation respecting capitalization; but it will be presented to the Senate in the early consideration of the bill.

In order that it may be known that our objections to these sections are not conjectural, we beg to point out some of the provisions which we think render the whole plan ineffective:

1. It is confined to railroad corporations, whereas it ought to include all corporation common carriers subject to the act.

2. The inhibition as to the issuance of both stock and bonds is limited in lines 8, 9, and 10, page 30, as follows: "Shall hereafter issue for any purpose connected with or relating to any part of its business governed by said act to regulate commerce," etc. A moment's thought will convince anyone that these words destroy the force of the whole plan, and if it is necessary to use them in order to make the plan constitutional, then it might as well be abandoned, for it would lead the people into the belief that we are doing something, when in fact we are not.

3. There is nothing to prevent a holding corporation from issuing all the stock and bonds that it pleases to issue.

4. The privileges extended in reorganizations and consolidations have practically no limit.

5. There is no regulation concerning the capitalization of the increasing values of existing property or of earnings that have been expended in extending or improving property.

6. It is expressly provided that, although every provision of the law be violated in the issuance of stocks and bonds, they shall nevertheless be valid in the hands of innocent purchasers. This in itself makes the proposed amendment substantially valueless. If this is to be the policy as to future issues, we might as well forego the attempt to limit capitalization.

VIII.

Although not within the scope of the amendments to the existing law proposed in the bill reported by the committee, the minority signing this report recommends that section 1 of the act of 1887, as amended, be further amended by adding thereto the following:

"The term 'common carrier' shall include all corporations which hold such an interest, direct or indirect, in the stock, bonds, or property of a common carrier as gives control or management over such common carrier or its affairs."

We respectfully submit that if the bill reported by the committee, or anything like it, is to become a law, the holding corporations should be brought within the jurisdiction of the Interstate Commerce Commission and within the provisions of the laws regulating common carriers.

Respectfully submitted.

ALBERT B. CUMMINS,
MOSES E. CLAPP,
Members of the Committee on Interstate Commerce.

[Senate Report No. 355, part 3, Sixty-first Congress, second session.]

VIEWS OF MR. NEWLANDS, OF THE COMMITTEE ON INTERSTATE COMMERCE (TO ACCOMPANY S. 6737).

This bill, creating an interstate commerce court and to amend the interstate commerce act, was prepared by the Attorney-General under

the instructions of the President, and has been submitted by the President to Congress under that clause of the Constitution which gives the President the power to recommend to the consideration of Congress such measures as he may deem necessary and expedient. It has many admirable features and is in some respects a step far in advance of past legislation upon the subject; but, as its full consideration in the Committee on Interstate Commerce was interrupted by a premature motion to report it to the Senate, I have not yet come to a conclusion regarding all of its provisions, and shall therefore refrain from comment or criticism regarding them until the debate in the Senate.

I avail myself, however, of the opportunity of a minority report to emphasize the views expressed by me in the report of the so-called "Hepburn bill" four years ago that the legislation regarding interstate commerce in which Congress has thus far indulged has been incomplete and fragmentary. The pending bill, whilst more comprehensive than previous legislation, lacks completeness in that it fails to provide for the valuations of railways and for the creation of national corporate agencies for the conduct of interstate transportation.

The Constitution has vested in Congress the power to regulate commerce between the States and with foreign countries. Interstate transportation has grown so prodigiously that, according to the opinion of experts, it now constitutes three-fourths of the traffic of the country. The States having divested themselves of the power to regulate interstate commerce and having vested it in the Nation, have a right to demand that the Nation should exercise this power in the fullest and most comprehensive way for the general welfare. Thus far the Nation has exercised its power in a lame and halting fashion, and so abuses have sprung up which the States are powerless to control and which the Nation, whose jurisdiction is as broad as interstate commerce itself, can alone correct.

THE EVOLUTION OF RAILROADS.

Originally railroads were organized, constructed, and operated entirely within the boundaries of the respective States. Interstate connection was later made at state boundaries, but each line was operated separately. Then came through service of cars and trains by traffic arrangement. Then came consolidation of control through leases or sale with the legislative sanction of the States affected, the purchasing or leasing road being incorporated under the laws of one State and its acquisitions in other States being accomplished with the consent of their legislatures. Then came the great holding company, generally organized in the State most lax in corporate control, securing control of railroads in many States by acquiring the majority of their stock, such transaction being accomplished by exchanging the exaggerated issues of stocks and bonds of the holding company for shares of the constituent companies.

In this way hundreds of railroad companies organized and operating under the laws of different States would be brought under the control of a foreign corporation organized under the laws of a State in which not a mile of the railroad operated existed. Some States derive large revenues from granting roving charters of this nature. In most cases the consolidation of the roads save where it involved competing lines, resulted favorably to the public through the perfection of administration and service; but it also resulted in large overcapitalization and in a complexity of financing, puzzling both to the investor and to the regulating tribunals. Had Congress anticipated this consolidation by providing the machinery for it through a national incorporation act, consolidation would have been accomplished without these attendant evils.

NATIONAL INCORPORATION.

It is my purpose to offer as an amendment to the bill under consideration an additional section, which is appended (Appendix A). This amendment is similar in terms, though somewhat altered in details, to a bill which I have offered at every session for the past five years. It provides for the formation of national corporations for railroad and navigation lines engaged in interstate and foreign commerce; for the acquisition of state railroads by such corporations by purchase, consolidation, or merger, with the consent of the States affected, and for the control of their stock and bond issues. It subjects the physical property and equipment of such corporations to the taxation of the States, but protects them, as national instrumentalities, against the taxation of their franchises, stocks, and bonds. It provides for the exercise of the power of eminent domain under the judicial procedure of the States. It disclaims interference with the police laws of the States, and, by declaring that any corporation organized under the act shall be deemed a citizen of every State in which its lines are located, preserves the jurisdiction of the state courts, except where a federal question is involved. It provides for an accident and insurance fund for the relief of employees disqualified by injury or age. It authorizes the Interstate Commerce Commission to act as a board of conciliation in all disputes between corporations and their employees. It limits dividends to 7 per cent, but provides that the Interstate Commerce Commission may direct the application of surplus profits, in whole or in part, to betterment of the roads or of equipment or to extra dividends, or to a guaranty fund against future inadequacy of earnings.

The argument in behalf of national incorporation of transportation companies was presented by me in a report upon the so-called "Hepburn bill," filed March 15, 1906, and is as follows:

[Senate Report No. 1242, Fifty-ninth Congress, first session.]

VIEWS OF MR. NEWLANDS.

While I have joined in the report on House bill No. 12987 (Hepburn bill), amendatory of the interstate-commerce act, and am in sympathy with its general purposes, and believe that it is well framed to cover its main purpose as to the regulation of rates, I think it should be classed with the incomplete and fragmentary legislation regarding interstate commerce in which Congress has thus far indulged.

I believe that this is the time for full and comprehensive legislation. I do not believe that our legislation will be as effective as it should be unless it adds to the pending measure provisions for the national incorporation of railways engaged in interstate commerce, guarding against overcapitalization, fixing with certainty the rule for the taxation of such railway property by the States, and prescribing a fixed limit for dividends.

Such legislation should not simply cover the interests of the shippers and the common carriers; it should embrace the interests of labor by providing for an insurance fund against accidents and old age and for conciliation of disputes between carriers and their employees. Such legislation should be simple, definite, certain, should cover every question relating to the regulation of interstate commerce, including the creation of the artificial beings called corporations that are to conduct it. It should frankly recognize the economic necessity of consolidation and combination and the essentially monopoly character of the business, and regulate consolidation, combination, and monopoly with a proper regard for the interests of the public served by it, the property rights of the capital employed in it, and the human rights of the labor employed by it.

RAILROAD GROWTH AND CONSOLIDATION.

The railroad mileage has increased from 23 miles in 1830 to 213,000 miles in 1905. This mileage is owned by over 2,000 railroad corporations created by state laws. As the result of consolidation, combination, and recombination, the operation of these 2,000 railroads has been mainly unified under the control of less than ten systems, each organized under the laws of a single State, generally bearing the name of a single man, who is regarded as the dominant factor in its control.

The controllers of these systems resort for the machinery of combination to the States whose laws are most lax in proper restrictions regarding combination and overcapitalization.

CONTROL OF PRODUCTION.

In many cases the controlling corporation of a system, in addition to securing the control of a vast mileage through purchase or lease, also buys the stock of troublesome rivals, and thus gradually brings about a community of interests which results in the suppression of competition and the stability of rates. It also in some cases purchases the control of producing companies in coal and iron, and thus, in connection with other corporations bound to it by a community of interest, controls the production of coal and iron in such States as Pennsylvania and West Virginia.

In addition to this, the men who control the great industrial combinations have become the controlling spirits of the great railroad combinations, and thus monopoly in transportation and monopoly in production have become united in the realization of profit. The pending bill provides no remedy for this abuse.

CONTROL OF CAPITALIZATION.

As a rule in the formation of these great railroad combinations there is no public supervision or control over the amount of their capitalization, this being left entirely to the judgment of those interested. States which require the approval by a public tribunal of stock and bond issues made for consolidation and combination, such as Massachusetts and Texas, are avoided in the creation of such combinations. The States whose legislation is most lax in such matters are resorted to for corporate powers. The capitalization of all the railroads engaged in interstate commerce is about thirteen billions of dollars, about half in bonds and half in stock.

The bonds for the most part represent genuine investment; the stocks, it is claimed, have been largely watered.

The President in his message has called attention to the evils of overcapitalization in the following words:

"Of these abuses perhaps the chief, although by no means the only one, is overcapitalization—generally itself the result of dishonest promotion—because of the myriad evils it brings in its train; for such capitalization often means an inflation that invites business panic; it always conceals the true relation of the profit earned to the capital actually invested, and it creates a burden of interest payments which is a fertile cause of improper reduction in or limitation of wages; it damages the small investor, discourages thrift, and encourages gambling and speculation; while, perhaps, worst of all is the trickiness and dishonesty which it implies—for harm to morals is worse than any possible harm to material interests, and the debauchery of politics and business by great dishonest corporations is far worse than any actual material evil they do the public."

This measure does not reach this abuse.

CHANGES IN RAILROAD CONDITIONS SINCE 1887.

In the World's Work for October, 1905, appears an article by Professor Ripley, of Harvard University, entitled as above.

In this article Professor Ripley states that from 1889 to 1903, "While population and mileage increased one-third, the railroads in 1903 hauled the equivalent of two and a half times the total volume of freight traffic handled in 1889, the year of the earliest official statistics." He adds:

"If the freight business of the United States increased five times as fast as population or mileage in fourteen years, the imagination runs riot concerning its probable magnitude fifty or one hundred years hence."

In this article also appears the following statistical statement:

"Gross revenues of American railroads in 1889 were about $1,000,000,000, and in 1903 they were about one billion nine hundred millions. The preliminary figures for 1904 show that they have practically doubled in the brief period of fifteen years.

"The net income available for dividends has grown even faster. The increase to 1903 was, roughly speaking, about 250 per cent, namely, from one hundred millions in 1889 to three hundred and fifty-seven millions in 1903. There is every probability that by 1905 the net revenue will be more than fourfold the figures in 1889."

GROWTH OF CONSOLIDATION.

Professor Ripley speaks of the enormous growth of consolidation since 1887, and calls attention to the fact that before 1890 a 5,000-mile railroad was about the maximum, and that the next decade, 1900, witnessed the growth of systems of about twice that size. He then adds:

"Since then, not simply consolidations, but recombinations of systems, each in itself the result of antecedent consolidations, have made their appearance. The Morgan, Vanderbilt, Pennsylvania, Harriman, and Gould properties during the last five years attained lengths of 15,000 to 20,000 miles, and shall anyone be rash enough to predict that the end is yet in sight?"

In addition to this form of consolidation, Professor Ripley says:

"Great systems are quietly assuming control of their lesser and parallel rivals through investment of surplus funds in their securities. In this way trunk-line territory has been practically closed to competition. The New York Central has secured the Lake Shore, and through it purchased a large interest in the Philadelphia and Reading Railway. At the same time the Pennsylvania Company, through the Baltimore and Ohio, purchased control of its former troublesome rivals in the South, the Chesapeake and Ohio and the Norfolk and Western. The Baltimore and Ohio is also used by the Pennsylvania as a catspaw to assist in pulling the Philadelphia and Reading out of the fire of competition. The last company, thus jointly controlled at arm's length by the two great trunk lines, becomes the principal factor in the great anthracite coal combination, which includes four or five other companies. With the Vanderbilt and Morgan control of the Delaware, Lackawanna and Western and the Lehigh Valley, it will be apparent how little room there is for competition in this territory. The only free lance in any sense is the Erie, and rumor has it that the New York Central, through the Lake Shore and the Pennsylvania, is buying into its control at the present time."

INTERCORPORATE OWNERSHIP.

Under this heading Professor Ripley speaks of another form of consolidation which is going on. In fourteen years, he says, outstanding stocks and bonds of railroads owned by the public increased only 25 per cent, while railroad ownership of such securities increased four times as fast, or 100 per cent.

"In other words," says Professor Ripley, "railroad investments in other railroads have been growing about four times as fast as ownership by the general public, until in 1903 about one-fourth of the outstanding issues of railway stocks and bonds were owned by these corporations themselves."

This tendency has been accelerating during the past few years. Professor Ripley cites as an illustration the case of the Union Pacific Railroad, whose holdings five years ago of miscellaneous securities were about $11,000,000.

"In its annual report for 1904 this item is represented by $211,800,000, mainly stocks of other roads, with a few bonds. Including its holdings through auxiliary companies, its investments have grown in five years from $90,686,000 to $342,587,000."

Professor Ripley shows how suitable counterpoises of nonvoting stocks and bonds enable control of these parent companies to be held with comparative ease by a few men, and adds:

"This is our dilemma, then: Such an inverted financial pyramid, if it prove its worth, must unconsciously enrich the few who control it—the public danger of the overwealthy. If it threaten to prove topheavy it can be upheld only through larger exactions from the shipping and consuming public—extortionate rates; while, if it topple over, vast losses must come to the innocent public which provided nine-tenths of the real capital investment—witness widespread bankruptcy."

THE RISE IN RATES IN RECENT YEARS.

Professor Ripley, after showing that during the period from 1887 to 1900 a great reduction was accomplished in the ton mileage of the country and that it was the well-nigh universal opinion among traffic experts that these low freights had come to stay, states that the experience of the last five years had rudely shaken this belief, and that since 1900 freight rates have been sharply advanced, and that whilst opinions differ as to the exact degree and the relative justification of these increases, no denial of the fact is made. He goes on to show that most of the import traffic for the current season is being carried on less than tariff rates, and that a vast amount of freight is also moved on special or commodity rates for the purpose of enabling some shipper, who otherwise might not be able profitably to reach a certain market, to engage in competition for the trade, and that it is the common opinion of railroad men that approximately three-fourths of all the tonnage of the railroads goes on such schedules.

Assuming, therefore, that the rates on this proportion of the tonnage are fixed by competitive conditions that can not be raised at will, Professor Ripley argues that the burthen of making provision for additional revenue must fall upon the standard or high-grade freight, most of which is domestic and local. Accepting, therefore, the figures given by the carriers for the increase in ton-mile revenue of 5 per cent on all traffic and concentrating this entirely on one-fourth or one-fifth of the tonnage, Professor Ripley argues we should have an increase to 20 or 25 per cent between 1900 and 1903. This, he shows, has been accomplished, not so much by raising rates as by a change in classification, and in yet other ways by the abolition of demurrage, by increase in charges for switching and terminal delivery, by increased fees for icing refrigerator cars, or feeding or bedding stock, etc. He claims that great restlessness among the shipping public has been engendered by this increase of charges, mainly because "they indicate indubitably" the utter impotence of the public when the carriers all agree to act in unison.

THE VAST POWER OF THE UNITED RAILWAYS.

Under this heading Professor Ripley says:

"To-day the public, every merchant, and every community are confronted with the colossal power constituted of all the railroads acting in unison; this, too, in spite of antipooling and antitrust laws of the most stringent sort. It is the irresistible character and universal scope of these freight-rate changes which menace the future."

Professor Ripley quotes from a decision of the United States circuit court for southern Georgia concerning the increase of freight rates on lumber as fully illustrating this point, in which the court says:

"After a careful consideration of the extensive record there seems to have been an utter absence of excuse or justification for the concerted action of the railroads which advanced the rates on lumber throughout the South. * * * A highly significant feature of this case is the fact that the rates complained of are the result of concert of action on the part of the members of the Southeastern Freight Association. * * * In that territory, as regards every interest dependent upon the transportation of commodities, the action of the association is more authoritative than the firman of the Sultan or the ukase of the Czar. * * * The marked increase of charges did not originate from a normal or reasonable exigency of the respondent's business. On the contrary, it was an arbitrary exaction imposed by a combination of railroad agents made in restraint of the natural movement of the produce in the lumber trade."

IS CONSOLIDATION DESIRABLE AND LEGAL?

It may be safely stated that consolidation has for the most part resulted in greater economy and efficiency of operation, in better and quicker service, in a more equal service, and in stability of rates. As to whether it has worked a reduction of rates is disputed. The verdict of the people would probably be in favor of controlled consolidation and against uncontrolled consolidation. None of these consolidations have been tested in the courts except that accomplished through the agency of the Northern Securities Company. It was condemned and dissolved. It is probable that others are equally illegal, but there seems to be little disposition to attempt to break them up. Consolidation and merger of railroads engaged in interstate commerce constitute a part of the economic development of such commerce.

This measure provides no supervision or control over consolidation or merger.

CORPORATE ACTIVITY IN POLITICS.

The activity of these great railroad combinations in politics has been increasing ever since 1896. They are in politics because they feel that their property may be at any time the subject of attack either by legislatures or by administrative officers. Their vast property is between the upper and the nether millstone—the upper millstone of the rate-regulating power, the nether millstone of the taxing power. Between the two, save for the protection of the courts, they could be ground to destruction.

Participation in politics is stimulated by the uncertainty and insecurity of their situation. In the States, as a rule, they take part in the selection and election of officials whose duty is likely to trench in any degree upon the taxing and rate-regulating power. In addition to being subject to the control of Congress as to interstate rates they are subjected to the control of 45 different state legislatures or commissions as to the rates of state commerce. They are also taxed under 45 different systems embraced in the laws of as many States.

There is no certainty, no uniformity, no permanency. Thousands of local officials are engaged in making the valuations and fixing the tax rates. The railroads are therefore in politics, and as they do everything systematically their participation in politics means either organization of or identification with a machine in most of the States of the Union, and since, as a matter of business, they pursue the lines of least resistance, this often means alliance with corrupt elements of the communities in which they operate. Having been drawn into politics by the necessity for protection, they are likely to become aggressive and dominant in political control. It is expensive business for the railroads, and it is a grave menace to the institutions of the Republic.

This measure fixes no certain rules or principles for the ascertainment of either rates or taxes. It increases the uncertainty of the railroads; it will enlarge the area of their political activity.

UNDOUBTED POWERS OF THE NATIONAL GOVERNMENT.

No one can question the power of the National Government to create corporations for the purpose of carrying out the powers intrusted to it by the Constitution. Under the granted powers of the Constitution we have created national banks, we have acquired and are now completing the Panama Canal, and have acquired the stock of and are operating the Panama Railroad. Under these powers we have also incorporated several railroads, among others the Union Pacific, the Atlantic Pacific, and the Texas Pacific railroads, the two former constructed through Territories, the latter constructed from a point in Texas to a point in California, all done under the powers granted in the Constitution to provide for the national defense, to establish post-offices and post-roads, and to regulate commerce with foreign nations and among the States.

Economic efficiency requires that the same railroad should accommodate both state and interstate commerce. State commerce is subject to the regulation of the State; interstate commerce is subject to the regulation of the United States. There should be no difficulty concerning the harmonious cooperation of the greater and the lesser sovereignties under a national incorporation act.

When I first introduced a joint resolution for the creation of a commission to frame a national incorporation act for railroads, I presented the view that it was unnecessary to seek either the cooperation or the consent of the States; that the United States had the power to create corporations for the transportation of interstate traffic; that it had the power to exempt the instrumentalities it chose for this purpose from all state burdens, either as to taxation or as to regulation of rates, upon the theory that the States could not put burdens upon national instrumentalities which might destroy their efficiency. But upon reflection I am convinced that it is wiser to secure the cooperation of the two sovereignties. I would suggest, therefore, the following legislation:

WHAT NATIONAL INCORPORATION SHOULD INCLUDE.

It is clear to my mind that we should have a national law for the incorporation of railways engaged in interstate commerce; that no corporation formed under it should be permitted to enter upon its work until its certificate of incorporation defining its purpose and powers should be submitted to and approved by the Interstate Commerce Commission; that such corporation should not be permitted to commence construction or to purchase or acquire existing railroads until its plans and estimates are approved by the Interstate Commerce Commission; that such corporation should not be permitted to issue its bonds or stock until the amount thereof and the consideration therefor are submitted to and approved by the Interstate Commerce Commission after a public hearing; that all subsequent issues of stock and bonds should require a similar hearing and approval; that no existing railroad now owned by a corporation created by the laws of any State should be acquired or purchased without the consent of such State; that railroads so constructed and acquired by such national corporation should be subject to the reasonable police laws of the States in which they are operated; that the stock and bonds of such national corporations should be exempt from all taxation, but that the actual property and equipment of such corporations should be assessed by the States in which they are located at such percentage of its value as is customary and general, and should be taxed at the same rate as other property, or, better, that the State should levy a tax not exceeding 4 per cent upon such proportion of the gross receipts of the railroad as the mileage of such railroad within the State bears to the entire mileage operated; that nothing in the act should interfere with the power of the State to regulate the rates for the state traffic upon such railroad; that the Interstate Commerce Commission should make a valuation both of the road constructed and the road and equipment purchased or acquired and should make a record of the same, and that the issue of bonds and stock should equal such value and no more, and that all subsequent issues of stock and bonds should represent the actual value of property constructed or acquired; that such corporation should be authorized to collect rates which would yield gross receipts, which, after paying the expenses of operation, the cost of maintenance, the taxes, the interest [a] on debt, and other fixed charges should be sufficient to pay a dividend of 5 per cent per annum.

APPROVAL OF STOCK AND BOND ISSUES.

A national incorporation act should limit stock and bond issues to the cash paid in, or to the value of the property acquired, and so strict should this provision be that no issue of stock or bonds should be permitted save with the approval of the Interstate Commerce Commission. There are two States in the Union to-day whose corporate legislation is of the highest character—the State of Massachusetts and the State of Texas. In both of these States the railroad commission must approve the issues of stocks and bonds, and in Texas no stock or bond issue is legal unless the approval is indorsed upon the stocks or bonds.

What we wish to do is to nationalize either the system of Texas or the system of Massachusetts, and to denationalize the system of New Jersey. It is possible that we may have to use powers both of per-

[a] As this interest is too low to attract investors in new enterprises the limitation in dividends has been increased in the pending amendment (Exhibit A) to 7 per cent, with power to the Interstate Commerce Commission to apply additional profits to betterments or extra dividends or a guaranty fund.

suasion and of coercion in bringing in existing corporations under a national charter. It may be that we will have to validate a large portion of the capitalization already created, but if we can save the country from the overcapitalization of the future, even though we validate a large part of the overcapitalization of the past, we will confer a lasting benefit upon the American people.

A FAIR RETURN.

The return which national corporations are to have upon their capital should be a fair rate of interest on a fair valuation, and in giving the franchises to collect tolls we should provide that it should be exercised in such a way as to guard the public interest and save the public from extortion. The Supreme Court has declared that the railroads are public highways; that the right to collect tolls can not be exercised without a grant from the sovereign; that the tolls must be reasonable, and that in a judicial inquiry the reasonableness of the toll must be determined by a consideration of the value of the property employed in the public use, the gross receipts, the operating expenses, the cost of maintenance, the taxes, the interest on debts, etc., and that rates should be so adjusted as to yield, after all reasonable allowances, a fair return upon such valuation.

The best way of maintaining for all time the valuation of these roads is to have the capital stock express the real capital employed, and not a fictitious capital, and then we will know upon what amount a fair return should be paid. My own belief is that the return should be 5 per cent per annum with an allowance to the company for dividends of one-third of all profits that may be realized above 5 per cent, the remaining surplus profits to go toward a guaranty fund for dividends and an insurance or pension fund for employees. This would mean automatic regulation in time, so that the Interstate Commerce Commission would have almost nothing to do, for automatically as the business of the country increases the limitation on dividends would force the betterment of the railroads and the reduction of rates.

In Smyth *v.* Ames (169 U. S., 546) the Supreme Court says:

"We hold, however, that the basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And in order to ascertain that value, the original cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under the particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration, and are to be given such weight as may be just and right in each case. We do not say that there may not be other matters to be regarded in estimating the value of the property. What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth."

And yet, although the Supreme Court has laid down the rule for the regulation of rates, as involving a fair return upon the value of the property affected, in the consideration of which certain factors are to be considered, such as the stock and bond issues, the actual cost, the actual cost of reproduction, etc., we in our legislation do not provide the factors by which the Interstate Commerce Commission can be guided. We should furnish them with the means of controlling the capitalization of these corporations, and if we do not enter upon a national incorporation of railways, we should at all events provide that the Interstate Commerce Commission should enter upon a valuation of the railroads, and to that valuation should be added from time to time the increases of bond and stock issues made by the corporation with the approval of the commission.

THE GOVERNMENT SHOULD DETERMINE WHAT SHALL BE A FAIR RETURN ON CAPITAL.

But there is another thing we can determine. We can determine the return upon capital. This is no innovation. It has existed throughout the history of this country. When we organized the Union Pacific Railroad we provided that the rates should be diminished after the income reached 10 per cent. In Massachusetts to-day the limitation upon the return on capital in electric railroads, which are being built all over the State, is 6 per cent, with an allowance of one-half of the additional profits to the corporation and the other half to be paid to the State.

The result is that nothing has ever been paid to the State. The corporation itself has never received the other half of the profits in the shape of dividends, but all excesses over 6 per cent have gone to the betterment and extension of roads and toward reasonable reductions of rates. The advantage of a limitation upon the dividend return on capital is that it works automatically either toward the betterment of the road, the reduction in rate, or to an increase of wages, all of which are to the interest of the country. Otherwise an increase of business tends simply to the increase of profit to the stockholder.

This system, while securing to him a fair return upon his investment, gives the balance of the profit, caused by an increase of population and an increase of business, to the public in the shape of the betterment of the road, in the shape of increased wages to employees, in the shape of reduced rates. If we enter upon a system of proper capitalization of these roads, involving a fair and fixed return in the shape of dividends, the Interstate Commerce Commission will hardly ever have cause to act, and automatically the entire administration of these roads will tend toward impartiality in place of partiality, to reasonable rates instead of unreasonable rates, to the betterment of roads instead of exhausting the roads with a view to paying dividends on watered capital.

AUTOMATIC ADJUSTMENT.

Thus we would have an automatic kind of adjustment under national control, which would do away not only with excessive rates, but all the abuses arising from preferences and discriminations as to individuals or localities. The tendency would be to equality and reasonableness of service.

TAXATION.

Then there is the question of a uniform system of taxation to be devised. Whenever the National Government creates a corporation for the carrying out of a great public purpose, and when the National Government uses the property of that corporation as an instrumentality for carrying out the powers conferred by the Constitution, it can, if it chooses, absolutely exempt such property from state burdens, for the power to tax involves the power to destroy. If it can do this, it can certainly do what I contend for, namely, lay down the rule by which States shall tax the property of such corporations within their boundaries.

We all know the looseness of the state laws regarding the taxation of railroads. We know that the range of assessment is a wide one; that the lesser degree of assessment is simply a valuation of the tracks and of the right of way, and that the higher degree of assessment involves the combined value of the stock and bonds. In addition to this the stock and bonds themselves in the hands of the stockholders can be assessed in most of the States, and thus we have a double system of taxation. As long as the taxation of railroads is subject to the conflicting laws of 45 different States is it to be wondered that railroads keep in politics? Can we throw ten billion dollars' worth of property into the political arena, subject to public control, both as to rates and to taxes, and then ask the ten billion dollars to keep out of politics?

The United States Government should fix a rational and fair rule for the taxation of national railroad properties which would leave nothing to discretion and which could be ascertained with mathematical certainty. Such a tax is a percentage tax upon gross receipts levied by the various States in proportion to mileage. It has the advantage of mathematical certainty and would relieve railroads of all necessity, so far as taxation is concerned, of interfering in politics.

Besides this, if the Interstate Commerce Commission is to fix the rates it is absolutely essential it should have all the factors for determining what is a fair return upon the capital invested, and one of those features is the allowance of the taxes; and if these taxes can be rudely disturbed from time to time by political action, involving violent readjustments, there can be no certainty either in the action which they take or in the rates for transportation which are the result of their action. Such legislation would be part of a rational adjustment of regulation, for it would involve not an absolute surrender to an Interstate Commerce Commission of the legislative powers belonging to Congress, but would involve the fixing of a rule working mathematically toward certain results and leaving the Interstate Commerce Commission the discretion and the judgment to work out the results according to the rule.

The difficulty with most of the propositions suggested for the fixing of rates by the Interstate Commerce Commission is that they confer upon an administrative tribunal all the legislative powers conferred by the Constitution upon Congress in this matter, and it may be a serious question in the future as to whether the Congress can turn over all this power. It is claimed, of course, that Congress fixes the standard in declaring that all rates must be just and reasonable, and intrusts to the commission the duty only of adjusting the rates to the standard, but it must be remembered that the only power which Congress has over rates is to fix just and reasonable rates, and that in turning this power over to an administrative commission it delegates all the power it has. It may be a serious question as to whether Congress can go so far. A provision that the commission should value the property and should allow such rates as, after the allowance of operating expenses, interest on debt, fixed charges, etc., should yield a certain percentage on such value, would be sure to stand the test of the courts.

RAILROAD EMPLOYEES.

There are other provisions which a national incorporation act should contain. One is an insurance and pension fund for employees. One per cent of the gross receipts of all the railroads of the country, amounting at present to over $2,000,000,000 annually, would be $20,000,000 annually. This sum put into an insurance and pension fund, and invested under the direction of the Secretary of the Treasury, would yield ample returns for the relief of employees suffering from injury or old age. The charge should be frankly imposed on the public as one of the fixed charges of operation, and allowance should be made thereof in fixing rates.

The Interstate Commerce Commission should be made a board of conciliation as to all disputes between employees and the railroads. As it is, whenever there is a dispute between a railroad company and its employees, if they fail to agree, there is war—war which does not involve them only but which involves the entire country, threatening an impairment and even destruction of the commerce between the States and between communities. Can it be said that it is wise to adhere to a system which threatens at any time to paralyze trade and to lock up the activities of the entire country? I would not provide compulsory arbitration, but I believe that the conciliation of the Interstate Commerce Commission would be as effective in such matters as has been the conciliation of the railroad commission of Massachusetts in disputes between railroads and shippers.

THE NATION SHOULD ACT.

These are the questions which come before us in the consideration of national incorporation. We are considering questions of the national defense, of the national postal service, of the national commerce, and of foreign commerce—all of them intrusted by the Constitution to the representatives of the people of the United States in Congress assembled. We have not exerted these powers to the full. It is time that, in the interests of the entire country, we should assume the functions plainly given to us by the Constitution and provide with deliberation and judgment for their full exercise.

GOVERNMENT OWNERSHIP.

It is plain that the people are restive under existing conditions. They realize that consolidation, capitalization, and return on capital are practically uncontrolled; that a few men in the great financial centers have almost absolute power in these matters; that our dual system of government tends to a confusion in control which practically exempts them from all control; that the complexity of the situation makes the railroad men the dominant power in politics; that the confusion of bond and stock issues, of stock watering, of leases, mergers, and combinations, absolutely paralyzes the judgment of the average right-thinking man, and is a fruitful source of corruption and fraud, political and financial.

They realize that the men who are prominent in the great industrial corporations are getting control over the transportation of the country, and that the union of control of the finances, the production, and the transportation of the country in the hands of a few has already created a plutocracy unsurpassed in wealth and power in the world's history, and that if this continues we are upon the threshold of still greater concentration of wealth and power.

They will look for simplicity in whatever plan of relief is proposed, and unless we unify and simplify the control of transportation in a few thoroughly controlled great national corporations whose finances and operations can be easily understood and whose functions will be entirely taken out of politics, they will drift to national ownership as the easiest solution.

The argument is a simple and taking one. If outside of the United States three-fifths of the trackage of the world is in national ownership, why should not America own her railroads? If the universal tendency

is to the ownership by nations, why should not we follow their example? If the Nation can build the most gigantic public work of modern times, the Panama Canal, and if it can own and operate a from ocean-to-ocean railroad at Panama, why can it not build and own and operate lines through the United States from ocean to ocean and from the Lakes to the Gulf? If Chicago can contemplate the ownership of interurban railroads costing hundreds of millions, can not the Nation take in hand the ownership of interstate railroads costing billions? Such in brief is the argument in favor of national ownership. The method is not difficult.

It would be easy to authorize the Interstate Commerce Commission to institute suit to condemn the shares of stock in all the railroads in the country engaged in interstate commerce, leaving the bonds outstanding as a lien upon the property. Thus the interests of the stockholders would be purchased by the Nation, and the Interstate Commerce Commission could step into the position of directors of the various companies with their present organizations of officials and employees and could gradually work out a method of national administration. The present bond issues amount to about $6,000,000,000, bearing interest at about 4½ per cent, for which government bonds at 2½ or 3 per cent could be gradualy substituted as the railroad bonds matured, thus accomplishing a saving of $90,000,000 to $120,000,000 annually. The capital stock, whose par value aggregates about $6,000,000,000, and whose market value aggregates a little less, could be condemned at approximately the market rates and paid for by the sale of 2½ or 3 per cent United States bonds.

As the present annual revenue of all the railroads is over $2,000,000,000, it would furnish a sufficient sum to pay all the fixed charges of the companies and the low rate of interest upon the government bonds issued for the purchase of stock and produce a surplus which would make ample provision for betterments and extensions, and also provide a sinking fund which would extinguish the entire debt in fifty years. There can be no doubt about the legality of such a procedure. A similar bill was passed unanimously in the Senate at the last session, authorizing the condemnation of the stock of the Panama Railroad. By this method the Government would acquire without any revolutionary methods the control of all the railroads engaged in interstate commerce in the country, and assuming that the administration was honest and efficient the saving effected by the substitution of low-rate bonds for high-rate stock and the gradual retirement of existing bonds at much lower rates of interest would eventually pay for the roads.

Should the country determine to simply take hold of the railroad construction of the future, leaving the existing railroads in the hands of their present owners, the Government could easily build a railroad of 3,000 miles across the continent from Norfolk or Charleston to Los Angeles or San Diego, which would become the spinal column of a great governmental system. Government ownership presents no difficulties, either constitutional or practical, except, possibly, the difficulty of honest and efficient administration, and the country will certainly drift to it unless the existing abuses of uncontrolled monopoly, of overcapitalization, of accomplished union between the producing and transportation interests, of political control, and of unjust preferences and discriminations are done away with. Even assuming that the government management may not be as economical, the time may yet come when the people will regard equality of service as of more importance than economy of service. Such, briefly, is the argument for national ownership.

But I believe the policy I am advocating would give the country all the benefits of government ownership with none of its dangers. It would abolish the evils which have arisen from unrestricted monopoly, automatically bring about a reduction in rates, put the railroads out of politics, close the door against the entrance of over a million men into the political patronage, and retain the management of the able men whose genius created our present efficient system of transportation out of the crude conditions which prevailed a generation ago.

FRANCIS G. NEWLANDS.

There is little to be added to the foregoing, except to say that whilst the Hepburn bill has been efficacious in correcting many abuses, the evils of overcapitalization, of consolidation of competing lines, and of lack of control over great holding companies, have not been diminished. The valuation of railroads has not been made and the abuses of great consolidating and holding companies, created by an irresponsible sovereign, have not been abated.

NAVIGATION LINES.

It will be observed that the proposed amendment also covers the national incorporation of navigation lines. The agitation which has been inaugurated for the improvement of our inland waterways is constantly increasing in momentum, and public opinion now demands the expenditure of at least $50,000,000 annually under comprehensive plans which will tie the bays and sounds and inland waterways of the Atlantic and Gulf coasts together by coastal canals, which will secure the full development of our Pacific coast waters, which will connect the Great Lakes with the Mississippi and Ohio rivers, which will secure the full development of the Mississippi River and its tributaries, not only for navigation under the national power, but by the cooperation of the States, for irrigation, swamp-land reclamation, the utilization of water power, and every other useful purpose. These plans also involve the coordination of rail and water transportation by the improvement of transfer facilities and sites, and the cooperation of each with the other in diminishing the general cost of transportation. Such a system of waterways would vastly relieve the existing congestion of transportation. The perfection of the transportation system of the country will involve the creation by the Nation of common carriers which will not only own great trunk lines of railway, but also lines of steamers on the lakes, the rivers, and the ocean, thus bringing our foreign transportation in cooperation with domestic transportation, and perfecting a system similar to that of Germany, where rail, river, and ocean lines all work in harmony for the purpose of developing the trade of the country. Combination is an essential part of the development of transportation. A perfect system would involve, as far as possible, one control from shippers to consignee; and this can only be accomplished by transportation lines operating regardless of state or national boundaries, which will utilize the railways, the rivers, and the ocean by methods of carriage adapted to each.

If a proper system were created, most of the evils now complained of would disappear. A system of transportation could be easily devised which would enlist the best powers of the National Government without infringing at all upon the powers of the States, one which would protect alike the railway investor, the railway employee, the shipper, and the public in their respective rights, and at the same time protect the States in all their legitimate powers and change the hostility of the railways toward the waterways into friendly cooperation in the interest of the entire people.

THE PROCESS OF UNIONIZING.

The purpose of the Constitution was not to centralize, but to unionize, government where the general welfare was affected. We unionized the quarantine because we realized that disease had no respect for state lines; we unionized navigation because nature failed to place the rivers entirely within state boundaries; we unionized banking because the interest of the entire people required one money, a common denominator acceptable anywhere, and a system of exchange inviting universal confidence; and all the reasons which led to the unionizing of these functions of government in the past exist in far greater and stronger degree at this time with reference to the unionizing of transportation. We have just reached the threshold of this great question, and it is important that we shall start right by insisting that the Nation should create its own agents and not permit a lesser sovereignty to do so. All thoughtful men will agree that the mergers of the railways are necessary to the proper development of the transportation system of the country, and that the fullest powers of combination should be exercised, under proper restraints as to capitalization, rates, and profits. To break up these mergers and resolve them into their integral parts, bounded and circumscribed in their operations by state lines, would be a national calamity, as grievous to the public as to the railroads. Leaving out of consideration for the present the combination of competing lines, these mergers have been of immense service to the country, although the machinery for perfecting them has been most complicated. The thing complained of is not the fact of combination, but the methods of combination, ofttimes accomplished by evasion of the laws, unrestrained by adequate law, and fruitful of overcapitalization, frauds on stockholders, and frauds on shippers.

Appended hereto as an exhibit is the amendment which I shall offer as an additional section to the bill.

FRANCIS G. NEWLANDS.

APPENDIX A.

Amendment intended to be proposed by Mr. NEWLANDS to the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, viz: Add an additional section, as follows:

SEC. 18. (A) That any number of persons not less than fifteen may, under and subject to the requirements and conditions in this act provided, form a corporation for the purpose of constructing, equipping, maintaining, improving, and extending, and, as a common carrier, operating, a line or lines of railroad or navigation between points in different States of the United States, or between a State and a Territory, or in a Territory, or between a State and the District of Columbia, or between the United States and foreign countries, or for the purpose of acquiring by purchase or lease and operating any such line or lines of railroad or navigation already constructed or established, or for all of such purposes.

POWERS.

(B) That every corporation organized under this act shall have powers and be subject to restrictions as follows:

To assume a corporate name, and under such name to have corporate succession for a period stated in its certificate of incorporation, and if no other period be therein named, such succession shall be perpetual.

To sue and be sued in its corporate name.

To issue bonds and capital stock as hereinafter provided.

To adopt, use, and alter a corporate seal.

To elect all necessary officers and appoint managers and agents as hereinafter provided.

To hold, purchase, convey, mortgage, or lease such real or personal property as the lawful purposes of the corporation may require, including the right to acquire and hold the capital stock or bonds, or both, of other railroad corporations and corporations properly subsidiary or incidental to the management and operation of the railroad business, including navigation lines, and to lease the property of such other corporations: *Provided*, That such right to acquire and hold capital stock of other railroad corporations and corporations so subsidiary thereto shall be exercised only by a national railway corporation which itself operates the railroad or navigation lines of which the stock is so acquired and held.

To manage its business, make contracts, incur liabilities, and borrow money, subject to the requirements or provisions or other conditions in this act contained.

To make by-laws not inconsistent with the laws applicable to such corporation or the rules of the Interstate Commerce Commission.

CAPITALIZATION.

(C) That such corporation shall provide for and issue only such amount of bonds and stocks as may be necessary for such construction or purchase or for the improvement or equipment of the railroad and navigation lines constructed, established, or acquired, together with the proper cost of organizing and promoting the company and the amount of capital reasonably required in addition for working capital. No bonds or stock shall be issued except for money paid or for property acquired at its actual cash value. The issuance of stock or bonds and the amount thereof shall in every case be subject to the approval of the Interstate Commerce Commission, which shall grant full public hearings in relation thereto, and of such hearings public notice shall be given by or under the direction of the commission. The United States shall be represented at such hearing by the Attorney-General or one of his assistants. The commission shall certify in writing to the incorporators or to the corporation its determination, and shall record the same in its records, and all bonds and stock not issued in compliance with such determination shall be void as against such corporation.

CERTIFICATE OF INCORPORATION.

(D) That the original incorporators shall sign and acknowledge a certificate setting forth the following facts:

The name of the company, which shall contain the words "National Railway Company," and which shall not be the same as that of any other corporation organized under this act or sufficiently similar thereto to cause confusion therewith.

Nature of the business proposed to be engaged in.

Duration of corporate existence.

Principal place of business.

Route of railway already built.

Route of railway proposed to be built.

The proposed amount of bonds and stock, which shall be determined as provided in section 3, and the respective amounts, conditions, and privileges of the separate classes of stock, if it is desired to have more than one class.

The par value of the shares.

The number of shares subscribed by each incorporator.

The said certificate, together with the engineer's report provided for under section 6 in cases where such report is required, shall be submitted to the Interstate Commerce Commission, which shall direct such amendments therein or additions thereto as may be deemed necessary, and shall, when such certificate is in conformity to law and in other respects is approved by the commission, indorse the approval of the commission thereon, and record the said certificate, with such indorsement, and the day and hour of the submission of the approved certificate, in proper books kept by the commission for such purpose. The corporate existence shall commence with such day and hour, and such record and a duly certified copy thereof shall be prima facie evidence of such corporate existence.

FINDING OF PUBLIC NECESSITY.

(E) That in case such certificate shall provide for the construction or establishment of new lines of railroad or navigation, the commission, as a condition precedent to such corporate existence, and before approving such certificate, shall determine, after public hearing, whether public convenience and necessity require the building of such new lines, said determination and the method of arriving thereat to be in accordance with rules established by said commission. If such determination shall be to approve the construction aforesaid, it shall be recorded with said certificate of incorporation. If such certificate shall provide for the acquisition by purchase, lease, or otherwise, of any line already constructed or in course of construction, it shall be lawful for the commission, after hearing, to deny the filing of such certificate if, in its judgment, after public hearing, such acquisition would be detrimental to the public interest. But if the commission shall approve such acquisition as in the public interest its determination shall in like manner be recorded with said certificate of incorporation.

The construction, extension, or acquisition of additions to any line or lines of railroad or navigation, or the acquisition of any other lines or parts of lines or shares of stock in other companies as aforesaid, by any company incorporated under this act, is hereby prohibited unless and until such construction, extension, or acquisition shall receive the approval of the commission as of public necessity or in the public interest, upon application therefor duly filed and public hearing held; and any such approval shall be stated by the commission in writing, with its reasons therefor, and recorded in its records.

ENGINEER'S REPORT.

(F) That no certificate of incorporation provided for in this act shall be filed or recorded unless the same is accompanied by the sworn report of one or more skillful engineers, showing, as far as practicable, the character, structure, grades, cost of duplication, cost of construction, and the manner of construction of the road or roads, line or lines, proposed to be built, established, or required, and containing statements in relation to such other matters as rules adopted by the commission may require.

MEETING OF STOCKHOLDERS.

(G) That the commission shall establish rules governing the first and other meetings of stockholders, notices thereof and quorums required thereat, the election of the board of directors, executive committee, president and other officers of the company, and for the adoption of by-laws. Such rules shall provide for not less than 5 nor more than 15 directors, an executive committee of the board of directors, with managing powers, the election of a president, vice-president, treasurer, secretary, and such other officers as the by-laws shall require. The by-laws of the company shall not be effective until approved by the commission, as in accordance with its rules. The commission shall have authority to amend such rules from time to time as may, in its judgment, be required. The by-laws of the company shall provide for the removal of directors by vote representing two-thirds of the stock issued and outstanding at any annual or special meeting. Stock held in the company's treasury shall not be voted at any meeting.

STOCKS AND BONDS.

(H) That in case the entire stock shall not have been subscribed for prior to the filing of the certificate of incorporation, the directors shall open books of subscription to such stock in such manner as may be provided for by the rules of the Interstate Commerce Commission. Before issuing the bonds of such corporation the amount and time and term thereof and the rate of interest must be approved by said commission. Before offering such bonds upon the general market they must be offered to the stockholders at not less than par, and thereafter such portion thereof as shall not be taken by the stockholders may be sold in the general market upon such notice as the Interstate Commerce Commission shall by rule prescribe.

CERTIFICATE OF ORGANIZATION.

(I) That when at least one-half of the capital stock shall have been subscribed for a majority of the directors shall make and swear to a certificate setting forth the following facts:

Names and addresses of directors;

Names and addresses of officers;

Amount of capital stock subscribed for;

Amount of capital stock paid for in other than cash, specifying separately and in detail the nature of such consideration and the total amount of stock separately allowed for other than cash;

All delegated powers conferred by the by-laws on others than the board of directors;

A complete and true copy of the by-laws of the corporation. And it shall be the duty of the board of directors, within thirty days after the passage of any vote, amendment, altering, repealing, or adding to the by-laws of the corporation, to file with the Interstate Commerce Commission a complete and true copy of such vote, amendment, alteration, repeal, or addition;

Such certificate shall be submitted to the commission, and after having been amended under the direction of the commission to conform to the requirements of this section, if such amendment be necessary, the approval of the commission shall be indorsed thereon, and the certificate, with its indorsement, shall be recorded in full in a proper book kept by said commission for such purpose, together with the day and hour of the submission of the approved certificate, and said corporation may begin business on and after such time.

CAPITAL STOCK.

(J) That the par value of each share of stock shall be $100. No stockholder shall be liable for the debts of the corporation beyond the amount of his subscription to the capital stock, except as expressly provided in this act. Each stockholder shall be entitled to a certificate of stock, which shall evidence the amount of stock held by him. The stock shall be personal property; shall be transferable only on the books of the company, in such form as the by-laws may prescribe, and shall be subject to a lien in favor of the corporation for all debts due to said corporation from the owner of said stock. The stock may be sold for unpaid subscriptions in such manner as may be prescribed by the rules of the commission. Each share of stock shall entitle the holder of record to one vote, and in voting for directors any stockholder may cast his vote or any part thereof for one candidate, so as to exercise the privilege of a cumulative vote. Votes may be cast by proxies, and the form of such proxies and the list of stockholders entitled to vote shall be prepared as provided by the by-laws in accordance with the rules of the Interstate Commerce Commission.

Stockholders, by two-thirds vote of each class of stock, may create different classes of stock, either in the original or in subsequent issues, if the Interstate Commerce Commission shall find that the creation of such classes of stock is proper and necessary for the purposes of the corporation; and such stockholders may, by such vote, determine the preference, conditions, and privileges attaching to such classes, respectively: *Provided*, That preferred stock so issued, and any stock so issued other than common stock, shall have no voting powers.

BONDS.

(K) That the corporation may, by a majority vote of its stockholders, issue bonds, notes, or other evidence of indebtedness, but the total of all such obligations of the corporation shall be determined by the Interstate Commerce Commission.

MEETINGS—INCREASE OR DECREASE OF STOCK.

(L) That annual and special meetings of stockholders shall be held, notices thereof issued, and quorums required thereat, in such manner and form as provided by the by-laws, in accordance with the rules of the Interstate Commerce Commission. The stockholders shall have power to elect directors and by two-thirds vote to remove them; by majority vote to increase the issue of any class of stock, subject to the provisions of this act, and by such vote to decrease any class of stock.

Stockholders may also by such vote of each class of stock make any alteration or amendment in the certificate of incorporation of the company not inconsistent with law which it would have been lawful to insert or omit or make in its original certificate of incorporation, such alteration or amendment to be subject to the approval of the Interstate Commerce Commission.

REGULATION BY INTERSTATE COMMERCE COMMISSION.

(M) That all corporations organized under this act shall be subject to the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof.

BOOKS AND RECORDS.

(N) That the treasurer shall keep proper books of account of all transactions of the corporation, and the secretary shall keep proper and full records of the transactions of all meetings of the stockholders, the board of directors, and the executive committee, and all of said books shall be open to the inspection of the commission at any time, and also to the inspection of any stockholder at any reasonable time and place. It shall be the duty of the respective officers having charge of such books and records to permit upon demand, after ten days' previous notice, such inspection by a stockholder, unless such right of inspection shall be enjoined as above provided.

REPORTS.

(O) That all corporations formed under this act shall make to the Interstate Commerce Commission such reports as are now by law required to be made to said commission, and such further reports as the rules of said commission shall from time to time require.

DISSOLUTION.

(P) That any such corporation may, after lawful private or public sale of the railway property and equipment, upon the vote of three-fourths of its capital stock, wind up and close its business and dissolve under such forms of procedure as to claims, distribution of assets, notice to creditors, publication of votes and certificates of dissolution as may be prescribed by the rules of the Interstate Commerce Commission.

EMINENT DOMAIN.

(Q) That any corporation organized under this act may acquire rights or property necessary for the proper execution of its corporate purposes, including right of way, sidings, terminals, depots, water rights, gravel, and stone. In case the corporation and the owner of such rights or property are unable to agree upon a price therefor and the same can not be acquired by agreement, the corporation may proceed in any competent court in the State or Territory where such property is located for the condemnation of such rights or property. Such proceedings shall be conducted pursuant to the existing statutes of such State or Territory regarding the condemnation of property for public use.

TAXATION.

(R) That railroads and navigation lines owned by corporations duly organized under this act are hereby declared to be instrumentalities for the regulation of interstate and foreign commerce. The franchises, stocks, bonds, fixed evidences of indebtedness, operations, and traffic, and the corporation itself shall not be subject to taxation by any State or Territory, but the property of such corporation situate in a State or Territory, including its right of way, its real estate, stations, office buildings and equipment, shall be subject to assessment at such average percentage of their actual value as shall be customary with reference to other property in such State or Territory, and to the customary taxes on such assessment.

STATE POLICE AND STATE RATES.

(S) That nothing herein contained shall be construed as interfering with the police laws of any State regarding railroads incorporated under this act and operating in such States, nor shall anything herein contained be construed as affecting the right and power of each State to regulate purely state commerce on railroads organized under this act. But the Interstate Commerce Commission shall hold conferences from time to time with the regulating power of any State with a view to such harmonious adjustment and regulation of state commerce and interstate commerce as will protect the public against abuses or extortion, and the railroads against inadequate returns upon their investment, and as will promote the efficiency of such corporations as common carriers. With such end in view the said commission shall call and hold at least once each year a conference with the railroad commissioners of the several States, and with other state officers having any

duty of supervision, taxation, or regulation of railroads within their respective States. Such conference shall be held in the District of Columbia, and the presiding officer at such conference shall be the chairman of the Interstate Commerce Commission, or some other member of said commission designated by its chairman. The proceedings of such conference shall be printed or distributed by or under the direction of the Interstate Commerce Commission.

ACQUISITION OF STATE RAILROADS.

(T) That such corporation may, with the consent of any State, upon the approval of the Interstate Commerce Commission, acquire the railroad of any corporation now organized under the laws of such State, and may issue for the purchase thereof such amount of bonds and stock as may be authorized by said commission, but such authorization shall only be made after a full public hearing, at which the Attorney-General shall appear, either personally or by one of his assistants, and no issue of bonds or stocks therefor shall exceed the value of such road as ascertained by said commission.

With the consent of the State under which any railroad corporation is or may be organized, merger between the corporation owning such road and a corporation organized under this act may be accomplished under this act; and bonds and stock may be issued by any corporation organized under this act for such purpose: *Provided*, That such proposed merger is approved by the Interstate Commerce Commission, and the amount of the bonds issued, together with the rate of interest thereon, and of the stock issued in the accomplishment of such merger, are also approved by said commission. Such issues of bonds and stock may include a reasonable allowance for the expenses of merger and promotion. Such merger shall not include transportation lines which are directly or substantially competitive.

ACCIDENT AND INSURANCE FUND.

(U) That it shall be a condition of the grant and continuance of any franchise to do business under this act that the corporation holding such franchise shall set aside annually a percentage of the gross receipts of said corporation, not exceeding 1 per cent, to be held as a fund in the Treasury of the United States for the payment of pensions to the employees of such corporation who shall have been disqualified for active service, either by injury in the service or by age. The conditions entitling employees to pensions, the amount and time of payment, the investment of the fund, the disbursing of the same, and the entire management thereof shall be under rules and regulations to be made, and from time to time amended, by the Interstate Commerce Commission.

BOARD OF CONCILIATION.

(V) That the Interstate Commerce Commission is hereby empowered and directed to act as a board of conciliation between corporations organized under this act and their employees as to any dispute arising between such corporation and their employees in the matter of compensation, hours, and conditions of labor, the protection of life and limb of said employees, and such power shall be exercised by said commission in accordance with the rules and regulations to be made and from time to time altered by said commission. All powers and duties now exercised by the chairman of said commission and the Commissioner of Labor under the act entitled "An act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898, are hereby transferred to, vested in, and required of the Interstate Commerce Commission.

PENALTIES.

(W) That no corporation organized under this act shall make any expenditure whatever for the purpose of aiding or defeating any political party or candidate for office, and for every such offense such corporation shall be subject to a fine of —— dollars.

Any officer, director, or agent of such corporation who shall willfully make, assist in making, cause or direct to be made, any false statement, material misrepresentation, or false entry in any book, report, return, account, or certificate required by or under this act to be kept shall be, upon conviction, subject to a fine of not more than —— dollars, or to imprisonment for not more than one year, or both, and shall furthermore be liable in a civil action for damages caused to any creditor or stockholder thereby.

Any officer, director, or agent of such corporation who shall willfully refuse or neglect to perform any duty imposed upon him by this act, for which refusal or neglect a penalty is not herein otherwise expressly provided, shall be subject, upon conviction, to a fine of not more than —— thousand dollars or to imprisonment for not more than one year, or both.

Any corporation organized under this act which shall fail to conform to and comply with any of the requirements, or observe any of the prohibitions, in this act contained shall be subject, upon conviction, to a fine of not less than —— dollars nor more than —— dollars, and each day of the continuance of such failure shall be deemed a separate offense.

All fines collected under this act shall be paid into the accident and insurance fund herein provided.

DIVIDENDS.

(X) That no corporation organized under this act shall pay or distribute to its stockholders in any form, during any one year, a dividend or dividends exceeding in total amount 7 per cent upon its capital stock without the consent of the Interstate Commerce Commission. If, after the payment by such corporation of its operating expenses, maintenance, improvements and betterments, its taxes, its interest on bond or on other indebtedness, and its contribution to the accident and insurance fund, there shall be a surplus over and above the amount necessary to pay such dividend of 7 per cent per annum, such surplus shall be reported to the Interstate Commerce Commission, which may direct the same to be applied, in whole or in part, to betterment of the road or equipment, or to extra dividends, or to a guaranty fund in the Treasury of the United States against future inadequacy of earnings or reduction in dividends, such fund to be controlled and invested under the direction of the Interstate Commerce Commission.

JURISDICTION OF SUITS BY AND AGAINST RAILWAY COMPANIES.

(Y) That any corporation organized under this act shall, for the purpose of all actions by or against it, real, personal, or mixed, and all suits in equity, be deemed a citizen of every State in which its lines are located, and in such cases circuit and district courts of the United States shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State. The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases by the United States, or by direction of an officer therein, or cases for winding up the affairs of any such corporation.

Any case involving the recovery of fines or penalties under this act may be brought in the circuit court of the United States for any judicial district wherein the corporation has its principal office or through which the line or any part thereof may run. In every such case, for the purposes thereof, the jurisdiction of the court shall be coextensive with the territory of the United States, and in writs of subpœna, removal of persons, execution, and all other process shall run throughout the United States. All existing laws pertaining to the taking and compelling of testimony in cases arising under the act to regulate commerce, or its amendments, shall apply in cases arising under this act.

RULES.

(Z) That the Interstate Commerce Commission shall make and from time to time alter, amend, or repeal rules necessary for the complete enforcement of the provisions of this act.

AMENDMENT OR REPEAL.

(ZZ) That this section and all franchises acquired under it shall be at all times subject to amendment, alteration, or repeal by act of Congress.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DAVIS:

A bill (S. 6944) to remove the charge of desertion against Bennett D. Cline (with an accompanying paper); to the Committee on Military Affairs.

By Mr. DEPEW:

A bill (S. 6945) for the relief of Martha E. Terwilliger; to the Committee on Claims.

By Mr. BURNHAM:

A bill (S. 6946) granting an increase of pension to John E. Moore; and

A bill (S. 6947) granting an increase of pension to William H. Hart; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6948) granting certain public lands to the State of Colorado for the use of the State Agricultural College of said State for agriculture, forestry, and other purposes; to the Committee on Public Lands.

A bill (S. 6949) granting a pension to Jane Hubbard (with an accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 6950) granting an increase of pension to William Bradley (with an accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6951) for the relief of the State of Pennsylvania; to the Committee on Claims.

A bill (S. 6952) granting a pension to Mary LeEtta Reed (with an accompanying paper); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6953) to provide for the disposition of surplus waters of projects under the reclamation act; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CULLOM:

A bill (S. 6954) granting an increase of pension to Harriet C. Clarke; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 6955) granting an increase of pension to Cyrenius J. Laughlin;

A bill (S. 6956) granting an increase of pension to Benjamin Allen; and

A bill (S. 6957) granting an increase of pension to August Herbst; to the Committee on Pensions.

A bill (S. 6958) to admit to the mails as second-class matter periodical publications issued by or under the auspices of benevolent and fraternal societies and orders and institutions of learning, and for other purposes; to the Committee on Post-Offices and Post-Roads.

A bill (S. 6959) for the relief of the estate of Milton P. Carey and others; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 6960) granting a pension to Rose Murphy; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 6961) granting an increase of pension to Daniel P. Jenkins (with accompanying papers); to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 6962) granting a pension to William C. Wall (with an accompanying paper); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 6963) granting an increase of pension to John H. Shook; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 6964) for the relief of Calvin O. Tyler (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 6965) for the relief of Samuel W. Campbell; to the Committee on Indian Affairs.

A bill (S. 6966) granting an increase of pension to Alanson M. Mitchell (with accompanying papers);

A bill (S. 6967) granting an increase of pension to Gilbert Gross (with accompanying papers);

A bill (S. 6968) granting an increase of pension to Martin Schelinski (with accompanying papers); and

A bill (S. 6969) granting a pension to Thomas Hughes (with an accompanying paper); to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 6971) granting a pension to Frances M. Comba; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6972) granting a pension to John Tobin;

A bill (S. 6973) granting a pension to William J. Sainter;

A bill (S. 6974) granting a pension to Emma C. Homer (with an accompanying paper);

A bill (S. 6975) granting a pension to Catherine E. Jacobs (with an accompanying paper);

A bill (S. 6976) granting an increase of pension to Eugene B. Mitchell (with accompanying papers); and

A bill (S. 6977) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States during the war of the rebellion; to the Committee on Pensions.

A bill (S. 6978) to correct the military record of Victor Schmitt; to the Committee on Military Affairs.

A bill (S. 6979) to aid in the construction of a railroad, telegraph, and telephone line in the Territory of Alaska, and to secure to the Government of the United States the use of the same for postal, military, and other purposes; to the Committee on Territories.

By Mr. LODGE:

A joint resolution (S. J. Res. 84) authorizing the Secretary of War to furnish condemned cannon for a tablet to the monument commemorating the landing of the Pilgrims at Provincetown, Mass.; to the Committee on Military Affairs.

THE POSTAL LAWS.

Mr. CARTER. I move that the Committee on Post-Offices and Post-Roads be discharged from the further consideration of the bill (S. 6287) to codify, revise, and amend the postal laws of the United States, and that the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, that order is made.

Mr. CARTER. In lieu of that bill I introduce a bill which bears certain amendments and improvements on the bill as originally introduced, it being for the same purpose.

The bill (S. 6970) to codify, revise, and amend the postal laws of the United States was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

YELLOWSTONE FOREST RESERVE.

Mr. WARREN submitted an amendment proposing to appropriate $20,000 for the repair and improvement of the east and south roads in the Yellowstone Forest Reserve, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate $140,000 for improving Charlotte Harbor, Florida, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the improvement of Lake Crescent and Dunns Creek, Florida, from St. Johns River to Crescent City, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $23,200 for improving the upper Machodoc Creek, Virginia, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BURTON submitted an amendment proposing to increase the appropriation for contract or contracts for materials and work for improving the Ohio River to $3,500,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the completion of the improvement of the Ohio River within a period of twelve years to $1,150,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for improving the harbor at Fairport, Ohio, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRADLEY submitted an amendment proposing to increase the appropriation for improving the Kentucky River, Kentucky, to $206,000, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the completion of the improvement of the Ohio River within a period of twelve years to $1,500,000, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $1,250,000 for improving the Delaware River, Pennsylvania, New Jersey, and Delaware, between Allegheny avenue, Philadelphia, and the sea, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLINT submitted an amendment providing for a survey of the outer harbor of Los Angeles Harbor, California, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE POSTAL LAWS.

On motion of Mr. CARTER, it was

Ordered, That 3,000 additional copies of the bill (S. 6970) to codify, revise, and amend the postal laws of the United States be printed for the use of the Senate.

CEMETERY LAND AT LOUISVILLE, KY.

Mr. BRADLEY. I ask the unanimous consent of the Senate to call us from the calendar the bill (H. R. 19558) to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.

I will state that the object of this bill is to enable the Secretary of War to exchange a certain small piece of land for another piece owned by the Cave Hill Cemetery Company, looking to the protection and enlargement of the space set apart for the burial of federal soldiers. I will ask that the Senate allow this bill to be taken up now and passed, as it is important that is should be acted upon.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIANA SHOALS LIGHT-VESSEL.

Mr. SHIVELY. I ask unanimous consent to call up the bill (S. 6230) to provide for the transfer of light-vessel No. 56 to Gary Harbor, Indiana.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with an amendment, in line 10, to strike out "numbered" and insert "number," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed, upon the establishment of White Shoal light-station, Lake Michigan, to transfer and station light-vessel No. 56, now marking that station, to a point about 7 miles northerly of Gary Harbor, Indiana, in approximately the position now occupied by the gas-lighted and bell buoys marking Indiana Shoals; said vessel to be known as Indiana Shoals light-vessel No. 56.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the transfer of light-vessel No. 56 to Gary Harbor, Indiana."

Mr. KEAN. Let us have the regular order.

DAVID ROBERTSON.

Mr. BULKELEY. I ask unanimous consent to call up the bill (S. 4196) to place David Robertson on the retired list of the United States Army.

Mr. KEAN. After this bill is disposed of I shall insist on the regular order.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes, in consequence of the long, faithful, and meritorious service of David Robertson, under appointment of the Secretary of War, as hospital steward, and sergeant, first class, Hospital Corps, in the Army of the United States since May 27, 1854, a period of fifty-five years, the Secretary of War to place David Robertson on the retired list of enlisted men of the army, with full pay of his grade and commutation of allowances at the following rates per month: Clothing, $4.56; rations, $30; and fuel and quarters, $20.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. I ask for the regular order.

AGRICULTURAL APPROPRIATION BILL.

Mr. DOLLIVER. I desire to call up House bill 18162, the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. DOLLIVER. I ask unanimous consent that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached in the reading.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered. Is there objection? The Chair hears none, and the Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," on page 1, line 11, before the word "solicitor," to strike out "one;" and in line 12, after the word "dollars," to insert "and hereafter the legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor," so as to read:

Office of the Secretary: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; solicitor, $4,500, and hereafter the legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the office of the Secretary of Agriculture, on page 2, line 12, after the word "dollars," to insert "one law clerk, $2,500;" in line 14, before the word "law," to strike out "two" and insert "ten;" in the same line, after the word "each," to insert "seven law clerks, at $1,800 each;" and in line 16, after the word "each," to insert "*Provided*, That the law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington," so as to read:

One inspector, $2,500; 1 law clerk, $2,500; 10 law clerks, at $2,000 each; 7 law clerks, at $1,800 each; 3 law clerks, at $1,600 each: *Provided*, That the law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington.

Mr. KEAN. I think the Senator from Iowa ought to explain the enormous increase in law clerks, and so forth, at the beginning of the bill.

Mr. DOLLIVER. The first amendment, which was adopted, was to insert:

And hereafter the legal work of the Department of Agriculture shall be performed under the supervision and direction of the solicitor.

That is followed by a transfer to the solicitor's office of the law clerks now on the roll of the Forestry Bureau, a roll that is not statutory. This transfer involves no increase either in number or in the salary of the clerks. The amounts that are put down in this paragraph as salaries are taken away from the lump fund heretofore appropriated for the Forestry Bureau.

Mr. HEYBURN. I should like to ask the Senator from Iowa in regard to the first amendment, which it would seem transfers the legal work of the department to a solicitor of the department. Is that intended to take it entirely away from the legal department of the Government?

Mr. DOLLIVER. Oh, no; it is intended to take it away from the legal department of the Forestry Bureau, putting all these clerks under the direction of the solicitor of the department and giving the Secretary the right, if they are needed in the field, to send them out from the solicitor's office.

Mr. HEYBURN. I see. It centers all the legal work in the law department.

Mr. DOLLIVER. That is the idea.

The amendment was agreed to.

The next amendment was, on page 4, line 12, before the word "hundred," to strike out "one hundred and ninety-eight thousand seven" and insert "two hundred and twenty-nine thousand eight," so as to make the clause read:

Total for office of the Secretary, $229,870.

The amendment was agreed to.

Mr. HEYBURN. Before leaving that department, on page 2, line 13, I notice that the number of law clerks is raised to 10. Is that by reason of concentration, or is it an addition?

Mr. DOLLIVER. It is no addition.

Mr. HEYBURN. It is concentration?

Mr. DOLLIVER. They are taken from the lump-fund account of the Forestry Bureau and put here, the lump fund of the Forestry Bureau being accordingly diminished.

The reading of the bill was resumed.

The next amendment was, under the head of "Weather Bureau," on page 6, line 23, after the word "stations," to insert "including cooperation with other bureaus of the Government and societies and institutions of learning for the dissemination of meteorological information," so as to make the clause read:

General expenses, Weather Bureau: For carrying into effect in the District of Columbia and elsewhere in the United States, in the West Indies or on adjacent coasts, in the Hawaiian Islands, and in Bermuda, the provisions of an act approved October 1, 1890, so far as they relate to the weather service transferred thereby to the Department of Agriculture, and for every expenditure requisite for and incident to the establishment, equipment, and maintenance of meteorological observation stations, including cooperation with other bureaus of the Government and societies and institutions of learning for the dissemination of meteorological information, as follows.

The amendment was agreed to.

The next amendment was, on page 7, line 9, before the word "hundred," to strike out "nineteen thousand nine" and insert "twenty thousand four," so as to make the clause read:

For the employment of professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repair men, station agents, messengers, messenger boys, laborers, and other necessary employees, $620,410.

The amendment was agreed to.

The next amendment was, on page 7, line 23, before the word "dollars," to insert "five hundred," so as to make the clause read:

For rent of offices and repairs to buildings now completed and located outside of the District of Columbia and care and preservation of grounds, including construction of sidewalks on public streets abutting Weather Bureau grounds, $82,500.

The amendment was agreed to.

The next amendment was, on page 8, line 5, before the word "hundred," to strike out "two" and insert "seven," so as to make the clause read:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, $265,700.

The amendment was agreed to.

The next amendment was, on page 8, line 25, before the word "hundred," to strike out "ninety-two thousand one" and insert "ninety-three thousand six," so as to make the clause read:

In all, for general expenses, $1,293,610.

The amendment was agreed to.

The next amendment was, on page 9, line 3, before the word "hundred," to strike out "twenty-three thousand two" and insert "twenty-four thousand seven," so as to make the clause read:

Total for Weather Bureau, $1,524,760.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry," on page 9, line 9, before the word "clerks," to strike out "seventeen" and insert "eighteen;" in line 15, after the word "dollars," to strike out "one architect, $1,400," so as to read:

Salaries, Bureau of Animal Industry: One chief of bureau, $5,000; 1 chief clerk, $2,000; 1 editor and compiler, $2,000; 4 clerks, class 4; 5 clerks, class 3; 18 clerks, class 2; 1 clerk, $1,300; 15 clerks, class 1; 14 clerks, at $1,000 each; 6 clerks, at $900 each; 3 clerks, at $840 each; 5 clerks, at $720 each; 1 clerk, $700; 1 instrument maker, $1,200; 1 messenger and custodian, $1,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for "general expenses, Bureau of Animal Industry," on page 11, line 5, after the word "purposes," to insert "and for the enforcement of section 62 of the act of March 4, 1909, entitled 'An act to codify, revise, and amend the penal laws of the United States,'" so as to read.

To enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes, and for the enforce-

ment of section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States;" and for carrying out the provisions of the act of June 29, 1906, entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation."

The amendment was agreed to.

The next amendment was, in the item of appropriation for "general expenses, Bureau of Animal Industry," on page 11, line 23, after the word "best," to insert "to purchase and destroy diseased or exposed animals or quarantine the same whenever in his judgment essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another," so as to read:

To purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same and to disseminate the results of said tests in such manner as he may deem best; to purchase and destroy diseased or exposed animals or quarantine the same whenever in his judgment essential to prevent the spread of pleuro-pneumonia, tuberculosis, or other diseases of animals from one State to another, as follows.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

For all necessary expenses for the equipment of a bureau experiment station, including the necessary construction and alterations of buildings thereon, the construction and repair of fences, roadways, drains, and other incidental work, $12,000.

Mr. DOLLIVER. I should like to have a semicolon inserted instead of a period after the word "dollars."

The SECRETARY. After the word "dollars," insert a semicolon in lieu of a period.

The PRESIDING OFFICER. The amendment will be so amended, and the amendment as amended will be agreed to, without objection.

The next amendment was, on page 13, line 16, before the word "thousand," to strike out "twenty-two" and insert "thirty-four," so as to make the clause read:

In all, for general expenses, $1,234,540.

The amendment was agreed to.

The next amendment was, on page 14, line 2, before the word "thousand," to strike out "three hundred and eighty-eight" and insert "four hundred," so as to make the clause read:

Total for Bureau of Animal Industry, $1,400,460.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," in the item of appropriation for "Salaries, Bureau of Plant Industry," on page 15, line 13, before the word "laborers," to strike out "skilled," and in line 14, before the word "laborers," to strike out "skilled," so as to read:

Six laborers, at $540 each; 19 laborers, messengers, or messenger boys, at $480 each.

The amendment was agreed to.

The next amendment was, on page 19, line 12, before the word "thousand," to strike out "fifteen" and insert "fifty-five," so as to make the clause read:

For the study and demonstration of the best methods of meeting the ravages of the cotton boll weevil, $255,155.

The amendment was agreed to.

Mr. DOLLIVER. At the end of that paragraph I desire to have the semicolon omitted and these words inserted: "Ten thousand dollars of which shall be immediately available."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, line 13, after the word "dollars," it is proposed to strike out the semicolon and insert a comma and the words "ten thousand dollars of which shall be immediately available."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 20, line 22, before the word "thousand," to strike out "fifty-eight" and insert "ninety-eight," so as to make the clause read:

In all, for general expenses, $1,198,346.

The amendment was agreed to.

The next amendment was, on page 21, line 3, before the word "electric," to strike out "and," so as to read:

Gas, electric current—

And so forth.

The amendment was agreed to.

The next amendment was, on page 23, line 19, before the word "thousand," to strike out "twenty-three," and insert "sixty-three," so as to make the clause read:

Total for Bureau of Plant Industry, $1,763,206.

The amendment was agreed to.

The reading of the bill was continued to the end of line 20, on page 13.

Mr. DOLLIVER. Mr. President, the next provision is that relating to the Forest Service. I ask that the paragraphs referring to the Forestry Bureau be passed over for the present, that the reading be continued of the subsequent parts of the bill, and that we return to the Forestry Bureau later.

Mr. CLAY. With the Senator's permission, I ask: Will he allow amendments to be offered to this bill now, other than committee amendments?

Mr. DOLLIVER. I should prefer that we first dispose of the committee amendments.

Mr. CLAY. I hope the Senator will call my attention to the matter before the bill is completed, so that I may have an opportunity to offer an amendment which I desire to submit.

Mr. DOLLIVER. I shall be very glad to do so.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the paragraphs relating to the Forest Service be temporarily passed over. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLLIVER. I will say that I desire the reading of the bill resumed at page 42, with the provision relating to the Bureau of Chemistry.

The reading of the bill was resumed on page 42, line 3. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Chemistry," on page 44, line 11, before the word "thousand," to strike out "fifteen" and insert "forty," so as to make the clause read:

For all expenses necessary to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, rent, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, $240,000.

The amendment was agreed to.

The next amendment was, on page 44, line 18, before the word "thousand," to strike out "seven hundred and ninety-one" and insert "eight hundred and sixteen," so as to make the clause read:

In all, for general expenses, $816,340.

The amendment was agreed to.

The next amendment was, on page 44, after line 19, to insert:

Denatured alcohol: To enable the Secretary of Agriculture to demonstrate and illustrate the methods for the making of denatured alcohol on a scale suitable for utilization by the farmer, or associations of farmers, including salaries and the employment of labor and all other expenses, in the city of Washington and elsewhere, $25,000, which sum shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 45, line 4, before the word "thousand," to strike out "eight hundred and seventy" and insert "nine hundred and twenty," so as to make the clause read:

Total for Bureau of Chemistry, $920,700.

The amendment was agreed to.

The next amendment was, under the head of "Division of Accounts and Disbursements," on page 51, line 12, after the word "dollars," to insert "1 chief of office of accounts and fiscal agent, who may be detailed to the Forest Service for duty in or out of the city of Washington, $2,500; 8 district fiscal agents, at $2,000 each, who may be detailed to the Forest Service for duty in or out of the city of Washington," so as to make the clause read:

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $3,250; 1 assistant chief of division, $2,500; 1 chief of office of accounts and fiscal agent, who may be detailed to the Forest Service for duty in or out of the city of Washington, $2,500; 8 district fiscal agents, at $2,000 each, who may be detailed to the Forest Service for duty in or out of the city of Washington.

Mr. DOLLIVER. I think I ought to say at that point that the officials described in this amendment are not new officials, but are the present officials of the Bureau of Forestry transferred to the Secretary's office and consolidated in the Bureau of Accounts of the office of the Secretary, a proper corresponding deduction being made from the lump appropriation for the Forestry Bureau.

The PRESIDING OFFICER. Without objection, the amendment will be agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 52, line 4, before the word "hundred," to strike out "sixty-one thousand four" and insert "seventy-nine thousand nine," so as to make the clause read:

Total for Division of Accounts and Disbursements, $79,990.

The amendment was agreed to.

The next amendment was, under the head of "Division of Publications," on page 52, line 11, before the word "editor," to strike out "associate" and insert "assistant," so as to read:

Salaries, Division of Publications: One editor, who shall be chief of division, $3,000; one editor, who shall be assistant chief of division, $2,250; one chief clerk, $2,000; one assistant editor, $2,000.

The amendment was agreed to.

The next amendment was, on page 52, line 20, before the word "one," where it first occurs, to insert "at," so as to read:

Six draftsmen or photographers, at $1,200 each.

The amendment was agreed to.

The next amendment was, under the head of "Office of Experiment Stations," on page 62, after line 4, to insert:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands and to prepare plans for the removal of surplus waters by drainage and for the preparation and illustration of reports and bulletins on drainage, including rent and the employment of labor in the city of Washington and elsewhere, and all necessary expenses, $78,860.

Mr. DOLLIVER. In view of the fact that that is the largest apparent increase the Senate committee propose over the bill as it came to the Senate, I think I ought to say that this provision has been in the law continuously since 1903. It has been included in the estimates of the department, and has been favorably reported to the House by its committee. It was there omitted from the bill upon a point of order. It involves a very useful work in many parts of the country, and, of course, ought not to be abruptly discontinued. In fact, it can not be discontinued without great waste and loss. For that reason the committee thought it best to restore it to this bill as it stands in the appropriation for 1910.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 62, line 15, before the word "dollars," to strike out "nine hundred and eighty-eight thousand nine hundred and sixty" and insert "one million sixty-seven thousand eight hundred and twenty," so as to make the clause read:

Total for Office of Experiment Stations, $1,067,820.

The amendment was agreed to.

The next amendment was, under the head of "Office of Public Roads," on page 64, after line 13, to strike out:

Total, Department of Agriculture, for routine and ordinary work, $13,330,276.

The amendment was agreed to.

The next amendment was, on page 64, after line 16, to insert:

MISCELLANEOUS.

And the Secretary of Agriculture is hereby authorized to investigate the cost of food supplies at the farm and to the consumer, and to disseminate the results of such investigation in whatever manner he may deem best, this authorization to be effective upon the approval of this act.

Mr. DOLLIVER. At that point, after the word "act," I desire to move to strike out the semicolon and substitute a period.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment, as modified, was agreed to.

Mr. DOLLIVER. I also desire that the proviso which follows be printed as a separate paragraph.

The PRESIDING OFFICER. The proviso which follows will be inserted as a separate paragraph, but the Chair would suggest to the Senator that under these circumstances probably it would be better to omit the word "*Provided.*"

Mr. DOLLIVER. Possibly. That is agreeable to me.

The PRESIDING OFFICER. That will be done, and the amendment will be stated, omitting the word "*Provided.*"

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 64, line 22, after the word "act," to insert:

That hereafter the maximum salary of any scientific investigator in the city of Washington, or other employee engaged in scientific work, paid from the general appropriation, shall not exceed $4,000 per annum.

The amendment was agreed to.

The next amendment was, on page 65, after line 2, to insert:

Total carried by this bill for the Department of Agriculture, $13,512,636.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BURTON. I desire to make several inquiries of the Senator from Iowa, who is in charge of the bill. Does this paragraph relating to the investigation of the cost of food supplies contemplate the employment of experts and clerks for that special work or is it intended that the officials of the department already employed shall perform this service?

Mr. DOLLIVER. It is intended to involve no additional expense whatever, but to enable the Secretary, within his discretion, to employ those traveling experts who are already on the roll of the department in securing information which will enable him to make intelligent reports upon these matters.

Mr. BURTON. Then it is a detail of work for those who are already on the roll of the department?

Mr. DOLLIVER. Yes. It involves no additional expense, and is intended simply to give the Secretary a certain assurance of law for doing what he has always been doing under the general provisions of the law. He asked this special authority because he did not desire to proceed without authority of law, even in matters in which the department had been accustomed to act.

Mr. BURTON. As I understand, the paragraph beginning "*Provided*, That hereafter" is not responsive to the paragraph immediately before it, but pertains to the whole bill.

Mr. DOLLIVER. That has nothing to do with it. That is the reason I asked that it be set in a paragraph by itself. The purpose of that paragraph is to enable the Secretary to exercise a little more discretion in the assignment of salaries to scientists in his employ who are paid not from the statutory roll, but out of a lump fund, for their employment. It very often happens that it is impossible to retain the service of men of very great value to the department because the limit upon the right to pay the salary is too low. I think it is now $3,000, and we are in the situation of having the greatest experts of the department pulled away. For example, the great veterinary expert, the most expert of all men on questions affecting the diseases of animals, and especially tuberculosis, has been solicited to become the president of the veterinary college in Philadelphia, on a salary so much larger than the Secretary is at present authorized to pay that it would be a very great temptation; and it was the theory of the Secretary that he ought to be able to retain these expert investigators in the department, if it could be done by a reasonable addition to the discretion which he now exercises in fixing their salaries.

Mr. BURTON. I should like to ask the Senator from Iowa a question also in regard to the scope of the paragraph beginning in line 5, page 64:

And not to exceed 10 per cent of the foregoing amounts for the miscellaneous expenses of the work of any bureau, division, or office herein provided for shall be available interchangeably for expenditure on the objects included within the general expenses of such bureau, division, or office—

And so forth.

Does that mean that in any bureau, division, or office an addition of 10 per cent can be made to the miscellaneous expenses; that they can spend more, by 10 per cent, than the appropriation herein contained?

Mr. DOLLIVER. This has been a provision of law for two years, I think, and is intended to enable the Secretary, where funds are fixed and available for specific work in a bureau and, as sometimes happens, not all of the money appropriated for a particular project is used, to transfer a portion of it to another project in the same bureau where the appropriation is deficient. That has been recognized as an economical administration of the funds. It is quite impossible to tell exactly what lump appropriation should be made for each of these particular purposes in the subdivisions of the work of a given bureau.

Mr. BURTON. Then, it is utilizing the amount for these different bureaus according to the exigencies that arise and the different demands upon them?

Mr. DOLLIVER. That is the theory upon which it has been done.

Mr. BURTON. It does not increase the aggregate amount that can be expended?

Mr. DOLLIVER. In no way. It simply makes the fund somewhat interchangeable, according to the exigencies of the service in its different bureaus.

Mr. PURCELL. May I ask a question, please?

Mr. DOLLIVER. Certainly.

Mr. PURCELL. On page 2, line 13, the bill speaks of law clerks. Does the term "law clerk" mean a person learned in the law and admitted to practice?

Mr. DOLLIVER. I think it has not the dignity of the word "solicitor;" possibly not the dignity of the word "lawyer." But these men are usually lawyers, young lawyers, who are appointed for law service in the various departments of the Government; the same grade of men, I apprehend, who would be found in the Land Office.

Mr. PURCELL. I move to strike out, if that is proper at this time, the first proviso in line 16, on page 2, being all of line 17 and all of line 18, with the exception of the word "one"

and what follows. In other words, strike out the proviso reading:

Provided, That the law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington.

The PRESIDING OFFICER. The Chair will suggest to the Senator from North Dakota that these amendments having been agreed to, it is not now competent to move to amend them, but when the bill reaches the Senate it will be in order to do so.

Mr. JOHNSTON. I desire to ask the Senator in charge of the bill in regard to these law clerks. The House bill provided for five with salaries aggregating $8,800. The Senate bill provides for 21 with salaries of $39,900. I understood the Senator to say that that sum has been taken from the lump sum for the Forestry Bureau. On turning to that item I find no amendment reducing that appropriation, except two, one for fighting forest fires and other unforeseen emergencies—for which purpose I do not suppose they employ law clerks—where there is a reduction of $10,000; and the other is in the item "for the purchase and maintenance of all necessary field, office, and laboratory supplies, instruments, and equipment," where there is some reduction. Those are the only two reductions I find in the various appropriations for the Forestry Bureau. I ask the Senator where the reduction is made?

Mr. DOLLIVER. If the Senator will observe the bill on page 42 he will find a reduction of $49,600 in the aggregate, and that represents the transfer of these law clerks from the lump fund for the Forestry Bureau to the statutory roll in the Secretary's office.

Mr. JOHNSTON. Yes; but I am asking where these clerks are struck out of the Forestry Bureau's items?

Mr. DOLLIVER. The clerks are not specifically mentioned in the Forestry Bureau appropriation. The peculiarity and, as we think, a rather vicious peculiarity of the appropriation, is that it is a lump sum to be administered by the department without any statutory regulation of salaries; and if the Senator will compare the expenditures of the Forestry Bureau of last year, as printed in a public document, he will find that these exact amounts were actually paid to law clerks and others out of the lump forestry sum. The sole purpose and the exact effect of this amendment is to transfer these people, who are engaged in law business or semilaw business in the Forestry Bureau, to the roll of the Secretary's office, so that they may all be under the control of the solicitor of the department. I will say to the Senator that these calculations have been made by the department in exact estimates. It is true that the lump sum available for the Forest Service is reduced by the exact amount of the salaries of these clerks, who are transferred from that bureau to the Secretary's office.

Mr. JOHNSTON. Yes, sir; but I find that the reduction is made in these two items: For fighting forest fires the House appropriated $145,000. The Senate reduced that item by $10,000. Then for the purchase and maintenance of necessary field, office, and laboratory supplies, instruments, equipment, it reduced the House bill from $266,600 to $221,040. Those items were specifically appropriated for this service, and it was not for law clerks. I do not suppose they use law clerks in fighting forest fires or in purchasing field or office and laboratory supplies.

Mr. DOLLIVER. That is true, and yet if the Senator will examine the expenditures of the lump sum of the Forestry Bureau the last year he will find that there was paid out for a law officer, $3,000; for assistant law officer, $2,700; law examiner, $2,750; law examiner, $1,800; law examiner, $1,800; law examiner, $1,500; law clerk, $1,800. Now, it is provided to reorganize, and the salaries are carried to the Secretary's roll, and by that means the lump fund, not for fighting forest fires, but the general lump sum which the Forester has heretofore administered is diminished by the exact amount of these transfers.

Mr. JOHNSTON. I understand that, but the reduction in the general lump sum is made up of these minor lump sums, for fighting fires and for the purchase of necessary field and office supplies, and there is certainly no necessity for any employment of law clerks in those two fields of operation.

Mr. DOLLIVER. As the bill came from the House the total for Forest Service was $5,057,700, and as it stands in the bill as the Senate Committee has amended it, the total for Forest Service is $5,801,000, a reduction of $49,600 in the total appropriation. Thirty-one thousand nine hundred dollars of it covers the law clerks who are transferred to the statutory roll, and $18,500 covers the transfer of the fiscal agents of the Forestry Bureau to the roll of the Division of Accounts in the Secretary's office.

Mr. JOHNSTON. I give notice, Mr. President, that I shall insist upon the bill being amended by striking out this increase of law clerks.

Mr. WARREN. With the permission of the Senator from Iowa, with reference to what the Senator from North Dakota said, and his desire to strike out the proviso to which he has referred, that the law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington, I will say that the necessity for that is caused by this transfer. Under the law the statutory roll for Washington provides that the officers shall be employed here in Washington, and usually in the provision for lump sums the proviso prevents the lump appropriation being used for employees inside of Washington. By the transfer of all the law clerks to the statutory roll it would leave the service without any lawyers outside or without the power expressed to send them out. I do not apprehend that it increases the expenses at all, but I understand this is desired so that they may be interchangeable as to service.

Mr. GALLINGER. Mr. President, I wish to ask the Senator in charge of the bill about a couple of items that I presume are all right, and yet I am a little puzzled over them. Did I understand the Senator from Iowa to say that this provision, inserted by the committee of the Senate, relating to drainage, had been in the bill for a great many years?

Mr. DOLLIVER. I made that statement.

Mr. GALLINGER. And the same amount appropriated each year? In this proposed amendment $78,860 is appropriated to continue this investigation, if it is a continuing investigation. I understood the Senator to say it had been in the bill since 1903. Has there been an appropriation for this purpose each year during the last seven years?

Mr. DOLLIVER. I will read the provisions of the present law:

To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands and to prepare plans for the removal of surplus waters by drainage and for the preparation and illustration of reports and bulletins on drainage, including rent and the employment of labor in the city of Washington and elsewhere, and all necessary expenses, $81,160.

So the appropriation is somewhat less than it was last year and corresponds to the estimates of the Secretary.

Mr. GALLINGER. What I particularly wanted to ascertain was during how many years have we been making a similar appropriation? If it is true that we have been making it since 1903, we have already spent a half a million dollars, more or less, in these investigations.

Mr. DOLLIVER. I think the original appropriations were smaller, possibly.

Mr. WARREN. If the chairman will permit me, I think this grew out, in the first place, of using a portion of the fund for irrigation investigation. It was probably a very small amount, possibly $5,000 or $10,000 originally, and, finally, was something more than $100,000. I think, in the first place, it was provided that some part of the irrigaton lump sum might be used for drainage investigation. It was put in a separate paragraph a few years ago. In the House bill this year drainage was inserted in the same manner as we have it now, and in the Senate bill it was stricken out on a point of order; the point of order being, I believe, that which has been applied to other parts of the bill, that the charter or original authority for the Agricultural Department was insufficient to cover it.

Mr. GALLINGER. I am not interested at all as to what the other body did in this connection. I am trying to get information as to how much money we have spent for this investigation, which it seems is not yet completed, and in trying to get an idea as to how much money we are going to spend to get a completed investigation relating to a matter which I think is a very grave departure from ordinary legislation.

We have legislated to put water on arid land. Now it is proposed that we shall legislate to take water from land that has too much of it. If we could only transfer the water to the arid land, I should think it would be good legislation. But if we are going to drain all the swamps of this country I think we are entering upon a great big scheme of expenditure.

I want further to inquire of the Senator where these investigations have been made. Have they covered the entire country?

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Wyoming?

Mr. GALLINGER. Yes; I yield.

Mr. WARREN. They are intended, of course, to cover the entire country, but attention has been called more sharply to it by the fact that irrigation of the lands brings out the necessity of drainage, accompanying it or following it, as to some portions of the irrigated land. But I think a large portion of the attention given to drainage to-day is given to the older districts that have for years irrigated their lands and where there is

necessity of underdraining to correct the alkaline and other substances.

Mr. DOLLIVER. I will add that it is hard to see why it is more important to get water on the land than it is to get it off. There are a good many million acres of land in this country which are totally useless by reason of a surplus of surface water. The department has been of great use even in those communities which pay the expense of draining their own land. I know that this division of the Department of Agriculture has sent experts to several counties in Iowa simply to advise the people there as to the best method of draining.

Mr. CLAY. Do I understand the Senator to say that they are using this money for the purpose of draining the private lands of individuals?

Mr. DOLLIVER. There are public schemes of drainage in nearly every State, which involve vast areas.

Mr. CLAY. I was reading this amendment, and I do not see how the Senator from Wyoming can draw the conclusion he did in regard to it. I understood the Senator from Wyoming to say that under this amendment the money heretofore appropriated has been used largely where arid lands have been reclaimed.

Mr. DOLLIVER. Yes.

Mr. CLAY. This amendment is not on that line, to be sure, for it says:

To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands and to prepare plans for the removal of surplus waters by drainage and for the preparation and illustration of reports, etc.

That is surely——

Mr. WARREN. The Senator from Georgia does not comprehend that drainage may be connected with irrigation.

Mr. CLAY. I thought you had no water where you had to have irrigation.

Mr. WARREN. Water from irrigation oftentimes forms reservoirs and wet lands and swamps, and the subject is a more difficult one to handle than with the ordinary land, because of the alkali and other substances that make sterile land which was once fruitful, and drainage restores its fertility.

Mr. CLAY. I think this amendment is intended for the purpose of draining swamp lands.

Mr. WARREN. It is intended and used for both.

Mr. CLAY. I think it is clearly intended to apply to swamp lands in the different States. I must confess——

Mr. DOLLIVER. There are undrained areas in lands which have been subjected to irrigation for many years. The irrigation projects around the city of Fresno, in California, for instance, have developed in the lower levels as definite swamps as you can find in Louisiana or in the wet portions of the United States. But my impression is that most of the work of the departments is engineering work, advisory in character, by which people who are confronted with the problem of removing water from lands are given some counsel as to how it can be efficiently done. I know that about the only thing they have done in Iowa is to give good advice.

Mr. CLAY. I presume they are trying to teach the people how to drain their lands by the publication of bulletins, and so forth. They may have the right to do that.

Mr. GALLINGER. And on that point I do not think the old farmer can be taught much. The fact is this is a great scheme, and it is going to involve the Government in millions upon millions of dollars if it is carried out. There is no question about that. There are in this country great areas of overflowed lands which it is proposed the Government shall drain. Now, if the Government is going into that business I wish it would come into New Hampshire and take the rocks from our farms. We would appreciate that very much.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. Certainly.

Mr. BACON. I am interested in the suggestion of the Senator from New Hampshire about taking off the rocks in New Hampshire. I am reminded of the fact that the Senator told me they had to bury the rocks in New Hampshire.

Mr. GALLINGER. They do so, sometimes; but if the Government would do that we would be gratified.

Mr. BACON. Of course.

Mr. GALLINGER. It would save the farmer the expense of doing it.

Mr. BACON. One would be quite as effective as the other.

Mr. GALLINGER. It may be that it is the function of the Government to do all these things; it may be that it is the function of the Government to go into irrigation and then, if where they are irrigating their lands they make swamps, in place of using the money for irrigation to come here and ask the Government to drain the swamps. That may be proper, but it occurs to me that it is entering upon a field of expenditure that will result—the Senator from Illinois [Mr. CULLOM] says to me it will swamp the Government, and I think he is pretty nearly right about it—in making it impossible for the Senators who are evolving this grand scheme of saving two or three hundred million dollars a year out of our present expenditures to accomplish anything in that direction.

But my purpose has been served by making the inquiry. I really can not quite understand why this great department should have had seven or eight appropriations of seventy or eighty thousand dollars each, or perhaps a less amount in some years, to carry on this investigation and has not completed it, and we have not any report and do not know how much has been done.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Washington?

Mr. GALLINGER. Certainly.

Mr. JONES. I simply desire to state to the Senator, in reference to his suggestion about using irrigation funds for drainage, that in most of the government works, if in not all of them, that are being undertaken now, I think they do include the drainage proposition.

I desire to say to the Senator that in my own locality some of this fund has been used, and been used very effectively, for this purpose. It may be very easy for the farmer in the East to understand how to drain his land. But there does seem to be considerable difficulty about draining lands where they have become swamp from irrigation. I know in one locality near my town a great deal of land had been destroyed by subirrigation, and it seemed to be very difficult to get the land drained. A representative of the Agricultural Department investigated the matter and prepared plans, and those plans were carried out by the farmers with very great success. Not a dollar of government money was spent in the construction of the work, but simply the plans were prepared by the department and were carried out by the farmers. I know there is another locality there now which seems to be very different from the locality already drained. The same method does not seem to be adapted to it. The Department of Agriculture hopes to be able to prepare plans for it by which a great many hundreds of acres will be drained.

Mr. GALLINGER. Mr. President, as I suggested, my purpose has been served by raising the inquiry. At some future time I will look into this a little more carefully, and, perhaps, be prepared to debate it with more intelligence than I can command to-day. It struck me as being a project so enormous in its possibilities that we might well pause and at least make investigation of the matter ourselves and have some report. I will ask the Senator if up to the present time any report has been made as to the work?

Mr. DOLLIVER. Oh, yes. Every dollar expended is reported in this book of expenditure.

Mr. GALLINGER. I know; but——

Mr. DOLLIVER. And I will add, for the encouragement of the Senator from New Hampshire, that this appropriation seems to be diminishing very rapidly.

The appropriation for 1909 seems to be, according to this report of expenditures, $150,000; for 1910, $80,000. I think that it is not a scheme calculated to involve the Treasury; it is simply an earnest effort to give the people interested expert advice in matters very essential to the reclaiming of lands.

Mr. GALLINGER. Has the Senator figured out what the aggregate expenditures up to the present time have been?

Mr. DOLLIVER. No; that would require more books than I have at hand.

Mr. GALLINGER. Does the report the Senator says has been made give us information as to where these investigations have been carried on?

Mr. DOLLIVER. Every dollar of it and everything.

Mr. GALLINGER. Not in dollars, I mean, but according to areas?

Mr. DOLLIVER. Oh, yes; the country seems to be divided into areas, and a small sum, but a sum satisfactory to each division, is assigned for the work in various parts of the country, including, I think, New England.

Mr. GALLINGER. We have some swamps in New England. I do not want to have New England overlooked, if the work is to be engaged in. I will be very glad to look at that report. I have not had access to it.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. Certainly.

Mr. HEYBURN. Mr. President, my remarks are directed especially to this proposed amendment. I supposed when I first noticed the amendment in the bill that it was to perform a very necessary work, providing for the construction of a drainage system with the irrigation system, and exclusively for that purpose.

One of the first great mistakes that was made in carrying out the reclamation scheme was that they did not provide for drainage. We have to-day in actual existence large areas of land that have become sour, useless, and there is no arrangement by which they can be drained, because the undertaking is far beyond the possibility of individual enterprise. Drains are just as necessary to take water off the land as are the canals to take it on. You want only so much water, and you want it only for a certain length of time on land. At certain times when the water is flowing down these great canals it overdoes its work.

I heard a complaint made to the Secretary of the Interior on the occasion of his visit to the largest of these projects. I was with him at the time. More than one man rose and complained. They said, "Our neighbors, by irrigating their land, have destroyed our land. They have put the water upon their land, which lies on the slope above us, and there being no provision for draining off the surplus water our land has become sour and will not raise crops." The Secretary of the Interior, Mr. Garfield, at that time, promised them to investigate the matter and see what relief could be afforded. I merely cite that instance because it is true in thousands of cases and will be increasingly true as time goes on.

The land after a few years needs very much less water than it does when the water is first placed upon the land. That is obvious. Anyone who has observed the matter at all knows that in many sections where irrigation was absolutely necessary for a great number of years they need to irrigate very little, and in many places none at all. I have in mind sections of the country large in extent where they have irrigated for years, but a silt forms from the water flowing over the land and creates a sort of false bed rock, as we call it; it creates a new condition of soil, so that the water is retained near the surface. That is building itself up year after year. No enterprise can be successfully applied or carried out that does not carry with it a drainage system. A flow of water over a great area of land, we will say 100,000 acres of land, will be upon a little higher plane than the next 100,000 acres below it. When the upper 100,000 acres of land have taken up and absorbed all that the land will absorb, the water necessarily goes down on the land below. That land had already been provided by a lateral of its own upon its own level with sufficient water to irrigate the land on that second level. So on, repeatedly, when the surface water comes down from the level above it overflows the lower land and destroys it. Land in the spring season is cold, what we call sour, and the crop dies; it produces no crop.

Had the scheme for bringing the water on the land been carried out as it should it would have included this drainage. This item should stay in the bill, but it should be amended by inserting, in line 7, page 62, after the word "lands," the words "when such conditions are caused by, or in consequence of national irrigation work." That would diminish the element of doubt which the Senator from New Hampshire has raised, as to what the purpose of the amendment was.

Mr. GALLINGER. It would not remove the appropriation, however.

Mr. HEYBURN. It would not remove the appropriation.

Mr. OWEN. Mr. President——

Mr. GALLINGER. I think I have the floor.

Mr. HEYBURN. I beg pardon; I thought the Senator had yielded the floor.

Mr. GALLINGER. Mr. President, I want to make one observation.

Mr. HEYBURN. I will resume the floor after the Senator gets through, because I have not finished the consideration of this question.

Mr. GALLINGER. Mr. President, I am not going to detain the Senate long, as I never detain the Senate long. The Senator from Idaho has given me a text for a single observation. We legislated, and I was very glad to participate in that by giving my vote and my voice, in behalf of a grand irrigation scheme, which I think is a very beneficent thing for the country. But now it appears that when we have been irrigating the land we have been destroying other lands that bring a necessity for a still further appropriation.

It reminds me of another matter. We have spent millions of dollars in building levees on certain rivers in the country. The money was taken out of the Treasury of the United States ostensibly for the benefit of commerce, but to a large extent for the benefit of private ownership. Now we have filed in the proper department of the Government claims aggregating a great many millions of dollars for damage to lands resulting from the dikes that the Government built with the people's money. It is a rather extraordinary fact, but it is a fact. While I do not think they will ever win their cases in court, yet those claims are to be submitted, and are submitted, for consideration and adjudication.

So, in this scheme I am surprised to learn the fact—I did not know it before—that when we have been putting water on the lands, beneficent work, as I have suggested, we have been destroying adjacent lands, and we must now proceed to drain those lands to get rid of the sour conditions that the water has brought about. It may be wise legislation. I think it is better than going into the magnificent scheme, which is perhaps not involved in this appropriation bill, of entering into the States that have too much water and draining that off so as to make the land tillable. It is a scheme so large in its possibilities that it rather shocks me as an economist. I want to try to keep the revenues of the Government down if I can.

Now, Mr. President, that is all I care to say on that particular point. After the Senator from Idaho and others have discussed the question, I have a question to ask about one or two other items in the bill.

Mr. HEYBURN. Mr. President, this item under existing circumstances should go out of the bill entirely, because the reclamation act provides the fund out of which this class of expenditure should be made. Clearly the proper construction of ditches for the purpose of irrigating a tract of land in the aggregate should include the carrying off the surplus water as well as the bringing on of the necessary water. I would not be willing to support an amendment of that kind unless it was necessary for the purpose of carrying out the idea of so distributing the water as to make it useful to the land and in no event destructive of it. As I said, there is already a fund provided out of which that class of drainage may be done. It is an absolutely necessary part of the bringing on and the use of the water that you shall take away the surplus water so that it will not damage the neighbor.

Now, that is a plain proposition, and that being already provided for, this item should go out of the bill, unless it is intended, as suggested by the Senator from New Hampshire, to open up a new field of governmental enterprise with unknown possibilities.

If we are going to have a bill to provide for the drainage of lands pure and simple—that is, independent of reclamation, which is a very large project—it ought not to be considered in the very limited period that we can give to a measure of that kind on an appropriation bill. I have had a great many pathetic letters from different parts of the United States urging me to take up the question of including the drainage of their lands, but the trouble is, it would have to be done out of the Treasury of the United States, because the proceeds of the sales of the public lands are already devoted to another purpose, and the money does not come out of the Treasury of the United States.

The reclamation system amounts to making one hand wash the other. We make the land that needs no irrigation provide for the irrigation of that which does. We sell the land upon which irrigation is not needed and use the proceeds to make other lands equally salable. As a business proposition that would appeal to almost anybody. We have already provided for a complete disposition of that fund. If this amendment contemplates that we are going to enter upon an appropriation out of the general funds in the Treasury of the United States, as distinguished from the system under the reclamation act, it is a very serious question. There is no limit to the amount of money that might be needed, and it counts against every succeeding Congress in the amount of our appropriation bill.

Mr. DOLLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Yes.

Mr. DOLLIVER. Mr. President, the expenditure of this fund last year is set forth in detail in the report of the Secretary in relation to the expenditures of the Department of Agriculture, which is before us. A detailed statement of the projects on which this fund has been expended, including the States and the various enterprises within each of them, is contained in the department's report of expenditures, so that the Senate may have a very accurate idea of what is intended by this appropriation.

I think it is probably one of the wisest and most economical expenditures of money that we have. It seems to be applied in very small amounts, but in practically all the States. I notice a slight discrimination against the State of Iowa, which appears to get of this fund only $400. I know that that came to us in the form of advice from engineers, and in no other form. The State of Idaho seems to be more highly favored, having received $2,558.54 of this money.

This report also shows exactly the kind of projects and the experiments to which the department is directing the attention of these experts. I think upon a careful examination it will be found that the money is expended very largely and economically throughout the country upon the request of communities that have problems which they can not solve, and that few general appropriations of the Department of Agriculture are more practical and efficient for the public service than this very appropriation.

Mr. HEYBURN. Mr. President, I should like to ask the Senator from Iowa as to the character of the service for which $2,500 were paid out and charged against the State of Idaho. What did the man do?

Mr. DOLLIVER. This book says that the State of Idaho received $2,258.54, charged to the—

studies of methods of bringing new land into cultivation, and the quantity of water required by such land; determination of the effect of using different quantities of water applied by different methods; relation of the quantities of water and time of application to yield and quantity of crop.

Of the appropriation for the current fiscal year the State of Idaho receives $7,500 of this money, charged to—

studies of methods of bringing new land under cultivation and quantities of water required; determination of the effect of using different quantities of water applied by different methods; determination of best methods of preparing land for irrigation and applying water to crops; experiments to determine extent of evaporation losses and effectiveness of methods of preventing them.

In the estimate of expenditures for this year in which this item is included the State of Idaho seems to have $4,000 for practically the same purpose.

Mr. HEYBURN. The way the Senator speaks it would look as though that money was paid into the Treasury of the State of Idaho. Does the Senator understand that to be the case?

Mr. DOLLIVER. No; I do not so understand it.

Mr. HEYBURN. Where is the money paid then?

Mr. DOLLIVER. It is paid to people who are sent out there to study these questions, and who are studying them, as you can see, because the appropriation when spread out over the whole country is very small to each neighborhood. I have in mind a county in my own State which I think probably got this $400, a county which is very flat.

Mr. HEYBURN. Did the county treasury get the money?

Mr. DOLLIVER. No; the man came out there and spent two months.

Mr. HEYBURN. Then you got the services of a man?

Mr. DOLLIVER. We got the services of a man, which was worth a great deal to our people in a single county, because he prepared a scheme of removing water from a very flat piece of land when all our homemade schemes of drainage, even though conducted by old farmers, had fallen very far short of getting rid of this water. The land had become practically unmanageable, and by that slight expense a scheme of drainage involving a great area was suggested by the department. Then the county was divided into drainage districts and the drainage carried on at the expense of the people who lived there; and by that slight expenditure——

Mr. HEYBURN. For advice?

Mr. DOLLIVER. For advice and engineering suggestions, the Government of the United States, without much loss of money, rendered to the community an almost incalculable service.

Mr. HEYBURN. Mr. President, it is just possible that that community would have been able to employ competent engineers, hydraulic or otherwise, to obtain the information that they say they received from the Government.

Mr. DOLLIVER. Curiously enough, that is not possible in that section of the country; and strange as it may sound, even our old farmers do not seem to know how to drain lands. Millions of dollars have been wasted in Iowa by homemade drainage schemes. The outlet was too small or the area covered by the districts was too great; and we have now fallen back with a great deal of confidence on the advice of those who know about it. We are conducting the drainage at our own expense. There is nothing involved in this that would call on the United States to drain any of this land, although there are regions of the United States which seem to me to have as much claim of getting water off the land at the expense of the Government, or at least with the cooperation of the Government, as other good sections have in the scheme of putting water on. On the whole, it is easier to get it off than it is to get it on.

Mr. HEYBURN. Mr. President, I am not quite sure that the Senator is entirely right. The getting of water off the land without any fall is one of the most difficult of all problems, and it is a very important one. It astonishes me to learn that the Government has been, out of the General Treasury, furnishing skilled men or educated men to advise people as to the management of their private property. I am rather liberal in my views in regard to what the Government may do and should do, but this is a direct appropriation out of the Treasury for the purpose of employing men to advise the people of the States how they may get rid of surplus water. It is rather a singular proposition——

Mr. GALLINGER. The Government has spent nearly a million dollars up to the present time.

Mr. HEYBURN. Yes; it is spending nearly a million dollars for advice. Now, it appears that they are talking about spending $4,000 for educating interested people in Idaho out of the Public Treasury of the United States. They do not dig any ditches; they do not set any surveyors' stakes; they do nothing but advise. Advice is the least expense of all commodities in this world, and probably it is the best stocked market of the world.

Mr. NEWLANDS. Mr. President——

Mr. HEYBURN. The people generally prefer to select their advisers.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I yield for a question.

Mr. NEWLANDS. I will ask the Senator whether this entire appropriation bill, consisting of about $12,000,000, is not for service of the kind which he is now criticising? Do not all the items relate to matters of chemistry, plant industry, the investigation of the diseases of animals, and things of that kind, which are intended to help along the agriculturists of the country? Does not the Senator's criticism apply to the entire bill?

Mr. HEYBURN. Let me answer that question before another one comes.

Mr. President, the appropriation in a large measure is for advice, but not to individuals; not to personal interests. It is for the determination of questions that are applicable to all the subjects and not for the purpose of enabling some man to make his land more valuable. The agricultural appropriation bill, of course, is comparatively new. Nearly one-half of it here is devoted to one particular subject, to which I shall call the attention of the Senate when that subject is reached. But this is so personal that it seems to antagonize my sense of right and duty. In the reclamation project we only borrow the money with a sufficient guaranty for its repayment, but in this case we appropriate it out of the public moneys of the United States at the expense of other necessary governmental purposes.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Sentor from Utah?

Mr. HEYBURN. In just a moment I will yield the floor. We apply it solely to the advantage of a single individual in order that he may benefit by it. It does not seem to me that it is within the province of the Government to do it out of the Public Treasury. The Government may accommodate its means one to another; it may take lands that are not arid, and it may convert the arid lands into the same class; but to take money out of the Public Treasury to pay men to advise somebody, I do not care whether it is in Idaho or in Alaska or where it is, is not a function of government. It reminds me too much of—

Who ran to catch me when I fell
And kissed the place to make it well?

That kind of government does not appeal to me.

Mr. OWEN. Mr. President, the losses to the people of the United States from the overflow of surface waters have been perfectly enormous. This appropriation, which provides for the Government to investigate and report, to prepare plans, to prepare and illustrate reports and bulletins on drainage, has been very useful indeed. The Agricultural Department has in fact become a department for the distribution of information dealing with the question of soils, with the question of the productive power of soils, how to make them more productive by adding water, how to make them more productive by drainage processes; and the issuance of these bulletins to the various States of the Union can be more judiciously done through the General Government than in any other way. I think it is entirely justified, too.

I think the amount appropriated compared to the value of this information is trivial. The importance of this subject can

hardly be exaggerated. I recall an instance in which the department made a survey on Little Caney River in southern Kansas, a stream which had been overflowing. They continued that survey down Little Caney River into Oklahoma. A private individual could not very well do that.

It was an interstate project, the river rising in Kansas and flooding the valleys and running over into Oklahoma. The Government at a very low cost made a survey, showing that the land could be reclaimed by the expenditure, not by the Government but by the people who owned the land, at their own expense, when they were told how. The people propose to take advantage of that information given them by the General Government, and to establish drainage districts across that state line that will make effective and valuable a very large area of valley land which has heretofore been overflowed in a manner apparently hopeless. It will cost the Government nothing. The cost of the survey was a trivial matter. Yet it must be provided by some governmental function, because it is not in the hands of the individuals altogether, crossing as it does the state lines. At all events, it is in pursuance of the fixed policy of the Government in regard to these matters. It is no departure from the spirit of the agricultural appropriation bill.

I therefore think it my duty to express myself in favor of this amendment as being a wise and judicious expenditure on the part of the Government.

Mr. SMOOT. Mr. President, there has been no appropriation made by Congress that has done so much good for the State of Utah as the item under consideration in this appropriation bill. The Department of Agriculture has demonstrated beyond a question that the alkali lands of my State can be made as productive as any land in the State. They started years ago experimenting with the alkali lands, and proved they could be reclaimed, and lately with the water-logged land in Emery County and other counties of Utah, and has demonstrated beyond question that they can drain these lands and make lands profitable that have been absolutely useless in years past. This has been accomplished by draining the land and then washing the saleratus out of it. Some of the richest lands that we have in the State of Utah to-day have been made so by these experiments made by the Department of Agriculture.

Mr. President, it seems to me that if any part of the appropriation carried in this bill is needed by the Western States, it is this particular item that is under discussion at the present time. I certainly hope that it will be approved. I think it would be a very good thing indeed if it were increased, rather than decreased.

Mr. CARTER. Mr. President, I think the committee is entitled to the thanks of the Senate for having presented this amendment for its consideration. The Senator from Idaho [Mr. HEYBURN] undertakes to raise a question with reference to the power of the Government. That question is quite sufficiently answered by the statement that the Government is a very large owner of swamp and overflowed lands.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. CARTER. I do.

Mr. HEYBURN. I can not conceive how the Senator arrived at the conclusion that I question the power of the Government. I said nothing which would justify that conclusion. I was speaking only of the expediency of a direct appropriation out of the Treasury for the purpose.

Mr. CARTER. Mr. President, I am very glad the Senator from Idaho waives the question of power. It might have been a question of conscience with the Senator.

Mr. President, the United States is, as I have alleged, the owner of a large acreage of swamp and overflowed lands; and for the purpose of ascertaining how to make those lands available and with the least possible expense and effort, this trifling appropriation is unquestionably, according to my view, a wise expenditure of public money; but while making its own property more valuable, the Government itself will procure information which will enable the farmers, with private holdings that are overflowed, to make their lands more valuable.

There has not been a time in the history of the country when the attention of the public has been so thoroughly aroused with reference to the production of the necessaries of life as at this present hour. It is well known that farm products are higher than they have been for a long time and, in some instances, higher in the public markets than ever before. Undoubtedly, if a large surplus existed, this high standard would not obtain.

It is a matter of sound public policy, according to my view, for the Government to encourage settlement upon the public domain, and, to that end, to reclaim the arid portions of the public domain as rapidly as possible. On the other hand, we have these swamp and overflowed lands, highly productive when drained, utterly useless in their present state. The people of the respective States can only proceed in a piecemeal fashion to deal with a question like this. The condition is nation wide; it is continental. There are swamp and overflowed lands within the limits of every State and Territory in this Union. In some instances, as suggested by the Senator from Oklahoma, these swamp lands extend across State lines, and under conditions where the subject can not be sufficiently dealt with without crossing the state line. If, for the sum of $78,000 or $780,000, a fund of information can be procured with reference to the proper treatment of these lands looking to reclamation, the investment will be paid back 10,000 fold in the reclamation of the lands in question.

Why, Mr. President, the Kingdom of Holland, the most productive in the world of like area, is but a swamp. When the Duke of Alva and his strong hosts went up there from the peninsula to subdue those good people, the Dutch had to go out and cut the dikes. While submerging their own homes, they exterminated the Spanish army, and with the incoming water drove the invaders from their homes. They pumped that water out again and rebuilt the dikes; and from that time to this those patient people with their picturesque wind pumps have been draining those lands, which have yielded bountiful crops, as we know so well.

Mr. President, I do not know but that the water flowing down from the mountains may be utilized to generate electric power that may be used in an economical fashion to drain the lowlands, of which the Senator from Idaho speaks, where the lands are so flat that drainage by gravity is quite out of the question. If that can be done successfully, it is well that we should be advised of the fact. I am sure that the American people, mindful of the value of their own property, enterprising as they are, will address themselves with vigor and earnestness to the reclamation of these lands if a feasible way is pointed out. This item contemplates pointing out that way. I think it is a very excellent piece of legislation.

Mr. GALLINGER. Mr. President, my attention was first called to this matter some years ago, when a Senator, not now a member of this body, introduced a bill to divert $1,000,000 from the irrigation fund to the drainage of swamp lands in his State. The proposition did not become a law, but the purpose of that Senator was apparent, and from that day to this the agitation has been going on.

This does not say that we will drain the Government's lands. The Senator from Montana [Mr. CARTER] says the Government has a good deal of that kind of land. The provision does not say that. If it said that, I would not object to it at all. I am not very seriously objecting to it now, only I want to get information. The purpose is not one that can be tossed aside foolishly. I know how Senators always eloquently appeal for these appropriations, because they are going to do a great public good; but when we undertake the process of draining these swamp lands of the United States, after the Secretary of Agriculture, expending perhaps two or three million dollars in an investigation, tells us it can be done, then a bill is presented here, and the friends of irrigation, of course, will vote for it and the friends of river and harbor appropriations will vote for it, and it will go through. We shall then have another great scheme of expenditure on our hands that will be somewhat more serious than it appears to-day.

Now, Mr. President, for the purpose of getting definite information on this subject, I will ask the Senator from Iowa [Mr. DOLLIVER], in charge of the bill, if he objects to these words being added to the Senate amendment:

> And the Secretary of Agriculture shall make a special report to the next session of Congress, giving in detail the aggregate expenditures under this provision and the areas in the several States and Territories which have been investigated.

Mr. DOLLIVER. Mr. President, I should have no objection to that amendment but for the fact that the Secretary of Agriculture is already, under his legal duty, bound to make a detailed report of that exact matter, and he has done it.

Mr. GALLINGER. The amendment provides for "a special report" to Congress, so that we shall have the report on our desks. We can not all have that great book which the Senator has.

Mr. DOLLIVER. It is the benevolent purpose of the Senate to give each Senator a copy.

Mr. GALLINGER. Mr. President, I offer an amendment to add to the committee amendment the words which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 62, line 12, after the word "dollars," in the amendment already agreed to, it is proposed to insert:

And the Secretary of Agriculture shall make a special report to the next session of Congress, giving in detail the aggregate expenditures under this provision and the areas in the several States and Territories which have been investigated.

Mr. GALLINGER. I desire to modify the amendment by striking out the words "in detail," so as to read "giving the aggregate expenditures."

Mr. MONEY. Mr. President, I have no objection to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER]. I do not see any reason why we should not have such a report. I myself should be very glad to get it, and should be disappointed if I did not get it without his amendment.

On the question, however, of the Senate committee amendment to the bill, I want to say that it is not the purpose of the amendment that the United States shall undertake the charitable work of draining the swamp lands for any private citizen or even for itself—outside, I mean, of the reclamation and irrigation projects. In that case, of course, the United States must take care of its own lands after irrigating them, and make them and the lands of those citizens that shall lie under the operations of the system of irrigation ready for sale. The expenditure is to be refunded, as has been repeatedly explained, in the next seven years. There has been no doubt expressed about the fact that the money will all be returned and that the United States will largely be the beneficiary of the improvement in its land system.

In irrigation it necessarily follows that there are surplus waters which flow down into those hollows and receptacles natural to that part of the country, which most of us know something about—that form morasses and lakes that should be drained. Those lands are not generally the lands of private individuals, but are the lands of the United States. But whether they are or not, as the United States has put the water on them it might undertake to take it off.

I am, however, not particularly concerned in that work, except that I favor the irrigation and reclamation project as a whole. I leave the details for those Senators who live in that country and who are more particularly acquainted with the wants of the country; but now the question is as to this appropriation, which is a small one, for the purpose of investigating and reporting upon the scientific methods of draining swamp and overflowed lands. When this question was first agitated it was for the purpose of investigating the engineering possibilities of draining lands on the seacoast of the Southern States particularly, but applying anywhere within the United States. Those lands, extremely productive if cleared of water, were so near the tide level that no farmer with a small holding would ever be able to bring to the task the scientific inquiry and work necessary to do it. As the United States has, whether wisely or not—and I think very wisely—undertaken to teach the people some things and are quite revolutionizing the methods of farming in my own section of the country, I think it is well enough they should furnish us some information upon this particular subject.

It is not intended that the United States shall pay for the drainage of anybody's land, any more than it is intended, when you send Doctor Knapp and his corps of assistant instructors through the country to teach the farmers how to plow, how to rotate crops, the value of fertilizers, the analyses of soils, and so forth, that the United States shall plow and cultivate land for the farmer. It is only intended to give instruction. I think instruction has been given in a manner and to an effect that is enormously productive of good to the people of this country. In my opinion it has worked a revolution in my State. This morning I had a letter from a prominent planter in the Delta, who works 20 plantations, and under Doctor Knapp's supervision he is planting a large quantity of land in rice. The land was not irrigated, and yet he cleared out of that crop $74.50 an acre, where he did not know he could grow rice without water upon it.

We are also concentrating in cultivation; we are adopting the intensive method of cultivation. We are discovering that we can make as much corn in Mississippi as you can make in Iowa or in Illinois or anywhere else. I may mention, for the information of Senators, that the boys in my State have formed what are called "corn clubs." The movement began in Holmes County, the county of my birth. In the last crop the average yield of the boys' clubs, numbering 250 odd in my State, was 70 bushels per acre. The boy who took the prize raised 139 bushels per acre; and all this was accomplished under the instruction of the Department of Agriculture. They had been going on in a way that you might call "slipshod" down there. I suppose the same thing holds good anywhere in this Union. Here is an adventurous gentleman named Campbell, who taught in the dry country in the panhandle of Texas what is called "dry farming." That has been taken up by farmers in that arid region, and it is found that great crops of wheat can be raised without any irrigation at all.

This work of benefiting the farmer by instruction extends just as well to teaching him how to drain his unprofitable coast land and swamp land as it does to teaching him how to cultivate his dry land or irrigated land or land that needs neither irrigation nor drainage. That instruction is going on with such universal success and with such universal benefit, that we ought not to stick at this small proposition, which does not propose charitable aid to anybody in draining his land, but simply to teach him the way to do it, and leave it to him to do it by himself.

I am perfectly willing to admit that the State should undertake to do this work. I can not understand why the State does not do it; but the States have not done it, and when this department is exercising its undoubted function under the control and direction of Congress, and we appropriate just as much money as we think is necessary, then it is, in my opinion, a rather backward step to oppose a small appropriation like this, which will so abundantly repay the country for the investment.

I recollect, Mr. President, once, many years ago, when I went to see the Chief of the Corps of Engineers, General Wright, about some small river improvement in the river and harbor bill, which was very much objected to by some who lived principally in New York City, who wanted the rivers stopped up and the railroads built up, so as to bring all the traffic to their own port. All the great metropolitan newspapers were making fun of the small rivers, but General Wright said:

The money the Government is spending on the small unknown streams that are being opened up for navigation, to feed the other streams and railroads, is the most profitable investment this country has ever made.

It is true, Mr. President, that the agricultural bill is increasing in size every year, but I have yet to see where a sum has been improvidently expended or appropriated. I remarked to Secretary Wilson the other day, when he was before the committee, that in my long experience with him as the Secretary of Agriculture, and being all the time on the Committee on Agriculture, the only fault I had ever found with him was that he was too stingy with his money; that he never asked for enough. He would not have had a new department building if it had been left to him; he would not have had a laboratory building if it had been left to him, because he disliked, he said, to tax the generosity of Congress.

He has never misappropriated or misspent a dollar that has come within his supervision. That there has been extravagance in some of the bureaus, I think, is susceptible of proof, and probably will be proven before we get through with the discussion of this bill; but certainly, when the money is brought under his supervision, it has been economically, wisely, and efficiently expended. I am not afraid to trust him so long as he remains at the head of that department or elsewhere.

The gentleman whom he has engaged, and who is teaching practically an improved system of intensive farming to the people of the country, is the man who succeeded him in the presidency of the Agricultural College of Iowa. Secretary Wilson summoned him here by letter to aid him in this work, and Doctor Knapp came here without knowing for what he was sent until he was sent upon this mission. I want to say that the leading paper in my State, in a long editorial, said that they could not understand how the Secretary of Agriculture could secure men of such talent that they could hold in the greatest interest all the farmers of the country, all the professional people—the doctors, the lawyers, the preachers, and others—at their meetings. Everybody goes to hear them, and the amount of good which has been done is great.

Most of these employees are doing missionary work. The compensation they get rarely pays their traveling expenses from place to place. They are doing their work con amore; they are enthusiastic about it; they are doing good; and the satisfaction of its being well done is a sufficient compensation, I am glad to say, for a great many of them, even in this degenerate day. I hope that no serious opposition will be made to this item.

Admitting all that may be said, I am not one to commit this Government to the system of paternalism. I have no slight tendency toward socialism or paternalism. I may be called a strict constructionist of the Constitution; and I shall always insist upon it as a safeguard of our liberty to secure the permanency and honesty of our free institutions; but that view can not be invoked in this matter, in my humble opinion.

I yield to the good and better judgment of the lawyers on this floor who may oppose this measure; but I think they will find,

when they take this bill as a whole, that it has been framed with careful regard to the best interests of the whole country and to the economical expenditure of the money that is appropriated. I have found, Mr. President, in my experience that a liberal appropriation and an economical expenditure are the two things necessary for improved civil administration. I hope that this bill will go through as it has been presented to the Senate. Of course if any Senator has an amendment which, in his judgment, is good, I think the committee will be very glad to accept it. We do not believe that all the knowledge of agriculture and forestry is concentered in that committee, and I think the honorable chairman, who has charge of the bill, will be glad to receive a suggestion from any Senator that will tend to improve it.

Mr. CLARKE of Arkansas. Mr. President, this appropriation has been abundantly justified by the results that have uniformly followed it. The State of Arkansas has been one of the chief beneficiaries of this system, and because the experience there has been such as to show that it is a proper appropriation, I feel I ought to say a word or two on the subject.

No one assails it on the ground of its policy, but some do on the ground that it opens up an avenue of public expenditure not appropriate for the United States to assume. The matter of draining overflowed lands is technical in its character. Theoretical systems of drainage have been resorted to by such engineering force as is locally available, and, as often as otherwise, they have proven to be a failure, whereas this particular bureau maintained in the Agricultural Department has drawn around it some of the best skill that can be obtained in that line of human endeavor.

By bringing into relation a great number of projects they have been enabled to evolve, in connection with the scientific and theoretical features of it, a practical application that has vastly heightened its utility. They have, therefore, been able to master many problems that proved to be failures when left to the local engineers, who have nothing but the ordinary technical training that comes from a college course in that behalf, and who are deprived of that wide field of observation that is necessary to clarify and make plain the principles of that particular branch of the public service.

We have reclaimed in the State of Arkansas a vast area of land that was supposed to be utterly useless. It was done under the direction of the Department of Agriculture, and now constitutes one of the most productive and profitable rice fields to be found in this country. We are now engaged in examining the so-called "hopelessly abandoned lands" in the sunken-land region of the State of Arkansas, known as the "St. Francis Basin," made so by the construction of the levees of the Mississippi River. It has been found that much of those lands can be reclaimed and subjected to the uses of the agricultural element of the people and at the same time render vast benefit to navigation in that vicinity.

The practical value of the assistance that the Government has furnished has been so completely demonstrated that from that standpoint no criticism can be made.

From the legal aspect it is along that same line that, as the Senator from Nevada [Mr. NEWLANDS] has suggested, the whole bill is carried. There is not a word that can be said in favor of a single provision in it that can not be amplified and emphasized in behalf of this particular item. It has been tried heretofore, and very successfully tried, and has justified the reasons that prompted its introduction into this bill.

Because Arkansas affords one of the most promising fields in which its utility has been demonstrated, it occurred to me that it would not be inappropriate to call attention to the fact that there is work yet there to be done in this connection; and if it be done as well as that which has heretofore been done, it will again prove the utility of this new item of concern that the United States Government has taken upon itself.

I am perfectly apprised of the fact that the States could undertake this work, and I am perfectly apprised of the fact that the chief beneficiaries of it will be private landowners, but, in an incidental way, as the benefits flow out and distribute themselves among all the people, they will be manifest in better conditions, in the promotion of which everybody ought to be engaged and for the promotion of which all governments are organized.

I see no objection to the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], because if the results attained are satisfactory, are wholesome, then everybody ought to know it and the widest publicity should be given. I trust that the chairman of the committee will, if consistent with his idea of the manner in which he shall conduct this bill, accept that amendment without further delay.

Mr. NEWLANDS. Mr. President, if this item can be objected to, either upon the ground of lack of constitutional power or upon the ground of expediency, then every item in this bill is subject to the same objection in higher degree, for it is a bill that relates entirely to scientific investigation and inquiry. It takes hold of plant life and animal life, the qualities of the soil, the study of moisture in its relation to cultivation, and authorizes these inquiries and investigations, with a view to advancing the scientific information and knowledge of the country upon these subjects. We do not find in the Constitution any express power covering these inquiries; certainly none of the granted powers cover them; and unless you can claim that they belong inherently to sovereignty you will perhaps find no justification whatever for the other items of this bill. But, comparatively, I can say that you will find more justification for this particular item than you can for any other item.

The study of drainage will come up, so far as the Government is concerned, in connection with the ownership of government lands, which may be or are subject to overflow and which it doubtless as a proprietor has the power to improve, and also with reference to the navigable rivers over which the Nation has jurisdiction under the interstate clause of the Constitution, in so far as navigation is concerned. We find many questions related to navigation, and no plan can be formed for the promotion of navigation that does not involve an inquiry into irrigation, an inquiry into swamp-land reclamation, an inquiry into the development of water power, an inquiry into the protection of the banks of rivers as part of the plans which will result in their improvement for navigation, or, at all events, in diminishing the cost of execution.

Now, outside of the actual ownership of the Government in swamp lands, we have vast areas of land on the lower reaches of all of the rivers in this country—those on the Pacific coast; those in the Mississippi Valley, including the tributaries of the Mississippi and the Missouri; those on the Gulf coast; and those on the Atlantic coast.

On the Atlantic coast we have a continuation of sounds and bays formed largely by the deposition of alluvial soils near the shores, and any study of the inland waterways of the Atlantic coast should include a study of reclamation in connection with the coastal canal as contemplated for the purpose of securing a protected waterway all the way from Boston to Florida. We all know how extensive are the swamp and overflowed lands of the Mississippi Valley, their extraordinary richness and fertility. We know that no scientific plan can be developed for the treatment of the Mississippi River and its tributaries as a great instrumentality of interstate and foreign commerce without taking into consideration as a matter both of constructive plan and of economy the reclamation of these swamp and overflowed areas.

This item provides simply for investigation, an investigation which I hope will lead ultimately to scientific plans which will take up the whole question of the development of our waterways from the scientific standpoint, involving their development for every civilized use, not simply for navigation, but for irrigation, for water power, for swamp-land reclamation, and other uses, and which will involve not only the action of the National Government in large expenditures in carrying out these plans, but the cooperation of the States and municipalities and corporations and individuals, each acting under a scientific plan formed with the cooperation of all, each acting in cooperation with the other, each acting within the lines of its jurisdiction and its power and its rights and its interests, and all in the development of a great and scientific plan.

It seems to me that in the ultimate development of the inland waterways of the country, as an instrumentality of transportation, the study of waterway transportation in coordination and cooperation with railway transportation, this subject is of vital importance. So I distinguish it from the other items in the bill as one absolutely coming within the granted powers of the Constitution and not amenable to any objection as to constitutional power.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from New Hampshire.

Mr. HEYBURN. Mr. President, lest it might be said that I was opposing this measure because its benefits would fall upon certain sections of the country and not upon others, I desire to say that I am not opposing this measure in the sense of opposition. As it was presented in the bill it was rather ambiguous to many, as it seems from the discussion of it.

Mr. KEAN. Has the text been changed? It has not been amended.

Mr. HEYBURN. Several amendments have been suggested. Some have been suggested and withdrawn. I say the meaning

of the section is vested with some uncertainty as to the purpose and intent. Some Senators have assumed and spoken from the standpoint that this was an appropriation for the purpose of further protecting lands over which the Government already has some supervisory power, but it has developed that it is the utlimate intention of this appropriation that it be extended so as to comprehend vast swamp lands in the country.

I thoroughly agree with the remarks of the Senator from Mississippi [Mr. MONEY] that this whole bill is rather along educational lines, and that almost all that the Agricultural Department does is in the way of experiments and the giving out to the people of the results of the experiments. I certainly have no objection to that principle or the practice. I think it is a good one, and is justified. It is only a question of how far we go.

The Senator from Montana undertook to place me in the position of objecting to the proposition upon constitutional grounds. I suggested nothing of the kind. It is a question whether or not we are going to enter upon this class of expenditure. I doubt not that some sections of the country which, should the Government engage in this class of enterprise, would be very much benefited, would be in favor of it. That is reasonable. Each person representing a section of the country in this or any other representative body naturally has in his mind as a text the conditions that exist in that section of the country. I have no objection whatever to this comparatively small appropriation along educational lines, but I did what every man should do here: I entered upon an inquiry as to the present and the ultimate purpose of the measure under consideration.

Mr. GALLINGER. Mr. President, let the question be taken on the amendment to the amendment.

Mr. DOLLIVER. To the amendment offered by the Senator from New Hampshire the committee will offer no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire to the amendment of the committee.

Mr. CRAWFORD. I should like to have it stated.

The SECRETARY. On page 62, after the word "dollars," in line 12, insert:

> And the Secretary of Agriculture shall make a special report to the next session of Congress giving the aggregate expenditure under this provision and the areas in the several States and Territories which have been investigated.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. HEYBURN. Mr. President, I rise for information. What is the question that is being submitted?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended by the Senator from New Hampshire.

The amendment as amended was agreed to.

Mr. GALLINGER. I am of an inquiring turn of mind this morning, and I want to ask a question of the Senator from Iowa, in charge of the bill, concerning another item. I will ask the Senator if he can tell me what were the receipts last year from the forest reserves of this country; from the sale of timber, and other items?

Mr. DOLLIVER. My impression is that they were in the neighborhood of $1,800,000.

Mr. GALLINGER. What I want to inquire about is the amendment on page 41, which reads:

> That hereafter 35 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1910, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the state or territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

I am not going to make any factious opposition to the item at all, but what attracts my attention is that these forest reserves belong to the Nation. Even the little States of the North have an interest in them equal to those of any other State. It is national property, governmental property, and there is an income derived from them which doubtless will increase from year to year, and I should like to ask upon what hypothesis, upon what principle of justice, are we going to divert 35 per cent of the income from those forest reserves to the States in which they are situated to be used for schools or for any other purpose? There may be some good reason for it, but it does not occur to me offhand. Very likely the Senator from Iowa or the Senator from Idaho can explain it. If it is 35 per cent this year, it may be 50 per cent next year, or 75 per cent the following year.

Mr. DOLLIVER. If it will not inconvenience the Senator from New Hampshire, I should like to have that discussion arise when the portion of the bill relating to forestry matters is taken up.

Mr. GALLINGER. Then, I will let it stop right here.

Mr. DOLLIVER. I notice a large number of eager Senators who seem to be able to answer the Senator's question.

Mr. GALLINGER. One other interrogatory and I am through. I will ask the Senator from Iowa if he himself or his committee, and I presume I have no right to ask what the committee did, took into consideration the propriety of increasing the appropriation for roads above what the House allowed? That is an important matter which is attracting the attention of the people in my section of the country to a very large extent.

Mr. DOLLIVER. I will say, in reply to the Senator from New Hampshire, that the committee did very seriously consider that question. Every member of the committee appreciated the importance of it, but each member found himself constrained, by the necessities that now surround us, to avoid, so far as possible, any expansion of expenditures; and we postponed the road business until next year, on the theory that we could manage in some way to get through this next season with the present roads.

Mr. GALLINGER. I thank the Senator for the suggestion that next year this matter will be given very careful consideration. I raised the question very largely for the reason that ex-Governor Bachelder, of my State, who was secretary of agriculture for New Hampshire and who is master of the National Grange, a very enterprising gentleman, a very potential man in matters of this kind, has written me a very strong letter urging that I should make an effort to get the appropriation increased. Of course I will not do that under the circumstances, but I will ask permission to have the letter of Governor Bachelder printed in the RECORD.

The letter referred to is as follows:

> NATIONAL GRANGE, PATRONS OF HUSBANDRY,
> OFFICE OF MASTER,
> *Concord, N. H., February 23, 1910.*
>
> Hon. JACOB H. GALLINGER,
> *United States Senate, Washington, D. C.*
>
> MY DEAR SENATOR: As you are, of course, aware, the National Grange is deeply interested in the valuable work on behalf of public highway improvement carried on by the United States Office of Public Roads, Department of Agriculture. We believe that the services rendered by this bureau in advising the various local road authorities as to the best methods of road construction and the kind of roads best suited to each particular community are of the greatest importance to the farmers of the entire country and that this important work should be extended as widely as possible.
>
> The appropriation of $114,240 made by the House is wholly inadequate to provide for the extension of the bureau's activities in the many directions in which its cooperation is urgently needed, and I would therefore urge that you take action, when the House bill comes before the Senate Committee on Appropriations, to have the appropriation for this purpose increased to $214,000.
>
> It is a conservative estimate that of the $90,000,000 now expended annually for road improvement by the various local and country road boards one-half, or $45,000,000, is practically wasted through lack of knowledge on the part of the officials charged with administering the road laws. The greater part of this money could be saved by giving these local authorities the benefit of expert advice and assistance by the trained highway engineers of a properly equipped Office of Public Roads, and I am sure that if this phase of the matter is understood by Congress there will be no hesitation in granting the additional appropriation asked for.
>
> There is no other question in which the farmers of the country are so vitally interested as that of road improvement, and it seems to me that it would be a wise political move on the part of the leaders in Congress to show that they are willing to aid in furthering this most important work.
>
> Very sincerely, yours, N. J. BACHELDER.

Mr. CLAY. With permission of the chairman of the committee in charge of the bill, I desire to return to page 8, lines 1, 2, 3, 4, and 5. I was not present when that feature of the bill was considered. After the word "dollars," in line 5, I move to insert:

> Of which sum $40,000 shall be immediately available.

It does not increase the appropriation.

The amendment was agreed to.

Mr. DOLLIVER. On page 60, line 13, after the word "dollars," where it first occurs, I desire to insert "$8,000 to be especially devoted to experiments relating to the culture of coffee."

This paragraph alludes to the appropriation for the Porto Rican experiment station, and I offer the amendment at the request of the Commissioner from Porto Rico, upon a showing that the coffee industry is an important one, being about one-half of the total agricultural interest of Porto Rico; and he desires that this experiment station, which we establish there, shall devote at least $8,000 of the $28,000 appropriated to experiments in relation to coffee.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. After the word "dollars," in line 13, on page 60, it is proposed to insert:

Eight thousand dollars to be especially devoted to experiments relating to the culture of coffee.

The amendment was agreed to.

Mr. DOLLIVER. That completes the bill so far as the committee is concerned, with the exception of the paragraph relating to forestry. On the suggestion of the Senator from Idaho that he does not feel able to proceed, as I am not feeling very well myself, I will be very glad to have it go over.

Mr. HEYBURN. Certainly, if the Senator from Iowa is not feeling any better than I am he would prefer to have it go over, but if it is the desire of the Senate to proceed I am able to go on. That is just the situation with me. I would not ask that it go over. I would merely acquiesce in the proposition of the Senator from Iowa. I am not going to occupy any very great length of time on the matter.

Mr. DOLLIVER. Very well. I think possibly we had better proceed.

The PRESIDING OFFICER. The item on page 23, commencing in line 21, subhead "Forest Service," is now under consideration.

Mr. HEYBURN. Mr. President, throughout several sessions of Congress we have been accustomed to take up this item for very extended consideration, but there has come a change in the condition of affairs, which, in my judgment, calls for conservative, I might almost say delayed, consideration.

My objections to many features of the Forest Service have been directed against the manner of the execution of such laws as Congress has seen fit to pass. My objection has been directed to the application of the principle of government that where there was no law there was complete liberty. That condition I think no longer exists. The policies that have been substituted for law I believe will, in the execution of the law, give way.

Mr. President, I recall, six years ago, I think, in this body, when the appropriation for this item was very small and the area of forest reserves was small, that one of the most distinguished men who ever sat in this body, after listening to the discussion of the question for some time, rose and inquired how far we might expect this class of appropriation to go in the years that were to come; and he was given the assurance that it could not cost the Government any sum of money after the next Congress; that it would be self-sustaining; and, more than that, it would be one of the sources of income to the Government, out of which other expenses might be paid.

There were some—I among the number—who wanted some assurance as to the truth of the statement that this would be a contributing source out of which other branches of the Government might be maintained. The years have gone one after another, and we find that instead of this great enterprise, with a capital of 200,000,000 acres of land, being solvent it is insolvent to the extent that we are asked in this bill to make an appropriation of $5,703,700 to maintain this business enterprise.

We are given a promise of a credit, based upon experience, of $1,766,088, leaving this great business enterprise in which the Government is engaged insolvent in the figures $3,937,612. I say "insolvent" because we are called upon to make good that much loss in the administration of the estate which the Government claims in these lands. It can not be claimed for a moment that the Government is handicapped for want of capital to carry on this business. We gave them more than $4,000,000 in the last appropriation bill, more than $3,000,000 in the one preceding that, more than $1,000,000 in the one preceding that. So you see that the insolvency of the Government's enterprise is a growing one.

We were assured that upon figures which we could not mistake this enterprise would be just the reverse of what we find it upon the books of the Government. Where are those who stood sponsors for this enterprise in that day? Why are they not here to tell us either why they were mistaken or else to confess the error and say, "Let us reorganize this business." What is the purpose——

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. FLINT. Let me suggest to the Senator from Idaho that the business itself has increased. Very large tracts of land have been taken in, which makes it necessary to appropriate more money.

Mr. HEYBURN. I have been dealing with the period since the tracts were taken in.

Mr. FLINT. Oh, no. Tracts have been taken in every year; even this year.

Mr. HEYBURN. I have the figures here.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. With pleasure.

Mr. CLARK of Wyoming. The tracts which have been taken in, according to the House report, aggregate 26,528,000 acres. One-half of that is in Alaska.

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. The additional appropriation asked for by the Forest Service because of that increase is, in round numbers, $400,000. It shows a peculiar aptitude for juggling with figures when for the 13,000,000 acres in Alaska which have been added, which should form one-half of the $400,000 increase, there is an increase of only $6,000 asked. Obviously the increased appropriation asked for in this bill for the 13,000,000 acres in the United States proper is at the rate of something like 30 cents an acre for the administration of the reserves added.

Mr. HEYBURN. Mr. President, that is not the reason to be given why the Government is not administering this estate profitably. Few things in this world improve through idleness. I happen to have the receipt of the treasurer of one of the counties in which this business enterprise is being carried on very largely, showing how much the Government contributes to the expenses of that jurisdiction. The county and state taxes—that is, the general taxes—paid in that county upon private property amount to $190,000. I have this from one of the county officers, the treasurer of the county. The taxes paid by private citizens amount to $190,000. The Government, through the provision in the last appropriation bill, contributes to the affairs of that county $765.87. The Government owns two-thirds of the property in that county, and the citizens who pay $190,000 toward its maintenance own one-third. That merely appeals to the equitable sense of the people.

The inquiry was made by the Senator from New Hampshire [Mr. GALLINGER] as to why the county should receive any part of it. In that county the men who are there to represent the Government receive, first, the benefit of the law that affects them in their personal and property rights. They receive, next, the benefit of the local law, the state law, that protects these forests from fire. The State of Idaho did thus, pursuant to the laws of the State of Idaho, expend $10 where the Government expends $1 in the protection of the Government's timber. Upon that vast area, and that reserve is nearly as large as some of the States of the United States, there is just as much and the same necessity for protection of the law administered at the expense of the State and counties as there is elsewhere. There are post-offices, villages, public schools, and other institutions of public benefit maintained upon the very forest reserves themselves. The people were there when the forest reserves came.

Would it be fair to have a nonresident landholder in the State exempted from contribution to the expenses of the State and the local government? Should the United States be exempt from contributing to the cost of its own protection and the protection of its own property? It is true that we can not tax their land: alas, it is true. I would not favor the taxation of the land of the United States, but I would favor a system of government by which the title to that land would be transferred to persons who would be taxpayers.

How does the United States benefit from the solitude they create in that vast area? It is not one of the largest, by any manner of means, in the State. Who benefits by it? I see here one of the papers in that immediate vicinity says:

What promises to be the biggest timber sale ever made from any forest reserve has practically been completed by the local forestry department. This deal aggregates about 250,000,000 feet of timber, all of which is located in the St. Joe River and Coeur d'Alene River watersheds. The purchasers consist of eight different companies, all of which are operating mills in the Coeur d'Alene Lake district.

The average price at which this timber will change hands will be very little less than $4 a thousand feet, so that the returns to the forestry department will be close to a million dollars. The price will depend to a large extent on the quality and accessibility of the timber, but even when all this has been allowed for it is believed that of the whole 250,000,000 feet involved only about 60,000,000 will be sold for less than that figure.

What becomes of the conservation of the water and the snow? Here we find the forests out there doing the things that we are told in this Chamber will result in the bringing about of arid conditions, because they say that the cutting off of the timber will prevent the snows from being retained and distributed in a proper and economical manner. That is only one of hundreds of

cases like it that I could stand here and cite. I have a vast accumulation of figures here showing that the Government itself is selling the right to denude these lands of their timber, when the forest reserves were first created to preserve the timber. It was the declared purpose of the law when it was first enacted to preserve the timber. Now, we find that they have turned highwaymen and are doing the thing that they sought to prevent.

I do not attach so much importance to that, because I do not think that the retention of the timber upon the ground has a thing on earth to do with the retention of the snow. When I first made that statement here five years ago I doubt if there was a Senator on the floor who agreed with me, and I was regarded as being a crank upon that subject. I was cartooned and ridiculed from one end of the country to the other because I said that the cutting of the timber had nothing to do with the manner in which the snow went off, except if it did anything at all it made the snow go off earlier. Now, I am not alone, nor am I lonely in my position. I have the Chief of the Weather Bureau of the United States out in a pamphlet, which I have before me on the desk, in which he sustains just the position I took then and ever since, that the snow goes out of the timber first, and lastly it goes from the bare mountain peaks. I have lived thirty years among it, and I ought to know something about it. When the snow comes sifting down and lighting upon the limbs and twigs of the trees, it falls more lightly than it does when it comes without interruption, and it begins to melt up in the atmosphere, and melts from the limbs of the trees and honeycombs the snow around it. I have walked and camped and stayed under trees to avoid being out in the snow that surrounded them, and so has every other man who has had any experience in that kind of life. When it rains, as it does continually in these countries where the snow fall is heavy, the rain, dropping down from the trees tends to crystallize or honeycomb the snow, and it goes out. I have seen the flowers blooming under the trees when the snow had gone off and the balance of the country was covered with snow. So will anyone else see that condition who goes into the country where such things exist. However, I have been sustained by the executive department of the Government. So I think I will let that question rest. It is no longer open for argument.

Now, there is the question of contribution to the expenses of the Government. That I have already in a measure discussed. That we should have a nonresident landlord forced into our midst who is not content to administer his own estate, but wants to administer ours, ought to appeal to the sense of justice in any man.

We were just reminded by the distinguished occupant of the chair that this land belongs to all the States. Well, why do they not go and use them? There is only one thing you can do with land, and that is to use it and live on it. Why do they not go out there and perform their part of the contract? The land is there, it belongs to the Government, and they are citizens of the Government. Why do they not go out there? They can not bring it away. I suppose, if they could, they would compel us to send it to them.

Mr. President, as I have said before, I hope and pray that brighter skies and better conditions, a conservative sense and judgment and respect for the law are due. I trust that we will never again hear it said that if there is no law there is perfect license.

Mr. President, I want to emphasize this condition in Bonner County, because it is true in every other county in which the forest reserves are situated. You have the landlord or owner of two-thirds of the property contributing $765.87 toward its government, and the owners of one-third of the property contributing $190,000 toward the maintenance of the government over the same area. There is an argument in that which could not be improved upon by elaboration.

Then, where are we drifting? In 1909——

Mr. GORE. Mr. President——

Mr. HEYBURN. The appropriation for this bureau——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. HEYBURN. When I state these figures that I am in the midst of I will yield. In 1909 the appropriation was $3,151,900. In 1910 it was $3,986,000, an increase of more than $700,000. The last appropriation act carried $4,708,500, an addition of nearly $1,000,000, and this year it is to have another million dollars added to it.

Now I yield to the Senator from Oklahoma.

Mr. GORE. Mr. President, I think the record ought to show in this connection what percentage of this land, the two-thirds in the county named, could be reduced to private occupancy and use and converted into homes.

Mr. HEYBURN. I did not hear the Senator.

Mr. GORE. I wanted the record to show how much of this reserve land in Bonner County, I believe the Senator said, could be reduced to private occupancy and use, could be converted into homes, if the people had the privilege of going on it.

Mr. HEYBURN. All of it. The percentage of waste land in the county is less than it is in any county of which the Senator has knowledge. The land was not withdrawn because it was not suitable for home making. Every time an acre of it is released there is somebody right there to exercise the right of homestead on it; and if they doubt it, should they release it to-day they will see how fast it will be taken up. The climate is such that they can raise almost anything that the Temperate Zone will produce. It is a magnificent fruit country, one of the very best in the United States. When we had in 1892, I think, a great horticultural exhibit in the State of Idaho, the best exhibit there was the one from Bonner County, and it is now in a forest reserve. They actually included——

Mr. SMOOT. What reserve is it in?

Mr. HEYBURN. It is in Bonner County.

Mr. SMOOT. In what reserve?

Mr. HEYBURN. These reserves are named after Indians and sweethearts and planets, and are given all sorts of names. I would not undertake to specify their names. I looked it over this morning and I was charmed with the beautiful names that they have given these forests. I must not be held responsible for them at all, nor be expected to remember them.

Now, to go back to the figures, which will give some idea of the rate of increase represented by our succeeding appropriations, there has been an increase of nearly two millions in three years in the cost of administering this property, and a decrease in the product of this property represented by the figures I have here. In 1908 the income was $1,790,000, and in 1909 it was $1,765,000. We only fell off $35,000 in the product, and these are the figures that are given to us in this report right here. I can turn to it.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. That is simply one branch. If the Senator had taken both branches or all branches, I might say, of the income, it would have been more than that; and this year it will be about $2,500,000.

Mr. HEYBURN. I have the figures here—the estimates that are given us. I merely took them off the paper; that was all. I found them, and I transferred them to this paper. I am correct in the figures. I will see that I am. It requires some considerable patience and genius to find anything in this report, but I think I have been able to figure them out. My figures are correct.

Mr. FLINT. I think the Senator will find that the receipts were about $1,870,000.

Mr. SMOOT. The exact amount for last year was $1,870,000.

Mr. HEYBURN. On the basis upon which the division was made last year, 1909, it was $1,765,000. The difference is not so material. I have taken the figures from the report. Of course there is a certain percentage that is distributed of this fund and a certain percentage to another, but it is hardly worth while to interrupt the argument for so slight a difference in the figures. I took them from the book I have here.

Mr. SMOOT. I simply want to call attention to the fact that this year it will be two and a half million dollars.

Mr. HEYBURN. That is prophecy. I am talking about the actual receipts that have been realized, and I am talking about the year 1909. I have the figures before me; the amount is $1,765,000. That is the figure taken from the book, and I was comparing it with the year before—with 1908—showing the decrease in the income.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I do.

Mr. CLARK of Wyoming. I wish to ask the Senator from Utah where the estimate is found to which he has just called attention.

Mr. SMOOT. The estimate is not in this book, nor will it be printed until next year; but the actual amount already received is over $2,000,000, and the estimated amount up to June 30 will be over two and a half million dollars.

Mr. CLARK of Wyoming. How is it that the Senator has access to that estimate and the rest of us have not?

Mr. SMOOT. The Senator can get it at any time he desires by going to the department.

Mr. CLARK of Wyoming. Ought we not to have it printed in connection with this bill? If the statement is to be made on the floor of the Senate that the amount is two and a half million dollars, ought we not to have some figures or some estimate to show it?

Mr. SMOOT. The Senator from Idaho was stating that there was a decrease in the receipts from the forest reserves. I think they have increased from about $500,000 up until last year, when they were $1,870,000, and this year up to the present time the amount is over $2,000,000, and with an estimated amount at the end of this year, June 30, of $2,500,000.

Mr. CLARK of Wyoming. That estimate is what I want to see.

Mr. HEYBURN. I have it here, if the Senator please.

Mr. SMOOT. Of course it would not be in the Book of Estimates, because it will come in next year.

Mr. HEYBURN. I have it in the official publication.

Mr. CLARK of Wyoming. It is not the official estimate. I want to know by what authority the Senator from Utah was speaking when he spoke of the estimate of the proceeds during the present year.

Mr. SMOOT. The actual receipts I get from the department up to date; that is, for the present fiscal year, which will end June 30, 1910. The Senator from Idaho has no estimate of that in the book before him. The estimate in that book is for the fiscal year ending June 30, 1909.

Mr. CLARK of Wyoming. Exactly so.

Mr. SMOOT. I am simply stating what anyone can find out by asking at the department—what are the receipts from all sources from the forest reserves to the present time. That is exactly what I am giving.

Mr. CLARK of Wyoming. That is what I am trying to get at. I would be glad if the department would furnish that statement instead of having merely a statement made on the floor of the Senate.

Mr. HEYBURN. We are entitled to have it as the basis of our authority to make this appropriation for the next year. An estimate is not something pertaining to last year. That we know, and we need no estimate. The Constitution of the United States says that our appropriations must be based upon estimates. Now, where is the estimate upon which this appropriation is based? Of course, I know we have forgotten the Constitution so much that——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; briefly.

Mr. SMOOT. The receipts from forest reserves go direct into the Treasury. They have nothing to do with what we shall appropriate for the forest reserves. The estimates given there are the estimates that will be required to administer the forest reserves of this country. If we should take into consideration all we receive, of course that would be a different proposition; but the Senator was arguing the point that there was an increase in the expense of administration, and he then mentioned as a fact that the receipts from the reserves were growing less.

Mr. HEYBURN. Mr. President, I am perfectly aware of the fact that the income at present, very much against the will and wishes of the bureau, does go into the Treasury of the United States; and we do not have the bureau to thank for that, but we have the wisdom of the United States Senate, that compelled them to pay the receipts into the Treasury. The item that I referred to as the income was so closely connected with the suggestion that was made that I had to speak of the estimate, because it was all one transaction. I have here the figures. The net receipts from all sources, in this official statement, were $1,766,088.46. That is what it says, net receipts, and that includes all these items. The gross receipts were $1,807,270.66. This is rather an interesting table. It is nice to know how these sums come to us. Here are the names of the national forests. Moapa. That is a nice name. I do not know where the names came from. Inyo and Wenaha. The Senator wanted to know some of the names. I am just giving a sample of them. Those are poetic people. This whole scheme is based upon a poetic imagination, and I am not at all surprised to find these names given to the forest reserves.

Mr. SMOOT. As far as the name of Moapa is concerned, the forest reserves had nothing whatever to do with the name, because it has been known in the western country ever since the pioneers first went there.

Mr. HEYBURN. Yes; it is probably one of the historic places in the United States, but I will pass to things of more importance. There are the timber sales. Let us just give our attention to the sources from which this income is derived. We have been dealing with millions, but the timber sales amount to only $619,664. I have the whole table before me. That is supposed to be one of the most important purposes for which all this vast area of 200,000,000 acres of land is withdrawn from the legitimate and proper use of all the land in the world. The land of this earth has only one use, and that is to furnish a footstool for the human being. When it is devoted to any other it is being diverted. Then, from timber settlement—this is the hold-up element of it—from timber settlement, $44,172.63. Do you know what those timber settlements are?

Mr. SMOOT. Yes; I do.

Mr. HEYBURN. I know a man who paid $25 and something over, who was traveling over the public lands of the United States and over private roads and public roads to get his family to the State of Washington. His stock was travel worn. He stopped by the roadside and camped with his family along a stream that was in a forest reserve in Idaho, and the forestry officer charged him pasturage for the stock that was pulling his wagon containing his family, and held him up until he paid it. I have in my possession a number of such cases that are absolutely authentic.

Mr. SMOOT rose.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Let me proceed, because the Senator does not know that man.

Mr. SMOOT. I was just going to call the Senator's attention to the fact that that charge was for grazing, and what the Senator has read was for timber settlement. So it can not have any reference to the story he has told.

Mr. HEYBURN. I am going to give the Senate then an illustration along the line on which the Senator's mind is moving. For years the town of Wallace received its wood supply over the railroad coming into the wood yard, where it was for sale as other wood yards sell their merchandise. People had been buying their wood there, ordering it generally early in the season. It was delivered to them, and they used it in their houses and buildings of various kinds. One fine day they nearly all received a bill or statement from the Forester to the effect that they owed so much money for so many cords of wood, claiming that the party from whom either the wood yard or the user purchased it had taken it off the public lands of the United States. Those were the inhabitants of a town or of a community that contributes to the prosperity of the United States to as great an extent as any like community in the United States. Our product in that little community is about $25,000,000 a year. Those people, buying in the open market the wood for household purposes, either had to stand a suit or pay the bills. They paid those bills. That is what I call a "hold up," and a good specimen of one, too.

Mr. FLINT. Does the Senator think that is a new doctrine?

Mr. HEYBURN. A new doctrine? Why, no; you read in the most ancient history of hold ups.

Mr. FLINT. As I understand it, what those people had bought was stolen property; and the Government asked to be compensated for the property that had been stolen from it.

Mr. HEYBURN. If the people of the United States or of any other civilized country were to have their laws administered in the spirit of that expression, there never would have been a government and there would be no people in the United States.

Mr. FLINT. We have been proceeding for years against people who have bought timber which had been taken from the public domain, which had been cut and sold and had gotten into the hands of innocent parties—stolen property.

Mr. HEYBURN. Stolen property!

Mr. FLINT. Property taken from the public domain.

Mr. HEYBURN. Suppose the Senator and I start to drive in California across the public lands and allow our horses to pasture during the hour of luncheon, would we be open to the charge of stealing the grass from the Government that the horses should eat?

Mr. FLINT. I think not. I think that is an entirely different proposition.

Mr. HEYBURN. I am going to get away from the question of ethical morality when it gets down to such fine and attenuated points.

Timber trespass, $37,748.69.
Grazing—

Ah! here is the rub; here is the secret of it—

Grazing, $1,019,062.93.

That is what the forest reserves were created for very largely, in order that they might exercise that most cherished function

of some people—the control of others. Grazing on forest reserves, that are more valuable for their timber than for any other purpose, yields, according to the Government's own statement, a third more for some other purpose than it does for its timber. "Grazing;" that means grass grows. So it does—native grass. Timothy and white clover are the native grasses in those forests. You can throw the bridle off of your stock almost anywhere and turn them loose, and they will find it, winter or summer, unless the snow is too deep in the winter time, and yet the principal income from these forest reserves is not from forest purposes or uses at all, but from some other purpose. I merely want to call attention to these conditions, because some day, if we have occasion—and I hope that we never shall—to go after these forest reserves, as we have had to go after them in the past, we shall have some foundation knowledge on the subject.

I am going to leave the discussion of this measure, so far as I am concerned, resting in the hope that the American people and those who represent them are becoming sane, and that they are learning that the old parrot-like expression that these lands belong to the people of the East as well as the people of the West means nothing. They belong to the people of the East if they go West. The people of the East never considered future generations that were to settle in the West when they were gobbling up the lands in the East. I have looked over a good many of the grants that were taken up in our Atlantic States, and I find that they were not a bit modest as to size or quantity. The same is true all the way from the Atlantic coast to the Missouri River and to the Rocky Mountains. I never heard of a man being restrained by his scruples against taking all the land in Nebraska that he could get under the law. I have been told by Senators from Nebraska on this floor that the government lands in Idaho belong as much to the people in Nebraska as to the people in Idaho. That statement is not strictly true. The right to take those lands belongs to them equally if they have not already drawn their rations. You can not draw your rations twice under the public-land laws of the United States.

This reminds me of a condition. A line of soldiers come up and draw their daily rations, then slip around behind, get into the front line again, and draw them again. That is what it amounts to. People resting in the comfort and security and the sunshine of wealth, because of having drawn their rations so long ago that they think the generations in the West have forgotten it, want to get into line and draw them over again. That is what it amounts to. [Laughter.] We are not only entitled to administer the estate within our State, but in so administering it we contribute to the wealth of the Nation.

What section of the country has contributed as much to the support, the welfare, and the salvation of this country as those States in which the public lands lie? The State of Idaho during the most trying period in the history of this country produced over $200,000,000 in gold, that needed not even the stamp of the coiner on it to make it current, to meet the expenses of the Government when there was no other treasury to draw on except that of promise. That was the only real mint to draw on at that time. That has been repeated and repeated.

The State of Nevada has contributed, I think I am safe in saying, $400,000,000 to the wealth of this country. It has put it in circulation; it has put it where it stays for the prosperity of the country. It has helped build your battle ships and float your navies and erect your public buildings. They do not send it down here in wheat sacks, nor in wool bags, but they send it down here in bars of gold that are weighed and estimated at a fixed value.

The same was true of Idaho. From 1860 to 1865 we produced and sent into the channels of trade more than $200,000,000 in raw gold. From 1894 to this day we have in the county in which I live produced and sent into the channels of trade nearly $400,000,000. We are ready to assume our responsibility. I say these things not in boast, but to remind the people who may hear them or read them that we are not beggars at the back door of this Nation, nor have we ever been.

Now, what kind of treatment are we entitled to at the hands of the nonresident landlord, who comes in and seeks to stagnate the growth and prosperity of our country? What kind of treatment are we entitled to, based upon our record? Idaho, Colorado, Wyoming, Utah, and all that great West is settled by men who laid the foundation for their capacity to participate in responsible government in the East and in the great Middle West.

They peopled your colleges; they took with them letters of credit that bore the sign manual of the best educational institutions in the East. I can find a higher percentage of Yale and Harvard and Princeton men in the mines in Idaho than you can find in the city in which you live. Why? Because they have come to the land of opportunity; they have come there, not to be always delvers and diggers in the soil, but to lay the foundation of their competency, the very groundwork of the country. Our state university sends its classes into the mines during the vacation days to learn how to mine, that they may know later how to manage a mine, and to study the engineering, the geology, the chemical, and the industrial conditions. If you imagine that we are out there on the frontier like a lot of helpless aliens, incompetent of sharing in the management of the Government of which we are as much a part as any other part, you never made a greater mistake in your life. It is not inherited wealth in that country; it is wealth won by toil, skill, and intelligent devotion to the interest of life in that country; and that is the class of men for whom we speak when we say, "Turn those lands open to settlement."

As I have said before on this floor, I would rather have one man on an acre of land than a thousand trees. He counts more for the present and the future of the country, east and west, north and south, than all the solitudes upon which the midnight sun may rest.

It was suggested here that the Government had great game preserves, and that the beautiful deer might be preserved from destruction. I would rather have one Alderney cow than all the herds of deer that you could put upon acres of ground.

I have no doubt that the beautiful spotted fawns would look more beautiful to our friends from the East when they come out there, but they perhaps would not care a snap about seeing the western people driving up the lowing kine. They would rather see them shooting deer; but we are talking about practical life and practical government and practical things, and we are substituting cities for forests; we are trading off the timber for civilization, and you come out there and undertake to stay our hand!

If somebody had stayed the hand of settlement along the Atlantic coast and made the settler get permission of a British forester before he could cut the timber to make his home, New England would not yet have stepped back 10 miles from the ocean. You would be wondering why you came to the country of opportunity, and you would never have known there was a Pacific coast. There would have been the solitude of a forest reserve from the Connecticut River west.

Mr. President, it was not my intention to speak at even the length that I have detained the Senate, because, as I have said, I am going to rest upon the assurance I have in mind that we are becoming sane in this country and that we have passed that period of hysteria and speculation that has held us in its thrall for a number of years. I want, first, before I criticise further, to see whether or not the things of which we have been critical will be changed; and, if they are, there is nobody who will welcome the condition more than the people on the Pacific coast. They do not want to be at strife with the Government; they love it as much as do the people of any other part of the country. They want the United States, of which they are a part, to include them in the family of equal rights and equal consideration.

So, Mr. President, let the responsibility for this measure, which is fashioned somewhat after its predecessors, rest with the administration, and I believe that the administration is now in a mood to look more closely into the manner of the execution of the laws entrusted to it; but do not let a word that I have said be taken as an encouragement to the belief that we will stand the creation of more reserves. This present administration has very much diminished the reserves.

It had been my intention to discuss here on this occasion to some extent the question of water rights; but inasmuch as that measure is coming before the Senate in connection with the consideration of another subject I shall defer doing so, and, also in view of the fact that I am only about able to stand on my feet to-day, I shall not offer any amendment at this time, at least, to this measure.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The next amendment of the Committee on Agriculture and Forestry which had been passed over was under the head of "Forest Service," in the item of appropriation for "General expenses, Forest Service," on page 25, line 13, before the word "agents," to strike out "fiscal and other;" so as to make the proviso read:

Provided, That the exportation of dead and insect-infested timber only from said Black Hills National Forest shall be allowed until such time as the forester shall certify that the ravages of the destructive insects in said forests are practically checked, but in no case after July 1, 1912; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the ad-

ministration of national forests, in the city of Washington and elsewhere.

The amendment was agreed to.

Mr. DOLLIVER. Mr. President, I desire to ask unanimous consent that the further consideration of the bill be postponed until to-morrow.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened, and (at 4 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 8, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 7, 1910.

CIRCUIT COURT JUDGE OF HAWAII.

Henry E. Cooper to be first judge of the circuit court of the first circuit, Territory of Hawaii.

DISTRICT JUDGE.

Howard C. Hollister to be district judge, southern district of Ohio.

ASSISTANT SURGEON, MARINE-HOSPITAL SERVICE.

David C. Turnipseed to be assistant surgeon in the Public Health and Marine-Hospital Service.

COLLECTOR OF CUSTOMS.

Alfred L. Sharpe to be collector of customs for the district of Paso del Norte, Tex.

CONSULS.

Arthur B. Cooke to be consul at Patras, Greece.

Philip E. Holland to be consul at Puerto Plata, Dominican Republic.

Ralph J. Totten to be consul at Maracaibo, Venezuela.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Charles St. J. Chubb to be colonel.
Lieut. Col. George F. Cooke to be colonel.
Maj. James A. Maney to be lieutenant-colonel.
Maj. Abner Pickering to be lieutenant-colonel.
Capt. Charles H. Martin to be major.
Capt. George W. Martin to be major.
First Lieut. Walter B. Elliott to be captain.
First Lieut. John L. Jordan to be captain.
Second Lieut. Keith S. Gregory to be first lieutenant.
Second Lieut. Irving M. Madison to be first lieutenant.

CAVALRY ARM.

Lieut. Col. George K. Hunter to be colonel.
Maj. Homer W. Wheeler to be lieutenant-colonel.
Capt. Robert D. Walsh to be major.
First Lieut. John H. Lewis to be captain.
First Lieut. Harry N. Cootes to be captain.
Second Lieut. John G. Winter to be first lieutenant.
Second Lieut. Herbert E. Mann to be first lieutenant.

COAST ARTILLERY CORPS.

First Lieut. Charles C. Burt to be captain.
Second Lieut. Edgar H. Thompson to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Albert M. Fisher,
Martin William Roan, and
Frederick Bismarck Strauss.

PROMOTIONS IN THE NAVY.

Lieut. Arthur Crenshaw to be a lieutenant-commander.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 31st day of January, 1910, to fill vacancies existing in that grade on that date:

Chester W. Nimitz, and
John N. Ferguson.

The following-named ensigns to be lieutenants (junior grade) in the navy from the 31st day of January, 1910, upon the completion of three years' service in present grade:

Chester W. Nimitz,
John N. Ferguson,
Arthur K. Atkins,
Jonathan S. Dowell, jr., and
John H. Newton.

POSTMASTERS.

ILLINOIS.

Joseph Campeggio, at Ladd, Ill.
William G. Dustin, at Dwight, Ill.
John R. Marshall, at Yorkville, Ill.
Henry Mayo, at Ottawa, Ill.
Michael F. Walsh, at Harvard, Ill.

INDIANA.

Lindley A. Dawes, at Wabash, Ind.
Thomas S. Jones, at Corydon, Ind.
Albert O. Lockridge, at Greencastle, Ind.
Simeon W. Norton, at Hope, Ind.
George D. Taylor, at Worthington, Ind.
William Wright, at Rochester, Ind.

KENTUCKY.

George L. Barnes, at Frankfort, Ky.
John W. Berryman, at Versailles, Ky.
Lloyd Clay, at Paintsville, Ky.
Abithel Downs, at Murray, Ky.
James C. Florence, at Stanford, Ky.
H. W. Lockridge, at Mount Sterling, Ky.
Lucy O. Mason, at Adairville, Ky.
N. A. Moore, at Paris, Ky.
William H. Overby, at Henderson, Ky.
Harry N. Stringfellow, at Carrollton, Ky.
William Turner, at Bowling Green, Ky.
William A. Wallace, at Leitchfield, Ky.
William T. West, at Lancaster, Ky.
Clarence H. Wilson, at Sturgis, Ky.

MISSISSIPPI.

Joe C. Craig, at Como, Miss.
R. N. Harris, at Clarksdale, Miss.
William J. Willingham, at Eupora, Miss.

MONTANA.

Augusta C. Sheridan, at Bigtimber, Mont.

NEW YORK.

J. R. Hawley, at Webster, N. Y.
Moses T. Horton, at Southold, N. Y.
John H. Stebbins, at Fairport, N. Y.

NORTH CAROLINA.

Franklin W. Faircloth, at Snow Hill, N. C.
Alonzo C. Kerley, at Mooresville, N. C.
J. Frank Liles, at Tarboro, N. C.
Wallace W. Rollins, at Asheville, N. C.
Otto S. Woody, at Whitakers, N. C.

PENNSYLVANIA.

Daniel L. Grier, at Watsontown, Pa.
George Sowash, at Irwin, Pa.
I. Newton Taylor, at Mount Union, Pa.

VIRGINIA.

S. Brown Allen, at Staunton, Va.
Charles T. Holtzman, at Luray, Va.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 7, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, we rejoice with exceeding great joy for that larger vision of Thyself which is coming gradually into the minds and hearts of men, for the relationship which exists between Thee and mankind, and for the larger interpretation of life and its far-reaching purposes. We most fervently pray that we may be able to distinguish clearly between aspiration and ignoble, selfish desires, liberty and license, temperance and intemperance, truth and dogma, religion and theology, the true and the false, righteousness and hypocrisy, and that we may be imbued with fidelity to all that is purest and noblest in life and build for ourselves a character after the pattern of the Jesus of Nazareth. Amen.

The Journal of the proceedings of Saturday, March 5, 1910, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendment to the bill (H. R. 16037) to amend section 810 of the Revised Statutes, disagreed to by the House of Representatives, had

agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DEPEW, Mr. SUTHERLAND, and Mr. BACON as the conferees on the part of the same.

The message also announced that the Senate had passed, without amendment, bill of the following title:

H. R. 19558. An act to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19403) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5876. An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5876. An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes—to the Committee on the Post-Office and Post-Roads.

CORRECTION.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent to correct an exhibit [Exhibit I] which I submitted in the RECORD of March 2, in connection with my speech on the high cost of living. During the progress of that debate I was speaking of the lower prices paid in Boston for provisions than in nine other ports of the world by the Massachusetts training ship *Ranger*. The gentleman from Missouri [Mr. BORLAND] asked this question:

Is it a fact that they buy when they are at home, at the port of Boston, by annual contract and buy in foreign ports at chance?

Mr. GARDNER of Massachusetts. I can not tell the gentleman, but I recognize the importance of this question. I shall inquire.

Mr. Speaker, I inquired, or, rather, I called up a friend over the long-distance telephone, and he made the inquiry. Probably through my own fault in not expressing myself properly, the full bearing of the question was not understood. I received the following answer:

Figures furnished are for the cruise of Massachusetts training ship *Ranger* in 1909. Provisions bought wholesale on competitive bids both in Boston and foreign ports.

I am afraid, Mr. Speaker, that the answer is somewhat misleading. It has since been called to my attention by the Massachusetts training-ship commission that Mr. BORLAND was perfectly correct in the question that he asked. I desire unanimous consent to make the necessary change in Exhibit I. The facts are as follows: Provisions for the *Ranger* are bought in Boston on a contract similar to a hotel contract, which runs for several months at a time. In foreign ports provisions sufficient to last for short periods are bought at wholesale for a ship's company of some 125 men. The fresh supplies are bought to the extent that they will last in cruising from one port to another in the Atlantic or the Mediterranean. I therefore ask unanimous consent to correct Exhibit I, inasmuch as it is at present misleading.

Mr. CLARK of Missouri. Mr. Speaker, I will ask the gentleman whether the gentleman from Missouri [Mr. BORLAND] made any answer in reply? Well, Mr. Speaker, I see that the gentleman from Missouri [Mr. BORLAND] is present.

Mr. GARDNER of Massachusetts. I do not remember any further reply.

Mr. BORLAND. Mr. Speaker, there is no objection on my part to the gentleman making the correction he desires. The telegram which he inserted as Exhibit I is clearly misleading, and if the gentleman will put in the true facts there can be no objection.

The SPEAKER. Is there objection?

There was no objection.

UNANIMOUS-CONSENT CALENDAR.

The SPEAKER. This is unanimous-consent day, and the Clerk will proceed to call the calendar.

SECOND HOMESTEAD ENTRIES.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 15660) providing for second homestead entries.

The Clerk read as follows:

Be it enacted, etc., That any person who, prior to the passage of this act, has made entry under the homestead laws, but from any cause has lost, forfeited, or abandoned the same, shall be entitled to the benefits of the homestead law as though such former entry had not been made, and any person applying for a second homestead under this act shall furnish the description and date of his former entry: *Provided*, That the provisions of this act shall not apply to any person whose former entry was canceled for fraud.

With the following committee amendments:

Strike out all after the enacting clause and insert:

"That any person who, prior to February 8, 1908, made entry under the homestead laws, but who, subsequently to such entry, from any cause shall have lost, forfeited, or abandoned the same, shall be entitled to the benefits of the homestead laws as though such former entry had not been made, and any person applying for a second homestead entry under this act shall furnish a description and the date of his former entry: *Provided*, That the provisions of this act shall not apply to any person whose former entry was canceled for fraud, or who relinquished his former entry for a valuable consideration in excess of the filing fees paid by him on his original entry."

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I want to ask the gentleman two or three questions.

Mr. MANN. Mr. Speaker, I desire to reserve the right to object.

The SPEAKER. Does the gentleman from North Dakota yield to the gentleman from Missouri?

Mr. GRONNA. I would first like to have the report read, Mr. Speaker.

Mr. MANN. Mr. Speaker, consent has not been granted as yet for the consideration of the bill.

The SPEAKER. The report would have to be read by unanimous consent, of course.

Mr. GRONNA. I yield to the gentleman from Missouri.

Mr. MANN. Reading the report would not give us any information.

Mr. CLARK of Missouri. Why is this date fixed as February 8, 1908?

Mr. GRONNA. That is to conform with the law that was passed in 1908. The committee did not feel that they wanted to extend the time for the making of entry, but simply extend the time to give the entrymen who might abandon subsequent to that time an opportunity to reenter. I will say that similar bills were passed in 1904 and in 1900 giving the entrymen the right to a new entry providing it could not be shown that he had lost his former entry through fraud or for a consideration. It was the intention of the committee that the department should grant to these entrymen not only up to the date of February 9, 1908, but in the future the right to reenter lands under the homestead laws, where the entryman had not enjoyed the benefit under the homestead laws.

But it was drawn in such shape or such form that it can not be interpreted in any other way than to say that if an abandonment was made subsequent to the passage of this bill another entry can not be allowed by the department. The gentleman will see by reading the report made by the department that they suggested a much more liberal bill than the committee has recommended.

Mr. MANN. Well, hardly.

Mr. GRONNA. Well, I think so. I think it is more liberal than the one the committee has recommended. All this bill does, Mr. Speaker, is simply to give to the department authority to grant another entry to a homesteader who may have lost or may lose his entry subsequent to the passage of the act of 1908.

Mr. MANN. Will the gentleman yield for a question?

Mr. GRONNA. I will be glad to do so.

Mr. MANN. I understand that this bill when introduced was referred to the Department of the Interior.

Mr. GRONNA. Yes.

Mr. MANN. And in that report they transmitted a draft of a substitute bill?

Mr. GRONNA. Yes; that is correct.

Mr. MANN. And in that draft of a substitute bill it provided for second homestead entry to those persons "who, through no fault or neglect of his own, may have lost, forfeited, or abandoned the same." Now, in the draft of the substitute as presented by the committee is provided, "that any person who from any cause shall have lost, forfeited, or abandoned the same," and so forth, may have a second homestead entry. Does the gentleman undertake to say that the substitute bill offered by the committee is less liberal than the substitute bill offered by the department which only gives the right when a party has not lost his homestead through fault or neglect of his own?

Mr. GRONNA. I say that the department bill is more liberal; the substitute bill contains limitations not in the department bill.

Mr. MANN. Yes; but you put two limitations in your bill and one is that the cancellation must not have been for fraud.

Mr. GRONNA. Exactly.

Mr. MANN. And the other is that the homestead must not have been relinquished for a valuable consideration in excess of the filing fees paid on the original entry, but both of these provisions are in the draft of the department's bill, so you only took that part of the department's bill, and the department's bill contains other restrictions which you did not put in your bill.

Mr. GRONNA. I want to say to the gentleman it is absolutely the same as the law of 1908 in that respect. There is no change in the present law.

Mr. MANN. There was no change in the draft of the department bill from the present law in that respect, but there is a decided change in the draft of the committee substitute in that respect. Now, I do not wish to argue the question with the gentleman, but I do desire to say this: I remember the original discussion upon this bill, and I think it is altogether too important a bill to pass upon it by unanimous consent. The Committee on Public Lands will soon be called on call of committees, and it seems to me only fair that a bill of this sort should be considered in the Committee of the Whole House on the state of the Union.

Mr. GRONNA. Mr. Speaker, I have the law if the gentleman desires to read it——

Mr. MANN. I have examined the law in this connection.

Mr. ADAIR. Is this a unanimous report on this bill?

Mr. GRONNA. Yes.

Mr. STEPHENS of Texas. How many homesteaders will this affect?

Mr. GRONNA. It is not an easy matter for me to say, but it will affect a great number; there is no question about that.

Mr. STEPHENS of Texas. Will it give an opportunity for a homestead to those who have once gotten a homestead?

Mr. GRONNA. Oh, no; it only gives those who have lost their homesteads through no fault of their own the right to reenter.

Mr. MANN. That is not in the substitute bill; it has nothing in it about any fault of their own.

Mr. STAFFORD. That is the bill recommended by the department, not the committee's bill.

Mr. MANN. I think the bill ought not to receive consideration——

Mr. GRONNA. It conforms to the law of February 9, 1908.

Mr. MANN. Mr. Speaker, for the reasons I have indicated, I shall object.

The SPEAKER. Objection is heard.

LAWTON AND FORT SILL ELECTRIC RAILWAY COMPANY.

The next bill on the calendar for unanimous consent was the bill (H. R. 19628) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Lawton and Fort Sill Electric Railway Company, a corporation created under and by virtue of the laws of the State of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, maintain, and operate a railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation, in Comanche County, State of Oklahoma, upon such line or lines as may be determined and approved by the Secretary of War.

SEC. 2. That said corporation is authorized to take and use for all purposes of railway, telegraph, telephone, and trolley lines, and for no other purpose, a right of way 50 feet in width through said Fort Sill Military Reservation, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the land herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That before the said railway company shall be permitted to enter upon any part of said military reservation a description by metes and bounds of the land herein authorized to be taken shall be approved by the Secretary of War: *Provided further*, That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of War.

Also the following committee amendments were read:

In line 11, page 1, strike out the word "take" and insert in lieu thereof the word "occupy."

On page 2, line 7, strike out the words "taken shall be" and insert in lieu thereof the words "occupied or."

Line 15, page 2, strike out the word "taken" and insert in lieu thereof the words "occupied or used."

At the end of the bill add the following:

"SEC. 3. The right to alter, amend, or repeal this act is hereby exclusively reserved."

Mr. GAINES. Mr. Speaker, reserving the right to object, I would like to ask somebody in charge of this bill a question. I see no provision here for paying compensation.

Mr. FERRIS. There is no provision of that kind.

Mr. GAINES. Why is it that where a railroad company takes the public land it is not provided they should pay some kind of compensation, the same as a private individual would who got a grant of land from the Government?

Mr. FERRIS. Mr. Speaker, this is an electric line proposed to be built at the town of Lawton, Okla., my home town. The town is not a large town, with about 10,000 population, perhaps a little more. The military post is 5 miles from the town. The town and the post standing alone are not large enough to support an electric line. A number of local citizens have formed a little company and have agreed to hazard their own capital in building a line from the town over to the post. It is a courageous thing for them to build it, in any event. I might add further that my interest, of course, is to enable my home town to have the car service, but there is an additional interest which the Government has. At this time the Government is making some improvements at Fort Sill and employing a large number of men. They have to procure the help from Lawton, Okla., 5 miles away.

The necessity for the line is that at this time they have to arrange with the Rock Island Railroad to run a plug train out in the morning and back at night, which makes it unpleasant for the laborers and hard for the Government to get the necessary help to carry on the work there. So both the Government and the city are very desirous of having the line; and it parallels two lines of railroad. It is left, as the gentleman will observe, absolutely to the Secretary of War to make the proposed electric line parallel the two railway lines now there. And they do not get a grant in fee; they merely get a right to use the right of way.

Mr. HULL of Iowa. I might add to what the gentleman has said that the department is desirous of having the road for the convenience of the post.

The SPEAKER. Is there objection?

Mr. GAINES. I will not object, but I think it is a dangerous practice to do this sort of thing.

Mr. MANN. Mr. Speaker, I move to amend the amendment, page 2, line 25, by striking out the word "exclusively" and inserting the word "expressly."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 25, page 2, strike out "exclusively" and insert "expressly."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendments.

The question was taken, and the committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WATERWORKS BONDS, DOUGLAS, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13401) to enable the city of Douglas, Cochise County, Ariz., to issue bonds for the purpose of acquiring and constructing a waterworks plant in and for said city.

The Clerk read as follows:

Be it enacted, etc., That the city of Douglas, Cochise County, Ariz., a municipal corporation duly organized and existing as a city under the general laws of said Territory, be, and it is hereby, authorized to incur and contract an indebtedness to the amount of $325,000 for the acquisition of an adequate system of waterworks in and for said city by the purchase of the existing waterworks plant therein at a price not to exceed the sum of $225,000 and by the construction of additional waterworks by the way of the enlargement and extension of said plant at a cost not to exceed the sum of $100,000; and to issue its negotiable coupon bonds to said aggregate amount of $325,000.

SEC. 2. That the acts and proceedings of the mayor and common council of said city of Douglas in and about the calling, holding, ascertaining, and declaring the result of a special election in said city on October 16, 1909, on the following proposition: "Shall the city of Douglas, Cochise County, Territory of Arizona, borrow the sum of $325,000 and issue its negotiable coupon bonds therefor for the purpose of acquiring the existing waterworks plant and constructing additional waterworks in and for said city, of which sum $225,000 is to be expended for the purchase of said existing waterworks plant, and not exceeding the sum of $100,000 is to be expended for said additional waterworks construction," and in and about the passage on December 6, 1909, of ordinance No. 93, entitled "An ordinance providing for the issuance of negotiable coupon bonds of the city of Douglas, Ariz., to the amount of $325,000, for the purpose of providing funds for acquiring the existing waterworks plant in said city and constructing additional waterworks in and for said city; prescribing the forms of said bonds and of the interest coupons to be thereto attached, providing for an annual tax sufficient to pay the interest on and principal of

said bonds when due, and fixing the other details of the issue," be, and the same are hereby, in all respects, declared fully authorized, ratified, approved and confirmed, and the bonds of said city of Douglas, when executed and issued pursuant to the provisions of said ordinance No. 93, shall be, and the same are hereby, declared to constitute the valid and binding obligations of said city, and all of the taxable property in said city to be subject to the levy of a direct annual tax sufficient to pay the principal of and interest on said bonds when due.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I would like some explanation of the bill.

The SPEAKER. Does the gentleman from Arizona [Mr. CAMERON] yield to the gentleman from New York?

Mr. CAMERON. I do.

Mr. FITZGERALD. Can the gentleman explain this bill, which appears to bond a city of 5,000 inhabitants for $325,000?

Mr. CAMERON. Mr. Speaker, this bill is to grant to the city of Douglas, in the Territory of Arizona, the right to issue bonds to purchase and construct a system of waterworks. The waterworks system in the city of Douglas at the present time is inadequate for the needs of the city. This act is to enable the city to issue bonds to purchase the present waterworks system at the price of $225,000, and enlarge the plant by making additions thereto to the extent of $100,000, so that the city will have plenty of water to supply the growing demand of the rapidly increasing population of the city, which has been very great in the last few years. This act has been recommended for passage by the committee, and has also been recommended by the Secretary of the Interior, and was adopted by a majority vote of the people of the city of Douglas, in which it is proposed to construct an improved waterworks system.

Mr. FITZGERALD. Mr. Speaker, I do not know what would be a proper amount to bond a city of this size, although it may have grown up very rapidly in the last two or three years. If those who are familiar with this do not object, I will not.

The SPEAKER. The Chair hears no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BENNET of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

OIL AND GAS PIPE LINES OVER PUBLIC DOMAIN IN ARKANSAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13419) to grant right of way over the public domain in the State of Arkansas for oil and gas pipe lines.

The SPEAKER. Without objection, the Clerk will read the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That a right of way through the public lands of the United States in the State of Arkansas is hereby granted for pipe-line purposes to any citizen of the United States, or any company or corporation authorized by its charter to transport oil, crude or refined, or natural gas, which shall have filed or may hereafter file with the Secretary of the Interior a copy of its articles of incorporation, and due proof of organization under the same, to the extent of the ground occupied by the said pipe line and 10 feet on each side of the center line of same.

SEC. 2. That any citizen of the United States, company, or corporation desiring to secure the benefits of this act shall within twelve months after the location of 10 miles of the public line, if the same be upon surveyed land, and if the same be upon unsurveyed lands within twelve months after the survey thereof by the United States, file with the register of the land office for the district where such land is located a map of its lines, and upon the approval thereof by the Secretary of the Interior, the same shall be noted upon the plats in said office, and thereafter all such land over which such line shall pass shall be disposed of subject to such right of way.

SEC. 3. That nothing in this act shall authorize the use of such right of way except for the pipe line, and then only so far as may be necessary for its construction, maintenance, and care.

SEC. 4. That if any section of said pipe line shall not be completed within one year after the approval by the Secretary of the Interior of said section, or if such pipe line or any section thereof shall be abandoned, or shall not be used for the transportation of oil, or natural gas, for a period of two years, the rights herein granted shall be forfeited and shall revert to the United States without further action or declaration, and the reservation of such land for the purposes of said right of way shall cease and become null and void without further action.

SEC. 5. That if any person, or association of persons, availing themselves of the benefits of this act, or any company or corporation availing itself of the benefits of this act, shall violate the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" (commonly known as the Sherman antitrust act), or any amendment thereof, all rights herein granted shall be forfeited and shall revert to the United States without further action or declaration on the part of the Government, and the reservation of such land for the purposes of said right of way shall cease and become null and void without further action on the part of the Government.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman why the Senate bill was not put on the Unanimous Consent Calendar, it having been reported to the House for over a week?

Mr. MONDELL. The gentleman in charge of the bill, for some reason or other, overlooked that matter; and it might be well to ask that the Senate bill be now substituted for the House bill, just as the gentleman from Illinois, in a similar case, did a week ago.

Mr. MANN. The gentleman substituted a bill which, under the rule, he could have substituted if it had been on the Speaker's table. This, however, is a bill that is on the Union Calendar and is entirely different.

Mr. MONDELL. The situation is in no sense essentially different, Mr. Speaker.

Mr. MANN. Oh, well; before that question comes up, may I ask the gentleman, in reference to the House bill, are the Senate and House bills identically the same?

Mr. MONDELL. They are practically in identical language, but there are one or two minor differences.

Mr. MANN. I notice the House bill provides that any citizen may secure the benefit of this act. What is the purpose of saying that? Why are not the provisions of this act limited to the persons who it is intended to get this right to run this pipe line?

Mr. MONDELL. Because it is a general law, and it is intended to allow the right generally. While it is true that there is one pipe-line company now proposing to build a line, and already constructing a line, unquestionably in the course of time there will be other companies desirous of building pipe lines.

Mr. MANN. So the purpose of this act is not to confine to a given pipe line now in existence the right to construct this line?

Mr. MONDELL. That is not the intention.

Mr. MANN. May I ask the gentleman, are there any unsurveyed lands in Arkansas where this existing pipe line wants to run?

Mr. MONDELL. There are not.

Mr. MANN. So that the term "unsurveyed" is intended to apply to other parts of Arkansas, and not merely this particular location that has been discussed so much in the press and elsewhere?

Mr. MONDELL. I do not think this would affect this particular line. I think they pass over nothing but surveyed lands.

Mr. MANN. May I ask the gentleman, further, if this section of this line is not constructed, who gets the title to the property where the line has already been constructed?

Mr. MONDELL. Over public land?

Mr. MANN. Over public land.

Mr. MONDELL. Why, in case the line is not constructed, and the provisions of the bill are not complied with, the land reverts to the Government.

Mr. MANN. Well, suppose this case: Under the provisions of this act, if an application is made for a 10-mile section, and that section should not be constructed, then as to the section of land where the pipe line had been constructed, the authority at once becomes null and void? When the land has been taken up under the laws of the United States, who gets the ownership of the strip of land where this pipe line has already been constructed by the forfeiture or because it is not constructed somewhere else?

Mr. MONDELL. The owner of the land.

Mr. MANN. Well, what does this mean——

Mr. MONDELL. The moment the easement ceases to operate, of course, the title is in the owner.

Mr. MANN. What does this mean:

All rights herein granted shall be forfeited and shall revert to the United States without further action or declaration on the part of the Government.

Does that mean that gives the ownership of that part of the line already constructed to the homestead man; and if it does not, and reverts to the United States, what does it mean?

Mr. MONDELL. The title reverts to the United States and through the United States to its grantee.

Mr. MANN. He would have the ownership?

Mr. MONDELL. Of all the land on which they failed to construct.

Mr. MANN. Then this situation might easily arise.

This pipe line is constructed across the public domain, all except one little part, and they make application for additional authority to construct over that part and forfeit their right to any part; but meanwhile they have had employees of the company take up the land and thereby, having forfeited to the United States, the result is that they own it themselves. Does the gentleman follow me?

Mr. MONDELL. I regret to say that I do not fully. I think the matter is very simple.

Mr. MANN. I think it is very simple, too.

Mr. MONDELL. It is the ordinary right-of-way legislation, except that we have added to it a definite provision of forfeiture. This is the only change from the ordinary pipe-line legislation, a provision of definite, automatic forfeiture. Now, the gentleman certainly would not object to that provision for an automatic forfeiture, for if that were not in the bill, then in case the person or company applying for the right of way did not comply with the law, or for any reason subjected itself to forfeiture, and some one else desired to build a line over that tract, it would be necessary for them to go into court and by court proceedings have a forfeiture declared.

Mr. MANN. Can anybody homestead this land?

Mr. MONDELL. Oh, yes; it is subject to homestead entry.

Mr. MANN. So that if a pipe-line company had its employees homestead the land, and thereafter forfeited its rights, the land and the pipe line upon it would belong to its employees, who could immediately transfer it over to the pipe line, so that your imaginary forfeiture amounts to nothing.

Mr. MONDELL. I will say to the gentleman——

Mr. MANN. If you want to forfeit this right, it should be forfeited to the Government of the United States, which should have title to the ground.

Mr. MONDELL. Let me answer the gentleman. It seems to me his question raises no point at all. This land is all subject to homestead entry. If the pipe-line company desired to secure the land by inducing homesteaders to go upon it, they could do it. There is no difficulty about their doing that if they want to violate the law. It is not necessary for them to come here for a right of way if they desire to violate the law by getting somebody to go upon the land and homestead it in their interest. I assume that could be done; but evidently there is no disposition to do anything of that sort.

The pipe-line companies desire a right of way. They are not seeking to acquire any land. They simply want a right of way. We grant them the right of way, and we grant it partly in order to take away from them any sort of excuse or temptation to take the public land except for pipe-line purposes. Having done that, we say that if they do not comply with the provisions of the law the land which they occupy shall revert. Of course in the meantime anyone can homestead the land.

Mr. MANN. What does the gentleman mean by having the right revert to the Government? If it is forfeited, that ends it. If it reverts to the Government, the Government becomes the owner of it.

Mr. MONDELL. Yes.

Mr. MANN. The Government can not become the owner of this and the man who has a homestead also become the owner of it at the same time.

Mr. MONDELL. Whichever horn of the dilemma the gentleman takes——

Mr. MANN. I prefer to have the law define it, so that I know which horn of the dilemma to take.

Mr. MONDELL. It seems to me it is not material. My own opinion is that if this automatic forfeiture occurs, the easement having been taken from the land, that cloud having been removed, the title in fee rests in the owner. But if the gentleman does not think that is good law, then the title to the right of way or the easement still remains in the Federal Government. There can be no objection to that, if that is the legal status.

Mr. MANN. Do you not think we ought to know its legal status when we get through?

Mr. MONDELL. My opinion is that if this right of way should be forfeited and revert to the Government, being only an easement for a certain purpose, the ownership would be in the entryman.

Mr. GAINES. If the gentleman will permit me, the bill distinctly and clearly says that if the easement is forfeited it reverts to the Government of the United States. Now, that necessarily would not do the homesteader very great harm, because a pipe line is buried in the earth.

If the Department of the Interior knows anything about the business, it is presumed it will know enough to require the pipe line to be buried a sufficient depth under the surface, and the pipe line would do the owner no particular harm. I can conceive where this sort of a case might occur, where there would be a forfeiture because of the noncompletion of a pipe line, and where assurance might afterwards be given that the company intended vigorously to prosecute the work, and it might be desirable to let them go to work again. In the meantime, the question of transferring that right of way to the homestead man would not intervene, no harm at all being done to the surface. If it were found out that this location, evidently well selected for a pipe line, was not to be used, and it became later known that there was no desire afterwards to use it, the Government could relinquish the easement of the pipe line.

Mr. MANN. Under the gentleman's reading of the bill, if the company does not comply with the terms of this act so that the right herein granted as a forfeiture, whether that right or ownership of the grant reverts to the Government of the United States?

Mr. GAINES. Unquestionably.

Mr. MANN. What does the gentleman say about this provision:

> And the reservation of such lands for the purposes of said right of way shall cease and become null and void without further action.

One part of the bill says it reverts to the Government, and the other part says it ends in smoke.

Mr. GAINES. No; the particular reservation to that company thereby ends. I think the provisions are harmonious.

Mr. MANN. The gentleman can not make the bill so that the different parts will chime in with each other. The difficulty comes from the fact that the bill having been once drafted in good order, so that it was harmonious, having been sent to the department and the department having recommended a bill which was harmonious, the distinguished gentleman, in connection with the bill, offered a lot of amendments which are inharmonious, and there is no pretense that this bill in itself does not contradict itself.

Mr. MONDELL. Now, Mr. Chairman, I do not think the gentleman's statement is in accordance with the facts. The Department of the Interior time and again has called the attention of the Committee on the Public Lands to the fact that all future legislation providing rights of way should contain some provision for automatic forfeiture. I have discussed that matter several times on the floor of the House. It was necessary, because the railway right-of-way act contains no such provision, to bring in a bill in the last Congress to provide a congressional forfeiture. Now, in spite of the fact that the Interior Department has been insisting that there should be a provision for automatic forfeiture in right-of-way acts, when they reported on this particular measure they made no suggestion for the declaration of forfeiture.

Mr. MANN. Oh, the gentleman will pardon me. Let me refresh the gentleman's recollection. Section 3 of the draft of the bill which was sent by the department to the gentleman's committee is this:

> SEC. 3. That if any section of said pipe line shall not be completed within five years after the location of such section, the right herein granted shall be forfeited as to any uncompleted section of said pipe line to the extent that the same is not completed at the date of the forfeiture.

Mr. MONDELL. That is the exact language in the railway right-of-way act, and the courts have decided that does not effect a forfeiture; that it is a declaration of conditions under which forfeiture may be enforced; and that there can be no forfeiture under that language except by act of Congress or action in the courts. In order that it may not be necessary to clear the public domain of unused rights of way by acts of Congress when they are not utilized, the desire of the committee was to do just what the department has insisted that we ought to do.

Mr. MANN. Who determines in any case whether a forfeiture exists, a department official or the court?

Mr. MONDELL. I suppose in this case a department officer.

Mr. MANN. Does the gentleman advocate a proposition, where we give a right of way to people to spend a large amount of money on the government domain, that some inferior clerk in the Interior Department shall be permitted to start in operation a movement which in the end deprives these people of the money they have expended, without any authorization or decree of the court?

Mr. MONDELL. I grant that that is an important question, but I think Congress can make a conditional grant, which may cease to operate by declaration of the Secretary of the Interior if certain conditions are not complied with.

Mr. MANN. Mr. Speaker, I think this bill ought to be considered in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

SALE AND SURVEY OF CERTAIN LANDS IN STATE OF WASHINGTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15820) providing for the homestead entry of certain lands in the State of Washington, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior shall cause the lands in abandoned military reservations Nos. 23 and 24, described as follows: Lots 1 and 2 in section 5 and lot 3 in section 6, of town-

ship 20 north, and the southwest quarter, the southwest quarter of the southeast quarter, and lots 3 and 4 of section 21, and the northwest quarter, the west half of the northeast quarter, lots 1, 2, and 3, and the northeast quarter of the southwest quarter of section 28, and the south half of lot 3 and all of lots 4 and 5, and the northeast quarter of the southeast quarter of section 31, the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots 1 and 2 and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section 32, and the south half of lot 2 and all of lot 3 of section 33, in township 21 north, all in range 2 east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided into tracts or lots of 20 acres each, more or less.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who is in actual occupation of any portion of the lands described in section 1 hereof at the date of the passage of this act who has settled thereon in good faith for the purpose of securing a home, and is by law entitled to make a homestead entry, shall be entitled to enter the land so occupied, not exceeding 20 acres in a body, according to the government surveys and subdivisions thereof, upon payment to the Government of the sum of $2.50 per acre for each acre entered by him, and upon showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States.

SEC. 3. That the following described land, being a part of abandoned military reservation No. 24, is hereby granted to school district No. 71, of Pierce County, State of Washington, to wit: The east half of the northwest quarter of the southeast quarter of section 32, in township 21, of range 2 east of the Willamette meridian, in the State of Washington, upon payment therefor to the United States of $2.50 per acre.

SEC. 4. That if any of the lands described in section 1 hereof be not duly entered as a homestead by some settler, as provided in section 1 of this act, within ninety days after the same become subject to entry under the provisions of this act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations."

With the following committee amendments:

Strike out all of sections 2 and 4.

Make section 3 section 2 of the bill.

Insert as section 3 of the bill the following:

"That the Secretary of the Interior is hereby authorized to dispose of the lands described in section 1 hereof, under the provisions of the act of Congress of July 5, 1884, entitled 'An act to provide for the disposal of abandoned and useless military reservations:' *Provided, however,* That any settler who prior to December 1, 1909, was in actual occupation of any of such lands in good faith for the purpose of securing a home shall be entitled to enter the lands so occupied, not exceeding 20 acres in a body, according to the government surveys and subdivisions thereof, and to own the buildings and improvements thereon, upon payment to the Government of the appraised value thereof, less the value of the buildings and improvements thereon and the increased value of the land caused by the improvement thereof, which values the appraisers are hereby directed to report: *And provided further,* That the right of any such actual settler must be exercised within ninety days after the survey provided in section 1 hereof shall have been made and the same shall have been approved by the Commissioner of the General Land Office and the plat thereof shall have been filed in the office of the register and receiver in the manner provided by law."

Amend the title by striking out the words "homestead entry" and substituting therefor the words "survey and sale."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to have some explanation of the bill. I notice in the report that the land referred to has virtually been settled by various settlers. I wish to inquire what is the purpose of the last section that has just been read as to settlers paying the value of the land but not paying anything for the improvements?

Mr. McCREDIE. Mr. Speaker, the purpose of the bill is that they shall pay to the United States the value of the land, but that they shall get the benefit of their improvements and the increase of the land due to their improvements. A great many settlers have settled on this land and have made improvements valued at from $300 to $1,500. They are actual bona fide settlers. In fact, the law applies only to actual bona fide settlers.

Mr. STAFFORD. Did those settlers make their entry under any law?

Mr. McCREDIE. There was no law that they could make it under.

Mr. STAFFORD. They are squatters on public land formerly used for a military reservation?

Mr. McCREDIE. Yes.

Mr. STAFFORD. And they squatted upon it with the expectation that their rights would be observed?

Mr. McCREDIE. Yes.

Mr. STAFFORD. Then this is virtually an enabling act.

Mr. McCREDIE. Some two years before this there was a reservation opened up in the same way, and there was a law passed permitting them to homestead it, and I presume that was an inducement for the people here to make the same settlements. The committee changed it from homesteading, requiring them to buy at an appraised value.

Mr. STAFFORD. Under the present bill the present settlers are obliged to pay the appraised value of the land?

Mr. McCREDIE. Yes.

Mr. STAFFORD. Excepting therefrom the value of the improvements that the settlers may have made on the respective parcels?

Mr. McCREDIE. That is right. This gives them the preference to protect what they have.

Mr. STAFFORD. What is the character of the land?

Mr. McCREDIE. It is reasonable agricultural land, with a little growth of scrubby timber on it.

Mr. STAFFORD. How is it that the settlements comprise such small portions as 20 acres of land?

Mr. McCREDIE. It is so close to Tacoma. It is only 5 or 6 miles from the city of Tacoma. It is just across an arm of Puget Sound.

Mr. CLARK of Missouri. Mr. Speaker, I object to the consideration of this bill.

The SPEAKER. Objection is heard.

HOMESTEAD SETTLERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10321) for the relief of homestead settlers under the act of February 20, 1904.

The Clerk read as follows:

Be it enacted, etc.

SECTION 1. That entrymen on lands ceded under the act of February 20, 1904, entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation, in the State of Minnesota," who have complied with the requirements of the homestead law as to residence and improvements, are hereby granted an extension until seven years after the date of their entries in which to make final proof and payment therefor.

SEC. 2. That hereafter all entries under said act shall be subject to contest and forfeiture for abandonment, the same as ordinary entries under the homestead law, with like preference rights to contestants.

With the following committee amendments:

Amend the title by adding after the word "four" the following: "June 5 and 28, 1906, and March 2, 1907." Change the word "act" to "acts," so that the title will read as follows: "For the relief of homestead settlers under the acts of February 20, 1904, June 5 and 28, 1906, and March 2, 1907."

Amend the bill by numbering that portion of the bill from lines 3 to 10, inclusive, as section 1.

Amend the bill by striking out all of section 2 and inserting in lieu thereof, to be numbered section 2, the following:

"That the time within which all unpaid payments which have heretofore or may hereafter become due and payable under the act entitled 'An act to authorize the sale and disposition of a portion of the surplus or unallotted lands in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect,' approved March 2, 1907, except the cash payment required at the time of entry, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made: *Provided,* That any payment not made within the time required by the act above stated and extended by the provisions of this act shall draw interest at 5 per cent per annum, and the interest when paid shall be credited to the proceeds of the sale of the land as provided in said act: *Provided further,* That such extension shall be subject to a full compliance by the entrymen of all requirements of the homestead laws as to residence and improvement."

Also insert the following as section 3:

"That all payments heretofore due and extended and the payments due, or to become due, during the year 1910 from entrymen who have made entry under an act entitled 'An act to open to settlement 505,000 acres of land in Kiowa, Comanche, and Apache Indian reservations in Oklahoma Territory,' approved June 5, 1906, and the act entitled 'An act giving preference right to actual settlers on pasture reservation No. 3, to purchase land leased to them for agricultural purposes in Comanche County, Okla.,' approved June 28, 1906, are hereby postponed and extended as follows: One of said payments shall be made in 1911 at the time when a payment would become due under existing law, or one year after such payment became due in 1910, and the other payments shall be made annually thereafter until all payments are made: *Provided,* That all payments postponed and extended by the provisions of this act shall draw interest at 5 per cent per annum from the date of such extension, and the interest when paid shall be credited to the proceeds of the sale of the land as provided in said acts: *And provided further,* That nothing in this act shall extend the time of payments in any case where it shall appear to the satisfaction of the Secretary of the Interior that the law in regard to residence and improvement, as provided by the homestead law, has been fully performed."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object, and I desire to reserve a point of order on the amendment.

Mr. BURKE of South Dakota. Mr. Speaker, this bill provides for extending the time to settlers upon what was formerly the Red Lake Reservation in Minnesota. There are added to the bill two sections, one extending the time to settlers in the Rosebud Reservation, in Tripp County, S. Dak., and the other extending the time to settlers in what was formerly the Kiowa and Comanche Reservation, in Oklahoma. The lands in the Red Lake Reservation were authorized to be sold under an act of Congress approved in 1904. There was a treaty made with the Indians of that reservation for a cession of their lands for $1,000,000. That treaty was amended by Congress, and it was provided that the lands should be disposed of to settlers at the highest price that could be obtained for the lands. There was something like one hundred and odd thousand acres of land sold, at a price averaging about $6 per acre, the highest price paid being $46 per acre. The law provided that the lands dis-

posed of after the first sale should be disposed of at $4 per acre. The persons who purchased these lands, under the excitement incident to the land being disposed of at public auction, undoubtedly paid more than the lands were worth. Owing to excessive rainfall and too much water, without proper drainage, their crops have been very light, and it has been impossible for them to meet their payments, and Congress has heretofore granted them two extensions. It appears that the land is going to bring about $250,000 more than the Indians agreed to accept in the treaty that was made. The law provides that the money shall be placed in the Treasury and paid out to the Indians in 15 annual installments. There is now enough money in the Treasury to meet these installments for the next few years, and as this extension does not extend beyond two years there can be no harm to the Indians or to anybody else in granting it; and as an inducement to the settlers who are in default on their payments, we extend them without any interest.

Now, so far as the second section of the bill is concerned, it extends the time to the settlers in Tripp County, in South Dakota, in the Rosebud Reservation, that reservation having been opened to settlement under a law that became effective, I think, in 1908. Nineteen hundred and eleven people filed on land in Tripp County, in April of last year, at $6 per acre. They paid one-fifth of the purchase price at the time of entry. Under the law there will be due on the 1st of April the second payment. They are given, as everybody knows, six months in which to establish residence. They can not acquire title until they have resided upon the land for fourteen months. It is apparent to everyone that the settlers can not raise anything in a new country the first year. It is also impossible to make the fourteen months' residence in one year; consequently these people could not have made the residence necessary to commute and acquire title, which they might do had that period of time been longer than one year, as they could have borrowed money to make these payments. The settlers have sent to me a petition signed by several hundred, setting forth that by reason of very unusual climatic conditions in the last few months, excessive cold, and deep snow, many of them have lost their live stock. The cost of living by reason of these conditions has been greatly in excess of what they anticipated, and unless this extension is granted many of them will have to lose their land, upon which they made settlement and for which they have paid one-fifth of $6 per acre. The purpose, I may say, of putting this bill on the Unanimous Consent Calendar is in order to relieve these settlers. It must be enacted into law between now and April 1. I now yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. I see in the report that this bill was submitted to the Secretary of the Interior, and that he says in his letter returning the bill to the committee that no provision is made for compensating the Indians who are beneficiaries from the sale of their lands.

Mr. BURKE of South Dakota. I will say to the gentleman from Alabama that that refers entirely to the settlers in the Red Lake Reservation; and under that law the proceeds are paid to Indians in 15 annual installments. There is money enough in the Treasury now to meet those installments for the next four or five years. This bill does not extend the time beyond two years; consequently there will be plenty of money to meet the payments, and there is no interest provided for on the moneys which are deposited in the Treasury, so that we simply give the settlers the benefit of the interest instead of adding that much ultimately to the fund.

Mr. UNDERWOOD. Was the bill amended in that regard referred to by the Secretary of the Interior?

Mr. BURKE of South Dakota. The bill has not been amended, and it does not provide any interest so far as the settlers in the Red Lake Reservation are concerned.

Mr. UNDERWOOD. How did the Secretary of the Interior come to the conclusion that the Indians' rights were affected?

Mr. BURKE of South Dakota. Simply because he did not take into consideration that this law authorizing the sale of these lands provided that the money should be held in the Treasury and paid out during a period of fifteen years instead of immediately, and that there is no interest provided for on the deposit. Many of these bills provide that the proceeds shall be placed in the Treasury and shall draw interest at 3, 4, and 5 per cent, as the case may be; but in this case there is no provision made for interest.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. MONDELL. What did these Red Lake lands sell for?

Mr. BURKE of South Dakota. They sold on an average for $6 an acre. The highest bid was $46 an acre.

Mr. MONDELL. And we have already extended the time two years?

Mr. BURKE of South Dakota. We have extended the time twice, and this only extends the time up to and including the life of a homestead entry, which is seven years.

Mr. MONDELL. When does the committee hope or expect the settlers on these Red Lake lands will be able to make another payment?

Mr. BURKE of South Dakota. Within the lifetime of their entries we believe they will be able to pay in full.

Mr. MONDELL. The gentleman realizes that here are lands sold at $6, which are valuable lands, in a country that is fairly well settled, that the Government is erecting irrigation work where it is selling land, and where the annual payment is as much as $6 a year. It occurs to me it is a little bit dangerous to extend these from year to year.

Mr. BURKE of South Dakota. The gentleman must take into consideration that these people were unfortunate in not having crops, and they have no means of raising money except from the crops that they may raise. This has been due to too much wet, and there has not been as yet any provision made for drainage.

Mr. MONDELL. I realize there is a very excellent reason for extending the payments in the other cases in the bill, but it does seem to me that these settlers in the Red Lake country ought to make the payments.

Mr. BURKE of South Dakota. The gentleman from Wyoming has lived in a public-land State long enough to know something about the hardships that one has to endure to acquire lands in complying with the homestead laws, to say nothing about being compelled to pay a price of four, five, six, and in some instances more dollars per acre, as is the present practice, for the sole purpose of building up in the Treasury a large fund to possibly do more harm than good to the Indians who are the beneficiaries.

Mr. MONDELL. Well, if that be true, we ought to excuse the settlers for all time.

Mr. BURKE of South Dakota. Now, Mr. Speaker, I was about to say that these bills providing for the sale of Indian reservations should provide in the future that the second payment shall be made within the second year rather than within the first year. And the effect of this extension will be to simply extend the time for one year on the second payment and on all the other payments, with an interest rate of 5 per cent to be paid by the settlers.

The same that is true of the Rosebud section of this bill is true of section 3, the provision affecting the settlers in Oklahoma. These lands were sold to the settlers at an average price of $11 per acre, but owing to droughts and short crops the settlers have been unable to make their payments, and this is simply granting them an extension with 5 per cent interest without injury to the Indian or the Government. The provisions are unanimously approved by the committee and have the approval of the department.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. MANN. Of course the gentleman knows that sections 2 and 3 reported by the committee are not germane to the original bill and are subject to a point of order, but the three propositions are all along the same line as to extending the time. The gentleman knows that the question has been raised in the House here a number of times, when similar bills were reported to the House, as to whether it was desirable to open up a reservation on certain terms, and then, after the land has been taken up, give better terms to those people who had been lucky enough to get it than had been promised to those who had not been lucky enough to get it. May I ask the gentleman now—the gentleman is at the head of the great Indian Affairs Committee that will undoubtedly have a great many of these Indian reservations to open up—what should be the attitude of Congress, in the opinion of the gentleman, in the future? Shall we state the terms upon which we shall stand or will we do as we have in the past and state terms that are not intended to apply to those who are lucky enough to draw the good tickets in the lottery?

Mr. BURKE of South Dakota. The gentleman from Illinois of course knows that it is impossible to anticipate all the obstacles that may have to be overcome.

I will call the gentleman's attention to the bill which passed this House, I think in 1903 or 1904, for the sale of that portion of this same reservation, known as "Gregory County." In that law the first payment was to be made at the time of filing and the second within two years. There has been no trouble whatever over that sale. There has been no extension, and practically to-day the transaction has been completed, or will be very shortly.

Now, my policy, and I think it will be the policy of the Committee on Indian Affairs, in the future to provide, as that law provided, for the sale of lands in Gregory County to which I have referred; that the second payment shall be made within two years, instead of at the end of one year. There is a law that was enacted, as the gentleman knows, in the last Congress opening the Cheyenne and Standing Rock Reservation. The filings are not to be made until May, and to show my position, if there is no objection, at the proper time I shall ask to add a new section to grant the settlers who may go into that reservation the terms that we now propose to make in regard to the Rosebud Reservation. The Committee on Indian Affairs reported on Friday or Saturday a bill for the Fort Berthold Reservation in North Dakota, and they adopted this plan: The first payment of one-fifth at the time of entry, the second payment within two years after entry, and the balance in annual payments of three, four, five, and six years.

Mr. MANN. Now, may I ask the gentleman one further question? What sufficient reason is there why we should postpone the payment of the amount due from the settlers to the Government for the benefit of the Indians without any consideration in the way of interest?

Mr. BURKE of South Dakota. We do provide for interest upon this proposition.

Mr. MANN. The gentleman is mistaken.

Mr. BURKE of South Dakota. Oh, yes; I will call the gentleman's attention to page 2, section 1.

Mr. MANN. I am not talking about section 2; I am talking about section 1.

Mr. BURKE of South Dakota. In that case I will say to the gentleman I have already stated the reason.

Mr. MANN. Why do they not pay the Indians interest, according to the gentleman's contention, where the settlers do not have the money? Why should he object to their paying interest for the extension?

Mr. BURKE of South Dakota. My reason for it?

Mr. MANN. Why, when they have the luck to get the extension, should they not pay interest?

Mr. BURKE of South Dakota. My reason is, Mr. Speaker, that I think if these settlers will pay the balance they now owe, it is as great a price as would be received for the lands if forfeited and reoffered.

Mr. MANN. That part of it does not worry me.

Mr. BURKE of South Dakota. I believe, further, that we ought to give these people some inducement.

Mr. MANN. Perhaps the gentleman would be willing to pay them to stay on the land instead of paying for it; whether that would be the proper position for Congress to take I will not say. However, I am not going to take up any more time. I withdraw the point of order, Mr. Speaker.

The SPEAKER. The gentleman withdraws the point of order. The Chair hears no objection.

Mr. HUGHES of New Jersey. Mr. Speaker, I simply want to call the gentleman's attention to this language on page 2, in line 23: The word "of" occurs near the end of the line. I suggest to the gentleman that that should be "with" instead of "of."

Mr. BURKE of South Dakota. I have no objection to the amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 23, strike out "of" and insert "with."

The question was taken, and the amendment was agreed to.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the vote by which the bill was passed was laid on the table.

VALE LAND DISTRICT, OREGON.

The next business on the Calendar for Unanimous Consent was the bill (S. 5125) authorizing the creation of an additional land district in the State of Oregon, to be known as the "Vale land district."

The bill was read, as follows:

Be it enacted, etc., That an additional land district is hereby created in the State of Oregon, to embrace lands described as follows: Commencing at a point where the township line between townships 11 and 12 south intersects the Snake River; thence west along said township line to its intersection with the northwest corner of township 12 south, range 36 east; thence south on the range line between ranges 35 and 36 east to its intersection with the fourth standard parallel south; thence east on said fourth standard parallel south to its intersection with the range line between ranges 36 and 37 east; thence south along said range line to its intersection with the sixth standard parallel south; thence west along said sixth parallel south to the northwest corner of township 31 south, range 35 east; thence south along the range line between ranges 34 and 35 east to the southwest corner of township 37 south, range 35 east; thence west along the north boundary of township 38 south to the northwest corner of township 38 south, range 35 east; thence south along the range line between ranges 34 and 35 south to its intersection with the boundary line between the States of Oregon and Nevada; thence east along said boundary line to its intersection with the boundary line between the States of Oregon and Idaho; thence north and northerly along said boundary to the place of beginning; and that Vale, Malheur County, within said district, is hereby designated as the site for the land office thereof.

SEC. 2. That the Secretary of the Interior shall cause all plats, maps, records, and papers in the Burns and La Grande land offices which relate to or form a necessary part of the record of the lands embraced in the land district hereby created to be transferred to the same, and said district created as aforesaid shall be known as the "Vale land district."

SEC. 3. That the President is authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

The committee amendments were read, as follows:

On page 2 strike out the word "west," in line 8, and insert in lieu thereof the word "east."

In line 10, on the same page, strike out the word "thirty-four" and insert in lieu thereof the word "thirty-six."

On the same page and line strike out the word "thirty-five" and insert in lieu thereof the word "thirty-seven."

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Reserving the right to object, I would like to ask the gentleman a question or two about this new land district. This is for the creation of a new land district in Oregon, is it?

Mr. ELLIS. That is the purpose of the bill.

Mr. CLARK of Missouri. What is the necessity of creating a new land district there?

Mr. ELLIS. The present district comprises about 25,000 square miles; to reach the land office it is necessary to travel by stage and private conveyance. A range of mountains intervenes between the location of the present land office and this proposed location of the new one. Most of this land in the proposed district is in the southeastern corner of the district, and the settlers will have to go 100 miles and sometimes 200 miles by rail or private conveyance to the proposed new site, and then there is a distance of 145 miles from that point to the nearest railroad connection, across a range of mountains, in order to reach the present land office. Its only object is to avoid this very great hardship, for the reason that the country is rapidly being settled. They are doing a great deal of irrigation in the northeast part of that district. In the proposed new district there are a great many filings made, and in some instances it requires attendance at the local land office, which involves a travel of from 300 to 500 miles in making the round trip by private conveyance or stage, and the settler has to make that at no small expense, and it imposes great hardship upon him. The territory is too large and should be divided. It will leave 4,000,000 acres of unappropriated land in the new district and 6,000,000 acres unappropriated in the old. It necessitates a travel at the present time from the most distant point by stage to reach Vale, the location for the office in the new land district, of about 180 miles going one way, and to reach Burns, the present office in the old district, of 135 miles in addition, to make the journey one way. So when you come to double that, you will see the distance necessary to be traveled either by stage or private conveyance. This is a district that has scarcely any railroads except in the extreme east and northeast portion.

Mr. CLARK of Missouri. Is the land office at Burns?

Mr. ELLIS. There is a land office at Burns.

Mr. CLARK of Missouri. How many land offices are there in Oregon?

Mr. ELLIS. Eight or nine. Oregon has over 96,000 square miles.

Mr. CLARK of Missouri. A large part of the State is settled up, is it not?

Mr. ELLIS. It is not thickly settled at all. We have a territory practically as large as the State of Ohio, which is not touched by a railroad, a large part in the vicinity where these land offices are located.

Mr. CLARK of Missouri. How much will it cost a year to establish this new land office?

Mr. ELLIS. The officers are paid largely by fees. The amount received at this office last year was over $11,000 in fees. The business is increasing very rapidly now.

Mr. CLARK of Missouri. How much are these officers allowed to take out of the fees?

Mr. ELLIS. It depends upon the fees. I think $500 is the minimum, and then they are paid out of the fees until they reach a maximum of $3,000.

Mr. CLARK of Missouri. This will practically double the expense of the Burns district?

Mr. ELLIS. It will increase the expenses over that paid the Burns district necessarily, but it will work a great convenience to the settlers.

Mr. MANN. The salaries are not paid out of the Treasury?

Mr. ELLIS. They are not paid out of the Treasury. They are paid out of the fees.

Mr. MANN. Some of it might be saved, if this new office is not established, but the salaries are paid out of the fees, and unless the business increases, they will not have any more fees.

Mr. CLARK of Missouri. Practically it is paid out of the Treasury?

Mr. ELLIS. No.

Mr. CLARK of Missouri. It is simply kept out of the Treasury?

Mr. ELLIS. There might be a small portion of it that would go into the Treasury if it was not used, in order to enable the settlers to have easier access to a land office.

Mr. MANN. If the number of entries is no greater than at present, it will, as the gentleman from Missouri says, practically be kept out of the Treasury.

Mr. CLARK of Missouri. The fees received at that land office now are about $11,000 a year and the two officers are allowed to keep out $6,000. If you establish a new land office, and the fees of the two offices are $11,000, the salaries of the four officers will be $12,000.

Mr. ELLIS. The people in the vicinity are imbued with the idea that it is worth something on their part to pioneer a new country. They are getting only two mails a week, while other parts of the country are getting theirs seven times a week.

Mr. CLARK of Missouri. Is there any good land in that piece, which you say is as large as the State of Ohio, that has no railroad in it?

Mr. ELLIS. There is good land there, and lots of it.

Mr. CLARK of Missouri. Will this expedite the settling up of it?

Mr. ELLIS. I think so. It certainly will not retard it.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Some time ago there was a discussion in the House in reference to fees of registers, and some action was taken by the House. I have received from a register a letter that really has some meat in it, and I ask leave to extend my remarks for the purpose of inserting this letter in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

Hon. JAMES R. MANN, *Washington, D. C.*

DEAR SIR: I was just reading the debate of the House upon the bill to pay registers of land offices certain fees which were erroneously paid into the general funds, per order of the commissioner, prior to 1892. I think that the position taken by you was correct, but the object of this letter is to congratulate you most heartily upon the amendment you offered at the close of the debate, that hereafter there shall be no fee of $1 paid to the register upon the cancellation of an entry. In the early history of the Land Office it was contemplated that an office force would be made up by the register and receiver; that the register should do all recording and work relative to the records and that the receiver should take care of the receipts. But time has brought its changes, and now the register and receiver do very little of the work, but, as in this office, there are eight clerks who do the routine work of the office, and all that the register and receiver can do is to sign up papers and give advice to prospective homesteaders, so that there is now no more reason why this fee should be paid to the register than it should be paid to the receiver. The register has nothing to do with the issuing of the notice. This is all done by the clerks and the register's name stamped upon the notice by the clerk.

The greatest reason why this practice of giving the register $1 upon the cancellation of an entry should be abolished is that it has a tendency to encourage unscrupulous registers to pay more attention to the fostering of the contest practice than to the legitimate business of the office. In many land offices the contest fees amount to quite as much as the salary, and professional contestants often take this as an excuse to make it profitable to the register, for whether there is a preference right issued or not they always see that the register gets his dollar. The Land Office has been trying for many years to discourage this professional contesting, but as long as the business is so profitable to the local registers they can never hope to accomplish much in that direction. In this land district last year, when there were hundreds and hundreds of people waiting upon their claims to get dates to prove up their claims, this office was struggling night and day to try to keep up, but one-third of the time was taken up by these professional contests, some single contestants having as many as 77 contests in their own names. They were commenced purely for speculation and to cover up relinquishments held by themselves or parties in business connection with them. As long as the register is receiving profit out of this business it is rather embarrassing for the receiver to come out and try to work against this professional contesting; and if you can succeed in having your amendment adopted so that hereafter this $1 fee will be abolished, it will do more to purify the practice of the Land Office than any one thing that I know of.

Another matter that should receive the attention of Congress is this professional contesting. As the law is now, an alien, a minor, or a person who already has a homestead, can commence a contest against as many homesteads as he sees fit. It was formerly considered that a contestant was a friend of the Government, and that by reason of his interest in enforcing the laws he was to be allowed thirty days' preference right in which to enter the land contested or sell his preference right. But that time is long since past, and now a contestant is usually some shark who makes that a business in harrassing the poor settlers, or some unfortunate person who has been prevented from getting upon the land within the six months allowed him, for the purpose of making the contestee pay him a consideration for withdrawing the contest or sell the preference right when he succeeds in canceling the entry. I believe when a man has had one homestead, or has successfully contested one homestead and did not file upon the land, that that should terminate his right to contest, and that if some poor man has made a filing and misfortune has prevented him from getting upon that claim within the six months that the land should lay there until he can get upon it, unless some honest homesteader wants it for his own use, and that in order for to contest a piece of land the contestant, in addition to the usual allegations of abandonment, should be compelled to further allege that he has a homestead right, that he has not formerly commenced a contest or secured the cancellation of an entry, and that he is contesting this entry for the sole purpose of making an entry upon the land should he be successful in canceling the entry. The professional contestants are burdening this office with thousands of these contests and are charging the poor homesteaders from $100 to $1,000 for their preference rights. There are now pending before this office 1,600 contests which we have been unable to reach, and more than 85 per cent of them are professional, while hundreds of poor settlers are now waiting upon their claims to prove up, and this office is unable to give them dates, on account of the extra work this contesting brings upon the office. I believe where a man deserts his homestead or where misfortune has made it impossible for the entryman to get back that the claim should lay there until he gets able to come to it, unless some honest homesteader wants it. I have taken the liberty of writing you along these lines because you seemed to be interested in this direction, and if you can bring about the legislation I have mentioned you will have done more to preserve the remaining government land for the honest homesteader than can be accomplished by any other legislation advocated by persons who are interested in the public lands.

There is no locality in the United States where more homesteaders come from Chicago, and I am constantly receiving letters from them begging for more time in which to get upon the land. These letters usually give hard-luck stories and reasons that I can readily tell are the truth, and why should these poor people be harrassed by a set of these professional contestants. If they could not commence these professional contests the claim would in all probability lay there until the poor man could get to it, but where it is covered up by a contest and he would have to pay a considerable sum to get it removed he probably would never be able to get out, and his homestead right would be exhausted.

The amendments were agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

TEMPORARY WITHDRAWAL OF PUBLIC LANDS FOR CERTAIN PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21428), authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That to aid in carrying out the purposes of section 4 of the act of August 18, 1894, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending 1895, and for other purposes," it shall be lawful for the Secretary of the Interior, upon application by the proper officer of any State or Territory to which said section applies, to withdraw temporarily from settlement or entry areas embracing lands for which the State or Territory proposes to make application under said section, pending the investigation and survey preliminary to the filing of the maps and plats and application for segregation by the State or Territory: *Provided*, That if the State or Territory shall not present its application for segregation and maps and plats within one year after such temporary withdrawal the lands so withdrawn shall be restored to entry as though such withdrawal had not been made.

Mr. MANN. Mr. Speaker, reserving the right to object, I take it that the only purpose is to aid in the selection of lands under the Carey Act?

Mr. MONDELL. That is all.

Mr. REEDER. Mr. Speaker, it seems to me that it is not quite clear enough that this is at the option of the Secretary of the Interior. The Secretary of the Interior suggests that it shall be "upon satisfactory showing." This bill does not so provide.

Mr. MONDELL. It occurred to the committee that instead of providing for this to be done upon satisfactory showing, the character of which might be doubtful, it would be very much better to have the State, through its proper officials, make the application, and it felt that if a State of the Union, through its proper officials, made an application of this kind for temporary withdrawal, the Secretary might properly assume that the application was made upon facts and conditions that warranted withdrawal.

Mr. MANN. And may I further call the attention of my friend from Kansas to the fact that this does not oblige the Secretary of the Interior to withdraw any of these lands at all. It is only permissive to the Secretary to withdraw them, and doubtless he will require such showing as to him seems proper.

Mr. REEDER. My only question was whether this language would make it at his option. But this language that it shall be lawful seems to cover all that is necessary.

Mr. MANN. It means that the Secretary is not required to do it.

Mr. MONDELL. We thought that it would be better to designate the officer of the State as the one to make the request.

Mr. CLARK of Missouri. May I ask what is the object of withdrawing these lands?

Mr. MONDELL. Under the present law the Secretary holds that he can not make the segregation provided by law until all necessary surveys had been made, and it often occurs that if the withdrawal or segregation is not made until all the surveys are executed, speculative filings are made on the lands which prevent the carrying out of the project. Under this bill the State may make the application and have the lands temporarily withdrawn during the time the surveys are being executed, and thus prevent speculative filings during the period.

Mr. MANN. I do not know how much attention the gentleman from Missouri has given to the Carey Act——

Mr. CLARK of Missouri. I have given considerable attention to it.

Mr. MANN. I have also, and this only applies where the land is sought to be withdrawn by a State under the Carey Act.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

BRIDGE ACROSS THE ST. CROIX RIVER, WISCONSIN AND MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (S. 6449) permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Wisconsin Central Railway Company, a railway corporation organized under the laws of the State of Wisconsin, to build a railroad bridge across the St. Croix River, at a point suitable to the interests of navigation, from a point on the east bank of said river in the vicinity of the township line between townships 30 and 31 north, in St. Croix County, Wis., to a point on the west bank of said river in the vicinity of the township line between said townships 30 and 31 north, in Washington County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

In line 6, page 1, strike out the word "build" and insert in lieu thereof the words "construct, maintain, and operate."

In same line, after the word "bridge," insert the words "and approaches thereto."

Amend the title, so that it will read as follows: "An act permitting the Wisconsin Central Railway Company to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota."

The amendments were agreed to.

The bill as amended was read the third time, passed, and the title was amended.

On motion of Mr. MANN, by unanimous consent, a motion to reconsider the votes whereby all the bills on the Unanimous Consent Calendar passed this morning was laid on the table.

ARMY APPROPRIATION BILL.

Mr. PRINCE. Mr. Speaker, I present the conference report (No. 694) on the bill (H. R. 15384) making appropriations for the support of the army for the fiscal year ending June 30, 1911, for printing under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 21 of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, having met, after full and free conference report to their respective Houses that, as to the amendment in question, they have been unable to agree.

GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.
F. E. WARREN,
M. G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

Statement to accompany report on the army appropriation bill: The only amendment in disagreement between the two Houses is No. 21. This amendment gives the President authority to promote certain officers to grade of major-general, and we report further disagreement.

GEO. W. PRINCE.
WM. SULZER.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 21419, the post-office appropriation bill. When the committee rose on Saturday, the gentleman from Illinois [Mr. MANN] had been recognized and had moved to strike out the last word in the paragraph ending on line 3, page 23.

Mr. MANN. Mr. Chairman, may I ask my distinguished friend from Massachusetts if he happens to know how many of the railway mail clerks were killed or injured within the last year, fiscal or calendar, and the sum of $1,000 was paid to the legal representatives?

Mr. WEEKS. There were 15 killed—13 clerks, 1 substitute, and an employee connected with the railway service. About 90, more or less, were seriously injured and about 400 slightly injured. As far as I know, only $15,000 was spent for the particular purpose referred to by the gentleman from Illinois; but there were three men, who had been continued on the rolls for fourteen months and were discharged at the end of that time, seriously injured.

Mr. MANN. How much objection would the gentleman have to an amendment making it $2,000 instead of $1,000?

Mr. BARTLETT of Georgia. Mr. Speaker, I have the exact figures here, if the gentleman would like to have them.

Mr. MANN. I would like to have them. What I want to ascertain is the amount that was paid out in thousand-dollar sums.

Mr. BARTLETT of Georgia. I have the report of the Postmaster-General, to which I have paid some attention. There were 354 railroad accidents during the year in which postal clerks were either killed or injured or in which mail matter was lost or damaged. Thirteen clerks, 1 substitute, and 1 mail weigher were killed, 93 seriously and 403 slightly injured. The number of fatal accidents and the number of accidents is smaller than those last year. Does that answer the gentleman?

Mr. MANN. It does, completely; and it agrees with what the gentleman from Massachusetts [Mr. WEEKS] said.

Mr. Chairman, to bring the matter before the committee, I will offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 22, line 23, strike out "one" and insert "two," so as to read: "the sum of $2,000."

Mr. MANN. Mr. Chairman, of course the sum of $1,000, or the sum of $2,000, for that matter, is not a great amount to pay for a man who is killed on duty in the government service. I have never been approached on this subject by any railway mail clerk, and, so far as I know, there is no concerted plan in respect to the proposition. I make the amendment without any suggestion from them. One thousand dollars is considerably less than a year's salary. At present, if a man is injured he is likely to be carried on the rolls for more than a year or for a year. It seems to me that when we place the railway mail clerks in the most dangerous place on the train, and when a man performing our service is killed we may well afford to pay his widow and children $2,000.

Mr. MURPHY. I would like to ask the gentleman a question. Does he think, under this paragraph as it now stands, the widow would get the entire sum?

Mr. MANN. Well, the widow and children would get the entire amount. It is not subject to the debts of the deceased.

Mr. MURPHY. Under the laws of Missouri, if they had no children, the widow would only get one-half.

Mr. MANN. That may be true. I do not know. If so, the State of Missouri better amend its laws.

Mr. BARTLETT of Georgia. Mr. Chairman, this is a matter in which I am very deeply interested, and I think the position taken by the gentleman from Illinois is right. I would like to make a suggestion. The law says that it shall be paid to his legal representatives. In many cases it is an expensive thing to have a legal representative. The legal representative is not the widow or the children, but the administrator or the executor; and as long as the gentleman is amending the matter, I would suggest to him that if it is not subject to a point of order, the amount ought to be paid to the widow for the benefit

of the widow and children; and if there be no widow, to the children, and if no children, then the legal representatives.

Mr. MANN. Mr. Chairman, we passed a bill in the House the other day amending the employers' liability act, and in that bill just passed by the House, in accordance with the wishes of the railway employees and meeting their views entirely, as I understand it, we provided that the money should be paid to the legal representatives for the benefit of the widow and children.

Mr. BARTLETT of Georgia. This does not say for the benefit of.

Mr. MANN. I understand, but that takes away the question of the expense. As to the rest, I think myself that it ought to go to the widow and the children if there are any.

Mr. BARTLETT of Georgia. I understand the gentleman's amendment proposes to make this $2,000 for those who are killed. Does he propose to change the amount appropriated?

Mr. MANN. Oh, if this amendment prevails, I will offer an amendment to increase the amount slightly.

[The time of Mr. MANN having expired, by unanimous consent he was granted five minutes more.]

Mr. LIVINGSTON. Mr. Chairman, I want to insist on changing that from the legal representatives to the legal heirs. The fees would have to come out, 2½ per cent for collecting and 2½ per cent for paying out. It would have to go to the administrator or the executor. This can be paid as we pay to the widows of Members of Congress—directly to the widow.

Mr. COX of Indiana. Suppose there is a minor child?

Mr. LIVINGSTON. Congress can do that, if it wants to.

Mr. FINLEY. I wish to call the attention of the gentleman from Illinois and the Committee of the Whole House to the fact that this provision which is put in the bill here was very carefully worked out some years ago in the Post-Office Committee, and we provided then, as it is provided here, that the money be paid to the legal representatives. That, of course, would include the administrator or the executor, but that the amount should not be subject to the debts of the deceased. Now, under this provision as it stands in the bill and has stood for years, I will say to the gentleman—as we worked it out, and we spent considerable time on it—we put it in the best possible form that we could devise. The money will go to the heirs at law of the deceased. In one State it would be more to the widow and less to somebody else, or more to the children and less to the widow or somebody else, but in the law we did not try to regulate the distribution of the money as to how it should go under the statute of distribution in the various States. We left that to the laws of the State in which the clerk lived, and we concluded that to be the best possible solution of this question from a legal standpoint and to carry out the intention of Congress.

Mr. MANN. Mr. Chairman, I would not endeavor in any way to interfere with the work of the committee. Since this item went into the bill—and it has been not so many years ago, I think—but since the item went into the bill we have passed another act providing for the payment of compensation to employees of the Government who are injured in the various branches of the government service, and we have passed other acts or bills, so far as this House is concerned, and we have now pending before the Committee on Interstate and Foreign Commerce a recommendation of the President in his special message that we shall make provision for injuries heretofore received in connection with the Panama Canal; and having enlarged somewhat our theory of paying some compensation for injuries, I think we might, along the same line, make an additional compensation to those railway postal clerks who were killed in the service, and then we will not pay them in proportion with the $2,000 more than we paid with the $1,000, when we did not pay anything to other government employees.

Mr. DOUGLAS. May I ask the gentleman a question?

Mr. MANN. Certainly.

Mr. DOUGLAS. It is a question, perhaps, I ought to be able to answer myself, but which I would like the gentleman to answer. Do you know what the courts hold to be the relation of these railway mail clerks to the company in case of an accident? Are they considered as fellow-servants or as passengers?

Mr. WEEKS. I believe they are considered as passengers.

Mr. MICHAEL E. DRISCOLL. I can state to the gentleman what the law is in New York State. I recovered a judgment of $15,000 for a man, and I can state they are held to be passengers and not to be employees of the railroad company.

Mr. COX of Indiana. I desire to ask, on the point suggested by the gentleman from Georgia, as to whom the money should be paid, it is true, is it not, that the Government is interested in getting this money into some one's hands who has power to sign a receipt for it? Now, if this money is made payable to the minor heirs, in case there is no mother living, the minor heirs would have no power to sign a receipt to the Government.

Mr. MANN. No; I think the policy of the Government in all dealing has been to require the money paid, where a person is injured, to the legal representative.

Mr. COX of Indiana. So that they would get a receipt which would protect them, but if it was paid to the children, the children could not give a receipt.

Mr. GOULDEN. I would like to ask the gentleman what is the compensation granted regular clerks in case of accident or death from injuries? This says for "acting clerk" and "substitutes." Under what rule or law do you pay regular clerks; and how much are they paid in the event of injury or death due to accident?

Mr. MANN. This says to the legal representative of any railway postal clerk or substitute.

Mr. GOULDEN. I refer particularly to line 21, "for acting clerks in place of clerks." Now, what is the compensation or amount allowed to a regular clerk who is injured or dies from accident?

Mr. WEEKS. A regular clerk averages to receive $1,166, his salary for a year.

Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in ten minutes, and I would like to have one minute of that time.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that debate on the paragraph and amendments—let the Chair understand——

Mr. WEEKS. On the paragraph and all amendments thereto, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that debate on the paragraph and all amendments thereto close in ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMLIN. Mr. Chairman, I have an amendment that I desire to offer, and unless I can get the time within the ten minutes in which to do it, I shall certainly have to object.

The CHAIRMAN. The gentleman can still offer the amendment.

Mr. HAMLIN. I want to discuss it a little bit. I do not wish to offer it without an explanation.

The CHAIRMAN. Does the gentleman from Missouri object?

Mr. HAMLIN. If the gentleman from Massachusetts [Mr. WEEKS] will make it fifteen minutes, I will not object.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. WEEKS] modify his motion?

Mr. WEEKS. No.

Mr. HAMLIN. Then I object.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] has the floor.

Mr. BARTLETT of Georgia. I am content to yield time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I do not desire any more time. The gentleman from New York [Mr. GOULDEN] wished to ask me a question.

Mr. GOULDEN. A constituent of mine was injured in the New York post-office and died as a result. He was in the employ of the post-office, and no compensation or sum of money has ever been paid to his widow and children. I have now a bill before this House to give that compensation, so richly due, and I have failed, so far, in accomplishing anything toward it. I am met with the objection everywhere that there is no law for it.

Mr. MANN. I hope the gentleman will continue to fail. I do not believe in making special exceptions because the widow happens to be acquainted with a Member of Congress. If we do it at all, let us do it by general law.

Mr. GOULDEN. The man whom I allude to worked for the Government and was killed while in that service, and why should not his widow and children be entitled to it? Some general law should be passed to do justice to this class of claimants.

Mr. MANN. She should be taken care of, but she should secure it by law.

Mr. BARTLETT of Georgia. Mr. Chairman, we never hear of an accident to a mail train that we do not hear that a railway postal clerk or somebody engaged in handling the mail has been injured or killed. The report of the Postmaster-General, which I called to the attention of the gentleman from Illinois, shows that fatal injuries and fatalities were greater than in the preceding year. These gentlemen perform most arduous, faithful, and efficient service to the Government, and are always in a post of danger. I am fully aware of the doctrine in the matter of the employment of servants or liability to servant or employees, but that doctrine, in the view of hu-

manity and justice, has been departed from by the Government in many instances. Two Presidents of the United States, the present one and the one who occupied the executive chair just prior to President Taft, recommended that laws be passed looking to the compensation of employees in the Government who are injured in the service of the Government. Now, we know that although these railway mail clerks occupy in law when they or their representatives are forced to go into court the position of passengers, and their right to recover for the negligence of the road is based upon the same doctrine on which the right of a passenger is based—that is, the carrying company owes to them the duty of exercising extraordinary diligence. Anyone who has been engaged in the practice of law in these cases knows with what a slow and tedious process you are met in the courts when you undertake to recover even in a case that is disputed merely for form sake. I remember the first case I had of this character, where the railroad scarcely had any defense, and after finally getting to trial and getting the verdict it was appealed to the Supreme Court, and after getting to the Supreme Court the case was withdrawn.

This is a gratuity to the wife and family that the faithful employee of the Government may leave behind him, to those dependent upon his services, and I believe that the sum proposed by the gentleman from Illinois [Mr. MANN], $2,000, ought to be paid in every instance in which a faithful, efficient railway postal clerk has been killed in the service of the Government. Therefore I hope the amendment offered by the gentleman from Illinois [Mr. MANN] will be adopted.

As I have already stated in a colloquy with the gentleman from Illinois [Mr. MANN], the Postmaster-General, in his last report, says:

CASUALTIES.

There were 354 railroad accidents during the year in which postal clerks were either killed or injured, or in which mail matter was lost or damaged. Thirteen clerks, 1 substitute, and 1 mail weigher were killed, 93 seriously and 403 slightly injured. The number of fatal accidents is larger and the number of others is smaller this year than last.

We have already abandoned the doctrine that the Government will not pay its employees who are injured in its service. We pay to those in the Life-Saving Service who are injured a full year's pay, and in case of death, to their families; and we have provided for those engaged in constructing the Panama Canal.

The railway postal clerks are always at the post of danger and are entitled to this provision in their interest. As long as the Government has taken a step in this direction we should make the compensation at least something like adequate. [Applause.]

The CHAIRMAN. The gentleman's time has expired. The question is on the amendment.

Mr. WEEKS. Mr. Chairman, it is not a gracious thing for a chairman to oppose an amendment of this character. Still I think this one ought not to prevail. The amendment proposes to increase the amount paid to the family or to the wife of a man killed from $1,000 to $2,000. It is not intended that this money should reimburse the family for the loss of the father or the husband, but this is a fund which carries over the family until they can recover from the railroad. The fact that this $1,000 is paid to the wife does not in any way prevent her from bringing suit against a railroad company, the clerk being considered as a passenger, and she recovering for his death as any other passenger would. Therefore this $1,000 is simply a means of taking care of that family until proper restitution has been made by the railroad.

Mr. BARTLETT of Georgia. Will the gentleman permit me?

Mr. WEEKS. Certainly.

Mr. BARTLETT of Georgia. The gentleman is aware of the fact that we provided by the last Congress that those who died in the Life-Saving Service should receive a full year's pay? Now, the gentleman proposes that this $1,000 go to the family of the deceased Railway Mail Service employee.

Mr. WEEKS. But, Mr. Chairman, the average pay of these railway mail clerks is $1,165 a year, or about that, so that it is within $165 of a year's salary. In cases where men lose their lives in the Life-Saving Service, they have no other source to recover from. They are governmental employees, pure and simple. Whenever a railway mail clerk is killed in the service, he has exactly the same claim against the railroad company a passenger would have, and this $1,000 simply carries over the family or maintains the family until they can recover from the railroad as a passenger would. For that reason I do not think that amount ought to be increased.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. WEEKS. Certainly.

Mr. MANN. Of course those railway employees that were recently killed in the West, in a swarm like flies, were not killed through any negligence of the railroad company?

Mr. WEEKS. I am not splitting hairs upon that question. I do not know. I ask for a vote.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. WEEKS. Division, Mr. Chairman.

The committee divided, and there were—ayes 41, noes 35.

Mr. WEEKS. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WEEKS] and the gentleman from Illinois [Mr. MANN] will take their places as tellers.

The committee again divided, and tellers reported—ayes 50, noes 38.

So the amendment was agreed to.

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 24, page 22, between the words "the" and "legal" add the words "to the widow, if there be one, if none, then to the minor children, if there be any or none, then to the."

Mr. HAMLIN. Mr. Chairman, just a word. This is a matter about which I am not specially interested; but I think that my amendment ought to be inserted in order to meet the purpose as outlined by the chairman in charge of this bill just a moment ago. His explanation convinced me, and I voted with him just now, after that explanation that this $1,000 was given to the widow or children of the deceased employee in order to bridge them over such time as they may be able to recover from the railroad company on account of the accident which cost the life of the postal clerk. Now, if that is true, and will clearly be exempt from the payment of his debt, it ought to go directly to the widow, or to the minor children if there be no widow. If it were to go to the legal representatives, it has occurred to me, and will certainly occur to other Members who have had experience in the pratcice of law, that it would mean a great deal of delay before the money could possibly reach the beneficiaries intended to be reached by the provisions of this bill.

Mr. COX of Indiana. If it is payable to the children, would not that necessarily throw it into the courts?

Mr. HAMLIN. If there should be no widow and there were minor children, they would be compelled to have a curator appointed, and that would be necessitated in order to handle any other estate of the deceased father. It would not cause an extra expense. If the provision remain as now, it could not even be reached by the widow until an administrator was appointed, and if no widow then a curator would have to be appointed to handle the funds for these children, and after the appointment of these legal representatives in a probate court or chancery court, we all know that that would cause an expense in fees and the $1,000 would be heavily drawn upon by the court and the court attaches in fees.

Mr. HUGHES of New Jersey. I did not hear exactly how you said the money was to be applied?

Mr. HAMLIN. Under my amendment it gives to the widow the $2,000 directly. I believe that the gentleman in charge of the bill was eminently correct in stating that this is a gratuity given to the widow by the Government to bridge her over; and if so, it ought to reach her at the earliest possible time. There is no question about the widow being able to receipt the Government for this money, and therefore acquit the Government of any liability just as the widow of a Member of Congress, when the House passes an appropriation giving her $7,500 at the death of the Member, she gives her receipt, as I understand, and the Government is thoroughly acquitted, and that ought to be true in this case.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri.

The affirmative vote was taken.

Mr. STAFFORD. I wish to be recognized in opposition to the amendment. When this provision was under consideration some four or five years ago in the committee, at the time when we exempted this fund from the claims of debtors, we considered the advisability of directing the fund to be paid to the widow; and if there was no widow, to the minor children, and then to the dependent parents or dependent brothers or sisters. After a thorough consideration of the devolution of this fund, all being desirous that it should go to the widow, if there were a widow, we concluded that there would be difficulty in the administration of this fund and that delays would be encountered in having the money pass to the widow; that the Government would naturally have to take precautions to ascertain who was

the widow; that proof would very likely be demanded in order to safeguard the interests of the Government, just as the Pension Office to-day safeguards the interests of the Government by detailed proof to show whether the person who claims the pension is the widow of the soldier. We concluded that it would be more expeditious to provide that this money be paid directly to the legal representative, and allow the legal representative to dispense the money under the laws of the State to the widow, dependent children, or dependent parents, as the case may be. We believed then that the method indicated in the amendment of the gentleman from Missouri [Mr. HAMLIN] would have the opposite effect and would delay the payment of this money. In all the years during which this provision has been in force there has been no criticism of its operation. As soon as the Government is presented with certified copies of the letters of administration showing that a legal representative has been appointed, the money is thereupon paid over by the Government.

Mr. HAMLIN. Will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. HAMLIN. If the money is paid to the legal representative, would not the court have to determine who is the widow or who are the minor children, and would not the money be just as long in reaching them on that proposition as if the Government itself required it?

Mr. STAFFORD. The gentleman knows that in the administration of estates letters issue almost immediately upon application. The delay may be only thirty days, and as soon as the letters have been issued and a certified copy has been forwarded to the Government the money is thereupon paid to the legal representative. The relationship of those entitled to the estate is very easy of proof in the local courts, for the party entitled to this fund, if in need, may come into court by petition for sustenance and support; but if there were contending claimants to this fund, the Government would necessarily have to safeguard its interests by taking proof, just as it does in the case of widows of old soldiers, and the money would be delayed many months in some instances. The committee believed, when the matter was under consideration several years ago, that more expedition would be had in the way which the law now directs than by having the money paid directly to the widow, the minor children, the dependent parents, or dependent brothers and sisters.

Mr. HAMLIN. Just one more question. Does not the gentleman know that in very many States—it is true in my own State—if the money is turned over to the legal representative he is not compelled to pay it out for one year, until the time when he makes his annual report? I take it for granted that is so in many of the States, and the very thing you seek to obviate you are going to bring about.

Mr. STAFFORD. I know in my own State the administrator may petition the court, setting forth that the widow or minor children are dependent for their support, and the court will give a summary hearing, and the widow or dependent minor children will be able to obtain this money right away.

Mr. FINLEY. In all the years that this provision has been upon the statute books there has been no complaint as to any delay in reaching the beneficiary.

Mr. STAFFORD. The gentleman is right about that, and the gentleman will remember the discussion we had on this measure four years ago, when this matter was under consideration. We believed it would be better to have the money paid directly to the legal representative instead of to the widow or minor children, and that is still the opinion of the committee.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. HAMLIN].

The question being taken, on a division (demanded by Mr. HAMLIN) there were—ayes 28, noes 48.

Accordingly the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee how much of the $100,000 was expended last year?

Mr. WEEKS. As far as I know, there was expended about $75,000. Twenty-four thousand nine hundred dollars was left over from last year's appropriation, which would have been available for this purpose. I think only $15,000 was spent for the reimbursing of families of men killed.

Mr. MANN. I notice that there have been quite a number of deaths recently of railway mail clerks. The mortality has been alarming. May I ask whether the amount now in the item will probably be sufficient after the amendment that has been inserted by the committee?

Mr. WEEKS. There never has been $100,000 expended for this purpose. I should think this amount would be sufficient. Of course, I can not tell, because I do not know how many deaths may occur.

Mr. MANN. I will not offer an amendment increasing the amount under the statement of the chairman.

The Clerk read as follows:

For inland transportation of mail by electric and cable cars, $720,000: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing such service, except that the Postmaster-General, in cases where the quantity of mail is large and the number of exchange points numerous, may, in his discretion, authorize payment for closed-pouch service at a rate per mile not to exceed one-third above the rate per mile now paid for closed-pouch service; and for mail cars and apartments carrying the mails, not to exceed the rate of 1 cent per linear foot per car mile of travel: *Provided further*, That the rates for electric-car service on routes over 20 miles in length outside of cities shall not exceed the rates paid for service on steam railroads: *Provided, however*, That not to exceed $10,000 of the sum hereby appropriated may be expended, in the discretion of the Postmaster-General where unusual conditions exist or where such service will be more expeditious and efficient and at no greater cost than otherwise, and not to exceed $100,000 of this appropriation may be expended for regulation, screen, or motor screen-wagon service which may be authorized in lieu of electric or cable car service.

Mr. MADDEN. Mr. Chairman, I reserve a point of order in order to ask the chairman of the committee what is the meaning of the language, commencing at the word "otherwise," on line 17, page 24, "and not to exceed $100,000 of this appropriation may be expended for regulation, screen, or motor screen-wagon service?"

Mr. WEEKS. Mr. Chairman, there is a paragraph in the bill which provides for expenditure for screen-wagon service. In many cases it is impossible for the department to renew transportation of mails over electric car lines at the rate which this paragraph would enable it to do, and in lieu of transportation by electric service this substitute of screen-wagon or motor screen-wagon service, which is cheaper, is provided. The department is therefore able to provide for the necessities of the service with the same amount of money, and it gives them an option which way they will do it. Next year, if the motor screen-wagon service is found to be cheaper than the electric-car service, it will be provided for in that way.

Mr. MADDEN. Mr. Chairman, I will not make the point of order.

The Clerk read as follows:

For manufacture of stamped envelopes and newspaper wrappers, $1,400,000.

Mr. NORRIS. Mr. Chairman, I want to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NORRIS. I want to ask whether the last two lines on page 25 and the proviso on page 26, being the first 13 lines, are, in the judgment of the Chair, one paragraph?

The CHAIRMAN. In the opinion of the Chair lines 23 and 24 constitute a paragraph.

Mr. NORRIS. Then, I ask unanimous consent that the amendment to this paragraph, lines 23 and 24, be in order after we have concluded the consideration of the first paragraph on page 26.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that amendments may be in order to the pending paragraph after the succeeding paragraph has been disposed of.

Mr. MANN. I object.

Mr. NORRIS. Then, I will ask unanimous consent that they be considered together as one paragraph.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the pending paragraph and the succeeding one may be considered as one paragraph.

Mr. MANN. I object.

Mr. NORRIS. Then, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add at the end of line 24, page 25, the following:

"*Provided*, That no part of said appropriation shall be used for the payment of the manufacture of stamped envelopes bearing thereon any printed direction giving the name of any individual, firm, or corporation, or any number of any post-office box or drawer, or any street number or name of any building to whom or to which the same shall be returned if uncalled for or undelivered."

Mr. WEEKS. Mr. Chairman, I reserve a point of order.

Mr. NORRIS. Mr. Chairman, as far as I am concerned, I had just as lief the gentleman would make the point of order and have it determined now. I have no disposition to have the point of order reserved. If he wants to make it, I am perfectly willing, unless somebody else wants it reserved. Let us have that determined first.

Mr. GAINES. Mr. Chairman, has the point of order been made against the language on page 26?

The CHAIRMAN. That paragrapgh has not been reached. Unless some one wishes to be heard, the Chair is ready to

rule. It seems to the Chair that the amendment offered by the gentleman from Nebraska is simply a limitation on the appropriation, and is in order. The Chair therefore overrules the point of order.

Mr. TAWNEY. Mr. Chairman, I desire to offer a substitute for the amendment offered by the gentleman from Nebraska, if I understood his amendment correctly. The amendment offered by the gentleman from Nebraska does not include the proviso at the end of the paragraph on the next page on this same subject.

Mr. NORRIS. I want to say that I have not included that, because the Chair decided, just before the gentleman came in, that the proviso on the next page was a separate and independent paragraph, and therefore this amendment ought to be offered here.

Mr. TAWNEY. I understand; but the proviso in the provision on the next page, I think, should be included in the amendment.

Mr. NORRIS. Then it would be subject to a point of order.

Mr. TAWNEY. Oh, no. I am referring to the proviso in the provision on the next page, which reads as follows:

Provided further, That this shall not apply to those envelopes printed with the return card left blank as to name, address, box, drawer, street number, or building, and which only gives the name of the town or city, with the State, District, or Territory.

Mr. NORRIS. I have no objection to that.

Mr. TAWNEY. And for that reason, before this is offered, I would offer the following as a substitute for the amendment offered by the gentleman from Nebraska, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out all after the word *"Provided,"* in the proposed amendment and insert:

"That no part of the foregoing sum shall be used to print or have printed, or sell or offer to sell any stamped envelope bearing upon it a printed direction giving the name of any individual, firm, or company, or any number of any post-office box or drawer, or any street number or the name of any building to which it shall be returned if uncalled for or undelivered: *Provided further,* That this shall not apply to those envelopes printed with a return card left blank as to name, address, box, drawer, street number, or building, and which only give the name of the town or city, with the State, District, or Territory."

Mr. MANN. Mr. Chairman, I make the point of order on the substitute.

Mr. SMITH of California. Does the gentleman make it or reserve it?

Mr. MANN. I am willing to reserve it.

Mr. SMITH of California. I should like to say a word. In my opinion, Mr. Chairman, there is no possible objection to this provision, so far as the printing fraternity is concerned. If the gentleman from Illinois [Mr. MANN] is making a point of order in order to keep the law in its present condition, allowing the printing of names as well as the return card, that is another view of the case. I think, however, that the suggestion of the gentleman from Nebraska [Mr. NORRIS] is made in anticipation of a possible point of order against the provision in the bill, and while I think his amendment accomplishes the same purpose except in one or two particulars, the provision in the bill is better for two reasons——

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. SMITH of California. Certainly.

Mr. NORRIS. I want to say that I like the provision in the bill much better, but on account of the parliamentary situation, objection having been made to considering them both together or to pass this one and consider the other first, it was necessary to offer this amendment now, or it would be out of order.

Mr. SMITH of California. I so understood it. There is, however, one matter in connection with this that ought to be taken into consideration.

Mr. GAINES. Will the gentleman yield till I make a parliamentary inquiry?

Mr. SMITH of California. Certainly.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GAINES. My inquiry is to know whether the Chair has held that lines 23 and 24, on page 25, constitute one paragraph and that the proviso attached thereto, on page 26, constitutes another paragraph.

The CHAIRMAN. The Chair has so held.

Mr. GAINES. Are there any precedents for that?

Mr. SMITH of California. Mr. Chairman, it seems to me we ought to put ourselves in a position in order that we may be able to keep faith with the present contract for printing.

Mr. MADDEN. By what authority was the contract let beyond the time for which the appropriation is made?

Mr. SMITH of California. By authority of previous enactments.

Mr. MADDEN. Is there any authority to grant the right to let a contract for a period beyond the time for which the appropriation is made?

Mr. SMITH of California. I think so.

Mr. MADDEN. What is the contract?

Mr. SMITH of California. It is a contract for printing stamped envelopes.

Mr. MADDEN. The point I want the gentleman to answer is, how they can make a contract which is binding beyond the period for which the appropriation is made?

Mr. SMITH of California. I am not able to state exactly offhand what the law is. I understand they do contract ahead for materials of this kind. You can not run right up to the 1st day of July with your appropriation and then proceed to contract for materials to be had for that year.

Mr. STAFFORD. If my colleague on the committee will permit, I will say that there is authorization for contracting for a longer period than one year.

Mr. MADDEN. That is what I wanted to find out.

Mr. SMITH of California. Then I understand, Mr. Chairman, there is a contract duly executed which carries this work over to the 1st of July, 1911. Now, we are all anxious, I guess, to correct the present condition of things and eliminate the name in the interest of local industries, and so forth, but we are not so anxious to do that small thing as to perpetrate an act of bad faith in the carrying out of the contract. If the department has the authority to amend the contract with this envelope company so that the contract can be fulfilled by merely printing the amount which we provide for here, why, then, our difficulty will be out of the way and I think we will all vote for the amendment as offered by the gentleman from Nebraska. But in all conscience we ought to be careful about directly breaking a solemn agreement. The work having continued for forty-five years, one year more will make no great difference.

Mr. WEEKS. Mr. Chairman, I do not wish the impression to get abroad that I am in favor of the amendment offered by the gentleman from Nebraska, or any other amendment which is pending, but I wish to make a parliamentary inquiry——

The CHAIRMAN. The gentleman will state it.

Mr. WEEKS. The Government has a contract with a Dayton (Ohio) company to manufacture envelopes which terminates the 30th of June next. I would like to ask the Chair if the amendment offered by the gentleman from Nebraska, which has been amended by a substitute amendment offered by the gentleman from Minnesota, will in any way abrogate the contract with that company?

Mr. NORRIS. The substitute has not been agreed to.

The CHAIRMAN. The Chair hardly thinks that is a parliamentary inquiry, a question in relation to a contract. The gentleman from Illinois is recognized on his point of order.

Mr. MANN. Mr. Chairman——

Mr. GAINES. Will the gentleman permit me? Does the contract bind the Government to take any special number or quantity of such envelopes or contract to have any given amount of work done? We might very well have a contract with the concern in regard to the rate at which certain work is to be done, providing any work is done at that rate.

Mr. WEEKS. Mr. Chairman, I will state to the gentleman from West Virginia that the contract requires the company in Dayton, Ohio, to furnish the envelopes provided for in the contract as they are demanded by the public.

Mr. GAINES. Whether more or less——

Mr. NORRIS. I will submit to the gentleman that this being the contract the amendment that I have offered in no way interferes with or contravenes that contract.

Mr. WEEKS. It changes the terms of the contract.

Mr. NORRIS. I do not so understand, and I would like the gentleman to explain it.

Mr. COX of Ohio. At the time the contract was made with the people in Dayton the department laid down certain specifications as to the buildings, fireproof features, and so forth. The Dayton concern at the same time asked the Government how large a plant must be provided to take care of this business, and the department's reply was that the supply the previous year was 1,237,000,000 envelopes, and that they would be perfectly safe in making any provision beyond that, but they must build no plant of a yearly capacity under 1,237,000,000. Now, the gentleman from West Virginia suggests the Government is in nowise bound. It would be an act trespassing upon common honesty to violate this agreement.

Mr. NORRIS. Will the gentleman permit an interruption?

Mr. COX of Ohio. Yes.

Mr. NORRIS. Has the gentleman a copy of the contract here, and if so, will he give it to us?

Mr. COX of Ohio. I have a copy of the specifications, and they amount to the same thing, and the gentleman could easily have procured a copy of the contract; and the fact that I have no copy gives no weight to his contention.

Mr. NORRIS. I do not care about the specifications. The contract is the final instrument, and I would like to have that produced if the gentleman has it.

Mr. GAINES. I should be quite as unwilling as the gentleman or anybody else to abrogate a provision of any contract, but we hear very often, I think, of the public being bound by some noncontractual relations with somebody. It certainly is not possible that people bid upon this contract without having some place in which to manufacture them.

Mr. COX of Ohio. I might submit to the gentleman that these people——

Mr. GAINES. These people are in business, and they take their chances as every business man must.

Mr. COX of Ohio. If the gentleman will permit me to answer on this point?

Mr. GAINES. Certainly.

Mr. COX of Ohio. Will you permit me to answer your question?

Mr. GAINES. Certainly.

Mr. COX of Ohio. I want to submit information on that subject.

Mr. KEIFER. Allow me to interrupt. I think there was no place in the United States that had the necessary equipment to fit these envelopes in the quantity that the Government required, and the contract was let to parties that were responsible, capable, and able to perform the contract.

Mr. STAFFORD. The Hartford Manufacturing Company, of Hartford, Conn., for fifty years has had this contract, and has all of the equipment necessary for performing this work.

Mr. KEIFER. They were willing——

Mr. STAFFORD. They had the necessary plant there, and were one of the bidders.

Mr. COX of Ohio. I can reply to your question, if you want. You are taking my time without confining yourself to the inquiry for which I yielded.

Mr. GAINES. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. Cox] have five minutes more. We have taken his time.

The CHAIRMAN. The Chair understands that the gentleman from Illinois [Mr. MANN] reserves his point of order on the substitute offered by the gentleman from Minnesota [Mr. TAWNEY]. If that is so, this debate is proceeding by unanimous consent. The gentleman from Ohio [Mr. Cox] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. COX of Ohio. Mr. Chairman, I first want to reply to the inquiry as to this concern being established in business for this particular line of work. The proposals and specifications were submitted to the contractors December 31, 1906, and one of the conditions was that the successful bidder must have his plant in operation within six months' time. The Dayton concern built this plant and equipped it at a cost of $600,000, and began delivering its product to the Government promptly July 1, 1907. I want to call the gentleman's attention, in connection with this phase of the matter, to the fact that in the specifications provision is made as to the type of building which must be put up. It must be fireproof. It must be equipped in certain stated ways, and the specifications, plans, and blueprints of the building itself must be submitted to the Post-Office Department before the contract can be formally made. I believe that replies to the specific inquiry of the gentleman from West Virginia [Mr. GAINES]. These people went into business for the purpose of taking this contract.

With the consent of the committee, I want to explain the envelope situation to which the amendment offered by the gentleman from Nebraska [Mr. NORRIS] relates. For a great many years this contract was carried on by a concern at Hartford, Conn., and I think it is significant, as the gentleman from Illinois [Mr. MANN] has stated, that there never was much hue and cry about the Government letting these contracts until it moved from New England into the great Middle West. At this time the concern taking the contract complied with public sentiment in an important matter. It had been stated for years that the paper trust was carrying on this work. The Mercantile Company, the new contractor, purchased all of its supplies of print paper from independent mills in the Miami Valley, and that supply from the independent mills is still being used in the making of trade envelopes. At that time the price was reduced from 83 cents a thousand to 79 cents a thousand, entailing a saving to the Government on this specific contract alone of $300,000.

There never has been one word of complaint uttered by the Post-Office Department against the efficiency of this plant, and the good faith and intentions of that concern have never been called to account nor questioned.

Within the last three weeks we have heard stated upon the floor of this House that the Post-Office Department should put into effect a business administration. By that is meant that the policy of the Post-Office Department should be in harmony with that of a successful commercial institution. To be successful a commercial institution must secure a minimum in operation and a maximum in efficiency. But beyond that there must be further elements to work out the success of that concern. There must be good faith with every company and individual with which it does business, whether the relation be that of the buyer or the seller. Now, you gentlemen who have been talking for a business administration in the Post-Office Department have a concrete example here. It is suggested that this Congress pass a resolution or an amendment here which absolutely vitiates this contract.

Mr. SMITH of California. Will the gentleman yield for a question?

Mr. COX of Ohio. Certainly.

Mr. SMITH of California. The contract with the Dayton company calls for stamped envelopes, and there would be substantially the same amount of stamped envelopes without printing that there is now. A very small per cent of the stamped envelopes carry printing.

Mr. WEEKS. Will the gentleman yield for a question?

Mr. COX of Ohio. Certainly.

Mr. WEEKS. Is it not a fact that less than one-third of the stamped envelopes that are manufactured at the Dayton plant have no printing on them and that more than two-thirds have printing on them?

Mr. COX of Ohio. Last year in the entire output 68 per cent carried the return feature.

Mr. GAINES. The advertising feature, or simply the blank return without the name?

Mr. COX of Ohio. The individual or firm name.

Mr. STAFFORD. I will have to challenge that statement from a letter of the Mercantile Corporation itself.

Mr. COX of Ohio. It is what is known as the "special request."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. If the gentleman would like the figures, as given by the president of the company——

Mr. COX of Ohio. I have them; 68 per cent. The entire output was 1,509,000,000. Sixty-eight per cent was special-request envelopes.

Mr. STAFFORD. Of which the daily amount the last fiscal year was 1,200,000 plain and 2,400,000 in special requests. Of these special requests of 2,400,000, 1,000,000 contained merely the printed post-office or postal route.

Mr. COX of Ohio. I should like to submit to the gentleman my figures, which are taken from the annual report of the Post-Office Department, which shows that of the 1,509,000,000, 68 per cent were special requests.

Mr. MANN. Which show the gentlemen are only apart a thousandfold.

Mr. STAFFORD. I am speaking from the figures given by the president of the company addressed to the chairman of the Post-Office Committee.

Mr. COX of Ohio. And I am speaking from the figures of the Postmaster-General. If the amendment submitted by the gentleman from Nebraska prevails, this 68 per cent of the output of that concern will be cut off, and the public convenience will have been impaired just that much. This concern at Dayton, with which the contract has been made, can furnish the number of envelopes implied, at least, by the contract, but they will be plain. So soon as that is done you will have an element of inefficiency in the postal service. Last year there were 13,000,000 letters sent to the Dead Letter Office. Without the return feature it is very easy to assume that this number will be vastly increased. Now, gentlemen of the committee, I am not disposed——

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. COX of Ohio. Certainly.

Mr. TAWNEY. Do you assume by that statement in regard to the number of letters that would be returned to the Dead Letter Office that this return card would not be printed on the stamped envelope if they were not printed in the district of the

distinguished gentleman from Ohio? What would hinder the individual printing establishment from doing it?

Mr. COX of Ohio. Why do they not do it to-day?

Mr. TAWNEY. Because they can not compete with the Government.

Mr. COX of Ohio. The envelope trust is manufacturing envelopes now infinitely cheaper than is this concern. In that connection I want to say that I am not disposed to discuss the academic question involved at all. I simply want to make an appeal on the part of these people in the Miami Valley, who have erected this concern at a cost of $600,000, who have entered into a contract with the Government which will save it during the life of the present contract $300,000. They made it in good faith.

This contract would be disturbed if the amendment offered by the gentleman from Nebraska prevails. I am not willing to subscribe to the proposition that it is proper for the Government to be in the envelope business, and what I have to say is free and apart from the fundamentals involved. I simply insist that the Government's credit should be the best on earth and that it would not be an inspiring thing for this House, known as a deliberative body, to deliberately withhold appropriations necessary to the carrying out of a contract which was made in good faith and which has been honestly performed by the contractors. I am fully aware of the sense of this House on this subject. I believe that most of the Members are opposed to the Government making these contracts for print envelopes, and so far as I can see there seems to be no reason why the Government should be in this business, although the Post-Office Department has without variation for the past forty years insisted that it would be a mistake to make a change. I shall at the proper time offer an amendment which will not involve the main principle in this subject, but which will simply provide common justice to our people in the Miami Valley, the Mercantile Corporation, which is working several hundred people, and the paper mills in that section whose output has been contracted for in the carrying out of this contract.

Mr. NORRIS. Mr. Chairman, I desire to be recognized, although the discussion has been extended. I will reserve until the point of order has been disposed of as to the substitute.

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. NORRIS. I am perfectly willing to let the point of order be disposed of first.

Mr. MANN. Mr. Chairman, before discussing the point of order, I want to discuss the merits for a few moments.

Mr. NORRIS. I am perfectly willing to let the Chair rule on the point of order.

Mr. MANN. If the gentleman criticises me, I will not discuss it.

Mr. NORRIS. I have no wish to discuss it.

Mr. MANN. Well, Mr. Chairman, let us have a ruling.

The CHAIRMAN. It seems to the Chair that the substitute offered by the gentleman from Minnesota comes within the principle established by the House as to limitations. He holds it to be a limitation and to be in order. The point of order is therefore overruled, and the Chair recognizes the gentleman from Nebraska.

Mr. TAWNEY. The question, then, Mr. Chairman, is on the substitute.

The CHAIRMAN. The question is on the substitute.

Mr. TAWNEY. I simply wanted to call attention to that fact.

The CHAIRMAN. The gentleman from Nebraska is recognized.

Mr. KEIFER. Before we commence, let us have the amendment and substitute again reported, because a great many of us do not know what they are.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? The Chair hears none. The Clerk will report the amendment.

The amendment was again reported.

The CHAIRMAN. To this amendment the gentleman from Minnesota offers a substitute, which the Clerk will again report.

The substitute of Mr. TAWNEY was again read.

Mr. NORRIS. Mr. Chairman, I want to say, to begin with, that the substitute offered by the gentleman from Minnesota [Mr. TAWNEY] to the amendment which I have offered simply states over again the amendment which I have offered. It does not change it in any respect, and I have no objection to having it substituted for mine. That proviso which is added at the end only states in explicit terms what is certainly and without any question contained in the amendment that I have offered.

Now, I want to call your attention to one or two things that have been referred to by the gentleman from Ohio. I want the committee to understand, first, that this amendment of mine or the amendment of the gentleman from Minnesota in no way interferes with any contract made by the Government, if that contract was made in accordance with the law.

I do not think it is necessary to cite to you the statute under which this contract is made. If it is made in accordance with that law, this will in no way interfere with it in any respect as a matter of law.

Mr. WEEKS. Will the gentleman yield?

Mr. GARDNER of New Jersey. Why not?

Mr. NORRIS. I will answer one at a time. I will yield first to the gentleman from Massachusetts.

Mr. WEEKS. I should like to ask the gentleman from Nebraska if he has any doubt about this contract having been made according to law?

Mr. NORRIS. I am not questioning it. I am assuming that it was made according to law; but I have the statute here by virtue of which it was made. Now, under the contract that was made—and I have called for its production here several times—under the contract made with this corporation in Dayton, Ohio, the Government, as I understand it, has not agreed to take any specific number of envelopes. They simply give to this corporation a monopoly, the right to manufacture all of the orders that the Government gets. This amendment does not take that away, and it is wrong to say that if this amendment is passed and becomes a law there will be no stamped envelopes printed and that there will be no return cards on envelopes. There is no prohibition against that; but instead of one firm in the United States printing all of them, the printing will be divided up among the printers of the entire country, and each one will get a pro rata share of it, and can then furnish on the return card the man's business as well as his name, and give him the benefit of any advertisement that he may seek in that way.

Mr. WEEKS. According to the statement made by the Mercantile Company there are about 1,400,000 envelopes manufactured each day, which are in this form:

Return to John Smith, Lincoln, Nebr.

Now, according to the amendment offered by the gentleman from Nebraska or the substitute offered by the gentleman from Minnesota, it will be impossible for that company to continue to print envelopes in that form. In other words, substantially one-half of the total output of that factory will have to be discontinued or the form changed.

Mr. NORRIS. Even if that were true, it would be no violation of the contract with the Government; but I want to say to the gentleman that that will not be true, because these men who get the envelopes printed by this Dayton concern, with their names and the return card, will have the same work done by the printers in their home towns, and can get stamped envelopes to be printed in that way.

Mr. WEEKS. Let me say to the gentleman from Nebraska that it costs only $1.24 a thousand for these envelopes furnished in this way. The printing in the man's own town, where he buys the envelopes, would cost more than $1.24 a thousand. If there are printers here, and I take it there are, they will substantiate my statement that it will cost at least $1.50 a thousand to print the return on them, to say nothing of the original cost of the envelope. Therefore it is going to cost the consumer something like 40 or 50 per cent more than it does to buy them in this way.

Mr. NORRIS. In my judgment the gentleman is entirely mistaken about the increased cost to the consumer. I am willing to admit that to the consumer it will cost a small fraction more than it costs him now.

[The time of Mr. NORRIS having expired, by unanimous consent, at the request of Mr. MANN, it was extended ten minutes.]

Mr. DOUGLAS. Will the gentleman yield?

Mr. NORRIS. I want first to answer the gentleman from Massachusetts. The gentleman is objecting because of the increased cost to the consumer, and I admit that a small increase of cost to the consumer will result, but he will have benefits that will more than compensate. At the present time this printing is all done by the corporation that has a monopoly under the government contract, and it does not print any advertisement with the return card on the envelope. If the printing was done at the local office, at the home printing office, he could have anything printed thereon that he wanted to without additional cost. As a matter of fact, as the rule exists now, a corporation, whose name is a sufficient advertisement, gets the advertisement by virtue of the return card, but the individual—for instance, John Smith, dealer in groceries—does not have his business card printed on the return card as it is now. He can only have his name printed thereon. The "John Smith Dry Goods Company," a corporation, could print its full name under the present rule, and thus advertise its

business. So it is not just, as between the individual and corporation. In addition to that, there are some conveniences that I mentioned the other day. It takes from one to three months after an order is put in to get the finished product delivered at your home office. If you bought the stamped envelopes and had them printed in your home printing office, it could be accomplished in one day.

Mr. GARDNER of New Jersey. Why can you not do that now?

Mr. NORRIS. I presume that the extra cost has a little something to do with it.

Mr. GARDNER of New Jersey. There is nothing in the law or in the contract that prevents people from getting stamped envelopes in blank and having them printed at their home office.

Mr. NORRIS. The little additional cost that the gentleman is pleading for in the interest of this corporation in Ohio, I presume, has a good deal to do with it.

Now, I want to call attention to the fact that the gentleman from Ohio, and also the Postmaster-General, in defending this practice, has said that if we do away with this practice it will increase the number of letters that go to the Dead Letter Office. I do not believe there is one scintilla of reason or logic in that argument. The man whose letter goes to the Dead Letter Office is not a business man or a professional man, but it is the person who occasionally goes into the post-office, writes a letter, and there mails it without any card on it. Everybody who has any business will have a return card printed on the envelope just the same if this becomes a law as they do now, and it will not affect letters going to the Dead Letter Office one single letter, in my judgment.

This law will not prohibit keeping on sale in every post-office in the land blank return-card stamped envelopes, which any person can buy, write his name in the blank, and deposit it in the office just the same after the adoption of this amendment as he can now. It seems to me that it is due to the printers of the country, to the people of the country who want justice, who want to prevent one corporation, under the guise of governmental support, having a monopoly of this business. Without regard to the cost or the amount of it, it is unjust that the great Government of the United States should go into competition with the country printers of the United States; it is just as unjust as it would be for this Government to go into competition with the shoemakers of the United States. I now yield to the gentleman from Indiana.

Mr. COX of Indiana. Does the gentleman believe that under his amendment any envelopes can be printed at all by this concern?

Mr. NORRIS. I have no question about it. There is no doubt whatever of the proposition. No one will contend to the contrary.

Mr. KEIFER. Will the gentleman yield?

Mr. NORRIS. I will yield to the gentleman from Ohio.

Mr. KEIFER. I understand the gentleman to say that he would be unwilling to interfere with an existing contract, but he claimed that his amendment would not interfere with any.

Mr. NORRIS. I would like to answer the gentleman's question. He reminds me of something I wanted to mention. I do not want to interfere with any contract, and I say that the amendment does not interfere with any contract. In the next place, the very provision that follows this amendment, on page 26, put in the bill by the committee, is subject to a point of order. I would much rather have in the law that provision than the one I have introduced, but by the terms of that provision coming on the next page there will be no interference and none claimed by the gentleman from Ohio. Then, why do you not permit us to take up that provision first and not make a point of order against it? The argument of the gentleman from Ohio is completely and absolutely answered from his own position.

Mr. KEIFER. I understand the gentleman claims his proposition would be all right provided the clause in the paragraph that is subject to a point of order and against which a point of order is made is left in.

Mr. NORRIS. The gentleman is in error. We have not reached that. I asked unanimous consent to take it up before this paragraph was taken up. If that provision that follows remains in the bill, the provision put in by the committee, there will be no disposition to press this amendment.

Mr. KEIFER. I understand the gentleman to agree that that provision is subject to a point of order.

Mr. NORRIS. It is subject to a point of order.

The CHAIRMAN. Will the gentleman now yield to the gentleman from Pennsylvania [Mr. FOCHT]?

Mr. NORRIS. Yes.

Mr. FOCHT. Mr. Chairman, in order that the committee may not be under a misapprehension I would like to make a suggestion to the gentleman from Nebraska with respect to the statement made by the gentleman from Massachusetts [Mr. WEEKS] in regard to the cost of printing the card upon the envelopes. His statement was that it would cost from $1.25 to $1.50 per thousand. I wish to say that I have been in the printing business for thirty years, and I will be prepared to print that card on as many thousands as I could get the contract for for 50 cents a thousand or less. Unless this statement is made, I fear the committee would be under misapprehension.

Mr. NORRIS. I am obliged to the gentleman for his suggestion. I have in my pocket quotations on envelopes from different establishments who are willing to print them, in some instances, as low as 10 cents a thousand if they could get them in large lots.

Mr. BARTHOLDT. Ten cents a thousand in single thousands?

Mr. NORRIS. No; not in single thousands. Everyone of us knows that it does not cost anything like $1.25 a single thousand.

Mr. SHERLEY. I understand the gentleman does not want to interfere with any contracts now in existence.

Mr. NORRIS. No.

Mr. SHERLEY. Would the gentleman be willing to accept an amendment to his provision expressly stating that it should not interfere with any existing contracts?

Mr. NORRIS. On its face it does not interfere with any existing contracts.

Mr. SHERLEY. Would the gentleman object to that?

Mr. NORRIS. Yes.

Mr. SHERLEY. Why?

Mr. NORRIS. Because I do not want to state a thing three times. It is already stated twice—and if you do not want to interfere with a contract, and you claim this does, then make no point of order against the provision which follows, and under the gentleman's own theory then there will be no contract interfered with.

Mr. SHERLEY. I have nothing to do with that branch of it. I am asking this specific question——

Mr. NORRIS. And I have answered the gentleman's specific question. I would not consent to that kind of an amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman. I have no personal interest in this matter, either because I am a job printer, a newspaper editor, or a manufacturer of envelopes, but I can recall that for many years the Government has printed the return cards of people upon the government stamped envelopes. For years that contract was held, as I believe, by a company in Connecticut, known as the "Hartford Envelope Company," or something of that sort. During all these years the distinguished gentlemen in this House and outside seem to have made no wonderful discovery about the great injury that was being perpetrated upon the printers of the country. The Hartford Envelope Company held this contract for years, and the distinguished gentleman from Nebraska [Mr. NORRIS] and the distinguished gentleman from Minnesota [Mr. TAWNEY] did not rise, worked up to a fury, to offer an amendment to take away the contract from that company. It remained until, in the course of time and the progress of this country, the contract came toward the west—west, as the gentlemen east of the Alleghenies call it; east, as we call it out our way, but toward the west. Before the contract had been running a year a whole lot of gentlemen throughout the country publishing papers and enjoying a subsidy from the Government, job printers, and Members of Congress became greatly excited because this new company which was endeavoring to break into this business had taken away from the Hartford company the right to print these envelopes. Is any gentleman here so guileless as to believe that the Hartford Envelope Company had had nothing to do with this agitation? Is any gentleman here so simple-minded that he thinks at this particular time that this agitation arose just of itself, without anything back of it? There were two things behind it—the envelope makers and the people who had formerly had the contract for printing.

I undertake to say from my own knowledge that not only you can, but that nine-tenths of the business public do, purchase envelopes in the market and have their return card printed upon them with their advertisements for less money than they can buy the stamped envelopes of the Government. Why? Because the Government, in its specification, requires the highest grade of envelope that is known in the business market——

Mr. BARNHART. Will the gentleman yield?

Mr. MANN. In a minute, when I am through with this—and those envelopes made under the Government's specifications cost more than the envelope that is usually used by the business world, and they can take the ordinary envelope and print upon it for less money than it costs to get the government envelopes. I do not believe that this House ought to be prostituted to the purpose of one contractor because in the course of time he has lost its contract and another contractor has obtained the contract.

Now, Mr. Chairman, I am proud to yield to my distinguished friend from Indiana [Mr. BARNHART], who has a personal interest in this matter. [Laughter.]

Mr. BARNHART. First of all, I want to dispute the proposition of the gentleman that the government printers use the highest class envelopes in the world.

Mr. MANN. I did not say that.

Mr. BARNHART. The gentleman from Illinois seems to pose as an expert. The cost of the envelopes to the Government which they send out is 79 cents a thousand, and it sells them at $1.24——

Mr. MANN. Mr. Chairman, I am not an expert; I am not even, like the gentleman, interested personally in the——

Mr. BARNHART. I am interested to this extent, that it costs the Government 79 cents, so the Postmaster-General says, to purchase these envelopes. They sell them at $1.24. They frank them out to the man who buys them. A thousand envelopes weighs 7½ pounds. At 9 cents a pound, the reported price of transportation of second-class mail matter, that would be 67½ cents.

Mr. MANN. Mr. Chairman, I ask that my time may be extended so that the gentleman many finish his question. [Laughter.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARNHART. The envelopes cost the Government 79 cents, according to its own report. It pays 67½ cents (at 9 cents per pound) postage per thousand to send them to the consumer, to the purchaser, and sells them to him at $1.24. So at 79 cents first cost and 67 cents postage, it is a loss of 23 cents on every package of envelopes of 1,000 which the Government sends out, and you can not figure it any other way.

Mr. MANN. Mr. Chairman, I am quite confident there is no loss to the Government in the printing of these envelopes, and I can assure the gentleman that when the Government transports his newspapers through the mail for nothing there is loss to the Government, and the gentleman——

Mr. BARNHART. I submit that the gentleman misrepresents the facts. Publishers pay 1 cent per pound postage on papers circulated through free-delivery offices.

Mr. MANN. The gentleman——

Mr. BARNHART. Publishers do pay postage, and I want to submit further, if the gentleman will permit——

Mr. MANN. Always with pleasure.

Mr. BARNHART. There is a loss in every package of envelopes that is sent out in 1,000 quantities, and it is the small quantities on which the consumer pays as much as a thousand per cent profit.

Mr. SPERRY. Mr. Chairman, during the debate a firm has been quoted of Hartford, Conn. I do not know the facts in relation to this matter, but I do know that they are among the best and most honest people that we have in our State.

Mr. MANN. I have not attacked their honesty. I think they are exceeding bright when they can work up the House of Representatives to a fury.

Mr. SPERRY. If the gentleman has said anything to mislead the people of the country, I am very sorry indeed, and the gentleman would be if he knew the men as I know them. [Applause.]

Mr. MANN. Mr. Chairman, it is all very well to say these are good men. I only repeat that I know nothing in regard to the facts in the case, but that this is a very peculiar circumstance, which I think is easily explained, that when this Hartford envelope company, having had this contract for many years, lost it, somebody was enabled to get the public, the printers throughout the country, the newspapers now enjoying a subsidy from the Government, the job printers agitated so that they have written to every Member of Congress, writing and telegraphing, too, and no one can make me believe that this has occurred by accident.

Mr. SPERRY. It came by bidding.

Mr. FASSETT. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. FASSETT. Does this new firm which has the contract do anything different from that done by the old firm?

Mr. MANN. I do not know what the firm does. The law is just the law now as it was when the old firm had the contract, and the practice is the same now as it was then so far as getting the envelopes is concerned, but no one ever thought of it while the old company had the contract, and they would not now if this contract had not been moved west of the Allegheny Mountains.

Mr. OLCOTT. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. SCOTT. Mr. Chairman——

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The Chair has recognized the gentleman from Kansas [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, in order to save the time of the gentleman from Illinois [Mr. MANN] I will state in the beginning that I have been engaged in the newspaper business most of my business life; that I have an interest in a newspaper now; and that this newspaper circulates its county subscription without charge for postage, and in that sense receives a subsidy from the Government. Having thus cleared away the underbrush I would like to observe that the gentleman from Illinois is wholly mistaken in saying that no protest was ever made against the system now under discussion until the contract was taken away from the Hartford, Conn., firm and given to some other. I confess I never heard until to-day that a Hartford, Conn., firm ever did have the contract, and I do not know what firm has it now, while I did take occasion as long ago as the first session of the Fifty-seventh Congress to offer an amendment to the post-office appropriation bill, substantially the same as that now under discussion. I did that in response to the unanimous demand of the newspaper fraternity of my district, and that demand is just as unanimous now as it was then. And I believe it is as unanimous over the country generally as it is in my district.

The gentleman says this protest was never heard until recently. In addition to what I have already said I wish to say in reply that again and again, year after year, the newspaper organizations, publishers' associations, printers' societies of all kinds all over the United States have been passing resolutions denouncing the practice, and pleading with Congress to change it. I hold in my hand a letter written by the chairman of "the National Joint Committee," by the letter-head of which I see there is represented the American Envelope Manufacturers' Association, the International Association of Photo-Engravers, the National Association of Stationers and Manufacturers, the National Editorial Association, the National Paper Trade Association, the Printers' League of America, and the United Typothetæ of America.

These organizations, Mr. Chairman, consider this matter of enough importance to warrant them in retaining a committee here at the capital during the entire winter for the sole and only purpose of protesting against the printing of individual return-card stamped envelopes by the United States Government.

Now, what is the reason this protest has become so strong right now? I think, perhaps, I can explain it by directing the attention of the Members of the House to a circular which I hold in my hand and which was issued during the administration of Mr. Lawshe as Third Assistant Postmaster-General. I am not criticising Mr. Lawshe. He took his official position seriously, and considered it to be a part of his duty to push the government business in every way he could. And one of the ways taken advantage of to push that business was to issue a circular, one of which I hold in my hand—an attractive colored poster—calling the attention of the business public to the fact that the Government could furnish stamped envelopes at a very much cheaper rate than they could be obtained in any other way, printed with the return card of the firm. And upon the title-page of this circular there appears this inscription:

Everyone who uses government stamped envelopes is aiding the Post-Office Department in improving the service.

A. L. LAWSHE,
Third Assistant Postmaster-General.

If government stamped envelopes be used, there are no stamps to fall off in the mail. If your return card be printed on the envelope, there are no lost letters. Read information within.

The chairman of the Committee on the Post-Office and Post-Roads, in response to a suggestion which I made the other day, expressed the opinion that if such a circular as I referred to—and I had this circular in my mind—had been issued, it had not been done by the Post-Office Department, but by the firm which had the contract for printing the envelopes. I think he

must have been mistaken in that suggestion, because there appears on the same title-page this inscription:

Post-Office Department, Third Assistant Postmaster-General, Washington, D. C.

There was certainly every reason to believe that if the circular was not issued by the department it did have official approval, and I am able to testify from personal conference with Mr. Lawshe that it did have his approval.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Chairman, I would like to ask unanimous consent that debate on this paragraph and all amendments thereto terminate in twenty-five minutes.

Mr. PAYNE. I will not object if I can have five minutes' time.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on the paragraph and amendments thereto be closed in twenty-five minutes. Is there objection?

Mr. AUSTIN. I object.

Mr. SCOTT. I was proceeding to say that I have every reason to believe that the circular, to which I have called attention, was issued by the department, because Mr. Lawshe said to me personally that he considered it part of his duty, touching the government business, to effect the sale of as many of these envelopes as possible. Not only was this circular issued in large numbers and sent over the country broadcast, but it was sent at the expense of all of the people. It was sent through the mails under the department frank, and the postmasters all over the country were asked to circulate it. In support of this, I read an extract from a letter, which I hold in my hand, from the chairman of the committee to which I have referred. It says, in speaking of this circular:

It was posted in almost every post-office in the United States; it was circulated by city letter carriers in the counting rooms of large business houses, and posted there as an attractive placard; it is said to have been circulated by rural free-delivery carriers, but of that we have no evidence. As to the other points, we have the evidence of our own eyes, having seen them posted in many places as stated.

We are informed, and we believe, and it stands to reason that these placards were sent out free of postage through the department or under its auspices.

I have a letter here from Nazareth, Pa., signed by Albert O. Sturgis, in which he says:

We might mention, besides sending out circulars, our local postmaster goes from business house to business house, canvassing, making personal solicitation for envelope orders.

It is work of that character—the sending out of circulars like this, the personal solicitation of postmasters throughout the country—that has aroused the sentiment which has been expressed here to-day. I venture to say that if the Government of the United States were to take up any other business of the country as it is taking up the publishers' business, if it were to sell shoe strings or needles or pins or pocketknives at a price far below that which any commercial concern could furnish any of those articles and should send out thousands of men drumming up the trade, you would have protests here from the men engaged in those lines of business, just as you now have the publishers protesting against government competition in their business.

Mr. HARDWICK. Will the gentleman permit me to ask him a question?

Mr. SCOTT. Certainly.

Mr. HARDWICK. Is there any more reason why the Government should sell these printed envelopes than they should sell the ink or pens to write with?

Mr. SCOTT. The gentleman's question answers itself. Of course there is no reason why the Government should furnish these envelopes, with the individual name or the name of the firm printed upon them, any more than there is why it should furnish them the ink with which to write or the pen used in writing.

Mr. BARNHART. Mr. Chairman, I want first to disabuse the mind of the House of the statement made by the gentleman from Illinois that newspapers are circulated free in the country districts. The statement is really without warrant, because every newspaper that circulates through the free-delivery offices must pay 1 cent a pound on all newspapers sent from that post-office.

Mr. STAFFORD. I take exception to that statement, because it is not so.

Mr. BARNHART. Not those of free city delivery?

Mr. STAFFORD. Not those of free city delivery. A country newspaper, in the county in which it is published, may be deposited in the post-office of publication and distributed free on rural routes in the county of publication.

Mr. MANN. It is not worth the gentleman's while to contradict me, because I was right.

Mr. BARNHART. Mr. Chairman, I want to submit that the printers of the country are not alone opposed to this government contract of printing envelopes. I submit that the printers of the country are not alone in protesting that the Government is interfering with their business. On the other hand, they are able to show, and I am able to show, that in this envelope business this Government is doing business at a loss with the men who buy large quantities, but where it sells in smaller than 500 quantities its profit is as much as 1,000 per cent. I want you to hear this list of the prices:

One stamped envelope at 3 cents, or $10 per thousand for the envelopes.

Two stamped envelopes at 5 cents, or $5 per thousand for the envelopes.

Three stamped envelopes for 7 cents, or $3.33 per thousand for the envelopes.

Five stamped envelopes, 11 cents, or $2 per thousand for the envelopes.

Eight stamped envelopes, 17 cents, or $1.25 per thousand for the envelopes.

Twenty-five stamped envelopes, 54 cents, or $1.50 per thousand for the envelopes.

You will notice that they charge $1.50 a thousand for 25 stamped envelopes and $1.25 a thousand for 8 stamped envelopes.

Fifty stamped envelopes, $1.07, or $1.40 per thousand for the envelopes.

Five hundred stamped envelopes, $10.56, or $1.12 per thousand for the envelopes.

Now, this refers to the popular business-size envelope, six and three-quarters. I am not going to attempt to explain why under the business methods of the Post-Office Department a very much lower rate is charged for 8 stamped envelopes than for 25 stamped envelopes, but I am prepared to show you, by the representation of the Post-Office Department itself, that these envelopes cost the Government 79 cents a thousand. When they sell them at $1.24 a thousand they must pay 67½ cents per thousand for transporting them at second-class rates, and the result is that on every 500 or more envelopes sent out the Government loses 22 cents per thousand.

Mr. WEEKS. Mr. Chairman, I move that all debate on this paragraph and all amendments close in twenty minutes.

The CHAIRMAN. The gentleman from Massachusetts moves that debate on the pending paragraph and all amendments thereto close in twenty minutes.

The motion was agreed to.

Mr. SMITH of California. Mr. Chairman, I think it is quite evident that the House is in a mood to put a stop to this printing of envelopes by the Government. It is only a question whether we shall do it on the 1st of July of this year, and in a manner violate the contract that we have with the manufacturers of the envelopes, or whether we shall do it a year later and keep faith with the company. The responsibility of breaking the contract the 1st of July this year rests with one or two gentlemen in the Ohio delegation, and I want them to understand that. If they will assure the House that they will not make a point of order against the paragraph in the bill, I think the House will be quite willing to take up that paragraph and act upon it first under unanimous consent, and thereby they might save their concern at Dayton in the completion of the contract.

Mr. MANN. In order to absolve any Members from Ohio of the responsibility of this, and having no connection, remote, indirect, or otherwise, with any concern in Ohio, I may say to the gentleman that I shall raise the point of order, no matter what any gentlemen from Ohio may agree to.

Mr. SMITH of California. The gentleman from Illinois has shown himself to be in an unusually ugly mood to-day. He has been impugning the motives of everybody engaged in this discussion, although he ought to know, and I will not proceed to instruct him——

Mr. MANN. I shall be glad to go to school to the gentleman, because perhaps he would make a better schoolmaster than Member of Congress. [Laughter.]

Mr. SMITH of California. Well, if the gentleman is to be my pupil, he must not talk when the teacher has the floor. This agitation for the suppression of envelope printing is much older than the gentleman's service in Congress. I can not remember the time when the printers have not agitated the matter more or less. It was brought forward this year largely through the magazines, because they wanted to raise some counter feeling in the country to divert attention from the proposition to increase magazine postage. There is where the agita-

tion began this year, just the same as the magazines raised the hue and cry about railway mail pay and things of that kind, in order to divert attention from the increase in their postage. But, of course, if objection is going to be raised against the paragraph in the bill, which everyone admits is subject to the point of order, why, then, we will have to take what is not subject to a point of order and let the Dayton concern take its medicine; because in very large measure it has brought on this present condition of things by the feeling that prevails on this floor that Representatives from that part of the country were going to raise a point of order against an amendment which would save that contract.

Mr. COX of Indiana. Mr. Chairman, to me it is not a question whether or not the Government makes a profit out of the printing of these envelopes, nor am I so much concerned about the contracts of the Government with the Dayton concern, but I am especially concerned in the fact that the Government should get from under what is regarded as a monopoly along this line. Instead of being one of the functions of the Government to uphold a monopoly, I have always believed it to be one of the functions of the Government to destroy monopolies. I recollect that the Sixtieth Congress appropriated money for the purpose of enabling the Government to go into the business, to the end that it might be able to destroy a monopoly. Neither am I concerned at this time as to where the universal complaint has come from. We know it is here. But I bottom my objection to the Government doing this business on the principle that the Government has no right to go into any business at all. It was never organized to enter business in competition with its citizens. I think it ought to go out of it and let the printers of the country print the envelopes, even though the envelopes do cost the consumer a little more.

Mr. WEEKS. Will the gentleman yield?

Mr. COX of Indiana. Certainly.

Mr. WEEKS. Does the gentleman object to the Government conducting the Printing Office in Washington?

Mr. COX of Indiana. No; I do not. I do not think that is a fair comparison in the question now under consideration. That is simply the Government doing its own business. Here is a case where the Government is doing business for private individuals. I do hope that the amendment offered by the gentleman from Nebraska or the gentleman from Minnesota will obtain.

Mr. COX of Ohio. I would like to ask the gentleman whether or not he, as a member of the Post-Office Committee, believes an existing contract should be disturbed?

Mr. COX of Indiana. No; I do not.

Mr. EDWARDS of Georgia. Will the gentleman tell us when that contract expires?

Mr. COX of Indiana. It is for four years, and expires in March, 1911.

Mr. Chairman, the proposition of the Government going into the manufacture of envelopes with return cards printed thereon, in competition with the printers of the country, can not be defended upon any ground whatever. It can not be defended upon the ground of economy, because it is very doubtful if the Government makes any money out of it at all.

I am equally sure it can not be defended upon the ground of principle. It never was intended by the founders of our Government that the Government should go into any business whatever in competition with any of its citizens. The original purpose for which the Government was founded was to govern the people, and when it enters into manufacturing business of any kind it has departed a long ways from the original purposes for which it was created. The Government might just as well go into the manufacture of ink, boots, shoes, or the steel business, or any other general line of manufacturing, as to go into the manufacture of envelopes, which is in open competition to the local printers of the country.

They have a right to condemn this practice on the part of the Government, and I am indeed glad to see them stand up for their rights and to make a fight all along the line. It may probably serve a splendid object lesson in the future to learn the Government to keep out of this line of business, as well as other lines of manufacturing. It is not the amount of money involved here one way or other, but it is a principle, and that principle is to get the Government back to the place of its origin and birth, stick to the purposes for which it was organized, that of governing of people, instead of entering the manufacturing business. The amendments offered by the gentlemen of Nebraska and Minnesota, if carried, will put an end to this kind of practice on the part of the Government.

So far as a violation of the present contract is concerned, which the Government has with the Dayton people, I do not believe that the amendments will violate or destroy these contracts. But this is another question which we can easily meet when we get to it. Let us meet the one now in issue, and that is to prevent the Government from manufacturing envelopes for private individuals. The Government for several years has been telling the people how it has been breaking up and smashing trusts and combinations of different kinds through the courts and otherwise, yet here it is under and beneath one of the biggest monopolies in the printing business there is in the United States. Let the little country editor have some of this work. He can do it and do it successfully, and for years he has been held out of this part of the printing, which the Government has all the time been putting in the hands of the large monopoly at Dayton, and yet during all this period of time the little country editor has been depended upon to do the real downright hard fighting in each and every campaign, with no pay or tribute to him whatever.

Mr. Chairman, I am tired of seeing flashed in the different post-offices of this country an advertisement on the part of the Government that they can print these envelopes cheaper than any country editor. For one I am in favor of doing away with this monopoly, trimming its sails by withholding any appropriation for it, and let this printing go out to the country. While it will not be much even for the country editors, but it will be an open recognition of their right to enter the field of competition and bid for this work. To adopt these amendments will be absolute justice to the country editor and justice to the Government as well.

The class of people who purchase envelopes manufactured by the Government are large manufacturers and heavy users of envelopes, because the Government only agrees to furnish them in quantities of 500 or more. The smaller users of envelopes have them printed by the country editors and papers. I say let them print all of them. Let the business man go to the country editor and have him print his envelopes, just like the people go to the country editor and have theirs printed. A fair deal is all that I ask, and I ask this not only for the country editor, but for the people who do not use envelopes in such large quantities as the large business man. Take this printing entirely out of the hands of the monopoly at Dayton, Ohio, and in doing so we will give everybody a square deal. We will put them all on a par, but giving equal and exact justice to all, with special privileges to none.

Mr. PAYNE. Mr. Chairman, the question whether the printers want this or not, or whether there is a monopoly, does not interest me so much as the question whether the United States shall keep its contracts inviolate. The gentleman from Nebraska did not answer the question that was asked him, whether the Government had made contracts for envelopes. It has made a contract to take all the envelopes with printed returns that are ordered through the Post-Office Department for the length of this contract. The United States Government is just as much obligated to take those as to take the stamped envelopes. They have made that contract with that corporation that had to create its plant in order to take the contract away from somebody else. It is a contract that neither one of the gentlemen who are clamoring here would back out of if made with him individually and he had the power, and that makes this not only a change of law but a repudiation of the contract which the Government has made. You may vote it out of this appropriation, you may say that you will not appropriate money for that purpose, but every gentleman here knows that if these contractors receive the orders according to their contracts for printing these envelopes, it is a valid claim against the Government of the United States and must be paid.

Shall we be placed here by the hysteria that has taken possession of this committee, the hysteria that is abroad in the land, to repudiate a solemn, existing obligation by the Government of the United States? That is the question that appeals to me. I yield the balance of my time to the gentleman from Massachusetts.

Mr. STAFFORD. Mr. Chairman, this proposition is not going to be decided on the hysteria of the moment, nor will those who are opposing it be able to gloss over the real issue by trying to raise sectional feeling. This question has been before the public for years, and has been growing, until to-day the printers of the country demand fair and impartial treatment. We have called upon the department, we have called upon the contractors, to present the contract, but those who are most directly interested come into this House and only present the specifications. I venture to say that there is nothing in the contract which compels the Government to purchase any number of any designated character of envelopes; that there is nothing in the contract that makes it obligatory on the Government that it

shall purchase so many envelopes with return cards thereon within a certain time; but the contract merely provides that they shall be printed at a certain rate. What do the specifications provide? The printers are raising objections to the unfair provisions because the specifications do not call for separate quotations for the envelope with the return card and those without. The department claims there is a profit arising from this contract, because the contract price is but 78.6 cents per thousand and they are sold for $1.24 per thousand. The department fails to take into consideration the excess cost that arises from the transportation of these envelopes through the mails. For years we have been endeavoring to take these large shipments out of the mails, so as to lessen the railway mail pay, but only this year the committee learned that all of these envelopes except when in carload lots are sent through the mails.

What does the evidence as presented by the contractors themselves show? That the majority of these are in small lots of 500, and the representative of the department, the present Acting Third Assistant Postmaster-General, claims that when they change the type for every 500 lot it does not occasion any extra expense. That contention needs no refutation. Lest there be some misunderstanding in this committee by reason of the statement made by the gentleman from Ohio [Mr. Cox], who represents the district where the manufactory is located, let me call to the attention of the House the exact percentage of the various kinds of envelopes now made, according to the letter of the president of the company. Thirty-four per cent are plain, 27 per cent contain the blank return card of the post-office or rural-delivery route, and 38 per cent comprise those to which the protest is raised. This is a question of principle before this committee. Shall the Government enter into competition with the private contractors all over the country? You can not defend it on the ground that it saves expense to the Dead-Letter Office, or else, by the same argument, you would have the private contractor who prints the return postal cards print the return name of the sender on those cards, whenever there would be a demand for that, to the extent of 500.

This practice was discontinued once. This demand for its discontinuance has been growing. It is not stimulated by the opposition of the Hartford company, but it is stimulated by the fact that it is wrong in principle and should be curtailed now and for all time. It is not violative of the contract. These stamped envelopes without the printed return card will be used in the future. The contractor will have no claim against this Government if this amendment is adopted, and I call upon those who believe in fair competition to indorse this amendment.

Mr. PICKETT. Is it true that the gentleman requested to see a copy of this contract as a member of the committee having this matter in charge, and that he was refused?

Mr. STAFFORD. We have asked in a general way to have the contract presented, but it has not been shown to me, and I question whether it has been presented to any member of the committee.

Mr. PICKETT. Did the gentleman make that request of this company who holds the contract?

Mr. STAFFORD. Oh, I have been too busy with other matters to make any such request as that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEEKS. Mr. Chairman, this is what I call legislation by hysteria. There is not a Member on this floor who knows what the effect of the amendment offered by the gentleman from Nebraska [Mr. NORRIS] or the substitute offered by the gentleman from Minnesota [Mr. TAWNEY] will be. This is an old business. The Government has been buying these envelopes for fifty-seven years. It has been buying envelopes with the stamped return for forty-five years. The question has been repeatedly agitated. Congressional committees have reported upon it, and there never has been such a report made that it has not recommended that the practice ought to continue. At one time there was some such scene as this in the House, and some such amendment as this was passed; but there was such a hue and cry raised by those who used the envelopes that the bill was repealed the very next year, and ever since this practice has continued. This does not affect the paper maker, because the Dayton (Ohio) concern—and I want to say that I am playing no favorites, for I do not care whether these are made in New England or Ohio—the Dayton (Ohio) concern buys its paper in the open market. It does not affect the printer, because the gentleman from California [Mr. SMITH], who has been in the business of printing for twenty-three years, stated here on Saturday that he never had printed an envelope. It affects the envelope maker. Envelope makers not only make the envelopes, but they print the returns, and 90 per cent of all the envelopes used have a return printed upon them. The truth of the matter is that some enterprising gentlemen have gotten together and created this agitation. I do not know who they are, though I think I do; but I find something here in a paper called the Paper Mill to this effect, that it was decided "that the committee should engage the services of a recording secretary and a competent office force, and engage an office in Washington and start off on a campaign of education and publicity."

Mr. Chairman, every Member of this House will testify to the fact that that campaign of education and publicity has been followed up pretty diligently for the last thirty days.

There is now a bill which will do what these people want done pending in the Committee on the Post-Office and Post-Roads. I object to legislation that may possibly abrogate a contract being considered on the floor of the House without proper deliberation. These matters should be heard in the committee and the committee should report. I presume the Committee on the Post-Office and Post-Roads may be opposed to continuing this contract, but even so, I say, let the department, the contractors, and everybody interested appear before that committee, and let us pass on this legislation deliberately, rather than in this hysterical way.

Mr. MADDEN. Did the Committee on the Post-Office and Post-Roads report this proviso without consideration?

Mr. WEEKS. Mr. Chairman, I do not like to repeat what happened in the committee, but I will say the committee has given no hearings to anyone on that subject and has no evidence before it.

Mr. MADDEN. Will the gentleman say that the result of this clause in the bill was not after consideration by the committee?

Mr. WEEKS. Well, Mr. Chairman, that is an embarrassing question to ask, but it was adopted by the committee.

Mr. NORRIS. I would like to ask the gentleman if this would not be a satisfactory arrangement: If he wants to have a hearing in his committee on the bill to which he refers, I think there will be no question but what the bill would pass the House unanimously if he were to report in with it the proviso that is on page 26, and also include another section that would repeal this particular clause, but for safety let us put it in now and let the gentleman bring in the bill later on.

Mr. WEEKS. Mr. Chairman, as far as I can say for the committee, a hearing will be given on the Tou Velle bill, or any other bill, and if the committee reports in favor of terminating this method of conducting this business, why, the House will have some evidence on which to act.

Mr. SISSON. May I ask the gentleman a question?

Mr. WEEKS. Certainly.

Mr. SISSON. You will find section 97, as it applies to this matter, seems to leave it optional to the Postmaster-General about what contract he might make, but it says that no contract shall be made except upon requisition for envelopes. If that be true, there can be no repudiation of a contract by the passage of this amendment.

Mr. WEEKS. I think the gentleman is right to that extent.

Mr. SISSON. I would like for the committee to hear the section read. Section 96 reads:

> The Postmaster-General shall contract for all envelopes, stamped and otherwise, designed for sale to the public or for use by his or any other department, and make contract for them to be plain or with such printed matter as may be prescribed by the department making requisition therefor.

Mr. WEEKS. Now, Mr. Chairman, just one word more. I do no dispute the statement made by the gentleman from Mississippi, but I want to call attention to the fact that of the envelopes that are printed 1,200,000 are plain, no printing on them at all, and about 1,000,000 are printed for return to rural routes or return to the town, and the balance of something like 40 per cent have printed on them the return to the name and the place, and I contend that as this company is organized and has raised its capital of $600,000 for the purpose of manufacturing these envelopes under certain definite conditions for four years, that it will be a distinct wrong to them to make any change whatever until the contract terminates.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired and the time for debate has expired.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. Would it be in order to withdraw my substitute and offer as an amendment to the amendment offered by the gentleman from Nebraska the last four lines, or the proviso, at the bottom of my proposed substitute.

The CHAIRMAN. In the opinion of the Chair the gentleman can do that by unanimous consent and only by unanimous consent. The question comes first on the substitute offered by the gentleman——

Mr. COX of Ohio. Mr. Chairman, I offer the following as an amendment to the substitute offered by the gentleman from Minnesota.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add to the proposed substitute the following:

"*And provided further*, That this provision shall in no way interfere with or prevent the carrying out of any existing contract entered into by the Government relative to the printing and manufacture of envelopes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. HAYES. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

Mr. EDWARDS of Georgia. The amendments and the substitute, Mr. Chairman.

The CHAIRMAN. Without objection, the Clerk will first report the amendment offered by the gentleman from Nebraska.

The amendments and the substitute were again reported.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Is the Norris amendment still pending?

The CHAIRMAN. It is still pending. The question is on the amendment offered by the gentleman from Ohio [Mr. Cox].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. GAINES. Division, Mr. Chairman.

The committee divided, and there were—ayes 93; noes 41.

So the amendment to the substitute was agreed to.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Minnesota, as amended.

Mr. CAMPBELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. Is there any use now in voting for either the substitute or amendment? [Laughter.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from Minnesota [Mr. TAWNEY].

The question was taken, and the substitute as amended was agreed to.

The CHAIRMAN. The question is now on the amendment as amended by the substitute.

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I rise for the purpose of asking unanimous consent to return to page 25, lines 20 to 22, both inclusive, for the purpose of making an inquiry.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. MANN. I ask unanimous consent that the gentleman have permission to make an inquiry.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. TAWNEY. Mr. Chairman, the paragraph to which the committee has, by unanimous consent, returned——

Several MEMBERS. Oh, no.

Mr. TAWNEY. I understood the Chair to so announce.

The CHAIRMAN. As the Chair understood, the gentleman received permission to make an inquiry without returning to the paragraph referred to.

Mr. TAWNEY. Mr. Chairman, I will say to the Chair that I did not so understand it.

The paragraph that I have mentioned, however, provides for the manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, and for coiling of stamps, $620,000. I had hoped to have the opportunity of offering an amendment to this paragraph when it was read, but I was temporarily absent from the floor. In view of legislation which we will have to provide for in relation to the printing of postage stamps, I want the Members to understand what the facts were, before the report on the sundry civil bill, which carries an appropriation for this purpose, is made.

The paragraph, as a matter of fact, ought to have been eliminated from this bill. I will say that the Postmaster-General and the Secretary of the Treasury, in a communication addressed to me a few days ago, stated that an agreement had been reached between them. The difficulty about the matter is this: Under a decision of the Comptroller of the Treasury last summer the Bureau of Engraving and Printing was no longer permitted to reimburse its appropriation from the proceeds of the appropriation carried in the post-office appropriation bill. The comptroller held that whatever was earned by the Bureau of Engraving and Printing under its contract with the Post-Office Department had to be paid into the Treasury of the United States to the credit of the general fund. That being the case, the Bureau of Engraving and Printing would have been obliged to have stopped the printing of postage stamps entirely had not Congress been in session and provided relief in the urgent deficiency appropriation bill, which was passed at the extra session of this Congress, in which bill this language was adopted by Congress for the purpose of temporarily tiding over the situation for the year 1910:

During the fiscal year 1910 all proceeds derived from work performed by the Bureau of Engraving and Printing, by the direction of the Secretary of the Treasury, not covered and embraced in the appropriation for said bureau for the said fiscal year, instead of being covered into the Treasury as miscellaneous receipts, as provided in the act of August 24, 1886 (24 Stats., 227), be credited, when received, to the appropriation for said bureau for the fiscal year 1910.

Now, that provides for this fiscal year; but some provision must be made for the next fiscal year. There is only one of two ways that the proposition can be met—either appropriating $620,000 in the post-office appropriation bill for the printing of adhesive stamps and then duplicating that appropriation for the Bureau of Engraving and Printing, in order to enable that bureau to do the work of printing these postage stamps, or authorize the reimbursement of the appropriation to the Bureau of Engraving and Printing such as is expended by that bureau in doing the work under the contract with the Post-Office Department in the manufacture of postage stamps.

Mr. MANN. Is not that a simple matter to do?

Mr. TAWNEY. Yes; it is a very simple matter to do; but I for one do not propose to make appropriations in that way, unless it is absolutely necessary, and I am not in favor of that in this case, because there is not any profit. It is said that there is a profit. Any profit it might make in doing any of this outside work—and it is doing a great deal—would, of course, inure to the benefit of the appropriation for the Bureau of Printing and Engraving and increase its appropriation to that extent. Now, my proposition, if I could get unanimous consent to return to the paragraph, would be to strike out, in accordance with the agreement of the Postmaster-General and the Secretary of the Treasury, this amount and this appropriation made for the manufacture of these stamps. It would be a very simple matter.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Yes, sir.

Mr. MANN. Does the gentleman think it desirable, in making an appropriation for the postal service, not to include all the items of expense for the maintenance of the service outside of the salaries of certain officials in one bureau, so that afterwards nobody can tell what the postal service is costing?

Mr. TAWNEY. Mr. Chairman, I will say in reply to that, so long as the deficit in the postal service exists, and it must be made up from the Treasury of the United States out of the general fund, I do not see that there is any particular advantage in carrying this appropriation in the post-office appropriation bill, and make it necessary for us to adopt legislation in regard to the work of the Bureau of Printing and Engraving that in my judgment ought not to be adopted.

Mr. MANN. If you could have the items of this bill in some other bills, there would be no means of knowing what is appropriated for this service.

Mr. TAWNEY. Mr. Chairman, I would say in reply to that if a provision were made in the sundry civil bill that the Treasury of the United States should be reimbursed out of the receipts of the Post-Office Department, if those receipts were equal to the expenditures, there would be then certainly no objection.

Mr. MANN. Now, I would like to know by what right is the post-office running up a deficit by providing that the Bureau of Engraving and Printing shall increase that deficit by making a profit on the printing of these postage stamps.

Mr. TAWNEY. Because they entered into a contract with the Bureau of Printing and Engraving, which enables that bureau to make something of a profit now on account of changes in the methods of printing and manufacturing these stamps which have been brought about in the last year.

Mr. MANN. Is that profit made by the Government in one branch of the service from another branch of the service taken into account when you figure the deficit in the post-office?

Mr. TAWNEY. No.

Mr. MANN. Then, when you come to the items, it makes no difference whether the item is to be appropriated to them or to anybody else.

Mr. TAWNEY. I assume that it is going to be continued against my wish.

Mr. MANN. The gentleman had leave to make an inquiry.

Mr. TAWNEY. Well, my inquiry was as to whether I could have unanimous consent to return to this paragraph for the purpose of striking out the language that I have referred to in the paragraph.

Mr. MANN. You can not get it.

Mr. WEEKS. I wish to make this comment: Without regard to any agreement of departmental officials, I venture the opinion that the Committee on the Post-Office and Post-Roads would not consent to have any part of the appropriation that goes to maintain that department transferred to some other appropriation bill.

The Clerk read as follows:

Provided, That from and after June 30, 1911, it shall be unlawful for the Post-Office Department, or any officer, head of bureau, or chief of division thereof, to print or have printed, or sell or offer to sell any stamped envelope bearing upon it a printed direction giving the name of any individual, firm, or company, or any number of any post-office box or drawer, or any street number or the name of any building to which it shall be returned if uncalled for or undelivered: *Provided further*, That this shall not apply to those envelopes printed with a return card left blank as to name, address, box, drawer, street number, or building, and which only give the name of the town or city, with the State, District, or Territory.

Mr. MANN. Mr. Chairman, I make the point of order to the paragraph, on the ground that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For payment of limited indemnity for the loss of pieces of first-class domestic registered matter, $15,000.

Mr. HOBSON. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

On page 27, line 7, strike out "first;" also, after the word "matter," strike out "fifteen" and insert in lieu thereof "twenty-five."

Mr. HOBSON. Mr. Chairman, the effect of this amendment——

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that amendment.

Mr. HOBSON. Mr. Chairman, does not the point of order come too late? Has not the discussion begun?

The CHAIRMAN. The Chair hardly thinks it is too late. He thinks the point of order is in time. Would the gentleman like a ruling on the point of order before he discusses his amendment?

Mr. HOBSON. No. I should like to discuss the point of order, though, after I have my five minutes.

Mr. Chairman, the effect of this amendment would be to extend the limited indemnity to all registered matter, which is clearly reasonable. If the Government undertakes to register any mail matter, it should hold itself liable for its loss. Furthermore, it would be profitable so to extend this practice of the Government. Not only do the express companies now hold themselves responsible for such matter, but insurance companies have begun to do the same. There is an insurance company in Philadelphia that advertises to hold itself liable for the delivery of mail packages, upon a payment of 2½ cents for $2, 5 cents for $15, 10 cents for $30.

I notice that the appropriation under this clause is but $15,000 as provided in the bill, which is $10,000 less than it was last year, indicating that the Government is already losing its profits from registration and is being encroached upon, and is liable to be still further encroached upon as the years go by.

It is, in the next place, shown further that the mail matter that is sent abroad under registration has the limited indemnity clause. Furthermore, it is the practice of all the governments of the world. The British Government, for instance, begins with a charge of 8 cents for a limited indemnity of $60, and then it increases $60 more for each increase of 4 cents, until at last there is an indemnity of $2,000, and it applies to all matter. This amendment is simply in line of the legitimate development of the registration of the country for the good of the citizens and for the profit of the Government, and will check this private invasion of the Government's legitimate monopoly, which invasion ought to be prevented.

Now, Mr. Chairman, I do not believe that this is necessarily subject to a point of order.

The CHAIRMAN. The Chair will inquire of the gentleman from Wisconsin as to whether this changes existing law. What is the existing law on the subject?

Mr. STAFFORD. In response to the inquiry I will say that I am under the impression that the law limiting the indemnity for registered mail——

The CHAIRMAN. The Chair would like to have his attention called to any law by which this indemnity is limited to first-class domestic registered matter.

Mr. STAFFORD. When I reserved the point of order I was under the impression that the law restricted indemnity to first-class matter. I have been endeavoring to find the law, and have requested the clerk of the committee to find it, but up to the present time we have not been able to find the exact authorization for this character of service. So I can not inform the Chairman whether that is the fact or not. I will read the following, however, which has just been called to my attention, and is found in Postal Laws and Regulations, on page 422, section 899:

As a part of such system of registration he (the Postmaster-General) may provide rules under which the sender or owner of first-class registered matter shall be indemnified for loss thereof in the mails, the indemnity to be paid out of the postal revenues, but in no case to exceed $10 for any one registered piece, or the actual value thereof when it is less than $10, and for which no other compensation or reimbursement to the loser has been made: *Provided*, That the Post-Office Department or its revenues shall not be liable for the loss of any other mail matter on account of its having been registered.

According to the notation in the column, that is section 3926 of the Revised Statutes. If the law has not been changed since then, and it is my impression that it has not, you will notice that the law restricts the payment of indemnity to first-class matter. The effect of the gentleman's amendment would be to extend it to all classes of matter, and therefore I believe the point of order is well taken.

Mr. FINLEY. My recollection is that the amount of the indemnity provided has been raised within the last year, or the year before last, in an appropriation bill from $10 to $50.

Mr. STAFFORD. There is no question but that the law as to the amount has been increased not to exceed $100, and the Post-Office Department, by regulation, is paying as a limit $50, but I am not aware that the law has been changed by extending it to other classes of mail.

Mr. FINLEY. I do not think that it has.

Mr. HOBSON. Mr. Chairman, in this matter I submit that the gentleman has not shown the full law on the subject; that there has been legislation since the law to which he refers. Furthermore, if there had not been such legislation, the original legislation under which the Postmaster-General has the right to establish regulations would apply to second or third class matter as well as to first-class matter, and this is simply founded on the part of the law that antedates the law which has been cited by the gentleman from Wisconsin, and I claim that it is not subject to a point of order.

Mr. STAFFORD. Mr. Chairman, I wish to supplement what I have said. What I read was in small type in the post-office regulations, and what is there printed in small type is law and not regulation.

The CHAIRMAN. Will the gentleman from Wisconsin give the Chair the section of the Revised Statutes to which he refers?

Mr. STAFFORD. Section 3926 of the Revised Statutes, and the statute of February 27, 1897, being chapter 340, as found in Second Supplement, page 564, of the Revised Statutes.

The CHAIRMAN. If the Chair understands the situation it is that the Postmaster-General is given authority by law to pay certain indemnity relative to first-class matter. The gentleman from Alabama attempts to change that by striking out the word "first-class," but does not call the attention of the Chair to any change of law since the enactment of that cited by the gentleman from Wisconsin.

Mr. COX of Indiana. I am not sure, Mr. Chairman, but I believe that section 3926, page 564, of the Supplement to the Revised Statutes throws some light on it. I will read it:

SEC. 3926. For the greater security of valuable mail matter the Postmaster-General may establish a uniform system of registration, and as a part of such system he may provide rates under which the sender or owner of first-class registered matter shall be indemnified for losses thereof in the mails, the indemnity to be paid out of the postal revenues, and in no case to exceed $10 for any one registered piece for the actual value thereof when that is less than $10 and for which no other compensation or reimbursement to the loser has been made.

The CHAIRMAN. Then the gentleman from Indiana thinks that the indemnity is limited to first-class matter?

Mr. COX of Indiana. It would seem so.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The unexpended balance of the appropriation for the fiscal year 1910 of $10,000 for the employment of special counsel to prosecute and defend suits affecting the second-class mailing privilege is hereby reappropriated and made available for the fiscal year 1911.

Mr. WEEKS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 37, line 16, strike out "ten" in 1910, and insert "nine," so as to read "1909."

The amendment was agreed to.

The Clerk read as follows:

For blanks, blank books, printed and engraved matter, binding and carbon paper for the money-order service, $150,000.

Mr. NICHOLLS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee where this work will be done, whether in the Government Printing Office or given out by contract?

Mr. WEEKS. I think all the work done under that paragraph is done by contract.

Mr. NICHOLLS. Mr. Chairman, I withdraw the pro forma amendment and offer another.

The CHAIRMAN. Without objection, the gentleman withdraws his pro forma amendment.

There was no objection.

The Clerk read as follows:

Insert after the word "manner," in line 6, the word "and," and after the word "binding," in line 7, the words "to be provided by the Public Printer."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. MANN. To that I reserve a point of order. Let us have the paragraph reported as it will read when amended.

The Clerk read as follows:

For blank books, printed and engraved matter, and binding to be provided by the Public Printer, and carbon paper for the money-order service.

The CHAIRMAN. Would the gentleman from Pennsylvania like to be heard upon the point of order?

Mr. NICHOLLS. Mr. Chairman, the purpose of this amendment is to provide that the blanks, blank books, printed and engraved matter, and binding shall be done in the Government Printing Office. That is the sole purpose of the amendment, and inasmuch as we have organized and maintain a large printing establishment for government purpose, it seems to me reasonable that this work should be done in that place.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Supplies for the City Delivery Service, including letter boxes, letter-box fasteners, package boxes, posts, furniture, satchels, straps, baskets, time cards, time-card frames, time-recorder supplies, maps, transfer designs, and stencils, $90,000. That hereafter the Postmaster-General may, in his discretion, enter into contracts for a period of not exceeding four years for equipment for the collection and delivery of mail in the City Delivery Service.

Mr. MANN. Mr. Chairman, I reserve the point of order for the purpose of asking what has been the custom heretofore in reference to making contracts for the collection and delivery of mail, and what is the purpose of this amendment.

Mr. WEEKS. Mr. Chairman, the committee understands that the attorney-general of the Post-Office Department has instructed the department that it has no authority to make a contract for that purpose for a longer time than one year, and it is the purpose of the added portion to the paragraph to give the Postmaster-General power to make contracts for four years.

Mr. MANN. As I understand, they have exercised the power heretofore, and the custom has been to make four-year contracts.

Mr. WEEKS. I think that is correct, Mr. Chairman.

Mr. FITZGERALD. Let us be sure about that.

Mr. MANN. I know they do.

Mr. STAFFORD. I wish to confirm the statement that that is a fact.

Mr. FITZGERALD. Contracts for the wagons?

Mr. STAFFORD. Oh, no; contracts for the supplies included in this item.

Mr. MANN. They make a four-year contract now for the renting or employment of horses in the city of Chicago for the collection of the mail.

Mr. FITZGERALD. That is what this particular language has in mind.

Mr. WEEKS. That is for the screen-wagon service, and that is specially provided for.

Mr. MANN. I am not speaking of the screen-wagon service. I am speaking of the delivery of mail between the post-office and the stations, and where they have to in the suburban districts of Chicago.

Mr. STAFFORD. I think the gentleman is mistaken. That is covered in another section of the bill. This applies exclusively to supplies for the city delivery office.

Mr. MANN. I only know they make four-year contracts on that.

Mr. STAFFORD. This relates to the equipment that is stated in the bill, including letter boxes, letter-box fasteners, and so forth.

Mr. FITZGERALD. That does not apply to that.

Mr. MANN. Assuming this proviso or extension of authority applies to the paragraph under consideration, has the gentleman any information as to whether the Government can purchase these supplies any cheaper on the four-year contract than they can under a yearly contract?

Mr. WEEKS. The Government can certainly make a contract for delivery and collection service cheaper on a four-year basis than on a one-year basis.

Mr. MANN. The gentleman from Wisconsin [Mr. STAFFORD] says that does not apply to this service.

Mr. WEEKS. Let me read the recommendation of the Post-Office Department:

Contracts for automobile and horse equipments to be employed in the collection and delivery of mail matter by carriers and for the collection of mail by means of letter boxes attached to street cars are in force in a number of cities. The automobiles need to be provided with specially designed bodies, while the wagons are of a pattern adapted only to this purpose. The desirability, from the point of view of both the contractor and the department, of entering into such contracts for five-year periods is therefore apparent. Observance of the rule that these contracts shall not be for a longer term than that covered by an appropriation already made occasions serious embarrassment and necessarily adds to the cost of the service in question.

Mr. FITZGERALD. This does not apply at all to the articles enumerated in the paragraph.

Mr. MANN. No. It is true that this authority here is intended entirely to obviate a decision of the comptroller, and that the custom of the department heretofore of making four-year contracts, where it was necessary to make contracts at all, for horses and wagons for collecting the mail may now be kept up, and I think it far preferable to make four-year contracts than one-year contracts, because you can not expect to get this equipment furnished on one-year contracts at a reasonable cost.

Mr. STAFFORD. I wish to say, in reply to the criticism of the gentleman from New York, that the phraseology is especially limited to equipment for collection and delivery of mail in City Delivery Service, and can not be extended to any other character of service——

Mr. FITZGERALD. That is true, but it does not apply to the items enumerated in the paragraph, which the gentleman insisted was the fact.

Mr. STAFFORD. I think that in construing both together the comptroller would naturally hold that the word "equipment," following the individual designations, would be held to refer to the character of equipment that precedes.

Mr. FITZGERALD. Then this language would be absolutely futile and it would not accomplish what was intended, because this is not the character of supplies intended to be covered by the four-year contract?

Mr. MANN. I would suggest to the gentleman from Massachusetts that the whole difficulty here has arisen from an inadvertance in the Government Printing Office in putting these two paragraphs in one paragraph. This extension of authority if left in the bill ought to be a paragraph by itself clearly, because in the way it is drawn here it might be held to apply to the question of letter-box fasteners.

Mr. STAFFORD. It seems to me it is limited to the equipment described in the paragraph.

Mr. MADDEN. I would like to ask the chairman of the committee whether he knows, as a matter of fact, that this authority to make contracts for four years does apply to the equipment that is used in the transportation between post-offices and stations, and between stations and post-offices, or whether it simply applies to the items enumerated above the authority granted.

Mr. WEEKS. The contracts for carrying the mail are made for four years; that is, for carrying mail between post-offices and stations in large cities. This is called the screen-wagon service, and those contracts are always made for four years.

Mr. MADDEN. Does this cover that case?

Mr. WEEKS. I do not think this covers the same case; this is for a different service.

Mr. MADDEN. Then it ought not to apply at all if it does not cover the same case, and I will make the point of order.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MANN. Mr. Chairman, I withdraw the point of order, and move that the words in line 19, page 28—

That hereafter the Postmaster-General—

and so forth, be inserted as a paragraph, so as to be a separate paragraph.

The CHAIRMAN. Does the other gentleman from Illinois withdraw the point of order, so the amendment may be offered?

Mr. MADDEN. Certainly.

Mr. FITZGERALD. Before the point of order is withdrawn, I will make the point of order, unless I can find out exactly what it is intended to cover. The chairman of the committee says it is intended to cover one purpose and the gentleman from Wisconsin [Mr. STAFFORD], another member of the committee, says it is intended to cover an entirely different purpose.

Mr. MANN. I have told you what it would cover, and the gentleman ought to be informed now.

Mr. FITZGERALD. The gentleman has somewhat fallen into disrepute to-day, because several gentlemen have contradicted the accuracy of his statements.

Mr. MANN. But not enough of them.

Mr. WEEKS. There is no question that this is for the purpose of collecting mail and for the delivery of mail in large cities.

Mr. FITZGERALD. If this is intended to permit contracts for four years to be made for supplies indicated in the paragraph, I shall make the point of order against it.

Mr. WEEKS. It is not so intended, Mr. Chairman, and I make no objection to making a separate paragraph of it.

Mr. FITZGERALD. Then I will not insist on the point of order.

The CHAIRMAN. Is the point of order made on the entire paragraph?

Mr. MANN. The point of order is withdrawn.

Mr. MADDEN. I thought the point of order was withdrawn on the condition——

Mr. MANN. Oh, the gentleman from Massachusetts has agreed to that.

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that the portion of the paragraph which is new be made a separate paragraph, commencing with the words "that hereafter," in line 19, and continuing for the rest of the paragraph.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the words beginning with "that hereafter" be considered as in a separate paragraph. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMLIN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HAMLIN. What paragraph are we now considering?

The CHAIRMAN. The committee is now considering paragraph on page 28, lines 15 to 19.

The Clerk read as follows:

That hereafter the Postmaster-General may, in his discretion, enter into contracts for a period of not exceeding four years for equipment for the collection and delivery of mail in the City Delivery Service.

Mr. HAMLIN. Mr. Chairman, I reserve a point of order on that. I would like to ask the chairman of the committee a question or two. Now, then, the paragraph just read includes the contract for the delivery or collection of the mails in the cities, does it?

Mr. WEEKS. Yes.

Mr. HAMLIN. It would include the collection of the mails, in the manner that was discussed here the other day, by automobile service?

Mr. WEEKS. I think it would.

Mr. HAMLIN. And is the Postmaster-General now authorized by existing law to contract for longer than one year?

Mr. WEEKS. I do not think he is, Mr. Chairman; but I think it has been done.

Mr. HAMLIN. And the adoption of this paragraph would be a change of existing law, would it not?

Mr. WEEKS. I think the adoption of this paragraph, Mr. Chairman, would enable him to make four-year contracts for this service.

Mr. HAMLIN. I make the point of order, Mr. Chairman.

Mr. STAFFORD. I hope the gentleman will not make it. It will be economy to leave it as it is.

Mr. HAMLIN. The paragraph is really a change of existing law——

Mr. MANN. To what is the point of order made?

The CHAIRMAN. The point of order is made to that portion of the paragraph beginning with the word "That," in line 19, down to and including the word "service," in line 22.

Mr. MANN. That point of order comes too late. We had the point of order made and withdrawn, and asked unanimous consent after that to make that a separate paragraph. The Clerk reported it for the purpose of seeing whether unanimous consent would be granted. The point of order can not be made on it.

The CHAIRMAN. The Chair understood the gentleman from Missouri to reserve the point of order on that portion of the paragraph beginning with the word "That," in line 19, and down to and including the word "service," in line 22, as soon as the request was granted that it be considered as a separate paragraph. The Chair sustains the point of order.

Mr. LIVINGSTON. May I suggest to the Chair that when the point of order was made it was a part of another paragraph. The point of order was withdrawn in order that a separation might be made and that this might be made a separate paragraph. A point of order will certainly lie when it is read as an independent paragraph.

The CHAIRMAN. The Chair has sustained the point of order.

The Clerk read as follows:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, $37,645,000: *Provided*, That not to exceed $20,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: *Provided further*, That the Postmaster-General shall require from carriers, Rural Delivery Service, a return of the number, approximate weight of unmailable packages carried by them, and the compensation received therefor, for a period of three months, beginning July 1, 1910, and shall report the result of this inquiry to Congress not later than December 10, 1910: *And provided further*, That the Post-Office Department shall investigate and report to Congress not later than December 10, 1910, its conclusion as to the advisability of the transferring of the Rural Delivery Service and the star-route service to one bureau, its conclusion as to the advisability of a classification of the Rural Delivery Service, taking into consideration mileage, climatic conditions, condition of roads, the local cost of animals and feed, and any other facts which bear on a reorganization and improvement of this service.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. WEEKS. Mr. Chairman, I move that debate on this paragraph and all amendments thereto close in twenty minutes.

Mr. FITZGERALD. I make the point of order that that motion is not in order at this time.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is correct. No amendments are in order except by unanimous consent, until the point of order is disposed of.

Mr. FINLEY. I would like to ask to what portion the gentleman directs his point of order. Is it to the whole paragraph?

Mr. MANN. No amendments are in order now.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] reserve the point of order on the paragraph?

Mr. MANN. I reserve the point of order on the proviso in line 11, page 30, down to the end of the paragraph, so that if they desire to offer amendments to the rest of it, they can do so.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois to reserve the point of order on certain lines of the paragraph?

Mr. MANN. Commencing on line 11, page 30, to the end of the paragraph.

Mr. SHEPPARD. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHEPPARD. If the point of order is sustained to a part of the paragraph, will not the whole paragraph go out?

The CHAIRMAN. Not if the point of order is made as to certain lines of the paragraph. If the point of order is made to the whole paragraph, it would go out. Is it the desire of the committee that amendments be offered and that debate continue while the point of order is reserved on the lines specified by the gentleman from Illinois [Mr. MANN]?

Mr. KEIFER. I think, Mr. Chairman, that ought not to be so.

The CHAIRMAN. The Chair is ready to rule on the point of order. The point of order is sustained.

Mr. FINLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina, a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 30, after the words "mail-delivery service," on line 7, by striking out the words "thirty-seven million six hundred and forty-five thousand dollars" and insert in lieu thereof the words "thirty-eight million one hundred and forty-five thousand dollars."

The CHAIRMAN. The gentleman from North Carolina [Mr. SMALL], a member of the committee.

Mr. SMALL. Mr. Chairman, I offer an amendment to the amendment of the gentleman from South Carolina.

The CHAIRMAN. The gentleman from North Carolina offers an amendment to the amendment of the gentleman from South Carolina, which the Clerk will report.

Mr. SMALL. I move to insert "$38,860,000," and when I have the floor I desire to address myself to that.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out "$38,145,000" and insert "$38,860,000."

Mr. SMALL. Mr. Chairman, I desire to submit to the committee a few facts in justification of this amendment to the amendment offered by the gentleman from South Carolina [Mr. FINLEY]. The amendment which I offer makes the amount $38,860,000, which is one and a half millions greater than the appropriation for the current year. I wish to emphasize this statement in the beginning: That this additional amount is only sufficient to establish and install the rural-delivery routes which will have been favorably reported and will be ready

for installation on the 30th of June of this year, and will not provide for the establishment of any routes during the year ending June 30, 1911, for which year this appropriation bill is applicable.

Mr. KEIFER. I would like to ask the gentleman, who, I understand, is a member of this committee, whether the amount carried in this bill will be sufficient to pay the letter carriers the salaries that they are entitled to by present law?

Mr. SMALL. The paragraph under consideration does not affect the salaries of the rural carriers. It only provides for the extension of the service to meet the normal demand for additional rural routes.

Mr. KEIFER. I understand that it will. Your proposition is merely to increase the amount?

Mr. SMALL. Not increase the salaries, but increase the rural routes.

Mr. KEIFER. To provide for the extension of the service?

Mr. SMALL. To provide for the extension of the service. Now, Mr. Chairman, the appropriation available for the current year ending June 30 is $37,360,000, and that was an increase over the appropriation for the year 1909 of $1,787,000. The average increase for every year during the thirteen years since this service has been in existence has been $2,637,864.

Mr. YOUNG of Michigan. Will the gentleman permit me to interrupt him?

Mr. SMALL. Certainly.

Mr. YOUNG of Michigan. Is it not a fact that there have now been approved some 1,500 applications for new routes?

Mr. SMALL. Not quite that many at the present time, but there will be more than 1,500 by the end of the current year, and I am coming to that statement in a minute.

Mr. YOUNG of Michigan. And that will require the increase the gentleman has provided for?

Mr. SMALL. That is true. There has been an average annual growth of 2,935 routes since the service was established. Now the increase carried in this bill amounts to only $285,000, which would only provide for 578 routes. I desire to submit to the committee some further reasons why we ought to increase the appropriation by at least a million and a half dollars, as contemplated in the amendment which I offer.

According to the statement made by the Fourth Assistant Postmaster-General before the committee when this item was under consideration, there were at that time—January 10 of this year—977 routes which were ready for installation. He further stated that there were at that time 672 petitions which had been favorably passed upon for investigation and which at that time were in the field for investigation, and that probably it was fair to expect that 56 per cent would be favorably reported and approved by the department for installation, making 376 more. He further stated that, judging by the past, there would be something like 900 more petitions filed in the department before June 30 of this year, and that according to past experience there would be 37 per cent of those which would be favorably reported and recommended for installation. Assume that only 33⅓ per cent will be approved, and that gives 300 more routes. So that on the 30th of June, this year, it is fair to anticipate that there will be 1,653 rural routes approved and ready for installation. In the face of this condition, see how meager the increase of $285,000 would be. This amount would only provide for 578 routes out of 1,653 ready and awaiting the order of installation.

According to the figures furnished by the department, the average cost of each route is $72.17 per month, or $866.04 per year. If none of these 1,653 routes shall be installed during the current year, but should be established on July 1, then there would be required for their maintenance during the ensuing fiscal year the sum of $1,431,564. I submit that these figures prove the proposition that substantially a million and a half dollars is necessary to install the routes which will have been favorably reported and will be ready for installation on the 1st day of July of this year.

Now, what is the reason alleged for the curtailment of the rural service? The only plea which has been submitted is the condition of the Treasury. I have before me here a letter from the Fourth Assistant Postmaster-General, written in answer to a communication which I made to him asking why a route which had been favorably reported on and which was ready for installment could not be established. This is his reply:

POST-OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, January 24, 1910.

Hon. JOHN H. SMALL,
House of Representatives.

SIR: Receipt is acknowledged of your letter of the 20th instant, urging early action toward the establishment of proposed rural route No. 2 from Parmele, N. C.

In reply you are advised that in view of the existing condition of the finances of the Government, and the consequent necessity for strict economy in all branches of the public service, it is deemed advisable, after careful consideration, to defer further installation of rural delivery for the present, except where necessary to maintain the efficiency of the service in operation or where the establishment of new service seems imperatively required to meet demands which can not be met by means of existing facilities.

Information as to when proposed route No. 2 from Parmele, N. C., will probably be installed can not, therefore, be given at this time.

Respectfully,

P. V. DE GRAW,
Fourth Assistant Postmaster-General.

I presume that other Members have received substantially similar letters.

Mr. BARTLETT of Georgia. I want to say to the gentleman that I have received letters of the same character. I have in my district two routes which were favorably reported upon and recommended for installment in May last, but they were only installed in February of this year; and the reason given for the delay was the same as that given in the letter which the gentleman has just read.

Mr. SMALL. I have no doubt there are other Members who have received similar letters.

[The time of Mr. SMALL having expired, by unanimous consent it was extended five minutes.]

Mr. SMALL. It was stated by the Fourth Assistant Postmaster-General before the committee that since the beginning of this fiscal year not a single route had been established the petition for which had been filed during this fiscal year.

Mr. SIMS. Is it wholly within the discretion of the department as to whether it will establish routes or not?

Mr. SMALL. I do not think so. I think the inquiry of the gentleman from Tennessee is absolutely pertinent. I do not know who assumes authority to give directions for the stopping of the establishment of rural service. There was no evidence before the committee that any official other than the officials of the Post-Office had done so.

Mr. CLARK of Florida. Will the gentleman permit a question?

Mr. SMALL. Certainly.

Mr. CLARK of Florida. While the gentleman says that in his opinion it is not the law, that it is entirely within the discretion of the Post-Office Department, is it not to all practical intents and purposes within their power, or do they not exercise the discretionary power of locating these routes or withholding them as they see fit?

Mr. SMALL. In answer to the gentleman I will say that we have very little statute law upon the question of rural service, but it is as firmly imbedded in the system of our postal service as any other feature of it.

Now, it was further stated by the Fourth Assistant Postmaster-General that he estimated there would be at the end of this fiscal year $245,000 of surplus to be carried over; but upon inquiry it developed that that surplus which he anticipated could only be carried over by the failure and refusal to establish another rural route between now and the end of the fiscal year.

Mr. SIMS. Will the gentleman permit a question right there?

Mr. SMALL. Certainly.

Mr. SIMS. Suppose we make the appropriation; if the department assumes arbitrarily to say whether it will spend it or not, what good will it do?

Mr. SMALL. That is true, and in answer to that I will say that the Fourth Assistant Postmaster-General was asked that question, and his reply was that he would continue to refuse to expend the money now available, amounting to about $250,000, and would not establish any more rural routes unless Congress directed to the contrary. Whether he will take an increase of this appropriation as a mandate, or whether he will require more specific authority, I am unable to state.

Mr. HINSHAW. That is to say, a mere increase of the appropriation by the gentleman's amendment will not of necessity increase either the number of rural routes or the salaries of rural carriers. Is that what I understand the gentleman to mean?

Mr. SMALL. This amendment is not intended to affect the salaries of rural carriers, but only to provide for an extension of the rural service in response to the normal and steady demand for same from the farmers. If it is desired to increase the salaries of the rural carriers, another amendment may be offered at the proper time.

Mr. HINSHAW. Can any amendment which we put on here, in amount merely, increase the salaries of carriers, without further change of law?

Mr. SMALL. Not as to this paragraph. An increase of salaries must be specifically provided for. Whether or not it is subject to a point of order I am not able to say, but it will require another amendment. But that is not the point now under con-

sideration. I am speaking of the willful and deliberate attempt on the part of the Post-Office Department to refuse to expend an appropriation now available in the extension of the rural service when admittedly they have $250,000 for that purpose.

Mr. CANDLER. Let me ask the gentleman, would it not be better to put in the word "shall," so that the department would be required to expend the appropriation? When the service first started they inserted that word, and I think it would be well to do it now.

Mr. SMALL. I think that is worthy of serious consideration.

[The time of Mr. SMALL having expired, by unanimous consent he was given two minutes more.]

Mr. SMALL. I do not desire to detain the committee longer, except to repeat the original proposition I laid down, that one and a half million dollars is necessary as an increase over the appropriation for the current year in order to establish the number of rural routes which will have been approved and ready for installation on June 30 of this year; and that it will not provide substantially for any additional routes during the next fiscal year, because, as I showed you by the testimony before the Post-Office Committee, there are now all ready for installation 977 routes, and there are in the field enough to yield 356 more; and petitions and investigations between now and June 30 will result in favorable reports on at least 300 more, making a total of 1,653 routes at the end of the present fiscal year ready to be installed. Let those gentlemen who vote against this increased appropriation as embraced in my amendment understand that they are voting against the extension of the rural service. [Applause.]

Mr. MILLER. Mr. Chairman, I desire to offer the following substitute for the amendment offered by the gentleman from South Carolina [Mr. FINLEY].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words "thirty-eight million one hundred and forty-five thousand" and insert in lieu thereof the words "forty-four million seven hundred and seventy-three thousand seven hundred and thirty-six."

Mr. WEEKS. To that I reserve a point of order. I want to say that the committee, with the exception of the gentleman from North Carolina [Mr. SMALL], is in favor of the adoption of the amendment offered by the gentleman from South Carolina [Mr. FINLEY].

Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21419, the post-office appropriation bill, and had come to no resolution thereon.

INFORMATION RELATIVE TO LANDS IN OZARK NATIONAL FOREST.

Mr. ROBINSON. Mr. Speaker, I wish to call up a privileged resolution (H. Res. 332), referred to the committee January 6, 1910, and ask for its present consideration.

The Clerk read as follows:

House resolution 332.

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish the House the following information relative to the lands in the Ozark National Forest, in the State of Arkansas:

First. The number of acres of land embraced within the exterior boundaries of the said national forest.

Second. The total number of acres included therein the title to which has passed to private ownership.

Third. The total number of acres held therein by claimants under the land laws.

Fourth. The number of entries, the acres included therein, within the said national forest which have been suspended, the reason for the suspension, and the sources from which adverse reports in regard to the entries have been received; and whether or not adverse reports of the Forestry Bureau have been accepted as sufficient to warrant the suspension of entries and, in any case, conclusive as to their invalidity; also for what length of time entries have been suspended or patents denied, and what steps have been taken to determine the rights of entrymen thus questioned.

Fifth. What information, if any, your department has of any applications which may have been made for listing any of said lands in said national forest as agricultural lands, what applications have been acted upon, and what granted or refused.

Sixth. The number of acres of lands in private ownership, the number covered by claims, and those unentered under the land laws embraced within the boundaries of said national forest lying within each of the counties of Stone, Van Buren, and Cleburne, in said State.

The resolution was agreed to.

ADJOURNMENT.

Mr. WEEKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a report of the operations of the excise board for the license year ended October 31, 1909 (H. Doc. No. 758)—to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. Sprigg Poole, administrator of estate of William D. Poole, against The United States (H. Doc. No. 757)—to the Committee on War Claims and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War submitting an estimate of deficiency appropriation for supplies for the Military Academy (H. Doc. No. 756)—to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a report from the Secretaries of the Treasury and Interior as to moneys of the Chippewa Indians (H. Doc. No. 755)—to the Committee on Indian Affairs and ordered to be printed.

5. A letter from the Acting Secretary of War, transmitting, with a favorable recommendation, a draft of proposed legislation for the protection of military parks (H. Doc. No. 754)—to the Committee on Military Affairs and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting a supplemental estimate of appropriation for surveying the public lands (H. Doc. No. 753)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LOWDEN, from the Committee on Foreign Affairs, to which was referred the bill of the House (H. R. 22312) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad, reported the same without amendment, accompanied by a report (No. 697), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 9101) to grant title to certain public land to the city of Santa Cruz, in the State of California, to be used for street purposes, reported the same without amendment, accompanied by a report (No. 693), which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 834) for the relief of Walter F. Rogers, executor of the estate of Sarah Edwards, reported the same without amendment, accompanied by a report (No. 695), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20277) for the relief of pilot boat *Lady Mine*, reported the same without amendment, accompanied by a report (No. 696), which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 614) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909, reported the same with amendment, accompanied by a report (No. 698), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 710) for the relief of Cornelius Cahill, reported the same with amendment, accompanied by a report (No. 699), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 9221) to correct the military record of James Jones, reported the same with amendment, accompanied by a report (No. 700), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4671) to amend the military record of Aaron Cornish, reported the same without amendment, accompanied by a report (No. 701), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. STEPHENS of Texas: A bill (H. R. 22455) providing for the apportionment and allotment of Indian tribal funds, and for other purposes—to the Committee on Indian Affairs.

By Mr. NYE: A bill (H. R. 22456) to provide for an increase in the limit of cost of a public building at Minneapolis, Minn.—to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Ohio: A bill (H. R. 22457) to amend an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes"—to the Committee on Public Buildings and Grounds.

By Mr. GOULDEN: A bill (H. R. 22458) amending section 2 of section 4131 and sections 4438, 4439, 4440, and 4477 of the Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. CRUMPACKER: A bill (H. R. 22459) to authorize the board of commissioners of Lake County, Ind., to construct and maintain a bridge across the Grand Calumet River in the city of Hammond, Ind.—to the Committee on Interstate and Foreign Commerce.

By Mr. COUDREY: A bill (H. R. 22460) to punish monopolies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JONES: A bill (H. R. 22461) providing for the repair and rebuilding of the boulevard leading from Princess Anne street, in the city of Fredericksburg, Va., to the national cemetery in Spottsylvania County, Va.—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 22462) providing for the control of grazing upon the public lands in the arid States and Territories of the United States, and for other purposes—to the Committee on the Public Lands.

By Mr. JAMES: A bill (H. R. 22463) to provide for the erection of a public building at Fulton, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 22464) authorizing the Commissioners of the District of Columbia to set aside for street purposes certain land at and near the intersection of Jackson and Twentieth streets NE., and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 22465) to regulate evidence in ejectment suits in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 22466) to incorporate the East Washington Suburban Railway Company—to the Committee on the District of Columbia.

By Mr. HAWLEY: A bill (H. R. 22467) for making surveys of certain lands in Oregon—to the Committee on Appropriations.

By Mr. BENNET of New York: A bill (H. R. 22468) to amend sections 3392 and 3394 of the Revised Statutes of the United States as amended—to the Committee on Ways and Means.

Also, a bill (H. R. 22469) providing for the further distribution of the reports of the Supreme Court, and for other purposes—to the Committee on the Judiciary.

By Mr. KAHN (by request): A bill (H. R. 22470) authorizing the Commissioners of the District of Columbia to place on the firemen's pension roll of the District the names of certain persons—to the Committee on the District of Columbia.

By Mr. PUJO: A bill (H. R. 22471) to erect an extension to the post-office and federal court building at Alexandria, La.—to the Committee on Public Buildings and Grounds.

By Mr. MANN: A bill (H. R. 22472) to provide for the erection of a public building at South Chicago, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. LAFEAN: A bill (H. R. 22473) providing for the dedication of the Gettysburg National Military Park, at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. ALEXANDER of New York: A bill (H. R. 22474) authorizing the Secretary of War to issue discarded arms to camps of the United Spanish War Veterans—to the Committee on Military Affairs.

By Mr. HENRY W. PALMER: A bill (H. R. 22475) providing for the erection of a public building at Nanticoke, Pa., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22476) providing for the erection of a public building at Plymouth, Pa., and appropriating moneys therefor—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22477) providing for the erection of a public building at Pittston, Pa., and appropriating moneys therefor—to the Committee on Public Buildings and Grounds.

By Mr. COX of Indiana (by request): A bill (H. R. 22478) to require the Washington, Baltimore and Annapolis Railway Company to make reports—to the Committee on the District of Columbia.

By Mr. CREAGER: A bill (H. R. 22479) to provide for the erection of a suitable public building upon the ground which has heretofore been acquired at Tulsa, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. WHEELER: A bill (H. R. 22480) to provide for the purchase of a site and erection of a public building thereon in the city of Warren, State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. CREAGER: A bill (H. R. 22481) to provide for the acquisition of a site and the erection of a public building thereon at Sapulpa, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22482) to provide for the acquisition of a site and the erection of a public building thereon at Bartlesville, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22483) to increase the limit of cost for a public building at Muskogee, Okla.—to the Committeee on Public Buildings and Grounds.

Also, a bill (H. R. 22484) to provide for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes—to the Committee on Indian Affairs.

By Mr. ANDERSON: A bill (H. R. 22485) to provide for the purchase of a site and the erection of a public building thereon at Tiffin, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. CALDERHEAD: A bill (H. R. 22486) to provide for the erection of a public building in the city of Abilene, State of Kansas—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22487) to provide for the erection of a public building in the city of Concordia, State of Kansas—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22488) to provide for the purchase of a site and erection of a public building thereon in the city of Junction City, State of Kansas—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of California: A bill (H. R. 22489) to amend chapter 1402, volume 33, United States Statutes at Large—to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 22490) granting an increase of pension to Rufus Putnam—to the Committee on Invalid Pensions.

By Mr. BARNARD: A bill (H. R. 22491) granting a pension to Anna M. Bennett—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 22492) granting a pension to Harry Simmons—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 22493) granting a pension to Nannie Kenny Thomas—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 22494) for the relief of William H. Sewall and Jane S. Sewall, executors of Sarah M. Sewall, deceased—to the Committee on War Claims.

By Mr. COX of Indiana: A bill (H. R. 22495) granting a pension to Angia E. Leslie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22496) granting an increase of pension to Thomas L. Menaugh—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 22497) granting a pension to Clara Hicks—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 22498) granting an increase of pension to Tabitha P. Bissett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22499) granting an increase of pension to Julius A. Leroux—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22500) granting a pension to William J. Johnson—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 22501) granting an increase of pension to John C. McAlpin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22502) granting an increase of pension to John Maxwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22503) granting an increase of pension to Warren McNary—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 22504) granting an increase of pension to Joseph Cannon—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 22505) granting an increase of pension to William Bybee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22506) granting an increase of pension to Daniel Willhoit—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 22507) granting an increase of pension to Stephen N. Leach—to the Committee on Invalid Pensions.

By Mr. ELVINS: A bill (H. R. 22508) for the relief of the heirs of Jesse Hartle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 22509) for the relief of the heirs of John S. Yount, deceased—to the Committee on War Claims.

By Mr. ENGLEBRIGHT: A bill (H. R. 22510) granting an increase of pension to Samuel Pollock—to the Committee on Invalid Pensions.

By Mr. ESTOPINAL: A bill (H. R. 22511) for the relief of the heirs of Frederick Huppenbauer, deceased—to the Committee on Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 22512) granting an increase of pension to James F. Coatney—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22513) granting an increase of pension to Martin L. Rex—to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 22514) granting an increase of pension to Albert F. Nelson—to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 22515) for the relief of Benjamin F. Buckner and Ninevah T. Buckner—to the Committee on Military Affairs.

By Mr. GRIEST: A bill (H. R. 22516) granting an increase of pension to Napoleon B. Warner—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 22517) granting an increase of pension to Hiram A. Spencer—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 22518) granting a pension to Emma Waer—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 22519) granting a pension to Cordelia P. Hull—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 22520) granting an increase of pension to John J. Cortez—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 22521) granting an increase of pension to John C. Holliday—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 22522) granting an increase of pension to Anne E. Pennebaker—to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 22523) for the relief of the heirs of Christopher Armat, deceased—to the Committee on War Claims.

By Mr. JOYCE: A bill (H. R. 22524) granting an increase of pension to Benjamin F. Jones—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22525) granting a pension to Zilla A. Brown—to the Committee on Pensions.

Also, a bill (H. R. 22526) granting a pension to David J. Holbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22527) granting a pension to Kansas Patrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22528) granting an increase of pension to James A. Burke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22529) for the relief of the legal representatives of G. V. Lykins—to the Committee on War Claims.

By Mr. LAW: A bill (H. R. 22530) granting a pension to Elizabeth Steele—to the Committee on Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 22531) granting an increase of pension to Mesheck P. Fish—to the Committee on Invalid Pensions.

By Mr. MOSS: A bill (H. R. 22532) granting a pension to Albert I. Young—to the Committee on Pensions.

Also, a bill (H. R. 22533) granting an increase of pension to Joseph R. Scott—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 22534) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims—to the Committee on Claims.

By Mr. NEEDHAM: A bill (H. R. 22535) granting a pension to Lucy A. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 22536) to correct the military record of John Riggs—to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 22537) granting a pension to Walter F. Carman—to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 22538) granting an increase of pension to John Johnson—to the Committee on Invalid Pensions.

By Mr. PRINCE: A bill (H. R. 22539) to satisfy certain claims against the Government arising under the Navy Department—to the Committee on Claims.

By Mr. RICHARDSON: A bill (H. R. 22540) granting a pension to Louisa Margaret Jones—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 22541) granting a pension to Fritz Lutz—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 22542) granting an increase of pension to William E. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22543) granting an increase of pension to Anna E. Sisson—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 22544) granting a pension to Anna C. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22545) granting a pension to Mary Derson—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 22546) granting an increase of pension to John H. Conner—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 22547) granting an increase of pension to Catharine May—to the Committee on Pensions.

By Mr. SULZER: A bill (H. R. 22548) for the relief of heirs of Nicholas White, deceased—to the Committee on War Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 22549) granting public lands to certain cities and towns in the State of Colorado for public-park purposes—to the Committee on the Public Lands.

By Mr. TAYLOR of Ohio: A bill (H. R. 22550) for the relief of Isaac Thompson—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 22551) granting an increase of pension to Samuel J. Weir—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22552) granting an increase of pension to Charles H. Hall—to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 22553) granting an increase of pension to Daniel Vanscoy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of City Federation of Trades of Columbia, S. C., against the increase of rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of Palmetto Harbor, No. 74, American Association of Masters and Pilots of Steam Vessels, for the Sulzer bill (H. R. 20162)—to the Committee on Labor.

Also, petition of Catuchee Chapter, Daughters of the American Revolution, for retention of the Division of Information in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of James H. Campbell—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of citizens of Delphos, Ohio, favoring Sunday observance in the District of Columbia (S. 404)—to the Committee on the District of Columbia.

Also, petition of Downtown Taxpayers' Association, favoring an eight-hour workday on work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of citizens of New York, favoring an appropriation for raising the wreck of the *Maine*—to the Committee on Naval Affairs.

By Mr. ASHBROOK: Paper to accompany bill for relief of Rufus Putnam—to the Committee on Invalid Pensions.

By Mr. BATES: Petition of Woman's Relief Corps, Grand Army of the Republic, of Albion, Pa., against acceptance of the statue of Robert E. Lee for Statuary Hall—to the Committee on the Library.

Also, petition of A. W. Leslie, Erie, Pa., for the telepost bill, allowing installation of wires in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Erie Engine Works, Erie, Pa., against the Moore anti-injunction bill—to the Committee on the Judiciary.

Also, petition of F. E. Willis, of Erie, Pa., against increasing postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BARTLETT of Georgia: Petition of Boiler Makers' Union No. 12, of Macon, Ga., favoring inspection of locomotive boilers—to the Committee on Interstate and Foreign Commerce.

By Mr. BENNET of New York: Petition of the Maine Memorial Commission, for an appropriation to raise the wreck of the *Maine*—to the Committee on Naval Affairs.

Also, petition of the Geological Society of America, for an appropriation to explore the antarctic regions—to the Committee on Appropriations.

By Mr. COOPER of Wisconsin: Petition of Associated Fraternities of America, of Chicago, Ill., to admit to the mails as second-class matter periodicals published by fraternal insurance societies etc. (H. R. 17543)—to the Committee on the Post-Office and Post-Roads.

By Mr. CRAVENS: Paper to accompany bill for relief of Clara Hicks—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: Petition of Basil Chapter, No. 39, American Insurance Union, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Eagle township, county of Vinton, Ohio, protesting against the proposed rate of postage on second-class mail matter, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of the Delaware and Hudson Company, relative to government payments for carrying the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. DWIGHT: Petition of F. A. Bogaczynski, of Waverly, N. Y., against repeal of the immigration act of February 20, 1907—to the Committee on Immigration and Naturalization.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 20683, to abolish the Ozark National Forest—to the Committee on the Public Lands.

By Mr. FULLER: Petition of Union Furniture Company, of Rockford, Ill., in opposition to the passage of the Moon bill, House bill 21334, to regulate the granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, paper to accompany bill for relief of James F. Coatney—to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Petition of Young Poland Society Branch, No. 865, of Polish National Alliance, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GARDNER of Massachusetts: Petition of National Association of the Deaf, for an appropriation of $5,000 to pay expenses of the National Congress for the Deaf—to the Committee on Appropriations.

Also, petition of Volunteer Harbor, No. 4, American Association of Masters, Mates, and Pilots, indorsing House bill 20162—to the Committee on Labor.

Also, petition of Branch No. 16, Société des Artisans Canadiens Français, of Haverhill, Mass., favoring House bill 15509—to the Committee on the Post-Office and Post-Roads.

Also, resolutions from Newburyport (Mass.) Council, No. 231, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Young People's Society of Mission Volunteers, of Haverhill, Mass., against the proposed bill (S. 404) relating to the observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GOULDEN: Petition of citizens of New York in mass meeting at Carnegie Hall, New York, February 20, auspices of United Spanish War Veterans, for an appropriation to raise the wreck of the *Maine*—to the Committee on Naval Affairs.

Also, petition of William Mitchell and George Van Valkenburgh, of New York City, favoring House bill 19402, the telepost bill—to the Committee on the District of Columbia.

By Mr. GRAHAM of Illinois: Paper to accompany bill for relief of Albert H. Nelson—to the Committee on Invalid Pensions.

By Mr. GRIEST: Petition of Inland City Council, No. 23, Royal Arcanum, of Lancaster, Pa., favoring extension of second-class postage privileges to fraternal periodicals (H. R. 17543)—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of Niles (Mich.) Typographical Union, No. 467, against increase of postal rate on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY: Petition of Mead Post, No. 2, Department of Oregon, Grand Army of the Republic, against the Lee statue—to the Committee on the Library.

By Mr. HAYES: Petition of Martin Hahn, of San Francisco, Cal., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. HOWELL of New Jersey: Affidavits of owners of oyster beds in Raritan Bay, New Jersey, that are damaged by dredges, to accompany House bill 12328—to the Committee on Claims.

Also, petition of Church Association for Advancement of the Interests of Labor of New York, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HOWELL of Utah: Petition of Eureka (Utah) Local Union, No. 658, United Brotherhood of Carpenters and Joiners of America, favoring an eight-hour workday on all government works—to the Committee on Labor.

By Mr. KENDALL: Petition of citizens of Ottumwa, for legislation to prohibit the white-slave traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Petition of Charles Carter, of Alexandria Bay, N. Y., for House bill 18682—to the Committee on the Merchant Marine and Fisheries.

Also, petition of J. D. O'Brian Post, Grand Army of the Republic, of Oswego, N. Y., favoring bills granting pensions to certain prisoners of war (H. R. 13425, 13460)—to the Committee on Invalid Pensions.

Also, petition of Council No. 291, Knights of Columbus, for House bill 17543, giving fraternal publications the right to carry advertising—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Watertown, N. Y., for Senate bill 5578 and House bill 15441, relative to an eight-hour day on all government works—to the Committee on Labor.

By Mr. LINDBERGH: Petition of citizens of Minnesota, for eight-hour law on government works—to the Committee on Labor.

By Mr. McCALL: Petition of Massachusetts clergymen and others, against further increase of the navy—to the Committee on Naval Affairs.

By Mr. McKINNEY: Petition of Illinois School Masters' Club, against appropriation for support of a private educational institution—to the Committee on Agriculture.

By Mr. McMORRAN: Petition of 36 Grangers and citizens of Lapeer County, Mich., protesting against increasing the salaries of the rural mail carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MAGUIRE of Nebraska: Petition of Central Labor Union of Lincoln, Nebr., favoring modification of homestead laws—to the Committee on the Public Lands.

By Mr. MOON of Pennsylvania: Petition of the Cambria Press, of Philadelphia, Pa., for House bill 3075 and Senate bill 1614, against government envelope printing—to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: Petition of the Friends' Temperance Association, of Philadelphia, Pa., for the McCumber-Tirrell bill—to the Committee on Alcoholic Liquor Traffic.

By Mr. MORGAN of Missouri: Petition of Capt. Benton Tuttle and other citizens of Carthage, Mo., favoring House bill 18899, volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of John Johnson—to the Committee on Invalid Pensions.

By Mr. POU: Petition of citizens of North Carolina, favoring the eight-hour law on contract work for the Government—to the Committee on Labor.

Also, petition of citizens of North Carolina, for legislation to stop gambling in futures in farm products—to the Committee on Agriculture.

By Mr. REEDER: Petition of citizens of Kansas, for legislation to effectively prevent shipment of intoxicating liquors into prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. RICHARDSON: Paper to accompany bill for relief of Louisa Margaret Moon, the widow of Jack Jones—to the Committee on Invalid Pensions.

By Mr. ROBINSON: Paper to accompany House bill 7521, a bill to prohibit commerce in alcoholic liquors among the States

and Territories and with foreign nations—to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: Petition from citizens of Boulder, Colo., protesting against the passage of the proposed postal savings-bank measure—to the Committee on the Post-Office and Post-Roads.

Also, petition signed by J. L. Knoll, president; Martin Black, recording secretary; and some 66 members of Local Union No. 1668, United Mine Workers of America, of Louisville, Colo., praying for the passage of House bill 15441—to the Committee on Labor.

By Mr. SHEFFIELD: Paper to accompany bill for relief of George S. Bamford—to the Committee on Invalid Pensions.

By Mr. SPERRY: Protests of manufacturers of the State of Connecticut against the Moon anti-injunction bill—to the Committee on the Judiciary.

By Mr. SULZER: Petition of citizens of New York City, in mass meeting under the auspices of the United Spanish War Veterans, for an appropriation to raise the wreck of the *Maine*—to the Committee on Naval Affairs.

Also, petition of the Maritime Association of the Port of New York, favoring one officer at least as hydrographer in each branch hydrographic office in the United States—to the Committee on Naval Affairs.

Also, petition of H. Lee Sellers, for legislation enabling wires for telepost to be placed in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Clarence W. Smith, favoring the Goulden native Indian statue bill—to the Committee on the Library.

Also, paper to accompany bill for relief of Nicholas White—to the Committee on Claims.

By Mr. TAYLOR of Ohio: Petition of the Pfeifer-Shaw Printing Company and other citizens of Columbus, Ohio, against the corporation-tax law regarding the publicity clause, and for its repeal—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of Waupun (Wis.) Chapter, Daughters of the American Revolution, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Wisconsin against change in oleomargarine law—to the Committee on Agriculture.

Also, petition of citizens of Fond du Lac, Wis., for an eight-hour law on government works—to the Committee on Labor.

SENATE.

TUESDAY, *March 8, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE-PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

CHIPPEWA INDIAN TRUST FUND.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report of the moneys received from all sources for the Chippewa Indians in Minnesota on account of the sale of land and timber under the provisions of the act approved January 14, 1889, and acts amendatory thereto, etc., which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

USELESS PAPERS IN THE INTERIOR DEPARTMENT.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting certain information relative to the disposition of useless papers in the Interior Department.

The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The Chair appoints the Senator from North Carolina [Mr. SIMMONS] and the Senator from New Hampshire [Mr. GALLINGER] members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 5125. An act authorizing the creation of an additional land district in the State of Oregon, to be known as the "Vale land district;" and

S. 6449. An act permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10321. An act for the relief of homestead settlers under the acts of February 20, 1904; June 5 and 28, 1906; and March 2, 1907;

H. R. 13401. An act to enable the city of Douglas, Cochise County, Ariz., to issue bonds for the purpose of acquiring and constructing a waterworks plant in and for said city;

H. R. 19628. An act to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes; and

H. R. 21428. An act authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes.

PETITIONS AND MEMORIALS.

Mr. BROWN presented a memorial of the Woman's Club of Beatrice, Nebr., remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

He also presented a petition of sundry citizens of Lincoln, Nebr., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BULKELEY presented petitions of the Sarah Ludlow Chapter, of Seymour; of the Mary Wooster Chapter, of Danbury; and of the Sabra Trumbull Chapter, of Rockville, all of the National Society, Daughters of the American Revolution, in the State of Connecticut, praying for the retention and strengthening of the Division of Information in the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a petition of Star Council, No. 54, Loyal Association, of Danbury, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FLINT presented a petition of Los Angeles Council, No. 621, Knights of Columbus, of Los Angeles, Cal., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHIVELY presented a memorial of the Polish Turners Z. B. No. 1, of South Bend, Ind., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Madison Council, No. 934, Knights of Columbus, of Madison, Ind., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HUGHES presented a memorial of sundry citizens of Creede, Colo., and a memorial of sundry citizens of Boulder, Colo., remonstrating against the passage of the so-called "postal savings-bank bill," which were ordered to lie on the table.

Mr. CURTIS presented a petition of sundry citizens of Horton, Kans., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Randolph, Kans., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a memorial of P. B. Plumb Post, No. 55, Department of Kansas, Grand Army of the Republic, remonstrating against placing the statue of Gen. Robert E. Lee in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented petitions of sundry citizens of Nortonville, Eskridge, and Lebanon, all in the State of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which were referred to the Committee on Interstate Commerce.

Mr. PILES presented a petition of District No. 26, International Association of Machinists, of Seattle, Wash., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. DILLINGHAM presented a petition of the Woman's Home Missionary Society of Montpelier, Vt., praying for the enactment of legislation to prohibit the sale of intoxicating

liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. BURTON presented a petition of sundry citizens of Newark and Mansfield, in the State of Ohio, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Branch, American Peace Society, of Cleveland, Ohio, remonstrating against any further increase in the United States Navy, which was referred to the Committee on Naval Affairs.

Mr. BURKETT presented a petition of 125 laboring men of Lincoln, Nebr., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the Xi Psi Phi Fraternity of the Lincoln Dental College, of Lincoln, Nebr., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. OLIVER presented petitions of the Croton Avenue Epworth League, of New Castle; of the Woman's Home Missionary Society, of McKeesport; and of the Epworth League of McKeesport, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the Croton Avenue Epworth League, of New Castle; of the Woman's Home Missionary Society, of McKeesport; and of the Epworth League of McKeesport, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government ships and buildings, which were referred to the Committee on Education and Labor.

Mr. DICK presented petitions of 8,339 members of the American Insurance unions of Barberton, Newark, Concord, Cleveland, Glenville, Pawnee, Mount Vernon, Portsmouth, Columbus, Sandusky, Lanesville, Lorimer, Amanda, Youngstown, Malta, Cincinnati, Marion, Canton, Burton, Akron, Ashtabula, Peninsula, Toledo, Lima, Wooster, Cambridge, Westonville, Springfield, Hamilton, Bucyrus, Greenfield, Crescent, Piqua, Mansfield, and Wapakoneta, all in the State of Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ROOT presented petitions of sundry councils, Knights of Columbus, of Oneida, Ossining, Brooklyn, Loring, Hallenbeck, Yorkville, Lenox, Excelsior, Acme, Mohawk, Lexington, Whitehall, Electric, Eagle, Metropolis, New York City, Carthage, Rochester, Buffalo, Lockport, Port Jervis, and Marion, all in the State of New York, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry business firms of Rochester, New York City, Buffalo, and Lockport, all in the State of New York, praying for the enactment of legislation to prohibit the printing by the Government of certain matter on stamped envelopes, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRANDEGEE presented a petition of Star Council, No. 54, Loyal Association, of Danbury, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DU PONT presented a petition of Santa Maria Council, No. 195, Knights of Columbus, of Wilmington, Del., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. GALLINGER presented a petition of the Georgetown Citizens' Association of the District of Columbia, praying that an appropriation be made for the purchase of ground for the establishment of a park in that section of the city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Chamber of Commerce of the city of Washington, praying for the enactment of legislation providing for the retirement of teachers in the public schools of the District, which was referred to the Committee on the District of Columbia.

He also presented a petition of Margaret Wheeler Chapter of the National Society, Daughters of the American Revolution, of Washington, D. C., and a petition of Matthew Thornton Chapter of the National Society, Daughters of the American Revolution, of Nashua, N. H., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a memorial of the Anacostia Citizens' Association of the District of Columbia, and a memorial of the North Capitol and Eckington Citizens' Association of the District of Columbia, remonstrating against the permanent retention of railroad-grade crossings and of the garbage transfer station in southeast Washington, which were referred to the Committee on the District of Columbia.

PENSIONS TO SOLDIERS AND SAILORS.

Mr. DU PONT. I present a memorial in support of the bill introduced by me, being S. 6175, to extend the benefits of the act of June 27, 1890, as amended by the act of May 9, 1900, granting pensions to soldiers and sailors who served in the military or naval forces of the United States, their widows, minor children, and dependent parents, and the act of February 6, 1907, granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico, and the general pension law granting pensions to those who contracted disabilities in the service and in the line of duty. I move that the memorial be printed as a document and referred to the Committee on Pensions. (S. Doc. No. 378, pt. 2.)

The motion was agreed to.

NATIONAL VITALITY.

Mr. OWEN. I ask unanimous consent to have printed 20,000 copies of an article on national vitality. The plates are already in the Printing Office. It is a very important document, prepared by Irving Fisher, relating to the vitality of the people of the United States.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Oklahoma?

Mr. BURROWS. What is the document?

Mr. OWEN. It is an article prepared by Irving Fisher as a part of the report of the National Conservation Commission, relating to the national vitality, affecting the question of the preservation of the health of the people of the United States. It is a very important matter, and it is desired that the article by Mr. Fisher shall be made a subject of distribution among the medical societies and those who are interested in this question.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and the order is entered.

Mr. OWEN subsequently said: I ask leave to modify the unanimous consent given this morning as to the publication of a document on national vitality, so as to reduce it from 20,000 to 10,500 copies, to bring it within the rule.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That there be printed 10,500 copies of Senate Document No. 419, Sixty-first Congress, second session, "National vitality, its wastes and conservation," with accompanying illustrations.

INTERNAL AND EXTERNAL POWERS OF THE NATIONAL GOVERNMENT.

Mr. BORAH. I send to the desk an article, which I wish to have printed as a document.

There being no objection, an article on the "Internal and external powers of the National Government," by GEORGE SUTHERLAND, United States Senator, was ordered to be printed as a document. (S. Doc. No. 417.)

ST. MICHAELS CANAL, ALASKA.

Mr. BURTON. I move that a communication from W. C. Langfitt, lieutenant-colonel, Corps of Engineers, and a member of the Board of Engineers for Rivers and Harbors, relative to the project for improving St. Michaels Canal, Alaska, together with the maps, be printed as a document and referred to the Committee on Commerce. (S. Doc. No. 416.)

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 6877) to amend an act entitled "An act to incorporate the American National Red Cross," approved January 5, 1905, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations, which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 6850) to amend section 4868 of the Revised Statutes of the United States, asked to be discharged from its further consideration and that it be referred to the Committee on the District of Columbia, which was agreed to.

Mr. BROWN, from the Committee on Military Affairs, to whom was referred the bill (S. 1021) to appoint James B. Fer-

guson a first lieutenant in the Medical Corps of the Army and place him on the retired list, reported it without amendment and submitted a report (No. 356) thereon.

Mr. BROWN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 5918) providing for the retirement of Dr. James B. Ferguson, of the army, to report it, not adversely, but with a recommendation that it be indefinitely postponed, it covering the same subject as Senate bill 1021.

The VICE-PRESIDENT. Without objection, the order requested will be entered.

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 19028) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911, reported it with amendments and submitted a report (No. 357) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TAYLOR:

A bill (S. 6980) granting an increase of pension to James A. Russell;

A bill (S. 6981) granting an increase of pension to Samuel H. McCauley; and

A bill (S. 6982) granting an increase of pension to Edgar M. Conner; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6983) granting an increase of pension to Robert M. Phillippi;

A bill (S. 6984) granting an increase of pension to David T. Moneypenny; and

A bill (S. 6985) granting an increase of pension to Clinton Todd; to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 6986) granting an increase of pension to Thomas A. Banks (with accompanying papers); to the Committee on Pensions.

A bill (S. 6987) for the relief of William Leech; to the Committee on Claims.

A bill (S. 6988) to correct the military record of Isaac W. Reed (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6989) for the relief of William W. Danenhower (with accompanying papers); to the Committee on the District of Columbia.

By Mr. DU PONT:

A bill (S. 6990) granting an increase of pension to John H. Walls (with accompanying papers); to the Committee on Pensions.

By Mr. BURROWS:

A bill (S. 6992) to correct and complete the military record of Dugald Cameron Morrison; to the Committee on Military Affairs.

A bill (S. 6993) granting a pension to Spencer M. Case (with an accompanying paper); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 6994) to regulate the admission of attorneys to practice before the Department of the Interior, and for other purposes; to the Committee on the Judiciary.

By Mr. DIXON:

A bill (S. 6995) for the division of the lands and funds of the Crow tribe of Indians in the State of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. BULKELEY:

A bill (S. 6996) granting a pension to Emma Kellogg Morgan; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 6997) granting an increase of pension to David Heston (with accompanying papers); to the Committee on Pensions.

By Mr. ALDRICH:

A bill (S. 6998) granting an increase of pension to Samuel H. Luther;

A bill (S. 6999) granting an increase of pension to John Morrison;

A bill (S. 7000) granting an increase of pension to Amos B. Chace;

A bill (S. 7001) granting an increase of pension to Catherine Stubbs (with an accompanying paper);

A bill (S. 7002) granting an increase of pension to Royal D. Horton (with accompanying papers); and

A bill (S. 7003) granting an increase of pension to Emily A. Capron (with an accompanying paper); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7004) granting an increase of pension to Robert C. Mathews; and

A bill (S. 7005) granting an increase of pension to Jay Saunders (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7006) to provide for an increased annual appropriation for agricultural experiment stations, to be used in researches in home economics and regulating the expenditure thereof; to the Committee on Agriculture and Forestry.

By Mr. OLIVER:

A bill (S. 7007) to correct the military record of George Classen and grant him an honorable discharge (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7008) granting an increase of pension to William P. Delaney (with accompanying papers); to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 7009) for the relief of the estates of James C. Welch and Mary S. Welch, deceased (with an accompanying paper); to the Committee on Claims.

By Mr. STONE:

A bill (S. 7010) to provide for the erection of a public building in the city of Poplar Bluff, in the State of Missouri; to the Committee on Public Buildings and Grounds.

By Mr. BROWN:

A bill (S. 7011) granting an increase of pension to Samuel J. Fair (with an accompanying paper); to the Committee on Pensions.

By Mr. BACON:

A bill (S. 7012) for the relief of the heirs of William H. Harvill, deceased;

A bill (S. 7013) for the relief of the heirs of John C. Bowden, deceased;

A bill (S. 7014) for the relief of the heirs of Blueford D. Smith, deceased;

A bill (S. 7015) for the relief of the heirs of William McConnell, deceased;

A bill (S. 7016) for the relief of the heirs of Joseph Summerlin, deceased;

A bill (S. 7017) for the relief of the heirs of L. G. Brantley, deceased; and

A bill (S. 7018) for the relief of the heirs of Anderson Mayfield, deceased; to the Committee on Claims.

A bill (S. 7019) granting an increase of pension to Garrett Conn; to the Committee on Pensions.

By Mr. CLAY:

A bill (S. 7020) for the relief of the heirs and legal representatives of Mrs. E. Ann Lowry; to the Committee on Claims.

By Mr. BOURNE (for Mr. FRYE):

A bill (S. 7021) to require apparatus and operators for radio-communication on certain ocean steamers; to the Committee on Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 7022) granting a pension to Jacob C. Broadwell (with an accompanying paper); to the Committee on Pensions.

A bill (S. 7023) to correct the military record of John B. Lee (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 7024) granting an increase of pension to Andrew J. Smith; and

A bill (S. 7025) granting an increase of pension to Robert A. Tyson; to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 7026) granting an increase of pension to Thomas King (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7027) for the relief of the heirs of Adam Camp, deceased (with an accompanying paper); to the Committee on Claims.

A bill (S. 7028) granting an increase of pension to Amos Mardis (with an accompanying paper); and

A bill (S. 7029) granting an increase of pension to William Graham (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7030) granting an increase of pension to Thomas McGowan (with accompanying papers); to the Committee on Pensions.

RECORDS OF THE REVOLUTIONARY WAR.

Mr. WETMORE introduced a bill (S. 6991) to authorize the compilation of the military and naval records of the Revolutionary war with a view to their publication, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. WETMORE. To accompany the bill, I present a memorial of the Society of the Cincinnati, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The Society of the Cincinnati respectfully prays the Congress to cause the military and naval orders, reports, correspondence, and records of the Revolutionary war to be collected and published in like manner as have been published those of the civil war of 1861–1865.

Many of these reports are widely dispersed among the original 13 States and in England, France, and Canada, and in private hands; a part of those in the possession of the General Government was unfortunately destroyed, and every year they are allowed to remain thus scattered and uncared for adds to the loss of these precious memorials.

Your memorialists believe that the publication and wide distribution of these records will revive interest in and study of the Revolution, and will thus recall to the people, in the most vivid and effective manner, the principles of liberty, independence, union, and popular government for which our fathers fought and which they so well established and the examples of patriotic devotion and heroism with which that struggle was replete.

Your memorialists believe that such publication will prove of incalculable public benefit, and is especially needed at this time, when hosts of people of foreign tongues and ideas are crowding upon our shores and the engrossing cares and distractions of modern life, civilization, and pursuit of wealth absorb the attention of so many of our citizens.

And your memorialists will ever pray.

Winslow Warren, president-general; Asa Bird Gardiner, secretary-general; Francis Coffin Martin, New Hampshire; Horatio A. Lamb, Massachusetts; Hazard Stevens, Rhode Island; Morris W. Seymour, Connecticut; Talbot Olyphant, New York; J. W. Campbell, New Jersey; Wm. Macpherson Hornor, Pennsylvania; John P. Wales, Delaware; Oswald Tilghman, Maryland; Wilson G. Lamb, North Carolina; James Emmons, South Carolina; Walter G. Charlton, Georgia; Myers Lamb Meredith, Virginia.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. SCOTT submitted an amendment proposing to appropriate $5,000 for the improvement and maintenance of the Little Kanawha River up to Burning Spring, W. Va., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRADLEY submitted an amendment proposing to increase the appropriation for the completion of the improvement of the Ohio River to $1,500,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. JOHNSTON submitted an amendment proposing to appropriate $1,875 to pay JOHN H. BANKHEAD, of Alabama, for services on the Inland Waterways Commission, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BANKHEAD submitted an amendment relative to the expenditure of the appropriation for the improvement of the harbor at Mobile, Ala., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BRANDEGEE submitted an amendment relative to the enrollment and allotment of all persons intermarried in the Kiowa, Comanche, and Apache tribes of Indians, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

STATUE OF FRANCIS H. PIERPONT.

Mr. SCOTT. I submit a concurrent resolution, and ask that it lie on the table subject to call.

The concurrent resolution (S. C. Res. 24) was read and ordered to lie on the table, as follows:

Senate concurrent resolution 24.

Resolved by the Senate (the House of Representatives concurring), That the statue of Francis H. Pierpont, presented by the State of West Virginia to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of West Virginia.

Mr. SCOTT submitted the following resolution (S. Res. 197), which was ordered to lie on the table:

Senate resolution 197.

Resolved, That exercises appropriate to the reception and acceptance from the State of West Virginia of the statue of Francis H. Pierpont, erected in Statuary Hall in the Capitol, be made the special order for Saturday, April 2, 1910, after the conclusion of the regular morning business.

AGRICULTURAL APPROPRIATION BILL.

Mr. DOLLIVER. I ask that the agricultural appropriation bill be laid before the Senate.

The VICE-PRESIDENT. Without objection, the Chair lays before the Senate the agricultural appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911.

The VICE-PRESIDENT. The pending question is on the amendment reported by the Committee on Agriculture and Forestry, at the bottom of page 25, under "Forest Service."

Mr. DOLLIVER. I desire to give way for a few minutes to the Senator from Alabama [Mr. BANKHEAD], who wishes to address the Senate.

WATER-POWER SITES.

Mr. BANKHEAD. Mr. President, I ask the Secretary to read Senate resolution 195.

The VICE-PRESIDENT. If there be no objection, the Secretary will read the resolution.

The Secretary read Senate resolution 195, submitted by Mr. BANKHEAD on the 5th instant, as follows:

Senate resolution 195.

Resolved, That the President of the Senate be, and he is hereby, authorized and directed to appoint a committee to consist of five Senators, whose duty it shall be to consider the question of the improvement of the navigable rivers of the United States with a view of recommending necessary legislation for the preservation of water-power sites and the coordination of navigation and power where available power sites exist on navigable rivers, and report the result of such investigation, with their recommendations, to the Senate by bill or otherwise. The committee shall have power to employ a stenographer at not exceeding $6 per day.

Mr. BANKHEAD. Mr. President, presidential messages and executive orders have called attention to and dealt with the importance of conserving our natural resources. Conventions and Congresses have from time to time considered it, and a vast amount of information collected and published relating to the subject.

As one of the correlated subjects, it is my purpose to consider and discuss briefly some of the questions involved in the production and development of water power, especially in connection with the improvement by the Government of the navigation of our rivers. The method heretofore pursued has destroyed the possibility of such power, which, if properly preserved, would have been an important and valuable factor in our commercial life, and I desire to suggest some plans for conserving in the future this rapidly increasing valuable asset belonging to the people.

The people of various civilized countries have awakened within the last few years to a partial realization of the place which hydraulic property is to occupy in the political and economic life of this and future generations. The awakening has been sudden, due primarily, it would seem, to three late developments of quite different orders:

First. The perfection of electrical generation and transmission for long distances and the growing importance of electrical power, which has placed it nearly, if not quite entirely, within the bounds of natural want.

Second. It has suddenly dawned upon man's intelligence, due to the present intense energy of modern industrial life, that serious inroads are being made upon various kinds of natural resources, for whose exhaustion the development of water power will prove a partial substitute.

Third. The apparent necessity for restriction, guidance, or control of great aggregations of capital engaged in supplying the wants of the community.

The dangers that menace a proper attitude toward and a wise point of view regarding legislation with reference to water powers must come from three sources: First, in not appreciating the present limitations on the commercial practicability of water-power development; second, in trying to frame water-power legislation so as to conform to constitutional provisions, devised to cover quite different times and conditions, thereby hampering or preventing the accomplishment of one of the greatest benefits to society; third, knowledge of the vital principles, commercially and technically, of problems involved in projecting and carrying out water-power enterprises by private capital—

the application of natural means with a minimum of government interference by which the community can be served, without leaving it under monopolistic control, holding the consumer at the mercy of extravagant rates for services which he imperatively must have.

The provisions of the Constitution, which confer jurisdiction and control in navigable rivers, create a partnership in which the National Government and the States are stockholders, and Congress and the state legislatures are the board of directors whose business it is to manage the affairs of the partnership.

The difficulty arises from the fact that the majority stockholder—the National Government—is ignoring and attempting to acquire the holdings of the minority, who are the States, without their consent, and to compel them to pay all the expenses of administering the affairs of the partnership without recognizing their interests in any degree whatever.

From whence does the Government derive its control over navigable rivers? It must be from that provision in the Constitution which gives the Congress the right to regulate interstate and foreign commerce, and what was the purpose of this grant? That Congress might regulate commerce between the States, preserve the navigation of the rivers, and render navigable these rivers, where obstructions exist. When the ends of navigation and commerce have been guaranteed, and when the free use of the waters of the river for navigation is secured to all the people of the States, its interest in the river and its duty to the people and to commerce have been discharged. Every other right and interest in the waters of the navigable rivers belong to the State and the riparian owners. The framers of the Constitution never intended that the Federal Government should have any interest in the water of navigable rivers, except for the purposes of commerce, and the States so understood when the Constitution was ratified.

If the Government held absolute control and ownership in the waters of navigable rivers, it is easy to see how one of the richest assets of a State—the water power—might be absolutely destroyed and the property of the citizen virtually confiscated. My contention is that the Government has no interest in the water of navigable rivers except alone for the purposes of navigation, and that this interest does not extend to surplus water. The decisions of the Supreme Court are numerous and unbroken in support of this contention. One of the leading cases defining the ownership and control of waters in navigable rivers was on an appeal from a decision rendered by the supreme court of Alabama in the case of Pollard's Lessee *v.* Hagan (3 How., 212; 15 U. S., 391), in which it says:

> And we now enter into its examination with a just sense of its great importance to all the States of the Union, and particularly the new ones. Although this is the first time we have been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union and the state governments over the subject in controversy, many of the principles which enter into and form the elements of the question have been settled by previous well-considered decisions of this court, to which we shall have occasion to refer in the course of this investigation.

The court concludes in this language:

> By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Secondly, the new States have the same rights of sovereignty and jurisdiction over this subject as the original States.

It will be remembered that Alabama was, at the time of this decision, one of the new States, and the court was very careful to put it on the same footing with the old original States.

> Thirdly, the right of the United States to public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case. The judgment of the supreme court of Alabama is therefore affirmed.

Justice Catron in a dissenting opinion said:

> I have expressed these views, in addition to those formerly given, because this is deemed one of the most important controversies ever brought before this court on any title, either as it respects the amount of property involved or the principles upon which the present judgment proceeds.

Mr. President, it would seem that the Government of the United States has as much right to claim toll from our coal mines as from our water power.

The court in delivering the opinion in the case of Huse *v.* Glover (119 U. S., 548–549) says:

> How the highway of a State, whether on land or by water, shall be best improved for the public good is a matter for state determination, subject always to the right of Congress to interpose in the cases mentioned.

The exception to this rule is when the State's action is deemed to encroach upon the navigation of the rivers as a means of interstate and foreign commerce. In such cases Congress may interfere and control or supersede the action of the State.

Mr. President, it is easy to understand the effect if any other course of reasoning were pursued. In the case of Veazie *v.* Wyman (14 How., 568; 20 U. S., 345) the court said:

> Such a pretension would effectually prevent or paralyze every effort of internal improvement by the several States, for it can not be supposed that the States would exhaust their capital and their credit in the construction of turnpikes, canals, and railroads, the remuneration derivable from which and all control over which might be immediately wrested from them, because such public works would be facilities for a commerce which, whilst availing itself of those facilities, was unquestionably internal, although intermediately or ultimately it might become foreign.

The courts have held in a number of cases that bridges over navigable rivers, which are entirely within the limits of the States, are not subject to the control of Congress, but are entirely under the control and subject to the state laws unless the navigability of the river is interfered with. It is not clear that the Government can enter a State and improve a navigable river wholly within the limits of the State without the consent of the State.

Mr. President, I have quoted these decisions to show that the General Government has no ownership in the water that flows over navigable rivers, except for the purposes of navigation and interstate commerce. If the ownership and control of waters not necessary to navigation is in the State and the riparian owners, the question is, By what process can the minority stockholders in the partnership, created by the Constitution, exercise their right and enjoy the use of their property and receive the benefit derived from such use and control?

In the case of the Illinois Central Railroad Company *v.* Illinois, and reported in One hundred and forty-sixth United States, 459, the court says:

> The soil under navigable waters being held by the people of the State in trust for the common use and a portion of their inherent sovereignty, any act of legislation concerning their use affects the public welfare. It is therefore appropriately within the exercise of the police powers of the State.

The Supreme Court, in the Pollard case, said:

> Then to Alabama belong the navigable waters and soils under them in controversy in this case, subject to the right surrendered by the Constitution to the United States, and no compact that might be made between her and the United States could diminish or enlarge these rights.

Again, in the Pollard case, the court says:

> The right of eminent domain over the shores and soil under navigable waters for all municipal purposes belongs exclusively to the States within their respective territorial jurisdictions, and they, and they alone, have the constitutional power to exercise it.

In Huse *v.* Glover (119 U. S., 548–549) the court said:

> The State is interested in the domestic as well as in the interstate and foreign commerce conducted on the Illinois River, and to increase its facilities, and thus augment its growth, it has full power. It is only when in the judgment of Congress its action is deemed to encroach upon the navigation of the river as a means of interstate and foreign commerce that that body (Congress) may interfere and control or supersede it.

The principles for which I contend are well stated in the speech of Hon. Henry M. Teller, Senator from Colorado, in the United States Senate, March 31, 1908. Senator Teller traces historically the source of federal jurisdiction and control, refers to numerous decisions on the question at issue, and concludes that the National Government has not the slightest interest in the waters of streams, not even in the navigable waters, and that in the case of lands and where riparian rights are possessed by the Government it holds only as proprietor, with no privileges or exemptions different from the private holder under the laws of the State. It is the logical development of the theory of "delegated, limited, and enumerated powers." It declares the absolutism, in every respect, to the control, ownership, and use in any and all privileges, save the right of the National Government to guard navigation. Even the right of the Government to exercise this single privilege is questioned where the preservation of navigation is inconsistent with and less important than the application of the stream to agricultural and industrial purposes.

Mr. President, I think I have shown conclusively that Congress has no control of the waters of navigable rivers, except for the purposes of interstate and foreign commerce, and that the State controls and is entitled to the unrestricted use of the waters for all other purposes. The question is, How can the General Government enjoy the privileges conferred by the Constitution and the State receive the benefits reserved to it? The purpose of my resolution is to solve this controversy justly and equitably between the interests concerned—the Government on the one hand and the State on the other.

The water power of our navigable rivers is the equal of the State's richest assets, more valuable in time as a heat, light, and power producer than our coal mines, and it is entirely practicable to use this great wealth and comfort producer in connection with our improved navigation. Must we go on indefinitely appropriating large sums of the public money to

provide navigation, and at the same time and with the same money forever destroy the power possibilities which in the end are far more valuable in many instances than the navigation provided for? Economy in producing heat, light, and power will very soon compel the use of water power, an energizing force which we are making impossible by our present method of improving navigable rivers. We are spending millions of dollars in improving the rivers of this country that will be a total loss when we come to provide power, or else we have destroyed for all time the possibility of power. A very distinguished army engineer stated to me a few days ago that our present plan of improving our rivers where favorable water stations exist is a crime that can not longer be condoned. A concrete illustration of the unwisdom of the present policy is to be found at Colbert Shoals on the Tennessee River. A lateral canal is now being completed, 7 miles in length, at a cost of approximately $4,000,000.

One great dam costing less money would have provided for better navigation, at which 25,000 horsepower could have been provided. The possibility of power at these shoals is gone, until in the near future conditions compel the construction of a power plant at this point, in which case the canal will be overflowed and its cost a complete loss to the Government. Conditions more deplorable are to be seen at Muscle Shoals, on the Tennessee River, just above Florence and Sheffield, more deplorable because of the magnitude of the crime. There a narrow, tortuous canal, 14 miles in length, utterly inadequate to commercial requirements, has been constructed at a cost of nearly $5,000,000, and the army engineer's estimate to complete the project from the railroad bridge at Florence to the head of the shoals will require $5,000,000 more, and when all this large sum is expended we will have difficult and indifferent navigation because of the physical conditions and the great number of lockages on the canal. The crime is that we have destroyed there three great power stations, capable of producing 150,000 horsepower. Like Colbert Shoals, the time will soon come when transportation and production will compel the abandonment of this canal and the erection of these three great dams, so constructed as to give adequate navigation on that great river, one of the principal tributaries of the Mississippi, and at the same time and with the same water produce 150,000 electrical horsepower. We are burning our candle at both ends—consuming our coal to produce power while available water runs idly on to the sea. If this is not a criminal waste of our natural resources, what would you call it?

Mr. President, we are just entering upon the improvement of the Coosa River for the purposes of navigation. Hydraulic engineers declare that the Coosa River in Alabama has the greatest power possibilities of any single river in the United States. The power possibility is estimated at above 300,000 horsepower. Will we go on as we have been going and destroy this great natural resource—the water power, the richest asset the State of Alabama has—or will we provide for navigation and water power jointly, and thus conserve our resources? If we are to conserve the natural resources of the country, Congress must devise the plans. Some just, equitable, and practicable legislation must be enacted.

There is a great misunderstanding about the amount of power that may be produced at dams constructed with a view to navigation alone. I do not believe there is a dam or lock on any river in the United States where a single commercial horsepower can be produced and adequate navigation maintained. Water power to be commercially valuable must be constant, and must be available every day and every hour of the day. No business man would contract for water power if he were not sure of a constant supply, and the supply can not be constant if the navigation of the river is the controlling factor. Suppose the Government were to undertake to improve the Coosa River over a stretch of 3 miles, where there is a slope of 36 feet, and the engineers should provide three locks of 12 feet lift each, and the depth of the water over the miter sill is 6 feet. Does anyone think that a single reliable horsepower could be produced at any one of these dams? There are numerous well-understood reasons why it could not. For the purposes of this explanation we will number these Dams 1, 2, and 3.

The dams are 12 feet high. No. 1 pools the water up to Dam 2, 6 feet over the sill; No. 2 likewise pools up to No. 3, 6 feet over the sill—6 feet being the standard depth of the river. The water at a minimum flow would just run over the crest of the dam at Lock 1, and all power to be valuable must be estimated at the minimum, and not the maximum, flow of the river. Suppose you construct a plant at Dam 1, bearing in mind that there is no storage except such as navigation requires. In two hours after the wheels began to turn the water would be drawn below the 6-foot gauge, thus interfering with navigation, when the Government would order the water-power plant to suspend.

Let us suppose that instead of three 12-foot dams, which cost $500,000 each, the Government should build one 36-foot dam at a cost of $1,500,000, how would the account stand? One lock and dam to keep and maintain instead of three; a broad, long pool, in which any number of barges might be stored when the tow is broken to pass through the lock. By the construction of a 36-foot dam, the Government has amply provided for navigation. Here the State should come in and say, "Navigation has been provided, and you have no further interest, except to see that navigation is not interfered with, and all the water not necessary for that purpose belongs to the State. We desire to use it in adding to our wealth and prosperity." Suppose, for further illustration, it is decided that the dam is not sufficiently high to insure the best results. Why not permit the State, at its own cost, to add 20 or 30 feet to the height of the dam, and thereby secure surplus water in the production of power to be used for services that could be used by the transmission lines?

The additional height of the dam would, doubtless, correspondingly benefit navigation and avoid the necessity for Dam 4 above. If it should appear that the 36-foot dam, constructed entirely by the Government, is a good power site without any additional height, then a company chartered and authorized by the State should pay to the Government out of the earnings of the company a reasonable annual interest on the cost of the dam.

If the Government exercises its right to take over the plant, it may be done by putting it up for competitive sale. The original power company may enter into this competition, and shall be allowed the contract if it becomes the highest reliable bidder. At the end of fifty years the Government should have the right to fix the price at which the power may be sold. If this policy were pursued the Government and the States could keep their hands on the power companies and thus prevent consolidation and monopoly.

Mr. President, the General Government has the same legal or moral right to send a corps of army engineers into the State of Alabama and set fire to her coal mines and stand guard over them while they burn as to send its engineers there and plan an improvement of the navigable rivers to the utter destruction of the water power in that State. The water, other than for the necessity of navigation, is as much the property of the State as the coal mines are the property of the citizens who own and operate them. The water power on the rivers of Alabama is as valuable as the coal mines, and Alabama can not consent to have this valuable asset destroyed. It is one of her greatest wealth producers. To conserve her water power means the conservation of her other natural resources; every horsepower produced by water takes the place of power produced by coal or wood, and consequently these rapidly disappearing essential elements of power are conserved and saved. Their place is supplied by an indestructible agency. Coal or wood consumed in producing power can never be used for any other purpose. It goes up in smoke and disappears, but water is not consumed. It reproduces its energizing force at every power station through which it passes, and when there exists no other opportunity to produce power it runs on to the sea, bearing the commerce that its own power has produced. If the power on these two rivers—the Tennessee and the Coosa—were utilized, it would vastly improve the navigability of these streams and produce untold millions of wealth in the nature of manufactured products and increase the tax values of the State many millions. I can not believe that Congress is so impotent as not to be able to solve this economic problem in a way that will perfectly protect every right of navigation and enable the people of the several States to exercise the rights granted by the Constitution and enjoy the blessings of increased wealth that would inevitably follow.

The beneficial results to follow the application of water power in the generation of electricity for commercial purposes are apparent. Transmission lines could carry the force with which to supply lighting plants, street and interurban railway systems, and manufacturing plants for more than a hundred miles from the point of production, affording opportunity for development at many points where power can not be produced except by steam and at greater expense. It would be the means of locating many industrial enterprises which are barred now because of the cost of producing power. The application of electric furnaces to the production of steel and metallic compounds has already attained a wonderful development, almost wholly unknown to the average man. In all manufacturing concerns a most important factor and element of cost of pro-

duction is that of power. The water-power stations capable of development, affording a cheaper, constant, and unlimited power for commercial purposes in the United States should be conserved. They mean the erection of manufacturing establishments, the development of resources, the employment of labor, and supplying the wants and necessities of a rapidly growing commercial Nation.

The history of large water-power undertakings is that they have encouraged and made possible new kinds of enterprises which without cheap power would never have been commercially practicable.

It may be anticipated, with a fair degree of assurance, that future great water-power developments will foster and make possible manufacturing enterprises in regions occupied by these powers that would never otherwise have come into them.

In addition to supplying this character of power, they will have a direct and beneficial result on the agricultural industry of our country. The use of commercial fertilizers in the nine cotton States has increased from 1,712,736 tons in 1901–2 to 2,786,430 tons in 1907–8. Constant cultivation in cotton exhausts our lands, which require the use of fertilizers. The same is true of the grain fields of the West, if the yield is kept up with the increased demand. Nitrogen is one of the chief component parts of a high-grade fertilizer. Our supply of nitrates is almost entirely imported from Chile, and at an expensive price. The higher grades are almost exhausted, and we are compelled to use the lower grades at the same price, because we must have it in increasing quantities or find a substitute at home.

A process has been evolved by which high grades of nitrogen may be extracted from the air above and around us, and the supply, of course, is inexhaustible. The difficulty in its production is the cost of steam power, power being the chief element of cost in producing nitrogen from the atmosphere. The great water-power stations on the Tennessee and Coosa rivers in Alabama and in other Southern States, whose source is in the Appalachian Range, can produce nitrogen sufficient to supply the entire demand in this country, at a cost not to exceed one-half of the present price, if we continue to rely upon a foreign supply for one of the chief ingredients.

The exhaustion of soil in the United States has increased with great rapidity in recent years, and this has resulted in the establishment of great fertilizer companies, there being invested in factories in the United States for this purpose alone about $70,000,000, and yet the fertilizer industry is said to be only in its infancy. The world's chief supply of nitrogen comes from the Chilean Desert, from which in one recent year $75,000,000 worth of nitrate were imported, practically 80 per cent of which was used in the United States in fertilizers. Will we continue indifferent to this great waste, and in many instances the destruction of our richest and most valuable resource? We must act promptly. The waste goes on year by year, while we gravely debate the subject. The great Coosa and Tennessee rivers can be improved to a degree of efficiency as to navigation and commerce without ultimately costing the Government a cent, and this can be done without any violation of the Constitution, and secure to the States their general rights in the same way the Pacific railroads were built, and in the same way that President Taft recommends in his late message the carrying on of irrigation in the West by the issuance of bonds or scrip, principal and interest to be returned from the proceeds of lands irrigated.

Water-power development is essentially included in the term "manufacturing propositions." It seeks customers requiring large volumes of power, and as a natural consequence serves those who require cheap power. Such enterprises are growing to be largely electro-chemical, such as the manufacture of aluminum, caustic acids, bleach, calcium carbide, cyanamid, and in many cases wood-pulp mills have been supported by water powers. All enterprises requiring large amounts of power, such as cotton mills, electric railway systems, and various others, find their location where power is obtained from water-power development a considerable advantage over those not so fortunately situated, and since by transmission lines the power may be carried as much as 150 miles, and even more, the advantages are not entirely local.

Within recent years the manufacture of aluminum has become an important and valuable industry owing to the increased demand. It is a metal of great value in the arts, and within a recent period has been very much in demand by the manufacturer of automobiles. It is said the development of water power will afford the facilities for its production in large quantities and cheaper than its present cost. Already parties are interesting themselves in projects for making aluminum in Alabama with a view of utilizing force supplied by water power. Deposits of bauxite, used for the making of aluminum in the United States, are found only in commercial quantities in Arkansas and Alabama. This ore is carried great distances to cheap water power, the principal points being Niagara Falls and on the St. Lawrence River. It is claimed that by its proximity to this raw material, the development of water power in either of these States would enable the manufacturer to produce aluminum, as well as the ware and the utensils made from it, at less than one-third of the average price for the past five years.

Heretofore the effort of the Government has been characterized as devoted to obstructing rather than encouraging the development of water power. This does not come from a conscious purpose to obstruct development, but rather from the difficulty of promulgating a definite policy for power development which would be just in its application, and also from the fact that our Government also has not a recognized department or bureau constituting a place of reference for gaining information and advice or machinery for collecting data and pushing laws that should be passed with reference to power matters. It would then seem that a government bureau was a paramount requirement in connection with a general law for the control of hydro-electric power enterprises.

Such a bureau should have a person in touch with commercial and economic questions, and capable of measuring their practicable application, benefits, and dangers. It should be strong technically, particularly from the standpoint of engineering experience in water powers, construction, and administration. With such governmental machinery, it is possible that private interests may be encouraged to the rapid development of water power now going to waste under conditions which, while proving a great public benefit, would not subject the people to harsh conditions and immoderate prices. In short, it is conceivable that, treated as a broad problem and for its own sake, private capital may be encouraged to the rapid and large development of powers under such conditions as will give to those interested a fair return and to society all of the remaining benefits to their largest degree.

Mr. President, I call the attention of our friends on the other side to the fact that the development of water power is an infant industry and needs protection.

Mr. President, if no Senator desires to discuss the resolution, I should like to have it adopted.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The question is on agreeing to the resolution.

Mr. BURTON. Mr. President, I would state that the National Waterways Commission has already taken up this subject, and in a preliminary report, filed in the month of January, recommended that hereafter when any stream shall be surveyed with a view to the development of navigation, if water power exists in that stream, the examination shall also include a plan under which the two might be harmoniously developed. It seems to me that all of the work which would be contemplated in this resolution is included in the scope of the examinations hereafter to be made by that commission. It would seem unnecessary, therefore, to appoint a committee of Senators for that purpose. The commission has the right to call to its assistance men from any department or bureau of the Government.

I think we are under obligations to the Senator from Alabama [Mr. BANKHEAD] for having emphasized the importance of the development of water power. There is one question that I should like to ask him, however. Would the Senator from Alabama advise that the improvement of rivers for purposes of navigation—that is, rivers in which there is large water power—be suspended or postponed until a thorough examination can be made with a view to utilizing both the water power and the facilities of the streams for navigation?

Mr. BANKHEAD. Mr. President, I will unhesitatingly say in answer to the question that on any river where a favorable water-power site exists its improvement for navigation ought not to be undertaken without reference to the power; but I have endeavored to show that there are so many places in our navigable rivers where navigation may be provided and where power can not be provided—commercial power, at least—that to say that the entire improvement of the rivers of the country should be suspended until we can develop a plan by which we are to coordinate the power and navigation, I think, would be going very far.

If the Senator will pardon me, I understand perfectly well the good work that is being done by the National Inland Waterways Commission; I understand perfectly well the ability which has been brought to their aid and all that, but the purpose I have in seeking the adoption of this resolution and the appointment of the committee under it is that we may get to work and undertake at least to formulate a policy, and when we have

agreed as to a policy, then to give it the force of legislation, so that the country will know exactly what we are undertaking to do with reference to the natural resources that are so abundant and valuable upon numbers of our rivers.

Mr. BURTON. I would state, Mr. President, my question did not refer to the navigable streams in which there is possible only a slight development of water power, but to such as the Senator instanced, the Tennessee and the Coosa. Would it not be well to postpone the construction of locks and dams which, as he says, may prove useless and may have to be superseded entirely by larger dams in the midst of the stream? The Senator from Alabama will recollect that in 1906 I took the ground that if any adequate navigation was ever developed in the Tennessee, it would have to be by the construction of dams in the open stream. My view at that time was opposed by the argument that it was impossible to improve the open stream; that lateral canals were all that could be constructed. I am really gratified to know that there is a change of opinion in that locality in this regard.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. Certainly.

Mr. BANKHEAD. The Senator from Ohio, Mr. President, is perfectly familiar with the conditions on the Tennessee River, and he will not fail to remember that the lateral canal to which I referred was completed ten or fifteen years ago. That canal was begun by the State of Alabama out of the proceeds of sale of lands which were donated by the General Government to the State for the purpose of constructing that canal. The General Government took it over in 1876, I believe, and since then has pursued the work and practically completed the canal as originally intended.

I am perfectly free to say that, in my opinion, Mr. President, the Government ought not to spend another dollar on the Tennessee River at Muscle Shoals in prosecution of the plan that now exists on the extension of that lateral canal. I do not believe that the Government ought to go on and destroy effectively and forever by a large outlay of money the great power stations that exist there; and to that end the bill now being considered by the Committee on Commerce has no provision for an extension of that canal and none is being insisted upon. I regard the power possible of development there equal at least to the commerce that will be supplied.

Down at Colbert Shoals I contended for a long time, in connection with a very able engineer, Major Kingman, as the Senator will remember, that that improvement ought to be made by means of a great dam in the open river, to supply the navigation in the open river, instead of a canal, but finally a board of engineers was appointed. They went down there and considered the whole question and reported that a lateral canal was the best means of improvement, and the Government adopted that. I think it was a mistake. That work, however, is completed, and the canal is about ready to be opened. But, Mr. President, the possibility of water power there is gone; they have destroyed it. When the time shall come when we must go back and build a great power station there to meet the demands of the country that are so rapidly growing and increasing, we must necessarily flood that canal and put it out of commission.

That is the situation, and that is the reason, Mr. President, I have introduced this resolution. I understand that the commission is considering the question, but I should like to have a committee of Senators consider it also, if necessary, in connection with that commission. I should like to have that committee formulate a plan, and I should like to have them suggest to the Senate what, in their opinion, is the best means to adopt and the best policy to adopt in order that we may have a definite policy before us and one that we can consistently pursue.

Mr. BURTON. Mr. President, an implied blame would seem to rest on the commission which made this recommendation for a lateral canal and also upon those who in the State of Alabama constructed the Muscle Shoals Canal. I do not say that the Senator from Alabama has so expressed himself, but the possible implication might be derived from his remarks. I do not think anyone has been to blame, for the reason that the great potentiality of water power was not understood until a few years ago; in fact, I think we hardly yet understand the enormous wealth which belongs to the country from that source. One difficulty, however, remains to be overcome, and it is especially noticeable in the localities to which the Senator from Alabama has referred—the great inequality in the flow at different seasons of the year. As he has said, it is desirable that the amount of water afforded should be uniform at all seasons.

But I do not think it is quite correct to say that that power has been destroyed by the construction of the lateral canal. It is true it may be necessary to abandon the investment made, but the same opportunity now exists as formerly for the construction of dams in the main stream.

The point which I rose to emphasize was whether it is not best to suspend operations in the construction of these dams for the purposes of navigation in that class of streams until we have worked out a well-devised scheme for the utilization of both.

In addition to what I have already said in regard to the duplication of work, I may say that the National Waterways Commission is not anxious either to prevent the creation of any committee or committees which shall duplicate its work nor is it anxious to impose upon itself anything additional; but we have under consideration and shall, no doubt, in a final report cover all the ground included in this resolution.

Mr. BANKHEAD. As to discontinuing the improvement of navigable rivers where possible power sites exist, I have already expressed my opinion. I said that the possibility of power had been destroyed at Colbert Shoals and at Muscle Shoals until the time comes, and it will come, Mr. President, when we must construct these dams for power purposes and navigation, providing much better navigation than the canal itself. When that time comes, I thought I made myself clear, these canals must be flooded, put out of commission, and therefore the cost of these canals and the amount of money expended in their construction would be a total loss to the Government. Of course, I did not mean to say that for all time the power was destroyed, but only until such time as the Government concluded to remedy its mistake by the construction of power dams instead of lateral canals, both for the purpose of navigation and the production of power.

Mr. NEWLANDS. Mr. President, I have listened with great interest to the able speech of the Senator from Alabama [Mr. BANKHEAD], and I am sure we are all indebted to the Senator for calling our attention to this concrete instance of the importance of uniting the powers of the National Government and of the state governments in the full development of the Coosa and Tennessee rivers. The Senator has called particular attention to the development of power in the promotion of manufacturing and commerce and the immense possibilities of those rivers for that purpose. I have wondered somewhat that the men from the South have not taken up this question in the past with such force and energy as would produce immediate results in legislation. It has been obvious for many years that our plans for the development of our rivers for navigation would be entirely incomplete unless they involved also the study of the uses of the rivers for every other purpose to which civilization can put them, including in the South the development of water power, the preservation of forests, and the drainage of swamp lands.

There is no part of the country that can be so developed and advanced by this movement for the full development of our inland waterways as the South, rich as it is in natural resources, in its forests, in its enormous water power, and in its overflowed lands, which can be reclaimed and made fertile beyond expression.

The Inland Waterways Commission, of which the Senator from Alabama [Mr. BANKHEAD] and the Senator from Ohio [Mr. BURTON] were members, a commission appointed by President Roosevelt, covered this entire question most satisfactorily in recommendation that our legislation should involve not only the full coordination of all of the scientific services of the Government that have anything to do in relation to water, but also the cooperation of the Nation with the States, each within their jurisdiction and each within their respective powers and rights, in the full development of our waterways. That report has been followed by a report from the National Waterways Commission, of which the Senator from Ohio is the chairman, fully sustaining everything that is contended for in the Inland Waterways Commission report, and going further in the elaboration of the question of the development of transportation on our waterways.

This matter of cooperation has been pending for three years, and yet we have had no action. The Senators and Representatives who live within the region of these various rivers have been urging appropriations for development here and there, but the movement has not yet taken the line of consecutive and connected and joint and cooperative action that is demanded by its importance.

We have the opportunity now, whilst the river and harbor bill is under consideration, to put upon that bill a general amendment which will authorize the President to bring into coordination with the Corps of Engineers of the Army all the various services of the Government that have any duty regarding the study of our waterway resources or their development.

We have numerous services of that kind. We have the Reclamation Service, with its large engineer corps; we have the Coast and Geodetic Survey; we have the Geological Survey; we have the Weather Bureau, all of them making a scientific study of the subjects that relate to water.

Then we have the great Forest Service, which has been engaged in a study of this question with a view to the conservation of water and the maintenance of an equal and stable flow of our streams. We have also the opportunity not only to bring into coordination these various services, so that they can be efficient aids of the Engineer Corps of the Army in this great work of planning the development of our rivers fully and comprehensively for every useful purpose, but we have the opportunity by a general amendment to give the President the power to appoint, in connection with the Corps of Engineers of the Army, a board who can consult with a similar board or commission organized by each of the States, and thus bring the energies of the States and the energies of the Nation into harmony in this great work.

The sentiment of the country is made up on this question. We have had numerous river and harbor congresses. We have had numerous waterways conventions. The sentiment of the country, as expressed in the platforms of the two parties in the last national conventions, indicates that the country is alive to the importance of this question, and demands full, broad, and comprehensive plans that will relate to every use to which a river can be put; and I suggest to the Senator that if he will give his attention to an amendment which I have offered to the existing river and harbor bill, which I will ask to have inserted in the RECORD, he will find that that amendment covers this very question.

I am not disposed at all to offer any opposition to the resolution which the Senator offers. I think the more we can enlist in the consideration and agitation of this question the better. The only thing we have to complain of now is the inertia of Congress, and if the Senator's resolution will result in the appointment of five Senators who will give patient and consecutive study to this one question to which his resolution refers, the development of water power, I am sure it will add to the strength of this movement, and the result will be that we will have broad, full, and comprehensive action upon all of these uses to which a river can be put, and comprehensive action that will tie together all the various scientific services of the Government in cooperative action upon this question, and that will tie together all the energies of the States and of the National Government in the full development of scientific plans.

I ask that this amendment be published in the RECORD in connection with my remarks.

The PRESIDING OFFICER. Without objection the amendment will be printed in the RECORD.

The amendment is as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 20686) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz: Insert the following:

"The President is authorized to bring into coordination and cooperation with the Corps of Engineers of the Army the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, with a view to uniting such services through a board or boards in investigating questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and in forming comprehensive plans for the development of the waterways and water resources of the country for every useful purpose by cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States; and he is authorized to appoint as members of such board or boards such engineers, transportation experts, and constructors of eminence as he may deem advisable: *Provided, however*, That until further authorized by law, the total expenditure under this provision shall not exceed —— dollars."

Mr. BANKHEAD. I have no pride of opinion, sir, about this resolution. My only purpose is to get it before Congress in order that we may have an expression from Congress that will in a measure be official. We have dallied with this question for years; we have talked about its importance; we have published volumes with reference to it; and still, Mr. President, the talk goes on. I do believe that the time for action has come. I would like to see this resolution adopted. I should like to see a committee of Senators appointed to take into consideration this whole question of the improvement of our navigable rivers with reference to the development of power and the navigability of the river, and present their views here in some form, in the nature of a report or in the nature of a bill covering this question and dealing with it, and providing some means by which we can accomplish our purpose. I hope the resolution will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the resolution offered by the Senator from Alabama.

Mr. GALLINGER. I ask that the resolution be read.

The Secretary again read the resolution.

Mr. GALLINGER. I move that the resolution be referred to the Committee on Commerce.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911.

Mr. DOLLIVER. Mr. President, I ask that the clerk proceed with the reading of the bill.

The Secretary resumed the reading of the passed-over items.

The next amendment of the Committee on Agriculture and Forestry was, in the item of appropriation for "General expenses, Forest Service," on page 25, line 24, after the word "expenses," to insert "including traveling expenses for legal and fiscal officers while performing Forest Service work," so as to read:

To pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent in the city of Washington and elsewhere.

The amendment was agreed to.

The next amendment was, on page 38, line 20, before the word "thousand," to strike out "forty-five" and insert "thirty-five," so as to make the clause read:

For fighting forest fires and for other unforeseen emergencies, $135,000.

The amendment was agreed to.

The next amendment was, on page 38, line 25, before the word "and," to strike out "sixty thousand six hundred" and insert "twenty-one thousand," so as to make the clause read:

For the purchase and maintenance of all necessary field, office, and laboratory supplies, instruments, and equipment, $221,040.

The amendment was agreed to.

The next amendment was, on page 40, line 1, before the word "the," to strike out "Paper tests: To enable" and insert "For enabling," so as to make the clause read:

For enabling the Secretary of Agriculture to test such plants and woods as may require tests to ascertain if they be suitable for making paper, $14,000, or so much thereof as may be necessary, including rent and the employment of labor in the city of Washington and elsewhere, and all other necessary expenses.

The amendment was agreed to.

The reading of the bill was continued to the end of line 20, on page 40.

Mr. DOLLIVER. I will ask the clerks to correct the total in lines 19 and 20.

The VICE-PRESIDENT. If there be no objection, the total will be corrected to conform to the amendments heretofore adopted.

Mr. DOLLIVER. The correct total is $4,672,900.

The VICE-PRESIDENT. Without objection, that amendment is agreed to.

The next amendment of the Committee on Agriculture and Forestry was, on page 41, after line 12, to insert:

That hereafter 35 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1910, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the state or territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

The amendment was agreed to.

The next amendment was, on page 42, line 2, before the word "hundred," to strike out "fifty-seven thousand seven" and insert "eight thousand one," so as to make the clause read:

Total for Forest Service, $5,008,100.

The amendment was agreed to.

Mr. DOLLIVER. That completes the bill, except two amendments which I desire to offer on behalf of the committee.

The VICE-PRESIDENT. The Senator will present the amendments.

Mr. DOLLIVER. The first one is, after line 2, on page 65, to insert what I send to the desk.

The SECRETARY. After line 2, on page 65, it is proposed to insert:

Hereafter the Secretary of Agriculture may permit the erection of fences along international boundary lines, but entirely within the territory of the United States, for the purpose of keeping out diseased animals.

The amendment was agreed to.

Mr. DOLLIVER. Also the following amendment, to appear in a separate paragraph at the end of the bill.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the amendment just agreed to it is proposed to insert:

The Secretary of Agriculture, for the fiscal year 1912 and annually thereafter, shall transmit to the Secretary of the Treasury for submission to Congress in the Book of Estimates detailed estimates for all executive officers, clerks, and employees, indicating the salary or compensation of each, necessary to be employed in the various bureaus, offices, and divisions of the Department of Agriculture, in the city of Washington, D. C., and for all executive officers, clerks, and employees of every name and nature required for the Forest Service and other services under said department to be employed outside of the District of Columbia and heretofore paid from lump or general appropriations therefor.

The amendment was agreed to.

Mr. DOLLIVER. That concludes the consideration of the bill so far as the committee is concerned.

The VICE-PRESIDENT. The bill is in the Senate as in Committee of the Whole and is open to amendment.

Mr. HEYBURN. Mr. President, I wish to supplement the remarks I made yesterday by some data that I did not have at hand at that time. I desire that it be in the RECORD.

I have no desire to criticise the existing department having charge of this matter, because, as I said yesterday, it would be inappropriate to anticipate that men were not going to act wisely who are charged with the responsibility of administering the law. But I intend to call attention to some things that may possibly reach further than the Chamber.

Under the administration that we have not enjoyed in the past the forest rangers, who receive $900 a year, have been collecting bounties from the State in addition to their salary. That is, they are employed by the Government of the United States to hunt and kill predatory animals, and they receive $900 a year for doing it. Those men have been charging the State of Idaho, and perhaps other States, I do not know, the amount allowed under the state laws for killing those same animals that they were paid by the Government to kill. I do not believe anyone would undertake to defend them.

In order that there may be no mistake about it, I checked up on the information this morning, and I have it to date.

R. W. Lansing, a forest guard at Emmett, Idaho, receiving a salary of $900 per annum, collected from the State of Idaho $295.50 plus $13.

Mr. GALLINGER. For what service?

Mr. HEYBURN. As scalp bounties. These animals, I have no doubt, were killed upon forest reserves within the State of Idaho. There is a moral obliquity about that kind of thing that it is difficult for a man constituted on ordinary lines to understand.

Then I find also that George Nichols, who is an assistant ranger at Sunfield, Idaho, having a salary of $900 per annum, collected three several sums of the State of Idaho—first $250.50, then $30, and then $20. So he made quite an addition to the salary which the Government pays him for doing this thing and nothing else. These men, according to the statement, are delegated as hunters.

Mr. DOLLIVER. Mr. President——

Mr. HEYBURN. I yield to the Senator from Iowa.

Mr. DOLLIVER. What are the statutes of Idaho in respect to bounties on the scalps of predatory wild beasts?

Mr. HEYBURN. The statutes of Idaho provide that certain bounties shall be paid for the killing of animals whose death is desirable and profitable.

Mr. DOLLIVER. It is a general provision that whoever produces the scalps of these animals shall receive money?

Mr. HEYBURN. Yes; for the protection of the people of Idaho.

Mr. DOLLIVER. Does the Senator regard it as a very great moral monstrosity that a man receiving $900 a year in Idaho should take scalps to the place designated by law and receive the bounty provided by the statute of Idaho?

Mr. HEYBURN. I regard it as so obvious and flagrant an invasion of what is right as to be almost impossible to discuss. The Government pays him for doing it. He collects that. Then he goes and collects from the State of Idaho for doing the same thing.

Mr. DOLLIVER. Possibly the government salary has been adjusted on a modest basis with a view of the possibility of his killing a few animals.

Mr. HEYBURN. I anticipated some such suggestion as that, and I have information in regard to the salaries of this class of men. I just took a few samples out of a long list I have here of those who have collected money. We will take James T. Winn. He is a forest guard at Mackay, Idaho, with a salary of $900. He collected from the State of Idaho $195 and $18 for scalps of animals that he had killed in the performance of his duty and pursuant to his employment, and he killed these animals for the Government.

Mr. SMOOT. Is it not true that the cattlemen and sheepmen of Idaho have requested the department here, not only once, but many times, for assistance in killing those animals?

Mr. HEYBURN. Perhaps so, Mr. President. The department evidently has employed men at a fair salary and sent them there for the purpose of doing it. It would hardly be contended that the Government of the United States and the State were going into partnership for the purpose of destroying animals, each of them contributing, upon a different basis of computation entirely, for the doing of the same thing. I did not suppose really that there was a Senator in this body or a man in the United States who would defend a thing so obviously in violation of all sense of decency and justice as that of a man drawing two salaries for doing the same thing.

Mr. SMOOT. I want to say to the Senator that the men who have been designated for this business, as I may call it, are instructed by the department not to undertake to collect these bounties if there is a protest on the part of the State against paying them. It rests entirely with the State as to whether they shall be paid a bounty or not. If Idaho has paid the bounty, the authorities of Idaho have had no objection to paying it, and thought it was for the benefit of the cattlemen and sheepmen of the State.

Mr. HEYBURN. Mr. President, I presume the State of Idaho is competent to provide for the extermination of these animals and to pay for them, too. The animals happen to be within the jurisdiction of the United States and on these forest reserves. Those animals were killed upon forest reserves. The State of Idaho derives no benefit from the forest reserves, and it can not be honestly claimed that it does.

Of course I know, probably, what the Senator's mind reverts to, the per cent of what are called "proceeds that is paid," but it is so far outweighed by the loss to the State that it is not entitled to be mentioned.

Mr. President, I called attention to that in order that this RECORD may show it, and that it may be available in the RECORD for all who are concerned. It is in keeping with the morals of the administration of the forest reserves in the past. I do not believe that it will be carried into the future. If it is, I think we will have further inquiry in regard to the proposition.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question.

Mr. HEYBURN. I have not yielded the floor. I yield to the Senator for a question.

Mr. SMOOT. I was going to ask the Senator if he would have any objection to my placing in the RECORD now a letter from Secretary Wilson upon this very subject, explaining why and to what extent this has been done.

Mr. HEYBURN. Would the Senator mind doing that in his own time?

Mr. SMOOT. Certainly; I have no objection to waiting, if the Senator prefers.

Mr. HEYBURN. I have some information here, and, as I said, I have taken pains to verify it this morning. I do not know how many pages of items I have such as I have read. However, that is about all I will say concerning those animals.

Mr. President, I do not want Congress to lose sight of the fact that the status of the school lands in Idaho has been established by the supreme court of that State since this question was last before Congress. For a number of years we have contended when the agricultural appropriation bill was under consideration that the forest reserves had included the school sections of the State and rendered them of no value and unavailable for the use of the State. We were met with the statement that the title of those lands had not passed out of the United States, and that they were subject to be included within a forest reserve. Since that question was here before, the supreme court of the State has passed upon it, and I had printed

as a Senate document the decision of the supreme court upon that question. It is Senate Document No. 328, and it is the law. It holds that the title passed at the time of the grant; that it was a grant in presenti, so far as the 16's and 36's then existed, free from contract or concern.

Mr. SMOOT. Whether surveyed or unsurveyed?

Mr. HEYBURN. Yes; surveyed or unsurveyed. The court holds the old familiar doctrine that that which can be made certain is certain in law. That doctrine is about as old as any other legal principle of which I have knowledge. The chief justice of the supreme court has been on that bench now for nearly twenty years. He was extensively engaged in the practice of law in public-land States under public-land conditions before he went on the bench. He is thoroughly familiar with it, and his opinion, which is contained in this Senate document, will convince any lawyer that he knew what he was talking about when he rendered that decision.

Mr. President, there is an iniquity about the exercise of a power merely because you possess it against people who are either so situated that they can not make a defense or are under influences that prevent them from doing it that is startling. They say that if these lands belong to the State they may draw a line around them in connection with some lands that do not belong to the State, and that that gives them the exclusive jurisdiction of everything within that line, whether it belongs to the State or to the Government, and they exercise it. They collect rent for grazing upon the public-school lands of the State of Idaho. There are a million acres of them included within the forest reserves which are withdrawn from every use and purpose to which the State could put them.

The State may only sell its lands at public auction under the provisions of the act creating the State and the constitution of the State. That is not subject to be changed by rule or regulation or by act of Congress or by act of the legislature of the State. It can be changed only by changing the constitution of the State, and that would have to be subjected to the reapproval of Congress.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Will the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. Is it not a fact that the supreme court of Idaho has granted a rehearing in those cases?

Mr. HEYBURN. Fortunately they have disposed of it. This morning I am advised of the disposition, and they emphasized their former conclusions and gave notice as to their manner of enforcing it in case it was doubted.

Mr. MONEY. Mr. President, will the Senator from Idaho permit me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. MONEY. I think the Senator said a moment ago that there is something in the constitution of his State concerning this land that could not be changed by the people of the State unless with the approval of Congress.

Mr. HEYBURN. It is in the admission act, as well as in the constitution. I will say to the Senator that we are rather peculiarly situated.

Mr. MONEY. I beg pardon; I did not hear the Senator's first remark.

Mr. HEYBURN. I say it is in the admission act, as well as in the constitution. We are peculiarly situated in regard to the constitution of our State. Before Congress acted or considered the question of admitting the Territory as a State the people of the State met and adopted a constitution. They held a constitutional convention, and the people ratified the constitution at an election held for that purpose. When they came here, Congress had full information as to the provisions of the constitution. It contained the provision with reference to the public lands that the State should receive. Congress in enacting the legislation admitting the State recites the fact that the constitution has been adopted, and ratifies and confirms the constitution in express terms, and then, in making the grant of public lands specific, it provides how they shall be disposed of. So we have a double provision, or a double limitation.

Mr. MONEY. The Senator does not hold, however, that whatever provision may be insisted upon by Congress in accepting a State into the Union it binds that State as to any future action regarding its own constitution. Whatever the provision necessary to secure admittance, no subsequent provision that does not bind every other State in the Union is binding upon that State.

Mr. HEYBURN. Mr. President, the peculiar situation here is that Congress in granting these lands was induced by the limitation upon the disposal of them to make these very liberal terms. The State received these lands under the contract of the act of Congress that they would not be dissipated and wasted. Congress welcomed the opportunity to incorporate this restriction. I do not believe that the State of Idaho, even by an amendment to the constitution, could change the conditions of the contract upon which the Government gave the State the land.

Mr. MONEY. I do no agree with the Senator about that, but it is his own State.

Mr. HEYBURN. I did not catch the remark of the Senator.

Mr. MONEY. I say I do not agree with the Senator. He probably knows his own State better than I do. As a general proposition it would not hold good, I think.

Mr. HEYBURN. I do not believe that the Senator from Mississippi would contend that the Government, having granted the State lands upon certain conditions, the State by any act could change the condition.

Mr. MONEY. That might be true.

Mr. HEYBURN. That is the whole proposition. The State received the lands with that limited power of disposal, and the Supreme Court holds that that grant attached with the admission of the State. If it did, these are the only conditions under which the State can dispose of the lands. And yet the Forest Service come in and by rules and regulations say, "We will nullify the provisions of your constitution, and we will nullify the provisions of the act of Congress; we will inclose this land, a million acres of land—school lands—within a forest reserve or a series of forest reserves, and we will say that you shall not exercise the rights over those lands that were granted you at the time of the admission of the State into the Union." That is what they say in effect. They not only say that, but they say, "We will take the lands and we will divert them to an entirely different use, without your consent, and we will give you just such proportion of the proceeds that we may make out of your lands as we see fit." That is the status of it.

Mr. SMOOT rose.

Mr. HEYBURN. Does the Senator desire to interrupt me?

Mr. SMOOT. I was only going to say that the Forest Service has never at any time said that they had absolute control over the school sections, and my belief is that the State of Idaho to-day, in receiving $50,000 and a little more last year from the use of school lands within the forest reserves, received a great deal more money than if they had not been there and administered by the Forest Service.

Mr. HEYBURN. Mr. President, the Senator is so far wrong that it would seem to be a waste of time to go into the question as to how much a million acres of land would produce in the State of Idaho if administered in the ordinary way.

Mr. SMOOT. Of course I take it for granted that more than half of those school lands have not been surveyed. The Government could not touch the timber upon them. Perhaps if the Senator would say that they could sell that timber, of course the State would receive more than $50,000 a year.

Mr. HEYBURN. But our constitution and our organic law provide that the State may sell the timber separately, and you can not repeal it in this body.

Mr. SMOOT. That may be true; I do not deny that that is a fact. I simply want to call attention to the fact that the Government has never taken off a stick of timber.

Mr. HEYBURN. Oh, yes; they have. That is where the Senator is lacking in information.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. I know the facts. The Government is cutting, and has been cutting, and is now asking for bids for lumber cut upon school sections.

Mr. SMOOT. Last year I asked the Forestry Division if they were selling lumber in the State of Idaho upon surveyed school sections, and their reply was no.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. I suppose the question of the Senator from Utah relates only to surveyed sections.

Mr. SMOOT. Entirely to surveyed sections.

Mr. BORAH. I understand, however, that the Forestry Bureau still claim that as to unsurveyed sections they had the power to incorporate them in reserves, and that the Government now holds title to them.

Mr. SMOOT. I do not think they ever claimed to hold title to them. They do claim that until they are surveyed the title has not passed to the State of Idaho; but as soon as they are surveyed, or when they will be surveyed, the title passes to the State.

Mr. BORAH. The title must rest somewhere.

Mr. SMOOT. The title in unsurveyed lands rests in the Government.

Mr. BORAH. It is the contention of the bureau that the Government still holds absolute title to the unsurveyed lands.

Mr. SMOOT. Until surveyed. But I want to say that the Government has given to the State of Idaho the 25 per cent of all receipts from those lands, whether they are surveyed or unsurveyed.

Mr. HEYBURN. Mr. President, that sounds like a chapter from Dick Turpin. He used to hold up the people on the highways of England, and if anybody complained that he did not have money enough to get breakfast he would hand him back some of the money he had taken from him. I have heard of it being done in other sections of the country. Argument of that kind, urged against the question of absolute title and right based upon law, is in exact keeping with the kind of administration we have had in the forest department for the last number of years. The law cuts no figure. It accomplished nothing to say to them, I own this piece of land. In their judgment it was all subject to their control, and the fact that you claimed ownership to it under recognized law was no basis, in their judgment, for determining your right.

These school sections are subject only to the control of the State under the laws that are made by the legislature of the State of Idaho, and the legislation affecting these lands can not be participated in by Congress. You might just as well get it out of the heads of this department and all others that from this time on Idaho will administer her own government respecting her own lands, because they had been advised to take possession of them, and if a forest officer attempts to disturb them they invoke the state constabulary or whatever force is necessary to throw them off of it.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. BURKETT. How would you find them, how would you locate them, if the land had not been surveyed?

Mr. HEYBURN. They can all be located. The Senator is too good a lawyer to deny the proposition that that which can be made certain is certain in law, and he knows enough of the system of public surveys to know that you can find out where any piece of public land is on the lands of a State by extending the line from the base meridian or any other established survey.

Mr. BURKETT. I am very much obliged to the Senator for the compliment. After what was said by another Senator the other day, I am glad to have the compliment.

Mr. HEYBURN. I think the Senator is entitled to some compliment.

Mr. BURKETT. But I am frank to say to the Senator that I do not understand how the State of Idaho or how anybody can locate a piece of land on unsurveyed territory.

Mr. HEYBURN. You do not have to locate it. God located it there before the flood. You can own a thing without being able to go out and point it out.

Mr. BURKETT. But the Senator would not contend that because the State had a section of land scattered throughout this domain it could go out and take charge of 640 acres indiscriminately anywhere?

Mr. HEYBURN. It does not have to take charge of it. The Senator's possession there is just as much his as it is here at his home, where he is personally. They do not have to take charge of it. Land is a thing that rests always in the same place. It never moves.

Mr. BURKETT. That may be very true, but until it is surveyed I am at a loss to understand how you can find the place. That is what has disturbed me all the way through. These sections are scattered here and there and nobody can tell exactly where they are. They are at the same place to be sure, and will be there when surveyed, but until the land is surveyed how is the State going to tell when the forester has got on their land so as to get an eviction of the forester or bring any action, or any process, or any other movement that the Senator contemplates by the state constabulary. How are you going to get at the particular piece of land. All this leads up to the question whether the Forestry Bureau have not on the whole disposed of this land in about as practical a way as you can handle this matter.

Mr. HEYBURN. It has disposed of some one else's property.

Mr. BURKETT. Until that land is surveyed the State has not actual possession of it. They do not know where it is. They can not get on particular sections. There can not be a particular section. They may have title to it but they can not tell where it is. How can they handle it? How can they know which sections are theirs? I am at a loss to know how the Senator can claim that the Government has ever sold any timber off a state section when they do not know where the state section is.

Mr. HEYBURN. The Senator is assuming a great deal in assuming those questions.

Mr. BURKETT. I am only assuming what the Senator said is true.

Mr. HEYBURN. I do not mean personal assumption. The Senator is assuming many things as facts which are not. In the first place, the system of surveys of the public land is as definite and as easy of application to the ground on paper as it is on the ground for the purpose of determining where certain things are.

How in the world is this stranger to the title of the State in this land vested with any authority to raise this question? Where does it come in? How does his interest attach to the State's property that he assumes this guardianship and this critical analysis of the State's rights?

Mr. BURKETT. What I am contending is that the Senator's State is not in any better position as far as that is concerned than the Government is. They certainly can not prosecute in a matter of eviction until they can locate their land and get the title established.

Mr. HEYBURN. They assume to prosecute men for an invasion of the State's school sections.

Mr. PURCELL. May I ask the Senator a question?

Mr. HEYBURN. Certainly.

Mr. PURCELL. In whom does the title stand to those lands to-day?

Mr. HEYBURN. In the State.

Mr. PURCELL. By what instrument?

Mr. HEYBURN. By virtue of the admission act of Idaho and the constitution of Idaho, which are one and the same.

Mr. PURCELL. What the Senator means is the enabling act and the constitution?

Mr. HEYBURN. We did not have an enabling act. We had an admission act.

Mr. PURCELL. The admission act and the constitution together make a contract by which the State of Idaho claims to own those lands. Is that right?

Mr. HEYBURN. Yes.

Mr. PURCELL. Let me ask the Senator, is it not a fact that those two instruments together do not convey title; that it requires something else?

Mr. HEYBURN. No; it is not. I know what the Senator has in mind. He has in mind those grants which say there shall be granted to the State, like, perhaps, to his own State.

Mr. PURCELL. Yes, sir.

Mr. HEYBURN. The language is, "There shall be granted to the State every sixteen and thirty-six," and so on. That is not a grant in presenti, but is in futuro.

Mr. PURCELL. But is it not true that in addition to those two instruments there must still be a patent and an actual transfer of the land from the Government to the State, and until that is done, is it not a fact that the title to those lands remains in the Government of the United States?

Mr. HEYBURN. No; the Senator will find upon an examination of the authorities that the Government never makes any instrument other than Congress furnishes.

Mr. PURCELL. I beg your pardon; all the land grants to railroad companies are followed by patents. Every grant that has been made to any railroad company I ever knew of was followed by a patent, and particularly is that true of unsurveyed lands; lands that are not capable of being designated at the time of the formation of the contract. They follow later on by transfers in the shape of patents, and until those patents are issued it would seem as if the title vests in the Government of the United States; and if it does, the Government certainly has control over those lands.

Mr. HEYBURN. The Senator from North Dakota has suggested a new doctrine in regard to the title to these lands. It has never been so held. Millions of acres of school lands have passed by virtue of the words "there is hereby granted to the State" so much land. That is the highest title that the sovereign can give. The other would be merely an executive order. The words "there is hereby granted" are words of absolute and complete transfer of title; but the words such as are used in the transfer of public lands or the donation of them in the Senator's State "there shall be granted" are words not in presenti.

Mr. PURCELL. Is it not true that the instrument the Senator speaks of says that "there is hereby granted a body of land," so many acres?

Mr. HEYBURN. I am not discussing those lands.

Mr. PURCELL. Very well. Is it not necessary, then, that something else should follow, particularly designating or describing the lands that are sought to be transferred?

Mr. HEYBURN. In that case, yes; but we are not discussing that class of lands now. Those are lands in quantity, and the sixteens and thirty-sixes are a specific grant. The lands in quantity must be selected and the selections approved and recognized, and then they pass by the act of approval. I am not discussing those lands. They are not the lands we are complaining about. The million acres I refer to—made up of sixteens and thirty-sixes—are a direct grant, not in quantity, but specific. That is the difference.

Mr. President, I have attempted to show for the benefit of Senators, and that the RECORD may show, that we have not changed our position. I want the RECORD to show the additional fact that this matter has been decided by the highest court authorized and having jurisdiction to determine it.

Mr. PURCELL. What court is that?

Mr. HEYBURN. The supreme court of Idaho.

Mr. PURCELL. Does the Senator contend that that is the highest court?

Mr. HEYBURN. There is no higher court in the world outside of the court of all courts, and that is the Supreme Court of the United States.

Mr. PURCELL. Is there not a federal question involved in the case; and if there is a federal question involved, then, sir, has not the Supreme Court of the United States jurisdiction, if they desire to appeal?

Mr. HEYBURN. I understand the Senator is complaining because these parties have not carried it further.

Mr. PURCELL. No, sir; but the Senator says that is the highest court.

Mr. HEYBURN. So it is.

Mr. PURCELL. Does the Senator mean to imply by that that it is the court of last resort, and that the case has gone as far as it could go?

Mr. HEYBURN. The highest court in a State is the highest court in the land, except for appellate purposes, and, if no one appeals, the judgment of the state court is as potent and as far-reaching as that of the Supreme Court.

Mr. PURCELL. That would be true of a county court.

Mr. HEYBURN. I do not need to go outside this case, and I have no doubt that the supreme court of Idaho sustained its decision by its citations of authority. On more than one occasion I have noticed rather a look of supercilious doubt when one mentioned the supreme court of Idaho; but if you will examine the records of the supreme court of Idaho, you will find that it is abreast with the supreme court of any State in the United States.

Mr. PURCELL. The Senator surely misunderstood me, if he——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. Yes.

Mr. PURCELL. The Senator misapprehended my remarks if he understood me to say anything derogatory to the supreme court of Idaho. I have great respect for that court; in fact, I have more respect for it in the last six months than I ever had, because, by a divided court, our supreme court adopted one of its decisions which knocked out and overruled and completely annihilated the homestead law of our State.

Mr. HEYBURN. I am gratified to know that the Senator's respect for the court has been enhanced, no matter how. I desire in connection with a discussion of this question to offer as a part of my remarks the decision of the supreme court of Idaho. I can not read it if consent is not given, but it is appropriate.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

[Senate Document No. 328, Sixty-first Congress, second session.]

RELINQUISHMENT OF STATE'S RIGHT TO INDEMNITY SCHOOL LANDS.

Mr. HEYBURN presented the following opinion of the supreme court of the State of Idaho relative to prohibiting and restraining the state board of land commissioners from relinquishing the State's right and title to certain indemnity school lands.

[In the supreme court of the State of Idaho. November term, 1909. Filed January 22, 1910. I. W. Hart, clerk. William Balderston, plaintiff, *v.* James H. Brady et al., defendants.]

STATE LANDS—POWER OF STATE LAND BOARD—DISCRETION OF BOARD—TITLE TO SCHOOL LANDS—POWER OF BOARD TO RELINQUISH SCHOOL LANDS.

1. The state board of land commissioners is vested under the constitution (secs. 7 and 8, art. 9) with the "direction, control, and disposition of the public lands of the State under such regulations as may be prescribed by law."

2. Under the provisions of sections 7 and 8 of article 9 of the constitution the direction, control, and disposition of the public lands of the State must be in pursuance and under the direction of the constitution and statutes of the State and not otherwise.

3. Where the proposed or contemplated action of the state land board involves the exercise of judgment and discretion vested in the board, the courts will not attempt to control or direct such discretion, or in any manner interfere with their action, so long as it is exercised within the scope of their authority. Where, on the other hand, the proposed or contemplated action is without the authority of law or has no legal sanction, the courts may interfere and interrupt their action and declare the law on the subject and point out to them the legal scope within which their judgment and discretion is to be exercised.

4. House joint resolution No. 10, adopted March 10, 1909 (1909 Sess. Laws, p. 451), has no force or effect as a law of the State, and can furnish no authority or justification for the state board of land commissioners either acting or refusing to act on any matter coming before them. They can not rest or justify their action in any matter upon the authority or direction of such resolution or any action taken by the commission created by that resolution.

5. The State's title to sections 16 and 36 in every township in the State discussed and considered.

6. The state board of land commissioners has no power or authority conferred upon it, either by the constitution or statute of this State, to relinquish the State's right or title to sections 16 and 36, granted by the General Government for common-school purposes, and any action taken by the board or under its direction or authority attempting to relinquish or waive the State's right to such lands is void.

(Syllabus by the court:) Original action by the plaintiff to procure a writ of prohibition, restraining and prohibiting the state board of land commissioners from relinquishing the State's right and title to certain indemnity school lands. The defendant board demurred to the petition. Demurrer overruled.

Wyman & Wyman and B. S. Crow, for plaintiff.

D. C. McDougall, attorney-general; J. H. Peterson, assistant attorney-general; Edwin Snow and Edwin McBee, for the board. Gray & Knight, amici curiæ.

Ailshie, J.:

This is an original action commenced in this court by the plaintiff, as a citizen and taxpayer, praying for a writ of prohibition against the threatened action of the state board of land commissioners, prohibiting and restraining them from relinquishing the right and title of the State of Idaho to certain lands situated in Shoshone County, and heretofore selected by the board under the land grants made by the General Government to the State of Idaho. The board has filed a demurrer to the complaint, raising the sufficiency of the allegations of the complaint to entitle the plaintiff to the relief demanded. The facts pleaded and on the sufficiency of which we must pass are substantially as follows:

On July 6, 1901, the governor of the State applied to the Commissioner of the General Land Office for the survey of a portion of the public domain in Shoshone County and described as townships 44 north of ranges 2 and 3 east, Boise meridian. This application was made under the provisions of the act of Congress of August 18, 1894 (28 Stat. L., pp. 372 and 394). Notice of the application was thereupon published in the Idaho State Tribune, of Wallace, as required by the act of Congress. Official survey was thereafter made by the Government, and its approved plats were filed in the United States land office at Coeur d'Alene on July 5, 1905. It seems that the Commissioner of the Land Office neglected to give notice to the local land office at Coeur d'Alene city of the application made by the State. Between the date of the application made by the governor for the survey and the filing of the approved plats in the land office, a number of settlers went upon the lands and appear to have established their residence thereon.

Under the act of Congress the State was given a priority of sixty days from the filing of the approved plats in the land office in which to select and make filing on any of the lands included in the survey. Accordingly, the state board of land commissioners on July 9, 1905, offered filing lists at the Coeur d'Alene land office for a large portion of the survey, and the applications were refused on the ground that that office had no notice of the preference right of the State and that filings by settlers had previously been accepted. The filings of the State were accordingly rejected by the officers of the local land office. The State of Idaho appealed from the action of the local office to the Commissioner of the General Land Office. The commissioner held that the State had a prior and preference right over all settlers who entered upon the lands subsequent to July 6, 1901, the date on which the governor applied for the survey of these townships.

The settlers thereupon appealed to the Secretary of the Interior, and on June 27, 1907, Secretary Garfield rendered a decision affirming the action of the Commissioner of the General Land Office and sustaining the prior right of the State to file upon the lands included in its lists. (See Thorpe et al. *v.* State of Idaho, 35 L. D., 640.) It appears that soon after the decision of the Secretary of the Interior the state board of land commissioners requested the Secretary to withhold final order and judgment affirming the decision of the Commissioner of the General Land Office and directions to the local land office to receive the filings, and that accordingly the Secretary has withheld the final order and instructions from the department in the premises. This, it appears, however, has been done solely on the request of the defendant board.

In the meanwhile, according to statements made in the briefs by counsel for the board, the matter crept into the political considerations in this State, and it seems that during the campaign preceding the general election of 1908 the two leading political parties made some promises or declarations that, if successful in the election, they would relinquish some of these lands to the settlers who had been unsuccessful in their contests before the department. In obedience, say the briefs, to those promises and representations the legislature, by house joint resolution No. 10, which passed the senate March 2, 1909 (1909, Sess. Laws, p. 451), adopted a resolution appointing a commission consisting of two members of the legislature and the state land commissioner, appointed by the governor, to investigate the claims of these settlers and to take testimony and report the same to the state board of land commissioners, together with their recommendations in the premises. It is also provided that the state board of land commissioners should act upon the unanimous recommendations of the commission. Subdivision 11 of section 8 of the resolution provides as follows:

"*Provided*, That no recommendation shall be made unless with the approval of all members of the commission: *And it is further provided*, That the detailed report of the commission, as required in Section III, be filed with the state board of land commissioners within thirty days

after the completion of the investigation; and that the state board of land commissioners shall, within thirty days after the filing in their offices of the report and recommendations of the said commission, relinquish or cause to be relinquished all the rights of the State of Idaho to the lands claimed by said claimants or such portion thereof as may be recommended to the favorable action of the state board of land commissioners."

The commission, acting under authority of this resolution, proceeded to the county where the lands are situated and took testimony, and thereafter made their findings and report and filed the same with the state board of land commissioners, recommending that certain tracts of land claimed by various settlers be relinquished and that the State's filing thereon be canceled.

The complaint alleges that the board is about to and threatens to act in conformity with the recommendations of the commission and the provisions of the resolution and relinquish all the right, title, interest, and claim of the State in and to the lands described in the report and recommendations. It is to prevent this threatened action on the part of the board that the present suit is filed.

In support of the demurrer the defendant contends that the board is vested by the constitution (sec. 7, art. 9) with unqualified power and authority over the lands granted by the United States to the State, and is vested with unlimited discretion in the matter of selection of such lands and may likewise, in its discretion, relinquish any such lands. Sections 7 and 8 of article 9 of the constitution provide as follows:

"SEC. 7. The governor, superintendent of public instruction, secretary of state, and attorney-general shall constitute the state board of land commissioners, who shall have the direction, control, and disposition of the public lands of the State, under such regulations as may be prescribed by law.

"SEC. 8. It shall be the duty of the state board of land commissioners to provide for the location, protection, sale, or rental of all the lands heretofore, or which may hereafter be, granted to the State by the General Government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor: *Provided*, That no school lands shall be sold for less than $10 per acre. No law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any such public lands, subsequent to the survey thereof by the General Government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The legislature shall, at the earliest practicable period, provide by law that the general grants of land made by Congress to the State shall be judiciously located and carefully preserved and held in trust, subject to disposal at public auction for the use and benefit of the respective objects for which said grants of land were made, and the legislature shall provide for the sale of said lands from time to time and for the sale of timber on all state lands and for the faithful application of the proceeds thereof in accordance with the terms of said grants: *Provided*, That not to exceed 25 sections of school lands shall be sold in any one year, and to be sold in subdivisions of not to exceed 160 acres to any one individual, company, or corporation."

Now, there can be no question or doubt but that the "direction, control, and disposition of the public lands of the State" is vested in the state board of land commissioners. It is equally clear and certain that this power must be exercised "under such regulations as may be prescribed by law." Both of the foregoing sections of the constitution contain the same provisions as to this limitation of power. The legislature is prohibited, however, from passing any law that would authorize a sale of school lands for less than $10 per acre, or any sale or disposition other than "at public auction." In many of the matters coming before the board in reference to state lands they must exercise their judgment and discretion, and it is a well-settled principle of law that in such cases the courts will not attempt to control or supervise the discretion vested in the officers of a coordinate branch of the Government. We held to the same effect in Pierson *v.* State Board of Land Commissioners (14 Idaho, 163). The findings of the board on the facts of any given matter of inquiry is final and conclusive (White *v.* Whitcomb, 13 Idaho, 490; 29 Sup. Ct. Rep., 599); but an error made in applying the law to the facts, or an erroneous construction of the law by the land department may be reviewed and corrected by the courts. In Pierson *v.* Board, supra, this court said:

"If they (the board) act in a matter without jurisdiction, there is a remedy; if they misapply the law to the fact found, or in case of fraud, there is a remedy." * * *

It is obvious that if the contemplated action of the board of land commissioners involves the exercise of a judgment or discretion vested in them by law, then this court can not and will not attempt to control that discretion or in any manner interfere with or direct the action of the board. If, on the other hand, the action proposed is without authority of law or has no legal sanction or authority, or is an attempt to act, not upon the discretion and judgment of the board but upon a substituted judgment or discretion or upon the judgment, discretion, and direction of some other board or body, then and in such cases this court may interrupt them and declare the law on the subject, and point out to them the legal scope within which their judgment and discretion must be exercised.

It has been urged in this case, not by counsel for the State, but by associate counsel who are really representing the claimants to this land, that under the authority of Stein *v.* Morrison (9 Idaho, 426), the writ of prohibition will not lie against the governor or a board of which the governor is a member. The case cited falls far short of going to the length claimed for it by counsel. In that case the court, after stating the respective positions of counsel and the trend of the argument made on this subject, stated its legal conclusion as follows:

"It seems to us that to keep within the principle of our Constitution (sec. 1, art. 2) and form of government, which recognizes the independence and specific character of the 'three distinct departments' of Government, that the judicial department could not attempt to prohibit either of the other departments from acting within the recognized scope of their respective branches of the Government, but that on the other hand the legal effect of such action after it has been taken may be inquired into by the court."

It will be observed that the test enunciated by the foregoing statement is that the action proposed to be taken must be "within the recognized scope of their respective branches of the Government." It is doubtful if anyone would seriously contend that the process of the courts will not run against an individual or individuals, holding an executive office or offices or comprising an executive board, simply because they occupied such official position and were assuming to act as officials although their action was beyond the scope of their authority and wholly unauthorized by law. We do not hold such a position tenable and have never so held.

It is also urged that the writ of prohibition will not run against the chief executive, and that since the governor is a member of the state board of land commissioners the writ will not lie against that board. This position is without merit. As stated in Stein *v.* Morrison, supra, it is held by many authorities that the writ of prohibition will not lie against the governor of the State to restrain him from performing an executive act. This case does not fall within the line of those authorities nor within the reason on which they rest. The state board of land commissioners is a constitutional body. It is composed of four members, each of whom has a vote on all matters coming before the board. This board is as distinct and separate from all other offices as is the office of governor or judge of this court. It is created by the same instrument which created the office of governor and the judicial department of the State. The individuals who compose the board and discharge its duties happen to be state officers, and it so happens that the governor of the State, by reason of being governor, is chairman of the board. When acting and voting at a meeting of the state board of land commissioners and discharging the particular and special duties devolving upon the board, he is not acting as the chief executive, but, on the contrary, is acting as one of four members of a board in the discharge of certain ministerial and quasi judicial duties imposed on such board by the constitution and statutes. The writ, if issued, would run against the board and not against the governor.

Passing now to a consideration of the action of the legislature, we find that the joint resolution of March 2, 1909, under which this commission was appointed and the report has been made, is not a law of the State. It is not enacted in the manner provided for the enactment of a law (sec. 15, art. 3) and it is not contended that it is a law. On the other hand, it directs that—

"The state board of land commissioners shall, within thirty days after the filing in their offices of the report and recommendations of the said commission, relinquish or cause to be relinquished all the rights of the State of Idaho to the lands claimed by said claimants, or such portion thereof as may be recommended to the favorable action of the state board of land commissioners."

This is not advisory or recommendatory, but is made mandatory. This resolution furnishes no authority of law for the action or direction of the state board, and the board can not act under it or rest any action or judgment or decision made by it upon the resolution. To do so would not be acting on the judgment and discretion of the board, but upon a substituted judgment, namely, that of the commission appointed by the resolution. If this were a legislative enactment in the form of a law, it would still be a serious question if the legislative department of the State could either authorize or direct the land board to part with the State's title and right to school or other lands for less than the constitutional minimum price or without a sale "at public auction."

It is contended that the board might discover that some of the land included in the lists filed is worthless and that they might determine it wise to omit such land from the further lists and take other land instead thereof. That contention may be conceded so far as this case is concerned, and still the admission will not answer the difficulty confronting us in this case. It is alleged by the complaint that the defendant board are threatening and proposing to act upon the report of the commission and in conformity with the resolution passed by the legislature and the investigation and report thereon, and are about to relinquish and surrender up the right and title of the State to this land. That allegation necessarily admitted by the demur takes the question of the discretion and judgment of the board out of the case, and rests the action of the board entirely and solely upon this legislative resolution and the investigation and report had and made thereunder.

The constitution of this State was framed by the constitutional convention eleven months prior to the admission of the State into the Union, and it was ratified by the people some eight months before the admission. Notwithstanding this fact, the people at that early date incorporated into the fundamental law of the State sections 7 and 8 of article 9, heretofore quoted, and thereby forbade the legislature authorizing any sale of land for less than $10 per acre or ever "granting any privileges to persons who may have settled upon any such public lands subsequent to the survey thereof by the General Government, by which the amount to be derived by the sale, or other disposition of such lands, be diminished, directly or indirectly." It was provided that the legislature should enact laws whereby the general grants of lands made by Congress to the State should be "judiciously located and carefully preserved and held in trust" for the several purposes and objects for which they were granted. The admission bill followed the provisions of the constitution, and by sections 8 and 11 thereof it is provided that none of the lands granted by Congress to the State should ever be sold for less than $10 per acre. It needs only to be called to mind to be at once apparent that the legislature can not authorize the land board or anyone else to do any act with reference to state lands that is forbidden by the constitution. Any gift of school or other state lands or relinquishment of the State's title is in violation of the fundamental laws of the State and would be void.

Another thing that should not be overlooked in this case is that the board must act "under such regulations as may be prescribed by law." The right of the State to this land has been adjudicated and determined by the Interior Department of the Government after a contest before that department covering a period of about nine years. The State has been pursuing its legal rights, and the issue has been determined by the duly constituted tribunal in favor of the State. No privity of interest existed between the State and these settlers. The State was not acting in its sovereign or governmental capacity, but purely in its proprietary and business capacity, in acquiring title to property. In such capacity it could owe no duty to the citizen or settler, except to keep within its legal rights and refrain from trespassing upon or interrupting any of the like rights of the settler. The Secretary of the Interior, the final arbiter in such matters, has found that the State was well within its rights and that the settlers had no rights in the premises. Now it is proposed to turn the land board, or the commission appointed under this resolution, into a kind of court of equity, and after a nine years' lawsuit and the expenditure of thousands of dollars to attorneys and agents for arguing and urging the State's claim at Washington, to reverse the judgment of the Interior Department and conclude that the State has for nine years been waging an unconscionable demand for a part of the public domain that rightfully belongs to settlers. The land board is not a court of equity; it is an executive board charged with duties that must be executed in conformity with law.

Some such argument as is now made in support of the proposed action of the state land board was evidently made by the attorneys for the settlers before the Secretary of the Interior. The counsel for the State made reference to that fact in their brief, and said:

"There is all through the appellant's (the settlers) brief the assumption of some wrong done the settlers by the State. It is asserted that the grants to the State were 'in derogation of the common rights of the settlers,' 'must be strictly construed,' and that its selections in this case were in some way irregular or unfair. The officers who are representing the State in this matter feel, on the other hand, that in seeking to satisfy the grants for common-school purposes they are in the highest sense endeavoring to acquire this land as a heritage of the whole people. These very settlers who are appellants here will share in the benefits of the State's success." (35 L. D., 640.)

It was only after the subject had entered the domain of politics (as stated by the briefs) and political conventions had made promises and declarations in consideration for votes, that any different view appears to have been taken of this matter than that expressed in the State's brief before the Interior Department. The only thing in the way of carrying out this promise is that it would be a violation of the law. There is no statutory law to prevent political parties making all the promises they see fit to make, but whenever they undertake to carry out those promises by giving away the school lands, the heritage of the children of the State, the law steps in and forbids.

It has been urged on the oral argument in this case that at least a part of this land was selected as indemnity or lieu land instead of sections 16 and 36 in the Coeur d'Alene Indian Reservation. That question does not directly arise on the consideration of this demur, but since it is incidentally involved in the consideration of another phase of the case and will arise in the final determination of the case, we will give it consideration here. As has been heretofore observed in this opinion, the people of the State had adopted the constitution prior to the passage of the admission act. The act of July 3, 1890, admitting Idaho into the Union, specifically "accepted, ratified, and confirmed" the state constitution, and the State came into the Union immediately upon the passage and approval of the admission bill. Nothing remained for the State to do to bring itself within the provisions of the act of admission. It was then a State.

Sections 4 and 5 of the admission bill provide as follows:

"SEC. 4. That sections Nos. 16 and 36 in every township of said State, and where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress other lands equivalent thereto, in legal subdivisions of not less than one quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the legislature may provide, with the approval of the Secretary of the Interior.

"SEC. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said lands may, under such regulations as the legislature shall prescribe, be leased for periods of not more than five years, and such lands shall not be subject to preemption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only."

It will be observed that the language of this grant is in præsenti. The grant would therefore seem to be a present grant. The act says that sections "16 and 36 in every township of said State * * * are hereby granted to said State for the support of common schools." It also provides for the selection by the State of "indemnity lands" to reimburse the State "where such sections or any parts thereof have been sold or otherwise disposed of by or under the authority of any act of Congress." This evidently had reference to the time of the passage of the act and meant that lieu or "indemnity lands" might be selected for such lands as had been sold or disposed of at the time of the admission of the State. This is accentuated by the provisions of the latter part of section 5, saying that no such lands, "whether surveyed or unsurveyed," shall be "subject to preemption, homestead entry, or any other entry under the land laws of the United States." This act, it will be observed, is different from most of the previous land laws as well as land grants, in that it specified and included "unsurveyed" lands, and thereby withdrew all the "unsurveyed" sections 16 and 36 from settlement or "entry under the land laws."

Section 13 of the admission bill specifically provided against the contingency which arose in the Nevada admission bill (13 Stat. L., 30) as construed in Heydenfelt *v.* Daney G. & S. M. Co. (93 U. S., 634). That section provides that all mineral lands shall be exempt from the grants made by the admission bill and authorizes the State to make selections of lieu land for sections 16 and 36 wherever such sections might be lost to the State by reason of being mineral lands. The Nevada admission bill contained no such exemption or reservation. The chief reason, however, given by the court for the decision in the Nevada case does not exist or apply here for the reason that many of the sections numbered 16 and 36 in Idaho had been "sold or otherwise disposed of" prior to the admission of the State. It may be further noted that section 14 of the admission bill negatives the idea of the necessity for a selection of sections 16 and 36, and of the Secretary of the Interior having any control or direction whatever over such sections. His authority and direction is confined by that section to "lands granted in quantity or as indemnity" lands.

It seems to be intimated that the admission bill was in some way amended and modified by act of August 18, 1894, and other amendments to the land laws (28 Stat., 372, 394), but we know of no power or authority whereby the Congress can divest the State of its title to lands that have been previously granted and to which title has vested.

It is not improper to note another significant fact in this connection. On February 22, 1889, which was about a year and a half prior to the admission of Idaho, Congress passed an act (25 Stat. L., 679) authorizing the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and state governments and providing that they might thereafter be admitted as States. That act, by section 10 thereof, provided that the new States should, upon their admission into the Union, receive sections 16 and 36 in every township for common-school purposes. That same section, however, contained a proviso that is nowhere to be found in the Idaho admission bill. That proviso specifically excepts and reserves from the operation of the act sections 16 and 36 "in permanent reservations for national purposes" and "any lands embraced in Indian, military, or any reservations of any character." It is significant that the Idaho admission bill, passed subsequent to the passage of the foregoing act, contained no such exception or reservation. There is nothing in the entire admission bill which negatives the idea of a present grant. The grantee was in existence at the time of the passage of the act and the lands were in the State, some surveyed and others unsurveyed. The fact, however, that the land was not surveyed could make no difference where the numbers of the sections were specifically given.

The title to unsurveyed lands may be as readily conveyed as that to surveyed lands. It is a maxim of law that that is certain which is capable of being made certain. (Id certum est, quad certum reddi potest.) All that remains to be done in order to identify these lands on the ground was to have the survey extended over them. The description in the grant was definite and certain. So far as we are aware it has been the uniform holding of the Supreme Court of the United States that such grants are grants in præsenti, and immediately vest title in the grantee. The principal if not the only exceptions to this rule are Heydenfelt *v.* Daney G. & S. M. Co., supra; Hall *v.* Russell (101 U. S., 503); and Rice *v.* Minn. & N. W. R. R. Co. (66 U. S., 358; 17 L. Ed., 147). The Heydenfelt case, so far as we can find, has never been referred to by the Supreme Court but once (N. Y. Indians *v.* U. S., 170 U. S., 18) and it was there mentioned as one of the rare exceptions to the general rule in construing land grants. The cases to the contrary are too numerous to attempt to collate them all. (See Schulenberg *v.* Harriman, 21 Wall., 44; Leavenworth, L. & G. R. Co. *v.* U. S., 92 U. S., 733; Mo., K. & T. R. R. Co. *v.* Kansas P. R. R. Co., 97 U. S., 491; Den. & R. G. Co. *v.* Alling, 99 U. S., 463; St. P. & R. R. Co. *v.* N. P. R., 139 U. S., 1; Deseret Salt Co. *v.* Tarpy, 142 U. S., 241; N. Y. Indians *v.* U. S., 170 U. S., 1.)

A holding that the State, hampered as it always is in such matters, was intended to run a race with settlers, land-scrip brokers, railroad companies, and timber and stone land grabbers to secure the remnant and refuse of the public domain as lieu and indemnity lands for all its best and most valuable school-land sections, 16 and 36, would render sections 4 and 5 of the admission bill only a delusion and an idle declaration. At the time of the admission of the State into the Union less than one-fifth of the area of the State had been surveyed. There remained about 44,000,000 acres to survey. If title vested in the State to the school sections only that had been surveyed, the State was getting merely the barest contingency for the unsurveyed sections, notwithstanding the declaration in the act that "whether surveyed or unsurveyed," such lands should not be subject to any kind of entry.

This discussion, however, is collateral and incidental only to the main point with which we are here interested. Whether the Government, through any of its agencies, has the power to reclaim the school sections granted by the admission bill is immaterial, so far as the Government is concerned, because Congress, by the act of August 18, 1894 (28 Stat. L., 372), and other acts dealing with the public domain has amply authorized the Interior Department to grant indemnity and lieu lands to the States for any and all lands lost or relinquished by the State. (Op. Atty. Gen., Sept. 15, 1909; Decision Secretary Interior in Heirs of Irwin *v.* Ewing and State of Idaho, filed subsequent to Sept. 15, 1909, and not yet officially reported.) The real question, then, recurs: Has the State authorized the relinquishment of sections 16 and 36, and has the state land board the authority to relinquish the State's right to such lands? But one answer can be given to this query. The authority for such an act can not be found in either the Constitution or statute. It is therefore perfectly safe to say that no such power exists. We have hereinbefore said that the board must act under the law. It must find authority in the Constitution and statute for its acts. No such authority as claimed exists, and it is clear that the state land board has no power to relinquish or surrender the right or title of the State of Idaho to any of its school lands. If the State's title to any of these lands comprising sections 16 and 36 is questioned or denied by the department, then the duty of the State to secure an adjudication of the matter by the Federal Supreme Court is plain and unmistakable.

It follows, therefore, that whatever may be said with reference to the State's vested rights in sections 16 and 36, it is plain that where such sections are found to be mineral lands the State's title fails by reason of such fact, and the land board are authorized, and indeed it is their duty, to make indemnity selections from other lands to reimburse the State for the loss. If the state agent in making the filing should err in describing the lands lost, sold, or disposed of, for which the lieu land selection is being made, we do not apprehend such an error would defeat the State's right to make the selection and acquire the title to such land and have them properly charged against such lands as it had actually lost by reason of the mineral character of school sections or by reason of loss to the State of any of its public grants from any other legal cause.

The complaint states a cause of action and the demur will be overruled. It is well enough to suggest at this time that the action of the commission appointed by the joint resolution of the legislature has no place in the consideration and decision of the land board and can furnish no protection or justification for any action by the board, and no evidence on that subject would be admissible or considered in this case. Neither will evidence as to the condition of these lands or the bona fides of the settlers be considered. Their claim has been one against the United States, and they must wage that claim against the General Government and not against the State. The State has acquired whatever right, title, or claim it now has to the lands freed of any and all claims of the settlers.

Sullivan, C. J., and Stewart, J., concur.

Mr. HEYBURN. Mr. President, in order that we may know how matters have been going along, I have here something that indicates the wishes of the people in regard to this matter. Here is a petition, with probably two or three hundred names on it, of persons who reside upon one of these forest reserves. You would not suppose that that many people could reside upon a forest reserve; if it were not adapted to any other than forestry purposes, you would hardly expect that they could live there longer than their picnic baskets lasted, and yet we find here two or three hundred people living upon that forest reserve. They filed a petition asking that it may be open to settlement, so that they may have neighbors and community life; that they may build up their towns and have their public institutions, as other places have. I call attention to that merely to show that the people of that country are asking the right to use these lands, which belong to them.

Is the right of a man to the public lands less because he lives in Idaho than it is because he lives east of the Mississippi River? I have heard it stated here frequently that these lands belong to the East as much as to the West, and then an argument would be based upon that statement to the effect that

they belonged entirely to the East, and that the man in the West who undertook to exercise his right to them as a co-owner with the people of the East had to prove his right.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SMOOT. The Senator did not say upon what forest reserve the petitioners were located.

Mr. HEYBURN. I thought I did. It is the Seven Devils Forest Reserve. It lies in Washington County, in the State of Idaho, very largely.

Mr. SMOOT. Mr. President, I have here a small book containing petitions from Idaho, some protesting against certain withdrawals from reserves and others asking that additions be made.

Mr. HEYBURN. Where did the Senator get the book?

Mr. SMOOT. It is a copy of certain petitions——

Mr. HEYBURN. Who furnished it?

Mr. SMOOT. I was furnished this by the Forest Service.

Mr. HEYBURN. I thought so. Mr. President, I am perfectly well aware that petitions were circulated in Fremont County and in some of the other counties asking for an enlargement of the forest reserves; but when I examined them—they were sent me—I found they were written upon Forest Reserve paper and stationery, and I grew suspicious of them. I found on further inquiry that they emanated from those who were receiving the special favors and blessings of the forest-reserve policy, so that I did not give as much consideration to them as I might otherwise have done. I think I have the originals of those, or duplicates of them.

Mr. SMOOT. The Senator must also know that when the Secretary of Agriculture was in Idaho public meetings were held there in relation to this very question. The Secretary had a desire to find out what the feelings of the people were, not only in Fremont County, but in nearly every county in Idaho, and even the Weiser National Forest Reserve. I think the minutes of those meetings show there is a sentiment in Idaho for forest reserves.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly, I do.

Mr. BORAH. Mr. President, as I had the pleasure of meeting the Secretary of Agriculture while he was in the State of Idaho, I think I ought to state, in justification to the integrity of the record here, that the Secretary did not have the opportunity of meeting very many of the people who were interested in this question. He was in the State, I think, a day and a half or perhaps two days. He was at Pocatello, and I think at the town of Mackay. He perhaps met 100 people of the State in those places, but unfortunately the only ones whom the Secretary could meet were those interested in extending the grazing privilege of the forest reserves.

Mr. SMOOT. Why so, Mr. President?

Mr. BORAH. Largely because they were so deeply interested that they got there in time to see him.

Mr. SMOOT. No one else——

Mr. BORAH. Mr. President, I do not want it to be understood by that that it was the design or purpose of the Secretary of Agriculture to do other than to acquire all the information which he could acquire; but he came into one corner of the State and went out at the same corner, without knowing anything at all concerning three-fourths of the State. His time would not permit him to go farther. It simply demonstrates the fact that it is impossible for the Secretary of Agriculture or anybody else to gain any such information as is necessary to make an intelligent report by visiting one or two counties in a State.

I do not suppose that the Secretary of Agriculture saw a single foot of the forest lands of our State. I do not think he was off the railroad far enough to know where they were located. He went there and met a few of the people whom he could meet on a very rainy, bad day and went away. His time was limited.

Mr. SMOOT. Mr. President, I made no statement——

Mr. HEYBURN. Just a moment, please. I want to express my appreciation of the words uttered by my colleague. I, unfortunately, was away and could not be present, but I have had so many letters fully sustaining the statement made by my colleague that I have no hesitation in vouching for it at all.

Mr. SMOOT. Mr. President, the statement I made was that the Secretary of Agriculture was in the State of Idaho; that meetings were held there which people were asked to attend for the purpose of finding out their sentiment toward the forest reserves. Those meetings were held; notice was given of them; and I simply stated that the minutes show there was a sentiment in Idaho for forest reserves. Mr. President, I have here petitions or copies of them from nearly every part of Idaho.

Mr. HEYBURN. I guess I have the originals.

Mr. SMOOT. While the Senator may have the originals, I know that the copies here certainly indicate that not only the mayors of cities, but the authorities generally in the cities, according to the reports that I have here, are in favor of the maintenance of the forests in Idaho.

Mr. BORAH. Mr. President, if my colleague will permit me?

Mr. HEYBURN. Certainly.

Mr. BORAH. There is no question as to the fact that there are people in the State of Idaho who are in favor of forest reserves. There are not so very many who are in favor of the manner in which the reserves have been administered, but there are, nevertheless, many people there who would be in favor of forest reserves if those reserves were confined to lands which were peculiarly and only timber lands. The Secretary of Agriculture visited the State of Idaho for the purpose of ascertaining, if he could, how many acres of agricultural land was contained in forest reserves. The homesteader, the man who believes that a large portion of land in the forest reserves is susceptible of farming, did not see the Secretary, nor did the Secretary see the homesteaders. He only saw those—and they are, of course, among our best people—who are interested upon the other side of the question, in increasing the forest reserves, so far as agriculture is concerned, for the purpose of increasing their privilege of pasturage.

Mr. HEYBURN. That is it.

Mr. BORAH. The Secretary himself, as I said before, visited no part of the reserves. He did not see any of them. He was not off the railroad over 300 yards, and he could not know anything except what was reported to him. You could always find a few people in favor of the proposition there, even under the present conditions, but you can not find there a great many who are in favor of keeping thousands and thousands of acres of agricultural land in forest reserves.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I do.

Mr. SMOOT. I suppose the Senator knows that there has been an examination in the past, and also will be in the future, as to what lands should be eliminated from the forest reserves of Idaho. I have here a statement of the number of acres that have already been reported, showing the different forest reserves and the amount of acreage, and up to the present time 476,284 acres have already been recommended to be eliminated from the reserves.

Mr. BORAH. Mr. President, that is true. It was once contended upon the floor of this Senate, just as earnestly as it is contended now, that there were no agricultural lands in the forest reserves in Idaho, but they have excluded some 400,000 acres. They can exclude 400,000 more of just as good agricultural land as that which they have excluded; and when we get to the point where we have the agricultural lands thrown open to entry, where men may make their homes and go and build up the country, we will not have so much controversy about the lands which are left.

Mr. SMOOT. Mr. President, I want to say, in answer to the Senator, that I do not remember of anyone upon the floor of the Senate ever saying there was no agricultural land within the forest reserves of Idaho.

Mr. BORAH. Mr. President, it has been said by way of argument and in discussion many times, and, in addition to that, the fact that they were put in the reserves was presumptively a declaration upon the part of the bureau, that they were not agricultural lands, but were forest lands, because, in the first place, they had no right under the law and no authority to put anything except timber lands in forest reserves.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. Mr. President, I want to resume, because I want to conclude very soon.

Mr. SMOOT. Very well.

Mr. HEYBURN. Not only have they created forest reserves and taken possession of them under the guise of forest reserves, but they are creating a new asset and a new name for them, not mentioned in any act of Congress that ever was passed, under which they have taken 601,904 acres to their bosoms. They have not done so because they say that it is necessary for forestry purposes, but they call them "administration sites." Within the forest reserves they have taken 601,904 acres and

outside of the forest reserves they have taken 19,974 acres for administration purposes. I have vividly in my mind the picture of two of those "sites." One of them, just before you get to the end of the Pacific and Idaho Northern Railway—Evergreen, I think, is the name of the station—is one of the most beautiful mountain homes that it has been my pleasure to see. The forestry officers took possession of it because a man was not justified, in their judgment, in attempting to make a homestead of it and living on it. It is as fertile as any acre, aye, it is more fertile than any acre within a hundred miles of the city of Washington. It has a climate in which they can raise as great a variety of products as they can raise in this section, and the forestry officers are living there comfortably and peaceably for administration purposes upon this man's homestead.

Then, again, there is another one down very close to the line in Blaine County.

Mr. CLARK of Wyoming. Will the Senator allow me to interrupt him?

Mr. HEYBURN. Yes.

Mr. CLARK of Wyoming. Do I understand the Senator to say that in these cases land was taken outside of forest reserves?

Mr. HEYBURN. They took the one I have referred to in a forest reserve, in order that they might work their scheme. In Blaine County, I believe—in what was old Alturas County—the line is not at all times familiar, and they took possession of a ranch upon which men had lived and raised families for twenty-five years. They said, "Your judgment does not govern us; this land is not fit for a homestead, and no man is justified in living upon it; you are crazy and you will starve to death." The man said, "I am not starving to death. There are my buildings and there are my crops." "Well," they said, "we need it for administrative purposes;" and they got it.

Mr. SHIVELY. And they are living there?

Mr. HEYBURN. They are living there now.

Mr. SHIVELY. Did they have any judicial proceeding to get possession of that property?

Mr. HEYBURN. Not a proceeding of any kind, except——

Mr. SHIVELY. An officer merely came along on horseback and warned them off?

Mr. HEYBURN. I have no doubt he rode. Those officers ride a good deal. [Laughter.]

Mr. SHIVELY. Is that the kind of judiciary they have out in that country?

Mr. HEYBURN. But this was in a forest reserve in Idaho. They made it a forest reserve in order to get the jurisdiction.

Mr. SHIVELY. I understand.

Mr. HEYBURN. I know of another case where a man had selected his homestead of 160 acres. He worked in the mines in the county where I live for years, and finally he concluded he was getting along and ought to have a home, and went down into the central part of the State and selected what looked just the ideal kind of a home that he had always longed for. He was from Missouri originally, and he had his own idea of what constituted a comfortable home. He settled down there and went to work. He had been there seven years, and had sent back for some members of his family to come there and share the home with him. The forestry officers went there and said, "You can not make a living on this ground." "But," he said, "I make all the living I need on this ground; it is good enough for me. It is as good as I was accustomed to back where I came from." "Oh, well," they said, "it is not fit for agricultural purposes; we want this." And they took it. I wish you might see the pitiful letters from these people that I have received. I could bring hundreds of them here.

Mr. PURCELL. Was this after the filing had been made, or was the man merely a squatter?

Mr. HEYBURN. He could not file on it. He was waiting for the survey, and we had been knocking at the doors of Congress here to get money enough to survey that land.

Mr. PURCELL. He was a squatter?

Mr. HEYBURN. Yes; but do I exaggerate when I say that half of the land west of the Ohio River was taken up under squatters' rights and before the survey?

Mr. PURCELL. No, sir. Their title is good.

Mr. HEYBURN. The Government has always of necessity recognized the squatter's right. Most men will not take chances on delayed title on unsurveyed land. So they hang back until the lands are surveyed; but there is an element of the real pioneers who go forward, knowing that the country is open to settlement, and relying upon the justice and fairness of the Government at the proper time, and as soon as convenient, to survey the land and provide for title. We have always had those people. They have made this great western country what it is. The daring and the spirit and the energy that prompted a man to take his family in a white-covered schooner and drive across the Plains for weary weeks and perhaps months has instilled into the community of the frontier the spirit that has proven it capable of settling up that country and driving back aboriginal inhabitants, defending their homes day and night, standing on picket duty.

The judgment of these foresters! If you could know who some of these foresters are and the relation that they bear to the powers that be, you would understand more of it; but it would be invidous should I undertake here to name them.

Mr. PURCELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. I yield to the Senator.

Mr. PURCELL. I did not want the Senator from Idaho to get the idea that I was in any way casting any ridicule upon a squatter.

Mr. HEYBURN. I did not get that idea.

Mr. PURCELL. I want to say to the Senator that I have had personal experience of the fact that they have done much toward the settling up of his country and my country, and if they have settled upon a piece of government land, my position has always been that they have got the highest title as long as they are in possession of it.

Mr. HEYBURN. That has been the opinion of the Supreme Court of the United States. When the objection was raised in the case of Osborne against The Washington and Idaho Railroad Company they so expressed themselves.

Mr. BURKETT. Mr. President, I should like to ask the Senator from Idaho a question, now that he has paused.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. The Senator from Idaho probably knows what the particular reason for the action in these cases was; I do not, and probably others of us do not. But the forest agents do not go into these countries anywhere and just wantonly and without any particular excuse, without any reason at all, drive a man off a piece of land on which he has settled. They have in a good many instances taken land under the nominal plea that it was for administration purposes when they wanted to protect a water site or something of that kind. There was some reason for their action, and perhaps the Senator knows what the particular reason was. If he does know, I at least should like to be informed of what the particular reason was which they gave in each one of those instances for taking possession of this land. They have not done it wantonly without any reason at all, I judge. They have had some excuse and have not merely driven the homesteader off his land without some good reason.

Mr. HEYBURN. It was a nice place to live; they wanted to live there; the man generally had good buildings, and it saved them considerable trouble. I can not give any better reason than that.

Mr. BURKETT. They did not take possession of those buildings and all that without making compensation, I hope.

Mr. HEYBURN. I am not surprised that the Senator is surprised, but they did just the same.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. Mr. President, the statements made by my colleague [Mr. HEYBURN] seem to be somewhat of a surprise to some of our eastern friends. Perhaps now they will not be surprised that some of us are not able to accept the administration of the Forestry Bureau as it has come to us, because we contend that almost every law known to men in the protection of the rights of property has been violated time after time in the administration of these reserves. They have combined the judiciary, the legislative, and the administrative. They have combined the prosecutor, the jury, and the judge all in one. It is not that the western people are opposed to forest reserves, nor are they opposed to the policy of conservation; but they are opposed to any policy or to any system that violates the fundamental principles of our form of Government. We know that time after time men have gone within forest reserves in good faith, located their homes, and have expressed their wish and desire there to make a home, and have either, through one system or other, been driven out of the reserve. Excuse! The settler who loses his home never knows what the excuse for driving him away was. All he has is that the judgment of the man who drives him away is that he can not make a home there.

I say, Mr. President, that it is not within the power of the bureau to determine whether a man can make a farm out of a particular piece of land. If the land is agricultural land, the

only man who can determine that is the man who is willing to go there and devote his energies to making it a home and expend his effort in an attempt to do so.

Mr. HEYBURN. Yes; and, Mr. President, they claim to exercise the same right with regard to mining claims, to say what is and what is not a valid discovery. No man can know to a certainty in the early stages of a mining claim whether it is going to be a success or a failure. The Supreme Court of the United States in the case of Chambers against Harrington, reported, if my memory serves me aright, in 115 United States, said that that which the miner was willing to spend his time and money upon in the expectation of finding ore constituted a valid discovery; and it was the best definition that ever was given for what constituted a valid discovery. The responsibility is upon the man who is willing to expend his time and his work with the expectation—not with the certainty, but with the expectation—of finding ore. I had a court once undertake to modify that in instructing a jury, and he inserted the word "reasonable"—"with the reasonable expectation of finding ore;" but the Supreme Court struck out the word "reasonable" and made him try the case over again. Yet, if you will take their Use Book and examine the record of their acts and proceedings, you will find that they are undertaking to determine for the prospector where he shall locate and to determine the wisdom of his act.

I have had handed to me while I am standing here a special dispatch, headed:

SHOT TO DEATH BY UNKNOWN PARTIES—ROBERT BYRNE AMBUSHED AND MURDERED AT NEW CAMP OF JARBIDGE—FEELING HIGH IN CAMP—BYRNE ORDERED FROM GROUND BY FOREST RANGER, BUT REFUSES TO LEAVE.

[Special dispatch.]

TWIN FALLS, *February 27.*

Carriers reached Salmon Dam to-day conveying the remains of Robert Byrne, a popular Twin Falls man, aged 31 years, from Jarbidge Camp, where he was fatally shot last Saturday from ambush, for refusing to vacate ground, from which he had been ordered by Forest Ranger Charles Butler. The latter—

That is Butler—

had just arrived in Jarbidge with seven prospectors, supposed to be personal friends, and he is said to have advised them to take possession of whatever ground they desired.

He was apportioning out the earth like another of his kin from the top of a mountain, attempting to give them that to which he had no title. This forest ranger takes seven men into a mountain camp and says to them: "Disregard all these fellows; you are here with me; I am the forest ranger; I have my green uniform and the cocked feather in my hat—the insignia of office—and I will protect you." And he does protect them, and he shoots the man off of his own property from ambush to protect the men whom he took in there that he might apportion out to them the land. That has just come to my attention since I have been on my feet.

Mr. President, I will pause long enough to connect that up with the last Congress. The shooting of that man from ambush by the forest ranger is in keeping—only a little more emphatic—with the shooting of the mayor of our city, who was riding along the road in a carriage with his family; because, forsooth, he would not, or did not, turn out of the track with his carriage to the extent that he could avoid touching the stirrup of the forest ranger who was riding along the road. The forest ranger pulled a revolver and commenced shooting at him while in the carriage with his family. He was tried—there is a court record of that—and convicted and sentenced. He was fined, the fine took his horse, and by reason of losing his horse he lost his job as a forest ranger, because the rangers have to furnish their own horses.

These are merely little instances of the manner of administration. I said yesterday that the only thing we do base our hope on under the new régime is better administration. I am willing to leave the laws practically as they are, in the hope that this administration, the new head, will bring new conditions, will bring wise and sane conditions. I am quite sure we will not have a repetition of the educational features of the forest reserves.

I have here a decision from the Treasury Department. It is quite familiar to Senators. It shows that approximately 200 forest rangers were attending universities at the expense of the Government. That has been stopped, and there is no use in spending time over it. I only call attention to it to give emphasis to the objections we have against the past and to give emphasis to the hope we have for the future.

The forest officials are quite anxious to know what the people think of them. I have here the ballot which they sent out, franked, through the United States mail as official business. I use this print because it is more convenient to handle than the documents that constitute the original record.

I will read one of them as a sample. Here is a copy of a letter that is sent out. It reads:

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, DISTRICT 2—G DISTRICT SUPERVISION,
Majestic Building, Denver, Colo., October 2, 1909.

To users of the national forests—

That is, to the beneficiaries of this system:

The object of the ballot appearing below, which is being sent to all persons holding grazing permits on the national forests is to learn whether or not the administration of the national forests under the present system of regulation has been beneficial to the people, and whether or not a continuance of the present policy for the preservation and wise use of the timber and other natural resources of the national forests meets with your approval. An early reply to the questions noted below and sent in the inclosed addressed envelope, which requires no postage, will be greatly appreciated.

PAUL G. REDINGTON,
Acting District Forester.

They want to know whether or not this man is appreciating the blessings that he is receiving under the special privileges. Now, here is the ballot:

Please answer the following questions by marking the letter X in the square under "yes" or "no:"

1. Has the regulation of grazing upon the national forests been beneficial to you?
2. Has it resulted in an improvement of general range conditions in your locality?
3. Do you believe that the boundaries of the national forests should be changed to exclude any land except agricultural land suitable for homestead settlement?

Then there is a blank space after each question in which to indicate the answer "yes" or "no."

The Senator from Utah has a number of responses, I have no doubt at all, that have been furnished him in reply to this suggestion.

I should like to know under what statute they frank a communication of that kind. I should like to know when Congress extended to Paul G. Redington, acting district forester, the franking privilege by which he may address a private citizen in regard to this matter or any other matter. I submitted this question to the Post-Office Department some time ago. I have a letter acknowledging receipt of the communication, but I have not yet received any interpretation of this right.

Please do not sign this ballot or write anything which might identify the person sending it.

There is the thing that gives away the spirit of it. They knew they were violating the law of the land, the law of right and of fairness, and they did not want anybody to know it; but these things will fall into the wrong hands in spite of them.

Why should they not want a man to whom they address a letter of inquiry to sign his name when he replies? Why should they desire that he be not identified? They indorsed the envelope and placed a frank upon it. Whose frank was placed upon it, do you suppose? I merely call attention to that in justification of our position in regard to these matters, and in order that Congress may give due credit to the protest that we enter against this despoliation of our great country.

I am gratified to say that since this question was made a live one in this body the sentiment of the Senate has been awakened, and it is no longer unpopular to hold up to criticism the proceedings of this bureau of the Government.

Mr. JONES. Will the Senator from Idaho yield for a question?

Mr. HEYBURN. Yes.

Mr. JONES. I understood from what the Senator read that the letter from the forester was mailed in a franked envelope, and that it also inclosed a frank envelope for the reply. Is that correct?

Mr. HEYBURN. Yes. He not only violated the law himself, but he authorized another man to do it.

The stock argument here is that they are paying the States for the rights of which they are depriving them. According to an official letter which I received from the Secretary of Agriculture, bearing date of August 31, they realized from the forest reserves of Idaho $195,570, and under the act of Congress they returned to the State $48,892. That is the contribution they make to the maintenance of the government in the State that protects them, that administers the criminal and the civil law for them; and I pause to say that I am advised that in Idaho County alone it cost the county $8,000 last year to try the cases that originated upon the forest reserves. The county had to pay the expenses. It is only one instance. It is true in all the counties.

One more matter, and then I think I will have performed my duty. Can they violate the constitution of the State of Idaho? Can they take the constitution and the laws of the State of Idaho into their possession, and say what shall be done with the funds that come to the treasury of the State? Under the constitution and the admission act every dollar that is derived

from the use or sale of school lands goes into the treasury for the school fund and can not be diverted, can not be used for any other purpose than the maintenance of the public schools. And yet the Congress has so far forgotten its duty and its obligation to the State and its respect for the laws of the State as to say that a portion of this money, a portion of the school fund, shall go to the making of public roads; and I can show you what portion of it, if I can find the paper I used here yesterday. However, I can not readily put my hand upon it. But they undertake to say that more than half of this fund shall go to the maintenance of the public roads of the State, when the constitution and the admission act say that it shall go to the school funds of the State. Another piece of high-handed——

Mr. GALLINGER. Have they done that?

Mr. HEYBURN. Yes; they have. Here is a letter from the Secretary of Agriculture congratulating me upon it. After giving me an enumeration of the sums paid to each county, aggregating $48,000, he says:

> It gives me great pleasure to notify you of this direct contribution of the national forests to the schools and roads in the counties of your State in which the forests lie.

I do not suppose Dick Turpin ever stopped to congratulate the person whom he treated in that way. It is an exercise of power because you have it, a disregard of the law of the land because they think they can get away with it. I am compelled to deal with these subjects in a very candid way.

Mr. President, the bill is ready to be put upon its passage, and were it not for my hope and belief in the fairness and justice of the new régime and the new administration of this department, there are amendments I would offer, but the purpose of the amendments can be effectuated by a change in the administrative policy of the department, by a fair recognition by the department of the rights of the people of the West, where these great reserves lie, by its restoration to the purposes for which the land was intended and for which it is adapted. Here are 200,000,000 acres of land that belong to all the people, West as well as East, and no part of which belongs to any man who does not go in person to get it; a wise provision of the land laws, upon which this country's great growth has rested. The man to get it must go after it. They could not get these lands in the broad and fertile prairies of Iowa and Illinois and Nebraska and other States by sitting around the stove in the country store and telling about it. They had to go out there; and when they went out there they met only the sky above and the land beneath them, and out of that and their energy they were compelled to carve the destiny not only of themselves, but of a great country; and they did it. Now, are you going to stop it? Are you going to throw anything before the progress upon which the past is based and upon which the future depends?

Mr. President, it is the sneer of the newspapers that I am treating the Senate to the regular tirade upon the forest question. That is one of their ways of expressing it. If they would devote just a little of their time to the calm and deliberate consideration of public questions of real application to public wants, they would accomplish more, because nothing that can be said or done will ever still my hand or quiet my voice in behalf of the people and the rights of the people upon whom depends the destiny of that great country lying west of the Mississippi. I care nothing whatever for the taunts and the sneers that are directed against a conscientious performance of duty, and I hesitate not one minute to occupy the time and demand the attention of this body in behalf of such a cause. I appreciate the treatment this question has received and is receiving in the growing understanding and the growing sympathy of this great body in the few years in which it has been a live and burning question. I found it here wrapped in the belief that the people in the West were there for the purpose of despoiling their country; that they had gone out there to steal something; forgetful of the fact that the men who have gone to the frontier have been selected men; that their average has been as high as the highest in the East.

The drones do not go across plains and mountains and suffer hardships and privations for any purpose, especially the purpose of subjecting themselves to labor and discomfort. It is the men who are inspired by ambition and equipped with the strength who have made our pioneers, and they are the last of all the people who should meet with neglect or rebuff at the hands of their representatives. When they claim their share, they claim no more in this age than those whom you represent claimed in theirs. Do you think that men go to those conditions and those countries out of the desire for pleasure alone? Do you think men suffer cold and hunger and privation and starvation in order that they may steal something from the Government, in order that they may wrongfully take the lands upon which they intend to make their homes?

Do you think that any man on earth ever took his family in an immigrant's wagon and trailed across the dust and sand of the plains and climbed the mountains in order that he might wrongfully take a piece of land? Do you think any man ever did it? The land grabbers are not in that country. When those people in the timidity that distinguishes them go to the land office to make proof or application for land they generally feel as though they were in the presence of the highest temple in the land. They are a good bit scared, and they are mighty timid. They do not know just what their rights are. They believe, and they have been taught to believe, that there is a great big, generous, gracious government that is going to enable them to get a home, not give it to them, because they have to earn it twenty times over in hardships and deprivations. When you count the cost, every homestead ever taken up in the United States has cost more to the man who took it than your homes cost you when you pay for them out of the easy money within your reach.

The settler goes before the land office timidly, and must ask the land officer, first, what his rights are and, second, how to get them, and by the time he is through and has paid what money he has to pay he is glad to get back and retreat to this little piece of land with his family. They generally live in a wagon, the white-covered wagon, for the first season, while they plant a little area of potatoes or a little patch of grain or some garden truck which may help them during the fall and winter. They live in the wagons. I have now in my mind's eye long lines of them, in what is now one of the most fertile sections of this country, which is now graced with elegant homes and farms and orchards. I saw those people coming over the old overland trail, down the Snake River, and across the valley of the Payette and the Weiser Valley. I saw them come there, and I saw them live, some of them all winter, in those wagons, because they had not got far enough ahead to make homes; and the next season they were out bright and early putting in their crops, planting the seed they had brought with them whence they came, and making their homes. I saw them year after year grow and clear off the sagebrush, not with hired crews, but I saw women and children and fathers and brothers plucking the sagebrush out with the crudest implements and methods imaginable. I recall to mind one woman who cleared with her own hands 20 acres of sagebrush to make a home for herself and her family.

Those are the people I speak for—and they exist not only in Idaho, but in every section of this country—as being held under the thrall and the blight of this system of paternalism that acts upon the assumption that your fellow-citizens, who were able and shrewd enough to go to that country, are not capable or honest in the management of their affairs. Suppose they come back here and put the eye of inspection upon the methods of the East. Think you not they would find as much ground to criticise you as you think you have to criticise them?

Mr. FLETCHER. I desire to offer an amendment to the bill. On page 48, line 12, after the semicolon, I move to insert the words:

> And for the investigation in this and foreign countries to discover the natural enemy of the white fly, and means for employing that for destroying the white fly, $10,000.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be stated.

The SECRETARY. On page 48, line 12, after the word "dollars," insert:

> And for the investigation in this and foreign countries to discover the natural enemy of the white fly, and means of employing that for destroying the white fly, $10,000.

Mr. FLETCHER. Mr. President, in this connection I desire to say that, whereas some investigations have been going on and have been reasonably successful in a way, the appropriation at present is small, and the appropriations for these investigations as provided in this bill are small; and the experience and observation and judgment of the growers in Florida lead them to believe that the only effective way to exterminate this pest is to enable investigations to be made in foreign countries, or wherever the fly comes from, for the purpose of discovering his natural enemy and getting it to work on the fly itself.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. FLETCHER. I do.

Mr. GALLINGER. I will ask the Senator from Florida if this pest attacks the fruits of the Senator's State? Is that the kind of a nuisance it is? I do not know anything about it.

Mr. FLETCHER. That is it precisely, Mr. President. I did not care to go very much into detail, because I supposed it was understood. Paradoxical as it may seem, the white fly gets

into an orange grove and turns it black in a very few days. It will do more damage and is doing more damage in one grove in Florida than this appropriation amounts to. It is a very destructive insect and propagates very rapidly. It is doing an enormous injury to the orange groves of that State, and not only to the orange, but the grape-fruit groves and the citrus family generally. The urgent appeal on the part of the growers is that an additional appropriation may be provided for the purpose of investigation in foreign countries or wherever may be found the natural enemy of this pest.

Mr. DOLLIVER. Mr. President, the committee will offer no opposition to this amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. FLETCHER].

The amendment was agreed to.

Mr. DOLLIVER. On page 48, lines 18 and 19, I move to change the total by striking out "$197,900" and inserting "$200,900," so as to read:

In all, for general expenses, $200,900.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 10321. An act for the relief of homestead settlers under the acts of February 20, 1904; June 5 and 28, 1906; and March 2, 1907; and

H. R. 21428. An act authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes.

H. R. 13401. An act to enable the city of Douglas, Cochise County, Ariz., to issue bonds for the purpose of acquiring and constructing a waterworks plant in and for said city, was read twice by its title and referred to the Committee on Territories.

H. R. 19628. An act to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

BRIDGE ACROSS ST. CROIX RIVER.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6449) permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota.

The amendments were, on page 1, line 6, to strike out "build" and insert "construct, maintain, and operate;" on page 1, line 6, after "bridge," insert "and approaches thereto."

The title was amended so as to read: "An act permitting the Wisconsin Central Railway Company to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota."

Mr. CLAPP. I move that the Senate concur in the House amendments.

The motion was agreed to.

VALE LAND DISTRICT IN OREGON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5125) authorizing the creation of an additional land district in the State of Oregon, to be known as the "Vale land district."

The amendments were, on page 2, line 8, to strike out "west" and insert "east;" on page 2, line 10, to strike out "thirty-five" and insert "thirty-seven;" on page 2, line 11, to strike out "thirty-four" and insert "thirty-six;" and on page 2, line 11, to strike out "thirty-five" and insert "thirty-seven."

Mr. CHAMBERLAIN. I move that the Senate concur in the House amendments.

The motion was agreed to.

COURTS IN CALIFORNIA.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 4830) establishing regular terms of the United States circuit and district courts for the northern district of California at Sacramento, Cal., to report it favorably with amendments, and I submit a report (No. 358) thereon. I call the attention of the Senator from California [Mr. FLINT] to the bill.

Mr. FLINT. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment was, to insert as an additional section the following:

SEC. 3. That there shall be two terms each of the United States circuit and district courts for the southern district of California held in the city of San Diego, Cal., in each year from and after the passage of this act, the first term to begin on the second Monday in March and the second term on the second Monday in September, said terms to continue as long as the business may require.

The amendment was agreed to.

The next amendment was, to add as an additional section the following:

SEC. 4. That the clerk of the district and circuit courts for the southern district of California and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill establishing regular terms of the United States circuit and district courts for the northern district of California at Sacramento, Cal., and for the southern district of California at San Diego, Cal."

SIXTEENTH STREET AT PINEY BRANCH.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 4626) for the widening of Sixteenth street NW. at Piney Branch, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 9, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 8, 1910.

COLLECTORS OF CUSTOMS.

Sidney Bieber, of the District of Columbia, to be collector of customs for the district of Georgetown, in the District of Columbia, in place of Howard S. Nyman, whose term of office will expire March 25, 1910.

William F. Stone, of Maryland, to be collector of customs for the district of Baltimore, in the State of Maryland. (Reappointment.)

Marion H. Stevenson, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia, in place of John Goffigon, deceased.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. of Engineers Samuel Moorehead Rock, to be first lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from June 29, 1909, in place of First Lieut. of Engineers Levin Thomas Jones, retired.

Third Lieut. of Engineers Harvey Fletcher Johnson to be second lieutenant of engineers in the Revenue-Cutter Service of the United States, to rank as such from June 29, 1909, in place of Second Lieut. of Engineers Samuel Moorehead Rock, promoted.

REGISTER OF THE LAND OFFICE.

George W. Stewart, of Visalia, Cal., to be register of the land office at Visalia, Cal., his term having expired. (Reappointment.)

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

Howard Clarke, of New York, to be first lieutenant in the Medical Reserve Corps, with rank from March 4, 1910.

Edwin Brooks Maynard, of Virginia, to be first lieutenant in the Medical Reserve Corps, with rank from March 7, 1910.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Charles W. Van Way, Ninth Cavalry, to be captain from March 5, 1910, vice Capt. Caspar H. Conrad, jr., Third Cavalry, detailed as quartermaster on that date.

Second Lieut. Louis H. Kilbourne, Eighth Cavalry, to be first lieutenant from March 5, 1910, vice First Lieut. Charles W. Van Way, Ninth Cavalry, promoted.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the navy from the 31st day of January, 1910, upon the completion of three years' service in their present grade:

Burton H. Green,
Duncan I. Selfridge,
Henry A. Orr, and
Charles M. Austin.

Passed Asst. Surg. John H. Iden to be a surgeon in the navy from the 20th day of November, 1909, vice Surg. Oliver D. Norton, promoted.

Asst. Surg. Heber Butts to be a passed assistant surgeon in the navy from the 1st day of June, 1909, upon the completion of three years' service in his present grade.

POSTMASTERS.

ILLINOIS.

William W. Steven to be postmaster at Wheaton, Ill., in place of Lenthold C. Brown. Incumbent's commission expires March 28, 1910.

IOWA.

Newton W. Wentz to be postmaster at Oakland, Iowa, in place of Newton W. Wentz. Incumbent's commission expires March 12, 1910.

KENTUCKY.

William B. King to be postmaster at Pineville, Ky., in place of William B. King. Incumbent's commission expired January 27, 1910.

MAINE.

Woodbury Marson to be postmaster at Boothbay Harbor, Me., in place of Woodbury Marson. Incumbent's commission expired February 19, 1910.

MASSACHUSETTS.

Albert G. Thompson to be postmaster at Lowell, Mass., in place of Albert G. Thompson. Incumbent's commission expires March 21, 1910.

Arthur P. Wright to be postmaster at East Pepperell, Mass., in place of Arthur P. Wright. Incumbent's commission expires March 23, 1910.

MICHIGAN.

Charles F. Brown to be postmaster at Alma, Mich., in place of Charles F. Brown. Incumbent's commission expired February 22, 1910.

MINNESOTA.

John A. Henry to be postmaster at Janesville, Minn., in place of John A. Henry. Incumbent's commission expires March 23, 1910.

William H. Nichols to be postmaster at Belleplaine, Minn., in place of William H. Nichols. Incumbent's commission expires March 23, 1910.

MISSOURI.

Walter Tholborn to be postmaster at Webb City, Mo., in place of Walter Tholborn. Incumbent's commission expires March 26, 1910.

NEBRASKA.

Percy A. Brundage to be postmaster at Tecumseh, Nebr., in place of Percy A. Brundage. Incumbent's commission expires March 21, 1910.

Sanford D. Cole to be postmaster at Wymore, Nebr., in place of Sanford D. Cole. Incumbent's commission expired February 5, 1910.

Theodore C. Hacker to be postmaster at Red Cloud, Nebr., in place of Theodore C. Hacker. Incumbent's commission expires March 23, 1910.

NEW JERSEY.

Charles E. Gildersleeve to be postmaster at Sayreville, N. J., in place of Charles E. Gildersleeve. Incumbent's commission expires March 14, 1910.

NEW YORK.

William H. Bartlett to be postmaster at Amenia, N. Y., in place of William H. Bartlett. Incumbent's commission expires April 3, 1910.

Edgar S. Clock to be postmaster at Islip, N. Y., in place of Edgar S. Clock. Incumbent's commission expires April 17, 1910.

Frank A. McCoy to be postmaster at North Tonawanda, N. Y., in place of Frank A. McCoy. Incumbent's commission expired February 13, 1910.

John H. Stephens to be postmaster at Clifton Springs, N. Y., in place of John H. Stephens. Incumbent's commission expires March 22, 1910.

NORTH DAKOTA.

Richard Daeley to be postmaster at Devils Lake, N. Dak., in place of Richard Daeley. Incumbent's commission expires March 28, 1910.

PENNSYLVANIA.

Asa S. Beers to be postmaster at Bath, Pa., in place of Asa S. Beers. Incumbent's commission expires April 13, 1910.

Edward C. Dithrich to be postmaster at Coraopolis, Pa., in place of Edward C. Dithrich. Incumbent's commission expires March 13, 1910.

William G. Miller to be postmaster at Yatesboro, Pa. Office became presidential January 1, 1910.

VERMONT.

Julius O. Belknap to be postmaster at South Royalton, Vt., in place of Julius O. Belknap. Incumbent's commission expired March 7, 1910.

Elwin A. Howe to be postmaster at Ludlow, Vt., in place of Elwin A. Howe. Incumbent's commission expired January 30, 1910.

VIRGINIA.

J. A. Eggborn to be postmaster at Alexandria, Va., in place of Thomas Burroughs. Incumbent's commission expired March 2, 1910.

Edwin M. C. Quimby to be postmaster at Suffolk, Va., in place of Edwin M. C. Quimby. Incumbent's commission expired February 5, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 8, 1910.

UNITED STATES MARSHALS.

Robert A. Fulwiler, to be United States marshal for the western district of Virginia.

William E. Logan, to be United States marshal for the western district of North Carolina.

Claudius Dockery, to be United States marshal for the eastern district of North Carolina.

UNITED STATES ATTORNEY.

William H. Atwell, to be United States attorney, northern district of Texas.

POSTMASTERS.

CALIFORNIA.

W. S. Anderson, at Anderson, Cal.
S. B. Bagnall, at Oxnard, Cal.
Samuel S. Johnston, at National City, Cal.
Robert P. Stephenson, at Hollister, Cal.

COLORADO.

George B. Boutwell, at Monte Vista, Colo.
Mahala E. Mosier, at La Jara, Colo.

IDAHO.

Samuel M. C. Reynolds, at Meridian, Idaho.

ILLINOIS.

Michael Knudson, at Steger, Ill.
Robert B. Roe, at Pinckneyville, Ill.

INDIANA.

Walter L. Neible, at Edinburg, Ind.

IOWA.

Elmer E. Rayburn, at Brooklyn, Iowa.

KANSAS.

Arthur F. Dunbar, at Wellsville, Kans.
Harry E. Glenn, at Kiowa, Kans.
Lair D. Hart, at Westmoreland, Kans.
William E. Hogueland, at Yates Center, Kans.
Clinton O. Kinne, at Alma, Kans.
James B. Morris, at Scott, Kans.
Bror A. Rosenquist, at Osage City, Kans.
Clement O. Smith, at Burlington, Kans.

MICHIGAN.

Charles R. Culver, at Carson City, Mich.
Frederick Kruger, at St. Ignace, Mich.

MONTANA.

C. B. Schwindt, at Terry, Mont.
Clarence E. Thompson, at Bridger, Mont.

NEBRASKA.

J. M. Crowell, at Tekamah, Nebr.
Anton Kadlecek, at Hay Springs, Nebr.
Charles A. Sweet, at Creighton, Nebr.
William F. Walker, at Hemingford, Nebr.

NEW JERSEY.

John G. Gaston, at Somerville, N. J.
James D. Mackay, at Lambertville, N. J.
Dennis W. Mahony, at Passaic, N. J.

NEW YORK.

Frederick Bronner, at Richfield Springs, N. Y.

NORTH DAKOTA.

George W. Downing, at Velva, N. Dak.
Chester A. Revell, at Harvey, N. Dak.

OREGON.

J. W. McMilan, at Rainier, Oreg.

PENNSYLVANIA.

Alexander C. Evans, at Pitcairn, Pa.
Jonathan C. Gallup, at Smethport, Pa.
Isaac P. Garrett, at Lansdowne, Pa.
Joseph L. Roberts, at Sharon, Pa.
David Russell, at Renovo, Pa.

SOUTH DAKOTA.

Sherman F. Lucas, at Bonesteel, S. Dak.

WASHINGTON.

William A. Buckley, at Sprague, Wash.
Charles C. White, at Waterville, Wash.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 8, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

MEMORIAL EXERCISES FOR THE LATE REPRESENTATIVE CUSHMAN.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that Saturday, April 2, at 2 o'clock p. m., be devoted to exercises on the life, character, and public services of the late Hon. FRANCIS W. CUSHMAN, a Representative from the State of Washington.

The SPEAKER. The gentleman from Washington asks unanimous consent that Saturday, April 2, at 2 o'clock, be set apart for memorial services on the life and character of the late Representative FRANCIS W. CUSHMAN. Is there objection?

There was no objection.

MEMORIAL SERVICES FOR THE LATE SENATOR M'LAURIN.

Mr. SPIGHT. Mr. Speaker, by order of the House next Sunday, March 13, was set apart for eulogies on the late Senator A. J. MCLAURIN. We find that the Senate has set the 2d of April for the services, and I ask unanimous consent to change the time from the 13th of March to Sunday, April 10.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to change the order of the House for memorial services of the late Senator MCLAURIN from March 13 to Sunday, April 10. Is there objection?

There was no objection.

POST-OFFICE APPROPRIATION BILL.

Mr. WEEKS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the post-office appropriation bill (H. R. 21419).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LAWRENCE in the chair.

The CHAIRMAN. The question before the committee is the amendment offered by the gentleman from North Carolina [Mr. SMALL] to the amendment offered by the gentleman from South Carolina [Mr. FINLEY].

Mr. WEEKS. Mr. Chairman, I ask unanimous consent that all those who speak on this paragraph and the amendments thereto may have leave to extend their remarks in the RECORD for five legislative days upon this subject.

Mr. MANN. Mr. Chairman, I beg to inquire of the gentleman whether unanimous consent was not given in the House when this post-office bill was taken up that all those who spoke should have leave to extend their remarks in the RECORD?

Mr. WEEKS. I did not know whether the Chair would rule that that would apply to debate under the five-minute rule, but I desire to make a motion to close debate and that request for unanimous consent is a condition to the motion.

Mr. MANN. That request, of course, could not be granted in Committee of the Whole.

The CHAIRMAN. The gentleman from Illinois is correct. The request would have to be made in the House.

Mr. MANN. I think that request was made and granted in the House when general debate was begun.

Mr. WEEKS. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto close at 1 o'clock, and that the paragraph and amendments be voted upon at that time.

Mr. BARTLETT of Georgia. Mr. Chairman, a parliamentary inquiry. I desire that the paragraph be read.

Mr. STAFFORD. It is the paragraph that relates to the Rural Free-Delivery Service.

Mr. BARTLETT of Georgia. But there is more than one paragraph. This relates to the pay of the $37,000,000 only?

Mr. STAFFORD. The paragraph is the one that the gentleman has in mind.

Mr. COX of Indiana. The other parts went out on a point of order.

Mr. HAMLIN. Mr. Chairman, a parliamentary inquiry. Does this motion go only to the pending amendments, or to other amendments?

The CHAIRMAN. To all of them. The question is on the motion of the gentleman from Massachusetts, that debate on the pending paragraph and amendments thereto close at 1 o'clock, and that the paragraph and amendments thereto be voted upon at that time.

The question was taken, and the motion was agreed to.

Mr. STAFFORD. Mr. Chairman, I desire now to offer an amendment to the substitute offered by the gentleman from Kansas [Mr. MILLER].

Mr. MILLER of Kansas. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Kansas. I want to know what the status of the substitute is which was offered yesterday evening to the amendment of the gentleman from South Carolina.

The CHAIRMAN. If the gentleman will give his attention to the Chair, the Chair will state the situation. The question will come first upon the amendment offered by the gentleman from North Carolina [Mr. SMALL] to the amendment offered by the gentleman from South Carolina [Mr. FINLEY]. Then, the question will come upon the substitute offered by the gentleman from Kansas. That is the situation at this time.

Mr. MILLER of Kansas. I understand that the point of order has been made against the substitute.

The CHAIRMAN. The point of order was not made. It was reserved.

Mr. MILLER of Kansas. I would like very much to have the point of order disposed of at this time. That is, if the point of order is to be pressed, I want it disposed of at this time.

The CHAIRMAN. Does the gentleman from Massachusetts make the point of order?

Mr. MANN. Mr. Chairman, let us hear the substitute read.

The CHAIRMAN. Without objection, the Clerk will again report the substitute.

There was no objection, and the Clerk read as follows:

Strike out the words "thirty-eight million one hundred and forty-five thousand" and insert in lieu thereof the words "forty-four million seven hundred and seventy-three thousand seven hundred and thirty-six."

The CHAIRMAN. Does the gentleman from Massachusetts withdraw his point of order?

Mr. WEEKS. Yes; I withdraw the point of order.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment to the substitute, which I send to the desk and ask to have read.

The Clerk read as follows:

Change the amount to read "thirty-eight million one hundred and fifty thousand."

Mr. BARTLETT of Georgia. Mr. Chairman, a parliamentary inquiry. I want to know whether this is not beyond the province of amendment. There was an amendment offered by the gentleman from South Carolina [Mr. FINLEY], another by the gentleman from North Carolina [Mr. SMALL], and a substitute offered by the gentleman from Kansas [Mr. MILLER]. Now, there is an amendment to that substitute offered. Is not that in the fourth degree?

The CHAIRMAN. The Chair will state that it has been customary in dealing with amendments to permit an amendment to the paragraph and an amendment to that amendment, a substitute for the amendment, and an amendment to the substitute.

Mr. SHEPPARD. Mr. Chairman, a parliamentary inquiry.

Mr. BARTLETT of Georgia. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia will state it.

Mr. BARTLETT of Georgia. If I am correct, and I want to be informed, I understand the Chair has sustained the point of order made on all the provisions of this section from line 11, on page 30, down to and including line 2, on page 31.

The CHAIRMAN. The gentleman is correct.

Mr. SHEPPARD. Mr. Chairman, it seems to me the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] is almost identical with the amendment offered by the gentleman from North Carolina [Mr. SMALL] to the original amendment offered by the gentleman from South Carolina [Mr. FINLEY].

The CHAIRMAN. The Chair will state that the amendments are not identical.

Mr. SULZER. Mr. Chairman, for information, may we have the amendments and the substitute reported?

The CHAIRMAN. Without objection, the Clerk will report the figures of the bill and of the various amendments.

There was no objection, and the figures were so reported.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from North Carolina to the amendment offered by the gentleman from South Carolina.

Mr. BARTLETT of Georgia. Mr. Chairman, this bill carries an appropriation of $37,645,000 for the rural mail service, the pay of carriers, installations, and all expenses connected therewith. It is admitted that this will not be sufficient to put in operation the routes already applied for and favorably reported upon, and will force the department having charge of this work to continue as it has done in the recent past to postpone or refuse to install new routes for the want of funds.

While I do not believe in extravagant appropriations, I am opposed to making this most useful branch of the public service the main and chief attack in an effort at economy, and therefore shall vote for an increase in the amount reported by the committee, in order, if possible, that the salaries of the carriers may be increased and that the Post-Office Department may be supplied with ample funds to establish those new routes which are demanded and needed by the people in extending, improving, and keeping up this service, which has done more to benefit the people of this Republic than anything that the Congress has done since I have been a Member of this House.

I will quote from the Postmaster-General's report for the fiscal year 1909:

The following statement shows the amount of mail of the various classes handled on rural routes during the year 1909 (an approximation based upon the three months' count herein described) and the year 1905, the increase, and the percentage of increase:

	Year 1909 (approximated).	Year 1905.	Increase.	Per cent of increase.
DELIVERED.				
Registered letters or packages	1,321,380	640,248	681,132	107
Letters	464,154,856	243,158,867	221,000,989	90
Postal cards	259,996,180	50,899,139	209,097,041	410
Newspapers	1,226,515,964	773,277,783	453,238,181	58
Circulars	279,927,200	118,605,919	161,321,281	136
Packages	46,324,284	23,219,244	23,105,040	99
Total delivered	2,278,239,864	1,209,796,200	1,068,443,664	87
COLLECTED.				
Letters and packages registered	1,074,808	617,574	459,294	74
Letters	278,616,060	151,460,977	122,155,083	80
Postal cards	157,284,036	16,610,302	140,673,734	846
Newspapers	3,519,968	2,361,478	1,158,490	49
Circulars	4,939,656	3,095,561	1,844,095	59
Packages	4,587,700	3,115,619	1,472,619	47
Total collected	445,022,288	177,261,511	267,760,777	151
Total handled	2,723,262,152	1,387,057,711	1,336,204,441	96

In discussing these figures, showing the business of the Rural Delivery Service, the Postmaster-General says:

This remarkable increase is conclusive evidence that the institution of rural delivery has enlarged the amount of the mails handled, and therefore increased the revenues. This is true, although 45 per cent of the bulk of the mail on rural routes is second-class matter, as the increase applies to all classes of matter, especially to letters and postal cards, the latter due to the enormous use of souvenir or picture post cards.

The average cancellations per route per month, according to the count kept during March, April, and May, 1909, are $14.92. The average cost of the service per route per month at this time is $72.17. It is not practicable to approximate the percentage of the mail delivered on rural routes, the revenues of which should properly be credited to the Rural Delivery Service. Taking the known revenue per route per month—the value of the stamps on the mail collected—from the average cost per route per month, and rural delivery is costing $57.25 per route per month. The query naturally arises as to whether or not there is any way by which this service may be made to increase the postal revenue. With regard to equipment, rural carriers are required to provide an outfit suitable to carry the mail. In most instances this consists of a wagon or buggy, in which from 150 to 200 pounds of mail can be easily carried. The average weight of the mail on each trip of a rural carrier is about 25 pounds. It is believed at present that in comparatively few instances does the daily weight of the mail of a carrier exceed 50 pounds.

There now exists throughout the country almost as much of a network of rural telephone lines as of rural delivery routes. In cities and towns a merchant's patrons use the telephone to order goods to be delivered. The rural population, however, except adjacent to the cities, do not have the advantage of delivery enjoyed by the urban population. The best means for the delivery of merchandise in rural districts therefore exists in the rural carriers who are daily traversing their routes. The present rate of postage on merchandise, designed to cover the cost of the carriage of parcels throughout the country, is prohibitive of the carriage of parcels from the merchant located at the distributing post-office to the patrons of rural delivery.

These conditions present an opportunity for making the Rural Delivery Service a source of greater revenue to the Government. I have, therefore, to recommend, in line with recommendations made in several previous annual reports, that the Postmaster-General be authorized to arrange, experimentally, for a limited period, for the delivery of packages on rural routes at such rates as may seem expedient, the result of the experiment to be reported to Congress as speedily as possible after the expiration of the experimental period.

It will be seen that this service can be made a source of greater revenue to the Government, and if Congress will establish, or authorize to be established, a parcels post on these rural delivery lines I am satisfied that the revenues would greatly increase and the people be much benefited thereby. If I have an opportunity I shall vote for an amendment which will be offered providing for the establishing of a rural route parcels-post delivery system for parcels originating on the routes established.

Doubtless the farmers who must depend upon the rural route service for their mails will be deprived of this benefit by a point of order which will be made against it by the chairman of this committee, but I trust the day will come when public sentiment and justice to the people will force Congress to consider this proposition and enact it into law.

As will be seen from that portion of the Postmaster-General's report I have quoted it is favored by him, and has been recommended by the Postmaster-General on several other occasions, and such a provision would prove of incalculable benefit to our rural population, upon whose labor and energies the prosperity of our entire country at all times depend.

We already have by international agreement with the nations of the world a foreign parcels post by which 11 pounds of merchandise can be sent through the mails to foreign countries for 25 cents, and by law parcels of 4 pounds can now be carried in the mails for 16 cents a pound, which is so high as to be prohibitive; but a rural parcels post, confined to routes upon which the parcels originate or are sent at a reasonable rate of postage, can harm no one, and will bring a large revenue to the Government. I shall support such a proposition, and hope in the near future to see the rural route parcels-post system adopted. I shall vote, as I have heretofore, for an increase in the salaries of the rural letter carriers. These carriers are compelled to furnish their own teams and vehicles, and when they have paid out of the sum allowed for salary the expense incident to maintaining these they have scarcely sufficient left of the salary to meet the necessary expense of living for themselves and families. I shall vote for such a sum as will give the carrier $1,200 per annum.

The gentleman from South Carolina [Mr. FINLEY] has offered an amendment reported by the committee from $37,645,000 to $38,145,000. The gentleman from North Carolina [Mr. SMALL] has offered an amendment increasing the amount to $38,860,000; the gentleman from Kansas [Mr. MILLER] another, making the amount $44,773,760. I shall vote for that sum which will give to the department of the Government charged with establishing and carrying on this service such an amount as will enable the people to have these routes established and maintained, where the conditions require them in the interest of the people, who have been so greatly benefited—yes, blessed by having this service—a service to which they are entitled as much as those who may live in the large cities. As I have stated, Mr. Chairman, I desire to speak in favor of the amendment offered by the gentleman from North Carolina [Mr. SMALL], which provides an appropriation of $38,860,000, and this amount is necessary in order to properly care for those routes already investigated. There is no service of the Government, and the report of the Postmaster-General shows it,

which has increased so rapidly as has the Rural Free-Delivery Service. The gentleman from North Carolina has succinctly stated that for the want of funds certain necessary routes that have been investigated and reported upon as being necessary and which have been approved by the inspectors and agents of the Goverment have failed to be installed by reason of the fact that there were not sufficient funds at hand.

I hold in my hand letters from the Fourth Assistant Postmaster-General showing that at least three routes in my district, which were approved and reported upon as being necessary and as meeting all the requirements of the department, were not installed, for the reasons given, which are as follows:

I read from a letter from the Fourth Assistant Postmaster-General:

In reply you are advised that, upon reexamination, this petition has been found to contain sufficient merit to warrant an investigation, but in view of the existing condition of the finances of the Government and the consequent necessity for strict economy in all branches of the public service, the installation of rural delivery is being deferred for the present.

Now, in reference to another one, which was reported upon favorable in May of last year, and which has not yet been installed, he says:

It may be further stated that, in view of the existing condition of the finances of the Government and of the consequent necessity for strict economy in all branches of the public service, it is deemed advisable, after careful consideration, to defer further installation of rural delivery for the present except where necessary to maintain the efficiency of the service in operation or where the establishment of new service seems imperatively required to meet demands which can not be met by means of existing facilities.

Now, another one, under date of October 27, 1909, in regard to a proposed rural route from Gray. That service had been approved and recommended to be established in May last. I had a letter from the Fourth Assistant Postmaster-General saying it would be installed in June, and every month inquiry was made, as late as October 23, 1909, and this is what he says:

In reply you are informed that it is not possible at this time to advise definitely as to when this service will be installed. Orders for the establishment of the rural delivery are being held in abeyance for the present, with a view to the installation of the service during the current fiscal year on the most economical basis possible.

Now, Mr. Chairman, I live in a city, it is true, but I live in a city which has free delivery to the merchants and to the citizens, and that free delivery extends all over that city. I live also in an agricultural district in the very heart of a State which produces, next to Texas, the largest number of bales of cotton of any State in the Union, whose products, with the other Southern States, clothe the world; whose raw product brings back into this country every year from four hundred and fifty to six hundred millions of dollars in gold. Last year Georgia produced a cotton crop that was worth $100,000,000, and, with the other farmers of the South, produced a cotton crop that has been, and is, the greatest factor in producing the prosperity we have enjoyed and are now enjoying. This, the greatest product of the farm of the United States, which is worth more as a wealth-producing product than any other, two-thirds of which, in its unmanufactured condition, is exported into the markets of the world, is made and produced by those whose interests are at stake in the establishing, continuing, and maintaining the Rural Delivery Service. We can economize in other directions. We can very well afford to leave off building for a while immense battle ships that cost from ten to twelve millions each. We can reduce our military and naval and other unnecessary and useless expenditures. But, in the name and in the interest of the rural population of my own district and State, I protest that this service, which reaches their homes and families and which has been of so much benefit, shall not be crippled or retarded by withholding from it the necessary appropriation. [Applause.]

Mr. WEEKS. Mr. Chairman, I must object to extending any time, as there are several members of the committee who wish to speak, and more than enough gentlemen to take the time up to 1 o'clock who desire to be heard.

Mr. ADAMSON. Mr. Chairman, while amendments for increase of salary and equipment would probably be obnoxious to the rules and subject to a point of order, there are, nevertheless, some equalizations and improvements that can be secured by an increase in the amount provided in this appropriation. There are not only a number of new routes reported which ought to be installed, but there are a great many routes on which carriers are being compelled to travel from 2 to 6 miles of excessive distance without any additional pay. If we can not manage to increase the pay in accordance with the work done, we should cut off the routes to the standard length, which would necessitate the formation of new routes in order to take care of the parts of those thus cut off. So there will be the necessary expenditure of more money, for many new standard routes could and should be formed as a result of such rearrangement.

On the other hand, in the effort to economize, in those cases where the routes are below the standard length, if the route is only a small fraction of a mile short under the gradation adopted, the carrier is compelled to lose the pay for two whole miles, which is not treating that carrier right any more than the other one just referred to, who is compelled to travel from 2 to 6 miles' excessive distance without pay.

The Government should be honest with its servants. It is not treating either of these classes of carriers honestly, and yet the Division of Rural Delivery is hampered by the amount of the appropriations and the cry for economy, and is thus compelled to permit these conditions to continue. An increase in the amount of the appropriation will enable the Division of Rural Delivery to equalize these conditions and treat those carriers fairly by lengthening some of the short routes and cutting off the excessive distances of the long routes, putting in new standard routes wherever the equalization renders them necessary.

Now, Mr. Chairman, I believe in economy in proper cases, but if we have not money enough to supply both necessaries and luxuries I would provide the necessaries first and curtail the luxuries. [Applause.] This service is an absolute necessity to the country people. Let us give it to them efficiently and save money somewhere else. [Applause.] We can appropriately save the amount we need here by cutting off one or two battle ships or many other useless things I might mention. I regret that under the rules we can not increase the salaries at this time, but we will accomplish much if by increasing this appropriation we enable the Division of Rural Delivery to make such readjustment of inequalities as will pay carriers honestly according to the work they do and allot to each one approximately the standard amount of work. It is also unfair to the patrons on the return part of the route to delay the carrier by compelling him to travel 5 or 6 excessive miles and reach them correspondingly late. All are entitled to prompt service. [Applause.]

Mr. CANDLER. Mr. Chairman, in my judgment there is no service in this country that has accomplished as much good for the people at large as this Rural Delivery Service. When I first came here I favored it, and during the Fifty-seventh Congress I advocated this service in a speech made upon the floor of this House, and from then until now I have done what I could to advance it wherever it was possible to do so to meet the necessities of the people. I do not see for the life of me how anybody upon the floor of this House can stand in the way of the necessary extension of this service to the people of this country. Nobody denies the efficiency of it, because we find from the official reports made by the Postmaster-General that of all the public servants who are engaged in the service of this country there are none who are more efficient, there are none who are more capable, there are none who are more energetic than the rural-delivery carriers. [Applause.]

Mr. Chairman, I beg to call the attention of the House to page 4 of the report of the honorable Fourth Assistant Postmaster-General, recently made to the Postmaster-General, under the heading "Rural letter carriers," which reads as follows:

RURAL LETTER CARRIERS.

During the past year 2,526 resignations of carriers were accepted, which is 19 per cent greater than the number accepted during the preceding fiscal year; whereas there was a decrease in the number of resignations from the year ended June 30, 1907. However, the number of carriers resigning is only 6 per cent of the number of carriers in the service June 30, 1909. Two hundred and three carriers were separated from the service by death. Out of 40,499 carriers only 175 were dismissed for cause, which is an increase of but 10 over the number during the previous fiscal year. Of the carriers dismissed, 36 were for embezzlement of funds and 35 for intoxication.

Mr. Chairman, I join with Mr. SIMS, of Tennessee, when he says:

I pause to ask: Was there ever such a record made in the public service of any government—city, State, or national—in the history of the world, ancient or modern, where out of a body of 40,499 officials there was so small a number of dismissals for cause in one year? Think for a moment, that each and every one of this vast army of government officials each and every day of his official service handles actual sums of money, of currency, and only 36 out of the 40,000 yielded to the ever-present temptation and became embezzlers. I beg you, Mr. Chairman, to consider the almost unbelievable statement that out of this number of more than 40,000 men selected from every part of every State in these United States, who must go through heat and cold, mud and dust, fair weather and foul, that the dismissals for drunkenness for a whole year were only 35. Where is there another nation on this earth that can make such an exhibit of honesty and good behavior in any equal number of its citizens subject to like temptations and hardships?

Mr. Chairman, I am proud of this great body of men. To this great army of model citizens I point with pride as the best evidence of the fruit of our glorious free institutions.

Some of these carriers by their faithful service, as is shown by the report of the Postmaster-General, have been separated from the service by death, being martyrs to the public service, because it was in the service of their country that they con-

tracted the disease that brought their death and that placed them as martyrs upon the altar of faithful duty well performed. [Applause.] I can not see how anybody can oppose this additional appropriation for the extension of this service, when everybody realizes and recognizes the fact that unless additional appropriations are made this service can not be extended and the carriers can not get any increase of pay.

Mr. SHEPPARD. Will the gentleman allow me to ask him a question?

Mr. CANDLER. Certainly.

Mr. SHEPPARD. You are in favor of the amendment offered by the gentleman from Kansas [Mr. MILLER], which increases the allowance to $44,000,000, in order that we may pay the carriers $90 a month on standard routes?

Mr. CANDLER. I certainly am, because I want enough money appropriated by this Government to pay these carriers reasonably for their services and to extend the service, and the amendment of the gentleman from Kansas will accomplish these results, and no other amendment pending will do so.

Mr. BOWERS. Will the gentleman permit me a question?

Mr. CANDLER. With pleasure.

Mr. BOWERS. Will the amount proposed by the amendment of the gentleman from North Carolina [Mr. SMALL] and of the gentleman from South Carolina [Mr. FINLEY] do anything more than provide for the routes that have already been favorably reported? In other words, will they permit any further extension of the Rural Delivery Service?

Mr. CANDLER. It will not, and therefore I favor the amendment of the gentleman from Kansas [Mr. MILLER]. The gentleman from North Carolina frankly admitted on the floor of this House yesterday that the appropriation which he proposes will simply provide for the routes that will be approved up to July 1. Therefore, under the amendment of the gentleman from North Carolina and the gentleman from South Carolina, during the whole of the next fiscal year there will be no money to extend the service in this country, and this great service for the people of this country would stop and stand still, because there would be no money to put a single solitary route into operation during the next fiscal year.

Do you want to throttle the rural people of this country? Do you want to separate them from all convenient postal connection with their Government, and say to them, "You shall not receive any benefit from the Government in this way, although you are doing more than any people in all of this land to sustain it?" You call upon them for taxes to support the Government, and with fidelity and patriotism to the Republic in which we live they respond; and when they come to ask us to help them, then you turn a deaf ear to their call for relief, and turn them down when they come to you and ask for the same service which you are giving to the people of the cities. Gentlemen, I have a statement here, which I will put in the RECORD, which shows the pay of the city carriers—and I have nothing to say against them—and the pay of the carriers in the country, and it shows partiality in favor of the city carriers. That statement is in a letter from the Postmaster-General, and is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 28, 1910.

Hon. E. S. CANDLER, Jr.,
House of Representatives.

MY DEAR SIR: With reference to your communication of the 23d instant, relative to the salaries paid the several classes of city and rural carriers and what equipment and other expenses, if any, are allowed by the Government, I beg to state that under the act of March 2, 1907, city carriers are divided into six grades, with salaries as follows: First grade, $600; second grade, $800; third grade, $900; fourth grade, $1,000; fifth grade, $1,100; and sixth grade, $1,200. Carriers at first-class post-offices are promoted successively from the first to the fifth grade at the beginning of the quarter following the expiration of a year's service in the next lower grade, upon evidence that their services have been efficient and faithful; and those in second-class post-offices from the first to the fourth grade in the same manner and under the same conditions.

The pay of rural carriers is based upon the length of routes, varying from $396 per annum on a route from 6 to 8 miles in length to $900 per annum on a route 24 miles and over in length.

Both city and rural carriers are provided with the necessary satchels and straps for use in handling the mails, and city carriers who are required to use vehicles in the performance of their duties receive allowances averaging approximately $275 each for the maintenance of their equipment.

Very truly, yours,
F. H. HITCHCOCK,
Postmaster-General.

Mr. Chairman, this statement shows that the city carrier is given allowances averaging $275 and gets better pay than the rural carrier, while the rural carrier gets no allowances. You may think that equal justice, but I do not. I warn you to listen to the people. If you do not do so, and stand in the way of the extension of this service, you will hear from them, and do not you doubt it. [Loud applause.]

Mr. MILLER of Kansas. Mr. Chairman, I want to be very frank with the Members of this House. I introduced the substitute for the sole purpose of giving every Member an opportunity, if he wanted to do so, to vote to increase the salary of carriers on rural routes. On this bill we can not legislate directly to increase the salary of the rural-route carriers. But we can increase the appropiation, and that is the effect of my substitute. And if the substitute is adopted we will have money enough to establish all the routes now applied for and still have enough left to pay to each carrier $100 per year over and above what they now receive, and which is not nearly adequate for the services rendered by these efficient public servants.

I call your attention to the status of this substitute. In the first place, a member of this committee introduced an amendment, and immediately another member of the same committee gets the floor and introduces a second amendment for the purpose of cutting out other amendments that may be offered. When the substitute amendment is offered increasing the appropriation from thirty-seven or thirty-eight millions to forty-four millions and more dollars, immediately another member of the committee gets the floor and introduces an amendment to the substitute increasing the amount of the appropriation in the sum of $500,000.

Mr. SHEPPARD. The effect of your amendment will be to pay the carriers of the full routes $90 a month instead of $75.

Mr. MILLER of Kansas. It will add over $100 a year to the present salaries.

Mr. WEEKS. Mr. Chairman, if the gentleman's amendment is in such form that it will do what the gentleman says, it will be subject to the point of order.

Mr. MILLER of Kansas. Oh, Mr. Chairman, it will not do anything of the kind. We can not do it in this bill, and the gentleman from Massachusetts knows it as well as I do. We wish to have this appropriation increased, and then the other body in this Capitol will probably increase the salaries. If they want to do so, this will enable them to do it, and when it comes back here with that phraseology increasing the salaries there will not be a vote on the floor against that increase. [Loud applause.] We can not legislate in this matter on this bill and they can.

I want to say that my colleague from Kansas [Mr. ANTHONY] introduced a bill that went to the Committee on the Post-Office and Post-Roads, proposing to increase the allowance for horse maintenance, or making the allowance for horse maintenance $100 per year for these carriers, but no report comes out of this committee on this subject. They are reporting increases upon almost everything with reference to carriers, but not on that.

Mr. SHACKLEFORD. Why does not the gentleman seek to call it up on the calendar?

Mr. MILLER of Kansas. This bill is in the Committee on the Post-Office and Post-Roads and has not been reported.

Mr. SHACKLEFORD. Can not the gentleman move to discharge the committee and take it up on the floor himself?

Mr. MILLER of Kansas. That is not the way to do it, and what I think the gentleman from Missouri himself wants to do he will have an opportunity to do if he will vote for the substitute increasing the amount of these appropriations—then they will get the increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNSEND. Mr. Chairman, I realize that it may be considered somewhat an ungracious thing at this time to ask to have this appropriation for Rural Free-Delivery Service materially increased. I would not do it if I were not convinced of the fact that that service has not been treated as fairly as other services have been treated. I am quite in sympathy with the proposition for economy, but my notion of economy is not to cut out everything you can, but to eliminate from the appropriations only those things which ought to be cut out. I understand, Mr. Chairman, it is abroad in the land that Free Rural Delivery Service is costing more than it ought to cost, but it is charged with expenses with which it has no business to be charged. Mr. Chairman, we can not at this time turn back from the course upon which we have entered. Free rural delivery is one of the great permanent institutions of our country. It is not yet complete. The carriers began their work at very insufficient salaries. It has been the policy of the Government to increase salaries until they should, at least, approximate the value of their services. Adequate compensation has not been reached, even in comparison with other employees of the Post-Office Department. A majority of this House believes that the carriers' salaries should be increased. A majority believes in extending the service until all of our people in settled portions of the country receive rural service.

It is proposed practically to stop the extension of rural free delivery. I can not be governed by what gentlemen on the

committee may say, for I am controlled by information from the Post-Office Department, which comes to me, when I ask for the extension of this service. Furthermore, it is a notorious fact that the rural free-delivery men are not receiving the compensation which is necessary in order to keep them in the service, and as the gentleman from Kansas has said, the object of this amendment——

Mr. STAFFORD. Will the gentleman permit an interruption?

Mr. TOWNSEND. I am very sorry, but I have only five minutes, and my time is nearly exhausted.

The CHAIRMAN. The gentleman declines to yield.

Mr. TOWNSEND. The proposition as presented by the gentleman from Kansas [Mr. MILLER] is to enlarge this appropriation to the extent of about $7,000,000. This is for the purpose of fixing a standard salary of $90 a month, and an increase of $2.50 a month for every mile or major fraction thereof in excess of 24 miles, and a decrease of $2.50 per mile per month for every mile or major fraction thereof less than 24 miles traveled by the carrier. It also provides for an extension of the free Rural Delivery Service in accordance with the policy which this Government has embarked upon. I say to you, Mr. Chairman and gentlemen, we can not afford to check the extension of the Free Rural Delivery Service. Extension and improvement of free rural delivery are a part of our national platform; it is a part of the policy of this Government to proceed along that line, and whatever gentlemen may do to keep down this appropriation, in order that the department may delay rural-service extension, I say the policy of extending that service will be maintained, and we can not afford to face the issue of ceasing to extend it, not only as a political policy, but as a matter of justice, as a matter in the highest interest of the welfare of the country itself, we can not afford to cripple or hamper a department which comes in direct contact with more of our people than any other. So, Mr. Chairman, I sincerely hope that the amendment of the gentleman from Kansas may prevail in this House, and am only sorry that, on account of my time limit, I can not proceed further. [Applause.]

Mr. DAWSON. On the question of the compensation of the rural carrier, and in substantiation of the statement made by the gentleman from Michigan [Mr. TOWNSEND] that men are leaving this service because of inadequate pay, I desire to submit the following letter from one of the rural carriers living in my district, whose name I withhold for obvious reasons. He says:

> It does seem strange to me how any fair-minded man can say that we are getting enough pay at the present price of everything. If Mr. Hitchcock has a way to suggest whereby we can lay up something for a rainy day on $75 per month, with hay at $15 per ton, corn 65 cents, oats 45 cents, it will be cheerfully received by us all.
>
> I know that at the end of the year 1909 I had to borrow money to pay the interest on a home that I am trying to pay for. And I know that for this month my hay and grain alone cost me $25, saying nothing about other expenses. It has been a conundrum which I have been trying to solve, how a man can keep a family of five, when it takes almost half of his wages to feed his team and keep his rigs in repair.
>
> I intend to jump my job if there is not something done during this session of Congress, as men are getting $2 and $2.50 a day and do not have any expenses but their families to support.
>
> I have a motocycle and horse, but I have had to get another horse this winter on account of the deep snow. I have about $450 invested in the necessary things to run a mail route with.

Mr. MADDEN. Mr. Chairman, I was very much interested in the statement that was being made by the gentleman from Kansas [Mr. MILLER] when his time expired, and I am very anxious to have him pursue the line of argument which he was making, in order that when the time for voting comes I may be able to decide which side of this question I shall vote upon. I ask the gentleman from Kansas if he will be kind enough to pursue the thought which he was presenting to the committee when his time expired? I ask him to do that in my time.

Mr. COX of Indiana. I object to that.

Mr. MADDEN. I am asking him to do it in my time.

Mr. WEEKS. I submit to the gentleman from Illinois that he should ask the gentleman from Kansas a question.

Mr. MADDEN. I ask him to pursue the line of statement that he was making at the time his time expired.

Mr. WEEKS. I object to that.

Mr. MADDEN. I will ask the gentleman from Kansas to tell us why it is important that this additional amount of money should be appropriated.

Mr. MILLER of Kansas. Mr. Chairman, in answer to that question——

Mr. MADISON. May I suggest in addition to that that the gentleman from Kansas tell us how the addition of this amount will, in fact, bring about an increase of the salaries of the rural carriers?

Mr. MILLER of Kansas. Mr. Chairman, in answer to both these questions I will say that if this amount offered in the substitute is adopted, and then this bill goes to the Senate, the Senate will find that we have appropriated money enough to put in all the rural routes that are being asked for all over the United States, and they ought to be put in just as rapidly as possible, in accordance with the suggestion of the gentleman from Michigan [Mr. TOWNSEND]. In addition to that, in my judgment, there will be sufficient money, so that the Senate, if it desires to do it, can insert the necessary legislation to give to these men in the service who are underpaid a sufficient amount, at least, to give them a living for the services they are rendering to the Government of the United States.

Mr. MADISON. Will that legislation be in this bill?

Mr. MILLER of Kansas. Yes.

The facts are, Mr. Chairman, that we have increased the salaries for carriers at offices of the first and second class until now they receive from $1,100 to $1,200 per year, and in this bill we have provided for an appropriation of $250,000 to pay traveling expenses of railway mail clerks while on duty; and it was my pleasure to support both of these increases. But what excuse can anyone give for voting to pay these classes a salary of about $1,200 per year and then only allow carriers on rural routes $900 per year? Carriers in the city have no money invested in equipment; have no such hardships to endure as rural carriers have. The latter are required to keep from three to four horses and wagon, and these, with harness, cost anywhere from $500 to $1,000, and then the expense of keeping up the same. The country carrier must be up before daylight to feed and get his horse ready, and the good housewife must be up and have breakfast at break of day, so her husband may start early on his route. It makes no difference what kind of weather; he must go. I want to say that I regard it as little less than an outrage that we should pay the one class, with no money invested in equipment and with comparatively few hardships to undergo, $1,100, and the other, with this large outlay and with all kinds of hardships to endure, demand of them this service for only $900. Others may be satisfied with this kind of treatment for these men, but I want to serve notice here and now that until justice is done the rural-route carriers of the country my voice and vote will be against every appropriation of public money that is not absolutely essential for the support of the Government.

Mr. COX of Indiana. Mr. Chairman, in a few words I desire to support the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD], a member of the committee.

Mr. STAFFORD. I make the point of order that that amendment is not now being considered.

The CHAIRMAN. The entire paragraph is before the committee.

Mr. COX of Indiana. Mr. Chairman, I regretted very much to hear the able gentleman from Michigan undertake to inject politics into this question. There is no politics in this question, no matter whether any political platform declared for it or not. This is one of the services of the Government that serves everybody irrespective of politics. No man on this floor, nor any other place, can be found who is a more ardent supporter of Free Rural Delivery Service than I am. Time forbids me to pause and extol the glories that have been brought about as a result of Free Rural Delivery Service. We all agree upon this proposition. I do not believe Congress has ever enacted a law that has redounded to as much universal good for the whole people of this country as the rural service has. But, Mr. Chairman, we have abundantly provided for the full extension of the Free Rural Delivery Service in this bill.

Mr. SHEPPARD. The gentleman does not think the present salary of free rural delivery carriers is sufficient, does he?

Mr. SMALL. Will the gentleman yield for a question?

Mr. COX of Indiana. I can not yield now, my time is short. If I believed for a moment we were cutting the appropriation for this item below what it ought to be, I would unhesitatingly stand on this floor in favor of an appropriation large enough to go ahead and complete the Rural Delivery Service next year, but I feel, after having gone through the matter in committee, that we have abundantly provided for an appropriation large enough to enable the Post-Office Department to go forward in the work of establishing and perfecting the rural delivery service, and it is for this reason that I unhesitatingly support the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] making the appropriation $38,150,000, and I hope that the motion made by the gentleman from Kansas [Mr. MILLER] will be voted down. His motion carries approximately $5,500,000 more than will be necessary for the service, and we certainly ought to look at it along conservative and economical lines, and not needlessly and lavishly appropriate the people's

money, every dollar of which must be raised by taxation, by appropriating money that is not needed for the extension of the Free Rural Delivery Service next year.

But, Mr. Chairman, I believe the present postal authorities are subject to criticism for their relation in regard to the rural free delivery. I am afraid that there is a disposition on the part of the Postmaster-General to curtail the further extension of this system, and if there be such a disposition on the part of the Postmaster-General, for one I desire to oppose his idea and his policy along this line. Reading from page 35 of his report, he makes use of the following language:

In view of the fact that a service of such magnitude has grown up within a few years, it would not be surprising if on careful review and inspection it were found possible to make certain rearrangements with advantage and even to discontinue some of the routes without detriment to the patrons of the rural service. Some work in this direction has been accomplished during the past year, but much remains to be done. In view of the increasing deficit and the large excess of the expenditures for the maintenance of rural service over the revenue from mail originating on the route, the present would seem to be an opportune time to make special effort to perfect existing service rather than to continue its rapid extension to territory where the conditions may not be altogether favorable for the establishment of new routes.

Mr. Chairman, to my mind this language is rather significant. Can it be possible that the Postmaster-General of his own motion and initiative has determined to curtail the establishment of new rural routes in the future? Has he determined to set himself up as a censor determining when and where a new rural route should be established? If so, I desire to oppose him on this proposition, believing that his extreme desire to practice economy in his department is and will be a desire upon his part to practice economy against a deserving class of people, to wit, the farmers. I would not undertake to raise in this discussion class against class or section against section, but I would especially bespeak a square deal between citizens and persons living in cities and towns and persons living in the country.

The Post-Office is indeed a peculiar department in many ways, particularly in the way and manner it derives its revenue. It is supported exclusively by its patrons; people who patronize it by buying stamps, sending or receiving mail matter through the Post-Office Department; and the people living in the country contribute their full share along this line, and they are entitled to have a full share of the benefits that flow to them in return. The bill carries an item of $31,000,000 for letter carriers engaged in delivering the mail to the people living and residing in cities and towns having free delivery, and to the end that the mail in the city or town having free delivery may be properly delivered, the bill carries another item of $1,100,000 as pay for substitute letter carriers in cities and towns, making a total of $32,100,000 in these two items alone. In addition to this, the bill carries a large amount of other items, such as horse hire, rental of vehicles, bicycle allowance, street-car service, all going to enable a complete and perfect delivery system of the mail to the people living in cities and towns having a free-delivery service. In a number of the larger cities mail is delivered to the business man five, six, or seven times per day, and in the residence portion of many of the larger cities mail is delivered two and three times per day. This being true, certainly the people living in the rural districts are entitled to have their mail delivered to them once each day per week, except Sunday.

This would be giving a square deal between the man living in the city and the man living in the country, and nothing short of this will be even-handed justice between man and man. It should not be the purpose of the Government to play favorites in this work; it should not undertake to make fish of one and fowl of another, as every consumer, no matter how slight be his consumption, is taxed in some way to raise revenue to support the Government, so ought appropriations to be so made as to fall upon the shoulders of all, "like the gentle dews from heaven, thrice blessing him who gives, as well him who receives."

Mr. Chairman, I have certain rural routes in my district now which meet the requirements of the law in every respect, and I have taken it up with the Post-Office Department, both in person and by correspondence, and have been met with the statement that no objection can be found to the petition, but, on account of economy and for lack of funds, the Post-Office Department is not now extending the free-delivery service. One of these letters I now have in my possession, and which I desire to make a part of my remarks, is as follows:

POST-OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER-GENERAL,
Washington, February 15, 1910.

Hon. W. E. Cox,
House of Representatives.

SIR: Recurring to your personal call at the department at which time you left a letter from Mr. E. C. Zallman, of Otisco, Ind., relative to a proposed rural delivery route to start from that place, you are informed that while the necessary requirements affecting this proposed service have been met, owing to the existing condition of the finances of the Government and the consequent necessity for strict economy in all branches of the public service, the installation of rural delivery is being deferred for the present, and the petition in question has therefore been filed for future consideration.

Mr. Zallman's letter is herewith inclosed.

Very respectfully,
P. V. DE GRAW,
Fourth Assistant Postmaster-General.

And it is evident that many other petitions for extensions of free rural delivery are now lying dormant in the Post-Office Department, not being installed, as the post-office says, for want of money, and for this reason I am for the increased appropriation made by the gentleman from Wisconsin. If his amendment obtains and carries it will give to the Post-Office Department for the year 1911 for the establishment of free rural-delivery service the sum of $1,150,000, and I am assured that this will be all the money that the Post-Office Department can possibly use for the establishment of rural routes during the next fiscal year.

Mr. Chairman, in the last two or three months the country has been aroused as never before upon the present deficit in the Post-Office Department. The Postmaster-General in his report says at the close of the fiscal year 1909 that the deficit was $17,441,719.82, and it is approximately that amount to-day. The Postmaster-General in his report undertakes to leave the impression that a large part of this deficit is due to the cost of free rural delivery. In speaking of the cost of free rural delivery on page 34 of his report he uses this language:

On June 30, 1909, 40,628 rural routes were in operation. The expenditures on account of the rural service for the fiscal year ending on that date (1909) were $35,661,034. Compared with the previous year there has been an increase of 1,351 routes and of $1,289,095 in expenses. From account kept in March, April, and May, 1909, it was shown that the average amount of postage on mail collected on a rural route was $14.92 a month. This means that the cost of service on a rural route exceeded the revenue derived from the postage on the mail originated thereon by $687 per year. On that basis the cost of all the rural routes in operation at the close of the last fiscal year exceeded the revenue from matter mailed thereon by more than $27,900,000.

It will be seen that the Postmaster-General tries to leave the impression that Free Rural Delivery Service is run at an enormous loss, and that this is responsible for part of the present postal deficit.

Mr. Chairman, if we undertake to run the Free Rural Delivery Service as a banker runs his bank account, by balancing the books each evening at the close of banking hours, showing total receipts and disbursements of the bank during the day, there might be some force in the Postmaster-General's argument. But it is an impossibility to run the Free Rural Delivery Service upon the same principle that a banker runs his bank. It is unfair for the Postmaster-General to use this as an argument, either as tending to show that the cost of free rural delivery is responsible for the present postal deficit or to show that the present free rural delivery system is run at a loss.

I have made some investigations along this line, and an examination of the following letter, which I have received from the Post-Office Department showing the postal deficit each year since the beginning of the establishment of the Free Rural Delivery Service, will completely refute the argument made by the Postmaster-General that the present deficit is in any way responsible for the cost of free rural delivery. The letter which I have received is as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 15, 1910.

Hon. W. E. COX,
House of Representatives.

MY DEAR SIR: In compliance with the request contained in your letter of February 14, 1910, I have to submit the following statement showing the annual deficit of the Post-Office Department since the institution of Rural Delivery Service and the annual appropriation for said service:

Year.	Deficit.	Appropriation.
1897	$11,411,780	$40,000
1898	9,020,906	50,250
1899	6,610,776	150,022
1900	5,385,688	450,000
1901	3,923,728	1,750,700
1902	2,937,650	4,080,075
1903	4,560,044	8,580,364
1904	8,779,492	12,926,905
1905	14,572,584	21,116,600
1906	10,516,909	25,828,300
1907	6,653,283	28,200,000
1908	16,873,223	34,900,000
1909	17,479,770	35,673,000

Yours, very truly,
F. H. HITCHCOCK.
Postmaster-General.

By an examination of the above table it will be observed that in the year 1897, when the appropriation for Free Rural Delivery

Service was only $40,000, that the deficit in that year amounted to $11,411,780. What produced the deficit during this year? It can not be argued that it was due to appropriations for rural delivery, nor can the deficit in that year be in any way laid at the door of this service. Some other cause must be found for the deficit for the year 1897 other than the cost of rural delivery, and in looking for some other cause to-day we must look to some other source other than the appropriations made for rural delivery service. In my judgment, it is due to the many leaks here and there in the Post-Office Department, and especially to the overpayment to railroads for the transportation of mails.

Mr. Chairman, the financial and educational benefit of rural routes to the country are beyond computation. Indeed, they may be called "common schools on wheels." This system has in a measure annihilated distance, brought the man living in a city and the fellow living in the country in close conjunction with each other, and, as a result, it has been the means of improving country life, the like of which this country has not observed heretofore. The farmer is no longer to be considered an isolated individual, living alone far away from the centers of population, but he has become to-day a potential factor in the finances of this country. To him, and him alone, the business man looks for immediate and future success. The failure of the farmer means equal failure to the business man, and their interests have become so interwoven that it is impossible to separate the two.

Mr. Chairman, there was a time in the history of this country when the business depended upon the man living in the city, but this condition no longer exists to-day. The real downright business man, the financial power, is the man living in the country. We had the best illustration of this during the panic of 1907, when all of a sudden, like a clap of thunder from a clear sky, almost every bank in this country suspended payment, the wheels of industry all over the land became paralyzed, money could not be had at any rate of interest; but the cry instantaneously went up, "Wait until the farmers' crops begin to move," and as soon as they did move, ships could not carry foreign gold to this country as fast as it naturally flowed to our shores. Soon every bank opened its doors, resumed payment, the wheels of industry started up, the hum and whirl of business was heard throughout the land; and I for one stand ready and willing to vote enough money to go forward to a completion of the Rural Delivery Service to the end that the rural people may have their just share of appropriations, become educated, put in immediate touch with the centers of population, so that the farmer can deal at arm's length with men in high finance in the cities, and anything that tends to strike down this system of delivery tends to destroy the upbuilding of our country. The amendment offered by the gentleman from Wisconsin carries an abundance of money to complete the work now under progress, and there is no use of appropriating the amount of money carried by the gentleman from Kansas in his amendment, because this would be a needless waste of the people's money, uncalled for, and could not be used in the department. [Applause.]

Mr. DOUGLAS. Mr. Chairman, for any member of the House to vote to add more than $7,000,000 to a single appropriation reported by a committee of the House, especially in a year when economy is being demanded all along the line, is a vote that requires explanation. I shall, however, vote with a clear conscience for the amendment to this paragraph offered by the gentleman from Kansas [Mr. MILLER] to increase the proposed appropriation for the pay of letter carriers, and for the Rural Free Delivery Service generally, from $37,645,000 to $44,773,736. This amendment, in my judgment, ought to be supported and passed for two reasons: The first is that more rural routes may be established; and second, that the pay of the rural carriers may be increased.

I confess to some enthusiasm for the Free Rural Delivery Service inaugurated thirteen years ago. I am convinced that no money expended by the Government is better expended than this. These free rural routes since 1897, when they were first begun, have done much to revolutionize country life. As a civilizing influence, as well as an immense convenience to the farmers and other dwellers in the rural districts, this rural mail service is beyond expression valuable. That it does not pay, in dollars and cents, that the Government spends more upon these routes, even far more, than is received by the additional sale of postage stamps, is to that extent perhaps unfortunate, but is no reason whatever why the rural free-delivery system should be curtailed. Everybody knew when it was inaugurated that it would not pay in dollars and cents, but no one conceived, no matter how much they may have anticipated from the service, no one adequately foretold how immensely popular and valuable to the communities, not only through which the carrier plies his duties, but to the towns and cities contiguous to the routes, and indeed to all the people generally, this service would prove. The service has brought the people of the country nearer to one another and to the people of the towns. It has brought the daily paper to tens of thousands of homes where it could not have appeared before. It puts the farmer in touch with the market in a way that was impossible before. It has immeasurably improved the roads of the country, the greatest civilizing influence possible in rural communities, and it has in every way promoted the pleasure, the convenience, and the attractiveness of country life. As I have said before upon this floor, there is in my judgment no higher duty devolving upon the Members of this House than to encourage and support every reasonable expenditure looking to the betterment of rural conditions, so as to keep enterprising men and women in the country and thus to improve the conditions of farming, the productiveness of the land, and consequently to enlarge the supply of food.

At the close of the last fiscal year, June 30, 1909, there were 40,628 rural-delivery routes established in the Post-Office Department, with substantially the same number of carriers employed. The average annual increase in the number of routes since the year 1897, when the system was inaugurated, has been 2,935. The average annual increase in appropriations during these thirteen years has been $2,637,864. The increase carried in this bill over the appropriation for the same purpose made last year is only $285,000, which I submit is wholly inadequate. The number of new rural routes already approved amounts to about 1,500, and this increase will not provide for the establishment of more than about one-third of them. I submit that in this great work there should be no backward step, but that the money should be provided by Congress to establish these routes as fast as they are surveyed and approved by the post-office inspectors and authorities.

But fully as important, as it seems to me, as the growth of the service itself, is the appeal that comes, if not from the carriers themselves, from every consideration of fairness and justice for an increase in the wages paid by the Government to the carriers. The average salary paid to the city carriers, varying according to their grades, from $600 to $1,200 a year, according to the figures of the department, average something over $1,100 a year; and no one who knows the character of the work, the high average character of the men, and their faithfulness, will pretend to say that they are paid too much; but when you turn to the rural carriers we find that their pay varies from $396 a year on routes less than 8 miles long to $900 per year on routes 24 miles long and over. In other words, a rural mail carrier who drives a route of from 24 to 30 miles every day of the week except Sunday received but $900. If the amendment offered by the gentleman from Kansas prevails, as I hope it will, the salaries of the rural carriers can be raised to $90 a month for the standard route of 24 miles, with an increase of $2.50 per month for each mile over 24 and a decrease of $2.50 a month for each mile under 24 traveled by the carrier over his route. In other words, the carrier on the standard route of 24 miles would receive $1,080 per year. Out of this salary he must pay for two horses, his wagon, harness, and equipment, the feed of two horses, his blacksmith bill, his repair and other bills. It will hardly be contended that in view of the greatly increased price of what the carrier must buy to feed his horses and provide a sinking fund for the payment of the wear and tear of horses and outfit as well as other considerations, that the sum proposed is anything more than reasonably just. The character of the men in this service is shown by the report of the Postmaster-General to be extremely high. Out of more than 40,000 men in the service last year about 30 were discharged for intemperance and about the same number for dishonesty. When it is remembered that these men come from every walk of life, that they handle the Government's money constantly, that they are compelled to expose themselves more or less in all sorts of weather, I submit that such a record speaks volumes in their praise.

Now, Mr. Chairman and gentlemen of the House, I have certainly said enough, as it seems to me, to justify my vote for this amendment, which I earnestly hope will pass, and that when this bill is perfected and finally becomes a law it will contain adequate provision for the steady increase of the rural service and for a reasonable increase in the pay of the carriers.

Mr. MORGAN of Oklahoma. Mr. Chairman, every true American citizen should be proud of the postal system of the United States. With all of its defects, it is the best postal system in the world. Our admiration for our country will grow as we study our postal system, and as we learn more of its interesting history, its wonderful growth, its rapid improvement, and its present high standard of efficiency.

It does not suffer in comparison with the postal systems of other countries. Thirteen billions seven hundred and twenty millions of newspapers, magazines, and periodicals are carried through the mails of all the civilized countries in the world. Four billion seven hundred and seventy-four millions of this number—more than one-third of all such periodicals published in the world—are carried through the mails of our own country.

Our mails carry about double the number of newspapers and periodicals carried in the mails of Germany, three times the number carried in the mails of France, and four times the number carried in the mails of England.

The postal service of all the countries in the world carry annually 20,603,823,919 letters and postal cards. Six billion four hundred and sixty-five million eight hundred and fifty thousand of this number—one third of the grand total—are handled by the 325,000 intelligent American citizens employed in the postal service of the United States. Our mails carry more letters and postal cards than the combined number carried in the mails of both England and Germany, or of both Germany and France.

to its improvement, we should point out its defects. But for

No one claims perfection for our postal system. With a view one I glory in the fact that one-third of all the newspapers, magazines, and periodicals printed, and one-third of all the letters and postal cards written by the human race, are conveyed through the mails of my own country, under the protection of the Stars and Stripes.

The growth of our postal system is an index to the intellectual and material development of our country. Fifty years ago, just prior to the beginning of the civil war, this country had a population of thirty millions; we had 28,000 post-offices; our postal service had a per capita revenue of 26 cents and a per capita expenditure of 37 cents. The gross annual expenditure of the system was only $11,458,000. In 1909 we had a population of about 90,000,000; we had 60,000 post-offices; there was a per capita revenue of $2.20, a per capita expenditure of $2.49, and a grand total annual expenditure of over $221,000,000. In the last fifty years we have doubled the number of our post-offices, tripled our population, increased by sevenfold the per capita expenditure of our mail service, and increased by twenty-fold the total expenditure of our postal system.

The large increase in the expense of conducting our postal system has not been the result of extravagance or mismanagement. It is the result of extension and improvement in the service. The increase in cost comes from giving the people better postal facilities. From year to year our mails have gone out more frequently, they have been transported more rapidly, new routes have been established, the volume of business has increased, and we have introduced into the city and country a splendid system of free delivery.

Twenty-seven thousand six hundred men are employed in the free delivery of mail in our towns and cities. Forty-one thousand men are employed in the rural free delivery of mail. All told, we have an army of 70,000 persons employed in delivering mails at the homes of our people. Thirty millions of dollars are expended annually in delivering mail free in our towns and cities. Thirty-five millions are expended annually in the free delivery of mail in the country districts. We spend annually for the free delivery of mail $65,000,000, a sum equal to the total expense of our mail service twenty years ago.

In making appropriations for the Post-Office Department of our Government, in enacting laws for its regulation and control, we should bear constantly in mind that our postal system is not merely a business conducted by the Government for the mere accommodation and convenience of the people, but that it is a great institution, contributing largely to the material growth of this Republic, to the moral and intellectual advancement of its citizenship, to the welfare of our people, and to the glory of our country.

PAY OF EMPLOYEES.

Sixty per cent of the expense of our postal system goes to the salaries of the employees of the department. I am in favor of proper economy in all branches of our National Government. But efficiency of the service is of the highest importance. The success of our mail service after all depends upon the character and efficiency of the men engaged in this service. We can not get better men by reducing the pay. I have not made a careful study of the pay received by all the men employed in the postal service, but I am fully convinced that the railway mail clerks and the rural carriers are not receiving adequate compensation.

PAY OF RURAL CARRIERS.

In my judgment the pay of the rural carriers should be substantially increased. They perform a very important service for the people. The position is one of great responsibility and requires men of unquestioned integrity. These men come in close contact with the people. The success of the service and the reputation of the department depends upon their fidelity to duty. The rural carrier is required to make quite an investment before he enters upon his work. He must maintain this investment. There is constant danger of loss. There is the wear and tear of his vehicle and equipment, and he never knows when a large portion of his annual salary must go to purchase a horse to replace the one that has died. He is often exposed to inclement weather. He must go, rain or shine, in heat or in cold. The patrons of the route expect him every day at the proper time. The records show that he seldom fails. The present schedule of salaries was fixed when the equipment of the rural carrier cost much less than it does now and when admittedly the cost of living was not nearly so high. Unless these men receive better pay, in my opinion, the service will lose many of its best men. This would cripple the service. This we can not afford to allow. The rural service must be both extended and improved. We must pay sufficient salary to induce the right kind of men to seek and remain in this service. For two important reasons the pay of the rural carriers should be increased—first, in the interest of an improved service and, second, in justice to the carriers who are not now, in my judgment, receiving pay commensurate with the service performed.

RAILWAY MAIL CLERKS.

The railway mail clerks are engaged in the most dangerous part of our postal service. That the people of this country may receive their mail quickly and promptly, these men engage in an employment said to be more hazardous than war. It requires a high degree of skill and intelligence to secure and fill the position satisfactorily. Before appointment to these positions a rigid mental and physical examination must be passed. While holding the position the railway mail clerk must keep up his study. He works both day and night. He is away from his home a large part of his time. He works Sundays as well as week days. In short, the skill and intelligence required of the railway mail clerk, the responsibility of his position, the character of the service performed, and the extraordinary danger of his employment, all demand that his pay should be materially increased.

HISTORY OF RURAL DELIVERY.

Free rural delivery as a part of our postal system did not come without a struggle. The first man in high authority to advocate free rural delivery of mail was the Republican Postmaster-General, Hon. John Wanamaker. Congress granted him a small appropriation to test its feasibility in connection with free delivery in villages. In his annual report to President Harrison, dated November 30, 1891 (see H. Ex. Doc., 1st sess. 52d Cong., 1891–92, vol. 13, p. 46), Mr. Wanamaker says:

> I could not commend anything to the attention of Congress with more confidence than this proposed addition to the postal facilities, first, because it is so easy; second, because it is so wide-reaching and, as it seems to me, so patriotic. But then there are a great many detailed reasons in common everyday affairs, if not in social philosophy, even why the free-delivery experiment has succeeded and ought to be extended. The rural dweller pays the same rates of postage and has the same right to the common postal facilities that the inhabitant of the city has. Often he makes long, disagreeable trips to the post-office without result. To the business man in town the extension of the free delivery would be of immense value. The country is always tributary to the city; it makes the city. The extension of the postal system will make the business man more prosperous and enterprising.
>
> There is a social view of this question which seems to me quite as important as any other. A great deal is said about the desertion of the farm. The regular arrival of the paper or magazine, the easier ways to correspond, the general process of sending and receiving things by mail will not only keep many of the boys and girls at home and make them contented there, but will add to their ambition and determination to make the old farm pay.

To the mind of Wanamaker the whole scheme was so easy, so patriotic, so beneficial to the people in the country and the merchants in the city. He sounded a note of confidence, of hope, of progress.

But a national election placed a Democratic administration in power. Congress, following the lead of Wanamaker, appropriated $10,000 to be used at the discretion of the Postmaster-General in testing the feasibility of free rural delivery. To the surprise, the disappointment, and disgust of the people residing in the country, Postmaster-General Hon. W. S. Bissell had no confidence in the success of the proposed free rural-delivery system and refused to use the appropriation.

In his report to the President in 1894 (see H. Ex. Doc., 2d sess. 53d Cong., 1893–94, vol. 12, p. 12) he says:

> To inaugurate a system of rural free delivery would require an appropriation of at least $20,000,000. I therefore adopt the opinion of the First Assistant Postmaster-General, that the department would not be warranted in burdening the people with such a great expense, when it can more properly, adequately, and economically meet the requirements of postal extension by widening its scope along reasonable and conservative lines and by establishing additional post-offices wherever the communities are justified in asking them.

The next Congress doubled the appropriation. But Postmaster-General Bissell refused to act. In 1894, in his report (see H. Ex. Doc., 3d sess. 53d Cong., vol. 13, p. 11) he says:

The proposed plan of rural free delivery, if adopted, would result in additional cost of about $20,000,000 for the first year; and whatever may be the future postal system of this country, I do not believe the people are yet ready or willing to involve themselves in such a large expenditure for this purpose.

In time we had a new Democratic Postmaster-General, Hon. William L. Wilson. But he proclaimed the same note of doubt, danger, and debt.

In a report (see H. Ex. Doc., vol. 13, 54th Cong., 1895–96, p. 8) Mr. Wilson says:

The amount appropriated by Congress ($20,000) to test the feasibility of establishing rural free delivery, was not expended during the last fiscal year. But the difficulties in the way of such experiments and the reasons for viewing the whole plan as impracticable are fully set forth in the report of the House committee on the post-office appropriation bill, second session Fifty-second Congress.

In 1896 the people declared that there should be a change in the administration of national affairs. By this change we were blessed with a Republican Postmaster-General, Hon. James A. Gary. He took up the refrain of progress that had been sounded by John Wanamaker.

In his first report, dated October 25, 1897 (see H. Ex. Doc., vol. 11, No. 4, Rept. Postmaster-General, 1897, 55th Cong., 2d sess.), in referring to the appropriation of $50,000 made for rural delivery, he says:

It would be difficult to point to any like expenditure of public money which has been more generously appreciated by the people, or which has conferred greater benefits in proportion to the amount expended.

He further says that the rural delivery—

has unquestionably proved itself a potent factor in the attainment of what should be one of the chief aims of our Government, the granting of the best possible postal facilities to the farmer and his family.

THE SYSTEM SHOULD BE EXTENDED.

I am heartily in favor of extending the rural delivery system. In this service there must be no halting, no hesitation, no delay. The work must go on. We must give to every citizen of the United States the advantages of daily mail as rapidly as suitable public highways shall be provided. The people now understand the value of this service. If the system is not self-sustaining, this will not justify any backward step relative thereto. The people are willing to pay what is necessary to secure this service. The people who reside in the rural districts are entitled to a daily mail to place them to some extent upon an equal footing with the splendid free-delivery system furnished the inhabitants of our towns and cities. But aside from the question of justice, this system is a good investment for the Nation. It is worth far more than it costs. The Post-Office Department, as a rule, should be made self-supporting. In the main, it should be managed as a business institution. But there are exceptions to every rule. The manifest and manifold benefits of a daily mail to all our people bring the rural delivery system within the exception. We can afford to provide this system even if it is not self-supporting. If we have in view the welfare of the people of this Republic, we will continue to develop, extend, and perfect the rural delivery until all of our people enjoy its advantages and benefits.

A CHILD OF REPUBLICANISM.

The free rural-delivery system is the child of a Republican administration. For years a Democratic administration cuffed and abused this child and did everything possible to strangle it in its infancy. But in the very nick of time we inaugurated a Republican President—William McKinley. Again the free rural-delivery system was in the hands of its friends. From that day to the present hour the system has been given liberal encouragement. Appropriations have increased, new routes have been established, the number of carriers multiplied, the service improved, and its benefits extended to additional thousands of people. Our public highways, penetrating every section of our country, are lined with United States mail boxes, in which the 41,000 rural carriers deposit mail at the door of our farming population. These United States mail boxes, aggregating nearly 500,000 in number, stand along our public highways as monuments to the wisdom, patriotism, and constructive statesmanship of the Republican party.

Mr. HARDWICK. Mr. Chairman, I send to the desk the following amendment and ask to have it read for information in my time.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that a proposed amendment may be read in his time for the information of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

Amend by adding after the word "dollars," in line 8, page 30, the following:

"*Provided*, That $20,000 of the amount hereby appropriated may be used by the Postmaster-General for the establishment, experimentally, of a rural-route parcels-post delivery system, the same to be confined to parcels originating on the routes selected for experiment, and the results of such experiments to be reported to Congress by the Postmaster-General at the beginning of the next session of Congress."

Mr. WEEKS. I reserve a point of order to that amendment.

Mr. MANN. It is not offered, but only read for information.

Mr. HARDWICK. Mr. Chairman, the amendment that has just been read in my time will be offered by me at the proper time during the consideration of this paragraph. I realize that it is subject to the point of order against legislating in an appropriation bill, and, of course, if my friend from Massachusetts [Mr. WEEKS] makes and insists upon the point of order the House will not now have an opportunity to vote on the proposition. The amendment embraces, substantially and accurately, the recommendation of the Post-Office Department on this question, as contained in the last report of the Postmaster-General, made at the beginning of the present session of Congress, and as reenforced in the statement of Mr. De Graw, the Fourth Assistant Postmaster-General, before the House Committee on the Post-Office and Post-Roads during the present session.

I read briefly from the report of the Postmaster-General on this question (pp. 352 and 353):

Taking the known revenue per route per month—the value of the stamps on the mail collected—from the average cost per route per month and rural delivery is costing $57.25 per route per month. The query naturally arises as to whether or not there is any way by which this service may be made to increase the postal revenue. With regard to equipment, rural carriers are required to provide an outfit suitable to carry the mail. In most instances this consists of a wagon or buggy in which from 150 to 200 pounds of mail can be easily carried. The average weight of the mail on each trip of a rural carrier is about 25 pounds. It is believed at present that in comparatively few instances does the daily weight of the mail of a carrier exceed 50 pounds.

There now exists throughout the country almost as much of a network of rural telephone lines as of rural delivery routes. In cities and towns a merchant's patrons use the telephone to order goods to be delivered. The rural population, however, except adjacent to the cities, do not have the advantage of delivery enjoyed by the urban population. The best means for the delivery of merchandise in rural districts therefore exists in the rural carriers who are daily traversing their routes. The present rate of postage on merchandise, designed to cover the cost of the carriage of parcels throughout the country, is prohibitive of the carriage of parcels from the merchant located at the distributing post-office to the patrons of rural delivery.

These conditions present an opportunity for making the Rural Delivery Service a source of greater revenue to the Government. I have, therefore, to recommend, in line with recommendations made in several previous annual reports, that the Postmaster-General be authorized to arrange, experimentally, for a limited period, for the delivery of packages on rural routes at such rates as may seem expedient, the result of the experiment to be reported to Congress as speedily as possible after the expiration of the experimental period.

Now, Mr. Chairman, just a word. The system of parcels-post delivery, confined to the rural routes of this country, proposed in this amendment, is one that will prove a great blessing to the rural population of our country and can do no harm to the merchants or any other class of our citizens. I hope the gentleman from Massachusetts [Mr. WEEKS], chairman of the committee, will not press the point of order against this amendment. There are now pending before the Post-Office Committee of the House many bills providing for a rural parcels post, and if these bills are not to be considered at this session, then we ought to have a chance to vote on this proposition. [Applause.]

The Post-Office Department has only asked for $5,000 to conduct this experiment, but it is my judgment that we ought to appropriate at least twenty thousand for that purpose, so that the experiment may be made general and thorough; hence the amount carried in my amendment.

Whatever may be said on the merits or demerits of a general parcels-post system with a low rate of postage, and however much division there may be both in this House and in the country about that, surely no man who considers the subject carefully can be opposed, on any just grounds, to a parcels-post system confined strictly to the rural route on which the parcel originates.

If it be opposed on the ground that the enactment of this legislation is but the entering wedge for the general parcels post by embarking the Government in the parcels-post business, my reply is that the Government is already engaged in that business, because we already have a law providing for a general parcels post, although it is true that the limit of weight of the package that can be carried is ridiculously low—4 pounds—and the rate of postage ridiculously high—16 cents a pound. If our local merchants object to the rural parcels post, I wish to point out to them that a parcels post confined strictly to the rural routes and handling no packages, save such as originate on the routes, can not possibly give them any trouble and can not possibly build up the mail-order business of the great department stores of our large cities, a competition about which they seem greatly, and I think to a large extent unnecessarily, alarmed. On the contrary, the rural parcels post will give to

the local merchant a cheap and convenient delivery system that will enable him to increase and extend his trade among his country customers.

But, Mr. Chairman, it is useless to deny that after all the greatest blessings and benefits that would attend the installation of the rural parcels-post system would come to our rural population, and for one the fact that such is the case prejudices me in favor of the proposition rather than against it.

I do not believe, sir, that as a general proposition, our rural population is inclined to expect or demand special governmental favors. All that the great mass of our honest country people either hope for or desire is that they shall be given an equal chance in the battle of life and not be unnecessarily burdened by legislative privileges conferred upon others at their expense.

But, Mr. Chairman, shortsighted indeed would be the policy that did not recognize the great fact that when all is said and done the agricultural producer is the mainstay of our land, and its backbone in times of peace, its greatest wealth producer, and in times of war its sturdiest defender. There is too much tendency "townward" and "cityward" in our land already, and it seems to me to be the very wisest and truest statesmanship for the Government to do all it can, legitimately and properly to check the movement to the towns, and to turn the tide back toward the farm.

In order to do so, we ought to strive, on all occasions, both in this body and in our several state legislatures, to make rural life as attractive and convenient and pleasant as possible. The establishment of the rural delivery system, credit for which is due to one of my distinguished predecessors in this body, was a long step in that direction. Its tremendous development and wide extension, which has not yet reached its limit, prove its usefulness to the people and the incalculable blessings that it has conferred upon them. During my seven years of service in this body I have loyally stood by it and assisted in every increase and every extension of it from year to year. I am sorry to see the present administration disposed to curtail it now, and in order to prevent that and to insure the installation of the rural routes already approved, and the further development and increase of the service, I shall support the amendment of my friend from North Carolina [Mr. SMALL], and as I do not believe the salary of the rural carrier is high enough, when his expenses are considered, I shall gladly vote for the amendment of my friend from Kansas [Mr. MILLER], for if his amendment prevails the department will have enough money appropriated to pay the carriers a salary of $90 per month, and I think that increase ought to be made.

But the rural delivery system is not the only convenience that the Government can and ought to provide for our rural population. Already the States and their various subdivisions are appropriating and expending large sums for the betterment of the public roads, and I hope and believe that the day is not far distant when Congress, acting under the constitutional power "to establish and maintain post-offices and post-roads"—and almost all of our public roads are now "post-roads," thanks to the extension of the rural delivery system—will make liberal appropriations to aid the state and local authorities in this great work, as recommended in the last national platform of the Democratic party.

With the continued and continuing improvement of the rural mail facilities, with the constant betterment of the public roads, with the extension and improvement of the rural telephone system, and with a rural parcels post that will give our friends in the country an easy and convenient method of having their small parcels transported to and from the towns, it seems to me that life in the country will be rendered much more attractive and much more convenient, and thus a great and wise public policy, that will make for the common good of all of our people, in the cities and towns, as well as in the country, will be promoted.

I regard the rural parcels post as a necessary, indeed, as an indispensable, part of this great programme, and I have advocated the proposition I submit to you to-day for years, both here and at home.

If the gentleman from Massachusetts insists upon it, of course the point of order will prevail against the rural parcels-post system to-day, but I wish to say to him, to the House, and to the country that, in my judgment, it will not be long before public sentiment will force the committee and this House to consider this measure on its merits and to give to our people this service.

Mr. SMALL. Mr. Chairman, I desire to ask unanimous consent to proceed for three minutes, not to be counted in the time devoted by the committee to this debate.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to address the committee for three minutes, and that the time for taking the vote be extended to three minutes past 1. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, in the brief time allowed me I desire to call the attention of gentlemen to a few facts. The amendment offered by the gentleman from South Carolina [Mr. FINLEY] only increases the appropriation over the current appropriation $640,145. That will only pay for the maintenance of about 710 routes for the year, and there are now 977 routes ready for installation. Make the calculation and you will find that I am correct.

In addition, I desire to emphasize this fact, that the amendment which I have offered increasing the appropriation $1,500,000 will only pay for the 977 routes now ready for installation and the additional routes which would be ready between now and June 30, amounting to 1,653, and will leave about $200,000 only available during the next fiscal year. So that this appropriation will only meet the current demands for routes during this fiscal year, with a small additional sum available during the ensuing fiscal year.

I notified the committee at the time this bill was under consideration that I reserved the right to dissent from their conclusions. They have now come in and agreed, the majority of the committee, to $355,145 more than is contained in the original recommendation of the committee, but still, as I said, that will only provide for the installation of a little over 700 routes, when there will be over 1,650 at the end of this present fiscal year ready for installation. Those are the facts that I wish to present to the committee. I think that a million and a half is the very least sum which should be added to the current appropriation, and that anyone who votes for a less sum, whether in reality he is opposed to the rural service or not, will, by his vote, curtail and prevent the extension of the rural service and thereby deprive many farmers of the blessings of this the most useful branch of the whole postal service. [Applause.]

[Here the hammer fell.]

Mr. FINLEY. Mr. Chairman, I very much regret that I am compelled to answer some of the statements that have been made here. First, I shall take up those made by my very, very good friend, the gentleman from North Carolina [Mr. SMALL], a member of the committee. As a matter of fact, he includes in his calculation a deficiency appropriation that was made last year and not included in the appropriation bill passed for the current year. That is the fact. Mr. Chairman, as a matter of fact, we have the word of the Post-Office Department, and we can not go behind it, that there will be unexpended of the appropriation for the Rural Delivery Service at the end of this fiscal year about $250,000.

Mr. SMALL. Will the gentleman tell us how that——

Mr. FINLEY. Oh, I must decline to yield, as I have not the time. So that there will be about $250,000 unexpended at the end of this fiscal year. Of course, that amount of money will lapse into the Treasury; but, Mr. Chairman, we have reappropriated that amount in this appropriation bill—that is, with the exception of $15,000—and that would make $245,000 that would be available for the extension of the service the next fiscal year. In addition to that, and I will not say how and after how much work, the Post-Office Committee reported in the bill under consideration the sum of $300,000. That makes $545,000 available for the extension of the Rural Delivery Service for the next fiscal year. In addition to that, the amendment offered by me provides for $500,000, altogether $1,045,000 available for the extension of the Rural Delivery Service for the next fiscal year.

Now, I want to say that if I had my way, I would probably be in favor of a larger increase, but we all have to do what is best under the circumstances, and I say, Mr. Chairman, that the Post-Office Committee has done the very best that they could do.

I have secured every cent that I conceived possible to secure for the extension of this service in this fiscal year, and no man on this floor has secured larger appropriations for this service in the past eight years than have I. So that the number of petitions does not indicate that that number of routes will be favorably reported and ready for installation, and for various reasons—lack of population, the existence of bad roads, unbridged streams, gates across highways, or other conditions result in the department rejecting 31 per cent of all petitions. After investigation about 44 per cent of the routes investigated are reported favorably. On the 30th of June last a report had been made on 1,470 cases filed in that year. Eight hundred and twenty-three, or 56 per cent, of these petitions were reported favorably. Since that time the favorable reports for increased service number about 1,000 routes ready for installation. There are at this time 756 petitions; 56 per cent of this is 392.

Since the 1st of January the number of petitions accepted for investigation is, as I am informed, 140, the greatest decrease in the service since it passed the experimental stage. We have the word of the department for it that no new departure in the matter of handling petitions for investigation is practiced. I am informed that there is now pending petitions for investigation: For Alabama, 54; Arkansas, 84; California, 22; Georgia, 42; Idaho, 25; Kansas, 37; Kentucky, 47; Louisiana, 65.

Including those favorably reported and those that are not, there are petitions on file in the Fourth Assistant's office: From Mississippi, 82; Missouri, 41; North Carolina, 77; North Dakota, 106; Oklahoma, 110; Pennsylvania, 39; South Dakota, 56; Texas, 136; Virginia, 86; Washington, 50; West Virginia, 31. There are a small number of petitions pending in practically every State. The greater part of the country available for Rural Delivery Service has been covered. The service, however, is not complete, and we should make reasonable appropriations for the extension of the rural service each year.

We find from the hearings before the Post-Office Committee that for the appropriation of the Rural Delivery Service there will be approximately $250,000 unexpended on June 30 next. The bill under consideration carries $285,000 in excess of the appropriation carried in the last post-office appropriation bill. As I have stated, this has been increased by the Post-Office Committee $300,000, and the $500,000 carried in the amendment offered by me raises the amount to $1,045,000. The practice of the department is not to put in all the routes for the fiscal year at the beginning of the year, but to pro rate the routes through the four quarters in a fiscal year. This amount of money expended in this way will install more than 2,000 rural routes for the fiscal year beginning July 1, 1910.

Mr. CAMPBELL. Mr. Chairman, I rise at this time for the purpose of urging that the substitute offered by my colleague from Kansas [Mr. MILLER] may be agreed to. I want this appropriation increased from thirty-eight millions to forty-four millions for the purpose of having enough appropriated in this bill to provide for the payment of increased salaries to rural route carriers. [Applause.] One of the most important events of recent years was the establishment of rural free delivery. I need not argue that proposition. I want to call attention to the fact that faithful and efficient rural route carriers have made this service valuable and popular. These carriers go out upon the routes every week day in the year except legal holidays. They go in heat or cold, rain or snow, and on mud or frozen and rough roads. Their horses cost more than ever before, and feed is high. This increase which I am urging in this bill should be agreed to with a view of using it to increase the salaries of these faithful public servants to at least $1,000 a year; to do full justice it should be more. [Applause.]

Mr. HOUSTON. Mr. Chairman, I desire to submit a few reasons in behalf of the increase of the appropriation for the rural free-delivery service. In the first place, it is apparent that the amount carried in the present bill is not sufficient to provide for the establishment of a number of routes that have already been surveyed and approved by the department, and can not be installed and put in operation for the simple reason that the appropriation is too small to accomplish this end.

It appears from the figures submitted to this House that there are already 977 routes that have been surveyed and approved, 679 more on file, and it is estimated that 50 per cent of these will be approved and that 900 more will be submitted by July 1; and if one-third of these (the 900) are approved, that will make 300; and this, added to the others, will make the sum of 1,616 rural routes to be approved by the department and to await installation until a sufficient amount of funds is provided for their establishment.

Now, Mr. Chairman, upon what rule of justice can we say that a portion of our great country should have rural routes and another portion, equally as deserving, should be denied them? I submit this proposition to the fair-minded judgment of this House. I can subscribe to no such selfish system as would provide the great benefits of this service to a part of our country and not to the others equally as deserving.

This is one of the most important branches of the service; in fact, none is doing so much for the advancement of our country in education, enlightenment, and material prosperity. The progress of civilization and enlightenment in every country goes hand in hand with its commerce and its facilities for communication with the world. The rural free-delivery system is no longer an experiment in the United States, but its effects and its benefits are manifest to all. Its dissemination of knowledge, news, literature, and the doings of the world, by furnishing the farmer with his daily newspaper, puts him in touch with the busy marts of trade and all the progress, sciences, arts, and so forth.

The farmer and the farmer's family not only have access to the doings in the world of progress of every kind, but he has a daily market report that enables him to know the state of the market and the full value of the products of his farm, and thus enables him to realize more fully the true value of his product. In fact, the rural carrier is doing away with remote sections of our country and bringing them to the front. The farm is more attractive because of these facilities afforded, our people are turning more to the country home and the pursuit of agriculture, and thus the value of our agricultural lands has been increased by millions.

I believe, Mr. Chairman, that the carriers are entitled to an increase over their present pay. Fifteen dollars per month for a standard route, in addition to their present salaries, would not be too much. There are no men in the government service that are called on to face the hardships of winter and the heat of summer as these carriers are. It requires energy, nerve, and a good constitution, and they ought to receive compensation enough, not only to support their families comfortably, but to save something to live upon when they are worn out and broken down by this strenuous service. I believe in economy in every branch of the government service, but I believe in paying government employees in proportion to the work they perform and the expense they are forced to undergo.

We hear much of the increased cost of living, but these carriers under present conditions are affected in a twofold way by the increased prices of the present day. They have not only to pay much higher for all the necessaries of life for themselves and families, but they have the increased cost of their equipment and the increased cost of its maintenance; the outlay for horses and vehicles is much greater and the cost of maintaining them is much greater. They have to pay more for the corn and oats and hay to feed their horses, and when this expense is met, as it necessarily must be, they have but a small amount left upon which to support themselves and families.

During the past few years Congress has increased many salaries of those who were receiving two and three times the amount paid these carriers upon the ground that changed conditions and the increased cost of living justified it. Now, let us not turn down these men who must bear this same increased cost of living, and, in addition to that, are compelled to undergo an expense equal in many instances to more than half their salary.

Mr. HEFLIN. Mr. Chairman, I will cheerfully support the amendment, because it seeks to make an increase in the salary of rural mail carriers. We have submitted to Members here enough evidence in favor of this increase in salary to convince any reasonable-minded jury in the world. The high cost of living and the general running expenses of the rural carrier, which are ever on the increase, require this additional pay. Remember that these men have to buy their horses and feed for them, vehicles and harness, and have to support themselves and families all out of the salary they receive, and simple justice to these men calls upon us to give them this increase. They are the most faithful and the most accommodating, and yet the poorest paid, men in the mail service to-day.

Now, Mr. Chairman, in reply to an unfriendly newspaper criticism on my service to the cotton producer, and so forth, I desire to include in my remarks a few facts touching my work here on this line, which I will put in the RECORD.

I feel that I have accomplished some things of importance to the agricultural interests of the South; especially do I feel that I have rendered valuable service to the cotton producer.

I have done two things for the cotton producer that I point to with pride: First, in amending the law on gathering crop reports so that farmers should be called on to give this information instead of, as before, getting this information mainly from twenty-three other sources. This puts the cotton producer in a position to give the truth of the situation to the Department of Agriculture and prevent certain interested concerns from deceiving the public about crop prospects, as has been done many times, by false reports. Before I amended this law, interested concerns who wanted to "bear" or reduce the price of cotton would get in touch with some of these various classes of crop reporters, and the first thing we knew the country was treated to the information, or misinformation, that crop prospects were fine, that we had planted more cotton than ever, and would make the biggest crop ever grown. The gambling exchanges had the chance to do this sort of work without being known in the transaction. I saw this evil and I determined to remedy it.

Now, under the law as I wrote it, the producer himself makes these reports, and the frauds and misrepresentations formerly practiced on him are eliminated. The farmer is in charge of this branch of his own business, and I have received letters from many producers in the South thanking me for my work along this line.

Second, in being first to suggest a law requiring the Government to report the number of bales of cotton on hand at the cotton factories in the United States. This, in my judgment, is one of the best laws for the producer that was ever put upon the statute books of our country. It gives him the only information that he ever had on the amount of cotton on hand at the factories, and without this information he was at the mercy of those who had to have cotton.

I am the first man to bring this matter to the attention of the Committee on Agriculture, and the first one to discuss it in Congress when I introduced my bill for this purpose. Out of this effort has come the law requiring the Government to report on baled cotton as stated.

Newspapers throughout the cotton belt have complimented my services in helping to secure this legislation.

Representative SISSON, of Mississippi, who is a large cotton producer himself, told me that my work amending the law on crop reports, and requiring the Government to report the amount of baled cotton on hand at the factories, was worth millions of dollars to the cotton producers of the South.

I have introduced bills providing for sending agents into China, Japan, and other eastern countries to display and urge the use of cotton goods, and I have helped to secure appropriations for sending agents abroad for this purpose. I called, with some other southern Members of Congress, upon the Secretary of War and urged him to use cotton goods in every way possible in the army, and to request army supplies to be shipped in cotton sacks. He promised that he would do so. Every pound of cotton that we can have consumed helps the cotton producer.

In 1907 I introduced a resolution in the House, charging that the Secretary of Agriculture had overestimated the cotton crop for that year, and had injured the cotton producer by that large and unwarranted estimate. I proved before the Committee on Agriculture that the estimate was too large, and the evidence finally showed that they had overestimated it about 600,000 bales. This big estimate caused the price of cotton to go down. Since that time I have kept in close touch with the department with reference to cotton.

In 1909, when some of the New York "bear" speculators were sending out "specials" and circular letters saying that the crop would be 12,500,000 or 13,000,000 bales, I took the matter up with the Secretary of Agriculture before he made his estimate on the cotton crop in December. I acquainted him with the condition of the cotton crop throughout the South, of the poor prospects, and so forth, and I expressed the hope that there would be no ground for complaint among southern Representatives when he made up the estimate on the cotton crop. I expressed the opinion that the cotton crop would be less than 10,000,000 bales. He estimated it at 10,088,000 bales. As a member of the Committee on Agriculture in the Sixtieth Congress, I advocated and helped to secure an increase in the appropriation of money with which to fight the boll weevil.

I introduced a bill to prevent any employees in the Agricultural Department from giving out information regarding reports on the cotton crop and from making false reports, as was done by Holmes in the department a few years ago, for which he was paid money. Representative CRAIG, of Alabama, introduced a bill along the same line. These two bills were combined and unanimously reported by the Committee on Agriculture when I was a member of that committee. When we asked to call it up in the House and pass it, Representative PAYNE, of New York, the Republican floor leader, objected, and the Speaker would not permit any of us to bring it up for consideration any more during that session. We did not give up the fight, but kept on with other Members until we got practically the same provision contained in the Heflin and Craig bill in the Penal Code, and we now have a law against tampering with these reports, giving away, or selling information.

I have introduced a bill which provides for the return of the cotton tax which was unlawfully collected from the southern people just after the war. I have given out interviews showing the justice of our claim, and the newspapers of the country have published them right freely. We are working on public opinion. We have a committee of Members and Senators to present this question and urge action upon it by Congress, and I am on the House committee from Alabama.

Representative CLARK, of Florida, did me the honor to say in a speech in the House more than a year ago that I had attracted the attention of Congress and the country to the importance and justice of returning this cotton tax to our people. Two state legislatures have indorsed my bill. This cotton-tax fund is a big sum. It amounts to $60,000,000, and Alabama's share is over $10,000,000. I believe that we will succeed in getting this great Government to return this money. It will take time. A very few people still have their old cotton-tax receipts, so the bulk of this money will go to the States to be used for some public improvement, and I want to see Alabama's part go to building and improving public roads. This would give us in Alabama more than $150,000 to the county; would go a long way toward building up a splendid system of public roads. We have worked up considerable interest among the Members of Congress, and we are convincing them of the justice of our cause. We have succeeded in getting the Committee on War Claims to give us one hearing already, at which members of our committee from the Southern States presented some very important information, and, I think, made a most favorable impression for our cause. We will have more hearings and we will continue this work, and at the proper time will insist that the Committee on War Claims act on my bill and all the other bills that have been introduced for the purpose of having the Government return this cotton tax, which they now hold in violation of every legal and moral principle known to the Government. A Republican said the other day that he favored returning this cotton-tax money, but that he thought that it ought not to be pressed just now because of the condition of the Federal Treasury. We do not propose to press it for final action at this session of Congress. Of course, if we could, we would push it through now, but we have agreed upon the best course to pursue. We must educate the Members. We want them thoroughly posted on the subject. We want to convince them that we are right, and then we will ask for final action. If they will listen to the truth of our cause when that time comes, I believe that they will be like Zaccheus of old, the taxgatherer of another time and country, who, when he was made to see the injustice he had practiced upon his people in exacting unjust taxes, said, in substance, "I will restore that which I have taken fourfold to every man." We are trying to show them their duty in this matter, and we believe when they see it they will return this cotton tax to the States that have paid it.

I have toured our district urging our people to concert of action in selling cotton and to the importance of selling it sparingly, so as to keep the market keen and hungry. I knew the condition that existed in the cotton world, and early last fall, when cotton was 12 cents per pound, I made a tour of our district, declaring that the small crop justified 15 cents per pound for cotton, and I said the man who holds his cotton will get 15 cents per pound; and, as you remember, cotton did go to 15 cents. I have given close study to the cotton question, and I owe it to those who have honored me and to the people of the Southland to give them the benefit of any idea I may have or any information I may possess upon the cotton question, and this I have done and will continue to do.

I have fought gambling in farm products, especially cotton, ever since I have been here. I have contended, and still contend, that neither the New York Exchange nor any other exchange has the right to offer for sale something that it did not have and could not deliver; that the bringing of this "speculative stuff" into competition with real cotton injured the producer and deprived him of his right to require the cotton-using world to come direct to him to buy cotton; and I believe that we are going to get legislation on this line. I am hopeful, at least.

The press of the country has been kind enough to give me credit for helping to bring about the strong sentiment that now exists against gambling in cotton. I agree with Senator John T. Morgan, when he said:

> The day will come when the producer will fix the price of cotton at his own door.

And if we can destroy the gambling exchanges, that do not handle real cotton, but deal only in paper contracts and settle the difference in money, the producer will be benefited, and we will have spot-cotton exchanges all over the South. I have studied the cotton question and I have never lost an opportunity to advance the interest of those who produce cotton with which to clothe the world. So long as I have the honor to represent my people in the Congress of the United States, this great industry of the South will have the best service that I am capable of rendering.

I desire to include an editorial on cotton from the Philadelphia Evening Item:

COTTON IS KING.

In a really impressive and most forceful speech on this head in Congress, Congressman J. THOMAS HEFLIN, of Alabama, said dressmakers and tailors have at last learned how to make up cotton goods in the most fascinating and attractive way.

"The cotton suit I wore here last summer, and those worn by other Members of Congress, looked better than the flannel suits worn by other gentlemen here, and they did not cost one-third as much.

"They were cooler and more comfortable every way. I have advocated it, and I believe the day will come when the southern people will wear cotton almost exclusively from April to September. By this means the South will consume nearly 4,000,000 bales more than is now consumed.

"For spring and summer cotton is the coolest and cheapest wearing apparel in the world, and our people are at last beginning to realize the value of patronizing home industry."

Mr. HEFLIN is right. Heretofore Americans have not realized, generally speaking, the real worth of cotton for warm-weather wear and for cold-weather underclothing, either, when it is manufactured in proper shape. We here in the North wear too much wool in summer for good health.

There is an untold mint in this business now only partly developed, because there is something about cotton that makes it the best material for many uses the same cost will reach in any other farm product.

On this head we have had our attention drawn to certain processes in the manufacture of cotton which makes its surface hard, smooth, and glossy, and the full equal of linen in its powers of keeping or wearing clean.

All that is due to the treatment of raw cotton when woven into fabrics.

We were shown more: Cotton can be woven as fine as silk and look like silk. Every day is bringing forth new inventive processes which are marvels in their way in opening up new uses for cotton in all lines of clothing, trimmings, and decorations.

We have been shown sample boots and shoes made entirely of cotton, which almost startled us with the vast market possibilities which could be created in their sale.

They were better than leather, far handsomer, and wore well, and those shoes cost less than half, yes, a good deal less than half, the cost of a fair-grade leather shoe.

They felt better on the feet, tended to heat the feet less feverishly, so we were prone to exclaim that hides for shoes have seen their day.

As Mr. HEFLIN says, civilized men the world over are coming to know that cotton is the healthiest and most comfortable fabric that can be worn next the skin.

The man who suffers from colds and grip in the winter by reason of wearing woolens next the skin "can obtain health and happiness by putting on the South's sensible garment made of cotton."

Five hundred thousand bales of cotton a year are now used for making wheels for automobiles.

Formerly the drawback to cotton fabrics was the difficulty in getting it to hold good, permanent dyes. Now, day by day, that drawback is being overcome. It is being dyed as well as the best wool, and equally lasting or durable without fading in the sun. Many chemists are now at work in this field, for heretofore it has been the chief drawback in mixing with good wool.

All of which appeals to the inventors and chemists in our cotton factories.

Wool, pure or alone, tends to feverishly heat the body of man. Cotton cools.

Mr. ELLERBE. Mr. Chairman, this bill, as it comes from the committee, carries $37,645,000 for the Rural Delivery Service. The amendment offered by the gentleman from South Carolina [Mr. FINLEY], if adopted, will add $500,000 to this amount. The amendment offered by the gentleman from North Carolina [Mr. SMALL], if adopted, will add $1,300,000 to the amount carried in the bill. The substitute offered by the gentleman from Kansas [Mr. MILLER] proposes to increase the original amount by more than $7,000,000. Mr. Chairman, I shall gladly support the amendment of the gentleman from North Carolina for the reason that it is the first proposition we shall vote upon. After that I shall do everything in my power to have this committee agree to the substitute offered by the gentleman from Kansas.

The only way to extend this service and increase the salaries of rural carriers is to adopt this substitute. Gentlemen who are vigorously opposing this substitute will offer at the end of this paragraph propositions to increase the salaries of rural carriers, when they know every single one of them will go out on points of order. If we give them the $45,000,000—the proposition for which I contend—is there a man in this House who doubts for a moment that this service will not only be extended, but that salaries will be increased?

Mr. Chairman, the American Congress has done nothing better in the last quarter of a century than the establishment of this Rural Delivery Service. I can understand how many of you gentlemen who were born and reared in large cities, where your mail is shot through tubes to substations and delivered at your doors and offices several times a day, can fail to appreciate this work. But forget your local surroundings for a moment and think of the man who lives 5, 10, and even 15 miles from a post-office. That man wants to be in touch with the world and yet it is impossible for him to get his daily mail without unreasonable trouble and expense. That same man, Mr. Chairman, has a family, and how it burdens his heart to see them grow up in ignorance. The result is that he has been leaving his farm and moving to some near-by town where he can get his daily mail.

Mr. Chairman, the gentlemen of this House will pardon a somewhat personal reference; but how vividly I recall the days of my boyhood and young manhood. We lived on a farm, and God grant that I may go back there. I speak modestly when I say my father, the best man I ever saw, was worth more money than I can ever hope to own. Yet we were 11 miles from a post-office. In busy seasons it was unreasonable to get mail oftener than once a week. If a man from the community went to town, he brought mail for his near neighbors. How ridiculous to take daily papers and have seven of them piled on your desk at one time.

Now, the Almighty in his infinite wisdom has directed the American Congress to inaugurate this service, and each morning the mail is put in a box at that door.

Knowing the value of this service as I do, it is inconceivable to my mind how you gentlemen can refuse to appropriate the paltry sum of $7,000,000 for this great work when you can appropriate in ten minutes ten times this amount for something of at least questionable benefit.

Gentlemen, I spoke a few moments ago of the tendency of people in my section to leave their farms and move to town. When I came to Congress the Sixth Congressional District of South Carolina, the best and largest in the State, had 39 rural routes. So many good men, who were leaders in educational affairs, pillars in their churches, and real blessings to their communities, were leaving their farms and moving to town that the conditions were alarming.

Weak, as I am, Mr. Chairman, limited in influence here, as you all know, I offered a silent prayer that I might be able to do something to relieve this alarming condition. I rejoice to say that, with the aid of one of the best and strongest men in the American Congress, my warm friend of years, my colleague [Mr. FINLEY], I have been able to put in more than a hundred routes in my district. God only can measure the blessings resulting from this.

Mr. Chairman, the country is the place to raise boys. It is surprising to know the number of country-grown lads who become the leading figures in every great city in this Union. Gentlemen, in every college in every city you will find a well-equipped gymnasium. This is but an effort to furnish the exercise necessary to the development of the physical man which every country boy gets when he is walking 3 miles to school, feeding the hogs, milking the cows, chopping wood, or doing the common chores around the home.

Can you censure me for standing here and doing everything in my power to persuade you Members of the American Congress to extend this great work which means so much for so many people?

Now, Mr. Chairman, just a word as to the increase of salaries of rural carriers. We have heard so much and read so much about the increased cost of living that I can not understand how any man can oppose this. Right here I desire to insert a few letters bearing directly upon this subject:

WINTERSET, IOWA, *January 19, 1910.*

W. D. BROWN.

DEAR BROTHER: I am inclosing my report to you to-day. My corn and hay I bought in a bunch, so I just give an average per month.

Hay I got for $8.50 per ton; now it is worth from $13 to $18 per ton. That is what I will have to pay for the next I buy.

When my horse died, I told some of my patrons I was ready now to resign and quit. They did not want me to, so they went to work and raised $100.15 and gave it to me. This makes me feel as if I owed it to my patrons to hold on a while longer; but if a change does not come soon, I will have to quit and go at something else, so I can make a living for my family of four.

I began carrying mail four years last June; would be out of it now if it was not for friends.

If I chewed, smoked, and drank a little I don't know where I would be, but I am a teetotaler in this line.

Thanking you for your efforts for the carriers, and wishing you much success in the future, I am,

Fraternally, yours, D. W. KRELL,
President Madison Co. R. L. C. A.

P. S.—I had a horse go lame year before last; could do nothing for him; got $5 for him; this makes two for me.

D. W. K.

BELLS, TEX., *January 17, 1910.*

EDITOR RURAL FREE DELIVERY NEWS:

I certainly do appreciate more than I can express the efforts you are making for the betterment of the rural carriers. I would be glad to fill out the blank in the News and forward to you, but I have kept no account of expenses. However, it is costing about 50 cents per day to feed one horse, which would make about $35 per month for feed and repairs for two horses.

I have been in the service seven years and nearly seven months. I have not by several hundred dollars made expenses, and it is growing worse all the time, as the cost of living has doubled since I went into the service. I know some one would say, Why don't you quit? Simply because I went into it on account of my health, and it has improved a great deal. I had been in business for about twenty years and my health was so bad that I was forced to quit, so there is nothing else that I can do.

I do hope that Congress will do something for us. One hundred dollars would help us greatly, but we ought to have $300 at least to live decently.

I have not time to write more, and I am not writing for publication, but for your information. Every word I have written can be substantiated by the best people here.

Thanking you again for your efforts in our behalf and wishing for you abundant success, I am,

Your sincere friend, D. B. MITCHELL.

SOURIS, N. DAK., *January 8, 1910.*

RURAL FREE DELIVERY NEWS,
Washington, D. C.

GENTLEMEN: My expense account may look excessive, but I would take oath that it is not any less, but probably more.

One carrier that has resigned here lost two horses last year. His report would open some of their eyes to what the carriers have to stand on $75 a month, if he was only here to send it in.

Thanking you for calling my attention to this matter, I remain,

Yours, very truly,

HERBERT H. MONKMAN,
Rural Letter Carrier No. 1.

COBLESKILL, N. Y., *January 24, 1910.*

RURAL FREE DELIVERY NEWS,
Washington, D. C.

KIND SIRS: In regard to rural carriers resigning, we have had our share, 15 carriers in this county, 3 of them have resigned in the last three months.

This may be rather late, but I hope you may find place for it.

Yours, very truly,

IRVING VAN NESS,
President Schoharie County Rural Letter Carriers' Association.

EXPENSE ACCOUNT.

Carriers will please fill out this blank and inclose to Rural Free Delivery News, Washington, as early as possible. Use separate envelope and mark it "Special report."

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

Expenses.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Corn	$10.00	$10.00	$10.00	$15.00	$15.00	$15.00	$75.00
Oats	11.25	11.25	11.25				33.75
Hay	10.00	10.00	10.00	10.00	10.00	10.00	60.00
Blacksmithing	1.00	1.00	1.00	1.00	1.00	1.00	6.00
Veterinary			1.20				1.20
Repairs, vehicles	2.00	.40	1.00	1.00			4.40
Repairs, harness	.50						.50
Depreciation, vehicles							5.00
Depreciation, harness, etc							2.00
Tools, blankets, robes, etc		.50					.50

NOTE.—If automobile or motocycle used, make necessary changes in form.

Total expenses	$188.35
Total invested in horses and outfit (not including feed) is	395.25
Six per cent for six months on this is	11.85
Insurance and taxes on horses, outfit and feed for six months	2.68
Grand total for six months	598.13
Salary for six months	450.00
Net loss for six months	148.13

My route is No. 1, from Society Hill; State, South Carolina; Congressional District, Sixth; name of Representative, J. E. ELLERBE.

SAM H. JAMISON,
Rural Carrier No. 1.

This report shows the expense for keep of two horses required for my route.

S. H. JAMISON.

EXPENSE ACCOUNT.

Carriers will please fill out this blank and inclose to Rural Free Delivery News, Washington, as early as possible. Use separate envelope and mark it "Special report."

Statement of actual expenses incurred by me in maintaining the necessary equipment to serve my route during the six months ending December 31, 1909.

NOTE.—If automobile or motocycle used, make necessary change in form.

Corn	$104.75
Oats	41.00
Hay	31.25
Blacksmithing	4.00
Veterinary	6.50
Repairs:	
Vehicles	4.00
Harness	2.00
Depreciation:	
Vehicles	30.00
Harness, etc	12.50
Horses	50.00
Paid for barn tools, blankets, robes, etc	9.75
Total invested in horses and outfit (not including feed) is	130.00
Six per cent for six months on this is	3.90
Grand total for six months	429.65
Salary for six months	450.00
Net earnings for six months	20.35

My route is No. 2, from Mullins, State of South Carolina; Congressional District, Sixth; name of Representative, Hon. J. E. ELLERBE.

W. F. SMITH, *Rural Carrier.*

Two of these letters are from carriers in my district. I believe everything they say.

Gentlemen, when the sun shines hot, and in the language of my friend from Alabama [Mr. HEFLIN], You can see the heat waves sizzling in the atmosphere;" when the man behind the plow leads his tired mule into the shade and slakes his thirst with deep draughts from the old oaken bucket; when even the negro, product of the Tropics, drops his hoe from exhaustion, we look down the glaring road and cuss the rural carrier for being late. And when the icy breath of winter has frozen the streams; when the drifted snow piles high in the deserted roads; when the hickory logs roar in the chimney and the children count their dollars in the sparks; when we drive the shivering cattle into comfortable sheds lest they freeze to death, we greet the carrier's cheery call often with a muttered complaint because we have had to wait an hour or two for our favorite paper. Ah, gentlemen, it takes grit and grace to be a rural carrier, and I tell you now it is going to take greenbacks as well if we wish to have men fill these places who will be a credit to Uncle Sam.

There was a young maid from Illaria,
Who was wooed by a brave rural carrier,
But she said we can't live
On the pay that they give,
And so the poor chap couldn't marry her.

But now the young girl of Illaria
Asks us to remove this sad barrier.
She says one thousand per
Sounds all right to her,
And if he gets that he can marry her.

Mr. WEEKS. Mr. Chairman, I would like to have the committee understand exactly what these amendments and substitutes mean. The department made these recommendations, to continue the service on 41,110 routes, which is the number now in operation, $35,683,480; for readjustment and extensions of existing service as it becomes imperative, $249,000; to pay substitutes for carriers on vacations, $1,380,000; to pay clerks in charge of stations, $20,000; to pay tolls, and so forth, $12,000; or $37,345,000. This committee should understand that that maintains the service as it is to-day, paying carriers exactly what has been paid in the past and providing substitutes and everybody else connected with the service, exactly as has been done during the past year. The Post-Office Committee recommended that $300,000 should be added to the amount appropriated for extensions of service, and as of this amount which I have just read $249,520 was available for extensions, there will be a total of $549,520 available for that purpose. The committee amendment which has been offered by the gentleman from South Carolina [Mr. FINLEY] and the gentleman from Wisconsin [Mr. STAFFORD] adds $505,000 more, so that there will be available for extensions $1,054,520 for the year 1911. Now, the amount provided for extensions during the last three years has been as follows: For the year 1908, $1,070,000; for the year 1909, $503,000; for the year 1910, $660,000.

Mr. BARTLETT of Georgia. Does that enable an increase of the carriers' salaries?

Mr. WEEKS. I am talking about extensions entirely.

Mr. FINLEY. Will not this amount for extensions, $1,054,000, put in over 2,000 routes during the next fiscal year?

Mr. WEEKS. Mr. Chairman, the officer in the Fourth Assistant Postmaster-General's office who has charge of this service stated that the $549,000 provided would put in from 1,000 to 1,200 routes. If that is correct, the amount now provided would put in in the neighborhood of 2,000 routes.

Mr. FASSETT. Do I understand that not one dollar of this $6,000,000 increase proposed by the gentleman from Kansas will be available to increase the wages of a single carrier?

Mr. WEEKS. That is correct.

Mr. SHEPPARD. We will explain how it will be.

Mr. WEEKS. Now we are maintaining the service as it is, and in providing $1,050,000 for extensions we are making more available than has been provided on an average in the past three years for that purpose. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The time for debate has expired.

Mr. BEALL of Texas. Mr. Chairman, can we have the different amendments read?

The CHAIRMAN. The question comes first upon the amendment offered by the gentleman from North Carolina [Mr. SMALL] to the amendment offered by the gentleman from South Carolina [Mr. FINLEY]. The Clerk will again report the amendment.

The Clerk read as follows:

In lines 6 and 7, page 30, strike out the words "thirty-seven million six hundred and forty-five thousand dollars" and insert "thirty-eight million eight hundred and sixty thousand dollars."

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. SMALL) there were—ayes 127, noes 102.

Mr. WEEKS. Mr. Chairman, tellers.

Mr. HARDWICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARDWICK. If the amendment offered by the gentleman from North Carolina prevails, will the House then vote on the proposition of the gentleman from Kansas?

The CHAIRMAN. The substitute has not yet been presented to the committee.

Mr. HARDWICK. Well, we will have a vote on the other proposition.

The CHAIRMAN. After the amendment offered by the gentleman from South Carolina [Mr. FINLEY], the question will then come on the substitute. The gentleman from Massachusetts demands tellers.

Tellers were ordered.

The tellers (Mr. WEEKS and Mr. SMALL) reported that there were—ayes 153, noes 90.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now comes upon the amendment to the substitute.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Mr. Chairman, a good many of us do not understand this voting. The first vote was taken on the amendment of the gentleman from Wisconsin [Mr. STAFFORD] to the substitute?

The CHAIRMAN. The first vote was taken on the amendment offered by the gentleman from North Carolina [Mr. SMALL]——

Mr. CLARK of Missouri. That has already been taken.

The CHAIRMAN (continuing). So that the amendment offered by the gentleman from South Carolina [Mr. FINLEY] has been perfected. Now the question is on perfecting the substitute, and then the question will come on the substitute for the amendment. The question now comes on the amendment to the substitute.

Mr. WEEKS. Mr. Chairman, I ask that it be read.

The CHAIRMAN. The Clerk will report the amendment to the substitute.

The Clerk read as follows:

Strike out the proposed amount in the substitute, $44,773,736, and insert $38,150,000.

The CHAIRMAN. The question is on the amendment to the substitute.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now comes on the substitute of the gentleman from Kansas [Mr. MILLER].

Mr. WEEKS. Mr. Chairman, I ask that it be reported.

The CHAIRMAN. The Chair will ask the Clerk to report the figures of the amendment of the gentleman from South Carolina [Mr. FINLEY] as amended.

The Clerk read as follows:

Thirty-eight million eight hundred and sixty thousand dollars.

The CHAIRMAN. The Clerk will now report the figures of the substitute.

The Clerk read as follows:

Forty-four million seven hundred and seventy-three thousand seven hundred and thirty-six dollars.

The CHAIRMAN. The question is on the substitute.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. MILLER of Kansas. Division, Mr. Chairman.

The committee divided; and there were—ayes 103, noes 129.

Mr. MILLER of Kansas. Tellers, Mr. Chairman.

Tellers were ordered, and the gentleman from Massachusetts [Mr. WEEKS] and the gentleman from Kansas [Mr. MILLER] took their places as tellers.

The committee again divided; and the tellers reported—ayes 123, noes 131.

So the substitute was rejected.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The question now comes on the amendment as amended.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The gentleman from Georgia [Mr. HARDWICK] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding after the word "dollars," in line 8, page 30, the following:

"*Provided*, That $20,000 of the amount hereby appropriated may be used by the Postmaster-General for the establishment, experimentally, of a rural route parcels-post delivery system, the same to be confined to parcels originating on the routes selected for experiment, and the results of such experiments to be reported to Congress by the Postmaster-General at the beginning of the next session of Congress."

Mr. WEEKS. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The amendment proposes legislation, and is in violation of Rule XXI, and therefore the Chair sustains the point of order.

Mr. HAMLIN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 30, line 8, after the word "dollars," add: "*Provided*, That hereafter rural letter carriers on maximum routes shall receive $1,080 per year and on shorter routes a proportional increase on salaries now received."

Mr. WEEKS. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The salaries of the rural carriers are fixed by statutory law. This would be a change of existing law and contrary to our rules. Therefore the Chair sustains the point of order.

Mr. POU. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "substations," in line 10, on page 30, the following:

"*Provided further*, That service on any rural free-delivery route shall not be discontinued, or remain hereafter discontinued, because of any obstruction across said route erected or maintained in accordance with the laws of the State in which said route is situated, unless said obstruction shall prevent the carrier on said route from delivering the mail in his charge within the schedule time prescribed by the Post-Office Department."

Mr. WEEKS. Mr. Chairman, I make a point of order against that.

Mr. POU. Mr. Chairman, that is a limitation upon the appropriation, and I do not think the point of order would lie against it at all.

The CHAIRMAN. The amendment does not seem to the Chair to refer to the appropriation. It is clearly legislation. The Chair sustains the point of order.

Mr. POU. I want to ask if the Chair ruled that amendment out of order?

The CHAIRMAN. The Chair ruled that the amendment offered by the gentleman is not a limitation upon the appropriation; that it is an affirmative provision of law. The Chair sustains the point of order.

The Clerk read as follows:

That section 3 of an act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1900, approved March 1, 1899, is hereby repealed.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order.

Mr. COUDREY. I make the point of order.

The CHAIRMAN. The gentleman from Missouri makes the point of order. The Chair sustains the point of order.

The Clerk read as follows:

That after June 30, 1911, mail shall not be delivered by city carriers at residences, except where mail receptacles suitable for the receipt of mail are provided at the door or entrance.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the paragraph. The point of order is sustained on the ground that the amendment proposes legislation.

The Clerk read as follows:

So much of the act making appropriations for the service of the Post-Office Department for the fiscal year ended June 30, 1882, and for other purposes, approved March 1, 1881, as relates to the advertisements of mail lettings is hereby amended to read as follows:

"Hereafter the Postmaster-General shall cause advertisements of all general mail lettings of each State and Territory to be conspicuously posted in each post-office named in said advertisement for at least sixty days before the time of such general lettings, and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings."

Mr. DODDS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 2, on page 32, insert as a separate paragraph the following:

"That from and after the passage of this act all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by state boards of health, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter and no more: *Provided, however*, That such matter shall

be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications: *Provided further*, That nothing contained in this act shall be so construed as to prevent such periodical publications from containing or carrying advertising matter, whether such matter pertains to such benevolent and fraternal societies and orders and institutions of learning and trades unions, or other persons, institutions, or concerns; it being one of the purposes of this act to give to such publications the same rights and privileges as to being admitted to the mails as second-class matter as those given to and possessed by all other periodical publications and newspapers admitted to the mails as second-class matter, and that all acts and parts of acts in conflict herewith be, and the same are hereby, repealed."

Mr. WEEKS. Mr. Chairman, I reserve the point of order.

Mr. DODDS. I realize that the amendment presents new legislation, and is subject to a point of order if the gentleman insists upon making it; however, a special bill for the same purpose is now before the Committee on the Post-Office and Post-Roads, and I hope to have it reported to the House in the near future, in case this amendment be not allowed.

Mr. Chairman, it is not my purpose to use the time of the committee in the consideration of this matter now; but I desire to have printed in the RECORD the argument of Mr. Stephen D. Williams, of Detroit, Mich., chairman of the special committee of the National Fraternal Press Association, a branch of the National Fraternal Congress.

The argument of Mr. Williams, to which I refer, is as follows:

STATEMENT OF FACTS.

There are two acts governing the postal privileges of periodicals, one passed in 1879 and the other in 1894, and are as follows:

ACT OF 1879.

SEC. 428. The conditions upon which a publication shall be admitted to the second class are as follows:

First. It must regularly be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and numbered consecutively.

Second. It must be issued from a known office of publication.

Third. It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

Fourth. It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and having a legitimate list of subscribers: *Provided, however*, That nothing herein contained shall be so construed as to admit to the second-class rate regular publications designed primarily for advertising purposes, or for circulation at nominal rates.

ACT OF 1894.

SEC. 429. All periodical publications issued from a known place of publication at stated intervals and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by or under the auspices of a trades union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by the state boards of health, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter and no more: *Provided further*, That such matter shall be originated and published to further the objects and purposes of such society, order, trades union, or institution of learning, and shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

There are, in round numbers, about 200 publications published as the official organs of fraternal societies, many of which were admitted to the mails as second-class matter under the act of 1879, several years before the passage of the act of 1894, and have maintained their entry under that act since that time. Many of the more recent publications have been entered under the act of 1894.

These papers enjoyed the privileges of the mails quite undisturbed until 1903, when the question arose as to their right of entry under the act of 1879. It was claimed by certain ones that they did not have such a "legitimate list of subscribers" as would entitle them to entry under that act; that to have such a list they must have paid subscriptions the same as newspapers are supposed to have. The matter was taken up with Mr. Madden, then Third Assistant Postmaster-General, and a ruling was made by that officer to the effect that if the fraternal society would provide in its by-laws for the setting aside of a definite portion of the annual per capita tax or dues of each member, so that each one would be required to pay a certain sum for the paper, with his knowledge and consent, it would be regarded as a reasonable requirement of the law and would entitle them to remain entered under the said law of 1879. Accordingly, all of the orders publishing an official organ adopted by-laws similar to the following, taken from one of the oldest of these societies:

"Each member shall pay an annual per capita tax of $1.20, of which 10 cents shall be for the payment of a copy of the official organ."

The Modern Woodmen of America adopted such a by-law, and, in addition, under the direction of Mr. Madden, required all its new members to sign the following subscription:

"I direct that of official paper, the Modern Woodman, be mailed me at the address given below until I shall notify the head clerk to change the same, and that the subscription price thereof be paid from my yearly per capita tax."

Acting upon this ruling and advice of the Third Assistant Postmaster-General, and, believing the matter settled for good, the Modern Woodman purchased a printing plant at an expense of about $50,000 or more, and started printing its own paper, expecting that its advertising would assist it in paying the enormous expenses of maintaining such a plant. The purchase of this plant was further desired because there were not adequate facilities at Rock Island for the printing and mailing of the 1,000,000 copies issued each month. It thought that it could give better service to its members and less trouble to the postal department by personally handling its own mailing list under its own supervision. Accordingly, it sought to change its post-office to Rock Island and maintain its former entry and privileges under the act of 1879. However, an interested party made complaint against it to the post-office officials, and after a hearing was given it, a ruling was made to the effect that it had no right to be entered under the act of 1879; that Mr. Madden's ruling was wrong; that it would have to reenter under the act of 1894, and that when so entered it would have no right to carry advertising in its columns, as the Assistant Attorney-General had ruled that the said act of 1894 did not carry with it such right. (Circular V, Classification Division.) Mr. Madden's ruling had taken into consideration the said Circular V.

At that time the said Modern Woodman was running certain departments, calculated to be of benefit and interest to its members, such as fashion plates, plans for beautiful homes, and a review of such books as the editor thereof thought might be helpful to the members. The department was asked to rule upon that matter also, and accordingly sent the following letter:

POST-OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, December 28, 1903.

Mr. F. O. VAN GALDER,
Editor the Modern Woodman,
Rock Island, Ill.

DEAR SIR: In reply to your communication of the 21st instant, stating that application had been made for readmission of the Modern Woodman to the second class of mail matter under the act of July 16, 1894, and asking if certain advertisements heretofore carried in the columns of that publication, viz, books mentioned in column entitled "Literary notes," fashions mentioned in "Modern fashion talks," plans for beautiful homes, rings and emblems of the society sold by the supply department of the society, are objectionable under the opinion of the Assistant Attorney-General for the Post-Office Department, dated January 24, 1901, you are advised that the advertisement relating to rings and emblems of the society is the only one which can be regarded as furthering the objects and purposes of the order. (See inclosed copy of Circular V.)

Respectfully,

A. L. LAWSHE,
Third Assistant Postmaster-General.

The last two paragraphs of the department pertaining to "Beautiful homes" read as follows:

"If any of our readers who intend to build will send us a rough sketch of what they want, we would be pleased to work it into shape for them and send them a floor plan drawn to scale, without charge.

"Twentieth Century Cottages is a book which illustrates a number of views and complete floor plans of modern houses of moderate cost. It will be sent post paid to any of our readers upon receipt of 25 cents. Address all letters to M. W. of A., Home Building Department, Rock Island, Ill."

[Cut of house.]

No. 176.—A pretty design for a pleasant home.

This cut, with the rest of the article, was ruled out of the Modern Woodman.

This was one of the departments ruled out by the Post-Office Department.

A number of other fraternal papers have been ordered to reenter under the act of 1894, although they have been entered under the act of 1879 for many years and have arranged the conduct of their affairs accordingly.

ARGUMENTS FOR THE BILL.

The claims of the proponents of the measure rest upon the broad principle of equal justice for all and discrimination against none.

The Federal Constitution gives Congress the power to establish post-roads and post-offices and to provide for the carrying of mail as an incident thereto. The discussion of the delegates which framed it and the postal laws which were first enacted all show conclusively that the primary purpose of all this legislation was to promote the public welfare. The only reason why any publication should be carried by the mails is that it is a public benefactor. That principle is the basis for our entire postal system and is fundamental. No publication or periodical of whatever character should be allowed to circulate through the mails which can not stand that classification, and any publication which can stand that classification should be allowed equal privileges with every other and all other publications. The law as it now stands will not permit it, and it should be amended so as to end all unjust discrimination.

Do the fraternal publications come within this classification? They are published in the interest of the orders which they represent.

The objects and purposes of these societies are set forth in the following provisions, taken from the by-laws of one of the oldest of these orders, and similar provisions can be found in all of them. This is one of the societies which has recently been proscribed:

OBJECTS OF THE ORDER.

SEC. 2. To unite fraternally all male white persons of sound bodily health and good moral character who are socially acceptable, between 18 and 70 years of age, and to provide for life and disability benefits to those between the ages of 18 and 51 years.

SEC. 3. To give all moral and material aid in its power to its members and those dependent upon them.

SEC. 4. To educate all its members socially, morally, and intellectually.

SEC. 5. To relieve sick and disabled members, to care for the living, and bury the dead.

SEC. 6. To establish a benefit fund or funds from which, on satisfactory evidence of the death of a benefit member of the order who has complied with all its lawful requirements, a stipulated amount shall be paid to the beneficiary of such member, or as he shall direct and as the laws of the order shall provide, and to establish a disability benefit fund from which, upon the total and permanent disability of a benefit member in good standing, either as the result of disease, accident, or old age, such sum of money and in such manner as may be fixed in the laws of the order: *Provided*, That the period of life at which the payment of benefits for disability on account of old age shall not be under 70 years.

SEC. 7. To establish a fund for the payment of sick, accident, and funeral benefits.

Can there be any doubt about their promoting the general welfare when they do the things enumerated in the by-laws quoted?

The following is what President Taft said about them in his letter to the National Fraternal Congress, in session at Put in Bay, in August, 1908:

HOT SPRINGS, VA., *August 11, 1908.*

MY DEAR SIR: It is with regret that I decline your renewed invitation to attend the annual meeting of the National Fraternal Congress, for I would like much to offer personally a word of encouragement to

those who have in charge the very important interests of the many thousands of members of fraternal associations affiliated in the congress. I realize the power which these associations exercise for the good of the members and their protection in sickness and the protection at their death of those depending upon them. I sincerely hope that the efforts of all may be exerted in perfecting and perpetuating a system by which the two commendable purposes of all such societies may be fully achieved.

I appreciate the great courtesy of your renewed invitation, and am very sorry that circumstances prevent my acceptance.

Faithfully, yours,

WM. H. TAFT.

C. A. GOWER,
Secretary National Fraternal Congress, Lansing, Mich.

If these fraternal societies do all the President says they do, do they not in a marked degree "promote the general welfare?" These fraternal papers are necessary to the well-being of these benevolent institutions, and the full "purposes of all such societies" can not be "fully achieved" without them.

There are more than 7,000,000 men and women in this country belonging to these fraternal beneficial orders, representing fully 28,000,000 of interested people, with more than 103,000 subordinate lodges or branches, and carrying fully $8,000,000,000 of life and accident insurance and disability benefits. They have paid to the widows, orphans, and dependents of deceased members, together with disability benefits to disabled members, more than $1,200,000,000. Some of these orders are supporting at large expense great hospitals for the cure of consumption and other dread diseases. Some of them support homes for aged members and helpless children, beds in hospitals for the sick and disabled.

Can there be any doubt about their being public benefactors and among the most worthy of all the benevolent institutions in the whole world? Can there be any sound or wholesome reason why they should be discriminated against in the matter of postal rates and privileges?

NONCOMMERCIAL IN CHARACTER.

These orders are noncommercial in character. They are incorporated under the fraternal acts of the several States. No certificates of stock are issued, as they are purely mutual concerns. No dividends are ever declared, for they are run absolutely at cost. They are not profit-making institutions, but wholly benevolent in character. Are not such institutions at least entitled to as much consideration at the hands of a government as those concerns which are run absolutely and wholly for profit and gain to the few persons interested in them?

The fraternal society is an open corporation. Any white person of wholesome character can join them as a social member; and the same thing is true of colored societies. Membership is unrestricted in this respect, except where self-respect requires it in the interest of morality and decency. Furthermore, "benefit" membership is limited only by certain laws of mortality in addition to those governing social membership. Thus is membership limited only by such restrictions as are necessary to carry out the patriotic and benevolent purpose of those institutions.

On the other hand, the close corporation, issuing stock to its members, is limited in its membership (1) by the amount of its stock, and (2) by the number of people who are financially able to purchase it. The first purpose of a fraternal corporation is to promote the general welfare, financial gain being a mere incident to its existence. The close, commercial corporation is instituted for the direct purpose of making money for its stockholders, the public welfare being a mere incident to its operation. The conditions are completely reversed.

It is not the purpose of this brief to lessen the importance of or belittle the commercial press of the country. Fraternalists believe in the usefulness of the press of the land and respect it highly. But which should be entitled to the first consideration of the Government, the fraternal press, whose highest duty it is to promote the general welfare, or the commercial press, which makes it a mere incident?

But the fraternal press seeks no favors. It simply asks equal rights and privileges, and nothing more. It merely asks the passage of the measure which it offers, and which is necessary to protect it against the discrimination which has grown out of the administration of the postal laws on the statutes of the country. Many of the leading newspapers of the land are owned and controlled by close corporations, operated for the profit and gain of the stockholders who own them. Is the stockholder of a close corporation entitled to any rights or privileges which a member of a fraternal corporation is not? If so, why?

PASSAGE OF THE BILL NECESSARY TO ESTABLISH JUSTICE.

In attempting to administer the law as it now stands, gross injustice has arisen. This must always be true where fundamental principles are forgotten. If allowed to continue it can only result in bringing the most helpful of all the departments of Government into disfavor.

In explanation of this it may be well to call attention to the fact that the ruling of the Third Assistant Postmaster-General, above referred to, was made more than a year ago, and for a whole year some of the most worthy of the fraternal papers have been denied the full privileges of the mails. Yet, upon investigation, it is found that the following-named periodicals are admitted to the full rights of the mails, and have been during all that time, although their circulation is maintained, in substance and in fact, the same as that of the Modern Woodman, which was deprived of its home department as above set forth: The Journal of the Indiana State Medical Association, Fort Wayne, Ind.; Journal of the South Carolina Medical Association, Florence, S. C.; the Journal of the Medical Society of New Jersey, Orange, N. J.; Iowa Medical Journal, Des Moines, Iowa; the Journal of the Arkansas Medical Society, Little Rock, Ark.; Western Medical Review, Omaha, Nebr.; the Journal of the Oklahoma State Medical Association, Muskogee, Okla.; Kentucky Medical Journal, Bowling Green, Ky.; California State Journal of Medicine, San Francisco, Cal.; the Journal of the American Medical Association, Chicago, Ill.

These facts are not given to injure the publications named, for they are worthy periodicals, but for the sole object of putting an end to a system which, if continued, is sure to bring so beneficent a department as our Post-Office into disrepute.

All of these publishers are required to file a copy of each issue of their publications in the Library of Congress, with which the librarian is familiar, and it is not an impossible task to ascertain who are violating the rules and regulations of the department, and thus require universal obedience. The fraternal publications will be satisfied with such requirements.

METHODS OF CIRCULATION.

Some arguments have been made against the fraternal publication because its circulation was obtained somewhat differently from that of the average newspaper. The Acting Third Assistant Postmaster-General, in a letter written to Congressman LEVER, concerning the South Carolina Pythian, used the following language:

"It is manifestly an injustice to publishers competing in the same or similar field, and having papers which would be patronized by the members of an organization, to be compelled to secure and maintain a list of subscribers based on the drawing power of the paper as such, whereas the competing organization papers' list of subscribers is composed of members, who were drafted in under a by-law of the organization and receive the paper as one of the benefits of membership, and not on account of voluntary subscription. Publishers of other papers have entered complaints asserting that people will not pay for that which they can receive free."

In reply to this statement we would ask to whom is it "manifestly an injustice" that fraternal beneficial societies, organized, not for profit and gain, but to protect the widow and orphan and care for those dependent members who are overtaken by misfortune, whose first duty is to promote the general welfare of the country, should have the same and equal privilege as those close corporations, owning and publishing newspapers, not for the benefit of widows and orphans, nor to promote the general welfare, except as a mere incident, but for the personal profit and gain of the few stockholders who own them? To whom is it "manifestly an injustice?"

Again, we believe the Acting Third Assistant Postmaster-General is mistaken in his statement that the members of fraternal societies are "drafted" into those organizations. No institution on the face of the earth is more free from coercion or "draft."

The act of joining one of these orders is absolutely voluntary. How could it be otherwise? Furthermore, there is unrestricted competition in this field. There are more than two hundred of these benevolent orders in the United States. Can not a man find a free choice among that number? They all publish by-laws and a copy is given to every member, so that he may know just what his obligations and benefits are. To him it is all an open book and we challenge the assertion that anybody is "drafted" into these orders. The fraternal paper is paid for out of each annual contribution to the society, a fact known to all members when they join.

Compare this method of obtaining a circulation with that employed by some newspapers, and it will not be found to the disadvantage of the fraternal publication. We say this without desire to injure, in any way whatsoever, the newspaper. Discrimination has compelled us to issue a statement of facts in our own defense.

To be specific, we quote the following from the Pittsburg Leader, of Pittsburg, Pa., of January 8, 1910, first page:

"SUNDAY COUPON GIVES TEN VOTES—PURCHASE OF COUPONS IN BULK WILL NOT BE PERMITTED—A CHANCE FOR ALL.

"Ten votes will be represented by the coupon to be printed in the Sunday Leader to-morrow for the free trip to the Jeffries-Johnson fight offered by the Leader.

"The coupon will be printed on page 2 to-morrow and, as previously announced, all Sunday coupons will be good for ten votes.

"Save your coupons and have your friends save for you, but pay particular attention to the fact that coupons purchased in bulk from news agents or newsdealers will be thrown out. Under no circumstances will such coupons be counted."

Is not a membership in a fraternal order as legitimate a way to obtain a circulation to a periodical as a trip to a prize fight? Is the free choice of joining a benevolent society any more of a "draft" than an offer of a ticket to a prize fight, three thousand miles away, between a white man and a colored man, in which there is a prize of $100,000 going to the one who shall knock the other senseless for the period of ten seconds? To whom is benevolent competition "manifestly an injustice?"

This is not an unfair comparison, for every sort of scheme is resorted to by some newspapers to increase and maintain their circulation, from a trip to a prize fight to a cheap chromo.

The benevolent orders have never taken, and do not now take the position that such competition is "manifestly an injustice." They can take care of the widow and orphan in spite of it. All they ask is an equal opportunity with all competitors in so doing.

In answer to the last proposition, that "people will not pay for that which they can receive free," we would say that it appears to us that the public mail service should not be commercialized and left with any individual to say who shall make money out of it and who shall not. The fraternal paper is not furnished "free" to the members, for that would imply a gift. Who gives a paper to a member? The facts are, each member pays for his own paper the same cost as all other members, the actual cost price of the same. What law, either of public policy or of the statute, does that violate? What basis is there for the statement that because a mutual society can and does furnish a thing to its members at cost, it is therefore "free?" Must the right to use the public mails depend upon the principle of profit and gain? Should a man be allowed to use the mails because he is a member of a close corporation and makes money out of it, and at the same time his neighbor denied the right because he is a member of a benevolent corporation and does not make money out of it? Is our postal system to be hereafter constructed and operated along that line? We trust not.

In this connection, and right here, we wish to and do call the attention of the members of Congress to a single comparison which should serve as an illustration of the injustice of the situation. We have asked the Ladies of the Maccabees of the World to mail a copy of their official organ, the Ladies' Review, to every Member of Congress, and we respectfully request each one to compare the same with the Police Gazette, which may be found in nearly every shop and news stand, for the purpose of judging, if needed, which of the two conduces most to the public welfare. The Police Gazette has the full privilege of the mail service, while the Ladies' Review is liable to be excluded from the mails at any time the ruling of the Post-Office Department is applied to it, or compelled to lose its privileges under the act of 1879.

THE QUESTION OF THE VOLUME OF ADVERTISING AND THE HAUL.

As to the question of the volume of advertising carried we hold that there is less of it in the fraternal paper, in proportion to its size, than in the newspapers. Take any issue of the fraternal papers and it will serve equally well. Those that have not yet been refused the right to carry advertising will show that not more than one-sixth of their space is devoted to advertising. A large part of them carry no advertising at all except their "home departments." Their advertising is of the "mail order" character which stimulate letter writing on first-class mail business and is a large profit to the Postal Department. So far as cost to the mail service is concerned, it will be found a benefit instead of a deficit.

But the hurtful feature of this situation is that it not only deprives the fraternal paper of the right to carry advertising in its columns to aid in lessening its expenses to the order, but it deprives it of the right to maintain its home department and to use its columns freely to do such work as it desires to assist its members individually. Many times a member in hard circumstances desires to sell his farm or other property. It is desirable to insert an advertisement in the columns of the official paper to assist him. Under the ruling of the Post-Office Department, as the law now stands, a fraternal paper would render itself liable to be refused admission to the mails for doing so charitable an act.

The fraternal press wants the freedom enjoyed by the commercial press, that it may work out its mission of benevolence and charity.

A newspaper is a public intelligencer, and because of that fact it seeks and uses the mails. It is simply one method of promoting the public welfare. As such they are entitled to the highest consideration. But are they any more entitled to consideraton than another periodical, which is also a public intelligencer, and in addition promotes the broadest benevolence and protects and cares for masses of people who would otherwise become public charges to be supported at the public's expense?

AS TO THE HAUL.

We are ready to prove by statistical evidence that for every paper published by a fraternal society we will find two others with as long if not a longer haul.

CLOSING ARGUMENT.

We ask for the passage of our bill as introduced, because we feel that we are entitled to some established status. For years we have been left in uncertainty and doubt. One administration has ruled us in and another has ruled us out. We do not want it left to the conflicting opinions of successive officials. We are convinced that it is as embarrassing to post-office officials as it is to us, and that it will be mutually helpful to have the question settled by congressional enactment; and while we feel that we are doing, as benevolent organizations, the highest possible good to our country, we do not ask for special consideration. We are willing to pay our part of the postal deficit, whatever that may be, and ask only for a general law which will treat all alike. If we are compelled to pay an equal tax we feel that we are entitled to equal privileges under the law. In other words, it savors of class legislation to give a privilege to one public benefactor and deny it to another who is taxed the same for it. We are at peace with all publications, wish them success in every way, and only ask for ourselves equal opportunity.

Mr. WEEKS. I make the point of order against the amendment.

The CHAIRMAN. The amendment is clearly legislative, contrary to the rule, and the Chair sustains the point of order.

The Clerk read as follows:

That hereafter when copies of any publication of the second class, mailed by a publisher at the pound rate or free in the county of publication, are undeliverable at the address thereon, the postmaster at the office of destination shall promptly notify the publisher of the fact, giving the reason therefor, and copies received five weeks after the mailing of the notice to the publisher, and in no instance until two successive issues thereof have been published, shall, under such regulations as the Postmaster-General may prescribe, be separately returned to the publisher thereof charged with postage at the third-class rate. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. MANN. Mr. Chairman, I reserve the point of order. I would like to inquire of the distinguished gentleman in charge of the bill just what is the purpose of this paragraph?

Mr. WEEKS. Mr. Chairman, it has been reported to the committee, and is within the personal knowledge of members of the Committee on Post-Offices and Post-Roads, that many publications are sent to individuals when they are not subscribed for, and when the individual does not wish to receive them. The Government, in other words, is put to the expense of carrying periodicals for which there is no desire on the part of anyone except the publisher, who thus seeks to increase his circulation. This provision is intended to enable the department to return such periodicals to the publisher and collect third-class rates for the return.

Mr. MANN. Well, may I ask the gentleman whether there is any method of collecting third-class rates?

Mr. WEEKS. Why, I assume that the district attorney could do it, Mr. Chairman.

Mr. MANN. Supposing a man wants to send me a letter with postage due on it. There is no way by which the Government can compel me to take the letter and pay the due postage.

Mr. WEEKS. I think the gentleman misunderstands me. There is no power to compel him to take a periodical which he has not subscribed for and which he does not wish. In this paragraph it is designed to prevent carrying periodicals in the mails for which there is no subscription and which nobody wishes to receive.

Mr. MANN. I quite agree with the gentleman as to the purpose which he intended to accomplish; but will it accomplish that end? Where a publisher sends a publication through the mails and I decline to receive it, the Government sends it back to the publisher, marking on it so much due at third-class rates. The publisher may or may not receive it. How is the Government going to compel him to receive it and pay the postage?

Mr. WEEKS. I do not know of any way unless proceedings are instituted against him by the district attorney.

Mr. MANN. But that would not warrant the district attorney, as the gentleman knows, in proceeding against a man for refusing to accept the mail and pay the postage on it when postage is due.

Mr. WEEKS. Well, Mr. Chairman, I will say that I was personally in favor of providing that in case the publisher did not pay for this return, his second-class privilege should be suspended until he did. But there was opposition in the committee to that course, and I came to the conclusion that it was based on good grounds. The lawyers on the Committee on the Post-Office and Post-Roads were of the opinion that the publisher could be proceeded against and the cost of returning the publication to him at third-class rates could be collected by the Government.

Mr. MANN. Well, Mr. Chairman, if that is the case, I will not press my judgment against that of the lawyers on the committee, although I think they are wrong. I withdraw the point of order.

The Clerk read as follows:

That section 2 of an act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1905, approved April 28, 1904, is hereby repealed.

Mr. MANN. I reserve a point of order on that. Under the law as it now exists, third and fourth class matter may be sent, not less than 2,000 pieces, without putting the actual stamps on the mail matter, by the payment of postage on the entire consignment.

Mr. WEEKS. That is correct, Mr. Chairman.

Mr. MANN. When that was proposed it was received with some ardor, and I know in my city is still quite extensively made use of. It is a very great convenience for people, in sending out some kinds of third and fourth class matter, to be able to have it sent out under the supervision of the post-office employees without actually putting the postage stamps upon it. Now, will the gentleman give us information as to the reasons why it is proposed to repeal the law which provides that present convenience?

Mr. WEEKS. Mr. Chairman, the reason is that the department recommends that it be repealed. The reason the department makes that recommendation is that it is believed that gross frauds could be perpetrated under the provision; that the individual mailing the letters or other matter might be in collusion with a clerk in the office and very many more copies be deposited and transported than the postage paid provided for. It does open the door for collusion and possible fraud, and for that reason the department and the committee believe it should be repealed.

Mr. MANN. Of course, it no more opens the door for possible collusion or fraud now than it did when it was enacted. Now, I should like to ask the gentleman, Has fraud been detected in connection with it? It is much more important to know that than to know what might be done, because the situation is the same to-day in reference to the possibility as it was when the law was enacted.

Mr. STAFFORD. The original proposition was adopted by the committee without very much consideration, without any extended hearings, more as an experiment than anything else, on the recommendation of the then Third Assistant Postmaster-General, Mr. Madden.

Mr. MANN. I do not agree with the gentleman about that. There was a great deal of agitation on the subject in the country.

Mr. STAFFORD. While the gentleman may disagree as to the amount of agitation in the country, he can not disagree as to the amount of consideration of the proposition in the committee.

Mr. MANN. I do not attempt to say that the committee gave consideration where the committee denies it.

Mr. STAFFORD. We adopted it more as a matter of experimentation than anything else. Since that time the Third Assistant Postmaster-General brought it to our attention that it was a possible means of corruption. You can see how it could be readily made such, and we believe that that character of service should not be continued.

Mr. MANN. Has any corruption been discovered?

Mr. STAFFORD. We have not sent our inspectors to detect it, but the mere fact that there is means for corruption and misappropriation of the Government's funds seems to the committee to be sufficient ground for repealing it.

Mr. MANN. Here is a proposition enacted into law which, as the gentleman says, gives a chance for corruption. It has been in the law for several years. The same chance for corruption has existed ever since the law was enacted; and if no corruption has been discovered, why does the committee at once reach the conclusion that corruption may exist?

Mr. WEEKS. I do not think there is anything in the hearings given by the committee as to individual instances of corruption, but the department is convinced that it will open the door to the possibility of imposing on the Government a large

amount of mail for which the Government receives no pay, and in order to remove that possibility they wish the law repealed.

Mr. MANN. Here is a proposition now under which the committee have decided not to have stamped envelopes with the return card on, and they propose to require people who are not now obliged to put stamps on their envelopes to put them on, without any knowledge as to whether the privilege has ever been used corruptly or fraudulently or not.

Mr. STAFFORD. The action of the committee yesterday only applied to first-class mail. This limitation extends only to third and fourth class mails.

Mr. MANN. The gentleman is mistaken about that. The action of the committee yesterday applied to the printing of all stamped envelopes and the return cards, whether used for first or third class matter. Stamped envelopes are sometimes used for third and fourth class matter.

Mr. STAFFORD. Only in the case of newspaper wrappers, and return cards are not printed on those.

Mr. MANN. The gentleman is mistaken. I have seen stamped envelopes on third-class matter.

Mr. WEEKS. I think, Mr. Chairman, the amount used for that purpose is negligible.

Mr. MANN. I do not wish to have this law continued if it is used for corrupt purposes; but it seems to me that the committee has no information on this subject. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert as a new paragraph after line 14:

"That hereafter the Postmaster-General may, in his discretion, establish in any community within or adjacent to the corporate limits or boundaries of any city or town a station, substation, or branch post-office, notwithstanding the limitation contained in the act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1897."

Mr. WEEKS. I will reserve a point of order on that, Mr. Chairman.

Mr. AUSTIN. Mr. Chairman, under existing law the Postmaster-General has authority to establish postal stations in cities having first and second class post-offices. The purpose of my amendment is to extend the authority of the Postmaster-General so that substations may be established wherever the interest of the public service may be required. For instance, I have in the district that I represent two very large colleges, situated about a mile from the post-offices.

Mr. WANGER. I would like to ask the gentleman if this is the amendment recommended by the Postmaster-General for several years on this subject?

Mr. AUSTIN. I understand that it is. There are a number of places in the United States where the post-office authorities think that they ought to have the authority for the convenience of the people to establish these substations; for instance, for students of universities and colleges located in the vicinity of third and fourth class offices.

Under existing law these students, some 400 or 500 in number, have to walk a mile to get their mail, whereas if this is extended according to my amendment the Post-Office Department will be enabled to establish branch offices for universities and colleges and bring postal facilities to the very doors of the students.

If it is a meritorious proposition in the interest of the Post-Office Department and the people to have branch offices in first and second class post-office cities, it seems to me that no reasonable excuse can be given why this amendment should not be adopted, and the same facilities given to patrons of the third and fourth class offices.

Mr. FASSETT. Is not this mail taken, in the case of students in colleges referred to by the gentleman, by carrier?

Mr. AUSTIN. There is no carrier; no. The Assistant Postmaster-General told me that he had 15 or 20 other cases in the United States where they desire the service and where they ought to have it, but in view of the old law that has been on the statute book more than twenty years they are unable to extend to them that advantage. I ask the chairman of the committee not to deprive us of the opportunity of extending this postal service where it is so badly needed.

Mr. WEEKS. The Post-Office Committee will give the gentleman a hearing on a bill, but I shall have to make the point of order.

Mr. AUSTIN. I want something besides a hearing upon the bill; I want a report. [Laughter.]

The CHAIRMAN. This is clearly new legislation, and the Chair sustains the point of order.

Mr. SIMS. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Insert a new paragraph after line 14, page 32:

"That the Postmaster-General be, and is hereby, authorized and directed to establish a system of local rural parcel post, as hereinafter provided, and to formulate and prescribe such rules and regulations under which such system shall be conducted as may be deemed necessary.

"SEC. 2. That for the purposes of this act local rural parcel post shall be confined to and consist of the transportation and delivery by rural mail carriers, as mail matter and at the rates of postage prescribed in section 4 of this act, of articles and parcels of merchandise or matter, each article or parcel not to exceed 11 pounds in weight, when originating and mailed at a rural delivery distributing post-office and addressed to a patron of rural delivery from such office or any rural postal station tributary thereto; or when originating and mailed on a rural delivery route and addressed to a patron of the same rural delivery route or to any patron of any rural delivery route or rural postal station having the same distibuting office as the rural delivery route on which the article or parcel is mailed.

"SEC. 3. That the provisions of this act shall not apply to matter which is classified by law as first, second, and third class, nor affect existing rates of postage thereon; nor shall there be accepted for transportation and delivery, as mail matter, by rural mail carriers, any intoxicating liquors (ardent, vinous, spirituous, or malt), habit-forming drugs, explosives, liquids liable to explosion by shock or jar or to spontaneous combustion, or any matter exhaling bad odor, or which from its nature or constituency is liable to contaminate or damage the mails.

"SEC. 4. That the rates of postage on all articles, matter, or parcels entitled to transportation and delivery under the provisions of this act shall be 1 cent for 2 ounces or less, 2 cents for more than 2 ounces but not more than 4 ounces, 3 cents for more than 4 ounces but not more than 8 ounces, 4 cents for more than 8 ounces but not more than 12 ounces, 5 cents for more than 12 ounces but not more than 1 pound, and 2 cents per pound for each additional pound or fractional part of an additional pound up to and including a total of 11 pounds.

"SEC. 5. That the compensation of rural carriers be increased to the extent of all receipts for such parcel-post service hereby established, on each route, respectively, not to exceed $300 per annum to each carrier, to be paid under such rules and regulations as may be established by the Postmaster-General."

Mr. WEEKS. Mr. Chairman, I reserve a point of order on that.

Mr. SIMS. Mr. Chairman, I understand the amendment which I have offered is clearly subject to a point of order, on the ground of its being new legislation. But the amendment I offer is drawn exactly in line with the recommendation of Postmaster-General Meyer, when he was Postmaster-General, for the establishment of a parcels post to cover the entire country. Therefore, the rate fixed when applied only to rural routes must necessarily not only be equal to the expense incurred, but remunerative.

It calls for no appropriation of money, but only gives the carrier the fees derived on each route to an amount not exceeding $300 in any one year. This will enable the department to experiment with the parcels post, confining it to rural routes, without one cent of additional cost to the Government, and if it is shown to be a good service no doubt it will be perfected and carried out. This amendment, in the form of a bill, has been before the Committee on the Post-Office and Post-Roads for about two years. So far that committee has never acted upon it one way or the other. That bill as drawn was subjected to experts who are thoroughly acquainted with the postal laws, by whom I am advised that it is workable; that it does not contravene any existing postal legislation or regulation, and that it can be carried out. In this way we can try it, and try it intelligently. The whole country is demanding this legislation, and inasmuch as it will not cost the Government anything and can not fail to be of benefit, and was strongly advocated to be applied as a general law to the whole United States by former Postmaster-General Meyer, I do not see why we can not let it come in here as to rural routes only. Although I know it is clearly subject to a point of order, it seems wise to me not to make the point.

During the last Congress I tried to get favorable action on this amendment as a bill by the Committee on the Post-Office and Post-Roads, but was unable to get consideration, but I have better prospects from the committee at this time and hope it will soon take up this or some other bill for the same purpose and give it full and, as I hope, favorable consideration.

Mr. WEEKS. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The provision is clearly legislative, and the Chair sustains the point of order.

Mr. FINLEY. Mr. Chairman, I offer the following amendment as a new paragraph, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as a new paragraph on page 32, after line 14, the following:

"That from and after the 1st day of July, 1910, the compensation of rural letter carriers for carrying the mail six days each week on standard routes of 24 miles in length shall be the sum of $1,050 per

annum, to be paid monthly; and on routes exceeding 24 miles in length, the sum of $43.75 per mile per annum for each mile in excess of 24 miles; and on routes under 24 miles in length, a corresponding reduction of compensation per mile per annum shall be made; on routes carrying the mail three days of each week of the same length as above, the pay shall be one-half the compensation there provided."

Mr. WEEKS. Mr. Chairman, on that I make the point of order.

Mr. FINLEY. Mr. Chairman, I admit that it is subject to a point of order, but this is the only way that I could get it before the House.

The CHAIRMAN. The Chair sustains the point of order.

Mr. AUSTIN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert as a new paragraph on page 32, after line 14, the following: "That upon application of any Senator, Representative, or Delegate it shall be the duty of a postmaster or carrier to furnish for official use the names, addresses, and occupations of those receiving mail within the State, district, or Territory so represented."

Mr. WEEKS. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The point of order is sustained.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment as a new paragraph in the nature of a limitation on the entire bill.

The Clerk read as follows:

Insert, on page 32, after line 14, as a new paragraph the following: "*Provided*, That no moneys appropriated herein shall be expended in offices of the first and second class where clerks and carriers in the City Delivery Service are required to work on Sunday, except in offices in which such employees shall be given compensatory time off during the working hours of one of the six days following said Sunday."

Mr. WEEKS. Mr. Chairman, I reserve a point of order on that.

Mr. BENNET of New York. Mr. Chairman, that is clearly a limitation and not subject to a point of order under the ruling of the Chair on the proposed amendments offered by the gentleman from Missouri [Mr. MURPHY]. It is a clear limitation on an appropriation. It assumes the existence of two classes of city officers, the first and second class officers, where men who are compelled to work on Sunday are not given any compensatory time and in the other where men who are so compelled to work on Sunday are given compensatory time. Being clearly a limitation, it is not subject to a point of order.

Mr. MANN. Mr. Chairman, it seems to me that that amendment is subject to the point of order, although I would be exceedingly glad to have it adopted. It is perfectly manifest to the Chair, and to everybody else, that it is not the intention by that amendment to stop the postal service in New York City or other first-class offices, and hence it is perfectly manifest that the intention of the amendment is to change the law, which now provides the compensation of clerks in New York City and other first and second class offices, through the form of a limitation. Although it is the form of a limitation, it has been repeatedly ruled that the form of a limitation which must be construed as a change of existing law is a change of existing law, notwithstanding its form. In other words, the mere form does not always control.

The substance and the effect of the amendment must be taken into consideration, and if taken into consideration on this amendment they show that the department would have to pay additional compensation for clerks for Sunday service in first and second class offices, just as much as though Congress had specifically provided for additional compensation.

Mr. BENNET of New York. Mr. Chairman, on March 5, on page 2787 of the CONGRESSIONAL RECORD a pending amendment was—

Provided, That no part of this appropriation shall be paid any railroad which requires any telegraph or telephone operator who handles orders pertaining to or affecting the movements of trains to handle the mail between stations and post-offices.

The Chair made the clear distinction, which it seems to me has always existed between those two classes of limitations, that where a limitation does not require an executive act on the part of any official of the Government it was a clear limitation, but where, under the guise of a limitation, it required some officer of the Government to do an executive act, no matter what its form was, it changed existing law. This requires no executive act whatever, it raises no salary and requires the employment of no additional persons, but simply provides that in one of two classes of offices there shall be no appropriation whatever for service.

The CHAIRMAN. It seems to the Chair this is in the form of legislation changing existing law. It is clearly legislation, and the Chair sustains the point of order.

Mr. MADDEN. Has the Chair ruled on the point of order?

The CHAIRMAN. The Chair has sustained the point of order.

Mr. SMITH of California. Mr. Chairman, I desire to offer an amendment, to be placed on page 32, after what has been adopted, line 14, I think.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph on page 32, after line 14, the following: "That the Postmaster-General shall require from carriers, Rural Delivery Service, a return of the number and approximate weight of unmailable packages carried by them, and the compensation received therefor, for a period of three months, beginning July 1, 1910, and shall report the result of this inquiry to Congress not later than December 10, 1910."

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order——

Mr. MADDEN. I make the point of order.

Mr. SMITH of California. Mr. Chairman, the provision is unquestionably subject to the point of order, and it is exactly like the provision which went out a few moments ago in connection with another provision——

Mr. MADDEN. Mr. Chairman, I make the point of order.

Mr. SMITH of California. If the gentleman will reserve his point of order, perhaps he will not object. Mr. Chairman, there is more or less agitation in the country about a rural delivery parcels post. I suppose it is generally known that at the present time citizens residing along a route may employ a carrier to bring them parcels from town at whatever price they please to pay, and the purpose of this amendment is to discover how extensive that business is, and whether there is really a demand on the part of the people who patronize the rural carriers in that way, and if we should discover that there is a general use of the rural carrier now by private arrangement, it might be advantageous and desirable to incorporate it in the postal service.

Mr. HUGHES of New Jersey. Was not that provision in the last bill?

Mr. SMITH of California. No; it was not. It is a plan for the discovery of some information as to whether the people of the country really do want to use the rural routes for a parcels post.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MADDEN. Mr. Chairman, I think that if the information is of the importance which the gentleman thinks it is, I might just as well withdraw the point of order.

Mr. SIMS. Mr. Chairman, I renew it until I ask some questions. Is this merely for the purpose of experimenting?

Mr. SMITH of California. It is merely to direct the Postmaster-General to call upon the rural carriers to report to him what amount of private business they are doing for a period of three months. This is merely to bring out the information by the 10th of December.

Mr. SIMS. You mean at the present rate of postage under the present permission?

Mr. SMITH of California. I am speaking of the parcels which the rural carriers carry privately outside of the mail.

Mr. SIMS. That they are now by law permitted to carry?

Mr. SMITH of California. Yes.

Mr. SIMS. Does the gentleman think that will be information that will be of any value as to what people will do if they had a lower rate of postage?

Mr. SMITH of California. I think if they can engage a carrier to bring 50 pounds of flour for 10 cents——

Mr. SIMS. If it will furnish any light on the subject and enable Congress to get information upon the question of a reduced parcels post, I have no objection.

Mr. SMITH of California. It will bring information as to what the people are doing.

The CHAIRMAN. Does the gentleman from Tennessee insist upon his point of order?

Mr. SIMS. I withdraw it.

Mr. AUSTIN. Mr. Chairman, I renew the point of order until I can get some information.

The CHAIRMAN. The Chair is ready to rule.

Mr. AUSTIN. Will this delay a hearing in the Committee on the Post-Office and Post-Roads on the bill of my colleague from Tennessee [Mr. SIMS] looking to a local rural parcels post at this session of Congress?

Mr. SMITH of California. I can not speak for the committee, but I would like to say to the gentleman from Tennessee [Mr. SIMS] and others that when they introduce bills it is a part of their duty to come before the committee and call them up for consideration, and I think the committee is willing to consider any bill that is before it.

Mr. SIMS. I do not want to be put in a false light. I asked Mr. Overstreet, formerly chairman of this committee, frequently,

as well as other members of the committee, to consider that bill in the last Congress.

Mr. AUSTIN. If this means a subterfuge or delay of legislation in the interest of the establishment of a local rural parcels post, then I object and insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

That the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. The establishment of a civil-pension roll or an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service is hereby prohibited.

Mr. SABATH. Mr. Chairman, I make a point of order against this paragraph.

Mr. STAFFORD. I would like to ask the gentleman if he will kindly reserve it for a moment.

Mr. SABATH. I will reserve it for a moment.

Mr. STAFFORD. This has been carried in the bill from time immemorial, and it has never caused any harm to the service, but has been of benefit.

Mr. SABATH. In what way does it benefit the service? Can the gentleman state?

Mr. STAFFORD. By requiring only those who are capable of performing service to be employed and directing that those who are incapacitated be kept off the rolls of the Government.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. SABATH. I yield to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. What authority has any department of the Government, the Post-Office Department or any other, to pay money for any purpose not specifically appropriated for that purpose, and why should there be contained in this bill or in any other bill a provision forbidding the Post-Office Department or any other department from improperly paying out the money of the Government? In other words, the Constitution provides that appropriations shall be made and shall be paid out only in the way that Congress says it shall be done, and yet the gentleman says this is put into this bill, and has been carried for a number of years, in order to prevent the Post-Office Department from improperly paying out money.

Mr. STAFFORD. It is a direction on the part of Congress to the department as to the character of the employees in the service. If it is going to provoke debate, I have no desire to prolong it.

The CHAIRMAN. The Chair will ask the gentleman from Illinois [Mr. SABATH] if he insists on his point of order?

Mr. SABATH. I do.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read:

The Clerk read as follows:

That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this act, a sum equal to such deficiency of the revenue of said department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June 30, 1911, and the sum needed may be advanced to the Post-Office Department upon requisition of the Postmaster-General.

The CHAIRMAN. This completes the reading of the bill.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

A few days ago, while this bill was under consideration, I made the statement that the clerks in the Post-Office Department were working from nine to ten, and, in some cases eleven, hours a day, and the chairman of the committee having charge of the bill replied to the effect that the clerks in the Chicago post-office were working on an average of eight hours and three minutes a day. Since that time I made an inquiry through the department as to how the time of the clerks was figured, whether it was figured on the basis of a seven-day week or a six-day week, and I was told in reply that the hours were figured on the basis of six days in the week, but that no credit was given to the men for any work they did on Sunday. I have not been able to ascertain how many hours a day they work on Sunday on the average, but I submit to the committee that if the hours they do work on Sunday were added to the hours which they work on week days, the number of hours per day would average very much more than those stated by the gentleman from Massachusetts [Mr. WEEKS.]

Mr. WEEKS. Mr. Chairman, I think, considering the statement just made by the gentleman from Illinois [Mr. MADDEN], that I ought to have an opportunity to explain the figures which I gave. The gentleman from Illinois obtained from the department exactly the figures that were furnished me by the department of the number of hours that clerks work during the week. I stated the figures to the committee in good faith. I learned later that there was not included in those figures the time which clerks worked on Sunday, and I have attempted to obtain from the department those figures, so that I might correct my statement, but the department was unable to give them to me.

Therefore the gentleman from Illinois and myself are in exactly the same position in regard to that. It does not occupy all the time which the clerks work in the post-offices. The figures presented to the committee may be more or less correct. So far as the statement I made is concerned, I do not want the committee to get the impression that I had, under any circumstances, attempted to mislead.

Mr. MADDEN. I do not want it to be understood that I cast any shadow upon the statement made by the chairman of the committee.

Mr. BENNET of New York. The figures furnished by the Post-Office Department in all probability also did not include the extra time necessarily occupied by the clerks in studying the "city" and "distribution" schemes. These must be studied by the clerks outside of office hours if they are to keep up the records for efficiency necessary to retain desirable positions and to keep themselves in line for the efficiency promotion from $1,100 to $1,200.

Mr. WEEKS. I move that the committee rise and report the bill and amendments, with the recommendation that the amendments be agreed to, and the bill as amended do pass.

The question was taken.

Mr. SABATH. Mr. Chairman, pending that motion, I desire to ask unanimous consent, inasmuch as the chairman of the committee has found that there is need for additional clerks, that we will go back to that section and increase the appropriation.

Mr. STAFFORD. Regular order!

The question was taken, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 21419, the post-office appropriation bill, and had directed him to report the same back to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. WEEKS. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

Mr. TOWNSEND. Mr. Speaker, I desire to move to recommit the bill.

The SPEAKER. The bill has not been perfected. The question is pending on the amendments, and the previous question is operating. Is a separate vote demanded on any of the amendments? If not, the vote will be taken on the amendments in gross.

A separate vote was not demanded.

The question was taken, and the amendments were agreed to in gross.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. FASSETT. Mr. Speaker——

Mr. TOWNSEND. Mr. Speaker——

The SPEAKER. Two gentlemen have arisen and asked for recognition—the gentleman from Michigan and the gentleman from New York. The gentleman from New York is a member of the Committee on the Post-Office and Post-Roads; and the Chair will first ask the gentleman for what purpose he rises?

Mr. FASSETT. Mr. Speaker, inasmuch as I am opposed to the bill in its present condition, I rise to move to recommit the bill to the Committee on the Post-Office and Post-Roads.

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. TOWNSEND. Well, I rise, Mr. Speaker, having demonstrated that I was opposed to the bill, to move to recommit the bill with instructions.

The SPEAKER. But under the practice it is proper that the first recognition should go to a member of the committee, provided that he arises to make a motion that is in order, and he is opposed to the bill, and the gentleman states that he is.

The Chair, therefore, following the usage, recognizes the gentleman from New York.

Mr. FASSETT. Mr. Speaker, I move to recommit the bill to the Committee on Post-Offices and Post-Roads, and on that motion I demand the previous question.

The SPEAKER. The gentleman from New York moves to recommit the bill to the Committee on Post-Offices and Post-Roads, and on that motion demands the previous question.

Mr. TOWNSEND. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSEND. I would like to know if, under the rule that we adopted, as amended last spring, it would be possible for any gentleman to defeat the proposed amendments by saying that he was opposed to the bill, without stating any particular objection he had to the bill?

The SPEAKER. The Chair must take the word of the gentleman—he is entitled to recognition if he is opposed to the bill—as the Chair took the word of the gentleman from Michigan.

Mr. TOWNSEND. May I ask the Chair, then, if in case that motion is voted down, would there then be an opportunity to make another motion?

The SPEAKER. That is hardly a parliamentary inquiry. The gentleman knows the rule. If the demand for the previous question is ordered, it brings the House to a direct vote.

The question was taken on ordering the previous question.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 121, noes 78.

So the previous question was ordered.

The question was taken on the motion to recommit the bill, and the motion was not agreed to.

Mr. TOWNSEND. Mr. Speaker, is it in order now to move to recommit with instructions?

The SPEAKER. But one motion to recommit is in order. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. WEEKS, a motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to call up the conference report on House bill 14464, the District of Columbia appropriation bill, and ask that the statement be read.

The SPEAKER. The gentleman from Michigan calls up the conference report on the District of Columbia appropriation bill and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

[For conference report and statement see House proceedings of March 1, 1910.]

Mr. PARSONS. Mr. Speaker, I desire to raise a point of order to the conference report, on the ground that the conferees have exceeded their power in regard to the appropriation for playgrounds.

The House passed the following item:

Playgrounds: For maintenance, repairs, equipment, and supplies, $17,000, which sum shall be paid wholly from the revenues of the District of Columbia.

The Senate added after the word "equipment" the word "supervision" and struck out the words—

which sum shall be paid wholly from the revenues of the District of Columbia.

Now, although the House said that $17,000 should be appropriated, and the Senate said that $17,000 should be appropriated, the conferees have stricken out the provision entirely, so that under the conference report there is no appropriation whatsoever for the maintenance of playgrounds.

Mr. TAWNEY. Mr. Speaker, in what respect does the gentleman claim the conferees have exceeded their authority?

The SPEAKER. Will the gentleman from New York state the number of the amendment which he refers to?

Mr. PARSONS. Amendment 75 on page 44 of the print of the bill which contains the Senate amendments.

The SPEAKER. The Chair desires to examine the provision as it passed the House, and then as it passed the Senate, and then as it was agreed upon by the conferees.

Mr. MANN. Mr. Speaker, I submit that there were two propositions before the conference. One was as to the amount. The second was as to the funds out of which it should be paid. As to the amount, the conferees could not go below the amount fixed by the House or above the amount fixed by the Senate, but were confined to the question in disagreement between the House and the Senate, which was between those two amounts. Then there was a further disagreement as to the fund the appropriation should be paid out of. The question is whether, when the House agrees to an item carrying an appropriation for a certain amount on certain conditions, and the Senate increases the amount and disagrees to the conditions, the committee of conference can strike out the whole thing. The conference report is that the House recede from its disagreement to the amendments of the Senate and agree to the same with amendments as follows, and the amendment is to strike out that amendment and strike out the amended paragraph.

In other words, they propose to amend the items in dispute between the two Houses as to amount by striking out the whole thing.

Mr. TAWNEY. By omitting it.

Mr. MANN. It is not omitting it; it is striking it out.

Mr. GAINES. The situation is this: If the House appropriated $17,000 without any conditions, and the Senate had increased the amount to $32,000 without any conditions, could the conferees wipe out the entire appropriation?

Mr. MANN. I think plainly they could not. Of course this is a little different. The House makes an appropriation of $17,000, to be paid out of a certain fund. The Senate increases the amount, and says that it shall be paid out of another fund.

Mr. PARSONS. The Senate did not increase the amount. It agreed to the amount as passed by the House.

Mr. MANN. I thought the Senate increased the amount. If they did not, they ought to have done so.

Mr. GARDNER of Michigan. The principle is the same.

Mr. MANN. Let me ask the gentleman from New York: Did the Senate strike out the entire paragraph in the House bill, and reinsert that portion of it fixing the amount?

Mr. PARSONS. It did not.

The SPEAKER. The Chair has the bill here and will read it to see if the Chair gets the point of the gentleman from New York. As the bill passed the House it read:

Playgrounds: For maintenance, repairs, equipment, and supplies, $17,000, which sum shall be paid wholly from the revenues of the District of Columbia.

The Senate amends that by amendment 74, after the word "equipment," on the first line, putting in the word "supervision," and in amendment 75 the Senate strikes out the following language: "which sum shall be paid wholly from the revenues of the District of Columbia."

In the settlement between the House and the Senate the whole item under the head of "playgrounds" is stricken out. Is that correct?

Mr. GARDNER of Michigan. Not exactly correct. In the points of disagreement, amendments 74, 75, 76, 77 deal with playgrounds. Seventy-six and 77 were agreed on and remained in the bill as amended by the Senate.

Mr. MANN. The conference report strikes out this language after the word playgrounds, "for maintenance, repairs, equipment, and supplies, $17,000." Not a word of it has been amended by the Senate.

Mr. GARDNER of Michigan. Mr. Speaker, the word "supervision," an amendment by the Senate in No. 74, is deemed by your committee as a very important word. Every dollar of that appropriation, nearly, could be spent in supervision, if it were deemed best. Indeed, that is the central word.

Mr. MANN. The "supervision" was in conference. The committee could agree to the amendment to strike out "supervision," because that was in conference. The "maintenance, repairs, equipment, and supplies, $17,000," was not in conference, because both Houses had agreed to that language. It has been repeatedly held by the Chair that committees on conference can not amend a provision which has been agreed to by both bodies. That decision was emphatically held in the oleomargarine case, which the gentleman from Minnesota ought to remember.

Mr. TAWNEY. Mr. Speaker, I desire to call the attention of the Chair to this fact: The amendments of the Senate have this effect. It changed entirely the purpose for which the appropriation was made by the House, and also changes the obligation of the treasury from which appropriation is to be paid.

Therefore, both propositions are in conference, namely, the object of the appropriation, and the treasury from which the appropriation was to be paid, and the conferees therefore had both propositions before them, notwithstanding there were a few words used by the House in making the appropriation after the Senate amendments were adopted. But these words have no relation whatever to the Senate proposition any more than they now have to the House proposition. The purpose of the House was to appropriate money for equipment of playgrounds. The purpose of the Senate was to appropriate money for the supervision of playgrounds. The House proposition was to pay the appropriation wholly from the revenues of the District

of Columbia, while the Senate proposition was to pay one-half of that appropriation from the District revenue and one-half from the Federal Treasury. Therefore both propositions as to the purpose, as well as to the manner of the payment of the appropriation was in dispute between the two Houses, and the conferees did not exceed their jurisdiction.

Mr. MANN. It would have been an easy matter to throw the whole matter into conference if the Senate had desired, by striking out the paragraph and inserting the language put in by the Senate. Then the whole paragraph would have been in conference, and the contention of the gentleman would be in order; but as it is, the purpose of the Senate could not be taken that they meant to strike out the whole paragraph, because they did not strike it out.

Mr. TAWNEY. They changed the entire purpose of the paragraph.

Mr. GARDNER of Michigan. Mr. Speaker, under amendment 75 are these words:

Which sum shall be paid wholly from the revenues of the District of Columbia.

What sum? The sum of $17,000 mentioned in No. 74. That is construed with No. 74. They stand or fall together. The whole thing hinged in conference whether or not the whole amount of $17,000 should be paid out of the District revenues or one-half out of the revenues of the District and the remainder from revenues of the Federal Government. The House qualified the appropriation of the sum of $17,000 by saying that it should be paid wholly from the revenues of the District of Columbia.

Mr. MANN. That was in conference.

Mr. LONGWORTH. Mr. Speaker, the statement of both the gentleman from Michigan and the gentleman from Minnesota together show that the sole difference existing between the House and the Senate was a matter of detail as to how the specific sum should be spent.

Mr. TAWNEY. I beg the gentleman's pardon. The difference is far more material than that. The difference between the two Houses was as to the purpose of the appropriation, as well as the manner of payment. The House declared that this sum should be expended wholly for the purpose of equipment, and the Senate struck out that word and substituted the word "supervision," without any equipment whatever. If they had said "supervision and equipment," the only question would have been as to the manner of payment of the appropriation.

Mr. FOSTER of Vermont. Mr. Speaker, the gentleman from Minnesota will remember that during the discussion of this paragraph in the House the question whether that word "maintenance" covered the whole ground was considered. It was not the intention of the House simply to provide an appropriation that would equip these grounds, but we discussed the question whether the word "maintenance" was sufficiently broad to cover the question of supervision, and I told the committee when we had the matter under consideration that in my judgment the phraseology was sufficiently broad to cover all the expenses incident to playgrounds. I can quote from the RECORD upon that point. The House, when it adopted that language, supposed that it had adopted language sufficiently broad to cover the question of supervision.

Mr. TAWNEY. Mr. Speaker, I beg to differ with the gentleman. The House adopted the language that has been read to the Speaker. That language has but one meaning, and that is equipment of playgrounds. The contest over this question was as to whether we were to appropriate money out of the Federal Treasury for supervision or equipment, and the committee first reported the provision for equipment, and the House so adopted it. Therefore the purpose of the appropriation has been changed by the Senate amendment as well as the manner of its payment. Both propositions being in conference, the conferees did not exceed their authority by omitting a provision carrying both propositions, because they were both in conference, and the conferees, representing both Houses, could agree only on the proposition to omit or strike out the entire paragraph.

Mr. OLCOTT. I would like to know whether both the House and the Senate did not agree that $17,000 was to be appropriated for playgrounds.

Mr. TAWNEY. For some purpose.

Mr. OLCOTT. And the conference report has stricken out every appropriation for playgrounds of every kind.

Mr. TAWNEY. The House said the $17,000 should be expended for equipment and the Senate said for supervision.

Mr. MANN. That is still in disagreement between the two Houses.

Mr. TAWNEY. They eliminated the entire proposition.

Mr. MANN. I know, but the points in disagreement are still in disagreement. I submit that the point made by the gentleman from Minnesota [Mr. TAWNEY] is not correct. The Senate insisted on the word "supervision" going in in connection with the appropriation. That is still in disagreement between the two Houses. It is for the House and the Senate to determine whether the word "supervision" remains in the bill or not. As to what treasury it shall be paid out of is still in disagreement. It is for the two Houses to determine what treasury this money shall be paid out of.

Mr. TAWNEY. It is not in disagreement. The representatives of the two Houses have agreed that the whole paragraph shall go out.

Mr. MANN. What the representatives of the two Houses have agreed to——

Mr. TAWNEY. And the Senate has adopted the report.

Mr. MANN. Very well. They are still in disagreement, and while I admit that the two gentlemen of the conference committee and the gentleman from Minnesota come as near being the whole House as any three gentlemen in the House——

Mr. TAWNEY. All that would be necessary would be to add the gentleman from Illinois. [Laughter.]

Mr. MANN. Nevertheless they are still in disagreement.

Mr. LONGWORTH. Mr. Speaker, is not the legitimate conclusion of this report of this conference committee that it is a frank statement of failure on their part to adjust differences, with the result that instead of trying to adjust differences they strike out the whole provision altogether? They admit they were unable to adjust differences.

Mr. GARDNER of Michigan. Mr. Speaker, the gentleman might apply that to 225 other points in this bill with equal force. We did agree on this, as we have agreed unanimously, the conferees of both Houses, upon all points of difference, and I want again to emphasize this, that the language under amendment No. 75 must be construed with the language of amendment No. 74, or the House has no standing in conference. That with the word "supervision" was all that was under conference in those two points, Nos. 74 and 75.

Mr. LONGWORTH. The gentleman must admit that there was no difference as to the amount appropriated. The sole difference between the House and the Senate was as to some detail as to what fund it should be taken from, or how it should be used. The committee confess that they are unable to adjust those differences by striking out this paragraph. There was no difference between the House and the Senate as to the amount agreed upon by each House.

Mr. GARDNER of Michigan. I just want to say a word in reply to the gentleman. The House conferees were instructed by unanimous vote of this House that the playground appropriation should be paid under Nos. 74 and 75, wholly from the District revenues. That was the point in conference with the Senate, and the Senate contended it should be paid half and half from the Treasury of the United States and the treasury of the District, through their conferees. We agreed to disagree by striking out both paragraphs, namely, the Senate amendment and the House amendment.

Mr. PARSONS. And I submit, Mr. Speaker, that that is exactly what they could not do, because both the House and the Senate had agreed that $17,000 should be appropriated for playgrounds.

Mr. SULZER. Mr. Speaker, the parliamentary situation seems very clear to me. The House and the Senate heretofore agreed on the amount, to wit, $17,000, and then differed as to the source from whence it should come and the method of its expenditure; and hence the only question in dispute is the source from which the money is to be derived and the limitation on its expenditure. That was all there was in dispute and hence in conference between the two Houses. There should be no trouble in reaching a proper conclusion in the matter.

The conferees on the part of the House exceeded their authority when they agreed to strike out the amount of $17,000 as well as what was in dispute and properly in conference. That the conferees could not do.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. SULZER. Certainly.

Mr. TAWNEY. Does the gentleman contend for a moment that in striking out the words "which sum shall be paid wholly from the revenues of the District of Columbia" it was not a limitation upon the entire paragraph?

Mr. SULZER. Not at all.

Mr. TAWNEY. By striking out that language the whole paragraph was in disagreement and was afterwards put in conference——

Mr. SULZER. Not at all. As a matter of parliamentary procedure——

Mr. TAWNEY (continuing). And that is entirely outside of the change made by transferring the appropriation from the

purpose of equipping these playgrounds to the supervision of the playgrounds; independent of that change the language limiting the payment of the appropriation, confining it to a certain source, the striking out of that language put the entire paragraph in conference.

Mr. SULZER. I differ entirely with the gentleman from Minnesota.

Mr. TAWNEY. In one case the money came wholly from the District of Columbia, in the other case half of it came from the District of Columbia and the other half from the Treasury of the United States.

Mr. SULZER. Mr. Speaker, under the rules, the parliamentary situation is simply this: Whether the conferees on the part of both Houses, having agreed upon a proposition, to wit, $17,000, the amount of money to be appropriated for playgrounds, afterwards could not agree to strike out that appropriation. Under the rules and as a matter of parliamentary procedure the conferees on the part of the House could not agree to strike out the appropriation any more than they could agree to new legislation. Hence, sir, the point of order, in my opinion, raised by the gentleman from New York [Mr. PARSONS] is well taken and should be sustained. If the conferees on the part of the House are not able to support the House in its contention, then we ought to have new conferees who will carry out the wishes of the House. I am in favor of these playgrounds for the children of the District of Columbia, and I want to see them supported and maintained in accordance with the desires of the people that live in the capital city of our country.

Mr. GARDNER of Michigan. Mr. Speaker, may I say one word further in conclusion? The conferees were instructed by a vote of the House to contend that this whole appropriation should be paid out of the revenues of the District of Columbia, and that no part of it should be paid out of the Federal Treasury. Those were our instructions by a unanimous vote of the House. We had nothing else to do, if I may say so to the gentleman from New York, and we obeyed literally and to the letter——

Mr. SULZER. Then why do the conferees come in——

Mr. GARDNER of Michigan (continuing). The instructions of this House.

Mr. SULZER. If the conferees had done their duty, the appropriation for $17,000 would have been made.

Mr. GARDNER of Michigan. No; our instructions were the appropriation had to be paid and paid wholly out of the revenues of the District of Columbia. The Senate decided it should be paid half out of the District of Columbia and half out of the Federal Treasury, and there is the point of disagreement.

Mr. SULZER. But the appropriation of $17,000 was to be made, is not that the fact?

Mr. GARDNER of Michigan. If we agreed to it, and therefore only in a qualified sense.

Mr. GAINES. Is not the question after all whether we will agree to the report of the committee of conference?

Mr. SULZER. I am coming to that.

Mr. PARSONS. Mr. Speaker, may I make a suggestion to the Chair, using the language of the gentleman from Michigan? The House gave two instructions: First, an appropriation of $17,000 for playgrounds, and to that the Senate agreed; second, that the money should come from the District revenues, and to that the Senate disagreed, and that was the item which was in dispute. The first set of instructions were agreed to by the Senate, and therefore were not in conference.

The SPEAKER. The Chair calls the attention of the House again to the provision as it appeared in the bill as it passed the House.

Playgrounds: For maintenance, repairs, equipment, and supplies, $17,000, which sum shall be paid wholly from the revenues of the District of Columbia.

That provision, as the Chair has read it, went to the Senate. The Senate amends first, in amendment numbered 74, after the word "equipment," by inserting the word "supervision," and again in the same provision, by amendment numbered 75, it struck out the words "which sum shall be paid wholly from the revenues of the District of Columbia." Now, the House and Senate were agreed on certain language, namely, "for maintenance, repairs, equipment, and supplies, $17,000."

But both Houses agreed to the text, the Senate proposing, however, to insert the word "supervision" as a change to the text. Now, that amendment of the Senate was to the provision of the House. But the amount of $17,000 appropriated, with the objects as defined by the House, could not be changed, because the Senate had not provided for a change by way of amendment. If the Senate had amended by striking out the whole paragraph and inserting a new paragraph, then the whole question would have been in conference, and it would have been admissible in settling the differences between the two Houses to have made any germane agreement that would bring the conferees together. Now, with the two amendments referred to, the House and the Senate, to settle the disagreements, at a part where there was no disagreement strikes out a whole provision.

The Chair thinks that is a change of the text to which both Houses had agreed, and the precedents, so far as the Chair has been able to examine them, are against the exercise of that power even by the House itself, without the concurrence of the other body. It could only be done by the House and by the Senate by a concurrent action. The Chair feels compelled to sustain the point of order.

Mr. TAWNEY. Mr. Speaker, I move to refer the conference report to the Committee on Appropriations with instructions to report forthwith to the House, striking out the paragraph.

Mr. MANN. Mr. Speaker, I make the point of order that that motion is not in order.

The SPEAKER. The Chair calls the attention of the gentleman that under the practice of the House the sustaining of a point of order to a conference report is equivalent to its rejection, and it seems to——

Mr. TAWNEY. I call the attention of the Chair to the fact that that is exactly what was done on the conference report on the urgent deficiency appropriation bill only a week or so ago.

Mr. MANN. This has passed beyond the point of being referred to the Committee on Appropriations.

Mr. TAWNEY. Not at all.

The SPEAKER. The recollection of the Chair is, and the Chair will verify his recollection—although it seems to be pretty clear—that the sustaining of a point of order to a conference report by the Chair is equivalent to its rejection, and that the next proceeding would be for the House to take such action as it may desire, de novo, as if this bill were here for the first time with the Senate amendments disagreed to. Now, there is a way, if the Chair is right about that——

Mr. MANN. It is in order to make a motion to agree to any of the amendments of the Senate.

Mr. TAWNEY. I move to refer the bill to the Committee on Appropriations, with instructions to report forthwith, striking out the paragraph.

Mr. MANN. Mr. Speaker, I make the point of order on that motion. Not only is it without the power of the conferees to strike out the paragraph, but it is without the power of the House to strike it out.

Mr. TAWNEY. It is in the power of the House to amend by striking out.

Mr. MANN. It is not in the power of the House to strike out that which has already been agreed to.

Mr. SULZER. I move that the conference report——

The SPEAKER. Does the gentleman from Minnesota [Mr. TAWNEY] submit a motion? The Chair was not clear.

Mr. TAWNEY. I make the motion, which is, as I suppose, similar to the motion that was made during the consideration of the conference report on the urgent deficiency appropriation bill. The item in disagreement was in respect to an appropriation for the immigration commission, and that bill, by motion of the gentleman from New York, was referred to the Committee on Appropriations with instructions to report forthwith with an amendment.

The SPEAKER. But that was not a conference report.

Mr. TAWNEY. It was on a conference report.

Mr. FITZGERALD. Oh, no. The committee on the Senate amendments were in disagreement.

Mr. TAWNEY. It was not a full agreement of the conferees.

Mr. FITZGERALD. The Senate amendments were before the House in disagreement. The House receded from its disagreement, and then the question came on the Senate amendment, and the previous question was demanded; and after the previous question was ordered the question recurred on concurring in the Senate amendment with an amendment.

Mr. TAWNEY. The bill was still in disagreement between the two Houses.

Mr. FITZGERALD. Oh, no.

Mr. TAWNEY. As I understand the ruling of the Chair sustaining the point of order, it is this item that is in disagreement between the two Houses just the same as the amendment.

Mr. PARSONS. Mr. Speaker, I have a motion I desire to make. I move that the House recede from its disagreement to amendments Nos. 74 and 75, and agree to the same.

Mr. GARDNER of Michigan. The Senate has already passed upon this measure.

Mr. MANN. That does not make any difference.

The SPEAKER. The effect of the statement of the Chair, sustaining the point of order, is to make the conference report as if it had not been made, and the bill stands now upon the House provisions and upon the Senate amendments. The House having possession of the bill, it is in order for the House to treat it just as it would have treated it if the conference report had been voted down, namely, the House can refer to the Committee on Appropriations. It would seem to the Chair the House may disagree or concur in the Senate amendments. They are undisposed of, and must be disposed of in some way.

Mr. POINDEXTER. A parliamentary inquiry. I understood the Speaker's ruling a moment ago upon the point of order made by the gentleman from New York to be that the House itself can not recede from legislation which had been agreed upon by the House and Senate. The difference between the two Houses being the funds from which it would be paid, the parliamentary inquiry is this: Does the Speaker now rule that the House can take up this bill as if it had never acted upon it?

The SPEAKER. The remark of the Chair that the gentleman calls attention to was more by way of illustration than otherwise. The direct question was not before the Chair. It was used as a matter of argument by the Chair. This is the condition as the Chair understands it: The House passed the bill; the Senate amended it; the House disagreed to the Senate amendments; it went to conference; the conference has constructively failed; and this bill is now before the House as if it had not gone to conference. So that the Senate amendments must be disposed of.

Mr. TAWNEY. Does the Chair hold that the motion I made is in order?

The SPEAKER. To refer this bill to the committee?

Mr. TAWNEY. To the Committee on Appropriations.

Mr. MANN. I make the point of order that the motion the gentleman made was to refer this bill, with the amendments, to the Committee on Appropriations, with instructions to report the bill back striking out that paragraph. That motion is not in order, because the motion to strike out the paragraph would not be in order; and the gentleman can not evade that by directing the committee to report back a motion which is not in order.

Mr. LONGWORTH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Is not this bill in the same position as it was after it had been passed with amendments by the Senate and messaged over?

Mr. MANN. Except that it does not have to go to the Committee on Appropriations, as it would have had to go when it first came over. It would have to go to the Committee of the Whole again. That is the point about that.

Mr. PARSONS. Mr. Speaker——

The SPEAKER. One moment. The Chair may have misled the House, or the House may not have understood what was in the mind of the Chair in what was said touching this bill. In answer to the gentleman from Ohio, the Chair will again say: The House passed the bill; the Senate amended the bill; the House then took action upon it, disagreeing to the amendments of the Senate, this being one of them. A conference was held. Now that conference has constructively failed. So that the status is that the disagreement between the House and the Senate remains unsettled. Now, any action upon the part of the House that would settle that disagreement is in order.

Mr. PARSONS. Then, I move to recede and concur.

Mr. LONGWORTH. A parliamentary inquiry.

Mr. KEIFER. Let me make a parliamentary inquiry.

Mr. LONGWORTH. Is it in order now to move to concur in any of the Senate amendments?

Mr. KEIFER. I would like to make a suggestion.

The SPEAKER. It is in order to recede and concur or to further insist.

Mr. TAWNEY. Mr. Speaker, I made a motion. I would like to know, I have tried to ascertain, whether or not it was in order to move to commit the bill to the Committee on Appropriations with instructions to report it back with an amendment striking out the paragraph. Now, if it is not in order, I wish to make a motion which, I think, will be strictly in order along the lines of the suggestions of the Chair.

Mr. PARSONS. I have already made a motion.

Mr. MANN. The gentleman from Minnesota made his motion first.

Mr. PARSONS. I beg the gentleman's pardon.

The SPEAKER. One moment, please. The Chair desires the attention of the gentleman from Minnesota, and the Chair reads from the Manual:

Text to which both Houses have agreed may not be changed except by the consent of both Houses.

Any motion that will bring the House to an agreement with the Senate, to recede and concur, would be in order, and a motion to further insist on the disagreement would be in order.

Mr. TAWNEY. Mr. Speaker——

Mr. KEIFER. I should like to say a word.

The SPEAKER. And possibly a motion to refer alone, if not accompanied by instructions that the committee should do a thing which the House could not do, would be in order.

Mr. TAWNEY. I want to submit this motion——

Mr. PARSONS. I have already made a motion to recede and concur.

The SPEAKER. One at a time! One moment!

Mr. TAWNEY. Mr. Speaker, I move, then, to refer the bill to the Committee on Appropriations, with instructions to report back to the House an agreement to Senate amendment No. 75, with an amendment making the appropriation payable out of the District revenues for the fiscal year 1915, and on that I move the previous question.

Mr. PARSONS. I raise the point of order to that motion.

The SPEAKER. To which motion the gentleman from New York makes a point of order.

Mr. MANN. Let us have the motion reported from the Clerk's desk, so we will know what it is. This matter of offering amendments from the floor of the House, without having them reported from the Clerk's desk, is not very satisfactory.

The SPEAKER. The Clerk will report the motion of the gentleman from Minnesota.

The Clerk read as follows:

Refer the bill to the Committee on Appropriations, with instructions to report it back to the House with a recommendation that Senate amendment 75 be agreed to with an amendment making the appropriation payable out of the District revenues for the fiscal year 1915.

Mr. MANN. Upon that we make the point of order, Mr. Speaker, in the first place that this is a bill making appropriations for the fiscal year ending June 30, 1911——

Mr. TAWNEY. And for other purposes.

Mr. MANN. The "other purposes" do not make any difference. It is without the province of the Committee of the Whole, if the House were in Committee of the Whole, to insert a legislative provision. To provide that this money shall be paid out of the revenues of some subsequent year is to legislate, not appropriate, and the only authority to make an appropriation is to make an appropriation payable for the fiscal year. This is to make an appropriation payable in some future year and is legislation and not appropriation.

Mr. PARSONS. I make the further point of order, Mr. Speaker, that my motion has precedence and is of higher privilege.

The SPEAKER. To this motion of the gentleman from Minnesota [Mr. TAWNEY] the gentleman from New York [Mr. PARSONS] and the gentleman from Illinois [Mr. MANN] both interpose points of order. Now, the Chair finds that so far as precedents can settle this matter, it is settled. The Chair reads from page 630, volume 5, of the Precedents, section 6225:

The stage of disagreement having been reached, the motion to insist has precedence of the motion to refer.

On July 31, 1886, the Speaker laid before the House the bill (S. 1599) for the relief of the Phoenix National Bank, of the city of New York, with an amendment of the House thereto and a message from the Senate disagreeing to the amendment and requesting a conference upon the disagreeing votes of the two Houses.

Mr. William S. Holman, of Indiana, moved to refer the bill, amendment, and message to the Committee on Claims.

Pending this motion, Mr. Darwin R. James, of New York, moved that the House insist upon its amendment and agree to the conference asked by the Senate.

The Speaker held the latter motion to be privileged, for the reason that the bill had now reached the stage of actual disagreement between the two Houses, and the appointment of conferees on the part of the House would be in order as soon as the House had insisted on its amendment and agreed to the request of the Senate for a conference.

That was a ruling by Speaker Carlisle. The precedent is exactly in point, and therefore as a motion to further insist on the disagreement would be in order a preferential motion that the House do recede and concur will precede or postpone that motion that the House do further insist.

Mr. KEIFER. Mr. Speaker, allow me to call the attention of the Chair to what I think is a plain distinction between the two cases. Unquestionably the decision just read was right. There has been no action taken. If I understand the holding of the Chair here, it was that after sustaining the point of order against the conference report it carried us back to the place where the conference was authorized by the House, and no further. Now, before that authority was exercised, we had disagreed to the Senate amendments, and it would take something to reconsider that before the gentleman from New York can make a motion, for already the House, as the RECORD will show, has agreed to these amendments. Now, we are at the

situation that follows a disagreement. That was not the case in the precedent cited in the digest.

The SPEAKER. The gentleman will notice that this bill, upon a disagreement between the two bodies, has been to conference. The conferees reported, and that report has been rejected. Now it stands just as in the precedent cited, in disagreement. But it would stand there permanently unless the House took some further action by which it insists on its disagreement and asks for a further conference. So that if a motion is in order to further insist, so that we can take a step forward in the disagreement, much more is a motion in order that the House do recede and concur.

Mr. KEIFER. I think it is worth while, Mr. Speaker, to give a little attention to this. The motion of the gentleman from New York is not to recede and concur, but to treat it as though we had not disagreed at all, and that was not the condition in the precedent cited.

The SPEAKER. The gentleman from Ohio is mistaken.

Mr. KEIFER. I have heard the motion. It is not to recede or to reconsider the vote by which we disagreed.

The SPEAKER. The gentleman from Ohio will admit at once that at the present stage of this bill a motion is in order that the House do further insist.

Mr. KEIFER. Yes.

The SPEAKER. If a motion is in order to further insist, and there must be some motion in order—if it is in order that the House do further insist on its disagreement, the preferential motion is always in order that the House do recede and concur, because that would bring the two bodies to an agreement if the House saw proper to adopt it.

Mr. KEIFER. But no such motion has been made.

The SPEAKER. The gentleman from New York [Mr. PARSONS] proposes a motion that the House recede and concur in the amendments of the Senate.

Mr. GAINES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GAINES. As I understand the rule, it gives preference to a motion to recede and concur because that motion tends to bring the Houses more strictly into agreement. At the present time, in view of the action taken by the Senate, that would not do it. My inquiry is, Is it not in order, and of higher privilege under the circumstances now existing, to move to recommit with directions to the conference committee to make a report in the shape in which the report was already made?

The SPEAKER. In the opinion of the Chair, for reasons heretofore stated and the precedents, the Chair does not believe it to be in order. Will the gentleman from New York submit his motion?

Mr. PARSONS. My motion is that the House recede from its disagreement to Senate amendments 74 and 75 and concur in amendments 74 and 75, and on that I ask for the previous question.

Mr. GARDNER of Michigan. Mr. Speaker, I want to call attention to a point here that was not really in controversy and is now.

The SPEAKER. The question now is on the motion of the gentleman from New York that the House recede and concur.

Mr. GARDNER of Michigan. In the conference the word "supervision" was not considered, because the whole paragraph is stricken out.

The SPEAKER. The Chair has no knowledge of what was considered in conference.

Mr. GARDNER of Michigan. Mr. Speaker——

Mr. PARSONS. Mr. Speaker, I have not yielded the floor.

Mr. GARDNER of Michigan. It is difficult for me to hear a word that the Chair says, for there are 14 or 15 speakers right behind me. [Laughter.]

The SPEAKER. The Senate amendment 74 is to insert the word "supervision" after "equipment." Amendment 75 strikes out the words "which sum shall be paid only from the revenues of the District of Columbia." There are two amendments. Now, then, the gentleman from New York moves that the House do recede and concur in the Senate amendments.

Mr. GARDNER of Michigan. And on that, Mr. Speaker, I want to be heard in behalf of the committee.

The SPEAKER. But the gentleman from New York demands the previous question.

Mr. FITZGERALD. But the gentleman in charge of the bill, the gentleman from Michigan, is entitled to the floor, and while the gentleman from New York has offered a motion which is preferential, yet he can not take the gentleman from Michigan from the floor.

Mr. PARSONS. I yield to the gentleman from Michigan.

Mr. FITZGERALD. But I object to the gentleman's yielding. He has not the floor.

Mr. TAWNEY. The gentleman from Michigan is in charge of the bill and the report, and therefore is in control of the floor.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] calls the attention of the Chair to a practice that has prevailed in the House, so far as the Chair recollects, without exception, namely, that the Member in charge of a bill does not lose the floor on account of a preferential motion having been made by some Member who has not the floor. Now, the motion of the gentleman from New York is that the House recede and concur. That is the preferential motion, it is true, but the gentleman from Michigan does not lose the floor on that account.

Mr. GARDNER of Michigan. Mr. Speaker, this word "supervision" is an exceedingly important one in this connection. I may say, as a general proposition, that that word has brought the whole playground question into disrepute in this District and has discredited it not only with the committee, but with the House. Year after year we have had this word "supervision" in the appropriation, and the funds have been dissipated which have been appropriated by the House—by the District on the one hand, and by the citizens on the other. I am entirely within the truth when I say that a very large percentage of all of the money that has been appropriated in years preceding this has been dissipated through the word "supervision." If that word rests here, you can expend $16,900 for supervision, and there is no power that can touch it; 50, 60, 70, 80 per cent of the money which has been appropriated in previous years has been paid out for "supervision."

Mr. MADDEN. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Yes.

Mr. MADDEN. In what way does he construe the word "supervision?" Is it for the payment of salaries instead of for the payment for equipment?

Mr. GARDNER of Michigan. That is the very thing in issue, the payment of salaries; and I may say that there is a gentleman whose salary is involved in this $17,000 who has given certain Members of this House no rest since this matter has been in question, and members of this committee can testify that in other years, where the gentleman was getting, as stated in the Senate hearings of 1909, an aggregate, not out of this appropriation entirely, but an aggregate of $6,000 for the supervision of playgrounds of the District and as secretary of the Playground Association of America; that he went to room after room, visiting Members by day and by night, beseeching them to vote for the appropriation that should have the word "supervision" in it, well knowing that not only he, but every employee whom he might O. K., could draw his money under that word, and the equipment has gone begging——

Mr. MADDEN. Will the gentleman yield for another question?

Mr. GARDNER of Michigan. Yes.

Mr. MADDEN. The gentleman referred to was getting $2,400 a year, was he not, without any authority of law and without any advice of that fact to the Committee on Appropriations to the effect that he was on the pay roll at all?

Mr. GARDNER of Michigan. That leads to another thing. The whole thing has been from the beginning a sort of hodgepodge. There has been no head to it.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Let me finish this first. A voluntary association of good people—and I have nothing to say against them—came together and organized a children's playground association. They were busy business men. Like such men they turned the matter over to their agent, an imported man, at a large salary, who divided his time and interests, drawing salaries from other sources, writing books on playgrounds, and giving his time and strength to other work, and yet drawing from this alone $2,400 a year. He stated in the Senate committee two or three years ago that his aggregate income was $6,000 per year. We could get no report from anybody. We knew that the money was being dissipated. We have sought to know where the money of the people went, and we have said to some of these people, "When you get an organized body of men to whom this matter can be referred, to whom reports can be made, and you can make a detailed statement of your expenditures year by year, and what for, then we will be ready to report out an appropriation for this purpose." Upon that ground I stand to-day. But, as a member of this committee, I shall not consciously and knowingly vote to use the people's money where there is not an accountability for expenditure [applause], and that is what the word "supervision" means;

and if the whole paragraph had not been stricken out, that word would have been stricken out, or we would have been in conference to this hour over this bill. We know what it means.

Mr. PARSONS. Will the gentleman name to me any appropriation that has been made by the Government out of which the salary of the gentleman to whom he refers was paid?

Mr. GARDNER of Michigan. The whole amount of $10,000 some years ago was turned over to this committee, as I remember. It was paid in part from the government appropriation and part out of the funds raised by the citizens who supplemented what was paid by the Government.

Mr. PARSONS. The gentleman is making a serious statement, which appeals to the prejudice of Members here, and I ask him to specify the year. I have the appropriations and I must contradict the gentleman's statement.

Mr. MADDEN. I can reply to the gentleman, if the gentleman from Michigan will permit; it was not only in one year, but three separate years this gentleman, whose name I am willing to give to the House——

Mr. PARSONS. Go ahead.

Mr. MADDEN. Doctor Curtis, as he called himself, visited every member of the Committee on Appropriations, and particularly the members of the subcommittee having jurisdiction over the District of Columbia appropriation bill, and endeavored to show that he was a philanthropist doing philanthropic work because he believed in that kind of work and indicated that he was doing it gratis, and we discovered, after he had been at work two years on the proposition, that he was paid at the rate of $2,400 per year out of the appropriations made by Congress for the maintenance of play grounds.

Mr. PARSONS. May I correct the gentleman? There was only one year in the three years we have made appropriations where the appropriation was made for supervision, and that was the first year, and that was for $5,000, and the appropriation read:

For maintenance, supervision, and complete equipment of outdoor playgrounds, $5,000.

Mr. MADDEN. I wish to call the attention of the gentleman to the fact that the complaint that I have to make is that the gentleman received the compensation without having had any appropriation made for the payment of his services, in violation of the law.

Mr. PARSONS. But was that the fact?

Mr. MADDEN. He was paid out of the sum of money appropriated by Congress for maintenance of playgrounds.

Mr. PARSONS. Was he not paid by this association, which had raised more money than the Government appropriated?

Mr. MADDEN. He was paid out of money appropriated by Congress.

Mr. GARDNER of Michigan. Mr. Speaker, if I may be allowed to proceed. This whole school question has been one of the most troublesome that the House has had to deal with during my connection with it for now nearly twelve years. I want to call attention to some of its inroads upon the Public Treasury. The estimates submitted the year before last were $4,147,000 for public schools; last year, $4,708,000. This year the board of education asked the District Commissioners to submit estimates for $4,850,000. If you add to that $180,000 asked by the association for playgrounds; if you add to that $480,000 that must be paid out of the District revenues on the bonded debt; if you add to that $80,000 that must be paid for interest on current indebtedness; if you add to that $400,000, which must be paid, if the agreement between the District and the Federal Government is kept, you have an aggregate of $5,940,000. Out of what? Out of the total District revenue of $6,337,970, leaving the pitiable sum of $397,000, the District's part of the contribution toward the conduct of all other departments of the Government for the next fiscal year. Where does the rest come from?

The Government of the United States puts its hand in its pocket and hands over $6,337,970. For what? To meet the current expenses of the District of Columbia after you allow the estimate of the school board, not of the commissioners; the estimate of the Playgrounds Association, not of the commissioners, and the debts which under the law must be paid, it simply shows, gentlemen, unless somebody stands with his foot at the door of the Treasury, every dollar raised of the District's revenues will go in the public schools and the playgrounds. Now, what? I have here, on the authority of the Census Bureau, this statement, which gives the per capita cost of education in this and a number of other cities. It costs this year for every person living in the District of Columbia $8.57 for education. It would cost, if the appropriations asked of the commissioners by the school board were allowed, $14 per capita this year and $86 per pupil. It costs Detroit, concededly having among the best schools in the country, $23 per pupil. In Detroit it is $4.92 per capita.

Mr. PETERS. Will the gentleman yield?

Mr. GARDNER of Michigan. I will.

Mr. PETERS. The gentleman from Michigan has just corrected the last figures the gentleman gave. Were the other figures which the gentleman has given per capita or per pupil?

Mr. GARDNER of Michigan. The first were per capita and the next per pupil.

Mr. PETERS. What is the per pupil cost in the Washington schools?

Mr. GARDNER of Michigan. That is what I am getting at. If the appropriations were allowed as asked, it would be $86 for 1911, as against $23 in Detroit per pupil.

Mr. PETERS. How much is the cost per pupil to-day in the schools of Washington?

Mr. GARDNER of Michigan. I have not that, but I can give you the per capita. It is $8.50 per capita and about $50 per pupil, whereas in Baltimore, our neighboring city, where conditions are similar, it is $4.09, or less than half; Cleveland, $5.84, as against $8.57 here for this year; Buffalo, $4.54, as against $8.57; Pittsburg—I presume the wealthiest city in this country in proportion to population—$6.17, as against $8.57 in the District of Columbia; Cincinnati, $4.94, as against $8.57; Milwaukee, $4.58, as against $8.57.

There is not a city in the United States, according to the Census Bureau, where it costs so much per capita or per pupil for education as in the District of Columbia.

Mr. FOSTER of Vermont. Mr. Speaker, the gentleman undoubtedly will concede that a large portion of this increase in the per capita for education here in the District of Columbia is due to the fact that we are obliged to maintain two distinct systems, one for the whites and one for the blacks?

Mr. GARDNER of Michigan. Let me say to the gentleman that in the neighboring city of Baltimore the conditions are exactly alike, and there it is $4.09, or less than half what it is in Washington.

Mr. FOSTER of Vermont. Does the gentleman know anything about the educational facilities they have in Baltimore? Compare us with Cleveland, as you did a moment ago.

Mr. GARDNER of Michigan. Cleveland, $5.84 per capita, as against $8.57 here.

Mr. FOSTER of Vermont. If you eliminate the two systems here, you eliminate the difference between the two.

Mr. GARDNER of Michigan. In Detroit it is $4.92, as against $8.57 here. If you allow the estimates of the board of education this year, it is $14.

Mr. LONGWORTH. How much would it increase the per capita cost if we appropriate $17,000 for playgrounds?

Mr. GARDNER of Michigan. Mr. Speaker, that is not the question at issue just now. I am calling attention to the era of extravagance; and I may say, in friendly criticism, that our schools in the District are not, in my judgment, giving value received. While we pay out, approximately, $3,000,000 for their education, we have asked them to pay $17,000. For what? We bought their playgrounds and equipped them, and we asked these people to pay $17,000 to take care of their own children on the playground. What, besides, do they pay? Up to and including the eighth grade the nontaxpayer does not pay one dollar, and there are multitudes of men in this city who do not pay a dollar's tax, who are getting good salaries, who are counted wealthy in the States they come from, who are educating their children here at the expense of the United States and of the District. Their children do not buy a book, they do not buy a pencil, they do not buy a paper pad, they do not buy a penful of ink or a pen; absolutely nothing. Everything is free up to and including the eighth grade.

Now, what have we done? We have simply asked these people, in fairness, gentlemen, to do this thing—to pay this $17,000. And I want to say that in the twelve years I have been here I have seen nothing comparable to the lobbying done to increase the salaries of teachers and to gain these appropriations for the playgrounds. The House conferees have been severely criticised, privately and in the press, because we stood for what the House voted. Now, gentlemen, in conclusion, is it asking too much of these people, into whose hands we this year pour $6,300,000 of money—is it too much to ask them to show their appreciation of the Government's generosity by paying $17,000 to supervise, not equip, as we do that; but simply supervise the playgrounds in which their free-educated children play?

Mr. OLCOTT. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Certainly.

Mr. OLCOTT. Is it not a fact that the organic act of 1878 provided for the expenditure by the District of Columbia of half and the United States Government of half for all these expenses, and is not the gentleman getting away from the question when he talks about this single item?

Mr. GARDNER of Michigan. We do that according to the estimates. We did not agree to that estimate. The House unanimously voted against it.

Mr. Speaker, I reserve the balance of my time.

Mr. OLCOTT. Mr. Speaker, I do not come here with any brief from the residents of the city of Washington; but it appears strange to me that whenever anything is before the House affecting an appropriation bill for the District of Columbia, the members of the Appropriation Committee continually talk about the residents here who, they say, pay insufficient taxes. It is as if they wished to create the impression that the citizens of Washington stood with their hats in hand and became common mendicants asking money from the Treasury of the United States.

Mr. TAWNEY. That comes pretty near being the case. [Laughter.]

Mr. OLCOTT. That is what the gentleman thinks. As a matter of fact, if we refer to the time of the formation of the District of Columbia, we will find the Government of the United States is not now doing anything more than it agreed to do. The organic law of the District provided that the United States should pay one-half and the District of Columbia the other half of the total expenses.

Mr. PAYNE. Will the District pay half of the expense?

Mr. OLCOTT. The District pays its share.

Mr. PAYNE. How much are they borrowing from the Treasury now?

Mr. OLCOTT. They are not borrowing any more money from the Treasury of the United States.

Mr. PAYNE. As I understand, that debt has run for a number of years.

Mr. OLCOTT. The District borrowed money from the Government of the United States at one time, and they are gradually paying that up by the sinking fund now provided for.

Mr. PAYNE. I am glad to hear they are paying it off, because I believe the District Committee, of which my colleague is a member, ought to provide a system by which it may be paid. The taxes are low; a rate of $1.50 on the hundred. I do not know of any city of its size that comes anywhere near that. I think it is simply just to the people of the United States that the District ought to be assessed enough to pay its debt.

Mr. MADDEN. Can the gentleman tell how much the District of Columbia owes in total?

Mr. OLCOTT. I regret to say that I can not now.

Mr. MADDEN. About $11,000,000 of funded debt.

Mr. OLCOTT. Something of that kind.

Mr. MADDEN. How much does the District owe in nonfunded debt?

Mr. OLCOTT. About three and a half millions.

Mr. MADDEN. About four millions.

Mr. SULZER. Will the gentleman tell us how much Chicago owes? [Laughter.]

Mr. MADDEN. Yes; about $11,000,000. How much does New York owe? [Great laughter.]

Mr. SULZER. Well, New York can borrow money, which Chicago can not. [Cries of "Oh!" and laughter.] The law in your State will not allow Chicago to borrow.

Mr. OLCOTT. I am always very glad to hear pleasantries between the gentleman from New York and the gentleman from Illinois, but not in my time; I should like to proceed.

Mr. MADDEN. I should like to ask the gentleman——

Mr. OLCOTT. I decline to yield now.

Mr. MADDEN. Just one question.

Mr. OLCOTT. If you will ask a question, I will yield.

Mr. MADDEN. I want to know if the gentleman thinks that the fundamental law of 1878, to which he has referred, provided for the purchase, maintenance, equipment, and supervision of playgrounds.

Mr. OLCOTT. I will say that it provided for the expenditures of all moneys that are properly needed by the citizens, and I think an appropriation for playgrounds is a proper expenditure for the use of the people.

In a compilation of special reports of statistics of cities having a population of over 30,000, including the year 1905, published in 1907, tables are given which clearly show that Washington real estate assessment at 67 per cent is high in comparison with that of other cities of about the same size.

For example, take the 10 cities which, in accordance with this census estimate, rank from 11 to 20 in the United States. The figures as to population and assessed valuation of real estate are as follows:

	Population.	Assessed value.
Cincinnati	343,327	$180,528,850
Detroit	325,563	200,304,940
Milwaukee	312,948	152,087,855
New Orleans	309,639	111,768,121
Washington	302,883	239,461,985
Newark, N. J.	283,280	153,006,055
Minneapolis	261,974	104,002,917
Jersey City	232,699	95,935,305
Louisville	222,660	92,425,344
Indianapolis	212,198	94,761,400

Mr. MADDEN. Will the gentleman allow me to ask him a question there?

Mr. OLCOTT. Yes.

Mr. MADDEN. Does the gentleman know the basis upon which valuations were made?

Mr. OLCOTT. The valuations in the city of Washington are made at 67 per cent.

Mr. MADDEN. Does the gentleman know on what basis the valuations were made in the other cities?

Mr. OLCOTT. They are practically the same in the other cities that I have looked into. I will file this statement that I have in the RECORD.

Mr. MADDEN. In filing the statement, I suggest that you give the manner in which the assessment is levied.

Mr. OLCOTT. The assessed and taxed portion of the city of Washington is about one-half of the entire District territory, inasmuch as the Government is the owner of the remainder, which, of course, is exempt. Comparing the population and the assessed valuation of the several cities mentioned in the above table, it would appear that this half of the city of Washington is assessed more heavily than any of the cities of its own class in point of population. One and one-third times as heavily as Cincinnati, which has more than 40,000 more people; one and one-fifth times as heavily as Detroit, which has about 23,000 more people; one and one-half times as heavily as Milwaukee, which has over 10,000 more people; two and one-sixth times as heavily as New Orleans, which has nearly 7,000 more people; one and one-half times as heavily as Newark, which has 93 per cent as many people; two and one-third times as heavily as Minneapolis, which has nearly 87 per cent as many people; two and one-half times as heavily as Jersey City, which has nearly 77 per cent as many people; two and three-fifths times as heavily as Louisville, which has nearly 74 per cent as many people; and two and one-half times as heavily as Indianapolis, which has about 70 per cent as many people.

These comparisons are made without reference to the basis of assessment. If Washington's rate of assessment were increased to 100 per cent, it would, according to the census figures of 1905, yield a total valuation of $359,192,977, far in excess of the total assessments of the other nine cities of its own population group, if brought to the same basis. The following table shows strikingly the effect of bringing Washington's assessment to the point of full value, at the same time giving the present rate of assessment in a manner to answer the question of the gentleman from Illinois:

	Present rate.	Assessed value on 100 per cent basis.
Washington	67	$359,192,977
Milwaukee	50	304,074,710
Cincinnati	60	300,881,410
Minneapolis	50	208,005,834
Detroit	100	200,304,940
Newark	100	153,006,055
New Orleans	75	149,024,160
Jersey City	70	137,705,043
Indianapolis	70	135,373,429
Louisville	85	108,747,460

If Washington's taxable property were assessed on a basis of 100 per cent it would, according to the census figures of 1905, be assessed $278,664,127 more heavily than Cincinnati on the same basis, $158,888,037 more heavily than Detroit, $207,155,622 more heavily than Milwaukee, $247,424,856 more heavily than New Orleans, $206,186,922 more heavily than Newark, $255,190,060 more heavily than Minneapolis, $263,257,672 more heav-

fly than Jersey City, $266,757,633 more heavily than Louisville, and $264,431,577 more heavily than Indianapolis.

Washington's assessment is so high, so much higher indeed than that of any other city, that when combined with a comparatively low rate of taxation—$1.50 per hundred—to produce the tax levy, the resultant, being the actual money paid here per capita in the form of taxes for the support of the Government, is higher, without exception, than is paid per capita in any other city of this group. Here is a striking comparison, taken from the census figures for 1905, between Washington, as regards the per capita tax levy and the per capita assessment, and other cities with which it is possible to compare it, stated in tabular form:

	Per capita tax levy.	Per capita assessment.
Cincinnati	$10.07	$863.07
Detroit	12.44	846.36
Milwaukee	11.14	611.14
New Orleans	12.13	551.28
Washington	12.79	852.70
Newark	11.13	671.64
Minneapolis	12.49	529.41
Jersey City	9.24	465.02
Louisville	11.59	623.37
Indianapolis	9.94	679.10

In other words, the taxed half of the District stands for an assessment of $852.70 for each man, woman, and child within the capital area, $189.63 more than Cincinnati, $6.32 more than Detroit, $241.56 more than Milwaukee, $301.42 more than New Orleans, $181.06 more than Newark, $323.29 more than Minneapolis, $387.68 more than Jersey City, $229.33 more than Louisville, and $176.60 more than Indianapolis. And on this assessment basis each Washingtonian pays a yearly tax heavier by $2.72 than that paid by each resident of Cincinnati, by $0.35 than that paid by each resident of Detroit, $1.65 more than each resident of Milwaukee, $0.66 more than each resident of New Orleans, $1.66 more than each resident of Newark, $0.30 more than each resident of Minneapolis, $3.55 more than each resident of Jersey City, $1.20 more than each resident of Louisville, and $2.85 more than each resident of Indianapolis.

These comparisons, it is to be remembered, lie between Washington, a noncommercial city, restricted in its industries by acts of Congress, with its taxable area constantly being diminished by condemnations for the Government's own uses, and cities that are growing rapidly in all respects, in industrial activity, in all forms of wealth, and without the restriction of governmental ownership within the municipal areas. It should not again be charged that Washington is undertaxed or underassessed, that its residents pay less than their fair share of the cost of capital maintenance, when, according to the Government's own figures, compiled by scientific processes by the Census Bureau, it is statistically demonstrated that Washingtonians were, in fact, in 1905 more heavily taxed per capita and more heavily assessed than the people of any other community of relatively the same size.

The burden imposed by Congress upon the local taxpayer is shown by these census figures of 1905 to be heavier than that which the average self-governing American municipality imposes upon itself.

Now, Mr. Speaker, this question of playgrounds is to be considered exactly on the same basis as the question of any other expenditure for the city of Washington. If playgrounds are right for congested communities, playgrounds for the city of Washington should be bought, equipped, maintained, and supervised in exactly the same manner and from the same funds that provide for all other departments—police, fire, education, maintenance and care of streets, and all the other expenses necessarily incident to the government of a city.

How anyone at this time, in view of what playgrounds have done for congested cities, can seriously antagonize an item such as this, is something beyond my ken.

Mr. GARDNER of Michigan. May I interrupt the gentleman?

Mr. OLCOTT. No, not now. And if at some time there has been some money improperly paid to some person who was supervising those playgrounds, that is no reason for saying that a proper appropriation should not be made for playgrounds at this time. I, for one, am entirely sick of hearing of the difference of this particular item and that particular item; and when it comes to answering the gentleman who has charge of this bill, relative to the amount of money that is paid for schools, when he instances the number of people who live here and do not pay taxes, who take advantage of the schools, I would say to him that those are not the people who use the playgrounds. The reason for voting this additional money for playgrounds is to be found by looking at the condition of the children in the poorest parts of this city and the most congested parts of this city. If you gentlemen would do as some of us who are members of the District of Columbia Committee have to do, and go down into some of these places, and look at some of the rookeries that there are in the city of Washington, you would want to rise and vote for every cent of money that could properly be expended to mitigate those ills to some degree.

Mr. TAWNEY. Is the gentleman aware of the fact that there are in this city 773 acres of parks and open areas that are maintained by the Government of the United States as playgrounds?

Mr. OLCOTT. I am aware of that; and yet there still remains the need of playgrounds in the congested parts of the city.

Mr. MANN. The parks that the gentleman from Minnesota speaks of are located where people can go to them only in automobiles.

Mr. TAWNEY. I maintain that they are not in the parts of the city where there is no congestion.

Mr. OLCOTT. As far as the good of humanity is concerned, even the great Central Park in the city of New York did not do as much good, from the moral standpoint, as the tearing down of what used to be Mulberry Bend and making a park there. Talk about Rock Creek Park! The people whose interest we are considering here, and whom I am talking about, have not money enough so that they can afford to pay car fare to get to Rock Creek Park, even if they had the time.

Mr. TAWNEY. I am not talking about Rock Creek Park. I am talking about parks which are under the control of the Superintendent of Public Buildings and Grounds and maintained by the United States, and you have 773 acres in these open areas within the city.

Mr. OLCOTT. The gentleman may speak of large areas and acreage, but most of the places he is talking about are places where they have signs, "Keep off the grass." [Applause.]

Mr. TAWNEY. There is not a sign of that kind in the city of Washington.

Mr. OLCOTT. If there are no signs of that character, there are fences around them.

Mr. TAWNEY. No; the gentleman should confine himself to facts.

Mr. OLCOTT. And if the children go on the grass, they will find some servitor who will promptly warn them off.

Mr. SHERLEY. What would the gentleman say to the statement of Colonel Crosby, having charge of these grounds, that there is not a "Keep off the grass" sign on any of them?

Mr. OLCOTT. I have taken that back. The gentleman need not ask the same question as was asked by the gentleman from Minnesota [Mr. TAWNEY].

Mr. SHERLEY. I heard the gentleman's declaration, but I did not hear his disclaimer.

Mr. OLCOTT. I say there is either a sign "Keep off the grass" or a very positive intimation to the children that they can not run on the grass.

Mr. TAWNEY. That statement is not correct.

Mr. SHERLEY. The gentleman's statement is not accurate.

Mr. OLCOTT. Mr. Speaker, the gentleman from Michigan has charged that the appropriations for playgrounds have been dissipated and that the committee has been unable to secure any report as to where the money of the people went. As I understand, all appropriations for the District of Columbia are disbursed only upon order of the Board of District Commissioners, and each voucher, before payment, must be approved by the auditor of the District of Columbia. His certification means that the expenditure is authorized by law. All appropriations for playgrounds have been spent in this manner, and the reports of the expenditures are public records and available to any Members of the House upon request. The only connection the playground association has with the expenditures is that they submit recommendations to the commissioners from time to time. The final decision rests with these officials as to whether the expenditure is wise or is properly payable out of the appropriation.

It is a serious reflection upon the men and women who compose the Playground Association to state that the funds have been dissipated. Perhaps it would be of interest to the House to have the names of the officers and board of directors of the Playground Association. They are as follows:

Hon. Frank H. Hitchcock, president; Mr. Arthur C. Moses and Miss Edith C. Westcott, vice-presidents; Mr. John B. Sleman, jr., treasurer; Mr. James E. West, secretary. Board of directors: Mr. Allen D. Albert, jr., Mr. William H. Baldwin, Mr. Ernest P. Bicknell, Mr. E. N. Brown, Miss Elizabeth V. Brown, Mr. D. J. Callahan, Mr. Fred G. Coldren,

Judge William H. De Lacy, Mr. John B. Dickman, Dr. Merrill E. Gates, Prof. B. T. Janney, Maj. William V. Judson, Dr. George M. Kober, Mr. Otto Luebkert, Prof. W. S. Montgomery, Mr. Arthur C. Moses, Mr. B. W. Murch, Mr. Thomas C. Noyes, Mrs. Giles Scott Rafter, Mrs. Henry T. Rainey, Mr. Cuno H. Rudolph, Dr. W. H. Seaman, Mr. John B. Sleman, jr., Mr. Eugene E. Stevens, Dr. Rebecca Stoneroad, Maj. Richard Sylvester, Dr. William Tindall, Rev. John Van Schaick, jr., Mr. James E. West, Miss Edith C. Westcott, and Dr. D. E. Wiber.

The members of this board have given much of their time, without compensation, in behalf of children's playgrounds. They have the good will and confidence of the entire community. Some of the most successful business men of the city are identified with this organization. They have insisted upon sound business administration in every detail. Each year a detailed report has been rendered, showing the receipts and expenditures of all moneys. These reports have been furnished to the press, mailed to every contributor and District official, and for the last two years have been mailed to the Members of the House of Representatives. I find the following statement in a little booklet issued in 1907, which was sent broadcast by the Playgrounds Association:

What was done with the appropriation for 1907–8.

The appropriation contained three items—$1,500 for school playgrounds, $75,000 for the purchase of sites for municipal playgrounds, $5,000 for the maintenance of municipal playgrounds.

The $1,500 was expended in paying the teachers and janitors. It covered only about one-third of the expenses of the school playgrounds.

The $75,000 was expended as follows: Thirty-one thousand dollars for the Rosedale playground; $14,000 for the Cardoza playground; $27,868.25 for the Georgetown playground; recording fees, $3.45; total, $72,871.70; leaving an unexpended balance of $2,128.30.

The $5,000 for the maintenance of playgrounds has been expended as follows:

For salaries of teachers	$2,911.30
For salary of supervisor	800.00
For salary of superintendent of construction	476.67
For labor	363.30
Equipment	164.70
For playground supplies	177.54

Receipts from benefits and voluntary contributions.

[From December 14, 1906, to March 31, 1908.]

Balance on hand	$274.35
Received from treasurer Washington Boys' Club Association	50.89
Membership fees and general subscriptions	2,137.89
Griggs lectures, 1907–8	1,830.90
Excursion, August 7, 1907	45.21
Public school collection, June, 1907	1,055.51
White song festival, May 16 and 17, 1907	$759.61
Colored song festival, June, 1907	275.00
Lawn fête at Friendship, May 17 and 18, 1907	183.79
Dance by children of Rosedale playground, November 20, 1907	32.30
Boys' Club organization and Aid Society	200.00
Playgrounds executive committee, for lantern slides	37.00
Interest on deposits	13.09
Miscellaneous receipts	41.98
	6,937.52

Expenditures from the fund secured by the Washington Playgrounds Association.

Playground equipment and athletic supplies	$1,579.00
Salaries supervisor and assistant supervisor	805.00
Salaries directors of school playgrounds	540.00
Salaries janitors, school playgrounds	168.83
Salaries recreation Central-Western high schools	332.50
Labor on playgrounds	136.68
Tournament trophies, 1907	155.00
Rent of playground, North Capitol and L streets	150.00
Rent and other office expenses	724.12
Clerical assistance at office	566.50
Printing and engraving	374.20
Postage	250.81
Advertising	253.99
Miscellaneous	73.93
	6,110.56
Balance on hand March 31, 1908	826.96
	6,937.52

I find in the report of 1908 the following financial statement, with the certification of the American Audit Company:

WASHINGTON, D. C., *January 29, 1909.*

CUNO H. RUDOLPH, Esq.,
President Washington Playgrounds Association,
Washington, D. C.

DEAR SIR: In accordance with your instructions we have prepared and submit herewith a statement of receipts and payments of the Washington Playgrounds Association for the year ended December 31, 1908. This statement shows the receipts of contributions from the citizens of Washington and the items for which same have been expended.

The congressional appropriation for the playgrounds is not included in this statement, as the expenditures for that appropriation are made under the supervision of the Commissioners of the District of Columbia.

Respectfully submitted.

THE AMERICAN AUDIT COMPANY,
By OTTO LUEBKERT, *Resident Manager.*

Approved:
[SEAL.] F. W. LAFRENTZ, *President.*
Attest:
A. F. LAFRENTZ, *for Secretary.*

Statement of cash receipts and payments for the Washington Playgrounds Association for the year ended December 31, 1908.

RECEIPTS.

Contributions		$2,648.20
Tag day		7,975.86
Entertainment:		
Griggs lectures	$755.11	
Excursion	218.50	
Base ball game	449.21	
Ben Greet Players	1,932.45	
		3,355.27
Interest on deposits		14.16
Miscellaneous receipts:		
Sale of lantern slides		37.00
Total general fund		14,030.49
School funds		3,911.16
Total receipts		17,941.65
Balance January 1, 1908:		
Cash in office	$5.96	
Cash in bank	125.46	
		131.42
		18,073.07

PAYMENTS.

Salaries and wages:		
Salary of supervisor	$1,770.00	
Salary of assistant supervisor	175.00	
Salary of superintendent of construction	411.67	
Clerk hire	817.80	
Teachers on municipal grounds	3,610.75	
Watchmen and janitors municipal grounds	408.99	
Recreation centers	423.00	
Labor on playgrounds	915.47	
		$8,532.68
Maintenance expense:		
Playgrounds material and equipment	899.44	
Athletic supplies	298.75	
Industrial supplies	77.96	
Playground expense	516.94	
Printing and stationery	456.09	
Postage	325.00	
Office expense	303.96	
Rent	240.00	
Rental of playgrounds	150.00	
Reporting special committee work	170.60	
Miscellaneous	51.18	
		3,489.92
Real estate in Georgetown		371.80
Total general funds		12,394.40
Salary and wages, school grounds:		
Teachers on school grounds	$1,978.14	
Janitors on school grounds	936.80	
		2,914.94
Maintenance expense, school fund:		
Playground material	687.95	
Labor on playgrounds	551.74	
Athletic supplies	446.77	
Industrial supplies	124.14	
Equipment	91.84	
Playground expense	24.95	
		1,927.39
Total disbursements		17,236.73
Balance December 31, 1908:		
Fourteenth Street Savings Bank	$105.75	
American Security and Trust Company	230.59	
United States Trust Company	500.00	
		836.34
		18,073.07

The report for the last year is as follows:

Statement of cash receipts and payments for the Washington Playgrounds Association for the year ending December 31, 1909.

[Compiled by the American Audit Company, of New York City.]

RECEIPTS.

Contributions		$2,411.45
Button day fund (municipal playgrounds' share of net proceeds)		6,675.00
Entertainments (net proceeds):		
Griggs lectures	$178.32	
Excursion	264.35	
Baseball game (Board of Trade and Chamber of Commerce)	406.05	
Baseball game (congressional)	320.55	
Post carnival (sale of seats)	169.80	
Performance at Belasco	75.00	
		1,414.07
Interest on deposits		27.06
Total receipts		10,527.58
Balance January 1, 1909		836.34
		11,363.92

PAYMENTS.

Salaries and wages:		
Administration and clerk hire	$1,841.21	
Recreation centers	192.50	
Playgrounds—watchmen, caretakers, and supervisors	4,073.67	
		$6,107.38
Equipment and supplies		1,594.63
General expenses:		
Postage	$358.80	
Stationery and printing (circulars and appeals)	547.16	
Rent	120.00	
Office expenses and miscellaneous	270.55	
Office furniture and equipment	58.80	
		1,355.31
Contributions made to board of education for school playgrounds		1,150.00
Total expenditures		10,207.32
Balance:		
General fund	$656.60	
Special fund	500.00	
		1,156.60
Total		11,363.92

All of these reports have been carefully audited and show in full detail how the people's money has been expended.

Mr. Speaker, the gentleman in charge of the bill stated he had sought to know where the money of the people went, and had said to some of these people:

When you get an organized body of men to whom reports can be made and who can make a detailed statement of your expenditures year by year and what for, then we will be ready to report on an appropriation for this purpose.

Under date of December 10, 1909, the Washington Playground Association requested official control of playground work in the city of Washington, and addressed the following communication to the District Commisioners, clearly setting forth the proposition:

DECEMBER 10, 1909.

BOARD OF DISTRICT COMMISSIONERS,
Washington, D. C.

GENTLEMEN: At a meeting of the board of directors of the Washington Playgrounds Association held Monday, December 21, 1908, a report of the special committee which had carefully considered the welfare of the association recommended as follows:

"Your committee believes that whenever the Government is called upon to and does contribute the larger share of the expenses, the management of the municipal playgrounds should be placed under official control."

This recommendation was unanimously agreed to.

Since organized it has been the purpose of the Playground Association to so develop the work and prove its merits and efficiency as to warrant its support by congressional appropriation under official management. Inasmuch as Congress is now being called upon to appropriate the larger part of the amount estimated as necessary to properly maintain the municipal playgrounds for 1910, it is the sense of the officers and board of directors of the association that this is the opportune time for the association to also seek official control.

Therefore you are respectfully urged to recommend to Congress, in connection with the granting of the playground appropriation, the enactment of legislation providing for the appointment by the District Commissioners of a playground commission of five (or seven) persons along lines similar to commissions now in charge of playground work in most of our large cities, this commission to be provided with an executive officer, to be selected by the members thereof and to have direct charge of the administration of all playgrounds.

The conditions in Washington are such as to make very desirable the creation of such a commission. Under authority of Congress the engineer in charge of public buildings and grounds has for some years allowed the use of certain government reservations upon which some of the most profitable and successful playgrounds have been operated. The board of education has always heartily cooperated in arranging for the use of school property, to the end that more children might be given the advantages of the playgrounds. The Playground Association is made up of those who give their time and means voluntarily and has worked with the other two agencies in bringing about the extensive playground system now in operation. The playground commission, legally provided for, could be so constituted as to represent all the interests involved in the city, and thus secure one central form of organization, which would doubtless more expeditiously and efficiently administer and further develop the playgrounds for the children of the city of Washington.

The foregoing is respectfully submitted on behalf of the Washington Playground Association in accordance with the action of the board of directors at a meeting held December 9, 1909.

Very respectfully,

ARTHUR C. MOSES, *Vice-President.*

JAMES E. WEST, *Secretary.*

The District Commissioners, I am informed, in due time forwarded this communication, with approval, to the Appropriation Committee. I am at a loss to see how the Playground Association could have done more.

On several occasions, when it has been necessary for me to appear before the members of the Appropriation Committee or on the floor of the House in regard to playgrounds, I have been struck with the feeling of the committee in regard to this particular item, when, upon representations made in regard to other matters of equal but no greater importance I have always been met with the great desire on the part of the Appropriation Committee to do everything that appertained to fair treatmen in regard to educational matters.

For instance, while the District of Columbia appropriation bill was before the committee I brought a matter to their attention in regard to the apparent unjust treatment that had been accorded to the colored schools in the District as compared with the white schools, and at my suggestion a direct change was made in the estimate by the then commissioners and inserted in the appropriation bill.

The following table shows the result of the appropriation contained in this District bill for the white schools and the colored schools, all of which will be paid in the usual manner, as provided in the organic act of 1878—one half by the Govment and the other half by the District.

Appropriations for buildings and grounds.

WHITE SCHOOLS.

For equipment of extension to Business High School	$18,000	
For equipment of addition to Western High School	14,000	
For equipment of third extension to McKinley Manual Training School	22,000	
Toward the construction of normal school building on lots 76 to 106 of Parker & Pulsifer subdivision on Columbia Heights, etc	100,000	
For construction of building north of Spring road and west of Thirteenth street	65,000	
For purchase of additional ground in the vicinity of the Orr School	3,000	
For construction of manual training school building on site of old High Street School	42,000	
For construction of building west of Seventh street and north of Q street	50,000	
For construction of extensible building for Randall Heights	32,000	
		$346,000

COLORED SCHOOLS.

For construction of addition to Armstrong Manual Training School	65,000	
For purchase of site adjacent to Ivy City School	3,000	
For construction of building on site adjacent to Ivy City School	45,000	
For construction of building on site for Normal School No. 2, north of O street, west of North Capitol, and east of Seventh street and Georgia avenue	40,000	
For construction of a manual training school on grounds of Cardoza School	40,000	
		193,000
For central heating plant for M Street High School, the Abby Simmons School, and the Douglass School	30,000	
Additional amount for repairs and improvements to school buildings and grounds, etc	30,000	
		60,000
Grand total		599,000

This table shows that the colored schools receive of this entire appropriation 35 per cent plus, and this exclusive of $30,000 appropriated for heating plant and $30,000 for repairs.

I do not see why the committee should differentiate between the item above referred to and this one under present discussion.

The $17,000 asked for in this bill for children's playgrounds in the city of Washington is insignificant as compared with the sum spent in most of our large cities, as is shown in the following table.

What 15 of the leading cities of the United States are doing for public playgrounds.

[Furnished by the Playgrounds Association of America, No. 1 Madison avenue, New York.]

State and city.	Population, 1908.	Number of playgrounds, 1909.	Number of employees, 1909.	Managing authority, 1909.	Expenditures, 1909.	Source of support, 1909.
New York, N. Y.	4,388,322	261	1,023	Board of education, 246; park board, 15; Parks and Playgrounds Association, 10.	$123,000.00	Board of education, $105,000; park department, $18,000.
Chicago, Ill.	2,166,055	29	311	Park commission	500,000.00	City appropriations.
Philadelphia, Pa.	1,491,082	73	200	Board of education, 60; Playgrounds Association of Philadelphia, 10; Octavia Hill Association, 3.	[a] 30,934.46	City appropriations, $25,410.35; Playground Association of Philadelphia, $5,524.11.
St. Louis, Mo.	674,012	11	63	Public recreation commission, 9; settlement, 1; Neighborhood House, 1.	6,135.00	City appropriations; private funds.
Boston, Mass.	616,072	77	75	Park department, 30; Emergency and Hygiene Association, 8; Settlement House, 12; school department, 27.	[b] 55,000.00	City appropriations and contributions.
Baltimore, Md.	568,571	50	137	Children's Playground Association; Public Athletic League; park board.	45,539.18	City appropriations, $32,039.18; private funds, $13,500.
Pittsburg, Pa.	547,523	28	247	City; board of education; Pittsburg Playground Association.	22,650.00	City appropriations; the central board of education; private contributions.
Cleveland, Ohio	491,403	15	37	City, 7; board of education, 5; Social Settlement, 3	42,812.13	City appropriations; private contributions.
Buffalo, N. Y.	391,629	8	22	Health department, 6; park department, 1; Welcome Hall Settlement, 1.	17,420.00	Health department funds, $15,920; park department funds, $1,500.
Detroit, Mich.	376,174	11	58	Board of education	6,510.00	School funds.
San Francisco, Cal.	360,294	5	2	Playground commission, 2; park commission, 3	35,000.00	City appropriations.
Cincinnati, Ohio	349,316	12	13	Park department, 10; Women's Club (sites), 2	12,000.00 500,000.00	City appropriation. Women's Club.
Washington, D. C.	317,380	32	95	Board of education, 22; Playground Association, 10	15,500.00	School fund, $4,000; congressional, $1,500; Playground Association funds, $10,000.
Newark, N. J.	302,324	24	136	Board of education, 17; playground commission, 3; park commission, 4; summer camp, 1.	19,000.00	Board of education, $10,000; playground commission, $5,000; park commission, $2,000; city council, $2,000.
Providence, R. I.	212,457	19	53	Playgrounds, mayor's commission, 12; city, through mayor's commission, 12; park commission, 4; Providence Playground Association, 1; church, 2.	6,000.00	City appropriations.

[a] Does not include amount expended by Octavia Hill Association.

[b] Does not include money spent on private playgrounds.

Summary for 1909 for the 15 largest cities in the United States from which playground data are available.

Population	13,252,614	Number of playgrounds	655
Expense for maintenance	$941,500.77	Average per city	$62,733.38
Employees on playgrounds	2,472	Average per capita	$0.07

Mr. GARDNER of Michigan. I yield to the gentleman from Massachusetts [Mr. PETERS] five minutes.

Mr. PETERS. Mr. Speaker, in urging on Congress the adoption of the playground movement, those who are interested in it are asking only to have taken up a plan of education which has been looked into, and which to-day is as much a part of the educational system of the cities in our country as schools, and as providing for them books and teachers. We have heard here criticisms as to the disposition of certain money which was appropriated by Congress. It is admitted that there has been an insufficient appropriation to care for the playgrounds, and that private subscriptions made up the necessary balance. Therefore, whether the man who takes charge of the playgrounds is paid from the money which Congress appropriates, or whether he is paid from the part of the total which is raised by private subscription, can make no difference. It could be only a question of his doing his work properly, and that is something which the people who employ him are presumably better able to judge than we are.

From the cities from which statistics could be secured, 184 cities in this country gave last year $1,300,000 in the aggregate to be used strictly for children's playgrounds within their limits. New York maintains for children 261 public playgrounds. Chicago maintains 29. Philadelphia maintains 73. Boston maintains 77. Baltimore maintains 50, and Pittsburg 28, and all the other cities who pretend to keep up to the modern steps of progress provide playgrounds as a part of the school system.

So great in fact has the confidence in playgrounds become in the State from which I am sent, that two years ago a statute was passed which submitted to all the municipalities in Massachusetts the question whether they would adopt an act which provided that each city which adopted it should maintain playgrounds. That went to a popular vote or referendum, and it was passed by 40 cities and towns. Of these 40 cities 38 voted in favor of adopting a law which provided for playgrounds for the city, and in only 2 of them was the law defeated, and that by a small vote, owing to local pecuniary conditions.

The popular vote in Massachusetts where this question of the adoption of playgrounds was submitted resulted in 153,651 people voting for the taking up by the city of this form of education, and but 34,284 people voting against it, and many of them doubtless for local financial conditions.

I believe that the people of the District of Columbia have the same desire to see their children properly educated, and have the same regard for their health as the citizens of Massachusetts. I believe that if an act similar to that passed in Massachusetts could be submitted to the citizens of the District of Columbia there would be no doubt that they would vote to adopt it. I believe that were we legislating for the people at home we would pay far greater heed to this demand for proper treatment of the children than we do here. Shall we deny to Washington a system almost as necessary and universal as the public schools because, lacking local self-government, they can not force us to grant it? If we were providing for the children of our constituents who sent us here, we would not give their wishes so little heed. It has been known that our public-school system in certain parts of the country was protested against when it was first begun. Yet, would any man to-day dare to say that that public-school system of America is not one of the greatest bulwarks we have? I urge on the Members of this body to extend and strengthen the work which the public schools are doing for the children by making provision for children's playgrounds in the District of Columbia. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty-three minutes.

Mr. GARDNER of Michigan. I yield ten minutes to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, the House, when we had this question under consideration, voted by unanimous consent not only to appropriate $17,000 for the equipment and maintenance of playgrounds within the District of Columbia, but by unanimous consent we voted that the appropriation should be paid wholly from the revenues of the District of Columbia. The appropriation is for the benefit of the citizens of the District of Columbia. There is no claim whatever that the Government of the United States is justified in expending from its Federal Treasury a dollar for a purpose of this kind. So far as the government contribution to playgrounds is concerned, it is infinitely more than the area contributed by any city in the United States for that purpose. I want to read, for the information of

the committee, from the testimony of Colonel Cosby before the Committee on Appropriations only last week.

The question arose in regard to the use of public parks in this city, and all of these public parks are under the control of the superintendent of buildings and grounds. Colonel Cosby said:

Mr. SHERLEY. As to the grounds around the Monument, there are quite a number of baseball fields there?

Colonel COSBY. Eight baseball fields; yes.

Mr. SHERLEY. What regulations are made by you as to the use of those ball fields?

Colonel COSBY. We require people who wish to use them to make application beforehand to the office. Before the beginning of each month in the spring and summer we go over all of the applications and allot those eight fields for every afternoon, excepting Sundays, during the coming month to the applicants.

Mr. SHERLEY. Are any of those eight baseball fields left open for the small boys who get up voluntary games of ball, or are they distributed practically among associations or teams of grown men in the various departments of the Government, and to other organizations?

Colonel COSBY. Several of the fields are, so far as possible, kept for teams composed of small boys, and several of the other fields are kept for the larger teams. As to the White Lot, for instance, we allot the grounds entirely to the Departmental League, and to uniformed teams, who are competing for pennants and who compete among themselves for various things. On the other hand, the baseball grounds to the north of the Monument are reserved, so far as possible, for small boys, but we have more applications during the spring months than we can possibly fill for those eight fields for every afternoon.

Mr. SHERLEY. How much of the grounds do these ball fields take up?

Colonel COSBY. I can show you on the map just where these fields are.

Mr. SHERLEY. Please name the streets and the locations, if you can.

Colonel COSBY. On the White Lot, on north B street, just north of the Monument Grounds; we hope to get one or two additional fields also on the portion of north B street between Sixteenth street extended and Seventeenth street; and we also have one field to the west of Seventeenth street.

Mr. SHERLEY. Now, do those fields occupy all of the space indicated?

Colonel COSBY. Only part of the space within those squares. They occupy all of the space within those squares that we can allot for baseball fields without their interfering with one another.

Mr. SHERLEY. But is there also space where children, for instance, could play, even though the fields were being used?

Colonel COSBY. At the present time there is no good space, and that is one of the things I hope to be able to get enough ground for if our improvements this year permit it. At the same time it is very difficult to have a field of that kind. There are so many teams, so many people here who wish to play baseball, that unless we actually give permission to certain teams to play on a particular afternoon, there will be fights and all sorts of disorder in attempting to get hold of that field.

Mr. SHERLEY. It does not necessarily follow that you must give up too much of these grounds to the use of 18 men playing in lieu of the use that could be made of it by hundreds of children?

Colonel COSBY. Oh, these baseball fields do not interfere with the use of the parks and grounds as playgrounds.

Mr. SHERLEY. That is what I am getting at. Is there not plenty of room between the fields, not sufficient for a new ball field, but sufficient to allow plenty of room for use of children in playing?

Colonel COSBY. Oh, ample; and we contemplate the increase of the grounds—that is, the amount of ground that will be available for playgrounds for general purposes.

Mr. SHERLEY. And what is true as to spaces for children to play is also true in all of these parks?

Colonel COSBY. It is; in all the parks the children can play. In none of the parks outside of this large one do we allot ground for baseball.

Mr. SHERLEY. Those parks are pretty well scattered over the city, are they not?

Colonel COSBY. They are thoroughly scattered over the built-up portion of the city—that is, over the greater portion of the city within what were the old city limits, bounded by Florida avenue.

Mr. SHERLEY. But in the more congested part of the city?

Colonel COSBY. Yes.

The CHAIRMAN. I understand you, then, Colonel, that these fields, in the White Lot and in the vicinity of the Monument, are not the only parks or open spaces that can be and are utilized by the children for baseball or other play?

Colonel COSBY. They are practically the only parts of the public parks that are used for baseball, but all of the parks are used for playgrounds.

The CHAIRMAN. By the larger boys and by men?

Colonel COSBY. In the other playgrounds the children will get up games among themselves—that is, many of the little children—but those are the only parks large enough for regular games of baseball.

Mr. SHERLEY. How much of the total area that is open to the public of the Monument grounds are given up to baseball; the percentage?

Colonel COSBY. I have never estimated the exact amount, but what we have given up is practically this irregular rectangle. All the rest is open to the public.

Mr. SHERLEY. Certainly the major portion is not given up for baseball teams?

Colonel COSBY. I should say that less than a quarter is given up for baseball teams.

The CHAIRMAN. Colonel, is Garfield Park available for baseball, too?

Colonel COSBY. Garfield Park is one of the parks which we turned over, partially, to the Playgrounds Association for a public playgrounds, and they have put up apparatus for small children to play with, and I think they have baseball games among the small children. Whether they are games that require the regular diamond, with the amount of land that that involves, or not, I am not sure.

The CHAIRMAN. It is available for that purpose; there is not any rule or regulation that would prevent them from utilizing that park?

Colonel COSBY. Nothing whatever. The Playgrounds Association have to keep a representative there while the playgrounds are open to the children, and if they choose to get up games of baseball they are perfectly at liberty to do so.

Mr. SHERLEY. In addition to these particular parks mentioned in the bill, there are quite a number of squares, like Dupont Circle, and other triangles in the city. What regulations, if any, are there prohibiting the public from walking upon the grass of those squares in places?

Colonel COSBY. The only regulations are those which we have every now and then for the protection of a particular part of some park.

Mr. SHERLEY. That is, temporary regulations while you are there resodding or planting?

Colonel COSBY. Yes; planting or reconstructing in some way.

Mr. SHERLEY. During the rest of the year, but generally, they are open for people to use?

Colonel COSBY. Yes; for people to use, provided they will not destroy the flowers and plants. We keep watchmen there who are directed to keep strict watch upon that.

Mr. SHERLEY. There is no objection to children running over the grass?

Colonel COSBY. On the contrary, I have directed all of my assistants and watchmen to give it out, so that it may be generally understood, that the children are expected to go on the grass.

Mr. SHERLEY. In point of fact, at Dupont Circle and at Lafayette Park the children do, in very great numbers, use these spaces, do they not?

Colonel COSBY. I think anyone in passing would see them running all over the parks at any time.

The CHAIRMAN. Colonel, what is the area of Garfield Park?

Colonel COSBY. Twenty-four acres.

Now, Mr. Speaker, having made available for playground purposes all of these parks, amounting in the aggregate to 773 acres, within the congested portion of this city, if there is any congested portion, I say that Congress has done more for the city of Washington in the matter of playgrounds and affording opportunities and facilities for children to play than any city in the Union has done for playgrounds, and for the use of the children of these cities. Having provided these opportunities for play, we also maintain, half from the Treasury of the United States and one-half from the District revenues, 24 additional playgrounds in connection with the schools of this city. Therefore, there is no justification for appropriating another dollar from the Federal Treasury for the support of additional playgrounds. If the citizens of Washington want any additional playgrounds for the benefit of their children, let them pay the cost of maintaining and supervising these playgrounds from their own revenues, rather than from the revenues of the Federal Government, and that, Mr. Speaker——

Mr. PARSONS. Will the gentleman yield?

Mr. TAWNEY. And that, Mr. Speaker, is what this House agreed to unanimously—I decline to yield. When the gentleman from Vermont [Mr. FOSTER] took the floor to address the House on this proposition he said that he would be perfectly willing to make the whole of the appropriation payable from the revenues of the District, I asked him if he meant what he said and he said he did. I then asked him if he would agree to the amendment which I then offered, and he did agree to it, and the House adopted the amendment, making the whole of this appropriation payable from the revenues of the District government, and I say now that these friends of playgrounds ought to be held to their voluntary agreement.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, if I rose for no other purpose, it would be to correct some statements made in the hearings upon this subject, and I ask the attention of the gentleman from Texas [Mr. BURLESON] to this statement. I read from the hearings:

Mr. BURLESON. Let me ask you how much do you suppose Cincinnati expended last year on playgrounds. That is the city in which President Taft lives, and to whom you refer as so earnestly advocating playgrounds in his message.

Mr. MOSES. Yes; and I think Cincinnati has been deplorably deficient.

Mr. BURLESON. The amount of money expended is zero, according to this tabulated statement, etc.

Mr. Speaker, I desire to state to the gentleman from Texas that he has been most grievously misinformed. In fact, I think it would be well for him to go to Cincinnati and see a really civilized center, where we have appropriated in the last few years more than $600,000 for children's playgrounds [applause], and where only this year we appropriated $20,000 for their maintenance.

Mr. BURLESON. On whose authority does the gentleman make that statement?

Mr. LONGWORTH. I make that statement on my own authority, as opposed to that of the gentleman from Texas.

Mr. BURLESON. Who gave the gentleman the information?

Mr. LONGWORTH. I will state to the gentleman from Texas that I have lived in Cincinnati all of my life. I do not know the conditions in the gentleman's district, and I assume that the gentleman is not acquainted with those in mine.

Mr. BURLESON. We had our information from the Census Bureau.

Mr. LONGWORTH. Then the gentleman evidently was unable to read that portion of the census report. [Laughter.]

Mr. GARDNER of Michigan. I yield six minutes to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Speaker, I wish to correct some misapprehensions. Each time this playground matter has come up there has been an attempt to obscure the real merits by talking about a certain man who got $2,400. Now, the fact is that of the three appropriations we have made only one of them contained the word "supervision," and that was joined with other words. The words "maintenance, equipment, and supervision" were joined together, and the amount was $5,000, but the amount expended on the playgrounds was much more than the $5,000, and was raised by public subscription. Now, if anybody is worried by the fact that this gentleman was employed, I hope he will be quieted when he knows that he is no longer employed, and he has not been employed this year. It is true that considerable of this money will go for supervision. Why? The gentleman from Minnesota says that Colonel Cosby says that there are 770 acres in the District of Columbia that can be used in playgrounds——

Mr. TAWNEY. That are used.

Mr. PARSONS. No; no.

Mr. TAWNEY. That are used; not can be.

Mr. PARSONS. But the gentleman from Minnesota did not say that the Playground Association can not get any of these acres set aside for playground purposes unless they will consent to certain conditions, and I will read the conditions from Colonel Cosby's letter.

And I will say by way of introduction, that the last time this matter was up, if we had debated it a surprise was to be sprung upon us and we were to be shown that a lot of citizens objected to these playgrounds. It is true that in a certain locality certain citizens did object to playgrounds, but five-sixths of those objecting did not have any children, and of those who did have children five-sixths wanted playgrounds in front of their houses. Colonel Cosby said that the difficulty came from a lack of supervision. I will read from his letter:

It is believed that nearly, if not all of the abuses complained of were due to the fact that the playgrounds were not under proper supervision.

Then he went on and said:

Permission is hereby granted your association for the temporary use of the three reservations mentioned as playgrounds under the following regulations:

First. For each playground one or more watchmen must be employed by you, at least one of whom must always be on duty on the ground from 6 a. m. until midnight. The watchmen must be men of good reputation, and be commissioned as special policemen by the superintendent of the Metropolitan force. They shall be held responsible that the rules and regulations are enforced.

I will pass over some of the rules and regulations and come down to the fourth, regarding the conduct and use of these 773 acres:

Fourth. In addition to the watchman, at least one efficient supervisor shall be on each playground during the hours of play.

Now that brings the question right up squarely before the House. If you are going to have playgrounds you have to have supervision, and if you want playgrounds then vote for the amendment which puts in supervision——

Mr. TAWNEY. Is not there an appropriation of $26,000 in the sundry civil bill for this supervision for which they ask $5,000 more in the next fiscal year, and I have this statement here of Colonel Cosby as to what the conditions are——

Mr. PARSONS. Mr. Speaker, I will not yield——

Mr. TAWNEY. And I would say——

Mr. PARSONS. Mr. Speaker, I decline to yield. Mr. Speaker, in the matter of playgrounds, I have learned to fear the Greeks bearing gifts. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, how much time remains?

The SPEAKER. Six minutes remains.

Mr. GARDNER of Michigan. Mr. Speaker, I ask for a division of the question.

Mr. TAWNEY. A parliamentary inquiry, Mr. Speaker. I understand the motion is to recede and concur?

The SPEAKER. To recede and concur.

Mr. TAWNEY. And that motion is divisible.

The SPEAKER. Undoubtedly.

Mr. TAWNEY. Then, the gentleman from Michigan asks for a division of the question.

Mr. GARDNER of Michigan. And on the motion to recede I move the previous question.

The SPEAKER. A division of the question having been demanded, the vote will be first taken upon the motion to recede, and the gentleman from Michigan demands the previous question on the motion to recede.

Mr. MANN. Mr. Speaker, a division of the question is in submitting the vote, I take it. I do not understand there can be a division of the question for the purpose of making a motion for the previous question.

The SPEAKER. You can not make two motions, if objection is made, one on top of another.

Mr. MANN. But there is a motion made, and that motion is subject to a division, and can that be divided for the purpose of moving the previous question?

The SPEAKER. On either branch of it, yes, undoubtedly. The gentleman will see at once if the previous question is ordered on both, that would shut off an amendment on both, and yet the gentleman ought to have the chance to stop debate on one without cutting off an opportunity for amendment on the other.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion to recede from the House disagreement to the Senate amendments numbered 74 and 75.

The question was taken, and the Chair announced the "ayes" seemed to have it.

Upon a division (demanded by Mr. TAWNEY) there were—ayes 95, noes 93.

Mr. TAWNEY. Tellers, Mr. Speaker.

Mr. PARSONS. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 142, answered "present" 14, not voting 121, as follows:

YEAS—111.

Alexander, N. Y.	Foulkrod	Lamb	Plumley
Allen	Gallagher	Law	Poindexter
Ames	Gardner, Mass.	Lawrence	Pujo
Barchfeld	Gillespie	Lenroot	Rainey
Barnard	Gillett	Longworth	Reynolds
Bartholdt	Gilmore	Loud	Richardson
Bennet, N. Y.	Goldfogle	McKinney	Roberts
Booher	Good	McLachlan, Cal.	Rothermel
Borland	Greene	McMorran	Sabath
Bouteil	Griest	Madison	Simmons
Burke, Pa.	Guernsey	Maguire, Nebr.	Small
Burke, S. Dak.	Hamilton	Mann	Smith, Cal.
Calder	Hay	Martin, S. Dak.	Smith, Mich.
Chapman	Hayes	Miller, Kans.	Southwick
Cole	Hinshaw	Millington	Sperry
Conry	Hobson	Moore, Pa.	Sterling
Cooper, Wis.	Hollingsworth	Morgan, Mo.	Sulzer
Crumpacker	Hubbard, Iowa	Morgan, Okla.	Swasey
Davidson	Huff	Morse	Thistlewood
Diekema	Hughes, N. J.	Murdock	Tilson
Dodds	Humphreys, Miss.	Nelson	Tirrell
Driscoll, D. A.	Joyce	Nicholls	Townsend
Durey	Keliher	Norris	Wanger
Elvins	Kinkead, N. J.	Olcott	Weeks
Fish	Kopp	Olmsted	Wiley
Focht	Kronmiller	Parker	Wood, N. J.
Foelker	Küstermann	Parsons	Young, Mich.
Foster, Vt.	Lafean	Peters	

NAYS—142.

Adair	Dwight	Hull, Iowa	Payne
Adamson	Edwards, Ga.	Hull, Tenn.	Pou
Aiken	Edwards, Ky.	Humphrey, Wash.	Ranch
Alexander, Mo.	Ellerbe	James	Robinson
Anderson	Ellis	Johnson, Ky.	Roddenbery
Austin	Ferris	Johnson, Ohio	Rucker, Mo.
Barnhart	Fitzgerald	Johnson, S. C.	Russell
Bates	Flood, Va.	Jones	Sheffield
Beall, Tex.	Floyd, Ark.	Keifer	Sheppard
Bell, Ga.	Fordney	Kendall	Sherwood
Bennett, Ky.	Gaines	Kinkaid, Nebr.	Sims
Bowers	Gardner, Mich.	Knowland	Sisson
Brantley	Gardner, N. J.	Korbly	Slayden
Brownlow	Garner, Pa.	Langley	Smith, Iowa
Burleson	Garner, Tex.	Latta	Smith, Tex.
Byrd	Garrett	Lindbergh	Spight
Byrns	Gill, Mo.	Livingston	Stafford
Candler	Godwin	Lloyd	Steenerson
Cantrill	Goebel	Loudenslager	Stephens, Tex.
Clark, Fla.	Graff	McCredie	Stevens, Minn.
Clark, Mo.	Grant	McKinley, Ill.	Sulloway
Collier	Gronna	McLaughlin, Mich.	Talbott
Cook	Hamlin	Macon	Tawney
Cowles	Hammond	Madden	Taylor, Colo.
Cox, Ind.	Hanna	Malby	Thomas, N. C.
Creager	Hardwick	Miller, Minn.	Thomas, Ohio
Crow	Hardy	Moon, Pa.	Tou Velle
Cullop	Haugen	Moore, Tex.	Volstead
Dalzell	Hawley	Morehead	Vreeland
Davis	Heflin	Morrison	Watkins
Denver	Henry, Conn.	Moss	Wickliffe
Dickinson	Henry, Tex.	Murphy	Wilson, Ill.
Dickson, Miss	Higgins	Needham	Woods, Iowa
Dies	Houston	Nye	Woodyard
Dixon, Ind.	Howard	Oldfield	
Driscoll, M. E.	Hughes, Ga.	Padgett	

ANSWERED "PRESENT"—14.

Ashbrook	Cassidy	Foster, Ill.	Howland
Butler	Clayton	Goulden	Shackleford
Carter	Fairchild	Graham, Ill.	
Cary	Finley	Howell, N. J.	

NOT VOTING—121.

Andrus	Englebright	Legare	Reeder
Ansberry	Esch	Lever	Reid
Anthony	Estopinal	Lindsay	Rhinock
Barclay	Fassett	Lowden	Riordan
Bartlett, Ga.	Fornes	Lundin	Rodenberg
Bartlett, Nev.	Foss	McCall	Rucker, Colo.
Bingham	Fowler	McCreary	Saunders
Boehne	Fuller	McDermott	Scott
Bradley	Gill, Md.	McGuire, Okla.	Sharp
Broussard	Glass	McHenry	Sherley
Burgess	Gordon	McKinlay, Cal.	Slemp
Burleigh	Graham, Pa.	Martin, Colo.	Snapp
Burnett	Gregg	Maynard	Sparkman
Calderhead	Hamer	Mays	Stanley
Campbell	Hamill	Mondell	Sturgiss
Capron	Harrison	Moon, Tenn.	Taylor, Ala.
Carlin	Heald	Moxley	Taylor, Ohio
Cline	Helm	Mudd	Tener
Cocks, N. Y.	Hill	O'Connell	Thomas, Ky.
Cooper, Pa.	Hitchcock	Page	Underwood
Coudrey	Howell, Utah	Palmer, A. M.	Wallace
Covington	Hubbard, W. Va.	Palmer, H. W.	Washburn
Cox, Ohio	Hughes, W. Va.	Patterson	Webb
Craig	Jamieson	Pearre	Weisse
Cravens	Kahn	Perkins	Wheeler
Currier	Kennedy, Iowa	Pickett	Willett
Dawson	Kennedy, Ohio	Pratt	Wilson, Pa.
Denby	Kitchin	Pray	Young, N. Y.
Dent	Knapp	Prince	
Douglas	Langham	Randell, Tex.	
Draper	Lee	Ransdell, La.	

So the motion was rejected.

The Clerk announced the following pairs:

For the remainder of the session:

Mr. CURRIER with Mr. FINLEY.

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. BRADLEY with Mr. GOULDEN.

Mr. YOUNG of New York with Mr. FORNES.

Mr. ANDRUS with Mr. RIORDAN.

Mr. HILL with Mr. GLASS.

Until further notice:

Mr. HAMER with Mr. RANDELL of Texas.

Mr. PERKINS with Mr. WEBB.

Mr. MCGUIRE with Mr. SAUNDERS.

Mr. FULLER with Mr. WILSON of Pennsylvania.

Mr. WHEELER with Mr. WEISSE.

Mr. TENER with Mr. UNDERWOOD.

Mr. STURGISS with Mr. TAYLOR of Alabama.

Mr. SNAPP with Mr. STANLEY.

Mr. SLEMP with Mr. SPARKMAN.

Mr. RODENBERG with Mr. RUCKER of Colorado.

Mr. PRINCE with Mr. RHINOCK.

Mr. PRAY with Mr. RANSDELL of Louisiana.

Mr. PICKETT with Mr. A. M. PALMER.

Mr. H. W. PALMER with Mr. PATTERSON.

Mr. MUDD with Mr. PAGE.

Mr. MONDELL with Mr. MAYS.

Mr. MCCALL with Mr. MARTIN of Colorado.

Mr. LANGHAM with Mr. MCHENRY.

Mr. KENNEDY of Iowa with Mr. LINDSAY.

Mr. HOWELL of Utah with Mr. LEE.

Mr. HEALD with Mr. KITCHIN.

Mr. FOSS with Mr. HELM.

Mr. FASSETT with Mr. HAMILL.

Mr. ESCH with Mr. CRAIG.

Mr. DAWSON with Mr. GORDON.

Mr. COUDREY with Mr. GILL of Maryland.

Mr. CARY with Mr. COVINGTON.

Mr. CALDERHEAD with Mr. CLAYTON.

Mr. BURLEIGH with Mr. CARLIN.

Mr. HOWELL of New Jersey with Mr. BURNETT.

Mr. BINGHAM with Mr. COX of Ohio.

Mr. BARCLAY with Mr. BROUSSARD.

Mr. MCKINLAY of California with Mr. BARTLETT of Nevada.

Mr. FAIRCHILD with Mr. REID.

Mr. ANTHONY with Mr. BOEHNE.

Mr. LOWDEN with Mr. FOSTER of Illinois.

Mr. HUBBARD of West Virginia with Mr. ANSBERRY.

Mr. PEARRE with Mr. CRAVENS.

Mr. KNAPP with Mr. DENT.

Mr. COOPER of Pennsylvania with Mr. HITCHCOCK.

Mr. HUGHES of West Virginia with Mr. MOON of Tennessee.

Mr. LUNDIN with Mr. THOMAS of Kentucky.

Mr. DENBY with Mr. GRAHAM of Illinois.

Mr. COCKS of New York with Mr. SHARP.

Mr. GRAHAM of Pennsylvania with Mr. CLINE.

Mr. CAPRON with Mr. O'CONNELL.

From March 3 to March 20:

Mr. CASSIDY with Mr. BURGESS.

For this day:

Mr. PRATT with Mr. GREGG.

Mr. ENGLEBRIGHT with Mr. ESTOPINAL.

Mr. KAHN with Mr. CARTER.

Mr. DRAPER with Mr. JONES.

Upon this vote:

Mr. MOXLEY with Mr. MCDERMOTT.

Mr. CAMPBELL with Mr. SHACKLEFORD.

Mr. DOUGLAS with Mr. SHERLEY.

Mr. HOWLAND with Mr. TAYLOR of Ohio.

Mr. WASHBURN with Mr. MCCREARY.

Mr. SCOTT with Mr. REEDER.

The result of the vote was announced as above recorded.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate and ask for a conference.

The question was taken, and the motion was agreed to.

The Speaker announced the following conferees:

Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4196. An act to place David Robertson on the retired list of the United States Army.

S. 6230. An act to provide for the transfer of light-vessel No. 56 to Gary Harbor, Indiana.

S. J. Res. 83. Joint resolution authorizing the use of a United States Army transport for certain purposes.

The message also announced that the Vice-President had appointed Mr. SIMMONS and Mr. GALLINGER members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Interior Department.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 19558. An act to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 13410. An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, and to repeal the One hundred and twenty-third Article of War.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4196. An act to place David Robertson on the retired list of the United States Army—to the Committee on Military Affairs.

S. 6230. An act to provide for the transfer of light-vessel No. 56 to Gary Harbor, Indiana—to the Committe on Interstate and Foreign Commerce.

S. J. Res. 83. Joint resolution authorizing the use of a United States army transport for certain purposes—to the Committee on Military Affairs.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Plattsburg Harbor, New York (H. Doc. No. 759)—to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting statements as to certain papers relating to contracts not now needed for the public service (H. Doc. No. 760)—to the Joint

Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting, with a favorable recommendation, a draft of a bill to authorize superintendents of Indian schools to make allotment of lands (H. Doc. No. 761)—to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CAMPBELL, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 4932) to make uniform the law of warehouse receipts in the District of Columbia, reported the same without amendment, accompanied by a report (No. 702), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21830) to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River in the neighborhood of Sibley, Mo., and to remove the existing structure, reported the same with amendment, accompanied by a report (No. 708), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22009) to authorize the villages of Taylors Falls, Minn., and St. Croix Falls, Wis., to construct a bridge across the St. Croix River between Minnesota and Wisconsin, reported the same without amendment, accompanied by a report (No. 709), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5499) to grant certain lands to the city of Rawlins, Wyo., reported the same without amendment, accompanied by a report (No. 703), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 13556) for the relief of Frank Wyman, ex-postmaster at St. Louis, Mo., reported the same without amendment, accompanied by a report (No. 704), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 18947) for the relief of Schuyler B. Mayhall, reported the same adversely, accompanied by a report (No. 705), which said bill and report were laid on the table.

Mr. GILL of Maryland, from the Committee on Claims, to which was referred the bill of the House (H. R. 21545) for the relief of A. W. Caldwell, reported the same adversely, accompanied by a report (No. 706), which said bill and report were laid on the table.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the House (H. R. 21547) for the relief of James Draney, reported the same adversely, accompanied by a report (No. 707), which said bill and report were laid on the table.

Mr. GILL of Maryland, from the Committee on Claims, to which was referred the bill of the House (H. R. 21546) for the relief of Frank Cross, reported the same adversely, accompanied by a report (No. 710), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 22450) granting a pension to Howard E. Nusbaum, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OLMSTED: A bill (H. R. 22554) to provide a civil government for Porto Rico, and for other purposes—to the Committee on Insular Affairs.

By Mr. LLOYD: A bill (H. R. 22555) providing for the erection of a public building at Unionville, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Iowa: A bill (H. R. 22556) authorizing the Secretary of the Treasury to erect a public building at Red Oak, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. HENRY W. PALMER: A bill (H. R. 22557) to aid in the construction of a railroad, telegraph, and telephone line in the Territory of Alaska, and to secure to the Government of the United States the use of the same for postal, military, and other purposes—to the Committee on the Territories.

By Mr. BURKE of Pennsylvania: A bill (H. R. 22558) to regulate and control the use of wireless telegraphy and wireless telephony—to the Committee on the Merchant Marine and Fisheries.

By Mr. COUDREY: A bill (H. R. 22559) prohibiting laundry combinations in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WOODS of Iowa: A bill (H. R. 22560) for the purchase of a site for a post-office building at Algona, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of California: A bill (H. R. 22561) establishing regular terms of the United States district court of the southern district of California at San Diego, Cal.—to the Committee on the Judiciary.

By Mr. HOWARD: A bill (H. R. 22562) for the erection of a new federal building for a post-office at Elberton, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. FORDNEY: A bill (H. R. 22563) authorizing the widening and extension of Rhode Island avenue extended, and for other purposes—to the Committee on the District of Columbia.

By Mr. FOCHT: A bill (H. R. 22564) authorizing the Secretary of War to procure medals for the Logan Guards, of Lewistown; the Allen Infantry, of Allentown; the Ringgold Light Artillery, of Reading; and the Washington Artillerists and National Light Infantry, of Pottsville, Pa., who were the first soldiers to arrive on April 18, 1861, for the defense of the city of Washington—to the Committee on Military Affairs.

By Mr. SLEMP: A bill (H. R. 22565) to establish a mine-rescue station and an experiment station for analyzing and testing coals, lignite, and mineral substances, at or near Norton, Va.—to the Committee on Mines and Mining.

By Mr. ROBINSON: A bill (H. R. 22566) to regulate the granting of injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. REEDER: A bill (H. R. 22567) to provide for the erection of a public building in the city of Beloit, State of Kansas—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 22568) to provide for holding terms of the United States courts at Clarksdale, Miss.—to the Committee on the Judiciary.

By Mr. FAIRCHILD: A bill (H. R. 22569) providing for the construction of a public building at Oneonta, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. STEPHENS of Texas: A bill (H. R. 22570) to authorize the President of the United States, in conjunction with the State of Texas, to determine and establish the boundary lines between the Indian Territory, the Territory of New Mexico, and the State of Oklahoma and the State of Texas—to the Committee on the Judiciary.

By Mr. FOSTER of Illinois: A bill (H. R. 22571) to provide for the erection of a public building at Mount Carmel, Ill.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22572) to provide for the erection of a public building at Robinson, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: A bill (H. R. 22573) to provide for the erection of a public building at Richfield, Utah—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22574) to provide for the erection of a public building at Brigham City, Utah—to the Committee on Public Buildings and Grounds.

By Mr. LAFEAN (by request): A bill (H. R. 22575) to amend an act entitled "An act to increase the pensions of those who have lost limbs in the military or naval service of the

United States," approved March 2, 1903—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 22576) limiting hours of labor to eight hours daily on government work, and for other purposes—to the Committee on Labor.

By Mr. MILLINGTON: A bill (H. R. 22577) for the purchase of a site for a public building at Utica, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. WICKERSHAM: A bill (H. R. 22578) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska—to the Committee on the Territories.

Also, a bill (H. R. 22579) making additional amendatory provisions for civil government in the Territory of Alaska, and for other purposes—to the Committee on the Territories.

By Mr. DICKSON of Mississippi: A bill (H. R. 22580) providing for the construction of a walk from the national military cemetery at Natchez, Miss., to the sidewalks of the city of Natchez—to the Committee on Military Affairs.

By Mr. MILLINGTON: Resolution (H. Res. 490) requesting the Secretary of War to transmit to the House certain information in relation to the National Military Academy—to the Committee on Military Affairs.

By Mr. ROBINSON: Resolution (H. Res. 491) requesting the Secretary of the Interior to furnish the House information relative to lands in the Arkansas National Forest—to the Committee on the Public Lands.

By Mr. POU: Resolution (H. Res. 492) amending paragraph 61, Rule XI, of the Rules of the House of Representatives—to the Committee on Rules.

By Mr. SISSON: Joint resolution (H. J. Res. 165) directing the Attorney-General to submit to the Supreme Court all information available bearing upon the validity of the fourteenth and fifteenth amendments to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. CARY: Joint resolution (H. J. Res. 166) directing that a portion of square No. 857, in the city of Washington, D. C., be reserved for use as an avenue and improved—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 22581) granting an increase of pension to Eli C. Sensabaugh—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 22582) granting an increase of pension to Samuel H. Elton—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 22583) granting an increase of pension to Jacob A. Young—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 22584) granting an increase of pension to Adam Fraas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22585) granting an increase of pension to James A. Shout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22586) granting an increase of pension to Lucius O. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22587) granting an increase of pension to E. Lyman Kellogg—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 22588) granting an increase of pension to Jacob Bruder—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 22589) granting a pension to Gilbert E. Donnells—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 22590) granting an increase of pension to William Miller—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 22591) granting an increase of pension to Charles Jackson—to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 22592) to remove the charge of desertion from the military record of James B. Boyd—to the Committee on Military Affairs.

By Mr. KORBLY: A bill (H. R. 22593) granting a pension to John McClintic—to the Committee on Pensions.

Also, a bill (H. R. 22594) granting an increase of pension to Joshua M. Moore—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 22595) for the relief of Daniel B. Miller, U. S. Army, retired—to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 22596) for the relief of James Mitchell—to the Committee on Military Affairs.

Also, a bill (H. R. 22597) granting a pension to William O. Mize—to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 22598) granting an increase of pension to Pauline Joseph—to the Committee on Invalid Pensions.

By Mr. McCREDIE: A bill (H. R. 22599) authorizing the Secretary of the Interior to cancel a patent erroneously issued—to the Committee on Private Land Claims.

By Mr. MORGAN of Missouri: A bill (H. R. 22600) granting an increase of pension to Charles E. Wolverton—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 22601) granting an increase of pension to Henry L. McCain—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: A bill (H. R. 22602) granting a pension to Martha C. Gardner—to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 22603) granting an increase of pension to Ahira M. Buckman—to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 22604) granting a pension to Eleanor Hendricks—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 22605) granting a pension to Miriam Wallace—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 22606) granting a pension to Lewis H. Glaser—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 22607) granting an increase of pension to Isaac S. Chapman—to the Committee on Pensions.

Also, a bill (H. R. 22608) granting an increase of pension to Richard J. D. Kalb—to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 22609) granting a pension to Susie A. Cole—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 22610) granting an increase of pension to Michael O'Brien—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 22611) granting an increase of pension to Adams H. Eastman—to the Committee on Invalid Pensions.

By Mr. SULZER: A bill (H. R. 22612) granting an increase of pension to Clara D. Miller—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 22613) granting an increase of pension to John Ives—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 22614) granting an increase of pension to Owen E. Bryson—to the Committee on Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 22615) for the relief of the heirs at law of Charles Baker, deceased—to the Committee on War Claims.

By Mr. WILEY: A bill (H. R. 22616) granting an increase of pension to Mary E. Murphy—to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 22617) granting a pension to August Schley—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 22618) granting a pension to Thomas J. McDonald—to the Committee on Pensions.

Also, a bill (H. R. 22619) granting a pension to Thomas N. Ferguson—to the Committee on Pensions.

Also, a bill (H. R. 22620) for the relief of John R. Miller, deceased—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Ambrose Giseburt—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Eli C. Sensabaugh—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of William Stebbins—to the Committee on Invalid Pensions.

By Mr. ANDERSON: Petition of Sandusky (Ohio) City Lodge, No. 14, of Licensed Tugmen's Protective Association, against reorganization of the Light-House Establishment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Fostoria (Ohio) Trades Assembly, for the eight-hour bill—to the Committee on Labor.

By Mr. ANSBERRY: Petition of Pomona Grange, of Putnam County, Ohio, for a parcels-post and postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of United Spanish War Veterans for an appropriation to raise the wreck of the *Maine*—to the Committee on Naval Affairs.

Also, petition of 60 citizens of Newark, Ohio, and 20 citizens of Coshocton, Ohio, for an eight-hour law on government works—to the Committee on Labor.

By Mr. BEALL of Texas: Petition of citizens of Walnut Springs, Tex., for an eight-hour day on government works—to the Committee on Labor.

Also, petition of citizens of Hill County, Tex., against increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNETT of Kentucky: Petition of the Louisville Commercial Club for repeal of the oleomarganine law—to the Committee on Agriculture.

Also, petition of citizens of New York City in mass meeting for an appropriation to raise the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of Urban A. Walter, for expenses of railway mail clerks when on runs from home terminal—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLEIGH: Petition of Gardiner (Me.) Board of Trade, against Senate bill 5106, relative to port-to-port rates on steamships—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of citizens of New York in mass-meeting, under auspices of the United Spanish War Veterans, for an appropriation to raise the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of Headquarters Encampment, No. 70, Union Veteran Legion, Brooklyn, N. Y., against monuments in Statuary Hall that teach disunion—to the Committee on the Library.

By Mr. CARY: Communication from the Playgrounds Association of America, New York City, urging the passage of a bill providing for playgrounds in Washington, D. C.—to the Committee on the District of Columbia.

Also, resolution adopted by the Maine Memorial Committee, Manhattan Borough Council, United Spanish War Veterans, New York City, urging the removal of the wreck of the *Maine* to the United States and the burial of its victims at Arlington—to the Committee on Naval Affairs.

By Mr. CASSIDY: Petition of Downtown Taxpayers' Association, for eight-hour legislation—to the Committee on Labor.

By Mr. CONRY: Petition of American Embassy Association, favoring House bill 15814, for embassy homes—to the Committee on Foreign Affairs.

Also, petition of the Harpoon, Denver, Colo., for increase of salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK: Petition of Philadelphia Board of Trade, against Senate bill 5106—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of U. A. Walter, favoring payment of expenses of railway mail clerks when on runs from home terminal—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of New York in mass meeting, for appropriation for raising the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

By Mr. ENGLEBRIGHT: Petition of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., for House bill 20162—to the Committee on Labor.

Also, petition of San Francisco Chamber of Commerce, against publicity requirement of the corporation-tax feature of the Payne tariff law—to the Committee on Ways and Means.

Also, petition of Mercantile Fruit Company, of Newcastle, Cal., for repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Petition of citizens of Arkansas, for House bill 20683, to abolish the Ozark National Forest—to the Committee on the Public Lands.

By Mr. FULLER: Petition of Joseph R. Harker, president Illinois Woman's College, of Jacksonville, Ill., in favor of the Scott bill (H. R. 20145) concerning sale of intoxicating beverages in the Hawaiian Islands—to the Committee on the Judiciary.

Also, petition of Illinois Schoolmasters' Club, of Pontiac, Ill., in opposition to proposed appropriation for George Washington University, a private institution in the District of Columbia—to the Committee on Agriculture.

Also, petition of Woman's Christian Temperance Union of Mazon, Ill., favoring the passage of the Scott bill (H. R. 20145), prohibiting intoxicating beverages in the Hawaiian Islands, etc.—to the Committee on the Judiciary.

Also, petition of the Woman's Foreign Missionary Society of Mazon, Ill., favoring the passage of the Dillingham bill (S. 4667) to provide for United States surgeons, immigration inspectors, and matrons on vessels carrying immigrants, etc., between ports of the United States and foreign ports, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Maine Memorial Committee, Manhattan Borough Council, United Spanish War Veterans, of New York City, favoring legislation for the removal of the *Maine* wreckage in the harbor of Habana, Cuba, etc.—to the Committee on Naval Affairs.

By Mr. GILLETT: Petition of citizens of Springfield, Mass., against Senate bill 404, relative to Sunday observance—to the Committee on the District of Columbia.

By Mr. GOULDEN: Petition of Emanuel Hoffman and J. J. Modady, of New York City, favoring House bill 19402, telepost bill—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: Petition of Sabra Trumbull Chapter, National Society of the Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. HOLLINGSWORTH: Petition of James M. Hines and 9 others, for a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, communication of Hon. V. Warner, Commissioner of Pensions, to accompany bills for relief of Benjamin Penn and William McGrew—to the Committee on Pensions.

By Mr. HOWARD: Petition of Elijah Clarke Chapter, Daughters of the American Revolution, of Athens, Ga., for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. KELIHER: Petition of Boston Chamber of Commerce, against Senate bill 5106, that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Boston, Mass., against delay in passing the eight-hour bill—to the Committee on Labor.

By Mr. KENNEDY of Ohio: Petition of Fairview (Ohio) Lodge, No. 40, Amalgamated Association of Iron, Steel, and Tin Workers of North America, protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Associated Ohio Dailies, East Liverpool, Ohio, for House bill 3075, prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Petition from the Woman's Christian Temperance Union of Berkeley, Cal., urging the passage of House bill 19557, to prohibit the sale and manufacture of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KORBLY: Paper to accompany bill for relief of Lawrence E. Mackey—to the Committee on Pensions.

By Mr. LAMB: Petition of citizens of Ashland, Va., against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. LAW: Petition of Union Veterans' Legion of Brooklyn, N. Y., against monuments to those who served the cause of disunion—to the Committee on the Library.

By Mr. LLOYD: Petition of Anne Helm Chapter, Daughters of the American Revolution, for retention of Division of Information of the Immigration Bureau—to the Committee on Immigration and Naturalization.

Also, petitions of citizens of Macon, Powersville, and Ewing, all in the State of Missouri, opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLAY of California: Petition of growers and packers of Sonoma County, Cal., favoring modification of the Lefean bill as to size of apple boxes—to the Committee on Agriculture.

By Mr. McKINNEY: Petition of citizens of Rock Island and Moline, Ill., for Gardner eight-hour bill (H. R. 15441)—to the Committee on Labor.

By Mr. McLAUGHLIN of Michigan: Petition of E. A. Harris and other residents of Michigan, against Senate bill 404—to the Committee on the District of Columbia.

By Mr. MAGUIRE of Nebraska: Petition of Fitzgerald Council, No. 833, Knights of Columbus, of Lincoln, Nebr., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Xi Psi Phi Fraternity, of Lincoln, Nebr., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. MALBY: Petition of citizens of Richville, N. Y., against repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. MANN: Petition of Jackson Park Lodge, No. 79, Switchmen's Union of North America, in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLINGTON: Petition of C. D. Fairchild, Oriskany Falls, N. Y., for Grange No. 758, Patrons of Husbandry, against any change in oleomargarine law—to the Committee on Agriculture.

Also, petition of various residents of Vernon, N. Y., in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. MURDOCK: Petition by citizens of McLouth, Jefferson County, Kans., against an increase in the postage rate of periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Quincy, Kans., for an amendment to the National Constitution permitting women to vote—to the Committee on the Judiciary.

Also, petition of residents of Latham, Kans., for a bill prohibiting the white-slave trade—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Quincy, Leon, and Latham, all in the State of Kansas, for a law prohibiting the interstate shipment of liquor—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Whitewater, Butler County, Kans., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hardwick, Minn., Oberlin, Kans., and Neodesha, Kans., protesting against an increase of rates of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. PLUMLEY: Papers to accompany bills for relief of Ahira M. Buckman and Charles G. Capron—to the Committee on Invalid Pensions.

By Mr. ROBINSON: Paper to accompany bill for relief of George W. Allen—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: Resolution of the Colorado state board of horticulture, signed by the officers thereof, praying for the passage of House bill 16919—to the Committee on Agriculture.

By Mr. SABATH: Petition of citizens of New York City in mass meeting, for an appropriation to raise the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of Downtown Taxpayers' Association, for the eight-hour bill—to the Committee on Labor.

Also, petition of Towarzystwo Sztandar Polek Grupa, No. 633, Z. N. P., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Iowa: Petitions of citizens of Silver City, Harlan, and Minden, Iowa, for establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of East Washington Citizens' Association, for Senate bill 4624, branch library in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULLOWAY: Petition of Union Lodge, Knights of Pythias, of North Hampton, N. H., against Senate bill 1712, relative to uniform worn by fraternal organizations—to the Committee on Military Affairs.

Also, petition of La Société des Artisans Canadiens Français, of New Market, N. H., for House bill 17509, relative to fraternal publications in the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Religious Liberty Bureau, against Senate bill 404, relative to Sabbath observance in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Urban A. Walter, for an appropriation to pay expenses of railway mail clerks when on runs from home terminals—to the Committee on the Post-Office and Post-Roads.

Also, petition of James E. West, Washington Playgrounds Association, for an appropriation for playgrounds for the children—to the Committee on the District of Columbia.

Also, petition of St. Louis Paint and Oil Club, favoring the food and drugs act of June 30, 1906, favoring board of scientific experts on controverted points touching pure foods—to the Committee on Agriculture.

Also, petition of Marine Trades Council against battle-ship construction being given out to outside contractors—to the Committee on Naval Affairs.

Also, petition of Washington Playgrounds Association for an appropriation for children's playgrounds—to the Committee on the District of Columbia.

Also, petition of Associated Fraternities of America favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Philadelphia Board of Trade favoring Senate bill 1614 and House bill 3075, against government envelope printing—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles Frederick Brusie, of Mount Pleasant Academy, of Ossining, N. Y., favoring House bill 15798—to the Committee on Military Affairs.

Also, petition of Jamaica Bay Association for an appropriation to deepen the waters of the upper Hudson River—to the Committee on Rivers and Harbors.

Also, petition of citizens of New York, in mass meeting, under the auspices of the United Spanish War Veterans, for an appropriation to raise the wreck of the *Maine*—to the Committee on Naval Affairs.

Also, petition of Progressive Harbor, No. 9, American Association of Masters, Mates, and Pilots, of Norfolk, Va., for House bill 20162—to the Committee on Labor.

By Mr. SWASEY: Petition of Board of Trade of Portland, Me., against Senate bill 5106—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Ohio: Petition of F. R. Jaynes and other citizens of Columbus and Grogan, Ohio, protesting against the passage of Senate bill 404 and House joint resolution 17—to the Committee on the District of Columbia.

Also, petition of Starner-Copeland Company and other citizens of Columbus, Ohio, for repeal of the corporation-tax law—to the Committee on Ways and Means.

By Mr. YOUNG of Michigan: Petition of citizens of the Twelfth Michigan Congressional District, for an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

Also, petition of Branch No. 94, Polish National Alliance, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. WASHBURN: Petition of citizens of Massachusetts, against Senate bill 404, relative to Sunday observance—to the Committee on the District of Columbia.

By Mr. VREELAND: Petition of Gwardya Królowej Jadwig, of Dunkirk, N. Y., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *March 9, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order and directed the Secretary to read a communication from the President pro tempore, which was read as follows:

UNITED STATES SENATE,
Washington, D. C., March 9, 1910.

I hereby appoint Hon. JOHN KEAN, a Senator from New Jersey, to perform the duties of the Chair in the United States Senate this day, I being necessarily absent.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed the Secretary to read the Journal of the proceedings of the last legislative day.

JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CIVIL-SERVICE RETIREMENT IN NEW SOUTH WALES.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of January 11, 1910, a report relating to civil-service retirement in New South Wales, which (with the accompanying paper) was referred to the Committee on Civil Service and Retrenchment and ordered to be printed. (S. Doc. No. 420.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14464) making appropriations to pro-

vide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes; insisted on its disagreement to the amendments of the Senate, and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON, managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 21419) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1911, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 19558), an act to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.

PETITIONS AND MEMORIALS.

Mr. SUTHERLAND presented a petition of the Utah Society of the Sons of the American Revolution praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of Local Union No. 658, United Brotherhood of Carpenters and Joiners of America, of Eureka, Utah, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BRISTOW presented memorials of sundry citizens of Kansas, remonstrating against the water supply of the Hetch Hechty Valley being used by the city of San Francisco, Cal., which were referred to the Committee on Conservation of National Resources.

He also presented sundry affidavits to accompany the bill (S. 4581) granting an increase of pension to Jesse L. Pelton, which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 967) granting an increase of pension to Clifford Fetters, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Edgerton, Kans., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Edgerton, Great Bend, and Garden City, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Edgerton, Kans., praying for the enactment of legislation to prohibit the interstate transmission of race gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Kansas, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the city council of Arkansas City, Kans., praying for the enactment of legislation to establish an agricultural experiment station on the Chilocco Indian Reservation in that State, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Farmers' Educational and Cooperative Union, of Ford County, Kans., praying for the enactment of legislation to prohibit gambling in farm products, which was referred to the Commitee on Agriculture and Forestry.

Mr. BURKETT presented petitions of sundry ex-Union soldiers of Burkett, Peru, Harvard, and Sutton, all in the State of Nebraska, praying for the passage of the so-called "per diem pension bill," which were referred to the Committee on Pensions.

Mr. FLETCHER presented a petition of the Chamber of Commerce of Key West, Fla., praying that an appropriation of $150,000 be made for the purchase of additional land for garrison purposes adjacent to the military reservation at Fort Taylor at that city, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Chamber of Commerce of Key West, Fla., remonstrating against the enactment of legislation to create a court of commerce and to amend the act entitled "An act to regulate commerce," which was ordered to lie on the table.

He also presented a petition of the trustees of the Internal Improvement Fund of the State of Florida, praying for the enactment of legislation providing for the survey of the unsurveyed lands known as the Everglades, in that State, which was referred to the Committee on Public Lands.

Mr. PILES presented a petition of Typographical Union No. 202, American Federation of Labor, of Seattle, Wash., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of sundry citizens of Brighton, Mass., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. CRAWFORD presented petitions of sundry citizens of Montrose, Huron, Minnehaha, and McCook counties, all in the State of South Dakota, praying for the repeal of the bankruptcy law, which were referred to the Committee on the Judiciary.

Mr. ROOT presented a memorial of the Chamber of Commerce of New York City, N. Y., remonstrating against the adoption of a certain clause contained in the so-called "Elkins bill," granting the Interstate Commerce Commission power over the coastwise and river shipping of the United States, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Rifle Club of Gloversville, N. Y., and a petition of the Rifle Club of Auburn, N. Y., praying for the enactment of legislation to encourage rifle practice, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry chapters of the National Society, Daughters of the American Revolution, of Ogdensburg, Greenwich, Cooperstown, Seneca Falls, Lima, Watertown, Newburgh, and Huntington, all in the State of New York, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a petition of the Memorial and Executive Committee, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., and a petition of Chapin Post, No. 2, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., praying for the enactment of legislation providing for the appointment of Maj. Gen. Daniel E. Sickles, retired, to the position of lieutenant-general, United States Army, which were referred to the Committee on Military Affairs.

Mr. McENERY presented a petition of "Spirit of '76" Chapter of the National Society, Daughters of the American Revolution, of New Orleans, La., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. OLIVER presented a petition of the executive board of the Pittsburg Chapter of the National Society, Daughters of the American Revolution, of Pittsburg, Pa., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of Inland Council, No. 23, Loyal Association, of Lancaster, Pa., and a memorial of McKeansburg Grange, No. 1256, Patrons of Husbandry, of New Ringgold, Pa., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Wilkinsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Wilkinsburg, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. PAGE presented a petition of the Ottaugeucher Chapter of the National Society, Daughters of the American Revolution, of Woodstock, Vt., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of the Board of Trade of Rochester, N. H., praying for the enactment of legislation to conserve and protect the forest reservations of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Chamber of Commerce of Washington, D. C., praying for the enactment of legislation to authorize the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Washington, D. C., praying for the enactment of legislation to provide for the payment of the debt of the District of Columbia, and also for permanent improvements therein, which was referred to the Committee on the District of Columbia.

Mr. MARTIN. I present a joint resolution of the legislature of Virginia, which I ask may be read and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint resolution was read and referred to the Committee on Irrigation and Reclamation of Arid Lands, as follows:

Whereas the United States Government is spending large sums of money in reclaiming unproductive lands in some of the States of the West, charging the cost to the owners of the lands reclaimed, and collecting it in small annual payments, thereby greatly increasing the value of the lands in those States; and

Whereas there are thousands of acres of valuable lands in this State which are unproductive because of insufficient drainage, and which can be made productive by deepening the channels of streams and by digging canals through swamps, which would also add greatly to the health of our citizens who live on these streams and swamps: Therefore be it

Resolved by the house of delegates (the senate concurring), That our Representatives and Senators in the Congress of the United States be, and they are hereby, requested to take such steps as may be necessary to have the Government send experts into this State, who shall inspect these unproductive lands, especially in the section known as Tidewater Virginia, and report the probable number of acres which can be reclaimed, where located, and the probable cost of reclaiming the same.

Agreed to by house of delegates February 25, 1910.

JOHN W. WILLIAMS,
Clerk of House of Delegates.

Agreed to by the senate February 25, 1910.

M. B. BOOKER,
Clerk of Senate.

Mr. KEAN presented a petition of Bayard Post, No. 8, Department of New Jersey, Grand Army of the Republic, of Trenton, N. J., praying for the enactment of legislation authorizing the appointment of Maj. Daniel E. Sickles, retired, as a lieutenant-general, United States Army, which was referred to the Committee on Military Affairs.

He also presented the petition of F. M. Dennis, of South Bound Brook, N. J., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Society of Circles on the Square, Warren Township, Plainfield, N, J., praying for the passage of the so-called "parcels-post bill," and remonstrating against any increase being made in the rates of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Towarzystwo Br. Pom. Gwizada Wolnosci, of Newark, N. J., remonstrating against the enactment of legislation to further regulate the immigration of aliens into the United States, which was referred to the Committee on Immigration.

He also presented a petition of Oak Tree Chapter of the National Society, Daughters of the American Revolution, of Salem, N. J., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented petitions of Calumet Council, No. 39, Loyal Association, of Jersey City; of Essex Council, No. 27, Loyal Association, of East Orange; of Capital City Council, No. 7, Loyal Association, of Trenton; of Highpoint Council, No. 120, Loyal Association, of Weehawken; of South Amboy Council, No. 426, Knights of Columbus, of South Amboy; of Rahway Council, No. 1146, Knights of Columbus, of Rahway; and of Hobart Council, No. 40, Loyal Association, of Summit, all in the State of New Jersey, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Home Missionary Society, of Plainfield, and of members of the Grace Methodist Episcopal Sunday school, of Plainfield, in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Glassboro, N. J., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented petitions of the Woman's Home Missionary Society of Plainfield, of the Woman's Christian Temperance Union of Atlantic City, of the Woman's Christian Temperance Union of Metuchen, all in the State of New Jersey, and of the Friends' Temperance Association, of Philadelphia, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented a memorial of the National Lock Washer Company, of Newark, N. J., remonstrating against the enactment of legislation to regulate the granting of restraining orders and injunctions, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. HEYBURN, from the Joint Committee on the Revision of the Laws, to whom the subject was referred, reported a bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, which was read twice by its title.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 6793) authorizing the construction of a bridge across the Columbia River in the counties of Okanogan and Douglas, Wash. (Report No. 360); and

A bill (S. 6794) authorizing the construction of a bridge across the Okanogan River, in the county of Okanogan, Wash. (Report No. 361).

Mr. NELSON, from the Committee on the Judiciary, reported an amendment providing that hereafter judges of the district court of the United States shall be allowed the sum of $6 a day as expenses of travel, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (H. R. 19959) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors (Report No. 362);

A bill (H. R. 20480) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors (Report No. 363); and

A bill (H. R. 20490) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors (Report No. 364).

Mr. CLAPP, from the Committee on Indian Affairs, to whom was referred the bill (S. 6965) for the relief of Samuel W. Campbell, reported it without amendment and submitted a report (No. 365) thereon.

Mr. JONES, from the Committee on Public Lands, to whom was referred the bill (S. 5432) to grant certain lands to the city of Seattle, Wash., for the protection of the source of its water supply, reported it with an amendment and submitted a report (No. 366) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULLOM:

A bill (S. 7032) for the relief of Oakbowery Church, of Cherokee County, Ala. (with an accompanying paper); to the Committee on Claims.

By Mr. BURROWS:

A bill (S. 7033) to correct the military record of Almon H. McNinch and grant him an honorable discharge (with an accompanying paper); to the Committee on Military Affairs.

A bill (S. 7034) for the relief of George Davis (with an accompanying paper); to the Committee on Claims.

By Mr. SIMMONS:

A bill (S. 7035) granting a pension to Robert H. Cowan;

A bill (S. 7036) granting a pension to Jerry Ramsey;

A bill (S. 7037) granting an increase of pension to Thomas M. Wilson (with an accompanying paper);

A bill (S. 7038) granting an increase of pension to William H. Stanley (with an accompanying paper);

A bill (S. 7039) granting an increase of pension to Enoch Rector (with an accompanying paper); and

A bill (S. 7040) granting an increase of pension to Joseph D. Bradley (with an accompanying paper); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7041) granting a pension to Catherine Ellmaker Gunkle (with accompanying papers); and

A bill (S. 7042) granting a pension to Patrick Moore; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 7043) for the relief of Turner Jones;

A bill (S. 7044) for the relief of the heirs of Calvin Lacy;

A bill (S. 7045) for the relief of R. D. Crosthwaite, administrator; and

A bill (S. 7046) for the relief of A. J. Southard; to the Committee on Claims.

By Mr. PERKINS:

A bill (S. 7047) to provide for the administration of naval discipline in certain cases; to the Committee on Naval Affairs.

A bill (S. 7048) granting a pension to Thomas P. Clark; to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 7049) granting an increase of pension to John H. Coonrod; to the Committee on Pensions.

A bill (S. 7050) to correct the military record of Smith Phillips; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 7051) granting an increase of pension to Lorinda E. Thayer (with accompanying papers);

A bill (S. 7052) granting a pension to Elizabeth Parker (with accompanying papers); and

A bill (S. 7053) granting a pension to Josephine M. Buck (with accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 7054) granting an increase of pension to James R. Purcell (with an accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 7055) providing for the disposition of power sites on the public domain, and for other purposes; to the Committee on Public Lands.

By Mr. PILES:

A bill (S. 7056) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska; to the Committee on Territories.

By Mr. SMITH of Maryland:

A bill (S. 7057) for the relief of Pay Director Worthington Goldsborough, U. S. Navy (with an accompanying paper); to the Committee on Naval Affairs.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 85) authorizing an investigation into the facts and circumstances attending the death of Lieut. James N. Sutton at the United States Naval Academy, Annapolis, Md., on he 13th day of October, 1907; to the Committee on Naval Affairs.

By Mr. RICHARDSON (by request):

A joint resolution (S. J. Res. 86) proposing an amendment to the Constitution acknowledging the Diety in this foundation document of the Government; to the Committee on the Judiciary.

By Mr. SCOTT:

A joint resolution (S. J. Res. 87) authorizing the Secretary of the Treasury to make an investigation by special agent, or otherwise, of sites, needs for public buildings, etc.; to the Committee on Public Buildings and Grounds.

AMENDMENT TO POST-OFFICE APPROPRIATION BILL.

Mr. BURROWS submitted an amendment providing that after June 30, 1910, clerks of post-offices of the first-class shall be required to work not exceeding forty-eight hours each week, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. NELSON submitted an amendment relative to improving the Mississippi River from St. Paul to Minneapolis, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE submitted an amendment providing for a survey of the Weymouth Fore River, with a view to straightening and improving the channel, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to procuring increased depths in the south channel of the Mystic River, Boston Harbor, Massachusetts, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Maryland submitted an amendment proposing to increase the appropriation for improving the harbors at Rockhall, Queenstown, Claiborne, and Cambridge, Md., etc., to $80,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving the northwest fork of Nanticoke River, Maryland, etc., to $15,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of Winchester Harbor, Maryland, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to removing the bar at the mouth of Slaughter Creek, Maryland, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the construction of a waterway connecting Pocomoke Sound and Little Annamessex River, Broad Creek, Maryland, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. MONEY submitted an amendment proposing to increase the appropriation for improving the harbor at Gulfport, Miss., to $100,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. FLINT submitted an amendment relative to the survey of San Rafael Creek, California, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

PRICES AND WAGES.

Mr. LODGE. Mr. President, I desire to ask for a reprint of Senate Document No. 355, Twenty-fourth Congress, first session.

I venture to say that I think this document will be of some interest at the present time in connection with the matter of prices and wages. It was brought to my attention yesterday. It is a report of the Secretary of the Treasury in regard to an increase in the salaries of clerks, owing to the great advance in the cost of living at that time. In the report there is embodied a transcript from the account book of a clerk, showing his expenditures from day to day. Several articles are grouped together, so that it is very difficult to determine what he paid for each article, but there are some items which I think it will be found to be of great interest to compare with certain prices. For example, he was paying 14 cents a pound for sugar and $8 a barrel for flour. He was paying $1 a gallon for illuminating oil, and he was paying 75 cents a day to a laborer for a day's work.

I think the document, in connection with the present inquiry, will be found to be of very general interest.

Mr. CLAPP. How many years ago was the report made?

Mr. LODGE. In 1836.

Mr. CLAPP. The Senator is not speaking from memory?

Mr. LODGE. I am speaking from the printed report—Senate Document No. 355 of the Twenty-fourth Congress.

Mr. BACON. I want to suggest to the Senator from Massachusetts that at the same time it cost 10 cents a mile to travel, whereas now one can travel for 2 cents a mile, in addition to like changes all along the line.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 300 copies of Senate Document No. 355, Twenty-fourth Congress, first session, report from the Secretary of the Treasury, in compliance with a resolution of the Senate, relative to increase of the salaries of clerks, etc., be printed for the use of the Senate document room.

MISSOURI RIVER BRIDGE.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 6662) to authorize the Atchison, Topeka and Santa Fe Railway to construct and maintain a

bridge across the Missouri River in the neighborhood of Sibley, Mo., and to remove the existing structure.

The PRESIDING OFFICER. The bill will be read, subject to objection.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 9, after the words "Missouri River," to insert "at a point suitable to the interests of navigation," so as to read:

That the Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct, maintain, and operate, in connection with its railway, and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, a new bridge across the Missouri River, at a point suitable to the interests of navigation, in the neighborhood of Sibley, Mo., and in the vicinity of its existing bridge now constructed and mantained under authority of the act of Congress approved March 3, 1887, chapter 349.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the words "chapter 349," to strike out the remainder of the section and to insert the following proviso:

Provided, That the superstructure and piers of the existing bridge shall be completely removed down to a plane of 15 feet below standard low water within one year from the date of completion of the new bridge herein authorized.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill (S. 6932) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

R. Ella Cooper, widow of Stearns F. Cooper, late captain Company M, Second Regiment Nebraska Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

William H. Hall, late of Company F, Sixth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Ambrose F. Wade, late of Company A, Fourteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John Ryan, alias John Connell, late of Company C, Eleventh Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Isaac Hollister, late of Company B, Twenty-ninth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Francis M. Johnson, late second lieutenant Company D, Eleventh Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Auguste E. Bourquin, late of Company K, First Regiment Missouri Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

William Myers, late of Company H, Ninety-ninth and Fiftieth Regiments Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph A. Root, late of Company G, Third Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Jacob Christina, late of Company B, Forty-third Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas Uttley, late of Company A, Forty-ninth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Benjamin C. Sparks, late of Company D, Fortieth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William G. Lewis, late of Company F, Sixty-first Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Augustus F. French, late of Company F, Fifteenth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Margaret Rice Sanford, widow of Henry H. Rice, late of Company H, Eighth Regiment Massachusetts Militia Infantry, $12.

Davis W. Webb, late of Companies H and A, Tenth Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Daniel B. Morris, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

David Cole, late of Company B, Seventeenth Regiment Massachusetts Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harlan P. Sherwin, late of Company H, Fourteenth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Willoughby Schaffer, late of Company G, One hundred and seventy-sixth Regiment Pennsylvania Drafted Militia Infantry, $24 per month in lieu of that he is now receiving.

Neil McDougall, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

John S. Herwick, late of Company I, Second Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William H. Ashwill, late of Company G, Eighth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Rollman, late of Company K, One hundred and thirty-first Regiment, and Company C, Twenty-ninth Regiment, Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John Lang, late of Company F, Third Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Hiram B. Gould, late of Company I, First Regiment New Hampshire Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

James Martin, late of Company D, Sixth Regiment New York Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

David E. Cross, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary E. Howe, widow of Hiram Howe, late of Company E, Twentieth Regiment New York Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Chancey Williams, late of Company A, Fifty-first Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George W. Boggs, late second lieutenant, Company G, Tenth Regiment Ohio Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Peter J. Dresser, late of Company K, First Regiment District of Columbia Volunteer Cavalry, and Company A, First Regiment Maine Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

William M. Post, late of Company C, Second Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Henry T. Snyder, late of Company D, Fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas J. Carr, late of Company B, Seventy-ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Pyles, late of Company H, First Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry K. Murphy, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Stephens, late of Company K, Nineteenth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Thomas J. Ausbourne, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry C. Babb, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Augustus S. Boughton, late of Company A, Forty-ninth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John McCracken, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George B. Pearl, late of Company F, Twenty-third Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John D. Hobron, late captain of hold, U. S. S. *North Carolina*, *Somerset*, and *Savannah*, United States Navy, $24 per month in lieu of that he is now receiving.

Frank Morgan, late of Company G, Second Battalion, Fourteenth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Catharine Cahill, widow of Edward Cahill, late of Company E, Ninth Regiment Connecticut Volunteer Infantry, $16 per month in lieu of that she is now receiving.

Frank M. Barry, late of Company E, Eighty-ninth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Cassel E. McCoy, late of Company G, One hundred and twelfth Regiment Illinois Volunteer Infantry, and unassigned, Seventy-ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Almont Silsby, late of Company K, Eighth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John C. Bettis, late of Company F, First Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph David, late of Company E, First Regiment Kentucky Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Ella Palmer, widow of Frank Palmer, late second lieutenant Company D, Eighteenth Regiment Pennsylvania Volunteer Cavalry, $16 per month in lieu of that she is now receiving.

John H. Morgan, late of Company G, Fifty-third Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Samuel Willard, late surgeon Ninety-seventh Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Leonard B. Corliss, late of Troop A, Second Regiment United States Cavalry, $30 per month in lieu of that he is now receiving.

Charles G. Hastings, late of Company G, Fifteenth Regiment New York Volunteer Engineers, $24 per month in lieu of that he is now receiving.

William H. Pleasant, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Minnie E. Lloyd, widow of Edward F. Lloyd, late lieutenant-colonel One hundred and nineteenth Regiment New York Volunteer Infantry, $40 per month in lieu of that she is now receiving.

William Wansbrough, late first lieutenant Company D, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, $30 per month in lieu of that he is now receiving.

Charles W. Culbertson, late first lieutenant Company D, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Graves, late first lieutenant Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Susan E. Gaffney, helpless and dependent daughter of Patrick Gaffney, late of U. S. S. *Chimo*, United States Navy, $12.

George W. Sparks, late of Company D, Second Regiment Colorado Volunteer Infantry, and Company F, First Regiment Colorado Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John Murray, late musician, band, Ninth Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry Walters, late of Company M, Fourteenth Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Lewis J. Laws, late of Company E, One hundred and eighth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Catharine Cooper, widow of James B. Cooper, late of Company H and captain Company K, Thirty-fifth Regiment Missouri Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry M. Ramsey, late of Company G, Forty-seventh Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Adda M. Conner, widow of Josiah Conner, alias Cyrus B. Millett, late of Company H, First Regiment Maine Volunteer Heavy Artillery, $12.

Joseph Coates, late of Company G, One hundred and fiftieth Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sarah S. Mendenhall, widow of Alexander Mendenhall, late of Company K, Forty-second Regiment Missouri Volunteer Infantry, $12.

Samuel P. Dale, late of Company K, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Eliza Brainard, widow of John M. Brainard, late of Company C, Twelfth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Susanna A. Johnson, widow of Eugene W. Johnson, late acting assistant surgeon, United States Army, $12.

Orville V. Percy, late of Company L, Eleventh Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Henry Hoss, late of Company H, Eighth Regiment Tennessee Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Joseph M. Kimball, late of Companies B and H, Seventeenth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Thomas S. Stephens, late of Company E, Thirty-second Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Celia Jenks, widow of Marcellus Jenks, late of Company L, First Regiment Vermont Volunteer Heavy Artillery, and Company K, First Regiment New Hampshire Volunteer Cavalry, $12.

Charles M. Long, alias Max Von Rogester, late of Company H, Fourth Regiment, and Company B, Ninth Regiment, New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Mary L. B. McBride, widow of Robert M. McBride, late captain Company F, Seventy-second Regiment Pennsylvania Volunteer Infantry, $12.

Warren I. Buzzell, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel E. Tuttle, late principal musician, band, One hundred and seventeenth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Albert Siler, late of Company B, Seventy-ninth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel Brockway, late of Company F, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George W. Farrington, late of Company K, Eleventh Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

David Barcus, late of Company G, First Regiment West Virginia Volunteer Infantry, and Company D, Second Regiment West Virginia Veteran Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Thomas Welsh, late of Battery B, Second Regiment Illinois Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Sarah R. Helsby, widow of Thomas H. Helsby, late assistant surgeon, United States Army, $20 per month in lieu of that she is now receiving.

Mr. McCUMBER. On page 10, line 6, before the word "dollars," I move to strike out "sixteen" and insert "twenty," so as to read:

The name of Ella Palmer, widow of Frank Palmer, late second lieutenant Company D, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. ROOT. Mr. President, may I inquire if I am correct in supposing that this is not the bill which extends pensions to the widows of soldiers married since 1890?

Mr. McCUMBER. My attention was engaged for the moment and I did not hear the Senator from New York.

Mr. ROOT. I wish to be certain that this bill is not the bill which extends the right to pensions to the widows of soldiers married since 1890.

Mr. McCUMBER. It is not. That bill is now on the calendar. This is an omnibus——

Mr. ROOT. When that bill comes up for consideration, I hope that it will not be acted upon without my having an opportunity to express my opposition to it.

Mr. McCUMBER. I will say to the Senator that this bill is simply an omnibus bill gathering together several of the private pension bills. When the other bill comes up I should like to have the Senator present, of course.

On page 12, line 16, before the word "dollars," I move to strike out "thirty" and insert "forty," so as to read:

The name of Lewis J. Laws, late of Company E, One hundred and eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On March 3, 1910:

S. 6271. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 2072. An act for the relief of John Reed, alias Michael Flanagan;

S. 2445. An act for the relief of Peter Fleming; and

S. 4672. An act for the relief of William Keyes.

On March 5, 1910:

S. 6072. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

S. 6051. An act to authorize the Louisville and Nashville Railroad Company to reconstruct, maintain, and operate its railway bridges across the Escambia Bay, Choctawhatchee River, and Apalachicola River, in the State of Florida.

On March 8, 1910:

S. 4639. An act concerning tonnage duties on vessels entering otherwise than by sea; and

S. 5697. An act to authorize the change of name of the steamers *A. B. Wolvin* and *Cambria*, owned by the Port Huron and Duluth Steamship Company.

HOUSE BILL REFERRED.

H. R. 21419. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1911, and for other purposes, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I ask that the action of the House of Representatives in reference to the District of Columbia appropriation bill be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 14464) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes, insisting on its disagreement to the amendments of the Senate, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. Mr. President, if I may have the attention of the Senate for a moment, I desire to make a statement as to the reasons for the rejection on the part of the other body of the conference report.

When the bill came to the Senate there was an item in it appropriating $17,000 for playgrounds in the city of Washington, to be paid wholly from the revenues of the District of Columbia, and there was no provision in it for supervision. The so-called "organic act," which Congress is responsible for, provides that in all matters of appropriation relating to the District of Columbia there shall be an equal division from the revenues of the District and the Treasury of the United States, and so far as I know—in fact, I speak from actual knowledge—during my somewhat extended service in this body, there has never been a violation of that well-established principle. As to the wisdom of it I have nothing to say, contenting myself with the statement that Congress is responsible for it, and the conferees on the part of the Senate felt that there ought not to be any deviation from the provisions of the law.

As a result, the Senate amended the House bill by striking out the words "to be paid wholly from the revenues of the District of Columbia," and also inserted the word "supervision." The conferees could not be brought together on those points of difference, and finally the conclusion was reached that it might be well to strike the entire item from the bill, which was done.

It was held in the other body, and very likely properly held, that the conferees exceeded their authority in striking from the bill the appropriation, as that was not in controversy, and the bill has been sent back largely because of that fact, and also because, as I understand the matter, the House did not agree to the insertion of the word "supervision."

Now, Mr. President, the conference report has come back, and the conferees will take up that question anew, and I trust they may be able to adjust it.

I move that the Senate further insist upon its amendments, agree to the further conference asked by the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. GALLINGER, Mr. ELKINS, and Mr. FOSTER the conferees on the part of the Senate at the further conference.

HOT SPRINGS STREET RAILWAY.

Mr. CLARK of Wyoming. From the Committee on Public Lands, on behalf of the Senator from Arkansas [Mr. DAVIS], I report back without amendment the bill (H. R. 13899) granting unto the Hot Springs Street Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the "Whittington Lake Reserve Park," and I submit a report (No. 359) thereon.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I ask for the regular order.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

STATUE OF EX-GOVERNOR FRANCIS H. PIERPONT.

Mr. SCOTT. Mr. President, I gave notice yesterday that on April 2 I would ask the Senate to engage in exercises appropriate to the reception of the statue of ex-Governor Francis H. Pierpont from the State of West Virginia. I observe on the calendar this morning that there are to be two series of eulogies delivered on that day, and I wish to change the date of those exercises from April 2 to April 9.

FIRE INSURANCE CLAIMS IN HAWAII.

Mr. CRAWFORD. I ask unanimous consent for the immediate consideration of the bill (S. 3806) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900.

The PRESIDING OFFICER. The regular order has been asked for, which is the calendar under Rule VIII.

Mr. GALLINGER. I will not insist on calling for the regular order if the Senator from South Dakota has a bill which he wishes to have considered, but after that is disposed of I will ask that the calendar be proceeded with.

The PRESIDING OFFICER. The bill will be read, subject to objection.

The Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. CRAWFORD. Mr. President, if the Senate will permit me, I will state that the claim of these several insurance companies was not embraced in the original settlement of claims growing out of the destruction of property in Honolulu to prevent the spread of the bubonic plague, because it was referred to the court to have certain questions as to the liability of the companies under these insurance policies settled.

It seems that in 1899 the bubonic plague broke out in Honolulu, and the government authorities ordered a large amount of property destroyed, and afterwards settled all of the claims except these, paying some million and a half dollars for that purpose. These policies had certain clauses of exemption, which had to be construed by the courts. The companies were sued in test cases and found to be liable and made these payments.

This bill, I think, passed the Senate at a previous session. It was referred to the junior Senator from Minnesota [Mr. CLAPP], who took the proof and made a favorable report, and a unanimous report in favor of the bill was laid before the Senate. The holders of these claims have presented vouchers showing payment in full to the policy holders of the amount provided for in this bill, except that no interest and no costs are allowed—simply the face of the policy.

Mr. CULLOM. I will inquire of the Senator if there is a report accompanying the bill.

Mr. CRAWFORD. There is a full report showing all the facts.

Mr. SMOOT. I ask the Senator from South Dakota to allow the bill to go over. I have written for some papers and information in regard to the claim, which I have not yet received, and I ask the Senator kindly to let it go over.

Mr. CRAWFORD. I have no objection, if the Senator requests it.

The PRESIDING OFFICER. Without objection, the bill goes over. The calendar, under Rule VIII, is in order. The Secretary will announce the first bill on the calendar.

BILLS PASSED OVER.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as first in order on the calendar.

Mr. GALLINGER. Let the first three bills on the calendar go over.

The PRESIDING OFFICER. This bill and the two succeeding bills, the bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property, and the bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, will be passed over.

The bill (H. R. 5485) to authorize the Secretary of the Interior to make temporary withdrawal of areas of public land pending report and recommendation to Congress or for examination and classification was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDING OFFICER. The Senator from Idaho asks that this bill also may go over. Without objection, it is so ordered.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as next in order.

Mr. GALLINGER. This bill has been reached quite a number of times, Mr. President, but has gone over. The last time it was reached, the junior Senator from Kansas [Mr. BRISTOW] asked that it should go over. The Senator is present. I will ask him if he has any objection to considering the bill at this time.

Mr. BRISTOW. I have been ill practically every day since, and I ask that it may go over for the present.

Mr. GALLINGER. The bill will go over, then, at the request of the Senator from Kansas.

The PRESIDING OFFICER. It will go over.

The bill (S. 6058) amending section 2 of an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, was announced as next in order.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2430) for the relief of the heirs of John W. West was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDING OFFICER. Without objection, the bill goes over.

The bill (S. 5715) providing for the establishment of building lines and special building restrictions in the District of Columbia was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDING OFFICER. The bill will go over at the request of the Senator from Idaho.

LIQUOR TRAFFIC IN HAWAII.

The joint resolution (S. J. Res. 80) providing for a special election in the Territory of Hawaii was announced as next in order.

The PRESIDING OFFICER. This joint resolution was read in full on the 1st day of March.

Mr. GALLINGER. Mr. President, I trust the joint resolution will be now acted upon.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

Mr. CULLOM. Mr. President, I think we ought to have such bills and joint resolutions read when taken up.

Mr. CLAY. Has the joint resolution been read?

The PRESIDING OFFICER. The joint resolution, as the Chair has stated, was read on the 1st of March.

Mr. CULLOM. Let it be read again, Mr. President.

The PRESIDING OFFICER. The Secretary will again read the joint resolution.

The Secretary read the joint resolution.

Mr. HEYBURN. Mr. President, this is the first appearance of an initiative and referendum joint resolution in this body or in either House of Congress. I think we are starting out upon an entirely new trail in legislation by Congress authorizing the holding of an election to instruct a legislature, leaving no option at all to that body in legislating upon this subject. It strikes me that a question of this kind, or the initiation of this class of legislation, should receive very thorough consideration if we are to authorize in all jurisdictions over which we exercise direct control the people to hold elections and instruct in the performance of their duty the legislature that we have created and conferred powers upon. It is a pretty big question, and it ought not to be considered under Rule VIII. I ask that the joint resolution go over.

Mr. CLAPP. Mr. President——

Mr. HEYBURN. But I shall not, of course, if any Senator desires to make any suggestion, ask that the joint resolution now go over.

Mr. CLAPP. The only suggestion I wish to make is that this joint resolution came in the form of a proposition for Congress to legislate upon this subject directly. After much consideration it was finally decided to refer the matter to the people of those islands. I do not see that there is any great innovation about it.

Mr. HEYBURN. Mr. President, in reply I will say that it goes further than that. I should favor a law that would allow those people to vote upon it, but I never should favor a law that would allow those people at such an election to take from the legislative body that we have created the jurisdiction and the right to perform the duties of legislation according to their conscience, intelligence, and ability.

Mr. CURTIS. Mr. President, I should like to say that there was a hearing before the committee, and after very careful consideration this joint resolution was agreed upon by the representatives of the temperance people and also by the Delegate from Hawaii. Since that time its enactment has been requested by the governor and other officials of the Territory. The question is simply one for them to settle by a majority vote as to whether or not they will prohibit the manufacture and sale of intoxicating liquor except for the purposes mentioned in the joint resolution.

Mr. HEYBURN. Mr. President, I give due credit to the report of the committee. I have no doubt that they have investigated the matter thoroughly, and I am not at all inclined to criticise their conclusion; but the matter has now passed from the jurisdiction of the committee to that of the Senate; and it is out of no lack of respect for the committee or for its conclusion that I make these suggestions, which are entirely appropriate in this body when we are considering the action of any committee.

I would not at all object to this measure if it authorized the legislature to submit this question to a vote of the people; my sympathies are not against the purposes sought to be obtained by this legislation, but they are all against the enactment or recognition of the proposed initiative and referendum emanating from Congress to the people. We have too much of that outside of Congress. Let us not have it here, because it is not in conformity with the plan of our Government or with its organic Constitution. We should not be the ones to send it out with our approval. Let this joint resolution provide that the legislature shall submit this question to the people, but not that the people shall instruct the legislature. That is no part of the function of the people either under the laws organizing the government of Hawaii or under any other principle of our law.

Now, I wish merely to call the Senators' attention to this language, found on page 1, in lines 14 and 15, of the joint resolution. The question to be submitted is:

> Shall the legislature to be elected in November, 1910, be instructed to pass, at its first regular session, a law—

Instructed to pass a law. A legislative body that takes an oath to act on its own conscience and judgment shall be instructed to waive it at the instance of an outside body.

Mr. CURTIS. That would simply be an instruction.

Mr. HEYBURN. It says so.

Mr. CURTIS. The Senator who prepared the joint resolution is not present, and I hope my friend will not insist that it go over under Rule IX.

Mr. HEYBURN. I ask that the joint resolution go over.

Mr. CLAPP. Let it go over without going under Rule IX.

The PRESIDING OFFICER. The joint resolution goes over without prejudice.

RESURVEYS OF PUBLIC LANDS.

The joint resolution (H. J. Res. 116) to amend an act to correct chapter 271 of volume 35, United States Statutes at Large, was announced as next in order.

Mr. CLARK of Wyoming. Mr. President, I call the attention of the Senator from Idaho [Mr. HEYBURN] to this joint resolution.

Mr. HEYBURN. I would inquire of the Senator from Wyoming whether he desires to press the joint resolution at this time?

Mr. CLARK of Wyoming. The very purpose of my calling the attention of the Senator from Idaho was that I did not desire to press it, if he desired to have it go over. He made objection to it the other day, and I did not want it brought up if the Senator objected.

Mr. HEYBURN. I should like at this time, before taking up the measure, to inquire of the Senator from Wyoming whether or not the status is not something like this: This was a provision in an appropriation bill, was it not?

Mr. CLARK of Wyoming. No; it was not a provision in an appropriation bill; it was a special act.

Mr. HEYBURN. Then the act will remain in force until Congress shall act upon it.

Mr. CLARK of Wyoming. It will. It was a special act, chapter 271, found in that particular volume, and it involves only this particular thing. The Senator will remember that if it had been an appropriation bill the conferees would have been members of the Appropriations Committee.

Mr. HEYBURN. Yes. I merely asked for information.

Mr. CLARK of Wyoming. But, as a matter of fact, they were composed of members of the Committees on Public Lands of the two Houses.

Mr. HEYBURN. I should not like to have the joint resolution taken up to-day; and I will ask that it go over.

The PRESIDING OFFICER. The joint resolution will go over at the request of the Senator from Idaho.

COURT OF COMMERCE, ETC.

The bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDING OFFICER. Let the bill be read.

Mr. GALLINGER. Very well; let the bill be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That a court of the United States is hereby created which shall be known as the United States court of commerce (hereinafter referred to as the court of commerce) and shall have jurisdiction over all cases of the following kinds:

First. All cases for the enforcement, otherwise than by adjudication and collection of a forfeiture or penalty or by infliction of criminal punishment, of any order of the Interstate Commerce Commission other than for the payment of money.

Second. Cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission.

Third. Such cases as by section 3 of the act to further regulate commerce with foreign nations and among the States, approved February 19, 1903, are authorized to be maintained in a circuit court of the United States.

Fourth. All such mandamus proceedings as under the provisions of section 20 or section 23 of the act to regulate commerce, approved February 4, 1887, as amended, are authorized to be maintained in a circuit court of the United States.

The original jurisdiction of the court of commerce over cases of the foregoing classes shall be exclusive; but this act shall not affect the jurisdiction now possessed by any circuit or district court of the United States over cases or proceedings of a kind not within the above-enumerated classes.

The court of commerce shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States from among the circuit judges of the United States, for the period of five years, except that in the first instance the court shall be composed of the five additional circuit judges to be appointed as hereinafter provided, who shall be designated by the President to serve for one, two, three, four, and five years, respectively, in order that the period of designation of one of the said judges shall expire in each year thereafter; in case of the death, resignation, or termination of assignment of any judge so designated, the Chief Justice shall designate a circuit judge to fill the vacancy so caused and to serve during the unexpired period for which the original designation was made. After the year 1914, no circuit judge shall be redesignated to serve on the court of commerce until the expiration of at least one year after the expiration of the period of his last previous designation. The judge first designated for the five-year period shall be the presiding judge of said court, and thereafter the judge senior in commission shall be the presiding judge.

Each of the judges during the period of his service in the commerce court shall, on account of the regular sessions of the court being held in the city of Washington, receive in addition to his salary as circuit judge an expense allowance at the rate of $3,000 per annum. The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges, no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who shall be from time to time designated and assigned by the Chief Justice of the United States for service in the circuit court for any district, or the circuit court of appeals for any circuit, or in the court of commerce. The additional judges so to be appointed shall receive the like pay and emolument as now are or shall be provided by law for circuit judges.

The associate judges shall have precedence and shall succeed to the place and powers of the presiding judge whenever he may be absent or incapable of acting in the order of the date of their commissions. Four of said judges shall constitute a quorum, and at least a majority of the court shall concur in all decisions.

The court shall also have a clerk and a marshal, with the same duties and powers, so far as they may be appropriate and are not altered by rule of the court, as are now possessed by the clerk and marshal, respectively, of the Supreme Court of the United States. The offices of the clerk and marshal of the court shall be in the city of Washington, in the District of Columbia. The judges of the court shall appoint the clerk and marshal, and may also appoint, if they find it necessary, a deputy clerk and deputy marshal; and such clerk, marshal, deputy clerk, and deputy marshal shall hold office during the pleasure of the court. The salary of the clerk shall be $4,000 per annum; the salary of the marshal $5,000 per annum; the salary of the deputy clerk $2,500 per annum; and the salary of the deputy marshal $2,500 per annum. The said clerk and marshal may, with the approval of the court, employ all requisite assistance. The costs and fees in said court shall be established by the court in a table thereof, approved by the Supreme Court of the United States, within four months after the organization of the court; but such costs and fees shall in no case exceed those charged in the Supreme Court of the United States, and shall be accounted for and paid to the Treasury Department of the United States.

The court of commerce shall be always open for the transaction of business. Its regular sessions shall be held in the city of Washington, in the District of Columbia; but the powers of the court or of any judge thereof, or of the clerk, marshal, deputy clerk, or deputy marshal may be exercised anywhere in the United States; and for expedition of the work of the court and the avoidance of undue expense or inconvenience to suitors the court shall hold sessions in different parts of the United States as may be found desirable. The actual and necessary expenses of the judges, clerk, marshal, deputy clerk, and deputy marshal of the court incurred for travel and attendance elsewhere than in the city of Washington shall be paid upon the written and itemized certificate of such judge, clerk, marshal, deputy clerk, or deputy marshal by the marshal of the court, and shall be allowed to him in the statement of his accounts with the United States.

The United States marshals of the several districts outside of the city of Washington in which the court of commerce may hold its sessions shall provide, under the direction and with the approval of the Attorney-General of the United States, such rooms in the public buildings of the United States as may be necessary for the court's use; but in case proper rooms can not be provided in such public buildings, said marshals, with the approval of the Attorney-General of the United States, may then lease from time to time other necessary rooms for the court.

If, at any time, the business of the court of commerce does not require the services of all the judges, the Chief Justice of the United States may, by writing, signed by him and filed in the Department of State, terminate the assignment of any of the judges or temporarily assign him for service in any circuit court or circuit court of appeals. In case of illness or other disability of any judge assigned to the court of commerce, the Chief Justice of the United States may assign any other circuit judge of the United States to act in his place, and may terminate such assignment when the exigence therefor shall cease; and any circuit judge so assigned to act in place of such judge shall, during his assignment, exercise all the powers and perform all the functions of such judge.

In all cases within its jurisdiction the court of commerce, and each of the judges assigned thereto, shall, respectively, have and may exercise any and all of the powers of a circuit court of the United States and of the judges of said court, respectively, so far as the same may be appropriate to the effective exercise of the jurisdiction hereby conferred. The court of commerce may issue all writs and process appropriate to the full exercise of its jurisdiction and powers and may prescribe the form thereof. It may also, from time to time, establish such rules or regulations concerning pleading, practice, or procedure in cases or matters within its jurisdiction as to the court shall seem wise and proper. Its orders, writs, and process may run, be served, and be returnable anywhere in the United States; and the marshal and deputy marshal of said court and also the United States marshals and deputy marshals in the several districts of the United States shall have like powers and be under like duties to act for and in behalf of said court as pertain to United States marshals and deputy marshals generally when acting under like conditions concerning suits or matters in the circuits of the United States.

The jurisdiction of the court of commerce shall be invoked by filing in the office of the clerk of the court a written petition setting forth briefly and succinctly the facts constituting the petitioner's cause of action and specifying the relief sought. A copy of such petition shall be forthwith served by the marshal or a deputy marshal of the court of commerce or by the proper United States marshal or deputy marshal upon every defendant therein named, and when the United States is a party defendant the service shall be made by filing a copy of said petition in the office of the secretary of the Interstate Commerce Commission and in the Department of Justice. Within thirty days after the petition is served, unless that time is extended by order of the court or a judge thereof, an answer to the petition shall be filed in the clerk's office and a copy thereof mailed to the petitioner's attorney, which answer shall briefly and categorically respond to the allegations of the petition. No replication need be filed to the answer, and objections to the sufficiency of the petition or answer as not setting forth a cause of action or defense must be taken at the final hearing or by motion to dismiss the petition based on said grounds, which motion may be made at any time before answer is filed. In case no answer shall be filed as provided herein the petitioner may apply to the court on notice for such relief as may be proper upon the facts alleged in the petition. The court may, by rule, prescribe the method of taking evidence in cases pending in said court, and may prescribe that the evidence be taken before a single judge of the court, with power to rule upon the admission of evidence. Except as may be otherwise provided in this act, or by rule of the court, the practice and procedure in the court of commerce shall conform as nearly as may be to that in like cases in a circuit court of the United States.

The judges of the court of commerce shall be designated by the Chief Justice of the United States within ninety days after the passage of this act, and the court shall be open for the transaction of business at a date to be fixed by order of the said court, which shall be not later than thirty days after the judges thereof shall have been so designated.

SEC. 2. That a final judgment or decree of the court of commerce may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court is taken by an aggrieved party within sixty days after the entry of said final judgment or decree. Such appeal may be taken in like manner as appeals from a circuit court of the United States to the Supreme Court, and the Supreme Court may affirm, reverse, or modify the final judgment or decree of the court of commerce, as the case may require.

Appeal to the Supreme Court, however, shall in no case supersede or stay the judgment or decree of the court of commerce appealed from, unless the Supreme Court or a justice thereof shall so direct, and appellant shall give bond in such form and of such amount as the Supreme Court, or the justice of that court allowing the stay, may require.

Appeals to the Supreme Court under this section shall have priority in hearing and determination over all other causes except criminal causes in that court.

SEC. 3. That suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the court of commerce against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the court of commerce, in its discretion, may restrain or suspend in whole or in part the operation of the commission's order pending the final hearing and determination of the suit. No order or injunction so restraining or suspending an order of the Interstate Commerce Commission shall be made by the court of commerce otherwise than upon notice and after hearing, except that in cases where irreparable damage would otherwise ensue to the petitioner said court or a judge thereof may allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission for not more than sixty days from the date of the order, pending application to the court for its order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judge making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage. The court may, at the time of hearing such application, upon a like finding, continue the temporary stay or suspension in whole or in part until its decision upon the application.

SEC. 4. That from and after the passage of this act all cases and proceedings in the court of commerce which, but for this act, would be brought by or against the Interstate Commerce Commission shall be brought by or against the United States, and the United States may intervene in any case or proceeding in the court of commerce whenever, though it has not been made a party, public interests are involved.

SEC. 5. That the Attorney-General shall have charge and control of the interests of the Government in all cases and proceedings in the court of commerce and in the Supreme Court of the United States upon appeal from the court of commerce. The Interstate Commerce Commission and its attorneys shall take no part in the conduct of any such litigation. The Attorney-General, however, if in his opinion the public interest requires it, may retain and employ in the name of the United States such attorneys and counselors at law as he may think necessary to assist in the discharge of any of the duties incumbent upon him and his subordinate attorneys; and the Attorney-General shall stipulate with such special attorneys and counsel the amount of their compensation and shall have supervision of their action.

SEC. 6. That before the date fixed for the opening of the court of commerce as in section 1 hereof provided, all cases and proceedings of which from that time the court of commerce is hereby given exclusive jurisdiction may be brought in the same courts and conducted in like manner and with like effect as is now provided by law; and if any such case or proceedings shall have gone to final judgment or decree before the date so fixed, appeal may be taken from such final judgment or decree in like manner and with like effect as is now provided by law. Any such case or proceeding within the jurisdiction of the court of commerce which may have been begun in any other court as hereby allowed before the said date shall be forthwith transferred to the court of commerce if it has not yet proceeded to final judgment or decree in such other court, unless it has been finally submitted for the decision of such court; and all previous proceedings in such transferred case shall stand and operate notwithstanding the transfer, subject to the same control over them by the court of commerce and to the same right of subsequent action in the case or proceeding as if the transferred case or proceeding had been originally begun in the court of commerce. The clerk of the court from which any case or proceeding is so transferred to the court of commerce shall transmit to and file in the court of commerce the originals of all papers filed in such case or proceeding and a certified transcript of all record entries in the case or proceeding up to the time of transfer.

SEC. 7. That section 5 of the act to regulate commerce, approved February 4, 1887, as amended, is hereby amended by adding at the end thereof a new paragraph, as follows:

"Agreements between common carriers subject to this act specifying the classifications of freight and the rates, fares, and charges for transportation of passengers and freight which they agree to establish shall not be unlawful under the act to regulate commerce as amended, or under the act approved July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' or otherwise, if a copy of such agreement is filed with the Interstate Commerce Commission within twenty days after it is made, and before or when any schedule of any rate, fare, or charge or any classification made pursuant to the agreement is filed with the commission; but all provisions of the act to regulate commerce, approved February 4, 1887, as amended, and all provisions of this act and any future amendments thereof shall apply to such agreed rates, fares, and charges, and such agreed classifications, and the Interstate Commerce Commission shall have like control over and power of action concerning any agreed rate, fare, charge, or classification, including suspension of the rate or classification before it becomes effective, and pending investigation of its propriety, as if the rate, fare, charge, or classification had been made without agreement, and any party to such agreement may cancel it as to all or any of the agreed rates, fares, charges, or classifications, by thirty days' notice in writing to the other parties and to the Interstate Commerce Commission, and such agreement of carriers, though filed with the commission, shall not be deemed a tariff or schedule of rates, fares, or charges collectible from the public, or operate itself to alter any such tariff or schedule whensoever filed and published, but nothing in this section contained shall be deemed to authorize the making of agreements for the pooling of freights in violation of the provisions of section 5 of the said act of February 4, 1887."

SEC. 8. That section 6 of the act to regulate commerce, approved February 4, 1887, as amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"If any railroad corporation, being a common carrier subject to this act, after written request made upon the freight agent of such carrier hereinafter in this section referred to by any person or company for a written statement of the rate or charge applicable to a described shipment between stated places under the schedules or tariffs to which such carrier is a party, shall refuse or omit to give such written statement within a reasonable time, or shall misstate in writing its applicable rate, and if the person or company making such request suffers damage in consequence of such refusal or omission or in consequence of the misstatement of the rate, either through making the shipment over a line or route for which the proper rate is higher than the rate over another available line or route, or through entering into any sale or other contract whereunder such person or company obligates himself or itself to make such shipment of freight at his or its cost, then the said carrier shall be liable to a penalty of $250, which shall accrue to the United States and may be recovered in a civil action brought by the United States."

It shall be the duty of every such railroad corporation to keep at all times conspicuously posted in every station where freight is received for transportation the name of an agent resident in the city, village, or town where such station is located, to whom application may be made for the information by this section required to be furnished on written request; and in case any carrier shall fail at any time to have such name so posted in any station, it shall be sufficient to address such request to "The Station Agent of the ——— Company at ——— Station," inserting the name of the carrier company and of the station in the blanks, and to serve the same by depositing the request so addressed, with postage thereon prepaid, in any post-office.

SEC. 9. That section 15 of the act to regulate commerce, approved February 4, 1887, as amended, is hereby amended to read as follows:

"That whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, or after full hearing under an order for investigation and hearing made by the commission on its own initiative (either in extension of any pending complaint or without any complaint whatever), the commission shall be of opinion that any individual or joint rates or charges whatsoever demanded, charged, or collected by any common carrier or carriers subject to the provisions of this act for the transportation of persons or property as defined in the first section of this act, or that any individual or joint classifications, regulations, or practices whatsoever of such carrier or carriers affecting such rates are unjust or unreasonable or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, the commission is hereby authorized and empowered to determine and prescribe what will be the just and reasonable individual or joint rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged, and what individual or joint classification, regulation, or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent to which the commission finds the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall adopt the classification and shall conform to the regulation or practice so prescribed. All orders of the commission, except orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended or modified or set aside by the commission, or be suspended or set aside by a court of competent jurisdiction. Whenever the carrier or carriers, in obedience to such order of the commission or otherwise, in respect to joint rates, fares, or charges, shall fail to agree among themselves upon the apportionment or division thereof, the commission may, after hearing, make a supplement order prescribing the just and reasonable proportion of such joint rate to be received by each carrier party thereto, which order shall take effect as a part of the original order.

"Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the commission, upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than sixty days beyond the time when such rate, fare, charge, classification, regulation, or practice would otherwise go into effect; and after full hearing, whether completed before or after the rate, fare, charge, classification, regulation, or practice goes into effect, the commission may make such order in reference to such rate, fare, charge, classification, regulation, or practice as would be proper in a proceeding initiated after the rate, fare, charge, classification, regulation, or practice had become effective.

"The commission may also, after hearing, on a complaint or upon its own initiative without complaint, establish through routes and joint classifications, and may establish joint rates as the maximum to be charged and may prescribe the division of such rates as hereinbefore provided and the terms and conditions under which such through routes shall be operated, whenever the carriers themselves shall have refused or neglected to establish voluntarily such through routes or joint classifications or joint rates; and this provision shall apply when one of the connecting carriers is a water line. The commission shall not, however, establish any through route, classification, or rate between street, suburban, or interurban electric passenger railways not engaged in the general business of transporting freight in addition to their passenger and express business and railroads of a different character.

"And in establishing such through route, the commission shall not require any company, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common man-

agement or control therewith, which lies between the termini of such proposed through route, unless to do so would make such through route unreasonably long as compared with another practicable through route which could otherwise be established.

"In all cases where at the time of delivery of property to any railroad corporation being a common carrier, for transportation subject to the provisions of this act to any point of destination, between which and the point of such delivery for shipment two or more through routes and through rates shall have been established as in this act provided, to which through routes and through rates such carrier is a party, the person, firm, or corporation making such shipment, subject to such reasonable exceptions and regulations as the Interstate Commerce Commission shall from time to time prescribe, shall have the right to designate in writing by which of such through routes such property shall be transported to destination, and it shall thereupon be the duty of the initial carrier to route said property and issue a through bill of lading therefor as so directed, and to transport said property over its own line or lines and deliver the same to a connecting line or lines according to such through route, and it shall be the duty of each of said connecting carriers to receive said property and transport it over the said line or lines and deliver the same to the next succeeding carrier or consignee according to said bill of lading.

"If the owner of property transported under this act directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the services so rendered or for the use of the instumentality so furnished, and fix the same by appropriate order, which order shall have the same force and effect and be enforced in like manner as the orders above provided for under this section.

"The foregoing enumeration of powers shall not exclude any power which the commission would otherwise have in the making of an order under the provisions of this act."

SEC. 10. That section 16 of said act to regulate commerce, approved February 4, 1887, as amended, is hereby amended by striking out all that part of the section which follows the sentence, "It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect," and by substituting for the part so stricken out the following:

"Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section 15 of this act shall forfeit to the United States the sum of $5,000 for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense.

"The forfeiture provided for in this act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the carrier has its principal operating office, or in any district through which the road of the carrier runs.

"It shall be the duty of the various district attorneys, under the direction of the Attorney-General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

"The commission may employ such attorneys as it finds necessary for proper legal aid and service of the commission or its members in the conduct of their work, or for proper representation of the public interests in investigations made by it, or cases or proceedings pending before it, whether at the commission's own instance or upon complaint; and the expenses of such employment shall be paid out of the appropriation for the commission.

"If any carrier fails or neglects to obey any order of the commission other than for the payment of money while the same is in effect, any party injured thereby, or the United States, by its Attorney-General, may apply to the court of commerce for enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

"The copies of schedules and classifications and tariffs of rates, fares, and charges, and of all contracts, agreements, and arrangements between common carriers filed with the commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers made to the commission as required under the provisions of this act shall be preserved as public records in the custody of the secretary of the commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, tariffs, contracts, agreements, arrangements, or reports made public records as aforesaid, certified by the secretary, under the commission's seal, shall be received in evidence with like effect as the originals."

SEC. 11. That section 20 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is amended by striking out the following paragraph:

"Said detailed reports shall contain all the required statistics for the period of twelve months ending on the 30th day of June in each year, and shall be made out under oath and filed with the commission, at its office in Washington, on or before the 30th day of September then next following, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such parties shall forfeit to the United States the sum of $100 for each and every day it shall continue to be in default with respect thereto. The commission shall also have authority to require said carriers to file monthly reports of earnings and expenses or special reports within a specified period, and if any such carrier shall fail to file such reports within the time fixed by the commission it shall be subject to the forfeitures last above provided."

And by adding in lieu of the paragraph so stricken out the following:

"Said detailed reports shall contain all the required statistics for the period of twelve months ending on the 30th day of June in each year, or on the 31st of December in each year if the commission by order substitute that period for the year ending June 30th, and shall be made out under oath and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation, subject to the provisions of this act, shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such party shall forfeit to the United States the sum of $100 for each and every day it shall continue to be in default with respect thereto. The commission shall also have authority by general or special orders to require said carriers, or any of them, to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matters about which the commission is authorized or required by this or any other law to inquire or to keep itself informed; and such periodical or special reports shall be under oath whenever the commission so requires; and if any such carrier shall fail to make and file any such periodical or special report within the time fixed by the commission, it shall be subject to the forfeitures last above provided."

SEC. 12. That no railroad corporation which is a common carrier subject to the act to regulate commerce, approved February 4, 1887, as amended, shall hereafter acquire, directly or indirectly, any interest of whatsoever kind in the capital stock, or purchase or lease the railroad, of any railroad corporation owning or operating a line of railroad which is directly and substantially competitive with that of such first-named corporation respecting business to which said act to regulate commerce, as amended, applies; and any corporation which acquires any interest in capital stock, or which purchases or leases a railroad contrary to this section, or which holds or retains any interest in capital stock or in a railroad hereafter acquired in violation of this section, shall be fined $5,000 for each day or part of day during which it holds or retains such interest unlawfully acquired: *Provided, however*, That nothing in this section contained shall operate to prevent any such corporation which at the date of the passage of this act owns not less than one-half of the entire issued and outstanding capital stock of any other railroad corporation from acquiring any of the remainder of such stock, nor to prevent any such corporation which is now operating under lease, made for not less than twenty years, a railroad of any other such corporation from renewing such lease or acquiring the reversionary ownership of the lessor railroad, either directly or through purchases of the stock of the lessor company: *And provided further*, That the words "railroad corporation," as used in this section, shall not apply to or include street, suburban, or interurban electric passenger railway corporations.

But nothing herein contained shall be construed to affect the rights or liabilities of either party to any suit or action pending at the passage of this act, nor to authorize or validate the acquisition by a railroad corporation, being a common carrier subject to said act to regulate commerce, as amended, of any interest in the capital stock or the purchase or lease of the railroad of any other railroad company in violation of any other act of Congress, including the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

Any attempted acquisition of an interest in capital stock, or the purchase or lease of a railroad, contrary to this section shall be void and may be enjoined by any court of competent jurisdiction at the suit of the United States; and the holding or retention of any interest in capital stock or the acquisition of a railroad contrary to this section may likewise be enjoined in any court of competent jurisdiction at the suit of the United States; but any railroad corporation, being a common carrier as aforesaid, which proposes to acquire any interest in the capital stock or to lease or purchase a railroad of any other corporation may apply to the court of commerce by its petition for that purpose, filed in advance of actual taking of such interest in capital stock or the acquisition of such railroad, but after an agreement or contract for its acquisition has been made, with a stipulation therein that such agreement or contract shall take effect in case it is found by the court of commerce not to violate this section, for an adjudication as between such corporation and the United States, whether or not the proposed acquisition of an interest in the capital stock or the proposed purchase or lease of the railroad of another corporation violates this section, and the adjudication of the court of commerce upon such application shall have the ordinary effect of judgments as an estoppel between the parties.

The court of commerce is hereby given jurisdiction to hear and determine such applications and to take all proper proceedings thereon; and the filing of said petition shall be taken as a consent on the part of the corporation making the application that the court of commerce issue at once an interlocutory injunction against the proposed acquisition pending final determination by the court concerning its legality hereunder. If the court of commerce finally adjudges the proposed transaction to be unlawful, it shall by its decree permanently enjoin the proposed acquisition. In case the United States shall have sued to restrain the proposed acquisition in a court other than the court of commerce before the corporation proposing to make such acquisition files its petition as aforesaid in the court of commerce, such suit of the United States shall be stayed pending the decision of the court of commerce if it has not yet proceeded to final decree, and said suit of the United States shall be dismissed if the court of commerce finally adjudges that the proposed acquisition does not violate this section. In making the determination herein provided for the court shall take into consideration the effect of such proposed acquisition upon the due observance and effective enforcement of all the laws of the United States, and the relative importance of any benefit to the public interest and of any effect upon competition resulting from such acquisition.

SEC. 13. That, except as hereinafter provided, no railroad corporation which is a common carrier subject to the act to regulate commerce, approved February 4, 1887, as amended, shall hereafter issue for any purpose connected with or relating to any part of its business governed by said act to regulate commerce, as amended, any capital stock or certificate of stock without previous or simultaneous payment to it of not less than the par value of such stock or any bond or other evidence of indebtedness, except notes maturing not more than two years from the date of their issue, without previous or simultaneous payment to such corporation of not less than the par value of such bond or other evidence of indebtedness, or if sold at less than par, then of not less than its reasonable market value, which value shall be ascertained by

the Interstate Commerce Commission and stated in a sealed certificate issued by the commission to the corporation, or to any person or persons intending to organize such corporation, and recorded with the commission. If the commission shall ascertain that there is no reasonable market value of such bond or other evidence of indebtedness at the date of such certificate, then the commission shall ascertain and state in such certificate the reasonable selling price of such bond or other evidence of indebtedness at such date, and nothing in this section contained shall prevent the issue of such bond or other evidence of indebtedness if sold at or in excess of the selling price so stated, and no property, services, or other thing than money shall be taken in payment to the corporation of the par of such stock, or certificate of stock, and the par or other required price of such bond, or other evidence of indebtedness, except in every instance at the fair value of such property, services, or other thing than money, which shall be ascertained by the Interstate Commerce Commission and stated in a sealed certificate issued by it to such corporation, or to any person or persons intending to form such corporation, and recorded with the commission before the issue of said stock, certificate of stock, or other evidence of indebtedness: *Provided*, That nothing herein contained shall be construed to prevent a corporation subject to this act from issuing its bonds or other obligations to refund bonds or other obligations heretofore issued and outstanding to an amount requisite to take up or refund the same, or from issuing or agreeing to issue its capital stock at its par value in payment or exchange for its notes, bonds, or other evidences of indebtedness now outstanding or hereafter issued in conformity with the provisions of this act.

No issue of stock or bonds shall be made for the purpose of paying or taking up notes maturing not more than two years from the date of their issue and hereafter issued by such corporation for a purpose connected with or relating to any of its business governed by said act to regulate commerce as amended, in an amount greater than will suffice, upon issue of such stock or bonds under the rules hereinbefore prescribed concerning issues of stock or bonds, to yield a sum equal to the amount of money actually received by such corporation for such notes; or, if such notes were sold at the time of their issue for less than their face value, to yield a sum equal to the amount of such notes if the Interstate Commerce Commission, before the issue of such new stock or bonds, shall state in a sealed certificate issued by the commission to the corporation and recorded with the commission that the commission finds that said notes were issued by the corporation at the price received therefor in good faith and after proper endeavors to obtain therefor their reasonable market or selling value; or in case the Interstate Commerce Commission shall find that the fact is otherwise, then a sum equal to the amount of notes which the Interstate Commerce Commission before the issue of such new stock or bonds shall state in a like certificate would have availed to procure for such corporation upon the sale of such notes at their reasonable market or selling value a sum equal to the consideration actually received for the notes by such corporation.

No railroad corporation subject to the act to regulate commerce as amended shall hereafter, for any purpose connected with or relating to any part of its business governed by said act, issue any capital stock convertible into other capital stock of such railroad corporation, unless by the terms of the certificate representing the stock so convertible the amount, par value, of capital stock that the holder of such certificate is entitled to receive in exchange therefor shall be equal to or less than the par value of the shares of stock represented by such certificate of convertible stock; but nothing contained in this act shall be deemed to prohibit the issue by any such corporation of its capital stock in exchange for and in accordance with the terms of such convertible stock issued in accordance with the provisions of this paragraph.

Nothing in this section contained shall be construed to prohibit the mortgage or pledge by any railroad corporation, subject to the act to regulate commerce as amended, of any bond or other evidence of indebtedness, issued by such railroad corporation, as security for or as part security for any note, bond, or other evidence of indebtedness issued by, or loan made to such railroad corporation which shall not be issued or made in violation of the provisions of this act: *Provided*, That the terms of said loan and of such notes, bonds, or other evidences of indebtedness, if any, shall provide that none of said pledged bonds or other evidence of indebtedness, shall, upon nonpayment of the notes, bonds, or other evidences of indebtedness which they are pledged to secure, or upon nonperformance of any of the conditions thereof, be sold or become the property of the holders of the notes, bonds, or other evidences of indebtedness so secured, either directly or through a trustee for their benefit except at or through public sale, notice whereof shall be published at least once a week for not less than three successive weeks prior thereto in at least one daily newspaper of general circulation published in the place where such sale shall take place: *And provided further*, That if such notes, bonds, or other evidences of indebtedness, if any, shall provide that the owners thereof shall have the right to convert the same into the bonds or other evidences of indebtedness so mortgaged or pledged, the Interstate Commerce Commission, previously to the making of such loan, shall have ascertained and stated, in a sealed certificate issued by the commission to such corporation or to any person or persons intending to organize such corporation and recorded with the commission or otherwise, as authorized by this act, the reasonable market or selling value of such bonds or other evidences of indebtedness so mortgaged or pledged and the rate which said reasonable market or selling value bears to the reasonable market or selling value of such secured notes, bonds, or other evidences of indebtedness, and that such secured notes, bonds, or other evidences of indebtedness shall not provide that the owners thereof shall have the right upon such conversion to receive in exchange therefor bonds or other evidences of indebtedness so mortgaged or pledged to an amount greater than would be receivable at the rate so found and stated in such certificate of the commission.

Nothing in this act contained shall be taken to prohibit the issue of any bond or other evidence of indebtedness pursuant to the terms of any instrument heretofore executed, provided the same shall not be sold except in conformity with the foregoing provisions of this section with respect to the market or selling value and the ascertainment thereof by the Interstate Commerce Commission.

Nothing in this act contained shall in any way affect or impair the validity of any mortgage or pledge of any capital stock, certificate of stock, bond, or other evidence of indebtedness now mortgaged or pledged as security for, or as part security for, any loan heretofore made to any such corporation, or prohibit the sale upon foreclosure or otherwise of any such mortgaged or pledged stock, certificate of stock, bonds, or other evidences of indebtedness, upon the terms and conditions provided in the instrument, if any, whereunder such securities may have been pledged, or in the contract of loan; and nothing in this section contained shall be construed in any way to prohibit or affect the issue of any capital stock or the delivery of any certificate of stock or the issue of any bond or other evidence of indebtedness in exchange for or to provide for the retirement of any capital stock, certificate of stock, bond, or other evidence of indebtedness now outstanding, or provided to be issued, or the pledge of the exchanged or retired stock or securities, on such terms and conditions as may be provided in the instruments whereunder any of the stocks, bonds, or other evidences of indebtedness referred to in this paragraph are respectively issued or authorized to be issued.

SEC. 14. That in case at any time it shall be proposed, by or pursuant to any plan of reorganization of any railroad corporation or corporations incorporated prior to January 1, 1910, the properties whereof shall be in the hands of a receiver or of receivers or shall be subject to be sold in any suit or suits or other judicial proceedings for foreclosure of any mortgage or deed of trust heretofore executed, or for the dissolution or winding up of such corporation, or to procure the satisfaction of its debts or the application of its property thereto, pending at the time of such proposal; that any corporation utilized or to be utilized for the purposes of such reorganization, which at such time shall be, or, when organized and operating, will be, subject to the act to regulate commerce as amended (every corporation so utilized or to be utilized being hereinafter referred to by the term "new corporation"), shall issue stock and bonds and other evidences of indebtedness, or any thereof, for any purpose connected with or relating to any part of its business governed by said act to regulate commerce as amended, application for any certificate of the Interstate Commerce Commission that may be requisite under the provisions of this section may be made by any person, committee, or representatives of any committee, or by managers having in charge the formulating or carrying out of any such plan of reorganization, and such certificate may be issued to such person, committee, representatives, or managers for the use of the new corporation; and the issue pursuant to such plan of reorganization by any new corporation, of stock, whether of a single class or of two or more classes as may be authorized by law, to an amount in the aggregate not exceeding, in par value, the aggregate amount, par value, of the stocks of the corporation or corporations so reorganized or to be reorganized pursuant to said plan (being, in the case of each corporation, the stock outstanding at the date of said certificate of the Interstate Commerce Commission or of the previous dissolution of such corporation) shall not be deemed to be prohibited by anything contained in this act; and the issue by any new corporation of bonds and other evidences of indebtedness, whether unsecured or secured by mortgage upon said properties or otherwise, to an aggregate amount not exceeding the amount of new money paid to the new corporation pursuant to such plan of reorganization and the amounts of bonds and other obligations and debts, including receiver's liabilities, which at the time of such sale or sales may have constituted claims or charges, whether legal or equitable, upon or against the corporation or corporations so reorganized or the properties thereof, and provision for the payment of which or the delivery of securities of the new corporation in exchange for which shall be made in such plan, shall not be deemed to be prohibited by anything contained in this act, provided that the aggregate amount of interest charges agreed to be paid by the new corporation or to which its property will be subject shall not exceed the aggregate amount of the interest charges to which the corporation or corporations so reorganized or their properties shall have been subject plus interest upon bonds issued as aforesaid for new money; and nothing in this act shall be deemed to prohibit the new corporation from assuming any bonds, debts, or other obligations of the corporation or corporations so reorganized, in place of which it might, in accordance with the rules prescribed by this section, issue its own stocks, bonds, or other obligations, or to prevent the issue, in addition to the stock hereinabove specified, of an amount of stock of the new corporation in lieu of, but not exceeding the face amount of, bonds and other obligations which, under the provisions hereof, the new corporation might issue, and no issue of stock, bonds, or other evidences of indebtedness by any new corporation, which it may make consistently with the rules prescribed by sections 12 and 13 of this act, shall be deemed to be prohibited by anything in this section contained; but no issue of stock or bonds shall be made by any such corporation unless the Interstate Commerce Commission shall have ascertained and stated in a sealed certificate issued by it as above provided and recorded with the commission that the stock and bonds and other evidences of indebtedness proposed to be issued, and the interest charges on such bonds and other evidences of indebtedness will not exceed the amounts of stock, bonds, and other obligations and of the interest charges respectively permitted by the terms of this section or such greater amount, if any, as may be issued in accordance with the rules prescribed in sections 12 and 13 of this act.

In case two or more railroad corporations, subject to the act to regulate commerce as amended, shall be consolidated or merged pursuant to the laws of a State or States applicable thereto, and such consolidation or merger shall consist in uniting the organizations, properties, businesses, and stocks of said corporations without increase in the aggregate amount of the stocks of the corporations so consolidated or merged and without increase in the aggregate amount of, or the aggregate interest payable upon, the bonds or other obligations of said corporations so consolidated or merged; or, if the Interstate Commerce Commission shall have ascertained and stated in a sealed certificate issued by it to the corporations in respect to which such consolidation or merger is to take place or shall have taken place or to one of them (or to any person, committee, or representatives of any committee or to managers having in charge the formulating or carrying out of any plan of reorganization such as is hereinbefore mentioned under which the corporation that is to issue new securities to be distributed under such plan will be a corporation resulting from any consolidation or consolidations, merger or mergers), that the stock to be issued by such consolidated corporation and the bonds and other obligations, if any, to be assumed and issued thereby does not exceed the fair estimated value of the properties of such consolidated corporation, nothing in this act contained shall be deemed to prohibit the issue of such stock and bonds and other obligations, or any of them, or the assumption of all or any of the bonds or other obligations of the corporations so consolidated or merged.

Nothing in this act contained shall prevent a railroad corporation, subject to the said act to regulate commerce, as amended, from acquiring the stock and bonds of another railroad corporation, subject to said act, and not competing with such first-mentioned corporation, by the issue of its own stock and bonds, provided the aggregate amount of the par values of the stock and bonds so issued (a) shall not exceed the fair value of the property of the corporation whose stock and bonds are so acquired, which value shall be ascertained by the Interstate Commerce Commission, or (b) shall not exceed the aggregate par values of the stock and bonds so acquired, but without increase in the

aggregate interest payable on the bonds or other obligations so acquired; which facts shall be in like manner ascertained by the Interstate Commerce Commission. But nothing herein contained shall be construed to authorize or to validate or permit the consolidation or merger in any manner of two or more corporations in violation of any other act of Congress, including the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraint and monopolies."

SEC. 15. That upon application for a certificate of the Interstate Commerce Commission, pursuant to section 13 or section 14 of this act, of which notice shall be served on the United States in like manner as is provided with respect to notices of hearings upon petition by section 1 hereof, the commission shall hear and determine the matters as to which its certificate is desired, and may make proper rules and regulations concerning the manner of such application and the conduct of the hearing.

No certificate issued pursuant to the provisions of section 13 or section 14 of this act shall be held to authorize any action in the issue of stock, bonds, or otherwise, after the expiration of twelve months from the date of such certificate with respect whereof such certificate is required by the provisions of this act, but the Interstate Commerce Commission may, on application duly made to it, extend the period within which such certificate shall evidence compliance with this act for such additional period or periods not exceeding twelve months each as it may deem not contrary to the public interests.

Issues of stock, certificates of stock, bonds, or other evidences of indebtedness contrary to section 13 or section 14 hereof may be enjoined by any court of competent jurisdiction at the suit of the United States or of any director or officer of the corporation proposing to make the issue, or of the subscriber or subscribers for or the holder or holders of shares of stock thereof amounting to not less than 10 per cent of the aggregate amount of the stock of such corporation outstanding and subscribed for; and any director, officer, or stockholder of such corporation who willfully assents to or concurs in any issue of securities forbidden by section 13 or section 14 of this act shall be punished by a fine of not more than $10,000 or imprisonment not longer than three years, or both.

Nothing in this section or in said section 13 or said section 14 contained shall in any way affect or impair the validity of any such stock, certificates of stock, bonds, or other evidences of indebtedness in the hands of innocent holders for value.

SEC. 16. That nothing in this act contained shall undo or impair any proceedings heretofore taken by or before the Interstate Commerce Commission or any of the acts of said commission; and in any cases, proceedings, or matters now pending before it, the commission may exercise any of the powers hereby conferred upon it, as would be proper in cases, proceedings, or matters hereafter initiated; and nothing in this act contained shall operate to release or affect any obligation, liability, penalty, or forfeiture heretofore existing against or incurred by any person, corporation, or association.

SEC. 17. That any inquiry necessary or proper to be made by the Interstate Commerce Commission under the provisions of section 13 or section 14 of this act may be prosecuted by one or more of the commissioners; and any order or certificate of the commission authorized or required by any provision of either of said sections may, in the first instance, be made by one of the commissioners, and shall be regarded as the order of the commission unless, within twenty days after the making of such order or the granting of such certificate, either party affected thereby shall by writing filed with the secretary of the commission require the submission of the matter to the commission, whereupon the matter shall be considered by the commission, and action shall be taken with respect to the subject-matter of the petition by at least a majority of the whole commission, but the testimony, reports, and other records of inquiry made by a single commissioner may be accepted by the full commission as the basis for its action, or the commission may, in its discretion, require other or further evidence to be submitted to it.

Mr. HEYBURN. Mr. President, I offer an amendment to the bill that has just been read, to be considered in connection with the bill. I ask that the amendment be printed in the RECORD.

Mr. BEVERIDGE. The Senator does not offer the amendment now?

Mr. HEYBURN. I offer it in the way of a notice, to be considered, I said, in connection with the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELKINS. I ask unanimous consent that the bill just read, calendar No. 202, be made the unfinished business.

Mr. HEYBURN. It is not yet 2 o'clock. The Senator can not do that.

The PRESIDING OFFICER. When 2 o'clock arrives, if the bill shall then be under consideration, it will become the unfinished business.

Mr. MONEY. I should like to know what status the bill just read occupies. What is it designed to do?

The PRESIDING OFFICER. The bill was taken up on the calendar in the regular way, the Chair will state.

Mr. MONEY. Taken up from the calendar? Has there been any order of business suggested in relation to it?

The PRESIDING OFFICER. The Senator from West Virginia was just about to make a suggestion.

Mr. BEVERIDGE. How does it become the unfinished business?

The PRESIDING OFFICER. After 2 o'clock it will become the unfinished business, if it is under consideration at that time.

Mr. MONEY. May I inquire of the Senator from West Virginia what action he proposes shall be taken on the bill?

Mr. ELKINS. I am going to ask that it be the unfinished business, to the exclusion of all other business except appropriation bills. I ask unanimous consent——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived and the bill being under consideration, it becomes unfinished business by unanimous consent.

Mr. ELKINS. It is now the unfinished business before the Senate.

Mr. CUMMINS. May I ask, Is it the unfinished business in the sense that it would be if it had been taken up after 2 o'clock; that is to say, it will not be the unfinished business to-morrow?

The PRESIDING OFFICER. The Chair understands that it will. That is the rule of the Senate.

Mr. BEVERIDGE. Under the rule——

Mr. HEYBURN. It has not been taken up. It is not the unfinished business.

Mr. BEVERIDGE. It will become so at 2 o'clock.

Mr. HEYBURN. Not unless it is under consideration. The bill is not under consideration. It is being read for information at the request of a Senator.

Mr. ELKINS. It was read under the eighth rule.

The PRESIDING OFFICER (at 2 o'clock p. m.). It was read under Rule VIII, and taken up in regular order under Rule VIII. The bill was being read, and the hour of 2 o'clock having arrived, of course it could not displace a vote of the Senate, but there has been no vote of the Senate making any unfinished business.

Mr. MONEY. I should like to ask the Senator from West Virginia if he proposes to do anything with the bill to-day?

Mr. ELKINS. No, sir; not to-day.

Mr. HEYBURN. Then, under the ruling of the Chair, as this matter was under consideration, which I did not understand, I offer the amendment that I sent to the desk.

The PRESIDING OFFICER. The Chair understood the Senator from Idaho to offer the amendment.

Mr. HEYBURN. I ask that it be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. It is proposed to add at the end of the bill the following additional sections:

SEC. —. That there is hereby established additional courts of the United States, to be known as "District land courts of the United States," in each of the States and Territories in which are situated lands belonging to the United States, which are or may become subject to entry and sale under the laws of the United States, wherever such lands in any State or Territory exceed 2,500,000 acres, and where such lands in any State or Territory do not exceed such number of acres, jurisdiction over such lands may be exercised by a district land court nearest to such lands.

SEC. —. That the said district land court of the United States shall have jurisdiction to hear and determine as herein provided all contests involving the right to occupancy, entry, and patent of the lands of the United States within its jurisdiction in the manner hereinafter provided. Such court shall hold at least one term in each local land district within the jurisdiction of said court during each year for the purpose of hearing and determining causes arising in such local land district. Any decision or order may be made and filed or judgment rendered at any place within the jurisdiction of said court without regard to term time.

SEC. —. That there shall be appointed by the President, with the advice and consent of the Senate, in each judicial district in which, under the provisions of this act, a land court of the United States is provided to be established, one judge, who shall have the same qualifications as that of the district court judges of the United States and holding by like tenure of office, and who shall have and exercise all the powers herein conferred upon such district land courts. Said judge shall be entitled to compensation of $5,000 per annum, payable in equal quarterly installments. That the said courts shall prescribe the style and form of its seal and the form of the writs and other process of procedure, as may be conformable to the exercise of its jurisdiction as conferred by law. The judge of the said court shall appoint a clerk who shall perform and exercise such duties and powers within its jurisdiction as are provided by law and by the rules of the court. The salary of the clerk of said court shall be $2,500 per annum, which shall be paid in equal proportions quarterly; the costs and fees of the said court, as the same shall be established by law, shall be expended and accounted for and paid over to the Treasury Department of the United States in the same manner as is provided in respect to the costs and fees of the circuit courts of the United States.

SEC. —. That the jurisdiction of the said district land courts of the United States shall extend to all controversies affecting the right to occupy, use, locate, or enjoy any lands belonging to the United States by any citizen thereof, whether reserved or unreserved; also to all causes on removal, transfer, or appeal from any decision of the register or receiver of any United States land office within the district for which said land court is established, or over which its jurisdiction may be extended. Whenever any adverse claim or protest is filed under oath in the office of the register or receiver of any land office of the United States involving the right to enter or receive a patent for any public land of the United States, or whenever the right to enter or receive a patent for such land is denied or contested by or on behalf of the United States, the register of such United States land office shall, within thirty days after the filing of such adverse claim or protest, or after the denial by him of the right of the applicant to enter or receive a patent for the land applied for, upon notice in writing being filed with the register of such land office by either the applicant or the adverse claimant or protesting party, or on their behalf, that such parties desire to try the issues involved in such contest in the land courts of the United States, upon the payment of the proper fees therefor, make and file with the clerk of the proper district land court of the United States a certified copy of all papers and official entries per-

taining to such application and contest, and therefore no further action or proceeding shall be had in the land office until final adjudication of the rights of the parties to said contest shall be had by said land courts. Upon receipt of said transcript by the clerk of the land court the said clerk shall make an entry of said proceeding in due form in a docket to be kept for that purpose, and said entry in said docket shall specify each and every paper by name and character constituting said record and transcript, and said clerk shall safely keep on file the papers and documents constituting such record and transcript. That upon the receipt, docketing, and filing of said papers, as aforesaid, by the clerk of the land court, the jurisdiction of the said land court shall attach for all purposes wherein the court may exercise its jurisdiction under the provisions of this act. Said courts shall have original jurisdiction upon the filing of a bill of complaint in said court by any person or persons or corporation, or by any proper person authorized to represent the Government of the United States in so doing, to cause an original or alias summons or subpœna to issue to the party named as defendant in said complaint, requiring such defendant or defendants to appear and answer or defend in such action, and upon issue being joined in law or fact, or both, the court shall have power to proceed to try and determine all such issues, as hereinbefore provided, in the case of causes certified from the United States Land Office and in accordance with the general methods of procedure in the courts of the United States. That the said land court of the United States herein established shall have jurisdiction to fully try and determine such causes according to the law and the facts by it to be ascertained and determined, and may issue any and all process and writs necessary to the exercise of its jurisdiction for the purpose of determining and administering complete justice to the parties litigant. Said land court may, in its discretion, call and impanel a jury for the trial of any question of fact, such jury to consist of six citizens of the United States resident within the land district in which the premises in dispute are situated, to be impaneled as other jurors are impaneled in the United States court; but this section shall not apply to cases involving the right to patent mining claims arising under the provision of section 2326 of the Revised Statutes of the United States.

SEC. —. That section 2326 of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 2326. When an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, or by the oath of any duly authorized agent or attorney in fact, of the adverse claimant cognizant of the facts stated, and the adverse claimant if residing, or at the time being, beyond the limits of the district wherein the claim is situated may make oath to the adverse claim before the clerk of any court of record where the adverse claimant may then be, or before any notary public of any State or Territory, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. Notice of the filing of such adverse claim or protest and of such removal to the United States land court shall be given in writing by the register of such land office to the applicants and to the United States attorney for the district, in writing, within ten days after such action is taken, as hereinafter provided, in cases certified to said land court. It shall be the duty of the adverse claimant, within thirty days after filing the adverse claim, to cause the record of said application and of said adverse claim to be certified by said land officers to the land court of the United States having jurisdiction of the controversy under the provisions of this act, and upon the filing of said certified record in said land court the jurisdiction of such court shall fully attach for the purpose of determining the question of the right of possession and title to the land and premises in controversy, and the final judgment or decree of said land court therein shall be binding upon the parties and the Government and all parties claiming under any of them as to the question of the right of possession and the title to said land and premises. After such judgment or decree shall have become final the party entitled to the possession and title of the claim, or any portion thereof, may without giving further notice file a certified copy of the judgment or decree with the register of the land office in which the controversy originated, and shall pay to the receiver of said land office $5 per acre for the land, together with proper fees, whereupon the whole proceeding and the judgment of the land court shall be certified by the register to the Commissioner of the General Land Office and a patent shall issue thereon for the claim or such portion thereof as the applicant shall appear from the judgment of said land court to be entitled to. If it appears from the judgment of said court that several parties are entitled to separate and different portions of the claim, to be described by metes and bounds in said judgment, each party may pay for his portion of the claim, with the proper fees, and patents shall issue to the several parties according to their respective rights as the same appears by said judgment. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining claim to any person whatever. The land courts may permit substitution of parties shown to have acquired the title or interest of the original parties at any time before final judgment in the court wherein the controversy is pending, and may permit intervention by any party shown by proper pleading to be entitled to intervene for the purpose of determining the right of possession and title to the premises in controversy. If in any action under this section title to the ground in controversy shall not be established in either party thereto, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land office or be entitled to a patent for the ground in controversy. That the parties to the action pending in the land courts of the United States under the provisions of this act shall have the right to a trial of the facts by a jury to be summoned and impaneled as jurors are summoned and impaneled in actions at law in the courts of the United States, but such right to trial by jury may be waived in writing, to be filed with the clerk of the court, by the parties at any time before trial, in which event the court shall make and file findings of fact and conclusions of law at the time of rendering judgment in such case."

SEC. —. That whenever a contest under the provisions of this act is certified by the register to the district land courts, notice thereof shall be given within ten days in writing delivered as other notices or process as required in this act to be given to the parties in interest or their attorneys of record in the said land office. Wherever the Government of the United States is a party to such proceedings of record notice of all proceedings shall be served upon the United States attorney for the judicial district in which the said land court is situated. The service of any papers or process incident to the exercise of jurisdiction by the land courts may be made by the United States marshal for the district in which the land court is situated or may be made by a male citizen of the United States over the age of 21 years. When such notice is required to be given in writing the same may be given through the registered mail service of the United States, and the return of service or proof thereof, whether made by the United States marshal or by another person, as herein provided, may be by return of such service under oath. That the fees of the officers of this court shall be the same as the fees payable in the United States circuit court for similar or equivalent service. The court shall have the power to make and enforce rules not inconsistent with the law or the rules of the appellate land court of the United States, and shall have the power to enforce its orders, judgments, and decrees by appropriate proceedings. Upon filing a certified copy of the final judgment of the land court of the United States, under the seal of such court, finally determining the right of the contesting parties to the land in controversy, with the register of the United States land office where such controversy originated, such land office shall proceed according to the judgment of said land court of the United States, and all proceedings in the General Land Office or in the Department of the Interior of the United States concerning any matter passed upon by the land court shall be in conformity with the final judgment of said land court.

SEC. —. That there is hereby created and established an appellate land court of the United States, which shall have three judges, of whom two shall constitute a quorum, and which shall be a court of record, with jurisdiction as hereinafter limited. Said appellate court shall hold its sittings at the city of ———, in the State of ———, commencing on the first Monday of September and April each year, and said court shall prescribe the form and style of its seal and the form of writs and other process and procedure as may be conformable to the exercise of its jurisdiction as shall be conferred by law. The judges of said appellate land court shall be appointed by the President, with the advice and consent of the Senate, and shall have the qualifications of a judge of the circuit court of the United States, and shall hold by like tenure, and shall each receive compensation of $7,500 per annum, payable in equal quarterly amounts. Said court shall appoint a clerk, who shall exercise and perform such duties and powers in regard to all matters within its jurisdiction as are provided by law and the rules and regulations of the court. The salary of the clerks of the court shall be $2,500 per annum, to be paid in equal proportions quarterly. The costs and fees in the circuit court of the United States, as now provided for by law, shall be the costs and fees in such appellate land court, and the same shall be expended, accounted for, and paid over to the Treasury Department of the United States in the same manner as is provided in respect to the costs and fees of the circuit court of the United States. The court shall have the power to establish all rules and regulations for the conduct of the business of the court within its jurisdiction as conferred by law, and to make uniform rules for the district land courts of the United States.

SEC. —. That an appeal may be taken from the district land courts of the United States in the several districts to the said appellate land courts of the United States in the following cases:

First. In any case in which only the jurisdiction of the district land court is in issue. In such case the question of jurisdiction alone shall be certified to the said appellate land court from the court below for its decision.

Second. In any case that involves the construction or application of the Constitution of the United States, or in any case in which the constitutionality of any law of the United States or the validity or construction of any treaty made under its authority is brought into question.

Third. In any case in which the constitution or law of a State is claimed to be in contravention of the Constitution or law of the United States, or in which any act of the executive or administrative department of the Government is claimed to be in contravention of the laws of the United States or of any State or of the rights of any person under the Constitution or laws of the United States or of any State.

Fourth. Either party to a cause in such land court of the United States may appeal from the decision thereof upon the whole record of the cause from any decision upon any question of law or fact injuriously affecting such party, and thereupon the same shall be reviewed on appeal by the said appellate land court.

SEC. —. That an appeal from the district land court of the United States to the appellate land court of the United States may be taken by either of the parties to the controversy in such district land courts of the United States by filing with the clerk thereof, within ninety days after any final judgment entered therein, a notice of intention to appeal from the decision of said district land court of the United States to the said appellate land court of the United States, together with an assignment of errors upon which said appellant will rely, whether of law or of fact, or of both law and fact, which said notice of intention to appeal and assignment of errors shall be presented to the judge of the said district land court for allowance, and if said notice of appeal and assignment of errors appear to the said judge to be in due form an appeal shall be allowed to the appellate land court of the United States; whereupon all proceedings in the said district land courts of the United States shall be stayed until the final determination of said cause by the appellate land court of the United States. That before the allowance of such appeal shall be operative the appellant shall file with the clerk of the said district land court a bond or undertaking on appeal in such sum as may be fixed by the judge of the said court, said bond to be conditioned for the payment of all costs of appeal should said appeal be dismissed or the judgment appealed from be affirmed, said bond to be approved by the judge or clerk of the said court; and such appeal shall be a supersedeas in effect in the district land court and in the land office wherein the cause originated.

SEC. —. That said "appellate land court of the United States" shall have jurisdiction to hear and determine all causes on appeal from the district land courts of the United States of the several districts, and to make, enter, and enforce all orders, judgments, and decrees, and to make and enforce any and all interlocutory or final orders necessary to the exercise of its jurisdiction, and shall have the power to issue and enforce writs of certiorari, mandamus, and injunction for the furtherance of justice regarding property and claimants thereto under its jurisdiction.

SEC. —. That an appeal may be taken from any final order, judgment, or decree of the appellate land court of the United States to the Supreme Court of the United States in any case wherein the amount or value of the controversy shall exceed the sum of $5,000, exclusive of interest and costs, and said appeal may be taken in the same manner as appeals are taken from the United States circuit court of appeals to the Supreme Court of the United States: *Provided*, That upon such appeals to the Supreme Court of the United States the facts as found by the appellate land court of the United States shall be taken to be

the facts of the case and the Supreme Court of the United States shall review and apply the law applicable to such facts.

SEC. —. That all laws and rules and regulations made pursuant to existing laws providing for an appeal from or review of decisions of the several United States land offices by the Commissioner of the General Land Office or the Secretary of the Interior of the United States in cases by this act provided to be heard and determined by the land courts be, and the same hereby are, repealed.

SEC. —. That all causes of the character by this act provided to be heard and determined by the land courts pending on appeal before the Commissioner of the General Land Office upon the date herein prescribed upon which this act shall become effective shall be transferred to the appellate land court of the United States; and all such causes on appeal from the Commissioner of the General Land Office to the Secretary of the Interior upon said date may be transferred for final decision to the appellate land court of the United States by the filing in the proper land court of the record, or a certified copy thereof, of the papers constituting such appeal in the said cause, and upon the filing of said records in the said courts the jurisdiction of the General Land Office and of the Secretary of the Interior to further consider such cause shall cease and determine and the jurisdiction of the said land courts shall attach.

SEC. —. That all laws inconsistent with the provisions of this act are hereby repealed.

SEC. —. That this act shall be in effect on and after its passage.

Mr. BURKETT. I suggest to the Senator from West Virginia that the bill be laid aside.

Mr. ELKINS. I ask that it be laid aside for the day.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent that the bill be laid aside temporarily for the day.

Mr. HUGHES. I should like to ask what the proposition is. I could not hear it here.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent that the unfinished business be temporarily laid aside for the day.

Mr. HUGHES. Does that include the making of the bill the unfinished business by unanimous consent?

The PRESIDING OFFICER. It has already been made the unfinished business.

Mr. HUGHES. I have not so heard. I heard the ruling of the Chair, but I heard no unanimous consent that that should be the case.

Mr. BEVERIDGE. No, Mr. President; there has been considerable——

Mr. HUGHES. Then I object.

Mr. BEVERIDGE. Does the Senator object to the bill being laid aside for the day?

Mr. HUGHES. If that includes that it is the unfinished business by unanimous consent, I do.

Mr. BEVERIDGE. It does not. I think all Senators will agree that this is the status of the bill at the present time. In the first place the Chair ruled that it had become the unfinished business.

The PRESIDING OFFICER. If the Senator from Indiana will suspend for a moment, the Chair will state to the Senator from Colorado that it is the unfinished business of the Senate until it is displaced by some vote or motion of the Senate, as it became such at 2 o'clock.

Mr. HUGHES. I heard that ruling of the Chair, but I have not heard that in any way its status has been fixed by unanimous consent, for none was asked and none was given. As it stands now, and as it stood with reference to consent, I understand that consent is now asked, which would give it a different status from what it possessed by virtue of the ruling of the Chair as to it.

Mr. BEVERIDGE. No; I will state to the Senator I am quite sure that would not give it a different status. I was going to remark that there has been some conversation about the status of this bill. I think we might as well clear it up now, so that everybody will understand it.

Ordinarily a bill is made the unfinished business in one of two ways: By unanimous consent; this bill was not made the unfinished business in that way. By motion at 2 o'clock; it was not made the unfinished business in that way. Or the Chair has held that by being under consideration at 2 o'clock, under Rule VIII, as it was, that it then continues the unfinished business in that way. Being the unfinished business in any of these ways, it would remain the unfinished business only for the day or for the hour or until any moment when it is displaced by the will of the Senate upon motion or unanimous consent. It retains its status in that way. Unanimous consent to lay it aside for the day does not have the effect—and if I am wrong we might as well have this cleared up now—of making it the unfinished business by unanimous consent hereafter. It is simply on the same status as if it had been made the unfinished business by motion, being considered in the way it was, when the hour of 2 o'clock arrived.

Mr. HEYBURN. If the Senator will permit me, no measure becomes unfinished business——

Mr. BEVERIDGE. Pardon me just a moment. There is only one form of unanimous consent that could make this or any bill the unfinished business here continuously, to the exclusion of all other business, and that is this form, "to be the unfinished business to be considered from day to day until disposed of." That is the only form of unanimous consent that could do that. Unanimous consent of that kind, once being given, it does become the unfinished business to the exclusion of everything else until it is disposed of. But the bill now could be laid aside instantly by a motion of the Senate. It does not stand at all on the status of unanimous consent, and unanimous consent to lay it aside for the day does not have the effect of making it the unfinished business by unanimous consent. If I am wrong about that, older Senators may correct me——

Mr. HEYBURN. Mr. President——

Mr. BEVERIDGE. Although the Senator from Idaho is not an older Senator in service.

Mr. HEYBURN. Mr. President, under the rules of the Senate nothing becomes unfinished business by unanimous consent or by a vote. It becomes unfinished business, if at all, by virtue of the position that it occupies under the rules of the Senate. There is no such motion known to the Senate as that a measure shall be made the unfinished business.

Mr. BEVERIDGE. May I interrupt the Senator?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. Of course, the motion which makes any bill the unfinished business is to proceed to its consideration. That is the motion. The Senator, of course, knows that.

Mr. HEYBURN. That is not all. The motion must be made at a certain time in order to have the effect of making a bill the unfinished business. After 2 o'clock, if a motion is made to proceed to the consideration of a measure and the consideration of it is not completed before adjournment, it becomes and is the unfinished business. The only way that you can take up any other business after 2 o'clock under such circumstances is to ask unanimous consent to lay aside the unfinished business.

Mr. BEVERIDGE. Or to move to proceed to the consideration of something else.

Mr. HEYBURN. To proceed to the consideration of some other measure. This measure was under consideration, as the Chair announced, at 2 o'clock. That obviates the necessity of moving to proceed to its consideration at 2 o'clock. I trust that the record will show that when this order under Rule VIII was reached there was no objection to its consideration.

Some Senator suggested that the bill be read for information. I presume, however, that the RECORD will show that the measure was regularly reached and that it was under consideration at 2 o'clock. A motion to lay it aside should not be confined to the day, but it should be that the unfinished business be temporarily laid aside. That would carry it until some other measure dominating it displaced it.

Mr. BEVERIDGE. The fact that there was no objection made at 2 o'clock did not have the effect of either preventing the bill from becoming or making it the unfinished business by unanimous consent or otherwise. As I understand, there are only two forms of unanimous consent in a matter like this. The first is that unanimous consent to proceed to the consideration of any measure makes it the unfinished business, but such unanimous consent as that the very next day may be displaced by a motion. The other form of unanimous consent is the one I mentioned a moment ago, which is to proceed to the consideration of a measure and to continue its consideration from day to day until disposed of. That has the effect of keeping it before the Senate not only for that day, but for the entire session or the entire Congress, and no motion or anything else can then dispense with it. But neither one of these forms of unanimous consent has been asked or given.

Mr. ELKINS. Mr. President, I ask unanimous consent that the further consideration of the bill be temporarily laid aside.

Mr. CLAPP. Mr. President, before that request is acted upon, I want to make a suggestion to the Senator in charge of the bill. As is well known to the Senate, a member of the family of one of the Senators who expects to actively participate in the discussion of the bill is at present ill; and while the Senate, I think, will generally rejoice in the fact that speedy recovery seems to be entirely probable, it would interfere with the taking up of this measure probably before Monday or Tuesday. Therefore, I suggest to the Senator from West Virginia that he modify his request so that the bill shall be laid aside until the close of morning business either on Monday or Tuesday next.

Mr. ELKINS. I should like to comply with the request of the Senator from Minnesota, but the bill would then lose its place.

Mr. CLAPP. I do not understand that it would lose its place.

Mr. GALLINGER. It can be laid aside from day to day.

Mr. ELKINS. But to-morrow I should have to ask that it be laid aside temporarily. If that was decided to be out of order——

Mr. BEVERIDGE. Let the Senator merely state that he will ask to lay it aside, or see that it is laid aside each day, until Monday or Tuesday. That would surely be acceptable to Senators who want to prepare. The Senator is right. There must be a request each day to lay the bill aside; otherwise the form would be such a unanimous-consent suggestion as we have been talking about. But the Senator from West Virginia can do this and meet the Senator's request. The Senator can state of record that he or some member of his committee will ask each day to lay the bill aside temporarily until Monday or Tuesday—whatever he wants to agree to.

Mr. ELKINS. In view of the statement of facts by the Senator from Minnesota [Mr. CLAPP] I, within the rule and not to allow the bill to be displaced, will agree to ask each day—I want to keep this bill the unfinished business—at 2 o'clock that it may be temporarily laid aside until Monday, as I understand. I do not want to put any limitation on the Chair's ruling to the effect that this bill is the unfinished business before the Senate.

Mr. GALLINGER. Mr. President, before this matter is settled, I want to make a single suggestion, and it may possibly conflict with the ruling of the Chair.

I was absent when this matter was discussed. I now understand that it has been ruled that a bill under consideration under Rule VIII, which has the limitation of five minutes' debate, and that no Senator shall speak more than once upon it when the hour of 2 o'clock has been reached, becomes the unfinished business under Rule IX. I think there is a very grave question on that point. I think when the hour of 2 o'clock had been reached that a motion ought to have been made to proceed to the consideration of that bill. That is all I desire to say.

Mr. BEVERIDGE. I thought the same way as the Senator, and I want the chairman of the committee to cure that by moving to proceed to the consideration of the bill.

Mr. MONEY. He has done that.

Mr. BEVERIDGE. No; he has not.

Mr. HEYBURN. Ah, Mr. President, we find ourselves embarrassed by the record. The bill has been stated to be before the Senate, and an amendment has been offered to it. We do not want to mix our record in that way.

Mr. BEVERIDGE. It is immaterial.

Mr. HEYBURN. It is the unfinished business until laid aside.

Mr. BEVERIDGE. So that we may all understand the status of the thing, I will ask, Do I understand the Senator from West Virginia [Mr. ELKINS] to state that he will on each day at 2 o'clock ask that this bill be laid aside; or, if unanimous consent to lay it aside is not given, that he will then move to lay it aside or have it laid aside by some parliamentary process?

Mr. HEYBURN. Temporarily.

Mr. BEVERIDGE. Day by day until Monday or Tuesday next, or whatever time may be agreed on.

Mr. ELKINS. I do not want to place any limitation for fear of imperiling the position or status of the bill now.

Mr. BEVERIDGE. It does not imperil it.

Mr. ELKINS. I have no objection; but I do not want anything to go in the RECORD that by agreement might displace this bill as the unfinished business. I should like the ruling of the Chair as to whether it can be displaced.

The PRESIDING OFFICER. What is the request of the Senator from West Virginia?

Mr. ELKINS. I ask unanimous consent to temporarily lay the bill aside.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent that the bill be temporarily laid aside. Is there objection?

Mr. CLAPP. Before that is done I suggest that the Senator in charge of the bill state at this time that on each day at 2 o'clock he will ask to have the bill temporarily laid aside until next Tuesday.

Mr. ELKINS. I am willing to make such a request each day, but I do not know whether saying "until next Tuesday" or any other day would not imperil the order.

Mr. BEVERIDGE. No; I would state to the Senator—and I am sure the Chair will confirm this—that all that is necessary as a practical matter for the Senator to do is to state that on each day he will ask that the bill in his charge be temporarily laid aside for that day.

Mr. HEYBURN. Not "for that day."

Mr. BEVERIDGE. And that this request shall continue until next Monday.

Mr. GALLINGER. That the bill be temporarily laid aside.

Mr. BEVERIDGE. Certainly; temporarily laid aside each day for that day, will continue to so ask each day "until next Tuesday." That is all that the Senator has got to do; or, if unanimous consent is not given, he may make a motion to that effect.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. MONEY. Mr. President, I understand that the situation now on this bill is this: That it has the place of the unfinished business, to be laid aside at 2 o'clock each day until Monday or Tuesday next.

Mr. BEVERIDGE. No; laid aside only for the day.

Mr. MONEY. Only for the day?

Mr. SMOOT. I move that the Senate proceed to the consideration of bills on the calendar under Rule VIII.

Mr. BORAH. I should like to know——

Mr. MONEY. Mr. President, I do not know when the Democratic minority will be able to make their report. They have not completed it yet, and they consider it very desirable that their report shall be submitted before this bill is taken up for consideration. They have no objection to its being considered the unfinished business now, and so on, and it may be they will get in their report to-morrow; but I should like to have some declaration from the Senator in charge that this bill will go over for several days yet, because on Saturday the day is to be devoted to another sort of exercises, and there will be no legislative business, I presume, on that day. There are only two days of this week on which this bill can be considered.

Mr. ELKINS. Mr. President, the Indian appropriation bill has been reported and is awaiting action.

Mr. MONEY. Yes; and we have exercises incident to the acceptance of the Calhoun statue set aside for next Saturday.

Mr. ELKINS. I think if the bill remains just where it is at present there will be no difficulty about it.

Mr. MONEY. I think not. I only wanted some expression from the Senator in charge of the bill. I do not care how many other Senators talk about it, but I wanted to hear him say something about it.

Mr. ELKINS. I will move to lay aside the bill temporarily from day to day. I can not fix a day. I would fix it in a moment but for fear that I would impair the status of the bill. I think with that statement the bill should go over.

Mr. BORAH obtained the floor.

Mr. BEVERIDGE. It is understood, then, Mr. President, that nothing is to be done; it is the general understanding that nothing is to be done——

The PRESIDING OFFICER. The Senator from Idaho [Mr. BORAH] is recognized.

Mr. BORAH. I simply rose to get the suggestion which the Senator from Mississippi obtained from the Senator from West Virginia.

CONSIDERATION OF BILLS ON THE CALENDAR.

Mr. SMOOT. I renew my motion that the Senate proceed to the consideration of bills on the calendar.

The motion was agreed to.

AMENDMENT OF OSAGE AGREEMENT.

The bill (S. 5786) to amend fifth paragraph of section 4 of act approved June 28, 1906 (34 Stat., 539), was announced as next in order.

Mr. GORE. Mr. President, I desire to ask the Senator from Minnesota if he has conferred with my colleague [Mr. OWEN] with reference to this matter? I understand my colleague expressed a desire to consider the measure before it was passed.

Mr. CLAPP. I think, Mr. President, that is correct; and I suggest that the bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

Mr. CLAPP subsequently said. Senate bill 5786 is a measure into which the Senators from Oklahoma desire to look. Fearing I may forget their request, I ask that the bill be placed under Rule IX, so as to avoid any possibility of its being considered in their absence.

The PRESIDING OFFICER. Without objection, it is so ordered.

COURT OF PATENT APPEALS.

The bill (S. 4982) to establish a United States court of patent appeals, and for other purposes, was announced as next in order.

Mr. CLARK of Wyoming. I do not particularly object to this bill. It is a bill that I think perhaps will cause considerable discussion, and it ought not to be considered under Rule VIII.

Mr. BROWN. I hope the Senator will allow the bill to be read.

Mr. CLARK of Wyoming. Very well. After that, however, let it go over.

The PRESIDING OFFICER. The Secretary will read the bill in the absence of objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That there is hereby created a United States court of patent appeals, which shall consist of five judges, of whom four shall constitute a quorum, and shall be a court of record with jurisdiction as is hereinafter limited and established. Such court shall prescribe the form and style of its seal and the forms of its writs and other process and procedure as may be conformable to the exercise of its jurisdiction as shall be conferred by law. [It shall have the appointment of] *The President shall have power, by and with the consent of the Senate, to appoint* the marshal of the court, who shall have the same powers and perform the same duties under the regulations of the court as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable. The court shall also appoint a clerk, who shall have the same powers and perform the same duties now possessed and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the marshal of the court shall be $2,500 a year, and the salary of the clerk shall be $5,000 a year, both to be paid monthly in 12 equal payments. The costs and fees now provided by law in the Supreme Court of the United States shall be the costs and fees in the United States court of patent appeals; and the same shall be collected, expended, accounted for, and paid over to the Treasury Department of the United States in the same manner as is provided by law in respect to the costs and fees in the Supreme Court of the United States. The court shall have power to establish all needful rules and regulations for the conduct of its business within its jurisdiction as conferred by law.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a chief justice of said United States court of patent appeals, and as vacancies occur shall in like manner appoint others to fill such vacancies from time to time. The acceptance of that office by a judge of the circuit court or district court of the United States shall vacate his office as circuit or district judge.

SEC. 3. That upon the taking effect of this act the Chief Justice of the Supreme Court of the United States shall designate from among the judges of circuit and district courts of the United States four judges to sit as associate judges of the United States court of patent appeals, two of them to sit for three years from the first day of the first term thereof, and two of them to sit for six years from the first day thereof, as associate judges of the same court [for six years from the first day of the first term thereof]. And after that, as the periods expire for which such designations shall have been made, the Chief Justice of the Supreme Court of the United States shall fill the vacancies thus occurring by designation of the same or other judges from among the judges of the circuit courts and the district courts of the United States, to sit for periods of six years each. In case of the death, resignation, or disability of any associate judge of the said court, or of his resignation of his seat in said court, the Chief Justice of the Supreme Court shall designate another judge of a circuit court or a district court of the United States to sit for the unexpired period for which his predecessor had been designated. The designation of a judge of the circuit or district court of the United States to sit as associate judge of the United States court of patent appeals must be with his consent, and his service in that court shall not vacate his office as judge of the circuit court or district court, as the case may be.

SEC. 4. That a term of the United States court of patent appeals shall be held annually at the city of Washington, beginning on the second Monday of October in each year, and the same may be adjourned from time to time as the court shall order. If at any time for the meeting of the court a quorum of the judges shall not be present, the judges present may adjourn the court, and, if necessary, adjourn again from time to time until a quorum appear. If at any sitting of the court the chief justice shall be absent, the associate judge senior in commission as judge of the circuit court of the United States, or senior in age in case of commissions of even date, shall preside. If no judge of a circuit court shall be present, the associate judge senior in commission as a judge of a district court of the United States, or senior in age in case of commissions of even date, shall preside. Until it shall be otherwise provided by Congress the sessions of the court shall be held in a building or rooms to be provided by the marshal of the District of Columbia under the direction and approval of the Attorney-General of the United States. The court shall by order authorize its marshal to employ such deputies and assistants for himself and the clerk of the court and such criers, bailiffs, and messengers as the business of the court shall require, and to pay the salaries of such employees at rates of compensation not exceeding those paid for similar services in the Supreme Court of the United States, and to pay all other necessary incidental expenses of the court. The chief justice and each of the associate judges shall be entitled to employ a clerk, whose salary, at a rate not exceeding that allowed the clerks of the Chief Justice and associate justices of the Supreme Court, shall be paid as part of the expenses of the court. The court shall have power, in its discretion, to appoint a reporter and to fix by order his salary or other compensation *for a sum not to exceed $3,000 annually* and direct the form and manner of the official publication of its decisions.

SEC. 5. That the chief justice of the United States court of patent appeals shall receive a salary of [twelve] *ten* thousand dollars per year. The circuit judges of the United States sitting as associate judges of the same court shall each receive the salary allowed him by law as a circuit judge, and in addition thereto, during the time of his service as associate judge of the United States court of patent appeals, but not longer, such additional sum as will make his entire compensation during that service [eleven] *nine* thousand five hundred dollars per annum. The district judges sitting as associate judges of the United States court of patent appeals shall each receive the salary allowed to him by law as district judge, and in addition thereto, during the term of his service as associate judge of the United States court of patent appeals, but no longer, such additional sum as will make his entire compensation during that service eleven thousand [five hundred] dollars per annum. All the said salaries shall be payable in twelve equal monthly installments. The time during which any judge shall serve in said court shall be deemed continuous service with that in any other court of the United States, before or after such service within the meaning and intent of section 714 of the Revised Statutes. The additional compensation received by a circuit or district judge while sitting as associate judge of the United States court of patent appeals shall not be taken into account in determining the amount to be received by him after retirement.

SEC. 6. That the United States court of patent appeals shall have jurisdiction to hear and determine appeals and writs of error from final judgments and decrees in the circuit courts of the United States in cases arising under the laws of the United States relating to patents for inventions, and from final judgments and decrees in cases arising under the laws of the United States relating to patents for inventions rendered by any other court having jurisdiction under the laws of the United States to hear and decide such cases in the first instance: *Provided, however*, That it shall have no jurisdiction in cases originating in the Court of Claims. All such appeals shall be taken within six months after the entry of the order, judgment, or decree sought to be reviewed. The practice, procedure, and forms to be observed in the taking, hearing, and determination of such appeals and writs of error shall conform to the practice, procedure, and forms observed in like cases in the Supreme Court of the United States, subject to such rules and regulations as shall be prescribed by the court.

SEC. 7. That whenever, by an interlocutory order or decree in a circuit court of the United States, or other court having jurisdiction under the laws of the United States to hear and decide in the first instance cases arising under the patent laws, in a case in which an appeal may be taken from the final decree of such court to the United States court of patent appeals, an injunction or restraining order shall be granted, or refused, or continued, or vacated, or modified, or retained without modification after motion to modify the same, an appeal may be taken from such order or decree by the party aggrieved to the United States court of patent appeals: *Provided*, That the appeal must be taken within thirty days from the service of the notice of entry of such order or decree; and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or the United States court of patent appeals, or a judge thereof, during the pendency of such appeal.

SEC. 8. That the chief justice and the associate judges of the United States court of patent appeals shall each exercise the same powers in term and vacation in the allowance of appeals, supersedeas orders, and other matters incidental to the jurisdiction and business of the court as are now exercised by the Chief Justice and associate justices of the Supreme Court of the United States in relation to the business and jurisdiction of that court.

SEC. 9. That the decisions of the United States court of patent appeals in all cases within its appellate jurisdiction shall be final, except that it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such case to be certified to it for its review and determination, with the same power and authority in the case as though it had been carried by appeal or writ of error from the trial court directly to the Supreme Court.

SEC. 10. That whenever any case shall have been certified from the United States court of patent appeals to the Supreme Court of the United States, by certiorari or otherwise, it shall be, upon its determination by the Supreme Court, remanded to the circuit court of the United States or other court in which it originated for further proceedings to be taken in pursuance of such determination. And in every case determined by the United States court of patent appeals upon appeal or writ of error the case shall be remanded to the circuit court of the United States, or other court from whence it came, for further proceedings to be taken in pursuance of such determination.

SEC. 11. That all appeals and writs of error in cases in which appellate jurisdiction is by this act conferred upon the United States court of patent appeals which shall have been pending without hearing in the United States circuit courts of appeals or other courts of appellate jurisdiction for less than three calendar months prior to the taking effect of this act shall be transferred from such circuit courts of appeals or other courts to the United States court of patent appeals and be heard and determined in that court as though they had been taken there from the trial courts by appeal or writ of error without further payment for certifying the record or any new or additional docket or calendar fees; all other appeals and writs of error in cases in which appellate jurisdiction is by this act conferred upon the United States court of patent appeals which shall be pending in the United States circuit courts of appeals or other courts of appellate jurisdiction at the time of the taking effect of this act shall remain and be heard and determined by the courts in which they may be pending, respectively, as though this act had not been passed.

SEC. 12. Then after the taking effect of this act no appeal or writ of error shall be taken from any circuit court or other court of the United States to any United States circuit court of appeals or other appellate court in any case in which an appeal or writ of error may be taken to the United States court of patent appeals under the provisions of this act.

SEC. 13. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 14. That this act shall take effect and be in force on the — day of ———, 19—.

The PRESIDING OFFICER. The bill will be passed over.

HOH, QUILEUTE, AND OZETTE TRIBES OF INDIANS.

The bill (S. 5269) to provide for allotments to certain members of the Hoh, Quileute, and Ozette tribes of Indians in the State of Oregon was considered as in Committee of the Whole. It directs the Secretary of the Interior to allot on the Quinaiult Reservation, Wash., under the provisions of the allotment laws of the United States, all members of the Hoh, Quileute, and Ozette tribes of Indians in Washington who may elect to take allotments on the Quinaiult Reservation rather than on the reservations set aside for these tribes, but the allotments authorized shall be made from the surplus lands on the Quinaiult Reservation after the allotments to the Indians thereon have been completed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS FOR RESERVOIRS.

The bill (S. 6808) granting lands for reservoirs, and so forth, was considered as in Committee of the Whole. It extends the provisions of an act of Congress entitled "An act making appropriation for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910," approved March 3, 1909, which authorized the Secretary of the Interior to grant to railway companies lands in Indian reservations for reservoirs, material or ballast pits, or for the purpose of planting and growing trees to protect their lines of railway, to any lands which have been allotted in severalty to any individual Indian under any law or treaty, but which have not been conveyed to the allottee with full power of alienation; that the damages and compensation to be paid to any Indian allottee shall be ascertained and fixed in such manner as the Secretary of the Interior may direct and shall be paid by the railway company to the Secretary; and that the damages and compensation paid to the Secretary of the Interior by the railway company taking any such land shall be paid by the Secretary to the allottee sustaining the damages.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF JOHN HOFFMAN.

The bill (S. 6747) for the relief of the heirs of John Hoffman, deceased, was considered as in Committee of the Whole. It proposes to pay $1,200 to the heirs of John Hoffman, in full settlement and payment for the southeast quarter of the southeast quarter of section 27, township 115 north, range 17 west, in the State of Minnesota, on account of the land having heretofore been patented to the State of Minnesota, and it directs the Secretary of the Interior to ascertain and determine to whom the money should be paid and what proportions thereof to the persons as heirs of John Hoffman, and that his determination thereof shall be final.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSIGNMENT OF JUDGES IN NEW MEXICO.

The bill (H. R. 20835) authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory, was considered as in Committee of the Whole. It vests the chief justice and associate justices of the supreme court of the Territory of New Mexico with power and authority to assign from time to time, as they may deem proper, any or either of the said judges to any or either of the respective judicial districts of the Territory, and each judge, after assignment, shall reside in the district to which, for the time being, he may be assigned.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGEPORT NATIONAL BANK, BRIDGEPORT, OHIO.

The bill (H. R. 5272) for the relief of the Bridgeport National Bank, Bridgeport, Ohio, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to redeem, in favor of the Bridgeport National Bank, Bridgeport, Ohio, United States 5 per cent coupon bond for $1,000, with interest from February 1, 1899, to the date of its maturity, the bank to file a bond in the penal sum of double the amount of the principal of the bond and interest due thereon.

Mr. BACON. Mr. President, I do not wish to consume unnecessary time, but I should like to know something about the nature of the bill.

Mr. BURTON. It is in relation to a thousand-dollar bond which was lost by this bank. The bill proposes to pay the amount of the bond with interest. It is only one bond, a 5 per cent coupon bond issued under the act of January 14, 1875, numbered 19649, for $1,000, with interest from February 1, 1899, to the date of its maturity. Provision is made for an indemnity bond in the penal sum of twice the amount of the bond in case it should be presented for payment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR H. BARNES.

The bill (S. 1318) for the relief of Arthur H. Barnes was considered as in Committee of the Whole. It proposes to pay to Arthur H. Barnes, of Marshall, Mo., $68.06, salary due him as chaplain Sixth Missouri Infantry, war with Spain, from July 1 to July 15, 1898.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTAIN DESERT LANDS IN UTAH.

The bill (S. 6093) providing for the granting and patenting to the State of Utah desert lands formerly in the Uinta Indian Reservation, in Utah, was considered as in Committee of the Whole.

Mr. HEYBURN. The Senator from Utah [Mr. SMOOT] is not present. I wish he could be present when this matter is taken up.

Mr. CLARK of Wyoming. The Senator from Utah left the Chamber perhaps twenty minutes ago. When he went out he said he was anxious that the bill should be considered. Inasmuch as a bill in which the Senator from Wyoming is interested immediately following has substantially the same status, possibly I will answer in place of the Senator from Utah.

Mr. HEYBURN. I desire to call the attention of the Senator to this in order that we may avoid further embarrassment. The acts admitting Idaho, Utah, and perhaps Wyoming, although I have not examined the latter, contain this provision. After granting the various lands to the State, it says:

The said State of Utah shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act.

A short time ago Idaho was making an effort to obtain some lands under the same circumstances, and the matter was sent to the department by the committee, and a legal opinion was returned saying that under that restriction no further grant of lands could be made to the State. The department did not say that a grant might not be made to an institution within the State. The language of this bill is that the lands shall be granted to the State. If the department is correct in holding that the prohibition contained in the admission act that no further grant of land shall be made directly to the State, then it is just possible that the Senator from Utah would want to have this grant of land to institutions within the State, which would not be within the prohibition of the statute.

I had never supposed for a moment that we were not free to make further grants of land to a State. There are a number of bills on the calendar, and some before committees, proposing to make such grants. Therefore I think we ought to look into it.

Mr. CLARK of Wyoming. I think the Senator will find, upon looking into the matter, that the provision in the act to which he refers does not apply to the proposition contained in these two bills. That the report from the Department of the Interior would not apply to it is evident from its letter in regard to this very legislation. Of course, this sort of legislation could not be made effective by making a grant to institutions in the State, because this land is not to be taken for any purpose except to bring it under the Carey Act.

Mr. HEYBURN. Is this a Carey Act proposition?

Mr. CLARK of Wyoming. It is a Carey Act proposition.

Mr. HEYBURN. Pure and simple?

Mr. CLARK of Wyoming. Pure and simple, except that it is to allow the Carey Act to be applied to certain Indian reservation lands to which it would not otherwise be applicable. That is the pure and simple proposition in both bills, and that only.

Mr. HEYBURN. I give my support freely to all propositions to place land under the Carey Act.

Mr. CLARK of Wyoming. There is no proposition in either of these two bills except to place these lands, formerly in Indian reservations, under the Carey Act.

Mr. HEYBURN. Then I shall certainly interpose no objection. I wanted to call attention to it in order that we might have it in mind in legislating along these lines.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CERTAIN DESERT LANDS IN WYOMING.

The bill (S. 6690) providing for the entry of desert lands formerly in the Shoshoni or Wind River Indian Reservation in Wyoming, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments, on page 2, section 1, line 2, before the word "or," to strike out "Shoshoni" and insert "Shoshone;" in line 8, after the word "States," to strike out "such" and insert "the;" in the same line, after the word "sum," to insert "of one dollar and twenty-five cents;" in line 9, after the word "patented," to strike out "as will fulfill the provision of section 2 of an act entitled 'An act to ratify and amend an agreement with the Indians residing on the Shoshoni or Wind River

Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect,' approved March 3, 1895, so far as the same affects homestead entries upon said land, and said sums of," and insert "and the;" in line 17, before the word "Act" to strike out "said" and insert "and;" in the same line, after the word "Act" to insert "entitled 'An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect,' approved March 3, 1905," so as to make the section read:

That the provisions of section 4 of an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes, approved August 18, 1894, and the acts amendatory thereof, approved June 11, 1896, and March 3, 1901, respectively, be, and are hereby, extended over and shall apply to the desert lands included within the limits of the ceded portions of the Shoshone or Wind River Indian Reservation in Wyoming: *Provided*, That before a patent shall issue for any of the lands aforesaid under the terms of the said act approved August 18, 1894, and amendments thereto, the State of Wyoming shall pay into the Treasury of the United States the sum of $1.25 per acre for the lands so patented, and the money so paid shall be subject to the provisions of an act entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation in the State of Wyoming, and to make appropriations for carrying the same into effect," approved March 3, 1905.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the entry of desert lands formerly in the Shoshone or Wind River Indian Reservation in Wyoming."

MEDEWAKANTON AND WAHPAKOOTA SIOUX INDIANS.

The bill (S. 5121) for the restoration of annuities to the Medewakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BUILDINGS FOR THE DEPARTMENTS OF STATE, JUSTICE, ETC.

The bill (S. 6382) to provide buildings for the Departments of State, Justice, and Commerce and Labor, was announced as the next business in order on the calendar.

Mr. BORAH. I ask that the bill be passed over.

The PRESIDING OFFICER. The Senator from Idaho asks that the bill be passed over.

Mr. SCOTT subsequently said: Mr. President, I understand that a friend of mine asked that Senate bill 6382 go over on account of my being absent from the Senate Chamber. I should like to call it up, and I hope there will be no objection to its passage.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 8, after the word "thirty," to insert "and streets included therein;" on page 2, line 5, after the word "Columbia," to insert "and for other governmental purposes;" in line 9, after the word "apparatus," to insert "power;" and in line 10, after the word "approaches," to insert "and which plans shall be submitted to and approved by Congress," so as to make the section read:

That the Secretary of State, the Attorney-General, and the Secretary of Commerce and Labor be, and they are hereby, authorized and directed to cause to be erected, upon squares numbered 226, 227, 228, 229, and 230, and streets included therein, in the city of Washington, a suitable and commodious fireproof building, or buildings, whichever in their opinion may best meet the requirements of their respective departments, said building or buildings to be for the use and accommodation of the departments of State, Justice, and Commerce and Labor, including all of their bureaus and offices now occupying quarters in the District of Columbia, and for other governmental purposes, and to be constructed in accordance with plans to be procured, based upon accurate estimates, providing for the erection of said building or buildings complete in all details, including heating and ventilating apparatus, power, elevators, and approaches, and which plans shall be submitted to and approved by Congress.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 12, before the words "per centum," to strike out "twenty-five" and insert "ten," so as to make the section read:

SEC. 2. That the supervision of the construction of said building or buildings shall be placed in charge of an officer of the Government especially qualified for the duty, to be selected and appointed by the Secretary of State, the Attorney-General, and the Secretary of Commerce and Labor, subject to the approval of the head of the department in which such officer is employed, who shall receive for his additional services an increase of 10 per cent of his present salary, such increase to be paid out of the appropriation for the building or buildings herein authorized.

The amendment was agreed to.

The next amendment was, on page 2, section 3, line 23, after the word "at," to strike out "fifteen" and insert "not exceeding twelve;" and on page 3, line 1, after the word "appropriated," to insert the following proviso:

Provided, That so much of the sum hereby appropriated as may be necessary for the preparation of the plans for said building or buildings herein provided for is hereby made available.

So as to make the section read:

SEC. 3. That the cost of the construction of said building or buildings, complete, is hereby fixed at not exceeding $12,000,000, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That so much of the sum hereby appropriated as may be necessary for the preparation of the plans for said building or buildings herein provided for is hereby made available.

The amendment was agreed to.

Mr. SHIVELY. Mr. President, I suggest that the Senator from West Virginia have the kindness to explain the necessity for the sum appropriated by this legislation. I know that the public buildings around Washington are somewhat congested, and relief is necessary. But here is a proposition to expend $12,000,000. We ought not to pass it through this body in a minute without something being said by the Senator in charge of the bill explanatory of it.

Mr. SCOTT. Mr. President, the Senator from Indiana is probably aware of the fact that in the last public-buildings act there was an appropriation of $2,500,000 to buy the blocks enumerated in the pending bill, on which to put up these buildings for the Department of Justice, the Department of Commerce and Labor, and the State Department. The ground has been acquired, the money has been paid, and title has passed to the United States, and within that appropriation.

Now, the object in passing this bill is to enable the House to determine whether, if the committee report a public-buildings bill, this will be included in that measure, or whether they will conclude to pass it in a separate bill. If the Senator from Indiana had taken the time to investigate, which time, I suppose, he does not have to spare, as is the case with most of us, he would have found that the Government is paying excessive rents for buildings occupied by it in which to do the government work properly, and those buildings are in all parts of the city. Some of the offices are separated by a distance of a half mile or a mile, I may say. There is nothing, in my opinion, that demands the attention of Congress more than suitable buildings for the departments in which they may do the business of the country that comes to them.

An appropriation of $12,000,000 may seem large, but we are not building for to-day. We have to provide buildings that will be suitable for the Government one or two or three hundred years from now.

I have often suggested that we should pass a bill authorizing the sale of $100,000,000 of bonds from time to time as it was necessary for them to be issued, for the purpose of erecting buildings for the use of the Government. Those bonds could be very readily floated at 2 per cent, whereas the Government is now paying anywhere from 10 to 17 per cent on money invested by private individuals in buildings that the Government rents.

That to a business man looks like very poor business, and the hope of these great departments is that they can get their offices together and have a home. Especially is that true of the State Department, where the ministers and ambassadors and foreign representatives have business, so that we may have a place where they can be met and where we shall feel that the dignity of this great country of ours is not humiliated by the quarters the State Department occupies.

The Department of Justice has no home at all, let me say. It is renting a few old buildings on K street and in other parts of the city. The Department of Commerce and Labor is in the same condition.

I hope the Senate will pass the bill without a dissenting vote, so that it may go to the House, and that we may either in the public-buildings bill or in a separate bill secure an appropriation at least to inaugurate the plan and get the specifications, so that these buildings may be started.

I think the junior Senator from New York [Mr. ROOT] possibly can say a word that will help the bill through, which I hope he will do, as I know he was very much interested in it when he was Secretary of State, as he has been since he has been in the Senate.

Mr. ROOT. Mr. President, I can say to the Senator from Indiana that although this bill appeared to be passing along without much consideration, that results from the fact that the subject has received long-continued, repeated, and exhaustive consideration in committee and elsewhere heretofore. It

is now, I should think, seven or eight years since the Congress authorized a new building for the Department of Justice. Competition was held and the design was selected. But by the time that was done it had become quite obvious that with the broadening out of the functions of the Department of Justice the building proposed would be inadequate.

For a number of years that department was located at several different places in the city of Washington. The lawyers would be at one place, the books in another, the clerks in another, and the papers in another. There were seven places four or five years ago; I do not know how many more there are now.

The plan was secured, and the construction of a new building was authorized by Congress, and the money was appropriated for it on the occasion of the old building of the Department of Justice, which was on Pennsylvania avenue opposite the northern end of the Treasury, being condemned as unsafe, so that the department had to abandon its building. The need for a building for the department has been continually growing greater as we impose more and more duties on it. It is not only very expensive in rentals, but it is very injurious to efficiency. We are not getting effective work because of the department being so scattered.

The State Department has now less room than was provided for it when the State, War, and Navy building was built more than thirty years ago. The enlarged requirements of the War Department and the Navy Department have been crowding the State Department, until three or four years ago it had only about 60 per cent of the room originally allotted to it back in the seventies. The State Department has pushed out into other buildings. The building across on Seventeenth street is occupied by it, and it has now put quite a number of bureaus over in the Trust Company building on Fifteenth street. Confidential and important papers are scattered about in those different buildings, so that it is exceedingly difficult to do the work of the department.

The Department of Commerce and Labor was created a number of years ago, and Congress never did give it a building. It never had a building. It has been wandering about the city, finding rooms to rent wherever it could.

I think the Senator from West Virginia is very moderate in his statement that this subject was determined by Congress when the appropriation for the purchase of the land was made. That question was up before Congress a number of times. The measure passed this body, I think, three times.

Mr. SCOTT. Three times.

Mr. ROOT. And it was reported out of the committee in the House a number of times. Finally, after going through the process of incubation and of long-continued consideration and discussion, both Houses reached the conclusion that this had to be done. Accordingly they appropriated for the land; the land has been purchased, and now the business of the Government is suffering every day that we do not go on and complete the transaction. I hope the bill will be passed.

Mr. CLAY. Mr. President, this bill carries $12,000,000, which is a large sum, but, in my judgment, it ought to pass. It came from the Committee on Public Buildings and Grounds without any opposition. Heretofore, at a previous session of Congress, a subcommittee heard the facts in regard to these three different departments, and Congress provided for the purchase of the ground. I believe we paid in the neighborhood of three or four million dollars for the ground. When Congress agreed to purchase the land on which to locate these buildings it doubtless contemplated that appropriations would follow for the purpose of erecting a suitable building or buildings thereon.

Mr. President, it is true that the bill carries a large sum, but the Department of Justice to-day, we all know, is without a sufficient home to take care of it. The building where the Department of Justice is located is a disgrace to the people of the United States. We know that the Department of War, the Department of State, and the Navy Department are all in the same building, and it is impossible at this time to secure enough room there to take care of those departments.

I agree fully with the Senator from West Virginia that this bill ought to pass, and there ought not to be any opposition to it. But I do not agree to the proposition that hereafter we ought to pass a bill in order to erect public buildings providing for $100,000,000 of bonds. I believe by a careful and prudent management of our financial affairs we can erect the public buildings and pay for them out of the current revenues of the Government without increasing the bonded indebtedness of the United States.

I understand that if this measure passes it will take probably from three to five years to complete these buildings. The architect is to draw a plan and submit that plan to Congress, and Congress must approve it. In my judgment, the bill is meritorious, and it ought to have the unanimous support of the entire Senate.

Mr. PAGE. Mr. President, I confess I am very much interested in the remarks of the Senator from Georgia. He says that he is opposed to the issuance of bonds to pay for these buildings, and so am I. I believe we ought to pay our bills as we go along, barring, perhaps, the expense of the canal or some other large improvement which may be called for in the shape of the development of waterways.

I sit here and see small appropriations made, and I think perhaps we can meet them out of the current income of the Government; but when we come to appropriations of $12,000,000 I am led to wonder whether we are not paying out more than we will receive. I should like to ask the Senator from West Virginia if the grand aggregate of our appropriations is not, in his judgment, likely to exceed this year by a very large sum the amount of our income?

Mr. SCOTT. Mr. President, the Senator, perhaps, is just as well able to answer that question as I would be. I would provide for these buildings, as we have already $2,463,000 invested in the land. As a matter of course we lose the interest on that, and we are paying rent for buildings that these departments are occupying. As a business man it looks like very poor business to me to allow the land to lie there without putting these buildings on it, and you can not put the buildings there without an appropriation.

I would suggest to the Senator that there might be a way if we would cut off putting up public buildings all over the country in small cities of two or three thousand inhabitants, where the total rent paid by the Government does not exceed two or three hundred dollars, and they get light and heat. Then when we put up a public building costing $80,000 or $100,000 we have to put a janitor there at $600 a year, and we have to put light and heat in that building. There is not much economy in that. I am willing to cut such buildings as that out of the public-buildings bill and appropriate that money where it is needed. That is business.

Mr. PAGE. Mr. President, I want to say to the Senator from West Virginia that I have been appealed to by cities in my own State to ask for an appropriation this year for public buildings, and my answer has been emphatically, "No, sir; I will not ask for an appropriation for Vermont this year; we are trying to live within our income." Much as I would like to see everything that we ought to have provided for, I want to ask a question as I go along, whether we are not exceeding our income. Are we not facing a deficit at the end of the first fiscal year of the present administration?

I am not making these remarks because I propose to vote against this bill, but I do feel that as we go through these appropriation bills we ought to carry out the principle as far as we can that we will not spend more than we earn. That is my education, and I want to see it applied to the running of the Government. When we get to it, the Government is simply an aggregation of business enterprises brought together here. I should like to have a measure of economy developed which I sometimes feel does not exist in Congress, because when we get through with the aggregate of all these appropriations I want to see them come pretty nearly within our income; and if we can not bring them there, I should like to see a little paring done, even though it may seem to be overprudent.

I wish I might know, as the Senator from West Virginia suggests, that the Government may borrow all the money it wanted at 2 per cent. That is not my idea of the case to-day. If we have a deficit for two or three years, I think it will be very difficult indeed for us to borrow money at 2 per cent. It is not in the market to-day, as I understand it, and I do not think that we can see it if we continue the large measure of expenditures now indulged in.

Mr. BACON. Mr. President, I simply wish to make an inquiry of the Senator from West Virginia, and possibly also of my colleague, who is on the Appropriations Committee. What is the anticipation as to the time when all this money will have to be expended? It will not all have to be expended in one year.

Mr. SCOTT. Oh, no; the Supervising Architect is behind now two or three years with his plans and specifications in drawing them for buildings that have already been authorized. The authorization here, you will notice at the close of the bill, is for only so much of this money as will prepare the plans and specifications. In all probability it will be five or six years before the entire appropriation is needed.

Mr. CLAY. I will ask the Senator, Is it not true that this bill does not appropriate $12,000,000, but that hereafter, as the

money is needed at each session of Congress, the amount will be appropriated for the purpose of completing the work?

Mr. SCOTT. That is it exactly.

Mr. WARREN. I am glad that statement has been made, for, however this Senate bill may read, it should be well understood that practically we are simply authorizing the limit of expense which these buildings may cost, and they have to be appropriated for hereafter, in appropriation bills from time to time, and the state of the Treasury will of course be considered.

Regarding the inquiry of the Senator from Vermont, as to our income and outgo, I doubt if anyone can tell to-day whether the appropriations are going to be kept within the limit of our current revenues this year or not. If we may believe the approximates and calculations being made at the Treasury Department, we shall keep within our income if we proceed with the same economy that we have in those appropriation bills that have so far this session been reported. The first two bills passed were in aggregate something like $8,000,000 less than the two similar bills of the year before. Other appropriation bills may have exceeded by a few hundred thousand dollars in some cases, and some have been less, but unless the rivers and harbors bill and the naval appropriation bill—the two that are the most likely to be large in amount and where there is the greatest probability perhaps of overrunning—shall exceed what we expect they may contain, and if we shall get from the tax on corporations what may be reasonably expected, with the present income that the internal revenue and the new tariff law is affording us, our outgo will be well inside of the income of the Government during the year.

Mr. CURTIS. I want to suggest to the Senator from Wyoming that on the first six appropriation bills the amount was $11,000,000 less than the appropriations last year.

Mr. SHIVELY. Mr. President, Senators are mistaken if they imagine that I asked the question a few moments ago in a spirit of hostility to the general purpose of the bill. I have known for some time of the condition of our public buildings in this city with reference to the necessities of the public business. We have a number of ambulatory departments in Washington. Visitors to the city do not find them at the same place on two successive occasions. I am in favor of suitable quarters for these great departments.

My question was designed to direct attention to the large amount of money carried in the bill and which was going through without explanation or discussion. It is claimed that this bill does not appropriate. I think that is an error. Section 3 expressly provides for an amount—

not exceeding $12,000,000, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That so much of the sum hereby appropriated as may be necessary for the preparation of the plans for said building or buildings herein provided for is hereby made available.

These are words of appropriation. I do not know that it makes very much difference whether we appropriate now or later. It only occurred to me that the sum was too large. It is more than twice as much as was put into the Library building. It is three or four times as much as the Senate Office Building cost.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PARK CITY, UTAH.

The bill (S. 6643) to increase the limit of cost of the public building at Park City, Utah, was considered as in Committee of the Whole.

It proposes to increase the limit of cost for the purchase of a site and the erection of the public building at Park City, in the State of Utah, from $25,000 to $30,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN LANDS IN RICHARDSON COUNTY, NEBR.

The bill (S. 2180) to amend sections 1, 2, and 3 of chapter 3298, Thirty-fourth United States Statutes at Large, with reference to the drainage of certain Indian lands in Richardson County, Nebr., was considered as in Committee of the Whole.

Mr. PAGE. I should like to ask the Senator who reported the bill what amount of money it will take from the general Treasury, if any?

Mr. BROWN. It will not take any money from the Government Treasury. It takes it from the tribal fund.

Mr. PAGE. It is to be reimbursed?

Mr. BROWN. It is to be reimbursed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MONUMENT TO BRIG. GEN. JAMES SHIELDS.

The bill (H. R. 11580) for the erection of a monument over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo., was considered as in Committee of the Whole. It proposes to erect a suitable monument over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, at Carrollton, Mo., not to exceed in cost $3,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATUE OF MAJ. GEN. JOHN STARK.

The bill (S. 528) for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H., was considered as in Committee of the Whole. It proposes to appropriate $40,000 for the erection of an equestrian statue of Maj. Gen. John Stark within the limits of the city of Manchester, N. H., and for the proper preparation, grading, and inclosing of the lot and foundation upon which said statue shall be erected, which sum shall be expended under the direction of the Secretary of War or such officer as he may designate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. WARREN C. BEACH.

The bill (S. 1028) to appoint Warren C. Beach a captain in the army and place him on the retired list was considered as in Committee of the Whole. It authorizes the President, by and with the advice and consent of the Senate, to appoint Warren C. Beach, late captain, Eleventh Infantry, United States Army, to be a captain of infantry in the Army of the United States and to place him on the retired list of the army with the rank of captain. But he shall not, by virtue of such restoration to the army, be entitled to back, present, or future pay or allowances of any kind whatsoever.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. FLACK.

The bill (H. R. 17838) for the relief of George W. Flack was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, George W. Flack, now a resident of Pennsylvania, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Fifth Regiment United States Veteran Volunteer Infantry, on the 16th day of June, 1866. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment.

Mr. BACON. What is the nature of the bill?

Mr. WARREN. It is a bill for the correction of a military record. The party served three years and received an honorable discharge. He reenlisted and served a year, faithfully and well, but through showing mercy to a prisoner in taking off his handcuffs, he was court-martialed and discharged. This bill is for the purpose of giving him a pensionable status from the date of the passage of the act.

Mr. BACON. I do not wish to be understood as objecting. I simply wanted to know what the bill is. I could not understand it from the reading.

The bill was ordered to a third reading, read the third time, and passed.

GEORGE BAKER.

The bill (S. 4689) to correct the military record of George Baker was considered as in Committee of the Whole. It provides that in the administration of the pension laws George Baker shall hereafter be held and considered to have been honorably discharged as a private of Company H, Third Regiment Delaware Volunteer Infantry, as to date October 1, 1862. But no pay, bounty, or other emoluments shall accrue or become payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of George Baker."

WILLIAM H. HAWLEY.

The bill (H. R. 21693) for the relief of William H. Hawley was considered as in Committee of the Whole. It provides that in the administration of the pension laws William H. Hawley,

alias Henry Hawley, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company E, Twenty-first Regiment Illinois Volunteer Infantry, on the 6th day of April, 1863. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK SHIELDS.

A bill (H. R. 20180) for the relief of Patrick Shields was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Patrick Shields, now a resident of New York, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first sergeant of Company B, Sixty-second Regiment New York Veteran Volunteer Infantry, on the 14th day of January, 1865. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF LANDS TO JOHNSON COUNTY, WYO.

The bill (H. R. 17872) providing for the sale to Johnson County, in the State of Wyoming, of certain lands was considered as in Committee of the Whole. It proposes to sell and convey to the county of Johnson, in the State of Wyoming, the south half of the southwest quarter of section 5, the northwest quarter of the northwest quarter, the south half of the northwest quarter, the south half of the northeast quarter of section 8, and the southwest quarter of the northwest quarter of section 9, in township 50 north, range 82 west of the sixth principal meridian, containing 320 acres, more or less, upon the payment by the county of $1.25 per acre for the lands.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEADERS ON GUNNISON TUNNEL PROJECT.

The bill (S. 1874) allowing homesteaders on the Gunnison Tunnel project to leave their claims until water is available was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and to insert:

That all qualified entrymen who have heretofore made bona fide entry upon lands proposed to be irrigated under the provisions of the act of June 17, 1902, known as the national irrigation act, may, upon application and a showing that they have made substantial improvements, and that water is not available for the irrigation of their said lands, obtain leave of absence from their entries, until water for irrigation is turned into the main irrigation canals from which the land is to be irrigated: *Provided*, That the period of actual absence under this act shall not be deducted from the full time of residence required by law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902."

ORDER OF ODD FELLOWS OF CENTRAL CITY, COLO.

The bill (S. 1872) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo., was considered as in Committee of the Whole. It proposes to set apart, from and out of the mineral lands in Eureka mining district, Gilpin County, State of Colorado (such lands having been heretofore returned to the lands office at Central City as mineral lands), a tract of land not exceeding 7 acres in extent, to be used by the Independent Order of Odd Fellows of Central City, Colo., as a cemetery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUBMARINE SIGNALS.

The bill (S. 6603) authorizing the establishment of submarine signals was considered as in Committee of the Whole. It directs the Secretary of Commerce and Labor to establish under the direction and supervision of the Light-House Board such submarine signal aids to navigation at points along the seacoast line of the United States or in the waters of the Great Lakes as may, in his opinion, be considered advisable or necessary, and appropriates for such purposes $100,000.

Mr. SHIVELY. Mr. President, I ask the Senator from New Hampshire [Mr. GALLINGER], who reported this bill, to kindly make an explanation of it.

Mr. GALLINGER. Mr. President, this bill was given very careful consideration by the Committee on Commerce. I was directed to report it. I confess that I had not looked into the matter very closely at that time. As I understand, this is a device that is of very great value to vessels along the coast, particularly in foggy weather. The sound from our existing methods, bells and all that sort of thing, is not conveyed in foggy weather so that the direction from which it comes can be ascertained, and vessels have been lost because of that fact. Submarine signals convey the sound directly to the vessels, and there is no question on the part of the navigators as to where it comes from. Such signals have been tested to a very considerable extent and are strongly recommended by the Department of Commerce and Labor and by other officials who have looked into the subject. I think such a system is of the very greatest possible value to our shipping interests, and I, for that reason, support the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVIGABLE WATERS WITHIN CITY LIMITS.

The bill (S. 6118) to amend the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," was considered as in Committee of the Whole.

The PRESIDING OFFICER. The amendments reported to the bill by the Committee on Commerce will be stated.

Mr. CLAY. Let the bill first be read at length, Mr. President.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

Mr. ROOT. Mr. President, this bill was introduced by me on the request of the government of the city of New York, in order to remedy a certain power in the War Department and to deal with a situation that occasionally occurs and which does now exist in one or two places in the city of New York.

When little bayous or arms of navigable waters run out into the land, but are not a connecting link with any other piece of water and are not thoroughfares, the growth of a city frequently leaves the little water running into the land a mere center of disease; the water becomes polluted; there is no current through it; and the necessities of the land commerce of the city make it much more desirable to bridge it over or to fill it up than to take it for the purposes of commerce. There is one such situation that I know of now, where it is exceedingly desirable upon all grounds to cut the end off of one of these little vermiform appendices existing in the city of New York. That led the last administration of New York to make a formal request that such power be conferred upon the Secretary of War. As that administration was about going out, I waited until the present administration came in, and asked further consideration of it by the present city government, and they concurred.

It is an act which merely confers power upon the Secretary of War to deal with such a situation when he finds it to be for the best interests of the United States and not injurious to commerce. I should think we might well go that far.

Mr. BACON. If I caught the reading of the bill correctly, it is limited to bayous and other waters which are wholly within a certain jurisdiction.

Mr. ROOT. Waters which are wholly within the limits of a certain city.

Mr. CLAY. I have no objection to the bill.

The PRESIDING OFFICER. The amendments reported by the Committee on Commerce will now be stated.

The first amendment of the Committee on Commerce was, on page 1, beginning in line 3, to strike out "That after section 10 of the act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved March 3, 1899, the following be inserted: '*Provided, however;*'" and on the same page, in line 9, after the words "form a," to strike out "connection" and insert "connecting link," so as to read:

Be it enacted, etc., That where a river or other waterway, which does not form a connecting link between other navigable waters of the United States, lies wholly within the limits of a single city, the legislature of the State within which it lies, or the proper city authorities to whom the legislature of the State has delegated or may in the future delegate its powers over said river or waterway, may, when the duly approved plans for the city beautification, extension, or sanitation, or when its commercial interests so require, obstruct the navigation of said river or other waterway by closing all, or a portion, of the same, or by building structures in or over it: *Provided*, That the Secretary of War is satisfied that such obstruction is necessary for the best interests of the United States and that the location and plans for the proposed work or works have been approved by the Chief of Engineers and the Secretary of War: *And provided further*, That the cost of such work or works and

of all claims for damages and injuries that may arise in consequence of its or their construction or maintenance shall be borne by the said city.

The amendment was agreed to.

The next amendment was to add at the end of the bill the following as a new section:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to confer upon state and municipal authorities certain powers with respect to navigable waters wholly within city limits."

CUSTOM-HOUSE BROKERS' LICENSES.

The bill (S. 6173) to license custom-house brokers was considered as in Committee of the Whole.

Mr. ROOT. Mr. President, I will explain this bill. It is designed to give the public authorities of the United States some control over quite a large class of persons who represent the public, or individuals of the public, so that the public may be protected.

The custom-house business is a mystery, quite as much so as the business of any of our courts, or even more so. Of all the hundreds of Americans who are going to Europe and coming back as travelers and who are bringing in goods from Europe, very few know anything about the intricacies—the manifold intricacies—existing under our complicated statutes. They are entirely in the hands of brokers. No one of us can do anything in the custom-house without employing a broker.

As far back as twenty-six or twenty-seven years ago, when I was dealing with these laws in the city of New York, every now and then there would come up a case where a broker had been "crooked" with his employer. The Government can protect itself. If the broker does anything wrong with the Government, the custom-house authorities can refuse to do business for him or to permit him to come in, but they have no authority to give any protection or any redress to any individual who has been wrongfully dealt with by the man whom he has trusted. The present customs authorities of the Government are quite urgent to have some such provision as this; its terms have been pretty carefully guarded, and I think it is quite important that we should adopt the provision.

Mr. BACON. Mr. President, I fully realize the importance of that kind of legislation. I myself once had a personal experience which demonstrated the necessity of some such regulation.

Mr. ROOT. As it is now, there is no control over these custom-house brokers at all. Anyone, any rapscallion who can get somebody to confide in him, can go in and rob him in the custom-house. There is none of that salutary control which is exercised over members of the bar, over auctioneers, and over a great many other callings in which the rights of the public ought to be protected.

Mr. CLAY. Mr. President, I should like to ask the Senator this question: Suppose a citizen was undertaking to transact his own business, would the bill interfere with his doing so?

Mr. ROOT. That is expressly provided for by the bill.

Mr. CLAY. Do I understand that there is a provision in the bill allowing him to do so, without approval?

Mr. ROOT. There is such a provision.

Mr. PAGE. I should like to ask the Senator from New York if the effect of this bill is not likely to make the expense of doing business at the custom-houses on the frontier very much larger than it now is?

Mr. ROOT. No; I think not. There is an express provision that—

This act shall not be so construed as to prohibit any person from transacting business at a custom-house pertaining to his own importations.

Mr. PAGE. Yes; but the great bulk of the importers of the country do not live contiguous to a custom-house, and they are obliged to have some one else attend to their business for them. It seems to me that if a custom-house broker is to be licensed and if no one can do the business under a general power of attorney the result may be that the custom-house brokers will double their charges for doing this service and impose upon the country a very large unnecessary burden.

Mr. ROOT. It is quite simple for the people who do the business to obtain licenses.

Mr. PAGE. Well, we have been doing it without such a law for more than a hundred years, and I should like to know what has arisen of late that seems to make such a requirement essential for all of the little custom-houses on the border.

Mr. ROOT. I do not suppose that the business transactions of the small custom-houses furnishes the occasion for such a provision, but the enormous mass of business which is conducted at the large custom-houses makes it necessary to have such a provision. It may be that there would be some slight inconveniences to the small custom-houses; but I think they ought to be willing to endure a little inconvenience in order to prevent very serious evils affecting the great mass of the customs business of the country.

Mr. PAGE. My own experience is that custom-house brokers are quite extravagant in their charges, and if now they are to be allowed to make a still larger charge than they have done for the past fifty years, by reason of this bill, I do not know but what we are discommoding and burdening a very large number in order that the custom-house at New York may be provided with licensed brokers. I somewhat question the advisability of this bill. It may be all right if the Senator from New York says it is, and I take his word for it; but I am sure from my experience that it is not unlikely to impose upon importers at the smaller custom-houses a burden which perhaps they ought not to be obliged to bear.

Mr. ROOT. I call the Senator's attention to the fact that it involves no expense or charge. Anybody who wants to do business at a custom-house can go in and get his license. It is made the duty of the collector at every port to issue, upon application, to any person being a citizen of the United States, a license to transact business. It will be no more than one of the papers which are involved in getting through an entry or an invoice.

Mr. PAGE. Yes; but, to illustrate, take the State of New York, for instance. They have no custom-house at Albany or at Schenectady or at Syracuse—I do not know but that they have one at Syracuse; but many of the larger interior cities have no custom-house, and the business must be done at the border. A man living at Ogdensburg, at Fort Covington, or at Niagara, can attend to his own customs business, while a man living in the interior—and that is where the great bulk of the importers live—must be subjected to the expense of procuring a custom-house broker; and I do not know but that some protection ought to be given to him. It is a matter to which I have not given large consideration; but, as it strikes me now, it may make quite a heavy burden upon the smaller importers in the interior cities.

Mr. ROOT. I can not see how it will make any difference at all.

Mr. PAGE. If you limit the competition among the men who are to do that work, I submit to the Senator from New York that, by eliminating the competition, you are likely to make larger the charges of those who remain in the business.

Mr. ROOT. But it does not limit the competition, because anybody can get the license. If a man has never in his life had but one invoice to enter, it is a perfectly simple thing for him to get that license as a part of the papers under which he makes that entry.

Mr. PAGE. And that license is obtainable where?

Mr. ROOT. At the custom-house where he makes the entry. Every collector is authorized to issue licenses.

Mr. PAGE. And does the bill provide what must be paid for that license?

Mr. ROOT. It does not authorize any charge whatever. It provides—

That the collector shall, upon application, issue to any person being a citizen of the United States a license to transact business as a custom-house broker.

Mr. PAGE. I yield the objection I have, although I still have doubt about the advisability of the bill.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Commerce, which will be stated.

The SECRETARY. In section 3, page 2, line 16, at the beginning of the line, it is proposed to strike out "court of customs appeals" and insert "United States circuit court for the circuit in which the collection district is situated;" and in the same section, page 3, line 1, after the word "said," to strike out "court of customs appeals" and insert "United States circuit court for the circuit in which the collection district is situated," so as to make the section read:

SEC. 3. That any licensed custom-house broker aggrieved by the decision of the Secretary of the Treasury may, within thirty days thereafter, and not afterwards, apply to the United States circuit court for the circuit in which the collection district is situated for a review of such decision. Such application shall be made by filing in the office of the clerk of said court a petition praying relief in the premises. Thereupon the court shall immediately give notice in writing of such application to the Secretary of the Treasury, who shall forthwith transmit to said court the record and evidence taken in the case, together with a statement of his decision therein. The filing of such application shall operate as a stay of the revocation of the license. The decision of said United States circuit court for the circuit in which the collec-

tion district is situated shall be final and the proceedings remanded to the Secretary of the Treasury for further action to be taken in accordance with the terms of the decree.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALTER ROAD, DETROIT, MICH.

The bill (H. R. 18593) to authorize the transfer of the government highway, known as the Alter road, to the city of Detroit, Mich., was considered as in Committee of the Whole.

Mr. BACON. I should like to inquire of the Senator from Michigan whether or not the jurisdiction over this strip of land was ever ceded by the State of Michigan to the United States, or whether it was originally reserved when the State was organized? The reason I ask is that it seems to me that if there ever has been any formal cession of jurisdiction by the State to the United States, there ought to be some language in the bill to recede it.

Mr. BURROWS. The building of the light-house at the head of the Detroit River some years ago made it necessary for the Government to obtain a right of way, or a strip of land by which they could go to and return from the light-house. So they obtained a deed for that purpose. Now, it is proposed to recede this strip of land to the city of Detroit. The city, by resolution of the council, asked that this be done, and they are to maintain the road, improve it, and keep it open, of course, as a highway.

Mr. BACON. The Senator did not catch the point of my inquiry. I understood all that from the reading of the bill; but I understand the bill simply to deal with the question of title, whereas the question of jurisdiction might be involved, and it usually is involved, when there has been action under which the Government gets a piece of property within a State. Even if the Government builds a court-house or anything else the jurisdiction over the land is ceded to the United States. I did not know—and I asked for information—what was the origin of this title, whether it was a title which was reserved to the United States when the Territory was converted into a State, or whether it had ever been formally ceded by the State of Michigan to the United States Government. It seems to me that a bill of this kind ought to be definite and precise on that subject, because a great deal may depend upon the question of jurisdiction. Criminal questions will be dependent upon it, and all that; and, for that reason, I asked the question of the Senator from Michigan, whether the governmental jurisdiction over this strip of land had ever been ceded by the State of Michigan to the Government of the United States.

Mr. BURROWS. My understanding is from the report that it has been ceded.

Mr. BACON. Well, if it has been ceded, Mr. President, the question of a recession ought to be stated with more definite precision.

Mr. BURROWS. The Government of the United States obtained title to this strip of land—the Senator understands that—for the purposes of this light-house, to go to and from the light-house. The city has grown until this strip of land comes within the city, and now it is proposed that this shall be turned over to the city, at the request of the city, as a public highway.

Mr. BACON. I understand that fully, but I am extremely unfortunate that I can not convey my idea to the Senator from Michigan. I wanted to know whether jurisdiction over this property has ever been ceded by the State of Michigan to the United States.

Mr. BURROWS. The jurisdiction of course goes back to the city.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OMAHA TRIBE OF INDIANS.

The bill (S. 4179) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, on page 2, line 9, after the word "thereon," to insert "with authority to allow interest upon such items as the court shall deem proper," so as to read:

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims * * *; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal and equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon, with authority to allow interest upon such items as the court shall deem proper.

The amendment was agreed to.

The next amendment was, on page 2, line 25, after the word "Indians," to insert "to prosecute their claims under this act," so as to read:

Such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, * * * and the said petition may be verified by the attorney employed by the said Omaha Indians, to prosecute their claims under this act, under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 3, line 12, after the word "attorneys," to insert "employed," so as to make the proviso read:

Provided, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VETERINARY SERVICE OF THE ARMY.

The bill (S. 1692) to increase the efficiency of the veterinary service of the army was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with an amendment, on page 2, line 13, after the word "lieutenant," to strike out "mounted," so as to make the proviso read:

Provided further, That veterinarians now in the army who have served honorably and faithfully as such not less than fifteen years shall be the first persons eligible to appointment under the provisions of this act and may be appointed without regard to any of the restrictions thereof, and if any such veterinarians now in service shall have reached the age of 64 years before the approval of this act the President may appoint them veterinarians and immediately place them on the retired list with the retired pay of a first lieutenant.

The amendment was agreed to.

Mr. WARREN. I think the word "mounted" occurs in other places in the bill. I ask that it be struck out wherever it occurs in the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROOT. I should like to ask the Senator from Wyoming what the effect of this bill is as to the capacity of the veterinarians for promotion? What rank does this bill throw open to the veterinarian?

Mr. WARREN. In one sense it gives no rank as such to them. It gives the pay and allowances of a second lieutenant for the first ten years, and after that and with a proper examination the pay, and so forth, of a first lieutenant. The bill provides for taking in the old veterinarians or contract veterinary surgeons and employees after passing proper examination—a few of the oldest ones without examination. As to the new class admitted, the bill provides the age at which they shall be admitted; that they must be graduates of a veterinary college; that they must pass a prescribed army examination; that they must have served ten years as second lieutenants before being promoted to first lieutenants, and they go no higher than first lieutenant during their service.

Mr. ROOT. The Senator is satisfied, I assume, that the expression—

All veterinarians so appointed shall be on the same footing as that of commissioned officers of the army in respect to tenure of appointment, retirement, pensions, increase of pay—

is so limited by the specific provisions of the bill that it can not apply to increase in rank?

Mr. WARREN. I will say to the Senator I have depended upon the War Department, and that is the language, as I understand it, approved by the Secretaries of War who succeeded the Senator from New York. I have assumed, and I think from the language that it does, that it provides what I have said of it as to pay, increase of pay, and tenure of office; that is, the length of office, retirement, pension, and allowances.

Mr. PAGE. I should like to ask the Senator from Wyoming if this adds another line of those who are to be retired on half pay, or is the old law in regard to this matter simply reenacted?

Mr. WARREN. Mr. President, this is the condition: Formerly, when we had but few regiments of cavalry, but a small artillery force, and the days of horse doctors, bleeding, condition powders, and so forth, rather than regular veterinary surgeons,

we employed men as employees, to be hired and discharged at will. This was unsatisfactory and most expensive in the losses of horse and mule stock. Some years ago, I should say perhaps fifteen, possibly ten, we provided for an examination of the force of men that were then employed, and provided that those who passed the examination should become second lieutenants, so far as concerns the pay, and so forth, exactly as this bill provides; that the others should remain employees.

This bill goes a little further. It provides—and it is a matter of only 42 men altogether proposed for the entire veterinary force—for an expense, in addition to the present expense, of not to exceed $2,700 per annum until after ten years shall have expired for the second lieutenants, when there will be more of them, of course, as first lieutenants than there are now.

But when the change is made it does away with the contract surgeons and the necessity for contract surgeons and employees, and substitutes a regular corps, which, after providing for the present force, is to be only recruited from young men under 27 years of age, who have been graduated from some reputable veterinary college and who shall be examined and pass under the army requirements. These then enter upon the service and serve ten years as second lieutenants, and then, after another successful examination, may be promoted and receive the pay of first lieutenants, retiring finally as first or second lieutenants, as the case may be.

Mr. GALLINGER. The Senator from Wyoming is aware, but it is well enough to put it in the RECORD, that the requirements of veterinary colleges to-day are quite as exacting as those of our best medical colleges. These men have to go through a curriculum of the same length, studying substantially the same subjects, in addition to which they get, of course, instruction in the treatment of animals particularly. But when a man is graduated from a veterinary college to-day he has given as much time and as much money to acquire his education as a young man who is graduated from one of our very best medical colleges.

Mr. WARREN. And with the number of horses and the number of mules employed now in the army the salary of these men is a mere bagatelle compared with the losses that may occur unless the army has a competent force of medical men to attend the animals.

Mr. PAGE. The only point I wish to raise is whether we are placing upon the retired list a large number of men who have acted as veterinarians and whom this bill proposes to pension.

Mr. WARREN. Now, I see what the Senator is probably driving at. This bill places no one upon the retired list or "pension roll," as the Senator terms it, except he shall arrive at the proper age and shall have done the proper service, with the exception of two men, one of whom is now 74 or 75 years old and the other 69 to 71. One has served nearly fifty years, the other has served just a little more or less than forty years. They are kept in the service as hired men because of their very valuable services in passing upon purchases of horses. The department wishes to retain them in that service and the bill provides that these two may be retired. Undoubtedly these two would be immediately called back into active service under the law on account of their ripe and varied experience, so valuable in assisting our purchasing officers.

Mr. PAGE. But in the bill it is provided that young men may enter under 27 and when they continue until they are 64 years of age——

Mr. WARREN. They get the same retirement as first or second lieutenants in the army.

Mr. PAGE. That is all right and very proper.

Mr. WARREN. But they can not go higher than the office of first lieutenant.

Mr. PAGE. I should like to know how many there are to-day 50 or 60 years old who have not been commissioned and who may be commissioned under this bill, and in five or ten years passed to the retired list under this bill at half pay.

Mr. WARREN. They are all comparatively young men, aside from the two I have mentioned.

Mr. PAGE. How many men will this bill affect as to retiring on half pay?

Mr. WARREN. I do not know that it affects any except these two, unless they shall have served quite a length of time.

Mr. PAGE. That is all right.

Mr. CLAY. But it will affect those who are appointed hereafter, Mr. President.

Mr. WARREN. It affects every man appointed hereafter. Every man is affected at 64 years of age, but he comes in at 27 or less and he serves his time from 27 to 64, until he is retired.

Mr. CLAY. A veterinary surgeon at this time is not a commissioned officer at all. He is not entitled to quarters; he is not entitled to a pension; he is not entitled to be retired, and hereafter he will be entitled to quarters, to a pension, and be entitled to all the privileges of a commissioned officer.

Mr. WARREN. Not all the privileges.

Mr. CLAY. That is, those appointed after the passage of this act.

Mr. WARREN. Except he has no rank with other officers when he is with them. But the Senator is both right and wrong. A part of the present force are already virtually second lieutenants by an act of some twelve or fifteen years ago. Still another part are employees or contract surgeons who have none of the privileges that the Senator has enumerated.

Mr. CLAY. Can the Senator give any idea as to how much annual expense it will add to the expenditures of the War Department? I mean not only considering those who will avail themselves of the benefits of this act, but appointments that may be made hereafter; about what additional expense annually will be entailed upon the Government of the United States?

Mr. WARREN. We have a computation, over the signature of Mr. Taft, as Secretary of War, in which he states that if all the veterinarians having more than ten years' service and the additional veterinarians be appointed under the proposed bill, the increased annual expense would be not to exceed $2,700. The only further expense would arise from the increased pay of such veterinarians as would become entitled to it after ten years' service. This bill makes them then first lieutenants, which rank they did not have before.

Mr. CLAY. I understand.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 10, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 9, 1910.

JUDGES OF THE COURT OF CUSTOMS APPEALS.

Robert M. Montgomery, of Michigan, to be presiding judge of the court of customs appeals, as provided by the act approved August 5, 1909.

William H. Hunt, of Montana, to be associate judge of the court of customs appeals, as provided by the act approved August 5, 1909.

James F. Smith, of California, to be associate judge of the court of customs appeals, as provided by the act approved August 5, 1909.

Orion M. Barber, of Vermont, to be associate judge of the court of customs appeals, as provided by the act approved August 5, 1909.

Marion De Vries, of California, to be associate judge of the court of customs appeals, as provided by the act approved August 5, 1909.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

William Nichols Porter, of Ohio, late midshipman, United States Navy, to be second lieutenant in the Coast Artillery Corps, with rank from March 8, 1910.

PROMOTIONS IN THE NAVY.

Capt. John B. Milton to be a rear-admiral in the navy from the 9th day of January, 1910, vice Rear-Admiral William W. Kimball, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 9, 1910.

UNITED STATES ATTORNEY.

Barnes Gillespie to be United States attorney for the western district of Virginia.

POSTMASTER.

J. C. Stancil, at Smithfield, N. C.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 9, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. This being calendar Wednesday, under the rule, the call rests with the Committee on Foreign Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4626. An act for the widening of Sixteenth street NW. at Piney Branch, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6449. An act permitting the building of a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota; and

S. 5125. An act authorizing the creation of an additional land district in the State of Oregon to be known as the "Vale land district."

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 4830. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Sacramento, Cal.; and

H. R. 18162. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911.

EMBASSY, LEGATION, AND CONSULAR BUILDINGS.

Mr. LOWDEN. Mr. Speaker, I am directed by the Committee on Foreign Affairs to call up, under the rule, the bill H. R. 22312.

The SPEAKER. The gentleman from Illinois, by direction of the Committee on Foreign Affairs, calls up the following bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 22312) providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad.

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized to acquire in foreign countries such sites and buildings as may be appropriated for by Congress for the use of the diplomatic and consular establishments of the United States, and to alter, repair, and furnish the said buildings; suitable buildings for this purpose to be either purchased or erected, as to the Secretary of State may seem best, and all buildings so acquired for the diplomatic service shall be used both as the residences of diplomatic officials and for the offices of the diplomatic establishment: *Provided, however*, That not more than the sum of $500,000 shall be expended in any fiscal year under the authorization herein made: *And provided further*, That in submitting estimates of appropriation to the Secretary of the Treasury for transmission to the House of Representatives, the Secretary of State shall set forth a limit of cost for the acquisition of sites and buildings and for the construction, alteration, repair, and furnishing of buildings at each place in which the expenditure is proposed (which limit of cost shall not exceed the sum of $150,000 at any one place) and which limit shall not thereafter be exceeded in any case, except by new and express authorization of Congress.

Mr. PRINCE. Mr. Speaker, I make the point of order against this bill. On page 250 of the Rules and Practices of the House I find:

And a bill once rejected, another of the same substance can not be brought in again the same session.

This is from Jefferson's Manual, and as there is no rule of the House upon this question Jefferson's Manual is made a part of the rules of the House. Now, Mr. Speaker, on the 2d of March, at this session, by a yea-and-nay vote of 160 yeas to 84 nays, a bill the substance of which is exactly like this bill was rejected by this House.

Mr. LOWDEN. Mr. Speaker, I do not think my colleague wishes to make a misstatement. The vote on the only roll call, which was on the motion to adjourn, was 99 to 123.

Mr. PRINCE. Will you be kind enough to look to page 2649 and see what the report of the vote is? The House divided; and there were—ayes 160, noes 84. But that was not a roll call. The vote on the yeas and nays was 99 for the bill and 123 against the bill; and there is the list of the votes and the names of those who voted. After the vote had been taken, a motion was made by the gentleman from Arkansas [Mr. MACON] to reconsider the vote by which the action of the committee was agreed to, which was laid upon the table.

Now the question before the House is whether this bill comes under the rule as another "of the same substance." The bill that was introduced under date of December 17, 1909, the one that was rejected by the House, is exactly like the bill that is presented under date of March 7, 1910, with this one exception, which does not go to the substance of the bill. On page 2, line 9, "which limit of cost shall not exceed the sum of $150,000 at any one place." That limits the amount. The substance is exactly the same. That amendment was in order at the time the bill was before the committee and before the committee acted. Now, I have been unable to find any precedent which will warrant the doing of what is sought to be done to-day. I find on page 295 of volume 4 of Hinds's Precedents the following:

A bill having been rejected by the House, a similar, but not identical, bill on the same subject was afterwards held to be in order.

On August 17, 1856, Mr. John Wheeler, of New York, presented a resolution instructing the Committee on Ways and Means to report a bill for the support of the army in accordance with the text accompanying the resolution. This new bill was drawn up the same as the army bill, which had already failed, because of differences between the House and Senate concerning a provision relating to the use of troops in Kansas, with the exception that the proviso relating to Kansas was stricken out and three appropriations were changed as to amounts.

There was a question whether troops should be used and the pay for the troops in what was known as the "border war" in Kansas. The House rejected that provision. Afterwards the bill left out that which was the substance, which was the material difference between the two Houses, and another bill came in, and of different substance, and was held in order. But this is the identical bill rejected by the House. The substance is the same. It is not one whit different, because the substance there was whether there shall be appropriations and provisions made for the purchase of embassy sites abroad. That is the substance, that is the essence of the bill—the substance and the essence of the bill—so that the idea whether it shall cost a dollar or a thousand dollars was not at issue, which was whether we shall do that or not.

Now, I regard this motion, or this procedure, as trifling with the House. Why? Because if we vote this bill down to-day, the committee can bring in a bill for $145,000 limit; if we vote it down again, they can bring in another at $140,000; and if we vote that down, it can bring in another at $120,000, and you can go on ad libitum until the session is used up. Now, what is meant by such a proceeding? It means that on the call of committees, on calendar Wednesdays, the House can debate this bill a day and, if the House rejects it, we have stopped the business on the calendar. Next week, when the calendar is called again, the call rests with the same committee, and they can take up the time of the House as they did last time, and so on from week to week, and we can not stop it.

Mr. MANN. The gentleman will admit that he is mistaken about supposing that the call will rest with the Committee on Foreign Affairs next week?

Mr. PRINCE. Yes; for two full days.

Mr. MANN. For two days. It had last Wednesday, and the call rests with it to-day, but not next Wednesday.

Mr. PRINCE. It practically rests with it, because the call of the committees goes so rapidly that the time of this House can be taken up during the session until this matter is disposed of.

But, coming back to the point at issue, I assert that this bill is, in substance, the same as the bill rejected by this House.

Wherein does it differ in substance? The substance is a provision for an embassy. That is the cause of the introduction of the bill. The question whether the cost limit is more or less is one of amendment, that could be determined at that time.

Now let us go a little further. Suppose that it was in a court of justice, and the court had ruled against a cause of action and said it was not a proper cause of action. A demurrer had been filed, the plaintiff had been put out of court because there was no cause of action. Would the court, upon a like bill, presented for a less amount, hold that a reduction of the amount would cure the cause of action and make a different substance, and that the court would take jurisdiction of it? Why, most assuredly not. There is not a lawyer within the sound of my voice but would hold that if the court had ruled it out, if the substance had been tried, another case of the same kind could not receive consideration on the ground that you had reduced the amount.

Mr. SULZER. Mr. Speaker, will the gentleman yield for an inquiry?

Mr. PRINCE. Yes.

Mr. SULZER. Assuming that all the gentleman says is so, I ask what rule does the gentleman refer to that will prevent the present consideration of this bill?

Mr. PRINCE. For the benefit of my friend from New York, I will read again from page 250 of Jefferson's Manual:

And a bill once rejected, another of the same substance can not be brought in again the same session.

Mr. SULZER. When was this bill rejected?

Mr. PRINCE. It was rejected on the 2d of March.

Mr. SULZER. Not this bill. The gentleman is in error, and refers to another bill.

Mr. PRINCE. The substance of this bill was rejected then. That bill on that day was the same as the bill to-day, with this exception only, which I declare is not a substantial difference:

Which limit of cost shall not exceed the sum of $150,000 at any one place.

Mr. SULZER. That makes all the difference. This is essentially a different bill, and the rule to which the gentleman refers does not apply.

Mr. PRINCE. Reading further from page 295 of volume 4 of Hinds's Precedents:

Mr. Benjamin Stanton, of Ohio, made the point of order that two army appropriation bills had been disposed of this session, one coming over from last session and failing by difference between the Houses, and the other being defeated in the House. The manual provided that—

"In Parliament, a question once carried can not be questioned again at the same session, but must stand as the judgment of the House; and a bill once rejected, another of the same substance can not be brought in again the same session."

The Speaker said:

"But one bill for the support of the army has been introduced at this session of Congress. The second bill came over from the last session. It was not introduced at this session of Congress. One bill introduced at this session of Congress has been defeated, but the bill embraced by the resolution before the House differs from that bill in the very material manner of wanting the proviso which is the subject-matter of controversy between the two Houses. The language of the manual read by the gentleman—that a bill once rejected, another of the same substance can not be brought in—refers to the provisions of a bill, and not to bills on the same subject. The Chair is of opinion that the resolution is in order."

Undoubtedly that was in order, because the contention was in reference to the portion of the bill making appropriations for the payment of troops to carry on the border war in Kansas. That was a substantial difference, but this is purely a question of difference in the amount of money. The substance has been passed upon, and I insist upon the point of order as against this bill.

Mr. LOWDEN. Mr. Speaker, I have given some consideration to this question, and I wish to submit to the House the results of that consideration.

In the first place, under the practice of this House, Jefferson's Manual is practically obsolete. In the revision of 1880 the Committee on Rules decided to retain the Manual, although, as they said in their report:

Compiled as it was for the use of the Senate exclusively, and made up almost wholly of collations of English parliamentary practice and decisions, it was never especially valuable as an authority in the House of Representatives even in its early history, and for many years past it has been rarely quoted in the House. (5 Hinds's Precedents, sec. 6757.)

My colleague [Mr. PRINCE] relies upon this statement in the Manual:

In Parliament a question once caried can not be questioned again at the same session, but must stand as the judgment of the House. * * * And a bill once rejected, another of the same substance can not be brought in again the same session. (Manual, p. 250.)

On the following page of the Manual, continuing the discussion of this subject, a case is cited in which practically the same bill was brought up a second time at the same session, in the English Parliament, and it was held that this was not any reason for not considering the bill, although it had been rejected before.

It thus appears that even by the Manual and in accordance with its precedents it never was a strict rule of practice of the Parliament that when a bill was rejected it should not, the slightest possible change being made, be considered again at that session.

Therefore, without reference to the rules of the House, which I shall take up later, the Manual is an exceedingly slender authority for the point of order made by the gentleman from Illinois [Mr. PRINCE].

Rule XXIV, paragraph 4, provides that on the call of committees each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar.

Paragraph 4 of Rule XXVI extends this privilege to bills upon the Union Calendar.

I therefore submit that those rules by their terms are inconsistent with the provision quoted by my colleague [Mr. PRINCE], because if these rules had contemplated that a similar bill should not be brought up in the same session of Congress, they would have provided something like the following:

Any bill upon the calendar, the substance of which has not been presented before to the House at the same session—

And so forth.

Therefore, I believe that any sort of a change makes a new bill.

Mr. DOUGLAS. Will the gentleman yield for a question at that point?

Mr. LOWDEN. After I have finished this line of argument.

The SPEAKER. The gentleman declines to yield for the present.

Mr. LOWDEN. But, Mr. Speaker, even if this contention were overruled, the bill called up to-day is not in substance the bill which it is claimed was rejected a week ago, within the meaning of the Manual. In this connection, I wish to cite the language of an earlier Speaker, contained in section 3283, volume 4, of Hinds's Precedents, in which the Speaker held—

But the Chair agrees with the gentleman from Kentucky that the fact that this bill has passed does not cut off the House from passing another bill on the same subject.

I also wish to cite to the Chair section 3384, volume 4, of Hinds's Precedents.

In this case it appears that on August 17, 1856, Mr. John Wheeler, of New York, presented a resolution instructing the Committee on Ways and Means to report a bill for the support of the army, in accordance with the text accompanying the resolution. This new bill was drawn up the same as the army bill, which had already failed, because of differences between the House and Senate concerning a provision relating to the use of troops in Kansas, with the exception that the proviso relating to Kansas was stricken out, and three appropriations were changed as to amounts.

The Speaker said:

The second bill came over from the last session. It was not introduced at this session of Congress. One bill introduced at this session of Congress has been defeated, but the bill embraced by the resolution before the House differs from that bill in the very material manner of wanting the proviso, which is the subject-matter of controversy between the two Houses. The language of the Manual read by the gentleman—that a bill once rejected, another of the same substance can not be brought in—refers to the provisions of a bill, and not to bills on the same subject. The Chair is of opinion that the resolution is in order.

The question, therefore, under these precedents, is whether or not this bill is the same as the bill which was considered by the House last week. If gentlemen will recall what transpired during that consideration they will remember that the principal argument addressed against that bill, one that occupied almost exclusively the time of my colleague and friend, was that there was no limitation as to the cost in any one place. The bill that is called up to-day contains a provision that in no case shall the cost exceed $150,000 in any one place. That was the real point of the opposition to that bill last week.

This new bill presents changes, and the Chair must take into account what the real difference of opinion was last week in deciding whether this is the identical bill which was considered last week, or whether it is a new bill on the same subject, which was held by Speaker Banks to be in order.

Mr. MANN. Will my colleague yield for a suggestion?

Mr. LOWDEN. With pleasure.

Mr. MANN. The bill that was considered last week provided a limitation of $1,000,000 a year, while the bill now before the House provides for a limitation of $500,000 a year; a substantial change, it seems to me.

Mr. HULL of Iowa. Was there not an amendment to the bill of last week providing a limitation of $500,000?

Mr. MANN. The committee reported an amendment, which was never adopted and never considered. The bill that was reported to the House had a provision for $1,000,000 a year, but the amendment was neither agreed to nor considered by the House.

Mr. SABATH. Will the gentleman yield?

Mr. LOWDEN. For a question.

Mr. SABATH. The bill that was defeated had no limitation as to the cost of these buildings, but this bill has a limitation.

Mr. LOWDEN. That is true.

Mr. SABATH. No more than $150,000 can be appropriated for any one place by this bill.

Mr. LOWDEN. That is true.

Mr. SABATH. And in that the bills differ.

Mr. LOWDEN. This bill differs from the other one, and that difference was the subject of the real debate on the floor of the House last week, as the gentleman reminds me.

Mr. SABATH. That is a question I raised last week, that there was no limitation as to the cost of the building.

Mr. LONGWORTH. Will the gentleman from Illinois yield?

Mr. LOWDEN. With pleasure.

Mr. LONGWORTH. The real objection made to the bill last week as it stood was that there was no limitation made as to the amount that could be spent in any one place, and that was based on an argument at the very foundation of this bill, that under the present conditions the poor man could not accept one of these positions; and the argument was made that if you took a poor man and placed him in a building that cost as much as $500,000 he would not be any better off. Therefore, if you cut the amount to $150,000 it must be admitted that it is a building in which a comparatively poor man could live, and it seems to me it goes to the very essence of the whole question before the House.

Mr. LOWDEN. I think so. I now wish to call the attention of the Chair to section 3385, volume 4, of Hinds's Precedents.

On December 19, 1864, Mr. Speaker Colfax held that a resolution, which the House had laid on the table, might not be presented again unless one or two words were changed to make it in fact a different resolution. This was on the occasion of Mr. Henry Winter Davis, of Maryland, presenting a resolution relating to the power of Congress over foreign affairs.

Mr. Speaker, the citation from the Manual, made by my colleague [Mr. PRINCE], applies equally to a resolution as to a bill, and I have taken pains to look up the difference between the two resolutions upon which Mr. Colfax held that the second one was in order, being different in fact. The only difference is that the word "president" is omitted from one, and in its place the words "executive departments" are inserted. I claim that this precedent is directly in point. I further contend that we must take into account what consideration influenced the minds of the Members last week, and it appears, as it clearly does, that it was the absence of this limit of cost, then this bill is a new bill, and it is in order.

The effect of the bill, as the Chair will readily understand, will be to cut out the principal capitals of the Old World and to enable this country, while it is yet time, to acquire, at a reasonable cost, sites for buildings in Mexico, South America, and the Orient, and it appeared in the debate upon this bill last week that many Members who voted against it were in favor of extending this policy to those countries.

The real question is whether Members who opposed the bill which was considered last week might, with the changes made, consistently support this bill now. If so, for all parliamentary purposes this is a different bill. The questions addressed to me at this time show clearly that Members who opposed the bill which was considered last week are of the opinion that the objections which they found to the bill then pending have been removed from this. The bill is therefore different, and the point of order, I submit, Mr. Speaker, should be overruled and the bill submitted to the Committee of the Whole House on the state of the Union.

Mr. HARRISON. Mr. Speaker, I desire to be heard for a moment on the point of order. I think it would be difficult to add anything to the value of the argument just made by the gentleman from Illinois [Mr. LOWDEN], and it seems to me the precedents are so clear that I venture to suggest that the Chair is called upon to overrule the point of order. The same point of order made in 1856 was as to a bill which differed in no respect from the bill previously rejected by the House in that session, except that it omitted a proviso as to the use of certain troops in Kansas, and the Chair in overruling the point of order on that occasion said that the language of the Manual referred to the provisions of a bill and not to bills on the same subject. Now, if the Chair shall sustain this point of order, it will be hereafter impossible, a bill upon a certain subject having once been rejected, for a bill upon that same subject ever to be in order at the same session of Congress in this House. The proper construction of the rule, as was stated by a previous Speaker, is that the point of order lies to the provisions of a bill. This bill is totally distinct in its provisions from the bill rejected by the House last Wednesday. The chief objection to that bill, as stated by the gentleman from Illinois [Mr. PRINCE] himself, in the course of a very impassioned address upon the subject, was the fact that it did not limit the cost of any one building. That same objection was stated by gentlemen upon both sides of this House, and in my opinion was the chief burden of complaint. This bill does limit in substance the cost of any one building to $150,000 at any one place, and is as vital and essential a difference in substance from the other bill as any change in a bill well could be.

The gentleman from Illinois [Mr. PRINCE] said in the course of his argument this morning that if this be held to be a different bill substantially from the one the House has already rejected, hereafter the Committee on Foreign Affairs might, if this second bill is voted down, bring in another bill limiting the cost to $145,000 on next Wednesday, and to $140,000 on the following Wednesday. A gentleman of as much sense and character as the gentleman from Illinois [Mr. PRINCE] can not have been in earnest in advancing that argument, because the point of order stated in Jefferson's Manual, which he has attempted to misapply here, would directly apply to any such trivial and inconsequential change as a reduction in the limit from $150,000 to any smaller sum like $140,000 or $130,000. This bill, Mr. Speaker, is substantially different from the other, and therefore I submit that the Chair is called upon to overrule the point of order.

Mr. SHERLEY. Mr. Speaker, there is just one point I desire to bring to the attention of the Chair. We have a similar rule that is frequently called into play in the Committee of the Whole House. For instance, if an amendment is offered to a bill and that amendment is rejected, manifestly an amendment in exactly the same language can not again be offered, but the Chair has always held that even though the second amendment were traveling the same line and for the same purpose, yet if it was in point of fact a different amendment, it was in order. Now, the very fact that this relates to the same subject-matter is not the question for consideration, but it is whether it deals with that subject-matter in a substantially different way, so as to present a different bill, and under the practice that we have had in the Committee of the Whole on amendments—and that rule is for the same purpose, to prevent the committee from being unduly burdened with reconsideration of matters—I submit that this bill, being a different bill, substantially, is in order.

Mr. MANN. I call the attention of the Speaker to the language of Jefferson's Manual, which has already been quoted:

> And a bill once rejected, another of the same substance can not be brought in again the same session.

And the question is whether that means substantially the same or whether it means what it says, "the same substance." The same substance is not something like; it is the same, and when this says the same substance it means a bill identically alike. It does not mean a bill on the same subject-matter. Now, these two bills are very different. One of them provided for an appropriation of $1,000,000. The other provides for an appropriation of $500,000. I should call that a substantial change in the bill and not the same substance. One provided no limitation in figures upon the amount to be expended in any one place and the other makes a limitation of $150,000. Certainly, if these bills had been offered in order as amendments in the Committee of the Whole House on the diplomatic and consular appropriation bill, and it had been in order to offer them and one of them had been voted down, the other would not be construed by the Chair to be the same substance, so that it would not be in order.

Mr. FITZGERALD. Mr. Speaker, it seems to me that the House should keep in mind the difference in practice that existed in the Commons at the time of the adoption of the rule stated by Jefferson and the existing procedure in this House. My understanding is that bills at that time were brought into Parliament upon a resolution directing a committee to prepare and to report a particular bill to the House for its consideration, and a committee would then be appointed to prepare and report such a bill. The question as to whether a bill in the language of the rule of "the same substance" was to be reported into the House would arise upon the presentation of the resolution directing a committee to prepare such a bill. There was then a distinction, however, that has since been emphasized and has been recognized in this House, not only from the precedents of the House which have been cited, but from the exceptions to this rule to which attention is called by Jefferson's Manual itself. The only two precedents cited are to the effect that bills of "the same substance" have been construed to mean not bills substantially the same, but bills identically the same; and the rule has been narrowed by construction so that a bill to be rejected upon such a point of order as this must not only be substantially the same in form but must be identical in language to the bill which has been rejected. Now, in section 510 of the Manual, which is section 43 of Jefferson's Manual, I read the following:

> In cases of the least magnitude this rule—

That is, a bill of the same substance shall not be presented at the same session—

> has not been so strictly and verbally observed as to stop indispensable proceedings altogether. Thus, when the address on the preliminaries of peace in 1782 had been lost by a majority of 1, on account of the importance of the question and smallness of the majority, the same

question in substance, though with some words not in the first, and which might change the opinion of some Members, was brought on again and carried, as the motives for it were thought to outweigh the objection of form.

So that as early as 1782, in the House of Commons itself, an address which was of considerable importance to the country, and which had been rejected by a single vote simply by having slight change in the phraseology so as to overcome the objections raised to the address by some of those in opposition, was permitted, despite this well-known rule, to be brought into that session. It seems to me that following that exception these two decisions, which have been cited and referred to several times, have followed what was recognized as the proper exception; that a bill to be subject to the point of order which has been raised must be identical, as well as the same in substance. And, Mr. Speaker, when it is considered how great has been the change in procedure, how many times multiplied have been the number of bills which are introduced and the various questions arising, it seems that unless the narrower construction be given to this rule and the exception to it be adopted as a true rule that it might be impossible for the House, on some future occasion, to consider legislation of the utmost importance.

For instance, suppose that the District appropriation bill should fail at this session because of the difference now existing between the two Houses as to whether the appropriation for playgrounds should be paid from the federal and District revenues or merely from the revenues of the District of Columbia, and the two Houses, unable to reconcile their differences, the bill should fail; then another District appropriation bill should originate here, identically the same as heretofore, with the exception that the item for playgrounds should be omitted from the bill as proposed; would it then be suggested that because of this one change the bill was substantially the same, and that it would be impossible for the House to appropriate for the expenses of the District government? It seems to me that so long as the bill is not identical in words, in language, and in every respect, this point of order can not lie successfully against it.

Mr. SAUNDERS. Mr. Speaker, I wish to speak to this point of order briefly. Suppose we look to the reason of the rule under discussion. It is a rule which obtains in most of the state legislatures, and is intended to prevent the time of parliamentary bodies from being wasted, and to save the members from the necessity of thrashing over matters that have been adequately considered, and rejected. Hence the necessity for using the words "in substance" in the rule. As I understand the particular proposition that is before this House, the present bill is substantially the same as the one heretofore rejected, save that the money items are different. What was, and is, the main principle involved in this bill? It is that the United States Government shall enter upon the purchase of embassy sites abroad. That was the great controlling principle over which the contest was waged a few days since. The question of expenditure in that connection is a matter of detail. The discussion of a few days ago was waged over the principle and not over the mere details of expenditure. That principle has been decided, by the adverse vote of this House, and now the same principle is before us, with a change in the items of expenditure that will be involved. Therefore, I submit that this bill is, in substance, the same bill which we have heretofore rejected. The substantial matter which the House has had in mind at all times in connection with this bill, is whether we shall purchase embassy sites at all, not what the cost of those embassy sites shall be. It seems to me, in conformity with precedent, and in conformity with principle, that that interpretation should be given to the rule, which would sustain the point of order, and cause this bill to be dismissed from further consideration. [Applause.]

Mr. PRINCE. Mr. Speaker, as the history of the discussion has been gone into, if the Speaker will permit me and the House will not be too impatient, I will refer briefly to that discussion. Here was a measure to enter upon a new policy. I think I stated in the discussion that for more than one hundred and twenty years the policy of this Government has been along certain lines. I stated that the President of the United States had not asked to change this policy. I stated that the Secretary of State had not asked by any communication to change that policy.

Mr. DENBY. Will the gentleman pardon an interruption at that point?

Mr. PRINCE. Yes.

Mr. DENBY. Every Secretary of State from the time of Secretary Olney, in 1897, has advocated this measure. Secretary Olney—and I am replying directly to the statement made by the gentleman—in a communication to the Senate transmitted to the Congress estimates which had been called for by the department of the cost to erect buildings in 14 foreign capitals, and he thereupon recommended the beginning of this policy as long ago as 1897; and from that day to this there has been absolutely no change in the advocacy of this policy by the succeeding Secretaries of State down to Secretary Root and the present Secretary, Mr. Knox.

Mr. PRINCE. Very well. I stated then, and I restate now, that there was not a syllable, or a word, or a line of public hearings that showed that these officers, who represented a part of this Government, would come up, as I used the expression, "to the captain's office" and ask for this appropriation. I make the charge again. This is all an afterthought. This is all a second wind, as you might express it. There is not a word of it in any report to this House, not a syllable on the part of any executive officer asking for this policy. I stated it then and I state it now. I have before me your second report on this bill—that is, substantially the same bill—and there is not on this bill, that is substantially the same bill, and there is not a word in that report, not a letter from any Secretary of State, asking for the doing of it.

Mr. DENBY. Mr. Speaker——

Mr. PRINCE. Now, I have answered all I will.

Mr. DENBY. I was merely going to suggest to the gentleman from Illinois [Mr. PRINCE] that I have not the slightest objection to his talking to the merits of this bill, but I wish to remind him that he is not talking to the point of order which he has raised. If the rest of us are allowed as great freedom of debate, I should be very happy, as far as I am concerned, to see that the gentleman continues in his present line. I make the point of order that he is not discussing the point of order.

Mr. PRINCE. I stated frankly to the Chair and to the House and asked, in effect, unanimous consent. I said my colleagues from Illinois had gone out and given reasons for the action of the House. I submit to my colleagues in this House, when I made the point of order, I stood by the point of order in my argument. You have dragged it out upon the other side. I said not a word. I believe in standing by a legal proposition. To bring in new matter, you have sought to meet my argument upon the basis of the cost of the building. So did a distinguished gentleman on the other side, and I sat here in silence listening to you. I knew I should have an opportunity to answer it. I say to you now that I stood on that action; that you were entering upon another policy; it was because of the policy which is the substance of this bill that that bill was voted down on the 2d day of March.

Mr. RUCKER of Colorado. Will the gentleman permit me to ask him a question?

Mr. PRINCE. Certainly.

Mr. RUCKER of Colorado. Does not the gentleman know, when he states that this is a new policy being entered upon, that as early as 1820, as early as 1832, both of them under a Democratic administration, and then again in 1886, under the Cleveland administration, appropriations were made by this House without any objection?

Mr. PRINCE. Did you buy any buildings?

Mr. RUCKER of Colorado. Does not the gentleman further know, when he states there have been no reports made to Congress, that figures were given in 1907 by the then Secretary of State giving a detailed statement to this House of the cost that might be expended by the Government to provide embassies in these foreign countries?

Mr. PRINCE. That may all be; but I am talking about this bill. I again assert that there is not a syllable from any representative of one of the coordinate branches of this Government whose duty it is, under the law, to make estimates to this House. There is not an estimate given of what you ask for. It is like other measures pending, seeking to do what this administration has not asked to be done, as far as the estimates are concerned.

Mr. HITCHCOCK. Will the gentleman yield for a question?

Mr. PRINCE. Yes.

Mr. HITCHCOCK. Is it not a fact that when this bill was under discussion a week ago the gentleman from Illinois based his chief argument against it upon the allegation that under the bill it would be possible and probable that the cost of the embassy would be at least $500,000?

Mr. PRINCE. That was one ground, but another was the furnishing.

Mr. HITCHCOCK. Is it not a fact that in at least six places during his remarks the gentleman gave as the chief argument, and moved the House by consideration of the fact, that there was no limit on the cost; and in six places he repeated the charge that the embassies would cost $500,000 apiece?

Mr. PRINCE. I feel flattered that my colleague has felt sufficient interest to number the times. If I said it, I do not take one word of that argument back.

Mr. HITCHCOCK. If that was the gentleman's argument in this House at that time, and this bill is offered free from that objection, I will ask him whether it is not a totally different bill?

Mr. PRINCE. It is not.

Mr. HITCHCOCK. I can cite the gentleman to the places in which he repeatedly made the statements I have referred to.

Mr. PRINCE. I have no doubt of that. I presume the gentleman has counted correctly, and I do not question that; but I spoke to the policy as well. I spoke of the furnishing as well. When you start this Government of ours to building and furnishing and equipping embassies, we will entertain as royally in embassies as any other government. You are starting out exactly the same way as they did with the navy, that we must have the greatest *Dreadnoughts* afloat. Why, if you are going to enter upon that policy, if you are going to erect these buildings, furnish and equip them, you should maintain a building and entertain equal to the King of England, the Czar of Russia, or the Emperor of Germany, so that you should come to Congress and ask that the Government should be put in the front rank. I am against the policy which you are seeking to enter upon; for that is what it means; it means that and nothing else.

Mr. JAMES. Can the gentleman tell the House how many departments of the Government here in this city are occupying rented houses now?

Mr. PRINCE. Well, I do not know.

Mr. JAMES. How many departments of the Government now occupy rented houses?

Mr. PRINCE. Oh, yes. I understand that we are paying a million and a half or two millions of dollars for rent of buildings here in Washington.

Mr. JAMES. The Department of Justice and the Department of Commerce and Labor both occupy rented buildings. What I desired to direct the gentleman's attention to is that before going abroad to spend our money we at least should own our own buildings at home and not be paying great rents.

Mr. PRINCE. I quite agree with the gentleman.

The SPEAKER. The Chair will call the attention of the gentleman from Illinois, as honors seem to be about even in wandering away from the point of order——

Mr. PRINCE. I think so, Mr. Speaker.

The SPEAKER. The Chair would be glad if the gentleman would proceed in order.

Mr. PRINCE. I shall be glad to do so.

Mr. McCALL. I should like to ask the gentleman a question.

Mr. PRINCE. Yes, if it is in order.

Mr. McCALL. With reference to the point of order.

Mr. PRINCE. Yes.

Mr. McCALL. Does the gentleman have any precedents where the consideration of a bill has ever been refused in the House, according to that precedent in the British Parliament? Has there ever been a case where it has been done?

Mr. PRINCE. I have sought to ascertain with reference to this question, and so far as I can learn this particular point directly has not been presented to Congress in its history.

Mr. McCALL. Then I should like to ask another question, Whether this would not be, in effect, a limitation upon the power of the committee; whether the rules of this House do not expressly and without limitation confer upon any committee which has the right of call, the power to call up for consideration any bill reported by it at a previous time?

Mr. PRINCE. I will answer that.

Mr. McCALL. And would that provision of Jefferson's Manual be relevant upon bills called up by committees?

Mr. PRINCE. I intended to answer that and will do so. My answer is that any bill in order under the rules of the House of Representatives may be called up. Now, what are the rules of the House? On page 472, Rule XLIV is as follows:

> The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives.

Mr. OLMSTED. Will the gentleman permit an inquiry?

Mr. PRINCE. Yes.

Mr. OLMSTED. Suppose that the House should vote down a sundry civil appropriation bill. Does the gentleman think it would be impossible to bring in another sundry civil appropriation bill, even though some of its provisions might be changed, or would we have to go without an appropriation for that year?

Mr. PRINCE. I am frank to say to the gentleman that if you should change the bill, if it was changed in substance, I think it would not be obnoxious to this rule.

Mr. OLMSTED. But it would still be substantially a sundry civil appropriation bill just the same.

Mr. PRINCE. There is no such question presented here. The question presented by the gentleman is one of the last magnitude, namely, either to starve the Government, or give it something to live upon. The rule has never been so strictly observed as to stop indispensable proceedings altogether. Will the gentleman insist that this is an indispensable bill, that the Government can not live unless it has an embassy abroad?

Mr. HULL of Iowa. Will the gentleman allow me to ask him a question?

Mr. PRINCE. Yes.

Mr. HULL of Iowa. In reference to appropriation bills, the illustration was made of the provision for playgrounds on the District of Columbia appropriation bill. Suppose the two Houses did not get together on that item. The bill would die. The point is made that therefore another bill could not be introduced. What I want to ask the gentleman is this: Is it not true that on that appropriation bill, as on the other bills, there is an agreement of both Houses on nearly the entire bill, so that the elimination of one item would not destroy the bill?

Mr. PRINCE. It would not affect the bill at all.

Mr. HULL of Iowa. That was the action by the House in rejecting only one item.

Mr. PRINCE. That was the answer I was going to make to that.

Mr. BURKE of Pennsylvania. Does the gentleman desire to have remain on the record the statement that this is an effort by the side-door route to accomplish something that this administration does not desire?

Mr. PRINCE. I say, that so far as I know this administration, speaking through its Secretary of State, has presented no communication, so far as the papers before this committee disclose, which warrants me in taking the position that the administration is in favor of the measure.

Mr. BURKE of Pennsylvania. That is a mere inference on the gentleman's part.

Mr. PRINCE. Will the gentleman state that he is favorable to it?

Mr. BURKE of Pennsylvania. My question was whether the gentleman wished to have remain in the RECORD the positive declaration that this was an attempt by a side-door route to accomplish what this administration did not desire?

Mr. PRINCE. No; I will acquit the administration, because I do not think it has made any expression in regard to it.

Mr. LONGWORTH. Oh, the gentleman has failed evidently to read a recent speech made by the President of the United States in which he most heartily advocated the proposition that this Government should buy and own its legations and embassies.

Mr. SULZER. Yes; and the President said that any opposition to the proposition is demagogy. [Laughter.]

Mr. PRINCE. That is all right; if it is demagogy to stand for what a man believes is right, I am willing to go to my constituents and stand by what I say. They have sent me here for a number of years, and I still propose to stand by what I believe is right.

But let us go further. "A bill once rejected, another of the same substance"—and I insist that this is the same substance—"can not be considered at the same session."

What has been done? Page 2647 of the RECORD of March 2 shows that Mr. MACON moved to amend by striking out the enacting clause of the bill. There was a straight issue upon the bill and its merits, a motion made to strike out the enacting clause. It was stricken out by a yea-and-nay vote. Then a motion was made to reconsider and lay that motion on the table, and that was carried. Now, if there ever is a time when Congress, acting in the House, not in the committee—these gentlemen are talking about committee amendments as if there was a committee motion—but here was a deliberate act of the House itself striking out the enacting clause by an aye-and-nay vote, putting the motion on the table and moving to reconsider and laying that on the table. Is that a finality? If it is, let it be so. If it is not, then why trifle with the House by bringing in the next day another measure? Oh, but you say, they could not bring it in very often. They have done it; it is here. The public time is being consumed when the House has finally spoken.

Now, is the House itself going to put upon the book a precedent that when a committee, or a segment of the House, feels aggrieved at the action of the House they can bring in another bill and modify it only to the extent of a few dollars? Can they take up the public time in that way? We ought to pass public legislation. There is demand for it all over the United States, and now we are to take the time in voting one day for this, and one day for that, upon the same measure, and not by

a motion to reconsider. I say that if the House adopts such an action it is a bad precedent. This question has now arisen above the question of an embassy; it has arisen to the high dignity of the privileges of the House. The question is whether the House shall stand by what it has done. Mr. Speaker, I insist on my point of order.

The SPEAKER. The Chair has listened with attention and with much interest to the presentation of this point of order and to its discussion. Touching Jefferson's Manual, the Chair does not agree with the criticism made by a committee of the House, if the Chair recollects, in 1880, that it is substantially antiquated and of but little authority. The observation of the Chair is that Jefferson's Manual is in constant use by the House and is adopted by one of the rules of the House. The Chair is satisfied that the clause of Jefferson's Manual which is cited here, as a general proposition, lays down a very salutary and useful principle:

A bill once rejected, another of the same substance can not be brought in again at the same session.

Now, the object of the rule in the Manual, touching this as a matter of practice, was that there should be a finality when the House had once considered a proposition, that a similar proposition, in substance the same, should not be in order during the same session; and yet there comes the question of fact as to whether it is in substance the same.

Jefferson's Manual, in dealing with the subject of inconsistent amendments, lays down the general principle that were the Chair permitted to draw questions of consistence within the vortex of order he might usurp a negative on important modifications and suppress, instead of subserving, the legislative will.

Jefferson's Manual, as it is modified by the rules of the House—and they have all to be construed together and in the light of precedents that are made and the practice of the House under other rules—may apparently from time to time lead to conflicting decisions. In two instances it seems to be required that the Chair shall enter into the question of substance or consistency. Take the rule of the House that prohibits legislation on a general appropriation bill—a salutary rule in the opinion of the Chair and in the opinion of the House, because it has rested in the rules of the House for more than a generation.

Now, who shall determine in that case under that rule as to whether an amendment or a proposition contains legislation? In the practice, which seems necessary under the rule, the Chairman of the Committee of the Whole decides, overruling or sustaining the point of order as the case may be, always, of course, subject to appeal and approval or reversal. In practice, therefore, the Chair constantly in Committee of the Whole determines whether the proposition is legislation such as is prohibited by the rules. Again, one of the rules of the House provides that in a certain case a Senate bill "substantially the same" as a House bill may be substituted for the House bill. The Chair in such case practically determines whether the Senate bill is substantially the same, for under the conditions of such bills it would practically be impossible for the House to determine the question. Therefore there are these two exceptions to the principle that the Chair should not decide questions as to substance or consistency.

It has been held that if an amendment proposed to a bill under consideration be changed one word, it will be a different proposition, although it may be substantially the same. The Chair recollects that this is the practice which is uniform, so far as amendments are concerned, both in Committee of the Whole and in the House.

The Chair cites the rule touching amendments proposing legislation on appropriation bills, the practice of the House touching similar but not identical amendments, and the substitution from the Speaker's table of a Senate bill "substantially the same" as the House bill, in order to show that under this code of rules and the practice of the House no hard-and-fast rule can be observed by the Speaker, although the general principle that he should not decide questions as to substance and consistency is undoubtedly sound.

Now, while the Chair is in full harmony with the provision cited from Jefferson's Manual, forbidding the bringing in again of a bill the same in substance as one already decided adversely during the session, yet the Chair is not unmindful of the decision made by Mr. Speaker Banks in 1856, touching the army appropriation bill. In that case there was a "rider" put upon the bill touching the use of money appropriated in that bill in enforcing the so-called (as the Chair recollects) Le Compton constitution of Kansas. The bill failed through disagreement of the House and Senate. A new bill was proposed with the "rider" omitted, and Mr. Speaker Banks ruled that the provision in Jefferson's Manual did not apply to the new bill. It is not for the Chair to criticise that ruling, because there was no appeal from the same. But the Chair is quite aware that touching appropriation bills and bills of general importance, if a bill should fail because of a certain single provision which might cause disagreement between the Houses, and if it should be necessary to introduce a new bill without the provision to which there had been disagreement, and if it should be a close question as to whether the new bill was substantially the same as the old bill, the Chair, if he were to assume decision of the question as to substance, might, in effect, put himself in the position of negativing the consideration of the bill or deciding affirmatively in favor of its consideration. So that under this condition, the Chair, after having examined the various precedents and the practice of the House differing upon various methods of procedure under the rules, recognizing the importance of there being finality where the House has once acted, but recognizing also the importance of not making a decision that if acquiesced in may bind the hands of the House in matters of very great importance, the Chair believes it is better to submit this question of order to the House, as to whether this bill is substantially the same as the bill which was rejected a week ago to-day.

The question might perhaps be raised on a question of consideration, as to whether the House will consider this bill, in view of the point of order or in any other way which to the House seems proper.

Mr. PRINCE. Mr. Speaker, I raise the question of consideration of this bill.

The SPEAKER. The gentleman from Illinois raises the question of consideration.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry. Is it in order to raise the question of consideration, the bill being on the calendar, and it being calendar Wednesday?

The SPEAKER. Oh, undoubtedly, it being in connection with the point of order. The Chair might raise it.

Mr. SHERLEY. As I understand, the Chair is not submitting the point of order, but the gentleman from Illinois is raising the question of consideration of the bill.

The SPEAKER. The Chair perhaps may have been in error. It can be raised in any other way; but the point of order being made, the Chair rather invited a test as to whether the point of order was well taken by suggesting a question of consideration.

Mr. HULL of Iowa. Mr. Speaker, a parliamentary inquiry. If on a question of consideration the House declines to consider the bill, does not that leave it upon the calendar, and then we would not be deciding the point of order at all?

Mr. SHERLEY. I suggest to the Chair that the point of order having been raised, one of three things has to happen—the point of order must be withdrawn, the Chair must decide the point, or the Chair must submit the point to the House.

The SPEAKER. The Chair will just as easily test it that way as the other.

Mr. UNDERWOOD. Mr. Speaker, if the Chair proposes to submit this proposition to the House, I desire to say just one word in reference to it. The House undoubtedly——

The SPEAKER. Without admitting that the proposition is open to debate, without objection.

Mr. UNDERWOOD. If the Chair has no objection, I would like to say a word. As far as I am personally concerned, I am opposed to this bill; but with the issue involved in this bill I would dislike very much to see the House make a ruling that I believe might rise up to haunt us in the future. The tendency of the times is to liberality in the House, itself deciding the questions coming before the House. Now, on any question coming before the House, the question of consideration can be raised either by refusing to vote to go into the Committee of the Whole House on the state of the Union to consider the bill or by directly raising the question of consideration of a bill on the House Calendar, so it is always in the power of the House at any time to refuse to consider a bill, just as the House can now refuse to consider this bill before it is discussed by refusing to go into the Committee of the Whole House, and the bill goes back on the calendar and out of the way, and I think it would be a very unwise precedent to put it in the power of the Chair to rule, because a bill is somewhat similar to a bill that has been considered that the House can no longer consider the bill. I think it would be unwise for this House to say that this bill can not be considered now if a majority of the House are in favor of its consideration. I think the wise course to pursue if we want to consider this bill—and I do not want to consider it—is to vote down the proposition when the gentleman moves to consider it in the Committee of the Whole House on the state of the Union.

The SPEAKER. It seems to the Chair the point of order being made to this bill by the gentleman from Illinois [Mr.

PRINCE] that the proper question to submit to the House is: Shall the point of order made by the gentleman from Illinois be sustained?

The question was taken, and the Chair announced that the Chair was in doubt.

The House divided; and there were—ayes 143, noes 100.

Mr. LOWDEN. Mr. Speaker, I demand tellers.

Mr. PRINCE. Oh, Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 134, answered "present" 10, not voting 94, as follows:

YEAS—150.

Adair	Edwards, Ky.	Hull, Tenn.	Poindexter
Adamson	Ellerbe	Humphrey, Wash.	Pou
Aiken	Ellis	James	Pray
Alexander, Mo.	Estopinal	Johnson, Ky.	Prince
Anderson	Ferris	Johnson, S. C.	Rainey
Andrus	Floyd, Ark.	Jones	Rauch
Anthony	Foster, Ill.	Joyce	Reeder
Ashbrook	Foulkrod	Kennedy, Iowa	Reynolds
Barnhart	Gardner, N. J.	Kennedy, Ohio	Richardson
Bartlett, Ga.	Garrett	Kinkaid, Nebr.	Robinson
Beall, Tex.	Gill, Mo.	Korbly	Roddenbery
Bell, Ga.	Gillespie	Kronmiller	Rothermel
Booher	Gilmore	Lafean	Rucker, Mo.
Borland	Godwin	Langley	Russell
Bowers	Goebel	Latta	Sabath
Brantley	Graham, Ill.	Lever	Saunders
Byrd	Grant	Lindbergh	Shackleford
Byrns	Greene	Livingston	Sheppard
Campbell	Gregg	Lloyd	Sherwood
Cantrill	Griest	McCreary	Simmons
Chapman	Hamilton	McHenry,	Sisson
Clark, Mo.	Hamlin	McKinney	Small
Clayton	Hammond	Macon	Smith, Tex.
Collier	Hanna	Madden	Sparkman
Cook	Hardwick	Maguire, Nebr.	Sperry
Cowles	Hawley	Martin, Colo.	Stafford
Cox, Ind.	Hay	Maynard	Stephens, Tex.
Creager	Hayes	Morgan, Mo.	Sulloway
Crow	Heflin	Morgan, Okla.	Thomas, N. C.
Cullop	Hinshaw	Morrison	Tou Velle
Davis	Hollingsworth	Morse	Townsend
Dawson	Howard	Moss	Volstead
Denver	Howell, N. J.	Murphy	Watkins
Dickinson	Howland	Nye	Weisse
Dickson, Miss.	Hubbard, Iowa	O'Connell	Wickliffe
Dies	Hubbard, W. Va.	Oldfield	Woods, Iowa
Dixon, Ind.	Hughes, Ga.	Page	
Edwards, Ga.	Hull, Iowa	Pearre	

NAYS—134.

Alexander, N. Y.	Fornes	Lowden	Roberts
Allen	Foss	McCall	Rodenberg
Ames	Foster, Vt.	McCredie	Rucker, Colo.
Austin	Gaines	McDermott	Sheffield
Barchfeld	Gallagher	McKinlay, Cal.	Sherley
Barnard	Garner, Tex.	McKinley, Ill.	Slayden
Bartholdt	Gill, Md.	McLachlan, Cal.	Smith, Cal.
Bates	Gillett	McMorran	Smith, Iowa
Boutell	Good	Madison	Smith, Mich.
Brownlow	Graff	Malby	Steenerson
Burke, Pa.	Hamer	Mann	Sterling
Burke, S. Dak.	Harrison	Martin, S. Dak.	Stevens, Minn.
Butler	Heald	Miller, Minn.	Sulzer
Calder	Henry, Conn.	Millington	Swasey
Cary	Henry, Tex.	Mondell	Talbott
Cocks, N. Y.	Higgins	Moore, Pa.	Tener
Cole	Hitchcock	Morehead	Thistlewood
Conry	Hobson	Murdock	Thomas, Ohio
Coudrey	Houston	Needham	Tilson
Crumpacker	Huff	Nelson	Tirrell
Dalzell	Hughes, N. J.	Nicholls	Underwood
Davidson	Humphreys, Miss.	Norris	Wanger
Denby	Keifer	Olcott	Washburn
Douglas	Kelliher	Olmsted	Webb
Draper	Kendall	Padgett	Weeks
Driscoll, D. A.	Kinkead, N. J.	Palmer, H. W.	Wheeler
Elvins	Knowland	Parker	Wiley
Englebright	Kopp	Parsons	Wilson, Ill.
Fairchild	Küstermann	Payne	Wood, N. J.
Fish	Lawrence	Peters	Woodyard
Fitzgerald	Lenroot	Pickett	Young, Mich.
Flood, Va.	Longworth	Plumley	Young, N. Y.
Foelker	Loud	Pujo	
Fordney	Loudenslager	Randsdell, La.	

ANSWERED "PRESENT"—10.

Ansberry	Cline	Goldfogle	Stanley
Carter	Cooper, Wis.	Moore, Tex.	
Cassidy	Glass	Sims	

NOT VOTING—94.

Barclay	Clark, Fla.	Focht	Howell, Utah
Bartlett, Nev.	Cooper, Pa.	Fowler	Hughes, W. Va.
Bennet, N. Y.	Covington	Fuller	Jamieson
Bennett, Ky.	Cox, Ohio	Gardner, Mass.	Johnson, Ohio
Bingham	Craig	Gardner, Mich.	Kahn
Boehne	Cravens	Garner, Pa.	Kitchin
Bradley	Currier	Gordon	Knapp
Broussard	Dent	Goulden	Lamb
Burgess	Dickema	Graham, Pa.	Langham
Burleigh	Dodds	Gronna	Law
Burleson	Driscoll, M. E.	Guernsey	Lee
Burnett	Durey	Hamill	Legare
Calderhead	Dwight	Hardy	Lindsay
Candler	Esch	Haugen	Lundin
Capron	Fassett	Helm	McGuire, Okla.
Carlin	Finley	Hill	McLaughlin, Mich.
Mays	Perkins	Slemp	Taylor, Ohio
Miller, Kans.	Pratt	Snapp	Thomas, Ky.
Moon, Pa.	Randell, Tex.	Southwick	Vreeland
Moon, Tenn.	Reid	Spight	Wallace
Moxley	Rhinock	Sturgiss	Willett
Mudd	Riordan	Tawney	Wilson, Pa.
Palmer, A. M.	Scott	Taylor, Ala.	
Patterson	Sharp	Taylor, Colo.	

So the point of order was sustained.

The Clerk announced the following pairs:

For the remainder of the session:

Mr. CURRIER with Mr. FINLEY.

Mr. HILL with Mr. GLASS.

Mr. BRADLEY with Mr. GOULDEN.

Until further notice:

Mr. GUERNSEY with Mr. LEGARE.

Mr. HAUGEN with Mr. LINDSAY.

Mr. LANGHAM with Mr. MAYS.

Mr. MCGUIRE of Oklahoma with Mr. PATTERSON.

Mr. MCLAUGHLIN of Michigan with Mr. RANDELL of Texas.

Mr. MILLER of Kansas with Mr. REID.

Mr. MOON of Pennsylvania with Mr. RHINOCK.

Mr. MUDD with Mr. SHARP.

Mr. PERKINS with Mr. SPIGHT.

Mr. PRATT with Mr. STANLEY.

Mr. SCOTT with Mr. TAYLOR of Alabama.

Mr. SNAPP with Mr. TAYLOR of Colorado.

Mr. STURGISS with Mr. WALLACE.

Mr. TAWNEY with Mr. WILLETT, Jr.

Mr. VREELAND with Mr. WILSON of Pennsylvania.

Mr. HOWELL of Utah with Mr. LEE.

Mr. GARNER of Pennsylvania with Mr. LAMB.

Mr. GARDNER of Michigan with Mr. KITCHIN.

Mr. FULLER with Mr. JAMIESON.

Mr. FOCHT with Mr. HELM.

Mr. GRONNA with Mr. HARDY.

Mr. SLEMP with Mr. HAMILL.

Mr. ESCH with Mr. CRAIG.

Mr. FOWLER with Mr. GORDON.

Mr. DUREY with Mr. COX of Ohio.

Mr. M. E. DRISCOLL with Mr. COVINGTON.

Mr. DODDS with Mr. CLARK of Florida.

Mr. DIEKEMA with Mr. CARLIN.

Mr. COOPER of Pennsylvania with Mr. CANDLER.

Mr. CALDERHEAD with Mr. BURNETT.

Mr. BINGHAM with Mr. BURLESON.

Mr. BENNETT of Kentucky with Mr. BROUSSARD.

Mr. BARCLAY with Mr. BARTLETT of Nevada.

Mr. CAPRON with Mr. O'CONNELL.

Mr. FASSETT with Mr. GARNER of Texas.

Mr. LUNDIN with Mr. THOMAS of Kentucky.

Mr. HUBBARD of Iowa with Mr. RIORDAN.

From March 3 to March 20, 1910:

Mr. CASSIDY with Mr. BURGESS.

From March 9 to March 14, 1910:

Mr. GRAHAM of Pennsylvania with Mr. CLINE.

Mr. LAW with Mr. BOEHNE.

For one week:

Mr. HUGHES of West Virginia with Mr. MOON of Tennessee.

Mr. TAYLOR of Ohio with Mr. ANSBERRY.

For the remainder of this week:

Mr. KNAPP with Mr. DENT.

For this day:

Mr. DWIGHT with Mr. SIMS.

Mr. KAHN with Mr. CARTER.

Mr. MOXLEY with Mr. CRAVENS.

Upon this vote:

Mr. BENNET of New York with Mr. MOORE of Texas.

Mr. SOUTHWICK with Mr. GOLDFOGLE.

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PRINCE. Will it be proper to make a motion to reconsider and lay that motion on the table? I am half inclined to think the action of the House is the highest action; but when they are gigging back, I do not know.

The SPEAKER. The Chair is inclined to think that the motion to reconsider is not necessary or would not be proper in this case.

Mr. PRINCE. Mr. Speaker, for safety, because some might change their votes and then move to reconsider, I make the motion.

Mr. SHERLEY. Mr. Speaker, I make the point that that motion is not in order.

The SPEAKER. The Chair would be inclined to sustain the point of order. In other words, a point of order is made against the motion to reconsider, and the point of order is sustained.

Mr. FITZGERALD. A parliamentary inquiry. What has happened to the bill?

The SPEAKER. The Chair is of the opinion that, the point of order being sustained, it is stricken from the calendar.

LOAN OF TENTS.

The Clerk will call the next committee.

When the Committee on Military Affairs was called,

Mr. HULL of Iowa. Mr. Speaker, I call up Senate joint resolution No. 63.

The SPEAKER. The gentleman from Iowa calls up a Senate joint resolution, of which the Clerk will read the title.

The Clerk read as follows:

Senate joint resolution No. 63, authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion to be held at Mobile, Ala., in April, 1910.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that the resolution may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that this bill may be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendments.

The Clerk read as follows:

Joint resolution 63.

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan, at his discretion, to the executive committee confederate veterans' reunion, to be held at Mobile, Ala., April 26, 27, and 28, 1910, such tents, with necessary poles, ridges, and pins, as may be required at said reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said committee designated at such time prior to the date of said reunion as may be agreed upon by the Secretary of War and Jacob D. Bloch, general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from Jacob D. Bloch a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

Mr. MANN. Mr. Speaker, I move to strike out the last word. Will the gentleman from Iowa [Mr. HULL] yield for a question?

Mr. HULL of Iowa. I will.

Mr. MANN. This provides for the loan of certain tents for the use of the confederate veterans' reunion to be held April 26, 27, and 28, which, of course, is not very far distant, but it all would depend upon the question of whether Jacob D. Bloch should be living. If, in the inscrutible ways of Providence, Jacob D. Bloch should not be able to furnish a bond, this resolution would be valueless. Why would it not be proper, if it will not delay the matter, to strike out, from line 5, page 2, the words "Jacob D. Bloch," so it would read, "before delivering such property take a good and sufficient bond for the safe return of said property?" I care nothing about it, however.

Mr. HULL of Iowa. I do not care anything about it, but it passed the Senate that way, and the House resolution had the same. The confederate veterans put that name in and the Senate has passed it. Of course I should imagine if he were dead, the Secretary of War would have discretion to take bond from some other party.

Mr. MANN. If Jacob D. Bloch were not living this would not be worth the paper it was written on.

Mr. HULL of Iowa. I shall not move to amend, but I shall not object to an amendment if anyone offers it.

Mr. MANN. I am not going to interfere with it.

Mr. HULL of Iowa. This is just as they sent it over, and they are very anxious to get it passed. It is a courtesy that is extended to almost all the societies of the United States under the same terms that are provided in this resolution.

The SPEAKER. The question is on the third reading and passage of the resolution.

The resolution was ordered to be read a third time, was read the third time, and passed.

Mr. HULL of Iowa. Mr. Speaker, I move that House joint resolution 114 on the same subject be laid on the table.

The SPEAKER. Without objection House joint resolution 114 will be laid on the table. [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 14464) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1911, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 13899. An act granting unto the Hot Springs Street Railway Company, its successor and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the Whittington Lake Reserve Park.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4626. An act for the widening of Sixteenth street NW. at Piney Branch, and for other purposes—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6449. An act permitting the Wisconsin Central Railway Company to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota; and

S. 5125. An act authorizing the creation of an additional land district in the State of Oregon, to be known as the "Vale land district."

ROAD FROM HARRISONVILLE TO FORT MOTT, N. J.

Mr. HULL of Iowa. Mr. Speaker, I now call up, on the Union Calendar, the bill H. R. 1014.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 1014) providing for the repair and rebuilding of the road from Harrisonville, N. J., to the post of Fort Mott, N. J., and the national cemetery at Finns Point, N. J.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill may be considered in the House as in Committee of the Whole House. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill for amendments.

The Clerk read as follows:

Be it enacted, etc., That the sum of $10,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of repairing and rebuilding the road leading from Harrisonville, N. J., to the post of Fort Mott, N. J., and the national cemetery at Finns Point, N. J.; said sum to be expended under the direction of the Secretary of War.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from New Jersey a question for information.

The SPEAKER. The gentleman makes the pro forma amendment to strike out the last word.

Mr. SULZER. Yes; just for information I wish to ask the gentleman from New Jersey whether the sum of $10,000 appropriated in this bill will build and finish this road; or whether next year or the year after the Congress will have to make another appropriation?

Mr. LOUDENSLAGER. Mr. Speaker, in the opinion of the department it will build it, and there will be no more money needed for the repairs of the road for a number of years. I presume, of course, as the years roll on there may be some slight repairs needed.

Mr. SULZER. Will the Government have to attend to the repairs?

Mr. LOUDENSLAGER. I presume it would be the Government, as it is solely for the benefit of the Government that the road is to be built there. My recollection is that the road is about 4½ miles long.

Mr. HULL of Iowa. Mr. Speaker, I will say to the House that this is one bill providing for building a road that the department has been urging for some years, for the reason that the only one using it is the United States Government. All the supplies for Fort Mott are hauled from the station to this post. Fort Mott is a coast-defense fortification post. It is on the water, and, as I understand from the authorities, there is no line of steamers carrying supplies to the point, and the War Department, therefore, say that it costs the Government more in animals and in time and in annoyance to get over that road than it would cost if the Government had it in repair; and it is used only by the Government, and by nobody else. The people do not need it.

Mr. STEVENS of Minnesota. Is there a road in existence at that place now?

Mr. HULL of Iowa. Yes.

Mr. STEVENS of Minnesota. Who built that road?

Mr. HULL of Iowa. I yield to the gentleman from New Jersey, who can answer the question.

Mr. LOUDENSLAGER. In reply, I will just state that it is what is termed a "public road," laid out by the authorities, where the municipality, called a "township," is charged with the repairs and maintenance. The road running from Salem, the county seat, up Penns Neck to Pennsville, is what is called a "shell road," which is a very good road, which may be known to Members who have ever driven over it. Along that road are most of the properties upon which taxes are levied. That road is used by the residents of the township. This road, running from that main road down to the fort, has practically no taxable property of any value or any farms, and hence the people in that locality have no use for the road, and have no desire to tax themselves to repair that road solely for the benefit of the United States Government in conveying to the fort its ammunition and supplies for the soldiers there. The department, has demonstrated what this road, in a measure, has cost them, by having bids made for the supplies to the fort deliverable at the fort and deliverable at Salem. The difference in the price is very material. You can very readily understand, as a portion of this road goes through lowland, that as the years go on without any improvements it will practically become impassable, and it is for the sake of the Government, and not for any private people, that this road should be improved. My constituents care nothing about it themselves. It has been urged by the department upon me and upon the committee, and, as I understand, it is the only one on which the committee has made any such report from the department.

Mr. EDWARDS of Kentucky. I would like to ask the chairman of the committee a question.

The SPEAKER. The pro forma amendment is withdrawn, without objection. The Chair understands the gentleman to move to strike out the last word.

Mr. EDWARDS of Kentucky. I do. I see that this bill provides for building a road from Harrisonville, N. J., to Fort Mott and the national cemetery at Finns Point. Now, I would like to ask the chairman of the committee if this will answer both purposes? In other words, is the national cemetery on the road between these points?

Mr. HULL of Iowa. That I could not answer. The whole argument was for a road to Fort Mott. I do not know exactly where the cemetery is; and so far as the cemetery is concerned, it entered very little, if at all, into the minds of the committee in reporting the bill.

Mr. MANN. If the gentleman will pardon me, Finns Point National Cemetery is on the reservation, at a distance from the reservation entrance of 3,337½ feet.

Mr. HULL of Iowa. The controlling idea in my mind, and, I think, in the minds of the majority of the committee, was the road to Fort Mott, where all the supplies for the troops must be hauled.

Mr. EDWARDS of Kentucky. I should like to ask the chairman of the committee as to the class or grade of that national cemetery, if he knows—how many interments there are there?

Mr. HULL of Iowa. I could not answer that, because it had no bearing on the report, in my mind, and I made no investigation on that line.

Mr. EDWARDS of Kentucky. One other question: Is Fort Mott on any national reservation?

Mr. HULL of Iowa. Oh, yes.

Mr. EDWARDS of Kentucky. The land is owned by the United States?

Mr. HULL of Iowa. Owned by the Government.

Mr. EDWARDS of Kentucky. And is this road entirely within the reservation?

Mr. HULL of Iowa. No; it is not at all within the reservation until it strikes the grounds surrounding the fort.

Mr. EDWARDS of Kentucky. Is it the policy of your committee to build roads outside of reservations?

Mr. HULL of Iowa. It has not been, nor is it the policy of Congress, although Congress had done it in some cases in the past. As I said before, the only reason for departing from that policy in this case was because the authorities claimed to us that it cost the Government more to haul the freight; that, in addition to the annoyance, it used up their animals and their vehicles and delayed their transportation; and that it would be cheaper to build the road for the use of the Government than it was to continue under the present system.

Mr. EDWARDS of Kentucky. How many troops are stationed there?

Mr. HULL of Iowa. Three artillery companies, I think.

Mr. EDWARDS of Kentucky. I think the report states that there are two.

Mr. HULL of Iowa. I think there are three. That is my recollection. One company could have been added since the reports from the department were made.

Mr. EDWARDS of Kentucky. I should like to know why it is necessary to maintain a fort at a point as inaccessible as this one, where they can not get in their supplies.

Mr. HULL of Iowa. The question of establishing the fort comes under the Board of Ordnance and Fortifications. They are all men of great eminence in their profession of arms, and they have surveyed the entire Atlantic and Pacific coasts, and have located the coast defenses at certain points. They could answer better than I.

Mr. LOUDENSLAGER. This is on the Delaware River.

Mr. HULL of Iowa. This is on a river, just the same as Fort Washington is on the Potomac River. The question whether it is a good place for it or not is not before Congress, because we have placed the absolute power in this Board of Ordnance and Fortifications to locate the defenses wherever they deem best. As I understand, this is on a river, so located as to protect the city of Philadelphia, just as Fort Washington on the Potomac is a coast defense, because it is so located as to protect the city of Washington from assault by water.

Mr. EDWARDS of Kentucky. It is undoubtedly a navigable river.

Mr. HULL of Iowa. Undoubtedly a navigable river.

Mr. EDWARDS of Kentucky. They could get their supplies by water much cheaper than by land.

Mr. HULL of Iowa. Oh, no. If the Government had to run its own boat there and carry its own supplies, it would cost more than it does to drag them through the mud.

Mr. EDWARDS of Kentucky. Then it is at a point where boats do not usually land.

Mr. HULL of Iowa. I do not know that they can land there at all. You must remember that when you locate a fortification it is not necessary that it shall be at a point where boats can land. These great coast-defense guns have a range of 12 or 14 miles, and a fortification may be utterly inaccessible by boat and yet splendidly placed to defend the city of Philadelphia or the city of Washington, or any other city further up the river. It is not necessary at all that a coast-defense fortification shall be at an accessible point, where boats can go right up to the fort.

Mr. EDWARDS of Kentucky. The only goods, then, that these two companies which are stationed there have to transport over this road of 4 miles is their provisions.

Mr. HULL of Iowa. No; their whole equipment, their ordnance, ammunition, everything connected with the post. It is not only their food, but their garrison equipage, their ammunition and guns.

Mr. EDWARDS of Kentucky. I would like to ask the gentleman if he does not think it is a pretty bad piece of road that a soldier can not transport enough provisions over during the twelve months to support him?

Mr. HULL of Iowa. Yes; and if it were only provisions there would be no necessity for the road.

Mr. EDWARDS of Kentucky. What else?

Mr. HULL of Iowa. They use for target practice an immense amount of ammunition; they carry the guns over there for emplacement; they have all the paraphernalia of a post.

Mr. EDWARDS of Kentucky. They have their own teams that are idle a great deal of the time.

Mr. HULL of Iowa. They have their teams there for regular work, and the department claims that it costs more to replace the horses, and so forth, that are worn out than it would to build the road.

Mr. EDWARDS of Kentucky. I notice that the department, not the department, but an officer, makes that statement.

Mr. HULL of Iowa. It is the department, because it was sent to the War Department and they transmitted it to us. If the gentleman will look over the reports from the department he will see that it is very rare for the head of a department to write anything to us, but he transmits the report of the officer in charge, and by that means indorses the report.

Mr. EDWARDS of Kentucky. I want to say to the chairman that I am not asking these questions to delay or to oppose the bill. I am in favor of more and better roads, and I am asking the questions for information for myself and the House as to the policy of the committee in building these roads. I am interested in knowing why there should be 4 miles of road built here at this particular point when we are not able to build them at a great many places where I believe they should be built. If it is a change of policy on the part of the committee, I want to say that I am in favor of it. I am in favor of a more liberal appropriation for roads to national cemeteries and for military roads. If Congress is not ready to enter upon a more general policy I am opposed to these little special roads.

Mr. HULL of Iowa. So far as I am concerned, I have no hesitation in saying, with regard to roads to national ceme-

teries, that it is an entirely distinct and different proposition to a road that the Government needs for its own purposes. In other words, the Government would rarely need a road to a national cemetery, and certainly the great body of those in the national cemetery would never want to use the road. [Laughter.]

Mr. EDWARDS of Kentucky. No; and I submit that they will never know what sort of a tombstone or monument is placed over them.

Mr. HULL of Iowa. I will say frankly that I would oppose any proposition to build roads simply for the convenience and luxury or pleasure of citizens along the line of the road. I would not have favored this road for the people of New Jersey to a national cemetery, and I only favor it because I believe it is a matter of economy for the Government to have the road constructed.

Mr. EDWARDS of Kentucky. The chairman, I think, will agree with me that we have spent several hundred thousand dollars building roads to national cemeteries, and that there are several other national cemeteries that have been located by the action of Congress in inaccessible places, just like Fort Mott has been located, where there should be roads built to them, and an expenditure for the improvement of the national cemetery or park is useless when it is so inaccessible. In my opinion, the House ought to enter upon a more liberal policy along these lines.

Mr. GARRETT. Mr. Speaker, I move to strike out the last word. Does the bill provide that the Government shall obtain the consent of the State or municipality?

Mr. HULL of Iowa. There is no provision in the bill for that purpose.

Mr. GARRETT. Does not the gentleman think there should be a provision of that kind?

Mr. HULL of Iowa. I should be glad to have the State take control as soon as it is built, and keep it up. It is a public highway.

Mr. MANN. I want to say that this is not a direction to construct this road at all; it is only an appropriation to the Secretary of War which he may use for the construction of the road. The report shows that there have already been negotiations between the officials at the fort and the local officials for obtaining permission to construct the road. I do not suppose the Secretary of War will expend any of the amount appropriated in the bill until he obtains authority.

Mr. GARRETT. I think it ought to be in the bill.

Mr. HULL of Iowa. I have no objection to an amendment to that effect.

Mr. THOMAS of North Carolina. Mr. Speaker, I want to ask a question in this connection if I may be permitted. So far as I have been able to see from reading this bill and the report, it is a good bill. This road is for the benefit of the United States Government.

Mr. HULL of Iowa. Only.

Mr. THOMAS of North Carolina. The national cemetery is on the reservation, according to the report, 3,337 feet from the entrance to the reservation.

Mr. HULL of Iowa. The road is entirely for the post.

Mr. THOMAS of North Carolina. I hope the chairman of the Committee on Military Affairs and the committee, in considering in a general way this question of roads to national cemeteries, will not make their policy too narrow.

The chairman of the Committee on Military Affairs understands that throughout the country there are a great many roads to national cemeteries, and perhaps he may be aware of the fact that I have a road to a national cemetery at my own home town, Newbern, N. C., constructed some twenty years ago and built by the Government at an expense of $20,000.

Mr. SLAYDEN. How long is the road?

Mr. THOMAS of North Carolina. About 2 or 3 miles long. That road has had some repairs since. I secured the passage of a bill through Congress since I have been in Congress appropriating about $6,000 for repairs, but the road is now again in bad condition. It is owned by the Government, a large part of it; and it seems to me in the case of the road to the national cemetery at my town and to national cemeteries in other towns in the country that when the Government has expended so much money on these roads the policy of the committee should be broad enough in a proper case to appropriate money for the purpose of repairing these roads. I therefore wish to say that I hope the chairman of the committee will not outline too narrow a policy in such matters.

Mr. HULL of Iowa. The chairman of the committee has no power to outline any policy.

Mr. THOMAS of North Carolina. Well, the committee.

Mr. HULL of Iowa. The committee, of course, would have to pass upon each question when it is presented to it. Now, I understand the gentleman from Tennessee [Mr. GARRETT] desires to offer an amendment.

Mr. GARRETT. Mr. Speaker, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the end of line 10:

"*Provided*, That no work shall be begun on said road until the consent of the State of New Jersey is obtained."

The SPEAKER. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. LOUDENSLAGER. Mr. Speaker, I suggest that the words "New Jersey" be stricken out of the amendment and that there be inserted in their place the words "the authorities of the municipalities in which the road is located," because the municipality has charge of the road.

Mr. GARRETT. I think I am willing to accept that amendment.

Mr. HULL of Iowa. If the object is to acquire jurisdiction over the road entirely, it will have to be ceded by the State, in my judgment.

Mr. GARRETT. Mr. Speaker, before accepting the amendment, let me say to the gentleman from New Jersey that my recollection is that the only road work the Federal Government ever did, with the exception of these military roads, was the Cumberland road, beginning away back in 1802 and continuing to 1834, and it is my recollection that the statutes provided in regard to that road that the consent of the States, in every instance, should be obtained before the Federal Government should begin any work, and I apprehend that the same principle would apply to this road as did apply then—that is the principle that was recognized in the case of the Cumberland road.

Mr. HULL of Iowa. But the Government owned that road and kept it up and used it as a post road. Now, if we have the jurisdiction ceded to the Government of the United States, and that Government should move the post away from there, the State of New Jersey might insist that we keep the road in repair, and I would not want anything of that kind.

Mr. GARRETT. I do not think so at all. The Government would simply pass an act then ceding the road to the State, as was done with the Cumberland road.

Mr. LOUDENSLAGER. I desire to say that in this case the roads are laid out by the municipalities, and the State itself has nothing to do with it, except where under the statute, by certain provisions, they are changed into state roads. This is not a state road.

Mr. GARRETT. I have no particular objection to the amendment; but this thought struck me, that it would be a little more in accord with the proper dignity of things for the Federal Government to deal with the States rather than with the local authorities. The very same principle that the gentleman has suggested is involved in the next bill on the calendar, a bill introduced by Mr. ANTHONY, of Kansas, and it is there provided that consent shall be had of the local authorities, and if the gentleman thinks that is better, I will not insist.

Mr. LOUDENSLAGER. That I think will be sufficient.

Mr. HULL of Iowa. Move your amendment.

Mr. LOUDENSLAGER. I move a modification by striking out the words "State of New Jersey" and insert "local municipal authorities."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the words "State of New Jersey" and insert "local municipal authorities."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. HULL of Iowa. Mr. Speaker, I now yield to the gentleman from Kansas [Mr. ANTHONY] to call up a bill.

MILITARY HIGHWAY BETWEEN FORTS LEAVENWORTH AND RILEY, KANS.

Mr. ANTHONY. Mr. Speaker, I desire to call up the bill (H. R. 14547) and ask for its consideration.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 14547) providing for a military highway between Forts Leavenworth and Riley, Kans.

The SPEAKER. This bill is on the Union Calendar.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union.

Mr. HAYES. Mr. Speaker, I object.

The SPEAKER. Objection is heard. The Chair under the rule declares the House in Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Connecticut [Mr. TILSON] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 14547, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 14547) providing for a military highway between Forts Leavenworth and Riley, Kans.

Mr. ANTHONY. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Chairman, this bill confers authority on the War Department to permit the use of surplus prisoners in the two great federal penitentiaries at Leavenworth, Kans., in the work of constructing a military highway between Fort Leavenworth and Fort Riley, in the State of Kansas. These men are now employed in the work of building the new buildings in those institutions, but within a year or two it will be necessary for the Government to find some means of employing the labor of some of these men, and the department has recommended that these men be put to work in the construction of a military highway to connect these two largest military posts in the United States.

Mr. GARRETT. May I ask the gentleman what is the distance between these two posts?

Mr. ANTHONY. The distance between the two posts is 98 miles.

Mr. GARRETT. Are they connected now by railway?

Mr. ANTHONY. They are now connected by railway, but each year, Mr. Chairman, the Government moves large quantities of troops and materials between these two posts, and as there exists a military necessity for the construction of this road, as there exists another necessity, which is almost as great as the military necessity, and that is to find some occupation for the prisoners confined in these great institutions, some means which will not occupy their time and their labor in the production of articles which will come in conflict with free labor, I believe that this authority conferred upon the War Department, if put into practical effect, is one of the most legitimate uses to which this labor can be put; and I ask, Mr. Chairman, that this bill be passed which confers this authority upon the War Department to make this use of the labor if, in their wisdom, they deem it a proper thing to do.

Mr. HINSHAW. Will the gentleman permit a question?

Mr. ANTHONY. Certainly.

Mr. HINSHAW. How many prisoners are confined in these two prisons?

Mr. ANTHONY. In the military prison at which offenders who violate the military laws of the country are confined there are about from 1,200 to 1,500 at the present, and in the federal penitentiary, under the administration of the Department of Justice, there are about the same number.

Mr. HINSHAW. Are these prisoners or any of them engaged now in remunerative labor?

Mr. ANTHONY. They are engaged in no other labor than the construction of the buildings for their own penitentiaries.

Mr. HINSHAW. Is the business in which they are now engaged adequate to take up their time?

Mr. ANTHONY. It is at the present time, but in a year or two these buildings will be so nearly completed that there will be a large portion of this labor released. Then the Government will be up against the problem as to what occupation and labor they can put these men to work upon. If they go back to the production of shoes and harness and things of that kind, they will meet the objections of the labor unions of the country, who object to prisoners making articles of merchandise which come in competition with free labor. The old military prison was abolished for this reason alone, that they were unable to find occupation for those prisoners.

Mr. HINSHAW. I think great care ought to be exercised in not having these prisoners come in conflict with free labor. This bill provides only that their labor shall be used in the construction of this road. Is there any provision for materials or other expenses for constructing the road?

Mr. ANTHONY. I want to say to the gentleman that the idea of this bill is that the Government only furnishes the labor of these prisoners.

Mr. HINSHAW. Is it expected that the State of Kansas or the counties through which this road goes will furnish all material?

Mr. ANTHONY. Under the terms of this bill it is provided that the Government shall accept all free offers of material, and many of the townships have agreed to furnish the Government the free material needed for this road. It is a bill which is designed to cost the Government not a dollar other than the actual maintenance of these convicts.

Mr. MADISON. You stated a moment ago that you asked for the passage of this bill because the road was a military necessity, that there was a large number of troops and munitions of war moved between the two forts each year. Now, has this been done by wagon road?

Mr. ANTHONY. I would like to qualify that statement, if I so made it. I would not state that the road was a military necessity, but of military value.

Mr. MADISON. Have these troops and these munitions been moved by wagon road?

Mr. ANTHONY. They have. It is the idea of the Government, whenever possible, to move troops overland in order to give them the proper marches that they would have in time of war. The Government prefers to transport them that way rather than to ship them by trains.

Mr. MADISON. What is the condition generally of the public roads as they now exist and as they have existed for some years between those two places?

Mr. ANTHONY. A very poor grade of ordinary dirt roads, for the most part.

Mr. MADISON. And not kept up very well?

Mr. ANTHONY. They are kept up in the usual manner of keeping up all roads in agricultural States in this country, which is a disgrace generally to the States that maintain them.

Mr. MADISON. It is a matter of difficulty, as a matter of fact, to make these movements?

Mr. ANTHONY. They are always hampered and rendered difficult on that account.

Mr. CLARK of Missouri. Do not the Kansans claim that they have the best dirt roads in the world?

Mr. ANTHONY. I have never heard that claim in Kansas, and I will say that the best roads I have ever seen are in Pike County, Mo.

Mr. CLARK of Missouri. Why not turn this road around wrong end foremost and run it from Leavenworth down to Jefferson Barracks, on the Missouri River?

Mr. ANTHONY. On the completion of the road to Fort Riley I would be glad to support the proposition of the gentleman. [Laughter.]

Mr. CLARK of Missouri. They have not got the road completed to Fort Riley yet?

Mr. CRUMPACKER. I understand this road is a public highway under the control of the State of Kansas.

Mr. ANTHONY. The idea would be to use the present public roads.

Mr. CRUMPACKER. Yes. Does the bill provide that the Federal Government shall have any control over the road?

Mr. ANTHONY. I do not believe it does. It does not provide for any future control over the road.

Mr. CRUMPACKER. I want to say to the gentleman from Kansas that it strikes me that it is a very radical departure from established policy. If there is established a military road between these two forts, 98 miles apart, it is only a question of time when there will be military roads between all the other military reservations in the United States, and I do not believe the Government ought to go into the business of improving local highways under the pretext of establishing military roads.

Mr. ANTHONY. I will not admit the force of part of the gentleman's argument. I remind him that the situation which we have at Leavenworth exists in but one other place in the country, and that is Atlanta, Ga. The Government has its large penal institutions at Leavenworth, Kans., and at Atlanta, Ga., and the problem will be what to do with that class of prison labor. The construction of military highways by prison labor is one of the best solutions of the problem that has so far been offered.

Mr. CRUMPACKER. That is, perhaps, a wise policy in so far as it relates to the employment of federal prisoners; but, on the other hand, it opens up and adopts to a limited degree, at least, a policy on the part of the Federal Government to improve highways that are owned and under the control of the States.

Mr. ANTHONY. I do not agree with the gentleman at all.

Mr. CRUMPACKER. That is what I am afraid of. That is the aspect, as an individual member, that makes me hesitate to support the bill. It seems to me that it is the first step toward entering upon a policy that would involve the expenditure of hundreds of millions of dollars out of the Public Treasury, to improve country roads on the ground of military necessity. I think the policy is one that is tremendously dangerous.

Mr. ANTHONY. I want to say that there can be but one other instance in the country, and that will be presented from Atlanta, Ga., at all similar to this.

Mr. CRUMPACKER. I will satisfy myself by saying no when the gentleman makes the usual motion.

Mr. ANTHONY. Mr. Speaker, there has been but one objection I have heard urged to the employment of prisoners in the construction of a road. But it has been made by those probably not well informed or up to date on present methods in handling convicts in the work of building roads. It is true in times past we have had the horrors of convict camps and the difficulty in handling this class of labor. I want to read a letter which I have just received from the warden of one of the largest penitentiaries in the country, the Kansas State Penitentiary, showing their experience in work on the roads, showing that it is really a humanitarian system and life-giving to the convicts to have this kind of employment. This warden says:

WORKING PRISONERS ON HIGHWAYS.

KANSAS STATE PENITENTIARY,
Lansing, Kans., February 28, 1910.

Hon. D. R. ANTHONY, Jr.,
House of Representatives,
Washington, D. C.

DEAR ANTHONY: This institution for a number of years has been working the surplus convict labor on the public highways, and we find no difficulty in so doing.

The men who so work in the building of roads during open weather are taken from the mines and other places where they are employed during the winter months. They enjoy the change and their improved health and contentment is marked. We do not use a gun guard with these men. An officer simply has charge of them, who is unarmed, and directs the men as he would that many laborers. The escapes from this body of men are less than from any other kind of work.

We get as much work per man from prisoners per day as we would if they were employed instead of compelled to work. We allow them to wear overalls, jackets, and broad-brimmed hats, and this privilege of getting out of prison clothes into citizen's clothes appeals to them. The fact that this privilege goes only to the men who are fit to be trusties makes the work upon the road a sort of a prize to be attained, and this helps discipline.

I am expecting this summer to work a good many of the men who are in the tuberculosis wards, with a view of bringing about an improvement in their health. They are men who are slightly affected with tuberculosis, and I believe a summer on the highway work will greatly benefit them, especially those who have been confined in the shops during the winter months.

If you desire any further information, will be pleased to furnish it.

With kindest regards, I remain,

Yours, very truly, J. K. CODDING, *Warden.*

If the same conditions in this prison should prevail in the other prisons, I want to say it would be a godsend to these prisoners instead of a cruelty to give them an opportunity to do work for the Government in the open air.

Mr. CRUMPACKER. One or two other questions, if you please. Suppose, now, that some of the counties or townships through which these highways are to be built should decline to contribute anything in the way of material. Would not the Government find it necessary to buy the material to construct the road through those counties and townships?

Mr. ANTHONY. The Government would be in nowise obligated to buy the road material.

Mr. CRUMPACKER. It would not be obligated; but would it not be a matter of policy for the Government to buy material, if it should enter upon the policy of constructing the highway as a military convenience, and not have to be dependent upon the counties through which the road runs? Some of the counties or townships might contribute the material, and others might refuse to contribute it. Would we go on and build the road through some of the counties?

Mr. ANTHONY. I believe the road would only be constructed through the townships agreeing to furnish the material. I do not understand that there will be any trouble about that.

Mr. CRUMPACKER. The gentleman can see what a powerful argument might be made in the future to build up the gaps in the road out of the Public Treasury where the townships failed to contribute the material.

Mr. ANTHONY. I call the gentleman's attention to section 8 of the bill, put in at the suggestion of the gentleman from Pennsylvania [Mr. BURKE], which says:

That nothing herein contained shall confer upon any officer of the United States or any other person or persons any authority to incur any obligation upon the part of the United States for the acquirement of property, the purchase of material, or the maintenance of said highway.

Mr. CRUMPACKER. That is true enough in the bill; but what I fear is that they will only partially build this road, or they will build it through some of the counties and not through other counties or townships, because the local authorities failed to contribute material. Congress will have to complete it by appropriations out of the Public Treasury. I know it is an unusual thing to undertake, and I fear the consequences of this kind of legislation.

Mr. CALDERHEAD. Mr. Chairman, I want to ask the attention of the gentleman from Indiana [Mr. CRUMPACKER] to the conditions that prevail over the route from Leavenworth to Fort Riley. I do not know of a township between those two forts that can not furnish the material for building a macadamized road. If there is a township anywhere along the line that has not the material in it, the material will easily be found in an adjacent township; and this convict labor will be used for moving it, taking it to where the road is built. It is not an expensive matter.

Mr. MANN. What is the character of the material?

Mr. CALDERHEAD. Limestone. In all the counties east of the Kaw River the limestone is hard. In the counties west of the Kaw River for about 20 or 21 miles the limestone is soft, but they have always found it sufficient for macadamizing roads.

Mr. CRUMPACKER. I suppose the gentleman bases his conclusion—and it is a very natural one—that it is greatly to the advantage of the localities to have the road constructed——

Mr. CALDERHEAD. I have no thought of that at all. The question is whether the prisoners can be kept employed or not.

Mr. CRUMPACKER. That is one side of it. I am with the gentleman on that aspect of it.

Mr. CALDERHEAD. As a matter of course, every township will be glad to have a macadamized road built through it.

Mr. CRUMPACKER. If the road shall be constructed, the Federal Government will have no control over it.

Mr. CALDERHEAD. Certainly not. The jurisdiction will remain in the State.

Mr. CRUMPACKER. But suppose the State or county should vacate a portion of the road.

Mr. CALDERHEAD. There is no probability of that, because there is a state law which makes every section line a public highway.

Mr. CRUMPACKER. But that law might be modified or repealed.

Mr. CALDERHEAD. Yes; and the world might come to an end. A great many things might happen in Kansas. A great many curious things have happened there, the same as in Indiana.

Mr. CRUMPACKER. Sometimes we repeal very wise laws, and if we depend upon state legislatures for protection of federal rights, I fear that our dependence may be a little precarious, under some conditions.

Mr. CALDERHEAD. The chief difficulty with the gentleman seems to be due to the fact that these forts are not located in Indiana, so that the road might be built there.

Mr. CRUMPACKER. We have one fort in Indiana—Fort Benjamin Harrison—and I was wondering if we could not have a military road built from Fort Benjamin Harrison down by way of Jefferson Barracks, near St. Louis, on through to Leavenworth and Fort Riley.

Mr. CALDERHEAD. When that proposition comes up, if the material is accessible, I will be in favor of the bill, if the work can be done by convict labor.

Mr. CRUMPACKER. I simply wanted to get at the real facts in this case, so that we may use it as a precedent to string roads throughout the country here and there between forts and military reservations.

Mr. CALDERHEAD. I have no objection to that if convict labor is used.

Mr. THOMAS of North Carolina. I understand this road is to connect two of the greatest military posts in the country?

Mr. ANTHONY. Yes.

Mr. THOMAS of North Carolina. Fort Leavenworth and Fort Riley?

Mr. ANTHONY. Yes.

Mr. THOMAS of North Carolina. The two are in the same State?

Mr. ANTHONY. Yes.

Mr. THOMAS of North Carolina. Will there be any expense to the United States Government except the maintenance of the convicts?

Mr. ANTHONY. That is all the expense which is contemplated, and the expense is limited by the bill to that.

Mr. THOMAS of North Carolina. And these convicts have to be maintained anyhow.

Mr. ANTHONY. They have to be maintained in these institutions. It will cost a little extra to maintain them on this road work.

Mr. THOMAS of North Carolina. Will the Federal Government have any supervision whatever over the road after it is constructed?

Mr. ANTHONY. None other than the general military use of the road.

Mr. THOMAS of North Carolina. The United States will have only the right which everybody else has to use the road.

Mr. ANTHONY. The idea in preparing the bill was not to encumber the Federal Government with any obligation to maintain the road after it is constructed, and I have no doubt whatever that the townships will attend to that work themselves.

Mr. THOMAS of North Carolina. I understand the Federal Government will have no control over this road when constructed; the control will be in the State and counties through which it passes.

Mr. ANTHONY. That it correct.

Mr. THOMAS of North Carolina. Do I understand that it will be used for the transportation of government supplies?

Mr. ANTHONY. Not entirely, but it will be largely used for the transportation of government supplies and the maneuvering of troops.

The following are indorsements and extracts from reports of War Department officials on this matter:

WAR DEPARTMENT,
Washington, February 20, 1908.

MY DEAR ANTHONY: Referring to the bill introduced in the House of Representatives by yourself and in the Senate by Senator CURTIS, providing for a military highway between Forts Leavenworth and Riley, Kans., I take pleasure in forwarding herewith the views of the Quartermaster-General and the Chief of Staff, in which I concur.

I shall be pleased to favor this bill whenever called upon to do so.

Very sincerely, yours,

WM. H. TAFT, *Secretary of War.*

Hon. D. R. ANTHONY, Jr.,
House of Representatives, Washington, D. C.

A true copy furnished Mr. ANTHONY for his information.

J. F. BELL,
Major-General, Chief of Staff.

MEMORANDUM FOR THE SECRETARY OF WAR.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
January 25, 1908.

A military road between Forts Riley and Leavenworth, Kans., would unquestionably be of great military value and convenience.

I cordially concur in the views of the Quartermaster-General, and recommend that anything be done which will aid and assist in this undertaking and is not contrary to the interests of the Government.

J. F. BELL,
Major-General, Chief of Staff.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, January 20, 1908.

Respectfully returned to the Secretary of War.

It would undoubtedly be desirable for military purposes to connect these two posts by such a road as is proposed, and if the labor of federal prisoners is available in this connection the cost of construction would be comparatively small. * * *

J. B. ALESHIRE,
Quartermaster-General, United States Army.

Mr. THOMAS of North Carolina. I want to say before I sit down that upon general principles I am in favor of building good roads and using convict labor for that purpose, because in so using convict labor we do not bring it into competition with free labor. I advocated that principle when I was a member of the state legislature of North Carolina. This roadway, if the construction is no expense to the Government and it can be built by the use of convict labor, may be a good thing; but there should be no expense upon the Government.

Mr. CALDERHEAD. Mr. Chairman, I want to state the difference between the two forts, so that it may be fairly understood. Fort Riley is a cavalry and artillery post and Fort Leavenworth is an infantry and cavalry post. There are military schools for the drilling of the troops in field maneuvers at both places, and they are constantly marching troops from Fort Riley to Fort Leavenworth and from Fort Leavenworth to Fort Riley; they are constantly moving batteries and cavalry troops over the public highway.

Mr. DAWSON. Will the gentleman state how far these forts are apart?

Mr. CALDERHEAD. About 90 miles.

Mr. MARTIN of South Dakota. Will the gentleman yield for a question?

Mr. ANTHONY. I will yield to the gentleman.

Mr. MARTIN of South Dakota. I would like to ask the gentleman in charge of the bill whether the construction of this military road is likely to pass jurisdiction over this highway to the Government, or whether the jurisdiction remains in the State?

Mr. ANTHONY. It will pass no jurisdiction to the Government. The idea is to let the jurisdiction remain in the State and the townships through which it passes. The bill provides that no work shall be done until the consent of the townships and county through which the road passes shall be obtained.

Mr. MARTIN of South Dakota. Section 3 refers to a permission being given for a right of way to the Secretary of War for the road, and in section 7 it is referred to as "a military road." Is not there danger, from the ambiguous way in which the bill is drawn, that it is giving over, as a part of the military equipment, this road to the Government?

Mr. ANTHONY. I think not; it is simply giving it a name or title so that it will be known as a military road.

Mr. MARTIN of South Dakota. If the jurisdiction is to remain in the State, what is the need of giving a right of way to the Secretary of War?

Mr. ANTHONY. The cooperation of the townships——

Mr. MARTIN of South Dakota. It is necessary that a highway of this sort should remain within the jurisdiction of a State and the municipality through which it passes.

Mr. ANTHONY. That is the idea, to allow them complete jurisdiction.

Mr. MARTIN of South Dakota. I think the bill ought to be made certain in that respect, because the Government does not want to take over the responsibility for and the jurisdiction over this highway.

Mr. ANTHONY. In framing the bill the intention of the committee was to avoid that.

Mr. MARTIN of South Dakota. It might lead to serious complication in case of accident if the bill was so drawn as to be construed that it could be contended that this was a government road, and that the Government was responsible for any accident.

Mr. MANN. The Government is not responsible.

Mr. MADISON. Does the gentleman contend that the Government could be sued?

Mr. MARTIN of South Dakota. No; the Government could not be sued, but whether it was a state road or a government road might hinder the keeping it in operation in the future.

Mr. ANTHONY. All title to the highway will remain in the State.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. ANTHONY. I will yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. I want to ask the gentleman if the Committee on Military Affairs has ever considered the policy of a general law upon this subject of working all the military convicts on the roads?

Mr. ANTHONY. This is the first time it has been brought up, to my knowledge.

Mr. TAYLOR of Colorado. If it is a good thing to provide for the employment of convicts on this road, why is it not a good policy to have all the federal convicts throughout the United States employed upon the United States public highways, and have a general law on that subject? I may say that I am heartily in favor of the bill and this principle, and I would like to see a general bill along that line.

Mr. LIVINGSTON. Will the gentleman yield to me a few minutes?

Mr. ANTHONY. I will yield to the gentleman from Georgia five minutes.

Mr. LIVINGSTON. Mr. Chairman, this bill ought to pass, if for no other reason than one I want to mention.

Mr. HULL of Iowa. I would like to ask the Chair a parliamentary question. Are we in Committee of the Whole House on the state of the Union?

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union, and this is general debate.

Mr. LIVINGSTON. Mr. Chairman, we have two federal prisons in the United States.

Mr. HAY. Will the gentleman yield for a question?

Mr. LIVINGSTON. The gentleman had better wait until I get started. [Laughter.] We have one at Fort Leavenworth, Kans., and one at Atlanta. I do not know the number of convicts at Fort Leavenworth, but we have 800 in Atlanta. We are building up an annex to the federal penitentiary, and when that is completed, which it soon will be, we will have 1,500 federal prisoners in a building with nothing comparatively to do. The organic act establishing these penitentiaries prohibited the convicts from coming in competition with free labor. It is minutely so stated in the original bill. They can not even have machinery of any kind inside the walls nor inside the building. Everything is hand work and must be hand work. Now, we have used our federal prisoners in Atlanta for building a wall 24 feet high around 20 acres of ground, including the building. We have about 75 or 100 men whom we have trained as stone cutters and stone setters, and they are putting up the annex. The remainder of those prisoners—800—we will have to put out to spading or forking up the ground, or doing something of the kind, to keep them healthy and alive. The State of Georgia has set this example. We have taken all the prisoners we have

in the State and put them on the roads, except the old and decrepit, and they go on the farms for the purpose of raising corn and wheat and meat and things of that kind. It is inhuman to keep prisoners in close confinement in buildings.

The people of this country are demanding that the United States Government should set some example in the kinds of roads that we ought to have. The Department of Agriculture is moving along that line. This bill does not cost the Government anything; does not cost the United States Government a dollar. It does not cost the State of Kansas a dollar. The right of way is provided for along the contiguous ground, as well as the survey; not only that, but the stone and other material for building the roads is given free, and the only thing that makes any trouble about it at all in the minds, perhaps, of Members of the House was the suggestion of the gentleman on my left as to whether we were not infringing on states rights. I say "no." All the work is to be done by the engineers of the Department of Agriculture, and the road is to be built under their supervision and they are to construct it. It can not be done at all unless the townships or counties give their consent. In Georgia we have no general law for building public roads. That is a matter that is left to each county. This bill as applied in my county would be that nothing could be done until the commissioners of that county sanction the project. The State has no right at all involved. It has no control and it has a law authorizing county road commissioners, and those commissioners are absolute and have sovereign power to do as they please.

Mr. DAVIDSON. Does the gentleman not think it would be a wise provision to use the Atlanta prisoners to construct a military road from Atlanta to the sea?

Mr. LIVINGSTON. I have a bill asking for a 32-mile road, and as soon as this is out of the way I will put it in.

Mr. MANN. Why not build a road from Atlanta to Fort Leavenworth by way of New York?

Mr. LIVINGSTON. There is no reason for it.

Mr. DAWSON. I want to inquire how much additional supervision these convicts will require outside of the penitentiary to that required inside.

Mr. LIVINGSTON. Outside the penitentiary with this bill the department engineers construct the entire road.

Mr. ADAMSON. The gentleman from Iowa is asking about guarding the convicts.

Mr. LIVINGSTON. Oh, guarding the convicts.

Mr. DAWSON. Yes.

Mr. LIVINGSTON. No more. They are to be guarded and they are to be sheltered and maintained out of the appropriation made in the sundry civil bill for those two institutions.

Mr. ADAMSON. It does not take any more guard?

Mr. LIVINGSTON. It does not take any more to guard or a pound more to eat.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ANTHONY. I yield the gentleman five minutes more.

Mr. LIVINGSTON. Mr. Chairman, I want to suggest this to the members of this committee. You must do something with the federal prisoners and the military prisoners. This covers the military prisoners in every section of the country. If you will go into the Appropriation Committee room you will see the deal of trouble that we have had in the last bill, which is ready to be reported, and it comes up as a distinct question, What are you going to do with your military prisoners? They are costing us now about 24 cents per capita per day, and they ought not to cost us more than 11 cents; and we are prepared with the hearings to show that. The prisoners in the Atlanta Penitentiary cost us 11 cents per capita to feed them. We paid 50 cents per capita before we built that prison. It is not only a question of economy, however, it is a question of humanity. What are you to do with the federal prisoners? You must work them somewhere. You can not work them in competition with free labor.

Now, there is not a man here who is interested in public highways, in my opinion, who has examined this bill but who must say that this is work at which they ought to be put; that this is what ought to be done. It costs nothing to the United States Government, it costs nothing to the State; the right of way and the material are given by the people who live along the survey. That is all there is in it. The Department of Agriculture is determined to inaugurate this policy——

Mr. GILLESPIE. May I ask the gentleman a question?

Mr. LIVINGSTON. Yes.

Mr. GILLESPIE. Who is to furnish the wagons, scrapers, and equipment necessary to build this road?

Mr. ANTHONY. If the gentleman from Georgia will allow me to answer that, the prisons at Leavenworth have now ample road-making equipment.

Mr. GILLESPIE. Then why not put in the bill that the Government of the United States shall not be at any expense?

Mr. LIVINGSTON. It is in the bill. I have just made that statement.

Mr. MANN. There is quite a different provision in the bill; it says that the Department of Agriculture shall make all necessary surveys, and so forth.

Mr. GILLESPIE. That is my understanding, and I read the bill quite carefully.

Mr. ANTHONY. The bill provides absolutely that the Government shall be at no expense.

Mr. MANN. I do not understand that.

Mr. LIVINGSTON. Mr. Chairman, I will not yield. The suggestion made by the gentleman from Illinois has been covered, I suppose. I want to explain it. The engineers now engaged in public-road building in the Department of Agriculture, with their road machines, are allowed by this bill to be put on this work. The wagons, mules, and horses necessary we have in Atlanta and we have them in Kansas.

Mr. MANN. Will the gentleman yield for a question?

Mr. LIVINGSTON. Yes.

Mr. MANN. The purpose is to have this road constructed without expense to the Government?

Mr. LIVINGSTON. Yes.

Mr. MANN. Largely for the benefit of the localities; now, why should the Department of Agriculture furnish the machinery in its possession for that purpose when it ought to be used elsewhere?

Mr. LIVINGSTON. They are not using it elsewhere.

Mr. MANN. Oh, well, the gentleman knows we make appropriations for it, and it is used elsewhere.

Mr. LIVINGSTON. I say to the gentleman that it is not to be used elsewhere, and for that reason the bill provides that the machinery that the Department of Agriculture has shall be used. It is not a general proposition. Now, listen, it provides that these engineers are permitted to use the machinery the Department of Agriculture has which is not in use.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. LIVINGSTON. Yes.

Mr. CLARK of Missouri. How far out from the prison do you propose to work these prisoners?

Mr. LIVINGSTON. Ninety miles in Kansas.

Mr. CLARK of Missouri. How are you going to control them?

Mr. LIVINGSTON. Control them? I will show you many prisoners in Georgia working on the roads, and you ask me how they are controlled?

Mr. CLARK of Missouri. How do you control them? That is what I want to find out.

Mr. LIVINGSTON. It will take me ten or fifteen minutes to do it, but it is sufficient for me to say to you they are controlled.

Mr. CLARK of Missouri. Who has control over these prisoners?

Mr. LIVINGSTON. Why, the guards in the federal prison at Fort Leavenworth.

Mr. CLARK of Missouri. Do you think the same number of guards can guard these prisoners in the open that they can in the prison?

Mr. LIVINGSTON. I have answered that question once.

Mr. CLARK of Missouri. I did not hear you.

Mr. LIVINGSTON. They will not have an additional guard, nor will an additional dollar be needed to guard these prisoners—not one.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ANTHONY. Mr. Chairman, I would like to answer the question of the gentleman from Missouri as to who would guard these prisoners by saying that the Government has thousands of soldiers doing but little, and this would be a very good work to put them to; but we do not need guards. Under the modern and humane way of working the men, as testified to in a letter from the chief warden, he does not put an armed guard over a squad of prisoners. The idea is to use trusties, who will be glad of the opportunity to get in the open.

Mr. CLARK of Missouri. Might it not be better to muster these surplus soldiers out of the service and put them to work, too? [Applause.]

Mr. LIVINGSTON. That is a gray horse of another color.

Mr. CLARK of Missouri. I know it is.

Mr. LIVINGSTON. It is a mighty good proposition, if you can carry it out.

Mr. ANTHONY. If any gentleman wants time, I would be very glad to yield it to him. I yield three minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Chairman, this measure is more important, it occurs to me, as a precedent than the bill is within itself. Something must be done not only with the federal prisoners, but with the state prisoners as well. It occurs to me that as a humanitarian measure in getting these prisoners out of their cells and outside of the walls of the prisons onto the public highway where they can have air and exercise, would be sufficient justification for the passage of this bill.

Out in the State of Ohio we have been legislating on this question for a number of years, and up to the present time no satisfactory solution has been given. At the present time many of the prisoners in the penitentiary at Columbus are engaged in the manufacture of material essential to the construction of roads, but they have never progressed so far as this bill seeks to go and placed them on the highways for the purpose of constructing roads themselves. But the question of competition between convict and free labor is rife throughout the entire country. Yesterday I received a letter from a man engaged in the manufacture of brooms in my district. They are manufacturing brooms with convicts in the state penitentiaries. I believe that they pay 60 cents a day for this convict labor, and these men and women in the city of Urbana, 30 miles removed from Columbus, are compelled to compete in the markets with men who are employed at 60 cents a day.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. COLE] has expired.

Mr. COLE. Mr Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COLE. Now, it occurs to me, Mr. Chairman, that a measure of this kind which permits public employment of these men on the highways would be of infinite value, not only to the public in the construction of these roads, but also it would take them out of competition with free labor in the United States.

I do not think it is necessary to submit any argument to this committee on the proposition that men in this day can not successfully compete with 60-cents-a-day labor. As I say, this measure is but limited in its application, but if this works successfully, and if they construct this road in this manner successfully, why should it not establish a precedent whereby roads can be constructed throughout the country by taking labor that is now in competition with free labor and placing it where it can be of greater service to the public? I think, if for no other reason than establishing a splendid precedent, that this measure ought to be adopted and authority be given for the construction of this road with this convict labor. [Applause.]

Mr. ANTHONY. Mr. Chairman, I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I favor this bill, and for several very excellent reasons. Some disposition must be made in the near future of the idle labor in federal penitentiaries. I had for four years the indirect care and custody of federal prisoners as United States marshal for the eastern district of Tennessee. We were compelled to keep them in idleness in the various county jails, and confinement in idleness brought on complications, disease, and an unhealthy condition among the prisoners. In Knox County, where I reside, the county prisoners were employed upon turnpike construction; they were constantly in the open air, doing work that gave them needed exercise and insured good health conditions. As the Representative from Georgia [Mr. LIVINGSTON] has so well said, there is a question of humanity involved in this proposition.

Secondly, after the present improvements on the federal prisons are finished, the more than 3,000 federal prisoners must either be kept in idleness or some avenue found for their employment.

I hope we will not follow the bad example of my State (Tennessee) by working prisoners in coal mines, workshops, and factories, where their labor comes in competition with free and honest labor and deserving manufacturers and coal operators are robbed of orders they need and deserve. I have now pending before a committee of this House a bill which I think ought to have the support of both sides of this Chamber.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. AUSTIN. Directly. That proposition or bill seeks to prohibit transportation companies from hauling convict-manufactured goods or convict-mined coal. The place to work state and federal prisoners is upon the construction of public highways, giving us a complete system of turnpike roads, and I hope that every Member of the House will favor the inauguration of this policy by voting for the pending bill, and thus make it impossible for federal prisoners to be used at some future day in workshops and factories located within federal prison walls.

President Taft, when Secretary of War, approved this proposed legislation, and in a letter to Representative ANTHONY used the following language:

> I shall be pleased to favor this bill whenever called upon to do so.

General Bell, Chief of Staff, and General Aleshire, Quartermaster-General, both cordially and strongly commended this measure.

Mr. MADDEN. Will the gentleman allow me to interrupt him?

Mr. AUSTIN. Certainly.

Mr. MADDEN. Does the gentleman consider the labor employed in the construction of roads is not now free and honest labor?

Mr. AUSTIN. This road will not be constructed unless the pending bill becomes a law.

Mr. MADDEN. That is not the question. I wish to ask the gentleman if he considers the labor which is now employed all over the country in the construction of the roads which are being built by the different communities in the country as not being free, honest labor?

Mr. AUSTIN. I did not understand the gentleman's question at first. I do not mean to state that free and honest labor is not employed in the various States in the construction of public roads, although a number of the States are utilizing prison labor on road making. There is an immense field, as the gentleman knows, in every State in the Union, not only for the employment of every federal and state prisoner, but also for every available free and honest laborer in the construction of new and the extension of present pike roads.

The Republican party believes in protecting the American manufacturers and wage-earners against the cheap pauper-paid labor of the Old World, and it should in national and state lawmaking bodies at all times and under all circumstances favor free and honest labor and the men who have invested their capital in mines and plants against an unjust and unfair system which places prison labor and prison-made goods in the open market in competition with the output of our mills and factories.

I believe the United States is the only civilized country in the world that uses prison labor in workshops and factories in competition with free and honest labor. We should lose no time in putting an end to this great wrong and evil, and in this good and patriotic work both political parties should be solidly in line.

Mr. ANTHONY. Mr. Chairman, I reserve the balance of my time.

Mr. HAY. Mr. Chairman, this bill is for the purpose of building a road about 100 miles in length in the State of Kansas, largely, if not entirely, at the expense of the Government of the United States. The only ground which can be given for building this road would be that it was a military necessity to build this road between these two posts. So sure was the gentleman from Kansas when introducing the bill that that was the only ground on which the House would consent to build this road that he undertook to get from the War Department a statement that it was a military necessity. What does the department say? They would like to see a road of this sort built, but could not say that it was a military necessity.

Mr. ANTHONY. Mr. Chairman, I would like to ask the gentleman a question.

Mr. HAY. Certainly; I yield to the gentleman.

Mr. ANTHONY. I would like to call the gentleman's attention to the fact that every indorsement that I asked of the War Department was given cheerfully and promptly; and if the gentleman will read the letter of Mr. Taft, when Secretary of War; the Chief of Staff, General Bell, and General Aleshire, of the Quartermaster-General's Department, he will see their indorsement.

Mr. HAY. I am going to read those statements.

Mr. ANTHONY. I ask the gentleman not to misrepresent me.

Mr. HAY. I am not misrepresenting the gentleman; I am saying that the War Department does not indorse this bill as a military necessity, and I will read what the gentleman has incorporated in his report.

Mr. ANTHONY. And "the gentleman" has not argued that the bill is a military necessity.

Mr. HAY. I decline to yield to the gentleman if he says that I am misrepresenting him. I read what the Quartermaster-General says. The Quartermaster-General says:

> It would undoubtedly be desirable for military purposes to connect these two posts by such a road as is proposed, and if the labor of federal prisoners is available in this connection the cost of construction would be comparatively small.

He says it would be "desirable," not that it is a military necessity. Now, the Chief of Staff, General Bell, says:

A military road between Forts Riley and Leavenworth, Kans., would unquestionably be of great military value and convenience.

Not a necessity; and no man can say it is a military necessity to build this road. Railroads connect these two posts, and all men and all supplies which are necessary to be transported from the one post to the other can be better transported over those railroads than they can over this proposed highway.

I say that this is a measure for building a road for the benefit of the State of Kansas. If we are going into that sort of business, if this Government is ready to go into the business of building roads, why we ought to have them do the same for the State of Virginia, for the State of Missouri, for the State of Colorado, for the State of Ohio, or for any other State as well as for the benefit of the State of Kansas. [Loud applause.] And, in line with that, I ask the Clerk to read, as a part of my remarks, the substitute which I propose to offer for this bill.

The CHAIRMAN. The Clerk will read the proposed substitute for the information of the House in the gentleman's time.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War and the Attorney-General be, and they are hereby, authorized and directed to permit the use of any prisoners, not otherwise employed, serving sentences in the United States military prisons and in the United States penitentiaries, in the construction of any state highway that may be undertaken by the proper highway authorities of any State; said prisoners while so used to be subsisted, guarded, and sheltered at the expense of the States or of the counties through which said highways pass.

Mr. HAY. Well, Mr. Chairman, the gentleman from Kansas has stated that this will not cost the Government of the United States anything. There is a provision in this bill which provides that the United States shall not pay out anything for the construction of this road. Why, the bill expressly provides that the United States shall subsist, shall guard, and shall shelter the men who are building this road. It does not provide in this bill——

Mr. ANTHONY. Will the gentleman yield?

Mr. HAY. Yes; I will yield.

Mr. ANTHONY. He will admit that this Government will have to subsist and will have to guard these men?

Mr. HAY. Yes; but not at the same expense as when they are at work on the road.

Mr. ANTHONY. It would be but very little more expense.

Mr. HAY. And, Mr. Chairman, as was suggested by a question of the gentleman from Texas [Mr. GILLESPIE], the bill does not provide a single, solitary equipment for the building of this road. Commit the Government to the building of this road, and you necessarily compel the Government to furnish every road machine and furnish every sort of equipment that may be necessary to build this road. I defy the gentleman from Kansas to show a single provision in this bill which provides that this equipment may be furnished either by the State or by the counties.

Mr. ANTHONY. Mr. Chairman, for the information of the gentleman I will refer to section 8 of the bill, which says that the Government shall not be liable for the purchase of any material.

Mr. HAY. I am talking about equipment, not material.

Mr. ANTHONY. I think "material" would cover it.

Mr. HAY. "Material" does not cover "equipment." Material for the building of a road means the rock and the dirt and whatever may enter into the building of the road.

Mr. LIVINGSTON. That is all provided for in the bill.

Mr. HAY. It is not provided for in the bill, and I should like to have you show me where it is. The gentleman from Georgia is anxious to have this bill passed because he has a bill of his own of a similar character.

Mr. LIVINGSTON. Yes; I have, and do not you forget it, either. I do not cover up any of my tracks in the House.

Mr. HAY. Oh, no; the gentleman does not have to do anything of that sort. We all know that. We all understand the motives of the gentleman from Georgia.

Mr. LIVINGSTON. Anybody can find out at any time.

Mr. MILLER of Kansas. I call the gentleman's attention again to the eighth section:

SEC. 8. That nothing herein contained shall confer upon any officer of the United States or any other person or persons any authority to incur any obligation upon the part of the United States for the acquirement of property, the purchase of material, or the maintenance of said highway.

Mr. HAY. The "acquirement of property" does not cover the question of buying the machinery.

Mr. JAMES. That has reference to the right of way, the road itself?

Mr. HAY. The gentleman knows that that refers to the road itself and not to the equipment and machinery.

Mr. MILLER of Kansas. It refers to everything in connection with the building of the road, and there is nothing in the bill that provides for the buying of any property by the United States.

Mr. HAY. The gentleman and I differ on that, that is all.

Mr. ANTHONY. If it will make it any more clear to the gentleman from Virginia, I will be glad to have the bill amended by putting in the words "machinery and equipment," also.

Mr. HAY. I was simply answering the statement of the gentleman from Kansas that this would not cost the Government of the United States anything. Anybody who knows anything about the mode in which governments undertake projects of that sort knows that if the Government of the United States once commits itself to the building of this road it will have to build it at whatever cost may be necessary in order to complete it. Next year we will have an estimate from the War Department asking for an appropriation for the purpose of continuing the construction of this work.

Mr. AUSTIN. I should like to ask the gentleman, does he favor national aid to public roads?

Mr. HAY. I do; and I favor national aid for public roads in every State in this Union, and not alone in the States of Kansas and Georgia. [Applause.]

Mr. LIVINGSTON. How can you get it in Missouri and Virginia if you do not start somewhere?

Mr. HAY. Will you vote for the substitute which I have offered to this bill?

Mr. LIVINGSTON. No. I will vote for another one, though. There is no responsibility on anybody anywhere in your substitute.

Mr. HAY. The gentleman is entirely mistaken about that.

Mr. LIVINGSTON. I know what I am talking about.

Mr. HAY. The gentleman thinks he does, but I do not think so.

Mr. COX of Indiana. Is there anything in this bill which would prevent the Federal Government from undertaking to exercise control over the road after it was built? What is the gentleman's opinion about that?

Mr. HAY. There is nothing in the bill which would prevent the Government from taking control of the road.

Mr. COX of Indiana. That is my construction of the bill.

Mr. ADAMSON. I should like to ask the gentleman a question. Inasmuch as the road which the gentleman from Kansas wishes is right in the neighborhood of his penitentiary, and inasmuch as the one the gentleman from Georgia [Mr. LIVINGSTON] wants is right adjacent to the penitentiary, is it not reasonable to conclude that they will both be likely to get their roads first if your substitute passes?

Mr. HAY. Oh, well; it is reasonable to conclude that the gentleman from Georgia [Mr. LIVINGSTON], through whose district I understand part of this Georgia road runs, would try to do that.

Mr. ADAMSON. As those roads are nearer the prisons where the convicts are, is not that likely?

Mr. HAY. I do not know about that. I suppose probably they would not.

Mr. ANTHONY. I would like to ask the gentleman if he considers it either practicable or sensible to transport prisoners from Kansas to Virginia?

Mr. HAY. Of course it is practicable. They are transporting them all over the State of Virginia for the purpose of working on public roads, and they can be transported from Kansas to Virginia for that purpose just as well.

Mr. SHERLEY. Will the gentleman yield?

Mr. HAY. I will yield to the gentleman from Kentucky.

Mr. SHERLEY. Is the gentleman aware of the fact that these convicts are now being employed in building the penitentiaries, and will be for some time?

Mr. HAY. I was coming to that. A great deal of stress has been laid upon the point that it is necessary to give these convicts something to do. As a matter of fact, that question is not imminent now, because these prisoners are now engaged in building this very penitentiary, or a part of it, both in Kansas and in Atlanta.

Mr. SHERLEY. I will also state that, judging by the estimates for the completion of the work and the rapidity with which it has been progressing, it will be several years before they can finish that work.

Mr. HAY. The gentleman from Kentucky says that it will be several years before the work can be completed. But, Mr. Chairman, apart from that, it does seem to me that the bill is vicious in many other respects. It authorizes to be done a great many things which will inevitably place upon the Government the burden of building this highway. It is placing it on the ground of a military necessity, when no military necessity ex-

ists and when no military necessity can exist for the building of this road.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAY. I will.

Mr. MANN. The gentleman is a member of the Committee on Military Affairs. I understand the penitentiary at Fort Leavenworth is under the control of the Department of Justice.

Mr. HAY. The military prisoners are under the control of the Department of War and the federal prisoners under the control of the Attorney-General.

Mr. MANN. That is the Department of Justice. May I ask the gentleman whether this bill was ever referred to the Department of Justice for its opinion in reference to this matter?

Mr. HAY. I am not positive about that, but I do not think it was. I think it was sent to the Secretary of War, but not to the Department of Justice.

Mr. MANN. Does the gentleman know whether the committee ever had before it any expression of opinion from the warden of the penitentiary, who has these prisoners in charge?

Mr. HAY. Not that I know of. Mr. Chairman, I reserve the balance of my time.

Mr. SLAYDEN. Mr. Chairman, I have been opposed to this proposition for several reasons. In the first place, the claim that it is a military necessity or exigency is not well founded.

In the second place, it is a specific appropriation of such favor and benefits as can give free employment to convicts. I do not think that ought to be done, and if we are going to engage in this policy at all, then that embodied in the substitute offered by my colleague from Virginia [Mr. HAY] is the better policy. It provides in general terms that the Secretary of War and the Attorney-General may arrange for the employment of convicts, civil prisoners, and military prisoners upon terms to be reached for their use in the construction of state highways. It further provides that while so engaged in doing work for the highways altogether within a State the expense of their keeping and guarding shall be paid by the communities that are to be benefited.

That seems to me, Mr. Chairman, to be a safe proposition, although the cost of the work is not essential in the consideration of the balance of the substitute bill.

I want also to call the attention of the Members of the House to the fact that Kansas is not the only State in the Union where there are two military posts. It is not the only State in the Union where a military exigency may be trumped up for the purpose of diverting the labor of these convicts to the local benefits of a community. In Nebraska we have in the vicinity of Omaha, Fort Crook and Fort Omaha. In other States we can find two or more military posts that might be tied together by a road built by federal prisoners at the general expense. At my own home down in San Antonio there is a military post. Sixteen or 18 miles away there is a military reservation where the troops are constantly engaged in target practice, to which place commissary supplies and quartermaster stores are transported every day by wagon. There is just as much reason, Mr. Chairman, and I honestly believe more reason, for the construction of a road by the Government between these important military points as there is for doing it between Fort Riley and Fort Leavenworth, between which two places there are now two great railway systems.

I am not asking, and I shall not ask, that the Government of the United States construct a highway in my county, even though it is desirable to have a good road between those two points for the transportation of the military supplies. I want to say, and in this I differ from my friend from Virginia [Mr. HAY], that I do not want to see the United States undertake the policy of constructing highways. In my judgment the moment that the first bill passes this House, committing the Government of the United States to the construction of roads, then in that moment the good-roads movement among the people of the country will die the death, and from that time forward, forever more, each community in this country will cease to rely upon itself to develop for its own uses its local highways, and will look to the Federal Treasury to supply the means for doing it. As an earnest advocate of the good-roads movement, as a man who has devoted years of effort to the upbuilding of the road system of the country, who has done all that he can to inspire his own community and others in his State to the construction of good roads, I oppose absolutely, and so long as I may have the honor of being a Member of this House, I shall continue to oppose, anything that looks like the construction of highways by the Federal Government.

I yield back the balance of my time to the gentleman from Virginia.

Mr. HAY. Mr. Chairman, I yield ten minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Chairman, I am one of those opposed to both the bill and the substitute. I can not see any good reason for the passage of either. There has been no information laid before this House or before the Committee on Military Affairs which would warrant the passage of either the bill or the substitute. There has been no examination of the question by any competent authority as to what ought to be done for our federal prisoners. There are two great prisons at Leavenworth, one under the Department of Justice and one under the Department of War. The authorities controlling those institutions have in neither instance made any examination or report to anybody as to whether this bill is best fitted to care for the work of those prisoners or not, or as to what would be the facts or advantages as to any other plan. Now, many States of the Union employ their prisoners at some sort of work which does not conflict with labor and which is for the benefit of the prisoners and for the benefit of the State.

The state prison in my State is one of them, and before any measure is passed by this House to utilize the labor of prisoners there ought to be an exhaustive investigation by the authorities having charge of the prisoners and by the proper committees of this House, and we should find out and consider what should be done for the best advantage of the people who pay the bills, and what should be done for the best advantage of the prisoners who are unfortunate enough to be under our charge. No such examination or report has been had or called for concerning this bill or substitute.

Mr. ANTHONY. I want to call the attention of the gentleman to the fact that this bill merely confers authority on the War Deparment. They will investigate as to whether it is a wise thing to do or not. I think the gentleman's suggestion would be overcome by the fact that the bill is not mandatory, but merely grants authority.

Mr. STEVENS of Minnesota. Yes; but it is our business, the business of Congress, to dictate the policy of running our institutions. It is not the business of these departments to dictate what shall be the policy, and it is our business to have the question first investigated by those who know most about it and then make a report to us; and then we should lay down the particular policy as to what should be done thereafter with the prisoners in these great institutions.

No such investigation has been made, no such examination has been had, no report has been had. No committee has investigated it for one single moment or given one moment of thought to it, and here we are attempting to lay down a broad policy as to the employment of prisoners in these great institutions, without any apparent concern as to the welfare of the unfortunates or as to the effect upon the people at large. If there was any imminent necessity for it, there might be consideration given to this bill, but I notice there is an estimate for the next fiscal year of $183,000 for this very penitentiary, so that for a year and a half at least the prisoners will be kept at the work they are now on; and if there is anything sincere in the desire of caring for these prisoners, in looking to or considering their welfare, in laying down a policy as to what ought to be done for them in the future, there is ample time for this investigation to be had, ample time for the department to report to Congress, and ample time for Congress to act upon the measure, so that there is no use, so far as this measure is concerned, of any haste and considering now as to what should be done for the prisoners. They will be occupied for at least a year and a half under the present arrangement.

Mr. AUSTIN. Will the gentleman tell us how you work the convicts in the State of Minnesota?

Mr. STEVENS of Minnesota. By manufacturing binding twine for our farmers. And the same is done, I think, in the State of North Dakota and the State of South Dakota.

Mr. MADISON. And in the State of Kansas.

Mr. SHACKLEFORD. And in the State of Missouri.

Mr. STEVENS of Minnesota. The situation in these various States well illustrates what I was stating, that it is a question which deserves the most exhaustive investigation and the most serious consideration by the authorities having charge of these prisoners, and all to be brought to our attention before we finally decide the matter.

Mr. ANTHONY. Does the gentleman know that it would take not more than one-twelfth of the men in these institutions to do the work on these roads?

Mr. STEVENS of Minnesota. I know nothing about it, and the gentleman does not.

Mr. ANTHONY. Yes, I do.

Mr. STEVENS of Minnesota. No information was given to the committee. The report of the committee conveys no information about this at all.

Mr. AUSTIN. Mr. Chairman, I would like to ask the gentleman if this bill was not presented to President Taft when he was Secretary of War, and did he not state, "I shall be pleased to favor this bill whenever called upon to do so?"

Mr. STEVENS of Minnesota. Yes; I presume so. But that was not the judgment of any man of this committee. We have to legislate for ourselves; the responsibility is upon us. It is information we want and not opinion, even of an eminent man, in a matter of this importance.

Mr. COX of Indiana. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. COX of Indiana. Briefly, to call the attention of the gentleman to the words of sections 2 and 3. It looks to me very much like it puts the entire power in the hands of the Secretary of War. Now, suppose the Department of Justice does not desire to cooperate with the Secretary of War and let that class of prisoners be engaged in this class of work, then if this becomes law, would not this condition occur—that one class of military prisoners would be permitted to work on these roads and the federal-court prisoners could not?

Mr. STEVENS of Minnesota. The gentleman is entirely right about that; there is no doubt about it. There is no definite policy established by this bill at all. Now, another point, Mr. Chairman——

Mr. SULZER. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. SULZER. Was this bill favorably reported from the Committee on Military Affairs?

Mr. STEVENS of Minnesota. It was evidently favorably reported, but at the time several of us notified the committee that we should present our views on the floor, which I am now endeavoring to do.

Mr. SULZER. There was no minority report made.

Mr. STEVENS of Minnesota. I have the report of the committee here on the desk——

Mr. SULZER. But I said no minority report.

Mr. STEVENS of Minnesota. No; there was not.

Mr. SULZER. Judging by the discussion, I had an idea this bill was adversely reported.

Mr. STEVENS of Minnesota. That is for this committee to ascertain before we get through. Mr. Chairman, there is another aspect that has been discussed, and that is the military feature of it. The department reports—that is, the Quartermaster-General states that it is desirable for military purposes. The two reservations mentioned in this bill are of the greatest in the United States. There are more troops stationed within the borders of Kansas than any other State in the Union. These great posts are about 100 miles apart. It is true that at some time during the year, occasionally in some years, for the purpose of maneuver, the troops may be marched back and forth, and that has been done a few times. But for a real, genuine military purpose I submit to the good sense of this committee if it is not better to have an ordinary road that troops will be obliged to march over in times of ordinary work or in times of maneuvers. Is it not better that they should have to use the ordinary dirt road, which is found anywhere, than a first-class macadamized road built by the government engineers, as provided in this bill? They would not have such a road elsewhere; they do not go to battle or make military campaigns on that kind of a road. If we want to give our troops real instruction in military matters, we want to furnish them conditions that approximate those of actual war and of an actual campaign, and we would not have much actual war on a macadamized road of this nature. Then there is another thing, Mr. Chairman, and I submit it without any attempt to criticise the good people of Kansas. Kansas is remarkably favored in the way of great federal institutions.

As I said, there are more troops kept within the borders of the State of Kansas than in any other State in the Union. Most of our States would be mighty glad to have institutions of this nature; most of us would be mighty glad, and most of the States and most of the localities would be mighty glad to have great institutions, where millions of dollars are expended for their construction, where millions of dollars are spent annually for the maintenance of those great institutions.

Mr. AUSTIN. I would like to ask the gentleman a question right there——

Mr. STEVENS of Minnesota. In a moment. Now, is it fair for the State of Kansas to take advantage of the bounty of the Government, which has been showered upon its people and locality, to get another great advantage over the other States of the Union by using our labor to build their own local highways, when there is hardly pretended to be any compensating advantage to the Nation or the national public service?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HAY. I yield five minutes more to the gentleman.

Mr. AUSTIN. I wanted to ask the gentleman if these two military posts were located in the State of Minnesota and this proposition was before the House, would he be opposed to Minnesota having this road?

Mr. STEVENS of Minnesota. I am glad the gentleman asked the question. There is one of the largest reservations in the United States on the borders of my own district—Fort Snelling. St. Paul appropriated $120,000 to make a highway to Fort Snelling; the city of Minneapolis appropriated $150,000 and St. Paul $125,000 for a bridge to help cross the river in order to reach Fort Snelling. That is the way we do business. [Applause.]

Mr. AUSTIN. You did not answer my question.

Mr. STEVENS of Minnesota. I hope I answered the question.

Mr. AUSTIN. You have not answered my question.

Mr. STEVENS of Minnesota. No; not under any circumstances. If the United States will establish a great military reservation in our midst, we will build highways, we will build bridges, and we will do everything we can to assist the United States instead of milking it. And we have done it, and other States are doing it. Other States of the Union are building their highways, are building their bridges, and are making other expenditures to help the Government instead of taking money out of the Government.

Mr. AUSTIN. Suppose a State failed to do that, would you accept this from Congress?

Mr. STEVENS of Minnesota. Not under any circumstances. We can build our own highways and pay for them. [Applause.]

Mr. ANTHONY. I notice that the gentleman has mentioned a magnificent bridge that the Government has built at Fort Snelling, between Fort Snelling and St. Paul. I would like to ask him out of that government appropriation of $120,000, how much of it went to the street railway corporation?

Mr. STEVENS of Minnesota. Not a dollar. The street railway company paid $25,000 for the privilege of crossing the bridge. One half of the whole sum was paid by the city of St. Paul and the other half by appropriation of Congress. The only way the troops can get from that post to St. Paul is by that bridge across the Mississippi River. The United States paid one-half and one-half was paid by the city of St. Paul. We not only paid that, but we paid $120,000 to build a road to it, and the street car company was obliged to pay the Government $25,000 for the privilege of crossing that bridge, and it has to perpetually maintain the space between the car tracks.

Mr. ANTHONY. The Government paid one-half of the construction of that bridge?

Mr. STEVENS of Minnesota. Yes.

Mr. AUSTIN. You claimed that your city and your people paid for the whole thing.

Mr. STEVENS of Minnesota. I beg your pardon. I did not say that.

Mr. AUSTIN. Now you admit that the Government paid part of it.

Mr. STEVENS of Minnesota. I did not say that. I said that the city paid one-half of the bridge and the city of Minneapolis paid the whole expense of the roadway on the other side.

Mr. AUSTIN. Did you not say in your original statement that the Government paid none of that expense?

Mr. STEVENS of Minnesota. No. It was not called for.

Mr. AUSTIN. Why did you not tell us the whole story? Why did you withhold the fact that Congress paid a part of the expense?

Mr. STEVENS of Minnesota. Now, Mr. Chairman, one word more. It does not do any locality any good to have partiality and favors showered upon it. It injures the fiber of the citizens to come to this Government and ask for things which they can better do for themselves, and in a matter of this kind, before we decide upon a measure that is liable to lead to a broad and important policy in the end, we should have the fullest information about what ought to be the best for treating the prisoners, what ought to be really done for military advantage of our Government, and what the localities ought to do for themselves.

I yield back the balance of my time. [Applause.]

Mr. HAY. Mr. Chairman, I yield ten minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Chairman, there is one question in connection with this proposed legislation which I can not answer

to my satisfaction—that is, in such a way that can satisfy me to support the bill—and that question is, By what authority is Congress to engage in the construction of this particular highway?

Confessedly this is not to be a military road; that is to say, it is not to be built because of a military necessity. Nor is it to be a post-road. What character of roads can the Federal Government, under the Constitution of the United States, build except military roads and post-roads? Where is the authority? Surely any road it builds must be for some governmental use, and this proposed road not being a military necessity, not being a post-road, its construction lies absolutely, to my mind, outside of the domain of congressional power.

Mr. BORLAND. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. GARRETT. I yield to the gentleman.

Mr. BORLAND. Does not the gentleman consider that the judicial power of the United States empowering the United States to keep its prisoners includes in that the power to keep those prisoners employed?

Mr. GARRETT. Oh, I think the principle involved in this bill is this: If the Federal Government can take its prisoners and enter the limits of a State and perform the functions that ought to be performed by the State or county or township; that is, the construction of a road, not for a military necessity, not as a post-road, but as a simple public highway; if it can do that with its prisoners, then it can appropriate the money direct from the Treasury and substitute its money instead of its convict labor and do the same thing. I can not bring myself to the support of any such policy. If the Federal Government is going to undertake the business of constructing highways, those highways should be for some governmental use. This proposed road is to be a highway simply for the benefit of a locality in the State of Kansas—not a military road, not a post-road, but just an ordinary local highway.

Now, Mr. Chairman, I am perfectly well aware of the fact that there is widespread sentiment in the Republic for federal aid in the construction of highways. But gentlemen will remember that at no time has anybody ever proposed that the Federal Government had authority to construct a highway unless it needed that highway to use in governmental business.

The fact is that the indirect system of taxation of the Federal Government is responsible for the growing demands upon the Federal Treasury. The citizen does not recognize when he is paying his federal taxes, because the method of collection is indirect rather than direct. But he does realize when he is paying state, county, and municipal taxes, because he takes the cash from his pocket and pays it to the collector and receives only a tax receipt in return. It results, therefore, that many people have come to look upon federal appropriations not as so much spent, but as a gift—as so much picked up. A member of a state legislature, when he returns from the session in his State, will be met by his constituents. They, with a keen, cold gleam in their eyes, say: "How much did you spend?" When a Member of Congress goes to his home, he will be met by that same constituency, and with the same cold gleam in the eyes. They will ask him: "How much did you get?" [Laughter and applause.]

Mr. LIVINGSTON. Mr. Chairman, may I be permitted to ask the gentleman a question?

Mr. GARRETT. I yield to the gentleman.

Mr. LIVINGSTON. I want to suggest to the gentleman from Tennessee that whether these prisoners are worked or not, they eat the same amount of food, they wear the same amount of clothes, and take the same number of men and amount of money to guard them as when they are kept in the prison. Now, what loss is it to the Government if they are taken outside of the walls and made use of? You are speaking for the taxpayer; where does the taxpayer come in?

Mr. GARRETT. I will say to the gentleman from Georgia that in my opinion this bill projects the Federal Government into a work with which the Federal Government has no business to deal.

Mr. LIVINGSTON. That doctrine was good a hundred years ago, but not now.

Mr. SHERLEY. Mr. Chairman, will the gentleman allow me?

Mr. GARRETT. I yield to the gentleman.

Mr. SHERLEY. Do you not know, when you reach the question of the penitentiary in the district of the gentleman from Georgia, that they have four or five years' work before they complete the work on the branch there?

Mr. GARRETT. Undoubtedly.

Mr. LIVINGSTON. Will the gentleman permit me to say in reply to that that this bill provides that whenever they have no work to do inside of the prison a certain number of them only can be worked? The Secretary of War and the Attorney-General may permit them to work outside.

Mr. SHERLEY. I suggest further, if the gentleman will look at the testimony which I hold in my hand, given before my committee less than two weeks ago, he will see that that time will not be reached for five years yet.

Mr. LIVINGSTON. In response to the suggestion of the gentleman, I am sorry he did not hear what was said—that they have 800 prisoners in Atlanta. The walls are all built, and they have all the building stone needed for the building of that annex, and only one-third part of the 800 can be worked upon that building. What are you going to do with the balance of them? That is the proposition.

Mr. HAY. I yield five minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Chairman, this bill embodies two distinct policies: That of giving employment to federal prisoners on the one hand, and that of committing the Federal Government to the construction of state and local highways on the other hand. The question of what shall be done with prisoners in the various penal institutions of the country is one that has troubled the various legislative officers of all the States in the Union. I do not know of any State that has adopted the policy of using inmates of penitentiaries for the general construction of public roads.

It must be borne in mind that the item of individual labor is a comparatively small factor in the cost of the construction of a public highway. The chief cost of the work is in the material, the grading, the hauling of the material, and the rolling of the road. The State of Indiana has built as many miles of public highways as any other State in the Union west of the Alleghenies, according to population, and we know that the factor of wages for manual labor is comparatively small in the construction of a modern highway. It costs us from $4,000 to $6,000 a mile to build roads in our State, and the laborers employed in highway building in Indiana are free, honest laborers. To use penitentiary inmates in the construction of highways is to bring convict labor as much in competition with honest, free labor as if the inmates were used in any line of manufacturing.

In relation to the other policy I can not help but believe that this bill, if enacted into law, will practically adopt the policy of the United States building and improving state highways at the expense of the Federal Government, a policy which I think is objectionable.

Mr. CALDERHEAD. Will the gentleman yield for a question?

Mr. CRUMPACKER. Yes.

Mr. CALDERHEAD. Under what policy was the national highway built to Indianapolis?

Mr. CRUMPACKER. Under the policy of opening up the country, at a time when there were no railways and when there were practically no local roads. The conditions prevailing, when the national road was built to Indianapolis seventy-five years ago, were materially different from those which now exist. The Federal Government was then justified in building roads as a military necessity and as post-roads, because there were no railroads. We were then building canals all over the country, while to-day we have railroads and other means of intercourse, so that there is no necessity for the adoption of this policy.

Mr. GARRETT. This road is not proposed to be either a military road or a post route.

Mr. CRUMPACKER. That is true; and it will not be under the control of the Federal Government. It will be absolutely under the control of the State of Kansas. If we pass this bill and construct this highway, substantially 100 miles long, it will only be a question of time when, at the expense of the Federal Treasury, thousands of miles of highways will be constructed, which as soon as constructed will be in the ownership and control of the various States through which they pass.

It is practically entering upon a policy that will cost this Government hundreds of millions of dollars, in the doing of a thing that essentially belongs to the various localities. The gentleman from Minnesota suggested that to the States belongs this duty, and the States ought to regard it as a privilege to provide themselves with all of the local facilities that may be necessary for social and commercial purposes. The States ought to construct highways out of their own revenues. Let the Federal Government confine its activities to federal functions, and most of all, let it keep out of the field of the general construction of public roads, unless it shall own and control the operation of the roads. The State of Kansas does not propose to turn over to the United States Government the power to regulate and control this highway, and many of us believe that aside from the labor this road will cost the Government

of the United States a good deal ultimately in the way of appropriations from the Federal Treasury to complete the unfinished parts of the highway, to guard the prisoners while so employed, and to provide horses, equipment, and machinery necessary to do the work.

Mr. HAY. I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. ANTHONY. Mr. Chairman——

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] has the floor.

Mr. ANTHONY. May I suggest that debate be closed in twenty minutes, one-half on each side?

Mr. UNDERWOOD. I think the question ought to be fully debated, and I object to that proposition.

The CHAIRMAN. Objection is heard. The gentleman from Virginia yields five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, it is unfortunate that we have prisoners at all. How to use them so as to give them employment is a serious question. It is a question which all the States of the Union have been trying to solve for some time. Nobody doubts that prison labor does come into competition with honest, free labor, no matter how the prison labor may be employed. But I undertake to say that no gentleman on the floor of this House will say that the labor employed in the construction of roads throughout the country is not free, honest labor. If these prisoners are employed in the construction of roads, they will come as much into competition with free, honest labor as they do in any other work which they perform. The principle involved in the bill before the House is a dangerous one. All the States of the Union are building their own roads out of their own treasuries from taxes levied and collected from their own people, and the State of Kansas should be no exception to the rule.

There is no more reason why the Federal Government should construct a road in the State of Kansas from Fort Leavenworth to Fort Riley than there is that the Federal Government should be called upon to construct a road from the military post at Chicago to the military post in San Francisco.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MADDEN. I will yield to the gentleman from Kansas.

Mr. CAMPBELL. Is not there just as good reason for the Government of the United States building a road from Fort Leavenworth to Fort Riley as there is for digging a ditch between Chicago and St. Louis? [Applause.]

Mr. MADDEN. In one case I want to say that the ditch to which the gentleman refers is to be a waterway through which the great ships of the Lakes and seas may carry the products of the labor of the country. [Applause.] And the people of Chicago themselves have so far paid $64,000,000 of their own money for the construction of the ditch to which the gentleman so sarcastically refers without calling upon the Government of the United States for the expenditure of a single dollar. [Applause.]

The State of Illinois, through a vote of its people recently, authorized its legislature to vote $20,000,000 for further expenditure in connection with this great interstate improvement. [Applause.]

I wish to say in further reply to the gentleman from Kansas, that the Middle West, through which this proposed waterway is to run, is a part of that great territory to be served by the transportation facilities which this great waterway will afford; and the one thing for which this waterway is about to be constructed is to enable the reduction and regulation of freight rates by the railroads of this country, and to give an opportunity to every producer in every section of the land for the transportation of the products of his labor at the cheapest possible price. I submit to the House and to the gentleman from Kansas that this is not in any particular like the proposition that is before the House for the construction of a road wholly within the State of Kansas. [Applause.]

Mr. HAY. Mr. Chairman, I now yield five minutes to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Chairman, I think a fair reading of this bill would lead one to conclude that the Government would do everything connected with this road except to furnish the materials, the rock, the earth, and so forth, needed in the construction of the road. All expense of equipment, teams, scrapers, machinery of any kind, necessary in road construction, I think it could fairly be implied, is to be paid for by the United States Government under this bill.

Now, the very first section says:

That the Secretary of War be, and is hereby, authorized to take all necessary steps to utilize the labor of the United States convicts in the construction of this road.

How can you utilize the labor for the construction of the road without supplying the implements necessary for labor to use? The first section of the bill plainly implies authority in the Secretary of War to put the equipment into the hands of this labor for the purpose of constructing this road.

Mr. ANTHONY. Will the gentleman yield?

Mr. GILLESPIE. I will yield to the gentleman from Kansas.

Mr. ANTHONY. I will say that I believe the Government now owns all the equipment that will be necessary to use in the actual labor.

Mr. GILLESPIE. If the Government does not own equipment, authority is plainly implied that the Secretary of War may go and buy it. I do not know whether they own all the equipment necessary or not.

Mr. ANTHONY. The first section only says he may utilize the labor.

Mr. GILLESPIE. How are you going to utilize the labor without putting equipment in the hands of labor which it is necessary for the labor to use, such as teams, scrapers, wagons, and other equipment necessary to build the road?

Mr. ANTHONY. There is a provision in the bill which expressly forbids the Government, or any officer of the Government, from incurring any indebtedness whatever.

Mr. GILLESPIE. It confers no authority upon any officer to incur any obligation upon the part of the United States "for the acquirement of property," and so forth.

Mr. ANTHONY. Property and material.

Mr. GILLESPIE. Here are two provisions, then, in apparent conflict with each other. You might reconcile them and allow both provisions to stand, if you say that section 8 prevails, except the authority that is conferred by clear implication in the first section of the bill upon the Secretary of War to purchase road equipment, and so forth. Section 8 only prohibits the incurrence of an obligation by an officer or other person against the Government, while in the first section of the bill the obligation against the Government is clearly incurred and there is no necessary conflict, and both provisions may stand. Then both sections would stand together and the fair interpretation of both sections would be that the Secretary of War is to be authorized to purchase these teams and wagons and machinery necessary to construct this road, but he can not incur an obligation for any other purpose. Why not plainly put in the bill what is meant? If all you mean is that the Federal Government shall lend the labor or donate the labor of these convicts and be at no expense except their necessary keep and care anyway, why not plainly say so in your bill? I think any fair construction of this bill would be that the Secretary of War can go on and expend money in his hands for the purpose of purchasing equipment with which to construct this road and feel sure that Congress will be called upon in the future to appropriate for it.

Mr. Chairman, I want to state while I am upon my feet that I do not agree to the proposition advanced here that the Federal Government should go into the different communities and into the different States of this Union and aid in the construction of roads.

Mr. LIVINGSTON. Do not they do that in waterways now?

Mr. GILLESPIE. We are not talking about waterways. We are doing it along those lines that we ought not to be engaged in. I am now talking about roads. I believe it is unconstitutional and the most expensive form of road construction that ever entered the mind of man, on account of the wild scramble for appropriations, and that it is impossible to adopt an equitable plan of construction for the whole Union in view of the fact that many of the States have already highly developed systems of roads and have taxed their own people many millions to accomplish this, while other States have not taxed their people so much, and consequently are far behind in road construction. I highly favor the employment of federal convict labor upon the public roads without expense to the Federal Treasury other than the usual and ordinary expense necessary in keeping convicts anyway. I shall therefore support the substitute offered by the gentleman from Virginia.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. GILLESPIE. Yes.

Mr. COOPER of Wisconsin. I am interested in the gentleman's contention that two paragraphs of the bill, the first and the eighth, can not be construed together; that the first paragraph must control, and that it means that the Secretary of War is to have power to purchase wagons, mules, and so forth. Now, let me ask the gentleman what he has to say of my construction of the two paragraphs. I would read them as if one came immediately after the other, and so, following an ordinary rule of statutory construction, I would treat the last as if it

were simply a proviso, thus: "That the Secretary of War be, and he is hereby, authorized to take all necessary steps to utilize the labor of the United States convicts: *Provided*, That nothing herein contained shall confer upon any officer of the United States or any other person or persons any authority to incur any obligation on the part of the United States for the acquirement of property, the purchase of material, or the maintenance of said highway."

Thus read together the paragraphs are harmonious and their meaning clear. There is express prohibition against the acquirement of property—and "property" includes mules and wagons—and there is also express authority to utilize the labor of the convicts if implements and materials are on hand or are supplied by which it can be utilized. That is the only possible construction.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HAY. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. CRAIG].

Mr. CRAIG. Mr. Chairman, undoubtedly this bill will cause the United States to incur an expense whether the gentleman from Kansas [Mr. ANTHONY] intends it or not. You can not possibly construe the first section and the last section of this bill together and get any reasonable construction out of it except that the Secretary of War, or the officer authorized to use these prisoners, must furnish them with the implements with which to build this road. If you say that he must not buy any implements, that he must not furnish anything at all for these men to work with, then you say that he must use the labor without giving him anything with which to make that labor effective, and, in effect, that he can not really use it at all, thereby making the bill a nullity; and I am frank to say that the courts might possibly indulge the presumption, violent possibly, but nevertheless they might possibly indulge the presumption that Congress would not do a useless thing, and therefore that Congress meant that these men should be furnished with the implements with which to do the work. It is not right to expend the Government's money in the State of Kansas for this purpose unless it is going to be made a general movement, to be carried out throughout the whole country. [Applause.]

I am in favor of using convict labor on our roads, and I am willing to vote for the substitute; but I am not willing to vote for the bill, because it will entail great expense on the Government, and because it confers upon one State a favor in which the others may not participate. In answer to the gentleman from Georgia [Mr. LIVINGSTON] as to his statement that it will be no more expensive to have these men on the public roads than it is to house and feed them in the prison, I desire to say that some years ago I introduced and had passed in the legislature of Alabama a bill authorizing a certain county of that State to use its convicts on the roads. The county made an investigation, and found out that in order to do that they must furnish the equipment, a movable sort of jail or barracks of some kind, in which to shelter these men; that such equipment was very expensive; and up to this time the movement has not been begun, simply and solely because of the expense of housing the men while they are out on the road. The county hopes, however, to purchase the necessary equipment at an early date, and use the convicts as the law provides. Certainly, the contention of the gentleman from Georgia that it will be no more expensive to house these men on the road than in the penitentiary, falls to the ground when considerations of that kind are brought forward, and when we remember that we have the penitentiary, but have not the movable cages or jails.

Convicts ought not to be used in competition with men who are engaged in manufacturing, and I agree with the gentleman from Ohio in his ideas along that line, but I do say that when the Government of the United States commits itself to the policy of using the convicts on the public roads, then every State should have an even and a fair chance to get that convict labor, and to get it on a fair, square footing with every other State, whether they are fortunate enough to have a federal penitentiary within their borders or not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman——

Mr. ANTHONY. Mr. Chairman, may I inquire how much time remains on both sides?

The CHAIRMAN. The gentleman from Kansas has sixteen minutes remaining.

Mr. ANTHONY. And the other side has used all of its time?

The CHAIRMAN. The time of the gentleman from Virginia has expired. Does the gentleman from Minnesota take the floor in his own right?

Mr. MANN. Mr. Chairman, I rose for the purpose of taking the floor.

The CHAIRMAN. Does the gentleman from Kansas desire to be recognized for the remainder of his time?

Mr. ANTHONY. I desire to reserve the remainder of my time.

The CHAIRMAN. The gentleman from Kansas reserves the remainder of his time, and the gentleman from Illinois is recognized.

Mr. MANN. Mr. Chairman, it is not my intention to take very much of the time of the committee. It seems to me that the provision in section 4 of the bill providing for the authorization of the Secretary of War to make use of such available machinery as may be possessed by the Department of Agriculture is, to say the least, an unfortunate provision. We now provide an appropriation for the Office of Public Roads in the Department of Agriculture. That is for the purpose of giving education throughout the country in the main. Undoubtedly, if this act should become a law, the result would be that the Department of Agriculture would be called upon to turn over that road-making machinery to the Secretary of War until this road should be completed.

Mr. ANTHONY. Mr. Chairman, will the gentleman allow me to interrupt him for a moment?

Mr. MANN. I shall be glad to do so.

Mr. ANTHONY. For the gentleman's information I will say that the Department of Agriculture has, since this bill was drawn up, sold its road-making machinery. It has none. The only machinery it would have left now would possibly be its surveying instruments.

Mr. MANN. Then the gentleman would be glad to have that provision stricken out of the bill?

Mr. ANTHONY. Not entirely, because we still want to use the engineer department.

Mr. MANN. Well, that is the provision I am talking about. The gentleman says they have no machinery, so we do not need that provision in the bill. Now, it seems to have been a question here as to whether this bill would authorize any expenditure on the part of the Government for machinery, and it has been asserted on one side that it would cause the Government to incur obligations, and, on the other side, that it would not. I call the attention of the committee to the language of the bill, which seems to be very simple in its purpose and in its operation. Section 1 is:

That the Secretary of War be, and he is hereby, authorized and directed to take all necessary steps to utilize the labor of United States convicts in the construction of a macadam road, etc.

That is the authority to the Secretary of War, which will warrant an appropriation for that purpose, and in the sundry civil appropriation bill when it comes before the House, if this bill is enacted into law, it will be in order for my distinguished friend from Kansas to arise, if it is not already in the bill, and offer an amendment for the purpose of providing the money with which to buy the machinery in order that this labor may be utilized. The bill itself provides that by the passage of this bill no officer shall incur any obligation on the part of the Government. That is true, but with the bill a law the authority exists and undoubtedly will be made use of, and if the bill passes it should be made use of, to provide the necessary equipment in order that proper use may be made of the labor of these convicts. But, Mr. Chairman, the purpose for which I arose was to make some inquiry as to what the attitude was of the people having in charge these convicts. My distinguished friend from Kansas a little while ago corrected me on the quiet by saying the warden of the penitentiary at Leavenworth was under the War Department, and that there was no way of obtaining the opinion of the warden, but the warden of the penitentiary is not under the War Department, notwithstanding the opinion of my learned friend from Kansas——

Mr. ANTHONY. Will the gentleman permit an interruption?

Mr. MANN. Always.

Mr. ANTHONY. Now, I would like to correct the gentleman and to say——

Mr. MANN. You did it before.

Mr. ANTHONY (continuing). And to say that the officer in command of the United States prison at Leavenworth is a major and quartermaster of the United States Army and takes orders from the Secretary of War. That is the United States military prison. The gentleman possibly has in mind the United States federal prison under the Department of Justice, to which his assertion would apply, but is incorrect as applying to the United States military prison at Leavenworth.

Mr. MANN. I did not make any statement as to the United States military prison.

Mr. ANTHONY. I thought you used the words "United States military prison."

Mr. MANN. I beg the gentleman's pardon; I have not used them before until now.

Mr. ANTHONY. So the gentleman is half right.

Mr. MANN. I am not half right; I am altogether right on that particular proposition, though goodness knows I am reasonable enough to say I do not get things half right half the time. The gentleman's bill provides in section 2 for the use of prisoners available from the United States military prison, and in addition to those such prisoners as are now confined in the United States Penitentiary, Leavenworth, Kans.

The United States Penitentiary at Leavenworth, Kans., to which I referred, is under the Department of Justice. I hope the gentleman will remember that. It is easy enough in either case to obtain the opinion of the warden. Can it be possible that this House, the national legislative body, can not obtain the opinion of an officer of the Government under its control? I want to know what Major McClaughry thinks of this. He is one of the most distinguished men in this country in reference to convict labor. I would take his judgment against the judgment of anybody that I know upon this question, and yet, although that opinion would be of great value to the House, although the opinion of the Department of Justice ought to at least have been asked for, there is not a line or a suggestion that the men having charge of these prisoners have ever been asked their opinion in reference to the matter; nor were the men in charge of the military prisons asked for their opinions in reference to the matter, if we may judge by the report.

Mr. ANTHONY. I would state for the gentleman's information——

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Kansas [Mr. ANTHONY]?

Mr. MANN. Certainly.

Mr. ANTHONY. The opinion of the superior officers of these men has been asked for, the Quartermaster-General, the Chief of Staff, and the Secretary of War, covering the United States military prison.

Mr. MANN. I have great respect for the Quartermaster-General of the army, whom I regard——

Mr. ANTHONY. Will the gentleman permit me one step further?

Mr. MANN. Certainly.

Mr. ANTHONY. While I have not the written indorsement of the warden of that prison on file here, yet he has stated to me unequivocally that he thinks that would be the finest solution of the labor problem he knows of.

Mr. MANN. That has great weight with me, and I have no doubt of the statement of the gentleman from Kansas. The Quartermaster-General, when reporting upon this bill, as he was required, made no report indicating that he had asked any information from the warden or the major in charge of these prisoners, but says it would undoubtedly be desirable for military purposes, and so forth, if the labor of federal prisoners is available in this connection, and so forth, and that the cost would be small. He makes no recommendation about it.

Now, I am inclined myself to think that it is a good thing to use convict labor in building roads, but it seems to me that we are taking a rather dangerous step when we engage upon that policy without the information which we ought to have from the people in charge of these prisoners, as to whether this shall be the policy of the Government, because if we say now that we will do this, the chances are that it means that we will embark upon that policy. I do not know, but if it had to be decided now, without any chance for further consideration, and I had to decide it with what limited knowledge I have, and it is extremely limited, I would take the chance of putting these men to work building roads. I think the gentleman ought to obtain more information from the men in charge of these prisoners. It is idle to say it will not cost anything. Does the gentleman know what it cost to subsist the prisoners at Fort Leavenworth prison last year? Or does the gentleman from Georgia [Mr. LIVINGSTON] know what it cost to subsist the prisoners at Atlanta last year?

Mr. LIVINGSTON. Eleven cents per capita.

Mr. ANTHONY. Does not the gentleman admit that these prisoners would have to eat inside the walls just the same as they would outside?

Mr. MANN. Well, Mr. Chairman, it cost 10½ cents a day per prisoner to subsist the prisoners at Atlanta last year, and it cost 12.2 cents per day to subsist the prisoners at Leavenworth last year. It is perfectly safe to say that if these men go out in the open and engage in work that is worth anything they will not be subsisted for any such sum as that. No man in this country can work in the open air and live on 12.2 cents per day subsistence. And while that may not be an argument against the bill, it is an argument against the reason for passing the bill, namely, that this will not cost anything. If it is right to do it, I do not care what it costs. It is much more important in the end to determine the right thing to do for the convicts, because it is their interest in this matter that we ought to largely consider.

Mr. LIVINGSTON. Mr. Chairman, I want to suggest to the gentleman that our prisoners, up to this time, have been worked at hard work—such as cutting stone, placing stone, and the like—and they have lived on 11 cents a day.

Mr. MANN. Why, the gentleman from Georgia a little while ago was telling how the prisoners at his prison had nothing to do.

Mr. LIVINGSTON. What I said was, if they had nothing to do.

Mr. MANN. It is a terrible thing, in his opinion, because the prisoners had nothing to do.

Mr. LIVINGSTON. I did not say anything of the kind.

Mr. MANN. It would be a matter of humanity to pass this bill, so that these prisoners might have work to do.

Mr. LIVINGSTON. I did not say anything of the kind.

Mr. MANN. Well, if the gentleman does not change his remarks in the RECORD, I am willing to let it stand.

Mr. LIVINGSTON. All right. I said when they completed this work they would have nothing to do, and I repeat it.

Mr. MANN. If it is a matter long in the future, if it is a question to ascertain whether these prisoners shall have nothing to do years from now, we had better let it go until we acquire more information. If there is any pressing necessity that these prisoners shall do something, let us learn of the men in charge of these men as to what ought to be done before undertaking to pass upon it.

Mr. ANTHONY. Will the gentleman answer me a question?

Mr. MANN. I will if I can.

Mr. ANTHONY. The gentleman has doubted the wisdom of enacting this legislation on account of the insufficiency of information. I want to ask him, inasmuch as this bill leaves it to the judgment of the Secretary of War, if he would not be willing to leave the wisdom of putting it into effect with the Executive, the President of the United States, and the Secretary of War?

Mr. MANN. Well, the President of the United States nor the Secretary of War is the legislative branch of the Government. But if it were the policy——

Mr. ANTHONY. But the gentleman has just said he did not want to proceed on this because there was no direct recommendation from the War Department.

Mr. MANN. If my distinguished friend, asking a question, will permit me to answer, I will be greatly obliged to him. Neither the President of the United States nor the Secretary of War constitutes the legislative branch of the Government. It is for us to determine what our policy shall be in reference to our convicts. It is not the duty of the Secretary of War to determine that policy; and while we ought to obtain his opinion before we act concerning men under his control, it would be idle to say we will leave it to him to determine whether he enforce the acts of Congress. Have we gotten to the point where, when passing acts of Congress, we shall leave it to the Secretary of War or anybody else to determine whether those acts shall be enforced or not? If this bill passes, it ought to be, and I believe will be, the duty of the Secretary of War to enforce it. It would be nonsense to pass it on any other terms.

Mr. ANTHONY. Mr. Chairman, I simply want to say for the gentleman's information I believe, as the law exists now, the Secretary of War has absolute power to say what those prisoners shall do so long as they stay on the military reservation. In the past the Secretary of War has abolished convict labor in the production of articles which came in conflict and competition with free labor; and I believe that course will be pursued also in this case. And it is because we believed he will pursue the same course we felt that was the proper procedure that has brought us in here.

Mr. MANN. The gentleman assumes that the Secretary has now the power.

Mr. ANTHONY. He has not the power to work them off the reservation, but he has the power to do anything he pleases with them on the reservation.

Mr. MANN. The fact that the men in charge of these prisoners ask for authority to control them, I assume, is a confession that in their minds they have not the power they think they ought to have. I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I have listened with a great deal of interest, as I am sure all the Members of the House have, to the discussion of this bill. No one who has listened

to the debate can have overlooked the fact that every man who has opposed the bill is opposed to it with a reservation that he is in favor of the use of convict labor in the construction of roads.

Mr. GARRETT. I hope the gentleman will exclude me from that class.

Mr. LIVINGSTON. Provided it is done in his section and in his State.

Mr. CAMPBELL. I will modify the statement by excepting the gentleman from Tennessee.

In one instant gentlemen are opposed to the bill only because the head of some department does not unqualifiedly indorse it, and being reminded that the responsibility is upon us to outline and lay out such a policy, they give some other equally untenable reason for opposing the bill. Now, there are few men here who do not believe that the solution of the prison-labor problem is to use it upon the public highways. I doubt if there are many men in this House who have not so stated on the hustings to their constituents.

Mr. COCKS of New York. I have not.

Mr. CAMPBELL. There are few prison reformers in the United States who have not at some time advocated the use of prison labor upon the highways and given many reasons for it. The letter read here by my colleague [Mr. ANTHONY] from the warden of the Kansas State Penitentiary is illuminating upon that question. This policy has made the convicts in the Kansas prison model prisoners. They seek an opportunity and court the favor of the warden, with a view of getting outside of the walls of the prison, wearing overalls and broad-brimmed hats, working on the highways. The letter states that these prisoners are not shackled and are under a guard who is unarmed. It seems that no one can state a substantial objection to using labor of this character in the construction of public highways. Prisoners must work at something. They should not compete with labor in manufacture or mining. I think most of the gentlemen who have opposed the bill would be willing to concede that, but they are not in favor of this particular proposition, because the warden of the penitentiary has not stated that it was a good thing and because the Secretary of War only says that it is a good thing, but does not state it is a military necessity.

The fact is that the War Department has given as much of an indorsement to this bill as it is proper for any department to give as to the passage of any act by this House. The War Department was not called upon for a policy as to the use of prison labor, but for the particular plan of using the prison labor in the penitentiary at Leavenworth, Kans., on a road between Fort Leavenworth and Fort Riley, and they unqualifiedly commit themselves to the proposition that it is their opinion that it would be a proper way to use that labor.

Many men who have opposed this bill shrink from it because it may entail a small expense. I do not agree with the construction that has been placed on sections 1 and 2 of the bill by the gentleman from Texas [Mr. SLAYDEN] nor by the gentleman from Virginia [Mr. HAY]. Plainly those sections do not authorize the purchase of machinery or equipment, limited as they are by section 8. Sections 1, 2, and 8 must be construed together. For myself I will say that I would not shy from the proposition if it provided for even a considerable expense. I can think of few, if any, better purposes to which we could put money than to provide for good roads with it.

Mr. MARTIN of South Dakota. On that subject I should like to have the view of the gentleman from Kansas. It seems to me quite apparent that it is one thing to take care of prisoners in a government penitentiary and quite a different thing to work them upon a road 5, 10, or 15 miles from that penitentiary. The first section here authorizes the Secretary of War to take all necessary steps to utilize the labor of United States convicts. In view of what the gentleman has just stated, I should like to ask him whether that would not authorize the Secretary of War to provide temporary equipment, consisting of guardhouses, tents, and the paraphernalia for keeping men in the field for the purpose of working them at long distances from the penitentiary?

Mr. CAMPBELL. I am not familiar with the details of what would be necessary in using prisoners at long distances from the penitentiary. I do not know how they should be housed, but I take it that it will add but little to the expense of keeping the prisoners—to feed and house them out on the work. They have guards day and night in the penitentiary. The War Department has tents. It has camp equipment, and can use its tents and camp equipment, and the guards that are used at the penitentiary can be used to guard the prisoners out on the highway.

Mr. MARTIN of South Dakota. Whatever may be necessary in order properly and economically to use that labor at long distances from the penitentiary the Secretary of War will undoubtedly have authority to provide under this bill.

Mr. CAMPBELL. I think so.

Mr. MARTIN of South Dakota. So that whatever theory may have been advanced here that this would not entail any expense in equipment is hardly justified in face of the language of that section.

Mr. CAMPBELL. I do not think the War Department under any authority conferred by this bill could purchase tents or camp equipment; but it would not be necessary to do that, for, as I have stated, the department has tents and camp equipment now.

Mr. MARTIN of South Dakota. Certainly, without some modifying language the Secretary of War could take all necessary steps to use this labor.

Mr. CAMPBELL. But, as I say, sections 1 and 2 must be construed in connection with section 8, which provides that no property may be acquired under this bill.

Mr. MARTIN of South Dakota. That language is ambiguous, and taking the two together it raises quite a doubt as to the meaning of the act. It seems to me that authority is given, taking the whole subject together, and certainly would form the basis of an appropriation covering the whole question of equipment.

Mr. CAMPBELL. Section 8 says:

> Nothing herein contained shall confer on any officer of the United States, or any other person or persons, any authority to incur any obligation on the part of the United States for the acquirement of property, the purchase of material, or the maintenance of said highway.

Mr. MARTIN of South Dakota. That language as to incurring obligations is somewhat ambiguous. It would probably mean incurring obligations in the future, but in connection with the first section it would leave great doubt as to whether the Secretary of War is not authorized to take the necessary steps looking to the furnishing of this equipment.

Mr. ANTHONY. Mr. Chairman, I would like to make a suggestion, that we close debate at 5 o'clock.

Mr. PAYNE. And I would like five minutes of that time.

Mr. HAY. The gentleman means to close general debate?

Mr. ANTHONY. To close general debate at 5 o'clock and proceed with the reading of the bill. I will make that motion, Mr. Chairman.

The CHAIRMAN. That motion is not in order in Committee of the Whole. The gentleman from Kansas has the floor in his own right.

Mr. CAMPBELL. Mr. Chairman, some one at some time, and at some place, must begin this kind of work with prison labor, if it is to be undertaken at all, and undoubtedly it should be undertaken. It must commence in Georgia, or in Kansas, or in Texas, or in Iowa, or in New York. It so happens that the most favorable place to-day for the use of convict labor under the control of the United States is within the State of Kansas.

Mr. NORRIS. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. NORRIS. Will the gentleman agree to accept the amendment of the gentleman from Virginia giving authority in a general way to the Secretary of War?

Mr. CAMPBELL. I am not in charge of this bill.

Mr. NORRIS. Will the gentleman favor that amendment? I will remind the gentleman that if Kansas is the most favorable place in the United States to do the work, he would not run any risk in accepting the substitute, because it is fair to say that the Secretary of War would have to take that place.

Mr. CAMPBELL. If the substitute should be adopted, would the gentleman from Nebraska vote for the bill?

Mr. NORRIS. Yes.

Mr. CAMPBELL. I want to see a few miles of good road made in the United States by prison labor, to demonstrate the wisdom and usefulness of that way of employing convict labor, and I do not care much where the work begins.

Mr. NORRIS. Well, that would do it.

Mr. CAMPBELL. I submit, Mr. Chairman, to the Members of the House that we have rarely had an opportunity in this Congress to do a wiser or a better thing for the whole country than to start this policy by utilizing the prison labor under the control of the United States Government in road making.

Mr. GARRETT. Will the gentleman yield?

Mr. CAMPBELL. Certainly.

Mr. GARRETT. What legal right has the Government to build a road in any way unless it is a post-road or a military necessity?

Mr. CAMPBELL. What legal right has the Government of the United States to expend a dollar for the suppression or extinction of the boll weevil?

Mr. GARRETT. I do not know. [Laughter.]

Mr. CAMPBELL. What constitutional right has the Government to spend a dollar to make any part of the Mississippi River navigable?

Mr. GARRETT. That is a very different proposition, where it is navigable.

Mr. CAMPBELL. Well, where it is not navigable?

Mr. GARRETT. Where it is not navigable it can be made navigable.

Mr. CAMPBELL. It can by appropriating enough money.

Mr. GARRETT. Does the gentleman from Kansas say that the Government has no right to spend money for suppression of the boll weevil?

Mr. CAMPBELL. Whether we have the right or not, we have been doing it, and on the urgent request of gentlemen on that side of the aisle.

Mr. GARRETT. The gentleman asked me, and I answered him. Now, what does the gentleman think about it?

Mr. CAMPBELL. The gentleman from Tennessee said that he did not know. I say I do not think the Constitution ever contemplated the expenditure of a single dollar for the suppression of the boll weevil. [Laughter.]

Mr. GARNER of Texas. Did the gentleman vote for it?

Mr. CAMPBELL. Yes; I thought it necessary.

Mr. GARRETT. Does the gentleman think two wrongs will make a right?

Mr. CAMPBELL. Oh, no; but it is too late to impose a constitutional inhibition to appropriations of that kind, or to say there is want of constitutional authority to do something for which there appears to be a public possible necessity.

Mr. Chairman, in further answer to the gentleman from Tennessee [Mr. GARRETT], let me say, the Government of the United States, under the Constitution, has always responded to the necessities of the conditions that arise. I like that feature of the Constitution. It responds to our necessities. There has never been a great necessity or occasion for action where the Constitution has stood in the way of whatever action was necessary for the common welfare.

Gentlemen here contend or admit that we have a right under the Constitution to make nonnavigable streams navigable and to dig canals, and no one will now say that there is no warrant for doing such work under the Constitution.

Mindful of the public welfare, we make appropriations for these purposes wherever it has been thought wise to do so. But I want to remind gentlemen that the commerce carried on the public highways is far greater than the commerce carried upon the navigable rivers of the country, whether they are naturally navigable or have been made so by the expenditure of money by the Government.

No one will question that the commerce of the country, great as it is, is first transported on the public highways, whether the roads are good or bad. This is particularly true of the products of agriculture, of mines, and of forests. We have in the run of the years appropriated over $500,000,000 for the improvement of our rivers and harbors. We are spending anywhere from three hundred and seventy-five to five hundred millions on the Isthmian Canal, all to carry a commerce that must first be taken from the point of production to these avenues and instruments of transportation.

In the single year of 1906, which is the only one for which I have the figures, it cost, in round numbers, $1,000,000,000 to carry the products of the country to the shipping points from the points where they were produced and only $700,000,000 for carrying them from the shipping point to the point of consumption. The average cost of transporting a ton a mile over our dirt roads in the United States is 25 cents per ton, while in European countries it is from 10 to 12 cents per ton over their macadam roads.

It having cost us a billion of dollars in one year to take our products to shipping points over our dirt roads, at 25 cents per ton, it is easy to see that if we reduced the cost of hauling on dirt roads from 25 cents to 10 or 12 cents per ton on macadam roads, that we would save $500,000,000 annually of this primary cost in our commerce, and this, too, without depriving anyone of work or doing anyone an injury.

When we pay $500,000,000 or $800,000,000 to the railways for transportation, the money is paid to labor for doing office work and handling trains and purchasing material and keeping up tracks and paying taxes and dividends, but of that more than $1,000,000,000 that it costs to haul our products to the railroad stations or other shipping points over dirt roads more than one-half is waste. The loss of time, wear, and tear on horses and other draft animals, and on wagons and harness, is an element of waste; and yet Members on this floor shirk from embarking on a policy which it is confidently hoped, if pursued, will finally result in making many miles of good road, and the principal excuse given is that it would cost something extra to feed the prisoners and to give them shelter while they are doing the work.

Mr. Chairman, I hope to live to see the day in this House when we shall as cheerfully appropriate money to aid in the making of good roads throughout the country as we do now for improving rivers and harbors and to make an interoceanic canal.

I believe there is ample constitutional warrant for national aid in the improvement of our highways. We have clear constitutional warrant for the construction of military and post-roads. The railroads of the country make military roads no longer a military necessity, but we to-day have a greater necessity for post-roads than ever before in the history of the country. Almost every highway throughout the country is used daily by mail carriers carrying the United States mail to the people living along these roadways.

On March 14, 1818, a resolution was adopted in this House declaring that the House has power under the Constitution to appropriate money for the construction of post-roads.

There is a clear grant of such authority.

There were great lawyers in that House—as great constitutional lawyers as there are here to-day. In 1818 Henry Clay said, speaking on the question of good roads to be built by the Government:

> Of all the modes in which a government can employ its surplus revenue, none is more permanently beneficial than that of internal improvement. Fixed to the soil, it becomes a durable part of the land itself, diffusing comfort and activity and animation on all sides. The first direct effect is on the agricultural community, into whose pockets comes the difference in the expense of transportation between good and bad ways. Thus if the price of transporting a barrel of flour by the erection of the Cumberland trunpike should be lessened $2, the producer of the article would receive that $2 more now than formerly.

John C. Calhoun in 1817, and he claimed always to adhere to the Constitution, said:

> Let it not be said that internal improvements may be wholly left to the enterprise of the State and of individuals. I know that much may justly be expected to be done by them; but in a country so new and so extensive as ours, there is room enough for all the general and state governments and individuals to exert their resources. Many of the improvements contemplated are on too great a scale for the resources of States or of individuals, and many of such a nature that the rival jealousy of the State, if left alone, might prevent. They require the resources and general superintendence of the Government to effect and complete them.
>
> But there are higher and more powerful considerations why Congress should take charge of this subject. If we were only to consider the pecuniary advantages of a good system of roads and canals it might indeed admit of some doubt whether they ought not to be left alone wholly to individual exertion, but when we come to consider how intimately the strength and political prosperity of the Republic are connected with this subject, we find the most urgent reasons why we should apply our resources to them. Good roads and canals, judiciously laid out, are the proper remedy. Let us, then, bind the Republic together with a perfect system of roads and canals.

Cooley, in his Constitutional Law (and it is directly to the point)—it was uttered before we had rural mail routes on practically all the highways of the country—says:

> Every road within a State, including railroads, canals, turnpikes, and navigable streams, existing or created within a State, becomes a post-road whenever, by the action of the Post-Office Department, provision is made for the transportation of the mails upon or over it.

So I say, Mr. Chairman, if we are embarking by this bill on a broader and more comprehensive plan than is apparent on the face of it I would not shrink from it. In this bill we are only seeking to authorize the use of the prison labor under control of the United States authorities in the construction of a road between two military posts.

Gentlemen say that it will establish a precedent. If it does so, it will be a precedent which it will not be unwise to follow if it leads to the construction of good roads for the use of our people.

There are few, if any, public improvements that could be undertaken that would benefit so many of the people. Good roads would add to the attractiveness of farm life more than any other one thing. It is too much of an undertaking for the local communities. The State and National Government will have to lend every possible aid. We can begin by using the prisoners under the control of the United States, and after we have show the wisdom of that step we can take another.

Mr. HOBSON. Mr. Chairman, I believe there is a way, if the gentleman will permit me, under which the Constitution of the United States could respond in this instance.

Mr. MANN. Is this war with Japan? [Laughter.]

Mr. HOBSON. When the amendment of the gentleman from Virginia is offered I shall offer an amendment which I believe

will clear up all constitutional difficulties, and with the permission of the gentleman from Kansas I will ask unanimous consent that the Clerk read the amendment for the information of the committee.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that his amendment be read for the information of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

Provided, That such convict labor shall not be employed in the construction of any road until the plans for such road have been submitted to and approved by the Secretary of War, as promoting the military or postal service of the United States, nor shall such employment exceed in any case the equivalent of one-half of the total cost of construction.

Mr. HOBSON. Will the gentleman from Kansas yield to me five minutes that I may explain what the amendment is?

Mr. CAMPBELL. I yield five minutes to the gentleman from Alabama.

Mr. HOBSON. Mr. Chairman, this amendment would remove the constitutional difficulty in the way.

Mr. SHACKLEFORD. Mr. Chairman, I believe it has been conceded by the advocates of this measure that there is no military necessity for this road, nor would this promote the postal functions of the Government.

Mr. HOBSON. Then, Mr. Chairman, if that were the case, the Secretary of War could not approve the plans, and the road would never be built; it would be left, as in all other cases, to be settled entirely on its merits, and held within constitutional limitations. A further reason why I offer this amendment is that, so amended, this measure would be a starting point for inaugurating a legitimate and wise national policy of cooperation in road building.

The railroads of the country have the incentive of remuneration to insure private enterprise in their development. This incentive is lacking for the highways. The great development of railroad systems is one of our greatest causes of prosperity, and the backward condition of our highways constitutes the greatest economic burden and loss that the Nation now sustains. Of course the roads are of prime concern to the communities and the States, but they are also interstate and national in their benefits. The roads of Alabama ought to fit into the roads of Tennessee on the north, the roads of Georgia on the east, the roads of Mississippi on the west, and of Florida on the south, as the railroads do, and the whole highway system of America ought to be constructed according to some agreed plan.

Mr. LIVINGSTON. Does not the Constitution now give Congress the right to build post-roads, rural-carrier routes, if you please, or anything else of the kind?

Mr. HOBSON. It certainly does.

Mr. LIVINGSTON. Then what do we want with your amendment?

Mr. HOBSON. The amendment is to have the Secretary of War verify that a road is for a constitutional purpose before the Government takes part in its construction. The time ought to be hastened when the United States Government shall provide a plan to systematize the development of the roads of the United States.

A survey ought to be made by the Government to determine the highway chart or plan, showing the natural development of roads connecting the centers and areas of production with the centers and areas of consumption, connecting the centers of population, taking advantage of the topography of the country. There would be natural trunk lines like trunk lines of railroads. Doubtless a series of them would extend from the Great Lakes to the Gulf; another series from the Mississippi to the two oceans. The state roads and county roads and local roads would be natural feeders to these trunk lines, and where adaptable would be turned into parts of the trunk lines. After the general survey is made, then the detailed surveys could be made, and then each county, each State, and the whole United States would have a rational plan toward which to work, all plans being part of the whole plan. Then the Government would have a rational basis upon which to cooperate with the States in developing roads when they would promote the military and postal service. In no case do I think the Government ought to bear more than half the total expense. Under the present bill as amended the Government could only pass upon plans submitted in each case by the state authorities.

Ere long, through cooperation of the Geological Survey, the Bureau of Public Roads, and the War Department, and through the establishment of a national highway survey, the national plans could be developed, and then the people in all their organizations, public and private, local, state, and national, could cooperate throughout the whole land and proceed in a systematic, scientific, and economical way to strengthen the weakest link in our American civilization.

At first sight the cost might appear large, but it would be one of the best investments the people could make. The cost would be small compared to the staggering loss now being borne on account of bad roads. The isolation of the farm would gradually disappear. All rural values would be enhanced. Then we could partially turn the current that has been setting so heavily toward the cities back to the farm.

Of course, Mr. Chairman, this measure, as perfected, could at best only be a first indirect step. But it would be a step, and if it can be perfected, I hope it will be passed.

Mr. CAMPBELL. I reserve the balance of my time.

Mr. PAYNE. Mr. Chairman, unfortunately there is a penitentiary located in the town in which I live——

Mr. BUTLER. I think that is a good thing.

Mr. PAYNE (continuing). Which belongs to the State of New York—no; the people there do not need it. About ten years ago the State of New York thought they would try the experiment of utilizing convict labor in making roads. They built a road, I think, about a mile in length within 2 miles of the location of the state prison and employed convict labor so far as they could utilize it; but, of course, they had to hire the teams and men to run the teams, and they had to prepare the material and draw it to the road, perhaps a distance of 2 or 3 miles, and in the course of a summer of considerable effort they had about a mile of the road built. I do not remember the exact figures that it cost the State, outside of the free convict labor that they used, to build this road. However, it was several thousand dollars, and if my memory is correct it cost something over $7,000 to build this mile of road.

It was a pretty good road, almost as good as the roads that we are building now and called "state roads," some of which cost, including the entire expense of labor, wagons, and all, from $5,000 to $8,000 a mile. They build still better roads that cost from $10,000 to $12,000 a mile in our State now—these state roads. The result of it was that the State of New York was too wise to go on with that experiment and, so far as I know, they have never built a rod of road since in that way, as it was too expensive and they could not afford it. The plan by which the State now operates is, the State pays half the expense of the road which they may adopt and the county 35 per cent and the towns 15 per cent. Under this plan we are building roads as cheaply as we built them before with the convict labor thrown in. It did not pay and it will not pay the Government of the United States to build a road which they can legitimately build anywhere in the United States.

Mr. LIVINGSTON. We have learned a good deal more since then.

Mr. PAYNE. I do not wonder, Mr. Chairman, when we are contemplating that this Government shall build a road 125 miles in length——

Mr. NORRIS. Ninety miles.

Mr. PAYNE. Well, ninety, which is long enough where the United States has no business to build a road, that it engenders a sort of Colonel Sellers feeling in the mind of the eminent gentleman from Alabama, who sees golden dreams and visions of roads built all over the United States, a grand central road somewhere, to be followed by roads in every State and everywhere, built in the United States, where post-roads never did exist.

I do not know whether he proposes any national highway across the Pacific Ocean to protect us from the murderous Japs or not.

Mr. HOBSON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from New York [Mr. PAYNE] yield to the gentleman from Alabama [Mr. HOBSON]?

Mr. PAYNE. Let me finish this sentence. I presume that must have been in his visions and dreams at the same time he was expanding these roads all over the United States. And yet, Mr. Chairman, right here is a warning to the gentlemen who must act upon this proposition. This is the way all precedents are made. They come in here with a proposition—and we have a good many smooth-tongued orators who are even capable with their oratory to wipe out with a breath any proposition in the Constitution of the United States——

Mr. HOBSON. Mr. Chairman——

Mr. PAYNE. Who could create material without the cost of a penny; who could gather in teams and drivers and machinery without any cost to the Treasury of the United States; and when you talk to them about the cost they say the Secretary of War can furnish tents and house these convicts when they go a few miles from the penitentiary, and it does not cost anything to guard them, because they need fewer guards

on the outside of the walls than within. That was not the experience at Auburn with the state road, which is both outside and inside of the city limits. They had to have more guards and more people, and we have a pretty respectable class of prisoners there, that come to us from the surrounding towns of Syracuse, Rochester, Buffalo, and the western part of the State of New York. They are a pretty respectable class, and still we had to have additional guards.

Now, just then we did not have any particular business for the convicts to do. They had gotten rid of the contract system by a vote of the people of the State, and we were looking around for work for the convicts. After we had gotten through with the road proposition by a mile of experiment we did not try that business any more. We tried another way to employ them, and to employ them in the state prison.

And we are building our roads by free, honest labor of the citizens of the State of New York. We are building good roads, we are building them at moderate expense on contracts, and we are getting in the way of keeping them in repair, and we are going to have roads all over the State independent of asking the Treasury of the United States and the Congress of the United States to lay aside the Constitution and build roads. Kansas asks for a road a hundred miles in length, because one end of it comes somewhere near a federal prison.

Now, if the gentleman from Alabama [Mr. HOBSON] will give me his attention I will be glad to hear from him.

Mr. HOBSON. Mr. Chairman, I merely interrupted the gentleman because of his interpretation of what I had said and of my position, and it is clear that the gentleman did not hear the whole of the amendment that I offered, because the latter part of it restricted the Government's cooperation to not exceed one-half of the equivalent of the cost of construction, which implied, of course——

Mr. PAYNE. One-half would ruin the United States Treasury. Ten per cent of it would cost more than your war with Japan will cost in a thousand years. [Laughter.]

Mr. HOBSON. I would say to the gentleman that, if he puts that out, it will probably result in a small portion of good to the country that would result in an expenditure that would escape war with Japan.

Mr. PAYNE. The gentleman is always spending money from the Treasury. It does not cost him a cent. We spend the money in the United States Treasury always for the old flag and the appropriation. Now, he wants more battle ships; he wants to crowd our shipyards with them in order to prevent a war with Japan, and all the time he goes around the country talking about a war with Japan, trying to bring it on, or else creating a scare in order to force Congress into building a lot of battle ships for the sake of preventing a war with Japan. [Laughter.] And so, when this good-roads proposition comes up—the penitentiary road proposition—he immediately seizes on the occasion, and in his fertile imagination he sees these roads built all over the great area of the United States, illimitable almost in extent, and built out of the National Treasury. I do not know what proposition will come up here next, but if the gentleman from Alabama [Mr. HOBSON] happens to be here with his fertile imagination, he will start another chance to spend the money of the taxpayers of the United States by the thousands of millions in order to build something of great national importance after we have exhausted the Treasury with war ships or to build good roads. Oh, deliver the country from the fertile imagination of the gentleman who comes here from Alabama! [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman, I would like to ask the gentleman from Kansas if he intends to go on with the debate and finish this bill this afternoon, or whether——

Mr. ANTHONY. I hope the House will proceed with the second reading of the bill and dispose of it. There has been a lot of time unnecessarily wasted. I think in justice to the measure we ought to vote on it to-night. [Cries of "Vote!" "Vote!" and "Read!"]

Mr. UNDERWOOD. Mr. Chairman, I am perfectly willing, if the House does not want to go on with the debate, but to go home, that the committee rise and not take any further time in debate this afternoon; but I do not propose to have this important measure passed without having finished what I wish to say on the bill, which will probably take an hour. But in order to let the House go home, I think I will move the committee rise and report the bill to the House with the report that it has come to no resolution thereon; and then next Wednesday the gentleman can take it up and consider it in very much better form than to-night. I therefore move that the committee rise.

The CHAIRMAN. The gentleman from Alabama moves that the committee rise.

The question was taken, and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14547) providing for a military highway between Forts Riley and Leavenworth, Kans., and had come to no resolution thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 22643) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (No. 715), ordered to be printed.

Mr. LIVINGSTON. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Georgia reserves all points of order on the bill.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that H. R. 18162, the agricultural appropriation bill, be taken from the Speaker's table, that the House disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Kansas, chairman of the Committee on Agriculture, asks unanimous consent to take from the Speaker's table the agricultural appropriation bill with Senate amendments, to disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees: Mr. SCOTT, Mr. COCKS of New York, and Mr. LAMB.

CERTIFICATE TO PRINT PHOTOGRAPH.

The SPEAKER laid before the House a certificate to print one photograph in House Document No. 720, Dunkirk Harbor, New York.

The SPEAKER. Is there objection to the order to print the lithograph?

Mr. MANN. Is that a report from the War Department, from the engineer's office?

The SPEAKER. It is a report from the War Department, and this is to print a lithograph. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO EXTEND REMARKS.

Mr. ANTHONY. Mr. Speaker, I would like to ask unanimous consent that gentlemen who may so desire may extend their remarks in the RECORD in regard to the bill for the construction of a highway between Forts Riley and Leavenworth, Kans.

The SPEAKER. The gentleman asks unanimous consent that gentlemen may have leave to extend remarks in the RECORD upon the bill for the construction of a highway between Forts Riley and Leavenworth, Kans.

Mr. MANN. Mr. Speaker, does the gentleman mean those who have spoken; and if so, for how long a time?

Mr. ANTHONY. Those who desire, and for any reasonable time.

Mr. MANN. Well, I do not agree to a "reasonable" time. Say for five days. The gentleman ought to make the request that those who have spoken may have leave to extend for five days.

The SPEAKER. Does the gentleman so modify his request?

Mr. ANTHONY. I do.

Mr. CLARK of Missouri. Is this request limited to remarks on this bill for the construction of the road?

Mr. ANTHONY. It is.

Mr. CLARK of Missouri. Then I have no objection.

The SPEAKER. The Chair hears no objection.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Interior, transmitting draft of proposed legislation in relation to cutting timber on Indian reservations (H. Doc. No. 762)—to the Committee on Indian Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting a reply to the inquiry of the House as to prices paid for certain supplies (H. Doc. No. 763)—to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the Acting Secretary of Commerce and Labor, transmitting a draft of proposed legislation relating to the site of North Point Light Station, Wisconsin (H. Doc. No. 764)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for examination of laws relating to commitments to the Government Hospital for the Insane (H. Doc. No. 765)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 226) to amend an act entitled "An act to divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district," reported the same with amendment, accompanied by a report (No. 713), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8913) to provide for the time and places for holding of the regular terms of the United States circuit and district courts for the western district of the State of Oklahoma, and for other purposes, reported the same with amendment, accompanied by a report (No. 714), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HOLLINGSWORTH, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 22621) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 711), which said bill and report were referred to the Private Calendar.

Mr. WHEELER, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 22637) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 712), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 22203) for the relief of Dr. W. S. Hosack, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAYNARD: A bill (H. R. 22622) to provide for acquirement by purchase or by condemnation of lands at Cape Henry, Virginia, for the purpose of fortification and coast defense—to the Committee on Appropriations.

By Mr. HENRY W. PALMER: A bill (H. R. 22623) providing for the erection of a public building at Pittston, Pa., and appropriating moneys therefor—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22624) providing for the erection of a public building at Plymouth, Pa., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22625) providing for the erection of a public building at Nanticoke, Pa., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. UNDERWOOD: A bill (H. R. 22626) to acquire a suitable site at Birmingham, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS: A bill (H. R. 22627) to construct bridges over the Rio Grande River, one at Isleta and one at San Felipe, for the benefit of the Pueblo Indians in New Mexico—to the Committee on Appropriations.

By Mr. COUDREY: A bill (H. R. 22628) describing the meaning of robbery and prescribing the punishment therefor in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 22629) amending the laws relative to the admission of federal soldiers to the various branches of the National Soldiers' Home—to the Committee on Military Affairs.

By Mr. BOWERS: A bill (H. R. 22630) to provide for holding terms of United States courts at Hattiesburg, Miss.—to the Committee on the Judiciary.

By Mr. GRONNA: A bill (H. R. 22631) providing for the classification, care, and disposal of the public lands of the United States—to the Committee on the Public Lands.

Also, a bill (H. R. 22632) to provide for the classification of the public lands of the United States—to the Committee on the Public Lands.

By Mr. LANGLEY: A bill (H. R. 22633) granting increase of pension to soldiers and sailors of the late war in certain cases—to the Committee on Invalid Pensions.

By Mr. GARNER of Pennsylvania: A bill (H. R. 22634) placing an export tariff duty on all food animals, whether live or dressed, for a period of two years—to the Committee on Ways and Means.

By Mr. KALANIANAOLE: A bill (H. R. 22635) to ratify an act of the legislature of the Territory of Hawaii, authorizing W. A. Wall, his associates and assigns to construct and operate a railroad on the island of Hawaii, Territory of Hawaii—to the Committee on the Territories.

By Mr. ESTOPINAL: A bill (H. R. 22636) increasing the limit of the cost of construction of the court-house and post-office building at New Orleans—to the Committee on Public Buildings and Grounds.

By Mr. CREAGER: A bill (H. R. 22638) to provide for the construction of a road from the former site of Fort Gibson, Okla., to the national cemetery—to the Committee on Military Affairs.

By Mr. KELIHER: A bill (H. R. 22639) providing promotions for clerks and carriers in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 22640) to provide the rate of pay for substitute letter carriers in post-offices of the first and second classes—to the Committee on the Post-Office and Post-Roads.

By Mr. ANDREWS: A bill (H. R. 22641) providing for the completion of a public building at Albuquerque, N. Mex.—to the Committee on Public Buildings and Grounds.

By Mr. HANNA: A bill (H. R. 22642) to authorize the Secretary of the Interior to sell a portion of the unallotted lands in the Cheyenne Indian Reservation in South Dakota to the Milwaukee Land Company for town site purposes—to the Committee on Indian Affairs.

By Mr. McCREDIE: Joint resolution (H. J. Res. 167) authorizing an investigation into the facts and circumstances attending the death of Lieut. James N. Sutton at the United States Naval Academy at Annapolis, Md., on the 13th day of October, 1907—to the Committee on Rules.

By Mr. FLOOD of Virginia: Memorial of the legislature of Virginia, for ascertainment of number of acres of unproductive land in Virginia—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 22644) granting an increase of pension to Aaron B. Hoffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22645) granting an increase of pension to Joshua Covell—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 22646) granting an increase of pension to David J. Jones—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 22647) granting a pension to Sally B. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22648) granting an increase of pension to Andrew J. Yeakey—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 22649) granting an increase of pension to Samuel M. Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22650) granting an increase of pension to Doctor H. Byons—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 22651) granting a pension to Ole Miller—to the Committee on Pensions.

By Mr. COUDREY: A bill (H. R. 22652) correcting the hospital record of Edward J. Wehrle—to the Committee on Military Affairs.

By Mr. CRAVENS: A bill (H. R. 22653) granting an increase of pension to Albert Hawkins—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 22654) granting an increase of pension to James Taylor—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 22655) granting an increase of pension to Melvina W. Smith—to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 22656) granting an increase of pension to W. L. Gouldin—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 22657) granting an increase of pension to John A. Gates—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22658) granting an increase of pension to David Secrest—to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 22659) granting an increase of pension to Ephraim E. Blake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22660) granting an increase of pension to William Dolan—to the Committee on Invalid Pensions.

By Mr. GARNER of Pennsylvania: A bill (H. R. 22661) granting an increase of pension to Margaret L. Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22662) granting an increase of pension to Andrew Gallagan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22663) granting an increase of pension to George E. Koch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22664) granting an increase of pension to Robert M. McCormick—to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 22665) granting an increase of pension to Adam Kimbrough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22666) granting an increase of pension to John Hayes—to the Committee on Invalid Pensions.

By Mr. KRONMILLER: A bill (H. R. 22667) granting an increase of pension to George W. Shawgo—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 22668) granting an increase of pension to Louisa Duncan—to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 22669) granting an increase of pension to Samuel Stillwell—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 22670) granting a pension to Henrietta B. Rogers—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 22671) granting an increase of pension to James R. Johnson—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 22672) granting a pension to Fritz Lutz—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 22673) granting an increase of pension to Frederick Brown—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 22674) granting an increase of pension to James Singleton—to the Committee on Pensions.

By Mr. WANGER: A bill (H. R. 22675) granting an increase of pension to Samuel D. Tarrence—to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 22676) granting an increase of pension to John Shelt—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22677) for the relief of John F. Rudd—to the Committee on Military Affairs.

By Mr. McKINLEY of Illinois: A bill (H. R. 22678) granting an increase of pension to Martilus Hill—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Men's League of the Fifth Baptist Church, Washington, D. C., favoring Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

Also, paper to accompany bill for relief of Margaret Hoak—to the Committee on Invalid Pensions.

Also, petition of George W. Rugg, of Newark, Ohio, favoring the ex-prisoners of war pension bill (H. R. 1342)—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Robert W. Smith—to the Committee on War Claims.

By Mr. BENNET of New York: Paper to accompany bill for relief of Harry Simmons—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Petition of Downtown Taxpayers' Association for an eight-hour law on government works—to the Committee on Labor.

Also, petition of H. Lee Sellers, of New York City, for a telepost office in Washington, D. C.—to the Committee on the District of Columbia.

Also, petition of Men's League of Fifth Baptist Church, Washington, D. C., for the Sunday rest bill (S. 404)—to the Committee on the District of Columbia.

By Mr. BURLEIGH: Petition of Margaret Goff Moore Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of Alex. Markowski, in behalf of St. Casimir Society, No. 708, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. COUDREY: Paper to accompany bill for the relief of Edw. J. Wehrle—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of executive board of Pittsburg (Pa.) Chapter, Daughters of the American Revolution, for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of New York Produce Exchange, against Senate bill 5106, that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Paper to accompany bill for relief of Charles Jackson—to the Committee on Invalid Pensions.

Also, petition of the Tilden Club of Brooklyn, N. Y., favoring the building of one battle ship at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FLOOD of Virginia: Petition of State Dairymen's Association of Virginia, against repeal of the oleomargarine law—to the Committee on Agriculture.

By Mr. FLOYD of Arkansas: Petition of citizens of Newton County, Ark., for House bill 20683, to abolish the Ozark Reserve—to the Committee on the Public Lands.

Also, paper to accompany bill for relief of J. W. Freeman—to the Committee on Claims.

Also, paper to accompany bill for relief of John A. Gates—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Marine Association of the Port of New York, in favor of detailing at least one naval officer at each branch hydrographic office in the country—to the Committee on Appropriations.

Also, petition of Alexander Hamilton Post, No. 182, against acceptance of statue of Gen. R. E. Lee for Statuary Hall—to the Committee on the Library.

Also, petition of W. W. Parkinson, favoring House bill 20162—to the Committee on Labor.

Also, petition of New York Produce Exchange, against Senate bill 5106 and House bill 17536, relative to port-to-port rates on steamships—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rogers, Peet & Co., against the Moon bill (H. R. 21334), regulating the granting of restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. FOSS: Petition of the Neighbors Club, Kenilworth, Ill., favoring Senate bill 423 and House bill 3654, relative to national child-labor bureau in Washington, D. C.—to the Committee on Labor.

Also, petition of the Illinois Society, Sons of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Harris & Reed Manufacturing Company, of Chicago, Ill., opposing the passage of the Moon

bill (H. R. 21334), regulating the granting of restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. GOULDEN: Petition of Augustus Johnson, of New York City, against the Moon bill (H. R. 21334), regulating the granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of Men's League of the Fifth Baptist Church, for the Sunday rest bill (S. 404)—to the Committee on the District of Columbia.

Also, petition of F. W. Parkinson, of New York City, favoring House bill 20162—to the Committee on Labor.

By Mr. HAMILL: Petition of Carroll Council, No. 1378, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of business men of Bottineau, N. Dak., against the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Ben B. Lindsay Club, of Bowman, N. Dak., protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Petition of John Sanderson, George A. Dooley, John Reber, and Adolf Leopold, citizens of San Francisco, Cal., favoring an eight-hour work day on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of Thomas Howie and 47 other citizens of San Francisco, Cal., protesting against the immigration of all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of A. N. Little, of Oakland, Cal., and R. H. Hipkins, secretary of Photoengravers' Union No. 8, of San Francisco, Cal., favoring an eight-hour work day on all work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. HENRY of Connecticut: Petition of Carmody Council, No. 55, Knights of Columbus, of New Britain, Conn., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of German Savings Bank, of Newark, N. J., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Alpha Council, No. 1, of Loyal Association, of Perth Amboy, N. J., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. JOYCE: Petition of C. F. Baughman and others, of Cambridge, Ohio, and John Pollock and others, of Zanesville, Ohio, for Gardner eight-hour bill (H. R. 15441)—to the Committee on Labor.

By Mr. KENNEDY of Ohio: Petition of Methodist and Lutheran churches of Leetonia, Ohio, for the Burkett-Sims bill, McCumber-Tirrell bill, Hamilton-Owen bill, and others of a reformatory nature—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Massillon (Ohio) Board of Trade, against House bill 3075, relative to government envelope printing—to the Committee on the Post-Office and Post-Roads.

By Mr. KORBLY: Petition of Caroline Scott Harrison Chapter, National Society of the Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. LAWRENCE: Petition of La Société des Artisans Canadiens Français, of Adams, Mass., favoring House bill 17509—to the Committee on the Post-Office and Post-Roads.

Also, petition of Fort (Mass.) Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. LENROOT: Petition of citizens of St. Croix County, Wis., against any change in the oleomargarine law—to the Committee on Agriculture.

Also, petition of citizens of St. Croix County, Wis., for enactment of such law as will make it possible for the homeless to register and file claim without traveling thousands of miles to do so—to the Committee on the Public Lands.

By Mr. LLOYD: Petition of citizens of Goldsberry and Greensburg, Mo., against Senate bill 404, Sunday observance—to the Committee on the District of Columbia.

By Mr. McCALL: Petition of Massachusetts ministers, theological students, and others, against further increase of the navy—to the Committee on Naval Affairs.

By Mr. McHENRY: Petition of National Fraternal Association, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of business men of Shamokin, against any bill which will further tax and prohibit sale of butter substitutes—to the Committee on Agriculture.

By Mr. NYE: Petition of citizens of Minneapolis, for eight-hour bill (H. R. 15441)—to the Committee on Labor.

By Mr. MURPHY: Petition of Noah Coleman Chapter, Daughters of the American Revolution, for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. ROBINSON: Paper to accompany bill for relief of George W. Allen—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. SCOTT: Petition of B. M. Scherley, C. E. Finches, and others, for an eight-hour law on government works (H. R. 15441)—to the Committee on Labor.

By Mr. SHERWOOD: Petition of citizens of Ohio, for an eight-hour day on government works—to the Committee on Labor.

By Mr. SPERRY: Resolutions of Polish citizens of Waterbury, Conn., protesting against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: Petition of Minnesota Editorial Association, protesting against an increase of rates of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Walter Coles Cabell, of Washington, D. C., for postponement of returns relative to business of corporations required under section 38 of the Payne tariff bill until rendering of decision by the Supreme Court—to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, against Senate bill 5106, relative to port-to-port rates of steamships—to the Committee on Interstate and Foreign Commerce.

Also, petition of James E. West, favoring an appropriation for Washington playgrounds—to the Committee on the District of Columbia.

Also, petition of Immigration Restriction League of Boston, against the Hayes bill (H. R. 13404)—to the Committee on Immigration and Naturalization.

Also, petition of Atlantic Harbor, No. 77, American Association of Masters, Mates, and Pilots, favoring House bill 20162, for an eight-hour law on all government public works—to the Committee on Labor.

Also, petition of citizens of New York in mass meeting for appropriation for raising the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of New York State Bar Association, favoring the Sherley bill, relative to the bankruptcy law—to the Committee on the Judiciary.

Also, petition of the Typothetæ of New York City, for House bill 3075, prohibiting printing of advertisements and cards on stamped envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of Maritime Association of the Port of New York for a naval officer in each branch hydrographic office in the country—to the Committee on Appropriations.

Also, paper to accompany bill for relief of Nicholas White—previously referred to the Committee on Claims, reference changed to the Committee on War Claims.

By Mr. SWASEY: Petitions of Topsham (Me.) Grange and Eastern River Grange favoring a national health bureau—to the Committee on Agriculture.

By Mr. WOODS of Iowa: Petition of citizens of Algona, Iowa, for an appropriation for a federal post-office building in Algona, Iowa—to the Committee on Public Buildings and Grounds.

SENATE.

THURSDAY, *March 10, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE-PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The VICE-PRESIDENT announced his signature to the enrolled bill (H. R. 19558) to authorize the Secretary of War to effect an exchange of certain parcels of lands owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky., which had previously been signed by the Speaker of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. COCKS of New York, and Mr. LAMB managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. J. Res. 63) authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion to be held at Mobile, Ala., in April, 1910.

The message further announced that the House had passed a bill (H. R. 1014) providing for the repair and rebuilding of the road from Harrisonville, N. J., to the post of Fort Mott, N. J., and the national cemetery at Finns Point, New Jersey, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 5125. An act authorizing the creation of an additional land district in the State of Oregon, to be known as the Vale land district;

S. 6449. An act permitting the Wisconsin Central Railway Company to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota; and

H. R. 13899. An act granting unto the Hot Springs Street Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation in the State of Arkansas, known as the Whittington Lake Reserve Park.

PETITIONS AND MEMORIALS.

Mr. CUMMINS presented a petition of the city council of Washington, Iowa, praying for the enactment of legislation to create a volunteer retired list in the War and Navy departments for the surviving officers of the civil war, which was referred to the Committee on Military Affairs.

Mr. WETMORE presented a petition of sundry citizens of Newport, R. I., praying for the enactment of legislation authorizing the President of the United States to appoint a commission to consider the advisability of holding an exposition in 1913 to celebrate the fiftieth anniversary of the emancipation proclamation, which was referred to the Select Committee on Industrial Expositions.

Mr. GALLINGER presented a petition of the congregation of the First Baptist Church of the city of Washington, praying for the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. HEYBURN presented a petition of the Farmers' Educational and Cooperative Union of America, of Latah County, Idaho, praying for the enactment of legislation to prohibit gambling in farm products by boards of trade, exchanges, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Dan McCook Post, No. 33, Department of Idaho, Grand Army of the Republic, of Twin Falls, Idaho, praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

Mr. BRIGGS presented a memorial of the New Jersey Editorial Association, of Summit, N. J., remonstrating against the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Rutherford, N. J., praying for enactment of legislation authorizing the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry councils, Loyal Association, of Summit, Trenton, Orange, Newark, Jersey City, Arlington, and Paterson, all in the State of New Jersey, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Council, No. 156, Junior Order of United American Mechanics, of Orange, N. J., praying for the enactment of legislation to prohibit the so-called "white-slave traffic," which was ordered to lie on the table.

He also presented a petition of Orange Mountain Chapter, of the National Society, Daughters of the American Revolution, of Orange, N. J., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of Harmony Lodge, No. 99, Knights of Pythias, of Elizabeth, N. J., and a memorial of Volunteer Lodge, No. 110, Knights of Pythias, of Elizabeth, N. J., remonstrating against the enactment of legislation to prohibit the wearing of the United States uniform by unauthorized persons, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry local councils, American Federation of Labor, of Paterson, Plainfield, Glassboro, and Passaic, all in the State of New Jersey, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of the Woman's Christian Temperance Union, of Bergen County, N. J., praying for the enactment of legislation to better regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of sundry teachers of the Grace Methodist Episcopal Sunday School, of Plainfield, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

Mr. BURKETT presented a petition of sundry citizens of Alliance, Nebr., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Local Lodge No. 198, International Association of Machinists, of Pocatello, Idaho, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. LODGE presented a petition of the Old South Chapter of the National Society Daughters of the American Revolution, of Boston, Mass., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. PAGE presented a petition of Heber Allen Chapter of the National Society Daughters of the American Revolution, of Poultney, Vt., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. DEPEW presented memorials of the Prince Joseph Pontiaowski Society, of Port Richmond, N. Y., and of sundry Polish Society of Herkimer, N. Y., remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of the New York Produce Exchange, remonstrating against the enactment of legislation to create a court of commerce and to amend the act entitled "An act to regulate commerce," which was ordered to lie on the table.

He also presented a petition of Marathon Grange, No. 455, Patrons of Husbandry, of Marathon, N. Y., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Twin City Council, No. 413, Knights of Columbus, of Buffalo, N. Y.; of Marion Council, No. 35; and of Crown Council, No. 42, Loyal Association, all in the State of New York, praying for the enactment of legislation to provide for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Chamber of Commerce of New York City, N. Y., remonstrating against the adoption of a certain clause to the interstate-commerce law which would give to the Interstate Commerce Commission increased power over the coastwise and river lines, which was ordered to lie on the table.

He also presented petitions of Bakers' Local Union, No. 30; of Painters' Local Union, No. 31; of Woman's Union Label League, No. 10; and of Bartenders' Local Union, No. 76, all of the American Federation of Labor, of Syracuse; of sundry citizens of Odgensburg and of the Downtown Taxpayers' Association, of New York City, all in the State of New York, praying

for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of the Maine Memorial Committee, United Spanish War Veterans, of New York City, N. Y., praying for the enactment of legislation providing for the removal of the wreck of the battle ship *Maine* and for the interment of those who perished in the wreck, which was referred to the Committee on Naval Affairs.

He also presented a petition of members of the Rifle Club of Auburn, N. Y., praying for the enactment of legislation to encourage rifle practice, which was referred to the Committee on Military Affairs.

He also presented a petition of Chapin Post, No. 2, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., and a petition of the Memorial and Executive Committee, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., praying for the enactment of legislation authorizing the appointment of Maj. Gen. Daniel E. Sickles, United States Army, retired, to the position of lieutenant-general, which were referred to the Committee on Military Affairs.

He also presented a memorial of Encampment No. 70, Union Veteran Legion, of Brooklyn, N. Y., remonstrating against any appropriation being made providing for the erection of monuments or other memorials to honor the memory of those who served in the cause of disunion or the principles they strove to establish, which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 369), accompanied by a bill (S. 7058) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 35. Leander McGrew;
S. 145. James W. Smith;
S. 513. Charles Ames;
S. 716. Josiah Wilcox;
S. 1073. John Kinnee;
S. 1075. Orville T. Lee;
S. 1207. Charles H. Pennybaker;
S. 1355. Emma K. Frank;
S. 1415. John A. Packard;
S. 1595. Caroline Coleman;
S. 1705. Bernice A. Kent;
S. 1943. Jacob Sands;
S. 2013. Dean F. Gallup;
S. 2354. George E. Hanson;
S. 2378. George C. W. Langworthy;
S. 2544. Joseph A. Lambert;
S. 2598. Augustus J. Crane;
S. 3277. Mary L. Stevens;
S. 3480. Allen Catt;
S. 3773. Alonzo P. Hall;
S. 3921. Ephraim B. Glass;
S. 3982. Alonzo F. Page;
S. 4193. Volney Craw;
S. 4230. Franklin M. Crittenton;
S. 4409. Madison Bray;
S. 4420. Fredrick Struse;
S. 4441. Harrison B. Carter;
S. 4597. Henry Carman;
S. 4647. Freeman Moore;
S. 4694. Charles P. Allison;
S. 4731. Isaac C. Loomis;
S. 4818. William W. Hershberger;
S. 4849. Augustus C. Wilson;
S. 5141. George A. Eastman;
S. 5186. Jeremiah Bogard;
S. 5215. Thomas Coleman;
S. 5308. Samuel R. Smith;
S. 5330. Samuel B. Ayer;
S. 5429. Oscar Hugh La Grange;
S. 5447. Albert Edwards;
S. 5468. John F. Searight;
S. 5647. John Allen;
S. 5648. Franklin J. Russell;
S. 5675. Naham B. Dickey, alias Hiram B. Dickerson;
S. 5757. Cyrus C. Trump;
S. 5937. William N. Brown;
S. 5994. William Thomas;
S. 6024. William Large;
S. 6079. William H. McCune;
S. 6080. George O. Ellsworth;
S. 6100. Phil. Terry, jr.;
S. 6212. Harriet Beattie;
S. 6235. Mathias Berry;
S. 6324. Robert P. Wild;
S. 6332. Nellie F. O'Kane;
S. 6343. Noah Hedding;
S. 6344. Amanda Ruble;
S. 6473. Peter P. Sumner;
S. 6475. Clark C. Kenyon;
S. 6551. Bettie Patterson;
S. 6563. Fleming Dudley;
S. 6594. Peter Knepp;
S. 6691. John L. Hayes;
S. 6709. Lucius C. Baker;
S. 6722. William W. Hayes;
S. 6759. Harvey W. Hastings;
S. 6761. Michael Foley;
S. 6786. Mary L. Bingham;
S. 6830. Inzetta A. Small;
S. 6848. James L. Baker; and
S. 6901. Luther Glenn.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to whom was referred the bill (S. 5629) to set apart certain lands in the State of Oregon as a public park, to be known as the "Saddle Mountain National Park," reported it without amendment, and submitted a report (No. 370) thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on January 13, 1910, authorizing a survey of all the remaining unsurveyed townships in Harney County, Oreg., etc., intended to be proposed to the sundry civil appropriation bill, submitted a favorable report (No. 371) thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. GAMBLE, from the Committee on Public Lands, to whom was referred the bill (H. R. 10321) for the relief of homestead settlers under the acts of February 20, 1904, June 5 and 28, 1906, and March 2, 1907, reported it with amendments and submitted a report (No. 372) thereon.

Mr. NELSON, from the Committee on the Judiciary, reported a bill (S. 7090) fixing the expense allowance for travel and attendance of United States district judges when necessarily absent from their place of residence on official duty in any other place in their districts, which was read twice by its title.

Mr. ROOT. I report a bill by direction of the Committee on Foreign Relations, and I submit a report (No. 373) thereon. I ask that the bill be placed on the calendar and that the report be printed.

The bill (S. 7096) granting permission to certain officers of the United States to accept gifts from the governments of foreign States, and authorizing the Department of State to deliver said gifts, was read twice by its title.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. CLAPP, from the Committee on Indian Affairs, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1979) to authorize the Delaware tribe of Indians residing in Oklahoma to bring suit in the Court of Claims against the United States, and for other purposes (Report No. 374);

A bill (S. 1982) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes (Report No. 375);

A bill (S. 5691) authorizing the Court of Claims to hear and adjudicate the claim of the Great and Little Osage tribe of Indians to the civilization fund (Report No. 376);

A bill (S. 2632) for the relief of the Miami Indians (Report No. 377); and

A bill (S. 6305) for the relief of W. D. Ford (Report No. 378).

Mr. CLAPP, from the Committee on Indian Affairs, to whom were referred the following bills and joint resolution, reported them each with an amendment and submitted reports thereon:

A bill (S. 6152) providing for the allotment of land to the Apache and other Indians under the charge of the War Department, Fort Sill Military Reservation, Okla., and for other purposes (Report No. 379);

A bill (S. 3793) for the relief of the Miami Indians (Report No. 380);

A bill (S. 3792) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan (Report No. 381); and

A joint resolution (S. J. Res. 24) empowering the Court of Claims to ascertain the amount of the civilization fund paid

by the Osages and applied to the benefit of other Indians, and for other purposes (Report No. 382).

Mr. CLAPP, from the Committee on Indian Affairs, to whom were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 5783) authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes (Report No. 383); and

A bill (S. 5314) to extend the time of payments on certain homestead entries in Oklahoma (Report No. 384).

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 26, submitted by the Senator from Maine [Mr. FRYE], to report it favorably with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Senate resolution 26.

Resolved, That the Committee on Commerce or any subcommittee thereof be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings, bills, and such papers and documents as may be deemed necessary printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

The amendments were, in line 6, after the word "hearings," to strike out the words "bills, and such papers and documents as may be deemed necessary;" in line 7, before the word "use," to strike out "the" and insert "its;" and after the word "use," to strike out the words "of the committee," so as to make the resolution read:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

TEMPORARY WITHDRAWALS OF PUBLIC LANDS.

Mr. CLARK of Wyoming. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 21428) authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes, to report it favorably without amendment, and I submit a report (No. 367) thereon. As a present necessity seems to exist, I ask for the consideration of the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That to aid in carrying out the purposes of section 4 of the act of August 18, 1894, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending 1895, and for other purposes," it shall be lawful for the Secretary of the Interior, upon application by the proper officer of any State or Territory to which said section applies, to withdraw temporarily from settlement or entry areas embracing lands for which the State or Territory proposes to make application under said section, pending the investigation and survey preliminary to the filing of the maps and plats and application for segregation by the State or Territory: *Provided*, That if the State or Territory shall not present its application for segregation and maps and plats within one year after such temporary withdrawal the lands so withdrawn shall be restored to entry as though such withdrawal had not been made.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I should like to have the Senator asking for present consideration make a brief statement as to its purpose.

Mr. CLARK of Wyoming. The statement is simply this: It often occurs that a State has determined to make application to have lands segregated under the Carey Act. Before the application is acted upon by the Secretary of the Interior some gentlemen with a speculative frame of mind, thinking that it would come under the Carey Act, come in and make entries under other acts, to the great detriment of the Carey Act proposition. This is to provide that, when a State makes its application, before action is taken upon it the Secretary of the Interior, upon the application of the State, may withdraw those lands from any entry except under the Carey Act.

Mr. HEYBURN. While the bill is not up for discussion, I would suggest that it should include a restriction against what are called "withdrawals for water power and water purposes."

Mr. CLARK of Wyoming. I doubt if that has anything in particular to do with this bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. CROIX RIVER BRIDGE.

Mr. MARTIN. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6851) authorizing the village of Taylors Falls, Minn., and the village of St. Croix Falls, Wis., to construct a bridge across the St. Croix River, to report it favorably without amendment, and I submit a report (No. 368) thereon.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER (for Mr. FRYE):

A bill (S. 7059) granting an increase of pension to George Russell; and

A bill (S. 7060) granting a pension to Elvira A. Clark; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 7061) to regulate the use of radio communication; to the Committee on Commerce.

A bill (S. 7062) granting a pension to Fred W. Kinloch; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 7063) to give a legal status to a submarine cable crossing the Mississippi River between Cairo, Ill., and Bird Point, Mo.; to the Committee on Commerce.

By Mr. WETMORE:

A bill (S. 7064) granting an increase of pension to Daniel W. Dean (with an accompanying paper); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 7065) granting an increase of pension to Thomas C. Diltz; to the Committee on Pensions.

By Mr. DOLLIVER:

A bill (S. 7066) granting an increase of pension to George E. Barber;

A bill (S. 7067) granting an increase of pension to Anna H. B. Lewis;

A bill (S. 7068) granting an increase of pension to Gustus F. Johnson;

A bill (S. 7069) granting an increase of pension to Alonzo Garrison;

A bill (S. 7070) granting an increase of pension to Charles E. Goodno;

A bill (S. 7071) granting an increase of pension to William T. Fizell;

A bill (S. 7072) granting an increase of pension to John W. Carr;

A bill (S. 7073) granting an increase of pension to John E. O'Hara;

A bill (S. 7074) granting an increase of pension to Charles Nolte;

A bill (S. 7075) granting an increase of pension to James McKee;

A bill (S. 7076) granting an increase of pension to Juretta R. McMillan;

A bill (S. 7077) granting an increase of pension to Samuel McFarland;

A bill (S. 7078) granting an increase of pension to William J. McElhaney;

A bill (S. 7079) granting an increase of pension to Frank W. Sencebaugh;

A bill (S. 7080) granting an increase of pension to Benjiman C. Sparks;

A bill (S. 7081) granting an increase of pension to Eliza Stone;

A bill (S. 7082) granting an increase of pension to John W. Springsteen;

A bill (S. 7083) granting an increase of pension to Henry H. Rumsey;

A bill (S. 7084) granting an increase of pension to Richard Parrish;

A bill (S. 7085) granting an increase of pension to Amanda E. Porter;

A bill (S. 7086) granting an increase of pension to Andrew J. Stringer; and

A bill (S. 7087) granting an increase of pension to John B. Worden; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7088) for the relief of Frank J. Boudinot; to the Committee on Indian Affairs.

By Mr. PILES:

A bill (S. 7089) granting an increase of pension to Asbury F. Haynes (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7091) granting an increase of pension to Clarinda M. Marks (with an accompanying paper); and

A bill (S. 7092) granting an increase of pension to Jeremiah Hoover (with an accompanying paper); to the Committee on Pensions.

A bill (S. 7093) amendatory of the act to provide for the thirteenth and subsequent decennial censuses; to the Committee on the Census.

By Mr. KEAN:

A bill (S. 7094) to correct the military record of Edward Johnston (with an accompanying paper); and

A bill (S. 7095) to correct the military record of Jonas Beach; to the Committee on Military Affairs.

By Mr. DOLLIVER:

A bill (S. 7097) granting an increase of pension to Harvey W. Lounsberry; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7098) for the relief of Lachoneus Barnard; to the Committee on Military Affairs.

A bill (S. 7099) granting an increase of pension to William C. Roberts (with an accompanying paper); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 7100) to provide for the erection of a public building at Blackwell, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. LA FOLLETTE:

A bill (S. 7101) granting an increase of pension to Albert Butler (with accompanying papers); to the Committee on Pensions.

CROW INDIANS IN MONTANA.

Mr. DIXON. I am directed by the Committee on Indian Affairs to ask for a reprint of Senate bill S. 6995, for the division of the lands and funds of the Crow tribe of Indians in the State of Montana, and for other purposes, showing proposed amendments in italics.

The VICE-PRESIDENT. Without objection, a reprint of the bill as amended will be ordered.

COURT OF COMMERCE, ETC.

Mr. NELSON submitted amendments intended to be proposed by him to the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, which were ordered to lie on the table and be printed.

AMENDMENT TO POST-OFFICE APPROPRIATION BILL.

Mr. BURKETT submitted an amendment authorizing the Postmaster-General to create an additional division of the Railway Mail Service at Omaha, Nebr., etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. BURTON submitted an amendment proposing to increase the appropriation for improving the harbor at Lorain, Ohio, to $150,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CHAMBERLAIN (for Mr. FLETCHER) submitted an amendment proposing to appropriate $24,000 for improving the Narrows in Santa Rosa Sound, Florida, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also (for Mr. FLETCHER) submitted an amendment relative to the survey of the Wekiva River, Florida, from Wekiva Springs to St. Johns River, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $10,000 for improving the Ouachita River between Camden and Arkadelphia, Ark., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. KEAN submitted an amendment relative to the widening of the channel of the Raritan River from the Mill or Martins Creek to Martins Dock on the north side, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

PRICES PAID BY NAVY DEPARTMENT.

Mr. LODGE. I ask an order to print as a Senate document 300 additional copies of a letter from the Secretary of the Navy, together with certain tables of prices paid by the Navy Department for various articles during the past ten years, given from year to year.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That there be printed 300 additional copies of Senate Document No. 421, Sixty-first Congress, second session, "Letter of the Secretary of the Navy showing average prices paid for various articles, etc., purchased by the Navy Department during calendar years 1900 to 1909," for the use of the Senate document room.

HOUSE BILL REFERRED.

H. R. 1014. An act providing for the repair and rebuilding of the road from Harrisonville, N. J., to the post of Fort Mott, N. J., and the national cemetery at Finns Point, New Jersey, was read twice by its title and referred to the Committee on Military Affairs.

AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DOLLIVER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed Mr. DOLLIVER, Mr. WARREN, and Mr. MONEY the conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT. The calendar under Rule VIII is in order.

Mr. CLAPP. I ask the Senate to proceed to the consideration of House bill 19028, being the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 19028) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911, which had been reported from the Committee on Indian Affairs with amendments.

Mr. CLAPP. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and that order is entered. The Secretary will state the committee amendments as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, in section 1, page 2, line 3, before the word "resurvey," to strike out "and;" in the same line, after the word "resurvey," to insert "and classification;" in line 15, before the word "to," to strike out "and;" in line 18, after the word "purpose," to insert "and to remain available until expended;" and in line 22, after the word "herein," to strike out "*Provided further*, That hereafter," so as to make the clause read:

For the survey, resurvey, and classification of lands to be allotted in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the Office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $215,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose, and to remain available until expended: *Provided*, That the unexpended balances of all continuing appropriations heretofore made for allotment work, general or specific, are hereby made available for the purposes enumerated herein.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the word "the," to insert "Hereafter;" on page 3, line 1, before the

word "or," to strike out "made" and insert "herein;" in the same line, before the word "hereafter," to strike out "that may;" in the same line, before the word "be," to insert "to;" and in line 12, after the word "Treasury," to strike out "*And provided also,*" and insert "*Provided,*" so as to make the clause read:

Hereafter the Secretary of the Interior shall cause to be stated annual accounts between the United States and each tribe of Indians arising under appropriations heretofore, herein, or hereafter to be made, which by law are required to be reimbursed to the United States, crediting in said accounts the sums so reimbursed, if any, and the Secretary of the Interior shall pay, out of any fund or funds belonging to such tribe or tribes of Indians applicable thereto and held by the United States in trust or otherwise, all balances of accounts due to the United States and not already reimbursed to the Treasury, and deposit such sums in the Treasury as miscellaneous receipts; and such accounts shall be received and examined by the proper auditor of the Treasury Department and the balances arising thereon certified to the Secretary of the Treasury: *Provided,* That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year of all survey and allotment work on Indian reservations.

The amendment was agreed to.

The next amendment was, in the item of the appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, etc., on page 3, line 23, before the word "dollars," to strike out "forty thousand" and insert "forty-nine thousand one hundred;" and in the same line, after the word "dollars," to insert "of which $25,000 shall be immediately available, and the balance of the appropriation shall remain available until expended," so as to read:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, $249,100, of which $25,000 shall be immediately available and the balance of the appropriation shall remain available until expended.

The amendment was agreed to.

The next amendment was, in the appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, and so forth, on page 4, line 14, before the word "dollars," to strike out "twenty-five" and insert "fifty," so as to read:

And hereafter no new project to cost in the aggregate to exceed $50,000 shall be undertaken on any Indian reservation or allotment without specific authority of Congress.

The amendment was agreed to.

The next amendment was, in the appropriation for the construction, repair, and maintenance of ditches, reservoirs, and dams, and so forth, on page 5, line 11, after the word "one," to insert "chief;" in line 13, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" in line 15, after the word "dollars," to strike out "not to exceed five superintendents of irrigation, who shall be skilled irrigation engineers, at not to exceed $2,000 per annum each, $10,000;" in line 19, after the word "dollars," to insert "and 50 cents;" on page 6, line 1, before the word "hundred," to strike out "three thousand eight" and insert "four thousand two;" and in line 2, after the word "dollars," to insert the following proviso: "*Provided,* That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation who shall be skilled irrigation engineers, not to exceed seven in number, five of whom shall receive salaries not exceeding $2,500 per annum," so as to read:

Provided further, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling expenses of two inspectors of irrigation, at $3.50 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government, and while remaining there under orders, $4,200; in all, $259,800: *Provided,* That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation who shall be skilled irrigation engineers, not to exceed seven in number, five of whom shall receive salaries not exceeding $2,500 per annum.

The amendment was agreed to.

The next amendment was, on page 6, after line 7, to insert:

That the act of February 28, 1891 (26 Stat. L., 794), entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" be, and the same hereby is, amended by adding to section 1 thereof the following:

"And provided further, That wherever it shall appear to the Secretary of the Interior that lands on any Indian reservation subject to allotment under the provisions of the general allotment laws of the United States can be brought within any irrigation project, he may make allotments of such irrigable lands to the Indians entitled thereto in such areas as may be for their best interests, not to exceed 40 acres to any one Indian: *Provided, however,* That such irrigable lands to be allotted as herein provided shall be held to be equal in quantity to twice the number of acres of agricultural land and four times the number of acres of grazing lands authorized to be allotted under the provisions of the general allotment laws of the United States: *And provided further,* That the remaining area to which any Indian may be entitled under existing law, after he shall have received his proportion of irrigable land on the basis aforesaid, shall be allotted from the agricultural or grazing lands."

During the reading of the amendment,

Mr. KEAN. Let us have an explanation of that amendment.

The VICE-PRESIDENT. The Secretary has not concluded the reading of the amendment.

Mr. HEYBURN. I wanted to move to amend the amendment right at the point where the Secretary was reading.

Mr. CLAPP. I can not hear the Senator.

The VICE-PRESIDENT. When the Secretary has completed the reading of the amendment, the Senator from Idaho desires to offer an amendment.

Mr. HEYBURN. I will wait, Mr. President.

The Secretary resumed and concluded the reading of the amendment.

Mr. HEYBURN. In line 24, on page 6, before the word "acres," I move to strike out "40" and in lieu to insert "80," so as to read:

Not to exceed 80 acres to any one Indian.

Mr. CLAPP. I have no objection to the amendment, Mr. President.

Mr. CARTER. Mr. President, I doubt the wisdom of that amendment. It has been determined that under the conditions 40 acres are quite sufficient land for even white men to cultivate. I think the Senator from Idaho, upon reflection, will conclude that it is quite impracticable for an Indian to cultivate successfully on an average to exceed 40 acres, or even half that quantity. The fact must be borne in mind in dealing with these Indian allotments that every member of the tribe, minors as well as adults, receives the allotment. Hence it often happens that the head of a family will have, if there is a family of five children, with a father and a mother, 280 acres of irrigable land in one body. I think common experience will bear witness that no white man, howsoever industrious or competent he may be, can successfully cultivate such a large body of land under a system of irrigation.

But if the cumulative holding is not taken into account at all, I believe that 40 acres is the maximum which an Indian could be expected to successfully and carefully cultivate in any part of this country; and in the southern portion, in the fruit-growing region, such lands as are to be allotted to the Yuma Indians in an irrigation project, 10 to 20 acres would be an abundance of land.

Mr. HEYBURN. Mr. President, I think if the Senator would first allow me to state the reason, as I base the amendment upon more than mere estimate or conjecture, he would understand the motive.

These particular Indians have been dealt with by Congress in recent years, and a contract or a treaty was made. This is a question whether we shall abrogate that treaty in this legislation. The Indians are perfectly willing to reopen the treaty, provided that their views may be at least in part given regard to.

The act of February 23, 1889, a memorandum of which I have before me, Twenty-fifth Statutes at Large, 687, provides for the allotments of these very lands in the Fort Hall Reservation. It reads:

To each head of the family not more than one quarter section, with an additional quantity of grazing land not exceeding one-quarter of a section.

To each single person over 18 years, and each other person under 18 years now living, or who may be born prior to said allotments, not more than one eighth section, with an additional quantity of grazing land not exceeding one-eighth of a section.

Now, there was a contract really between Congress and these Indians, and the consideration which the Government received for making that contract was the cession of very extensive rights and very large bodies of land.

Three years afterwards Congress again by the act of February 28, 1891, provides:

Where the treaty or act of Congress setting apart such reservation—

That is, dealing with this—

provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided, the President, in making allotments upon such reservations shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act and to other Indians belonging thereon in quantity as herein provided.

The Indians have some regard for that treaty, and I think they have kept their part of it very faithfully.

Mr. CARTER. The amendment, the Senator will perceive, applies not only to the Fort Hall Reservation, but to all reservations throughout the country.

Mr. HEYBURN. No; this is the Fort Hall allotment act.

Mr. CARTER. I understand; that is the act to which the Senator refers, but the amendment under consideration, as I understand it, beginning with line 18, on page 6——

Mr. HEYBURN. Line 8.

Mr. CARTER. But the particular part I refer to begins on line 18.

Mr. HEYBURN. The first lines are cited, but the proposed amendment is confined to these Indians.

Mr. CARTER. But the Senator will observe that that portion of the amendment beginning in line 18 applies without any limitation to all reservations in the United States or in any of the Territories. Now, I think——

Mr. HEYBURN. I think I can aid the Senator there.

Mr. CARTER. I think the Senator's purpose can be served very well by a proviso reading somewhat as follows—I merely suggest it:

Provided, That the acreage limitation herein contained shall not apply to the lands heretofore embraced in the Fort Hall Indian Reservation in the State of Idaho.

Mr. HEYBURN. I will say to the Senator that the amendment is made general at the request of the Commissioner of Indian Affairs. We have no present interest in applying this outside of the Fort Hall Reservation, because that is an allotment about to be made. I have no objection at all to confining it to the Fort Hall Reservation, but the commissioner wants it made general.

Mr. CARTER. It may be made general. I think that a 40-acre limitation of irrigated land to be allotted to an Indian ought to apply generally; but in the case of the Fort Hall Reservation, since the treaty stipulation would be invaded, according to the view of the Senator, the proviso I have suggested would except that reservation from the 40-acre limitation.

Mr. HEYBURN. I am perfectly willing to do that.

Mr. PAGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. HEYBURN. I do.

Mr. PAGE. I understand the Senator from Idaho to say that this proposed amendment of his is in accordance with the ideas of the Indian Department. Am I right about that?

Mr. HEYBURN. Yes.

Mr. PAGE. If the Senator will allow me just a moment, because I wish to know that I am not wrongly advised about the matter, this amendment is in accordance with a bill introduced by the Senator from Idaho and referred to a subcommittee. That subcommittee asked the department for its advice in regard to it, and the report was that the bill should not, in the opinion of the department, be passed without amendment. The suggestion of the department was taken to the Senator from Idaho, and through his secretary a new bill or amendment was drafted, which has been incorporated into this bill; and that amendment, as I understand it, is in exact accord with the views of the Indian Department. If I am mistaken, I should like to be corrected.

Mr. HEYBURN. There has been no difference of opinion as to the necessity and the wisdom of this amendment, except that this morning I proposed a single amendment to increase the area of the land, and I was proceeding to state why I had proposed the amendment, having in my original amendment, which was reported favorably by the committee, fixed the area at 40 acres. There have come to Washington some influential and intelligent Indians from this tribe, who are very well advised of their legal rights and of the treaties, and they have asked that this area be increased to 80 acres.

Mr. JONES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes, I yield.

Mr. JONES. I should like to understand the Senator's position. Does the Senator desire that the 80-acre provision shall apply to all the reservations of the country?

Mr. HEYBURN. No.

Mr. JONES. Just to this one?

Mr. HEYBURN. Just to this one.

Mr. JONES. Then it would seem to me that it would not be proper to change the word "forty," in line 24, to "eighty," because that applies to all the reservations of the country.

Mr. HEYBURN. Yes; but it carries with it the suggested amendment of the Senator from Montana, which limits it.

Mr. JONES. That would be all right.

Mr. CARTER. If the Senator from Idaho will withdraw his amendment striking out "forty" and inserting "eighty," allowing a 40-acre limitation to extend generally over the country, I will then suggest this amendment, which the Senator himself may offer:

Provided, That the 40-acre limitation herein contained shall not apply to lands heretofore embraced in the Fort Hall Indian Reservation in the State of Idaho.

That will leave the treaty to determine.

Mr. HEYBURN. You had better say "not more than 80 acres." I think you had better limit it to not more than 80 acres.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Yes.

Mr. DIXON. If the Senator from Idaho means by his amendment to limit this purely to the Fort Hall Reservation——

Mr. HEYBURN. Yes.

Mr. DIXON. I would not offer my objection to what he believes to be the interest of the white people and of the Indians in his own State, but I want to say to the Senator, in confirmation of what was said by the Senator from Vermont [Mr. PAGE], that the whole policy is to restrict the irrigable areas to the Indian allottees in the State of Montana. My own uniform experience is that when you allot an Indian family, say, 80 acres of irrigable land, a man and his wife and four children get 480 acres of irrigable lands, which it is utterly impossible for those Indians to handle.

Mr. HEYBURN. Let me make this suggestion to the Senator: The bill providing for this allotment is the whole proposition for the life of all of the Indian family and their successors. You see, these families multiply as the years go on, and what is 480 acres for, say, 4 or 5 people to-day, will be 480 acres for 30 or 40 or 50 people in a few years. We have to bear that in mind also. We shut off their future; that is, we give them no future in the acquisition of land. They are limited against the sale of this land for twenty-five years. They are not out in the open world to take advantage of the move of prosperity and changed conditions at all, so that it is not as inequitable as it might seem on its face.

Mr. DIXON. But, if the Senator will pardon me, if that is the condition which prevails among the Idaho Indians as to their rapid increase of population, it is in direct opposition to the experience everywhere else. I do not believe there is an Indian tribe in the United States that is really increasing in numbers. This will result inevitably in great areas of these irrigated lands going into white tenantry. In my own State, in this same bill, we are permitting the Indian, where he has been allotted 80 acres of irrigable lands, which to the Indian himself is a burden, to sell 60 of the 80 acres; and if in a fruit country, 20 acres at the outside of irrigable lands is all a white man can handle.

Mr. HEYBURN. Is the Senator from Montana losing sight of the contract by which the Government gained that vast area of land which belonged to those Indians? Are we not to keep our contract with them?

Mr. DIXON. The pending bill does not reduce the amount of the allotment to the Indian, but merely reduces the irrigable part of the allotment. I think the Senator from Idaho is laboring under a misapprehension. The bill itself does not cut down the allotment which the Government agreed to give the Indian, but it does reduce the irrigable portion of that allotment. I think, without proffering the Senator from Idaho any advice as to affairs in his own State, he certainly will think that the demands and the interest of the Indian in the white communities are wholly adverse to placing in the hands of the Indians these great areas of irrigable lands, which must result in white tenantry, which is a thing not to be thought of.

Mr. HEYBURN. Mr. President, upon the suggestions that have been made, and especially those made by the senior Senator from Montana [Mr. CARTER], I will offer the amendment which I send to the desk in lieu of the amendment to strike out.

The VICE-PRESIDENT. The Senator from Idaho withdraws his former amendment, and offers an amendment, which will now be read, to be inserted in the committee amendment.

Mr. CARTER. To be inserted in line 1, page 7, after the word "Indian."

The SECRETARY. It is proposed, on page 7, line 1, after the word "Indian," to insert:

Provided, That not to exceed 80 acres of such land may be allotted to any Indian entitled to an allotment or allowance now or heretofore embraced within the Fort Hall Indian Reservation, in the State of Idaho.

Mr. CLAPP. Mr. President, there is no objection to the amendment on the part of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 7, line 18, before the word "thousand," to strike out "twenty" and insert "forty," so as to make the clause read:

To enable the President to relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, $40,000.

The amendment was agreed to.

The next amendment was, on page 8, line 2, before the word "hundred," to strike out "three" and insert "four," so as to make the clause read:

For construction, lease, purchase, and repair of school buildings, and for sewerage, water supply, lighting plants, and purchase of school sites and improvements of buildings and grounds, $400,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 13, to insert:

All moneys appropriated herein or hereafter for school purposes among the Indians shall be expended, without restriction as to per capita expenditure for the annual support and education of any one pupil in any school, under the direction of the Commissioner of Indian Affairs, and subject to such regulations as to the conduct and methods of instruction and expenditure of money as he may from time to time prescribe, subject to the supervision of the Secretary of the Interior.

Mr. GALLINGER. Mr. President, I should like to have the Senator in charge of the bill, the chairman of the Committee on Indian Affairs [Mr. CLAPP], to explain precisely the meaning of that amendment.

Mr. CLAPP. The meaning of that amendment, Mr. President, is this: While the appropriations for various schools, as we find them later in the bill, remain the same, the Commissioner of Indian Affairs felt that in some localities it would be better and that he could get better results possibly if the restriction as to the number of pupils was removed, giving him some latitude with reference to those schools, where perhaps it would cost more in one case than in another.

I will say in that connection that it has been somewhat the policy of the Committee on Indian Affairs—not in a very marked degree, but to some extent within the limits of appropriation and general authority—to somewhat enlarge the authority of the commissioner as to details.

Mr. GALLINGER. Under existing law, then, I assume, the expenditure made is upon a per capita basis without any reference to the peculiar situation of the school?

Mr. CLAPP. Without any reference to that whatever. It is simply a hard-and-fast rule. We leave the appropriation the same, but allow a little latitude with reference to the matter.

Mr. GALLINGER. In the discretion of the commissioner?

Mr. CLAPP. Yes; and of course ultimately with the Secretary of the Interior.

Mr. GALLINGER. Ultimately, of course, with the Secretary of the Interior.

Mr. LODGE. What is the practical effect? Is it to increase the number of pupils at certain schools and to diminish the number at others?

Mr. CLAPP. The commissioner thinks that in some cases he can increase the number and that possibly in some cases he would have to decrease their number.

Mr. LODGE. These are public schools?

Mr. CLAPP. They are Indian schools—nonreservation schools. The committee felt, as I said, generally, to the Senator from New Hampshire [Mr. GALLINGER], that within some little latitude it is better to make the law somewhat more elastic for the Commissioner of Indian Affairs, leaving him still within limitations as to appropriations. We found, on his own recommendation, that in one item he was satisfied to have the appropriation reduced $50,000 against that of last year, if we would leave him more latitude with reference to transferring employees and employment. To some extent we have done that in this bill.

Mr. GALLINGER. Does it increase the appropriation?

Mr. CLAPP. Not at all. It does not increase the appropriation.

Mr. GALLINGER. I think it is all right, then.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I had hoped to see in this bill some provision proposing a change in the system of the Indian schools. On recurring occasions when the Indian bill was under consideration I have suggested such a change, and it has been frequently discussed through communications from the department. Coming in contact, as I have for a great many years, with the Indian schools and Indians, I have had an opportunity to observe the effect of the appropriations which Congress makes for maintaining Indian schools, and I have urged that we substitute for these expensive, marble palaces, in which no Indian ever felt comfortable, the little red schoolhouse—the country school. The Government ought to endeavor to make whatever education it gives the Indian beneficial to the entire family or tribe.

Now, you take the Indian child away from his home and surroundings and character of life that it has only known and transfer it into a world that is as new to it as this world was to Adam. The Indian child immediately begins to adapt himself to this new world and these new conditions; and if he is kept away from his tribe and his people three or four years, he comes back generally pretty well equipped with an education along what are termed "civilized lines," but in the meantime the other members of the family who have remained at home have derived no benefit from the education of that Indian child. If the Indian children went every morning to a little neighborhood school and were taught there the appropriate subjects that would tend to equip them for daily life as well as for the future, they would carry home every night, boy and girl, from that day school to the tepee the things that they had learned during the day, whether they might be industrial or along other lines, and they would talk them over. The parents would take an interest in what the child was learning, and every day when the child would relate its little experiences of the day at school, "we were taught so and so, and the teacher said so and so," the whole family would benefit by it. I hope to see the time when the Government will realize that the education of the Indian should be so conducted and applied as to be beneficial to all the Indians in the family all the time.

We have in our State an Indian school that cost a great many thousand dollars. It is a superb thing. The Indians go there and stay there and the family forget them and they forget the family; that is, so far as the daily life is concerned.

Mr. GALLINGER. Are they domiciled there?

Mr. HEYBURN. Yes; they are domiciled in the school to which I am referring, and there is a very large class of them. The parents and the children do not see each other until the scholar goes home with a tailor-made suit and all the ordinary attributes of a citizen, speaking a language without difficulty that the parent does not understand, and having almost forgotten his own language—the boy or the girl, as the case may be. The folks at home feel sort of resentful against this dude that has come back to them. There is within the sound of my voice and under my eye in the gallery now some educated Indians who understand thoroughly the relation between the Government and the Indian tribes, who understand this treaty and the laws we are discussing just as well as any man on this floor. They are to be given credit for it. They were good students; they speak as good, as accurate, and as correct English as any man on this floor. What do you think of the situation when they go back to the tribe, none of the members of which have for four or five or six years come in contact with them and who can not do any of the things that they can do, and the students have forgotten how to do all the things that the tribe at home did? There is the situation. That can be obviated readily by making the schools day schools, and at a very much decreased expense. I have been advocating this in private and public life for a great many years.

I was thrown with the Indians a great deal some thirty years ago, and since that time have been constantly in contact with them. I know something of them, and I have watched the change in the character of the Indians since they became farmers and took their lands in severalty; and every day of that time I have been impressed with the desirability of bringing education closer to the Indian family. The few of them that want higher education will get it. These Indians are not poor. The tribe of Indians in our State, I think, is second in point of wealth per capita of all communities in the United States—red, white, or any other color. They are not savages and never were—that is, so far as we know—but they still speak the tribal language and they still maintain their traditions and take pride in them and in the history of their ancestors. If they should send their children to school every day, to return home every night, they would derive some benefit from the education that is paid for by the Government.

I merely make this suggestion at this time. I intend to make it each succeeding year, in the hope that it may some day reach the heart of the Committee on Indian Affairs.

Mr. CLAPP. Mr. President, it is due to the Senator from Idaho to say that not only the committee but the department recognize the force of his argument, and we have taken additional steps here to enlarge and strengthen the reservation schools. The department is gradually placing a higher limit of

age upon those who may leave the reservation and attend non-reservation schools. It is one of those questions where there is a sort of debatable ground between two extremes. Both the department and the committees in both Houses are gradually moving in the direction of enlarging the work along the line suggested by the Senator from Idaho.

Mr. BURKETT. Mr. President, I do not want to sit here and let the discussion go along as if there were but one side to this question. I know the view the department has taken; and, of course, we all know that from year to year, almost with every commissioner, the department has changed its view as to the best method of educating the Indian. I surmise that the most harm has been done the Indians, not through any particular system, but by rather an unsteadiness of plan or system. It is not a one-sided question. There is a good deal in what the Senator from Idaho [Mr. HEYBURN] has said; and I think as soon as it is possible on every Indian reservation the reservation school should be established.

Within a year I have been in one of the reservation schools, and talked with the teachers in that school with reference to the difficulties they meet and the problems they have to solve. If things could go on as nicely as the Senator suggests, all would be well and good, but I suspect that in his town they need a truant officer to keep even the white children in school with the regularity that they should be kept therein. They do in most towns, and if they do not in the Senator's town, that is an exception.

Mr. HEYBURN. They do not.

Mr. BURKETT. As I have said, they do in most towns. They have a school officer, whose duty it is to see that the students are kept in school with regularity.

One of the questions that the teacher in the reservation school has to contend with is in getting the students to attend. When they go home at night they are out of the teacher's control until they come back the next morning, and they do not come back with any very great regularity, the teacher told me. Secondly, the teachers are not in the control of what the pupils do from the time they leave in the evening until they come back the next morning any more so than is the case with white pupils. The teachers do not know where the pupils spend their evenings or how much of their time is given to sleep, and, in a good many instances, when they come back the next day they are not in very good condition to do very much study, and, in some cases, they have lost, also, the effects of the good teaching they had in school the day before by some different character of teaching during the time spent at home.

That may not be so with the Indians to whom the Senator from Idaho refers; that is not true as to some of the tribes in my State, I will say to the Senator from Idaho; but those are the problems the teachers have to meet in the reservation schools.

Mr. HEYBURN. Mr. President, if the Senator will permit me, I think those problems are not of frequent occurrence. The reservations I have in mind—and I have known and know now some of them—have no slums and no saloons or billiard halls. They have none of those things that would be included in the suggestion of the Senator that would make it difficult for the teacher to keep track of them between the hours of school. The best feature of it is that the teacher is dissociated from them outside of school hours, and that they associate with their families. That is one of the very best features, because that is the period during which the little student, who may be a pigmy among students, and yet a giant among the uneducated members of the family, is spreading the pollen of the day.

I do not think there is anything in the proposition that the teacher should have supervision or control over the pupils out of school. I think it is better, I repeat, that during that time they should come in contact with the other members of the tribe or family, as the case may be, in order to do what good they may.

Mr. BURKETT. Mr. President, it is in their favor, I will say, that they do not have many of the modern vices in Indian communities that the white children have to meet when they go out of school at the close of day; yet we know that there are a great many private schools for white children maintained so as to keep them under the influence of the school all the time, on the theory that that is better than to let them roam where there are not proper restraints or where the surroundings are not desirable. There are a good many white people who prefer to take their children right from their infancy and send them off to private schools, where they are kept in institutions all the time.

I am not going to combat with the Senator from Idaho, because I am not an Indian educator, qualified to have a judgment that would be worth anything upon this question; but I did not want the Senator's arraignment of these schools to go entirely unanswered or without any manner of protest.

There is a contention between those who are educating Indians as to which is the better method. We have tried both ways, and we are trying both ways to-day, without, I think, any well-settled view as to which is the better way. There are arguments both ways.

Mr. HEYBURN. Right there, if the Senator will pardon me——

Mr. BURKETT. Yes.

Mr. HEYBURN. It is a fearful indictment the Senator makes against the white civilization in the home that they must send their children away from home in order that they may not be subjected to vicious surroundings and dangerous conditions of life. That is a very serious thing.

Mr. BURKETT. Does not the Senator have under his observation any children who are sent away because the surroundings and advantages where they happen to be located are not at all times satisfactory to their parents and they think the children would be better off in private schools?

Mr. HEYBURN. I would have to animadvert with such harshness upon the conditions that such parents surround their children with that I would rather not undertake to enumerate them.

Mr. BURKETT. The parents can not always control the conditions and the surroundings.

Mr. HEYBURN. I have known of people who are desirous of shirking every bit of responsibility and trouble in connection with the proper rearing and education of their children, but I am very thankful that they are not very numerous.

I have had some occasion to observe the moral conditions that surround the Indian tribes in their home life; and I am very free to say that there are no people on earth—and I bar no nation—where the surroundings and the home life of the children are as free from objectionable features and as clean and pure as in the Indian tribes. At one time, many years ago, I had occasion to be with a tribe of Indians that numbered over 10,000. I say that because the census was taken about that time. I was there; and in that whole tribe there was but one immoral woman, and she was the victim of an officer of the army, many years dead. You can not say that for any other equal number of white people on this earth, and it was because of the principles that they bred in their children. There was no trouble about larceny or the ordinary violations of the good order of society among those people, and the same might be said of many tribes with which I have been familiar.

Mr. BURKETT. Mr. President, I hope there is nothing in what I have said that may be construed as an indictment of the morals of the Indians. I have not had as much experience with the Indians, perhaps, as the Senator has, or as much knowledge in general, perhaps, of Indian reservations. However, I have been on a good many of them, and I undertake to say that there is not an Indian reservation in the United States but that the difficulties are greater in sending children to local schools than they are in localities where white people are settled. For example, the distances are greater; the communities are not so thickly settled, and it is more difficult for the children to get to school. The distance must be longer to the schoolhouse where you could get together enough pupils to have a school that would be of any particular consequence. The Indian parent has not been to school and, as the Senator has suggested, in many instances he does not appreciate the value of schools. This is no reflection upon them, because there are numbers of white people who do not appreciate the value of schools. That is one of the reasons why we have to have truant officers in almost every community to get the children to school. We have to pass laws requiring them to go to school, even among the white people. As I have said, those things are against the utility of the school on the reservation.

I would say to the Senator from Idaho that I am very much in favor of reservation schools; in fact, I urged the department two or three years ago to establish one particular reservation school, because I thought the Indians on that reservation could use one and would use one and would support it and would see that their children would attend it, and they have done so.

I will say to the Senator that, in the main, they have done exceedingly well; perhaps better in general than anyone had a right to expect. But all the reservations are not the same as that reservation; all the Indians are not the same as those Indians. Some of the tribes are small, and there are only a few Indians in comparison with the number of acres they have. It is better to collect these children all together somewhere and form a good school than to establish several small schools with not enough pupils in any one of them to make the school interesting or practical. You can not make the same rule for all

reservations or for all Indians. I think there is where the department made its error, in switching from one extreme back to the other extreme as the years have gone by, and we have lost out on it. I did not want what the Senator said here to go unchallenged, as though there were no other or different idea in the country. I did not want the department to understand that what the Senator said was universally approved by the educators of the country. I want to see the local schools established just as rapidly as they can be. I want the schools brought as close to the Indian as possible and made as practicable for his uses as may be. I have not any manner of doubt as to the wisdom of that. But I do believe that it is impossible and impracticable and unwise to undertake at this time to abolish all the nonreservation schools simply because they are nonreservation schools.

Mr. HEYBURN. I would not be understood as favoring the abolishment of these schools. I am in favor of directing the Treasury of the United States to come to the assistance of the others first; that is to say, the common schools. The civilization of this country rests largely upon common-school education. It has been the foundation of all the education and attainments of the people of the country.

It is only fair to say that the tribe of Indians to whom I referred were the Ogallalla Sioux. Fight! There is no other tribe of Indians that ever did so fight. But they were a virtuous tribe of Indians—those Ogallalla Sioux. They have now taken their land in severalty. I am speaking of them as of thirty years ago. More than twenty years ago, I attended the commencement exercises of the Coeur d'Alene Indians. They were making a treaty with the Indians, and I was representing one side of the controversy. I came in contact with them for days, attended their commencement exercises, and saw those Indians, who ten or fifteen years before had scarcely known there was a written language, equipped so that they made as creditable an appearance in all of the exercises as an equal number of white children.

I want to see that go on, and it will go on best through the public-school system.

Mr. McCUMBER. Mr. President, I should like to express an idea here which is somewhat intermediate between those of the two Senators who have already expressed themselves upon the subject. I do not agree with the Senator from Idaho that we are getting any better results from our day schools, from our reservation schools, than we are getting out of some of the other schools. As has already been suggested, the Indian scholar is not one who, as a rule, likes to attend school. He does not, as a rule, attend school when he can escape it. I am speaking now, generally, of those upon the reservations. We have to take into consideration the character of those Indians, the character of the training they have had for thousands of years, when we attempt to apply any particular rule to them, and that character of training has been such as is not conducive toward school attendance day after day and remaining for several hours in a schoolroom.

We get better results, therefore, during certain ages at least, outside of the reservation school, provided—and here comes the great difficulty that we have constantly to confront—that we do not send them so far away from home that they are totally without connection with their own people, and in another world, surrounded by conditions in no wise related to those they will be forced into again when they return home.

This leads me to the single proposition that I think is more harmful in the outside schools than any other, and that is the cultivation of what is called the "college spirit," which, in common parlance, means the "sporting spirit." We will take some of our principal nonreservation schools. The principal idea infused into the Indian is not so much how to become a good American citizen, how to benefit himself when he gets back to the reservation, as it is that his school should be superior in football or other athletic games, whether he will become a talented musician or a successful business or trades man. If we can simply get it into the heads of those who are controlling the outside schools that the schools are for the benefit of the Indians after they get back to the reservation, rather than to promote the athletic credit of the school, I think we will have taken a long step toward the betterment of the affairs of the Indian.

We have some very good Indian football players in the colleges around here, but they are no more good when they get back to the reservation than the white football player who gives more time to the game than to study when he gets back among the people where he has to make his own living. The Indian who goes to Carlisle may become a very good musician; he may blow very well upon any kind of a brass horn, but that brass horn will not blow the potatoes out of the ground, where, when he gets back to his reservation, he has to get them out of the ground. And the cultivation of that talent does not especially fit him for the character of work he will have to do after he gets back to the reservation. What is the result?

The result is that he gets disheartened in a very short time. The result is that he has not at the schools built up a character for industry, but rather an inclination for sport. I want to protest here against that sort of education.

If, on the other hand, we can conduct our schools, though they may be off the reservation, but within a reasonable distance, from which the children can go home and see their parents and their parents can see them, but where they will be kept in school, treated well, boarded well, and cared for well, I think we will get a good deal of benefit, provided we do not attempt to cultivate, as I have said, what they call the "college spirit" in every one of these little outside colleges.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 8, line 25, after the word "for," to insert: "The purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not as to timber apply to the Menominee Indian Reservation in Wisconsin. For;" on page 9, line 8, before the word "dollars," to strike out "sixty" and insert "seventy-five;" in line 14, before the word "thousand," to strike out "two hundred and fifty" and insert "three hundred and seventy-five;" and in the same line, after the word "dollars," to insert "of which $50,000 shall become immediately available," so as to read:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not as to timber apply to the Menominee Indian Reservation in Wisconsin. For the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, at a rate not to exceed $75 per month, and for furnishing necessary equipments and renting quarters for them where necessary; and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed, to superintend and direct farming and stock raising among Indians, $375,000, of which $50,000 shall become immediately available.

The amendment was agreed to.

The next amendment was, in section 2, page 10, line 15, before the word "thousand," to strike out "four" and insert "five," so as to make the clause read:

SEC. 2. For expenses of the Board of Indian Commissioners, $5,000, including not to exceed $300 for office rent.

The amendment was agreed to.

The next amendment was, on page 10, line 17, before the word "thousand," to strike out "four" and insert "twelve," so as to make the clause read:

For payment of necessary interpreters, $12,000: *Provided*, That hereafter no person employed by the United States and paid for any other service shall be paid for interpreting.

The amendment was agreed to.

The next amendment was, on page 10, line 22, before the word "dollars," to strike out "officers at twenty-five" and insert "chiefs of police at not to exceed sixty," so as to make the clause read:

For payment of Indian police, including chiefs of police at not to exceed $60 per month each and privates at $20 per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at nonration agencies, $200,000.

The amendment was agreed to.

The next amendment was, at the top of page 11, to insert:

For the proper classification and indexing of the old files of the Office of Indian Affairs, $5,000.

The amendment was agreed to.

The next amendment was, on page 11, line 10, after the word "dollars," to insert "and 50 cents;" and in line 17, before the word "thousand," to strike out "eight" and insert "eighteen," so as to make the clause read:

For contingencies of the Indian service: for traveling and incidental expenses of the Commissioner of Indian Affairs and other officers and employees in the Indian service, including clerks detailed from the Bureau of Indian Affairs for special service in the field; for traveling and incidental expenses of special agents, at $3.50 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses, including expenses of going to and from the seat of government and while remaining there under orders; for pay of employees not otherwise provided for; and for pay of special agents, at $2,000 per annum each, $118,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 17, to insert:

Arizona and New Mexico.

The amendment was agreed to.

The next amendment was, in section 3, on page 12, after line 16, to insert:

For the construction of a storage reservoir for the irrigation of Indian lands at Ganado, $25,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 19, to insert:

For the construction of a pumping plant to be used for irrigation purposes on the Colorado River Reservation, together with the necessary canals and laterals, for the utilization of water in connection therewith, for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land, $50,000, to be reimbursed from the sale of the surplus lands of the reservation.

The amendment was agreed to.

The next amendment was, on page 13, line 7, before the word "thousand," to strike out "two" and insert "three;" and in the same line, before the word "thousand," where it occurs the second time, to strike out "thirty-seven" and insert "thirty-eight," so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school at Fort Mohave, and for pay of superintendent of said school, $35,100; for general repairs and improvements, $3,000; in all, $38,100.

The amendment was agreed to.

The next amendment was, on page 13, after line 19, to strike out:

The Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Navaho Indian Reservation in Coconino County, in the Territory of Arizona, with respect to the necessity of constructing a bridge at or near Tanners Crossing, on said reservation, and also to cause surveys, plans, and reports to be made, together with an estimated limit of cost for the construction of a suitable bridge at that place, and submit his report thereon to Congress on the first Monday in December, 1910, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated for the purposes herein authorized.

The amendment was agreed to.

The next amendment was, on page 14, after line 6, to insert:

For the construction of a bridge and the necessary approaches thereto across the Little Colorado River at or near Tanners Crossing on the Navaho Indian Reservation in Coconino County, Territory of Arizona, $50,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 14, after line 11, to insert as a subhead:

California.

The amendment was agreed to.

The next amendment was, in section 4, on page 14, line 17, before the word "thousand," to strike out "forty-two" and insert "forty-five;" and in line 18, after the word "dollars," to insert the following proviso:

Provided, That all moneys heretofore appropriated for support of Northern Indians in California and not covered back into the Treasury at the date of the passage of this act are hereby made available for the purchase of lands for landless Indians in California.

So as to read:

SEC. 4. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, $45,000: *Provided*, That all moneys heretofore appropriated for support of Northern Indians in California and not covered back into the Treasury at the date of the passage of this act are hereby made available for the purchase of lands for landless Indians in California.

The amendment was agreed to.

The next amendment was, on page 15, line 2, after the word "for," to strike out "a new dormitory" and insert "additions to dormitories," so as to make the clause read:

For support and education of 550 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $94,350; for general repairs and improvements, $10,000; for additions to dormitories, $15,000; for a new hospital, $15,000; in all, $134,350.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to insert as a subhead:

Colorado.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to strike out:

For the support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., $33,400, and pay of superintendent, $1,600: *Provided*, That if said school is disposed of as authorized by the Indian appropriation act for the fiscal year ending June 30, 1910, approved March 3, 1909, the provisions of which act with reference to said school are hereby extended to July 1, 1911, only the pro rata share of the appropriation therefor for the portion of the year which the school is maintained by the United States shall be available: *Provided further*, That if such property is not accepted by the State of Colorado as hereinbefore provided, or if the State of Colorado does not accept the Fort Lewis Indian School as provided by act approved March 3, 1909, the Secretary of the Interior is hereby authorized to dispose of and convey the real estate, including buildings and fixtures, of either of the said schools to the highest bidder for cash at not less than an appraised valuation to be fixed by the Secretary of the Interior, the sale to be subject to his approval and under such rules and regulations as he may prescribe, and he is also hereby authorized and directed to dispose by sale, or transfer to other government Indian schools, such property as is not covered by the transfer of the realty, buildings, and fixtures.

The amendment was agreed to.

The next amendment was, on page 16, after line 7, to insert:

GRAND JUNCTION SCHOOL.

SEC. 5. There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the property known as the Grand Junction School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1911, if before that date the governor of the State of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property upon the terms and conditions herein prescribed.

For support and education of 200 Indian pupils at the Indian school at Grand Junction, Colo., $33,400, and pay of superintendent, $1,600: *Provided*, That if said school is disposed of as above authorized at any time during the fiscal year of 1911, the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

The amendment was agreed to.

The next amendment was, on page 17, after line 6, to insert:

FORT LEWIS SCHOOL.

There is hereby granted to the State of Colorado, upon the terms and conditions hereinafter named, the property known as the Fort Lewis School, including the lands, buildings, and fixtures pertaining to said school: *Provided*, That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: *Provided further*, That this grant shall be effective at any time before July 1, 1911, if before that date the governor of the State of Colorado files an acceptance thereof with the Secretary of the Interior accepting for said State said property upon the terms and conditions herein prescribed.

For support and education of 200 Indian pupils at the Indian school at Fort Lewis, Colo., $35,000, and for pay of superintendent, $1,600: *Provided*, That if said school is disposed of as above authorized at any time during the fiscal year of 1911 the pro rata share only of the appropriation for the maintenance of said school for the portion of the year which the school is maintained by the United States shall be available.

The amendment was agreed to.

The next amendment was, on page 18, after line 6, to insert:

FLORIDA.

For the construction, equipment, and support of one or more schools in the State of Florida for Seminole Indian youth, $20,000; for the purchase of land, stock, and agricultural implements necessary in the industrial education of Indian youth, $10,000; and the Secretary of the Interior is hereby authorized and directed to cause an investigation and report to be made upon the condition of the Florida Seminoles and their further needs; and, if a reservation be desirable, to enter into negotiations with the authorities of the State of Florida with a view to effecting an arrangement for the setting aside of the necessary lands for such reservation.

The amendment was agreed to.

The next amendment was, on page 18, after line 19, to insert as a subhead:

Idaho.

The amendment was agreed to.

The next amendment was, in the item of appropriation for continuing the work of construction and irrigation on the Fort Hall Reservation, Idaho, on page 19, line 9, after the date "1907," to insert the following further proviso:

Provided further, That lands in private ownership shall pay only $6 per acre for water rights, including construction charges as provided in the act of March 1, 1907.

The amendment was agreed to.

The next amendment was, on page 20, after line 4, to insert:

And provided further, That the act of February 23, 1889 (25 Stat. L., p. 687), entitled "An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi Reservation, in Idaho, May 14, 1880, and for other purposes," be, and the same hereby is, amended by striking out section 2 thereof and substituting the following:

"SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to cause to be surveyed the lands on the Fort Hall Indian Reservation, Idaho, and upon the completion of said survey he shall cause the irrigable lands on said reservation to be allotted to the Indians entitled thereto in such areas as he may deem advisable, not to exceed 40 acres to any one Indian, however; and in addition to the allotment of irrigable land there shall be allotted to each Indian entitled 160 acres of grazing land, and the said Secretary is hereby authorized to set aside and reserve certain lands in the western part of the Fort Hall Indian Reservation, lying between the Snake River and the Port Neuf River, in ranges 32 and 33 east of the Boise meridian, known as the 'Fort Hall Bottoms,' for the use of the Fort Hall Indians for grazing purposes."

Mr. HEYBURN. I move, on page 20, to strike out line 5 down to the word "and" where it first appears in line 23 and to substitute therefor what I will read. I will give the reason for the amendment to the amendment. I move to substitute the following:

Provided, That it shall be optional with those Indians entitled to allotments on the Fort Hall Reservation whether they accept a portion of their allotment within the irrigated portion of the reservation, as provided in this act, or shall avail themselves of the provisions of the act of February 23, 1889, entitled "An act to accept and ratify the

agreement submitted by the Shoshones, Bannocks, and the Sheepeaters of the Fort Hall and Lemhi Reservation in Idaho, May 14, 1880, and for other purposes."

It so happens that a number——

Mr. CLAPP. Unless the Senator from Idaho desires to discuss the amendment, the committee will accept it.

Mr. HEYBURN. I merely want the RECORD to show in a few words the reason.

A number of Indians, with their families, have for many years resided upon streams outside of the irrigated area that afford sufficient water for their purposes, and they have builded homes there. They do not desire to be disturbed or care to take advantage of the provisions of this act; and the amendment merely gives them the option of staying there or going onto the irrigated portion.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Idaho to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 21, after line 3, to insert as a subhead:

Kansas.

The amendment was agreed to.

The next amendment was, on page 21, line 9, after the word "dollars," to insert "for drainage, $10,000;" and in line 12, before the word "thousand," to strike out "forty-seven" and insert "fifty-seven," so as to make the clause read:

SEC. 8. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., for transportation of pupils to and from said school, and for pay of superintendent, $137,750; for drainage, $10,000; for general repairs and improvements, $10,000; in all, $157,750.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to insert as a subhead:

Michigan.

The amendment was agreed to.

The next amendment was, in section 9, on page 22, line 1, before the word "thousand," to strike out "three" and insert "six;" in line 3, before the word "thousand," to strike out "four" and insert "seven;" and in the same line, before the word "thousand," where it occurs the second time, to strike out "fifty-eight" and insert "sixty-four," so as to make the clause read:

SEC. 9. For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $51,800; for new office building, $6,000; for general repairs and improvements, $7,000; in all, $64,800.

Mr. SHIVELY. I wish the chairman in charge of the bill would have the kindness to explain what is meant by "striking out and inserting." Is it so many thousands or so many hundreds, or what?

Mr. CLAPP. The bill, if the Senator will pardon me——

Mr. SHIVELY. I have not been following the bill closely.

Mr. CLAPP. It raises the appropriation, in line 1, for a new office building from $3,000 to $6,000.

Mr. SHIVELY. What page?

Mr. CLAPP. Page 22. Then, in line 7, it raises the appropriation for repairs and improvements from $4,000 to $7,000, making a total of $64,000 instead of $58,000. The Senator will find it at the top of page 22.

Mr. SHIVELY. Page 22? What line?

Mr. CLAPP. Lines 1 to 4.

Mr. SHIVELY. The Clerk may proceed.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 22, after line 4, to insert as a subhead:

Minnesota.

The amendment was agreed to.

The next amendment was, in section 10, on page 22, after line 15, to strike out:

For advance interest to the Chippewa Indians in Minnesota, as required by section 7, act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," to be expended in the manner required by said act, $90,000: *Provided*, That the amount of this appropriation and all moneys heretofore or hereafter to be appropriated for this purpose shall be repaid into the Treasury of the United States in accordance with the provisions of the act of January 14, 1889: *Provided further*, That the Secretary of the Treasury shall transmit to Congress on the first Monday in December, 1910, a statement, by tribes and funds, of all moneys appropriated by Congress since July 1, 1875, required by law to be reimbursed to the United States from Indian tribal funds held in trust or otherwise, showing the extent to which such reimbursements have been or may now be accomplished.

For the relief and civilization of the Chippewas in Minnesota, to be expended as the Secretary of the Interior may direct, $150,000, to be paid from tribal funds held in trust or otherwise by the United States for the Chippewas in Minnesota.

And insert:

Advance interest to the Chippewa Indians in Minnesota, as required by section 7 of "An act for the relief of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to be expended under the direction of the Secretary of the Interior, in the manner required by said act (reimbursable), $90,000.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, $150,000.

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1910, out of the funds belonging to said band.

That two years' additional time for paying the installments due or to become due is hereby given to the purchasers of homestead lands sold pursuant to the provisions of an act entitled "An act to authorize the sale of a part of what is known as the Red Lake Indian Reservation in the State of Minnesota," approved February 20, 1904; and no homestead entries under said act shall be canceled for nonpayment of installments of the purchase price until the expiration of the two additional years above named.

Mr. SHIVELY. I wish the Senator in charge of the bill would explain this item.

Mr. CLAPP. In 1889 the Government made a treaty, which was subsequently formulated into legislation, with the Chippewa Indians by which we advanced them $90,000 of interest annually, and then we appropriated out of the fund $150,000, making $240,000. On pages 22 and 23 the House inserted those items, but they had changed the language of the former bill, and to bring the bill within the language of the former bill and language which has been employed now for a great many years, the committee struck out the House provision and inserted the Senate amendment. They do not change the amount. The Senator will observe on page 23, commencing with line 15, the provision for advance interest, $90,000; and then, in line 22, page 23, is the provision for taking out $150,000 pursuant to a law which was passed in 1889, by which the Government takes and sells the timber and puts it into a fund. The estimated amount was fixed so that the interest agreed to, at the rate of $90,000 a year, should be paid.

Mr. SHIVELY. The act of 1889 was the organic act that formed the basis for this legislation?

Mr. CLAPP. It was the basic act rather than the organic act.

Mr. SHIVELY. It formed the basis for this appropriation?

Mr. CLAPP. Yes.

The amendment was agreed to.

The next amendment was, on page 25, after line 4, to insert as a subhead:

Montana.

The amendment was agreed to.

The reading was continued to line 23, on page 25.

Mr. SHIVELY. If the Senator from Minnesota will permit me to trouble him a moment. I admit that I am not familiar with the terms of the Indian appropriation bills in recent years. But take the item beginning in line 11:

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $9,000.

Is that the usual language employed in these appropriation bills?

Mr. CLAPP. Yes; it is the language that has been employed for a great many years.

Mr. SHIVELY. And what does it cover?

Mr. CLAPP. It covers the expense of maintaining the agency, including the pay of the agent. I ought to be a little more accurate. Heretofore, down to within a year or two, we always specified the amount which the agent would receive; but two or three years ago we began changing it, and now the change has become uniform, and agents have given way to what we call "superintendents." With that exception the item is one of long standing in all these bills. The Senator will observe, for instance, on page 31:

For support and civilization of the Indians of the Western Shoshone Agency, Nev., including pay of employees, $8,000.

And in several places, when we reach the different States, a similar provision will be found.

Mr. SHIVELY. This includes only the support and pay of employees; that is, the salaries of the agents and employees engaged at the different agencies?

Mr. CLAPP. At this agency perhaps it would include the expense of the teachers at the day school. There are day schools at nearly all the agencies.

Mr. SHIVELY. Suppose we take the item on page 25, beginning at line 6:

For the support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $20,000.

Just what does that item of $20,000 cover?

Mr. CLAPP. I could not state to the Senator just what it covers, for this reason: This is the House bill we are dealing with, and where we do not propose to amend the text of the bill we accept it. Consequently in such a case the chairman of the committee would hardly be expected to analyze the item. But in a general way it covers the salary of the superintendent, the subsistence of the superintendent, the salaries of the teachers and the clerks at the agency. They have sometimes one and sometimes four clerks, according to the necessities of the case.

Mr. SHIVELY. Let me ask right there, all of which is in the discretion of the Indian Department?

Mr. CLAPP. The sum total. I explained some time ago that formerly, for instance, we fixed the salary of an agent perhaps at one agency at $1,800 and at another agency at $2,000, but beginning some years ago we gradually eliminated the agents and allowed the Indian commissioner to substitute a superintendent, and we also more or less and a little more every year withdraw the limitations upon the commissioner as to details, simply placing a limitation upon the appropriation. That enables him, if a superintendent is a very superior one, to pay the superintendent a little more and the teachers perhaps a little less, or the teachers a little more and the superintendent a little less. We are gradually, not rapidly at all, but in a measure, enlarging his jurisdiction within the limitations which we fix.

Mr. SHIVELY. That is, you enlarge the discretion of the Indian Department in the payment of this sum as between the superintendent and those who are under him?

Mr. CLAPP. Yes; and those under him.

Mr. SHIVELY. Does it increase the sum in any manner?

Mr. CLAPP. It does not increase the sum at all. It is a very wise provision. It is just the same provision that a man would apply to his own business.

Mr. SHIVELY. Always provided you have a wise man at the head of the Indian service.

Mr. CLAPP. Exactly; and that human equation is necessarily involved in all matters. I must say, while it is not perhaps germane to the discussion, that the present commissioner is devoting himself with a great deal of earnestness and a great deal of ability to the personal-equation phase of the Indian subject-matter, which, after all, is so largely involved in the administration of Indian affairs.

Mr. SHIVELY. I was only curious in regard to this matter for the reason that some years ago I had a little experience and had occasion to observe the conduct of the Indian Department. In my humble judgment, I did not always find the department wise in this matter in a good many respects.

The reading of the bill was resumed. The next amendment was, in section [9] 11, on page 27, after line 15, to insert:

That the act of April 23, 1904 (33 Stat. L., 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana," and all amendments thereto, be amended by adding thereto the following sections:

"SEC. 23. That the Secretary of the Interior be, and he is hereby, authorized to immediately cause to be surveyed and subdivided into lots, not less than 2 acres and not more than 5 acres in area, all of the unallotted lands fronting on Flathead Lake, in the State of Montana, that are embraced within the limits of the Flathead Indian Reservation, whether classified as grazing, agricultural, or timber lands.

"That when said lands are so surveyed and subdivided into lots as aforesaid, the Secretary of the Interior shall sell the same to the highest bidder, either at public sale or under sealed bids, as in his judgment he shall deem best for the interest of the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille Indians, the proceeds from the sale of said lands, after deducting the expenses of the survey and sale of the lands, shall be paid into the Treasury of the United States and expended as heretofore provided in section 14, as amended by the act of May 29, 1908.

"SEC. 24. That where allotments of lands have been made in severalty to said Indians from the lands embraced within the area of said Flathead Indian Reservation, which are or may be irrigable lands, the Secretary of the Interior may, upon application of the Indian allottee, sell and dispose of not to exceed 60 acres of such individual allotment of land under such terms and conditions of sale as the Secretary of the Interior may prescribe, one-half of the proceeds of the sale of said individual allotment to be paid to the Indian allottee and the remaining half of the proceeds of sale to be held in trust for the said Indian allottee, upon which he shall be paid annually not less than 3 per cent interest, the remaining principal sum to be paid to said allottee or his heirs when the full period of his trust patent for the remaining lands covered by his allotment shall have expired, or sooner, should the Secretary of the Interior, in his judgment, deem it best for said Indian allottee.

"SEC. 25. That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the surplus unallotted and otherwise unreserved lands of the Flathead Indian Reservation as may be necessary to provide an allotment to each Indian having an allotment on any of the lands set aside and reserved for power or reservoir sites, as authorized by section 22 of the act of March 3, 1909 (35 Stat. L., 796), who may relinquish his allotment within such power or reservoir sites.

"And in the event of the failure, neglect, or refusal of any such allottee to relinquish any allotment made to him on any land reserved or necessary for reservoir sites, as aforesaid, the Secretary of the Interior is authorized to bring action under the provision of the laws of the State of Montana to condemn and acquire title to any and all lands necessary or useful for said reservoir sites that have heretofore been allotted on said Flathead Indian Reservation lands."

Mr. DIXON. On line 1, page 29, I move to strike out "three" and insert "four" before the words "per centum," so as to read:

Not less than 4 per cent interest.

Mr. CLAPP. I have no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

Mr. CLAPP. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. If there be no objection, the unfinished business will be temporarily laid aside. The question is on agreeing to the amendment of the Committee on Indian Affairs as amended.

Mr. SHIVELY. Some days ago we passed a bill here authorizing the issue of $30,000,000 of certificates of indebtedness for the purpose of carrying forward the irrigation projects. I observe that on page 26 there is appropriated $250,000, $100,000 of which shall be immediately available, and in line 15 there is another appropriation of $200,000, and thereafter a series of appropriations of different sums. What relation do these appropriations of public moneys bear to the appropriation of public moneys for the general Reclamation Service?

Mr. CLAPP. They bear no relation whatever. There is a general Reclamation Service which is entirely distinct from this service. But within the Indian reservations, instead of throwing these matters into the general Reclamation Service, the policy has been to conduct them under the direction of the Indian Office, and, I think, very wisely. I think we get better results, because in the case of the Indian Office reclamation is not a primary object; the general benefit to the Indian is the primary object. They can employ Indians not to the advantage of the fund particularly, but to the advantage of the Indian, when, if it was being conducted under the general Reclamation Service, that service would not feel warranted in putting up with the delay, perhaps, and slow work and patience essential to get Indians to do work that is not Indian work. The committee, I think, very generally, from observation made last summer in the field, are satisfied that we get better results in the Indian reservations by allowing that work to be done by the Indian Office.

Mr. SHIVELY. If the Senator pleases, does it not frequently happen that these so-called "projects" extended by the Reclamation Service, are projected into the Indian reservations and connected with them?

Mr. CLAPP. There are some such cases, and where such cases arise the Secretary of the Interior is authorized to make proper regulations for the Indian land to be irrigated and disposed of under the law.

Mr. SHIVELY. The point I was trying to make was that all these appropriations for irrigation purposes are in addition to any appropriations that we have made in other bills for the Reclamation Service.

Mr. CLAPP. Yes, sir; entirely outside.

The amendment as amended was agreed to.

The next amendment was, at the top of page 30, to insert:

For the purchase of machinery, tools, implements, other equipment, and animals for the Indians on the Tongue River Reservation in the State of Montana, to enable the Indians to engage in the culture of fruit, grains, and other crops, the sum of $15,000, or as much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, the same to be expended under the direction of the Secretary of the Interior: *Provided*, That said expenditures shall be made under such conditions as the Secretary of the Interior may prescribe for the repayment by these Indians to the United States of the sum so expended: *Provided further*, That the returns made by the Indians shall be available for reexpenditure for the same purposes and under the same conditions until June 1, 1916.

The amendment was agreed to.

The next amendment was, on page 30, after line 15, to insert as a subhead:

Nebraska.

The amendment was agreed to.

The next amendment was, in section [10] 12, on page 30, line 21, before the word "dollars," to strike out "one thousand" and insert "two thousand five hundred;" in the same line, after the word "dollars," to insert "for erection of superintendent's cottage, $4,500; for erection of employees' quarters, $7,500; for enlarging shop building, $4,000;" and on page 31, line 2, before the word "hundred," to strike out "fifty-three thousand one" and insert "seventy thousand six," so as to make the clause read:

SEC. 12. For the support and education of 300 Indian pupils at the Indian school at Genoa, Nebr., $50,400; for pay of superintendent, $1,700; for general repairs and improvements, $2,500; for erection of superintendent's cottage, $4,500; for erection of employees' quarters, $7,500; for enlarging shop building, $4,000; in all, $70,600.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to cancel the allotment erroneously made to Parker Cabney (also known as Leon and Henry Cabney), Omaha allottee No. 463, described as lot 2, and the southwest quarter of the northeast quarter of section 5, township 24 north, range 8 east of the sixth principal meridian in Nebraska, containing 81.10 acres.

The amendment was agreed to.

The next amendment was, on page 31, after line 10, to insert as a subhead:

Nevada.

The amendment was agreed to.

The next amendment was, in section [11] 13, on page 32, line 7, after the date "1907," to insert "which sum is hereby reappropriated," so as to make the clause read:

The Secretary of the Interior is hereby authorized and directed to pay to the board of county commissioners of Ormsby County, Nev., in full settlement for damages to the public road caused by the breaking of the dam belonging to the Indian school at Carson City, Nev., the sum of $70, to be paid from an unexpended balance of the appropriation "Indian school, Carson City, Nev., 1907," which sum is hereby reappropriated.

The amendment was agreed to.

The next amendment was, on page 32, after line 9, to insert:

For the purchase of land adjacent to the Lovelock School site, in Nevada, for the use and occupation of certain Indian families, $3,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 12, to insert as a subhead:

New Mexico.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to insert as a subhead:

New York.

The amendment was agreed to.

The next amendment was, on page 33, line 14, to insert as a subhead:

North Carolina.

The amendment was agreed to.

The next amendment was, on page 33, after line 20, to insert as a subhead:

North Dakota.

The amendment was agreed to.

The next amendment was, in section [15] 17, on page 34, line 12, before the word "thousand," to strike out "four" and insert "five;" and in line 13, before the word "thousand," to strike out "sixty-four" and insert "sixty-five," so as to make the clause read:

For support and education of 325 Indian pupils at the Indian school, Fort Totten, N. Dak., and for pay of superintendent, $55,975; for general repairs and improvements, $5,000; for heating and lighting system, $5,000; in all, $65,975.

The amendment was agreed to.

The next amendment was, on page 34, line 18, after the word "dollars," to strike out "in all, $20,200" and insert "for the construction of gymnasium and band room, office building for superintendent and ice house, $25,000, or so much thereof as may be necessary; for general repairs and improvements, purchase of seed, stock, and machinery, $5,000; in all $50,200: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to the treasurer of the city of Wahpeton, N. Dak., the sum of $132.68, the same being in payment of 530,748 gallons of water used from August 15, 1909, to November 9, 1909, at the rate of 25 cents per 1,000 gallons, said amount to be paid out of the fund for waterworks now available for the use of the said Wahpeton Indian School," so as to make the clause read:

For the support and education of 100 Indian pupils at the Indian school, Wahpeton, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; for the construction of gymnasium and band room, office building for superintendent, and ice house, etc.

The amendment was agreed to.

The next amendment was, on page 35, line 15, after the word "stock," to insert "and machinery;" in line 16, before the word "thousand," to strike out "one" and insert "two;" and in line 17, before the word "thousand," to strike out "forty-one" and insert "forty-two," so as to make the clause read:

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; for the erection of a school building, $20,000; for the purchase of live stock and machinery for the school farm, $2,000; in all, $42,200.

The amendment was agreed to.

The next amendment was, on page 36, after line 5, to insert as a subhead:

Oklahoma.

The Secretary continued the reading to page 37, line 13, the last paragraph read being as follows:

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $6,500; in all, $90,000.

Mr. OWEN. I should like to submit an amendment to the paragraph just read, but will pass it until the amendments of the committee shall have been disposed of.

The Secretary resumed the reading of the bill.

The next amendment was, in section [17] 19, under the subhead "Five Civilized Tribes," on page 38, line 19, before the word "Oklahoma," to strike out "at Union Agency," so as to read:

SEC. 19. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent, at not to exceed $4,500 per annum.

The amendment was agreed to.

The next amendment was, at the top of page 40, to strike out:

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes.

The amendment was agreed to.

The next amendment was, on page 40, after line 5, to insert:

For the completion of the work heretofore required by law to be done by the Commission to the Five Civilized Tribes, for making sales of tribal property, and for other work incidental to closing up the affairs of said tribes, to be expended under the direction of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 40, after line 11, to insert the following proviso:

Provided, That any unexpended balances of appropriations heretofore made for such purposes are also hereby made available for this purpose.

The amendment was agreed to.

The next amendment was, on page 40, after line 17, to insert:

That Chickasaw freedmen having remnant allotments due them of not exceeding $50 in value shall be paid twice the appraised value thereof in lieu of the amount necessary to complete their allotments, and the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated for such purpose: *Provided*, That there shall be deducted from the amount awarded the Choctaw and Chickasaw nations under section 40 of the act of July 1, 1902 (32 Stats., 641), in payment for allotments to Chickasaw freedmen, an amount equal to the sums paid such Chickasaw freedmen.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to insert:

For payment of costs, witness fees, charges in appeals, and other expenses incident to suits brought in the courts of Oklahoma in the name and for the benefit of Indian allottees of the Five Civilized Tribes having restricted lands, to be available until expended, $10,000: *Provided*, That when any part of this appropriation has been so used, and has been refunded and covered into the Treasury, it shall be credited to said appropriation, and shall be available to be used again for the same purposes and in the same manner as originally provided herein, for a period not exceeding five years.

The amendment was agreed to.

The next amendment was, on page 42, after line 19, to insert:

That the Secretary of the Interior is hereby authorized and directed to ascertain what citizens, if any, of the Muskogee or Creek tribe of Indians made selections of land the appraised value of which was in excess of the standard value of $1,040. In case he finds that such selections were made in excess of such standard he shall report the same to the Secretary of the Treasury, who is hereby authorized to place to the credit of said Muskogee or Creek tribe of Indians the total amount of the excess so found by the Secretary of the Interior, and the Secretary of the Interior is authorized to use the existing funds of said tribe of Indians to equalize allotments, giving to each his pro rata share according to certificates of indebtedness due them for equalization of allotments.

Mr. KEAN. I should like the Senator to explain that amendment, if he will.

Mr. CURTIS. Mr. President, this amendment is offered as a substitute for an amendment which was presented in the committee. The proposition was to require the Government to equalize all the allotments of the Creek tribe of Indians up to $1,040 which would have taken over $2,000,000. It was developed on the hearing that about 800 allotments had been made of tracts of land which exceeded the standard of allotment, which in the agreement was fixed at $1,040. As a compromise this proposition was inserted, so that the money now in the Treasury to the credit of the Creek Indians, together with what few dollars may be placed there by the Government in lieu of the excess allotments to about 800, may be used to equalize allotments between the members of the Creek tribe of Indians.

Mr. KEAN. What is the amount involved?

Mr. CURTIS. Under the terms of the amendment it will not be very much. I am advised only a few thousand dollars.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of line 2 on page 44.

Mr. OWEN. Mr. President, I should like to ask the consent of the committee to have inserted at this point the following amendment:

The Secretary of the Interior is hereby instructed to pay from the funds of the Chickasaw Nation the sum of $1,368 to St. Agnes Academy, of Ardmore, Okla., for board and tuition of Chickasaw children.

Mr. CLAPP. The committee has no objection to the amendment.

The VICE-PRESIDENT. The Senate's order was that committee amendments should first be acted on; but, if there be no objection, the amendment proposed by the Senator from Oklahoma [Mr. OWEN] will be received at this time. The Chair hears no objection, and the amendment will be stated.

The SECRETARY. On page 44, after line 2, it is proposed to insert:

The Secretary of the Interior is hereby instructed to pay from the funds of the Chickasaw Nation the sum of $1,368 to St. Agnes Academy, of Ardmore, Okla., for board and tuition of Chickasaw children.

Mr. OWEN. I am informed by the Commissioner of Indian Affairs that he has made a favorable report upon this proposition, though his recommendation has not yet reached the committee.

Mr. KEAN. Ought not the word in the Senator's amendment be "authorized" instead of "instructed?"

Mr. OWEN. Yes. I accept the suggestion of the Senator.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oklahoma will be modified by inserting the word "authorized" instead of "instructed," if there be no objection. The Chair hears none.

The amendment, as modified, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 44, after line 8, to insert:

The Secretary of the Interior is hereby authorized to pay from the funds of the Muskogee Nation $1,500 to M. L. Mott, balance due for services rendered as attorney of the Muskogee Nation under contract of March 2, 1906.

The amendment was agreed to.

The next amendment was, on page 44, after line 13, to insert as a subhead:

Oregon.

The amendment was agreed to.

The next amendment was, in section [18] 20, under the head of "Oregon," on page 44, line 24, after the word "pupils," to insert "including native pupils brought from Alaska;" on page 45, line 2, after the word "dollars," to insert "for addition to brick school building, $15,000; for purchase of additional farming land $20,350;" and in line 8, before the word "dollars," to strike out "twelve thousand two hundred" and insert "forty-seven thousand five hundred and fifty," so as to make the clause read:

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200; for addition to brick school building, $15,000; for purchase of additional farming land, $20,350; for general repairs and improvements, $10,000; in all, $147,550.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to insert as a subhead:

Pennsylvania.

The amendment was agreed to.

The next amendment was, at the top of page 46, to insert as a subhead:

South Dakota.

The amendment was agreed to.

The next amendment was, in section [20] 22, under the head of "South Dakota," on page 46, after line 9, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the Mission Farm Company, for damages caused by a certain fire set by the carelessness of employees of the Government in the regular line of their duty and as incident thereto, in the Indian service on the Rosebud Indian Reservation in South Dakota, and across the state line in Nebraska, on the 20th day of October, 1909, which fire burned up 734 tons of hay, valued at $2.50 per ton, $1,835.

The amendment was agreed to.

The next amendment was, on page 47, line 2, before the word "thousand," to strike out "three" and insert "five;" and in the same line, after the word "all," to strike out "fifty-four" and insert "fifty-six," so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $26,550; for new building, $25,000; for general repairs and improvements, $5,000; in all, $56,550.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the support of Sioux of different tribes, on page 48, line 6, after the word "to," to strike out "be paid from tribal funds held in trust for the Indians on the Cheyenne River and Standing Rock reservations, in South and North Dakota," and insert "the Indians on the Cheyenne River and Standing Rock reservations, in South and North Dakota, from tribal funds held in trust for them," so as to make the proviso read:

Provided, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; and additional to the appropriation of $350,000 herein made for the purposes of civilization, and supplemental thereto, there is hereby appropriated the sum of $150,000 to the Indians on the Cheyenne River and Standing Rock reservations, in South and North Dakota, from tribal funds held in trust for them, as provided for in section 6 of the act of May 29, 1908; in all, $600,000.

The amendment was agreed to.

The next amendment was, on page 48, after line 23, to insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, and report a finding of fact, as between the United States and the Yankton tribe of Indians of South Dakota as to the interest, title, ownership, and right of possession of the said tribe of Indians in and to the following lands and premises, to wit: The said lands being described and indicated on the township plats of the government legal survey approved August 15, 1872, by the surveyor-general for the State of Minnesota, as lying in sections 1 and 2 of township 106 north, range 46 west, and sections 35 and 36 of township 107 north, range 46 west of the fifth principal meridian, containing 648.2 acres, more or less, and embracing the red pipestone quarries, famous in Indian legend and in American literature and history.

Proceedings shall be commenced by petition in the name of said Yankton tribe of Indians, which petition shall be verified by the attorney or attorneys for said Indians. The attorney or attorneys who appear for said Indians therein must be authorized thereto by the Secretary of the Interior, and such proceedings shall in all respects be conducted without cost or expense to said Indians, and the United States, through the Secretary of the Interior, shall furnish without cost to said Indians a competent attorney or attorneys to appear for and represent them in said proceedings, the attorney's fee therefor to be fixed by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 50, after line 10, to insert as a subhead:

Utah.

The amendment was agreed to.

The next amendment was, in section [21] 23, under the head of "Utah," on page 51, after line 10, to insert:

That the Secretary of the Interior is hereby authorized to pay from the reclamation fund for the benefit of the Uintah Indians the sum of $1.25 per acre for the lands in the former Uintah Indian Reservation, in the State of Utah, which were set apart by the President for reservoir and other purposes under the provisions of the act approved March 3, 1905, chapter 1479, and which were by the Secretary of the Interior withdrawn for irrigation works under the provisions of the reclamation act of June 17, 1902, in connection with the reservoir for the Strawberry Valley project. Such payment shall be made in five annual installments, and the moneys paid shall be subject to the same disposition as the proceeds of the sales of lands in the former Indian reservation. All right, title, and interest of the Indians in the said lands are hereby extinguished, and the same shall be available in connection with the operations under the reclamation act, and any proceeds arising therefrom as rentals or otherwise shall be covered into the reclamation fund.

The amendment was agreed to.

The next amendment was, on page 52, after line 5, to insert:

To complete the irrigation systems to irrigate the allotted lands of the Uncompahgre, Uinta, and White River Utes, in Utah, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $75,000.

The amendment was agreed to.

The next amendment was, on page 52, after line 11, to insert as a subhead:

Virginia.

The amendment was agreed to.

The next amendment was, on page 52, after line 15, to insert as a subhead:

Washington.

The amendment was agreed to.

The next amendment was, in section [23] 25, under the head of "Washington," on page 53, line 17, after the word "Washington," to insert "$15,000, and for construction of drainage system, $250,000; in all," and, in line 23, after the word "for," to strike out "this project" and insert "these purposes," so as to make the clause read:

For the extension of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000, and for construction of drainage system, $250,000; in all, $265,000, of which amount $25,000 shall be immediately available: *Provided*, That the amount hereby appropriated and all moneys heretofore or hereafter to be appropriated for these purposes shall be repaid into the Treasury of the United States in accordance with the provisions of the act of December 21, 1904.

The amendment was agreed to.

Mr. JONES. I suggest to the chairman of the committee that I think he desires to offer an amendment at this point in the bill.

Mr. CLAPP. If the Senator will pardon me, it is the purpose of the chairman of the committee, when the committee amendments are completed, to go through the bill and to make several corrections, at which time he will propose the amendment referred to by the Senator from Washington in this connection.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 54, after line 23, to insert:

To enable the Secretary of the Interior to purchase the improvements of Young Doctor, a Makah Indian, on Waaddah Island, in township 33 north, range 15 west, fifth principal meridian, Washington, $1,200, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 55, after line 3, to insert as a subhead:

Wisconsin.

The amendment was agreed to.

The next amendment was, in section [24] 26, under the head of "Wisconsin," on page 55, after line 22, to insert:

That the Court of Claims be, and it hereby is, authorized to appoint a commissioner to take the testimony in the cases against the Menominee tribe of Indians and individual members of said tribe, as authorized by act of Congress approved May 29, 1908 (35 Stat., 444), and act of Congress approved March 3, 1909 (35 Stat., 814). The court shall determine the compensation of such commissioner, which, with the expenses of taking such testimony, shall be paid out of the funds of the Menominee Indian tribe. In event that judgment shall be rendered against individual members of the tribe, the expense incurred hereunder shall be paid out of the funds of the individuals against whom said judgments are rendered, and the Menominee tribal fund shall be reimbursed with the amounts so charged against individual members of the tribe. In the event that the plaintiffs in the suits shall fail to establish their claims the said plaintiffs shall bear the cost of employing such commissioner and the expense of taking such testimony.

Mr. KEAN. I should like to ask the Senator from Wisconsin what is the amount of money involved in that provision?

Mr. LA FOLLETTE. The very purpose of the suit is to determine the amount of money involved.

Mr. KEAN. About how much?

Mr. LA FOLLETTE. I do not remember. The bill was passed a year or two ago. The original act authorized a suit to be brought. This is simply to expedite the hearings in taking the testimony through a commissioner.

Mr. KEAN. Through a commissioner?

Mr. LA FOLLETTE. Yes.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 56, after line 17, to insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balances found due, with interest and reasonable compensation for damages, with the right of appeal, as in other cases, upon the claims of those contractors who entered into agreements with the business committee of the Menominee tribe of Indians in Wisconsin under the provisions of the act approved June 28, 1906 (34 Stat., p. 547), and whose accounts have not been settled or adjusted by the Secretary of the Interior or the Secretary of Agriculture. Any suits filed under this act shall be against the Menominee tribe of Indians, and said claims shall be presented to said court by verified petitions to be filed within one year from the date of the approval of this act. Copy of said petition shall be served upon the Attorney-General of the United States and the Commissioner of Indian Affairs. The Attorney-General shall appear and defend any suit brought hereunder. In the event that any judgment is rendered hereunder, it shall be paid out of the logging fund of the said Menominee tribe of Indians: *Provided*, That the Secretary of the Interior may settle any of the said claims and pay the same as herein authorized, provided that agreements of settlement can be reached between the said contractors and the Commissioner of Indian Affairs at any time previous to the filing of said suits or during the pendency thereof.

The amendment was agreed to.

The next amendment was, on page 57, after line 18, to insert:

That the Secretary of the Treasury be, and hereby is, directed to place on the books of the Treasury to the credit of the 457 members of the Wisconsin band of Pottawatomie Indians, who reside in the States of Wisconsin and Michigan, as set forth in the enrollment made under the direction of the Secretary of the Interior, the sum of $447,339, being the proportionate share of said Indians in annuities and tribal moneys in which they have not heretofore shared, as set forth in the report of the Secretary of the Interior contained in House Document No. 830, Sixtieth Congress. From the sum credited to said Pottawatomie Indians there is hereby appropriated the sum of $5,000, to be paid to R. V. Belt, an attorney of Washington, D. C., in full settlement of all claims of said Belt and associates for services performed in behalf of said Indians; and there be, and hereby is, appropriated to Rev. Erik O. Morstad, of Carter, Wis., the sum of $5,000 for supplies furnished and services rendered said Indians; and the balance of said amount credited to said Indians shall draw interest at the rate of 5 per cent per annum, which interest shall be expended under the direction of the Secretary of the Interior for the industrial education and necessities of such Indians.

Mr. OWEN. Mr. President, I move to amend the amendment by striking out, in line 6, on page 58, beginning with the words "From the sum" down to the word "Indians," in line 11.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 58, line 6, after the word "Congress," it is proposed to amend the amendment by striking out the following words:

From the sum credited to said Pottawatomie Indians there is hereby appropriated the sum of $5,000, to be paid to R. V. Belt, an attorney of Washington, D. C., in full settlement of all claims of said Belt and associates for services performed in behalf of said Indians.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. CLAPP. Mr. President, I should like to ask the Senator from Oklahoma the purpose of striking that out?

Mr. OWEN. The purpose, Mr. President, is that R. V. Belt, under a contract with these Indians in 1902, has prosecuted this claim ever since that time. I think the record abundantly shows that they would not have recovered at all except for his services. This fee is fixed for him without his having had any hearing of any proper kind. He protests against the fixing of this fee in this manner. He desires permission to go to the court or to go to some proper tribunal, where he may present the reasons justifying an allowance to him of a larger fee, and I think he ought to have that privilege. I do not think it is advisable to take up the time of the Senate in discussing the details here. I think it would be easy for the Senator from Wisconsin [Mr. LA FOLLETTE], who is concerned in it and who thinks that the fee is abundantly large, to present the details to the conferees when they meet and have it determined.

Mr. CLAPP. Mr. President, if the Senator will pardon me, that was the reason I made the inquiry. Will it not be better to leave the item as it is? I understand that a statement is being prepared, with the idea, possibly, that in conference that item might be sent to the Court of Claims. It occurs to me that it would be better to leave the item in the bill, and it would then be a subject of conference.

Mr. OWEN. I withdraw the proposed amendment to the amendment, Mr. President.

The VICE-PRESIDENT. The Senator from Oklahoma withdraws the amendment to the amendment.

Mr. GALLINGER. Mr. President, there has been a great deal of legislation in this bill to which I have not objected. I presume it is, for the most part, beneficent legislation, but here is a provision that is clearly violative of the rules of the Senate. Not only is it general legislation, but it proposes to pay two claims, which our rules expressly forbid us to do on appropriation bills.

Mr. CLAPP. To what page does the Senator refer?

Mr. GALLINGER. I now refer to page 58, where Mr. Belt is to be paid and the Rev. Erik O. Morstad is to be paid, each of them, apparently, for claims against the Indians or against the Government, I do not know which.

Mr. President, this is a matter that ought to be settled by legislation in the usual way, and not upon an appropriation bill, as is proposed now. I feel constrained, Mr. President, to make a point of order against the amendment on two grounds, first, that it is general legislation, and, second, it proposes to pay claims of people who allege they are entitled to certain compensation.

Mr. CLAPP. Mr. President, I want to suggest to the Senator from New Hampshire that these are claims against the Indian funds, and I think they have always been considered a proper matter for the Indian appropriation bill. Both of these claims are against such a fund.

Mr. GALLINGER. Well, Mr. President, if that be so, I raise the point of order against the amendment on the ground that it is general legislation in contravention of our rules.

Mr. CLAPP. Does that apply to the two claims?

Mr. GALLINGER. It applies to the item, I will say to the Senator, commencing on line 19, page 57, and ending on line 19, page 58.

Mr. CLAPP. I desire to suggest to the Senator that this is a matter that has been gone over by the department very thoroughly, and is fully covered in the report. It is not an appropriation directly. It is simply capitalizing the interest of those Indians, and such matters have been very often disposed of in the Indian appropriation bill. In fact, I think that has been the course heretofore almost uniformly in the case of capitalization.

Mr. PAGE. I would like to ask the senior Senator from Wisconsin upon what ground the Government is asked to pay 5 per cent to Wisconsin, whereas we are paying only 4 per cent in the other parts of this bill? Is there an agreement with the Government that it should pay that rate?

Mr. LA FOLLETTE. I think the rate of 5 per cent provided for in this amendment against which the point of order has been made is the interest charge which is usually paid on annuity funds by the Government under similar treaty provisions. I do not think any exception is made in this case. The Senator from Minnesota is more familiar with all those cases than I am.

Mr. PAGE. Then I should like to inquire of the chairman of the committee what is the reason for the difference between the 4 per cent which has just been voted in a provision relating to Montana and the 5 per cent we are paying to Wisconsin?

Mr. CURTIS. Under the old treaties the 5 per cent was allowed to all the Indian tribes. About eight or ten years ago Congress determined on another policy, and Congress fixed upon 4 per cent. That explains the difference between the allowance of 4 per cent for one and 5 per cent for the other. This item is based upon a treaty made away back in the thirties.

Mr. PAGE. Do you regard 5 per cent as the proper rate in this case?

Mr. CURTIS. If they are entitled to it at all, they are entitled to 5 per cent.

Mr. LA FOLLETTE. I do not expect to be able to prevail upon the Senator from New Hampshire to withdraw his point of order. However, if he will withhold it for a moment I desire to say that the case of these Indians is one that ought to appeal to the consideration of the Senate. This money has been due them for many years. There are 457 of these Pottawatomie Indians, and nearly all are in a destitute condition. This money is due them under the treaties and the laws. It should be placed to their credit in the Treasury, and they ought to have the interest which the Government pays in all such cases. It is due them, and they should have the benefit of it now. Payment ought to be no longer delayed.

The Secretary of the Interior made a careful investigation and a full report as to what is due these Indians; that report is included in the report which accompanies this bill. He recommends this action.

As this amendment merely makes provision to carry out existing law, I question whether the amendment is strictly amenable to the point of order made by the Senator from New Hampshire, but, whether it be or not, it is in conformity with the practice of the Senate. If there ever was a case with the department approval stronger than in this instance, my attention has never been called to it.

The VICE-PRESIDENT. The Chair will submit the matter to the Senate. Is the amendment in order? [Putting the question.] The ayes have it, and the Senate rules the amendment in order.

Mr. DEPEW. Mr. President, what has been said in regard to this appropriation by the Senator from Wisconsin convinces me that it is all right, and I intend to vote for it, but a question has arisen in my mind, which I have no doubt can be explained, in regard to the Rev. Erik O. Morstad, of Carter, Wis., who is to receive the sum of $5,000 for supplies furnished. New York is a capitalistic State, and the condition of prosperity and capital applies not only to bankers, railroad men, and lawyers, but largely also to the clergy; and yet I do not know a country clergyman in the State of New York who would have a credit in his local store for $5,000.

Mr. SHIVELY. Will the Senator have the kindness to restate that proposition?

Mr. DEPEW. While I have no doubt it is all right, yet I should like to have explained how this condition of prosperity and of wealth exists among the clergy in little rural districts in the State of Wisconsin.

Mr. LA FOLLETTE. This amendment which has been stricken out on the point of order made by the Senator from New Hampshire.

Mr. KEAN. Oh, no; it was not.

The VICE-PRESIDENT. No. The amendment was not stricken out on the point of order made by the Senator from New Hampshire.

Mr. LA FOLLETTE. I understood the Chair to——

The VICE-PRESIDENT. It was submitted to the Senate and held to be in order.

Mr. LA FOLLETTE. I understood it was submitted to the Senate, but that the holding was the reverse of that now stated.

Mr. GALLINGER. On that point I am going to ask that the question be again submitted, because I did not understand the question before the Senate.

The VICE-PRESIDENT. If there be no objection, the Chair will again submit the proposition. Does the Senate construe the amendment to be in order?

Mr. CLAY. On what page is the amendment?

The VICE-PRESIDENT. Beginning with line 19, on page 57, and concluding with line 19, on page 58.

Mr. DEPEW. While I think the objection might lie to other appropriation bills I have been watching, although having little to do with the Indian appropriation bills for a good many years, I think we do invariably pass this kind of legislation on Indian appropriation bills.

Mr. GALLINGER. There are 40 other items which the Senator overlooked.

The VICE-PRESIDENT. Is the amendment in order? [Putting the question.] The ayes have it, and the Senate rules the amendment in order. If there be no objection, the amendment will be agreed to.

Mr. LA FOLLETTE. I desire to say, before we leave this amendment, in response to the facetious interrogatory of the senior Senator from New York, that if he cares to investigate the matter he will find considerable detailed information in respect to the services of Mr. Morstad in a letter signed by the Secretary of the Interior, found on page 28 of the report accompanying this bill, in which the Secretary states that Mr. Morstad has devoted years of his life to the service of these Indians and recommends the payment of this $5,000 item to him for his services in caring for these Indians and for his work in securing the data upon which this legislation is based.

The same document states that the $5,000 item provided as a full payment for the services of Mr. R. V. Belt, the attorney named, is ample.

The attorneys in this case succeeded in getting from two of the Indians a signed contract which, if it had been approved by the Secretary of the Interior, would have secured for them from these Indians a fee of $67,000. The Secretary of the Interior made a careful investigation of the matter, and has reported that the $5,000 is ample payment for all services they have rendered. That investigation, however, was made under Secretary Garfield. Some complaint having come to me from these attorneys, and in view of what has been said about an attempt to be made to raise this fee when the bill is in conference, I wish to make this further statement: I asked the attorneys who, under the contract disapproved by the Secretary of the Interior, would receive out of the money of these Indians $67,000 as attorneys' fees, to present to me a written statement in full of all the services which they had rendered. They did this, giving me a somewhat voluminous document, which I submitted to the present Secretary of the Interior, and upon which I expected before this hour to receive his finding. I am advised by telephone, however, from the Secretary's office that he has reviewed the whole matter, and approves the finding of Secretary Garfield that a fee of $5,000 is ample for the services rendered by the attorneys in this case.

Mr. DIXON. Mr. President, regarding the question raised by the Senator from Vermont as to the rate of interest—5 per cent—that these Pottawatomie Indians should receive from the Federal Government for their funds held in the Treasury, I desire to ask the Senator from Wisconsin whether or not there is a treaty agreement with these Indians that 5 per cent shall be paid, or is this an amount arbitrarily fixed?

Mr. LA FOLLETTE. It is not an arbitrary amount. It is an amount, I am advised, which is paid in all cases similar to this. The Government is to-day paying 5 per cent interest on all funds belonging to Indians under agreements similar to the agreements with the Pottawatomie Indians.

Mr. DIXON. Is there a specific agreement in the case of the Pottawatomie Indians that the Government shall pay 5 per cent?

Mr. LA FOLLETTE. There is a specific agreement with respect to their annuities, and under similar agreements the Government, as I am advised, has in all cases paid and is now paying exactly the rate provided for in this amendment.

Mr. DIXON. In a somewhat similar case in the same bill the rate has been fixed at 4 per cent. I did not know whether there was any agreement with the——

Mr. CLAPP. I do not think that was a case of capitalization, Mr. President.

Mr. DIXON. No; it was not.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 58, after line 19, to insert as a subhead:

Wyoming.

The amendment was agreed to.

The next amendment was, in section [25] 27, under the head of "Wyoming," on page 59, after line 18, to insert:

That the provisions of section 4 of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and the acts amendatory thereof, approved June 11, 1896, and March 3, 1901, respectively, be, and are hereby, extended over and shall apply to the desert lands included within the limits of the former Shoshone or Wind River Indian Reservation, in Wyoming, not included in any forest reservation: *Provided*, That all lands made subject to said act shall be paid at the rate of $1.25 per acre, the first payment of 50 cents per acre to be made at the time of segregation, and the remainder of the purchase price to be paid 25 cents per acre each year thereafter.

The amendment was agreed to.

The next amendment was, in section 28, on page 60, line 22, after the date "1910," to strike out "and 1911," so as to read:

SEC. 28. As soon after the close of the present fiscal year as may be practicable and not later than the first Monday in December, 1910, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit estimates of appropriations, except for the purpose of fulfilling treaty stipulations, to be paid from either public or tribal funds, will be made for the fiscal year 1912; and such statement shall show (1) the total amount of all moneys, except the unexpended balances of appropriations made for current and contingent expenses for Indian affairs for the fiscal years 1910, etc.

The amendment was agreed to.

The next amendment was, on page 62, after line 2, to strike out:

The agreement with the Oneida tribe of Wisconsin dated January 4, 1909.

The amendment was agreed to.

The next amendment was, on page 62, after line 18, to strike out:

The Oneida tribe of Wisconsin, $20,000.

The reading of the bill was concluded.

The VICE-PRESIDENT. In the absence of objection, the Secretary will be directed to renumber the sections in conformity with the amendments which have been made. The Chair hears none, and it is so ordered.

Mr. CLAPP. On page 7, line 12, I move to amend by striking out the words "seventy" and inserting "eighty," and after the word "dollars," in the same line, I move to insert:

Ten thousand dollars thereof to be immediately available.

The amendment was agreed to.

Mr. CLAPP. On page 11, line 2, after the word "Affairs," I move to insert "and procuring historical data." This is an item of $5,000 inserted for the classification of the old files, and they want the additional authority.

The amendment was agreed to.

Mr. CLAPP. On page 38, at the request of the Senator from Connecticut [Mr. BRANDEGEE], I offer the amendment I send to the desk. It is to be inserted after line 16.

The SECRETARY. On page 38, after line 16, it is proposed to insert the following:

The Secretary of the Interior is hereby authorized and directed to enroll and allot James F. Rowell, intermarried in the Kiowa, Comanche, and Apache tribes of Indians, who was regularly adopted by the tribal council of aforesaid tribes previous to June 1, 1909.

Mr. SHIVELY. Is this an Indian, or a white man who simply intermarried with an Indian?

Mr. CLAPP. This is an Indian, a mixed blood, but he did not get on to the allotment roll.

Mr. SHIVELY. It does not increase the total appropriation in any way?

Mr. CLAPP. It does not affect the appropriation.

The amendment was agreed to.

Mr. CLAPP. On page 40, at the end of line 17, I move to insert:

Ten thousand dollars of which shall be immediately available.

The amendment was agreed to.

Mr. CLAPP. On page 53, line 19, after the word "dollars," I move to insert:

Of which sum of $250,000, $25,000 shall be immediately available.

Mr. HEYBURN. I will ask the Senator to what will the $25,000 refer? In the line just previous to the proposed amendment you have dealt with a sum aggregating all of the appropriation. It seems to me the amendment will be a little bit out of place there.

Mr. CLAPP. No; that is just why it is put there. Commencing in line 16, page 53, it reads:

For the extension of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000, and for construction of drainage system, $250,000.

Now, as it read heretofore—

In all, $265,000, of which amount $25,000 shall be immediately available.

It is desired to make the $25,000 available to come out of the $250,000 for the drainage system.

Mr. HEYBURN. Then, what about the second $25,000, which is made immediately available?

Mr. CLAPP. I am going to complete my amendment by moving to strike that out.

Mr. HEYBURN. I see. If that is stricken out, it will be all right.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. CLAPP. On the same page, in line 20, after the word "dollars," I move to strike out all of that line.

The amendment was agreed to.

Mr. CLAPP. On page 25 I desire to add an amendment. The bridge across Clearwater River at Red Lake, Minn., has recently been destroyed. I confess I have no estimate of this item for the Senate—that is, no formal estimate from the department—and the amendment is undoubtedly subject to the point of order.

On page 25, after line 4, I move to insert:

To enable the Secretary of the Interior to construct a bridge on the old Red Lake Agency road across Clearwater River, at or near the section line between sections 5 and 8, in township 150 north, range 37 west of the fifth principal meridian, $1,000.

Mr. GALLINGER. Mr. President, notwithstanding the suggestion of the Senator from Minnesota that the amendment is subject to the point of order, I shall not raise a point of order for the reason that the Senate negatived my suggestion concerning a former item in the bill, which was so clearly subject to the point of order that I am quite prepared to let anything by way of legislation go in this bill now.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. SMOOT. On page 52, after the word "dollars," in line 11, I move to insert what I send to the desk.

The SECRETARY. On page 52, after line 11, it is proposed to insert:

That the provisions of section 4 of "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and the acts amendatory thereof, approved June 11, 1896, and March 3, 1901, respectively, be, and are hereby, extended over and shall apply to the desert lands included within the limits of the former Uinta Indian Reservation, in Utah, not included in any forest reservation: *Provided*, That before a patent shall issue for any of the lands aforesaid under the terms of the said act, approved August 18, 1894, and amendments thereto, the State of Utah shall pay into the Treasury of the United States the sum of $1.25 per acre for the lands so patented, and the money so paid shall be subject to the provision of "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, and for other purposes," approved May 27, 1902, and the acts amendatory thereof, approved March 3, 1903, and April 21, 1904.

That no lands shall be included in any tract to be segregated under the provisions of this act on which the United States Government has valuable improvements or which have been reserved for Indian schools or farm uses or for other purposes.

The amendment was agreed to.

Mr. JONES. I offer an amendment to come in after line 19, on page 58.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 58, after line 19, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry W. Lee, out of the funds of the Winnebago Indians, of Wisconsin, the sum of $2,000, being the amount found due said Lee by the Court of Claims, in congressional case No. 10219.

The amendment was agreed to.

Mr. GAMBLE. I submit an amendment to come in on page 50, after line 2.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 50, after line 2, insert:

That jurisdiction be, and hereby is, conferred upon the Court of Claims of the United States to hear, determine, and render final judgment for any balance found due the Medawakanton and Wahpakoota bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities which may be due to said bands of Indians under and by virtue of the treaties between said bands of Indians and the United States, dated September 29, 1837

(7 Stat. L., 538), and August 5, 1851 (10 Stat. L., 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed; and said act of forfeiture and all subsequent acts and parts of acts and treaties inconsistent with this act are hereby repealed for the purposes hereof: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act and shall determine and include the present value of the same and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against such amount so found all payments or other provisions, of every name and nature, made to or for said bands by the United States, or to or for any members thereof under the authority of any act of Congress, excluding treaties, since said act of forfeiture was passed, which are properly chargeable against said unpaid annuities.

Upon the rendition of such judgment, and in conformity therewith, the Secretary of the Interior is hereby directed to determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing on said roll the names of all living members of the said bands residing in the United States at the time of the passage of this act, excluding therefrom the names of those found to have participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

Proceedings shall be commenced by petition, verified by the attorney or firm of attorneys designated in a power of attorney dated January 4, 1910, and executed by John Eastman, assignee of Charles A. Eastman and Charles Hill, the attorneys in fact employed by said Indians under a contract bearing date November 27, 1896, approved by the Commissioner of Indian Affairs June 29, 1897, and by the Secretary of the Interior July 1, 1897, and said suit shall be conducted by said attorney or firm of attorneys as attorneys of record, together with other counsel appearing in the case; and the court shall find and award upon a quantum meruit to said attorneys and their associates the compensation which shall be paid to them for services rendered and to be rendered, and distribute the sum thus awarded to such attorneys and their associates as their respective interests may appear, under agreements among themselves, which may be filed with the court, and the Secretary of the Treasury is hereby directed to pay the said sum of money to the said attorneys immediately upon rendition of final judgment, out of the proceeds of such judgment, if any, when an appropriation therefor shall be made by Congress.

And the Secretary of the Interior is hereby authorized and directed to apply, out of any funds to the credit of said Indians, the sum of $2,500, or so much thereof as may be necessary, to be expended under the direction of the attorneys of said Indians in said case in the taking of testimony therein and defraying the expenses of printing incidental thereto.

Mr. CULLOM. It seems to me I have heard that bill read before. I will inquire of the Senator from South Dakota whether that bill has not passed the Senate heretofore?

Mr. GAMBLE. It has passed the Senate on two separate occasions. It passed during the last session of Congress, and it has been a subject of very careful investigation by the Committee on Indian Affairs.

Mr. CULLOM. When did it pass at the present Congress?

Mr. GAMBLE. Yesterday.

Mr. CULLOM. Why should it be passed again?

Mr. SHIVELY. The bill has passed the Senate and gone to the House. The bill was originally introduced in the Senate, and it passed the Senate as an independent measure?

Mr. GAMBLE. Yes, sir.

Mr. SHIVELY. I do not want to raise a serious question as to it, but here we are providing for the employment of particular attorneys in a particular case and prescribing their compensation, and all this on an appropriation bill. I should like to have the Senator give some good reason why we should go to the extent of putting that kind of legislation on an appropriation bill.

Mr. GAMBLE. Mr. President, the compensation to the attorneys is to be determined by the Court of Claims. The Government does not pay the attorneys in the case, but it comes out of the Indian fund.

This is simply referring the claim to the Court of Claims to finally determine whether there is anything due the Santee Indians from the Government, and in the reference to the Court of Claims these are necessary provisions to have in the bill. It passed the Senate two years ago and was reported in the House, but failed of consideration. It was reported by the Committee on Indian Affairs of the Senate during the present session, and it passed the Senate. It is a matter which has been pending for a long number of years.

In 1863 the Government forfeited the annuities of these Indians. It is claimed by the Indians that there is an amount of money due them from the Government. It is insisted by the Government that there is nothing due them. This is simply referring the case to the Court of Claims to determine whether there is anything due the Indians.

This matter was fully discussed in the Senate two years ago, and after a full discussion it was passed. As I said, it has been a matter of very careful consideration by the Committee on Indian Affairs in the Senate and in the House for a number of years. Many reports have been made upon it. I think it is a just matter and that this is a wise disposition of the claim. I can go into the details if necessary, but I do not think that it is necessary at this time.

Mr. KEAN. I should like to ask the Senator from South Dakota how much money his modest little amendment contemplates to take out of the Treasury.

Mr. GAMBLE. It proposes to refer the case to the Court of Claims, to determine whether there is anything due these Indians.

Mr. KEAN. Is there any limitation in the amendment? I suppose the limit is the entire Treasury of the United States.

Mr. GAMBLE. Oh, no; the court is to adjudicate and settle the claim of the Santee Indians; that is, as against the Government.

Mr. KEAN. The annuities have been forfeited?

Mr. GAMBLE. They forfeited the annuities in 1863.

Mr. KEAN. On account of the war?

Mr. GAMBLE. On account of the trouble in Minnesota at that time. I might say, Mr. President, that four years ago the Sisseton Indians had a similar claim, and, under the identical provisions of this bill, it was referred to the Court of Claims to determine. This is the only case in the history of the Government where annuities were forfeited and where justice was not done to the Indians. Even in the case of the Five Civilized Tribes, in 1863, their rights were forfeited, but they were restored, and even an enlargement was made over the original provisions of the act.

Mr. CLAPP. Will the Senator pardon me for a moment?

Mr. GAMBLE. Certainly.

Mr. CLAPP. Without dealing with the subject from the standpoint of a point of order, I desire to say that as careful a man as my distinguished predecessor, Senator Davis, who lived in the State where this outbreak occurred, went through this question very exhaustively some years, and reached the conclusion that it was a matter of record that the forfeiture was not warranted and that the annuities ought to be restored. I will say that in support of the merits of the claim.

Mr. KEAN. Of course, I suppose it would be useless to make a point of order against the amendment, because it would probably be submitted to a vote of the Senate.

Mr. PAGE. I should like to inquire of the Senator from Minnesota if this matter has been considered by the Committee on Indian Affairs?

Mr. GAMBLE. Twice.

Mr. CLAPP. Certainly, it has been considered several times, and once this winter. The Committee on Indian Affairs reported the bill favorably, and the Senator from South Dakota had the bill passed through the Senate yesterday, I think.

Mr. KEAN. Yesterday; but the Committee on Indian Affairs did not report it as an amendment to the Indian appropriation bill.

Mr. CLAPP. Certainly not.

Mr. GAMBLE. The bill was reported to the Senate before the report of the Committee on Indian Affairs on the appropriation bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Dakota [Mr. GAMBLE].

The amendment was agreed to.

Mr. OWEN. On page 37, after line 13, I move to insert:

After July 1, 1911, the Chilocco Indian School property, including the reservation of land in connection therewith, shall be transferred to the State of Oklahoma by the Secretary of the Interior upon the passage of an act of the legislature of Oklahoma accepting the same.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oklahoma [Mr. OWEN].

Mr. CLAPP. Before the question is put, I suggest to the Senator from Oklahoma that there should be added to the amendment: "In which event only the amount hereby appropriated for the school pro rate shall be appropriated," or some such limitation.

Mr. OWEN. The proposal which I make is to take effect at the end of the next fiscal year.

Mr. CLAPP. Oh, I thought it was to take effect this summer.

Mr. OWEN. No, sir.

Mr. CLAPP. I beg pardon.

Mr. PAGE. Mr. President, I do not know anything about the right or wrong of the Senator's amendment, but as I sit here and listen to the different amendments which from time to time are proposed I can only say that the workings of my mind are so slow that I get only a very imperfect idea of what is being done.

Mr. OWEN. I can explain to the Senator in a moment what this means.

Mr. PAGE. I will yield in one moment. It seems to me that matters of this kind ought to go before the proper committee and be there discussed. They ought not to come to us here when we are rushing through a bill in two or three hours calling for millions upon millions of dollars.

I do not object to the Senator's amendment. I do want to say, however, that I for one feel almost absolutely incompetent to vote with any sort of knowledge or judgment upon these amendments, and it seems to me that it is a wrong method of legislation.

Mr. OWEN. Mr. President, in this particular case the Chilocco School, which involves the United States in an annual expenditure of $90,000, would, if not discontinued, continue to make an annual draft of $90,000 on the Federal Treasury. The amendment which I now propose will put an end to that charge on the Federal Treasury. The State of Oklahoma is taxing its people abundantly to meet all the cost of these schools, and there is no reason for the continuance of the Chilocco School as a school.

I am informed that the administration no longer cares to continue it beyond the next fiscal year, and therefore I have offered this amendment, because the legislature of the State of Oklahoma has memorialized Congress that this property, under the circumstances, be transferred to that State, just as the Haskell Institute, of a similar character in Kansas, has been transferred to Kansas.

Mr. PAGE. Mr. President, in continuation of the thought which I brought out when on my feet before, I want to say that I have not the slightest idea from anything that has appeared before us to-day whether the grant of land to the State of Oklahoma is worth $1,000,000 or $100,000,000. It may be in the mind of the Senator from Oklahoma, but why should we here be asked to cede land of unknown value, without description, at this time, and under this pressure, without the question being understood in the usual way through the consideration of some committee.

Mr. OWEN. Mr. President, the facts with regard to this matter are well known.

Mr. PAGE. By whom?

Mr. OWEN. By the President of the Senate, by the Senator from Oklahoma, and by the various members of the Committee on Indian Affairs, I take it. This school ought to be discontinued. There is no need for its continuance any longer. It would simply continue a charge of $90,000 on the Federal Treasury if it is continued. If the Senator prefers to have that charge made continuously upon the United States, I shall yield.

Mr. HEYBURN. Mr. President, I should like to ask the Senator from Oklahoma how this legislation can be enacted, in view of the fact that the admission act of Oklahoma prescribes that no further grant of lands shall be made to the State of Oklahoma than those enumerated in the admission act.

The question has recently been submitted to and passed upon by the department. They have held that where the admission act confers land grants upon a State and contains the provision that no other or further grant of land shall be made to the State, a bill of this kind is in violation of the constitution of the State and of the contract contained in the act of admission. I meerly call attention to it because it was called to my attention by the department within a few days.

Mr. OWEN. I will answer the Senator from Idaho in that particular by saying that the enabling act was an act of Congress, and that the authority of Congress is not precluded by a previous act of Congress. Congress has a perfect right to discontinue the appropriation for this school, and since it has become unnecessary the most reasonable thing in the world is to follow the Haskell precedent in Kansas and transfer the property to the State.

Mr. HEYBURN. My suggestion was directed entirely to the power of Congress to make a further land grant, not to the discontinuance of the school. I have not given attention to the position taken by the department in regard to the prohibition as to whether the admission act can be amended. I do not think it can. I do not think that the admission act, which forms part of the constitution, can be amended except as a constitution might be amended; and the constitution of a State can not be amended in regard to the grants that flow from the Government to the State without submitting the amendment to Congress. It requires the action of both bodies.

That is the position taken by the law officers of the Department of the Interior. I would not undertake to say at this time what my ultimate conclusion might be or that of any other person in running down their legal argument.

Mr. OWEN. I think that the act of both the State and of Congress is necessary. The amendment provides that the State, through its legislature, shall accept the grant of this property, and thereafter the United States of course will be relieved of this charge.

Mr. DIXON. Mr. President, while I sympathize to some extent with the remarks of the Senator from Vermont [Mr. PAGE], I think this amendment is about the most meritorious that has been offered here. To my mind there ought to be half a dozen more of the nonreservation schools abolished in this very bill. About the only way you will stop the expenditure of $90,000 a year for this school and others is by turning them over in some way to the States in which they are situated. I want to ask the Senator from Oklahoma whether, in view of his statement that there is no use for this school, we can cut out the appropriation for the next fiscal year and turn it over to the State of Oklahoma, abolishing the $90,000 appropriation?

Mr. OWEN. It is entirely agreeable to the Senator from Oklahoma to cut this appropriation for this year out of the bill and have the property turned over on July 1, 1910, striking out the appropriation for the coming fiscal year.

Mr. DIXON. Then, I move to amend the amendment of the Senator from Oklahoma by striking out the appropriation for this school for the next fiscal year, and let us save the Government the $90,000.

Mr. OWEN. I accept that amendment.

Mr. HEYBURN. The land is worth a good many times $90,000.

Mr. DIXON. The land is worth ten times that amount. The Government will be ahead on the trade by turning it over to Oklahoma and abolishing this nonreservation school. There are half a dozen such schools that ought to be abolished in the same way. What is the line, and on what page?

Mr. OWEN. Page 37, lines 9 to 13.

Mr. DIXON. I move, as an amendment to the amendment offered by the Senator from Oklahoma, to strike out lines 10, 11, 12, and 13, page 37, and to insert "after July 1, 1910" in the amendment in lieu of "after July 1, 1911."

Mr. CURTIS. Mr. President, I hope this amendment will not be agreed to. There are 13,000 acres of that land within the school reservation, and there is no good reason for giving Oklahoma any such tract as that. This is one of the best Indian schools in the country, and it should be maintained until some proper arrangement can be made for reducing it to the proper size, and then such disposition should be made of the land and plant as Congress may think best.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana to the amendment of the Senator from Oklahoma.

Mr. DIXON. I want to say, in answer to the Senator from Kansas, that I do not know what the land is, but we are just $90,000 ahead on the trade. If it is worth $10 an acre, it is $130,000, and one year's appropriation almost pays for it. That is the only way, from a practical standpoint, that you will ever get rid of these nonreservation schools. Every man who has got one in his State naturally is interested from local pride and pressure in getting appropriations for it. The only school we had in Montana went out this year without any protest on my part, and at my suggestion. If we can get rid of this school by giving it to Oklahoma, thus saving $90,000 the first year, in five years we will have saved nearly half a million dollars. Let us give it to them. It is the only way you will ever get such items out of the annual appropriation bill.

Mr. CURTIS. Mr. President, if this school is abandoned it will be necessary to send the scholars who are now attending it to some other Indian school and make additional appropriations for them. I do not believe in that section of the country there is any school better adapted for the work of educating the Indians than Chilocco; and I do hope that the school will be maintained until some arrangement can be made for reducing the school reservation.

I want to state to the Senator from Montana that I heartily agree with the proposition to reduce the nonreservation schools; I think we have too many of them; but I do not believe it is a good plan to give 13,000 acres of land to the State of Oklahoma when that amount is not needed and when that land should be disposed of in some other way. Should the school reservation be reduced to a reasonable size and when nonreservations are abolished or reduced in number, then, so far as I am concerned, I shall have no objection to disposing of this school property, either by turning it over to the State or by converting it into an agricultural school, whichever may be considered best at the time. I very much appreciate what was said by the Senator from Idaho [Mr. HEYBURN] this morning. I think there should be a change in the Indian school system; but this is not the time nor place to make it. It should be carefully consid-

ered by the committee, after consultation with the proper officers. I hope that the amendment to abolish the school at this time will not carry.

Mr. OWEN. I should like to ask the Senator from Kansas if the Haskell School was not turned over to the State of Kansas?

Mr. CURTIS. It has not been, and I have opposed turning it over to the State at this time.

Mr. OWEN. Is it not contemplated to turn it over?

Mr. CURTIS. It is not at this time.

Mr. OWEN. I understood that it was.

Mr. CURTIS. Haskell and Chilocco are two great schools and should be maintained. They are nearer to the Indians than are the other nonreservation schools. They are doing wonderful work among the Indians, and they are schools which could be used for several years for higher education. They should be maintained by this Government, and changes should be made in other sections of the country before these two schools are abolished.

Mr. OWEN. Every facility in the world is offered to the youth of Oklahoma, both for common schools and high schools. There is no longer any need in that State for this school, and I hope the Senate will permit the matter to be transferred to Oklahoma.

Mr. DIXON. Mr. President, will the Senator from Kansas yield to me for a question?

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Montana?

Mr. CURTIS. Certainly.

Mr. DIXON. Is it not a matter of fact that as to nearly every one of the nonreservation schools, with which this bill is loaded, in order to get Indian pupils the superintendents of those schools scour the whole country and the different reservations with a fine-tooth comb begging, pleading, and threatening in order to get children and carry them 200, or 300, or 400 miles to place them in the nonreservation schools?

Mr. CURTIS. That has not been the case at all in the last three or four years. In fact, the superintendents of the schools complain that the rules prohibit them from going out and bringing the children in. They have not practiced that in either of those schools for the last two or three years, so I am informed.

Mr. DIXON. How long has it been since that rule was established?

Mr. CURTIS. I think it was about two years ago that that rule was made.

Mr. DIXON. Yes. I remember very distinctly a year ago last summer seeing the superintendent of one of these nonreservation schools spending two weeks on a certain reservation trying to get children and carry them across the mountains 300 miles to put them in another school not a bit better than the reservation school. While I think that to give the State of Oklahoma 13,000 acres of land is extending the mantle of charity pretty far, in the end the United States Government will be ahead of the game if we cut that string right now and save $90,000 on this appropriation bill.

Mr. CURTIS. Mr. President, I was unavoidably absent from the Senate when the pending amendment came up and, if there is no objection, I should like to be advised as to the real status of this item.

The VICE-PRESIDENT. Without objection, the Secretary will again state the amendment offered by the Senator from Oklahoma [Mr. OWEN], to which the Senator from Montana [Mr. DIXON] has offered an amendment.

The SECRETARY. On page 37, beginning in line 9, it is now proposed to strike out the following words:

> For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $6,500; in all, $90,000.

And in lieu of those words to insert the following:

> After July 1, 1910, the Chilocco Indian School property, including the reservation of land in connection therewith, shall be transferred to the State of Oklahoma by the Secretary of the Interior upon the passage of an act by the legislature of Oklahoma accepting the same.

Mr. CURTIS. Why, Mr. President, in all our legislation no amendment has gone that far. There has always been a condition attached, that the State should maintain a school if the school property was turned over, and that they should permit the Indian children to attend the school; and I hope the Senate will not agree to turn over the school without any conditions whatever.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. CLAY. Let me ask the Senator from Kansas a question before he takes his seat. This is a school for 500 Indian children, and the bill carries an appropriation of $83,500. It ought to be a very fine school.

Mr. CURTIS. It is one of the best nonreservation schools in the United States.

Mr. CLAY. It has been said on the floor of the Senate that this amendment ought to prevail for the simple reason that Oklahoma now is a State and has a system of common schools, which are taking care of her children. Now, I would ask whether there are not other provisions in this bill for the maintenance of schools for the Indians in that State?

Mr. CURTIS. There are several of them—quite a number.

Mr. CLAY. If we are going to proceed on the theory that because a few Territories that have been organized into States have established a system of common schools, therefore we ought not to have any Indian schools. Why should we single out this school and abolish it, and leave the other Indian schools there? I can not see any justice in it. If we are going to start a new system and strike down all of our Indian schools and let the State take care of the Indians, then we would be consistent; but to strike this down, it being a school of 500 students, and let the others stand, making no provision for them, it strikes me is a very serious matter.

Mr. CURTIS. And I might add, Mr. President, 13,000 acres of very valuable land.

Mr. CLAY. Perhaps it is the land that is wanted instead of the school.

Mr. CURTIS. It probably is.

Mr. SHIVELY. I think——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. CURTIS. Certainly.

Mr. SHIVELY. I should think that the argument of the Senator from Georgia would be very convincing to the Senator from Kansas.

Mr. CURTIS. I heartily agree with the argument.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. CLAY. I intended to say that I agree with the Senator from Kansas [Mr. CURTIS]. I can not see any justice in maintaining other schools and striking this one down, and it appears to be one of the most prosperous schools in that State.

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question now is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. OWEN].

The amendment was rejected.

Mr. McCUMBER. I offer the amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 43, after line 8, it is proposed to insert the following:

> The Secretary of the Interior is hereby authorized and directed to enroll on the respective citizenship and freedmen rolls of the Five Civilized Tribes those 52 persons who were found to be entitled to enrollment by the commissioner to the Five Civilized Tribes, and who are enumerated by name in the report of said commissioner to the Secretary under date of November 15, 1907, but whose cases did not reach the department in time to permit the writing of the names of said persons on the said rolls before their final approval by the Secretary on March 4, 1907, on which date said rolls were closed by operation of law.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

Mr. OWEN. What is that amendment?

The VICE-PRESIDENT. Does the Senator ask that the amendment be again read?

Mr. OWEN. I should like to have it again read.

The VICE-PRESIDENT. The amendment will again be stated.

The Secretary again read the amendment submitted by Mr. McCUMBER.

Mr. OWEN. I have no objection to the amendment, Mr. President.

Mr. SHIVELY. I should like to inquire of the author of that amendment whether the addition of these names was approved by the Secretary of the Interior?

Mr. McCUMBER. They were approved by the commissioner.

Mr. PAGE. Mr. President, the Committee on Indian Affairs have spent days—and I do not know but that I might say weeks, and perhaps that would be true—in considering these identical matters. Not only did we find difficulty in deciding what should be done with regard to the Indians referred to by the amendment offered by the Senator from North Dakota [Mr. McCUMBER], but there are something like 2,900 children born since 1905 about whom we are in great doubt. I simply want to reiterate what I have before said, that I do not believe this is the time or the place to enter into a discussion of that matter. It should come up before the Committee on Indian Affairs, and be carefully considered and passed upon there. To do it

at this time is to spring upon us, it seems to me, a kind of discussion which we are not prepared to meet and which is largely ex parte.

Mr. CLAPP. I want to call the attention of the Senator from Vermont to the fact that there never has been the slightest doubt in the minds of any of the committee as to these 52 persons. It is an act that ought to have been done long ago. There is question as to those in excess of this number; and with that doubt certainly the committee would not think of bringing that matter in. But as to these 52, the department, the committee, and everyone who is familiar with the subject have felt for a long time that their names ought to be placed on the roll. As to them there is absolutely no question in the mind of any member of the committee.

Mr. DIXON. Mr. President, I should like to ask the chairman of the committee whether this amendment was considered by the entire committee?

Mr. CLAPP. This amendment, as well as the whole subject of the names which have been left off those rolls, has been considered for days and days by the committee.

Mr. DIXON. Has this bill been reported by the committee?

Mr. CLAPP. This particular item at this time?

Mr. DIXON. Yes.

Mr. CLAPP. No, sir; but there never has been a time since this item first came to the committee but that as to these 52 the committee were agreed. The department had overlooked this matter; the time had expired; the limitation had run; and they are entitled to this relief.

In connection with that, the question how far Congress should go toward allowing other corrections to be made has been discussed, and the subject whether we should open up these rolls and what relief we should extend to these persons has been considered day after day by the committee. As to these 52, there never has been a moment the committee has had any doubt that they should be put on the rolls.

Mr. DIXON. These 52 are entitled to admission to the Creek rolls?

Mr. CLAPP. Yes.

Mr. OWEN. These 52 belong to the Five Tribes; most of them are full-blood Indians, and they were especially enumerated, with a report as to each individual, made on November 15, 1907.

Mr. DIXON. I recall this case, Mr. President, since the chairman of the committee more fully refers to it, and I think there is no question that these 52 Creeks ought to be on the roll; but, as the Senator from Vermont [Mr. PAGE] has just stated, at the last meeting of the committee, since the commission put 2,900 new-born children on the roll, here come the attorneys for the Creek Nation before the committee, asking that Congress appropriate $5,000,000 to make up the excess between the original portion in the division of those lands and what it was after we added 2,900 people.

Mr. CLAPP. That has no relation at all to this matter.

Mr. DIXON. It adds that many to the roll.

Mr. CLAPP. That was a question of the equalization of the Creek allotment, and we dealt with that by simply taking about 800 cases, approximately, and disposing of them.

Mr. DIXON. Yes; I think we did.

Mr. McCUMBER. Mr. President, I will state, so as to make this matter clear, that as the Senator from Montana [Mr. DIXON] understands, and probably most of the Senators present understand, a commission was authorized to report the names of those Indians who should go upon the rolls of the Five Civilized Tribes for the purpose of making proper distribution of their property. Under the law which authorized them to make the enrollment they were required to have the enrollment reported to the Secretary of the Interior, and the Secretary of the Interior was required to place the names of all persons upon the roll by March 4, 1907. The commission proceeded to make up the roll. They gave the proper notices, but a number of the Indians did not respond to those notices; they were not present and did not make their applications in time to reach Washington on the 4th of March, 1907. Their cases were, however, passed upon by the commission, who found that these Indians, most of whom, I believe, were full bloods, were entitled to be on the rolls, but as the rolls were closed on March 4, 1907, under the law the Secretary of the Interior could not place them upon the roll.

I am offering this amendment, which is recommended by the Secretary of the Interior, so that it may go upon the bill at this time. The Senator from Montana understands as well as I do that there is no bill that comes before Congress from any important committee that is not likely to be amended upon the floor. There are many things that we may omit to place in a bill which should have been placed in it. Every bill has its amendments; but no one contends that this amendment should not be in this bill. It is proper; it is recommended by everyone; and certainly it should go on.

Mr. DIXON. Mr. President, I will say to the Senator from North Dakota that I have no question that these 52 Creeks ought to go on that roll; but I merely want to call attention to the fact that two years hence or next year or some other number of years the attorneys for the Creeks will be here asking Congress to equalize the allotments of these 52, the same as they did those of the other 2,900. There ought to be some safeguard against it.

Mr. OWEN. Mr. President, I should like to say, in answer to the Senator from Montana, that it is now proposed to close up the affairs of the Five Civilized Tribes. There is a bill now pending in Congress for that purpose, and it is expected that by the end of the next fiscal year the affairs of the tribes will be concluded. This report of the Secretary has been held back by the committee and has never been acted on, for the reason that it was not deemed advisable to give any encouragement to the idea of opening these rolls in any respect. These are not all Creek Indians. A few of them are Creeks and a few of them Cherokees; but they belong to the Five Civilized Tribes. They came in a day or two too late under the law, and it is now proposed, since the affairs are to be wound up, to take care of them. That is all.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from North Dakota [Mr. McCUMBER].

The amendment was agreed to.

Mr. BACON. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, after line 17, it is proposed to insert:

That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the roll of the Cherokee Nation the names of Emily C. Howell and her children and the children of Catherine E. Howell, herein named, who are as follows: Emily C. Howell, mother; Emily C. Howell, jr., daughter; Ellen E. Howell, daughter; Robert E. Lee Howell, son; Thomas C. Howell, son; Frank R. Howell, son; Evan C. Howell, son; James C. Howell, son; Stephen E. Howell, son; Lettie P. Howell, daughter; Eston E. Howell, son; William T. Howell, son; Julia B. Howell, daughter; Charles C. Howell, son; Mary D. Howell, daughter; all the above being the children of Catherine E. and Emily C. Howell, the first and second wives of Archibald Howell, deceased.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. OWEN. I object to that amendment, Mr. President.

Mr. KEAN. We adopted a similar amendment last year.

Mr. DIXON. Mr. President, I inquire if such a bill was passed by the Senate last year?

Mr. LA FOLLETTE. It was.

Mr. DIXON. Reported by the Committee on Indian Affairs?

Mr. LA FOLLETTE. Yes, sir.

Mr. DIXON. What was the report from the Commissioner of Indian Affairs as to these children?

Mr. BACON. I am sure I do not know; but I can tell the Senator what the facts are.

Mr. CLAY. The bill was passed last year.

Mr. BACON. The bill passed the Senate at the last session.

Mr. DIXON. I have no question about the good intent of the Senator from Georgia——

Mr. BACON. It is not a question of intent.

Mr. DIXON. I remember a bill—it came pretty near passing—where by an act of Congress it was proposed to add 51 names to the roll of the Osage Indians. As a matter of fact, when the attorneys appeared before the committee, I thought the names sounded familiar, and when we went into the proof it turned out that the whole list, with possibly one or two exceptions, was composed of white Indians, living in California, in Georgia, in Wisconsin, and elsewhere, who had no more connection, legal or moral, with the Indians than any other white man in this country. They were seeking to get on the rolls because they had a sixteenth or thirty-second of Indian blood, because the privileges are worth from twenty to thirty thousand dollars per capita.

Mr. BACON. If the Senator will pardon me——

Mr. DIXON. Yes.

Mr. BACON. I will state the fact that these names have been on the rolls. They were submitted and placed upon the rolls by the commissioners. They were subsequently stricken from the rolls by the authorities because of the fact that they had not removed to the Territory within the stipulated time. The reason why they did not remove was the occurrence of the death of their father, which delayed them.

Mr. DIXON. Where were they living?

Mr. BACON. They were living in Georgia, where all the Cherokees originally lived.

Mr. DIXON. How much Indian blood have these children?

Mr. BACON. I do not know.

Mr. DIXON. Have they ever affiliated with the Cherokee tribe?

Mr. BACON. I can not tell the Senator anything about that.

Mr. DIXON. Have they ever been in the Cherokee Nation?

Mr. BACON. I suppose they have been. I will state that they live in the county where my colleague [Mr. CLAY] resides, and he knows them personally. The fact is that the proofs were all submitted and that they were at one time on the rolls. The commissioners who were appointed——

Mr. DIXON. Why were they stricken off?

Mr. BACON. I will wait until the Senator gets through, if he does not desire me to complete the statement.

Mr. DIXON. I will not interrupt again until the Senator finishes.

Mr. BACON. I do not object to interruptions if the Senator will interrupt at the proper time. The Senator asked me for information, and I was trying to give it. I was reciting the fact that the questions that he is now submitting are questions which were submitted to the commissioners appointed by the Government for the purpose of determining whether or not the parties were entitled to be upon the rolls; and they did determine that they were entitled to be upon the rolls, and did enroll them.

At that time their father was in life, but between the time of the enrollment and the time when they should have been located in the Territory the father died. They were young children, and they did not for that reason make their appearance within the Territory and locate within the Territory within the time stipulated. That is the whole case.

As to whether or not they had this percentage of Indian blood or that percentage of Indian blood in them, all those are questions which were passed upon by the commissioners, who were satisfied that these children were entitled to enrollment, and the commissioners did actually enroll them. The fact that their names were stricken from the rolls was entirely due to the reason I have stated, to wit, that their father died, and that by reason of that death they were not able to get to the Territory in the time the law required them to get there.

Mr. DIXON. Mr. President, I merely want to say to the Senator from Georgia that I know nothing about the merits of the case, but I do know of the efforts, every day in the year, of white men trying to break into Indian rolls. It has led to lots of trouble and scandal and grief. I doubt whether there is an Indian tribe in the United States that has not got, I will say conservatively, one-fifth or one-sixth of its membership who have no moral right to be there. But in this case, if the Senator from Georgia, knowing the facts, says to me and says to the Senate he believes that morally, legally, and equitably these people should be on the rolls and by a mistake have been omitted, I withdraw the objection which I intended in the first place to make.

Mr. GALLINGER. Mr. President, before the Senator from Montana takes his seat I should like to ask him if I understood him correctly to say that it would be worth $30,000 per capita to these people?

Mr. DIXON. I do not know about the Cherokees. In the case of the Osages, where a wholesale attempt was made last year to add 52 names to the rolls, it appeared in the hearing that the rights were worth $30,000 apiece. It also appeared in that case, on a full hearing, that not over two at the outside had any possible claim in morals. I remember the case of one child especially, on which the attorneys laid great stress. They had her picture there, and she was undoubtedly a half-breed Indian, but when the facts in the case were known it appeared the reputed father of that child had been in the penitentiary for three straight years prior to her birth. That was a sample.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. BACON].

Mr. OWEN. Mr. President, I strongly object to this amendment. I do not think that these rolls ought to be opened at all. The amendment providing for the addition of 52 names was not equivalent to opening the rolls, and the very reason that the matter has been so long deferred was because of the number of claimants who would make their appearance and demand to be put upon the rolls if the rolls ever were opened. These rolls were closed by act of Congress on March 4, 1907, and they ought to remain closed.

Mr. BACON. Mr. President, if the Senator will pardon me, this is not the case of an application to open the rolls. As I have stated, these names were on the rolls before they were closed. They were duly enrolled after examination by the commission. There was a father and a family of young children. After both the father and the children were enrolled, the father died, and for that reason the family of children were unable to get to the Territory within the time named. It is not to open the rolls; it is simply to have them restored to the rolls where they were formerly placed. It is not the case of a vast number of people, who had not made the application in the proper time, and who now come forward and ask that the rolls be opened, and that the rule be enlarged in their favor. The application was made in the proper time; the proofs were submitted to the commission; they were enrolled, and were legally on the roll, but were stricken from the roll subsequently under the circumstances I have stated. I do not suppose that there are many others who are in that position, if any.

Mr. OWEN. Mr. President, the act of Congress of 1898 required, as a condition to enrollment, the previous residence, in good faith in the country, of the tribe to which application was made for citizenship. These claimants have lived in Georgia continuously. They were living in Georgia at the time of the passage of the act known as the Curtis Act, which laid down this rule, which was entirely justified upon the basis of equity and good sense, and that has now been twelve years ago. These claimants have continuously resided in Georgia ever since; they reside there now; and I think there is no more sound reason to put them upon the rolls than there would be to put anyone else on the rolls who had not complied with this provision of law, requiring residence in good faith previous to the passage of the act of 1898. I feel therefore obliged to protest against the enrollment of these people.

Mr. BACON. I want to state a fact that was not within my knowledge at the time I offered the amendment, but which I have just learned from my colleague [Mr. CLAY], and that is that a portion of these children were there before the enrollment, and that a number of them are married and now living in the Cherokee Nation.

Mr. OWEN. Mr. President, there is no report of the Secretary of the Interior giving the facts with regard to these people. We do not know anything about them, except what the Senator happens to know personally about their living in his State and about their being of some degree of Cherokee blood—how remote he does not know; perhaps a sixty-fourth or a one hundred and twenty-eighth. Some of them may have gone out there on a visit to some of their kinspeople, which would be very natural, and then returned to Georgia; some may have, for business purposes, gone there and be living there now, but what particular individuals we do not know. There is no authorized report upon it, and I submit that this is no way in which to add to the rolls of those tribes.

Mr. PAGE. I yield to no man in my respect for the two Senators from Georgia. Whatever they state I accept as gospel. I simply wish to insist, however, that any amendment involving as many points which ought to be investigated as this does, ought to have come before the Committee on Indian Affairs and received a full investigation by it. That committee exists for that purpose, and I can not understand why, after having done its work, we should come in here and, under the spur and pressure of getting off the appropriation bill in a short time, be compelled to take upon ourselves the investigation and decision of a matter as important as is this.

I shall vote for the wishes of the Senators from Georgia, because I think they are right as a matter of principle; but I desire to say that there is a higher principle to which I ought to adhere, and that is to vote against anything to which we can not give full and fair consideration at the proper time and in the proper place; and I believe no man agrees with me more in that than does the senior Senator from Georgia, who is a great stickler for constitutional rights and for regular order of procedure.

Mr. CLAY. Mr. President, my colleague has stated the real facts in regard to this matter, and I shall detain the Senate but a minute. The question as to whether or not the parties named in this amendment should be enrolled was heard by a commissioner, and he passed upon it in their favor, and they were dropped from the roll for the reason alleged—that they had never gone there and located on these lands, as the law requires. The commissioner himself, after he had heard the testimony in regard to the death of their father, would have readily concluded to reinstate them if he had thought he had the power under the law.

The Senator from Vermont is a very prudent and careful man, and we appreciate the fact that he watches jealously the interests of the Government at every step we take here; it ought to be done, and it is appreciated; but this question did

come before the Committee on Indian Affairs at the last session of Congress, and it came before the Senate. The amendment was offered and discussed on the floor of the Senate, and after the facts were presented here it was unanimously adopted. This is not the first time it has been before the Committee on Indian Affairs. I am sure the chairman of the Committee on Indian Affairs is thoroughly familiar with this amendment. He has no objection to it, and he has not made any objection to it.

I do not wish to consume further time, because I know the chairman wants to get through with the bill this evening.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia.

The amendment was agreed to.

Mr. BURKETT. I offer an amendment which I will ask the Secretary to read.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 31, after line 10, insert:

That all claims of whatsoever nature which the Omaha tribe of Indians may have or claim to have against the United States shall be submitted to the Court of Claims with the right of appeal to the Supreme Court of the United States by either party for determination of the amount, if any, due said Omaha tribe from the United States under the treaty between the United States and the said Omaha tribe of Indians, ratified and affirmed March 16, 1854, or any other treaties or laws, or for the misappropriation of any funds of said Omaha tribe for purposes not for its material benefit, or for failure of the United States to pay said Omaha tribe any money due; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all legal and equitable claims, if any, of said Omaha tribe against the United States, and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Omaha tribe of Indians, and to enter judgment thereon, with authority to allow interest upon such items as the court shall deem proper. The Court of Claims shall advance said cause upon the docket. If any question is submitted to said court, it shall settle the rights, both legal and equitable, of both the Omaha tribe of Indians and the United States, notwithstanding lapse of time or statutes of limitation, and the final judgment and satisfaction thereof in said cause shall be deemed a final settlement of all claims of said Omaha Indians against the United States. Such action in the Court of Claims shall be presented by a single petition, subject, however, to amendment, to be filed within one year after the passage of this act; and such action shall make the Omaha tribe of Indians party plaintiff and the United States party defendant, and shall set forth all the facts on which the Omaha tribe of Indians bases its claim for recovery; and the said petition may be verified by the attorney employed by the said Omaha Indians, to prosecute their claims under this act, under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the existence of such facts, and no other statements or verification shall be necessary. Official letters, papers, reports, documents, and public records, or certified copies thereof, which may be used in evidence, if competent, under the rules of said Court of Claims, shall be furnished as required by said court: *Provided*, That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys employed by the Omaha tribe of Indians, and the same shall be paid out of any sum or sums found due said Omaha tribe of Indians: *Provided further*, That in no case shall the fees decreed by said court be in excess of amounts contained in the aforesaid contract as approved.

Mr. PAGE. I want to know something more about this amendment. I can not understand it.

Mr. BURKETT. The Senator from Vermont is probably the only Senator present who does not understand it. We all regret that he did not get here three or four or five or ten years ago and he would have understood it. The amendment has been before Congress, and it is the settling up, or the beginning of the final settling up, we hope, with the Omaha Indian tribe. For something over fifty years there have been pending a great many differences between the Indians and the Government. There has been a good deal of treating back and forth between the Government on the one side and the Indian tribe on the other. There are a great many disputed claims, reaching back even to the time when we located the Omaha Indians on their present reservation. The department has finally thought there ought to be jurisdiction given to some court, some place, some tribunal, to hear and determine the matter. They decided upon the Court of Claims, where the Omaha tribe may go and present their claims and the Government may answer and the matter be adjudicated. As I have said, yesterday was the third time that the Senate has passed this bill. It has been considered on the floor and debated thoroughly and investigated by a good many Senators in times past. The only reason the Senator does not know about it is that he has not been here long enough.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BURKETT. I do.

Mr. GALLINGER. I should like to ask the Senator whether he or the attorneys in this case have figured out how much money is likely to be taken from the Treasury?

Mr. BURKETT. I will say it is impossible to figure it out. That is one of the questions of evidence.

The principal claim is one for 14 cents an acre, which sum the Government agreed to pay these Indians for the excess of land that it took from the Indians over what it gave the Indians when it took them down and located them on this particular tract. As near as one can estimate it, without getting a survey properly made, it would figure, as has been stated here on the floor several times, and according to the department, and in various places, about $75,000. It may be more; it may be less; I do not know. Nobody can tell, because one would have to take the old maps and locate these boundaries. No surveying has been done, and no definite evidence as to that has been attempted to be put in.

Mr. GALLINGER. I was hoping, Mr. President, a much larger amount was called for by this amendment, because I want this bill to appear just as badly as it can.

Mr. BURKETT. If nothing worse goes into the bill than this amendment, the bill will stand the test.

Mr. ALDRICH. Will the Senator from New Hampshire allow me to ask him a question?

Mr. GALLINGER. Certainly.

Mr. ALDRICH. I understand, or assume, that this amendment is to carry out certain treaty stipulations. It would not be in order otherwise.

Mr. GALLINGER. Yes.

Mr. ALDRICH. Do I understand that this modifies the treaty stipulations and wipes out all limitations as to the character of the agreements contained in the treaty?

Mr. KEAN. That is the way with all these amendments which have been put on.

Mr. ALDRICH. It strikes me it is more or less in the nature of general legislation on an appropriation bill. It is for a private claim. It is not governed by the contract of the treaty.

Mr. BURKETT. Mr. President, I am not going to insist that the amendment is in order, I will say to the Senator, and it was not my intention to put it onto this bill. But that seemed to be the practice followed here to-day, and all the rest of them were put on; and since this is a matter we are all so familiar with, as to which the Senate has expressed itself on three different occasions and in favor of this amendment, it seemed to me a proper item to go on. Whether or not it modifies the treaty is a good deal of a question; as to whether the law we passed twenty-five years ago did not abrogate all treaty rights that the Omaha Indians had with the Government. But this amendment, I will say, is to adjust, to settle, a disputed claim arising from the treaty of 1857 with these Indians.

Mr. CLAPP. If I heard aright the reading of the amendment, it provides that the attorney fees shall be disposed of by contract. Is that correct? If so, I want to say to the Senator from Nebraska that if we are able to keep this amendment on in conference we will have to modify that provision of it and send the question of fees to the Court of Claims, because the committee has determined that it will not send these matters with the contract, but will only submit it, together with the question of the fees, to the court.

Mr. BURKETT. The amendment provides—

That upon the final determination of such suit the Court of Claims shall have jurisdiction to decree such reasonable fees as the court shall find shall be paid to the attorney or attorneys.

Mr. CLAPP. I see.

Mr. GALLINGER. Mr. President, I meant to add, when I was on my feet a moment ago, that I am not greatly concerned about this bill. Fortunately this body will not settle the form in which the bill will finally appear; and I see no reason why, in view of the fact that we have put on half a dozen amendments somewhat similar to this, we should not continue to put on amendments of this character, and let a certain other body and the conference committee deal with it.

I am very fully persuaded that when the bill finally appears as a statute of the United States it will be in a very different form from what it will be when it leaves this body, and that fact gives me a great deal of comfort.

Mr. ALDRICH. Will the Senator from New Hampshire permit me to ask him a question?

Mr. GALLINGER. Certainly.

Mr. ALDRICH. Can the Senator from New Hampshire tell me approximately what is the gross amount involved in these various propositions; that is, as to appropriations?

Mr. CLAPP. The Senator in charge of the bill can tell that.

Mr. GALLINGER. Probably the chairman can tell.

Mr. ALDRICH. I thought this was not reported from the committee. As I understood it, the amendment was offered by the Senator from Nebraska and was not reported by the committee.

Mr. CLAPP. I thought the Senator had reference to the bill generally.

Mr. ALDRICH. No; I meant to ask as to these particular amendments.

Mr. GALLINGER. I will say to the Senator——

Mr. ALDRICH. I understood these amendments were being adopted without the approval of the committee.

Mr. BURKETT. The Senator is not right. The Senate approved of this and passed the bill yesterday.

Mr. CLAPP. They are not committee amendments.

Mr. ALDRICH. They are not committee amendments. That is what I meant.

Mr. BURKETT. But the Committee on Indian Affairs reported this in a separate bill and the Senate passed it.

Mr. GALLINGER. I will say, in reply to the Senator from Rhode Island, that I have endeavored to keep informed as to what we are doing to-day, as far as I could. I made a point of order against one amendment which carries $447,339, and I think perhaps an additional amount; at any rate that amount plus 5 per cent per annum interest. I do not know how far that goes back. The Senate did not agree that the point of order would lie against the amendment.

Mr. CLAPP. Will the Senator pardon me?

Mr. GALLINGER. Certainly.

Mr. CLAPP. It is his last suggestion to which I wish to call his attention. The interest does not go back at all on that money.

Mr. GALLINGER. No?

Mr. CLAPP. It simply draws interest in the future. It is a capitalization.

Mr. GALLINGER. Yes. Then the amount is $447,339. Since then several amendments have been agreed to, and as a rule the Senators offering them have not been able to state definitely what they did carry. I should think, in answer to the Senator from Rhode Island, we have added probably two or three million dollars by these amendments.

Mr. KEAN. About the same increase as the committee reported.

Mr. ALDRICH. My reason for asking the Senator from New Hampshire instead of the chairman of the committee in charge of the bill is that I understood these amendments were being put on rather against the protest of the committee having the bill in charge.

Mr. KEAN. Scarcely that.

Mr. ALDRICH. Well, the mild protest.

Mr. GALLINGER. The gentle protest.

Mr. ALDRICH. The gentle protest.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18006) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the civil war, and to certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911; still further insists upon its disagreement to the amendment of the Senate No. 21, upon which the committee of conference have been unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. PRINCE, and Mr. SULZER managers at the conference on the part of the House.

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 21 of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, having met, after full and free conference report to their respective Houses that, as to the amendment in question, they have been unable to agree.

F. E. WARREN,
M. G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.

GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

The report was agreed to.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendment of the Senate, No. 21, to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate further insist upon its amendment and accede to the request of the House for a further conference, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. WARREN, Mr. BULKELEY, and Mr. OVERMAN the conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 11, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 10, 1910.

PROMOTIONS IN THE NAVY.

Lieut. William C. Asserson to be a lieutenant-commander in the navy from the 16th day of January, 1910, vice Lieut. Commander James H. Reid, retired.

Medical Inspector Phillips A. Lovering to be a medical director in the navy from the 5th day of February, 1910, vice Medical Director Presley M. Rixey, retired.

POSTMASTERS.

OHIO.

Charles G. Schippel to be postmaster at Sandusky, Ohio, in place of James E. Melville. Incumbent's commission expired April 27, 1908.

VIRGINIA.

L. Clark Hoge to be postmaster at Leesburg, Va., in place of N. Clifford Nichols. Incumbent's commission expired March 2, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 10, 1910.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. of Engineers Samuel Moorehead Rock to be first lieutenant of engineers.

Third Lieut. of Engineers Harvey Fletcher Johnson to be second lieutenant of engineers.

POSTMASTERS.

ALABAMA.

Nannie S. Coleman, at Jasper, Ala.

ILLINOIS.

William W. Steven, at Wheaton, Ill.

MICHIGAN.

Charles F. Brown, at Alma, Mich.

MINNESOTA.

John A. Henry, at Janesville, Minn.
William H. Nichols, at Belleplaine, Minn.

MISSOURI.

Lewis A. Scott, at Carrollton, Mo.
John W. Smith, at Thayer, Mo.
Walter Tholborn, at Webb City, Mo.

NEW JERSEY.

Charles E. Gildersleeve, at Sayreville, N. J.

NEW YORK.

Frank A. McCoy, at North Tonawanda, N. Y.

OKLAHOMA.

Andrew D. Chapman, at Grandfield, Okla.

PENNSYLVANIA.

Asa S. Beers, at Bath, Pa.

TEXAS.

W. P. Park, at Port Arthur, Tex.

VERMONT.

Julius O. Belknap, at South Royalton, Vt.
Elwin A. Howe, at Ludlow, Vt.

VIRGINIA.

J. A. Eggborn, at Alexandria, Va.
Edwin M. C. Quimby, at Suffolk, Va.

WITHDRAWAL.

Executive nomination withdrawn March 10, 1910.

POSTMASTER.

John M. Mulford to be postmaster at Lebanon, in the State of Ohio.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 10, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

CLERK TO COMMITTEE ON RIVERS AND HARBORS.

Mr. DAWSON. Mr. Speaker, I present the following privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from Iowa [Mr. DAWSON] makes the following report (No. 724) from the Committee on Accounts, which the Clerk will read.

The Clerk read House resolution 223, as follows:

Resolved, That there shall be paid out of the contingent fund of the House, for the services of a clerk to the Committee on Rivers and Harbors, a sum equal to the rate of $3,000 per annum, payable monthly, until the compensation at said rate shall be provided for by law, said clerk to be in lieu of the clerk to the Committee on Rivers and Harbors now authorized at $2,000 per annum.

With the following amendments:

In line 4 strike out "three" and insert "two;" in line 4, after the word "thousand," insert "five hundred," so that it will read "two thousand five hundred."

The amendments were agreed to.

The resolution as amended was agreed to.

LAWS, DECISIONS, ETC., RELATIVE TO HOUSE EMPLOYEES.

Mr. DAWSON. I also present the following report from the same committee.

The SPEAKER. The gentleman from Iowa [Mr. DAWSON] presents the following report (No. 725) from the Committee on Accounts, which will be read by the clerk.

The Clerk read House resolution 336, as follows:

Resolved, That there shall be paid out of the contingent fund of the House, to continue from the close of the Sixtieth Congress, for the compilation of laws, decisions, tabular statements, and debates, pursuant to the act of March 3, 1901, relative to the employment, duties, and compensation of the employees of the House of Representatives, to which shall be added matter pertaining to the disbursement of the contingent fund of the House for stenographic and typewriting services, not exceeding the rate of $75 per month, authorized by House resolution adopted January 10, 1908.

With the following amendments:

In line 3, after the word "Congress," strike out "for."
In line 8, after the word "House," insert a comma.

The amendments were agreed to.

The resolution, as amended, was agreed to.

PROPERTY LEASED BY GOVERNMENT IN DISTRICT OF COLUMBIA.

Mr. MARTIN of South Dakota. Mr. Speaker, I call up for immediate consideration the privileged resolution (H. Res. 398) requesting the Secretary of the Treasury to transmit a statement of all lands and buildings leased by the Government in the District of Columbia.

The SPEAKER. The gentleman from South Dakota calls up the following privileged resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 398.

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to this House, as soon as possible, a statement, showing all lands and buildings and parts of buildings now leased by the Government in the District of Columbia, including buildings leased for District purposes, giving a brief description of such properties, the purpose for which they are used, the rentals paid, and, in case of buildings or parts of same, the rental per square foot wherever practicable, the date of the termination of such leases, the names of the lessors, and the statutory authority under which such leases were made.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, bills of the following titles:

H. R. 5272. An act for the relief of the Bridgeport National Bank, Bridgeport, Ohio;

H. R. 11580. An act for the erection of a monument over the grave of Brig. Gen. James Shields, in St. Mary's Cemetery, Carrollton, Mo.;

H. R. 17838. An act for the relief of George W. Flack;

H. R. 17872. An act providing for the sale to Johnson County, in the State of Wyoming, of certain lands;

H. R. 18593. An act to authorize the transfer of the government highway, known as the Alter road, to the city of Detroit, Mich.;

H. R. 20180. An act for the relief of Patrick Shields;

H. R. 20835. An act authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory;

H. R. 21693. An act for the relief of William H. Hawley; and

H. R. 21428. An act authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 528. An act for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.;

H. R. 1028. An act to appoint Warren C. Beach a captain in the army and place him on the retired list;

S. 1318. An act for the relief of Arthur H. Barnes;

S. 1692. An act to increase the efficiency of the veterinary service of the army;

S. 1872. An act setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.;

S. 1874. An act granting leave of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902;

S. 2180. An act to amend sections 1, 2, and 3 of chapter 3298, Thirty-fourth United States Statutes at Large, with reference to the drainage of certain Indian lands in Richardson County, Nebr.;

S. 4179. An act authorizing the Omaha tribe of Indians to submit claims to the Court of Claims;

S. 4689. An act for the relief of George Baker;

S. 5121. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863;

S. 5269. An act to provide for allotments to certain members of the Hoh, Quileute, and Ozette tribes of Indians in the State of Washington;

S. 6093. An act providing for the granting and patenting to the State of Utah desert lands formerly in the Unita Indian Reservation, in Utah;

S. 6118. An act to confer upon state and municipal authorities certain powers with respect to navigable waters wholly within city limits;

S. 6173. An act to license custom-house brokers;

S. 6382. An act to provide buildings for the Departments of State, Justice, and Commerce and Labor;

S. 6603. An act authorizing the establishment of submarine signals;

S. 6643. An act to increase the limit of cost of the public building at Park City, Utah;

S. 6662. An act to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River in the neighborhood of Sibley, Mo., and to remove the existing structure;

S. 6690. An act providing for the entry of desert lands formerly in the Shoshone or Wind River Indian Reservation, in Wyoming;

S. 6747. An act for the relief of the heirs of John Hoffman, deceased;

S. 6808. An act granting lands for reservoirs, etc.; and

S. 6932. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2180. An act to amend sections 1, 2, and 3 of chapter 3298, Thirty-fourth United States Statutes at Large, with reference to the drainage of certain Indian lands in Richardson County, Nebr.—to the Committee on Indian Affairs.

S. 1874. An act granting leaves of absence to homesteaders on lands to be irrigated under the provisions of the act of June 17, 1902—to the Committee on Irrigation of Arid Lands.

S. 1872. An act setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.—to the Committee on the Public Lands.

S. 1692. An act to increase the efficiency of the veterinary service of the army—to the Committee on Military Affairs.

S. 1318. An act for the relief of Arthur H. Barnes—to the Committee on War Claims.

S. 1028. An act to appoint Warren C. Beach a captain in the army and place him on the retired list—to the Committee on Military Affairs.

S. 528. An act for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.—to the Committee on the Library.

S. 6118. An act to confer upon state and municipal authorities certain powers with respect to navigable waters wholly within city limits—to the Committee on Interstate and Foreign Commerce.

S. 6932. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 6808. An act granting lands for reservoirs, etc.—to the Committee on Indian Affairs.

S. 6747. An act for the relief of the heirs of John Hoffman, deceased—to the Committee on Private Land Claims.

S. 6690. An act providing for the entry of desert lands formerly in the Shoshone or Wind River Indian Reservation, in Wyoming—to the Committee on Indian Affairs.

S. 6643. An act to increase the limit of cost of the public building at Park City, Utah—to the Committee on Public Buildings and Grounds.

S. 6603. An act authorizing the establishment of submarine signals—to the Committee on Interstate and Foreign Commerce.

S. 6382. An act to provide buildings for the Departments of State, Justice, and Commerce and Labor—to the Committee on Public Buildings and Grounds.

S. 6173. An act to license custom-house brokers—to the Committee on Ways and Means.

S. 6093. An act providing for the granting and patenting to the State of Utah desert lands formerly in the Uinta Indian Reservation, Utah—to the Committee on Indian Affairs.

S. 5269. An act to provide for allotments to certain members of the Hoh, Quileute, and Ozette tribes of Indians in the State of Washington—to the Committee on Indian Affairs.

S. 4179. An act authorizing the Omaha tribe of Indians to submit claims to the Court of Claims—to the Committee on Indian Affairs.

S. 5121. An act for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863—to the Committee on Indian Affairs.

S. 4689. An act for the relief of George Baker—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13899. An act granting unto the Hot Springs Street Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the Whittington Lake Reserve Park;

H. R. 5272. An act for the relief of the Bridgeport National Bank, Bridgeport, Ohio;

H. R. 20835. An act authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory;

H. R. 21693. An act for the relief of William H. Hawley;

H. R. 18593. An act to authorize the transfer of the government highway known as the Alter road, to the city of Detroit, Mich.;

H. R. 17838. An act for the relief of George W. Flack;

H. R. 11580. An act for the erection of a monument over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.;

H. R. 20180. An act for the relief of Patrick Shields; and

H. R. 17872. An act providing for the sale to Jackson County, in the State of Wyoming, of certain lands.

HIGHWAY BETWEEN FORTS LEAVENWORTH AND RILEY, KANS.

Mr. MILLER of Kansas. Mr. Speaker, I ask unanimous consent that the bill (H. R. 14547) providing for a military highway between Forts Leavenworth and Riley, Kans., be passed without prejudice when it is reached in regular order on next Wednesday. I do this for the reason that the author of the bill [Mr. ANTHONY] has been called to his home in Kansas, and can not be here.

Mr. HAY. I did not understand the request of the gentleman.

The SPEAKER. The gentleman asks unanimous consent that the bill (H. R. 14547), which was considered yesterday, for a military highway in Kansas, which is the unfinished business when reached on next calendar Wednesday, may be passed without prejudice, he making the statement that the gentleman [Mr. ANTHONY] is unavoidably called to Kansas, and will not return by Wednesday next.

Mr. HAY. I have no objection.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I suppose the request is to pass that bill without prejudice on next Wednesday, until the Committee on Military Affairs is again reached on the call.

The SPEAKER. Does the gentleman modify his request?

Mr. HULL of Iowa. That was not my understanding. My understanding was that it be passed without prejudice, and the Military Committee could go on with its other business on next calendar Wednesday, and that when Mr. ANTHONY came back, this bill could come up on calendar Wednesday.

Mr. MANN. Mr. Speaker, I am not willing that that bill shall be passed in the House in that way, so that the Committee on Military Affairs could occupy two days and then, having occupied its two days in regular order, could get an additional day by having the bill called up whenever it sees fit. If he wishes to call it up when the Committee on Military Affairs is called again, there is no objection to that.

Mr. MILLER of Kansas. Then, Mr. Speaker, I will modify my request to that extent.

The SPEAKER. The gentleman from Kansas modifies his request in accordance with the suggestion of the gentleman from Illinois.

Mr. SLAYDEN. Mr. Speaker, I did not catch the request of the gentleman from Kansas.

Mr. MILLER of Kansas. I am asking unanimous consent that this bill when reached in the regular order next Wednesday may be postponed without prejudice until the next call of the Committee on Military Affairs after that day, when reached again in its regular order.

Mr. SLAYDEN. Would it precede any other bill from the Committee on Military Affairs?

The SPEAKER. It would be unfinished business and be postponed until a week from next Wednesday, until the Committee on Military Affairs is called again.

Mr. SLAYDEN. The point I want to get at is whether it would be called in advance of other bills.

The SPEAKER. It would not be called on next calendar Wednesday at all, but would come up on the subsequent calendar day when the Committee on Military Affairs is called. This would come up as unfinished business, because it is unfinished business now.

Mr. HULL of Iowa. That would not interfere with the Committee on Military Affairs going on with other business on next calendar Wednesday.

The SPEAKER. As the Chair understands the request of the gentleman from Kansas, it will not interfere with the second calendar Wednesday, when the Committee on Military Affairs is called again. Is there objection?

There was no objection.

ARMY APPROPRIATION BILL.

Mr. PRINCE. Mr. Speaker, I desire to call up the conference report on the army appropriation bill (H. R. 15384), and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois calls up the conference report on the army appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

[For conference report and statement, see proceedings in the RECORD of March 7, 1910.]

Mr. SULZER. Mr. Speaker, there are several Members on this side of the House who want to be heard on this matter, and I ask for recognition in my own right.

Mr. PRINCE. I do not desire to yield the floor, Mr. Speaker, but to accommodate any gentleman I will yield time. How much time does the gentleman from New York want?

Mr. SULZER. I would like to have at least half an hour.

Mr. PRINCE. I will yield half an hour to the gentleman from New York.

Mr. SULZER. And I yield ten minutes of that time to the gentleman from Florida [Mr. SPARKMAN].

Mr. PRINCE. Mr. Speaker, I question whether he can do that under the rule.

The SPEAKER. It can be done by the gentleman from New York giving a list to the gentleman from Illinois, to whom he can yield.

Mr. PRINCE. Mr. Speaker, I am willing to waive all that.

The SPEAKER. Without objection, the half hour yielded to the gentleman from New York [Mr. SULZER] may be yielded by him to such Members as he desires to yield to. Is there objection?

There was no objection.

Mr. SULZER. Mr. Speaker, I yield ten minutes to the gentleman from Florida [Mr. SPARKMAN].

Mr. SPARKMAN. Mr. Speaker, I was absent from the city and from the House when this matter was up for consideration a few days ago, else I perhaps would have had something to say at the time in favor of the proposition; not that I am vain enough to suppose that I could have added anything to what was so ably said by the gentleman from New York [Mr. SULZER] and others in favor of the Senate amendment, but because I am so firmly convinced that justice to the parties concerned demands its adoption.

I understand, Mr. Speaker, that there are some five distinguished officers who are to receive the benefit of this provision if it should become a law. I am not familiar with the record of these gentlemen, save one, except as I gather the same from discussions that took place here some two weeks ago. But from their records as thus disclosed, I am fully persuaded they should one and all receive the consideration proposed in the amendment. I have, however, as a member of the Committee on Rivers and Harbors of the House for the past twelve or thirteen years, become familiar with the career and with the record of General Marshall, the present Chief of Engineers, and I wish to say that, in my judgment, he is well worthy of the promotion which this provision proposes to give him.

As a member of this committee, it has been my duty for all these years to study the reports and the works of the various members of the Engineer Corps of the War Department, and I feel that I am justified in the assertion that none have surpassed General Marshall in the ability displayed by him as a member of that corps.

It is true that he was in the civil war and has a civil-war record, which is one of the features that differentiates these officials from hundreds of others who might desire like recognition.

But as great as his services in the civil war may have been, it is not the only distinguishing feature of his career. His record as an engineer in the improvement of the rivers and harbors throughout the country likewise commends him to the favorable consideration of this body.

Mr. Speaker, we all admire the man who has won fame on the field of battle, but no less credit is due him who has borne a substantial part in the development of his country along the line of peaceful pursuits, and while we admire General Marshall for what he has done in battle, we also admire him for what he has done for our commerce.

Leaving the army and entering at West Point in 1864 he graduated there in 1868. Then, by reason of the record he had made in the academy, he was immediately attached to the engineering corps, which is recruited from year to year by addition from those who stand highest among the graduates of that great Military Academy. Since that time his carer has been a remarkable one.

He has been, first and last, engaged in all the great river and harbor works requiring a high order of engineering skill throughout the country. He constructed the Hennepin Canal, has been in charge of the work on the Mississippi River, on the Great Lakes, and last, but not least by any means, in charge of the harbor of New York. We all know what that harbor is—that it is the greatest in this country and among the very few great harbors in the world. Into and out of it flows the greatest commerce that comes into or goes out of any harbor in this country, and perhaps in the world.

Mr. ADAMSON. That is true.

Mr. SPARKMAN. That is my information. From imports into that harbor more customs duties are collected than from any other harbor in the country. Perhaps I am safe in saying that more money is paid into the United States Treasury in the shape of customs duties from New York than all the rest of the cities in the United States combined. Hence it is a harbor that has justly claimed and received the utmost care and attention at the hands of Congress. Now, in the most critical period of the development of that harbor, when it was found necessary to increase the depth from 30 to 40 feet—a most colossal undertaking—in order to accommodate the steady and rapid increase in the draft of seagoing vessels, a man was sought to take charge of this great work, and General Marshall, from all the engineers in the army, was selected for the task. [Applause.] How he performed his work, Mr. Speaker, is known to many, and is set forth in the testimonials which I find in the RECORD of two weeks ago, and placed there by the gentleman from New York. That harbor to-day, as a result of the judicious expenditure of appropriations made by Congress, has the magnificent depth from the outer bar to the city docks of 40 feet.

Others there were who doubtless might have done the same work, but the fact remains that by reason of his acknowledged ability he was selected for the task.

Mr. Speaker, I have said that I have no doubt the other gentlemen are also worthy of the consideration this amendment would give them, and they should have it both as a matter of right and on account of the precedent heretofore established by which General Mackenzie and a few others with him were accorded a like promotion, but when we invoke that precedent we are told that it was a bad one and should not have been established. I want to dissent from that view. It, in my opinion, is not a bad precedent. The gentlemen who were promoted at that time were distinguished officers of the Government. So that in thus advancing those parties we did justice to them in so far as it was possible to do justice to such distinguished officers by this class of legislation.

But the precedent is established and should be followed, and I submit that it would be a great injustice to those whom this bill would benefit not to treat them as we treated the others.

It will, Mr. Speaker, add but little to the expenses of the Government—not more than five or six thousand dollars a year—and only to be continued at best for a few years. Doubtless, any of these gentlemen could have earned in civil life a much larger sum from year to year than the Government has paid them for the services it has exacted and received from them. Certainly no one, after duly considering the matter, would withhold from them the promotion and consequent emoluments this provision would give them. I trust the amendment may be adopted by this House. [Applause.]

I believe that is all, Mr. Speaker, that I care to say, but with the consent of the House would like to add as a part of my remarks the military record of General Marshall, as furnished by the Adjutant-General to Congress on January 20, this year, which is as follows:

Statement of the military service of Brig. Gen. William L. Marshall.

WAR DEPARTMENT,
THE ADJUTANT-GENERAL'S OFFICE.

He served as a private in Company A, Tenth Kentucky Cavalry, from August 16, 1862, to September 17, 1863.

He was a cadet at the United States Military Academy from July 1, 1864, to June 15, 1868, when graduated and appointed brevet second lieutenant, Corps of Engineers. He became a second lieutenant in that corps February 22, 1869; was promoted first lieutenant June 21, 1871; captain (on account of fourteen years' service) June 15, 1882; major May 10, 1895; lieutenant-colonel April 23, 1904; and colonel August 27, 1907. He was appointed Chief of Engineers with the rank of brigadier-general to rank from July 2, 1908, and accepted the appointment July 6, 1908.

SERVICE.

With engineer battalion at Willetts Point, New York, from October 1, 1868, to August 28, 1870; on duty at the Military Academy to August 31, 1871; with engineer battalion at Willetts Point, New York, to July 5, 1872; assistant engineer on western explorations under Lieutenant Wheeler, Corps of Engineers, to August, 1876; on engineer duty at Chattanooga, Tenn., to June, 1877; at Rome, Ga., to May, 1881; on works of improvement of Vicksburg Harbor and in the third engineer district, Mississippi River Commission, to April, 1884; in charge of harbor improvements in southeastern Wisconsin and of improvement of Fox and Wisconsin rivers to September, 1888; in charge of various harbor improvements in Michigan and Wisconsin to May, 1886; in charge of improvement of Chicago and Calumet harbors and Illinois and Calumet rivers and of the construction of the Hennepin Canal and various other engineering works to December, 1899, during which time he was also engineer officer of the division and department of the Missouri from 1892 to 1897, and member of various boards pertaining to bridges, harbors, locks, surveys, etc., from 1890 to 1899. He was a member of the Missouri River Commission from November, 1897, to June, 1902.

General Marshall was on duty in New York City from January, 1900, to July, 1908, during which period he was in charge of the defensive works of New York Harbor and of river and harbor improvements, especially the deep channels entering New York Harbor, and was a member of various boards on fortifications and improvements. Since July, 1908, he has been in charge of the office of Chief of Engineers and of engineering works under the control of that office, and has been a member of the Board of Ordnance and Fortification and the Inland Waterways Commission.

F. C. AINSWORTH,
The Adjutant-General.

JANUARY 20, 1910.

Mr. SULZER. Mr. Speaker, I would like to have the gentleman from Illinois [Mr. PRINCE] use some of his time.

Mr. PRINCE. I may not want my whole thirty minutes.

Mr. SULZER. Well, let the gentleman use now what he wants.

Mr. PRINCE. Oh, no; I want to close the debate.

Mr. SULZER. The gentleman from Kentucky [Mr. STANLEY] wants to be heard in favor of the amendment, and I am waiting for him to come in. He will be here in a few minutes, and I trust the gentleman, or somebody on his side, will now occupy some of the time.

Mr. PRINCE. Well, to accommodate my colleague I yield five minutes to the chairman of the committee, the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Speaker, I was not present at the conference between the two Houses on this amendment. I know nothing as to the discussion that took place there. It was called when I was not here, but as it was a disagreement, which was reported, I had no objections to letting it go on.

I want to correct one or two statements that I made when this matter was before the House on the first report of the conferees. I stated there that this affected only five men, but my impression is that it affects more than that. The Senate, after the matter had been reported out by the Committee on Military Affairs, struck out the words "who served as an officer or enlisted man in the civil war," and with those words out, if the amendment is adopted, it would take in anyone who attended the academy as a cadet during the civil war, even if for only a few days before the close of the war, so that it is broader in its scope than I had in mind when discussing it; broader in its scope than The Adjutant-General had in his mind when he gave his opinion as to whom it would affect, and I want simply to correct that so that the House may have the full information—that it would not only take those that are now on the active list, but if any one of those who were cadets at that time should be commissioned a brigadier-general and serve a year, he would also when retired be promoted to the grade of major-general.

I think that is all that I care to say in regard to the matter at this time. I yield back the balance of my time.

Mr. SULZER. Mr. Speaker, will the gentleman from Illinois use a little more of his time?

Mr. PRINCE. Why, no; you can not well ask me to do that now.

Mr. SULZER. Is there anybody else on your side who desires to speak?

Mr. PRINCE. Yes; there may be if there are some arguments advanced; but if there are no arguments, that will shorten the time for debate on this side.

Mr. SULZER. Mr. Speaker, all matters in controversy between the two Houses on the army appropriation bill have been agreed to by the conferees except amendment No. 21, which the Senate incorporated in the bill. I will read that amendment now for the benefit of the House:

Provided, That the President may, in his discretion, extend the proviso contained under the heading "Retired officers" in the act making appropriation for the support of the army for the fiscal year ending June 30, 1908, approved March 2, 1907, so as to include any officer who served creditably in the regular or volunteer forces of the United States during the civil war, and who is now and has been for a period of not less than one year serving as a brigadier-general on the active list of the army, and who at date of retirement will have served in the army more than forty years.

Mr. Speaker, if this proviso should be adopted it will affect the following officers: Generals Thomas, Morton, Hodges, Brush, and Marshall, now brigadier-generals, and retire them, in the discretion of the President, when they reach the age limit, as major-generals. I will give briefly their records in the Army of the United States.

Gen. Earl D. Thomas has been in the service, volunteer and regular, for over forty-seven and one-half years. He has been a brigadier-general for two years and ten months. He will be retired January 4, 1911, and when retired will have served forty-eight and one-half years. He is now the commander of the Department of Colorado.

Gen. Charles Morton has been in the volunteer and regular service for over forty-eight years. He has been a brigadier-general two years and ten months. He will be retired on account of age March 18, 1910. When retired he will have been in the service over forty-eight years. He is now commander of the Department of Missouri.

Gen. Charles L. Hodges has been in the volunteer and regular service forty-four years and two months. He has been a brigadier-general two years and nine months. He will be retired on account of age on March 13, 1911. He will have served continuously, when retired, forty-five years and three months. He is now commander of the Department of Dakota.

Gen. Daniel H. Brush has been in the volunteer and regular service forty-two years and nine months. He has been a brigadier-general two years. He will be retired on account of the age limit May 9, 1912, and when retired will have served continuously for over forty-five years. He is now in command of a department in the Philippines.

Gen. William L. Marshall has been in the service, volunteer and regular, forty-six years and nine months. He has been a brigadier-general one year and seven months. He will be retired on account of the age limit June 11, 1910, and when retired will have served continuously over forty-seven years. He is now Chief of the Corps of Engineers of the Army.

Splendid men; grand records; great officers.

This provision for the retirement of these distinguished officers of the army was before the House on the 25th of February. The House then refused to concur in the matter, and it went back to conference. The Senate conferees again declined to yield, and continue to adhere tenaciously, as a matter of justice, in favor of this amendment. If the House takes the same position now that it did on the 25th day of February, I can see a deadlock between the Senate and the House conferees that may imperil the enactment of the army appropriation bill.

Now, sir, I am in favor of the adoption of the amendment under consideration because I believe it to be just to most deserving men. I voted in conference to concur in the amendment, and I shall vote for it here because I am in favor of justice to all men in the army or out of the army. The adoption of this amendment leaves it in the discretion of the President to extend the act which this Congress passed in 1907, so that the five brigadier-generals whom I have mentioned can be retired like their predecessors on the staff at a grade higher. We can trust the President in the matter.

I have served on the Committee on Military Affairs of this House for a good many years, and I know something about military matters. I want to treat the line officers just the same as the staff officers. It is a mistake for Congress to discriminate between the staff and the line. The staff officers live here in Washington. They exert, I know, an influence. They attend the pink teas; they dance with the ladies; they reach the ear of Congress; and they get favors and promotions through legislation which the line officers out on the frontier do not get. That is the trouble in this case. We gave the privilege to the staff and now withhold it from the line. It is a mistake, in my judgment, for a Congress to refuse to do simple justice in this matter and treat the line officers just as well as it has treated the staff officers. I do not know a single one of these five brigadier-generals. I know their records in the army, however, and I stand here to testify that the records of these generals are as creditable and as commendable as the record of any soldier in this country during the past forty years. I have no interest in this matter save as it appeals to my sense of justice. I do not know if these officers ask for this legislation. They are far removed from the potent influences in and around this Capitol. They are on the frontier doing the work of the Government, and, in my opinion, they are entitled to just the same consideration that we have so generously extended to the generals of the staff.

All honor, I say, to Morton and Marshall and Thomas and Brush and Hodges. All of these officers saw hard service during the war for the Union. Some of them afterwards went to West Point and graduated, and all of them have been in the Volunteer and Regular Army for more than forty years. They have been on the firing line in the Indian wars. Most of them did heroic service for years on the frontier.

They went through the Spanish-American war, and did gallant service for the country. In the judgment of those familiar with the great services they have rendered they should have this recognition. To do otherwise would be an unjust discrimination against them. We retired recently, at one grade higher, under the act referred to in this proviso, several brigadier-generals on the staff who never performed the services that these officers have rendered. We should be fair and just in this matter to all. We will be recreant to our duty if we now discriminate against them. They are the last of the brigadier-generals in the army who served gallantly during the

civil war. They should be treated the same as the other brigadier-generals who were retired as major-generals. I do not believe in making invidious distinctions. These generals should be retired, as well as their predecessors, as major-generals. As a conferee of this House I believe that it is just; I believe it is right; and I believe that we should agree to it, and give these battle-scarred veterans the rank to which they are justly entitled when retired for age.

Mr. CRAIG. What is the custom, or law, if there is any, on the subject, as to advancing one grade the privates, noncommissioned officers, and officers of the lower grades after long and faithful service?

Mr. SULZER. The law provides for the retirement of the officers below that of a general at a grade higher, if they served in the civil war.

Mr. CRAIG. They are now advanced one grade, are they not?

Mr. SULZER. Yes; all officers below brigadier-generals.

Mr. CRAIG. All except the brigadier-generals?

Mr. SULZER. All officers below brigadier-generals. That is the law passed by Congress a few years ago.

Mr. MADDEN. Are privates advanced a grade when they are retired?

Mr. SULZER. No; but they should be, in my opinion, if they served in the civil war.

Mr. MADDEN. Why not?

Mr. SULZER. Because the gentleman's party did not legislate that way.

Mr. CRAIG. To whom does that law apply?

Mr. HAY. It applies only to men who served in the civil war.

Mr. SULZER. Quite so.

Mr. CRAIG. It does not apply to privates, noncommissioned officers, captains, and lieutenants?

Mr. SULZER. It applies to all officers below the rank of brigadier-general who served in the civil war.

Mr. CRAIG. Well, does that apply to noncommissioned officers and privates?

Mr. SULZER. It applies to noncommissioned officers, but not to privates.

Mr. PARKER. It does not apply to brigadier-generals.

Mr. SULZER. I said that; and now I want to say again that these five officers were volunteers during the civil war, and when they went to that war they were all boys under the age of 18 years. They have served their country ever since with great distinction, and they have risen through merit, and merit alone, step by step until they have reached the rank of brigadier-general.

Mr. Speaker, as I have often said before, I am now, and always will be, the friend of the soldiers and the sailors of the Union—the bravest men on land and sea that ever faced a foe; those heroic men who saved the Republic from destruction in the darkest hour of its history. They need no eulogy. The glorious Union is their monument. More than two-thirds of the soldiers and the sailors who participated in that tremendous struggle have been gathered to the fathers, and those that remain will soon cross the "great divide" to join their comrades on "fame's eternal camping ground." During the few years they will be with us on earth I believe it is the duty of the Government to care for those in poverty and distress. The Republic owes the soldiers and the sailors for the Union a debt of gratitude it can never pay, and gratitude to these brave men should be the fairest flower that blossoms in the great heart of our reunited country. Our soldiers and our sailors, whether officers or privates, should be generously treated. That is the least we can do for them in their declining years. Those that are incapacitated and dependent should be liberally pensioned. As Lincoln said, "The Nation should care for those who have borne the battle."

Imbued as I am, sir, with these sentiments, I can not vote against this amendment to do justice to these brave and distinguished officers, who have spent all their lives in the service of their country. I am opposed to any discrimination against them. I am opposed to any legislative discrimination between the officers of the staff and the officers of the line. If we are going to discriminate at all it should be in favor of the men who are on the firing line and in the positions of danger; the men who risk something and who do the fighting; the men who are away out on the frontier and in the fever swamps of the Tropics; the men who are busy in sunshine and in storm, in the Orient and in the Occident, with our soldier boys from sunrise to sunset, from the time our flag goes up until the time the flag of the Union comes down. But I am opposed to any discrimination, and for that reason I am taking the same position here that the Senate has taken unanimously. Hence, I trust that the House will vote to concur in the Senate amendment.

Mr. Speaker, I shall not occupy any more time, because there are other gentlemen who desire to be heard. I now move that the House recede and concur in the Senate amendment, and I ask to have that motion pending.

The SPEAKER. The motion will be considered as pending.

Mr. SULZER. Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky [Mr. STANLEY].

The SPEAKER. The gentleman from Kentucky [Mr. STANLEY] is recognized.

Mr. PRINCE. How much time has the gentleman, Mr. Speaker?

The SPEAKER. Two minutes.

Mr. STANLEY. Mr. Speaker, I have never been an ardent advocate of indiscriminate pensions, but I do firmly believe, and I believe it coming from south of Mason and Dixon's line, too, in judicious honoring of men for meritorious service. I believe in the star of the Legion of Honor; and if there were ever claims before this House that were just, it is the claims of those brigadier-generals, which have been so ably presented to the House by the gentleman from New York [Mr. SULZER]. It is perfectly apparent that if these men fail to secure what their friends are asking, it will not be for any lack of service, it will not be for any lack of the rugged worth of the soldier, but for the want of the smooth arts of the courtier and the lobbyist.

These men all, without exception, were volunteers. They all felt the fine impulse of the soldier, because after the war was over and after they had served with distinction, after they had been promoted for their excellence and their valor, many of these men sought the academy at West Point, perfected themselves in the science as they had already honored themselves and the Flag by the mastery of the art of war; again entering the service of their country, they have waited until this day, not around this Capitol, seeking preferment, but in the face of privations and danger, silent and faithful in the discharge of their duties. Now, at the end of a well-spent and an honorable life, these rugged brigadiers ask only what has been given to their predecessors.

In my opinion it would be a shame and an outrage to discriminate against them. Every one of these men has a right—if you pension anybody, if you give a bonus to anybody—every one of these men has the right to retire with this title of major-general; and, in the language of Lincoln, "It is not so much what we say here, but what they did," that entitles them to recognition.

The SPEAKER. The time of the gentleman has expired.

Mr. SULZER. I ask my colleague to yield the gentleman some more time.

Mr. PRINCE. I could not consent to do that, because the chances are my time will be used up.

Mr. SULZER. I ask unanimous consent that the gentleman's time be extended five minutes.

The SPEAKER. The gentleman from New York asks unanimous consent that the time of the gentleman from Kentucky be extended five minutes.

Mr. MANN. Without coming out of the hour?

The SPEAKER. Yes. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kentucky [Mr. STANLEY] is recognized for five minutes.

Mr. STANLEY. Mr. Speaker, without calling any names, I recall the services of one of those five brigadiers. He is not a resident of my district, he is not of my political faith; I owe nothing to him, and he owes me nothing; but his career in wearing the blue when my father wore the gray is a part of the glorious history of a State noted for men of intrepid valor. He was an ideal soldier. He went into the war when most boys of his age were playing marbles. He served with the most conspicuous distinction for capacity and for courage. At the close of the war he was admitted to West Point. He was graduated with honor, and from that day until this there has never been a time when his country needed either his courage or his talents that he did not respond, and this is the first time that any friend of his has ever asked even common justice for him from this country. To have so honored his predecessors and refuse this meed of justice to this soldier, with his flawless record and his devoted life, would be unworthy of the Federal Congress. We are not asking anything for these five men that you have not done for others; and to draw a distinction between the staff officer and the line officer, to draw a distinction between the man who saw the fight and the man who made it, between the weather-beaten veteran who remained on the firing line in war and who remained in the place of privation and discomfort in peace, in

favor of the man who was comparatively out of danger at times when the struggle was hottest, and who luxuriated in the smile of those in power when the struggle was over, would be unworthy of men who honor the volunteer and who have hitherto been liberal in caring for him. The lives of these men are a part of the history of your country, and you can not afford to mar that history by this refusal, which, in a way, will be a reflection upon them. [Applause.]

Mr. PRINCE. I now yield five minutes to my colleague from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, to be a major-general is to be one of the most conspicuous figures in the life of our Nation. To promote a man to a major-generalship is to accord to him the highest honor which can be attained in the United States Army. A promotion to this position should never be made except for conspicuous gallantry on the field of battle. Can anyone say that either of the men proposed to be promoted by this bill have rendered any service on the field in command of troops?

Not one of these men have commanded troops in the field, save one, and he only in an inconspicuous way. The man to whom the gentleman from Kentucky [Mr. STANLEY] has just referred served one year and one month as a private soldier in the Volunteer Army. Two millions of American citizens gave as conspicuous service to the Nation as did he, and more conspicuous service. Two millions of American men gave to their country the best that was in them from 1861 to 1865. Six members of my own family, from the beginning to the close of the war, offered their lifeblood that the Nation might be saved. They were not in the army during the last year of the war; they were in the army from the beginning to the close; they were private soldiers. They can only draw $12 a month pension as the result of their service. Why promote the man who has had the good fortune to become a brigadier-general to a major-general, who has never done any service, but has only been conspicuous in the command of a corps of clerks?

Mr. SULZER. Will the gentleman from Illinois vote in favor of the bill of General SHERWOOD, of Ohio, to give all the soldiers of the civil war who were honorably discharged a pension of a dollar a day?

Mr. MADDEN. That is not a question that has anything whatever to do with the proposition now before the House, but "the gentleman from Illinois" unhesitatingly says to the gentleman from New York, who seems to want to get some notoriety by asking a question that has nothing to do with the case——

Mr. SULZER. I have all the notoriety I want. [Laughter.]

Mr. MADDEN. I am willing to accord to every private soldier who fought in defense of his country every honor to which he is entitled at the hands of this great Nation. [Applause.]

Mr. SULZER. Will the gentleman vote to pay him a pension of a dollar a day?

Mr. MADDEN. I am willing to pay them all the pension that the Congress of the United States thinks ought to be paid, whether it is $1 a day or $2 a day.

Mr. SULZER. Oh, the gentleman from Illinois is begging the question.

Mr. MADDEN. The "gentleman from Illinois" is not avoiding any question that may arise in connection with this or any other proposition which may come before this House for consideration, but the gentleman from Illinois believes that a brigadier-general who has never done any more conspicuous service for his country than to command a corps of clerks, and who, when retired, receives a retired pay of $375 a month for the rest of his life, is honored to every extent that he deserves to be by the Nation under which he has served. But there is no reason why a brigadier-general should be promoted to a major-generalship and retired at the pay which he draws in active service as a brigadier, while private soldiers who served their country in time of need are limited to the paltry sum of $12 a month to maintain them in their declining years.

Mr. COX of Indiana. May I ask the gentleman how much pay this would give a major-general?

Mr. MADDEN. Five hundred dollars a month on retired pay as a major-general, and $375 a month on retired pay as a brigadier-general. These men were educated at the expense of the Nation. They have held rank on the pay roll of the Nation since they graduated from West Point. They have had a good job; they have had no risks to run; there have been no wars; and they have been acting mostly as civilians during all of their official career. They ought not now to be made conspicuous and have honors placed upon them which will make them rank with men who fought in the battles for the preservation of the Union as commanding officers in the civil war. This rank should be given to no man except for conspicuous gallantry in the field, and if we grant them this rank now it will be an evidence that there is no longer any honor to be attached to the position of a major-general of the American Army. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Cockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 18162) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DOLLIVER, Mr. WARREN, and Mr. MONEY as the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. PRINCE. Mr. Speaker, I now yield to my colleague from Iowa [Mr. HULL].

Mr. SULZER. Mr. Speaker, how much time has the gentleman from Illinois remaining?

The SPEAKER. The gentleman from Illinois has eighteen minutes.

Mr. PRINCE. I will yield two minutes to the gentleman from Iowa.

Mr. HULL of Iowa. Mr. Speaker, I desire to call attention to the proposition of the gentleman from New York that seems to be unfair to the House. The parliamentary situation is this: This military bill passed the House and went to the Senate. The Senate amended it, and the House disagreed to the amendment. Now the gentleman from New York says that unless we agree to this amendment the bill will fail.

Mr. SULZER. I beg the gentleman's pardon; I did not say the bill would fail.

Mr. HULL of Iowa. The gentleman said that the Senate would not recede.

Mr. SULZER. I said "in my opinion."

Mr. HULL of Iowa. I did not understand the gentleman to say "in his opinion." The parliamentary situation is just this——

Mr. SULZER. There is no danger of the bill failing.

Mr. HULL of Iowa. If the House disagrees to this amendment, the Senate must recede. It is a proposition for a new thing entirely outside of the legitimate provisions of the bill. This amendment goes further than I have understood it to do before. It not only takes in the men to which the gentleman from New York has referred, who had service during the civil war, but it takes in men who went to school at West Point the last year of the war and who never were in the army during the war, outside of their position of cadets, and promotes them upon retirement. I am not in favor of any law that will take from the Military Academy a student and place him on a par with the men who served in the field during the civil war. As far as I am concerned in respect to this amendment as it is now, I shall reverse my vote and vote against concurring. [Applause.]

Mr. PRINCE. Mr. Speaker, I now yield two minutes to my colleague from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I am not so much interested at this time as to whether the House should promote these brigadier-generals to major-generals as I am about maintaining the dignity of this House. This House on the 25th of February, after a full discussion in the House, voted not to concur in this Senate amendment, and under all the parliamentary practices of the two Houses, if the House refuses to concur in the amendment, the Senate must recede from its amendment. We took a vote and by a vote of 70 to 51 the House decided that it would not agree to the Senate amendment. That ought to be considered a final vote. There must a time come when, if the House proposes to uphold its dignity, it will say it will not back and fill upon these propositions. If it is the intention of this House to say a thing, let it stand by its guns. [Applause.] Let the Senate recede from a proposition about which there may have been a difference of opinion, but now when the House after discussion has taken its stand upon the amendment, let the parliamentary practice between the two Houses be insisted upon, and let the Senate give way on its amendment. If we do not do that in this kind of a case, we might as well abolish the House of Representatives and say that the legislative authority of the Government is vested in the Senate of the United States, and I am not yet willing to agree to that proposition.

Mr. PRINCE. Mr. Speaker, the army appropriation bill passed the House. It went to the Senate. The Senate made a number of amendments to the bill. Conferees were appointed and all of the differences were adjusted, either the House or the Senate receding from its amendments, and a complete report was agreed upon, except as to amendment 21, which promotes a number of officers for civil-war service. These officers

now are brigadier-generals, occupying the second highest rank in the army. They are receiving an annaul pay of $6,000 and a monthly pay of $500. If they should now go upon the retired list, they would receive a monthly pay of $375.

Mr. STANLEY. This is entirely within the discretion of the President, is it not, even if the bill is passed?

Mr. PRINCE. Oh, no. Let me pass on and I will read that in a moment. Here is a provision to allow the President to promote these gentlemen, if he sees fit. Very well; but if the House and the other branch passes the law, it is almost obligatory upon him to do so. Now, let us go back to the President. The President is the Commander in Chief of the Army and Navy. These men are under his control and supervision. I find here that within the last year the President of the United States, exercising his authority and his prerogatives, made a distinguished officer a major-general of the army. If these gentlemen had the distinguished service in the civil war or elsewhere that some men would try to make us believe, does anyone believe that the President would have ingored the distinguished services of these men? Now, what were their distinguished services in the civil war? One was a private soldier for about four or five months. How many private soldiers were there in the civil war? Two million two hundred and thirteen thousand. I say that there were 2,200,000 men in the civil war as volunteers who did as much as the one man whom the gentleman now seeks here to make a major-general. [Applause.] What do these men draw to-day—these volunteers? Twelve dollars a month. What is this man drawing to-day, if he goes out as a brigadier-general? Three hundred and seventy-five dollars a month.

Mr. SULZER. Will the gentleman yield for a question?

Mr. PRINCE. For a question only.

Mr. SULZER. I do not want to embarrass my friend, but I would like to know if it is not a fact that the gentleman voted for the act of March 2, 1907?

Mr. PRINCE. I did not, and I fought it on the floor of the House. No, sir; I did not. Whether I acted wisely or not, I do not believe in turning the army into a set of politicians. I believe the army officers should be obedient to their superiors. If there is any place that politics ought to be kept out of, it is the Army of the United States. [Applause.] A bill like this amendment the Senate sent to the Secretary of War under date—let me read you, and I got it from the War Department this morning:

WAR DEPARTMENT,
Washington, March 10, 1910.

December 28, 1909, Senate Committee on Military Affairs referred for report Senate bill 4573, Sixty-first Congress, second session [by Mr. GUGGENHEIM], a bill to adjust and equalize retirements, rank, and pay of veterans of the civil war who may be serving as brigadier-generals on the active list of the army January 1, 1910.

January 5, 1910, memorandum from the Adjutant-General's office to the Chief of Staff is as follows:

"States that if the bill should be changed to correspond with its title, the officers who would be benefited are Generals Thomas, Morton, Hodges, Brush, and Marshall, all of whom have had forty years of service or more, including enlisted service, and more than one year's service each as brigadier-general. The provisions of the bill, without reference to its title, would benefit the officers named and, in addition thereto, two other officers, namely, Colonel Clem, Quartermaster's Department, and Colonel Allison, Subsistence Department, if appointed brigadier-generals one year before retirement. In this connection, invites attention to a report of his office of December 14 on Senate bill 3548, Sixty-first Congress, second session, which is similar to this bill in its provisions, but which requires service of more than forty years as a commissioned officer."

This bill was presented to the Secretary of War, who stands for the President as the Commander in Chief of the Army. Now, what does he say?

The bill was returned to the chairman of the Committee on Military Affairs, United States Senate, January 15, 1910, with the following indorsement:

Respectfully returned to the chairman Committee on Military Affairs, United States Senate.

There appears to be no justification, in the opinion of the department, for the passage of the within bill and adverse action thereon is therefore recommended.

J. M. DICKINSON,
Secretary of War.

Ought not that to satisfy everybody?

Mr. SPARKMAN. Will the gentleman yield?

Mr. PRINCE. I will.

Mr. SPARKMAN. Does that letter refer to the provision that is in this bill?

Mr. PRINCE. Yes; to a like provision. A bill even better than this amendment, because that bill would not permit many cadets at West Point to be made hereafter major-generals. This amendment, if passed, would make hereafter many cadets who were in West Point as students during the time of the civil war major-generals. How many I do not know, but quite a number.

Mr. SPARKMAN. I understood that bill embraced two others; that this bill embraces five, whereas the other embraced seven.

Mr. PRINCE. Now, what is the provision? Let me read you the provision under discussion:

Provided, That the President may, in his discretion, extend the proviso contained under the heading "Retired officers" in the act making appropriations for the support of the army for the fiscal year ending June 30, 1908, approved March 2, 1907, so as to include any officer who served creditably in the regular or volunteer forces of the United States during the civil war.

The courts have held that a cadet at West Point who was there one day before the war closed served creditably in the regular forces of the United States. Do you want to have a bill that will permit cadets at West Point, who happened to go there before the war closed and were there in the lower classes as fourth class students and afterwards graduated, who served creditably in the regular or volunteer forces of the United States Army one day——

Mr. SULZER. Just a word. I know the gentleman does not intend to mislead the House.

Mr. PRINCE. I do not. Well, my time is running; put your question.

Mr. SULZER. I will just make it very short. Does not the gentleman think that he can trust the President of the United States to do justice in this matter?

Mr. PRINCE. I can; I think the President of the United States has spoken upon this matter. I do not believe that it is the prerogative of this House or of Congress to tell the President how he shall promote or retire the officers over whom, under the Constitution and under his oath, he is Commander in Chief. I do not believe we have any right to say to any commanding officer, take this man and promote him, or some other man, and——

Mr. SULZER. I would say——

Mr. PRINCE. And which commanding officer has acted—who has given his views on this proposition——

Mr. SULZER (continuing). That I would leave it to the President, it is now discretionary with the President, and that is the difference between myself and the gentleman.

Mr. PRINCE. Mr. Speaker, I decline to yield.

Mr. SULZER. I am willing to trust the President in this matter and the gentleman is not.

Mr. PRINCE. The President has spoken. Here is his word, through the Secretary of War, that there is no merit in this provision:

There appears to be no justification, in the opinion of the department, for the passage of the within bill, and adverse action thereon is therefore recommended.

J. M. DICKINSON,
Secretary of War.

I want to say to the gentlemen of the House that if measures of this kind are passed by Congress the army ceases to be an army; it becomes a body of men who are seeking promotion at the expense of the Government, in spite of the War Department, in spite of the President, in spite of their own obligation of obedience. It is disorganizing the army; it is creating insubordination, and it is the worst thing that can come to the army; and as a friend of the army I ask this House to stand with the committee and further insist upon this provision. Not only that, but it is making lobbyists of generals of distinguished rank, who had better be putting in their time and efforts for the good of the service. [Applause.]

Now, let us see how many there are. There are 4,670 officers in the United States Army to-day on the active list. Why make congressional favorites of four or five officers as against the 4,670 that are performing their duties? Why encourage insubordination? Let all officers be obedient as soldiers and obey the directions of the Commander in Chief, obey the directions of the War Department, instead of coming around in this way to get the promotion, which the War Department says they are not entitled to and that there is no foundation in fact or in reason for.

Mr. COX of Indiana. How many are on the retired list now?

Mr. PRINCE. A great number; over 1,000 in all. Mr. Speaker, I now ask for a vote on my motion that the House further insist on its disagreement. I ask the previous question on the motions that are now pending.

Mr. SULZER. Mr. Speaker, my motion, I think, takes precedence.

Mr. PRINCE. But I move the previous question on pending motions.

The SPEAKER. The gentleman from Illinois moves that the House do insist on its disagreement to the Senate amendment. The gentleman from New York [Mr. SULZER] moves that the House do recede and concur.

Mr. SULZER. Yes, sir.

The SPEAKER. The gentleman from Illinois demands the previous question. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the motion that the House recede from its disagreement with the Senate amendment and concur in the same.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 17, noes 131.

So the motion was rejected.

Mr. SULZER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused; five Members, not a sufficient number, seconding the demand.

Mr. PRINCE. Mr. Speaker, I move to adhere.

The SPEAKER. The previous question covers the motion that the House do further insist. That will have to be disposed of before the motion to adhere would be in order.

Mr. PRINCE. I withdraw the motion.

The SPEAKER. The question is on the motion that the House do further insist on its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

Mr. HULL of Iowa. Mr. Speaker, I move that the House ask for a further conference.

The motion was agreed to.

The SPEAKER announced the following conferees:

Mr. HULL of Iowa, Mr. PRINCE, and Mr. SULZER.

PENSIONS AND INCREASE OF PENSIONS.

Mr. LOUDENSLAGER. Mr. Speaker, I call up the conference report (No. 670) on the bill (H. R. 18006) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18006) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments in line 18, page 4, and line 12, on page 7.

That the House recede from its disagreement to the amendments of the Senate in lines 10 to 12, inclusive, on page 5, and in line 4, page 6, and line 6, page 6, and agree to the same.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
Managers on the part of the House.
P. J. MCCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

The Senate recedes from its amendment in line 18, page 4, the case of Thad Parrish. In this case the House allowed a rate of $16, and the Senate cut it to $12.

The Senate recedes from its amendment in line 12, page 7, the case of Claudia D. Blakeman. In this case the House allowed a rate of $25 per month, and the Senate reduced it to $16.

The House recedes from its disagreement to the amendment of the Senate in line 4, page 6, the case of Eugene Bournassa. This is a case in which the House did not fix any definite rate, and the Senate fixed a rate of $12 per month.

The House recedes from its disagreement to the amendment of the Senate in line 6, page 6, the case of Charles F. Brown. The House did not fix any rate, and the Senate made a rate of $12 per month.

The House recedes from its disagreement to the amendment of the Senate, striking out all of lines 10 to 12, on page 5, the case of John D. Smith, in which the House allowed a rate of $30 per month.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
Managers on the part of the House.

MILITARY ACADEMY BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 20579) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes.

The SPEAKER. The gentleman from Iowa [Mr. HULL] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for consideration of the Military Academy appropriation bill.

Mr. HULL of Iowa. Mr. Speaker, pending that motion, I would like to arrange for a very limited general debate. We ought to pass this bill this afternoon.

Mr. SLAYDEN. Mr. Speaker, I concur in the opinion of the gentleman that we ought to do so, and I think we will pass it this afternoon, but there is some little demand for the privilege of debate on this side of the House. I would like to ask the gentleman what he thinks would be a reasonable time in which to gratify that aspiration?

Mr. HULL of Iowa. I will say to the gentleman from Texas [Mr. SLAYDEN] that the gentleman for whom he wishes to arrange time suggested that he could get through in thirty minutes.

Mr. SLAYDEN. I understood him to say thirty-five minutes.

Mr. HULL of Iowa. I ask unanimous consent that general debate be closed in thirty minutes, all the time to be occupied on the Democratic side.

Mr. SLAYDEN. Mr. Speaker, that is agreeable to me.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that general debate be closed on the bill in thirty minutes, all the time to be consumed by the gentleman from Texas [Mr. SLAYDEN].

The SPEAKER. Is there objection?

There was no objection.

The motion of the gentleman from Iowa [Mr. HULL] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Military Academy appropriation bill was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 20579, the Military Academy appropriation bill, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20579) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill may be dispensed with.

There was no objection.

Mr. SLAYDEN. I now yield thirty minutes to the gentleman from Indiana.

Mr. BARNHART. Mr. Chairman, we are all familiar with the old-time doctrine that there is a time and place for all things, that righteousness availeth much, and that gratitude and honor speaketh in acts rather than in words. Under the inspiration of these established guides to right and reason, I hope that what I am about to say to you may be words uttered in the loftiest sense of patriotism, gratitude, and justice that it may be given me to express.

If there ever was a time and a place where a representative of a great and progressive people might consistently discuss ways and means to higher and happier civilization and obligation to those who sacrificed health and happiness in behalf of our common weal, it is here in this forum of our Republic.

Therefore, Mr. Chairman, I want to briefly present some ideas on two important topics of public concern, viz, a policy of peace for the future and a full measure of regard to those who answered their country's call in the past.

I notice with regret that a proposition is meeting favorable consideration at the hands of certain military authorities to induce military organization in our public schools and to equip schoolboys with guns for rifle practice that they may learn to kill. This would vastly increase our already enormous expense of nearly $350,000,000 per year for making ready for wars that are nowhere threatened; but the cost in money is inconsequential in comparison with the mistake of teaching the schoolboys of this Christian country to grow up trained to kill their fellow-man.

What a dreadful thing is war! It not only goes into your homes and takes the father or the son, or both of them, and sends them to human slaughter pens, frequently in distant

lands, but it subjects those who escape deadly bullets to a blight of hardship and exposure that disables most of them in vigorous manhood all the remaining days of their lives.

Wars, like personal encounters between men, are not an infallible guide to justice, because superior strength does not make surely for right, and the rational sentiment of to-day is anxious to take differences of nations to international tribunals of arbitration as individuals have learned to settle their conflicts of honor and of property rights in courts of justice rather than by the barbarous method of other years of superiority of personal strength and brutality. Most certainly our advanced civilization should lead the world to the high plane of humanity where peaceful means of adjusting differences shall forever supplant the customs of the savages to indulge in deadly combat as court of highest resort.

Far be it from my purpose to discourage defense of country by force of arms if an emergency be thrust upon us, or the training of officers for such an emergency. But I deprecate the policy of promiscuous training of fighters, for such open indication that we want to fight simply invites challenges from others who believe fighting a national glory. Moreover, the justifiable and the most determined fighting spirit is the stalwart patriotism of the volunteer who shoulders arms in defense of right, and for this class of invincible patriots our country has never called in vain in a time of national peril.

We teach our sons to be tolerant, fair, charitable, and merciful; why urge them at the same time to drill and manipulate murderous war implements? We teach them to applaud the upliftment of mankind above the level of barbarism and then to cheer rather than weep when the soldier boys march by to fields of battle, there to enter contests as to which side can pile the dead and wounded in largest heaps.

Last Christmas time our own country celebrated the anniversary of Him who came from On High with a proclamation of "Peace on earth, good will to men," with praise services in a hundred thousand churches while we had 200,000 men armed, equipped, and many of them drawing salaries from our Public Treasury to spread destruction and misery by shot and shell if ordered so to do. That great and lamented humanitarian, Edward Everett Hale, never said truer words than his recent utterance:

> We have a Secretary of War; what we need is a secretary of peace, a secretary of peace with liberal appropriation, whose duty it shall be to promote measures of peace through our foreign relations, our schools and colleges, and every other possible means of preventing wars.

Our future governors, Congressmen, Senators, and Presidents are schoolboys now and most of them Sunday-school attendants. They are the coming statesmen who will have to do with war and peace questions in the future. How shall we train them, for war or for peace?

I recently asked that gallant old military hero and soldiers' friend, General SHERWOOD, of Toledo, what he thought of the bill which proposes to authorize rifle practice in public-school athletic leagues for the purpose of teaching boys how to shoot and kill, so they may be in training for war, and his reply was:

> I will answer you as I recently did General Wingate, of New York, who solicited me to support the bill. As a believer in the benign doctrine of the Prince of Peace, I can not see my duty in supporting the bill. In fact, I shall oppose it, and all that class of legislation, to the best of my efforts. We are already educating too many young men for war. The army and navy are this year taking over 65 per cent of all the net expenses of the Government—taken from the earnings of the toiling masses in onerous and unjust taxation. The safety and future security of this Republic, in my judgment, is in patriotic hearts and homes and not in professional soldiers trained to kill for hire. Evidently your idea is that our present civilization is a muscular struggle of the strong against the weak, in which, so to speak, thousands are to be shot down that heroes of gun and sword, dripping in blood, may dance upon their bellies.
>
> Without the deadly gun element your proposed athletic league for schools is all right; but "the Old Flag with an appropriation" is very busy now with the government revenues, and it is no part of the duty of the General Government to appropriate money to promote local athletic clubs. If we have money to spare, I favor an appropriation for shoes for the shoeless and hats for the hatless and some well-distributed coin comfort for those in desperation and despair. You evidently believe, with the majority, that the best way to avoid war is to always be ready with an army of trained warriors. I do not share this view. I do not believe that peace among the canine tribe would be promoted should every man breed and train a fighting bulldog. But I heartily commend your league without the deadly gun element. Young men to achieve any good of value must have healthy bodies to sustain and promote healthy minds. Here is a good motto to hang on the walls of your athletic league. It is worth more to young men than rifles and accurate rifle shots. George Washington says:
>
> "My first wish is to see this plague of mankind—war—banished from the earth and the sons and daughters of this world employed in more pleasing and innocent amusements than in preparing implements and exercising them for the destruction of mankind."

Mr. Chairman, all that I have submitted so far is merely introductory to the more important petition that I now earnestly present. The mention of the name of General SHERWOOD is at once suggestive of the greater obligation we owe the decrepit and disabled old soldiers, who sacrificed time and energy and health, that our glorious country might survive and achieve matchless triumph of national greatness and goodness in the world's history. He it was who formally and forcefully suggested in Congress that a dollar a day for honorably discharged veterans should be the minimum obligation we owe the old soldier, and I want to heartily indorse his admirable munificence in insisting that this wealthy Nation shall generously provide for those who cared for it in its time of need, now that it is amply able to do so.

Mr. KEIFER. Mr. Chairman, I want to ask the gentleman if he has ever seen a bill such as a dollar a day for all civil war veterans? Was there ever any such bill introduced by the gentleman from Ohio [Mr. SHERWOOD]?

Mr. BARNHART. I understand so.

Mr. KEIFER. I never saw one of that kind.

Mr. BARNHART. For every one that has served more than ninety days?

Mr. KEIFER. I never saw one of that kind.

Mr. BARNHART. What is his bill?

Mr. KEIFER. I will read part of it. It is to pension at a dollar a day those who served for ninety days, whose physical and mental condition is of such degree of disability as to require periodical care and attention of another person.

Mr. BARNHART. Very well; I refer to his first and preferred bill.

And by way of introduction of this subject, I here submit one of many petitions I have had from Grand Army of the Republic posts, individual veterans, and civilians of my district:

> GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF INDIANA,
> LAFAYETTE GORDON POST, No. 132,
> *Argos, Ind., August 2, 1909.*
>
> Hon. H. A. BARNHART,
> *Member of Congress, Rochester, Ind.*
>
> DEAR SIR: Your attention is respectfully invited to the following:
>
> At the thirtieth annual session of the Department of Indiana, Grand Army of the Republic, held at Crawfordsville, May 19–21, 1909, the following was introduced and adopted by the state encampment:
>
> "Whereas under the present rate of pensions a large majority of ex-Union soldiers and sailors are only receiving pensions from $6 to $15 per month, which is insufficient for their comfortable support; and
>
> "Whereas said insufficient pensions and the increasing age and infirmities of pensioners are forcing them in large numbers away from their families and friends and into soldiers' homes, where they not only continue to draw their pensions in full, but are supported at great expense to the Government; and
>
> "Whereas under the present system of disbursing pensions and of holding examinations of pensioners by medical boards and investigating claims by numerous private pension examiners, the expenses of the Pension Department are almost, if not quite, equal to the amount now being paid to pensioners: Therefore be it
>
> "*Resolved*, That we most respectfully petition the Congress of the United States to increase the pensions of all honorably discharged soldiers and sailors of the civil war to $1 per day; and we would also recommend that if any such pensioner enters any national or state soldiers' home, that, while he is living in such home, he shall be paid only $8 per month pension, except if such pensioner and his wife enter a state soldiers' home, then there should be paid to him $14 per month pension while they are in said home. Be it further
>
> "*Resolved*, That in the interest of economy and in order that the Government may be the better able to pay the increased pensions asked for herein that we recommend the abolition of all pension agencies and that all pensions be paid by mail direct from the Pension Department at Washington, D. C., and we would also favor the abolition of all pension examining medical boards and traveling private pension examiners, whose work would be rendered unnecessary by the uniform rate of pension of $1 a day: *Provided*, That we do not desire to in any way change the present pension laws granting pensions of more than $1 per day to pensioners who are suffering from special disabilities.
>
> "We respectfully submit that the payment of the rate of pension herein mentioned would be doing but simple justice to the brave men who saved the Union, and it would enable them to spend their declining years in comfort where they now reside, among their families and friends, and thus save the Government the expense of their support at soldiers' homes.
>
> "We also believe that the reform herein recommended, together with the decreased expense of maintaining soldiers' homes, would enable the Government to pay the rate of pension asked for herein without there being any material increase in the amount of the present appropriation for the payment of pensions."
>
> At a meeting of Lafayette Gordon Post, No. 132, Grand Army of the Republic, held at their hall in Argos, Ind., August 6, 1909, the above resolutions were unanimously indorsed; and it was further
>
> *Resolved*, That our Senators and Representatives in Congress from this the thirteenth district be urged and earnestly requested to use their influence and vote in favor of the adoption of a change in the pension laws that shall embody the provisions herein referred to.
>
> Witness our signatures and the official seal of this post.
>
> JOHN W. PRICE, *Commander.*
> JAMES H. WATSON, *Adjutant.*
> *And 35 other members.*

Mr. Chairman, the sentiment of these resolutions is, in a large measure, the voice of the citizenship of the country. If there is one person among the 300,000 people in the district I represent who is opposed to this substantial good will to old soldiers I never heard it outspoken. Of course there is general agreement that this shall be done without additional burdens of taxation, and that it can be done by just a little retrenchment here and there is a premise beyond question.

Why, only the other day, the acknowledged leader of the Senate, the statesman whom President Taft recently characterized as the wisest financial legislator in the country, declared he could run the Government as efficiently as is now done at a saving of $300,000,000 per year. If this be true, and the Senator never speaks recklessly, it would require an insignificant per cent of this saving to pay the old soldiers deserved pensions and free them from the embarrassment that the present pension policy inflicts upon them. Hundreds of thousands of dollars—yea, millions—of unnecessary expense could be saved to deserving old soldiers if they could be placed on a fixed pension basis which would pay them just dues without subjecting them to the expensive "red-tape" system that now prevails.

Let me give you some figures of startling proportions. The specified total appropriation for the army this year, as shown by the digest of appropriations issued by the Treasury Department, is $189,792,339.48, plus $11,344,543.48 of pending appropriations of previous years. The report of the Secretary of War shows 76,049 enlisted men and officers in the United States Army. Dividing the army appropriation for this year by the number of men actually in the service we find an average expense for each United States soldier, including incidental equipment, of $2,495.06 per year, less than 16 per cent of which, according to unofficial estimate, goes to the salary and keep of the men in the ranks. The total appropriation for expense of the navy, as shown by the digest of appropriations, will be $138,560,879.05, plus $2,281,878.31 of pending appropriations of previous years and plus, possibly, a proposed $22,000,000 more for two additional battle ships. The report of the Secretary of the Navy shows a total of 55,548 enlisted men in the service. Dividing the estimated cost of the navy proper by the number of men in the service, as in the army, we find that the average cost of each man per year is $2,494.43, the same meager per cent of which goes to the "men behind the guns" as to those in the army.

Comparing the average annual expense of each man in the navy with that of each man in the army, we find the remarkable difference of 63 cents. Do you see any evidence in these figures that the army and navy heads use the same pencil and the same sheet of paper to reach their conclusions of how much money each wants to spend in his department? Is there any significance in this circumstance that they agreed to ask for the same proportionate amount of money, and, in the language of the Hoosier Schoolmaster's old Mrs. Means, "Git a plenty while you're gittin'?"

I do not give this citation merely to raise a question of design on the part of the Army and Navy departments to raid the National Treasury. I do it for the purpose of comparing our expenditures for equipment and soldiers who, God grant, may never encounter war, with what we are doing for the old veterans who have already preserved the glory and the beneficence of our Republic.

The annual report of the Commissioner of Pensions shows that we have a total of 946,194 soldiers, soldiers' widows, and soldiers' dependents on the pension rolls for the present year, and that we are paying them pensions amounting to a total of $164,826,287.50. Dividing this amount by the number of pensioners, and we find that we are paying the old veterans and their dependents an average of $174.19 per year. Put this alongside the $2,500 per year cash we are paying for the annual average expense of our enlisted men of to-day and tell me if we are giving the old soldier justice.

But most unfair of all, we are not giving the old soldier justly of the amount of pension money the bulk figures I have quoted show. Out of this total the Pension Bureau paid last year to 25,399 lawyers the sum of $321,237.86, and how much more the old soldiers paid in attorney and clerical expenses in trying to get just claims allowed no man could possibly surmise. In addition to this the Pension Bureau paid out of the old soldiers total pension fund the sum of $243,262.57 for fees of official examining surgeons. And there was paid out for almost wholly unnecessary branch pension agencies expenses $502,463.30. Add to these outlays such others as the personal expenses of old soldiers in taking official examinations, cost of special examinations, loss of time in Congress and necessary clerical expense of special pension bill legislation, and so forth, and it is easy to understand why the old soldier and the people generally protest that the pension system of the country is costing millions of expense out of the pension fund each year that ought to be going to the deserving and decrepit soldiers to whom this money justly belongs. Furthermore, if we would give the old soldiers a dollar a day pension, thousands and thousands of them now in state and national soldiers' homes, which cost millions every year, would be glad to save the country the expense of their keeping therein and go back home to relatives and friends to enjoy their decline in the midst of environ of the joys of days of blessed memory.[a]

Think a moment. If the rate of compensation fixed as just pension for soldiers in years gone by was based on justice, what of present conditions? Living expenses are a third, and in many instances a half, higher than formerly, and advancing age and increasing disabilities have reduced the veterans' earning capacity in like and even greater proportion. And think, also; the old soldier does not ask nor expect the country for which he risked his life in war at $11 and $13 per month to give him luxury. He asks only assurance of food, clothing, and shelter to make less dreary his pathway of old age. And this modest petition for a bare living is commendable and conclusive evidence that he wants no reward for his sacrifices for our country's glory except that benign care in life's sunset that shall soften its deepening shadows—a guaranty that he shall not suffer material want nor the awful misfortune of becoming dependent on charity.

Mr. Chairman, heeding both financial and patriotic exigencies, the time is here when we should add to the praiseworthy salute to the old soldier of "Glory be thy name" the more substantial badge of gratitude—peace and comfort be thy portion. [Long applause.]

Mr. HULL of Iowa. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

The chief surgeon of the post at the Military Academy, whose rank shall not be below that of lieutenant-colonel, shall, in addition to his duties as chief surgeon, discharge the duties of professor of military hygiene.

Mr. HULL of Iowa. Mr. Chairman, I move to amend, on line 1, page 3, by striking out the words "chief surgeon" and inserting the words "senior medical officer;" and in line 3 strike out the word "chief."

The Clerk read as follows:

Line 1, page 3, strike out "chief surgeon" and insert "senior medical officer;" and in line 3 strike out the word "chief."

Mr. KEIFER. Why do you desire to make that change?

Mr. HULL of Iowa. There is no chief surgeon.

Mr. KEIFER. There has not been?

Mr. HULL of Iowa. There has not been; it is simply by request of the medical officer that I offer this change.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For pay of seven instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, not mounted, $4,900.

Mr. HULL of Iowa. Mr. Chairman, I move to amend, in line 20, by striking out the words "not mounted." I will say to the committee that these words have been carried for a great many years, but under the law passed recently the pay of army officers has been made uniform, and they get the same regardless of whether they are in the cavalry or the infantry, so that the words are not necessary, and I move to strike them out.

The question was taken, and the amendment was agreed to.

The Clerk read as follows.

Twelve enlisted musicians, at $45 per month, $6,490.

Mr. HULL of Iowa. Mr. Chairman, I move to amend, on page 4, line 22, by striking out the word "ninety" and inserting the word "eighty." It is an error of computation.

The question was taken, and the amendment was agreed to.

The Clerk read as follows.

One hundred and two privates, $15,912.

Mr. HULL of Iowa. Mr. Chairman, on page 7, lines 5 and 6, there is an error made, which I desire to correct. Strike out "fifteen," in line 5, and insert "eighteen;" strike out "nine," in line 5, and insert "three;" and in line 6 strike out "twelve" and insert "sixty."

The Clerk read as follows:

Page 7, lines 5 and 6, amend so as to read "$18,360."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For extra pay of 4 enlisted men as printers, at headquarters United States Military Academy, at 50 cents each per day, $620.

Mr. HULL of Iowa. Mr. Chairman, I move to amend, in line 4, after the word "men," by inserting the word "employed." I will state that I will make several of these motions, for the reason that, while this language has been carried exactly now as always heretofore, the Senate has got to making technical amendments that we really have to agree to, and I think it

[a] There are 40 national and state soldiers' homes; 34,565 veterans live within them; the annual cost of maintaining these homes is $8,000,000; the amount invested in the property is $19,000,000; and the approximate cost of each soldier in the homes is $20 per month, this in addition to any pension he receives.

makes it a little fuller, for instance, to say "employed as printers." We do this to avoid the necessity of agreeing to some technical amendments when the bill comes back from the Senate. I move to insert the word "employed" after the word "men."

Mr. KEIFER. Mr. Chairman, I would like to ask the gentleman a question. How are these men employed if they are enlisted?

Mr. HULL of Iowa. There are a large number of men whom it is the custom to enlist for the different trades, and the law provides the compensation they shall have while doing this extra-duty service. In other words, the authorities there claim that the labor costs them a great deal less by enlisting the men. They enlist as privates, with the understanding that they shall be employed as printers, with the understanding that they will be employed in the printing office. They also enlist men for carpenters and different trades, and then they are a part of the army, and the law fixes the compensation that they are to have while doing this duty.

Mr. HINSHAW. How much do they get as enlisted men?

Mr. HULL of Iowa. They get $15 a month for first year of enlistment.

Mr. KEIFER. It occurs to me, if the chairman will permit me, that the word "employed" should be after the word "printers," in line 4, if it be true, as stated, that it relates to enlisted men who are printers employed at headquarters.

Mr. HULL of Iowa. No; I think the gentleman is wrong. It is for pay of four enlisted men employed as printers.

Mr. KEIFER. That would indicate enlistment was for some other purpose?

Mr. HULL of Iowa. They are enlisted exactly as any other men are enlisted. They are persuaded to enlist with the understanding that they will get this work, and they keep faith with them, and employ such a number by detaching that number of men to this duty, and give them the extra-duty pay.

Mr. KEIFER. Are these men enlisted as private soldiers in the army?

Mr. HULL of Iowa. Yes.

Mr. KEIFER. Are they required to perform duty as soldiers unless they are employed to do this special work?

Mr. HULL of Iowa. They would be, and then they would not get their extra-duty pay.

Mr. KEIFER. Then my suggestion, I think, was not right; but I supposed from the explanation that was being made that they were enlisted for certain purposes.

Mr. HULL of Iowa. Their enlistment does not read that they are enlisted as printers. They are enlisted like any other men, but they are assigned to this duty. There is no law by which they could be enlisted as printers, and if there was a law of that kind, there would be no extra-duty pay, but there would be specific pay provided for that. As it is now, they are enlisted as private soldiers, with the understanding that they are to work as printers and receive extra pay for it.

Mr. KEIFER. Is it possible that there is such a thing as an enlistment as a private soldier, with a private understanding that they are not to perform the ordinary duties of private soldiers, but that they are to be detailed for extra work as printers, or some other work?

Mr. HULL of Iowa. I think that is true at West Point; and I want to say to the gentleman that of course if they were not competent to discharge such duty, there is nothing in their enlistment that would not assign them to other duty; but they would not reenlist; while now they have a permanent force that they keep right along that are valuable to the Government and satisfactory to all parties concerned.

Mr. KEIFER. Are they enlisted for three years?

Mr. HULL of Iowa. Oh, yes.

Mr. LIVINGSTON. May I ask the gentleman why, on page after page of this bill, we have the expression, "For extra pay?" Are these men on the rolls for any given amount?

Mr. HULL of Iowa. Yes.

Mr. LIVINGSTON. Then, why do you perpetuate the policy here year after year of giving extra pay? Why do you not put in an increased amount of money for them at once and be done with it?

Mr. HULL of Iowa. They are all paid as enlisted men, paid as privates, corporals, or sergeants; but there is a general provision of law that in some lines of extra duty they get 50 cents a day extra and in others 35 cents a day extra, outside of their pay as enlisted men. At West Point they have a cavalry detachment, an ordnance detachment, and four or five other detachments, all of them separate; so it looks like a repetition of appropriations, but each is for a separate detachment. The law does not provide for enlisting men at more than the regular pay, but if they perform certain work, then the law fixes the amount of extra pay that they receive, so you have got to give the extra pay in each separate item. Take, for instance, the artillery. You get extra pay in that for certain lines, and so in other branches of the army.

Mr. LIVINGSTON. It does not look well to the public, and it can not look very well to Members of the House, to see so much extra pay.

Mr. HULL of Iowa. I want to say to my friend that a large proportion of the appropriation for the Military Academy is for extra pay for these men. They do extra work and receive extra pay for it, but you save the pay of carpenters and of other skilled artisans, and also save the trouble and annoyance of keeping a civilian force there at higher wages. You save the pay of printers and you save the pay of all kinds of skilled mechanics and get the work done for a good deal less than the wages of civilians would be.

Mr. LIVINGSTON. My point is this: Could you not in this bill or some other bill organize the Military Academy force so as to have no provisions for extra pay?

Mr. HULL of Iowa. I do not see how you can.

Mr. LIVINGSTON. Give them enough in the first instance, so that there will be no necessity for appropriating for extra pay.

Mr. HULL of Iowa. Then you will give them a great deal more than you do now. Whenever you pay men specifically as printers and not as soldiers, you will have to pay them more. Besides, under the present law, if it turns out that an enlisted man is not satisfactory in one of these special lines, if he can not do the work to which he is assigned, then he may be sent back to perform the duties of an ordinary enlisted man for the term of his enlistment. A man may say, "I am a good printer." They enlist him as a private soldier and assign him to work as a printer. If he does not do satisfactory work as a printer, then he can be set to performing the duties of an ordinary enlisted man. If they could enlist a man as a printer and he was not a good printer, then he could not be set to doing anything else, and they would have to carry a worthless man on the rolls during the remainder of his term of enlistment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 8, line 4, after the word "men," insert the word "employed."

The amendment was agreed to.

The Clerk read as follows:

For extra pay of one ordnance soldier as draftsman and lithographic printer, at 50 cents per day, $156.50.

Mr. HULL of Iowa. Mr. Chairman, I move to amend by inserting after the word "soldier," in line 4, the word "employed."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 4, after the word "soldier," insert the word "employed."

The amendment was agreed to.

The Clerk read as follows:

For extra pay of one ordnance soldier as machinist, at 50 cents per day, $156.50.

Mr. HULL of Iowa. Mr. Chairman, I move the same amendment, after the word "soldier," in line 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 7, after the word "soldier," insert the word "employed."

The amendment was agreed to.

The Clerk read as follows:

For extra pay of one ordnance soldier as clerk, at 50 cents per day, $156.50.

Mr. HULL of Iowa. Mr. Chairman, in line 10, after the word "soldier," I move to insert the word "employed."

The Clerk read as follows:

After the word "soldier," in line 10, page 9, insert the word "employed."

The amendment was agreed to.

The Clerk read as follows:

For extra pay of four enlisted men as assistants and attendants at the library, at 50 cents each per day, $684.

Mr. HULL of Iowa. Mr. Chairman, on page 10, line 1, I move to insert after the word "men" the word "employed."

The Clerk read as follows:

On page 10, line 1, insert after the word "men" the word "employed."

The amendment was agreed to.

The Clerk read as follows:

For extra pay of one enlisted man as clerk in the department of practical military engineering and to the officer in charge of waterworks and works of construction at the Military Academy, at 50 cents per day, $156.50.

Mr. HULL of Iowa. Mr. Chairman, I move to amend, in line 4, after the word "men," by inserting the word "employed."

The Clerk read as follows:

Line 4, page 10, after the word "men," insert the word "employed."

The amendment was agreed to.

The Clerk read as follows:

For extra pay of three enlisted men as clerks in the office of the quartermaster, United States Military Academy, at 50 cents each per day, $521.50.

Mr. HULL of Iowa. Mr. Chairman, I move to amend by inserting in line 9, page 10, after the word "men," the word "employed."

The Clerk read as follows:

In line 9, page 10, after the word "men," insert the word "employed."

The amendment was agreed to.

The Clerk read as follows:

For extra pay of two enlisted men as messengers in the office of the adjutant, United States Military Academy, at 35 cents each per day, $219.10.

Mr. HULL of Iowa. Mr. Chairman, I move the same amendment in line 16, page 10, after the word "men," insert the word "employed."

The Clerk read as follows:

In line 16, page 10, after the word "men," insert the word "employed."

The amendment was agreed to.

The Clerk read as follows:

For one clerk to the quartermaster, $1,200.

Mr. KEIFER. Mr. Chairman, I move to strike out the last word in order to make an inquiry of the chairman as to the reason why clerks to the disbursing officer, the adjutant, and the clerk to the treasurer and the clerk to the quartermaster are paid different amounts by the provisions of this bill.

Mr. HULL of Iowa. Mr. Chairman, the clerk to the adjutant and the clerk to the treasurer receive the same amount that has been fixed heretofore; they are old clerks, been there a long time, and very efficient. The clerk to the quartermaster should be paid $1,500, because his duties are just as onerous as the duties of the clerk to the adjutant, but the committee believed that any attempt to increase the salary of a clerk would be met with a point of order, and therefore did not raise the salary of this clerk. It was requested by the superintendent in the hearings. He requested a raise of salary also for the professors of foreign languages, but we did not raise any salaries.

Mr. KEIFER. I have no doubt that the duties of the clerk to the quartermaster are quite as responsible as the clerk to the treasurer, but under the circumstances and the statement as made by the gentleman from Iowa I will not make any motion, and I withdraw the pro forma amendment.

The Clerk read as follows:

Contingencies for superintendent of the academy, $2,000.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 17, line 5, after the word "dollars," strike out the colon and insert a semicolon.

The amendment was agreed to.

The Clerk read as follows:

For a course of lectures for the more complete instruction of cadets, $1,200.

Mr. KEIFER. Mr. Chairman, I move to strike out the last word of the paragraph to call attention of the chairman of the committee to the language used there.

For a course of lectures for the more complete instruction of cadets, $1,200.

That does not explain itself, and some of us are not advised as to what sort of a course of lectures could be had for the more complete instruction of cadets, and if it is a full course, why it should be done so cheaply as it is proposed to do it here, at a cost of only $1,200.

Mr. HULL of Iowa. Mr. Chairman, some years ago Congress provided for a course of lectures outside of those delivered by the regular professors and instructors at the academy. These cadets are confined to the reservations during their entire time, practically, and it is not possible for them to go to New York or to any of the surrounding cities when learned lectures are delivered by distinguished men. The faculty and the Board of Visitors united in the belief that with a small appropriation they could get the benefit of a great many lectures on scientific and other subjects of public interest, and it has worked admirably.

A great many of the finest educators of the country who are delivering their lectures in the East will go there almost solely for their expenses to help out the cadets. They wanted $2,000. We started it at a small sum, and it has worked so well that there has never been a suggestion made that it ought to be changed. The gentleman from Ohio will readily understand that students at Harvard, Yale, or any of the large institutions of learning are free to go off from time to time if there is anything of great interest in that immediate neighborhood and get advantage of this additional instruction. The cadet at West Point can not do that, and we have by this means brought to him a larger education, a broadening of his curriculum, and with great benefit to the service.

Mr. KEIFER. Mr. Chairman, I appreciate what is said by the chairman. Formerly I had charge of this Military Academy bill, many years ago, and I do not recall that we had any such appropriations. I think the explanation is very satisfactory. It is quite important that the cadets at the Military Academy and the midshipmen at the Naval Academy, for that matter, should have as good general instruction as is possible to be given to the best students and learned persons of this country, and therefore if it can be obtained in this way, in part at least, I think it is quite proper that the appropriation should be made. I withdraw the pro forma amendment.

The Clerk read as follows:

For one double set of quarters for civilian employees, to be built in the vicinity of the workshops and storehouses, $10,000.

Mr. SLAYDEN. Mr. Chairman, I make the point of order on that item.

Mr. HULL of Iowa. Mr. Chairman, if the gentleman wants to be heard on the point of order, I want to say that I do not believe it is subject to a point of order. It is a part of the current work. We have always had this line of work, and it is only a question in my mind whether we ought to appropriate the money now or not.

Mr. SLAYDEN. Does the chairman of the Committee on Military Affairs contend that the construction of houses for civilian employees in the academy is not a new item, a new enterprise, and a new policy?

Mr. HULL of Iowa. This is a new item, but we have had buildings for civilian employees heretofore. This is not the first one under that class of buildings that we have had.

Mr. SLAYDEN. Here it is proposed to construct the house for two plumbers to accommodate two families at an expense of $10,000. I submit, Mr. Chairman, that it is subject to a point of order, because it is a new item, and I am willing to leave it at that, for I am confident that the Chair will so rule.

Mr. HAY. I will ask the gentleman from Iowa if he contends that this is a part of the scheme of building operations?

Mr. HULL of Iowa. Oh, no; none of these appropriations are part of that. That is an entirely different thing. Mr. Chairman, let me read from the hearings, on page 40. This item was up for consideration, and the following occurred:

Mr. PRINCE. "For one double set of quarters, for civilian employees, $10,000."

Mr. SLAYDEN. Is not that something new?

Colonel SCOTT. No, sir. In the act approved March 2, 1907, $6,000 was appropriated for this purpose. The estimate was based on rough plans for a frame building prepared six or seven years ago. As a frame structure would be out of harmony with the general improvements in the vicinity mentioned, plans were prepared for a brick building with slate roof. Though kept down to a minimum in size and accommodations, all the bids received after due advertisement in May, 1908, were so much in excess of the appropriation that it was found impossible to modify the plan sufficiently to secure erection of the building within the limits of the money available. It was therefore allowed to be returned to the Treasury unused at the end of the fiscal year.

It has been appropriated for. This is a larger amount. It is in the line of economy, they claim, to have quarters for civilians, so that they will not be compelled to go outside of the reservation at night, so that the employees will always be in reach of the authorities day or night, especially the plumbers and that class of civilians who ought to be on the ground all the time. They may be called for at midnight; and yet if they have not quarters there they have to go down to a little town 3 or 4 miles from there, and Congress has appropriated for this specific item once before. It was allowed to go back into the Treasury for the reason that there was not a sufficient amount appropriated to buildings they desired to erect.

Mr. GARRETT. Well, that appropriation was in an appropriation bill.

Mr. HULL of Iowa. It was in the Military Academy bill, where a building for the Military Academy was carried.

Mr. GARRETT. But that did not make it permanent law, did it?

Mr. HAY. Mr. Chairman, the fact that it was in an appropriation bill does not help the case. The fact that there was an appropriation which has since been turned into the Treasury does not make this in order now. This is a new project, for

the purpose of building a house for civilian employees. It is not part of the project of building up the plant at the West Point Military Academy, nor do I understand the chairman of the committee to point out any law authorizing the building of houses for civilian employees at the Military Academy. I do not understand that there are any such houses there. This is the first time it is proposed to build such a house there, and the beginning of a system which, if followed, will result in building buildings there for every civilian employee employed at the Military Academy, and I do not think it is supported by any law or any rule of the House.

Mr. KEIFER. Mr. Chairman, I hope the gentleman will not insist upon his point of order. This is a matter of great concern to all those who are interested in the academy. It is work that will have to be done sooner or later, and it seems that the plumbers and others live at Highland Falls, a great distance away, and there might be a greater damage done in not having them within quick and easy reach than the cost of the entire appropriation, because of their living at so remote a distance that they could not be reached in time of an emergency.

Mr. SLAYDEN. Mr. Chairman, I have heard all the arguments that possibly could be advanced in support of this building at the academy. I have heard it discussed at some length. It begins a policy of erecting residences for civilian employees, an unwise policy, in my judgment. When you propose to expend $10,000 to construct a brick or stone house, as the case may be, for plumbers and their families, I think we are starting a scale of extravagance which, if not checked, will result in an outlay unwarranted by law and undesirable in fact. I shall insist, Mr. Chairman, upon the point of order.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard upon the point of order?

Mr. HULL of Iowa. Mr. Chairman, I simply desire to call the attention of the Chair to the fact that in the act of 1907 Congress did appropriate for a double set of civilian quarters $10,000.

The CHAIRMAN. The Chair is prepared to rule. It seems to the Chair that it is a very close question as to whether this is a continuation of a public work or not. However, the attention of the Chair has been called to a precedent in a former Military Academy bill:

On January 12, 1889, the House was in the Committee of the Whole House on the state of the Union considering the Military Academy appropriation bill. A section of the bill was read providing for the erection of a fireproof building on the grounds of the Military Academy at West Point. Mr. C. B. Kilgore, of Texas, made the point of order that the building had not been authorized by law.

After debate, the Chairman ruled:

"The Chair decides that, within the meaning of the provision just read, the building proposed to be erected—fireproof building on site of public grounds at West Point—is within the purview of the rule. The construction of a building is an incident to the maintenance of the academy itself, the object being already in progress—the main object contemplated, not only by the bill, but by the very institution of the academy itself."

In view of this decision, the Chair feels bound——

Mr. SLAYDEN. Mr. Chairman, before the Chair announces his ruling on that I want to submit that I do not think that the contention will be made by anyone that this is a part of the development of the academy that was contemplated by law, nor that it is essential to the academy, because we have the plumbers now.

We have an academy at which things are going on in a very fairly satisfactory condition now without this building, and it is not an essential part of it, nor was it contemplated by law.

The CHAIRMAN. The Chair, however, is unable to draw a distinction between a fireproof building and this building, which is apparently——

Mr. SLAYDEN. I will ask the Chair for what purpose was that fireproof building erected?

The CHAIRMAN. The precedent I have quoted does not disclose the purpose. It says simply "a fireproof building."

Mr. SLAYDEN. An academy building would be part of the academy, and properly in the bill, or a building for the accommodation of the cadets, or a riding hall, or anything that is essential for the development and maintenance of the academy or the training of cadets, but this is not, and there is no contention that it is or that it has ever been.

Mr. HULL of Iowa. I would like to say that the authorities there claim that it is exceedingly important that certain of the civilian employees should be there, and they instanced the plumbers and others in the hearings and talks we have had with them in former years. They might need them immediately, and would have to go 3 miles away to get them, and there would be a long delay and great damage by not having them there at the time. They claim it is essential for the academy that these buildings should be erected.

The CHAIRMAN. The Chair does not feel that he can draw a distinction between this building and the building covered by this precedent.

Mr. SLAYDEN. The attention of the Chair is respectfully invited to the fact that, under such a ruling, any sort of building for any sort of purpose almost, that the officers of the Military Academy thought would be desirable to be erected could be provided. There would be no protection for the Treasury or the people.

Mr. KEIFER. If it was thought by Congress it was proper for the maintenance of that institution, would not that be right?

Mr. SLAYDEN. They ought not to go outside of the well-defined purpose of the law.

Mr. HULL of Iowa. I do not think we are going outside of the purpose of the law. We might say that the Naval Committee should not recommend more than one battle ship, and they would bring in provision for four, but it does not necessarily follow that Congress would pass it. This is part of the Military Academy.

Mr. SLAYDEN. If their business was to appropriate for battle ships and they brought in an appropriation for automobiles or transports even——

Mr. HULL of Iowa. This is for the maintenance of the academy.

Mr. SLAYDEN. The gentleman from Iowa [Mr. HULL] says this is necessary for the maintenance of the academy.

Mr. HULL of Iowa. I say that is the statement of the academic board and all who appeared before us, and Congress recognized it was necessary in 1897 by making appropriation.

The authorities at West Point let that appropriation go back to the Treasury because they could not erect a suitable building for the amount given to them, although they had the amount asked at that time, as I remember it. It is just as much a part of the necessary building, in my judgment, of the academy as buildings for officers; in some respects more important. It is a part of the scheme of the completed academy there to have the necessary civilian employees kept on the grounds, where their labor can be utilized to protect the interest of the academy. If a steam pipe bursts, a plumber can go there and repair it, instead of waiting for hours until the authorities can go and get a man there from Highland Falls. A water pipe may burst on them, and steam boilers might get out of order. They have got to have some of these higher-class civilians on the grounds all the time, because their work is too important for the Government to waste time to send to the village for them.

Mr. HAY. In the hearings before the Committee on Military Affairs there is no evidence from anybody that this is necessary for the maintenance of the Military Academy. I understood that to be the question that the Chair asked the gentleman from Iowa [Mr. HULL].

The CHAIRMAN. Perhaps not necessary, but for the use of the academy. It seems to the Chair that that would be for the committee to decide.

Mr. HAY. There is no evidence here that it is for the use of the academy. This building will be for the use of plumbers who are employed at the Military Academy. The Government, in other words, will be furnishing a building for these civilian employees.

The CHAIRMAN. But the Chair will ask the gentleman from Virginia if that would not be for the use of the academy?

Mr. HAY. Well, it would be for the use of the academy, if you are going to carry that argument to the point of saying that every civilian employed at the academy must have a house furnished to him. If that is true, then every carpenter and every blacksmith, and everybody else employed on the grounds there must have a house furnished him, because he himself is used by the academy.

You may say that you could furnish them clothing. Now they proposed to put an appropriation in this bill for an organ in the chapel. And it could be said with as much certainty as it can be said about this item that this organ was for the use of the Military Academy. But I believe it would be recognized on all hands that an appropriation of $10,000 for an organ would be subject to the point of order. So much so that it is not put in the bill. I do not see, if the Chair pleases, how it is possible to stop this if once it is begun. If you put up a building for the plumbers, you must have one for everyone else.

Mr. KEIFER. If the gentleman will allow me, the title of the bill is "to make appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes." Is it not fair to assume that in this case this building is to be specifically for the use of the academy?

Mr. HAY. It does not follow that every item put in this bill is for the good of the academy.

Mr. KEIFER. Undoubtedly every item is intended for the successful development of the Military Academy; otherwise it is not properly in the bill.

Mr. HAY. It might not be for the support of the Military Academy.

Mr. HULL of Iowa. This is for one double set of quarters for civilian employees, to be built in the vicinity of the workshop and storehouses. What workshops and storehouses? Of the Military Academy?

Mr. HAY. Yes.

Mr. HULL of Iowa. What employees? The civilian employees. Of what? Of the Military Academy.

Mr. HAY. Well, it does not follow because the language of the bill makes a statement of that sort that therefore it makes it in order. If that were true, any item in any appropriation bill must necessarily be in order, according to the argument of the gentleman from Iowa.

Mr. SLAYDEN. Will the gentleman from Virginia permit me?

Mr. HAY. I yield to the gentleman.

Mr. SLAYDEN. I would like to know what, in the opinion of the gentleman from Virginia, will distinguish these particular employees from every other civilian employees at the academy? If this is in order, then would not the building of a village on the grounds at the Military Academy to house and accommodate all the civilian employees be in order?

Mr. HAY. That would be the result of this appropriation. If you put up a building for the plumber, then every other civilian employee will insist that he ought to have a building, and I must confess I do not see why he should not. If the plumber is to have a building to live in, I do not see why all the other civilian employees should not. I do not see any reason why there should be a distinction between them.

Mr. HULL of Iowa. It seems to me that is not a fair contention. We have the academy property, and the necessity is reported of having certain employees on the ground for the benefit of the academy, for the safety of the government property. It presents a different question to what the gentleman suggests of providing a different building for everybody employed there. If the committee should report as to any other employees, Congress can readily see whether or not it is necessary, and Congress would reject it if it decided it should not be provided.

The CHAIRMAN. The Chair is ready to rule. If this question were a new one, and presented for the first time on the Military Academy bill, the Chair would be inclined to agree with the gentleman from Texas; but inasmuch as it has been decided before that a building on the grounds of the Military Academy was a continuation of a public work, it being for the benefit of the Military Academy, the Chair feels constrained to overrule the point of order made by the gentleman from Texas.

Mr. HAY. Well, Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Virginia moves to strike out the paragraph.

Mr. HAY. I do not care to say anything more; I think it has been brought out pretty fully what this is for.

Mr. GARRETT. I would like to ask the gentleman why is it this bill carries $10,000 when the bill of two years ago only carried $6,000?

Mr. HAY. Because the authorities of the academy claim that they want to put up a better building, one more in harmony with the buildings at West Point than $6,000 would build.

Mr. GARRETT. Is that why they allowed the appropriation to lapse?

Mr. HAY. That is why they allowed it to lapse.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Virginia.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. HULL of Iowa. Division, Mr. Chairman.

The committee divided; and there were—ayes 23, noes 38.

So the amendment was rejected.

The Clerk read as follows:

For carrying on the development of the general plan for improvements to roads and grounds on the military reservation of West Point, designed under contract by authority of the Secretary of War, $3,000: *Provided*, That if it be found by the Secretary of War more advantageous and economical to do so, for the use of the United States Military Academy, the Secretary of War is authorized to purchase, at a price not to exceed $150,000, the buildings and grounds known as "Ladycliffe Academy," formerly Cranston's Hotel, adjacent to the Military Academy reservation, from the appropriation "For continuing the work of increasing the efficiency of the United States Military Academy, West Point, N. Y., and to provide for the enlargement of buildings, and for other necessary work of improvement in connection therewith," authorized in acts of Congress approved June 28, 1902, April 28, 1904, March 3, 1905, and June 28, 1906, in accordance with the general plan approved by the Secretary of War January 27, 1904.

Mr. HAY. Mr. Chairman, I make the point of order on the proviso to that paragraph.

Mr. HULL of Iowa. Mr. Chairman, it is clearly subject to the point of order, but I will say to the committee that I hope my friend will withdraw it. The plan approved by Congress and adopted by the Secretary of War provides for a hotel to cost $225,000. The statement to us was that we would get this large amount of ground and a building ample for all hotel purposes, just outside of the academy, for $150,000, thereby saving the Government $75,000. The superintendent and all the authorities claim that it would be a great benefit for the Government to have this place just outside the gates, for the reason that they could then regulate the admission of the tourists to the grounds at West Point and avoid an immense amount of annoyance, confusion, and dirt by the automobiles coming through the grounds to the hotel. I think this is an economy and an advantage to the Government, and I hope my friend from Virginia will withdraw his point of order.

The CHAIRMAN. Does the gentleman from Virginia make the point of order?

Mr. HAY. I do.

Mr. HULL of Iowa. Of course it is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk resumed and completed the reading of the bill.

Mr. HULL of Iowa. I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20579) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HULL of Iowa, a motion to reconsider the last vote was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill (H. R. 22643), and pending that, I wish to submit a request for unanimous consent.

The Senate Committee on Appropriations at present has no work before it, having finished all the bills referred to it, and for the expedition of the public business it is quite important that this bill go there as soon as possible.

Immediately following this comes the pension appropriation bill, upon which there will be abundant opportunity for general debate. Therefore I ask unanimous consent, and suggest to my colleague, the ranking member of the committee on the minority side [Mr. LIVINGSTON], that general debate on this bill be limited to one hour, thirty minutes on a side.

Mr. LIVINGSTON. I think, Mr. Speaker, that if we concede the first proposition made by the gentleman in charge of the bill, the general debate which would naturally come on this bill ought to be allowed on the pension appropriation bill. If that can be understood, I have no objection. If it can be understood between myself and the chairman of the committee (and privately I have that assurance) that we may have four hours' general debate on this side on the pension bill and four hours on that side, that will be satisfactory. I have promised some time on this side of the House, and I must keep that promise; but if the time can be had on the pension appropriation bill, that will accomplish the purpose. I want to object to the gentleman's second proposition, that we have general debate on the legislative bill for one hour or for one minute.

Mr. GILLETT. I want to explain the bill.

Mr. LIVINGSTON. The bill explains itself. There is no necessity for it. If the gentleman occupies half an hour and I occupy half an hour, then what right have we to object to other gentlemen occupying time?

Mr. GILLETT. We are discussing the bill.

Mr. LIVINGSTON. You can not explain it in half an hour to save your life. This little report here contains every necessary item of explanation.

Mr. GILLETT. I am perfectly willing to give up my time, if that is the proposition.

The SPEAKER. The gentleman from Massachusetts asks to waive all debate on the general appropriation bill?

Mr. GILLETT. Yes.

Mr. KEIFER. I want to understand exactly what the gentleman suggests about debate on the pension appropriation bill.

Mr. LIVINGSTON. The gentleman from Massachusetts in charge of the bill suggests that we close general debate now, and when the gentleman from Ohio brings in the pension bill, that we may have four hours on this side and four hours on the other side. Does the gentleman from Ohio agree to that?

Mr. KEIFER. I think four hours is enough for both sides.

Mr. LIVINGSTON. We will have nothing at that time to do but to talk.

Mr. KEIFER. If it will give progress to this bill, I will not object.

Mr. LIVINGSTON. Then, Mr. Speaker, we will have no general debate on this bill, and when the pension bill comes up there will be four hours of general debate on this side and four hours on the other side.

Mr. GILLETT. That is the proposition, Mr. Speaker.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

The motion of Mr. GILLETT was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. DALZELL in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22643, the legislative, executive, and judicial appropriation bill. General debate, by unanimous consent, has been closed.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. LIVINGSTON. Mr. Chairman, I want to suggest to the Members of the House that if they send for the report on this bill, they will find that it is very full and thoroughly explains every item in the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent fund of the Senate, $6,500; hire of horse and wagon for the Secretary's office, $420; assistant secretary, Henry M. Rose, $5,000; Chief Clerk, $3,250; financial clerk, $3,000, and $1,250 additional while the office is held by the present incumbent; minute and journal clerk, and enrolling clerk, at $3,000 each; principal clerk, executive clerk, and assistant financial clerk, at $2,750 each; reading clerk, librarian, and clerk, compiling a history of revenue and general appropriation bills, at $2,500 each; keeper of stationery, $2,400; 5 clerks, at $2,220 each; 5 clerks, at $2,100 each; assistant librarian, $2,000; assistant librarian, $1,800; assistant librarian, $1,600; skilled laborer, $1,200; clerk, $1,800; clerk, $1,600; assistant keeper of stationery, $1,800; assistant in stationery room, $1,000; messenger, $1,440; assistant messenger, $1,200; 6 laborers, at $720 each; in all, $84,930.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee the reason that the financial clerk is to be paid $1,200 additional while this particular clerk fills this position?

Mr. GILLETT. That, Mr. Chairman, is in the Senate. The custom is to allow each branch to fix without criticism of the other branch its own salaries. So we have paid no attention to that, and I do not know.

Mr. FOSTER of Illinois. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For miscellaneous items on account of the Maltby Building, $18,480.

Mr. HAMMOND. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee, the gentleman in charge of the bill, what is included in this item on account of the Maltby Building?

Mr. GILLETT. That is the old office building of the Senate, and this committee and this House does not undertake to supervise the expenses of the Senate. We take their estimate and allow them to determine that for themselves.

Mr. HAMMOND. Is it the understanding of the committee that it will be necessary to maintain and keep up the Maltby Building now that the Senate Office Building is completed and occupied?

Mr. GILLETT. I do not know what the purpose of the Senate is. We struck it out last year because it occurred to us that it was superfluous, but they insisted upon putting it back again.

Mr. LIVINGSTON. If the gentleman from Massachusetts will allow me, I will say that the Senate is using it now for the Commission on Immigration, of which the Senator from New Hampshire [Mr. DILLINGHAM] is chairman. That is the chief use that the building is now being put to. The House has endeavored, as was stated by the gentleman from Massachusetts, to get rid of the item, but we can not.

Mr. HAMMOND. The committee can not give any information as to when the use of the Maltby Building will be discontinued?

Mr. LIVINGSTON. I want to say that this appropriation covers the pay of the doorkeeper and messengers, and so on. It comes out of the contingent fund of the Senate, and we are not permitted to open that book.

Mr. MANN. Out of the contingent expenses, but not out of the contingent fund.

Mr. LIVINGSTON. Out of the contingent expenses.

The Clerk read as follows:

For miscellaneous items, exclusive of labor, and for expense of driving, maintenance, and care of automobile for the Vice-President, $50,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. "For miscellaneous items exclusive of labor and of expense of driving, maintenance, and care of automobile for the Vice-President, $50,000." Can the gentleman from Massachusetts tell us what these miscellaneous items are and what they amount to?

Mr. GILLETT. It is just like our own miscellaneous items.

Mr. COX of Indiana. How much of the $50,000 is included in miscellaneous items, and how much goes for the maintenance and care of the automobile for the Vice-President?

Mr. GILLETT. I think about $2,000 is for the care and maintenance of the automobile.

Mr. COX of Indiana. How does it cost that much?

Mr. GILLETT. I think the driver is paid $1,300.

Mr. COX of Indiana. And $700 for expenses of repairs and maintenance?

Mr. GILLETT. Maintenance and repairs.

Mr. COX of Indiana. As to the remainder of the appropriation the gentleman can not tell what is included?

Mr. GILLETT. Miscellaneous items of the Senate. We do not supervise the Senate's miscellaneous expenses. The House has a large appropriation for miscellaneous expenses, special committees, extra stenographers' pay, and incidental expenses; all that is involved.

Mr. COX of Indiana. And all of the item of this $50,000 that the gentleman can give is $2,200. Is that correct?

Mr. GILLETT. The Secretary of the Senate makes a report giving a detailed statement of this account, and the committee does not criticise or scrutinize the Senate items.

Mr. COX of Indiana. I will withdraw the pro forma amendment.

The Clerk read as follows:

For mileage of Representatives and Delegates, and expenses of resident commissioners, $154,000.

Mr. FOSTER of Illinois. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "dollars," in line 25, page 14, add the following:
"*Provided*, That the mileage shall be limited to actual traveling expenses going to a session of Congress and returning home."

Mr. GILLETT. Mr. Chairman, I raise the point of order that that changes existing law.

The CHAIRMAN. The Chair will hear the gentleman from Illinois, if he desires to be heard, upon the point of order.

Mr. FOSTER of Illinois. Mr. Chairman, I do not know that I can offer anything that will overcome the point of order upon this proviso which is offered in the way of an amendment, but I do hope that the Members of the House who desire to be economical, especially at this time, will not make the point of order. From my understanding, this law was brought about through the old way of traveling by stage coach, when it was supposed that the expenses of going to the capital and returning home amounted to about 40 cents a mile, and the law was based on the expense of traveling that way.

Mr. LIVINGSTON. And if the gentleman will pardon me, that included also the expenses of the Member's family and the carriages and horses.

Mr. MANN. The gentleman will recall that the amount was fixed long after stage coaches had gone out of existence.

Mr. TAWNEY. I understand the gentleman in charge of the bill, the gentleman from Massachusetts [Mr. GILLETT], makes the point of order.

Mr. MANN. He reserved it, as I understand it.

Mr. TAWNEY. No; he made the point of order, and the gentleman is not discussing the point of order.

Mr. FOSTER of Illinois. Mr. Chairman, I do not desire to take up the time of this committee with any extended remarks, but I would suggest to the distinguished chairman of the Committee on Appropriations that I have not consumed very much of the time of this committee and do not intend to now, realizing that this is clearly subject to a point of order, but I simply submit this amendment as a matter of fairness and economy in this House that I think we ought to adopt.

Mr. GRAFF. May I ask the gentleman a question, or rather make a statement?

Mr. FOSTER of Illinois. Yes, sir.

Mr. GRAFF. About three years ago the Committee on Appropriations reported an amendment on one of the appropriation bills, reducing the amount from 20 cents each way to 8 cents each way, but a point of order was made upon it by a gentleman who had not the fear of the Lord in his heart, and it went out. We have no authority to change existing law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $1,900; 3 assistant engineers, at $1,300 each; 24 conductors of elevators, including 14 for service in the House Office Building, at $1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; machinist, $1,300; electrician, $1,200; 2 laborers, at $820 each; 5 firemen, at $900 each; laborer, $1,000; 3 laborers, at $800 each; in all, $46,640.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on the paragraph until I get some information. Has there been any change in this paragraph from last year?

Mr. GILLETT. No; I think not.

Mr. FITZGERALD. I want to be positive about it.

Mr. GILLETT. I am positive there has not been.

Mr. MANN. There has not been.

Mr. FITZGERALD. Very well, I withdraw the point of order.

Mr. CLAYTON. Mr. Chairman, I desire to ask the gentleman from Massachusetts a question. I see here that there are 24 conductors of elevators provided for, including 14 for service in the House Office Building. Are there 14 conductors of elevators in the House Office Building?

Mr. GILLETT. Yes.

Mr. CLAYTON. How many elevators are in use over there?

Mr. GILLETT. That is more than I can tell the gentleman. There are seven there, and whether they are all in use I do not know.

Mr. CLAYTON. The gentleman means there are seven double elevators—that is, at each corner of the building there are two elevators, I believe?

Mr. MANN. There are seven passenger elevators over there and an additional freight elevator or two.

Mr. LIVINGSTON. Six, I think.

Mr. MANN. There are four passenger elevators at this corner and one at each of the other corners.

Mr. UNDERWOOD. Mr. Chairman, there are two passenger elevators in each corner and only one of them running.

Mr. MANN. That may be. They do not all run.

Mr. CLAYTON. That is the reason I make this inquiry. I have had it happen several times that I have been to the elevators and they did not seem to be running at all at the particular corner of the building I went to. Generally the two elevators here at the entrance near the House end of the Capitol are found running, and the one there at the Library is also running, also the one on New Jersey avenue, in front of the hotel—Congress Hall, I think it is.

I frequently do not find the others running, however. Then there is another thing about it, Mr. Chairman, that I desire to speak about. I have known this House to be in session frequently after 5 o'clock, and Members having to go over to the House Office Building after adjournment, and in some instances before the adjournment at 5 o'clock, have been unable to find any conductor running some of these elevators. I mention this in order to call attention to it. If we are paying for 14 conductors of elevators over there, there ought to be 14 men there for the convenience and accommodation of the Members of this House.

I think that these elevator people ought to stay here and work as long as the Members of this House work. The conductors of elevators here serve the House of Representatives, and right out here near the Speaker's office these conductors stay here as long as we are in session, and I do not see why they should be required to perform a greater service than those in the House Office Building; or to state the proposition conversely, which would be the proper way to state it, I do not see why the conductors of elevators in the House Office Building should not be required to render just as constant and just as long a service as those who are right here in the House.

Mr. LIVINGSTON. I want to suggest to the gentleman I can only answer for the elevators in this corner of the House Office Building, where my room is situated, and I can say that they remain there until Congress adjourns and the Members come over and get their hats and coats and go away. I am near that elevator in this corner of the House Office Building, and I know they stay there on Sundays also. I do not know what the balance do.

Mr. CLAYTON. I stated that in the beginning.

Mr. SHERLEY. If the gentleman will permit me, there is one elevator never in service after 5 o'clock at this end of the House Office Building. The elevator that is on the street on which the street cars run—B street—is always closed down at 5 o'clock, an elevator which leads nearest to my office, and I invariably have to walk up the steps after that time.

Mr. CLAYTON. The gentleman agrees with me that such ought not to be the case.

Mr. SHERLEY. The gentleman is absolutely right.

Mr. CLAYTON. I believe, Mr. Chairman, that it is the time right here to make this complaint against this inefficient service, and I am glad to have the testimony of the gentleman from Kentucky, as well as the other gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I think the complaint of gentlemen in regard to the elevator service in the House Office Building is well founded. My attention has been called to it several times and I have conferred with the Superintendent of the Capitol Building and Grounds about it and he has assured me that he has given directions that those elevators should not be discontinued until after the House adjourns. During the last session such orders were carried out. During this session one elevator has been stopping at 5 o'clock, and I have called the attention of the superintendent to the situation and I am assured that the situation will be remedied a once.

Mr. CLAYTON. I desire to interrupt the gentleman to say that I agree to what my friend from Kentucky says. The particular elevator that is nearest to the Capitol building, or the nearest to his office and nearest to mine at that end of the building, has frequently not been running this session after 5 o'clock, although we have stayed here often after 5 o'clock ourselves; and upon the suggestion of the gentleman from New York I do hope that the service will be improved and that there will be no cause for further complaint.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. CLAYTON. I have not the floor. The gentleman from New York has it.

Mr. TAWNEY. Is it not a fact the elevator in the House Office Building is operated from 8 o'clock in the morning until 12 o'clock at night?

Mr. FITZGERALD. That is the elevator which is operated adjacent to the room occupied by the gentleman from Minnesota; but the complaint is made that the elevator operated on the other side of the rotunda, which would not be quite so convenient to the gentleman from Minnesota, is discontinued at the time when it is most required.

Mr. TAWNEY. The gentleman might utilize the elevator that is nearest to my room, and then walk around to his office.

Mr. FITZGERALD. That may be true, but both of those elevators, for the convenience of the Members of the House, should be operated for at least some reasonable time after the House adjourns.

Mr. MANN. Mr. Chairman, if the gentleman from New York will cooperate with me and the little influence we have in regard to the House Office Building I think we will succeed in correcting the condition which causes this complaint. The elevator men operating these elevators, who receive pay for the year, should be obliged to run the elevators as long as the House is in session and until a reasonable time thereafter.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SIMS. I wish to call attention to another case. The elevator in the southeast corner that goes up to the Agricultural Committee room stops at 4 o'clock. I know this, because I have had to walk several times.

Mr. FITZGERALD. In reply to the gentleman's question, I wish to say that the elevator to which the gentleman refers is at a corner of the building at which Members seldom, if ever,

come in or go out; so that, even if that elevator were used, the Members would walk to one of the other entrances in order to enter or leave the building. There is not the same necessity for that service being continued after 4 or 5 o'clock as there is in the other elevators in the building.

Mr. SIMS. If you pay the man the same amount, why not let him serve, unless he goes off to do something else?

Mr. FITZGERALD. That might be true. But he works eight hours each day.

The two elevators on either side of the Rotunda should be operated until the gentlemen leave the building after the adjournment of the House.

Mr. LIVINGSTON. The gentleman from New York [Mr. FITZGERALD] is one of three members of the committee that absolutely controls that whole business.

Mr. FITZGERALD. That is why I made the statement that I have, that as a member of the commission complaints have been made to me. I have been inconvenienced myself, which perhaps is one of the things that is likely to prompt us most keenly to perform our duties. I have taken the matter up, and orders have been issued which will remove the objections made.

Mr. CLAYTON. Mr. Chairman, just one word more. I desire to know, and it has not been made clear yet, how many conductors of elevators are actually engaged in conducting elevators in the House Office Building. We are paying for 14. I understand there are 7 elevators, and it is not pretended that even the 7 comply with the full duties required of them. I wish to know of members of the committee how many of these 14 conductors of elevators actually run the elevators of the House Office Building.

Mr. FITZGERALD. Mr. Chairman, I can say in reply to the gentleman from Alabama [Mr. CLAYTON] that the 14 conductors operate these elevators. Some of the elevators are not operated at all. When the Superintendent of the Capitol Building and Grounds submitted his estimate for 14 elevator operators over a year ago I requested him to submit a schedule showing how the elevators were to be operated, so that each one of these operators would be employed at least eight hours a day. Some of the elevators are operated from 8 o'clock in the morning until 12 o'clock at night, so that with the shifts that are required the 14 men are necessary in order to give the service.

Mr. CLAYTON. I am very glad the gentleman has made that explanation.

Mr. FITZGERALD. In the elevator about which the complaint has been made at times it is necessary perhaps that that operator should work more than the eight hours a day. I have never felt that that would be any injustice or unfairness, because by the shifting of the men from time to time the work would be equalized, and then when the House is not in session they are not all occupied continuously.

Mr. CLAYTON. I agree with that view.

Mr. FITZGERALD. The Superintendent of the Capitol agreed with me that the two elevators at the Rotunda unquestionably should be operated at least fifteen minutes after the adjournment of the House. After the Members have gone from the House to the building, the necessity for the two elevators during the rest of the evening is not so great, if at all.

The Clerk read as follows:

Clerks, messengers, and janitors to committees: Clerk to the Committee on Ways and Means, $3,000; assistant clerk and stenographer, $2,000; assistant clerk, $1,900; two janitors, one at $1,000 and one at $720; clerk to the Committee on Appropriations, $4,000, and $1,000 additional while the office is held by the present incumbent; assistant clerk and stenographer, $2,000; assistant clerk, $1,900; janitor, $1,000; clerks to Committees on Accounts, Agriculture, Claims, District of Columbia, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Invalid Pensions, Judiciary, Military Affairs, Pensions, Post-Offices and Post-Roads, Public Buildings and Grounds, War Claims, and clerk to continue Digest of Claims under resolution of March 7, 1888, 15 in all, at $2,500 each; clerk to Committee on Naval Affairs, $2,400; stenographer to Committee on Invalid Pensions, $2,190; clerks to the Committees on Banking and Currency, Census; Coinage Weights, and Measures; Elections Nos. 1, 2, and 3; Enrolled Bills, Immigration and Naturalization, Industrial Arts and Expositions, Insular Affairs, Irrigation of Arid Lands, Labor, Library, Merchant Marine and Fisheries, Patents, Printing, Public Lands, Rivers and Harbors, Revision of the Laws, Territories, additional clerk to the Committee on Interstate and Foreign Commerce, and assistant clerk to the Committee on Invalid Pensions, 22 in all, at $2,000 each; assistant clerks to the Committees on Accounts, Agriculture, District of Columbia, Indian Affairs, and Rivers and Harbors, five in all, at $1,800 each; assistant clerks to the Committees on the Judiciary and Pensions, two in all, at $1,600 each; assistant clerk to Committee on Interstate and Foreign Commerce, $1,500; assistant clerks to the Committees on Foreign Affairs and Post-Offices and Post-Roads, two in all, at $1,400 each; assistant clerks to the Committees on Banking and Currency, Claims, Public Buildings and Grounds, Public Lands, and War Claims, five in all, at $1,200 each; in all $127,110.

Mr. GILLETT. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 19, line 5, after the word "grounds," insert "rivers and harbors;" and in line 17 strike out the words "rivers and harbors."

Mr. GILLETT. Mr. Chairman, this morning this House adopted the report of the Committee on Accounts allowing the Committee on Rivers and Harbors a clerk, and consequently I offer this amendment to conform to the adoption of the report by the House.

Mr. LIVINGSTON. Will it not be necessary to make the appropriation anyway?

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. GILLETT. Now, Mr. Chairman, I would like, in this connection, to ask unanimous consent that the Clerk be authorized to correct all totals to agree with amendments which may be made.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARRETT. I move to strike out the last word. I would like to ask what progress is being made in the preparation of the digest of claims provided for in lines 6 and 7, on page 19, if the gentleman can state it.

Mr. GILLETT. Mr. Chairman, we were simply informed that the work was continuing. It was adopted by an order of this House, and is a continuing work; and we simply were being told it was being prosecuted. We did not investigate particularly.

Mr. GARRETT. Well, it was adopted in 1888. It was not contemplated that it would be permanent work at the time of its adoption.

Mr. GILLETT. Well, the clerk of the Committee on War Claims is doing it. He is the permanent clerk of that committee.

Mr. GARRETT. Is he drawing a double salary?

Mr. GILLETT. This is an assistant to him. But he is acting as clerk of the committee, too. I remember we inquired about that some years ago. We did not do so this year, but we did inquire about it one year, and were told that it is being prosecuted. Personally I had my doubt as to the usefulness of it; and the House has ordered it.

Mr. GARRETT. The matter has been on the floor before and discussed some.

Mr. GILLETT. I think so.

Mr. GARRETT. I think there was some intimation back in the past that this matter would be gotten through with.

Mr. MANN. I have had the matter up on the floor once or twice. The work has been done. The trouble is that it is of no value when done, because the House has made no provision for having it utilized. The work is done on the card-index system, and the work is not done as docket or in books, or used to be, and I suppose it is still, so that you do not have an opportunity to get at it. I presume if the work is brought down fully to date that there will be some method provided to find out in reference to a claim, but whether they will ever get far enough up to date to find the facts in reference to a claim, of recent origin, I am not sure, because we are a little slow.

Mr. GARRETT. These are Tucker Act cases, are they not?

Mr. MANN. Everything.

Mr. NORRIS. Does the gentleman say that this is provided for in 1882?

Mr. GARRETT. It was provided for in a resolution of 1888.

Mr. NORRIS. It has been carried in the appropriation bills ever since?

Mr. GARRETT. It has been carried ever since I have been here; I do not know how long before.

Mr. MANN. Where is that in the bill?

Mr. GARRETT. On page 19, lines 5 and 6.

Mr. NORRIS. I presume if the gentleman would investigate he would find out really the object of providing for it originally was not to have the claims indexed, because it is quite apparent that would be done long ago, as the gentleman from Illinois says.

Mr. MANN. The item the gentleman from Tennessee has referred to is not the item I was referring to. I supposed he referred to the item on page 17:

Three clerks to continue preparation of digest of private claims, at $1,600 each.

Mr. NORRIS. I presume an investigation would show the real object was to find a job for a man, and that it is hardly right to interfere with it.

Mr. GILLETT. The clerk to which the gentleman from Illinois referred a while ago, being under a misapprehension, as I understand, that work has been done by the clerk of the Committee on War Claims.

Mr. NORRIS. This particular item to which you refer is in progress yet?

Mr. MANN. It has not been completed.

Mr. GILLETT. Mr. Chairman, the suggestion of the gentleman from Nebraska is not quite apt. In this case he is quite mistaken.

Mr. NORRIS. I may be.

Mr. GILLETT. The clerk who is doing this work is a special expert in it. When the House changed its political complexion, some years ago, he was dropped and another put in; and it was realized after a time that his services were invaluable, and by a special order of the House that person was put back.

Mr. NORRIS. I would like to ask the gentleman, Can you give the House any idea how much work of this kind was to be performed, and how it has progressed?

Mr. GILLETT. No; I can not.

Mr. NORRIS. It seems that it has taken a long time.

Mr. GILLETT. If the chairman of the Committee on Claims were here, he could doubtless tell.

Mr. GRAFF. I can say to the gentleman from Nebraska, that when I served as chairman of the Committee on Claims and desired to obtain information on these subjects, I frequently went to this expert, who was acting as assistant clerk to the War Claims Committee, and he disclosed a wonderful amount of information about all the claims pending against the Government.

Mr. NORRIS. I have no doubt he has a great deal of information. But if his work is of any particular value, why is it necessary to go to the man himself? Why not take his index and find out?

Mr. GRAFF. I was not saying that the index itself was utilized by us. It was not printed.

Mr. MANN. I will say to the gentleman from Nebraska, it is quite evident that in the consideration of war claims, where we have already had reported at this session of Congress, I think, several hundred resolutions referring bills to the Court of Claims, one clerk in the Committee on War Claims can not keep these claims digested; and, as I understand, this item refers to an additional clerk to the Committee on War Claims, who does keep digested and down to date, indexed and briefed, all of these claims, whether in the form of bills introduced or in the form of reports from the Court of Claims. Of course, that requires an expert to do it, so that it is at all satisfactory.

Mr. NORRIS. Upon the completion of the work, is it in such condition that any ordinary individual will be able to get information from the index? Is not that the object of the work?

Mr. MANN. The work is continuous.

Mr. NORRIS. I have no doubt that is true, but what I mean now is this: If his work is up to date, and any Member wanted to look up some old claim——

Mr. MANN. Any Member can get information concerning these old claims, so far as he has it.

Mr. CLAYTON. I suppose the gentleman referred to is Mr. Holloway, who serves the War Claims Committee.

Mr. MANN. There are two positions; one is the clerk and one is the assistant.

Mr. CLAYTON. I may say that there has been a digest made, but naturally the cases multiply, and I suppose before a great while there will be another volume or another edition of this digest printed. I may say in this connection that it is absolutely indispensable to the successful work of the War Claims Committee that we have this clerk continuously. For instance, you may take these claims that come before the War Claims Committee; a great many of them have undergone some sort of an investigation by the War Department, or some other department of the Government; sometimes an investigation by the Court of Claims, sometimes an investigation by this House, sometimes an investigation by the other branch of our legislature; and various reports and documents and information have been gathered together, and it is necessary for the committee to have them in order to act intelligently. Now, it would be impossible for the chairman of the committee or any member of the committee, with this multitudinous lot of claims, to get the detailed information in reference to any one of them.

We have this gentleman there, who serves us most efficiently and lightens our labors a great deal and enables us to reach correct and intelligent conclusion. He or some other man to fill his place is indispensable, and he is more than any mere written or printed digest. He not only knows what has been put into printed form, but he has a remarkable gift of memory. If you go there and mention any old war claim to him he can tell you all about it, and in a few minutes give you every line that has ever been written or printed on the subject.

Mr. GARRETT. If I may be indulged for just a moment or two, I wish to say that I am sure that the services of the gentleman to whom the gentleman from Alabama refers have been very efficient and very helpful. I have had frequent occasion to go before the clerk of that committee seeking information, and I have always received from Mr. Holloway exceedingly courteous treatment and have found him exceedingly well informed. It is important to the Members, and particularly those of us who come from that section where there are so many of the old war claims, to get these claims in some shape where we can get information about them, if possible.

The most tedious correspondence that I have is in regard to these war claims. It takes a three or four page letter to explain to the average person who writes you in regard to them the course of procedure that must be followed in order to get action on a claim, and I have found it exceedingly difficult to trace these claims in such a way that I could determine whether the particular case presented was a Bowman Act case, a Tucker Act case, or whether it was a case which, under the rule in vogue until a short time ago in the Committee on War Claims, could come before Congress at all. A digest in these cases that would give something of the history of what department they were presented to—the Court of Claims, the Southern Claims Commission, or whether they were presented to Congress—would be very valuable and very convenient to the Members of the House.

Mr. CLAYTON. I may say to the gentleman that that work has been done in part, and he will find it in the committee room at this good time—a digest that is of great help in these cases, in printed form.

Mr. GARRETT. In book form. I know it is true; that there has been for years a book of that character; but it does not include all the claims. I withdraw the pro forma amendment, Mr. Chairman.

The Clerk read as follows:

For janitors for rooms of the Committees on Accounts, Agriculture, Elections No. 1, Invalid Pensions, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Printing, and Rivers and Harbors, 8 in all, at $1,000 each; for janitors for rooms of the Committees on Banking and Currency, Census, Claims, District of Columbia, Elections Nos. 2 and 3, Enrolled Bills, Expenditures in the Navy Department, Foreign Affairs, Immigration and Naturalization, Interstate and Foreign Commerce, Indian Affairs, Industrial Arts and Expositions, Insular Affairs, Irrigation of Arid Lands, Judiciary, Labor, Library, Merchant Marine and Fisheries, Patents, Pensions, Public Buildings and Grounds, Public Lands, Revision of the Laws, Territories, and War Claims, 27 in all, at $720 each; and said janitors shall be appointed by the chairmen, respectively, of said committees, and shall perform under the direction of the Doorkeeper all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper, and shall be subject to removal by the Doorkeeper at any time after the termination of the Congress during which they were appointed; in all, $27,720.

Mr. MANN. Mr. Chairman, I move to amend by inserting, on page 20, in line 11, after the words "Invalid Pensions," the words "Interstate and Foreign Commerce."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 20, line 11, after the words "Invalid Pensions," insert the words "Interstate and Foreign Commerce."

The amendment was agreed to.

Mr. MANN. And also to strike out the same words in line 18.

The Clerk read as follows:

Strike out the words "Interstate and Foreign Commerce" in line 18.

The amendment was agreed to.

Mr. CLAYTON. I want to suggest to the gentleman that it seems to me, on the adoption of his amendment, there ought to be another one in line 13, where the words "eight in all," should be changed to the words "nine in all."

Mr. MANN. I may say to the gentleman from Alabama that "eight" is already wrong, it should be "nine;" but I am informed that unanimous consent has been given to correct the totals, and that this is a total. It should be "ten." Mr. Chairman, let that be corrected now.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 13, page 20, strike out the word "eight" and insert the word "ten."

The amendment was agreed to.

Mr. NORRIS. Mr. Chairman, I want to make an inquiry of the chairman of the committee. I notice that there is a different compensation paid to janitors, some at $1,000, some at $720. I would like to have the gentleman from Massachusetts explain why and upon what basis this difference exists in the amount of salaries.

Mr. GILLETT. Mr. Chairman, we have simply followed the precedent that has been set by numerous preceding Congresses, but in general a distinction has been made. I will not say that it is invariable that in those committees that have two rooms where there is a janitor there all day long he is allowed a higher salary.

Mr. NORRIS. The Committee on Claims has two rooms, and I think is in session doing a good deal of work——

Mr. GILLETT. I will say that the Committee on Appropriations does not undertake to revise the list each year; we follow the preceding appropriation bill, unless some specific case is brought before us, and then if it seems that it should be granted, we do so. Otherwise we follow the preceding practice of the House.

Mr. TAWNEY. If my colleague will allow me, I want to make a suggestion. In making up this bill we make it up in accordance with the bill for the current fiscal year, unless the House by resolution has increased some one's salary, or has created some new position.

Mr. NORRIS. Are all these salaries of these different janitors for these different committees fixed by law?

Mr. TAWNEY. Yes, by law; and also by authorization of the House, many of them. Some of them are fixed by law. The House had been adding to the number of its employees in clerks as well as janitors by resolution from the Committee on Accounts, and when the House creates a new position or creates a new salary, or increases the salary, this committee follows the recommendations of the House.

Mr. NORRIS. It seems to me that the Judiciary Committee ought to be transferred also.

The Clerk read as follows:

For 8 clerks to committees, at $6 each per day during the session, $5,616.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. What is the necessity for these 8 clerks?

Mr. LIVINGSTON. They are clerks who have no permanent committees.

Mr. GILLETT. Those clerks have been adopted by resolution of the House. The law authorizes it, and we simply follow the instruction of the House in granting it.

Mr. MANN. I may say to the gentleman that this is a measure of economy, pure and simple. This provides for a certain number of session clerks. These session clerks are distributed through a resolution, introduced by the Committee on Accounts, adopted by the House. If we did not provide for these session clerks, we would be called upon to, and undoubtedly would, provide for the same committees annual clerks.

Mr. COX of Indiana. Do I understand that these clerks are clerks used in emergencies?

Mr. MANN. They are clerks given to committees who do not have any other clerks.

Mr. COX of Indiana. I would like to know what committees they are.

Mr. MANN. The gentleman will find the resolution already adopted by the House in reference to them for the session clerks, and it is quite certain that if we did not provide session clerks to these committees, we would be called upon to provide annual clerks, and doubtless we would do it.

Mr. COX of Indiana. I am glad the gentleman is able to give me this information.

Mr. MANN. I am not interested in the clerks, as the gentleman knows.

Mr. COX of Indiana. Yes; nor am I. Are these clerks that are ordinarily apportioned to some minor committees that never meet?

Mr. MANN. I believe there are no minor committees which never meet any longer. Sometimes I wish there were.

Mr. COX of Indiana. I see there is a Committee on Acoustics and Ventilation. Is that committee provided with one of these clerks?

Mr. MANN. No; the Committee on Acoustics and Ventilation does not have one of these. I am not sure that the gentleman in charge of that committee, who is a very able man, might not profitably use a clerk in the work that he is now undertaking, in endeavoring to provide better air for the House Chamber.

Mr. COX of Indiana. The gentleman thinks that this provision is in the interests of economy?

Mr. MANN. I think it is undoubtedly.

Mr. COX of Indiana. I withdraw the pro forma amendment.

The Clerk read as follows:

Official reporters: Six official reporters of the proceedings and debates of the House, at $5,000 each; assistant, $1,800; in all, $31,800.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 23, page 26, after the word "assistant," strike out the words "one thousand eight hundred" and insert "two thousand five hundred;" and in line 24, page 26, after the word "all," strike out the words "thirty-one thousand eight hundred" and insert the words "thirty-two thousand five hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Clerk hire, Members and Delegates: To pay each Member and Delegate for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $594,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Massachusetts a question. Upon the check which Members of this House sign for their clerk hire, and which indorsement reads as follows:

If indorsement is made by mark (X), it must be witnessed by two persons who can write, giving their place of residence in full.

At that time I asked the gentleman from Massachusetts whether he knew of any other Members of this House outside of the Massachusetts delegation who were unable to write [laughter], and if I remember correctly, he replied that he did not. I now desire to ask the gentleman whether that exigency still exists which makes it necessary to have this form of indorsement on the check?

Mr. GILLETT. That form of indorsement is apparently provided by law.

Mr. KEIFER. Mr. Chairman, if the gentleman will allow me to answer the question, I will state that I understand there is a general statute which requires that sort of notice to be put on all vouchers, and it goes on all these vouchers as on all others and is not meant to catch particular persons who can not write their names.

Mr. LONGWORTH. It was not meant to apply only to Members of Congress, then?

Mr. KEIFER. No; it is on all vouchers of every kind in all the departments.

Mr. MANN. It may be, as the gentleman says, that vouchers made under oath——

Mr. OLCOTT. I would suggest that a special indorsement be made for Members of Congress who may not write legibly.

The Clerk read as follows:

Hereafter any Representative or Delegate in Congress or Resident Commissioner may file with the Clerk of the House of Representatives a designation of his clerk, and thereafter the warrant for his compensation, at the rate of $125 per month, shall be made in the name of the person so designated until otherwise directed by said Representative, Delegate, or Commissioner, and such payment shall be in lieu of any other or further allowance to said Representative, Delegate, or Commissioner for clerk hire.

Mr. SHERLEY. Mr. Chairman, I make the point of order on the paragraph.

Mr. GILLETT. Mr. Chairman, I do not care to be heard on the point of order.

The CHAIRMAN. The paragraph is purely legislative, and the Chair sustains the point of order.

The Clerk read as follows:

Index to the Statutes at Large: For continuing the preparation of an index to the Statutes at Large of the United States, $5,000, to be expended by the Librarian of Congress for the salaries of the persons whom he employs to prepare the index and for incidental expenses; the scope, classification, and style of the index to be such as the Judiciary Committees of the two Houses of Congress shall direct or approve.

Mr. MANN. Mr. Chairman, I move to strike out the last word. There was a great deal of discussion in reference to this item when it first went in. I do not know whether the gentleman in charge of the bill has had occasion to have his attention particularly called to this matter; but if so, will he give us the situation as it now stands?

Mr. GILLETT. Mr. Chairman, the index was first prepared of the statutes from 1873 down to date. That was completed some time ago, and then they began the work on the index of the statutes before 1873, and have proceeded so far that they will finish it by the 1st of January. As the gentleman will note, consequently we have reduced the appropriation from $10,000 to $5,000, with the understanding it shall be finished for that amount.

Mr. MANN. They will be able to finish it for this amount?

Mr. GILLETT. They expect to finish it at that time.

Mr. MANN. Mr. Chairman, I withdraw the amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LONGWORTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 15381) mak-

ing appropriations for the support of the army for the fiscal year ending June 30, 1911, had further insisted upon its amendment, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. OVERMAN as the conferees on the part of the same.

LEGISLATIVE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Director of the consular service, $4,500; counselor for the Department of State, and resident diplomatic officer, each at a salary of $7,500 and each to be appointed by the Secretary of State, the one from the legal profession and the other from the grade of minister or above in the diplomatic service; eight officers to aid in important drafting work, four at salaries of $4,500 each and four at salaries of $3,000 each, and hereafter to be appointed by the Secretary of State from the diplomatic and consular services or other branch of the government service, and to be employed upon tariff, treaty, and trade relations and negotiations or as chief of division of far eastern, Latin-American, near eastern, or European affairs, or upon other work in connection with foreign relations: *Provided*, That in cases of selection from the foreign service the salary paid shall in no case exceed that of the post from which the diplomatic or consular officer detailed to the department has been taken; assistant solicitor, $3,000; law clerk, $2,500; 1 clerk of class 4; 3 clerks of class 3; 2 clerks of class 1 (one of whom shall be a telegraph operator); 3 clerks at $1,000 each; 3 assistant messengers; for the rent of rooms outside of the Department of State to accommodate the Bureau of Trade Relations and the Bureau of Accounts or other offices, not to exceed $5,500; for meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or elsewhere, to be selected and their compensation fixed by the Secretary of State, and to be expended under his direction, $25,340; in all, $100,000. A detailed statement showing expenditures, including salaries or rates of compensation paid under the last item of this appropriation, shall be reported to Congress by the Secretary of State on the first day of each regular session.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to ask the gentleman in reference to the director of the consular service, counselor for the Department of State, and resident diplomatic officer, especially the resident diplomatic officer. What is that contemplated to be, and what is it now?

Mr. GILLETT. Mr. Chairman, this was a reorganization of the Department of State, which the gentleman remembers was first carried in one of the appropriation bills of last year, on which there was a very vigorous contest in the House. We have taken the exact reorganization which has been made under the lump sum which we granted to the State Department in that bill, and instead of giving the lump sum have specified the places and the salaries which the Secretary of State had arranged. Now, the resident diplomatic officer is an officer who is brought from some one of our posts abroad and is temporarily stationed here, the purpose being, as I understand it, to have some one in the department and to keep changing from the diplomatic service to the department here, so that the department here shall be more in touch with the service abroad. That was the theory, believing the State Department in that way will be better posted as to what the active diplomatic officers are doing.

Mr. MANN. As I recall the lump-sum appropriation, it was an appropriation made to carry out the provisions of the tariff law, and not for the purpose of providing these officers, which have no relation with the tariff law. The fight in reference to that in the House was whether we should appropriate a certain sum of money for the purpose of carrying out the provisions of the law authorizing the President to obtain information, if I am not mistaken.

Mr. TAWNEY. I will say, if the gentleman from Massachusetts will permit me——

Mr. GILLETT. The gentleman from Minnesota had charge of that bill.

Mr. TAWNEY. A hundred thousand dollars was carried in the general deficiency bill for the State Department, and the provision appropriating the money was a provision requiring the State Department to submit at this session of Congress a detailed statement of the employees employed under that appropriation here in the State Department or in the field, in carrying out and administering that provision of law for which this appropriation was made. Now, under that lump-sum appropriation of $100,000 was organized what was known as the "eastern division," and also the men who are employed in connection with the investigation relative to foreign tariffs. The specific appropriation in this bill is in accordance with the recommendation made to Congress by the Secretary of State as to the number of people who are required here and elsewhere and the positions that these men were occupying. The remainder of the appropriation is appropriated for the service outside of the District of Columbia. The lump sum now amounts, as I recall it, to $25,000.

Mr. MANN. Will the gentleman from Minnesota inform the House whether the lump-sum appropriation in the urgent deficiency bill of last August was not provided for the purpose of carrying out the provisions of the Payne tariff law?

Mr. TAWNEY. No; only in so far as investigations by the State Department were necessary to ascertain what countries were discriminating against the products of the United States.

Mr. MANN. Did not the gentleman so state on the floor of the House at the time?

Mr. TAWNEY. The gentleman, I think, is confusing two items that occurred in the deficiency bill. The other item was $75,000, to be expended under the direction of the President of the United States in respect to the maximum and minimum provision of the tariff law.

Mr. MANN. There were two items.

Mr. TAWNEY. The item in the general deficiency bill appropriating $100,000 was as follows:

For defraying the necessary expenses incurred in connection with foreign trade relations which come within the jurisdiction of the Department of State, under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests of the United States, and for the maintenance of a division of far-eastern affairs in the Department of State, including the payment of necessary employees, at the seat of government or elsewhere, to be selected, and their compensation fixed, by the Secretary of State and to be expended under his direction, fiscal year 1910, $100,000. A detailed statement showing expenditures, including salaries or rates of compensation paid under this appropriation shall be reported to Congress by the Secretary of State on the first day of each regular session; and estimates for further appropriations hereunder shall include in detail salaries for all persons to be employed and paid in the Department of State at Washington, D. C.

Mr. MANN. I remember the item very well. I remember the discussion that took place on the floor of the House. The item was sharply attacked on the ground that there was already a provision of $100,000 for the President, and here was another provision for the Secretary of State—the one for the purpose of appointing a tariff board to gain information and the other for the purpose of acquiring the information necessary to gain through the Department of State in dealing with foreign countries, the whole subject, outside of acquiring information for future use in regard to tariffs, to adjust the maximum and minimum tariff relations of the United States with foreign countries. Now, having secured that appropriation, which would not have been warranted by any law then in existence, here is a large bureau created without any legislative action of Congress, and I dare say without any intention on the part of Congress, unless the distinguished gentleman from Minnesota was in the secret confidence of the State Department on the subject; and if he was, he did not disclose that confidence to the House.

Mr. TAWNEY. I will say that the gentleman from Illinois is in error in saying that a large bureau has been created. No bureau whatever has been created. A division has been created, and that division was authorized, or the head of the department was authorized, to create that division, by the language carrying the appropriation in the bill approved August 5, 1909. So there is no bureau, but a division has been created, and that was authorized at that time.

Mr. MANN. A rose by any other name would smell as sweet. I do not care whether it is a division, a bureau, or a department.

Mr. TAWNEY. We have a chief of division. They have the organization of a division, but not the organization of a bureau.

Mr. DOUGLAS. Has the gentleman from Minnesota [Mr. TAWNEY] got the language of the act of last year there?

Mr. TAWNEY. I have just read it. I have a copy of the act here.

Mr. DOUGLAS. I think it provided in so many words for the creation of said division.

Mr. MANN. We have provided for the creation of a division of far eastern affairs, I believe, or something of that sort.

Mr. TAWNEY. I will read this language to the gentleman from Ohio [Mr. DOUGLAS]:

And for the maintenance of a division of far eastern affairs in the Department of State, including payment of necessary employees at the seat of Government.

Mr. MANN. May I ask what necessity there is for eight officers engaged in important drafting work, four at salaries of $4,500 each, and four at salaries of $3,000 each?

Mr. TAWNEY. What part of the paragraph does the gentleman refer to?

Mr. MANN. To line 22, page 44. I take it that these tariff matters will soon be out of the way. We have agreed upon

the minimum tariff with every country almost, except France and Canada——

Mr. TAWNEY. If the gentleman will read the statement of the Secretary of State on the subject he will ascertain. The committee interrogated the Secretary as to the necessity for continuing some of these employees, on the theory that when the minimum and maximum tariff laws were adjusted with foreign countries there would no longer be any necessity for continuing these men in the employment of the Government, but after the Secretary's statement we were satisfied these employees would have to be continued indefinitely.

The Secretary of State pointed out to the committee very clearly that changes are being made in foreign tariffs all the time, and that it will require this service continually for the purpose of keeping in touch with such changes and to ascertain whether or not the products of the United States are being discriminated against by reason of such changes in foreign tariffs.

Mr. CLARK of Missouri. I would like to ask the gentleman from Minnesota a question. The information that this corps of experts manages to get hold of is not to be made public at all, is it?

Mr. TAWNEY. This information is made public to the extent that any information obtained by the State Department is made public. It is collected by the employees in the State Department. The information collected under the provision for the $75,000 appropriated and expended under the direction of the President will be made public, in the discretion of the President.

Mr. CLARK of Missouri. Well, now, I would like to ask the gentleman this question: What earthly good will that information be unless we have it? The President can not pass a tariff bill.

Mr. TAWNEY. Well, the paragraph that is under consideration is a paragraph providing for the salaries of people who are employed under the State Department, not for the salaries of people employed under the $75,000 appropriation. That appropriation will be carried in another appropriation bill. This information is used by the State Department in connection with commercial arrangements with foreign countries, for the purpose of removing restrictions on or receiving more favorable terms for the admission of our products into foreign markets.

Mr. CLARK of Missouri. This item beginning on page 44, line 16, which is to provide for the appointment of these new officers in the office of the Secretary of State, is that what we knocked out last February after considerable of a scuffle?

Mr. TAWNEY. Oh, no. There is nothing in these positions that has any relation with the office that was struck out in the last legislative, executive, and judicial bill. These positions are new positions.

Mr. CLARK of Missouri. New positions?

Mr. TAWNEY. These positions have been created.

Mr. CLARK of Missouri. When?

Mr. TAWNEY. Since August 5 last. Since the passage of the general deficiency bill at the extra session of this Congress.

Mr. CLARK of Missouri. Who created them?

Mr. TAWNEY. The law created them, and we made the appropriation of $100,000 for the purpose of enabling the State Department to execute the additional work imposed upon it under the tariff act, as the paragraph in the general deficiency act provided, as clearly shown by the paragraph of that act which I have read to the House.

Mr. CLARK of Missouri. Now, what kind of a function does this counselor to the State Department perform?

Mr. TAWNEY. Well, the gentleman is aware of the fact that in the organization of this new division, which Congress authorized in the act approved August 5, 1909, it necessarily involves more or less of a reorganization of some other divisions. This officer is employed as a diplomatic counselor, an adviser to the Secretary of State, and it is intended to be a permanent office.

Mr. CLARK of Missouri. I thought the Secretary of State was qualified by extraordinary legislation, which never did qualify him, and because of his own extraordinary legal attainments. If that is so, what is the need of having another lawyer?

Mr. TAWNEY. I do not agree with the gentleman as to that. I think it has been demonstrated to the satisfaction of the country that the gentleman appointed Secretary of Sate was eminently qualified to perform the duties of that office and has been discharging the duties of that office with great efficiency and to the satisfaction of the people.

Mr. CLARK of Missouri. If he is qualified, why does he need this counselor, this adviser?

Mr. TAWNEY. Well, just the same as the head of any other great department is in need of counsel or of a legal officer.

Mr. CLARK of Missouri. Why do you have the next one?

Mr. TAWNEY. The same with the Attorney-General of the United States. The gentleman might with greater propriety ask why the Attorney-General should have a Solicitor-General.

Mr. CLARK of Missouri. I would like to ask somebody to tell.

Mr. TAWNEY. I will be very glad to give the gentleman that information at the proper time.

Mr. CLARK of Missouri. Now, what do you say about the next one—resident diplomatic officer? What does he do?

Mr. TAWNEY. The resident diplomatic officer, as the Secretary of State explained to the committee—and the gentleman will find it if he will read the hearings—is in charge of the consular service in the far eastern division in particular. He has general supervision of the consular service.

Mr. CLARK of Missouri. Then, it is simply a way of circumventing my proposition about an undersecretary of state, is it not? Now, really, is not this man I am talking about now appointed to take the place of undersecretary of state, knocked out on the 1st day of March last year?

Mr. TAWNEY. Not at all. This officer was not appointed until the new division was created, which I have tried to explain to the gentleman from Missouri, and the reorganization involved more or less the other divisions of the State Department.

Mr. MANN. The resident diplomatic officer here is a man who has been in the diplomatic service for a great many years, and, as I am informed, used to be in South America and was transferred here, so that, as far as that is concerned, he is not in any way taking the place of the office to which the gentleman from Missouri [Mr. CLARK] and I were both objecting last spring.

Mr. FITZGERALD. Where did they find this title, "resident diplomatic officer?"

Mr. MANN. I do not undertake to say. I am not arising in defense of the proposition, the gentleman understands.

Mr. FITZGERALD. I am asking for information. First, I want to find out what the proper explanation is of calling the man in charge of our Latin-American affairs the resident diplomatic official of this Government.

Mr. MANN. I do not know what he may be in charge of.

Mr. GILLETT. The purpose of that, I think, was to bring a more intimate connection between the State Department here and our diplomatic branch abroad.

Mr. FITZGERALD. What is the International Bureau of American Republics doing?

Mr. GILLETT. That is doing the same with our South American trade. It is not a part of the State Department.

Mr. FITZGERALD. I think this is one of those unnecessary duplications, to eliminate which I hope there may be provided a business-methods commission before this Congress adjourns.

Mr. GILLETT. They are both of them extremely valuable, I believe.

Mr. CLARK of Missouri. What does this man do?

Mr. MANN. I have just been told that the office of resident diplomatic officer is now filled by Mr. Dawson, who used to be in Chile. I was told some time ago by some one that the awarding of the contract for the Brazilian or Argentine battle ship had been largely brought about through the work of Mr. Dawson. Whether that is a justification for the office, I do not pretend to say.

Mr. PAYNE. If I may ascertain who has the floor, I should like to make a suggestion.

Mr. CLARK of Missouri. I have the floor.

Mr. TAWNEY. I want to call the attention of the gentleman from Missouri to this fact: The resident diplomatic officer, Mr. Dawson, was appointed minister to Chile, and at that post received a salary of $12,000 a year. He now receives, in his present position in Washington, $7,500 a year. He is at the head of the Latin-American Bureau, having charge of all questions in relation to Latin America. He has served in the diplomatic service in Latin America for a number of years and is very familiar with that service.

Mr. MANN. And married a Latin-American wife.

Mr. TAWNEY. I understand he is married to a Latin-American wife. He was brought here to take charge of all questions arising in our diplomatic relations with the Latin-American countries, and left a salary of $12,000 to accept this position here at $7,500.

Mr. CLARK of Missouri. Is anybody drawing that $12,000 now?

Mr. MANN. We have a minister to Chile, of course.

Mr. CLARK of Missouri. Then, why do you state that in mitigation of his offense?

Mr. TAWNEY. I do it to show the capacity of the man and

his value to the diplomatic service of the Latin-American republics.

Mr. CLARK of Missouri. I want to ask if it is true, as suggested by the gentleman from New York [Mr. FITZGERALD], that this man, the resident diplomatic officer, is discharging precisely the same duties as those performed by Hon. John Barrett, Director of the Bureau of American Republics?

Mr. TAWNEY. The gentleman from Missouri surely must know that there is no relationship whatever between the two positions. Mr. Barrett does not perform any diplomatic service whatever.

Mr. CLARK of Missouri. What does he do?

Mr. TAWNEY. He is at the head of the Bureau of American Republics, an organization which each American Republic is a member of, and which is sustained by them all. That organization has no relation whatever to our State Department in so far as the State Department is charged with the duty of performing the dipolmatic service of this country. It is entirely separate and distinct from it. All questions arising between any individual Latin-American Republic and the United States are adjusted by the State Department and the diplomatic representative of that Republic here at Washington. Now, the Bureau of American Republics looks after the development and the encouragement and growth of the commercial interests primarily of the republics of South and Central America and our own trade relations with those several republics.

Mr. CLARK of Missouri. Individually, I think John Barrett does more good for the people of the United States than anybody connected with the State Department, or the whole State Department put together. He and his bureau is trying to do what we ought to have been trying to do for the last fifty years, and that is to cultivate the freest and closest commercial relations possible with all Latin-Americans. He issued a bulletin last summer that gives a vast amount of information, if people will take the time to read it, and it is well worth reading. What I can not understand is what this diplomatic officer is good for, or what he does.

Mr. GILLETT. Mr. Chairman, the gentleman from Missouri appreciates, I am sure, for what he said suggests it, that it is extremely important for us to cultivate the closest trade relations with the countries south of us. There is no question but that in the last few years trade of the United States with foreign nations has immensely increased, and our State Department and all of us are recognizing more than ever how important it is for us to cultivate trade relations not only with South America, but the Far East, and one of these departments especially relates to that. It is impossible for the Secretary of State to supervise all this, and it is also impossible for the small force that the State Department has had in recent years to properly cultivate and administer our new relations.

It seems to me that it is extremely wise that the House, as was determined last year, should enlarge the personnel of the State Department and be able to have somebody who is in touch with the different parts of the world, and is vigorously active in giving our people information and in sustaining their rights in foreign trade relations. That is what the Secretary of State assured us this organization would do, and it seems to me that it is extremely valuable, and that it would be a great mistake if we did not allow them now, as we did before, to carry it on.

I can not say precisely; I do not suppose anybody here could state what each officer is to do. I do not know what all the work is that comes into the State Department, but we were assured that it is prodigious, and that what the gentleman from Illinois has alluded to in securing the building of these two battle ships was done through the State Department. They are working along those lines, improving and increasing the American trade. I know the gentleman from Missouri is as anxious as anybody to do that, and I believe that this is a wise way to do it.

Mr. CLARK of Missouri. Of course I am as anxious as anybody, and I could draw a statute in half an hour that would give us all the trade of South and Central America, but you would vote it down. [Laughter.] Now, I want to ask a question, if the gentleman from Massachusetts has any information as to a current rumor that is floating about that the way the shipyards got the building of these two South American battle ships was that the steel trust agreed with the shipbuilding companies that they would furnish the steel at export prices instead of the domestic prices?

Mr. GILLETT. I have not even heard the rumor.

Mr. CLARK of Missouri. Does not the gentleman read the newspapers?

Mr. GILLETT. I have not read that.

Mr. CLARK of Missouri. It has been in the newspapers.

Mr. GILLETT. I have not seen it.

Mr. CLARK of Missouri. Has not the gentleman any information about it?

Mr. GILLETT. I have not, because I have not heard of it.

Mr. CLARK of Missouri. The gentleman from Massachusetts knows that the President in his message recommended economy?

Mr. GILLETT. I do.

Mr. CLARK of Missouri. And that the President and Senator HALE cut down the estimates $50,000,000 at the White House in fifteen minutes one day; did the gentleman hear that? [Laughter.] At any rate, Senator HALE said when he went out that that was the case. Now, another distinguished statesman, in a place that we are forbidden to mention, stated that a good business man could run this Government for $300,000,000 less than we are running it for now. How are you going to economize if you keep creating new offices all the time?

Mr. GILLETT. We have economized in this bill; it is half a million dollars less than that of last year.

Mr. CLARK of Missouri. I congratulate the gentleman; but does he think it will be that way when it gets through both Houses?

Mr. GILLETT. I hope it will when it gets through this House, but I do not feel so confident about the other. [Laughter.]

Mr. CLARK of Missouri. Is not the general tendency here to increase the number of officeholders all the time?

Mr. GILLETT. Of course it is, and of course the country is growing all the time.

Mr. CLARK of Missouri. I would like to ask the gentleman one more question on this point. The gentleman from Massachusetts has stated that our diplomatic business is increasing. How does it happen? There are no more nations on earth now than there were when he and I came here, are there, except the Panama Republic?

Mr. GILLETT. No; but they have more to do with each other.

Mr. CLARK of Missouri. How does that happen?

Mr. GILLETT. I suppose one reason is because the United States is much better known than it was. Our trade has increased tremendously and our people are traveling very much more and foreign nations are knowing us better, but it is our trade that is the main thing here, of course, which is constantly increasing—our export and import trade.

Mr. CLARK of Missouri. I proposed the other day to abolish this diplomatic corps and take the money they squander and give it to these consuls, and then there would be some sense in it.

Mr. MANN. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, before the gentleman from Illinois makes his point of order, I should like to make an inquiry of the gentleman from Massachusetts. The gentleman from Missouri [Mr. CLARK] referred to a rumor that was in the air as to the manner in which the Fore River Ship and Engine Company obtained a contract for the two battle ships from the Argentine Republic—that is, that the armor manufacturers had agreed to supply armor at a greatly reduced price. The gentleman from Massachusetts, I understand, has no information about that.

Mr. GILLETT. None at all.

Mr. FITZGERALD. Has the gentleman any information as to this statement, which has been given some credence in Great Britain, and that is that the reason that these contracts were awarded to the American shipbuilding firm is that through some diplomatic arrangement the Argentine Republic has been assured that pending the construction of these two battle ships in the United States, the United States would protect it against assault by any other nation?

Mr. GILLETT. No; I have not heard that, and I would not believe it if I had.

Mr. FITZGERALD. Where has the gentleman been lately? [Laughter.]

Mr. GILLETT. I have been attending to my work in the House.

Mr. MANN. He has not been smoking a pipe, evidently.

Mr. FITZGERALD. I read that statement, sent to this country by the correspondent of a very reputable and accurate newspaper in this country.

Mr. GILLETT. I have no information upon it, and I say I utterly disbelieve it, and probably the gentleman also does.

Mr. FITZGERALD. Well, I hope the administration would not go that far, although it might intimate or suggest—whatever is the proper diplomatic term—that this country would appreciate the opportunity to build ships for the Argentine Republic. This paragraph provides for the appointment of eight officers to aid in important drafting work, and it seems to me there is some peculiar arrangement by which men appointed

and confirmed by the Senate to certain diplomatic positions are to be detailed in Washington for that work. I have been unable to ascertain just how this is to come about. The gentleman will see the provision:

Eight officers to aid in important drafting work, four at salaries of $4,500 each and four at salaries of $3,000 each, and hereafter to be appointed by the Secretary of State from the diplomatic and consular services or other branch of the government service—

And so forth.

Mr. GILLETT. "Or as chief of division," the gentleman will see.

Mr. FITZGERALD. Is it intended that some arrangement shall be made by which important diplomatic officers shall be detached from places to which they have been appointed and assigned to work here in Washington?

Mr. GILLETT. No; as I understand, that is along the same line which I suggested a few moments ago; that it is the desire of the State Department to have the members of the diplomatic service who have been in foreign countries and who have in that way obtained a peculiar knowledge of them, come back from time to time into the State Department here in Washington and bring here the knowledge which they have obtained abroad.

Mr. FITZGERALD. That is what I had in mind. Are they unable by the usual methods of correspondence to send to the State Department all of the information which they acquire, or are they to reserve it within themselves?

Mr. GILLETT. The reason they are brought here is because of the information which they have and which they will communicate to the department.

Mr. UNDERWOOD. Mr. Chairman, evidently the gentleman from New York does not understand that if the consular officer at Kamchatka finds a five-legged mule there he could not communicate that fact by letter, but would have to come here personally to communicate it himself.

Mr. MANN. Oh, no; he would bring the mule, and it might make a great addition even in this House.

Mr. FITZGERALD. I should not like to intimate that even a five-legged mule would not be of great importance to any of the government officers with whom I have come in contact.

Mr. GILLETT. I think the gentleman will recognize that it would be valuable to the State Department to occasionally have infused into it men who have obtained special knowledge by service abroad.

Mr. FITZGERALD. This paragraph creates a new division at an aggregate expenditure of $75,000 a year.

Mr. GILLETT. You might call it a new division; it is practically that.

Mr. FITZGERALD. It is a bureau.

Mr. GILLETT. I forget whether it is called a bureau or a division.

Mr. GARRETT. The Secretary calls it a division.

Mr. MANN. No matter what it is called, it is really a bureau.

The CHAIRMAN. The Chair would like to hear the gentleman on the point of order.

Mr. MANN. Mr. Chairman, the item is very clearly subject to the point of order, if the Chair is anxious to rule it out.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. Not yet.

The CHAIRMAN. The Chair then sustains the point of order.

Mr. GILLETT. The gentleman from Illinois has not insisted upon his point of order.

Mr. MANN. I do not insist upon the point of order, and if I may reserve it for a moment I want to say just a word. It seems to me if there ever was an illustration of the danger of lump-sum appropriations, this is one of those illustrations. A lump-sum appropriation of $100,000 is made for the purpose of acquiring information under the provisions of a tariff law which had just been passed and therefore a bureau, called a "division" by the gentleman from Minnesota, is created in the Department of State——

Mr. TAWNEY. If the gentleman will pardon me.

Mr. MANN (continuing). Without any authority of law and entirely outside of the scope——

Mr. TAWNEY. I would suggest the gentleman's voluntary insinuation is hardly justified, and I do not think the gentleman has any intention of misstating the facts.

Mr. MANN. I have no desire to misstate the facts, but I do desire to state the facts. But, Mr. Chairman, this is not permanent law. It is an experiment in the Department of State in connection with the work that has been carried on, and for that reason at this time I do not propose to make the point of order, but I warn the gentleman if I am here in another year from now, unless there is something to show giving good reasons for the existence of this new bureau of the Government, unless it shall have been authorized by legislation reported from the Committee on Foreign Affairs, which has jurisdiction of the subject, and the Committee on Appropriations does not have the jurisdiction, I will make the point of order then. I now withdraw the point of order.

Mr. TAWNEY. I want to say a word.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order for a moment. Mr. Chairman, I want to call the attention of the gentleman from Minnesota to a very peculiar provision here that is requiring the Department of State to select these officers in a special manner, "Counselor for the Department of State and resident diplomatic officer, each at a salary of $7,500, and each to be appointed by the Secretary of State, the one from the legal profession and the other from the grade of minister or above in the diplomatic service." Is it so necessary in the selection of a "counselor" for the State Department to insure a proper appointment that it must be provided in the act itself that he must be selected from the legal profession?

Mr. LIVINGSTON. That is the statement of the Secretary of State, and we know nothing better. Do you?

Mr. FITZGERALD. I do not think the gentleman understands the question.

Mr. LIVINGSTON. Yes; I understand the question is, Should this officer be selected from the consular service?

Mr. FITZGERALD. No; I asked the gentleman if, in order to obtain a counselor, it was necessary to provide in the law that he must be selected from the legal profession.

I am calling attention to this because it shows the folly of permitting men in the departments to prepare the phraseology in which Congress is to legislate. I read a bill the other day that is supposed to have been prepared in the Attorney-General's office in which the remarkable provision is contained that it might be amended or modified "at the pleasure of Congress."

The House is familiar with what has happened to the so-called "publicity feature" of the tariff act. That provision of the tariff act was prepared under the direction of the President by the Attorney-General for the purpose of making public certain information that was to be collected. When the tariff act was under discussion it was widely proclaimed that the corporation-tax provision was not prepared and inserted in the bill because of the revenue that was to be collected, but because of the desirability of having publicity in connection with the administration of corporations.

Before the provision was prepared the country was congratulated on the fact that the President, formerly a judge of the United States circuit court, and the five great lawyers in his Cabinet, were equipped to frame legislation for the benefit of Congress, so that when a bill was passed it would accomplish exactly what was desired and intended. And the Attorney-General's office, with the assistance of these four other eminent corporation lawyers, under the supervision of the President, who had been an United States judge, prepared the corporation-tax provision of the tariff law. And when the gentleman from New York [Mr. PAYNE], the chairman of the Committee on Ways and Means, and the gentleman from Pennsylvania intimated that perhaps some slight modifications in the phraseology of that provision might be made, in order to more clearly express what Congress intended to do, it was suggested that they would be regarded in the same class as the "Black Hand insurgents" if they dared impugn the capacity of the administration to prepare bills and put them in proper shape to accomplish what was desired. Desiring to avoid that characterization, of course, the gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] and other eminent gentlemen from some place else quickly withdrew the suggestion that perhaps those who prepared that provision did not quite appreciate what they were doing.

The tariff act was passed, and the country was congratulated on the fact that what a strenuous President had failed to accomplish for seven years had been accomplished overnight through the assistance of the Attorney-General and of the other great corporation lawyers who were collaborating in the White House with the President in framing laws that would accomplish what was desired.

And then when Congress came back from its vacation it was amazed to find that, instead of accomplishing what was desired, this corporation-tax law had been framed in such a way that it was absolutely impossible to have any publicity at all, simply because somebody did not know that public records under the law are not open to public inspection, and that if records are to

be open to public inspection it is necessary to say so, instead of saying something else.

Now, the Secretary of State asks Congress to authorize him to appoint "a counselor in the Department of State," and so that there may be no misunderstanding about just what he wants he puts in the provision that he shall be "appointed from the legal profession." I am not quite sure, from what I have seen of the legal profession in connection with that corporation-tax provision in the tariff bill, that a lawyer will be obtained if needed. I have no desire, Mr. Chairman, to be a party to legislation that seems to be so ridiculous as this. Why did we not provide on the preceding page of the bill that the two assistant solicitors for the State Department and a law clerk and the law clerk's assistant should be appointed from the legal profession? Is there to be a distinction in the ability, capacity, and equipment of these counselors? So far as I am concerned, I am inclined to consider the administration in the nature of Greeks when they come suggesting the phraseology in which appropriations should be made. This paragraph may accomplish everything that is intended it should. It may only make a temporary appropriation and may perhaps not create a permanent bureau; but I am inclined to believe if the intention of those who prepared this particular paragraph is to create a temporary bureau, that, as a matter of fact, after the provision becomes a law Congress will ascertain that a permanent bureau has been created.

Mr. Chairman, I have no desire to interfere with the proper performance of the duty of the Department of State, and I would not set my judgment in opposition to those who are charged with the responsible duty of conducting our relations with foreign nations as to whether these officials are needed. It is difficulty to forget, however, that less than a year ago the Department of State assured Congress that it could not get along without an undersecretary of state, and Congress declined to create that office. In the absence of that undersecretary of state the department has been more active than ever before in its history, and American interests seem to be urged and forced and assisted more successfully than ever before; and yet, although, in my judgment, this is just one of those new-fangled schemes of somebody outside of the department who imagines that he possesses all the wisdom in this country and most of the wisdom in all the rest of the nations as to how this department should be reorganized, if the Secretary insists that this rearrangement is necessary, I shall not insist upon the point of order.

Mr. COX of Indiana. I make the point of order, or I will reserve it.

Mr. GILLETT. I prefer that the point of order be made.

Mr. COX of Indiana. I make the point of order.

Mr. GILLETT. Let us have it decided. Mr. Chairman, do you wish to hear me, or do you wish to hear first gentlemen on the other side?

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. GILLETT. The point of order should be overruled, because the law of last year says "for the maintenance of a Division of Far Eastern Affairs in the Department of State." Then, later, "a detailed statement showing the expenditures, including the salaries, under this appropriation, shall be reported to Congress by the Secretary of State on the first day of each regular session." So that law provides for a permanent force. It provides that there shall be a new division in the department, and it recognizes that it is a permanent authorization by directing annual reports and estimates. That, I maintain, is an establishment of this division by law, and this paragraph is simply following the estimates which the previous law authorized and ordered.

Pending the decision of the Chair, if no one at this time on the other side desires to be recognized, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 22643, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

The Speaker announced his signature to enrolled joint resolution of the following title:

S. J. Res. 63. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion, to be held at Mobile, Ala., in April, 1910.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 13899. An act granting to the Hot Springs Street Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the Whittington Lake Reserve Park; and

H. R. 19558. An act to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.

EULOGIES ON THE LATE REPRESENTATIVE GRIGGS.

Mr. RODDENBERY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Ordered, That there shall be a session of the House on Sunday, the 17th day of April, at 12 o'clock, to be set apart for eulogies on the life, character, and public services of Hon. JAMES M. GRIGGS, late a Representative from the State of Georgia.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

WITHDRAWAL OF PAPERS.

Mr. STURGISS, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John Lyons, Fifty-eighth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. GILLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Attorney-General submitting an estimate of appropriation for suits relating to allotted lands, Five Civilized Tribes (H. Doc. No. 766)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for salaries, Coast and Geodetic Survey (H. Doc. No. 767)—to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wilmington Harbor, California (H. Doc. No. 768)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of the Interior in relation to inquiry of the House as to lands in the Ozark National Forest, in Arkansas (H. Doc. No. 769)—to the Committee on the Public Lands and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for acquiring land near naval trial course, off Monroe Island, Maine (H. Doc. No. 770)—to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WILEY, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 17532) to authorize the extension of Underwood street NW., reported the same with amendment, accompanied by a report (No. 718), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 19636) authorizing the extension of Princeton place NW., in the District of Columbia, reported the same without amendment, accompanied by a report (No. 719),

which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the House (H. R. 19554) to authorize the extension of Van Buren street NW., reported the same with amendment, accompanied by a report (No. 727), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12434) to make uniform the salaries of United States district attorneys and marshals in Texas, reported the same with amendment, accompanied by a report (No. 729), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 22390) to require all companies doing telegraph business in the District of Columbia to pay a tax on their gross receipts, reported the same with amendment, accompanied by a report (No. 730), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21673) granting authority to the city of St. Francisville, Ill., to build a bridge across the Wabash River, reported the same with amendment, accompanied by a report (No. 722), which said bill and report were referred to the House Calendar.

Mr. KAHN, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 3889) to amend an act to incorporate the Masonic Temple Association of the District of Columbia, reported the same without amendment, accompanied by a report (No. 723), which said bill and report were referred to the House Calendar.

Mr. BORLAND, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 19070) to regulate the height of buildings in the District of Columbia, reported the same without amendment, accompanied by a report (No. 720), which said bill and report were referred to the House Calendar.

Mr. DIEKEMA, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 19287) to amend section 14 of "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, reported the same without amendment, accompanied by a report (No. 721), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (S. 6431) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 716), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred sundry bills of the House, reported in lieu thereof a bill (S. 6739) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 717), which said bill and report were referred to the Private Calendar.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 11763) to correct the military record of George Haraldson, reported the same with amendment, accompanied by a report (No. 726), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21079) for the relief of John W. Thomas, reported the same without amendment, accompanied by a report (No. 728), which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8730) holding and considering William Mullally to have been honorably discharged, reported the same with amendment, accompanied by a report (No. 731), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10863) to amend an act to remove the charge of desertion from the military record of Anton Ernst, reported the same with amendment, accompanied by a report (No. 732), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18540) to remove the charge of desertion against John H. Willis, reported the same with amendment, accompanied by a report (No. 733), which said bill and report were referred to the Private Calendar.

Mr. MORGAN of Missouri, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5269) for the relief of Alexander Everhart, reported the same with amendment, accompanied by a report (No. 734), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 371) granting an increase of pension to John M. Wild—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 15524) granting an increase of pension to William Fetterer—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15993) granting an increase of pension to Lulu C. Darragh—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15885) granting a pension to Charles Kline—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20916) granting an increase of pension to John J. Driscoll—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21148) granting an increase of pension to Thomas O'Neill—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21706) granting an increase of pension to Michael Howard—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAYNARD: A bill (H. R. 22679) for an increase of the appropriation for the public building in the town of Suffolk, Va.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22680) to erect a post-office building in the town of Franklin, Southampton County, Va.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22681) to erect a post-office building in the town of Smithfield, Isle of Wight County, Va.—to the Committee on Public Buildings and Grounds.

By Mr. OLCOTT: A bill (H. R. 22682) amending paragraph 6 of the act relating to the Metropolitan police force—to the Committee on the District of Columbia.

By Mr. MORGAN of Oklahoma: A bill (H. R. 22683) for the relief of the Wichita and affiliated bands of Indians—to the Committee on Claims.

By Mr. COX of Indiana: A bill (H. R. 22684) to prevent railroad companies from compelling their employees to enter into relief associations—to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: A bill (H. R. 22685) to establish a naval observatory and define its duties, and for other purposes—to the Committee on Naval Affairs.

By Mr. MARTIN of South Dakota: A bill (H. R. 22686) requiring reports from corporations engaging in interstate and foreign commerce, and for other purposes—to the Committee on the Judiciary.

By Mr. SABATH: A bill (H. R. 22687) amending section 8 of an act to provide for the thirteenth and subsequent decennial censuses—to the Committee on the Census.

By Mr. SOUTHWICK: A bill (H. R. 22688) for the opening of Thirteenth street NW. from Longfellow street to Fourteenth street (or Piney Branch road)—to the Committee on the District of Columbia.

By Mr. CREAGER: A bill (H. R. 22689) to establish a fish-cultural station in the State of Oklahoma—to the Committee on the Merchant Marine and Fisheries.

By Mr. MACON: A bill (H. R. 22690) to authorize the Tri-State Telephone and Telegraph Company to construct a lead of wire across the Mississippi River from Morgans Point, Ark., to Richardson, Tenn., to be used for telephone and telegraph purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 22691) to provide for the erection of a public building at Vernal, Utah—to the Committee on Public Buildings and Grounds.

By Mr. BENNET of New York: A bill (H. R. 22692) providing for the payment of the expenses of United States district judges and United States circuit judges while holding court away from their official headquarters, and for other purposes—to the Committee on the Judiciary.

By Mr. McKINNEY: A bill (H. R. 22693) to increase the limit of cost for the enlargement, extension, remodeling, and improvement of the United States public building at Rock Island, Ill.—to the Committee on Public Buildings and Grounds.

By Mr. ANDRUS: A bill (H. R. 22694) to provide for the erection of a public building at the city of New Rochelle, N. Y.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22695) authorizing the erection of a post-office building at Mount Vernon, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. REYNOLDS: Resolution (H. Res. 493) to pay D. P. Thomas, messenger to the Chief Clerk, the sum of $300, for extra services—to the Committee on Accounts.

By Mr. KINKAID of Nebraska: Joint resolution (H. J. Res. 168) construing section 3 of an act entitled "An act to amend the homestead laws as to certain unreserved and unappropriated lands in Nebraska," approved April 28, 1904—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 22696) granting an increase of pension to George S. Royal—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 22697) granting a pension to Henry J. Hootman—to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 22698) granting an increase of pension to Joseph Maskey—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 22699) granting an increase of pension to Charles R. Bostick—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 22700) granting an increase of pension to Dennis Pitts—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 22701) granting an increase of pension to William Mitchell—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 22702) granting an increase of pension to John King—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 22703) for the relief of Henry Hirchberg—to the Committee on Claims.

Also, a bill (H. R. 22704) to remove the charge of desertion from the military record of Charles D. Murdock—to the Committee on Military Affairs.

Also, a bill (H. R. 22705) granting an increase of pension to Herman Brukk—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 22706) for the relief of Richard A. Kidwell—to the Committee on Claims.

By Mr. BURKE of Pennsylvania: A bill (H. R. 22707) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 22708) granting an increase of pension to Ida Burtis—to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 22709) granting an increase of pension to Jacob Hildebrand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22710) granting an increase of pension to James H. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22711) for relief of estate of John Brannom—to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 22712) granting an increase of pension to Anton Ohnesorg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22713) granting an increase of pension to Frederick J. Wiseman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22714) granting a pension to J. Frank Cornman—to the Committee on Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 22715) granting an increase of pension to John Lent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22716) granting an increase of pension to Daniel Grim—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 22717) granting an increase of pension to James T. Kissinger—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 22718) granting an increase of pension to James Coats—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22719) granting a pension to Henry H. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22720) granting an increase of pension to J. S. C. Kifer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22721) granting an increase of pension to Samuel F. Crump—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 22722) granting an increase of pension to Bryant W. Reynolds—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 22723) granting an increase of pension to Elizabeth M. Walker—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 22724) granting an increase of pension to Henry Hodges—to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 22725) granting an increase of pension to Nannie J. McDowell—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 22726) granting an increase of pension to Adison L. Brown—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: A bill (H. R. 22727) granting a pension to Charles R. Morgan—to the Committee on Pensions.

Also, a bill (H. R. 22728) granting a pension to Elizabeth A. Whittaker—to the Committee on Pensions.

Also, a bill (H. R. 22729) granting an increase of pension to Martin Casto—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22730) granting an increase of pension to Greenville Rose—to the Committee on Invalid Pensions.

By Mr. JOYCE: A bill (H. R. 22731) granting an increase of pension to Wallace H. Cooley—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22732) for the relief of Elijah Fuller—to the Committee on War Claims.

Also, a bill (H. R. 22733) for the relief of Jonathan Chaney—to the Committee on Military Affairs.

Also, a bill (H. R. 22734) for the relief of Henry Easterling—to the Committee on Military Affairs.

By Mr. LAWRENCE: A bill (H. R. 22735) granting an increase of pension to William Chandler—to the Committee on Invalid Pensions.

By Mr. LUNDIN: A bill (H. R. 22736) granting an increase of pension to George T. Farmer—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 22737) granting an increase of pension to James Garbett—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 22738) granting an increase of pension to Amelia Dunbar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22739) for the relief of James W. Evans—to the Committee on Claims.

By Mr. MORGAN of Missouri: A bill (H. R. 22740) granting an increase of pension to James Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22741) granting a pension to Mary E. Morris—to the Committee on Invalid Pensions.

By Mr. MOXLEY: A bill (H. R. 22742) granting an increase of pension to Martin Hammerly—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 22743) granting an increase of pension to Rebecca E. Ginn—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 22744) granting an increase of pension to James A. Moore—to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 22745) for the relief of Albert Gilbar—to the Committee on Military Affairs.

By Mr. ROTHERMEL: A bill (H. R. 22746) granting an increase of pension to Woodford C. May—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 22747) for the relief of Edward Swainor—to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 22748) granting an increase of pension to James F. Wright—to the Committee on Pensions.

Also, a bill (H. R. 22749) granting an increase of pension to Alfred G. Brown—to the Committee on Pensions.

Also, a bill (H. R. 22750) granting an increase of pension to Israel S. Standefer—to the Committee on Pensions.

Also, a bill (H. R. 22751) granting an increase of pension to Charles A. Patton—to the Committee on Pensions.

Also, a bill (H. R. 22752) granting an increase of pension to Levi D. Ladd—to the Committee on Pensions.

Also, a bill (H. R. 22753) granting an increase of pension to Montraville Harrell—to the Committee on Pensions.

By Mr. SPIGHT: A bill (H. R. 22754) granting a pension to Feloe Batte, alias Eugene Bemar—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 22755) granting an increase of pension to Henry M. Langworthy—to the Committee on Invalid Pensions.

By Mr. TENER: A bill (H. R. 22756) granting an increase of pension to Hugh G. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22757) granting an increase of pension to Benjamin F. Ryan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22758) granting an increase of pension to Oliver C. C. Pollock, alias John E. Douglass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22759) granting an increase of pension to George W. Robb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22760) granting an increase of pension to William Vogan—to the Committee on Invalid Pensions.

By Mr. YOUNG of New York: A bill (H. R. 22761) granting a pension to Louise M. Foster—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of George Washington Chapter, of Springfield, Mass., and American Chapter, of Washington, D. C., Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Paper to accompany bill for relief of William Mitchell—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Henry J. Hootman—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: Petitions of Chapin Post, No. 2, Grand Army of the Republic, and commanders of all Grand Army of the Republic posts and other veteran organizations in Buffalo, N. Y., for House bill 13383, to retire Gen. Daniel E. Sickles as lieutenant-general—to the Committee on Military Affairs.

By Mr. ANDERSON: Petition of Frank Brown, of Milan, Ohio, protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Paper to accompany bill for relief of John King—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Nevada: Petition of Rawhide (Nev.) Miners' Union, No. 244, favoring House bill 15441, for an eight-hour day on government works—to the Committee on Labor.

By Mr. BATES: Petition of Lyman Felheim, of Erie, Pa., against eight-hour bill and anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Sergeant Peiffer Post, No. 331, Grand Army of the Republic, of Meadville, Pa., against acceptance of statue of R. E. Lee—to the Committee on the Library.

Also, petition of citizens of South Bend, Ind., against any change in immigration laws—to the Committee on Immigration and Naturalization.

Also, petition of Thomas W. Stephens, of Erie, Pa., for House bill 19462, telepost bill—to the Committee on the District of Columbia.

By Mr. BYRNS: Paper to accompany bill for relief of John Brannam—to the Committee on War Claims.

Also, paper to accompany bill for relief of James H. Hall and Jacob Hildebrand—to the Committee on Invalid Pensions.

By Mr. CASSIDY: Petitions of Polish Falcons Society; Erie Lodge, No. 108, O. B. A.; and Polish Republican Club, against restrictive immigration legislation—to the Committee on Immigration and Naturalization.

Also, petition of 2,735 Slovak citizens of Cleveland, Ohio, against the Slovaks being classed as Hungarians or otherwise than Slovaks in the 1910 federal census—to the Committee on the Census.

By Mr. CLARK of Missouri: Petition of Colonel Jonithan Pettibone Chapter, Daughters of the American Revolution, for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. CLINE: Petition of Fort Wayne Council, No. 451, Knights of Columbus, of Fort Wayne, Ind., in support of House bill 17543, relative to advertisements in magazines of fraternal orders—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of citizens of New York in mass meeting, under auspices of the United Spanish War Veterans, for an appropriation to raise the wreck of the battle ship *Maine*—to the Committee on Naval Affairs.

Also, petition of Alexander Hamilton Post, Grand Army of the Republic, against placing the Lee statue in Statuary Hall—to the Committee on the Library.

Also, petition of Produce Exchange of New York City, for Senate bill 5106 and House bill 17536, that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of Polish National Alliance of the United States, No. 490, of Braddock, Pa., against further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of Young People's Society of Missionary Volunteers, against Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

By Mr. DICKINSON: Petition of citizens of Dade and Lawrence counties, Mo., in opposition to the passage of the Johnston Sunday bill (S. 404)—to the Committee on the District of Columbia.

Also, petition of Knights of Columbus of Montrose, Mo., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. DANIEL A. DRISCOLL: Petition of East Buffalo Live Stock Association, for making reduction in the rate of duty on fattened live stock from Canada and free entry of feeder cattle weighing 900 pounds and under—to the Committee on Ways and Means.

By Mr. FORNES: Petitions of A. Stenhardt and Henry Hudi, against the Moon bill, relative to injunctions and restraining orders—to the Committee on the Judiciary.

Also, petition of the Downtown Club of Brooklyn, N. Y., favoring an eight-hour law on government work (H. R. 15441)—to the Committee on Labor.

Also, petition of B. E. Young, of New York City, for House bill 20162—to the Committee on Labor.

Also, petition of citizens of New York City, in mass meeting, urging the removal of the wreck of the *Maine* to the United States and the burial of its victims at Arlington—to the Committee on Naval Affairs.

Also, petition of Maritime Association of the Port of New York, for at least one naval officer at each branch hydrographic office in the country—to the Committee on Appropriations.

Also, petition of Rohe & Bros., of New York City, favoring support of the bill to abolish tax on oleomargarine—to the Committee on Agriculture.

By Mr. FULLER: Petition of George R. Atkinson, of Rockford, Ill., in opposition to the passage of the Moon bill (H. R. 21334) concerning restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of Pettibone, Mulliken & Co., of Chicago, Ill., in opposition to further legislation affecting railroads—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Henry Hodges—to the Committee on Invalid Pensions.

By Mr. GALLAGHER: Petition of Tow. "Polacy Trzech Zaborów," Grupa 492 Zwiazku Narodowego, Polskiego w Stanach Zjedn. Póln. America, against the Hayes bill to regulate immigration—to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of the Produce Exchange of New York City, against features of Senate bill 5106 and House bill 17536, relative to rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Ben H. Janssen and A. Hupfils's Sons, of New York City, against the Moon bill (H. R. 21334), relative to

injunctions and restraining orders—to the Committee on the Judiciary.

Also, petition of Maritime Association of the Port of New York, for at least one naval officer to be detailed at each hydrographic branch office in the country—to the Committee on Appropriations.

By Mr. HAMMOND: Petition of D. A. Odell and 27 others, of Minnesota, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Paper to accompany bill for relief of James Burke—to the Committee on Invalid Pensions.

Also, petition of Local Union No. 537, J. B. E. W., of San Francisco, Cal., protesting against the immigration of Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petitions of Farmers' Union of Saratoga, Cal., comprising 47 members, and J. P. Shambeau and 16 other farmers of Santa Clara County, Cal., urging legislation that will eliminate gambling in farm products by boards of trade, exchanges, and other speculators—to the Committee on Agriculture.

By Mr. HENRY of Connecticut: Petition of Connecticut Hardware Association, of Windsor Locks, Conn., for cheaper first-class postage and higher second-class postage—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSTON: Papers to accompany House bill 3672, for a public building at Tullahoma, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL of Utah: Petition of St. Louis Fruit and Produce Exchange, for the Lafean apple-packing bill—to the Committee on Agriculture.

Also, petition of Utah Society, Sons of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. KAHN: Petitions of Adolf Leopold, John Reber, John Sanderson, and A. V. Little, of San Francisco and Oakland, Cal., for the eight-hour bill (H. R. 15441)—to the Committee on Labor.

Also, petition of Frank Fagathy and 48 others, of San Francisco, Cal., protesting against the immigration of all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KNAPP: Petition of citizens of Oswego County, N. Y., against any change in present oleomargarine law—to the Committee on Agriculture.

By Mr. LAWRENCE: Petition of La Société des Artisans, Canadiens Français, of Westfield, Mass., for House bill 17509, right of beneficiary associations' publications to carry commercial advertising—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of Polish National Alliance, of St. Cloud, Minn., against House bill 20379, regulation of immigration—to the Committee on Immigration and Naturalization.

By Mr. McKINNEY: Petition of Shadrach Bond Chapter, of Carthage, Ill., Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

Also, petition of John Buford Post, No. 243, Grand Army of the Republic, of Rock Island, Ill., against the Lee statue remaining in Statuary Hall—to the Committee on the Library.

By Mr. MANN: Petition of James Mills Lodge, No. 17, Switchmen's Union of North America, in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLINGTON: Petition of Polish citizens of Herkimer, N. Y., against further restriction in the immigration laws—to the Committee on Immigration and Naturalization.

By Mr. PAYNE: Petition of Springport Grange, No. 1184, of Union Springs, N. Y., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PLUMLEY: Petition of Rev. A. J. Hough and 214 other citizens of the city of Northfield, Vt., for the McCumber bill (S. 2846) and House bill 14536, prohibiting liquor selling on ships and in buildings of the United States—to the Committee on Alcoholic Liquor Traffic.

Also, petition of William French and Ottayuechee chapters, Daughters of the American Revolution, against repeal of section 40 of immigration law as provided in the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. REYNOLDS: Petition of St. Gregory Council, No. 1218, Knights of Columbus, of Tyrone, Pa., in support of House bill 17543, relative to advertisements in magazines of fraternal orders—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of Old Essex Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. SHEFFIELD: Paper to accompany bill for relief of James Maguire—to the Committee on Invalid Pensions.

Also, petition of Hope Council, No. 88, Loyal Association, of Providence, R. I., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERLEY: Petition of sundry citizens of Louisville, Ky., for House bill 19402, telepost bill—to the Committee on the District of Columbia.

By Mr. SPIGHT: Paper to accompany bill for relief of Felio Battes—to the Committee on Claims.

By Mr. SULZER: Petition of citizens of New York City, in mass meeting, for an appropriation to raise the battle ship *Maine*—to the Committee on Naval Affairs.

By Mr. TAYLOR of Ohio: Petition of the Keever Starch Company, for repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of citizens of Columbus, Ohio, against Senate bill 404—to the Committee on the District of Columbia.

By Mr. TENER: Petition of Polish National Alliance, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. TOU VELLE: Petition of the Lima Progressive Association, favoring existence of conference and good will between Senators and Representatives and the representatives of railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. WALLACE: Petition of citizens of Halfway, Ark., for legislation to stop gambling in futures in farm products—to the Committee on Agriculture.

SENATE.

FRIDAY, *March 11, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

INCOME TAX.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the governor of South Carolina, transmitting a certified copy of a joint resolution passed by the legislature of that State ratifying the proposed income-tax amendment to the Constitution. The Chair is of the opinion that the communication should be printed in the RECORD and referred to the Secretary of the Senate to be kept in his custody.

There being no objection, the communication was ordered to be placed on the files of the Senate and to be printed in the RECORD, as follows:

STATE OF SOUTH CAROLINA,
EXECUTIVE CHAMBER,
Columbia, March 9, 1910.

Hon. JAMES S. SHERMAN,
President of the Senate, Washington, D. C.

SIR: In obedience to the provisions of the joint resolution ratifying the income-tax amendment on the part of the State of South Carolina, it gives me pleasure to herewith inclose to you a certified copy of the joint resolution as passed by both branches of the general assembly of this State.

Very respectfully, M. F. ANSEL, *Governor.*

A joint resolution ratifying the sixteenth amendment to the Constitution of the United States of America.

Whereas both Houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely, Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration:"

Therefore be it

Resolved by the senate and house of representatives of the State of South Carolina, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the general assembly of the State of South Carolina.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the President of the United States, to the presiding officer of the United States Senate, and to the Speaker of the United States House of Representatives.

In the senate and house the 19th day of February, A. D. 1910.

THOS. G. MCLEOD,
President of the Senate.
RICHARD S. WHALEY,
Speaker of the House of Representatives.

Approved the 23d day of February, A. D. 1910.

M. F. ANSEL, *Governor.*

STATE OF SOUTH CAROLINA, *Office of the Secretary of State:*

I, R. M. McCown, secretary of the State of South Carolina and keeper of the great seal of said State, do hereby certify that the above foregoing two pages contain a true and correct copy of a joint resolution ratifying the sixteenth amendment to the Constitution of the United States of America, as passed by the last general assembly of the State of South Carolina, which was approved by the governor on the 23d day of February, 1910, and the original of which is now on file in my office.

Given under my hand and the great seal of the State, at Columbia, S. C., this the 9th day of March, A. D. 1910.

[SEAL.] R. M. McCOWN,
Secretary of State.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 20579) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 5272. An act for the relief of the Bridgeport National Bank, Bridgeport, Ohio;

H. R. 11580. An act for the erection of a monument over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.;

H. R. 17838. An act for the relief of George W. Flack;

H. R. 17872. An act providing for the sale to Jackson County, in the State of Wyoming, of certain lands;

H. R. 18593. An act to authorize the transfer of the government highway known as the Alter road to the city of Detroit, Mich.;

H. R. 20180. An act for the relief of Patrick Shields;

H. R. 20835. An act authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory;

H. R. 21428. An act authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes;

H. R. 21693. An act for the relief of William H. Hawley; and

S. J. Res. 63. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion, to be held at Mobile, Ala., in April, 1910.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of James Mills Lodge, No. 17, Switchmen's Union of North America, of Chicago, Ill., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of John Buford Post, No. 243, Department of Illinois, Grand Army of the Republic, remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of Local Council, No. 363, Knights of Columbus, of Springfield, Ill., praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of James Mills Lodge, No. 17, Switchmen's Union of North America, of Chicago, Ill., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of the Providence Section, Council of Jewish Women, of Providence, R. I., praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Hope Council, No. 88, Loyal Association of Providence, R. I., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry local camps, Department of Rhode Island, United Spanish War Veterans, of Woonsocket, Westerly, and Providence, all of the State of Rhode Island, praying for the enactment of legislation granting travel pay to the soldiers who served in the Philippine Islands beyond their period of enlistment, which were referred to the Committee on Military Affairs.

He also presented petitions of sundry local camps, Department of Rhode Island, United Spanish War Veterans, all in the State of Rhode Island, praying for the enactment of legislation providing for the raising of the wreck of the battle ship *Maine* and the interment of those who perished in the wreck, which were referred to the Committee on Naval Affairs.

Mr. BURTON presented petitions of the congregation of the Lutheran Church of Leetonia, of the congregation of the Methodist Episcopal Church of Leetonia, and of the congregations of sundry other churches of West Beaver and New Lebanon, all in the State of Ohio, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of sundry churches of West Beaver and New Lebanon, of the State of Ohio, praying the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of the congregations of sundry churches of West Beaver and New Lebanon, in the State of Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Logan County, Ohio, praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the New Connecticut Chapter of the National Society, Daughters of the American Revolution, of Painesville, Ohio, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. BRISTOW presented petitions of sundry citizens of Newton and Lawrence, in the State of Kansas, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Kansas, remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which was referred to the Committee on Conservation of National Resources.

He also presented a petition of Council No. 834, Knights of Columbus, of the State of Kansas, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Kansas, praying for the enactment of legislation to prohibit the interstate transmission of intoxicating liquors into prohibition districts, which were referred to the Committee on Interstate Commerce.

Mr. WARNER presented an affidavit to accompany the bill (S. 5982) for the relief of the heirs of Sarah West, deceased, which was referred to the Committee on Claims.

Mr. DICK presented a petition of sundry citizens of Mansfield, Ohio, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a memorial of Major Jarvis Post, No. 12, Grand Army of the Republic, Department of New Hampshire, of Claremont, N. H., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of Louisa Adams Chapter of the National Society, Daughters of the American Revolution, of Washington, D. C., praying for the rentention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of the Board of Education and of sundry teachers of the public schools of Washington, D. C., praying for the enactment of legislation to provide for a public-school teachers' retirement fund, which was referred to the Committee on the District of Columbia.

Mr. WARREN presented a petition of Local Union No. 996, Brotherhood of Painters, Decorators, and Paperhangers of America, of Sheridan, Wyo., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. HEYBURN presented sundry papers to accompany the resolution (S. Res. 186) to provide for the appointment of a committee to investigate the practice of submitting persons to what is known as the "third degree," which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Woman's Christian Temperance Union, of Berkeley, Cal., praying for the enactment of legislation to prohibit the so-called "white-slave traffic," which was ordered to lie on the table.

He also presented a petition of sundry business firms of Alameda County, Cal., praying for the enactment of legislation to prohibit the printing by the Government of certain matter on stamped envelopes, which was referred to the Committee on Post-Offices and Post-Roads.

REPORT OF A COMMITTEE.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to whom was referred the bill (S. 6057) to amend the enlarged homestead act of February 19, 1909, in so far as it applies to the State of Oregon, reported it with amendments and submitted a report (No. 386) thereon.

REPORT ON ORGANIZED MILITIA.

Mr. SMOOT. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. J. Res. 79) providing for the printing of extra copies of the Report of the Chief Division of Militia Affairs, office of the Secretary of War, for fiscal year ended June 30, 1909, to report it favorably with an amendment, and I ask for its immediate consideration.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to strike out lines 9, 10, and 11 and in lieu to insert "the appropriation for 'arming and equipping the militia' for the fiscal year ending June 30, 1910," so as to make the joint resolution read:

Senate joint resolution 79.

Resolved, etc., That there be printed at the Government Printing Office, for the use of the War Department, 500 copies of the Report of the Chief Division of Militia Affairs, office of the Secretary of War, relative to the organized militia of the United States, for the fiscal year ended June 30, 1909, the cost thereof to be charged against the appropriation for "arming and equipping the militia" for the fiscal year ending June 30, 1910.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING OF PUBLIC DOCUMENTS.

Mr. SMOOT. From the Committee on Printing I report back favorably with amendments the joint resolution (S. J. Res. 37) requiring the printing of public papers and documents from foreign countries in the English language, and I ask for its immediate consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 5, to strike out "committee" and insert "committees;" in line 8, after the words "United States," to insert "except in cases of titles, quotations, and idioms found impracticable to translate;" and at the end of the joint resolution to add the following proviso:

Provided, That nothing in this act shall prohibit the printing by Congress or the Executive and the departments of the foreign text of any documents or communications directed herein to be printed in the English language.

So as to make the joint resolution read:

Senate joint resolution 37.

Resolved, etc., That all documents and papers published by order of Congress or the Executive and the departments, and all communications in print or writing made to either House of Congress or committees of Congress, or intended for general publication, made by any official or agent of the Government of the United States, except in cases of titles, quotations, and idioms found impracticable to translate, shall be printed in the English language; and all terms used in such documents or communications in which any foreign term is used to express any measurement of time, weight, distance, quantity, or value shall be given immediately following in terms used in the United States: *Provided*, That nothing in this act shall prohibit the printing by Congress or the Executive and the departments of the foreign text of any documents or communications directed herein to be printed in the English language.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended and the amendments were concurred in.

Mr. KEAN. I should like to ask what is the effect of the joint resolution.

Mr. SMOOT. The only effect of it is that many times in documents from the executive departments, and also from the committees of Congress, there are terms not in the English language, and it is hard to read them. The joint resolution simply requires that those terms shall be published in the English language. I will state to the Senator——

Mr. KEAN. Does it mean that translations are to be made?

Mr. SMOOT. It does not provide for translations, but that they shall be published in English terms. I will state to the Senator that I took up the matter with every department of the Government, and asked if they had any objection to the joint resolution or whether it would interfere with them.

Mr. KEAN. I suppose all the translations will be made in the departments before sending the documents here.

Mr. SMOOT. They will all be made in the departments, and all foreign terms are to be printed in English.

Mr. GALLINGER. As well as in the foreign language.

Mr. SMOOT. As well as in the foreign language.

Mr. CARTER. Does the joint resolution contemplate the transposition of the statement of foreign coins and currency into terms as used in the United States?

Mr. SMOOT. Yes; the joint resolution provides that wherever there is a coin expressed in a foreign language there shall be given in brackets, immediately following, the equivalent in the English language.

Mr. CARTER. The question arises whether the term "pounds sterling," which is an English term, would be expressed likewise, according to the terms of the joint resolution, in our money.

Mr. SMOOT. I think that is an English term and that the equivalent would not be required to be expressed in brackets.

Mr. CARTER. It ought not to be required.

Mr. HEYBURN. I ask the Senator about the metric system. Will the equivalent of those terms be stated?

Mr. SMOOT. The equivalent terms are to be stated. If the metric system is used, the equivalent term in English would be given.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

CITY PLANNING.

Mr. SMOOT. I am requested by the Committee on Printing to report favorably a hearing held before the Committee on the District of Columbia on city planning. I move that the hearing be printed as a Senate document. (S. Doc. No. 422.)

The motion was agreed to.

COURT PRACTICE IN THE DISTRICT OF COLUMBIA.

Mr. DILLINGHAM. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 13468) to amend an act entitled "An act to establish a code of law for the District of Columbia," to report it with an amendment, and I submit a report (No. 385) thereon. As this bill is precisely like Senate bill 3257, which is on the calendar, I move that the Senate bill be taken from the calendar and indefinitely postponed.

The VICE-PRESIDENT. Does the Senator have the calendar number of the Senate bill before him?

Mr. DILLINGHAM. The calendar number is 345.

Mr. GALLINGER. I will suggest to the Senator that our usual custom is to give the House bill the same position on the calendar that the Senate bill occupies.

Mr. DILLINGHAM. Certainly; I make that request.

The VICE-PRESIDENT. The Senator from Vermont asks that the House bill be substituted on the calendar for Senate bill 3257, and that action on the Senate bill be indefinitely postponed. Without objection, that order is made.

Mr. GALLINGER. The House bill will take the same place on the calendar.

The VICE-PRESIDENT. The same place on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Wyoming:

A bill (S. 7102) to amend section 819 of the Revised Statutes of the United States, relative to peremptory challenges of jurors; to the Committee on the Judiciary.

By Mr. WARNER:

A bill (S. 7103) for an increase of the appropriation for the public building in the town of Maryville, Mo. (with accompanying paper); to the Committee on Public Buildings and Grounds.

A bill (S. 7104) granting a pension to James C. Hawkins; to the Committee on Pensions.

A bill (S. 7105) for the relief of the heirs of Jesse E. McCammon; and

A bill (S. 7106) for the relief of the heirs of H. C. Plemons; to the Committee on Claims.

By Mr. DICK:

A bill (S. 7107) for the relief of B. H. Harrison; to the Committee on Claims.

A bill (S. 7108) granting an increase of pension to Thomas W. Tracy;

A bill (S. 7109) granting an increase of pension to Martha J. Hurlbut; and

A bill (S. 7110) granting an increase of pension to Harriett A. Lightner; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7111) to amend sections 680 and 686 of the code of law for the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. WARREN:

A bill (S. 7112) granting an increase of pension to Mary Berkeley Sawtelle (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 7113) to provide for the erection of a public building at Charlotte, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. BRISTOW:

A bill (S. 7114) to authorize the erection and completion of a public building at Ottawa, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. OWEN:

A bill (S. 7115) transferring the Chilocco Reservation to the State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

AMENDMENT TO THE RIVER AND HARBOR BILL.

Mr. DEPEW submitted an amendment proposing to appropriate $25,500 for improving the harbor at Plattsburg, N. Y., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

MONEY LOANING IN THE DISTRICT OF COLUMBIA.

Mr. DILLINGHAM. I move that the bill (S. 4503) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, savings banks, trust companies, and real estate brokers in the District of Columbia be recommitted to the Committee on the District of Columbia.

Mr. BACON. I should like to know what is the purpose in having the bill recommitted. The reason why I ask the question is that it is one for the passage of which there seems to be very urgent demand. I presume, of course, the Senator has some good reason.

Mr. DILLINGHAM. I quite agree with the Senator from Georgia that there is very urgent demand for the passage of this bill; but information has been presented to members of the committee since the bill was reported which bears upon it, and it is for the purpose of giving a further hearing and securing what to the committee seems to be valuable information that they desire to have it recommitted.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Vermont to recommit the bill.

The motion was agreed to.

BUSINESS OF SATURDAY'S SESSION.

Mr. ALDRICH. I ask unanimous consent that no business be transacted at the session to-morrow outside of the special order in connection with the reception of the statue of Mr. Calhoun, and that that special order be taken up immediately after the reading of the Journal.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. BACON. Let the request be stated.

Mr. BAILEY. I did not hear what the request was.

The VICE-PRESIDENT. The request was that on to-morrow the special order in relation to the Calhoun statue shall be taken up immediately after the reading of the Journal, and that no business other than the special order shall be transacted to-morrow. The Chair hears no objection, and that order is entered.

THE CALENDAR.

The VICE-PRESIDENT. The morning business is closed, and the calendar under Rule VIII will be proceeded with.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as first in order on the calendar.

Mr. GALLINGER. Let the first three bills on the calendar be passed over.

The VICE-PRESIDENT. The bill the title of which has just been read, and the next two bills on the calendar, the bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property, and the bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, will go over.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification, was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

Mr. KEAN. At the request of the Senator from Minnesota [Mr. NELSON] the bill is to go over in his absence. The Senator from Minnesota is not here.

The VICE-PRESIDENT. The bill will go over.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as next in order on the calendar.

Mr. GALLINGER. The Senator from Kansas [Mr. BRISTOW] desires that the bill shall go over for the present, and I make the request that it go over.

The VICE-PRESIDENT. The bill goes over.

The bill (S. 6058) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war," approved April 19, 1908, was announced as next in order.

Mr. KEAN. Let the bill go over, and let it go over under Rule IX.

The VICE-PRESIDENT. Does the Senator make that motion?

Mr. KEAN. I make that motion.

The VICE-PRESIDENT. The Senator from New Jersey moves that the bill be transferred to the calendar under Rule IX.

The motion was agreed to.

The bill (S. 2430) for the relief of the heirs of John W. West, deceased, was announced as next in order on the calendar.

Mr. CURTIS. Mr. President——

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18006) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments in line 18, page 4, and line 12, on page 7.

That the House recede from its disagreement to the amendments of the Senate in lines 10 to 12, inclusive, on page 5, and in line 4, page 6, and line 6, page 6, and agree to the same.

P. J. McCUMBER,
N. B. SCOTT,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WM. H. DRAPER,
Managers on the part of the House.

The report was agreed to.

HOUSE BILL REFERRED.

H. R. 20579. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes, was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 12 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, *March* 12, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 11, 1910.

COLLECTOR OF CUSTOMS.

Marion H. Stevenson to be collector of customs for the district of Cherrystone, Virginia.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

Howard Clarke to be first lieutenant.
Edwin Brooks Maynard to be first lieutenant.

COAST ARTILLERY CORPS.

William Nichols Porter to be second lieutenant.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First. Lieut. Charles W. Van Way to be captain.
Second Lieut. Louis H. Kilbourne to be first lieutenant.

PROMOTIONS IN THE NAVY.

Capt. John B. Milton to be a rear-admiral.
The following-named ensigns to be lieutenants (junior grade):
Burton H. Green,
Duncan I. Selfridge,
Henry A. Orr, and
Charles M. Austin.
Passed Asst. Surg. John H. Iden to be a surgeon.
Asst. Surg. Heber Butts to be a passed assistant surgeon.

POSTMASTERS.

KANSAS.

Delmar E. Deputy, at Manhattan, Kans.
William H. May, at Walnut, Kans.
John W. Nyce, at Caldwell, Kans.

MAINE.

Woodbury Marson, at Boothbay Harbor, Me.

MASSACHUSETTS.

Albert G. Thompson, at Lowell, Mass.
Arthur P. Wright, at East Pepperell, Mass.

NEBRASKA.

Percy A. Brundage, at Tecumseh, Nebr.
Sanford D. Cole, at Wymore, Nebr.
Theodore C. Hacker, at Red Cloud, Nebr.
Charles H. Merritt, at Wakefield, Nebr.

NEW YORK.

William H. Bartlett, at Amenia, N. Y.
Edgar S. Clock, at Islip, N. Y.
John H. Stephens, at Clifton Springs, N. Y.

NORTH CAROLINA.

J. C. Stancil, at Smithfield, N. C.

NORTH DAKOTA.

Charles Gunthorp, at Edgeley, N. Dak.
Richard Daeley, at Devils Lake, N. Dak.
Anna E. Shaw, at Plaza, N. Dak.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 11, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, Father of all souls, whose love is the same yesterday, to-day, and forever. Thou hast touched our hearts with sorrow, because Thou hast taken from our midst one whom we all loved and admired. A man of large parts, as a lawyer he rose to eminence; as a historian he wrought a good work; as a representative of the people on the floor of this House he made himself conspicuous for his wisdom, fidelity, and earnestness of purpose.

We thank Thee for his life, for what he did, and we pray that his memory may ever be an incentive to clean living and honest endeavor.

We can not solve the riddle of life or death, but we can put our trust in Thee.

> We know not what the future hath
> Of marvel or surprise,
> Assured alone that life and death
> His mercy underlies.

Be very near, we beseech Thee, to his colleagues, friends, and the stricken wife, who has walked by his side through the years that have bound them together in love. Help them and her to look forward to a bright beyond, where the mysteries will be solved and happiness reign supreme. And everlasting praise be Thine, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

DEATH OF REPRESENTATIVE PERKINS, OF NEW YORK.

Mr. PAYNE. Mr. Speaker, it becomes my painful duty to announce the death of my late colleague, the Hon. JAMES BUCK PERKINS. Of his private character, his many personal virtues, his high public service, his faithfulness to his duty, I shall not now take the time to speak, but shall ask the House at some future day to set aside an hour to pay tribute to the character of the deceased.

The crowning victory of his life, showing his high sense of public duty, appeared in the last request that he made, that while, if desired, an announcement of his death might be made in the House, he especially desired that no adjournment take place, but that the usual business of the House proceed until the usual hour of adjournment.

I believe there is no precedent in the history of the House where a Member has asked or made such a request. I understand there was one such request in the case of Thomas H. Benton, who had ceased to be a Member of the House before his death. We can not commend too highly this disinterested act of private abasement to public duty exhibited by this request.

At about the usual hour of adjournment I shall make a motion to adjourn in honor of his memory and for the appointment of the necessary arrangements for his funeral.

ISTHMIAN CANAL.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that a pamphlet entitled "Isthmian Canal," by H. H. Rousseau, civil engineer of the United States Navy and a member of the Isthmian Canal Commission, be printed as a public document. I do not know the experience of other Members, but for some time past I have been receiving from one to three requests in each mail for this document. It is entirely exhausted by the Canal Commission.

Mr. GARRETT. What is the request?

The SPEAKER. The gentleman from Michigan asks to have printed as a public document the following, of which the Clerk will read the title.

The Clerk read as follows:

Isthmian Canal, by H. H. Rousseau, civil engineer, United States Navy, member of the Isthmian Canal Commission, presented at the twentieth annual session of the Trans-Mississippi Commercial Congress, held at Denver, Colo., August 16–21, 1909.

Mr. GARRETT. Are there any illustrations in it?

Mr. SMITH of Michigan. No.

Mr. COOPER of Pennsylvania. Mr. Speaker, I desire to say to the gentleman from Michigan that while I shall not object in this instance, a request of this kind ought to go to the Committee on Printing in order that it may have careful scrutiny and that unnecessary printing may not be done. I trust that hereafter these matters will be referred. I understand that this will not be an expensive document to print, and as it is a valuable one, I shall not object in this instance.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I want to say that I do not know what is in this document.

Mr. MADDEN. It is a speech on the Panama Canal.

Mr. UNDERWOOD. It may be a valuable document, but we have a committee in the House on printing that has in it the power to recommend the printing of such documents as they deem of value.

I think that when the House gives unanimous consent without a knowledge of what is in a document, that printing at the public expense is going too far. If the gentleman from Michigan thinks it is a proper document to be printed, and a valuable document, the Committee on Printing ought to pass upon it. I am not willing to consent to its being printed without going to the proper committee of the House, and I therefore object.

The SPEAKER. Is there unanimous consent that the document be referred to the Committee on Printing?

There was no objection.

THE TELEPOST BILL.

Mr. PEARRE. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 19402, generally known as the "telepost bill." I ask for 1,000 copies.

The SPEAKER. The gentleman from Maryland asks unanimous consent for the reprint of a bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 19402) to enable the Telepost Company to construct its plant and operate the same and transact its business in the District of Columbia, and to make the necessary connections with other parts of its system.

Mr. MANN. Reserving the right to object, I would like to ask the gentleman whether he has made application to have extra copies of this bill printed? He can have that done without an order of the House.

Mr. PEARRE. No; I will say to the gentleman that I have not made application for printing the additional number.

Mr. MANN. The gentleman does not require an order of the House to have additional copies printed.

Mr. PEARRE. It is customary, Mr. Speaker. There has been a great demand for copies of this bill and the number is exhausted. I thought it was wise to ask unanimous consent of the House for a reprint of a thousand copies.

Mr. MANN. If the gentleman wants to have additional copies printed, of course I do not care, but I will say to the gentleman that under the recent practice of the House, since the last revision was made in the printing law, all he needs to do is to inform the superintendent of the document room and he will get all of the copies that he requires.

Mr. PEARRE. Any number?

Mr. MANN. To any number as long as there is a demand for it.

Mr. PEARRE. I do not understand that the gentleman from Illinois objects to unanimous consent being granted at this time?

Mr. MANN. No; I do not object at this time.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

BRIDGE ACROSS MISSOURI RIVER AT SIBLEY, MO.

The SPEAKER laid before the House the bill (S. 6662) to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River in the neighborhood of Sibley, Mo., and to remove the existing structure, which the Clerk read, as follows:

Be it enacted, etc., That the Atchison, Topeka and Santa Fe Railway Company is hereby authorized to construct, maintain, and operate, in connection with its railway, and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, a new bridge across the Missouri River, at a point suitable to the interests of navigation, in the neighborhood of Sibley, Mo., and in the vicinity of its existing bridge now constructed and maintained under authority of the act of Congress approved March 3, 1887, chapter 349: *Provided*, That the superstructure and piers of the existing bridge shall be completely removed down to a plane of 15 feet below standard low water within one year from the date of completion of the new bridge herein authorized.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, a similar House bill has already been reported from the Committee on Interstate and Foreign Commerce and is on the House Calendar. I ask that this Senate bill be passed and the House bill (H. R. 21830) lie upon the table.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read a third time, and passed.

The SPEAKER. Without objection the similar House bill will lie upon the table.

There was no objection.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that bills on the Private Calendar in order to-day may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

JAMES OVENS.

The first bill on the Private Calendar was the bill (H. R. 16684) granting an honorable discharge to James Ovens.

The Clerk read the amended bill, in the nature of a substitute, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James Ovens shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a sergeant of Company E, Seventy-third Regiment New York Volunteer Infantry, on the 20th day of April, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James Ovens."

WILLIAM MITCHELL.

The next business was the bill (H. R. 8699) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war, from the 25th day of August, 1863, up to his death, which occurred the 18th day of September, 1863.

With the following amendment:

Add at the end of the bill in the nature of a proviso the following: "*Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM P. DRUMMON.

The next business was the bill (H. R. 13936) for the relief of William P. Drummon.

The Clerk read the bill, as follows:

Be it enacted, etc., That William P. Drummon shall hereafter be held and considered to have been mustered into the service of the United States as a private of Company H, Seventeenth Regiment New York State Militia Volunteer Infantry, on the 8th day of July, 1863, and to have remained continuously in said service until honorably discharged therefrom on the 13th day of August, 1863: *Provided, however*, That no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN B. FORD.

The next business was the bill (H. R. 19243) to correct the military record of John B. Ford.

The Clerk read the bill, as follows:

Be it enacted, etc., That John B. Ford be held and considered to have been mustered into service as a private of Company A, Seventh Regiment Iowa Volunteer Cavalry, as of date of September 22, 1863, and an honorable discharge be issued in accordance with this act.

With the following amendment:

Add at the end of the bill in the nature of a proviso the following: "*Provided*, That no pay, bounty, or other emoluments, shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAM C. RICH.

The next business was the bill (H. R. 19747) to remove the charge of desertion against William C. Rich.

The Clerk read the amended bill, in the nature of a substitute, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William C. Rich shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company M, Eleventh Regiment Illinois Volunteer Cavalry, on the 20th day of April, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William C. Rich."

JOHN M. MILLER.

The next business was the bill (S. 863) to correct the military record of John M. Miller.

The Clerk read the amended bill, in the nature of a substitute, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John M. Miller shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first sergeant of Battery K, Fifth Regiment United States Artillery, on the 14th day of December, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act for the relief of John M. Miller."

JOHN OATES.

The next business was the bill (S. 864) to correct the military record of John Oates.

The Clerk read the amended bill, in the nature of a substitute, as follows:

Be it enacted, etc., That in the administration of the pension laws John Oates shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company D, Fourteenth Regiment United States Infantry, on the 21st day of September, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act for the relief of John Oates."

EUGENE MARTIN.

The next business was the bill (H. R. 19505) for the relief of Eugene Martin.

The Clerk read the amended bill, in the nature of a substitute, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Eugene Martin, now a resident of Indiana, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Tenth Regiment Kentucky Volunteer Infantry, on the 22d day of February, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HENRY MULVIN.

The next business was the bill (H. R. 153) for the relief of Henry Mulvin.

The Clerk read the amended bill, in the nature of a substitute, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Henry Mulvin shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company L, Twelfth Regiment Pennsylvania Volunteer Infantry, on the 16th day of July, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOSEPH S. OAKLEY.

The next business was the bill (H. R. 18848) to amend the record of Joseph S. Oakley and grant him an honorable discharge.

The Clerk read the amended bill, in the nature of a substitute, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Joseph S. Oakley shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant of Company D, One hundred and twentieth Regiment New York Volunteer Infantry, on the 10th day of October, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Joseph S. Oakley."

THEODORE F. COLGROVE.

The next business was the bill (H. R. 6542) to authorize the honorable discharge of Theodore F. Colgrove, late lieutenant-colonel of the One hundred and forty-seventh Regiment Indiana Infantry.

The Clerk read the amended bill, in the nature of a substitute, as follows:

Be it enacted, etc., That in the administration of the pension laws Theodore F. Colgrove shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant-colonel of the One hundred and forty-seventh Regiment Indiana Infantry, on the 30th day of September, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Theodore F. Colgrove."

GEORGE W. SPENCER.

The next business was the bill (H. R. 14288) to correct the military record of George W. Spencer.

The Clerk read the amended bill, in the nature of a substitute, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, George W. Spencer shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Eleventh Regiment New York Volunteer Infantry, on the 18th day of September, 1861: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of George W. Spencer."

JOSHUA E. CARLTON.

The next business was the bill (H. R. 9751) to amend and correct war records so as to muster in and muster out of service in the United States Army Joshua E. Carlton, of Charleston, Tenn., and to grant him an honorable discharge.

The Clerk read the bill, as follows:

Be it enacted, etc., That Joshua E. Carlton shall hereafter be held and considered to have rendered the service shown by the records of the War Department, and to have been rendered by one Jesse Carlton as a member of Company C, Sixth Regiment Tennessee Mounted Infantry, as a private soldier, from September 2, 1864, to June 30, 1865, and to have been mustered and honorably discharged as a member of Company C, Sixth Regiment Tennessee Mounted Infantry, at dates aforesaid: *Provided, however*, That no pay, bounty, or other allowances shall become due or payable by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHARLES A. BESS.

The next business on the Private Calendar was the bill (H. R. 6767) for the relief of Charles A. Bess.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from, correct the military record of, and grant an honorable discharge to, Charles A. Bess, who was a private in Company B, First Regiment California Infantry.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Charles A. Bess, a resident of Leavenworth, Kans., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, First Regiment California Volunteer Infantry, on the 20th day of June, 1866: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

PLATOFF BUSH.

The next business on the Private Calendar was the bill (H. R. 6901) for the honorable discharge of Platoff Bush.

The Clerk read as follows:

Be it enacted, etc., That Platoff Bush be held and considered to have been honorably discharged as a private of Company I, First Regiment Indiana Volunteer Cavalry, as of date of June 26, 1864: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The committee amendment was read, as follows:

Amend by striking out all after the enacting clause and inserting in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Platoff Bush shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, First Regiment Indiana Volunteer Cavalry, on the 26th day of June, 1864: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Platoff Bush."

AARON B. VAN PELT.

The next business on the Private Calendar was the bill (H. R. 8621) to remove the charge of desertion against Aaron B. Van Pelt and grant him an honorable discharge.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to remove the charge of desertion against Aaron B. Van Pelt, late member of Company H, Thirty-ninth Regiment Ohio Volunteers, and to grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Aaron B. Van Pelt, alias Benjamin Van Pelt, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company H, Thirty-ninth Regiment Ohio Volunteer Infantry, on the 3d day of January, 1863: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Aaron B. Van Pelt, alias Benjamin Van Pelt."

JACOB CONRAD.

The next business on the Private Calendar was the bill (H. R. 11936) to remove the record of dishonorable discharge from the record of Jacob Conrad.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the record of dishonorable discharge from the record of Jacob Conrad, Company G, One hundred and sixtieth Regiment New York Infantry, and to issue a certificate of honorable discharge.

The committee amendment was read, as follows:

Amend by striking out all after the enacting clause and insert the following:

"That in the administration of the pension laws Jacob Conrad shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in the One hundred and sixty-fourth Company, Second Battalion Veteran Reserve Corps, on the 12th day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Jacob Conrad."

MARAMON A. MARTIN.

The next business on the Private Calendar was the bill (H. R. 18845) for the relief of Maramon A. Martin.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Maramon A. Martin, of Wheeling, W. Va., late of Company A, Sixth Regiment West Virginia Volunteer Infantry, on the records of the War Department, and grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Maramon A. Martin shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company A, Sixth Regiment West Virginia Volunteer Infantry, on the 13th day of August, 1864: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HENRY HALTEMAN.

The next business on the Private Calendar was the bill (H. R. 20603) for the relief of Henry Halteman.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Henry Halteman, now a resident of Ohio, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company F, Second Regiment United States Artillery, on the 18th day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PENSIONS.

The next business on the Private Calendar was the bill (H. R. 22147) granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Liburn W. Depew, late of Company I, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Potter, late of Company I, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Thomas Brannan, late of United States Marine Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alford A. Fulford, late of Company H, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis P. Hechroth, late of Company D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Crocker, late of Company F, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Crismond, late of Company H, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry R. Cole, late of Company G, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Crook, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Foye, late of Company G, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Macklin, late of Company H, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Strain, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Patterson, late of Battery L, Fourth Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward R. Roll, late of Company F, Thirty-fifth Regiment Kentucky Volunteer Infantry, and Company B, Third Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oliver Davis, late of Company K, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Breithaupt, late of Company D, One hundred and sixty-first Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augustus M. Goodale, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Clary, late of Company I, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Boso, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Barickman, late of Company D, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel W. Breakiron, late of Company I, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas V. Evans, late of Company H, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William C. Hudson, late of Company F, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and Battery B, First Regiment Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George E. Ball, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elias M. Pierce, late captain Company D, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Stenger, late of Company I, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Fagan, late of Company C, First Regiment New York Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Keffer, late of Company F, Fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Creighton, late of Company E, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob J. Staiger, late of Company A, Thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. D. McGill, alias Harry Duncan, late of Company I, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin I. Hall, late of Company G, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John C. Hurst, late of Company H, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Tilghman R. Willis, late of Companies C and F, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Pack, late of Company M, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Muster, late of Company H, Twenty-seventh Regiment, and Company A, Thirty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos Davis, late of Company E, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Klingensmith, alias Clingsmith, late of Company L, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Bungard, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Therien, late of Company D, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Mosier, late of Company I, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Moore, late of Company L, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gustave R. Waldrow, alias Gustave R. Jacobs, late of Company C, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Greenbury Clayton, late of Company D, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Phoebe W. Peters, widow of Joseph A. Peters, late assistant surgeon, Twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Michael Russell, late of Company H, Fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaiah Clark, late of Company C, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Hinman, late of Company I, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Minter Bailey, late of Company E, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Higgins, late of Companies F and B, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie Bye, widow of Joseph G. Bye, late of Company I, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry B. Combs, late of Company F, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Reuben Miles, late of Company K, Forty-second Regiment Indiana Volunteer Infantry, and Company B, First Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Roberts, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Littell, late of Company A, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Ashley, late of Company K, Tenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha J. Stout, former widow of John F. Phillips, late of Company B, First Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William E. Mason, late of Company G, Ninth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mark T. Campbell, late of Company D, Twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Thomas, late of Company D, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles E. Watts, late of Company A, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Maryhugh, late of Company D, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Hughes, late of Company E, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Elgie, now known as Charles Duncan, late of U. S. S. Great Western and Tensas, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. Hess, late of Company C, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Collins, late of Company B, Seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter McKevitt, late of Company C, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis D. Rothbaust, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Bounds, late of Company L, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin R. Fix, late of Company A, Fourth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin V. Worden, late of Company B, Ninety-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Foote, late of Company E, Forty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Hornby, late of Company G, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew J. Sims, late of Company G, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram H. Davis, late of Company I, Tenth Regiment Vermont Volunteer Infantry, and Company F, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Rupe, late of Company E, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David C. Eberhart, late chaplain Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew D. Seely, late of Company H, Eighty-fourth Regiment, and Company H, Fifty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Connor, late of Company H, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Gaff, late of Company G, One hundred and twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. McCullough, late of Company A, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hayden, late of Company G, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Rimback, late of Company E, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Jacobs, late of Company H, Sixteenth Regiment Ohio Volunteer Infantry, and First Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin S. Ward, late of Company E, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester C. Wheeler, late of Company G, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Hasbrook, late of Company G, Eleventh Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Graves, late of Companies E and A, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of DeWitt C. Anderson, late of Company F, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Mabey, late of Company D, Thirty-second Regiment, and Company C, One hundred and twenty-first Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catharine Frank, widow of Charles Frank, late of Company B, Seventieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Filby, late of Company D, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cephas Shuman, late of Company D, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hamilton E. Turner, late of Company D, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sanford C. Thompson, late of Company B, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Roberts, late of Company F, First Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ewel Jeffers, late of Company D, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Kuykendall, late of Company G, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Norwood, late of Company G, and quartermaster-sergeant Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Rourk, late of Company L, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Davis, late of Company A, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Cummings, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William E. Lehr, late of Company E, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William D. Jefferson, late of Company K, Second Regiment Pennsylvania Volunteer Cavalry, and Company K, First Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob T. Crites, late of Company I, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Griffiths, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward Beebe, late of Company H, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warren Jennings, late of Company D, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter J. Mallett, late of Company A, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Moran, late captain, Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna B. V. Heilman, widow of William H. Heilman, late first lieutenant, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis Riley, late of U. S. S. Ohio and Chippewa, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Fales, late of Companies B and A, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Horner, late of Company C, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Angeline Bronner, widow of Manley D. Bronner, late of Company K, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Nathan Donaldson, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles D. Vermillion, late of Company G, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac R. Stevens, late of Company G, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Severns, late of Company G, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amasa W. Bowen, late of Company G, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas J. Rodgers, late of Company B, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William McGinnis, late of Company E, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilmot Griffin, late of Company H, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Allender, late of Company K, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver Vanasdall, late of Company A, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Robinson, late of Company D, Second Regiment Pennsylvania Provisional Volunteer Cavalry, and Companies B and M, First Battalion Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dennis Welch, late of Company E, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elisha Henry, late of Company C, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Poe, late of Company C, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Hart, late of Company A, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of J. Wesley Cross, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Norton, late of Company G, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. McWhirt, late of Company D, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lenson Johnson, late of Company D, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Boll, late of band, First Brigade, Third Division, Ninth Army Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William V. Elliott, late of Company K, Ninety-ninth Regiment, and Company E, Fifty-first Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John T. Maddix, late of Company H, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Humphrey Milum, late of Company B, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey L. Smith, late of Company A, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank P. Muhlenberg, late captain, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theophilus G. Brunson, late of Company A, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Perry, late of Company E, Forty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward L. Riley, late of Company H, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Sprague, late of Company E, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin H. Parmelee, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Rowe, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah O. McAdam, former widow of George H. Dennis, late acting third assistant engineer, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Mary A. Gunsoles, former widow of Tuttle Miller, late of Company C, Ninety-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Martin V. Little, late of Company G, and first lieutenant Company A, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry H. Cunningham, late of Company K, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William N. Watson, late of Company A, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Robert F. Landis, late of Company E, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hattie Curless, widow of George L. Curless, late of Company B, Twenty-ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Pleasant Thomas, late of Company B, First Regiment East Tennessee National Guard, and pay him a pension at the rate of $12 per month.

The name of Augusta Welle, former widow of George Hoefner, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George H. Brill, late of Company I, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac H. Moore, late of Company G and captain Company M, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellen T. Mounts, widow of John W. Mounts, late of Company D, Second Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of David Smith, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Lansing, late of Company E, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helen W. Miller, widow of Joseph N. Miller, late lieutenant-commander and rear-admiral, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Fred Crafts, late first lieutenant Company I, First Regiment Indiana Home Guards, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Danvers C. Boyce, late of Company D, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Frederick Mitzel, late of Company K, One hundred and seventy-third Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Dietrick, late of Company C, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Spencer Wright, late of Company H, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harriet Hicks, widow of John H. M. N. Hicks, late of Company M, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Becket, late of Company I, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Allison, late of Company D, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Peppard, late of Company C, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Fass, late of Company A, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Dickinson, late of Company E, Third Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hay, late of Company I, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Almeda Stafford, widow of Edward Stafford, late of Company F, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lucretia Stafford, helpless and dependent daughter of said Edward Stafford, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Almeda Stafford the name of said Lucretia Stafford shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Almeda Stafford.

The name of Grethi T. Iverson, widow of Samuel Iverson, late of Company H, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John R. Hayden, late of Company K, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Mikesell, late of Company G, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alexander C. Miller, late of Company E, Fortieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Reese, late of Company B, Third Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David McGehee, late of Company A, One hundred and third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Rains, late of Company E, Forty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John O. Moore, late of Company H, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Cole, late of Company I, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Reed, late of Company G, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Kreps, late captain Company B, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Goodrich, late first lieutenant Company D, One hundred and forty-eighth Regiment Indiana Volunteer Infantry,

and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel S. Gipe, late of Company L, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James C. Floyd, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Holman, late captain Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Millis, late of Company I, Thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Talbot, late of Company H, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Stiffler, late of Company G, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Mallinger, late of Company K, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Wilcox, late of Company G, First Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mineola Carlow, helpless and dependent child of William L. Carlow, late of Company I, One hundred and twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Samuel M. Weeks, late of Company B, First Regiment New York Volunteer Cavalry, and second lieutenant Company B, Fourteenth Regiment New York Metropolitan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mattie M. Cook, widow of Augustin Cook, late of Company H, Fourth Regiment Massachusetts Volunteer Cavalry, and One hundred and seventeenth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of David J. Delling, late of Company M, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Lynch, late of Company C, Thirteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David H. Tobin, late of Company G, Eighty-fourth Regiment New York National Guard Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Anthony C. Brill, late of Company D, Eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Downing, late of Company F, Forty-fourth Regiment New York Volunteer Infantry, and captain Company A, One hundred and twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jane E. Lennon, widow of Patrick Lennon, late of U. S. S. North Carolina, Clara Dolsen, and Eastport, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Francis L. Feighner, late of Company F, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Joslin, late second lieutenant Company I, Sixth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Bates, widow of John F. Bates, late colonel First Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert Tipton, late of Company C, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ludwig Liebig, late of Company C, Fifty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Durham, late of Company C, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Wier, late of Company D, Sixty-fourth Regiment New York Volunteer Infantry, and Company F, Sixteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. Hart, late of Company F, Twenty-first Regiment, and Company F, Third Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Emick, late of Company C, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Wrabetz, late of Company A, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Wright, late of Company B, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Cheshire, late of Company L, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morris C. Russell, late of Company K, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Carpenter, late first lieutenant Company K, and captain Company D, Ninety-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Wright, late captain Company B, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 395. Lilburn W. Depew;
H. R. 452. Thomas Potter;
H. R. 1234. Thomas Brannan;
H. R. 1307. Alford A. Fulford;
H. R. 1436. Lewis P. Heckroth;
H. R. 1598. Francis M. Crocker;
H. R. 1850. John W. Crismond;
H. R. 2035. Henry R. Cole;
H. R. 2478. James W. Crook;
H. R. 2601. William Foye;
H. R. 2635. John Macklin;
H. R. 2637. Benjamin Strain;
H. R. 2670. John Patterson;
H. R. 2688. Edward R. Roll;
H. R. 3373. Oliver Davis;
H. R. 3865. Charles E. Breithaupt;
H. R. 4147. Augustus M. Goodale;
H. R. 4279. Samuel Clary;
H. R. 4525. Francis M. Boso;
H. R. 4683. Jacob Barrickman;
H. R. 4686. Daniel W. Breakiron;
H. R. 4872. Thomas V. Evans;
H. R. 4948. William C. Hudson;
H. R. 5046. George E. Ball;
H. R. 5136. Elias M. Pierce;
H. R. 5460. Adam Stenger;
H. R. 5512. James Fagan;
H. R. 6013. John Keffer;
H. R. 6016. James Creighton;
H. R. 6058. Jacob J. Staiger;
H. R. 6095. John H. D. McGill, alias Harry Duncan;
H. R. 6577. Martin I. Hall;
H. R. 6783. John C. Hurst;
H. R. 6923. Tilghman R. Willis;
H. R. 7046. Theodore Pack;
H. R. 7200. William Muster;
H. R. 7828. Amos Davis;
H. R. 8156. Franklin Klingensmith, alias Franklin Clingsmith;
H. R. 8631. John R. Bungard;
H. R. 9122. Peter Therien;
H. R. 9228. John S. Mosier;
H. R. 9272. Thomas Moore;
H. R. 9286. Gustave R. Waldow;
H. R. 9361. Greenberry Clayton;
H. R. 9446. Phoebe W. Peters;
H. R. 9467. Michael Russell;
H. R. 9973. Isaiah Clark;
H. R. 10089. Charles Hinman;
H. R. 10170. Minter Bailey;
H. R. 10452. Isaac Higgins;
H. R. 10660. Annie Bye;
H. R. 10874. Henry B. Combs;
H. R. 10893. Reuben Miles;
H. R. 11153. William Roberts;
H. R. 11169. John Little;
H. R. 11205. James H. Ashley;
H. R. 11514. Martha J. Stout;
H. R. 11522. William E. Mason;
H. R. 11717. Mark T. Campbell;
H. R. 11785. William C. Thomas;
H. R. 11897. Charles E. Watts;
H. R. 11954. Robert Maryhugh;
H. R. 11955. John W. Hughes;
H. R. 12063. Charles Elgie, alias Charles Duncan;
H. R. 12458. Samuel H. Hess;
H. R. 12493. John Collins;
H. R. 12542. Peter McKivett;
H. R. 12664. Lewis D. Rothbaust;
H. R. 12720. John Bounds;
H. R. 12852. Calvin R. Fix;
H. R. 12930. Martin V. Worden;
H. R. 12945. George F. Foote;
H. R. 13057. Richard Hornby;
H. R. 13210. Andrew J. Sims;
H. R. 13387. Hiram H. Davis;
H. R. 13492. John T. Rupe;
H. R. 13626. David C. Eberhart;
H. R. 13645. Andrew D. Seeley;
H. R. 13699. William J. Conner;
H. R. 13775. James H. Gaff;
H. R. 13827. John W. McCullough;
H. R. 13926. James Hayden;
H. R. 13927. Henry Rimback;
H. R. 13948. John W. Jacobs;
H. R. 14004. Benjamin S. Ward;
H. R. 14007. Sylvester C. Wheeler;
H. R. 14009. Samuel H. Hasbrouck;
H. R. 14040. William W. Graves;
H. R. 14148. De Witt C. Anderson;
H. R. 14152. Edward Mabey;
H. R. 14179. Catharine Frank;
H. R. 14210. William Filby;
H. R. 14329. Cephas Shuman;
H. R. 14645. Hamilton E. Turner;
H. R. 14652. Sanford C. Thompson;
H. R. 14732. Henry Roberts;
H. R. 14740. Ewel Jeffers;
H. R. 14743. William E. Kuykendall;
H. R. 14794. Charles W. Norwood;
H. R. 14842. John Rourk;
H. R. 14955. William Davis;
H. R. 14959. Henry Cummings;
H. R. 15020. William E. Lehr;
H. R. 15361. William D. Jefferson;
H. R. 15473. Jacob F. Crites;
H. R. 15480. Henry Griffiths;
H. R. 15508. Edward Beebe;
H. R. 15529. Warren Jennings;
H. R. 15531. Walter J. Mallett;
H. R. 15640. James Moran;
H. R. 15754. Anna B. V. Heilman;
H. R. 15930. Francis Riley;
H. R. 16059. William Fales;
H. R. 16088. John W. Horner;
H. R. 16116. Angeline Bronner;
H. R. 16128. Nathan Donaldson;
H. R. 16165. Charles D. Vermillion;

H. R. 16242. Isaac R. Stevens;
H. R. 16249. William F. Severns;
H. R. 16256. Amasa W. Bowen;
H. R. 16273. Thomas J. Rodgers;
H. R. 16422. William McGinnis;
H. R. 16569. Wilmot Griffin;
H. R. 16652. Alexander Allender;
H. R. 16670. Oliver Vanasdall;
H. R. 16762. Charles Robinson;
H. R. 16944. Dennis Welch;
H. R. 16972. Elisha Henry;
H. R. 16979. William E. Poe;
H. R. 16998. J. Wesley Cross;
H. R. 17193. George W. Norton;
H. R. 17230. John H. McWhirt;
H. R. 17349. Lenson Johnson;
H. R. 17351. Henry Boll;
H. R. 17383. William V. Elliott;
H. R. 17396. John T. Maddix;
H. R. 17580. Humphrey Milum;
H. R. 17721. Harvey L. Smith;
H. R. 17930. Frank P. Muhlenberg;
H. R. 17992. Theophilus G. Brunson;
H. R. 18244. Andrew Perry;
H. R. 18539. Edward L. Riley;
H. R. 18576. Charles Sprague;
H. R. 18578. Franklin H. Parmelee;
H. R. 18653. William H. Rowe;
H. R. 18712. Sarah O. McAdam;
H. R. 18847. Mary A. Gunsoles;
H. R. 18996. Martin V. Little;
H. R. 19081. Henry H. Cunningham;
H. R. 19148. William N. Watson;
H. R. 19223. Robert F. Landis;
H. R. 19240. Hattie Curliss;
H. R. 19465. Pleasant Thomas;
H. R. 19578. Augusta Weile;
H. R. 19603. George H. Brill;
H. R. 19674. Isaac H. Moore;
H. R. 19679. Ellen T. Mounts;
H. R. 19822. David Smith;
H. R. 19847. William J. Lansing;
H. R. 19929. Helen W. Miller;
H. R. 19933. Fred Crafts;
H. R. 19937. Danvers C. Boyce;
H. R. 19942. Frederick Mitzel;
H. R. 19946. George Deitrick;
H. R. 20009. Spencer Wright;
H. R. 20016. Harriet Hicks;
H. R. 20058. George W. Beckett;
H. R. 20059. William L. Allison;
H. R. 20168. Samuel Peppard;
H. R. 20182. Joseph Fass;
H. R. 20297. George W. Dickinson;
H. R. 20299. William Hay;
H. R. 20302. Almeda Stafford;
H. R. 20334. Grethi T. Iverson;
H. R. 20394. John R. Hayden;
H. R. 20402. John Mikesell;
H. R. 20443. Alexander C. Miller;
H. R. 20469. John M. Reese;
H. R. 20511. David McGehee;
H. R. 20512. George W. Rains;
H. R. 20521. John O. Moore;
H. R. 20522. Thomas J. Cole;
H. R. 20544. Samuel Reed;
H. R. 20635. John W. Kreps;
H. R. 20841. James M. Goodrich;
H. R. 20854. Samuel S. Gipe;
H. R. 20891. James C. Floyd;
H. R. 20895. Benjamin F. Holman;
H. R. 20902. Charles H. Millis;
H. R. 20923. Richard Talbot;
H. R. 21103. William H. Steffler;
H. R. 21105. Peter Mallinger;
H. R. 21107. John W. Wilcox;
H. R. 21131. Mineola Carlow;
H. R. 21139. Samuel M. Weeks;
H. R. 21147. Mattie M. Cook;
H. R. 21151. David J. Delling;
H. R. 21217. Daniel Lynch;
H. R. 21242. David H. Tobin;
H. R. 21317. Anthony C. Brill;
H. R. 21364. John Downing;
H. R. 21365. Jane E. Lennon;
H. R. 21366. Francis L. Feighner;
H. R. 21416. John S. Joslin;
H. R. 21438. Sarah E. Bates;
H. R. 21458. Albert Tipton;
H. R. 21461. Ludwig Liebig;
H. R. 21535. Richard Durham;
H. R. 21542. John F. Wier;
H. R. 21544. George A. Hart;
H. R. 21561. John B. Emick;
H. R. 21576. John Wrabetz;
H. R. 21615. George H. Wright;
H. R. 21641. James A. Cheshire;
H. R. 21651. Morris C. Russell;
H. R. 21974. William H. Carpenter; and
H. R. 21975. William R. Wright.

During the reading of the bill, on page 9, line 16, when the Clerk reached the name of Charles A. Hinman,

Mr. SULLOWAY. Mr. Speaker, on page 9 I move to strike out lines 16, 17, 18, and 19, a similiar bill having been passed.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, strike out lines 16 to 19, inclusive.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time, and passed.

DEWITT EASTMAN.

The next business on the Private Calendar was the bill (S. 614) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909.

The Clerk read as follows:

Be it enacted, etc., That Dewitt Eastman shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Battery I, Fourth Regiment United States Artillery, on the 13th of June, 1865, and the Secretary of War is hereby authorized and directed to issue to him an honorable discharge as of said date: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The following committee amendment was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, Dewitt Eastman shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery I, Fourth Regiment United States Artillery, on the 13th day of June, 1865: *Provided*, That no pension shall accrue prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act for the relief of Dewitt Eastman."

CORNELIUS CAHILL.

The next business on the Private Calendar was the bill (H. R. 710) for the relief of Cornelius Cahill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of Cornelius Cahill, alias Con W. Clifford, late of Company G, Twenty-sixth Regiment Iowa Volunteer Infantry, and Company B, Tenth Regiment United States Infantry, and to amend his military record accordingly, and that he be restored to all rights lost or suspended by reason of said charge of desertion.

The following committee amendment was read:

Strike out all after the enacting clause and insert the following in lieu thereof:

"That in the administration of the pension laws Cornelius Cahill shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a corporal in Company G, Twenty-sixth Regiment Iowa Volunteer Infantry, on the 5th day of June, 1863: *Provided*, That no pension shall accrue prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES JONES.

The next bill on the Private Calendar was the bill (H. R. 9221) to correct the military record of James Jones.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to so amend the records of the War Department as to relieve from the charge of desertion James Jones, formerly of Company E, Thirty-third Regiment New York Volunteers, and to issue to him an honorable discharge from the service of the United States.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the Soldiers' Home for Disabled Volunteer Soldiers, or any branch thereof, James Jones shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Thirty-third Regiment New York Veteran Volunteers, on the 2d day of May, 1863: *Provided*, That no pension shall accrue prior to the passage of this act."

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James Jones."

PENSIONS AND INCREASE OF PENSIONS.

The next business on the Private Calendar was the bill (H. R. 22621) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of George Kinilans, late of Company D, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John L. Johnson, late of Company I, and hospital steward, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Leeds, late of Company A, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William White, late of Company I, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Otto, late of Company C, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Schroeder, late of Company D, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John A. Binninger, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Davis, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis R. Johnson, late of Company K, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Thompson, late second lieutenant Company K, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anson E. Milligan, late of Company M, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Lukens, late of Company F, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Schrawder, late of Company E, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Bannan, late of Company C, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Lawhorn, late of Company G, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warren C. Heath, late of Company A, Sixth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry C. Jackson, late of Battery B, First Regiment Maryland Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Schultz, late of Company E, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen A. Johnson, late of Company K, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ephraim A. Bard, late of Company A, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert D. Humes, late captain Company I, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Peter Scherschel, late of Company H, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Ahmuty, late of Company K, Fifty-first Regiment, and Company C, Twenty-fifth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Luther King, late of Company D, Fourth Regiment California Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Romulus C. Ramer, late of Company A, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Farquhar, late of Company C, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Janette Norton, widow of Henry A. Norton, late captain Company F, Twelfth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Williams, late of Company K, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Job B. Vaughan, late of Company D, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John N. McCullough, late of Company A, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Carter, late of Company E, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Kendall, late of Company C, Twenty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Redman, late of Company H, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey W. Cartee, late of Company H, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Arn, late of Company G, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Alyea, late of Company A, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Read, late of Companies F and D, First Battalion, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Gooding, late of Company F, One hundred and seventieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Tilman Giles, alias Robert Powell, late of Company D, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $15 per month.

The name of Luther M. Blackman, late major, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Perkins, dependent mother of Warner Jackson, late of Company B, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jackson Cramford, late of Company A, One hundred and fourteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard J. Gilbert, late of Company I, Sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Baker, late of Company E, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George T. Caltrider, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Clinton, widow of Christopher Clinton, late of Company G, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James G. Durham, late of Company C, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Minor McKiddy, late of Company C, Forty-ninth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick Durkin, late of Company D, Second Battalion Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert M. Butts, alias Albert J. Stewart, late of Company D, First Regiment Maryland Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah E. Marsh, widow of Salome Marsh, late major and lieutenant-colonel, Fifth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah M. Martin, widow of Alexander Martin, late of Company I, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Johnson D. Jarrett, late of Company K, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma S. Brinton, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Hill, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David S. Boggs, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob F. Farsht, late of Company H, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison W. Zentz, late of Company H, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Frederick, late of Company I, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James R. Scott, late of U. S. S. Clara Dolsen, Avenger, and Great Western, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip Cox, late of Company H, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James L. Storm, late of Company F, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert McBride, late of U. S. S. North Carolina, Chickasaw, and Fearnot, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph L. Koonce, late second and first lieutenant, Company K, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Wadleigh, late second lieutenant, Company M, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse D. Bean, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orris O. King, late captain Company G, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elisha G. Washburn, late of Company G, One hundred and fourth Regiment New York Volunteer Infantry, and Company D, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cathrine Feely, widow of John Feely, late of Company H, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Susannah Feely, helpless and dependent daughter of said John Feely, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Cathrine Feely, the name of said Susannah Feely shall be placed on the pension roll, subject to the provisions and limita-

tions of the pension laws, at the rate of $12 per month from and after the date of death of said Cathrine Feely.

The name of James Butts, late of Company I, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Alexander L. Bailey, late of Company D, Fourteenth Regiment Kentucky Volunter Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry E. De Meranville, late of Company H, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Walker, late of Company H, Fifth Regiment Iowa Volunter Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James S. Grier, late captain and aid-de-camp, United States Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Carson, late captain Company L, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James H. Cannon, late of Company K, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George L. Beardsley, late of Company I, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Ellis, late of Company F, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel A. Hoover, late of Company C, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Koehler, late of Company D, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Newenham, late of Company B, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Copp, late of Company K, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alpheus Haner, late of Company E, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Stevenson, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marion C. Skelton, late of Company D, Ninth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert Ledwich, late of Company A, Second Regiment New York Veteran Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry J. Bomar, late of Company K, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles M. Weller, late of Company K, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Allen L. Moore, late of Company I, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Antoine Young, late of Company K, Seventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Denten, late of Company F, Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvanus Bridgett, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Hair, late assistant surgeon, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Myers, late of Company A, One hundred and fifteenth Regiment, and Company K, Fifty-third Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Bennie, late of Company K, Eleventh Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Daugherty, late of Company F, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Graff, late of Company D, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Lambert, late of U. S. S. Ohio, Owasco, and Albatross, United States Navy, and Company C, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Rumbaugh, late of Company E, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Jones, late of Company F, Fourteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Snyder, late of Company E, Sixty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Henderson, late of Company G, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank Short, late of Company B, Seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Nodolf, late of Company C, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fritz Jansen, late of Company C, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Hunter C. Frampton, late of Company F, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month, the same to be paid to him under the rules of the Pension Bureau as to mode and times of payment without any deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The name of Thomas Lype, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph M. Shumate, late of Company B, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester R. Sawyer, late of Company C, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Musson, late of Company A, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin B. Morrison, late of Company I, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George R. Haner, late of Seventh Company, First Battalion New York Volunteer Sharpshooters, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Cain, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lula G. Cole, widow of Theodore Cole, late of Company D, First Battalion Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said soldier until such children shall arrive at the age of 16 years.

The name of John Cournane, late of Company M, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theodore W. Pepoon, late of Company K, Ninety-sixth Regiment, and Company K, Twenty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dexter M. Jones, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Rimmey, late of Patapsco Guards, Maryland Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Snyder, late of Company B, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Paul L. Krouse, late quartermaster-sergeant, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonathan Dickinson, late of Company I, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael Downs, late of Company D, One hundred and seventeenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lawrence Flood, late of Company B, Battalion United States Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Lloyd, late of Company F, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel R. Cobb, late of Company I, Fifteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew McNeil, late of Company D, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Fielding, late of Company I, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret D. Henry, widow of James M. Henry, late of Company I, Seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month: *Provided, however,* That such pension shall cease upon proof that the soldier is living.

The name of Ellen J. Gilmore, widow of Patrick S. Gilmore, late leader of band, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William C. Wright, late of Company H, One hundred and First Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia A. Russ, former widow of Hiram Miller, late of Company A, Fifth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alexander Falke, late of Company D, Eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick F. Kennedy, late of U. S. S. North Carolina, Brandywine, and Sam Rotan, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herman Brumley, late of Company I, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Dempsey, late of Company C, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Ross, late of Company I, Sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Beyer, late of Company E, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard H. Ely, late of Company C, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Kelly, late of Company G, Twenty-fourth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amanda T. Wickoff, widow of Ephraim W. Wickoff, late of Company E, Cass County (Mo.) Home Guard Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Drennon, late of Company K, First Regiment New Jersey Volunteer Infantry, and Company C, First Battalion New Jersey Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abner Gwinn, late of Company F, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Schall, late of Company G, First Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Merritt, late of Company B, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth J. Pruitt, widow of Jacob M. Pruitt, late of Company H, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of James F. Doyle, late of Company A, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Ferrell, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Pride, late of Company F, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar Madden, late of Company M, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Murphy, late of Company I, Third Regiment, and Company E, Fifteenth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Burke, late of Company E, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Thompson, late of Company B, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alonzo Fradenburgh, late of Company A, One hundred and twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Huff, late of Company E, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Warner, late of Company A, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Demaree, late of Company H, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Guffy, late of Company A, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Overley, late of Company C, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred B. Seay, late of Company D, First Battalion Nebraska Volunteer Cavalry, and Company K, First Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nicholas Ottignon, late of Company D, Twenty-second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ann L. Smith, widow of Benjamin F. Smith, late of Company F, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John A. Reed, late of Company I, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Ellis, late of Company L, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Haines, late of Company H, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Allen Emmerson, late of Company F, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Prager, late of Company B, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. Myers, widow of Andrew J. Myers, late of Company I, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Hoey, late of Company A, Ninth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lyman K. Raymond, late of Company I, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leonard S. Van Vliet, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert L. West, late of Company A, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin Ayer, late of Company C, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson Allen, late of Company C, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas R. Cushing, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret S. Kellett, widow of Joseph M. Kellett, late of Fifth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. Stafford, late of Company D, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mordecai M. N. S. Merritt, late of Company C, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Johiel Vasbinder, late of Company I, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Owens, late of Company A, Sixty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bridget Dixon, widow of Charles Dixon, late of Company I, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frederick Bittmann, late of Company K, Thirty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Outten, late of Company E, Eighth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Whitlock, late of Company B, First Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edmund D. Brush, late of Company I, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The above bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 581. George Knilans;
H. R. 657. John L. Johnson;
H. R. 809. Francis M. Leeds;
H. R. 1284. William White;
H. R. 1736. John B. Otto;
H. R. 1817. William Schroeder;
H. R. 2029. John A. Binninger;
H. R. 2479. William Davis;
H. R. 2595. Francis R. Johnson;
H. R. 2638. Jacob Thompson;
H. R. 2773. Anson E. Millegan;
H. R. 3553. William Lukens;
H. R. 3768. Henry H. Schrawder;
H. R. 3911. George W. Bannan;
H. R. 3994. George Lawhorn;
H. R. 4393. Warren C. Heath;
H. R. 4681. Henry C. Jackson;
H. R. 4773. Daniel Schultz;
H. R. 5004. Stephen A. Johnson;
H. R. 5250. Ephraim A. Bard;
H. R. 5326. Robert D. Humes;
H. R. 5458. Peter Sherschel;
H. R. 5663. James Ahmuty;
H. R. 6076. Luther King;
H. R. 6463. Romulus C. Ramer;
H. R. 6490. David Farquhar;
H. R. 6636. Mary Janette Norton;
H. R. 6721. George W. Williams;
H. R. 6730. Job B. Vaughan;
H. R. 6919. John N. McCollough;
H. R. 7077. William H. Carter;
H. R. 7078. Charles H. Kendall;
H. R. 7165. Charles W. Redman;
H. R. 7777. Harvey W. Cartee;
H. R. 7848. Fred Am;
H. R. 8005. John W. Alyea;
H. R. 8627. James F. Read;
H. R. 8874. Samuel Gooding;
H. R. 9663. Tilman Giles, alias Robert Powell;
H. R. 9678. Luther M. Blackman;
H. R. 10102. Mary Perkins;
H. R. 10201. Jackson Crawford;
H. R. 10532. Richard J. Gilbert;
H. R. 10543. John P. Baker;
H. R. 10615. George T. Coltrider;
H. R. 10663. Mary Clinton;
H. R. 10755. James G. Durham;
H. R. 11100. Minor McKiddy;
H. R. 11149. Patrick Durkin;
H. R. 11176. Albert M. Butts, alias Albert Stewart;
H. R. 11179. Sarah E. Marsh;
H. R. 11370. Sarah M. Martin;
H. R. 11913. Johnson D. Jarrett;
H. R. 12251. Emma S. Brinton;
H. R. 12510. William Hill;
H. R. 12524. David S. Boggs;
H. R. 12538. Jacob F. Farsht;
H. R. 12544. Harrison W. Zentz;
H. R. 12562. John C. Frederick;
H. R. 12647. James R. Scott;
H. R. 12661. Philip Cox;
H. R. 12836. James L. Storm;
H. R. 12854. Robert McBride;
H. R. 12890. Joseph L. Koonce;
H. R. 12924. John Wadleigh;
H. R. 12933. Jesse D. Bean;
H. R. 12981. Orris O. King;
H. R. 13259. Elisha G. Washburn;
H. R. 13972. Cathrine Feely;
H. R. 14207. James Butts;
H. R. 14294. Alexander L. Bailey;
H. R. 14298. Henry E. De Meranville;
H. R. 14310. John Walker;
H. R. 14380. James S. Grier;
H. R. 14725. John P. Carson;

H. R. 14762. James H. Cannon;
H. R. 14880. George L. Beardsley;
H. R. 15516. Franklin Ellis;
H. R. 15621. Samuel A. Hoover;
H. R. 15626. Charles Koehler;
H. R. 15639. John W. Newenham;
H. R. 15645. John H. Copp;
H. R. 15649. Alpheus Haner;
H. R. 15723. James Stevenson;
H. R. 15764. Marion C. Skelton;
H. R. 15908. Robert Ledwich;
H. R. 16055. Henry J. Bomar;
H. R. 16060. Charles M. Weller;
H. R. 16105. Allen L. Moore;
H. R. 16127. Antoine Young;
H. R. 16246. James W. Denton;
H. R. 16412. Sylvester Bridget;
H. R. 16497. John H. Hair;
H. R. 16498. John S. Myers;
H. R. 16615. James W. Bennie;
H. R. 16831. Thomas Daugherty;
H. R. 16842. Andrew Graff;
H. R. 16988. John Lambert;
H. R. 17013. James Rumbaugh;
H. R. 17036. Thomas Jones;
H. R. 17291. William H. Snyder;
H. R. 17302. William H. Henderson;
H. R. 17317. Frank Short;
H. R. 17470. Frederick Nodolf;
H. R. 17563. Fritz Janzen;
H. R. 17651. Hunter C. Frampton;
H. R. 17766. Thomas Lype;
H. R. 17780. Joseph M. Shumate;
H. R. 17824. Sylvester R. Sawyer;
H. R. 17941. George Musson;
H. R. 18329. Benjamin B. Morrison;
H. R. 18338. George R. Haner;
H. R. 18339. William Cain;
H. R. 18457. Lula G. Cole;
H. R. 18617. John Cournane;
H. R. 18620. Theodore W. Pepoon;
H. R. 18642. Dexter M. Jones;
H. R. 18659. William H. Rimmey;
H. R. 18861. James C. Snyder;
H. R. 18912. Paul L. Krouse;
H. R. 18997. Jonathan Dickinson;
H. R. 19184. Michael Downs;
H. R. 19353. Lawrence Flood;
H. R. 19355. William Loyd;
H. R. 19509. Daniel R. Cobb;
H. R. 19579. Andrew McNeil;
H. R. 19708. Henry Fielding;
H. R. 19798. Margaret D. Henry;
H. R. 19881. Ellen J. Gilmore;
H. R. 20018. William C. Wright;
H. R. 20094. Julia A. Russ;
H. R. 20133. Alexander Falke;
H. R. 20176. Patrick Kennedy;
H. R. 20236. Herman Brumley;
H. R. 20287. Daniel Dempsey;
H. R. 20300. Thomas Rosa;
H. R. 20422. Henry Beyer;
H. R. 20459. Richard H. Ely;
H. R. 20596. John Kelly;
H. R. 20731. Amanda T. Wickoff;
H. R. 20742. William Drennon;
H. R. 20869. Abner Gwinn;
H. R. 20936. William Schall;
H. R. 20973. James M. Merritt;
H. R. 21004. Elizabeth J Pruitt;
H. R. 21041. James F. Doyle;
H. R. 21069. John W. Ferrell;
H. R. 21084. William H. Pride;
H. R. 21098. Oscar Madden;
H. R. 21241. Joseph Murphy.
H. R. 21293. Albert Burke;
H. R. 21353. Joseph Thompson;
H. R. 21383. Alonzo Fradenburg;
H. R. 21384. James M. Huff;
H. R. 21489. Alexander Warner;
H. R. 21563. John M. Demaree;
H. R. 21598. Joseph Guffy;
H. R. 21604. William H. Overly;
H. R. 21619. Alfred B. Seay;
H. R. 21623. Nicols Ottignon;
H. R. 21689. Ann L. Smith;
H. R. 21691. John A. Reed;
H. R. 21714. George Ellis;
H. R. 21722. James B Haines;
H. R. 21731. Allen Emmerson;
H. R. 21785. Richard Prager;
H. R. 21814. Mary J. Myers;
H. R. 21821. George Hoey;
H. R. 21862. Lyman K. Raymond;
H. R. 21880. Leonard S. Van Vliet;
H. R. 21926. Robert L. West;
H. R. 21949. Edwin Ayer;
H. R. 21983. Wilson Allen;
H. R. 21985. Thomas R. Cushing;
H. R. 21989. Margaret S. Kellett;
H. R. 22025. John C. Stafford;
H. R. 22030. Mordecai M. N. S. Merritt;
H. R. 22038. Johiel Vasbinder;
H. R. 22040. John A. Owens;
H. R. 22099. Bridget Dixon;
H. R. 22115. Frederick Bittmann;
H. R. 22116. Henry Outten;
H. R. 22201. John Whitlock; and
H. R. 22261. Edmund D. Brush.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AARON CORNISH.

Mr. KAHN. Mr. Speaker, I think the bill S. 4671, numbered 300 on the Private Calendar, was inadvertently passed. It is a military bill and in order to-day.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Aaron Cornish, late assistant surgeon, Ninety-seventh Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from said organization on September 8, 1862. And the Secretary of War is hereby authorized to grant him a certificate of honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The next business on the Private Calendar was the bill (H. R. 22637) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of the wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John G. Patton, late of Company D, First Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Emil F. Wurzbach, late of Capt. P. H. Rogers's Company F, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Henry W. Ellis, late of Capt. J. H. Conner's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Jerry C. Campbell, late of Capt. William R. Henry's company, Texas Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Arthur T. Whipple, late of Third Company, United States Volunteer Signal Corps.

The name of William Canaday, late of Company G, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

The name of Albert E. Longman, late of Hospital Corps, United States Army, war with Spain.

The name of Murray R. Marshall, late of Company A, Twenty-seventh Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of William E. Woodward, late chaplain Twenty-first Regiment Kansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Biddy Lockwood, dependent mother of James F. Lockwood, late of Company F, First Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Sadie M. Lowell, widow of Julius H. Lowell, late of Company A, Second Regiment Massachusetts Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the two minor children of said Julius H. Lowell until they reach the age of 16 years.

The name of William Willige, late of Company B, Seventh Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Seth B. R. Tubbs, late of Company K, Sixth Regiment United States Infantry, war with Mexico, and first lieutenant, Company E, Fourth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Malin, late of Company K, Third Regiment Connecticut Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Norman W. Rayburn, late of Company H, Sixth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Eugene H. Pease, late of Company F, Fifty-first Regiment Iowa Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Henry H. Minor, alias Harve H. Minor, late of Company H, Fourth Regiment Missouri Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Rafter, late major and surgeon Twentieth Regiment Kansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Ford C. Richardson, alias Hirsch Richardson, late of Company G, Eleventh Regiment United States Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John McLaws, late of Capt. Lyman L. Stevens's company, Col. George A. Smith's regiment of cavalry, Nauvoo Legion, Utah Indian disturbances, and pay him a pension at the rate of $8 per month.

The name of Elizabeth F. Stewart, widow of Hill R. Stewart, alias Hill Stewart, late quartermaster, third class, U. S. S. Constellation, United States Navy, and pay her a pension at the rate of $12 per month.

The name of David G. Connell, late of Captains Oliver and McElroy's companies, Florida Volunteers, Florida Seminole Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John Da Silva, late of U. S. S. Savannah, United States Navy, war with Mexico, and Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Eiseser, former widow of Valentine Stell, late of Battery C, First United States Artillery, and pay her a pension at the rate of $12 per month.

The name of John Young Rankin, sr., late of Captain Boggess's Company A, Mounted Battalion Texas Volunteers, Texas and New Mexico

Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John Klay, late of Company E, Ninth Regiment United States Infantry, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The above bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1068. John G. Patton;
H. R. 3110. Emil F. Wurzbach;
H. R. 3203. Henry W. Ellis;
H. R. 3215. Jerry C. Campbell;
H. R. 6017. Arthur T. Whipple;
H. R. 6566. William Canaday;
H. R. 6655. Albert E. Longman;
H. R. 6925. Murray R. Marshall;
H. R. 6969. William E. Woodward;
H. R. 7704. Biddy Lockwood;
H. R. 8907. Sadie M. Lowell;
H. R. 9124. William Willige;
H. R. 12097. Seth B. R. Tubbs;
H. R. 12763. James F. Malin;
H. R. 12828. Norman W. Rayburn;
H. R. 14279. Eugene H. Pease;
H. R. 15483. Henry H. Minor;
H. R. 15985. John A. Rafter;
H. R. 16632. Ford C. Richardson, alias Hirsch Richardson;
H. R. 17210. John McLaws;
H. R. 17386. Elizabeth F. Stewart;
H. R. 19600. David G. Connell;
H. R. 19827. John Da Silva;
H. R. 19879. Mary Steil;
H. R. 21099. John Y. Rankin, sr.; and
H. R. 21560. John Klay.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CIVIL WAR PENSIONS.

The next pension business on the Private Calendar was the bill (S. 6431), granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pensions laws—

The name of Max Riedel, late of Company C, Thirty-ninth Regiment New York Volunteer Infantry, and Company H, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Todd, late of Company D, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo Blood, late of Company G, Second Regiment United States Volunteer Sharpshooters, and Company B, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Sims, late of Company H, Thirty-fourth Regiment, and Company H, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen A. Toops, late of Company C, Seventh Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Williams, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward E. Henry, late of Company A, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Spangler, late of Company C, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Gibson, late of Company A, One hundred and seventy-second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac B. Doolittle, late of Company F, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Bachman, late of Company I, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Martin, late of Company D, One hundred and second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie E. Shout, widow of John A. Shout, late of Company D, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Charles Davis, late of Company C, and first lieutenant Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Johonnett, late of Company E, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edgar A. Kent, late of Company I, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen Rhodes, late of Company D, Veteran Battalion, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edmond H. Short, late of Company H, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David N. Heatherly, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas J. Craven, late of Company E, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Bartlett, late of Company D, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elwood D. Harold, late of Company A, Seventh Regiment, and Company A, First Regiment, Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey W. Cory, late of Company H, Tenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred J. Henry, late of Company B, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emily S. Beale, widow of J. Frank Beale, late second lieutenant Company K, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. H. Morris, late of Company I, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and One hundred and fifty-first Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Niram N. Buttolph, late of Company G, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Otto, late of Company E, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Armstrong, late of Company L, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Bill, late of Twenty-first Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Phillips, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Heinemann, late of Company B, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abram McCoy, late of Company I, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Paschal, late second lieutenant Company B, First Battalion, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Hopkirk, late of Company M, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph E. Stanley, late of the Twenty-ninth (unattached) Company, Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey J. Shoulters, late of Company H, One hundred and fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Medley, former widow of John Battye, late of Company F, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah Cryan, helpless and dependent daughter of Thomas Cryan, late of Company M, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of John C. Steele, late of Company C, Thirteenth Regiment Maine Volunteer Infantry, and Company A, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harlow M. Hall, late of Company E, Fourth Regiment Maine Volunteer Infantry, and Company E, Maine Volunteer Coast Guards, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Philip Bessor, late first lieutenant Company K, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Davidson, late of Company F, Twelfth Regiment Illinois Volunteer Cavalry, and Company H, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Blanchard, late of Company K, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert T. Goodwin, late of Company C, Forty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wesley A. Cain, late of Company K, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Bailey D. Judkins, late of Company A, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of William L. Conner, late of Company G, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas S. Bonar, late of Company D, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Leonidas Fowler, late of Company C, First Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James R. Sage, late of Company K, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Warren F. Williams, late of Company B, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Walton, late of Company B, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rufus P. Stokely, late of Company A, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Susan T. Sailor, widow of William J. Sailor, late of Company B, Rifle Battalion, First Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George S. Greenwood, late of Companies M and C, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Moulton, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Saunders, late captain Company B, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza C. Noble, widow of Joseph Noble, late lieutenant-colonel Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Francis W. Pratt, late of Company C, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Day, late of Company E, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Schrofer, late of Company F, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jefferson Lee, late of Company D, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. Eberman, late of Company E, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louis Schmidt, late of Company G, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank N. Blackstone, late of the U. S. S. Grampus, Black Hawk, and Great Western, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jason L. Doten, late of Company C, First Regiment Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Wentworth, widow of Jonah H. Wentworth, late of Company G, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Freeman F. Walker, late of Company A, Tenth Regiment, and Company B, Ninth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward M. Duff, late of Company E, Twelfth Regiment Ohio Volunteer Infantry, and Company I, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Veasey, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie A. Masker, widow of Henry Masker, late of Companies F and H, Fifth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of John E. Hill, late captain Company F, One hundred and eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Claudius B. Miller, late first lieutenant Company C, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Lilly, late of Company G, One hundred and sixty-fifth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hicks, late of Company C, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mortimer A. Wilbur, late of Company G, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin F. Hendricks, late of Company D, Fifteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles R. Dodge, late of Company A, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William R. Dye, late of Company D, Thirty-third Regiment, and Company K, Twenty-sixth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Hall, late of Company A, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lemuel Kerr, late of Company C, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Enos Gordon, late of Company F, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. Graham, late of Company G, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Pieper, widow of John Pieper, late commissary-sergeant Tenth Regiment Maryland Volunteer Infantry, and United States Army, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George A. Miller, late band leader, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry S. Webster, late of U. S. S. Susquehanna, Savannah, and Vermont, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Enoch W. F. Felt, late of Company F, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asahel R. Baker, late of Company A, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry L. Stafford, late of Company F, Sixteenth Regiment Indiana Volunteer Infantry, and Company G, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Crist, late of Company I, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Barnard Hassing, late of Companies K and B, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine T. Hutchison, widow of John Q. Hutchison, late captain Company C, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William A. Miles, late of Company C, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Fernsworth, late of Company I, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hugh Marshall, late of Company B, Second Regiment Colorado Volunteer Infantry, and Company B, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Brownlee, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Baugher, late of Company I, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment recommended by the committee was read, as follows:

Page 7 strike out the lines 21, 22, 23, and on page 8 strike out lines 1 and 2, the words:

"The name of Joseph E. Stanley, late of the Twenty-ninth (unattached) Company, Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

The amendment was agreed to.

The bill as amended was ordered to a third reading, was read the third time, and passed.

This bill is a substitute for the following Senate bills, referred to the Senate Committee on Pensions:

S. 43. Max Riedel;
S. 47. John Todd;
S. 208. Alonzo Blood;
S. 359. John H. Sims;
S. 364. Stephen A. Toops;
S. 368. Thomas Williams;
S. 387. Edward E. Henry;
S. 443. John M. Spangler;
S. 472. George W. Gibson;
S. 521. Isaac B. Doolittle;
S. 605. Jacob Bachman;
S. 684. Jacob Martin;
S. 685. Annie E. Shout;
S. 741. Charles Davis;
S. 747. John H. Johonnett;
S. 840. Edgar A. Kent;
S. 1228. Allen Rhodes;
S. 1740. Edmond H. Short;
S. 1812. David N. Heatherly;
S. 1813. Thomas J. Craven;
S. 1909. David Bartlett;
S. 2199. Elwood D. Harold;
S. 2313. Harvey W. Cory;
S. 2374. Alfred J. Henry;
S. 2508. Emily S. Beale;
S. 2531. William H. H. Morris;
S. 2537. Niram N. Buttolph;
S. 2617. John Otto;
S. 2645. William Armstrong;
S. 2803. Frederick Bill;
S. 2834. Alexander Phillips;
S. 2838. Frederick Heinemann;
S. 2856. Abram McCoy;
S. 2886. James W. Paschal;
S. 2887. William H. Hopkirk;
S. 2907. Harvey J. Shoulters;
S. 3099. Mary A. Medley;
S. 3210. Sarah Cryan;
S. 3265. John C. Steele;
S. 3282. Harlow M. Hall;
S. 3283. William H. Hanscom;
S. 3299. Philip Bessor;
S. 3340. John H. Davidson;
S. 3749. William H. Blanchard;
S. 3771. Robert T. Goodwin;
S. 3846. Wesley A. Cain;
S. 4376. Bailey D. Judkins;
S. 4382. William L. Conner;
S. 4383. Thomas S. Bonar;
S. 4412. Charles Leonidas Fowler;
S. 4414. James R. Sage;
S. 4487. Warren F. Williams;
S. 4489. Samuel Walton;
S. 4592. Rufus P. Stokely;
S. 4604. Susan T. Sailor;
S. 4616. George S. Greenwood;
S. 4637. Henry H. Moulton;
S. 4638. James W. Saunders;
S. 4673. Eliza C. Noble;

S. 4706. Francis W. Pratt;
S. 4761. Edward Day;
S. 4770. Peter Schrofer;
S. 4771. Jefferson Lee;
S. 4782. William S. Eberman;
S. 4874. Louis Schmidt;
S. 4893. Frank N. Blackstone;
S. 4896. Jason L. Doten;
S. 4903. Mary J. Wentworth;
S. 4905. Freeman F. Walker;
S. 4929. Edward M. Duff;
S. 4983. William H. Veasey;
S. 5077. Annie A. Masker;
S. 5135. John E. Hill;
S. 5176. Claudius B. Miller;
S. 5196. Samuel Lilly;
S. 5239. William H. Hicks;
S. 5356. Mortimer A. Wilbur;
S. 5360. Edwin F. Hendricks;
S. 5430. Charles R. Dodge;
S. 5598. William R. Dye;
S. 5599. Joseph Hall;
S. 5638. Lemuel Karr;
S. 5646. Enos Gordon;
S. 5687. Joseph H. Graham;
S. 5701. Jane Pieper;
S. 5726. George A. Miller;
S. 5736. Henry S. Webster;
S. 5759. Enoch W. F. Felt;
S. 5820. Asahel R. Baker;
S. 5822. Henry L. Stafford;
S. 5823. Isaac Crist;
S. 5824. Barnard Hassing;
S. 5848. Catherine T. Hutchison;
S. 5941. William A. Miles;
S. 5942. William Farnsworth;
S. 5959. Hugh Marshall;
S. 6039. Thomas Brownlee; and
S. 6094. William H. Baugher.

The next business on the Private Calendar was the bill (S. 6739) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James K. Watts, late of Company I, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Woodring, late of Company D, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of German L. Hunt, late of Company H, Thirty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Dickson, late of Company C, One hundred and sixtieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Monroe Masterson, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Young S. Slater, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Lydick, late second lieutenant Company C, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William S. Smith, late of Company E, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Evans, late of Company B, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry W. Crow, late of Company C, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wilbert B. Teters, late captain Company H and lieutenant-colonel One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William McKenney, late of Company G, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Branson, late of Companies H and C, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Greenleaf D. Farnum, late of Company I, Third Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Peabody, late of Company E, Eighth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Baldwin, late of Company C, One hundred and twelfth Regiment, and Company F, Sixty-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel A. Hogue, late of Company H, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph P. Theobald, late of Company E, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi L. Beers, late of Company A, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Woody, late of Company F, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. True, late of Company E, Third Regiment Maine Volunteer Infantry, Company I, Seventeenth Regiment Maine Volunteer Infantry, and Company I, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Lemon, late of Company B, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Dugan, late ordinary seaman, U. S. S. Mound City, United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles A. Gilman, alias Charles Abbott, late of Company H, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George O. Miller, late of Second Battery, Maine Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Howells, late of Company H, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Dick, late of Signal Corps, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rodney P. Drury, late of Company B, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Dickens, late of Company B, Twenty-seventh Regiment, and Company B, Twelfth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph March, late of Company F, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Halvor Anderson, late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caroline Williams, widow of Evans Williams, late of Company C, Eleventh Regiment Michigan Volunteer Infantry, and Company C, Second Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frank Couts, late of Company G, Fifth Regiment Pennsylvania Reserve Volunteer Infantry, Company C, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and Company L, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles B. Gilbert, late of Company H, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Snidemiller, late of Company H, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Luther, late of Company K, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lydia M. Harris, widow of Joshua B. Harris, late of Company E, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William L. La Rose, late of Company C, Fourth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James J. C. White, late of Company A, and assistant surgeon Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. Moore, late of Company K, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Sutherland, late of Company C, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James H. McFarland, late of Company D, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Lewis, late of Company L, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alanson H. Allard, late of Company D, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Darwin A. Brink, late of Company F, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jefferson Caldwell, late of Company I, Eighty-fourth Regiment, and Company K, Fifty-seventh Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George S. Dugan, late of Company H, Fortieth Regiment, and Company I, Fifty-first Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Tripp, late of Company I, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Abner B. Coryell, late of Company E, Second Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gideon P. Myres, late of Company F, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Smith, late of Company C, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary McCook, widow of Edward M. McCook, late brigadier-general, United States Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of William H. Lens, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph R. Emery, late of Company D, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James K. Smith, late of Company B, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Dancer, late of Company C, Twenty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Carlton Talmadge, late of Company L, Third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edwin S. Knight, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Dickerson, late of Company L, Twelfth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Morris, late captain Company D, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin W. Spencer, late of Company G, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Gallagher, late of Company I, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Tyler, late captain Company K, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliab Averill, late of Company G, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Effie V. B. Aldrich, widow of Chauncey S. Aldrich, late captain Company B, Eighty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. H. Blanchard, late of Fourteenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucius I. Bartlett, late of Company G, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Firmin James, late of Company D, Eighty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Elliott, late of Company G, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orlando F. Davis, late of Company C, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Barnard S. Reed, late of Company H, Eighth Regiment New Hampshire Volunteer Infantry, and Company C, Veteran Battalion, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel E. Edwards, late of Company I, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Boyden, alias George Marsh, late of Company H, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William T. Mitchell, late of Company E, and commissary-sergeant Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George D. Roberts, late of Company G, and quartermaster-sergeant Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hial E. Wylie, late of Battery M, Third Regiment United States Artillery, war with Mexico, and Company L, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

This bill is a substitute for the following Senate bills referred to the Senate Committee on Pensions:

S. 50. James K. Watts;
S. 52. Edward Woodring;
S. 266. German L. Hunt;
S. 392. James H. Dickson;
S. 604. Monroe Masterson;
S. 675. Young S. Slater;
S. 839. John B. Lydick;
S. 985. William S. Smith;
S. 986. Alfred Evans;
S. 1209. Henry W. Crow;
S. 1280. Wilbert B. Teters;
S. 1356. William McKenney;
S. 1585. Charles W. Branson;
S. 1598. Greenleaf D. Farnum;
S. 1821. Charles E. Peabody;
S. 1961. Henry H. Baldwin;
S. 2350. Samuel A. Hogue;
S. 2640. Joseph P. Theobald;
S. 2782. Levi L. Beers;
S. 2921. John C. Woody;
S. 3272. John E. True;
S. 3436. Samuel Lemon;
S. 3769. Peter Dugan;
S. 3772. Charles A. Gilman, alias Charles Abbott;
S. 3955. George O. Miller;
S. 3956. William Howells;
S. 4411. Peter Dick;
S. 4418. Rodney P. Drury;
S. 4419. John W. Dickens;
S. 4439. Joseph March;
S. 4445. Halvor Anderson;
S. 4497. Caroline Williams;
S. 4565. Frank Couts;
S. 4571. Charles B. Gilbert;
S. 4572. Henry Snidemiller;
S. 4615. Henry Luther;
S. 4772. Lydia M. Harris;
S. 4873. William L. La Rose;
S. 4904. James J. C. White;
S. 5039. Joseph M. Moore;
S. 5076. George F. Sutherland;
S. 5173. James H. McFarland;
S. 5178. George E. Lewis;
S. 5257. Alanson H. Allard;
S. 5260. Darwin A. Brink;
S. 5294. Jefferson Caldwell;
S. 5480. George S. Dugan;
S. 5506. William Tripp;
S. 5591. Abner B. Coryell;
S. 5601. Gideon P. Myres;
S. 5602. James Smith;
S. 5649. Mary McCook;
S. 5728. William H. Leas;
S. 5755. Joseph R. Emery;
S. 5761. James K. Smith;
S. 5793. John R. Dancer;
S. 5826. Carlton Talmadge;
S. 5906. Edwin S. Knight;
S. 5943. Thomas Dickerson;
S. 5946. William M. Morris;
S. 5947. Benjamin W. Spencer;
S. 5951. James Gallagher;
S. 5952. George F. Tyler;
S. 5996. Eliab Averill;
S. 5997. Effie V. B. Aldrich;
S. 6130. William H. H. Blanchard;
S. 6172. Lucius I. Bartlett;
S. 6181. Firmin James;
S. 6192. Joseph Elliott;
S. 6242. Orlando F. Davis;
S. 6244. Barnard S. Reed;
S. 6301. Daniel E. Edwards;
S. 6302. William H. Boyden, alias George Marsh;
S. 6328. William T. Mitchell;
S. 6329. George D. Roberts; and
S. 6383. Hial E. Wylie.

GEORGE HARRALDSON.

The next business on the Private Calendar was the bill (H. R. 11763) to correct the military record of George Haraldson.

The bill as amended was read, as follows:

Strike out all after the enacting clause and insert:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, George Harraldson, who served under the name of George Harrilsen, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Eleventh Regiment United States Infantry, on the 23d day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, and it was accordingly read the third time and passed.

The title was amended so as to read: "A bill for the relief of George Harraldson."

JOHN W. THOMAS.

The next business on the Private Calendar was the bill (H. R. 21079) for the relief of John W. Thomas.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John W. Thomas, now a resident of Wisconsin, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, on the 4th day of September, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be engrossed for a third reading, and was accordingly read the third time and passed.

WILLIAM MULLALLY.

The next business on the Private Calendar was the bill (H. R. 8730) holding and considering William Mullally to have been honorably discharged.

The bill as amended was read, as follows:

Strike out all after the enacting clause and insert as follows:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William Mullally shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company H, First Regiment New York Mounted Rifles, on the 8th day of October, 1864: *Provided*, That no pension shall accrue prior to the passage of this act."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill for the relief of William Mullally."

ANTON ERNST.

The next business on the Private Calendar was the bill (H. R. 10863) to amend an act to remove the charge of desertion from the military record of Anton Ernst.

The bill as amended was read, as follows:

Strike out all after the enacting clause and insert the following:

"That in the administration of the pension laws Anton Ernst shall hereafter be held and considered to have been honorably discharged

from the military service of the United States as a private of Company K, Second Regiment Maryland Volunteer Infantry, on the 15th day of October, 1862: *Provided,* That no pension shall accrue prior to the passage of this act."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill for the relief of Anton Ernst."

JOHN H. WILLIS.

The next business on the Private Calendar was the bill (H. R. 18540) to remove the charge of desertion against John H. Willis.

The bill as amended was read, as follows:

Strike out all after the enacting clause and insert as follows:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John H. Willis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery B, Fourth United States Artillery, on the 26th day of May, 1865: *Provided,* That no pension shall accrue prior to the passage of this act."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended so as to read: "A bill for the relief of John H. Willis."

ALEXANDER EVERHART.

The next business on the Private Calendar was the bill (H. R. 5269) for the relief of Alexander Everhart.

The bill as amended was read, as follows:

Strike out all after the enacting clause and insert the following:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Alexander Everhart shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Eleventh Pennsylvania Reserve Infantry, on the 15th day of February, 1863: *Provided,* That no pension shall accure prior to the passage of this act."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the various bills were passed was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill (H. R. 22643).

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union; Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill. When the committee rose yesterday there was a point of order pending to the paragraph on pages 45 and 46 of the bill, which paragraph the Chair will ask the Clerk to report.

The Clerk read as follows:

Director of the consular service, $4,500; counselor for the Department of State, and resident diplomatic officer, each at a salary of $7,500 and each to be appointed by the Secretary of State, the one from the legal profession and the other from the grade of minister or above in the diplomatic service; eight officers to aid in important drafting work, four at salaries of $4,500 each and four at salaries of $3,000 each, and hereafter to be appointed by the Secretary of State from the diplomatic and consular services or other branch of the government service, and to be employed upon tariff, treaty, and trade relations and negotiations or as chief of division of far eastern, Latin-American, near eastern, or European affairs, or upon other work in connection with foreign relations: *Provided,* That in cases of selection from the foreign service the salary paid shall in no case exceed that of the post from which the diplomatic or consular officer detailed to the department has been taken; assistant solicitor, $3,000; law clerk, $2,500; 1 clerk of class 4; 3 clerks of class 3; 2 clerks of class 1 (one of whom shall be a telegraph operator); 3 clerks at $1,000 each; 3 assistant messengers; for the rent of rooms outside of the Department of State to accommodate the Bureau of Trade Relations and the Bureau of Accounts or other offices, not to exceed $5,500; for meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or elsewhere, to be selected and their compensation fixed by the Secretary of State, and to be expended under his direction, $25,340; in all, $100,000. A detailed statement showing expenditures, including salaries or rates of compensation paid under the last item of this appropriation, shall be reported to Congress by the Secretary of State on the first day of each regular session.

The CHAIRMAN. The gentleman in charge of the bill claims that this paragraph is not subject to a point of order because of a paragraph in the deficiency bill of 1909, and the Chair will ask the Clerk to report that paragraph.

The Clerk read as follows:

For defraying the necessary expenses incurred in connection with foreign trade relations which come within the jurisdiction of the Department of State, under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests of the United States, and for the maintenance of a division of far-eastern affairs in the Department of State, including the payment of necessary employees, at the seat of government or elsewhere, to be selected, and their compensation fixed, by the Secretary of State and to be expended under his direction, fiscal year 1910, $100,000. A detailed statement showing expenditures, including salaries or rates of compensation paid under this appropriation, shall be reported to Congress by the Secretary of State on the first day of each regular session; and estimates for further appropriations hereunder shall include in detail salaries for all persons to be employed and paid in the Department of State at Washington, D. C.

The CHAIRMAN. In so far as the paragraph against which the point of order is made complies with the provisions of this paragraph in the deficiency act just read, the paragraph in question is not subject to a point of order. That is to say, in so far as the paragraph provides:

For defraying the necessary expenses incurred in connection with foreign trade relations which come within the jurisdiction of the Department of State, under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests of the United States, and for the maintenance of a division of far-eastern affairs in the Department of State—

And in so far as it provides for—

the necessary employees at the seat of government or elsewhere, to be selected and their compensation fixed by the Secretary of State and to be expended under his direction—

the paragraph to that extent is not subject to a point of order. In so far as its provisions do not comply with the provisions in the deficiency bill, if it contains any such provision, it is subject to a point of order.

The concluding sentences of the paragraph from the deficiency bill—

A detailed statement showing expenditures, including salaries or rates of compensation paid under this appropriation, shall be reported to Congress by the Secretary of State on the first day of each regular session, and estimates for further appropriation hereunder shall include in detail the salaries for all persons to be employed and paid in the Department of State—

in the opinion of the Chair, was intended to and does necessarily establish a permanent department, bureau, or division, whatever you may see fit to call it, in the State Department, because it provides for estimates to be furnished and submitted on the first day, not of the next session, or of any particular session, but on the first day of each regular session. In other words, it contemplates annual appropriations hereafter for the maintenance of a bureau or department, the functions of which are defined in the preceding part of the paragraph.

The question, then, is whether or not there are any provisions in the paragraph against which the point of order has been made which are in violation of the rule, in that they are not saved by the provisions of the paragraph in the deficiency act which has just been cited.

In the opinion of the Chair there are some such provisions, as, for instance, "director of the consular service, $4,500." The Chair is not advised whether or not this office is in connection with the carrying out of the provisions of the department created by the deficiency act. If it is, it is not subject to a point of order. If it is not, it is subject to a point of order as being legislation.

Counselor for the Department of State and resident diplomatic officer, each at a salary of $7,500, and each to be appointed by the Secretary of State, the one from the legal profession and the other from the grade of minister or above in the diplomatic service.

That is undoubtedly legislation. It does not comply with the provisions of the paragraph in the deficiency bill, in that it qualifies or limits the power of the Secretary to make the appointment. In other words, it provides that the officers shall be appointed, one from the legal profession, and the other from the grade of minister or above in the diplomatic service, when there is no such limitation of the Secretary's authority in the paragraph in the deficiency act.

Eight officers to aid in important drafting work, four at salaries of $4,500 each and four at salaries of $3,000 each, and hereafter to be appointed by the Secretary of State from the diplomatic and consular services or other branch of the government service—

is legislation by reason of the use of the word "hereafter," and because, also, it is a limitation upon the power of the Secretary to appoint, inconsistent with the power conferred in the paragraph in the deficiency bill. And so on, not to enlarge. The last paragraph—

A detailed statement showing expenditures, including salaries or rates of compensation paid under the last item of this appropriation shall be

reported to Congress by the Secretary of State on the first day of each regular session—

is undoubtedly legislation. For these reasons the Chair is compelled to sustain the point of order.

Mr. GILLETT. Mr. Chairman, I submit in place of the paragraph which has been stricken out the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Advancement of commercial and other interests as provided in the act approved August 5, 1909:

"Counselor for the Department of State and resident diplomatic officer, each at a salary of $7,500, and each to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909; eight officers to aid in important drafting work, four at salaries of $4,500 each and four at salaries of $3,000 each, to be appointed by the Secretary of State in accordance with the act approved August 5, 1909, and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin-American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, at a salary of $3,000; law clerk, at a salary of $2,500; one clerk of class 4; three clerks of class 3; two clerks of class 1; three clerks, at $1,000 each; three assistant messengers; for rent of rooms outside of the Department of State to accommodate the Bureau of Trade Relations and the Bureau of Accounts or other offices, not to exceed $5,500; for meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise and in the negotiation and preparation of treaties, arrangements, and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or elsewhere, to be selected and compensated under the provisions of the said act of August 5, 1909, $25,340; in all, $100,000."

Mr. COX of Indiana. Mr. Chairman, on that I reserve the point of order. I would like to hear the gentleman explain the difference between the present amendment and the paragraph just stricken out.

Mr. GILLETT. The present amendment follows strictly the act of August 5, 1909.

Mr. COX of Indiana. Has the gentleman the act of August 5 here?

Mr. GILLETT. Yes. The Clerk read it a few moments ago.

Mr. UNDERWOOD. Does the act of August 5 provide for the creation of these specific cases?

Mr. GILLETT. No.

Mr. UNDERWOOD. It merely provides in a general way for a lump sum for this organization?

Mr. GILLETT. Yes.

Mr. UNDERWOOD. Mr. Chairman, it seems to me there is a very great distinction between the creation of a particular bureau and providing for a lump-sum appropriation for men to carry out a specific work, and the creation of specific offices. Now, we have created a Department of Justice. There have been at different times general appropriations for extra services in the Department of Justice, but because we have a Department of Justice that is provided for by law does not authorize Congress in an appropriation bill to create a new office in the Department of Justice. This amendment the gentleman offers creates a number of different offices. The distinction is very great. If we create these offices by law, and the President appoints these men to fill the offices, and Congress the next year refuses to appropriate the money for their salaries, they could go into the Court of Claims and establish a claim and sue the Government and recover for their salaries.

On the other hand, if Congress meant to continue the blanket appropriation for a certain class of work and then discontinued that appropriation, the men who are appointed under that, or who have been employed under that blanket appropriation, would go out of office the minute the appropriation was withdrawn, and the office would exist no longer. So I think there is a very great distinction between the two propositions, and it seems to me that the point of order made by the gentleman from Indiana [Mr. Cox] is clearly well made, when the chairman of the committee attempts in an appropriation bill to create certain specific offices named in the amendment.

Mr. GILLETT. Mr. Chairman, under the ruling made by the Chair, it seems to me it is hardly necessary to answer the gentleman from Alabama. The act, which he perhaps has not read, of August 5 particularly provides for the maintenance of a division of far eastern affairs, and so forth, and then it says:

A detailed statement * * * and estimates for further appropriations thereunder shall include in detail salaries for all persons to be employed and paid in the Department of State.

There is an express authorization.

Mr. UNDERWOOD. But the gentleman does not draw the distinction between Congress doing this in a proper and orderly way by passing a bill coming from its committee, creating these offices in pursuance of a former law, and the creation of them upon an appropriation bill.

Mr. GILLETT. They have already been created.

Mr. UNDERWOOD. No; they have not. There is no office created under that act at all. It merely provides for a department.

Mr. GILLETT. Exactly; provides for a division, and makes an appropriation at the same time.

Mr. UNDERWOOD. It does not create any specific office, as I said. It provides for the employment of a number of people, but Congress under that can withdraw that appropriation at any moment, and those men will go out of office. If you pass this amendment, Congress could withdraw the appropriation, and the men would still stay in office and could establish their claim against the Government for their salaries in the Court of Claims. It is a very different proposition.

Mr. GILLETT. But the original act authorized the Secretary of State to appoint these officers and to make a detailed statement of their salaries, and he has done so, and now we are carrying out what is already authorized.

Mr. UNDERWOOD. As I understand the act, it does not designate any particular officers at any particular salary.

Mr. GILLETT. No; it gives him the authority to do it.

Mr. UNDERWOOD. It gives him authority to employ a number of clerks. You can call them whatever you please.

Mr. GILLETT. Yes.

Mr. UNDERWOOD. Clerks or officers or anything else; but it is a mere appropriation for clerical hire. That is a very different thing from creating specific offices.

Mr. GILLETT. It says nothing about clerical hire.

Mr. UNDERWOOD. It is a very different proposition from the creation of specific offices.

Mr. MANN. Mr. Chairman, as I understood the ruling of the Chair, it was not that the first part of the paragraph in the appropriation bill of last summer authorized this appropriation or authorized these places, but that the appropriation in connection with that part of the paragraph requiring the Secretary of State to submit a detailed statement to Congress of the amounts used by him in payment of salaries and otherwise, authorized the setting up of this bureau, or division, as the gentleman from Minnesota calls it. Of course that provision contains a direction that the Secretary of State should fix the salaries, and it is a query in my mind whether the direction to the Secretary of State to fix the salary and then to submit an estimate to Congress, the latter being sufficient authority for the appropriation, is not a sufficient authority for the fixing of the salaries in the appropriation.

I am not so sure about that, and I would like to ask the gentleman from Massachusetts [Mr. GILLETT] whether he thinks the authority to create a far eastern division or the chief of a division of far eastern affairs, whatever the language is, is a sufficient authority to create a Latin American and a near eastern or a European division of affairs? I want to know where that authority is. I should suppose that the provision including a division of far eastern affairs was in itself an exclusion of a Latin American, near eastern, or a European division of affairs.

Mr. CLARK of Missouri. It is the same old thing, giving an inch and taking an ell. You have given permission to have a far eastern division or bureau, and they will add one down in South America.

Mr. MANN. I believe myself it is easy enough to get around the point of order.

Mr. COX of Indiana. Mr. Chairman, I do not profess to be a scientific parliamentarian, but it strikes me very forcibly that the amendment is in direct opposition to section 2 of Rule XXI, which provides that no appropriation shall be reported in any general appropriation bill or be in order as amendment thereto for any expenditure not previously authorized by law. Now then, the proponents of the amendment bottom the present amendment upon an act contained in the urgent deficiency bill passed last August. Reading from that act, it nowhere provides for the establishment of any office whatever.

For defraying the necessary expenses incurred in connection with foreign trade relations which come within the jurisdiction of the Department of State, under tariff legislation and otherwise—

And so forth.

There is not an office created by that act. There was, as I recollect, a lump sum appropriated to enable the Secretary of State to carry out certain provisions in relation to the tariff act in the act of last August.

As bearing upon this I desire to call the attention of the Chair to section 3664 of Hinds's Parliamentary Precedents, volume 4, which, I think, relates very closely to it:

Propositions to increase salaries fixed by law, or appropriate for offices not established by law, are subject to a point of order.

Now, recurring again to what I said a moment ago, that the proponents of the measure seek to bottom the present amendment upon a law that was passed last August, when the bill is examined it is plainly discerned that no office was created in it whatever.

On March 27, 1906, the legislative appropriation bill was under consideration in Committee of the Whole House on the state of the Union when the Clerk read:

Office of assistant treasurer at New Orleans: For assistant treasurer, $4,500; chief clerk and cashier, $2,250; receiving teller and paying teller, at $2,000 each—

And so forth.

After debate the Chairman held that the items were not specified in the statute, and therefore were not in order.

Now, I call the attention of the Chair to section 3697, which I believe to be a direct authority upon the subject:

The mere appropriation for a salary does not thereby create an office so as to justify appropriations in succeeding years.

I believe the point of order is well taken, because I think it contravenes the plain terms of section 2 of Rule XXI. I believe it is well taken because there is no law which heretofore has established these offices. I believe it is well taken because it contravenes all the well-defined precedents heretofore decided by many Speakers of this House and Chairmen of the Committee of the Whole.

Mr. BURKE of Pennsylvania. Mr. Chairman, just a word regarding the suggestion made by the gentleman from Indiana [Mr. Cox] and in accordance with that made by the gentleman from Illinois [Mr. MANN]. Under the act of last year it is clear to my mind that the Congress intended to create a permanent division in the State Department. It also provided a specific appropriation for a definite purpose, and that purpose was for the advancement of the commercial and other interests of the United States. There could not be broader language applying to a broad subject than the very language of the act.

Now, the objection made by the gentleman from Alabama [Mr. UNDERWOOD], that the detailed statement in the present amendment is objectionable, is overcome by the fact that at the conclusion of the appropriation item for the Department of State in the urgent deficiency bill of August 5 last this provision occurs:

A detailed statement showing expenditures, including the salaries or the rates of compensation under this appropriation shall be reported to Congress by the Secretary of State on the first day of each regular session.

Now, what was the purpose of compelling the Secretary of State to make a detailed report to the Congress of the expenditures made?

Mr. UNDERWOOD. To show that none of the money was stolen.

Mr. BURKE of Pennsylvania. Which, I assure the gentleman from Alabama, will never occur as long as the State Department is under the supervision and control of the present Secretary of State.

Now, couple that suggestion regarding the report of expenditures with the further one that the Secretary of State is compelled also to furnish estimates for further appropriations, and what is the conclusion? Further appropriations for what purpose? "Further appropriations hereunder," further appropriations authorized by this particular legislation, and no other. Now, what is the purpose? It is to compel a rendering to the Congress an account in the form of estimates for further appropriations. Was it not the ultimate purpose to enable Congress, in passing upon those estimates, to specify what items should be stricken out and what items should be allowed to remain in the appropriation bills? And does not the obligation imposed upon the Secretary of State to report to Congress the various items of expenditure, carry with it also an obligation upon the Congress, in justice to itself, to specify those items in the appropriation bill?

And is it not rather a matter of commendation, so far as the gentleman's amendment is concerned, that it gives to this House an opportunity to exercise its jurisdiction and its power in going into details with reference to this expenditure rather than doing that which the gentleman from Alabama admits can be done under this legislation, appropriate the whole lump sum of $100,000 without any qualification whatever under the law as it now exists?

Mr. UNDERWOOD. The gentleman from Pennsylvania overlooks the fact entirely in his argument that we have a rule, Rule XXI, which provides that this legislation shall be done in a different way from being placed on an appropriation bill. I do not deny we are going to have this bureau, and he will have to determine what officers will be needed and fix their salaries, but that is not the proper way to do that, and that is the point of order.

Mr. BURKE of Pennsylvania. I agree with the gentleman from Alabama that the rule prohibits the enactment of general legislation upon appropriation bills, but the gentleman is just as aware as any gentleman who ever occupied a seat in this House that that rule does not always obtain. It did not obtain in the last deficiency appropriation bill because extraordinary conditions were existing in this country at that time. We had just enacted new tariff legislation, and there were conditions existing under which it seemed absolutely essential that provision should be made in various departments of the Government in order that that great law might be carried out in its details and provisions.

Mr. COX of Indiana. But the gentleman will agree, will he not, that up to the present time there has been no office whatever created?

Mr. BURKE of Pennsylvania. No; the gentleman will not agree that there has been no office created.

Mr. COX of Indiana. Then, what office has been created?

Mr. BURKE of Pennsylvania. The gentleman from Pennsylvania will agree to this: That the Congress authorized the expenditure of $100,000 for the broad and general purpose which I have mentioned, and manifestly that money could not be expended without the employment of some individuals for that purpose.

Mr. COX of Indiana. Now, when the Congress passed that act and appropriated that money, did it say what the officers should be?

Mr. BURKE of Pennsylvania. It said it should be expended under the supervision of the Secretary of State.

Mr. COX of Indiana. But did it name a single officer?

Mr. BURKE of Pennsylvania. It did not name the officers, but it was broader than if it had named the specific officers.

Mr. COX of Indiana. Does the gentleman agree that up to the present there has been any office created, even under the act passed last August?

Mr. TAWNEY. Mr. Chairman, if the gentleman from Indiana will permit me, I desire to say there is an error there. Congress authorized the Secretary, or rather, Congress authorized the creation of a certain division in the State Department. It authorized the Secretary of State to select the necessary employees for the purpose of carrying out the work of that division.

Mr. COX of Indiana. Will the gentleman yield there for a question?

Mr. TAWNEY. It also authorized the Secretary of State to fix their compensation. Now, any position or any employees whom the Secretary of State deems necessary to carry out the work of this division which Congress has authorized, that position has been created by authority of Congress through the Secretary of State.

Mr. COX of Indiana. Will the gentleman permit in that connection?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. Will the gentleman contend that under the act he has just cited that it is broad enough to establish the office of some officer called a "director of the consular service" and another——

Mr. TAWNEY. Yes; I do.

Mr. COX of Indiana (continuing). And another "resident diplomatic officer?"

Mr. TAWNEY. Yes; I do; he is an employee; just what the act of August 5, 1909, authorizes.

Mr. COX of Indiana. Will the gentleman further contend that the act passed last August did create the office of director of the consular service and resident diplomatic officer?

Mr. TAWNEY. Yes; it authorizes the Secretary of State——

Mr. COX of Indiana. But nowhere gives him the name.

Mr. TAWNEY (continuing). To employ as many officers or employees as necessary to carry on the work of the division which was created by authority of law.

Mr. COX of Indiana. But the act of August never fixed any of their salaries.

Mr. TAWNEY. No; but it authorized somebody else to do so.

Mr. COX of Indiana. Well, I do not know whether it did or not. I doubt whether the language is that broad.

Mr. TAWNEY. In express terms the act authorized the Secretary of State to fix their salaries. It not only did that, but the act itself goes on and requires the Secretary of State to report to Congress the expenditure under this authority and to submit detailed estimates to Congress for the purpose of enabling Congress to make exact and necessary appropriations to carry on the work of this division for the next fiscal year.

Mr. COX of Indiana. The gentleman would not segregate the closing part of the act of last August and say that that and that alone was the organic law, would he?

Mr. TAWNEY. I would not; no.

Mr. COX of Indiana. You would take the entire act, would you not?

Mr. TAWNEY. I would take the entire act together, because, clearly, the implication in the latter part of the paragraph is made that these salaries, as fixed by the Secretary of State under authority of Congress, are the salaries and places he has to estimate for for the fiscal year 1911, and that he has done, and that clearly implies that we are, in reporting the appropriation to the House, to report specific appropriations instead of a lump sum.

Mr. COX of Indiana. I do not like the implication at all. I want the positive statute.

Mr. BURKE of Pennsylvania. Does not the gentleman know that the sustaining of his contention would open the door to more evils than the adoption of this amendment?

Mr. COX of Indiana. The gentleman does not. There are abundant committees here who have the power and ability to frame laws.

Mr. BURKE of Pennsylvania. And a very able committee prepared and framed this law that is under discussion.

Mr. COX of Indiana. Frame and present it.

Mr. BURKE of Pennsylvania. Yes; and present it, and in further accordance with that spirit, this committee compelled the Secretary of State to report back to them at the beginning of each session in the form of estimates.

Mr. COX of Indiana. I do not think that adds anything to it at all.

Mr. BURKE of Pennsylvania. I do not really quite understand the gentleman's complaint—whether it is against the expenditure of this money or not. If it is, it is one thing. If it is for the hiring of employees who are justified under the emergencies of the Government, it is another thing. Now, will the gentleman indicate to which one of these conditions he directs his objection?

Mr. COX of Indiana. I will gladly do it. I put it upon both grounds. First, in my judgment, the needless expenditure of money along this line; second, because, as I understand it and as I stated it to be, it is a direct infringement of clause 2, Rule XXI, and in open opposition to all the precedents of the House.

Mr. BURKE of Pennsylvania. The gentleman and I disagree on that.

The CHAIRMAN. The Chair is ready to rule. The Chair is familiar with the precedents cited by the gentleman from Indiana. Undoubtedly the creation of a new office or the increase of a salary over that fixed by law would be subject to a point of order under clause 2 of Rule XXI. But those precedents do not seem to the Chair to be applicable to this case at all. The act of August 5, 1909, created a new division in the State Department. It defined its functions in the most generous terms, and there is no provision in the amendment now offered that does not have direct relation to the carrying out of those functions. Not only that, but it provided for the payment of salaries, and delegated to the Secretary of State the selection of the officers to receive the salaries. Of course, that includes the definition of the duties and the fixing of their salaries. Then it provided for the appropriation by Congress thereafter for the payment of those salaries to those officers, not necessarily by name, but to the officers fulfilling those functions from time to time, not for one year or two years, but during the life of the division. So that it seems very clear to the Chair that there is nothing provided for in this amendment that is not within the direct terms of the act of August 5, 1909.

Mr. HAMLIN. Will the Chair permit one suggestion?

The CHAIRMAN. Certainly.

Mr. HAMLIN. It seems in the hearing before the Committee on Expenditures in the State Department that the Secretary of State or his assistant, especially, did not construe that law as being permanent law and a permanent authorization for the establishment of this bureau. I would like to call the Chair's attention to this question. In reference to the $100,000 carried for this purpose in the urgent deficiency bill last August Mr. Wilson, Assistant Secretary of State, made this answer:

> We have two lump funds at present, Mr. HAMLIN. The emergency fund we have had since 1886, and then at the extra session $100,000 was appropriated, about which the Secretary was talking, and which we are now seeking to have put in the legislative, executive, and judicial bill for the purpose of making permanent certain posts which have been found necessary in the reorganization of the department and leaving about $25,000 still unallotted for the purposes specified in the original appropriation, but available for employing extra services in the District on occasions. The latter is one of the purposes for which the emergency fund is not available.

Now, the purpose seems to be to put this item in this particular bill for the purpose of making it a permanent bureau. Now, it seems to me, the Secretary himself did not consider or construe that authorization in the urgent deficiency bill last August was sufficient to make this a permanent bureau in his department. He seeks to make it permanent by the authorization in this bill.

The CHAIRMAN. There can be no doubt in the mind of anyone who reads the act of August 5, 1909, that it provided a permanent division in the State Department. The Chair thinks the gentleman is misinformed as to the opinion of the Secretary upon that subject.

Mr. HAMLIN. I am reading from his own testimony.

The CHAIRMAN. On a side matter. The Chair, of course, will hear the gentleman from Missouri.

Mr. CLARK of Missouri. I do not want to talk about the point of order, if that is already settled.

The CHAIRMAN. There is nothing before the committee except the amendment.

Mr. CLARK of Missouri. The amendment is before the committee. I am against the original amendment and against the section. I am against it because I believe it not to be correct in principle. In the short session of the Sixtieth Congress the increase of offices in the office of Secretary of State was thoroughly thrashed out, and at last it was decided in favor of not creating these new officers in the office of the Secretary of State. There was not a man in the House that did not know precisely what he was doing when he voted on that question, because it was up here half a dozen times. Also speeches were made about it, and it was the deliberate conclusion of the House that these officers were not needed.

This section is a deliberate attempt to whip the devil around the stump. You call these new officers by another name, and you undertake to get them that way. A lump sum of an increase in the appropriation of $100,000. There has not been a syllable of evidence produced to this House that justifies a single one of these salaries. While that uproar was going on here about the undersecretary, and so forth, one evening, I was going down on the street car and a newspaper man gave me this very illuminating information:

He said that the reason they wanted these new officers created in the office of Secretary of State, and also the reason that they wanted to qualify Senator Knox to be Secretary of State—which I still say they never have done—was that President Taft had an extraordinarily high opinion of the then Senator Knox, and wanted to get him into his Cabinet and make him a sort of Deputy President. That is, he was going to unload on Secretary Knox a fourth, a third, or a half, or as much as he wanted to, of the duties, minor duties you may call them, so that it would give the President himself ample time to devote his intellectual energies to the greater questions of statesmanship. That was proposition No. 1, given why he wanted Knox as Secretary of State; and the reason that Secretary Knox wanted these six new officers created in the office of Secretary was that he might unload a large part of his duties as Secretary of State onto the undersecretary and these new functionaries, that he might have ample time to devote himself to his duty as Assistant President of the United States.

That is proposition No. 2.

Well, now, we fought him on proposition No. 1 and were rolled on his undertaking to qualify Senator Knox to be Secretary of State. But when it came to proposition No. 2, we rolled them. It seems, when this deficiency bill came in, it slipped in here when nobody was paying any particular attention to what was going on, and made this provision in the deficiency bill. Now they come in and claim that the language of the bill makes this division or bureau, or whatever you please to call it, permanent.

I would like to ask the chairman of the Committee on Appropriations, or the gentleman from Massachusetts, who has this thing in charge, how they happened to give to the Secretary of State the right to fix salaries in his department?

Mr. GILLETT. Why, the House did that last summer.

Mr. CLARK of Missouri. But what made the House do it? That is exactly what I am asking.

Mr. GILLETT. The debate last summer will show that.

Mr. TAWNEY. I will say to the gentleman from Missouri that the general deficiency appropriation bill, which carried the item for the State Department, authorized the creation of this bureau, and appropriated $100,000 for the service necessary during the remainder of the fiscal year 1910, was passed on the last day of the session. It became law on the last day of the session.

Mr. CLARK of Missouri. Yes; when everything was in an uproar, and nobody paying any attention.

Mr. TAWNEY. Nobody could tell how many clerks and employees would be necessary to carry on the work of that division. The necessity requiring the creation of the division was shown the same day the appropriation bill became a law. Therefore it was necessary to appropriate the money and authorize the em-

ployment of those necessary during the remainder of this fiscal year. Then we required a detailed statement of the expenditures under the appropriation, and we required an estimate for next year of all employees required at the seat of Government. Now, that was fully discussed at the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. I ask unanimous consent to proceed for five minutes more.

There was no objection.

Mr. CLARK of Missouri. Now, let us see what the situation is. The President of the United States has been clamoring for economy. The chairman of the Appropriations Committee has made a hundred speeches within my hearing in favor of economy.

Mr. TAWNEY. Without effect.

Mr. CLARK of Missouri. Oh, no.

Mr. TAWNEY. Without effect on the gentleman from Missouri.

Mr. CLARK of Missouri. I have always attempted to help him.

Mr. TAWNEY. Except when you were trying to appropriate $500,000 for flying machines.

Mr. CLARK of Missouri. I never voted for a flying machine.

Mr. TAWNEY. Oh, the gentleman did; he voted for balloons on the army appropriation bill.

Mr. CLARK of Missouri. No; I never voted for any balloons or flying machines or anything of the sort. The truth is, nobody could induce me to go up in one of the things. The chairman of the Appropriations Committee [Mr. TAWNEY] has made a great many speeches in favor of economy. As I stated yesterday by way of a question, Senator HALE had a conversation with the President not long ago at the White House, and when he came out he announced, with "his eye in fine phrensy rolling," to that bunch of newspaper men up there that he and the President had just cut down the appropriation bills $50,000,000; and the other day Senator ALDRICH said he could take the Government and run it for $300,000,000 less than it now costs and lose nothing in efficiency.

Mr. HUGHES of New Jersey. Why does he not do it? He is running the country, is he not?

Mr. CLARK of Missouri. If he could do it, I am not certain but I might be in favor of giving him carte blanche to do it. to do it.

Mr. TAWNEY. That statement has been made so frequently, without any qualification whatever, that I want to call the gentleman's attention to the fact that $300,000,000 is in excess of the total expenditures of the Government for all civil purposes; and if the gentleman from Missouri, or any other man, says that the Government can be conducted for $300,000,000 less than at present, if conducted according to modern business methods, he is simply talking through his hat, without knowledge of the facts.

Mr. CLARK of Missouri. I am not saying you can do it for $300,000,000 less, but I am simply saying what the boss of the Republican party said a good business man could do it for. [Applause on the Democratic side.] And I have a great deal of respect for Senator ALDRICH'S headpiece.

Mr. TAWNEY. If $300,000,000 is in excess of the total expenditures for all civil purposes, how could you or any other man do it? I concede a great saving might be accomplished by the adoption of modern business methods, but that a saving in excess of the total cost of administering all the civil expenditures is simply ridiculous.

Mr. CLARK of Missouri. I am not confining it to civil purposes. I will tell you how to save $24,000,000 dead easy. Muster out the 12,000 troops that there are in the Philippine Islands and save the $24,000,000 annually. It will be the best trade ever made by a nation since the morning stars first sang together for joy. Instead of building two battle ships, at $12,000,000 apiece, build one or build none.

Mr. TAWNEY. I agree with the gentleman from Missouri.

Mr. CLARK of Missouri. Now, when I am right, why do you not help me?

Mr. TAWNEY. When I am right, why does not the gentleman from Missouri help me?

Mr. CLARK of Missouri. I do; and we generally are rolled together. But what I am saying is this: If there is a necessity for economy, the State Department is just as good a place as anywhere else to economize. Now, let us see what these offices are that you are practically creating:

Counselor for the Department of State and resident diplomatic officer, each at a salary of $7,500, and to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909.

I do not believe there is a man in the House who can give an intelligent opinion about what this resident diplomatic officer is to do. Is he to be a useful public functionary, or is he to be simply ornamental? What is this counselor going to do?

Mr. HENRY W. PALMER. Lots.

Mr. CLARK of Missouri. What?

Mr. GOULDEN. Draw his salary.

Mr. CLARK of Missouri. Who is he going to counsel—Congress or the Secretary of State?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask leave to print the amendment as a part of my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The amendment is as follows:

Page 44, line 12, insert:

"Advancement of commercial and other interests, as provided in the act approved August 5, 1909:

"'Counselor for the Department of State and resident diplomatic officer, each at a salary of $7,500, and to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909; eight officers to aid in important drafting work, four at salaries of $4,500 each and four at salaries of $3,000 each, to be appointed by the Secretary of State in accordance with the act approved August 5, 1909, and to be employed upon tariff, treaty, and trade relations and negotiations, any one of whom may be employed as chief of division of far eastern, Latin-American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, at a salary of $3,000; law clerk, at a salary of $2,500; 1 clerk of class 4; 3 clerks of class 3; 2 clerks of class 1; 3 clerks, at $1,000 each; 3 assistant messengers; for rent of rooms outside of the Department of State to accommodate the Bureau of Trade Relations and the Bureau of Accounts or other offices, not to exceed $5,500; for meeting occasional and unforeseen expenses arising in connection with foreign trade relations which come within the jurisdiction of the Department of State under tariff legislation and otherwise, and in the negotiation and preparation of treaties, arrangements and agreements for the advancement of commercial and other interests, including the appointment of necessary employees at the seat of government or elsewhere, to be selected and compensated under the provisions of the said act of August 5, 1909, $25,340; in all, $100,000.'"

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. The bill passed last August in no way fixes the amount of the salaries. The amendment now offered by the gentleman from Massachusetts undertakes to fix the specific amount of each salary. Now, the inquiry I wish to make is, Who has fixed these salaries? Did the Secretary of State do it, or did the Committee on Appropriations do it?

Mr. GILLETT. The Secretary of State made the recommendation to us, and we fixed them according to his recommendation.

Mr. COX of Indiana. The Committee on Appropriations simply followed the recommendations of the Secretary of State upon that point. Is that correct?

Mr. GILLETT. We did, as far as they conformed to our judgment. If I recollect right, we reduced one or two of them, but I am not certain about that.

Mr. COX of Indiana. The law specifically named each of the officers, and did the Secretary of State fix the salary of each?

Mr. GILLETT. It came in in the Book of Estimates, as required by the law of 1905.

Mr. COX of Indiana. Did the Committee of Appropriations follow the recommendation of the Secretary of State as to the designation of each office?

Mr. GILLETT. I think it did.

Mr. COX of Indiana. Then the whole thing was fixed by the Secretary of State?

Mr. GILLETT. The designation was as provided by law.

Mr. COX of Indiana. And the salaries?

Mr. GILLETT. In nearly, if not all, of the cases.

Mr. COX of Indiana. Mr. Chairman, I withdraw the pro forma amendment.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word in order to get some information. I find that all the seven other members of the Cabinet have a salary fixed at $12,000 a year, the only exception being the Secretary of State. I would like to know why that office is discriminated against at this time and why it should not be changed to $12,000?

Mr. GILLETT. The gentleman from New York must remember the reason it was fixed at $8,000 last year, and that amount was put in this bill for the same reason.

Mr. GOULDEN. Yes; I know the reasons assigned a year ago, but I wanted to know if it was for the same reason that existed last year, and if the committee did not think it would be justified, legally, in doing so now?

Mr. KEIFER. Mr. Chairman, I should be very glad if the salary of the Secretary of State was fixed in this bill at $12,000. Whatever may have been the effect or the doubts in the minds of some of us as to the repeal of the law that raised the salary

of the Secretary of State and other Cabinet officers to $12,000, that has passed by, and it is conceded on every hand that the Secretary of State is properly occupying that high office under the Constitution.

Now, there is no reason existing why he should not have the salary fixed at least equal to that of the other Cabinet officers, and I call attention at this time to paragraph 2, section 6, of the first article of the Constitution.

Mr. LIVINGSTON. The substance of it is that he can not participate in a salary increased during his term of office in Congress, and that is the reason why we do not increase it now.

Mr. KEIFER. Mr. Knox is now properly filling the office of Secretary of State. The paragraph of the Constitution referred to reads as follows:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which shall have been created or the emoluments whereof shall have been increased during such time.

That paragraph would have prevented Mr. Knox becoming Secretary of State if the law that was passed during his term had not been repealed or amended, so far as it affected the salary of the Secretary of State. But we undertook to deal with that question, and settled it; and, so far as the country is concerned, I guess everybody is reconciled to it, and he is now constitutionally Secretary of State. There is no reason why we should not fix his salary now as well as fix the salary of any other officer or member of the Cabinet.

Mr. LIVINGSTON. Would not he then be a beneficiary of the increase made while he was in office?

Mr. KEIFER. No; he would be the beneficiary of a law that we pass now.

Mr. LIVINGSTON. The law could not change the Constitution.

Mr. KEIFER. It would not change the Constitution, because there is constitutional authority to change the salary of all Cabinet officers now.

Mr. GOULDEN. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. GOULDEN. Does the Constitution fix the salary at $8,000?

Mr. KEIFER. No; the Constitution does not fix it at all; the law fixes it. His salary is $8,000, while the other Cabinet officers' salaries are $12,000, as fixed by law.

Mr. GOULDEN. The gentleman contends that his appointment was legal and constitutional, and therefore could be changed to the same salary as the other Cabinet officers?

Mr. KEIFER. He is now Secretary of State, and I say that we can now fix his salary by law as we can the salary of any other Cabinet officer. Is that disputed?

Mr. COX of Indiana. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. COX of Indiana. Reading the amendment, I see it provides an appropriation of $25,000 for some possible unforeseen emergency that may arise in the future.

Could the gentleman inform the committee under what conditions some unforeseen emergency may arise whereby that appropriation, or any part of it, may be needed?

Mr. KEIFER. That is off the line that I was talking. I was talking about the salary of the Secretary of State.

Mr. COX of Indiana. Well, the gentleman is a member of the committee, and that is the reason I put the question to him.

Mr. KEIFER. I am a member of the committee, but I can not answer that question now. I refer the gentleman to the gentleman from Massachusetts [Mr. GILLETT], in charge of the bill.

Mr. HUGHES of New Jersey. If the gentleman will permit me, I think I can answer it. That contemplates to amend the Constitution so that the Secretary can get the balance of the money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last two words. I would like to ask the gentleman in charge of the bill, the gentleman from Massachusetts [Mr. GILLETT], a question. The offices provided for in the paragraph are the same that were appropriated for under the appropriation of last August?

Mr. GILLETT. Yes; practically the same. There may be some slight changes.

Mr. HAMLIN. I will ask the gentleman how his committee reached the conclusion that it would require $100,000 to pay the expense of this Bureau of Trade Relations for the next fiscal year?

Mr. GILLETT. The gentleman means how we decided last summer?

Mr. HAMLIN. How the committee decided now. This bill carries $100,000.

Mr. GILLETT. We have decided it by the advice of the Secretary of State, of course.

Mr. HAMLIN. I would like to call the committee's attention to the fact that on the 9th of February the Secretary of State on being interrogated in relation to this matter testified in answer to a question propounded by a member of the Committee on Expenditures in the State Department:

> Now, on page 58 of the same hearings the total for salaries seemed to be $9,404.32.
>
> Mr. KNOX. That is up to the beginning of the present session of Congress. These offices were created only a few weeks before Congress convened [referring to these offices now under consideration], and the law requires that the expenditures be reported to Congress at the beginning of each session, so I am telling you what the expenditures were up to the 6th of December. They amount to $75,000 per year, including $4,500 rent that we have to pay for the Bureau of Trade Relations and the Bureau of Accounts.

Mr. MANN. Will the gentleman yield for a question at that point?

Mr. HAMLIN. With pleasure.

Mr. MANN. I see the gentleman is holding in his hand a very large volume. May I ask what the gentleman is reading from?

Mr. HAMLIN. From the printed report of the testimony taken in an examination before the Committee on Expenditures in the State Department.

Mr. MANN. Is it possible that that committee has taken that much testimony?

Mr. HAMLIN. No. I would be very glad to explain that. This committee took 10 pages of testimony, and it appears that the transcript of the testimony was sent down to the State Department. There it was retained for two weeks and came back and was printed, and with the 10 pages of printed testimony come in about 438 pages of "junk" that have cost the Government, no doubt, several hundred dollars to print, that is absolutely unauthorized and of no use to anybody.

Mr. MANN. Of course the Secretary of State did not have it printed.

Mr. HAMLIN. He reported it to the committee, and I presume the chairman of the committee had it printed.

Mr. MANN. It could only be printed by order of the committee.

Mr. HAMLIN. It was not printed by order of the committee.

Mr. MANN. Is that the first result of giving to one of the expenditure committees the authority to print hearings—a document of that size probably costing $5,000 to print and not worth 5 cents after it is printed?

Mr. HAMLIN. I have just stated to the gentleman that this was not ordered printed by the committee, and I do not know by whose authorization it was done.

Mr. TAWNEY. Is the gentleman a member of the committee?

Mr. HAMLIN. Yes.

Mr. MANN. I want to say to him that the Public Printer informed me, as chairman of the subcommittee of the Appropriation Committee, in consideration of the sundry civil bill, that it was printed by order of the committee and it could not be printed otherwise.

Mr. HAMLIN. But it is just like the fellow who went to jail, and his lawyer told him he could not be put in jail, and he said, "By gar, I am here just the same." It was printed without authority of the committee, I undertake to say.

Mr. MANN. I undertake to say that the Public Printer has an order from that committee for the printing of that document.

Mr. HAMLIN. There has been no meeting of the committee since this testimony was taken, and this part was no part of the testimony taken there, so of course it could not have been authorized by the committee, but, Mr. Chairman, I must decline to be led off on that.

Mr. MANN. I do not wonder that the gentleman does not desire to be led off on that.

Mr. HAMLIN. Oh, the gentleman can not charge up to me any of the responsibility for the printing of this document, for I had nothing to do with it. There has been no meeting of the committee, and no member of that committee—I see one sitting on the other side of the Chamber, and I am sure that he will agree with me that there has been no meeting of the committee to authorize or reject the publication of this volume. It was printed by order, perhaps, of the chairman of the committee. I do not know, but am sure that it was not done by order of the committee.

Mr. MANN. Mr. Chairman, I am not finding any fault with the committee; I suppose those are usually printed on the order

of the chairman. May I ask the gentleman, who is a member of the committee, whether that document, outside of the evidence taken by the committee, is of any value to anybody?

Mr. HAMLIN. I think not; absolutely none.

Mr. TAWNEY. I will ask the gentleman if it is not a fact outside of the first ten pages of the document the entire document consists of schedules and specifications prepared by the central purchasing committee for all departments at Washington and is a mere reprint of those schedules?

Mr. HAMLIN. Why, the gentleman is almost entirely accurate in that statement. It does consist of copies of blank forms, which I presume could have been sent to us without printing, but by whom prepared I do not know, but they——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.]. The Chair hears none.

Mr. HAMLIN. And, as I say, without any meeting of the committee this printed volume has come back and been circulated among the members of the committee, and I am sure it was not authorized by the committee. The printed testimony was authorized, but not this other stuff that has been added to it.

Mr. GOULDEN. I will ask if nearly 400 pages of that volume is of any particular value to any of the Members of this House, or contain any information that is of any importance?

Mr. HAMLIN. I am satisfied 20 pages will include all that can possibly be of any advantage to this House. Now, the point that I wanted to make, and I am making it in the utmost good faith, if I can have the attention of the gentleman in charge of the bill, is that it appears from Mr. Knox's testimony that he gave before the committee that the amount necessary to pay the salaries and expenses, including $4,500 rent for this particular division or bureau, is $75,000. Why did the committee make a provision in this bill for $100,000, and why did it not make it for only $75,000?

Mr. GILLETT. Because he expressly stated that he wanted $25,000 for contingencies. He said at any time there might happen something of tremendous importance here—I think that is his language—in connection with our trade relations, and it would be very important that they should have a fund which they could employ for that purpose, and we gave it to him.

Mr. HAMLIN. Well, I believe, Mr. Chairman, it is not a very good policy to appropriate a great deal of money that may be necessary only on some far-away contingency. Congress is in session a good part of the year, and it seems to me, if a contingency should arise, we could appropriate the necessary amount of money or make it up in a deficiency bill.

Mr. GILLETT. The gentleman well recognizes this, that it might be on a subject which, for the interest of our Government, it might not be wise to have made public and come to Congress and ask for the money. That is where the State Department, of course, differs from the others.

Mr. HAMLIN. Mr. Chairman, right on that point I want to say that I believe there is a whole lot too much secrecy about some of these departments, and I am not in favor of encouraging it, but in this particular matter I can not conceive where there is anything to be concealed. The duty of this bureau in expending this sum is to check up and compare the tariffs of the different countries with ours and determine and advise the President as to whether he should enforce the maximum rate or, by proclamation, relieve other countries of that maximum rate. Now, that certainly can not be a secret, and the duties of this Board of Trade Relations is to investigate those matters, and I can not conceive how there possibly could be any secret connected with that matter. Therefore at the proper time I would like to move an amendment to this bill, making the amount $75,000 instead of $100,000.

Mr. TAWNEY. Mr. Chairman, I want to say, in reply to the gentleman from Missouri, that before the Committee on Appropriations Mr. Knox said:

> Secretary KNOX. I have explained our work under the tariff law. A moment ago Mr. Burleson asked me a question about cotton-seed oil as bearing upon the wisdom of your allowing us the remainder of this appropriation, amounting to about $25,000, for emergencies. It is impossible to know when the department may be called upon to make an expenditure of tremendous consequences to the country. We have no fund to make it from except this one, if it is a case for special work here in Washington. Without the emergency fund, on the other hand, we should have no adequate fund for special work abroad.
>
> Mr. BINGHAM. Will this $100,000 appropriation be needed for the continuation in your department of the new divisions in the future?
>
> Secretary KNOX. Absolutely so. It is really necessary to the department's efficiency that the new posts be appropriated for specifically and permanently, and that I be allowed the leeway of about $25,000, for further use as needed, along the lines of the old appropriation, always bearing in mind that no increase is being asked. We have great hopes to be able to reduce our estimate in the future for the permanent service in the lowest grades in the department. There has not been a perfectly scientific method of filing papers. Mr. Root, when he came in, made a tremendous advance over the methods that had been employed before his time, but since that change was made there has been developed a higher degree of perfection in methods. We have had a corps of competent experts very recently go through the Bureau of Indexes and Archives, etc.

Now, it is his purpose to use this for any emergency that may arise, including any reform in the methods of business that are now in vogue in the department and are found to be necessary. I think the amount is absolutely necessary and ought to be allowed.

Mr. HAMLIN. I want to say in reply to that, however, that it ought to be, and seems to be, a standing advertisement of this administration that it is in favor of economy. Now, we are all human. If you give to the chief of any of these departments a large sum of money, he can be more easily persuaded that an exigency arises whereby they may expend this money, because they have it at their disposal. My idea is, if you want to economize, we are the ones to hold the purse strings. His own statement is that he only needs $75,000 to pay these salaries and to pay the rent. Now, let us hold the purse strings, and let us be the judges as to whether there is a contingency arising, because of which he ought to have more money, and not give it carte blanche to this department to determine for themselves about these contingencies.

I move, Mr. Chairman, to amend the amendment by striking out "one hundred thousand" and inserting "seventy-five thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Strike out "one hundred thousand" and insert "seventy-five thousand."

Mr. UNDERWOOD. Mr. Chairman, the amendment offered by the gentleman from Massachusetts [Mr. GILLETT] is still pending, I believe?

The CHAIRMAN. Yes.

Mr. GILLETT. Will the gentleman allow me to make a motion to close debate in five minutes?

Mr. UNDERWOOD. I desire to say a few words, and I may wish more than five minutes. If the gentleman will make it ten minutes and give me——

Mr. GILLETT. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in ten minutes.

The question was taken, and the motion was agreed to.

Mr. UNDERWOOD. Mr. Chairman, I have heard not a word from the gentleman in charge of this bill giving any reason why this amendment should be adopted and why the fixed charges in the Department of State should be increased $100,000 a year, except that the Secretary of State has recommended it——

Mr. GILLETT. The gentleman could not have been here yesterday, if he makes that statement.

Mr. UNDERWOOD. I was not here when it was all discussed yesterday, but I certainly have not heard anything today on that subject. One of the unfortunate occurrences in the present administration was the great difficulty with which the united effort of Congress and the President inducted the present Secretary of State into office and the very small result that we have obtained from that work.

I think it has been conceded by all that the State Department under the present administration has not made good. I think it is conceded by all that the State Department in interfering with affairs in the Orient has not been along the lines of building up American influence and developing American commerce in that territory, and therefore I think that this is one of the last places where Congress should show an inclination to approve extravagance in the expenditure of public money. The President of the United States ever since he has been in office has sung the tune of economy to the Congress of the United States. Ever since he has been in office the Cabinet officers under his command have made recommendation after recommendation for increased expenditures in their departments.

Mr. HAMLIN. Will the gentleman permit just a suggestion along that line?

Mr. UNDERWOOD. Certainly.

Mr. HAMLIN. Speaking about economy, I call the gentleman's attention to the fact that the contingent expenses for the diplomatic service jumped from $225,000 in 1908 to $325,000 in 1909. The contingent expenses for the consular service jumped from $350,000 in 1908 to $520,000 in 1909 and 1910.

Mr. UNDERWOOD. Yet the prime minister of the Cabinet, serving under a President who poses as an economist, is prepared to nearly double his contingent expenses and create these new bureaus that are absolutely unnecessary at this time. The machinery of the Government would move on with the same

regularity that it does to-day if this new bureau was not created.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I believe it was understood between the chairman of the committee and myself that I should have the other five minutes, and I ask unanimous consent to proceed.

The CHAIRMAN. Without objection, the gentleman will occupy the time.

There was no objection.

Mr. UNDERWOOD. There is not anything to show that the great business interests in this country will be improved one cent or developed a particle by the increase of expenditure of $100,000 in this department. Now, if you gentlemen on that side of the House want to make good, if you believe that the President of the United States is honest when he recommends economy, and that he is not doing it merely as claptrap to catch the populace at the next election; if you believe he made that recommendation with all due honesty, I say it is time for you to wake up and show that you are willing to economize and can economize in these appropriation bills. There are a great many things in permanent expenditures of the Government that you can not economize on; I recognize that.

Mr. GILLETT. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. Certainly.

Mr. GILLETT. The gentleman does not mean, of course, that in days of effort to economize there may not be times when you have to increase expenditures.

Mr. UNDERWOOD. I say that this is not that time.

Mr. GILLETT. That is where you and I differ.

Mr. UNDERWOOD. I say that you can not go before the country and say that this is such a time.

Mr. GILLETT. You can not deny the fact that we could not have acted in a foreign complication if we had not created this bureau?

Mr. UNDERWOOD. I can not tell. Of course, we can not tell whether the comet sailing from the sun this way might hit the earth and jar it out of its present orbit. Of course there are things we can not know in advance and undertake to say that it is necessary. You are responsible for the creation of this bureau; you are creating this bureau to-day solely and simply because the Secretary of State desires it created for his own personal purposes. He wants to have the burden and the load of the work that is being done in the department put on the shoulders of other men. His predecessors have done this work; his predecessors have done it satisfactorily and successfully, and he had not been inducted into the office of Secretary of State before he made a demand on Congress to create officers on whom he could unload the burden of his own department.

Mr. BURKE of Pennsylvania. Will the gentleman allow me to interrupt him?

Mr. UNDERWOOD. Certainly.

Mr. BURKE of Pennsylvania. Does not the gentleman know that his predecessors made virtually the same recommendation prior to his induction into office?

Mr. UNDERWOOD. His immediate predecessor might have done so. But I am talking about this one. Now, his predecessor was a very much abler and more successful Secretary of State than the gentleman who occupies the office to-day, and succeeded in carrying on the duties of that office without this additional appropriation and without the creation of these additional officers.

Mr. BURKE of Pennsylvania. The gentleman and I may differ as to the respective merits of the two men. He did make good. But as to the facts as stated by the gentleman, one statement to the effect that the present Secretary was seeking to double the appropriation was based upon the publication read by the gentleman from Indiana, whereas the items that he referred to were not under the administration of the present Secretary of State.

Mr. UNDERWOOD. But some of them were. It alluded to both administrations.

Mr. BURKE of Pennsylvania. I challenge the gentleman to show me from the document read here by the gentleman from Indiana any place that would indicate in the slightest degree the willingness of the present Secretary of State.

Mr. UNDERWOOD. Read the appropriation for the fiscal year ending June, 1909.

The CHAIRMAN. The time of the gentleman has expired. All debate has expired, by order of the committee. The question is on the amendment offered by the gentleman from Missouri to the amendment offered by the gentleman from Massachusetts.

Mr. SHERLEY. May we have the amendment reported.

The amendment of Mr. HAMLIN was again reported.

Mr. SHERLEY. I mean the amendment of the gentleman from Massachusetts.

The amendment of Mr. GILLETT was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the chairman announced that the noes seemed to have it.

Mr. HAMLIN. Division!

The committee divided; and there were—ayes 38, noes 80.

So the amendment to the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, I offer an amendment to strike out the following language in the beginning of the amendment of the gentleman from Massachusetts:

Counselor for the Department of State and resident diplomatic officer, each at a salary of $7,500, and to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909.

The Clerk read as follows:

Strike out the following: "Counselor for the Department of State and resident diplomatic officer, each at a salary of $7,500, and to be appointed by the Secretary of State in accordance with the provisions of the act approved August 5, 1909."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri to the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CLARK of Missouri. Division, Mr. Chairman.

The Committee divided; and there were—ayes 47, noes 72.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Division!

The committee divided; and there were—ayes 75, noes 43.

So the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BARCHFELD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6851. An act authorizing the village of Taylors Falls, Minn., and the village of St. Croix Falls, Wis., to construct a bridge across the St. Croix River.

The message also announced that the Senate had passed with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested.

H. R. 19028. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18006) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For services of lithographer and necessary materials for the lithographic press, $1,500.

Mr. CLARK of Missouri. I move to strike out the last word, for the purpose of asking a question. Does this language in line 16, "lithographic press," mean that they keep a press and printing office up there in the office of the Secretary of State?

Mr. GILLETT. It is not a printing press; it is a lithographic press.

Mr. CLARK of Missouri. A lithographic press is practically a printing press, is it not?

Mr. GILLETT. It does not print——

Mr. CLARK of Missouri. What does it do?

Mr. GILLETT. It does not print books or anything of that sort.

Mr. CLARK of Missouri. I know it does not print books—that is, this particular press—but do they keep a printing establishment in the office of the Secretary of State?

Mr. GILLETT. They do not. This is all they have, I think.

Mr. CLARK of Missouri. What does this man do?

Mr. GILLETT. They make the blank commissions for diplomatic officers, and so forth.

Mr. SHERLEY. Is not the gentleman mistaken in his statement that there is no printing office in connection with the Department of State?

Mr. GILLETT. Perhaps I am, but it is not provided for in this bill.

Mr. SHERLEY. Until recently they have been maintaining a printing office for the Department of State, one for the Treasury Department, and one for the War Department.

Mr. KEIFER. That has been changed.

Mr. SHERLEY. Some of it has been changed and some of it has not. We have been after that in the last week in our committee.

Mr. KEIFER. The Treasury printing office was changed.

Mr. SHERLEY. It ought never to have existed.

Mr. KEIFER. We took it out of the Treasury not long ago.

The Clerk read as follows:

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes, repair of wagons, carriages, and harness, rent of stable, telegraph and electrical apparatus and repairs to the same, and other items not included in the foregoing, $8,000.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the gentleman in charge of this bill. In this paragraph to appropriate $8,000 to cover the expenses of the following items for the incoming fiscal year, to wit:

Including the purchase, care, and subsistence of horses to be used only for official purposes, repair of wagons, carriages, and harness, rent of stable, telegraph and electrical apparatus and repairs to the same, and other items not included in the foregoing, $8,000.

In making up this item, has the gentleman any statement showing how he reached the conclusion that $8,000 would be needed for this purpose? How much, for instance, of the $8,000 is to be used for the subsistence and care of horses?

Mr. GILLETT. This is the same amount that was provided last year, and I will state to the gentleman that on a great many of these items, where the amount is the same as for the preceding year, we did not go into the details, and I do not think we made any inquiry this year as to this.

Mr. HAMLIN. Can the gentleman tell the committee how many horses the State Department has?

Mr. GILLETT. The Secretary of State has three, I think.

Mr. HAMLIN. Those are his individual property, are they not?

Mr. GILLETT. Oh, no.

Mr. HAMLIN. Mr. Chairman, I think, perhaps, I can give the committee a little information upon this subject. It appears that the Appropriation Committee did not go into the details. It has been testified to before our committee, the Committee on Expenditures in the State Department, that that department has four horses—two for a carriage and two for a mail wagon. It has also been testified to that for last year the department expended $237.66 for shoeing those horses.

Mr. SIMS. How many horses?

Mr. HAMLIN. Four.

Mr. SIMS. Did they use silver or platinum for the shoes?

Mr. HAMLIN. I think they must have used the gold standard.

Mr. FOSTER of Illinois. I should like to ask the gentleman from Missouri if he knows what it costs to repair this one mail wagon.

Mr. HAMLIN. It appears from the detailed statement, filed by the Secretary of State, that they expended last year $589 to repair this one mail wagon.

Mr. CULLOP. How much would it cost new?

Mr. HAMLIN. I think you could buy two of them new, probably, for $500. The stable rent for those four horses was $720. There was a pasturage bill of $62.83. There was a harness-repair bill of $15.60. The forage bill for these four horses was $594.88. While I have not at this moment the statement before me, yet I remember that all of these items in relation to the four horses and the carriage and wagon, without taking into consideration the salary of the hostler, cost the Government over $2,500 last year. Now, it seems to me there has been inexcusable extravagance connected with these particular items and that this committee now being asked to make an appropriation to cover these items, ought to scrutinize them closely and appropriate only such sum as is actually needed, but none for extravagance.

I may say, to be entirely fair, that the evidence shows that, perhaps, for three months after Secretary Knox went into office they had six horses, but Mr. Carr testified that one became lame and the other was too old, and they sold two, but outside of those three months they have had four horses in the State Department. Now, for the subsistence and care of these four horses, the repair of one wagon—for that is all they have—and the harness for the four horses, the rent of the stable, and the telegraph and electric apparatus and repairs, you propose to appropriate the sum of $8,000 for the next fiscal year.

I am in favor of giving them all that is necessary to pay for these things, but if you were to tell a farmer out in my country that it costs $237.66 to shoe four horses one year, he would tell you that you were either prevaricating or that you were absolutely crazy.

Mr. SIMS. But the gentleman must remember that the farmer's horse travels over rocks, and these horses travel over asphalt.

Mr. HAMLIN. Yes; we have a few rocks out in our country, and horses will wear out shoes over those rocks very much faster than they will over these asphalt pavements here in the city, and we know that it only costs from $1.50 to $2 to shoe one horse all around, as we call it, and if you were to shoe him every month in the year you could not expend one-quarter of the amount expended by the State Department last year for shoeing these horses. I grew up on a farm and have handled horses all my life, and I have a pretty good idea of these things.

Aside from that, they must have been on pasture a while, because there is an item of $62.83 for pasturing these horses. So I put it up to the committee—and do it seriously—that there is no question but there is inexcusable extravagance connected with these items, and it is our duty to put a stop to it.

Mr. LIVINGSTON. Will the gentleman yield?

Mr. HAMLIN. Certainly.

Mr. LIVINGSTON. The gentleman's committee and similar committees for expenditures in the departments have been created for that very purpose, to unearth the extravagances, and not the Appropriation Committee.

Mr. HAMLIN. We have unearthed something and I am trying to tell you about it. I am not criticising the Appropriation Committee. I hope the gentleman did not so understand it. I made the statement after the gentleman from Massachusetts said that his committee did not go into it, that I might be able to enlighten the committee a little. I realize that it is peculiarly the province of the committees on expenditures to unearth these things, and as a humble member of one of those committees I am doing my best to do so, and I am now giving you the information that we have elicited so far.

Mr. LIVINGSTON. A few years ago we passed a law absolutely requiring these committees on expenditures in the departments to give publicity to these things so as to cut down everything that was extravagant.

Mr. HAMLIN. Yes; but I notice they have not done it.

[The time of Mr. HAMLIN having expired, by unanimous consent he was given five minutes more.]

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. I will yield to the gentleman from Kansas.

Mr. SCOTT. Before the gentleman proceeds I would like to recall his attention to the question asked him by the gentleman from Georgia, whether it was the duty of the Appropriations Committee to inquire into the details of the appropriation with a view of determining whether or not there is or has been extravagance? I should like to ask the gentleman how else the Committee on Appropriations can determine the proper sum to appropriate for a given purpose except by inquiring into the manner in which the money appropriated has hitherto been expended?

Mr. HAMLIN. I am not a member of the Committee on Appropriations, but if I were I think I should want to know all about it. But the gentleman from Massachusetts, a member of the Committee on Appropriations, stated a few moments ago that they recommended the $8,000 in this paragraph because it was the same amount that was appropriated for this purpose last year.

Mr. LIVINGSTON. What is the Committee on Expenditures in the Department of State for? If you want to duplicate it in the Committee on Appropriations, why, then, abolish the other committee.

Mr. HAMLIN. I think I can tell the gentleman what the committees on expenditures are for, and I would be glad to do it if it would not take up too much time. I will, however, read from the rules the duty of the committees on expenditures in the departments, for I am satisfied that but few Members here realize the tremendous importance of these expenditure committees. The rules enjoins upon these committees—

The examination of the accounts and expenditures of the several departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant

demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers—

And so forth.

I may state right here that it is my judgment that while these committees have long been regarded as "dead committees," they are among the most important committees in the House if they will only do their duty.

Mr. GOULDEN. Has the gentleman's committee made any report to the House or the Committee on Appropriations?

Mr. HAMLIN. We are not through yet. We will make a report when we get through.

Mr. HAMMOND. Does the gentleman remember whether the appropriation for this purpose last year was $8,000?

Mr. HAMLIN. Yes; it was $8,000.

Mr. HAMMOND. Then, will the gentleman inform me whether or not any portion of this $8,000 has ever been returned to the Treasury. Is the entire appropriation used for these miscellaneous purposes, or is a part of it returned to the Treasury?

Mr. HAMLIN. My information, in examining the reports for former years, as made by the Secretary of State, is, that as a rule the amount appropriated and the amount expended are identical; rarely any of it ever reverting to the Treasury.

Mr. GOULDEN. The appropriations and expenditures are always made equal to each other?

Mr. HAMLIN. Yes; there is nothing left at the end of the year. But on this question of horses, in order that it may be seen that I am correct in what I say, I want to read this part of the testimony taken before our committee:

Mr. HAMLIN. In glancing down the contingent expenses my attention is called to the item of horseshoeing, which suggests an inquiry to my mind. How many horses has the State Department?

Mr. CARR. We have a mail wagon, and two carriages belonging to the Secretary of State. There are four horses; two horses for the mail wagon and two horses that are used for the Secretary's carriage.

Mr. HAMLIN. Have you had four horses during the year?

Mr. CARR. Yes.

Mr. HAMLIN. I do not suppose you gentlemen have information enough to tell me how it would be possible to expend $237.66 for shoeing four horses during the year?

Mr. CARR. Part of the early part of last summer we had six horses.

Secretary WILSON. You had six under Mr. ROOT?

Mr. CARR. Yes; under Mr. ROOT.

Mr. HAMLIN. You never had more than six horses at any one time?

Mr. CARR. I think not. One of the six became lame last summer and the other was getting old, so we disposed of two, thinking four would be sufficient.

Mr. HAMLIN. Does the Government furnish motors?

Mr. CARR. No.

Now, Mr. Chairman, there is no question about the number of horses that the State Department has, and there is no question about the amount of money they claim their keep cost the Government last year. That these items are absolutely extravagant there can be no doubt.

There is one item in this paragraph providing for telegraph expenses, and the repair of telegraphic instruments. We have not reached that item yet in the examination of the State Department by our committee. Consequently I do not know what that amounts to. If I knew that I would be ready to offer an amendment cutting down this item to a sum that I think would be sufficient to cover these miscellaneous items. My judgment is, from the items that I do know about, that we could safely cut this appropriation down 50 per cent, and before the paragraph is voted on I shall offer an amendment cutting the amount down to something reasonable. If any gentleman could make a suggestion as to the cost of these telegraphic items in this paragraph I would be glad to hear from him.

Mr. Chairman, I now have in my hand the printed report of the Secretary of State covering the items about which I have been speaking, and I will read each item, with the amount he claims to have expended last year for the purposes indicated:

Repairs of harness	$15.60
Horseshoeing	237.66
Forage	594.88
Repair mail wagon and vehicles	589.00
Rent of stables	720.00
Pasturing horses	62.83
Stable supplies	15.40
Harness and stable supplies	430.00
Painting vehicles	125.25
Repairing vehicles	28.75
Total	3,419.37

Now, I submit to the House that this is a pretty large sum to be used in keeping four horses—or even six horses—one mail wagon, and one carriage for one year.

That we may understand this a little better, let me figure it down a little closer.

We have one mail wagon with two horses and one carriage with two horses. Then, it cost the Government last year $3,419.37 to keep these two teams, or $284.95 per month, or $9.50 per day.

When I consider that our committee has just begun this investigation, and yet we find this reckless extravagance, I believe that it demonstrates the importance of a most thorough investigation of this department. This, I hope, we may make. Gentlemen on that side may regard this as too small and trivial a matter to notice and may speak of it contemptuously, if they will, but I want to say to you that the people of this country who pay the taxes will not so consider it, for they realize that the small continued leakage will ultimately wreck the strongest financial institution in the world.

Let me remind you that it is the small leaks that sink the ship; the small drops of water that make the ocean. It is often the small sins that damn the soul.

Mr. Chairman, I am conscious of this fact, that if I can only be instrumental in stopping the little leaks I will save this Government infinitely more money than will gentlemen who can not deign to take notice of the little leaks, but who pretend to be continually hunting for large ones, but always hunting in the dark without a lantern.

There are gentlemen here on the other side of this Chamber who talk by the hour in favor of economy, but who never fail to vote against any amendment to these appropriation bills which tends to cut down these extravagant, inexcusable, and outrageous appropriations of the public moneys.

Some of them seem to be afflicted with a kind of political astigmatism and can not see any leakage or wanton waste of the public moneys by a Republican administration.

Mr. Chairman, my friend from Illinois [Mr. MANN] says it would be a reflection upon the Secretary of State to adopt my amendment. However, that is not true; but if it were, Mr. Chairman, I submit that it is a reflection upon the intelligence of the people of this country for the Secretary of State to say that the keep of four horses and two vehicles for one year cost $3,419.37 without confessing rank profligacy and reckless waste of public funds.

If we take the muzzle off of these executive departments and turn them loose in the public crib, it will be but a short time when we will be forced to cry out for a "Joseph" to come and prepare us for the "lean years" which will inevitably follow.

Mr. Chairman, about as ludicrous a thing as I have witnessed lately is the standing "economy advertisement" of this administration. No one will more heartily support the administration its its efforts to cut down expenses than myself, if it really wants to do it, but I am from Missouri, and confess I have yet to see the first evidence of real economy practiced by the crowd that is now in control of affairs in the Nation. Let me revert to a little recent history. When we had the post-office bill under consideration a few days ago I discovered an item appropriating a large sum of money to hire, among other kinds of vehicles, some little cheap gasoline automobiles to gather up the mails here in Washington, Milwaukee, Indianapolis, and Boston. Upon inquiry of the chairman of the committee I found to my astonishment that we were renting these little "runabouts" and paying $3,000 a year rent on each machine. Think of it! For one of these machines, with two chauffeurs, each to run the machine eight hours per day, we pay $3,000 a year rent. Do you call that economy? And that, too, in view of the fact that the rural mail carriers, who furnish their own teams and vehicles and drive an average of about 20 miles each day through heat and cold, storm and shine, over rocks and through mud, faithfully performing their duties, and you will only pay them $900 and less per year. I protest that this is neither fair nor just. I offered an amendment seeking to cut this item down to a reasonable basis, but you fellows, of course, voted it down.

We passed an item in this bill a few moments ago where you gave the Secretary of State $100,000 to maintain the Bureau of Trade Relations, a bureau employing 16 people. I showed by the testimony of the Secretary himself that the annual cost of maintaining this bureau, including salaries and rent, was only $75,000 a year.

I offered an amendment to cut the proposed amount for this purpose down to $75,000, and you Republican "economists" promptly voted it down, and gave him $100,000.

Within the last year and a half you increased the President's salary $25,000 a year, and then after you had travailed and brought forth that miserable tariff monstrosity, christened the Aldrich-Cannon-Payne bill, you realized that it was more than even a patient and long-suffering people would stand for, and you, in the interest of "economy," of course, voted $25,000 a year out of the Treasury to pay the traveling expenses of the President to go around over the country and insult the intelligence of the people by telling them that the Aldrich-Cannon-Payne bill is the best tariff bill the country ever had.

Mr. Chairman, I do not like your brand of economy. The only time I have ever known you to try to economize is on something that is of direct and immediate benefit to the people.

Referring again to the post-office bill, which you passed a few days ago, you very carefully refrained from cutting down the railway mail pay any, but made the usual annual increase to take care of that service, but when it came to rural free delivery, the service that takes the mail to the door of the farmer, and is a great blessing to him, you suddenly grew economic and refused to appropriate a dollar to extend this service until we forced you, by an amendment offered by a Democrat on the floor of this House, and yet you have the temerity to tell the people that you are the friends of rural free mail delivery.

You sent out your inspectors last year, ostensibly to inspect rural routes, just before the election, and they would, or did, often notify the carriers to meet them at night in town, and would proceed to suggest to the carriers that they need not expect to have their salaries increased unless the Republican party was again successful at the polls; seeking, of course, in a gentle way to convey the idea that they had better work for the Republican ticket.

Yet when I, a Democrat, offered an amendment the other day to the post-office bill increasing the salaries of these rural carriers on maximum routes to $1,080 a year and on the shorter routes in same proportion the Republican chairman of the committee made a point of order against it and would not permit the House to even vote upon it. Verily, I say unto you, "By their fruits ye shall know them."

Mr. Chairman, I am not enamored of this Taft-Aldrich-Cannon brand of Republicanism. It is of the cross-eyed variety. When their faces seem to be turned toward the people their eyes are looking straight into the vaults of the Trust and special interests of this country and feasting upon the consoling sign posted thereon, to wit, "I will never leave or forsake thee."

Now, Mr. Chairman, I do not expect the powers that be to look with favor upon my efforts to expose what I believe to be a wanton and extravagant waste of public money, but I care little for that. I have the approval of my own conscience, and I believe my conduct in this regard will have the approval of the people; at least I expect to ask the people of my district to reelect me to Congress, and if they send me back here I shall continue to hunt for the leakages in the National Treasury, both small and great. I expect to "hew to the line, letting the chips fall where they may," and the charge of lèse majesté will neither intimidate nor deter me.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. Some gentlemen may conclude that this inquiry into the incidental expenses of the State Department is a cheese-paring performance, but I will tell you what conclusions I have come to about it. You have got to take all these smaller items, as well as the larger items, or you will never have any kind of economy in this House. I have stated that this $8,000 proposition in here is absolutely ridiculous; because they had $8,000 last year, they have $8,000 this year. It may run the same year in and year out for several years. The gentleman from Georgia [Mr. LIVINGSTON] is a farmer——

Mr. LIVINGSTON. May I suggest right there, before the gentleman goes any further, that we are compelled to follow the estimates, and the estimate was $8,000 for this expense. If there has been any fraud perpetrated, that department has done it upon the Committee on Appropriations.

Mr. CLARK of Missouri. I am not accusing the Committee on Appropriations of any high crimes and misdemeanors.

Mr. LIVINGSTON. I know, but I want the gentleman to know where the estimate comes from.

Mr. CLARK of Missouri. I do not care where it comes from, and of course I know the gentleman states where it did come from. Now, the gentleman from Georgia is a farmer. I used to be one, and I wish I were one again. Out in the country he knows and I know that it costs only $1 or $1.25 or $1.50 to have a horse shod "all around," as we call it. If you have what are called "ice shoes" put on, it costs a quarter more. Well, now, I am not in favor of holding these people down in Washington to country prices, because it costs more to live here, but if you have four horses shod all around every month at $4 a month apiece it only amounts to $192, and I do not believe it costs any $4——

Mr. LIVINGSTON. One hundred and twenty-five dollars ought to be abundant money to shoe those horses.

Mr. CLARK of Missouri. Of course it is. If anybody is getting $4 in this town for shoeing horses, he is getting a small graft somewhere. Now, if you put it at $3.50—and I have figured it both ways—it amounts to $168. Yet the State Department pays $237.60 for that work, which Colonel LIVINGSTON says is worth only $150. Now, take another thing. Here are four horses. How much do those horses cost? I undertake to say, concerning the horses that work to this mail wagon, that it is a liberal allowance to say they would cost $450 or $500. No; a good team of draft horses, for service on these smooth streets here in Washington, can be bought for $500.

Mr. BURLESON. What about carriage horses?

Mr. CLARK of Missouri. I will come to that in a moment. You can buy the best team of mules that pull, and they pull more than a horse, at from $450 to $600.

Mr. MANN. The gentleman understands these are not heavy draft horses.

Mr. CLARK of Missouri. That makes them cost that much less.

Mr. MANN. That may be.

Mr. CLARK of Missouri. Now, in regard to these carriage horses that they drive to the state coach, my judgment about it is that a man would be getting burnt very badly if he paid $1,000 for a team of horses to work to that state carriage here. Now, another thing is——

Mr. LIVINGSTON. It would depend upon how the horses are bred. If they were No. 1 bred horses, they might cost $1,000.

Mr. CLARK of Missouri. The gentleman from Georgia makes a very pertinent suggestion, and that is that if they were high-bred horses they would cost more. Now, another thing about it. Do these horses die every year and have to be replaced with a new team every year, or not? If you do not begin on these items, where are you going to begin?

I know this about shoeing horses: Where I live we have fine gravel roads; 200 miles of the finest gravel roads in the world are in the county in which I live, and two run out of my own town; and these gravel roads wear out shoes on horses pretty fast, a great deal faster than these smooth asphalt streets in Washington. When I am at home and use my buggy horse nearly every day, I have him shod once a month. He can get along, I think, with about 6 or 8 shoeings in a year if there was no particular endeavor to save his feet. One-half of the time the man simply resets his shoes, and when he does that he charges a dollar. Well, now, if out in the country it only costs a dollar to reset a set of shoes on a horse, in Washington it ought not to cost more than $2, and then you can cut this down still more. Now, they run these horses part of the time out to pasture. A man who has any sense when he turns a horse out to pasture pulls his shoes off him, and he is not shod at all, so as to give his hoofs a chance to get back into prime condition, and I undertake to say that unless they buy a new set of carriage horses and a new set of wagon horses every year, then this appropriation ought to be cut down to $4,000, and I will so move.

Mr. GILLETT. Mr. Chairman, I am not prepared at all to criticise the gentleman as to its being cheeseparing. I quite agree with him that it is well for the House to scrutinize and criticise these small expenditures, and I am very glad the Committee on Expenditures in the State Department is acting, although I trust that this first report of theirs, where they spent a couple of thousand dollars for printing what we already have, is not a specimen of the economies which they will produce.

Mr. HAMLIN. Mr. Chairman, I must insist that the gentleman from Massachusetts fix the responsibility where it rests, and not upon the committee as a committee.

Mr. LIVINGSTON. Well, on your chairman.

Mr. GILLETT. Of course the Printer does not print without an order of the committee. Now, as to the information which the gentleman has given. Of course it was unnecessary that the Committee on Expenditures should go to any official for that valuable information, because some years ago the Appropriations Committee, with the purpose of economy, offered, and the House, believing that that was our purpose, adopted in one of the appropriation bills, a resolution compelling all the departments to furnish to Congress an itemized statement of all such expenditures as these.

Congress in its wisdom, instead of distributing those to the Appropriations Committee, has distributed those reports to the different committees. But, of course, that can be availed of by anybody, and the information which the gentleman refers to was sent in this year, as it was compelled to be, by that resolution, to Congress. And here are stated in full and itemized all the expenses of the State Department. Now, I do not believe that the House expects——

Mr. CULLOP. Will the gentleman permit a question?

Mr. GILLETT. Certainly.

Mr. CULLOP. In making the appropriation, as in this case, do you take the list or estimate that is sent in without any investigation as to its correctness or as to whether it was extravagant or not?

Mr. GILLETT. Yes, Mr. Chairman, we did, for this reason: The Committee on Appropriations, as the House will readily admit, can not every year investigate every one of these small items. There are a great many of them, and some we take up one year and some another.

Mr. BURLESON. Will the gentleman from Massachusetts [Mr. GILLETT] permit me to answer that question?

Mr. GILLETT. Certainly.

Mr. BURLESON. I will state to the gentleman from Indiana [Mr. CULLOP] that during the fiscal year 1909 the Department of State estimated $12,000 for this item. At that time the subcommittee of the Committee on Appropriations having in charge the subject-matter went into the details of the expenditures made by the State Department under this item and refused to allow the estimate, reducing it to $8,000, the amount that had been carried the year before. At that time we became satisfied, as to the result of that investigation, that this appropriation was approximately correct.

Mr. CULLOP. I would like to say, Mr. Chairman, that I suppose what has happened is that the gentleman is convinced that it is about four times too large now, is it not?

Mr. GILLETT. I was coming to practically what the gentleman from Texas [Mr. BURLESON] has said, that we do not every year, and the House, of course, will appreciate that we can not, go into every one of these details of the estimates. Some years we take up one and some years another. This year, I remember, we did not take up this at all, but we gave the same amount that we did last year.

As to the criticism on horseshoeing, it strikes me, as it does the gentleman, that it is extremely large, although he has very much exaggerated the excess, because horseshoeing is expensive. I had a horse here at one time, and I remember you have to put pads on a horse here in Washington on these hard asphalt streets, and it is expensive business; much more so, I discovered, than it was at home. But it does strike me that this sum for horseshoeing is very large, and I am glad the criticism has been made on it. And I am willing to go further. I believe that all these expenditures probably for the horseshoeing and carriages for all the departments are and will necessarily be expensive and extravagant, because it is left, of course, to some subordinate, just as all government business is, who has no personal interest in economy, and it will be the same there as it is in this House, where we have direct control. There are going to be outrageous extravagances until we get some other system. Until it is somebody's business to go into all these details and keep watch on them all the time extravagance will creep in. And I am inclined to think it is inevitable in the Public Government, and we can not and will not be able to stop it.

Mr. CLARK of Missouri. Mr. Chairman, has the gentleman from Massachusetts [Mr. GILLETT] an itemized statement from the State Department about this item last year?

Mr. GILLETT. Certainly. They are obliged to put it in every year.

Mr. CLARK of Missouri. Now, for instance, as to the item "including the purchase, care, and subsistence of horses," how much is that?

Mr. GILLETT. I have not seen that there was any purchase of horses last year at all.

Mr. HAMLIN. I can say to my colleague that it does not appear in that printed report in that way.

Mr. GILLETT. Yes, it does, if the gentleman will excuse me. It gives the full amount—$7,951—that was expended——

Mr. CLARK of Missouri. For the purchase of horses?

Mr. HAMLIN. For the purchase of horses?

Mr. GILLETT. No. I do not believe any horses were purchased.

Mr. CLARK of Missouri. What is that $7,900 for?

Mr. GILLETT. For all the items.

Mr. CLARK of Missouri. Read the items, then.

Mr. GILLETT. There are a hundred of them.

Mr. CLARK of Missouri. That is exactly what I am after.

Mr. GILLETT. If you want me to take the time, I will read them. They are printed and accessible to everybody.

Mr. CLARK of Missouri. I want to pass some amendments, and see if we can not start this great economy performance right now.

Mr. GILLETT. I will send the document to the gentleman. I do not think he wants to take the time of the House by having it read. Anybody can get the document at any time.

Mr. SHERLEY. Mr. Chairman, while the subject-matter of this discussion is not large, some of the questions which rise are important. The gentleman from Kansas [Mr. SCOTT] took occasion to criticise indirectly the Appropriations Committee. I shall not retaliate by reference to the agricultural appropriation bill, though I might cite some cases directly in point. But I want to call this fact to the attention of the House: It is beyond the capacity of any men that you may select as members of the Committee on Appropriations properly to investigate each item of expense that they have to provide for in the respective appropriation bills. The very purpose of creating these committees on expenditures of the various departments was because of that inability. The subcommittee that I happen to be a member of has been working for the last three weeks upon the sundry civil bill. That bill will carry items aggregating over $70,000,000. We start with the reindeer in Alaska and end with the Samoan chiefs in the middle of the Pacific, and we do not miss much in between. Now, I may cite you one single subject there that runs to nearly $6,000,000—that in regard to the Light-House Service.

It would be well worth the trouble of the Committee on Expenditures of the Treasury Department to spend six weeks or six months in investigating that single department; and if they do, they can suggest to this House reforms in the method of appropriation that would result in the saving of money that would run up, in my judgment, to many thousands of dollars. For us to go into detail in our committee is a physical impossibility. We do undertake to do so whenever there is an estimate that indicates that the item is too large; and whenever we have obtained information from any source that leads us to believe that there is extravagance as to any particular expenditure, then interrogation is had as to that expenditure.

Now, the testimony taken in the preparation of the sundry civil bill, and I speak of that bill because I am not on the subcommittee that prepares this bill, will comprise over a thousand printed pages of testimony. Yet with that work, lasting six or seven hours a day for three weeks, we have only touched the surface of things; and that is inevitably so.

Now, the thing to do is not to criticise the committee for not doing an impossible thing, but to bring about a reform in affairs that will enable the House to obtain accurate information. If you want to get at the big leaks, not the little ones, you have got to make even a more radical change than that. The Committee on Appropriations is not responsible for most of the extravagance of this House. It comes about in two ways. It comes about through those committees that have appropriation jurisdiction for a particular department. In the course of a few years the members of such committees become the champions of the department their work relates to, champions in the sense of always seeking to increase the budget of that department. And this extravagance comes about by this Committee of the Whole refusing to support the Committee on Appropriations in cutting down the expenditures. Repeatedly the members of that committee have come in upon this floor and been overridden by the membership because a particular appropriation happened to be of value to certain gentlemen in their districts. You will not get real economy until you establish a real budget, until the people of America have some information as to relative expenditures.

Mr. LIVINGSTON. The remarks of the gentleman from Kentucky were fit and proper at this time. I could stand here and give you a hundred instances just like his as to the light-houses. Let me give you one in this bill, and I expect an effort will be made to take it out of the bill. We found in one bureau five retired United States naval officers. Five of them in one bureau, each drawing $5,000 or over, where there was no use for but one superintendent and a few $900 clerks. It took a long time to unearth. It was a small matter, it is true, but hundreds of these cases we have unearthed, and it would require an annual session every day of the year to go through the departments in detail.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question?

Mr. LIVINGSTON. Certainly.

Mr. COX of Indiana. What bureau was that in?

Mr. LIVINGSTON. The Hydrographic Office.

Mr. COX of Indiana. Are these five retired naval officers there drawing double salary on the retired list?

Mr. LIVINGSTON. No, sir; they were drawing an active salary. They are on the retired list, which made it a full salary in the active service. Now, we have cut that out, and it is new and subject, perhaps, to a point of order, and we no doubt will meet with that when the subject is reached. We have given them but one salaried officer of that kind, who shall be a superintendent. Gentlemen very often sit here and unthoughtedly make points of order, and some will work a bill over and over to find something that is subject to a point of order, and out it goes. What encouragement is that to your committee to unearth these things and bring them in, when a few can sit here and talk about economy and make points of

order that prevent the saving of thousands and thousands of dollars? Now, the gentleman from Kentucky was right. We need your sympathy. We need your help, when we are trying to economize and to cut down expenses, instead of gentlemen sitting here ready to make points of order all through the bill; and that is the way you have treated us time after time.

Mr. KEIFER. I do not care to prolong this discussion. Yesterday the distinguished gentleman from Missouri [Mr. CLARK] complained that the present Secretary of State was not left without certain offices mentioned in a paragraph which we have passed, so that he might discharge all of the duties of Secretary of State which it was said had hitherto been performed by that officer. To-day we are told that the Secretary of State is now remiss in that he has not looked carefully after the cost of shoeing the horses that belong to the wagons and carriages of the State Department. He ought to be a man of wonderful capacity to transact business if he gets through with all this. We are bound to assume that this Secretary of State is as good a blacksmith as the gentleman from Missouri, or some of the rest of us, but he may not have been about the streets and gathered up as much street conversation as to what was going on in the State Department as the gentleman from Missouri.

I want to testify a little myself on the subject of shoeing horses. In the last winter I have seen a number of splendid horses fall because of ice and slippery streets, thereby being injured or destroyed, and as a blacksmith I would say that those horses ought to have had sharpened calks, steel toes, and frost nails in their shoes every day of that sort of weather, notwithstanding the gentleman claims that they should be shod only once a month, as he would shoe his horse out on a gravel or dirt road in Missouri. I am not very well acquainted with the district of the gentleman from Missouri [Mr. CLARK], but I know that a majority of the horses in that region in former times, at least, were never shod at all. [Laughter.] Beyond that, many farmers drive their horses to market and plow their corn and never shoe them at all.

Mr. CLARK of Missouri. A horse on a farm that is being used for plowing and all that ought not to be shod.

Mr. KEIFER. I thought you were a farmer.

Mr. CLARK of Missouri. I used to be a farmer, and I say this, that a farm horse whose work is confined to the duties of the farm is better off not shod than he is shod.

Mr. KEIFER. I guess you are right about that.

Mr. CLARK of Missouri. But if you are going to drive a horse on the road, he ought to be shod.

Mr. KEIFER. Yes. Some of the horses in the gentleman's district are shod on their fore feet and not on their hind feet.

Mr. CLARK of Missouri. Yes; that is true.

Mr. KEIFER. Now, we are in the city of Washington, with paved streets, the capital of the Republic, and the Secretary of State is looking after foreign affairs, to see whether he can extend commerce or the influence of the Republic in the far Orient, and he is looking after a multitude of important things. Now, if the streets are slippery and his horses fall on the street or are injured, they say he ought to stop and go out and look after the matter of having them economically shod, and that if they are shod more than once a month there is extravagance, and we ought to criticise the State Department as a failure. That is the kind of argument we have heard this day and yesterday, and I only criticise it in the sense that it should be criticised. I agree with the gentleman who has just taken his seat [Mr. SHERLEY] that we have got to look to the special appropriation committees to work out our economies.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CLARK of Missouri. I ask that his time be extended one minute, so that I can ask him a question.

Mr. KEIFER. Make it five minutes.

[By unanimous consent the time of Mr. KEIFER was extended five minutes.]

Mr. CLARK of Missouri. I indorse what the gentleman from Kentucky [Mr. SHERLEY] said and what the gentleman from Georgia [Mr. LIVINGSTON] said; but when the House undertakes to help the Appropriations Committee discharge its functions, what makes you get mad about it?

Mr. KEIFER. In the first place I did not get mad. The only thing I was doing was criticising the effort of the gentleman when he failed to help us. He was talking about horseshoeing out in Missouri, when we ought to talk about shoeing horses on the smooth, icy paved streets of Washington.

Mr. CLARK of Missouri. You live out in the country yourself?

Mr. KEIFER. Yes.

Mr. CLARK of Missouri. Do not you know that a gravel road will wear a horse's shoes out more quickly than these smooth asphalt streets in Washington?

Mr. KEIFER. Not in wet and icy weather.

Mr. CLARK of Missouri. They will not?

Mr. KEIFER. No, sir.

Mr. CLARK of Missouri. Now, one other question: Suppose the Secretary of State does concern himself with great questions in the Far East, is that any reason why he should pay two prices for shoeing a horse in Washington?

Mr. KEIFER. Not at all. Nobody ever thought that would be a reason.

Mr. CLARK of Missouri. Why do not the subordinates look after the small details?

Mr. KEIFER. Oh, the gentleman now is going to criticise the official blacksmith. I have no objection to that sort of criticism. I was trying to relieve the Secretary of State from that sort of criticism.

Mr. SCOTT. Mr. Chairman, a few moments ago the gentleman from Georgia [Mr. LIVINGSTON], ranking minority member of the Committee on Appropriations, interrupted the gentleman from Missouri [Mr. HAMLIN] to say, in substance, that it was not the duty of the Committee on Appropriations to inquire into the details of expenditures; that such duty devolves upon the Committee on Expenditures in the several departments. That seemed to me to be such a startling doctrine that I ventured to call the attention of the committee to it in the shape of a question put to the gentleman from Missouri.

Mr. LIVINGSTON. If the gentleman will permit me, the gentleman misunderstood me. Perhaps I was not plain in my statement. I said that the particular business of the Committee on Expenditures in the department was to go into details; that while we were compelled to confine ourselves more or less to the estimates sent in to our committee, it was the duty of the Committee on Expenditures to go into all of these details.

Mr. SCOTT. The impression which the remarks of the gentleman from Georgia made upon my mind, and I think upon the minds of most of those who listened to him, was that it was not the duty of the Committee on Appropriations to go into the details of expenditures. Evidently the gentleman from Kentucky [Mr. SHERLEY] so construed it, because he referred to my remark, calling attention to the statement of the gentleman from Georgia [Mr. LIVINGSTON], as a criticism on the Committee on Appropriations. I did not intend it as a criticism, because I do not believe that the Committee on Appropriations considers its duty to be performed when it simply reports to the House the estimates that were sent in from the departments.

I concur in all the tributes that have been paid by any Member here to the diligence of the Committee on Appropriations. I quite agree with the gentleman from Kentucky [Mr. SHERLEY] that it exerts every possible influence in the direction of economy, and it does, to the extent of its time and opportunity, go into the details of expenditures; otherwise it would have no idea as to the amount to be expended. I quite agree, also, with the gentleman from Kentucky, that with the multiplicity and multitude of items in appropriation bills it is impossible to investigate every individual one of them, and yet to the extent to which it is possible, such investigation ought to be made by the Appropriations Committee, for the reason that any inquiry made by the Committee on Expenditures could not be made available for the use of the Appropriations Committee in a practicable way.

Mr. SHERLEY. Why not?

Mr. SCOTT. As a member of the Committee on Appropriations, would the gentleman say that he would be willing to wade through the hundreds of pages of testimony taken by a committee on expenditures in order to find out whether there had been any extravagance or not?

Mr. SHERLEY. No; I would not do any useless thing like that, but I will tell the gentleman what I would do. If the Committee on Expenditures diligently went into the matter and reported to our committee that certain expenditures in regard to particular and specific items were unjustified, and recommended that they be not carried unless the officials appearing before our committee showed very clearly that they were justified, they would not be allowed by my vote.

Mr. SCOTT. I would like to ask the gentleman from Kentucky if he does not believe that the Committee on Appropriations would resent as an impertinence a recommendation which might come from a little bit of an expenditure committee——

Mr. SHERLEY. Oh, the trouble with the gentleman's whole position is that he is trying to determine the value of men and things by the name given them. I do not care whether it is a

little committee or a big committee, a big man or a little man, if he presents facts that are true, I for one, as a member of the Committee on Appropriations, would welcome any information from an expenditure committee showing where we could make a saving and reduction.

Mr. SCOTT. As a practical matter, we all know that the inquiries and investigations made by expenditure committees have not been of value to the committees that really have the appropriations to make.

Mr. SHERLEY. Speaking for myself, after seven years' service in this House, there have been so few reports by those committees on expenditures that we have had no chance to judge of their value.

Mr. SCOTT. And the reason there have been so few is that the appropriation committees—and I speak of the whole of them—have largely made the work of the committees on expenditures in the House unnecessary.

Mr. SHERLEY. No; put it the other way—the failure of the expenditure committees to do the work has forced the Appropriation Committee to undertake to do it. That is the way to put it.

Mr. SCOTT. It may be that in the beginning such was the case; but of recent years I am very sure that the other condition prevails, and that the expenditures committees found themselves without a function, for the reason that the committees which have the appropriations to make go into the details of expenditure and thus secure the information necessary to make those appropriations wisely.

Mr. TAWNEY. Mr. Chairman, I want to call the attention of the committee to the fact that under the rules of the House the committees on expenditures in the various departments of the Government are charged with the duty of investigating all expenditures made by the department over whose expenditures the rules have given them jurisdiction. It is not any part of the duty of any committee having appropriating jurisdiction to investigate expenditures, but it is a necessary incident, because, as the gentleman from Kentucky [Mr. SHERLEY] has said, these committees have heretofore failed to perform their functions, making it necessary for the committees on appropriations to exercise the right which, I think, they possess of inquiring into the expenditures of appropriations for previous years as an incident to making appropriations for the coming fiscal year.

Mr. SHERLEY. If the gentleman will permit, it is also to be borne in mind that the Committee on Appropriations can not on an appropriation bill suggest remedial legislation to cure some of the extravagance without its being subject to a point of order that any Member can make. Our hands are tied. Give to the Appropriation Committee the power that it had under the old Holman rule, whereby any provision looking to a reduction of expenditure was in order upon an appropriation bill, and we will give you some results and give them to you speedily.

Mr. TAWNEY. Mr. Chairman, in view of the fact that the gentleman from Kansas, the chairman of the Committee on Agriculture, has stated that he heard with surprise the statement that it was not the duty of the Committee on Appropriations to investigate expenditures, I want to call his attention to some facts with reference to expenditures in the departments over whose appropriations and expenditures his committee has jurisdiction, and to ask him if his committee has taken the time to inquire into expenditures of the Forestry Bureau of the Agricultural Department.

Until three years ago there was no law requiring the head of any department of the Government to submit to Congress at the beginning of each session of Congress or at any other time any statement or account or any information regarding the expenses incurred in travel during the fiscal year of employees in that department. It was believed by the Committee on Appropriations that great abuses had grown up under the practice then in vogue of the employees of the various departments traveling on every conceivable kind of a junket, for the purpose of lecturing or packing conventions, that was deemed necessary by the chief of the bureau, and the Committee on Appropriations prepared and submitted to the House a provision requiring the heads of all the departments of the Government to submit at the beginning of each session of Congress a detailed statement of the employees who traveled, the places to which they went, the time absent from the department, the business on which they had gone, the cost of that travel, and the appropriation from which the expense of that travel was paid. I have here the report of the Secretary of Agriculture for the fiscal year 1908.

The aggregate amount expended during that year on account of the travel of employees, outside of the field service, was $224,015.20. I was very much interested in looking through this report and examining it to see whether or not there were such abuses as the Committee on Agriculture would naturally want to correct, either in their appropriation bill or by legislation. I find, to my amazement, that in one bureau, namely, the Forestry Bureau, during the fiscal year 1908 there were a great many employees in the Bureau of Forestry traveling—what for? To deliver addresses to women's clubs; addresses at county seats on educational questions, questions entirely foreign to forestry; addresses delivered at meetings arranged by Members of Congress in their own States, presumably in their own districts; and, if I may have five minutes more, I desire to read some of these items as tending to show the want of scrutiny with which the Committee on Agriculture has been investigating not only these various expenditures in the Agricultural Department, but also the indifference of the committee as to the purposes for which the expenditures were made.

[By unanimous consent the time of Mr. TAWNEY was extended for five minutes.]

Mr. CLARK of Missouri. Before the gentleman begins I would like to ask one general question: Does the gentleman undertake to justify the extravagance in the State Department by proving that the Agricultural Department is also extravagant?

Mr. TAWNEY. No; but I say that when the Committee on Appropriations is criticised for not investigating the minute details of expenditure, the report of which expenditure is not referred to it under the rules of the House, that the committee having the report of these expenditures referred to it and charged with at least some responsibility concerning the fact of such expenditures as well as the necessity for them should propose some legislation to prevent abuses of this kind before criticising other committees that neither have these reports or the legislative jurisdiction that would enable them to recommend remedial legislation.

In looking over this report I find that a man by the name of Betts went to New York to deliver an address before a of Betts went to New York to deliver an address before the Carriage Builders' National Association, which cost $12. W. C. Barnes, inspector of grazing, went to Chicago, Denver, Gunnison, Salt Lake, and return, to make general examination of grazing work and to address the members of the Gunnison Stock Growers' Association, then to Denver to assist in grazing questions arising at the American National Live Stock Association convention, and then to Salt Lake to attend supervisors' meetings and to attend to general grazing matters; expenses, $240.25, paid from the general expenses, Forest Service, 1908.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. MANN. Does the gentleman expect to have this speech replied to by the Committee on Agriculture?

Mr. TAWNEY. I do not know.

Mr. MANN. And go into some other question and have that replied to by some other committee?

Mr. SCOTT. Since the gentleman has submitted to one interruption, may I ask him before he closes if he will inform the committee whether he has inquired into the details of this matter sufficiently to be able to advise the committee whether or not the expenditures which he criticises were in the public interest or otherwise?

Mr. TAWNEY. I will leave the question of the necessity for the travel and the expenditures, or the justification for the expenditures, to the Committee of the Whole or to the House of Representatives. Mr. Barnes went to points in Illinois, Missouri, and return, to confer with officers of the general federation of women's clubs on courses of study of forestry. This was, no doubt, an important conference with these estimable ladies, whose organization was no doubt in a position to aid in creating sentiment in favor of larger appropriations for the Forest Service. Mr. Barnes went to New York City and return, to see about the preparation of pictures for educational work in schools on the general subject of forestry. Then I find in this report, "Kellogg, R. S., to Kaaterskill, N. Y., and return," to address semiannual meeting of National Association of Box Manufacturers' Association; "Kellogg, R. S., Iuka, West Point, and Durant, Miss., Memphis, Tenn., and return," to deliver 13 addresses upon forestry at meetings arranged by Congressman CANDLER, of first Mississippi district. [Laughter.]

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. TAWNEY. In just a moment.

Mr. FITZGERALD. What authority is there for the Department of Agriculture to instruct a Chautauqua?

Mr. TAWNEY. None whatever. The expense of delivering the 13 addresses in the first district of Mississippi, I might say, was $132.98.

Mr. MANN. I know, but that is not important; but did it help to reelect the gentleman?

Mr. TAWNEY. I presume so. That was evidently the purpose. I could not imagine a more effective method of campaigning than that, especially if the Member can go around and introduce the gentleman from the department who has been brought there at his instance or through his influence and at government expense. No commendation to a Member's constituents is comparable to that which is apparently disinterested.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. COX of Indiana. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. I find here also an item of a man sent from the Agricultural Department to deliver educational addresses at county seats in the State of Georgia. He was engaged in that work for almost thirty days.

Mr. FITZGERALD. At whose instance did he go?

Mr. TAWNEY. It does not say. It says at the instance of a Member of Congress, but does not give the name of the Member.

Mr. FITZGERALD. What year?

Mr. TAWNEY. The fiscal year 1908.

Mr. FITZGERALD. Was that immediately preceding the national election?

Mr. TAWNEY. No; it was in September, 1907.

Mr. FITZGERALD. Just before the primary——

Mr. SCOTT. Georgia is a Democratic State.

Mr. TAWNEY. Yes.

Mr. FITZGERALD. Perhaps this is part of the invasion of the South arranged for during the last national campaign.

Mr. TAWNEY. I will say this report is made in accordance with the law adopted by Congress some three years ago and contains 126 pages, covering expenditures in all the bureaus of the department for traveling expenses incurred by employees who are employed and paid for services here in the department. Their duties are not in the field, but in the department. I concede, Mr. Chairman, that it would not be possible for the Committee on Agriculture, or any other committee that has more than one appropriation bill during a session of Congress, to analyze this report and the reports submitted by the other departments for the purpose of ascertaining whether or not there is any abuse in the matter of travel on the part of departmental employees, but I do submit that there should be sufficient attention paid to these reports by the committees having jurisdiction of appropriations for a specific department and the committee on expenditures in these departments, and to report to the House legislation that will put a stop to the abuses that exist under general or lump-sum appropriations, that are being expended in defraying the expense of departmental employees who are sent throughout the country promiscuously for the purpose of delivering addresses upon any and upon every occasion that they may be requested to do so, either by Members of Congress or by anybody else.

If these reports, disclosing facts of this kind, are permitted to pass without notice, abuses such as I have shown from this report may be expected to continue, and Congress, not the departments, will be responsible. The amounts expended by these departmental employees on account of travel is only a small part of the expense. Every day they are absent from the department their regular work in the department ceases, and the Government is paying them their full salary and receives nothing in return. This voluntary and unauthorized contribution to the entertainment of the public is entirely unnecessary. It is performed by the departmental employees, not by the field force, that is always out among the people. When the Government pursues the policy of supplying from its departmental force the lecture platforms of the country, as it is doing to-day, we must not complain because of any demand the people make on the Federal Treasury, for we invite it.

Mr. SIMS. Mr. Chairman, I see that there is getting to be trouble here between the brethren. Gentlemen are jealous of their duties and the way they have been discharged, and have gotten entirely away from what is before the House.

The Department of State has been severely criticised here for a bill for shoeing horses, and for other things. It does look to me that this is a large bill for horseshoeing, especially to gentlemen who ride in automobiles and do not know anything about it. I am not justifying this expenditure, but I want to say that there are some things in connection with the Secretary of State that the country ought to know as well as this horseshoeing bill. I had occasion to go to the State Department a few days ago, and as I most usually do, I was walking. I saw a gentleman walking in front of me leisurely. I have to walk leisurely because I can not walk any other way. [Laughter.] I did not try to overtake him. He was a plain, democratic looking gentleman. So I walked on, going in the direction of the Secretary of State's office, and right at the steps where we turn up to the office I discovered that this gentleman was Secretary Knox. I wondered if there was another country on earth where the prime minister or the head of the Cabinet, abundantly able of his own accord to own automobiles and horses, would go along there walking just like a Democrat down South running for Congress among the farmers. [Laughter.]

Mr. BURKE of Pennsylvania. And you might add also that he does own automobiles and some of the finest horses in America.

Mr. SIMS. Well, I do not know what he owns or does not own, but I think that we are getting down to little matters. Now, I am in favor of the horse. Kentucky and Tennessee for a long time have been in the horse-raising business, and Missouri is in the mule business, as is also Tennessee.

I want to keep the horse here, but, of course, there is no reason why, if we use horses, we should be extravagant in taking care of them; but I would rather have a few excessive horseshoeing bills occasionally than to have every Cabinet officer with a $6,000 automobile at government expense, that will cost more to keep in repair every year than it will to shoe all the horses that each member of the Cabinet may or can use.

Why, automobiles are provided for assistant engineers in the District of Columbia. Yet the Secretary of State travels on foot or travels in a carriage. Four horses cost only $600, if I remember correctly. But in a little while you will see an amendment brought in here to furnish an automobile at government expense to every member of the Cabinet. And what else? A chauffeur to go with it. It is true, I see, out in Missouri that chauffeurs are doing something else besides driving wagons and automobiles. [Laughter.] They may be more popular hereafter than they have been, but they are an expensive luxury, because it costs a great deal more to keep a chauffeur than to keep somebody in the stable to take care of a horse. [Laughter.] I want to emphatically indorse the course of the Secretary of State in walking or riding in a horse-drawn vehicle.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. COX of Indiana. Last session we appropriated $6,000 to buy the Vice-President an automobile. This year we appropriate $2,200 for its repair.

Mr. SIMS. That is what I said. I say that it will cost more to keep one in repair than to shoe all the horses that all the Cabinet members can use. I say, stick to the horses. Some of the streets are easy to travel on, and I do not see why the horse wears out the shoes so fast.

But let him wear them out. It is not like wearing out rubber tires worth $60 or $70 apiece. We have the Secretary of State, who is serving the Government to-day in the first place in the Cabinet at $4,000 less than any of the other gentlemen in the Cabinet, and does not spend half as much time in politics as some of the other members do. Let the people know that there are some things common, plain, and democratic that are voluntarily done by the Secretary of State that are worthy of emulation. Go to the prime minister of any foreign country, and would you see him walking down the streets alone, without a guard, without an aid, without a military gentleman, without even a detective in plain clothes? No; you would not see it. As long as we stick to the horse or walk we will have Secretaries of State that are a model for the other countries to follow and to pattern after, instead of running out and aping the ostentatious manners of effete monarchies.

Mr. HAMLIN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "dollars" insert:

"*Provided*, That not to exceed the sum of $2,000 of the above amount shall be used for the purchase, care, and subsistence of horses, repair of wagon and carriage, rent of stable, pasturage, and repair of harness."

Mr. HAMLIN. Now, Mr. Chairman——

Mr. LIVINGSTON. There was so much confusion, Mr. Chairman, we did not hear the first part of that amendment.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again reported.

Mr. KEIFER. Mr. Chairman, let me ask, Do you not undertake to regulate the shoeing of horses?

Mr. HAMLIN. The shoeing is in there. I meant to put it in; it was in the original one. I will add by inserting the words "shoeing horses."

Mr. GILLETT. I have no objection to that amendment, and it will save time.

Mr. HAMLIN. I am glad of that. I want to make just a few remarks.

Mr. GILLETT. We might not accept it afterwards.

Mr. HAMLIN. Mr. Chairman, I frankly state to the committee that I want to put in the RECORD some information that I think will be of value to the House, especially to my friend from Tennessee who has just spoken. I can shy, and do shy, as far from an automobile as he does. But there is no excuse for this extravagance that is in evidence in this particular matter before the House. Now, let me call attention of the committee to these facts: There are four horses in the State Department, one carriage and one mail wagon. Here are the items that make up the expense for maintaining these things during last year: Repair of harness, $15.60; horseshoeing, $237.66; forage, $594.88; repair of mail wagon, $589; rent of stable, $720; pasturage of horses, $62.83; stable supplies, $15.40; harness and stable supplies, $420; service of hostler, $600; making an aggregate of $3,249.37 for four horses, one wagon, and one carriage during last year. That exceeds the estimate made by my friend from Tennessee of maintaining an automobile and furnishing a chauffeur, too.

Mr. MANN. I will ask the gentleman, does that include the purchase of any horses?

Mr. HAMLIN. No, sir; it does not.

Mr. LIVINGSTON. Your amendment does not?

Mr. HAMLIN. It does not include the purchase of any horses.

Mr. MANN. I think the amendment as read did include purchase.

Mr. HAMLIN. I did not mean to have included the purchase of any horses.

Mr. MANN. As originally read, I think it did.

Mr. HAMLIN. Does it provide for the purchase of horses? If so, I will ask to modify the amendment by striking that out. Here are the items which I wanted included in the amendment:

For shoeing horses, $200.

Now, I think that is extremely liberal; in fact, entirely too much. Fifty dollars for each horse per year, if you shoe them once every week.

Shoeing, $200; stable rent, $600; repairing wagon, $200; repairing harness, $50; pasturage, $50; hostler, $900.

Mr. MANN. Does the gentleman know what it costs to shoe a horse here?

Mr. HAMLIN. No; but I have a pretty good idea.

Mr. MANN. I will not undertake to say what it costs to shoe a horse here, but I know I have frequently paid $5 to shoe a horse all round in the city of Chicago.

Mr. HAMLIN. If it should cost $5 here, and they shoe them every month, it will only cost $60 a horse, and I have provided $50. But I am satisfied that it does not cost $5. I know it should not do so.

Mr. MANN. I do not know what it costs here. It would depend upon the shoe. I take it, it requires a better shoe in Washington than it does in Chicago for the horses to travel upon these asphalt streets.

Mr. HAMLIN. Well, my experience in Chicago is that it would require much better shoes there than it requires on the asphalt pavements here, for they have to travel over the cobblestones there. It seems to me they would be continually wearing the calk and knocking off the toe of the shoe; and I see no reason why a horse here could not go barefooted on these pavements.

Mr. MANN. Oh, the gentleman does not want to say that there is no reason why a horse should not go barefooted. A horse would not last two days here barefooted.

Mr. HAMLIN. You could get a Missouri mule that would go without any shoes here forever.

Mr. MANN. That may be, but they cost too much. We can not afford them.

Mr. EDWARDS of Kentucky. Mr. Chairman, I will suggest that the gentleman's amendment, if I understood it correctly, is more liberal in the matter of horseshoeing than the statement of the State Department shows that it cost them the last fiscal year.

Mr. HAMLIN. Oh, no; the gentleman is mistaken about that.

Mr. EDWARDS of Kentucky. If I understand, the gentleman allowed $200.

Mr. HAMLIN. And that amount I said, in my judgment, was entirely too much; but it cost the State Department $237.66 last year, they said.

Mr. EDWARDS of Kentucky. I want to call the gentleman's attention to the fact that the $237.66 was for shoeing 6 horses.

Mr. HAMLIN. I beg the gentleman's pardon.

Mr. EDWARDS of Kentucky. I will refer to the evidence brought out by the gentleman himself:

Mr. HAMLIN. In glancing down the contingent expenses my attention is called to an item of horseshoeing, which suggests this inquiry to my mind: How many horses has the State Department?

Mr. CARR. We have a mail wagon and two carriages belonging to the Secretary of State. There are 4 horses; 2 horses for the mail wagon, and 2 horses that are used for the Secretary's carriage.

Mr. HAMLIN. You have had 4 horses during the year?

Mr. CARR. Yes.

And down a little farther Mr. Carr states:

Prior to the early part of last summer we had 6 horses. * * * One of the 6 became lame last summer and the other was getting old, so we disposed of 2, thinking 4 would be sufficient.

Now this statement is for the year ending June 30, 1909, and Mr. Carr states that prior to the early part of last summer they had six horses. Consequently they must have had six horses to shoe during almost the entire twelve months. I say, therefore, that the gentleman's statement is more liberal in the matter of horseshoeing than the expenditure reported by the Secretary of State.

Mr. HAMLIN. My amendment does not expressly specify any amount for shoeing. I specify certain items for which there shall not be paid to exceed $2,000, but in my individual estimate that I made here I said you could allow $200 for shoeing, and still keep the amount down to $2,000.

Mr. EDWARDS of Kentucky. Very well. That was my understanding.

Mr. HAMLIN. I do not think it will cost half that.

Mr. EDWARDS of Kentucky. Mr. Chairman, I would like to say, in justification of what seems to be a complaint on one side, that the Committee on Expenditures in the State Department has not gone far enough, and what seems to be a complaint on the other side that it has gone too far in the matter of printing, that the amount of printing was brought about by the foundation laid at the hearings of the committee to go into this matter and make a thorough investigation of the expenditures in the State Department. We found by questions that the report of the Secretary of State, which was transmitted to Congress on December 10 last, was not complete as to the matter of itemizing. You will notice, on page 8 of the hearings before that committee, in answer to a question by one of the members as to the item on page 12 relating to Great Britain, which is marked "miscellaneous," and amounts to $1,329.94, it was in a lump sum, and there was no way to ascertain what that miscellaneous amount was composed of.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. EDWARDS of Kentucky. I ask unanimous consent to continue for five minutes.

There was no objection.

Mr. EDWARDS of Kentucky. Now, we got the information. We found that this was composed of 21 different items, which go to make up the miscellaneous item of $1,329.94.

Mr. HAMLIN. Will the gentleman yield there for a question?

Mr. EDWARDS of Kentucky. Yes.

Mr. HAMLIN. Does not the gentleman remember that when I asked that question about that miscellaneous item the witness referred me to a couple of footnotes, and stated that the two footnotes would aggregate the amount carried in the miscellaneous column, but when I called his attention to the fact that it would not aggregate the amount by nearly $600, he then admitted that he did not know what made up the remainder of this miscellaneous item? I will ask the gentleman if it is not true that the original notes of that hearing were sent down to the office of the Secretary of State, and that when they came back the question and answer were changed, and an itemized statement was put in instead of the actual answer, "I don't know?"

Mr. EDWARDS of Kentucky. I will be glad to answer my colleague on the committee, but I hope he will not take up my whole time. His statement is substantially correct; but it was also understood that the representatives of the Department of State before the committee might file this itemized statement.

It was found that there were many things they could not carry in their minds, and they could not furnish the information. It was understood by the committee that they would be permitted to file a written statement, as shown by the hearings themselves. That is the justification for printing the hearings.

Now, as I started to say before I was interrupted, another question was asked, where the reply is elicited—

There are a number of appropriations expended under the department, as shown in the report, that are not shown in the foregoing amount. The department will send to the committee a complete statement in concise form, showing all expenditures for the last fiscal year.

Now, the department has done that, and it has been printed for the use and benefit of the Members of the House and of the committee. The committee found that they could not get along with the information obtained in the hearings before the Appropriations Committee and before the Committee on Foreign Affairs, because, while it may seem that the committee's jurisdiction is similar in a great many instances, and in a great many instances is a duplication of work of these two committees, we believe there is quite a difference. I think the discussion here to-day has brought out the fact that there is really no conflict in the jurisdiction of the committees and that the business of the Committee on Expenditures in any of these departments is to go further into the details, into the itemized accounts and examination of them, the manner of making the purchases, the manner of auditing the accounts, and the manner of checking up the different officers in the department. In order to do that the State Department has furnished the committee a full description of their manner of doing business, making purchases, keeping the schedules, and it has all been printed in convenient form for the use of the committee and the Members of the House.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I hope the amendment will not be agreed to. It seems to me that it would be a very great reflection upon Congress, upon the American Government, upon the administration, upon the Secretary of State, who is our representative in the conduct of affairs with foreign governments, to put an item like this in an appropriation bill. If anyone believes that there has been corruption in regard to the expenditure of this money in the past, it is worthy of investigation. If there has been some error, as I suppose would be claimed by the distinguished gentleman from Missouri, as to the expenditure of the appropriation, that is a proper subject of criticism on the floor of the House. I do not know as to the item. I dare say that the gentlemen connected with the Department of State have a much better idea about the cost of that service in the city of Washington than has my distinguished friend from Missouri, where the cost would be quite different from what it is here.

But it seems to me it would be a very wrong thing for us to advertise to the world that we have a Secretary of State, to whom we are compelled to look to carry on negotiations with all foreign countries of the world, and are afraid to trust him as to the amount necessary to shoe the horses that are allowed him by the Government. What more preposterous thing could there be than to say we intrust to him the question, practically, of war with foreign countries, and then say we are afraid to trust him with the expenditure of $8,000?

Mr. HAMLIN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. HAMLIN. If the gentleman's position is correct, we have absolutely no power on earth to attack extravagance in this department, if it is a reflection upon the department to criticise it. We must accept the statement of the department.

Mr. MANN. Not at all; we have the power to give them the amount of money we deem right. The gentleman makes no suggestion that the amount be cut down; he does not pretend that he knows in reference to the amount of money that is required for this item. He admits by his proposition that $8,000 should be appropriated under the item, but wants to couple it with the assertion that we can not trust our Secretary of State as to how that $8,000 shall be expended.

Mr. HAMLIN. If the gentleman will permit another suggestion——

Mr. MANN. I do not yield to the gentleman for further suggestions; I think he has talked about an hour on this subject this afternoon.

Mr. HAMLIN. Oh, I think the gentleman is mistaken.

Mr. MANN. I think not. Now, Mr. Chairman, it is easy to say that the Department of State has expended this money erroneously. Why, the gentleman from Missouri picked up a volume that cost $2,000 to print, and there is nothing in it of any value except 10 pages of testimony that would not have cost $20 to print, and on its face it looks as though the gentleman and his committee had been guilty of gross extravagance in expending $2,000 to print 10 pages of testimony. The gentleman explains that. I accept his explanation, but the gentleman refused to permit the department to make the proper explanations as to how it had expended this money, and wishes to judge the department upon appearances, as it seems to me, while if you judge him and his committee upon appearances, without explanation, it would convict him of extravagance.

Mr. CLARK of Missouri. Mr. Chairman, does the gentleman from Illinois believe that any sensible person on the face of the earth expects the Secretary of State to personally look after the shoeing of horses or what they cost or the expenses of his stable?

Mr. MANN. I do not.

Mr. CLARK of Missouri. Now, one other question: Does the gentleman not think there ought to be somebody connected with the State Department who looks after the expenditures in the State Department?

Mr. MANN. I have no doubt there is.

Mr. CLARK of Missouri. Well, why do they not bring them down to the right quantity?

Mr. MANN. That is not the question here. This is a question to compel the Secretary of State to determine in reference to the shoeing of horses. That is what I am objecting to. I think it would be the grossest affront to the United States that could be given to say that in Congress we can not trust the Secretary of State in reference to the expenditure of $8,000 under his control.

Mr. GILLETT. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in ten minutes.

Mr. LIVINGSTON. I would amend that by making it five minutes.

The CHAIRMAN. Debate on this last amendment will be exhausted in five minutes.

Mr. GILLETT. On the paragraph and all amendments I move that debate close in ten minutes.

The motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, the position of the gentleman from Illinois [Mr. MANN] is hardly tenable. It is no reflection upon the Secretary of State or upon the head of any other department to determine how much shall be allowed for any particular service. The paragraph under discussion provides for miscellaneous expenses, including the purchase, care, and subsistence of horses and vehicles, to be used for official purposes only. In addition to the maintenance and subsistence and purchase of these articles and animals, this appropriation is used for the payment for foreign papers, gas, telegrams, telephone service, and other items. If the Committee on Appropriations had recommended that these items be segregated so that the amount to be appropriated for the horses and vehicles could be separated, the gentleman from Illinois would not construe that as a reflection upon the head of the State Department. In the hearings before the Committee on Appropriations for the fiscal year 1909 a detailed statement was made as to how the money under this particular paragraph was expended. If the statement of the gentleman from Illinois is accurate, it is an outrage even to segregate the items to the extent they have been segregated in this bill, and all of the contingent and miscellaneous expenditures in the State Department should be lumped and the authority given to the Secretary of State to spend the money for the numerous items according to his will.

Whether the amount indicated in the amendment of the gentleman from Missouri [Mr. HAMLIN] is sufficient for the particular purpose, I am unable to say. The statement shows that in 1908, for six horses, rent of the stable, forage, pasturing, horseshoeing, repairs to harness and vehicles, about $2,400 was expended. If the House should think that $2,400 were too much to expend for such purposes, it is not any outrageous assault upon the Secretary of State to say that he should manage to get along by expending only $2,000 for those items.

If we are to accept the conclusions of the gentleman from Illinois [Mr. MANN], it is an affront to all of the executive officials to place any limitation whatever either upon their will or discretion in the expenditure of public money. It does not seem to me to be an item over which it is necessary to get unduly aroused. Even gentlemen from Missouri, as well as gentlemen from Chicago and New York, are able to form some fair idea of how much should be allowed for the purposes enumerated in this amendment, even in the city of Washington. We know something about what it costs to live in our respective localities, and how that expense compares with the expense of living in the city of Washington, and, instead of it being a matter to arouse the resentment of a distinguished economist like the gentleman from Illinois, it seems to me that he should rejoice that other Members of the House are willing to give their time and energy to these trivial items and to place proper limitations upon them, so that he and myself and others may be free to devote our energies and time and attention to the greater matters that come before the House in the progress of our legislative work.

Mr. BURKE of Pennsylvania. Mr. Chairman, I want to ask the gentleman if this is not a fact, that it costs the people of the United States over $10,000 a day to run this House, and we have expended one-quarter of the working day, aggregating in value $2,500, in disposing of this little item of shoeing horses?

Mr. FITZGERALD. Mr. Chairman, it is not the money saving that is of so much importance as it is the information and intelligence which results at times in the executive departments of the Government, which justifies a discussion of these items. Of course, if the gentleman from Pennsylvania [Mr. BURKE] had his way, he would put no limitation whatever upon the discretion of the Secretary of State. Unfortunately for the Secretary of State, however, all of the Members of the House do not come from Pittsburg.

Mr. GILLETT. Mr. Chairman, I offered to accept the amendment, as far as I was concerned, which the gentleman offered, if he would not debate it, but he declined at the time. I thought it would save time, and I felt, as I think the Members of the House generally have felt, that these items do show lack of economy. They show what I submit all departmental expenses show, just what all the expenses of this House show; but when the gentleman refused it, I went and looked at his amendment, and I am sorry to say, for the sake of economy, that I, personally, shall not vote for it, because it strikes me, having looked at the details since then, that it is too small an appropriation. He says there shall only be $2,000 allowed for this purpose, and yet, at the outset, of this amount last year they spent $600 for a laborer; they spent $720 for a stable, which we certainly must allow them; they spent $594, practically $600, more for food, for forage; so there is $1,920 right off to which you can not object. Then, in addition to that, they spent several hundred dollars for repairs of harness, stable supplies, and such things. There is $1,920 right off which they have to have, and I think the gentleman has put his figure entirely too low.

The truth is we do not know. It seems these expenses are too large, and the gentleman suggested right off that we could cut it down and save a lot of money, but on looking at the figures it seems it would be obviously impossible to cut it to such an extent as he suggests, for it would hamper the department——

Mr. HAMLIN. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. HAMLIN. In the first place, I want to take issue with the gentleman's statement. I did not refuse to have the gentleman accept my amendment.

Mr. GILLETT. You refused to accept it and stop all debate; that was my proposition.

Mr. HAMLIN. This is what I wanted to say: Does not the gentleman believe that these horses could be kept in a feed stable here and kept for $25 each per month?

Mr. GILLETT. Twenty-five dollars apiece?

Mr. HAMLIN. Yes.

Mr. GILLETT. That is what I used to pay ten years ago; whether you have to pay more or not now I do not know.

Mr. HAMLIN. You can keep them in my own country for $15——

Mr. GILLETT. Certainly you can keep them in the country——

Mr. HAMLIN. I mean in the city out in my section of the country. Now, I do not understand that we ought to pay $700 rent for a stable.

Mr. GILLETT. This stable, as I happen to know, has been in use by the State Department for years. I do not know whether they pay too much or not.

Mr. HAMLIN. It may be a stable capable of keeping 25 or 30 horses, and they have only four.

Mr. GILLETT. The gentleman does not know about that, neither do I.

Mr. HAMLIN. I am absolutely certain that $2,000 will be ample money.

Mr. GILLETT. I do not agree to that.

Mr. HAMLIN. I want to say that if we do not stop these little leaks, we might as well permit big steals.

Mr. GILLETT. I think, Mr. Chairman, I have shown that $2,000 will not be ample money, and I do not think in making any such figure as that we are acting with sufficient knowledge of the facts, and I think, therefore, this amendment should not be adopted.

I think we had better give them the amount asked. I think two or three years ago they asked a larger sum, and we cut them down to this amount of $8,000. They have been having it now for three years, and while probably it does allow them to conduct the stable on an expensive and extravagant plan, as all these stables of the different departments undoubtedly are conducted, as all the business of this House is certainly conducted, yet I do not think it would be fair to cut down this one department without some knowledge of the facts.

Mr. HAMLIN. Will the gentleman submit to one more question?

Mr. GILLETT. If my time will permit.

Mr. HAMLIN. I ask that the gentleman's time be extended.

The CHAIRMAN. The time has been fixed by a vote of the committee.

Mr. GILLETT. I will answer the question.

Mr. HAMLIN. The gentleman says three years ago they asked very much more than this and you cut them down to $8,000, and they have had that since?

Mr. GILLETT. Yes.

Mr. HAMLIN. Does not the evidence show during all that period of time up to this spring they had six horses instead of four?

Mr. GILLETT. No; I do not know it does.

The CHAIRMAN. The time has expired by order of the committee. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 46, line 22, after the word "dollars," insert: "*Provided*, That not to exceed the sum of $2,000 of the above amount shall be used for the care, subsistence, and shoeing of horses, repairs of wagons and carriage, rent of stable, pasturage, and repairs of harness."

Mr. HAMLIN. Division, Mr. Chairman.

The committee divided; and there were—32, noes 45.

So the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, I offer an amendment in line 21, page 46, by striking out the word "eight" and inserting the word "six."

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 21, page 46, strike out "eight" and insert "six," so as to read: "Six thousand dollars."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. CLARK].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CLARK of Missouri. Division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 47.

So the amendment was rejected.

The Clerk read as follows:

For rent of building in the District of Columbia for the use of the Department of State, $3,000.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word.

I regret to take even five minutes of the time of the committee in reference to a matter that is not directly under discussion, but I do feel as if the remarks made a few moments ago by the gentleman from Minnesota ought not to pass entirely without comment. So far as I am personally concerned, "my withers are unwrung." My good friend, the chairman of the Committee on Appropriations, can not disturb my equanimity or ruffle my good humor by calling attention to the delinquencies of the chairman of the Committee on Agriculture. No one is more ready than I am to admit the shortcomings of that gentleman. I may say this for him, however, that no one is more willing or more anxious, indeed, to profit by criticism than is the chairman of the Committee on Agriculture. But in order that he may profit in this way the criticism should be intelligent, it should be founded upon information, and it should offer practical suggestions of a remedy for the condition complained of.

The gentleman read a number of items from the report in regard to the traveling expenses of the Bureau of Forestry and plainly drew the inference that all of these items were reckless, wasteful extravagance, and that the travel had not been undertaken in any good public cause. I do not remember all the quotations that he made, but I do recall the first one to which he referred, that of a certain Mr. Betts, who charged for expenses of traveling involved in attending a meeting of the National Carriage Builders' Association and delivering an address there. The National Carriage Builders' Association naturally is interested in anything that would tend to promote the prosperity of that industry.

It happens that the Bureau of Forestry has been conducting extensive investigations and experiments, as the result of which it has been discovered that a third grade, a cheap variety of wood, may be used in certain parts of carriages where heretofore it has been thought that only the very best and most expensive varieties of woods were suitable. Is it not a matter of interest and importance to a great industry to have information in respect to a question of that kind? And I have no doubt that the gentleman whose traveling expenses here have

been criticised was the expert who had conducted those investigations and who was called upon by this association to bring to them, for the benefit of the great industry they represented, the results of the investigations he had made. I do not believe that there is a Member of the House who would deny that such an expenditure was entirely appropriate. I have no doubt that the majority, if not all, of the items which he criticised could be explained in just as satisfactory a way.

But suppose that the expenditures were unjustifiable? In what way has the gentleman suggested a remedy? The only thing the Committee on Agriculture could do after investigating the matter of these traveling expenses, if it concluded that there had been undue extravagance, would be to suggest to the chief of the bureau under whose direction they were made that he be more careful in the future. They could not bring any legislation here, as has been suggested, to absolutely prevent anything of the kind.

Mr. SHERLEY. Will the gentleman permit? They could put a limitation on, limiting the amount that could be spent for such purposes.

Mr. SCOTT. The committee, as I think the gentleman will bear me out, has this year itemized the appropriation for the Bureau of Forestry to an extent which it has never been itemized before. To the very utmost of its ability the Committee on Agriculture has endeavored to meet the criticisms that have been made, and I believe gentlemen of the House will agree with me has fairly met the criticisms that have heretofore been made to the effect that appropriations were made in too great lump sums.

We have divided these Forest Service appropriations into 50 or 60 or 70 different items where heretofore the subjects have all been covered in one paragraph. I believe that the Committee on Agriculture has met the very objection which the gentleman from Minnesota makes; and I submit that his observations have not the point which remarks from the high authority which he bears in this House ought to have, and ordinarily do have.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: Secretary of the Treasury, $12,000; 3 Assistant Secretaries of the Treasury, at $5,000 each; clerk to the Secretary, $2,500; executive clerk, $2,400; stenographer, $1,800; 3 private secretaries, 1 to each Assistant Secretary, at $1,800 each; government actuary, under control of the Treasury, $2,250; clerk of class 4 (1 transferred to office of Auditor for the Treasury); 4 clerks of class 3; 2 clerks of class 2; chief messenger (transferred from the Bureau of Engraving and Printing), $1,100; 2 assistant chief messengers, at $1,000 each (transferred from the Bureau of Engraving and Printing); 3 messengers, at $900 each (2 transferred from the Bureau of Engraving and Printing); 3 messengers (1 transferred to the office of chief clerk and superintendent, and 1 transferred from Bureau of Engraving and Printing); in all, $60,670.

Mr. COX of Indiana. Mr. Chairman, I want to reserve the point of order upon the following language found in lines 5 and 6, "executive clerk, $2,400." Is that a new officer?

Mr. GILLETT. It is, and I think, however, I can satisfy the gentleman that it is a desirable office; but in doing so I perhaps shall have to take three or four minutes, and would not want to keep the gentleman on his feet.

Mr. COX of Indiana. I am going to make the point of order anyhow.

Mr. GILLETT. You are not open to conviction?

Mr. COX of Indiana. Well, there are so many of these additions and new things. I will withhold it.

Mr. GILLETT. Well, I think it in the interest of economy.

I hope to be able to satisfy the gentleman, because the Treasury Department have taken up the matter of an entire reorganization of the department in a manner which has impressed the committee exceedingly. They have introduced reforms and reorganized their forces in such a way—as the gentleman will see if he looks at the report of the committee—as to reduce the force from 3,740 to 3,654, a reduction of 86 places and a saving of nearly $100,000. I think it is no more than fair to say that this has been done by the new blood that has come into the department, that is giving great personal attention to the administration of the different bureaus. They have found where whole masses of clerks could be dispensed with and where the work could be exactly as well done, they believe, with a very much smaller force. This has, of course, taken a great deal of the time of the Secretary and the assistant secretaries, and they can not permanently give all their time, as they did for a while, to this kind of administration. Therefore they have suggested this executive clerk for the very purpose of carrying out these reforms, which they have already inaugurated and which they expect to carry still further, so that they think in another year they can still further reduce the expenses of administration by a large sum.

And I believe, and the committee believes, that it is thoroughly in the interest of economy to carry out still further the reductions which have already been made, to allow them this one executive clerk. And I might say here, because the point will probably be raised later, that in furtherance of this we have raised the salaries of a very few men in the Treasury Department; men who have cooperated with this movement, who have proved themselves valuable, and whom we thought it was wise to encourage in this work. It is quite a new experience for the Committee on Appropriations to find the officers of one of the executive departments making radical reforms of this kind, reducing employees and reducing expenses. We thought it was something that should be encouraged; and if the gentleman will investigate it, I think he will be of that opinion. This executive clerk is the very first step in the progress of what we believe is real reform. There are several other raises, as I say, to follow later, but the general reduction of expenses far outweighs the few advances, so that the result is a very large saving; and we believe in another year it will produce an equally large saving, and that in the Treasury Department, if the present officials stay there, we are in the way really to have a better and more economically administered department.

Every once in a while a young man of energy and ability comes into a department and stirs up the stagnant waters and reduces expenses; but he shows his value, and then the trouble is, he is taken away and leaves the government service; but whenever there is an improvement of this kind, we think it should be encouraged. That sort of an improvement is taking place in this department now.

Mr. COX of Indiana. The gentleman feels that this is a step in the interest of economy?

Mr. GILLETT. I sincerely do, and I should be very sorry, for that reason, to see a point of order made against this item.

Mr. COX of Indiana. I want to say to the gentleman that I will give him all the support possible when it comes down to a question of economy, and therefore I withdraw the point of order.

Mr. MANN. I should like to say to the gentleman from Indiana [Mr. Cox] that, in my judgment, these three Assistant Secretaries up there—Mr. Norton, Mr. Hilles, and Mr. Curtis—would be worth to the Government or to any private corporation that was reorganizing its service easily $50,000, and probably they will be getting that before a great while from somebody else.

The Clerk read as follows:

Office of chief clerk and superintendent: Chief clerk, including $300 as superintendent of Treasury building, $3,000; assistant superintendent of Treasury building, $2,500; inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, $2,250; assistant inspector of electric-light plants and draftsman, $1,800; 6 clerks of class 4; additional to 1 clerk of class 4, as bookkeeper, $100; 4 clerks of class 3; 3 clerks of class 2; 3 clerks of class 1; clerk, $1,000; clerk, $900; 2 messengers (1 transferred from Secretary's office); 5 assistant messengers; 1 messenger boy, $360; storekeeper, $1,200; telegraph operator, $1,200; telephone operator and assistant telegraph operator, $1,200; chief engineer, $1,400; 3 assistant engineers, at $1,000 each; 6 elevator conductors, at $720 each; 3 firemen; 5 firemen, at $660 each; coal passer, $500; locksmith and electrician, $1,400; captain of the watch, $1,400; two lieutenants of the watch, at $900 each; 68 watchmen; foreman of laborers, $1,000; 2 skilled laborers, at $840 each; 2 skilled laborers, at $720 each (1 transferred from Bureau of Engraving and Printing); wireman, $1,000; wireman, $900; 34 laborers (1 transferred from Secretary's office, and 1 from Bureau of Engraving and Printing); laborer, $600; 10 laborers, at $500 each; 3 laborers, at $480 each; plumber, $1,100; painter, $1,100; 87 charwomen; foreman of cabinet shop, $1,500; 10 cabinetmakers, at $1,000 each; cabinetmaker, $720; carpenter, $1,000; carpenter's helper, $660. For the Winder Building: Engineer, $1,000; 3 firemen; conductor of elevator, $720; 4 watchmen; 3 laborers, 1 of whom, when necessary, shall assist and relieve the conductor of elevator; laborer, $480; and 8 charwomen. For the Cox Building, 1709 New York avenue: Three watchmen-firemen, at $720 each; and 1 laborer; in all, $200,450.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word in order to get some information. The Winder Building and the Cox Building belong to private parties, do they not?

Mr. GILLETT. The Winder Building belongs to the Government. The Cox Building is rented.

Mr. CLARK of Missouri. How much rent is the United States Government paying for buildings in the city of Washington?

Mr. GILLETT. I am told it is about half a million dollars in round numbers.

Mr. CLARK of Missouri. I would like to take the gentleman's opinion as to whether he does not think it would be wise for the United States to build all the buildings it needs in this city and quit paying exorbitant rents?

Mr. GILLETT. I agree thoroughly with the gentleman; I have been of that opinion for years. I think we are paying extravagant rents for buildings in this city.

Mr. TAWNEY. I want to say that I do not agree with the gentleman.

Mr. MANN. I would like to ask the gentleman from Missouri if he would be in favor of spending $100,000,000 for buildings in the city of Washington?

Mr. TAWNEY. When you take into consideration the cost of maintenance of the buildings, it exceeds the expense which the Government is paying for rent.

Mr. CLARK of Missouri. Why does it cost private parties any less than it costs the Government for maintenance?

Mr. TAWNEY. I speak only from what knowledge and experience I have gained since I have been here.

Mr. NORRIS. I would like to ask the gentleman from Minnesota if the Government does not have to pay for the cost of maintenance whether it rents the building or owns it? If the gentleman from Missouri will permit, I would like to suggest that we passed a resolution yesterday that will bring information that will completely answer the gentleman's question.

Mr. MANN. Yes; we passed a resolution the other day to get some information that is already printed and in the hands of Members.

Mr. DOUGLAS. Why did not the gentleman prevent it?

Mr. MANN. I was not in the House at the time.

Mr. GILLETT. I want to say that the exact figures of the amount that the Government is paying for rent is $459,340.

Mr. CLARK of Missouri. I want to answer the question of the gentleman from Illinois. I feel this way about it: When I first came to Washington I thought the time might come when the capital would be moved from here. It ought never to have been located here in the beginning. The place for it is out in the Ozark Mountains, or somewhere in the center of the country, but I am certain now it will never be moved until a foreign army sacks this capital, and that is a very easy thing to do on account of its geographical location. When I came here I observed how much money the United States Government has invested and is constantly investing in permanent buildings and improvements, and I made up my mind that it never would be moved until the event of which I speak occurred, and I hope it never will.

I understand from time to time it is charged on what seems to be circumstantial evidence that the Government is paying exorbitant rents for some of these buildings in Washington. I am in favor of the United States Government building every building that it needs in this town. It can get all the money it wants at 3 per cent, and a long-time bond would be only 2 per cent. I feel reasonably certain that it is paying at least 6 or 8 or 10, and in some cases a good deal more per cent than that on the money invested in these buildings in the way of rent. That is all that I have to say, except that the sooner we do it the better we will be off.

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Division of Customs: Chief of division, $4,000; assistant chief of division, $3,000; 7 law clerks, at $2,000 each; 3 clerks of class 4; 2 clerks of class 3; 2 clerks of class 2; 4 clerks of class 1; 4 clerks, at $1,000 each; clerk, $900; messenger; assistant messenger; in all, $43,660.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on lines 9 and 10. Is not that an increase of salary?

Mr. GILLETT. Yes; those increases of salary were made because the Secretary advised us that this chief and assistant had quite as much to do as the collector of internal revenue and did not have the same salary. The provision is subject to a point of order.

Mr. COX of Indiana. How long have they been drawing this salary?

Mr. GILLETT. The present salary?

Mr. COX of Indiana. Three thousand dollars and $2,000?

Mr. GILLETT. Several years.

Mr. COX of Indiana. Is there any increased burden put upon them?

Mr. GILLETT. Well, it has been growing all the time, but as I say to the gentleman, it is subject to a point of order.

Mr. COX of Indiana. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. CLARK of Missouri. Mr. Chairman, I would like to make a suggestion. On page 49, line 9, it says "87 charwomen," and then a semicolon. It does not seem to be any appropriation at all.

Mr. GILLETT. The law provides what they shall receive. Mr. Chairman, I move to amend the paragraph on page 50. Did the point of order of the gentleman from Indiana go to the whole paragraph?

Mr. COX of Indiana. No; only to lines 9 and 10.

Mr. GILLETT. Then, Mr. Chairman, I move to insert in line 9 "$3,000" and in line 10 "$2,000," so as to give them the same salaries that they had before.

The amendment was agreed to.

The Clerk read as follows:

Offices of disbursing clerks: Disbursing clerk, $3,000; deputy disbursing clerk, $2,750; 2 clerks of class 4; 2 clerks of class 3; 3 clerks of class 2; 3 clerks of class 1; clerk, $1,000; assistant messenger; in all, $22,070.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on lines 10 and 11 on page 53, and to the word "dollars" in line 12. I want to get some information. Are not those new offices?

Mr. LIVINGSTON. If the gentleman from Massachusetts will permit, I will say that it is new. We combined two disbursing clerks in the Treasury Department and made one disbursing clerk and one deputy clerk. That, of course, is new, but it is a saving of time, and it is a saving of a great deal of space in the building. It is something that we thought ought to be done by all means, and we did it.

Mr. COX of Indiana. The gentleman believes it will be in the interest of economy?

Mr. LIVINGSTON. Yes.

Mr. MANN. And it is in the interest of safety.

Mr. LIVINGSTON. Not only in the interest of safety, as the gentleman from Illinois says, but we save in money in these two men's salaries, and we save also in clerk hire.

Mr. COX of Indiana. In what way?

Mr. LIVINGSTON. The saving in the space in the building is of far more value to us in the Treasury Department than the saving in clerk hire.

Mr. BURLESON. I can give it to the gentleman exactly. By the consolidation of these two offices and the abolishment of certain of the clerks under the two offices a saving of $930 has been effected, and that is by actual mathematical calculation.

Mr. COX of Indiana. By a consolidation of these two offices there have been some clerks abolished?

Mr. BURLESON. Yes.

Mr. COX of Indiana. Then, it actually saves to the Government that amount of money?

Mr. BURLESON. It does.

Mr. COX of Indiana. I withdraw the point of order.

The Clerk read as follows:

The deputy disbursing clerk herein provided for shall have authority to sign checks in the name of the disbursing clerk; he shall give bond to the disbursing clerk in such sum as the said disbursing clerk may require, and when so acting for the disbursing clerk shall be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the disbursing clerk for whom he acts, and the official bond of the disbursing clerk executed hereunder shall be made to cover and apply to the acts of the deputy disbursing clerk.

Mr. GILLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 22643, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18006. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 21428. An act authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6851. An act authorizing the village of Taylors Falls, Minn., and the village of St. Croix Falls, Wis., to construct a bridge across the St. Croix River—to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 20180. An act for the relief of Patrick Shields;

H. R. 21693. An act for the relief of William H. Hawley;

H. R. 20835. An act authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory;

H. R. 21428. An act authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes;

H. R. 17872. An act providing for the sale to Johnson County, in the State of Wyoming, of certain lands;

H. R. 17838. An act for the relief of George W. Flack;

H. R. 11580. An act for the erection of a monument over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.;

H. R. 5272. An act for the relief of the Bridgeport National Bank, of Bridgeport, Ohio; and

H. R. 18593. An act to authorize the transfer of the government highway known as the Alter road, in the city of Detroit, Mich.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. SHEPPARD to withdraw from the files of the House without leaving copies of the papers in the case of Samuel Dickins, Sixtieth Congress, no adverse report having been made thereon.

DEATH OF REPRESENTATIVE PERKINS.

Mr. PAYNE. Mr. Speaker, I offer the following resolution (H. Res. 496), which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 496.

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES BRECK PERKINS, late a Representative from the State of New York.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take charge of the body of the deceased, and to make such arrangements as may be necessary for the funeral, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That a committee of this House consisting of 20 Members be appointed to attend his funeral.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The SPEAKER. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were agreed to.

The Chair announced the following committee:

Mr. PAYNE, Mr. FITZGERALD, Mr. ALEXANDER of New York, Mr. FORNES, Mr. CALDER, Mr. FASSETT, Mr. CONRY, Mr. DANIEL A. DRISCOLL, Mr. PARSONS, Mr. MICHAEL E. DRISCOLL, Mr. GOULDEN, Mr. COCKS of New York, Mr. FOSTER of Vermont, Mr. HOWARD, Mr. WOOD of New Jersey, Mr. HITCHCOCK, Mr. DENBY, Mr. LOWDEN, Mr. FERRIS, Mr. EDWARDS of Georgia.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Accordingly, in pursuance of the resolution (at 4 o'clock and 53 minutes p. m.), the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting recommendations as to improvement of roads in the Yellowstone National Park (H. Doc. No. 772)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting a statement of documents distributed by the War Department during the fiscal year ended June 30, 1909 (H. Doc. No. 771)—to the Committee on Printing and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Sabine Pass and Port Arthur Ship Canal, Texas (H. Doc. No. 773)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 19402) to enable the Telepost Company to construct its plant, operate the same, and transact its business in the District of Columbia, and to make necessary connections with other parts of its system, reported the same with amendment, accompanied by a report (No. 735), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 22148) to change and fix the terms of the circuit and district courts of the United States in the district of Delaware, reported the same without amendment, accompanied by a report (No. 736), which said bill and report were referred to the House Calendar.

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6286) to authorize the Copper River and Northwestern Railway Company to construct a bridge across the Copper River, in the district of Alaska, and for other purposes, reported the same with amendment, accompanied by a report (No. 737), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the resolution of the House (H. Res. 396) requesting the Secretary of the Interior to furnish the House of Representatives certain information relative to the Mississippi Choctaw Indians, reported the same with amendment, accompanied by a report (No. 740), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 16990) for the relief of George J. Diller, reported the same without amendment, accompanied by a report (No. 738), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6075) for the relief of Amos Hershey, reported the same with amendment, accompanied by a report (No. 739), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16829) granting a pension to Frank C. Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22683) for the relief of the Wichita and affiliated bands of Indians—Committee on Claims discharged, and referred to the Committee on Indian Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Michigan: A bill (H. R. 22762) to amend sections 680 and 686 of the Code of Law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEBB: A bill (H. R. 22763) providing for the erection of a suitable building for the post-office and United States courts at Charlotte, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. DOUGLAS: A bill (H. R. 22764) providing for the erection of a monument to Januarius Aloysius MacGahan—to the Committee on the Library.

By Mr. BORLAND: A bill (H. R. 22765) to give religious and charitable publications the benefit of the second-class postage rates—to the Committee on the Post-Office and Post-Roads.

By Mr. STURGISS: A bill (H. R. 22766) to provide for the purchase of a site and the erection of a building thereon at

Philippi, in the State of West Virginia—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 22767) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. WEEKS: A bill (H. R. 22768) to provide for mail receptacles—to the Committee on the Post-Office and Post-Roads.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 22769) to increase the appropriation for the erection of the federal building at Enid, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22770) to provide for the erection of a suitable public building upon the ground which has heretofore been acquired at Kingfisher, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22771) to provide for the erection of a public building at Blackwell, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22772) to provide for the erection of a suitable addition to the federal building at Guthrie, Okla., upon the ground which has heretofore been acquired—to the Committee on Public Buildings and Grounds.

By Mr. ROTHERMEL: A bill (H. R. 22773) making it a misdemeanor in the District of Columbia to willfully neglect to provide for the support and maintenance by any person of his or her parents in destitute or necessitous circumstances—to the Committee on the District of Columbia.

By Mr. CRAIG: A bill (H. R. 22774) to provide for terms of circuit and district courts of the United States to be held at Talladega, Ala.—to the Committee on the Judiciary.

By Mr. BOOHER: A bill (H. R. 22775) to increase the appropriation for a public building at Maryville, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. GOULDEN: A bill (H. R. 22776) providing for the retirements of employees in the civil service—to the Committee on Reform in the Civil Service.

By Mr. PEARRE: A bill (H. R. 22777) to increase the limit of cost of the federal building at Frostburg, Md.—to the Committee on Public Buildings and Grounds.

By Mr. RAINEY: Resolution (H. Res. 494) providing for an investigation of labor conditions at plant of Bethlehem Steel Company—to the Committee on Rules.

By Mr. HUGHES of New Jersey: Resolution (H. Res. 495) directing the Secretary of Commerce and Labor to transmit certain information to the House concerning tidal observations—to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res. 169) accepting as true and competent a report to the National Geographic Society by Henry Gannett, O. H. Tittmann, and C. M. Chester, relating to the discovery of the North Pole by Commander Robert E. Peary, April 6, 1909—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 22778) to correct the military record of John B. Hutchings—to the Committee on Military Affairs.

By Mr. ANDERSON: A bill (H. R. 22779) granting a pension to Eliza Brady—to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 22780) granting an increase of pension to Franklin Miller—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 22781) granting a pension to John W. Sturm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22782) granting an increase of pension to Henry Moore—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 22783) granting an increase of pension to Harrison Black—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22784) granting an increase of pension to Sylvanis Vanhook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22785) granting an increase of pension to William O'Neill, alias William McDonald—to the Committee on Invalid Pensions.

By Mr. CULLOPP: A bill (H. R. 22786) granting a pension to Prince A. Sharum—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 22787) granting an increase of pension to Martin L. Rex—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 22788) granting a pension to Charles M. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22789) granting a pension to George Knapp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22790) granting a pension to Barzillai F. Ferrell—to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 22791) to remove the charge of desertion against Henry W. Ross—to the Committee on Military Affairs.

Also, a bill (H. R. 22792) for the relief of the estate of Philip Felix Herwig, deceased, and authorizing a credit in certain accounts—to the Committee on Claims.

Also, a bill (H. R. 22793) to restore the endowment of the Judah Touro Almshouse, of New Orleans, La.—to the Committee on the Library.

By Mr. GOULDEN: A bill (H. R. 22794) for the relief of Elizabeth Riley—to the Committee on Claims.

By Mr. GRANT: A bill (H. R. 22795) for the relief of M. M. Hawkins—to the Committee on Military Affairs.

Also, a bill (H. R. 22796) for the relief of George W. Gospell—to the Committee on Military Affairs.

By Mr. HANNA: A bill (H. R. 22797) granting an increase of pension to John C. Creighton, alias Charles Chesterwood—to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 22798) granting a pension to Frank Smidt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22799) granting an increase of pension to Frank M. Appleberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22800) to compensate C. W. Smith for services and disbursements made in the war with Spain—to the Committee on War Claims.

By Mr. HOLLINGSWORTH: A bill (H. R. 22801) granting an increase of pension to John Melville—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 22802) granting an increase of pension to George W. Atchley—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 22803) granting a pension to Amy Estelle Carpenter—to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 22804) for the relief of John W. Terry—to the Committee on Military Affairs.

By Mr. KENNEDY of Ohio: A bill (H. R. 22805) granting an increase of pension to John W. Randels—to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 22806) granting an increase of pension to Augustus H. Beecher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22807) granting an increase of pension to Joseph D. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22808) granting an increase of pension to Peter A. Becker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22809) granting an increase of pension to Jesse W. Casteel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22810) granting an increase of pension to John P. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22811) for the relief of E. A. Brown—to the Committee on Military Affairs.

By Mr. MORGAN of Missouri: A bill (H. R. 22812) for the relief of John M. Compton—to the Committee on Military Affairs.

By Mr. MORRISON: A bill (H. R. 22813) for the relief of Willard Thompson—to the Committee on Military Affairs.

Br. Mr. MORSE: A bill (H. R. 22814) granting an increase of pension to F. W. Sackett—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 22815) granting an increase of pension to Solomon Barr—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 22816) granting a pension to Anna B. A. Wood—to the Committee on Pensions.

Also, a bill (H. R. 22817) for the relief of Bayard T. Garrabrant—to the Committee on War Claims.

By Mr. PUJO: A bill (H. R. 22818) for the relief of the estate of William Bailey, deceased—to the Committee on War Claims.

By Mr. RAUCH: A bill (H. R. 22819) granting a pension to Paul L. Bahr—to the Committee on Pensions.

Also, a bill (H. R. 22820) granting an increase of pension to George Kleinschnitz—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 22821) granting an increase of pension to Henry L. Churchill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22822) granting an increase of pension to Andrew J. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22823) granting an increase of pension to William B. Fleming—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22824) granting a pension to Matilda A. Palmer—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 22825) granting an increase of pension to Samuel A. Young—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 22826) granting an increase of pension to Paul W. B. Keddey—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 22827) granting an increase of pension to Barnett Boyles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22828) granting an increase of pension to Reuben H. Dillon—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 22829) for the relief of George W. Nixon—to the Committee on Military Affairs.

Also, a bill (H. R. 22830) for the relief of John Ward and others—to the Committee on Indian Affairs.

By Mr. SWASEY: A bill (H. R. 22831) granting an increase of pension to David M. Howe—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 22832) granting an increase of pension to Andrew L. Dewey—to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 22833) granting an increase of pension to Andrew Nelson—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 22834) granting an increase of pension to Charles Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22835) granting an increase of pension to Velonzo Cahill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22836) granting a pension to Azataline Talbert—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of John B. Hutchins—to the Committee on Military Affairs.

By Mr. ALEXANDER of New York: Petition of Canton Erie, No. 7, Patriarchs Militant, Independent Order of Odd Fellows, of Buffalo, N. Y., against Senate bill 1712, prohibiting wearing of the United States uniform by unauthorized persons—to the Committee on Military Affairs.

By Mr. ANSBERRY: Petition of citizens of Delphos, Ohio, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ASHBROOK: Petition of Musicians' Protective Association, Local No. 122, American Federation of Musicians, of Newark, Ohio, protesting against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Franklin Miller—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Morning Light Grange, No. 19, Patrons of Husbandry, of Monroe, Me., for a national public health bureau—to the Committee on Agriculture.

By Mr. CALDER: Petition of the Produce Exchange of New York City, against features of Senate bill 5106 and House bill 17536, relative to rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: Petition of citizens of Randolph, Kans., opposing the establishment of a postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Clinton (Iowa) Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. FOCHT: Paper to accompany bill for relief of David Secrest—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of Q. J. Hickey, favoring House bill 20162, relative to hours of daily service by laborers on public works—to the Committee on Labor.

Also, petition of C. L. Lewis, of Springfield, Mass., favoring a children's bureau of labor—to the Committee on Labor.

Also, petition of Henry Heide, of New York City, against the Moon bill (H. R. 21334), relative to injunctions and restraining orders—to the Committee on the Judiciary.

Also, petition of Broadway Tabernacle Church, of New York City, favoring a halt in the expansion of our navy—to the Committee on Naval Affairs.

By Mr. FOSTER of Vermont: Petitions of Mary Baker Allen Chapter, of Cornwall; Marquis de Lafayette Chapter, of Montpelier; Herbert Allen Chapter, of Poultney, Daughters of the American Revolution, all in the State of Vermont, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Urban A. Walters, editor, etc., of the Harpoon, of Denver, Colo., favoring an expense allowance for railway postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of Maritime Association of the Port of New York, favoring a sufficient number of naval officers at the Hydrographic Office—to the Committee on Naval Affairs.

Also, petition of Claremont Heights Property Owners' Association, of Bronx Borough, for the Pearre bill, establishing a telepost office in Washington—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of California Metal Trades' Association, of San Francisco, Cal., for repeal of the publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petitions of James Harold, of San Francisco, and T. G. Kyber, of San Jose, Cal., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. HENRY of Connecticut: Petition of Ararat Lodge, No. 13, Independent Order B'nai B'rith, of Hartford, Conn., against House bill 13404, providing for more stringent immigration laws—to the Committee on Immigration and Naturalization.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of John Melville—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of James Kelsey, of Keyport, N. J., giving schedule of losses on oyster beds, to accompany House bill 12328—to the Committee on Claims.

By Mr. KELIHER: Petition of board of directors of the Boston Fruit and Produce Exchange, for a national law for uniformity of standards of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. KENNEDY of Iowa: Petition of citizens of Lockridge, Iowa, against establishment of postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Retail Grocers' Association of Burlington, Iowa, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of mayor and city council of Washington, Iowa, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. KENNEDY of Ohio: Petition of citizens of Ohio, for the eight-hour bill (H. R. 15441)—to the Committee on Labor.

Also, petition of Presbyterian Church of Leetonia, Ohio, rising vote of 75 people, for the McCumber-Tirrell bill and kindred bills—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Mahoning Chapter, Daughters of the American Revolution, of Youngstown, Ohio, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. McDERMOTT: Petition of B. F. Kowalewski, pastor of St. John of God Parish, Chicago—to the Committee on Immigration and Naturalization.

By Mr. MORSE: Petition of citizens of Marathon City and Rozellville, Wis., against any change in present oleomargarine law—to the Committee on Agriculture.

By Mr. PAGE: Petition of citizens of Randolph County, N. C., urging legislation that will eliminate gambling in farm products by boards of trade, exchanges, and other speculators—to the Committee on Agriculture.

By Mr. PAYNE: Petition of North Wolcott (N. Y.) Grange, No. 1140, against any change in present oleomargarine law—to the Committee on Agriculture.

By Mr. PEARRE: Petition of Maryland Society, Sons of the American Revolution, for retention of Division of Information in the Immigration Bureau and against repeal of section 4 of the act of February 20, 1907—to the Committee on Immigration and Naturalization.

By Mr. REEDER: Petition of citizens of Kansas, against the Sunday rest bill (S. 404)—to the Committee on the District of Columbia.

By Mr. RUCKER of Colorado: Petitions of residents of Bryant and other towns in the First Congressional District of

Colorado, protesting against the passage of Senate bill 404 and House joint resolution 17—to the Committee on the District of Columbia.

By Mr. SHEFFIELD: Petition of William Ellery Chapter, Daughters of the American Revolution, against repeal of section 40 of immigration law as provided in the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of La Société des Artisans Canadiens Français, Providence, No. 318, and Succirsale, No. 18, both of Rhode Island, for House bill 17509, right of beneficiary associations' publications to carry commercial advertising, and in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: Paper to accompany bill for relief of Paul W. B. Kiddey—to the Committee on Invalid Pensions.

By Mr. SMITH of Iowa: Petition of citizens of Stuart, Glenwood, and Council Bluffs, all in the State of Iowa, against the Sunday rest bill (S. 404)—to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: Petition of Louisa Adams Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

Also, petition of Branch No. 162, Polish National Alliance, of Detroit, Mich., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SWASEY: Petitions of Sweden (Me.) Grange, No. 134, and Pleasant River Grange, No. 492, of Vinalhaven, Me., for a national health bureau—to the Committee on Agriculture.

Also, petition of Board of Trade of Camden, Me., against features of Senate bill 5106 and House bill 17536, relative to rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

By Mr. TOWNSEND: Petition of Loyal Legion of the United States, favoring House bill 18899, volunteer officers' bill—to the Committee on Military Affairs.

By Mr. WASHBURN: Petition of citizens of Worcester, Mass., against Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

By Mr. WEISSE: Petition of citizens of Fond du Lac, Wis., against legislation to increase the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, *March 12, 1910.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Glory, honor, and praise we render unto Thee, Our Father, for all Thy wondrous works toward the children of men. We thank Thee that Thou hast so loved us that Thou hast provided that Thy spirit of wisdom shall in all ages enter into faithful souls, making them Thy friends and leaders of the people. Grant, Our Father, that the memory of such may be ever in the imagination, the thoughts, and the hearts of this people, that we may incline our minds unto Thee and keep Thy commandments forever. And unto Thee, from whom cometh all glory, we render all praise; now and forever more. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19028) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

S. 4671. An act to amend the military record of Aaron Cornish;

S. 6662. An act to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River in the neighborhood of Sibley, Mo., and to remove the existing structure; and

S. 6739. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 614. An act to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909;

S. 863. An act to correct the military record of John M. Miller;

S. 864. An act to correct the military record of John Oates; and

S. 6431. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 153. An act for the relief of Henry Mulvin;

H. R. 710. An act for the relief of Cornelius Cahill;

H. R. 5269. An act for the relief of Alexander Everhart;

H. R. 6542. An act for the relief of Theodore F. Colgrove;

H. R. 6767. An act for the relief of Charles A. Bess;

H. R. 6901. An act for the relief of Platoff Bush;

H. R. 8621. An act for the relief of Aaron B. Van Pelt, alias Benjamin Van Pelt;

H. R. 8699. An act authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war;

H. R. 8730. An act for the relief of William Mullally;

H. R. 9221. An act for the relief of James Jones;

H. R. 9751. An act to amend and correct war records so as to muster in and muster out of service in United States Army Joshua E. Carlton, of Charleston, Tenn., and to grant him an honorable discharge;

H. R. 10863. An act for the relief of Anton Ernst;

H. R. 11763. An act for the relief of George Harraldson;

H. R. 11936. An act for the relief of Jacob Conrad;

H. R. 13936. An act for the relief of William P. Drummon;

H. R. 14288. An act for the relief of George W. Spencer;

H. R. 16684. An act for the relief of James Ovens;

H. R. 18540. An act for the relief of John H. Willis;

H. R. 18845. An act for the relief of Maramon A. Martin;

H. R. 18848. An act for the relief of Joseph S. Oakley;

H. R. 19243. An act to correct the military record of John B. Ford;

H. R. 19505. An act for the relief of Eugene Martin;

H. R. 19747. An act for the relief of William C. Rich;

H. R. 20603. An act for the relief of Henry Halteman;

H. R. 21079. An act for the relief of John W. Thomas;

H. R. 22147. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 22621. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 22637. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of the wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill H. R. 18006, an act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

RECEPTION OF THE STATUE OF JOHN C. CALHOUN.

Mr. SMITH of South Carolina. Mr. President, I beg leave to submit to the Senate the communication which I send to the desk.

The VICE-PRESIDENT. The Senator from South Carolina presents to the Senate a communication, which the Secretary will read.

The Secretary read the communication as follows:

STATE OF SOUTH CAROLINA,
EXECUTIVE CHAMBER,
Columbia, March 12, 1910.

To the Honorable the Senate and House of Representatives of the United States, Washington, D. C.:

It gives me great pleasure, as governor of the State of South Carolina, to present to the Congress of the United States a marble statue of John C. Calhoun, a native of South Carolina, and one whose name is honored wherever known.

John C. Calhoun was one of the greatest men that this country has produced, and a statesman of renown who has left his impress upon this Nation, and whose name is indelibly inscribed upon the pages of history, both national and State.

The State of South Carolina begs now to present through me, as her governor, to the Congress of the United States, as the representative of the people of the United States, this beautiful statue of a great and good man.

Respectfully,

M. F. ANSEL,
Governor of South Carolina.

The VICE-PRESIDENT. The communication will lie on the table.

Mr. SMITH of South Carolina. Mr. President, I call up, in the absence of my colleague [Mr. TILLMAN], who is detained from the Senate on account of illness, Senate concurrent resolution No. 20, submitted by him on the 12th of January, and I ask for its adoption.

The concurrent resolution was read, considered by unanimous consent, and agreed to, as follows:

Senate concurrent resolution 20.

Resolved by the Senate (the House of Representatives concurring), That the statue of John C. Calhoun, presented by the State of South Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of South Carolina.

Mr. LODGE. Mr. President, when the senior Senator from South Carolina [Mr. TILLMAN], whose illness we all deplore, did me the honor to ask me to take part in the ceremonies connected with the reception of the statue of Mr. Calhoun, I was very much gratified by his request. In the years which preceded the civil war South Carolina and Massachusetts represented more strongly, more extremely, perhaps, than any other States the opposing principles which were then in conflict. Now, when that period has drifted back into the quiet waters of history it seems particularly appropriate that Massachusetts should share in the recognition which we give to-day to the memory of the great Senator from South Carolina. If I may be pardoned a personal word, it seems also fitting that I should have the privilege of speaking upon this occasion, for my own family were friends and followers in successive generations of Hamilton and Webster and Sumner. I was brought up in the doctrines and beliefs of the great Federalist, the great Whig, and the great Republican. It seems to me, I repeat, not unfitting that one so brought up should have the opportunity to speak here when we commemorate the distinguished statesman who, during the last twenty-five years of his life, represented with unrivaled ability those theories of government to which Hamilton, Webster, and Sumner were all opposed.

From 1787 to 1865 the real history of the United States is to be found in the struggle between the forces of separatism and those of nationalism. Other issues and other questions during that period rose and fell, absorbed the attention of the country, and passed out of sight, but the conflict between the nationalist spirit and the separatist spirit never ceased. There might be a lull in the battle, public interest might turn, as it frequently did, to other questions, but the deep-rooted, underlying contest was always there, and finally took possession of every passion and every thought, until it culminated at last in the dread arbitrament of arms. The development of the United States as a nation, in contradistinction to a league of States, falls naturally into four divisions. The first is covered by the administrations of Washington and Adams, when the Government was founded by Washington and organized by Hamilton, and when the broad lines of the policies by which its conduct was to be regulated were laid down. When Washington died, the work of developing the national power passed into the hands of another great Virginian, John Marshall, who, in the cool retirement of the Supreme Court for thirty years, steadily and surely, but almost unnoticed at the moment, converted the Constitution from an experiment in government, tottering upon the edge of the precipice which had engulfed the Confederation, into the charter of a nation. While he was engaged upon this work, to which he brought not only the genius of the lawyer and the jurist, but of the statesman as well, another movement went on outside the court room, which stimulated the national life to a degree only realized in after years, when men began to study the history of the time.

By the Revolution we had separated ourselves from England and established nominally our political independence. But that political independence was only nominal. The colonial spirit still prevailed. During the two hundred years of colonial life our fortunes had been determined by events in Europe. It was no mere metaphor which Pitt employed when he said he would "conquer America upon the plains of Germany," and the idea embodied in the words of the Great Commoner clung to us even after the adoption of the Constitution, for habits of thought, impalpable as air, are very slow to change. The colonial spirit resisted Washington's neutrality policy when the French revolution broke out, and as the years passed was still strong enough to hamper all our movements and force us to drift helplessly upon the stormy seas of the Napoleonic wars. The result was that we were treated by France on one side and by England on the other in a manner which fills an American's heart with indignation and with shame even to read of it a hundred years afterwards. And then in those days of humiliation there arose a group of young men, chiefly from the South and West, who made up their minds that this condition was unbearable; that they would assert the independence of the United States; that they would secure to her due recognition among the nations; and that rather than have the shameful conditions which then existed continue they would fight. They did not care much with whom they fought, but they intended to vindicate the right of the United States to live as a respected and self-respecting independent nation. Animated by this spirit, they plunged the country into war with England.

They did not stop to make proper preparations; their legislation was often as violent as it was ineffective; the war was not a success on land, and was redeemed only by the victory at New Orleans and by the brilliant fighting of our little navy. On the face of the treaty of Ghent it did not appear that we had gained a single one of the points for which we went to war, and yet the war party had really achieved a complete triumph. Through their determination to fight at any cost we were recognized at last as an independent nation, and, what was far more important, we had forever destroyed the colonial idea that the politics and the peace of the United States were to veer hither and thither at the bidding of every breeze which blew from Europe. Such work could not have been done without a vigorous growth of the national spirit and of the national power, and the group of brilliant men who brought on the war were entirely conscious that in carrying out their policy they were stimulating the national—the American—spirit to which they appealed. Chief among the leaders of that group of young men who were responsible for the origin and conduct of the war of 1812 was John C. Calhoun.

As the war, with its influences and results, sank back into the past, domestic questions took possession of the field, and the conflict between the separatist and national forces which had been temporarily obscured forged again to the front, but under deeply altered conditions. When John Marshall died in 1835, his great work done, the cause which he had so long sustained had already entered upon its third period—the period of debate—and the task which had fallen from the failing hands of the great Chief Justice was taken up in another field by Daniel Webster, who for twenty years stood forth as the champion of the proposition not that the Constitution could make a nation but that, as a matter of fact, it had made a nation. Against him was Calhoun, and between the two was Henry Clay. The twenty years of debate which then ensued are known familiarly as the days of Clay, Webster, and Calhoun. The names of the Presidents who occupied the White House during most of that time have faded, and the era of debate in the history of the parliamentary struggle between the national and the separatist principles is not associated with them but with the great Senators who made it illustrious. As the century passed its zenith all three died, closely associated in death as they had been in life. The compromise which Clay and Webster defended and of which Calhoun despaired was quickly wrecked in the years which followed, and then came war and the completion of the work begun by Washington, through the life and death of Abraham Lincoln and the sacrifices and the tragedy of four years of civil war.

To have been, as Calhoun was, for forty years a chief figure in that period of conflict and development—first a leader among the able men who asserted the reality of the national independence and established the place of the United States among the nations of the earth, and afterwards the undisputed chief of those who barred the path of the national movement—implies a man of extraordinary powers both of mind and character. He merits not only the high consideration which history accords, but it is also well that we should honor his memory here, and, turning aside from affairs of the moment, should recall him and his work that we may understand what he was and what he meant. He was preeminently a strong man, and strong men, leaders of mankind, who shape public thought and decide public action are very apt to exhibit in a high degree the qualities of the race from which they spring. Calhoun came of a vigorous race and displayed the attributes, both moral and intellectual,

which mark that race, with unusual vividness and force. On both sides he was of Scotch descent. His name is a variant of the distinguished Scotch name Colquhoun. It was a place name, assumed at the beginning of the thirteenth century, when they came into possession of certain lands, by the noble family which was destined to bear it for many generations. Judged by the history of the knights who in long succession held the estates and the title, the Colquhouns or Calhouns, who spread and multiplied until they became a clan, were a very strong, very able, very tenacious stock. They had great need of all these qualities in order to maintain themselves in power, property, and position during the five hundred years which elapsed before the first Calhoun and the first Caldwell started on the migration which, after a brief pause in the north of Ireland, carried Patrick Calhoun and some of the Caldwells over the ocean to South Carolina. Both families were typical of their race, for the Colquhouns are spoken of as a Gaelic clan, while the Caldwells were Lowlanders from the Solway. In order to understand these types we must go back for a moment into those dim, almost uncharted, regions of history which disclose to us the tribes of the Germanic forests pouring down upon the wreck of the Roman Empire. When the successive waves of Teutonic invasion broke upon Britain they swept up to the mountains of the North, driving the native Picts and Scots before them, and no part of their conquest was more thoroughly Danish and Saxon than the lowlands of Scotland. But the Highlander, who represented the survival of the Celts, and the Lowlander, who represented the invaders, were quickly welded together in a common hostility to their great and grasping neighbor of the South. The Celtic blood mingled with that of the descendants of the Teutonic tribes. They quarreled, they fought side by side, they intermarried; they modified each other and gradually adopted each other's customs and habits of thought. We have but to read "Rob Roy" to learn that although the Highlander looked down upon the Lowlander as a trader and shopkeeper, and the Lowlander regarded the Highlander as wild and barbarous, the ties of blood and common suffering were strong between them and that they were all Scotchmen. It is a remarkable history, that of Scotland, one of the most remarkable in the annals of men. Shut up in that narrow region of mountain and of lake, a land of storm and cold and mist, with no natural resources except a meager soil and a tempestuous sea to yield a hard-earned living; poor in this world's goods, few in number, for six hundred years these hardy people maintained their independence against their powerful foe to the southward and only united with him at last upon equal terms. For six hundred years they kept their place among the nations, were the allies of France, were distinguished for their military virtues on the Continent of Europe, and cherished a pride of race and country to which their deeds gave them an unclouded title. They did all these things, this little people, by hard fighting. For six hundred years they fought, sometimes in armies, sometimes in bands, always along the border, frequently among themselves. It was a terrible training. It did not tend to promote the amenities of life, but it gave slight chance of survival to the timid or the weak. It produced the men who fell with their King at Flodden. They could die there where they stood beneath the royal standard, but they could not be conquered.

Those six centuries of bitter struggle for life and independence, waged continuously against nature and man, not only made the Scotch formidable in battle, renowned in every camp in Europe, but they developed qualities of mind and character which became inseperable from the race. For it was not merely by changing blows that the Scotch maintained their national existence. Under the stress of all these centuries of trial they learned to be patient and persistent, with a fixity of purpose which never weakened, a tenacity which never slackened, and a determination which never wavered. The Scotch intellect, passing through the same severe ordeal, as it was quickened, tempered, and sharpened, so it acquired a certain relentlessness in reasoning which it never lost. It emerged at last complete, vigorous, acute, and penetrating. With all these strong qualities of mind and character was joined an intensity of conviction which burned beneath the cool and calculating manner and of which the stern and unmoved exterior gave no sign, like the fire of a furnace, rarely flaming, but giving forth a fierce and lasting heat. To this somewhat rare combination we owe the proverbial phrase of the "perfervidum ingenium Scotorum," an attribute little to be expected in a people so outwardly calm and self-contained. To them, in the struggle of life, could be applied the words in which Macaulay described Cromwell's army: "They marched to victory with the precision of machines, while burning with the wildest fanaticism of Crusaders."

After the union, under Queen Anne, peace came gradually to the long-distracted land, broken only by the Jacobite risings of 1715 and 1745, and then the Scotch intellect found its opportunity and began to flower. In the latter part of the eighteenth and the first part of the nineteenth century Scotland gave to poetry Scott and Burns and Campbell; to history Hume and Robertson; to metaphysics Hamilton, Reid, and Stuart; to fiction Smollet and the "Author of Waverly;" to political economy Adam Smith; and these are only the greatest luminaries in a firmament of stars. Edinburgh became one of the intellectual centers of western civilization, and the genius of Scotland was made famous in every field of thought and imagination. It was just at this time that John Caldwell Calhoun came upon the stage, for the Scotch intellect, trained and disciplined through the darkness and the conflicts of six hundred years, blossomed in the New World as in the Old when once the long pressure was removed, when the sword needed no longer to be kept always unsheathed and men could sleep without the haunting fear that they might be awakened at any moment by the light of burning homesteads and the hoarse shouts of raiders from over the border whose path was ever marked by desolation and bloodshed.

In the inadequate description which I have attempted of the Scotch character and intellect, slowly forged and welded and shaped by many stern, hard-fighting generations, I think I have set forth the mental and moral qualities of Mr. Calhoun. He had an intellect of great strength, a keen and penetrating mind; he thought deeply and he thought clearly; he was relentless in reasoning and logic; he never retreated from a conclusion to which his reasoning led. And with all this he had the characteristic quality of his race, the "perfervidum ingenium," the intensity of conviction which burned undimmed until his heart ceased to beat. Thus endowed by nature and equipped with as good an education as could then be obtained in the United States, Mr. Calhoun entered public life at the moment when the American people were smarting under the insults and humiliations heaped upon them by France and England, and were groping about for some issue from their troubles and some vindication of the national honor and independence. Calhoun and his friends, men like Henry Clay, and like Lowndes and Cheves, from his own State, came in on the wave of popular revolt against the conditions to which the country had been brought. Wavering diplomacy, gunboats on wheels, and even embargoes, which chiefly punished our own commerce, had ceased to appeal to them. They had the great advantage of knowing what they meant to do. They were determined to resist. If necessary, they intended to fight.

They dragged their party, their reluctant President, and their divided country helplessly after them. The result was the war of 1812. With war came not only the appeal to the national spirit, which was only just waking into life, but the measures without which war can not be carried on. The party which had opposed military and naval forces, public debts, tariffs, banks, and a strong central government now found themselves raising armies, equipping and building a navy, borrowing money, imposing high import duties, sustaining the bank, and developing in all directions the powers of the Government of the United States. The doctrines of strict construction, which had been the idols of the ruling party, looked far less attractive when invoked by New England against their own policies, and the Constitution, which Jefferson set aside, as he thought, to acquire Louisiana, became most elastic in the hands of those who had sought to draw its bands so tightly that the infant Nation could hardly move its limbs. Mr. Calhoun, with his mind set on the accomplishment of the great purpose of freeing the United States from foreign aggression, and thus lifting it to its rightful place among the nations of the earth, did not shrink from the conclusions to which his purpose led. His mind was too clear and too rigidly logical to palter with or seek to veil the inevitable results of the policy he supported. As he wished the end, he was too virile, too honest in his mental processes, not to wish the means to that end. The war left a legacy of debts and bankruptcy, and in dealing with these problems it was Calhoun who reported the bill for a new bank of the United States, who sustained the tariff of 1816, defended the policy of protection to manufactures, and advocated a comprehensive scheme of internal improvements.

Then it was that he declared in the House on the 31st of January, 1816, when he reported the bill setting aside certain funds for internal improvements, after urging an increase of the army, that—

> As to the species of preparation * * * the navy most certainly, in any point of view, occupies the first place. It is the most safe, most effectual, and cheapest mode of defense.

In 1814 (Annals of Congress, p. 1965) he said in regard to manufactures that—

He hoped at all times and under every policy they would be protected with due care.

Two years later he returned to the subject as a part of his theory of the national defense and said:

In regard to the question how far manufactures ought to be fostered, it is the duty of this country, as a means of defense, to encourage its domestic industry, more especially that part of it which provides the necessary materials for clothing and defense * * *. The question relating to manufactures must not depend on the abstract principle that industry, left to pursue its own course, will find in its own interests all the encouragement that is necessary. Laying the claims of manufacturers entirely out of view, on general principles, without regard to their interests, a certain encouragement should be extended, at least to our woolen and cotton manufactures.

At the close of the same year, December 16, 1816 (Annals of Congress, 1816–17, pp. 853, 854), he said:

Let it not be forgotten, let it be forever kept in mind, that the extent of our Republic exposes us to the greatest of all calamities, next to the loss of liberty, and even to that in its consequence—disunion. We are great, and rapidly—I was about to say fearfully—growing. This is our pride and danger, our weakness and our strength. Little does he deserve to be intrusted with the liberties of this people who does not raise his mind to these truths. We are under the most imperious obligation to counteract every tendency to disunion * * *. If * * * we permit a low, sordid, selfish, and sectional spirit to take possession of this House, this happy scene will vanish. We will divide, and in its consequence will follow misery and despotism.

A little more than a month later, broadening his theme, to which he constantly recurred, and speaking of internal improvements (February 4, 1817), he said:

It is mainly urged that Congress can only apply the public money in execution of the enumerated powers. I am no advocate for refined arguments on the Constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed with plain good sense; and what can be more express than the Constitution on this point? * * * If the framers had intended to limit the use of the money to the powers afterwards enumerated and defined nothing could have been more easy than to have expressed it plainly. * * * But suppose the Constitution to be silent; why should we be confined in the application of moneys to the enumerated powers? There is nothing in the reason of the thing that I can perceive why it should be so restricted; and the habitual and uniform practice of the Government coincides with my opinion. * * * In reply to this uniform course of legislation I expect it will be said that our Constitution is founded on positive and written principles and not on precedents. I do not deny the position, but I have introduced these instances to prove the uniform sense of Congress and the country—for they have not been objected to—as to our powers; and surely they furnish better evidence of the true interpretation of the Constitution than the most refined and subtle arguments. Let it not be argued that the construction for which I contend gives a dangerous extent to the powers of Congress. In this point of view I conceive it to be more safe than the opposite. By giving a reasonable extent to the money power it exempts us from the necessity of giving a strained and forced construction to the other enumerated powers.

From the House of Representatives he passed to the Cabinet of President Monroe, where he served from 1817 to 1825 as Secretary of War, showing high capacity as an administrator. He took the department avowedly as a reformer, for the lesson of our unreadiness and our lack of military preparation had been burned into his mind by the bitter experiences of the war of 1812. The army was reduced by Congress during his tenure of office, but organization, discipline, and efficiency were all advanced by his well-directed efforts.

In 1825 Mr. Calhoun was elected Vice-President, and was reelected four years later. In 1832 he resigned the Vice-Presidency to become Senator from South Carolina. His resignation, followed by his acceptance of the Senatorship, marks his public separation from the policies of his earlier years and the formal devotion of his life to the cause of states rights and slavery. The real division had begun some years before he left the Vice-Presidency. His change of attitude culminated in his support of nullification and in his bitter quarrel with Jackson, which was all the more violent because they were of the same race and were both possessed of equal strength of will and intensity of conviction.

I have thus referred to the change in Mr. Calhoun's position solely because of its historical significance, marking, as it does, the beginning of a new epoch in the great conflict between the contending principles of nationalism and separatism. In his own day he was accused of inconsistency, and the charge was urged and repelled with the heat usual to such disputes. Nothing, as a rule, is more futile or more utterly unimportant than efforts to prove inconsistency. It is a favorite resort in debate, and it may therefore be supposed that it is considered effective in impressing the popular mind. Historically, it is a charge which has little weight unless conditions lend it an importance which is never inherent in the mere fact itself. If no man ever changed his opinions, if no one was open to the teachings of experience, human progress would be arrested and the world would stagnate in an intellectual lethargy. Inconsistency Emerson has declared to be the bugbear of weak minds, and this is entirely true of those who, dreading the accusation, shrink from adopting an opinion or a faith which they believe to be true, but to which they have formerly been opposed. Mr. Calhoun defined inconsistency long before the day when the charge was brought against him with that fine precision of thought which was so characteristic of all his utterances.

Men can not go straight forward—

He said in the House in 1814—

but must regard the obstacles which impede their course. Inconsistency consists in a change of conduct when there is no change of circumstances which justify it.

Tried by this accurate standard, Mr. Calhoun is as little to be criticised for his change of position as Mr. Webster for his altered attitude in regard to the system of protection. With the new conditions and new circumstances both men changed on important questions of policy, and both were justified from their respective points of view in doing so. That Mr. Calhoun went further than Mr. Webster, changing not only as to a policy, but in his views of the Constitution and the structure of government, does not in the least affect the truth of the general proposition. The very measures which he had once fostered and defended had brought into being a situation which he felt with unerring prescience portended the destruction of the fundamental principles in which he believed and of a social and economic system which he thought vital to the safety and prosperity of the people whom he represented. The national force which he had helped to strengthen, the central government which he had so powerfully aided to build up, seemed to him to have become the creation of Frankenstein, a being which threatened to destroy its creators and all he personally held most dear. It was inevitable that he should strive with all his strength to stay the progress of what he thought would bring ruin to the system in which he believed. Once committed to this opinion, he was incapable of finding a halfway house where he could rest in peace or a compromise which he could accept with confidence. His reason carried him to the inevitable end which his inexorable logic demanded, and to that reason and that logic he was loyal with all the loyalty of strong conviction and an honest mind. There is no need to discuss either the soundness or the validity of the opinions he held. That is a question which has long since passed before the tribunal of history. All that concerns us to-day is to recall the manner in which Calhoun carried on his long struggle of twenty-five years in behalf of principles to which he was utterly devoted. He brought to the conflict extraordinary mental and moral qualities, deep conviction, an iron will, a powerful mind, an unsparing logic, and reasoning powers of the highest order. Burr said that anyone who went onto paper with Alexander Hamilton was lost. Anyone who admitted Mr. Calhoun's premises was lost in like fashion. Once caught in the grasp of that penetrating and relentless intellect, there was no escape. You must go with it to the end.

He fought his fight with unbending courage, asking no quarter and giving none. He flinched from no conclusion; he faced every result without change or concession. He had no fear of the opponents who met him in debate. He felt assured in his own heart that he could hold his own against all comers. But he must have known, for he was not a man who ever suffered from self-deception, that the enemies whom he could not overcome were beyond the range of argument and debate. The unconquerable foes were the powerful and silent forces of the time of which the great uprising of 1848 in behalf of political liberty was but a manifestation. The world of civilized man was demanding a larger freedom, and slavery, economically unsound, was a survival and an anachronism. Even more formidable was the movement for national unity, which was world-wide. It was stirring in Germany and was in active life in Italy. The principle of separatism, of particularism, was at war with the spirit of the time. The stars in their courses fought against Sisera, and Calhoun, with his keen perceptions, must have known in his heart that he was defending his cause against hopeless odds. But he never blenched and his gallant spirit never failed or yielded. When the crisis of 1850 came, Clay brought forward his last and most famous compromise, which was supported by Webster. The two Whig leaders were filled with dread as they contemplated the perils which at that moment menaced the Union and were ready to go far on the road of concession. Calhoun, then nearing his death, had no faith in the compromise. He saw with that clearness of vision which nothing could dim that in the existing state of public thought, in the presence of the aspirations for freedom and national unity which then filled the minds of men throughout the world of western civilization, no compromise such as Clay proposed could possibly endure. He had his own plan, which he left as a legacy to his country. But his proposition was no compromise. It settled the question. It divided the country under the forms of law and made the National Government only

a government in name. The solution was complete, but it was impossible. Clay's compromise, as everyone knows, was adopted. There was a brief lull, and then the mighty forces of the age swept it aside and pressed forward in their inevitable conflict.

I think Calhoun understood all this, which is so plain now and was so hidden then, better than either of his great opponents. If they realized the situation as he did, they at all events did not admit it. Clay, with the sanguine courage which always characterized him, with the invincible hopefulness which never deserted him, gave his last years to his supreme effort to turn aside the menace of the time by a measure of mutual concession. Webster sustained Clay, but with far less buoyancy of spirit or of hope. Thus, just sixty years ago, they all stood together for the last time, these three men who gave their names to an epoch in our history and who typified in themselves the tendencies of the time. Before two years more had passed they had all three gone, and the curtain had fallen on that act of the great drama in which they had played the leading parts. It is a moment in our history which has always seemed to me to possess an irresistible attraction. Not merely are the printed records, the speeches that were then made, and the memoirs then written of absorbing interest, but the men themselves not only filled but looked their parts, which is far from common in the case of actors in the never-ending drama of humanity. They all look in their portraits as imagination tells us they should look, and I share the faith of Carlyle in the evidence of portraiture. Over the vigorous, angular, and far from handsome features of Henry Clay is spread that air of serenity and of cheerfulness which was one among the many qualities which so drew to him the fervent affection of thousands of men. We can realize, as we look, the fascination which attracted people to him, the charm which enabled him, as one of his admirers said:

> To cast off his friends as the huntsman his pack,
> For he knew when he pleased he could whistle them back.

A gallant soul, an inspiring leader, a dashing, winning, impulsive nature, brilliant talents—I think one can see them all there in the face of Henry Clay. Turn to the latest portraits of Webster and Calhoun, and you pass into another world. They are two of the most remarkable heads, two of the most striking, most compelling faces in the long annals of portraiture. They are widely different, so far as the outer semblance is concerned. The great leonine head of Webster, charged with physical and mental strength, the massive jaw, the eyes, as Carlyle said, glowing like dull anthracite furnaces beneath the heavy brows, seem at the first glance to have no even remote resemblance to the haggard face of Calhoun, with the dark, piercing, yet somber, eyes looking out from cavernous orbits, the high, intellectual forehead, the stern, strong mouth and jaw, all printed deep with the lines of suffering endured in silence. But if we look again and consider more deeply we can see that there is a likeness between them. The last photographs of Webster, the last portraits of Calhoun, show us a certain strong resemblance which is not, I think, the mere creation of a fancy bred by our knowledge of the time. Both are exceptionally powerful faces. In both great intellect, great force, and the pride of thought are apparent, and both are deeply tragic in their expression. It is not the tragedy of disappointment because they had failed to attain the office which was the goal of their ambition. That was the shallow explanation of excited contemporary judgment. Personal disappointment does not, and can not, leave the expression we find in those two faces. There is a "listening fear in their regard;" not a personal fear—they were too great for that—but a dread because they heard, as other men could not hear, the hand of fate knocking at the door. The shadow of the coming woe fell darkly across their last years, and the tragedy which weighed them down was the tragedy of their country. It was thus that Webster looked when, in the 7th of March speech in the great passage on "peaceable secession," he cried out in agony of spirit:

> What States are to secede? What is to remain American? What am I to be? An American no longer? Am I to become a sectional man, a local man, a separatist, with no country in common with the gentlemen who sit around me here, or who fill the other House of Congress? Heaven forbid! Where is the flag of the Republic to remain? Where is the eagle still to tower? Or is he to cower and shrink and fall to the ground?

However Webster and Calhoun disagreed, they both knew that the Union could not be lightly broken. They knew the disruption of the States would be a convulsion. They foresaw that it would bring war, the war which Webster predicted, and they both turned with dread from the vision which haunted them.

We catch the same note in the words of Calhoun on March 5, 1850, when he declared, "If I am judged by my acts, I trust I shall be found as firm a friend of the Union as any man within it." Despite all he had said and done, he still clung to the Union he had served so long, and when as the month closed and he lay upon his deathbed the thought of the future, dark with menace, was still with him, and he was heard to murmur: "The South! The poor South! God knows what will become of her."

So they passed away, the three great Senators, and the vast silent forces which moved mankind and settled the fate of nations marched forward to their predestined end.

We do well to place here a statue of Calhoun. I would that he could stand with none but his peers about him and not elbowed and crowded by the temporarily notorious and the illustrious obscure. His statue is here of right. He was a really great man, one of the great figures of our history. In that history he stands out clear, distinct, commanding. There is no trace of the demagogue about him. He was a bold as well as a deep thinker, and he had to the full the courage of his convictions. The doctrines of socialism were as alien to him as the worship of commercialism. He "raised his mind to truths." He believed that statesmanship must move on a high plane, and he could not conceive that mere money making and money spending were the highest objects of ambition in the lives of men or nations.

He was the greatest man South Carolina has given to the Nation. That in itself is no slight praise, for from the days of the Laurenses, the Pinckneys, the Rutledges, from the time of Moultrie and Sumter and Marion to the present day, South Carolina has always been conspicuous in peace and war for the force, the ability, and the character of the men who have served her and given to her name its high distinction in our history. But Calhoun was much more even than this. He was one of the most remarkable men, one of the greatest minds that American public life can show. It matters not that before the last tribunal the verdict went against him, that the extreme doctrines to which his imperious logic carried him have been banned and barred, the man remains greatly placed in our history. The unyielding courage, the splendid intellect, the long devotion to the public service, the pure, unspotted private life are all there, are all here with us now, untouched and unimpaired for after ages to admire. [Applause on the floor and in the galleries.]

Mr. SMITH of South Carolina. Mr. President, it is with a feeling of pride that every South Carolinian has met to-day to do honor to this great statesman, and it is with particular sadness that the occasion should be so incomplete in not having with us to-day the senior Senator from our State [Mr. TILLMAN], who takes such a pride in the history of his State and especially in that of Calhoun. The senior Senator was to have had charge of these ceremonies.

A man is largely the product of his environment. The period at which the life of John C. Calhoun began was, perhaps, the most momentous in the history of the civilized nations of the world.

The immigration here was by those who sought an asylum from the oppressions and wrongs of those governments of the Old World which refused or were incapable of adjusting themselves to the growing sense of the sovereignty of the individual, which sense was being fostered by the rapid spread of education, and this was largely the cause of the production at the time of the American Revolution and the years immediately subsequent thereto of those great characters which, in military and civil affairs, stand out as possessing such wonderful powers of mind and character. Chief among these is he whose statue we unveil to-day in the Hall of Fame.

Born March 17, 1782, his childhood was spent among those scenes and under those influences which contributed largely to his future career.

According to the record, his opportunities for education, in an academic sense, were limited, but in the sense of the period in which he lived were, perhaps, the most fortunate that could befall a mind and character such as his. He came at a time to which all the lines of the past converged and from which were to radiate the influences that were to mold the future. The colonies of America had thrown off the yoke of oppression of the mother country, because they had agreed that the right of the governed to a voice in the government was inherent and inalienable, and that the peace, prosperity, and progress of the human race could only be brought about by securing to each individual the right of "life, liberty, and the pursuit of happiness;" that no man—no majority of men—had any right, divine or human, to invade this inalienable right.

He was born in the closing years of the struggle for American independence, for the establishment of a democratic form of government. His childhood and youth were spent during

those years when the genius of mankind was attempting to solve the vexed problem of the ages—the problem of a government of the people, for the people, and by the people.

The different States, which at that time formed the thirteen original colonies, had met and formulated in convention that wonderful instrument known as the Constitution of the United States.

All history testifies to the fact that the labors of these men were directed to one main essential point—the framing of an instrument so in accord with the inherent right of liberty-loving men, that the oppressions they had been subjected to in the past should not be repeated in the future, and that this instrument should be so worded and so guarded at every point that the weakest individual, as well as the weakest community, should be protected in all the sacred rights that by nature they were entitled to.

Each State delegated such powers to the General Government as in its opinion was essential to the general protection and welfare, reserving to each State those powers which, in its sovereign capacity, it was better qualified to exercise for itself.

This was the school—the preparatory school—in which the young South Carolinian was being trained for his future career. How marvelously he had absorbed the cardinal principles of the times, his future career wonderfully attests. Perhaps no one of all the illustrious men who make this epoch of our history famous embodied and became the exponent of the spirit of the time as did Calhoun. This is due to the fact that he belonged to that section of the Union which represented the oppressed, and consequently called forth the same protest that gave rise to the Revolution and the Constitution.

As I have said, his academic opportunities were limited, but with singular application he availed himself of such opportunities as came within his reach. At the age of 19 he entered Yale College, graduating two years later with distinction. He studied law at Litchfield, Conn., and in Charleston, S. C. He was elected to the legislature in 1809, serving two years in that body. In 1811 he was elected a Member of Congress and immediately began that brilliant career which suffered no diminution or abatement, but grew and expanded with the years until cut short by death March 31, 1850. From 1817 to 1825 he was Secretary of War in President Monroe's Cabinet. He brought to that department that same devotion to truth, to the discovery of the principles that underlie and control the perfection of every department or division of life or government, and out of the chaos that then engulfed this arm of the Government he perfected that system which has resulted in the present efficient state of this department.

Chosen to the Vice-Presidency in 1825, he discharged the functions of that office with the same distinction and power that had characterized his previous career. In 1832 he resigned the Vice-Presidency to become a factor as a Senator of the United States in resisting what he believed was an encroachment upon the sacred compact of the Constitution of the United States. And here on the floor of this, the highest tribunal of the rights of the people on the globe, no voice has ever been raised, nor argument formulated, nor logic so irresistible, as his in the defense of the weak against the encroachment of the strong.

His interpretation of the Constitution was according to the spirit that gave it birth; the unjust taxation of England was the occasion of the revolt of the colonies; and the triumph of liberty against this oppression was the cause and opportunity of the writing of that sacred instrument. And when the same methods were being used to enrich one section of the Union at the expense of another, Calhoun plead with all the power of his earnest and loyal soul for the right of his section to enjoy the benefits of that that had been given it by God and that he supposed had been guaranteed to her by the Constitution, as the colonies had plead for their rights under God and their charter.

No clearer exposition of the theory of human government has ever been written than his marvelous disquisition on government. He touches the keynote of all that has embroiled nation against nation in civil strife when he says that human selfishness unrestrained leads to the disastrous abuse of power. His sense of justice and right was so acute; his own conception of truth so clear that he could not for a moment tolerate the sophistry of those who, under the guise of the liberal construction of the Constitution, were attempting to enrich themselves and their section at the expense of another and less populous section of the Union.

In his famous debate with the great Webster on the question of states rights he plead for that construction of the Constitution which was in accord with the spirit of its birth and which was intended to guarantee to each State and community the fullest possible measure of local self-government. He believed, and with resistless logic proved, that there was no power granted in the Constitution to coerce a State in accepting a law which unjustly discriminated against her enjoyment of every right and privilege enjoyed by another.

He has been criticised for having changed his attitude on the subject of a protective tariff. It is true that the first protective tariff of 1816 he did advocate, as every loyal American did, for the reason that he believed that in the emergency of war our country, being new and unprepared in manufacturing enterprises, was unable to supply her people with those articles necessary for their comfort and convenience, and that in case of a blockade or an embargo, such as we had just experienced, great suffering would result. Consequently he advocated fostering and hastening the efficiency of such enterprises as would render us independent in case of a repetition of a like experience. He realized full well the danger of such an experiment, for none knew more perfectly than he the power of human greed, but relying upon the good sense, experience, and patriotism of Americans, he believed that when the fostering care of the Government had insured the establishment of these enterprises it would not tolerate the extremes to which their greed subsequently led. No more than his South Carolina forefathers did he believe in ratifying the Constitution that it would be used as an instrument to coerce his State in paying, as they believed, an unjust tribute to this protected greed. As he favored the one for patriotic reasons, so he resisted the other for the same high reason. However subsequent events may have resulted, there is no one to deny the fact that the course of Mr. Calhoun was consistent and his logic irresistible.

He loved the Union, and it vexed his soul to know that the pride and honor of his State was being so humiliated that he foresaw that unless some measure could be adopted by which the oppression might be relieved, it would lead to disunion, which, to him, was the greatest of all possible calamities.

The two great questions involved—taxation, and the abolition of slavery—though in the minds of the protectionists and abolitionists they may have been disassociated from any reference to sections of the country, yet, in their application financially, socially, and commercially, the South was the section that was to bear the brunt of the entire loss and the necessary suffering consequent therefrom. Therefore, as to the tariff, South Carolina passed her famous ordinance of nullification. Under the teachings of Mr. Calhoun it was believed that so radical a step would bring those advocating this measure to a realization of the wrong that they were perpetrating; and for a time it did have this effect. Mr. Clay interposed his great influence and brought about a compromise, which for a time allayed the friction engendered by this legislation.

The other question, that of slavery, involved far different elements. It was true that there was a seeming inconsistency in democratic America legalizing slavery within her borders. The institution of slavery did, perhaps, tend to create an aristocracy, in fact if not in name, which our Constitution took pains to provide against. There was also a moral element involved which was at variance with the avowed spirit of the New World.

But notwithstanding this, a slave was the only property recognized and provided for by the Constitution. And Mr. Calhoun plead for the right of the South, under the Constitution, to maintain her own institutions and to solve the economic and domestic questions that arose within each State by virtue of the reserved powers claimed and held by each State under the Constitution.

The institution of slavery may have been, and perhaps was, a moral and political wrong, but it was also recognized by Mr. Calhoun as a moral and political wrong for those who could not and did not profit by this institution, and who had recognized it in the organic law of the land to attempt to coerce the South and to disturb the balance of power between the two sections by refusing the admission into the Union of any State that was likely to be a slaveholding State. There was another element involved in this great controversy between the sections which was not properly understood and which to-day is beginning to be realized by those whom fanaticism and passion had rendered incapable of appreciating and understanding the facts, and that was the nature of the negro himself. The people of the South understood that he was incapable of appreciating those higher traits of character and of life that would make him a fit subject for the exercise of the functions of citizenship.

Mr. Calhoun speaks this clearer than I may hope to do, when, on August 12, 1849, he gave utterance to these words:

I have now stated my reasons for believing that the abolition agitation will never stop of itself, nor ever will be stopped through the presidential election or the action of this Government, and that nothing short of the united and fixed determination of the South to maintain her rights at every hazard can stop it. Without this, the end must be

emancipation in the worst possible form—far worse than if done by our own voluntary act, instead of being compelled to adopt it at the bidding of a dominant section whose interest and sympathy for them, and hostility to us, would combine to reverse the present relations between the two races in the South by raising the inferior to be the favored and superior and sinking the superior to be the inferior and despised.

The horrors of reconstruction, the alienation of the races, the intensifying of the natural antipathy, the long weary years of humiliation and suffering attest his prophetic power.

That he foresaw the result of these false principles introduced into our real life is marvelously revealed in the facts of to-day. In speaking on the question of a protective tariff, in 1842, in reference to the tariff, he said:

The question in what manner the loss and gain of the system distribute themselves among several classes of society is intimately connected with that of their distribution among the several sections. Few subjects present more important points for consideration. No system can be more efficient to rear up a monied aristocracy. Its tendency is to make the poor poorer and the rich richer. Heretofore in our country this tendency has displayed itself principally in its efforts as regards the different sections. But the time will come when it will produce the same results between the several classes in the manufacturing States. After we are exhausted the contest will be between capital and operatives, for into these two classes it must, ultimately, divide society.

Do the strikes, labor troubles that have convulsed our industrial life from time to time since this remarkable declaration, and of which we are having a fearful example just now in a neighboring State and city, attest the wisdom and prophetic power of this statesman and patriot? Was he not in the highest sense a patriot and a statesman when pleading for the defeat of an act which, once incorporated into law, he foresaw would grow into that gigantic abuse which would lead to the disasters that have followed?

In the light of the legislation and the discussions incident thereto that occupied the first half of the present Congress, I can not refrain from quoting his summing up of the same principles involved in the debate of 1842. He says:

On what ground do they ask protection? Protection against what? Against violence, oppression, or fraud? If so, government is bound to afford it. If it comes within the sphere of its powers, cost what it may, it is the object for which government is instituted; and if it fails in this, it fails in the highest point of duty. No; it is against neither violence, oppression, nor fraud. There is no complaint of being disturbed in property or pursuits, or of being defrauded out of the proceeds of industry. Against what, then, is protection asked? It is against low prices. The manufacturers complain that they can not carry on their pursuits at prices as low as the present, and that unless they can get higher they must give up manufacturing. The evil, then, is low prices, and what they ask of government is to give them higher; but how do they ask it to be done? Do they ask government to compel those who want to purchase to give them higher? No; that would be a hard task and not a little odious; difficult to be defended on the principles of equity, justice, or the Constitution, or to be enforced, if it could be. Do they ask that a tax should be laid on the rest of the community and the proceeds divided among them to make up for low prices? Or, in other words, do they ask for a bounty? No; that would be rather too open, oppressive, and indefensible. How, then, do they ask it to be done? By putting down competition; by the imposition of taxes on the part of others, so as to give them the exclusion of the market, or at least a decided advantage over others, and thereby enable them to sell at higher prices. Stripped of all disguise, this is their request, and this they call protection. Call it tribute, levy, exaction, monopoly, plunder; or, if these be too harsh, call it charity, assistance, aid—anything rather than protection, with which it has not a feature in common.

This was his exposition of the theory of protection.

How fittingly might these words have been spoken in the year 1909! Foreseeing as he did the tremendous lengths to which unrestrained greed might go, and the frauds that it might perpetrate, and the dangers to our Government it might entail, as a true statesman and patriot he brought to bear his powers and logic and reasoning to avert the wrong.

To sum it all up, what was the theme of all his speeches? To what great principles was his life devoted? It was the great aim of struggling humanity through all the ages, culminating in the war of the Revolution, and approaching its nearest perfect expression in the Constitution of the United States: Equal rights to all, under the law, and special privileges to none. For this in every department of life he plead. To him truth, honor, righteousness, equity, and justice were the basis of all proper personal character, the foundation of all enduring governments. And so long as free institutions shall exist, so long as humanity shall battle to overcome the weaknesses of human selfishness, so long will the name of John C. Calhoun be revered and honored. And in the Hall of Fame there can be erected no monument in free democratic America more fitting, more expressive of the principles upon which her government is founded, and the practical application of which, God willing, she will ultimately attain, than the statue of John C. Calhoun, the South Carolina patriot and statesman. [Applause on the floor and in the galleries.]

DEATH OF REPRESENTATIVE JAMES BRECK PERKINS.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. JAMES BRECK PERKINS, late a Representative from the State of New York, and transmitted resolutions of the House thereon.

The message also announced that the Speaker of the House had appointed Mr. PAYNE, Mr. FITZGERALD, Mr. ALEXANDER of New York, Mr. FORNES, Mr. CALDER, Mr. FASSETT, Mr. CONRY, Mr. MICHAEL E. DRISCOLL, Mr. PARSONS, Mr. DANIEL A. DRISCOLL, Mr. GOULDEN, Mr. COCKS of New York, Mr. FOSTER of Vermont, Mr. HOWARD, Mr. WOOD of New Jersey, Mr. HITCHCOCK, Mr. DENBY, Mr. LOWDEN, Mr. FERRIS, and Mr. EDWARDS of Georgia members of the committee on the part of the House to attend the funeral.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read as follows:

House resolution 496.

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES BRECK PERKINS, late a Representative from the State of New York.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take charge of the body of the deceased, and to make such arrangements as may be necessary for the funeral, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That a committee of this House consisting of 20 Members be appointed to attend his funeral.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. DEPEW. Mr. President, I offer the resolutions I send to the desk.

The VICE-PRESIDENT. The Senator from New York submits resolutions which will be read.

The Secretary read the resolutions (S. Res. 199) as follows:

Senate resolution 199.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES BRECK PERKINS, late a Representative from the State of New York.

Resolved, That a committee of five Senators be appointed by the Vice-President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. PERKINS at Rochester, N. Y.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from New York.

The resolutions were unanimously agreed to.

The VICE-PRESIDENT, under the second resolution, appointed as the committee on the part of the Senate Mr. DEPEW, Mr. ROOT, Mr. GAMBLE, Mr. CLAY, and Mr. OVERMAN.

Mr. DEPEW. Mr. President, I move as a further mark of respect to the memory of the deceased Representative that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, March 14, 1910, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 12, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

EULOGIES ON THE LATE REPRESENTATIVE ROBERT C. DAVEY.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The SPEAKER. The gentleman from Louisiana offers the following order, which the Clerk will report.

The Clerk read as follows:

Order 7.

Ordered, That there be a session of the House at 1 o'clock p. m. Sunday, March 20, 1910, for the delivery of eulogies on the life, character, and public services of the Hon. ROBERT C. DAVEY, late a Member of the House of Representatives from Louisiana.

The order was agreed to.

INCOME-TAX AMENDMENT.

The SPEAKER. The Chair calls the attention of the House to the resolution submitting the income-tax amendment, agreed to by the House and the Senate, which concludes as follows:

And that he (the President) request the executive of each State that may ratify said amendment to transmit to the Secretary of State a certified copy of such ratification.

That is the concurrent action of the House and Senate. The governor of South Carolina, out of courtesy seemingly and by direction of the legislature, transmits to the House and, the Chair is informed, to the Senate also, the following communication, which the Clerk will report.

The Clerk read as follows:

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives, Washington, D. C.

SIR: In obedience to the provisions of the joint resolution ratifying the income-tax amendment on the part of the State of South Carolina, it gives me pleasure to herewith inclose to you a certified copy of the joint resolution as passed by both branches of the general assembly of this State.

Very respectfully, M. F. ANSEL, *Governor.*

The SPEAKER. Without objection, the letter and resolution will be printed in the RECORD and will lie upon the table.

Mr. KEIFER. Mr. Speaker, I do not understand that the resolutions of state legislatures ratifying the income tax amendment should be submitted to the House, but should be sent, as the resolution provides, to the Secretary of State.

The SPEAKER. That is what the concurrent resolution anticipated, that they should be forwarded to the Secretary of State.

Mr. KEIFER. That is provided for in the concurrent resolution, I think.

The SPEAKER. The President may send a message in the premises as to the ratification or nonratification. The Chair does not understand that it is necessary for the States to report to Congress, but the State of South Carolina has reported and, without objection, the letter and action of the legislature of the State of South Carolina will be printed in the RECORD and will lie upon the table. [After a pause.] The Chair hears no objection.

The resolution is as follows:

A joint resolution ratifying the sixteenth amendment to the Constitution of the United States of America.

Whereas both Houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely, Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration:" Therefore be it

Resolved by the senate and house of representatives of the State of South Carolina, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the general assembly of the State of South Carolina.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the President of the United States, to the presiding officer of the United States Senate, and to the Speaker of the United States House of Representatives.

In the senate and house the 19th day of February, A. D. 1910.

THOS. G. MCLEOD,
President of the Senate.
RICHARD S. WHALEY,
Speaker of the House of Representatives.

Approved the 23d day of February, A. D. 1910.

M. F. ANSEL, *Governor.*

STATE OF SOUTH CAROLINA, *Office of the Secretary of State:*

I, R. M. McCown, secretary of the State of South Carolina and keeper of the great seal of said State, do hereby certify that the above foregoing two pages contain a true and correct copy of a joint resolution ratifying the sixteenth amendment to the Constitution of the United States of America, as passed by the last general assembly of the State of South Carolina, which was approved by the governor on the 23d day of February, 1910, and the original of which is now on file in my office.

Given under my hand and the great seal of the State, at Columbia, S. C., this the 9th day of March, A. D. 1910.

[SEAL.] R. M. MCCOWN,
Secretary of State.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 19028, being the Indian appropriation bill, and that all the amendments of the Senate be disagreed to and that the House ask for a conference.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the Indian appropriation bill be taken from the Speaker's table and that the House do disagree to the Senate amendments and ask for a conference.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman—I notice a very large number of increases in appropriations and a very large number of legislative provisions were inserted by the Senate in this bill—I would like to ask the gentleman from South Dakota whether it can be understood in advance that these legislative provisions, and so forth, will not be disposed of in conference by the House conferees agreeing to them, but that an opportunity will be given in the House to consider them apart from the conference report.

Mr. BURKE of South Dakota. Mr. Speaker, in response to the gentleman from Illinois, I will assure the House, speaking for myself, and I think I can speak for the conferees, that unless an agreement can be secured by which a greater part of the matter to which the gentleman refers that has been placed in the bill in the way of legislation is eliminated that there will be no agreement and that the House will have an opportunity to vote upon the legislative provisions.

Mr. MANN. I am satisfied with that statement.

Mr. STEPHENS of Texas. Will the gentleman from Illinois yield to allow me to ask the gentleman if he has ever been on a conference committee when he had his own way?

Mr. MANN. I have been on a conference committee when I have had my own way.

Mr. STEPHENS of Texas. In regard to all disputes in matters in controversy?

Mr. MANN. Oh, well, I am not asking that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Chair announces the following conferees.

The Clerk read as follows:

Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will read the order for to-day.

The Clerk read as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of South Carolina of the statue of John C. Calhoun, erected in Statuary Hall in the Capitol, be made the special order for Saturday, March 12, 1910.

The SPEAKER. There is but one Member [Mr. ELLERBE], as the Chair is informed, of the South Carolina delegation present. They held the ceremonies in Statuary Hall at 11 o'clock. After consulting with the Member present, it was suggested, if it meets the approval of the House, that the ordinary business of the House proceed until 3 o'clock, and then that the committee rise, should it be in session, and the order be executed. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 22643, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 22643, with Mr. DALZELL in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Office of the Supervising Architect: Supervising Architect, $5,000; executive officer, $3,250; superintendent of drafting and constructing division, $3,000; superintendent of computing division, $2,750; chief of law and records division, $2,750; chief of accounts division, $2,500; chief of inspection division, $2,500; chief of division of equipment, $2,500; chief mechanical and electrical engineer, $2,750; inspector of furniture and other furnishings, $2,500 (transferred from sundry civil act); assistant inspector of furniture and other furnishings, $1,600 (transferred from sundry civil act); 6 clerks of class 4; 6 clerks of class 3; 3 clerks of class 2; 1 clerk of class 1 (1 transferred to division of special agents); contract clerk, $2,000; foreman duplicating gallery, $1,800; 4 technical clerks, who shall also be skilled stenographers and typewriters, at $1,800 each; 4 inspectors, at $2,100 each; inspector, $1,800; 5 messengers; assistant messenger; 1 laborer; 1 laborer, $360; in all, $84,400.

Mr. COX of Indiana. Mr. Chairman, I desire to reserve a point of order on the following language in lines 2 and 3, page 54:

Executive officer, $3,250.

I would like the gentleman in charge of the bill to give the committee some explanation.

Mr. GRAFF. That is simply a change in the name of the officer.

Mr. COX of Indiana. It does not create any office?

Mr. GRAFF. It does not add any new position, and does not raise any salary.

Mr. COX of Indiana. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

Office of Auditor for War Department: Auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 6 chiefs of division, at $2,000 each; 24 clerks of class 4; additional to 1 clerk as disbursing clerk, $200; 50 clerks of class 3; 72 clerks of class 2 (one transferred from

Treasurer's office); 82 clerks of class 1 (one transferred to Division of Printing and Stationery); 19 clerks, at $1,000 each; 6 clerks, at $900 each; skilled laborer, $900; messenger; 5 assistant messengers; and 12 laborers; in all, $380,760.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word in order to get some information. In this department have been filed the claims for bounty and back pay, or whatever might be due soldiers of the civil war, in settlement of their accounts.

Mr. MANN. Which department?

Mr. FOSTER of Illinois. Auditor for the War Department. The auditor has been behind, I think, with that work nearly two years. He claims to be so busy down there that he can not even answer a letter of inquiry in reference to these claims that have been filed by these soldiers. It occurs to me, and I ask the chairman the question——

Mr. TAWNEY. If the gentleman from Illinois [Mr. FOSTER] will pardon me——

Mr. FOSTER of Illinois. Yes.

Mr. TAWNEY (continuing). I would not like the unqualified statement in the RECORD that he is behind two years.

Mr. FOSTER of Illinois. In this class of claims.

Mr. TAWNEY. In no class of claims.

Mr. FOSTER of Illinois. I desire to say to the chairman of the Appropriations Committee that I have had word from there that he is behind nearly two years, in a letter to me, saying a claim was filed at such a time, which is nearly two years ago. I may, however, be mistaken as to the two years, but, at least, quite a long time, enough to cause the claimant to inquire.

Mr. MANN. Does the gentleman, my colleague from Illinois [Mr. FOSTER], understand why the auditor is now so far behind?

Mr. FOSTER of Illinois. That is what I am trying to find out.

Mr. MANN. I may tell the gentleman that last year, I think it was, there was an amendment inserted in the bill that passed through Congress, a Senate amendment, harmless upon its face, which I think no one understood, possibly, except the claims attorney, who very likely had prepared it, providing in effect for the removal of the statute of limitations upon nearly all classes of those claims, and authorizing, wherever a claim should be allowed by the Court of Claims under certain conditions, the allowance of those claims, regardless of the statute of limitations, and all similar claims, should be allowed in the office of the Auditor for the War Department. The result has been, having secured the allowance of the few claims of different classes in the Court of Claims which are subject to allowance, because not barred by the statute of limitations, that all claims of a similar kind which were barred by the statute of limitations, are now subject to allowance through application to the auditor's office, and, of course, the auditor's office has been flooded with these claims for the last year. And, doubtless, when that flood passes away, the Auditor's office will be able, as it was formerly, to take care of claims quite conveniently.

Mr. FOSTER of Illinois. I thank my colleague for that information. I would like to ask the chairman of the committee a question. Does not the gentleman think that it would be wise in view of the fact that these men who have filed these claims are old, very old, and unable to get an adjustment of these claims within a year—I will cut it down one year for the benefit of the chairman of the committee—but within one year would it not be wise that this force should be increased temporarily, so that the department may be able at least to answer letters, letting them know the status of their claims, when an inquiry is made, or that they may be settled sooner than they are able to do now? It may be, as suggested by my colleague, that the extra amount of work in the office has increased so that they are simply flooded with this business; but I believe that the committee, possibly, have not looked into that matter sufficiently to determine whether there ought not to be some additional aid given to this department.

I have no reason to doubt the auditor is examining these claims as fast as he can, but I submit to this committee that, in view of the financial condition of many of this worthy class of applicants, and that they are old, if anything is due them it ought to be determined as speedily as possible while they are living, so it may be paid them before they are gone. Certainly the Government under such circumstances can afford to employ the necessary help to examine these claims. There certainly ought to be some way of answering inquiries after applicants had waited a reasonable time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Illinois. I ask unanimous consent that I may have two or three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Chairman, the matter the gentleman refers to was not brought before the committee by the department. We gave them exactly what they asked, and I can only presume the reason they did not ask for more was because they expected this flood, being so sudden, would also subside rapidly, and with the present force they would be able to meet the business. It was not suggested to us, and we gave exactly what the department asked.

Mr. FOSTER of Illinois. This condition has been in existence for a year or more, and there seems to be the same condition now as there was a couple of years ago.

Mr. GILLETT. I can only say that we gave them all they asked. Only a certain number of men can work on the old rolls to advantage. That may not be so as to the new rolls.

Mr. FOSTER of Illinois. I understand that there are more than 200,000 of these claims filed that are waiting disposition.

Mr. GILLETT. We simply gave what they asked.

Mr. FOSTER of Illinois. I am not criticising the chairman of the committee; I am simply making an inquiry.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Illinois will permit me, I can give him the statement made by the auditor, as shown in the hearing given him before the subcommittee on the sundry civil appropriation bill a week or ten days ago. He says:

This year I have disbursed so far $233,292.24. I have settled 31,778 claims up to this time. In 9,719 of that number something was found to be due the claimants. Nothing was found to be due in the other cases. I have on hand about 42,000 claims unsettled of the enlisted men of the army, and there remains of that appropriation $166,707.76.

I asked him:

You estimate that that will be sufficient to carry you up to July 1?

Mr. Harper said:

I do not. I have settled up to date, by reason of reorganization, as many claims as I settled all last year, and I have but $166,707.76 remaining. It will require another appropriation, I think; an additional amount.

He said that they were coming in at the rate of about $2,500 per month.

Then I asked him:

Do you expect to clean up those that you now have by the end of the fiscal year?

Mr. Harper said:

I do not. I think that would require about ten or twelve months. That will depend upon how rapidly the claimants return the evidence called for.

That is one of the causes of delay. When the auditor calls for evidence, he finds that the claimants are not quite as anxious to facilitate their cases as they are when the claim is in the department. I then asked him:

Are you now receiving claims in the same number that you did a year ago?

He answered:

Not so many.

I asked him:

They are beginning to fall off, are they?

He answered:

Yes; they came all at once, these claims, after March 4, 1907, beginning about May, and up to January, 1908, there were over 200,000 claims filed, and they have been coming in at about, I would say, between two and three thousand a month since that time, and I have reduced the whole number by settlement to about 42,000.

Then I asked:

Then you expect you will require the whole of this $400,000 during the next year, do you?

He answered me:

I think so; yes, sir.

Then he speaks of the work of payments made for arrears of pay and allowances on account of the army, and he explained the manner in which the work is being completed.

Mr. FOSTER of Illinois. May I ask the chairman of the committee if he thinks the auditor has all the clerks necessary?

Mr. TAWNEY. I do. I think he has all the clerks he can work, and the committee has had no request for additional clerks, because the work is gradually drawing to a close. There are only 42,000 accumulated claims, and the number is diminishing very rapidly.

Mr. FOSTER of Illinois. The reason I spoke of this at this time is that I have inquiries in reference to this matter, and I received such a letter from the Auditor for the War Department some time ago that I have not felt at liberty to inquire any more, because in that letter he said to me that his force was such that he could not answer any letters of inquiry.

Mr. TAWNEY. Was the letter written by the auditor?

Mr. FOSTER of Illinois. Signed by the auditor.

Mr. TAWNEY. Or by the acting auditor?

Mr. FOSTER of Illinois. It was signed by Mr. Harper, as I now remember it.

Mr. TAWNEY. There has been no request for any additional force in the office of the auditor; and so far as that work relates to the adjustment of these claims, it is very much less now than it has been heretofore. The auditor has always been very prompt in responding to any inquiry I have ever made. I consider him one of the most efficient auditors in the public service. I have never before heard from any source whatever as to the bureau not being able to answer letters addressed to it, inquiring about claims, when such letters were addressed by Members of Congress.

Mr. FOSTER of Illinois. There was some complaint in this letter to me, and because of what was said in that letter I have hesitated ever to inquire again.

Mr. GOULDEN. I will ask the gentleman if he has had many complaints of that character?

Mr. FOSTER of Illinois. I will say to the gentleman from New York that they are not complaints, except that it is an anxiety to have these claims settled after they have been filed in the department for a long time.

Mr. GOULDEN. What I mean is, has the gentleman had much trouble in securing replies from the auditor?

Mr. FOSTER of Illinois. In the early part of the time of the filing of these applications there was not any complaint, but after a while there came this letter to me, in which the auditor intimated that they did not want to be bothered by these inquiries, so that I have not asked him any more in reference to them.

Mr. GOULDEN. My experience has been the same as that of the gentleman from Illinois. If any additional force is needed, I think they ought to have it.

The Clerk read as follows:

Office of Auditor for Interior Department: Auditor, $4,000; deputy auditor, $2,500; law clerk, $2,000; 3 chiefs of division, at $2,000 each; 13 clerks of class 4; 16 clerks of class 3; 28 clerks of class 2; 29 clerks of class 1; 15 clerks, at $1,000 each; 10 clerks, at $900 each; 2 assistant messengers; 3 skilled laborers, at $720 each; 4 laborers; female laborer, $600; in all, $168,340.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman in charge of the bill a question. I notice that this item is decreased a little more than $2,000 below what the appropriation was for the last year. I refer to the appropriation for the office of the Auditor for the Interior Department, on page 57.

I was much interested in what the gentleman said yesterday in relation to the alleged increased efficiency in business methods that obtain in the office of the Secretary of the Treasury at the present time, but I assume that appropriations are not reduced except where it is apparent that reduction may be made without injury to the service.

Mr. GILLETT. That is correct.

Mr. BURKE of South Dakota. My understanding is that this particular office shows that the appropriations for the past ten years have gradually been reduced, while the business itself has materially increased. I also understand from the report of the auditor, which I have here, that, in his judgment, it would be impossible to further reduce the appropriation for the office without injury to the efficiency of the service; and my purpose in making this inquiry is to ascertain whether the committee have been satisfied that this appropriation is sufficient to keep up the office in its present efficient state.

Mr. GILLETT. The only changes that have been made in this paragraph are three laborers, not a very tremendous change to affect the efficiency of the office.

The gentleman is mistaken in saying that the appropriations have steadily decreased for that office. On the contrary, they have been larger the last two years than they ever were before, and they still will be larger now than they ever were before 1908, if we leave them as we have appropriated. On the suggestion of the representative of the Treasury Department that it would not interfere in the least with the efficiency of the office we have appropriated as we have in this bill.

Mr. BURKE of South Dakota. The gentleman manifestly is mistaken in respect to the facts relating to appropriations for this office. I invite his attention to the statement by Robert S. Person, Auditor for the Interior Department, in his report for the fiscal year ended June 30, 1909, at page 11, under the subject, "Retrenchment of Expenses." This is what he says:

RETRENCHMENT OF EXPENSES.

In view of recent instructions to heads of bureaus in the Treasury Department directing them to "overhaul and reorganize" their offices with a view to effecting retrenchment in expenses, your attention is respectfully invited to the fact that the annual appropriations for salaries for this office are less now than they were twelve years ago, notwithstanding the fact that the volume of business transacted is materially larger than it ever was before. The following tabulated statement shows the number of employees of different classes and appropriations by fiscal years from 1897 to 1909, inclusive:

Number of employees of different classes and appropriations, by fiscal years from 1897 to 1909, inclusive, office of the Auditor for the Interior Department.

Fiscal year.	Class 5 ($2,000).	Class 4 ($1,800).	Class 3 ($1,600).	Class 2 ($1,400).	Class 1 ($1,200).	$1,000.	$900	$840.	$720.	$660.	$600.	$480.	Total number of employees.	Appropriation.
1897	4	8	19	39	30	11	6	1	1	10	....	1	130	$174,940
1898	4	8	19	39	30	11	6	1	1	10	....	1	130	174,940
1899	4	8	19	35	22	11	7	1	1	10	....	1	119	160,640
1900	4	8	19	35	22	11	7	1	1	10	....	1	119	160,640
1901	4	8	19	35	25	11	7	1	1	10	....	1	122	164,240
1902	4	8	19	35	25	11	7	1	1	10	....	1	122	164,240
1903	4	10	17	30	25	12	14	....	1	10	1	....	124	164,220
1904	4	10	16	28	28	16	14	....	5	6	1	....	128	167,660
1905	4	10	16	28	28	16	14	....	5	6	1	....	128	167,660
1906	4	10	16	28	28	16	14	....	5	6	1	....	128	167,660
1907	4	12	16	28	28	15	10	....	6	6	1	....	126	167,380
1908	4	12	16	28	28	15	10	....	6	6	1	....	126	167,380
1909	4	13	16	28	29	15	10	....	6	6	1	....	128	170,380

[a] Includes salaries of auditor and deputy auditor ($6,500).

The following statement shows the amounts involved in settlements made in this office for the fiscal years ended June 30, 1898, to June 30, 1909, inclusive:

Amounts involved in settlements by the Auditor for the Interior Department for the fiscal years ended June 30, 1898, to June 30, 1909, inclusive.

1898	$149,319,366.94
1899	173,598,233.38
1900	165,625,454.80
1901	176,187,769.03
1902	158,089,995.96
1903	201,309,949.61
1904	193,001,277.61
1905	180,896,019.58
1906	186,159,922.72
1907	[a] 187,666,562.43
1908	208,624,046.43
1909	238,936,953.59

It is apparent from the foregoing statements that the reduction in the appropriations amounting in the aggregate—by comparison with the appropriations for 1897 and prior years—to $106,780, covering a period of material expansion in the expenses of administration in nearly all other branches of the public service, is not due to a smaller amount of business transacted, and, furthermore, the clerks who do the higher grades of work now actually receive better compensation than they did when the gross appropriations were larger.

It is not practicable to show even approximately the real increase in the quantity of work performed. The methods now employed require a thoroughness in the examination of accounts which was unknown to the accounting system a few years ago. The requirements of Treasury Department Circular No. 52, series of 1907, relating to the assembling of disbursing officers' checks and vouchers and the verification of their balances, has increased the amount of work incident to the settlement of disbursing officers' accounts fully 25 per cent, and the work relating to Indian trust funds is due to a new order of things in the Indian Service. Until recently accounts involving large amounts of Indian trust funds annually were not settled and adjusted in the Treasury Department as required by section 236 of the Revised Statutes of the United States.

The fact that there has not been an increase in either the appropriations for this office or the number of clerks employed during the past twelve years is due to increased efficiency of the clerical force by reason of their greater industry, a classification of the work,[b] a material simplification in keeping individual records of pension payments, improved methods in rendering accounts by pension agents and other disbursing officers, and a general centralization of the administration of the bureau in contradistinction from division administration. By centralized administration clerks are detailed or transferred freely from one division to another, according to the needs of the service. This policy was not popular when first inaugurated, but it has resulted in increased efficiency among the employees and is now viewed with favor by the more ambitious clerks, as it provides a broader field for the development of talent and affords better opportunity for promotion.

Other retrenchments in the expenses of the office, amounting to many thousands of dollars in the aggregate, have resulted from the inauguration of simplified methods of business in the pensions division discussed in my annual report for the fiscal year 1901, at page 6, to which your attention is respectfully invited. The estimates of retrenchments made at that time have been more than realized. The retrenchment in salaries alone in that division amounts to $40,000 per annum at the present time. By the retrenchment effected in this division it has been possible to take care of the expansion in work in other divisions with-

[a] Prior to 1907 the records were so kept and the reports were so made that the amounts "involved" in the settlements of disbursing officers' accounts included balances brought forward in each succeeding settlement, so that there was of necessity repeated duplication. Accordingly there was no correct statement of the net amounts audited. The system of keeping records was changed at the beginning of the fiscal year 1907, and the reports for the years ended June 30, 1907, 1908, and 1909, show correctly the amount of audited expenditures. Prior to this time also there were no reports of advances made to disbursing officers for which accountable warrants issued. In 1907 these advances amounted to $168,743,532.59; in 1908, $188,092,725.28; and in 1909, $193,126,901.76.

Prior to 1901 the number of fiscal officers whose accounts were audited was not reported; in that year the number of such officers was 376, in subsequent years as follows: 1902, 378; 1903, 362; 1904, 406; 1905, 421; 1906, 472; 1907, 436; 1908, 517; 1909, 626.

[b] See classification orders, August 1, 1903, and October 4, 1906; also annual report of Auditor for Interior Department, 1906.

out increasing the appropriations for the office as a whole. It is safely within conservative limits to state that the retrenchment in salaries and other expenses for this office, by comparison with the fiscal year 1897, amounts in the aggregate for a period of twelve years to $400,000; and I think it can be easily established that the amount thus saved materially exceeds that amount.

It is manifest that these achievements, such as they are, in the way of simultaneously curtailing expenses and promoting the efficiency of the service, have not resulted from any one man's efforts. There have been willing and competent aids in chiefs of divisions and clerks in lower grades of service—indeed, some of the most valuable suggestions have come from those "in the ranks." Higher up there has been given the support without which accomplishment would have failed. In some instances the initiative in important matters was taken by the head of the department or one of his immediate assistants. In others the initiative was taken by subordinate employees. But from whatever source the initiative may have emanated the general policy which produced the results has had the unwavering support of the several Secretaries of the Treasury and all of their assistants without exception. The greatest aid, however, from any one source came from President Roosevelt when in 1906 he appointed his committee on department methods, popularly known as the Keep commission, of which Charles H. Keep, then Assistant Secretary of the Treasury, was chairman. The activities of the commission made it possible to expedite the work of reorganization and readjustment which had been inaugurated and was in process of execution for several years prior to the appointment of the Keep commission. Mr. Keep's support, like President Roosevelt's, was given openly and publicly in the manner to be most effective.

There still exists necessity for further work in the line of readjustment to promote the highest degree of efficiency, but I do not believe the policy of retrenchment in appropriations for salaries of employees in this office can be carried further with advantage to the public service or in equity to the clerks. There are some inequalities in salaries to be adjusted, but this should be done by increasing the number of clerks at $1,800 and $1,600 and not by reducing the gross amount of the appropriation.

There is no branch of the Treasury service which requires a higher order of ability than is required of its accountants, yet for some reason—probably neglect—they receive less consideration than almost any other class of Treasury employees. Attention was invited to this unjust discrimination in my annual report for 1908, at page 7, from which I quote:

"It is important to both administrative and treasury interests that a higher order of ability should be attracted to the accounting offices. Treasury bookkeepers who simply record the work which accountants by laborious effort and the exercise of fine judgment, discretion, and skill prepare for them are generally paid a salary of $1,800 and $2,000, as against an average of about $1,400 and $1,600 for accountants."

It is important to adjust inequalities in salaries not only within bureaus, but also between them. The salaries of accountants and bookkeepers should be reversed or otherwise adjusted so that accountants should generally receive a materially higher salary than bookkeepers. The ability required to examine and state accounts is of a vastly higher order than that required simply to record the results of such examination. The accountant requires all of the equipment of the bookkeeper and in addition must possess the highly technical knowledge of an accountant, and frequently a knowledge of various branches of law is indispensable. It is manifest that bookkeepers in the Treasury are either overpaid or accountants deserve a material increase in salary. The Keep commission provided for an exhaustive investigation of this general subject, but the cooperation of the Congress is necessary to make the results of their investigations effective.

Respectfully,

ROBERT S. PERSON, *Auditor.*

THE SECRETARY OF THE TREASURY.

I invite attention to the fact that this office, showing a very material increase in business during the past ten years, has curtailed expenses for salaries alone during that time amounting in the aggregate to something more than $100,000; yet this bill proposes to make a still further reduction of $2,040 in this office in spite of the fact that this is the only accounting office—and probably the only office or division in the Treasury Department—that shows expenses for salaries to be less now than they were in 1898. I find that the appropriations for all of the accounting offices, with the single exception of the office of the Auditor for the Interior Department, have been materially increased since 1898.

And, furthermore, the auditor says it is his opinion that retrenchment in appropriations for salaries of employees in that office can not be carried further with advantage to the public service or in equity to the clerks employed. It looks to me like an injustice and the placing of a penalty on efficiency in administration. If officers and clerks are to be penalized for systematically curtailing expenses, promoting efficiency, and bringing the work up to date, I fear it will operate as a deterrent on that policy in the future.

As the gentleman [Mr. GILLETT] says, the reduction is made by dropping several employees in the lower grades. If their services are not needed, the amount of their salaries, $2,040, should be distributed by increasing the salaries of clerks of higher grades as an encouraging reward of merit.

For the information of the gentleman in charge of the bill I will furnish him with a statement showing the amount of appropriations for the offices of the several auditors for 1898 and for 1910, and the total amount of increases for the intervening period.

Office of Auditor for the Treasury Department:	
Appropriation for fiscal year 1898	$141,900
Appropriation for fiscal year 1910	154,900
Total increase for period since 1898	114,700
Office of Auditor for the War Department:	
Appropriation for fiscal year 1898	$322,500
Appropriation for fiscal year 1910	391,180
Total increase for period since 1898	1,131,460
Office of Auditor for the Navy Department:	
Appropriation for fiscal year 1898	68,080
Appropriation for fiscal year 1910	151,140
Total increase for period since 1898	588,508
Office of Auditor for the Interior Department:	
Appropriation for fiscal year 1898	174,940
Appropriation for fiscal year 1910	170,380
Total *decrease* for period since 1898	106,780
Office of Auditor for the State and other Departments:	
Appropriation for fiscal year 1898	89,934
Appropriation for fiscal year 1910	121,420
Total increase for period since 1898	221,623
Office of Auditor for the Post-Office Department:	
Appropriation for fiscal year 1898	566,040
Appropriation for fiscal year 1910	835,680
Total increase for period since 1898	1,742,040

The Clerk read as follows:

Office of the Treasurer: Treasurer of the United States, $8,000; Assistant Treasurer, $3,600; Deputy Assistant Treasurer, $3,200; cashier, $3,600; assistant cashier, $3,000; chief clerk, $2,500; 7 chiefs of division, at $2,500 each; 2 assistant chiefs of division, at $2,250 each; vault clerk, $2,500; principal bookkeeper, $2,500; assistant bookkeeper, $2,100; 2 tellers, at $2,500 each; 2 assistant tellers, at $2,250 each; vault clerk, Bond Division, $2,000; clerk for the Treasurer, $1,800; 24 clerks of class 4; 19 clerks of class 3; 15 clerks of class 2; coin clerk, $1,400; 32 clerks of class 1; 17 clerks, at $1,000 each; 36 clerks, at $900 each; 40 expert counters, at $900 each; 20 expert counters, at $800 each; 53 expert counters, at $720 each; 9 expert counters, at $700 each; mail messenger, $840; 8 messengers; 7 assistant messengers; 25 laborers; 6 messenger boys, at $360 each; 16 charwomen; compositor and pressman, $1,600; pressman, $1,400; silver piler, $1,000; in all, $385,660.

Mr. COX of Indiana. I reserve the point of order against the following language on page 59, found in lines 8 and 9:

Treasurer of the United States, $8,000

Is not that an increase of salary?

Mr. GILLETT. It is not. That is the present salary.

Mr. COX of Indiana. I was under the impression that that was an increase.

Mr. GILLETT. That was increased last year.

Mr. COX of Indiana. I withdraw the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to have the gentleman in charge of the bill explain how it is that this committee had the assurance to reduce an appropriation in this paragraph from $462,000 to $385,000. What warrant is there on the part of the Treasury Department or the committee to reduce expenses? [Laughter.]

Mr. GILLETT. I am pleased to make the explanation. It is in the line of the reorganization which I spoke of yesterday, when the gentleman from Indiana was so good as to assent to it and withdraw his point of order. Here is one of the places where a large saving is made by the new Treasury administration. There have been dropped from this office about 100 employees of the Treasury Department because one whole division has been transferred to the Bureau of Engraving and Printing, where we are assured that the same work will be done that was done in the Treasury Department before, without any increase of force there.

Mr. COX of Indiana. Do I understand the gentleman to say that we will get along with 100 employees less?

Mr. GILLETT. Less than we had before.

Mr. COX of Indiana. How are you able to do that? Have they been discharged or transferred?

Mr. GILLETT. I do not know what will become of the employees. This does not take effect until the 1st of July, when the force is reduced. But by more efficient administration and consolidation the same work will be done with this largely reduced force.

Mr. COX of Indiana. They will not be retained in this department?

Mr. GILLETT. No; and it does not mean that their places are to be filled and their work done in any other department.

Mr. COX of Indiana. Does the gentleman know whether these employees will be put on the pay roll of some other department?

Mr. MANN. The employees will undoubtedly be transferred.

Mr. TAWNEY. Some will and some will not.

Mr. GILLETT. I have no doubt that there will be a disposition on the part of all departments where there are vacancies to employ these clerks that are dropped instead of new men, but there is no such provision in the law.

Mr. GOULDEN. How much of a saving does this make?

Mr. GILLETT. To be accurate, $76,000.

Mr. GOULDEN. That is effected by abolishing one department?

Mr. GILLETT. Yes; and in another section of the bill that we have just passed, about which no question was asked, there

was another saving of $75,000. That is in the officer of the Auditor for the Post-Office Department.

Mr. GOULDEN. That makes a saving of $150,000.

Mr. GILLETT. One hundred and fifty thousand dollars in these two departments.

Mr. COX of Indiana. I think the answer of the gentleman to the question of the gentleman from Illinois ought to be satisfactory.

The Clerk read as follows:

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: Superintendent, $3,500; teller, $2,500; bookkeeper, $2,400; assistant teller, $2,000; assistant bookkeeper, $2,000; five clerks of class 4; 7 clerks of class 3; 9 clerks of class 2; 25 clerks of class 1; 10 expert counters, at $1,200 each; 52 expert counters, at $1,000 each; 42 expert counters, at $900 each; 32 expert counters, at $800 each; 22 expert counters, at $700 each; 2 messengers; 4 assistant messengers; 4 charwomen; in all, $223,520.

Mr. COX of Indiana. I desire to reserve a point of order beginning at the word "ten," in line 21, page 60, and ending at the word "each," on line 25. Is not this an increase of salaries?

Mr. GILLETT. There is no increase of salaries, but an increase of the force.

Mr. COX of Indiana. Comparing it with the bill of last year, it would seem to be an increase of salaries.

Mr. GILLETT. I was under the impression that we did not increase the salaries, but we have largely increased the force. Let me explain why. Growth of the national banks in the last two years has very much increased the work of the Redemption Division, and consequently we were recommended to increase the force by 54 employees, which we have done in this section.

Mr. HUGHES of New Jersey. Is not this money reimbursable by the national banks?

Mr. GILLETT. I was coming to that. We have increased the force 54 employees. I think the gentleman from Indiana is right, and there is an increase of salary. New men are put in at a salary of $1,200 instead of $1,000, as they had before. Let me call attention of the gentleman to the fact that we can not always reduce the force in a growing concern like the United States Government. It grows, and the force and expense must grow, too. In the last two years there has been a very exceptional increase in all of the work under this division because of the increase of the number and the activity of the national banks. Therefore we have tried to meet that by giving them what they wished. Although perhaps it is not a fair argument in favor of the addition, yet it should be suggested that it is all paid by the national banks and not by the United States Government. Of course we do not mean to be any more extravagant for the national banks than we are for ourselves, but the department assures us that this force is needed, and we gave them what they asked. But the gentleman is right in saying that the salaries are larger than last year.

Mr. COX of Indiana. Let me read from the bill of last year:

Forty-one expert counters, at $1,000 each; 31 expert counters, at $900 each; 21 expert counters, at $800 each; 11 expert counters, at $700 each.

Mr. GILLETT. The gentleman was right. The gentleman was reading and perhaps did not hear me. I have stated before that those are increases in the salary. I think we do give them $1,000 and $1,200, whereas before they had $1,000. The department assured us that it needed these men, and we followed the suggestion, and possibly we were more easy because the Government was not paying it, but the banks were.

Mr. COX of Indiana. Does the gentleman feel that this increase of these salaries, if it be an increase, is in the interests of economy in the administration of this bureau?

Mr. GILLETT. Well, I do not remember that that particular point was told to us by the department?

Mr. COX of Indiana. What is the gentleman's opinion on that?

Mr. GILLETT. My opinion is that it is wise to give the department what they have asked, we following their suggestion exactly and having confidence in their opinion.

Mr. COX of Indiana. Does the gentleman base his opinion upon the opinion of the department, or is it based on what he individually thinks?

Mr. GILLETT. I base it entirely upon the opinion of the department. We did not question in detail about this particular point. The same person came before us as to this who came before us as to the other branches, and who showed himself intensely interested in economy and efficiency, and we took his suggestions here as we did where they directly showed economy.

Mr. COX of Indiana. Does this increase any burden upon the United States Treasury?

Mr. GILLETT. None at all.

Mr. COX of Indiana. I withdraw the point of order.

The Clerk read as follows:

Office of Life-Saving Service: General Superintendent of the Life-Saving Service, $4,000, and $500 additional while the office is held by the present incumbent; assistant general superintendent, $2,500; principal clerk, $2,000; title and contract clerk, $2,000; topographer and hydrographer, $1,800; civil engineer, $1,800; 3 clerks of class 4; 5 clerks of class 3; 4 clerks of class 2; 5 clerks of class 1; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 2 assistant messengers; laborer; in all, $46,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Massachusetts why he leaves out a draftsman in the Life-Saving Service Office?

Mr. GILLETT. We were informed by the Secretary that he could be dispensed with without diminishing the efficiency of the office.

The Clerk read as follows:

For rent of buildings, $59,286.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. Does this represent all of the money that is expended in the District of Columbia for rents of public buildings?

Mr. GILLETT. No; it certainly does not.

Mr. BURKE of South Dakota. What is the total amount expended?

Mr. GILLETT. About $450,000.

Mr. BURKE of South Dakota. What does this item have reference to—simply the Treasury Department?

Mr. GILLETT. Simply the Treasury Department.

Mr. BURKE of South Dakota. And the Treasury Department is renting, I presume, a number of buildings for the business that is being transacted in that department, because of lack of room in the Treasury building itself?

Mr. GILLETT. Yes.

Mr. BURKE of South Dakota. I have had occasion to visit some of the offices connected with the Treasury Department in buildings other than the Treasury building, and it seems to me that the buildings are not suitable for the purposes for which they are being used. I certainly hope that the time is not far distant when authority will be granted and appropriations provided to erect buildings suitable for the transaction of the government business, not only to save the rent, but in the interests of the employees of the Government, as well as the safety of the files and public records. Buildings that are veritable fire traps are used for purposes of accommodating clerks and storing public records that are a reproach to the Government. If buildings must be rented for the accommodation of the clerical forces, I am in favor of renting up-to-date fireproof quarters. In addition to protecting the lives and promoting the welfare of its employees the Government would get a better service by housing them in modern, sanitary buildings with wholesome environments. It is false economy to pursue the present course, and Congress should not, by parsimonious appropriations or otherwise, be a party to its continuance.

This subject was presented to the Secretary of the Treasury in a forceful manner by Auditor Robert S. Person in his report for the fiscal year 1909, from which I read pages 8 to 11:

REMOVAL OF OFFICE FROM TREASURY BUILDING.

The deficiency appropriation act approved May 30, 1908 (35 Stat., 479), contained the following items under "Contingent expenses, Treasury Department:"

"For rent of the third and fourth floors of the Union Building, located on G street between Sixth and Seventh streets NW., Washington, D. C., including light, heat, janitor, and elevator service, and repairs, for offices of Auditor for the Interior Department, for the fiscal year 1909, $13,000.

"For shelving and transferring records, furniture, and files from the Treasury building, including the personal services of laborers and skilled mechanics in connection therewith, for the fiscal year 1909, $10,500."

On January 13, 1909, your predecessor in office, Secretary Cortelyou, wrote to the chairman of the Senate Committee on Appropriations, requesting that the appropriation for the rental of the space provided for by the act approved May 30, 1908, supra, be authorized for use "without specifying any particular building, so that the Secretary of the Treasury would not be limited in his choice of suitable quarters." Failing to secure this legislation, on February 10 the Secretary urgently requested, in a letter addressed to the committee of conference of the two Houses of Congress, that he be authorized to use the third and fourth floors of the Union Building in his discretion "for the accommodation of any other Treasury bureau or office in lieu of the office of the Auditor for the Interior Department," and with that end in view requested that Senate amendment No. 102 to H. R. 23464, granting such authority, be agreed to in conference. But this request also was denied. The exigencies of the situation made it compulsory to obtain relief from congested conditions in the Treasury building, and accordingly the Pension Division of this office, comprising about 50 employees, with its great volume of files, was removed in February, 1909. Subsequently, in compliance with your directions dated May 12, 1909, the entire office of the Auditor for the Interior Department, with all of its files stored in the Treasury building, was removed to the Union Building.

In his report for the fiscal year 1908 the Secretary of the Treasury recommended the erection of a separate building for the accounting officers of the Treasury, so that they all might be housed together. While nothing was said about the location of such a building, it is presumed that the Secretary had in mind a location in close proximity to the Treasury building. Otherwise it is inconceivable that he would have recommended a separate building for auditors, especially to make room within the Treasury building for branches of the public service

so artificially connected with the department as the Life-Saving Service, the Public Health and Marine-Hospital Service, and the Office of the Supervising Architect. The accounting officers are inherently a part of the Treasury system. Their relation to the Division of Bookkeeping and Warrants is close and continuous. Their relations with the Division of Public Moneys and the Treasurer of the United States are scarcely less so, and a separation of the auditors from the Comptroller of the Treasury by inconvenient distances impedes progress toward and is destructive of that uniformity of accounting which it has been assiduously attempted to promote during the past few years.

That it is not in the interest of good or economic administration to separate the accounting offices of the Treasury from these various branches of the Treasury Department by any distance which makes free intercourse between them inconvenient, is not a debatable subject. Indeed, it is indispensable to the public interest that all of the integral parts of the fiscal system of the Treasury Department shall be located with a view to maintaining their normal relations with each other without serious interruption or inconvenience. No other branch of the public service is so closely related to and of necessity so continuously in communication with so many branches of the Treasury Department as the accounting offices. There probably is not an hour in the day when it is not either convenient or necessary for an auditor, a chief of division, or an accountant to visit either the Division of Bookkeeping and Warrants, the Division of Public Moneys, the office of the Treasurer of the United States, or the Comptroller of the Treasury, and vice versa.

To give a few illustrations of how awkward and cumbersome it is for this office to transact business in its present location, more than half a mile from the Treasury building, permit me to state that a bookkeeper's certificate is required from the Division of Bookkeeping and Warrants for every account examined in this office (last year the number was 2,809); and every account and claim finally adjusted by the auditor (last year the number was 24,124) must be certified to the Division of Bookkeeping and Warrants, and later each of these certificates must be returned to the auditor for permanent filing.

Each year there are many thousands of requisitions for the advance of funds to disbursing officers in the Interior Department. These papers are now first carried to the Treasury, then brought back past the Interior Department to the auditor, then returned to the Treasury for the issuing of accountable warrants, and then retransmitted to the auditor.

The revision of accounts by the Comptroller of the Treasury on his own motion, a practice contemplated by law, of necessity is greatly impeded.

The Treasurer of the United States requires frequent use of and access to the accounts filed in this office.

The bonds of fiscal officers are filed in the Treasury building, and it is impracticable to refer to them as frequently as careful accounting demands. (See report of committee appointed to investigate methods of accounting, July 31, 1903, at p. 14.)

The employees of the office are deprived, except with great inconvenience and loss of time, of the use of the law libraries in the offices of the Solicitor and Comptroller of the Treasury and the general reference library of the department.

The purely administrative relations between the bureau and the department suffer an interruption incompatible with good administration.

In addition to these more serious objections of a general nature that are inseparable from the housing of any one of the auditors in a building far removed from the Treasury building—with the exception of the Auditor for the Post-Office Department, whose relation to the Treasury differs materially from that of all of the other auditors—there are specific objections peculiar both to the building in which this office is located and to its immediate environment.

It is not a fireproof building and therefore is not suitable for the storage of files of valuable papers and documents. In his annual report for 1908 the Secretary of the Treasury recommended the erection of a hall of records on a site (square No. 143, situated between Eighteenth and Nineteenth and E and F streets NW.) title to which had been acquired under authority and direction of the acts of Congress of March 3, 1903 (32 Stat., 1039 and 1212). In his report at page 88 he referred to his letter of March 7, 1908, addressed to the Speaker of the House of Representatives, which he published as a part of his annual report. In this letter he said:

"The condition of these uncurrent files is precarious in the extreme. * * * Some of them are stored in rented buildings which are not fireproof and liable at any moment to be destroyed by fire. * * * It must be borne in mind that reference is made to them almost constantly; that in most instances they pertain to questions of great importance; that they have been accumulating since the organization of the Government; and that their destruction by fire would cause almost irreparable injury, confusion, and delay in the transaction of the public business. * * * They are now inaccessible for reference except with great labor * * * and at the same time are daily exposed to loss, decay, and accidents, which may at any time destroy them in whole or in part."

The situation with respect to the files of this office is more hazardous now than when the Secretary of the Treasury made the report from which the foregoing excerpts are taken.

The building in which this office is now located is not in other respects a suitable office building. Two livery stables are adjacent to it and make an offensive approach to the building. Offensive smells from these stables and other environments equally obnoxious permeate the rooms where clerks are employed, especially during the heated season, and at repeated intervals during the short time the office has been in its present location have produced sickness among the employees. The building is not suitable for the accommodation of a high-class clerical force of genteel men and women, and the environment is depressing upon the esprit de corps of the office and seriously affects the efficiency of many of the employees.

The following observations in the editorial columns of the Washington Evening Star of January 14, 1909, apply with pointed force to the quarters now utilized for the accommodation of this office:

"There is too much use now made of old buildings by the Government in this city. Anything will answer for a public office, apparently. And once occupied by a division or a bureau, as a measure of economy or to solve a pressing problem of congestion, it remains a part of the Government's equipment indefinitely long after it passes the point of insanitation and insecurity.

"Without regard for the comfort or even for the health of the workers, and with none whatever for the dignity of the Government, quarters are utilized that most well-managed business corporations would regard as unfit for use."

In close proximity to the Treasury Department are several modern office buildings, accommodations in which could be rented until a new building suitable for Treasury requirements could be erected. Therefore I urgently recommend that the attention of the Congress be invited to the situation. The Government is now paying approximately half a million dollars annually for rents in the District of Columbia for the use of buildings mostly nonfireproof in structure, filled with equipment of a highly combustible nature, insanitary in their appointments, and a reflection on the dignity of the Government. About $8,000,000 have recently been expended in providing suitable quarters for offices for Members of Congress, and both Senators and Representatives are surely interested in the amelioration of conditions affecting the health and general welfare of employees of the Government who are required to live in the District of Columbia throughout the year. It is entirely probable that all that is necessary to obtain speedy relief from present conditions, involving both wasteful expenditures and the physical welfare of a large body of employees, is to get the facts thoroughly understood by the Congress. No better investment could be made by the Government than to employ a portion of the $471,377 now paid annually for rents in this city in the payment of interest on bonds to be issued for the purpose of providing funds for the erection of public buildings to meet the requirements of the executive departments.

I am personally familiar with the conditions discussed by Mr. Person in this admirable report, and I think he has been moderate, indeed, in his descriptions and statements. The wasteful policy of scattering bureaus of the Treasury Department is the least objectionable feature of the rent policy, for it does not necessarily involve the question of wholesome environment of employees or the safety of public records; but it is sufficient to require the attention of the economists both in Congress and in the department. In the report from which I have already quoted Mr. Person further says:

The condition of business with respect to the settlement of accounts for freight transportation is unsatisfactory. Close supervision of the work is impossible under present conditions and the work is in arrears, although the number of examiners assigned to it is disproportionally large. This unsatisfactory situation is due largely to the fact that the clerks who examine these claims and prepare the correspondence and statements of differences are, under Treasury Circular No. 14, dated March 31, 1909, assembled in the Treasury building, and therefore are separated from this office by a distance of more than half a mile.

The situation with respect to the examination of claims for passenger transportation is even less satisfactory. A large percentage of disbursements on account of passenger service is made by disbursing clerks and accounted for like other disbursements made by them. Under the present arrangement these items have to be transcribed and sent to examiners more than half a mile distant from the clerks who otherwise examine the accounts and prepare them for settlement.

The inaccessibility of a portion of the office files is reported upon as follows:

A considerable portion of the files of this office is located in a storage building at Nos. 920–922 E street NW., some distance from this office. They are scattered over three floors on shelving not adapted for their accommodation, and accordingly they are in bad condition. Employees who are required to work in the building complain of want of light, ventilation, and facilities for handling the bundles. The loss of time in handling the files in the E street building is a very important factor. It requires from two to six hours to obtain information from files in that building, which could be obtained in twenty to thirty minutes if the files were stored with the other office files here. * * * There are many calls daily for information by persons interested in records pertaining to the war of the Revolution that have to be denied for the want of facilities and help to get the information on account of their inaccessibility.

No respectable private corporation, Mr. Chairman, would tolerate such conditions in its business affairs in respect either to the welfare of its employees or the wastefulness of expenditures. The Government is paying as high as 20 per cent on their assessed valuation for the rent of buildings that would be tenantless but for the fact that the Government gives so little consideration to the welfare of its employees and the protection of its property. It is time for action, and I hope the programme for the erection of suitable public buildings to accommodate all requirements of all the executive departments will be expedited. The issuance of bonds for this purpose, as suggested by the officer from whose report I have liberally quoted, would be a wise and beneficent investment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CAMPBELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 79. Joint resolution providing for the printing of extra copies of the Report of the Chief of Division of Militia Affairs, office of the Secretary of War, for the fiscal year ending June 30, 1909; and

S. J. Res. 37. Joint resolution requiring the printing of public papers and documents from foreign countries in the English language.

Also:

Senate resolution 199.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES BRECK PERKINS, late a Representative from the State of New York.

Resolved, That a committee of five Senators be appointed by the Vice-President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of Mr. PERKINS, at Rochester, N. Y.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

And that in compliance with the foregoing the Vice-President had appointed as said committee Mr. DEPEW, Mr. ROOT, Mr. GAMBLE, Mr. CLAY, and Mr. OVERMAN.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 20.

Resolved by the Senate (the House of Representatives concurring), That the statue of John C. Calhoun, presented by the State of South Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of South Carolina.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For rent of offices outside of the District of Columbia, telephone service, and other miscellaneous expenses incident to the collection of internal revenue, and for the purchase of necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed $500, and reasonable expenses for not exceeding sixty days immediately following the injury of field officers or employees in the Internal-Revenue Service while in line of duty, of medical attendance, surgeon's and hospital bills made necessary by reason of such injury, and for horses crippled or killed while being used by officers in making raids, not exceeding $150 for any horse so crippled or killed, $100,000.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order against the paragraph, particularly against that part of the paragraph reading as follows:

And for horses crippled or killed while being used by officers in making raids, not exceeding $150 for any horse so crippie or killed.

I would like to have some one explain to me what moral or legal right there is to compel the Government to pay for the loss of a horse that some revenue officer may have had killed while he was doing his duty.

Mr. MANN. Mr. Chairman, I hope the gentleman will remember his inquiry when some of these claim bills come up.

Mr. COX of Indiana. I will be right with the gentleman on that, I can assure him.

Mr. MANN. Because it is the invariable rule where the Government is not authorized—and sometimes it is not—to pay for a horse which a deputy has, for instance, rented and which gets shot under him, for him or somebody else to ask the Government to pay, and properly, it seems to me.

Mr. COX of Indiana. Can the gentleman see any more reason for paying for horses killed under these conditions than he can for compensating for a horse killed under a sheriff when he is serving a writ for some county or State?

Mr. MANN. I do not know what the practice may be about that, but this is a very different situation. All I know about this is from the examination of various claims. It has frequently occurred that claims have arisen that could not be paid under this provision, where a deputy in one of the States hires a horse at a livery stable and in the course of his work the horse is shot, and, perhaps, the deputy also. Somebody has to pay for that horse.

Mr. TAWNEY. These are horses that are used only in making raids.

Mr. COX of Indiana. Suppose they are, what does that add to it? The sheriffs of the various counties throughout the United States frequently have to make raids.

Mr. TAWNEY. Take it in the moonshine States, where, in the detection of moonshiners——

Mr. COX of Indiana. With all due deference to the gentleman from Minnesota, that argument does not appeal to me, because the marshal, when he takes his oath of office, takes those things into consideration.

Mr. MANN. This work is not done by the marshal.

Mr. COX of Indiana. Well, it is done by the revenue officer.

Mr. MANN. It is done by a deputy collector, who is probably receiving a salary, in some cases, of from $2 to $3 a day, whom they may pick up. They may take any citizen.

Mr. COX of Indiana. Probably some of these raids are conducted by the marshals themselves.

Mr. MANN. But the evidence in reference to these claims presented here shows that condition. Now, it is perfectly manifest that if the Government needs a horse under such circumstances and a man is authorized to engage a horse, the Government is liable to a claim for damage for the nonreturn of the horse. It is perfectly manifest they can not conduct raids without obtaining horses.

Mr. COX of Indiana. Can the gentleman give me any information as to how much this item has cost the Government heretofore?

Mr. MANN. I can not give you any information on that subject.

Mr. COX of Indiana. No data whatever upon it?

Mr. MANN. Of course, I am not on the Committee on Appropriations.

Mr. COX of Indiana. Well, can the gentleman in charge of the bill?

Mr. GILLETT. The report of the Commissioner of Internal Revenue gives those facts, but I have not looked it up; but I will say to the gentleman that this has been in the law from year to year, and the gentleman will see, if he reflects a moment, that it is rather necessary for the efficiency and conduct of these raids, because the officer, when he starts on one of these raids, which is known to be a dangerous business, has no horse of his own, and he has to go to a livery stable and hire one, and, unless the stableman has some assurance that he is going to get back the price of the horse which is running this risk, he is not going to hire the horse to go on one of these raids, and the officer would not be able to prosecute the raids.

Mr. COX of Indiana. The stableman ordinarily takes the same chance when he lets the sheriff or a constable of the county have a horse.

Mr. MANN. But in that case he generally has a horse of his own, as the gentleman will recognize.

Mr. COX of Indiana. Not many constables in my country.

Mr. MANN. But sheriffs.

Mr. COX of Indiana. As a rule sheriffs have their own horses.

Mr. GILLETT. The conduct of this business is dangerous. The provision has been in the law every year, and my attention has not been called to it, hence I can not give the gentleman the detailed information.

Mr. COX of Indiana. Can the gentleman from Indiana approximate what it has cost the Government before?

Mr. GILLETT. It is in the report of the Commissioner of Internal Revenue, which I can get in a few moments; and, if the gentleman wishes, we will pass this matter for the present——

Mr. COX of Indiana. Then, Mr. Chairman, I ask unanimous consent that the paragraph be passed without prejudice until we get some information upon it.

The CHAIRMAN. What is the request of the gentleman from Indiana?

Mr. COX of Indiana. That this paragraph be passed without prejudice until we get some information.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COX of Indiana. I want to say to the gentleman in charge that if this is a meritorious item I do not propose to press the point of order.

Mr. MANN. There is no point of order, I think, the gentleman might make except——

Mr. COX of Indiana. Well, little things make big things and——

Mr. MANN (continuing). I do not think it is subject to the point of order unless the limitation would be subject to the point of order. I am not sure about that. The appropriation is in order.

Mr. COX of Indiana. Is there any law for it in the current law?

Mr. MANN. Oh, certainly, there is a law providing for these raids.

Mr. COX of Indiana. Does the law provide for that item?

Mr. MANN. It does not provide for it specifically; it is not required to do so. The only thing in this to which the point of order might be made would be the limitation.

Mr. COX of Indiana. I could not say whether there was such authority or not unless I had opportunity to read it.

Mr. MANN. I supposed the gentleman was making the point of order on the limitation.

Mr. COX of Indiana. No; I was making the point of order on the paragraph.

Mr. MANN. I am supposing the gentleman is perfectly willing to limit the damage to $150 instead of leaving the amount optional as to the amount of any claim which may be brought, which may be two or three hundred dollars. There is no question that these people have authority to go to the Court of Claims upon a claim against the Government unless there was some limitation.

Mr. GILLETT. We can not find the report immediately.

Mr. COX of Indiana. I am willing to pass it for the time being and return to it later.

Mr. GILLETT. We can not get it. I would like to close it up as we go along. It is not a matter of much importance. So I would ask the gentleman to drop it.

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For expenses of collecting the corporation tax authorized by the act approved August 5, 1909, "To provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," $100,000.

Mr. DOUGLAS. Mr. Chairman, I would like to reserve the point of order in order to ask the gentleman from Massachusetts a question. I would like to ask the gentleman in charge of the bill whether the purpose of this tax is to include a sum that has been spoken of to make public the original, honest returns of corporations?

Mr. GILLETT. It is for the field work of collecting the returns. It is the same appropriation as for the last year.

Mr. FOSTER of Illinois. I would like to ask the chairman with regard to this $100,000. Does it require that much money for the purpose of employing agents to collect this tax?

Mr. GILLETT. That is the theory of the appropriation.

Mr. FOSTER of Illinois. I thought this was collected through the Internal-Revenue Office?

Mr. GILLETT. That is what it is for—the deputies of the collectors which may be necessary——

Mr. FOSTER of Illinois. It requires this amount of money?

Mr. GILLETT. It requires this amount of money to collect it.

The Clerk read as follows:

INDEPENDENT TREASURY.

Office of assistant treasurer at Baltimore: Assistant treasurer, $4,500.

Mr. CLARK of Missouri. What has become of that controversy?

Mr. MANN. The controversy is ended, and the paragraph is still there.

Mr. CLARK of Missouri. I would like to offer an amendment to it.

Mr. GILLETT. I submit it is too late, Mr. Chairman, to do so.

Mr. CLARK of Missouri. I do not think it is.

Mr. KEIFER. We hardly got that far away.

The CHAIRMAN. The Chair thinks it is too late. The next paragraph has been entered upon.

Mr. CLARK of Missouri. I know, but I can not offer it to the next one, because it is not pertinent to it. If it is too late it is too late; that is all there is to it.

The Clerk read as follows:

GOVERNMENT IN THE TERRITORIES.

District of Alaska: Governor, $5,000; four judges, at $7,500 each; four attorneys, at $5,000 each; four marshals, at $4,000 each; four clerks, at $3,500 each; in all, $85,000.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order upon the paragraph. I would like to inquire of the gentleman in charge of the bill if there is an increase of salary here for the judges and for the marshals?

Mr. GILLETT. No; there is none at all. It is changed since last year, because, you know, we have legislated since then, but this exactly accords with existing law.

Mr. COX of Indiana. How long has their salary been $7,500?

Mr. GILLETT. We passed a special bill last session providing it.

Mr. COX of Indiana. A special act?

Mr. GILLETT. Yes.

Mr. COX of Indiana. Looking up the last legislative bill I find the salary there——

Mr. GILLETT. We have changed it since then.

Mr. COX of Indiana. Now, did the act of which you speak increase the number of judges from three to four?

Mr. GILLETT. I think so. We intended to follow exactly the existing law in all those cases.

Mr. COX of Indiana. And did it also increase the number of attorneys from three to four?

Mr. GILLETT. It did.

Mr. COX of Indiana. Can the gentleman tell the committee why the judges in the Territory of Alaska are paid $7,500 while the judges in Arizona and New Mexico are only paid $3,000? Why this great disparity?

Mr. GILLETT. The law was passed last year. Congress is responsible; we are not. We simply followed the law.

Mr. MANN. I might say the committee is partly responsible. I think the law provides for a higher salary than $3,000 in the Territories of Arizona and New Mexico.

Mr. COX of Indiana. I did not quite understand the gentleman from Illinois.

Mr. MANN. The law, I know, provides for a higher salary in New Mexico and Arizona for judges or governors than is carried in the bill.

Mr. COX of Indiana. How much does the law provide for the salary in Arizona and New Mexico for judges?

Mr. MANN. I am not sure whether it is the governors or the judges that under the law are entitled to $4,000. The bill gives $3,000.

Mr. COX of Indiana. When was the act passed fixing the salary?

Mr. MANN. Passed last year.

Mr. COX of Indiana. It must have been passed subsequent to the last legislative, executive, and judicial appropriation bill.

Mr. GILLETT. It was passed on March 2, 1909.

Mr. COX of Indiana. As I understand the gentleman, it is a separate organic law?

Mr. GILLETT. It is a separate act. That is the reason why it differs from the legislative bill of last year.

Mr. COX of Indiana. Mr. Chairman, this item of expense relating to the District of Alaska has grown very voluminously in the last few years. At present it carries an appropriation of $85,000. Last year the appropriation was $51,500. For this one item there is an increase this year of $33,500. Now, that may be a legitimate increase; I do not know, nor do I undertake to say.

Mr. GILLETT. Let me call the gentleman's attention to the fact that there was a deficiency last year of $33,500 in order to make it up.

Mr. COX of Indiana. But I can not refrain from commenting upon the great disparity in appropriations, so far as incidental and contingent expenses are concerned, relating to the government of Alaska, as compared with the same item of contingent and incidental expenses relating to the Territories of Arizona and New Mexico. We have this item of $5,500 contingent and incidental expenses for the Territory of Alaska, and the same item for New Mexico is only $1,500, and I think substantially the same amount for the Territory of Arizona. But if there is an organic law by which these salaries are fixed—and I have no doubt there is, from the information I have obtained from the gentleman in charge of the bill—so far as the point of order I have reserved is concerned, I withdraw it.

The Clerk read as follows:

For legislative expenses, namely: Furniture, light, telephone, stationery, record casings and files, printing and binding, indexing records, postage, ice, water, clerk hire, mileage of members, and incidentals, pay of chaplain, clerk, sergeants-at-arms, stenographers, typewriters, janitors, and messengers, $30,000: *Provided*, That the members of the legislature of the Territory of Hawaii shall not draw their compensation of $200, or any mileage, for any extra session held in compliance with section 54 of an act to provide a government for the Territory of Hawaii, approved April 30, 1900.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I would like to ask the gentleman why it is necessary to provide that the territorial legislature shall not have any compensation if there is an extra session. We have never made that provision about ourselves.

Mr. LIVINGSTON. It is to prevent them from having one.

Mr. GILLETT. We simply followed the statute of previous years. Just when it originated, I do not know.

Mr. MANN. It has originated this year.

Mr. GILLETT. Oh, no; it has been in from year to year.

Mr. MANN. I do not know whether it had anything to do with the proposition now pending about special elections.

Mr. GILLETT. Oh, no; nothing at all.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

NAVY DEPARTMENT.

Office of the Secretary: Secretary of the Navy, $12,000; Assistant Secretary of the Navy, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; 4 clerks of class 4; stenographer, $1,800; clerk of class 3; 4 clerks of class 2; 5 clerks of class 1; stenographer, $1,200; clerk, $1,100; 4 clerks, at $1,000 each; telegraph operator, $1,100; 2 copyists; carpenter, $900; 4 messengers; 4 assistant messengers; 3 laborers; 3 messenger boys, at $600 each; messenger boy, $420; messenger boy, $400; telephone switchboard operator; assistant telephone switchboard operator; in all, $73,460.

Mr. LANGLEY. Mr. Chairman, I want to reserve a point of order on this paragraph, in order to ask the gentleman in charge of the bill a question. I refer to page 104, line 2. My information is that there were only two laborers provided for last year in the legislative bill for the Secretary's office. I see there are three provided for here.

Mr. GILLETT. Yes.

Mr. LANGLEY. I would like to ask the gentleman to explain that, and state whether or not the additional laborer provided for here is authorized by existing law.

Mr. MANN. While the gentleman is looking the matter up, I will state that it takes an extra laborer to do the work of

repairing these additional battle ships costing from $15,000,000 to $50,000,000 apiece.

Mr. LANGLEY. But that does not answer my question. It strikes me that it might be subject to a point of order.

Mr. MANN. It is not subject to the point of order at all. An increase in the number of clerks or laborers in a department is not subject to the point of order.

Mr. LANGLEY. If it is not provided for by existing law, or is in excess of the number authorized by law, it is. That is the point I am trying to get at.

Mr. MANN. The department is provided for by existing law, and the authority to increase the clerks and employees is with Congress. An increase in the clerks of a certain class is not subject to the point of order.

Mr. LANGLEY. Well, even if the gentleman is correct about that, I would like to know anyhow why there is an increase proposed over the number provided for last year?

Mr. GILLETT. It is because the Assistant Secretary of the Navy stated he had just one in his own office, and the man he had now was there from 8 o'clock in the morning until 6 or 6.30 o'clock in the evening without intermission, and then he had to clean up the office. He thought he needed two, and with some hesitation the committee gave the extra man to him. I do not think it is very important, one way or the other.

Mr. LANGLEY. It is in there nevertheless, and appears to have been of enough importance for the Secretary to ask it and for the committee to hesitate before allowing it.

The Clerk read as follows:

Office of the solicitor: Solicitor, $3,000; law clerk, $2,500; law clerk, $2,250; law clerk, $2,000; clerk of class 4; clerk of class 3; clerk of class 2; clerk, $840; and messenger boy, $600; in all, $15,990.

Mr. MANN. I reserve the point of order on the paragraph.

Mr. LANGLEY. I was just about to reserve the point of order for the purpose of asking a question. I want to ask the gentleman in charge of the bill why the salary of the solicitor is changed from what it was last year?

Mr. MANN. You mean this solicitor?

Mr. GILLETT. That is a change. A year ago the solicitor received $4,000. We have provided in this bill that the solicitor shall receive $3,000. The fact is this: Formerly the salary of the solicitor was $2,500, but there was a provision that as long as the then present occupant held the office he should receive $1,500 additional. The solicitor died during the past year, and so the salary reverted to its old amount, which, as I say I think, was $2,500. The Secretary urged upon us very strongly that the solicitor does exceedingly important work; that he has to pass upon all the contracts of the department, which run up into many millions of dollars—$50,000,000 or more a year—and while the preceding officer received $4,000, he thought this man should receive $3,000, and the committee agreed with him and recommended $3,000. I will admit that it is subject to a point of order, because by law he is only entitled to $2,500.

Mr. LANGLEY. I will make the point of order.

Mr. ROBERTS. I will ask the gentleman to withhold his point of order for a moment. The Secretary of the Navy has stated to the Naval Committee that when the incumbent of this office of solicitor died, it was impossible to secure any lawyer of sufficient attainments to discharge the duties of that office at the salary of $2,500 per year, and it seems absolutely that there should be some increase in that pay in order to secure a man who knows enough of the law to be of any assistance whatever to the Secretary of the Navy.

Mr. TAWNEY. It is a fact, is it not, that the solicitor of the Navy Department prepares or passes upon all of the contracts for naval construction authorized in the naval appropriation bill?

Mr. ROBERTS. I so understand.

Mr. MANN. He does not prepare them. He passes upon them.

Mr. TAWNEY. That is the fact.

Mr. ROBERTS. The solicitor passes on all contracts.

Mr. LANGLEY. In view of the explanation about the importance of his duties, I will withdraw the point of order.

Mr. MANN. As I reserved the point of order, I will withdraw it.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

Bureau of Equipment: Chief clerk, $2,000; expert in wireless telegraphy, $3,000; draftsman, who shall be an expert in marine construction, $2,000; bookkeeper and accountant, $1,800; clerk of class 4; two draftsmen, at $1,700; electrical expert and draftsman, $1,600; clerk of class 3; clerk of class 2; clerk, $1,300; 2 clerks of class 1; draftsman for work in connection with depots for coal, $1,200; four clerks, at $1,000 each (four transferred to Bureau of Supplies and Accounts); 2 copyists; assistant messenger; messenger boy, $600, blueprinter, $600; messenger boy, $360; and 2 laborers; in all, $32,900.

Mr. GILLETT. I wish to offer the following amendment.

The Clerk read as follows:

On page 106, in line 9, after the word "dollars," insert the word "each."

Mr. GILLETT. That is a typographical amendment.

The amendment was agreed to.

The Clerk read as follows:

For a monthly Pilot Chart of the North Pacific Ocean, showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation; the best routes to be followed by steam and by sail; expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for and printing and mailing the chart, $2,000.

Mr. MANN. I reserve the point of order on that paragraph. My recollection in reference to this matter is that this paragraph was stricken out one year on a point of order which I made. There is no authority of law for it. May I ask the gentleman in charge of the bill whether he regards it as a matter of importance to remain in the bill? It is clearly subject to a point of order.

Mr. GILLETT. Yes; I consider that it is a matter of importance.

Mr. MANN. I withdraw the point of order.

Mr. TAWNEY. Mr. Chairman, I want to offer an amendment to the paragraph just read. I move to amend by inserting after the word "dollars" all that appears in the bill, on page 110, beginning with line 19, down to the end of line 8, on page 111, to make that a part of the paragraph which has just been read.

Mr. ROBERTS. I reserve a point of order on the amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Massachusetts reserves the point of order against the amendment.

Mr. TAWNEY. I ask that the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "dollars," in line 12, on page 110, the following:

"Hereafter there shall not be detailed to or employed in the Hydrographic Office more than one naval officer at any one time; and hereafter the pilot charts prepared in said office shall have conspicuously printed thereon the following: 'Prepared from data furnished by the Hydrographic Office of the Navy Department and by the Weather Bureau, of the Department of Agriculture, and published at the Hydrographic Office under the authority of the Secretary of the Navy;' and Bureau of the Department of Agriculture, and published at the Hydro- Department of Agriculture necessary for and of the character of such information heretofore used in the preparation of the pilot charts shall continue to be furnished with all possible expedition to the Hydrographic Office for use in the preparation of said charts."

Mr. ROBERTS. Mr. Chairman, I reserve a point of order to that amendment.

Mr. TAWNEY. I want to state that the paragraph which is proposed to be amended has been held to be out of order on a former occasion. There is no doubt that this amendment which I have offered, considered as a separate proposition, would be subject to a point of order; but the paragraph which I propose to amend, itself being subject to a point of order, having been passed and no point of order being made against it, it is entirely competent under the rules to amend that paragraph by an amendment which itself would be obnoxious to the rule, provided the amendment relates to the same subject-matter and is germane.

Mr. ROBERTS. Mr. Chairman, the paragraph to which the gentleman offers the amendment relates only to the preparation of a pilot chart of the North Pacific Ocean, while his amendment relates to the entire work of the Hydrographic Office, including all the charts of all the oceans prepared by that office; and it also relates to the Weather Bureau, which the paragraph sought to be amended has no connection with. It also makes provision for the Department of Agriculture to furnish certain information to the Hydrographic Office for general use, not for use in making a pilot chart of the North Pacific Ocean.

I would submit further, Mr. Chairman, that even if the paragraph which is about to be amended might be subject to a point of order, yet the amendment to that paragraph may then be subject to a point of order, particularly if it is legislation, and this amendment offered is legislation, every line of it. The first section is a limitation on the power of the Secretary of the Navy to detail navy officers to such duty as he sees fit.

Mr. LIVINGSTON. Why should not it be limited?

Mr. ROBERTS. Because there is no law authorizing a limitation.

Mr. LIVINGSTON. Here is one.

Mr. ROBERTS. It is a new provision, and it is legislation.

Mr. LIVINGSTON. But it is not necessarily bad because it is new.

Mr. ROBERTS. But it is creating a law where none has heretofore existed.

Mr. LIVINGSTON. I want to suggest to the gentleman from Massachusetts that when he takes a position like this against a paragraph of this importance and knocks it out, it will go to the other end of the Capitol, and then come back here——

Mr. ROBERTS. Oh, let me say to the gentleman that you do not save a cent by this provision. If this is the best information the Committee on Appropriations has as to the effect of their provision, it is not worth a cent. The naval officers draw their pay whether they are in the Hydrographic Office or not.

Mr. LIVINGSTON. They do not draw active pay.

Mr. ROBERTS. The difference between the active pay and the retired pay is not sufficient to offset the crippling of the preparation of the pilot charts, the most important work of the Hydrographic Office, upon the accuracy of which depends the safety of not only the naval vessels, but the vessels in the merchant marine.

Mr. LIVINGSTON. The naval officers do not deserve a bit of credit for the preparation of these charts or any part of it.

Mr. ROBERTS. I know what the Navy Department says, that it is an exceedingly important work that these charts should be prepared under the supervision and inspection of the naval officers in the Weather Bureau.

Mr. GILLETT. What does the gentleman think these pilot charts are?

Mr. ROBERTS. They contain soundings——

Mr. GILLETT. Not at all.

Mr. ROBERTS. I am not certain what they show exactly, but I know what the Navy Department says, that they ought to be prepared under the supervision and inspection of naval officers.

Mr. TAWNEY. We are not disturbing any chart work in the Hydrographic Office, not even the pilot charts.

Mr. ROBERTS. Will the gentleman state what the pilot charts do show?

Mr. HUGHES of New Jersey. The feeding ground of whales. [Laughter.]

Mr. MANN. That is a fact.

Mr. ROBERTS. I have seen these charts on vessels in actual use, and they showed soundings and sailing courses; these are charts for the use of the merchant marine.

Mr. GILLETT. The pilot charts show the direction and forces of the wind, the currents, and general meteorological information prepared in the Weather Bureau under the Agricultural Department.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Minnesota a question for information. What does he want to have the paragraph taken out of its place for and attached to another paragraph?

Mr. ROBERTS. Because they are trying to evade a point of order under a technicality.

Mr. CLARK of Missouri. I do not think they can do that.

Mr. ROBERTS. Nor do I. The gentleman from Illinois reserved the point of order on that paragraph, thinking they would avoid a parliamentary situation when the gentleman from Minnesota takes up later language of the bill and seeks to put it onto this paragraph.

Mr. MANN. I prefer that the gentleman should not state what I think.

Mr. ROBERTS. I did not impute any thoughts to the gentleman.

Mr. MANN. That is what the gentleman said.

Mr. ROBERTS. I was imputing a certain action to him.

Mr. MANN. You do not impute action to men, you impute motives; but we will not debate about that. When the gentleman from Massachusetts gets through arguing the point of order, I want to be heard.

Mr. ROBERTS. I have no more to say on the point of order at present.

Mr. MANN. Mr. Chairman, the paragraph at the top of page 11 has heretofore been ruled upon and was ruled out on a point of order several years ago. It provided for a monthly pilot chart of the north Pacific Ocean. It is the only provision anywhere in the law providing for a monthly chart of anything issued by the Hydrographic Office. That pilot chart is required to show the direction and forces of the wind to be expected during the month succeeding the date of issue; the feeding ground of whales and seals. I might remark, in passing, that if the Hydrographic Office or any other branch of the Government has discovered the feeding ground of whales and seals it is of immense importance, because that branch of the Government that deals with seals has never been able to discover their feeding ground. It provides for showing the regions of storm, fog, and ice; the position of derelicts and floating obstructions to navigation, doubtless thinking that a floating obstruction to navigation in the Pacific Ocean is tied fast to the bottom of the sea, so that it remains in the same position all the time.

Here is a proposition which provides for a monthly pilot chart of the north Pacific Ocean. It is the only specific provision providing for monthly pilot charts anywhere, and the gentleman from Minnesota [Mr. TAWNEY] offers an amendment to provide that hereafter the pilot charts prepared in that office shall have conspicuously printed thereon the following: How they are prepared, the information from which they are prepared. Mr. Chairman, if we have legislative authority, without a point of order being made, to provide for the pilot charts at all, we have the right as a germane amendment to say what the pilot charts shall contain. If the paragraph providing for these monthly pilot charts is subject to a point of order, and that is not made, so that the paragraph is in order, of course any germane amendment to it is in order, and this amendment is simply one providing what this pilot chart shall show; and in connection with the preparation of the pilot charts it provides that the meteorological information received by the Weather Bureau heretofore used, and so forth, shall continue to be furnished with all possible expedition. That is a germane amendment relating to the issuance of the pilot charts, and if this amendment is added to the paragraph which was just agreed to or which is before the House, it will provide simply how these pilot charts shall be prepared and what information shall be furnished for their preparation. I do not see how it can be questioned.

The CHAIRMAN. The Chair would like to hear what the gentleman has to say about the first sentence of this proposed amendment.

Mr. ROBERTS. Mr. Chairman, I was about to call the attention of the Chair to the fact that the gentleman from Illinois carefully steered around that in arguing his point of order.

Mr. MANN. Certainly. The gentleman from Illinois knows the point of order, or tries to, when he sees it. I think the expression "that hereafter there shall not be detailed to or employed in the Hydrographic Office more than one naval officer at any one time" is subject to the point of order as not in itself being a germane amendment to the balance, but, doubtless, if that is the only thing that is subject to the point of order, the rest of the amendment will be offered.

The CHAIRMAN. The Chair is ready to rule.

Mr. ROBERTS. Mr. Chairman, I want to call the attention of the Chair to one thing. The section which is sought to be amended, to wit, the first twelve lines on page 110, provide for compiling a pilot chart of the north Pacific Ocean. Now, under the guise of an amendment to that provision for a specific chart of the north Pacific Ocean, they are seeking to put on legislation which prohibits the detailing of more than one naval officer to the Hydrographic Office for any kind of work connected with that office, and I want to say for the information of the gentleman from Minnesota [Mr. TAWNEY] that the officers detailed to the Hydrographic Office are not concerned alone with the preparation of pilot charts, but with navigational charts, pilot charts, and sailing orders, from 20,000 to 30,000 copies of which are issued annually to merchant vessels and marine organizations.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. ROBERTS. Yes.

Mr. TAWNEY. Is the gentleman aware of the number of commanders and lieutenant-commanders who have been detailed to the Hydrographic Office and are now serving in that office?

Mr. ROBERTS. Yes, Mr. Chairman; I have the list here.

Mr. TAWNEY. There are four, are there not?

Mr. ROBERTS. I have their names and rank, and just where located. There are 7 naval officers on the active list, 4 of them in the main office, 3 in branch offices; there are 10 on the retired list, 1 in the main office and 9 in the branch offices, and they rank from ensign and boatswain to——

Mr. TAWNEY. But this has nothing to do with my question. How many are employed in the office here that are affected by this amendment?

Mr. ROBERTS. Oh, I can answer only one question at a time. The highest office is the lieutenant-commander, detailed for this work. That is one answer to the gentleman's question. Now, what is the other question?

Mr. TAWNEY. I asked the gentleman but one question, and that was to state how many naval officers are employed in the Hydrographic Bureau of the Navy Department here at Washington.

Mr. ROBERTS. I do not know, and that does not have any bearing on this question at all.

Mr. TAWNEY. It has a great deal of bearing. There are four.

Mr. ROBERTS. The Navy Department say in a communication that they need the services of these officers in this particular Hydrographic Bureau.

Mr. TAWNEY. How long has it been since this department had a naval officer in charge of map construction?

Mr. ROBERTS. I am not able to answer that question, and it is immaterial.

Mr. TAWNEY. Nineteen hundred and eight; and up to that time they never had a naval officer in charge of map construction. The work of that division is purely the work of a civil engineer and draftsmen, and the work was under the charge of an engineer up until 1908. Since then they have detailed naval officers, even commanders, to the position of chief of division in the distribution of maps or charts, who serve as commander at $5,700 a year shore pay. Think of it, Mr. Chairman! A commander chief of a division charged with the responsible duty of mailing the charts to observers, mariners, and naval officers. A man on the active list, who ought to be serving on a ship or on the sea, where the Government educated him to serve, is serving here as chief of a little division, charged with the duty and responsibility of distributing the charts that are manufactured and printed for the Hydrographic Office—a service an office boy with ordinary intelligence could perform.

The same is true of every naval officer in that bureau except the hydrographer. This matter, Mr. Chairman, because of the lobbying of the Hydrographic Office, has occasioned more excitement throughout the country than any other provision in any appropriation bill we will consider at this session of Congress. The Hydrographic Office here at Washington conceived the idea that the Committee on Appropriations proposed to consolidate——

Mr. ROBERTS. I yielded to answer a question, and now the gentleman has started in to make a speech.

Mr. TAWNEY. I wanted to make a statement in regard to the necessity, or rather the want of necessity, for the employment of these naval officers in the Hydrographic Office.

Mr. ROBERTS. Well, take it in your own time.

Mr. TAWNEY. I thought I was speaking in my own time; I thought the gentleman had finished.

Mr. ROBERTS. No; I yielded merely for a question. Now, Mr. Chairman, I am not able to state the specific duties of these naval officers who are detailed to the Hydrographic Office, but I do have here a letter from the Assistant Secretary of the Navy, dated March 12, to-day, in which he says that it is essential for the proper preparation of the navigational charts, pilot charts, and sailing orders, both for the navy and for the merchant marine, that they have sailor men in charge, not perhaps to do the actual construction work of making the maps, but men who can instruct the civilians how that information should be utilized to the best advantage for both the merchant marine and the naval service.

Mr. LIVINGSTON. Will you give us the name of the assistant secretary?

Mr. ROBERTS. If the gentleman does not know the name of the Assistant Secretary of the Navy, I will give that piece of naval information; it is Mr. Beekman Winthrop.

Mr. LIVINGSTON. I wanted to know which one.

Mr. ROBERTS. There is only one assistant secretary; I will give the gentleman that further naval information.

Mr. MANN. They change so fast that we can not keep track of them.

Mr. ROBERTS. They have not changed so fast under the present administration.

Mr. MANN. It has not been in long enough.

Mr. ROBERTS. It has been in about one year.

Mr. SHERLEY. Will the gentleman state to the committee how that letter came to be written—whether it was in response to a request of a committee or is it a voluntary letter from the department?

Mr. ROBERTS. It was not in response to a committee request. The Navy Department noticed that provision in the bill. They claimed they had not been consulted as to the propriety of putting that in, and they asked me, as a member of the Committee on Naval Affairs, to seek to strike it out as detrimental to the best interests of the Navy Department and the navy itself.

Mr. SHERLEY. Then it is a voluntary action on the part of the Assistant Secretary of the Navy?

Mr. ROBERTS. Oh, I do not know what the gentleman calls voluntary; but it is official.

Mr. SHERLEY. I do not care whether it is official or unofficial. I wanted to know whether it was upon the committee's request.

Mr. ROBERTS. You have the information.

Mr. SHERLEY. All right, then; as I understand, it is of their own volition.

Mr. ROBERTS. It is of their own volition.

Mr. SHERLEY. That is what I wanted the gentleman to say.

Mr. ROBERTS. Is there any reason why, when legislation is proposed hostile to the interest of a great department, that any of the superior officers of that department should not call that fact to the attention of Congress before such legislation is enacted?

Mr. SHERLEY. I think there is a good deal of reason why they should call it to the attention of Congress in the proper way.

Mr. ROBERTS. Does the gentleman mean to say it is an improper way to ask a Member of Congress to call the attention of the House to this fact?

Mr. SHERLEY. I mean to say that this matter has been known to the Navy Department for several weeks, and that it would have been very easy for them to have appeared before the committee having it in charge and properly and orderly presented their views.

Mr. ROBERTS. I do not know what knowledge the Navy Department had of it.

Mr. SHERLEY. I do.

Mr. ROBERTS. I am told they were not asked to come down.

Mr. SHERLEY. If they were going to volunteer, that was the place to volunteer, where they would be subject to examination as to the reason for their views.

Mr. TAWNEY. I will say to the gentleman from Kentucky [Mr. SHERLEY] that they were before the committee on this very proposition.

Mr. ROBERTS. Somebody from the Hydrographic Bureau, yes; and from the Weather Bureau, yes. It is a very easy thing, as any member of this committee knows, to call before a committee of Congress some subordinate officer and get from him any sort of information wanted.

Mr. MANN. Does the gentleman find that to be the case in the Naval Committee?

Mr. ROBERTS. I have had the same experience that other Members have had.

Mr. MANN. It is not the experience that I have had. I wondered if that was the experience of the Naval Committee in calling various subordinate officers of the Secretary of the Navy and getting any opinion contrary to the opinion of the Secretary.

Mr. ROBERTS. That is a very easy thing to do, as the gentleman knows.

Mr. MANN. I have never found it easy. I found it just the other way.

Mr. SHERLEY. It is easy to write a letter and express views in that letter, when the writer is not subject to cross-examination.

Mr. ROBERTS. Would it not have been a proper thing for the great Committee on Appropriations, when it proposes to put by law a limitation on the power of the Secretary of the Navy to administer the duties of his office, to have had the decency to call him down there? Was he cross-examined on that point?

Mr. GILLETT. I think he was.

Mr. ROBERTS. When you are splitting straws, it seems to me that you had better get the mote out of your own eye before you try to take beams out of the eyes of anybody else.

Mr. SHERLEY. If you want me to answer the question, possibly I can.

Mr. ROBERTS. I have not asked the gentleman a question. At least, I am not aware that I have.

Mr. TAWNEY. Will the gentleman from Massachusetts [Mr. ROBERTS] permit me to ask him a question?

Mr. ROBERTS. Yes.

Mr. TAWNEY. Do you not know that the Secretary of the Navy was invited to appear before the subcommittee on these various estimates, was courteously invited to appear, and he chose to send down the hydrographer and other chiefs of bureaus to answer inquiries concerning his estimates? That is the fact.

Mr. ROBERTS. I still maintain that had the Committee on Appropriations, which is presumed not only to have particular knowledge of naval affairs, but apparently has all knowledge on all affairs, proposed to put such a serious limitation upon the powers of a Cabinet officer, they should at least have consulted him personally, even had he in the first instance sent down a subordinate. Now, Mr. Chairman, I understand the Chair is ready to rule. I am ready for the ruling.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. ROBERTS. Certainly.

Mr. MADDEN. I wish to know whether the gentleman and the other members of the Naval Committee had any trouble in getting information from subordinates with reference to the reorganization of the navy, and whether they got the subordinates into trouble by reason of obtaining that testimony.

Mr. ROBERTS. That is a matter of inference; but I have heard of nobody getting into trouble by reason of information they gave, as yet.

Mr. FITZGERALD. Why do you emphasize "yet?"

Mr. ROBERTS. I am speaking as of the present time, not with any knowledge as to the future, as the gentleman from New York seems to have.

The CHAIRMAN. The gentleman from Minnesota proposes the paragraph, beginning at the bottom of page 110, as an amendment to the paragraph on the top of page 110. The paragraph to which the amendment is offered is clearly subject to a point of order; but no point of order being made, it is subject to amendment by any matter that is germane thereto. The Chair does not think it necessary to cite the precedents that sustain this rule, although there are a great many of them. They have been well decided in reason, and need no argument to justify them. The paragraph proposed to be amended relates to "pilot charts." The paragraph offered as an amendment also relates to the same subject, and is therefore germane, except as to the first sentence. That first sentence of the paragraph is:

Hereafter there shall not be detailed to or employed in the Hydrographic Office more than one naval officer at any one time.

Clearly, in the opinion of the Chair, that is not germane to the paragraph to which the amendment is offered, and therefore the Chair sustains the point of order.

Mr. TAWNEY. Will the Chair permit me to call his attention to the fact that the part of the paragraph the Chair indicates as not in order, because not germane, the first part of it—I think the Chair fails to appreciate the fact that while the paragraph itself, which is not in order, relates to and authorizes the pilot charts, the first part of the paragraph which we propose relates to the office in which the chart is manufactured, to the personnel of the office in which the chart is manufactured. It seems to me that that is germane.

The CHAIRMAN. It seems to the Chair to be an entirely different subject. One is the charts and the other is the administration of the office in which they are made. The Chair sustains the point of order.

Mr. TAWNEY. Well, then, Mr. Chairman, I offer as an amendment to this paragraph the following, beginning with the word "and," in line 21, down to and including "charts," at the end of line 8, page 111.

The Clerk read as follows:

Page 110, after the word "dollars," insert "and hereafter the pilot charts prepared in said office shall have conspicuously printed thereon the following: 'Prepared from data furnished by the Hydrographic Office of the Navy Department and by the Weather Bureau of the Department of Agriculture, and published at the Hydrographic Office under the authority of the Secretary of the Navy;' and all meteorological information received by the Weather Bureau of the Department of Agriculture necessary for and of the character of such information heretofore used in the preparation of the pilot charts shall continue to be furnished with all possible expedition to the Hydrographic Office for use in the preparation of said charts."

Mr. ROBERTS. Mr. Chairman, I make the point of order on the amendment. It has been offered in substance, and is simply a repetition of what has already been ruled out.

Mr. TAWNEY. Mr. Chairman, I do not care to argue the point of order. This is certainly germane to the paragraph to which it is proposed, and differs from my former amendment to the extent that it contains only such matter as the Chair, on the point of order, held to be germane.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, I desire to be heard for a moment. The gentleman from Massachusetts has indulged in a great deal of wild talk in regard to the functions of the Hydrographic Office and the discourteous treatment which he says the Committee on Appropriations gave that office and the Navy Department in not calling them before it. If there is anyone who has cause for complaint of mistreatment it is the membership of this House, and especially the membership of the Committee on Appropriations, on account of the treatment they have received at the instance of the Hydrographic Office and the Navy Department; for the moment that our committee commenced to investigate the question of duplication of service in the Hydrographic Office and the Weather Bureau, that moment the wires were made hot by the Hydrographic Office, communicating with the branch hydrographic offices all over the United States, and also with the maritime interests of the United States and foreign countries, urging them to protest against the consolidation of the work of the Hydrographic Office with the Weather Bureau of the Agricultural Department. They did not know exactly what was going to be done, nor did they inquire; they imagined their bureau, being a civil and not a military bureau, that it was our purpose, in order to avoid this duplication in the publication of the pilot charts, to consolidate the bureaus. Thereupon, or soon thereafter, the Committee on Appropriations and Members of the House began to be flooded with protests against an imaginary consolidation, something that was not even in the mind of any member of the committee; our only purpose when we commenced this investigation was to find out the facts in regard to the duplication of the service of these two bureaus. We soon discovered that the Hydrographic Bureau of the Navy Department and the Weather Bureau of the Agricultural Department were preparing, printing, and distributing identically the same pilot charts. The Chief of the Weather Bureau Service, when he was before us, frankly and manfully said that this was a duplication of service; that his bureau was required by law to furnish to the Hydrographic Office the meteorological information printed on the pilot charts; and that if Congress would provide that this work should be done exclusively by the Hydrographic Office he would cheerfully acquiesce.

The information in regard to currents and in regard to derelicts and sailing routes is furnished by the Hydrographic Office. Both were printing identically the same charts, and printing them monthly, and then they were distributing the same charts to the same observers who furnished these bureaus the information from which the charts are prepared. In that investigation we found that there were four naval officers detailed for service in the Hydrographic Bureau. There is an excuse for the hydrographer being a naval officer, because it is necessary to connect this civil institution with the navy and the merchant marine, but the Hydrographic Office is no part of the navy. The duties of those employed there are the duties of civilians; but notwithstanding that fact, we have four men in that office doing civil duty, doing the duty that $1,800 clerks are doing in other bureaus, and we are paying them from $5,000 to $5,700 a year. That is why the Committee on Appropriations, in reporting this provision, limited the number of officers to be detailed for duty in the Hydrographic Office to one, and that one the hydrographer.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. I would like to have just a few minutes more.

The CHAIRMAN. If there be no objection, the gentleman's time will be extended.

There was no objection.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. PARSONS. In this amendment that was ruled out did the employment of one naval officer relate only to the bureau in Washington?

Mr. TAWNEY. That is all. It does not relate to the branch offices at all; but the Hydrographic Office, in order to work up sentiment against this provision, made everybody think that it limited the employment of naval officers in the branch offices. This provision relates only to the office here in Washington.

Now, Mr. Chairman, I have in the Committee on Appropriations a stack of petitions and protests 12 inches thick that have been sent here at the instance of this bureau for the purpose of influencing Congress in this matter. This has been done because the bureau conceived the idea that Congress was about to curtail and limit its functions.

A better illustration of the difficulty that Congress or any commission appointed by Congress will encounter when they undertake to reform the administrative methods was never given to the House than we have in the activity of the Hydrographic Office to prevent any curtailment even of naval officers to be detailed for service in that bureau. To show you the extent to which they have gone, I want to read a letter-press copy of the most impudent letter I have ever read or know to have been written about the action or proposed action of Congress. The letter is written by the hydrographer, Commander John J. Knapp, who personally is a splendid man and a personal friend. It is marked "Personal," and reads as follows:

(Personal.)

HYDROGRAPHIC OFFICE,
Washington, March 8, 1910.

MY DEAR HUNT: I have learned that the chairman of the Appropriations Committee is holding up the bill in order to prevent any combinations being made against it. Due to this it has been impracticable to get a copy of the bill, as it has not yet been given out; but I was informed from a very reliable source that the objectionable clause was in the bill, and I do not think there is any question about it, although I can not so state officially.

Very respectfully, yours, JOHN J. KNAPP.

The methods employed by the Hydrographic Bureau to prevent the enactment of any legislation intended to effect economy in the service should impress upon Members of the House and the country the impossibility of accomplishing any reform in departmental methods when such reform involves reduction of force or the loss of desired positions.

Mr. Chairman, the Committee on Appropriations here proposes to reduce the number of naval officers drawing high salaries in this civic bureau.

Mr. MADDEN. Who is John J. Knapp?

Mr. TAWNEY. He is the hydrographer, the naval commander in charge of the Hydrographic Office.

Mr. ROBERTS. Who is Hunt?

Mr. TAWNEY. I do not know who Hunt is. He evidently resides in some maritime city.

Mr. ROBERTS. How did you get a copy of a personal letter to him?

Mr. TAWNEY. It was handed to me this morning on this floor by a page, in an envelope.

Mr. MANN. The gentleman probably got it in the same way that the hydrographer got information about the bill.

Mr. TAWNEY. It was handed to me by a page boy. Who got the copy I do not know. But here is a proposition to reduce the number of naval officers whose services are unnecessary in the Hydrographic Office, whose services otherwise would be employed on ships at sea, performing the duties that the Government of the United States has educated them to perform.

We could maintain the Hydrographic Office with all of the service necessary, including the chiefs of divisions and all other employees, without the aid of any naval officer; but in order to connect the work of this office with the navy and maritime interests, a naval officer was provided for as Chief Hydrographer in the law creating the bureau. That is the only naval officer the law authorizes in this bureau. The others are detailed for service in this bureau for the purpose of giving naval officers a soft shore berth at increased compensation.

Now, Mr. Chairman, if Members of Congress do not see fit to aid in bringing about the reforms in methods of administration, no complaint can be made against those who recommend the proposed legislation. This service, I repeat, is not a military service. There is one man, the commander, in charge of the division distributing charts. He draws $5,700 a year to perform civil duties—duties that a $1,600 clerk could perform just as efficiently as this naval officer.

Mr. Chairman, I want to say that shore duty is always more attractive to naval officers than sea duty, because when on shore they receive more pay than they do when on sea duty, and whenever there comes an opportunity to give them employment on shore that opportunity is availed of and the officer is assigned to that duty.

Mr. ROBERTS. He does not get more pay on shore than when at sea.

Mr. TAWNEY. Well, he gets more compensation.

Mr. ROBERTS. Mr. Chairman, I move to strike out the last word. I understood the gentleman from Minnesota to say that he had a letterpress copy of a letter from a Mr. Knapp to one Hunt; that it was handed to him anonymously. How does he know that it is a genuine letterpress copy, and if he does know it, how does it happen that the chairman of the Committee on Appropriations is dealing in purloined correspondence and is exposing to the public personal communications? My only inference is that the gentleman must be a subscriber to the Hearst syndicate. [Laughter.]

Mr. MANN. Will the gentleman yield?

Mr. ROBERTS. I will yield to the gentleman from Illinois.

Mr. MANN. Does the gentleman think there can be any such thing as personal correspondence as differentiated from official correspondence by a department officer on a matter pending in Congress?

Mr. ROBERTS. I know nothing about the circumstances under which the letter was written or is supposed to have been written.

Mr. MANN. We know what it purports to be.

Mr. ROBERTS. If it was an answer to a personal inquiry from a personal friend, I can conceive of his sending the reply marked "personal" to differentiate it from an official letter.

Mr. MANN. He might send it marked "personal," but it would be official all the same.

Mr. ROBERTS. The main part of the argument of the gentleman from Minnesota was devoted to saving expense in the Hydrographic Office by cutting out the number of officers detailed there. As I understood the amendment, which the chairman said was in order, he has eliminated that limitation upon the Secretary, so that as the matter would stand if the amendment was adopted, no expense in the matter of official salary to naval officers will be saved by his amendment. But what will be accomplished?

The gentleman from Minnesota is very anxious to save duplication of work on charts by the Weather Bureau and the Hydrographic Office of the Navy Department. You may look all through this appropriation bill and you will not find a single line preventing the Weather Bureau from duplicating the meteorological charts now published by the Hydrographic Office. Oh, no! The Weather Bureau is not to be limited. It is the Hydrographic Office that is to be limited in this great effort for economy on the part of this committee.

Now, what is the meat in the cocoanut here? It is simply to allow this great Weather Bureau to reach out and have its name printed on all the charts that go out, so that it can get more credit whether it justly belongs to it or does not belong to it. It is to have credit for the work done by the Hydrographic Office. It looks to me as though it was a petty squabble between the Weather Bureau and the Hydrographic Office, in the form that the amendment has taken, and as far as I am personally concerned I do not care a cent which way the committee votes it, the main thing being that they have stricken out of the amendment the limitation on the power of the Secretary of the Navy.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment to the amendment offered by the gentleman from Minnesota.

Add to the amendment the following:

Provided, That no moneys appropriated in this bill shall be expended for any pilot charts prepared in a hydrographic office in which there are detailed or employed more than one naval officer at any one time.

Mr. TAWNEY. Mr. Chairman, before that is considered I want to call attention to a verbal change which is necessary in the amendment that I offered. The word "said" is used where it refers to the Hydrographic Office in the preceding sentence, which was stricken out. In order to make the amendment read correctly, instead of the word "said" being there it should be stricken out and the words "the Hydrographic" inserted before the word "Office" in line 22.

The CHAIRMAN. Without objection, the change will be made in accordance with the statement of the gentleman from Minnesota.

The question is on agreeing to the amendment offered by the gentleman from Kentucky.

Mr. ROBERTS. Mr. Chairman, I desire to make a point of order on that amendment. That is not a limitation.

Mr. SHERLEY. I suggest, Mr. Chairman, it is too late to make a point of order.

The CHAIRMAN. It is too late to make a point of order after the amendment has been discussed. The question is on agreeing to the amendment offered by the gentleman from Kentucky to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Minnesota.

Mr. PARSONS. Mr. Chairman, I would like to inquire of the gentleman from Minnesota what work these naval officers are assigned to in the Hydrographic Office?

Mr. TAWNEY. One is in charge of map construction, another is in charge of the distribution of charts.

Mr. PARSONS. We have heard a lot about him, but what about the other two?

Mr. TAWNEY. The other is chief of a division that has charge of preparing the data that is used in making the plates used in the manufacture of the charts. It is purely routine work. None of the work is military or naval at all.

Mr. PARSONS. Some of it is maritime?

Mr. TAWNEY. Of course. The whole subject relates to the maritime service, but the actual work does not require special knowledge or naval or military science.

Mr. PARSONS. Are these all officers who are on the active list?

Mr. TAWNEY. All but one, and he is drawing active pay, because he is on active duty.

Mr. PARSONS. This would exclude any man on the retired list of the navy?

Mr. TAWNEY. Oh, no; it would not. There is one included who is on the retired list, who is drawing the pay of an active officer.

Mr. PARSONS. Can he still be detailed to this work if the gentleman's amendment is adopted?

Mr. TAWNEY. No; unless he is detailed to the position of hydrographer.

Mr. PARSONS. In addition to the officer who is on the active list?

Mr. TAWNEY. No; I do not think he could.

Mr. ROBERTS. Yes; they can still be detailed.

Mr. COOPER of Wisconsin. Does the gentleman's amendment propose to do away with the services of officers entirely?

Mr. TAWNEY. Oh, no. The amendment that has just been adopted limits the number of naval officers that can be detailed to these several bureaus to one.

Mr. COOPER of Wisconsin. How many are there now?

Mr. TAWNEY. There are four, including the hydrographer; four or five.

Mr. COOPER of Wisconsin. Somebody will have to do the work now done by these officers.

Mr. TAWNEY. That is expressly provided for in the legislative bill.

Mr. COOPER of Wisconsin. If they are not permitted to do the work, somebody would have to be put in their place and receive another salary.

Mr. TAWNEY. Yes. The chief of a division receiving a salary of $1,800 per year will perform the services now performed by the naval officer who is drawing $5,700 per year, and that naval officer can go to sea where his services are required.

Mr. COOPER of Wisconsin. I understand he is not detailed on land when his services are required at sea, and he does not draw any more salary whether on sea or on land. The Government expends $5,700 a year for that officer, and if you take him out of this place, he will continue to draw his $5,700 a year salary and some other man will be put in his place—a new man—and an additional $1,800 will be taken out of the Treasury of the United States.

Mr. TAWNEY. We are told that about half the vessels of the navy are out of commission to-day because they have no officers to man them; and if that is true, then, to the extent that we have officers here doing civil duty when $1,800 clerks could perform the same services, we are responsible for not having a sufficient number of officers for the navy.

The CHAIRMAN. Without objection, the amendment of the gentleman from Minnesota will be again reported.

The Clerk read as follows:

And hereafter the pilot charts prepared in the Hydrographic Office shall have conspicuously printed thereon the following: "Prepared from data furnished by the Hydrographic Office of the Navy Department and by the Weather Bureau of the Department of Agriculture, and published at the Hydrographic Office under the authority of the Secretary of the Navy;" and all meteorological information received by the Weather Bureau of the Department of Agriculture necessary for and of the character of such information heretofore used in the preparation of the pilot charts shall continue to be furnished with all possible expedition to the Hydrographic Office for use in the preparation of said charts: *Provided*, That no moneys appropriated by this bill shall be expended for any pilot charts prepared in a hydrographic office in which there are detailed or employed more than one naval officer at any one time.

Mr. ENGLEBRIGHT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ENGLEBRIGHT. I want to be recognized on this amendment. I think this House has gotten decidedly mixed on this whole proposition. You have here a proposition providing for publishing a pilot chart of the north Pacific Ocean, and you are mixing it all up with the special employment of naval officers in the Washington office, and I submit the way the amendment now stands the amendment simply affects the San Francisco hydrographic office and has nothing to do with the Washington office whatever, and makes a complication, so that this House does not know where it is at, and in all due respect to this committee, I ask that you vote the amendment down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota as amended by the gentleman from Kentucky.

The question was taken, and the amendment as amended was agreed to.

Mr. FOSTER of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Hereafter there shall not be detailed to or employed in the Hydrographic Office more than one naval officer at any one time; and hereafter the pilot charts prepared in said office shall have conspicuously printed thereon the following: "Prepared from data furnished by the Hydrographic Office of the Navy Department and by the Weather Bureau of the Department of Agriculture, and published at the Hydrographic Office under the authority of the Secretary of the Navy;" and all meteorological information received by the Weather Bureau of the Department of Agriculture necessary for and of the character of such information heretofore used in the preparation of the pilot charts shall continue to be furnished with all possible expedition to the Hydrographic Office for use in the preparation of said charts.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent that that be stricken out.

The CHAIRMAN. Without objection, it will be so ordered.

The Clerk read as follows:

Naval Observatory: For 3 assistant astronomers, 1 at $2,400, and 2 at $1,800 each; assistant in department of nautical instruments, $1,600; clerk of class 4; clerk of class 2; instrument maker, $1,500; electrician, $1,500; 3 assistants, at $1,600 each; 3 assistants, at $1,400 each; librarian, $1,400; 2 assistants, at $1,000 each; stenographer and typewriter, $900; foreman and captain of the watch, $1,000; carpenter and engineer, at $1,000 each; 3 firemen; 6 watchmen; elevator conductor, $720; and 9 laborers; in all, $43,240.

Mr. GILLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 22643, the legislative, executive, and judicial appropriation bill, and had directed him to report that it had come to no resolution thereon.

SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 79. Joint resolution providing for the printing of extra copies of the report of the Chief of Division of Military Affairs, office of the Secretary of War, for fiscal year ended June 30, 1909—to the Committee on Printing.

S. J. Res. 37. Joint resolution requiring the printing of public papers and documents from foreign countries in the English language—to the Committee on Printing.

ACCEPTANCE OF STATUE OF JOHN C. CALHOUN.

The SPEAKER. The Chair lays before the House the following resolution, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 20.

Resolved by the Senate (the House of Representatives concurring), That the statue of John C. Calhoun, presented by the State of South Carolina to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of the most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of South Carolina.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] will take the chair.

Mr. JOHNSON of South Carolina. Mr. Speaker, I desire to send to the Clerk's desk and have read the following communication.

The SPEAKER pro tempore. The Clerk will report the communication.

The Clerk read as follows:

STATE OF SOUTH CAROLINA,
EXECUTIVE CHAMBER,
Columbia, March 12, 1910.

To the honorable the Senate and House of Representatives of the United States, Washington, D. C.:

It gives me great pleasure, as governor of the State of South Carolina, to present to the Congress of the United States a marble statue of John C. Calhoun, a native of South Carolina, and one whose name is honored wherever known.

John C. Calhoun was one of the greatest men that this country has produced, and a statesman of renown, who has left his impress upon this Nation, and whose name is indelibly inscribed upon the pages of history, both national and State.

The State of South Carolina begs now to present through me, as her governor, to the Congress of the United States, as the representative of the people of the United States, this beautiful statue of a great and good man.

Respectfully,

M. F. ANSEL,
Governor of South Carolina.

Mr. JOHNSON of South Carolina. Mr. Speaker, I have arisen from a sick bed in order that by my presence at least I might attest my appreciation of the most distinguished man that South Carolina has produced. Although sickness has prevented any preparation, I feel constrained to submit a few observations upon this illustrious man, but I shall not give a biographical sketch of his life. Other gentlemen, who have made that full preparation which the subject and the occasion demand, will go with sufficient minuteness into all dates and events of his great career. He is the one man in American history who needs no flattery. The simple truth will establish his fame among men. He is not understood. He has been more harshly and unjustly criticised than any other man in our public life.

That is due to the fact that one of the great constitutional principles for which he stood preeminently above all of his fellows became involved in a great moral question, which was

answered not by logic but by the passions and the power of numbers. It is well to remember that John C. Calhoun was not the author but the tragic victim of the institution of slavery. He was a man of transcendent ability. This is evidenced by the fact that born and reared in a sparsely settled country with few school facilities, yet in two years from the time he entered a country academy and began to study Latin grammar he was prepared to enter the junior class in Yale College.

Two years thereafter he was graduated from that institution with distinction. The eminent Doctor Dwight, who differed radically from him in his political convictions, admired greatly his intellect, and expressed the opinion that Calhoun had the capacity to be President of the United States, and predicted that he would be.

I have said that Calhoun is misunderstood and unjustly criticised, many people believing that the only great question that he ever discussed was that which was swallowed up in the civil war. In truth he investigated, mastered, and discussed every important question of legislation and administration from 1810 until March 30, 1850, when his great soul took its flight, his eloquent tongue was silenced, and the master brain, which for analysis had had no peer since Paul the Apostle, ceased its activities.

When he came here, in 1810, between the oppression of France on the one hand and England on the other the independence of the United States was nominal only. He took his place as the leader of that set of young statesmen who brought on the war of 1812, which gave us real independence on the land and on the sea and finally settled our place among the nations of the earth. His first great speech in the House of Representatives was made in reply to John Randolph, of Virginia. He spoke upon a resolution which he had presented from the Committee on Foreign Relations. By that effort he at once established himself as one of the great thinkers of the age, and the Richmond Dispatch of that day gave him credit for being one of the most prominent and promising young men in public life.

He was intimately identified with all legislation growing out of the war, and after the war was over and our finances and currency were in miserable plight, he was made chairman of the Committee on Banking and Currency. He investigated the currency and the finances from every possible standpoint, and was more instrumental than any other man in getting the finances properly adjusted and the country brought to a specie basis.

In 1817 he passed from the House of Representatives into the Cabinet of Mr. Monroe as Secretary of War, a position which he held until he was elected Vice-President of the United States. He took charge of the War Department and brought system out of chaos.

In 1825 he became Vice-President of the United States, and was again elected in 1828, but subsequently—1832—he resigned as Vice-President to become a Senator in Congress from South Carolina. And here I may remark, in passing, lest I forget it, that there never was a day when there was not a seat in the Senate of the United States for John C. Calhoun if he desired to occupy it. Whether he occupied a place in the Cabinet or as presiding officer of the Senate, the moment he indicated his willingness to resign there was an immediate resignation of some Senator from South Carolina in order that Calhoun might have the seat. That has happened in the life of no other man in the history of this Republic. I may say, in this connection, that only one time in all his public life did he meet with serious opposition at the hands of the electorate in South Carolina.

In 1824, after he had voted to give Members of Congress a yearly compensation, on returning to South Carolina he found his vote exceedingly unpopular. Most of the Members of Congress who voted for that measure were never returned. Calhoun's friends urged him to apologize to the electorate of his district and acknowledge that he was wrong and ask their indulgence. But that he refused to do. Not believing that he was wrong, he could not apologize. All he desired was to be heard by the people. He went upon the stump, and he presented with that precision and that logic for which he was noted his reasons for his vote, and was triumphantly elected to Congress. That was the first and only time, Mr. Speaker, in all his forty years of public life that he ever met opposition at the hands of the people of South Carolina.

When he retired from the Vice-Presidency he entered the Senate in what is characterized as the "debating era" of this Government. There he found as colleagues Thomas Hart Benton, Henry Clay, and Daniel Webster. Even the names of many of the men in public life at that time have passed from recollection, but these great intellectual giants stand out preeminently in our history and are known to every schoolboy. It is not necessary to say that as Calhoun had taken the lead in the House of Representatives in that set of young statesmen who brought on the war of 1812 and established our independence upon the sea, in fact as well as in name, in the other end of the Capitol he was likewise among the foremost.

As I have already said, he discussed all the great questions from 1810 to 1850; and while his life went out as a great tragedy, his place in history is secure.

It is a remarkable coincidence, Mr. Speaker, that just a hundred years after John C. Calhoun was elected a Representative in Congress, the people of South Carolina, through the general assembly, accepting the invitation of Congress to place in Statuary Hall in bronze or marble the effigy of one of her most eminent citizens, has sent to this place the immaculate Calhoun. Pure, white, and spotless as is the marble statue which was this day unveiled, it is not whiter, it is not purer, it is not more spotless than was John C. Calhoun as he tabernacled in the flesh. [Applause.]

And so, Mr. Speaker, South Carolina presents to the American people in lasting, enduring form, the statue of her greatest citizen; and as I heard an eminent scholar in another body say to-day, that of itself is no small compliment, for in war or in peace she has always occupied a conspicuous place in our history. She presented in 1810, and has presented in every period of our history, some of the most eminent men in the life of the Republic.

Mr. Speaker, I have not the time to dwell upon and develop the thought, but I wish to mention it in passing, that South Carolina has come to be the greatest cotton manufacturing State in the Union save Massachusetts; but the protection sentiment in that State is negligible. What an eloquent tribute is this to John C. Calhoun!

Take our greatest and most eminent citizen in spotless marble as the heritage of all the people, and let his pure life be an inspiration to pure living and high thinking.

Mr. McCALL. Mr. Speaker, Statuary Hall is, somewhat ambitiously, I think, often called our national Pantheon, where a place is given to the statues of the great men of the Nation. The collection doubtless belongs to the Nation, but in no other sense except in a peculiar one can it be called a national gallery. The selections are made by no national authority, but by the separate States, which are given the equal right to choose two men whose statues shall appear there. The hall is thus primarily a gallery for the States, and that fact must be borne clearly in mind in order to understand the meaning of the collection. The States have usually done themselves justice, and, with very few exceptions, have made the best selections they could make, but as they are far from equal in fertility as mothers of great men it is inevitable that there will be far greater men not represented in the collection than some of those who are there. Virginia, for instance, is a very nurse of lions. She has already presented her two statues, and yet, if she were given the right to add to the number, she has in reserve Patrick Henry and Thomas Jefferson and John Marshall and James Madison, any one of whom many of the States would be proud to make their first choice. It is then a gallery of the great men of the States rather than of the Nation.

But it is fortunate that we have a collection formed in this way, because of the breadth of the portrayal which it really gives to our history. Instead of witnessing there a single historical tone, as we should if the gallery were filled by the choice of New England, or the West, or the South, or possibly by some central authority, we have the local and sectional coloring; the choice of the different States gives us a blending of characters standing for different and even opposite shades of thought, and we see there side by side the men out of whose conflicts with each other has been evolved the America of to-day. [Applause.] How vastly better and broader this than to have none but safe and orthodox statues illustrating a single constitutional school, statesmen who advocated the same doctrines, soldiers who always fought the same battles, with no suggestion of the fierce internal struggles by which the Nation was molded. Statuary Hall thus has a high value as a gallery of history with the different sides of our great struggles represented. It is perhaps too much to hope that it should also be a gallery of art.

The pending resolution formally accepts from the State of South Carolina the statue of John C. Calhoun and thanks the State for the gift. I think in this gift that she has done herself full justice, and is presenting the statue of her most distinguished son, who played a great part in the development of our national history. He was born and educated in the State and was identified with her throughout his whole life. For nearly forty years he was connected with the Government of the Nation in the most responsible positions. He held the offices of Representative and Senator from South Carolina, of Secretary of War and of State, and of Vice-President. He was practi-

cally in continuous service from 1811 to 1850, when he died in Washington while a Member of the Senate. In point of intellect and in purity of character he ranks among the very greatest of our statesmen, and, although his name is more conspicuously identified than any other name with the theory of nullification, a theory to which his extraordinary power of logic gave practical force as a political principle, more than once in critical times he devoted himself to the work of preventing a rupture between the central and the state governments and of maintaining the Union. He was throughout his whole life devoted to his native State. His first recollection was of South Carolina as a completely sovereign republic except for the Articles of Confederation which had little or no binding force. He was nurtured in the idea that his State was his country, and in his political philosophy his primary allegiance was to her, and through her he derived his more remote and less affectionate relations with the Federal Government.

He was fortunate in his education, considering the times. His early boyhood was taken up with the reading of a very few good books. For two years, which seems to have been almost the entire time of his schooling in South Carolina, he attended a famous school which was held in the woods with the boys living in log cabins and farm houses near by, and every morning at sunrise the master would summon them to work with a blast upon a hunter's horn. He was a serious-minded boy, and remained of a serious temperament throughout his life.

His biographer, Mr. Hunt, tells us that he rarely read poetry, and that when he once essayed to write some verses every stanza began with "whereas." His two years spent in Doctor Waddell's school fitted him for the junior class at Yale College, from which, after two more years of study, he graduated. He then took a two years' course in a law school in Connecticut. Thus, of six years spent at school, he was for four years in the North. We should expect that his residence there would have affected his views upon the great constitutional question with which he was afterwards identified. And this is not at all unlikely, for the theories that were kindred with nullification were probably as rife at that day in Connecticut as they were in South Carolina. And there is evidence that one of his law teachers was of opinion in 1804 that the time had arrived for New England to separate from the Union.

When he entered Congress nearly all the leaders of the Revolutionary period had passed from the stage and the affairs of the Nation were soon to be directed by men of the next generation. During the next forty years Congress was to be largely dominated by three men—or, at least three men stood out so conspicuously from their associates as to form a class by themselves; they were of such heroic proportions as to cause us even to this day to look back upon that period of our congressional history as upon a golden age. Calhoun was one of that triumvirate, and the others, it is hardly necessary to add, were Daniel Webster and Henry Clay.

Calhoun's service at Washington divides itself into two periods. From 1811 to 1828 he was a national statesman. He declared in the House of Representatives that he was not there to represent a State alone, but that he would contend for the interest of the whole people. It was a theory of his at that time that the "Constitution is not a thesis for the logician to exercise his casuistry on." He declared that woolen and cotton manufacturing should have a moderate but permanent protection. In his first term in Congress he brought in the resolution for war against Great Britain, a war which, except for the brilliant success of our few ships, was neither a glorious nor a decisive war. As Secretary of War he was a member of the same Cabinet as John Quincy Adams, and worked with that critical statesman in a way to gain his admiration. With the possible exception of Henry Clay, he was as thoroughgoing a national statesman as could be found in Washington during his first fifteen years of service.

We now come to the second period of his service, and in what I shall say concerning this period I shall confine myself to a few observations upon the subject which presents the most important aspect of his career. He was by far the foremost representative of the idea of state sovereignty and of the right of a State to veto national laws, and it is in that relation that he becomes a great historical character, imperishably associated with the overshadowing constitutional struggle of our history. His position upon this issue was first clearly apparent in 1828. The operation of the protective tariff had proved burdensome to South Carolina, which was almost purely an agricultural State, with a system of slave labor unfavorable to the development of manufactures. Extreme hostility to the tariff led, under the loosely formed constitutional notions of that time, to the development of the nullification programme.

Calhoun found a sentiment of opposition to this unpopular law widely prevalent in his State, and was influenced by it, but that alone was not responsible for his position. He believed the State to be sovereign. Our history at that time was full of instances, which might serve him as precedents, where the authority of the Central Government, as against the States, had been questioned. The Virginia resolutions, which had been drawn by Madison, one of the fathers of the Constitution; the Kentucky resolutions, which were the work of Jefferson; the proceedings of the Hartford convention, which had been participated in by nearly all of the New England States, gave basis for the claim that the States might nullify an unconstitutional law of the Nation. Calhoun attempted to justify the attitude of his State in its hostility to a national law, and drew up the famous exposition of 1828, which strongly asserted the doctrine of nullification and attempted to give it constitutional form.

He declared that each State might nullify a national law which it regarded as in violation of the Constitution, and that the State itself was the judge whether a law was constitutional or not. It is probable that at that moment Calhoun was rather a follower than a leader, and that he reluctantly accepted an opinion that was rapidly acquiring revolutionary force. The State definitely took its place as the leader of nullification, and there was never afterwards within her borders a real division upon that question. The court of appeals, which held the official oath unconstitutional because it did not include the National Constitution, was legislated out of existence, and the great union leaders were driven into exile and identified themselves with other States.

Calhoun resigned the Vice-Presidency and took his seat in the Senate in December, 1832, and in the following February he made perhaps his most remarkable speech, occupying two days, in which he amplified the doctrine of nullification with a remarkable power of statement and analysis and with an intense and remorseless logic, pressing to conclusions from which it appears difficult to escape, but from which one instinctively recoils. He declared that the Constitution was a compact between the States, which remained sovereign, and that the Central Government possessed none of the attributes of sovereignty, but only exercised powers delegated to it by the States; and that upon the question whether the National Government had encroached upon the reserved rights of the State, the latter alone was the rightful judge. He argued that to permit the National Government to decide finally upon the constitutionality of its own laws would be ultimately to destroy the States. Yet in its practical effect it was clear that his doctrine that the States were the rightful judges of the constitutionality of national laws, which they assumed the power to nullify, would as effectively destroy the National Government or reduce it to a mere shadow. To this speech a reply was immediately made by Webster, who showed the chaos that would result from the application of the theory, and who maintained that the basis of the National Government was not a compact, but a Constitution binding all the States and the people within its sphere and forming a union which revolution alone could overthrow.

The theory of nullification, however, had received in the speech of Hayne in the Senate its most popular presentation while Calhoun was yet Vice-President, but after South Carolina had adopted the exposition which codified it and for the first time gave it a definite form. That speech was one of the most brilliant in the annals of our Congress. It was not so philosophical nor so closely reasoned as were Calhoun's speeches, but it presented the theory with great force, and it contained a slashing attack upon New England and upon some of her public men. It was a brilliant fighting speech, worthy of the place it holds in our greatest debate. Hayne rendered his country a real practical service in the personal and sectional passages of his speech, because they served as a whip to arouse the combative instincts of one of the statesmen of New England. Daniel Webster was then a member of the Senate. He doubtless would have made a great constitutional argument if he had been attempting to reply to a coldly constitutional and logical speech, such as Calhoun would have made, for Webster had at that time won the place which he held unchallenged for a quarter of a century as the leader of the American bar. But the dashing personal and sectional attack which Hayne had delivered moved the large and somewhat sluggish nature of Webster to something more than a constitutional argument. It thoroughly awakened him and kindled his passion so that while his reply vindicated the cause of the Union and the supremacy of the National Constitution with amazing power, it did much more. It glowed with the warmth of passion, it displayed a superb

irony and invective; in the declamatory passages it spread out the colors of a gorgeous rhetoric; in brief, it presented the great argument in a popular form, something that gave it much of the tremendous influence which it was destined to exert in molding popular opinion. This speech planted the idea of nationality broadcast, and it was time that that was done. There was scarcely a school boy in the North in the quarter of a century before the civil war who did not declaim it. It built up, if it did not create, the sentiment of nationality. Much has been said about the decisive battles of the world. One needs to be cautious in using the superlative, but I think it can at least fairly be said that this speech of Webster's is one of the very few decisive speeches of the world, and that it is largely due to it that the cause of union finally triumphed.

The oratorical duel to which I have referred between Calhoun and Webster in 1833, while not so dramatic nor of nearly so popular a character as the debate between Webster and Hayne, gave the most complete discussion of the question that it ever received. While much was afterwards spoken upon the subject, but little, if anything, was added to the argument.

Calhoun died in 1850. There was after all a warm spot in his heart for the Union, and in the last days of his life he was struggling to compromise the situation and to keep the Union running, although he was profoundly pessimistic as to the outcome. At the same time, Webster was setting the Union above everything else and alienating many of his friends at home by the sacrifices which he was willing to make for it. Neither of them lived to witness the final appeal to the tribunal of war. That tribunal rendered a decree, the justice and wisdom of which are beyond question, in favor of nationality, and it decreed also that as we have an indestructible Union, so, in the lofty language of the Supreme Court, spoken since the civil war, it is an indestructible union of indestructible States. [Applause.] Unless by new amendments the powers of the National Government can be augmented only by usurpation, which would be no less repugnant to Webster's constitutional theory than was nullification itself. There is danger that we may forget the fundamental importance of maintaining the balance established between the States and the National Government. Undoubtedly the tendency of our time has been toward the absorption by the National Government of the reserved powers of the States. We are tugging at the fetters of our written Constitution as at a chain, and by a species of governmental hypocrisy we have more than once pretended to exercise a power which is granted in order really to wield some power which is not granted. It is for us to see to it that the system, which secures union while it safeguards liberty, and which war and argument have done their best to establish, shall not be disturbed by state nullification on the one hand nor by national usurpation on the other. [Applause.]

But we of to-day are separated from their time by one of the most colossal of wars. While they had their fears, they did not know what was to come. They were struggling in a peaceful forum for the conflicting views of our system. And as the realism of art perpetuates the past and projects it vividly into the present, so in a hall in this Capitol, which more than once rang with their eloquence, the foremost champion of nullification and the great defender of the Union may still be seen contending with each other and fighting over again in marble the great battle of the Constitution. [Loud applause.]

Mr. LEVER. Mr. Speaker, tender as a mother in solitary vigil over her first born, for more than half a century the State of his nativity has kept loving watch over the sepulchered ashes of her most illustrious citizen. For forty years she intrusted him with a confidence akin to idolatry, and the vicissitudes of two generations of men and measures have not sufficed to lessen that veneration nor to bring disloyalty to his memory. His influence upon the standard of political morality and official purity in his State is as vital to-day as when he drew the drapery of his couch about him and laid down to pleasant dreams.

The auspicious events of this day, recording the verdict of exact and impartial history, mark the consummation of tribute of a reunioned people. The Nation, removed from the bitterness, strife, and misunderstanding of his distinguished activities, here welcomes the opportunity to join South Carolina in canceling a long-standing debt of gratitude, in paying proper homage to his loyal and unselfish patriotism. The Nation honors itself; the fame of John Caldwell Calhoun, always secure, now happily commands its national recognition.

Our Hall of Fame, filled with the testimonials of a people's love and gratitude to their great dead, holds none which deserves them more than that unveiled to-day. No encomium the Nation may pay him can compensate for the life he devoted to her service. The matchless probity of his imperial character, his undoubted love for the institutions of his country, are a lesson and an inspiration inestimable in influence upon generations yet to come. To quote the measured language of Mr. Webster, his greatest compeer, Mr. Calhoun was "a man of undoubted genius and commanding intellect, of unspotted integrity, of unimpeached honor." "He has lived long enough, he has done enough, and he has done it so well, so successfully, so honorably, as to connect himself for all time with the records of his country." Aye, in truth, his endeavors alone have builded a monument imposing beyond the power of man to devise. His other great compeer, Mr. Clay, refers to his "transcendent talents; clear, concise, compact logic; his felicity in generalization surpassed by none." In like vein spoke all of his great contemporaries, each eulogizing him as a man of spotless character, unsurpassed genius, unalloyed devotion to duty and country. Mr. Blaine, himself the most dazzling political leader of his time, in his admirable work, Twenty Years of Congress, pays him the tribute, "History will adjudge him to have been single-hearted and honest in his political creed." "His life was eminently pure, his career exceptional, his fame established beyond the reach of calumny, beyond the power of detraction." This prophecy is fulfilled; history has adjudged; its decree is writ; imperishable is the fame of the the great South Carolinian! [Applause.]

The most vital period in a nation's history—a nation whose institutions rest upon written constitutions—is that which may be called "the period of interpretation." In the annals of time no assemblage of men contained more wisdom, more devoted patriotism, more comprehensive reach into the future than that which framed our Federal Constitution. Even it builded wiser than it knew. A broader, more pregnant, and all-embracing instrument was never conceived in the wisdom of mankind. Out of it has grown the glory of the Nation and upon it is predicated her greatness for the future. This, "the work of the ages, chief classic in the literature of freedom," stands without parallel in the history of human government as man's greatest work for freedom of men. [Applause.]

The inherent potentiality of a written instrument is measured by the wisdom of its interpretation. As through the centuries the destiny of England has been shapen in her traditions the course of these United States is mapped in the interpretation of its written Constitution. The searchlights of ships, breaking the gloom of the trackless deep, point the pathway of safety; interpretation, illuminating the dark, pathless way of the ship of state, marks her course for weal or woe.

The interpreters of the Constitution have exerted an influence greater, certainly not less, than its framers in determining the character of our institutions. Free government is a growth, a development, a process of evolution, the resultant of wise interpretations as well as correct and sound fundamentals. The Constitution was but dumb, unliving parchment until touched by the genius of interpretation. In hallowing the sages who wrought it into form let us not forget the services of the philosophers and prophets whose transcendent intellectualities infused into it life and power by the masterful sagacity of their interpretations.

During this period, the building upon the foundation, the transition stage, the most perilous of all others, the rock fatal in the career of republics, the combat of giants, the charge and recoil of master spirits, the sons of South Carolina shone brightest in the firmament of national ideals and carried her flag furtherest to the front in the field of thought and influence. No State of this Union ever contributed, at any one time, a greater array of brilliant leaders than did South Carolina, in her William Lowndes, Langdon Cheves, Robert Y. Hayne, William C. Preston, George McDuffie, John C. Calhoun. [Applause.] Great as were all these great characters, powerful as was the impress of each upon the thought of his age, popular in State and Nation as they were, preemient in learning and eloquence, devoted and unswerving to country and a high sense of duty, Mr. Calhoun stands above and beyond them all in the completeness of his character, the fullness of his wisdom, the matchless splendor of his mind. In moral and intellectual grandeur he was without peer among all these great men, whose brilliant accomplishments have brought so rich a luster to the history of South Carolina.

From his entrance into her legislature to the day of his death his power in the State was substantially absolute. Her destiny she willingly committed to his keeping. And out of this arose the charge that his predominance in her affairs had crushed the spirit of her independence, moving the celebrated ex-Governor Perry to say:

I thought, after the death of Mr. Calhoun the people of South Carolina could think more independently.

What higher tribute can be paid any force of character or power of intellectuality than to admit they held so complete and welcomed mastery over so proud and independent a people!

The power of Mr. Calhoun in the State was the indirect effect of his commanding preeminence in the affairs of the Nation. It was in this forum that his great wisdom, his wonderfully acute analytical powers, his marvelous grasp of public questions, his prophetic vision, his personal and political integrity, gave him a place enjoyed by few—surpassed by none—in this most important pivotal period of interpretation. From his advent into the national arena until the close of his momentous life the impress of his mighty mind, in conjunction with those only who ever approached him in intellectual force and influence—Webster, Clay, and Benton—stamped itself upon every page of the history of that period.

Calhoun, Webster, Clay, Benton, each greater, each less than the other, this roll call sounds the depth of the Nation's intellectual pride. [Applause.] The legislative history of civilization fails to furnish a quartette comparable with this in the variety of its talents, the magnitude of its genius, the wisdom of is leadership, and the clearness of its prophecy. England's masterful triumvirate—Burke, Fox, Pitt—measured by the standard of comparative abilities and attainments, must give place to our more masterful four.

In no other country has any like combination of men commanded a firmer grip upon or a more thorough conception of the problems of the present, nor exerted upon those of the future a greater or more lasting influence. During all their long service none arose powerful enough to dispute their dominancy in the forum of their activity. In this field they were supreme, all-powerful, overshadowing every other and all others—history's greatest Senators. Here they were the embodiment of the thought, policies, ambitions, and prophecies of the Nation. Their lives are the history of that generation; their philosophy, teachings, and interpretations the bases upon which the institutions of government rest even to this day.

Of this splendid galaxy, this inseparable quartette of political philosophers, none eradiated a more conspicuous and constant brilliancy than Mr. Calhoun. It is true he did not possess the enormous knowledge of Mr. Benton, nor the highly developed perception and penetration of Mr. Clay, nor the rich imagery and almost divine prophecy of Mr. Webster; but in the domain of speculative philosophy and metaphysics he was greater than all combined. He was not so practical as Mr. Benton, nor so dashing a parliamentary leader as Mr. Clay, nor so incomparable an orator as Mr. Webster; but as a logician he is unrivaled among the sons of men.

Mr. Calhoun was not a great orator. He was a great speaker and an unerring analyst. He addressed the intellect, not the emotion. The marked characteristic of his mind was its power of analysis, a faculty which when fully developed constitutes the highest order of human genius. His was not the meteoric genius that dazzles only to blind, but the kind which resolves abstrusest problems into simplest elements. No mind was ever better equipped for the peculiar task which engaged it than was his in unfolding the novelty of an untried democracy. The paucity of precedents of that day forced its statesmanship upon its own resources and opened the most inviting field for the philosopher and the metaphysician. The Constitution gave only general principles to be resolved into their constituent parts, each to be applied to existing circumstances. The wisest and most original thinker could only speculate as to the results. It was the period of interpretation, the especial field of the analyst.

The stage setting, actors, the drama itself, conspired to provoke the fullest exercise of Mr. Calhoun's characteristic talents, and he played the rôle of interpreter as no man in our history ever played it save Mr. Webster alone. Mr. Webster did not excel him. Upon the intricate questions of this time, so full of complexities, he brought to bear his great power of simplification, direct thinking, resistless deduction, sustained concentration. In such circumstances his power of reasoning, of breaking the mass of things into self-evident first principles, of bringing order out of chaos, of illuminating for others, with the mighty light of his own intellectuality, the dark and apparent impenetrable, gave him first rank among the master minds of this important epoch.

It was this power of concentration, this ability to see beyond the intervening rubbish the one object for investigation, this almost superhuman directness of perception, that was his greatest strength and yet his greatest weakness. In the telescopic operations of his great mind, the subtle precision of his reasoning, the complete absorption of all his faculties in the subject of immediate investigation, it is said, caused him at times to overlook the present correlated influences or to appreciate their ultimate effect upon the practical results of his final conclusions. Within the limits of his vision he was without peer; but it is asserted that the safety of his leadership and the soundness of his theories were impaired by the narrowness of that vision.

He saw the ship of state swinging down the encliffed channel of the future, saw it with a clearness approaching the supernatural; saw the placid waters upon which it floated; saw the hidden rocks, the dangerous shoals, the roaring cataract; saw them as no other man of his time saw them, and devoted his energies, his wonderful powers, his life itself, to giving her safe voyage. For him the Constitution had marked that channel, for him the Constitution was that ship's compass; beyond that he could not and did not see—the pilotage of none other would he trust. In his own language, "To restrict the powers of this Government within the rigid limits prescribed by the Constitution," this was the chart of his interpretation, the embodiment of his attitude. By this he followed his course, formulated his policies, directed his activities, predicated his prophecies. All other considerations were subservient, to keep "within the rigid limits prescribed by the Constitution," was the supremest thought of his mind, the dearest object of his heart. If to follow the teachings of the fathers is weakness, who but glories in the charge?

"The rigid limits prescribed by the Constitution"—words how full of meaning, how pregnant with the combat of master minds, with history, with destiny itself! They hold the long, illustrious life story of John C. Calhoun. They contain his doctrine of nullification—the word he wished inscribed upon his tomb—they comprise the tragic events of secession; they embody the doctrine of states rights, which yet lives in its virgin strength, shedding its beneficent influences upon the statesmanship of this generation. To him these words meant liberty, union, and the Constitution, one and inseparable, if that might be; but liberty and the Constitution inseparable forever.

To the preservation of these he concentrated his abilities with a devoutness bordering upon fanaticism. Considerations of self were buried in the unflinching struggle. Ambition was sacrificed upon the altar of principle to keep intact and pure these priceless jewels. In the zeal of his guardianship is found explanation for the seeming inconsistencies of his career. Viewed in the light of this indisputable history, the mists of misunderstanding which for two generations have dimmed the splendor of his character begin to roll away and unveil him to us the purest, most unselfish, most devoted patriot.

A course moved by such ends necessarily brought maledictions upon him and necessitated that independence of party trammels which have made those who love a man admire him most. He refused to bow to the caprice of unthinking constituencies, ready at all times to relinquish his commission to those whom he honored to represent. Others might compromise their convictions for the commendation of the hour, others might swerve from the path of duty to avoid its dangers, others might flee from the wrath of public opinion, others might be deaf to the pleadings of the seers, others might quail before the lightning flash of the hastening storm, others might temporize and hesitate, but not this man of rugged courage and iron independence.

> He, like a solid rock by seas inclosed,
> To raging winds and roaring waves exposed,
> From his proud summit looking down disdains
> Their empty menace, and unmoved remains.

[Applause.]

Upon his monument, in historic St. Phillip's churchyard, are engraven the words, "Truth, justice, and the Constitution." Fittingly they comprehend the ideals for which he wrought. In his toilsome pursuit of them, he disdained the allurements of ambition, scorned the groveling practices of smaller men, endured without murmur the darts of misunderstanding, the shafts of misrepresentation, and the malignant arrows of fanatical hate. Unawed and unmoved by the fury of conflicting ideals, unterrified by the menace of lowering clouds, unseduced by the beckoning hand of preferment, he strode forward, sometimes the popular idol, sometimes alone, always self-reliant in the strength of his mighty gianthood—the defender of truth, the champion of justice, the protagonist of a strict and literal interpretation of the Constitution. [Loud applause.]

Mr. ELLERBE. Mr. Speaker, the occasion which has today brought together this concourse of patriotic citizens is one which has found its precedent in history, from the first gray dawn of civilization down to the present day.

Excavators have discovered on the banks of the Tigris, where they have been buried for ages, slabs of alabaster which exhibit in relief the forms and faces of the men who governed the East in that remote period.

It has been the custom of most nations to erect bronze or marble statues in commemoration of their great men.

There is the fond desire, always in the hearts of the living, to perpetuate the forms of those who have been distinguished in the service of God and man, or of those whose hearts have beat in unison with our own, and we seek to express this desire in the immortality of art.

The great Carolinian, to honor whom we come to-day, sleeps in his own loved Dixie. The stately pines lift their heads proudly around his tomb and whisper to each other the story of his pure and patriotic life. His fame is secure, for it is guarded by his own good works. We know that we can add nothing to that fame, for—

His grandeur he derived from Heaven alone,
For he was great ere fortune made him so;
And strifes, like mists that rise against the sun,
Made him but greater seem—not greater grow.

[Applause.]

But the spontaneous love of southern hearts has placed this statue in the halls which have echoed to the words of his eloquence, because they desire to have their children and their children's children know how South Carolina loves and honors her greatest son—John C. Calhoun. [Applause.]

This is not the hour in which to measure his labors or interpret his ideas. Looking back through the years we realize that his large experience and broad forecast gave him notice of national dangers as the wires of the telegraph flash news of startling import unknown to the slumbering villages through which they pass.

With Calhoun there was never a thought of self. His great heart was filled to overflowing with love of his State, and without hesitation he gave up the second, and surrendered all hope of the first, office in the country to defend South Carolina in her solitary attitude of opposition to protective policy. [Applause.]

The grandeur of his intellect, the purity of his patriotism, and the blamelessness of his life were appreciated fully by his great rivals in the Senate, and his glory only shines the brighter in conjunction with those rivals.

Calhoun, Clay, and Webster—what a triumverate! Everett says:

They can but be named in alphabetical order; what other precedence could be given them? Calhoun, the great thinker; Clay, the great leader; Webster, the great orator.

Distance can not destroy nor time diminish the simple splendor of Calhoun's life. It shines, and is a guidance to admiring posterity.

And now, when the grateful task of placing here this statue is complete, we hand it over as a gift to the Nation.

The stranger approaching this sacred spot shall linger and gaze upon the form of South Carolina's greatest son, and shall realize that he still lives in the hearts of his people and the history of his State. [Applause.]

May this statue stand firmly upon its pedestal as long as the Dome of the Capitol rises in grandeur above it.

May it inspire in youthful hearts the desire to give the best that is in them to the service of their country, even as did John C. Calhoun. [Loud applause.]

Mr. LAMB. Mr. Speaker, my friends and colleagues from South Carolina have requested me to present some views on the life and character of John C. Calhoun. I wish their choice had fallen on some abler and less busy member of the Virginia delegation, for Virginia's estimate of the noble South Carolinian deserves a better tribute than I am able to pay in the limited time I have had for preparation, as well as the time that due regard for the proprieties of the situation warrant me in using on this occasion.

In Virginia we regard John C. Calhoun as a grand son of the Old Commonwealth—for his father, of revolutionary fame and achievement, emigrated from Ireland before the revolutionary war, and settled in what is now Wythe County, Va., where he married a lady of the name of Caldwell, the mother of John C. Calhoun, and whose family also came from Ireland. Patrick Calhoun was driven by the Indians from the western part of Virginia. In 1756 he removed to Abbeville District, in South Carolina, where John C. Calhoun was born on the 18th of March, 1782, being the youngest of five children—four sons and one daughter.

He was named for his uncle, Maj. John Caldwell, who was assassinated by the tories in the Revolutionary war. Stories of this Revolutionary hero were told me around the fireside in my childhood, and a graphic recital of his encounter with and slaying a Cherokee chief that came to my notice only two days ago recalled the history of Virginia and South Carolina as taught me by my father about the time of the death of John C. Calhoun. Perhaps of all these who will to-day speak of this patriot and statesman I am the only one who recalls his death and the tribute that was paid to his life and character by Virginia, as well as South Carolina. I shall never forget the comments made by my father and his neighbors, and the tributes the Virginia papers paid to his memory.

None can question the selection by South Carolina of John C. Calhoun to occupy an honored place in the hall of America's most famous men. Calhoun's title to this honor is spread on page after page of the history of his State and the history of this Nation.

In private and in public life, in character, genius, and successful achievement of great tasks he stamped himself a man to be honored and remembered, and South Carolina does well to place his statue here.

His worship of truth, his sincerity, and his sterling integrity were never questioned. No charge of corruption or intrigue ever stained his public life. America claims no statesman whose private life and moral character stands higher; none whose genius and ability can greatly overshadow him. His State may well be proud of him, this Nation may well honor him, and history must justly place him in the front rank of great men of any age or country.

His was a mind combining in rare degree those qualities that constitute an intellect of the highest order. As a logician he has been ranked with Chief Justice Marshall, and, like Marshall, believed that the true art of logic was in rightly stating the first proposition.

No less prominent was his great moral courage, and his perfect reliance on the power of truth, and the capacity of the people to be convinced of it. Often in advance of the times, he suffered in prospects and political honors in defense of opinions that he lived to see successfully adopted by his opponents. Yet never hesitating to avow his opinions, however unpopular at the moment, confidently stating that he never knew the time when the American people could not be made to see the truth.

He was not learned, in the general acceptation of the term, for leisure and opportunity for the details of scholarship were not afforded him. He gathered vast stores of information from every available source, especially from contact and exchange of views with other men.

With true genius he separated the true and the valuable from the false and erroneous. His mind worked with wonderful speed and rare accuracy.

Calhoun richly deserved the tribute of Winthrop, when he said that—

There was an unsullied purity in his private life; there was an inflexible integrity in his public conduct; there was an indescribable fascination in his familiar conversation; there was a condensed energy in his formal discourse; there was a quickness of perception, a vigor of deduction, a directness and devotedness of purpose in all that he said or wrote or did; there was a Roman dignity in his whole Senatorial deportment, which, together, made up a character which can not fail to be contemplated and admired to the latest posterity.

Calhoun as a statesman was unquestionably one of the most brilliant of this country. To devoted patriotism he added sturdy independence, disdaining to calculate the consequences of the faithful discharge of his duty. Fortified by conscious rectitude and purity of motive, he firmly and boldly followed his convictions with an ability, force, and persistence that nothing could withstand. Never timid, never time serving, he vigorously and ably pursued a course purely national, regardless of mere sectional or local interest. Farseeing and sagacious, advocating measures for the good of his country before their necessity was commonly apparent and approved, he constantly sought to lead and mold the public thought, rather than wait to follow it in inglorious safety and popularity. [Applause.]

A devoted worshiper of republican institutions, he aimed to give firmness and durability to our form of government, and to demonstrate to the world its superiority over all other forms of government. An ardent student of its principles, he labored incessantly for means and measures to preserve and perpetuate them. Though an active and conspicuous leader in party excitement and strife, all concur in ascribing to him none but the most patriotic, conscientious, and disinterested motives.

It has been well said that there are two classes of politicians:

The one consists of mere men of precedent, the blind and indiscriminating followers of any path, whether made by folly or wisdom, and whether strewn with ruins or covered with trophies; the other, of mere men of theory, who, regardless of the settled habits of the community, erect in their own minds an ideal phantom of perfection, at whose voracious shrine all existing establishments are offered up, however endeared by habits or consecrated by time.

Between these two extremes stood Calhoun, pursuing that middle course that his own wisdom, profound knowledge, and clear foresight of the needs of his country dictated. To this, in large measure, is due his career of such conspicuous usefulness.

Calhoun was in truth a great American. No one more thoroughly understood those principles of human liberty which it was

the mission of our people to spread over a vast continent and in time become an object lesson for the human race. And still he was the southerner, for he understood and appreciated to the full the social organization peculiar to the South.

His love of truth, of freedom, and of his country, coupled with a thorough scorn of everything base and groveling, constituted his ruling passions. In private life he was singularly cheerful, amiable, and fascinating. His friends, his foes, his rivals, the very abolitionists themselves, rendered him tribute and acknowledged his private virtues, his public worth, and his conspicuous ability in every sphere in life.

While some of his political sentiments differed from those of the great and good of the age, he was absolutely sincere, and asserted his beliefs with all the earnestness of an enthusiastic nature. It has often been said that he wished to sever the Union. He loved the Union and strove to preserve it. On this point a contemporary of his said:

> Because he foresaw and frankly said that certain effects must result from certain causes, does this prove that he desired these effects?

In his last speech he spoke of disunion as a "great disaster." While he called on the South for union, he did not fail to warn the North of the danger to the Union arising from their wild and misguided philanthropy, which, in order to sustain abstract principles, loses sight of the welfare and happiness of every class of society.

Calhoun has been accused of inconsistency—that at one time he was for a protective tariff, at another for almost absolute free trade.

In this he was not different from many statesmen of his period. In the early history of this country, when we had few manufacturers, it was necessary to protect our infant industries. During these years Mr. Calhoun was for protection. When the infants were approaching maturity he clearly saw the injustice to his own agricultural section of fostering enterprises that would lay tribute on one section to build up the wealth and industries of another. A writer in the International Magazine of 1843 puts this question of consistency so strongly that I gladly insert, for the observation applies as well to-day as it did over half a century ago:

> Nothing is more inconsistent than to persist in a uniform belief when changing circumstances demands its modification. How absurd to preserve a law which in the progress of society has become null and obsolete; for instance, granting to a criminal "the benefit of clergy."
> Nothing—

Says a distinguished English writer—

> is so revolutionary as to attempt to keep all things fixed, when, by the very laws of nature, all things are perpetually changing. Nothing is more arrogant than for a fallible being to refuse to open his mind to conviction. When Mr. Calhoun altered his opinion, consistency itself required the change.

Mr. Speaker, Calhoun's speech in reply to Webster, delivered in the Senate on the 26th of February, 1833, was never answered. Mr. Webster followed with a few remarks, expressing kind feeling for Mr. Calhoun—for it is well known that their personal relations were most cordial—but he never answered the real questions at issue. Mr. Stephens, in his work, The War Between the States, says:

> This speech of Calhoun was not answered then; it has not been answered since; and, in my judgment, never will be, or can be answered while truth has its legitimate influence and reason controls the judgment of men.

There can be no doubt that this speech modified the views of Mr. Webster, for his subsequent speech before the Supreme Court in 1839, as well as his Capron Springs speech in Virginia in 1851, tend strongly to demonstrate this fact. If this be true, what a tribute to the genius of Calhoun, as well as the intellect and character of Webster. In our schoolboy days we never called the name of one without thinking of the other.

Three public men of that day we were taught to reverence. The great triumvirate we called them—Clay, Webster, Calhoun. We heard their names around the fireside; we listened to extracts from their speeches in the Richmond papers; we listened with intense interest to debates between the old Whig and Democratic parties; we saw old men weep like children when Clay was defeated for the Presidency; we saw the war clouds gather as predicted, and were soon reading of the conflict and victories in Mexico; we read that Calhoun had refused to vote for war and declared "that the President and Congress were behaving in a manner most unconstitutional." He said:

> Every Senator knows that I oppose the war, but none save myself knows the depths of that opposition. For the first time in my public life I can not see the future.

He also added:

> It has closed the first volume of our political history under the Constitution and opened the second, and no mortal can tell what will be written upon it.

It may be said that the second volume of the history of the United States was opened by Mr. Calhoun himself on February 9, 1847, when he presented resolutions covering the whole ground of the slave question with regard to the Territories. To this volume of American history Mr. Calhoun contributed his part ably, earnestly, and eloquently. About this time he uttered a sentiment that recalls the language of Clay when he said, "I had rather be right than President." It was this:

> For many a year, Mr. President, I have aspired to an object higher than the Presidency, and that is to do my duty under all circumstances * * * in reference always to the prosperity of my country.

In this he spoke correctly, for his sense of duty was the staff upon which he leaned as he went down into the shadow. March 4, 1850, Mr. Mason, of Virginia, read for him his last speech. This speech was both pathetic and prophetic. I forbear to quote. The readers of these addresses to-day will do well in some leisure hours to read the closing pages of the second volume of American history and glance the opening of another. There are a few here on both sides of this Chamber who helped to make the history contained in the third volume, but we are too modest to speak of it often, and prefer to keep it for the most part out of the RECORD. On the last day of March, 1850, the news of Calhoun's death spread from one end of the country to the other. His last words were: "The South! The poor South! God knows what will become of her."

Here let me add, by way of parentheses, that I listened only an hour ago in another Chamber to one of the most scholarly addresses I ever heard, where this dying expression of Mr. Calhoun was quoted and beautifully commented on by the speaker, who represented a school of philosophy entirely different from that taught by Mr. Calhoun.

Did his prophetic soul in the very hour of dissolution catch a glimpse of the awful catastrophy that was coming to the land he loved and the homes he cherished? A minor prophet could even then see the cloud no larger than a man's hand, but he could not foresee its momentum and destructive force. It was given to this prince among men to utter a lamentation for his people to which we find no parallel, save in the utterances of Jeremiah when, picturing the condition of his countrymen, he exclaimed in the bitterness of his heart:

> Remember, O Lord, what is come upon us: consider, and behold our reproach. Our inheritance is turned to strangers, our houses to aliens. We are orphans and fatherless, our mothers are as widows. * * * Servants have ruled over us; there is none that doth deliver us out of their hand.

Reasoning from cause to effect, Calhoun's logical and prescient mind caught a glimpse of the future—the man on horseback; shattered and broken Commonwealths; the shock of battle, charge and countercharge; the dead and dying like sheaves of wheat lying on open plains where luxuriant grain had waved in beauty. A land in mourning; orphans crying in the street; widows refusing to be comforted. Suffering sorrow, Death! Hell! All that these suggest of human calamity weighed on the mind and heart of this political prophet as in agony he exclaims, "God knows what will become of her."

And God did know—and has wonderfully ordained—for out of His law of compensation as unfailing as the law of gravitation has come a miracle for the people whom John C. Calhoun loved so well and served so faithfully. Time would fail to tell through what instrumentalities this miracle has been wrought or by what sacrifices the marvelous results have been reached. Enough to say that the citizen soldiery of the South, whose achievements in war will survive in song and story while courage has an altar or virtue a shrine—have shown themselves greater heroes in peace than ever they were in war. To them and their sons must be attributed the wonderful growth and development of the South. True they are failing more rapidly than they fell in battle, and the brave men who met them in deadly conflict and by whose deeds of valor they may well measure their manhood and chivalry are passing at the rate perhaps of 300 each month. These survivors of the mightiest conflict that ever shook a continent have solved many problems that taxed to the uttermost their courage, their patience, and endurance. In time the South will solve others that seem now almost insurmountable. The unseen power invoked in the dying words of John C. Calhoun has furnished a law of compensation—the miracle goes on. The unseen forces are the strongest and most impelling. For all we know the spirit of John C. Calhoun catches a view of a happy land and a prosperous people. And for ourselves fettered in our caskets of clay and hindered by our limitations we can only rejoice, "That beauty has been given for ashes, the oil of joy for mourning, and the garment of praise for the spirit of heaviness." [Loud applause.]

Mr. AIKEN. Mr. Speaker, doubtless many a "mute inglorious Milton" is unknown to fame for lack of an inspiring pre-

ceptor. Doctor Waddell and the little school, located years ago in the western portion of Abbeville County, known as Willington Academy, owed their great prominence largely to the fact that John Caldwell Calhoun received there his first scholastic training; but to this great preceptor, it may be truthfully said, Mr. Calhoun owed his all. If this master preceptor had not applied the spark, the fires of genius would most likely never have kindled. The teacher who confines his lessons to the narrow compass of text-books does not understand aright his mission. We ascribe to Doctor Waddell this part in Mr. Calhoun's career for the reason that we assume that the boys who came under his tuition were presumably not far above the average American boy, generally speaking, and yet we find in a long list of those who received their early training from him such other names as James L. Petigru, Judge A. B. Longstreet, George McDuffie, W. H. Crawford, W. D. Martin, Hugh S. Legare, George W. Crawford, D. L. and F. H. Wardlaw, and N. P. and P. M. Butler, all of whom attained great distinction in the service of their State and the Republic.

But the fires kindled in the heart of young Calhoun mounted higher than an academic education, and so, in 1802, he entered Yale College, from which he graduated two years later. He was 20 years of age at the time he entered Yale, having been born in Abbeville County March 18, 1782.

I have the honor to represent that district of South Carolina from which Mr. Calhoun was sent to Congress, taking his seat November 4, 1811. My home in the city of Abbeville is but a few blocks removed from the spot where he began the practice of law shortly after graduation from Litchfield, Conn. I therefore feel it peculiarly incumbent upon me to undertake to portray some of those characteristics which marked him a national and international figure. It is not false modesty to say that the more I have studied his career the less I have felt equal to its proper portrayal.

In the narrow compass of this discourse I shall omit the recital of events of Mr. Calhoun's early life and of his service in the legislature of his native State. These belong to the domain of history and here would be nothing more than cumbering repetition. Nor may I attempt to enter into details in reviewing his service to the Republic, covering, as it does, a period of more than forty years, for the events of his life were not mere contributions to history; they were the wellspring of much of the history of that day, and gave color to all contemporaneous events. Mr. Calhoun made history.

A marked characteristic of Mr. Calhoun's mind was his ability to read the future in the trend of the present. One is impressed with this in reading his speeches in the light of subsequent events. If we may pass any criticism on the quality of his mind, which measured so nearly up to perfection, it would be that he read his duty in the plain letter of reason, without due regard to external circumstances affecting it.

Candor compels the admission that in carrying his theories of government to a perfectly logical conclusion, a conclusion warranted in every detail by the Constitution of the United States, he developed latent forces that with the gathering storm could end only in the separation of North and South. Long before he came into public notice, however, this storm was brewing. Heard first in subdued mutterings, it soon gathered with inky blackness about the national capital. He did not create the storm, but let his real friends not attempt to cover the true events of history; his logical mind, like the electric volt, did part and illumine the riven cloud.

Virginia, Kentucky, and the parties to the Hartford convention had vaguely outlined the right of a State, in the last extremity, to take measures for its own protection; but it was only through the clear irresistible logic of Mr. Calhoun that men realized, however inexpedient or undesirable nullification might be, it was not inconsistent with the strict meaning of the original compact, and the Constitution based thereon. It is perhaps as well that force finally supplied the omissions in that instrument, for after all the people are reunited, and the will of a united people is superior to any written instrument. But Mr. Calhoun must be judged in the light of the written instrument, for sentiment was then about equally divided. The right of a State to nullify an unconstitutional act of Congress was made so plain in his speech on the force bill, which we may remark in passing was his greatest speech, that the North American Review, a strong advocate of the federal doctrine, admitted that "Mr. Calhoun had successfully maintained the point that the Constitution was a compact between the States," which admission conceded the pivotal point of his contentions, after which his other contentions followed in natural and logical sequence. Mr. Webster, under other circumstances had spoken of the union of the States as a compact, of which fact Mr. Calhoun reminded him, in replying to him later.

Mr. Calhoun maintained in this speech and established, in so far as reason alone can establish, that the sovereign States, in their compact for protection and government, were bound to the limit and in the strict terms of the Constitution, as ratified by the States; that the ratification was by the individual of the States and not by the individual of the Union; that the States through the Constitution granted to the Federal Government the right to raise revenue, which was a right conceded; that it also required all taxes to be uniform, which was a right retained. He maintained that the tariff act of 1828 levied the burden mainly on one section and distributed the proceeds mainly in another.

As this violated the reserved rights of the State, under the Constitution, that taxes should be uniform, he believed that it was subject to the State's veto. Just how far Mr. Calhoun looked into the future of the unequal collection and partisan, as well as sectional distribution of government revenue, we can not know. We are rather of the opinion that he was combating the principle, and that he seized upon the tariff act of 1828 as illustrative of the trend of events. Certain it is that the question is still an open one that is no nearer solution by reason of one party domination.

No real student of history would seriously deny that Mr. Calhoun took from the Constitution the fact of nullification and molded it into form. At this distance the error of his method of combating a public evil from the standpoint of expediency and public policy is palpable; his purpose, judged in the light of subsequent extortions from the people, under that doctrine just then taking root, seems to indicate almost prophetic foresight. The doctrine of nullification had its origin in the events following the tariff act of 1828. Then as now, this question was the bone of contention between the two great political parties, Republican (now Democratic) and the Federalists.

In 1816 Mr. Calhoun, though opposed to protective tariff, advocated a protective rate on wool, cotton, and iron, with the avowed purpose of extinguishing a large war debt, incurred in the war of 1812. He has been severely criticised for subsequently taking such strong ground against protective legislation as inconsistent with his former position. An impartial reading of his speech in advocacy of the act of 1816 lends no color to this charge. In this he justified excessive revenue rates on the ground that extraordinary demands were upon the Treasury in consequence of the war, and there was no danger for years of accumulating a surplus in the Treasury. A surplus he dreaded as inviting extravagance and waste. In this same speech he made a masterly argument advocating enlargement and increased efficiency of the navy. He pointed out the futility of this Government attempting to fortify the thousands of miles of its coast, maintaining that with a much less sum the navy could be so strengthened as to be effectual in defense. This, it is true, would have increased the public debt and would have entailed the collection of additional revenues, but the defense of the country by the most practical method was, to his mind, of first importance; even his favorite theories were subordinate to this. While in this speech he deprecated the necessity for the high tariff, he advocated a gradual reduction, in order not to destroy infant industries brought into existence and abnormally flourishing because of the exclusion of foreign goods during the war. While this, too, was contrary to his policy under ordinary circumstances, it goes to show that he was not radical in his views when dealt with fairly. But his plea was for necessary revenue and not protection, then as ever afterwards; his dread was of a surplus taken unlawfully from the pockets of the people, inviting wasteful, if not unlawful, appropriations.

Some have attributed his violent opposition to the tariff of 1828 to personal animosity toward General Jackson, then President. Of this number may be mentioned Mr. Benton, of Missouri. It would be well to remember that Mr. Benton and Mr. Calhoun were not friends, and while the former would not misstate a fact, he would perhaps unduly color a circumstance.

As this is a notable period in the careers of both Mr. Calhoun and President Jackson, it may not be amiss to review some of the facts leading up to their disagreement.

These men, since they were first associated in public life, had been fast friends. It is said that General Jackson's admiration for Mr. Calhoun bordered on idolatry. Mr. Calhoun, after a service of six years in the lower House, which was marked by the leading part he took in reporting the war resolution of 1812, and by other services of like import, had displayed such marked ability that, without his seeking, in December, 1817, even after

his reelection to Congress, he was invited by Mr. Monroe, the newly elected President, to take a place in his Cabinet as Secretary of War.

A little digression here will serve to show that his great powers of analysis and generalization, the metaphysical characteristic of his mind, which some are pleased to assert rendered him impractical, were fully equaled by his capacity for business details. When he took charge of the War Department it was in utter confusion. There were outstanding debts of over $40,000,000, in the nature of past-due claims, which he reduced during his administration to less than $3,000,000. After a few months' observation of conditions, he drafted an entirely new set of regulations, reorganizing the entire department.

These regulations were practically unchanged for a quarter of a century. He found the annual cost per man, including officers in the service, more than $451 per annum, and he left the cost less than $287 per annum. When he came into office the annual expenditure on the army was $4,000,000. He reduced this $1,300,000. And yet it is said that the army had never been better provided or paid. There is not an instance on record during his entire public career where he has advocated a parsimonious policy, but he dreaded wastefulness. So perfect was the system devised by him that he was able to report to Congress in 1823 that—

> of the entire annual appropriation of money drawn from the Treasury for military service, including pensions amounting to $4,571,961.94, although it passed through the hands of 291 disbursing officers, there has not been a single defalcation nor the loss of a single cent to the Government.

No mere theorist could have wrought such wonderful changes in that disorganized department.

But let us recur to the main point. It happened while Mr. Calhoun held the position of Secretary of War that the Seminole Indians made frequent incursions into the territory of the United States, and General Jackson was sent to drive them into the interior of the Spanish possessions. It seems that the President and Mr. Calhoun had secretly given General Jackson more latitude than they could consistently make public, and acting on this he had gone into the interior of the Spanish possessions and had seized and fortified several Spanish forts, which he claimed had sheltered the enemy. In this it is contended by some that he exceeded even his secret authority, and especially when he executed Arbuthnot and Ambrister, two English subjects. It is stated, it appears on very good authority, that in a Cabinet meeting Mr. Calhoun advised that "he (Jackson) should be punished or reprimanded" for his conduct in this execution.

This circumstance was not known to General Jackson until after Mr. Calhoun had served for one term as Vice-President, himself being President. There was never afterwards any friendship between them; but we can not agree with those who believe that this incident accounts for Mr. Calhoun's opposition to the protective system and the bold stand he ultimately took for states rights. The fact is, it was scarcely possible for a man whose every act found its origin in a logical cause, as was the case with Mr. Calhoun, to long agree with a man whose ideas, however correct, often originated in impulse, however well meant, and were executed with military promptness, as was the case with General Jackson. When President Jackson was elected the second time Mr. Calhoun looked forward to this event for the reduction of duties, and so advised his friends; and it was only after disappointment in this quarter that he advised the nullification proceedings taken by his State.

Mr. Calhoun never indulged in personal invective except in repelling an attack, and then he confined himself strictly to the record, and in language absolutely free of grossness. His attacks were on principles, not men. And while we have the greatest veneration for General Jackson as one of the noblest of South Carolina's sons, in the light of Mr. Calhoun's entire career, which dealt with principles, not men, we can but conclude that his remark in the Cabinet was but the reluctant admission of his sense of right, affecting, as it did, even his friend. No one knows how much the expression was warped or its application changed. It was finally reported by an enemy of Mr. Calhoun.

Whatever may have been the feeling of the President for Mr. Calhoun, it is gratifying that he cherished no unkind feeling for the people of his native State, though arrayed with the Republic against the stand they had taken. Hear just this short extract from his memorable nullification proclamation:

> Fellow-citizens of my native State, let me not only admonish you as the First Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin.

It must be acknowledged that, entertaining such contrary opinions as to the attitude of the State, his course was moderate. It is well worth remembering, however, that the State of South Carolina had attempted to settle the question at issue in the United States court and had been denied this redress by a resolution of Congress. Force was considered the safer way by the Republic, and so force was threatened. Here was a striking circumstance. South Carolina was at variance with the Republic; she contending for the right of the State to exercise its veto power, to set aside acts of Congress which she conceived to be unconstitutional. This claim was based on the contention that the union of the States was nothing more than a compact, agreed to by the citizens of the States as such, and not as individuals composing the Union; that their allegiance to the Union was binding no further than the rights conceded.

The Federalists contended that the Constitution was adopted by the people as a whole, through the States, and that the individual owed allegiance direct to the Federal Government, not through the States, and that the State had not the right to limit or specify the extent of that allegiance.

There can be little doubt that the question of states' rights was well founded in logic, and that it was set aside by force rather than by regular process through the courts. There is one consolation to the State, however, and that is that the controversy was raised and settled by her own sons.

There are those who, either through perverseness or misinformation, have questioned the fact that General Jackson was a native of South Carolina. For the benefit of such I can not refrain, even at the cost of breaking the connection here of my discourse, from inserting some facts gleaned from history.

Andrew Jackson, sr., was a Scotchman who lived in the north of Ireland. With his wife and two sons, Hugh and Robert, he came direct from Ireland to Charleston, S. C., in 1765. Later he purchased a tract of land about 45 miles above Camden, S. C., which was known as the Waxhaw settlement, and here in South Carolina young Andrew Jackson was born March 15, 1767. It seems that these facts, coupled with his own statement, which has been quoted, should forever set this question at rest.

Mr. Calhoun's speech on the force bill was positively unanswerable. Mr. Webster undertook to reply to it, not by answering the argument, but by asserting a diametrically opposite view, which was at variance with his own opinion, previously expressed, which fact was noted by Mr. Calhoun in his reply. Mr. Calhoun's reply to Mr. Webster was perhaps the most masterful speech of its kind ever delivered in the United States Senate. The contest was a contest of giants. The issue was the burning question of the day.

We have thought that as light appears brighter when enveloped in darkness, so the ability of these men was accentuated by a background of the uneducated masses at that time. In this we were in error. A careful study of their careers leads one to the conclusion that they would tower above the representative men of this Government at any stage of its development. The contest was a contest of the two sections of the United States, about equally divided as to population, and each voicing its sentiment through its ablest representative. Great was the question involved, and equally great the master minds, driven by opposing forces to solve it. It was a test between the broadsword of Richard and the scimiter of Saladin. Of the long career of these two men in the Senate, this was the single occasion recognized as a decisive engagement; and there can be no doubt that Mr. Webster's elegance of diction and force of eloquence, which he possessed as perhaps no other man ever possessed, went down before Mr. Calhoun's power of analysis and his capacity to force a question irresistibly to its logical conclusion. This was admitted by the North American Review, a strong supporter of the federal doctrine, which then as now was ably edited. It was practically admitted by Mr. Webster himself, who, after Mr. Calhoun's speech, "sat in sullen silence," and never attempted to reply. It was on this occasion that John Randolph, a past master in the art of sarcasm and invective, so feeble that he could hardly rise from his seat, said to some one near by: "Take away that hat; I want to see Webster die muscle by muscle."

As no account of Mr. Calhoun's life work would be complete without reference to Mr. Webster, so would it be incomplete without reference to Mr. Clay. Undoubtedly he ranked with the greatest men of the Republic; but just here it is sufficient to say that he possessed more of the elements of the astute reasoner than Mr. Webster and more of the elements of the orator than Mr. Calhoun, with perhaps less stability of purpose than either. He was a powerful speaker, and because of his superior capacity for organization he was perhaps the most formidable of the three as an antagonist.

While Mr. Calhoun, Mr. Webster, and Mr. Clay were seldom all united on public issues, it is a little remarkable, if not amusing, that on a notable occasion the powers of the three

were outwitted by a little by-play of politics, linked with "Old Hickory's" never-failing popularity with the people, right or wrong.

Resolutions offered by Mr. Clay had passed the Senate condemning the President for arbitrarily removing the government deposits from the National Bank. Mr. Benton, of Missouri, alone voted against the resolution. On three separate occasions afterwards Mr. Benton undertook to have the Senate expunge the resolution, but it would not hear to the proposition. While Mr. Calhoun never cordially supported the existing banking system, it had the sanction of Congress, and his respect for order and for the Constitution precluded his sanction of the act of President Jackson in arbitrarily removing by force the government deposits. He dreaded the crash in the financial system, but he dreaded more executive usurpation, however well meant. In this view he was cordially supported by both Mr. Clay and Mr. Webster.

Another turn was given to the affair. Friends of the President, knowing his great popularity with the people, had many of the States to instruct their Senators to vote for the expunging resolution. With this number to build on, Mr. Benton, by wining and dining and nursing a few who were weak-kneed, finally got together a majority. At the earliest possible hour it was determined that the work should be done. It was anticipated that a storm would be raised and that the three giants would undertake to speak the resolution to death. Mr. Benton prepared for this exigency. He provided one of the committee rooms with turkey, ham, and other inviting dishes, with plenty to wash them down. They prepared for a siege, and determined not to adjourn until the expunging resolution had passed. As expected, Mr. Webster, Mr. Clay, and Mr. Calhoun all spoke with great feeling of the act that was about to be perpetrated, subordinating the legitimate authority of the Senate to the arbitrary power of the Executive. Mr. Clay's speech was a perfect masterpiece of its kind. But none of this counted against the ham and turkey and the small majority who had sworn to do their work before adjournment.

And so this array of logic, eloquence, and force went down at a late hour of the night before the tactics of the gentleman from Missouri.

Mr. Calhoun and Mr. Webster were personal friends throughout their public association, though they were separate "as far as pole from pole" on vital public issues. Mr. Calhoun and Mr. Clay in the beginning were members of the same political party, and while their views were not often seriously divergent on vital public questions, they had personal differences later in life, no doubt growing out of aspirations which each entertained to become President. There are storms in the higher as well as the lower atmospheres. Jealousy is the handmaid of ambition, and it is rare that the mistress enters the human heart alone. "A man's a man for a' that!"

Was it a mere coincidence that these men, each a star of the first magnitude, and each resplendent in his own sphere, should have risen at a critical period of the Republic's history, to light the way for the millions to a full understanding of the antagonistic principles which must eventually disrupt the Government and overturn existing institutions? Here was a colossal scene in drama of the universe. Amid the cold, bleak hills of New England a son was born, the greatest of American orators, and ere long he found his way to the center of the national stage. In his suite were millions of American people, clamoring for centralization of government and executive power. During the same calendar year, in the sunny South, that section which even yet has not felt the congestion of alien blood, another son was born, the greatest of American debaters. A little earlier than the first he found his way to the center of the national stage, and in his suite were millions of American people demanding equality of administration under the Constitution and recognition of the reserved rights of the component States. And, then, from a State divided in sentiment as it was afterwards divided in actual secession, a State which had itself more than hinted at the doctrine of nullification, came a third son, whose position was also near the front and near the footlights. He entered along with the Southerner. As scene followed scene in course, culminating in nullification and the force bill, a crisis was imminent. It was then that the great compromiser stepped between contending forces, and by astute statesmanship forced a truce. By him the climax was changed, but it took no prophet to see that the drama was soon to be rewritten in a nation's blood. The truce could not last. The cause was rooted in antagonistic principles of government, involving the destruction of institutions older than the Constitution itself; they were deeper than the thoughts and intents of men; they were taught in the schools and sanctioned in the church; they were imbibed with the mother's milk; they were in the blood, and could ultimately find settlement only in the shedding of that blood. Men's destinies were involved, but only as so many pawns under the master hand. For explanation of the purpose, the plan, the results, we have learned to look through the vista of marshaled events beyond the creature to the creature's God.

The scene has changed. Southern and northern blood, flowing in a common stream, has washed away forever the system of slavery, a system for which they were equally responsible, but for which only the South has paid, and over its ruins they have builded new systems, displaying industrial development that has astounded the world. But the principles that set in motion this destruction of systems have not changed. They are coterminal with the Government itself; the one tending toward centralization, monopoly, and imperialism; the other toward constitutional government and equality of privilege to the individual citizen. [Applause.]

Mr. Calhoun's last speech in the Senate, which, contrary to his custom, he reduced to writing, and which because of his enfeebled condition was read by a colleague, will be, in the years to come, a beacon light calling all true Americans, without reference to section or party, from their mad lust for power to anchor again in the Constitution.

Mr. Calhoun loved the Union, but he loved a constitutional Union. If there was one feature more pronounced in nullification as a remedial measure than another it was that it was conservative of the Union. His last public utterance looked to the preservation of the Union by amendment to the Constitution and without bloodshed. "His devotion to the South was not sectional so much as it was the natural consequence of his views with reference to the theories of government." His championship of her interests was only for a child's just share of the maternal inheritance, strictly in accordance with the will. Hear this statement, the closing lines of his last speech, to which we have previously referred. Remember that at that very moment the hand of death was upon him; and divested of every earthly consideration, he spoke to his people North and South. He said:

> Having faithfully done my duty to the best of my ability, both to the Union and my section, throughout the whole of this agitation, I shall have the consolation, let what will come, that I am free from all responsibility.

It has perhaps never occurred to the sectional partisan who has attributed traitorous motives to this greatest of American statesmen that a calm, unbiased consideration of his views, and their adoption in good faith by the Republic, might have averted that terrible struggle, involving the loss of countless lives and billions of property. The fact is overlooked that a constitutional union, such as was the dream of Mr. Calhoun's life and to which he looked in every measure that he proposed touching this subject, is the only real union that could give each member of the family an equitable share in the common inheritance. Union and force are not compatible words. Instead of this Government now being a union of States, with each State retaining its proper degree of sovereignty, we are rapidly becoming a Nation with few rights reserved to the States other than such as the Federal Government does not see fit to usurp. At a critical time in our history, when the sober judgment of the masses had not yet given place to passion, there lay before us two ways of finally adjusting our differences. One was through this body and the courts, which would have respected and adjusted property rights and preserved that comity of interest due between sovereign though united States. The other, conceived in mutual jealousies, fanned by hate, could but leave its trail of blood and carnage. To the everlasting credit of Mr. Calhoun be it said that his great heart, filled with aspirations for the young Republic, and constant in devotion to the Union, sought solution in the way of peace. He saw the distant breakers, and had others been as astute the old ship might have been steered around them without loss of rigging or mutiny of her crew.

Mr. Calhoun stood for government in accordance with the Constitution. In this, rather than in centralized wealth or imperialism, he believed reposed our strength and continuous existence. It may be said, and with some color of warrant, that in the early years of his public service he often yielded to what seemed to be for the public good without strict reference to the Constitution; but for the last twenty years of his life his eye was ever on the Constitution, and no scheme, however promising, however enticing, could receive his sanction if, viewed in the light of that instrument, it reflected the slightest shadow.

We may but mention the branches of public service in which Mr. Calhoun's talents were engaged. So prominent and so full of events were his services, in whatever capacity, that we must leave the recital of details largely to history. He served first in the House for six years, then as Secretary of War in the Cab-

inet of Mr. Monroe. He was elected Vice-President in 1824, and reelected. He was chosen United States Senator in December, 1832, and was reelected to succeed himself. Owing to the death of Mr. Upshur, Secretary of State in President Tyler's administration, Mr. Calhoun was called to that position, which place he filled with eminent ability, being the leading spirit in the annexation of Texas. Shortly after retiring from the office of Secretary of State, he was again elected to the Senate, bringing his great talents into that body just in time to avert war with England and to make possible the peaceable annexation of Oregon in 1846. Here, in the arena best suited to his great talents, he died in his seventieth year, March 31, 1850.

While Mr. Calhoun in the early part of his service belonged to the Republican (Democratic) party, he would not be bound to a party measure which his judgment could not fully accept. In advocating the war of 1812 his course was rather against the policy of his party, but the soundness of his views was afterwards developed. He opposed, almost alone in his party, the embargo, the nonimportation, and nonintercourse acts. Subsequent events justified, beyond question, the logic of his position. He opposed the banking plan of 1814–15, himself suggesting a plan containing many of the features of the present national banking system. He pointed out so clearly the fallacy of the system proposed and the utter folly of the Government borrowing its own credit from the bank that the measure, though a party measure, was defeated. But he was big enough and broad enough to divest a question of its party origin, and without selfish purpose, either for himself or for his locality, to view it with an eye single to the good of the whole people. It is often a dangerous policy for men of less ability to undertake to follow his example. If he was inconsistent in party allegiance, he was rarely inconsistent in party principles.

In personal appearance, Mr. Calhoun was a striking figure. A lady traveling in this country, seeing him for the first time, spoke of him as "the cast-iron man, who seemed never to have been born." No one ever saw him without having the impression that he was possessed of marked ability. His features in repose were irregular, but in debate his animation was such as to throw a light about his countenance. His eyes, a deep blue, large and brilliant, were most striking. In repose they glowed with a steady light, while in action they fairly emitted flashes of fire. If he had been endowed with less integrity of purpose and more policy, he could surely have been President. That great honor we believe he laid down, because he would be the tool of no man and because its acceptance would have sacrificed principles, the establishment of which had consumed the greater part of his life. He possessed pride of character in a marked degree, and if anything, his pride of opinion was even more marked. He was firm and prompt, manly and independent. It may truly be said of him, that however radical he may have considered the views of another, he never attacked them, except in respectful language, and with cold logic. A cause that could not be maintained on this basis could not receive his sanction. At the time of Mr. Calhoun's death, admiration for his great qualities was not confined to the South. The legislatures of New York and Pennsylvania, in solemn assembly, passed resolutions deploring his death. Nor were they alone in this; men everywhere recognized his ability and conceded his honesty of purpose. But cruel war, carrying death into so many homes, left its prejudice in the minds of the people, and those who stood in the forefront of the events leading up to that war were marked for sectional hate. Men forgot the virtues of the great in the passions of the hour.

But may we not call from the past the testimony of his cotemporaries? Can there be any question of the sincerity of Mr. Webster, or of his capacity to judge of his merits, when, after admitting their opposite views on principle, he said:

> Mr. President, he had the basis, the indispensable basis of all high character, and that was unspotted integrity—unimpeached honor and character. If he had aspirations, they were high, honorable, and noble. There was nothing low or meanly selfish that came near the head or the heart of Mr. Calhoun. Firm in his purpose, perfectly patriotic and honest, as I am sure he was, in the principles that he espoused, and in the measures that he defended, aside from that large regard for that species of distinction that conducted him to eminent stations for the benefit of the Republic, I do not believe that he had a selfish motive or a selfish feeling.

Can there be any question of the sincerity of Mr. Clay, who, for personal reasons, had not sustained cordial relations with Mr. Calhoun in the latter part of his life, when he said:

> Sir, he has gone! No more shall we witness from yonder seat the flashes of that keen and penetrating eye of his, darting through this Chamber. No more shall we be thrilled by that torrent of clear, concise, compact logic poured out from lips which, if it did not always carry conviction to our judgment, always commanded our great admiration. Those eyes and those lips are closed forever! And when, Mr. President, will that great vacancy which has been created by the event to which we are now alluding, when will it be filled by an equal amount of ability, patriotism, and devotion to what he conceived to be the best interest of his country?

Undoubtedly Mr. Calhoun was one of the great men of this Republic. But men are judged, unfortunately, by the success or failure of their greatest undertaking. Judged from this point of view, the popular voice is against him. But there is philosophy in that line from Tennyson:

> He makes no friends, who never made a foe.

The two most conspicuous figures—and those who will survive longest in the memory of mankind—of that great contest over the conflicting theories of our Government are John C. Calhoun and Abraham Lincoln. The achievements of Mr. Lincoln are viewed through the glamour of success and the halo of the martyr, while the cause for which Mr. Calhoun labored—the perpetuation of the Union as it came from the hands of the fathers—went down in defeat. Had Lincoln failed, he would have been censured by disinterested nations for the effort to subvert and suppress the constitutional rights of free States by force of arms; censured for invading and undertaking to destroy the property rights of a people in open violation of both the spirit and letter of the Constitution. Success threw a halo about these events, and prosperity smiling upon the stricken land, aided by time, has done much to banish the sense of injuries suffered and to throw the mantle of charity over those scenes.

Notwithstanding defeat and disasters attended upon the work of Calhoun, he continues to be regarded as the Aristotle of American politics; and with the mind of a seer and the heart of a hero, he survives in the respect of his countrymen, wept, honored, and sung. His great compatriot and colaborer, Henry Clay, is immortalized by the sentiment he expressed, that he would rather be right than to be President. Mr. Calhoun was right in principle, and the office of President could have added nothing to his renown.

It can not be that passion and sectional strife will hover even over the grave. When these have vanished and when we view Mr. Calhoun merely as a citizen of our common country, we will learn to appreciate him at his true value and we will inscribe his name on the first page of the book of immortal memories. Nearly all the glory of ancient Greece that has survived "Decay's effacing fingers" may be summed up or narrated in the biography of her great men. The time will come in the history of our own country when our people, without reference to section or party, will cherish the memory of those of our great men who have risen as the tall oak from the level of the forest, and who, while standing more conspicuously in the glow of public life, have likewise borne the greater shock and burden of the storms that swept the young Republic.

Mr. Calhoun never attacked the Union, but, on the contrary, he always defended it. Whether or not his plans of preservation would have solved the problem we do not know. We believe they were founded in a good purpose. Because he pulled the veil of the future farther apart than any man of his time, actually foretelling the fratricidal strife that must follow the then unchanged current of events, some have come to think of him as the author of that struggle. So strikingly have events justified his forebodings that it is not strange that some, like the Israelites of old, have placed the origin of their troubles at the feet of the prophet pronouncing them.

Each setting sun dims the career of that public servant who has used his opportunities only as a means of advancement; but it is only in the afterglow of the centuries that the career of the unselfish patriot and statesman may be justly measured. These develop side lights that the passions of the present shut out. At this distance, Aristides was never greater than when writing his own order of banishment on the voting shell of his fellow-countryman.

If Mr. Calhoun hastened secession, he did it by no inconsistent or unconstitutional course. If he hastened secession, perhaps it was better than that the smoldering fires should have broken in greater fury from being longer pent up. If this Republic was to be convulsed, its domestic systems upturned, and a new and changed order of things inaugurated, some master mind, under the providence of God, had to give definite human shape to the plan of reversal. May he not have been the instrument?

It is a fitting tribute to the memory of that great man that his beloved State has set his statue here, beside those the events of whose lives were interlaced with his. I feel as though we are giving him back to the Republic, after the mist of sectional prejudice has risen. His purity of life, his power and sublimity of thought, must find responsive appreciation in that higher sphere of American thought where the qualities of mind and heart are considered. I can but believe that the day is drawing when the Republic will again take him to her bosom; that she in truth welcomes his statue into the circle of those who in their lives molded and defended her, and who, standing

here in enduring marble, will keep their silent vigil over her destinies throughout the coming ages. [Loud applause.]

Mr. FINLEY. Mr. Speaker, leaders of men are born, and not made; they are, however, developed by circumstances. It is impossible to think of Alexander the Great in any other capacity than as a leader of men. Nor is it conceivable that Hannibal and Napoleon might have been weaklings and followers, not leaders. As this is true of warriors, it is equally true of philosophers and statesmen. In the classic days of Greece and Rome it is said that it was a difficult matter to decide whether to accord more liberal praise and greater honor to her warriors or to her statesmen. In the history of nations we find that some men are indelibly stamped with genius and to a transcendent degree with the attributes of greatness; consequently they rise higher than their fellows, so much higher, in fact, that the number of the company and their competitors is very small. The history of the United States shows no exception to this rule. In the war of the Revolution there is no competitor of the great Washington, and probably the figure that will live longest and possibly in time rank highest; in the second war of independence, that of 1812, is the hero of the battle of New Orleans, Andrew Jackson; in the Mexican war, Winfield Scott, although General Taylor, the conqueror of Santa Anna in the battle of Buena Vista, received his great reward, the Presidency, shortly afterwards; in the war between the States, General Grant on the one side and General Lee on the other; in the war with Spain, Admiral Dewey.

At the beginning of the Revolutionary war this country may be said to have literally teemed with great men—orators, philosophers, and statesmen. I remember, when a boy, reading of the great characters who conducted the Government during that bloody and trying period, what admiration and reverence I felt for those who constituted the Continental Congress. As a man of letters and statesman, Jefferson, the author of the Declaration of Independence, easily the first, but along with him a host of others, who, in point of patriotism and ability, were entitled to sit beside him in a congregation of great men. After the war the 13 Colonies found themselves in a most distracted and impoverished condition. The Colonies by cooperation and force of all against Great Britain won, yet in the treaty of peace with the mother country the acknowledgment was made separately for each, and when the war was over we had 13 separate and independent sovereignties of what had been the 13 Colonies, and which by the treaty of peace had been acknowledged as independent sovereign States. It is true there was a nominal coalition between all the Colonies, but the action of the federation was not binding on any of the 13 without the voluntary consent of the individual State. This was followed by an effort to bring about a closer and more perfect union between the States, and resulted in the convention which framed the Constitution in 1787. After its adoption by three-fourths of the States, the young Republic, or "federation," as it was then called by many, claimed for itself a place in the family of nations. For many years, on account of the conditions brought about by the war of the Revolution, the United States found itself beset by difficulties on every hand.

The debts of the State and Nation were enormous, considering the ability to pay. The Constitution was little understood by the average citizen, and the obligations imposed by it were to a large extent little regarded by the people. It has been erroneously asserted so often and for so long a time that John Caldwell Calhoun, of South Carolina, was the author of the doctrine of nullification, which resulted later in the assertion of the right of secession, that to-day this error is a matter of common belief among the people of this country. As a matter of fact, he was not the author of the doctrine of nullification.

From the first there were two parties in this country. While it is true both claimed and practiced allegiance to Washington during the two terms he was President, this homage was personal rather than political. Even in his day the division was sharp between the two parties, and it required all of his great influences to keep the peace even in his official family. Some idea of this can be conjectured by considering how impossible of agreement on practically all great questions there was to be had between Jefferson and Hamilton. The former a Democrat of the strictest school, believing with all his heart in the necessity and justice of a republican form of government with the people the source of all power, and Hamilton believing in reality that a limited monarchy was the best form of government even for this country. The formation of two great parties was not only to be expected, but was a matter of necessity—the one to assert, the other to combat. First, the Federal party in power, with John Adams as second President, elected in 1796. The Federalist party, amongst other laws that were objectionable to the followers of Jefferson and many who were not, passed the alien and sedition laws. The passage of these laws laid the foundation that resulted in events which terminated in the first declaration of the doctrine of nullification of a federal law by a State being advanced, and this as a natural sequence resulted later on in the doctrine of secession being advocated.

On November 16, 1798, the State of Kentucky, through its legislature, on account of opposition to these and other federal laws, passed a resolution signed by the governor and attested by the secretary of state embodying the principles of nullification.

In the Kentucky resolutions of 1798, by Warfield (p. 76), it is declared:

> That whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each State acceded as a State, and is an integral party, its co-States forming as to itself the other party: That the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that as in all cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

And in the third resolution (p. 78) it is declared:

> That therefore the act of the Congress of the United States passed on the 14th day of July, 1798, entitled "An act in addition to the act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is not law, but is altogether void and of no effect.

And in the fourth resolution (p. 79) it is declared:

> "An act concerning aliens," which assumes power over alien friends not delegated by the Constitution, is not law, but is altogether void and of no force.

The third of the Virginia resolutions, passed in 1798 (Writings of James Madison, vol. 6, p. 345), is as follows:

> That this assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact as no further valid than they are authorized by the grants enumerated in that compact; and that in cases of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them.

Here are plain declarations that an act of Congress, which assumes power over a subject-matter not delegated to it by the Constitution, is null and void. It was for a long time claimed, and I believe has been finally settled, that Jefferson was the author of the original draft of the Kentucky resolutions, and also that Henry Clay was his willing disciple. These resolutions were transmitted to the various States. In the house of delegates of Virginia these resolutions were the work of James Madison.

Of course it has been denied time and again that the Kentucky and Virginia resolutions form any basis whatever for the doctrine of nullification, afterward set up by Calhoun. The reading of the resolutions, however, show conclusively that these resolutions declare certain acts of Congress null and void.

And in the case of the Virginia resolutions the claim is distinctly made that the States have the right and are in duty bound to interpose for arresting the progress of the evil. Calhoun's view was that one State might interpose for this purpose. The passage of the embargo act and other acts in restraint of commerce, prohibiting foreign shipments during the latter part of Mr. Jefferson's second administration on account of the high-handed and unwarranted acts of Great Britain in seizing our merchantmen and imprisoning American sailors on the high seas, was a very unpopular law in New England. As a result of this, when persons were arrested and tried for a violation of the embargo act in one of the New England States, notwithstanding the fact that the law had been held to be constitutional by a Unied States district court, the plea was made to the juries that the act was unconstitutional, and the defendants were found not guilty on this ground. Here was a practical nullification of an act of Congress in a court of law.

It is a well-known historical fact that during this period, and also during the continuance of the war of 1812, during which time the Hartford convention was held, the doctrine was preached and concurred in by a large number of the Federalist party that the time had come for the separation of New England from the other States. The war of 1812 was very unpopular throughout New England, and separation or secession was largely advocated. In fact the right of a sovereign State to secede was conceded up to 1828 by a majority of the people in this country. It is true that John Quincy Adams did not hold to this view, and it is also true that Andrew Jackson, during his second administration, most emphatically denied that a State had a right to secede from the Union. I have stated

these facts in order to show that Calhoun was not the author of the doctrine of nullification. He was never at any time a secessionist, and this leads up to what may be properly termed a historical sketch of his life.

Born March 18, 1782, in Abbeville district, South Carolina. His parents, Patrick and Martha Caldwell Calhoun, were both of Scotch descent. From this fact may be explained his main characteristics—his severity, lack of humor, and rather dogmatic opinions. These characteristics are strikingly illustrated in the later years of his life. The clear, consistent logic by which he arrived at conclusions, and the intensity of convictions with which he supported them, are the main elements which constituted his strength and character of statesmanship.

His early views were no doubt largely influenced by his father, Patrick Calhoun, who was a Whig before and during the Revolution of the most ardent type, and very self-opinionated in his views. His rough frontier life had inculcated in him an unquenchable desire for liberty and a feeling for opposition to anything tending in the least toward curtailing that liberty. It is related of Patrick Calhoun that, some thirty years before his death, the right of himself and neighbors to vote being denied by the low country, he and his neighbors shouldered their rifles and marched to within 23 miles of Charleston, when the right to vote was not only accorded to them, but Patrick Calhoun was elected a member of the colonial legislature, and as such served for thirty years thereafter.

Much of this feeling his son imbibed and retained all through his life. Up to the age of 13, Mr. Calhoun's only education was what he had been able to pick up and to learn from his father and mother. At this time he was placed under the care of his brother-in-law, Doctor Waddell, a Presbyterian minister, who maintained an academy in Columbia County, Ga. Here he remained for a year, when the death of his father took place; and upon the subsequent death of his sister, a few months later, Doctor Waddell discontinued his school, and the boy's education was for the time at an end. His mother brought him back to the plantation in Abbeville district, where he remained for four years engaged in out-of-door pursuits. The time was not lost, however, for he was building up the frame that was to support his massive brain through a long public service. When he was 18 years of age, at the instance of his older brother, James, he again resumed his studies and returned to Doctor Waddell, who reopened his academy.

Here were educated some of the greatest Carolinians of their time, such as George McDuffie, Hugh S. LeGare, and James Louis Petigru. Doctor Waddell was a teacher of most unusual force and ability, and has well been called "Father of classical education in Georgia and the upcountry of South Carolina." The progress made by Mr. Calhoun was so rapid that in two years he entered Yale College and two years later graduated with distinction. After leaving Yale Mr. Calhoun studied law under Judge Gould and Mr. Reeve, two eminent jurists of Litchfield, Conn., and after a year of study returned to South Carolina, where he read law in the office of Mr. Dessausure and was admitted to the bar in 1807. He entered upon a very lucrative practice in Abbeville district, and no doubt his great talents would have attained for him a high degree of distinction, but politics and not the law held for him the only goal worth striving for and he early entered the service of his country.

At a public meeting held in Abbeville district in 1807 Mr. Calhoun was appointed to draw up a set of resolutions condemning the action of the English frigate *Leopard* in firing on the American frigate *Chesapeake*, and so well was his work performed that he was asked to address the meeting. He did so with such credit to himself that in the next election he was sent to the state legislature at the head of the ticket. Here his public life begins, and from this time until his death is coincident with the history of his country. He immediately came into public notice by a very able speech which he made against the renomination of George Clinton as the party candidate for Vice-President of the United States. He served with distinction in the general assembly for two sessions, and so highly were his services esteemed that in the election of Members for the Twelfth Congress, in which selection was made chiefly with a view to the approaching war with Great Britain, Mr. Calhoun was demanded as a candidate, and in 1810 was elected and took his seat in the National House of Representatives. The period was one of the most critical in the country's history. War was but a few months off and as yet no one was ready for it. The President was striving strenuously for peace and Congress was a disunited body of factions, each cutting the other's throat and at variance as to what was the proper course to pursue. The chief source of power lay in the House, and here were gathered the greatest minds from all over the country. Henry Clay, at the age of 34, was Speaker of the House, and as chairman of the Ways and Means Committee he appointed Langdon Cheves, of South Carolina, who was only a year older than himself. William Lowndes, also of South Carolina, and at the time only 29 years of age, was chairman of the Committee on Naval Affairs, and Calhoun, 29 years old also, was given the second place in the Committee on Foreign Relations.

In 1814 Langdon Cheves became Speaker upon the withdrawal of Clay to go upon his mission abroad, and Calhoun became chairman of the Committee on Foreign Relations. We can see the preponderance of power which South Carolina wielded at this time in Congress. The voice of no other State in the Union was of greater weight in the counsels of the Nation. In speaking of the able men assembled at this time, Henry Clay, in his eulogy on Calhoun, said:

> In all the Congresses with which I have had any acquaintance since my entry into the Federal Government, in none, in my opinion, has been assembled such a galaxy of eminent and able men as were those Congresses which declared the war and which immediately followed the peace.

Calhoun's first effort in the House was on December 11, 1811, just a month after taking his seat, and whatever fears his friends may have entertained as to how he would bear himself in his new sphere of action, were immediately dispelled. He spoke in defense of the resolutions emanating from his committee by which immediate preparations for war were recommended.

It was the enthusiastic speech of a young man, full of fire and national patriotism, calling his country to arms. His speech was in the nature of a reply to that of the eloquent John Randolph, who had condemned the policy outlined in the resolutions. Mr. Calhoun's maiden effort was enthusiastically received, not only by the House, but by the whole country, and he was immediately brought into prominence. In a House, the leadership of which was vested in the young men, he was at once assigned a place of great prominence. Even at this juncture he was hailed as "one of the master spirits who stamp their names upon the age in which they live."

In the main, Mr. Calhoun was a supporter of the administration. Republican principles were deeply ingrained within him, but he was not bound by any political ties. He relied upon his judgment, and when that differed from the course of his party he always obeyed the dictates of his conscience. He early acquired a reputation for fearlessness and sincerity of conviction that never left him. He was broad in his outlook and always considered the interests of the whole country. In his own words, found in his first speech, he said:

> I am not here to represent my own State alone. I renounce the idea, and I will show by my vote that I contend for the interests of the whole people of this community.

The young men leaders of the House were in favor of the war, and after six months' time, during which the country had sanctioned their policy, they waited upon the President and declared that they were ready for war.

Accordingly on the 1st of June the President sent his war message to Congress. It was referred to the Committee on Foreign Relations, of which Calhoun was temporarily in charge, and on June 3 he reported the recommendation of the committee that war be declared. This famous document was very long and presented one of the strongest cases against Great Britain ever written. A year later, on June 16, 1813, he made a speech in defense of the war measure, which has been pronounced "the strongest defense it ever received." He bitterly denounced the Federalists as being unpatriotic and selfish. It was not their country's welfare they were seeking, he said, but her harm, and he severely criticised them for their attitude in wishing to stop the war. Nevertheless upon occasions when he thought the policy of the Federalists better in other matters he did not hesitate to vote with them. In the matter of the remission of dues on goods imported before the declaration of war he voted with the Federalists and made a strong speech in favor of remitting the dues. The question had become almost one of party importance, but Mr. Calhoun and Mr. Cheves both took the broader view that whatever was against the spirit of the law was wrong, and the confiscation of goods amounting to millions of dollars and the property of a large class of citizens was certainly never intended when the law governing the case was passed. Neither did he think that a compromise should be made and the goods made to become a forced loan to the Government. Either the law should be complied with and the goods confiscated or they should be remitted entire; there could be no middle ground.

The result of his speech in favor of remitting these goods, together with that of his colleague, Mr. Cheves, was sufficient to carry the measure, and the forfeiture was remitted upon condition that the customary war duties on the goods should be paid.

This is only one instance, however, in which Mr. Calhoun showed his courage in adhering to his convictions rather than party ties. He, along with his distinguished colleagues, Mr. Cheves, Mr. Lowndes, and Mr. Clay, advocated an increase in the navy—a policy the soundness of which later generations have approved and followed. This, too, was opposed by the great majority of the Republican party, and it took great courage to vote against that organization at a time when party spirit was at its highest point. This broader view of things and loyalty to his convictions is characteristic of Calhoun throughout, and can be shown in many instances later in his life. His position, too, at this time was almost unparalleled—a young man with almost no legislative experience, he was thrust at the head of the most important committee in the House, and to his judgment were left questions of national scope and importance. It was under circumstances like these that he dared to go contrary to the older leaders of his party, but so well did he support his views and sustain himself that he not only merited nothing of blame, but acquired great honor and reputation from the way in which he discharged his duties.

In two or three other very important measures he differed from the policy of his party and succeeded in carrying out his views. To the restrictive policy of the administration he was violently opposed. Mr. Calhoun saw that the time was ripe for the repeal of the embargo, and accordingly introduced a bill to that effect. This, by reason of his strong arguments supporting it, passed.

At the beginning of the next session, 1814–15, he opposed the bill which his party advocated for the establishment of a national bank. His objection to it was that it was intended only to give aid to the Government through its ability to borrow money, and he also opposed the bill introduced by Daniel Webster as a substitute. Another bill was introduced by the administration, but this, too, failed of passage by the timely arrival of the treaty of peace, on the day of its third reading. Calhoun had been widely criticised for his opposition to the bill, but his wisdom now became apparent, and the country was saved from being committed to a policy ruinous to its interests. At the next session, in recognition of his ability to handle financial affairs, Calhoun was placed at the head of the Committee of the Currency. He now framed and successfully carried through a bank bill which provided for the establishment of a federal bank and regulated the disordered currency.

He was much gratified at the successful outcome of the war, in that he, as much as anyone else in Congress, had been instrumental in precipitating it. The tariff bill of 1816, introduced by Mr. Lowndes, was heartily approved by him, and while he has been credited with its introduction, and even called the author of the "protective system," nothing is further from the truth. He was in full sympathy with it, but was engaged with his own bill on the establishment of a bank, and made only an offhand speech in favor of the new tariff.

He did, however, take an active and prominent part in the effort for construction of a system of roads and canals by the Central Government. This policy was recommended to Congress by Mr. Madison, and in December, 1816, Mr. Calhoun introduced a bill, in which it was provided that the profits of the United States Bank should be devoted to these improvements. This bill was passed by Congress, but was vetoed by the President as being unconstitutional. Mr. Calhoun later changed his views. This was among the last important congressional efforts of Mr. Calhoun. Upon a summary of his work in the House, completed in six short years and at one of the most trying periods of the country's history, we find a summary of it to be: He was highly instrumental in bringing on the war, and in this he was right. Had the Federalists been given free rein the country would have continued to submit to outrages and a feeling of disaffection engendered for a government which so poorly conducted affairs. There might have grown up a party within the Union which would have split the country, and possibly a part of it have proven again the prey of Great Britain. In this policy of the war he was preeminently right. He opposed the embargo, and in this he was right. He established a banking system which rescued the country from ruin and placed financial matters on a firm basis. He advocated a programme of naval extension which later generations have approved and followed. Finally, he proposed the construction by the Government of canals and roads, and in this he permitted an intense nationalism to commit him to a policy which he later repudiated.

So, out of five great measures advocated by Mr. Calhoun, four have proven uncontrovertibly right, although at the time some of these were opposed even by his own party. In this light the work of the young statesman must seem remarkable; such judgment and ability to prosecute his ideas showed, even at this early period, that he was a statesman of broad vision and qualified to exercise a potent influence on the country's history.

The second period of Mr. Calhoun's political activity began in December, 1817, when, upon the organization of his administration, Mr. Monroe offered him the post of Secretary of War. Mr. Calhoun accepted this position much against the wishes of his friends in Congress, who thought his powers legislative rather than executive, and advised him against entering a field of activity in which success seemed so doubtful. The War Department was in the greatest disorder.

Mr. Calhoun's knowledge of military affairs was very limited, and it seemed unlikely that with his inexperience he could bring order out of chaos. Nevertheless he determined to accept the position. So well did he master the difficulties of his new situation that at the end of three months he brought forward a bill, which he himself had drawn up, providing for a complete reorganization of the department, and though the bill had considerable opposition he succeeded in getting it through Congress. He formulated a system by which the department was to be governed by bureaus, and so well did his system work that with changes it has been maintained up to the present day. He aided the President in the selection of heads for each of these bureaus, and further drew up a code of rules for the department which were productive of great efficiency in his subordinates. The unliquidated debts in the War Department when he assumed control amounted to $40,000,000; he reduced them to less than three million in a comparatively short time. The annual expenses of the department he reduced from $4,000,000 to $2,500,000 without reducing the pay of the army or the men or in the matter of supplies. He established an efficient basis for the Military Academy at West Point and secured proper legislation for its enlargement and reorganization. He had made an accurate survey of the frontier, and planned a scheme embracing a line of coast defense, but this plan was thwarted by politicians. Another measure which was inaugurated by Mr. Calhoun, and has since been widely copied, especially by England, is the order which he gave to all surgeons of the United States Army stationed at military posts over the country to report to the department all diseases, their treatment, changes of the temperature, moisture, and winds. The result has been a large collection of very important data regarding this phase of our country's development.

The credit for this very enlightened policy must always go to Mr. Calhoun. So completely and ably did he reorganize his department that General Bernard, who was chief of the board of engineers under Mr. Calhoun and had been on the staff of the great Napoleon, declared that the executive ability of Mr. Calhoun was fully equal to that of his former chieftain. This was a very high compliment to Mr. Calhoun's administration as Secretary of War, and is an indication of the efficiency with which he discharged the duties of the office. It was during his second term of office as Secretary of War that his name was placed in nomination for the Presidency. There were before the people six candidates for the office—Mr. Adams, Mr. William H. Crawford, General Jackson, Mr. Clay, Mr. William Lowndes, and Mr. Calhoun. The rather unusual spectacle was presented of two friends from the same State being placed in nomination and still continuing a very warm friendship. Mr. Lowndes was nominated by the legislature of South Carolina and Mr. Calhoun by his friends in Pennsylvania, neither gentleman being aware of the fact until their nominations had been made. Within a year, in the prime of life and the midst of great usefulness, Mr. Lowndes died, and upon the nomination of General Jackson, Mr. Calhoun, foreseeing that he could not be elected, withdrew his name from the race and permitted himself to be nominated for the Vice-Presidency. He was elected by a very large majority, and on March 4, 1825, took the oath of office as Vice-President along with John Quincy Adams, who had been elected to the first place.

Why Mr. Calhoun permitted himself to be removed from an active participation in events has never been fully determined; possibly because of the proximity of the office to that of President. However, no executive had died during his term of office, and it was always the great desire of Mr. Calhoun's life to become President, and when he saw that the candidates in public life were cutting each others' throats, no doubt he thought more advantage might come from his withdrawal from the arena for a few years. Be that as it may, he accepted the office and his duties as presiding officer of the Senate, which duties, contrary to the custom of the time, he was scrupulous to perform. The principal incident of his term of office was the rather remarkable correspondence which he carried on with the President through the columns of the newspapers. Several Senators were never careful as to the violence

of their language in attacking the administration, and as Mr. Calhoun thought it out of his province to call them to order, the President indulged in a series of very bitter denunciations directed against the Vice-President, to which Mr. Calhoun replied with equal vigor. The result was a drawn battle. The Senate passed a rule authorizing the presiding officer to call to order a Senator for words spoken on the floor; thus Mr. Adams gained his point. Nevertheless, the Senate deemed it necessary to make this rule giving the Vice-President the power; so it was evident that the power had not existed prior to the rule, and in this Mr. Calhoun was also justified.

Calhoun was very strongly in favor of the election of General Jackson as Mr. Adams's successor, and was again placed second on the ticket as the party's nominee for Vice-President. His reason for favoring General Jackson was that he believed the general in sympathy with the people of South Carolina (his native State) and the other States who were being ruined by the high protective tariff then in force and were equally desirous of its reduction. The tariff of 1824 was a great advance over that of 1816, which Mr. Calhoun had aided in passing and which was a matter of indifference to the then prosperous people of South Carolina. In 1824, when the tariff bill was passed by Congress, the legislature of South Carolina passed a resolution to the effect that the bill was contrary to the Constitution and an unwarrantable exercise of federal power. The industries of the State were languishing, the income of the State was being each year diminished, and its citizens impoverished. It was impossible that a people should favor a tariff which brought about such conditions. No people ever yet courted economic ruin, and it was to be expected that their representatives would share their feelings.

The products of the Northern States were protected, and those States were growing prosperous under a policy which threatened the ruin of the South. Naturally the South was indignant, and demanded the reduction of a tariff which favored only one section of the country. South Carolina had protested against the tariff of 1824 as injurious to the industries of the State and therefore unconstitutional; but when, in 1827, a still higher tariff was proposed it was felt that something must be done. Up to this time Calhoun had remained somewhat neutral, but now he took his first decisive step and cast in his lot with the antitariff party. Feeling at this time in South Carolina was very intense. Led by Doctor Cooper, president of the South Carolina College, a party was being formed which was strongly antitariff in character. Doctor Cooper was a man of great learning, ability, and influence. He was pronounced by Thomas Jefferson to be the "greatest man in America," and by John Quincy Adams "a learned, ingenious, scientific, and talented madcap." Doctor Cooper addressed an antitariff meeting held in Columbia, and in 1824 wrote a pamphlet in which he said that the action of Congress in passing a tariff act so injurious to a large section of the country was "calculated to bring on the dangerous inquiry," Was the South benefited by being in the Union, which used her only as a tributary to another section of the country? Public sentiment was rapidly crystallizing in South Carolina, and Calhoun was forced by necessity to take a stand upon this issue.

In 1828 the tariff known as the "tariff of abominations" was passed, and feeling in South Carolina was brought to a high pitch. When asked what should be done, Calhoun frankly said that no relief could be expected from Congress. He counseled moderation and placed his hopes in the election of General Jackson, who, he thought, could and would be able to bring about a reduction of duties to a revenue standard. Should this change of administration not give the desired relief, only one course appeared to be open, and that was the interposition by the State of the veto. This, however, was a last resort and to be used only in a case of the greatest emergency. Calhoun had not yet mapped out his programme nor had he come to a conclusion as to the proper method of dealing with this question. When Congress adjourned on May 26, 1828, he returned to his home in Pendleton, where he spent the summer in an exchange of ideas with the leading men of the State. In July he was not a nullifier, but by October he had come to a conclusion. He had worked out his theory and from now on his life was devoted to this single aim—the successful establishment of this theory. Meanwhile the legislature of 1828–29 was about to convene. Propositions to call a state convention were coming thick and fast, and this would mean violent measures, for the action of such a convention could readily be foreseen. As a check to such a movement, the committee on federal relations, led by William C. Preston, who was afterwards a member of the United States Senate, reported a document, which had been obtained from Calhoun. This document contained the theory he had recently worked out as to the nature of the trouble and the remedy that should be applied. It was the great exposition of 1828.

The legislature at once had 5,000 copies printed and distributed and gave to it the title of "The South Carolina Exposition and Protest on the Subject of the Tariff." It became the platform upon which all future action in South Carolina was based, and was to the now distracted State a document almost inspired. From now on Calhoun's position is defined and his purpose fixed. For just a moment let us see what his true sentiments were.

The following statement is given in Jenkin's Life:

First. He believed that the Federal Constitution was a compact adopted and ratified by and between the States in their sovereign capacity as States.

Second. That the General Government contemplated and authorized by this Constitution was the mere agent of the States in the execution of certain delegated powers in regard to the extent of which the States themselves were the final judges.

Third. That when the reserved powers were infringed by the General Government or the delegated powers abused, its principals, the States, possessed the right of state interposition or nullification; otherwise, there would be no remedy for any usurpation of the reserved or abuse of the delegated powers.

Mr. Calhoun's theory as outlined above was based directly upon the Virginia and Kentucky resolutions, although he carried his theory further than these resolutions.

The Kentucky and Virginia resolutions were called forth by the passage through Congress of the obnoxious acts known as the alien and sedition laws. The alien law gave the President power to remove from the country or to imprison any alien he deemed a dangerous or treasonable person, thus conferring upon him despotic power. The sedition law provided that anyone should be imprisoned who should "write, print, utter, or publish" anything detrimental to the Government—either House of Congress or the President. These two remarkable acts appeared to be only the first steps toward a complete centralization of power. It was against such laws as these that the Virginia and Kentucky resolutions were directed. The Virginia resolutions declared that in the States alone lay the right of interference whenever the powers reserved by them were endangered, and that they had the right to maintain "within their respective limits the authorities, rights, and liberties appertaining to them." This stated very clearly the atttude of Virginia on the question, but even more definite were the Kentucky resolutions, as written by Mr. Jefferson.

Such was the text of the Kentucky resolutions as drawn up by Jefferson, and so clearly did they conform to the view later and independently promulgated by Calhoun as to be the basis for his doctrine of nullification. These alone, with the report of Mr. Madison on the Virginia resolutions mentioned above, were taken by the States Rights party as the foundation for their doctrine. Their opponents denied the construction placed upon these documents and also that the Kentucky resolutions emanated from Mr. Jefferson. This last became a point of great importance and was not settled until March 13, 1832, when Mr. Ritchie, the editor of the Richmond Enquirer, published a statement that in some papers of Mr. Jefferson were found two copies of the Kentucky resolutions in his own handwriting, which appeared to be the original draft. Such, then, was the foundation upon which Mr. Calhoun based his theory, and it would seem very difficult of contradiction. The construction he placed upon them was that the Central Government, including Congress, was a creature of the States and the Constitution only a compact between them; that any assumption of powers by Congress which had not been delegated by the States was an infringement of the compact; and the States, being the supreme authors of the compact, were the ones to pass judgment upon the matter.

Nothing in the way of statement could be more explicit, and from this Calhoun derived the authority for his construction of the Constitution. In essence his conviction was this: The Constitution was made for the States, not the States for the Constitution; the Government was made for the people, not the people for the Government. His argument is beautifully clear in all respects. In 1843, about fifteen years after the famous exposition of 1828, in which he laid down the platform for his future conduct, he began to embody his views of government and construction of the Constitution in a treatise to which he gave the name of A Disquisition on Government. Following this, he started A Discourse on the Constitution and Government of the United States, which, however, owing to his death in 1850, was never finished. The underlying principle of the Disquisition on Government is that government by the majority always results "in despotism on the minority unless each class or community in the State has a check upon the acts of the majority."

He says that—

Each, in consequence, has a greater regard for his own safety or happiness than of others; and, where these would come in opposition, is ready to sacrifice the interests of others to his own.

So that it is only in the natural course of events that the party in power would continue a tariff which, though ruinous to the interest of the minority, is beneficial to them. To give some protection to the minority, he considers a check of some sort necessary; and from where can this come but from the States themselves? In this way he justifies nullification, and cites as a precedent the sentiments embodied by Jefferson in the Kentucky resolutions. Such, in brief, is the Calhoun doctrine, to the furtherance of which the great nullifier devoted the remainder of his life.

But to resume the narrative of events: In December, 1829, the first message of President Jackson to Congress gave no hope to the enemies of the tariff in South Carolina; nor did succeeding events give more than a flickering ray of hope, which served only by disappointment to intensify the feeling. The State saw that nothing could be expected by a permanent distribution of the surplus revenue, made possible by a perpetual protective tariff, and this, too, when the only necessity for such a tariff was the selfish interests of the party in power. Therefore the States Rights party in South Carolina determined on action. The election was conducted upon the great issue of whether the States Rights or Union party should obtain the necessary majority in the house. It was required that two-thirds of the members of the legislature must vote for the calling of a convention, and in the election more than this number were returned to the house by the States Rights party. Accordingly a convention of the State was called, which, on November 24, 1832, passed the ordinance of nullification, accompanied by an address to the people of South Carolina and also to their co-States, setting forth the reason for their action.

The time was one of great excitement and the termination of events very uncertain. A vacancy was made in the Senate by the resignation of General Hayne to become governor of South Carolina, and Mr. Calhoun was elected by the legislature to fill that position. His task was one of the greatest difficulty. Deserted by all his former political friends, he and the State of South Carolina stood alone. Surrounded on all sides by enemies, threatened with treason and military subjection by a hostile President, isolated on all sides, he stood to fall or rise with his State. His journey to Washington was one of mingled feelings. Great crowds gathered to see him pass, and when he entered the Senate Chamber it was crowded with curious and eager spectators. Many expected immediate arrest, and all were curious to see how he would conduct himself. He soon fulfilled their expectations by a resolution calling upon the President to lay before the Senate the ordinance of nullification, and in this way the matter was brought under consideration. It was understood by Mr. Calhoun that President Jackson would in two or three days' time send to the Senate a message on the subject, but when Calhoun entered the Chamber the next day and found the Secretary of the Senate reading a communication from the Chief Executive it was a great surprise and found him unprepared. Nevertheless, at its conclusion, he arose, and in a vigorous and very creditable speech replied to the message. The message was referred to the Committee on Judiciary, which soon reported a bill giving the President greatly increased powers as to money and men. It empowered him to employ force in the execution of the tariff law, and was known in history as the force bill. In other words, it brought matters to a crisis. In reply Calhoun offered three resolutions:

1. That the States were parties to the Constitution and the Union as separate sovereignties.

2. That they had delegated certain defined powers and no more to the Federal Government, and when powers not delegated were exercised the acts were null and void, the judges of the infraction being the parties to the compact.

3. That the idea that the people of the United States formed a nation was a present and historical fallacy.

If the Senate had admitted the truth of the resolutions, Calhoun would have made good his justification of nullification. However, the Senate would not consent to a consideration of the resolutions, and after tabling them proceeded to a discussion of the force bill. The debate was well conducted on both sides, but the titanic battle was between Webster and Calhoun. Mr. Calhoun was forced to open up the duel, which he did in an able and masterly manner, avoiding, however, a discussion of anything but the most general principles embodied in the resolutions, in order that he might have an opportunity of replying to Webster. That gentleman followed him in the debate on the force bill, and with characteristic ability went into an investigation of the principles and the Government's foundation, defending his view with consummate skill, and sharply attacking Mr. Calhoun's position. At Mr. Calhoun's request the Senate appointed a day on which he was to reply to Mr. Webster, and accordingly, on February 15, he arose to make the greatest effort of his life. He spoke for two hours, and stream after stream of relentless logic flowed from his lips, perfect in its consistency and logic. He defended his own and his State's positions, and more than fulfilled his friends' highest expectations. The following is a condensed portion of his speech:

South Carolina—

He said—

had not claimed a right to annul the Constitution, nor to resist laws made in pursuance of the Constitution, but those made without its authority. She claimed no right to judge of the delegated powers of the Constitution, but of the powers which were expressly reserved to the respective States. The reservation was against the United States, and extended, of course, to the judiciary, as well as to the other departments of the Government. He defended himself from the charge of having been a protectionist in 1816. The tariff then adopted had been primarily a revenue measure, framed with reference to the need of reducing the public debt.

He goes on to explain the errors of the bill, and asks if by this one act he had forever committed himself to a policy which had been extended into a system of oppression, by which one section of the country was prospering at the expense of another. He continued with an analysis of the tariff, and concluded with an exposition of the Constitution.

The speech will undoubtedly rank as one of the greatest efforts in history, and surpassed any speech previously or subsequently made by Mr. Calhoun.

In the duel of words which followed between Mr. Calhoun and Mr. Webster much eloquence was evinced on both sides. With the clearness of vision and fairness characteristic of the man, Mr. Webster granted that if the Constitution was a compact between the States, then Calhoun's position was proved, and nullification and secession were justified. Consequently, Mr. Calhoun directed all his energies toward establishing the fact, and he was generally conceded to have proved his point. Mr. Randolph, who was present in the Senate Chamber for the last time during this speech, congratulated Mr. Calhoun, and stated that he regarded his arguments as unanswerable.

The force bill passed, but shortly afterwards a compromise tariff bill was introduced by Mr. Clay, which was agreed to by Mr. Calhoun. It surrendered the protective principle and established the ad valorem principle, which was the point of contention with Mr. Calhoun. It provided for a gradual decrease in duties until they should reach the revenue standard, and this also was agreed to by Mr. Calhoun. He recognized the impossibility of suddenly withdrawing protection from industries which had been accustomed to its aid, and, so long as the protective principle was surrendered, was willing that the reduction should be gradual. In South Carolina the compromise act was not popular at first, but when Mr. Calhoun arrived and advised the legislature all opposition was withdrawn. This ended the memorable nullification controversy in South Carolina. It had, from the standpoint of Mr. Calhoun and his followers, been a success. The principle for which they contended had been established, though gradually; the State had emerged from the contest with honor unimpaired and Mr. Calhoun himself with glory beyond any he had ever known before.

We now enter upon the third and last period of his career. Through his connection with the nullification controversy he was to become the leader of the entire South. Nullification had not actually been carried through, but by a threat of it Congress had been forced to alter the tariff in accordance with one State's wishes and a precedent had been established. Henceforth nullification was to be absorbed into the larger doctrine of state sovereignty, popularly called "states rights," from which it had emanated, and of this party Calhoun was to become the undisputed leader. His standing, both as to purity of motives and ability, was higher than it had been at any previous time and the work he had done was a great one for the South. The effect of South Carolina's stand was to be of great benefit to the country. Had the revenue been allowed to flow into the Treasury in such a great stream power must eventually have been centralized at Washington. Thus South Carolina's act assumed patriotic proportions in the eye of the country, as it had always done in the State, and the prestige of Calhoun was consequently increased. His first work in the Senate after the passing of the storm of nullification was the part he took in censuring President Jackson for removing the Government's deposits from the Bank of the United States to a number of state banks. This measure was regarded as a high-handed measure by the entire Senate, and even the friends of the administration tried to justify it only on the strength of its expediency. Calhoun's knowledge of financial affairs was very clear, owing to the careful study he had made during his

service in the House twenty years before; his remarks were listened to with great respect. He predicted the panic which followed a few years later. He advocated a complete separation of the Government from the banks and approved of the Independent Treasury bill. This bill was not passed, but it was the forerunner of the system later adopted. Mr. Calhoun voted for the bill introduced by Mr. Webster to recharter the United States Bank for six years, although it lacked much of meeting with his approval. Much of this period was devoted to a controversy with General Jackson, and the fight was waged with great bitterness on both sides. His relations with the President had long since ceased to be friendly, and when he voted for the resolution of Mr. Clay, censuring the President for misconduct in regard to the banks, the duel was opened. He made a number of withering speeches upon the course pursued by the President, and in this connection denounced the spoils system he had inaugurated.

This system of the President had no support in Congress, and when Calhoun moved the appointment of a committee of Senators to inquire into the extent of the executive power and devise a method of reducing it, it met with no opposition. Mr. Calhoun himself was made chairman of this committee, and the report was so heartily approved by the Senate that 10,000 copies were ordered printed for distribution throughout the country. Calhoun's course of action in regard to Jackson was enthusiastically received in the city of Washington, and he was strongly supported by public opinion in his debate with Mr. Benton. The latter violently attacked Calhoun, who had severely arraigned the spoils system of the administration. The debate was conducted by Calhoun with great dignity, and in the outcome he was easily victorious.

The next great question which occupied the attention of Mr. Calhoun was the reception of the abolition petitions. Societies had been formed throughout the Northern and Central States, praying, through their Representatives, for the abolition of slavery in the District of Columbia. It threatened the security and peace of all the slave-holding States, and Mr. Calhoun regarded it as an attack on one of the outposts of slavery which must by all means be repulsed. Accordingly, on the 12th of April, 1836, he made a forceful speech declaring that the petitions should not even be received. Congress, however, decided that such a course of action would appear to be a denial of the right of petition by the people and favored the reception of the petitions. Mr. Calhoun made another speech, and so convincing were his arguments that the petitions, after having been received, were laid on the table.

Shortly afterwards, in 1837, as Mr. Calhoun had foreseen and predicted, came the great crash, flooding the country with financial ruin. Mr. Van Buren, the President, recommended a complete separation of the Government from the banks, and in this policy was supported by Mr. Calhoun. He advocated his views in a strong speech made on the 3d day of October, at the special session called to consider the financial status of the country. It was not until late in July that a satisfactory bill passed both House and Senate and, after receiving the President's signature, became a law. The Independent Treasury bill, as it was called, received the hearty support of Mr. Calhoun, and for this course of action he was greatly criticised. What he did was entirely consistent with his former course of action, for he had always emphatically declared that he was the partisan of no class or party. Whatever he saw was for the best interest of the country he supported, and he had pursued this course; hence when attacked for having gone over to the administrative party he indignantly denied the ground for such an attack. Of the criticisms of the press he took no notice, but when called to account by Mr. Clay on the floor of the Senate, he replied in a speech which, for eloquence, has never been surpassed in that body. His words bore a striking resemblance to the De Corona of Demosthenes, and were in much the same strain. He denied the charge that he had been unfaithful to his party; he had given no organization his allegiance, and therefore he could desert none.

> What the motive was for his change of views, he was willing for time to disclose. The imputation sinks to the earth with the groundless charge on which it rests. I stamp it with scorn in the dust. I pick up the dart, which fell harmless at my feet. I hurl it back. What the Senator charges me with unjustly, he has actually done. He went over on a memorable occasion, and did not leave it to time to disclose his motive.

This last shot drove home, for he was alluding to Mr. Clay's action in 1825 in connection with the election of Mr. Adams and his acceptance of the office of Secretary of State. The speech continued in this vein of fiery eloquence, and completely justified Mr. Calhoun's conduct. He refuted Mr. Clay's charge, and clearly defined his own position with a manner so impassioned and effective as to leave his listeners spellbound.

Against one party in particular was Mr. Calhoun's wrath aroused—the Abolitionists. He believed them capable of more mischief and of more dangerous tendencies than any other sect in the country. At the session of 1837–38 he offered a set of resolutions on the subject of abolitionism, and followed them up by a series of speeches defining his position on the slavery question. Possibly it would be well to give a few leading principles of Mr. Calhoun's belief, as he has been greatly misrepresented. He viewed it as a political institution, whose existence began before the Constitution was formed and was recognized in that document. The framers of the Constitution considered slaves as property, and acknowledged the right of ownership of them. Consequently, under rights of property, the States were bound by a pledge to abstain from all interference, and that in the District of Columbia and States not excluded by the Missouri Compromise, being the common property of all the States, the owner of slaves was entitled to the safe protection of his property should he emigrate there with his slaves, that is, on common soil; also the rights of property should be protected. Slavery was defended in the South on account of existing conditions. Where the races, almost equal in number, existed side by side, one must always be subject to the other. Besides, of what value, he asks, were political rights when they were exercised, as he saw, in the case of thousands of voters in the North, who were under the domination of powerful monopolies, and were forced to vote according to dictation? Mr. Calhoun was active on all important questions coming before the Senate, and took a prominent part in all debates, making several very noteworthy speeches.

In March, 1843, Mr. Calhoun resigned his place in the Senate and retired to his estate at Fort Hill, in the neighborhood of Pendleton Court House. His private affairs had suffered greatly from his protracted absence in Washington, and he was forced to give them his attention.

It was impossible for him, however, to long refrain from active participation in affairs, so when, in February of the next year, the President offered him the position of Secretary of State, made vacant by the death of William Upshur, he again entered the arena. During his term of office he was instrumental in securing the annexation of Texas as an integral part of the Union. In fact, he was the most powerful agent in securing this important measure. Upon the election of Mr. Polk he resigned his position in the Cabinet, as he was not in entire accord with the administration's views in regard to the Oregon difficulty. He was offered the mission to England by Mr. Polk, but this he declined and again retired to private life. Here, at Fort Hill, he enjoyed a short rest and devoted himself to the work he was writing on political economy. It has been said that if Calhoun had devoted his life to authorship, he would have been one of the most original and philosophical writers this country has ever produced. To show the esteem in which he was held, in 1845, when he made a journey to Memphis to the convention for the purpose of considering the development of the natural resources of the South and West, his progress was made an occasion for ovations along his entire route, and his reception, even in Jackson's own country, were equal to the earlier demonstrations in honor of the old general.

He was not, however, to be allowed to remain in private life. His friends thought his presence in Washington necessary; accordingly, upon the resignation of Judge Huger from the Senate, he again entered that august body, in whose service he was destined to die. He was immediately plunged into questions of the greatest moment. Polk seemed to desire a war with Mexico and was intent upon precipitating it. At the same time he laid claim to "all Oregon" and forced on the country a most alarming situation. We could ill afford a war with England, and never with England and Mexico combined. Accordingly, it was left to the Senate to extricate the country from this dilemma, and Calhoun was pushed to the front. He offered resolutions to the effect that contradictory claims to the territory might be settled by treaty. Thus, by a policy of "wise and masterly inactivity," he sought to delay events until the outcome of the struggle with Mexico could be seen. Never since the days of his early career, before his advocation of nullification, had Mr. Calhoun enjoyed a national reputation so great or his views held in such reverence.

He was the preeminent statesman of the day, and to him the Nation looked for deliverance from her difficulties. The British minister offered to make the forty-ninth parallel the boundary of the disputed territory, and the compromise was accepted by the Senate, which had been left solely in charge of the treaty. On March 16, 1846, Calhoun made his great speech on the treaty, and recommended its acceptance. The Senate was crowded, and the Senators listened eagerly as the great states-

man spoke his message. The speech advised compromise, and the advice was followed. The forty-ninth degree of latitude was accepted as the northwest boundary of the disputed Oregon Territory, and the cry of "54, 40, or fight" was at an end.

Its termination was most fortunate for this country, for five days after the negotiations were concluded hostilities broke out with Mexico, and this would have given a different turn to the situation. Mr. Calhoun was opposed to the war with Mexico, and if he had been given a chance, might have prevented it. He was overwhelmed, however, by popular feeling, and the war went forward. Had he followed the advice of his friends, and only acquiesced in the course events were taking, he would have remained the foremost man in the United States, and perhaps triumphantly ridden into the presidency. Such a thing, however, was foreign to his nature, for he could never sacrifice his convictions of what seemed to him to be right. By this act he threw away his great chance to satisfy his life's ambition, and the fact must always remain a monument to him, greater than the office could ever have been.

Soon the results of the war, which Calhoun had seen to be fatal to the South, were apparent. A great territory was wrested from Mexico, and it was believed that the administration favored the annexation of the whole country. In January, 1848, Calhoun made a speech, which he thought put an end to this idea, but the fact remained that much territory had been acquired, and some disposition had to be made of it as regards slavery.

Accordingly, the Wilmot proviso was introduced on February 19, 1847, by the party in power, providing that no slavery should exist in the territory recently acquired from Mexico. This was what Calhoun had foreseen, and he opposed it with all his might. He offered a set of resolutions, which provided that Congress had no right to legislate to the discrimination of any of the States of the Union, or to deprive any citizen emigrating to the new States of the right of property, or to dispose of conditions before the States in question should be admitted to the Union and given a voice in the matter. He spoke in defense of his resolution, and gave the position of his whole career in a few brief sentences. The free States already had a majority of votes in the electoral college, there was a majority in the House, and the Senate was evenly divided. Should more States be formed from time to time, and all of them free, then the balance of power would be on the side of the free States. Could they be intrusted to safeguard the rights of the slave States, who were in the minority? Certainly not, and a course would be followed that would be ruinous to the slave States. Eventually, then, in the nature of things, the South would withdraw from a union of so little advantage to her. Sentiment never yet bound together a nation. There must be advantages accruing to both sections or civil war would come. This was Calhoun's great life work—to prevent the disruption of the States and to preserve the Union. To do this he contended the balance of power must be preserved. Slavery, as an institution of the South, and a form of property guaranteed by the Constitution, must be upheld or it would prove the rock on which the Union would split. The last years of his life were spent in preaching this doctrine. He was the almost undisputed leader of the South, and to him every man of his party came for instructions as to a great master. His great life work was to lead his people past the impending doom that threatened them and to preserve an unbroken Union just in its recognition of the rights of all sections, with "equal rights to all and special privileges to none." His health was fast failing, and it was evident that the great statesman could last only a little longer.

In January, 1850, he fell ill with pneumonia, and grew steadily worse. On February 18 he was in his place once more, but after that was confined to his rooms. His one desire was to go back into the Senate if for only an hour. He had one last speech to deliver, the great message of his life, and he could not die with it left unsaid. Accordingly, on the 4th of March, he was in the Chamber, though so ill that he was obliged to act on his friends' advice and to give his speech to his friend, James M. Mason, of Virginia, to read. As the voice of the Virginia orator rang out over the Senate Chamber, Calhoun sat with features as of a stone image, his eyes shining with the intensity of his purpose.

It was his last great message to the country, and was awe-inspiring in the accuracy with which it foretold future events. It has been pronounced by eminent critics, and of a disposition unfavorable to Calhoun, as the most important speech made before the war by any southern leader in its power to mold public sentiment.

He began by reiterating the doctrine that he had preached all his life, the Union must be preserved, and to save it, agitation of the slavery question must cease. The South must be allowed her rights of property, guaranteed under the Constitution, or the question will end in disunion. The equilibrium of power between the sections must be preserved and the South given an equal share in the voice of the Government. If the Union is to be preserved, the South must be conceded an equal share in the recently acquired territory, the agitation of the slave question must stop, and an amendment made to the Constitution establishing again the balance of power. If the North intended to do this, let her say so. If not, let the States depart in peace. He ended by a last statement of his position: He had striven always to stop the agitation of slavery and save the Union; if this should be impossible then his efforts would be to save the South, where he lived, and upon whose side was justice and the Constitution.

Such was the last great speech of the great leader. He spoke once more in the Senate, on the 7th of March, in reply to Webster, who declared that the Union could not be destroyed. Calhoun answered that it could, and by "great moral causes." This was his last appearance. He was confined to his room by a cough and by racking pains, and with his body growing weaker every day.

Not so his mind, for he was in the full possession of all his mental faculties, and his massive brain was as vigorous as ever. He busied himself to the last with public affairs and his papers. He believed that the South and the Union were doomed for destruction unless he saved them, and he clung desperately to every moment in which he could work for their salvation. During his last days he dictated to his secretary a set of resolutions, which he intended introducing to the Senate as the ultimatum of the South. They recited that the Southern States could not lawfully be deprived of equal rights in the territory acquired from Mexico or from any other source; that the people of a Territory had no right to form a constitution and a State without the permission of Congress, and the action of California was consequently void; that Congress had no right to give validity to California's constitution; that the Wilmot proviso was an attempt to deprive the South of its rights by a palpably unconstitutional method, and that the time had arrived when the Southern States owed it to themselves and the other States of the Union to settle forever the question at issue between them.

These resolutions were merely the summing up of Calhoun's views on the whole matter. When he had finished their dictation he wished for "one time more to speak in the Senate. I can do more than on any past occasion in my life." Still, in dying, his last thought was to save the Union and how to do it. He never wished for secession so long as there was any way to prevent it. To the last his mind wrestled with the problem. As has been said: "It was a Senator rather than a man who was dying." His thoughts were concentrated on the country to the last, and with his mind still on the problem he passed from the sphere of earthly action into eternity. On the morning of the 31st of March, 1850, the great statesman breathed his last, and the long battle was ended.

Of his private life it is unnecessary to speak other than to say that it was pure and blameless. He spent forty years in the public service—as a member of the general assembly of South Carolina; three times elected to Congress; for eight years Secretary of War; twice elected Vice-President of the United States, in 1824 and 1828; United States Senator; Secretary of State in Tyler's Cabinet; and after that United States Senator until the time of his death. During these four decades in public service, faithful to every trust, patriotic in every fiber of his being, devoted to the Union, but believing with all his heart that its perpetuation depended upon preserving to the States their rights under the Constitution. A philosopher and statesman of the highest order, orator, and author, he served the Nation and his State faithfully and well. No man has ever been so honored by South Carolina as was John Caldwell Calhoun, the State's greatest and most gifted son. From 1832 to the time of his death the people of South Carolina received his counsel and followed his lead implicitly. As true as they were to him, he was to them and to their best interest as he saw it.

When he passed away at half-past 7 o'clock Sabbath morning, March 31, 1850, the highest honors were paid him at the Capitol of the Nation, and throughout the country there was genuine and sincere regret that one who was most worthy to sit in the seats of the mighty was no more. But it was reserved for the people of his native State, without any division, to do honor to his memory as befit those who loved him with a sincere devotion and whose political idol he was.

These honors did not cease when his body was consigned to the tomb. The women of South Carolina, whose virtue and patriotism has ever been the chief glory of the State, undertook the work of erecting to him a monument in granite and marble that would bespeak in some measure South Carolina's appreciation and pride in her favorite son. On the 26th of

April, 1887, the Calhoun monument was unveiled at Charleston, S. C., in the presence of patriotic thousands and hundreds of distinguished citizens from all over the country. The monument stands more than 50 feet high, and cost $60,000. The oration was delivered by that prince of orators, L. Q. C. Lamar. Nearly sixty years have elapsed since the death of the great states rights champion. In this period have occurred events of the first moment and involving the very existence of the Nation. The civil war occurred, as Calhoun predicted might be; the slaves were freed, given the franchise, and in the South placed in political power, as Calhoun had predicted as one of the possibilities of the future. This, however, was for only a comparatively short period of time, and the South did not drop to the level of Haiti or San Domingo, as Calhoun had intimated might be the case. The civil war is a matter of history. One of its results was to forever set at rest the questions nullification and secession, and the establishment for all time of the doctrine that the Union is indivisible and indestructible. The bitter and sectional passions engendered by the war have almost entirely passed away. The man who in either branch of the American Congress to-day would undertake to make a violent, abusive, and sectional speech would find himself solitary and alone engaged in a vain effort to revive issues which have been finally buried. The time is and will be when the American people throughout this country will look upon the participants in that great struggle—North and South—with a common pride that can only be likened to and compared with the pride felt by the English people for all those who participated in the war between the House of York and the House of Lancaster, commonly called the "war of the roses." A nation can not be great unless patriotism abounds and a common sympathy binds all the people together. The war with Spain demonstrates conclusively that in none of these essentials of greatness is the United States wanting.

The statue of John Caldwell Calhoun stands in Statuary Hall, the old Hall of Representatives, the scene of his first efforts and labors in the service of the Nation, placed there by the State of South Carolina, and none more worthy than he to be so honored. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the adoption of the resolution.

The question was taken, and the resolution was unanimously agreed to.

LEAVE OF ABSENCE.

The SPEAKER pro tempore. The Chair lays before the House the following personal requests.

By unanimous consent leave of absence was granted as follows:

To Mr. BOEHNE, indefinitely, on account of sickness.

To Mr. AUSTIN, for two days, on account of important business.

To Mr. ELVINS, for two weeks, on account of important business.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 6 minutes p. m.) the House adjourned until Monday, March 14.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Smiths Creek, North Carolina (H. Doc. No. 774)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles C. Baumann against the United States (H. Doc. No. 775)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEENERSON, from the Committee on Militia, to which was referred House bill 21829, reported in lieu thereof a bill (H. R. 22846) to further amend the act entitled "An act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, accompanied by a report (No. 741), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 21219) to provide for sittings of the United States circuit and district courts of the eastern division of the eastern judicial district of Missouri at the city of Rolla, in said district, reported the same without amendment, accompanied by a report (No. 742), which said bill and report were referred to the House Calendar.

Mr. GOEBEL, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17164) to provide for sittings of the United States circuit and district courts of the southern district of Ohio at the city of Portsmouth, in said district, reported the same with amendment, accompanied by a report (No. 743), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22369) to amend an act entitled "An act to authorize the construction of a bridge across the Monongahela River, in the State of Pennsylvania, by the Liberty Bridge Company," approved March 2, 1907, reported the same with amendment, accompanied by a report (No. 744), which said bill and report were referred to the House Calendar.

Mr. KENDALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 3983) to amend the act of April 23, 1904 (33 Stat. L., 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and all amendments thereto, reported the same with amendment, accompanied by a report (No. 745), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MARTIN of Colorado: A bill (H. R. 22837) to provide for the erection of a public building at La Junta, in the State of Colorado—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22838) to provide for the purchase of a public building site at La Junta, in the State of Colorado—to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 22839) to provide for the payment of expenses involved by the participation of the militia in joint maneuvers with the Regular Army during the season of 1908—to the Committee on Militia.

By Mr. CREAGER: A bill (H. R. 22840) to confer certain jurisdiction upon the probate courts in Oklahoma in certain matters—to the Committee on Indian Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 22841) to amend section 4 of an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902—to the Committee on Irrigation of Arid Lands.

By Mr. MILLER of Minnesota: A bill (H. R. 22842) providing for taxation of and fixing the rate of taxation on inheritances, devices, bequests, legacies, and gifts in the District of Columbia and providing for the manner of payment as well as the manner of enforcing payment thereof—to the Committee on the District of Columbia.

By Mr. BURNETT: A bill (H. R. 22843) to amend the immigration laws of the United States—to the Committee on Immigration and Naturalization.

By Mr. COVINGTON: A bill (H. R. 22844) providing for the establishment of a life-saving station between Ocean City and North Beach, on the coast of Worcester County, in the State of Maryland—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 22845) pensioning the surviving officers and enlisted men of the United States Army employed on the frontier in Nebraska and adjoining Territories in the Sioux Indian wars and disturbances from 1853 to 1860—to the Committee on Pensions.

By Mr. MOSS: A bill (H. R. 22847) to increase the appropriation for a public building at Brazil, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. TOWNSEND: A bill (H. R. 22848) providing for the erection of a public building at the city of Ypsilanti, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. GRONNA: A bill (H. R. 22849) to amend section 5192 and repeal section 5195 of the Revised Statutes of the United States—to the Committee on Banking and Currency.

By Mr. RAINEY: Resolution (H. Res. 497) asking the Secretary of War for information concerning contracts with the Bethlehem Steel Company—to the Committee on Military Affairs.

Also, resolution (H. Res. 498) asking the Secretary of the Navy for information concerning contracts with the Bethlehem Steel Company—to the Committee on Naval Affairs.

By Mr. MADDEN: Joint resolution (H. J. Res. 170) proposing an amendment to the Constitution conferring upon Congress the power to enact certain laws therein designated—to the Committee on the Judiciary.

By Mr. HOBSON: Joint resolution (H. J. Res. 171) to protect the dignity and honor of the uniform of the United States—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 22850) granting an increase of pension to Andrew K. Lewis—to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 22851) granting an increase of pension to Charles H. Heimlich, alias Charles H. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22852) granting an increase of pension to William A. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22853) granting an increase of pension to Adolph Billhardt—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 22854) granting an increase of pension to Isaac Ridenour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22855) granting an increase of pension to Simon Benner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22856) granting a pension to Carrie Diehl—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 22857) granting an increase of pension to Annie G. Loeffler—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 22858) granting an increase of pension to George Golcher—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 22859) granting an increase of pension to James I. Waters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22860) granting an increase of pension to John J. Wolfe—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 22861) granting an increase of pension to Jacob Brenner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22862) granting an increase of pension to James F. Hanna—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 22863) granting an increase of pension to Jesse D. Bradley—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 22864) for the relief of Sarah K. T. Baker—to the Committee on War Claims.

By Mr. CAPRON: A bill (H. R. 22865) granting an increase of pension to Charles Cornell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22866) granting an increase of pension to Emily K. Luther—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22867) granting an increase of pension to George Langley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22868) granting an increase of pension to Henry C. Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22869) granting an increase of pension to Joseph Shriar—to the Committee on Invalid Pensions.

Alos, a bill (H. R. 22870) granting a pension to Mary A. Allen—to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 22871) granting an increase of pension to Charles F. Gram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22872) granting an increase of pension to Alice L. Rowley—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 22873) granting an increase of pension to William C. Smith—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 22874) granting an increase of pension to William H. Noggle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22875) granting an increase of pension to Charles L. Burleigh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22876) granting an increase of pension to John G. Whitman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22877) granting an increase of pension to James M. Love—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22878) granting an increase of pension to George E. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22879) granting an increase of pension to John Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22880) granting an increase of pension to Richard A. Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22881) granting an increase of pension to William A. Hurley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22882) granting an increase of pension to Charles S. Price—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 22883) to correct the military record of Mirick R. Burgess—to the Committee on Military Affairs.

By Mr. DODDS: A bill (H. R. 22884) granting an increase of pension to Charles E. Bartholemew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22885) granting an increase of pension to Isaac N. Fordyce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22886) granting an increase of pension to Samuel W. Cooley—to the Committee on Invalid Pensions.

Br. Mr. FAIRCHILD: A bill (H. R. 22887) granting a pension to Louis K. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22888) granting an increase of pension to Lydia E. Alberti—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 22889) granting an increase of pension to Christian Shortz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22890) granting an increase of pension to Charles G. Shearer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22891) granting a pension to Alonzo Epler—to the Committee on Pensions.

Also, a bill (H. R. 22892) to correct the military record of Sylvester C. Snyder—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 22893) granting an increase of pension to Lawyer M. Bickmore—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: A bill (H. R. 22894) to carry out the findings of the Court of Claims in the case of Samuel F. Ryan—to the Committee on War Claims.

By Mr. JONES: A bill (H. R. 22895) granting a pension to Evans Lawson—to the Committee on Pensions.

By Mr. LAWRENCE: A bill (H. R. 22896) granting a pension to Julia A. Forbes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22897) granting an increase of pension to George W. Rogers—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 22898) granting an increase of pension to Edward F. Ziebarth—to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 22899) granting a pension to James Lawton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22900) granting an increase of pension to Samuel McGibbons—to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: A bill (H. R. 22901) for the relief of the estate of Mrs. Eleanor B. Vinson, deceased—to the Committee on War Claims.

By Mr. MOSS: A bill (H. R. 22902) granting a pension to Ida M. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22903) granting an increase of pension to John B. Bishop—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 22904) to renew and extend certain letters patent—to the Committee on Patents.

By Mr. PAYNE: A bill (H. R. 22905) granting a pension to Thomas Scott—to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 22906) granting an increase of pension to Charles N. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22907) granting an increase of pension to Lewis W. Tennant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22908) granting a pension to Wealthy J. Larrabee—to the Committee on Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 22909) for the relief of William J. Dryden—to the Committee on Military Affairs.

Also, a bill (H. R. 22910) granting an increase of pension to Calvin N. Hall—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 22911) for the relief of Francis M. Price—to the Committee on War Claims.

Also, a bill (H. R. 22912) for the relief of Frank W. Clark—to the Committee on War Claims.

Also, a bill (H. R. 22913) for the relief of the estate of W. C. Russell, deceased—to the Committee on War Claims.

By Mr. TAWNEY: A bill (H. R. 22914) granting an increase of pension to Z. C. Goss—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 22915) granting an increase of pension to Charles Bingham—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 22916) granting an increase of pension to Jacob N. Hamburger—to the Committee on Invalid Pensions.

By Mr. JAMIESON: A bill (H. R. 22917) granting an increase of pension to George H. J. Little—to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: A bill (H. R. 22918) for the relief of the heirs of Franklin Perin, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Petition of Allen Morton Watkins Chapter, Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. ANDERSON: Petition of Men's League of Fifth Baptist Church, of Washington, D. C., for Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

Also, petition of Engineers' Club, of Ohio, favoring House bill providing for increase of 60 officers in Corps of Engineers—to the Committee on Military Affairs.

By Mr. ANDRUS: Petition of Sleepy Hollow, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. ANSBERRY: Petition of Engineers' Club, of Columbus, Ohio, favoring House bill for increase of 60 officers for the Engineer Corps—to the Committee on Military Affairs.

By Mr. ANTHONY: Petitions of citizens of Nortonville, Kans., praying for the passage of a law to regulate the interstate shipment of intoxicating liquors—to the Committee on Alcoholic Liquor Traffic.

By Mr. ASHBROOK: Petition of Engineers' Club of Columbus, Ohio, for House bill for 60 additional officers for the Engineer Corps—to the Committee on Military Affairs.

By Mr. BATES: Petition of Thaddeus Kosciusco, No. 224, Polish National Alliance, of Erie, Pa., against any change of the immigration act of February 20, 1907—to the Committee on Immigration and Naturalization.

Also, petition of Burke Electric Company, Reed Manufacturing Company, and Thomas E. Durban, of Erie, Pa., against the Moon anti-injunction bill—to the Committee on the Judiciary.

By Mr. BINGHAM: Petition of Pennsylvania Society of the Sons of the Revolution, for an appropriation to collect the documents appertaining to the American Revolution—to the Committee on Appropriations.

By Mr. BRADLEY: Papers to accompany House bill 7095—to the Committee on Claims.

Also, petition of Council No. 471, Knights of Columbus, of Port Jervis, N. Y., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Papers to accompany bills for relief of George Langley, Emily K. Luther, Charles Cornell, Frederick W. Burgess, and Joseph Shriar—to the Committee on Invalid Pensions.

Also, joint resolution of the city council of Providence, R. I., for reduction of the tariff on food products—to the Committee on Ways and Means.

Also, petition of Rhode Island Business Men's Association, for the Senate bill for construction of a revenue cutter for Narragansett Bay and tributaries—to the Committee on Interstate and Foreign Commerce.

Also, petition of Grange No. 204, National Alliance, of Providence, R. I., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Rhode Island Horticultural Society, for the Lafean apple package bill—to the Committee on Agriculture.

Also, petition of Rhode Island State Board of Agriculture, favoring bill providing a penalty for manufacture and sale or transportation of adulterated or misbranded fungicides, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rhode Island Horticultural Society, favoring bill to secure purity of fungicides and insecticides—to the Committee on Interstate and Foreign Commerce.

Also, letter of Prof. H. J. Wheeler, director of the Rhode Island Experiment Station, to prevent the manufacture, etc., of fungicides and insecticides—to the Committee on Interstate and Foreign Commerce.

Also, petition of Providence Lodge, No. 66, Brotherhood of Railway Firemen and Trainmen, for sundry bills for the safety of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cigarmakers' Union No. 94, of Pawtucket, R. I., for the eight-hour law—to the Committee on Labor.

Also, petition of Audubon Society of Rhode Island, for the bill to protect migratory birds—to the Committee on Agriculture.

Also, petitions of the Woman's Christian Temperance Union of Rhode Island and sundry branches, in favor of the bill for the protection of women, to prohibit liquor selling in Hawaii, to prohibit liquor selling on ships and in public buildings owned by the Government, to place a 25-mile prohibition zone around Indian reservations, the Johnson Sunday rest bill, and the bill to prohibit the telegraphing of race-gambling bets—to the Committee on Alcoholic Liquor Traffic.

Also, petition of New England Manufacturing Jewelers and Silversmiths' Association, for repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, resolutions and petitions of the Lymansville Company, of Providence, R. I.; the Salisbury Manufacturing Company, of Providence, R. I.; the Columbia Braider Company, of Pawtucket, R. I.; the Cranston Worsted Mills, of Bristol, R. I.; the George H. Fuller Son Company, of Pawtucket, R. I.; the New England Stove Manufacturers' Association; the New England Dry Goods Association; the New England Shoe and Leather Association; and the Business Men's Association, of Olneyville, R. I., in favor of the repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Leo Council, Knights of Columbus, of Rhode Island; James Howarth, of Pawtucket; and the D. J. Mahler Company, of Pawtucket, R. I., against increasing the rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of C. J. Pullen, of Pawtucket, R. I., favoring the so-called honest paint bill (H. R. 20472)—to the Committee on Manufactures.

Also, petition of Boston Chamber of Commerce, against Senate bill 5106—to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Chamber of Commerce, for removal of obstructions to navigation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Boston Chamber of Commerce, against increase of the tonnage tax—to the Committee on Ways and Means.

Also, petition of Kent County Chapter, Rhode Island Society of the Sons of the American Revolution; Rhode Island Independence Chapter, Daughters of the American Revolution; and Flint Lock and Powder Horn Chapter, Daughters of the American Revolution, for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. CARY: Resolutions by the Superior Branch of the Lake Seamen's Union, indorsing House bill 11193 and Senate bill 6155, for bettering condition of American seamen—to the Committee on the Merchant Marine and Fisheries.

Also, resolutions adopted by the Wisconsin Academy of Sciences, Arts, and Letters, of Madison, Wis., indorsing House bill 10276—to the Committee on Agriculture.

Also, petition of Wisconsin Natural History Society, for House bill 10726, for protection of migratory birds—to the Committee on Agriculture.

Also, communication from the Milwaukee Yacht Club, Milwaukee, Wis., protesting against the contemplated transfer of the Pilot Charts from the Hydrographic Office to the Weather Bureau—to the Committee on Appropriations.

By Mr. CASSIDY: Petition of Lake Seaman's Union of Cleveland, Ohio, for legislation to prevent under manning and unskilled manning of American vessels (H. R. 11193)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Engineers' Club of St. Louis, Mo., for legislation to enlarge Engineer Corps for river and harbor work (H. R. 7117)—to the Committee on Military Affairs.

By Mr. CLARK of Florida: Petition of Abigail Bartholomew Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. COX of Indiana: Petition of citizens of Ohio for the eight-hour bill (H. R. 15441)—to the Committee on Labor.

Also, petition of Hamilton Council, Knights of Columbus, favoring House bill 17543, measure of the National Fraternal Press Association, relative to second-class mail rates—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Karl Hinrichs and 25 other citizens of Walcott, Iowa, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS: Petition of C. Von Lehe and others, of Ottawa, Minn., against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: Petition of J. B. Whitney and 71 other residents of Shasta County, Cal., favoring the eight-hour law (H. R. 15441)—to the Committee on Labor.

Also, petition of Ferndale Chamber of Commerce and other public bodies of Humboldt County, against the Burleson bill on oleomargarine—to the Committee on Agriculture.

Also, petition of California Metal Trades Association, of San Francisco, Cal., favoring amendment to strike out the publicity clause, paragraph 6 of section 38 of the act of August 5, 1909, in connection with the special excise tax on corporations—to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of Maine Memorial Commission, favoring legislation to remove the wreck of the U. S. battle ship *Maine* from Habana Harbor—to the Committee on Naval Affairs.

Also, petition of Encampment No. 70, Union Veterans' Union League, against certain statues and memorials in Statuary Hall—to the Committee on the Library.

Also, petition of New York Produce Exchange, against proposed changes in the act to regulate commerce so far as to change the present authority of the Interstate Commerce Commission over certain through rates (S. 5106 and H. R. 17536)—to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of New York Maritime Association and New York Board of Trade and Transportation, favoring at least one naval officer for each hydrographic branch office in the country—to the Committee on Appropriations.

By Mr. FULLER: Petition of N. B. Johnson, of Durand, Ill., in opposition to proposed increase in rate of postage on second-class mail matter, and favoring the establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of Massachusetts: Petition of Boston Chamber of Commerce, against certain sections of Senate bill 5106—to the Committee on Interstate and Foreign Commerce.

Also, petition of Branch No. 304, La Société des Artisans Canadiens Français, of Newburyport, Mass., for House bill 17509, right of beneficiary associations' publications to carry commercial advertising—to the Committee on the Post-Office and Post-Roads.

By Mr. HAMILTON: Petition of citizens of Bangor, Mich., against Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of publishers and business men of San Francisco, against increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

Also, petition of L. M. Lerwick and 16 other farmers of Santa Clara County, Cal., urging legislation that will eliminate gambling in farm products by boards of trade, exchanges, and other speculators—to the Committee on Agriculture.

Also, petitions of William J. Mullen, D. J. Dunne, David Moyes, John H. Gilmore, H. Treiber, and Andrew Yule, of San Francisco, Cal., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of Local Union No. 668, United Brotherhood of Carpenters and Joiners of America, of Palo Alto, Cal., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, paper to accompany bill for relief of Sawyer M. Bickmore—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: Petition of citizens of Coryell County, Tex., for legislation to abolish bucket shops and cotton exchanges—to the Committee on Agriculture.

By Mr. HOWELL of Utah: Petition of T. J. Alvord and other citizens of Ogden, Utah, for the eight-hour bills (S. 5578 and H. R. 15441)—to the Committee on Labor.

By Mr. HUFF: Petition of the United Presbyterian congregation of Slippery Rock, Pa., for the Johnson bill (S. 1862) against liquor selling in Hawaii, and the Tirrell bill (H. R. 14536)—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Monessen Council, No. 954, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. HUGHES of New Jersey: Petition of citizens of New Jersey, opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of Maj. John Engel Camp, No. 5, United Spanish War Veterans, for removal of the *Maine* from Habana Harbor—to the Committee on Naval Affairs.

Also, petition of Council No. 246, Knights of Columbus, favoring House bill 17543, National Fraternal Press Association bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens and associations of the District of Columbia, favoring House bill 18295 and Senate bill 5912, teachers' retirement bill—to the Committee on the District of Columbia.

By Mr. KAHN: Petition of John J. Field, John H. Gilmore, William J. Mullen, W. O. Zahn, James Harold, Martin Cradick, and Andrew Yule, of San Francisco, and Milliners' Union of Oakland, and I. E. Noyes, of Sausilito, all in the State of California, favoring House bill 15441, the eight-hour law—to the Committee on Labor.

Also, petition of International Brotherhood of Electrical Workers, No. 537, of San Francisco, Cal., protesting against the immigration of all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KEIFER: Memorials of the Pressmen's Union; Stereotypers and Electrotypers' Union; United Brotherhood of Carpenters and Joiners of America Union; Metal Polishers' Union; Painters and Decorators' Union; Plumbers' Union; Brewery Workers' Union; International Brotherhood of Electrical Workers' Union; Boilermakers' Union; Brotherhood of Railway Clerks' Union; Journeymen Barbers' Union; and Iron Molders' Union, protesting against increasing the rate of postage on second-class matter from 1 to 4 cents per pound—to the Committee on the Post-Office and Post-Roads.

Also, petition of Logonda Chapter, Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. KELIHER: Petition of Hebrew Independent Club, of Boston, against restrictive immigration legislation—to the Committee on Immigration and Naturalization.

By Mr. LOWDEN: Petition of Sterling Council, No. 662, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREDIE: Petition of Polish citizens, against restrictive immigration legislation—to the Committee on Immigration and Naturalization.

By Mr. MADISON: Petition of citizens of Seventh Congressional District of Kansas, asking the enactment of a law making it unlawful to ship intoxicating liquor into prohibition territory—to the Committee on Alcoholic Liquor Traffic.

By Mr. MAGUIRE of Nebraska: Petition of Farmers' Institute, of Humboldt, Nebr., and Farmers' Institute, of Tecumseh, Nebr., favoring House bill 15422, for an appropriation for agricultural extension purposes—to the Committee on Agriculture.

By Mr. MALBY: Paper to accompany bill for relief of Charles E. Herrington—to the Committee on Pensions.

Also, papers to accompany bills for relief of Zoa Boshaine, Gilford Matice, and William Keenan—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of the Young People's Missionary Volunteer Society of Turlock, Cal., against Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

Also, petition of California Metal Trades Association, for modification of paragraph 6, section 38, of the corporation-tax enactment—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce for the Flint bill, to purchase Henry ranch for military maneuvering purposes—to the Committee on Military Affairs.

Also, petition of George H. Thomas Post, No. 2, Grand Army of the Republic, of San Francisco, against retention of the Lee statue in Statuary Hall—to the Committee on the Library.

Also, petition of Washington Council, No. 48, and James A. Garfield Council, No. 18, Junior Order of United American Mechanics, indorsing the Hayes bill (H. R. 13404), regulation of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Afro-American Council, for appointment of a commission to decide on a negro exposition to commemorate the fiftieth anniversary of emancipation—to the Committee on Industrial Arts and Expositions.

By Mr. MORGAN of Missouri: Petition of More-Jones Brass and Metal Company, of St. Louis, favoring great care in legislative enactments touching railway interests—to the Committee on Interstate and Foreign Commerce.

By Mr. OLDFIELD: Paper to accompany bill for relief of Rebecca C. Ginn—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: Petition of Triple City Council, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. PUJO: Papers to accompany bills for relief of heirs of Felix J. Coudry, heirs of J. Casimer Le Blanc, Joseph G. Guidry, Rudolph Chachere, Pierre Goudeau, and Felix Defean—to the Committee on War Claims.

By Mr. ROBINSON: Paper to accompany bill for relief of Stephen P. Moore—to the Committee on Invalid Pensions.

By Mr. SCOTT: Petition of citizens of Franklin County, Kans., favoring Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

By Mr. SHEFFIELD: Petition of citizens of Rhode Island, for the eight-hour law—to the Committee on Labor.

Also, petition of Officers' Association of the Rhode Island National Guard, in favor of rifle practice among high-school boys on ranges of the national guard—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Van Buren Kinney—to the Committee on Invalid Pensions.

By Mr. SIMMONS: Petition of Grupa 613, Zwiazku Narodowego, Polskiego w Stanach, Batavia, N. Y., against legislation restricting immigration—to the Committee on Immigration and Naturalization.

Also, petition of Attica (N. Y.) Grange, No. 1058, for parcels-post law, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: Petition of General Richardson Chapter, Daughters of the American Revolution, against repeal of section 40 of immigration law as provided in the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolutions of Sarah Riggs Humphrey Chapter, Daughters of the American Revolution, of Derby, Conn., in relation to immigration and retention of Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

Also, memorial of Forest City Council, No. 3, Knights of Columbus, of Middletown, Conn., against increase of rates on fraternal publications (H. R. 17543)—to the Committee on the Post-Office and Post-Roads.

Also, resolutions adopted by the Connecticut Hardware Association, against increase of postal rates on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. STANLEY: Papers to accompany bills for relief of William A. Eastkin and Thomas H. Barker—to the Committee on War Claims.

By Mr. WEEKS: Petition of Polish organizations of the State of Massachusetts, against the Hayes bill, to further regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

By Mr. WEBB: Paper to accompany bill for relief of James B. Sprinkle—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *March 14, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

Mr. BACON called the Senate to order and directed the Secretary to read a communication from the President pro tempore, which was read, as follows:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
March 14, 1910.

To the Senate:

Being temporarily absent from the Senate, I hereby appoint Senator AUGUSTUS O. BACON to perform the duties of the Chair.

WM. P. FRYE, *President pro tempore.*

Mr. BACON thereupon took the chair as presiding officer, and directed the Secretary to read the Journal of the last legislative day.

THE JOURNAL.

The Journal of the proceedings of Saturday last was read and approved.

RAILROAD LANDS IN OREGON.

The PRESIDING OFFICER laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of January 24, 1910, information relative to the institution of certain suits in respect to the granting of lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon, etc. (S. Doc. No. 426), which, with the accompanying papers, was referred to the Committee on the Judiciary and ordered to be printed.

PENSION FUNDS FOR MUNICIPAL EMPLOYEES, ETC.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to a resolution of January 11, 1910, a report relating to pension funds for municipal employees and railroad pension systems in the United States (S. Doc. No. 427), which, with the accompanying paper, was referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

CLAIM OF EUGENE B. HAGAR.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Eugene B. Hagar, administrator of Charles W. Adams, deceased, *v.* United States (S. Doc. No. 424), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 153. An act for the relief of Henry Mulvin;
H. R. 710. An act for the relief of Cornelius Cahill;
H. R. 5269. An act for the relief of Alexander Everhart;
H. R. 6542. An act for the relief of Theodore F. Colgrove;
H. R. 6767. An act for the relief of Charles A. Bess;
H. R. 6901. An act for the relief of Platoff Bush;
H. R. 8621. An act for the relief of Aaron B. Van Pelt, alias Benjamin Van Pelt;
H. R. 8699. An act authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war;
H. R. 8730. An act for the relief of William Mullally;
H. R. 9221. An act for the relief of James Jones;
H. R. 9751. An act to amend and correct war records so as to muster in and muster out of service in United States Army Joshua E. Carlton, of Charleston, Tenn., and to grant him an honorable discharge;
H. R. 10863. An act for the relief of Anton Ernst;
H. R. 11763. An act for the relief of George Harraldson;
H. R. 11936. An act for the relief of Jacob Conrad;
H. R. 13936. An act for the relief of William P. Drummon;
H. R. 14288. An act for the relief of George W. Spencer;
H. R. 16684. An act for the relief of James Ovens;
H. R. 18540. An act for the relief of John H. Willis;
H. R. 18845. An act for the relief of Maramon A. Martin;
H. R. 18848. An act for the relief of Joseph S. Oakley;
H. R. 19243. An act to correct the military record of John B. Ford;
H. R. 19505. An act for the relief of Eugene Martin;
H. R. 19747. An act for the relief of William C. Rich;
H. R. 20603. An act for the relief of Henry Halteman; and
H. R. 21079. An act for the relief of John W. Thomas.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 22147. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;
H. R. 22621. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and
H. R. 22637. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of the wars other than the civil war and to widows and dependent relatives of such soldiers and sailors.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate, No. 20, extending the thanks of Congress and accepting from the State of South Carolina the statue of John C. Calhoun.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a petition of the Board of Trade of Wilmington, Del., praying for the enactment of legislation authorizing the payment to the Government of the

amounts due for the maintenance and improvement of the Christiana River in that State, which was referred to the Committee on Commerce.

He also presented a petition of the American Chapter of the National Society, Daughters of the American Revolution, of Washington, D. C., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Bondsville, Mass., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Potomac Council, No. 433, Knights of Columbus of the United States, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the city council of Atlanta, Ga., praying for the enactment of legislation to provide for the construction of a national highway from the federal prison, in Fulton County, Ga., to Fort McPherson, in that State, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Corona, Cal., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. GALLINGER presented a petition of sundry citizens of New Hampshire, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the Lake Seamen's Union of Bay City, Mich., praying for the enactment of legislation to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, etc., which was referred to the Committee on Commerce.

Mr. BROWN presented a petition of the Audubon Society of Omaha, Nebr., praying for the enactment of legislation to protect the migratory birds of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry surviving veterans of the civil war of Clay Center, Sutton, Tecumseh, and Crab Orchard, all in the State of Nebraska, praying for the passage of the so-called "per diem pension bill," which was referred to the Committee on Pensions.

Mr. BURROWS presented a memorial of sundry citizens of Houghton, Mich., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented petitions of Roscommon Grange, Patrons of Husbandry, and of the Michigan State Grange, Patrons of Husbandry, all of the State of Michigan, praying for the passage of the so-called "parcels-post and postal savings-bank bills," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Mineral King Lodge, No. 129, Brotherhood of Locomotive Firemen and Enginemen, of Escanaba, Mich., praying for the passage of the so-called "employers' liability bill," which was referred to the committee on Interstate Commerce.

He also presented petitions of the Sarah Caswell Angell Chapter of the National Society, Daughters of the American Revolution, of Ann Arbor, and of the Lucy Wolcott Barnum Chapter of the National Society, Daughters of the American Revolution, of Adrian, all in the State of Michigan, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a petition of the congregation of the Methodist Episcopal Church of Newberry, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government ships and buildings, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the Methodist Episcopal Church of Newberry, Mich., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Methodist Episcopal Church of Newberry, Mich., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of the Bay County Bar Association and a memorial of the Saginaw County Bar Association, all in the State of Michigan, remonstrating against the enactment of legislation proposing certain changes in the judicial territory included in the eastern district of that State, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Arcadia, Mich., praying that an appropriation of $10,000 be made for dredging the channel and for the repair of the south pier of Arcadia Harbor, which was referred to the Committee on Commerce.

He also presented petitions of South First Street Council, No. 328, of La Société des Artisans Canadiens Français, of Ishpeming; of Pontiac Council, No. 600; of Saint Ste. Marie Council, No. 649; and of Port Huron Council, No. 521, all of the Knights of Columbus, in the State of Michigan, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BRISTOW presented a petition of Local Council No. 1148, Knights of Columbus, of Esbon, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Council Grove, Kans., praying for the enactment of legislation to prohibit the interstate transmission of intoxicating liquors in prohibition districts, which were referred to the Committee on Interstate Commerce.

Mr. BURTON presented the petition of sundry citizens of Hamilton, Ohio, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Mahoning Chapter of the National Society, Daughters of the American Revolution, of Youngstown, Ohio, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of Local Council No. 1016, Knights of Columbus, of Lancaster, Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Cleveland, Ohio, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. OLIVER presented a petition of the congregation of the United Presbyterian Church of Bellevue, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of the congregation of the United Presbyterian Church of Bellevue, Pa., and a petition of the congregation of the Methodist Episcopal Church of Bellevue, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented memorials of St. Mary's Council, No. 512, Knights of Columbus, of New Castle, Pa.; of Dubois Council, No. 519, Knights of Columbus, of Dubois, Pa.; of Keystone Council, No. 111, Loyal Association, of Steelton, Pa.; and of Triple Council, No. 93, Loyal Association, of Phillipsburg, N. J., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Fish Boat Owners' Association and the National Association of Gill Net Fishermen, of Erie, Pa., praying for the adoption of certain amendments to the system of uniform and common international regulations for the protection and preservation of the food fishes in international boundary waters of the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. BURNHAM presented a petition of Mary Torr Chapter of the National Society, Daughters of the American Revolution, of Rochester, N. H., praying for the retention and strengthening

of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. SCOTT presented a petition of sundry citizens of Grafton, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of sundry citizens of Grafton, W. Va., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Grafton, W. Va., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Elkhart Council, No. 1043, Knights of Columbus, of Elkhart, Ind., praying for the enactment of legislation to provide for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES presented a petition of the Mary Ball Chapter of the National Society, Daughters of the American Revolution, of Tacoma, Wash., and a petition of the Virginia Dare Chapter of the National Society Daughters of the American Revolution, of Tacoma, Wash., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a petition of the Missionary Society of Harmony, Wash., and a petition of the Woman's Home Missionary Society of Centralia, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented a petition of Cigar Makers' Local Union, No. 109, American Federation of Labor, of Aberdeen, Wash., and a petition of Hope Lodge, No. 79, American Federation of Labor, of Seattle, Wash., praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented a petition of the Missionary Society of Harmony, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. FLINT presented a petition of the Woman's Auxiliary, United Spanish War Veterans, of Sacramento, Cal., praying for the enactment of legislation providing for the raising of the wreck of the battle ship *Maine* and the interment of those who perished in the wreck, which was referred to the Committee on Naval Affairs.

He also presented a petition of General George Washington Council, No. 49, Junior Order of United American Mechanics, of Fresno, Cal., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Los Angeles, Cal., praying that an appropriation be made in aid of the proposed semicentennial emancipation proclamation exposition to be held in 1913, which was referred to the Select Committee on Industrial Expositions.

He also presented a petition of sundry citizens of Fresno, Cal., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Campbell, Cal., praying for the enactment of legislation to prohibit gambling in farm products by boards of trade, exchanges, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chamber of Commerce of Ferndale, Cal., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. LA FOLLETTE presented a memorial of John W. Scott Post, No. 241, Department of Wisconsin, Grand Army of the Republic, and a memorial of Stevens Point Post, No. 156, Department of Wisconsin, Grand Army of the Republic, remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which were referred to the Committee on the Library.

He also presented a petition of the Wisconsin Academy of Sciences, Arts, and Letters, and a petition of the Wisconsin Natural History Society, of Milwaukee, Wis., praying for the enactment of legislation to protect the migratory birds of the country, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of Fort Atkinson Chapter of the National Society, Daughters of the American Revolution, of Fort Atkinson, Wis., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Fairwater, Ripon, and Vernon County, in the State of Wisconsin, remonstrating against the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Richard J. Dawson Camp, No. 5, United Spanish War Veterans, of Milwaukee, Wis., praying for the enactment of legislation to provide for the raising of the wreck of the battle ship *Maine* and for the interment of those who perished in the wreck, which was referred to the Committee on Naval Affairs.

He also presented a memorial of sundry citizens of Downing and Glenwood, in the State of Wisconsin, remonstrating against the destruction of greenbacks, and also against the elimination of the coinage and use of the silver dollar, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Wisconsin, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Milwaukee, Wis., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented petitions of sundry local granges, Patrons of Husbandry, of Monroe, Vinalhaven, Bridgton, Columbia, Sullivan, and Willimantic, all in the State of Maine, praying for the enactment of legislation to establish a national bureau of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented memorials of the Merchants' Association of Bath, of the Board of Trade of Portland, of the Board of Trade of Bath, of the Board of Trade of Eastport, of the Board of Trade of Gardiner, of the Board of Trade of Bangor, and of the Board of Trade of Lubec, all in the State of Maine, remonstrating against the enactment of legislation to create a court of commerce and to amend the act entitled "An act to regulate commerce," which were ordered to lie on the table.

He also presented a petition of La Société des Artisans Canadiens Français, of Biddeford, Me., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Burnside Post, No. 47, Department of Maine, Grand Army of the Republic, of Auburn, Me., and a memorial of Edwin Libby Post, No. 16, Department of Maine, Grand Army of the Republic, of Rockland, Me., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which were referred to the Committee on the Library.

Mr. BRANDEGEE presented a memorial of Abraham Lodge, No. 89, Independent Order of B'nai Brith, of Bridgeport, Conn., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Sarah Riggs Humphrey Chapter of the National Society, Daughters of the American Revolution, of Derby, Conn., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. WETMORE presented a memorial of Haggai Lodge, No. 132, Independent Order of B'nai Brith, of Providence, R. I., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented the petition of R. P. Thorngran and 21 other citizens of Newport, R. I., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. CLAPP presented a memorial of sundry citizens of Wells, Minn., remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. BURKETT presented petitions of sundry citizens of Clay Center, Tecumseh, Sterling, and Fairfield, all in the State of

Nebraska, praying for the passage of the so-called "per diem pension bill," which were referred to the Committee on Pensions.

He also presented a petition of Omaha Chapter of the National Society, Daughters of the American Revolution, of Omaha, Nebr., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a petition of the South Omaha Live Stock Exchange, of Nebraska, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. STEPHENSON presented a petition of the common council of Sheboygan, Wis., praying that an appropriation be made for the improvement of the harbor at that city, which was referred to the Committee on Commerce.

He also presented a petition of the Trades and Labor Assembly, of Superior, Wis., and a petition of the Lake Seamen's Union, of Superior, Wis., praying for the enactment of legislation to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, etc., which were referred to the Committee on Commerce.

He also presented a petition of Local Council No. 1002, Knights of Columbus, of Antigo, Wis., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Central Labor Council of Ashland, Wis., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Leaf Tobacco Merchants' Association of Janesville, Wis., remonstrating against the enactment of legislation permitting any corporation to control the output of any commodity with the power to curtail production or increase profits and to arbitrarily fix the price to be paid to the producer of the raw material, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of sundry citizens of Massachusetts, praying for the passage of the so-called eight-hour bill, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Council No. 165, Knights of Columbus, of Rockland, Mass., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Attleborough Chapter of the National Society, of Attleboro; of Old Blake House Chapter of the National Society, of Dorchester; of Hannah Goddard Chapter of the National Society, of Brookline; of Old Essex Chapter of the National Society, of Lynn; and of General Joseph Badger Chapter of the National Society, of Marlboro; all of the Daughters of the American Revolution, in the State of Massachusetts, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

STATISTICS OF ANIMALS SLAUGHTERED.

Mr. LODGE. I send to the desk certain tables furnished by the Secretary of Agriculture showing the total number of animals slaughtered and the total receipts during the fiscal year 1909 at the establishments in the United States operating under federal inspection. I move that the tables be printed as a document (S. Doc. No. 428) and referred to the Select Committee on Wages and Prices.

The motion was agreed to.

EXTENSION OF PARCEL POST.

Mr. JONES. I present a communication from the Postmaster-General addressed to John M. Stahl, secretary, National Agricultural Press League, relative to the extension of the parcel post. I ask that the communication be printed in the RECORD and referred to the Committee on Post-Offices and Post-Roads.

There being no objection, the communication was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed in the RECORD, as follows:

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., February 6, 1908.

MY DEAR SIR: In response to the request contained in your letter, I take great pleasure in stating the department's position with respect to the extension of the parcel post. There can be no question as to the desirability of telling all the people precisely what is contemplated, so that they may act according to their best judgment.

The present general parcel-post rate is 16 cents a pound for people in our own country, the limit of weight being 4 pounds; while the rate from the United States to 29 foreign countries is 12 cents a pound and the limit of weight to 24 of these countries is 11 pounds. In order to have the rate consistent and equitable the department has recommended that on packages for delivery in this country it shall be the same as on those sent abroad, namely, 12 cents a pound, a reduction of 4 cents, and the weight limit 11 pounds, an increase of 7 pounds; for 1 ounce, 1 cent; over 1 ounce and not exceeding 3 ounces, 2 cents; over 3 and not exceeding 4 ounces, 3 cents; over 4 and not exceeding 5 ounces, 4 cents; over 5 and not exceeding 6 ounces, 5 cents; over 6 and not exceeding 8 ounces, 6 cents; over 8 and not exceeding 12 ounces, 9 cents; over 12 ounces and not exceeding 1 pound, 12 cents.

In my annual report I also recommended a local parcel post on rural routes, at the rate of 5 cents for the first pound and 2 cents for each additional pound or fractional part of an additional pound up to 11 pounds; for 2 ounces or less, 1 cent; over 2 and up to 4 ounces, 2 cents; over 4 and up to 8 ounces, 3 cents; over 8 and up to 12 ounces, 4 cents; over 12 ounces and up to 1 pound, 5 cents. The object of this recommendation is to enable the local merchants to hold and increase their trade on the rural routes, to give to the farmers and patrons of these routes the accommodations which the machinery of the rural service, utilized to a greater extent than at present, will permit.

It is the intention to frame a bill in such form that parcels carried at this special rate will be limited to those received upon a rural route or at the distributing post-office thereof, and delivered by rural carriers upon the same rural route or another emanating from the said distributing post-office. According to the department's proposition a mail-order house shipping goods by freight will not be permitted to distribute them by the special-parcel post on rural routes.

It is possible to offer this low rate for a special local rural-parcel post for the reason that, there being no railroad transportation, its operation would involve no additional expense. The necessary machinery is already in existence. There are 38,215 rural routes in operation, supplying about 15,000,000 of people, and even at the rate proposed it would require only three packages of the maximum weight to be taken out each trip over these routes in order to wipe out the deficit of the postal service. The increased cancellations would raise the salary of postmasters of the fourth class, and the establishment of this service would finally be instrumental in making the rural routes self-sustaining. The rural service will, in all probability, cost the Government this year $34,000,000, an increase of $10,000,000 over last year, and yet the benefits derived therefrom can not be measured in dollars and cents. A local parcel post on these rural routes would be of incalculable benefit to the patrons of the routes, as well as to the local merchants. It would tend in time to bring about the improvement of the roads throughout the country, thus adding to the valuation of the farms, with increased accommodations afforded by the service, and better roads.

The statement has been made that this special rate on rural routes would be the entering wedge for similar rates on the general parcel post. That is impossible, for in the case of the general parcel post transportation by railroads is a factor—about $45,000,000 were paid last year for mail transportation and $6,000,000 for postal cars—which adds very largely to the cost of the service, while there would be no railroad charges or other additional expenses connected with the local rural parcel post, as the rural delivery is already thoroughly equipped and in operation.

In some quarters it has been claimed that the large mail-order houses would, under the proposed law, utilize the special parcel post on rural routes through agents. Mention has already been made of the intention to recommend a provision which will prevent such use of the routes. It should also be borne in mind that even in the absence of such a prohibition any systematic attempt upon the part of a mail-order house to thus deliver its wares would necessitate the employment of many thousands of local representatives. Their catalogues show pretty plainly that they attribute a large measure of their success to their remarkable low selling expense, and that the absence of any sort of agents is the principal feature of their argument in accounting for the supposedly low prices of their goods.

Assuring you of my appreciation of your interest, believe me,

Respectfully,

GEORGE V. L. MEYER.

JOHN M. STAHL, Esq.,
Secretary National Agricultural Press League,
Care of Farmer's Call, Quincy, Ill.

ST. LUCIE INLET, FLORIDA.

Mr. BURTON. I present a communication from Frederic V. Abbot, Acting Chief of Engineers, War Department, addressed to the chairman of the Senate Committee on Commerce, transmitting a copy of a report by the Board of Engineers for Rivers and Harbors, relative to the cost of a modified project for a depth of 12 feet from the ocean to a point just inside St. Lucie Inlet, Florida. I move that the communication and accompanying paper be printed as a document and referred to the Committee on Commerce. (S. Doc. No. 423.)

The motion was agreed to.

PUYALLUP WATERWAY, TACOMA, WASH.

Mr. FRYE. I present a communication from Frederic V. Abbot, Acting Chief of Engineers, War Department, addressed to the chairman of the Senate Committee on Commerce, transmitting a copy of a report by the Board of Engineers for Rivers and Harbors relative to the project now under way for the improvement of the Puyallup waterway in the harbor of Tacoma, Wash. I move that the communication and accompanying paper be printed as a document and referred to the Committee on Commerce. (S. Doc. No. 418.)

The motion was agreed to.

AMERICAN MERCHANT MARINE.

Mr. GALLINGER. I present a brief paper on the American merchant marine, being remarks by Winthrop L. Marvin, late secretary to the Merchant Marine Commission, before the Sen-

ate Committee on Commerce March 3, 1910. I move that the paper be printed as a document. (S. Doc. No. 425.)

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HEYBURN, from the Special Joint Committee on Revision and Codification of the Laws of the United States, submitted a report (No. 388) to accompany the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, heretofore reported by him.

Mr. SMOOT, from the Committee on Claims, to whom was referred the bill (S. 1611) for the relief of Parsey O. Burrough, reported it without amendment and submitted a report (No. 389) thereon.

Mr. BRISTOW, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 6879) for the relief of Harrison Wagner (Rept. No. 390); and

A bill (S. 6880) for the relief of Harrison Wagner (Rept. No. 391).

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6552) to provide for the purchase of ground for and the erection of a public building for an immigrant station, on a site to be selected for said station, in the city of Tacoma, Wash., asked to be discharged from its further consideration and that it be referred to the Committee on Immigration, which was agreed to.

Mr. BURTON, from the Committee on Commerce, to whom was referred the bill (S. 6725) for the establishment of a light and fog-signal station at the entrance to Sandusky Harbor, Ohio, reported it without amendment and submitted a report (No. 392) thereon.

Mr. CRAWFORD, from the Committee on Claims, to whom was referred the bill (S. 500) for the relief of George Q. Allen, submitted an adverse report (No. 393) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BEVERIDGE. I am directed by the Committee on Territories, to whom was referred the bill (H. R. 18166) to enable the people of New Mexico to form a constitution and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and state government and be admitted into the Union on an equal footing with the original States, to report it favorably, with an amendment. The amendment is to strike out all after the enacting clause of the bill and to substitute therefor a full bill as to both Territories.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. SHIVELY, from the Committee on Foreign Relations, to whom was referred the bill (S. 2515) to pay damages and losses sustained by certain citizens of the United States on account of the naval operations in and about the town of Apia, in the Samoan Islands, by the United States and Great Britain, in March, April, and May, 1899, submitted a report (No. 394), accompanied by a bill (S. 7158), authorizing and directing the Department of State to ascertain and report to Congress damages and losses sustained by certain citizens of the United States on account of the naval operations in and about the town of Apia, in the Samoan Islands, by the United States and Great Britain, in March, April, and May, 1899, which was read twice by its title, and the bill (S. 2515) was indefinitely postponed.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6910) to provide for the extension of Reno road, in the District of Columbia, reported it with an amendment and submitted a report (No. 395) thereon.

He also, from the same committee, to whom was referred the bill (S. 6630) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902, submitted an adverse report (No. 396) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. PAGE, from the Committee on Claims, to whom was referred the bill (S. 2319) for the relief of Bernard W. Murray, reported it without amendment and submitted a report (No. 399) thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 6693) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, reported it with an amendment and submitted a report (No. 400) thereon.

Mr. BROWN, from the Committee on Indian Affairs, to whom was referred the bill (S. 4490) providing for the taxation of the lands of the Omaha Indians in Nebraska, reported it with amendments and submitted a report (No. 397) thereon.

WASHINGTON GAS-LIGHT COMPANY.

Mr. BROWN. I am directed by the Committee on Corporations Organized in the District of Columbia, to whom was referred Senate resolution 172, authorizing the Committee on Corporations Organized in the District of Columbia to investigate into the affairs of the Washington Gas-Light Company and to report the facts to the Senate, to report it with an amendment, and I submit a report (No. 398) thereon.

I ask to have the resolution printed and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GALLINGER. Mr. President, I give notice that I shall move to refer that matter to the Committee on the District of Columbia. This is the first time during my nineteen years' experience here that the jurisdiction of that committee has been invaded by a minority committee of the Senate. I do not know that I care to make the motion now if the matter is to go over until to-morrow, which I think it will under the rule.

The PRESIDING OFFICER. It must necessarily under the rule go over.

Mr. GALLINGER. I do not wish to have the resolution referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I think I will now make a motion to refer the matter to the Committee on the District of Columbia.

Mr. BROWN. I ask that the resolution as proposed to be amended be printed, together with the report, and that it go over until to-morrow pending the motion to refer.

Mr. GALLINGER. I have no objection to that course, Mr. President.

The PRESIDING OFFICER. The Chair will state that the resolution and the report will be printed under the rule without any action of the Senate. It will go over until to-morrow.

CENSUS ENUMERATION OF FOREIGN-BORN PERSONS.

Mr. LA FOLLETTE. I am directed by the Committee on the Census, to whom was referred the bill (S. 7093) amendatory of the act to provide for the thirteenth and subsequent decennial censuses, to report it back favorably, and I submit a report (No. 387) thereon.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill which has just been reported.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. ALDRICH. The bill has not been read?

The PRESIDING OFFICER. The bill has not yet been read.

Mr. ALDRICH. I ask that it may be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the act approved July 2, 1909, entitled "An act to provide for the thirteenth and subsequent decennial censuses," be, and the same is hereby, amended by the insertion in section 8, paragraph 1, line 4, after the word "color," of the words "nationality or mother tongue," so that the paragraph will read as follows:

"SEC. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, nationality or mother tongue, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, and, if employee, whether or not employed at the date of enumeration and the number of months unemployed during the preceding calendar year, whether or not engaged in agriculture, school attendance, literacy, and tenure of home, and whether or not a survivor of the Union or confederate Army or Navy; and the name and address of each blind or deaf and dumb person; and, for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions."

Mr. LODGE. Mr. President, that seems to me to be a very important bill. I ask that it may go over.

The PRESIDING OFFICER. Objection being made, the bill will go over.

Mr. OLIVER. If the Senator from Massachusetts will allow me, I will state that it simply means the insertion of four words in the census act. It is done with the consent and concurrence of the Director of the Census, and if the bill is passed at all it is important that it should be passed immediately, so that instructions may be given to the supervisors to carry it into effect.

I will say to the Senator from Massachusetts and the Senate that this measure is proposed because many of our citizens of

foreign extraction wish to have their race and their language stated in the enumeration, which is not provided for now. I introduced this bill last week at the suggestion of a very large delegation of representatives of the Slavonic race, who will be enumerated simply as inhabitants of Austria-Hungary, without any reference whatever to their extraction, their language, or their race.

It is rather an important matter, and if action is taken at all it should be taken at once. It will involve no additional expense. It is done with the entire concurrence of the Director of the Census and the Census Office. I earnestly hope that the bill may be passed.

Mr. LODGE. What is the calendar number?

The PRESIDING OFFICER. The bill has just been reported.

Mr. LODGE. I do not know that I have any objection to the bill, but it is a very important measure. I want to have an opportunity to look at it. I never heard of it until it was read at the desk this morning.

Mr. LA FOLLETTE. I will state that accompanying the report there is a letter from the Director of the Census discussing the matter somewhat.

Mr. BURTON. I hope the Senator from Massachusetts will waive his objection. It is merely an addition of the words "nationality or mother tongue," as I understand it.

Mr. LA FOLLETTE. That is all; it is the addition to the act of the words "nationality or mother tongue."

Mr. BURTON. According to the original act immigrants are classified according to country.

Mr. LODGE. The bill has not gone on the calendar, and it is impossible to see it.

Mr. BURTON. It is a mere substitution of "nationality or mother tongue" for "country."

The locality which makes such a provision most desirable is the Empire of Austria-Hungary. Under the law, as it now stands, the immigrants will be classified as belonging to that country, while, as the Senator from Massachusetts well knows, it includes a number of races, and practically different nationalities.

The PRESIDING OFFICER. Does the Senator from Massachusetts withdraw his objection?

Mr. LODGE. I do not feel willing to withdraw my objection. I have never had a chance to see the bill; I have not had a chance to see the report; and I do not think twenty-four hours' delay will be serious.

The PRESIDING OFFICER. Objection is made, and the bill goes to the calendar.

Mr. LODGE subsequently said: I have had an opportunity to examine the change in the census act made by the bill to which I objected. I see no objection to the amendment of the act proposed, and I withdraw the objection I have to it.

Mr. KEAN. I hope the bill will be passed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

A bill (S. 7116) granting an increase of pension to Thomas Ryan (with accompanying papers);

A bill (S. 7117) granting an increase of pension to Granville G. Farrance (with accompanying papers);

A bill (S. 7118) granting an increase of pension to Francis M. Work (with an accompanying paper);

A bill (S. 7119) granting an increase of pension to John J. Myles (with accompanying papers); and

A bill (S. 7120) granting an increase of pension to Joseph W. Brown (with accompanying papers); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 7121) to provide for the purchase of a site and the erection of a public building thereon at Gary, in the State of Indiana; to the Committee on Public Buildings and Grounds.

A bill (S. 7122) granting a pension to Dora A. Barner (with accompanying papers); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 7123) granting an increase of pension to John O. Mow (with an accompanying paper);

A bill (S. 7124) granting an increase of pension to Henry Blakewell (with an accompanying paper);

A bill (S. 7125) granting an increase of pension to William V. Hopkins (with accompanying papers); and

A bill (S. 7126) granting an increase of pension to Thomas McIlvain (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 7127) for the relief of Robert J. Powers; to the Committee on Military Affairs.

By Mr. DU PONT:

A bill (S. 7128) granting an increase of pension to Timothy J. Lucy (with accompanying papers); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 7129) granting an increase of pension to Wallace H. Cooley; to the Committee on Pensions.

A bill (S. 7130) to amend the act approved June 30, 1906, providing for the construction of certain federal buildings; to the Committee on Public Buildings and Grounds.

By Mr. CHAMBERLAIN:

A bill (S. 7131) to prevent discrimination in the District of Columbia and in any of the territorial possessions of the United States against those who wear the uniforms of the Army, the Navy, the Marine Corps, or the National Guard of such District or possessions, declaring such discrimination a misdemeanor, and to punish those guilty thereof; to the Committee on Military Affairs.

By Mr. SHIVELY:

A bill (S. 7132) for the relief of the estate of Frederick P. Gray; to the Committee on Claims.

A bill (S. 7133) to correct the military record of William Burke and to grant him an honorable discharge (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7134) granting an increase of pension to Emma D. McManus;

A bill (S. 7135) granting an increase of pension to Charles E. Bells (with accompanying papers); and

A bill (S. 7136) granting an increase of pension to Edson H. Lamphier (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSTON:

A bill (S. 7137) for the relief of George P. Heard, late captain, Medical Corps, U. S. Army; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 7138) granting to the town of Wilson Creek, Wash., certain lands for reservoir purposes; and

A bill (S. 7139) granting to the town of Wilson Creek, Wash., certain lands for cemetery purposes; to the Committee on Public Lands.

By Mr. BURTON:

A bill (S. 7140) granting an increase of pension to Heloise Gano; to the Committee on Pensions.

By Mr. LORIMER:

A bill (S. 7141) granting a pension to Fred M. Mason (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7142) for the relief of Lieut. Col. Daniel C. Pearson, U. S. Army, retired (with an accompanying paper); to the Committee on Military Affairs.

By Mr. FLINT:

A bill (S. 7143) granting a pension to John H. Booth (with accompanying papers); to the Committee on Pensions.

By Mr. BURROWS:

A bill (S. 7144) to correct the military record of Israel Boyer and grant him an honorable discharge; to the Committee on Military Affairs.

A bill (S. 7145) for the relief of certain members of the Seventh Michigan Cavalry, war of the rebellion; to the Committee on Claims.

A bill (S. 7146) granting an increase of pension to Electra A. Abbott (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP (by request):

A bill (S. 7147) relating to rights of way granted across Indian lands; and

A bill (S. 7148) to amend section 3 of the act entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February 8, 1887 (24 Stat. L., p. 388); to the Committee on Indian Affairs.

A bill (S. 7149) to amend sections 50, 52, and 53 of the act of Congress entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (with an accompanying paper); to the Committee on the Judiciary.

By Mr. DILLINGHAM:
A bill (S. 7150) granting an increase of pension to Orren Dailey (with accompanying papers); to the Committee on Pensions.
By Mr. McCUMBER:
A bill (S. 7151) granting an increase of pension to Edgar A. Thorp;
A bill (S. 7152) granting an increase of pension to Peter R. Lavik;
A bill (S. 7153) granting an increase of pension to Abraham P. Coons; and
A bill (S. 7154) granting a pension to Michael Lang (with accompanying papers); to the Committee on Pensions.
By Mr. LODGE:
A bill (S. 7155) granting an increase of pension to Alfred Goday (with accompanying papers); to the Committee on Pensions.
By Mr. FOSTER:
A bill (S. 7156) for the relief of Elizabeth A. Pendleton, administratrix of the estate of William Bailey, deceased; to the Committee on Claims.
By Mr. OWEN:
A bill (S. 7157) to provide for the final disposition of the affairs of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.
By Mr. HALE:
A bill (S. 7159) granting an increase of pension to John Coffron (with accompanying papers); and
A bill (S. 7160) granting an increase of pension to James Miller (with accompanying papers); to the Committee on Pensions.
By Mr. BRADLEY:
A bill (S. 7161) granting an increase of pension to William B. Hansford;
A bill (S. 7162) granting an increase of pension to Reuben Hurley; and
A bill (S. 7163) granting an increase of pension to Thomas B. Youtsey; to the Committee on Pensions.
A bill (S. 7164) for the relief of Sarah K. T. Baker; to the Committee on Claims.

AMENDMENTS TO POST-OFFICE APPROPRIATION BILL.

Mr. DICK submitted an amendment providing that after June 30, 1910, letter carriers employed in the Rural Delivery Service shall be granted an allowance of $300 for horse hire, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $25,000 for the establishment of an experimental system of the parcels post, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. PILES submitted an amendment providing for the construction of a ship canal between Port Townsend Bay, Puget Sound, and Oak Harbor, Wash., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE submitted an amendment providing for the survey of Chelsea Creek, Boston Harbor, Massachusetts, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. HALE submitted an amendment proposing to appropriate $55,000 for improving Saco River, Maine, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for improving the St. Croix River, Maine, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to increase the appropriation for the improvement of the Little Kanawha River, West Virginia, including the removal of the dam at Stouts Mill, etc., to $5,000, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

ADDITIONAL CLERK TO COMMITTEE ON PENSIONS.

Mr. McCUMBER submitted the following resolution (S. Res. 200), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 200.

Resolved, That the Committee on Pensions be, and it is hereby, authorized to employ an additional clerk, at an annual salary, at the rate of $1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

RECEPTION OF STATUE OF FRANCIS H. PIERPONT.

Mr. SCOTT. Mr. President, I gave a notice several days ago and had put on the calendar resolution 197. I wish to withdraw the resolution and the notice; and, in doing so, I desire to state that it is for the purpose of giving the delegation in both Houses an opportunity to arrange a time for exercises to be held, probably in the Rotunda as well as in the two Houses, and to give time to the relatives of the late Governor Pierpont to be present. So I ask leave to withdraw the date for the time being.

Mr. GALLINGER. And the entire matter.

The PRESIDING OFFICER. The notice is what the Senator from West Virginia desires to withdraw.

Mr. SCOTT. It probably would do just as well to leave the resolution on the calendar, and it can be amended when the time comes.

The PRESIDING OFFICER. The Senator does not desire to have any action taken, then, to displace the resolution?

Mr. SCOTT. I merely withdraw the date.

The PRESIDING OFFICER. The Senator withdraws the notice. It will be so ordered, without objection.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had on the 12th instant approved and signed the following act:

S. 6449. An act permitting the Wisconsin Central Railway Company to construct, maintain, and operate a railroad bridge across the St. Croix River between the States of Wisconsin and Minnesota.

DANIEL H. WIGGIN.

The PRESIDING OFFICER. The calendar under Rule VIII is in order.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 16824) for the relief of Daniel H. Wiggin. It is a bill to which there will be no objection.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Daniel H. Wiggin, now a resident of New Hampshire, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Third Regiment New Hampshire Volunteer Infantry, on the 1st day of August, 1865. But no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask the Chair to lay before the Senate the action of the other House upon the Indian appropriation bill.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 19028) making appropriation for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments, and agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the presiding officer appointed Mr. CLAPP, Mr. CURTIS, and Mr. OWEN the conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 6431) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which was, on page 7, to strike out line 21, down to and including line 2, page 8.

Mr. McCUMBER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

THE CALENDAR.

The PRESIDING OFFICER. The calendar under Rule VIII is now in order.

Mr. CRAWFORD. I ask unanimous consent to call up Senate bill 3806.

Mr. SMOOT. I did not hear the request of the Senator from South Dakota.

Mr. KEAN. Let us have the regular order.

Mr. CRAWFORD. I ask consent to call up Senate bill 3806.

Mr. SMOOT. I believe it will be very much better to take up the calendar in regular order, and we will be very likely to reach that bill.

Mr. CRAWFORD. Very well, if it can be reached this morning.

Mr. SMOOT. I ask that the calendar under Rule VIII may be proceeded with.

The PRESIDING OFFICER. The Secretary will announce the first bill on the calendar.

The bill (S. 3724) regulating injunctions and the pratice of the district and circuit courts of the United States was announced as first in order on the calendar.

Mr. KEAN. Let that go over.

Mr. OVERMAN. I ask that the bill may go over.

Mr. SMOOT. I ask that the first four bills on the calendar be passed over.

The PRESIDING OFFICER. They will be reached in order and passed over upon objection.

Mr. OVERMAN. I ask that the bill just laid before the Senate may go over without prejudice.

The PRESIDING OFFICER. It will go over without prejudice.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as next in order.

The PRESIDING OFFICER. The bill will go over, on objection.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill will go over, on objection.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification was announced as next in order.

The PRESIDING OFFICER. This bill will go over.

EXTENSION OF MORRILL ACTS TO THE DISTRICT OF COLUMBIA.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

Mr. GALLINGER. I should like to ask the Senator from Kansas in all candor—the Senator is a candid man—about when he will be ready to permit this bill to be considered?

Mr. BRISTOW. I think some time this week. I have asked for some information in regard to it that I have not yet received.

Mr. GALLINGER. I certainly want the Senator to have all the time that is proper. The Senator thinks he will be ready some time this week?

Mr. BRISTOW. Yes; I think so.

Mr. GALLINGER. Let the bill go over then, Mr. President.

The PRESIDING OFFICER. The bill will go over.

ESTATE OF JOHN W. WEST.

The bill (S. 2430) for the relief of the heirs of John W. West, deceased, was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that this bill has already been read.

Mr. KEAN. Let it be read again.

Mr. CURTIS. Since the bill was called up in the Senate the other day a representative of the Cherokee Nation said he would like to be heard. So I move that the bill be recommitted to the Committee on Indian Affairs.

The motion was agreed to.

BUILDING RESTRICTIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 5715) providing for the establishment of building lines and special building restrictions in the District of Columbia was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

LIQUOR TRAFFIC IN HAWAII.

The joint resolution (S. J. Res. 80) providing for a special election in the Territory of Hawaii was considered as in Committee of the Whole.

Mr. CLAPP. The joint resolution was read the other day.

Mr. KEAN. I understand that the joint resolution is to be amended.

Mr. DEPEW. It is to be amended. On page 1, line 7, before the word "prohibiting," I move to strike out the words "instructing the legislature to enact a law," so as to read:

That the governor of the Territory of Hawaii be, and he is hereby, authorized and directed to call a special election by the legally qualified electors as now registered in that Territory for the purpose of submitting to the electors the question of prohibiting the manufacture and sale of intoxicating liquors in the Territory of Hawaii.

The amendment was agreed to.

Mr. DEPEW. In line 15, on the same page, I move to strike out "instructed" and insert "requested," so as to read:

Said special election shall be held on Tuesday, the 26th day of July, 1910, and said question shall be submitted to the electors in the following words:

"Shall the legislature to be elected in November, 1910, be requested to pass, at its first regular session, a law prohibiting the manufacture or sale within the Territory of intoxicating, spirituous, vinous, and malt liquors, except for medicinal and scientific purposes?"

The amendment was agreed to.

Mr. SHIVELY. Mr. President, I should like to have the report read, if there is a report accompanying the joint resolution.

Mr. DEPEW. There was no report. I will state the circumstances.

Various reform associations of the United States appeared in large numbers before the Committee on Pacific Islands and Porto Rico and advocated the enactment by the United States Congress of a bill for prohibition in Hawaii. They finally adopted a bill which had been introduced in the Senate by the Senator from Kansas [Mr. CURTIS] as their view of the situation.

Then the Delegate from Hawaii, the governor of Hawaii, the legislature, and the commercial bodies of the islands protested against the United States interfering with the local self-government of the islands, because Hawaii had been self-governing ever since annexation, ten years ago, and in no case had the Government of the United States ever repealed any law which had been passed by the Hawaiian legislature and approved by the governor, nor had it ever enacted any law imposing any restrictions upon Hawaii or instructions upon the government other than contained in the organic act. Finally a conference was had between the representatives of Hawaii and those of the reform associations. The result of that conference was that they all agreed upon a joint resolution submitting the question to the people of Hawaii.

When the joint resolution as agreed to by the representatives of Hawaii—and by "representatives" I mean the governor, the Delegate, and the commercial bodies—came before the Senate there was objection made to instructions being given to the legislature of Hawaii by the Government of the United States. The committee, in considering the matter, came to the conclusion that those instructions had better be taken out, as they have been by the amendment which has been offered this morning, so that it shall be simply an authorization to the people of Hawaii to vote upon the question of local option, coupled with a request to the legislature, under a ballot by which those who are in favor of prohibition in Hawaii will vote to request the legislature to pass legislation necessary to carry prohibition into effect, while those who are opposed to it will vote "no."

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

RESURVEYS OF PUBLIC LANDS.

The joint resolution (H. J. Res. 116) to amend an act to correct chapter 271 of volume 35, United States Statutes at Large, was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. HEYBURN. Mr. President, on several occasions when this joint resolution has been reached in the orderly proceedings of the Senate I have asked that it go over. I do not believe in the policy of resisting a joint resolution that you do not approve of by taking advantage of the opportunity or the right to ask that it go over. I think those in favor of the joint resolution are entitled to have it considered. So I do not feel like just saying every day "I object."

This is probably the only joint resolution of this kind that ever came before the Congress of the United States. I think there is no precedent for it at all. The question arises over the apportionment of the money appropriated for public surveys. The question came from the other House, I believe, if my memory is correct, providing that 25 per cent of the appropriation for public-land surveys might be used for making resurveys.

Mr. CLARK of Wyoming. Twenty per cent.

Mr. HEYBURN. Providing that 20 per cent of it might be used for making resurveys. There are three public-land States that are probably all surveyed. There are others where only a very small proportion of the public land is surveyed. The States that are surveyed up to 90, 95, and 98 per cent were surveyed a good while ago. Of course, in the progress of time the stakes have disappeared, but they can be reestablished. That is the purpose sought to be accomplished by the appropriation of this money—to reestablish the stakes upon surveys of the public lands that have been disturbed.

Every State has local engineers, county surveyors, state engineers, or whatever they may be designated, and under the laws of every State of which I have any knowledge, if public monuments have become displaced, they can call upon the local officers to reestablish them. Those of us who live in States where only a comparatively small proportion of the area has been surveyed are jealous of this fund, because on account of the extent of the surveys of our public lands where they have never been surveyed and no foundation laid upon which the county surveyor or state engineer can reestablish the lines, we are perfectly helpless. That is obvious. The States where the foundation has been laid so that the facts may be determined certainly should not be entitled to so large a percentage of the appropriation.

I now shall speak in general figures, but my recollection is—I have the figures somewhere, but I have them not here now—that Colorado is surveyed up to about 96 or 98 per cent of the entire area, and that Wyoming is surveyed up to 93 or 94 per cent, I think the public records show. On a former occasion when this matter was under consideration I had that data and I presented it to the Senate; but I think the Senator from Wyoming will concede the fact that the public lands of that State have been surveyed up to more than 94 per cent. We have just so many hundred thousand dollars for surveying all of the public lands of the United States, and somehow they have succeeded in having 25 per cent of it set aside for resurveys. That is so obviously unfair that I feel no compunction about occupying the attention of the Senate and insisting that in equity and in fairness they should not have over 5 per cent for such resurveys. It never was contemplated that there should be a resurvey at all. The lands once surveyed and established, the fact can be established at any time without the aid of the United States. You do not need it.

Mr. President, I am met with the statement that this is a mistake of one or more of the clerks of this body; I am met with the statement that the figures have been changed. When the matter came to the Senate of the United States last year we cut it down from 20 to 5 per cent. That was the sentiment of the Senate; that was its conclusion. The Senate voted for that, and adopted the amendment. So, I am only expressing the sentiment expressed by the vote of the Senate when I say that 5 per cent should remain as the proportion that might be used for resurveys.

But I am told that in conference the Senate yielded to the other House and provided that 25 per cent of this fund might be used for resurveys, leaving those of us that have States where surveys have only practically commenced to wait for years to come while the money that should be expended in the survey for the first time in our State is to be used to resurvey lands that need no resurvey, because, as I have said, the law having fixed the point, the county surveyor, under the laws of every State, can refix it if it is lost.

Mr. President, they say that good morals demand that we should pass this joint resolution because the will of the conference committee was defeated in some way and that the Senate adopted the conference report. I do not doubt the statement of the men who served on the conference committee, but there is nothing of record to show that it was the fact. The law stands to-day in the statute books.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes; I yield.

Mr. BURKETT. Mr. President, this thought occurs to me: It seems that a second survey of public lands is always necessary. Out in my State, I will say to the Senator from Idaho, we had to get through a special act for each survey. But it occurs to me that probably the second survey is the survey which is really the one that is most needed. In our State the trouble with the first survey was from the fact that they surveyed the land so long in advance of its really being needed that the mounds washed away, and those famous corner posts which they had to char and put in were very often rotted away before the survey really came to be needed; so the second survey has been really the survey of most importance. It seems to me that if we are doing this work really for the good of the people, it is the survey that comes when it is demanded which is most valuable, and that is the second survey. It seems to me instead of putting less money into the resurvey we ought to put more, because that is the survey which is demanded by the people located on the land. The very fact that they have to make a second survey shows that the first survey was not used, the corners were not kept, and they were never known.

Mr. HEYBURN. That is a splendid theory if it were sustained by the facts, but I have taken some occasion to find out where the money that was used for the survey was applied in two States, neighbors of the State of Nebraska. It was applied to the survey of tracts that are no nearer settlement to-day than they were when they were surveyed years ago. They simply went in and let a set of stakes rest there and rot down. Probably in twenty years more we shall be asked for more money to make another survey.

Mr. LODGE. Is this bill likely to lead to long debate?

Mr. HEYBURN. It is either going to lead to debate or it is going to be defeated—one or the other.

Mr. LODGE. Mr. President, there are many unobjected matters on the calendar, and I object to the further consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Massachusetts objects, and the joint resolution will go over.

Mr. CLARK of Wyoming. Mr. President, it seems to me that this matter should receive consideration at some time, in some place, and I ought to state to the Senator from Massachusetts [Mr. LODGE], who, perhaps, has not been present, the true facts in regard to the joint resolution.

Mr. LODGE. If the Senator will permit me, I hope he does not think I have any objection to the joint resolution, for I have not the slightest; but I thought there were a large number of unobjected matters here, and from what the Senator from Idaho [Mr. HEYBURN] has said, I gathered that the further consideration of the joint resolution would mean a long debate, which would shut out any consideration of other matters.

Mr. CLARK of Wyoming. I do not think it will lead to any debate, except, perhaps, from the Senator from Idaho, who is always considerate in such matters and never discusses measures unless he believes they merit the discussion. It does not seem to me that we should pass over the joint resolution, as we have passed over it several times heretofore, without having some statement made as to the merits of the proposition.

Mr. LODGE. We are proceeding under Rule VIII, and under Rule VIII each Senator is entitled to speak but once, and for not more than five minutes. I gathered from what the Senator from Idaho said that he would not be content to speak but once, and only for five minutes on this joint resolution.

Mr. CLARK of Wyoming. I have not spoken once nor for the space of five minutes.

Mr. LODGE. The Senator is entitled to speak for five minutes.

Mr. CLARK of Wyoming. I hope the Senator will keep watch on me.

Mr. BURKETT. As I understand, the joint resolution was taken up by unanimous consent.

The PRESIDING OFFICER. The bill is being considered under Rule VIII.

Mr. LODGE. It is being considered under Rule VIII, and objection is in order at any time. I have no objection to the joint resolution that I am aware of, but there are a number of bridge bills and other matters on the calendar which we could dispose of this morning. At the same time, I will withdraw the objection if the Senator from Wyoming [Mr. CLARK] wishes to go on.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. HEYBURN. I still have the floor, Mr. President.

Mr. CLARK of Wyoming. Then, I will yield to the Senator.

Mr. HEYBURN. Mr. President, if I have had the floor more than five minutes and am out under the rule, I will keep a little tab before me on my desk and see how it will work.

Mr. LODGE. I wish you would.

Mr. CLARK of Wyoming. Mr. President, I am aware of the objection which the Senator from Idaho [Mr. HEYBURN] has to this matter of surveys and resurveys. I have no reason to

doubt that his information is accurate in regard to surveys that have been conducted in the State of Idaho, and he is substantially correct, I think, in regard to the amount of surveys that have been conducted in the State of Wyoming, but this is a matter that is not primarily dependent upon the amount of surveys that have been made in any one State. This is a question whether the laws of the Government of the United States shall be written by Congress or shall be written by a clerk.

I will state the history of this matter, Mr. President. The House of Representatives passed a bill containing exactly the provisions of the joint resolution, namely, that 20 per cent of the money appropriated for surveys might be used for the resurveying and retracing of lands already surveyed. That bill came to the Senate. I do not need to give the details of the matter, but the Senate committee and the Senate, under a misapprehension, as I view it, reduced that amount to 5 per cent. Of course there was a disagreement between the two Houses. The disagreement went to conference. The conferees reported, and both Houses agreed that it should be 20 per cent. When the bill came to be enrolled, instead of the will of Congress being expressed in the enrolled bill, an error was committed, and 5 per cent was expressed instead of the agreement made by the conferees and adopted by both Houses; and with the 5 per cent provision it became a law. The purpose of this joint resolution is to make the law read as Congress determined at the time of its passage it should read, and not as it was enrolled against the report of the committee and the adoption of that report by both the Senate and the House.

Of course, if the Senate desire that that shall be the course of legislation here, that an undiscovered mistake by an enrolling clerk shall govern the laws and that the will of Congress shall not prevail, they can reject this joint resolution, which has already been passed by the House of Representatives.

Mr. HEYBURN. Mr. President, I object to the present consideration of the joint resolution, and ask that it go over under Rule IX.

Mr. CLARK of Wyoming. Mr. President, I hope the Senator will not insist upon that.

Mr. HEYBURN. If you are going to curtail the time for consideration under Rule VIII, I will have to do so. A matter that affects us to the extent of $180,000 on public surveys certainly can not be disposed of here arbitrarily under five minutes' discussion.

Mr. CLARK of Wyoming. Nobody intends to dispose of it arbitrarily; on the contrary, the greatest consideration has been shown to the Senator, and we hope he will be here every morning when it is called under Rule VIII.

Mr. HEYBURN. I ask that the joint resolution go over under Rule IX.

The PRESIDING OFFICER. The Senator from Idaho moves that the joint resolution be transferred from Rule VIII to Rule IX on the calendar. [Putting the question.] By the sound the "noes" appear to have it.

Mr. HEYBURN. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. If the Senator from Idaho has no further motion to make, the Chair will announce the result of the vote. The "noes" have it, and the motion does not prevail. The joint resolution goes over, retaining its place on the calendar under Rule VIII.

COURT OF COMMERCE, ETC.

The bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, was announced as next in order.

Mr. KEAN. Let that bill go over.

The PRESIDING OFFICER. The bill will come up under the regular order at 2 o'clock.

REIMBURSEMENT OF FIRE INSURANCE COMPANIES IN HAWAII.

The bill (S. 3806) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

Mr. BURKETT. Mr. President, let that bill go over.

The PRESIDING OFFICER. The Senator from Nebraska objects, and the bill will go over.

Mr. CRAWFORD. Mr. President, I hope the Senator will not insist on that. This is a claim that has been adjudicated in the courts; it is in payment of money that is due and owing to fire insurance companies. The German embassy and the British embassy are very anxious to have the claim settled. The former Secretary of State, now Senator from New York [Mr. ROOT], has a letter in the report recommending that speedy action be taken to close the matter up. The present Secretary of State has a similar request; and there is also such a request from each of the Assistant Secretaries of State.

There can be no possible defense to the claim. The Government of the United States ordered the property destroyed, and the companies which had insurance policies on the property adjudicated their claims. They presented them to the junior Senator from Minnesota [Mr. CLAPP] at a former Congress. He went over the entire claims in detail, and made a full report. A unanimous report supporting it was presented to the Senate, and the Senate passed the bill. The companies have produced before the present Committee on Claims ample proof of what they have paid, the surrender of canceled policies, the receipts for the money paid, the subrogation clauses, and so forth. It seems to me, under these circumstances, this claim ought not to be made the subject of delay. It is an obligation that the Government is in honor bound to pay, and all of the facts are in the report. I hope the bill will be considered.

Mr. BURKETT. Mr. President, I should like to have the bill go over for to-day, at any rate.

The PRESIDING OFFICER. The Senator from Nebraska insists upon his objection, and the bill goes over.

COURT OF PATENT APPEALS.

The bill (S. 4982) to establish a United States court of patent appeals, and for other purposes, was announced as next in order.

Mr. LODGE. I ask that that bill go over, and I move that it be placed under Rule IX.

The motion was agreed to.

BONDS IN JUDICIAL PROCEEDINGS IN THE DISTRICT.

The bill (H. R. 13468) to amend an act entitled "An act to establish a code of law for the District of Columbia," was considered as in Committee of the Whole.

Mr. KEAN. Is there a report with that bill?

Mr. GALLINGER. There is a brief report.

Mr. KEAN. Let us have the report read.

The PRESIDING OFFICER. The Secretary will read the report, as requested.

The Secretary read the report submitted by Mr. DILLINGHAM on the 7th instant, as follows:

The Committee on the District of Columbia, to whom was referred S. 3257, a bill to amend an act entitled "An act to establish a code of law for the District of Columbia," having considered it, recommend that it be amended as follows, and that when so amended it do pass:

In line 13 of the bill, after the word "bond," insert the words "or undertaking."

This legislation is recommended in a letter from the Commissioners of the District of Columbia, which reads as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 1, 1910.

DEAR SIR: The Commissioners of the District of Columbia have the honor to recommend that S. 3257, a bill to amend an act entitled "An act to establish a code of law for the District of Columbia," be amended by adding after the word "bond," in line 13 thereof, the words "or undertaking," in order that that portion of the proviso may conform to the phraseology of the preceding portion which excepts the authorities to be affected by the proposed legislation from giving bond or entering into an undertaking. These words were inadvertently omitted by the district official who prepared the original draft of the bill. A copy of the bill, modified as proposed, is herewith transmitted.

Very respectfully,
THE BOARD OF COMMISSIONERS, DISTRICT OF COLUMBIA,
By CUNO H. RUDOLPH, *President.*

Hon. J. H. GALLINGER,
Chairman Committee on the District of Columbia,
United States Senate.

The bill was reported from the Committee on the District of Columbia with an amendment, on page 2, line 2, after the word "bond," to insert "or undertaking," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, be, and the same is hereby, amended by adding to section 177 thereof the following:

"*Provided*, That neither the United States nor the District of Columbia, nor any officer of either, acting in his official capacity, shall be required to give bond or enter into undertaking to perfect any appeal or to obtain any injunction or other writ, process, or order in or of any court in the District of Columbia for which a bond or undertaking is now or may be hereafter required by law or rule of court."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CHANGE OF NAME OF TWENTY-THIRD STREET.

The bill (H. R. 11878) to change the name of Twenty-third street, north of Calvert street, in the District of Columbia, to Woodley place, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF FORTY-FIRST STREET NW.

The bill (H. R. 13893) to authorize the extension of Forty-first street NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEFFERSON STREET NW.

The bill (H. R. 16915) to direct that Jefferson street NW. between Fourteenth street and Colorado avenue be stricken from the plan of the permanent system of highways for the District of Columbia was considered as in Committee of the Whole.

Mr. HALE. This location is right in the heart of the city. Is there a report in the case?

Mr. GALLINGER. There is.

The PRESIDING OFFICER. There is a report.

Mr. HALE. Let it be read.

The Secretary read the report submitted by Mr. SCOTT on the 7th instant, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 16915) to direct that Jefferson street NW., between Fourteenth street and Colorado avenue, be stricken from the plan of the permanent system of highways for the District of Columbia, having considered the same, report thereon with a recommendation that it pass.

The necessity for the proposed legislation is set forth in the report of the Committee on the District of Columbia of the House of Representatives, which your committee adopt, and which is as follows:

The Committee on the District of Columbia, to which was referred the bill (H. R. 16915) to authorize the abandonment of Jefferson street NW. between Fourteenth street and Colorado avenue NW., Washington, D. C., report the same back to the House with the recommendation that it do pass.

The purpose of this bill is to abandon a portion of Jefferson street, as laid out on the plan for a permanent system of highways, but not as yet opened. The reasons for its proposed abandonment is the impracticability of opening it as a thoroughfare, on account of its steep grade, as appears by the letter of the Commissioners of the District of Columbia, made a part of this report.

It is also understood that if this part of the street is abandoned the owners of the land will dedicate a strip through the same wide enough for the construction of a stairway from Fourteenth street to Colorado avenue NW.

The commissioners approve the proposition of the bill in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, January 22, 1910.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on House bill 16915, Sixty-first Congress, second session, to authorize the abandonment of Jefferson street NW. between Fourteenth street and Colorado avenue NW., Washington, D. C., which you referred to them for examination and report.

The object of the bill is to abandon as a public highway that portion of Jefferson street lying between Fourteenth street and Colorado avenue NW. The portion of the street to be abandoned is shown in red on the inclosed plat. The length of it is about 160 feet.

At this point the difference in elevation between Fourteenth street and Colorado avenue is about 24.5 feet, and if the portion of the street proposed to be abandoned should be improved, the grade that would result would be impracticable for travel. Moreover, it is not contemplated to extend this street west of Colorado avenue, so that the effect of the bill would be merely to terminate the street at Fourteenth street, instead of at Colorado avenue. No advantage would be subserved by keeping this portion of the street a public highway, and its abandonment would be both to the interest of the District and to the owners of the abutting property.

The commissioners recommend favorable action on the bill.

Respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners, District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia,
House of Representatives, Washington, D. C.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF COLUMBIA ROAD NW.

The bill (H. R. 19785) to authorize the extension of Columbia road NW., in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF MILITARY ROAD NW.

The bill (H. R. 20164) authorizing the extension of Military road NW., in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERMANENT SYSTEM OF HIGHWAYS IN THE DISTRICT.

The bill (H. R. 16916) to authorize certain changes in the permanent system of highways plan, District of Columbia, was considered as in Committee of the Whole. It authorizes the Commissioners of the District to prepare a new highways plan for that portion of the first section of the permanent system of highways plan lying between Georgia avenue on the east, Sixteenth street on the west, Kalmia street on the north, and Butternut street on the south.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF FOURTH STREET SE.

The bill (H. R. 13864) to extend Fourth street SE. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAILROAD BRIDGE AT BEMIDJI, MINN.

The bill (S. 6721) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 6, after the word "Minnesota," to strike out "its successors and assigns, to build a railroad bridge" and insert "to construct, maintain, and operate a railroad bridge and approaches thereto;" and in line 9, after the word "River," to insert "at a point suitable to the interests of navigation," so as to read:

That the consent of Congress is hereby granted to the Minneapolis, St. Paul and Sault Ste. Marie Railway Company, a railway corporation organized under the laws of the States of Wisconsin, Michigan, and Minnesota, to construct, maintain, and operate a railroad bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That this act shall be null and void unless said bridge herein authorized be commenced within one year and completed within two years from and after the date of approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARANSAS PASS CHANNEL AND DOCK COMPANY.

The bill (H. R. 19633) to authorize Aransas Pass Channel and Dock Company to construct a bridge across Morris and Cumming Channel was announced as the next business in order on the calendar.

The PRESIDING OFFICER. The Chair is informed that the junior Senator from Texas [Mr. BAILEY] desires to be present when this bill is considered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 1 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, March 15, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 14, 1910.

COLLECTORS OF CUSTOMS.

Thomas O. Thompson, of Connecticut, to be collector of customs for the district of New London, in the State of Connecticut. (Reappointment.)

Walter I. Lillie, of Michigan, to be collector of customs for the district of Michigan, in the State of Michigan. (Reappointment.)

ASSISTANT ATTORNEY-GENERAL.

William S. Kenyon, of Iowa, to be assistant to the Attorney-General, vice Wade H. Ellis, resigned.

PROMOTION IN THE ARMY.

Maj. Eugene O. Fechét, Signal Corps, to be placed on the retired list of the army, with the rank of lieutenant-colonel from the date on which he shall be retired from active service.

PROMOTIONS IN THE NAVY.

Ensigns Virgil Baker and George C. Pegram to be lieutenants (junior grade) in the navy from the 31st day of January, 1910, upon the completion of three years' service in present grade.

The following-named paymasters, with the rank of lieutenant, to be paymasters in the navy with the rank of lieutenant-commander from the 11th day of March, 1910:

Charles R. O'Leary,
Charles W. Eliason,
Cuthbert J. Cleborne,
John D. Robnett,
George W. Pigman, jr.,
George W. Reeves, jr.,
Ray Spear, and
Christian J. Peoples.

POSTMASTERS.

ARKANSAS.

Levi Wimberly to be postmaster at Mena, Ark., in place of Robert B. Board. Incumbent's commission expired December 11, 1909.

CALIFORNIA.

Miriam H. Chittenden to be postmaster at Corning, Cal., in place of Miriam H. Chittenden. Incumbent's commission expires April 6, 1910.

William D. Ingram to be postmaster at Lincoln, Cal., in place of William D. Ingram. Incumbent's commission expires April 6, 1910.

Frank J. Payne to be postmaster at Sutter Creek, Cal., in place of Frank J. Payne. Incumbent's commission expires March 14, 1910.

James F. Scott to be postmaster at Ione, Cal., in place of James F. Scott. Incumbent's commission expired January 10, 1910.

Frederick W. Turner to be postmaster at Loomis, Cal., in place of Frederick W. Turner. Incumbent's commission expires April 9, 1910.

CONNECTICUT.

James A. Pitkin to be postmaster at Portland, Conn., in place of Mary E. Bell. Incumbent's commission expires April 19, 1910.

DELAWARE.

Alfred H. Skinner to be postmaster at Clayton, Del., in place of Thomas L. Mason. Incumbent's commission expired January 30, 1910.

ILLINOIS.

Alfred T. Foster to be postmaster at Moline, Ill., in place of William F. Eastman, deceased.

Edward F. Ledoyt to be postmaster at Sandwich, Ill., in place of Edward F. Ledoyt. Incumbent's commission expires March 26, 1910.

Harry B. Ward to be postmaster at Duquoin, Ill., in place of Harry B. Ward. Incumbent's commission expired February 13, 1910.

IOWA.

A. W. Jackson to be postmaster at West Liberty, Iowa, in place of Benjamin A. Nichols. Incumbent's commission expires April 6, 1910.

John R. Smull, jr., to be postmaster at Stuart, Iowa, in place of John R. Smull, jr. Incumbent's commission expires March 23, 1910.

KENTUCKY.

Edwin S. Moss to be postmaster at Williamsburg, Ky., in place of Edwin S. Moss. Incumbent's commission expired March 7, 1910.

MAINE.

Fitz M. Fish to be postmaster at Hallowell, Me., in place of Fitz M. Fish. Incumbent's commission expires April 25, 1910.

Newton H. Fogg to be postmaster at Sanford, Me., in place of Newton H. Fogg. Incumbent's commission expires April 19, 1910.

Winthrop C. Fogg to be postmaster at Freeport, Me., in place of Winthrop C. Fogg. Incumbent's commission expires April 9, 1910.

Reuel W. Norton to be postmaster at Kennebunk Port, Me., in place of Reuel W. Norton. Incumbent's commission expires April 19, 1910.

William Stackpole to be postmaster at Saco, Me., in place of William Stackpole. Incumbent's commission expires April 19, 1910.

MARYLAND.

Harry Peyton Gorsuch to be postmaster at Westminster, Md., in place of Samuel H. Kerr, deceased.

MASSACHUSETTS.

Benjamin F. Brooks to be postmaster at Barre, Mass., in place of Benjamin F. Brooks. Incumbent's commission expires April 3, 1910.

George G. Cook to be postmaster at Milford, Mass., in place of George G. Cook. Incumbent's commission expires April 16, 1910.

Louis C. Hyde to be postmaster at Springfield, Mass., in place of Louis C. Hyde. Incumbent's commission expires April 23, 1910.

MICHIGAN.

Arthur L. Fitch to be postmaster at Charlevoix, Mich., in place of Darwin F. Meech. Incumbent's commission expired March 2, 1910.

Richard M. Johnson to be postmaster at Middleville, Mich., in place of Richard M. Johnson. Incumbent's commission expires April 5, 1910.

William B. Kelly to be postmaster at Tawas City, Mich., in place of William B. Kelly. Incumbent's commission expires April 25, 1910.

George W. Moulton to be postmaster at Belding, Mich., in place of David E. Wilson. Incumbent's commission expires April 12, 1910.

Lester B. Place to be postmaster at Three Rivers, Mich., in place of Lester B. Place. Incumbent's commission expires April 12, 1910.

Judson M. Spore to be postmaster at Rockford, Mich., in place of Judson M. Spore. Incumbent's commission expires March 14, 1910.

MINNESOTA.

J. H. Nichols to be postmaster at Pipestone, Minn., in place of Luella T. Robey. Incumbent's commission expires March 14, 1910.

MONTANA.

Percy F. Dodds to be postmaster at Whitefish, Mont., in place of Percy F. Dodds. Incumbent's commission expired March 12, 1910.

August Schrump to be postmaster at Roundup, Mont. Office became presidential October 1, 1909.

NEBRASKA.

William Kaup to be postmaster at Western, Nebr. Office became presidential January 1, 1910.

NEW HAMPSHIRE.

John T. Welch to be postmaster at Dover, N. H., in place of John T. Welch. Incumbent's commission expires April 2, 1910.

NEW JERSEY.

De Witt C. Winchell to be postmaster at Carteret, N. J., in place of De Witt C. Winchell. Incumbent's commission expired February 27, 1910.

NEW YORK.

Howard McMillan to be postmaster at East Aurora, N. Y., in place of Howard McMillan. Incumbent's commission expired March 12, 1910.

Harry H. Nichols to be postmaster at Elizabethtown, N. Y., in place of Harry H. Nichols. Incumbent's commission expires March 23, 1910.

George C. Silsbee to be postmaster at Avoca, N. Y., in place of George C. Silsbee. Incumbent's commission expires March 28, 1910.

NORTH DAKOTA.

Andrew S. Ellingson to be postmaster at Northwood, N. Dak., in place of Andrew S. Ellingson. Incumbent's commission expires March 23, 1910.

OHIO.

Charles E. Hard to be postmaster at Portsmouth, Ohio, in place of Charles E. Hard. Incumbent's commission expired March 9, 1910.

Frank M. Martin to be postmaster at Woodsfield, Ohio, in place of Frank M. Martin. Incumbent's commission expires March 26, 1910.

PENNSYLVANIA.

John D. Dennison to be postmaster at Jamestown, Pa., in place of John D. Dennison. Incumbent's commission expired February 19, 1910.

John McCurdy to be postmaster at Verona, Pa., in place of George H. Moore, resigned.

Harry W. Thatcher to be postmaster at South Bethlehem, Pa., in place of Frederick W. Ulrich. Incumbent's commission expires March 22, 1910.

SOUTH DAKOTA.

Nettie H. Beebe to be postmaster at Blunt, S. Dak., in place of Irene Fuller, resigned.

WASHINGTON.

Charles H. Jones to be postmaster at Arlington, Wash., in place of Charles H. Jones. Incumbent's commission expires March 27, 1910.

WYOMING.

Elmer T. Beltz to be postmaster at Laramie, Wyo., in place of Elmer T. Beltz. Incumbent's commission expires April 5, 1910.

Frank C. Fawcett to be postmaster at Newcastle, Wyo., in place of William H. Dobson, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 14, 1910.

PROMOTIONS IN THE NAVY.

Lieut. William C. Asserson to be a lieutenant-commander.

Medical Inspector Phillips A. Lovering to be a medical director.

RECORDER OF DEEDS, DISTRICT OF COLUMBIA.

Henry Lincoln Johnson to be recorder of deeds for the District of Columbia.

POSTMASTERS.

DELAWARE.

Alfred H. Skinner, at Clayton, Del.

MINNESOTA.

J. H. Nichols, at Pipestone, Minn.

NEW HAMPSHIRE.

John T. Welch, at Dover, N. H.

PENNSYLVANIA.

Harry W. Thatcher, at South Bethlehem, Pa.

WITHDRAWAL.

Executive nomination withdrawn from the Senate March 14, 1910.

POSTMASTER.

Lorenz C. Fensel to be postmaster of Kewaunee, in the State of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 14, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, let Thy spirit come mightily upon these Thy servants that in all the work they take up this week it may be of the highest order, that they may acquit themselves like men, and make history worthy of American statesmen.

And now, O Father, let the everlasting arms be about the bereaved Member to uphold and sustain him in the loss of his companion. Grant that he and the motherless children may look forward with faith and confidence to that larger life in that brighter realm where sorrows and death never enter, and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, March 12, 1910, was read and approved.

CORRECTION.

Mr. BURKE of South Dakota. Mr. Speaker, I rise to make a correction of the RECORD. On page 3092, before the paragraph near the bottom of the first column, beginning "The gentleman manifestly is mistaken," and so forth, the words "Mr. BURKE of South Dakota" should be inserted. Otherwise it makes what I said appear to have been said by the gentleman from Massachusetts [Mr. GILLETT].

The SPEAKER. The correction will be made.

DEFINING THE CRIME OF PANDERING.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 17744) in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who takes, harbors, inveigles, entices, persuades, encourages, either by threats or promises, or by any device or scheme takes or causes to be taken any female into a house of ill-fame or of assignation or elsewhere in the District of Columbia against her will, for the purpose of prostitution or illegal sexual intercourse, or takes or detains a female unlawfully against her will with the intent to compel her by force, threats, persuasion, menace, or duress to marry him or to marry any other person or to be defiled, or being parent, guardian or any other person having legal charge of the person of a female consents to her taking or detaining by any person for the purpose of prostitution or sexual intercourse is guilty of pandering and shall be punished by imprisonment for a term not less than one nor more than ten years and fined not more than $1,000.

SEC. 2. That any person who shall place any female in the charge or custody of any other person or persons for immoral purposes or in a house of prostitution with the intent that she shall live a life of prostitution, or any person who shall compel any female to reside with him or with any other person for immoral purposes, or for the purposes of prostitution, or compel her to live a life of prostitution, is guilty of pandering and shall be punished by a fine of not less than $1,000 and imprisonment for not less than one nor more than ten years.

SEC. 3. That any person who shall receive any money or other valuable thing for or on account of procuring for or placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons shall be guilty of a felony, and upon conviction thereof shall be imprisoned for not less than three nor more than ten years.

SEC. 4. That any person who by force, fraud, intimidation, or threats places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution, or to lead a life of prostitution, shall be guilty of a felony, and upon conviction thereof shall be imprisoned not less than three nor more than ten years.

SEC. 5. That any person or persons who knowingly receive any money or other valuable thing from the earnings of any woman or girl engaged in prostitution shall be guilty of a felony, and on conviction be imprisoned for a term not exceeding ten years and fined not less than $500.

SEC. 6. That any person or persons who attempt to detain any girl or woman in a disorderly house or house of prostitution because of any debt or debts she has contracted, or is said to have contracted, while living in said house of prostitution or disorderly house shall be guilty of a felony, and on conviction thereof be imprisoned for a term not less than three nor more than ten years.

SEC. 7. That any such female referred to in the foregoing shall be a competent witness in any prosecution under this act to testify to any and all matters, including conversations with the accused or by him with or by third persons in her presence, notwithstanding her having married the accused either before or after the violation of any of the provisions of this act.

Mr. SMITH of Michigan. Mr. Speaker, I now yield to the gentleman from Missouri [Mr. BORLAND], if anybody desires to ask any questions.

Mr. MANN. I would like to ask a question of somebody. What is the effect of section 5 of the bill?

Mr. BORLAND. This whole bill, as the gentleman sees, is designed to reach a class of criminals who live off the earnings of women, and it divides this crime up into various classes. Section 5 is designed to reach one who lives off of these earnings without any proof that he participated in causing the debauchery of the girl. It is designed to reach that class of idle criminals.

Mr. MANN. It reads that—

> Any person or persons who knowingly receive any money or other valuable thing from the earnings of any woman or girl engaged in prostitution shall be guilty of a felony.

Now, I apprehend that a prostitute who may have earned or received money by her prostitution might go into a store and buy something. You do not expect her to starve. There is no prohibition in the bill against anybody engaging in prostitution; but under this bill, apparently, if the merchant knew that the woman was a prostitute and received any money from her he would be subjected to a penalty of ten years' imprisonment.

Mr. BORLAND. It hardly strikes me that that would reach the case of a merchant in the ordinary course of business who sold goods to the public, who happened to sell them to some girl who earned her money in that way. It is designed to reach people who knowingly do it; but in order to make a conviction under this before any jury you would have to prove the intent as you would in any other crime.

Mr. MANN. There is nothing in this that says you have to prove the intent; it says, "if he knowingly receives the money."

Mr. BORLAND. It would be in this as in all other criminal cases.

Mr. MANN. That depends upon what you provide in the bill. It provides a penalty against his knowingly receiving the money. Very few people receive money without doing it knowingly. The penalty here is against knowingly receiving the money from prostitutes, and that is what it amounts to. What the gentleman may have intended in the preparation of the bill is one thing, and what he says in the law may be an entirely different proposition. The court, when it comes to construe this matter, reads the law, and it does not read the mind of the gentleman, who may have intended something else when he prepared the bill.

Mr. BORLAND. It strikes me, in answer to that, that no man who was engaged in legitimate business and happened to receive for goods sold in the ordinary course of business money earned in that way would be convicted. I doubt if any exception could be put in there that might not have the effect of providing a loophole for the very people that we are providing for in this section—these people who rent rooms and live off of the earnings of these women. The well-known rules of general construction must apply, and a guilty intent must be fastened upon the defendant. That is a protection to the honest person.

Mr. MANN. You do not fasten the guilty intent on the man, but you prove the facts, and the intent is presumed from the facts.

Mr. BORLAND. If the gentleman will examine the bill he will find that the other sections apply against people who have taken an active step toward putting the girl or woman into this situation. Section 5 is designed to reach the fellow who takes the proceeds of her vice, whether he takes it under contract for rent, or apparently as a gratuity. It is designed to reach these men and no other. If you put an exception there, as the gentleman says, to relieve the honest merchant, you will have opened the door to the very class of people designed

to be reached, and it will be no more of a protection to the honest merchant than the bill is at present.

Mr. MANN. What is the meaning of section 7?

Mr. BARTLETT of Georgia. That is what I wanted to inquire about.

Mr. BORLAND. Well, section 7 is a little more drastic——

Mr. MANN. It can not be more drastic than section 5, but what does it mean?

Mr. BORLAND. It is quite true, as every lawyer knows, that in the practice it makes a substantial change. Undoubtedly it changes the rule of evidence and provides that a wife may testify against her husband in that kind of a case. They have found a difficulty in this kind of a case from that rule of evidence, and in this kind of a case it is necessary, frequently, that that rule of evidence be abrogated; because, unless it is abrogated, no conviction can be obtained. I think that the whole law and all of these laws are based on an exception to that rule of evidence.

Mr. STEPHENS of Texas. May I ask the gentleman if this law has been put in operation in any city or State?

Mr. BORLAND. A similar law exists in some 10 or 12 States, including my own.

Mr. STEPHENS of Texas. Is that a statute law of Missouri?

Mr. BORLAND. Yes.

Mr. STEPHENS of Texas. Have any convictions been had under that law?

Mr. BORLAND. As far as I know, no convictions have been had in our State; how it is worked in others I do not know.

Mr. STEPHENS of Texas. You do not know whether any case has been appealed to the superior courts?

Mr. BORLAND. No; I think not.

Mr. STEPHENS of Texas. How long has it been in force?

Mr. BORLAND. Not long. I do not know of any reports of the courts as deciding such cases; I do not know of any. I might say right here, as every gentleman recognizes, this law undoubtedly appeals to the moral sense of all of us. Even the gentleman who is criticising the bill——

Mr. MANN. The gentleman does not wish to say "even the gentleman who is criticising." The gentleman has introduced a bill on this subject, which was carefully drawn——

Mr. BORLAND. Undoubtedly——

Mr. MANN (continuing). And hence is criticising a bill which is extremely carelessly drawn.

Mr. BORLAND. If the gentleman thinks any amendment can strengthen the bill, I have no doubt we will all be in favor of it.

Mr. MANN. I have no amendment to strengthen the bill; I have not prepared any.

Mr. BORLAND. When the gentleman interrupted me I was about to say that this law is, of course, experimental. There is no qusetion about that. We do not know if we are going to catch these fellows. We do not know that this law in practice will operate to catch the right men, but we do know that we are making an effort to catch them, especially in the District of Columbia.

Mr. MANN. Why are you saying, in line 21: "Including conversation with the accused or by him with or by third person?" What is the meaning of that? Why is that language used? "Conversations with the accused or by him with or by third person." What does that mean—conversations by a man with or by a third person? I thought a conversation by its terms had a reference to at least two people. This seems to assume that a conversation is wholly carried on by one person.

Mr. BORLAND. Well, a conversation of a wife with her husband, in the absence of other persons, under the common law, is not evidence, and in this instance it is designed to abrogate that rule.

Mr. MANN. May I ask the gentleman about one other matter which I have marked here? I notice in section 3—

> that any person who shall receive any money or other valuable thing for or on account of procuring for or placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person—

and so forth, shall be considered a felony. Now, what is the definition of the word "cohabit?"

Mr. BORLAND. Well, ordinarily the definition of the word cohabit is to live together in the relation of husband and wife.

Mr. MANN. Well, I think not. The term is constantly used "cohabit together as man and wife," but the word "cohabit" does not imply the rest.

Mr. COX of Indiana. Our court has construed the word "cohabit" to mean living together as husband and wife for some time.

Mr. BORLAND. The common-law marriage, as I understand it, is based on cohabitation, which, in the eyes of the world, has the appearance of living together as man and wife. Under common law it is proof of marriage. It is not marriage in any contractual sense.

Mr. MANN. It may be it implies living together as man and wife. I have not so understood it.

Mr. CLARK of Missouri. The legal meaning of the word "cohabit" in this country is to live together habitually. Occasional acts of adultery do not fall within the rule.

Mr. MANN. Now, of course, this first section provides a penalty of not more than ten years' imprisonment.

Mr. BORLAND. I might say to the gentleman before we start on this question that this bill was prepared by another member of the committee, not myself, and that by direction of the committee I am reporting it.

Mr. MANN. I understand.

Mr. BORLAND. I did not draw the exact language of the bill, and yet I feel that I understand the purport of it.

Mr. MANN. I hope the gentleman will not consider from anything I might say that I am criticising the gentleman from Missouri [Mr. BORLAND] or the gentleman from New York [Mr. OLCOTT], who drew the bill. I notice in the first section it provides, leaving out part of the language, that any person who persuades any female into a house of assignation or elsewhere for the purpose of illegal sexual intercourse is subjected to a punishment of not less than ten years' imprisonment.

Mr. BORLAND. Not more than ten years.

Mr. MANN. Not more than ten years' imprisonment. Of course that would cover practically any case of sexual intercourse, illegal or unlawful, between man and woman.

Mr. BORLAND. As I said before to the gentleman from Illinois [Mr. MANN], this law is designed to reach an evil that has attracted a great deal of popular attention. Everybody recognizes that it is an evil extremely hard to reach by the criminal statutes on account of the strictness with which criminl statutes are necessarily construed. It is rather difficult to draw a bill which will reach the real evil and yet which will not have the effect perhaps of infringing on the personal liberty of people not intended to be reached.

The law is experimental, and if the gentleman, having been over this subject, as I know he has, in the preparation of the white-slave immigration or interstate commerce law, has any amendment that will strengthen the bill, I am sure we would like to have it.

Mr. MANN. The bill which has already passed the House, and which I introduced, covers this entire subject in the District of Columbia.

Mr. BORLAND. I will say to the gentleman that it does not. The bill that passed the House was designed to regulate the national part of it, so far as it affected interstate commerce, and could regulate nothing else. This is a local bill, as much as a bill of the state legislature, regulating police power.

Mr. MANN. The gentleman has not read the bill, and hence is not qualified to say what it covers.

Mr. BORLAND. I heard the gentleman discuss it somewhat at length.

Mr. MANN. The gentleman has forgotten what he heard, because the bill which passed the House expressly provided not only for interstate commerce, but for the Territories and the District of Columbia, and when the gentleman says they could not do it, of course he does not mean that, because the bill that he now has proposes to do it. We did cover the District of Columbia and the Territories in the bill that passed the House, but I do not know that there is any objection to the passage of this bill. One of those bills that passed the House is now in conference; the other, in the Senate, is in the Committee on Immigration. This will be, I suppose, in the Committee on the District of Columbia. Something ought to be done; and very likely when this bill goes over to the Senate, the distinguished body over there will rewrite it and put it in form so that it will mean something and will effect something.

Mr. CRUMPACKER. I would like to make a suggestion in relation to section 3. I think the word "cohabit" destroys the purpose of that section, because "cohabit" means habitual sexual relation or intercourse. It has been so construed by the courts.

Mr. ROBERTS. No; it has been construed the other way.

Mr. CRUMPACKER. The interpretation, as far as I am familiar with it, is that "cohabit" means habitual living together as man and wife.

Cohabitation means two in the habit of living together. The demarcation is a man and a woman habitually living together. I think the word "cohabit" ought to be stricken out and the words "to commit acts of prostitution" used in its place, so that it would reach the purpose this section is designed to cover. I understand the section is intended to cover the question of

procuring a woman to enter a house of prostitution, not to cohabit, but to commit acts of prostitution.

Mr. BORLAND. I think the criticism as to the use of the word "cohabit" is well taken, and I believe that the committee could strike out the word "cohabit" and insert to "engage in unlawful sexual relations."

Mr. CRUMPACKER. I move to strike out the word "cohabit" and insert in lieu "commit acts of prostitution."

The SPEAKER. Does the gentleman yield to the gentleman from Indiana?

Mr. SMITH of Michigan. I yield to the gentleman for the purpose of offering an amendment.

Mr. CRUMPACKER. I move to strike out the word "cohabit," in line 20, page 2, and insert the words "commit acts of prostitution."

The Clerk read as follows:

Page 2, line 20, strike out the word "cohabit" and insert in lieu thereof the words "commit acts of prostitution."

Mr. BORLAND. Just a moment. I will ask the gentleman from Indiana, Do you not think that difficulty will arise from using the word "acts" in the plural; ought it not to be "act or acts?" The construction of criminal statutes is very strict.

Mr. CRUMPACKER. I think that would cover act or acts of prostitution.

Mr. MANN. I would suggest to the gentleman that the Statutes of the United States provide if the word used is in the singular or the plural, it shall be construed as in the plural or in the singular, as the case demands.

Mr. CRUMPACKER. I am ready for a vote.

Mr. SMITH of Michigan. We are ready to vote on the amendment.

The question was taken, and the amendment was agreed to.

Mr. SMITH of Michigan. I now yield to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. I wish to call attention to section 4. In line 24, the third word is "person;" the last word in line 25 is "person," and then further in the line is the word "his," which relates back to one or other of those persons. If any man will take that section and read it and tell me which one of those persons is to be arrested under that section I will agree to jump in the Potomac River. I think that this bill ought to be recommitted to the committee.

Mr. MANN. I can tell the gentleman, but I would hate for the gentleman to lose his life.

Mr. JOHNSON of Kentucky. I move to recommit the bill to the committee.

Mr. SMITH of Michigan. Suppose the gentleman offers an amendment to cure the legislation.

The SPEAKER. Does the gentleman yield to the gentleman from Kentucky?

Mr. JOHNSON of Kentucky. I withdraw the motion.

Mr. SMITH of Michigan. I ask for a vote on the bill as amended.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

MASONIC TEMPLE ASSOCIATION.

Mr. SMITH of Michigan. Mr. Speaker, I now call up the bill S. 3889.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to incorporate the Masonic Temple Association of the District of Columbia," approved the 15th day of April, 1898, be, and the same hereby is, amended by adding to and as a part of section 3 of the said act the following:

"At the annual election of the board of managers and at all other stockholders' meetings of the said Masonic Temple Association, each body owning capital stock of the said corporation shall be entitled to one vote for each share of stock held by it."

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

ORDER OF BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of District business.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union; Mr. WANGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of District business.

WIDENING FIRST STREET NE.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 20370) authorizing the widening of First street NE.

The Clerk read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the widening of First street NE. along the eastern boundaries of squares Nos. 675, 676, and 677 to a width of 60 feet, as shown on plans on file in the office of the engineer commissioner, District of Columbia: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said widening, plus the costs and expenses of the proceeding, shall be assessed by the jury as benefits.

SEC. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. SMITH of Michigan. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

TELEGRAPH COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I now call up the bill (H. R. 22390) to require all companies doing telegraph business in the District of Columbia to pay a tax on their gross receipts.

The bill was read, as follows:

Strike out all after the enacting clause and insert the following:

"That paragraph 5 of section 6 of the act of Congress approved July 1, 1902, entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes,' be, and the same is hereby, amended so as to read as follows:

"'PAR. 5. Each national bank as the trustee for its stockholders, through its president or cashier, and all other incorporated banks, and trust companies, in the District of Columbia, through their presidents or cashiers, and all gas, electric lighting, telegraph, and telephone companies, doing business in the District of Columbia, through their proper officers, shall make affidavit to the board of personal-tax assessors on or before the 1st day of August each year as to the amount of its or their gross receipts for the preceding year ending the 30th day of June, and shall pay to the collector of taxes of the District of Columbia per annum on such gross receipts as follows: Each national bank, and all other incorporated banks, and trust companies, respectively, 6 per cent; each gas company, 5 per cent; each electric lighting, telegraph, and telephone company, 4 per cent. And in addition thereto the real estate owned by each national or other incorporated bank, and each trust, gas, electric lighting, telegraph, and telephone company in the District of Columbia shall be taxed as other real estate in said District: *Provided*, That street railroad companies shall continue to pay the 4 per cent per annum on their gross receipts and other taxes as provided by existing law, and insurance companies shall continue to pay the 1½ per cent on premium receipts, as provided by section 650 of the code of the District of Columbia. That so much of the act approved October 1, 1890, entitled "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia" as is inconsistent with the provisions of this section is hereby repealed.'"

Mr. SMITH of Michigan. I move that the bill be laid aside with a favorable recommendation.

Mr. STAFFORD. I wish the gentleman would withhold that motion until we have an opportunity for some explanation of this bill from the chairman or some other member of the committee who can explain the measure, as to what it seeks to accomplish.

Mr. SMITH of Michigan. I yield to the gentleman from Maryland.

Mr. PEARRE. Has the gentleman read the report?

Mr. STAFFORD. I have the report before me, but have not had an opportunity to read it.

Mr. PEARRE. If the gentleman will read the report he will find that it very fully sets out the purpose of the bill.

Mr. STAFFORD. I find that the report is nothing more than a reprint of the amendment as printed in the bill. It does not state anything in explanation.

Mr. PEARRE. I will say to the gentleman that the only thing that is done is to insert paragraph 5 of section 6 of the act relating to telegraph companies. It simply applies the existing law, providing for the tax of 4 per cent on the gross receipts of these incorporated companies.

If the gentleman has read paragraph 5 of the act of June 30, 1903, he will see that that is the only amendment provided.

Mr. STAFFORD. I glanced over the report to which the gentleman directed my attention, but I notice that there is nothing in the report that covers the matter that the gentleman just referred my attention to.

Mr. PEARRE. I think the last paragraph of the report does that. If the gentleman will read it he will see that it says:

The sole purpose of the bill is to provide for the taxation of telegraph companies doing business within the District of Columbia, in the same manner as other public-service corporations are taxed. The original bill was transmitted to the committee by the Commissioners of the District of Columbia.

Mr. DALZELL. Is this the telepost bill?

Mr. PEARRE. No.

Mr. STAFFORD. You state that the taxable rate is intended to be the same as to telegraph companies, as to other public-service corporations.

Mr. SMITH of Michigan. As to telephone companies.

Mr. PEARRE. As to telephone companies.

Mr. SMITH of Michigan. I renew my motion that the bill be laid aside to be reported to the House with a favorable recommendation.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

THE TELEPOST COMPANY.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 19402) to enable the Telepost Company to construct its plant, operate the same, and transact its business in the District of Columbia, and make necessary connections with other parts of its system.

The bill and committee amendments were read.

Mr. SMITH of Michigan. Mr. Chairman, I move the adoption of the committee amendments.

Mr. MANN. Mr. Chairman, before we read this bill under the five-minute rule, which we have not done yet, suppose the gentleman explains the bill to us.

Mr. SMITH of Michigan. I shall be glad to do it, but for the time being I will yield to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Chairman, this is a bill which simply grants permission to the Telepost Company, a company incorporated under the laws of the State of Maine, to bring in its lines and construct its equipment, and so forth, in the District of Columbia.

The bill as reported is favorably recommended and indorsed by the Commissioners of the District of Columbia, with three amendments, the first being in line 5 of section 1, in which the word "Portland" is stricken out and the word "Augusta" substituted, in order that the bill may comport with the facts.

The second is the latter part of section 1, on page 2, in which the following language is stricken from the bill:

Said Telepost Company shall repair, restore, and make good the surface of all streets in which said company may lay conduits. The cost thereof and of all restoration of street surfaces and of all damages to persons or property, caused by any construction, excavation, or in any other manner, by the operations herein authorized, shall be borne and paid solely by said Telepost Company.

I assume that it is hardly necessary for me to read the language that is substituted in place of that stricken out, because no doubt Members have the bill before them. It simply provides that the cost of all breaking of the surface in laying its conduits and installing its system in the District shall be paid for by the company. That amendment is suggested by the Commissioners of the District of Columbia, as is also the third amendment, which is a new section, section 4, imposing a tax of 4 per cent per annum on the gross receipts of the company in the District of Columbia, to comport with the general law which we have recently amended in the same respect in regard to telephone companies, in the passage of H. R. 22390, which has just been laid aside with a favorable recommendation.

Mr. SMITH of Michigan. Are there any further questions?

Mr. MANN. Yes. Mr. Chairman, I notice that it is stated in the report that the stock of the company is owned by trustees for the purpose of preventing somebody getting hold of the stock.

Is there anything in this bill or in the charter of this company, or anywhere else, which would prevent either the Western Union Telegraph Company or the Postal Telegraph Company acquiring this franchise after it is granted?

Mr. PEARRE. I think, Mr. Chairman, that is provided for by the selection of the trustees and the veto power which each individual possesses.

Mr. MANN. Does the gentleman think these trustees endeavoring to conserve the interests of the stockholders, if they were offered a fair price for this property, a little more than the market value, would decline to sell the property because they wished to maintain competitive conditions?

Mr. PEARRE. If the gentleman means to ask whether there is anything in the bill to prohibit such a course, I should be compelled to say that there is not.

Mr. MANN. We have got this situation. It has been stated recently that the Western Union Telegraph Company had acquired the stock of the Postal Telegraph Company——

Mr. WILEY. That has been denied.

Mr. MANN (continuing). And that the two were to be amalgamated far enough to do away with competition. I do not know what the facts may be, but is it not desirable, in granting a new franchise in the District of Columbia, to preserve the competitive condition as far as possible? I do not know how valuable this franchise may be here or anywhere else.

Mr. SMITH of Michigan. I desire to say to the gentleman that they have been admitted—the cities of Chicago, St. Louis, Indianapolis, Boston, Portland, Me., and several other cities—and in all cases they have been admitted upon practically the same conditions that are provided in this bill.

Mr. MANN. I suppose the gentleman gets his information from some official of the Telepost Company, and I have never found that sort of information absolutely reliable. I have never found it safe to depend wholly upon the statements of some officials who were seeking to obtain a franchise.

Mr. SMITH of Michigan. The gentleman ought to know the conditions in his own city. This company is doing business between Chicago and St. Louis.

Mr. MANN. I dare say that they are provided with some limitations in Chicago. I do not know; I did not know the Telepost Company was in Chicago. This is the first I have heard of it, and the first anyone has heard of it.

Mr. SMITH of Michigan. The gentleman is mistaken in saying that this is the first that anyone has heard that they were doing business there, although they have been doing business but two or three months in Chicago.

Mr. BURLESON. Mr. Chairman, I would like to ask a question. I am not familiar with the provisions of the bill. Does it carry any charge on the Treasury?

Mr. SMITH of Michigan. No; on the contrary, this bill, for the first time, and the bill which was laid aside with a favorable recommendation a few minutes ago, imposes a tax of 4 per cent on the gross receipts of the company.

Mr. BURLESON. I would like to ask if there is a provision in the bill requiring the companies to repair the streets?

Mr. SMITH of Michigan. Yes; that is fully provided for.

Mr. BURLESON. Then, what objection can there be to the passage of the bill?

Mr. SMITH of Michigan. There can not be any objection that I know of.

Mr. MANN. Oh, this conversation was all prearranged.

Mr. BURLESON. The gentleman is mistaken; I never spoke to the gentleman from Michigan about this matter in my life, but I can not see any objection if it carries no charge against the Treasury and the provision requiring them to pay for the repairs of the streets is provided for.

Mr. PEARRE. It produces a revenue of 4 per cent on the gross receipts.

Mr. MANN. That does not amount to much. I have no opposition to the bill or to the Telepost coming into the District of Columbia.

Mr. SMITH of Michigan. The 4 per cent tax may not amount to much at present in case of the Telepost, but it will against the Western Union and the Postal Telegraph companies.

Mr. MANN. This is a bill proposing to tear up all the streets in the city of Washington.

Mr. SMITH of Michigan. Not at all.

Mr. MANN. There is no limitation in the bill.

Mr. WILEY. You can not make a limitation of that kind.

Mr. MANN. I want something in the law to give Congress the authority to preserve the competitive conditions in reference to these companies. We have two great companies now, one of which, it is said, has been absorbed by the other. Here is proposed a third company; and if it amounts to anything, we ought not to permit it to be absorbed by one of the existing companies after it has acquired a valuable franchise in the city of Washington.

Mr. PEARRE. What amendment would the gentleman suggest?

Mr. MANN. I would suggest at least one that should have been in the bill at first, and that is that "the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. WILEY. That is in all the bills.

Mr. MANN. That may be in all the bills, but it has been carefully omitted from this bill. I dare say that it was not omitted purposely by the District Committee. The District Committee, I suppose, did not prepare the bill.

Mr. WILEY. That is in the law of the District.

Mr. MANN. The people who were seeking to get this franchise carefully omitted it.

Mr. SMITH of Michigan. I do not think there was any intent to leave it out.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask a question. Is this bill confined to a charter in the District of Columbia?

Mr. MANN. This is only to give them a franchise to enter the District of Columbia.

Mr. CLARK of Missouri. Is this franchise confined to the District of Columbia?

Mr. PEARRE. Confined to the District of Columbia solely.

Mr. CLARK of Missouri. Suppose that the time comes when the District of Columbia or the city of Washington wants to make them put these lines underground, is there anything in this bill to provide for that?

Mr. SMITH of Michigan. That is what they do now. That is the proposition in this bill.

Mr. CLARK of Missouri. Why should there not be a clause in here such as the gentleman from Illinois [Mr. MANN] suggests—that the company should not be allowed to consolidate with these other companies?

Mr. PEARRE. We will be very glad to consider that amendment. I know of no objection to it whatever.

Mr. MANN. Mr. Chairman, the only amendment I have suggested is the one that would insert a clause that the right to alter, amend, or repeal is expressly reserved, and I think also that there ought to be this other provision. I have not prepared any amendment, however.

Mr. KEIFER. I would like to inquire whether there is any clause in the bill which requires the wires to be put under ground?

Mr. SMITH of Michigan. I will read section 3:

SEC. 3. That the said Telepost Company is hereby authorized to apply forthwith to the Commissioners of the District of Columbia for their approval and permission under the provisions of the act approved March 3, 1905, entitled "An act regulating the use of telegraph wires in the District of Columbia."

That act requires them to put their wires under ground.

Mr. KEIFER. Why not, in this bill, require to be done what is required by the general act referred to?

Mr. SMITH of Michigan. Why do it?

Mr. PEARRE. Yes; why do that?

Mr. KEIFER. Because they have to go to the commissioners for the purpose of getting permission to do what they ought to be required to do.

Mr. PEARRE. Why multiply legislation?

Mr. KEIFER. I think you are multiplying it now by not putting it in. You put in the bill a provision requiring them to apply for permission to do certain things under an act that we have not now before us, and it may be inferred from this that they can put up their wires without applying for that permission at all.

Mr. MANN. I would call the attention of the gentleman from Ohio [Mr. KEIFER] to the fact that this expressly authorizes overhead wires in part of the District of Columbia.

Mr. KEIFER. That is what I was afraid of.

Mr. PEARRE. Not in the District of Columbia.

Mr. MANN. Then what does it mean on page 2, line 7, when the following language is used?

And especially to construct, own, and operate an overhead line of a telegraph—

And so forth.

Mr. PEARRE. Read further:

From the boundary line between the State of Maryland and the District of Columbia.

Mr. MANN. We have not any jurisdiction outside of the District of Columbia——

Mr. PEARRE. Reading further:

In a southerly or westerly direction, to a point where it may be necessary to lay conduits and install underground telegraph lines.

That is the District line; that is under the general law now.

Mr. MANN. Then it is absurd. If the proposition is to permit them to construct overhead telegraph lines from the District line to the same line it would be ridiculous.

Mr. PEARRE. The gentleman seems to have a faculty for observing absurd things.

Mr. MANN. I do, and I notice that.

Mr. PEARRE. If the gentleman will take the pains to read the words of the bill—

And especially to construct, own, and operate an overhead line of its telegraph from the boundary line between the State of Maryland and the District of Columbia, in a southerly or westerly direction, to a point where it may be necessary to lay conduits and install underground telegraph lines.

Therefore, they are constructing an overhead line between the point in Maryland where they are coming in and the line of the District of Columbia that separates it from the State of Maryland, and when they reach the District line, that is the point where, under the general law, they are required now to put their wires underground.

Mr. MANN. Well, the gentleman does not claim that we have any jurisdiction to grant a permit to construct an overhead line in the State of Maryland, does he?

Mr. PEARRE. Oh, we are not talking about that.

Mr. MANN. Where is this overhead line to be constructed?

Mr. SMITH of Michigan. Between its line and up to the point in the city where, under the law, they are required to put them underground.

Mr. MANN. That is what I said: That it granted authority to construct an overhead line in the District of Columbia.

Mr. SMITH of Michigan. Well, why should they not be given the same privilege that is given to any other telegraph company?

Mr. MANN. I am not saying anything about that, but the gentleman said I was mistaken.

Mr. KEIFER. Mr. Chairman, I desire to follow that up. It seems to me it is highly important, as it turns out from this colloquy, that they are not required to put the wires underground under a general law at all.

Mr. SMITH of Michigan. Oh, yes; they are.

Mr. KEIFER. Unless they make application and obtain the permission from the commissioners.

Why not put in a provision requiring them to conform with the law, if there is such a law? Each law, in other words, becomes effective according to its own terms, and there is no reference to their being bound by the general law, except that they may apply to the commissioners for certain authority under it.

Mr. PEARRE. I would like to reply to what the gentleman from Ohio says.

Mr. KEIFER. Certainly.

Mr. PEARRE. I understood the gentleman from Ohio to ask a question, and I desire to answer it. The gentleman will discover on page 2 that the location of the lines is to be approved by the Commissioners of the District of Columbia; therefore this service can not be installed and these lines can not be laid in the District, underground or otherwise, except by permission of the commissioners and under their direction and regulation.

Mr. KEIFER. I do not think that covers the whole question. The location of the service as to the streets or alleys or places on which the line may be extended or over does not necessarily determine the character of the construction as to whether it shall be overhead or underground.

Mr. PEARRE. I want to call the gentleman's attention to the language in lines 12, 13 and 14 on page 2:

Is authorized to lay conduits and install underground telegraph lines therein by any route or routes which may be approved by the Commissioners of the District of Columbia.

Mr. KEIFER. What are you reading from?

Mr. PEARRE. Second page, lines 12, 13, and 14.

Mr. KEIFER. There is no provision there requiring them to lay underground telegraph lines at all, but I suppose they can get permission to do it under that if they want to do so. It is a sort of permissive bill. Now, Mr. Chairman, I only want to add to that by saying I am not familiar with this bill, and I will yield to anybody's interruption. I want to say I understood the question to be answered a few moments ago that this was a charter for a telegraph corporation to operate exclusively within the District of Columbia. Now, does it not look to connecting lines, to at least a contract connection with companies outside of it?

Mr. PEARRE. Yes.

Mr. SMITH of Michigan. Who suggested it was to be exclusive?

Mr. KEIFER. I thought you or your colleague stated that.

Mr. SMITH of Michigan. This bill limits it to the District of Columbia; that is all we can legislate for in this bill.

Mr. KEIFER. You provide in here for its connecting with outside lines?

Mr. WILEY. It would not be of any use without some connection.

Mr. HULL of Iowa. This corporation is simply granted rights in this District, just as rights have been given to the Postal and Western Union Telegraph companies. It is confined wholly to the District. That is all that this bill does.

Mr. KEIFER. With that explanation, it seems to me it is satisfactory.

Mr. HULL of Iowa. Now, Mr. Chairman——

Mr. KEIFER. I yield to the gentleman all the time he wishes.

Mr. HULL of Iowa. I thought the gentleman from Ohio had finished.

Mr. KEIFER. I have; but I thought you were going to ask a question.

Mr. HULL of Iowa. No; the gentleman admits he does not know very much about the bill, and I wanted to ask some questions of somebody who does know something about it. I supposed the chairman of the District Committee had the floor.

Mr. SMITH of Michigan. I yielded to the gentleman from Maryland [Mr. PEARRE].

Mr. HULL of Iowa. I do not care to take the floor in my own right, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. HULL of Iowa. Then I will ask a question in my own time, and I yield to any gentleman to answer it. My understanding is that section 3 is the general law providing for the use of the streets by telegraph and telephone lines.

Mr. SMITH of Michigan. That is right.

Mr. HULL of Iowa. And that general law requires that in the city limits to a certain point all lines must be underground in conduits?

Mr. SMITH of Michigan. Certainly.

Mr. HULL of Iowa. And that same law provides for overhead trolleys in the outlying parts of the District of Columbia?

Mr. SMITH of Michigan. That is correct.

Mr. HULL of Iowa. That is my understanding of the law.

Mr. SMITH of Michigan. Yes.

Mr. HULL of Iowa. Therefore, I think the gentleman from Ohio [Mr. KEIFER] was not correct when he said this does not require them to be put underground. My understanding is that the general law requires these parties, when they come in the city, to put their lines underground the same as other telephone and telegraph lines.

Mr. SMITH of Michigan. Absolutely.

Mr. HULL of Iowa. So it seems to me there is no confusion in that respect. Now, Mr. Chairman, I think the amendment of the gentleman from Illinois [Mr. MANN], reserving the right to alter, amend, or repeal this, should be reserved expressly in the bill.

Mr. SMITH of Michigan. We accept that amendment.

Mr. HULL of Iowa. So far as the other parts may be concerned I can see nothing in it, and I can not see why anyone should object to giving to this Telepost Company the same rights that are given to the Western Union Telegraph Company and the Postal Telegraph Company, which are operating here.

I do not know whether your telepost is of any account or not, but that is not before us. If parties believe it has sufficient merit in it to justify this large expenditure, Congress should not stand in the way and say that they shall not have the privileges that we give to other corporations of like character. That is all this bill does.

Mr. PEARRE. I will say to the gentleman from Iowa [Mr. HULL] that the other two telegraph companies have had this privilege for many years without paying any tax on their gross receipts whatever.

Mr. HULL of Iowa. They ought to pay tax on gross receipts. I only desired to take the floor long enough to bring out what I thought was a misunderstanding here, and I thought the bill was clear enough on the line suggested.

Mr. PEARRE. I move an amendment at the end of the bill, to section 4.

Mr. UNDERWOOD. Mr. Chairman, before the Clerk proceeds, I desire to say a few words on that bill.

Mr. Chairman, I am in favor of the passage of this bill. I can see no reason why it should not be passed. It allows this Telepost Company, which is really a telegraph company, to come into Washington, as I understand the bill, and do business on exactly the same terms that the other great telegraph companies which are doing business in Washington have. It proposes to allow another competitor to come into this field to do business, and, more than that, it allows a competitor to come into the field who claims he has an invention by which he can send telegrams for less money than they are being sent to-day, which undoubtedly would reduce the cost of service and improve it. I do not think there is any doubt that the cost of the transmission of telegrams to-day is too high. The charges have been too high and they ought to be reduced, and I think it is of great advantage to the people who use the service that there shall be an opportunity given for the establishment of another competitor. This is no experimental matter. It has already been put in service in other cities. It has been tried and successfully tried, and under those circumstances I think the bill should receive the support of those men who believe in a competitive service, and I shall vote for it.

Mr. SMITH of Michigan. Mr. Chairman, I ask for the reading of the bill under the five-minute rule.

Mr. CARLIN. Mr. Chairman, I want to say to the gentleman in charge of this bill, that I am in favor of the passage of it on the theory that it means honest competition in this District of Columbia, and therefore before offering an amendment which I have in my hand I want to ask you if you will consent to it. I offer it, not with any idea of defeating the bill, but with the view of perfecting it. It reads as follows:

After line 4, on page 4, add the following:

"SEC. 5. This company shall not have the power to dispose of its franchise, privileges, or property in the District of Columbia by merger or otherwise to any other public-service corporation, and nothing in this act shall be construed to give it any power to use the conduits, poles, or wires of any other public-service corporation without their consent."

My object in that amendment is this: I am unwilling to give a valuable franchise to a corporation that does not mean active, honest competition in this District of Columbia. If it does mean it, this amendment does not affect it. If it does not mean it, they have no franchise that they can hawk around here for sale.

Mr. GARDNER of Massachusetts. The way the gentleman read that amendment——

The CHAIRMAN. To whom does the gentleman from Virginia [Mr. CARLIN] yield?

Mr. CARLIN. To the gentleman from Massachusetts. [Mr. GARDNER].

Mr. GARDNER of Massachusetts. As I understood the gentleman to read the amendment, it seems to me as if that franchise might be sold to an individual or copartnership. Would not the gentleman think it as wise to prevent that as to prevent its absorption by another corporation? From the way the gentleman read it I think it could be taken by a holding company.

Mr. CARLIN. By any public-service corporation, the idea being to prevent the companies already in the District of Columbia from enlarging their franchise and permitting them to lay additional conduits under this charter by merging with this company.

Mr. SMITH of Michigan. I would like to suggest to the gentleman that they have a board of voting trustees.

Mr. CARLIN. The point I am making is this. Now, I am for your bill. I want the Telepost Company in the District of Columbia. In other words, I want honest competition here, and I do not want a franchise granted to some corporation for the purpose of selling out to those already in existence for the purpose of giving them powers to lay conduits and operating in the District of Columbia, which they could not now get unless Congress gave it to them.

Mr. SMITH of Michigan. Well, I have no objection to your amendment. Can you conceive how either the Western Union or the Postal Telegraph Company would want anything from this, when they have got it already, and they have been here and doing business for a long while; and also the Bell Telephone Company, which is known as the Chesapeake and Potomac?

Mr. CARLIN. Well, will the gentleman answer this question?

Mr. SMITH of Michigan. Yes, sir.

Mr. CARLIN. This company is given power to lay conduits in the District of Columbia, and while the Bell Telephone and the Western Union might not want the privilege, other people might want it. Electric lighting and other corporations without that unlimited privilege given in this bill might want it.

Mr. SMITH of Michigan. I think you will find that the Electric Company have got this power. I can not conceive of any other company that would want it; and if the gentleman can, I wish he would name it. I have no objection to the amendment. I want to say to the gentleman that we have already given this power to the telegraph companies.

Mr. BARTLETT of Georgia. Mr. Chairman, everyone is aware of the excessively high rates of charge for telegraphing in this country. More than half a century ago the Congress of the United States appropriated money for the purpose of making an experiment in the matter of magnetic telegraph to be established between this city and Baltimore. We have to-day another new invention, which has been established, and which proposes to cheapen the rates of transmission of messages through electricity and by wire throughout the country. In the interest of that science and for its advancement I think that we ought to enact this legislation and grant to this company the franchise asked for.

That is all that I desire to say, except that I believe the amendment of the gentleman from Illinois [Mr. MANN] in reference to reserving to the Congress the right to alter, amend, and change this franchise is not needed. I do not believe it is necessary to reserve such a right. I believe that the sovereign power which grants the charter, the franchise, to a corporation to transact business has the right at any time to alter, amend, or revoke that franchise. It is true that in the cele-

brated Dartmouth College case it was held by the Supreme Court of the United States that the charter granted by a State to a corporation was a contract and that the State could not under the provisions of the Constitution of the United States pass any law which in any way impaired that contract. But it is not that way in the case of the power of the Congress of the United States. There is no provision in the Constitution of the United States that restricts the power of Congress or that would make any such law passed by Congress as infringing or impairing the obligations of a contract. The Supreme Court of the United States in the later opinions on the subject of the granting of charters by the state legislatures have so modified and gotten away from the doctrine of the Dartmouth College case that even the state legislatures have the right to repeal, amend, or alter the charters that they grant in the exercise of the sovereign power to grant franchises. I do not want it to be understood when I shall, as I will, vote for the amendment of the gentleman from Illinois to reserve this right that I do not believe that Congress has the right without the amendment, but merely as a matter of precaution only.

Mr. COOPER of Wisconsin. I desire to ask the gentleman in charge of the bill a question.

Mr. SMITH of Michigan. I yield to the gentleman.

Mr. COOPER of Wisconsin. I notice in the report, on page 3, this paragraph:

> The entire stock of the company has been placed in the hands of a board of voting trustees in order to prevent any hostile or stock-jobbing interests from obtaining control.

Then it gives the names of the board. How has the stock been placed in the hands of a board of voting trustees?

Mr. SMITH of Michigan. By the stockholders by the by-laws.

Mr. COOPER of Wisconsin. At a meeting of the stockholders?

Mr. SMITH of Michigan. Yes; I understand so.

Mr. COOPER of Wisconsin. What is there to prevent another meeting of the stockholders from withdrawing that power?

Mr. SMITH of Michigan. Well, I suppose they could if they so desired.

Mr. COOPER of Wisconsin. There is nothing at all, then, to prevent the merger which the amendment of the gentleman from Virginia seeks to prohibit? I wonder whether the act granting the charter does provide for the board of voting trustees?

Mr. SMITH of Michigan. No; it does not. It is provided by the by-laws.

Mr. COOPER of Wisconsin. So that the mere fact of the board of voting trustees being empowered to vote the stock does not preclude a second meeting of the stockholders from withdrawing that power from the board of voting trustees, in their discretion?

Mr. SMITH of Michigan. I understand that the independent oil companies have put the stock in the hands of a board of voting trustees to keep them from being merged with the Standard Oil Company, and that it has proved very successful.

Mr. COOPER of Wisconsin. Do you know that in the brief filed in the Standard Oil case the government counsel say that about 95 per cent of the so-called independent concerns are independent only nominally—that the Standard Oil Company dictates the terms on which they shall be permitted to do business, and that it shuts them out of territory just as it pleases? Their independence is merely nominal. Now, then, I think, in view of what the gentleman from Michigan has just admitted as to the way in which the board of voting trustees is authorized to vote, they having been empowered simply at a meeting of the stockholders, and a subsequent meeting being empowered to authorize the withholding of that power, the amendment of the gentleman from Virginia ought to be passed. And there is another reason which prompts me to say this.

I remember to have read, not more than a year ago, in a public journal of prominence—I will not presume to give the name of the paper or magazine, but I read it while in the barber shop below here, just about a year ago now—a very severe criticism of the conduct of one of these great telegraph companies. The article went on to say that whenever there is an invention of importance which tends to cheapen the service, the installation of which would necessitate any considerable expenditure on the part of the company, it simply buys up the invention and never puts it in practice, but that, on the contrary, it has been raising rates systematically for a number of years, and raised them only a very short time ago.

Mr. PEARRE. After consultation with the gentleman from Virginia [Mr. CARLIN] we have agreed on an amendment which I think will meet the views of the gentleman from Wisconsin, and in the form in which it is modified the committee will agree to it.

Mr. COOPER of Wisconsin. Under the circumstances I do not think they should be permitted to merge without the consent of Congress.

Mr. CARLIN. I do not think they should.

Mr. SMITH of Michigan. I ask for the reading of the bill under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That the Telepost Company, a corporation duly established under the laws of the State of Maine, having its principal or home office in the city of Portland, in that State, and a branch office located in the Union Trust Building, in the city of Washington, D. C., and organized for the purpose of transacting a general telegraph business, and of constructing, owning, and operating the telepost system of telegraphy throughout the United States, and elsewhere, is hereby authorized to transact its said general business and to construct, own, and operate its said system of telegraphy in the District of Columbia, and to make suitable and necessary connections between its lines and extensions in the District of Columbia, and all other parts of its system; and especially to construct, own, and operate an overhead line of its telegraph from the boundary line between the State of Maryland and the District of Columbia, in a southerly or westerly direction, to a point where it may be necessary to lay conduits and install underground telegraph lines, whence said company is authorized to lay conduits and install underground telegraph lines therein by any route or routes which may be approved by the Commissioners of the District of Columbia, to a point at or near the crossing of Fifteenth street and New York avenue NW., or other points convenient for the city terminus of its business; and also to lay similar conduits and install telegraph lines and wire connections for branch offices, the location of the same to be approved by the Commissioners of the District of Columbia. Said Telepost Company shall repair, restore, and make good the surface of all streets in which said company may lay conduits. The cost thereof and of all restoration of street surfaces and of all damages to persons or property, caused by any construction, excavation, or in any other manner, by the operations herein authorized, shall be borne and paid solely by said Telepost Company.

With the following committee amendment:

Page 1, in line 5, strike out "Portland" and insert "Augusta."

Mr. SMITH of Michigan. I move the adoption of that amendment.

The amendment was agreed to.

Also the following committee amendment:

On page 2, line 21, strike out all after the word "Columbia" and all down to and including line 2, on page 3, and insert in lieu thereof the following:

"The cost of repairing, restoring, and making good the surface of any street, avenue, or alley disturbed by said company in the construction of the work herein authorized, and of all work incidental to such construction and restoration, including the necessary inspection of the same, shall be borne and paid by said Telepost Company, and all such work shall be constructed in accordance with plans approved by the Commissioners of the District of Columbia and under permits therefor issued by them."

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. NYE having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 28, 1910:

H. R. 13145. An act for the relief of John W. Dul and C. M. Cox.

On March 1, 1910:

H. J. Res. 93. Joint resolution authorizing the President of the United States to convey thanks to the Government of Italy for certain gifts.

On March 2, 1910:

H. R. 970. An act for the relief of Edward C. Kittle;

H. R. 10106. An act authorizing the acceptance by the United States Government from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of a proposed gift of land contiguous to the Andersonville National Cemetery, in the State of Georgia;

H. R. 17160. An act to authorize the Oregon Trunk Railway of the State of Washington to construct a bridge across the Columbia River and Celilo Canal;

H. R. 19967. An act to authorize Thomas J. Ewing, George B. Patton, Otto Burger, William Cecil, and Milton E. Foster to construct a bridge across the Tug Fork of the Big Sandy River;

H. R. 18586. An act amending sections 246 and 247, Revised Statutes;

H. R. 15676. An act to provide for the extension of the underground system of the City and Suburban Railway Company on North Capitol street, and for other purposes;

H. R. 16331. An act to acquire land in the vicinity of the Connecticut Avenue Bridge for the extension of certain streets; and

H. R. 17514. An act to authorize the extension of Twenty-third and R streets SE., in the District of Columbia.

On March 3, 1910:

H. R. 16364. An act to amend in part section 658 of the Revised Statutes.

On March 5, 1910:

H. R. 19278. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. J. Res. 142. Joint resolution for appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers;

H. R. 18019. An act to amend section 2 of an act entitled "An act to regulate the practice in certain civil and criminal cases in the western district of Arkansas;" and

H. R. 18681. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

On March 8, 1910:

H. R. 13410. An act to modify the One hundred and twenty-second and One hundred and twenty-fourth Articles of War, and to repeal the One hundred and twenty-third Article of War.

On March 12, 1910:

H. R. 13899. An act granting unto the Hot Springs Street Railway Company, its successors and assigns, the right to maintain and operate its electric railway along the southern border of that portion of the Hot Springs Reservation, in the State of Arkansas, known as the Whittington Lake Reserve Park;

H. R. 18593. An act to authorize the transfer of the government highway, known as the Alter road, to the city of Detroit, Mich.;

H. R. 19558. An act to authorize the Secretary of War to effect an exchange of a certain parcel of land owned by the United States for another parcel owned by the Cave Hill Cemetery Company, of Louisville, Ky.; and

H. R. 20835. An act authorizing the chief justice and associate justices of the supreme court of the Territory of New Mexico to assign the said judges to the several judicial districts of the Territory.

THE TELEPOST COMPANY.

The committee resumed its session.

Mr. SMITH of Michigan. I move the adoption of that amendment.

Mr. HULL of Iowa. Mr. Chairman, one word. I notice in the lines stricken out the words—

> The cost thereof and of all restoration of street surfaces, and of all damages to persons or property caused by any construction—

And so forth.

In the amendment offered by the committee I do not find anything in regard to payment for any damages to persons or property.

Mr. SMITH of Michigan. The first provision was in the original bill, and the second is the amendment sent up by the District Commissioners, which was adopted by the committee for that reason.

Mr. HULL of Iowa. Then I assume there could be no damages to persons or property, but only to the streets.

Mr. SMITH of Michigan. I do not think there could be any other.

Mr. HULL of Iowa. That is what the commissioners recommended?

Mr. SMITH of Michigan. This is word for word what the commissioners desired to have inserted there. I move the adoption of the amendment.

The Clerk read as follows:

> SEC. 3. That the said Telepost Company is hereby authorized to apply forthwith to the Commissioners of the District of Columbia for their approval and permission under the provisions of the act approved March 3, 1905, entitled "An act regulating the use of telegraph wires in the District of Columbia."

Mr. MANN. What does the gentleman mean by the term, "shall apply forthwith to the Commissioners of the District of Columbia?"

Mr. SMITH of Michigan. In this case I assume it will be about as soon as the bill becomes a law, because they are very desirous of getting into the District of Columbia and getting to work.

Mr. MANN. Would three months be sufficient?

Mr. SMITH of Michigan. It might be, under some circumstances.

Mr. MANN. I want to know.

Mr. SMITH of Michigan. Knowing that these gentlemen are desirous of extending their lines everywhere in the country, that they want to establish them between here and New York and between here and Baltimore just as quickly as they can get the permission of Congress, I assume that it will be.

Mr. MANN. My suspicion is that this bill is mainly to be used for advertising purposes, and for that reason I should like a limitation a little more definite than "forthwith." If anybody can define to me what "forthwith" means, I shall be very glad to have such a definition. Does the gentleman object to inserting a limit of three months?

Mr. SMITH of Michigan. No; I do not.

Mr. MANN. Then, Mr. Chairman, I move to strike out the word "forthwith" and insert "within three months of the passage of this act."

Mr. SMITH of Michigan. We accept the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> In line 18, page 3, strike out the word "forthwith" and insert "within three months of the time of the passage of this act."

Mr. WILEY. The gentleman had better put in "passage by the House and the Senate."

Mr. MANN. The law will not be passed until it is signed by the President.

Mr. WEEKS. Mr. Chairman, I move to strike out the last two words for the purpose of asking some questions. I notice that this is a Maine corporation capitalized for $18,000,000. How much has been paid in?

Mr. PEARRE. One million five hundred thousand dollars.

Mr. WEEKS. How many stockholders are there?

Mr. PEARRE. I do not know. The par value of the shares is $10, and I think they are very widely distributed.

Mr. WEEKS. How much stock is it estimated will have to be sold at par to install all the service which it is presumed will be installed if this franchise is granted?

Mr. PEARRE. Our information is that the amount of stock sold and paid for will amply provide for the expense of installing this service.

Mr. WEEKS. The committee does not intend to give the impression that you can establish this service all over the country for a million and a half dollars?

Mr. SMITH of Michigan. No; but they are selling stock at par every day, I understand.

Mr. PEARRE. I do not understand that that is especially pertinent to this bill granting permission for the company to come into the District of Columbia.

Mr. WEEKS. I think it is especially pertinent, because there are many companies organized for the purpose of selling stock. They get a location to enable them to do it, and a location in the city of Washington is a matter of importance, and it ought not to be given to any corporation that has not real financial standing.

Mr. CARLIN. That objection has been cured by the amendment of the gentleman from Illinois limiting their time to three months, and by the amendment which I am offering to prevent them from disposing of the franchise and privilege in the District of Columbia, and compelling them to operate in the District of Columbia.

Mr. WEEKS. Does it compel them to operate?

Mr. CARLIN. It prevents them from disposing of their franchise.

Mr. SMITH of Michigan. Why does the gentleman from Massachusetts question that this is not in good faith when they are already in Boston, St. Louis, Chicago, Indianapolis, and expect to be in Kansas City in a few weeks? They already have two-thirds of a right of way between Chicago and Detroit and between Detroit and Toledo, and are seeking to extend a line from Toledo to Cleveland and to Pittsburg, Philadelpia, and New York.

Mr. WEEKS. I am rising in no critical spirit. I am simply trying to get information.

Mr. SMITH of Michigan. They have six offices in Boston, I am told.

Mr. WEEKS. Very likely; but when I see a company organized in Maine, with a capital of $18,000,000 and a list of voting trustees like this, it leads me to ask questions about the financial standing of the company.

Mr. SMITH of Michigan. Does the gentleman question that this company can not do with $18,000,000 what the Western Union Company and the Postal Telegraph Company have done?

Mr. WEEKS. No; I do not know.

Mr. SMITH of Michigan. As a matter of fact, this company by their system can send 1,000 words a minute over one wire, and it only costs them a quarter or a half as much to do the business as is done by the old companies.

Mr. WEEKS. I am asking for information. I wanted to know how this company is to be financed.

Mr. SMITH of Michigan. By selling their stock, and it is widely scattered all over the country. I understand that they have never sold a share for less than par.

Mr. WEEKS. Does the gentleman from Michigan imagine that all these letters which we have been receiving come from stockholders?

Mr. SMITH of Michigan. I do. I imagine they are all from stockholders. I know nothing about it except what Members say to me. I am not responsible for any of the letters that have been received.

Mr. PEARRE. I know that many of the letters come from stockholders, because they have told me so.

Mr. YOUNG of New York. Mr. Chairman, I want to say to the gentleman from Massachusetts that I have had a number of letters from subscribers to stock, men that I know, men who have asked me to support the measure, men living in New York and Brooklyn.

Mr. WEEKS. Does the gentleman consider that a reason for passing such legislation or a reason for considering it more critically?

Mr. YOUNG of New York. It is sufficient reason to me to look into the matter carefully and give it all the thought which I can. I think it is a proper measure.

Mr. BURLESON. And to give it support if no substantial reason is offered why it should not be supported?

Mr. YOUNG of New York. That is the fact.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add to line 22, page 3:
"And the lines and operations of said company shall be subject to the provisions of said act and to all general laws regulating the use of telegraph lines in the said District."

Mr. SMITH of Michigan. Mr. Chairman, we have no objection to that amendment. Does the gentleman desire to discuss it?

Mr. MARTIN of South Dakota. I desire only to have the amendment passed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Add as a new section:
"SEC. 4. That this company, through its proper officials, shall make affidavit to the board of personal tax appraisers, on or before the 1st day of August of each year, as to the amount of its gross receipts within the District of Columbia for the preceding year ending the 30th of June, and shall pay to the collector of taxes of the District of Columbia per annum on such gross receipts 4 per cent."

Mr. KAHN. Mr. Chairman, I offer an amendment to that committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 4, line 4, after the word "cent," insert:
"And in addition thereto the real estate owned by said Telepost Company in the District of Columbia shall be taxed as other real estate in said District."

Mr. MANN. Real estate and personal property?

Mr. KAHN. Real estate. Under this amendment the real estate of the Telepost Company in the District of Columbia shall be taxed as the real estate of other corporations is taxed. The general law provides especially that the real estate shall also be taxed, and that the payment of the percentage on the gross receipts of the corporation by implication is not all the tax that the company shall pay in the District.

Mr. MANN. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. MANN. It did not seem to me that this by implication exempted the company from the payment of its ordinary taxes, but the gentleman's amendment would exempt the company from the payment of any personal-property tax.

Mr. KAHN. The amendment which I offer is simply in line with the general law. The general law provides that these corporations shall pay a percentage of their gross receipts, and then it adds that in addition thereto they shall pay taxes on their real estate.

Mr. MANN. We just passed a law this morning——

Mr. KAHN. Yes; but that bill may not pass the Senate.

Mr. MANN. We just passed a bill this morning. Does that bill provide for the payment of the tax on the gross receipts in lieu of other taxation?

Mr. KAHN. No; it provides for the payment of a tax on the gross receipts, and then it adds:

And in addition thereto the real estate owned by each national or other incorporated bank, and each trust, gas, electric lighting, and * * * telephone company in the District of Columbia shall be taxed as other real estate in said District.

Mr. MANN. This 4 per cent is supposed to be in lieu of personal-property taxes. Is that the point of it?

Mr. KAHN. I presume so.

Mr. MANN. Then it is a good deal of a gold brick.

Mr. SMITH of Michigan. Then it is like some other corporations.

Mr. MANN. That is all right. We have plenty of them.

Mr. KAHN. Of course, the general law now provides for the payment of these percentages on the gross receipts, and in order that there should be no implication that this company should escape further taxation that provision which I just read should be inserted in the law. My purpose in offering the amendment on this bill was to put this company on the same plane with other corporations that are now doing business in the District.

Mr. MANN. Very well. Will the gentleman yield for a further question?

Mr. KAHN. Yes.

Mr. MANN. How can the company arrive at the gross receipts in the District of Columbia? Does that mean the amount of money that is collected in the District of Columbia, or the amount of business that is transacted in the District?

Mr. KAHN. I presume that is what it refers to. The existing law takes in telephone companies and makes them pay a percentage on their gross receipts, and I dare say that the gross receipts are the moneys that are paid in in the District of Columbia.

Mr. MANN. A bill has just been passed, which is not yet a law, of course——

Mr. KAHN. If the gentleman will pardon me, there is now a general law, but it does not apply to telegraph companies, so we inserted in that law a provision to tax the telegraph companies just as the telephone companies are now taxed under that law.

Mr. MANN. Well, the telephone company's business is mostly local.

Mr. KAHN. There is a great deal of out-of-town business.

Mr. MANN. Suppose a man runs up a bill of $100 with the telegraph company with the office in New York. Is that part of the gross receipts of the telephone company, or the District of Columbia, or otherwise?

Mr. KAHN. I think it is part of the gross receipts of the District.

Mr. MANN. The money is not paid in the District.

Mr. KAHN. But the business originates here, and is part of the business of the District.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause]. The Chair hears none.

Mr. KAHN. Suppose a business house here sold a man a stove and the man went over to New York, and they sent a bill collector over there after him and he paid for it over in New York. Would that be a part of the business of the concern here in the District of Columbia or in New York?

Mr. MANN. There would be no tax on that; nobody will ever find it and it is supposing an impossible case so far as the tax is concerned. Here is the case where an official of a company determines what the business is in the District of Columbia and what are the gross receipts, what portion is in the District of Columbia, and what portion outside of the District of Columbia; and if so, is anybody in control over the returns by that official of the company?

Mr. SMITH of Michigan. The law provides that in reference to gas, electric lighting, and telegraph companies that they shall make an affidavit. We provide here in section 4:

SEC. 4. That this company, through its proper officials, shall make affidavit to the board of personal tax appraisers, on or before the 1st day of August of each year, as to the amount of its gross receipts within the District of Columbia for the preceding year ending the 30th of June, and shall pay to the collector of taxes of the District of Columbia per annum on such gross receipts 4 per cent.

Some are fixed at 4 per cent, some at 6, and some at different per cents, but the District Commissioners sent this amendment fixing the amount to be paid on the gross receipts of the telepost company the same as the telephone company pays here in the District.

Mr. MANN. I am not posted as to how the law works, if it is the law, but I think a baby could walk around it without any trouble or go through it without any difficulty.

Mr. SMITH of Michigan. They do not seem to have any trouble in enforcing it.

Mr. MANN. I do not know whether they have any trouble or not. These people under this provision themselves determine how much taxes they shall pay. They determine how much the business is in the District of Columbia, and you confer no authority upon any government official to ascertain whether this statement is true or not.

Mr. SMITH of Michigan. Is it not fair to assume that if some official of the company makes a false affidavit that they can bring him into court?

Mr. KAHN. It would be the duty of the corporation counsel to do so.

Mr. MANN. It is never done, never has been done, and never will be done. What you are proposing now is to attack a man for forgery in reference to a complicated set of accounts.

Mr. KAHN. It has never been done here because the commissioners, I suppose, believe the officers have all the information in regard to the gross receipts.

Mr. MANN. That may be.

Mr. WEEKS. I want to ask the gentleman from California a question. How are these gross receipts made up? Will it be gross receipts of the whole system or gross receipts of the line from here to New York, or how are they going to be made up?

Mr. KAHN. No; the gross receipts in the District of Columbia.

Mr. TAWNEY. For services within the District of Columbia?

Mr. KAHN. Receipts from the offices in the District of Columbia. No matter where the telegrams go, the receipts will be from the money received by the company in the District of Columbia.

Mr. CARY. Mr. Chairman, I can answer the question of the gentleman. The telegrams paid in the city of Washington are credited to the city of Washington. If a telegram is not collected in the city of Washington, that is paid at the other end and credited to that city. If a telegram is sent from Chicago and collected at Washington, it is credited to Washington; and they keep these reports every day and make their report to the auditor every month.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROTHERMEL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 13893. An act to authorize the extension of Forty-first street NW.;

H. R. 13864. An act to extend Fourth street SE.;

H. R. 11878. An act to change the name of Twenty-third street north of Calvert street, in the District of Columbia, to Woodley place;

H. R. 20164. An act authorizing the extension of Military road NW., in the District of Columbia;

H. R. 19785. An act to authorize the extension of Columbia road NW., in the District of Columbia;

H. R. 16915. An act to direct that Jefferson street NW., between Fourteenth street and Colorado avenue, be stricken from the plan of the permanent system of highways for the District of Columbia;

H. R. 16916. An act to authorize certain changes in the permanent system of highways plan, District of Columbia; and

H. R. 16824. An act for the relief of Daniel H. Wiggin.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 19028) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1911, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. CURTIS, and Mr. OWEN as the conferees on the part of the Senate.

THE TELEPOST COMPANY.

The committee resumed its session.

Mr. TAWNEY. Let me suggest to the gentleman from Wisconsin [Mr. CARY] that that will be so. In the State of Minnesota we have a gross-earnings tax on the earnings of all railroads. Say a road, the Northern Pacific, starting at St. Paul, receives at its St. Paul office a certain amount of freight destined to Seattle. The State of Minnesota does not collect 4 per cent on the amount of through freight collected. That is not classed as the gross earnings on which we collect a tax of 4 per cent. We collect on the amount earned in carrying that freight from St. Paul to the State line, and that is the way the tax under this bill would be assessed.

Mr. MANN. May I ask the gentleman from Wisconsin [Mr. CARY]—suppose a telegram is sent from Chicago to Washington collect, and the money is collected here; where it is credited?

Mr. CARY. Washington.

Mr. MANN. Suppose a telegram originates in Washington and is sent to Chicago collect, and the money is collected there; where is that credited?

Mr. CARY. Chicago.

Mr. MANN. So that the business that originates here that is not prepaid has nothing to do with the gross receipts in the District of Columbia?

Mr. CARY. Not according to the system of bookkeeping they now have.

Mr. MANN. Of course, there is a very large amount of business originating in Washington which is sent collect, for which no credit will be received.

The CHAIRMAN. The time of the gentleman from California [Mr. KAHN] has expired.

Mr. PEARRE. Does the Chair understand that the committee has accepted the amendment of the gentleman from California [Mr. KAHN]?

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. PEARRE. The committee accepts that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the committee amendment as amended.

Mr. SMITH of California. Mr. Chairman, I move to strike out the last word for the purpose of asking a question or two of the gentleman in charge of the bill in reference to the present status of the company in its physical development. Has it established a business, and is it now sending messages?

Mr. PEARRE. It has established a business and is sending messages, as the gentleman will see in the report if he will look at it.

Mr. SMITH of California. I have not had time to do so. What I had in mind was, if this would not be a good opportunity to begin the requirement of these interstate concerns to take out a federal charter. At least two Presidents have called our attention to the very great necessity of bringing concerns transacting interstate business under a more perfect federal control. Now, if this concern wants to come into the District of Columbia, we might require it to come in here as a District or national corporation, and not bury itself under the laws of the State of Maine, which it has done, for some purpose connected with the peculiar corporation laws of that State.

Mr. PEARRE. Does the gentleman desire a reply to his question as to whether they are doing business now? If the gentleman will look at the report, he will find the following:

The company has lines from Boston to Portland, Me., and to towns along the line that have been in continuous business operation for more than a year.

In the West it has lines in continuous business operation from Chicago to St. Louis and from St. Louis west to Sedalia and east to Terre Haute and to Indianapolis.

From Sedalia it is securing rights of way and constructing west to Kansas City and Omaha.

From Chicago it is securing rights of way and constructing east to Detroit.

It is negotiating for further connections east from Indianapolis to Columbus and Cleveland.

It has terminal facilities in the business centers of Boston, Chicago, and St. Louis that are very valuable.

In addition the company has negotiations and offers relating to connections and rights of way and terminal facilities in widely separated parts of the country which can not be closed till intermediate connections have been secured to make them available, but all of which, as its lines are gradually extended, will be of great value.

The CHAIRMAN. The question is on agreeing to the committee amendment as amended.

The question was taken, and the amendment was agreed to.

Mr. CARLIN. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Virginia [Mr. CARLIN] offers an amendment, which the Clerk will report.

Mr. PEARRE. The committee accepts that amendment, Mr. Chairman.

The CHAIRMAN. It will have to be read first.

The Clerk read as follows:

Amend by adding:

"SEC. 5. This company shall not have the power to dispose of its franchise or privilege in the District of Columbia by merger or otherwise with any other public service corporation or person."

The CHAIRMAN. Is there objection to the amendment?

Mr. SMITH of Michigan. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Virginia [Mr. CARLIN].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

Mr. CARLIN. I desire to offer another amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding the following as section 6:
"Unless the company shall, within twelve months after complying with section 3 of this act, actually begin its operation in the District of Columbia, then all rights and privileges herein granted shall terminate."

The CHAIRMAN. The question is on the amendment.

Mr. SMITH of Michigan. I would like to hear that amendment read again.

The amendment was again reported.

Mr. STEPHENS of Texas. I desire to ask the gentleman what would be the effect if an injunction be sued out?

Mr. FINLEY. I desire to ask the gentleman a question.

Mr. STEPHENS of Texas. What would be the effect if an injunction was sued out against this company? They get into a suit, and the time is limited in which they shall come into the city.

Mr. CARLIN. That would not prevent them coming in.

Mr. MANN. That is a favorite way of extending the time. That is a practice that has been resorted to in the city in which I live, and has been for twenty years.

Mr. SLAYDEN. I should like to ask the gentleman a question. You say that unless they begin operations within twelve months their right to come in shall be forfeited. Does that mean to begin construction?

Mr. CARLIN. It means actual operation. That means construction of the line, but does not mean transmission of messages.

Mr. HARDWICK. I would like to ask the gentleman a question. Was this sort of construction put upon the other public-service companies that have been given these franchises?

Mr. CARLIN. I do not know; but it ought to have been.

Mr. HARDWICK. Ought this company to be treated differently from the Western Union and the telephone companies?

Mr. CARLIN. I have but one reason for the introduction of this amendment, and to be frank about it, I have received from farmers living in my district within the last week, over 25 letters advising me that they have taken stock in this corporation, which, I understand, is a resident of the State of Maine, and that they desire this company to enter the District of Columbia for the purpose of operation. Assuming that the company is acting in good faith, and believing it to be my duty, when my constituents are solicited to take stock in the company, to protect them as far as I can, I do desire to see that the company is actually operated in the District of Columbia. That is the only object of this amendment.

Mr. FINLEY. The gentleman in his amendment uses the word "operation." As I understood him that means the same as construction.

Mr. CARLIN. The construction is for the purpose of building these lines for their operation.

Mr. FINLEY. Well, I understood the gentleman to use the word "operation." Do I understand the gentleman understands that to mean beginning the construction of the work?

Mr. BARTLETT of Georgia. No.

Mr. CARLIN. Are you going to answer the question?

Mr. BARTLETT of Georgia. Operation does not mean construction.

Mr. CARLIN. If you will permit me, I will answer.

Mr. BARTLETT of Georgia. You have got the right to answer.

Mr. CARLIN. I would like to say to the gentleman that my purpose in using that language is simply this: If they begin the construction of the work, which is designed for the purpose of transmitting messages, that is sufficient manifestation of their purpose. I think that is an entirely correct construction.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY. Mr. Chairman, I would like to say this: Does not the gentleman think it would be better to use the word "construction" where he uses the word "operation?" There are many of us who believe that the use of the word "operation" means that they were engaged in the business of transmitting and receiving messages.

Mr. CARLIN. My reason for not accepting that amendment is this: I do not mean that under this amendment that is now being considered by the committee that these men shall be undertaking to do business in the District and have a franchise that they may go out and sell stock upon without doing business; but if they are engaged in a bona fide effort to do a bona fide work that they shall be allowed to operate within the District of Columbia.

Mr. FINLEY. Then, I move, Mr. Chairman, to strike out the word "operation" and insert in lieu thereof "construction" as an amendment to the amendment.

The CHAIRMAN. The gentleman from South Carolina moves to amend the amendment by striking out the word "operation" and inserting the word "construction."

Mr. FINLEY. Mr. Chairman, I think this amendment is proper. After hearing the gentleman from Virginia [Mr. CARLIN], I understand that this is what he means, and we all know how, practically speaking, it would be impossible generally for this company to complete its plant and be in actual operation in twelve months. There are many reasons why to expect that progress on the part of the company would be unreasonable, and this word "construction" is strong enough and is actually what the gentleman from Virginia intends and means by the word "operation."

Mr. MANN. If this company should put up one telegraph pole, that would be beginning the work of "construction."

Mr. FINLEY. I understand.

Mr. MANN. What would this amendment amount to if it required only the erection of one telegraph pole out here and nothing further? Would it not be better to extend the time in which to require the company to operate?

Mr. FINLEY. A year is not long enough.

Mr. MANN. That may be.

Mr. CARLIN. If the gentleman will permit me for a moment, I think I can make myself plain. This bill provides, in addition to operating within the District of Columbia, certain conditions when they reach the District of Columbia line. If you use the word "construction," the moment they reach the District of Columbia line, under this bill, by sticking a pick in the ground or digging up a quarter of a mile or less of trenches they could continue to operate in the District of Columbia without ever doing anything more. They would not be hampered by the word "operation."

Mr. FINLEY. Then, it would be easy enough to remedy that by enlarging the amendment so as to provide that they should begin construction within a year, and actual operation, say, within two years or three years, or whatever is a reasonable time.

Mr. MANN. They can take out an application for a permit within three months, and then, say, operation within three years.

Mr. FINLEY. Mr. Chairman, I will consent to change my amendment and make it read:

Construction within six months and operation within two years.

Mr. MANN. Operation within two years is sufficient.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to withdraw his amendment and modify the same. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will now report the modified amendment.

The Clerk read as follows:

Unless the company shall within six months after complying with section 3 of this act actually begin its construction, and shall begin its operation within two years.

Mr. CARLIN. I will accept that.

Mr. SMITH of California. Mr. Chairman, section 3 contains a provision that within a certain time the company shall apply to the District Commissioners for permission to disturb the streets, and so forth. Now, you say in this amendment that within six months after the application they must begin work or lose their charter. It may be that the commissioners will not have passed upon the application within six months.

Mr. CARLIN. Then they can be mandamused.

Mr. HULL of Iowa. This means after they get permission.

Mr. SMITH of California. Nevertheless they can not begin to dig the streets and set up poles until that application is granted; and yet this amendment says that within six months after making the application they must begin to dig. The commissioners may hold up the application six or seven months, and by the terms of this amendment defeat the charter.

Mr. SMITH of Michigan. I think they are willing to take their chances with the Commissioners of the District. Therefore I ask for a vote.

The amendment was agreed to.

Mr. MANN. I offer the following amendment.

The Clerk read as follows:

Insert as a new section the following:
"The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. MANN. Mr. Chairman, while the gentleman from Michigan [Mr. SMITH] has great faith in the good intentions of this company, I am free to say that I have always looked

with suspicion on any company, the main purpose of which seems to be to sell its stock to people not informed in reference to it.

Mr. SMITH of Michigan. May I ask the gentleman a question?

Mr. MANN. In just a moment. If this company possesses the good thing which it claims it has, it will have no difficulty in obtaining all the capital necessary to carry on its business. But instead of endeavoring to obtain the capital in the places where capital is to be obtained, it apparently is seeking to sell its stock through magazine advertisements to people who do not know, and can not know, the facts in reference to the management of the company, or in reference to the patents of the company, or in reference to the prospects of the company. If this franchise is to be really used, and this company succeeds in carrying on business, it will be a good thing for the company, but if the passage of this act is used for the purpose of advertising to the people to whom they are endeavoring to sell stock that this company has received the approval of Congress, and uses this act when it becomes a law, together with the report upon this bill, as an advertisement, it will bring sorrow to many a home where money is given for this use and no use is really made of it except as a stock-jobbing operation. For that reason it seems to me highly desirable for Congress at least to reserve the power, if it finds that this company is not to carry on business, but to simply sell its stock, to repeal the act.

Mr. SMITH of Michigan. As far as the committee is concerned, we will accept the gentleman's amendment. But the gentleman's argument applies to the American Telegraph and Telephone Company just as much as to this company, for they are sending out advertisements all over the country asking people to buy their stock. I have no hesitation in saying that these people could go and sell these valuable patents to some moneyed men in this country, providing they would surrender their rights, but the people of this country would not enjoy the reduction in telegraph rates as they will under this system, and as we have seen for the last two weeks from the Western Union Company, who have said to the American people that they will now send out night messages of 50 words for 25 cents. Undoubtedly they would never have come down to these rates except through the action of the Telepost, and the difference between the Telepost and the Western Union and the Postal Telegraph is that they only do it at certain hours of the night, whereas the Telepost is doing it at all hours of the day and night.

Mr. MANN. They are promising to do it.

Mr. SMITH of Michigan. They are fulfilling their promises wherever the system is in operation.

Mr. GRONNA. Mr. Chairman, I fully indorse what the gentleman from Illinois [Mr. MANN] has said. I think that great care should be taken in granting a company of this kind the privileges which this bill seeks to grant. I know that out in my State, North Dakota, this company has sold considerable stock. I have no objection to their selling the stock if the company will do what they are promising to do.

Mr. SMITH of Michigan. Let me ask the gentleman a question. Does he know where they have promised to do anything that they have not done?

Mr. GRONNA. I simply know that they are promising to do great things. In the first place, they promise to save to the public great sums of money; in the second place, they hold out to stockholders the possibility of making large dividends.

Mr. SMITH of Michigan. Are they not fulfilling their promises as rapidly as they can?

Mr. GRONNA. I do not know. I am in favor of the proposition or amendment offered by the gentleman from Illinois. I believe that we should safeguard and protect the people of this country in the most careful way whenever we pass legislation of this kind. I want to ask the gentleman from Michigan a question. Is it the idea of this company to distribute its stock over the entire country, a certain amount in each State?

Mr. SMITH of Michigan. No; they are selling the stock to whoever will buy it at $10 a share. I am informed that they have never sold a share for less than par. I understand further that no one can buy more than a thousand dollars' worth of stock. That is another safeguard, so that the moneyed men can not get hold of the stock and the Telepost be absorbed by the Western Union or the Postal Telegraph Company.

Mr. GRONNA. I have received a number of letters from men who have invested in this stock and who can not afford to lose their money—preachers, teachers, and a number of others. It seems to me that it must be pretty well advertised. I do not care how well it is being advertised, if they will go on and commence operations as soon as possible. If they do not, it should be the privilege of Congress to take their franchise away from them.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. CARY. I ask that the gentleman's time be extended two or three minutes to answer a question.

The CHAIRMAN. The gentleman from Wisconsin asks that the time of the gentleman from North Dakota be extended three minutes. Is there objection?

There was no objection.

Mr. CARY. I wish to ask the gentleman if he knows that this company asked permission to make an arrangement with the different street-car lines and telephone companies to come in through the conduit before they asked this privilege here of Congress?

Mr. GRONNA. I do not know anything about it; I am trying to get some information about this company.

Mr. CARY. I want to say to the gentleman that they did try to come in without going to this trouble or this expense, so that they could commence operations immediately, but they could not get permission.

Mr. GRONNA. But they are selling stock, and the public is entitled to know what they are buying. If this company will do what they say they will do, I shall be glad to support this bill.

Mr. SMITH of Michigan. They are not only selling stock, but they are building lines and are in operation in some cities.

Mr. WEEKS. Mr. Chairman, I would like to ask the gentleman from Michigan one or two more questions. How long has this company been in operation?

Mr. SMITH of Michigan. I do not know. I think they built their first line from Boston to Portland.

Mr. WEEKS. How long ago?

Mr. SMITH of Michigan. More than a year, anyway.

Mr. WEEKS. I want to ask the gentleman from Michigan if he has ever seen a financial statement of the company?

Mr. SMITH of Michigan. No, sir.

Mr. WEEKS. Has the gentleman ever seen a statement of the earnings for the Boston-Portland line?

Mr. SMITH of Michigan. No.

Mr. WEEKS. Does the gentleman know anything about what they have earned upon it?

Mr. SMITH of Michigan. No.

Mr. WEEKS. Have the earnings been sufficient to warrant the building of additional lines without selling stock for that purpose?

Mr. SMITH of Michigan. I do not know.

Mr. WEEKS. Does the gentleman know how much it has cost to sell the million and a half dollars' worth of stock that has been sold?

Mr. SMITH of Michigan. I do not know.

Mr. WEEKS. Does anybody connected with the committee know?

Mr. SMITH of Michigan. No; and I am not surprised if they are not so informed. I understand the Postal Telegraph Company had built thousands of miles of its lines, and then Mr. Mackay was obliged to put his hand into his pocket in order to continue the work, and did at different times contribute a million or more. It would not be surprising if this company had to do the same thing.

Mr. WEEKS. That has nothing to do with the question which I asked.

Mr. SMITH of Michigan. Only by comparison it has.

Mr. WEEKS. It is a bad comparison. Now, nobody would be in favor of giving a charter to the company if he really knew that the company was selling the stock for the purpose of getting money and spending that money for the purpose of selling more stock.

Mr. SMITH of Michigan. Has the gentleman any information of that kind?

Mr. WEEKS. None whatever; but I am trying to get it. I would like to ask any member of the Committee on the District of Columbia if he has ever seen a financial statement issued by the Telepost Company, or if he can inform the House what it has cost to sell the million and a half dollars' worth of stock that has been sold?

Mr. SMITH of Michigan. I do not know what it cost; but I do know this, that they are selling their stock and building their lines.

Mr. MANN. Does the gentleman know how much stock has been sold?

Mr. SMITH of Michigan. I do not.

Mr. MANN. The gentleman or somebody has a great deal of information about this company which is favorable to it. Where did that information come from?

Mr. SMITH of Michigan. Where does my information come from?

Mr. MANN. Where does the information come from that is set out in this report?

Mr. SMITH of Michigan. By letters from the president of the company and from Mr. Jules Guthridge, of this city, who has charge of an office here in the Union Trust Building at the corner of Fifteenth and H streets.

Mr. MANN. Would it not have been a very simple matter to learn how much stock had been sold and how much of the money realized from the stock had been used in actual construction, and how much had been paid to officials of the company for selling the stock?

Mr. SMITH of Michigan. Oh, it might have been.

Mr. MANN. Might have been!

Mr. SMITH of Michigan. Yes; but for one I do not deem that information absolutely necessary in order to give them a franchise in the District of Columbia to do business.

Mr. MANN. It never occurred to the gentleman that Congress might want to know whether this was a bona fide corporation intending to do a telegraph business or whether it was only intended to "do" the stockholders.

Mr. SMITH of Michigan. The report sets forth just exactly what the facts are.

Mr. MANN. Oh, no; it does not.

Mr. SMITH of Michigan. Yes; it does; and they have been establishing their lines in different cities of this Union—not in little hamlets or villages, but in the great cities like Chicago, St. Louis, Indianapolis, Boston, and elsewhere. That is the proof of what they are doing.

Mr. MANN. The report sets forth a good many things that seem to be favorable to the company, but it does not set forth information which Congress might properly have in considering the bill; and if the gentleman's committee could obtain information so favorable to the company, about which we have no guaranty as to its truth unless the gentleman says it is true, then the gentleman's committee could certainly obtain information in reference to the company, which Congress ought to have.

The gentleman's committee knows how many telegrams can be sent in an hour. They have investigated all of that.

Mr. SMITH of Michigan. Oh, no; we do not know how many telegrams can be sent in an hour. I do not know any member of the committee who has made that statement.

Mr. MANN. Well, they give the statement of the company, then. They say:

> This will be easily understood when it is remembered that a thousand words a minute represents 25 telegrams of 40 words each, or 1,500 an hour.

Perhaps the committee does not say that, but I find it in the report.

Mr. SMITH of Michigan. Oh, I thought the gentleman had reference to what had been said here in debate.

Mr. MANN. I will not embarrass the gentleman if he is not familiar with the report.

Mr. SMITH of Michigan. Oh, the gentleman does not embarrass me. I thought the gentleman had reference to what was said by the members of the committee on the floor in debate.

Mr. MANN. I have read the report——

Mr. SMITH of Michigan. I am glad the gentleman has, and I hope he has been benefited by reading it.

Mr. MANN. I was. I obtained a lot of information.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken, and the motion was agreed to.

EXTENSION OF VAN BUREN STREET NW.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill H. R. 19554.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Van Buren street NW. from its present eastern terminus, west of Fifth street, to its present western terminus, east of Third street north, with a width of 90 feet: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby authorized to be expended from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

The committee amendments were read, as follows:

Strike out of line 3, page 1, the word "in," where it first occurs, and insert in lieu thereof the word "under."

Strike out of line 5, page 1, the words "passage of this act" and insert in lieu thereof the words "dedication to the District of Columbia of not less than 80 per cent of the land necessary to open Van Buren street from Piney Branch road to its present western terminus east of Third street west, with a width of 90 feet."

Strike out of lines 10, 11, 12, and 13, page 1, the words "Van Buren street NW., from its present eastern terminus, west of Fifth street, to its present western terminus, east of Third street north, with a width of 90 feet," and insert in lieu thereof the words, "said street between the limits named according to the plans for the permanent system of highways of the District of Columbia."

The committee amendments were agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I want to be heard on this.

Mr. SMITH of Michigan. I yield to the gentleman. How much time?

Mr. JOHNSON of Kentucky. Two or three minutes.

Mr. SMITH of Michigan. I yield to the gentleman.

Mr. JOHNSON of Kentucky. Mr. Chairman, I want to say to the Members who are present that yesterday afternoon I got an automobile and went out to this place. After hunting all over the country out there, and going through a good many fields I finally found it, but I never would have been able to have done so unless I had had a map, and not even then if I had not found a man who lives out there who told me where it was. This bill proposes to open a street through a field about half a mile long; and then there is another bill just like this, which proposes to open another street parallel to it, just one square away. Both of these streets begin nowhere and end nowhere.

Mr. SMITH of Michigan. May I ask the gentleman a question? Do they not begin at Piney Branch road?

Mr. JOHNSON of Kentucky. Yes, but there is nothing there except some vacant, empty land from the beginning of this proposed street to the end of it, and in this distance of about half a mile there is no house or——

Mr. SMITH of Michigan. May I ask the gentleman another question? Is not this the usual way in which streets are opened up through vacant property, and in this case it is all assessed upon the people, and it is no expense to the Government?

Mr. JOHNSON of Kentucky. But it is assessed, my dear sir, at a low valuation, and it is nothing, in my opinion, except a real estate transaction. It is proposed to macadamize streets through fields——

Mr. SMITH of Michigan. This bill does not propose to macadamize a street.

Mr. JOHNSON of Kentucky. That will come next.

Mr. SMITH of Michigan. Of course that may all come in the future when you have to pave and improve it.

Mr. MANN. Will the gentleman yield for a question——

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. The gentleman has been out on this ground, and I have not.

Mr. JOHNSON of Kentucky. And I will say to the gentleman that if he ever wants to go there he will save a great deal of time by taking the Baltimore and Ohio Railroad——

Mr. MANN. I never want to go.

Mr. JOHNSON of Kentucky (continuing). And go to a little station called Lamond, 6 miles out.

Mr. MANN. Suppose the people there wish to improve their property?

Mr. JOHNSON of Kentucky. This is nothing but farm property.

Mr. MANN. Very well. I may be an owner of a farm out there, and suppose somebody out at this station desires to build a house in this way on this property. How else can they do it unless a street is opened in a manner like this? Suppose everybody there wants to open a street.

Mr. JOHNSON of Kentucky. There is nobody there; that is the trouble.

Mr. MANN. I mean the owners of the property.

Mr. JOHNSON of Kentucky. It is farm property now.

Mr. MANN. Yes; but suppose——

Mr. JOHNSON of Kentucky. I can say to the gentleman he can stand on a hilltop very near this little railroad station, Lamond, and look clear across the country to a place called, I think, Villa Flora, or something of that kind, and see no houses between the two points.

Mr. MANN. You can not put houses there until you get streets.

Mr. SMITH of Michigan. I am afraid the gentleman, in taking an automobile ride yesterday, did not see where they proposed to lay out both Van Buren and Underwood streets.

Mr. JOHNSON of Kentucky. I will say to the committee that I paid a man $10 to take me there——

Mr. MANN. That is too much.

Mr. JOHNSON of Kentucky (continuing). And after I got there I found a man who also had a map, a man by the name of Smith, and he and I went over the place and looked at it.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SMITH of Michigan. Mr. Chairman, the engineer commissioner, with several members of the committee, went out there the other day in an automobile, and I can not conceive what the gentleman means by saying a station on the Baltimore and Ohio Railroad.

One object in opening this street is to make it extend to Third street, where it will meet the Baltimore and Washington Transit Railroad Company. We have recently authorized and given those people a franchise to come in here, and they are coming down Third street. The other end of this road is to connect Van Buren street, as well as Underwood street, with Third street at this proposed transit railway.

Mr. JOHNSON of Kentucky. It runs up nearly to the railroad. I saw trains passing there, and I asked the people what road it was, and they told me it was the Baltimore and Ohio.

Mr. SMITH of Michigan. If distance makes any difference—and I do not think it ought to—it is a meritorious case. I understand it is about 5 miles from the District Building.

Mr. JOHNSON of Kentucky. And you are proposing to spend a lot of money out there to open streets in the open fields.

Mr. SMITH of Michigan. It is assessed as benefits. The Government does not pay a dollar.

Mr. JOHNSON of Kentucky. I beg the gentleman's pardon. They have now 75 per cent of the land. I can not understand why they are willing to give 75 per cent of it and not willing to give the remainder.

Mr. SMITH of Michigan. That, of course, is for the people in that locality to say for themselves.

Mr. JOHNSON of Kentucky. The people out there tell me that only two people own these tracts of land.

Mr. SMITH of Michigan. I may say to the gentleman in the discussion of these matters I do not attempt to know who owns the property, or whether they are rich or poor. The question with me is whether, in my judgment, it is a meritorious proposition.

Mr. JOHNSON of Kentucky. Two men who live there and myself got up in a little piece of woods near the railroad there, and as best we could followed out the lines. They told me that two old estates own all that land out there.

Mr. SMITH of Michigan. Granting that they do, if it is a meritorious case——

Mr. JOHNSON of Kentucky. I see no merit in it.

Mr. CLARK of Missouri. Who contributes the other 20 per cent?

Mr. SMITH of Michigan. Under the existing law it is condemned and an assessment of benefits is made in accordance with the law, and then the District advances the money and receives it back in five payments at 4 per cent, just as is done in all this class of legislation.

Mr. CLARK of Missouri. Who builds the street?

Mr. SMITH of Michigan. If the Committee on Appropriations later on desires to make appropriations, why, then the District will pay half the expense and the General Government will pay the other half so far as the streets are concerned. When we come to build sidewalks the owners pay half of that assessment in the first instance and the District of Columbia and the General Government the other half, and when the repairs are made, not only in the old city, but throughout the District, where the sidewalks are kept up, half and half by the General Government and by the District.

Mr. CLARK of Missouri. Who maintains the street lines?

Mr. SMITH of Michigan. I said if the Committee on Appropriations desires to make the appropriations the expense will be borne by the District and by the General Government, half and half.

Mr. JOHNSON of Kentucky. I will say to the gentleman that the people who live at that little railroad station, right where Third street comes near them there, told me that they did not have any water out there.

Mr. SMITH of Michigan. That may be. These things come afterwards.

Mr. JOHNSON of Kentucky. That station is 7 miles out on the Baltimore and Ohio Railroad.

Mr. MANN. Will the gentleman yield?

Mr. SMITH of Michigan. Certainly.

Mr MANN Does the gentleman know who owns the land or how many owners there are of the land which it will be necessary to use for the opening of this street?

Mr. SMITH of Michigan. I do not.

Mr. JOHNSON of Kentucky. I will say that the gentleman told me out there that there were only two owners.

Mr. MANN. Does the gentleman know whether there is one owner or not?

Mr. SMITH of Michigan. I do not know.

Mr. MANN. Does the gentleman know whether there are two owners or not?

Mr. SMITH of Michigan. I do not. Except this: That the District Commissioners say that there was no opposition to the passage of this bill. As the assessment of benefits are upon the public, and are no expense to the District, or the General Government, why, we did not deem it necessary to ask who owns the property.

Mr. MANN. Not in criticism of the gentleman; but has the gentleman any information as to whether the owners of the property could not have just dedicated it for the street without condemnation proceedings?

Mr. SMITH of Michigan. By this bill they are to dedicate 75 per cent of it.

Mr. MANN. I know, but they have the power to dedicate the balance of the property, if they could dedicate 75 per cent.

Mr. SMITH of Michigan. I am mistaken; it is 80 per cent.

Mr. MANN. If they can dedicate 80 per cent of it, why can not they dedicate 100 per cent?

Mr. JOHNSON of Kentucky. That is just what I want to know.

Mr. SMITH of Michigan. I am not prepared to say, except that that is the form in which the District Commissioners sent it to us. It provided in this case so much to be dedicated and so much to be condemned.

Mr. MANN. Then the bill as originally introduced. Was that prepared by the commissioners?

Mr. SMITH of Michigan. On that I am mistaken.

Mr. MANN. Or was that the amendment?

Mr. SMITH of Michigan. That was the amendment. It was originally introduced by Mr. Pratt.

Mr. MANN. The gentleman understands this proposition. That where property owners may dedicate but do not, and their property is condemned, while it may not cost the Government anything much, the condemnation award may be levied against other property which has entirely dedicated its property in the street. Now, is this bill for the purpose of having the Government raise money from one man who now has a street in order to pay for the property used for opening a street in front of another man's property?

Mr. SMITH of Michigan. Oh, no.

Mr. MANN. That is the effect of it.

Mr. SMITH of Michigan. Well, of course the benefits will be assessed, but the amount that will be paid is left to the jury.

Mr. MANN. Oh, well, the province of the jury; we are all informed with reference to that. If you open a street between two points along a street already opened, the property through which it has been opened has been having the benefits, and the property on each side has the benefit of the street, just as the property adjoining the opened street itself.

Now, if the reason for opening the street is because the people refused to open the street, and the Government has to use compulsion, that is one thing; but if the opening of the street is at the request of people who might dedicate it, that is another thing.

Mr. SMITH of Michigan. Under the provisions of this bill they secure part by dedication, or a promise of dedication, and they get the rest by condemnation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to impress the committee with the fact that there are two bills, just alike—one to open Van Buren street and the other to open Underwood street. I have been on the ground, and they are through the same property, running parallel, just one square apart. Yet here are two bills.

Mr. SMITH of Michigan. I am not prepared to say; the gentleman may be.

Mr. JOHNSON of Kentucky. I am prepared to say it as a fact. I saw the property.

Mr. SMITH of Michigan. Is my friend prepared to say that the whole property is owned by the same parties?

Mr. JOHNSON of Kentucky. I know that the residents near that little railroad station told me that it was owned by two people.

Mr. MANN. The report of the commissioners in this case inclose a map, which is not printed, which says that they show in green the property and area which the commissioners are informed will be dedicated upon the passage of this bill and in red the area—that is, 14 per cent—which will be necessary to acquire by condemnation to permit the opening of the street, apparently indicating that there is over 80 per cent dedicated and 14 per cent which probably the owners will not dedicate by reason of the fact that they were private owners, or they were unable to dedicate it on account of their being minors.

Mr. SMITH of Michigan. I can give the length of area of street already dedicated, 1,450 lineal feet, 130,950 square feet; length of area of street required to be dedicated by terms of amended bill, 1,000 lineal feet, 90,630 square feet; length of area of street to be condemned, 380 lineal feet, 34,200 square feet; approximate value of area to be condemned, $3,000.

Mr. CLARK of Missouri. Is this piece of ground inside the limits of the city of Washington or outside?

Mr. JOHNSON of Kentucky. It is seven miles out.

Mr. SMITH of Michigan. In the District of Columbia?

Mr. CLARK of Missouri. How does this man get his land in the District of Columbia in the city of Washington?

Mr. MANN. The city of Washington is abolished.

Mr. CLARK of Missouri. It is all the same.

Do not the laws of nearly every civilized community provide that when a man wants to convert a farm or a part of a farm into city lots he shall make a plat and dedicate the streets and the alleys? Why should not that rule apply to the city of Washington, just as it applies to any other city?

Mr. SMITH of Michigan. The whole District of Columbia is laid out under the highway plan.

Mr. CLARK of Missouri. It is not laid out into streets.

Mr. SMITH of Michigan. It is laid out in this way: They have made a study of the District and laid out what they call a "highway plan." Of course, all there is of these streets is the location on paper of where the streets will run in time, when they come to improve that portion of the District.

Mr. CLARK of Missouri. The milk in the cocoanut is that somebody owns some land out there that he has been using for farm purposes that now he wants to convert into town lots, and it will benefit no human being except the man who owns the land. If that is true, then why not let him dedicate the entire width of the street, and fix it up and bring it in without costing the people of the United States and the people of the District of Columbia a good big wad of money?

Mr. SMITH of Michigan. This bill is not costing the people anything.

Mr. CLARK of Missouri. This is just the thin edge of the wedge.

Mr. SMITH of Michigan. It is just exactly like all our street-opening cases. The other day we passed a bill extending Massachusetts avenue clear out to the District line, and the argument of the gentleman would apply there just the same.

Mr. CLARK of Missouri. It ought to apply.

Mr. SMITH of Michigan. The House passed the bill extending Massachusetts avenue.

Mr. CLARK of Missouri. Why do not the District Commissioners devote their time and energy and money to filling the holes in these streets that we have already?

Mr. SMITH of Michigan. On that I will refer the gentleman to the Committee on Appropriations, which has that matter more directly in hand.

Mr. CLARK of Missouri. On one-half of the streets now you have to be very careful in crossing them, if you do not want to get your foot into a hole.

Mr. SMITH of Michigan. I quite agree with the gentleman that there are some defects in the pavements, but the engineer commissioner is making these improvements and repairs as rapidly as possible. We have a lot of old asphalt pavement from 20 to 25 years old, and now it is beginning to wear out very rapidly.

Mr. CLARK of Missouri. I came here seventeen years ago, and it was in exactly the same fix then that it is now.

Mr. SMITH of Michigan. It might have been, some portions of it; but I am told by the engineer commissioner, who has not been here more than a year, that the asphalt pavement in this city has probably lasted better than in any other great city in the Union, and for a longer period of time.

Mr. CLARK of Missouri. I am opposed to opening up any new streets until they fix the old ones.

Mr. SIMS. Mr. Chairman, are we in general debate? The bill has not been read for amendment, has it?

Mr. SMITH of Michigan. No.

Mr. SIMS. I wish to be recognized on this bill.

Mr. SMITH of Michigan. For how long?

Mr. SIMS. I will not use much time.

Mr. SMITH of Michigan. Can you give us any idea? We have a good deal of business to do. How long does the gentleman desire to be recognized for?

Mr. SIMS. I can not tell. I will not abuse the privilege. I suppose I have my rights, like any other Member.

Mr. SMITH of Michigan. I have no desire to prevent the gentleman talking; but of course he knows that we have District day only once in two weeks, and we should like to make the best possible use of our time.

Mr. SIMS. I have not the slightest idea of delaying the business of the committee.

Mr. SMITH of Michigan. I will yield to the gentleman.

Mr. SIMS. When the gentleman from Michigan has finished what he has to say, I will take the floor in my own right.

Mr. SMITH of Michigan. I desire to be courteous to the gentleman, and I will reserve the balance of my time.

Mr. SIMS. Mr. Chairman, I do not know one thing about this particular bill and this particular plat of ground, but I have had some experience in these matters. It is true that full and complete dedication can not always be had, because there may be minors who own some of the land. That may be the case here. But I want to call the committee's attention to what I regard as a mistaken policy upon the part of Congress, and that is to be continually authorizing the building up of suburban towns away out where they have no water, where they have no gas, where they have no sewerage, where they have nothing except an old field full of hills and hollows.

What follows? It is true, so far as opening up the streets or authorizing them to be opened, that nobody is hurt, because the property owners pay damages by way of benefits. I mean for dedication purposes. But as soon as these streets are authorized by Congress, immediately the commissioners first and then the Appropriation Committee are asked to make an appropriation to improve these streets, and sometimes they are asked to make appropriations to improve streets that have no improved street connection with the city and the town that is to be built up. Then there comes a demand for a water main, then a demand for a gas main. Gas mains do not cost the Government anything. Then comes the demand for a public school; that is at public expense. Then comes a demand sometimes for a library.

Mr. JOHNSON of Kentucky. We have a bill of that kind on the calendar now.

Mr. SIMS. Perhaps somebody gives a library, but then comes a demand for attendants and maintenance.

I remember very well a few years ago when the major of police asked for an increase of 100 members of the police force. The strongest argument he made in favor of it was that Washington was scattered all over creation, and he showed—I do not remember how many—towns that I never dreamed of being in the District of Columbia which had to be policed with the police force that they had. He made a very good showing that it was impossible to put a proper police force in all of these little suburbs all over the District of Columbia and have enough left to properly police the congested portions of the city, where they were having robberies from the person in broad daylight. You can read Major Sylvester's report and see that that is a fact.

What is the interest of the city and the Government? What do we want to improve and build up these little out-of-the-way towns for—out too far to send the children to school in the city and too far out to come to church in the city—unless it be that the employees of the Government along a street car line want cheap homes in order to avoid the excessive rents in the city of Washington. Where that is the case I think it ought to be encouraged. I do not know anything about this particular case.

I had a friend who asked me to go before the appropriations subcommittee and ask it to improve a street that had been authorized for a good while. I got the map, and all maps look alike when you look on the face of them. I went to the members of the subcommittee and asked them why they did not do this. They said it was so far down in the list reported to them by the commissioners that they could not reach it. I then went to the commissioners, and they said they were doing the best they could. Finally I thought I would do what

the gentleman from Kentucky [Mr. JOHNSON] says he did, except that I did not get an automobile, for I was not able to—I went out part of the way in the street cars and then walked the balance of the way. I went to the street, or the proposed street, that I had asked the Appropriations Committee to appropriate for, and what was it? There was a hollow where you would have to put dirt in nearly as high as the roof of this building. I was complaining to the Appropriations Committee about it, I was complaining to the commissioners for not doing that which would cost an immense amount of money to do, and when I got out there I found instead of a village or town there were only two or three houses out in the woods.

Now, I do not know anything about this particular proposition, but I do think we ought to be careful about authorizing the building of a street away out five or six miles from the thickly settled portion of the city, that will be used as a foundation upon which to build demands for the expenditure of money in improving streets, then to grade and asphalt them, and then for water mains, schoolhouses, and all that kind of thing. All those things, as you know, bring a charge upon the Government, and where there is nothing but speculative purpose behind it, I do not think we ought to encourage it.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. SMITH of Michigan. I think the gentleman will agree with me that in all these street-opening matters the Committee on Appropriations goes out after it is authorized, and upon looking it over, if they do think it is proper, there is no further action.

Mr. SIMS. My recollection is that when the gentleman from Massachusetts [Mr. GILLETT] was chairman of the subcommittee, that it did that very thing, but when he began to get old very rapidly—I suppose it was making the trips over these places——

Mr. MANN. I do not think the gentleman from Tennessee ought to say that the gentleman from Massachusetts is getting old. He is still one of the youngest men in the House.

Mr. SIMS. He was removed as chairman of that subcommittee, and I supposed it was a matter of mercy. [Laughter.] Now, I believe Brother GARDNER of Michigan is chairman of that subcommittee.

Mr. MANN. He was promoted, not removed.

Mr. SIMS. Well, promoted then, and Brother GARDNER was demoted, because he was made chairman of that particular subcommittee.

Mr. MANN. He was promoted also.

Mr. SIMS. I thought that was the smallest subcommittee of the whole committee.

Mr. MANN. Oh, no.

Mr. SMITH of Michigan. Mr. Chairman, I think the gentleman from Tennessee will agree with me that the subcommittee, composed of gentlemen like Mr. GARDNER of Michigan and Mr. BURLESON, would be exceedingly careful about authorizing additional expense.

Mr. SIMS. Was the gentleman from Texas [Mr. BURLESON] along?

Mr. SMITH of Michigan. He was not on this trip. The time has not come for action by the Committee on Appropriations.

Mr. SIMS. I am not intending to either commend or condemn this particular project, but I have had experience enough and have gone out here enough and looked after things of this sort enough—and I do not mean this particular project—to lead me to the conclusion that a policy ought to be adopted by the House of not encouraging the building up of little suburbs away out which will be followed up by expense unless they are such as will be utilized by the government employees and by people who live in the District, who may thus have a suburban home when they can never have any other sort.

Mr. CLARK of Missouri. Who paves these streets?

Mr. SIMS. The District of Columbia and the Government of the United States pays for the improvement of the streets.

Mr. CLARK of Missouri. That is, building the streets?

Mr. SIMS. Yes.

Mr. CLARK of Missouri. The modus operandi is to first get its authorization. That does not cost anything?

Mr. SIMS. No; not in this kind of a case.

Mr. CLARK of Missouri. Then the very minute they get the right to open up this street they commence harassing and bedeviling the Appropriations Committee and the city authorities to build the street, and that begins the cost to the United States and the District of Columbia, and that process goes on perpetually, does it not?

Mr. SIMS. The street would be worth nothing if it was not improved; and naturally, I suppose, if they want the street for street purposes, they seek an appropriation for its improvement. I would not call it "bedeviling." It may not amount to that. I do not know how strong a term to use in the matter. The Appropriations Committee could tell the gentleman exactly what kind of pressure is brought to bear, but I myself, personally, brought a little pressure to bear, and when I found out what I brought it upon and what it was I became very quiet.

Mr. CLARK of Missouri. The gentleman prefers the word "harass."

Mr. SIMS. I do not know whether they would call it "harassing" or not, but in any event when people want to build a town they want the streets improved, especially when it does not come out of their own pockets.

Mr. CLARK of Missouri. Why do they not improve the streets they have now?

Mr. SIMS. They have not got any.

Mr. CLARK of Missouri. I mean the streets in the city of Washington.

Mr. SIMS. I can not answer for that. I never go out at night unless it is to go to church; and consequently I do not know anything about the bad places in the streets.

Mr. COUDREY. Are we to infer from the gentleman's remarks, Mr. Chairman, that he is opposed to laying out these suburban tracts?

Mr. SIMS. As a matter of policy; yes.

Mr. COUDREY. What is to become of the common people, the people who work in the departments and whose wages have not been increased in so many years?

Mr. SIMS. I have excepted all cases where the object and purpose is to furnish that class of people with homes; but when you go away out over here east of the Eastern Branch and go to building streets way out in the sage grass, in the hills and hollows, the working people are not inhabiting those places.

Mr. JOHNSON of Kentucky. I will state to the gentleman from Missouri that there are hundreds and hundreds of acres of vacant land between the city proper and this place where these streets are proposed to be opened.

Mr. COUDREY. They may have to go out there to buy where the property is cheap, for the farther out they go the cheaper it is.

Mr. SABATH. Is there any possible way of reaching this property so that these people could go out there and purchase now?

Mr. SIMS. I do not know. I have said all the time that I know nothing about this particular project. We might ask the chairman of the committee whether there is an improved and open street from the city out to this place. In other words, is this an extension?

Mr. SABATH. These people to whom I refer could not get down there; they do not go in automobiles.

Mr. SIMS. I do not know whether they can or not; I have never been out there.

Mr. SMITH of Michigan. I will answer the gentleman.

Mr. SIMS. Is this an extension, or are there any improved streets up to this place?

Mr. SMITH of Michigan. Why, certainly. This is opening Van Buren street. If gentlemen here will look at this map: Here is Piney Branch road, one of the leading roads in the District. Van Buren street is already opened up to Piney Branch road from this point marked red, and there are more or less houses there. Now, a part of this marked in green, 80 per cent, that is to be dedicated, and the little part in red is the part to be condemned in order to complete the street from Piney Branch road to Third street. Now, there is another advantage in opening this street. As I have just stated, the other day we passed a bill granting the Baltimore and Transit Railroad Company the right to go through this marked red down to the end of this marked green, and it is simply following out what we have done in innumerable cases in the District of Columbia.

Mr. SIMS. Is it an improved street?

Mr. SMITH of Michigan. Yes; Van Buren street is an opened, improved street to Piney Branch road through to green here on the map.

Mr. JOHNSON of Kentucky. The gentleman's information is wrong.

Mr. SIMS. Is there asphalt there?

Mr. JOHNSON of Kentucky. No.

Mr. SMITH of Michigan. No; there is no asphalt, but the street is opened.

Mr. SIMS. You mean legally open?

Mr. JOHNSON of Kentucky. Yes; but there are no houses.

Mr. SIMS. Can people travel on a legal highway, or do they have to have an actual one?

Mr. JOHNSON of Kentucky. I could not travel through there at all; I had to walk.

Mr. COUDREY. Would you expect them to build houses out there until they had a street there?

Mr. SIMS. No; I should think not.

Mr. JOHNSON of Kentucky. The street is open on paper, but there are no houses there.

Mr. COUDREY. I want to say to the gentleman from Kentucky until they do have streets opened they do not build houses.

Mr. JOHNSON of Kentucky. And then you will want to macadamize——

Mr. SMITH of Michigan. We are not asking for an appropriation for that.

Mr. JOHNSON of Kentucky. Then, the next step will be to ask to macadamize.

Mr. SMITH of Michigan. That is up to the Committee on Appropriations.

Mr. SIMS. I do not desire to occupy all of my time. I am not making any attack on this proposition unless it comes within the scope of the general objection which I have had to all of this building up—not building up, but creating villages where they do not exist—by having streets authorized to be opened, and by private parties, perhaps, spending a little of their money and advertising the sale of lots and then begin to come to the Congress of the United States to spend public money on that on which none would have been spent and which are not needed, and on which no poor man hunts a home until his attention was called to it through some real estate promoting agency. As I said, I do not want to condemn a matter which I do not know anything about. I do not know anything about this bill and I am perfectly willing to accept the word of gentlemen on the committee who have investigated it.

Mr. SMITH of Michigan. Mr. Chairman, I do not desire to take up any additional time except to say this, that I believe this is a very meritorious proposition, and that it should be passed.

Mr. SABATH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. Yes.

Mr. SABATH. Some gentlemen have asked the chairman whether this property is owned by two, three, or four owners, and the gentleman has stated that he does not know.

Mr. SMITH of Michigan. That is right.

Mr. SABATH. Is it very hard to ascertain by whom this property is owned?

Mr. SMITH of Michigan. No; I desire to say this: That members of the committee might be repeatedly embarrassed upon the floor if they had that information. As far as I am concerned I have not sought in a single instance to know whether the property was owned by Smith, Brown, Jones, or Robinson. All I desire to know is this: Is it a proper thing to be done? And with me it was simply a proposition of whether or not it is meritorious.

Mr. SABATH. Do you know if this property is owned by one owner that he should condemn all of that property for these streets?

Mr. SMITH of Michigan. Oh, not necessarily.

Mr. SABATH. That is being done in every other city in the United States, and I do not know why it should not be done here, especially when the District or this Government is paying for the paving and improvement of the street.

Mr. SMITH of Michigan. They are not paying any of this expense whatever.

Mr. SABATH. There is no expense to it, of course, so far, but there will be.

Mr. SMITH of Michigan. That is true with any street and every street, not only in your city, but in this city and every other city of the Union.

Mr. SABATH. In our city the property owners are obliged to pay for the paving of the streets.

Mr. SMITH of Michigan. The gentleman can not compare any other city in this Union with Washington. This is a federal city, in which the District and General Government are in partnership half and half, and until you change the organic law there is not any use of spending time discussing how other cities in this Union pay for the paving of their streets.

Mr. SABATH. I am of the opinion that where the property owner has such advantage as having the streets paved at the expense of the government that he could easily dedicate the entire 80 feet for street purposes.

Mr. SMITH of Michigan. As the gentleman from Tennessee [Mr. SIMS] very well said a few moments ago, sometimes they are minors and sometimes they are people who will not dedicate. They do not care anything about public improvement, and that is why there is a law of condemnation, so that in some cases you can compel people under the law to help make improvements here and elsewhere.

Mr. SABATH. If this is owned by one man, or two men, who are desirous of opening the street, that would not require condemnation.

Mr. SMITH of Michigan. Why should the rule be different if there are only two or only a dozen?

Mr. SABATH. They all derive the benefit out of the improvement.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The CHAIRMAN. The question, first, is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 20, noes 40.

So the motion was rejected.

Mr. SMITH of Michigan. Mr. Chairman, I ask for tellers.

Tellers were refused.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to report the bill back with the recommendation to strike out the enacting clause.

The CHAIRMAN. The Chair is of the opinion that it is too late now to move to strike out the enacting clause; that the proper motion would be to lay it aside with an unfavorable recommendation.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. How does it come to be too late? The motion was made as soon as the vote was announced.

Mr. STAFFORD. I suppose that the motion to strike out the enacting clause is in the nature of an amendment, and, all amendments having been voted on, it is too late.

Mr. MANN. Mr. Chairman, I move that the bill be reported back to the House with a recommendation that it lie upon the table.

The CHAIRMAN. The gentleman moves that the bill be laid aside with the recommendation that it lie upon the table.

The question was taken, and the motion was agreed to.

CIRCUS LICENSES.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 13473) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes."

The bill was read, as follows:

Be it enacted, etc., That the act of Congress entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," be, and the same is hereby, amended by adding to section 7 of paragraph 23 the following:

"Every building, tent, space, or area where feats of horsemanship or acrobatic sports, or theatrical performances pertaining to or being a part thereof, are exhibited, including shows or exhibitions of horsemanship, marksmanship, and the like, depicting tribal scenes, costumes, or customs, and the like, commonly known as wild west shows, and exhibitions commonly known as dog and pony shows or the like, shall be regarded as a circus: *Provided*, That said wild west shows and the like shall pay a license tax of $50 per day, and said dog and pony shows and the like shall pay a license tax of $10 for each and every day less than six consecutive week days, and $50 for six consecutive week days."

Mr. STAFFORD. Mr. Chairman, the bill has not been read as yet for amendment.

Mr. SMITH of Michigan. Do you want to ask some questions? If so, I yield to the gentleman from Missouri [Mr. BORLAND].

Mr. STAFFORD. I would like to ask the gentleman in what respect this bill changes existing law?

Mr. BORLAND. Well, I can answer the gentleman's question perfectly for the information of the committee. The present law makes a flat rate for circuses and outdoor amusements of $200 a day. The commissioners are of the opinion that that rate is too high in the case of wild-west shows and dog and pony shows which are of a minor character. This bill makes three classes. The regular circus pays $200 a day. Under this amendment the wild-west show will pay $50 a day, a dog and pony show will pay $10 a day, for not exceeding six successive days. That makes three classes of outdoor amusements and will permit many of these minor exhibitions now prohibited by the high fee.

Mr. STAFFORD. Then I understand from the gentleman's explanation that wild-west and dog shows have heretofore been obliged to pay a license fee of $200 a day?

Mr. BORLAND. Yes.

Mr. STAFFORD. They were construed under the terminology as being a circus. I would like to direct the gentleman's attention to the phraseology found in line 10 of page 1, which is as follows: "Or theatrical performances pertaining to or being a part thereof." I wish to ask in that connection whether performances such as are carried on in the vaudeville houses in this city, where there are some acts showing performing animals, like the performing leopards recently in one of the vaudeville houses, would not be included under the phraseology and be obliged to pay the license fee as here set out?

Mr. BORLAND. I believe that the words in line 9 are designed to cover outdoor or temporary exhibitions. These regular theaters pay their regular license and are covered by the express words in another statute.

Mr. STAFFORD. I do not agree with the gentleman as to the limitation of this amendment, that you except from the operation of the bill the performance of dog or other animal exhibition in vaudeville theaters, for the phraseology of the bill is:

Every building, tent, space, or area where feats of horsemanship or acrobatic sports or theatrical performances pertaining to or being a part thereof are exhibited.

I think the gentleman will agree that that phraseology is broad enough to include theaters where such performances are taking place. I hardly think my friend would have in mind requiring them to pay a tax of $10 a day or $50 a week for performances of that kind.

Mr. BORLAND. There is no such intention as taxing these performances. Where performances of the same kind are given in the theaters they pay their regular license. A dog or pony show is designed to cover a temporary performance.

Mr. STAFFORD. Is not the phraseology broad enough to include the character of performance I have just referred to?

Mr. BORLAND. I take it it would be if there were no other section taxing a theatrical performance except this provision; but there is a section regulating theaters, and they pay their regular theater license. These two sections would be construed together.

Mr. STAFFORD. Will the gentleman kindly inform the House what is the license fee of the regular theater and moving-picture shows?

Mr. SMITH of Michigan. I can answer the question of the gentleman. It is $100 a year.

Mr. JOHNSON of Kentucky. I would like to say that, in my opinion, there is no sort of question that under this bill, if one of the regular theaters in this city permits a horizontal-bar performance upon its stage, or the simplest kind of acrobatic feat, that it comes under this bill and is taxed under this bill.

Mr. STAFFORD. In view of the particular language of this bill, I think there should be some limitation excepting theaters from the effect of this measure.

Mr. BORLAND. Undoubtedly an amendment could be added there for the purpose of saying that it should not apply to a place of amusement now paying a regular license.

Mr. STAFFORD. Has the gentleman any amendment in mind to cover that suggestion?

Mr. BORLAND. I have not, because I do not think it is necessary.

Mr. SMITH of Michigan. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The question being taken, on a division (demanded by Mr. SMITH of Michigan), there were—ayes 28, noes 40.

Mr. SMITH of Michigan. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and there were—ayes 46, noes 48.

Accordingly the motion was rejected.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the bill be laid aside to be reported to the House with the recommendation that it lie on the table.

The motion was agreed to.

PRINCETON PLACE.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 19636) authorizing the extension of Princeton place NW., in the District of Columbia.

The Clerk read as follows:

Be it enacted, etc., That, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Princeton place NW., from Georgia avenue to Rock Creek Church road NW., with a width not less than 60 feet, upon such lines as the Commissioners of said District of Columbia may deem best for the public interest: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect to the land to be condemned for said extension, plus the costs and expenses of the proceeding, shall be assessed by the jury as benefits.

SEC. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto and for the payments of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. SMITH of Michigan. I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

PERMANENT SYSTEM OF HIGHWAYS, DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 18818) to authorize certain changes in the permanent system of highways, District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized to prepare a new highway plan for that portion of the District of Columbia bounded on the southerly part thereof by Broad Branch road, on the eastward part by Rock Creek Park, on the northeastward by Utah avenue, on the north by North Hampton street, and on the northwestward by Nebraska avenue, and to include in said new highway plan a new plan of Broad Branch road from Nebraska avenue to Rock Creek Park, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898; that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of the District of Columbia; and that the portion of the highway thereby abandoned shall revert to the abutting owners.

With the following committee amendment:

Page 1, line 8, strike out "North Hampton" and insert in lieu thereof "Northampton."

The committee amendment was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment, in line 10, page 2, after the word "owners," to insert:

When the land necessary for the streets to replace them shall be dedicated for street purposes in accordance with the amended highway plan.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Page 2, line 10, after the word "owners" insert "when the land necessary for the streets to replace them shall be dedicated for street purposes in accordance with the amended highway plan."

The amendment was agreed to.

The bill as amended was ordered to be laid aside, to be reported to the House with a favorable recommendation.

CONDEMNATION OF STREETS.

Mr. SMITH of Michigan. Mr. Chairman, I call up the bill (H. R. 16332) to provide for the condemnation of streets or parts of streets under the plan for the permanent system of highways for the District of Columbia.

The CHAIRMAN. If there be no objection, the Clerk will report the substitute in lieu of the original bill.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That whenever in the subdivision of a tract of land in the District of Columbia the owner or owners of such tract shall reserve from subdivision any portion thereof, and shall fail to or refuse to dedicate the streets or highways within the reserved portion as shown on the plan of permanent system of highways, or whenever there exists adjacent to a subdivided tract within which all the streets or highways indicated on the highway plan have been dedicated, a tract, any or all of the streets through which are needed to give access to the said subdivided tract, the Commissioners of the District of Columbia be, and they are hereby, authorized, in their discretion, to institute condemnation proceedings to acquire for street purposes in accordance with the highway plans any or all land comprised in the said streets within the limits of any portion reserved from subdivision, or within the limits of any tract adjacent to a tract within which all the streets have been dedicated, which the said commissioners may deem desirable for the purpose of extending existing or proposed streets or of connecting streets already of record according to the said highway plan.

"SEC. 2. That the said condemnation proceedings shall be instituted under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided*, That the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land condemned for such streets or highways, plus the cost and expenses of said proceedings, shall be assessed by the jury as benefits, under the provisions of said subchapter 1 of chapter 15 of said code. And there is hereby appropriated, out of the revenues of the District of Columbia, such amount or amounts as may be necessary to pay the cost and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia."

Mr. SMITH of Michigan. I will yield to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, unless the bill is clear to the committee, I will ask that pages 2 and 3 of the report be read, which gives the report of the Commissioners of the District of Columbia.

The CHAIRMAN. The report will be read in the gentleman's time.

The Clerk read as follows:

The necessity for legislation of this character was first submitted to the committee by the Commissioners of the District of Columbia in the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, December 21, 1909.

SIR: The Commissioners of the District of Columbia have the honor to submit herewith draft of a bill to provide for the condemnation of streets or parts of streets under the plan for the permanent system of highways in the District of Columbia, with request for its enactment.

Under the provisions of an act of Congress approved March 2, 1893, as amended by an act approved June 28, 1898, a plan for a permanent system of highways outside of the city of Washington was adopted, and the proposed highways have been made a matter of record in the office of the surveyor of the District of Columbia.

It is provided in these acts that no further subdivision of any land in the District of Columbia shall be admitted of record in the office of the surveyor of said District, or in the office of the recorder of deeds, unless the subdivision is in conformity to such plan. When a tract of land is subdivided, therefore, the owner is required to dedicate that portion of his land which is comprised within the proposed streets as laid down on the plan, and to subdivide the balance of his land into lots fronting on these streets. In this way the streets are acquired without any cost to the District of Columbia.

In some instances, however, it has been the practice of owners subdividing their land to leave unsubdivided certain portions of such land covered by highways laid down on the highway plan, and to sell such portions by metes and bounds. In consequence, persons buying such portions build within the lines of proposed streets, and when these streets are opened it will be necessary to condemn houses as well as the land itself, which will cause the cost of opening the streets to be very expensive.

Two blueprints are inclosed herewith, which illustrate these conditions. On one of them it will be seen that a tract of land has been subdivided in blocks and lots, and certain streets laid down on the highway plan have been dedicated, but a portion of the tract through which a proposed street, namely, Thirty-eighth street, would run has been left unsubdivided, and it is understood that parcels from this unsubdivided portion have been sold by metes and bounds extending into the limits of this proposed street, which is shown in red on the inclosed blueprint. The owner did not subdivide this portion and dedicate the street, as he did not deem it advantageous to his interests to do so.

On the other plat a similar condition is shown, where a portion of a tract has been subdivided into blocks and lots, and streets dedicated, and a portion of the tract through which a proposed street would run is left unsubdivided. This proposed street (Forty-first street), which is shown in red on the blueprint, was not carried through because of the lack of advantage to the owners. Parcels, including the proposed street, the commissioners understand, have been sold by metes and bounds, and will probably be built upon.

It is proposed by the draft of bill inclosed that the commissioners shall be given authority in such cases to condemn the land within the lines of the proposed streets, where they have not been dedicated by the owner, and to assess the total cost of such condemnation proceedings, including the value of the land, upon abutting and adjacent property which will be benefited by the opening of the street. The bill also provides that the commissioners shall be given authority to condemn such streets through agricultural land adjacent to such subdivisions, where the situation of the latter is such as to render it desirable to have a connecting street outside of the limits of the land subdivided, for the purpose of giving access and development to such land.

The subdivision of tracts of land in the manner above indicated is growing very frequent, and threatens in some cases to render it highly impracticable, on account of the expense involved, to extend the highways through such tracts. The need of this legislation is very apparent.

The bill is drawn in accordance with the approved form of street-extension measures, and the commissioners recommend its early enactment.

Respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners of the District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia, House of Representatives, Washington, D. C.

After consideration of the original bill and several consultations with the engineer commissioner, Maj. William V. Judson, the latter submitted the foregoing amendment in the nature of a substitute, accompanied by the following letter:

OFFICE OF ENGINEER COMMISSIONER OF THE DISTRICT OF COLUMBIA,
Washington, February 15, 1910.

DEAR SIR: Referring to H. R. 16332, introduced at the suggestion of the commissioners, attention has been invited by Representative BORLAND, of your committee, to certain indefinite features of the measure, consideration of which has resulted in a new draft of bill for the same purpose, which I hand you herewith, requesting that it be substituted for H. R. 16332.

Mr. BORLAND has been consulted and expressed the belief that the new form of bill meets his views of the matter.

As heretofore explained, the commissioners believe this legislation to be most important and to be urgently needed if the highway extension plans are to be properly carried out.

It may be proper to suggest that should the scope of the commissioners' authority requested in this bill be considered for any reason to be too broad, Congress might insure its control as to the results of the measure by requiring the commissioners to submit annually report, with suitable maps and explanatory notes, covering all cases where this legislation was resorted to for the purpose outlined.

It is literally a fact that unless the commissioners be given the discretion to condemn small lengths of street without awaiting in each case congressional authority by way of a special act, the street-extension plans, so desirable of complete execution, will in many cases be vitiated.

I can not urge too strongly that this measure be enacted into law.

Respectfully,

W. V. JUDSON,
Major, Corps of Engineers, United States Army, Engineer Commissioner, District of Columbia.

Hon. S. W. SMITH,
Chairman Committee on the District of Columbia, House of Representatives, Washington.

Mr. BORLAND. Mr. Chairman, these two letters make the situation clear. It is the intention of the District authorities, as it ought to be, to compel people when they subdivide agricultural land, to plat the streets of those lands according to the approved system, according to the permanent plan of highways.

The owners of tracts have devised a scheme by which they evade the act. They are compelled before they can plat to dedicate the streets in the part actually plated. But the surrounding parts of their own tracts which they leave unplatted they sell lots by metes and bounds, sometimes abutting on a private way. So that when it finally becomes necessary for the District to extend the permanent system of highways through their land, it is found that the land has been sold by metes and bounds, and the permanent cost is largely increased.

It seems necessary to compel the owners before attempting to get advantage of the city improvements by platting their land and selling it, to dedicate the public highways without expense to the District. Every pressure of the law ought to be put on them to compel them to do it, and they should be compelled to do it as a part of the actual platting. This bill will enable the commissioners to reach the fragments that lie around the platted portion, or which are necessary to reach the platted portion, and compel also the simultaneous dedication or acquirement by proper condemnation proceedings of that ground for streets before it is built up or before the value is enhanced by platting the adjoining ground. If you wait until it is built up, wait until the value has been enhanced, the expense of course is increased, and for that reason the commissioners have recommended the bill. The objection I had to the original bill was that in its wording it might leave it doubtful whether the owner was compelled to dedicate in any case. We want to confine this new act to the case where he does not plat the land, but does plat the adjoining land and attempts thereby to get advantage by selling the unplatted land by metes and bounds. With that change recommended by the commissioners, I believe it ought to pass.

Mr. JOHNSON of Kentucky. Mr. Chairman, that feature of the bill which has been discussed by the gentleman from Missouri was approved by practically everybody in the committee. The trouble arises in the fact that when they come to remedy the defect about which the gentleman from Missouri has just spoken they have put in, in my judgment, a provision a hundred times worse that the original provision, and that provision will be found on page 3, from the first line down to line 16. The original bill, as discussed by the gentleman from Missouri, provided that a man should open up his entire holdings. That was all right. He should be compelled to do that; but in making the redraft they went ahead and provided that the owner of the property who desires to cut up his land into lots should cut up the whole of his tract, but in addition, that he, through the commissioners, can go still further and compel other people to dedicate their land for streets that he may cut his up to better advantage. It uses a very board word—"adjacent." Webster defines "adjacent" as "lying near to." It does not have to adjoin; but if another tract of land "lies near to" the tract sought to be cut up, the commissioners can order that subdivided, too, and streets dedicated to the public.

Now, there is another still more dangerous proposition in it. In lines 10, 11, 12, and 13 it says:

The Commissioners of the District of Columbia be, and they are hereby, authorized in their discretion to institute condemnation proceedings to acquire for street purposes in accordance with the highway plan, any or all lands comprised in the said street within the limits of any portion reserved from subdivisions, or within the limits of any tract adjacent to a tract within which all the streets have been dedicated, which the said commissioners may deem desirable for the purpose of extending existing or proposed streets, or of connecting streets already of record according to said highway plan.

I say that under this the Commissioners of the District are given the broad privilege of going out and condemning wherever they may choose to condemn, and in that way have a perfect right to do that which the Congress this morning declined to give them the right to do, and that is to compel them to come to congress and ask for the street to be opened. This is a broad, blanket provision, and gives to the commissioners the right to open streets anywhere out on a tract of land lying near

another tract of land that has been subdivided, without coming to Congress for that privilege. It is against that that I protest.

Mr. TIRRELL. Mr. Chairman, my attention has been called to this bill by two old friends, nonresidents of this city, who are here usually a short time in the winter and who own some unimproved property on Girard street. The street extends some distance beyond their unimproved lot. They had no knowledge of any of the proceedings which occurred, but it seems that some one away beyond their lot, desiring to open up the street, so to cut up their land for building purposes, secured an act of Congress, had all the condemnation proceedings, took the land necessary for the street, reckoned up the amount of damages and costs, and then came back onto the street to their lot and assessed them over $3,000, more than one-half of all the value of the entire lot. That was the first intimation that they had that anything had been done.

Under the method of procedure which has been heretofore adopted—namely, obtaining an act of Congress for the extension of a street—there has been some opportunity for owners of unimproved property, nonresidents, learning something about it, but here the very first step you take is that the Commissioners of the District of Columbia shall have the right to do this without coming to Congress.

Mr. JOHNSON of Kentucky. And without notifying anybody.

Mr. TIRRELL. Without giving notice to anybody, after having laid out a plan of streets and alleys for the whole city, passing upon their own plan and approving it, or in the first place causing a street to be opened up and then proceeding to assess the damages.

Mr. SMITH of Michigan. Does the gentleman know that in not a good many cases, but in at least a few cases that have been brought to the attention of the commissioners, where under the highway plan people are required to open up the streets, in some instances a triangular piece of land has been left on the end that they did not want to plat, and they have left it right in the way of where there is a street open on either side. They have then gone to work and sold it by metes and bounds, and the only way in which the District, of course, can acquire that property hereafter, and perhaps after a building is put upon it, is to condemn it at great expense. The object of clothing the commissioners with this additional authority is this, people can do this when Congress is not in session, and the commissioners should be authorized to act at any time; and my judgment is, after talking with the commissioners, that there is no thought or intent of abusing that privilege, which will be exercised probably twice or three times in the course of a year.

If, as I said, people desire to disregard the law and sell land that is right in the proposed line of a street which is opened upon either side of it, even erecting buildings upon it, it is going to be very costly for the District to acquire that property, and that is the object of this legislation.

Mr. TIRRELL. Mr. Chairman, my genial friend has supposed one case out of ten thousand, and it is not fair to select one case out of ten thousand, or even out of one hundred, and make that case illustrative of what ought to be the rule. Because there happens to be some little triangular piece left, which is not worth much anyway, and which a person is holding for the purpose of getting more damages than he otherwise would receive, is no argument why you should establish a rule. Why, this very afternoon, after discussion of one or two bills where the commissioners had extended streets out in the country, the House decided it would not pass the bills, because there had not been adequate thought or proper reasons given. How many would there be under an unlimited power by which the Commissioners of the District of Columbia could lay out any street at any time on a plan which lays out the whole city in streets and alleys?

Mr. JAMES. They can open the streets Congress has just denied them the right to open.

Mr. TIRRELL. Certainly they would. You can not parallel such a case in the legislature of any State of the Union. Here are hundreds of streets and alleys laid out on this plan, and you may just as well say that they could all be opened to-morrow, and might be, if this bill passes. Then there is another thought which occurs to me in regard to this matter, and that is in regard to the assessment of damages. Who ever heard of street damages under any street legislation of any State which should say that a road or a street from over here to there should have land condemned for the extension of it and reckon up the value of that land and the costs, and then say to the man owning land half a mile or so away "you shall pay so much," and then to another, "and you so much," and then go over to some other street and say to an owner there, "you shall pay so much."

Mr. SMITH of Michigan. That is not the intention of the bill.

Mr. TIRRELL. That is what they can do under the authority they now have——

Mr. SMITH of Michigan. Oh, no.

Mr. TIRRELL. Their authority, we may say, is almost absolute; suppose you go to the jury which we have here, and what sort of a jury is it? Is it a jury chosen as ordinarily chosen in this country? Not at all, as I understand it.

Mr. SMITH of Michigan. Is it not selected and conducted under an orderly procedure?

Mr. TIRRELL. I understand it is; but is it not a jury of 5 or 6——

Mr. SMITH of Michigan. Yes.

Mr. TIRRELL. We have here a jury of 5 or 6 to pass upon the land——

Mr. SMITH of Michigan. In some of the States you have 12 and in other States you have 8 and here you have 5. The gentleman from Pennsylvania says 6 in his State and in my State it is 12. Instead of a jury of 12 entailing additional expense, why can not you have 4 or 5 men to do this work?

Mr. BORLAND. Now, as I take it, the gentleman's objection is to the power of the commissioners at their discretion to institute condemnation proceedings in adjoining lands——

Mr. TIRRELL. No.

Mr. BORLAND. That is the main objection.

Mr. JOHNSON of Kentucky. It does not use the word "adjoining," but uses the word "adjacent," and Webster defines adjacent as lying near; if it is in the same neighborhood it can be done.

Mr. BORLAND. One of the principal objections is to the clause permitting the condemnation of adjacent land. There is no objection to the main feature of the bill. Is that what I understand?

Mr. TIRRELL. There is a vital objection to the authorization of the commissioners.

Mr. BORLAND. What is the objection to compelling the man platting the land to dedicating to the public all that he ought to dedicate?

Mr. TIRRELL. He does not plat the land necessarily; the commissioners plat the land. They have laid this out on a plan and they plat the land.

Mr. BORLAND. Is the gentleman opposed to compelling the landowner who plats the land to dedicate what he ought to dedicate?

Mr. TIRRELL. A plat of the land is made on a plan which has already been made and he parts with his land. I have not any objection to his receiving the benefit that he ought to have. I have no objection to the just and equitable way in which land is taken as I understand throughout the United States.

Mr. BORLAND. I want to call the gentleman's attention to this fact: In pretty nearly every city of the size of Washington and some much smaller, where these juries of freeholders exist, the city council goes ahead and enforces its condemnation proceedings either under general law or by special act and a jury assesses the benefits. Now, a similar law exists in the District of Columbia, and it may assess benefits for street openings to land that does not abut upon the part opened. It may not be so in many cases, but it is in every city I know.

Now, as far as this bill is concerned, if it will avoid the gentleman's objection to have the words "adjacent land" stricken out, I personally would be in favor of doing it, because the main thing, in my judgment, is to compel the men who plat their land and who attempt to juggle the highways and defeat the permanent plan of highways to abide by the permanent plan and plat their land and dedicate all that ought to be dedicated. That is the main purpose of this bill. If the gentleman's objection is directed to the words "adjacent land," perhaps I am willing to strike it out.

Mr. TIRRELL. I think it should be stricken out, and I think any system under which land is condemned and taken for extensions and street purposes which allows the cost and damages to be assessed upon some one a quarter of a mile away or upon another street is inequitable and unjust and, I believe, unconstitutional, because what would prevent the commissioners from going any distance, if we adopt that system, and arbitrarily——

Mr. BORLAND. I will say this as to what would prevent them: They have only a few isolated cases intended to be reached by this, and they say in their report that if the power is considered to be too broad provision should be made that

they should report annually the number of cases in which this law has been exercised.

Mr. TIRRELL. I suggest that if they say that they think it is already too broad.

Mr. SMITH of Michigan. Will the gentleman offer the amendment?

Mr. BORLAND. I will offer an amendment.

Mr. TIRRELL. Now I want to say one or two things more about this bill. What protection has any man who owns property here that his property will not be taken, and that he will not wake up surprised some morning over the fact that he no longer is the owner? Where is there any notice such as is given in any other city, by which the public can ascertain what is going to be done?

Mr. SMITH of Michigan. There is, under the law for the opening of highways, a sufficient notice. There is every precaution surrounding it. I want to call the gentleman's attention to this fact, and I am sure he will bear with me a moment, that a few years ago there was more or less criticism about the street-opening law here in the District. There was a special committee appointed from the Committee on the District of Columbia, which prepared a new law that seemed to meet the wishes of Congress at that time, and since then all of these street-opening cases have been under that law, and I think it has given, I may add, almost universal satisfaction. The law is broad, and every precaution, it seems to me, is taken to give the property owner and everybody else sufficient notice.

Mr. TIRRELL. What is the requirement about notice?

Mr. SMITH of Michigan. We have not the law just at hand at this moment. There is sufficient notice, however, and I am sure the gentleman, as good a lawyer as he is, would say that the notice is ample.

Mr. TIRRELL. I have just cited an illustration where the assessment was placed on a little lot on Girard street of over $3,000, more than half the value of the lot, under proceedings which had been enforced in the District of Columbia where the owners had never had the slightest notice or intimation of any of the proceedings from the beginning to the end.

Mr. SMITH of Michigan. How long ago was that?

Mr. TIRRELL. This letter does not state how long.

Mr. SMITH of Michigan. I fear it was before this law was passed, because certainly there could be no complaint at this time about proper notice being given.

Mr. TIRRELL. There is no notice now required to owners who are nonresidents, and there are a very large number of nonresidents who own property in this city, and you can not find on the statutes any law which requires the commissioners to notify those people.

Mr. SMITH of Michigan. The notice is given by advertising, just as it is in other cities and States. I suppose the law is that way in your State, as it is in mine. You can not always get personal service on people.

Mr. TIRRELL. I shall offer an amendment on that very point.

Mr. JOHNSON of Kentucky. I may say to the gentleman that here is a bill proposing to give to the commissioners authority which they have never had, and concerning that new authority that is here given there is not one word said about giving notice.

Mr. SMITH of Michigan. They proceed under the law.

Mr. JOHNSON of Kentucky. There is nothing in this bill or elsewhere which says they must. This is entirely a new matter. There is no statute upon the books which concerns the privileges that are given to the commissioners under this bill; and, consequently, there must be no law requiring it to be advertised or any other kind of a notice given.

Mr. SMITH of Michigan. It says, on page 3 of the bill, in line 12, that they shall institute condemnation proceedings to acquire for street purposes in accordance with the highway plan. Now, there is a well-established law in this District under which they can proceed.

Mr. STAFFORD. I wish to direct the gentleman's attention also to the phraseology as found in section 2, lines 21, 22, and 23, as follows:

That the said condemnation proceedings shall be instituted under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia.

The language refers to the condemnation proceedings the gentleman has just referred to.

Mr. SMITH of Michigan. I am sure if you had an opportunity to read it you would not raise a single criticism as to the law as it exists in the District of Columbia to-day. Every safeguard, it seems to me, has been thrown around both the resident and the nonresident owner.

Mr. JOHNSON of Kentucky. I will ask the gentleman if it is not true if this bill is passed the commissioners can open highways and streets without coming to Congress for that authority?

Mr. SMITH of Michigan. That is one object of the case cited here. But the gentleman from Missouri offers to amend the bill by striking out "territory adjacent," to meet the objections of the gentleman from Kentucky, and let the bill cover these cases.

Mr. JOHNSON of Kentucky. I will support the amendment to strike out "adjacent property."

Mr. SMITH of Michigan. Will the gentleman support the bill after the amendment is agreed to?

Mr. JOHNSON of Kentucky. I think so.

Mr. SMITH of Michigan. I hope so.

Mr. JOHNSON of Kentucky. It is in the interest of the public. Discussion may develop other objections, but so far as I am advised now I will vote for the other part of the bill.

Mr. STAFFORD. What is left of the bill if the motion to strike out prevails—that provision which gives authority to the commissioners to condemn highways when any of the property which is described here is adjacent but which is intended to be adjoining the subdivision that has already been platted?

Mr. BORLAND. What is left will be this, that where the landowner only plats a portion of his land he must necessarily dedicate the street in that territory.

Mr. STAFFORD. Then the gentleman's amendment will extend to the fractional part not platted by the owner of the property?

Mr. BORLAND. It will not extend that, but refers to the part already platted; and then, as to any other portion, the bill says that the commissioners, in their discretion, may condemn the street to the adjacent land not owned by that property owner, but gives the right to reach the platted portion. That is the part of the bill that the gentleman from Kentucky objected to, and I offer an amendment to leave that out.

Mr. STAFFORD. Is not the second proposition on all fours, so that the people may connect the portions of the highway?

Mr. BORLAND. I think the gentleman will readily see that where the landowner is going to ask to plat his property, so as to get city prices, he ought to dedicate the property.

Mr. JAMES. I will ask the gentleman from Missouri whether or not, under the provisions of this bill, if it becomes law, the commissioners can open any street which they desire?

Mr. BORLAND. They can only do it through the property of an owner who has already had a portion of his land platted.

Mr. JOHNSON of Kentucky. My answer to the question of the gentleman from Kentucky [Mr. JAMES] is that they can not, after adopting the amendment, open up streets upon any land adjacent, lands lying near to the plat, which is now being cut out.

Mr. SMITH of Michigan. I understood the gentleman from Missouri is to offer an amendment.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Wisconsin that under this bill, as it stands now, the commissioners would have the right to do the very thing he was complaining should not be done. If there is a house upon the land where they propose to open the highway, they can condemn the house and open the street.

Mr. BORLAND. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. TIRRELL. Mr. Chairman, in order to meet one point which is illustrated by the history of the cases of these two friends of mine, on assessment of their lots, and to provide for the numerous cases which must exist of this proceeding in the city of Washington, on account of the large number of nonresidents, and the fact that I know that in many cases, at least I have been told so, that these people do not get notice of what is being done, and have no opportunity to appear to protect their rights, I will offer the following amendment, to be added to line 20, on page 3, which I think is fair and just now to add to this bill if it is going to pass.

The CHAIRMAN. The amendment may be read in the time of the gentleman for information.

The Clerk read as follows:

Proposed amendments of House bill No. 16332:

"That before deciding upon the opening or extension of a street under the provisions of this bill the commissioners shall give notice by publication in two morning and two afternoon newspapers of general circulation, published in the city of Washington, of the time and place of the hearing. Such notices shall be published once a week for three successive weeks, the first publication to be at least thirty days before the hearing.

"The commissioners shall also, at least fifteen days before such hearing, mail to each nonresident taxpayer who shall have registered with the secretary of the board an address to which such notices are to be mailed, a copy of the notice of hearing as published, which may be condensed, provided that it shall designate the streets proposed to be extended or opened and the time of the hearing."

Mr. SMITH of Michigan. I suggest to the gentleman from Missouri [Mr. BORLAND] that he accept that, and when we have time to produce the provision in the code the gentleman offering the amendment will see that it is not necessary.

Mr. BORLAND. That amendment is so absolutely unnecessary that it seems a waste of time to discuss it. If we amend the bill so that the only application is where a man is voluntarily platting his own land, that man has notice of the entire proceeding, and he should not impose upon the District the expense of any further notice. It is absolutely out of the question for a man to come in here and plat land and say that he does not know that the District is liable to open up streets through the remaining part of his land.

Mr. TIRRELL. Is there any provision now by which a nonresident gets any notice of the proceeding?

Mr. SMITH of Michigan. I made the suggestion that the gentleman from Missouri accept the amendment on condition that the bill remain as it is, but of course if the amendment is adopted, then there would not be any necessity for this one.

Mr. BORLAND. I should like to offer an amendment eliminating the portion referring to lands of others than the platting proprietor. If that is done, I believe it will obviate any necessity for the gentleman's amendment; and before his amendment is voted on, for the information of the gentleman, I will move to strike out, in line 6, page 3, all after the word "highways" down to and including the word "dedicated," in line 8; and in line 15 strike out all after the word "subdivision" down to and including the word "dedicated," in line 17. The words to be stricken out are these:

Or wherever there exists adjacent to a subdivided tract within which all the streets or highways indicated on the highway plan have been dedicated.

And in lines 15, 16, and 17 strike out the words:

Or within the limits of any tract adjacent to a tract within which all the streets have been dedicated.

That, I think, strikes out all reference in the bill to adjacent lands and leaves it applying to the lands of the dedicating proprietor.

The CHAIRMAN. Is the reading of the committee substitute demanded?

Mr. STAFFORD. I think that is the regular order. It ought to be read. Several amendments have been proposed.

The Clerk read the proposed committee substitute, as follows:

That whenever in the subdivision of a tract of land in the District of Columbia the owner or owners of such tract shall reserve from subdivision any portion thereof, and shall fail to or refuse to dedicate the streets or highways within the reserved portion as shown on the plan of permanent system of highways, or whenever there exists adjacent to a subdivided tract within which all the streets or highways indicated on the highway plan have been dedicated, a tract, any or all of the streets through which are needed to give access to the said subdivided tract, the Commissioners of the District of Columbia be, and they are hereby, authorized, in their discretion, to institute condemnation proceedings to acquire for street purposes in accordance with the highway plans any or all land comprised in the said streets within the limits of any portion reserved from subdivision, or within the limits of any tract adjacent to a tract within which all the streets have been dedicated, which the said commissioners may deem desirable for the purpose of extending existing or proposed streets or of connecting streets already of record according to the said highway plan.

SEC. 2. That the said condemnation proceedings shall be instituted under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided*, That the entire amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land condemned for such streets or highways, plus the cost and expenses of said proceedings, shall be assessed by the jury as benefits, under the provisions of said subchapter 1 of chapter 15 of said code. And there is hereby appropriated, out of the revenues of the District of Columbia, such amount or amounts as may be necessary to pay the cost and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. BORLAND. Mr. Chairman, if it is in order, I desire to offer an amendment, in line 6 of page 3, to strike out all after the word "highways," down to and including the word "dedicated," in line 8; and in line 15 of page 3, after the word "subdivision," strike out all down to and including the word "dedicated," in line 17.

Mr. KAHN. Mr. Chairman, if the gentleman from Missouri will permit, I suggest that everything should be stricken out of line 8, down to and including the word "tract," in line 10, striking out the words:

A tract, any or all of the streets through which are needed to give access to the said subdivided tract.

Mr. BORLAND. I considered that, but that might properly remain in there, even if we dedicate only through the undedicated portion.

Mr. KAHN. But does it make sense if you strike out the words immediately preceding, and let it stand in that way? Does not that language refer to the portion which you have stricken out?

Mr. BORLAND. I think that should remain in there.

Mr. STAFFORD. If the gentleman will read it, he will see that the phraseology as he leaves it in the bill is very awkward, and that the very purpose will be accomplished, according to the suggestion of the gentleman.

Mr. KAHN. The language would be very awkward if you did not strike out the words suggested.

Mr. BORLAND. Mr. Chairman, I will add that to my amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, strike out beginning with the word "or," in line 6, down to and including the word "tract" in line 10.

Also beginning with the word "or," in line 15, and striking out down to the word "dedicated" in line 17.

Mr. HINSHAW. Mr. Chairman, on the general condemnation proposition I want to ask a question. When it is proposed to open a street and condemnation proceedings are instituted, to what extent and how far out on either side are the benefits assessed against the adjacent or adjoining property? What is the rule?

Mr. BORLAND. My impression is that under the existing law the jury assesses the benefits, and that there is no prescribed benefit district. I will ask the gentleman from New Jersey if I am not correct?

Mr. WILEY. Yes.

Mr. BORLAND. In some cities we have a prescribed benefit district. If a street is opened, it is customary in a good many jurisdictions for the jury to assess the benefits within the benefit district.

Mr. HINSHAW. Would this extend as far as two or three blocks?

Mr. WILEY. Yes; we have a case where it is an open thoroughfare and the benefits extend nearly half a mile out.

Mr. HINSHAW. In the condemnation proceedings notice by publication is given nonresidents, and personal service is made on residents within the territory.

Mr. WILEY. I think on both.

Mr. HINSHAW. If it is contemplated to assess to the extent of half a mile, would those people have notice?

Mr. WILEY. Yes; but I want to say to the gentleman that a half mile would be an extreme case.

Mr. TIRRELL. I want to say to the gentleman that although he has stated the fact I want to have the gentleman state whether it is necessary that my friends should have something incorporated in the law on the proposition that I spoke of.

Mr. SMITH of Michigan. I think that this is the first District day that we have been here without the code, but I will say that I am sure when I come to present to the gentleman the law he will see that notice is ample for residents and nonresidents and for minors and incompetent people. The law was carefully prepared by the committee, and we have never had any complaints of it. I think, as I have said, the gentleman will be entirely satisfied with the safeguards that are already thrown around it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute as amended.

The question was taken, and the substitute as amended was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

USE OF SQUARE 328, WASHINGTON, FOR MANUFACTURING PURPOSES.

Mr. SMITH of Michigan. Mr. Chairman, I now call up the bill (S. 1864) to facilitate the use for manufacturing purposes of square 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907.

The Clerk read the bill as follows:

Be it enacted, etc., That to promote the purposes of the act approved February 1, 1907, allowing the manufacture of ice on square No. 328, in the city of Washington, the Commissioners of the District of Columbia are hereby authorized to issue permits for the laying and maintaining of a line of railroad or a switch from square No. 300, across Twelfth street and into said square No. 328, by an overhead track, to be approved by said commissioners, and for the laying of a conduit and pipes from the said square No. 328, across and under Water street, to and into the Potomac River, for the taking of water from said river to be

used for manufacturing purposes in said square, but for the purposes of said overhead track no present grades of Twelfth street shall be disturbed, and said overhead track shall have a clearance of at least 18 feet above the curb of said street, and said overhead track and the conduit and pipes hereby authorized shall be located as may be directed by the said Commissioners of the District of Columbia, and be laid and maintained under their inspection in such locations as they may prescribe, and the cost of such inspection and of replacing the pavements, curbs, and sidewalks disturbed by said work shall be paid by the parties to whom the permits shall be granted.

The following amendments recommended by the committee were read:

Strike out of line 8, page 2, the word "fourteen," and insert in lieu thereof the word "eighteen."

Add to section 1, after the word "granted," in line 16, page 2, the following provisos:

"*Provided*, That the corporation, company, or individual, its successors or assigns, to whom under authority of this act permission may be granted by the Commissioners of the District of Columbia to construct or maintain the overhead track and line of conduit hereinbefore authorized shall pay for the privilege of the construction and maintenance in public space of the said overhead track and conduit an annual franchise tax of $100, which sum shall be paid to the collector of taxes of the District of Columbia during the month of May of each year subsequent to the granting by the commissioners of the original permit for the work: *Provided further*, That failure to pay to the collector of taxes the said sum annually within the period named shall operate to annul and render void the privileges herein authorized in respect to the overhead track and conduit referred to: *And provided further*, That any sums paid to the collector of taxes in accordance with this measure shall be credited as are other taxes of the District of Columbia: *And provided further*, That the franchise tax of $100 above referred to shall be in addition to any and all other taxes now or hereafter imposed by law."

Mr. SMITH of Michigan. Mr. Chairman, I ask that the report in this case be read.

The Clerk read the report (by Mr. SMITH of Michigan), as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 1864) to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907, report the same back to the House with the recommendation that it do pass, when amended as follows:

Strike out of line 8, page 2, the word "fourteen," and insert in lieu thereof the word "eighteen."

Add to section 1, after the word "granted," in line 16, page 2, the following provisos:

"*Provided*, That the corporation, company, or individual, its successors or assigns, to whom under authority of this act permission may be granted by the Commissioners of the District of Columbia to construct or maintain the overhead track and line of conduit hereinbefore authorized shall pay for the privilege of the construction and maintenance in public space of the said overhead track and conduit an annual franchise tax of $100, which sum shall be paid to the collector of taxes of the District of Columbia during the month of May of each year subsequent to the granting by the commissioners of the original permit for the work: *Provided further*, That failure to pay to the collector of taxes the said sum annually within the period named shall operate to annul and render void the privileges herein authorized in respect to the overhead track and conduit referred to: *And provided further*, That any sums paid to the collector of taxes in accordance with this measure shall be credited as are other taxes of the District of Columbia: *And provided further*, That the franchise tax of $100 above referred to shall be in addition to any and all other taxes now or hereafter imposed by law."

The Washington Market Company, which now owns the above square, is building upon this square a large cold-storage warehouse to be immediately available, and especially to be available if the plan of Congress for having no private buildings on the south side of Pennsylvania avenue is carried out, including the destruction of the company's market buildings.

On the west side of this square 328 is a large area owned by the railroad company and now covered by its tracks. It is proposed to have one of these tracks extended across Twelfth street overhead into the square. There can be no possible objection to allowing this track to be thus constructed, as the place is solely a business section.

In the production of ice and artificial refrigeration there is need for large quantities of water to flow over the cooling condensers. For this purpose the water of the Potomac River can be used instead of aqueduct water. Square 328 is about 300 feet from the Potomac, and a pipe from the square under Twelfth street and under the water front can reach the harbor by going about 400 feet. There is no possible objection to allowing this pipe to be laid for the purpose of obtaining the water.

Two bills, having the same title and purpose as the Senate act herewith reported, were introduced in the House of Representatives and referred to this committee. They are H. R. 6182 and H. R. 10421. These bills were duly submitted to the Commissioners of the District of Columbia for examination and report. The following reply to the submission of H. R. 10421 is identical in terms with their reply to the other bill:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, November 27, 1909.

SIR: The Commissioners of the District of Columbia have the honor to submit the following on House bill 10421, Sixty-first Congress, first session, to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907, which you referred to them for examination and report.

The object of this bill is to permit an overhead railroad siding from the railroad yards west of Twelfth street, across that street into square 328, which is bounded by Eleventh, Twelfth, E, and F streets SW., and to permit the laying of underground constructions from said square across and under Water street to the Potomac River.

Both of these constructions are for the purpose of facilitating the business of the Washington Market Company, which was authorized by act of Congress of February 1, 1907, to conduct a cold-storage business and to manufacture ice on the square in question. The commissioners know of no objections to the passage of the bill, under the conditions laid down therein, and would recommend that it be given favorable consideration.

Respectfully,
HENRY B. F. MACFARLAND,
President Board of Commissioners of the District of Columbia.

Hon. SAMUEL W. SMITH,
Chairman Committee on the District of Columbia, House of Representatives, Washington, D. C.

Mr. SMITH of Michigan. Mr. Chairman, this bill proposes to do two things: One is to permit these people to build an overhead bridge across the street, that they may transport their ice into the building which they propose to erect in the near future, and also to lay a pipe from square 328 into the Potomac River for the purpose of getting water to be used for condensing purposes, as set forth in the report.

Mr. JOHNSON of Kentucky. Mr. Chairman, I understand this bill has already been beaten three times in the House.

Mr. SMITH of Michigan. I think the gentleman is mistaken about that. I do not know that it was ever beaten.

Mr. STAFFORD. What is its mortuary record?

Mr. SIMS. It has been defeated twice and referred to the committee for investigation of ownership a third time, which was an adverse action. It failed to pass That is what I call defeated. I may be mistaken as to the number of times. Anyway it failed to pass the House.

Mr. SMITH of Michigan. Mr. Chairman, the bill was never in its present form, and I think I can say this in all candor, that when the bill was voted on the last time there were a great many Members of this House who thought we had in mind authorizing the construction of a track across Pennsylvania avenue down about Seventh street. Many Members voted under a mistaken opinion of where this is.

Mr. JOHNSON of Kentucky. Mr. Chairman, I do not think that is very material. I wish to invite attention to the latter part of lines 6 and 7, on the first page. By those lines a concession is granted, but it does not show to whom the concession is granted. It is just granted to anybody—to nobody in particular.

Mr. SMITH of Michigan. That is to be taken in connection with the first part of it—to promote the purposes of the act approved February 1, 1907, and that is this company.

Mr. JOHNSON of Kentucky. Then, over on page 2, in lines 3 and 4, another concession is granted, and that is to lay conduit and pipes. That concession is not granted to anybody in particular. Now, then, I wish to invite, especially, attention to line 3, on page 2, which contains the words "conduit and pipes." Upon first reading it might be taken that "conduit and pipes" are synonymous terms. I contend they are not. Webster defines a conduit as a channel or a pipe. Therefore I take it for granted that these terms have been advisedly used; that they want not only pipes, but also a conduit. In other words, they want a channel.

Now, then, this concession is asked for the purpose of bringing in water to the ice factory to cool the condensers. When this water has been brought in for the purpose of cooling the condensers, what is to become of it? There, I say, the word "conduit" comes in; that this water may be returned to the Potomac River through an underground pipe or through an open channel above the surface; that under this bill either of these privileges is granted.

Mr. SMITH of Michigan. What objection can there be to letting these people get their water from the Potomac River for the purposes set forth in the report?

Mr. JOHNSON of Kentucky. I will answer that in a moment. I say that I wish to call especial attention to the fact that, in my judgment, these three words in line 3, page 2, "conduit and pipes," are advisedly used; that they want to get both a pipe to get the water and a conduit or channel through which to return the water to the Potomac River, inasmuch as the bill recites that it is to be used for condensing purposes.

I want to say to the committee that I was down at this place yesterday, and there I saw something that I do not think has ever been developed in any discussion of this bill. I have read the discussion of it in the RECORD when it was up the last time, and there I found no mention of what I have in mind. Right where this conduit is to empty into the Potomac River is a wharf that is being used. Vessels were there using it yesterday, and if this conduit and these pipes are allowed to enter the Potomac River there, in order to make the channel deeper at that place you would have to encounter the pipes laid under a provision of Congress.

Mr. SMITH of Michigan. What does the gentleman say to the last section of the bill, that Congress reserves the right to alter, amend, or repeal the act?

Mr. JOHNSON of Kentucky. Yes; I say that may be done by Congress; but before you can deepen this boat landing you

must come back to this body and run the gauntlet of getting another bill through. That is my objection to it.

Mr. SMITH of Michigan. Before we can do that we would certainly have to get authority to deepen the Potomac River first, which would be a much more difficult task than to amend this bill.

Mr. JOHNSON of Kentucky. Appropriations have been made at this Congress for the purpose of doing this very thing. I do not say at that particular point, because I do not know, but all around the Anacostia Flats an appropriation has been made at this Congress for deepening the stream, and I believe that the time is not far off when Congress will be asked for an appropriation to deepen this stream at this very place; and before you can do it you will be compelled under the provisions of this bill to come back here and get an act of Congress before you can disturb the pipes or conduit you authorize to be laid there.

Mr. WILEY. I would like to ask the gentleman a question. How, if this is a discharge pipe into the Potomac River, is it going to interfere with the deepening of it?

Mr. JOHNSON of Kentucky. The intake pipe, in my opinion, will interfere with the deepening of it, and I object to the outgoing pipe because it may be a channel running over the surface of the street, directly through the place where property must be handled upon this wharf.

Mr. SMITH of Michigan. Is not the gentleman willing to leave that provision in the bill to the judgment of the commissioners?

Mr. JOHNSON of Kentucky. No; I am not. I am not willing to leave any act of Congress for anybody to carry out when we can make it as plain as we would like to have it.

Mr. SMITH of Michigan. What does the gentleman suggest in the place of the words "conduits and pipe" in order that these people may have water from the Potomac River?

Mr. JOHNSON of Kentucky. My suggestion is to defeat this bill. Then we will not be granting to a private corporation the use of public highways for private use. I am in favor of letting street cars and all those kind of things use the highways where the people can receive the benefit, but I am absolutely and positively opposed to granting to any private corporation the right to use the streets for their own private purposes. I say that this is an entering wedge for one of the most vicious purposes that can be imagined. When you have done this in one case, there is no telling how many times you will be asked to do it in the future.

Mr. SMITH of Michigan. Mr. Chairman, I desire to say, in reply to the gentleman, that I do not believe that there is a city in this Union that has a river, as they have here, like the Potomac River, where they have railroads and other facilities, in which the common council would not be very glad to grant the privileges that are asked for, both as to pipes to get water from the Potomac River and also the privilege of laying overhead tracks. The original bill named 14 feet as the height; as amended it is 18. The committee went and looked at the street and premises and amended the bill so as to make it 18 feet instead of 14, and certainly that ought to be far enough above the street to satisfy anybody. It requires the company, in addition to what was never done before in any bill of this kind, to pay $100 a year.

Mr. MANN. May I ask the gentleman a question?

Mr. SMITH of Michigan. Yes.

Mr. MANN. I suppose there is no question this is for the Washington Market Company?

Mr. SMITH of Michigan. Not the slightest.

Mr. MANN. Would it not be advisable to state it in the bill?

Mr. SMITH of Michigan. I think that is clearly set forth on the first page, where it says, "That to promote the purposes of the act approved February 1, 1907, allowing the manufacture of ice on square No. 328." That was the act, I understand, that gave the authority and refers distinctly to this company.

Mr. MANN. Then, I will call the attention of the gentleman from Michigan to the proviso which rebuts that presumption, which provides, "That the corporation, company, or individual, its successors or assigns, to whom, under authority of this act, permission may be granted by the Commissioners of the District of Columbia. That is very much broader than the Washington Market Company.

Mr. SMITH of Michigan. It is the only company that is empowered under that act to do business on square 328.

Mr. MANN. It is the only company to whom this permit ought to run.

Mr. SMITH of Michigan. I understand by that provision that the corporation, company, or individual refers to this company, which, by the provisions of the act of Congress, is permitted to do work on square 328.

Mr. MANN. But the amendment of the committee contemplates a possibility of some other company or an individual.

Mr. SMITH of Michigan. That is not the intention, I desire to say, of the committee. We have not any intention of that kind.

Mr. MANN. The proviso says "corporation, company, or individual" to whom authority is granted. Now, would the gentleman have any objection——

Mr. SMITH of Michigan. It says "to whom under authority of this act," referring to the act which gives them the right to do business on square 328.

Mr. MANN. Under the gentleman's contention no authority can be granted to an individual to do this, and no authority can be granted to anybody but the Washington Market Company, so does not the gentleman think that the Washington Market Company should be stated, so as to remove all possibility of any question?

Mr. SMITH of Michigan. I have not the slightest objection to making it even more clear, although I think it refers expressly to that act.

Mr. MANN. If the gentleman would have inserted, between lines 7 and 8, on page 1, the words "to the Washington Market Company," so that it would read:

Are hereby authorized to issue permits to the Washington Market Company for the laying and maintaining of a line of railroad.

And then in the proviso, strike out the words "corporation, company, or individual" and insert the words "the Washington Market Company," it would cover that.

Mr. SMITH of Michigan. Very well.

Mr. MANN. The gentleman has incorporated in the bill what seems to be a very valuable provision, both here and as a precedent for the payment of an annual franchise tax. I notice, however, that while the bill grants permission for the construction of overhead tracks, conduits, and pipes, the text only refers to the overhead tracks and conduits. Would it not be advisable, in line 24, page 2, to insert after the word "conduits" the words "and pipes," and insert the same provision in line 7, page 3, after the word "conduits," so that it would cover the whole thing?

Mr. SMITH of Michigan. We have no objection to that if the gentleman thinks it is not broad enough to cover it now. I desire to say to the gentleman that the committee feels that this legislation is proper and correct, and we have not any desire to have in the bill anything other than that there shall be no mistake as to who is referred to or as to the amount of tax that is to be added in order that they may have these two added privileges.

Mr. STAFFORD. You do not mean to relieve them of any tax that is now imposed or that is to be hereafter imposed?

Mr. SMITH of Michigan. This is in addition to the tax they are already paying.

Mr. MANN. Mr. Chairman, the original proposition which came before Congress several years ago proposed to authorize the Washington Market Company to locate an ice-manufacturing establishment anywhere in the District of Columbia it might choose so to do. The proposition was defeated by the House. Then the Washington Market Company came in and asked permission to construct this ice-manufacturing cold-storage plant upon square 328, and that was granted. Last year there came before the committee a proposition to permit this company to construct this overhead track and this underground connection. That was recommitted to the Committee on the District of Columbia with instructions to make some inquiry as to the rights of the Washington Market Company upon the ground that it now possesses or uses down on Pennsylvania avenue. I believe there was an answer some time ago sent to Members of the House in reply to the inquiry made by the chairman of the Committee on the District of Columbia. I had some occasion at one time to submit some observations on that reply, which was inaccurate in some respects at least.

But, as I understand this proposition now, it is simply to permit the Washington Market Company, which has the market down on Pennsylvania avenue, and which has more or less of a plant, as I am informed, although I do not know the facts about it, on square 328, to make its connection first by a railroad, in order that it may utilize its ice manufactory and cold-storage plant, and connect with the river, so as to get water to its plant for manufacturing purposes. While ordinarily I should be opposed to permitting any company to make connection with the river by pipes, still, in the city of Washington, where we are already threatened with some shortage of filtered water, it may be desirable to permit a company to connect with the river where it is not necessary to have water which is of the kind for drinking purposes, potable water, but where it may obtain water for manufacturing purposes, as I understand is the purpose of this bill.

Mr. SMITH of Michigan. That is the purpose of this bill. And then there is the further provision, in addition to giving permission to extend this pipe, a precedent which is possibly not to be found anywhere else, that these people shall pay for the use of the street an annual license tax of $100, in addition to all its other taxes. I suppose that the $100 will be a very large amount to pay for the use of the property it really uses, as it simply crosses the street.

Mr. KAHN. The conduit would run up the street?

Mr. MANN. Run under the street.

Mr. SMITH of Michigan. Two hundred feet.

Mr. JOHNSON of Kentucky. It may be 600 feet for the reason that they desire to start at the northern end of the building.

Mr. SMITH of Michigan. But it says where it shall be from.

Mr. MANN. It does not interfere in any way with the use of the street by the public.

Mr. SMITH of Michigan. Not in the slightest.

Mr. KAHN. Mr. Chairman, in order to overcome one of the objections of the gentleman from Kentucky, I wish to move to amend by striking out the letter "a," on line 3, page 2, and insert in lieu thereof the words "of an underground," so that it shall read:

For the laying of an underground conduit.

Mr. MANN. That is what a conduit is.

Mr. KAHN. I have always so understood it.

Mr. JOHNSON of Kentucky. It may be defined as a channel or pipe.

Mr. MANN. All right.

Mr. JOHNSON of Kentucky. Now, I just want to say a word. That would not meet my objection, for the reason that these pipes, as I stated, would go right into the stream, where it is used for boat landings and for wharves; and if you ever want to deepen the water at that place you would require another act of Congress before you could do so.

Mr. KAHN. I offer that amendment.

Mr. JOHNSON of Kentucky. The bill has not been read for amendment. I have an amendment on page 2.

Mr. SIMS. We have the right to have the bill read for amendments, and I wish to discuss it in general debate. The gentleman is only showing what amendment he proposes.

Mr. KAHN. I was under the impression that the bill had been read for amendments.

Mr. SIMS. Mr. Chairman, I am not opposing this bill under any mere strained construction of the word "conduit." I think the bill ought to be defeated on its merits. Here is a proposition to add to an already existing manufacturing plant in the city. When I was on this honorable committee I always opposed authorizing manufacturing in the District of Columbia. This is the seat of government. It is not a place to build up manufacturing plants. I do not see why we should authorize one character of manufacture and not another.

Now, if I understand, this company does not own square 328.

Mr. SMITH of Michigan. I understand they own square 328.

Mr. SIMS. I understand they do not own the property occupied down where the market is.

Mr. SMITH of Michigan. That is not square 328. This is down by the river, where the new plant is to be, and where they want an overhead line into it.

Mr. SIMS. I am mistaken as to where the square 328 was.

Mr. CURRIER. I think the gentleman was mistaken when he said that this "manufacturing establishment," as he calls it, is to be in the heart of the city. It is way down on the bank of the river where it is practically a railroad yard.

Mr. SMITH of Michigan. The gentleman is laboring under the same mistake that many Members labored under when the bill was up once before, as I said a while ago. They seem to think that it was right down here on Pennsylvania avenue near Seventh street, when, as a matter of fact, square 328 is down near the river.

Mr. SIMS. I am glad to find I was mistaken about that.

Mr. CURRIER. May I make another suggestion to the gentleman?

Mr. SIMS. Yes.

Mr. CURRIER. My understanding is that this is not a bill to authorize the establishment of anything like a manufacturing plant. That has already been done, and this company has spent a very large amount of money down there on the bank of the river, under authority of Congress. This is simply a question whether Congress will give them the right to utilize the plant they have constructed under the authority of this body.

Mr. JOHNSON of Kentucky. They can buy the water from the District of Columbia right now.

Mr. SMITH of Michigan. They have not even a smokestack down there. They are getting their power from a gas engine.

Mr. SIMS. This report says:

The Washington Market Company, which now owns the above square, is building upon this square a large cold-storage warehouse to be immediately available, and especially to be available if the plan of Congress for having no private buildings on the south side of Pennsylvania avenue is carried out, including the destruction of the company's market buildings.

I had not read that part, and it removes one of the objections I had in mind. I misunderstood where square 328 was. I am glad I was mistaken in that; but it proposes to have a railway track 18 feet over a street on the river front.

Mr. SMITH of Michigan. Oh, no; it is not on the river front.

Mr. SIMS. How far from the river front?

Mr. SMITH of Michigan. I should say four or five hundred feet.

Mr. SIMS. It is over Twelfth street?

Mr. SMITH of Michigan. Yes; it is on Twelfth street.

Mr. SIMS. And that street does go to the river front?

Mr. SMITH of Michigan. Yes; it goes to the river front.

Mr. SIMS. And now we are asked here to authorize the erection of an elevated steam railway track. It is a steam railroad, is it not?

Mr. SMITH of Michigan. I suppose it could be used for that.

Mr. SIMS. Eighteen feet above Twelfth street, where it is seriously contemplated to extend not only the utilitarian but the esthetic improvement of the river front. Is not that true?

Mr. SMITH of Michigan. Not at that point.

Mr. SIMS. Within a short distance, and for the purposes of a private company, to do a private business in which the city has no more interest than that of any other private company.

Mr. SMITH of Michigan. To do a private business in the interest of the public.

Mr. SIMS. Let me call the gentleman's attention to a case where he and I got sat down on hard by the House of Representatives when we tried to do that very thing for a poor man who lived out here somewhere and who wanted to conduct the water of a spring down into the District of Columbia, to the end that he might make ice of that pure water, to be sold to the people of the District of Columbia. The objection was made that we were granting franchises and privileges and the use of a street to a private individual. I put my support of that bill upon the idea that it was for the general good and the public health to have that pure water manufactured into ice here, and the gentleman from Michigan [Mr. SMITH] and I did all we could to pass that bill, but the House established the precedent that they would not, and they talked as though they never would, pass a bill to authorize the use of the streets or public property for the benefit of a private individual or company.

Mr. SMITH of Michigan. Let me suggest to the gentleman that that bill never got into the House. It was killed in committee.

Mr. SIMS. If that is true, it does not change the matter. The committee sat down on it and said they would not support any such measure as that. I thought it was the Committee of the Whole, but if it was the District Committee, it was just as effective. The man did not get in.

Mr. MANN. Did both gentlemen advocate a bill that was turned down by the committee? I thought they were the committee.

Mr. SIMS. It did not appear so in that case.

Mr. SMITH of Michigan. The gentleman supported that bill and I hope he will support this.

Mr. SIMS. That had a public purpose, to improve the public health, to allow the manufacture of ice in competition with the ice trust. You know we discussed that bill a great deal in the committee. Here is a bill in all respects similar, except not so good, to permit this company, instead of using water that they would have to pay for, to take water out of the river, and to use the streets and parks for their purpose, and to put a bridge 18 feet over a street, which, if it ever has to be removed by reason of the improvement of the city, will have to be paid for.

Furthermore, the use of railroad engines, smoke producers; and the gentleman knows how hard we have tried to pass bills, and have passed them through the House, to apply the smoke laws of the District of Columbia to the steam railways, and that we could not do it.

Mr. SMITH of Michigan. I think the gentleman wants to be fair.

Mr. SIMS. I do.

Mr. SMITH of Michigan. Right across the street from square 328 is a great yard for the storage of freight cars, and

steam engines are flying back and forth there all the time producing smoke.

Mr. SIMS. Yes; I know it. The gentleman and I have reported bills unanimously, passed this House unanimously, applying the smoke laws to the railroad steam engines, and never could get them beyond another legislative body.

But this is extending it to that extent; we are extending the smoke nuisance. Furthermore, we are authorizing a private concern to extend a track, and the fact that it is only a few hundred feet makes no difference.

Mr. SMITH of Michigan. It is only extending it across the width of the street.

Mr. SIMS. I thought it was several hundred feet.

Mr. SMITH of Michigan. No; simply across the street.

Mr. SIMS. Well, I am opposed to the use of a street for private corporations. It looks to me even more objectionable than the use of the street for the little spring that the man wanted to bring down here. I want to say that I am glad I was mistaken in supposing that it referred to the square by the market house down here.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill at length.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Line 7, page 1, after the word "permit," insert the words "to the Washington Market Company."

The amendment was agreed to.

Mr. MANN. I also move to amend, on page 2, line 18, by striking out the words "corporation, company, or individual" and inserting the words "Washington Market Company."

The amendment was agreed to.

Mr. MANN. I move to amend, in line 24, by striking out the word "and" and inserting, after the word "conduit," the words "and pipes."

The Clerk read as follows:

On line 24, page 2, strike out the word "and," and after the word "conduit," insert the words "and pipes."

The amendment was agreed to.

Mr. MANN. I move to amend the committee amendment in line 7, page 3, by making the same amendment: Strike out the word "and" and insert, after the word "conduit," the words "and pipes."

The amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The other committee amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to insert, in line 12, page 2, after the word "located," the words "and from time to time moved," so that it will read:

And said overhead tracks, conduit, and pipes hereby authorized shall be located and from time to time moved as may be directed by the Commissioners of the District of Columbia.

That will meet the objection offered by the gentleman from Kentucky.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 12, after the word "located," insert the words "and from time to time moved."

The amendment was agreed to.

Mr. KAHN. Mr. Chairman, I move to amend, on page 2, line 3, by striking out the word "a" and inserting the words "an underground."

The amendment was agreed to.

Mr. KAHN. I move to further amend, on page 2, line 11, after the word "the," by inserting the word "underground."

The amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, just before I went out my attention was called to a bill where somebody was proposing to erect a bridge so low that you could not drive a load of hay under it.

Mr. COUDREY. Mr. Chairman, that has been changed from 14 to 18 feet.

Mr. COOPER of Wisconsin. Is it all right now?

Mr. SMITH of Michigan. I think so.

The CHAIRMAN. The question is on laying the bill aside with a favorable recommendation.

The question was taken; and on a division, requested by the Chair, who announced that he was in doubt, there were—ayes 36, noes 56.

Mr. SMITH of Michigan. Mr. Chairman, I make the point of no quorum.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Michigan makes the point of no quorum. The Chair will count. [After counting.] One hundred Members present—a quorum.

Mr. SMITH of Michigan. Mr. Chairman, I ask for tellers.

Mr. JAMES. That demand comes too late.

Mr. JOHNSON of Kentucky. The result has been announced, Mr. Chairman.

Mr. SIMS. Mr. Chairman, after the point of no quorum is made and decided is it not too late to call for tellers on the original motion?

The CHAIRMAN. That is the question the Chair is ascertaining.

Mr. SIMS. That is the point of order that I desire to make.

The CHAIRMAN. The Chair has been referred to a precedent touching the right to demand tellers after a point of no quorum has been made. The Chair reads from section 5999, volume 5, Hinds's Precedents:

The right to demand tellers as a further evidence of the vote is not waived by the fact that a question has been raised as to the presence of a quorum on the division and the Chair has counted the House.

Mr. SMITH of Michigan. Mr. Chairman, I withdraw that demand and ask that the committee do now rise and report back the several bills with the recommendation that they do pass.

The CHAIRMAN. Does the gentleman withdraw his demand for tellers?

Mr. SMITH of Michigan. Yes.

The CHAIRMAN. That being done, the motion to lay the bill aside with a favorable recommendation fails.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the bill be laid aside with a recommendation that it do lie on the table.

The CHAIRMAN. The gentleman from Michigan has already moved that the committee rise and report the bill which was acted upon in accordance with the action taken by the committee.

Mr. JOHNSON of Kentucky. If that motion is voted down, my motion would be in order.

Mr. SMITH of Michigan. I would withdraw that motion, Mr. Chairman, and make this motion: That the committee do now rise and report back the several bills as amended, with the recommendation that they do pass as amended, pending the demand for tellers.

The CHAIRMAN. The gentleman from Michigan will remember that there were two bills laid aside with the recommendation that they do lie upon the table.

Mr. JOHNSON of Kentucky. That is my motion as to this one.

The CHAIRMAN. And as to the last bill, there has been no recommendation made.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Has the result of the last vote been announced?

The CHAIRMAN. The result of the last vote has been announced by the Chair.

Mr. MANN. Since the demand for tellers?

The CHAIRMAN. The Chair stated that the gentleman from Michigan having withdrawn his demand for tellers, the motion to lay the bill aside with a favorable recommendation failed.

Mr. MANN. I did not hear the Chair. I beg the Chair's pardon.

Mr. JAMES. Mr. Chairman, I make the point of order that the gentleman from Michigan can not withdraw his former motion and substitute in its stead another motion, because when he withdrew the motion, then the control of the floor reverted to the gentleman from Kentucky [Mr. JOHNSON], who made the motion that the bill be laid aside with a recommendation that it do lie on the table. I make the point of order that the motion of the gentleman from Kentucky is in order.

The CHAIRMAN. Does the gentleman from Michigan mean to include in the operation of his motion the bill which was recently discussed, the last bill under consideration before the committee?

Mr. SMITH of Michigan. No; I do not. That stays upon the calendar.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make my motion that the committee report this bill to the House with a recommendation that it do lie on the table.

Mr. JAMES. Mr. Chairman, the gentleman from Michigan first moved that the committee rise. He afterwards said he would withdraw that motion and in its stead he would move that the committee rise and report certain bills with a favorable recommendation. Now, the point I urge upon the Chair is that he withdrew the first motion which he made, and after he made

that motion and before he withdrew it the gentleman from Kentucky [Mr. JOHNSON] obtained the floor and moved that the bill lie on the table.

The CHAIRMAN. The Official Reporter will kindly report the order in which the several motions were made.

Mr. JAMES. Therefore the motion of the gentleman from Kentucky is in order.

Mr. SMITH of Michigan. It is a question of whether he had the floor to make that motion.

Mr. JOHNSON of Kentucky. I was recognized.

Mr. JAMES. The floor reverted to the gentleman from Kentucky when the motion of the gentleman from Michigan failed. It does by reason of the parliamentary law of this House.

Mr. MANN. May I make this suggestion to the Chair?

The CHAIRMAN. In one moment. The notes of the Official Reporter show that the gentleman from Michigan first made the motion that the committee rise, prior to the announcement of the result by the Chair, and before it was in order. Further, that the gentleman from Kentucky [Mr. JOHNSON] made his motion immediately after the result of the vote was announced, and consequently when it was in order, and the latter motion is now before the committee.

Mr. SMITH of Michigan. What is the motion?

Mr. JOHNSON of Kentucky. My motion is to report the bill to the House with the recommendation that it do lie upon the table.

The CHAIRMAN. The gentleman from Kentucky moves that the bill be laid aside with the recommendation that it lie upon the table.

The question was taken, and the motion was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I move that the committee do now rise and report the several bills to the House in accordance with the orders already made.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WANGER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration certain bills relating to the District of Columbia and had directed him to report that the bills H. R. 19554, H. R. 13473, and S. 1864 lie upon the table, and that amendments to sundry other bills be agreed to and that the bills as amended do pass.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 19402.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 19402) to enable the Telepost Company to construct its plant, operate the same, and transact its business in the District of Columbia, and to make necessary connections with other parts of its system.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 22390.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22390) to require all companies doing telegraph business in the District of Columbia to pay a tax on their gross receipts.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and the title was amended.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 19636.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 19636) to authorize the extension of Princeton place NW., in the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 16332.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16332) to provide for the condemnation of streets or parts of streets under the plan for the permanent system of highways for the District of Columbia.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill H. R. 20370.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 20370) authorizing the widening of First street NE., in the District of Columbia.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill S. 1864.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1864) to facilitate the use for manufacturing purposes in square 328, in the city of Washington, as authorized in the act of Congress in February, 1907.

Mr. SMITH of Michigan. Mr. Speaker, I ask for the passage of the bill.

The SPEAKER. It is recommended from the Committee of the Whole House that this bill do lie upon the table.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do concur in the recommendation that that bill do lie upon the table.

The SPEAKER. It appears to the Chair that the motion would be directly to lay the bill upon the table.

Mr. JOHNSON of Kentucky. Well, I make the motion to lay the bill upon the table.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. SMITH of Michigan. Mr. Speaker, I raise the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and nine gentlemen are present—not a quorum.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. SMITH of Michigan. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. On the motion to adjourn?

Mr. SMITH of Michigan. Yes.

The SPEAKER. The Chair will count. [After counting.] Twenty gentlemen have arisen; not a sufficient number.

Mr. SMITH of Michigan. The other side, Mr. Chairman.

The SPEAKER (after counting). Twenty-one have arisen. Eighty-nine have voted in the negative; not a sufficient number.

So the yeas and nays were refused.

Mr. SMITH of Michigan. I again raise the question of no quorum.

Mr. FINDLAY. That is dilatory.

The SPEAKER. The decision was made that there was no quorum, and evidently a quorum is not present; but the gentleman made the motion that the House do now adjourn, and the House refused to adjourn.

Mr. MANN. Mr. Speaker, I call the attention of the Chair to the fact that the Chair has declared no quorum present, but has not yet ordered the doors closed.

The SPEAKER. The question is upon the motion to lay the bill upon the table. A quorum not being present, under the rule the Clerk will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

As many as are in favor of the motion that the bill do lie on the table will answer "yea," as many as are opposed will answer "nay," those not voting will answer "present," and the Clerk will call the roll.

The question was taken; and there were—yeas 94, nays 97, answered "present" 18, not voting 178, as follows:

YEAS—94.

Adamson	Edwards, Ga.	Kinkead, N. J.	Rucker, Mo.
Aiken	Ellerbe	Kitchin	Russell
Alexander, Mo.	Finley	Lamb	Sabath
Anderson	Flood, Va.	Latta	Shackleford
Beall, Tex.	Floyd, Ark.	Lee	Sharp
Bell, Ga.	Foster, Ill.	McHenry	Sheppard
Borland	Gallagher	Maguire, Nebr.	Sims
Brantley	Gill, Mo.	Martin, Colo.	Sisson
Burnett	Gillespie	Moore, Tex.	Slayden
Candler	Godwin	Morrison	Small
Cantrill	Gregg	Moss	Smith, Tex.
Clark, Mo.	Hamlin	Nicholls	Sparkman
Clayton	Hammond	O'Connell	Spight
Cline	Hardy	Oldfield	Stephens, Tex.
Collier	Hay	Padgett	Taylor, Colo.
Cox, Ind.	Heflin	Page	Thomas, Ky.
Cox, Ohio	Hobson	Palmer, A. M.	Thomas, N. C.
Craig	Houston	Rainey	Tou Velle
Cullop	Hughes, Ga.	Randell, Tex.	Underwood
Denver	Hull, Tenn.	Rauch	Watkins
Dickinson	Jamieson	Richardson	Webb
Dickson, Miss.	Johnson, Ky.	Robinson	Weisse
Dies	Johnson, S. C.	Roddenbery	
Dixon, Ind.	Jones	Rucker, Colo.	

NAYS—97.

Barnard	Hamilton	Lenroot	Sheffield
Bates	Haugen	Lindbergh	Slemp
Brownlow	Hayes	Loudenslager	Smith, Cal.
Burke, S. Dak.	Heald	McCredie	Smith, Iowa
Cary	Higgins	McGuire, Okla.	Smith, Mich.
Cooper, Pa.	Hollingsworth	McKinney	Southwick
Cooper, Wis.	Howell, N. J.	McLachlan, Cal.	Stafford
Cowles	Howell, Utah	McLaughlin, Mich.	Steenerson
Dalzell	Howland	Madden	Sterling
Davis	Hubbard, Iowa	Mann	Sulloway
Dawson	Huff	Martin, S. Dak.	Tawney
Dodds	Hull, Iowa	Miller, Kans.	Thistlewood
Dwight	Johnson, Ohio	Miller, Minn.	Tilson
Edwards, Ky.	Joyce	Morgan, Mo.	Tirrell
Englebright	Keifer	Morgan, Okla.	Townsend
Fish	Kendall	Moxley	Volstead
Fordney	Kennedy, Iowa	Murdock	Wanger
Foss	Kinkaid, Nebr.	Murphy	Washburn
Good	Knowland	Needham	Weeks
Graff	Kopp	Nelson	Wiley
Graham, Pa.	Kronmiller	Parker	Woods, Iowa
Greene	Küstermann	Pearre	Young, Mich.
Griest	Lafean	Pray	
Gronna	Langham	Roberts	
Hamer	Langley	Rodenberg	

ANSWERED "PRESENT"—18.

Ames	Bradley	Graham, Ill.	Lever
Ansberry	Byrns	Howard	Sherwood
Ashbrook	Carlin	James	Young, N. Y.
Barchfeld	Driscoll, D. A.	Kahn	
Bartlett, Ga.	Garrett	Korbly	

NOT VOTING—178.

Adair	Dent	Hill	Parsons
Alexander, N. Y.	Diekema	Hinshaw	Patterson
Allen	Douglas	Hitchcock	Payne
Andrus	Draper	Hubbard, W. Va.	Peters
Anthony	Driscoll, M. E.	Hughes, N. J.	Pickett
Austin	Durey	Hughes, W. Va.	Plumley
Barclay	Ellis	Humphrey, Wash.	Poindexter
Barnhart	Elvins	Humphreys, Miss.	Pou
Bartholdt	Esch	Keliher	Pratt
Bartlett, Nev.	Estopinal	Kennedy, Ohio	Prince
Bennet, N. Y.	Fairchild	Knapp	Pujo
Bennett, Ky.	Fassett	Law	Ransdell, La.
Bingham	Ferris	Lawrence	Reeder
Boehne	Fitzgerald	Legare	Reid
Booher	Focht	Lindsay	Reynolds
Boutell	Foelker	Livingston	Rhinock
Bowers	Fornes	Lloyd	Riordan
Broussard	Foster, Vt.	Longworth	Rothermel
Burgess	Foulkrod	Loud	Saunders
Burke, Pa.	Fowler	Lowden	Scott
Burleigh	Fuller	Lundin	Sherley
Burleson	Gaines	McCall	Simmons
Butler	Gardner, Mass.	McCreary	Snapp
Byrd	Gardner, Mich.	McDermott	Sperry
Calder	Gardner, N. J.	McKinlay, Cal.	Stanley
Calderhead	Garner, Pa.	McKinley, Ill.	Stevens, Minn.
Campbell	Garner, Tex.	McMorran	Sturgiss
Capron	Gill, Md.	Macon	Sulzer
Carter	Gillett	Madison	Swasey
Cassidy	Gilmore	Malby	Talbott
Chapman	Glass	Maynard	Taylor, Ala.
Clark, Fla.	Goebel	Mays	Taylor, Ohio
Cocks, N. Y.	Goldfogle	Millington	Tener
Cole	Gordon	Mondell	Thomas, Ohio
Conry	Goulden	Moon, Pa.	Vreeland
Cook	Grant	Moon, Tenn.	Wallace
Coudrey	Guernsey	Moore, Pa.	Wheeler
Covington	Hamill	Morehead	Wickliffe
Cravens	Hanna	Morse	Willett
Creager	Hardwick	Mudd	Wilson, Ill.
Crow	Harrison	Norris	Wilson, Pa.
Crumpacker	Hawley	Nye	Wood, N. J.
Currier	Helm	Olcott	Woodyard
Davidson	Henry, Conn.	Olmsted	
Denby	Henry, Tex.	Palmer, H. W.	

The following pairs were announced:

For this session:

Mr. CALDER with Mr. CONRY.

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Mr. ANDRUS with Mr. RIORDAN.

Mr. BOUTELL with Mr. BROUSSARD.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. MCMORRAN with Mr. PUJO.

Mr. BRADLEY with Mr. GOULDEN.

Mr. HILL with Mr. GLASS.

Mr. YOUNG of New York with Mr. FORNES.

Mr. WOODYARD with Mr. HARDWICK.

Until further notice:

Mr. DENBY with Mr. GRAHAM of Illinois.

Mr. STURGISS with Mr. WALLACE.

Mr. OLMSTED with Mr. JAMES.

Mr. NYE with Mr. MAYNARD.

Mr. GILLETT with Mr. LLOYD.

Mr. GARDNER of Michigan with Mr. LIVINGSTON.

Mr. GAINES with Mr. LINDSAY.

Mr. FULLER with Mr. LEGARE.

Mr. FOULKROD with Mr. KELIHER.

Mr. FOSTER of Vermont with Mr. HITCHCOCK.

Mr. FAIRCHILD with Mr. HUMPHREYS of Mississippi.

Mr. ESCH with Mr. HENRY of Texas.

Mr. DUREY with Mr. HELM.

Mr. DRAPER with Mr. HAMILL.

Mr. DAVIDSON with Mr. GORDON.

Mr. COUDREY with Mr. GILMORE.

Mr. CROW with Mr. GILL of Maryland.

Mr. COOK with Mr. FITZGERALD.

Mr. COCKS of New York with Mr. FERRIS.

Mr. CAPRON with Mr. ESTOPINAL.

Mr. CALDERHEAD with Mr. COVINGTON.

Mr. BURLEIGH with Mr. BYRD.

Mr. BENNET of New York with Mr. HARRISON.

Mr. AUSTIN with Mr. BARNHART.

Mr. ALEXANDER of New York with Mr. ADAIR.

Mr. BINGHAM with Mr. BOOHER.

Mr. BARTHOLDT with Mr. BOEHNE.

Mr. MOREHEAD with Mr. POU.

Mr. LAWRENCE with Mr. MAYS.

Mr. LONGWORTH with Mr. PATTERSON.

Mr. LUNDIN with Mr. PETERS.

Mr. MCCREARY with Mr. RANSDELL of Louisiana.

Mr. MILLINGTON with Mr. REID.

Mr. MOORE of Pennsylvania with Mr. RHINOCK.

Mr. OLCOTT with Mr. ROTHERMEL.

Mr. PAYNE with Mr. SULZER.

Mr. PRATT with Mr. SAUNDERS.

Mr. REYNOLDS with Mr. STANLEY.

Mr. SIMMONS with Mr. TALBOTT.

Mr. SWASEY with Mr. TAYLOR of Alabama.

Mr. WHEELER with Mr. WICKLIFFE.

Mr. WOOD of New Jersey with Mr. WILSON of Pennsylvania.

Mr. GUERNSEY with Mr. MACON.

Mr. ANTHONY with Mr. MCDERMOTT.

Mr. BURKE of Pennsylvania with Mr. BURLESON.

Mr. MCKINLAY of California with Mr. CLARK of Florida.

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. FASSETT with Mr. GARNER of Texas.

Mr. BARCLAY with Mr. BARTLETT of Nevada.

Mr. HUGHES of West Virginia with Mr. MOON of Tennessee.

Mr. MICHAEL E. DRISCOLL with Mr. DANIEL A. DRISCOLL.

Mr. MCKINLEY of Illinois with Mr. HOWARD.

Mr. LOWDEN with Mr. HUGHES of New Jersey.

For the balance of the day:

Mr. COLE with Mr. CRAVENS.

Mr. MILLER of Kansas with Mr. GREGG.

For the day:

Mr. KNAPP with Mr. DENT.

Mr. FOELKER with Mr. GOLDFOGLE.

Mr. KAHN with Mr. CARTER.

Mr. CURRIER with Mr. GARRETT.

Until Friday:

Mr. DIEKEMA with Mr. SHERWOOD.

March 9 to March 14:

Mr. LAW with Mr. BOEHNE.

To-day to March 15, inclusive:

Mr. MALBY with Mr. BOWERS.

To-day until 22d, inclusive:

Mr. TENER with Mr. BYRNS.

March 12 to Monday, March 21:

Mr. CHAPMAN with Mr. LEVER.

March 3 to March 20:

Mr. CASSIDY with Mr. BURGESS.

To-day to March 25, inclusive:

Mr. BARCHFELD with Mr. SHERLEY.

For one week:

Mr. TAYLOR of Ohio with Mr. ANSBERRY.

Until March 21:

Mr. ELVINS with Mr. KORBLY.

Mr. JAMES. Mr. Speaker, I desire to inquire if the gentleman from Pennsylvania [Mr. OLMSTED] voted?

The SPEAKER. He did not.

Mr. JAMES. I desire to withdraw my vote in the affirmative and answer "present."

The name of Mr. JAMES was called, and he answered "present."

Mr. ASHBROOK. Mr. Speaker, I voted "yea." I am paired with the gentleman from Ohio [Mr. KENNEDY]. I desire to change my vote to "present."

The name of Mr. ASHBROOK was called, and he answered "present."

The SPEAKER. On this question the yeas are 94, the nays 96, "present" 18, a quorum; and the motion fails. The Doorkeeper will open the doors.

Mr. SMITH of Michigan. Mr. Speaker, I would like to make a parliamentary inquiry. I would like to know the present status of this bill.

The SPEAKER. It awaits a motion of the gentleman from Michigan.

Mr. SMITH of Michigan. I move the passage of the bill, and upon that I demand the previous question.

The SPEAKER. The gentleman demands the previous question on the bill and amendments to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

A separate vote was not demanded.

The question was taken, and the amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. JOHNSON of Kentucky. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 99, nays 91, answered "present" 13, not voting 184, as follows:

YEAS—99.

Barnard	Graham, Pa.	Kronmiller	Pray
Brownlow	Greene	Küstermann	Roberts
Burke, S. Dak.	Griest	Lafean	Rodenberg
Cary	Gronna	Langham	Scott
Cooper, Pa.	Hamer	Langley	Sheffield
Cooper, Wis.	Hamilton	Loudenslager	Slemp
Coudrey	Hanna	McCredie	Smith, Cal.
Cowles	Haugen	McGuire, Okla.	Smith, Iowa
Creager	Hayes	McKinney	Smith, Mich.
Currier	Heald	McLachlan, Cal.	Southwick
Dalzell	Higgins	McLaughlin, Mich.	Stafford
Davis	Hollingsworth	Mann	Sterling
Dawson	Howell, N. J.	Martin, S. Dak.	Sulloway
Dodds	Howell, Utah	Miller, Kans.	Thistlewood
Dwight	Howland	Miller, Minn.	Tilson
Edwards, Ky.	Hubbard, Iowa	Morgan, Mo.	Tirrell
Ellis	Huff	Morgan, Okla.	Townsend
Englebright	Hull, Iowa	Morse	Volstead
Fish	Johnson, Ohio	Moxley	Wanger
Fordney	Joyce	Murdock	Washburn
Foss	Keifer	Murphy	Weeks
Gardner, Mich.	Kendall	Nelson	Wiley
Garner, Pa.	Kennedy, Iowa	Parker	Woods, Iowa
Good	Kinkaid, Nebr.	Pearre	Young, Mich.
Graff	Kopp	Poindexter	

NAYS—91.

Adamson	Dickson, Miss.	Johnson, S. C.	Russell
Aiken	Dies	Kinkead, N. J.	Sabath
Alexander, Mo.	Dixon, Ind.	Kitchin	Shackleford
Anderson	Edwards, Ga.	Lee	Sharp
Ansberry	Ellerbe	McHenry	Sheppard
Barnhart	Finley	Maguire, Nebr.	Sherwood
Beall, Tex.	Flood, Va.	Martin, Colo.	Sims
Bell, Ga.	Floyd, Ark.	Moore, Tex.	Sisson
Booher	Foster, Ill.	Morrison	Slayden
Borland	Gallagher	Moss	Smith, Tex.
Burnett	Garrett	Nicholls	Sparkman
Candler	Gill, Mo.	O'Connell	Spight
Cantrill	Gillespie	Oldfield	Stanley
Clark, Mo.	Godwin	Padgett	Stephens, Tex.
Clayton	Hammond	Page	Taylor, Colo.
Cline	Hardy	Palmer, A. M.	Thomas, Ky.
Collier	Hay	Rainey	Thomas, N. C.
Cox, Ind.	Heflin	Randell, Tex.	Tou Velle
Cox, Ohio	Hobson	Richardson	Underwood
Craig	Hughes, Ga.	Robinson	Watkins
Cullop	Hull, Tenn.	Roddenbery	Webb
Denver	Jamieson	Rucker, Colo.	Weisse
Dickinson	Johnson, Ky.	Rucker, Mo.	

ANSWERED "PRESENT"—13.

Ames	Bradley	Graham, Ill.	Korbly
Ashbrook	Byrns	Howard	
Barchfeld	Clark, Fla.	James	
Bartlett, Ga.	Driscoll, D. A.	Kahn	

NOT VOTING—184.

Adair	Butler	Douglas	Gill, Md.
Alexander, N. Y.	Byrd	Draper	Gillett
Allen	Calder	Driscoll, M. E.	Gilmore
Andrus	Calderhead	Durey	Glass
Anthony	Campbell	Elvins	Goebel
Austin	Capron	Esch	Goldfogle
Barclay	Carlin	Estopinal	Gordon
Bartholdt	Carter	Fairchild	Goulden
Bartlett, Nev.	Cassidy	Fassett	Grant
Bates	Chapman	Ferris	Gregg
Bennet, N. Y.	Cocks, N. Y.	Fitzgerald	Guernsey
Bennett, Ky.	Cole	Focht	Hamill
Bingham	Conry	Foelker	Hamlin
Boehne	Cook	Fornes	Hardwick
Boutell	Covington	Foster, Vt.	Harrison
Bowers	Cravens	Foulkrod	Hawley
Brantley	Crow	Fowler	Helm
Broussard	Crumpacker	Fuller	Henry, Conn.
Burgess	Davidson	Gaines	Henry, Tex.
Burke, Pa.	Denby	Gardner, Mass.	Hill
Burleigh	Dent	Gardner, N. J.	Hinshaw
Burleson	Diekema	Garner, Tex.	Hitchcock
Houston	Lowden	Olcott	Small
Hubbard, W. Va.	Lundin	Olmsted	Snapp
Hughes, N. J.	McCall	Palmer, H. W.	Sperry
Hughes, W. Va.	McCreary	Parsons	Steenerson
Humphrey, Wash.	McDermott	Patterson	Stevens, Minn.
Humphreys, Miss.	McKinlay, Cal.	Payne	Sturgiss
Jones	McKinley, Ill.	Peters	Sulzer
Kelliher	McMorran	Pickett	Swasey
Kennedy, Ohio	Macon	Plumley	Talbott
Knapp	Madden	Pou	Tawney
Knowland	Madison	Pratt	Taylor, Ala.
Lamb	Malby	Prince	Taylor, Ohio
Latta	Maynard	Pujo	Tener
Law	Mays	Ransdell, La.	Thomas, Ohio
Lawrence	Millington	Rauch	Vreeland
Legare	Mondell	Reeder	Wallace
Lenroot	Moon, Pa.	Reid	Wheeler
Lever	Moon, Tenn.	Reynolds	Wickliffe
Lindbergh	Moore, Pa.	Rhinock	Willett
Lindsay	Morehead	Riordan	Wilson, Ill.
Livingston	Mudd	Rothermel	Wilson, Pa.
Lloyd	Needham	Saunders	Wood, N. J.
Longworth	Norris	Sherley	Woodyard
Loud	Nye	Simmons	Young, N. Y.

So the bill was passed.

The following additional pairs were announced:

Until further notice:

Mr. HUMPHREY of Washington with Mr. RAUCH.

Mr. SNAPP with Mr. LATTA.

Mr. PARSONS with Mr. LAMB.

Mr. MADDEN with Mr. JONES.

Mr. GRANT with Mr. HOUSTON.

Mr. DOUGLAS with Mr. HAMLIN.

Mr. DIEKEMA with Mr. GREGG.

Mr. BATES with Mr. CARLIN.

Mr. TAWNEY with Mr. WILLETT.

Mr. BARTHOLDT with Mr. LIVINGSTON.

Mr. NEEDHAM with Mr. SMALL.

On motion of Mr. SMITH of Michigan a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 20164. An act authorizing the extension of Military road NW., in the District of Columbia;

H. R. 16915. An act to direct that Jefferson street between Fourteenth street and Colorado avenue be stricken from the plan of the permanent system of highways for the District of Columbia;

H. R. 16824. An act for the relief of Daniel H. Wiggin;

H. R. 13864. An act to extend Fourth street SE.;

H. R. 19785. An act to authorize the extension of Columbia road NW., in the District of Columbia;

H. R. 16916. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 11878. An act to change the name of Twenty-third street north of Calvert street, in the District of Columbia, to Woodley place; and

H. R. 13893. An act to authorize the extension of Forty-first street NW.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6431. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 6662. An act to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River in the neighborhood of Sibley, Mo., and to remove the existing structure;

S. 4671. An act to amend the military record of Aaron Cornish; and

S. 6739. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors.

INTERNATIONAL WATERWAYS COMMISSION.

The SPEAKER laid before the House the following message from the President, which was read, and, with the accompanying papers and illustrations, was, by unanimous consent, referred to the Committee on Rivers and Harbors and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a report of the International Waterways Commission dated January 8, 1910, on the regulation of Lake Erie, together with the appendix, table, and plates.

WM. H. TAFT.

THE WHITE HOUSE, *March 14, 1910.*

CHANGE OF PERMANENT SYSTEM OF HIGHWAYS IN THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I call up the bill (H. R. 18818) to authorize certain changes in the permanent system of highways, District of Columbia, reported from the Committee of the Whole with an amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHANGE OF REFERENCE.

By unanimous consent, the reference of the bill (H. R. 1490) to provide for the purchase of the Grant farm, in St. Louis County, State of Missouri, and to establish a national park thereat, etc., was changed from the Committee on the Library to the Committee on Military Affairs.

ADJOURNMENT.

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 6 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for collection of information in relation to weights and measures (H. Doc. No. 777)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Fall River Harbor, Massachusetts (H. Doc. No. 778)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for the Indian service (H. Doc. No. 776)—to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STEENERSON, from the Committee on Militia, to which was referred the bill of the House (H. R. 22839) to provide for the payment of expenses involved by the participation of the militia in joint maneuvers with the Regular Army during the season of 1908, reported the same without amendment, accompanied by a report (No. 746), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the House (H. R. 1420) for the relief of Parsey O. Burrough, reported the same without amendment, accompanied by a report (No. 747), which said bill and report were referred to the Private Calendar.

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the Senate (S. 1105) for the relief of the legal representatives of William W. Miller, deceased, reported the same without amendment, accompanied by a report (No. 748), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GARNER of Pennsylvania: A bill (H. R. 22919) increasing the pension of all soldiers who served in either the Mexican or the civil wars, and who are now receiving a less amount, to $30 per month—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 22920) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico," approved February 7, 1907—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 22921) to provide for the enlistment of certain Mississippi Choctaw and Choctaw and Chickasaw Indians by blood in Oklahoma—to the Committee on Indian Affairs.

By Mr. PETERS: A bill (H. R. 22922) to provide for a director of education for the District of Columbia and for a director of charities for the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. MARTIN of Colorado: A bill (H. R. 22923) to provide for the purchase of a site and the erection of a public building thereon at Canyon City, in the State of Colorado—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22924) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900—to the Committee on Insular Affairs.

By Mr. BURKE of South Dakota: A bill (H. R. 22925) authorizing the Department of Commerce and Labor to establish aids to navigation on Lake Traverse, South Dakota—to the Committee on Interstate and Foreign Commerce.

By Mr. RODDENBERY: A bill (H. R. 22926) providing for the erection of a public building at Bainbridge, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22927) to provide for the erection of a public building at Tifton, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22928) to provide for the erection of a public building at Thomasville, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 22929) to increase limit of cost of public building at Washington, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. KEIFER: A bill (H. R. 22930) providing for the removal of the mast of the United States battle ship *Maine* in Habana Harbor, and to provide for the erection thereof in Arlington Cemetery—to the Committee on Naval Affairs.

By Mr. CARTER: A bill (H. R. 22931) for the acquisition of a site and the erection of a public building thereon at Durant, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22932) for the acquisition of a site and the erection of a public building thereon at Ada, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22933) for the acquisition of a site and the erection thereon of a public building at Hugo, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. MANN: A bill (H. R. 22934) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN of Colorado: A bill (H. R. 22935) to promote the reclamation of arid lands—to the Committee on Irrigation of Arid Lands.

By Mr. NELSON: A bill (H. R. 22936) providing for a site for a public building at Portage, Wis.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 22937) providing for a site for a public building at Fort Atkinson, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. STEVENS of Minnesota: A bill (H. R. 22938) to provide for the distribution of the reports of the United States circuit courts of appeals and of the United States circuit and district courts to certain officers of the United States, and for other purposes—to the Committee on the Judiciary.

By Mr. HAMER: A bill (H. R. 22939) establishing Eastport, Idaho, a subport of entry in the customs district of Montana and Idaho, and for other purposes—to the Committee on Ways and Means.

By Mr. DALZELL: A bill (H. R. 22940) to provide for refunding taxes paid upon legacies and distributive shares of personal property under the act of June 13, 1898, and for other purposes—to the Committee on Ways and Means.

By Mr. MURPHY: A bill (H. R. 22941) fixing the salary of the chief clerk of the Bureau of the Census—to the Committee on the Census.

By Mr. GALLAGHER: A bill (H. R. 22942) regulating the manufacture and sale of butter—to the Committee on Agriculture.

By Mr. CRUMPACKER (by request): A bill (H. R. 22999) authorizing the creating and maintaining of a rural parcels-delivery system by the Post-Office Department of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Joint resolution (H. J. Res. 172) enlarging the scope of inquiry of the schedules relating to population for the Thirteenth Decennial Census—to the Committee on the Census.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 22943) granting an increase of pension to Benjamin F. Jordan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22944) granting an increase of pension to William H. Finney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22945) granting an increase of pension to Samuel F. Biteman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22946) granting an increase of pension to James G. Demint—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22947) granting an increase of pension to Wilson A. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22948) granting an increase of pension to Joseph Bremercamp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22949) granting an increase of pension to Mathias House—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22950) granting an increase of pension to Robert L. Kirkwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22951) granting an increase of pension to Archibald Neff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22952) granting an increase of pension to Charles C. Studley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22953) granting an increase of pension to Jefferson R. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22954) granting an increase of pension to John M. Blossom—to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 22955) granting an increase of pension to Henry L. Steckel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22956) granting an increase of pension to Jasper D. Ooley—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 22957) granting a pension to Carrie Diehl—to the Committee on Pensions.

By Mr. BARCLAY: A bill (H. R. 22958) granting an honorable discharge to C. H. Cole—to the Committee on Military Affairs.

By Mr. CANTRILL: A bill (H. R. 22959) granting an increase of pension to Louis Simpson, alias John Waldron—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 22960) for the relief of St. Agnes Academy, of Ardmore, Okla.—to the Committee on Indian Affairs.

By Mr. CLARK of Florida: A bill (H. R. 22961) granting an increase of pension to Edwin W. Johnson—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 22962) granting an increase of pension to Jacob M. Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22963) granting an increase of pension to Solomon Boyer—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 22964) granting an increase of pension to James M. Harr—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 22965) granting an increase of pension to David Potarf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22966) granting an increase of pension to John Coalman—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 22967) granting an increase of pension to John L. Chase—to the Committee on Invalid Pensions.

By Mr. GILL of Missouri: A bill (H. R. 22968) granting a pension to John P. Hannon—to the Committee on Pensions.

Also, a bill (H. R. 22969) granting a pension to Sadie E. Lewis—to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 22970) granting an increase of pension to Emma De Forest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22971) granting a pension to William S. Curtis—to the Committee on Pensions.

Also, a bill (H. R. 22972) for the relief of the legal representative of Joseph R. Payne—to the Committee on Claims.

By Mr. HUBBARD of Iowa: A bill (H. R. 22973) granting an increase of pension to David M. Blanchard—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 22974) granting an increase of pension to David Shive—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 22975) granting an increase of pension to James Creed—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 22976) for the relief of W. R. Flanery, sr.—to the Committee on Military Affairs.

Also, a bill (H. R. 22977) for the relief of Elisha Curtis—to the Committee on Military Affairs.

Also, a bill (H. R. 22978) for the relief of Alfred Branham—to the Committee on Military Affairs.

Also, a bill (H. R. 22979) for the relief of Mary V. Doyle—to the Committee on Claims.

Also, a bill (H. R. 22980) for the relief of the legal representatives of William W. Phillips—to the Committee on War Claims.

Also, a bill (H. R. 22981) granting a pension to Perry Simpson, alias Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22982) granting an increase of pension to Joseph Gentry—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 22983) granting an increase of pension to Samuel Gilpen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 22984) for the relief of P. C. Trump—to the Committee on Claims.

By Mr. O'CONNELL: A bill (H. R. 22985) granting a pension to Martha E. Gardner—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 22986) for the relief of Madison A. Thomas—to the Committee on Military Affairs.

Also, a bill (H. R. 22987) granting a pension to Fillmore Pettyford—to the Committee on Pensions.

By Mr. RICHARDSON: A bill (H. R. 22988) granting a pension to Joseph Stewart—to the Committee on Pensions.

By Mr. SHEFFIELD: A bill (H. R. 22989) granting an increase of pension to Thomas Kane—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 22990) granting a pension to Helen C. Evans—to the Committee on Invalid Pensions.

By Mr. SWASEY: A bill (H. R. 22991) granting an increase of pension to Nelson E. Haskell—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 22992) granting a pension to Denis A. Burns—to the Committee on Pensions.

By Mr. WILEY: A bill (H. R. 22993) granting an increase of pension to Mary E. Murphy—to the Committee on Invalid Pensions.

By Mr. YOUNG of New York: A bill (H. R. 22994) granting a pension to Catherine Francis—to the Committee on Pensions.

Also, a bill (H. R. 22995) to remove the charge of desertion from the military record of Chester Posson—to the Committee on Military Affairs.

By Mr. ADAMSON: A bill (H. R. 22996) granting an increase of pension to Daniel W. Hixson—to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 22997) granting an increase of pension to Samuel E. Crow—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 22998) granting a pension to Willie R. Robinson—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Papers to accompany bills for relief of John S. Marrs and Francis H. Rodman—to the Committee on Invalid Pensions.

By Mr. ANDERSON: Paper to accompany bill for relief of Valentine Dennis—to the Committee on Invalid Pensions.

By Mr. BURLESON: Petition of citizens of San Marcos, Tex., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commercial Club of Mart, Tex., for repeal of the 10-cent oleomargarine tax—to the Committee on Agriculture.

By Mr. BURLEIGH: Petition of Morning Light Grange, No. 19, Patrons of Husbandry, of Monroe, Me., favoring a national public-health bureau—previously referred to the Committee on Agriculture, reference changed to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Resolutions adopted by Branch No. 611 of the Polish National Alliance, of South Milwaukee, Wis., protesting against the Hayes immigration bill and against any measure which will repeal the immigration act of February 20, 1907—to the Committee on Immigration and Naturalization.

By Mr. CONRY: Petition of National Metal Trades Association of New York and New Jersey, for House bill 15812, liens on vessels for repairs, etc.—to the Committee on the Judiciary.

Also, paper of Railway Business Association of New York, to accompany bill relative to railway matters—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Practical Farmer and W. H. Maule, of Philadelphia, Pa., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Long Island Union Officers' Army and Navy Association, for House bill 18899—to the Committee on Military Affairs.

By Mr. COOK: Petition of Commercial Exchange of Philadelphia, Pa., against features of Senate bill 5106 and House bill 17536, relative to rail and water differential basis—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Paper to accompany bill for relief of James M. Harr—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of Anton Fisher and 50 other citizens of Lone Tree, Iowa, against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. DWIGHT: Petition of citizens of Binghamton, Lestershire, and Endicott, all in the State of New York, for Senate bill 5578 and House bill 15441, eight-hour law—to the Committee on Labor.

By Mr. ENGLEBRIGHT: Petition of Marsh Lumber Company, Schroeder-Thorne Hardware Company, Loyalton Cash Store, Loyalton Electric Light Company, and W. H. Duncan, all of Loyalton, Cal., for repeal of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Broman Union, No. 119, of the Farmers' Educational and Cooperative Union of America, of Auburn, Cal., against gambling in farm products—to the Committee on Agriculture.

Also, petition of San Francisco Advertising Men's Association, against an increase in the postage rate of periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of La Crosse Council, No. 829, Knights of Columbus, for the National Fraternal Press Association measure as per House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Wisconsin, against any change in the oleomargarine 10 per cent tax law—to the Committee on Agriculture.

By Mr. FORNES: Petition of M. J. Dempsey, of New York, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Long Island Union Army and Navy Volunteer Officers, for House bill 18899, retired-list bill—to the Committee on Military Affairs.

Also, petition of W. H. Maul and Practical Farmer, of Philadelphia, Pa., for parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Mrs. S. E. Brown, of Pecatonica, Ill., against the proposed increased rate of postage on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Emerson-Brantingham Company, of Rockford, Ill., in opposition to the passage of the Moon bill (H. R. 21334) to regulate the granting of restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Petition of Boston Fruit and Produce Exchange, favoring national uniform weights and measures law—to the Committee on Coinage, Weights, and Measures.

By Mr. GARNER of Texas: Petition of citizens of Seguin, Tex., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLETT: Petition of La Société des Artisans Canadiens Français, of Gilbertville and Ware, Mass., for House bill 17509, right of beneficiary associations' publications to carry commercial advertising—to the Committee on the Post-Office and Post-Roads.

Also, petition of Central Labor Union of Chicopee, Mass., on the high cost of living, requesting the President and Congress to take action to abate the trusts—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of North Side Board of Trade, of Bronx, New York City, favoring pneumatic-tube postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIEST: Petition of Donegal Chapter, of Lancaster, Pa., Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. GRONNA: Petition of citizens of Overly, N. Dak., for regulation of the liquor traffic according to House bills 1017, 2137, 2150, 2167, and 2172—to the Committee on Alcoholic Liquor Traffic.

Also, petition of citizens of Overly, N. Dak., for regulation of the liquor traffic as per House bills 17, 1017, and 2137—to the Committee on Alcoholic Liquor Traffic.

By Mr. HAMER: Petition of Theo. Schluer and 60 others, against gambling in futures of agricultural products—to the Committee on Agriculture.

By Mr. HARRISON: Petition of Polonia Benevolent Association, Branch No. 30, Polish National Alliance, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HAYES: Petition of E. A. Pogel and 16 other farmers of Santa Clara County, Cal., for legislation against gambling in futures of farm products—to the Committee on Agriculture.

Also, petition of Charles M. Birkholm, E. F. Essner, John I. Ralph, F. Gruszezynski, William Darilek, and J. A. Lyberg, citizens of San Francisco, Cal., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

Also, petition of M. L. Milcovich and 70 other citizens of San Francisco, Cal., protesting against the immigration of all Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HUBBARD of Iowa: Petition of 12 merchants of Sioux City; 29 merchants of Idagrove; and 16 merchants of Wall Lake, all in the State of Iowa, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of 8 members of the Young People's Missionary Volunteers of Iowa, against Senate bill 404, the Sunday rest bill, and House bills 13876 and 14619—to the Committee on the District of Columbia.

By Mr. GALLAGHER: Petition of Lake Seaman's Union of Chicago, Ill., favoring House bill 11193 and Senate bill 6155, amendment to maritime law, so as to abolish imprisonment for quitting a vessel in a safe harbor, etc.—to the Committee on the Merchant Marine and Fisheries.

By Mr. KELIHER: Petition of citizens of Boston, Mass., asking for favorable action by committee in charge of the eight-hour bill—to the Committee on Labor.

By Mr. KEIFER: Petition of 17 camps of the United Spanish War Veterans, Department of Wisconsin, favoring the raising of the battle ship *Maine* and that remains of sailors found therein be given a fitting burial—to the Committee on Naval Affairs.

By Mr. LAFEAN: Petition of Manufacturers' Association of York, Pa., against the Moon bill (H. R. 21334) on injunctions—to the Committee on the Judiciary.

Also, petition of Yorktown Chapter, Daughters of the American Revolution, for retention of Division of Information in the Immigration Bureau, section 40, immigration act of 1907—to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petitions of the Playgrounds Association of America, favoring appropriation for the Playgrounds Association of the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Charles J. Jefferson, of New York City, against expansion of the navy—to the Committee on Naval Affairs.

Also, petition of Union Veterans' Legion, of Brooklyn, against monuments commemorative of disunion on United States possessions—to the Committee on the Library.

Also, petition of Long Island Union Army and Navy Volunteer Officers, of Brooklyn, N. Y., favoring House bill 18899, volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of the Maine Memorial Committee, Manhattan Borough Council, and United Spanish War Veterans of New York City, for removal of the *Maine* and decent burial of its victims—to the Committee on Naval Affairs.

Also, petition of National Business Men's League of America, favoring printing of a trade directory of the world by the Government—to the Committee on Printing.

Also, petition of the Downtown Taxpayers' Association of Brooklyn, N. Y., favoring passage of House Bill 15441, eight-hour law—to the Committee on Labor.

Also, petition of New York Produce Exchange, against proposed changes in the act to regulate commerce so far as to change the present authority of the Interstate Commerce Com-

mission over certain through rates (S. 5106 and H. R. 17536)—to the Committee on Interstate and Foreign Commerce.

Also, petition of Frederick Burgess, of Garden City, Long Island, N. Y., for Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

Also, petition of New York State Assembly, favoring the building of a battle ship in the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

Also, petition of citizens of Gloversville, N. Y., for repeal of the Dick military law—to the Committee on Military Affairs.

Also, petitions of American Embassy Association of New York and Rochester (N. Y.) Chamber of Commerce, favoring House bill 15814, for consular buildings abroad—to the Committee on Foreign Affairs.

Also, petitions of John C. Orr Company and James H. Holmes, of Brooklyn, N. Y., against House bill 21334, the Moon anti-injunction and restraining bill—to the Committee on the Judiciary.

Also, petitions of New York and New Jersey branches of National Metal Trades Association, favoring House bill 15812, relating to liens on vessels for repairs, supplies, and other necessaries—to the Committee on the Judiciary.

Also, petition of James M. McGee, of Philadelphia, Pa., favoring repeal of the provision debarring widows who were not married prior to June 27, 1890, from pensions—to the Committee on Invalid Pensions.

By Mr. MADISON: Petition of citizens of the Seventh Kansas Congressional District, favoring a law prohibiting shipment of intoxicants into prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. MANN: Petition of Engineers' Club of St. Louis, Mo., favoring a department or bureau of public works—to the Committee on Military Affairs.

By Mr. McCREDIE: Petition of Mary Ball and Virginia Dare Chapter, Daughters of the American Revolution, of Tacoma, Wash., against repeal of section 40 of immigration law as provided in the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petitions of Omaha Real Estate Exchange, Board of County Commissioners, and Board of Park Commissioners, of Omaha, Nebr., for appropriation to improve banks of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. O'CONNELL: Petition of Boston Fruit and Produce Exchange, for the Lafean apple package and grade bill (H. R. 28338), providing for a standard basket clause—to the Committee on Agriculture.

By Mr. PRINCE: Petition of United Brotherhood of Carpenters and Joiners of America, Local Union No. 360, of Galesburg, Ill., for the eight-hour bills (S. 5578 and H. R. 15441)—to the Committee on Labor.

By Mr. REEDER: Petition of citizens of Kansas, against gambling in farm products—to the Committee on Agriculture.

By Mr. RUCKER of Colorado: Resolution from the Sons of Colorado, of Denver, Colo., signed by J. C. Twombly, president, and H. Ruffner, secretary, requesting the establishment of Estees National Park in Colorado—to the Committee on the Public Lands.

By Mr. RUCKER of Missouri: Petition of citizens of the Second Congressional District of Missouri, against the enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Petition of Towarzystwo sw. Izydora Oracza, Grupa 406, Zwiazku Narodowego Polskiego, of Chicago, Ill., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Cook County, Ill., against increase of postal rates on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions of Abraham Lodge, No. 89, I. O. B. B., of Bridgeport, Conn., in opposition to the provisions of the Hayes bill—to the Committee on Immigration and Naturalization.

Also, resolutions of Paugassett Council, No. 28, Knights of Columbus, of Derby, Conn., in relation to fraternal publications—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petition of citizens of Sanger, Tex., opposing the postal savings-bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. SPIGHT: Paper to accompany bill for relief of Feleo Battes—previously referred to the Committee on Claims, reference changed to the Committee on Invalid Pensions.

By Mr SULLOWAY: Petition of Elsie Cilley Chapter, of Nottingham, and Mary Torr Chapter, of Rochester, Daughters of the American Revolution, of the State of New Hampshire, for retention of Division of Information in the Immigration Bureau—to the Committee on Immigration and Naturalization.

By Mr. SWASEY: Petition of Board of Trade and Mechanics' Association, of Bath, Me., against Senate bill 5106, that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of Eastern River Grange, of Dresden, Me., and Topsham Grange, of Topsham, Me., favoring a national health bureau—previously referred to the Committee on Agriculture, reference changed to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petition of Commercial Exchange of Philadelphia, against Senate bill 5106 and House bill 17536, relative to port-to-port rates on steamships—to the Committee on Interstate and Foreign Commerce.

By Mr. WASHBURN: Petition of Louis M. Friedmer, of Worcester, Mass., against Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

By Mr. WEBB: Paper to accompany bill for relief of Kate Loughran and others—to the Committee on Claims.

Also, petition of citizens of North Carolina, urging legislation that will eliminate gambling in farm products by boards of trade, exchanges, and other speculators—to the Committee on Agriculture.

By Mr. WEEKS: Petition of Hannah Goddard Chapter, Daughters of the American Revolution, of Brookline, Mass., favoring retention of Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *March 15, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order and directed the Secretary to read a communication from the President pro tempore, which was read, as follows:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE,
March 15, 1910.

To the Senate:

Being temporarily absent from the Senate, I hereby appoint Senator JOHN KEAN to perform the duties of the Chair.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as presiding officer and directed the Secretary to read the Journal of yesterday's proceedings.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

SENATOR FROM MISSISSIPPI.

Mr. MONEY. Mr. President, the credentials of the Hon. LE ROY PERCY, elected a Senator from the State of Mississippi, have been read and placed on the files of the Senate. Mr. PERCY is now present, and I ask that the oath of office be administered to him.

The PRESIDING OFFICER. The Senator elect will please present himself at the desk.

Mr. PERCY was escorted to the Vice-President's desk by Mr. MONEY, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

OFFICERS OF THE REGULAR ARMY.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 3d instant, a tabulated statement showing, as of January 31, 1910, the latest date for which complete returns have been received from the army, the names of all officers of the army on detached service other than temporary, their rank, regiment or corps, etc. (S. Doc. No. 429), which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDING OFFICER laid before the Senate communications from the assistant clerk of the Court of Claims, trans-

mitting certified copies of the findings of fact filed by the court in the following causes:

The Vestry of Christ Protestant Episcopal Church, of Bowling Green, Ky., *v.* United States (S. Doc. No. 435);

David C. Acuff, administrator of Caswell B. Derrick, deceased, *v.* United States (S. Doc. No. 434);

John S. Mann, in his own right, and R. G. Johnson, administrator of Lewis W. Mann, deceased, *v.* United States (S. Doc. No. 433);

Edward H. Norton and sundry subnumbered cases (Portsmouth (N. H.) Navy-Yard) *v.* United States (S. Doc. No. 431); and

Mary F. Smith, administratrix of John W. Bowling, deceased, and sundry subnumbered cases (Washington Navy-Yard) *v.* United States (S. Doc. No. 432).

The foregoing causes were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

ENROLLED BILL SIGNED.

The PRESIDING OFFICER announced the signature of the President pro tempore to the enrolled bill (H. R. 18006) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors which had previously been signed by the Speaker of the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. R. McKenney, its enrolling clerk, announced that the House had passed the bill (S. 3889) to amend an act to incorporate the Masonic Temple Association of the District of Columbia.

The message also announced that the House had passed the bill (S. 1864) to facilitate the use for manufacturing purposes in square 328, in the city of Washington, as authorized in the act of Congress in February, 1907, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16332. An act to provide for the condemnation of streets or parts of streets under the plan for the permanent system of highways for the District of Columbia;

H. R. 17744. An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof;

H. R. 18818. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 19402. An act to enable the Telepost Company to construct its plant, operate the same, and transact its business in the District of Columbia, and to make necessary connections with other parts of its system;

H. R. 19636. An act authorizing the extension of Princeton place NW., in the District of Columbia;

H. R. 20370. An act authorizing the widening of First street NE., in the District of Columbia; and

H. R. 22390. An act to amend paragraph 5 of section 6 of the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," so as to require all companies doing telegraph business in the District of Columbia to pay a tax on their gross receipts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

S. 4671. An act to amend the military record of Aaron Cornish;

S. 6431. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 6662. An act to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River in the neighborhood of Sibley, Mo., and to remove the existing structure;

S. 6739. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of such soldiers and sailors;

H. R. 11878. An act to change the name of Twenty-third street north of Calvert street, in the District of Columbia, to Woodley place;

H. R. 13864. An act to extend Fourth street SE.;

H. R. 13893. An act to authorize the extension of Forty-first street NW.;

H. R. 16824. An act for the relief of Daniel H. Wiggin;

H. R. 16915. An act to direct that Jefferson street between Fourteenth street and Colorado avenue be stricken from the plan of the permanent system of highways for the District of Columbia;

H. R. 16916. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 19785. An act to authorize the extension of Columbia road NW., in the District of Columbia; and

H. R. 20164. An act authorizing the extension of Military road NW., in the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a memorial of the Business Men's Protective Association of Wheeling, W. Va., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of New Cumberland, W. Va., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. PILES presented a petition of Carpenters' Local Union No. 883, American Federation of Labor, of Aberdeen, Wash., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BURNHAM presented a petition of Old Homestead Lodge, No. 319, International Association of Machinists, of Keene, N. H., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented a petition of the Connecticut State Conference of Charities and Correction, praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

Mr. WETMORE presented a petition of William Ellery Chapter of the National Society, Daughters of the American Revolution, of Newport, R. I., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. PERKINS presented a petition of the Chamber of Commerce of Sacramento, Cal., praying for the enactment of legislation authorizing the district court for the northern district of California to hold its annual session at that city, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Board of Trade of Redlands, Cal., remonstrating against the enactment of legislation transferring to the several States the power to grant the right of way over unappropriated public lands necessary for storing and conveying water for the generation of power, which was referred to the Committee on Public Lands.

He also presented petitions of sundry citizens of De Lamar, Copper City, Winthrop, and Sacramento, all in the State of California, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Campbell, Cal., and a petition of Local Union No. 97, Farmers' Educational and Cooperative Union of America, of Morgan Hill, Cal., praying for the enactment of legislation to prohibit gambling in farm products by boards of trade, exchanges, etc., which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Chamber of Commerce of Ferndale, Cal., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Advertising Men's Association of San Francisco, Cal., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Local Council No. 1375, Knights of Columbus, of Arroyo Grande, Cal., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NIXON presented a petition of the Trades and Labor Council, American Federation of Labor, of Goldfield, Nev., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BRISTOW presented petitions of sundry citizens of Garnett, Independence, Coffeyville, Abilene, Topeka, Ottawa, Wichita, and Hutchinson, all in the State of Kansas, praying for the enactment of legislation providing for a uniform classification of schedules of commodities shipped to or from any

point in the United States, which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Horton, Kans., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Whitewater and Elbing, in the State of Kansas, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

Mr. OLIVER presented a petition of the Ladies' Aid Society of the First Methodist Episcopal Church, of McKeesport, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry ex-Union soldiers of Minersville, Pa., praying for the passage of the so-called "National Tribune pension bill," which was referred to the Committee on Pensions.

He also presented a petition of the Board of Trade of Reading, Pa., praying for the enactment of legislation providing sufficient postal compensation to secure adequate mail facilities to the ports of South America, South Africa, Australasia, the Philippine Islands, and the Levant, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Bellevue and McKeesport, in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of West Philadelphia Council No. 344, Knights of Columbus, of Philadelphia, Pa., remonstrating against the enactment of legislation to increase the rate of postage on periodicals and magazines, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WARREN presented a petition of Subordinate Lodge, No. 46, International Brotherhood of Boiler Makers and Iron Ship Builders and Helpers of America, of Cheyenne, Wyo., praying for the enactment of legislation providing for the federal inspection of steam boilers, which was referred to the Committee on Interstate Commerce.

Mr. BURKETT presented a petition of the Audubon Society of Omaha, Nebr., praying for the enactment of legislation to protect the migratory birds of the country, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Clay Center, Nebr., praying for the passage of the so-called "per diem pension bill," which was referred to the Committee on Pensions.

He also presented a petition of the North Platte Valley Water Users' Association of Nebraska, praying for the adoption of certain amendments to the present reclamation law, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. DEPEW presented a petition of Sleepy Hollow Chapter of the National Society, Daughters of the American Revolution, of Briarcliff Manor, N. Y., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. PAGE presented a petition of Lake St. Catherine Chapter of the National Society, Daughters of the American Revolution, of Wells, Vt., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. BRADLEY presented a petition of Bryan Station Chapter of the National Society Daughters of the American Revolution, of Lexington, Ky., and a petition of John Marshall Chapter of the National Society Daughters of the American Revolution, of Louisville, Ky., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

Mr. CLAPP presented petitions of sundry citizens of St. Cloud, Minn., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BROWN presented a petition of sundry surviving veterans of the civil war residing in Sutton, Nebr., praying for the passage of the so-called "per diem pension bill," which was referred to the Committee on Pensions.

Mr. ROOT presented petitions of sundry citizens of Oneida, Utica, Waverly, Elmira, Little Falls, Rome, Binghamton, Herkimer, Ilion, Amsterdam, Catlettsburg, Vernon, Cortland, Geneva, Olean, Jamestown, and Perth Amboy, all in the State of New York, praying for the enactment of legislation granting authority to the Interstate Commerce Commission to make a uniform classification of interstate commodities to and from any point in the United States, etc., which were referred to the Committee on Interstate Commerce.

He also presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation to connect the improved barge channel, as soon as completed, with the Hudson River, in that State, by a channel of sufficient depth and width, so as to permit the passage of the larger canal barges, which was referred to the Committee on Commerce.

Mr. DOLLIVER presented a petition of Blackhawk Chapter of the National Society Daughters of the American Revolution, of Cedar Rapids, Iowa, praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Davenport, of the Trades and Labor Congress of Dubuque, and of Tri-City Lodge, No. 388, International Association of Machinists, of Davenport, all in the State of Iowa, praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Local Council No. 510, Knights of Columbus, of Dubuque, Iowa, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of T. J. Potter Post, No. 440, Department of Iowa, Grand Army of the Republic, of Creston, Iowa, remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall in the United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of Blackhawk Chapter of the National Society, Daughters of the American Revolution, of Cedar Falls, Iowa, praying for the retention and strengthening of the Division of Information in the Bureau of Immigration and Naturalization of the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of Group Ten of the Iowa Bankers' Association, remonstrating against the passage of the so-called "postal savings-bank bill," which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ottumwa, Iowa, praying for the enactment of legislation to prohibit the so-called "white-slave traffic," which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WETMORE. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2336) for the enlargement of the Capitol grounds, to report it without amendment, and I submit a report (No. 401) thereon. I ask that the diagram printed with the bill as introduced may be printed with the bill as reported, and that it also be printed in the accompanying report just submitted by me.

The PRESIDING OFFICER. Without objection, it will be so ordered. The bill will be placed on the calendar.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 5927) to aid in the completion of the erection of a memorial structure at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the colonial troops and Indians, October 10, 1774, reported it without amendment and submitted a report (No. 402) thereon.

Mr. BRADLEY, from the Committee on the District of Columbia, to whom was referred the bill (S. 5651) to amend an act entitled "An act to incorporate the Washington Sanitary Housing Company," approved April 23, 1904, reported it without amendment and submitted a report (No. 403) thereon.

Mr. CULLOM, from the Committee on Interstate Commerce, to whom was referred the bill (H. R. 3649) requiring common carriers engaged in interstate and foreign commerce to make full reports of all accidents to the Interstate Commerce Commission, and authorizing investigations thereof by said commission, reported it with amendments.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BEVERIDGE:

A bill (S. 7165) to correct the military record of Herbert R.

Graham and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. PERKINS:

A bill (S. 7166) to amend an act entitled "An act to promote the administration of justice in the navy," to amend section 1624 of the Revised Statutes, and for other purposes; to the Committee on Naval Affairs.

By Mr. DEPEW:

A bill (S. 7167) granting an increase of pension to Melvina W. Smith;

A bill (S. 7168) granting an increase of pension to William H. Tucker (with an accompanying paper);

A bill (S. 7169) granting a pension to William H. Hart (with an accompanying paper);

A bill (S. 7170) granting an increase of pension to Mary E. Kirby (with an accompanying paper);

A bill (S. 7171) granting an increase of pension to Alexander M. Briggs (with an accompanying paper); and

A bill (S. 7172) granting an increase of pension to Gottfried Czerny (with an accompanying paper); to the Committee on Pensions.

A bill (S. 7173) for the relief of Baer, sr., & Co.'s successors and C. Ingenohl; to the Committee on Claims.

By Mr. SCOTT:

A bill (S. 7174) granting an increase of pension to William Wincher (with accompanying papers);

A bill (S. 7175) granting an increase of pension to Andrew W. Muldrew (with accompanying papers); and

A bill (S. 7176) granting an increase of pension to James McConnell (with an accompanying paper); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 7177) establishing Eastport, Idaho, a subport of entry in the customs collection district of Montana and Idaho, and for other purposes; to the Committee on Commerce.

A bill (S. 7178) granting a pension to Grant Noble (with an accompanying paper); to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 7179) for the relief of Lieut. Col. Ormond M. Lissak; to the Committee on Military Affairs.

By Mr. McENERY:

A bill (S. 7180) authorizing the Secretary of War to return to the governor of Louisiana certain bonds of the State of Louisiana and city of New Orleans (with an accompanying paper); to the committee on Military Affairs.

By Mr. BURNHAM:

A bill (S. 7181) for the relief of George W. Nixon; to the Committee on Military Affairs.

By Mr. JOHNSTON (for Mr. BANKHEAD):

A bill (S. 7182) for the relief of Joseph Lightfoot and others (with an accompanying paper);

A bill (S. 7183) for the relief of the heirs or estate of James M. Alexander, deceased (with an accompanying paper);

A bill (S. 7184) for the relief of Malinda Ellett and Elbert Ellett (with an accompanying paper);

A bill (S. 7185) for the relief of the heirs of Benjamin Lawler, deceased (with an accompanying paper); and

A bill (S. 7186) for the relief of Samuel H. Yarborough and estate of John Jones, deceased (with an accompanying paper); to the Committee on Claims.

ADMISSION OF NEW MEXICO AND ARIZONA.

Mr. GALLINGER submitted two amendments intended to be proposed by him to the bill (H. R. 18166) to enable the people of New Mexico to form a constitutional and state government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and be admitted into the Union on an equal footing with the original States, which were ordered to lie on the table and be printed.

COURT OF COMMERCE, ETC.

Mr. BRISTOW submitted 15 amendments intended to be proposed by him to the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, which were ordered to lie on the table and be printed.

AMENDMENTS TO POST-OFFICE APPROPRIATION BILL.

Mr. OLIVER submitted an amendment relative to the placing of the word "post-office" in a prominent position above the main door of the building in which the post-office is located in each city or town, the population of which shall not exceed 10,000, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. BURROWS submitted an amendment proposing to increase the number of superintendents of delivery, superintendents of mails, and superintendents of stations in the Post-Office Department from 6 to 10, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $1,882.65 to reimburse Joe T. White, late postmaster at Lawton, Okla., for extraordinary expenses incurred by the opening of the post-office at that place in 1901, etc., intended to be proposed by him to the post-office appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. LODGE submitted an amendment relative to the improvement of the harbor at Fall River, Mass., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

STATUE OF JOHN C. CALHOUN.

Mr. SMITH of South Carolina submitted the following concurrent resolution (S. C. Res. 25), which was referred to the Committee on Printing and ordered to be printed.

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of John C. Calhoun, presented by the State of South Carolina, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of South Carolina.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates, to be bound with these proceedings.

WASHINGTON GAS-LIGHT COMPANY.

Mr. BROWN. I am informed on inquiry that the report submitted from the Committee on Corporations Organized in the District of Columbia on Senate resolution 172 yesterday has not been printed. I therefore ask that the subject may go over until to-morrow, in order that we may have the report before us.

Mr. GALLINGER. Mr. President, that is entirely satisfactory to me. I trust that order will be made.

The PRESIDING OFFICER. The Chair understands that the resolution is on the calendar.

Mr. BROWN. I desire to ask at this time also that the resolution as amended and the report be printed in the RECORD, so that we shall have the resolution and report before us to-morrow.

Mr. GALLINGER. I do not object to that. Let the original resolution, the resolution as amended, and the report be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The original resolution submitted by Mr. BROWN February 7, 1910, is as follows:

Senate resolution 172.

Resolved, That the Attorney-General of the United States be requested to inform the Senate what legal authority, if any, exists for the present capitalization of the Washington Gas-Light Company, a corporation existing and doing business in the District of Columbia, and what legal authority, if any, exists for an increase of the present capitalization of said corporation.

The amendment to the resolution reported yesterday by Mr. BROWN, from the Committee on Corporations Organized in the District of Columbia, was to strike out all after the word "*Resolved*" and to insert:

That the Committee on Corporations Organized in the District of Columbia is hereby authorized to make an investigation into the affairs of the Washington Gas-Light Company, a corporation authorized under and by virtue of acts of Congress and doing business in the District of Columbia, and to report the facts to the Senate. In making such investigation said committee shall especially inquire into the capitalization of said company, including its stocks, bonds, and certificates of indebtedness, when and by what authority issued, their volume and value; also its holdings in other companies, their character, and value; also the extent, character, cost, and value of the physical property of said company, the cost of operation, dividends declared, how and when paid, the volume and quality of gas sold and price collected therefor, the chaarcter of service, and all other matters relating to the business of said corporation.

Said committee is authorized to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report its hearings, to sit during the session of Congress or during recess, and to have the testimony taken printed.

All necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate.

The report submitted yesterday by Mr. BROWN is as follows:

[Senate Report No. 398, Sixty-first Congress, second session.]

WASHINGTON GAS-LIGHT COMPANY.

Mr. BROWN, from the Committee on Corporations Organized in the District of Columbia, submitted the following report, to accompany Senate resolution 172:

The resolution proposes an inquiry into the affairs of the Washington Gas-Light Company. This is a corporation chartered by the Federal Government under act of Congress approved July 8, 1848. The resolution is sustained by several reasons, among them being the following:

1. The Washington Gas-Light Company, being a creature of Congress, Congress is responsible for its behavior. In order to discharge this responsibility Congress should know all the facts incident to the business of the company, its capitalization, the extent, character, and value of its properties, the quality and cost of its service to the public.

2. Such information is not obtainable from the annual reports of the company made to Congress.

3. The act of 1848 limited the authorized capital stock of the company to $50,000, which has since been increased to $2,600,000, some of which, it is claimed, is without legislative sanction.

4. The company has outstanding certificates of indebtedness equal to its capital stock, to wit, $2,600,000, bearing 6 per cent interest, all of which, it is claimed, is wholly unauthorized by law.

5. It is impossible for Congress to determine what is a reasonable charge for gas unless Congress shall first know the value of the plant, the amount actually invested, and the cost of production.

THE LEGISLATIVE HISTORY OF THE COMPANY.

The act of 1848 contained this provision: "And be it further enacted that the capital stock of this corporation shall not exceed $50,000."

Section 10 of said act provides:

"*And be it further enacted*, That nothing in this act contained shall be construed to authorize the said Washington Gas-Light Company to make, issue, or put in circulation any bill, draft, check, order, promissory note, change ticket, or anything else promising or agreeing to pay money, intended to circulate as money, or the tendency of which shall be to circulate as money or currency; and the violation of any one of the provisions of this section shall be a forfeiture of the charter herein granted, and a fine of $50 against each of the directors voting for the same." [Approved July 8, 1848 (chap. 96, Stat. L., 724).]

This act was amended August 2, 1852, by the insertion of the words "three hundred and" just before the word "fifty." The same act amended section 7 of the original 1848 statute by inserting immediately after the word "Washington" the words "and Georgetown." The latter amendment did not purport to do anything more than to allow the company to do business in Georgetown as well as Washington. This left the total authorized capital stock in the year 1852 at $350,000. Subsequently, in January, 1855, Congress passed an independent act, section 1 of which reads as follows:

"That the Washington Gas-Light Company be, and is hereby, authorized to increase the capital stock thereof $150,000" (sec. 1, chap. 22, 10 Stat. L., 835), bringing the authorized capital stock in 1855 up to $500,000.

Subsequently, by act of Congress approved May 24, 1866, the capital stock was further increased $500,000. This purported to be an act amending the 1848 statute, section 2 thereof being as follows:

"*And be it further enacted*, That the capital stock of said company be, and the same is hereby, increased $500,000, subject to the same liability as is provided in the eleventh section of the original act of incorporation, approved July 8, 1848."

By this act the total authorized capital stock of the company reached the sum of $1,000,000 in 1866.

Subsequently, by an act approved May 29, 1872, Congress increased the capital stock $200,000 and granted the privilege to the company further authorizing an increase of $1,000,000, as the same might be required from time to time, in extending the plant in the District of Columbia east of Rock Creek. The act is an independent, not an amendatory act, and reads as follows:

"That the capital stock of the Washington Gas-Light Company be, and the same is hereby, increased $200,000, with the privilege of increasing it not exceeding $1,000,000, as the same may be required from time to time, for extending their works in the District of Columbia east of Rock Creek: *Provided, however, That said increase of capital stock shall not be made from undivided profits of said company which may have already accrued, or may hereafter accrue, but from capital actually paid in: Provided, also*, That said increased capital stock shall be subject to all the conditions of the charter of said Washington Gas-Light Company." [Approved May 29, 1872 (chap. 135, 17 Stat. L., 192).]

So that it appears in 1872 the total authorized capital stock of this company was $2,000,000.

Subsequently, by an act approved June 6, 1896, entitled "An act relating to the sale of gas in the District of Columbia," the company was authorized, under section 5, to still further increase its capital stock to an amount equal "to the actual cash value of the plant and the necessary cost of further extension or further enlargement of the plant," its cash value and cost to be ascertained by a proceeding under the direction of the supreme court of the District of Columbia.

Section 5 reads as follows:

"That neither the Washington Gas-Light Company nor the Georgetown Gas-Light Company shall hereafter issue any greater number of shares of stock than shall be equal to the actual cash value of said plants and the necessary cost of the future extensions or future enlargement of plants, which cash value and cost of extensions shall first be ascertained and authorized upon petition therefor to the supreme court of the District of Columbia, under such regulations as the chief justice and the justices thereof shall prescribe; also, if either of the said corporations shall desire hereafter to issue bonds upon their property, secured by mortgage or otherwise, upon petition therefor to said court, setting forth the necessity thereof and the amount of stock issued and outstanding, it may and shall be lawful for said court or the chief justice and justices thereof, as the case may be, or one of them, upon public notice, to be prescribed by the rules of said court, to permit the issuance of such bonds and mortgage as desired: *Provided*, That the amount of stock and bonds issued shall not exceed the actual cash value of said plants and the cost of such extensions or the enlargement of plants: *And provided further, That the Washington Gas-Light Company is hereby authorized to issue such additional amount of capital stock as will provide for the conversion into such stock of its outstanding certificates of indebtedness, which conversion of said certificates is hereby authorized to an amount not exceeding six hundred thousand dollars.*" [Approved June 6, 1896 (chap. 335, 29 Stat. L., 252).]

The last provision of the act quoted is the first word by Congress in recognition of the outstanding certificates of indebtedness formerly issued by the company. It will be noted that this provision authorizes their "conversion into capital stock to an amount not exceeding $600,000." The court records of the District of Columbia and of the United States Supreme Court disclose that the company sought to increase its capital stock under provisions of section 5 above quoted. A petition was filed by the company in the trial court of the District in which it was prayed that there might be a judicial investigation as to the value of the plant and that the company might be authorized to increase its capital stock to the full value thereof as provided in the act.

The Commissioners of the District of Columbia appeared in the suit and questioned the constitutionality of the act on the ground that the same vested the judiciary with a power unauthorized by the Constitution.

Pending the trial in the district court, the commissioners filed a petition in the court of appeals asking for a writ of prohibition directed to the trial court against further proceedings in the suit brought by the company to increase its capital stock.

The court of appeals sustained the petition and granted the writ of prohibition, from which judgment the Washington Gas-Light Company appealed to the Supreme Court of the United States on February 25, 1908.

Pending the appeal in said court and before the case had been reached for submission, Congress attached to the annual appropriation bill for the District of Columbia, approved March 3, 1909, the following proviso:

"*Provided*, That section 5 of 'An act relating to the sale of gas in the District of Columbia,' approved June 6, 1896, and all remedies therein provided be, and the same are hereby, repealed, and all pending proceedings thereunder shall be vacated, and no judgment, decree, finding, permit, or valuation of any kind mentioned or intended to be mentioned in said section shall be made or ascertained." (Par. 2, chap. 250, 35 Stat. L., 703.)

This proviso not only repealed section 5 of the 1896 act, but it also ended the lawsuit involving the right of the company to increase its capitalization then pending on appeal in the Supreme Court of the United States. This proviso also vacated all proceedings had under section 5, by the company, including the authority to convert $600,000 of certificates into capital stock; so that it is a serious question whether the conversion of the $600,000 of certificates of indebtedness before referred to into capital stock is valid. Congress has no information as to when this conversion was made. The only evidence it has is that the capital stock was at some time or another increased by the amount of $600,000. This evidence is to be found in the last annual report of the company giving its outstanding capital stock as $2,600,000.

It may be said in this connection that while the appropriation act of 1909 for the District of Columbia was not approved until March 3, 1909, in which section 5 of the 1896 statute was repealed, there was pending in the Senate a bill entitled "An act to regulate the price of gas in the District of Columbia, and for other purposes." It likewise repealed said section 5 and at the same time authorized an increase of the capital stock of the company to an amount sufficient to cover outstanding stocks, bonds, "and certificates of indebtedness." This bill, however, was never reported back to the Senate from the committee to which it was referred.

From the legislative history of the company since its charter was granted in 1848, it is clear—

First. That the capitalization of the company is within the control of Congress.

Second. That the company has accepted such authorizations as Congress has given it and has acted thereunder.

Third. That the company availed itself of that portion of section 5 (since repealed) of the 1896 act, authorizing it to convert certificates of indebtedness in the sum of $600,000 into capital stock.

Fourth. That the certificates of indebtedness were issued without any express authority of law; their validity and so much of the capital stock as they represent is therefore open to serious question.

Fifth. If certificates of indebtedness represent no actual indebtedness due from the company, but, in fact, represent earnings and profits, they operate as an unauthorized increase of capital stock in violation of law.

It is obvious that Congress never intended the company should have power to issue any certificates of indebtedness. The charter act of 1848 discouraged any undertaking of that kind when it provided in section 11 of the act as follows:

"*And be it further enacted*, That each of the stockholders of the Washington Gas-Light Company shall be held liable in his or her individual capacity for all debts of the said company, however contracted or incurred, to be recovered by suit as other debts or liabilities before the court of tribunal having jurisdiction of the case." [Approved July 8, 1848 (chap. 96, 9 Stat. L., 724).]

Congress in all of the legislation referred to has asserted its control of the capital stock issued by the company manifestly for one purpose, that purpose being to protect the public against extortionate charges for gas, based on an excessive capitalization. If an investigation should develop that the $2,600,000 evidenced by certificates of indebtedness bearing 6 per cent interest in fact, represent undivided profits and do not represent in any sense a valid indebtedness, it is clear the public has been wronged. Such wrong can not be remedied by Congress unless and until Congress first ascertain the truth about the actual consideration for such certificates.

THE PRICE OF GAS.

The original act of 1848 was silent on the subject of gas prices. The act of June 25, 1860, was the first attempt of Congress to fix the price. The price was made at 35 cents per hundred cubic feet, subject to discount at 10 per cent if paid at a certain time. (12 Stat. L., 722.)

The act of 1862 fixed the price from the 1st day of July, 1862, at 28 cents per hundred cubic feet of gas furnished to the Government and 30 cents to other consumers. (12 Stat. L., 534.)

The act of January 30, 1865, repealed said acts of 1860 and 1862, prohibiting the company from receiving on and after December, 1864, for the benefit of its stockholders a greater price for gas than 40 cents per hundred cubic feet, subject to a 10 per cent discount on all government bills and 5 per cent for all other consumers. (13 Stat. L., 426.)

The act of June 23, 1874, entitled "An act regulating gas works," fixed the price of gas at the rate of $2.50 per thousand cubic feet furnished the Government, and to other consumers $2.75 per thousand feet. (18 Stat. L., 277.)

The act of June 6, 1896, fixed the price of gas for the Washington Gas-Light Company at a rate not to exceed $1.10 per thousand feet

until the 1st day of July, 1901, and after that at $1 per thousand cubic feet. This rate has recently been reduced by the company to 90 cents per thousand cubic feet if paid at a certain time, but raised the rate to $1.10 if not paid then, in clear violation of law.

The last annual report of the company, made to Congress February 1, 1910, purporting to give a detailed statement of its business for the year ending December 31, 1909, shows the net earnings, after deducting operating expenses, to be $646,631.50. This was 12 per cent plus on a capitalization of $5,200,000, assuming the certificates of indebtedness to be a part of the capitalization. If we exclude the certificates of indebtedness, a net earning of 24 per cent plus on the actual capital stock is reported by the company. It goes without argument that such a net income is excessive, unless the facts shall disclose that the actual value of the plant and the actual amount invested is far greater than its capital stock. On page 2 of the report it appears that what is called "a regular" dividend of $260,000 had been paid the stockholders; also an "extra" dividend of $260,000, or in all 20 per cent paid in dividends during the year. In addition to these dividends the company expended $263,524.06 in extensions, constructions, etc., and had left a surplus of $238,355.03.

When this report of the company for 1909 is considered in connection with its history since 1848, as shown on the legislative journals of Congress and as shown by the various reports of congressional committees, it would seem to be the duty of Congress to inquire fully into the affairs of the company. From the hearings had by former committees of Congress and from their reports it may be learned that the dividends kept pace with every increase in the capital stock. Indeed, the company appears to have been unable to increase the capital stock fast enough to keep the dividends at a reasonable rate on their face. The treasurer of the company, in a letter to the Hon. Samual J. Randall in 1881, declared that "for the thirty-one and one-half years the average of cash and stock dividends had been 16.8 per cent." After 1881 the dividends seem to have averaged much higher—10 per cent in 1882, 50 per cent in 1883 on $2,000,000 capitalization, 10 per cent in 1884, 12½ per cent in 1885, although the company earned 17½ per cent according to the Spooner report.

On February 3, 1896, the company, in answer to an inquiry, informed Congressman J. W. Babcock that the company had paid in the year 1895 dividends in the sum of $600,000, or more than 23 per cent on its capital stock, and had remaining a surplus of $89,922.38.

It must be conceded that Congress has the power to regulate the charge for gas. How can Congress exercise this power with justice to the company and the public in the absence of information touching the facts sought to be elicited by this resolution?

The company is entitled to a fair and reasonable return on its investment; the value of the investment in dollars must be known in order to determine what would be a fair and reasonable return. This return must be paid by the public. From every standpoint the inquiry should be ordered.

Again, the inquiry should be ordered to the end that a proper standard for the capitalization of all public-service corporations may be declared and established by Congress. Capitalization is the key to government control and regulation of all corporations subject to its jurisdiction. The company under discussion and inquiry furnishes to Congress an immediate opportunity to declare a wise and prudent public policy in respect to capitalization of corporations generally. The opportunity should not be lost.

The committee reports the resolution back to the Senate with the recommendation that it do pass, amended as follows:

Strike out, after the word "*Resolved,*" in line 1, all the remaining lines from 1 to 7, inclusive, and in their place insert the following:

"That the Committee on Corporations Organized in the District of Columbia is hereby authorized to make an investigation into the affairs of the Washington Gas-Light Company, a corporation authorized under and by virtue of acts of Congress and doing business in the District of Columbia, and to report the facts to the Senate. In making such investigation said committee shall especially inquire into the capitalization of said company, including its stocks, bonds, and certificates of indebtedness, when and by what authority issued, their volume and value; also its holdings in other companies, their character, and value; also the extent, character, cost, and value of the physical property of said company, the cost of operation, dividends declared, how and when paid, the volume and quality of gas sold and price collected therefor, the character of service, and all other matters relating to the business of said corporation.

"Said committee is authorized to employ experts, administer oaths, take testimony, send for persons and papers, employ a stenographer to report its hearings, to sit during the session of Congress or during recess, and to have the testimony taken printed.

"All necessary expenses to carry out the provisions of this resolution shall be paid from the contingent fund of the Senate."

INTERNATIONAL WATERWAYS COMMISSION.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (H. Doc. No. 779), which was read and referred to the Committee on Commerce and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a report of the International Waterways Commission, dated January 8, 1910, on the regulation of Lake Erie, together with the appendix, table, and plates.

WM. H. TAFT.

THE WHITE HOUSE, *March 14, 1910.*

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 21 of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, having met, after full and free conference report to their respective Houses that, as to the amendment in disagreement, the Senate recedes.

F. E. WARREN,
M. G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.
J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 16332. An act to provide for the condemnation of streets or parts of streets under the plan for the permanent system of highways for the District of Columbia;

H. R. 17744. An act in relation to pandering, to define and prohibit the same, and to provide for the punishment thereof;

H. R. 18818. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 19402. An act to enable the Telepost Company to construct its plant, operate the same, and transact its business in the District of Columbia, and to make necessary connections with other parts of its system;

H. R. 19636. An act to authorize the extension of Princeton place NW., in the District of Columbia;

H. R. 20370. An act authorizing the widening of First street NE., in the District of Columbia; and

H. R. 22390. An act to amend paragraph 5 of section 6 of the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," so as to require all companies doing telegraph business in the District of Columbia to pay a tax on their gross receipts.

MANUFACTURE OF ICE IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1864) to facilitate the use for manufacturing purposes in square 328, in the city of Washington, as authorized in the act of Congress in February, 1907, which were, on page 1, line 7, after the word "permits," to insert "to the Washington Market Company;" on page 2, line 1, to strike out "a," and insert "an underground;" on the same page, line 8, to strike out "fourteen," and insert "eighteen;" on the same page, line 9, after "the," to insert "underground;" in line 10, after the word "located," to insert "and from time to time moved;" and on page 2, line 16, after the word "granted," to insert:

Provided, That the Washington Market Company, its successors or assigns, to whom under authority of this act permission may be granted by the Commissioners of the District of Columbia to construct or maintain the overhead track and line of conduit hereinbefore authorized shall pay for the privilege of the construction and maintenance in public space of the said overhead track, conduit, and pipes an annual franchise tax of $100, which sum shall be paid to the collector of taxes of the District of Columbia during the month of May of each year subsequent to the granting by the commissioners of the original permit for the work: *Provided further,* That failure to pay to the collector of taxes the said sum annually within the period named shall operate to annul and render void the privileges herein authorized in respect to the overhead track, conduit, and pipes referred to: *And provided further,* That any sums paid to the collector of taxes in accordance with this measure shall be credited as are other taxes of the District of Columbia: *And provided further,* That the franchise tax of $100 above referred to shall be in addition to any and all other taxes now or hereafter imposed by law.

Mr. GALLINGER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

JOHN OATES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 864) to correct the military record of John Oates, which were to strike out all after the enacting clause and insert:

That in the administration of the pension laws John Oates shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company D, Fourteenth Regiment United States Infantry, on the 21st day of September, 1864: *Provided,* That no pension shall accrue prior to the passage of this act.

And to amend the title so as to read "An act for the relief of John Oates."

Mr. BULKELEY. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

JOHN M. MILLER.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 863) to correct the military record of John M. Miller, which were to strike out all after the enacting clause and insert:

That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John M. Miller shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first sergeant of Battery K, Fifth Regiment United States Artillery, on the 14th day of December, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

And to amend the title so as to read "An act for the relief of John M. Miller."

Mr. BULKELEY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DEWITT EASTMAN.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 614) for the relief of Dewitt Eastman.

Mr. BULKELEY. I move that the Senate disagree to the amendments of the House of Representatives, request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the conferees be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. BULKELEY, Mr. SCOTT, and Mr. TALIAFERRO the conferees on the part of the Senate.

GRANT OF LANDS TO SEATTLE, WASH.

The PRESIDING OFFICER. The morning business is closed and the calendar, under Rule VIII, is in order.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (S. 5432) to grant certain lands to the city of Seattle, Wash., for the protection of the source of its water supply.

The PRESIDING OFFICER. The bill will be read subject to objection.

Mr. HALE. I will not object to this bill, but after it is disposed of I ask that the Senate shall proceed with the calendar in order.

The bill had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That the public lands in township 20 north, range 10 east, township 21 north, ranges 9, 10, and 11 east, and township 22 north, ranges 8, 9, 10, and 11 east of the Willamette meridian, in the State of Washington, are hereby withdrawn from all location, settlement, and entry under the public-land laws: *Provided*, That this withdrawal shall in no way operate to interfere with the right of any settler or other claimant under the public-land laws to complete a claim to any portion of such land heretofore lawfully initiated.

SEC. 2. That within the area hereby withdrawn the city of Seattle, in the State of Washington, through its proper authorities, is hereby granted the right to purchase within two years from the date of the passage of this act, at the rate of $1.25 per acre, any of the public lands within the drainage basin of Cedar River and its tributaries, for the purpose of water storage, supply of its waterworks, and the protection of such source of supply, said purchase to be made through the local land office of the district in which the lands are situated, and upon which purchases patents shall issue as in other cases provided: *Provided*, That the city, before making such purchase and within one year from and after the passage of this act, shall cause to be executed at its own expense a survey defining the limits of said drainage basin, and shall file in the General Land Office a plat of such survey, said survey to be made under the supervision of and to be approved by the United States surveyor-general for the State of Washington.

SEC. 3. That upon the filing of the plat as prescribed in the foregoing section the withdrawal provided for by this act shall cease to operate upon any of the lands withdrawn and not shown by such plat to be included in the drainage basin; and the withdrawal provided for by this act shall cease to operate upon all lands included in such drainage basin which at the expiration of two years from and after the passage of this act the city of Seattle shall not have purchased.

SEC. 4. That if the lands purchased by the city of Seattle under this act, or any portions thereof, are attempted to be disposed of by or for the said city or to be used for any purpose other than that herein specified, in that event the said lands shall revert to the United States, and this condition shall be expressed in the patents to be issued under the terms of this act: *Provided, however*, That the city of Seattle may at any time dispose of any dead, down, and mature timber upon the lands purchased as provided herein, but shall otherwise maintain the lands as a forest park in connection with the protection of the water supply.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BURTON. I should like to ask a question regarding this bill. What is the value of this land per acre?

Mr. PILES. The lands are already in a forest reserve, and it is for the purpose of protecting the Cedar River watershed that the city desires to acquire the land. The bill provides that it shall be forever held as a forest park in connection with the protection of the water supply. As a matter of fact, the land is not to be used for any commercial purpose, but simply for the preservation of the watershed, and the city is to pay $1.25 per acre for it, the usual price that the Government charges for such lands.

Mr. BURTON. I noticed that as originally introduced the bill provided that the price paid should be $2.50 per acre.

Mr. PILES. That is correct, but the Committee on Public Lands found that all other bills of similar character have been passed at a price of $1.25 per acre, and they thought it was unjust to require the city to pay $2.50 an acre when the land is already in a forest reserve and would, under the terms of the bill, remain as a park.

Mr. BURTON. It is to be noted that in the letter of the Secretary of the Interior he states:

Inasmuch as the lands involved are situated within national forests, it is suggested that before final action is taken the Secretary of Agriculture be requested to submit a report in the matter.

Has the Secretary of Agriculture submitted any report in regard to this bill?

Mr. PILES. No; the Committee on Public Lands did not think that was necessary. The committee understood the situation fully, and they had ample information on the subject. The Senator will see from the face of the bill that the land must be maintained as a park. So I can not see wherein the Secretary of Agriculture could find any possible objection to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Public Lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply."

Mr. BURKETT subsequently said: I should like to inquire what was done with calendar 373, being the bill (S. 5432) to grant certain lands to the city of Seattle, Wash., for the protection of the source of the water supply. It was apparently passed over between calendar Nos. 372 and 374.

The PRESIDING OFFICER. The Chair will state that the Senator from Washington called up the bill, and it was passed.

Mr. BURKETT. Earlier in the day?

The PRESIDING OFFICER. Earlier in the day.

Mr. BURKETT. I am sorry that is true. It seems to me the bill is in rather peculiar shape. There are some details of it which ought to be considered. I have no disposition, however, to move that it be reconsidered.

Mr. PILES. I will be glad to talk it over with the Senator from Nebraska.

Mr. BURKETT. It appears to me the bill ought to be reconsidered and amended. That is the reason why I called the attention of the Senate to it.

THE CALENDAR.

Mr. HALE. Now, let us have the regular order.

The PRESIDING OFFICER. The regular order is the calendar, under Rule VIII.

The bill (S. 3724) regulating injunctions and the practice of the district and circuit courts of the United States was announced as first in order on the calendar.

Mr. HALE. Let the first five bills on the calendar go over.

The PRESIDING OFFICER. Senate bill 3724 will go over. The titles of the succeeding bills will be announced.

The bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington property was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 12316) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 5485) to authorize the Secretary of the Interior to make temporary withdrawals of areas of public land pending report and recommendation to Congress or for examination and classification was announced as next in order.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 530) to amend an act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and the acts supplementary thereto, so as to extend the benefits thereof to the District of Columbia, was announced as next in order.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 5715) providing for the establishment of building lines and special building restrictions in the District of Columbia was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over without prejudice.

The joint resolution (H. J. Res. 116) to amend an act to correct chapter 271 of volume 35, United States Statutes at Large, was announced as next in order.

Mr. HEYBURN. I ask that the joint resolution may go over.

The PRESIDING OFFICER. The joint resolution will go over.

The next bill on the calendar is the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

The PRESIDING OFFICER. This bill is the unfinished business. It will go over also.

The bill (S. 3806) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900 was announced as next in order.

The PRESIDING OFFICER. The bill has been already read and considered as in Committee of the Whole.

Mr. NELSON. I ask that the bill may be read.

The Secretary read the bill.

Mr. HEYBURN. I ask that it may go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 19633) to authorize Aransas Pass Channel and Dock Company to construct a bridge across Morris and Cumming Channel was announced as next in order.

The PRESIDING OFFICER. The Senator from Texas [Mr. BAILEY] left at the desk a request that the bill shall go over in his absence.

Mr. JONES. I wish to state that when the bill was reached yesterday, the Presiding Officer, the Senator from Georgia [Mr. BACON] then in the chair, announced that it was the desire of the Senator from Texas [Mr. BAILEY] that the bill should go over, and I suppose that the same order applies to-day.

The PRESIDING OFFICER. The bill will go over.

MORRISON CHANNEL BRIDGE, MICHIGAN.

The bill (H. R. 21221) to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BONDING OF OFFICERS.

The bill (H. R. 18902) to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon," was read.

Mr. LA FOLLETTE. That seems to be a very important bill, and it occurs to me that some Senator ought to make an explanation of it or else the bill ought to be laid aside.

The PRESIDING OFFICER. Does the Senator ask that the bill shall go over?

Mr. LA FOLLETTE. I ask that it may go over unless some explanation of the changes which it proposes in the statute shall be made.

Mr. HALE. Is there a report filed with the bill?

The PRESIDING OFFICER. There does not seem to be a report with the bill here. The Senator from New York [Mr. DEPEW] reported the bill. He is now here.

Mr. DEPEW. There is a report on the bill made by the Judiciary Committee of the House. I have it here. The bill simply changes the approval and filing of the bonds from the Attorney-General's office to the Treasury Department. The Attorney-General wrote a letter to the House Committee asking for the passage of the bill, stating that he did not have the machinery or equipment to take care of the bonds, and that the Treasury Department did. That is all the change there is in the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN HYDE.

The bill (S. 1056) for the relief of Benjamin Hyde was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment in line 6, after the word "of," to strike out "four thousand six hundred and thirty-three dollars and forty" and insert "four hundred and seventy-four dollars and sixty-five," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Benjamin Hyde, the sum of $474.65, for extra materials and labor furnished by said Hdye in the construction of a temporary post-office at Chicago, Ill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESA VERDE NATIONAL PARK.

The bill (S. 1751) to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906, was considered as in Committee on the Whole.

The bill was reported from the Committee on Public Lands with amendments, on page 1, line 6, after the word "Park," to strike out "the 5-mile strip;" on page 2, line 1, after the word "park," to strike out "and 5-mile strip" and insert "and the ruins in the 5-mile strip south of the park, and the construction and improvement of roads leading thereto;" and, in line 5, after the word "park," to strike out the words "or strip," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior may, upon terms and conditions to be fixed by him, grant leases and permits for the use of the lands or development of the resources thereof, in the Mesa Verde National Park, and the fund derived therefrom shall be covered into the Treasury of the United States as a special fund, which is hereby appropriated and may be expended, under the direction of the Secretary of the Interior, in the administration, protection, and improvement of the park and the ruins in the 5-mile strip south of the park, and the construction and improvement of roads leading thereto: *Provided*, That such leases or privileges shall not include any of the prehistoric ruins in said park, or exclude the public from free and convenient access thereto.

The amendments were agreed to.

Mr. BACON. If there is a report with the bill, I should like to have it read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report submitted by Mr. HUGHES March 7, 1910, as follows:

The Committee on Public Lands, to whom was referred the bill (S. 1751) to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906, having had the same under consideration, report it back favorably, and recommend that it do pass as amended.

The bill was referred by your committee to the Secretary of the Interior for his views in regard to the same. His letter is attached hereto and made a part of this report. The amendments recommended are in accordance with his suggestions.

THE SECRETARY OF THE INTERIOR,
Washington, February 4, 1910.

SIR: In compliance with your request of June 4, 1909, I submit the following report and recommendation in connection with S. 1751, a bill to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906.

The act of Congress approved June 29, 1906 (34 Stat., 616), reserved the public lands therein described from settlement, entry, sale, or other disposal, and set the same aside as a public reservation designated as the Mesa Verde National Park, placed the same under the control of the Secretary of the Interior and authorized him to prescribe rules and regulations for the management and care thereof.

The proviso to section 2 of the act provides that prehistoric ruins situated within 5 miles of the boundaries of the park on Indian and public lands should be under the custodianship of the Secretary of the Interior, and should be administered by the same service established for the park.

The act, however, made no provision for the granting of privileges or leases for the accommodation of tourists, the development of the resources, or for the use of the revenues derived therefrom.

Senate bill 1751, now under consideration, covers these points, and in so far as it relates to the lands within the Mesa Verde National Park and the amendments hereinafter suggested relating to the care of the ruins in the 5-mile strip south of the park, I recommend its enactment into law.

As to the so-called "5-mile strip," however, which embraces approximately 50,000 acres of entered, patented, and granted land; 40,000 acres of vacant public lands, a considerable area of which appears to have no prehistoric ruins upon it, and about 45,000 acres of land of the Southern Ute Indian Reservation, I do not favor the enactment of the bill into law for the following reasons:

1. As to the public lands mentioned I do not think that provision for their leasing or disposition should be made in this bill, but that they should be held, leased, or disposed of under the existing public-land laws or such general laws as Congress may hereafter enact.

2. As to the lands in the Southern Ute Indian Reservation within the 5-mile strip and abutting the park on the south, there are a very large number of prehistoric ruins which should be protected and cared for, and means of access thereto provided. I do not favor the leasing under this bill, and the expenditure of the proceeds therefrom for the maintenance of the park and 5-mile strip in this Indian reservation, for the reason that if the lands within the Indian reservation are leased the proceeds should be given to or used for the Indians, for whom the reservation was created.

In the interest of the protection of these ruins it is highly desirable, however, that at some future time this tract of land, after the extinguishment of Indian title, be added permanently to the park, and steps will shortly be taken by the Commissioner of Indian Affairs looking to the negotiation with the Ute Indians for the exchange of this land in the 5-mile strip for certain lands located in the southeast corner of

the Montezuma National Forest. It is understood that the Ute Indians are desirous of making this exchange, and the supervisor of the Montezuma National Forest has recommended that the entire Ute Mountain division be eliminated from the forest, for the reason that it contains no merchantable timber and is not regarded as forest land, never having produced timber of commercial value.

I have the honor, therefore, to recommend that the bill be amended by striking out the words "and five-mile strip," in line 6, page 1, and the striking out of the words "and five-mile strip," in line 11, page 1, and the inserting in lieu thereof "and the ruins in the five-mile strip south of the park, and the construction and improvement of roads leading thereto;" also the elimination of the words "or strip," in line 1, page 2, leaving the provisions of the bill, if it be enacted into law, applicable only to the Mesa Verde National Park so far as the granting of leases and permits for the use of the lands or development of the resources thereof is concerned.

Very respectfully, R. A. BALLINGER, *Secretary.*

Hon. KNUTE NELSON,
Chairman Committee on Public Lands,
United States Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRANT OF LANDS TO LA JUNTA, COLO.

The bill (S. 2984) to grant certain lands to the town of La Junta, Colo., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments. The first amendment was, in section 1, page 1, line 7, after the word "and," to insert "the northeast quarter of section;" on page 2, line 3, after the word "use," to strike out "and behoof forever;" and in line 5, after the word "shall," to strike out "forever," so as to make the section read:

That the following-described tract of land, situate in the county of Otero and State of Colorado, namely, sections 21, 22, 23, and 24, and the north one-half of sections 25, 26, 27, and the northeast quarter of section 28, or so much thereof as may be desired, in township 23 south, range 55 west, of the sixth principal meridian, containing 3,840 acres, more or less, be, and the same is hereby, granted and conveyed to the town of La Junta, in the county of Otero and in the State of Colorado, upon the payment of $1.25 per acre by said town to the United States, to have and to hold to its use for an arid park and other public purposes; and for these purposes the town of La Junta shall have the right, in its discretion, to control and use any and all parts of the premises herein conveyed, subject to the existing laws and regulations concerning public parks, and in making such improvements as may be necessary for the purposes above set forth: *Provided, however,* That the grant hereby made is, and the patent issued hereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises, or any part thereof, and now existing under and by virtue of the laws of the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 2, in line 21, after the word "describe," to insert—

And in the event that the same shall not be used for a public park for three successive years the same shall revert to the United States. Declaration of forfeiture under this act may be declared by the Secretary of the Interior.

So as to make the section read:

SEC. 2. That it shall be the duty of the town of La Junta on accepting this grant to provide for the proper care and protection of the land herein described, and to use the same for the purposes herein granted: *Provided,* That said town shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and in the event that the same shall not be used for a public park for three successive years the same shall revert to the United States. Declaration of forfeiture under this act may be declared by the Secretary of the Interior.

The amendment was agreed to.

Mr. BURTON. Mr. President, I want to call attention to an apparent inconsistency in the phraseology of this bill created by the adoption of the amendment added at its close. In the bill on page 2, in lines 3 and 4, there is authorization for making a grant to the town, "to have and to hold to its use for an arid park and other public purposes." "Other public purposes" might mean waterworks or a building for a police station or anything of that kind, while at the end of the bill it is provided: "In the event that the same shall not be used for a public park for three successive years the same shall revert to the United States." It would seem to me that the language "or other public purposes" ought to be inserted at that point, or, rather, ought to be omitted in lines 3 and 4.

Mr. HUGHES. Mr. President, this is called "an arid park," but there are other park uses to which it is devoted and they are covered by the words "other purposes." The whole of it is limited by the fact that it must be a public park by the amendment. An arid park is one devoted to the growth of peculiar vegetation which will not grow anywhere else. It is to be a resort, and in that sense is a public park, but it is arid in its character and it is not the usual public park. Unless it is confined to that use and is available within the time fixed it lapses, whatever the uses may be.

Mr. BURTON. It is, however, stated, the Senator from Colorado will observe, in the portion of the bill which was framed and introduced before this amendment that the grant shall be "for an arid park and other public purposes."

Mr. HUGHES. Yes.

Mr. BURTON. What is the use of the language "and other public purposes?" Is it not inconsistent with the limitation to use as a park?

Mr. HUGHES. As I understand that, the following words make sure of the fact that the "other public purposes" are of the character of park uses. An arid park is one thing and a public park is another thing. This is a public park of the arid kind, and it is limited to park purposes. That is the purpose of the last language, so that the other expression might not be misunderstood.

Mr. BURTON. If that is true, why is not the language "for an arid park" sufficient without the words "and other public purposes?"

Mr. HUGHES. Because it must be used as a public park or else the town would not have the authority under the state law to pay for it or to use it.

Mr. BURTON. I am not disposed to object to the passage of the bill, but it seems to me more fortunate language could have been chosen to convey the meaning that is intended.

Mr. HUGHES. That is possible, but we had to use language which would bring it within the power of the town under our cities and towns act and at the same time bring it under the laws here. The two taken together, we think, accomplishes that purpose.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUREAU OF MINES IN INTERIOR DEPARTMENT.

The bill (H. R. 13915) to establish in the Department of the Interior a bureau of mines was announced as next in order.

Mr. HALE. I move that that bill be placed on the calendar under Rule IX.

The motion was agreed to.

Mr. DICK subsequently said: Mr. President, I move that the bill (H. R. 13915) to establish in the Department of the Interior a bureau of mines may be restored to its place on the calendar under Rule VIII.

Mr. HALE. Mr. President, my attention was diverted for a moment. I inquire what was the Senator's request?

Mr. DICK. My request was to restore the bill creating a bureau of mines to the calendar under Rule VIII. It was transferred this morning, I understand, to the calendar under Rule IX.

Mr. HALE. Mr. President, that was done on my motion this morning. That bill can never be considered and disposed of under Rule VIII. It is of that importance and there is so much opposition to it that it naturally belongs to the calendar under Rule IX. It is for that reason I made the motion, and I do not agree to a reconsideration of the motion.

THE MERCHANT MARINE.

The bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," was announced as next in order.

Mr. GALLINGER. Mr. President, while I shall at the earliest opportunity ask for the consideration of that bill, I think it might as well go over to Rule IX. It will doubtless have to be considered under that rule at any rate, and I ask that that disposition be made of it this morning.

The PRESIDING OFFICER. Without objection, it will be so ordered.

JAMES B. FERGUSON.

The bill (S. 1021) to appoint James B. Ferguson a first lieutenant in the Medical Corps of the Army and place him on the retired list was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGE IN THE STATE OF WASHINGTON.

The bill (S. 6793) authorizing the construction of a bridge across the Columbia River in the counties of Okanogan and Douglas, Wash., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment in section 1, page 1, beginning in line 3, to strike out—

That the assent of the United States of America is hereby given to the Okanogan Electric Railway, a corporation incorporated under the laws of the State of Washington, its successors and assigns, and such other persons and municipal corporations as may be associated with it, to construct and maintain a bridge over the Columbia River between the counties of Okanogan and Douglas.

And to insert—

That the Okanogan Electric Railway Company, a corporation organized under the laws of the State of Washington, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River, between the counties of Okanogan and Douglas, at a point suitable to the interests of navigation.

So as to make the section read:

That the Okanogan Electric Railway Company, a corporation organized under the laws of the State of Washington, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River, between the counties of Okanogan and Douglas, at a point suitable to the interests of navigation, at the town of Bridgeport, in the State aforesaid, in accordance with the provisions of an act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OKANOGAN RIVER BRIDGE IN THE STATE OF WASHINGTON.

The bill (S. 6794) authorizing the construction of a bridge across the Okanogan River, in the county of Okanogan, Wash., was considered as in Committee of the Whole. The bill had been reported from the Committee on Commerce with an amendment, in section 1, page 1, beginning in line 2, to strike out—

That the assent of the United States of America is hereby given to the Okanogan Electric Railway Company, a corporation incorporated by the laws of the State of Washington, its successors and assigns, to construct and maintain a bridge over the Okanogan River in the county of Okanogan, in the State aforesaid, at a point known as Defflins Ferry, situated.

And to insert—

That the Okanogan Electric Railway Company, a corporation organized under the laws of the State of Washington, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Okanogan River in the county of Okanogan, Wash., at a point suitable to the interests of navigation, at or near Defflins Ferry.

So as to make the section read:

That the Okanogan Electric Railway Company, a corporation organized under the laws of the State of Washington, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Okanogan River in the county of Okanogan, Wash., at a point suitable to the interests of navigation, at or near Defflins Ferry, about 7½ miles from the junction of said Okanogan River with the Columbia River, in accordance with the provisions of an act of Congress entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 19959) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 8, line 20, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Samuel Burkhart, late of Company E, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 21, before the word "dollars," to strike out "fifty" and insert "forty," so as to make the clause read:

The name of Horace E. Burroughs, late of Company L, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 7, before the word "late," to strike out the name "Myers" and insert "Meyers," so as to make the clause read:

The name of Tempest Meyers, late of Company C, Third Regiment Pennsylvania Volunteer Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 16, to strike out:

The name of Mary Church, widow of Alfred Church, late of Company I, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $12 per month: *Provided, however*, That such pension shall cease upon proof that the soldier is living.

The amendment was agreed to.

The next amendment was, on page 27, line 1, before the word "dollars," to strike out "fifty" and insert "forty," so as to make the clause read:

The name of John H. Theis, late of Company E, Fifth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, after line 6, to strike out:

The name of Thomas R. Buxton, late of Company H, Tenth Regiment Kansas Volunteer Infantry, and Company D (Veteran Battalion), Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 38, line 8, before the word "dollars," to strike out "thirty" and insert "fifty," so as to make the clause read:

The name of John Ruhm, late first lieutenant and regimental quartermaster Fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, after line 2, to strike out:

The name of William W. Gilleland, late of Captain Van Valer's independent company attached to the Fourth Regiment Michigan Volunteer Infantry, and Company I, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 20480) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 11, before the word "late," to strike out the name "Curley" and insert "Curby," so as to make the clause read:

The name of Frank L. Curby, late of Company E, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to strike out:

The name of Philip Styers, late of Company C, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 13, to strike out:

The name of Charles A. Haggerty, late of Company E, Fourteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 15, before the name "Walton," to strike out the initial "B" and insert "L," and in line 17, before the word "dollars," to strike out "twenty" and insert "twenty-four," so as to make the clause read:

The name of Kate L. Walton, widow of Thomas C. Walton, late assistant surgeon, United States Navy, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, after line 11, to strike out:

The name of James H. F. Milton, late captain Company A, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 20490) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, after line 4, to strike out:

The name of Gilford Ratliff, late of Capt. J. S. Ford's company, Texas Volunteers, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to strike out:

The name of Polk R. Kyle, late of Capt. James H. Callahan's company, Texas Volunteer Rangers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 4, to strike out:

The name of George Bingaman, late of Company I, Fourth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to strike out:

The name of Samuel A. Berry, late unassigned, United States Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out:

The name of Rachel N. Schmitz, widow of William F. Schmitz, late of Company F, Fifth Regiment United States Artillery, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said William F. Schmitz until she reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to strike out:

The name of Florence P. Percy, widow of Henry T. Percy, late lieutenant-commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

SAMUEL W. CAMPBELL.

The bill (S. 6965) for the relief of Samuel W. Campbell, was considered as in Committee of the Whole. It proposes to appropriate $696 to the credit of Samuel W. Campbell, Indian agent at La Pointe Indian Agency, Wis., on account of money paid by him to Delia M. Rabideau for clerical services.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CODIFICATION OF THE JUDICIAL CODE.

The bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary was announced as next in order.

Mr. NELSON. I ask that that bill be passed over.

Mr. HEYBURN. Mr. President, I think that bill had better go to the calendar, under Rule IX. It can not be discussed under the five-minute rule. I make that motion.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 7058) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the persons named at the rate stated, as follows:

Leander McGrew, late of Company B, Thirty-third Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James W. Smith, late of Company E, Fifth Regiment Michigan Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Charles Ames, late of Company B, Ninety-second Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Josiah Wilcox, late of Company D, Eighth Regiment New York Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

John Kinnee, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Orville T. Lee, late of Company K, Thirty-ninth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles H. Pennybaker, late of Company H, Thirty-sixth Regiment Ohio Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John A. Packard, alias John A. Beecher, late of Company B, Fifth Regiment Massachusetts Volunteer Infantry, and Troop L, Second Regiment United States Cavalry, $24 per month in lieu of that he is now receiving.

Caroline Coleman, widow of Samuel Coleman, late of Company E, Fifth Regiment Missouri State Militia Cavalry, $20.

Bernice A. Kent, widow of Henry O. Kent, late colonel Seventeenth Regiment New Hampshire Volunteer Infantry, $12.

Jacob Sands, late of Company A, One hundred and twenty-third Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Dean F. Gallup, late of Company B, Ninety-first Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George E. Hanson, late of Company K, Ninety-fifth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George C. W. Langworthy, late of Company I, Twentieth Regiment, and Company G, Twenty-ninth Regiment, Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph A. Lambert, late of Company A, Ninth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Augustus J. Crane, late of Company D, Tenth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary L. Stevens, former widow of David N. Hall, late of Company B, Tenth Regiment Maine Volunteer Infantry, $12.

Allen Catt, late of Company E, Ninety-ninth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Alonzo P. Hall, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Ephraim B. Glass, late of Company C, Fourteenth Regiment ment Invalid Corps, $30 per month in lieu of that he is now now receiving.

Alonzo F. Page, late of Company F, Thirty-third Regiment Massachusetts Volunteer Infantry, and Company K, First Regiment Invalid Corps, $30 per month in lieu of that he is now receiving.

Volney Craw, late of Third Independent Battery New York Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Franklin M. Crittenton, late of Company K, First Regiment Michigan Volunteer Engineers and Mechanics, $30 per month in lieu of that he is now receiving.

Madison Bray, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Fredrick Struse, late of Company H, One hundred and twentieth Regiment New York Volunteer Infantry, and Company H, Seventy-third Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Harrison B. Carter, late first lieutenant Company H, Third Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry Carman, late of Company B, Thirty-sixth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Freeman Moore, late of Company K, Twelfth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles P. Allison, late of Company K, One hundred and sixteenth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Isaac C. Loomis, late of Company I, Fifteenth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William W. Hershberger, late of Company H, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Augustus C. Wilson, late of Company A, Tenth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George A. Eastman, late of Company G, Seventeenth Regiment Maine Volunteer Infantry, and Company F, Twenty-fourth Regiment Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

Jeremiah Bogard, late of Company F, First Regiment West Virginia Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Thomas Coleman, late of Company B, First Regiment Wisconsin Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Samuel R. Smith, late of Company B, Eighteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Samuel B. Ayer, late of Company E, First Regiment Maine Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Oscar Hugh La Grange, late colonel First Regiment Wisconsin Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Albert Edwards, late of Company E, Thirty-sixth Regiment Indiana Volunteer Infantry, and Company I, First Regiment Indiana Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

John F. Searight, late of Company G, Twenty-second Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Allen, late of Company A, Eighth Regiment United States Veteran Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Franklin J. Russell, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Nahum B. Dickey, alias Hiram B. Dickerson, late of Company D, Twentieth Regiment Massachusetts Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Cyrus C. Trump, late of Company C, Second Regiment Pennsylvania Volunteer Heavy Artillery, and Company C, Second Regiment Pennsylvania Provisional Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

William N. Brown, late of Company B, Tenth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Thomas, late of Company G, Twenty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William Large, late of Companies G and A, Fourteenth Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William H. McCune, late of Company H, Twelfth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George O. Ellsworth, late of Company K, Ninety-fifth Regiment Illinois Volunteer Infantry, and first lieutenant Company K, Sixth Regiment United States Colored Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Philip Terry, jr., helpless and dependent son of Philip Terry, late of Company H, Forty-fourth Regiment Illinois Volunteer Infantry, $12.

Harriet Beattie, widow of George Beattie, late of Company F, Seventh Regiment Michigan Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Mathias Berry, late of Company E, Fifty-first Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Robert P. Wild, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, $24 per month in lieu of that he is now receiving.

Nellie F. O'Kane, widow of James O'Kane, late captain, United States Navy, $40 per month in lieu of that she is now receiving.

Noah Hedding, late of Company B, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Amanda Ruble, helpless and dependent daughter of Palser Ruble, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, $12.

Peter P. Sumner, late of Company L, Tenth Regiment Michigan Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Clark C. Kenyon, late of Company H, Thirty-second Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Bettie Patterson, widow of Frank Patterson, late of Company I, One hundred and fourteenth Regiment United States Colored Volunteer Infantry, $12.

Fleming Dudley, late of Company A, First Regiment West Virginia Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Peter Knepp, late of Company K, Eighteenth Regiment Pennsylvania Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

John L. Hays, late of Company B, Sixty-third Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lucius C. Baker, late of Company A, Tenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William W. Hayes, late of Company G, Second Regiment Minnesota Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Harvey W. Hastings, late of Company C, First Regiment Vermont Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Michael Foley, late of Company L, Second Regiment Ohio Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Mary L. Bingham, widow of Charles R. Bingham, late of Company F, Sixteenth Regiment New Hampshire Volunteer Infantry, $12.

Inzetta A. Small, widow of Orrington L. Small, late of Company B, Eighth Regiment Pennsylvania Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

James L. Baker, late of Company E, Fifth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Luther Glenn, late of Company A, One hundred and sixtieth Regiment Ohio National Guard Infantry, $30 per month in lieu of that he is now receiving.

Emma K. Frank, widow of Royal T. Frank, late brigadier-general, United States Volunteers, $30.

Mr. McCUMBER. I wish to propose an amendment. On page 8, line 3, I move to strike out the word "thirty" and insert in lieu thereof "fifty." The evidence which we had received at the time of making up the bill justified only the amount which was allowed. Since that time I have ascertained that the claimant is absolutely helpless, needs the constant aid and attention of another person, is very aged—I think over 80 years of age—and I think, following our rule, the amount should be raised to $50.

The PRESIDING OFFICER. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 8, line 3, it is proposed to strike out "thirty" and insert "fifty," so as to make the item read:

The name of Oscar Hugh La Grange, late colonel First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SADDLE MOUNTAIN NATIONAL PARK.

The bill (S. 5629) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park, was considered as in Committee of the Whole.

Mr. BACON. If the Senator who introduced the bill is present I would like to ask him what will be the size of the park.

The PRESIDING OFFICER. The bill was introduced by the Senator from Oregon [Mr. CHAMBERLAIN] and reported by him. The Chair is not informed as to the size of the park.

Mr. BACON. As the Senator from Oregon is not here, I will not press the inquiry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF HOMESTEAD SETTLERS.

The bill (H. R. 10321) for the relief of homestead settlers under the acts of February 20, 1904; June 5 and 28, 1906; and March 2, 1907, was announced as the next business in order, and the Secretary proceeded to read it.

Mr. NELSON. I desire to say there is a mistake about this bill. It was referred to the Committee on Public Lands, but was never considered by that committee, and I was about to ask to have it referred to the Committee on Indian Affairs. In the meantime the Senator from South Dakota [Mr. GAMBLE] reported it as coming from the Committee on Public Lands, when we had never considered it in that committee.

Mr. GAMBLE. Mr. President, the matter never came to my observation until the bill was reached on the calendar. It is clearly within the jurisdiction of the Committee on Indian Affairs. It refers to Indian matters entirely, and was taken up at the last meeting of the Committee on Indian Affairs, assuming it had been referred to that committee. It is clearly within the jurisdiction of that committee.

Mr. NELSON. I suggest that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Does the Senator so move?

Mr. NELSON. Yes; I move that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. The Senator from Minnesota moves that the bill be referred to the Committee on Indian Affairs.

Mr. GAMBLE. Would it not preserve the jurisdiction of the respective committees to move that the Committee on Public Lands be discharged from the further consideration of the bill?

Mr. NELSON. Exactly. I ask that the Committee on Public Lands be discharged from the further consideration of the bill.

The PRESIDING OFFICER. The Chair understands that the committee has been discharged and that the bill is on the calendar.

Mr. HALE. You do not need to do that.

Mr. NELSON. I move that the bill be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. The Senator from Minnesota moves that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. GAMBLE. Do I understand——

Mr. HALE. The bill has been referred to the Committee on Indian Affairs.

Mr. GAMBLE. Yes; I may say that the Committee on Indian Affairs considered the bill at its last session. It is a matter of very much importance, especially the second section of the bill, because the time of payment comes on the 1st day of April, and it is necessary that action should be taken before that day. It was entirely a misapprehension on the part of the Committee on Indian Affairs, because we assumed that the bill had gone there, as it is entirely within the jurisdiction of that committee. If its consideration by the Senate this morning would be proper I would be very glad to have the bill considered, because it is a matter that has been delayed. I reported it from the Committee on Indian Affairs, with a unanimous report.

Mr. NELSON. I think the bill ought to go to the committee, where it really belongs.

Mr. LODGE. It has gone.

The PRESIDING OFFICER. It has gone. It is not here.

Mr. GAMBLE. While the bill is before the Senate, I ask unanimous consent that it——

The PRESIDING OFFICER. The Chair does not understand that the bill is before the Senate. The Chair understands that the bill has gone to the Committee on Indian Affairs.

Mr. LODGE. It has gone to the committee. The motion to refer was carried.

The PRESIDING OFFICER. It was carried, and the bill has gone to the Committee on Indian Affairs.

Mr. GAMBLE. I ask unanimous consent, if it be in order, Mr. President, that I be permitted to report House bill 10321 and that the same be considered, the bill having already been fully considered by the Committee on Indian Affairs and a unanimous report made.

Mr. CLAPP. Mr. President, if the Senator will pardon me, I think I see a way out of the difficulty.

The Red Lake item is on the Indian bill, and the other item no doubt is germane to it. So the House, by amendment, can put the other States onto the Minnesota case in the Indian appropriation bill.

Mr. HALE. What does it cover?

Mr. CLAPP. It covers the subject of extending the time of payment. I have no doubt it would be germane. I do not think the Senator would object.

Mr. GAMBLE. Certainly not——

Mr. CLAPP. The other States can be put on in conference, and you will get your legislation in ample time to meet the conditions.

Mr. ALDRICH. Does the Senator from Minnesota say that the conference committee can put on claims which have never been considered by either House of Congress?

Mr. CLAPP. This is not in any sense a claim. It is a proposition to extend the time of making payment where lands have been sold under these Indian treaties and Indian laws.

There is an item on the Indian appropriation bill extending the time as to the land on the Red Lake ceded reservation, in Minnesota. I have no doubt the House can accept that amendment with an amendment adding these other subjects.

Mr. HALE. The House——

Mr. ALDRICH. Adding subjects never considered by either House?

Mr. HALE. I suppose the Senator from Minnesota means, not that the conference committee can do it, but that the House itself, when the bill reaches the House, can put on another amendment, and that they undoubtedly could do. But the conference——

Mr. CLAPP. No.

Mr. ALDRICH. That is, if it goes back to a stage where amendments would be in order. But a proposition never considered by either House could not be added in conference.

Mr. HALE. It can only be done by one of the Houses. The conference committee could not do it.

Mr. CLAPP. The House can accede in conference to the Senate amendment with an amendment which is germane to it.

Mr. LODGE. No. They can not add any new matter which has not been before either House. It would be utterly beyond their power.

Mr. HALE. No new item.

Mr. CLAPP. I beg leave to differ. I think if the Senators understood just the situation, both would agree with me.

Mr. HALE. Why does not the Senator report his bill from the committee and have it put on the calendar, and then he can call it up to-morrow morning? That will settle all difficulty.

Mr. GAMBLE. I simply ask unanimous consent to report the bill at this time——

Mr. HALE. That is right.

Mr. GAMBLE. As the bill has been partially considered, coming from the Committee on Indian Affairs.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent to make the following report.

Mr. NELSON. I object to that course.

The PRESIDING OFFICER. Objection is made.

Mr. NELSON. I think it is irregular, under the rules. The bill has been referred to that committee at this moment, and as the first part of the bill is already included in the Indian appropriation bill I shall object to its being included in this bill.

Mr. GAMBLE. In compliance with the suggestion made by the senior Senator from Minnesota, I would follow my request by moving an amendment to strike out the first section of the bill, which applies to the State of Minnesota.

Mr. LODGE. The bill is not before the Senate for amendment.

Mr. GAMBLE. No.

Mr. LODGE. It has just been referred. It is not before the Senate at all.

Mr. GAMBLE. I am not proposing to amend the bill at this time, but that amendment would cure the objection raised by the Senator from Minnesota. It was entirely a misapprehension by the committee.

Mr. NELSON. I believe the bill ought to go to the committee, and then the committee can amend it by striking out the first paragraph.

Mr. GAMBLE. That will be entirely satisfactory.

The PRESIDING OFFICER. The next bill on the calendar will be stated.

ALLOWANCE TO UNITED STATES DISTRICT JUDGES.

The bill (S. 7090) fixing the expense allowance for travel and attendance of United States district judges when necessarily absent from their place of residence on official duty in any other place in their districts was considered as in Committee of the Whole. It proposes to allow the judges of the district court of the United States $6 per day as expenses of travel and attendance for each day that any such judge shall be necessarily absent from his place of residence in holding court or in the discharge of other judicial duties in any other place in the district whereof he is judge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GIFTS TO GOVERNMENT OFFICERS.

The bill (S. 7096) granting permission to certain officers of the United States to accept gifts from the governments of foreign states, and authorizing the Department of State to deliver said gifts, was considered as in Committee of the Whole. It proposes that Capt. James M. Miller, Commander Herbert O. Dunn, Chaplain H. I. Reaney, Lieut. Victor A. Kimberly, Lieut. Henry L. Brinser, Asst. Surg. Theodore N. Pease, and Paymaster Charles R. O'Leary, all of the United States Navy, and First Lieut. Frank C. Lander, United States Marine Corps, be authorized to accept, respectively, photographs tendered to each of them by the Mexican Government through the Department of State of the United States.

That Capt. B. F. McCalla, United States Navy, be authorized to accept the swords tendered to him by the Emperor of Germany through the Department of State of the United States, and a Peking war medal tendered to him by the King of Great Britain.

That Arthur M. Beaupré be authorized to accept a silver inkstand tendered to him while he was secretary of legation and consul-general at Guatemala by the British Government through the Department of State of the United States.

That First Lieut. Thomas H. Jackson, First Lieut. Edmund M. Rhett, Second Lieut. John H. Poole, all of the United States Army; Lieut. Frederick L. Chapin, United States Navy; and Gen. H. V. N. Boynton, commissioner of the Chickamauga and Chattanooga National Military Park, be authorized to accept, respectively, a photograph of His Royal Highness Prince Henry of Prussia tendered to each of them by the prince through the Department of State of the United States.

That Capt. Dorr F. Tozier, United States Navy, be authorized to accept a sword tendered to him by the King of Great Britain through the Department of State of the United States.

That George H. Bridgeman, formerly American minister at Bolivia, be authorized to accept a silver inkstand tendered to him by the British Government through the Department of State of the United States.

That E. C. Hadley and Albert Whitten, light keepers at Cape Ann, Rockport, Mass., be authorized to accept, respectively, a watch tendered to each of them by the Canadian government through the Department of State of the United States.

That Hamilton King, American minister to Siam; Paul Nash, formerly secretary of legation at Bangkok; and J. P. Sleden be authorized to accept, respectively, a jubilee medal tendered to each of them by the King of Siam through the Department of State of the United States.

The Department of State is authorized to deliver to the widow or heir at law of Rear-Admiral J. W. Nicholson, deceased, a gold medal tendered to him by the King of Sweden and Norway through the Department of State of the United States.

That Surg. William C. Braisted, Untied States Navy, be authorized to accept a war medal tendered to him by the Emperor of Japan through the Department of State of the United States.

That Rear-Admiral C. H. Davis, United States Navy, be authorized to accept a silver cup and salver and silver punch bowl and cups tendered by the Governments of Great Britain and Russia through the Department of State of the United States.

That Lieut. Commander Irvin V. Gillis, United States Navy, be authorized to accept a war medal tendered to him by the Emperor of Japan through the Department of State of the United States.

That Capt. O. C. Hamlet, United States Revenue-Cutter Service, be authorized to accept a gold cigarette case tendered to him by the Czar of Russia through the Department of State of the United States.

That Commander Richard T. Mulligan, United States Navy, be authorized to accept a silver cup presented to him by the President of Guatemala through the Department of State of the United States.

That Rear-Admiral Charles S. Sperry, United States Navy, be authorized to accept a silver flower bowl mounted on a wooden base tendered to him by the Emperor of Japan through the Department of State of the United States.

That Col. John P. Wisser, United States Army, be authorized to accept a photograph tendered to him by the Emperor of Germany through the Department of State.

The Department of State is authorized to deliver to the various persons named the gifts herein specified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CULLOM. I ask that the report made in the case be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Illinois asks that the report be printed in the RECORD. In the absence of objection, it is so ordered.

The report submitted by Mr. ROOT on the 10th instant is as follows:

[Senate Report No. 373, Sixty-first Congress, second session.]

GIFTS AND DECORATIONS TO OFFICERS OF THE UNITED STATES BY FOREIGN GOVERNMENTS.

Mr. ROOT, from the Committee on Foreign Relations, submitted the following report, to accompany S. 7096:

The Committee on Foreign Relations having had under consideration applications under Article I, section 9, paragraph 8, of the Constitution, reports as follows:

The paragraph provides:

"No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

There are now pending in the Committee on Foreign Relations 200 requests for the consent of Congress under this constitutional provision to the acceptance of gifts and decorations tendered by foreign governments to officers of the United States. The subject-matter of all these requests is described in the accompanying pamphlet, in which we have numbered the requests from 1 to 200, inclusive. It seems that requests of this character should be passed upon in accordance with some declared principle of action, so that one officer should not have his request refused and another receive authority as the result of accidental circumstances attending the presentation of the request.

The existence of the prohibition in the Constitution indicates that the presumption is against the acceptance of the present, emolument, office, or title. A habit of general and indiscriminate consent by Congress upon such applications would tend practically to nullify the constitutional provision, which is based upon an apprehension, not without foundation, that our officers may be affected in the performance of their duties by the desire to receive such recognition from other governments. A strong support for the view that the practice should not be allowed to become general is to be found in the fact that the Government of the United States does not confer decorations or titles or, unless in very exceptional cases, make presents to the officers of other governments. It is not suitable that we should permit our officers to receive courtesies which we do not reciprocate by extending similar courtesies to the officers of other governments. We are of the opinion that the following rules should be observed:

1. That no decoration should be received unless possibly when it is conferred for some exceptional, extraordinary, and highly meritorious act, justifying beyond dispute a special mark of distinction.

2. That no presents should be received except such articles as are appropriate for souvenirs and marks of courtesy and appreciation and having an intrinsic value not disproportionate to such a purpose.

3. That the acceptance of presents within the limitation above stated should be further limited to cases in which some exceptional service or special relation justifying the mark of courtesy exists between the recipient and the government offering the present.

4. That no offer of any other title or emolument or office should be considered.

5. We consider that membership in learned societies, even though the appointment thereto may have a quasi governmental origin, should not be considered as coming within the constitutional provision, and it may well be that as to certain trifling gifts, such as photographs, the rule of de minimis lex non curat should be deemed to apply.

Applying the foregoing rules, we recommend that the consent of the Congress be given to the acceptance of the presents offered to officers of the United States in the cases identified in the annexed pamphlet as Nos. 1 to 8 inclusive, 28 (the present but not the decoration), 29, 31 to 35, inclusive, 36, 84, 85, 86, 98 to 100, inclusive, 106, 125, 134, 144, 147, 174, 188, 197. We recommend that consent be refused in all the other cases specified in the pamphlet, including all the offers of decorations. We omit consideration of No. 77, which has been acted on by the Congress.

I. Requests for authority to accept certain gifts and decorations to officers of the United States by foreign governments, pending before the Committee on Foreign Relations June 23, 1906.—II. Requests for authority to accept certain gifts and decorations transmitted by the State Department to the Committee on Foreign Relations from June 23, 1906, to February 15, 1910.

I.

1. Capt. James M. Miller, United States Navy.
2. Commander Herbert O. Dunn, United States Navy.
3. Chaplain H. I. Reaney, United States Navy.
4. Lieut. Victor A. Kimberly, United States Navy.
5. Lieut. Henry L. Brinser, United States Navy.
6. Asst. Surg. Theodore N. Pease, United States Navy.
7. Paymaster Charles R. O'Leary, United States Navy.
8. First Lieut. Frank C. Lander, United States Marine Corps.

Photographs presented to them by the Mexican Government.

Reason for giving.—The photographs were presented as a memorial for their services on board the U. S. S. *Columbia* when she carried the remains of the late Ambassador Azpiroz to Mexico.

9. Lieut. Gen. A. R. Chaffee, retired, United States Army.

Commission and insignia of the office of Grand Commander of the Legion of Honor, conferred upon him by the French Republic.

Reason for giving.—In recognition of his recent visit to France as the head of the special mission of American army officers to witness the grand maneuvers of the French army.

10. Brig. Gen. William Crozier, United States Army.
11. Capt. Daniel T. Moore, United States Army.

Decoration of Commander of the Order of the Legion of Honor, and Chevalier of the Order of the Legion of Honor, respectively.

Reason for giving.—In connection with their attendance of the grand maneuvers of the French army, held in September, 1905.

12. John Barrett, American Minister to Colombia.
13. Col. J. A. Ockerson, Commissioner on the Mississippi River Commission.

Letters patent and the decorations of the Order of the Double Dragon conferred upon them by the Chinese Government.

Reasons for giving.—Because of their connection with the Louisiana Purchase Exposition, Barrett having been special commissioner to China in the interest of the exposition, and Ockerson having been chief of the Liberal Arts Building at the exposition.

14. Capt. T. Bentley Mott, United States Army.

Decoration of the Order of the Legion of Honor conferred upon him by the French Republic.

Reason for giving.—Decoration conferred upon the completion of his tour of duty as military attaché to the American embassy at Paris.

15. Brig. Gen. Thomas H. Barry, United States Army.

Decoration of the Order of St. Stanislaus of the first class. Russia.

16. Col. John Van R. Hoff, Medical Department.
17. Lieut. Col. Walter S. Schuyler, General Staff.
18. Maj. Montgomery M. Macomb, General Staff.

Decoration of the Order of St. Anne of the second class. Russia.

19. Capt. Carl Reichmann, United States Army.
20. Capt. Sydney Cloman, United States Army.

Decoration of the Order of St. Stanislaus, second class. Russia.

Reason for giving.—These gentlemen were attached to the Russian army in the field during the Russo-Japanese war.

21. Brig. Gen. J. F. Bell, United States Army.
22. Capt. Grote Hutcheson, United States Army.

Decoration of Commander of the Order of the Legion of Honor and Chevalier of the Order of the Legion of Honor, respectively.

Reason for giving.—On account of their presence during the recent maneuvers of the French army.

23. Rear-Admiral Charles D. Sigsbee, United States Navy.
24. Capt. John M. Hawley, United States Navy.
25. Commander Reginald F. Nicholson, United States Navy.
26. Commander Alexander Sharp, United States Navy.
27. Lieut. Commander Harry George, United States Navy.

Decorations of the Order of the Legion of Honor, conferred upon them by the French Republic.

Reason for giving.—The decorations were conferred upon the occasion of the removal of the remains of Admiral John Paul Jones to this country.

28. Capt. B. F. McCalla, United States Navy.

Decoration of the Order of the Red Eagle of the second class, with swords, tendered to him by the German Emperor.

Reason for giving.—Decoration conferred after the campaign of the international column under Admiral Seymour, in which German bluejackets represented one of the nationalities engaged. On this occasion the German Emperor conferred a number of decorations.

McCalla says the decoration was conferred on account of the German Emperor's kindly feeling toward the United States and his recognition of the honorable part which the force under McCalla's command took in the unsuccessul attempt to relieve the legations at Peking.

29. Arthur M. Beaupre, minister to Argentine Republic.

Silver inkstand presented to him by the British Government while he was secretary of legation and consul-general at Guatemala.

Reason for giving.—On account of his services as arbitrator in connection with the claims of the owners and masters of the English sloop *Lottie May* against the Government of Honduras.

30. Richard T. Greener, commercial agent of the United States at Vladivostok.

Decoration of the Order of the Double Dragon, second grade, third class, from the Chinese Government.

Reason for giving.—The Chinese Government tendered such decorations to the consular officers of all the nations stationed at Vladivostok during the Boxer uprising in 1900.

31. First Lieut. Thomas H. Jackson, United States Army.

32. First Lieut. Edmund M. Rhett, United States Army.

33. Second Lieut. John H. Poole, United States Army.

34. Lieut. Frederick L. Chapin, United States Navy.

35. Gen. H. V. N. Boynton, commissioner of the Chickamauga and Chattanooga National Military Park.

Photographs, respectively, of His Royal Highness Prince Henry of Prussia.

Reason for giving.—These were tendered after Prince Henry visited the United States.

36. Capt. Dorr F. Tozier, United States Navy.

Sword tendered to him by the King of Great Britain.

Reason for giving.—On account of the "cordial and valuable assistance rendered by Captain Tozier during the search for H. M. S. *Condor* along the west coast of Vancouver Island."

37. Capt. William E. Horton, United States Army.

Decoration of Knight Commander of the Order of Nicham el Amouar, conferred upon him by the French Republic.

Reason for giving.—Recovery of the body of Baron De Marais, a citizen of France, who was assassinated by the insurgent Filipinos in 1899. Captain Horton, at some personal expense to himself and considerable risk, and after several failures on the part of others, finally recovered the body.

38. Commander Samuel W. B. Diehl, United States Navy.

39. Lieut. Commander Lewis S. Van Duzer, United States Navy.

40. Ensign William P. Cronin, United States Navy.

Decoration of the Bust of Bolivar of the third class, from the Government of Venezuela.

Reason for giving.—In testimony of their humanity in saving the life of a shipwrecked citizen of Venezuela and in rescuing a Venezuelan vessel off the coast of that country.

41. Samuel L. Gracey, esq., United States consul at Foochow, China.

Decoration of the Order of the Double Dragon, conferred upon him by the Chinese Government.

Reason for giving.—On account and in recognition of important services to the Chinese Government during the Boxer troubles in 1900.

42. Maj. Gen. J. A. Brooke, United States Army.

43. Brig. Gen. Samuel B. M. Young, United States Army.

44. Rear-Admiral F. G. Higginson, United States Navy.

Degree of Commander of the Order of the Legion of Honor.

45. Col. Albert L. Mills, United States Army.

46. Capt. Willard H. Bronson, United States Army.

47. Capt. Henry W. Lyon, United States Army.

48. Capt. Joseph N. Hemphill, United States Army.

49. Commander Richard Wainwright, United States Navy.

Decoration of Officer of the Legion of Honor.

50. Edwin V. Morgan, State Department.

51. Lieut. Commander A. Gleaves, United States Navy.

52. Lieut. A. H. Davis, United States Navy.

53. Lieut. G. E. Evans, United States Navy.

Decoration of Chevalier of the Legion of Honor.

Reason for giving.—Decorations tendered by the Republic of France after the ceremonies of the unveiling of the Rochambeau monument.

54. Capt. Richardson Clover, United States Navy.

Souvenir coronation medal tendered to him by the King of Great Britain.

Reason for giving.—Decoration tendered after the coronation.

55. Lieut. Commander Asher C. Baker, United States Navy.

56. Frank W. Clarke, Curator United States National Museum.

Decoration of the Cross of the Knight of the Legion of Honor.

57. Henry E. Alvord, Chief of the Dairy Division, Department of Agriculture.

58. William A. Taylor, Pomologist, Department of Agriculture.

59. H. W. Wiley, Chief Bureau of Chemistry, Department of Agriculture.

60. M. A. Carleton, Cerealist.

61. John I. Schulte, Assistant Agriculturist.

Decoration of the Ordre du Merite Agricole.

Reason for giving.—These decorations were tendered by the French Government in recognition of the important services rendered by these gentlemen at the Paris Exposition.

62. Dr. Eugene Wasdin, United States Marine-Hospital Service.

63. Dr. H. D. Geddings, United States Marine-Hospital Service.

Decorations of the Cross of Officer of S. S. Mariaio e Lazaro and the Cross of Chevalier, respectively.

Reason for giving.—These decorations were conferred by the Italian Government in recognition of investigations of the highest importance, which consisted in verifying and confirming the Italian studies and discoveries on the nature of yellow fever.

64. Capt. Stephen L'H. Slocum, United States Army.

South African war medal tendered by the King of Great Britain.

Reason for giving.—Captain Slocum was United States military attaché to South Africa during the Boer war, and this decoration was tendered after the conclusion of that war.

65. Lieut. William P. Scott, United States Army.

Decoration of Liakat Medal of Merit from His Majesty the Sultan of Turkey.

Reason for giving.—It appears from the note of our United States minister to Constantinople, "at the request of the first secretary of His Imperial Majesty the Sultan, I am sending you under separate cover the decoration of the Order of Merit, which His Majesty desires to confer on you as a token of his appreciation of the part which you played in the battle of Manila."

66. John Fowler, United States Consul at Chefoo, China.

Decoration of the Double Dragon, conferred upon him by the Chinese Government.

Reason for giving.—It appears from the note of the Chinese Government * * * "during the Boxer troubles in the year 1900, you and the other consuls cooperated with the local authorities in maintaining peace and order."

These decorations were conferred upon all of the foreign consuls.

67. Herbert H. D. Peirce, Third Assistant Secretary of State.

Decoration of the Order of the Legion of Honor, conferred upon him by the Government of France.

Reason for giving.—For his services in connection with the unveiling of the Rochambeau monument.

68. Gen. T. A. Bingham, United States Army, retired.

Decoration of the Order of the Legion of Honor, conferred upon him by France.

Reason for giving.—Conferred in connection with the unveiling of the Rochambeau monument.

69. Henry Vignaud, secretary of the American embassy at Paris.

Decoration of the Order of the Legion of Honor, conferred upon him by the Republic of France.

Reason for giving.—This decoration was conferred in July, 1889, out of compliment to the United States, and as a mark of special regard for Mr. Vignaud, who has been for many years in the American diplomatic service at Paris.

70. Capt. W. G. Cutler, United States Navy.

Decoration of the Order of the Legion of Honor, conferred upon him by the French Government.

Reason for giving.—Captain Cutler was commander of the U. S. S. *Galveston* on the occasion of the transfer of the remains of Admiral John Paul Jones to the United States.

71. Capt. W. S. Sims, United States Navy.

Decoration of the Order of the Legion of Honor, conferred upon him by France.

Reason for giving.—This decoration was conferred on his retirement as naval attaché at Paris.

72. Capt. D. E. Nolan, United States Army.

Decoration of the Order of the Legion of Honor, conferred upon him by France.

Reason for giving.—This decoration was conferred on the occasion of his attendance of the French maneuvers in the autumn of 1905.

73. G. W. Hill, Department of Agriculture.

Decoration of the Order of the Merite Agricole, conferred upon him by the Government of France.

Reason for giving.—This decoration was conferred at the request of the French minister of agriculture.

74. C. S. Crowninshield, commercial agent at Castellamarie.

Decoration of Officer of Public Instruction.

Reason for giving.—In recognition of the important part taken by him at the Paris Exposition.

75. Miss Anna T. Smith, translator of the Bureau of Education.

Decoration of Officer of Public Instruction, conferred upon her by France.

Reason for giving.—In recognition of the important part taken by her at the Paris Exposition.

76. John C. Covert, United States consul at Lyon.

Decoration of Officer d'Académie, conferred upon him by France.

Reason for giving.—This decoration was conferred on the occasion of the visit of the French minister of public instruction to Lyon.

77. Capt. C. De Witt Wilcox, United States Army.

Decoration of Officer d'Académie, conferred upon him by France.

Reason for giving.—No reason given.

78. Herbert H. D. Peirce, Third Assistant Secretary of State.

Decoration of the Order of the Double Dragon, conferred upon him by the Government of China.

Reason for giving.—For courtesies extended to Prince Tsai Chen, special envoy of the Emperor of China to the United States after the Boxer troubles of 1900.

79. Capt. A. W. Brewster, United States Army, military attaché at Peking.

Decoration of the Order of the Double Dragon, conferred upon him by China.

Reason for giving.—Decoration conferred in recognition of services rendered during the Boxer troubles.

80. Capt. J. M. Sigworth, United States Army.

81. Lieut. C. C. Kinney, United States Army.

82. Lieut. Paul M. Goodrich, United States Army.

83. Lieut. Allen Smith, jr., United States Army.

Decoration, respectively, of the Order of the Double Dragon, conferred by China.

Reason for giving.—In recognition of services rendered in the protection of the Forbidden City, Peking, after the Boxer disturbances in 1900.

84. Rear-Admiral B. H. McCalla, United States Navy.

Peking war medal with clasp, conferred by the King of Great Britain.

Reason for giving.—In recognition of services rendered in the relief of the legation at Peking in 1900.

85. George H. Bridgeman, American consul at Kingston, Jamaica, formerly American minister at Bolivia.

Silver inkstand.

Reason for giving.—In recognition of services rendered while in charge of British interests in Bolivia.

86. E. C. Hadley and Albert Whitten, light keepers at Cape Ann, Rockport, Mass.

Silver watches tendered by the Canadian government.

Reason for giving.—On account of humane services rendered by the keepers to the shipwrecked crew of the steamer *Lottie B.*, of St. Johns, New Brunswick.

87. Rear-Admiral P. H. Cooper, United States Navy.

88. Capt. Henry C. Taylor, United States Navy.
89. Capt. Francis A. Cooke, United States Navy.
90. Capt. Charles D. Sigsbee, United States Navy.
91. Capt. Casper S. Goodrich, United States Navy.
92. Commander W. M. Meade, United States Navy.
93. Commander J. H. Dayton, United States Navy.
94. Commander Frederick N. Symonds, United States Navy.
95. Chapin C. Todd.
Decoration of the bust of Bolivar.
Reason for giving.—This decoration was tendered on the occasion of the visit of these gentlemen to La Guaira, with the squadron, in 1899.
96. George P. Skinner, American consul-general at Marseille.
Decoration conferred by the Emperor of Ethiopia, namely, the Star of Ethiopia.
Reason for giving.—Mr. Skinner negotiated a commercial treaty with Abyssinia, and this decoration was tendered at the conclusion of the negotiations.
97. Capt. George P. Thorpe, United States Marine Corps.
Medal conferred upon him by the Emperor of Ethiopia.
Reason for giving.—Captain Thorpe commanded the escort which accompanied Mr. Skinner to Ethiopia to negotiate a commercial treaty.
98. Hamilton King, American minister at Bangkok.
99. Paul Nash, formerly secretary of legation at Bangkok, now consul at Venice.
100. J. P. Sleden.
Jubilee medals tendered by the King of Siam.
Reason for giving.—These gold and silver jubilee medals were tendered by the King as souvenirs to all officials, native and foreign.
101. Ethelbert Walsh, formerly consul-general at Cairo, now consul-general at St. Petersburg.
Decoration, Order of Osmanieh, conferred by the Khedive of Egypt.
Reason for giving.—No reason has been given for the award of this decoration.
102. Capt. Henry Wilson, United States Navy.
Gold cross tendered by King Kalakaua.
Reason for giving.—This gold cross was tendered on the occasion of the King's coronation.
103. John G. Leishman, American Minister at Constantinople.
104. Col. F. H. Phipps, United States Army.
Gold medals conferred by the Sultan of Turkey.
Reason for giving.—No reason given.
105. Richmond Pearson, American Minister at Teheran.
Diamond snuff box tendered by the Shah of Persia.
Reason for giving.—This was tendered as a mark of regard.
106. Rear-Admiral J. W. Nicholson, United States Navy, deceased.
Gold medal tendered by the King of Sweden and Norway.
Reason for giving.—For attention shown to Swedish subjects at Alexandria, Egypt, during the bombardment by British ships.
107. Maj. Gen. Arthur MacArthur, United States Army.
108. Col. E. H. Crowder, United States Army.
109. Lieut. Gen. E. J. McClernand, United States Army.
110. Maj. Joseph E. Kuhn, United States Army.
111. Maj. John F. Morrison, United States Army.
112. Capt. Charles Lynch, United States Army.
113. Capt. Parker W. West, United States Army.
114. Capt. John J. Pershing, United States Army.
115. Capt. Peyton C. Marsh, United States Army.
Decorations, respectively, tendered by the Emperor of Japan.
Reason for giving.—The American minister at Tokyo, in his dispatch of October 19, 1905, states as follows:

"I have the honor to transmit herewith a copy of a note from the minister for foreign affairs wherein he states that in view of the especially intimate relations between the United States and Japan, and also of the sympathy and admiration which the Japanese army feel for that of the United States, His Majesty the Emperor of Japan is now disposed to confer certain imperial orders upon the American military officers who were attached to the Japanese armies in the field during the war just ended."

II.

DEPARTMENT OF STATE,
Washington, February 15, 1910.

MY DEAR SENATOR CULLOM: Referring to your request of the 18th ultimo, I take pleasure in sending you herewith a list of officials of this Government who have been tendered or upon whom have been conferred decorations or gifts by foreign governments. This list contains the names of those whose cases have come before the department since June 23, 1906, when the Senate Committee on Foreign Relations had under consideration the applications which had been made up to that time for the permission of Congress to accept certain gifts and decorations.

There are now about 220 diplomas, decorations, medals, and other gifts in the custody of the chief clerk of this department.

I am, my dear Senator CULLOM,
Very sincerely, yours, P. C. KNOX.

Hon. SHELBY M. CULLOM,
Committee on Foreign Relations, United States Senate.

116. Lieut. William H. Allen, United States Navy.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.
117. Rear-Admiral Conway H. Arnold, United States Navy.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.
118. Julean H. Arnold, esq., American Consul, Amoy.
Decoration of the second class, third grade, "A-na-erh," conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.
119. Frank Holway Atkinson, esq., Assistant Paymaster, United States Navy.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.
120. Capt. Frank E. Beatty, United States Navy.
Decoration of the second class, second grade, "Pi-li," and silver bowl, conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.
121. A. Bailly-Blanchard, esq., Secretary of Embassy, Paris.
Decoration of the Black Star of Benin conferred upon him by the French Government in recognition of Mr. Bailly-Blanchard's services as secretary at the last Hague conference.
122. Robert Woods Bliss, esq., Secretary of Legation, Buenos Aires.
Diploma of the Order of St. Anne of the third class, conferred upon him by the Emperor of Russia in recognition of Mr. Bliss's services while second secretary at the embassy at St. Petersburg.
Also, decoration of the fourth class of the Order of the Rising Sun conferred upon him by the Emperor of Japan in recognition of Mr. Bliss's services while serving as second secretary of the embassy at St. Petersburg during the war between Japan and Russia.
123. Capt. John M. Bowyer, United States Navy.
Decoration of the second class, second grade, "Pao-jo," and a silver bowl, conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.
124. C. B. Bracket, esq., Department of Agriculture.
Decoration of the Order of Merite Agricoli conferred upon him by the Government of France in recognition of his services at the Paris Exposition.
125. Surg. William C. Braisted, United States Navy.
War medal conferred upon him by the Emperor of Japan as a mark of appreciation of Surgeon Braisted's services to that country during the recent war between Japan and Russia.
126. John Brewer, esq., American consular agent at Caracas.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government in recognition of his services while in charge of the American legation at Caracas.
127. Capt. N. M. Brooks, clerk, Post-Office Department.
Decoration of the third class of the Order of the Red Eagle conferred upon him by the German Emperor. The reasons for conferring this decoration are not known by the department.
128. Midshipman Robert W. Cabaniss, United States Navy.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.
129. Lieut. Harry Kimball Cage, United States Navy.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.
130. Capt. William B. Caperton, United States Navy.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.
131. Leslie M. Combs, esq., American minister to Peru.
Gold cup presented to him by the President of Guatemala as a souvenir of the peace conference between representatives of the Governments of Guatemala, Salvador, and Honduras, which occurred on board the U. S. S. *Marblehead* in 1906, at which time Mr. Combs was minister to Guatemala.
132. Capt. Walter C. Cowles, United States Navy.
Decoration of the second class, second grade, "K'ou-erh-ssu," and silver bowl, conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.
133. Lieut. Commander Thomas T. Craven, United States Navy.
Decoration of the third class, first grade, "Ke-lieh-wen," conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.
134. Rear-Admiral C. H. Davis, United States Navy.
Silver cup and salver, and silver punch bowl and cups, tendered to him by the Governments of Great Britain and Russia. The reasons for making these presents are not known to the department.
This was for service as a member of the Doggers Bank Commission.
135. Capt. Halstead Dorey, United States Army.
Decoration and diploma of the Chevalier of the Legion of Honor, conferred upon him by the French Government. The occasion for this presentation is not known by the department.
136. Commander John A. Dougherty, United States Navy.
Decoration of the second class, second grade, "Teng-ko-li," conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.
137. Capt. Robert M. Doyle, United States Navy.
Decoration of the second class, second grade, "Tai-i," and silver bowl, conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.
138. Ensign Milo Frederick Draemel, United States Navy.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.
139. Lieut. Commander John Rufus Edie, United States Navy.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.
140. Rear-Admiral William H. Emory, United States Navy.
Decoration of the first class, third grade, "I-mo-li," and silver bowl, conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.
141. John Fowler, esq., consul at Chefoo.
Decoration conferred upon him by the Emperor of Japan in appreciation of the services of Mr. Fowler while consul-general at Chefoo, China, at the time of the war between Japan and Russia.
142. Capt. John C. Fremont, United States Navy.
Sword presented to him by the Sultan of Morocco on the occasion of the recent American mission to Fez, when Captain Fremont accompanied the mission as naval aid.
143. Ensign Douglas W. Fuller, United States Navy.
Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.
144. Lieut. Commander Irvin V. Gillis, United States Navy.
War medal conferred upon him by the Emperor of Japan as a mark of appreciation of Lieutenant Gillis's services to that country during the recent war between Japan and Russia.
145. Roger S. Greene, esq., American consul at Harbin.
Decoration of the fifth class of the Order of the Rising Sun conferred upon him by the Emperor of Japan in recognition of Mr. Greene's services while commercial agent at Vladivostok during the Russo-Japanese war.
146. Capt. William S. Guignard, United States Army.
Decoration of Grade of Chevalier of the Legion of Honor conferred upon him by the French Government in recognition of Captain Guignard's services while military attaché at Paris.
Also sword presented to him by the Sultan of Morocco on the occasion of the recent American mission to Fes, when he accompanied the mission as military aid.
147. Capt. O. C. Hamlet, United States Revenue-Cutter Service.

Gold cigarette case conferred upon him by the Czar of Russia in recognition of the services rendered by Captain Hamlet in 1904–5 for the protection of the coast of east Siberia against the depredations of sea poachers during the late war between Japan and Russia.

148. Thomas E. Heenan, esq., consul at Warsaw.

Decoration conferred upon him by the Emperor of Japan in recognition of Mr. Heenan's services to that country while consul-general at Newchwang during the war between Japan and Russia.

149. Lieut. Robert W. Henderson, United States Navy.

Decoration of the third class, first grade, "Han-te-sun," conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.

150. Henry L. Hertz, esq., collector of internal revenue at Chicago.

Decoration of the Order of Danebrog and diploma conferred upon him by the King of Denmark in recognition of Mr. Hertz's services as president of the Dano-American Society.

151. Paxton Hibben, esq., secretary of American legation, The Hague.

Decoration of the fourth class of the Order of the Sacred Treasure conferred upon him by the Emperor of Japan in recognition of Mr. Hibben's services while third secretary of the embassy at St. Petersburg during the Russo-Japanese war.

Also, decoration and diploma of the Order of St. Stanislaus of the third class conferred upon him by the Emperor of Russia as a courteous recognition of Mr. Hibben's services while secretary of the American embassy at St. Petersburg.

152. Dr. David J. Hill, American ambassador to Germany.

Decoration of the Grand Cordon of the Order of Orange Nassau conferred upon him as a token of esteem by the Queen of the Netherlands upon the conclusion of Doctor Hill's mission at that post.

153. Edward T. Hoopes, paymaster, United States Navy.

Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* in Venezuelan waters in 1908.

154. Capt. Thomas B. Howard, United States Navy.

Decoration of the second class, second grade, "Hou-huo," and silver bowl, conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.

155. Commander William L. Howard, United States Navy.

Decoration of the Order of Saints Maurice and Lazarus, with the grade of knight, conferred upon him by the King of Italy in recognition of Commander Howard's services while naval attaché at the embassy at Rome.

Also decoration of the Order of Merit of Duke Frederick Peter Louis of Oldenburg conferred upon him by the Grand Duke of Oldenburg in recognition of Commander Howard's services while naval attaché at the embassy at Berlin.

156. William H. Hunt, esq., American consul, St. Etienne, France.

Title of Officier d'Academie conferred upon him by the French Government. The reason for conferring this title upon Mr. Hunt is not known.

157. Capt. Hamilton Hutchins, United States Navy.

Decoration of the second class, second grade, "He-ch'in-ssu," and silver bowl, conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.

158. Lieut. Commander Rufus Z. Johnston, jr., United States Navy.

The decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.

159. Edward Julian King, esq., consular agent at Hakodate.

Decoration conferred upon him by the Emperor of Japan in appreciation of Mr. King's efforts to cultivate cordial relations between the country he represented and that of Japan at the time of the war between that country and Russia.

160. Horace G. Knowles, American minister to Nicaragua.

Decoration of the Grand Cross of the Order of the Crown of Roumania conferred upon him by the Government of that country in recognition of Mr. Knowles's service while minister at Bucharest.

Also decoration of the Order of St. Sava conferred upon him by the King of Servia in recognition of Mr. Knowles's services while minister to that country.

161. Capt. George T. Langhorne, United States Army.

Decoration and diploma of Chevalier of the Legion of Honor conferred upon him by the French Government. The occasion for this presentation is not known by the department.

162. Irwin B. Laughlin, esq., secretary of embassy at Berlin.

Decoration of the fourth class of the Order of the Rising Sun conferred upon him by the Emperor of Japan in recognition of Mr. Laughlin's services while second secretary of the legation at Tokyo during the war between Japan and Russia.

163. Maj. Henry Leonard, United States Marine Corps.

Decoration of the Order of the Double Dragon, third class, second degree, conferred upon him by the late Emperor and late Dowager Empress of China in recognition of Major Leonard's services while military attaché to the American legation at Peking.

164. James Verner Long, esq., American consul, Venice.

Decoration and diploma of the Cross of Chevalier of the Royal Order of the Saviour conferred upon him by the King of Greece in recognition of Mr. Long's services while consul at Patras.

165. Hon. Francis B. Loomis, commissioner-general of the Tokyo Exposition Commission.

Decoration of the first class of the Order of the Sacred Treasure conferred upon him by the Emperor of Japan upon the occasion of Mr. Loomis's visit to Tokyo in the capacity of commissioner-general of the United States to the Tokyo Exposition.

166. Rear-Admiral Henry W. Lyon, United States Navy.

Decoration of commander of the first class of the Royal Order of Sanct Olav conferred upon him by the King of Norway. The reason for the conferring of this decoration is not known by the department.

167. Surg. Albert M. D. McCormick, United States Navy.

Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.

168. Lieut. Commander Newton A. McCully, United States Navy.

Decoration of the Order of St. Anne of the third class, with swords and ribbon, presented by the Emperor of Russia, Lieutenant McCully having accompanied the Russian army in the field as an observer during the Russo-Japanese war.

169. Passed Asst. Surg. Norman Thomas McLean, United States Navy.

Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.

170. Commander Charles C. Marsh, United States Navy.

Decoration of the fourth class of the Order of the Rising Sun and a commemorative war medal conferred upon him by the Emperor of Japan in recognition of Commander Marsh's valuable services during the war between Japan and Russia.

171. Hon. George von L. Meyer, Secretary of the Navy.

Decoration of the first class of the Order of the Rising Sun conferred upon him by the Emperor of Japan in recognition of Mr. Meyer's services as American ambassador at St. Petersburg.

172. Henry B. Miller, esq., consul at Belfast.

Decoration conferred upon him by the Emperor of Japan for services rendered by Mr. Miller to that country while consul-general at Yokohama at the time of the war between Japan and Russia.

173. Ransford S. Miller, jr., esq., Chief Far Eastern Division, Department of State.

Decoration of the fourth class of the Order of the Sacred Treasure conferred upon him by the Emperor of Japan in recognition of Mr. Miller's services while secretary and interpreter to the legation at Tokyo during the Russo-Japanese war.

174. Commander Richard T. Mulligan, United States Navy.

Silver cup presented to him by the President of Guatemala as a souvenir of the peace conference between representatives of the Governments of Guatemala, Salvador, and Honduras, which occurred on board the U. S. S. *Marblehead* in 1906, of which vessel Captain Mulligan was commander at that time.

175. Capt. Kossuth Niles, United States Navy.

Decoration of the second class, second grade, "Nai-erh-ssu," and silver bowl, conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.

176. Col. J. A. Ockerson, member of the Mississippi River Commission.

Decoration of Officier d'Instruction Publique conferred upon him by the French Government. The reasons for conferring this decoration are not known to the department.

177. Gordon Paddock, esq., vice-consul-general at Mukden.

Decoration of the third class of the Order of Tai Keuk, a souvenir medal, in commemoration of the coronation of the Emperor of Korea, at the time Mr. Paddock was vice-consul-general at Seoul. These medals were distributed to all foreign officials present at the ceremonies.

178. Lieut. Leigh C. Palmer, United States Navy.

Decoration of the Royal Order of Merit, presented by the King of Spain on the occasion of his marriage, Lieutenant Palmer having been detailed as military attaché to the special embassy from the United States.

179. Capt. James H. Reeves, military attaché, American legation, Peking.

Decoration of the third class, first grade, "Li-fu-ssu," conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.

180. Ensign Fred Fremont Rogers, United States Navy.

Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.

181. W. W. Russell, esq., American minister to Venezuela.

Cross and diploma of commander of the Legion of Honor conferred upon him by the President of France as a mark of appreciation of Mr. Russell's services in representing French interests in Venezuela in 1908.

182. Thomas Sammons, esq., consul-general at Yokohama.

Decoration of the second class of the Order of Tai Keuk, a souvenir medal in commemoration of the coronation of the Emperor of Korea, at the time Mr. Sammons was consul-general at Seoul. These medals were distributed to all foreign officials present at the ceremonies.

183. Paul H. J. Sartori, esq., American consular agent at Kiel, Germany.

Decoration of the Order of Danebrog conferred upon him by the King of Denmark in consideration of the services rendered to the Government of that country by Mr. Sartori, covering a period of more than twenty-five years.

184. Rear-Admiral Seaton Schroeder, United States Navy.

Decoration of the first class, third grade, "Shih-lo-ta," and silver bowl, conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.

185. George H. Scidmore, esq., consul-general at Seoul, Korea.

Decoration of the fifth class of the Order of the Rising Sun conferred upon him by the Emperor of Japan in recognition of Mr. Scidmore's services as legal adviser to the legation at Tokyo during the Russo-Japanese war.

186. Capt. Roy Campbell Smith, United States Navy.

Decoration of officer of the Legion of Honor conferred upon him by the Government of France in recognition of Captain Smith's services as naval attaché at the American embassy at Paris.

187. Surg. Raymond Spear, United States Navy.

Decoration of the Order of St. Anne conferred upon him by the Emperor of Russia. The reason for this presentation is not known by the department.

188. Rear-Admiral Charles S. Sperry, United States Navy.

Silver flower bowl mounted on a wooden base presented to Rear-Admiral Sperry, commander in chief of the Atlantic Fleet, upon its visit to Japan, as a token of the Emperor's appreciation of the coming of the fleet to Japanese waters.

189. Dr. Leonhard Stejneger, Curator of the National Museum.

Decoration of the cross of the first class of the Order of Sanct Olav conferred upon him by the King of Norway. Reason for this presentation is not known by the department.

190. Col. T. W. Symons, United States Army.

Decoration of the Order of the Double Dragon conferred upon him by the Government of China. Reasons not known by the department.

191. Lieut. Commander Warren J. Terhune, United States Navy.

Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.

192. Lieut. Commander Thomas Washington, United States Navy.

Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.

193. Ethelbert Watts, esq., American consul-general, Brussels.

Decoration of the third class of the Order of the Rising Sun conferred upon him by the Emperor of Japan in recognition of Mr. Watts's services while consul-general at St. Petersburg during the Russo-Japanese war.

Also decoration of the Imperial Order of Osmanieh of the third class conferred upon him by the Khedive of Egypt in recognition of services performed by Mr. Watts while in charge of the American agency at Cairo.

194. Lieut. David A. Weaver, United States Navy.

Decoration of the third class, first grade, "Wei-fen," conferred upon him by the Chinese Government upon the occasion of the visit of the American battle-ship squadron to Amoy in 1908.

195. Lieut. Walter E. Whitehead, United States Navy.

Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.

196. Hon. Huntington Wilson, Assistant Secretary of State.

Decoration of the third class of the Order of the Rising Sun conferred upon him by the Emperor of Japan in recognition of Mr. Wilson's services while serving as secretary of legation at Tokyo during the war between Japan and Russia.

197. Col. John P. Wisser, United States Army.

Photograph presented to him by the Emperor of Germany. Colonel Wisser was formerly military attaché to the American embassy at Berlin.

198. Maj. Gen. Leonard Wood, United States Army.

Decoration and diploma of Grand Officer of the Legion of Honor conferred upon him by the French Government. The occasion for this presentation is not known by the department.

199. Brig. Gen. Oliver E. Wood, United States Army, retired.

Decoration of the Order of the Sacred Treasure of the third class, and war medal, conferred upon him by the Emperor of Japan as a mark of appreciation of General Wood's services on a tour of duty as military attaché to the embassy of the United States at Tokyo during the war between Japan and Russia.

200. Lieut. Rufus Fairchild Zogbaum, jr., United States Navy.

Decoration of the Bust of Bolivar conferred upon him by the Venezuelan Government upon the occasion of the visit of the U. S. war ships *Maine* and *Dolphin* to Venezuelan waters in 1908.

ALLOTMENT TO APACHE AND OTHER INDIANS.

The bill (S. 6152) providing for the allotment of land to the Apache and other Indians under the charge of the War Department, Fort Sill Military Reservation, Okla., and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 1, line 3, after the word "authorized," to strike out the words "and directed," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to allot equally to each of the Apache and other Indians under the charge of the War Department, Fort Sill Military Reservation, Okla., not less than 60 nor more than 80 acres of farming land, under the provisions of the act of February 8, 1887 (24 Stat., p. 388), and amendments thereto. Said allotments to be made from the lands ceded to the United States by the Kiowa, Comanche, and Apache tribes of Indians, Oklahoma, by agreement entered into February 17, 1897, or land which has been otherwise set apart for the location upon or permanent use of the Indians within the Fort Sill Military Reservation; or in lieu of the allotments being made from the above-described lands, said allotments may be made in whole or in part from any other lands embraced within the said Fort Sill Military Reservation, as may be hereafter authorized by the President: *Provided*, That when the lands allotted, or any legal subdivision thereof, are only valuable for grazing purposes, such lands shall be allotted in double quantities: *Provided further*, That in event any of said Indians who are hereby authorized to receive allotments desire to secure allotments of land not embraced within the said Fort Sill Military Reservation, the Secretary of the Interior may make provision for and allot other land, in his discretion, under authority of existing law.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF THE MIAMI INDIANS.

The bill (S. 3793) for the relief of the Miami Indians was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the Court of Claims under the Bowman Act to report the facts upon the claims of the Miami Indians against the United States, provided such claims shall be presented within ninety days from the passage of this act.

The Court of Claims is authorized, upon the final determination and payment of such claims, to hear and render judgment upon the claim of attorneys for compensation, the same to be paid out of the appropriation made in settlement thereof.

Mr. CLAY. Is there a report accompanying the bill?

The PRESIDING OFFICER. There is a report accompanying it.

Mr. CLAY. Is it short?

The PRESIDING OFFICER. The report is No. 380. Does the Senator ask to have it read?

Mr. CLAY. Does the bill come from the Committee on Indian Affairs?

The PRESIDING OFFICER. It does.

Mr. CLAPP. If the Senator will yield a moment, I should like to make a statement to the Senate in regard to this bill and the next two measures on the calendar, Senate bill 3792 and Senate joint resolution No. 24. They are claims which have been pending for a long time, and the department recommended sending them to the Court of Claims for judgment.

Mr. HALE. How large is the amount involved?

Mr. CLAPP. The amounts vary from about $30,000 in one case to somewhere in the neighborhood of $200,000, I think, in another. But the committee, instead of sending them to the Court of Claims for judgment, thought it would be better to send all three to the Court of Claims for a finding of fact, giving them ninety days in which to make their case before the court, and in sending the claims there to provide for the attorneys' fees, which is always a matter of contention and frequently the subject of contract and contracts sometimes considered to be out of proportion to the amount involved. In that manner we will get the finding of the Court of Claims as to the facts in the cases to be sent back to the committee, and the committee then once for all can dispose of the cases one way or the other, and in the same proceeding get rid of the question of attorneys' fees.

Mr. CLAY. Who is to represent the Government in the Court of Claims?

Mr. CLAPP. An officer of the Department of Justice. I could not tell you who it will be.

Mr. CLAY. I do not desire to make any reflection on the Court of Claims or any other court, but it is a very busy court, and I must confess that sometimes I have not been able to understand the judgments that have been rendered by it.

Mr. CLAPP. The committee did not propose in these matters to take any chances on judgments. We have amended each of the three measures in the same way. We simply propose to send the three cases to the court for a finding of fact, so that we will have some concrete figure before us upon which once and for all to dispose of them one way or the other and get rid of these matters.

Mr. HALE. Then, Mr. President, this is what will happen, I take it, that when the court, under the provisions of these bills, shall establish certain facts instead of proceeding to give judgment the finding of the court will be presented to Congress, in both the House and the Senate, and will be referred to the Committee on Claims, so that the whole subject-matter of final action in assuming the claim and paying the bill will be not with the court, but with committee.

Mr. CLAPP. That is correct.

Mr. HALE. That is a correct statement of what would happen?

Mr. CLAPP. It is a correct statement of what would happen. Of course following that would come the importunity to committees that would be based upon a favorable finding of fact, but instead of sending the claims to the Court of Claims for judgment, as was recommended, we thought we would send them there and let the court make the finding. I have stated the fact to the Senate. I am not particular about it, only we did want to get rid of these claims one way or the other, and I thought, and the committee thought, the best way would be just to send the claims to he Court of Claims for a finding of fact. The three cases are practically similar. I do not care to discuss the merits of the claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF CHIPPEWA INDIANS.

The bill (S. 3792) for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That jurisdiction is hereby conferred upon the Court of Claims under the Bowman Act to report the facts upon the claims of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan against the United States, provided such claims shall be presented within ninety days from the passage of this act.

The Court of Claims is authorized, upon the final determination and payment of such claims, to hear and render judgment upon the claim of attorneys for compensation, the same to be paid out of the appropriation made in settlement thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF OSAGE INDIANS.

The joint resolution (S. J. Res. 24) empowering the Court of Claims to ascertain the amount of the civilization fund paid by the Osages and applied to the benefit of other Indians, and for other purposes, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Indian Affairs with an amendment, to strike out all after the resolving clause and to insert:

That jurisdiction is hereby conferred upon the Court of Claims under the Bowman Act to report the facts upon the claims of the Great and Little Osage tribe of Indians to the civilization fund: *Provided*, That such claims shall not be presented within ninety days from the passage of this act.

The Court of Claims is authorized, upon the final determination and payment of such claims, to hear and render judgment upon the claim of attorneys for compensation, the same to be paid out of the appropriation made in settlement thereof.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

HOMESTEAD ENTRIES IN OKLAHOMA.

Mr. CLAPP. In view of the time I ask that Senate bill 5314 be taken up in place of the one immediately preceding, as it is quite important.

There being no objection, the bill (S. 5314) to extend the time of payments on certain homestead entries in Oklahoma, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments, on page 2, line 5, after the word "pay," to strike out "to the Secretary of the Interior, to be held in trust by him," and in line 7, after the word "thereto," to insert "in advance for each year of such extension," so as to make the bill read:

Be it enacted, etc., That all payments heretofore deferred by law and the payment which falls due in 1910 on the land in Oklahoma sold in pursuance of the act entitled "An act to open to settlement 505,000 acres of land in Kiowa-Comanche and Apache Indian reservations, in Oklahoma Territory," approved June 5, 1906, may be, in the discretion and by the order of the Secretary of the Interior, postponed upon the following conditions, to wit: One of said payments shall be made at the regular time of payment in 1911, and one other of said payments shall be made annually thereafter until all of such payments are made: *Provided*, That as a condition precedent to said extension in each case the settler shall pay for the benefit of the Indians entitled thereto, in advance for each year of such extension 4 per cent on the amount of such deferred payments where the settler had no preference right and 5 per cent on the amount of the deferred payment where such settler was given a preference right, but the payment of said 5 per cent shall be made in lieu of the interest payment required by the act entitled "An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.," approved June 28, 1906.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN OKLAHOMA.

The bill (S. 5783) authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments in section 1, page 1, line 5, after the word "four," to strike out "north" and insert "south," and in section 2, line 6, after the word "Government," to insert: "And the Secretary of the Interior is hereby further authorized to allot lands of said town site in equal amounts to San-a-was and Moe-tak-dah, two enrolled Comanche Indian women who have not heretofore received allotments," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to vacate the north half of section 3, township 4 south, range 14 west, in Oklahoma, reserved for a town site in accordance with the provisions of an act of Congress approved March 20, 1906, entitled "An act for the establishment of town sites and for the sale of town lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma."

SEC. 2. That the Secretary of the Interior shall reimburse the 29 purchasers of lots within said described lands, out of any money in the Treasury belonging to the Kiowa, Comanche, and Apache tribes of Indians, upon the conveyance of such lots by said purchasers to the United States Government. And the Secretary of the Interior is hereby further authorized to allot lands of said town site in equal amounts to San-a-was and Moe-tak-dah, two enrolled Comanche Indian women who have not heretofore received allotments.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURT OF COMMERCE, ETC.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 6737.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

Mr. ELKINS. Mr. President, I suggest the want of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clay	Guggenheim	Percy
Beveridge	Crane	Hale	Perkins
Borah	Crawford	Heyburn	Piles
Bourne	Cullom	Hughes	Purcell
Bradley	Cummins	Jones	Root
Brandegee	Curtis	Kean	Scott
Briggs	Depew	La Follette	Shively
Bristow	Dick	Lodge	Simmons
Brown	Dixon	McCumber	Smith, S. C.
Bulkeley	Dolliver	Martin	Smoot
Burkett	du Pont	Money	Stone
Burrows	Elkins	Newlands	Sutherland
Burton	Fletcher	Nixon	Taliaferro
Chamberlain	Flint	Oliver	Warner
Clapp	Frazier	Overman	Wetmore
Clark, Wyo.	Gallinger	Page	
Clarke, Ark.	Gamble	Paynter	

The PRESIDING OFFICER. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. CUMMINS addressed the Senate. After having spoken about two hours and fifteen minutes he yielded the floor for the day.

[For Mr. CUMMINS's entire speech see Senate proceedings of March 18.]

Mr. HALE. Before this matter goes over, I desire to call the attention of the Senate to the condition of public business. The Senator from Iowa [Mr. CUMMINS] has asked nothing that is not most fitting and proper. He has confined himself to the question, wasting no time—which he never does—and has occupied the floor continuously for something over two hours, and it would be unreasonable to ask him to continue longer. I suppose, probably, nobody is now willing to take the floor upon this question. But before the bill goes over, in the interest of the Senate and the public business generally, I should like to ask the Senator from West Virginia, in charge of this bill, what his proposition is for to-morrow? The calendar has been practically cleared; the appropriation bills, at this stage in a long session, have never been further advanced than they are now, and there has been a general disposition and assent to the occupation of the ground by this bill from day to day. But to-morrow morning, after fifteen or twenty minutes consumed in the routine of the morning business, the Senate will be confronted, unless the Senator from West Virginia is ready to go on with this bill, with a vacuum.

Mr. ELKINS. Mr. President——

Mr. HALE. The Senator will wait a moment. There will be no business before the Senate. The calendar has been practically closed. The appropriation bills received have been passed. There has never been such a record, as I can submit here, at this stage of a long session. There are only four appropriation bills left, waiting the action of the Senate upon this bill. The agricultural appropriation bill is in conference. The army appropriation bill has passed finally to-day. The deficiency appropriation bill has been passed. The District of Columbia appropriation bill is in conference. The fortifications appropriation bill is in conference.

Mr. CULLOM. There will be another deficiency appropriation bill, I think.

Mr. HALE. The Indian appropriation bill is in conference. The legislative bill will soon be here from the House. There are only four bills of importance left.

Mr. BAILEY. Appropriation bills.

Mr. HALE. Appropriation bills; great bills. Were it not for this one most important and most engrossing bill—I am not very risky, from my long experience here, in predictions—I would venture the prediction that the Senate would be ready to adjourn and would adjourn by the 1st day of May.

Mr. BAILEY. Mr. President, if the Senator from Maine will permit me——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. I always yield to the Senator from Texas, because I know——

Mr. BAILEY. I can supply him with the means of filling that vacuum, if it should happen. We have a bill to extend the right of self-government to the last two of our Territories. Whenever those who are in charge of this bill are not ready to proceed with it, all of us would be delighted to clean up that territorial condition and to extend statehood to New Mex-

ico and Arizona; and I think the Senator from West Virginia would rather lay this bill aside in order to complete a work that he began forty years ago.

Mr. HALE. That is the very thing I am afraid of. There are plenty of projects that would be brought forward——

Mr. BAILEY. I object to that word. That bill is not a project. "Project" means——

Mr. HALE. I will substitute the word "scheme," if that suits the Senator. [Laughter.]

Mr. BAILEY. That is really worse.

Mr. HALE. I supposed it was when I substituted it.

Mr. BAILEY. If the Senator from Maine is going to improve it that way, I will withdraw the original suggestion.

Mr. HALE. I am calling the attention of the Senate to the actual condition. Everybody has got out of the way for this bill. I do not object to that. It stands invested in the public mind, and in the mind of the administration generally, with great and perhaps overmastering importance, but I want to call the attention of the Senator from West Virginia, who is in charge of the bill and who ought not to be sluggish in keeping it before the Senate and in pushsing it to action at all possible times, to the concrete situation which will develop to-morrow morning. The calendar was practically completed this morning. As I have said, I have never known the general business of the Senate to be so far advanced as it is now. To repeat myself, after fifteen minutes of routine morning business there will be nothing to do. I do not know whether the Senator from Iowa, who never avoids his duties here, who never consumes time unnecessarily, but sticks to his text, will be willing at half past 12, not later than that, an hour and a half before 2 o'clock, when this matter will come up as the unfinished business, to go on.

Mr. CUMMINS. Will the Senator from Maine yield?

Mr. HALE. I am most happy to yield.

Mr. CUMMINS. I will answer that question most unhesitatingly and at once. Yes; I shall be quite ready to go on at that time or at any time. I do not want to postpone the consideration and final action upon this bill.

Mr. HALE. Mr. President, that does not in the least surprise me, and I know the Senator will not feel that I was in any way urging him; and if the Senator is ready to go on, then I trust somebody—I hope the Senator in charge of the bill—will ask the consent of the Senate that instead of waiting until 2 o'clock, as nothing else is before the Senate, the Senator from Iowa may be permitted to go on.

Mr. BAILEY. Mr. President, we may just as well understand this matter. This bill is not going to be rushed in that way. I am ready to adjourn just the minute you pass your appropriation bills and the statehood bill. I would be perfectly willing to leave this bill on the calendar, on the table, or any place else, except to put it on the statute book. But we may just as well understand the situation. Of course, I know perfectly what the Senator from Maine is driving at. He wants to expedite the business of Congress——

Mr. HALE. The expedition of public business.

Mr. BAILEY. And bring about an early adjournment. But this is a bill of very great importance, and if there is an adjournment before the dog days, I think the Senator from Maine will be rather more fortunate than I now believe he will be.

Mr. HALE. Oh, Mr. President, I am not so hopeless and straggling in my condition of mind as all that. I do not believe you can keep the Senate here until the dog days.

Mr. BAILEY. I have myself seen them prefer their comfort to wise legislation, and it may be that way again.

Mr. HALE. I am not ever very sanguine about an early adjournment, but I would hope that when the Senator from Iowa, who has entertained the Senate and stuck to his text for two hours, expresses himself as entirely willing, in the expedition of the public business, to go on to-morrow morning at the end of the routine morning business, we shall not find the Senator from Texas, strongly as he may desire to stay here until the dog days and keep away from Texas, objecting.

Mr. BAILEY. The Senator from Texas does what the Senator from Maine does. He is always willing to go home when the Congress adjourns; and I am generally readier to adjourn than is the Senator from Maine.

Mr. HALE. No; I think the Senator is equally ready. Both of us have contributed——

Mr. BAILEY. In view of the majorities and the minorities in the Chamber, I think I am always more ready for adjournment than is the Senator from Maine.

Mr. HALE. I have never known the Senator from Texas to obstruct, and I do not believe when it comes to the test that he will obstruct now.

I am entirely content to leave this matter just as it is and let the Senate go into executive session, and we will take up the matter in the morning. But I do not want the Senator from West Virginia to forget that by common assent everything else is out of the way, and he is to be allowed to proceed and consume the reasonable time of the Senate in considering these matters. Pretty soon, Mr. President, other appropriation bills will come in. I can guarantee that when those bills are ready there will be no delay, so far as concerns asking the Senate to proceed to their consideration.

Mr. BAILEY. Even to the extent of putting the pending bill aside.

Mr. HALE. That was the understanding when the bill was taken up—that it was to be subject to appropriation bills. That is always so.

Mr. NELSON. Will the Senator from Maine yield to me for a moment?

Mr. HALE. Certainly.

Mr. NELSON. I wish to ask the Senator from Maine if he does not consider it fair that somebody on the committee should explain to the Senate the merits of this railroad bill? Is it not of great importance that we should be given some light on the subject, and that we be shown in what respect the bill helps the shippers and the American public at large? We must have the merits of the bill laid before the Senate before we can discuss it intelligently.

Mr. HALE. I think so, Mr. President; and I have had no apprehension that we would not have that explanation. I have only been afraid that we would have too much of it.

Mr. BAILEY. No; not too much explanation, but too much criticism.

Mr. HALE. Both.

Mr. BACON. Mr. President, there is no Senator in the Chamber who has had the experience of the Senator from Maine, as he is oldest in service of any member in this body, and yet I think we can safely challenge the Senator to search his recollection and find a single instance in which, when the opening speech on a most important bill, as he has himself recognized it, has not been finished, there has been a movement to hasten its consideration and determination. It is an isolated case; it is the first time it has occurred.

Mr. HALE. I began by stating that I thought the Senator from Iowa had gone to the most proper limit, that we ought to adjourn, and that the whole matter ought to go over and give the Senator an opportunity of a night for rest, to be in readiness in the morning. I am not pushing things to-night.

Mr. BAILEY. But you are instructing the Senator from West Virginia to do it to-morrow.

Mr. HALE. Only I want the Senate to understand that some of us, the time having been yielded to this bill, will insist as it goes along that we shall occupy just as much time continuously on this bill as possible.

Mr. BAILEY. We may just as well understand it, Mr. President. The Senator from West Virginia did not address the Senate as chairman of the committee, and I understand—of course I have no better authority for it than the public prints, although they generally find out in the neighborhood of what is contemplated—that it is not the purpose of the friends of this measure to discuss it; that they are going to have a vote just as quickly as they can exhaust the discussion against it; and I think that is a part of the policy indicated now.

I think the Senator from West Virginia, unless that had been agreed upon or substantially understood, would have brought his bill before the Senate and would have addressed the Senate at such length as he thought necessary to explain its provisions.

I think while the Senator from Georgia is reminding us of the unusual procedure it would not be out of place for me to say that so far as I know, so far as either my personal experience or my reading instructs me, this is the first time that the minority have ever opened the debate.

Mr. ELKINS. I wish the Senator would allow me a word.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I desire to say a word.

Mr. ELKINS. I do not claim that the Senator from Iowa is in the minority in this body.

Mr. BAILEY. He signed the minority report.

Mr. ELKINS. I have been asked a question by the Senator from Maine [Mr. HALE], and have been trying to answer it for more than twenty minutes.

Mr. CUMMINS. I should like to speak for just a moment before the Senator from West Virginia proceeds——

The PRESIDING OFFICER. The Senator from Iowa is entitled to the floor.

Mr. CUMMINS. In order to relieve him of an inference that might grow out of what has been said in the last few minutes, it is only fair to the Senator from West Virginia for me to state that the delay which has occurred within the last four or five days in bringing up the bill now under consideration has been at my request; and the Senator from West Virginia has, with exceeding kindness and generosity, recognized the somewhat difficult position in which I have found myself, and I am very grateful to him; and I would not want any Member of the Senate to believe that he had in any wise failed in his duty in urging this measure forward.

I wish to say, in answer to the suggestion of the senior Senator from Minnesota [Mr. NELSON], that I supposed that this bill would be comprehensively laid before the Senate through observations made by some member who signed the majority report; but upon making inquiry I was told that no member signing the majority report desired to present the bill to the Senate, and therefore I have found myself in the rather awkward position of bringing forward in the first instance the views of the minority. I should be very glad if before we have gone very far in the debate some Senator who believes in the bill would tell why he believes in it.

Mr. ELKINS. I wish to say, in answer to the question of the Senator from Maine [Mr. HALE], that to-morrow, I take it, the Senator from Iowa will conclude his remarks, and then some other Senator will want to speak. I have hardly ever found a condition in the Senate where nobody wanted to speak. If there ever comes a time in the progress of the consideration of the bill when no Senator is ready to speak, we can then proceed to vote on the bill and amendments.

Mr. HALE. That is right.

Mr. BAILEY. The Senator from West Virginia is not, after reporting a bill of this importance to the Senate, going to permit it to come to a vote without giving us the benefit of what he knows about it?

Mr. ELKINS. Of course I, as chairman of this committee and as one of the majority who made the report, want to conduct the consideration of the bill while before the Senate in a way that will at least expedite its passage most. Sometimes one can win a great many votes by not talking at all [laughter], and one can destroy his case by talking, or, rather, talking too much.

Mr. BAILEY. That is, if you do not believe in your case.

Mr. ELKINS. The bill speaks for itself. I believe in it; and I will give some reasons for my belief in it at the proper time.

Mr. BAILEY. I have had a suspicion all the while that this bill is not so dear to the heart of the Senator from West Virginia as some other bills that have been considered in this body. I was really trying to ascertain how many men on that committee favor the bill.

I think this bill is here with a minority of that committee in favor of it, although it appears to come as a majority proposition.

Mr. ELKINS. The bill was reported by a majority of the committee.

Mr. BAILEY. That is, a majority of those present.

Mr. ELKINS. Well, is not that sufficient?

Mr. BAILEY. Yes; for the legality of the proceeding.

Mr. ELKINS. That is all that is required here.

Mr. BAILEY. But it is not sufficient to satisfy an inquiring mind like mine.

Mr. ELKINS. You can not challenge the legality of the report in that way.

If the Senator from Texas will permit me to answer the question of the Senator from Maine, I will be very much obliged.

Mr. BAILEY. I cheerfully withdraw myself from the colloquy between those Senators, reserving the right to renew the interruption.

Mr. ELKINS. Mr. President, the bill was reported in regular form and by a majority of the committee. I do not want to try to induce undue haste in the consideration of this bill, but I do want to have it and all amendments brought to a vote as early as practicable after hearing all the Senators who want to speak.

I take it from what I have heard around the Chamber that there are a number of Senators who want to speak on the bill. When there are no Senators to speak, I intend to ask for a vote. Whether I want to speak or not is a matter that concerns me and the committee I stand for and represent. If I think I have the votes and can put the bill through, I am willing to vote on it at as early a day as practicable. This is my position, and I think it is fair to the Senate and all parties concerned.

Mr. BACON. I should like to suggest to the Senator from West Virginia——

Mr. ELKINS. If nobody wants to speak——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Georgia?

Mr. ELKINS. If the Senator from Georgia or the Senator from Texas wants to speak, I am sure they will credit me with fair dealing in the consideration of the bill before the Senate.

Mr. BACON. With the permission of the Senator from West Virginia I want to suggest, in view of the statement of the Senator from Iowa as to the facility with which amendments have been accepted from the outside and rejected and again put in, that there will be no difficulty, under the same influence, in getting the vote which the Senator is so anxious to get.

Mr. ELKINS. The Senator from Iowa did not say that there was any amendment accepted from the outside or the inside or from any source. The Senator understood very well what the Senator from Iowa meant. I do not object to having the assistance of the Attorney-General of the United States in preparing this or any other bill.

Mr. BACON. I was not speaking of that.

Mr. ELKINS. When I am trying to get a bill drafted or prepared I do not object to anybody helping me to frame it, if the person willing to do so is capable and can render aid and help.

Mr. BACON. What I spoke of was the absolute acquiescence of the committee in whatever might be suggested from the outside, and it was in that connection that I suggested that there would be equal facility in getting a vote.

Mr. ELKINS. There might be a division of opinion on the acquiescence of the committee. The committee took, I think, five or six hundred pages of testimony on the bill, and we considered it for five or six weeks. I do not know how much longer the Senator from Georgia or the Senator from Iowa would want us to consider a bill. We gave it all the attention we could and all that was required under the circumstances.

Now, to-morrow, I hope that some Senator for or against the bill will be ready to speak on it. I do not say that I am myself going to speak, but I do say to the Senate that when there is no Senator found ready to speak, I will ask that we proceed to a vote, no matter whether there has been much or little discussion.

Mr. HEYBURN. Mr. President, before a conclusion is reached along the lines suggested—that we take up this bill for consideration at the close of morning business, regardless of the hour—I desire to call the attention of the Senate to the fact that the Committee on the Revision and Codification of the Laws of the United States, after six months of continuous work, in and out of hours, has presented to the Senate the result of its work in the shape of a bill now on the calendar, and it had been my intention, with the permission of the Senate, to occupy the time other than that occupied by the unfinished business in the consideration of that great measure. We have reported the judiciary title, and it is embodied in a bill now on the calendar.

I assume that the committees of the Senate which have been considering this question will be conceded the opportunity and the right to present that measure for the final action of this body. While it is not my intention to attempt to antagonize the bill under consideration, it is my intention to ask the Senate to occupy the time other than that to which the unfinished business is entitled for the consideration of that measure.

The Senator from Iowa [Mr. CUMMINS] has indicated his desire to finish or pursue his remarks to-morrow morning. To that, of course, I should make no objection.

Mr. CUMMINS. I will state, if the Senator will allow me——

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I will be quite ready to go on whenever the bill comes before the Senate, whether at half past 12 or at 2; it is immaterial to me.

Mr. HEYBURN. I do not desire it to be understood that I intend to ask that the bill for the revision of the laws be taken up to-morrow, but on the following day and each succeeding day as it may be entitled to consideration I shall press it upon the consideration of the Senate. We can be engaged in no more profitable work than the consideration of the judiciary title of the Revised Statutes of the United States.

Mr. ELKINS. I should have said further to the Senate, in answering the question of the Senator from Maine, that there is a most elaborate report on the bill made by the majority of the committee and printed in pamphlet and in the RECORD, and a minority report, also printed in the RECORD. The bill has been read three times in the Senate. I take it, if Senators will read these reports they will understand precisely the points in controversy and the merits of the bill. I supposed that all Senators were informed on the bill. Many of them do not want to speak; many of them do; and it is my desire that every Senator wishing to be heard shall have the amplest opportunity to discuss the bill fully.

PELAGIC SEALING.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (S. Doc. No. 430), which was read and referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

By the terms of section 1963, United States Revised Statutes, the Secretary of Commerce and Labor is directed, at the expiration of the lease which gives the North American Commercial Company the right to engage in taking fur seals on the islands of St. Paul and St. George, to enter into a new lease covering the same purpose for a period of twenty years. The present lease will expire on the 30th of April, 1910, and it is important to determine whether or not changed conditions call for a modification of the policy which has so far been followed.

The Secretary of State and the Secretary of Commerce and Labor unite in recommending a radical change of this policy. It appears that the seal herds on the islands named have been reduced to such an extent that their early extinction must be looked for unless measures for their preservation be adopted. A herd numbering 375,000 twelve years ago is now reduced to 134,000, and it is estimated that the breeding seals have been reduced in the same period of time from 130,000 to 56,000. The rapid depletion of these herds is undoubtedly to be ascribed to the practice of pelagic sealing, which prevails in spite of the constant and earnest efforts on the part of this Government to have it discontinued.

The policy which the United States has adopted with respect to the killing of seals on the islands is not believed to have had a substantial effect upon the reduction of the herd. But the discontinuance of this policy is recommended in order that the United States may be free to deal with the general question in its negotiations with foreign countries. To that end it is recommended that the leasing system be abandoned for the present, and that the Government take over entire control of the islands, including the inhabitants and the seal herds. The objection which has heretofore been made to this policy, upon the ground that the Government would engage in private business, has been deprived of practical force. The herds have been reduced to such an extent that the question of profit has become a mere incident, and the controlling question has become one of conservation.

It is recommended, therefore, that the provision for a renewal of the lease be repealed, and that instead a law be enacted to authorize the Department of Commerce and Labor to take charge of the islands, with authority to protect the inhabitants, substantially as has been done in the past, and to control the seal herds, as far as present conditions admit of, pending negotiations with foreign countries looking to the discontinuance of pelagic sealing. If this result can be obtained, as is confidently believed, there is every prospect that the seal herds will not only be preserved, but will increase, so as to make them a source of permanent income.

A draft of a bill covering this matter has been prepared by the Secretary of Commerce and Labor, and upon request will be submitted to the appropriate committees.

WM. H. TAFT.

THE WHITE HOUSE, *March 15, 1910.*

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 16, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 15, 1910.

POSTMASTERS.

CALIFORNIA.

Kennedy B. Summerfield to be postmaster at Santa Monica, Cal., in place of Kennedy B. Summerfield. Incumbent's commission expires April 6, 1910.

ILLINOIS.

Nelson A. Bemis to be postmaster at Odell, Ill., in place of Wilfred E. Puffer. Incumbent's commission expired February 7, 1910.

Louis A. Constantine to be postmaster at Aurora, Ill., in place of Louis A. Constantine. Incumbent's commission expired February 19, 1910.

John W. Fornof to be postmaster at Streator, Ill., in place of John W. Fornof. Incumbent's commission expires April 3, 1910.

Fred C. Kile to be postmaster at Blue Island, Ill., in place of Fred C. Kile. Incumbent's commission expired February 22, 1910.

William H. Mix to be postmaster at Byron, Ill., in place of William H. Mix. Incumbent's commission expires April 16, 1910.

Harrison P. Nichols to be postmaster at Maywood, Ill., in place of Harrison P. Nichols. Incumbent's commission expires April 5, 1910.

George J. Price to be postmaster at Flora, Ill., in place of George J. Price. Incumbent's commission expires April 19, 1910.

John G. Seitz to be postmaster at Upper Alton, Ill., in place of John G. Seitz. Incumbent's commission expires April 3, 1910.

William Stickler to be postmaster at Lexington, Ill., in place of William Stickler. Incumbent's commission expires April 16, 1910.

Zachary Taylor to be postmaster at Colfax, Ill., in place of Zachary Taylor. Incumbent's commission expires April 5, 1910.

INDIANA.

Albert L. Anderson to be postmaster at Jeffersonville, Ind., in place of John R. Lancaster. Incumbent's commission expired February 5, 1910.

D. C. Bickhard to be postmaster at Markle, Ind. Office became presidential January 1, 1910.

Commodore D. Houchin to be postmaster at Petersburg, Ind., in place of Commodore D. Houchin. Incumbent's commission expired February 19, 1910.

Henry Jeanneret to be postmaster at Ligonier, Ind., in place of Jesse L. Dunning. Incumbent's commission expired January 18, 1910.

Joseph H. Miller to be postmaster at Syracuse, Ind., in place of Joseph H. Miller. Incumbent's commission expires March 22, 1910.

IOWA.

Ephraim G. Swift to be postmaster at State Center, Iowa, in place of Ephraim G. Swift. Incumbent's commission expired March 9, 1910.

KENTUCKY.

William C. Harper to be postmaster at Catlettsburg, Ky., in place of William C. Harper. Incumbent's commission expired February 19, 1910.

MAINE.

Frank J. Wiley to be postmaster at Camden, Me., in place of George T. Hodgman. Incumbent's commission expired March 2, 1910.

MASSACHUSETTS.

Arthur Bliss to be postmaster at Andover, Mass., in place of Arthur Bliss. Incumbent's commission expires April 20, 1910.

Arthur G. Clapp to be postmaster at South Deerfield, Mass., in place of Arthur G. Clapp. Incumbent's commission expires April 3, 1910.

William R. Hall to be postmaster at Maynard, Mass., in place of William R. Hall. Incumbent's commission expires April 3, 1910.

William Parsons to be postmaster at Rockport, Mass., in place of William Parsons. Incumbent's commission expires April 3, 1910.

MICHIGAN.

Samuel Adams to be postmaster at Bellaire, Mich., in place of Samuel Adams. Incumbent's commission expires April 5, 1910.

Julius O. Becraft to be postmaster at Dowagiac, Mich., in place of Julius O. Becraft. Incumbent's commission expired February 5, 1910.

Richard B. Lang to be postmaster at Houghton, Mich., in place of Richard B. Lang. Incumbent's commission expired March 7, 1910.

Henry C. Minnie to be postmaster at Eaton Rapids, Mich., in place of Henry C. Minnie. Incumbent's commission expires April 12, 1910.

J. C. Newbrough to be postmaster at Greenville, Mich., in place of J. C. Newbrough. Incumbent's commission expires April 5, 1910.

Kenneth E. Struble to be postmaster at Shepherd, Mich., in place of Kenneth E. Struble. Incumbent's commission expires April 12, 1910.

MINNESOTA.

William Dower to be postmaster at Wadena, Minn., in place of Charles C. Eastman. Incumbent's commission expired February 5, 1910.

MISSOURI.

Scribner R. Beech to be postmaster at Maryville, Mo., in place of Scribner R. Beech. Incumbent's commission expired February 27, 1910.

Clark Brown to be postmaster at Union, Mo., in place of Clark Brown. Incumbent's commission expired February 27, 1909.

NEVADA.

Clarence B. McMullin to be postmaster at Caliente, Nev., in place of George C. Fetterman, resigned.

NEW HAMPSHIRE.

Eugene Lane to be postmaster at Suncook, N. H., in place of Eugene Lane. Incumbent's commission expires April 19, 1910.

NEW JERSEY.

Charles E. Holmes to be postmaster at Medford, N. J., in place of Harry L. Knight, resigned.

William H. Lushear to be postmaster at Short Hills, N. J., in place of William H. Lushear. Incumbent's commission expired March 13, 1910.

Peter F. Wanser to be postmaster at Jersey City, N. J., in place of Peter F. Wanser. Incumbent's commission expires April 3, 1910.

NEW YORK.

Richard Carter to be postmaster at Greene, N. Y., in place of Jared D. Denison. Incumbent's commission expired January 10, 1910.

Larin J. Eggleston to be postmaster at Millerton, N. Y., in place of Fred Dakin. Incumbent's commission expires April 12, 1910.

Max Geldner to be postmaster at New Dorp, N. Y., in place of Max Geldner. Incumbent's commission expires April 16, 1910.

Owen E. Hayes to be postmaster at Camillus, N. Y., in place of Owen E. Hayes. Incumbent's commission expires April 13, 1910.

James M. Miller to be postmaster at Washingtonville, N. Y., in place of James M. Miller. Incumbent's commission expires April 27, 1910.

Stephen G. Newman to be postmaster at Haverstraw, N. Y., in place of Stephen G. Newman. Incumbent's commission expires April 20, 1910.

Henry Riley to be postmaster at Cornwall, N. Y., in place of Henry Riley. Incumbent's commission expires April 13, 1910.

Percy J. Thomas to be postmaster at New Berlin, N. Y., in place of Frank E. Holmes. Incumbent's commission expires March 28, 1910.

NORTH CAROLINA.

Charles F. McKesson to be postmaster at Morganton, N. C., in place of Duncan C. Pearson. Incumbent's commission expired February 28, 1910.

OHIO.

Edward L. Davis to be postmaster at Garrettsville, Ohio, in place of Edward L. Davis. Incumbent's commission expires April 23, 1910.

Thomas J. Davies to be postmaster at Barberton, Ohio, in place of Thomas J. Davies. Incumbent's commission expires April 13, 1910.

Ansel T. Simmons to be postmaster at Geneva, Ohio, in place of Ansel T. Simmons. Incumbent's commission expires April 13, 1910.

PENNSYLVANIA.

Frederick H. Bartleson to be postmaster as Sharpsville, Pa., in place of Frederick H. Bartleson. Incumbent's commission expires April 2, 1910.

George W. Shaeff to be postmaster at Susquehanna, Pa., in place of George W. Shaeff. Incumbent's commission expires April 3, 1910.

Christian H. Sheets to be postmaster at Braddock, Pa., in place of Christian H. Sheets. Incumbent's commission expires April 17, 1910.

Bernard Wendell to be postmaster at Lyndora, Pa., in place of Bernard Wendell. Incumbent's commission expires April 10, 1910.

SOUTH DAKOTA.

Edmund G. Pettingill to be postmaster at Frederick, S. Dak. Office became presidential January 1, 1910.

UTAH.

Robert N. Morrison to be postmaster at Helper, Utah, in place of James A. Harrison, deceased.

VERMONT.

George H. Richmond to be postmaster at Northfield, Vt., in place of George H. Richmond. Incumbent's commission expires April 3, 1910.

WEST VIRGINIA.

Sira W. Willey to be postmaster at Hinton, W. Va., in place of Sira W. Willey. Incumbent's commission expired January 30, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 15, 1910.

COLLECTOR OF CUSTOMS.

Charles A. Judson to be collector of customs for the district of Sandusky, Ohio.

REGISTER OF THE LAND OFFICE.

George W. Stewart to be register of the land office at Visalia, Cal.

POSTMASTERS.

FLORIDA.

Isaac E. Foxworthy, at Fort Myers, Fla.

GEORGIA.

William E. Burch, at Hawkinsville, Ga.

ILLINOIS.

Alfred T. Foster, at Moline, Ill.

IOWA.

Newton W. Wentz, at Oakland, Iowa.

KENTUCKY.

William B. King, at Pineville, Ky.

MAINE.

Frank J. Wiley, at Camden, Me.

OHIO.

Fanny B. Allen, at Greenwich, Ohio.
Grant Coats, at Rockford, Ohio.
Wilson V. Daring, at Holgate, Ohio.
W. W. Garver, at West Salem, Ohio.
Harry McDaniel, at Fort Recovery, Ohio.
Samuel E. Nimmons, at Plymouth, Ohio.
Charles G. Schippel, at Sandusky, Ohio.
Otis Sykes, at Chicago, Ohio.
Fred Yeager, at Perrysburg, Ohio.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 15, 1910.*

The House met at 12 o'clock, noon.

The Chaplain, Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we bless Thee for every opportunity which is an open door through which the individual, the family, the state may pass to the higher life in Christian civilization; for every religious and philanthropic movement which leads on to that life. For every law enacted which makes it hard for the evil-minded to carry out his designs and easy for the right-minded to live a pure, noble, upright life. Especially do we thank Thee for the bill which recently passed this House looking to the destruction of the white-slave traffic so prevalent throughout the land. Grant, O most merciful Father, that it may become law. That the report of the Immigration Commission upon this subject may be read and pondered in every home and create a sentiment so strong that it will make potent the law to drive the slimy, poluting thing from off the face of the earth, and glory and honor and praise be thine forever through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

REMARKS WITHHELD FOR REVISION.

Mr. SIMS. Mr. Speaker, I wish to call the attention of the Chair to the fact that a large part of the proceedings of yesterday are not published in the RECORD. Some of the proceedings are published, but I hold here in my hands a large amount of typewritten manuscript, comprising the bulk in volume of the proceedings of yesterday as written out by the official reporters, which has not been printed in this morning's RECORD. I desire

to make a motion on this subject. A large number of the speeches made yesterday have been held out for revision, and some of them needed no revision at all. Some gentlemen made remarks, revised them, and handed them in, and there is no indication in the RECORD of the fact that they addressed the House at all. It seems to me the only way in which the proceedings of the House of yesterday can be correctly published is by reprinting the entire proceedings. I am told by those who have counted, that portions of yesterday's RECORD as shown in 15 places have been withheld, so that the RECORD of yesterday, with these speeches withheld, is not continuous or consecutive. So far as the proceedings of the House are concerned, they are entirely aliunde. I want to ask unanimous consent, and if I can not get that, then to make a motion, if it is in order, that the proceedings of the House of yesterday be published in full and in their proper order. I do not know what right any gentleman has to take remarks of mine, which I handed in, and hold them out, and not have them published. I did not make any general remarks at all. It may be a benefit to the RECORD to not publish them at all.

Mr. MANN. It would be a benefit doubtless, but will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. MANN. Were the gentleman's remarks held out except where he was talking in somebody else's time?

Mr. SIMS. I took nobody else's time. I was recognized in my own right and made my own remarks and I revised them and turned them in.

Mr. MANN. Oh, the gentleman talked in my time and in the time of others.

Mr. SIMS. I have reference only to the remarks that I made in my own time, and not in the gentleman's time. I do not think the gentleman's remarks even are in here.

Mr. MANN. It would be no loss if they are not.

Mr. SIMS. Probably that is true. [Laughter.]

Mr. MANN. That is absolutely true. History will not care anything about it. It had its effect yesterday, if it had any, and when the permanent RECORD is made up those remarks are inserted in the permanent RECORD in their proper place, if they are sent in within ten days' time.

Mr. SIMS. But there is no record practically of yesterday's proceedings. It is so incomplete as not to state the facts as they occurred.

Mr. MANN. Well, if there ever was a day when there was talk in the House which ought not to be preserved in history, it was yesterday.

Mr. SIMS. Why not be just and let the record be blank except as to the Journal?

Mr. MANN. Well, it is, as the gentleman says; but when the final record is made up for the permanent RECORD then these remarks will be included, and goodness knows that will be publishing them often enough.

Mr. SIMS. But, Mr. Speaker, I still want to know what right any Member, or anyone else, has to hold out of the RECORD another man's remarks, and not have them published.

Mr. MANN. Oh, I do not think there is any difficulty about that. I suppose the situation was like this: The gentleman from Michigan [Mr. SMITH] made remarks a number of times yesterday, and undoubtedly followed the practice of revising his remarks and had them sent to him, and had sent in connection with those probably the remarks of the gentleman from Tennessee, because the gentleman from Tennessee was interrupted in his remarks by the gentleman from Michigan, and very likely the gentleman from Michigan never looked at them last night at all. I do not think the gentleman ought to complain about that, although everybody is glad to have the remarks of the gentleman from Tennessee preserved in permanent form, because they are always worth preservation, and we will see that that is done.

Mr. SIMS. If it is not an abuse of the privilege to hold out so much of the record that the RECORD itself is not a history of the proceedings that took place yesterday, then I do not know what is.

Mr. MANN. If the gentleman from Tennessee and other gentlemen would follow the practice that I follow of never getting the manuscript from the reporters or ever endeavoring to change what I say on the floor of the House, both as to grammar and substance, the record of what takes place on the floor of the House will be far more accurate than it is now.

Mr. SIMS. I did follow the gentleman's advice, and I did not take the manuscript out of the House and handed the remarks back to the reporters before the House adjourned, but I do not know whose advice somebody else acted upon in not even permitting them to be published. I do not know whether the gentleman wants to assume that responsibility or not.

Mr. MANN. The gentleman would be somewhat discriminating, and he would never discriminate against the gentleman from Tennessee.

Mr. SIMS. All this bunch of papers that I hold in my hand are a part of yesterday's record, not published at all; and to publish them out of connection with the proceedings of yesterday they will be perfectly worthless, and there can be no use in publishing them.

Mr. MANN. But when the permanent RECORD is made up, they will be published in their proper order.

Mr. SIMS. But the gentleman has just said that this bundle of papers will never be worth anything to the permanent RECORD. Therefore, to be just and carry out the idea of the gentleman from Illinois, I think a motion not to publish them at all would be germane.

Mr. KEIFER. Mr. Speaker, I would like to know what is pending before the House.

Mr. MANN. The gentleman from Tennessee.

Mr. SIMS. I stated I would like to make a motion to publish the entire record of yesterday in full, so that these will appear in their proper connection.

Mr. GILLETT. Mr. Speaker, let me suggest to the gentleman that it would not do any good now to make such a motion, because, of course, the RECORD of yesterday has been published and has appeared this morning. Therefore to move to publish it again would not correct what has happened. Without making any such motion, the permanent RECORD, as the gentleman from Illinois says, will be published and all of it will appear. That is all the gentleman can do now to remedy what I admit was an injustice to the gentleman.

Therefore, it seems to me the gentleman ought not to make that motion. May I ask him if any other speeches were withheld except his own?

Mr. SIMS. Does the gentleman have the idea that I made all these speeches? [Exhibiting bundle.]

Mr. GILLETT. I should not be surprised. [Laughter.]

Mr. SIMS. It is 40 or 50 pages of notes. I presume the gentleman means to be facetious.

Mr. HUGHES of New Jersey. It is not a question of the rights of the gentleman particularly. There is no doubt the RECORD has fallen somewhat into disregard in the country; it is a joke.

Mr. GILLETT. It will be remedied in the future. These other remarks will be published in the RECORD, and there is no use in publishing them to-morrow when they are going to be published in four days.

Mr. MANN. Let us be perfectly just to the gentleman from Michigan in charge of the floor. He was called upon to speak many times, and I have noticed invariably that most of the gentlemen who address the House for an hour or two withhold their remarks for correction, and they subsequently appear in the RECORD.

Mr. SIMS. I am not criticising the gentleman from Michigan.

Mr. MANN. The gentleman from Michigan had occasion to explain many items in connection with the bill.

Mr. SIMS. I am not saying the gentleman from Michigan did it. I do not know whose fault it is, and there is nothing in the RECORD to show. I am asking that the RECORD be published to-day, as it should have been published yesterday, with these parts of the record embraced in it.

Mr. MANN. It is also fair to say the gentleman from Michigan is not present to explain the reason that these remarks did not appear, although I think everybody knows the reason—that the gentleman did not have the time after his work in the House.

Mr. SIMS. Mr. Speaker, I am not complaining about the remarks of the gentleman from Michigan not appearing. I am complaining of my remarks not appearing, and that nobody had the right to hold them out.

Mr. MANN. Of course that is an inadvertency.

Mr. STAFFORD. Mr. Speaker, I wish to do justice to the gentleman from Michigan in his absence, because it was conveyed to my attention as a participant in yesterday's debate that the gentleman from Michigan had another pressing engagement last night, which prevented him from having opportunity to revise his remarks. He sent word to me through a messenger, as well as to other Members who participated in that debate, asking whether we had any objection if he would withhold that part of the remarks in which we participated. I stated, as well as another gentleman who participated in the debate, that we had no such objection. I think we all agree he was very much occupied yesterday in the discussion, and, having a pressing engagement, that it was his privilege to withhold his remarks in which he participated. I do not be-

lieve that he had any intention of withholding the remarks of any other Member. I believe, if he had known that the gentleman from Tennessee was so desirous of having his remarks appear in the RECORD to-day, that he would have certainly made an exception in that particular.

Mr. SHACKLEFORD. Who is making any charge against the gentleman from Michigan?

Mr. STAFFORD. The gentleman from Tennessee inferentially makes an attack upon him that he withheld his remarks when he had no warrant to do so.

Mr. SHACKLEFORD. The gentleman is mistaken.

Mr. STAFFORD. I think in all fairness——

Mr. SIMS. Mr. Speaker, I never made any such inferential charge; I never mentioned the name of the gentleman from Michigan.

Mr. STAFFORD. The gentleman referred to some 15 places in the RECORD where remarks were withheld, and those places in the RECORD refer to the remarks of the gentleman from Michigan and no one else, and inferentially the gentleman did make that charge.

Mr. SIMS. I said I was told that by some of the officials. That statement was made as an argument for republishing the RECORD, so the remarks should appear in the RECORD. I had just looked over the remarks, read the RECORD, and did not find my own remarks.

Mr. GARDNER of Massachusetts. Can the gentleman say whether the remarks of the gentleman are yet corrected?

Mr. SIMS. Why, I do not know a thing about whether they are or are not.

Mr. GARDNER of Massachusetts. I should think it would be a good idea for the gentleman to ask unanimous consent for a second edition of this morning's RECORD, including the remarks, but if they are not yet corrected, would it not be just as well to postpone this until they are corrected?

Mr. SIMS. I do not know whether the gentleman from Michigan [Mr. SMITH] ever saw his remarks, or whether he has corrected them or has not done so. I have not looked into them. I have not said a word about the gentleman from Michigan, and I am not making any complaint of him or anybody else for holding out their remarks; but what I am complaining of is that somebody, without authority, held my own remarks out and did not even permit them to be published.

Mr. GARDNER of Massachusetts. Will the gentleman ask unanimous consent that a second edition of this morning's RECORD be published, which shall include all those remarks, as soon as they are corrected? That will solve the difficulty.

Mr. SIMS. That is the thing I have been wanting to do, but I did not think I could get unanimous consent.

Mr. FITZGERALD. Does the gentleman think it will be worth the money?

Mr. SIMS. No; I do not.

Mr. FITZGERALD. Why squander the money?

Mr. SIMS. I ask unanimous consent, Mr. Speaker, that a new edition of this morning's RECORD be published, embracing all the proceedings that took place yesterday.

The SPEAKER. The Chair suggests that the RECORD contains the proceedings of the Senate as well as of the House.

Mr. SIMS. I only mean so much of it as refers to the House.

The SPEAKER. The Chair is in doubt as to whether or not it would take a concurrent resolution.

Mr. SIMS. I only ask as to the House proceedings; not those of the Senate.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that the proceedings of the House of yesterday be printed in full in the RECORD of to-day as of yesterday. That is as near as the Chair can get at it.

Mr. FITZGERALD. That is not the request the gentleman made. He asked for a second edition.

The SPEAKER. A second edition would be a virtual copy.

Mr. SIMS. I adopt the form of language used by the Speaker.

Mr. STAFFORD. I think the gentleman from Tennessee [Mr. SIMS] should withhold that request until we have a chance to confer with the gentleman from Michigan [Mr. SMITH].

Mr. SIMS. I do not think he would object, because he has nothing in this morning's RECORD.

Mr. STAFFORD. I do not think he would object, but he has a right in this matter, and I will be forced to object to it.

Mr. SIMS. I make the motion and ask that it be pending.

Mr. STAFFORD. I make the point of order that it is not in order.

The SPEAKER. The Chair suggests, a point of order being made, that the RECORD is printed under law and under the direction of the Joint Committee on Printing. Now, it seems to the Chair that it is somewhat doubtful as to whether yesterday's RECORD can be printed to-morrow morning so far as the proceedings of the House are concerned, leaving out any reference to the Senate. It is perfectly patent to the Chair that the RECORD can be corrected, so that the permanent RECORD will be exactly as the proceedings were yesterday.

Mr. MANN. Will the gentleman from Tennessee [Mr. SIMS] yield?

The SPEAKER. And that would happen, probably, without any action on the part of the House. The Chair, as at present advised, would have to sustain the point of order.

Mr. MANN. Will the gentleman from Tennessee yield?

Mr. SIMS. Yes.

Mr. MANN. There seems to be, so far as I notice, no mention at all of the remarks of the gentleman from Tennessee [Mr. SIMS] in the RECORD. Why does not the gentleman from Tennessee ask to have the RECORD corrected by inserting his remarks? That is in order. They ought to be inserted.

Mr. SIMS. I do not care a particle about having my remarks printed by themselves and out of connection with the proceedings, because they mean nothing in that way.

Mr. MANN. But they will be printed in the permanent RECORD.

Mr. TAWNEY. I demand the regular order.

Mr. MANN. This is the regular order.

The SPEAKER. The gentleman demands the regular order.

Mr. HUGHES of New Jersey. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HUGHES of New Jersey. Is it not in order at this time to move that the RECORD of yesterday be corrected in accordance with the facts as they occurred upon the floor of this House? If that is so, I make that motion—that the RECORD of this morning be corrected so that it will be a true record of the legislative proceedings of this House yesterday. I want to say it is high time to publish the truth——

The SPEAKER. In accordance with the reporters' notes?

Mr. HUGHES of New Jersey. Showing what occurred upon pending legislation yesterday.

The SPEAKER. The gentleman moves that the RECORD be corrected by inserting the proceedings of yesterday—those that are omitted—according to the notes of the official reporters.

The question was taken, and the motion was agreed to.

THIRTEENTH DECENNIAL CENSUS.

Mr. CRUMPACKER. Mr. Speaker, by direction of the Committee on the Census I submit the following privileged report (No. 751).

The Clerk read as follows:

House joint resolution 172, enlarging the scope of inquiry of the schedules relating to population for the Thirteenth Decennial Census.

Mr. MANN. May I ask the gentleman a question? Does the gentleman know that the Senate passed a bill yesterday to the same effect?

Mr. CRUMPACKER. I know that. We thought it wise to put it in the form of a joint resolution, and I submit it this morning to be placed on the calendar. I do not wish to take it up at this time.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I desire to submit a conference report (No. 749) on the army appropriation bill, to be printed in the RECORD under the rules.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 21 of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, having met, after full and free conference report to their respective Houses that, as to the amendment in disagreement, the Senate recedes.

J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 22643, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 22643, with Mr. DALZELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill. The Clerk will read.

The Clerk read as follows:

Bureau of Supplies and Accounts: Civilian assistant, $2,500; 2 chief bookkeepers, at $2,000 each; 4 clerks of class 4; 7 clerks of class 3; 6 clerks of class 2; 15 clerks of class 1; 10 clerks, at $1,100 each; 28 clerks, at $1,000 each (including 4 transferred from Bureau of Equipment); 12 clerks, at $900 each; 2 copyists, at $840 each; 5 assistant messengers; messenger boy, $600; 3 messenger boys, at $400 each; laborer; and two laborers, at $600 each; in all, $110,040.

Mr. LANGLEY. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill one or two questions. I notice there is an increase of something like $4,000 in the total appropriation for this bureau. For instance, 28 clerks at $1,000 are provided for, while in the legislative bill of last year there were only 24. I see the number of copyists are increased from two to eight.

Mr. GILLETT. No; the gentleman is mistaken. There is an apparent increase, but really there is no increase. These copyists are four clerks who were employed in the Bureau of Equipment. Theoretically, they were on their pay roll, but they have been detailed to this department. Now, we take them up in this department and drop them from the Bureau of Equipment.

Mr. LANGLEY. Are they eligible for this transfer under the civil-service laws?

Mr. GILLETT. Certainly.

Mr. LANGLEY. Then this does not affect their civil-service status at all?

Mr. GILLETT. Not at all.

Mr. LANGLEY. The copyists are increased to eight. Can the gentleman give me any information as to that? There were only two in the last appropriation bill.

Mr. GILLETT. There are only two copyists now in the bill. There is no change made.

Mr. LANGLEY. I see I was mistaken in that; but there is a total increase of something like $4,000 in the amount appropriated for this bureau.

Mr. GILLETT. That is these four transfers which I speak of.

Mr. LANGLEY. All right. There is, I assume, a corresponding reduction elsewhere.

Mr. MOORE of Pennsylvania. Mr. Chairman, when the Hydrographic Office paragraph was reached in the consideration of the bill on Saturday I had intended to ask permission to submit some remarks with regard to the observations made by Robert E. Peary, of the United States Navy, but being absent at that time, I was not able to do so. I now ask unanimous consent to extend my remarks in the RECORD with regard to the hydrographic work and explorations of Robert E. Peary.

Mr. LANGLEY. Is the gentleman going to submit proofs that Peary reached the North Pole?

Mr. MOORE of Pennsylvania. I am going to state some facts pertaining to the explorations he made.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations thereunder and be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1911 shall not exceed $40,000; a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. LANGLEY. Mr. Chairman, my information is that there were only $30,000 appropriated last year for this service in the Bureau of Yards and Docks. I see the amount here provided is not exceeding $40,000.

Mr. GILLETT. That is correct. The reason why we increased this from $30,000 to $40,000 was that there was $10,000 carried on the naval bill, and we had a consultation with the chairman of the Naval Committee, and it was agreed to drop that amount from their bill and increase it a like amount here.

The Clerk read as follows:

For the rental of Mills Building, authorized by act of Congress approved July 1, 1902, $24,500.

Mr. LIVINGSTON. Mr. Chairman, I want to suggest to the committee that here is a sample of perhaps the greatest extravagance that is to be found in this bill—rent of buildings. I want to ask your attention to the rents as they come in this bill. We have endeavored in the committee room to correct them, and we can not do it; and I put you on notice now, that if there is ever any correction, or if we ever get these rents lowered, it will have to be done on the floor of the House.

Take the old Jeff Davis Building, on G street, now called the "G Street Building." It rents by the year for an extravagant sum. Here is this Mills Building, right across from the Navy Department, used as an annex to the Navy Department, for which a rental of $24,000 a year is paid. In my humble opinion it is too much.

Mr. COX of Indiana. What is the gentleman's judgment of the value of that building?

Mr. GILLETT. Mr. Chairman, that is just what I was going to state, if the gentleman from Georgia will allow me. I think the gentleman from Georgia very much exaggerates this case. I have no doubt that in many cases extravagant rents are paid, but when this particular building was first taken, the Committee on Appropriations carefully examined into it. It was built, as I remember, for the express purpose of being rented to the Navy Department, under an agreement with that department, on a 5 per cent basis, and has been under that contract ever since.

Mr. LIVINGSTON. May I suggest to the gentleman that I was on that committee that made that careful investigation?

Mr. GILLETT. Yes.

Mr. LIVINGSTON. And we absolutely took the statements of other people. There was not a member of the committee who knew anything about it, and there is not a member of the committee to-day who knows for himself what it cost.

Mr. GILLETT. Of course everything has to be learned by taking the statement of somebody.

Mr. LIVINGSTON. I understand; but the evidence in that case came from interested parties.

Mr. GILLETT. Does the gentleman claim that Mr. Woods, the Superintendent of this Capitol, is an interested party?

Mr. COX of Indiana. Can the gentleman express any opinion as to the value of the Mills Building?

Mr. GILLETT. I can. My information is that the rent was arranged on a 5 per cent basis, and if the gentleman means that the Mills Building is worth only $24,000, that statement is preposterous. The gentleman remembers that it is a six or seven story building.

Mr. LIVINGSTON. I did not mean to say that the Mills Building was worth only $24,000.

Mr. GILLETT. That was the gentleman's statement.

Mr. LIVINGSTON. I beg the gentleman's pardon.

Mr. HULL of Iowa. The gentleman said these buildings were not worth the annual rental.

Mr. LIVINGSTON. I meant the G street building. I did not mean to include the Mills Building in that proposition. I said the G street building was not worth its rental.

Mr. GILLETT. The Mills Building is a high, modern office building.

Mr. MANN. It is a new building.

Mr. GILLETT. Built for this purpose.

Mr. LIVINGSTON. Said to be worth $120,000.

Mr. GILLETT. It was rented to us on a 5 per cent basis.

Mr. HUGHES of New Jersey. Can the gentleman state to us what the assessment of the building is?

Mr. LIVINGSTON. No; I can not.

Mr. HUGHES of New Jersey. Would not that be a good way to get somewhere near its approximate value?

Mr. GILLETT. Yes; but we have not gone into it since the original contract was made. It was built for the purpose of being rented to the Government. We were satisfied it was a good contract for the Government. So far as I know, I think it is the best of any of the buildings that the Government rents.

Mr. DIXON of Indiana. Is the first floor of the Mills Building used for the Government?

Mr. GILLETT. Yes; the entire building. It was built for that purpose.

Mr. DIXON of Indiana. I thought the first floor was used for something else.

Mr. GILLETT. No.

Mr. SLAYDEN. As I understand, the Mills Building was erected within the last six or seven years, and is a modern, high-class building.

Mr. GILLETT. Very.

Mr. SLAYDEN. I should think $400,000 or $500,000 would be a cheap price for it.

Mr. GILLETT. I think this is the best contract for rent that the Government has.

Mr. MARTIN of South Dakota. Mr. Chairman, I would like to ask the gentleman from Georgia to what he referred as the G street building?

Mr. LIVINGSTON. It is called the old Jeff Davis Building. It is on G street, right by the War Department. The sugges-

tion I wanted to make was this: To bring the attention of the House to the fact that we were paying over $400,000 for rent of buildings, and we ought not to do it.

Mr. GILLETT. I agree with the gentleman.

Mr. LIVINGSTON. That is the purpose I had in making the suggestion, and not to get up any controversy over one particular building. This House will have to deal with the matter later.

Mr. HULL of Iowa. We can not do it unless it comes through the committee.

Mr. LIVINGSTON. We have not got the time to look into the assessed and real value of the buildings; we only have the time to accept the statements of real estate men and the parties interested.

Mr. MANN. Does the gentleman from Massachusetts believe that we could provide a building like the Mills Building, owned by the Government at a cost of only $24,000 a year?

Mr. GILLETT. I think we could; I do not see why we could not.

Mr. MANN. Does the gentleman know of any building owned by the Government in Washington, even of less size than the Mills Building, that does not cost us more than $24,000 a year?

Mr. GILLETT. The gentleman means would we. I agree that perhaps we would not.

Mr. MANN. I mean could we and not would we. I am not talking about theoretical conditions.

Mr. GILLETT. I agree that we would undoubtedly build a more expensive and elaborate building than the Mills Building.

Mr. MANN. I think for the same amount of space we would spend twice as much money in the construction of a building as the Mills Building cost.

Mr. GILLETT. And we would have a handsomer building.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LANGLEY. Mr. Chairman, I would like to have the gentleman's time extended in order to ask him a few questions.

The CHAIRMAN. The gentleman from Kentucky asks that the time of the gentleman from Massachusetts be extended five minutes. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Chairman, I notice in the appropriation act for the naval service last year that there is a provision "for rent of buildings and offices not in the navy-yards." The question I want to ask the gentleman is why it is necessary for this separate provision in this bill for the Mills Building?

Mr. GILLETT. That is for buildings probably outside of Washington.

Mr. LANGLEY. It does not say so.

Mr. MARTIN of South Dakota. Mr. Chairman, I should like to state to the gentleman from Georgia that the Committee on Public Buildings and Grounds is beginning a thorough investigation into the subject of all the rentals being paid in the District, the buildings occupied, their suitableness, their sanitary or insanitary character, their safe or unsafe character, as to their being a safe place for the preservation of the records of the Government, and as to the safety of the lives of the occupants of the building. Apparently, on the surface, the Mills Building contract is one of the best that the Government seems to have entered into from the standpoint of the Government. There are certainly many others that seem subject to criticism.

We have asked, under a resolution of the House, information from the Treasury Department upon this subject, which will be available soon. It was remarked on the floor of the House recently that the same information is contained in a supplement to the Book of Estimates; that is true only in part. The resolution covers many other leases, and covers much broader ground than the data furnished in the Book of Estimates. The committee needs the additional information. I think the House can be assured that within the near future, certainly during this present session of Congress, the Committee on Public Buildings and Grounds will endeavor to inform itself and the House very fully on this subject and be in a position to make some recommendation regarding the entire question.

Mr. LIVINGSTON. That is what I wanted to bring out; I did not know that that movement was on foot. I am satisfied.

The Clerk read as follows:

No part of any appropriations made for the naval service shall be expended for any of the purposes herein provided for on account of the Navy Department at Washington, D. C., except for personal services in certain bureaus, as herein expressly authorized.

Mr. LANGLEY. Mr. Chairman, at the request of the chairman of the Committee on Expenditures in the Navy Department, who is absent, I want to ask a question regarding the Hydrographic Office. I have here a letter from the Secretary of the Navy, and attached to it is a list of the employees in that service. The question I want to ask is whether or not these employees are appointed independent of civil-service regulations. I see that there are about 20 of them, with salaries ranging from $600 to $1,400.

Mr. GILLETT. I do not know how that could be.

Mr. LANGLEY. They are employed out of the lump sum.

Mr. GILLETT. What lump sum?

Mr. LANGLEY. Contingent and miscellaneous expenses of the Hydrographic Office.

Mr. GILLETT. Oh, no; that does not employ clerks. They can not be employed out of that lump sum. The law does not permit that.

Mr. LANGLEY. They are employed, nevertheless.

Mr. GILLETT. They are employed by special provision, not out of that lump sum. They are under the civil service. They must be.

Mr. LIVINGSTON. Is the gentleman speaking of the employees in the Hydrographic Office?

Mr. LANGLEY. Yes. They are employed at various places—at Boston, New York, Philadelphia, and other points.

Mr. LIVINGSTON. They are employed through the civil service.

Mr. LANGLEY. They are?

Mr. GILLETT. Yes.

Mr. LANGLEY. My information has been to the contrary.

Mr. MANN. They did not use to be. I do not know whether they are or not.

Mr. GILLETT. When I answered that they were not under that lump sum, I supposed the gentleman was referring to the employees here in Washington. Of course this bill generally does not deal with anything except employees in Washington. That I do not know about.

Mr. LANGLEY. The Secretary says:

I have the honor to inform you, in reply to your letter of the 26th instant, that the employees enumerated in the statement of expenditures of the contingent fund of the department for the fiscal year ending June 30, 1909, under the head of "Contingent and miscellaneous expenses, Hydrographic Office," were employed at the various branch hydrographic offices outside of Washington, D. C.

Mr. GILLETT. Is that in this bill or in the naval bill?

Mr. MANN. The item in the bill and the item in the law, notwithstanding the statement of the Secretary of the Navy, is for service of necessary employees at branch offices, $17,960.

Mr. LANGLEY. I understand what the item is to which the gentleman refers, but that does not answer the question as to whether these employees——

Mr. MANN. That is not the item named by the Secretary. There is no such item in the bill as that named by the Secretary.

Mr. LANGLEY. The gentleman knows what the Secretary is referring to. It is that appropriation for the Hydrographic Office that we passed on last Saturday.

Mr. GILLETT. I supposed when the gentleman said "contingent fund" that he had in mind employees in the city of Washington. We can not employ any clerks here in the city of Washington under a contingent fund, and I supposed the gentleman referred to that.

Mr. LANGLEY. Not at all. I refer to offices in the other portions of the country.

Mr. GILLETT. That I do not know, whether they are under the civil service at all.

Mr. TAWNEY. They are provided for specifically in this bill.

Mr. LANGLEY. I do not find any provision that authorizes their employment independent of civil service.

Mr. MANN. There is an item in the bill at page 109, contingent expenses of branch offices and various other things, $11,000, and "for services of necessary employees at branch offices, $17,960."

Mr. LANGLEY. The gentleman misunderstood me. I understand there is an appropriation provided in this bill for these services; but the point I am getting at is whether these employees are appointed and paid out of a lump sum regardless of civil-service regulations or are they appointed after competitive examination?

Mr. MANN. That is a matter for the Executive to determine.

Mr. TAWNEY. Is there anybody the gentleman wants to get a job for?

Mr. LANGLEY. Not in the Hydrographic Office.

Mr. GILLETT. I do not see why they must not be under the civil service.

Mr. LANGLEY. I thought the gentleman from Massachusetts might be informed on the question, as he is a conspicuous advocate of the civil-service system and of its rigid enforcement. I hope he will look into this by the time the legislative bill comes up next year.

The Clerk read as follows:

For per diem in lieu of subsistence of two special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior, $4,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. I will ask the gentleman in charge of this bill whether or not the committee had any complaint before it about this per diem being too small.

Mr. GILLETT. No; no complaint was made or suggestion that it should be changed.

Mr. COX of Indiana. The inspectors to whom this per diem goes seem to be satisfied with this amount?

Mr. GILLETT. No suggestion was made at the hearing.

Mr. COX of Indiana. I find some other places in the bill where the per diem does not exceed $3, and that was my purpose in making the inquiry. In addition to that I recall when the post-office bill was under consideration in the House that in a vast majority of the instances there the per diem was $4. It struck me then that was too large a per diem and that $3 per day would be more appropriate and in line with what was right, and on this point I want to commend the committee for holding the per diem down to $3. I think it would be better to pay the actual expenses and subsistence instead of a per diem, so that the country and the people may know exactly what is being paid out. In many instances this per diem serves to operate as an indirect increase of salary.

I withdraw the pro forma amendment.

The Clerk read as follows:

General Land Office: Commissioner of the General Land Office, $5,000; assistant commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the commissioner, and shall act as commissioner in the absence of that officer or in case of a vacancy in the office of commissioner, $3,500; chief clerk, $2,500; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors-general and district land offices, at $2,000 each; recorder, $2,000; chief of division of surveys, $2,750; chief of division, $2,400; 10 chiefs of division, at $2,000 each; 13 law examiners, at $2,000 each; 10 law examiners, at $1,800 each; 18 law examiners, at $1,600 each; 28 clerks of class 4; 46 clerks of class 3; 69 clerks of class 2; 72 clerks of class 1; 60 clerks, at $1,000 each; 60 copyists; 2 messengers; 10 assistant messengers; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000; clerk and librarian, $1,000; in all, $572,450.

Mr. MANN. Mr. Chairman, I make the point of order, page 121, line 12, on the words "to be appointed by the President by and with the advice and consent of the Senate."

Mr. FITZGERALD. What about it?

Mr. GILLETT. Mr. Chairman, we have followed the precedents.

Mr. MANN. That is true.

Mr. GILLETT. Whether the general statute authorizes this assistant commissioner as provided here or not, I am not informed, and I shall have to look at it.

Mr. MANN. There is not any general statute authorizing it.

Mr. GILLETT. If the gentleman from Illinois has looked it up and knows, I will accept his statement. If that is true, of of course, it is subject to the point of order.

Mr. MANN. Mr. Chairman, I make the point of order on that language.

The CHAIRMAN. On the gentleman's statement, the point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. What provision is in this paragraph to prevent these subordinates being paid more than the head of the office or the assistant commissioner?

Mr. GILLETT. I do not understand the gentleman's question. The salaries are all fixed.

Mr. FITZGERALD. That is what I assumed, but there is one man in here who, every time we increase the appropriation for that office, gets an increase of salary.

Mr. GILLETT. I do not know to whom the gentleman refers. There is no increase in this bill.

Mr. TAWNEY. The gentleman is aware of the fact that the salary for that man is not carried in this bill.

Mr. FITZGERALD. Is not his salary here?

Mr. TAWNEY. No; it is not.

Mr. FITZGERALD. Where is it?

Mr. TAWNEY. In the sundry civil bill.

Mr. FITZGERALD. The lump appropriation is carried in the sundry civil bill.

Mr. TAWNEY. This is a lump-sum appropriation.

Mr. FITZGERALD. Is not his position carried in this bill?

Mr. TAWNEY. No; his position is not carried in here at all, nor his salary. The gentleman is referring to the chief of division, field service——

Mr. FITZGERALD. The chiefs of divisions are in this bill, I understand.

Mr. TAWNEY. He is chief inspector or special agent in charge of the field service; I should not have said chief of division.

Mr. FITZGERALD. I am trying to find out where he gets his compensation.

Mr. TAWNEY. He gets his compensation out of the lump-sum appropriation carried in the sundry civil bill under the title of the protection of public domain, timber, and so forth.

Mr. FITZGERALD. Does the gentleman think that the assistant commissioner ought to be increased?

Mr. GILLETT. We have not increased it.

Mr. TAWNEY. The committee, of which the gentleman is a member, has not recommended an increase.

Mr. FITZGERALD. I know it is not recommended, but I would like to get the gentleman's opinion. The fact is, the Commissioner of the General Land Office receives $5,000, the assistant commissioner $3,500, and an employee of the General Land Office, a subordinate to both of these men, is now being paid $4,200.

Mr. GILLETT. That is not in this bill.

Mr. FITZGERALD. It does not make any difference what it is under, it is in this office.

Mr. GILLETT. This committee has no jurisdiction.

Mr. FITZGERALD. I wish to ask the gentleman from Massachusetts whether, in his opinion, the Assistant Commissioner of the General Land Office is receiving an adequate compensation?

Mr. GILLETT. Inasmuch as no suggestion has been made that it should be increased, I presume that he is.

Mr. LIVINGSTON. There is no complaint made.

Mr. FITZGERALD. I just wanted to get the gentleman on record, so I would be able to have that information later.

Mr. MANN. The gentleman is fishing.

Mr. FITZGERALD. No, I am not fishing; I am trying to find out upon what theory this administration is conducting its business in some respects. Here is an assistant commissioner who is such a great man that it is provided that he shall be appointed by the President by and with the advice and consent of the Senate.

Mr. TAWNEY. That provision was put in there because of the importance of the office or because some gentlemen at the other end of the Capitol wanted to be sure that the proper man would be appointed as assistant commissioner.

Mr. MANN. Or because the amendment originated in the Senate.

Mr. FITZGERALD. Mr. Chairman, I am unable to agree that any such improper motive actuated the Congress in enacting this provision.

Mr. TAWNEY. I did not say it was an improper motive. I simply gave that to the gentleman as an explanation.

Mr. FITZGERALD. I can not believe that any Member either of this House or the other House, who would have any influence in obtaining the appointment of this particular commissioner, is so lacking in confidence in the President or his predecessor as to make it necessary in order to obtain a particular appointment that the right should be reserved in the Senate to confirm the appointment.

It does seem, however, if this man is of such importance that he shall be authorized to sign letters, papers, and documents, and perform other duties, and shall be put in the same category as members of the President's Cabinet, and appointed by and with the advice and consent of the Senate, that he must be an officer of considerable importance. I am trying to ascertain why this man is so little considered that as soon as an appropriation is made available to unearth the frauds that have been committed under Republican administration in the carrying out of the laws affecting the public domain, a subordinate of this assistant commissioner receives compensation 20 per cent in excess of the amount paid to the assistant commissioner.

Mr. MANN. Does the gentleman think that is remarkable at all?

Mr. FITZGERALD. Not under this administration, although it would be in any well-conducted and well-organized government.

Mr. MANN. Does the gentleman know that in this bill we provide for officers who are subordinate to assistant secretaries at salaries 50 per cent greater than the salary of the Assistant Secretary? I do not refer to the administration, but to Congress, in this bill, and the distinguished committee of which the gentleman from New York [Mr. FITZGERALD] himself is a distinguished member.

Mr. FITZGERALD. The gentleman is mistaken. That particular provision was eliminated from the bill on a point of order.

Mr. MANN. Not at all.

Mr. FITZGERALD. Oh, yes. It was put back in different form.

Mr. MANN. But it is still there.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. FITZGERALD. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. I will say to the gentleman from Illinois that the provision to which he refers was eliminated because of the diligence of a Member of this House on the Democratic side. After the gentleman from Illinois [Mr. MANN] had fussed around for an hour or two, and then withdrew from the field——

Mr. MANN. The gentleman will pardon me. While that side of the House was asleep I reserved a point of order. No Member on that side of the House was bright enough to catch the fact that it was subject to a point or order, and while the gentlemen over there were sleeping calmly I reserved a point of order and waked them up.

Mr. FITZGERALD. And then discreetly retired?

Mr. MANN. Certainly; like the gentleman from New York—in his company.

Mr. FITZGERALD. But, Mr. Chairman, the statement of the gentleman is inaccurate to the extent that the bill itself carries a provision in that way. I know it is the intention of this administration, in the readjustment of the offices creating these newfangled positions and peculiar titles—resident diplomatic officers—to pay such salaries. I know the result will be the complete demoralization of the department, but it is just what the people expect under this administration. It will merely hasten the day when it will be imperative that this side of the House be put into power in order to undo the innumerable mistakes and errors that have been piled up so that the people can tolerate the situation no longer.

Mr. GILLETT. Does the gentleman mean that it is improper that a subordinate should receive more salary than the assistant secretary under whom he serves?

Mr. FITZGERALD. I think if the gentleman's secretary were to receive more salary than the gentleman from Massachusetts is receiving, the proper thing to do would be to make the secretary a Representative and the gentleman from Massachusetts the secretary.

Mr. GILLETT. This runs all through the civil list. A great many collectors throughout the country get more salary than the Secretary of the Treasury. The gentleman would not think they ought to be made assistant secretaries and the secretary of the Secretary be made the collector?

Mr. FITZGERALD. That is a different situation.

Mr. TAWNEY. The bureau chiefs in nearly all the departments receive a higher salary than assistant secretaries of departments.

Mr. FITZGERALD. Oh, no; the gentleman is very much mistaken.

Mr. GILLETT. It is true all through the service, and I do not think it is subject to a point of order.

Mr. TAWNEY. For instance, the salary of the Director of the Coast and Geodetic Survey is $6,000, and that of the Fish Commissioner is $6,000, and the salary of the Director of the Geological Survey is $6,000.

Mr. LANGLEY. The gentleman from Minnesota [Mr. TAWNEY] might also cite the case of the Director of the Census, who, although subject to the orders of the Assistant Secretary, receives $6,000, and in the decennial period $7,500, 50 per cent more than the Assistant Secretary receives.

Mr. MANN. The collector of customs in the gentleman's city might be mentioned in this connection.

Mr. FITZGERALD. Mr. Chairman, this situation is entirely different. Here is a position in this city——

Mr. TAWNEY. Well, all these officials I have named are in this city.

Mr. FITZGERALD (continuing). Who is working under the control of the assistant commissioner. The other situation is entirely different. The compensation of the heads of bureaus have been fixed apparently because they have some scientific attainments, but actually because they have a certain amount of political influence.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. FITZGERALD. Why, certainly.

Mr. TAWNEY. Do you think the salaries of government employees should be fixed according to the dignity or high-sounding title of the office or in accordance with the actual work performed by the employees?

Mr. FITZGERALD. In accordance with the usefulness of the office.

Mr. TAWNEY. The top of our service is underpaid, and there has been an effort on the part of Congress during the last three or four years to raise the salaries of those who have the responsibility of initiating things in the departments, in contrast with those who are doing simply clerical service. The gentleman will remember that the Committee on Appropriations two years ago recommended an increase in the salary of all the assistant secretaries, but it was subject to a point of order and has not been done.

Mr. FITZGERALD. And was finally enacted into law.

Mr. TAWNEY. No; it has not been enacted into law.

Mr. FITZGERALD. In this instance the gentleman has not commenced at the top. He is going over the heads, and Congress is not doing this at all. The truth is that a special fund was put at the disposal of the Department of the Interior, and every time Congress increased the appropriation for that service the department increased the compensation of this employee without any direct authorization. He is employed here in the city under the assistant commissioner and paid 20 per cent more than the Assistant Commissioner of the General Land Office.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles:

H. R. 18902. An act to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;" and

H. R. 21221. An act to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel, of the St. Joseph River, Michigan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15384) making appropriations for the support of the army for the fiscal year ending June 30, 1911.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 863. An act to correct the military record of John M. Miller;

S. 864. An act to correct the military record of John Oates;

S. 1864. An act to facilitate the use for manufacturing purposes of square No. 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907; and

S. 6431. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 13468. An act to amend an act entitled "An act to establish a code of law for the District of Columbia."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 614) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BULKELEY, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had receded from its amendment to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, "numbered 21."

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6721. An act permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota;

S. 7093. An act amendatory of the act to provide for the thirteenth and subsequent decennial censuses; and

S. J. Res. 80. Joint resolution providing for a special election in the Territory of Hawaii.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Pension Office: Commissioner of Pensions, $5,000; first deputy commissioner, $3,600; second deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; 2 qualified surgeons, at $2,000 each; 15 medical examiners, at $1,800 each; 8 chiefs of division, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 57 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; 16 assistant chiefs of division, at $1,800 each; 3 stenographers, at $1,600 each; 80 clerks of class 4; 94 clerks of class 3; 300 clerks of class 2; 320 clerks of class 1; 65 clerks, at $1,000 each; 10 copyists; superintendent of building, $1,400; 2 engineers, at $1,200 each; 3 firemen; 27 messengers; 12 assistant messengers; 20 messenger boys, at $400 each; 40 laborers; 10 female laborers, at $400 each; 15 charwomen; painter, skilled in his trade, $900; cabinetmaker, skilled in his trade, $900; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 20 watchmen; in all, $1,494,020.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order upon this paragraph. I would call the attention of the gentleman in charge of the bill to the language in lines 12 and 13, "chief clerk, $2,500." Is not that an increase?

Mr. GILLETT. That is an increase of $250.

Mr. COX of Indiana. I thought so. I also call the gentleman's attention to the language of the bill found in lines 22 and 23, "private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000.

Mr. GILLETT. That is not new.

Mr. COX of Indiana. If that is not new, how long has he had a secretary?

Mr. GILLETT. That is provided every year. It is included in the annual appropriations for that purpose.

Mr. COX of Indiana. Nothing new at all in that?

Mr. GILLETT. Nothing at all.

Mr. COX of Indiana. I make the point of order, Mr. Chairman, against that part of the bill increasing the salary; or I withhold the point of order, so that the gentleman may give us some information.

Mr. GILLETT. I will just suggest to the gentleman why we did it for this special employee. The reason was this: The Commissioner of Pensions very vigorously urged it on the committee that this man's salary ought to be $2,500; that the salary of the chief clerk of the Patent Office was $3,000 and that of the chief clerk of the Land Office $2,500, neither of which have as large a service under them as this man. Our information was that he was an extremely valuable and efficient clerk, and we recognize now that there is a large reduction being made in the expense of that bureau, where they are saving this year, I think, about $100,000.

Mr. COX of Indiana. How are they saving it?

Mr. GILLETT. By decreasing the number of employees. We dropped half of the Board of Pension Appeals a while ago, and we are reducing the service. We have reduced it 101. And this clerk has been drawing a salary of $2,250, but he used to get $2,500.

Mr. COX of Indiana. How long has he been drawing a salary of $2,250?

Mr. GILLETT. I do not remember how many years. But he got $2,500.

Mr. COX of Indiana. How long back?

Mr. GILLETT. Ten or twelve years ago.

Mr. COX of Indiana. So that for the last few years he has been drawing only $2,250?

Mr. GILLETT. And there are other chiefs of divisions drawing more salary, who have not as important duties to perform, and it seemed to us that where an official was trying to reduce the expenses we should recognize it by giving this chief this increase.

Mr. COX of Indiana. Do I understand the gentleman to say that they have actually reduced the expenses in that department this year $100,000?

Mr. GILLETT. Over $100,000.

Mr. COX of Indiana. You have done that by letting out employees. Is that correct?

Mr. GILLETT. Yes.

Mr. COX of Indiana. Have not these same employees been employed in some other bureaus?

Mr. GILLETT. I presume, as far as it may be done, other bureaus will try to take them on.

Mr. FOSTER of Illinois. This reduction occurs on account of vacancies in the office which are not filled?

Mr. GILLETT. Certainly. They are trying as much as possible, as men die or resign, not to fill their places. I presume there will have to be some discharges, but if the gentleman from Indiana means by his inquiry whether places are being made for them in other bureaus——

Mr. COX of Indiana. That is what I mean—whether places are being made for them in other bureaus.

Mr. GILLETT. Oh, not at all. It is an absolute decrease.

Mr. COX of Indiana. It strikes me that is a satisfactory explanation, and I will withdraw the point of order.

Mr. JOHNSON of South Carolina. Not in this paragraph of the bill, but in another paragraph of the bill, I notice that you provide an appropriation of $79,000 for something like 30 additional examiners down there. I thought that work was growing less.

Mr. GILLETT. There is no such increase. The gentleman is mistaken.

Mr. MANN. It is a decrease.

Mr. GILLETT. The examiners were 80, and we have reduced them to 70.

Mr. JOHNSON of South Carolina. Reduced the examiners?

Mr. GILLETT. Yes. The gentleman must have misread the figures.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CRUMPACKER having taken the chair as Speaker pro tempore, a message in writing from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On March 14, 1910:

H. R. 5272. An act for the relief of the Bridgeport National Bank, Bridgeport, Ohio.

On March 15, 1910:

H. R. 21428. An act authorizing the Secretary of the Interior to make temporary withdrawals of public lands for certain purposes; and

H. R. 17872. An act providing for the sale to Johnson County, in the State of Wyoming, of certain lands.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Patent Office: Commissioner of Patents, $5,000; first assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $4,500; assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $3,500; chief clerk, who shall be qualified to act as a principal examiner, $3,000; two law examiners, at $2,750 each; three examiners in chief, at $3,500 each; examiner of interferences, $2,700; examiner of trade-marks and designs, $2,700; examiner of classification, $3,600; 43 principal examiners, at $2,700 each; 63 first assistant examiners, at $2,400 each; 73 second assistant examiners, at $2,100 each; 88 third assistant examiners, at $1,800 each; 110 fourth assistant examiners, at $1,500 each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, $2,250; librarian, $2,000; 6 chiefs of division, at $2,000 each; 3 assistant chiefs of division, at $1,800 each; private secretary, to be selected and appointed by the Commissioner of Patents, $1,800; translator of languages, $1,800; 9 clerks of class 4; 9 clerks of class 3; 17 clerks of class 2; 96 clerks of class 1; 3 skilled draftsmen, at $1,200 each; 4 draftsmen, at $1,000 each; 90 clerks, at $1,000 each; messenger and property clerk, $1,000; 90 copyists; 85 copyists, at $720 each; four messengers; 25 assistant messengers; 14 laborers, at $600 each; 45 laborers, at $480 each; 40 messenger boys, at $360 each; in all, $1,286,410.

Mr. WATKINS. Mr. Chairman, in line 21, after the word "each," I desire to insert the words:

Who may be promoted by executive order.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 21, page 127, after the word "each," insert "who may be promoted by executive order."

Mr. GILLETT. To that I make a point of order that it changes existing law.

Mr. WATKINS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WATKINS. In the appropriation bill of 1908 it is provided that these employees may be promoted only by civil-service examination. That law, as interpreted by the Civil Service Commission, and by the President also, is now in force.

The appropriation bill of 1909 said nothing about how they should be promoted. The Civil Service Commission had the question referred to them by the President recently, and the President's interpretation and the interpretation of the Civil Service Commission was that these promotions could only be made by a civil-service examination and could not be made by executive order. This is the only class of employees now in the Government service, so far as I know, who can not be promoted by executive order. As the law now stands, they may be promoted by civil-service examination, but not otherwise. That being the case, it is clearly not a new law. It is clearly an additional manner of promotion to that which is designated in

the act of 1908 and in harmony with that act, and is not intended to antagonize the legislative enactments therein contained. It simply amplifies that act and enlarges its scope.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Bureau of Education: Commissioner of Education, $5,000; chief clerk, $2,000; specialist in higher education, $3,000; editor, $2,000; statistician, $1,800; specialist in charge of land-grant college statistics, $1,800; translator, $1,800; collector and compiler of statistics, $2,400; specialist in foreign educational systems, $1,800; specialist in educational systems, $1,800; 2 clerks of class 4; 2 clerks of class 3; 4 clerks of class 2; 8 clerks of class 1; 7 clerks, at $1,000 each; 6 copyists; 2 copyists, at $800 each; copyist, $720; 2 skilled laborers, at $840 each; messenger; assistant messenger; 3 laborers, at $480 each; laborer, $400; in all, $65,200.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. May I ask the gentleman what the object is in providing a specialist in higher education and just what a specialist is? Does the gentleman mean a "high brow?"

Mr. GILLETT. The purpose that the office of this specialist was created for, as the Commissioner of Education informed us, was to keep in touch with what was done in our institutions of higher education throughout the country, so that there should be in his office a sort of clearing house of information on that subject. He says they have a great many requests for information from different land colleges as to what is being done in different institutions of the United States; that there is often referred to them requests from foreign governments, in the Orient particularly, where they send students for higher education, to know about them. Consequently, he says that it would be of great value to the United States to have somebody in the office who made a specialty of knowing what our different colleges are doing, and that it would of course be of value to the colleges themselves. In other words, it would be headquarters where there would be information as to what all of these colleges were doing and where the information could be obtained. This is, of course, subject to a point of order.

Mr. MANN. I suppose the result would be an organization in the course of time of a regular clearing house for information in reference to work done by different land-grant colleges here if not elsewhere. That organization would be larger than the present Bureau of Education in a few years' time if it is carried out logically.

Mr. GILLETT. Personally I am very strongly in favor of a large increase in the functions of the Bureau of Education. I do not think we are beginning to appropriate for it what we ought to, and I would welcome it in this line and also in other lines.

Mr. MANN. I may say to the gentleman that there is before the committee of which I happen to be chairman a bill providing that the Bureau of Education shall be turned into the Bureau of Health, and another bill pending before Congress providing that the Bureau of Health shall be turned into the Bureau of Education. In other words, one provides that there shall be a new Bureau of Health, which, among other things, shall absorb the Bureau of Education, because that has to deal with sanitation in schoolhouses and schoolrooms, and another proposition to create a new Bureau of Health under the Bureau of Education. There is no limit as to what you can do when you begin to deal with the subject of education. I question whether the Government is called upon to advise the people as to higher education. We have universities and colleges of the higher class all over the country. One man would not go very far in this department.

Mr. GILLETT. That is very true. I think, however, we ought to very much enlarge the functions of this bureau, and inasmuch as we are doing so much for the material welfare of the people in numerous ways, I believe it would be well for us to do more for their intellectual welfare.

Mr. MANN. It may be that it would be a good thing for the Government to attempt the reconstruction of the people mentally and morally, but we are not undertaking to do it up to this time.

Mr. GILLETT. We are doing it in a small degree in the Bureau of Education.

Mr. MANN. I think the Commissioner of Education does good and effective work, although I think the bureau itself is one of those bureaus that might well be abolished.

Mr. GILLETT. I think there are other bureaus that it would be well to abolish first, if the Government is coming down to the abstract principle that it is not our function to interfere with the health, morals, or education of the people. That is another proposition, but we are doing it all the time in other directions, and I think we might do it in this direction, and I welcome this proposition.

Mr. MANN. I believe the Committee on Education ought to have a chance to work out a scheme on this subject so that we would have legislation and know how far we are going and what we are going to do.

Mr. TAWNEY. I believe there is a bill pending before the Committee on Education for the establishment of a department of education.

Mr. BURKE of Pennsylvania. Yes; and they have had several hearings.

Mr. MANN. Mr. Chairman, pending the action of the Committee on Education, as I know it will receive thorough and careful consideration, I make the point of order on line 23, "specialist in higher education, $3,000."

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Office of the Superintendent of the Capitol Building and Grounds: Superintendent of the Capitol Building and Grounds, $5,000; chief clerk, $2,000; chief electrical engineer, $2,400; 2 draftsmen, at $1,200 each; clerk, $1,600; stenographer and typewriter, $1,000; foreman, $1,800; compensation to disbursing clerk, $1,000; messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; 7 laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at $660 each; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; bookkeeper and accountant, $1,800, and one stenographer, at $720, both now authorized and paid from appropriations for House or Senate Office buildings; in all, $28,280.

Mr. FITZGERALD. Mr. Chairman, I reserve the point of order on lines 20 to 23. Why are these employees taken out of the appropriations where they have been authorized?

Mr. GILLETT. They have been carried on the list of construction accounts, with many others, but I understand that, now the buildings are practically completed, they will not be required there any more; but the superintendent will need these two permanently because having these buildings of course has increased the work of his office.

Mr. FITZGERALD. He needs them because of the work of the House and Senate Office buildings?

Mr. GILLETT. Yes.

Mr. FITZGERALD. Why should they not be estimated for and provided upon the recommendations of the commissions in charge of the buildings?

Mr. GILLETT. I suppose they probably have the indorsement of that committee?

Mr. FITZGERALD. They have not anything of the kind.

Mr. GILLETT. Of course they go on the regular rolls of the superintendent and their work is not confined to the buildings, and I suppose he requires them because of the increase in his work due to these new buildings.

Mr. FITZGERALD. That is true, and certain increases of the force under him are paid for from appropriations made for the purpose of maintaining these buildings. Why should not those expenditures all be segregated so that it will be possible to tell what the additional cost is because of the maintenance of these buildings?

Mr. GILLETT. They have been carried on that, but I understood that was over—that separate roll.

Mr. FITZGERALD. Oh, well; the gentleman is mistaken. It is not over. We carry in the sundry civil bill the provision for the House Office Building. I do not know about the Senate Building. I do know about the House Office Building. The force for that building is carried in the sundry civil appropriation bill.

Mr. MANN. The item in the sundry civil appropriation bill, as I recall it, is for the maintenance of the Office Building. This item is of course for somebody in the main office of the Superintendent of the Capitol, and while a part of the work which these people may do is in connection with the Office Building, it is no more than the rest of the work done by the other officials in the office of the Superintendent of the Capitol. You could not very well differentiate this and provide for it directly under the appropriations for the Office Building. Of course you could provide for that, but this is no longer specially connected with the Office Building.

Mr. GILLETT. Not only with the House Building, but with the Senate.

Mr. MANN. Oh, well, they deal with the Capitol, too; with everything, the new power plant and everything else. It is just part of the permanent force, an enlargement of which has become necessary because not only of the House Office Building, but of the Senate Office Building and the new power plant.

Mr. FITZGERALD. Does the gentleman believe, as a result of his investigation, that the keeping of these employees in one office will tend necessarily to reduce the number eventually?

Mr. GILLETT. I think it would. In consideration of this he had decreased one clerk from $1,200 to $1,000.

Mr. FITZGERALD. Does the gentleman say that these positions have been paid for out of the construction fund up to this time?

Mr. GILLETT. I think so, ever since the beginning of the buildings.

Mr. FITZGERALD. I withdraw the point of order.

The Clerk read as follows:

Contingent expenses, Department of the Interior: The following sums, which shall be so apportioned as to prevent deficiencies therein, namely: For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including $6,500 for the Civil Service Commission: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, expressage, wagons and harness, food and shoeing of horses, diagrams, awnings, constructing model and other cases and furniture, and other absolutely necessary expenses, including fuel and lights, typewriting machines and exchange of same, $115,000.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word for the purpose of asking some questions about this paragraph, beginning on line 4, on page 131. I notice $115,000 is appropriated in a lump sum for furniture, carpets, ice, lumber, hardware, dry goods, and a number of other items. Is there any estimate setting out in detail the amount that will be expended for each of these items?

Mr. GILLETT. Yes; there is a regular book which contains them all.

Mr. SCOTT. Was the appropriation arranged on the strength of the estimates?

Mr. GILLETT. Yes.

Mr. SCOTT. Did the committee recommend the amount asked for in the estimates?

Mr. GILLETT. No; we cut the amount down $10,000.

Mr. SCOTT. Did the committee cut that down after investigation which influenced its judgment as to the amount which would be needed for each particular item?

Mr. GILLETT. No; we did not. If the gentleman had seen the number of items he would not expect us to go through it item by item. We cross-examined and investigated generally, and we thought they could get along with $10,000 less than they asked for.

Mr. SCOTT. Can the gentleman inform the committee how much of this sum will be expended for furniture?

Mr. GILLETT. I do not remember the details now, I will admit.

Mr. SCOTT. The offices of the Civil Service Commission are already furnished, are they not?

Mr. GILLETT. No; they are just moving into new quarters.

Mr. SCOTT. So far as the language is concerned here, all of this sum of $115,000 could be expended for ice, could it not?

Mr. GILLETT. Certainly; we do not segregate the items. That is the same form in which it has been from year to year.

Mr. TAWNEY. I will state to the gentleman from Kansas that the item of ice might as well be stricken out entirely, because the department is now manufacturing its own ice.

Mr. SCOTT. I cited that only as an illustration. I presume the whole amount could be expended for carpets or telegraphing——

Mr. GILLETT. Certainly.

Mr. SCOTT. If the gentleman will pardon me, I would like to pass on and ask one question about the next paragraph, although we have not reached it. I see it provides for stationery, and I presume under that item are included rubber bands and things of that sort.

Mr. GILLETT. Yes.

Mr. SCOTT. Can the gentleman inform the committee how many rubber bands will be bought, and what they will cost?

Mr. GILLETT. I certainly can not.

Mr. SCOTT. I am sorry the gentleman from New York [Mr. FITZGERALD] is not here. He was here when I began propounding these interrogatories. I did not anticipate the gentleman from Massachusetts could answer them; but on the 1st day of February, 1910, the gentleman from New York promised me when this bill came before us that he would be able to answer these questions. And I regret that he is not here at this time——

Mr. GILLETT. What gentleman from New York?

Mr. SCOTT. Mr. FITZGERALD. At that time I took occasion to ask the gentleman from New York, who had been made peevish by the inability of the chairman of the Committee on Agriculture to answer some questions such as I have been propounding to the gentleman from Massachusetts—

Can the gentleman tell us, because he has something to do with the expenses of the Interior Department, how much a gross they pay for rubber bands, and how much a dozen for lead pencils?

Mr. FITZGERALD. I think I could, and when the item is reached in the House, if the gentleman should ever interrogate me, I should be pleased to tell him.

Mr. SCOTT. I shall certainly take advantage of that offer.

I am sorry the gentleman from New York is absent. I have only asked these questions, realizing as I do how utterly foolish and futile they are, how utterly ridiculous it is to expect any man in charge of a bill to answer them, in order to show that it is possible to ask futile and foolish questions concerning one bill as well as another. Mr. Chairman, I now withdraw the amendment.

The Clerk read as follows:

For per diem allowance for assistant superintendents, Division of Registered Mails, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding $4, and for other actual and necessary traveling expenses arising in connection with business of the Division of Registered Mails, $7,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee, or the gentleman in charge of the bill, to explain why you are allowing $4 per diem to this class of employees and only $3 per diem to the other class of men.

Mr. GILLETT. We are following, Mr. Chairman, the provisions of the appropriation bills, and the reason the difference was made when this was originally adopted was this: The gentleman will see that these assistant superintendents, Division of Registered Mail, travel largely in cities, whereas the others, land agents, would naturally be traveling in the country. Now, I think there is a difference of 33 per cent certainly between the expenses in the city and expenses in the country.

Mr. MANN. More than that.

Mr. GILLETT. Very probably more than that, as the gentleman from Illinois says. It was on that theory that that distinction was made.

Mr. COX of Indiana. Is not this true that the assistant superintendents to whom you allow $4 per diem seldom ever leave the cities where they are appointed?

Mr. TAWNEY. No; they are traveling all the time from one post-office to another, and they are generally in the larger cities.

Mr. COX of Indiana. Most all the time.

Mr. GILLETT. If they do not leave the city, they do not get traveling expenses.

Mr. COX of Indiana. What rule is there for allowing this class of men $4 per diem? Is it paid them whether actually traveling or not?

Mr. GILLETT. It says "when actually traveling."

Mr. COX of Indiana. Has your committee heard any evidence as to that?

Mr. GILLETT. We did not go into that this year, but——

Mr. COX of Indiana. Can the gentleman state if there has been any evidence before the committee on that point?

Mr. GILLETT. Certainly; when that provision was first adopted the committee went into that question.

Mr. COX of Indiana. This class of men is certainly pretty well provided for in the way of salaries.

Mr. TAWNEY. Does the gentleman know how many there are?

Mr. COX of Indiana. I do not.

Mr. TAWNEY. Six, that is all; and those six cover the entire United States.

Mr. COX of Indiana. Can the gentleman tell us how much salary they get?

Mr. TAWNEY. Sixteen hundred dollars a year. That is my recollection.

Mr. COX of Indiana. Can the gentleman tell also whether or not they are allowed their per diem straight?

Mr. TAWNEY. I will correct that. I am informed their salary is $2,000 a year.

Mr. COX of Indiana. Now, are these men on the go all the time, and do they draw their $4 per diem straight?

Mr. TAWNEY. They are on the go all the time. They are traveling all the time unless they are called into the central office here for work, as they were two or three years ago. There were three of them, I think, that were brought to Washington in connection with work here in re-forming some of the forms used in post-offices with respect to the registry business. They have also added to the duties of these men by requiring them to look after the money-order service as well as the registry service.

Mr. COX of Indiana. These inspectors, as I understand you—and I think that is correct—visit the money-order post-offices of the United States. Is that correct?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. Does the gentleman believe it costs on the average $4 a day for these men to live?

Mr. TAWNEY. I think it does.

Mr. COX of Indiana. Can you not get a first-class hotel in the gentleman's district for $3 a day?

Mr. TAWNEY. I presume you could. There are hotels in the State, however, where you could not get accommodations for $3 a day.

Mr. COX of Indiana. Neither these inspectors nor the gentleman nor myself, I doubt very much, would stop at these hotels.

Mr. MANN. I am sure that the gentleman never stopped at a hotel in my district for $4 a day.

Mr. COX of Indiana. We all know where the gentleman lives—in the city of Chicago.

Mr. MANN. These inspectors spend a good deal of their time in large cities.

Mr. COX of Indiana. It is not the salary so much that I am objecting to the amount of money——

Mr. TAWNEY. I will say to the gentleman from Indiana that this per diem is not in lieu of subsistence alone, but as I understand it in lieu of all expenditures except railroad pay. Of course they are traveling on an official pass.

Mr. COX of Indiana. I understand that.

Mr. TAWNEY. They have their photographic passes.

Mr. COX of Indiana. They also have their sleeping-car fare paid. They do not pay any of it out of the $4, do they?

Mr. TAWNEY. Yes; they do. As I understand it they pay all their traveling expenses. They are provided only with transportation in the form of an official pass.

Mr. COX of Indiana. Yes; I want to see if I understand the gentleman——

Mr. TAWNEY. Now, the other expenses incident to their travel are borne by themselves.

Mr. COX of Indiana. Yes; I want to see if I understand the gentleman. Do you say that they pay any part of their sleeping-car fare out of the $4 a day?

Mr. TAWNEY. The general rule with special agents traveling for other departments is that they are not only reimbursed for the amount paid for car fare, but also reimbursed for the amount paid on account of transportation.

Mr. COX of Indiana. I do not care so much about the general rule.

Mr. TAWNEY. I say as to these particular men, their sleeping-car expenses and all traveling expenses, independent of the transportation furnished by the department, are paid out of the $4 a day, as I am informed. I may be mistaken.

Mr. COX of Indiana. And independent of the $4 a day?

Mr. TAWNEY. It is included in the $4 a day, as I understand it.

Mr. COX of Indiana. I think if the gentleman will investigate that matter he will find himself seriously in error.

Mr. TAWNEY. They would not be so absurd as to require a man to travel at night at his own expense. No one with judgment would do it.

I will say to the gentleman from Illinois that it is only during the last two or three years that any special agent of the Government has been refunded the expense of traveling in a sleeping car.

Mr. MANN. It has been done ever since I have been in Washington.

Mr. HITCHCOCK. If the gentleman from Indiana will permit me, I will state that in an investigation just held before the Committee on Expenditures in the Department of the Interior it has been shown that this per diem is paid in addition to the sleeping-car ticket and the traveling expenses.

Mr. COX of Indiana. That is true; there is no question.

Mr. TAWNEY. That is true in all the departments, except in the Post-Office Department, where they travel on official transportation.

Mr. COX of Indiana. Now, in response to the gentleman from Minnesota, for I recollect the testimony before the Post-Office Committee, because I went into that to some extent, these assistant superintendents and post-office inspectors have their transportation paid, and paid by the Government, and their sleeping-car fare is all paid by the Government, and this per diem allowance is simply for hotel bills, and they do not pay any part of their travel expense out of the per diem allowance. I think that is correct.

Mr. TAWNEY. Mr. Chairman——

Mr. COX of Indiana. If the gentleman wants to interrupt me, or ask a question——

Mr. TAWNEY. The language of the law is, "for per diem allowance for assistant superintendents, Division of Registered Mail, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General not exceeding $4 a day, and for other actual and necessary traveling expenses arising in connection with the business of the Division of Registered Mail, $7,000." The entire appropriation is available for per diem and actual traveling expenses, excepting their transportation, which is official and is furnished to them. Now, if the Postmaster-General fixes the per diem at $4——

Mr. COX of Indiana. He always does that.

Mr. TAWNEY. I do not know that he always does that.

Mr. COX of Indiana. Has the gentleman any evidence on that matter?

Mr. TAWNEY. No; but the entire expense of the per diem and travel comes out of this $7,000.

Mr. COX of Indiana. I just want to say a word about that. Is the gentleman able to say that the Postmaster-General ever fixes it at less than that?

Mr. TAWNEY. I am not able to answer that.

Mr. GILLETT. The gentleman is correct about that.

Mr. MANN. Will the gentleman from Indiana yield to a question—the gentleman on that distinguished Committee on the Post-Office and Post-Roads? Did he make the same inquiry in connection with the item in the bill which just passed the House—

For per diem allowance of the assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster-General, not to exceed $4 per day.

Mr. COX of Indiana. I think he did; and if the gentleman will investigate the CONGRESSIONAL RECORD he will find that I offered an amendment to reduce it.

Mr. MANN. I ask whether the gentleman made an investigation. I remember the gentleman's discussion of the subject, but could not find that he had any information while speaking about the amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. I ask for five minutes more.

Mr. TAWNEY. Then the gentleman admitted he argued a moment ago that we should know something about this matter, and the gentleman has just stated that he did not know what the word "investigation" meant.

Mr. COX of Indiana. Well, the gentleman from Illinois was laying so much stress on the word "investigation" that I did not know what he meant by that. That is the reason I responded as I did. Now, Mr. Chairman, it is not so much the amount of money involved as the principle. I object to making fish of one and fowl of the other. I do not believe that this class of men traveling in the interest of the Post-Office Department is any better or any worse than the class of men traveling in the interest of some other department; and as the committee in different places in this bill has held the per diem down to $3, I move an amendment by striking out the word "four" and inserting the word "three."

The CHAIRMAN. The gentleman from Indiana offers an amendment to the page and line which he will indicate.

Mr. COX of Indiana. In line 6 on page 144.

Mr. GILLETT. I trust this amendment will not be adopted. The distinction, as already suggested, was that we gave the land office $3 a day because their service was a less expensive service; but there is the further argument that in the post-office appropriation bill we provided for the other departments of the post-office at the same rate as this. It would certainly be very inconsistent and unfair to have one branch of the service getting $4 and the other getting $3 for practically the same work. The gentleman from Indiana says he introduced his amendment to that effect before. It was voted down then, and I trust the amendment will be defeated now.

Mr. MANN. The item was not only in the post-office bill once, but it was in the post-office bill several times. The first time it appeared in the post-office bill the gentleman from Indiana [Mr. Cox] was as silent as the grave.

Mr. COX of Indiana. What does the gentleman mean by the first time?

Mr. MANN. It occurred a number of times in the post-office bill.

Mr. COX of Indiana. That is exactly true, and I made the amendment at the first point in the bill where it appeared. Of course, I did not repeat it any more after that. I recollect distinctly that the gentleman from Illinois [Mr. MANN] voted against my amendment.

Mr. MANN. Then I beg the gentleman's pardon. I thought he offered it the second time. It first appears in the post-office bill on the second page of the bill.

Mr. COX of Indiana. Yes; and there is where "the gentleman from Indiana" offered his amendment.

Mr. MANN. Without ever having investigated the subject in committee, without pretending at the time to have any special knowledge on the subject, and while the gentleman from Indiana and I largely agree on this $4 a day item, still I think we ought to investigate it somewhat and ascertain before we act upon it and see that these men shall not be deprived of their $4 a day allowance, if it costs them that much.

Mr. COX of Indiana. I understand the gentleman in charge of the bill to say that they have simply put it in because it occurred in former bills.

Mr. MANN. Undoubtedly that is what they did; whatever they say.

Mr. COX of Indiana. Does the gentleman approve of that practice?

Mr. MANN. That is what the Post-Office Committee did, and if I had been on the Post-Office Committee——

Mr. COX of Indiana. If you will read the hearings before our committee, you will find evidence on that point.

Mr. MANN. If I had been on the Post-Office Committee, as the gentleman from Indiana [Mr. Cox] is, I believe I would have known something about the item; and I do not doubt that the gentleman from Indiana will know the next time the post-office bill comes before the House.

Mr. COX of Indiana. I think I know something about it now, and if you will turn to the hearings you will find I developed it before the committee.

Mr. MANN. You did not develop it enough to convince the House.

Mr. COX of Indiana. Oh, I know I did not develop the interest of anybody on that side far enough to awaken them to the necessity of lowering salaries.

Mr. MANN. Just a moment. It is hardly fair for the gentleman from Indiana, having failed to convince his committee or the House when his bill was before the House, that he should now endeavor to reduce the amount to $3 a day for other people in the Post-Office Department, simply because the item happens to come in this bill.

Mr. COX of Indiana. Fair or unfair, the gentleman from Indiana will act consistently along this line.

Mr. MANN. I believe he always does.

Mr. GILLETT. I think the gentleman in fairness ought not to state, as he did, that the committee did not investigate it. I said we did not investigate it this year, because we followed law of the preceding year; but when we first put it in we did investigate it, and I gave the reason why we fixed it differently from the other.

Mr. STAFFORD. The provision under consideration is similar to the provision in the post-office appropriation bill providing for a per diem allowance to the assistant superintendents in the salary and allowance division. No inquiry was made before the Post-Office Committee this year as to the expenses of these officials engaged in work in the field. The inquiry was made as to the per diem allowance of inspectors, and it was the opinion of some that the inspectors used the per diem as a part of their salary. It was also the opinion of many members of the Post-Office Committee that the per diem allowance of the assistant superintendents, which is similar in scope to the one under consideration, is not excessive. Their work does not permit them to return to their homes each night, as in the case of many inspectors, so that they can make any saving from the per diem allowance. Their work compels them to be away from home for long periods of time. These assistant superintendents are men of high character, who are required to stop at reasonably equipped hotels where the expenditure must necessarily be at the rate of three or four dollars a day. If you curtail the expense allowance of these men, you oblige a man to refrain from going out into the field, because the expenses will not be met by a sum of $3 a day. It is for the interest of the service, if they are going to be continued, that they will be at least granted a sum that will meet their ordinary expenses. Now, anyone in this House knows that $4 a day is not an extravagant amount to meet the expenses of these high-grade men when they stop at a fair class of hotels.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. STEPHENS of Texas. I desire to ask why we should give these men $4 a day when those in the Indian service are only paid $3 a day?

Mr. STAFFORD. If the gentleman knew anything at all about the difference in the character of the service, he would not ask the question, because the field agents connected with the Interior service are not obliged to go into the large cities, but go into the sparsely settled districts. These men are obliged to stop at the hotels in the large cities, and there is no comparison between the two at all.

Mr. STEPHENS of Texas. The gentleman's statement is not correct; the inspectors in the Interior Department go all over the country; they go into the East and purchase goods, and they go into the West.

Mr. WANGER. Will the gentleman from Wisconsin yield?

Mr. STAFFORD. Certainly.

Mr. WANGER. I will suggest that two years ago the First Assistant Postmaster-General testified before the committee that the difference between the inspectors and the assistant superintendents was that the travel of the inspectors is more restricted; that some of them usually get back home every night, while, he says, the other men are lucky if they spend one night a month at home.

Mr. STAFFORD. The information conveyed by the gentleman from Pennsylvania confirms what I said. These men are necessarily obliged to be away most of the time from their homes, where they have little chance to save any part of the per diem allowance. I question seriously whether they will have anything left over at the end of the year from the allowance of $4 a day after meeting their expenses. I think it would be parsimony to cut down the allowance from $4 to $3 a day; and worse than that, it would be destructive of the best interests of the service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

No part of any appropriations made for the service of the Post-Office Department in conformity with the act of July 2, 1836, shall be expended for any of the purposes herein provided for on account of the Post-Office Department at Washington, D. C.

Mr. MANN. Mr. Chairman, I will reserve a point of order on that paragraph. I would like to ask whether that has received the approval of the chairman of the Committee on the Post-Office and Post-Roads.

Mr. GRAFF. This is for the purpose of keeping the postal receipts from being used for the payment of employees in the department.

Mr. MANN. I see the purpose of it; that is apparent on the face of it—that is, that no part of the post-office appropriation can be used for any of the purposes provided for in this bill. I do not know whether the post-office bill undertakes of itself to provide for some of the purposes that may be provided for in this bill.

Mr. TAWNEY. None whatever.

Mr. MANN. It seems to me a proposition of this sort ought to be submitted to the chairman of the Post-Office Committee. This is not the place to make a limitation on the post-office appropriation bill.

Mr. TAWNEY. I will say that here is what developed——

Mr. MANN. If they have not provided for anything they could not use the money for that purpose.

Mr. TAWNEY. They do; and that was developed in the hearings.

Mr. MANN. If they do, the place to put a limitation is on the post-office appropriation bill.

Mr. TAWNEY. Notwithstanding the limitation on that bill, they do it. If the gentleman will pardon me, here is what developed. We found that the appropriation, or the money carried in the post-office appropriation bill that is being expended for the city office here, from the appropriation the Post-Office Department was furnishing the ice for the Post-Office Department. They were also using a number of the employees in the city post-office here for that purpose, and renting certain buildings. A year ago they were paying rent for a building out of a certain appropriation. This practice having come to the attention of the Committee on Appropriations, we incorporated this provision in the bill to put a stop to it.

Mr. MANN. Of course no one here will defend the use of the appropriation as indicated by the gentleman.

Mr. TAWNEY. Those are the facts.

Mr. MANN. But the gentleman does not know, I apprehend, how far this thing might reach, nor what the comptroller or the auditor might hold. The gentleman is not very likely familiar enough with the post-office appropriation bill to say whether the post-office appropriation bill and this bill, in a way, overlap in some things.

Mr. TAWNEY. They do not overlap. The one is for the service outside of the District of Columbia, except of course the service here in the city—that is, the post-office service—and the other is limited exclusively to the appropriations for the department. It is the department that administers the law governing the service, and the appropriations made for the purpose of carrying on that service, but here in this case the department expends money appropriated for the postal service for purposes that pertain exclusively to the administrative department of that service and to that extent diverts the service appropriation. This provision is merely to put a stop to that practice. I do not think the Post-Office Committee is concerned in the matter as long as their appropriations are not made for

any branch of the departmental service, and the Committee on the Post-Office would not be apprised of the practice that has obtained here in the city in the investigation of the estimates which they make.

It is only the Committee on Appropriations having to do with the administrative department of the postal service that would necessarily ascertain by investigating the estimates whether or not any of the service appropriation was diverted to purposes pertaining exclusively to the departmental service, because the Committee on Appropriations makes the appropriations for the departmental service, and if we run across, as we have in this instance, a service not appropriated for by this committee, then we naturally inquire where they get the money with which to pay for this service, and we are informed that it comes out of the service appropriation bill, which is a diversion of that appropriation.

Mr. MANN. Mr. Chairman, I shall not insist upon the point of order, although I am afraid that I am not doing the proper thing when I do not.

The Clerk read as follows:

DEPARTMENT OF JUSTICE.

Office of the Attorney-General: Attorney-General, $12,000; Solicitor-General, $10,000; assistant to the Attorney-General, $7,000; 7 Assistant Attorneys-General, at $5,000 each; Assistant Attorney-General of the Post-Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; 3 attorneys, at $5,000 each (including 1 now employed and paid from appropriation for assistants to the Attorney-General to aid in special cases); 2 attorneys, at $3,500 each; attorney, $3,250; 10 attorneys, at $3,000 each; attorney, $2,500; assistant attorney, $3,500; 2 assistant attorneys, at $3,000 each; 2 assistant attorneys, at $2,750 each; 5 assistant attorneys, at $2,500 each; assistant attorney, $2,400; 2 assistant attorneys, at $2,000 each; attorney in charge of titles, $2,700; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of the buildings, $2,500; superintendent of buildings, $500; private secretary and assistant to the Attorney-General, $3,000; clerk to the Attorney-General, $1,600; stenographer to the Solicitor-General, $1,600; 2 law clerks, at $2,000 each; 2 law clerks of class 4; law clerk in office of the Solicitor of Internal Revenue, $2,000; attorney in charge of pardons, $3,000; superintendent of prisons, $3,000; disbursing clerk, $2,750; appointment clerk, $2,000; chief examiner, $3,000; 3 examiners, at $2,500 each; 4 examiners, at $2,250 each; 2 examiners, at $2,000 each; 3 examiners, at $1,800 each; librarian, $1,600; 7 clerks of class 4; 12 clerks of class 3; 6 clerks of class 2; 14 clerks of class 1 (2 transferred from appropriation "Enforcement of antitrust laws," and 2 transferred from appropriation "Suits for removal of restrictions, etc."); telegraph operator, $1,200; 8 clerks, at $1,000 each; 24 clerks, at $900 each (1 transferred from appropriation "Traveling and miscellaneous expenses, Department of Justice;" 2 transferred from appropriation "Suits for removal of restrictions, etc.;" and 1 transferred from appropriation "Enforcement of antitrust laws"); chief messenger, $1,000; packer, $900; 5 messengers; 13 assistant messengers (including 1 transferred from appropriation for rent and care of buildings); 7 laborers; 6 watchmen (including 1 transferred from appropriation for rent and care of buildings); engineer, $1,200; 2 assistant engineers, at $900 each; 4 firemen; 2 conductors of the elevator, at $720 each; head charwoman, $480; 22 charwomen. Division of Accounts: Chief of Division of Accounts, $2,500; chief bookkeeper and record clerk, $2,000; 3 clerks of class 4; 4 clerks of class 3; 6 clerks of class 2; 5 clerks of class 1; 2 clerks, at $900 each; in all, $393,180.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. COX of Indiana. I want to reserve a point of order on the paragraph, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana reserves the point of order on the paragraph.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the chairman of the Committee on Appropriations a question or two. In line 4, page 149, we find the following:

Assistant to the Attorney-General, $7,000.

Then a little farther down we find the following language:

Three attorneys, at $5,000 each (including one now employed and paid from appropriations for assistants to the Attorney-General to aid in special cases).

Where does the Hon. Wade Hampton Ellis get his salary out of this bill?

Mr. MANN. He was assistant to the Attorney-General.

Mr. TAWNEY. Mr. Ellis was appointed assistant to the Attorney-General?

Mr. CLARK of Missouri. Yes; and resigned yesterday.

Mr. TAWNEY. And he is paid from the appropriations, the current year, $7,000 as assistant to the Attorney-General.

Mr. CLARK of Missouri. Is he now divorced from the public crib?

Mr. MANN. The paper states this morning that a gentleman from Iowa has been appointed assistant to the Attorney-General to succeed Mr. Ellis. When that appointment takes place, I do not know.

Mr. CLARK of Missouri. That is very illuminating, so far as it goes, but it was stated in the newspapers at the time that Mr. Ellis was appointed general manager or receiver, whichever it is, for the Republican party out in Ohio [laughter]—I guess receiver is the better word to use——

Mr. MANN. Perhaps the gentleman means undertaker. [Laughter.]

Mr. CLARK of Missouri. Well, if the gentleman wants to substitute "undertaker," I will accept that.

Mr. MANN. I do not wish to do that at all—quite the contrary.

Mr. CLARK of Missouri. I accept the amendment. It was stated in the newspapers that he was to resign this $7,000 place here, which is named in the bill "assistant to the Attorney-General," but that he was to still stay on the pay roll in some capacity or other, in which position he is to receive an amount equal to or greater than the salary he was then receiving. Now, if the chairman of the Committee on Appropriations or the gentleman from Illinois [Mr. MANN] knows anything about that, I would like to have his opinion.

Mr. MANN. The gentleman from Missouri, if the gentleman from Minnesota [Mr. TAWNEY] will pardon me, will recollect that a few years ago an enthusiastic gentleman on the Democratic side of the House offered an amendment to the sundry civil appropriation bill, or the deficiency bill, making an appropriation of $250,000 for the Attorney-General to prosecute violations of the Sherman antitrust law, and so forth. A more enthusiastic gentleman on this side of the House proposed an amendment increasing that to $500,000.

Mr. CLARK of Missouri. Yes; "raised" it.

Mr. MANN. And the House in its enthusiasm agreed to the higher amount—would have agreed to a million, I suppose, if some hysterical gentleman had suggested that amount—and that sum was appropriated. That is a special sum for the purpose. Those sums have been carried in some way or other, and I presume that original sum is still outstanding to some extent. And the Attorney-General has the authority to employ special counsel.

Mr. CLARK of Missouri. And pay as much as he pleases?

Mr. MANN. He fixes the salary out of the sum which has been appropriated for the prosecution of violations of the Sherman antitrust law and prosecutions of the interstate-commerce law.

Mr. CLARK of Missouri. Then Mr. Ellis, I infer from the gentleman's remarks, in addition to being "undertaker" for the Republican party for Ohio, is also drawing this $7,000, or whatever it is, for supposed services to the Government out of the antitrust fund.

Mr. MANN. I do not know whether Mr. Ellis is on the pay roll of the Government in any capacity, so far as I am concerned, but I have no doubt if he is retained in the Government in any way he will be compelled to furnish ample services for the money that he receives.

Mr. FITZGERALD. Since when has that rule gone into effect? [Applause on the Democratic side.]

Mr. MANN. That rule went into effect when Cleveland retired from office and has been in effect ever since, and will be in effect unless the gentleman has his happy wish gratified, and that is that his side of the House may come into power again.

Mr. FITZGERALD. It was demonstrated in the House last year that if that rule had ever been in effect it had long been forgotten by the Republican officials.

Mr. CLARK of Missouri. I think that is correct.

Mr. TAWNEY. I want to say in reply to the gentleman from Missouri, and to make this statement for his information, the lump sum of $500,000 was appropriated about six years ago—I am not certain as to the date—without any restriction or limitation whatever upon the department charged with the duty of prosecuting the antitrust law in the use of this money for the purposes of meeting the expenses incident thereto.

Under that appropriation the position of assistant to the Attorney-General, recently filled by Mr. Ellis, was created, and the salary was paid from that appropriation. That practice followed until about two or three years ago, when the services became necessary not only in the prosecution of the antitrust law, but in connection with the business of the department generally. Then the Congress provided specifically for the salary, and Mr. Ellis has drawn that salary since his appointment as assistant and up until a few weeks ago, when he has accepted, as I understand, another position, and he has resigned and another gentleman appointed from Iowa will draw that salary at the end of the first month of his service.

Mr. CLARK of Missouri. But I have not got the information I would like to get; and that is, whether Wade H. Ellis is still drawing salary from the Department of Justice.

Mr. TAWNEY. He is not drawing salary from the Department of Justice. The gentleman knows that as well as I do.

Mr. CLARK of Missouri. No; I do not.

Mr. TAWNEY. When you appoint another man to fill a position it necessarily follows that the man who formerly held the position can not draw the salary.

Mr. BURLESON. When the other man qualifies.

Mr. CLARK of Missouri. Mr. Chairman, the gentleman from Minnesota has never answered the question that I asked, and that is, Is Wade H. Ellis still on the pay roll of the Department of Justice?

Mr. TAWNEY. Well, the gentleman from Minnesota has not answered the question because he has not the information. If the gentleman will call up the Attorney-General or the office of the Attorney-General, he can ascertain that fact. I do not know.

Mr. CLARK of Missouri. What is your opinion?

Mr. TAWNEY. I have no opinion on the subject. [Laughter.]

Mr. CLARK of Missouri. I would like to ask the gentleman from Massachusetts a question.

Mr. GILLETT. Certainly.

Mr. CLARK of Missouri. The gentleman is in charge of this bill. In lines 7 and 8—of course I wish to preface this with the statement that I tackle a Massachusetts statesman with a great deal of delicacy on a question of grammar—but in lines 7 and 8 is that collocation of words, "solicitor of internal revenue, $5,000," a proper expression to use—"solicitor of internal revenue?"

Mr. GILLETT. That is the title of the office.

Mr. CLARK of Missouri. Title of what office?

Mr. GILLETT. Title of the office of solicitor of the office of internal revenue.

Mr. CLARK of Missouri. Who conferred that title upon him?

Mr. GILLETT. Congress, some years ago.

Mr. CLARK of Missouri. Did you bring that bill in?

Mr. GILLETT. I did not.

Mr. TAWNEY. That came from the Judiciary Committee.

Mr. CLARK of Missouri. I would like to ask your opinion, as a scholar, whether that is a correct kind of a designation for an office?

Mr. GILLETT. Anybody may put a designation on any office——

Mr. CLARK of Missouri. He does not solicit internal revenue.

Mr. MANN. He does every time he gets a chance.

Mr. CLARK of Missouri. He is a law officer of the Internal-Revenue Bureau.

Mr. GILLETT. Of course we simply follow the law and not our own ideas of grammar.

Mr. CLARK of Missouri. It is a very curious kind of verbiage.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word.

The gentleman from Minnesota [Mr. TAWNEY] stated, in reply to a question by the gentleman from Missouri [Mr. CLARK], that he believed that Mr. Wade H. Ellis was no longer an Assistant Attorney-General, because he had recently accepted another position.

Mr. TAWNEY. I want to say to the gentleman from New York [Mr. FITZGERALD] that that was not the basis of my belief alone, but also because another man has been appointed to fill his place.

Mr. FITZGERALD. I was about to comment on the fact that the gentleman saw no impropriety in Mr. Ellis holding both positions, but recognized his inability to do so when some one had been substituted for him upon the government pay roll. If the gentleman had said that the position of Assistant Attorney-General in charge of prosecutions under the antitrust law was incompatible with the position of the political manager representing the President of the United States in his own State of Ohio, he would have said something that everybody would have recognized as eminently proper.

This is not the first time that a Republican administration has turned to a man who has been in a position where he has obtained in the conduct of his office confidential information which might be of great value in the conduct of a campaign. The man who was at the head of the Department of Commerce and Labor and who had charge of the Bureau of Corporations, which collated information which could not be made public except with the consent of the President of the United States, in a great emergency in the Republican party was placed at the head of the Republican national campaign committee.

And the success of that experiment, I suppose, justifies the belief that perhaps by placing in charge of the campaign in the State in which the result will be important to the fortunes of the Republican party a man who has occupied a position where he has obtained information that will be very valuable in "frying the fat," as the technical Republican expression is—perhaps he may be able to subvert the expression of the popular will and save the face of the President in his own State in the coming campaign.

Mr. Chairman, the country is aroused to the viciousness of this practice of appointing men ostensibly for the purpose of enforcing the law, and, after they have obtained confidential information, putting them at the head of campaign committees, so as to insure the success of the Republican ticket. Perhaps this practice accounts for the fact that, although $750,000 was appropriated five or six years ago for the purpose of enforcing the anti-trust laws, the Department of Justice has been so deliberate in its operations that Congress has been compelled to force this money upon the department year after year in the hope that perhaps, all political exigencies being removed, somebody would wake up to the necessity of performing their public duties and discharge the obligations imposed upon them by law and proceed against these violators of the law.

If there be any other State where the situation is particularly desperate, I suppose some other man with confidential information will be selected for the head of the campaign committee in that State. I have been trying to ascertain just what particular resident of the State of New York, on the pay roll of the National Government, in a position where he has been able to obtain valuable and confidential information, is held up somebody's sleeve, awaiting a favorable opportunity to be brought out as the candidate of this administration for the head of the Republican campaign committee in the State of New York. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT. Mr. Chairman, it sems to me the gentleman's remarks are not characterized by his accustomed ingenuity. It is too absurd to obtain credence anywhere that the reason for the gentleman being selected for the chairmanship of the Republican committee in Ohio was as suggested by the gentleman.

Mr. FITZGERALD. Will the gentleman take us into his confidence and tell us what the real reason was?

Mr. GILLETT. The gentleman's characteristics are sufficient to account for his selection—his eminence and his ability. It seems to me it is a particularly unfortunate day for the gentleman to make this charge, when at this hour in the Supreme Court of the United States is being argued the greatest case yet under these many prosecutions which have been carried on by the Attorney-General, prosecutions which under four years of Democratic administration were entirely neglected, although the same laws were in force then as are in force now, and for the gentleman to pretend that now nothing is being done by the Republican administration is mere politics. The present administration and the last administration have been active and energetic along these lines, and the culmination of it is going on to-day before the Supreme Court. I do not believe anybody believes, even on that side of the House, that the selection was made for the reason suggested by the gentleman. I understand and believe that the gentleman is no longer an official of the United States; that he has gone out of office and is now engaged in his private business outside of the United States Government.

Mr. BENNET of New York. Will the gentleman from Massachusetts yield?

Mr. GILLETT. Yes.

Mr. BENNET of New York. What case has been argued? The gentleman did not state.

Mr. GILLETT. The Standard Oil case.

Mr. FITZGERALD. Mr. Chairman, in opposition to the amendment offered by the gentleman from Massachusetts, I wish to call his attention to a peculiar oversight——

Mr. GILLETT. I was speaking to your amendment.

Mr. FITZGERALD. Mr. Ellis has never been eminent for his peculiar political qualifications. He had some reputation as a lawyer in the State of Ohio. He was the attorney-general of that State. Shortly after, or about the 4th of March last year, it was intimated that he was to be made Attorney-General of the United States, because of his supposedly eminent legal qualifications. I do not know just what peculiar mix-up in Ohio prevented his selection for a Cabinet position. Perhaps it was what might have been considered the impropriety of selecting some other Ohioan for a place in the President's Cabinet when a man who was in President Roosevelt's Cabinet expected, and it is now currently reported had been urged for retention by the present administration by the head of the last administration. Not being able to gratify that ambition and the wish of those who were behind Mr. Ellis, he was put in charge of this work of prosecutions against the trusts. And it might be a commentary upon the situation to call attention to the fact that a few days before this great case against the Standard Oil Company is to be argued Mr. Ellis was eliminated from the public service

and from his position as Assistant Attorney-General in charge of these prosecutions generally and placed in charge of the campaign in Ohio, where the Standard Oil Company has not been without its difficulties. Now, I know that the gentleman from Minnesota is going to say——

Mr. TAWNEY. Let me say it, then.

Mr. FITZGERALD (continuing). That this case has been in charge of Mr. Kellogg, from his own State.

Mr. TAWNEY. And Mr. Ellis has never been in charge of it, and, therefore, there is no justification for the conclusion which you have drawn.

Mr. FITZGERALD. I did not say he had been in charge.

Mr. TAWNEY. You said he had been engaged, and was eliminated.

Mr. FITZGERALD. I said he was eliminated from the department. He occupied the position of the Assistant Attorney-General, which had been created, and was first paid out of the antitrust funds. Afterwards it was made a permanent position and this man was appointed to that place, and his appointment was widely heralded as a move on the part of the administration rigidly to enforce the antitrust laws. They supposed a man from Ohio the one best qualified and equipped for that work. The gentleman can explain it as he pleases. But the country can not forget the fact that in that position he came into possession of information of vast importance and of a highly confidential character, and that he is now sent out to do the political work of the administration in the State of Ohio, which just now very greatly worries the present administration. It will worry them a great deal more next fall, when it is found the State is again in the Democratic column. [Loud applause on the Democratic side.]

Mr. COX of Indiana. Mr. Chairman, I believe a point of order has been reserved against the paragraph. I would like to ask the chairman of the committee why this increase of salary on page 149?

Mr. TAWNEY. The Solicitor-General?

Mr. COX of Indiana. Also, whether or not that is not a new place created on page 150: "Attorney in charge of pardons, $3,000."

Mr. TAWNEY. No, sir; that is not a new office.

In regard to the Solicitor-General, I must say that the gentleman and Members of the House will recollect the statement I made upon the floor during the consideration of the urgent deficiency appropriation bill, when the appropriations for the customs court of appeals and the attorneys and other officers were under consideration. I then stated that we had reduced the salary of the Assistant Attorney-General, in charge of the business before that court, from $10,000 to $8,000; that that was $500 more than the Solicitor-General was receiving, and that it was not a logical relation between the work of the Solicitor-General and that of the Attorney-General, or that of the Assistant Attorney-General in charge of the court of customs appeals.

When the salary of the Attorney-General was fixed at $8,000 the salary of the Solicitor-General was fixed at $7,500. When Congress increased the salary of the Attorney-General to $12,000 it did not increase the salary of the Solicitor-General, and to-day there is that difference of $4,500 between the salary of the Attorney-General and that of the Solicitor-General, whereas the difference prior to the increase was only $500.

The business of the Solicitor-General is to attend to the legal affairs of the Government of the United States in the Supreme Court of the United States. The office of Attorney-General has become primarily an administrative office. He goes into the Supreme Court of the United States at will, of course, but very seldom, except in cases such as that which is being argued there to-day—the Standard Oil case.

The Solicitor-General transacts all of the legal business of the Government that comes before the Supreme Court of the United States, except in rare instances, when the Attorney-General himself appears, and sometimes then the Solicitor-General appears with the Attorney-General. He is brought in contact with the brightest and ablest lawyers in the United States, and the man who fills that position must be qualified; and I am proud to say that, in my judgment, the man who is to-day filling that position is qualified to meet the ablest lawyers this country affords. I do not think there ought to be that gap between the salary of the Attorney-General and that of the man who virtually stands at the head of the legal department, so far as the argument of cases before the Supreme Court is concerned, in view of the services rendered by the Solicitor-General. For that reason we reduced the salary of the Assistant Attorney-General to assist the customs court of appeals from $10,000 to $8,000; and I said at the time that I intended, if the committee would support me, to recommend to the House on this bill the increase of the salary of the Solicitor-General from $7,500 to $10,000 a year.

Mr. COX of Indiana. Under the gentleman's statement, the Solicitor-General is really the lawyer of the Attorney-General's office?

Mr. TAWNEY. He is, unquestionably.

Mr. COX of Indiana. I should like to ask whether the salary of the attorney in charge of pardons has not been increased from $2,750 to $3,000?

Mr. TAWNEY. To $3,000, and the increase asked for was $3,500.

Mr. COX of Indiana. Why did you increase him?

Mr. TAWNEY. He has charge of all the applications for pardons and clemency made to the Department of Justice. He briefs all the cases, and presents the case in the most concise form for the consideration of the Attorney-General or the President.

Mr. MANN. He practically determines in reference to pardons, and is one of the most efficient men in the service.

Mr. JAMES. Have the applications for pardons increased to such an extent as to necessitate an increase in his salary?

Mr. MANN. I have no doubt that the applications for pardons increase as the country grows larger.

Mr. TAWNEY. Applications for pardons are increasing in the same ratio that criminals are increasing. I trust the gentleman will appreciate the importance of fixing the salary of the Solicitor-General so that it will bear some reasonable relation to the salary of the Attorney-General, in view of the relation of the work of one to the other, because I regard the office of Solicitor-General, from the standpoint of the legal interests of the Government, of equal importance, under existing practice, with the office of the Attorney-General.

The duties and responsibilities of the office of Attorney-General have increased so enormously that the time of the Attorney-General is, necessarily, occupied almost wholly in the administrative duties of that great office.

Mr. COX of Indiana. Mr. Chairman, in response to what the chairman of the Committee on Appropriations has said I will withdraw the point of order, but I am rather loath to do so, because I am constitutionally opposed to this everlasting and continued increase in salaries. I do not believe it is right on principle. When a man is elected to an office, he knows what salary he is going to be paid, and then he immediately comes to the conclusion that his salary is not large enough.

Mr. TAWNEY. To whom does the gentleman now refer?

Mr. COX of Indiana. Oh, generally.

Mr. TAWNEY. The Solicitor-General has never requested this increase.

Mr. COX of Indiana. Did some one request it for him?

Mr. TAWNEY. I did.

Mr. COX of Indiana. Does the gentleman from Minnesota assume the responsibility?

Mr. TAWNEY. I assume the responsibility absolutely, because I believe not only that the present incumbent, who abandoned a salary of $35,000 to accept this position, and is now performing the duties of that great office, is as competent, if not more so, than any man that ever filled the position before, but also because I know——

Mr. COX of Indiana. I hope the gentleman will make his speech in his own time.

Mr. TAWNEY (continuing). That any man qualified to fill that position is worth to the Government $10,000 a year.

Mr. COX of Indiana. Mr. Chairman, I will accept the gentleman's statement, although it is in direct opposition to many and many a speech that I have heard him make on the floor of this House. For years he has been pleading with the Members of this House for economy, and now he comes before the committee and openly assumes responsibility for this increase of salary. When the gentleman who now serves as Solicitor-General of the United States was appointed, he knew at that time what his salary was.

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman uses the phrase "everlasting increase." If the gentleman had sat in the committee——

Mr. COX of Indiana. Probably that will extend to the end of time, and I should not have used an expression as broad as that; but there is not an appropriation bill that comes on the floor of the House which is not covered from lid to lid with increases of salary.

Mr. GARDNER of Michigan. I want to say that if the gentleman had sat on the committee, he would have said "everlasting denial of increases of salary." The increase is rather the exception, and the denial is the rule.

Mr. COX of Indiana. It may be that we do not get anything but the exception, and that the committee is in possession of the general rule. I do not know anything about it.

Mr. TAWNEY. I want to state in that connection that in the reduction of the places carried in this bill there are 102, and the decreases in salary are a great many more.

Mr. COX of Indiana. They could have been decreased a great deal more than they are.

Mr. TAWNEY. That may be. It is not always economy to pay low salaries.

Mr. COX of Indiana. Where does the Solicitor-General live?

Mr. TAWNEY. In Chicago.

Mr. MANN. Does that hurt him any? [Laughter.]

Mr. COX of Indiana. No; if he lives in the gentleman's district it probably makes it better.

Mr. MANN. He does not live in my district, but he is one of the ablest lawyers in the United States.

Mr. COX of Indiana. I have no doubt that he is an able lawyer; there are lots of good lawyers in Chicago.

Mr. WEISSE. Mr. Chairman, while this controversy was going on I inquired over the telephone of the Department of Justice in regard to Wade Ellis, and they tell me that he is still on the pay roll and will probably stay there. [Laughter.]

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last two words. I just had the pleasure of listening to the statement made by the gentleman from Wisconsin. I do not know from what official he got his information, but I do know that it is absolutely and wholly incorrect.

Mr. WEISSE. Then the officer in the Department of Justice is absolutely and entirely incorrect, for he made the statement over the telephone ten minutes ago.

Mr. LONGWORTH. Who did?

Mr. WEISSE. I do not know, but I can go to the telephone and find out.

Mr. LONGWORTH. I wish the gentleman would do so. I am in a position, Mr. Chairman, to state the fact and to relieve all doubts on this question. It is true that Mr. Ellis has been—technically, we will say—in the employment of the Department of Justice until yesterday. He sent in his resignation on the 1st of March, and his successor was only appointed yesterday, during which time it was necessary that some one should be there to sign papers. Mr. Ellis, however, has not drawn a cent of salary since the day his resignation was sent in.

Mr. JAMES. Will the gentleman tell us whether or not Mr. Ellis is employed to prosecute certain cases and in that way is to derive much more than his salary would be?

Mr. LONGWORTH. Absolutely not. He has no connection to-day with any governmental department. He had a technical connection with the department up to yesterday, when his resignation was accepted.

Mr. JAMES. Let me ask the gentleman from Ohio, Is it true that he has been retained by the Government to assist in the prosecution of certain cases, and that his time in Ohio will be given to the Republican party?

Mr. LONGWORTH. I have said that he was not in the employment of the Government in any capacity.

Mr. COX of Ohio. Will the gentleman yield?

Mr. LONGWORTH. I will yield to the gentleman.

Mr. COX of Ohio. The gentleman being from the State of Ohio, I assume that he is well informed as to what is going on there.

Mr. LONGWORTH. Slightly.

Mr. COX of Ohio. Will the gentleman state to this House now that it was not understood at the time that Mr. Ellis was to tender his resignation that he was to be attached to the Department of Justice in the prosecution of trust cases? Will the gentleman deny that to this House?

Mr. LONGWORTH. I have no information of the details of the occurrence the gentleman mentions. I simply make the statement that Mr. Ellis is not in the employ of the Department of Justice or in any other government department; that since the day he sent in his resignation he has not drawn a cent of salary, and will not draw any.

Mr. COX of Ohio. Has there been a pay day since so that he could draw his salary?

Mr. LONGWORTH. I do not know about that. I know that he has not drawn a salary and that he is not going to.

Mr. COX of Ohio. Oh, my colleague is begging the question. I assume that he will not deny that he himself attended some of the political tea parties at the White House which were called for the purpose of giving aid, counsel, and comfort to politicians in an effort to destroy in the President's own State the best administration we have had in fifty years. [Applause on the Democratic side.]

Mr. LONGWORTH. In the first place, I will say to the gentleman that I have never attended a tea party at the White House, and do not approve of them, anyway. [Laughter.] So far as the excellence of the administration in Ohio is concerned, the gentleman is entitled to his opinion and I suppose I may have mine.

Mr. COX of Ohio. Except that I have stated mine and the gentleman, my colleague, lacks the candor and frankness to state his.

Mr. LONGWORTH. Oh, the gentleman will have no hesitation in expressing his opinion at the proper time.

Mr. MANN. One thing is sure; they are very much afraid of Mr. Ellis out in Ohio on the Democratic side, or they would not abuse him so.

Mr. FITZGERALD. We are afraid of any man who has confidential information which he ought not to use.

Mr. MANN. Afraid of any man who has been in the habit of slaying dragons and trusts and is now prepared to go up against the greatest menace there is to the country—Democratic success. [Applause and laughter on the Republican side.]

Mr. FITZGERALD. He never convicted a trust of anything.

Mr. MANN. He will convict your party in Ohio this time, however.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Ohio [Mr. LONGWORTH] a question. It seems now that we have got down to this near solution of the Wade Ellis muddle; that he resigned, and his resignation is supposed to have taken effect yesterday. Of course until he did resign, he could not be appointed to these special places. Has the gentleman any information that there was an arrangement made with him by which if he would resign the office that he held at $7,000 a year and assume the functions of that political office out in Ohio he should be given a sort of roving commission on a better salary than he had to prosecute the trusts?

Mr. LONGWORTH. Absolutely not. As I said before, I have no confidential information from Mr. Ellis or anybody else as to what his future movements are to be. I do know, however, that he is not upon the pay roll and he has not been upon the pay roll of the Department of Justice. My information is that he is going to take up the private practice of the law in Ohio, and that is all I know about it.

Mr. CLARK of Missouri. Can the gentleman solve this mystery: Is he the personal representative of President Taft in Republican operations in Ohio?

Mr. MANN. Oh, the gentleman should not inquire into family matters like that.

Mr. LONGWORTH. The gentleman had better call at the White House if he desires further information upon that subject.

The Clerk read as follows:

For law books for office of the Solicitor of the Treasury, $450.

Mr. WEISSE. Mr. Chairman, I move to strike out the last word. In answer to the gentleman from Ohio [Mr. LONGWORTH], I wish to state that the private secretary of the Attorney-General stated to me over the telephone that he is still on the pay roll.

Mr. JAMES. Who is on the pay roll?

Mr. WEISSE. Wade Ellis; and that he is going to stay on for some time, because he is interested in prosecuting three or four special cases. Now, if the gentleman from Ohio will go to the 'phone and get that information, or a letter from the department, he may enlighten himself and also enlighten the House before he questions a statement. [Applause on the Democratic side.]

Mr. LONGWORTH. I will say to the gentleman from Wisconsin that I got exactly the same information from the Department of Justice that the gentleman did; but I also got very much better information later on from one who knows better than anyone else all the facts in the case, and I reiterate that while Mr. Ellis is technically upon the pay roll, he has not drawn any salary from the Department of Justice and is not going to.

Mr. WEISSE. His salary does not become due until the first of next month, and of course nobody knows what he is going to draw, but he is still on the pay roll, and I will venture to say he will draw the salary.

Mr. LONGWORTH. I will venture to say that he will not. Now, there is a tremendous assumption of virtue upon the other side, it seems to me, just at this particular moment about people who may have inside information about the Standard Oil or something else. Those gentlemen seem to forget, or seek to make the people forget, that the treasurer of the Democratic party in the last campaign was a gentleman who was assumed to know something about the Standard Oil Company.

Mr. BUTLER. What was his name?

Mr. LONGWORTH. His name, as I remember it, was Haskell, or something very like it. He was a Democratic governor of a Democratic State and an acknowledged expert in Standard Oil affairs.

Mr. MANN. He was temporarily only.

Mr. JAMES. I thought the gentleman from Ohio stated when he was upon his feet just a moment ago that he had no knowledge of any retention by the Government of Mr. Ellis in the matter of prosecuting trust cases. I might have misunderstood the gentleman.

Mr. LONGWORTH. I have no personal knowledge; no.

Mr. JAMES. Do you have any information from any departmental official?

Mr. LONGWORTH. No; I have had no information.

Mr. JAMES. It may be I clearly misunderstood the gentleman. We on this side understood you to say you did not believe that Mr. Ellis was going to be retained in the prosecution of any of these trust cases. Now it appears from the Attorney-General's Office that he is retained, and that is the very question I put to the gentleman from Ohio a moment ago, if it was not true that he was to be retained to prosecute those cases, and, while he had ostensibly given up a place which only paid $7,000 a year to go down to Ohio and try to lead the Republican party to victory, that he in reality was going to receive more money out of the Federal Treasury than before.

Mr. LONGWORTH. Absolutely not; I made no such statement.

Mr. JAMES. That is my understanding, and it seems to be verified by the statement made by the gentleman from Wisconsin [Mr. WEISSE].

Mr. LONGWORTH. On the contrary, I made no such statement.

Mr. JAMES. The gentleman from Wisconsin said he had information from the department that it is true Mr. Ellis is upon the pay roll of the Government.

Mr. LONGWORTH. I stated myself he was technically upon the pay roll.

Mr. JAMES. Is he technically enough upon the pay roll to get his hands into the Federal Treasury? That is what I want to know.

Mr. LONGWORTH. Absolutely not.

Mr. JAMES. Yes; but the gentleman from Wisconsin, who has just talked to the Department of Justice, says the officials of that department say he is.

Mr. LONGWORTH. The fact is, I presume, Mr. Ellis has had experience in the trial of these beef-trust cases and he for some time will give the benefit of his information to his successor, possibly, and I say my only statement is that he is not and will not be paid out of the funds of the department or any other department——

Mr. JAMES. We want to know if he is going to be paid out of the Treasury, and if by some sort of a hocus-pocus proposition he is resigning one office, but is, in reality, getting his arms further into the Public Treasury while he is serving the Republican Party in Ohio as chairman?

Mr. BUTLER. Is there any provision in this bill for Haskell? I would like to know. What is this discussion all about?

Mr. JAMES. The gentleman need not try to hide behind the Haskell ghost of 1908. This question under consideration now here is whether a federal official is to be allowed to take money out of the Public Treasury——

The CHAIRMAN. The time of the gentleman has expired.

Mr. JAMES. I move to strike out the last two words. There is a vast difference between the case of Haskell in the 1908 campaign and of a federal official who is transferred into a new field to lead the Republican party in a political campaign. The question stands upon its own merit; it stands upon the question of whether you can take an American federal office-holder where he is drawing salary from the Government—the money of all the people, taxes gathered from all, both Democrats and Republicans alike—and make him the chairman of a political campaign of either party, I care not whether the Democratic party or the Republican party is to be served.

Mr. BUTLER. I think the gentleman is right, but the gentleman from Ohio has assured us that Mr. Ellis will not draw any salary from the United States Government.

Mr. JAMES. The gentleman from Ohio did not assure us of that. The gentleman from Ohio told us he had no information, that he had no personal knowledge; but we have personal knowledge and we have official knowledge coming from the gentleman from Wisconsin, which he gets from the Attorney-General's office.

Mr. COX of Ohio. If the gentleman will permit, is it not true that after Mr. Ellis's appointment there was considerable criticism in the Ohio papers with reference to this dual connection, and that immediately thereafter, in order to put down this criticism, the official reports went out of Washington that Mr. Ellis was then engaged in the prosecution of antitrust cases and he was helping then in the preparation of the beef-trust cases and had held two conferences in Washington?

I ask my distinguished colleague from Ohio to deny the accuracy of those statements.

Mr. JAMES. I do not anticipate that he can. I am sure he will not.

Mr. MANN. Mr. Chairman, I move to strike out the last word. It is very easy to criticise Mr. Ellis——

Mr. FITZGERALD. The gentleman from Illinois [Mr. MANN] started it the other day.

Mr. MANN. I have done so myself where I thought he was subject to criticism, and I would not hesitate to do so if I would think him subject to criticism, but I do not shed crocodile tears or put up any pretension of being holier than somebody else.

If any gentleman in the government employ anywhere possesses information which is of value to the Government in the prosecution of suits which the Government is carrying on, the Government ought to retain that man in the service either generally or specially, until that information is made use of, and if the Republicans of Ohio have selected, as they have, Mr. Ellis for their campaign manager, and he possesses special knowledge in reference to cases which the Government is prosecuting, there is no morality, there is no business sense, there is no idea of hypocrisy or otherwise, which ought to prevent his being retained specially by the Government for the prosecution of those cases.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. FITZGERALD. Does the gentleman from Illinois see no impropriety in placing at the head of a campaign committee in a State like Ohio a man who has been in his official capacity in a position where he has obtained information that would be of value in a prosecution of offenders against the law, and which information might be held as a club over those from whom contributions would be desired?

Mr. MANN. That is another proposition, and an entirely different one. The proposition here is not whether he should use information which he possesses, as a club, but whether the Government shall permit him to go into court and use the information he possesses against the offenders. If he were out of the government service he might use the information, if he has it, as a club, but in the government service he is required to go into court and prosecute the offenders with the information which he has. And that is what troubles the gentlemen. On their side of the House, they never have attempted to prosecute any great offender in the country and they are jealous of the power and the hold that the President is obtaining upon the people because the people are learning that the President means business in prosecuting these great offenders against our laws. [Applause on the Republican side.]

Mr. COX of Ohio. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. COX of Ohio. Is it not true that the gentleman in Ohio, Governor Harmon, whom they are seeking to defeat, was the first Attorney-General in the history of this Republic who successfully prosecuted trust cases?

Mr. MANN. Well, it is true that I never heard of any of his prosecutions. I will be glad to have the information. It is news to me.

Mr. COX of Ohio. It is further true, and I believe the gentleman knows it——

Mr. MANN. He was Attorney-General under President Cleveland, and if anybody can find a case under the Sherman antitrust law, or any other similar law, which he brought and prosecuted, for heaven's sake produce it. We have been seeking for it for years, and this gentleman now has the information. [Applause on the Republican side.]

Mr. COX of Ohio. Will the gentleman yield again?

Mr. MANN. Certainly.

Mr. COX of Ohio. Will you pretend to deny to this House that after Grover Cleveland's administration had ceased to exist Mr. Harmon was continued as special counsel, and that when his inquiry led up to the doorstep of the railroad official who subsequently served in the Republican Cabinet he was called off from his work? [Applause on the Democratic side.]

Mr. MANN. I neither deny nor attempt to do so. I say this, that if he ever did any work of any kind that was of any value to the country in this respect, it would be under a Republican administration, where he was compelled to proceed, and not

while he was a Democratic Attorney-General. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois has the same misconception of the propriety of this proceeding as all the other members of his party have. The situation here is very clear, and there can be no doubt in the mind of any honest man as to the impropriety of the present situation.

Mr. Ellis, who had been attorney-general of the State of Ohio, was selected for a special position in the Department of Justice, to carry on the prosecutions under the antitrust laws. After he has served one year, and presumably has acquired some information which might be of value in the prosecution of trusts, he is selected to conduct a political campaign in the State where he formerly was attorney-general.

The gentleman from Illinois says that if this man has special information, he should be retained in the service of the Government; so does everybody else; but he should not at the same time engage in an active political campaign. Ohio is not very far from the State where the cry originated that voters should be purchased "in blocks of five," where the common practice of the gentleman's party has been to "fry the fat" out of corporations; and no man is better equipped to do this particular work than a man who as a government official has been successful in obtaining information that can be used to coerce improper contributions to political campaign funds.

Now, let me recall to the gentleman from Illinois something that Governor Harmon did. He was selected, with Mr. Judson, to examine into the case against the officials of the Santa Fe Railroad. He reported to the Attorney-General that the facts ascertained indicated that Mr. Paul Morton and certain other gentlemen, officials of the Santa Fe road, had been guilty of violating an injunction which had been issued by a federal court against that road and its officials. They recommended that an application be made to the federal court requiring Mr. Paul Morton to show cause why a rule should not be issued requiring him to show cause why he should not be punished for contempt. Mr. Moody, who was then Attorney-General, referred the matter to the President of the United States. Mr. Morton at that time was a member of the Cabinet of the President of the United States.

Mr. COX of Indiana. What office did he hold?

Mr. FITZGERALD. He was Secretary of the Navy. The President of the United States declined to permit an application to be made to the court to ascertain whether these men were guilty of contempt in violating the injunction, because, as he put it, he did not intend any man should be prosecuted simply because he was a friend of his. He interposed the protection of his great office to prevent a member of his Cabinet even appearing to show to the court whether under all the circumstances he had violated an injunction issued in an attempt to enforce the laws against illegal rebates.

Mr. MANN. I hope the gentleman will get through with his criticism of President Roosevelt now while he is away, because it will not be a safe business when he returns.

Mr. FITZGERALD. That does not have any fear for me. I did not wait until he went away before criticising him, which so many on that side did. [Applause on the Democratic side.] Most of my criticism was made when he was in the White House, unlike many men on that side of the House, who, the day he left the shores of New York on his trip, immediately rose upon their dignity and asserted that he had been guilty of all kinds of improper things while in the White House.

Mr. MANN. He is always able to take care of himself.

Mr. FITZGERALD. I am simply reciting the facts of history, so that the gentleman from Illinois will know what Mr. Harmon did, and what a Republican President did, when his attention was directed to a violation of the antitrust law; and I have no doubt, under similar circumstances, other Republican Presidents will interpose to protect other Republicans violating these antitrust laws. [Loud applause on the Democratic side.]

Mr. KENNEDY of Ohio. Mr. Chairman, I move to strike out the last three words. I did not have the pleasure of hearing the beginning of this discussion. I was amazed, however, to hear one of those upon that side of the House assert that Governor Harmon did anything to enforce the antitrust act.

I wish to put into the RECORD as a part of my remarks what he himself said as to why he did not enforce the Sherman antitrust act.

Now, I scarcely know what this criticism of my friend Mr. Ellis is. I know he is an honest man; I know that he would not take from the Government a salary he is not entitled to. He has a perfect right to be retained as special counsel to try special cases and conduct a campaign as chairman of the Ohio Republican party at the same time.

Mr. ANSBERRY. Of course my colleague is familiar with the history of Wade Ellis's entry into politics? If he is not, I will enlighten him by saying that it is well known that in 1896——

Mr. KENNEDY of Ohio. I yielded for a question, not a speech.

Mr. ANSBERRY. You refuse, then, in your time to hear the history of Wade Ellis's political career?

Mr. KENNEDY of Ohio. Does the gentleman wish to ask a question?

Mr. ANSBERRY. I desire to ask you if you are familiar with the political record of Wade Ellis?

Mr. KENNEDY of Ohio. I think I am.

Mr. ANSBERRY. Do you know that in 1896, until the finish of that campaign, he was a Democrat?

Mr. LONGWORTH. Yes; and that is the only thing that can be said against him.

Mr. ANSBERRY. Do you know when he changed his politics? Do you know that immediately after he changed——

Mr. KENNEDY of Ohio. The political career of Wade Ellis is not in issue.

Mr. ANSBERRY. Oh, yes; it is.

Mr. KENNEDY of Ohio. It is very much to his credit that he has seen the error of his ways and become a Republican. That of itself vindicates his judgment.

Mr. ANSBERRY. Do you think it is to his credit that he changed his political coat upon receipt of the office of assistant corporation counsel of the city of Cincinnati?

Mr. KENNEDY of Ohio. There are abundant reasons why he should get out of that aggregation of the weak-minded and come to a party that conducts its legislation sanely. [Laughter on the Republican side.] I shall apologize for no man for leaving the Democratic party and coming into ours. He could have no better excuse for his actions than the history of the party.

I am sorry I do not understand what this discussion is about [laughter], but I could not refrain from rising in my place to combat the assumption that was made here that the administrations of Grover Cleveland or Governor Harmon were friends of the antitrust law.

Mr. ANSBERRY. Will my colleague permit another question?

Mr. KENNEDY of Ohio. If it is pertinent.

Mr. ANSBERRY. It is pertinent to Wade Ellis. You know, of course, that he was attorney-general of the State of Ohio.

Mr. KENNEDY of Ohio. Yes.

Mr. ANSBERRY. You have heard of Mark Slater, have you not, the public printer who stole $40,000?

Mr. KENNEDY of Ohio. I am not very familiar with his stealings; no.

Mr. ANSBERRY. I will ask you if you are not familiar with the fact that the evidence on which he has since been indicted was presented to Wade Ellis when he was attorney-general, and that he refused to proceed under that evidence?

Mr. KENNEDY of Ohio. I know of no such thing. I do not doubt that rumors of that kind have been circulated in Ohio, but I do not believe them. That would have to be shown to me very conclusively and positively. [Laughter on the Democratic side.] That is campaign buncombe.

Governor Harmon belongs to that school of thought which has consistently opposed and discouraged all efforts to enforce the Sherman antitrust law. After a few unsuccessful efforts to enforce the law, in his annual report of 1895, speaking of this law, he gave it as his opinion:

> * * * Combinations and monopolies therefore, although they may unlawfully control production and prices of articles in general use, can not be reached under this law merely because they are combinations and monopolies, nor because they may engage in interstate commerce as one of the incidents of their business.

His comments upon the law are exceedingly brief and one scarcely knows what was intended to be conveyed by this language; but the report of the following year, 1896, is to the point and definite. It gives exact information as to the status of the Department of Justice under his control.

He serves upon the public notice of what may be expected from him and the Department of Justice in the enforcement of the Sherman antitrust law in these words:

> The restricted scope of the provisions of this law, as they have been construed by the courts, especially in the case of the United States v. E. C. Knight Company (156 U. S., 1), makes amendment necessary if any effective action is expected from this department.

Could anything be more direct and positive than this declaration of the Attorney-General of the United States, that he would make no further effort to enforce this law? Did the Attorney-General mean that he would purposely make unsuc-

cessful efforts to enforce this law? No. This language is open to but one construction.

It was a declaration positive in its intendment, that he would do nothing more to enforce this law. While Judge Harmon is a delightful personal companion and an estimable gentleman, his training has been such that he is unalterably opposed to the great distinctive principles which are now the cardinal doctrines of our party. I allude to the Roosevelt policies—the enforcement of the Sherman antitrust act and a thoroughgoing, scientific regulation of great corporations engaged in interstate commerce.

His environment and early training has prejudiced him against all this. As a corporation lawyer and railroad receiver, he has been splendidly trained and fitted to be the leader of that party which would consistently oppose this great national movement. Gentlemen on the floor of this House, when they put him in nomination for President, gleefully declaring that he has a prospect of winning, are reacting again the same old farce comedy which they always produce two or three years before the election on the floor of this House. Harmon, as a candidate for President, could only stand as the representative of whatever organized force can be mustered to oppose the movement already begun.

To oppose a movement which the American people have determined to go through with in a thoroughgoing way, you may call it what you will, it must go on. The forces behind it are as persistent in their forceful operation as the law of gravitation. Its ultimate purpose and object is just a "square deal." Harmon for President would be as overwhelmingly defeated as was Horace Greeley.

Mr. ANSBERRY. Mr. Chairman, I move to strike out the last four words. My colleague from Ohio [Mr. KENNEDY] occasioned some merriment in the House by his refusal to give direct answers to the questions I propounded to him a few moments ago relative to the political record of Mr. Wade H. Ellis, the ex-attorney-general of the State of Ohio. I presume that he was unable to give a satisfactory explanation of the conduct of Mr. Ellis, politically speaking, since the time not so very long ago, in 1896, when Mr. Ellis was making free-silver speeches in Hamilton County in support of Colonel Bryan's first candidacy for the Presidency, and immediately thereafter he went over to the Republican party without showing or giving any reason for his actions to his colleagues or to the public as to why he had changed his mind. This would have attracted but little attention if he had not thereafter been taken care of by being the recipient of a very lucrative office, the gift of one George B. Cox, known to some of my colleagues from Ohio. [Laughter on the Democratic side.]

Later on this same Mr. Ellis was made the candidate of his party, and was successful in being elected attorney-general of the State of Ohio, and it is said—and if any gentleman here knows to the contrary let him stand up and defend Mr. Ellis by denying it—that the testimony on which Mark Slater, the public printer of the State of Ohio, was indicted for stealing $40,000, was presented to Mr. Wade Ellis when he was attorney-general, and he was asked to proceed on it, and he waived it aside and said there was not sufficient evidence on which to proceed against Mr. Slater.

Since Governor Harmon has been the executive of our great State there has been considerable activity in probing the different departments of the State, and as a result of this activity it was discovered that the public printer's office was reeking with graft during the administration of the unfortunate Mr. Slater, and the evidence rejected by the then attorney-general was acted upon, with the result that a confederate of the public printer turned state's evidence, and within a short time it will be determined whether or not Mr. Ellis had a correct view of the evidence presented to him. Of course, I do not make the claim that there was any connection between Mr. Ellis's change of base politically and his failure to vigorously prosecute his colleague, Mr. Slater, but I do maintain that a man owes it to his neighbors and to the public to explain the why and wherefore of a right-about-face politically, particularly when this change is coincident with political favors granted by his old political opponents. Lincoln's story might be applicable here.

If I recall correctly, a member of Lincoln's party, I think he was then a Whig, shifted his party coat, became a Democrat, and was rewarded, or perhaps it was a mere coincidence, he was appointed register of deeds, and shortly thereafter he showed evidences of opulence, for that day, by erecting the first lightning rods ever seen in that community over his palatial home. This officeholder was defending the position of his party at a public gathering and he knew that young Lincoln was to reply to him; he saw fit to ridicule the youth and inexperience of his opponent, and when Lincoln came to answer, he said that he would have to plead guilty to both youth and inexperience, but that he hoped he would never change his politics for an office, and then, goaded by a bad conscience, erect lightning rods over his home to protect himself from the wrath of God.

I regret to say that at the harmony meeting recently held at Dayton, Ohio, to ratify the Washington selection of Chairman Ellis, at which my colleague [Mr. LONGWORTH] took a leading and active part, Mr. Harding, a prominent candidate for governor on the Republican ticket, was present and facetiously remarked, while discussing the public plundering of the treasury of the State of Ohio, that he had only received $5,000 of that $16,000, the $5,000 being the amount of his salary as lieutenant-governor, and that the balance could be accounted for only on the ground that Mark Slater must have taken it. A rather grim joke, for the next day public announcement was made that Mark Slater was a fugitive from justice, charged with stealing $40,000 from the public treasury.

Mr. LONGWORTH. I think the gentleman is alluding to a speech that Mr. Harding made when he said that graft did not exclusively belong to the Democratic party.

Mr. ANSBERRY. Now, that the gentleman has explained Mr. Harding's speech, will he kindly explain why Attorney-General Ellis did not proceed on the evidence that was presented to him?

My colleague [Mr. KENNEDY] says that he never heard of any activity on the part of Judson Harmon while he was Attorney-General of the United States, or at any other time, in the enforcement of the antitrust law. I desire to call the gentleman's attention to the case of United States *v.* The Trans-Missouri Freight Association, reported in volume 166, United States Reports, pages 290 to 374, and he will find that under the guidance of Attorney-General Harmon this case was presented on appeal and on December 9, 1896, was argued, and thereafter the Supreme Court of the United States first announced the doctrine that railroads came under the antitrust law. Of course, it will not be denied that no such a condition existed at that time as prevails now. Many trusts, of course, existed, but now and for the past six or eight years they have had the country by the throat. The antitrust law was being tested in the courts, for the purpose of determining its applicability, and this recorded opinion of the Supreme Court of the United States in the case I have referred to is a sufficient denial of my colleague's statement. And then again, I desire to call my colleague's attention to the fact that the circuit court of appeals had decided this case adversely to the Government a year before.

Attorney-General Harmon, as such, began the famous Addyston pipe suit, which Judge William H. Taft decided in favor of the Government. This is the leading case as to the application of the antitrust law to combinations other than railroads. Attention has been called on the floor to-day to the fact that it was Judson Harmon and his associate, Frederick N. Judson, a St. Louis lawyer, in investigating the Santa Fe rebate cases, reported to President Roosevelt that guilt was always personal and that the way to stop rebating was through the criminal prosecution of the men who controlled the corporations who had violated the law. It is a matter of common knowledge that President Roosevelt refused to accept this advice, and the New York World well said, in commenting on this refusal, that had the President followed instead of rejecting this counsel, and vigorously and consistently acted on this report, he would have much less to explain, defend, and apologize for than he has to-day. There would be more "malefactors of great wealth" in the penitentiary and fewer at large to "conspire" against his administration. For the further information of my colleague [Mr. KENNEDY], I submit for his perusal Senate Document No. 140. So it can be justly claimed that Judson Harmon, as Attorney-General of the United States and when acting as special counsel for the Government with Mr. Judson, did his full duty and "hewed to the line," and let the chips fall where they would.

Fortunately, since that time the good people of the State of Ohio called him to the high office of chief executive, and his administration of that great office is of such a character that the panic-stricken machine which misdirects the Republican party in our great State is running hither and thither, seeking a Moses to protect them from the wrath of the offended rank and file of their party. In answer to their Macedonian cry, which has been heard even in the Nation's capital, the doughty trust buster of the administration was reluctantly drafted into service, and the newspapers informed us that, while the President of the United States appreciated his worth as a trust buster, still, in view of the fact that he was wanted in Ohio for political purposes, he would release him, and March 1 was the day set for the parting of the ways, the day upon which Mr.

Ellis was to divorce himself from his $7,000 salary. And now we are informed that March 1 was the date of resignation, and still Mr. Ellis is on the federal pay roll. The explanation was offered upon the floor of this House that because of the information, valuable to the Government, which Mr. Ellis accumulated during the time he has been on the federal pay roll justified his retention and salary. It would seem that the views expressed by the gentleman from Illinois [Mr. MANN] in this House about a month ago, that it was nothing less than scandalous to have Mr. Ellis occupying the dual rôle of inquisitor of offending trusts and manager in chief of the Republican party in the State of Ohio, is the view that the newspapers of the country and unprejudiced men of every party have taken of this strange transaction.

It is true that the President of the United States, at whose door responsibility for this selection was first laid, has repudiated it, and now it seems that Mr. Ellis, torn with conflicting emotions, hesitates between the impending fate of a political orphan and martyr and the goodly berth from which publicity may soon divorce him. If Mr. Ellis was the valuable and efficient pursuer of trusts that we are told he was, does it not seem passing strange that the administration would so lightly dispense with his services? Or is the solidarity and success of the Republican machine in Ohio more desirable than the punishment of the wicked trusts? This is the question agitating the minds of the voters of Ohio. Apparently, the successful administration of Governor Harmon, proof of which is in the very air of Ohio, is seriously affecting the political future of many sojourners in the Nation's capital, and they fain would distract attention of the people of Ohio from his great record by lining up the Republican host, and by a call to arms in which the wary voter can easily detect false notes.

Mr. TAWNEY. Mr. Chairman, I make the point of order that this debate is not in order, and I demand the regular order.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent for five minutes.

Mr. TAWNEY. I object.

Mr. CLARK of Missouri. All right; the gentleman will regret it.

Mr. LIVINGSTON. Mr. Chairman——

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. LIVINGSTON. I want to say to the chairman of the committee that this discussion has been running along in a promiscuous way, and I would like to have him give the leader of the minority five minutes.

Mr. CLARK of Missouri. I have got the floor without the courtesy of anybody. [Laughter.] Mr. Chairman, having started this controversy by asking a very innocent question about Wade H. Ellis, I want to get it back to the substance of the matter. My contention is that a man ought not to hold a high governmental office and at the same time be charged with political duties outside of that office.

Mr. TAWNEY. I agree to that.

Mr. CLARK of Missouri. When Mr. Cortelyou resigned the position of Secretary of Commerce and Labor to accept the chairmanship of the Republican national committee that was criticised, and justly so; but when he came back into the Cabinet immediately after election, as Postmaster-General, that was still more severely criticised, and justly criticised.

Now, if it is true that the Hon. Frank H. Hitchcock is still discharging the office of chairman of the Republican national committee and also that of Postmaster-General, I say that he ought to give up one or the other. I do not care a straw which one it is. I do not object to his being Postmaster-General. I do not object to his being chairman of the Republican national committee, but I do object to the gentleman using his office of Postmaster-General in aiding the Republican party in his capacity as chairman of the national committee.

I have nothing against Wade H. Ellis.

Mr. MANN. Mr. Hitchcock gave it up a long time ago.

Mr. CLARK of Missouri. Then who is chairman, if he is not? That is one of the mysteries surrounding the political situation. As I say, I have nothing against Wade H. Ellis. He is a good lawyer, and, as far as I know, he may be a fine man. A newspaper reporter gave it out that the Republican party in Ohio is in such a thoroughly demoralized condition that President Taft undertook to discover a Moses to lead them out of the wilderness, and that he selected Wade H. Ellis; and they further charged that they forced the chairman of the Republican state committee to resign his place and let Ellis have it.

In the same connection, it is given out that while Ellis gave up the Assistant Attorney-Generalship at a salary of $7,000 a year, he was to have an appointment or employment which carried with it more pay than that of Attorney-General, and which would still give him time to attend to the political business of the President in the State of Ohio.

Mr. LIVINGSTON. And they are undertaking to do the same thing for New York.

Mr. CLARK of Missouri. And the gentleman from Georgia [Mr. LIVINGSTON] says they are undertaking to do the same thing for the State of New York. The great Republican party that swept this country by a million and a quarter votes in 1908 has fallen to such low estate in the President's own State of Ohio that they are hunting around, going over the private and political record of every Republican in the State, to see if they can dig up one who has a ghost of a show of being elected governor of the State of Ohio.

The gentleman from Pennsylvania can not deflect this discussion by asking about Governor Haskell. In reply, I say, What about DU PONT, who was driven out of the national Republican committee at the same time?

Mr. COX of Indiana. And what about Foraker?

Mr. CLARK of Missouri. We stand for the position that when a man accepts a governmental office he shall release his other offices. The Committee on the Election of President and Vice-President the other day reported back to the House a bill that we have been trying to get reported here for five years, which provides that the treasurers of the national committees shall publish an account of the collections and disbursements before the election instead of after election. If we get that up on calendar Wednesday, there will be gentlemen on the other side of the Chamber who will take to cover as sure as you are living. That is the proposition we stand for. [Applause on the Democratic side.]

Mr. BARTLETT of Georgia. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, I make the point of order against any further debate on this paragraph that is not in order.

The CHAIRMAN. The Chair wishes to state that under the uniform practice of the House, five-minute debate is continued indefinitely by informal amendments. If the Chair should undertake to interrupt it by putting the question upon the informal amendments, it would simply amount to a vote, first, on the motion to strike out the last word, then on the motion to strike out the last two words, and so on indefinitely. It is not within the power of the Chair under the practice of the House to stop a debate of this character. It is within the power of the gentlemen in charge of the bill, if they have behind them the majority of the committee, and it is also within the power of gentlemen on the floor, and not within the power of the Chair, to enforce the rule that in the five-minute debate the debate shall be confined to the subject of the paragraph.

Mr. BARTLETT of Georgia. Mr. Chairman, I oppose the last amendment, and I want to be heard just a moment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. BARTLETT of Georgia. I shall not occupy five minutes, Mr. Chairman. The gentleman from Illinois, my friend, Mr. MANN, challenged this side of the House to give a case where the Democratic party or the Attorney-General——

Mr. TAWNEY. Mr. Chairman, I gave notice that this debate must proceed in order, and I make the point of order that the gentleman is not talking to the amendment.

The CHAIRMAN. The gentleman from Georgia will confine himself to the subject-matter of the paragraph.

Mr. BARTLETT of Georgia. I was simply replying to the subject-matter that has been discussed here.

Mr. TAWNEY. And that is what we have been wasting an hour and a half on.

Mr. BARTLETT of Georgia. I ask to be permitted to proceed, Mr. Chairman, and I shall not occupy five minutes. I hope the gentleman will not object.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed not in order.

Mr. TAWNEY. I object.

The CHAIRMAN. The gentleman from Minnesota objects.

Mr. BARTLETT of Georgia. Of course the gentleman would object to hearing the truth, as he always does.

The Clerk read as follows:

For compensation at not more than $10 per day and actual necessary traveling expenses of commercial agents to investigate trade conditions abroad, with the object of promoting the foreign commerce of the United States, $40,000; and the results of such investigations shall be reported to Congress: *Provided*, That the Secretary of Commerce and Labor is hereby authorized, under such regulations as he may prescribe, to permit officers and employees of the several bureaus and divisions of the Department of Commerce and Labor to assign their salaries while absent from Washington, D. C., and employed in the field.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. Comparing the present bill with the last bill I see the words "commercial agents" are inserted instead of "special agents." Why that change?

Mr. GILLETT. Because we were told by the department that the words "special agents" gave them abroad a reputation of being something in the nature of detectives, and that the words "commercial agents" would give them a better status abroad and they could better conduct their investigations. It is a matter of little importance.

Mr. COX of Indiana. So far as this country is concerned the two expressions are identical.

Mr. GILLETT. Commercial agent is, of course, more accurate, because they are commercial agents.

Mr. COX of Indiana. So far as the service has been performed heretofore by these special agents, the same service will now be performed by the commercial agents.

Mr. GILLETT. Exactly. There is no change of purpose at all. It is simply a change of verbiage.

Mr. COX of Indiana. How many of these special agents are there?

Mr. GILLETT. Six, I think.

Mr. COX of Indiana. Are they at work all the time?

Mr. GILLETT. All the time.

Mr. COX of Indiana. On a per diem basis?

Mr. GILLETT. Yes.

Mr. COX of Indiana. I withdraw the pro forma amendment.

Mr. HITCHCOCK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert after the word "Congress," in line 18, page 154, the following: "Including prices at which American-made goods are sold abroad."

Mr. GILLETT. On that I reserve a point of order.

Mr. HITCHCOCK. Mr. Chairman, I offer this amendment because it seems to me important to settle in some official way the question whether American manufacturers protected by the tariff are selling their goods in foreign markets at prices lower than they sell them to their American customers in the home market. Mr. Chairman, this is a question which has been frequently discussed and the facts to some extent admitted, but it has never been definitely or officially settled whether the American manufacturers are or are not selling their goods to the people of Europe and to the people in other foreign lands at prices lower than they sell them to Americans. It seems to me that if we are to employ these commercial agents, as provided for in this section, in other countries for the purpose of expanding our trade in the interests of the manufacturers, we should at least direct those agents, in making up their reports to Congress, to lay before the American people for comparison with American prices the statistics showing the prices at which these goods are sold abroad.

Personally, I have no doubt in the world that a large number of American manufacturers are constantly engaged at the present time, and have been for a good many years, in selling the identical products in foreign lands at prices considerably below the prices which they demand of their American consumers. And, Mr. Chairman, if this fact can be established; if it can be shown that our manufacturers in iron, steel, woolen, and other lines of manufacture are constantly engaged in selling their manufactured products in other lands at prices lower than they sell them here, that information will at least be valuable to Congress when it comes to make up a new tariff bill. We know how those same manufacturers have come before our Committee on Ways and Means and declared that they are not able to sell their goods in America in open competition with the manufactured goods of Europe. We know how they have asked this Congress to impose the present tariff, which has enabled them to materially raise the prices in this country and which has greatly increased the cost of living in America. Now, if Congress can secure from these commercial agents of the Government in other countries reliable information that they do sell in competition abroad, it will be a conclusive answer to those gentlemen whenever they knock at the doors of Congress and protest against lowering the tariff for the relief of the American consumer.

For certainly, Mr. Chairman, if the manufacturers of the United States, given a monopoly of the market in America at high prices, are able to cross the water, pay the ocean freight, and sell their goods in competition with the old country on their own ground, they can certainly sell those goods in the American market in competition with these same European manufacturers, and ought to be compelled to do so. Moreover, Mr. Chairman, at this time, when this whole country is agitated with the question of the greatly increased cost of living, due in a large part to the increased rates under the recently adopted tariff act, it seems to me it would be eminently proper for Congress to do its part toward ascertaining officially and reliably whether the charge is true that these same manufacturers are selling their goods in foreign lands at lower prices than they are selling them in America. Certainly there can be no reason why Congress should not require these foreign agents, who receive $10 a day for their work, to furnish this information so easily obtainable.

Mr. WEISSE. Let me ask the gentleman this question: Is it not a fact that a manufacturer in this country can sell cheaper abroad than he can at home by the rebate system and get the difference out of the United States Treasury?

Mr. HITCHCOCK. Well, I suppose in those cases in which he gets a rebate on certain raw materials which are imported and used in manufacture that is true, but I know, as a matter of fact, that goods made in the usual way without any rebates are shipped out of this country and sold in foreign lands at prices considerably below the rates which are charged to the American consumer. Even some Americans have been able to take advantage of this practice. I know of a merchant in Omaha, Mr. Chairman, who has succeeded in buying goods for export and who has taken them by water down the coast and brought them into the country at a Texas port at prices lower than he can ordinarily buy in the American market, and I believe that this is not an isolated case. I believe there are a number of such cases.

Mr. DIXON of Indiana. There are the watch cases.

Mr. COX of Indiana. Do you mean a merchant of Omaha buys goods manufactured in this country and in the first instance exported abroad and reimported into this country?

Mr. HITCHCOCK. I mean to say he buys them of a purchaser in New York who is ostensibly buying for the European market. These goods are shipped on a boat down to a Texas port and from there brought into Nebraska from that Texas port.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. GILLETT. Mr. Chairman, I should have no objection at all to the information that the gentleman suggests being brought out—I think it would stop a great deal of oratory which is wasted on this subject—but for the fact that the other branch of the Government which has recently been given the authority to investigate this subject will bring it out, and the only objection I have to this amendment is that I fear that if it is put in here it will interfere with the work of these special agents along the line for which they were specially created. If they have got to spend their time in simply getting the prices of goods, I fear they can not give us the facts which they are now collecting along the line of cotton-seed oil and textile fabrics and the leather goods to which they are now devoting their attention——

Mr. HITCHCOCK. Is the gentleman willing to accept my amendment, then?

Mr. GILLETT. As I understand the way the gentleman's amendment reads, it would practically take all their time.

Mr. HITCHCOCK. Oh, no. That would be only incidental to the other work.

Mr. GILLETT. If the gentleman will put it in such a way, I will——

Mr. HITCHCOCK. I will ask the Clerk to read the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

Mr. MANN. I suggest to the gentleman that that is not the proper place in which to put it.

Mr. HITCHCOCK. It says:

The results of such investigation shall be reported to Congress, including the prices at which American-made goods are sold abroad.

Mr. MANN. What does the gentleman mean by that?

Mr. HITCHCOCK. I mean these American commissioners who are engaged in spreading the American trade shall in their annual reports to Congress tell us the prices at which American goods are sold abroad.

Mr. MANN. Does not the gentleman mean that they shall investigate the prices abroad and report to Congress?

Mr. HITCHCOCK. They are necessarily in touch with that subject.

Mr. MANN. Here is a provision to investigate trade conditions abroad. If the gentleman wants to put that in, that is the place in which to put it.

Mr. HITCHCOCK. The purpose stated is promoting the foreign commerce of the United States. That means increasing the sale of American-made manufactures, and then they shall annually report to Congress about this foreign commerce

of the United States, and including the price at which the American goods are sold abroad.

Mr. MANN. These agents do not report to Congress. They report to the Secretary of Commerce and Labor, and he transmits his report to Congress; and if the gentleman's amendment prevails, it would provide that the result of such investigations would be reported to Congress by the Secretary of Commerce and Labor, who shall also report to Congress a lot of other things with which these agents have nothing to do.

Mr. HITCHCOCK. I understand their instructions come from the Secretary of Commerce and Labor, and if he is asked to make the report to Congress, he will direct them to make their reports to him.

Mr. MANN. The gentleman does not catch the point. It is our opinion that under the gentleman's amendment it would not be the duty of these agents to report the prices abroad, but it is the duty of the Secretary of Commerce and Labor to report the prices abroad. If the gentleman wants these agents to obtain information, the proper place to put it in would be where it provides for the investigation of trade conditions abroad.

Mr. GILLETT. That is what I suggested to the gentleman. That is not the work they are selected for.

Mr. COX of Indiana. What are they selected for?

Mr. GILLETT. There is one on cotton-seed oil, one on cotton fabrics, one on leather goods, and one, I think, generally, and they are trying to spread American trade on these specific goods abroad. The gentleman is trying by his amendment—not perhaps intentionally—to divert these men from the functions which they are created to perform. But the work which the tariff commission has to do, and probably will do, will prevent these men doing what they have been specially created for doing by Congress. And if the gentleman should put in the amendment in the way the gentleman from Illinois [Mr. MANN] suggests, then he is commanding them to spend their time in doing things different from what they are doing now. That is my objection to it.

Mr. HITCHCOCK. It is only indicating one of the many duties which they shall perform.

Mr. GILLETT. If the gentleman can put it in some such way as that——

Mr. HITCHCOCK. If the gentleman is willing to take his chances on the amendment, I am willing to take it.

Mr. GILLETT. As the gentleman has it now, it compels them to do something very foreign to what they are created for.

Mr. HITCHCOCK. Mr. Chairman, I ask unanimous consent that the Clerk read the paragraph with the amendment as changed according to the suggestion of the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

For compensation, at not more than $10 per day and actual necessary traveling expenses, of commercial agents to investigate trade conditions abroad, including the price at which American-made goods are sold abroad, with the object of promoting the foreign commerce of the United States, $40,000.

Mr. TAWNEY. Mr. Chairman, I want to reserve the point of order on the amendment as now offered. I want to say this in opposition to the proposition: When the Tariff Commission was authorized, under the act approved last August, it was understood that that commission, together with the experts employed in the State Department, under the $100,000 appropriation then made, would virtually absorb this particular bureau of the Department of Commerce and Labor. At that time, in order to avoid duplication of service, the transfer of these men to the Department of State was proposed. As a matter of fact, two of them were transferred to the Department of State.

Mr. COX of Indiana. When was that?

Mr. TAWNEY. Last August, after the passage of the tariff act. Now, this is a proposition to enlarge the duties of these men. Let me say here that when these two men were transferred to the State Department their places were not filled until the beginning of this year.

The attention of the State Department and the Department of Commerce and Labor was brought to the fact that the services of these two men were overlapping and necessarily duplicating the services of men in the State Department, and that the work of one bureau ought to be transferred to the other. It was taken up subsequently by the heads of those two departments, and the work was so adjusted as not to conflict, leaving these men to be employed exclusively upon the matter of extending our trade, or the trade in American products in foreign countries, and leaving the subject of prices and the tariff of foreign countries to the Tariff Commission and the State Department. These six men could not cover the whole field, and they are, as the gentleman from Massachusetts has said, appointed with special reference to their fitness and their experience in the particular lines of our trade they are to investigate, encourage, and increase, if possible, in foreign markets. We have one on machine tools; we have one on the sale of cotton-seed oil and oil products; we have one on textile fabrics; we have one on flour, or the export of American flour.

Now, if these men are to be required, in addition to that, to investigate the question of prices they will necessarily have their functions increased and will be overlapping the work of other bureaus, or the representatives of other bureaus, who are now charged with the duty and responsibility of collecting such information. If the Chair holds the amendment is in order, I hope it will be voted down.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. COX of Indiana. Maybe I am unable to understand the phraseology, but to me it is rather vague. What is meant by the phrase "investigate trade conditions?" What do they do when investigating trade conditions?

Mr. TAWNEY. Well, Mr. Chairman, I think the gentleman from Indiana knows what that language means.

Mr. COX of Indiana. Ordinarily I do, but when applied to a case like this I do not know that I do.

Mr. TAWNEY. It means in this bill what it ordinarily means; that these men, who are familiar with the cotton-seed oil industry of the United States, with the various industries and the business here, go abroad and investigate foreign trade conditions.

Mr. COX of Indiana. Do they try to find a foreign market for cotton-seed oil?

Mr. TAWNEY. That is the main object of their employment.

Mr. COX of Indiana. By interviewing the merchants?

Mr. TAWNEY. They interview the merchants and make inquiry into the trade conditions there with a view to introducing cotton-seed oil or its products, thereby increasing our exports.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MANN. Mr. Chairman, I believe this provision of the appropriation bill was first inserted on account of a suggestion which I made growing out of what little service I rendered in connection with the creation of the Department of Commerce and Labor. Originally, I think, there were five of these gentlemen, and afterwards it was increased to six, after making one special for cotton and cotton goods.

Mr. TAWNEY. I will say to the gentleman from Illinois that all but one was special. The service has been specialized by providing specialties for all except one.

Mr. MANN. They have always been more or less specialists. One, the first gentleman appointed under this provision, was Mr. Pepper, who has been transferred to the Department of State in connection with the tariff investigation. But, Mr. Chairman, the purpose of this investigation is to employ the men to study conditions abroad in particular lines, such as cotton, boots and shoes, agricultural machinery, and so forth, so that we may find where there is a market for our goods, and help to create a market. Now, necessarily, one of the first things that such an agent must learn is the prices at which American products of that class are or can be sold in the market in which he investigates. How it could be contended otherwise I can not understand.

Mr. COX of Indiana. What connection or relation, if any, is there between these agents and our foreign consular agents?

Mr. MANN. There is no official relationship.

Mr. COX of Indiana. I recollect that a couple of years ago every mail brought some reports about our trade relations abroad. I do not receive them any more.

Mr. MANN. The appropriation is short and they are not publishing the consular reports daily, but I believe will begin again soon. That is the reason the gentleman is not receiving them.

There is no official relationship between these commercial agents of the Department of Commerce and Labor and the consular agents, but, of course, they make use of every source of information. They investigate trade conditions. I do not see how there can be any objection to the amendment offered by the gentleman from Nebraska requiring these agents, investigating, say, cotton goods abroad, to investigate the prices at which those cotton goods are sold abroad.

Mr. GILLETT. They doubtless do now.

Mr. MANN. That is the very purpose for which they go abroad.

Mr. GILLETT. They doubtless do now. If they do not, they certainly do not understand their duties, and I think they are all bright men. How far that matter is reported to Congress I do not know. I read their reports as they are published with great interest, though not with great care; but certainly it is

not intended by the amendment to have the cotton-goods men stop their work and investigate prices of all classes of articles throughout the world, but to investigate prices of goods concerning which they are the special agents.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Nebraska [Mr. HITCHCOCK].

The question being taken, on a division (demanded by Mr. TAWNEY) there were—ayes 50, noes 54.

Mr. HITCHCOCK. Tellers!

Tellers were ordered, and the Chairman appointed Mr. GILLETT and Mr. HITCHCOCK.

The committee again divided; and there were—ayes 54, noes 62.

Accordingly the amendment was rejected.

The Clerk read as follows:

Census Office: For salaries and necessary expenses for preparing for, taking, compiling, and publishing the Thirteenth Census of the United States, rent of office quarters, for carrying on during the decennial census period all other census work authorized and directed by law, including construction and repair of card-punching, card-sorting, and card-tabulating machinery, and technical and mechanical services in connection therewith, purchase, rental, construction, repair, and exchange of mechanical appliances, to continue available until June 30, 1912, $2,000,000.

Mr. MURPHY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 58, line 21, after the word "salaries," insert a comma and the following: "including the chief clerk, at $3,000 per annum."

Mr. COX of Indiana. I reserve a point of order on that, in order to allow the gentleman to explain the necessity for it.

Mr. MURPHY. Mr. Chairman, prior to the passage of the last census act the salary of the chief clerk of the Bureau of the Census was $3,000 per annum. In passing the last act the House unanimously voted that the salary of the chief clerk should be $3,000. The bill went over to the Senate and it was reduced to $2,500, and agreed to in conference at that figure.

The Census Committee has had pending before it a bill fixing the salary of the chief clerk of the Bureau of the Census at $3,000 per annum, and this morning unanimously agreed to report it favorably and restore the salary to $3,000.

In addition to the work that is now being carried on and heretofore done by the former chief clerk, he is the purchasing agent for the bureau. All letters in relation to census matters pass through his hands. All requisitions for supplies from the various divisions in the bureau must be approved by him as the purchasing agent, and the Committee on the Census thought that salary ought to be what is was formerly, and having these additional duties devolving upon him that the salary should be $3,000.

Mr. COX of Indiana. I will withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. LIVINGSTON. We should like to know where that amendment comes in.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again reported.

Mr. CLARK of Missouri. What do you want to do that for?

Mr. MURPHY. This amendment that I offer is to restore the salary to what it was prior to the approval of the last census act and at the sum which the House of Representatives, when it passed the census law, unanimously said it ought to be. The additional duties placed upon him while the census is being taken are such that he ought to have the same salary that the other chief clerks in the bureaus now receive, $3,000, with the exception of one.

Mr. MANN. This only applies to the next fiscal year; it does not permanently increase his salary.

Mr. CRUMPACKER. The salary of the chief clerk during the last decennial census was $3,000. The salary of the chief clerk of the permanent office is $2,500. It is the intention of the Committee on Census to fix the salary of the chief clerk at $3,000 during the decennial census period because of the extra responsibility and work that is placed upon him. This amendment will cover, as the gentleman said, only the next fiscal year, and will probably be taken care of later on for the next year.

Mr. GILLETT. I do not want any deception here; this will be for two years. It is to continue available until June, 1912.

Mr. CRUMPACKER. Well, it ought to be as long as that.

Mr. KEIFER. What does the chief clerk draw now?

Mr. CRUMPACKER. Two thousand five hundred dollars.

Mr. KEIFER. Was it not $3,000?

Mr. CRUMPACKER. It was $3,000 during the last decennial census.

Mr. KEIFER. When was it cut down?

Mr. CRUMPACKER. By the census act which was passed last summer. The House put it at $3,000 and the Senate cut all of the salaries down, and this was placed at $2,500.

Mr. KEIFER. I have no objection to it. If we put the amendment in, it would not take effect until the 1st of July.

Mr. CRUMPACKER. I do not know whether it will take effect now or not.

Mr. KEIFER. Ought it not to take effect before we take the census, while he is doing the biggest part of the work?

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was considered and agreed to.

Mr. BOOHER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 159, insert at the end of line 6 the following:

"*Provided*, That no part of this money shall be paid to any census enumerator who is discharging any political function or duties while engaged in the work of enumerator."

Mr. GILLETT. To that, Mr. Chairman, I make the point of order that it is new legislation.

Mr. CLARK of Missouri. What is the point of order?

Mr. GILLETT. That it is new legislation.

Mr. CLARK of Missouri. This is a restriction on the use of this money.

Mr. KEIFER. It does not prevent its being expended, and therefore it is not a restriction of the use. Mr. Chairman, I want to say that there is no occasion for such an amendment, as the order of the President to the Census Director and superintendents all over the country is to prevent anything of the kind happening.

Mr. BOOHER. Mr. Chairman, has the point of order been made?

Mr. GILLETT. I made the point of order that it is not a limitation, although in the form of a limitation. It is really legislation.

The CHAIRMAN. The Chair thinks that it is a limitation. The question is on agreeing to the amendment of the gentleman from Missouri.

Mr. BOOHER. Mr. Chairman, I offer this amendment for the purpose of limiting the work of the census enumerators. I do not know that the order alluded to by the gentleman from Ohio [Mr. KEIFER] will be carried out. I know what has been said and what has been done during the taking of this census. This amendment can do no harm. It simply prohibits the census enumerator from doing any political work while taking the census. It can do no harm, and it may do some good.

Mr. MANN. Will the gentleman yield?

Mr. BOOHER. Certainly.

Mr. MANN. If the amendment be agreed to, how will it be enforced? What process will be used to enforce it?

Mr. BOOHER. I presume if the amendment was adopted, the census enumerators would obey the law.

Mr. MANN. This is not directed to the census enumerators; it is a limitation which the auditor and comptroller takes notice of.

Mr. BOOHER. The amendment applies to the census enumerators.

Mr. MANN. A limitation of this kind is addressed to the comptroller and auditor of the Government. How will they know that the census enumerators out in the different States have not done such and such a thing?

Mr. BOOHER. We presume if this amendment is attached to the law that the census enumerators will obey the law, and that they will not have to be reported.

Mr. MANN. Would that let the auditor out in reference to that matter? Here is a limitation which the auditor must pass upon. How is he to know these facts?

Mr. BOOHER. If the auditor has no information that they have disobeyed the law, then of course he will know that they have obeyed the law. He will presume that they will obey the law to start with, and if he has no information that they have not disobeyed it, he will conclude that they have obeyed it, and pay them for their work.

Mr. MANN. Does the gentleman think that if a limitation comes into the bill addressed to the auditor the auditor is to do nothing about it? Is it not the duty of the auditor to ascertain positively whether this provision is obeyed, and will not the result of this limitation be that the auditor is required to investigate in reference to every census enumerator in the United States, as to whether he has spoken about politics to somebody?

Mr. BOOHER. I do not think that will be the result at all. I do not think that will follow at all.

Mr. MANN. It will be the result if this is obeyed.

Mr. BOOHER. I would like to ask the gentleman from Illinois a question. What harm will the amendment do?

Mr. LIVINGSTON. Let me answer that question. Suppose we have Democratic enumerators. [Laughter on the Democratic side.] Oh, I am just supposing a case. They are all in the hands of a Republican administration, and if the administration wants to get rid of the Democrats all it has to do is to make the charge that they have talked politics to somebody.

Mr. BOOHER. Oh, they have got rid of them already in my country. We have not got any, and that has been done without the amendment or anything else. They just simply did it. Now, I want this amendment for the purpose of preventing anything but the taking of the census. I do not believe the auditor would have any trouble in paying off the men who do their duty under the law.

Mr. LIVINGSTON. You will have to go before a justice court or some other authority and establish that they have violated the law, and that record will have to be sent up here to Washington.

Mr. BOOHER. All Democratic enumerators will obey the law, as the gentleman will find, if they have any in his country.

Mr. LIVINGSTON. I do not know. They will be very strongly tempted to do some work.

Mr. CRUMPACKER. Mr. Chairman, there has been some criticism respecting the attitude of the census enumerators toward the politics of the country. I want to say that there has never been a census in the history of this country that has been so absolutely safeguarded against all possible political activity as the present one. There is no politics in the taking of this census.

Mr. GRONNA. Will the gentleman yield?

Mr. CRUMPACKER. In a moment. I think I can appeal with entire confidence to men who have any recollection of previous censuses and they will agree with me that the manner of appointment of special agents and enumerators, in justification of the statement I have made, is being made absolutely free from politics. I now yield to the gentleman from North Dakota.

Mr. GRONNA. Does the gentleman undertake to make the statement that none of these supervisors devote their time to politics?

Mr. CRUMPACKER. Not while they are engaged in their office. I do not know what they may do outside.

Mr. GRONNA. I want to make this statement——

Mr. CRUMPACKER. What I have undertaken to say is this: This amendment is directed to the enumerators. The enumerators are appointed in pursuance of competitive examinations. The special agents are appointed under competitive examinations. The law does not require it. If the Census Office had any desire or inclination to prostitute that bureau to political ends, why would the Director of the Census voluntarily, without direction of law, require all the men who are to make the investigations to be appointed after a competitive examination? It is done for the purpose of securing the best ability that is possible in those small posts and to absolutely divorce the taking of the census from party politics.

Mr. COX of Indiana. The gentleman has announced that there is no politics in this. I am glad to hear him make the announcement. If there be no politics in the taking of the census, how does the gentleman account for the fact that there is not a Democratic supervisor of the census north of Mason and Dixon's line?

Mr. CRUMPACKER. That does not signify that there is politics in the census, but I think I can prove by the distinguished gentleman from Illinois [Mr. MANN] that there is one enumerator, who has charge of the second largest city in the United States, who is not on the Republican poll book in the great city of Chicago. I have in my pocket now a telegram——

Mr. MANN. I have not recommended an enumerator in my district, and do not intend to do so, because the recommendation will be thrown in the wastebasket.

Mr. CRUMPACKER. And it would be in mine. I have a telegram, Mr. Chairman, that I will read in relation to the appointment of a special agent in the city of Laporte. It reads as follows:

> How did Harry Roloff happen to be appointed special census agent for manufactures in Laporte and St. Joseph counties? Is it competitive under civil service? Roloff is editor of Democratic paper here. Please wire reply our expense.
>
> LAPORTE HERALD.

The Laporte Herald is a Republican paper in that town. The editor of a Democratic paper in that town secured that important position. Laporte County contains perhaps as important manufactures as any county in the State of Indiana.

Mr. COX of Indiana. Is he enumerator or supervisor?

Mr. CRUMPACKER. He is special agent for the investigation of manufactures.

Mr. COX of Indiana. Who is going to do this examining?

Mr. CRUMPACKER. The examinations are being conducted by civil-service agents in the various districts. The gentleman doubtless knows that the Civil Service Commission are selecting, not for this purpose, but years back, these examiners from chief clerks in post-offices, men who are well qualified for that service in every instance, and questions are sent down to the civil-service examiners throughout various parts of the country conducting these examinations, and they send their reports either to the supervisor of the census or to the appointing officer in the city of Washington, who makes the grades.

Mr. COX of Indiana. Is not this true, also, that the supervisor of the census in that instance determines who shall or who shall not take these examinations?

Mr. CRUMPACKER. Oh, no; every man who makes application and every woman who makes an application has a right to take the examination, and the appointments are made according to the rating of the application, without regard to race, color, religion, or politics. That is the way it is done up in our country.

Mr. HULL of Iowa. And in ours, too.

Mr. CRUMPACKER. And I think everywhere in this country.

Mr. CLARK of Missouri. Do you know who makes the examination of the rural carriers?

Mr. CRUMPACKER. Yes; but of course they are not engaged in census work.

Mr. CLARK of Missouri. I understand that, but I will tell you the manner in which it is done. You can take a graduate of Harvard or Princeton, and if he is a Democrat, let him apply for one of these rural routes, and some Republican who can not sign his name without lolling his tongue out will be graded ahead of your Harvard or Princeton graduate, and that is the way they do.

Mr. CRUMPACKER. That is news to me; I never heard of it.

Mr. HULL of Iowa. This amendment, as I understand, applies to enumerators. Now, the enumerators commence work on the 15th of April, and they finish on the 1st of May. This law takes effect on the 30th day of June, so before the law can be published the work will be finished. Now, what is the sense of the amendment?

Mr. CRUMPACKER. I think the amendment was offered not with the faith that it will become part of the law, but I thought it would be proper for me to submit an observation or two in defense of these continued insinuations and innuendoes in relation to the unfairness of the administration of the Census Office.

Mr. CLARK of Missouri. If the gentleman from Indiana will say this is a Republican census and that it is to be taken as one politically, I will vote against this amendment.

Mr. CRUMPACKER. I have too much regard for the truth to make that statement.

Mr. CLARK of Missouri. How does it happen that there is not a single Democratic supervisor appointed in a doubtful or close State like Missouri?

Mr. CRUMPACKER. Well, I do not know how that comes, but that does not signify the census is to be political or partisan or that politics is to enter in any manner in the taking of the census or in its compilation.

Mr. COX of Indiana. Will the gentleman yield for just one more question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. The speech I wanted to make has been principally made by the gentleman from Iowa [Mr. HULL]. This amendment, if adopted, would be a mere abstraction. It would not apply to an enumerator at all, for they will have performed their functions—using a word in the proposed amendment. They will have finished their work and before this appropriation will take effect. So this is a mere matter of fancy, even if we were to amend it. But there is no necessity whatever for the amendment, for the Executive has taken charge of this matter and will see to it, as far as possible, that there is no politics mixed up with the taking of the census.

Mr. SIMS. Will the gentleman from Ohio answer one question? Now, in all candor, will the gentleman please explain, so that the people will understand it, why no Republican is appointed supervisor in Mississippi and no Democrat in Tennessee?

Mr. KEIFER. I can not tell why that happened down in Mississippi, for I am not able to tell whether they have any politics down there at all or not.

Mr. SIMS. What about Tennessee? We have politics there all the time.

Mr. SLAYDEN. Mr. Chairman, I was amazed by the statement made by the gentleman from Indiana [Mr. CRUMPACKER] just now that there was no politics in these appointments. I want to advise him that in my State the supervisors were divided between the two parties, but the statement was very frankly made that in any district in which it was conceived in the minds of the Republican administration that they had a remote fighting chance, they would not appoint a Democratic supervisor. Why? Because they felt it was a political advantage to have it that way. They were frank in that. I do not blame them. If I was President, there would not be a Republican appointed anywhere in the country. [Applause on the Republican side.]

Mr. CRUMPACKER. I undertook to say, and I thought I did, that there was no politics in the census; that there was no politics in the appointment of the men who took the census—the special agents or the enumerators——

Mr. LIVINGSTON. Does the gentleman believe there is no politics from Durand down?

Mr. CRUMPACKER. It may be that politics have entered to some extent in the selection of the supervisors, and let me submit this observation now: Because there may be a Democratic supervisor in one district, does it mean that there is to be a Democratic census? And if there is a Republican supervisor in another, does it mean that there is to be a Republican census? I made the assertion that there was no politics in the census.

Mr. SLAYDEN. Will the gentleman permit me to answer his question? He stated that there were no politics in the appointments.

Mr. CRUMPACKER. I had reference to enumerators and special agents.

Mr. SLAYDEN. Now, I would like to ask the gentleman a question in return. How many Democrats have been appointed supervisors or enumerators in the Northern States?

Mr. CRUMPACKER. Enumerators?

Mr. SLAYDEN. Supervisors.

Mr. CRUMPACKER. In relation to the Northern States, I do not know of any outside of the State of Indiana, and I think every supervisor in Indiana is a Republican.

Mr. SLAYDEN. How many in Ohio?

Mr. CRUMPACKER. I do not know.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BOOHER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CLARK of Missouri. Division, Mr. Chairman.

The committee divided; and there were—ayes 52, noes 72.

Mr. BOOHER. Tellers, Mr. Chairman.

Tellers were ordered.

The gentleman from Massachusetts [Mr. GILLETT] and the gentleman from Missouri [Mr. BOOHER] took their places as tellers.

The committee again divided; and there were—ayes 59, noes 77.

So the amendment was rejected.

Mr. ANSBERRY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX of Ohio. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Bureau of Immigration and Naturalization: Commissioner-General of Immigration, $5,000; Assistant Commissioner-General, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; chief statistician, $2,000; 3 clerks of class 4; 4 clerks of class 3; 6 clerks of class 2; 6 clerks of class 1; 8 clerks, at $1,000 each; 6 clerks, at $900 each; 2 messengers; assistant messenger; in all, $55,500.

Mr. BENNET of New York. Mr. Chairman, I move to amend by striking out, in line 19, page 160, the word "four," where it last occurs, and inserting in lieu thereof the word "five."

The Clerk read as follows:

Page 160, line 19, strike out "four" where it occurs the second time and insert "five" in lieu thereof.

Mr. BENNET of New York. Mr. Chairman, that would make an increase of one clerk of that class; and if the amendment carries, I propose to follow it up by an amendment increasing the clerks of class 2 from 6 to 7 and the clerks of class 1 from 6 to 8, so as to make the authorization what is requested by the Bureau of Immigration and Naturalization. Frankly, I do not think that the Committee on Appropriations is very much to blame, on the statements the bureau made, for not giving them all the clerks that they require. A statement of the real need for clerks has not been made, so far as I have been able to read the hearings. We have been putting a great deal of work on these clerks in that bureau in the last three or four years.

Mr. MANN. Will the gentleman from New York—excuse me, the "governor of New York"—yield for a question?

Mr. BENNET of New York. The "gentleman from New York" will yield. In 1906 we passed the naturalization law, and by that act we put on the Bureau of Immigration and Naturalization the extra work of taking statistics to be used later in relation to naturalization as to every alien that comes into the United States, tremendously increasing the clerical work of that bureau. Then, in 1907, when we revised——

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. BENNET of New York. Certainly.

Mr. TAWNEY. We also increased their clerical force to the extent of $37,000, as I now recall, when the Division of Naturalization was added to the bureau.

Mr. BENNET of New York. That is another force in the Division of Naturalization.

Mr. TAWNEY. It is another force, but the gentleman was using the fact in speaking of having placed on the bureau this additional service. I want it understood at the same time that we increased the appropriation for that service $37,000.

Mr. BENNET of New York. The gentleman is in error in relation to that, because the very next item in this bill shows a provision in relation to the Division of Naturalization.

Mr. TAWNEY. Thirty-six thousand nine hundred dollars is the amount.

Mr. BENNET of New York. I do not dispute that. But it has nothing whatever to do with the work placed upon the bureau. By the first section of the public act 338 of 1906, under that act we compel the bureau to take statistics as to the name, age, occupation of the person described, the place of birth, last residence, intended place of residence in the United States, the date of arrival in port, the name of the vessel, vastly extending the amount of clerical work. Then, in 1907, we provided stricter regulations as to immigrants. We extended from one to three years the time in which deportations can take place. The result was that the deportations through that law increased from 900 to 2,000 in the next fiscal year. That is done from this office. Every deportation is made upon a warrant of the Secretary of Commerce and Labor.

Now, the House at this session has passed in two forms an act in relation to the white-slave traffic, which will impose more burdens upon the Bureau of Immigration and Naturalization. There have been transferred to that bureau nine clerks, I think it was, from other departments, who are now being called for, and they are being sent to their departments. They needed this entire ten. I do not think their need was adequately presented, as appears from the committee hearings. I feel the committee ought to give this bureau the number of clerks that it asked for. As we have been imposing labor on them, and labor of a useful kind, then we ought to give them the clerks to do the work. We have in the last two Congresses and in this Congress increased their clerical work tremendously. Therefore, I hope, Mr. Chairman, that the amendment which I propose will prevail.

Mr. GILLETT. Mr. Chairman, the committee recognize what the gentleman has stated, that this bureau has had its work very much increased; and we accordingly gave what we thought was a very liberal allowance in the way of clerk hire. They had 34 clerks, which we increased to 40. They asked for 10, and we gave them 6, which is certainly a very much larger proportion of increase than we are accustomed to give.

It is altogether the largest proportional increase contained in the whole bill for any department, and it is an increase of 20 per cent. We thought that under that they certainly could get on pretty comfortably, and we felt that it was not necessary to give them the full 10 clerks. And while we may be mistaken and the gentleman may be right, still we exercised our judgment, and I still am of the opinion that with this enlargement of 20 per cent they will be able to do the work that has been imposed upon them, and I hope the gentleman's amendment will not be adopted.

Mr. BENNET of New York. I should like to ask the gentleman were the specific additions that have been made to their work in the last three Congresses brought to the attention of his committee? They do not appear in the printed hearings.

Mr. GILLETT. I do not think they were as fully as the gentleman has, but we were told and we knew that their work had been very much increased, and it was for that purpose that we so largely increased their force.

Mr. BENNET of New York. Last year they had to draw nine clerks from other departments in order to keep abreast with their work.

Mr. GILLETT. Not for the whole year, but temporarily.

Mr. BENNET of New York. I understand that, but they are now so far behind that we in the Committee on Immigration and Naturalization find it difficult to get answers to our communications in time to legislate effectively.

Mr. GILLETT. We were told that they were only three months behind in part of their work, and in part of it not at all behind; that the force was sufficient. We may be mistaken and the gentleman may be right, but I still have confidence that we are giving them enough increase.

Mr. BENNET of New York. I think the committee are clearly mistaken. In view of the admitted fact that the full facts were not presented to the committee, is not the gentleman of the opinion that since they had to have nine clerks assigned them last year, they ought to have this increase?

Mr. GILLETT. They did not have nine clerks all the year, but only temporarily.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. BENNET].

The amendment was rejected.

The Clerk read as follows:

Bureau of Standards: Director, $5,000; chief physicist, $4,800; chief chemist, $4,800; associate chemist, $2,500; associate chemist, $2,200; 2 physicists, at $3,600 each; associate physicist, $2,700; 2 associate physicists, at $2,500 each; 2 associate physicists, at $2,200 each; 4 associate physicists, at $2,000 each; 6 assistant physicists, at $1,800 each; 10 assistant physicists, at $1,600 each; assistant chemist, $1,800; 3 assistant chemists, at $1,600 each; 2 assistant chemists, at $1,400 each; 12 assistant physicists, at $1,400 each; 13 laboratory assistants, at $1,200 each; 10 laboratory assistants, at $1,000 each; 9 laboratory assistants, at $900 each; 3 laboratory helpers, at $720 each; 6 aids, at $720 each; 3 aids, at $600 each; 3 laboratory apprentices, at $540 each; 4 laboratory apprentices, at $480 each; storekeeper, $1,000; librarian, $1,400; secretary, $2,200; clerk of class 4; clerk of class 3; clerk of class 2; 2 clerks of class 1; three clerks, at $1,000 each; 2 clerks, at $900 each; 2 clerks, at $720 each; 2 messenger boys, at $480 each; 3 messenger boys, at $360 each; elevator boy, $360; chief mechanician, $1,800; mechanician, $1,500; mechanician, $1,400; 2 mechanicians, at $1,200 each; 2 mechanicians, at $1,000 each; mechanician, $900; 3 watchmen; skilled woodworker, $1,000; skilled woodworker, $840; 3 skilled laborers, at $720 each; draftsman, $1,200; packer and shipper, $840; messenger; engineer, $1,800; 2 assistant engineers, at $1,200 each; assistant engineer, $1,000; assistant engineer, $900; 3 firemen; glass blower, $1,200; electrician, $1,200; electrician, $900; 4 laborers; 2 janitors, at $660 each; janitor, $600; 2 female laborers, at $360 each; in all, $201,440.

Mr. SLAYDEN. Mr. Chairman, for the purpose of getting some information with reference to this item, I should like to ask the chairman of the committee a question. When the Bureau of Standards was established, as I remember it, it was on a very moderate scale, with a comparatively insignificant sum appropriated, but with very large promises as to what the returns were to be. Now, I see that the appropriations run over $200,000, with another appropriation already made in another bill. I should like to know if there is any prospect of the Government ever receiving any income from that bureau, and what has been done already in the way of providing an income at all commensurate with the glowing promises originally made.

Mr. GILLETT. There is some income coming in. I can not tell the gentleman how much; but for the tests which they make for persons other than the Government they charge a fee, which is intended to cover the expense of the experiment. I am sorry I can not give the gentleman the figures.

Mr. SLAYDEN. Does the gentleman believe that the Bureau of Standards is doing the Government a sufficiently valuable service to compensate it for the large and increasing annual outlay?

Mr. GILLETT. I most emphatically do, Mr. Chairman, and I will state that while in this bill it looks as if there was a large increase, the gentleman must appreciate that a new building was just completed last year, which will very much enlarge the capacity of the bureau, but will also involve an additional expense. When that is operating, I believe the power of the bureau for usefulness, both to the Government and to the outside public, will be very much increased. I think it is one of the wisest and best expenditures on which the Government has entered.

Mr. SLAYDEN. I hope the gentleman is entirely right. I confess that I do not know enough about the Bureau of Standards to say, but I remember distinctly, for I was here when it started, that they made some extravagant promises as to the insignificant cost of it, and as to the large returns that the Government would receive. Now, my information is that the returns are not coming in in anything like the quantity that was promised at the time that the bureau was established. It is one of those mysterious bureaus of the Government that the average Member of Congress has neither the ability to understand nor the time to investigate, and I confess that my position with reference to it is rather more one of suspicion than knowledge. I doubt whether it is worth as much as it costs.

Mr. MANN. Mr. Chairman, I am going to ask my friend from Texas to examine a few of the publications from the Bureau of Standards which I have taken the trouble to bring down from my committee room to the floor of the House. I may say to him that the Bureau of Standards, in my judgment, is just as important to the construction work of the country and to a certain extent to the manufacturing work as is the Bureau of Plant Industry to the agricultural work of the country.

Mr. Chairman, I do not desire to detain the House, but for the purpose of inserting a little memorandum as to what the Bureau of Standards does I ask leave to extend my remarks in the RECORD.

Mr. SLAYDEN. What I say is not in a spirit of criticism, but I want to get some information. I really wanted to know whether the people were getting anything like value received for the investment.

Mr. MANN. I think it is the best work being done under the Government to-day except perhaps that of the Agricultural Department.

Mr. WEISSE. It is better than that, for it is more correct.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the matter referred to by Mr. MANN:

WHAT THE BUREAU OF STANDARDS IS DOING.

1. Endeavoring to maintain the very best standards possible in weight, length, capacity, heat, light, electricity, and magnetism, compares these standards with those used by the public, devises methods of measuring when necessary, makes possible and encourages correct measurements in scientific work, the industries, and in the ordinary measurements of everyday trade.

2. Determination of standard values of data used in engineering, manufacturing, and scientific work such as specific gravities, electrical properties of materials, heat conductivities, melting points, steam tables, and many other constants where it is as necessary to have correct and uniform values as in the case of measurements.

3. Determining the specific properties of materials, principally materials of construction, with a view to improving the conditions under which they are purchased and used; that is to say, the properties upon which the quality of such material depend; and devising suitable tests for these properties, in order that they may be correctly specified in contracts and tested to see that they conform to specifications.

4. Testing is done for every department and practically all bureaus to ascertain whether supplies purchased conform to specifications. Bureaus are assisted in the preparation of specifications. This particular branch of testing is confined almost wholly to the government service, and the demand for it on the part of other bureaus is far greater than the Bureau of Standards can meet. The work referred to in this paragraph would alone warrant the maintenance of the Bureau of Standards.

The Clerk read as follows:

Supreme Court: Chief Justice of the Supreme Court of the United States, $13,000; 8 associate justices, at $12,500 each; marshal, $5,000; 9 stenographic clerks, 1 for the Chief Justice and 1 for each associate justice, at not exceeding $1,600 each; in all, $132,400.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that. I want to ask the gentleman if this is not an increase of salary?

Mr. TAWNEY. I will state that this increase of salary for the marshal was granted by the committee upon the urgent request of the gentleman from Kentucky [Mr. SHERLEY], who had carefully investigated and found that the salary paid the marshal of the Supreme Court of the United States is very much below the salary paid to the district marshal.

Mr. COX of Indiana. How long has he served at a salary of $3,500 a year?

Mr. TAWNEY. Ever since the control of the Senate passed from the Democratic party to the Republican party. He was formerly the Sergeant-at-Arms of the Senate of the United States, and that has been perhaps longer than the gentleman from Indiana wishes it was, but, nevertheless, it has been so long that I have forgotten.

Mr. COX of Indiana. So long that "the memory of man runneth not to the contrary." Well, he has served so long that I think he can serve a little while longer, and I make the point of order.

The CHAIRMAN. What is the point of order?

Mr. COX of Indiana. That it is an increase of salary from $3,500 to $5,000.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETT. Then, Mr. Chairman, I will offer an amendment to put it back at $3,500.

Mr. MANN. Make it $4,000.

Mr. COX of Indiana. I will accept that.

Mr. GILLETT. Then, Mr. Chairman, I will modify my amendment and make it $4,000.

The amendment was considered and agreed to.

The Clerk read as follows:

District court, Territory of Hawaii: Two judges, at $6,000 each; clerk, $3,000; reporter, $1,200; $16,200.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on the paragraph. I want to ask the gentleman in control of the bill if there is not an increase of salary in that?

Mr. GILLETT. No; the new law was passed last year which changed the salaries, and this accords with the new law.

Mr. COX of Indiana. Is that the same law that increased the salary of the judges in the Territory of Alaska?

Mr. GILLETT. The same.

Mr. COX of Indiana. And there is no increase of salary?

Mr. GILLETT. No increase.

Mr. COX of Indiana. I withdraw the point of order.

The Clerk read as follows:

Retired judges: To pay the salaries of the United States judges retired under section 714 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1911, is hereby appropriated.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word. What does this paragraph mean?

Mr. GILLETT. This is for the judges who resigned and are retired under the law. It gives them a pension or retired pay.

Mr. CLARK of Missouri. Does not the committee know how much it is?

Mr. GILLETT. It is liable to vary in any year. Last year it was $114,519.45. Of course if a judge dies he goes off the list. It is a variable quantity.

Mr. CLARK of Missouri. How many are there retired now?

Mr. GILLETT. I can not tell the gentleman.

Mr. CLARK of Missouri. I withdraw the pro forma amendment.

The Clerk read as follows:

Court of Claims: Chief justice, $6,500; 4 judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,500; clerk, $1,600; 2 clerks, at $1,400 each; stenographer, $1,200; 3 clerks, at $1,200 each; chief messenger, $1,000; 3 firemen; 3 watchmen; elevator conductor, $720; laborer; 2 charwomen; in all, $55,820.

Mr. GILLETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 169, line 7, after the word "dollars," insert the words "two assistant messengers."

Mr. GILLETT. Mr. Chairman, those were omitted by the printer. It is a clerical mistake and is the same appropriation given them always.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That hereafter all supplies of fuel, ice, stationery, and other miscellaneous supplies for the executive departments and other government establishments in Washington, when the public exigencies do not require the immediate delivery of the article, shall be advertised and contracted for by the Secretary of Commerce and Labor, instead of by the several departments and establishments, upon such days as he may designate. There shall be a general supply committee in lieu of the board provided for in section 3709 of the Revised Statutes as amended, composed of officers, one from each such department and other government establishment in Washington, designated by the head thereof, the duties of which committee shall be to make, under the direction of the said Secretary, an annual schedule of required miscellaneous supplies, to standardize such supplies, eliminating all unnecessary grades and varieties, and to aid said Secretary in soliciting bids based upon formulas and specifications drawn up by such experts in the service of the Government as the committee may see fit to call upon, who shall render whatever assistance they may require. The committee shall aid said Secretary in securing the proper fulfillment of the contracts for such supplies, for which purpose the said Secretary shall prescribe, and all departments comply with, rules providing for such examination and tests of the articles received as may be necessary for such purpose; in making additions to the said schedule; in opening and considering the bids, and shall perform such other similar duties as he may assign to them: *Provided*, That the articles intended to be purchased in this manner are those in common use by or suitable to the ordinary needs of two or more such departments or establishments; but the said Secretary shall have discretion to amend the annual common supply schedule from time to time as to any articles that, in his judgment, can as well be thus purchased. In all cases only one bond for the proper performance of each contract shall be required, notwithstanding that supplies for more than one department or government establishment are included in such contract. Every purchase or drawing of such supplies from the contractor shall be immediately reported to said committee. No disbursing officer shall be a member of such committee. No department or establishment shall purchase or draw supplies from the common schedule through more than one office or bureau, except in case of detached bureaus or offices having field or outlying service, which may purchase directly from the contractor with the permission of the head of their department or establishment: *And provided further*, That telephone service, electric light, and power service purchased or contracted for from companies or individuals shall be so obtained by him.

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. FOSTER of Vermont. Do I understand the gentleman from Illinois to say that he makes the point of order?

Mr. MANN. I reserve the point of order.

Mr. TAWNEY. I want to say to the gentleman from Illinois [Mr. MANN] and the gentleman from Vermont [Mr. FOSTER] that this is identically the provision which the House has three times agreed to unanimously.

Mr. FOSTER of Vermont. I want to say to the gentleman from Minnesota that I think this is a proper matter for my Committee on Expenditures in the Department of Commerce and Labor, and we propose to take the matter up. I shall make the point of order, I will say to the gentleman, though he may explain the matter.

Mr. TAWNEY. If the gentleman will study this provision, he will see that it does not relate to the Department of Commerce and Labor alone. Under existing law each department must contract for its miscellaneous supplies independent of contracts made by and for other departments.

Now, the House has three times passed this provision, but because it was new legislation on an appropriation bill and being related in some way, as it is supposed at the other end of the Capitol, to what is known as the "Keep commission," the House conferees have never been able to induce the Senate conferees to agree to it.

On the 13th of May last the President appointed the committee this provision authorizes. That is a general purchasing committee. That committee has standardized the miscellaneous supplies of the various departments of the Government, and as a result of that standardization and the work of the committee in the first six months of its existence there was a net saving in the purchase of miscellaneous supplies of $188,015. The difficulty now is that the system of contracting for these supplies is a system governed by law. The effect of this will be to authorize the Department of Commerce and Labor to contract the miscellaneous supplies for all the departments instead of one department, or each department contracting separately. In that way we will do away with the purchasing agents in all of the several departments.

Prior to the appointment of this committee there were no two departments paying the same price for identically the same miscellaneous supplies. When the committee had hearings on this matter some years ago it appeared that the difference in the style, price, and character of lead pencils, for example, in one department aggregated something like 300 different styles of pencils, and it took three different sheets of paper to describe the specifications in regard to lead pencils for one department alone. The only object of this is to continue the committee that has been created by order of the President, which the President was authorized to create, because he selected merely the representatives from the different departments to constitute this committee and perform the work of standardization of miscellaneous supplies, but he could not authorize one department to enter into yearly contracts for all the departments, because each department is required by law to contract as the needs of the service in the department may require. I trust that there will be no point of order made.

Mr. FOSTER of Vermont. Mr. Chairman, I want to say to the gentleman that I think this is a good provision, but it has no business on an appropriation bill. Our committee will bring in legislation to this effect.

Mr. GILLETT. Mr. Chairman, we have no desire to encroach upon the province of the gentleman's committee, but there is opposition to this in the other branch, and there has been three different times. Now, a bill which is reported from the gentleman's committee and which goes through the House will be simply pigeonholed over there, whereas if you get it on an appropriation bill, they can not, at least, pigeonhole it, and we will have a chance to get it into conference and we may win out.

Mr. TAWNEY. Let me say to the gentleman from Vermont that his committee has not jurisdiction on this subject. His committee has jurisdiction over the expenditures in the Department of Commerce, but this is not for expenditures in the Department of Commerce alone, on account of miscellaneous supplies, but for all departments.

Mr. FOSTER of Vermont. I know.

Mr. TAWNEY. If it is not agreeable to the gentleman he can strike out the Department of Commerce and authorize the Treasury Department to make the contract.

Mr. FOSTER of Vermont. That provision is highly agreeable to me, except it should come in as a piece of independent legislation.

Mr. TAWNEY. This legislation has already passed the House three times by unanimous consent——

Mr. FOSTER of Vermont. But why should the distinguished gentleman break the rules of the House?

Mr. TAWNEY. Simply because we discovered these abuses. We discovered that different bureaus in the same department

were paying different prices for identically the same thing, and that difference amounted to as much as 50 and 75 cents.

Mr. FOSTER of Vermont. Certainly; that is all true.

Mr. TAWNEY. And unless the Committee on Appropriations had initiated this, it would never have been pointed out to the Executive in the first place.

Mr. FOSTER of Vermont. It seems to me this should go through the proper committee.

Mr. MANN. Under what provision would the gentleman's committee have jurisdiction of this subject anyhow?

Mr. FOSTER of Vermont. I am not certain it would have jurisdiction, but I was under the impression it would have.

Mr. MANN. I have read very carefully Rule XLII.

Mr. FOSTER of Vermont. But my point is—I only threw that in incidentally—that there seems to me there is some committee that has jurisdiction over that matter. We all understand perfectly well the attitude of the gentleman from Minnesota if another committee encroaches upon the prerogatives of his committee in any way——

Mr. TAWNEY. I trust the gentleman from Vermont will not insist after this House has three times by unanimous consent passed this provision.

Mr. FOSTER of Vermont. The gentleman from Illinois reserved the point of order.

Mr. MANN. I will be very frank with the gentleman. I did not recall the matter when it was first read, and I thought we had better have an explanation. I now recall we have discussed this several times before, and I have no doubt if this amendment is made in the form of an enactment it will be of great benefit to the Government. When this was first read without an explanation I did not know it was the same provision that we had agreed to once before. I expect we will never get it enacted into law except upon an appropriation bill, and I am not at all sure we will get it enacted into law if we put it on an appropriation bill; but so far as I am concerned, I will withdraw the point of order.

Mr. FOSTER of Vermont. I shall yield to the gentleman from Illinois.

The Clerk resumed and concluded the reading of the bill.

Mr. GILLETT. Mr. Chairman, I move the committee do now rise and report the bill and amendments favorably to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DALZELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 22643, the legislative, executive, and judicial appropriation bill, and had instructed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. GILLETT. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. BENNET of New York. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations, and upon that I move the previous question.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BENNET of New York. I am.

Mr. FOSTER of Illinois. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. FOSTER of Illinois. I rise to move to recommit the bill with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FOSTER of Illinois. I am opposed to the bill.

The SPEAKER. For what purpose does the gentleman from Indiana [Mr. CULLOP] rise?

Mr. CULLOP. I move to recommit the bill, with instructions. I am opposed to the bill.

Mr. BENNET of New York. Mr. Speaker, I move to recommit the bill. I am opposed to it, and I move the previous question on my motion.

The SPEAKER. The Chair is trying to ascertain. Neither of the three gentlemen, rising at substantially the same time, are on the Committee on Appropriations. Neither one, so far as the Chair can determine, has any prior title to recognition, and therefore the Chair under that condition will recognize the gentleman on the majority side.

Mr. JAMES. A point of order, Mr. Chairman.

Mr. BENNET of New York. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations.

Mr. JAMES. The gentleman from Illinois [Mr. FOSTER] first addressed the Chair, and, on all fair procedure, is first entitled to recognition.

The SPEAKER. They all rose substantially at the same time. The first gentleman to speak was the gentleman from New York [Mr. BENNET].

Mr. JAMES. Of course, I do not want to dispute the Speaker's word, but I think the Speaker is mistaken.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Ought any motion to recommit with instructions take precedence over the other, taking it for granted they all rose simultaneously? Now, the reason for that seems to me to be this——

The SPEAKER. There can be but one motion to recommit, and the motion to recommit with instructions is, in fact, substantially the same as the motion to recommit. A motion to recommit is amendable with instructions, provided the motion for the previous question is defeated. They are, in fact, therefore the same motions. And the Chair may state further that the practice of the House has been, so far as the Chair recollects, on motions to recommit, prior to the adoption of the late rule upon that subject, to recognize a friend of the bill. The interjection of the motion to refer after the previous question is ordered is an anomalous proceeding, and in order only because of a special provision of the rules. The object of this provision was, as the Chair has always understood, that the motion should be made by one friendly to the bill, for the purpose of giving one more chance to perfect it, as perchance there might be some error that the House desired to correct. But since the adoption of the late rule upon this subject, the Chair is compelled, provided some one arises and moves to recommit the bill, to submit the question: "Is the gentleman opposed to the bill?" And if so, the Chair, following the kindred practice of the House, would have recognized some one on the Committee on Appropriations who was opposed to the bill. But no one arising, the Chair is at liberty to recognize any gentleman that arises to make the motion. The gentleman from New York [Mr. BENNET], who first addressed the Chair, states that he is opposed to the bill, and therefore the Chair recognizes the gentleman from New York.

Mr. BENNET of New York. Mr. Speaker, I move the previous question on my motion.

Mr. FOSTER of Illinois. Mr. Speaker——

Mr. CULLOP. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. FOSTER] rise?

Mr. FOSTER of Illinois. I desire respectfully to appeal from the decision of the Chair.

The SPEAKER. It is a question of recognition, and the gentleman is quite aware that upon a question of recognition an appeal from the Chair has never, at least for a generation, been entertained. Now, the gentlemen can arrive at the object they desire to reach, if it is the sense of the majority, by voting down the motion for the previous question. An opportunity will then be given to amend the motion to recommit with instructions, and it is quite within the power of the majority to work its will.

Mr. CULLOP. Mr. Speaker, I desire to offer an amendment to the motion of the gentleman from New York [Mr. BENNET].

The SPEAKER. But the gentleman has demanded the previous question.

Mr. BENNET of New York. I move the previous question.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the gentleman can not make the motion for the previous question.

The SPEAKER. The Chair would be glad to hear the gentleman from New York.

Mr. FITZGERALD. While the gentleman's motion to recommit is preferential, it does not carry with it the right to control the floor so as to cut off other gentlemen. For instance, if the gentleman in charge of the bill desires to offer an amendment, he has the floor; but surely, as to whether the House shall order the previous question——

The SPEAKER. The Chair will state to the gentleman from New York that the gentleman in charge of the bill has not desired debate; and if he desired to debate, he could not, because the previous question has been moved and ordered on the bill and is now moved upon the motion to recommit.

Mr. FITZGERALD. I call the attention of the Chair to what the practice has been, as indicated by the Speaker himself

when a motion was made to recommit the tariff bill with instructions. The Speaker indicated and held the gentleman from Missouri was entitled to make that motion, because it was a preferential motion and, as senior member of the Ways and Means Committee on the minority side, he was the one who was entitled, in preference to anybody else opposed to the bill, and the gentleman in charge of the bill still had the right on that to demand the previous question.

The SPEAKER. The Chair does not agree with the gentleman as to that case.

Mr. FITZGERALD. The case cited is identical.

The SPEAKER. The Chair does not think that that case has arisen; therefore it is not necessary for the Chair to rule upon that point. The precedent the gentleman from New York cites is not on all fours with this case.

The question was taken on ordering the previous question, and the Speaker announced that the ayes seemed to have it.

Mr. FOSTER of Illinois. Yeas and nays!

The yeas and nays were ordered.

The question was taken; and there were—yeas 97, nays 110, answered "present" 19, not voting 162, as follows:

YEAS—97.

Ames	Gardner, Mich.	Keifer	Scott
Barnard	Gardner, N. J.	Kendall	Sheffield
Bates	Garner, Pa.	Kennedy, Iowa	Slemp
Bennet, N. Y.	Gillett	Kinkaid, Nebr.	Smith, Iowa
Brownlow	Goebel	Kopp	Southwick
Burke, S. Dak.	Good	Küstermann	Stafford
Cocks, N. Y.	Graff	Langley	Steenerson
Cole	Graham, Pa.	Lawrence	Sterling
Cook	Grant	McCreary	Stevens, Minn.
Cooper, Pa.	Greene	McCredie	Sulloway
Coudrey	Griest	McGuire, Okla.	Tawney
Cowles	Hamilton	McKinney	Taylor, Ohio
Creager	Hanna	McLachlan, Cal.	Thistlewood
Currier	Hawley	Mann	Tilson
Dalzell	Hayes	Miller, Minn.	Tirrell
Dodds	Higgins	Moore, Pa.	Townsend
Dwight	Hollingsworth	Morgan, Mo.	Volstead
Ellis	Howell, N. J.	Morgan, Okla.	Wanger
Englebright	Howell, Utah	Murphy	Weeks
Fairchild	Howland	Nye	Wheeler
Fassett	Huff	Payne	Wood, N. J.
Fish	Hughes, W. Va.	Pickett	Young, Mich.
Fordney	Hull, Iowa	Plumley	
Foss	Johnson, Ohio	Pray	
Foster, Vt.	Joyce	Rodenberg	

NAYS—110.

Adamson	Edwards, Ga.	Johnson, Ky.	Rauch
Aiken	Ferris	Johnson, S. C.	Robinson
Alexander, Mo.	Finley	Jones	Roddenbery
Anderson	Fitzgerald	Kinkead, N. J.	Rothermel
Ansberry	Floyd, Ark.	Kitchin	Rucker, Mo.
Barnhart	Foster, Ill.	Latta	Sabath
Beall, Tex.	Gallagher	Lee	Shackleford
Bell, Ga.	Garner, Tex.	Lloyd	Sharp
Boober	Garrett	McDermott	Sheppard
Borland	Gill, Mo.	McHenry	Sims
Brantley	Gillespie	Madison	Sisson
Burnett	Gordon	Maguire, Nebr.	Slayden
Byrd	Gregg	Martin, Colo.	Small
Candler	Gronna	Martin, S. Dak.	Smith, Tex.
Cantrill	Hamlin	Moon, Tenn.	Spight
Clark, Mo.	Hammond	Moore, Tex.	Stanley
Cline	Hardy	Morrison	Stephens, Tex.
Collier	Hay	Moss	Talbott
Cox, Ind.	Heflin	Murdock	Taylor, Colo.
Cox, Ohio	Henry, Tex.	Nelson	Thomas, Ky.
Craig	Hitchcock	Nicholls	Thomas, N. C.
Cullop	Hobson	Norris	Tou Velle
Davis	Houston	Oldfield	Watkins
Denver	Hughes, Ga.	Padgett	Weisse
Dickinson	Hughes, N. J.	Palmer, A. M.	Wilson, Pa.
Dickson, Miss.	Hull, Tenn.	Poindexter	Woods, Iowa
Dies	Humphreys, Miss.	Rainey	
Dixon, Ind.	Jamieson	Randell, Tex.	

ANSWERED "PRESENT"—19.

Andrus	Butler	Clark, Fla.	Hubbard, W. Va.
Ashbrook	Byrns	Clayton	James
Barchfeld	Calder	Driscoll, D. A.	Lever
Bartlett, Ga.	Carter	Glass	Russell
Bradley	Cassidy	Graham, Ill.	

NOT VOTING—162.

Adair	Cary	Estopinal	Helm
Alexander, N. Y.	Chapman	Flood, Va.	Henry, Conn.
Allen	Clayton	Focht	Hill
Anthony	Conry	Foelker	Hinshaw
Austin	Cooper, Wis.	Fornes	Howard
Barclay	Covington	Foulkrod	Hubbard, Iowa
Bartholdt	Cravens	Fowler	Humphrey, Wash.
Bartlett, Nev.	Crow	Fuller	Kahn
Bennett, Ky.	Crumpacker	Gaines	Kelliher
Bingham	Davidson	Gardner, Mass.	Kennedy, Ohio
Boehne	Dawson	Gill, Md.	Knapp
Boutell	Denby	Gilmore	Knowland
Bowers	Dent	Godwin	Korbly
Broussard	Diekema	Goldfogle	Kronmiller
Burgess	Douglas	Goulden	Lafean
Burke, Pa.	Draper	Guernsey	Lamb
Burleigh	Driscoll, M. E.	Hamer	Langham
Burleson	Durey	Hamill	Law
Calderhead	Edwards, Ky.	Hardwick	Legare
Campbell	Ellerbe	Harrison	Lenroot
Capron	Elvins	Haugen	Lindbergh
Carlin	Esch	Heald	Lindsay
Livingston	Moon, Pa.	Pujo	Sturgiss
Longworth	Morehead	Ransdell, La.	Sulzer
Loud	Morse	Reeder	Swasey
Loudenslager	Moxley	Reid	Taylor, Ala.
Lowden	Mudd	Reynolds	Tener
Lundin	Needham	Rhinock	Thomas, Ohio
McCall	O'Connell	Richardson	Underwood
McKinlay, Cal.	Olcott	Riordan	Vreeland
McKinley, Ill.	Olmsted	Roberts	Wallace
McLaughlin, Mich.	Page	Rucker, Colo.	Washburn
McMorran	Palmer, H. W.	Saunders	Webb
Macon	Parker	Sherley	Wickliffe
Madden	Parsons	Sherwood	Wiley
Malby	Patterson	Simmons	Willett
Maynard	Pearre	Smith, Cal.	Wilson, Ill
Mays	Peters	Smith, Mich.	Woodyard
Miller, Kans.	Pou	Snapp	Young, N. Y.
Millington	Pratt	Sparkman	
Mondell	Prince	Sperry	

So the previous question was rejected.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Mr. MOREHEAD with Mr. POU.

Mr. BOUTELL with Mr. BROUSSARD.

Mr. CALDER with Mr. CONRY.

Mr. ANDRUS with Mr. RIORDAN.

Mr. MCMORRAN with Mr. PUJO.

Mr. BRADLEY with Mr. GOULDEN.

Mr. HILL with Mr. GLASS.

Mr. YOUNG of New York with Mr. FORNES.

Mr. WOODYARD with Mr. HARDWICK.

Until further notice:

Mr. ANTHONY with Mr. ADAIR.

Mr. BINGHAM with Mr. BARTLETT of Nevada.

Mr. BURKE of Pennsylvania with Mr. BURLESON.

Mr. BURLEIGH with Mr. ELLERBE.

Mr. CAMPBELL with Mr. ESTOPINAL.

Mr. DAWSON with Mr. FLOOD of Virginia.

Mr. EDWARDS of Kentucky with Mr. GILMORE.

Mr. ESCH with Mr. HAMILL.

Mr. HENRY of Connecticut with Mr. HARRISON.

Mr. KNOWLANDS with Mr. PAGE.

Mr. BARTHOLDT with Mr. LIVINGSTON.

Mr. MCLAUGHLIN of Michigan with Mr. MACON.

Mr. MILLER of Kansas with Mr. MAYNARD.

Mr. MOON of Pennsylvania with Mr. MAYS.

Mr. MOXLEY with Mr. PATTERSON.

Mr. PEARRE with Mr. RICHARDSON.

Mr. PRATT with Mr. RUCKER of Colorado.

Mr. PRINCE with Mr. SAUNDERS.

Mr. REYNOLDS with Mr. SULZER.

Mr. SIMMONS with Mr. UNDERWOOD.

Mr. VREELAND with Mr. SPARKMAN.

Mr. MADDEN with Mr. WEBB.

Mr. MUDD with Mr. WICKLIFFE.

Mr. MCKINLAY of California with Mr. CLARK of Florida.

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. MCKINLEY of Illinois with Mr. HOWARD.

Mr. AUSTIN with Mr. WILLETT.

Mr. ALEXANDER of New York with Mr. CARLIN.

Mr. HEALD with Mr. RHINOCK.

Mr. LOWDEN with Mr. CRAVENS.

Mr. GAINES with Mr. LINDSAY.

Mr. OLCOTT with Mr. CLAYTON.

Mr. SNAPP with Mr. GODWIN.

Mr. DENBY with Mr. GRAHAM of Illinois.

Mr. STURGISS with Mr. WALLACE.

Mr. FOULKROD with Mr. KELIHER.

Mr. OLMSTED with Mr. JAMES.

Mr. FULLER with Mr. LEGARE.

Mr. DUREY with Mr. HELM.

Mr. CAPRON with Mr. O'CONNELL.

Mr. CROW with Mr. GILL of Maryland.

Mr. CALDERHEAD with Mr. COVINGTON.

Mr. LUNDIN with Mr. PETERS.

Mr. MILLINGTON with Mr. REID.

Mr. SWASEY with Mr. TAYLOR of Alabama.

For this day:

Mr. FOELKER with Mr. GOLDFOGLE.

Mr. KAHN with Mr. CARTER.

Mr. MALBY with Mr. BOWERS.

Mr. KNAPP with Mr. DENT.

On this vote:

Mr. DRAPER with Mr. LAMB.

Until Friday, March 18:

Mr. DIEKEMA with Mr. SHERWOOD.

For one week:

Mr. MICHAEL E. DRISCOLL with Mr. DANIEL A. DRISCOLL.

From March 9 until March 14:
Mr. LAW with Mr. BOEHNE.
From March 3 to March 20:
Mr. CASSIDY with Mr. BURGESS.
From to-day until March 21:
Mr. ELVINS with Mr. KORBLY.
From to-day until March 21, inclusive:
Mr. TENER with Mr. BYRNS.
From March 12 until March 21:
Mr. CHAPMAN with Mr. LEVER.
From and including to-day until March 25, inclusive:
Mr. BARCHFELD with Mr. SHERLEY.

Mr. BYRNS. Mr. Speaker, I wish to ask if the gentleman from Pennsylvania [Mr. TENER] has voted?

The SPEAKER. He did not vote.

Mr. BYRNS. I desire to withdraw my vote in the negative, and to vote "present."

Mr. CALDER. I desire to know if the gentleman from New York [Mr. CONRY] is recorded as voting?

The SPEAKER. He is not.

Mr. CALDER. I desire to withdraw my vote, and vote "present."

Mr. BARTLETT of Georgia. I desire to know if the gentleman from Pennsylvania [Mr. BUTLER] has voted?

The SPEAKER. He voted "present."

Mr. BARTLETT of Georgia. Not knowing how he had voted, I also voted "present."

Mr. JAMES. I desire to inquire if the gentleman from Pennsylvania [Mr. OLMSTED] has voted?

The SPEAKER. He did not vote.

Mr. JAMES. I have a general pair with him, and I desire to withdraw my vote in the negative and vote "present."

The result of the vote was announced, as above recorded.

Mr. FOSTER of Illinois. Mr. Speaker——

Mr. GILLETT. Mr. Speaker, I move that the House do now adjourn.

Mr. FOSTER of Illinois. I desire to offer a substitute motion——

The SPEAKER. The Chair will recognize the gentleman when a superior motion is not pending. The gentleman from Massachusetts moves that the House do now adjourn.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. GILLETT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. RUCKER of Missouri. Mr. Speaker, in view of the lateness of the hour, is it not possible to ginger the reading clerk a little bit and make him move along a little faster?

The SPEAKER. That is—a parliamentary inquiry. [Laughter.]

The question was taken; and there were—yeas 100, nays 110, answered "present" 15, not voting 163, as follows:

YEAS—100.

Ames	Foster, Vt.	Joyce	Plumley
Barnard	Gardner, Mich.	Keifer	Pray
Bates	Gardner, N. J.	Kendall	Reeder
Bennet, N. Y.	Garner, Pa.	Kennedy, Iowa	Rodenberg
Brownlow	Gillett	Kopp	Scott
Burke, S. Dak.	Goebel	Küstermann	Sheffield
Calderhead	Good	Langley	Slemp
Cocks, N. Y.	Graff	Lawrence	Smith, Iowa
Cole	Graham, Pa.	McCreary	Southwick
Cook	Grant	McCredie	Stafford
Cooper, Pa.	Greene	McGuire, Okla.	Steenerson
Coudrey	Griest	McKinney	Sterling
Cowles	Hamilton	McLachlan, Cal.	Stevens, Minn.
Creager	Hanna	McLaughlin, Mich.	Sulloway
Currier	Hawley	Mann	Tawney
Dalzell	Hayes	Martin, S. Dak.	Thistlewood
Dodds	Higgins	Miller, Minn.	Tilson
Draper	Hollingsworth	Moore, Pa.	Tirrell
Dwight	Howell, N. J.	Morgan, Mo.	Townsend
Ellis	Howell, Utah	Morgan, Okla.	Volstead
Fairchild	Howland	Morse	Wanger
Fassett	Hubbard, W. Va.	Murphy	Weeks
Fish	Huff	Nye	Wheeler
Fordney	Hughes, W. Va.	Payne	Wood, N. J.
Foss	Johnson, Ohio	Pickett	Young, Mich.

NAYS—110.

Adamson	Cline	Fitzgerald	Henry, Tex.
Aiken	Collier	Floyd, Ark.	Hitchcock
Alexander, Mo.	Cooper, Wis.	Foster, Ill.	Hobson
Anderson	Cox, Ind.	Gallagher	Houston
Ansberry	Cox, Ohio	Garner, Tex.	Hughes, Ga.
Barnhart	Craig	Garrett	Hughes, N. J.
Beall, Tex.	Cullop	Gill, Mo.	Hull, Tenn.
Bell, Ga.	Davis	Gillespie	Humphreys, Miss.
Booher	Denver	Gordon	Jamieson
Borland	Dickinson	Gregg	Johnson, Ky.
Brantley	Dickson, Miss.	Gronna	Jones
Burnett	Dies	Hamlin	Kinkaid, Nebr.
Byrd	Dixon, Ind.	Hardy	Kinkead, N. J.
Candler	Edwards, Ga.	Haugen	Kitchin
Cantrill	Ferris	Hay	Latta
Clark, Mo.	Finley	Heflin	Lee
Lloyd	Nicholls	Rucker, Mo.	Stephens, Tex.
McDermott	Norris	Russell	Taylor, Colo.
McHenry	Oldfield	Sabath	Thomas, Ky.
Madison	Padgett	Shackleford	Thomas, N. C.
Maguire, Nebr.	Palmer, A. M.	Sharp	Tou Velle
Martin, Colo.	Poindexter	Sheppard	Watkins
Moon, Tenn.	Rainey	Sims	Weisse
Moore, Tex.	Randell, Tex.	Sisson	Wickliffe
Morrison	Rauch	Small	Wilson, Pa.
Moss	Robinson	Smith, Tex.	Woods, Iowa
Murdock	Roddenbery	Spight	
Nelson	Rothermel	Stanley	

ANSWERED "PRESENT"—15.

Andrus	Byrns	Clayton	James
Ashbrook	Calder	Driscoll, D. A.	Lever
Bartlett, Ga.	Carter	Graham, Ill.	Morehead
Bradley	Cassidy	Hardwick	

NOT VOTING—163.

Adair	Ellerbe	Kronmiller	Pou
Alexander, N. Y.	Elvins	Lafean	Pratt
Allen	Englebright	Lamb	Prince
Anthony	Esch	Langham	Pujo
Austin	Estopinal	Law	Ransdell, La.
Barchfeld	Flood, Va.	Legare	Reid
Barclay	Focht	Lenroot	Reynolds
Bartholdt	Foelker	Lindbergh	Rhinock
Bartlett, Nev.	Fornes	Lindsay	Richardson
Bennett, Ky.	Foulkrod	Livingston	Riordan
Bingham	Fowler	Longworth	Roberts
Boehne	Fuller	Loud	Rucker, Colo.
Boutell	Gaines	Loudenslager	Saunders
Bowers	Gardner, Mass.	Lowden	Sherley
Broussard	Gill, Md.	Lundin	Sherwood
Burgess	Gilmore	McCall	Simmons
Burke, Pa.	Glass	McKinlay, Cal.	Slayden
Burleigh	Godwin	McKinley, Ill.	Smith, Cal.
Burleson	Goldfogle	McMorran	Smith, Mich.
Butler	Goulden	Macon	Snapp
Campbell	Guernsey	Madden	Sparkman
Capron	Hamer	Malby	Sperry
Carlin	Hamill	Maynard	Sturgiss
Cary	Hammond	Mays	Sulzer
Chapman	Harrison	Miller, Kans.	Swasey
Clark, Fla.	Heald	Millington	Talbott
Clayton	Helm	Mondell	Taylor, Ala.
Conry	Henry, Conn.	Moon, Pa.	Taylor, Ohio
Covington	Hill	Moxley	Tener
Cravens	Hinshaw	Mudd	Thomas, Ohio
Crow	Howard	Needham	Underwood
Crumpacker	Hubbard, Iowa	O'Connell	Vreeland
Davidson	Hull, Iowa	Olcott	Wallace
Dawson	Humphrey, Wash.	Olmsted	Washburn
Denby	Johnson, S. C.	Page	Webb
Dent	Kahn	Palmer, H. W.	Wiley
Diekema	Keliher	Parker	Willett
Douglas	Kennedy, Ohio	Parsons	Wilson, Ill.
Driscoll, M. E.	Knapp	Patterson	Woodyard
Durey	Knowland	Pearre	Young, N. Y.
Edwards, Ky	Korbly	Peters	

So the House refused to adjourn.

The following additional pairs were announced:

Until further notice:

Mr. CARY with Mr. JOHNSON of South Carolina.
Mr. DOUGLAS with Mr. RANDELL.
Mr. MCCALL with Mr. CLAYTON.
Mr. OLCOTT with Mr. TALBOTT.
Mr. ENGLEBRIGHT with Mr. HAMMOND.

For the balance of the day:

Mr. TAYLOR of Ohio with Mr. SLAYDEN.

The result of the vote was then announced as above recorded.

Mr. FOSTER of Illinois. Mr. Speaker, I move to amend the motion to recommit, with the following instructions.

The Clerk read as follows:

Amend by adding "with instruction to report forthwith as follows: By striking out all of line for automobiles for Vice-President and Speaker, and insert that the amount, as specified on page 13, lines 6, 7, and 8, be reduced from $50,000 to $35,000.

"The amount specified on page 29, lines 1 to 5, inclusive, be reduced to $50,000; that the item on page 72, lines 16 to 20, amend by reducing the amount from $100,000 to $75,000."

Mr. TAWNEY. Mr. Speaker, I ask to have the amendment reported again.

The SPEAKER. Without objection, the amendment will be again reported, because it is difficult to ascertain its scope. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

On page 13, lines 6, 7, and 8, be amended so as to read:

"For miscellaneous items, exclusive of labor and expense of driving, maintenance, and care of automobiles for the Vice-President, $35,000."

On page 29, lines 1 to 5, inclusive, be amended so as to read:

"For miscellaneous items and expense of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, and for expense of driving, maintenance, and care of automobiles for the Speaker, $50,000."

On page 72, lines 16 to 20 be amended so as to read:

"For expenses of collecting the corporation tax authorized by the act approved August 5, 1909, to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes, $75,000."

Mr. TAWNEY and Mr. CULLOP rose.

Mr. FOSTER of Illinois. Mr. Speaker——

The SPEAKER. The Chair thinks the gentleman from Indiana [Mr. CULLOP] is entitled to recognition next.

Mr. CULLOP. Mr. Speaker, I offer the following amendment to the amendment.

Mr. FOSTER of Illinois. Mr. Speaker, did I surrender the floor when I offered this amendment?

The SPEAKER. There is no debate, as the previous question is operating.

Mr. BARTLETT of Georgia. The previous question was defeated, was it not?

Mr. FOSTER of Illinois. I thought I had the floor and the right to make any additional motion. I want to demand the previous question on my amendment.

The SPEAKER. The Chair, on second thought, would recognize the gentleman for such motion as he desires to make before he recognizes anybody else.

Mr. FOSTER of Illinois. Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from Illinois demands the previous question upon his amendment.

Mr. CULLOP. Mr. Speaker, I had been recognized.

The SPEAKER. Well, after all is said and done, the gentleman from Illinois should not suffer because of the Chair's oversight. The previous question originally ordered upon the bill to final passage cuts off debate; but now the previous question was voted down upon the motion to recommit, which throws the motion open to amendment. The gentleman from Illinois, having the prior right to recognition and being the leading opponent to the motion for the previous question, is recognized and is entitled to make any parliamentary motion that seems to him proper.

Mr. FOSTER of Illinois. I demand the previous question on my amendment, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Illinois to order the previous question on his amendment.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is upon the amendment containing the instructions to the motion to recommit.

Mr. FOSTER of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSTER of Illinois. I thought my motion was an amendment to the motion of the gentleman from New York [Mr. BENNET].

The SPEAKER. It is; but the amendment which contains the instructions must be agreed to by the House. The question is on agreeing to the amendment of the gentleman from Illinois containing the instructions.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the motion to recommit with the instructions——

Mr. FITZGERALD. Mr. Speaker, the Clerk in reporting the effect of the amendment, it seems to me, did not report exactly what the amendment would accomplish.

The SPEAKER. The Clerk informs the Chair that it was reported just as it reads.

Mr. FITZGERALD. The Clerk did not, if I may be permitted to say so. The Clerk reported that certain paragraphs were stricken out, which included a number of items.

The SPEAKER. It is a question of fact. The Clerk, without objection, will again report the effect of the amendment, if that is what the gentleman desires.

Mr. FITZGERALD. Yes.

The Clerk read as follows:

Page 13, amend lines 6, 7, and 8 so as to read:
"For miscellaneous items, exclusive of labor, and for expense of driving, maintenance, and care of automobiles for the Vice-President, $35,000."

Mr. FITZGERALD. Mr. Speaker, I submit that that is not the effect of the instructions. The instructions are to strike out all allowance for automobiles for the Vice-President.

Mr. GILLETT. Oh, no; they were not.

The SPEAKER. The Clerk will again read the instructions.

Mr. FOSTER of Illinois. I suggest that the first part of the amendment strikes out all allowance for automobiles for the Vice-President and the Speaker.

Mr. TAWNEY. That would be the effect of the amendment by reducing the amount $15,000.

Mr. FITZGERALD. No; it would not.

The SPEAKER. The Clerk will again read the instructions.

The Clerk read as follows:

Amend by adding "with instructions to report forthwith, amending as follows: By striking out all allowance for automobiles for the Vice-President and the Speaker, and that the amount as specified on page 15, lines 6, 7, and 8, be reduced from $50,000 to $35,000."

Mr. FITZGERALD. I submit that not only reduces the amount, but it strikes out the language permitting the expenditure for that purpose.

The SPEAKER. The instructions, as the Chair understands them, on page 13 would strike out the words "and for expense of driving, maintenance, and care of automobiles for the Vice-President," and would strike out "$50,000" and insert "$35,000."

The Clerk read as follows:

So as to read:
"For miscellaneous items, exclusive of labor, $35,000."
Page 29, lines 2 to 5, inclusive:
"Be reduced to $50,000."

The SPEAKER. The first part of the prior amendment strikes out on page 29 these words:

And for expense of driving, maintenance, and care of automobiles for the Speaker.

And reduces the $75,000 to $50,000.

The Clerk will read the paragraph as amended.

The Clerk read as follows:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $50,000.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

For expenses of collecting corporation tax authorized by the act approved August 5, 1909, to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, $75,000.

The SPEAKER. The amendments are perfectly clear. Now, the question is on agreeing to the motion to recommit with instructions.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GILLETT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 94, answered "present" 16, not voting 164, as follows:

YEAS—113.

Adamson	Dies	Johnson, Ky.	Rhinock
Aiken	Dixon, Ind.	Johnson, S. C.	Robinson
Alexander, Mo.	Edwards, Ga.	Kendall	Roddenbery
Anderson	Ferris	Kinkaid, Nebr.	Rothermel
Ansberry	Finley	Kinkead, N. J.	Rucker, Mo.
Barnard	Fitzgerald	Kitchin	Sabath
Barnhart	Floyd, Ark.	Lamb	Shackleford
Beall, Tex.	Foster, Ill.	Latta	Sharp
Bell, Ga.	Gallagher	Lee	Sheppard
Booher	Garner, Tex.	Lloyd	Sims
Borland	Garrett	McDermott	Sisson
Brantley	Gill, Mo.	McHenry	Small
Burnett	Gordon	Madison	Smith, Tex.
Byrd	Gregg	Maguire, Nebr.	Spight
Candler	Gronna	Martin, Colo.	Stanley
Cantrill	Hamlin	Moore, Tex.	Stephens, Tex.
Clark, Mo.	Hardy	Morrison	Taylor, Colo.
Cline	Haugen	Moss	Thomas, Ky.
Collier	Hay	Murdock	Thomas, N. C.
Cooper, Wis.	Helm	Nelson	Tou Velle
Cox, Ind.	Henry, Tex.	Nicholls	Townsend
Cox, Ohio	Hitchcock	Norris	Watkins
Craig	Hobson	Oldfield	Weisse
Cullop	Houston	Padgett	Wickliffe
Davis	Hughes, Ga.	Palmer, A. M.	Wilson, Pa.
Dent	Hughes, N. J.	Poindexter	Woods, Iowa
Denver	Hull, Tenn.	Rainey	
Dickinson	Humphreys, Miss.	Randell, Tex.	
Dickson, Miss.	Jamieson	Rauch	

NAYS—94.

Ames	Fish	Joyce	Plumley
Andrus	Fordney	Keifer	Pray
Bates	Foss	Kopp	Reeder
Bennet, N. Y.	Gardner, Mich.	Küstermann	Rodenberg
Bradley	Gardner, N. J.	Langley	Scott
Brownlow	Garner, Pa.	Lawrence	Sheffield
Burke, Pa.	Gillett	McCreary	Smith, Iowa
Burke, S. Dak.	Goebel	McCredie	Southwick
Calderhead	Good	McGuire, Okla.	Stafford
Cocks, N. Y.	Graff	McLachlan, Cal.	Steenerson
Cole	Graham, Pa.	McLaughlin, Mich.	Sterling
Cook	Grant	Mann	Stevens, Minn.
Cooper, Pa.	Greene	Martin, S. Dak.	Sulloway
Coudrey	Griest	Miller, Minn.	Tawney
Cowles	Hamilton	Moon, Pa.	Thistlewood
Creager	Hanna	Moore, Pa.	Tilson
Currier	Hawley	Morgan, Mo.	Tirrell
Dalzell	Higgins	Morgan, Okla.	Volstead
Dodds	Hollingsworth	Morse	Wanger
Draper	Howell, N. J.	Murphy	Weeks
Dwight	Howell, Utah	Nye	Wheeler
Ellis	Howland	Parsons	Young, Mich.
Fairchild	Huff	Payne	
Fassett	Hughes, W. Va.	Pickett	

ANSWERED "PRESENT"—16.

Ashbrook	Carter	Goldfogle	Lever
Bartlett, Ga.	Cassidy	Graham, Ill.	Morehead
Byrns	Driscoll, D. A.	Hardwick	Russell
Calder	Gillespie	James	Slemp

NOT VOTING—164.

Adair	Englebright	Knowland	Peters
Alexander, N. Y.	Esch	Korbly	Pou
Allen	Estopinal	Kronmiller	Pratt
Anthony	Flood, Va.	Lafean	Prince
Austin	Focht	Langham	Pujo
Barchfeld	Foelker	Law	Ransdell, La.
Barclay	Fornes	Legare	Reid
Bartholdt	Foster, Vt.	Lenroot	Reynolds
Bartlett, Nev.	Foulkrod	Lindbergh	Richardson
Bennett, Ky.	Fowler	Lindsay	Riordan
Bingham	Fuller	Livingston	Roberts
Boehne	Gaines	Longworth	Rucker, Colo.
Boutell	Gardner, Mass.	Loud	Saunders
Bowers	Gill, Md.	Loudenslager	Sherley
Broussard	Gilmore	Lowden	Sherwood
Burgess	Glass	Lundin	Simmons
Burleigh	Godwin	McCall	Slayden
Burleson	Goulden	McKinlay, Cal.	Smith, Cal.
Butler	Guernsey	McKinley, Ill.	Smith, Mich.
Campbell	Hamer	McKinney	Snapp
Capron	Hamill	McMorran	Sparkman
Carlin	Hammond	Macon	Sperry
Cary	Harrison	Madden	Sturgiss
Chapman	Hayes	Malby	Sulzer
Clark, Fla.	Heald	Maynard	Swasey
Clayton	Helm	Mays	Talbott
Conry	Henry, Conn.	Miller, Kans.	Taylor, Ala.
Covington	Hill	Millington	Taylor, Ohio
Cravens	Hinshaw	Mondell	Tener
Crow	Howard	Moon, Tenn.	Thomas, Ohio
Crumpacker	Hubbard, Iowa	Moxley	Underwood
Davidson	Hubbard, W. Va.	Mudd	Vreeland
Dawson	Hull, Iowa	Needham	Wallace
Denby	Humphrey, Wash.	O'Connell	Washburn
Diekema	Johnson, Ohio	Olcott	Webb
Douglas	Jones	Olmsted	Wiley
Driscoll, M. E.	Kahn	Page	Willett
Durey	Keliher	Palmer, H. W.	Wilson, Ill.
Edwards, Ky.	Kennedy, Iowa	Parker	Wood, N. J.
Ellerbe	Kennedy, Ohio	Patterson	Woodyard
Elvins	Knapp	Pearre	Young, N. Y.

So the motion to recommit with instructions was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. KENNEDY of Iowa with Mr. PAGE.

Mr. ALEXANDER of New York with Mr. GOULDEN.

For the balance of the day:

Mr. WOOD of New Jersey with Mr. GODWIN.

Mr. KNAPP with Mr. RIORDAN.

Mr. HAYES of California with Mr. GILLESPIE.

Mr. SLEMP with Mr. JONES.

Mr. MCKINNEY with Mr. MOON of Tennessee.

The result of the vote was then announced as above recorded.

Mr. GILLETT. Mr. Speaker, as instructed by the House, I report the bill back with the amendments.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

On page 13, lines 6, 7, and 8, strike out the words:

"And for expense of driving, maintenance, and care of automobile for the Vice-President;" and change "fifty" to "thirty-five," so as to read:

"For miscellaneous items, exclusive of labor, $35,000."

On page 29, strike out in lines 3, 4, and 5, the words:

"And for expense of driving, maintenance, and care of automobile for the Speaker;" and change "seventy-five" to "fifty," so as to read:

"For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $50,000."

On page 72, lines 16 to 20, change the amount from $100,000 to $75,000, so that the paragraph will read:

"For expenses of collecting the corporation tax authorized by the act approved August 5, 1909: 'To provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' $75,000."

Mr. GILLETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GILLETT. Does the previous question adopted still apply to the bill as reported?

The SPEAKER. In the judgment of the Chair, it does. The question is on the adoption of the amendment.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry. Are these amendments divisible?

The SPEAKER. Undoubtedly.

Mr. TAWNEY. Then I demand a separate vote on the last amendment.

The SPEAKER. The gentleman demands a separate vote on the last amendment. Is a separate vote demanded on either of the other amendments?

A separate vote was not demanded.

The SPEAKER. The question is on agreeing to the first two amendments.

The question was taken, and the first two amendments were agreed to.

The SPEAKER. The question is on agreeing to the third amendment, which the Clerk will report.

The Clerk read as follows:

Page 72, lines 16 to 20, change the amount from $100,000 to $75,000, so that the paragraph will read:

"For expenses of collecting the corporation tax authorized by the act approved August 5, 1909: 'To provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' $75,000."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

FUR SEALS.

The SPEAKER laid before the House the following message from the President of the United States (S. Doc. No. 430), which was read, referred to the Committee on Ways and Means, and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

By the terms of section 1963, United States Revised Statutes, the Secretary of Commerce and Labor is directed at the expiration of the lease which gives the North American Commercial Company the right to engage in taking fur seals on the islands of St. Paul and St. George to enter into a new lease covering the same purpose for a period of twenty years. The present lease will expire on the 30th of April, 1910, and it is important to determine whether or not changed conditions call for a modification of the policy which has so far been followed.

The Secretary of State and the Secretary of Commerce and Labor unite in recommending a radical change of this policy. It appears that the seal herds on the islands named have been reduced to such an extent that their early extinction must be looked for unless measures for their preservation be adopted. A herd numbering 375,000 twelve years ago is now reduced to 134,000, and it is estimated that the breeding seals have been reduced in the same period of time from 130,000 to 56,000. The rapid depletion of these herds is undoubtedly to be ascribed to the practice of pelagic sealing which prevails in spite of the constant and earnest efforts on the part of this Government to have it discontinued.

The policy which the United States has adopted with respect to the killing of seals on the islands is not believed to have had a substantial effect upon the reduction of the herd. But the discontinuance of this policy is recommended in order that the United States may be free to deal with the general question in its negotiations with foreign countries. To that end it is recommended that the leasing system be abandoned for the present, and that the Government take over entire control of the islands, including the inhabitants and the seal herds. The objection which has heretofore been made to this policy, upon the ground that the Government would engage in private business, has been deprived of practical force. The herds have been reduced to such an extent that the question of profit has become a mere incident, and the controlling question has become one of conservation.

It is recommended, therefore, that the provision for a renewal of the lease be repealed, and that instead a law be enacted to authorize the Department of Commerce and Labor to take charge of the islands, with authority to protect the inhabitants substantially as has been done in the past, and to control the seal herds as far as present conditions admit of, pending negotiations with foreign countries looking to the discontinuance of pelagic sealing. If this result can be obtained, as is confidently believed, there is every prospect that the seal herds will not only be preserved, but will increase so as to make them a source of permanent income.

A draft of a bill covering this matter has been prepared by the Secretary of Commerce and Labor, and upon request will be submitted to the appropriate committees.

WM. H. TAFT.

THE WHITE HOUSE, *March 15, 1910.*

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18902. An act to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;" and

H. R. 21221. An act to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan.

The Speaker announced his signature to enrolled bills of the following titles:

S. 3889. An act to amend an act to incorporate the Masonic Temple Association of the District of Columbia;

S. 863. An act for the relief of John M. Miller; and

S. 864. An act for the relief of John Oates.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7093. An act amendatory of the act to provide for the thirteenth and subsequent decennial censuses—to the Committee on the Census.

S. J. Res. 80. Joint resolution providing for a special election in the Territory of Hawaii—to the Committee on the Territories.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 18006. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

ADJOURNMENT.

Mr. GILLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 7 o'clock and 17 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting an estimate of expenditure for repair of the public building at Bangor, Me. (H. Doc. No. 780)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Mingo Creek, South Carolina (H. Doc. No. 782)—to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for immigrant station, Galveston, Tex. (H. Doc. No. 781)—to the Committee on Appropriations and ordered to be printed.

4. A letter from the chairman of the House portion of the Joint Committee for Revision and Codification of the Laws of the United States, transmitting the report of the Joint Committee on the Judiciary—to the Committee on Revision of the Laws and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OLMSTED, from the Committee on Insular Affairs, to which was referred the House bills 19718 and 22554, reported in lieu thereof a bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes, accompanied by a report (No. 750), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOUD, from the Committee on Naval Affairs, to which was referred the House bills 33, 3048, 3644, 16038, and 17537, reported in lieu thereof a bill (H. R. 23012) providing for the raising of the United States battle ship *Maine*, in Habana Harbor, and to provide for the interment of the bodies therein, accompanied by a report (No. 754), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. J. Res. 83) authorizing the use of a United States army transport for certain purposes, reported the same with amendment, accompanied by a report (No. 756), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MORGAN of Missouri, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 3501) providing for the taking over by the United States Government of the confederate cemetery at Springfield, Mo., reported the same with amendment, accompanied by a report (No. 761), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 10280) to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Massachusetts, reported the same without amendment, accompanied by a report (No. 762), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 1866) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof, reported the same with amendment, accompanied by a report (No. 764), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMER, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10584) authorizing States and Territories to select lands in lieu of lands included within forest reserves, reported the same with amendment, accompanied by a report (No. 765), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 164) construing section 6 of the act of May 29, 1908, entitled "An act authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes," reported the same without amendment, accompanied by a report (No. 766), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 2777) to establish "The Glacier National Park" in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes, reported the same with amendment, accompanied by a report (No. 767), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22459) to authorize the board of commissioners of Lake County, Ind., to construct and maintain a bridge across the Grand Calumet River, in the city of Hammond, Ind., reported the same with amendment, accompanied by a report (No. 752), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 6851) authorizing the village of Taylors Falls, Minn., and the village of St. Croix Falls, Wis., to construct a bridge across the St. Croix River, reported the same without amendment, accompanied by a report (No. 753), which said bill and report were referred to the House Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5576) to amend an act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes," approved March 2, 1901, reported the same with amendment, accompanied by a report (No. 757), which said bill and report were referred to the House Calendar.

Mr. VREELAND, from the Committee on Banking and Currency, to which was referred the resolution of the House (H. Res. 405) asking the Secretary of the Treasury for information concerning circulating notes issued under the act approved May 30, 1908, reported the same with amendment, accompanied by a report (No. 758), which said resolution and report were referred to the House Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the resolution of the House (H. Res. 491) requesting the Secretary of the Interior to furnish the House information relative to lands in the Arkansas National Forest, reported the same without amendment, accompanied by a report (No. 759), which said resolution and report were referred to the House Calendar.

Mr. HOBSON, from the Committee on Naval Affairs, to which was referred House joint resolution 171, reported in lieu thereof, a bill (H. R. 23015) to protect the dignity and honor of the uniform of the United States, accompanied by a report (No. 763), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22231) granting to the city of Hot Springs, Ark., land for street purposes, reported the same without amendment, accompanied by a report (No. 755), which said bill and report were referred to the Private Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. J. Res. 74) authorizing the Secretary of War to receive for instruction at the United States Military Academy Mr. Juan Torroella y Rooney, of Cuba, reported the same without amendment, accompanied by a report (No. 760), which said joint resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 21022) granting a pension to Francis S. Torback—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1380) for the relief of Morris Busch—Committee on War Claims discharged, and referred to the Committee on Claims.

A bill (H. R. 21032) granting an increase of pension to Donna M. Blatter—Committee on War Claims discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MOREHEAD: A bill (H. R. 23001) making appropriation for the enlargement of the United States post-office building at Winston Salem, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. HUGHES of New Jersey: A bill (H. R. 23002) to amend an act of August 13, 1888, entitled "An act to correct the enrollment of an act approved March 3, 1887, entitled 'An act to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from the state courts, and for other purposes,' approved March 3, 1875," and to further amend the last-named act—to the Committee on the Judiciary.

By Mr. SPARKMAN: A bill (H. R. 23003) providing for a survey of the unsurveyed lands known as the Everglades of Florida—to the Committee on Appropriations.

By Mr. SULZER: A bill (H. R. 23004) relating to the construction of the law of libel—to the Committee on the Judiciary.

By Mr. SMITH of Michigan: A bill (H. R. 23005) providing for the removal of snow and ice from the sidewalks of streets, avenues, and highways of the District of Columbia—to the Committee on the District of Columbia.

By Mr. GILLETT: A bill (H. R. 23006) relative to the sale of shingles—to the Committee on Interstate and Foreign Commerce.

By Mr. GREGG: A bill (H. R. 23007) providing for the erection of a public building at the city of Crockett, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. CAPRON: A bill (H. R. 23008) authorizing the acquisition of a site for the post-office building at Pascoag, R. I.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23009) to increase the limit of cost of the federal building at Woonsocket, R. I.—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 23010) to provide for the labeling of packages containing foods, beverages, and drugs sold in the District of Columbia, so as to show the weight or measure of the contents thereof—to the Committee on the District of Columbia.

Also, a bill (H. R. 23011) to levy a tax on certain vendors of food, beverages, and drugs in the District of Columbia—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: A bill (H. R. 23013) providing for the further distribution of the reports of the Supreme Court, and for other purposes—to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 23014) to provide for the purchase of a site for a public building at Tarentum, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. STERLING: A bill (H. R. 23016) to establish a system of parole for United States prisoners—to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: A bill (H. R. 23017) to establish and maintain a fish-hatching and fish-culture station in La Plata County, Colo.—to the Committee on the Merchant Marine and Fisheries.

By Mr. CURRIER: A bill (H. R. 23018) to increase the appropriation for the public building in Keene, N. H.—to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Missouri: A bill (H. R. 23094) to provide for sittings of the United States circuit and district courts of the western division of the western judicial district of Missouri at the city of Chillicothe, in said district—to the Committee on the Judiciary.

By Mr. RAINEY: Joint resolution (H. J. Res. 173) providing for the investigation of sugar frauds—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 23019) granting an increase of pension to James W. Perter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23020) granting an increase of pension to John Latham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23021) granting a pension to Charles H. Heimlich, alias Charles H. Henderson—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 23022) for the relief of Nicolas Apodaca—to the Committee on Claims.

By Mr. ANSBERRY: A bill (H. R. 23023) for the relief of Charles Dahling—to the Committee on War Claims.

By Mr. BARTHOLDT: A bill (H. R. 23024) granting a pension to Anna M. Fernstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23025) granting a pension to Joseph Kohn—to the Committee on Pensions.

By Mr. CAPRON: A bill (H. R. 23026) granting an increase of pension to Frederick W. Burgess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23027) granting an increase of pension to Mary T. Ronien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23028) granting an increase of pension to George H. Hathaway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23029) granting an increase of pension to John R. Whitford—to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 23030) for the relief of James M. Alden—to the Committee on Naval Affairs.

By Mr. COOPER of Pennsylvania: A bill (H. R. 23031) granting an increase of pension to Isaac A. Moore—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 23032) granting a pension to Mary Church—to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 23033) granting a pension to Sarah J. Reeves—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 23034) granting an increase of pension to John L. Murphy—to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 23035) granting an increase of pension to William Conoway—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 23036) granting an increase of pension to Alfred P. Williams—to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 23037) to correct the military record of Robert Letherby—to the Committee on Military Affairs.

By Mr. EDWARDS of Georgia: A bill (H. R. 23038) granting a pension to James H. St. Clair—to the Committee on Pensions.

By Mr. EDWARDS of Kentucky: A bill (H. R. 23039) granting an increase of pension to Lorenzo Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23040) granting an increase of pension to Granville Saylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23041) granting an increase of pension to Joshua West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23042) granting an increase of pension to Rupert S. Rines—to the Committee on Pensions.

Also, a bill (H. R. 23043) granting an increase of pension to Phillip Denton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23044) granting an increase of pension to Joseph T. Herd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23045) granting an increase of pension to Thomas Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23046) granting an increase of pension to James Hoskins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23047) granting an increase of pension to Letcher Wages—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23048) granting an increase of pension to Jesse Couch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23049) granting an increase of pension to Cyreneous W. Keith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23050) granting an increase of pension to Jeremiah Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23051) granting an increase of pension to James Estep—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23052) granting an increase of pension to James Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23053) granting an increase of pension to Bethewel A. Buck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23054) granting a pension to James Camden—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 23055) granting an increase of pension to Robert A. Queen—to the Committee on Military Affairs.

Also, a bill (H. R. 23056) granting a pension to Mary E. J. Fallin—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 23057) granting an increase of pension to John Chamberlin—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23058) granting an increase of pension to John Baker—to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 23059) for the relief of William Frye White, owner of lots 103, 104, 105, and 106, square 754, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia—to the Committee on the District of Columbia.

By Mr. HOLLINGSWORTH: A bill (H. R. 23060) granting an increase of pension to Benjamin Kinkade—to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: A bill (H. R. 23061) granting a pension to Lutellus Burdick—to the Committee on Pensions.

Also, a bill (H. R. 23062) granting a pension to Samuel Park—to the Committee on Pensions.

Also, a bill (H. R. 23063) granting a pension to Ruth P. Matthews—to the Committee on Pensions.

Also, a bill (H. R. 23064) granting a pension to Temperance Moon—to the Committee on Pensions.

Also, a bill (H. R. 23065) granting a pension to Mrs. Francis E. Ferguson—to the Committee on Pensions.

Also, a bill (H. R. 23066) granting a pension to Wilson G. Nowers—to the Committee on Pensions.

Also, a bill (H. R. 23067) granting a pension to Harrison Sperry—to the Committee on Pensions.

Also, a bill (H. R. 23068) granting a pension to Walter W. Cluff—to the Committee on Pensions.

Also, a bill (H. R. 23069) granting a pension to James Park—to the Committee on Pensions.

Also, a bill (H. R. 23070) granting a pension to John Woolley—to the Committee on Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 23071) granting an increase of pension to Jacob J. Lee—to the Committee on Invalid Pensions.

By Mr. HUFF: A bill (H. R. 23072) for the relief of the heirs of William Clabaugh—to the Committee on the District of Columbia.

By Mr. HULL of Iowa: A bill (H. R. 23073) granting an increase of pension to Gustavus A. Eberhart—to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 23074) granting a pension to William H. Wofford—to the Committee on Invalid Pensions.

By Mr. JAMIESON: A bill (H. R. 23075) granting an increase of pension to Hamilton L. Karr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23076) granting an increase of pension to George W. Needham—to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 23077) granting a pension to John A. Crow—to the Committee on Invalid Pensions.

By Mr. McCREDIE: A bill (H. R. 23078) granting an increase of pension to Walter P. Davis—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 23079) granting an increase of pension to Samuel W. Riddell—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 23080) granting a pension to John Barrick—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 23081) for the relief of the family of Samuele Badolato—to the Committee on Claims.

By Mr. NORRIS: A bill (H. R. 23082) granting an increase of pension to John Larkin—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 23083) granting an increase of pension to Robert A. Laird—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 23084) granting an increase of pension to Ephraim Romine—to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 23085) granting an increase of pension to Frank B. Slater—to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A bill (H. R. 23086) granting an increase of pension to Peter Dietrich—to the Committee on Invalid Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 23087) for the relief of Thomas Daigle—to the Committee on Military Affairs.

Also, a bill (H. R. 23088) granting a pension to James H. Kerr—to the Committee on Pensions.

By Mr. SHEFFIELD: A bill (H. R. 23089) granting an increase of pension to Caroline Wathey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23090) granting an increase of pension to Flora A. Williams—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 23091) granting an increase of pension to Doctor R. Hurst—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 23092) granting a pension to Mary A. Van Epps—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 23093) granting a pension to S. Elizabeth Chandler—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Papers to accompany bills for relief of William A. Miller, David D. Donahue, Joshua Covill, Joseph Maskey, Aaron B. Hoffman, and Adolph Billhardt—to the Committee on Invalid Pensions.

Also, petition of women's clubs of Fremont, Ohio, for Weeks bill for national forestry (H. R. 11798)—to the Committee on Agriculture.

By Mr. ASHBROOK: Paper to accompany bill for relief of Mrs. Annie Loffler—to the Committee on Invalid Pensions.

Also, petition of Worcester Chapter, American Insurance Union, in opposition to proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: Petition of citizens of Manor, Tex., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of citizens of New York State, favoring House bill 15441, eight-hour bill—to the Committee on Labor.

By Mr. CAPRON: Petition of Providence Section, Council of Jewish Women, favoring bill to establish national children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Lodge No. 68, Society of French-Canadian Artisans, of Central Falls, R. I., for House bill 17509, relative to fraternal publications as second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Haggai Lodge, No. 132, Independent Order of B'nai B'rith, of Providence, R. I., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, papers to accompany bills for relief of John R. Whitford, George H. Hathaway, Mary T. Ronien, and Terrance McDuff—to the Committee on Invalid Pensions.

By Mr. CASSIDY: Petition of Engineer Club of Columbus, Ohio, indorsing House bill 27372, to increase United States Engineer Corps—to the Committee on Military Affairs.

By Mr. COCKS of New York: Petition of New York City Indian Association, favoring allotment of not less than 10 acres of land to each member of the Yuma Indian tribe—to the Committee on Indian Affairs.

By Mr. DALZELL: Paper to accompany bill for relief of John L. Murphy—to the Committee on Pensions.

By Mr. DAWSON: Papers to accompany House bill 22685, to establish a naval observatory and define its duties—to the Committee on Naval Affairs.

By Mr. DICKINSON: Paper to accompany bill for relief of William Miller—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: Petition of Council No. 1414 and Council No. 934, Knights of Columbus, favoring House bill 17543, measure of the National Fraternal Press Association, relative to second-class mail rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of Edward Kamp and others, of Madison, Ind., and citizens of Crothersville, Franklin, Edinburgh, Brownstown, and Seymour, Ind., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DRAPER: Petition of Long Island Union, Army and Navy Volunteer Officers, 1861–1865, of Brooklyn, N. Y., for House bill 18899, volunteer officers' retired bill—to the Committee on Military Affairs.

By Mr. DUREY: Petition of Saratoga Camp, No. 58, United Spanish War Veterans, Saratoga Springs, N. Y., for removal of the wreck of the *Maine* from Habana Harbor, and for fitting burial in the national cemetery at Arlington of the unclaimed victims of the disaster—to the Committee on Naval Affairs.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Robert A. Queen—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of Conrad Weiser Chapter, Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Chicago Railway Equipment Company, Chicago, Ill., in opposition to further legislation concerning railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of Barnhart Brothers & Spindler, of Chicago, Ill., against the passage of the Moon bill (H. R. 21334) to regulate the granting of restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. GILLETT: Petition of Central Labor Union of Chicopee, Mass., asking legislation to abate the trust exactions in products that feed the people—to the Committee on the Judiciary.

Also, petition of citizens of Hampden, Hampshire, Franklin, and Worcester counties, Mass., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of Long Island Union Army and Navy Officers, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GRAFF: Petition of Spalding Council, No. 427, Knights of Columbus, Peoria, Ill., against increase of rates on fraternal publications (H. R. 17543)—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM of Illinois: Petition of Springfield (Ill.) Council, No. 364, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of citizens of Westhope, N. Dak., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of Connecticut State Conference of Charities and Corrections, for establishment of a national children's bureau—to the Committee on Expenditures in the Interior Department.

By Mr. HENRY of Texas: Petition of citizens of Moody, Tex., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of Benjamin Kinkead—to the Committee on Invalid Pensions.

Also, petition of Dr. H. G. Halderman and 7 others, for conservation of the national resources in natural water powers, etc.—to the Committee on Agriculture.

By Mr. HUFF: Paper to accompany bill for relief of heirs of William Clabaugh—to the Committee on the District of Columbia.

By Mr. HULL of Iowa: Petition of farmers of Madison and Dallas counties, for legislation to prevent gambling in farm products by boards of trade, etc.—to the Committee on Agriculture.

Also, petition of citizens of Ortley, Menlo, St. Charles, Pleasantville, Valley Junction, New Virginia, Truro, and Lawn, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petition of M. Vamorck, E. F. Esner, Alexander Davies, William Darilek, J. A. Tugbery, O. W. McCaslin, Charles W. Carthay, Bolislas Strozynski, and Joseph J. McHugh, all of San Francisco, favoring the Gardner eight-hour bill (H. R. 15441)—to the Committee on Labor.

Also, petition of Harry Cook and 48 others, protesting against the immigration of Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KENDALL: Petition of citizens of Keota and Harper, Iowa, against parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. KENNEDY of Ohio: Petition of citizens of Ohio, for the Gardner eight-hour bill (H. R. 15441)—to the Committee on Labor.

By Mr. McCREDIE: Petition of Ellensburg (Wash.) Grange, No. 209, Patrons of Husbandry, favoring establishment of a national health bureau—to the Committee on Agriculture.

By Mr. McHENRY: Petition of citizens of Espy, Pa., against House bill 20582, oleomargarine bill—to the Committee on Agriculture.

By Mr. McMORRAN: Petition of Port Hudson Branch of Lake Seamen's Union, indorsing House bill 11193, for improvement of maritime laws—to the Committee on the Merchant Marine and Fisheries.

By Mr. MAGUIRE of Nebraska: Petition of Commercial Club of Omaha, for appropriation to improve and protect the banks of the Missouri River—to the Committee on Rivers and Harbors.

Also, petition of Commercial Club of Omaha, favoring suspension of publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of citizens of Greenwood, Nebr., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MOORE of Pennsylvania: Petition of James J. Judge and others, of Pennsylvania, for an eight-hour law—to the Committee on Labor.

Also, petition of Commercial Exchange of Philadelphia, Pa., against ambiguity of Senate bill 5106, relative to American coastwise port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: Petition of 19 members of the Farmers' Educational and Cooperative Union, of Niwot, Colo., praying for the passage of the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of some 21 citizens and voters of Lyons, Colo., against the passage of Senate bill 404—to the Committee on the District of Columbia.

Also, petition of A. P. Tuttle, commander, and J. W. Rowley, adjutant, of Roaring Fork Post, No. 113, Grand Army of the Republic, of Aspen, Colo., praying for the passage of what is known as the National Tribune pension bill—to the Committee on Invalid Pensions.

Also, petition of 21 ladies of the city of Denver, Colo., praying for the passage of House bill 15441 or Senate bill 5578, providing that government work be done upon an eight-hour day basis—to the Committee on Labor.

By Mr. SABATH: Petition of Lake Seamen's Union of Chicago, Ill., favoring House bill 11193, to amend the maritime laws of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. SHEFFIELD: Paper to accompany bill for relief of Michael A. McCormick—to the Committee on Claims.

Also, petition of Hagar Lodge, No. 132, Independent Order B'nai B'rith, of Providence, R. I., against the Hayes bill (H. R. 13404), restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHERLEY: Petition of John Marshall Chapter, Daughters of the American Revolution, for retention of the Bureau of Information relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. SIMS: Paper to accompany bill for relief of R. Hurst—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: Petition of Genesee Chapter, Daughters of the American Revolution, against repeal of section 40 of the immigration act of 1907, for retention of the Division of Information, etc.—to the Committee on Immigration and Naturalization.

Also, petition of C. D. Doane and 11 others, of Rogersville and Otisville, Mich., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. SPERRY: Resolutions adopted at the Connecticut State Conference of Charities and Correction, favoring the establishment of a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, resolutions adopted by the Pootatuck Yacht Club, of Stratford, Conn., in relation to the regulation of motor boats—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of Engineers' Club of St. Louis, Mo., for House bill 7117, of April 12, 1909, for bureau of public works—to the Committee on Military Affairs.

Also, petition of Chamber of Commerce of Mount Vernon, N. Y., for an appropriation to deepen the East Chester Creek—to the Committee on Rivers and Harbors.

Also, petition of citizens of New York City, for the eight-hour law—to the Committee on Labor.

Also, petition of Perry Belmont and William E. Chandler, favoring House bill 2250, national publicity law bill—to the Committee on the Judiciary.

Also, petition of citizens of Gloversville, N. Y., for repeal of the Dick military law—to the Committee on Military Affairs.

Also, petition of A. H. Johnson, of Association of Rhode Island National Guards, favoring bill now pending in Congress to encourage rifle practice—to the Committee on Military Affairs.

Also, petition of New York Board of Trade and Transportation, favoring making of pilot charts by officers of the navy trained in hydrography—to the Committee on Naval Affairs.

Also, petition of Long Island Union Army and Navy Volunteer Officers, 1861–1865, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of citizens of New York State, against retirement of the so-called greenbacks—to the Committee on Banking and Currency.

Also, petition of Church Association for Advancement of the Interests of Labor, for House bill 21426, relative to distribution of immigrants—to the Committee on Immigration and Naturalization.

Also, petition of William Henry Maule, of Philadelphia, Pa., against any parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Colorado: Petition of citizens of Denver, Colo., favorable to House bill 15441, an eight-hour day on all contract work done for the United States Government—to the Committee on Labor.

By Mr. TOWNSEND: Petitions of F. T. Stowe and the Farmers and Mechanics' Bank, of Ann Arbor; W. N. Swift, of Adrian; and various other citizens, all of the State of Michigan, for House bill 19402, the telepost bill—to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *March 16, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The VICE-PRESIDENT resumed the Chair.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE SERVICE.

On motion of Mr. MONEY, it was

Ordered, That Mr. PERCY be assigned to the following committees:
Expenditures in the Department of State;
Immigration;
Indian Depredations;
Joint Committee on the Revision of the Laws of the United States; and
Public Expenditures.

ENROLLED BILLS SIGNED.

The VICE-PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 4671. An act to amend the military record of Aaron Cornish;

S. 6431. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 6662. An act to authorize the Atchison, Topeka and Santa Fe Railway Company to construct and maintain a bridge across the Missouri River in the neighborhood of Sibley, Mo., and to remove the existing structure;

S. 6739. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 11878. An act to change the name of Twenty-third street north of Calvert street, in the District of Columbia, to Woodley place;

H. R. 13864. An act to extend Fourth street SE.;

H. R. 13893. An act to authorize the extension of Forty-first street NW.;

H. R. 16824. An act for the relief of Daniel H. Wiggin;

H. R. 16515. An act to direct that Jefferson street NW. between Fourteenth street and Colorado avenue be stricken from the plan of the permanent system of highways for the District of Columbia;

H. R. 16916. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 19785. An act to authorize the extension of Columbia road NW., in the District of Columbia; and

H. R. 20164. An act authorizing the extension of Military road NW., in the District of Columbia.

JOINT IMMIGRATION COMMISSION.

The VICE-PRESIDENT appointed Mr. PERCY a member of the Joint Immigration Commission on the part of the Senate, as provided for in the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," in the place of Mr. McLaurin, deceased.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 22643) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 863. An act for the relief of John M. Miller;

S. 864. An act for the relief of John Oates;

S. 3889. An act to amend an act to incorporate the Masonic Temple Association of the District of Columbia;

H. R. 18902. An act to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;" and

H. R. 21221. An act to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan.

PETITIONS AND MEMORIALS.

Mr. CRANE. I present a petition signed by sundry citizens of the United States, which I ask may be printed in the RECORD, together with the signatures, and referred to the Committee on the Philippines.

There being no objection, the petition was referred to the Committee on the Philippines and ordered to be printed in the RECORD, together with the signatures, as follows:

MARCH, 1910.

To the Senate and House of Representatives in Congress assembled:

The undersigned, citizens of the United States, believing in the principles upon which our Government was founded, and satisfied that the experience of the country during the last ten years has fully justified our faith, hereby respectfully and earnestly urge:

First. That Congress shall declare in unequivocal terms the purpose of the United States to grant their independence to the Philippine Islands.

Second. That in order to secure the Filipino people in the enjoyment of their independence the Government shall endeavor by treaty with other nations to procure the neutralization of the Philippine Islands and to insure for them such a position as under like treaties is now enjoyed by Switzerland, Norway, and other small countries.

Third. That Congress shall make no change in the law which will enable foreign capitalists to exploit the islands for their own pecuniary benefit, or will establish there the trusts from whose oppressive control the people of the United States are struggling to free themselves at home.

Fourth. That measures shall be adopted at once which will enable the Filipino people to develop their country for themselves and with their own capital, and which will reduce the crushing burden of taxation to which they are now subjected by the expenses of the insular administration.

We urge these things because we believe that they are right, and that the substitution of arbitrary power for government by the people under our flag indicates a steadily increasing tendency away from free government, which should be resisted and stopped. It is clear that the people of this country know little of the facts, care little what is done in our dependency, and are tired of their colonial adventure. While these conditions exist the interests of the dependency must suffer, and no one can doubt that these conditions are likely to be permanent. We feel that every American citizen who is opposed to the policy of colonialism should make his opposition known, and should insist on learning all the facts, believing that were these known the policy would be abandoned.

With race problems, labor problems, taxation problems at home, let us not remain supine while we are being committed to the creation of like problems in distant colonies, problems which will remain to be a constant source of trouble and expense until the country does what we urge it to do now; that is, leave every people free to govern themselves.

There are no truer words than Lincoln's:

"Those who deny freedom to others deserve it not themselves, and under a just God will not long retain it."

Alton B. Parker, New York; Moorfield Storey, Massachusetts; James Schoulder, Massachusetts; Winslow Warren, Massachusetts; C. B. Wilby, Ohio; Austen G. Fox, New York; Sigmund Zeisler, Illinois; George L. Paddock, Illinois; Moses Hallett, Colorado; Everett V. Abbot, New York; Archibald M. Howe, Massachusetts; A. A. Perry, Massachusetts; David G. Haskins, jr., Massachusetts; A. A. Putnam, Massachusetts; Henry F. Hollis, New Hampshire; Charles S. Hampton, Michigan; C. S. Thomas, Colorado; Richard R. Kenney, Delaware; U. M. Rose, Arkansas; Henry Winn, Massachusetts; C. A. Towne, New York; John V. Le Moyne, Maryland; Frederick Opp, Texas; A. J. Sawyer, Nebraska; A. D. Bartholomew, Indiana; David Starr Jordan, California, president Leland Stanford University; J. C. L. Fish, California, Leland Stanford University; Guido H. Marx, California, Leland Stanford University; F. Cuyell, California, Leland Stanford University; J. Elmore, California, Leland Stanford University; A. A. Young, California, Leland Stanford University; George H. Palmer, Massachusetts, Harvard University; Lewis J. Johnson, Massachusetts, Harvard University; F. L. Kennedy, Massachusetts, Harvard University; John R. Nichols, Massachusetts, Harvard University; Charles W. Killam, Massachusetts, Harvard University; C. A. Adams, Massachusetts, Harvard University; William James, Massachusetts, Harvard University; George C. Chase, Maine, president Bates College; George H. Denny, Virginia, president Washington and Lee University; J. Lawrence Laughlin, Illinois, University of Chicago; Starr Willard Cutting, Illinois, University of Chicago; Albert H. Tolman, Illinois, University of Chicago; I. W. Howerth, Illinois, University of Chicago; William Gardner Hale, Illinois, University of Chicago; Henry Wade Rogers, Connecticut, Yale University; James Hardy Dillard, Louisiana, Tulane University; Charles E. A. Winslow, Massachusetts, Massachusetts Institute of Technology; H. Parker Willis, Washington, D. C.; William M. Salter, Massachusetts; W. N. McVickar, Rhode Island, bishop; Arthur S. Williams, Nebraska, bishop; John J. Hughes, New York, superior Paulist Society; George M. Searle, New York, Paulist Society; Charles Gordon Ames, Massachusetts; Joseph H. Crooker, Massachusetts; Jenkin Lloyd Jones, Illinois; J. T. Sunderland, Connecticut; Joseph L. Dolan, New Jersey; Charles R. Brown, California; Charles Fleischer, Massachusetts; George E. Morris, New Jersey; William W. Barker, New Jersey; J. M. Gelston, Indiana; Thomas Mott Osborne, New York; Francis E. Woodruff, New Jersey; Herbert Welsh, Pennsylvania; James Gadsden Holmes, Georgia; Gamaliel Bradford, Massachusetts; Roeliff Brinkerhoff, Ohio; Francis A. Osborn, Massachusetts; William D. Howells, New York; F. B. Sanborn, Massachusetts; Edwin D. Mead, Massachusetts; Horace Boies, Iowa; Lucius F. C. Garvin, Rhode Island; John F. Shafroth, Colorado; James L. Slayden, Texas; John S. Williams, Mississippi; William H. Fleming, Georgia; Charles F. Lummis, California; Louis F. Post, Illinois, editor of the Public; Samuel Bowles, Massachusetts, editor of the Republican; Francis F. Browne, Illinois, editor of the Dial; William Morton Payne, Illinois, editor of the Dial; W. W. Bailey, Pennsylvania, editor of the Johnstown Democrat; E. H. Clement, Massachusetts, former editor of the Transcript; Louis R. Ehrich, New York; George Foster Peabody, New York; Charles R. Codman, Massachusetts; Fiske Warren, Massachusetts; Samuel Gompers, Washington, D. C.; J. P. Herrmann, Missouri; James H. Bowditch, Massachusetts; Henry W. Lamb, Massachusetts; Albert Stevens Parsons, Massachusetts; Edward Stang, Ohio; Edwin C. Pierce, Rhode Island; P. J. Timmins, Massachusetts; Henry C. Newbold, California; Fred Brooks, Massachusetts; Charles F. Thayer, Connecticut; William George Bruce, Wisconsin; Willie Jones, South Carolina; W. H. Rogers, California; J. H. Mockett, jr., Nebraska; N. Z. Snell, Nebraska; C. R. Easterday, Nebraska; Charles A. Sawyer, Nebraska; John F. Weavey, Massachusetts; John H. Dwyer, Massachusetts; Frank A. Cross, Massachusetts; M. R. Sharpe, Massachusetts; C. Franklin Wilson, New Jersey; J. C. Vail, New Jersey; Frank Green, New Jersey; J. Van Doren, New Jersey; Robert D. Foote, New Jersey; Robert S. Van Dyke, New Jersey; John M. Mills, New Jersey; Warren Olney, California; W. H. Thompson, New Jersey; G. R. Douglas, Indiana; Henry N. Dodge, New Jersey; C. A. Reed, New Jersey; J. M. Benjamin Sayre, New Jersey; M. A. Garretson, California; R. R. Rogers, California; J. H. Taft, California; J. G. Nelson, California; J. F. Farnum, California; John A. Park, California; Francis M. Boutwell, Massachusetts; A. C. Reineicke, North Dakota; Samuel Milliken, Pennsylvania; Haines D. Albright, Pennsylvania; Frank Stephens, Delaware; Carson Davenport, Pennsylvania; Donald Stephens, Delaware; Charles A. Alexander, Massachusetts; Jeremiah C. Connell, Massachusetts; William H. Ruddick, Massachusetts; George P. Morris, Massachusetts; John W. Reardon, Massachusetts; John M. Kelly, Massachusetts; C. G. Heifner, Washington; Erving Winslow, Boston, Mass.; J. M. Mannon, California; A. S. Johnston, West Virginia; Thomas L. Johnson, West Virginia; J. D. M. Cartney, West Virginia; R. Porter Boyd, West Virginia; R. S. M. Cartney, West Virginia; M. H. Pence, West Virginia; E. S. McNew, West Virginia; H. T. Neel, West Virginia; John D. Shanklin, West Virginia; William Fry, West Virginia; A. H. Shanklin, West Virginia; and T. L. Shaven, jr., West Virginia.

Mr. BURROWS presented a petition of the Lucinda Hinsdale Stone Chapter of the National Society Daughters of the American Revolution, of Kalamazoo, Mich., and a petition of the Muskegon Chapter of the National Society Daughters of the American Revolution, of Muskegon, Mich., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which were referred to the Committee on Immigration.

He also presented a memorial of Olivet Grange, No. 339, Patrons of Husbandry, of Eaton County, Mich., remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the local branch of the Polish National Alliance, of Bay City, Mich., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of the Trades and Labor Council of Lansing, Mich., remonstrating against the enactment of legislation to increase the rate of postage on second-class mail matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Detroit Agency, Lake Seamen's Union; of Bay City Agency, Lake Seamen's Union; and of Port Huron Agency, Lake Seamen's Union, all in the State of Michigan, praying for the enactment of legislation to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in the ports of the United States, etc., which were referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Grand Rapids, Mich., praying for the enactment of legislation providing sufficient postal compensation to secure adequate mail facilities to the ports of South America, South Africa, Australasia, the Philippine Islands, and the Levant, which was referred to the Committee on Commerce.

He also presented petitions of the Tuscola County Association of Farmers' Clubs, of sundry citizens of Leelanaw County, of Local Grange, No. 56, Patrons of Husbandry, of Ypsilanti, and of Gilead Grange, No. 400, Patrons of Husbandry, of Bronson, all in the State of Michigan, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a petition of Arctic Lodge, No. 100, La Société des Artisans Canadiens Français, of Arctic, R. I., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. NELSON. I present resolutions adopted by the Minnesota Cooperative Dairies Association (Incorporated), relative to the tax on oleomargarine. I ask that the resolutions be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolutions were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

To the honorable the President, the Senate, and the House of Representatives of the United States:

Your petitioner, the Minnesota Cooperative Dairies Association (Incorporated), respectfully represents to the President of the United States, the Senate, and the House of Representatives that it is organized and incorporated under the laws of the State of Minnesota for the purpose of improving the conditions of the Minnesota creameries and the dairy interests in general and the marketing in a wholesale way on the cooperative plan the products of the creameries connected with it; that there are over 240 creameries so identified with it, representing to exceed 15,000 dairymen and farmers and an invested capital in creameries alone of approximately $1,000,000; and

Whereas the present law enacted by Congress May 9, 1902, and commonly known as the "Grout law" is in danger of being repealed by the Sixty-first Congress, and in lieu thereof bill H. R. 13842, known as the Burleson bill, or the bill S. 5428, known as the Simmons bill, substituted therefor; and

Whereas we believe the Grout law to be a just law, and enacted for the sole purpose of protecting the dairy interests and consuming public from the fraudulent selling of oleomargarine, and not to prohibit the manufacture and sale of oleomargarine when sold as such product; and

Whereas we believe that the only practical way to prevent fraud in the manufacture and sale of oleomargarine is to preserve the color distinction, as is now done by the present law; and

Whereas it is further claimed that the said law is a discrimination against the cattle-raising and cotton-growing interests of the United States, in that it is a prohibitory tax on those manufacturing oleomargarine, and incidentally raises the price of the "poor man's" butter; and

Whereas the claims of discrimination are clearly disproven by the fact that in January, 1910, in the Chicago district, there was manufactured 10,189,249 pounds of oleomargarine—which is estimated to be about two-thirds of the output of the United States—of which only 230,089 pounds were colored and paid the 10-cent tax, or approximately 2¼ per cent; and these figures would indicate that 97¾ per cent of all the oleomargarine manufactured during the above-mentioned period paid only the nominal tax of one-fourth of a cent per pound; and

Whereas the color distinction, as defined by the present law in imposing a greater tax on oleomargarine colored in imitation of butter made from milk the product of cows over that sold in its natural color works no hardship on the manufacturers or consumers of oleomargarine: Now therefore be it

Resolved, by the Minnesota Cooperative Dairies Association (Incorporated), in annual meeting assembled in the city of St. Paul, in the State of Minnesota, on this 23d day of February, 1910, That we protest against the enactment into law of the Burleson bill (H. R. 13842), or the Simmons bill (S. 5428); and be it further

Resolved, That we urge upon Congress, now assembled, to defeat the passage of the Burleson bill (H. R. 13842) and the Simmons bill (S. 5428) for the reasons set forth in this preamble, and that we urge upon the Minnesota Senators and Representatives to use all honorable means to prevent the passage of said bills.

Whereas there has been introduced in Congress S. 5842, known as the Penrose bill, the object of which is to correct certain defects in the Grout law, which defects apparently prevent the enforcement of the law by the United States revenue officers; and

Whereas we believe the Penrose bill (S. 5842) is a just measure and is in no way intended to prevent the manufacture and sale of oleomargarine, when done without the intention of fraud, and makes the law more comprehensive: Now therefore be it

Resolved, That we indorse the Penrose bill (S. 5842) as an amendment to the Grout law, and petition Congress to enact the bill S. 5842 as an amendment to the Grout law; and be it further

Resolved, That the secretary of this association is instructed to transmit a copy of this preamble and these resolutions to the President of the United States and to each Member of the Senate and House of Representatives; and be it further

Resolved, That the secretary of this association requests one each of our Senators and Representatives to introduce this memorial in each branch of our National Congress and ask unanimous consent to have the same printed in the CONGRESSIONAL RECORD.

The above resolutions, as duly adopted at the said annual meeting, were introduced by the committee on resolutions, composed of C. B. Goodale, as chairman, H. V. Poor, and J. F. Lamp.

MINNESOTA COOPERATIVE DAIRIES ASSOCIATION (INCORPORATED),
By JOHN R. MORLEY, *President.*
[SEAL.] By CHARLES A. MORSE, *Secretary.*

I hereby certify that the above is a true copy of resolutions adopted at the third annual meeting of the stockholders of the Minnesota Cooperative Dairies Association (Incorporated), of Minnesota, held at the Old Capitol building, in the city of St. Paul, Minn., on February 23, 1910, and of the whole of said resolutions, and that such resolutions stand unrevoked at this date.

[SEAL.] CHARLES A. MORSE, *Secretary.*

ST. PAUL, MINN., *February 23, 1910.*

Mr. NELSON presented a memorial of Group No. 1033, Polish National Alliance, of South St. Paul, Minn., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. GUGGENHEIM presented a petition of sundry citizens of Englewood, Colo., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

Mr. BULKELEY presented a petition of Paugassett Council, No. 28, Knights of Columbus, of Derby, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Conference of Charities and Correction of Connecticut, praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented a petition of the Chamber of Commerce of Boston, Mass., praying for the enactment of legislation to create a court of commerce and to amend the act entitled "An act to regulate commerce," which was ordered to lie on the table.

Mr. BRISTOW presented a petition of Commodore Barry Council, No. 883, Knights of Columbus, of Pittsburg, Kans., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on Interstate Commerce.

Mr. BURTON presented a petition of the Western Reserve Chapter of the National Society, Daughters of the American Revolution, of Cleveland, Ohio, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Bucyrus, Ohio, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. BROWN presented a petition of the Live Stock Exchange, of South Omaha, Nebr., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Psi Chapter, Xi Psi Phi Fraternity, of Lincoln, Nebr., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CULLOM presented petitions of sundry councils, Knights of Columbus, of Spalding, Decatur, East St. Louis, and Carlyle, all in the State of Illinois, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HALE presented a petition of North Penobscot Grange, Patrons of Husbandry, of Kingman, Me., praying for the enactment of legislation to establish a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. ELKINS presented a petition of Local Branch No. 109, Glass Bottle Blowers' Association of the United States and Canada, of Wheeling, W. Va., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of Local Council No. 504, Knights of Columbus, of Wheeling, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented sundry papers to accompany the bill (S. 4559) for the relief of Fredricca Kimmerling, which were referred to the Committee on Claims.

He also presented an affidavit to accompany the bill (S. 4537) granting a pension to Barbara J. Reed, which was referred to the Committee on Pensions.

Mr. CURTIS presented petitions of sundry citizens of Caney, Harveyville, Havana, and of the Fourth Congressional District, all in the State of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Christiana Musser Chapter of the National Society Daughters of the American Revolution, of Chanute, Kans., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented petitions of Local Lodge No. 204, of Topeka; of Local Lodge No. 633, of Emporia; of Local Lodge No. 440, of Wyandotte; of Local Lodge No. 586, of Concordia; of Local Lodge No. 453, of Hutchinson; of Local Lodge No. 718, of Salina; and of Local Lodge No. 1127, of Great Bend, all of the Benevolent and Protective Order of Elks, in the State of Kansas, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HALE presented a petition of Governor Kavanaugh Council, No. 1423, Knights of Columbus, of North Whitefield, Me., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6888) to incorporate the Rockefeller Foundation, reported it with an amendment and submitted a report (No. 405) thereon.

Mr. CARTER, from the Committee on Irrigation and Reclamation of Arid Lands, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Public Lands, which was agreed to:

A bill (S. 6895) for the relief of Charles O. Hanna; and
A bill (S. 6894) for the relief of George Thompson.

RELIEF OF HOMESTEAD SETTLERS.

Mr. GAMBLE. I am directed by the Committee on Indian Affairs, to whom was recommitted the bill (H. R. 10321) for the relief of homestead settlers under the acts of February 20, 1904;

June 5 and 28, 1906; and March 2, 1907, to report it favorably with amendments, and I submit a report (No. 406) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. The bill will be read for information.

Mr. GAMBLE. The first two sections were read yesterday.

Mr. KEAN. Let it all be read.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I think the Senator from South Dakota ought to give some reason for the passage of the bill and explain why extension is to be made.

Mr. GAMBLE. This bill came up for consideration yesterday, and on the objection of the senior Senator from Minnesota [Mr. NELSON] it went over and was recommitted.

The first section of the bill is now included in the Indian appropriation bill, and I intend at the proper time to move to strike out the first section, as it is already provided for. This is a House bill, and it has been fully considered by the House and passed.

Mr. KEAN. But what I asked the Senator for was the reason for the proposed extension of time.

Mr. GAMBLE. I will give the reason.

Mr. KEAN. That is what I want to know.

Mr. GAMBLE. The second section provides for an extension of one year of the time in which the second payment upon the lands of Tripp County that were opened to settlement one year since. The winter has been an unusual and a most severe one. When the settlers went upon the land a year ago the coming April they paid one-fifth of the appraised value of the lands, but on account of the severe winter, the great cost of living, the expense of fuel, and the high expense of all things, it will be practically impossible for the settlers to make their second payment on the 1st day of April.

The bill simply provides for an extension for one year, and the settlers will pay 5 per cent interest upon the deferred payment. It simply postpones the time.

Mr. KEAN. Then, I understand it is an extension on account of the inclemency of the weather.

Mr. GAMBLE. The matter is fully shown in the report.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment was, in section 3, page 3, line 20, after the word "has," to insert the word "not," so as to make the additional proviso read:

And provided further, That nothing in this act shall extend the time of payments in any case where it shall appear to the satisfaction of the Secretary of the Interior that the law in regard to residence and improvement, as provided by the homestead law, has not been fully performed.

The amendment was agreed to.

The next amendment was, to add, after line 20, page 3, a new section, as follows:

SEC. 4. That section 4 of an act entitled "An act authorizing the sale and disposition of a portion of the surplus and unallotted lands in the Cheyenne River and Standing Rock Indian reservations in the States of South Dakota and North Dakota and making appropriation and provision to carry the same into effect," approved May 29, 1908, be, and the same hereby is, amended to read as follows:

"SEC. 4. That the price of said lands shall be paid in accordance with the rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid at the time of entry, and the balance in five equal installments, the first within two years and the remainder annually in three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry under the provisions of the homestead law at the appraised price thereof: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law, where the price of land is $1.25 per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of four years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act: *And it is further provided*, That any lands remaining unsold after said lands have been open to entry for seven years may be sold to the highest bidder for cash without regard to the prescribed price thereof fixed under the provisions of this act, under such rules and regulations as the Secretary of the Interior may prescribe."

The amendment was agreed to.

Mr. NELSON. I move to strike out the first section of the bill.

Mr. GAMBLE. That is entirely agreeable.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. It is proposed to strike out all of section 1 of the bill appearing on page 1. .

The amendment was agreed to.

Mr. GAMBLE. I suggest that the other sections be renumbered to correspond.

The VICE-PRESIDENT. Without objection, the Secretary is instructed to renumber the sections of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The committee reported to amend the title so as to read: "An act for the relief of homestead settlers under the acts of February 20, 1904; June 5 and 28, 1906; March 2, 1907; and May 29, 1908."

Mr. GAMBLE. I suggest that on account of the first section being stricken out the title be further amended by striking out the words "February 20, 1904."

The VICE-PRESIDENT. Without objection, the title will be amended as indicated. The Chair hears no objection.

FOLDING SPEECHES AND PAMPHLETS.

Mr. HALE. I report from the Committee on Appropriations a bill making an appropriation for folding speeches and pamphlets for the Senate, and I ask for its passage.

The bill (S. 7187) making an appropriation for folding speeches and pamphlets for the Senate was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the sum of $2,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply a deficiency in the appropriation for folding speeches and pamphlets, at a rate not exceeding $1 per thousand, for the Senate of the United States, for the fiscal year 1910.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. BLANKENSHIP.

Mr. SMITH of Maryland. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 5873) for the relief of John M. Blankenship, to report it favorably with amendments, and I submit a report (No. 404) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 4, after the words "to appoint," to strike out the words "the said," so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint John M. Blankenship an ensign in the United States Navy on the retired list.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The committee report to strike out the preamble. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

STATUE OF JOHN C. CALHOUN.

Mr. SMOOT, from the Committee on Printing, to whom was referred the following concurrent resolution (S. C. Res. 25), submitted by Mr. SMITH of California, on the 15th instant, reported it favorably, and it was considered by unanimous consent and agreed to:

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of John C. Calhoun, presented by the State of South Carolina, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of South Carolina.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates, to be bound with these proceedings.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURROWS:

A bill (S. 7188) granting an increase of pension to John A. Churchill (with an accompanying paper); and

A bill (S. 7189) granting an increase of pension to Derick Banta (with an accompanying paper); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 7190) granting an increase of pension to Sarah Barber (with an accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7191) to authorize the Commissioners of the District of Columbia to prevent the exhibition of obscene, lewd, indecent, or vulgar pictures in public places of amusement in the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 7192) granting an increase of pension to George L. Maxam (with an accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7193) granting an increase of pension to Lewis A. Ganson; to the Committee on Pensions.

By Mr. BAILEY:

(By request.) A bill (S. 7194) donating 100,000 acres of land to Cumberland College, Cumberland, Chaves County, N. Mex.; to the Committee on Territories.

A bill (S. 7195) to provide for the erection of a public building at Longview, in the State of Texas; and

A bill (S. 7196) to provide for the erection of a public building at Stamford, in the State of Texas; to the Committee on Public Buildings and Grounds.

By Mr. PENROSE:

A bill (S. 7197) to amend an act entitled "An act to create a new federal judicial district in Pennsylvania to be called the middle district," approved March 2, 1901; to the Committee on the Judiciary.

A bill (S. 7198) for the relief of Morris F. Cawley; to the Committee on Claims.

A bill (S. 7199) to organize a clerical corps of the Navy of the United States, to define its duties, and to regulate its pay; to the Committee on Naval Affairs.

A bill (S. 7200) to correct the military record of Charles Mace; to the Committee on Military Affairs.

A bill (S. 7201) to correct the military record of Adolph F. Hitchler;

A bill (S. 7202) granting an increase of pension to Joseph E. Patterson (with an accompanying paper);

A bill (S. 7203) granting a pension to Patrick O'Brien;

A bill (S. 7204) granting a pension to Ella V. Temple;

A bill (S. 7205) granting an increase of pension to Chalmers Wilson;

A bill (S. 7206) granting an increase of pension to James D. Bartholomew;

A bill (S. 7207) granting an increase of pension to George W. Crawford; and

A bill (S. 7208) granting an increase of pension to Thomas Collins; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 7209) granting a pension to Elizabeth P. Boggis; to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 7210) granting an increase of pension to James T. Moody; and

A bill (S. 7211) granting a pension to Jesse Beason; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 7212) granting an increase of pension to James R. Sultz;

A bill (S. 7213) granting a pension to H. E. Hagar; and

A bill (S. 7214) granting an increase of pension to William N. Johnson (with an accompanying paper); to the Committee on Pensions.

A bill (S. 7215) to provide for a site and the erection of a public building thereon at Garden City, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. ELKINS:

A bill (S. 7216) granting an increase of pension to T. W. Manion;

A bill (S. 7217) granting an increase of pension to Reuben B. Taylor (with an accompanying paper);

A bill (S. 7218) granting a pension to George Myers; and

A bill (S. 7219) granting a pension to Laura A. Swiger; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 7220) granting an increase of pension to John C. Griggs; to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 7221) for the relief of Shadrack H. Wren; to the Committee on Claims.

By Mr. ALDRICH:

A bill (S. 7222) granting an increase of pension to Harrison O. Bemis (with an accompanying paper);

A bill (S. 7223) granting an increase of pension to Amanda S. Carr (with an accompanying paper);

A bill (S. 7224) granting an increase of pension to David O'Brien (with an accompanying paper);

A bill (S. 7225) granting an increase of pension to Alvira F. Mitchell (with an accompanying paper);

A bill (S. 7226) granting an increase of pension to Ann J. Rouse (with an accompanying paper);

A bill (S. 7227) granting a pension to John Edward Mullen (with an accompanying paper); and

A bill (S. 7228) granting an increase of pension to George Erwin (with an accompanying paper); to the Committee on Pensions.

BOUNDARY LINE BETWEEN OREGON AND WASHINGTON.

Mr. JONES. I present a joint request of the governors of Oregon and Washington, asking for the passage of a joint resolution giving the consent of Congress to the States of Oregon and Washington to establish an exact boundary line between those States, and I introduce with it a joint resolution. I ask that the request be read.

There being no objection, the Secretary read as follows:

PORTLAND, OREG., *March 9, 1910.*

To the Congress of the United States,
Washington, D. C.:

We, the undersigned, F. W. Benson, governor of the State of Oregon, and M. E. Hay, governor of the State of Washington, do most respectfully request that your honorable body pass the consent that the State of Washington and the State of Oregon be permitted to agree upon the exact boundary line between said States where the said Columbia River now forms said boundary, said consent to be substantially as set forth in the copy of consent hereto attached.

F. W. BENSON,
Governor of the State of Oregon.
M. E. HAY,
Governor of the State of Washington.

The VICE-PRESIDENT. The communication will be referred to the Committee on the Judiciary.

Mr. JONES introduced a joint resolution (S. J. Res. 88) to enable the States of Oregon and Washington to agree upon a boundary line between said States where the Columbia River forms said boundary, which was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT TO POST-OFFICE APPROPRIATION BILL.

Mr. CURTIS submitted an amendment providing that all rural letter carriers in the service of the Post-Office Department be paid cash, as compensation, $90 per month for standard 24-mile routes, etc., intended to be proposed by him to the post-office appropriation bill, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. PILES submitted an amendment proposing to appropriate $25,000 for improving Snake River, Oregon, Washington, and Idaho, up to Pittsburg Landing, Oreg., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $115,000 for improving Weymouth Fore River, Massachusetts, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

REGULATION OF IMMIGRATION.

Mr. DILLINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, having met, after full and free conference have agreed

to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

WM. P. DILLINGHAM,
H. C. LODGE,
Managers on the part of the Senate.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
JOHN L. BURNETT,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by M. C. Latta, one of his secretaries, announced that the President had on March 15, 1910, approved and signed the following joint resolution and act:

S. J. Res. 63. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the confederate veterans' reunion, to be held at Mobile, Ala., in April, 1910; and

S. 5125. An act authorizing the creation of an additional land district in the State of Oregon, to be known as the "Vale land district."

HOUSE BILL REFERRED.

H. R. 22643. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

WASHINGTON GAS-LIGHT COMPANY.

Mr. BROWN. I call up Senate resolution 172, coming over from yesterday.

Mr. GALLINGER. The resolution is on the calendar of the Senate, but I have no objection to unanimous consent being given to proceed to its consideration, if the Senator will ask for that. It has gone to the calendar under the rules of the Senate.

The VICE-PRESIDENT. The Senator from New Hampshire is correct.

Mr. KEAN. Is there not a motion to refer pending?

Mr. GALLINGER. There is.

The VICE-PRESIDENT. The Secretary will state the resolution.

The SECRETARY. Order of business 392, Senate resolution 172, a resolution requesting the Attorney-General to inform the Senate what legal authority exists for the present capitalization of the Washington Gas-Light Company and what legal authority exists for an increase in its present capitalization.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The resolution is before the Senate, and the pending motion is that the resolution be referred to the Committee on the District of Columbia.

Mr. GALLINGER. I will call the attention of the Chair to the fact that I had entered a motion to commit the resolution to the Committee on the District of Columbia.

The VICE-PRESIDENT. That is the pending motion.

Mr. BROWN. I called it up for the purpose of having that motion disposed of. I think the point of order is good against the motion. I do not desire to make the point of order at this time if there is any reason why the motion should prevail. I thought that perhaps, on reflection, the Senator from New Hampshire would withdraw the motion to refer.

Mr. GALLINGER. Mr. President, it would be interesting to me, and I am sure it would be exceedingly interesting to the Senate, if the Senator from Nebraska would state his point of order.

Mr. BROWN. The point of order is that the rule disposes of these motions when entered against resolutions in the parliamentary situation in which this one is. This resolution was introduced more than a month ago and referred to a committee. Without objection, it was referred to the Committee on Corporations Organized in the District of Columbia. The Senator from New Hampshire, the chairman of the Committee on the District of Columbia, was here when that reference was made, and entered no objection. That gave the Committee on Corporations Organized in the District of Columbia jurisdiction of the resolution.

The resolution was amended by the committee after consideration and reported back to the Senate, carrying with it a possible charge against the contingent fund of the Senate. Because of the fact that the resolution carried that charge against the Senate fund, it makes it necessary, as I understand the rule, to send it to the Committee to Audit and Control the Contingent Expenses of the Senate. This is the rule—it is the fifth paragraph of Rule XXV:

> A Committee to Audit and Control the Contingent Expenses of the Senate, to consist of five Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

This is that sort of a resolution, providing for an investigation and providing for its payment out of the contingent fund of the Senate.

But, Mr. President, I would be glad to waive, so far as I am concerned, the point of order if the Senator from New Hampshire can state any reason why this resolution should take some new course and be sent to the Committee on the District of Columbia.

Mr. GALLINGER. Mr. President, I do not want the Senator to deny himself any privilege that he has under the rules. If he wishes to make the point of order, I should be glad to have him make it, because it is absolutely not a tenable point of order. In my own time and in my own way I will state the reason, and it will be in a very few words, why the resolution ought to go to the Committee on the District of Columbia.

Mr. BROWN. If the Senator would state his reasons now, we could save some time about the disposition of the point of order.

Mr. GALLINGER. I prefer that the Senator should proceed in his own way. He has the floor, and doubtless he is prepared to enlighten the Senate on a very important subject. I do not wish to interrupt him in the least.

Mr. BROWN. The Senator is very kind. I insist on the point of order, Mr. President.

The VICE-PRESIDENT. The Chair understands that the resolution was reported back from the Committee on the Organization of Corporations in the District of Columbia, and a motion was entered at that time for its reference to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BROWN. That is the record.

The VICE-PRESIDENT. That motion, of course, is not amendable, except to add instructions. A motion to refer to a particular committee is not an amendable motion. It seems to the Chair, therefore, that the motion made by the Senator from Nebraska is the motion which is now in order, rather than that which was afterwards entered by the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, this is the situation. A very simple resolution was presented by the Senator from Nebraska. I would have been quite willing to have had it passed without objection. The Senator asked that it should go to a minority committee. I did not object to that. It has been reported back in an entirely different form, and in a form that to my mind the Committee on the District of Columbia has absolute jurisdiction over.

It was not necessary that the Senator should make a motion to refer it to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. But he did.

Mr. GALLINGER. But it was not necessary as the law requires that, and under the custom of the Senate a motion to refer to some other committee is in order.

The VICE-PRESIDENT. But when the Senator makes the motion, then it changes the status, whether it was necessary or not.

Mr. GALLINGER. Even then, this is not a completed matter. This is a matter that another committee can take jurisdiction over, if the Senate so orders.

The VICE-PRESIDENT. That is true.

Mr. GALLINGER. I do not see that the fact that the Senator made a motion to send the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate, to which committee it would have gone after it had become a completed matter, excludes any Senator from moving to refer to another committee the entire subject.

The VICE-PRESIDENT. Under Rule XXVI, there is a provision that a motion simply to refer shall not be open to amendment except to add instructions; that is, we must first dispose of the motion to refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate before a motion to refer to any other committee can be entertained.

Mr. GALLINGER. I move to lay the motion to refer to the Committee to Audit and Control the Contingent Expenses on the table.

The VICE-PRESIDENT. That motion is in order. The Senator from New Hampshire moves to lay the motion of the Senator from Nebraska to refer upon the table.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. The motion is not debatable.

Mr. BROWN. I do not rise to debate it; but is it in order until we dispose of the other motion?

The VICE-PRESIDENT. The other motion is not in order.

Mr. GALLINGER. That is not in order.

The VICE-PRESIDENT. The Chair has ruled that the other motion was not in order.

Mr. BROWN. My point of order was sustained against the original motion to refer the resolution to the Committee on the District of Columbia.

The VICE-PRESIDENT. The Senator from Nebraska is correct. The question now is on the motion made by the Senator from New Hampshire to lay on the table the motion to refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate. [Putting the question.] The ayes appear to have it.

Mr. BROWN. I ask for a roll call on the proposition.

The yeas and nays were ordered.

The VICE-PRESIDENT. The Secretary will call the roll on the motion of the Senator from New Hampshire [Mr. GALLINGER] to lay on the table the motion of the Senator from Nebraska [Mr. BROWN] to refer the resolution.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained by illness. I do not know how he would vote, and so I will withhold my vote.

The roll call was concluded.

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON], who is absent. If he were present, I should vote "yea."

Mr. BRIGGS. I am paired with the junior Senator from Arkansas [Mr. DAVIS]. If he were present, I should vote "yea."

Mr. FLINT. I transfer my pair with the senior Senator from Texas [Mr. CULBERSON] to the junior Senator from Michigan [Mr. SMITH] and vote "yea."

Mr. BRIGGS. I transfer my pair with the junior Senator from Arkansas [Mr. DAVIS] to the junior Senator from Illinois [Mr. LORIMER] and vote "yea."

The result was announced—yeas 33, nays 30, as follows:

YEAS—33.

Aldrich	du Pont	Lodge	Scott
Brandegee	Elkins	Martin	Smith, Md.
Briggs	Flint	Nixon	Sutherland
Bulkeley	Gallinger	Oliver	Warner
Burrows	Gamble	Page	Warren
Carter	Guggenheim	Penrose	Wetmore
Crane	Hale	Perkins	
Cullom	Johnston	Richardson	
Dick	Kean	Root	

NAYS—30.

Borah	Clarke, Ark.	Hughes	Purcell
Bourne	Clay	Jones	Shively
Bristow	Crawford	La Follette	Smith, S. C.
Brown	Cummins	Money	Stephenson
Burkett	Dixon	Nelson	Taliaferro
Burton	Fletcher	Overman	Taylor
Chamberlain	Frazier	Paynter	
Clapp	Gore	Percy	

NOT VOTING—29.

Bacon	Curtis	Heyburn	Simmons
Bailey	Daniel	Lorimer	Smith, Mich.
Bankhead	Davis	McCumber	Smoot
Beveridge	Depew	McEnery	Stone
Bradley	Dillingham	Newlands	Tillman
Burnham	Dolliver	Owen	
Clark, Wyo.	Foster	Piles	
Culberson	Frye	Rayner	

So the motion to lay the motion to refer on the table was agreed to.

Mr. GALLINGER. I now move to refer the resolution to the Committee on the District of Columbia.

The VICE-PRESIDENT. The Senator from New Hampshire moves to refer the resolution to the Committee on the District of Columbia.

Mr. BROWN. Mr. President, I desire to discuss the resolution a moment before the vote on that motion is taken. Am I in order, Mr. President?

The VICE-PRESIDENT. The Senator from Nebraska is in order.

Mr. BROWN. Mr. President, this is an unusual proceeding. This resolution was considered, as shown by the record of the Senate, by one of its standing committees, and was reported to the Senate with no division on the part of the committee. It is a resolution providing for an investigation simply of facts relating to one of the corporations which Congress created which does business in this District. The resolution, under the rule which I have read, naturally would go to the Committee to Audit and Control the Contingent Expenses of the Senate, because it carries a charge against the contingent fund. My motion to refer to that committee, provided by the rules to consider the subject, has been laid upon the table, and the motion is now made that the resolution shall go to another committee. Why? There can not be found a precedent in this Senate, I will venture to say, having given the subject some search myself, where a resolution providing for an investigation has ever been routed the way this one has been.

Mr. GALLINGER. Mr. President, if the Senator will permit me, the resolution which went to the committee did not provide for an investigation. The Senator from Nebraska ought to be accurate.

Mr. BROWN. The resolution which went to the committee provided for an inquiry into the subject of this corporation and its capitalization. The Senator from New Hampshire suggested that the committee that considered it did not have a right to amend that resolution.

Mr. GALLINGER. Oh, no; not at all.

Mr. BROWN. Then, the same resolution coming back here amended——

Mr. GALLINGER. A very different one.

Mr. BROWN. It is different, but it treats of the same subject-matter.

Mr. GALLINGER. Oh, no.

Mr. BROWN. The same question is to be investigated. There is nothing new brought in except the method of procedure; that is all.

Now, then, as I suggested when interrupted, such resolutions as this have traveled the route in this body, but never before has it been undertaken to sidetrack them to some other committee.

I do not care, Mr. President, to reflect on any committee; it is not necessary; but the committee reflects on itself when it stands in the way of this procedure.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BROWN. I do.

Mr. GALLINGER. If the Senator from Nebraska will be as diligent in looking up precedents as he seems to have been in certain other directions, he will find that no such subject-matter ever went to any other committee in this Senate in all its history, except to the Committee on the District of Columbia.

Mr. BROWN. This subject-matter went to this committee by the consent of the chairman of the District Committee. He sat here when the resolution was referred, and without objection allowed that committee to take jurisdiction; but when the committee reports and makes a finding the report does not suit the Senator from New Hampshire. That is the trouble with it.

Now, there is just one of two reasons why this resolution should be taken away from the committee which has reported it and given to another committee: Either the committee that has jurisdiction now, for some reason or other, is not fit to take charge further of the subject, or else the subject-matter should not be investigated by Congress. For which reason is it, I ask the chairman of the Committee on the District of Columbia, that he opposes the jurisdiction of this committee being retained—which of the two reasons? I do not think he will complain that there is something wrong with the Committee on Corporations Organized in the District of Columbia. He might do so, but I apprehend that objection will not be raised. Therefore, the only objection to this resolution must be that there should be no inquiry.

Mr. GALLINGER. Mr. President, the Senator from Nebraska asks me a question, and I will answer it by telling him that I take no such position as that. The Committee on the District of Columbia has made several inquiries in reference to this particular corporation and other corporations in the District of Columbia; and whenever there is adequate reason for another inquiry that committee will make it, if the subject-matter is submitted to the committee. So far as the committee—this so-called Committee on Corporations Organized in the District of Columbia—is concerned, it is well known that it is a minority committee; that it was created to give a minority Member a chairmanship, and with no intention on the part of the Senate that that committee should take jurisdiction of a matter which belongs to one of the larger committees of the Senate.

Mr. BROWN. If that be true, Mr. President, the Senator from New Hampshire should have objected to a reference of this resolution originally to that committee.

Mr. GALLINGER. Mr. President——

Mr. BROWN. It was the intention of the Senate at the time when the resolution was referred to give this committee jurisdiction.

Mr. GALLINGER. Why, Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. BROWN. I do.

Mr. GALLINGER. Mr. President, the chairman of the Committee on the District of Columbia did not object to the reference of the resolution because it was simply a resolution of inquiry asking the Attorney-General to send certain facts to the Senate. I was not opposed to that. I did not care where the resolution went. I was quite willing that the Attorney-General should tell all he knew to the Senate; but the Senator—there was not method in his madness, but there was method in his shrewdness—when he got the resolution before his committee, or to the Committee on Corporations Organized in the District of Columbia——

Mr. BROWN. Mr. President, I do not understand the force of the point the Senator from New Hampshire undertakes to make when he suggests that this so-called committee—that is the term he used, this so-called committee—has not jurisdiction of this matter. The subject-matter is the same in the original resolution. He has admitted here that the committee had a right to amend it. If it had the right to amend it, that gave the committee jurisdiction of the subject. Having that jurisdiction, some reason must be shown why it should be taken away. There is only one reason that can be urged; there is only one excuse that can be given for a vote in favor of taking this resolution from one committee and giving it to another, and that is opposition to the passage of the resolution.

There is nothing in this resolution that ought to alarm my friend or anybody else. It provides for an inquiry into the affairs of a corporation for which we and nobody else are responsible. The annual report which Congress has compelled this corporation to make to Congress, if there was nothing else to move us, ought to move us to make this investigation. Here is a report addressed to the Speaker of the House of Representatives, dated January 31, 1910. This resolution shows that a corporation organized and doing business in this District under an act of Congress has a capital stock of $2,600,000. It shows that the company declared last year two dividends on that capitalization, one of 10 per cent and another of 10 per cent, making dividends of 20 per cent on the capital stock of $2,600,000.

Mr. President, that is not all. The company declared that dividend after they had paid 6 per cent interest on certificates of indebtedness aggregating $2,600,000, the same amount as the capital stock. Not only have they paid that interest and those dividends, but they expended $203,000 in betterments and improvements. Not only that, but they had almost $200,000 left as a surplus after these expenditures.

Now, I undertake to say that it is the duty of Congress, in the light of the fact that it is responsible for the corporation and what it does, to inquire into its capitalization and to inquire into its legality. The act that chartered this corporation prohibited it practically from running in debt. It discouraged that; and yet, in the face of that statute, there are existing certificates of indebtedness equal to the total capitalization. Congress can not sit idly by with these facts appearing on the record and decline to make an inquiry.

Mr. President, I ask that the natural, the orderly, and the usual procedure be allowed for this resolution that has attached to all other resolutions of this kind. I ask that it be referred to the committee which has made the report, and on the proposition to refer it to the Committee on the District of Columbia I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MARTIN. Mr. President, I desire to say a few words before the vote is taken on this proposition. The Senator from Nebraska [Mr. BROWN] says he wants the usual, orderly, and customary course pursued in reference to this resolution. The usual, orderly, and customary course pursued in matters of this sort is for the Committee on the District of Columbia to have jurisdiction of matters which concern the people of this District. The questions in relation to the gas supply——

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. MARTIN. I do.

Mr. BROWN. If the Senator will cite me to a single precedent where a resolution was reported by a committee providing for an investigation and it was referred to another committee than to the Committee to Audit and Control the Contingent Expenses of the Senate, I will surrender my contention. The Senate never has done it. There can not be a precedent of that kind found.

Mr. GALLINGER. Mr. President, if the Senator from Virginia [Mr. MARTIN] will permit me, I will say there are various precedents where matters have been presented here, and before going to the Committee to Audit and Control the Contingent Expenses of the Senate have been referred to other standing committees of this body. The RECORD is full of precedents of that kind.

Mr. MARTIN. Mr. President, there is no question about precedents, and there is no question about the fact that this very subject of the gas company in Washington has time and again been before the Senate and has always been referred to the Committee on the District of Columbia, where it properly belongs.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. MARTIN. I yield.

Mr. BROWN. If it were a question as to which committee the subject should go, that question was adjudicated and settled when the reference of the original measure was made.

Mr. GALLINGER. Not at all.

Mr. BROWN. The Senate itself conferred jurisdiction upon the Committee on Corporations Organized in the District of Columbia. That jurisdiction can not be disputed now. My friend from New Hampshire is mistaken when he undertakes to show there is a precedent for a resolution favoring an investigation reported by one committee being referred to some other committee for consideration, except to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. Mr. President, if the Senator from Virginia will permit me——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. MARTIN. Certainly.

Mr. GALLINGER. I am not mistaken at all on that point. Frequently resolutions of this kind have, under the rule, been ordered by the Chair to the Committee to Audit and Control the Contingent Expenses of the Senate, but upon motion they have been sent for consideration and examination to another standing committee. Of course, if the second committee reported it back, then it would go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MARTIN. Mr. President, there can be no doubt whatever about the proper jurisdiction of this matter, and the Senator from Nebraska is very much mistaken if he thinks he is the only man who can investigate this subject. It can be investigated——

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. MARTIN. Certainly.

Mr. BROWN. If there is objection to my making the investigation, I would be glad to get off the committee. That is not it. Mr. President, if the Senator makes the objection and asks this reference because the committee of which I happen to be a member is objectionable, I will not contend against it. I want that objection made, though. I do not want it put on any other ground than that the committee that reported this resolution is not the committee to make the investigation.

Mr. MARTIN. Mr. President, there is no personal objection to the Senator from Nebraska, but I want to say to the Senate that I do not believe he is the only man to conduct this investigation. I believe that the Committee on the District of Columbia, which has proper jurisdiction over this matter, will give any question referred to it thorough and proper investigation.

The subject-matter involved now before the Senate does not belong to the Committee on Corporations Organized in the District of Columbia. There is no question about the organization of this corporation. It was chartered by Congress, and its organization is perfected. There is nothing to investigate but the conduct of business as carried on by this corporation.

It is a public utility in this District; and if it is not conducted properly, if anything is wrong in the conduct of its business, it should be investigated by the Committee on the District of Columbia, which has always had jurisdiction of that and like matters, and I protest against having the jurisdiction of the Committee on the District of Columbia invaded in this way.

I hardly think the chairman of the Committee on Corporations Organized in the District of Columbia would himself get up here and say that he thinks this investigation comes properly before the committee of which he is chairman rather than

before the Committee on the District of Columbia, which has always had jurisdiction of matters of this kind.

Mr. TALIAFERRO. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Florida?

Mr. MARTIN. I yield to the Senator from Florida.

Mr. TALIAFERRO. Mr. President, I happen to be chairman of the Committee on Corporations Organized in the District of Columbia. I was not present in the Senate when the original resolution was referred to the committee. I was present, however, at a meeting of the committee when the resolution was considered. The question of jurisdiction had not been raised at all. I favored reporting back favorably the original resolution in the form that it was sent to the committee. That resolution did provide for an inquiry into the legality of this corporation. The report of the committee was agreed upon in my necessary absence from Washington and was made after my return. It was held up out of deference to my wishes until I got back.

For my part, I never favored coming into the Senate and seeking authority as a committee to make any character of investigation in the District of Columbia or elsewhere. I have been ready at all times, as a member of that committee, to investigate as faithfully and as fairly and as efficiently as I could any matter that the Senate sent to the committee; and if the Senate sees fit to send this resolution, which the committee has reported, back to the committee for the investigation which it provides for, I shall be very happy indeed to do my part in conducting the investigation. I shall take no part, however, in now seeking to locate jurisdiction either in one or the other of these committees. I only say that, as chairman of the Committee on Corporations Organized in the District of Columbia, I shall do my best with any matter that is referred to it. If the Senate sees fit to refer this investigation or the subject-matter of this investigation to the Committee on the District of Columbia, it will not be unsatisfactory to me.

Mr. MARTIN. Mr. President, the chairman of the Committee on Corporations Organized in the District of Columbia has said just what I would have expected the chairman of any committee to say. He does not stand here seeking to invade the jurisdiction and province of another committee. Of course, if the Senate sees fit to invade the jurisdiction of the Committee on the District of Columbia and to refer to his committee something that belongs to the Committee on the District of Columbia, he will conduct the investigation. If the Senate wants to inquire into the legality of the organization of this gas company, it is well enough to let the Committee on Corporations Organized in the District of Columbia make that investigation. Everybody knows that that is not the purpose here. The subject-matter involved is not the validity of the organization of this company, but it is the conduct of the business of this company. The Committee on the District of Columbia has never failed to make a thorough, exhaustive, and conscientious examination into any matter that has been referred to it.

I simply desire to protest against this important matter, involving the welfare and the interest of the city of Washington and the District of Columbia, being taken from the committee which has jurisdiction of it and being referred to the Committee on Corporations Organized in the District of Columbia.

Mr. GALLINGER. Mr. President, I am not going to detain the Senate many minutes. There is a great deal that might be said on this question in answer to the observations of the Senator from Nebraska [Mr. BROWN], but the motion before the Senate is simply a motion as to the jurisdiction of the committees of this body.

When I first came to this body, nineteen years ago, I made a request that I should not be placed on two committees of the Senate—one was the Committee on Claims and the other was the Committee on the District of Columbia—but in the wisdom of the Committee on Committees I was made a member of the Committee on the District of Columbia. I accepted the assignment, and have remained a member of that committee for nineteen years. During that time many questions relating to the public utility corporations in the District have come before the committee, which have been examined with care, inquired into conscientiously, and I think there is no ground of complaint as to the manner in which that committee has performed its duty.

The history of gas in this city is the history of gas everywhere else. Originally the citizens of this District paid $8 a thousand for gas, and the company that was then organized, with $50,000 capital, failed and lost all their money. The matter has gone along from time to time, and the price of gas has been reduced; in fact, I think it is the only commodity that can be named that has been constantly reduced in the United States. There may be instances where the price of gas has been increased, but I do not remember them, and certainly that is not true in the District of Columbia.

In 1896, Mr. President, when the late lamented Senator from Michigan, Mr. McMillan, was chairman of the Committee on the District of Columbia and I was an humble member of it, we took up the subject of the price of gas in the District of Columbia. Upon my motion an amendment was agreed to reducing the price. Gas was then selling at $1.50 in Georgetown and $1.25 in Washington; the reduction was made at the rate of 5 cents a thousand feet per year until it reached $1, and in Washington that point was reached in 1901. Since then the company has voluntarily reduced the price to 90 cents; and yet, while the citizens of Washington are not complaining—not one single complaint, so far as I know, has come to any member of the Committee on the District of Columbia—certain Senators who have heretofore not dealt with matters of that kind think it is their duty to take this matter up and have a dragnet investigation in reference to matters connected with this company.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. Certainly.

Mr. BROWN. Then, the Senator wants the resolution referred to his committee because he thinks the investigation unnecessary.

Mr. GALLINGER. The Senator does not want it referred to his committee for any such purpose. The chairman of the Committee on the District of Columbia stated a little while ago, and I will repeat it—and I hope the Senator from Nebraska, who is a very intelligent man, will allow it to creep into his gray matter—the chairman of the Committee on the District of Columbia said that, if any adequate complaint was made to that committee, an investigation would be made. I repeat that statement; and that is all I have to say on that point.

Mr. BROWN. I understood the Senator, if he will pardon me, to say that none had been made, and therefore the logic of his statement was that no investigation should be made.

Mr. GALLINGER. The logic of my statement is not that. The logic of the statement I made is that what has not been done may be done, and it may be done to-morrow, and perhaps the Senator from Nebraska, and certain men with whom he is cooperating, can stir up interest enough in the District to get somebody to complain.

Mr. President, I am not going to enter into any disagreeable controversy over this matter. I have no disposition to do that; but I want to say that the affairs of the public-utility corporations in this District have been very carefully looked into by the Committee on the District of Columbia and by Congress. I remember the time when we rode from the Capitol on a bobtail car to the foot of the hill, each man his own conductor, and a boy came down on a dilapidated old horse or mule and helped pull the next car up. I well remember that; and yet to-day we have the best underground electric railroad system in all the world, with the cheapest fare, with one exception, that can be found in the United States.

We have not been negligent in these things; and, in reference to this gas company, we have insisted that it should do the right thing for the people of the District. What have we insisted upon? They are charging 90 cents a thousand feet at the present time, and we are requiring them to maintain a candlepower of 22, and during the last year that candlepower has actually been 23⅔. Last year we required the company to keep its books according to a form prepared by the Interstate Commerce Commission, which they are doing. What are the facts about other companies in this country? I addressed a letter to the mayors of 17 cities about the size of Washington—some of them a little larger—asking them as to the price of gas and its candlepower. I have letters from 15 of those cities. Milwaukee and San Francisco did not respond. The facts given in these letters show that the average price of gas in those 15 cities was a little over $1, while in Washington we are getting gas for 90 cents. The average candlepower in those cities was 17, as against 22 in the city of Washington, and the difference between 22 and 17 candlepower is a difference in cost of at least 5 cents on a thousand feet of gas. I will not weary the Senate by reading these letters, but any Senator can see them who is interested in the subject.

Mr. President, I have been interested in watching the zeal and earnestness and patriotism which the Senator from Nebraska displays in reference to this subject of gas in the District of Columbia. I have wondered how it was in Nebraska. I was home two or three months ago, and the people in the city of Concord, N. H., were having a jubilee over the fact that gas had been reduced from $1.45 to $1.35 a thousand feet; and it

just occurred to me that possibly the same condition existed in Nebraska. So, the other day I addressed a letter to the city clerk of Kearney, Nebr., where I believe the Senator lives, and he replied:

The following is answer to communication: Price, $1.75 per thousand feet, with a discount of 10 per cent if paid on or before the 8th of the month following service.
The average flame of each lamp to be equal to that of 16 standard sperm candlepower.

So that the people in the city of Kearney, Nebr., are paying, after they get a discount—if they get it, and a great many of them do not get it—$1.57½ a thousand feet of 16 candlepower, and yet the Senator's soul is harrowed over the fact that the people of Washington are getting gas at 90 cents a thousand feet with 22 candlepower.

Then I extended my inquiries to the city of Lincoln, in Nebraska, and I find that gas is sold there at $1.20 a thousand cubic feet, with a penalty of 5 per cent added. They do not reduce the price there; they add to it. The candlepower in that city is 18, which is a difference of at least 5 cents a thousand feet between the candlepower of gas in that city and the candlepower of gas in the city of Washington.

Then I inquired as to the city of Omaha, and I found there that the people are paying $1.25, with a discount of 10 per cent if paid on or before the 10th day of each month. That means, if they get their discount, they are paying $1.12½ for gas in the city of Omaha, as against 90 cents in the city of Washington.

The city of Milwaukee did not reply to my inquiry, which I made a little while ago, and I had a little curiosity to know how things were in Milwaukee, so I looked into that matter. I find there are two companies there. The Milwaukee Coke and Gas Company has a capital of $1,500,000. It has an output of 3,000,000 cubic feet. Their output is one five-hundred-and-fifty-fifths of that of the Washington company, while their capital stock is over one-fourth as much. Some people are complaining about the capital stock of the Washington Gas-Light Company, but it will be seen that it is infinitesimal as compared with that of the Milwaukee Coke and Gas Company.

Then I took the Milwaukee Gas-Light Company, which has an output of a little over 2,000,000,000, an amount almost identical with that of the Washington Gas-Light Company. That company has a capital stock of $5,500,000, bonds of $8,111,000, or a total capitalization of $13,611,000, or over two and a quarter times the capital stock and bonds of the Washington Gas-Light Company.

Then take the City of Superior, in Wisconsin. The capital is $1,000,000, the bonds $1,800,000; total, $2,800,000; output, 47,000,000 cubic feet. The output of the Washington company is 42 times that of Superior, and the capital stock is only twice as much.

Now, Mr. President, it is well enough for us to keep in mind some of these facts and not allow ourselves to be swept off our feet by charges that the people of Washington are being so greatly oppressed because of the neglect of the Committee on the District of Columbia to keep these corporations, which are chartered by Congress, within their proper limits.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. GALLINGER. Certainly.

Mr. BROWN. It appears that the Senator himself has made quite an investigation of this subject.

Mr. GALLINGER. I have. I made it two years ago—some of it.

Mr. BROWN. I desire to inquire what dividends these corporations from which he has gotten his information have been paying on their capitalization?

Mr. GALLINGER. I did not make inquiry about that, but if it is a Nebraska corporation it is paying all it can under existing conditions, no doubt.

Mr. BROWN. The reflections on Nebraska corporations may amuse the Senator from New Hampshire. We have corporations out there, but they obey the law.

Mr. GALLINGER. Yes.

Mr. BROWN. And they do not violate their charters, as this company has done. That is the difference.

Mr. GALLINGER. That is a matter which has been inquired into over and over and over again. People are constantly talking about the Spooner investigation. That investigation was made a good many years ago by Senator Spooner. It was a very exhaustive investigation. I have the report in my hand. When Senator Spooner got through he recommended that an investigation, in place of being made by a committee of Congress—and he had spent months upon it—should be made by a board to be appointed by the Secretary of War. With all his ingenuity and his genius, he said it was a question in his mind whether Congress could specifically determine these questions in regard to the price of gas, the cost of gas, and all the elements entering into its production and its distribution.

Senator Spooner at that time made a suggestion. He said he was not sure, but he thought possibly this company ought to furnish gas at $1 a thousand. It furnishes it now at 90 cents, and I have no doubt that many of the men who are in this body now will be here when a still further reduction is made, because it is the purpose of the Committee on the District of Columbia, over and over again expressed, to see that public-utility corporations in the District of Columbia shall deal fairly with their patrons; that they shall furnish whatever they are supplying to the public at a reasonable cost. There never has been any disposition on the part of the committee, as a whole or any member of it, to do otherwise than to deal fairly between the corporations and the people of this capital city of the Nation, and that I shall continue to do, no matter what criticisms may be made as to my conduct.

Mr. President, there is very much more that might be said. Questions have been raised that can easily be answered; but, as I said before, this question, after all, is one of jurisdiction, and I am content to have the motion put to the Senate.

Mr. LODGE. Mr. President, I know nothing of the merits of the question involved in the subject-matter of this resolution, but there is also a question involved in this resolution which affects the method of procedure of the Senate, and which I think deserves the attention of all Members of the Senate. This resolution as originally introduced was simply to the effect "that the Attorney-General of the United States be requested to inform the Senate what legal authority, if any, exists for the present capitalization of the Washington Gas-Light Company, a corporation existing and doing business in the District of Columbia, and what legal authority, if any, exists for an increase of the present capitalization of said corporation." That was merely a resolution of inquiry, of which we have two or three almost every morning. It required on its face no reference to a committee at all. It was simply a request for information from the head of a department, and nothing else. It goes to a committee, as some of those resolutions sometimes do. It comes out of that committee with the original resolution effaced and a new resolution substituted. It is a complete substitution, in the nature of an amendment.

The new resolution is a totally different resolution. It provides for an investigation by Congress of a corporation in the District of Columbia. That may be needed or may not be needed. I know nothing of the facts in regard to it. But the new resolution involves a matter which is distinctly within the province of another committee. On that there can be no question.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. BROWN. Will the Senator explain what province the Committee on Corporations Organized in the District of Columbia has, if any?

Mr. LODGE. Its theoretical province is the organization of corporations. Its actual province is none.

Mr. BAILEY. It is to furnish a chairmanship.

Mr. LODGE. Yes; to furnish a chairmanship, and that is all it has ever been.

Mr. GALLINGER. To furnish a chairmanship to a minority Member.

Mr. BROWN. It is one of the standing committees of the Senate, is it not?

Mr. LODGE. It is.

Mr. BROWN. And a subject-matter referred to that committee by the Senate would give the committee jurisdiction of that subject-matter, would it not?

Mr. LODGE. Not necessarily, if the Senate chooses to reverse it.

Mr. BROWN. It would not?

Mr. ALDRICH. Mr. President——

Mr. LODGE. One moment, Mr. President. I believe I have the floor. My point is not the point the Senator from Nebraska is discussing. My point is that here is a resolution which calls for information from a department; it goes to a committee and comes out transmuted into a resolution for a sweeping investigation of a corporation in the District. Now, that investigation may or may not be necessary; I do not pretend to say; but if it is necessary, it certainly belongs to the committee which ever since I have been in the Senate has had that matter in charge. To take this away from the District of Colum-

bia Committee—a new subject, which was not in the resolution in the least as the Senate referred it to the Committee on the Organization of Corporations in the District of Columbia—would be a reflection on that committee which I have never seen placed by the Senate on any committee of this body.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. Certainly.

Mr. BROWN. The reflection would be on the committee that now has jurisdiction of the subject-matter.

Mr. LODGE. Not in the least.

Mr. BROWN. It has been given jurisdiction. The proposition is to take it away from the committee. The reflection is on that committee, and not on any other committee.

Mr. LODGE. The Senate never gave the Committee on the Organization of Corporations in the District of Columbia jurisdiction of the subject-matter of this resolution as amended. It never in the world gave it. The Senate gave them jurisdiction over a request for information from the Attorney-General of the United States, and now comes in a totally different resolution, in the nature of an amendment, of which the Senate never gave the committee jurisdiction at any time. We are not taking from that committee any jurisdiction we have conferred. If the motion of the Senator from New Hampshire prevails, we are declining to give them jurisdiction over subject-matter which was never referred to that committee. Now I will listen to the Senator.

Mr. BROWN. I direct the Senator's attention to this fact: The original resolution was, as he states, an inquiry for the opinion of the Attorney-General of the United States on the legality of the capitalization of the company.

Mr. LODGE. And that was all.

Mr. BROWN. It further inquired what legal authority, if any, existed for certain certificates of indebtedness.

Mr. LODGE. It did not ask his opinion. It asked for information.

Mr. BROWN. What legal authority, if any, there was for its existence?

Mr. LODGE. Certainly.

Mr. BROWN. What is the difference between that resolution and this one? That resolution sought the judgment of the Attorney-General to find out certain facts. The resolution substituted sends out a committee of Congress to investigate and find out for itself the facts.

Mr. LODGE. Mr. President, I yielded for a question.

Mr. BROWN. The subject-matter is the same. Only the method of getting the information is different.

Mr. LODGE. On the Senator's own statement it is obvious that they are two entirely different propositions. One is a resolution asking information from the Attorney-General. The other is a resolution for an inquiry by a committee of this body. If the resolution had been introduced into the Senate in the form in which it stands in the amendment, it would never have been allowed by the Senator from New Hampshire, or by the Senate, to go to any other committee than the Committee on the District of Columbia—never for a moment.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Rhode Island?

Mr. LODGE. Certainly.

Mr. ALDRICH. I desire to enter a protest against the new doctrine which the Senator from Nebraska seems to want to establish, that the informal reference to a committee gives it permanent jurisdiction over a subject to which it otherwise would not be entitled, and that the Senate is therefore precluded from sending a matter to the committee which is entitled to jurisdiction over it. Bills and resolutions are offered here every day, and it is very easy for a Senator who prepares a resolution and presents it to ask that it be referred to a particular committee of which he is a member—that has been done many times in the history of the Senate—which committee clearly is not entitled to jurisdiction; and the Senate afterwards, in numberless cases, has exercised the right which was within its power, for I assume a majority of the Senate has the right to control its business, to send it to the proper committee. The mere fact that there was introduced and informally, without discussion, referred to a committee—whether the Senator offering it is a member of that committee is of no consequence—a resolution on a subject which was clearly within the jurisdiction of another committee, as this was, is not conclusive on the Senate. The Senate has repeatedly taken bills away from one committee and properly referred them to another.

Mr. LODGE, Mr. BROWN, Mr. SHIVELY, and others addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield? There are several Senators desiring to interrupt him.

Mr. LODGE. I merely wish to enter the fact that I have not yielded the floor.

The VICE-PRESIDENT. The Senator from Massachusetts has the floor.

Mr. LODGE. I yielded to the Senator from Rhode Island.

Mr. BROWN. Will the Senator yield to me for a moment?

Mr. LODGE. Certainly.

Mr. BROWN. The Senator from Rhode Island says it has frequently happened that bills referred to one committee are afterwards brought back and given to another committee. That is true; but always with the consent of both committees.

Mr. LODGE, Mr. ALDRICH, Mr. GALLINGER, and others. Oh, no.

Mr. BROWN. Will you find me a precedent where the committee that brought in the resolution——

Mr. GALLINGER. The woods are full of them.

Mr. BROWN. Or that reported the bill lost jurisdiction when it protested against losing it?

Mr. SHIVELY. Will the Senator yield for a question?

Mr. LODGE. To the Senator from Indiana, certainly.

Mr. SHIVELY. Will the Senator from Massachusetts present a precedent where, after a resolution has been reported to the Senate, the reference has been changed?

Mr. LODGE. If the Senator will give me time to look at the RECORD I can find plenty, I think, at this session. It is the commonest possible practice. I have been here a number of years, and I never before heard it questioned.

Mr. BROWN. But over the objection of the reporting committee?

Mr. LODGE. Certainly. I have seen the reference changed here just as I have seen it done in the House.

Mr. SHIVELY. The Senator may be right, but it ought to be very easy to produce those precedents if they exist.

Mr. LODGE. At this session I have had changed the reference of a bill which I thought belonged to the Committee on the Philippines.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. Yes.

Mr. CUMMINS. I rise only to state that the debate seems to be proceeding upon a misapprehension.

Mr. LODGE. I think not.

Mr. CUMMINS. It is assumed that the committee to which this resolution was originally referred was not the proper committee to consider the subject embraced in the resolution reported by it; and that impression has been given by reciting erroneously the title of the committee. It has been named several times as the Committee on the Organization of Corporations in the District of Columbia. The committee is not so named. The committee is called the "Committee on Corporations in the District of Columbia."

Mr. LODGE. Certainly.

Mr. CUMMINS. So it would seem to have jurisdiction with respect to any matter pertaining to a corporation organized in the District of Columbia.

Mr. LODGE. I was quite aware of the phraseology of the title of the committee. It does not in the least alter my proposition. I am under no misapprehension whatever. My proposition is that to send a resolution of one character to any committee—I do not care how it is named—and to bring out one of a totally different character on a subject which by universal practice has always been within the jurisdiction of another committee, if persisted in will throw into confusion the entire system of doing business in the Senate. We should have an endless contest over jurisdiction in the Senate all the time and every day.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New Hampshire?

Mr. LODGE. Certainly.

Mr. GALLINGER. If the Senator will permit me, I wish simply to call attention to one fact, which is of some consequence, and that is that the Committee on the District of Columbia is divided into subcommittees, and one of those subcommittees is the subcommittee on public utilities, of which the honored Senator from Montana [Mr. CARTER] is chairman. Having always supposed that we had jurisdiction over these matters, a subcommittee was appointed to consider them.

I will say while I am on my feet, if the Senator will permit me, that had this resolution, in the form it has come to the Senate from the committee, been presented to this body, it would not have gone to that committee without a contest. I should certainly have resisted it to the end. But as it was a mere matter of inquiry of the Attorney-General, I did not care where it went.

Mr. SHIVELY. It is still merely a matter of inquiry.

Mr. GALLINGER. Well, not quite.

Mr. BROWN. It will not be if it is referred to that committee.

Mr. GALLINGER. The chairman of the committee resents any such insinuation.

Mr. BROWN. Mr. President——

Mr. LODGE. Mr. President, I believe I have the floor.

The VICE-PRESIDENT. The Senator from Massachusetts has the floor.

Mr. BROWN. Then I have it not?

The VICE-PRESIDENT. You have it not.

Mr. LODGE. You have it not.

Mr. President, this is a precise example of the evil that I saw in this system of doing business—to introduce a little resolution asking the head of a department for information, which goes without objection to a committee, and to have it come out a totally different resolution. It never would have had that reference if it had been introduced originally in the form in which it is reported. It seems to me that is not the proper way to transact the business of the Senate. If the resolution had originally been introduced in the form it is to-day, we could have debated the question to what committee it belonged. But the fact that a committee has jurisdiction of one resolution does not give it jurisdiction of another resolution totally different from it.

What I am contending for is the proper method of procedure in the Senate, and it seems to me we want to observe the proper lines of jurisdiction and to take this entirely new subject, which was not in the original resolution, from the Committee on the District of Columbia, which had no opportunity to say a word about it when the original resolution was introduced, as I said a moment ago, is a direct reflection on that committee, one of the hardest worked and most faithful committees of this body.

The Senator from New Hampshire has been on that committee, as he says, for nineteen years; he has been for many years its chairman, and the Senate knows how laborious that position has been and how faithfully and how conscientiously he has filled that high position and what work he has done for the city of Washington, and, I think, Mr. President, it is most unfortunate that this situation has arisen. I hope the Senate will adhere to its practice of recognizing carefully the lines which mark the jurisdiction of committees and which give to certain large standing committees of the Senate certain subjects for their consideration.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire to refer the resolution to the Committee on the District of Columbia. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the junior Senator from Michigan [Mr. SMITH] and will vote. I vote "yea."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is necessarily absent. If he were present, I should vote "yea."

The roll call was concluded.

Mr. BRIGGS. I have voted in the affirmative. In pursuance of the announcement made earlier in the day, I transfer my pair with the junior Senator from Arkansas [Mr. DAVIS] to the junior Senator from Illinois [Mr. LORIMER]. I will let the announcement stand for the remainder of the day.

Mr. DILLINGHAM. I wish to inquire whether the Senator from Washington [Mr. PILES] has voted?

The VICE-PRESIDENT. He has not.

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Washington [Mr. PILES] and will vote. I vote "yea."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], who is not present. I therefore withdraw my vote.

The result was announced—yeas 37, nays 25, as follows:

YEAS—37.

Aldrich	Dick	Lodge	Smith, Md.
Bradley	Dillingham	Martin	Smoot
Brandegee	du Pont	Nixon	Stephenson
Briggs	Elkins	Overman	Sutherland
Bulkeley	Flint	Page	Warner
Burnham	Gallinger	Penrose	Warren
Burrows	Gamble	Perkins	Wetmore
Carter	Hale	Richardson	
Crane	Johnston	Root	
Cullom	Kean	Scott	

NAYS—25.

Borah	Clarke, Ark.	Jones	Shively
Bourne	Clay	La Follette	Smith, S. C.
Bristow	Cummins	Money	Taliaferro
Brown	Dixon	Nelson	Taylor
Burkett	Fletcher	Owen	
Burton	Gore	Percy	
Clapp	Hughes	Purcell	

NOT VOTING—30.

Bacon	Curtis	Guggenheim	Piles
Bailey	Daniel	Heyburn	Rayner
Bankhead	Davis	Lorimer	Simmons
Beveridge	Depew	McCumber	Smith, Mich.
Chamberlain	Dolliver	McEnery	Stone
Clark, Wyo.	Foster	Newlands	Tillman
Crawford	Frazier	Oliver	
Culberson	Frye	Paynter	

So the motion to refer was agreed to.

PELAGIC SEALING.

Mr. DIXON. Mr. President, while the jurisdiction of committees has been under debate, I want to ask for the reference of the President's message of yesterday regarding the fur-seal question to the Committee on Conservation of National Resources. That committee during the past month has had that question under consideration, has held one extensive hearing, and has had communications with the Secretary of Commerce and Labor, and, I think, has gone into the matter quite fully. I believe that through an inadvertence of the Chair the message was referred to the Committee on Foreign Relations instead of the Committee on Conservation of National Resources. I should like to ask unanimous consent for a rereference of the message.

Mr. KEAN. The chairman of the Committee on Foreign Relations is not at this moment here, but I will say to the Senator from Montana that the Committee on Foreign Relations has had that subject before it many times, and I should object at the present time to unanimous consent. If the Senator chooses, he can enter a motion to discharge the Committee on Foreign Relations from the consideration of the message, with a view to its reference to his committee, and we can dispose of it to-morrow.

Mr. DIXON. Then, Mr. President, I now move that the Committee on Foreign Relations be discharged from the further consideration of the President's message received yesterday and that the message be referred to the Committee on Conservation of National Resources.

Mr. KEAN. It requires unanimous consent.

Mr. ROOT. Mr. President, I think the Senator from Montana is mistaken in the idea——

Mr. ALDRICH. I suggest that the matter go over. The motion can not be made at this time except by unanimous consent.

The VICE-PRESIDENT. Objection is made to the consideration of the motion at this time. The motion is entered.

Mr. DIXON. Then I will ask that the Senate take it up to-morrow.

COURT OF COMMERCE, ETC.

Mr. KEAN. I move that the Senate proceed to the consideration of the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

Mr. CUMMINS resumed the speech begun by him yesterday. After having spoken, with interruptions, for three hours and ten minutes,

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. I should like to ask the Senator from Iowa what his pleasure is, and whether he desires to go on further to-day. He has occupied the floor for a considerable time. Would he prefer to continue to-morrow?

Mr. CUMMINS. I am deeply chagrined in discovering that I am not able to finish my consideration of this bill to-day. I apologize, but accompany my apology with the suggestion that I have occupied a minor part of the time in which I have been technically given the floor. Therefore, if it is the pleasure of the Senate, I would be glad to be relieved at this time, to resume to-morrow whenever the bill is taken up.

[For Mr. CUMMINS's entire speech see Senate proceedings of March 18.]

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 17, 1910, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 16, 1910.

PROMOTION IN THE NAVY.

Naval Constructor Henry Williams, with the rank of lieutenant, to be a naval constructor in the navy with the rank of lieutenant-commander from the 12th day of March, 1910.

PROMOTIONS IN THE ARMY.

SIGNAL CORPS.

Capt. Daniel J. Carr, Signal Corps, to be major from March 14, 1910, vice Maj. Eugene O. Fechét, retired from active service on that date.

INFANTRY ARM.

Lieut. Col. William T. Wood, infantry, unassigned, to be colonel from March 12, 1910, vice Col. George F. Cooke, Nineteenth Infantry, retired from active service on that date.

Maj. Harry L. Bailey, Second Infantry, to be lieutenant-colonel from March 12, 1910, vice Lieut. Col. Charles G. Morton, Fifth Infantry, detailed as inspector-general on that date.

Capt. William Weigel, Eighteenth Infantry, to be major from March 12, 1910, vice Maj. Harry L. Bailey, Second Infantry, promoted.

First Lieut. James G. Hannah, Tenth Infantry, to be captain from March 12, 1910, vice Capt. William Weigel, Eighteenth Infantry, promoted.

Second Lieut. Ellery Farmer, Twenty-sixth Infantry, to be first lieutenant from March 12, 1910, vice First Lieut. James G. Hannah, Tenth Infantry, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 16, 1910.

POSTMASTERS.

CONNECTICUT.

James A. Pitkin, at Portland, Conn.

ILLINOIS.

Fred C. Kile, at Blue Island, Ill.
Edward F. Ledoyt, at Sandwich, Ill.
Harry B. Ward, at Duquoin, Ill.

IOWA.

A. W. Jackson, at West Liberty, Iowa.
John R. Smull, jr., at Stuart, Iowa.

MAINE.

Fitz M. Fish, at Hallowell, Me.
Newton H. Fogg, at Sanford, Me.
Winthrop C. Fogg, at Freeport, Me.
Reuel W. Norton, at Kennebunk Port, Me.
William Stackpole, at Saco, Me.

MASSACHUSETTS.

Benjamin F. Brooks, at Barre, Mass.
George G. Cook, at Milford, Mass.
Louis C. Hyde, at Springfield, Mass.

MICHIGAN.

Arthur L. Fitch, at Charlevoix, Mich.
Richard M. Johnson, at Middleville, Mich.
William B. Kelly, at Tawas City, Mich.
George W. Moulton, at Belding, Mich.
Lester B. Place, at Three Rivers, Mich.
Judson M. Spore, at Rockford, Mich.

MISSISSIPPI.

W. C. Peel, at Greenwood, Miss.

NEW HAMPSHIRE.

Eugene Lane, at Suncook, N. H.

NEW JERSEY.

De Witt C. Winchell, at Carteret, N. J.

NORTH CAROLINA.

Charles F. McKesson, at Morganton, N. C.

OHIO.

Charles E. Hard, at Portsmouth, Ohio.
Frank M. Martin, at Woodsfield, Ohio.

PENNSYLVANIA.

Edward C. Dithrich, at Coraopolis, Pa.
William G. Miller, at Yatesboro, Pa.

WEST VIRGINIA.

Sira W. Willey, at Hinton, W. Va.

WYOMING.

Elmer T. Beltz, at Laramie, Wyo.
Frank C. Fawcett, at Newcastle, Wyo.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 16, 1910.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

The SPEAKER. The Chair lays before the House the following credentials.

The Clerk read as follows:

COMMONWEALTH OF VIRGINIA:

This is to certify that at a meeting of the board of state canvassers, held at the office of the secretary of the Commonwealth the 15th day of March, 1910, on an examination of the official abstract of votes on file in that office, it was ascertained and determined that at the special election, held on the first Tuesday after the first Monday in March, 1910, for Member of Congress, R. TURNBULL was duly elected a Member of the House of Representatives for the Fourth Congressional District of Virginia for the unexpired term prescribed by law.

Given under my hand and seal of office at Richmond this 15th day of March, 1910.

[SEAL.] B. O. JAMES,
Secretary of the Commonwealth.

The SPEAKER. If the Member-elect is present, he will present himself before the bar of the House and take the oath of office.

Mr. R. TURNBULL, Representative-elect from the Fourth Congressional District of Virginia, presented himself before the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 19959. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

H. R. 20480. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 20490. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Vice-President had appointed Mr. PERCY a member of the Joint Immigration Commission on the part of the Senate, as provided for in the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," in place of Mr. McLaurin, deceased.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1056. An act for the relief of Benjamin Hyde;

S. 1751. An act to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906;

S. 2984. An act to grant certain lands to the town of La Junta, Colo.;

S. 3792. An act for the relief of the Saginaw, Swan Creek, and Black River band of Chippewa Indians in the State of Michigan;

S. 3793. An act for the relief of the Miami Indians;

S. 5314. An act to extend the time of payments on certain homestead entries in Oklahoma;

S. 5432. An act to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply;

S. 5629. An act to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park;

S. 5783. An act authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes;

S. 6152. An act providing for the allotment of land to the Apache and other Indians under the charge of the War Department, Fort Sill Military Reservation, Okla., and for other purposes;

S. 6793. An act authorizing the construction of a bridge across the Columbia River in the counties of Okanogan and Douglas, Wash.;

S. 6794. An act authorizing the construction of a bridge across the Okanogan River in the county of Okanogan, Wash.;

S. 6965. An act for the relief of Samuel W. Campbell;

S. 7058. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors;

S. 7090. An act fixing the expense allowance for travel and attendance of United States district judges when necessarily absent from their place of residence on official duty in any other place in their districts;

S. 7096. An act granting permission to certain officers of the United States to accept gifts from the governments of foreign states, and authorizing the Department of State to deliver said gifts;

S. 1021. An act to appoint James B. Ferguson a first lieutenant in the Medical Corps of the Army and place him on the retired list; and

S. J. Res. 24. Joint resolution empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes.

AMENDMENT OF SECTION 8 OF THE CENSUS ACT.

Mr. CRUMPACKER. Mr. Speaker, I call up for consideration House joint resolution 172, a resolution of constitutional privilege.

Mr. DWIGHT. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and ten gentlemen are present; not a quorum.

Mr. DWIGHT. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House.

The motion was agreed to.

The SPEAKER. The "ayes" have it; the Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Alexander, N. Y.	Elvins	Korbly	Randell, Tex.
Allen	Esch	Lamb	Rauch
Anthony	Finley	Langley	Reid
Barchfeld	Focht	Legare	Riordan
Barclay	Fornes	Lloyd	Roberts
Bartlett, Nev.	Foulkrod	Lowden	Rucker, Colo.
Bingham	Fuller	Lundin	Saunders
Bochne	Gaines	McCall	Sharp
Boutell	Gardner, N. J.	McKinlay, Cal.	Sherley
Bowers	Garner, Pa.	McKinley, Ill.	Sherwood
Burgess	Gilmore	McLaughlin, Mich.	Simmons
Burke, Pa.	Godwin	McMorran	Slemp
Campbell	Goebel	Macon	Smith, Cal.
Capron	Goldfogle	Madden	Smith, Tex.
Carlin	Guernsey	Madison	Snapp
Carter	Hamill	Mays	Southwick
Cassidy	Haugen	Millington	Sparkman
Chapman	Hayes	Moxley	Sturgiss
Covington	Heflin	Mudd	Sulzer
Cravens	Helm	Murdock	Swasey
Crow	Hill	Nicholls	Taylor, Ala.
Davis	Hinshaw	Norris	Tener
Denby	Howard	O'Connell	Wallace
Dickinson	Huff	Olcott	Weeks
Diekema	Hughes, W. Va.	Page	Willett
Douglas	Jamieson	Patterson	
Driscoll, M. E.	Knapp	Pou	

The SPEAKER. The call of the roll shows present 282 Members; a quorum.

Mr. OLMSTED. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Pennsylvania moves to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Indiana——

Mr. CRUMPACKER. Mr. Speaker——

Mr. HULL of Iowa. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HULL of Iowa. Is not this calendar Wednesday?

The SPEAKER. This is calendar Wednesday; but the Chair desires to hear what the gentleman from Indiana, who addressed the Chair, has to say. For what purpose does the gentleman from Indiana rise?

Mr. CRUMPACKER. Mr. Speaker, I call up for consideration House joint resolution 172, a resolution of constitutional privilege, which resolution I believe to be in order to-day under the rules of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 172, enlarging the scope of inquiry of the schedules relating to population for the Thirteenth Decennial Census.

Resolved, etc., That the schedules relating to population for the Thirteenth Decennial Census, in addition to the inquiries required by the act entitled "An act to amend section 8 of an act to provide for the thirteenth and subsequent decennial censuses, approved July 2, 1909," approved February 25, 1910, shall provide inquiries respecting the nationality or mother tongue of all persons born in foreign countries.

The committee amendment was read, as follows:

Strike out the period at the end of line 10 and insert "and of the nationality or mother tongue of parents of foreign birth of persons enumerated."

Mr. FITZGERALD. Mr. Speaker, I make the point of order that this is not in order——

Mr. MANN. Mr. Speaker, I make the point of order that this being calendar Wednesday, no other business is in order unless calendar Wednesday be dispensed with by a two-thirds vote of the House. I make this point of order not for the purpose of opposing the resolution, but to obtain a decision on this point.

The SPEAKER. The gentleman from Illinois makes the point of order that this joint resolution is not in order to-day, this being calendar Wednesday. What point of order does the gentleman from New York make?

Mr. FITZGERALD. Mr. Speaker, I make the point of order that nothing is in order under the rule to-day except the call of committees.

The SPEAKER. Practically the same point of order. The Chair will hear either gentleman on the point of order, or both.

Mr. FITZGERALD. I am willing to rest the case on the previous decisions.

The SPEAKER. The Chair is prepared to rule, if no gentleman desires to be heard. The Chair reads from the Constitution:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

Another clause of the Constitution:

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States and within every subsequent term of ten years in such manner as they shall by law direct.

That is all that is necessary to read touching the constitutional provisions.

Now, the rule of the House relating to calendar Wednesday is, in substance, that no business shall be in order except the call of committees, unless by a two-thirds vote calendar Wednesday is dispensed with. Now, under the rule of the House it is perfectly clear that a question which is merely made privileged by the rules of the House would not be in order to-day; but this is a higher question.

Mr. FITZGERALD. I beg to call the Chair's attention to another provision of the Constitution.

The SPEAKER. The Chair will yield presently to any suggestion that the gentleman desires to make.

This joint resolution is called up by the gentleman from Indiana [Mr. CRUMPACKER], and upon its face it provides an amendment to the law for taking the census, and especially for the enumeration of the inhabitants of the United States, and that in the opinion of the Chair is a question of privilege that arises under the Constitution. The fixed law of the land—the

Constitution—of course overrides any rule that the House might make for its procedure, although it is true that the Constitution empowers the House to make rules for the conduct of its business. The Chair, however, finds that questions similar to this have frequently been brought to the attention of the House, when business has arisen where the rules of the House touching the order of business conflict with the demands of the Constitution, and the Chair will have the Clerk read from a decision made by Mr. Speaker Henderson, as quoted in the Parliamentary Precedents.

The Clerk read as follows:

306. A bill relating to the taking of the census was held to be privileged because of the constitutional requirement. On January 16, 1900, Mr. Albert J. Hopkins, of Illinois, from the Select Committee on the Twelfth Census, reported as privileged the bill (S. 2179) relating to the twelfth and subsequent censuses and giving to the director thereof additional power and authority in certain cases, and for other purposes.

Mr. Charles A. Russell, of Connecticut, made the point of order that the report was not privileged.

After debate the Speaker held—

The question arises by the gentleman from Illinois [Mr. Hopkins], chairman of the Special Committee on the Twelfth Census, bringing in his report.

Were this an original question that had not been passed upon, the Chair might rule differently than he feels constrained to rule at this time.

The Constitution of the United States makes it mandatory upon Congress to take a census of the people every ten years. It also requires the Congress to make an apportionment of the Members of Congress for each State. The Constitution also authorizes the Congress to adopt rules for its procedure.

If this was an original question, the Chair would be inclined to hold that if the House adopts rules of procedure and leaves out any committee from the list of committees whose reports are privileged that that committee would be remitted to those rules of procedure adopted by the House for its guidance. But the Chair finds that a question which the Chair thinks is identical in every particular was ruled upon in the Fifty-first Congress. I quote:

"A bill making an apportionment of Representatives presents a privileged question. On December 16, 1890, Mr. Mark H. Dunnell, of Minnesota, as a privileged question, moved that the House proceed to the consideration of the bill of the House (H. R. 8500) making an apportionment of Representatives in Congress among the several States under the Eleventh Census. The bill having been read at length, Mr. James H. Blount, of Georgia, made the point of order that under the rule the Committee on the Eleventh Census was not included among those having the right to report at any time such business as would properly come before said committee, and that, therefore, the consideration of the bill at this time was not a privileged question."

The House will see that it could not be more fairly and squarely stated than Mr. Blount stated it.

"The Speaker, Mr. Reed, being in the chair, overruled the point of order, on the ground that a bill making an apportionment is a privileged question, and, it being a constitutional duty imposed on Congress, the consideration of the bill was clearly a privileged question."

At that time the Fifty-first Congress had its Committee on Rules, and probably there never was one more active than the Committee on Rules of that Congress. It was equipped with all the rules of procedure, and yet the Committee on the Eleventh Census was not clothed with the power to report at any time. Now, the Chair is unable to see any distinction in principle between an apportionment bill and a bill for taking the Twelfth Census. The Chair has examined this bill. It is amendatory of the act which we passed in the last Congress for taking the Twelfth Census. It is supplemental to that act. It contains simply provisions for taking the Twelfth Census, all in the same line, and all required by the Constitution.

If the decision made in regard to the consideration of the apportionment bill was sound law, it seems to the Chair clear that it ought to be a sound ruling that this is privileged. The Chair thinks gentlemen of the House will all agree that when decisions are made it is well, unless they are clearly in abuse of the rules of the House, that these precedents should be followed. It is a guide to all Members and will aid them in their work.

Now, when the bill for the Twelfth Census was first brought up the gentleman in charge of the bill, the same gentleman as now presents this, offered it as a privileged report. The Speaker did not rule upon it. The gentleman from Texas [Mr. BAILEY] reserved all rights against the bill, saying that he was not clear that it was a privileged bill at all, and with that reservation the bill was considered as introduced in the House, to be printed for the information of the House, and the chairman of the committee, the gentleman from Illinois, gave notice that he would call it up the following Monday.

That being suspension day, it was passed under suspension of the rules, and the suggested questions of the week before, or some days before, were not passed on. But the Chair is clearly of the opinion that the decision made in the Fifty-first Congress is sufficient warrant for holding this to be a privileged question.

The SPEAKER. The Chair desires to state that there are still other authorities analogous to this precedent, namely, decisions by Speaker Reed and by Speaker KEIFER, and the Chair has just caused to be read the ruling made by Speaker Henderson. The examination of the precedents shows that a certain class of business, like election cases, like matters arising in impeachment, and like legislation relating to apportionment or the taking of the census as to the population, have invariably been admitted as involving constitutional privilege, presenting a privilege higher than any rule of the House would give. Therefore the Chair overrules the point of order.

Mr. FITZGERALD. Mr. Speaker, in order that the proceedings may be in order, I respectfully appeal from the decision of the Chair and ask to be heard.

Mr. GARDNER of Massachusetts. Mr. Speaker, I was going to ask the Chair to suspend decision for a minute.

The SPEAKER. The gentleman can be heard on the appeal.

Mr. GARDNER of Massachusetts. Unless it is moved to lay the appeal on the table, and then I could not.

The SPEAKER. The Chair would be glad to recognize the gentleman from Massachusetts, but the gentleman from New York is one of the gentlemen who made the point of order. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. PAYNE. Mr. Speaker, I move to lay the appeal on the table.

Mr. FITZGERALD. Oh, I hope the gentleman will not do that at present.

The SPEAKER. The Chair has already recognized the gentleman from New York.

Mr. FITZGERALD. I yield five minutes to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Speaker, if I had been recognized before the Speaker made his ruling, I should have called his attention to this fact: In all those rulings which accord privilege to bills presented as the result of a constitutional mandate, the basis on which they were given privilege has invariably been this, that if they were held to be unprivileged it might be impossible at the end of a session, for instance, for the House to perform its constitutional duty, owing to the fact that other bills had the right of way. In short, there might be no opportunity for the House to consider a bill which was presented in response to the constitutional mandate. Such rulings are predicated on the existence of a very different situation. The denial of privilege to bills of this class merely on calendar Wednesday would result in no situation such that the House would be prohibited from performing its constitutional duty, unless, perchance, we were to adjourn sine die to-morrow.

The SPEAKER. May the Chair interrupt the gentleman from Massachusetts for a question? The gentleman said if this was the last day of the session, or the next to the last day of the session, it would be in order. Why? Because of the direction of the Constitution. Then, if it is in order then, why not in order at any time; and how does the Chair know but that the House and the Senate may adjourn without day during the present legislative day?

Mr. GARDNER of Massachusetts. Why, Mr. Speaker, that case is almost as conceivable as to suppose that it would take two years for the House to organize, and yet no one would suppose that it was in order to proceed with this measure before the House was organized. I am putting the case as a practical question. I yield back the balance of my time.

Mr. FITZGERALD. Mr. Speaker, it seems to me that under the present rule the situation is entirely different from what has existed heretofore. The gentleman from Indiana reported his bill on yesterday as a matter of privilege. He was entitled then to call it up; it was in the possession of the House. He did not exercise his right to call the bill up, but permitted it to go over until to-day. The House is given power under the Constitution to make its own rules. It has not made a rule which says that this bill can not be considered on Wednesday, but it has provided means by which the bill can be taken up, should the House desire to consider it.

If the ruling of the Speaker is logical that this bill is in order, will the next ruling be that the question of consideration can not be raised against the bill because the House is charged with the constitutional duty of enacting this legislation and must consider it, whether it will or not?

The SPEAKER. If the Chair may suggest, in reply to the gentleman, it is always in the power of the House to consider whatever matter it may choose to consider, even in impeachment cases or election cases, or cases like this.

Mr. FITZGERALD. It is also true that the House could provide, on questions of consideration being raised, a bill should not be considered unless two-thirds of the House voted to consider the bill, and not a majority, as now required under the rule. If that be conceded, then this rule which provides for calendar Wednesday makes no other provision except that a motion to proceed to some other business, different from the business provided for on calendar Wednesday, can only be proceeded with in the event that two-thirds of the House vote to consider it.

Mr. MANN. Does the gentleman contend that no business can be presented to the House on calendar Wednesday except the call of the calendars without dispensing with that call by a two-thirds vote?

Mr. FITZGERALD. That is my contention; yes.

Mr. MANN. Before the gentleman came into the Hall of the House this morning, the gentleman being slightly delayed by good reasons, we had already transacted other business, being the swearing in of a new Member from Virginia. Would the gentleman contend that under the calendar Wednesday rule the swearing in of a new Member was out of order?

Mr. FITZGERALD. I do not consider that that is business in the sense in which the rule operates.

Mr. MANN. Oh, certainly; it is business; decidedly business.

Mr. FITZGERALD. No; the question of consideration could not have been raised against a Member to take his oath as a Member of this House.

Mr. MANN. Certainly not. It is a matter of high privilege.

Mr. FITZGERALD. He has a right to take his oath when he pleases or demands the right.

Mr. MANN. He may take his oath to-morrow.

Mr. FITZGERALD. Yes; but he took it to-day.

Mr. MANN. And he has the right to take his oath to-day, notwithstanding any rule of the House.

Mr. FITZGERALD. That is not at all on all fours with this question.

The SPEAKER. Will the gentleman from New York permit a suggestion from the Chair right at that point? In the Roberts case, the gentleman will recollect, hours and days were consumed touching the question of administering the oath to the man who had the certificate, and some such question is possible to arise in every case, or it is possible for some other question to arise.

Mr. FITZGERALD. Mr. Speaker, I recollect the Roberts case. A Member of this House, on his responsibility as a Member of the House, asserted that Mr. Roberts did not possess the qualifications required in order to entitle him to be sworn as a Member of the House, and the Chair directed that he step aside until that question be determined. That is because the House has the constitutional right to determine the qualifications of its Members. This is not at all a similar case. Here is a bill upon the calendar of the House. It is not a question as to whether the House shall consider it, but a question as to how the House shall proceed to consider it.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman from New York will allow me to interrupt, I would suggest to him that the rule provides that by a two-thirds vote calendar Wednesday can be set aside, and therefore, of course, it can be set aside by unanimous consent, as it was when the gentleman from Virginia was sworn in a moment ago. The fact that it can be set aside by a two-thirds vote necessarily carries with it the right to dispense with it by unanimous consent.

The SPEAKER. If the gentleman from New York will again indulge the Chair, the gentleman from Virginia [Mr. TURNBULL] did not take the oath by unanimous consent. The oath could be administered even in the absence of a quorum, because, perchance, the presence of the Member might make a quorum, and probably the taking of the oath could interrupt a roll call; and yet any question touching the eligibility of a Member might arise which would consume all of calendar Wednesday.

Mr. UNDERWOOD. If the Speaker will allow me to make this suggestion, the question was not raised when the gentleman from Virginia took his oath. Although unanimous consent was not asked, the oath was administered to him by unanimous consent, because no one objected.

Mr. MANN. Suppose somebody had objected, would it make any difference?

Mr. UNDERWOOD. I am not disposed to go into that proposition now. I simply say there was no precedent established here when the gentleman from Virginia took the oath, because no one objected.

Mr. MANN. There was no precedent established, of course—that is, that is binding.

Mr. FITZGERALD. The question of a Member taking his oath of office is not at all analogous to the present situation. Here is a bill upon the calendar——

Mr. MANN. Supposing it were an election case and we were considering the right of a Member to a seat on the floor of the House. Suppose it were an election case and two-thirds of the House determined that it would not consider the election case.

Mr. FITZGERALD. Well, but two-thirds would not be called upon to determine that.

Mr. MANN. Suppose it were an election case involving the right of a Member to a seat in the House.

Mr. FITZGERALD. Mr. Speaker, under the rule the question of consideration need not be put unless demanded. The House could provide by rule that no bill could be considered in the House unless two-thirds of the Members of the House, upon the question of consideration being raised, should vote to consider the bill. No Member can have his right to a seat tested in the House if a majority of the House refused so to vote, although it is his constitutional right to sit here, if he be properly elected.

Mr. MANN. He has the right to present his matter to the House and have a vote either upon the question of consideration or upon the question of admission as a Member.

Mr. FITZGERALD. And so has the gentleman from Indiana [Mr. CRUMPACKER] the right to bring this bill up under the rule, to move to dispense with the proceedings under the rule for the establishment of calendar Wednesday, and he would have had five minutes within which to state to the House the object of his motion. Unless he can obtain the vote provided by the rule, he is not entitled to have his bill considered.

Here is the beginning of the movement to break down calendar Wednesday. Here is the entering wedge to be followed up by some other constitutional claim, I suppose an election case, as the gentleman from Illinois suggests.

Mr. BURLESON. Will the gentleman permit a question?

Mr. FITZGERALD. Certainly.

Mr. BURLESON. As I understand, the Constitution imposes upon Congress the duty of making appropriations to defray the expenses of the Government. Would not an appropriation bill be given precedence over calendar Wednesday?

Mr. FITZGERALD. It is the duty of Congress to provide the means for the Government to exist. I submit it is as high and as important a duty as is the duty to provide for an enumeration. If no enumeration were taken, the Government would not cease; Members would still be elected under the existing law; but if no money were appropriated to carry on the Government, I know of no constitutional means by which money could be obtained except by a vote of the Congress.

This is an ingenious suggestion of the gentleman from Indiana—that he with this particular bill can come in and break down this rule. There is no rule, Mr. Speaker, which prevents the gentleman presenting his bill to the House in order, and there is nothing in the Constitution to prohibit the House from requiring not only a two-thirds but a three-fourths vote to consider certain matters. I submit that if this day is to be maintained as it should be for the benefit of the House that the rule should be enforced rigidly and kept as the Speaker has been keeping it, declining even to permit, as he did not long since, the gentleman from Missouri to inquire whether a bill was properly upon one calendar instead of another. Mr. Speaker, simply desiring that this calendar Wednesday be maintained for the benefit of the House, so that Members may have this opportunity once a week, with the exception of the last two weeks of the session, to consider the bills upon the calendar, and hoping to keep the rule in that form, I shall vote to reverse the ruling of the Speaker. Now I wish to yield to the gentleman from Alabama [Mr. UNDERWOOD]. How much time?

Mr. UNDERWOOD. Ten minutes.

Mr. FITZGERALD. I yield to the gentleman from Alabama ten minutes.

Mr. UNDERWOOD. Mr. Speaker, I am very much opposed to the ruling of the Speaker in this case and hope the House will reverse the decision of the Chair, because I believe if the decision of the Chair is adopted as the ruling of the House in this case calendar Wednesday will pass away and be of no more benefit to the House than is the original right to call the calendar. The reason you could not do business under the old rule on the call of the calendar was that the chairmen of committees, under direction of the Speaker or the Rules Committee, could inject between the House and the calendar other business that they denominated as privileged business, and your calendar was gone. Now, the House, in its wisdom in adopting the rule for calendar Wednesday, said that this calendar Wednesday should not be interfered with except by a two-thirds vote of this House. That does not mean a ruling of the Speaker; that does not mean a decision of the Speaker as to whether a matter is privileged or is not privileged. It means a vote of two-thirds of the Members of this House. If the gentleman from Indiana had brought this bill into the House on some other day besides calendar Wednesday, could not the House have rejected the consideration of his bill by a majority vote? Then, if the House can refuse to consider a question of taking the census or relating to the taking of the census on any day of the week, why can not it by its rule say it shall not be in order to consider it on one day in the week? If it is in order because it is privileged to consider this bill because it relates to the taking of the census, it is equally in order to consider to-day a bill raising revenue. Does not the Constitution of the United States fix the duty on Congress and on this House to consider all revenue bills? Is a bill to take the census of any more vital import to the people of the United States than a bill to raise revenue to support the Government? Is it of any greater privi-

lege or has it been considered of any greater privilege in the history of this House? Not at all. And therefore if this House to-day votes to sustain the Speaker and recognize the bill of the gentleman from Indiana as privileged, and thereby set aside calendar Wednesday, you open the door to inject between you and the call of the calendar an appropriation bill, a revenue bill, and other matters of privilege that will destroy the rule you adopted in the last session of Congress for the benefit of this House.

Therefore I say it is of the utmost importance that the membership of this House shall, when the roll is called to-day, declare whether they stand for the House to attend to the business that the House thinks should be considered, or whether they intend to go back to the old system and allow the Rules Committee to say to you what business shall be transacted in this House.

Mr. KEIFER. Mr. Speaker——

The SPEAKER. Does the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Ohio?

Mr. FITZGERALD. I yield five minutes to the gentleman from Ohio [Mr. KEIFER]. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has forty minutes remaining.

Mr. KEIFER. I would like ten minutes.

Mr. FITZGERALD. I wish the gentleman would make it five minutes, because I wish to yield to other gentlemen. I yield to the gentleman from Ohio five minutes.

Mr. KEIFER. Mr. Speaker, we have had a great deal of talk on one side of this question. I am not going to undertake to argue the primary question—that is, that this is a privileged matter under the Constitution of the United States, for that seems to have been settled by the uniform line of decisions running through the history of Congress. So the question comes now as to whether that settled question is to be set aside by a mere rule of the House, which rule is only to facilitate certain bills that are already on the calendar to be considered in the ordinary course, but leaving to committees on Wednesdays the right to select certain bills and call them up. The argument that it would set aside the rule should have no weight. This calendar Wednesday rule, they say, can be set aside by a two-thirds vote only, but I claim, if the Constitution comes in, standing for a right higher than any rule the House can make, the calendar Wednesday rule does not need to be set aside. The rule itself, they say, was intended to prevent a majority of the House from doing business on Wednesday. That is to say, if a majority in the House desires to consider anything, the rule shuts it out and requires a two-thirds vote to do anything on Wednesdays save as the rule provides. So, they say and claim that this rule stands higher than the Constitution; that it takes the place of it, and unless something more than a majority of the House desires to set the Wednesday rule aside, we must go on under it regardless of consequences.

One gentleman on the other side, I believe the gentleman from Alabama [Mr. UNDERWOOD], says that the Speaker violated the rule, technically, to-day when he swore in a Member of this House. That is exactly wrong in every respect. It has been held from the beginning of our constitutional Government that it was the duty of the Speaker at any time an application is made to him by a person who claims to have been elected to this House, and with proper credentials presented to him, to swear in as a Member of this House, unless—and this is the one and only qualification, and has over and over again been so considered—the House by a majority vote directs the Speaker not to do it. That has happened in the organization of the House frequently. After a large majority of the House has been sworn in, it has been attempted to ask the Speaker to refuse to swear in other Members, but he has stood on what is his constitutional duty, namely, to swear in all the Members on the roll unless a majority of the House directs otherwise. So that in the organization of this House the Speaker did his constitutional duty to-day in swearing in the Member, regardless of the calendar Wednesday rule.

Mr. HULL of Iowa. I would like a little information, if the gentleman will yield for a question.

Mr. KEIFER. Certainly.

The SPEAKER. The time of the gentleman from Ohio [Mr. KEIFER] has expired.

Mr. KEIFER. I would like it if the gentleman from New York would give me five minutes more.

Mr. FITZGERALD. I will yield five minutes more to the gentleman from Ohio.

Mr. HULL of Iowa. The Constitution provides that Congress must raise revenue. The Ways and Means Committee is the committee charged with that duty. Under the Constitution, would a report from the Ways and Means Committee set aside calendar Wednesday?

Mr. KEIFER. Not at all. That has nothing to do with the question at all. Generally the Ways and Means and the Appropriations committees have, under our rules, the right to take up business reported by them as privileged.

Mr. HULL of Iowa. They are both constitutional.

Mr. KEIFER. The Constitution says that revenue measures shall originate in the House.

Mr. MANN. The Constitution does not say that the Constitution shall raise revenue. It provides the power for raising revenue. In one case it shall do a thing, and in another case it shall have the power to do it.

Mr. HULL of Iowa. That is practically the same.

Mr. KEIFER. The Constitution and the whole organic power of the Government are vested in the Congress, and there are various things that are essential to its life that Congress may do.

But the Constitution does not direct that they shall do all these things, as it does on this particular matter of the census.

Mr. LIVINGSTON. Would it be in order to raise the question of consideration on this measure of the gentleman from Indiana?

Mr. KEIFER. To raise the question of consideration?

Mr. LIVINGSTON. Now.

Mr. KEIFER. That is a different question.

Mr. LIVINGSTON. No; it is not. That is in order under the rule when we established calendar Wednesday. Would it be in order to raise the question of consideration?

Mr. KEIFER. What do you mean by that?

Mr. LIVINGSTON. Take a vote as to whether we shall take up this measure.

Mr. KEIFER. I presume you could do that as to any bill on any day it is called up under any rule.

Mr. LIVINGSTON. Would not a majority settle that question?

Mr. KEIFER. A majority would settle it; but that question could not, or need not, be taken up in the case we are considering until it is found whether the resolution of the gentleman from Indiana is in order. The claim of gentlemen on the other side is that it can not be in order under this rule, although the Constitution gives it a privilege and right over the rules of the House.

Mr. LIVINGSTON. One other question. Does the decision of the Chair settle the question of consideration?

Mr. KEIFER. Oh, no; the Chair has entertained an appeal, and we are going to decide it by the House.

Mr. GARRETT. Is it not by rule really that the question of consideration can be raised?

Mr. KEIFER. I think that is a common rule with reference to any measure that comes up before the House rightfully, but still the House, the question of consideration being raised, might decide not to consider.

Mr. GARRETT. But under the rule the right exists?

Mr. KEIFER. I think you may say that under the rule, but what particular rule I have not in mind, but certainly that has been the practice.

Mr. GARRETT. Well, now, if this be a question of high constitutional privilege, the gentleman has said the question of consideration can be raised, and that it can only be raised under the rule. If this be a question of high constitutional privilege, why does it not overcome all the rules?

Mr. KEIFER. The answer to that is very simple. The House always decides, and by a majority, whether at any particular time it will consider a measure, although of the highest right or privilege to come before the House.

Mr. MARTIN of South Dakota. If the gentleman will permit me, the constitutional provision under discussion seems to be section 3 of Article I of the Constitution, which provides for the enumeration of the census each ten years. Congress has already passed a law making provision for taking the census.

Mr. KEIFER. I thought the gentleman was going to ask me a question?

Mr. MARTIN of South Dakota. This is the basis of it. This particular resolution simply provides for some other subject of inquiry in connection with this census.

Mr. KEIFER. Mr. Speaker, I have not the time——

Mr. MARTIN of South Dakota. If this resolution is in order to-day, I would like to ask the gentleman whether we may not be confronted here on every calendar Wednesday for the remainder of the session with some other resolution asking as to some other thing pertaining to the enumeration of the census?

Mr. KEIFER. You may ask the chairman of the Committee on the Census whether such an absurdity is likely to be worked out, and whether his committee would be responsible for such a proposition.

Mr. MARTIN of South Dakota. Would not such a resolution be in order under your contention?

Mr. KEIFER. Why, I am talking about what is presented; I do not attempt to determine things that are absurd and not presented.

Mr. FITZGERALD. Supposing a resolution declaring war were brought up as a matter of privilege, does the gentleman believe that that would be really within the prerogative of Congress? It could be in order regardless of the rule on calendar Wednesdays.

Mr. KEIFER. It might be said it would be the duty of Congress to set aside all its own rules and exercise that constitutional power given Congress to declare war—one of the powers that is specially vested by the Constitution in Congress. I have not undertaken, Mr. Speaker, to discuss the constitutional question that the gentleman on my right suggests, because that has been over and over discussed and uniformly decided one way, and the Clerk has read, at the instance of the Speaker, precedents sufficient to settle that question, unless we are going to reverse every former decision. The right of measures relating to taking a census has always been recognized as a constitutional right and duty cast on Congress, and such measures have uniformly been held privileged by virtue of the Constitution of the United States, and not to be set aside by any mere rule of the House.

Mr. FITZGERALD. I yield five minutes to the gentleman from Michigan.

Mr. TOWNSEND. Mr. Speaker, it seems to me that it is exceedingly unfortunate that the gentleman from Indiana has on this day injected this controversy into the House. I have read his resolution very carefully, and I find it provides for something to be done which is not at all essential to the taking of the census. The constitutional requirement for taking the census has been met by enactment of law, and if this immaterial provision can displace the regular order to-day, on another Wednesday the gentleman or some one else may offer something similar, and calendar Wednesday will be no more. If this is such a constitutional question as takes precedence of this day's regular business, then bills appropriating money for taking the census and similar matters will be in order, and means for destroying calendar Wednesday will be always at hand.

It seems to me, Mr. Chairman, that it will be a great mistake for the House to allow the presentation at this time of a proposition not at all closely connected with such a taking of the census as is commanded by the Constitution, and then to let the Speaker, following a line of precedents established under other rules, decide that such a remotely related constitutional matter may displace the existing rule. For myself, Mr. Speaker, I am satisfied that this rule has been a most wholesome one, and under it more business has been considered in an orderly and careful manner than has been considered in the same length of time during any other Congress of which I have been a Member.

It appears that Speaker Henderson himself had some doubts about its wisdom when he made his ruling, because he said if it had not been for the precedents the Chair might have decided otherwise. But, Mr. Speaker, if we are to be governed by precedents, it is time we established a right precedent in this matter, in order that questions of this kind hereafter may be properly considered. [Applause.]

I do not believe we ought to import into this day's business foreign matters, and let this wholesome rule be dispensed with on such grounds. Therefore I believe that, inasmuch as the unfortunate question is before us, we should settle it right and should maintain calendar Wednesday. Nobody in this House thinks for a moment that the taking of the census or the law to provide for it is going to be interfered with by putting this matter off a day or two. It is in order under this very rule when that committee is reached.

There is no question about what this means, gentlemen. It means an end to calendar Wednesday if the decision of the Chair stands. This House can not afford to take the position, after it has operated under it so satisfactorily, of nullifying it. Therefore I hope that the decision of the Chair will not be sustained.

Mr. CRUMPACKER. Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] has not yielded the floor.

Mr. CRUMPACKER. I desire recognition in my own right.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] has the floor, and his hour has not expired.

Mr. FITZGERALD. Mr. Speaker, I want to be very frank with the House. I do not wish to take an undue amount of time myself, nor do I wish to prevent a fair discussion of the question. I do desire to reserve the right to close the debate, and I believe I should have that right. I may want five or ten minutes to do so. I am perfectly willing to permit the gentleman to be recognized in his own right, and trust that no Member by demanding the previous question will deprive me of the opportunity later to close the debate on the question.

The SPEAKER. Does the gentleman reserve the balance of his time?

Mr. FITZGERALD. I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, there is no doubt that this resolution is privileged under the Constitution of the United States, because it relates to a duty that the Constitution expressly requires Congress to perform every ten years. There are a number of decisions settling that question. There is not a single one in the parliamentary history of this country to the contrary.

If this resolution is not privileged to-day, it has no privilege at all. I want the membership of the House to bear that proposition in mind. If this resolution does not go through to-day, it can not go through, because if it has any privilege at all, it is not under the rules of the House but in spite of them. If it has any privilege at all it is under the Constitution; and if the rules are higher than the Constitution to-day, they will be to-morrow, and every other day of this session of Congress. There is no use in quibbling about this proposition.

Mr. SCOTT. Will the gentleman permit a question?

Mr. CRUMPACKER. In a minute. The House is confronted with the proposition as to whether this important resolution, bearing directly upon the population schedule, shall be considered as a privileged resolution notwithstanding the House rules, under the Constitution of the United States. I yield to the gentleman from Kansas for a question.

Mr. SCOTT. Would the failure to adopt this resolution interfere in any material way with the taking of the census.

Mr. CRUMPACKER. It would deprive the census of a great portion of its scientific value. I do not know whether the gentleman is aware of the fact that a great many organizations of men of foreign birth all over the United States, Bohemians, Poles, Finns, Lithuanians, Slovaks, Croatians, Hungarians, I do not know how many, but probably half a million, have petitioned Congress asking for this amendment of the population schedule, in order that they might be classified according to nationality or mother tongue.

Many of them lived in provinces now under the Czar of Russia. Under the law as it is they will be classified as Russians. Irishmen will be classified as Englishmen. Do you want to do it? Will the House refuse an amendment that provides for this important and, from a scientific and sociological standpoint, this very valuable classification of foreign population?

Mr. SCOTT. That is not a part of the constitutional mandate. The constitutional mandate goes only to the question of enumerated population.

Mr. CRUMPACKER. But we have a population that is an apportionable population; we have a population that is a taxable population; and it has been decided by the Speakers of the House of Representatives to be privileged under the Constitution for so long a time that it almost seems to me a waste of time to discuss the question on its merits. The question is settled by a long, unbroken line of precedents.

Mr. WILSON of Illinois. Will the gentleman yield?

Mr. CRUMPACKER. Certainly.

Mr. WILSON of Illinois. Could the gentleman not bring this up to-morrow?

Mr. CRUMPACKER. I could not. If it is not privileged to-day it will not be privileged to-morrow.

Mr. WILSON of Illinois. Could not the gentleman ask to have it considered to-morrow?

Mr. CRUMPACKER. What would be the use? If the House decides that it is not a privileged resolution, anybody who made the point of order against it could keep it out. I will tell the gentleman why it is not privileged to-morrow. If it has any privilege at all, where does it get it? It gets it from the Constitution. It is not privileged under the rules of the House. If it has no privilege to-day in spite of the rules, would it have any privilege to-morrow in spite of the rules? The Speaker would not be justified in recognizing the gentleman in charge of the bill to call it up.

Mr. HULL of Iowa. May I ask the gentleman a question?

Mr. CRUMPACKER. I will yield to the gentleman from Iowa.

Mr. HULL of Iowa. The decisions of the Chair have held that it is privileged under the Constitution; and have they not always treated it as privileged under the rules in the matter of taking it up the same as any other privileged matter in the House?

Mr. CRUMPACKER. No; because the Speakers have held that this class of bills is privileged under the Constitution, which is higher than any law or rule which Congress may adopt.

Mr. HULL of Iowa. It gives it no privilege over any other privileged report.

Mr. CRUMPACKER. I say this, and I want the House to know what it is doing: If the House overrules the Chair on this decision, it decides that this legislation is not privileged to-day, to-morrow, or at any other time. It decides that this bill can not, as a practical proposition, be considered in time to be available for taking the next census.

I want the responsibility for the defeat of this bill to be properly located. I do not want any Member to mistake or misunderstand the responsibility he takes in relation to the important question now up for consideration. I will yield now to the gentleman from Illinois.

Mr. WILSON of Illinois. I have this to say, that I should like to have this resolution considered, and I know that a great many other Members of the House would like to have the resolution considered. At the same time neither I nor many other Members with whom I have talked are in favor of dispensing with calendar day to-day, but we would be glad to have the gentleman bring the matter up any other day.

Mr. CRUMPACKER. I want to say that the gentleman from Illinois can not relieve himself from responsibility in that way; that kind of talk does not relieve the gentleman from Illinois from his share of responsibility of defeating this legislation. [Applause.] I want him to know it now.

Mr. WILSON of Illinois. If the gentleman brings the resolution up some other day than Wednesday he will get it passed.

Mr. CRUMPACKER. If the House decides that it is not privileged to-day, I can not bring it up on any other day.

Mr. WILSON of Illinois. The gentleman can, if he wants to.

Mr. CRUMPACKER. The gentleman can not, if he wants to, under the rule. Now, the talk about undertaking to defeat calendar Wednesday I do not have much respect for, because if the author of the calendar-day rule had not taken an appeal this bill would have been out of the way in five minutes. I do not believe there is any opposition to it in the House. It looks to me more like an attempt to use calendar day to defeat the bill.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. CRUMPACKER. I will yield to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. The gentleman from Indiana says that he has gone into the history of the rulings on the matter of bills like the census bills introduced in response to a constitutional mandate. Did I understand him to say so?

Mr. CRUMPACKER. I stated that there was an unbroken line of decisions holding that census bills are privileged.

Mr. GARDNER of Massachusetts. So I understood. That being the case, did the gentleman go back and see that all of those rulings were based on this proposition, to wit, that if the privilege were not given to bills of this sort the situation might be such, owing to a crowded calendar, that the House could not act upon it, and that the whole reason for the privilege was in order to make sure that the House should have time to act upon them before adjournment sine die? And now let me ask the gentleman, in all fairness, Is this a parallel case to those on which the decisions were made?

Mr. CRUMPACKER. Mr. Speaker, it does not make any difference, in the first place, as a proposition of parliamentary or of civil law, what the reason for a law is. The question is, Is it the law?

Mr. GARDNER of Massachusetts. Oh, no; not in parliamentary ruling.

Mr. CRUMPACKER. Mr. Speaker, I must insist upon the privilege of making my own answer. I have had a little experience in the administration and construction of laws. It is not a question of what motive prompted a law. It is a question of what is the law, and it has been settled that under parliamentary law this kind of legislation is privileged. There may have been this motive, that, or the other. No two members of a legislative body need support a bill from the same motives. Motives differ, but when the law is enacted the law is the same, and in administering the law we can not go back and inquire about the motives of the members or of the majority of them in passing the law. All the administrative officers can do is to determine what has been done, not why it was done, and that question has been repeatedly settled and finally settled.

Mr. GARDNER of Massachusetts. Then the gentleman admits that if this were not analogous to the common law, for instance, it would be worth while taking into consideration what the motives were for the rulings in giving it privilege.

Mr. CRUMPACKER. I do not admit that at all.

Mr. GARDNER of Massachusetts. The gentleman will admit that always in all parliamentary bodies in the world not only the decisions themselves are considered, but the reasons for making the decisions are considered in order to find whether cases are analogous.

Mr. CRUMPACKER. Not in the construction of a statute.

Mr. GARDNER of Massachusetts. Always, always!

Mr. CRUMPACKER. The general purpose to be accomplished, of course, is considered in the interpretation of an ambiguous law, but there is no such proposition here. This is a privileged resolution or it is not a privileged resolution, and the question of privilege does not depend upon at what stage of the session of Congress it shall be brought up; it does not depend upon the condition of the calendar as to whether it is privileged or not, because that is a question that nobody can determine.

Mr. GARDNER of Massachusetts. Oh——

Mr. CRUMPACKER. Mr. Speaker, with all due respect to the gentleman from Massachusetts, there is no lawyer in the House who has had any considerable experience in the interpretation of law who would contend for an interpretation so palpably absurd as to say that a privilege arising under the Constitution shall be made to depend upon the time, the date in a session of Congress when a measure arises, or the state of the calendar. It is privileged or it is not privileged, and that is all there is to it.

Mr. CLAYTON. Mr. Speaker, will the gentleman from Indiana yield to me?

Mr. GARDNER of Massachusetts. Will the gentleman hear me for just a minute?

Mr. CRUMPACKER. I will listen to the gentleman for a minute.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman from Indiana a question?

The SPEAKER. To whom does the gentleman yield?

Mr. CRUMPACKER. The gentleman from Massachusetts has a minute yet.

Mr. CLAYTON. Will the gentleman yield to me at the expiration of fifteen minutes of interrogation on the part of the gentleman from Massachusetts? [Laughter.]

Mr. CRUMPACKER. I will yield to the gentleman in just one minute.

Mr. GARDNER of Massachusetts. Mr. Speaker, I will give way to the gentleman from Alabama.

Mr. CRUMPACKER. Very well. The gentleman from Massachusetts gives way to the gentleman from Alabama.

Mr. CLAYTON. Mr. Speaker, I want to say to the gentleman from Indiana that the constitutional provisions which he invokes do not appeal to me as furnishing any appropriate argument of this question. Neither does his argument of necessity furnish reason for the emasculation of calendar Wednesday. It seems to me, and I ask this question, if we overrule the Speaker will it not be competent at any time for the gentleman from Indiana to move a suspension of the rules in order that this matter may have consideration of the House?

Mr. CRUMPACKER. No.

Mr. CLAYTON. Can not the House suspend the rules by a two-thirds vote and therefore bring this measure before the House in a proper and orderly way, without the abolition or, at least, the emasculation of calendar Wednesday?

Mr. CRUMPACKER. The gentleman has asked his question, and I will say that the gentleman in charge of the resolution can not move any day to suspend the rules and pass the resolution. He can not bring it up on any day.

Mr. CLAYTON. Can not you move to suspend the rules; is it not in order to-day to do so?

Mr. CRUMPACKER. Not any day.

Mr. CLAYTON. But would it not be competent to do so after we overruled the Speaker on a roll call?

Mr. CRUMPACKER. Not by any manner of means. A motion to suspend the rules and pass bills is not in order on any day except the first and third Mondays of each month——

Mr. CLAYTON. It is by a two-thirds vote of the House.

Mr. CRUMPACKER (continuing). Two days in a month, and the House could not do so if there should be any objection to it.

Mr. CLAYTON. But a two-thirds vote of the House can, I respectfully insist.

Mr. TOWNSEND. The rule provides that you can dispense with calendar Wednesday by a two-thirds vote.

Mr. CRUMPACKER. Let me answer. The resolution would not be in order if that were done. If it is not privileged now,

it would not be privileged then, and the resolution would not be in order. If it is in order at all, it is in order now, and I repeat, and emphasize that fact, that action of the House overruling the decision of the Chair practically settles the question that this resolution is a privileged resolution at any time. I now yield to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Is it not possible by a rule to provide when a privileged matter should be taken up?

Mr. CRUMPACKER. Of course the House may adopt a rule, I suppose, that would take up a measure, bill, or resolution at any time.

Mr. PARSONS. Can it not provide that certain matters shall be taken up at certain times? I call the gentleman's attention to the fact that while the Constitution says there shall be a census, it also says that the House of Representatives shall adopt rules.

Mr. CRUMPACKER. "May" adopt rules. Does it say "shall?" It gives the right and power to the House to adopt rules, but it says it shall provide for a census once in ten years.

Mr. FITZGERALD. Will the gentleman yield——

Mr. CRUMPACKER. I am getting a little bit confused by the number of gentlemen seeking recognition. I yield to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Could not this be put on an appropriation bill?

Mr. CRUMPACKER. Would it be in order on an appropriation bill?

Mr. GARRETT. What is the gentleman's opinion?

Mr. CRUMPACKER. No; it would not be in order.

Mr. GARRETT. Why?

Mr. CRUMPACKER. Because it is new legislation.

Mr. GARRETT. Why is not new legislation in order on an appropriation bill?

Mr. CRUMPACKER. Because of the rules of the House——

Mr. GARRETT. Yes; because of the rules of the House.

Mr. CRUMPACKER (continuing). Which keep it out.

Mr. GARRETT. Just so; and this calendar Wednesday is a rule of the House.

Mr. CRUMPACKER. And this resolution has no privilege under the rules of the House——

Mr. GARRETT. I beg the gentleman's pardon. Under a decision made before there was such a thing as calendar Wednesday it does have privilege. It still has, except on calendar Wednesday.

Mr. CRUMPACKER. Not under the rules.

Mr. GARRETT. These decisions were made, which were read by the Speaker, before there was such a thing as calendar Wednesday——

Mr. CRUMPACKER. Of course——

Mr. GARRETT (continuing). And I have no doubt on any other day in the week the gentleman could call it up, and under the precedents it would be in order as privileged.

Mr. CRUMPACKER. It seems to me——

Mr. POINDEXTER. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman from Washington rises to a question of order. The gentleman will state it.

Mr. POINDEXTER. Mr. Speaker, I make the point of order that this question before the House is not debatable.

The SPEAKER. The Chair overrules the point of order.

Mr. POINDEXTER. Mr. Speaker, I would like to state the rule upon which I made the point of order. It is Rule XXV; and I also call attention to the decision cited in the fifth volume of Hinds's Precedents, where it is stated—

It has been held that appeals from decisions of the Chair as to priority of business are not debatable under this rule.

Rule XXV provides that—

All questions relating to the priority of business shall be decided by a majority without debate.

The SPEAKER. That precedent relates to questions of priority of business decided by a vote of the House. This is a question where the priority depends primarily on a decision of the Speaker of the House, subject, of course, to appeal, and under the practice of the House the House itself shall determine as to whether it is to be debated or not, and as to the question of debate it can be determined either by the House ordering the previous question or by a motion to lay the appeal upon the table. The Chair overrules the point of order.

Mr. POINDEXTER. A parliamentary inquiry. I would like to ask if this question is not a question relating to the priority of business?

The SPEAKER. The Chair has already answered that question and drawn the distinction between the priority of business decided by the House and the question decided primarily by the Speaker, and secondarily and finally by the House on the appeal.

Mr. CRUMPACKER. I yield to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. I would like to ask the gentleman if he is right in his position that this is a resolution privileged under the Constitution, whether there is anything, or was anything, in the way of calling it up as privileged to-morrow morning instead of on calendar Wednesday?

Mr. CRUMPACKER. There was nothing that I know of, but the question is up now, and if the House decides that it is not privileged, of course that decision binds the House and the Speaker to-morrow as well as to-day.

Mr. MARTIN of South Dakota. If the House should decide that this is not privileged under the Constitution, it would then be in order upon calendar Wednesday, would it not?

Mr. CRUMPACKER. I beg pardon, but I did not understand the gentleman.

Mr. MARTIN of South Dakota. My question was, If the House should decide that this is not a matter privileged under the Constitution, it would be in order on calendar Wednesday, would it not, for consideration?

Mr. KEIFER. It can not get on the calendar.

Mr. MARTIN of South Dakota. My question is, if the gentleman is wrong in his position, and the House should decide that this matter is not privileged under the Constitution, then it would be in order upon the call of the committees on calendar Wednesday, would it not?

Mr. KEIFER. If it was on the calendar.

Mr. CRUMPACKER. If it is not privileged, then it is in order on calendar Wednesday; but it can only be called up by the Committee on the Census. No other committee can call up the resolution; and, in view of the present condition of the calendar, the Committee on the Census will probably not be reached until after the enumeration of the census is had.

Mr. MARTIN of South Dakota. If it is a matter of such prime importance, as the gentleman claims, and it has its position on the calendar Wednesday call, would there be anything under the rules in the way of asking unanimous consent to-day to take this up and have it considered as on the Census Committee call?

Mr. CRUMPACKER. Under the rule unanimous consent can only be requested for consideration of bills on suspension Monday.

Mr. MARTIN of South Dakota. But this would be in order upon calendar Wednesday; and is not the question of the particular order of calling the committees one, after all, under the direction of the House?

Mr. CRUMPACKER. I think not. I want to say this, that it is an emergency bill.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. CRUMPACKER. In just about three minutes. I want to make a brief statement, and then I will yield for a question. I want to state to the House that this is emergency legislation. This is an amendment to the population schedule that is ready now for distribution, and this legislation must go through the House and the Senate without delay or it will be too late to accomplish what it is intended to accomplish. And that is the reason why this resolution was called up for consideration to-day. There was no purpose on my part, and I am sure no purpose on the part of any Member of the House who has any interest in this measure, to have it called up to-day for the purpose of embarrassing or delaying business that is eligible to be called this calendar Wednesday. I do not believe there would be any opposition to the bill at all if it should be submitted to the House. I hoped when it was presented that no objection would be made. If none had been made, five minutes would have disposed of the bill. The reason I did not ask unanimous consent was that it is not usual, I think. In the first place, it is not usual upon privileged propositions, and, in the next place, the custom now is that requests for unanimous consent can only be submitted to the House by the Speaker on suspension Mondays.

Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I want to ask the gentleman whether he will yield the floor to me for a moment, he reserving his time, to make a motion to suspend the entire matter until to-morrow after the reading of the Journal?

Mr. CRUMPACKER. I do not want to lose control of the floor now.

Mr. MANN. The gentleman would not lose the floor if he yielded. I would yield the floor as soon as I made the motion, so as not to use all of calendar Wednesday on this proposition.

Mr. CRUMPACKER. I will make the motion.

Mr. MANN. Very well.

Mr. CRUMPACKER. But that is a debatable motion. Let me ask unanimous consent in connection with this, that the whole question be postponed until to-morrow morning.

Mr. UNDERWOOD. Mr. Speaker, as the House has heard the debate, this is the proper time to consider it, and I shall object.

Mr. MANN. That would include the point of order.

The SPEAKER. The gentleman from Indiana.

Mr. CRUMPACKER. Mr. Speaker, I move that this matter be postponed until to-morrow morning; and upon that motion I demand the previous question.

Mr. GARDNER of Massachusetts. I move to lay the appeal on the table.

Mr. HARDWICK. Mr. Speaker, I make the point of order that the gentleman can not move to postpone an appeal from the decision of the Chair, and the question is, Shall the House sustain the decision of the Speaker?

The SPEAKER. It occurs to the Chair that the House can postpone indefinitely, or to a day certain.

Mr. UNDERWOOD. Let me suggest to the Speaker that the question before the House is the business the House shall proceed to to-day, and it is not within the power of the House to postpone the question until to-morrow what will be in order. The gentleman can not postpone consideration of his bill until to-morrow, because the question as to whether he has the right to call it up to-day is involved.

Mr. HARDWICK. I desire to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. HARDWICK. The point of order, Mr. Speaker, was this: The gentleman can not move to postpone consideration upon a proposition to wit: This motion to bring up this resolution while the proposition pending before the House is, "Shall the decision of the Chair stand as the sense of the House?" Therefore the motion of the gentleman from Indiana is not in order at this point of the proceedings.

The SPEAKER. The motion to postpone the entire matter would carry not only the resolution, but the appeal from the decision of the Chair.

Mr. HARDWICK. I submit that the resolution is not before the House.

Mr. MANN. The question now is whether the resolution is before the House. That can be postponed until to-morrow, without losing the rights of anyone, and save part of the day for consideration of the calendar.

Mr. FITZGERALD. We can dispose of it right away. The question would be whether it is privileged to-day.

The SPEAKER. The Chair is prepared to rule. Under Rule XVI a motion to postpone any question is in order, even when under debate; otherwise the majority of the House could not exercise its will. So the question is on the motion to postpone until to-morrow.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry: What is the motion to postpone? There is nothing pending now but an appeal from the decision of the Chair.

The SPEAKER. It covers the whole matter.

Mr. FITZGERALD. I suggest to the Chair that the pending question is the appeal from the decision of the Chair, and that is an entirely different matter from postponing a bill with certain amendments. Now, the motion is made when an appeal from the decision of the Chair is pending, and on the gentleman's resolution which is not before the House.

The SPEAKER. Why, it is not before the House anyway until this matter is decided on. If there had been no appeal, it would be before the House; but it rests upon an appeal. Now, then, it is not before the House until that appeal is decided. It may never be before the House, if the ruling of the Chair is reversed. But Rule XVI provides that when a question is under debate a motion to postpone is in order.

Mr. UNDERWOOD. A parliamentary inquiry. I will ask the Chair to state to the House exactly what the motion of the gentleman from Indiana is.

The SPEAKER. To postpone the pending question until to-morrow.

Mr. UNDERWOOD. Well, now, is the pending question the appeal from the decision of the Chair or the resolution of the gentleman coming from the Census Committee?

The SPEAKER. The appeal from the decision of the Chair, and the decision on that appeal would determine whether the ruling of the Chair should be sustained. So it postpones the matter until to-morrow if that motion should prevail.

Mr. UNDERWOOD. The proposition is not directly a proposition to postpone the bill of the gentleman?

The SPEAKER. It is to postpone the only question before the House, namely, the appeal from the ruling of the Chair and whatever goes with it.

Mr. CRUMPACKER. On that motion, Mr. Speaker, I move the previous question.

Mr. FITZGERALD. I make the point of order that, this being calendar Wednesday, even a motion to postpone is not in order.

The SPEAKER. The Chair overrules the point of order.

Mr. CRUMPACKER. I move the previous question.

Mr. FITZGERALD. I make the point of order that an appeal from the decision of the Chair is not under the rule and practice of the House a "question" within the meaning of the rule.

Mr. FOULKROD. The previous question has been ordered.

The SPEAKER. That is the question pending before the House.

Mr. FITZGERALD. A "question" under the rule is a motion which upon the demand of any Member must be put in writing and read at the Clerk's desk, and no such demand can be made as to an appeal from a decision of the Chair.

The SPEAKER. Well, on all questions that are pending before the House, the real important question of the appeal from the decision of the Chair, that is to determine whether this bill is privileged or not; and the majority of the House ought to have the fullest opportunity to determine either now or any other hour of to-day, to-morrow, or any other time; so that that is the question pending before the House, and the Chair has entertained the motion, and upon that motion the gentleman from Indiana demands the previous question.

The question was taken on ordering the previous question, and the Speaker announced that the noes seemed to have it.

Several MEMBERS. Division!

Mr. UNDERWOOD. Mr. Speaker, what is the question?

The SPEAKER. The question is on the previous question, on postponing this question until to-morrow.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. The House is dividing, and it is in the power of the House to dispose of this motion.

Mr. UNDERWOOD. Mr. Speaker, there was confusion, and I asked the Speaker to state the proposition before the House. Is it on the previous question or on the motion to postpone?

The SPEAKER. On the previous question, on the motion to postpone until to-morrow.

Mr. UNDERWOOD. Then, Mr. Speaker, I hope the previous question will be voted down.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 233, noes 4.

Accordingly the previous question was ordered.

The SPEAKER. The question is on postponing this question until to-morrow.

Mr. UNDERWOOD, Mr. GILL of Maryland, Mr. CLAYTON, and others demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 121, nays 153, answered "present" 12, not voting 102, as follows:

YEAS—121.

Alexander, N. Y.	Ellis	Lafean	Prince
Allen	Englebright	Langham	Reeder
Ames	Fairchild	Langley	Reynolds
Andrus	Fassett	Law	Roberts
Austin	Foelker	Lawrence	Rodenberg
Barnard	Fordney	Longworth	Sabath
Bartholdt	Foss	Loud	Scott
Bates	Foster, Vt.	Loudenslager	Sheffield
Bennet, N. Y.	Gardner, Mich.	McCreary	Slemp
Bradley	Goebel	McCredie	Smith, Cal.
Brownlow	Graff	McGuire, Okla.	Smith, Iowa
Burke, Pa.	Graham, Pa.	McKinney	Sperry
Burke, S. Dak.	Greene	McLachlan, Cal.	Stafford
Burleigh	Griest	McLaughlin, Mich.	Sterling
Butler	Hamer	Malby	Sulloway
Calder	Hamilton	Mann	Tawney
Calderhead	Hanna	Miller, Kans.	Thistlewood
Cocks, N. Y.	Hawley	Mondell	Tilson
Cole	Heald	Moon, Pa.	Tirrell
Cook	Henry, Conn.	Moore, Pa.	Vreeland
Cooper, Pa.	Howell, N. J.	Morgan, Mo.	Wanger
Coudrey	Howell, Utah	Morgan, Okla.	Washburn
Cowles	Huff	Murphy	Wheeler
Creager	Hull, Iowa	Needham	Wiley
Crumpacker	Humphrey, Wash.	Nye	Wilson, Ill.
Currier	Keifer	Olmsted	Wood, N. J.
Dalzell	Kennedy, Iowa	Palmer, H. W.	Woodyard
Draper	Kennedy, Ohio	Parker	Young, Mich.
Durey	Knowland	Payne	
Dwight	Kronmiller	Plumley	
Edwards, Ky.	Küstermann	Pray	

NAYS—153.

Adair	Finley	Johnson, Ohio	Ransdell, La.
Adamson	Fish	Johnson, S. C.	Rauch
Aiken	Fitzgerald	Jones	Rhinock
Alexander, Mo.	Flood, Va.	Keliher	Richardson
Anderson	Floyd, Ark.	Kendall	Robinson
Ashbrook	Foster, Ill.	Kinkaid, Nebr.	Roddenbery
Barnhart	Gallagher	Kinkead, N. J.	Rothermel
Bartlett, Ga.	Gardner, Mass.	Kitchin	Rucker, Colo.
Bell, Ga.	Garner, Tex.	Kopp	Rucker, Mo.
Bennett, Ky.	Garrett	Lamb	Saunders
Booher	Gill, Md.	Latta	Shackleford
Borland	Gill, Mo.	Lee	Sharp
Burleson	Gillespie	Lenroot	Sheppard
Burnett	Goldfogle	Lindbergh	Sims
Candler	Good	Lindsay	Sisson
Cantrill	Gordon	Livingston	Slayden
Cary	Goulden	McDermott	Small
Clark, Mo.	Gregg	McHenry	Smith, Tex.
Clayton	Gronna	Madison	Sparkman
Cline	Hamlin	Maguire, Nebr.	Stanley
Collier	Hammond	Martin, Colo.	Steenerson
Conry	Hardwick	Martin, S. Dak.	Stephens, Tex.
Cooper, Wis.	Hardy	Maynard	Stevens, Minn.
Cox, Ind.	Harrison	Miller, Minn.	Taylor, Colo.
Cox, Ohio	Haugen	Moon, Tenn.	Thomas, Ky.
Craig	Hay	Moore, Tex.	Thomas, N. C.
Cullop	Hayes	Morrison	Tou Velie
Davidson	Henry, Tex.	Morse	Townsend
Davis	Higgins	Moss	Underwood
Dawson	Hinshaw	Murdock	Volstead
Dent	Hitchcock	Nelson	Watkins
Denver	Hobson	Norris	Webb
Dickinson	Hollingsworth	Oldfield	Weisse
Dickson, Miss.	Houston	Padgett	Wickliffe
Dixon, Ind.	Howland	Palmer, A. M.	Wilson, Pa.
Edwards, Ga.	Hughes, Ga.	Parsons	Woods, Iowa
Ellerbe	Hull, Tenn.	Pickett	
Estopinal	James	Poindexter	
Ferris	Johnson, Ky.	Rainey	

ANSWERED "PRESENT"—12.

Beall, Tex.	Gillett	Joyce	Pratt
Byrns	Graham, Ill.	Kahn	Russell
Driscoll, D. A.	Howard	Morehead	Young, N. Y.

NOT VOTING—102.

Ansberry	Dodds	Humphreys, Miss.	Pou
Anthony	Douglas	Jamieson	Pujo
Barchfeld	Driscoll, M. E.	Knapp	Randell, Tex.
Barclay	Elvins	Korbly	Reid
Bartlett, Nev.	Esch	Legare	Riordan
Bingham	Focht	Lever	Sherley
Boehne	Fornes	Lloyd	Sherwood
Boutell	Foulkrod	Lowden	Simmons
Bowers	Fowler	Lundin	Smith, Mich.
Brantley	Fuller	McCall	Snapp
Broussard	Gaines	McKinlay, Cal.	Southwick
Burgess	Gardner, N. J.	McKinley, Ill.	Spight
Byrd	Garner, Pa.	McMorran	Sturgiss
Campbell	Gilmore	Macon	Sulzer
Capron	Glass	Madden	Swasey
Carlin	Godwin	Mays	Talbott
Carter	Grant	Millington	Taylor, Ala.
Cassidy	Guernsey	Moxley	Taylor, Ohio
Chapman	Hamill	Mudd	Tener
Clark, Fla.	Heflin	Nicholls	Thomas, Ohio
Covington	Helm	O'Connell	Turnbull
Cravens	Hill	Olcott	Wallace
Crow	Hubbard, Iowa	Page	Weeks
Denby	Hubbard, W. Va.	Patterson	Willett
Diekema	Hughes, N. J.	Pearre	
Dies	Hughes, W. Va.	Peters	

So the motion to postpone was rejected.

The following pairs were announced:

For the session:

Mr. MOREHEAD with Mr. POU.

Mr. HILL with Mr. GLASS.

Mr. YOUNG of New York with Mr. FORNES.

Mr. BOUTELL with Mr. BROUSSARD.

Mr. MCMORRAN with Mr. PUJO.

Until further notice:

Mr. THOMAS of Ohio with Mr. WILLETT.

Mr. SWASEY with Mr. TURNBULL.

Mr. SNAPP with Mr. TAYLOR of Alabama.

Mr. SMITH of Michigan with Mr. SPIGHT.

Mr. SIMMONS with Mr. REID.

Mr. PEARRE with Mr. RANDELL of Texas.

Mr. MUDD with Mr. MAYS.

Mr. MADDEN with Mr. MACON.

Mr. MCCALL with Mr. LLOYD.

Mr. HUGHES of West Virginia with Mr. HUMPHREYS of Mississippi.

Mr. GUERNSEY with Mr. HUGHES of New Jersey.

Mr. GRANT with Mr. BOWERS.

Mr. GARNER of Pennsylvania with Mr. HELM.

Mr. GARDNER of New Jersey with Mr. HAMILL.

Mr. GAINES with Mr. GILMORE.

Mr. FOCHT with Mr. DIES.

Mr. ESCH with Mr. COVINGTON.

Mr. CROW with Mr. BRANTLEY.

Mr. DOUGLAS with Mr. BYRD.

Mr. CAMPBELL with Mr. BOEHNE.

Mr. BINGHAM with Mr. BARTLETT of Nevada.

Mr. SOUTHWICK with Mr. CARLIN.

Mr. OLCOTT with Mr. PETERS.

Mr. LUNDIN with Mr. JAMIESON.

Mr. FOULKROD with Mr. GODWIN.

Mr. LOWDEN with Mr. CRAVENS.

Mr. MILLINGTON with Mr. PAGE.

Mr. ANTHONY with Mr. HEFLIN.

Mr. MOXLEY with Mr. PATTERSON.

Mr. REYNOLDS with Mr. SULZER.

Mr. MCKINLAY of California with Mr. CLARK of Florida.

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. MCKINLEY of Illinois with Mr. HOWARD.

Mr. DENBY with Mr. GRAHAM of Illinois.

Mr. STURGISS with Mr. WALLACE.

Mr. CAPRON with Mr. O'CONNELL.

Mr. KAHN with Mr. CARTER.

Mr. FULLER with Mr. LEGARE.

Mr. KNAPP with Mr. RIORDAN.

For one week:

Mr. MICHAEL E. DRISCOLL with Mr. DANIEL A. DRISCOLL.

Mr. PRATT with Mr. NICHOLLS.

Until March 25, inclusive:

Mr. BARCHFELD with Mr. SHERLEY.

Until March 21, inclusive:

Mr. ELVINS with Mr. KORBLY.

Mr. TENER with Mr. BYRNS.

Mr. CHAPMAN with Mr. LEVER.

From March 3 to March 20:

Mr. CASSIDY with Mr. BURGESS.

Until March 19:

Mr. TAYLOR of Ohio with Mr. ANSBERRY.

Until March 18:

Mr. DIEKEMA with Mr. SHERWOOD.

For this day:

Mr. GILLETT with Mr. TALBOTT.

On this vote:

Mr. WEEKS with Mr. BEALL of Texas.

Mr. BYRNS. Mr. Speaker, I am paired with the gentleman from Pennsylvania [Mr. TENER]. I wish to withdraw my vote in the negative and vote "present,"

The Clerk called the name of Mr. BYRNS, and he voted "present," as above recorded.

The result of the vote was then announced as above recorded.

Mr. FITZGERALD was recognized.

Mr. CRUMPACKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRUMPACKER. I would like to know if the time occupied by the House in determining this incidental question is to be taken out of the time that I had originally.

Mr. UNDERWOOD. Mr. Speaker, I make a point of order——

The SPEAKER. Did the gentleman from Indiana reserve the balance of his time?

Mr. CRUMPACKER. I do not remember whether I did or not; but if not, I want to reserve it now.

The SPEAKER. The time is gone if the gentleman did not reserve it.

Mr. UNDERWOOD. Mr. Speaker, I make a point of order that the right of recognition goes to the side of the House opposed to the proposition.

The SPEAKER. The Chair is not aware of any proposition on which to hang a point of order.

Mr. UNDERWOOD. I thought the gentleman from Indiana proposed to take the floor. If I was mistaken in that, I withdraw the point of order.

Mr. CRUMPACKER. My purpose was to reserve the balance of my time.

Mr. FITZGERALD. Unless the gentleman reserved the balance of his time at the conclusion of his remarks, it is too late. Mr. Speaker, believing that the House is thoroughly informed as to the question and that it should act—since those who got the floor through my generosity tried to postpone the action of the House—I will demand the previous question.

Mr. MANN. I hope the gentleman from New York will not ask for the previous question.

The SPEAKER. Will the gentleman from New York withhold his motion?

Mr. FITZGERALD. I understand the Chair wishes to make a statement, and I will withhold the demand for the previous question.

The SPEAKER. The gentleman from New York withholds the demand for the previous question for the present.

Mr. MANN. Mr. Speaker, I would like to be heard a few moments on the question.

Mr. FITZGERALD. I will yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, the question before the House is a very nice question, in my judgment. When the gentleman from Indiana called up the resolution I made a point of order against it on the ground that this was calendar Wednesday. The rule provides:

4. On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine.

Paragraph 4 of Rule XXIV provides:

4. After the unfinished business has been disposed of, the Speaker shall call each standing committee in regular order, and then select committees, and each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar—

And so forth.

The question is whether or not, notwithstanding the rule, any business can be called up on calendar Wednesday except a call of the committees, and if any business can be called up, what business may be called up. It has been ruled that the reports from the Census Committee for the taking of an enumeration are privileged under the Constitution. The Census Committee has no privilege under the rules of the House. It has no privilege like the Committee on Appropriations or the Committee on Ways and Means, the Committee on Pensions, and various other committees, in reference to its reports. If it has any privilege to call up a resolution from that committee, except in the regular order, like a call of committees, then it has a privilege under the Constitution. The Constitution says that Congress shall provide for an enumeration every ten years. It has been ruled that the report from the Committee on the Census, with a bill for an enumeration, is privileged under the Constitution. It is quite plain that if the Census Committee has any privilege under the Constitution which overrides any rule of the House, then that report overrides all rules of the House.

The Census Committee having no privilege under the rules of the House, if this question arose to-morrow instead of to-day, it would be, Has the Census Committee on a bill reported from that committee affecting a decennial enumeration a privilege of calling up the bill out of the regular order—not under the rules of the House, but in spite of the rules of the House—has it a privilege given to it by the Constitution to present a matter before the House?

So that it is clear that if the committee has any privilege it is not derived from the rules of the House, but is derived from the Constitution, and if the Census Committee has the privilege of calling up a bill from that committee contrary to the rules of the House giving privilege, has it the right to call up a resolution on calendar Wednesday, contrary to a particular rule of the House? The rules of the House provide that the Census Committee can only call up its bill on a call of committees. There is no other method by which the Census Committee can call up this bill under the rules of the House except under a call of committees, or when all of the regular or other business shall have been disposed of.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. I yield five minutes more to the gentleman.

Mr. MANN. And the point made by the gentleman from Indiana [Mr. CRUMPACKER], so far as the logic of the situation is concerned, is correct, that the Census Committee having no privilege under the rules of the House to call up its bill out of order, except on a call of committees, it has no privilege to call it up to-morrow, unless it has the same privilege to-day, because if it calls up its bill under the constitutional privilege in spite of all of the rules of the House, then it may call up its bill in spite of the particular rule of the House affecting calendar Wednesday.

Now, it is quite plain, in my opinion, that the provision in reference to calendar Wednesday does not shut out all other business of the House. This morning a Member-elect was sworn in and would have been sworn in on calendar Wednesday in spite of the protest of any Member of the House who did not give an excuse, which excuse would have to be determined by the House; but suppose, for instance, the Speaker of the House should not present himself to call the House to order in the morning of a calendar Wednesday. The Constitution and the rules provide a method of selecting a Speaker pro tempore. That is a business which must be transacted by the House, notwithstanding the rule in reference to calendar Wednesday. It would be easy to amplify some other things that might occur.

Mr. Speaker, I think it is quite evident from the vote of the House last taken what the decision of the House will be upon this point. I do not regard it myself as of any great importance, except that it is well to have a decision made. There are few constitutional questions which can arise under this ruling which has been made in reference to the census bill. The authority to call up bills under the constitutional privilege, as differentiated from the privilege under the rules, has already been determined in decisions of the Chair in the past. There are few such cases which can arise. It probably would not occur in years to come that as much time will be occupied on the consideration of bills of this kind, privileged under the rules of the House, as has already been occupied to-day in discussing and disposing of the point of order.

But whatever the decision of the House may be, it will, in my judgment, remain without question that this House has determined to give to calendar Wednesday a fair and impartial trial and to preserve to the House calendar Wednesday so long as, in its judgment, it can keep on transacting the business of the country and maintain calendar Wednesday, and I believe that will be forever. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from New York to yield five minutes to me.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I have listened with care to what the gentleman from Illinois [Mr. MANN] has said. I have listened with care to the rulings cited by the Speaker. The rulings cited by the Speaker in reference to matters reported from the Committee on the Census affecting the census were all decided before this House adopted the rule in reference to calendar Wednesday. The rule in reference to calendar Wednesday is a rule that is entirely different from any rule that has ever been adopted by this House before. The rule in reference to calendar Wednesday wipes out all matters of privilege. This House has a perfect right under its rules or by its votes, to say what matters it will consider, and by its rules it has said that on Wednesday it will consider no matter except by a two-thirds vote of the membership of this House that does not come up under the call of the committees. Now, there is no objection to this particular bill. It could go on the Unanimous Consent Calendar. It does not affect its privilege, under the old rules of the House, any more than this vote will affect the privilege of an appropriation bill or a revenue bill, but this rule says we are going to set aside a day when every committee of this House may have an opportunity to transact its business, and nobody shall come between the House and the rule except by a two-thirds vote of the House, and if we vote to override the Speaker's ruling on this proposition we establish calendar Wednesday for all time as a right of this House not to be interfered with by any power except a two-thirds vote of the House. I consider it of the utmost importance that we should establish that precedent. The appropriation bills, I am informed, are further advanced than they usually are. It has been demonstrated already that calendar Wednesday does not interfere with the great public business, and if that is the case it is the duty of the membership of this House, who believe in allowing opportunity for a fair consideration of the business of the House, by the will of the House, to override the Speaker and establish this precedent here and now, once and for all time. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I understand the Chair wishes to make a statement and I have no desire to interfere with it by a demand for the previous question. I do not know whether the Chair believes I should yield time or simply withhold the demand for the previous question.

The SPEAKER. If the gentleman withholds his motion for the previous question, the Chair will exercise the privilege, which the Chair has almost invariably in the past, of making a statement touching the matter in hand, namely, the point of order.

Mr. FITZGERALD. I wish to state to the Chair I desire to demand the previous question, but do not wish that demand to operate to prevent the Chair making his statement. I do not know that it would.

The SPEAKER. The general practice is that the Speaker, either by courtesy or touching questions of order, may be heard from the chair.

Mr. FITZGERALD. I understand, Mr. Speaker, that the demand for the previous question does not interfere with the opportunity of the Chair to express his views. I intend to demand the previous question, but I wish to say this in response to the gentleman from Indiana: This bill was reported yesterday as a privileged bill. No question as to its privilege was raised. I think the gentleman from Illinois [Mr. MANN] has stated the effect of overruling the Chair. The question before

the House is, What interpretation shall be placed upon the rule? Is it the desire of the House that no legislative business shall be transacted on Wednesday outside of the call of committees, unless the House by a two-thirds vote so determines, or shall this House determine that the rule shall be broken down upon the plea that for one cause or another some question may be of high privilege?

Mr. OLMSTED. Mr. Speaker——

Mr. FITZGERALD. In a moment. Suppose a general deficiency appropriation bill were brought in from the Committee on Appropriations containing an appropriation to pay the enumerators who are to take this census. Would the gentleman rise and pretend that, because the payment of these enumerators was essential to the taking of the census, that therefore that appropriation had a constitutional privilege and could be taken up in defiance of the rule? I believe the rule is a salutary one. I do not believe that the time will ever come in the history of the House when an important matter is presented for consideration on Wednesday that two-thirds of the House will not cheerfully vote to consider it. Desiring that this rule shall be fixed in the procedure of the House definitely, so that the mere caprice of a partisan majority will not be able to break it down, I hope that the House will, by overruling the Chair, establish now and for all time the fact that no ordinary legislative business shall be considered on Wednesday unless the House, under the rule, by a two-thirds vote shall determine to dispense with the proceedings under the call of committees. I now yield to the gentleman from Pennsylvania.

Mr. OLMSTED. I desire to ask the gentleman from New York [Mr. FITZGERALD] a question which has been troubling me somewhat. There are certain matters privileged under the rules and there are certain matters which have from time to time been held to be privileged under the Constitution, and therefore above all rules. Now, we have fixed calendar Wednesday for the exclusive purpose stated in the rule. We have an equal right to fix Monday, Tuesday, Thursday, Friday, and Saturday for special business exclusively. Now, suppose we should do that, how would a question of constitutional privilege get before the House at all?

Mr. FITZGERALD. Well, when the House amends its rules so that no business can be taken up except by a two-thirds vote on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, I believe it will be ample time to enter into that question. We have this Wednesday, and I believe the House intends to keep it for the business on the calendars.

Mr. OLMSTED. That is a question as to the merit of the rule with which I am in harmony, but the technical question is one of privilege, that applies to this as well as if we had every day set apart for exclusive business.

Mr. FITZGERALD. If the gentleman from Indiana had exercised his right under the rule when the House convened, and moved to suspend proceedings under this rule, in order to take up this bill, we would have had that bill disposed of long since, as well as other bills, under the rule of the House.

I ask for the previous question.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. FITZGERALD. I yield to the gentleman for a question.

Mr. KEIFER. I understood you to say just now that a motion could be made and carried in the House allowing the taking up of this joint resolution under the rule. Is that true?

Mr. FITZGERALD. Under the rule setting aside Wednesday for the consideration of bills—calendar Wednesday, as it is known—it is in order to move to set aside the bills in order under the rule and take up some other business.

Mr. KEIFER. Is it not required that when you make that motion, to be carried by a two-thirds vote, that you dispense with the whole day?

Mr. FITZGERALD. Mr. Speaker, that question has not arisen. The gentleman could have had that determined to-day, had he so desired.

I demand the previous question.

The SPEAKER. Does the gentleman demand the previous question now?

Mr. FITZGERALD. Mr. Speaker, I demand the previous question, and pending that I ask unanimous consent, if it be necessary—I do not know that it would be necessary—that the Speaker may have whatever time he may desire to make a statement.

The SPEAKER. The gentleman would naturally be recognized to move the previous question.

Mr FITZGERALD. I withhold the demand, if the Speaker intends to make a statement.

The SPEAKER. The Chair desires that attention shall be called first to the rule which establishes calendar Wednesday. It reads:

On Wednesday of each week no business—

That is broad and sweeping—

shall be in order except as provided by paragraph 4 of Rule XXIV, unless the House by a two-thirds vote on motion to dispense therewith shall otherwise determine. On such a motion there may be debate not to exceed five minutes for and against.

Now, if the rule were to be construed literally, without any exception whatever, whether it be statutory law or the fixed law of the land—the Constitution—that might stand in the way, then nothing else could be done on calendar Wednesday except the call of the committees. Already, with the approval of the House, it has been determined that matters for unanimous consent shall not be submitted to the House on calendar Wednesday. Now, what business does come under this rule on that day—business upon the House or Union Calendar that is not privileged? Privileged business under this rule can not come up on calendar Wednesday, because privileged business has its chance under the rules of the House. Aliunde, under the rule that makes calendar Wednesday, an appropriation bill, which is privileged, would not be in order, and a revenue bill would not be in order.

Now, first, is this census amendment resolution privileged under the rules of the House? No. It is not claimed by anybody that it is privileged under the rules of the House. Well, can it be considered if it is reached on calendar Wednesday? Yes; when that committee is on call. It may be on call in a week, in two weeks, or a month. The Chair is not informed how many days the committees may consume before the Committee on the Census is called.

Is there any way by which this resolution can be considered, except on calendar Wednesday? The gentleman from Indiana rose in his place and called it up; and when called up, it was ascertained to be an amendment to the census law for taking the count of population. The point of order was made that it was not in order to-day because of the rule, which says "no business shall be in order." "But, ah," said the gentleman from Indiana, "this is in order under a higher law than the rule of the House, or, for that matter, higher than a statutory law—under the Constitution." Now, is there any matter in order under the Constitution? The Chair can not submit a motion for unanimous consent to swear in a Member. One was sworn in this morning; and yet a question of the highest privilege, a constitutional question, does not dwell in any rule. If a veto measure should come from the President to-day, would it be in order to receive it? If it is in order to receive it, the Constitution says what shall be done with it. Does the Constitution have to stand aside if a veto measure comes in on calendar Wednesdays? If a Member arises in his place and moves the impeachment of a federal official under the Constitution, would that be in order? The rule says "no business shall be in order." It would not be in order under any rule of the House. If it be in order at all it would be in order by virtue of the fixed law of the land—the Constitution; and in that way has been in order in times of peace and of war during the whole history of the Republic.

The Chair might mention other cases. If unanimous consent can not be asked on calendar Wednesday, as it can not be, if a Member can not be recognized to prefer articles of impeachment, how can it get before the House except as a question of privilege—a privileged question that banks upon the Constitution?

This is claimed to be a privileged question under the Constitution. In what gentlemen have said, it has been likened to an appropriation bill or a revenue bill. But those bills come annually. They have always been held under the rules to be privileged business, but never as presenting a question of privilege. A law touching the census, which is to be taken every ten years, is not a matter of annual occurrence. The gentleman from Massachusetts said the House would take notice that there were other days when this bill could be called up. Other gentlemen have said it could wait its time on calendar Wednesday until the Committee on the Census was called. Yes; provided Congress is in session. "Ah, but," somebody says, "Congress can not adjourn until it gets through its business." That is a matter of argument. This is a question under the Constitution and not a matter of expediency.

The Chair in ruling that this is a privileged question follows a uniform line of precedents wherever the matter has been ruled upon in the history of Congress.

Now, in order that calendar Wednesday may be protected, gentlemen say that the Chair should be overruled and a prece-

dent established that no business of any kind can come up for consideration on calendar Wednesday. "But," says somebody, "what harm can it do?" So far as the Chair is personally concerned, whatever might perhaps be in the mind of one or more Members, seemingly to rebuke the Chair, through pique or otherwise, the Chair cares nothing about a proposition of that kind. If the House sees proper to overrule the precedents and to make this precedent that may come to plague the House in the future, well and good. The House has the power to do it, and the Chair has no feeling of pride or vanity in the premises. "But," says somebody, "is the House bound to consider this question when it is before the House?" No. There is no possible question that can come before the House that it is bound to consider. On the question of consideration, if the point of order had not been made upon this joint resolution, the House could have refused to consider it. That is one way in which the House could have gone on with calendar Wednesday.

Having said this much, if the Chair has succeeded in placing the House in possession of the reasons which caused him to make the ruling he did make, he is quite content, as the Chair must be, with what the majority of the House may do. If the Chair was 4 inches wide and a thousandth of an inch thick, the Chair would feel some gratification if the House should see proper to overrule the Chair upon the point of order that the action of the majority of the House, under its rules, in reversing the present Speaker, would make it plain that he has no more and no less authority than any Speaker who has preceded him, and would set at rest the question whether the Speaker "doth, like Colossus, bestride the world." [Loud applause.]

Mr. FITZGERALD rose.

The SPEAKER. Is the gentleman from New York ready for the question to be put?

Mr. FITZGERALD. I am.

The SPEAKER. The question is, Shall the ruling of the Chair stand as the judgment of the House?

Mr. UNDERWOOD. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 163, answered "present" 13, not voting 100, as follows:

YEAS—112.

Alexander, N. Y.	Ellis	Kronmiller	Plumley
Allen	Englebright	Küstermann	Prince
Andrus	Fairchild	Lafean	Reeder
Austin	Fassett	Langham	Reynolds
Barnard	Foelker	Law	Roberts
Barthoidt	Fordney	Lawrence	Rodenberg
Bates	Foss	Longworth	Scott
Bennet, N. Y.	Foster, Vt.	Loud	Sharp
Bradley	Gardner, Mich.	Loudenslager	Sheffield
Brownlow	Goebel	McCreary	Slemp
Burke, Pa.	Graff	McCredie	Smith, Cal.
Burke, S. Dak.	Graham, Pa.	McLachlan, Cal.	Smith, Iowa
Burleigh	Greene	Malby	Sperry
Butler	Griest	Mann	Sterling
Calder	Hamer	Miller, Kans.	Sulloway
Calderhead	Hamilton	Mondell	Tawney
Cocks, N. Y.	Hanna	Moon, Pa.	Thistlewood
Cole	Hawley	Moore, Pa.	Tilson
Cook	Heald	Morgan, Mo.	Tirrell
Cooper, Pa.	Henry, Conn.	Morgan, Okla.	Vreeland
Coudrey	Howell, N. J.	Murphy	Wanger
Cowles	Howell, Utah	Needham	Washburn
Creager	Huff	Nye	Wheeler
Crumpacker	Humphrey, Wash.	Olmsted	Wiley
Dalzell	Kahn	Palmer, H. W.	Wood, N. J.
Draper	Keifer	Parker	Woodyard
Dwight	Kennedy, Ohio	Payne	Young, Mich.
Edwards, Ky.	Knowland	Pearre	Young, N. Y.

NAYS—163.

Adair	Cullop	Goulden	Kendall
Adamson	Davidson	Gregg	Kinkaid, Nebr.
Aiken	Davis	Gronna	Kinkead, N. J.
Alexander, Mo.	Dawson	Hamlin	Kitchin
Ames	Dent	Hammond	Kopp
Anderson	Denver	Hardwick	Lamb
Ashbrook	Dickinson	Hardy	Langley
Barnhart	Dickson, Miss.	Harrison	Lee
Bartlett, Ga.	Dies	Haugen	Lenroot
Bell, Ga.	Dixon, Ind.	Hay	Lindbergh
Booher	Edwards, Ga.	Hayes	Lindsay
Borland	Ellerbe	Henry, Tex.	Livingston
Burleson	Estopinal	Higgins	McDermott
Burnett	Ferris	Hinshaw	McHenry
Byrd	Fish	Hitchcock	McLaughlin, Mich.
Candler	Fitzgerald	Hobson	Madison
Cantrill	Flood, Va.	Hollingsworth	Maguire, Nebr.
Carlin	Floyd, Ark.	Houston	Martin, Colo.
Carter	Foster, Ill.	Howland	Martin, S. Dak.
Cary	Gallagher	Hughes, Ga.	Maynard
Clark, Mo.	Gardner, Mass.	Hughes, N. J.	Miller, Minn.
Clayton	Garner, Tex.	Hull, Tenn.	Moon, Tenn.
Cline	Garrett	Humphreys, Miss.	Moore, Tex.
Collier	Gill, Md.	James	Morrison
Conry	Gill, Mo.	Johnson, Ky.	Morse
Cooper, Wis.	Gillespie	Johnson, Ohio	Moss
Cox, Ind.	Goldfogle	Johnson, S. C.	Murdock
Cox, Ohio	Good	Jones	Nelson
Craig	Gordon	Kelliher	Norris
Oldfield	Richardson	Small	Townsend
Padgett	Robinson	Smith, Tex.	Turnbull
Palmer, A. M.	Roddenbery	Spight	Underwood
Parsons	Rothermel	Stafford	Volstead
Peters	Rucker, Colo.	Steenerson	Watkins
Pickett	Rucker, Mo.	Stephens, Tex.	Webb
Poindexter	Saunders	Stevens, Minn.	Weisse
Pray	Shackleford	Talbott	Wickliffe
Pujo	Sheppard	Taylor, Colo.	Wilson, Ill.
Rainey	Sims	Thomas, Ky.	Wilson, Pa.
Ransdell, La.	Sisson	Thomas, N. C.	Woods, Iowa
Rauch	Slayden	Tou Velle	

ANSWERED "PRESENT"—13.

Beall, Tex.	Driscoll, D. A.	Joyce	Sabath
Byrns	Durey	Morehead	
Cassidy	Howard	Pratt	
Currier	Hull, Iowa	Russell	

NOT VOTING—100.

Ansberry	Elvins	Jamieson	Page
Anthony	Esch	Kennedy, Iowa	Patterson
Barchfeld	Finley	Knapp	Pou
Barclay	Focht	Korbly	Randell, Tex.
Bartlett, Nev.	Fornes	Latta	Reid
Bennett, Ky.	Foulkrod	Legare	Rhinock
Bingham	Fowler	Lever	Riordan
Boehne	Fuller	Lloyd	Sherley
Boutell	Gaines	Lowden	Sherwood
Bowers	Gardner, N. J.	Lundin	Simmons
Brantley	Garner, Pa.	McCall	Smith, Mich.
Broussard	Gillett	McGuire, Okla.	Snapp
Burgess	Gilmore	McKinlay, Cal.	Southwick
Campbell	Glass	McKinley, Ill.	Sparkman
Capron	Godwin	McKinney	Stanley
Chapman	Graham, Ill.	McMorran	Sturgiss
Clark, Fla.	Grant	Macon	Sulzer
Covington	Guernsey	Madden	Swasey
Cravens	Hamill	Mays	Taylor, Ala.
Crow	Heflin	Millington	Taylor, Ohio
Denby	Helm	Moxley	Tener
Diekema	Hill	Mudd	Thomas, Ohio
Dodds	Hubbard, Iowa	Nicholls	Wallace
Douglas	Hubbard, W. Va.	O'Connell	Weeks
Driscoll, M. E.	Hughes, W. Va.	Olcott	Willett

The Clerk announced the following additional pairs:

For the remainder of this session:

Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. GILLETT with Mr. RHINOCK.

Mr. SOUTHWICK with Mr. STANLEY.

Mr. MCMORRAN with Mr. RANDELL of Texas.

On this vote:

Mr. KENNEDY of Iowa with Mr. LATTA.

Mr. MCKINNEY with Mr. SPARKMAN.

Mr. MILLINGTON with Mr. FORNES.

Mr. OLCOTT with Mr. PAGE.

Mr. WEEKS with Mr. BEALL of Texas.

Mr. CURRIER. Mr. Speaker, may I inquire if the gentleman from South Carolina [Mr. FINLEY] voted?

The SPEAKER. He did not.

Mr. CURRIER. I voted "aye," and I desire to withdraw that vote and to vote "present," as I am paired with the gentleman from South Carolina.

The result of the vote was announced as above recorded.

The SPEAKER. The decision of the Chair does not stand as the decision of the House. The call rests upon the Committee on Military Affairs.

FIELD GUNS FROM THE STATE OF MASSACHUSETTS.

Mr. HULL of Iowa. Mr. Speaker, I call up the bill (H. R. 10280) to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Massachusetts.

The SPEAKER. There is unfinished business before the House.

Mr. HULL of Iowa. I understood that went over by unanimous consent.

The SPEAKER. The gentleman is correct. The gentleman from Iowa calls up the following bill, which the Clerk will report.

The Clerk read the bill.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

Mr. MANN. I think I shall have to object to that.

The SPEAKER. Objection is heard, and the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill. The gentleman from Pennsylvania [Mr. BURKE] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House bill 10280, which the Clerk will report.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, as the gentleman from Massachusetts [Mr. WEEKS] is not here, I will explain the bill. Some years ago the States of Connecticut and Massachusetts each bought of the Government out of state funds some ordnance, the same as described here, for the use of their National Guard. On the change of ordnance by the United States the Federal Government by act of Congress allowed the exchange for Connecticut. This is simply allowing the change for Massachusetts, virtually by increasing the appropriation for their militia funds the amount necessary to provide the guns or other equipment for the guard. It does not discriminate against any other State in the Union for the reason that these two States are the only two that did expend out of their own state funds the money necessary for the purchase of this ordnance necessary for the drilling of their troops.

Mr. TAWNEY. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. TAWNEY. This is simply another way of paying a claim which the State of Massachusetts now has against the Federal Government.

Mr. HULL of Iowa. I hardly think it is a claim; it was referred to the Ordnance Department and reported back favorably.

Mr. TAWNEY. I do not see why. There are a number of other States that have claims of a similar character growing out of the war and had their claims audited by authority of Congress and appropriations were made for them. I do not think this is a very good way for the Congress of the United States to pay claims of this kind.

Mr. HULL of Iowa. If the Clerk will read the report in my time, I think it will give all the information that I can give.

Mr. MANN. Then, it will not give much.

Mr. HULL of Iowa. That is all I have.

The Clerk read the report (by Mr. HULL of Iowa), as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 10280) to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Massachusetts, having considered the same, report thereon with a recommendation that it do pass.

A similar bill was reported in the Sixtieth Congress by the Committee on Military Affairs of the House of Representatives, and said report is hereto attached and made a part hereof.

[House Report No. 1205, Sixtieth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4781) to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Massachusetts, report the same back to the House with the recommendation that it do pass.

This bill was sent to the War Department for information and remarks, and the following is a report of the Chief of Ordnance and the Assistant Secretary of War on the same:

[Third indorsement.]

OFFICE OF THE CHIEF OF ORDNANCE.
Washington, March 9, 1908.

Respectfully returned to the honorable the Secretary of War.

The material herein referred to was sold to the State of Massachusetts on January 1, 1900.

A bill of similar purport to this one, authorizing the department to receive back four 3.6-inch field guns and other pertaining material which had been sold to the State of Connecticut, was referred to this department for remark, and was returned on February 20, 1906, with the following statement:

"It was a patriotic act on the part of this State to purchase the 3.6-inch guns out of its own funds, and although they are now to be replaced without charge to the State with more modern guns, the State is not thereby placed in a position of advantage with reference to other States who are also about to receive modern guns without charge to them, and who had not expended any of their funds for the same purpose. The effect of the passage of the act will be to show recognition of the action of the State by intrusting its militia with an increased amount of military equipments for use in the service of the United States if needed."

The same remarks apply in the present case of the State of Massachusetts, except that the modern guns referred to above as about to be received by the States have now been issued to the State of Massachusetts and to other States.

The bill with reference to the State of Connecticut became a law.

WILLIAM CROZIER,
Brigadier-General, Chief of Ordnance, United States Army.

[Fourth indorsement.]

WAR DEPARTMENT, *March 9, 1908.*

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives, inviting attention to the foregoing report of the Chief of Ordnance, United States Army, in whose views the department concurs.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Mr. MANN. Does not the gentleman think the fair thing to the House and to the gentleman from Massachusetts would be to postpone this matter until the gentleman from Massachusetts can be here?

Mr. HULL of Iowa. The gentleman from Massachusetts knew that this was to be taken up as the first bill.

Mr. MANN. I would like to ask the gentleman from Iowa what occasion the State of Massachusetts had to purchase this ordnance?

Mr. HULL of Iowa. They purchased it out of their own funds for the purpose of instructing their militia, and after it was purchased and they had possession of it Congress entered on the enterprise of furnishing guns for the instruction of the militia in field batteries, and we carried in the army bill for a series of years appropriations to manufacture guns and ordnance for batteries of field artillery to issue to the militia of all States having light artillery. Now the State of Massachusetts is in the position of having purchased out of her own funds, as did Connecticut, all these guns, while other States had them furnished to them by the Federal Government, and did not expend a dollar of state funds to equip their guards.

Mr. MANN. Has Massachusetts the guns now on hand?

Mr. HULL of Iowa. Yes; and they have others. Now they want the Government to reimburse them for what they put in in the first instance, the money to go into a fund for the militia.

Mr. MANN. They are now old-fashioned guns and out of date?

Mr. HULL of Iowa. Well, they were bought since 1900.

Mr. MANN. But they are not modern guns?

Mr. HULL of Iowa. I can not answer that.

Mr. MANN. Has not the gentleman read the report of the committee?

Mr. HULL of Iowa. Yes; I have.

Mr. MANN. Then, the gentleman knows that they have been replaced by modern guns?

Mr. HULL of Iowa. Yes; by later modern guns.

Mr. KEIFER. The gentleman will allow me to suggest that all breech-loading guns are comparatively modern guns, but the guns referred to in this bill are not the latest.

Mr. MANN. General Crozier reports that these guns are now replaced with more modern guns.

Mr. HULL of Iowa. Yes; more modern guns.

Mr. MANN. And now Massachusetts wants us to buy the old modern guns of no value.

Mr. HULL of Iowa. But the gentleman will remember that the State of Illinois and the State of Iowa did not buy any guns at all. The Government gave the guns to them for the purpose of instructing the militia. If the gentleman could show that Illinois or any other State had purchased guns out of their own funds and Congress had entered on the policy of furnishing those guns to the States, then I would say that the State of Illinois ought to be reimbursed.

Mr. MANN. The State of Illinois, as I remember, has a number of claims against the Government, some of which may be good and some bad.

Mr. HULL of Iowa. But not of this character.

Mr. MANN. It has had various claims against the Government for many years, and so far as I recollect, never undertook to get them paid by giving back to the Government something of no value.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. MANN. Certainly; if the gentleman from Iowa [Mr. HULL] will yield?

Mr. HULL of Iowa. Certainly.

Mr. TAWNEY. The claims the State of Illinois has against the Government arise upon either express or implied obligation on the part of the Federal Government to pay them, but this claim rests on no obligation whatever, no liability. The expenditure was made by the State of Massachusetts voluntarily for the instruction and benefit of our own state militia. That does not create an obligation on the part of the Government if the Government changes its policy subsequently to reimburse the State of Massachusetts.

Mr. HULL of Iowa. The gentleman must remember that the Government in the case of Connecticut, exactly similar to this, did recognize a strong moral obligation to reimburse the State. In other words, the State expended——

Mr. MANN. How was that bill passed relating to Connecticut?

Mr. HULL of Iowa. By a report from the Committee on Military Affairs.

Mr. MANN. Under suspension of the rules when we were having a filibuster carried on here?

Mr. HULL of Iowa. I do not know; whoever made the report on that probably took it up. It has been some time ago, and I do not remember; but it passed and is a law.

Mr. MANN. Oh, I understand that. What was the amount involved in that?

Mr. HULL of Iowa. I assume about the same as this. I have not looked up the bill.

Mr. MANN. Oh, surely the State of Connecticut does not expend as much money on these guns——

Mr. HULL of Iowa. Well, if they would buy guns at all they would buy a battery.

Mr. MANN. And every reason that goes to pay this back would apply, would it not, to any expense that any State has been to in reference to its militia?

Mr. HULL of Iowa. Not at all.

Mr. MANN. Why not?

Mr. HULL of Iowa. Because they may have gone to an expense in reference to the equipment of the militia that the Congress has never approved of. Congress has approved of this by enacting a law, and appropriations year after year have carried $625,000 each year for full batteries of artillery, to be issued to the States for the use of the militia.

Mr. MANN. And one of those batteries has been issued to the State of Massachusetts under that appropriation?

Mr. HULL of Iowa. Yes; but before that was done Massachusetts purchased this battery, and this is simply putting Massachusetts on the same basis as the other States that have not purchased.

Mr. MANN. Now it is proposed, as I understand it, that Congress shall pay for all the maneuvers of the state militia, and that policy has been adopted to a certain extent. Does the gentleman contend that when that policy is adopted, that means that the General Government is to go back and pay the claims of the States for money paid for maneuvers, five, ten, fifteen, or twenty-five years ago?

Mr. HULL of Iowa. There were not any then.

Mr. MANN. Oh, but there were.

Mr. HULL of Iowa. Oh, no. They were state encampments. There were no such thing at all until six years ago.

Mr. MANN. There may have been no such thing under the law of the United States. I participated in maneuvers more than twenty-five years ago.

Mr. HULL of Iowa. Of the state militia?

Mr. MANN. Of the state militia.

Mr. HULL of Iowa. There was a special law on that, and that was provided for by law.

Mr. MANN. I understand.

Mr. HULL of Iowa. There is a special law for your state encampments; but let me answer the other question. Congress afterwards adopted federal maneuvers, or joint maneuvers with the Regular Army and the militia, and some of the States exceeded the law and used funds for the joint maneuvers that should not have been used; and the gentleman from Minnesota [Mr. TAWNEY] brought in a bill here, a deficiency bill, repaying those States for the money that was used, and it was not an immoral thing on his part to do so.

Mr. MANN. Oh, that was because of a ruling of the comptroller overruling the decision of the military officers of the Government.

Mr. HULL of Iowa. Oh, no; the law specifically provided that this money should not be used for joint maneuvers.

Mr. MANN. It may have specifically provided, but more or less was paid out just the same before the money was paid—an entirely different proposition.

Mr. TAWNEY. Under the law, the money had been expended and the comptroller held the money was not legally expended, and the loss fell on the individual officers, and we appropriated to reimburse the individuals who had been held responsible for paying the money; it was not to pay any claim of the State.

Mr. HULL of Iowa. This money was appropriated by Congress for use in the States for arming and equipping the militia and for the use of the States in state encampments. It was diverted to general joint maneuvers, and Congress reimbursed them.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. HUGHES of New Jersey. Do I understand it to be the object of this bill to reimburse the State of Massachusetts for expenditures which other States were not required to make?

Mr. HULL of Iowa. No; Massachusetts was not required to make it, but Massachusetts and Connecticut are the only two States I know of that did make it for equipping field artillery in their respective States before Congress adopted the rule of manufacturing field artillery and issuing it to the States for the use of their militia.

Mr. HUGHES of New Jersey. Then, the object of this bill would be to put Massachusetts upon the same footing as the other States?

Mr. HULL of Iowa. That is all.

Mr. HUGHES of New Jersey. That is what I desired to find out.

Mr. STEVENS of Minnesota. Will the gentleman yield to me?

Mr. HULL of Iowa. How much time?

Mr. STEVENS of Minnesota. About three minutes.

Mr. HULL of Iowa. I yield three minutes to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Chairman, I think there is one suggestion this committee ought to consider before it finally passes on this bill. In arming the troops, both regular and volunteer, it is necessary that the branches of the service in which are these various troops should be considered in the order of their importance as to being furnished with arms. The hardest kind of work is to get troops for and secure arms for the field artillery in the service of the national guard. It is the most expensive part of the volunteer service. It is the hardest work to get men for that service. It is the hardest work to equip them for that service, and, naturally, there is a smaller proportion of field artillery than any other branch of the national guard. So that it is of the utmost importance to encourage the formation in the national guard of field artillery wherever it can be done. It is economy to do it, because we need a larger proportion of field artillery in the Regular Army unless the national guard can furnish their proper quota of field artillery, so that it is a matter of economy to encourage the formation and equipment of field artillery in the national guard. Congress has done that in the past, and it ought to do it. The department has encouraged it, and this bill continues that encouragement by notifying Massachusetts and Connecticut, where they have furnished their own field artillery, that Congress will encourage them to equip their troops with field artillery and with the very best kind of modern guns, and that is what this bill practically amounts to, and for that reason this bill ought to pass.

Mr. TAWNEY. Will my colleague allow me to ask him a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. TAWNEY. The State of Massachusetts is now equipped with modern artillery by the Federal Government.

Mr. STEVENS of Minnesota. I presume so; I do not know, but I assume that that is true.

Mr. TAWNEY. They are treated just the same as all the other States are——

Mr. STEVENS of Minnesota. Yes.

Mr. TAWNEY. Now, simply because this bill is for the purpose of giving to the State of Massachusetts an opportunity to recover back or be reimbursed from the Federal Treasury for similar equipment which it brought voluntarily before the Federal Government entered upon the policy of equipping the militia of the several States——

Mr. STEVENS of Minnesota. This is to take those guns off the hands of Massachusetts—that is just exactly what we do, and it is doing, as I understand, what we can well afford to do, providing these guns for the purpose of equipping the field artillery of Massachusetts, so that such troops may have a higher degree of usefulness.

Mr. TAWNEY. But are not they now equipped with modern guns? I do not say this does not affect the future efficiency of the State of Massachusetts at all, but it is a question of whether we shall pay them $42,000 for some old junk.

Mr. STEVENS of Minnesota. No, Mr. Chairman, that is the point. This Congress can well afford to equip these volunteer troops of the States and encourage the States in equipping their troops with the most modern appliances that can be found within a reasonable scope, and that is what this bill proposes to accomplish.

Mr. MANN. Mr. Chairman, this is one of those peculiar bills that remind me of the description of the "Heathen Chinee." It purports to be a bill to pay for some old ordnance which my friend from Minnesota describes as junk, but is really a bill to appropriate $43,000 more to the State of Massachusetts under the provision in relation to the national guard than she is entitled to in the general appropriation. How does it come about? At the time of the Spanish-American war, in 1898, when no one knew just where the Spanish fleet was, and the newspapers were teeming with reports as to the location of the fleet, there came a time when every man, woman, and child along the New

England coast had a chill and a fever regularly every day and every night. No one in Massachusetts but trembled with fear that the Spanish fleet would sail up the coast and attack the coast towns. We all recollect the feeling in the House here.

I remember at that time that the distinguished Speaker of this House was Mr. Reed. I went to him once to get permission to call up a bill to guard the coast through the Live-Saving Service, and he, hating the Spanish-American war as he did, commenced to say some sharp words about some people in Chicago. I reminded him that Chicago was a long way from the coast; that there was no one there who suffered from fear of balls from any of the cannons on the Spanish fleet; but that I understood, in his home town of Portland, Me., no one went to sleep at night without praying God to deliver them from the Spanish fleet. And I was recognized inside of five minutes.

At the end of the war the State of Massachusetts and the State of Connecticut for their own protection, and they are to be praised for what they did, purchased some ordnance, the State of Massachusetts, I suppose, paying out nearly $43,000 for it. They bought the ordnance. It is theirs. They can do what they please with it. They have used it for years, until it is old and out of date, and have now secured from the General Government modern ordnance to take its place. We have already given them new ordnance to take the place of that which they purchased, and we make an annual appropriation, or a permanent appropriation, for the benefit of the national guard. Massachusetts gets a proportion of it, Connecticut gets a proportion of it, and Illinois and other States each get a proportion. Massachusetts wants more money, and now offers to give us this old ordnance, of no value to us and probably of no value to them, in order to increase her appropriation over that to which she is entitled pro rata, and over that which the other States receive. The proposition has no justice in morals. There is no reason why we should give Massachusetts a greater amount than she is entitled to over what we give to Pennsylvania or New York and any of the other States, either along the coast or in the interior. Each one of them would like to have more money. Why should we give Massachusetts, great as she is, the extra $43,000? If she ought to have that money, possibly other States ought to have an additional amount. If there be occasion for giving more money than these States have, give it to them all alike.

I reserve the balance of my time.

Mr. HULL of Iowa. Mr. Chairman, just one word. Section 2 provides:

> That no part of the value of this material shall be paid to the State of Massachusetts, but the whole amount received from the sale thereof to the State shall stand as a quota of the State, the same as though allotted from the annual appropriations under the provisions of section 1661, Revised Statutes, as amended, and subject to all the conditions thereof.

That is to say, the additional amount does not go into the treasury of the State of Massachusetts, but does go into the support of the militia of the State of Massachusetts.

Mr. MANN. That is exactly what I said.

Mr. HULL of Iowa. The original amount was paid out of the treasury of the State of Massachusetts, and if they were patriotic enough to purchase these guns at a time when the Government would not supply them, it does seem to me they ought to have the benefit of their own money in the support of their own militia, under section 1661.

I yield to the gentleman from Massachusetts [Mr. PETERS], if he desires time.

Mr. PETERS. Mr. Chairman, I wish to present to the House a correction of remarks which have recently been made. The State of Massachusetts purchased these guns with its own funds for the purpose of giving its own men—its own militia—an opportunity to drill with modern guns. They had previously been supplied with the old-fashioned muzzle-loading guns, and it was for the purpose of giving the militia a model equipment, so as to keep up the best efficiency that these guns were purchased by the State out of its own funds. It had nothing to do with the Spanish war, so far as protection against any outside foe was concerned. They are light artillery guns, used by light artillery companies and foot soldiers. They could not be used for the defense of harbors. In order to get the militia of the country supplied with proper material, the United States Government is now giving out to the various States equipment of its own. These have taken the place of the equipment that Massachusetts purchased herself, which, being more antiquated, has been replaced by the more modern apparatus authorized by the Dick bill. The passage of this measure would place Massachusetts in the same position she would have been in had she not made this previous appropriation.

Mr. TAWNEY. Will the gentleman permit me to ask him a question there?

Mr. PETERS. I will.

Mr. TAWNEY. Did the Federal Government offer any inducement or make any request of the State of Massachusetts to purchase this equipment which has been supplanted by equipment furnished by the Federal Government?

Mr. PETERS. I do not suppose the Federal Government goes about selling equipment to the different States.

Mr. TAWNEY. The equipment was bought by the State of Massachusetts voluntarily, without any suggestion or any inducement of the Federal Government, was it not?

Mr. PETERS. It was bought to equip the state troops with equipment like that which the Federal Government was supplying to its troops, after consultation and with the Government's full knowledge and approval. It was done to promote efficiency under a scheme that met the approval of the War Department.

Mr. TAWNEY. For the benefit of the militia of that State.

Mr. PRINCE. I would like to ask the gentleman a question.

Mr. PETERS. I will yield for the gentleman to ask me a question.

Mr. PRINCE. At the time that these guns were bought by the State of Massachusetts to help equip your field artillery, if the militia had been called into war under authority of the President of the United States, these guns would have been a part of the Volunteer Army establishment, would they not, and the guns would have been used in that war?

Mr. PETERS. Certainly.

Mr. PRINCE. And the Government would have received the benefit resulting from the use of those guns by reason of the drill the men received as a part of the militia?

Mr. PETERS. Certainly.

Mr. PRINCE. So it was the reserve line in the militia establishment of the Government?

Mr. PETERS. It was the reserve line. This equipment went to companies which themselves were prepared to enlist, and many of them did enlist, at the beginning of the Spanish war. Before a man can intelligently use artillery he must have some experience in handling it. I am speaking with knowledge, because I myself was in a troop which used this equipment, and I am familiar with the use to which it was put. I know that its use was appreciated, and that the men profited by it. It is a light-artillery equipment, which must be used some time before the men become accustomed to it; and that required drill in handling the guns. Therefore it was for the purpose of bringing the militia up to the highest standard that this purchase was made.

Mr. HULL of Iowa. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has twenty-five minutes.

Mr. HULL of Iowa. I yield such time as he needs to the gentleman from Massachusetts.

Mr. WEEKS. Mr. Chairman, I introduced this bill, and I regret that I have not been here to hear the discussion on it up to this time. I also regret that I turned over the papers in the case to my colleague [Mr. LAWRENCE], who seems to have been called away. However, I want to say that Massachusetts has always been foremost in maintaining its militia service. It had after the Spanish war two batteries of light artillery. Those batteries were equipped with old muzzle-loading guns. Wishing to bring the batteries up to the standard which the War Department proposed to establish, and not being able to obtain guns at that time of modern caliber and modern construction by allotment, because the department had no authority to turn them over to the States, the State of Massachusetts purchased these guns of the Bureau of Ordnance. Later a general act was passed which authorized the Government to furnish all the States with guns similar to the ones that had been purchased by the State of Massachusetts, but not exactly the same gun. Therefore all States which are maintaining militia organizations are on all fours with the State of Massachusetts, having received the guns of modern design and caliber, and the State of Massachusetts has on hand the guns purchased in 1900, for which it paid about $43,000.

Militia services are for national as well as for state purposes, and a State which has been foremost, as the State of Massachusetts has, in maintaining a service up to the highest standard, should be protected when it goes out of its way to equip its forces with the latest guns and the latest equipment.

The State of Connecticut was in exactly the same position in this respect. It did buy some equipment of this kind, and it was authorized to turn it in to the Ordnance Bureau of the army and receive credit for what it cost, and draw against the credit whenever it needed other equipment. That is what the

State of Massachusetts asks in this case. It does not ask to be paid back the money which it paid for these guns.

Mr. TAWNEY. That is the effect of it.

Mr. WEEKS. That is the final effect.

Mr. HULL of Iowa. So far as the militia only are concerned.

Mr. MANN. So far as the Treasury of the Government is concerned.

Mr. WEEKS. It asks that it be permitted to turn these guns back to the Ordnance Bureau, and that it be credited for their cost, and that when the State needs other equipment to be supplied by the Ordnance Bureau, the cost of the new equipment may be charged against this credit.

Mr. TAWNEY. And to that extent the allotment out of the federal appropriation for the State of Massachusetts is increased over the allotment allowed to other States.

Mr. WEEKS. Out of their own money, I think, that is true.

Mr. TAWNEY. But out of their own money which they expended before the Federal Government entered upon the policy of equipping the militia of the several States.

Mr. WEEKS. I think that is true, Mr. Chairman.

Mr. TAWNEY. I would like to ask the gentleman from Massachusetts if he can state when the State of Massachusetts purchased this equipment from the Federal Government, and when the Federal Government adopted the policy of furnishing this equipment to the several States.

Mr. WEEKS. I think it was purchased of the Bureau of Ordnance in 1900.

Mr. MANN. It says 1900.

Mr. WEEKS. And it was in 1903 or 1904 that the act was passed which authorized the Ordnance Bureau to furnish modern ordnance to all of the States which were maintaining light batteries.

Mr. TAWNEY. There was an interval of about three years intervening between the time the State purchased the equipment and the time when the Government adopted the policy of equipping the state militia generally.

Mr. WEEKS. I should say two or three years.

Mr. HULL of Iowa. I yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to ask the gentleman from Iowa what will become of these guns when they come back to the Federal Government?

Mr. HULL of Iowa. They will be held the same as any other guns are held by the Ordnance Department.

Mr. MOORE of Pennsylvania. Will they still be available for service?

Mr. HULL of Iowa. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman tell me what is done with rifles that are discarded by the Government?

Mr. HULL of Iowa. A large proportion of the rifles that have been superseded by more modern rifles are held by the Government yet. Some of them have been authorized to be sold under condemnation; but as a rule, they are kept as a reserve. A great many of the old Springfields are still owned by the Government.

Mr. MOORE of Pennsylvania. Do any of these discarded rifles ever get into the hands of parties hostile to the United States?

Mr. HULL of Iowa. That I could not tell, for this reason: They are sold under condemnation.

Mr. MOORE of Pennsylvania. They are sold in a public way.

Mr. HULL of Iowa. They are sold at public sale to the highest bidder. What the bidder does with the goods after he gets them is a matter with which the Government does not concern itself, except that under the general law of nations any government purchasing arms to carry on war with another in time of war would be violating international law, as well as the law of this Government.

Mr. MOORE of Pennsylvania. The suggestion was made some time ago that arms which had been discarded by the United States had fallen into the hands of filibusters and eventually found their way into the hands of governments that were not very friendly to the United States.

Mr. HULL of Iowa. If that was done, it was done in violation of law. There is no way in which you can prevent lawbreaking except by catching and punishing the lawbreakers.

Mr. TAWNEY. Mr. Chairman, this is a bill that ought not to pass. There is no obligation on the part of the Federal Government to reimburse the State of Massachusetts for any expenditure which that State made on account of the militia for this purpose prior to the time that the Federal Government entered upon the policy of equipping the national guard of the several States. There was no such policy anticipated. The expenditure was not made in anticipation or because the Federal Government contemplated going to embark upon the policy that prompted the State of Massachusetts to make the investment of $43,000 for the purchase of this equipment.

Mr. WEEKS. Is the gentleman from Minnesota justified in making the statement that such a policy was not anticipated and expected by the State of Massachusetts?

Mr. TAWNEY. There was no bill pending in Congress authorizing the War Department to make the allotments that have since been made under authority of law.

I do not know what may have been in the mind of the War Department at that time, but so far as the policy of the Government is determined by the action of Congress, I say that the State of Massachusetts had no right to expect or anticipate that the Federal Government would enter upon this policy, and therefore the State made the purchase on her own responsibility, voluntarily from her own treasury, for the benefit of the militia of the State of Massachusetts.

I grant you the national guard of that State is advanced, and was at that time advanced far beyond the national guard of other States. That advancement, however, was due to the policy of the State of Massachusetts of equipping her national guard with the best military equipment possible in order to have the most efficient militia possible, and that is what prompted the State to purchase these guns for the use of the National Guard of Massachusetts. The fact that the Federal Government three or four years thereafter adopted the policy of equipping the militia of the several States with modern equipment of that kind does not give the State of Massachusetts the right to come in and claim that she ought to be reimbursed for an expenditure that she made voluntarily, made for the benefit of her own people or for an institution of her own State, namely, the national guard of the State.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. BUTLER. Is there any precedent for this?

Mr. TAWNEY. I believe that four years ago Congress passed a similar bill for the State of Connecticut. Now, I do not know the circumstances under which the bill in favor of the State of Connecticut passed, whether it was under a suspension of the rules or not, but I do know that the circumstances under which the reimbursement was made was not explained or was not known to this House at that time.

Mr. BUTLER. Is that the only precedent?

Mr. TAWNEY. That is the only justification for considering the proposition to reimburse the State of Massachusetts for an expenditure she made voluntarily for the benefit of her militia or the national guard, without any reference whatever to any policy of the Federal Government, to reimburse her or any reference to any future policy in respect to equipping the militia of the several States with modern equipment.

Mr. KELIHER. Will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. KELIHER. Was the Connecticut proposition similar to the one now pending?

Mr. TAWNEY. Yes; I understand it was similar, but the circumstances of its passage no one seems to be informed of.

Mr. KELIHER. But it is known that it did pass.

Mr. TAWNEY. Yes; but whether under a suspension of the rules or not I do not know.

Mr. DWIGHT. Mr. Chairman, this is a very important matter now pending before the committee, and I suggest that there is not a quorum present.

Mr. BUTLER. There are more than a hundred Members present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and three Members present; a quorum.

Mr. MANN. Mr. Chairman, there was a bill passed in 1906 for the State of Connecticut, providing an appropriation for that State of $12,405.08. The principle was precisely the same in that bill that it is in this bill, although the amount was not quite so large. It apparently did not attract attention. Having secured the payment of $12,000 for the State of Connecticut, here is a proposition to pay $42,000 to the State of Massachusetts, and I notice that this bill apparently never was referred to the War Department.

Mr. HULL of Iowa. It was referred, this identical bill, last year, and the War Department reported upon it. It was not necessary to refer the bill again this year.

Mr. MANN. I do not know whether the present administration of the War Department entertains the same views that the former did or not.

Mr. WEEKS. It is the same Chief of Ordnance who recommends this legislation.

Mr. MANN. The Chief of Ordnance, I beg to say, does not recommend the legislation. There is not anything in his letter which tends to recommend the legislation.

Mr. HAY. Does the gentleman from Illinois think it necessary to always have an opinion from the War Department or some other department before Congress can legislate on any proposition?

Mr. MANN. Mr. Chairman, I do not think it is necessary, but I think it is highly desirable on matters of this sort to have the opinion of the administrative departments. I never have claimed Congress was under any moral obligation, much less legal, to follow the opinion of the departments, but the departments are supposed to express views in reference to such matters.

Now, the gentleman from Massachusetts [Mr. WEEKS] says that the passage of this bill will place Massachusetts in identically the same position that the other States occupy. In my judgment, that is erroneous. Under this bill there are two sets of ordnance granted to the State of Massachusetts, as against one set of ordnance granted to the other States.

Mr. WEEKS. Mr. Chairman, the State of Massachusetts has paid for one set of ordnance, of which the gentleman from Illinois [Mr. MANN] is speaking, out of its own funds.

Mr. MANN. But the gentleman does not want the State to pay for it out of its own funds. The gentleman wants the General Government to give the State of Massachusetts two sets of ordnance, as against one to any other State, to provide the State of Massachusetts with the United States ordnance twice as against once for the other States.

Mr. WEEKS. Mr. Chairman, there is not a word of testimony before this committee that will substantiate any part of the charge made by the gentleman from Illinois. The State of Massachusetts bought this ordnance and paid for it, and now has received ordnance from the General Government just exactly as every other State has, and what it asks the General Government to do now is to take back the ordnance that it bought from it and give a credit, so that other equipment may be furnished against that credit.

Mr. MANN. The gentleman and I do not disagree except in the language that he intersperses in my remarks, stating, in effect, that I do not know what I am talking about [laughter], and I am quite content to leave that to the House. The gentleman's own statement shows that the State of Massachusetts wants to get ordnance twice at the expense of the Government, as I said, instead of once. The State of Massachusetts bought the ordnance from the Government in the first place. It had that set of ordnance. It has now received another set of ordnance from the Government. It now has both sets of ordnance. It has used one until it is too old to be used longer. It has received a new set, and now wants the Government to pay it for the first set. If that is not asking to provide ordnance to it twice, as against only once for the other States, I do not know how to count.

Mr. SLAYDEN. Mr. Chairman, it seems to me that all that is involved in this bill is the question of whether or not it is just and proper to put the State of Massachusetts on a plane of absolute equality with the other States as to the supply of this material of war. Massachusetts did buy this battery, bought it before the enactment of that statute—No. 1661, I think it is—which provides for the supplying of equipment to the States. Now, if that law had never passed, I dare say Massachusetts would never have been here in the attitude that she is to-day; but it did pass. The other States were supplied with the equipment, and Massachusetts stands in the peculiar position of having bought and paid good, hard cash for what the other States got for nothing, and she asks and this bill provides that the Federal Government shall take back from the state government the equipment she bought and paid for in 1900, and that the money shall be put to her credit in account for other equipment to be supplied in the future as needed. This is simply a question of whether or not we are to do what I conceive to be justice to Massachusetts.

Mr. HINSHAW. Do I understand that in the first instance Massachusetts paid for this battery?

Mr. SLAYDEN. Yes.

Mr. HINSHAW. I understood the gentleman from Illinois [Mr. MANN] to say that the Government in the first instance had given the State this equipment.

Mr. SLAYDEN. No; the gentleman from Nebraska misunderstood the gentleman from Illinois. Massachusetts bought the first equipment, and then, after the act was passed that authorized the ordnance department to furnish such things to the states, Massachusetts received an additional supply.

Mr. HINSHAW. And now she wants to sell back the old ordnance to the United States?

Mr. SLAYDEN. Yes; and put the value of it to her credit, so that other material may be furnished as needed in the training of the state troops.

Mr. PETERS. Mr. Chairman, when this ordnance was purchased the ordnance was purchased at the standard the Government then gave out. Later the Government gave out a new form of gun, somewhat different, and it was necessary to have the militia of the country equipped with the same weapon. In the equipment of the militia with the present type of gun the guns which had been purchased by Massachusetts in 1900 were rendered more or less obsolete, and it was in order to have the militia all equipped with the latest weapons that the new ordnance was sent to Massachusetts. Now it is proposed to take the money which is to be credited to the State and have it used simply in the purchase of other and new material for the State. All Massachusetts wants is a fair exchange, profitable to both parties.

The Clerk read as follows:

Be it enacted, etc., That the Chief of Ordnance, United States Army, is hereby authorized and empowered to receive back from the State of Massachusetts the twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining material which were sold to the State by the Ordnance Department for the sum of $42,423.21 in the year 1900.

Mr. HAY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I simply do that to call attention to the fact that the bill which was passed on the 2d day of April, 1906, for the purpose of receiving back guns from the State of Connecticut, was passed by unanimous consent. The RECORD reads:

Mr. CAPRON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill authorizing the Chief of Ordnance, United States Army, to receive four 3.6-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Connecticut, which I send to the desk and ask to have read.

There was no objection, and the bill was passed by unanimous consent, everybody agreeing to it. I simply wanted to call that to the attention of the committee.

Mr. MANN. No wonder that bill passed on its title, as this bill would if nobody read it.

Mr. HAY. I thought the gentleman from Illinois would have been there and known all about the bill.

Mr. MANN. Unfortunately the gentleman from Illinois was not there; if he had been there, the bill probably would not have been passed, and I doubt even whether the gentleman from Virginia would have supported it if it had not come from his own committee.

Mr. PRINCE. How much money did that carry?

Mr. MANN. Twelve thousand four hundred and five dollars and eight cents.

Mr. KELIHER. The principle is the same, no matter what the amount.

The Clerk read as follows:

SEC. 2. That no part of the value of this material shall be paid to the State of Massachusetts, but the whole amount received from the sale thereof to the State shall stand as a quota of the State, the same as though allotted from the annual appropriations under the provisions of section 1661, Revised Statutes, as amended, and subject to all the conditions thereof.

Mr. SLAYDEN. Mr. Chairman, I think that the language of this section would be clearer if the amendment which I send to the Clerk's desk and offer were adopted.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. SLAYDEN. I would suggest, in section 2, line 1, page 2, to strike out the words "value of this material" and say "the money herein appropriated."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the words "value of this material" and insert "the money herein appropriated."

Mr. SLAYDEN. And also an additional line substituting the language describing the material.

The Clerk read as follows:

In line 3, after the word "sale," insert "twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining material."

Mr. HULL of Iowa. The last language, I think, is already set forth in section 1.

Mr. SLAYDEN. It is set forth in section 1; yes.

Mr. HULL of Iowa. There is only one question I would like to ask the gentleman from Texas, because he and I are in accord, I think, as to the general policy of the matter, and that is, there is really no appropriation here; it is a matter of bookkeeping more than appropriation. The money is kept in the

Treasury of the United States until drawn out under section 1661.

Mr. MANN. I would like to inquire if the object of this is to kill time?

Mr. HULL of Iowa. No; I am trying to ascertain whether this amendment really perfects the bill or not.

Mr. SLAYDEN. In reply to the question of the gentleman I will say that I think it merely makes it a little clearer as to what is meant by the section, and it provides specifically that the money therein appropriated, instead of saying the money received from the material sold, and so forth, shall not be paid to the State of Massachusetts.

Mr. HULL of Iowa. I want to say to the gentleman from Texas that the bill does not say "money received from the sale of material," but "that no part of the value of this material." It is simply a matter of bookkeeping, and no money passes one way or the other.

Mr. SLAYDEN. Mr. Chairman, I have an idea that it clears the section, but if the chairman of the committee, who has given it more attention than I have, feels that it will not, I am willing to bow to his judgment in the matter. It is not important. I withdraw the amendment.

The Clerk concluded the reading of the bill.

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

Accordingly the committee rose, and Mr. BURKE of Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10280, and had instructed him to report the same to the House with the recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 91, noes 12.

So the bill was passed.

On motion of Mr. HULL of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

USE OF UNITED STATES ARMY TRANSPORT.

Mr. HULL of Iowa. Mr. Speaker, I call up the Senate joint resolution 83, authorizing the use of a United States Army transport for certain purposes.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution 83.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to employ a United States Army transport to convey from New York to Buenos Aires, Argentine Republic, the delegates and their assistants appointed, under the authority of the urgent deficiency act, approved February 25, 1910, to represent the United States at the Fourth International Conference of American States which is to convene in Buenos Aires on July 9, 1910: *Provided*, That the total expense thus incurred shall not exceed $45,000.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that the resolution may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Iowa [Mr. HULL] asks unanimous consent that the resolution may be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk concluded the reading of the bill.

Also the following committee amendment was read:

Strike out the period after the word "dollars," in line 12, and insert a comma and the following: "said sum to be paid out of the appropriation made for the commission in the urgent deficiency act approved February 25, 1910."

Mr. HARRISON. Mr. Speaker, I move to amend by striking out the committee amendment.

Mr. HULL of Iowa. That has to be adopted by the House before it is a part of the bill.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. HULL of Iowa. Yes.

Mr. MANN. This would take $45,000, possibly, out of the $100,000 appropriation. Does the gentleman have any idea whether there would be a sufficient sum left? As I recall it, the original appropriation that passed the House was $50,000.

Mr. HULL of Iowa. I looked up the law, and it was $100,000.

Mr. MANN. As reported from the Committee on Appropriations it was $75,000. The gentleman from Arkansas [Mr. MACON] made a point of order against the item and it went out. It was agreed to in the House at $50,000 and increased to $100,000. Does the gentleman have any idea as to whether the $55,000 remaining will be sufficient?

Mr. HULL of Iowa. Mr. Speaker, I will say this for the benefit of the House, that the Secretary of State in his letter to me urging the enactment of this resolution expressed the idea that it ought to be paid out of the appropriation for the support of the army, and he did not indicate that he desired it taken out of that fund of $100,000. In my judgment, this is not a proper charge against the army budget.

Mr. MANN. Certainly not.

Mr. HULL of Iowa. And ought not to be carried in the army budget.

Mr. MANN. I agree with the gentleman. I notice that the gentleman from New York [Mr. HARRISON] is inclined to be opposed to the committee amendment, whereas my recollection is that when the original proposition was before the House he was opposed to making any appropriation for this.

Mr. HARRISON. I think the gentleman is mistaken about that. My objection to the various appropriations for the international congresses was as to the method of appropriating money in the House, and not against the object itself. I made a point of order on several occasions against appropriations when there was no authority of law for making them, and on one occasion successfully, but never have I objected to the merits of the proposition.

Mr. MANN. I thought the gentleman was opposed to all of these propositions, inasmuch as he was so active in making points of order against them.

Mr. HARRISON. For a moment I ventured on the gentleman's private preserves to regulate the proceedings of the House.

Mr. MANN. I never make a point of order unless I am opposed to the proposition. I do not do it for amusement, as the gentleman from New York would seem to do.

Mr. HARRISON. The gentleman is very much mistaken if he thinks the regulation of orderly proceeding of this House is amusing. To many of us it is a very serious matter.

Mr. MANN. It is rather amusing, when the gentleman undertakes to preserve it.

Mr. HULL of Iowa. Mr. Speaker, this proposition has been passed upon and the commissioners have been appointed. They are eminent men. One hundred thousand dollars has been appropriated to pay the expenses of the commission. It would be adding to the dignity of the commission to go in a United States vessel. The War Department is to furnish the vessel. But it is not fair in a case of this kind, involving another department of the Government entirely, something entirely outside of anything in connection with the army, to have that $45,000 charged upon the army bill; and if the Committee on Military Affairs had reported this back as originally drawn it would have meant that we had taken it upon ourselves to increase the appropriation for this specific purpose $45,000 more than Congress had authorized.

Mr. HAY. How many are there on this commission?

Mr. HULL of Iowa. I think either 7 or 10; I do not know exactly how many. The Committee on Military Affairs had no jurisdiction over that.

Mr. HAY. Then it would be providing an army transport to carry 7 people?

Mr. HULL of Iowa. They have all their clerks and other attachés.

Mr. HAY. And their clerks and interpreters.

Mr. HULL of Iowa. Yes; but it will cost the Government more to use a government vessel than to pay their way by a commercial line from here to Europe and from Europe down to Buenos Aires. But it does seem to me that the Government can afford to pay a little extra expense to have our representatives meet the representatives of all the South American Republics, and that we should send our representatives in a manner befitting the dignity of this Government. I do not think, however, that the expense should come out of the army appropriation act. They ought to either represent us there without an additional appropriation, or have the extra amount provided by the Committee on Appropriations.

Mr. HAY. If they go down there, ought they not to go as other people go, and pay as other people pay?

Mr. HULL of Iowa. They are not traveling as other people do. They represent this Government.

Mr. HAY. We did not furnish them transportation.

Mr. HULL of Iowa. When we sent the commission to the Philippine Islands we did, and, I think, properly so. The Government should not belittle itself.

Mr. MANN. May I ask the gentleman a question? Under this amendment it would not be obligatory on these commissioners to use this transportation?

Mr. HULL of Iowa. No; it is not obligatory.

Mr. MANN. So that if they concluded that they could make better use of this $45,000, included in the $100,000, then they would not be required to use it in this way?

Mr. HULL of Iowa. Not at all.

Mr. MANN. They have the amount of money which they asked for in the first place—$100,000—and this is a simple proposition to give them authority, if they so desire, to use $45,000 of that in connection with the use of the transport?

Mr. HULL of Iowa. That is right; we furnish the transport and they pay for running it.

Mr. MANN. But they do not have to use it?

Mr. HULL of Iowa. They do not have to do so.

Mr. HARRISON. Mr. Speaker, I rise to debate the amendment.

The SPEAKER. Time for debate on the amendment has expired. Does the gentleman move a pro forma amendment?

Mr. HARRISON. I move to strike out the last word.

Mr. Speaker, I hope that the committee amendment will not prevail. I am sensible of the embarrassment of the gentleman from Iowa, chairman of the Committee on Military Affairs, as to the direction that this appropriation may take if the committee amendment is stricken out. I do not think, however, that we ought thereby to cripple this commission which we are sending down to Buenos Aires for the purpose of improving our relations with South America. If we are going to do it at all, we may as well do it handsomely. In dealing with foreign nations, especially with people of Latin descent, great stress is to be laid upon courtesy, style, and form; upon the method in which things are done. This embassy to the meeting of American Republics seems to me to be in pursuance of the efforts which our Government has been making for the last ten years. We ought, therefore, to make an extra effort to win the good will and friendship of the South American Republics. They are all going to be represented there. They have all made ample provision for their own representatives. In sending the representatives of the United States Government down there in an army transport I think it should be so done as not thereby to deplete the original appropriation made for the purpose of sending our delegates.

Recently one of the members appointed by our Government to represent the United States has stated that it will probably cost them $10,000 apiece out of their own pockets in addition to the appropriation made in the urgent deficiency bill. Therefore I submit, Mr. Speaker, that it is unjust for this committee further to reduce the sum for sending this delegation down there, and that it is unwise to impair in any way the full dignity of our participation in this event.

Mr. TAWNEY. Mr. Speaker, I move to strike out the last word. The appropriation made in the urgent deficiency appropriation bill was clearly intended to cover the traveling expenses of this commission from the United States to the place where the congress is to be held, and even to other points in South America where there are centennial exercises being carried on or will be this year. Now, if they are going down there in a government transport, without the expense of transportation, then certainly the expense of taking the transport ought to come out of the appropriation. I do not see any reason why we should add $40,000 or $45,000 to the appropriation already made for the expense of our representatives in attending this conference.

Mr. HARRISON. Will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. HARRISON. The gentleman does not assume that as much as $40,000 or $45,000 would have been the traveling expenses of our delegates if we sent them by the ordinary means of transportation? Sending them by the transport will add dignity to the affair.

Mr. TAWNEY. When you take into consideration the number of representatives, clerks, secretaries, stenographers, and interpreters who are going, and the different places which they contemplate traveling to while in South America, I think very nearly that amount of money would have been expended by the time they return if they traveled in the ordinary manner.

Mr. HULL of Iowa. Will the gentleman allow me to ask him a question?

Mr. TAWNEY. Yes.

Mr. HULL of Iowa. I understand from the gentleman from Illinois that the House Committee on Appropriations originally recommended $50,000.

Mr. TAWNEY. Seventy-five thousand dollars.

Mr. HULL of Iowa. There is another appropriation in there now of $75,000.

Mr. TAWNEY. Yes; but that was put in in the Senate as an amendment, for another purpose.

Mr. HULL of Iowa. The committee, after investigation, thought that $75,000 was the proper figure.

Mr. TAWNEY. The committee recommended $75,000, the House appropriated $50,000, and the amount was amended in the Senate by making it $100,000.

Mr. HULL of Iowa. But $75,000 was the amount which you originally considered proper?

Mr. TAWNEY. Not only what we considered, but what the department considered, and that was their recommendation at that time.

Mr. HULL of Iowa. Then, with the $100,000 they can easily pay this appropriation, and the Committee on Military Affairs would not be justified in adding $45,000 to the amount fixed by Congress.

Mr. KAHN. Is it not a fact that unless this transport is used these commissioners will have to go to Liverpool in order to get a steamer to take them to South America?

Mr. TAWNEY. I do not know whether that is true or not. I am not objecting to the transport taking them down there. What I object to is increasing the appropriation for this purpose, which the Senate increased $25,000, and now it is proposed to increase it $45,000 more.

Mr. KAHN. As I understood it, the purpose of taking a transport was in order to allow the commissioners to go direct from the United States to South America. There is at present no direct line of steamers from the United States to South America except a very slow one, because we do not grant enough ocean mail pay to enable a fast line of steamers to run to South America. Therefore the department has recommended the use of a transport, there being no American line of sufficient importance to take these commissioners to South America.

Mr. TAWNEY. I desire to ask the chairman of the Committee on Military Affairs if his committee made any investigation of the cost of fuel, crew, and so forth, of the transport? That will not be paid out of this $45,000?

Mr. HULL of Iowa. Oh, yes; everything. The Quartermaster-General estimated that the entire cost of putting on a crew, fueling, provisioning, and everything, would not exceed $45,000.

Mr. TAWNEY. We could charter one of the Panama Railroad steamers for that.

Mr. HULL of Iowa. We have transports in service, but those can not be spared. We have the *Sumner*, a very elegant transport, and one or two others that are laid up.

Mr. MANN. We can speak a good word for it, for some of us have had trips on it, and it is a perfect thing for this kind of business.

Mr. BUTLER. I would like to ask the gentleman if it is absolutely necessary that the army should carry these delegates?

Mr. HULL of Iowa. The army is not carrying them. We are granting the use of the transport to the State Department, and also providing that the amount must be paid out of the appropriation for that purpose.

Mr. BUTLER. Why does not the State Department apply to the Navy Department?

Mr. HULL of Iowa. I suppose because the navy is so awfully busy and has to have new boats all the time that they thought there were none to spare. [Laughter.]

The SPEAKER. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The Senate joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HULL of Iowa a motion to reconsider the last vote was laid on the table.

HAZING AT THE MILITARY ACADEMY.

Mr. HULL of Iowa. Mr. Speaker, I call up the bill S. 5576, to amend an act entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1902, and for other purposes," approved March 2, 1901.

The Clerk read the bill, as follows:

Be it enacted, etc., That the portion of the act of Congress entitled "An act making appropriations for the support of the Military Academy

for the fiscal year ending June 30, 1902, and for other purposes," approved March 2, 1901, prescribing penalty for hazing, is hereby amended to read as follows:

"SEC. 1. That the superintendent of the United States Military Academy, subject to the approval of the Secretary of War, shall make appropriate regulations for putting a stop to the practice of hazing, such regulations to prescribe dismissal, suspension, or other adequate punishments for infractions of the same, and to embody a clear definition of hazing.

"SEC. 2. That any cadet who shall be charged with offenses under such regulations which would involve his dismissal from the academy shall be granted, upon his written request, a trial by a general court-martial, and any cadet dismissed from the academy for hazing shall not thereafter be reappointed to the corps of cadets nor be eligible for appointment as a commissioned officer in the army or navy or Marine Corps until two years after the graduation of the class of which he was a member.

"SEC. 3. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

Mr. HULL of Iowa. Mr. Speaker, this bill simply modifies the punishment in hazing cases so that a less punishment than absolute expulsion from the Military Academy may be given, and provides that if expulsion would follow a conviction, the cadet may, upon written application, demand a court-martial. It is practically the same law, although not quite so liberal to the cadet, as they now have in the Naval Academy.

We have been confronted at the Military Academy with this situation, that for the last few years punishment for the most trivial offense has been expulsion if convicted of hazing. Perfectly harmless pranks have been construed to be hazing, and the punishment is beyond the crime. In other words, it has fixed one absolute punishment regardless of the offense. This bill modifies it so that it may be expulsion or some lesser punishment.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HULL of Iowa. I will yield to the gentleman.

Mr. STEPHENS of Texas. How does the gentleman define hazing in the bill?

Mr. HULL of Iowa. It leaves the law exactly as it is now.

Mr. STEPHENS of Texas. It is very hard to draw the line of demarcation between what is simply fun and what is hazing.

Mr. MANN. This requires that a definition of hazing shall be made.

Mr. HULL of IOWA. The regulations fix that now. This bill provides:

That the superintendent of the academy, with the approval of the Secretary of War, shall make appropriate regulations for putting a stop to the practice of hazing, such regulations to prescribe dismissal, suspension—

The Senate bill says "and other adequate punishment," but we have put it—

or other adequate punishment for the infractions of the same and to embody a clear definition of hazing.

One trouble about this has been that two years ago several young men were convicted of hazing and the Secretary of War set it aside because he did not believe that they ought to be dismissed. It is such administration that virtually destroys the discipline in the academy, and in 1909 we had seven young men turned out for hazing, most of them properly so, because they believed that if they were convicted they could come to Congress and the Secretary of War and get relief.

Now, this fixes it so that if a man is discharged he can demand a court-martial, or where he is charged with an offense that would result in dismissal if convicted, and have his day in court. These young men claim that they have no day in court now.

I was opposed to the proposition when it was first suggested, because it did not seem to me that a cadet in school ought to have a court-martial, but I found that they always had the right to a court-martial until we passed this law. There have been 345 court-martials since 1850. They are warrant officers and they are subject to the rules and regulations of the War Department, and when they have had their day in court they have no excuse to come to a Member of Congress and beg for readmission.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HULL of Iowa. I will yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Referring to lines 15 and 16, page 2, it declares that a cadet shall not be eligible to appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member. This cadet might be suspended or discharged just before graduation, and if he were to be readmitted two years after that he would be much beyond——

Mr. HULL of Iowa. He could not be readmitted, because he would be overage.

Mr. COOPER of Wisconsin. I know; but this would imply that a student who had once been admitted and had gone along with his studies for two or three years and was then expelled could be readmitted and permitted to finish the course.

Mr. HULL of Iowa. That is not the construction that has been held at the Naval Academy or by the War Department.

Mr. COOPER of Wisconsin. This says that he shall not be admitted until two years after.

Mr. KEIFER. He would be too old then.

Mr. HULL of Iowa. It says:

Shall not thereafter be reappointed to the corps of cadets nor be eligible for appointment as a commissioned officer in the Army or Navy or Marine Corps until two years after the graduation of the class of which he was a member.

Mr. KEIFER. He would be too old to come in as a cadet.

Mr. HULL of Iowa. Yes; and I think the language provides that he shall never be reappointed—"shall not thereafter be reappointed to the corps of cadets," and so forth. If you put a semicolon in there, you would make it clear that that was what was meant.

Mr. PARKER. You could say "nor shall be eligible," and that would make it plain.

Mr. HULL of Iowa. I do not think he could ever get back to the corps of cadets, because he would be over age anyway, but I think the President, the appointing power, would not reappoint the man.

Mr. COOPER of Wisconsin. What is it that fixes the age?

Mr. HULL of Iowa. The regulations.

Mr. COOPER of Wisconsin. Not a statute?

Mr. HULL of Iowa. I think not.

Mr. DALZELL. Certainly it is a statute.

Mr. KEIFER. Oh, yes.

Mr. HULL of Iowa. These gentlemen here say a statute. The regulations are the same as law unless in contravention of the law. The ages fixed are between 17 and 22.

Mr. COOPER of Wisconsin. There would be some ambiguity, one saying that a student not more than 20 or 21 years of age shall be admitted, and this saying that he shall not be reappointed until two years after the graduation of the class.

Mr. HULL of Iowa. That is the reason I take the ground I do as to the meaning of this language—that he is not to be reappointed as a cadet, nor is he eligible for reappointment.

Mr. COOPER of Wisconsin. I should think the gentleman ought to be willing to accept this sort of an amendment, "nor shall he be reappointed to the corps of cadets."

Mr. HULL of Iowa. I would be willing to make it stronger than that. I would be willing to make it that he never shall be reappointed. That is what I want to do.

Mr. COOPER of Wisconsin. There must be something of that kind or else you are going to leave it open for a different interpretation.

Mr. PARKER. I suggest that the words "shall he" be inserted after the word "nor"—"nor shall he be eligible," and so forth. That makes it very plain—"shall not be thereafter reappointed to the corps of cadets, nor shall he be eligible for appointment," and so forth.

Mr. COOPER of Wisconsin. Yes.

Mr. HULL of Iowa. I will accept that.

Mr. PARKER. Then, I move to insert the words "shall he," after the word "nor," in line 13, page 2.

Mr. COOPER of Wisconsin. There is another question that I would like to ask the gentleman in charge of the bill. I observe in his opening statement that he said that men or cadets had been punished, discharged for hazing, when their offense was nothing more than a playful prank.

Mr. HULL of Iowa. I do not know that I used the words "playful pranks." The law under the regulations defines hazing as bracing, and that is simply pulling yourself up in this way, so General Bell tells us, and one case that is now before the department is a case of that kind, where there was no bad blood or laying on of hands, no abusive language, where the man was not compelled to remain in the position, I think, over four or five minutes.

But a case was reported, and under the definition and the law as it stands the young man is to be expelled from the academy. That is out of all proportion to the offense.

Mr. KEIFER. Is that hazing under the definition?

Mr. HULL of Iowa. That is hazing under the definition, and the debate in Congress practically called that hazing when the law was passed.

Mr. KEIFER. I want to ask the gentleman a question as to what proceeding is taken to ascertain whether or not cadets are guilty of hazing. What steps are now taken under the law or the regulations?

Mr. HULL of Iowa. Well, it is the duty of any officer of a corps of cadets when any hazing appears to have been carried on or anything not prescribed in the regulations done——

Mr. KEIFER. I understand, but how do they proceed to find that out?

Mr. HULL of Iowa. They call the members of the corps of cadets before them——

Mr. KEIFER. Before whom?

Mr. HULL of Iowa. Before the academic board of the academy.

Mr. KEIFER. Does the academic board act in the character of a court and decide the question?

Mr. HULL of Iowa. Yes; they do decide the question, but the boy has no charges filed, as they have in a case of a court-martial; he has no counsel to appear for him, and the boys come before us now and say they did not know their rights and did not know that they could have counsel. If you have a court-martial, they would have counsel and can not say that they have been taken advantage of.

Mr. KEIFER. I think that rule certainly does not obtain at the Naval Academy, because there have been a number of trials there where I know that the midshipmen have had their day in court.

Mr. HULL of Iowa. That is what we want to give our boys at West Point. The laws are entirely different.

Mr. KEIFER. Is there any difference in that respect?

Mr. HULL of Iowa. Altogether. I read the law before consenting to a court-martial here, and saw that at the Naval Academy they could have a court-martial procedure.

Mr. KEIFER. I am surprised, if the gentleman will allow me to observe, that it should obtain as a rule there in all the history of the academy that they should have no notice or any presence or any hearings or any right to have evidence——

Mr. HULL of Iowa. Oh, they are brought up and questioned and asked if they know anything about it, but they have no counsel.

Mr. KEIFER. Before this academy board do they have witnesses?

Mr. MANN. I think the gentleman from Ohio was not here when this House had hysteria—a bad case.

Mr. HULL of Iowa. The worst case of hysteria I ever knew. I had it myself.

Mr. MANN. And we provided not for a trial, but we provided that they should be summarily expelled from the academy.

Mr KEIFER. That is all right; but the point I am trying to make is, how you find out who are guilty before this summary expulsion.

Mr. MANN. That is done by the superintendent of the academy.

Mr. KEIFER. There must be some form of trial.

Mr. MANN. The superintendent of the academy makes the regulations.

Mr. HULL of Iowa. He prescribes the regulations, and they are brought before him and the academic board, and he tries to find out if one case goes to another and——

Mr. MANN. He is not required to have any formal trial.

Mr. HULL of Iowa. Not a court-martial, but a trial, and gives the answers of the cadets and certifies them to the War Department. I want to say the author of this drastic law, who was at the head of the committee which investigated West Point, as I am informed, is one of the most earnest advocates of the change of the law to what is proposed by this Senate resolution.

Mr. MANN. Who is that?

Mr. HULL of Iowa. Senator DICK.

Mr. DAWSON. If the gentleman will allow me, it seems to me that the bill which he now proposes for the Military Academy at West Point, in liberalizing the punishment for hazing, goes very far beyond the law now in force at the Naval Academy. Under the law governing the Naval Academy there is no provision whereby a student in that institution can of his own motion call for a court-martial. Our committee took the view that that would be analogous to allowing a student in any of the high schools in the United States to demand a court-martial if the superintendent saw fit to punish him for breaches of discipline. What is provided in the hazing law as it applies to Annapolis is this, that the truth as to any issue of facts being raised, except upon a record as to demerits, it shall be determined by a board of inquiry. The hazing law as applied to Annapolis does not give the cadet the right to demand a court-martial as to whether or not he shall be dismissed from the academy.

Mr. HULL of Iowa. This does not give the right to say as to whether he shall be dismissed from the academy or not, but does give him the right to demand a court when charged with an offense that will result in dismissal if he is convicted. They do not let him pass on the question, but if the conviction for an offense would result in dismissal he has the right to demand a court-martial.

The SPEAKER. The time of the gentleman has expired.

Mr. DAWSON. I move to strike out the last word, simply for the purpose of asking a question. Is it not true that any cadet found guilty of hazing would thereby subject himself to dismissal from the academy——

Mr. HULL of Iowa. Under the old law he would have to be dismissed.

Mr. DAWSON (continuing). So that any offense of hazing would give the cadet the right to demand a court-martial?

Mr. HULL of Iowa. Well, if it was of a gross character, or absolute hazing, I would say yes. I will say to the gentleman from Iowa that the Secretary of War has promulgated new regulations defining hazing that results in dismissal and hazing that does not. So that the man directly charged with the higher crime would find himself dismissed.

Mr. STEVENS of Minnesota. Mr. Speaker, I move to strike out the last two words.

It seems to me that there is a misapprehension as to what constitutes hazing. Under this it will be left to the superintendent of the United States Military Academy, subject to the approval of the Secretary of War, to define what hazing is, and it would be entirely possible for him, if he saw fit—that is, the superintendent and Secretary—to make an impossible definition. Of course he would not do it, but he might make such a narrow definition that such an offense would never be committed as would result in dismissal. Now, that is practically the law now. The present law has been greatly exaggerated as to its harshness. Under the present law the Secretary of War has the right to make regulations defining hazing. Hazing is not defined by the law as it stands. It is defined by the regulations of the department, and the department has changed those regulations and greatly modified them only recently and has defined hazing as willful intent to humiliate and injure, which very seldom happens. So that the present law as it stands is just about what this section 1 provides, and very greatly liberalizes present conditions. The result is that right now, under the law as it stands, the great bulk of the offenses popularly known as hazing are not hazing in the academy under the present regulations and would not be hazing under this section 1. The difficulty is that the old regulations were too severe, not the law. The difficulty is that we are liable to get too extreme and make regulations too liberal, and that it would encourage petty offenses and would encourage humiliation of the cadets, which would not come within the definition of hazing.

Now, I am very much afraid that would result, because it has resulted in the academy within the last few months. There is a resolution before this committee to-day asking us practically to restore three cadets who have been guilty of these minor infractions.

Mr. MANN. It is before the House?

Mr. STEVENS of Minnesota. It is before the House.

Mr. MANN. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Certainly.

Mr. MANN. Possibly he refers to a Senate resolution, which recites that the regulations upon the subject of hazing having been modified so and so.

Mr. STEVENS of Minnesota. I do refer to Senate resolution No. 70.

Mr. MANN. That is pending in the House?

Mr. STEVENS of Minnesota. That, Mr. Speaker, is pending. Regulations did exist which defined hazing. Those regulations were modified, and those modified regulations are desired to be retroactive. Of course, that is another matter which does not concern the pending resolution. The difficulty with the pending resolution is that it liberalizes the regulations, and that if an offense is made severe enough to demand dismissal from the academy, as many of them deserve, it enables the cadet to demand a court-martial and to go through the form of things it encourages.

It dignifies the outrageous performances of these cadets. They ought not to be dignified in such a way, but ought to be punished summarily. For that reason I do not believe that a resolution of this kind ought to pass. [Loud applause.]

Mr. SLAYDEN. Mr. Speaker, I think that this is a bad piece of legislation and ought not to be enacted. I am opposed and have been consistently opposed to any modification of existing statutes with reference to the offense of hazing. I believe that any letting down of the bars, any modification of the punishment for hazing, will be promptly followed by an outbreak of that offense at the Military Academy. I know that that is the opinion of gentlemen who are charged with the management of the academy. I know that it is the opinion of the superintendent. I know from personal talk with them that it is the opinion of the professors who have charge of the instruction of the young men at that academy. They all deprecate it, although they give no utterance upon the matter to anybody but those

clothed with proper authority to inquire. They know that it interferes with the discipline and administration of the academy in a hurtful way.

Last year seven cadets were found guilty of the offense of hazing. It is a serious offense, Mr. Speaker, under the laws and the regulations made in accordance with the laws, a penalty for which was fixed by Congress when it was indignant at an occurrence that resulted in the loss of life. And the practical result would be to disarm to a great extent the administration board officiating at the Military Academy. If this bill is passed, it will be taken as an indication to every young man who has been charged with the most serious offense he can commit at the Military Academy that all he has got to do is to press his application to be forgiven for a violation of the law or for a violation of the rules of the academy.

I dare say the bill will pass, because I have seen several times since I began my service in the House similar measures proposed here, frequently measures for the benefit of some particular individual, and almost invariably over the protests of those charged with the administration of the academy, such measures have found favor in this House, when certainly they should not pass.

There is pending here another bill making applicable modified regulations at the academy to three cases now held in suspension. Congress fixed dismissal as the penalty for hazing and left to the officials of the academy the making of regulations that defined it. They declared what should be considered hazing and made the regulations known to the cadets. They committed none of these offenses unwittingly. They were repeatedly warned and urged to obey the laws, but they disregarded the warnings and pleadings of officers, and by persistent infractions invited penalties. After a long and serious investigation these young men were found guilty of flagrant breaches of discipline, and such legislation as this is meant to relieve them of the consequences of their folly. There are various classes of offense, Mr. Speaker, and one of these cases is not as serious an offense as some of the others. The effect of such legislation will be to encourage and develop a mutinous spirit. I started to speak of the resolution now pending that seeks to make applicable a modified definition of hazing proposed by the Secretary. The three cases are under suspension. I have gone over the testimony and have discussed the matter with the Secretary of War and familiarized myself with it, and I can not agree with him. Some of these cases are not as serious as the others. Under the law, perhaps, there was no avoidance of the maximum penalty; but they were all guilty of hazing, and it will be a good thing for the academy to let the whole bunch go.

Now, I doubt, Mr. Speaker, very much whether this measure should pass, but certainly I am not in favor of repealing a statute that was deliberately enacted while Congress was in hot indignation at gross outrages perpetrated by the students at the Military Academy.

Mr. HOBSON. Mr. Speaker, I have only a word to say on the subject. I may say at the outset that I have run the gamut of hazing at Annapolis in perhaps its severest form, and I feel that it is only fair also to myself to say that I never hazed anyone else. I am in favor of this measure for two simple reasons:

The first reason is that the second section of the measure inflicts severer punishment than is inflicted at present upon the real offense of hazing when it is fairly established by court-martial. The second reason why I support the measure is that the first section enables a reasonable definition of hazing. Under existing law I have seen some of the best cadets that ever entered Annapolis dismissed for offenses that really ought not to have been regarded as serious in any sense of the word. There are various things that we call running and jumping that are good for the plebe when he comes in. He may be going along the walk in a slouchy way. If you tell him to "hold his fins out and stand up straight there," it is good for him. That is what we call running. Now, many a good cadet has been dismissed simply because the law did not allow enough latitude in defining what was hazing. This measure might have been changed somewhat; but as the first section stands, there is more latitude given to define what the offense really is, and there ought to be such latitude. The second section does give a boy a chance when his whole career may be blighted, does give him an opportunity for trial by general court-martial. Then, if found guilty, the punishment is more severe for the real offense than it is to-day, simple dismissal, because this punishment makes him ineligible for two years after the graduation of his class for appointment or commission in the Army, Navy, or Marine Corps.

Mr. COOPER of Wisconsin. Is the gentleman familiar with the present definition of hazing as applied to the cadets at the Naval Academy?

Mr. HOBSON. I am more familiar with the results, as seen in the dismissal of these good cadets.

Mr. COOPER of Wisconsin. The statute applicable to the midshipmen at the Naval Academy goes into particulars in very full detail as to what shall constitute the offense of hazing at the Naval Academy.

Mr. HOBSON. That is a new enactment.

Mr. COOPER of Wisconsin. Yes.

Mr. HOBSON. If a proper amendment relating to that could be offered to this bill I should be very glad to support it.

Mr. COOPER of Wisconsin. Does the gentleman think it ought to be left in the discretion of the commanding officer at the academy?

Mr. HOBSON. I am inclined to think it is wise to do that unless you make an ample definition in the law. The superintendent can be relied upon to oppose anything that is against discipline.

Mr. HULL of Iowa. These regulations are not enforced until approved by the Secretary of War.

Mr. HOBSON. That is true.

Mr. COOPER of Wisconsin. In order to give the information to the gentleman from Alabama and other gentlemen I would like to have the gentleman from Iowa [Mr. DAWSON], who has the statute applicable to the Naval Academy, read the definition of hazing and see what the gentleman from Alabama thinks about it.

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. I ask unanimous consent that the time be extended five minutes.

There was no objection.

Mr. DAWSON. At the suggestion of the gentleman from Wisconsin, I will read from the act of April 9, 1906, which act passed this House after full debate. This bill was reported to the House by a committee which spent two or three weeks on the ground at the Naval Academy at Annapolis, investigating the hazing which was somewhat prevalent there at that time. Section 4 defines hazing in these words:

> That the offense of hazing as mentioned in this act shall consist of any unauthorized assumption of authority by one midshipman over another midshipman, whereby the last-mentioned midshipman shall or may suffer or be exposed to suffer any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgment of any right, privilege, or advantage to which he shall be legally entitled.

Mr. LOUD. That does not cover "running."

Mr. HOBSON. That is in entire accord with my views on the subject, although that has been enacted since I was a cadet. I think that is wholesome legislation, and has relieved the condition at Annapolis to which I refer. But the condition at West Point has not been so relieved.

Mr. DAWSON. Mr. Chairman, the vital difference between the bill now pending in the House and the law relating to the Naval Academy I think should be stated to this committee before we vote on the bill.

Mr. STEVENS of Minnesota. The offenses which the gentleman from Iowa has just read would not be hazing at West Point at the present time or under this bill, but they would be minor offenses.

Mr. DAWSON. The law as it applies to the Naval Academy at Annapolis leaves the question of discipline in the hands of the superintendent of that institution. When you pass a law which takes from the superintendent the power to discipline the cadets you utterly destroy discipline in the institution.

Now, this bill proposes to give to the cadets the right to demand a court-martial if accused of hazing. What does the law provide at Annapolis? It provides that in these milder cases of hazing they shall be dealt with as offenses against good order and discipline and for violation and breaches of the rules of the academy, but no midshipman shall be dismissed for a single act of hazing except as provided in section 3.

Now, section 3 provides that where the offense is one that may carry the midshipman outside of the academy, then a court-martial may intervene, but not on the application of the midshipman himself, because that would destroy the discipline of the institution. But it provides that the superintendent of the Naval Academy may, in his discretion and with the approval of the Secretary of the Navy, cause any midshipman of the said academy to be tried by court-martial for the offense of hazing.

Mr. HULL of Iowa. Mr. Speaker——

Mr. HOBSON. Mr. Speaker, did I get the extra five minutes or did the gentleman from Iowa?

Mr. DAWSON. I think I had the extension of time.

Mr. PARKER. Mr. Speaker, I rise to a point of order. By unanimous consent we are in the House as in Committee of the Whole, and everyone who speaks has a right to an hour.

Mr. MANN. Oh, the gentleman is mistaken.

The SPEAKER pro tempore (Mr. BENNET of New York). This bill is on the House Calendar.

Mr. PARKER. And being on the House Calendar, it is debated under the House rules, and there is no question about the gentleman having a right to the time on this bill.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that I may have five minutes.

Mr. MANN. The gentleman from Iowa has an hour.

Mr. HULL of Iowa. Then, Mr. Speaker, I will take the time in my own right.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. How much time has the gentleman from Iowa remaining?

The SPEAKER pro tempore. The gentleman has thirty minutes.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask the gentleman from Iowa, my colleague, if he regards the fact that since the organization of the Military Academy to the time this law was passed the students have always had the right to demand a court-martial has destroyed discipline there?

Mr. DAWSON. I am not sure that they have had the right to a court-martial.

Mr. HULL of Iowa. They have had it on hazing up to the passage of this law, and still have it on every charge except class standing and hazing.

Mr. HOBSON. If the gentleman will pardon me, the House ought to understand that this law was passed for the Naval Academy after the most thorough examination on the ground at Annapolis and after conditions there were fully debated in the House, and it was the judgment of the House that the conditions warranted the passage of this law.

Mr. HULL of Iowa. The difference between the situation at Annapolis and at West Point, if this bill is passed, would be that if the offense involved a dismissal at the Naval Academy, the superintendent would convene the court-martial, while at West Point the student would have a right to demand it.

Mr. COOPER of Wisconsin. Will the gentleman from Iowa yield?

Mr. HULL of Iowa. I will yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Would the gentleman from Iowa have any objection to the definition that the gentleman from Iowa has read from the statutes?

Mr. HULL of Iowa. I do not know that I would, but the superintendent of the academy and the Secretary of War have given long study to this question of hazing and are getting up new regulations, if they have the right to promulgate them, and I believe it is better to have hazing defined by the regulations than it would be for us to fix a cast-iron definition in the law.

Mr. COOPER of Wisconsin. Then a new superintendent could make a new definition.

Mr. HULL of Iowa. No; not without the consent of the Secretary of War.

Mr. COOPER of Wisconsin. Well, he might get that consent.

Mr. HULL of Iowa. Oh, I think that is remote.

Mr. COOPER of Wisconsin. Why not have it in the statute and have it fixed by law?

Mr. HULL of Iowa. Now, I want to say further that during this year of 1910 there have been three courts-martial at West Point for offenses other than hazing, and yet it has not destroyed the discipline. Cadets were entitled to the court-martial. These cadets are not schoolboys in the ordinary sense of the term. They are practically warrant officers. They are commissioned and sworn to obey the laws of the country and the regulations of the War Department and the commands of their superior officers, and they are subject to the discipline of officers of the army.

Mr. CLARK of Missouri. Does not the gentleman think it rather a preposterous performance to have a court-martial, with generals and colonels and lieutenant-colonels and their epaulets and swords and all that, sitting on a lot of schoolboys?

Mr. HULL of Iowa. Well, they do not do it.

Mr. CLARK of Missouri. Why not discipline those boys just like a man who has got sense, running a private school, disciplines his boys?

Mr. HULL of Iowa. Because it is under the Government. The men are officers of the army to a certain extent. They are paid by the Government, and if the gentleman has had any experience with any of his cadets being turned out, he knows that life is a burden to him from the time that he is out until he is reinstated.

Mr. CLARK of Missouri. I did have that experience.

Mr. HULL of Iowa. This House has on two or three different occasions reinstated in the Naval Academy and reinstated in the Military Academy cadets that have been discharged under this law for hazing. Now, if they have a trial by court-martial—the gentleman never heard of a cadet coming up here asking reinstatement who had been tried by court-martial and discharged, and why? Because he has had his day in court.

Mr. CLARK of Missouri. I had just exactly that experience.

Mr. HULL of Iowa. Who was it?

Mr. CLARK of Missouri. A boy from my own district, the son of the Republican postmaster, that got his appointment to the Naval Academy under a competitive examination that I ordered. I would rather it had been a Democratic boy; but this boy got it. I appointed him, and he cut high, fantastic capers over there, and they court-martialed him on five charges and convicted him, and the first thing I knew he was down here wanting me to get him reinstated.

Mr. HULL of Iowa. I have not had any application where the boy was court-martialed.

Mr. CLARK of Missouri. I want to ask another question, and that is if the gentleman does not think it gives the boys an exaggerated idea of their own importance to have these grand court-martials sitting there on their cases?

Mr. HULL of Iowa. The gentleman is mistaken about that; but I want to say to the gentleman that there always have been court-martials there. There have been 345 court-martials held on cadets since 1850, and several of them were held in 1910.

Mr. CLARK of Missouri. That is no reason why you should ever hold another one.

Mr. HULL of Iowa. They do hold them for everything. This would provide for a possible court-martial where the punishment would be dismissal. But in cases of standing in studies, the academic board is supreme, and the boy who does not keep up in his class is dropped.

Mr. DAWSON. I would like to inquire if the Superintendent of the Military Academy at West Point is in favor of this provision of the bill which grants the student the right to demand a court-martial? It is not the court-martial that I object to, but the method of ordering it.

Mr. HULL of Iowa. I will say this, that the Military Academy is radically in favor of a change in reference to the regulations respecting hazing, so that the authorities will be able to save three boys who deserve saving.

Mr. DAWSON. I have never found anyone in the naval or military service that had responsibility for these midshipmen or cadets who was willing to place in the hands of cadets the right to demand a court-martial in a case of discipline.

Mr. HULL of Iowa. Not in a case of discipline. Suppose it is a case of drunkenness or going off the ground without permission. They can demand court-martials for that, if the penalty is dismissal. In your case here of hazing, whenever it comes to the question of dismissal, your own superintendent can have the court-martial if he believes it necessary. In fact, is it not his duty under the law to convene a court?

Mr. DAWSON. Gentlemen will agree with me, I think, that acts of hazing are infractions of the regulations with regard to discipline, almost entirely.

Mr. SLAYDEN. Is it not a fact that in substance there is a court-martial for all of these offenses? A court-martial is merely a court to investigate charges against a soldier or enlisted man or an officer, or a cadet, if it is provided for by law. They have an investigation by a military commission, have they not?

Mr. HULL of Iowa. They have; by the academy board.

Mr. SLAYDEN. By competent men?

Mr. HULL of Iowa. Yes.

Mr. SLAYDEN. By men who are inclined to look with great leniency upon the acts of misbehavior.

Mr. HULL of Iowa. Yes; that same board would pass on everything that does not involve dismissal.

Mr. SLAYDEN. The court-martial that this law proposes would probably, I might say actually, be composed of the same people.

Mr. HULL of Iowa. Oh; not necessarily.

Mr. SLAYDEN. Not necessarily, but in practice.

Mr. HULL of Iowa. The court-martial giving the right of review, as suggested, is an addition to the other. This court of inquiry is quite different from a court-martial in protecting the rights of the boys. Now, I am not one of those who believe the boys have been wronged except by the drastic law we put on the statute books. I do not believe the academic board want to dismiss these boys in all cases, because under their very findings of guilty under the hazing law they recommend the Secretary of War that some lighter punishment be substituted for the dismissal.

Mr. SLAYDEN. My information from the Superintendent of the Military Academy is he wants no modification.

Mr. STEVENS of Minnesota. Under the law as it stands, could not they define hazing in such a way as not to administer severe punishment in case it was not necessary?

Mr. HULL of Iowa. The Secretary of War thinks he will try it, but he much prefers we should pass another resolution, as an independent proposition, confirming his new regulations.

Mr. STEVENS of Minnesota. Under the law as it stands the superintendent of the academy and Secretary of War have a right to change the regulations and define hazing as they think best, without the necessity of our passing this act.

Mr. HULL of Iowa. I think the Secretary of War claimed that before us.

Mr. STEVENS of Minnesota. So section 1 of this act——

Mr. HULL of Iowa. At the same time he claimed it was a very close question and he would like to be relieved of the responsibility of it.

Mr. STEVENS of Minnesota. So section 1 is substantially what the law is now?

Mr. HULL of Iowa. No; I think not.

Mr. STEVENS of Minnesota. One question more. Now, in changing the defense, in passing upon what young men have done, has it not been the argument before the Committee on Military Affairs that we must be lenient to them as boys, yet when it comes to the machinery of making the punishment effective, that then we must treat them as men? Has not that been the situation?

Mr. HULL of Iowa. I hardly understand the gentleman's question. Will the gentleman repeat it?

Mr. STEVENS of Minnesota. When these young men come before the Committee on Military Affairs or this House to have the offense of which they have been guilty considered, we are asked to consider them as pranks of boys; but when it comes to the machinery to punish them, we are asked to consider them as men. Is not that the situation?

Mr. HULL of Iowa. Oh, I think it is hardly to that extent. I think, when they come before us and ask to be reinstated, it is done on the ground that what they did was not sufficient to deserve expulsion. I now yield to the gentleman from Tennessee [Mr. GORDON].

Mr. MANN. Will the gentleman yield for a suggestion? It is now half past 5 o'clock. Does not the gentleman think it would be wiser to have this question come up after he and other Members have had a chance to see if they can not tinker with it a little?

Mr. HULL of Iowa. You mean come up as unfinished business?

Mr. MANN. It will come as unfinished business on next calendar Wednesday.

Mr. HULL of Iowa. I have no objection to that. Mr. Speaker, I move that the House do now adjourn.

CHANGE OF REFERENCE.

Pending the motion to adjourn, by unanimous consent, the Committee on Claims was discharged from the further consideration of the bill (S. 6639) for the relief of Margaretha Weideman, Clarence C. Weideman, and Auguerite E. Weideman, owners of lots 1, 2, and 3, square 434, in the city of Washington, D. C., and the same was referred to the Committee on the District of Columbia.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution and bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 24. Joint resolution empowering the Court of Claims to ascertain the amount of the civilization fund paid by the Osages and applied to the benefit of other Indians, and for other purposes—to the Committee on Indian Affairs.

S. 1021. An act to appoint James B. Ferguson a first lieutenant in the Medical Corps of the army and place him on the retired list—to the Committee on Military Affairs.

S. 7096. An act granting permission to certain officers of the United States to accept gifts from the Governments of foreign states and authorizing the Department of State to deliver said gifts—to the Committee on Foreign Affairs.

S. 7090. An act fixing the expense allowance for travel and attendance of the United States district judges when necessarily absent from their place of residence on official duty in any other place in their districts—to the Committee on the Judiciary.

S. 7058. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 6965. An act for the relief of Samuel W. Campbell—to the Committee on Claims.

S. 6794. An act authorizing the construction of a bridge across the Okanogan River in the county of Okanogan, Wash.—to the Committee on Interstate and Foreign Commerce.

S. 6793. An act authorizing the construction of a bridge across the Columbia River in the counties of Okanogan and Douglas, Wash.—to the Committee on Interstate and Foreign Commerce.

S. 6152. An act providing for the allotment of land to the Apache and other Indians under the charge of the War Department, Fort Sill Military Reservation, Okla., and for other purposes—to the Committee on Indian Affairs.

S. 5783. An act authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes—to the Committee on Indian Affairs.

S. 5629. An act to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park—to the Committee on the Public Lands.

S. 5432. An act to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply—to the Committee on the Public Lands.

S. 5314. An act to extent the time of payments on certain homestead entries in Oklahoma—to the Committee on the Public Lands.

S. 3793. An act for the relief of the Miami Indians—to the Committee on Indian Affairs.

S. 3792. An act for the relief of the Saginaw, Swan Creek, and Black River bands of Chippewa Indians, in the State of Michigan—to the Committee on Indian Affairs.

S. 2984. An act to grant certain lands to the town of La Junta, Colo.—to the Committee on the Public Lands.

S. 1751. An act to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906—to the Committee on the Public Lands.

S. 1056. An act for the relief of Benjamin Hyde—to the Committee on Claims.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, report that this day they presented to the President of the United States for his approval the following bills:

H. R. 21221. An act to authorize the city of St. Joseph, Mich., to construct a bridge across Morrison Channel of the St. Joseph River, Michigan;

H. R. 18902. An act to amend an act approved August 13, 1894, entitled "An act relative to recognizances, stipulations, bonds, and undertakings, and to allow certain corporations to be accepted as surety thereon;"

H. R. 20164. An act authorizing the extension of Military road NW., in the District of Columbia;

H. R. 19785. An act to authorize the extension of Columbia road NW., in the District of Columbia;

H. R. 16916. An act to authorize certain changes in the permanent system of highways plan, District of Columbia;

H. R. 16915. An act to direct that Jefferson street NW., between Fourteenth street and Colorado avenue, be stricken from the plan of the permanent system of highways for the District of Columbia;

H. R. 16824. An act for the relief of Daniel H. Wiggin;

H. R. 13893. An act to authorize the extension of Forty-first street NW.;

H. R. 13864. An act to extend Fourth street SE.; and

H. R. 11878. An act to change the name of Twenty-third street north of Calvert street, in the District of Columbia, to Woodley place.

ADJOURNMENT.

Thereupon the motion to adjourn was agreed to; and (at 5 o'clock and 30 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting urgent deficiency estimate of appropriation for Treasury printing and binding (H. Doc. No. 784)—to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a statement showing buildings and parts of buildings leased by the Government in the District of Columbia (H. Doc. No. 785)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred House joint resolution 115, reported in lieu thereof a joint resolution (H. J. Res. 174) proposing an amendment to the Constitution of the United States, accompanied by a report (No. 769), which said joint resolution and report were referred to the House Calendar.

Mr. HAMILTON, from the Committee on the Territories, to which was referred the joint resolution of the Senate (S. J. Res. 80) providing for a special election in the Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 771), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOON of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 15812) relating to liens on vessels for repairs, supplies, and other necessaries, reported the same without amendment, accompanied by a report (No. 772), which said bill and report were referred to the House Calendar.

Mr. DAWSON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 22685) to establish a naval observatory and define its duties, and for other purposes, reported the same with amendment, accompanied by a report (No. 781), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANSBERRY, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof a bill (H. R. 23095) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 768), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Minnesota, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 5787) authorizing the Secretary of the Interior to make allotment to Frank H. Pequette, reported the same with amendment, accompanied by a report (No. 770), which said bill and report were referred to the Private Calendar.

Mr. TIRRELL, from the Committee on Claims, to which was referred the bill of the House (H. R. 5453) for the relief of the legal representatives of M. N. Swofford, deceased, reported the same without amendment, accompanied by a report (No. 773), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. LINDBERGH, from the Committee on Claims, to which was referred the bill of the House (H. R. 980) to permit the payment to T. J. Larkin, as administrator, of the pension money due Eugene Finnegan, reported the same adversely, accompanied by a report (No. 774), which said bill and report were laid on the table.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 2022) to provide for payment of the claims of the Roman Catholic Church in Porto Rico, reported the same adversely, accompanied by a report (No. 775), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 4477) for the relief of Joseph Hunter, reported the same adversely, accompanied by a report (No. 776), which said bill and report were laid on the table.

Mr. GILL of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R 12190) for the relief of the widow of and heirs at law of Monroe Arnold, deceased, reported the same adversely, accompanied by a report (No. 777), which said bill and report were laid on the table.

Mr. PRINCE, from the Committee on Claims, to which was referred the bill of the House (H. R. 15012) for the relief of Sarah V. Brannon, administratrix of the estate of Joseph Brannon, deceased, reported the same adversely, accompanied by a report (No. 778), which said bill and report were laid on the table.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 15013) for the relief of Fred M. Kimball, reported the same adversely, accompanied by a report (No. 779), which said bill and report were laid on the table.

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 21742) for the relief of A. R. Hill, reported the same adversely, accompanied by a report (No. 780), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 22351) granting a pension to Mary Crawford—Committee on Naval Affairs discharged, and referred to the Committee on Pensions.

A bill (H. R. 17767) granting a pension to James G. Kuhnert—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19727) granting an increase of pension to George W. Martin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GORDON: A bill (H. R. 23096) to authorize the Memphis Telephone Company to construct, maintain, and operate an overhead-wire crossing over the Mississippi River between Memphis, Tenn., and West Memphis, in the State of Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. WILEY: A bill (H. R. 23097) to improve the status and efficiency of dental surgeons in the United States Army—to the Committee on Military Affairs.

By Mr. TOU VELLE: A bill (H. R. 23098) prohibiting the printing of certain matter on stamped envelopes and the sale thereof—to the Committee on the Post-Office and Post-Roads.

By Mr. GILLESPIE: A bill (H. R. 23099) to increase the appropriation for a public building at Cleburne, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. RANDELL of Texas: A bill (H. R. 23100) to increase the appropriation for erecting a post-office building in Denison, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 23101) to establish in the Department of Agriculture a bureau to be known as the bureau of public highways, and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. OLMSTED: A bill (H. R. 23102) to provide for the enlargement and improvement of the public building at Harrisburg, in the State of Pennsylvania—to the Committee on Public Buildings and Grounds.

By Mr. GARDNER of Massachusetts: A bill (H. R. 23103) to provide suitable medals for the officers and crew of the United States vessel of war *Kearsarge*—to the Committee on Naval Affairs.

By Mr. EDWARDS of Kentucky: A bill (H. R. 23104) for the erection of a public building in the city of Middlesboro, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. BURLEIGH: A bill (H. R. 23105) for the acquisition of a site and the erection of a public building thereon at Gardiner, Me.—to the Committee on Public Buildings and Grounds.

By Mr. LAFEAN: A bill (H. R. 23106) to prevent the manufacture or use of dishonest or fraudulent weighing or measuring appliances in commercial transactions—to the Committee on Coinage, Weights, and Measures.

By Mr. COOPER of Pennsylvania: Resolution (H. Res. 499) providing for a messenger in the enrolling room—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 23107) granting an increase of pension to Warren M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23108) granting an increase of pension to James Stafford—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 23109) for the relief of Rev. Thomas J. Sheppard—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 23110) granting an increase of pension to Andrew C. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23111) granting an increase of pension to James R. Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23112) to remove the charge of desertion against the record of George Williams—to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 23113) granting an increase of pension to James L. Knowlton—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23114) granting an increase of pension to Alexander H. Britton—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 23115) for the relief of George W. Hollowell—to the Committee on Military Affairs.

Also, a bill (H. R. 23116) for the relief of Thomas Riley—to the Committee on Military Affairs.

Also, a bill (H. R. 23117) granting an increase of pension to Leon Crampton—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 23118) granting an increase of pension to George W. Bruce—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 23119) to correct the military record of Charles C. Serrin—to the Committee on Military Affairs.

By Mr. COWLES: A bill (H. R. 23120) granting an increase of pension to Alfred Yates—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 23121) granting an increase of pension to John R. Lane—to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 23122) granting an increase of pension to James F. Allen—to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 23123) for the relief of Peter S. Clark—to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 23124) for the relief of James C. Slaght—to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 23125) granting a pension to Kate E. B. MacConnell—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 23126) granting an increase of pension to James M. Ayres—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 23127) for the relief of William Stecker—to the Committee on Military Affairs.

By Mr. MALBY: A bill (H. R. 23128) granting a pension to Thomas Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23129) granting a pension to Amanda M. Selleck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23130) for the relief of Stephen Charter—to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 23131) granting a pension to Percy Kinzie—to the Committee on Pensions.

By Mr. POINDEXTER (by request): A bill (H. R. 23132) to amend the military record of John T. Fitzgerald—to the Committee on Military Affairs.

By Mr. THOMAS of Kentucky: A bill (H. R. 23133) for the relief of Morton B. W. Camp—to the Committee on War Claims.

By Mr. TILSON: A bill (H. R. 23134) granting an increase of pension to Louis R. McDonough—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 23135) granting an increase of pension to Charles M. Peterson—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 23136) granting an increase of pension to Emma L. Spear—to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 23137) granting an increase of pension to Harvey D. Washburn—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 23138) granting an increase of pension to John M. Marietta—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23139) granting a pension to Dell J. Harrington—to the Committee on Pensions.

By Mr. PRINCE: A bill (H. R. 23140) for the relief of the holder of a certain District of Columbia board of audit certificate—to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Oliver Blackwood and 53 others, praying for an appropriation for the construction of a national highway from Detroit to New Orleans—to the Committee on Agriculture.

Also, petitions of Fritz Otter, of Addicks, Tex.; Farmers' Cooperative and Educational Union, of Percy, Ill.; and C. E. Reese and 25 others, of Grit, Tex., praying for legislation to prevent speculation in farm products—to the Committee on Agriculture.

Also, petition of Union League Club, of New York, praying for laws that will secure a better class of immigrants—to the Committee on Immigration and Naturalization.

Also, petition of California State Society of the Sons of the American Revolution, praying for the retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

Also, petition of National Association of Live Stock Breeders, Raisers, and Shippers, protesting against legislation restrictive of immigration—to the Committee on Immigration and Naturalization.

Also, petition of certain ex-slaves of Lutcher, La., praying for aid to enable them to subsist in their old age—to the Committee on Military Affairs.

Also, petitions of Jersey City Council of the Knights of Columbus and Council No. 259, Sons and Daughters of Justice, praying for more liberal rates of postage on fraternal publications—to the Committee on the Post-Office and Post-Roads.

Also, petition of Illinois Division of the Farmers' Cooperative Union, praying for the establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of Pilgrim Publicity Association, of Boston, Mass., protesting against an increase in postal rates on magazines—to the Committee on the Post-Office and Post-Roads.

Also, petition Fred. E. Jordan and 27 other citizens of Middleton, Idaho, protesting against the establishment of the postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Bladen County Farmers' Union, of Guyton, N. C., praying for the establishment of a parcels post and postal savings bank—to the Committee on the Post-Office and Post-Roads.

Also, petition of Democratic territorial central committee of the Territory of Hawaii, protesting against special legislation to prohibit the liquor traffic in Hawaii—to the Committee on the Judiciary.

Also, petition of Cincinnati Chamber of Commerce and Merchants' Exchange, praying for the privilege of using the waters from the pools of the Kanawha River for the floating of coal—to the Committee on Rivers and Harbors.

Also, petition of Baltimore Typographical Union, No. 12, praying for an investigation into the causes of high prices—to the Committee on Rules.

Also, petition of Chattanooga (Tenn.) Manufacturers' Association, praying for legislation to encourage the American merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Arthur W. Olsen and 28 others, protesting against legislation to check the work of amateurs in wireless telegraphy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Porto Rican Latin Colony, praying for legislation conferring citizenship upon Porto Ricans—to the Committee on Insular Affairs.

Also, petition of Appalachian Mountain Club, of Boston, Mass., praying for recognition of the discovery of the North Pole by Commander Peary—to the Committee on Naval Affairs.

Also, petition of Downtown Taxpayers' Association of New York City, praying for the passage of the so-called "eight-hour bill"—to the Committee on Labor.

Also, petition of Mrs. Hattie E. Rich and 85 others, of Shushan, N. Y., praying for an amendment to the Constitution to permit women to vote—to the Committee on the Judiciary.

Also, petition of J. B. Collingwood and other citizens of Kansas, praying for legislation to restrict interstate transportation in intoxicating liquors—to the Committee on the Judiciary.

Also, petition of National Association of Lime Manufacturers, praying for the establishment of a bureau of mines—to the Committee on Mines and Mining.

Also, petition of citizens, taxpayers, and voters in the State of Mississippi, praying for legislation for the compensation of riparian landowners along the Mississippi River who have suffered from inundation—to the Committee on Levees and Improvements of the Mississippi River.

Also, petition of J. P. Loving and others, praying for legislation to stop the proceedings of the New York Cotton Exchange—to the Committee on Agriculture.

Also, petition of Arkansas State Good Roads and Drainage Association, praying for legislation to provide for the reclamation of swamp lands—to the Committee on Agriculture.

Also, petition of state convention of the Farmers' Union, at Fort Worth, Tex., praying for legislation to prevent gambling in farm products—to the Committee on Agriculture.

Also, petitions of society of citizens of Russian-Polish extraction, of Bondsville, Mass.; of Wilmington, Del.; and of Creekside, Pa., protesting against legislation making immigration more difficult—to the Committee on Immigration and Naturalization.

Also, petition of settlers on the government land under the North Platte project in Nebraska, praying for legislation for the completion of the irrigation project in that region—to the Committee on Irrigation of Arid Lands.

By Mr. ADAIR: Papers to accompany bills for relief of Wilson A. Martin, Jefferson R. Martin, and John M. Blossom—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: Petition of Alex Doniphan Chapter, Daughters of the American Revolution, for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. ALEXANDER of New York: Petition of Marine Cooks and Stewards' Union of the Great Lakes, for House bill 11193 and Senate bill 6155, to amend laws relative to American seamen, to prevent undermanning and unskilled manning of American vessels, and to encourage training of boys in the merchant marine—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., against Moon bill (H. R. 21334), to regulate granting of injunctions—to the Committee on the Judiciary.

By Mr. ANDERSON: Petition of Harry J. Carl, 738 East Mansfield street, Bucyrus, Ohio, and others, for the eight-hour law on government works—to the Committee on Labor.

Also, paper to accompany bill for relief of Jasper D. Oaley—to the Committee on Invalid Pensions.

By Mr. ANDRUS: Petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334)—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, against publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, against placing water lines under Interstate Commerce Commission (H. R. 17536)—to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Paper to accompany bill for relief of William Mitchell—to the Committee on Invalid Pensions.

Also, petition of J. W. Goodin, secretary Chapter No. 130, American Insurance Union, of Coshocton, Ohio; Jacob Walters, of Canal Dover, Ohio; H. J. Ortt, of Newcomerstown, Ohio; and Newark Chapter, No. 24, American Insurance Union, of Newark, Ohio, in opposition to the proposed increased rate of postage on periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of South Dakota: Petition of South Dakota Woman's Christian Temperance Union, for the McCumber-Tirrell bill and other kindred bills of a moral import—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURLEIGH: Petition of Brunswick Post, No. 41, Grand Army of the Republic, against placing the statue of Lee in the Capitol—to the Committee on the Library.

By Mr. BYRNS: Paper to accompany bill for relief of George W. Martin—previously referred to the Committee on Invalid Pensions, reference changed to the Committee on Pensions.

By Mr. CALDER: Petition of New York Board of Trade and Transportation, against the Moon anti-injunction bill (H. R. 21334)—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, against publicity clause of the corporation-tax law—to the Committee on Ways and Means.

By Mr. CAMERON: Petition of Arizona Society of the Sons of the American Revolution, and Maricopa Chapter, Daughters of the American Revolution, for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. CANTRILL: Petition of Bryan Station (Lexington, Ky.), Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. CARLIN: Paper to accompany bill for relief of Charles S. Servin—to the Committee on Military Affairs.

By Mr. COCKS of New York: Petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334) relative to injunctions—to the Committee on the Judiciary.

By Mr. CONRY: Petition of executive council of Porto Rico, favoring amendment to Porto Rican law as follows: That control of franchises and granting of same remain with insular senate—to the Committee on Insular Affairs.

By Mr. DICKINSON: Paper to accompany bill for relief of William H. Stackwell—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334) to regulate granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, against Senate bill 5106 and House bill 17536, providing that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, favoring amendment to strike out the publicity clause, paragraph 6 of section 38 of the act of August 5, 1909, in connection with the special excise tax on corporations—to the Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: Petition of Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., against the Moon injunction bill (H. R. 21334)—to the Committee on the Judiciary.

By Mr. DUREY: Petition of Amsterdam Chapter, Daughters of the American Revolution, for retention of the Division of Information in the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

Also, petition of New York Board of Trade and Transportation, opposing House bill 17536, to extend jurisdiction of Interstate Commerce Commission over water transportation lines—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, against the publicity feature in the corporation-tax law, etc.—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334) against injunctions—to the Committee on the Judiciary.

By Mr. FASSETT: Petition of Baron Steuben Chapter, Daughters of the American Revolution, of Bath, N. Y., for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. FLOYD of Arkansas: Paper to accompany bill for relief of Harvey D. Washburn—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Oliver Shaw—to the Committee on Invalid Pensions.

By Mr. FOWLER: Petition of Unity Commandery, No. 3, Knights of Pythias, of Elizabeth, N. J., against the Dick bill (S. 1712)—to the Committee on Military Affairs.

Also, petition of Advance Council, No. 104, Loyal Association, of Rahway, N. J., in support of House bill 17543, relative to advertisements in magazines of fraternal orders—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grupa 301, Zwiazku Narodowego, Polskiego, of Elizabeth, N. J., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of numerous citizens of Rockford, Ill., favoring the passage of the Gardner bill (H. R. 15441) for eight-hour law on government work—to the Committee on Labor.

Also, petition of Farmers' National Congress, in favor of the establishment of a parcels post, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of Massachusetts: Petition of Chamber of Commerce of Boston, Mass., favoring Senate bill 6737—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of New York Board of Trade and Transportation, protesting against House bill 17536—to the Committee on Interstate and Foreign Commerce.

Also, petition protesting against publicity feature of the corporation bill—to the Committee on Ways and Means.

Also, petition protesting against House bill 21334, the Moon bill—to the Committee on the Judiciary.

By Mr. HANNA: Petition of citizens of Souris, N. Dak., against any parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HARRISON: Petition of New York Board of Trade and Transportation, protesting against House bill 21334, the Moon bill, on injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. HAYES: Petition of Robert Scholz and 24 other farmers of Santa Clara County, Cal., urging legislation eliminating gambling in farm products by boards of trade, exchanges, and other speculators—to the Committee on Agriculture.

Also, petition of W. S. Martin, secretary, and 19 other members of Casters and Modelers' Union, No. 1, of San Francisco, Cal., protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petitions of J. J. Carroll and W. O. Zahn, of San Francisco, Cal., favoring an eight-hour workday on all work done for the Government by contract or subcontract—to the Committee on Labor.

By Mr. HEALD: Petition of Christian Endeavor Society of Olivet Presbyterian Church, of Wilmington, Del., for abolition of the liquor traffic in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HENRY of Connecticut: Petition of Ruth Wyllys Chapter, Daughters of the American Revolution, of Hartford, Conn., against repeal of section 40 of the immigration act of 1907, for retention of the Division of Information, etc.—to the Committee on Immigration and Naturalization.

By Mr. HIGGINS: Petition of Connecticut State Conference of Charities and Corrections, favoring House bill 3654, for children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of the Pootatuck Yacht Club, of Stratford, Conn., against House bill 6865, relative to inspection of vessels—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Connecticut Hardware Association, favoring 1-cent postal rates on first-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. HOBSON: Petition of citizens of Hawaii, for enactment of homestead legislation for the Territory of Hawaii—to the Committee on the Territories.

By Mr. HOWELL of New Jersey: Petition of painters, decorators, and paper hangers of New York, opposing further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. HUBBARD of West Virginia: Petition of presidents of the various banks of Wheeling, W. Va., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, for an eight-hour law—to the Committee on Labor.

By Mr. KELIHER: Petition of Boston Chamber of Commerce, advocating passage of Senate bill 6737, amending an act regulating commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of General Benjamin Lincoln Chapter, Daughters of the American Revolution, of East Boston, Mass., for retention of Division of Information in the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. KNAPP: Petition of citizens of the Twenty-eighth Congressional District of New York, for House bill 18682, for better security of lives of passengers and crews of United States vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. LAFEAN: Petition of National Slack Cooperage Manufacturers' Association, for amendment of third paragraph of section 2 of House bill 16919, the Lafean apple-package bill, to make size of barrel more specific—to the Committee on Agriculture.

By Mr. McKINNEY: Petitions of citizens of Moline, East Moline, Rock Island, Silvis, and Watertown, Ill., for an eight-hour day on government works—to the Committee on Labor.

By Mr. MALBY: Petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334), to prevent issuance of injunction and restraining order—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, against Senate bill 5106 and House bill 17536, that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Board of Trade and Transportation, opposing publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, papers to accompany bills for relief of Amanda M. Selleck and Thomas Bust—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Stephen Charter—to the Committee on Military Affairs.

By Mr. OLDFIELD: Paper to accompany bill for relief of Harry G. Brandenburg—to the Committee on Pensions.

By Mr. OLMSTED: Petition of Keystone Council, No. 111, Loyal Association, of Steelton, Pa., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Paper to accompany bill for relief of Thomas Scott—to the Committee on Invalid Pensions.

Also, petition of Auburn Central Labor Union, favoring an eight-hour law on government works—to the Committee on Labor.

Also, petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334), relative to injunctions—to the Committee on the Judiciary.

By Mr. POINDEXTER: Petition of Men's Sunday Club, of Spokane, Wash., favoring an exposition to celebrate emancipation—to the Committee on Industrial Arts and Expositions.

Also, petition of governors of Oregon and Washington, for resolution allowing Oregon and Washington to settle boundary line—to the Committee on the Judiciary.

By Mr. RANDELL of Texas: Papers to accompany bills for relief of Ed. D. Steger and J. E. Labatte—to the Committee on War Claims.

By Mr. REEDER: Petition of citizens of Kansas, for legislation to prevent shipment of intoxicants into prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. ROBERTS: Petition of Boston Chamber of Commerce, approving Senate bill 6737, relative to authority of Interstate Commerce Commission to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON: Paper to accompany bill for relief of Thomas S. Garin—to the Committee on Pensions.

By Mr. SHEFFIELD: Petition of Arctic (R. I.) Branch, No. 100, Society of French-Canadian Artisans, for House bill 17509, relative to fraternal publications as second-class mail matter, and against any increase on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. SLAYDEN: Petition of citizens of Bexar and Comal counties, Tex., against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. TOU VELLE: Petition of Lima Chapter, Daughters of the American Revolution, of Lima, Ohio, for retention of Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. WEISSE: Petition of Porto Rico Horticultural Society, against abridgment of jurisdiction of the United States court for Porto Rico—to the Committee on Insular Affairs.

Also, petition of citizens of Wisconsin, against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Petition of Colonel Lowry Chapter, Daughters of the American Revolution, of Flemington, N. J., for retention of the Bureau of Information relative to immigration—to the Committee on Immigration and Naturalization.

By Mr. YOUNG of New York: Petition of New York Board of Trade and Transportation, against the publicity feature in the corporation-tax law, etc.—to the Committee on Ways and Means.

SENATE.

THURSDAY, *March 17, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

CONSTRUCTION OF MODERN BATTLE SHIPS.

Mr. HALE. I have here, Mr. President, a letter to my colleague on a most important public matter, which I present in the nature of a memorial or petition. I ask that it be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the memorial presented by the Senator from Maine on behalf of his colleague.

The Secretary read as follows:

[Senate Document No. 438, Sixty-first Congress, second session.]

LETTER FROM THE PRESIDENT OF THE FORE RIVER SHIPBUILDING COMPANY, QUINCY, MASS., ADDRESSED TO HON. WILLIAM P. FRYE, UNITED STATES SENATE, WITH REFERENCE TO THE UNDERBIDDING OF FOREIGN COMPETITORS BY THE UNITED STATES IN THE MATTER OF THE CONSTRUCTION OF MODERN BATTLE SHIPS.

FORE RIVER SHIPBUILDING COMPANY,
Quincy, Mass., March 11, 1910.

MY DEAR SENATOR: Knowing the interest that you always take in matters relating to shipping and shipbuilding, I am pleased to respond to your inquiry as to how it is possible for the United States to underbid foreign competitors in the construction of modern battle ships.

This inquiry is of importance, because it is well known that American shipbuilders are unable to compete with English and German shipbuilders in the construction of commercial vessels.

In commercial vessels the cost of the vessel to the shipbuilder is divided almost equally between labor and materials, whereas on a battle ship from two-fifths to one-half of the cost, depending upon the nature of the design and the extent of the equipment furnished, is in the armor and armament, which the shipbuilder merely puts in place, and is supplied to him in the case of the United States vessels by the Government itself and in the case of private contracts by a subcontractor. In the case of the hull and machinery, which the shipbuilder provides, the proportion of labor is smaller and the proportion of materials and auxiliary machinery much greater than in a commercial vessel. The shipbuilder's cost of labor is much greater in the United States than in Great Britain and Germany, being placed variously from 40 to 80 per cent greater here than abroad, and, of course, affects the cost of a naval vessel in the same way that it does the cost of the commercial vessel, but much less in proportion to the total, as explained.

In building battle ships abroad I find that there is considerable competition among the shipbuilders to obtain contracts for hull and machinery, and that the prices of hulls and machinery obtained by foreign governments are moderate, but not on such a low basis as they are under the severe competition existing in the United States. The manufacture of armor, guns, and gun mountings abroad is confined to a few large concerns, and competition between them does not appear to be active. The consequence is that the prices for armor and armament abroad are high.

An examination of the costs of completed battle ships for the United States and the costs of completed battle ships abroad indicates to me that the United States Government has been obtaining its vessels always on prices not above those abroad, and in recent years for prices considerably less; the average for the last few years being 15 per cent less for the completed vessel in the United States than those in England.

Under these circumstances we always held an advantageous position in the Argentine competition, for at our regular prices and with use of our American turbine, which is cheaper and more efficient than the English type, we had a margin in our favor enabling us to offer something better at the same price, which we did and won out on our designs, promising the standard of workmanship set by the United States Navy.

I think it will be clear to you that in obtaining the Argentine business we have been dealing simply with a commercial proposition upon our regular practice in which our success depended upon submitting the best design and guaranties. It should be a sufficient answer to anyone inquiring on this matter for me to say that we shall be glad to duplicate these vessels for the United States at the same price.

Very sincerely, yours,

FRANCIS T. BOWLES.

Hon. WILLIAM P. FRYE,
United States Senate, Washington, D. C.

Mr. HALE. The letter which has just been read, Mr. President, is a very important contribution to furnishing information on this most important subject. It will, of course, appear in the RECORD: I ask that it be also printed as a Senate document.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine?

Mr. MONEY. I could not hear the request.

The VICE-PRESIDENT. The request is that the communication be printed as a Senate document. It will, of course, be printed in the RECORD, having been read at the desk. The Chair hears no objection, and it will be printed as a document. (S. Doc. No. 438.)

Mr. HALE. I do not know whether it ought to be referred to the Committee on Commerce or the Committee on Naval Affairs, but for the present I ask that it be referred to the Committee on Commerce, of which my colleague is chairman.

The VICE-PRESIDENT. The reference will be made, as requested by the Senator from Maine, to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 10280) to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2-inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment from the State of Massachusetts, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. J. Res. 83) authorizing the use of a United States Army transport for certain purposes, with an amendment, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Letitia Green Stevenson Chapter of the National Society Daughters of the American Revolution, of Bloomington, Ill., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. PILES presented a petition of Local Grange No. 209, Patrons of Husbandry, of Ellensburg, Wash., praying for the enactment of legislation to establish a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

Mr. BRISTOW presented a petition of the James Ross Chapter of the National Society Daughters of the American Revolution, of Kansas City, Kans., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of the State of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on Interstate Commerce.

Mr. BURTON presented memorials of Typographical Union No. 117; of Iron Molders' Union No. 72; of the Journeymen Barbers' Union No. 26; of the Brotherhood of Railway Clerks; of Boiler Makers' Local Union No. 18; of the Brewery Workers' Union No. 45; of Local Union No. 204, Independent Brotherhood of Electrical Workers; of Plumbers' Union No. 97; of Local Union No. 533, Brotherhood of Painters and Decorators; of Metal Polishers' Local Union No. 102; of Local Union No. 660, United Brotherhood of Carpenters and Joiners of America; of Local Union No. 55, Stereotypers and Electrotypers; of Pressmen's Union No. 48; of Teamsters' Union No. 124; and of Cigar Makers' Local Union No. 45, all of Springfield, in the State of Ohio, remonstrating against any increase in the rate of postage on second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a memorial of the Chamber of Commerce and Manufacturers' Club of Buffalo, N. Y., remonstrating against the enactment of legislation to regulate the granting of restraining orders and injunctions, which was referred to the Committee on the Judiciary.

He also presented a petition of the New York Board of Trade and Transportation, praying for the enactment of legislation to connect the improved barge canal with the Hudson River in that State by a channel of sufficient depth and width to permit the passage of the larger canal barges, which was referred to the Committee on Commerce.

He also presented a petition of the New York Agency, Lake Seamen's Union, of Ogdensburg, N. Y., and a petition of Local Branch, International Seamen's Union of America, of Buffalo, N. Y., praying for the enactment of legislation to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, etc., which was referred to the Committee on Commerce.

He also presented a petition of the Amsterdam Chapter of the National Society, Daughters of the American Revolution, of Amsterdam, N. Y., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of the Polonia Benevolent Association, Branch No. 39, Polish Alliance of the United States, of New York City, N. Y., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Saratoga Camp, No. 58, Department of New York, United Spanish War Veterans, of

Saratoga Springs, N. Y., praying for the enactment of legislation providing for the raising of the wreck of the battle ship *Maine* and for the interment of those who perished in the wreck, which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Lodge No. 388, International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America, of Mechanicsville, N. Y., praying for the passage of the so-called "steam-boiler inspection bill," which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Traffic Bureau, of Utica, N. Y., remonstrating against conferring upon the Interstate Commerce Commission increased authority, jurisdiction, and the burdens incident thereto until the commission shall promptly hear and decide cases submitted to it by formal complaint, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens and of sundry local unions, American Federation of Labor, of Ogdensburg, Schenectady, Clyde, and Utica, all in the State of New York, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

He also presented petitions of sundry councils, Knights of Columbus, in the State of New York, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Chamber of Commerce of Kingston, N. Y., remonstrating against the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented a petition of the Chamber of Commerce of Boston, Mass., praying for the enactment of legislation to create a court of commerce and to amend the act entitled "An act to regulate commerce," which was ordered to lie on the table.

He also presented a petition of the Monterey County Society for the Prevention of Cruelty to Animals, of Pacific Grove, Cal., praying for the adoption of a certain amendment to the bill to prevent cruelty to animals while in transit over railroads or other lines of transportation, etc., which was referred to the Committee on Interstate Commerce.

Mr. KEAN presented a petition of the Board of Trade of Newark, N. J., praying for the passage of the so-called "ship-subsidy bill," which was referred to the Committee on Commerce.

He also presented a petition of the Society for Organizing Charity, of Salem, N. J., praying for the enactment of legislation to establish a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Bergen Chapter of the National Society, Daughters of the American Revolution, of New Jersey, praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

He also presented a memorial of U. S. Grant Post, No. 117, Department of New Jersey, Grand Army of the Republic, of Chatham, N. J., remonstrating against the acceptance of the statue of Gen. Robert E. Lee to be placed in Statuary Hall, United States Capitol, which was referred to the Committee on the Library.

He also presented a petition of the Indian Association of Morristown, N. J., praying for the enactment of legislation providing for the segregation of Indian tribal funds and the pro rata shares, together with the moneys due to individual Indians, to be expended for their benefit in the improvement of allotted lands, etc., which was referred to the Committee on Indian Affairs.

He also presented petitions of sundry citizens of Mahwah, Clifton, Haddonfield, and Passaic, all in the State of New Jersey, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in government buildings and ships, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry councils, Knights of Columbus, and Loyal Association, and of sundry citizens of Summit, Elizabeth, Jersey City, and Toms River, all in the State of New Jersey, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BOURNE presented a petition of the Council of Jewish Women of Portland, Oreg., praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

He also presented a petition of North Howell Grange, No. 274, Patrons of Husbandry, of Gervais, Oreg., and a petition of Salem Grange, No. 17, Patrons of Husbandry, of Marion County, Oreg., praying that an appropriation be made for the purchase, construction, and maintenance of locks and a canal around the falls of the Willamette River, in that State, which were referred to the Committee on Commerce.

Mr. HEYBURN presented a petition of sundry citizens of Burke, Idaho, and a petition of Wallace Miners' Union, No. 17, United Mine Workers of America, of Wallace, Idaho, praying for the passage of the so-called "eight-hour bill," which were referred to the Committee on Education and Labor.

Mr. HALE presented a petition of Cushnoc Grange, No. 204, Patrons of Husbandry, of Augusta, Me., praying for the enactment of legislation to establish a national bureau of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a memorial of the Board of Trade of Rockland, Me., remonstrating against the enactment of legislation to create a court of commerce and to amend the act entitled "An act to regulate commerce," which was ordered to lie on the table.

Mr. SIMMONS presented a petition of sundry citizens of Caldwell County, N. C., praying for the enactment of legislation to prohibit gambling in farm products by boards of trade, exchanges, etc., which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Miles Harvey Chapter of the National Society, Daughters of the American Revolution, of Tarboro, N. C., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 608) correcting the military records of Charles T. Gallagher and Samuel H. Proctor, reported it with amendments and submitted a report (No. 407) thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 12397) granting certain rights and privileges to the department of fisheries of the State of Pennsylvania (Report No. 408); and

A bill (H. R. 5269) for the relief of Alexander Everhart (Report No. 409).

Mr. SCOTT, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 410), accompanied by a bill (S. 7229) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following bills heretofore referred to that committee:

S. 2648. Nannie B. Butler;
S. 3654. John Eubanks;
S. 3920. Alice L. Browne;
S. 5027. Frank Rogers;
S. 5272. Oliver J. Johnson;
S. 5426. William J. Wilson;
S. 5539. Caroline F. Pettingell;
S. 5954. McKean Ormsby;
S. 6068. Ellen Waters;
S. 6154. Elizabeth P. Bell;
S. 6169. Elizabeth Waring Kieffer;
S. 6309. Anita C. Browne;
S. 6642. Elisha G. Ryon;
S. 6758. Enoch W. Hurst;
S. 6792. Albert Osteen; and
S. 6973. William J. Sainter.

Mr. SCOTT, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 411), accompanied by a bill (S. 7230), granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following bills heretofore referred to that committee:

S. 210. Lillia Brackett;
S. 465. William Deering;

S. 662. Ezra R. Lathrop;
S. 707. Benjamin McElroy;
S. 752. Charles W. Purley;
S. 831. Orrin W. Reed;
S. 1175. Edwin Snyder;
S. 2360. John Caven;
S. 2858. William A. Brown;
S. 2924. Calvin E. Seamans;
S. 3058. William B. Hibbs;
S. 3441. John A. Baughman;
S. 3442. Joseph P. Boals;
S. 3539. Francina J. Song;
S. 3838. Felix Haycraft;
S. 3951. Annie E. Crosby;
S. 4410. Theodore Daniels;
S. 4416. Lawrence Smith;
S. 4421. Abel Williams;
S. 4536. Harvey A. Langworthy;
S. 4589. James Adolphus Mead;
S. 4599. Jerry Mann;
S. 4832. Theobald M. Fields;
S. 4847. George M. Jordan;
S. 5102. Nelson Shaffer;
S. 5138. William A. Knight;
S. 5142. Francis Pinkham;
S. 5206. Katherine D. Townsend;
S. 5213. Charles A. Carter;
S. 5589. William S. Pine;
S. 5682. Harvey N. Arnold;
S. 5769. Martha D. Bryson;
S. 5828. Zachariah W. Gemmill;
S. 5881. Kate M. Miner;
S. 5896. William E. Ballentine;
S. 5901. Peter W. Jackson;
S. 6036. William H. H. Swan;
S. 6176. Austin D. Bates;
S. 6236. Samuel F Biteman;
S. 6445. William K. Marvel;
S. 6573. William Inman;
S. 6667. George H. Ward;
S. 6694. Christopher C. Coffey;
S. 6744. Anna M. Bennett;
S. 6750. Johnathan Beal;
S. 6772. James D. Harris;
S. 6802. James S. Plaisted;
S. 6820. Michael Anderson;
S. 6854. Marion E. Laird;
S. 6898. Patrick Carney;
S. 6900. Doctor J. Wilkes;
S. 6933. Mary A. Tallman;
S. 7005. Jay Saunders;
S. 7030. Thomas McGowan; and
S. 7054. James R. Purcell.

Mr. SCOTT, from the Committee on Military Affairs, to whom was referred the bill (H. R. 18845) for the relief of Maramon A. Martin, reported it without amendment and submitted a report (No. 416) thereon.

Mr. CURTIS, from the Committee on Pensions, to whom were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 21108) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors (Report No. 412); and

A bill (H. R. 21754) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors (Report No. 415).

Mr. BROWN, from the Committee on Military Affairs, to whom was referred the bill (S. 441) to correct the military record of Paul Sinock, reported it without amendment and submitted a report (No. 413) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to whom was referred the bill (S. 5008) to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the United States, reported it without amendment and submitted a report (No. 414) thereon.

WEYMOUTH FORE RIVER, MASSACHUSETTS.

Mr. BOURNE, from the Committee on Commerce, reported the following concurrent resolution (S. C. Res. 26):

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination to be made of Weymouth Fore River below the Quincy Point Bridge, Massachusetts, with a view to straightening and improving the channel, and to submit estimates for such improvements as may be deemed necessary.

MANASSEH GOODWIN.

Mr. BURNHAM, from the Committee on Claims, reported the following resolution, which was considered by unanimous consent and agreed to (S. Res. 201):

Senate resolution 201.

Resolved, That in compliance with a communication from the chief justice of the Court of Claims, the Secretary of the Senate be, and he is hereby, directed to return to the Court of Claims the congressional case of Manasseh Goodwin, heir of Ezra S. Goodwin, deceased, No. 10942–153, certified to the President of the Senate under date of December 3, 1907 (S. Doc. No. 14, 60th Cong., 1st sess.), and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURTON:

A bill (S. 7231) granting a pension to Sebastian Glasstetter; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 7232) granting an increase of pension to William Richardson (with an accompanying paper); and

A bill (S. 7233) granting an increase of pension to James X. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 7234) granting an increase of pension to Mary Matilda McLean (with accompanying papers);

A bill (S. 7235) granting an increase of pension to Ebenezer B. Sims (with accompanying papers); and

A bill (S. 7236) granting an increase of pension to Thomas H. Morris (with accompanying papers); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 7237) for the relief of George W. Lackey, surviving partner of the firm of William Lackey & Sons; to the Committee on Claims.

By Mr. TALIAFERRO:

A bill (S. 7238) granting an increase of pension to T. B. Hickenloopen; and

A bill (S. 7239) granting an increase of pension to Leton U. Morgan; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 7240) granting an increase of pension to Frank E. Varnum; and

A bill (S. 7241) granting an increase of pension to F. Plummer Foss; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 7243) to regulate radio-communication; to the Committee on Commerce.

By Mr. SMOOT:

A joint resolution (S. J. Res. 89) providing for certain printing and binding for the International Bureau of American Republics; to the Committee on Printing.

By Mr. BURKETT:

A joint resolution (S. J. Res. 90) construing section 3 of an act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April 28, 1904; to the Committee on Public Lands.

AMENDMENTS TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. KEAN submitted an amendment proposing to increase the appropriation for the salary of the Solicitor for the Navy Department from $3,000 to $4,000 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to increase the salaries of the chief justice and five associate justices of the supreme court of the District of Columbia from $6,000 to $7,500 each, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO THE RIVER AND HARBOR BILL.

Mr. KEAN submitted an amendment providing for the survey of Pensauken Creek, New Jersey, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving Maurice River, New Jersey, etc., to

$50,000, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $10,000 for connecting the landing at Bordentown with the Delaware River channel, etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $8,000 for dredging between the mouth of the Raritan River and Great Beds, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. BULKELEY submitted an amendment relative to the improvement of the harbor at Bridgeport, Conn., etc., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

WAGES AND PRICES.

Mr. LODGE. I send to the desk a communication from the Commissioner of Labor, Department of Commerce and Labor, in response to a request for certain information for the use of the Select Committee on Wages and Prices of Commodities. I move that the communication and accompanying papers be printed as a document and referred to the Select Committee on Wages and Prices of Commodities. (S. Doc. No. 436.)

The motion was agreed to.

PRICES IN WINDSOR AND DETROIT.

Mr. LODGE. I present a report forwarded by the consul at Windsor, Ontario, being a summary of prices in Windsor and Detroit. I move that the summary be printed as a document and referred to the Select Committee on Wages and Prices of Commodities. (S. Doc. No. 437.)

The motion was agreed to.

PELAGIC SEALING.

Mr. DIXON introduced a bill (S. 7242) to protect the seal fisheries of Alaska, and for other purposes, which was read the first time by its title.

Mr. DIXON. Before a reference of the bill is made I think I ought to make a statement to the Senate as to the preparation and condition of the bill.

Mr. CULLOM. I will inquire of the Senator if the bill he has just introduced is the one he referred to when he spoke to me?

Mr. DIXON. It is.

Mr. CULLOM. I wish to state before I sit down that I have, I suppose, a copy of exactly the same bill, which was sent to me from the Department of Commerce and Labor to be introduced in the Senate. I will not introduce it just now because of the pendency of the bill introduced by the Senator from Montana.

Mr. DIXON. Mr. President, I wish to say, for the information of the Senate generally, that this bill regarding the amendment of the present law concerning the killing of seals in Alaska was prepared by the Secretary of Commerce and Labor. I ask to have it referred to the Committee on Conservation of National Resources, and for the reasons I shall state.

Something like two months ago some resolutions regarding the killing of the fur seal and their near extermination were introduced and referred to the Committee on Conservation of National Resources. The committee has had one full hearing regarding the matter and has had several conferences with officials in the department, especially with the Secretary of Commerce and Labor. The present bill, I think, was prepared along the lines of the hearings heretofore held by the Committee on Conservation of National Resources, and was given to me by the department in further consideration of the hearings and the conferences heretofore held.

Day before yesterday, when a message came in from the President regarding this same matter, I think largely through inadvertence, and possibly following some old tradition, it was sent to the Committee on Foreign Relations. The President's message and my present bill, prepared by the Secretary of Commerce and Labor, have no more relation to foreign affairs than to the moon. The bill merely provides for an amendment of the present law under which these seals have been almost exterminated, the Secretary holding that the present provisions are mandatory and that the lease, which will expire next month, he will have to renew under the present law. There is no discretion on his part. This bill, prepared by him, merely amends the existing law regarding the letting of a lease to some company for the killing of the seals on this island.

I think there is no possible question about the jurisdiction of the committee which has charge of the matter and has been having hearings all winter, and I have asked that the bill be referred to that committee, the same as the resolutions which the committee has had under consideration heretofore.

Mr. CULLOM. Mr. President, it seems that we have some trouble nowadays very often in finding the right committee. I do not know what ought to be done with this bill, but it seems to me that it ought to be sent to the Committee on Foreign Relations, where bills on this subject have been sent heretofore.

I wish to give a little brief history. In the beginning this whole business started years ago with the conference and controversies that we had in Paris, led by Senator Morgan and Judge Harlan. On the basis of that work, Senator Morgan, of the Foreign Relations Committee, reported the first bill dealing with the subject in the nature of a treaty, and so forth. That was in April, 1894. The next bill that I find was presented by Senator Davis, another chairman of the Committee on Foreign Relations. That was approved December 29, 1897, and it dealt with the fur-seal question. The next, as I understand it, was introduced by Senator Sherman, also a chairman of the Committee on Foreign Relations, and that, too, dealt with the fur-seal question. The next bill that was reported from the Committee on Foreign Relations was reported by Senator Foraker, then a member of the Senate, and that dealt with the question. The next one, I believe, was sent to the Committee on Foreign Relations by one of the Members of this body who was then upon the Committee on Territories. That committee was sent to Alaska for the purpose of making a general investigation of that Territory as to what was there ascertained. The Committee on Territories reported a bill and sent it to the Committee on Foreign Relations of the Senate, and the Senate dealt with it. So you may look the record over, and pretty much all the time the Committee on Foreign Relations has had charge of this subject, through Senator Morgan, Senator Davis, Senator Sherman, and so on down.

It seems to me, Mr. President, whatever may be the particular thing that ought to be done with this bill now, the subject ought to remain in the hands of the Committee on Foreign Relations, because it is an international question more than anything else, and it ought to be dealt with as such. So whether a lease is to be made now or something else is to be done, it ought to remain in the same hands that have had charge of it for very many years.

Mr. LODGE. Mr. President——

Mr. DIXON. I have the floor, have I not?

Mr. LODGE. I thought the Senator had yielded the floor.

Mr. DIXON. I have not so intended. I yielded to the Senator from Illinois to make a statement.

Mr. CULLOM. The Senator will excuse me if he had not completed his remarks. He sat down and I supposed he had yielded the floor.

Mr. DIXON. I had taken my seat, having yielded the floor to the Senator from Illinois to make a statement. I did not understand that I had yielded the floor.

Mr. LODGE. Very well; go on.

Mr. DIXON. I will gladly yield to the Senator from Massachusetts.

The VICE-PRESIDENT. The Chair understood the Senator from Montana to yield the floor. He made no intimation that he did not so intend. The Chair understood the Senator from Illinois to claim the floor in his own right.

Mr. CULLOM. I myself supposed so.

Mr. DIXON. I have no inclination whatever to do anything except what is perfectly fair and right. It was not my intention to yield the floor. I had a further statement to make, but in view of what the Senator from Illinois had said before I gladly yielded to him to make a statement.

I merely want to say at this time that I desired to include in my first statement a motion that the bill be referred to the Committee on Conservation of National Resources.

The VICE-PRESIDENT. The Chair understood that the request was practically a motion. The Chair would have recognized it as a motion.

Mr. DIXON. I want to say at this time, in answer to what the Senator from Illinois has stated, that what he has said regarding the past history of Alaskan fur seals, when it referred to an international question, it had undoubtedly gone to the Committee on Foreign Relations, as it was right and proper it should; and at this time, if the bill contemplated anything in any way on earth affecting foreign affairs, without any hesitancy it should go to the Committee on Foreign Relations. But the bill which I have introduced, prepared by the Secretary of Commerce and Labor, goes only to the repeal of the mandatory

provisions of the present law, under which the Secretary of Commerce and Labor feels that his hands are tied, and that on the 30th day of April he will be compelled to enter into a new lease, which, in his opinion and in the opinion of the most eminent zoologists of this country, means the extermination of the fur seals within the next two or three years.

The Committee on Conservation of National Resources was organized at the last session of the Senate. It holds a membership of 15 Senators, many of them old in the service of the Senate.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Will the Senator from Montana yield to the Senator from Nebraska?

Mr. DIXON. Gladly.

Mr. BROWN. Has the committee had this subject under consideration?

Mr. DIXON. For the past two months.

Mr. BROWN. Have hearings been had by the committee?

Mr. DIXON. Hearings have been had by the committee and conferences with the Secretary of Commerce and Labor.

Mr. BROWN. And this bill is the result of those hearings?

Mr. DIXON. I think without any question this bill is the result of the work the Committee on Conservation of National Resources have been doing this winter. No other committee seemed to have any interest or choice in the matter. This committee, consisting of 15 Senators, with very little to do, urged by eminent zoologists of the country, took the initiatory steps to bring about some condition to save this country from what I believe to be a national disgrace.

Mr. JONES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. DIXON. Gladly.

Mr. JONES. What was the foundation for the hearings that the Committee on Conservation of National Resources has held? Were there any resolutions before it?

Mr. DIXON. Resolutions regarding this same matter, introduced on the second day of the present session.

Mr. JONES. And referred to that committee?

Mr. DIXON. And referred to the committee without a question being raised.

Mr. JONES. Without objection.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Nevada?

Mr. DIXON. Gladly.

Mr. NEWLANDS. May I ask by whom this bill was presented? Was it presented by one of the members of the committee?

Mr. DIXON. It was presented by me as chairman of the committee. The bill was prepared by the Secretary of Commerce and Labor.

Mr. NEWLANDS. And with a view to preventing the evils which the committee had been considering under those resolutions?

Mr. DIXON. Refefring precisely to that lamentable condition of affairs, and for the express purpose of repealing the mandatory provisions of the present law, which have nothing on earth to do with foreign affairs, referring to the seals on the Pribilof Islands. The committee took cognizance of it, they have had their hearing, they have been at work on the question, without any thought that it overlapped or conflicted with the work of any other committee of the Senate.

Mr. NEWLANDS. I will ask the Senator whether the evidence before that committee developed the fact that the herd of seals was gradually being exterminated, and that if this contract was let under the requirements of existing law the herd would be absolutely exterminated before the expiration of the contract?

Mr. DIXON. The Senator from Nevada is perfectly correct.

Mr. NEWLANDS. And whether the Secretary of Commerce and Labor did not regard himself as bound by the mandatory provisions of the law against his judgment to execute this contract?

Mr. DIXON. The Senator from Nevada states the case very explicitly. In 1870, when we first entered into the policy of killing the seals under governmental supervision, there were 4,500,000 seals on this island. The annual catch was in excess of 100,000 a year. The last report by the Commissioner of Fisheries shows that at this time there are about 60,000 left. The catch last year fell to 14,000 seals. The revenue to the Government originally, until the seals had practically disappeared, was nearly $6,000,000. During the last six or eight years, under the present policy, the Government has expended over $200,000 a year in policing and patrolling those islands.

With these conditions confronting us, with the demand from all over the country that some action should be taken, the committee to which I ask that this bill shall be referred, took up the work, and now when it is reaching its completion another and older committee of the Senate steps in and asks to have the matter turned over to them. They say they have had jurisdiction of it for fifteen or twenty years. If they have, God knows the results have been most lamentable. Our committee believes unanimously——

Mr. SMITH of South Carolina. As a member of the committee——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. DIXON. Gladly.

Mr. SMITH of South Carolina. I should like to ask a question right in this connection. Is there any assurance and were there any assurances before our committee that if we would take such action on the part of the United States Government in protecting these seals we had every reason to believe that the other Governments interested would also acquiesce in certain agreements that our committee is on the point of reaching?

Mr. DIXON. I think that suggestion was made.

Mr. ROOT. Mr. President, is that a point on which the Senator from Montana says this has nothing to do with foreign relations?

Mr. DIXON. Not this bill or the President's message.

Mr. NEWLANDS. Mr. President——

Mr. DIXON. The President's message expressly recommended a repeal of the present mandatory provision of the law, and nothing else. There is no question which arises in the Senate which in its ultimate relationship may not affect foreign affairs, but the President's message in this case merely goes, and this bill merely goes, to the amendment of the present law, which makes it mandatory upon the Secretary of Commerce and Labor to re-lease or extend the lease to the Alaska Seal Company, which has had complete control there for the last twenty years.

Now I will yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, in answer to the Senator from New York, I wish to say what has already been said by the Senator from Montana, that ultimately probably this entire matter will be referred to the Committee on Foreign Relations whenever it involves a question of the treaty-making power between this country and other countries. The only question now before the Senate, the only question to which the President's message related, and the only question under consideration by this committee, is one of conservation of the natural resources of the United States—the preservation from destruction of a great herd of seals now reduced to almost nothing—so that the revenue obtained by the Government does not even equal the expense of maintaining the policing and patrol. Now, that is the only question.

The question before the committee was: Is this one of the natural resources of the country? Is this natural resource being wasted and destroyed? Is there anything that can be done by this country alone to prevent that waste and destruction? It is perfectly evident to the committee that in order to prevent that waste and destruction it would be necessary to authorize the Secretary of Commerce and Labor to do what he wished to do and what the President recommended, to end for the time being the contract under which those seals are being destroyed. When that has been done and when the destruction has been averted, then will come up the question of negotiations between this country and other countries with reference to the exercise of their mutual power in the preservation of this seal herd; and then it seems to me the jurisdiction of the Foreign Relations Committee will attach.

Mr. ROOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New York?

Mr. DIXON. I do.

Mr. ROOT. I do not wish to impose upon the good nature of the Senator from Montana, but I should like to say to the Senator from Nevada that the time to which he refers, that is to say, the time when the question as to what we shall do upon those islands with these seals becomes involved in negotiations with other countries, is now here.

Mr. NEWLANDS. Do I understand the Senator to say that negotiations are now being conducted?

Mr. ROOT. They are.

Mr. NEWLANDS. I still assert that, so far as that question is concerned, it belongs, of course, to the Committee on Foreign Relations.

Mr. ROOT. There is no question in my mind whatever about the correctness of the proposition of the Senator from Montana and the Senator from Nevada, that the mandatory provision regarding the length of this lease ought to be repealed. The existence of the lease has been an obstacle in the way of the negotiations which the Government has been attempting to carry on with other countries for a number of years. The lease ought to end, but the question as to what to do with the seals on those islands is a question inexplicably involved in a complicated negotiation, which already at this moment involves Great Britain, with the attendant necessity of consultation with Canada and Russia and Japan, and which, before it is finished, will necessarily involve every country in the civilized world, for it is only by the universal assent of the civilized powers that the seals can be preserved. It is of primary importance for the preservation of the seals that no legislation shall be adopted by Congress which has not been scrutinized with reference to its effect upon the pending negotiations and the power of our Government by treaty to do what is necessary to give effect to those negotiations, and that must be made, properly, by the Committee on Foreign Relations.

Mr. NEWLANDS. May I ask the Senator from New York a question?

Mr. ROOT. Certainly.

Mr. NEWLANDS. I ask the Senator from New York whether this question of the repeal of a provision compelling the Secretary of Commerce and Labor to make a contract with certain parties permitting them to kill the seals is not purely a domestic question?

Mr. ROOT. No.

Mr. NEWLANDS. As to that question, has any foreign country any concern whatever?

Mr. ROOT. I will answer that. The Government of the United States has been for many years contending that the destruction of the seal herds of the Pribilof Islands was the result of pelagic sealing. We came to the verge of unfriendly relations with Great Britain upon that proposition, and we undertook to settle a long-standing and active controversy on that subject by means of a treaty and arbitration before what is commonly known as the Bering Sea tribunal. In that arbitration the counsel for the United States committed themselves without reserve, and, in my judgment, established by irrefragable proof of the proposition that the fact that around the borders of those islands the sealing vessels ranged themselves and shot the female seals as they went to and fro in search of their food was the cause of the extraordinary and lamentable diminution of the herd. That view was adopted by the tribunal; and although the decision was that these seals were not natural resources of the United States, that they were not property that we had any control over the taking of on the high seas, nevertheless, in accordance with a provision of the treaty, the tribunal established a series of rules and regulations prescribing limits within which the seals were not to be shot—a closed sea within which they were not to be shot.

It has been proved that the regulations which were adopted by the Bering Sea tribunal were insufficient to accomplish their purpose. They did not put an end to the destruction of the seal herd, and the diminufion of the herd continued, notwithstanding those regulations. Numerous efforts have been made to secure further regulations, without avail, because the Canadian seal-fishing interests were unwilling to give their assent, and, therefore, the government of Canada was unwilling to give its consent, and, therefore, the Government of Great Britain was unwilling to make any agreement for further restrictions.

But now has entered upon the scene another destructive force, and the seal fishing vessels of Japan have made their appearance, not limited even by the insufficient regulations of the Bering Sea Tribunal, and they range around those islands just outside of the 3-mile line, and every seal that makes its appearance, going out or coming back in search of food, is shot. We are face to face with the certain fact, proved, long maintained by the Government of the United States, that this pelagic sealing is the necessary destruction of the seal herd. There is but one way in which we can put an end to that destruction, and that is by negotiation and agreement. When Mr. Hay died, in the summer of 1905, there was already pending a proposition from him to Great Britain for a plan to put an end to the destruction of seals by Canadian sealing vessels. The terms of that proposition, which I shall not go into in open session, though I should be very glad to make the fullest explanation to the Senate in executive session if the Senate so desires, involved necessarily an agreement on the part of the Government of the United States as to what it would do with the seals on land. You observe that is the very thing that this legislation seeks to accomplish. That proposition——

Mr. JONES. I should like to ask the Senator from New York whether these negotiations would have any effect upon the renewal of this lease if no further legislation is passed?

Mr. ROOT. Mr. President, I have already said that, in my judgment, this lease ought not to be renewed, and that the mandatory clause which requires it ought to be repealed.

Mr. JONES. That is all there is involved.

Mr. DIXON. That is all there is in this bill.

Mr. ROOT. If there is nothing else in this proposed legislation, I am ready now to vote to put the bill upon its passage.

Mr. JONES. That is all there is.

Mr. ROOT. But I do not know; I have never seen the legislation which is proposed by this committee, and I am undertaking to show that the question of what we will do with the seals, what law we pass about what shall be done with the seals, ought to be scrutinized by that committee which has been so long familiar with negotiations with foreign countries, through which alone this seal herd can be preserved. Is it worth while for me to go on further and explain what the present situation of the negotiations is?

Mr. NEWLANDS. Will the Senator allow just one interruption?

Mr. ROOT. I shall not continue, unless the Senate desires that I shall do so.

Mr. MONEY. Will the Senator permit me to ask for a reading of the bill which is the subject of discussion?

Mr. DIXON. Mr. President, I thought I had the floor.

The VICE-PRESIDENT. The Senator from Montana has the floor. To whom does he yield?

Mr. DIXON. I want at this time——

The VICE-PRESIDENT. The Senator from Montana has the floor. The Chair desires to know to whom he will yield?

Mr. DIXON. If the Senator from Mississippi will permit an explanation by the Senator from Minnesota [Mr. NELSON], I will gladly yield to him.

Mr. MONEY. If the Senator will excuse me a minute——

The VICE-PRESIDENT. To whom does the Senator from Montana yield?

Mr. DIXON. I yield to the Senator from Minnesota.

Mr. MONEY. Mr. President, we are proceeding in the dark. We do not know what the bill is which is now the subject of so much controversy. It is very desirable that it should be read. That is what I now desire.

Mr. DIXON. I shall be very glad to have the bill read.

Mr. MONEY. I shall be very glad to have the Senator from Montana state his whole case, and when he has gotten through with that statement, for him to yield to the other side.

Mr. DIXON. I will ask, before we hear from the Senator from Minnesota [Mr. NELSON], that the bill be read so that the Senate may be advised.

The VICE-PRESIDENT. Without objection, the Secretary will read the bill.

The Secretary read the bill (S. 7242) to protect the seal fisheries of Alaska, and for other purposes, the second time at length, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor shall have power to authorize the killing of fur seals and the taking of sealskins on the Pribilof Islands, in Alaska, under regulations established by him prescribing the manner in which such killing shall be done and limiting the number of seals to be killed, whenever he shall determine that such killing is necessary or desirable and not inconsistent with the preservation of the seal herd: *Provided, however,* That under such authority the right of killing fur seals and taking sealskins shall be exercised by officers, agents, or employees of the United States appointed by the Secretary of Commerce and Labor, and by the natives of the Pribilof Islands under the direction and supervision of such officers, agents, or employees, and by no other persons: *And provided further,* That male seals only shall be killed and that not more than 95 per cent of 3-year-old male seals shall be killed in any one year.

SEC. 2. That any and all sealskins taken under the authority conferred by the preceding section shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States and shall constitute a fund to be called the Alaska seal fund, which shall be used, under the direction of the Secretary of Commerce and Labor, to defray the expense of furnishing food, shelter, fuel, clothing, and other necessaries of life to the native inhabitants of the Pribilof Islands and of providing for their comfort, maintenance, education, and protection, and to defray the cost of administering the laws of the United States relating to the seal fisheries of Alaska, including the salaries and expenses of all officers, agents, or employees appointed to enforce said laws.

SEC. 3. That whenever seals are killed and sealskins taken on any of the Pribilof Islands the native inhabitants of said islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation, to be fixed from time to time by the Secretary of Commerce and Labor, who shall have the authority to prescribe by regulation the manner in which such compensation shall be paid to the said natives or expended or otherwise used in their behalf and for their benefit.

SEC. 4. That section 1956 of the Revised Statutes of the United States and section 173 of the act of March 3, 1899, be amended to read as follows:

"No person shall kill any otter, mink, marten, sable, or fur seal, or other fur-bearing animal, within the limits of Alaska Territory or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo found engaged in violation of this section shall be forfeited; but the Secretary of Commerce and Labor shall have power to authorize the killing of any such mink, marten, sable, fur seal, or other fur-bearing animal under such regulations as he may prescribe; and it shall be the duty of the Secretary of Commerce and Labor to prevent the killing of any fur seal except as authorized by law and to provide for the execution of the provisions of this section until it is otherwise provided by law."

SEC. 5. That section 1959 of the Revised Statutes of the United States and section 176 of the act of March 3, 1899, be amended to read as follows:

"The Pribilof Islands, including the islands of St. Paul and St. George, Walrus and Otter islands, and Seal Lion Rock, in Alaska, are declared a special reservation for government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary of Commerce and Labor; and any person found on any of those islands contrary to the provisions hereof shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by fine not exceeding $500 or by imprisonment not exceeding six months, or by both fine and imprisonment; and it shall be the duty of the Secretary of Commerce and Labor to carry this section into effect."

SEC. 6. That section 1960 of the Revised Statutes of the United States and section 177 of the act of March 3, 1899, be amended to read as follows:

"It shall be unlawful to kill any fur seal upon the Pribilof Islands, or in the waters adjacent thereto, except under the authority of the Secretary of Commerce and Labor, and it shall be unlawful to kill such seals by the use of firearms or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing, and also such old seals as may be required for their own clothing and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of Commerce and Labor."

SEC. 7. That section 1961 of the Revised Statutes of the United States and section 178 of the act of March 3, 1899, be amended to read as follows:

"It shall be unlawful to kill any female seal or any seal less than 1 year old at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the Pribilof Islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than $200 nor more than $1,000, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section shall be forfeited to the United States."

SEC. 8. That section 1 of the act of December 29, 1897, be amended to read as follows:

"No citizen of the United States, nor person owing duty of obedience to the laws or the treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean, including Bering Sea and the sea of Okhotsk, whether in the territorial waters of the United States or in the open sea."

SEC. 9. That the Secretary of Commerce and Labor shall have authority to appoint such additional officers, agents, and employees as may be necessary to carry out the provisions of this act and the laws of the United States relating to the seal fisheries of Alaska, to prescribe their duties and to fix their compensation; he shall likewise have authority to purchase from the present lessee of the right to take seals on the islands of St. Paul and St. George, at a fair valuation to be agreed upon, the warehouses, salt houses, boats, launches, lighters, horses, mules, wagons, and other property of the said lessee on the islands of St. Paul and St. George, including the dwellings of the natives of said islands, the title to said dwellings upon acquisition by the United States to be vested in the native occupants thereof and their heirs; he shall likewise have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the said islands by the charter of private vessels or by the use of public vessels of the United States which may be placed at his disposal by the President; and he shall likewise have authority to furnish food, shelter, fuel, clothing, and other necessaries of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.

SEC. 10. That sections 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, and 1972 of the Revised Statutes of the United States, and all acts and parts of acts inconsistent with this act, are hereby repealed. The provisions of this act shall take effect from and after the 1st day of May, 1910.

Mr. DIXON. Mr. President, some years ago the Committee on Territories sent a subcommittee to Alaska, and they made a most exhaustive report on the fur seal. The Senator from Vermont [Mr. DILLINGHAM], the Senator from Minnesota [Mr. NELSON], the Senator from New Hampshire [Mr. BURNHAM], and one or two other Senators, whose names I do not now recall, composed that committee; and I now want the Senator from Minnesota to make a statement.

Mr. NELSON. Mr. President, in 1903 a subcommittee of the Committee on Territories, consisting of the Senator from Vermont [Mr. DILLINGHAM], the Senator from New Hampshire [Mr. BURNHAM], the then Senator from Colorado, Mr. Patterson, and myself, were sent to Alaska to investigate the conditions in that country. Among other matters which were investigated was that in relation to fur seals——

Mr. BACON. Mr. President, I rise to a point of order, which is that the Senator from Montana [Mr. DIXON] has no right under any rule or practice of the Senate to hold the floor and farm it out.

The VICE-PRESIDENT. The point of order is sustained.

Mr. DIXON. The Senator from Montana is not——

Mr. BACON. I hope the Senator from Montana will say all he desires to say, and then give other Senators an opportunity to be heard, and not subject them to the necessity of speaking by his favor.

The VICE-PRESIDENT. The point of order is sustained.

Mr. DIXON. I want to say to the Chair and to the Senator from Georgia that the Senator from Montana, I think, is less guilty—if that is the phrase I ought to use—of trying to farm out the time of this Senate than anybody in it. I think the Senator from Montana occupies as little time, except when he is really and pointedly interested in questions, as any Senator here. The Senator from Montana introduced this bill; he obtained the floor; he wanted to make a full statement, but in deference to the wishes of other Senators he has yielded to everyone who has wanted to make a statement ahead of the time when I finish my statement. If I have farmed out the time in any way that every other Senator does not always do in the Senate, I should like to have the Chair so to advise me.

Mr. BACON. Mr. President, I am perfectly willing for the Senator from Montana to occupy fully as much time as he desires. I only desire that he shall complete what he has to say in order that others may be heard without having to have his permission to be heard.

Mr. DIXON. Then, Mr. President, if the Senate and the Senators who wanted to be heard in this case had allowed the Senator from Montana to finish his statement, he would have concluded it long before this, but before I had barely begun my statement different Senators asked me to yield, which I did in what I thought was the best of good nature, not needing to have done it; but in order to have the matter fully and fairly discussed I yielded to everyone who asked me. In what way I have farmed out the time or overstepped the rules of the Senate I want the Senator from Georgia or the Presiding Officer now to inform me.

The VICE-PRESIDENT. The Senator from Montana, it seems to the Chair, has pursued the course which is quite customary in the Senate, but which is always done by unanimous consent and which can be done in no other way; but the moment the rule is invoked, it can not be done. The rule has now been invoked.

Mr. DIXON. I understood I could not yield except by unanimous consent.

The VICE-PRESIDENT. Certainly; and the yielding was done on the theory that it was by unanimous consent until objection was made.

Mr. BACON. All I now ask is that the Senator will proceed in his own time.

Mr. DIXON. That is what the Senator is proceeding to do. The Senator from Georgia invokes a rule that I did not know was in existence; but if the Chair sustains it, then I am through for the present, and I will conclude my remarks later on.

The VICE-PRESIDENT. The Senator from Montana has not lost the floor. The Senator from Montana now has the floor as long as he himself desires to occupy it, but not to yield to other Senators to make speeches.

Mr. DIXON. That is what I understood. The Senator from Minnesota asked if I would yield to him.

Mr. LODGE. That, under the rules of the Senate, can only be done by unanimous consent.

Mr. NELSON. I desire to say that I asked exactly the same privilege that was accorded to the Senator from New York, and the privilege accorded the Senator from New York I think I ought to have.

The VICE-PRESIDENT. The Senator from Montana alone is entitled to the floor.

Mr. DIXON. If the Senator from Georgia objects, I can not yield to the Senator from Minnesota.

Mr. BACON. I am not objecting to anything. I want the Senator to proceed in his own time, and I have no objection to his occupying the entire day, if he so desires. I do not mean by that to indicate that there is any such disposition on his part, but I want to cut off any possible suggestion that I wish to abridge his rights in any way. I do not. I wish the Senator to have the full time that he desires; but I do think in the matter of orderly procedure that he should go on and proceed to say to the Senate what he desires to say, and then other Senators may have an opportunity.

Mr. DIXON. That is exactly what the Senator from Montana was trying to do, but in his good nature and his respect

to the opinions and feelings of every other Senator here, when some Senator while I was proceeding with my statement asked leave to make some remarks, in perfect good nature and in a perfect feeling of harmony and reciprocity I yielded. When the Senator from Minnesota asked if I would yield, I gladly did so. Now, if the Senator from Georgia objects to my yielding to the Senator from Minnesota, I can not do so.

Mr. BACON. I am in favor, Mr. President, of the Senator from Montana proceeding and finishing, and then let the Senator from Minnesota take the floor in his own right.

Mr. DIXON. Then, the Senator from Georgia objects to my yielding to the Senator from Minnesota, and I will resume my seat and present my remarks at a later time.

Mr. LODGE. Mr. President, I do not think there is the slightest difference of opinion as to the merit of the bill if it is confined, as I understand it to be, to the repeal of the mandatory clauses; but it involves a question of jurisdiction which seems to me a very important one. On the 7th of December the Senator from Montana introduced a resolution; which was to this effect:

Resolved, That it be the sense of the Senate of the United States that the Government of Great Britain be requested by the Secretary of State to unite with the Government of the United States," etc.

That is clearly a foreign relation, if anything can be. That resolution was ordered to lie upon the table and be printed. On the same day the Senator introduced a resolution asking the Secretary of Commerce and Labor to furnish for the use of the Senate copies of all letters addressed to the Secretary of that department which related to the condition of the fur-seal herd in Alaska. That was a simple resolution of inquiry. Neither resolution was referred to a committee when it was introduced. Both resolutions were ordered to lie upon the table. Senators constantly introduce resolutions and ask to have them lie upon the table. Their destination is not determined by that. I well remember during the Cuban trouble many Senators introduced resolutions in regard to Cuba, which necessarily had to go to the Committee on Foreign Relations, but they were ordered to lie upon the table, so that they could be taken up and be debated. That is what was done with those two resolutions. When the reference was made I do not know; but it is very easy to make a reference of a matter lying on the table when nobody is paying any attention to it. They are small matters, and nobody is noticing them.

That first resolution is clearly a foreign-relation matter. Therefore, I suppose this proposed legislation is founded on the resolution of inquiry. Now we have a repetition of what happened yesterday. A resolution of inquiry is introduced. It asks for information from a department. Any Senator may submit such a resolution, and it does not, as a rule, require a reference to any committee. Subsequently it may be sent to a committee, and on it legislation be based. I think, Mr. President, that is not a sound method of procedure. I do not think we ought to deal with legislation in that way.

Questions relating to the seal herd have been before the Committee on Foreign Relations ever since I have been in the Senate. The act of 1870, which dealt with Alaska and was in the nature of an organic act, was reported to the Senate from the Committee on Commerce. At that time the seal question was in no sense international. It had never occurred to anybody at that time, I suppose, that the herd was in danger of extinction. By and by it was found that the herd was in danger of extinction, not from the killing on the Pribilof Islands, but from pelagic sealing, and we could not deal with pelagic sealing except through international arrangement. We made a claim that we retained our title in the seals despite the fact that they left the islands and went into deep water and returned. It was our effort to secure protection.

The seals are not a natural resource. I wish they were. If they had been, we would have stopped the extermination of the seal herd long ago. Unfortunately, it has been held by a tribunal, to which we assented—the Paris tribunal—that they were not a natural resource of the United States; that the moment the seal herd passed beyond the 3-mile boundary it became open to all the world to kill and destroy. That has been the condition that we have been met with.

Mr. President, the Committee on Foreign Relations is constituted to deal with matters which in no way touch our foreign relations.

Mr. BACON. Will the Senator pardon me if I suggest to him right in that connection——

Mr. DIXON. Mr. President, I think I will have to invoke the rule which has been invoked on me.

Mr. BACON. I would like to ask the Senator from Massachusetts a question.

Mr. DIXON. I will invoke the rule of the Senate. We may as well have this matter understood.

The VICE-PRESIDENT. The Senator from Massachusetts is not yielding time for a speech. Any Senator can yield for a question, if he so desires.

Mr. DIXON. That is exactly what I was doing.

Mr. LODGE. The cases are not parallel. The Senator from Minnesota did not ask for recognition in his own time; he did not address the Chair. The Senator from Montana turned around and handed the floor over to him.

Mr. NELSON. I did address the Chair.

The VICE-PRESIDENT. The Senator from Massachusetts [Mr. LODGE] has the floor.

Mr. BACON. I simply desire to ask——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. I yield for a question.

Mr. BACON. I ask if it is not true, in recognition of its international character——

Mr. DIXON. I rise to a point of order, Mr. President.

The VICE-PRESIDENT. The Senator from Montana will state his point of order.

Mr. DIXON. If it was unparliamentary for me to yield to the Senator from Minnesota, it is now unparliamentary for the Senator from Massachusetts to yield to the Senator from Georgia, and I raise the question.

The VICE-PRESIDENT. The Chair overrules the point of order. The Senator from Massachusetts is yielding for a question; the Senator from Montana yielded for a speech.

Mr. DIXON. Mr. President, I beg to differ with the Chair. I yielded for no speech, but for a statement.

The VICE-PRESIDENT. A statement and a question are not the same thing.

Mr. BACON. Mr. President, the question I desire to ask the Senator from Massachusetts is this: In recognition of the fact that this sealing question was distinctively an international question, is it not true that we sent as our representative to the Paris tribunal a Senator who had been chairman of the Committee on Foreign Relations and was at that time the ranking member of the minority on the Committee on Foreign Relations?

Mr. LODGE. One member of the Paris tribunal was the late Senator Morgan, who had been chairman of the Committee on Foreign Relations of the Senate. The subject had always been before that committee.

I was speaking of the jurisdiction of the Committee on Foreign Relations. Claims which involve in any way a citizen or subject of another power, or the claim of one of our own citizens which arises under a treaty, or any claim which in any way touches a foreign country go to that committee.

We have a Committee on Industrial Expositions; but if an exposition is international, bills relating to it go to the Committee on Foreign Relations. Such bills do not involve treaty relations in the slightest degree, but they do involve relations with a foreign country; and those bills go to that committee, and have gone always to that committee without any question at all.

Mr. President, if there is any international question in the world, it is this question of the seal fisheries. It has been the subject of treaty, the subject of protracted negotiations, the subject of the decision of a tribunal. Nothing can be more certain than that. At this moment negotiations are pending with one country with regard to these seal fisheries. As the Senator from New York [Mr. ROOT] has pointed out, if we are to save the seals, it must be done by a general agreement which shall put a stop to pelagic sealing.

The long bill which was read here touches at a half a dozen points the articles of the treaty which were enacted—and I have them here on the desk—as agreed upon by the tribunal of Paris. I can not tell, nobody can tell until he has compared them, whether the terms of that act are consonant to the regulations by which we are bound, not only by the act of Congress enacting them, but bound as parties to the treaty which agreed to them. Nobody can tell that without the most careful examination. I do not mean to say that the Committee on Conservaion of National Resources is not able to make that comparison just as well as the Committee on Foreign Relations. But, Mr. President, the duty has been imposed upon the Committee on Foreign Relations. It has been created for that purpose—to deal with all legislation which not only affects our foreign relations, but particularly touches at any point a treaty or an arbitral decision. Those are the matters with which the committee has dealt. It is the only committee which has had every treaty before it, which has had every act before it to carry out the provisions of the treaty.

Here comes an act which must necessarily, as a matter of precaution, be compared with the articles of the treaty, the articles and regulations agreed on by the arbitral tribunal and enacted into law, sanctioned by a treaty. That comparison must be made.

Mr. President, whether this jurisdiction is to be spilt up among a half a dozen committees it is for the Senate to say, but it seems to me that the jurisdiction of the committees ought to be preserved; that the committee which is chosen to do a certain work should be permitted to do it. I certainly should resist just as strongly any attempt to take from the Committee on the Conservation of National Resources what belongs to it, just as I resisted yesterday the attempt to take from the Committee on the District of Columbia what I thought belonged to it, as I should resist an attempt to take from the Committee on Foreign Relations what it is perfectly clear, under unbroken precedent and practice, belongs to it.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. Certainly.

Mr. DIXON. I will put it in the shape of a question, so as not to ruffle the feelings of the Senator from Georgia [Mr. BACON]. If it appears to the Senator from Massachusetts that the original act of Congress, which this present bill only attempts to amend, was reported from the Committee on Commerce——

Mr. LODGE. So I stated.

Mr. DIXON (continuing). And not from the Committee on Foreign Relations, would the Senator still insist that by some legerdemain it should now go to the Committee on Foreign Relations?

Mr. LODGE. There is no legerdemain about it, Mr. President. If the Senator from Montana had done me the honor to listen to me, he would have heard me say at the beginning that the original act, what may be called the organic act, was reported from the Committee on Commerce. At that time the seal fisheries were not and had never been considered an international question. No disputes had arisen from seal fisheries. Nobody contemplated the extermination of the herd. It became an international question subsequently, a question of prolonged and bitter discussion between countries, and then it passed within the control of the Committee on Foreign Relations.

Mr. DILLINGHAM, Mr. CLARK of Wyoming, and Mr. DIXON addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. I was going to yield to the Senator from Vermont, but I am perfectly willing to yield to either of them.

The VICE-PRESIDENT. The Senator can yield to whomsoever he chooses.

Mr. LODGE. I yield first to the Senator from Vermont.

Mr. DILLINGHAM. I thought the Senator from Massachusetts was laboring under a misapprehension, possibly, when he referred to the organic act relating to Alaska.

Mr. LODGE. The act of July 1, 1870, is the one I referred to.

Mr. DILLINGHAM. The act of July 1, 1870, is entitled "An act to prevent the extermination of fur-bearing animals in Alaska."

Mr. LODGE. Yes.

Mr. DILLINGHAM. And is not the organic Alaska act.

Mr. LODGE. I used the wrong phrase in saying "the organic act." It was an act which covered the whole seal-herd question.

Mr. DILLINGHAM. I wanted to make this suggestion to him because he is making a very illuminating address. This act provided for the leasing of the islands for the purpose of killing seals, and it was under this act, as I understand, that all of the contracts have been made from that time to this.

Mr. LODGE. Certainly.

Mr. DILLINGHAM. It was not until as late as 1893, a good many years after, that this became an international question. It then became an international question, and it was determined that the Americans might kill upon the islands and that the Canadians might have the right to kill at sea, as I understand. If this is a bill that relates simply to the killing of the seal herd on the Pribilof Islands, I do not see how it can become a question of international importance.

Mr. CLARK of Wyoming. Mr. President——

Mr. LODGE. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. I was merely going to make the same statement that has been made by the Senator from Vermont [Mr. DILLINGHAM].

Mr. BROWN. While the Senator did not perhaps clear up my mind on the subject at the same time he answered the suggestion of the Senator from New Hampshire, the message of the President on this subject seems to be written on the theory that this law is necessary to be passed before negotiations with foreign countries will be undertaken. This act, as I understood the chairman——

Mr. LODGE. The Senator is mistaken about that. The negotiations are now pending.

Mr. BROWN. The President says, after discussing this very act which has been introduced by the Senator from Montana:

> But the discontinuance of this policy is recommended in order that the United States may be free to deal with the general question in its negotiations with foreign countries. To that end it is recommended that the leasing system be abandoned for the present.

Mr. LODGE. And yet, after reading that, Senators say this has nothing to do with foreign relations, and we are asked to repeal the act in order to promote negotiations.

Mr. BROWN. No.

Mr. LODGE. As a matter of fact, negotiations are now pending, I will say to the Senator.

Mr. BROWN. As a matter of fact, the language here says that foreign negotiations are not due until this obstacle is removed. He sends the bill here to remove them.

Mr. LODGE. I do not understand that the President sends the bill here, and I do not know how the question got in the Department of Commerce and Labor. That has nothing to do with me, however, on the question of reference.

Mr. BROWN. The message refers to the bill.

Mr. LODGE. I dare say. I did not know that the President had ordered the bill drawn or that it had been sent here by the President. I was not aware of that, but wherever it comes from——

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. For a question only; not for a speech.

Mr. NEWLANDS. The Senator stated that he did not know how this matter came before the Department of Commerce and Labor. I have the statute here; does he wish me to read it?

The VICE-PRESIDENT. The Chair would judge from the response of the Senator from Massachusetts that he did not.

Mr. NEWLANDS. I should judge so, too. But I should like to have the answer of the Senator from Massachusetts.

Mr. LODGE. I did not hear the Senator. My attention was distracted for a moment.

Mr. NEWLANDS. The Senator stated that he did not know how this matter came before the Department of Commerce and Labor.

Mr. LODGE. I will deal with that later. It is not important now.

Mr. NEWLANDS. The Senator does not wish the information now?

Mr. LODGE. No; not at this time.

I have now a copy of the President's message, and I am a little at a loss to understand what the Senator from Nebraska said about the negotiations not to be begun. The language of the President is:

> As far as present conditions admit of, pending negotiations.

I am correct, Mr. President. I am not misinformed about the fact of negotiations with foreign nations.

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. I will yield for a question.

Mr. BROWN. I ask the Senator what interpretation he puts upon the language of the President?

Mr. LODGE. I put the interpretation on the language of the President that he meant exactly what he said.

Mr. BROWN. I want to raise the point of order against the Senator that he will not answer my question. [Laughter.]

Mr. LODGE. Mr. President, I make the point of order that I do not yield. [Laughter.]

The VICE-PRESIDENT. Very good. If the Senator from Massachusetts does not yield, the Senator from Nebraska will cease his conversation.

Mr. BROWN. I appeal to the Senator to yield to me for a question.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield?

Mr. LODGE. The Senator appealed to my courtesy to yield for a question. I yielded for a question, and then he proceeded to lecture me. I am perfectly willing to yield for a question.

Mr. BROWN. I thank you. My question is what interpretation the Senator from Massachusetts puts upon this lan-

guage of the President in his message sent to Congress yesterday:

The discontinuance of this policy is recommended in order that the United States may be free to deal with the general question in its negotiations with foreign countries.

Mr. LODGE. I take it to mean precisely what it says, that it will make the United States free in its negotiations with foreign nations. My point is that these negotiations are now pending, as the President says farther on, and that therefore this bill, on the President's own statement, is connected with negotiations with foreign nations. The whole statement in that message is that the one principal object of this bill is to enable us to carry on negotiations now pending with foreign countries. The Senator from New York has already stated it. I do not care to go into details. But there are negotiations pending with one country greatly in interest. If we can extend those to two other countries, if we can make agreements with them—being interested in fisheries—if we can extend them perhaps still further to the southern rookeries and then get an agreement from the nations of the world that they will not permit their flag to be used for pelagic sealing, then you will save the seal herd, and you will save it in no other way. No legislation that you can pass will save the seal herd.

I want to see this mandatory clause repealed. I should be glad to see killing on the Pribilof Islands absolutely prohibited, but unless we can stop the pelagic sealing, the prohibition of the killing of seals on the Pribilof Islands would not save the seal herd.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. LODGE. Certainly.

Mr. PILES. I should like to ask the Senator if the pending bill makes any changes in the existing law, except to repeal the mandatory provision of the statute requiring the renewal of the lease, and to give possession of the islands to the Secretary of Commerce and Labor. I am not familiar with the bill; it has not been printed.

Mr. LODGE. The repeal of the mandatory clause is in the bill. It is a very long bill. It is almost impossible to determine its provisions from merely hearing it read once, which is all I have done. I heard it read this morning at the table, but I heard clauses there which, unless my ears misled me, referred directly to international regulations and were based on articles enacted into law under the Paris tribunal.

Mr. DIXON. Will the Senator from Massachusetts yield to me?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. Certainly; with pleasure.

Mr. DIXON. I have read the bill, and the Senator says he has not read the bill.

Mr. LODGE. I only heard it read.

Mr. DIXON. If I should state positively to the Senator that there is not a line or a word in it referring to international affairs, would it change his present view of the matter?

Mr. LODGE. Not at all.

Mr. DIXON. That is what I supposed, but I wanted to know.

Mr. LODGE. Not at all. I do not think that affects it. The bill is inevitably connected with foreign relations. If it has not been carefully compared with the articles in the act approved April 6, 1894, after the Paris tribunal, it ought to be, because that goes to the very root of the whole matter, and no bill in reference to fur seals can possibly be properly considered unless it is based in many of its main provisions upon that act. It has affected and it must affect our international relations. On the President's own statement it does, for he says it will be a benefit to us in our negotiations. How can it be detached from our international relations?

Mr. President, I come back to the matter of jurisdiction; and I want to say just one word more. The jurisdiction of the committees of the Senate, especially the standing committees of long standing, has been well defined by practice and by precedent. It is absolutely impossible for any committee to know whether or not a matter belongs within its jurisdiction if legislation can be based on little resolutions of inquiry, which any Senator has a right to introduce on any subject, and those resolutions of inquiry can be sent to some committee unnoticed, and on that can be reared a fabric of legislation.

I was not aware that there was any attempt to legislate on that resolution of inquiry; and that is all the Senate had before it. It does not even show when it was referred. It was introduced to lie on the table.

Mr. President, it does seem to me that the committee ought to retain the jurisdiction which custom and practice have always given them and that they should not invade each other's jurisdiction in any way. It seems to me that is necessary for the orderly and proper transaction of business. I think that is especially the case in matters dealing with our foreign relations. They are matters to which many Senators give no special attention. They are matters to which the Committee on Foreign Relations gives necessarily the closest attention. The Committee on Foreign Relations has to be informed as to all these things. They are not subjects which, as a rule, other Senators enter upon very much. I think that that committee certainly which is appointed for that purpose and that purpose alone should be intrusted with all matters which relate to our international relations.

Mr. CLARK of Wyoming. Mr. President, I have the honor to have been assigned both to the Committee on Foreign Relations and the Committee on Conservation of National Resources. I confess I am unable to see one single convincing argument why this matter should go to the Committee on Foreign Relations.

In the first place it has nothing whatever to do, as I understand, with our dealings with foreign governments in any way. It is simply a question as to how the proper officer of the United States shall execute a lease in dealing with government property upon government territory, and there is no way whatever in which that matter of dealing with the fur seals on the Pribilof Islands becomes in any sense the concern of any foreign nation. It is a matter for the United States itself to consider and for it alone to consider. The fur seals on the Pribilof Islands are a government asset. They are a government liability.

Mr. LODGE. How long do they remain a government asset?

Mr. CLARK of Wyoming. As long as they are on the Pribilof Islands or within 3 miles thereof.

Mr. LODGE. Precisely.

Mr. CLARK of Wyoming. And this bill deals with those seals when they are on the islands or within the 3-mile limit, and the jurisdiction of the United States over the seals is not subject to the concern of any foreign nation on earth as long as those seals are within the 3-mile limit or on the Pribolof Islands.

This is simply a matter of routine business. The Committee on Commerce recommended a certain leasing system on the Pribilof Islands. The proper administrative officer of the Government says that in the present instance it is not to the benefit of the Government to renew the lease. He construes it to be his duty, unless affirmative action is taken by Congress to the opposite effect, to renew the lease, and he wants Congress to amend the original act, the commerce act, which allowed and compelled him to make the lease. If that is not a purely domestic transaction, I, for one have not the clearness of vision to discern one when I see it.

Another thing. I have been wondering all this session what the purpose of the Senate was in creating the Committee on Conservation of National Resources. At the time the committee was created there was considerable said in the newspapers and on the floor of the Senate as to the very important duties to be devolved upon that committee.

The whole question of the conservation of our national resources was to come before this session of Congress, and it is before the Congress. Bills relating to every known and to a great many imaginary national resources have been brought before this Congress and referred to various committees, and not one of them has found its way to the Committee on Conservation of National Resources. What was it created for? I accepted the creation of that committee in good faith. I believe the Senate as a whole accepted it in good faith. And yet every question relating to the water powers of the United States, every question relating to the forests of the United States, every question relating to the grass of the United States, every question referring to every resource of the United States has gone, not to the Committee on Conservation of National Resources, formed especially to consider those bills, but to other committees. That those committees are fully qualified to deal with those subjects I grant, but as long as you have a committee to deal with them, with its jurisdiction specially defined, those questions should go to it.

Now, when this last one little question of the few remaining seals upon a small island within the territory of the United States presents itself and the question of the renewal or nonrenewal of the lease by the Department of Commerce and Labor comes up, it is in vain that the chairman of the committee sug-

gests that it be referred to the Committee on Conservation of National Resources.

I have, as a member of either committee, no feeling in this matter, but it seems to me as a matter of just administration, as a matter of right, as a matter of the rights of these committees, that this bill, if any, should go to the Committee on Conservation of National Resources.

I will say, in regard to the argument of the Senator from Massachusetts, that there is hardly a question we consider in this body but which in some way or other affects our relations with foreign countries. As well might the Senator make the argument that our tariff bill should have gone to the Committee on Foreign Relations, because in the tariff bill we have a maximum and minimum clause. We have to deal with foreign nations. It has to deal with our treaties. Why not send our tariff bill to the Committee on Foreign Relations? The same is true in regard to questions of immigration. Why not send those questions to the Committee on Foreign Relations?

As a matter of fact, Mr. President, the Senator from Massachusetts to the contrary notwithstanding, the jurisdiction of the committees of this body is not limited or bound by any well-known or defined rules. I have sought in vain to find any definite statement as to what are the real rights and jurisdiction of any of the committees of this body. A committee is simply formed, and its jurisdiction is defined by the custom which we have here from day to day in referring bills. Committees take charge of them, take jurisdiction of them, but the mere fact that a committee has jurisdiction of one phase of a subject-matter does not deter another committee from dealing with another and different phase of the same subject-matter.

Mr. NELSON. Mr. President, I am sorry I was the instrument of breaking the rules of the Senate. In my innocence I supposed that the Senate would accord me the same privilege that it did to the Senator from New York [Mr. ROOT], who injected quite a bit of a speech into the remarks of the Senator from Montana [Mr. DIXON]. But I am glad I have found out about this, and all I can say is, I will be careful in the future not to break the rules.

In 1903 a subcommittee, consisting of four Senators, of the Committee on Territories, was sent to Alaska to investigate conditions in that Territory. I was a member of the subcommittee. We spent upward of eight weeks on the trip. Among other places we visited was the Pribilof Islands, and while we were there we examined the seal herds, and we saw some of the killing, and before our own eyes we saw seals killed contrary to the provisions of the lease. We became convinced of the fact that unless killing on those islands was absolutely suspended at once, the herd would in a very few years be totally exterminated.

When we returned the Senator from Vermont [Mr. DILLINGHAM], who was a member of the subcommittee, prepared a very able report, and he brought to the attention of the Senate the fact that there was danger that the herd would be exterminated and recommended that the killing on the islands be totally suspended. I quote the following language from that report made to the Senate on the 12th of January, 1904:

> The committee therefore recommend that a suspension of all killing by the lessees of the seal islands be made at once and indefinitely, and that the Government of the United States shall attempt to reopen and conclude negotiations, etc.—

About pelagic sealing.

We became convinced of the fact that the first step, in order to open successful negotiations with foreign countries to stop pelagic sealing, was for us to stop the killing of seals on the islands to prevent the extermination of the herd. The moment that could be accomplished then we were in a position to force Japan and Canada to negotiate with us.

I know very well that the Senator from New York [Mr. ROOT], who was then Secretary of State, did his very best to secure favorable negotiations with Canada and Japan, but he was handicapped in various ways, and I am satisfied of the fact that if we had passed a law at that time, as recommended by the subcommittee, absolutely stopping the killing of seals, the Senator from New York, as Secretary of State, would have been successful.

Mr. President, that is not all. On January 12, the same day that this very able report of the Senator from Vermont was made, he introduced a bill, being Senate bill 3355, the first section of which provided:

> That all killing of male fur seals on the Pribilof group of seal islands of Alaska by the lessees thereof, known as the North American Commercial Company, is hereby suspended at once and indefinitely.

Then the other sections of the bill provided that negotiations should be opened with foreign countries to stop pelagic sealing.

Now, what did the Committee on Foreign Relations do with that bill? They reported a substitute which I hold in my hand, Public Resolution No. 18, which instead of simply suspending the killing as they ought to have done, instead of enacting the bill of the Senator from Vermont into a law, was simply a joint resolution providing for a negotiation. It was passed, and from that day to this negotiations have gone on, and now we are no nearer a successful determination of that question than we were at that time.

The subcommittees were satisfied at that time, and I have been satisfied ever since, that the first step to accomplish in order to lead to a successful negotiation is to absolutely suspend the killing of the seal on the islands by these lessees.

Now, Russia had the same experience. When Russia first got hold of the Pribilof Islands the fur-seal trade was an immense one. They killed from 100,000 to 200,000 seals a year. It kept dwindling and dwindling until there was nothing hardly left of it. Finally they had to do what it is proposed to do in the pending bill. They had to utterly suspend all killing on the islands; and what was the result? The result of that suspension was that when we acquired the Pribilof Islands, under the treaty by which Alaska was ceded to us, the seal herd had recuperated and grown until at that time, if I remember the figures, they killed upward of 200,000 seals a year.

Now, what is this bill? From that day to this—and I ask the Senator from Massachusetts to answer the question—has the Committee on Foreign Relations made any attempt to stop killing the seal on those islands? Now, what is the situation here?

Mr. LODGE. Does the Senator want an answer?

Mr. NELSON. Let us look it plainly in the face.

Mr. LODGE. Does the Senator want me to answer?

Mr. NELSON. No; I do not care. The Senator is probably out of order.

Mr. LODGE. The Senator asked me a question, and then answered it himself.

The VICE-PRESIDENT. The Senator from Minnesota declines to yield.

Mr. LODGE. Oh, certainly; I do not insist.

Mr. NELSON. What is the question?

Mr. LODGE. The Senator asked me a question.

Mr. NELSON. Does the Senator want to answer it now?

Mr. LODGE. Yes; I am perfectly ready to answer it.

Mr. NELSON. The question was, Why has the Committee on Foreign Relations done nothing from that day to this to stop the killing of the seal on those islands?

Mr. LODGE. I will tell the Senator. It is very easily answered. The stopping of the killing of seal on the Pribilof Islands means simply that none shall be killed by Americans and they shall all be killed by pelagic sealers under the worst circumstances, which would mean the extermination of the herd. It would not prevent the extermination of the herd. Apparently this bill is of value only to help us in negotiations.

Mr. NELSON. The Senator from Massachusetts is transgressing the rules of the Senate. He is making a speech.

Mr. LODGE. I have stopped.

The VICE-PRESIDENT. The Senator from Massachusetts was proceeding under the consent of the Senator from Minnesota.

Mr. NELSON. We are confronted exactly by the same conditions that Russia was. When Russia stopped the killing of seal on the islands it lead to the replenishment and recuperation of the herd. It was nearly exterminated at one time under Russian administration, and because of the fact that they utterly suspended and discontinued the killing for a long period—I do not recollect the time—the herd became a big and strong one, so that when we got the islands, as I said a moment ago, there were upward of 200,000 seal killed, in the first instance, by the lessee. It has gone down year by year, and since we were up in Alaska in 1903 it has been diminishing year by year, and diminishing to a large extent by the lawless killing that is going on upon the islands. You can never replenish that herd by merely stopping pelagic sealing. Unless you stop the killing of seals on the islands, any future effort will be futile and vain.

Now, let us look at this concrete case. Let us be a little fair and generous to one another. What are the facts? Here is this committee, of which the Senator from Montana [Mr. DIXON] is chairman. That committee, and not the Foreign Relations Committee, has gone to the pains and labor of investigating this question, thoroughly investigating it, and brought it to the attention of the Department of Commerce and Labor, that has jurisdiction of the fur seals in Alaska. The outcome

of its investigation is this bill, which has been brought in here to the Senate. That is what we have to the credit of that committee. Can the Committee on Foreign Relations point to a credit account as big as that?

I submit to the Senate, after a committee has been to this labor and investigated this subject, and has been instrumental in getting a message from the administration, and been instrumental in getting a bill introduced here, is it fair to take it out of the hands of that committee and put it into the hands of a committee—and I say it in the utmost Christian spirit—that has practically been sleeping on its oars for all these years? [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. Applause in the galleries is not permitted.

Mr. CARTER. Mr. President, there seems to be some confusion with reference to the facts being considered here.

Mr. NELSON. I am not through yet.

Mr. CARTER. I beg the Senator's pardon.

The VICE-PRESIDENT. The Chair understood that the Senator from Minnesota had yielded the floor.

Mr. NELSON. I was not through, and the Senator from Montana must be careful or some Senator will call him to order.

Mr. CARTER. With the permission of the Senator——

Mr. NELSON. Of course I yield.

Mr. CARTER. I rose merely to make a suggestion.

Mr. NELSON. Very well.

Mr. CARTER. I could put it in the form of a question to come within the rule.

Mr. NELSON. The Senator can put an interrogation point at the end of it.

Mr. CARTER. That would help some.

Mr. President, I suggest to the Senator and to the Senate that the discussion of the matter now before the body can not proceed with any degree of intelligence without having the bill, which is said to be the proper subject of consideration by the Committee on Conservation, printed so that its terms may be consulted and considered. I rose merely to suggest that the matter go over until to-morrow, that the bill might be printed, so that we may have the privilege of reading it.

Mr. NELSON. In a moment I will be through. I have only a few more words to add.

I am convinced that our State Department can not succeed in negotiations to stop pelagic sealing until they absolutely stop the killing of seals on the islands. The moment we do that we lay the foundation to bring foreign nations to terms.

I might say further, incidentally, that while these pelagic sealers are flying there the Canadian or British flag and the Japanese flag most of those Japanese sailing vessels are equipped, and the funds furnished, and they are really owned by Americans. They are really owned by Americans flying the Japanese flag.

Now, what about this bill? This is simply a bill which proposes, in substance, so far as the seals are concerned—it refers to other fur-bearing animals, but as far as the seals are concerned it proposes to suspend the killing of seals on the islands. Is there anybody here who will contend that we must consult foreign nations before we have the right to suspend the killing of the seal on our own islands and within our own borders? Is that a foreign question? If foreign nations have nothing to do with that, if we have the right to do with our own property and in our own borders what we please, what question is there in it that appertains to the jurisdiction of the Committee on Foreign Relations? This bill simply aims to stop the slaughtering of seals on those islands in our own territory.

The only fault I find with the motion of the Senator from Montana is that the bill ought to go to the Committee on Territories. That committee has jurisdiction of Alaska and all that pertains to it. It belongs more appropriately to that committee than it does to the Committee on Foreign Relations.

But I want to be fair, I want to be just, I want to be generous. I want to be just to the committee that has devoted its time for two months to the investigation of this problem. It has examined witnesses, it has taken testimony, it has made inquiries and presented the facts to the Department of Commerce and Labor, and that department has taken hold of the matter and prepared a bill and induced the President to send in a special message. After all that work has been done by that committee, why should we relegate the bill to a committee that has not done anything at all about it for several years?

Mr. President, this is all I have to say. I believe in fair play and comity between committees of the Senate, and I believe that some of the younger Senators who happen to be at the head of some of the minor committees which are ordinarily not considered of much consequence should have some comity and some justice accorded to them.

Mr. ROOT. Mr. President, I have been looking over the bill. It is quite apparent that there are many things in the bill properly the subject of consideration by the Committee on Conservation of National Resources or the Committee on Territories, some committee which is familiar with the management of the seals by the Department of Commerce and Labor. There are also, however, in the bill provisions which clearly ought to be subjected to the scrutiny of the committee having to do with foreign relations and be made the subject of conference with the Secretary of State, who is now conducting the negotiations upon which must necessarily depend the saving of the seal herd.

There are two aspects of the bill. It seems to me that it ought to be possible to have both things considered. Certainly this legislation ought not to be enacted without the consideration of the committee charged with the foreign relations and with conference with the Secretary of State.

Let me say that the negotiations which are now pending are to a large extent based upon the very able report the Senator from Minnesota has just referred to, the report signed by the Senator from Minnesota [Mr. NELSON] and the Senator from Vermont [Mr. DILLINGHAM] and the Senator from New Hampshire [Mr. BURNHAM]. That committee made a very full and exhaustive examination of the subject. They made a report, and the report was transmitted to the State Department, and has been made the basis of the negotiations which are now pending. In this bill I find provisions which appear to me to be inconsistent with the conclusions reached in that report and made the basis of negotiations.

I think in some way that the terms of this bill ought to be made the subject of conference with the Secretary of State, who is engaged in the negotiations, and I suppose that that should properly be through the Committee on Foreign Relations.

Mr. NEWLANDS. Mr. President, may I inquire of the Senator from New York what provision in this bill relates in any way to foreign relations or to the treaty-making power. I looked it over myself and I was unable to find it, but my examination was only a casual one.

Mr. ROOT. That illustrates the trouble of having such a bill passed on exclusively by a committee which is not familiar with the negotiations that have been and are in progress. There is no one with greater acumen than the Senator from Nevada, and no one who would see more quickly where provisions here may create a situation under which we would have to go to Congress and get a repealing statute in order to give effect to the negotiations that are in progress. This he would see if he was familiar with the negotiations; but he is not. I will tell him personally or I will tell the Senate in executive session, but I do not think it is wise in public to go into the details of negotiations in progress.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 6737.

Mr. CUMMINS. Mr. President, I am quite willing, if it be the pleasure of the Senate, that the unfinished business shall be temporarily laid aside for the completion of the debate and the submission of the motion now before the Senate.

Mr. HALE. I think we had better have the regular order and let the discussion of the railroad bill go on.

The VICE-PRESIDENT. Objection is made to laying aside the regular order.

HOUSE BILL REFERRED.

H. R. 10280. An act to authorize the Chief of Ordnance, United States Army, to receive twelve 3.2 inch breech-loading field guns, carriages, caissons, limbers, and their pertaining equipment, from the State of Massachusetts, was read twice by its title and referred to the Committee on Military Affairs.

COURT OF COMMERCE, ETC.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

Mr. CUMMINS resumed the speech begun by him on Tuesday. After having spoken for fifty minutes,

Mr. DIXON. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. DIXON. Mr. President, I dislike to interrupt the remarks of the Senator from Iowa, but it strikes me that here is one of the great questions confronting this administration, in which the administration is vitally interested, and the bill having been reported here without even comment by the committee which reports it, and when a Senator of the United States, who probably knows as much about this question as any living man, is attempting to discuss the matter reported by the committee, there ought to be a full Senate to hear him. So, I suggest the absence of a quorum.

Mr. CUMMINS. Mr. President, may I ask the Senator from Montana not to require a call of the Senate? I know very well why Senators are absent. We have been held here until 2 o'clock by morning business, and Senators must have something to eat.

The PRESIDING OFFICER. Unless the Senator from Montana withdraws the suggestion, the Chair will, under the rule, have to order the roll to be called.

Mr. DIXON. Mr. President, in deference to the Senator from Iowa, if he insists upon it, I will withdraw my request for a call; but I think it is more important for the absent Senators to be here at this time than it is for them to be eating down in the restaurant and taking care of their physical comfort.

Mr. CUMMINS. Very well; I shall not interfere.

Mr. DIXON. I think I shall insist on the point.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Clay	Gore	Percy
Bourne	Crane	Guggenheim	Perkins
Brandegee	Crawford	Hale	Purcell
Briggs	Cummins	Heyburn	Richardson
Bristow	Curtis	Hughes	Scott
Brown	Depew	Johnston	Simmons
Bulkeley	Dillingham	Jones	Smith, Md.
Burkett	Dixon	Kean	Smith, S. C.
Burnham	du Pont	La Follette	Stephenson
Burrows	Elkins	Martin	Sutherland
Burton	Fletcher	Money	Taliaferro
Carter	Flint	Nixon	Warren
Chamberlain	Frazier	Overman	Wetmore
Clapp	Gallinger	Page	
Clarke, Ark.	Gamble	Paynter	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present. The Senator from Iowa [Mr. CUMMINS] is entitled to the floor.

Mr. CUMMINS resumed his speech. After having spoken, with interruptions, in all for about two hours, he said:

Section 12 is entirely new in the legislation of the United States. It touches and embraces the most important subject which is now before the people of the United States for consideration. It proposes changes in the law which are of vital import. I shall deal with that section at some length. As I am nearing the end of the bill, and as I know those Senators who have been patient enough to listen to me must be weary of the sound of my voice, and as I hope that some of these vacant chairs may be filled at some other time, if it is the pleasure of those in charge of the bill, I would be glad to yield the floor at this time to resume it to-morrow.

Mr. ELKINS. Mr. President, I entirely agree to the Senator's request, and I ask that the bill may be laid aside temporarily until to-morrow.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

[For Mr. CUMMINS's entire speech see Senate proceedings of March 18.]

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 18, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 17, 1910.

COLLECTOR OF CUSTOMS.

Thomas O. Thompson to be collector of customs for the district of New London, Conn.

POSTMASTERS.

ARKANSAS.

Levi Wimberly, at Mena, Ark.

CALIFORNIA.

Miriam H. Chittenden, at Corning, Cal.
William D. Ingram, at Lincoln, Cal.
Frank J. Payne, at Sutter Creek, Cal.
James F. Scott, at Ione, Cal.
Kennedy B. Summerfield, at Santa Monica, Cal.
Frederick W. Turner, at Loomis, Cal.

ILLINOIS.

Nelson A. Bemis, at Odell, Ill.
Louis A. Constantine, at Aurora, Ill.
John W. Fornof, at Streator, Ill.
William H. Mix, at Byron, Ill.
Harrison P. Nichols, at Maywood, Ill.
George J. Price, at Flora, Ill.
John G. Seitz, at Upper Alton, Ill.
William Stickler, at Lexington, Ill.
Zachary Taylor, at Colfax, Ill.

IOWA.

Ephraim G. Swift, at State Center, Iowa.

KENTUCKY.

William C. Harper, at Catlettsburg, Ky.

MARYLAND.

Harry Peyton Gorsuch, at Westminster, Md.

MASSACHUSETTS.

Arthur Bliss, at Andover, Mass.
Arthur G. Clapp, at South Deerfield, Mass.
William R. Hall, at Maynard, Mass.
William Parsons, at Rockport, Mass.

MICHIGAN.

Samuel Adams, at Bellaire, Mich.
Julius O. Becraft, at Dowagiac, Mich.
Richard B. Lang, at Houghton, Mich.
Henry C. Minnie, at Eaton Rapids, Mich.
J. C. Newbrough, at Greenville, Mich.
Kenneth E. Struble, at Shepherd, Mich.

MINNESOTA.

William Dower, at Wadena, Minn.

MISSOURI.

Scribner R. Beech, at Maryville, Mo.
Clark Brown, at Union, Mo.

NEVADA.

Clarence B. McMullin, at Caliente, Nev.

NEW JERSEY.

Charles E. Holmes, at Medford, N. J.
William H. Lushear, at Short Hills, N. J.
Peter F. Wanser, at Jersey City, N. J.

NEW YORK.

Lorin J. Eggleston, at Millerton, N. Y.
Max Geldner, at New Dorp, N. Y.
Owen E. Hayes, at Camillus, N. Y.
Howard McMillan, at East Aurora, N. Y.
James M. Miller, at Washingtonville, N. Y.
Stephen G. Newman, at Haverstraw, N. Y.
Harry H. Nichols, at Elizabethtown, N. Y.
Henry Riley, at Cornwall, N. Y.

OHIO.

Edward L. Davis, at Garrettsville, Ohio.
Thomas J. Davies, at Barberton, Ohio.
Ansel T. Simmons, at Geneva, Ohio.

UTAH.

Robert N. Morrison, at Helper, Utah.

VERMONT.

George H. Richmond, at Northfield, Vt.

WASHINGTON.

Charles H. Jones, at Arlington, Wash.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 17, 1910.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in Heaven, we thank Thee that the good men do lives to inspire, ennoble, and purify those who come after them; that to-day the name of Ireland's patron saint will be hallowed in the hearts of men irrespective of race or creed. In recognition of his brave, self-sacrificing devotion in carrying the light of the Gospel to a benighted people. Grant that we may emulate his virtues by living the truth as it is given us to see the truth in Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. BENNET of New York. Mr. Speaker——

Mr. BUTLER. Mr. Speaker, the Journal having been read and approved, I demand the regular order.

Mr. DWIGHT. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. DWIGHT. There is no quorum present.

The SPEAKER. The Chair will count. [After counting.] There are 143 gentleman present; not a quorum.

Mr. DWIGHT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander, Mo.	Dies	Korbly	Randell, Tex.
Anderson	Driscoll, D. A.	Legare	Reid
Ansberry	Driscoll, M. E.	Lundin	Rhinock
Anthony	Elvins	McCall	Riordan
Barclay	Esch	McCreary	Robinson
Bartlett, Nev.	Fitzgerald	McKinlay, Cal.	Saunders
Bingham	Focht	McKinley, Ill.	Sheffield
Boehne	Fornes	McMorran	Sherley
Boutell	Foulkrod	Macon	Sherwood
Bowers	Fowler	Madden	Simmons
Burgess	Fuller	Maynard	Smith, Cal.
Burke, Pa.	Gaines	Mays	Snapp
Calderhead	Gardner, Mass	Millington	Southwick
Campbell	Garner, Pa.	Moxley	Sturgiss
Capron	Gilmore	Mudd	Sulzer
Carter	Glass	Nelson	Swasey
Chapman	Godwin	Nicholls	Talbott
Conry	Graham, Ill.	Nye	Taylor, Ala.
Cook	Hamill	O'Connell	Taylor, Ohio
Cravens	Heflin	Olcott	Tener
Crow	Hill	Patterson	Thomas, Ohio
Davidson	Hobson	Poindexter	Wallace
Davis	Hughes, W. Va.	Pou	Weisse
Denby	Jamieson	Pratt	Willett
Dickema	Knapp	Pray	

Mr. SCOTT. Mr. Speaker, I would like to have the RECORD show in connection with this roll call that my colleague from Kansas [Mr. CAMPBELL] has been confined to his home by illness since Saturday, and at the proper time will ask that he be granted leave of absence on account of such illness.

The SPEAKER. Two hundred and eighty-nine Members have responded; a quorum.

Mr. OLMSTED. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Pennsylvania [Mr. BUTLER] demands the regular order. The regular order is business on the Speaker's table.

Mr. BENNET of New York. Mr. Speaker, a privileged question.

AMENDMENT TO SECTION 8 OF CENSUS ACT.

Mr. CRUMPACKER. Mr. Speaker, I call up for consideration House joint resolution 172, a resolution of privilege under the Constitution of the United States, notwithstanding the rules of the House.

The SPEAKER. The gentleman from Indiana calls up as a privileged question under the Constitution a House joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 172.

Resolved, etc., That the schedules relating to population for the Thirteenth Decennial Census, in addition to the inquiries required by the act entitled "An act to amend section 8 of an act to provide for the Thirteenth and subsequent decennial censuses, approved July 2, 1909," approved February 25, 1910, shall provide inquiries respecting the nationality or mother tongue of all persons born in foreign countries.

The amendment recommended by the committee was read as follows:

Strike out the period at the end of line 10 and insert "and of the nationality or mother tongue of parents of foreign birth of persons enumerated."

Mr. BUTLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUTLER. I make the point of order, under the rules of the House, the resolution has no privileged standing.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that under the rules of the House the joint resolution just read does not present a privileged question.

Mr. BUTLER. Does the Chair desire to hear me?

The SPEAKER. The Chair will hear the gentleman, although the Chair——

Mr. BUTLER. I have no desire to make a statement on the point of order after the action of the House yesterday.

Mr. CRUMPACKER. Mr. Speaker, I desire to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman from Indiana on the point of order.

Mr. CRUMPACKER. Mr. Speaker, the point of order made by the gentleman from Pennsylvania, as I understand it, is that the resolution is not privileged under the rules of the House. I do not claim that it has any privilege under the rules of the House. I admit that it is not privileged under the rules of the House; but what I do claim is that it is privileged under the Constitution of the United States, notwithstanding the rules of the House, because it is legislation for carrying out an absolute and unqualified mandate of the Constitution.

The Constitution requires, as strong as language can require, the Congress to provide for taking a census of the population of the country every ten years. That provision has been construed as mandatory from the time of the adoption of the Constitution until the present time. Every time a census bill providing for the decennial census of population has been brought up and considered in the House it has always been considered as a privileged measure under the Constitution, without at any time enjoying any preferential status under the rules of the House. There are perhaps half a dozen decisions by various occupants of the chair in this body during the last century holding, without a single exception, that legislation providing for a census, under the Constitution, is privileged legislation, and is always in order as a matter of privilege.

This resolution, Mr. Speaker, is a resolution amendatory of the law providing for the taking of the Thirteenth Decennial Census. It refers exclusively to the enumeration of population. It is a resolution to amend the schedule of population, requiring a more particular classification, for political and scientific purposes, than the original law required.

The law as it now stands simply requires a classification of alien-born persons by place of birth. That sort of classification carries with it no kind of social or scientific value, because everybody understands it to mean a classification by political division. There are countries in Europe, and perhaps other continents, where political division is not a correct designation or a true criterion of the question of nationality or race, or racial distinction. Russia, Austria, and Turkey, for instance, contain principalities and provinces formerly independent. Men born in those principalities and provinces would be classified as Russians, as Austrians, or as Turks, as the case may be; when, as a matter of fact, there is little or no homogenity between the people born in those principalities whose racial characteristics are fixed, and the ordinary native of Russia, or Austria, or Turkey. In England, Ireland, and Scotland the people are born under the political dominion of the Kingdom of Great Britain. A man born in Ireland or Scotland, under existing law, might properly be classified as an Englishman. That kind of classification, I repeat, carries with it no particular scientific or sociological value whatever. The object of the proposed resolution is to classify the alien-born population of the United States according to race or mother tongue as far as it can be done.

Every Member of the House knows that there are hundreds of thousands, millions of men and women of foreign birth, many of whom are now citizens of the United States, who will be enumerated in the census and will be reckoned as the basis of apportionment of Representatives. Those citizens and those persons are distributed throughout the country, largely in the industrial centers. Thousands may be found in the mines, in the factories, in the workshops, on the railroads, in the stores, on the farms, and in all the trades and industries. They are valuable citizens in this great country of ours; but naturally those people feel a just attachment to the mother country, the

country that contains the remains of their ancestors, the country around which clusters so many social and personal recollections that are dear to their hearts; and this great body of adopted citizens of the United States have petitioned Congress to make the classification that this resolution proposes. A large delegation, composed of representative citizens of foreign birth, visited this city last week to urge the adoption of this legislation. They presented a petition signed by several thousand men representative of those of our citizens of foreign birth. The petitioners came from Indiana, Illinois, Iowa, and almost all the States in the Union, carrying this request.

I submit that it is a reasonable request. A citizen who has no love for his mother country, it seems to me, can not acquire a very strong attachment for his adopted country; and the mere fact that these alien citizens still remember the fatherland, with all of its sacred recollections, is evidence of the very highest devotion to government and to political institutions.

This resolution was brought up for consideration yesterday. It was held in order by the Chair, but the decision of the Chair was overruled by a substantial vote of the House. I said on the floor yesterday that I believed the resolution was in order on account of its constitutional privilege; that if it were not in order yesterday it would not be in order to-day. I believed that then; I believe it now; but, Mr. Speaker, there are a number of Members of this House, as I am informed, who believe that the special rule creating calendar Wednesday for the consideration of a particular class of business made it exceptional, and that while this resolution is a resolution of privilege ordinarily, it was not a resolution of privilege on calendar day.

I want to say in this connection, in justification or in explanation of the manner in which this resolution was presented to the House yesterday, that there was no thought of subverting calendar day or impairing its usefulness for the consideration of nonprivileged bills; but I regarded this bill as a privileged one, even on that day, and it is an emergency bill. I will quote one paragraph from a letter of the Director of the Census, printed with the report on this bill, on this subject. After approving the bill, it says:

> Moreover, if enacted, it should be within the shortest possible time, in order that the necessary additional instructions to the enumerators may be framed and distributed before the enumeration actually begins.

A bill embodying this amendment passed the Senate two or three days ago, but it included a reenactment of all of section 8 of the present census law; and if the House Committee on the Census had agreed to that bill and reported it to this House it would have opened up the entire section for amendment, a section which has provoked, and probably if presented to the House again would provoke more coutroversy and disputation than any other section in the census bill. And in order to avoid that, in order not to occupy unnecessary time, the Committee on the Census concluded to report the amendment in this brief resolution, presenting to the House exactly what it desired to accomplish, and nothing more. I found no opposition to the resolution among Members of the House. I innocently supposed that by calling it up yesterday morning it might be disposed of within a period at most of ten minutes and be out of the way, and I felt the pressing exigency that this resolution should be considered, earnestly desired as it is by the Director of the Census, justified its immediate consideration. I felt then and I feel now that it ought to have been considered yesterday. It was not considered. The House, by a decisive vote, held it not to be in order.

I believe now, as I believed yesterday, that the resolution was in order. If the act of the House yesterday is to stand as a precedent, holding this class of legislation to be nonprivileged, the result will be the reversal and overturning of a long list of precedents and a change of the policy of the House in relation to this kind of legislation since the very organization of the Government. In view of all the circumstances, I do not regard the decision of the House yesterday as decisive of the question. I believe the resolution is in order, notwithstanding the rules of the House, according to the practice that has behind it the sanction of generations of wisdom and experience.

Mr. BUTLER. Mr. Speaker, I did not raise this point of order either to provoke mirth nor to invite a fight. I did it in sincerity. The argument made by the gentleman from Indiana was good prior to March 16, 1910; but this tribunal yesterday rendered a verdict against him, and I ask it to-day to enter judgment thereon. Under the rule providing for business in order on calendar Wednesday I find the following language:

> On Wednesday of each week no business shall be in order except—

And so forth.

And under Rule XXIV, the rule that I conceive operating to-day, I find the following language:

> The daily order of business shall be as follows.

Therefore, if this resolution was not privileged yesterday, it can not be privileged to-day. It was argued by some of the Members of the House that it could have been considered day before yesterday. I want to know whether or not during the night and after we adjourned yesterday these rules of themselves changed. I want to know what has happened in the House since last Tuesday to alter or change the rules. I have no recollection of any change. The majority yesterday settled with me the question of privilege raised on this resolution under these rules. I believe in the verdict made by the majority, and I shall vote, if opportunity is given me, against the consideration of this bill to-day.

There was no fraud practiced yesterday in obtaining the majority and none can be charged. There was no accident; no one claimed there was, and those who secured the majority will certainly not confess a mistake was made.

I raised the point of order in sincerity. I want to vote for this resolution when it can be reached properly. If the House concludes that this is the day for it, and overrides this point of order, I am content and will vote for the resolution. In the meantime, I would like to know, either from the Chair or from the House, whether or not this resolution has a privileged standing to-day under the rules of the House.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. BUTLER. I will yield to the gentleman from Missouri.

Mr. BARTHOLDT. The gentleman's logic is that as the Constitution was voted down yesterday it ought to be voted down to-day. [Laughter.]

Mr. BUTLER. My logic is that if the Constitution of the United States did not apply in this House on March 16, 1910, it has no application March 17, 1910, and will not apply to it to-morrow, affecting its business. In response to the gentleman from Missouri, to make myself as plain as I can, I have no excuse whatever to make for the point of order I have made, raising the question of privilege on the pending resolution.

Mr. HARDWICK. Mr. Speaker, I voted against this proposition yesterday, and I am against it to-day for the same reason I was yesterday. I should have supported it yesterday, in spite of yesterday being calendar Wednesday, if I had thought it presented a question privileged under the Constitution. I want to call the attention of the House to this view of the matter. The constitutional provision is that there shall be an actual enumeration of the people of the United States every ten years. That says a numbering of the people, not how they shall be classified. The object and purpose of this constitutional provision is to find out how many people there are in the United States, not what kind of people they are or of what race or of what nationality they belong to, for the purpose of apportioning Representatives and electors among the States, as well as taxes, when direct taxes are to be levied.

So that it is utterly immaterial, so far as the object and purpose of the constitutional provision is concerned, whether they are Irishmen, Dutchmen, or Jews.

Mr. OLMSTED. Will the gentleman yield?

Mr. HARDWICK. I will yield to the gentleman from Pennsylvania.

Mr. OLMSTED. A few years ago, while slavery was in vogue, under the Constitution I believe the colored population counted only for three-fifths their number. Would it not be necessary to determine how many colored people there were?

Mr. HARDWICK. The gentleman mentions the only exception, except Indians not taxed, because the constitutional provision was three-fifths of the slaves should be counted and Indians not taxed should not be counted. Now, it is utterly immaterial for the purpose named in the Constitution, in order to carry out the mandatory provision laid upon Congress by the Constitution, whether these people belong to one race or another. The question is how many people there are in the United States, and that question must be determined so that we may know how many Representatives there shall be in the Congress of the United States and how many electors, and how taxes shall be apportioned. Therefore in legislating it looks solely to finding out how many people there are in the United States, in order to determine how many Representatives shall be elected to this body; but when you come to the matter of classification, it is a matter of detail, and not actual enumeration for the purpose outlined in the Constitution, and it seems to me it is not a matter of constitutional privilege, even under the precedents.

Mr. OLMSTED. Will the gentleman yield for another question?

Mr. HARDWICK. Certainly.

Mr. OLMSTED. Some States have what is called the "grandfather clause."

Mr. HARDWICK. Undoubtedly; and it is a very good provision.

Mr. OLMSTED. And it may be very necessary to consider, when we come to determine the apportionment here, the right of a Member to his seat under the Constitution. It may be necessary that there be some enumeration along that line. So that a mere count of the number of people living in the United States would not fulfill the requirements.

Mr. HARDWICK. The gentleman gives another possible exception. [Laughter.] That is all right, gentlemen. Does the gentleman from Pennsylvania contend for a moment—and he is a good lawyer, although some of the gentlemen who laugh on the other side are not lawyers at all [renewed laughter]—does the gentleman contend that there can be any such question raised by a resolution of the character presented by the gentleman from Indiana? How could that possibly be involved in the purpose for which Congress is required to enumerate inhabitants in apportioning Representatives, electors, or taxes?

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. HARDWICK. Certainly.

Mr. COOPER of Wisconsin. Does the gentleman say that the constitutional requirement for an enumeration is simply for the purposes of representation?

Mr. HARDWICK. And to apportion taxes; yes.

Mr. COOPER of Wisconsin. What is the use, then, of finding out how many children and women there are in the country?

Mr. HARDWICK. We base representation, of course, on population, as my friend suggests. That involves the necessity to enumerate women and children and anybody else in the country.

Mr. COOPER of Wisconsin. But the number of women and children are not taken into account when we come to establish the ratio of representation in Congress.

Mr. HARDWICK. O Mr. Speaker, I am astonished at the gentleman that he does not know that much. We take the whole population—even counting the insurgents. [Laughter.] Now, Mr. Speaker, while the constitutional privilege may extend and may override the rules of the House in so far as it is necessary for this Government to enumerate and find out the total number of people in the United States, it certainly does not extend to every detail of classification. Why, we have a Census Office, a permanent bureau; and if the contention of the gentleman from Indiana [Mr. CRUMPACKER] is sound, every piece of legislation that comes here for an extra clerk, every detail connected with the operation of the permanent Census Bureau, becomes a matter of the highest privilege that overrides every rule of the House——

Mr. BUTLER. Will the gentleman yield?

Mr. HARDWICK. With pleasure.

Mr. BUTLER. Do I understand the gentleman to say that if he yesterday had determined that this resolution was in pursuance of a mandate of the Constitution, he would have voted to sustain the Chair?

Mr. HARDWICK. Undoubtedly. The gentleman understood me correctly. I want to say to the gentleman, to make it plainer, that the fact that yesterday was calendar Wednesday had nothing whatever to do with my vote on this question; nothing whatever. I do not believe that the privilege extends as far as the gentleman from Indiana insists. If this were the bill providing for an enumeration, and that only of the total number of people in the United States, in order to apportion Representatives, I would believe it was a matter of the very highest privilege.

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. With pleasure.

Mr. MANN. I call the attention of the gentleman to the fourteenth constitutional amendment, which provides:

> But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Mr. HARDWICK. Yes. The gentleman from Pennsylvania [Mr. OLMSTED] just directed attention to that.

Mr. MANN. The gentleman from Pennsylvania directed attention to what he called the grandfather's clause.

Mr. HARDWICK. And to this question also.

Mr. MANN. But this of course goes away beyond the question of the grandfather's clause.

Mr. LIVINGSTON. How is that amendment connected with this question?

Mr. MANN. Does not this contemplate that there may be information to be derived in addition to the mere enumeration of the inhabitants?

Mr. HARDWICK. I thank the gentleman for his question, and I believe it was propounded in good faith. Mr. Speaker, I have already said in answer to the gentleman from Pennsylvania [Mr. OLMSTED] that undoubtedly if that were the resolution which the gentleman from Indiana rose in his place and offered, it might be privileged, but the resolution that he offered is not that. It does not squint at that. It is to classify according to nationality these foreign-born people, and no such question as that suggested by the gentleman from Illinois can enter into the question now raised by the gentleman from Indiana.

Mr. MANN. I do not know what questions might enter into the question of representation and enumeration under this provision of the Constitution.

Mr. HARDWICK. I quite understand that; but I am judging by the resolution as it reads, that is presented here by the gentleman from Indiana, which does not even refer indirectly or remotely to the question the gentleman raises. In answer to the position I take the gentleman suggests a suppositious case, one that might arise or might not.

Mr. MANN. But we are discussing a point of order and not the merits of the proposition.

Mr. HARDWICK. We are discussing a point of order on the resolution now before the House, whether the resolution before the House directing information to be obtained in reference to the classification according to nationality of the people enumerated is in order, under the constitutional mandate of the Constitution that an enumeration of the people shall be provided for by Congress.

Mr. MANN. Is it proper for us now to determine the constitutional effect before we get the information?

Mr. HARDWICK. Mr. Speaker, one more word, and then I will conclude. The gentleman's question is fair and I will answer it candidly. If the proposition presented by the gentleman from Indiana could possibly affect representation in this body, could possibly affect the total of enumeration, could possibly affect the number of Representatives in this House, or of electors, then I do think that it would be a matter of the highest privilege; but when the classification presented by the gentleman in this resolution is one that can not, on its face and in its own terms, possibly affect this question, the gentleman, who is a lawyer himself, will readily see that the resolution of the gentleman from Indiana can not possibly come within the reasoning suggested by himself or by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. HARDWICK. Yes.

Mr. CRUMPACKER. An enumeration of the classes of population affords the basis for the imposition of a capitation tax?

Mr. HARDWICK. Yes.

Mr. CRUMPACKER. Does the gentleman believe that the Federal Government might in this way discriminate between the alien and citizens in imposing capitation taxes? Then, another question. The Constitution says this census shall be taken within every subsequent term of ten years in such manner as they shall by law direct. This is the law directing the manner in which this shall be taken, applied to its classification. Is not that part of the constitutional census itself?

Mr. HARDWICK. Now, replying to the gentleman's question. We have already passed a law under which the work of enumeration will be done, and the gentleman's amendment here can not possibly affect the efficiency, the accuracy, or the correctness of the total enumeration, and the fact that some of the people are of one nationality or some of another does not possibly, and can not possibly, affect their representation or taxation, and therefore, Mr. Speaker, there is no possible way in which this resolution can be privileged under the Constitution. Just one word further.

I want to say that I am not opposed to the resolution, but I am opposed to the precedent that the gentleman seeks to establish. I would willingly and gladly, as far as I am concerned, yield unanimous consent for its immediate consideration, but I do not believe it is a fair construction of the constitutional provision that the gentleman cites to say that every amendment to a census law, amendatory to the bills providing for the taking of each decennial census, in mere matter of detail, or of classification of the population, are clothed with a dignity, rank, and importance over and above all other legis-

lation and without regard to the rules and procedure of this body.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will hear me for a moment I would like to state my views on the question as to whether this proposition is in order to-day. Yesterday I did not believe the proposition was in order under the rules of the House. To-day I believe that the proposition is in order and the gentleman from Indiana is entitled to recognition, and I desire to state to the House my reasons for this belief. The rules of this House are divided in two separate parts, one established by the written rules that are enacted by the House and the other by the precedents of the House adopted from time to time. Precedents are just as much a part of the rules as the rules themselves. Now, back in the distant past the rules themselves established certain questions of privilege. In other words, they say that some business should be considered ahead of other business. In the past some Speaker decided in a matter affecting the taking of a census, that as that was a constitutional requirement which Congress must carry out, that that itself made the question a matter of privilege which should be considered before other business was transacted.

Mr. HARDWICK. Will the gentleman yield?

Mr. UNDERWOOD. First let me finish this statement and then I will yield. Now, I take it that no man denies the proposition that this House by a majority of the House can refuse to consider any matter if it desires to do so, no matter how high the privilege is.

If the Speaker holds this question is in order to-day, and says it is a matter of privilege, any gentleman on the floor can rise in his seat and raise the question of consideration and the House can refuse to consider it. Therefore it is absolutely in order for the House to adopt a rule to refuse to consider any matter, regardless of how high the privilege is, that it could refuse to consider by a majority vote at any time. The rules are merely an expression of the will of this House written into permanent shape. The will of the House is often expressed from day to day. The rules express the permanent will of this House. But you can override and change these rules whenever the House in its judgment sees fit.

Now, the position we took yesterday in reference to this matter was not that this proposition had not been a matter of privilege in the past.

Mr. HARDWICK. Will the gentleman yield here?

Mr. UNDERWOOD. If the gentleman will allow me——

Mr. HARDWICK. It is right on that point.

Mr. UNDERWOOD. I prefer to finish my statements in sequence.

Yesterday we did not deny that under the precedents established, a long line of them, it had been held that a matter that affected the census was privileged. Nobody denied the precedents that were cited by the Speaker, but the argument we made to this House was that this rule establishing calendar Wednesday had been written subsequent to the making of these precedents, and that the purpose of the rule was to wipe out every precedent that interfered with the calling of the calendar and the consideration of bills under the Wednesday calendar. We did not contend that it did away with the precedents for the consideration of business on any other day in the week. We merely contended that it did away with the privilege of certain classes of business on Wednesday. We contended that it did away with the privilege of calling up an appropriation bill on Wednesday. We contended that it did away with the precedents established by some Speaker in the past who said that a census bill was a matter of privilege.

Now, that is the contention we stood on yesterday, and we merely contended that this House had written in its permanent law a rule that no matter of privilege coming under the rules of the House, no matter of privilege established by a ruling of the Speaker, should interfere with calendar Wednesday. That is what we fought for. That is what we stood for yesterday. And, in my judgment, that is what we ought to stand for to-day. We stood for the right of this House to set aside this particular day, and not allow it to be interfered with by any business that was not on the calendar. That being the case, I think the decision of yesterday on the part of this House goes no further than Wednesday, and that on all other days in the week the rules and precedents that applied before the adoption of calendar Wednesday apply to-day, as they did in the past.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. TAWNEY. Upon what is the precedent based that has heretofore controlled the action of the Chair in determining whether or not bills such as the gentleman now presents had a higher privilege than any privilege of the rules of the House?

Mr. UNDERWOOD. Based on the will of this House.

Mr. TAWNEY. Based on the Constitution of the United States; and that is what the gentleman said yesterday. That is the argument of every man on that side of the House.

Mr. UNDERWOOD. Why, not at all. I never made any such argument. I will refer the gentleman to the RECORD. My argument is there. There is nothing in the rule which makes a constitutional question privileged. Merely some Speaker in the past said that this being a constitutional question it was privileged, and the House sustained, either by not appealing from the Speaker or by a direct vote, his ruling, and they put it in the rules and it became a part of them at that time.

Mr. REEDER. I would like to ask you if you desire now to say that the Constitution shall have no precedence over the rules?

Mr. UNDERWOOD. I do not think the Constitution has any privilege over the rules, except the privilege that this House itself gives the Constitution. There is nothing in the Constitution defining what business shall be privileged in this House. And there is nothing in the Constitution that gives any matter constitutional privilege.

Mr. REEDER. Does the gentleman desire now to place himself and this House in the attitude of saying that the Constitution shall have no such preference?

Mr. UNDERWOOD. The gentleman evidently does not understand my argument. The only thing we established yesterday was that no matter is privileged to interfere with Wednesday's calendar.

Mr. HARDWICK. I just want to ask the gentleman——

Mr. REEDER. Do you say that you desire personally, or desire that this House shall take action that the Constitution shall have no preference?

Mr. UNDERWOOD. I never said anything of the kind, and I do not care to discuss it.

Mr. REEDER. Do you wish it?

Mr. UNDERWOOD. No; I do not desire to discuss the question, because it has nothing to do with this matter.

Mr. HARDWICK. Mr. Speaker, I just want to ask the gentleman this question: He speaks of the precedents on this subject. If the gentleman has examined these precedents themselves, he will know that in each case where this matter was held to be privileged it was a census bill, providing for the enumeration, on which the Speaker gave us the rulings, and not a mere amendment, providing some sort of classification by race or nationality.

Mr. UNDERWOOD. I will say to the gentleman I draw no distinction in my mind between an amendment to a census bill and a census bill. As a matter of fact, the original bill the gentleman from Indiana brought before this House at this session was an amendment to the census law.

Mr. HARDWICK. Undoubtedly; but it provided for an enumeration of the population. This only applies to a classification.

Mr. UNDERWOOD. I understand. It is along the same line, and I draw no distinction between them. What I do contend is that the rules of this House on the matter of privilege have not been changed on any day of the week excepting Wednesday, and on Wednesday we have made an absolute change in the consideration of business, both by the rule and by the precedent established yesterday, so that no business shall be considered by this House on Wednesday except that which comes on that calendar.

Mr. BARTLETT of Georgia. May I interrupt the gentleman? [Cries of "Rule!"] The gentleman understands that the Constitution of the United States itself provides in relation to Congress that the House may establish the rules and manner of its proceeding.

Mr. UNDERWOOD. Certainly.

Mr. BARTLETT of Georgia. And this is simply a rule established by the House in accordance with the authority of the Constitution as to the mode and manner in which it will proceed to consider bills.

Mr. UNDERWOOD. Undoubtedly. The constitutional warrant for adopting the rules; the constitutional warrant for determining what business we shall consider at any particular time.

Mr. HARDY. It is only a matter of precedent which makes the census a privileged matter, is it not?

Mr. HARRISON. Mr. Speaker——

The SPEAKER. The gentleman from New York.

Mr. UNDERWOOD. I had yielded to the gentleman from Texas.

Mr. HARDY. As it is merely a matter of precedent and that not by any constitutional provision giving it precedence, and any other subject of legislation under the Constitution would,

so far as the Constitution is concerned, be of just as high privilege, would it not?

Mr. UNDERWOOD. Undoubtedly.

Mr. HARDY. As I understand it, this privilege is established by precedent and not by the Constitution, and a vote against it is a vote against a precedent of this House and not in conflict with the Constitution.

Mr. HARRISON. Mr. Speaker, will the Chair indulge me to the extent of listening——

The SPEAKER. One moment. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized. The Chair will recognize the gentleman from New York in a moment.

Mr. OLMSTED. Mr. Speaker, just a few words, chiefly in response to the remarks of the gentleman from Georgia.

I hope that the point of order made by my colleague from Pennsylvania [Mr. BUTLER] will not prevail. I admit that he had abundant justification for it, but, nevertheless, I do not think that it should prevail. It has always been ruled, I think, from the beginning of the Government almost that legislation presented in obedience to an express mandate of the Constitution is privileged over and above the rules of the House; but the gentleman from Georgia says that this proposed joint resolution is not in pursuance of a mandate of the Constitution. He says that the Constitution merely commands that the number of people within the United States shall be ascertained. Now, I wish to call his attention to the language of the Constitution which provides for the enumeration:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons.

Now, how could those elements be determined by a mere count of the human beings within the limits of the United States? Clearly the Constitution contemplated more than that as necessary to comply with its mandate. The census is to be taken for the purpose of apportioning direct taxes and for the still more important purpose of determining the apportionment of Members of Congress and their rights to their seats.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. OLMSTED. Certainly.

Mr. BUTLER. I understand my colleague to say that, in his judgment, this resolution is privileged.

Mr. OLMSTED. I thought so yesterday, and I think so to-day.

Mr. BUTLER. Then, my friend has not changed his mind since yesterday?

Mr. OLMSTED. No; I did not change it yesterday.

Mr. BUTLER. Let me call his attention to the two rules: Rule XXIV, which governs the business to-day, and Rule XXV, providing for calendar Wednesday. In his judgment, is one rule as binding upon the House as the other?

Mr. OLMSTED. In my judgment, equally so.

Mr. BUTLER. Does not the gentleman think that the precedent made yesterday by a clear majority against the privilege invoked for this resolution binds the House to-day?

Mr. OLMSTED. It is quite within the power of the House to reverse it to-day.

Mr. BUTLER. The gentleman would not expect the House to reverse itself within twenty-four hours.

Mr. OLMSTED. Oh, I do not know.

Mr. MADISON. Will the gentleman yield for a question?

Mr. OLMSTED. Certainly.

Mr. MADISON. Would not the holding that this motion is privileged to-day be a reversal of yesterday's action?

Mr. OLMSTED. I think it would.

Mr. MADISON. Clearly a reversal of it?

Mr. OLMSTED. I think so.

Mr. MADISON. Because if this is a constitutional question, then unquestionably the constitutional right to override the rules yesterday applies equally to-day.

Mr. OLMSTED. If the Constitution rises above one rule of the House, it rises above all.

Mr. MADISON. If it is applicable to-day it was applicable yesterday.

Mr. OLMSTED. I entirely agree with the gentleman.

Mr. MADISON. There can not be any question about it.

Mr. OLMSTED. Not in my mind. Now, I want to go one step further in reply to the gentleman from Georgia. We have in this country subjects of Russia who in a general enumeration would have to be called Russians, but who are Chinese and Japanese. Russians generally are permitted to be naturalized and to become voters, while Chinese and Japanese are not under our existing law, even though they may be Russian subjects. It is very important that they be enumerated. This very joint resolution provides for classifying them.

There are certain sections of our country that would consider that a most important provision. I think, therefore, that this joint resolution is within the rulings of the Chair, as shown by the precedents from the original formation of this House down to the present day, and is entitled to privilege over every rule of the House.

I am just as much in favor of calendar Wednesday as any gentleman here; as much so as my friend from Alabama. I think I was the first Member on this side of the House to say a good word for the rule. I voted for it, while the gentleman from Alabama, I think, opposed it.

I was sorry my friend from Indiana felt it necessary to interpose a privileged motion yesterday. I felt it was privileged because of the constitutional mandate rising higher than any rule. I think it is privileged to-day, and hope the point of order will not be sustained.

Mr. NORRIS. Will the gentleman from Pennsylvania yield for a question?

Mr. OLMSTED. Certainly.

Mr. NORRIS. I want to ask the gentleman, on the constitutional proposition, if his theory is right, would it not follow that this would be in order, even though there was no report of a committee on the resolution? To make myself plain, if it is in order because the Constitution makes it in order, then the report of a Committee on the Census does not add anything to it. Would not that follow?

Mr. OLMSTED. It has been so held in election cases as to the right of a Member. It was so ruled by Speaker Reed.

Mr. NORRIS. Any Member could come in with a bill that had not even been printed and take up the time of the House on the ground that it was an amendment to the census law.

Mr. OLMSTED. I think he would have to come in in the regular way.

Mr. NORRIS. He would have to claim recognition, of course.

Mr. OLMSTED. He would not get any standing unless he came in in the regular and proper way.

Mr. NORRIS. Would it not follow logically, from the gentleman's theory, that any Member of the House to-morrow could present here a bill touching the census without ever having it referred to a committee, as a question of the highest privilege under the Constitution and the law, and would it not be the duty of the Speaker to say that that was privileged?

Mr. OLMSTED. I do not think every amendment to the census law would be privileged.

Mr. NORRIS. No; but you could have one on this point, or he could bring in a bill making a new census law.

Mr. OLMSTED. I do not think the House would consider it for a minute unless it came in backed up by a committee report.

Mr. NORRIS. Would not it be privileged, and would it not be the duty of the Speaker to permit it to come in? The House could vote it down, of course.

Mr. OLMSTED. I do not know what the Speaker would feel it his duty to do. I think it would have more privilege if it came in in the regular and proper way. There are certain matters arising under the Constitution which any gentleman could rise in his seat and claim to be of the highest privilege, in spite of any rule.

Mr. NORRIS. And I take it that it would necessarily be one according to the gentleman's claim.

Mr. OLMSTED. Well, that is because of the supremacy of the Constitution over and above the rules of the House.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. Under the rules, is there any limit to debate on a point of order?

The SPEAKER. Debate on a point of order is within the discretion of the Chair.

Mr. HAMLIN. We have now occupied about an hour and a half in this debate.

Mr. HARRISON. Mr. Speaker, I submit that the point of order should be overruled. The Chair yesterday ruled that this very resolution was a privileged question. So far I think the ruling of the Chair was sound, but the Chair went further and ruled that a question of this privilege could override the rule establishing calendar Wednesday, and could displace that day. The House, however, judging that the precedents cited by the Speaker in the further ruling established before the enactment of the rule establishing calendar Wednesday were not binding on the House, thereupon and therefore, overruled the decision of the Chair.

Now the gentleman from Pennsylvania [Mr. BUTLER] is making an indirect attack on calendar Wednesday. If his point of order should prevail the fruits of yesterday's victory would be snatched from us. If he should succeed in persuading the Chair that this was not a privileged resolution he would thereby destroy the value of the decision of the House yesterday, the House having decided that it would not consider a question even if similarly privileged, on calendar Wednesday.

Now, if the gentleman's contention is correct that this is not a privileged resolution, the whole ground will be knocked from under the decision of the House yesterday. The gentleman from Pennsylvania inquired what had happened since last Tuesday. I can tell the gentleman that what happened was that this House expressed decisively its determination, under the law, that no tampering upon any pretext whatever should be allowed with calendar Wednesday.

Mr. KEIFER. Mr. Speaker, I do not wish to occupy any considerable time. I think the gentleman from Georgia [Mr. HARDWICK] utterly misunderstands the provision of the Constitution in relation to authorizing the census to be taken.

Mr. HARDWICK. The gentleman is mistaken. He would not want to misquote me.

Mr. KEIFER. I state now what I stated in the first place. And then, after being questioned and having some suggestions made to him he made a few concessions; but, Mr. Speaker, what is provided for in the Constitution is the taking of a census within the meaning of that word, that had a definition long before the Constitution itself was framed. Let me read from the Standard Dictionary, the only one I could get hold of handily, giving a definition of the census spoken of in the Constitution. I read:

Census: An official numbering of the people of a country or district, with the collecting of various statistics of nativity, age, sex, employment, possessions, etc., in the United States made, since 1790, every ten years.

Mr. TOWNSEND. The gentleman is defining the word "census." Does the word "census" appear in the Constitution?

Mr. KEIFER. Yes. Mr. Speaker, I shall stop reading the definition from the dictionary, for I understand that the gentleman from Georgia [Mr. HARDWICK] and the gentleman from Michigan [Mr. TOWNSEND] have not had time enough in their lives to read the Constitution through, so I will read from the Constitution for their benefit where the word is used. I read paragraph 4 of section 9, Article II, of the Constitution of the United States:

No capitation or other direct tax shall be laid unless in proportion to the census or the enumeration hereinbefore directed to be taken.

Now, I was about to read from the Standard Dictionary a further definition of the word "census" as it was understood long ago:

In ancient Rome a somewhat similar enumeration of the people, but with special reference to their property, in order to determine taxation.

We adopted the idea of a census in the United States to cover age, nativity, property, and all those things. All of the progressive, civilized nations in the world have been acting upon this theory. The great premier, so to call him, of Germany, immediately after Germany was humiliated and overthrown by the great Napoleon, resorted to a census that is said to have done more to bring about and restore the German Empire than any other one thing that has happened in its history.

Now, Mr. Speaker, as to the result of the vote yesterday. One gentleman has said that the result of that vote was not to break down the precedents of one hundred and twenty years as to the interpretation of the Constitution in this respect, but that the joint rule presented by the gentleman from Indiana [Mr. CRUMPACKER] relating to the census was in order now. Stated differently, the claim is that we have come to find that in the second session of the Sixty-first Congress of the United States we had reached a time when we could adopt a rule that would override the Constitution of the United States, and the gentleman from Alabama [Mr. UNDERWOOD] says that is all it did accomplish, and that now to-day the Constitution is higher than any other rule. I maintain the Constitution existed yesterday, day before yesterday, and exists to-day; and there is force in the statement made by the gentleman from Alabama [Mr. UNDERWOOD] as to precedents, for they have had a long period of time to be considered, and when we adopted our rules we adopted them in the light of the precedents from the earliest times. These precedents, ancient and modern, must stand as to parliamentry law like we say of judicial decisions often, that they are stare decisis, and unless we stand upon some such principles as these, we will have to come to the idea that we are not governed by any fixed rules at all, but by our wishes, prejudices, or other things.

Mr. Speaker, I hope I will be pardoned if I refer to an earlier Congress. I remember a Congress in which there were on the other side of this House at least some distinguished Democrats—ex-Speaker Randall; John G. Carlisle, who became Speaker later; Samuel S. Cox, of New York, who had temporarily filled the Speaker's chair; William L. Holman, of Indiana; Hammond, of Georgia; Proctor Knott and Joseph C. Blackburn, of Kentucky; John Randolph Tucker, of Virginia; William M. Springer, of Illinois; Mr. Turner and Mr. Crisp, of Georgia; and so down the line; and when this question came up and the Chair decided it there was talk about an appeal, but these men, standing by principles, said then, as they said over and over again during the Forty-seventh Congress, that the question should be decided upon its merits, not upon any notion as to what was pending, and they uniformly sustained the Chair. I can say with some pride for the Chair that there were more appeals taken from the decision of the then Speaker [Mr. KEIFER] in the Forty-seventh Congress than within any other Congress within my knowledge. [Applause and laughter.] And that by reason of these men and others like them, although the House was about equally divided politically and without regard to party, that there was never any parliamentary decision of the Chair overruled. [Applause.]

Mr. BARTLETT of Georgia. Mr. Speaker, I shall not take up the time of the House very long. It is gratifying to hear you, Mr. Speaker, and the gentleman from Ohio [Mr. KEIFER], and other gentlemen upon the Republican side, who have spoken, refer to the Constitution of the United States as a living, breathing instrument. I thought that was reserved for this side, and sometimes I have thought that it was reserved only to a few upon this side to refer to and strictly observe that great charter. I do not believe that the rule which we adopted, which enacted that calendar Wednesday should be established, violated the Constitution or that it in any way contravened the Constitution of the United States, but I do believe that it was in full accord with the authority granted by that instrument to each House to establish and determine the rules of its procedure.

I am strengthened in the suggestion that I shall now make, that the House, when it adopted calendar Wednesday, on the 1st day of March, 1909, was informed that it was the opinion of the Committee on Rules, of which the Speaker was then, as he is now, chairman, as reported by the gentleman from Pennsylvania [Mr. DALZELL], that when calendar Wednesday was established no appropriation bill and no other privileged bill could be called up so as to destroy or take away calendar Wednesday or prevent the transaction of business as provided under the rule creating calendar Wednesday.

To establish that statement I will read from the CONGRESSIONAL RECORD of March 1, 1909, the statement of the remarks of the gentleman from Pennsylvania [Mr. DALZELL], who reported House resolution 607, which established calendar Wednesday, the only difference between his resolution and the one adopted on the 15th of March being that under the resolution reported on the 1st of March from the Committee on Rules a majority could dispense with calendar Wednesday, whereas under the Fitzgerald amendment, on the 15th of March, that amendment required a two-thirds vote in order to dispense with calendar Wednesday. Now, what did the gentleman from Pennsylvania [Mr. DALZELL] say would be the effect of the calendar Wednesday rule when he reported it from the Committee on Rules, presided over by the Speaker, and authorizing it to be established? He said this:

Complaint has been made, Mr. Speaker, of the uncertainty as to the call of committees and as to the infrequency of that call.

The resolution that I have sent to the Clerk's desk amends paragraph 4 of Rule XXIV, answers that complaint, and seeks to do three things:

First, to make it certain that there shall be once a week every week during the session, except during the last two weeks, a call of committees.

Second—

And here is the point—

to provide that that call can not be dispensed with except upon a direct motion to dispense with it. In other words, this calendar Wednesday can not be dispensed with by calling up appropriation bills, or by calling up any other privileged bill, so as to put on the Members the burden of voting down the privileged bill so as to preserve the call of committees. To repeat, to dispense with this call, as provided for by this rule, there must be a vote upon a direct motion to dispense with it. These two things then are provided for—an automatic call of committees once a week and the impossibility of dispensing with that call unless the House, by a majority vote on a direct motion to dispense with it, shall so determine.

That is what the Committee on Rules brought into this House from its deliberations, authorized to be reported by the gentleman from Pennsylvania, and that is the statement the gentleman from Pennsylvania made to the House in order to amend the rules in that respect.

Mr. DALZELL. Will the gentleman permit an interruption?

Mr. BARTLETT of Georgia. Certainly.

Mr. DALZELL. There is absolutely nothing inconsistent with the ruling of the Speaker on yesterday and what I said in reporting that rule. I said appropriation bills or "any other privileged bill"——

Mr. BARTLETT of Georgia. Yes.

Mr. DALZELL. Now there are a number of other privileged bills. The Committee on Rules is privileged, the Committee on the Public Lands is privileged, the Committee on Ways and Means is privileged, and there are a half a dozen of the committees of the House which are privileged, and if the gentleman will look at the rule itself——

Mr. BARTLETT of Georgia. I have it before me.

Mr. DALZELL. I do not have it before me.

Mr. BARTLETT of Georgia. Here it is.

Mr. DALZELL (continuing). He will see that the term "privileged under the rules" is used.

Mr. BARTLETT of Georgia. Well, it is true, it is privileged under the rules.

Mr. UNDERWOOD. If the gentleman from Georgia will allow, the precedents are just as much a matter of the rules as the rules themselves.

Mr. BARTLETT of Georgia. I was coming to that.

Mr. DALZELL. I call the gentleman's attention to the fact that under the call of committees under this rule bills may be called up from either the House or Union calendars, excepting bills which are privileged under the rules.

Mr. BARTLETT of Georgia. I understand that.

Mr. DALZELL. The rule now discussed is a question of bills that are privileged under the Constitution.

Mr. BARTLETT of Georgia. I thank thee, Republican, for that word "Constitution."

Mr. DALZELL. We have a little share of regard for it over here.

Mr. BARTLETT of Georgia. I am glad you have regard enough to speak of it.

Mr. BUTLER. We have been trying to observe it all our lives.

Mr. HARDWICK. If so, you have made a woeful failure.

Mr. BARTLETT of Georgia. My good friend from Pennsylvania [Mr. BUTLER] says they have been trying to observe it all their lives. He may have succeeded, but his party has made a miserable failure of it during its existence. Mr. Speaker, that is all I desire to say, except this, that this House, when it adopted calendar Wednesday, adopted it with the impression and with the assurance that it was an automatic measure by which no measures could be brought in superseding the business of calendar Wednesday except by a vote of the House. The Dalzell resolution on the 1st of March provided for a majority vote, and the resolution on the 15th of March, known as the Fitzgerald amendment, provided for a two-thirds vote. Therefore, when the Speaker decided that the House did not have the right under its rules to dispense with the immediate consideration of the census bill, I voted, and will vote again, to say this rule, adopted, as it has been, in order that the public business should be transacted, should stand unimpaired, and that the House had not gone beyond its constitutional privilege when, in pursuance of the authority granted by the Constitution, it enacted its rule for its procedure in accordance with the power granted by that great instrument. [Applause on the Democratic side.]

The SPEAKER. The Chair is prepared to rule.

The gentleman from Pennsylvania [Mr. BUTLER] demanded the regular order. The regular order is as follows:

> First. Prayer by the Chaplain.
> Second. Reading and approval of the Journal.
> Third. Correction of reference of public bills.
> Fourth. Disposal of business on the Speaker's table.
> Fifth. Unfinished business—
>
> And so forth.

Now, this rule fixing the daily order of business does not say "may be," but it says "shall be." This rule, with all the other rules adopted by the House and now in force, was adopted at the beginning of this Congress. One rule is just as old as another, and not a second older. The rule that fixes calendar Wednesday fixes the daily order of business. What is the calendar Wednesday rule? It sets forth:

> On Wednesday of each week no business shall be in order—
>
> And so forth.

Is that more binding than the rule that fixes the daily order of business? Both of them control the action of the House, each within its sphere, under all the rules construed together.

Let us come to the next step. On the demand of the regular order the gentleman from Indiana [Mr. CRUMPACKER] calls up from the calendar a House joint resolution that he claims to be privileged, not under any rule of this House, but under the Constitution. If this resolution be in order, it is in order by virtue of the constitutional provision and not by virtue of any rule of the House. On the contrary, it is against every rule of the House.

The gentleman from Georgia [Mr. HARDWICK], who is always logical when he addresses himself to constitutional questions, based his opposition to this order of business proposed by the gentleman from Indiana [Mr. CRUMPACKER] upon the ground that the Constitution does not cover it, and that, if it did cover it, it applied to yesterday as well as to-day. The gentleman from Alabama [Mr. UNDERWOOD] does not agree with him, nor do many other gentlemen on each side of the House. The Chair does not think that a body composed of nearly 400 members, part Democrats, part Republicans, and part Populists [laughter and applause], can be held under partisan stress and feeling to absolute consistency from day to day in its construction of the rules. Many times since the Chair has been a Member of Congress, with partisanship running mountain high, he has seen the House ignore construction of similar rules made for the harmonious conduct of the House from the organization of the House in the First Congress. The Chair saw in the House in the Fifty-first Congress, on a motion to amend the Journal, when there was a small, nominal Republican majority, enough Republicans vote, after a week's debate on the question of free silver, with a solid minority to change the Journal of this House and make that Journal tell an untruth.

That is behind us. Now, this question comes to the Speaker to be ruled upon. The Chair would have had no trouble in ruling upon it yesterday. He has but little doubt as to what the ruling of the House will be to-day. The Chair has no pride of opinion and no stones to throw at Members who voted yesterday to overrule the Speaker. If any apology is needed, gentlemen can apologize to themselves. The Chair merely calls attention to the condition in many former Congresses and as it is now. As an individual, the Chair's belief is that the House has power to do anything that a majority desires to do, whether it is in conformity with the Constitution or not.

The Chair listened with great interest to the gentleman from Alabama [Mr. UNDERWOOD] when he said, in substance, that the Constitution does not control the House except as the House sees proper to submit to the Constitution. [Laughter.] And that is evidently correct.

In the last analysis we are responsible to our constituencies. Now, as one Member of this House, the Chair is ready to vote that this resolution which was called up by the gentleman from Indiana is in order under the Constitution and against every rule of this House. But these precedents sometimes become of importance, and the Chair has listened patiently to what various gentlemen have said about them. The Chair quite understands the desire to protect calendar Wednesday, although a majority could have protected it by raising the question of consideration, if it had desired so to do, and if this bill had been privileged yesterday. But the desire of many gentlemen in good faith to protect calendar Wednesday, as seen possibly from the Chair's standpoint only, led them to make a mistake. Possibly partisanship may now and then have cut some figure. But the Chair is not here to throw stones at any Member. Each Member has exactly the same commission and the same responsibility that the Speaker of the House has as one Member. Now, the Chair, in view of the recent vote of the House and of the value of the vote of yesterday as a precedent, and what this vote may be as a precedent, prefers not to rule, but to submit to the House [great applause]: Is the bill called up by the gentleman from Indiana in order as a question of constitutional privilege, the rule prescribing the order of business to the contrary notwithstanding?

Mr. BUTLER. On that I demand the yeas and nays.

Mr. OLMSTED. I demand the previous question.

The SPEAKER. The gentleman from Pennsylvania demands the previous question.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. Without any lack of respect to the Chair, I think that the House should determine in what form this proposition is put to it; and I ask, if it is in order——

The SPEAKER. The gentleman has just demanded the previous question.

Mr. HUGHES of New Jersey. I demand a division of the question.

The SPEAKER. It is not divisible; it is one proposition.

Mr. DALZELL. Regular order!

Mr. UNDERWOOD. I rise to a parliamentary inquiry.

The SPEAKER. Well, the gentleman has just made one.

Mr. UNDERWOOD. I desire to know whether it is in order to move to lay the proposition pending before the House upon the table.

The SPEAKER. It is not in order pending a demand for the previous question.

The question was taken on ordering the previous question, and the Speaker announced that the ayes seemed to have it.

Mr. UNDERWOOD. I call for a division.

The House divided; and there were—ayes 147, noes 110.

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 142, answered "present" 13, not voting 97, as follows:

YEAS—137.

Alexander, N. Y.	Fairchild	Kennedy, Ohio	Reeder
Allen	Fassett	Knowland	Reynolds
Ames	Foelker	Kronmiller	Roberts
Andrus	Fordney	Küstermann	Rodenberg
Austin	Foss	Lafean	Scott
Barnard	Foster, Vt.	Langham	Slemp
Bartholdt	Gaines	Langley	Smith, Cal.
Bates	Gardner, Mich.	Law	Smith, Iowa
Bennet, N. Y.	Gardner, N. J.	Lawrence	Smith, Mich.
Bennett, Ky.	Gillett	Longworth	Sperry
Bradley	Goebel	Loudenslager	Stafford
Brownlow	Graff	Lowden	Steenerson
Burke, S. Dak.	Graham, Pa.	McCredie	Sterling
Burleigh	Grant	McGuire, Okla.	Stevens, Minn.
Butler	Greene	McKinney	Sulloway
Calder	Griest	McLachlan, Cal.	Tawney
Calderhead	Guernsey	McLaughlin, Mich.	Thistlewood
Cocks, N. Y.	Hamer	Maiby	Thomas, Ohio
Cole	Hamilton	Mann	Tilson
Cooper, Pa.	Hanna	Martin, S. Dak.	Tirrell
Coudrey	Hawley	Miller, Kans.	Vreeland
Cowles	Heald	Mondell	Wanger
Creager	Henry, Conn.	Moon, Pa.	Washburn
Crumpacker	Higgins	Moore, Pa.	Weeks
Currier	Hollingsworth	Morgan, Mo.	Wheeler
Dalzell	Howell, N. J.	Morgan, Okla.	Wiley
Davidson	Howell, Utah	Murphy	Wilson, Ill.
Dawson	Howland	Needham	Wood, N. J.
Dodds	Huff	Olmsted	Woodyard
Draper	Hull, Iowa	Palmer, H. W.	Young, Mich.
Durey	Humphrey, Wash.	Parker	Young, N. Y.
Dwight	Johnson, Ohio	Payne	The Speaker
Edwards, Ky.	Joyce	Pearre	
Ellis	Keifer	Plumley	
Englebright	Kennedy, Iowa	Prince	

NAYS—142.

Adair	Finley	Johnson, S. C.	Rainey
Adamson	Fish	Jones	Ransdell, La.
Aiken	Flood, Va.	Kelliher	Rauch
Ashbrook	Floyd, Ark.	Kendall	Richardson
Barnhart	Foster, Ill.	Kinkaid, Nebr.	Roddenbery
Bartlett, Ga.	Fowler	Kinkead, N. J.	Rothermel
Beall, Tex.	Gallagher	Kitchin	Rucker, Colo.
Bell, Ga.	Garner, Tex.	Kopp	Sabath
Booher	Garrett	Lamb	Saunders
Borland	Gill, Md.	Latta	Shackleford
Brantley	Gill, Mo.	Lee	Sharp
Burleson	Gillespie	Lenroot	Sheppard
Burnett	Gilmore	Lindbergh	Sims
Byrd	Good	Lindsay	Sisson
Candler	Gordon	Livingston	Slayden
Cantrill	Goulden	Lloyd	Small
Carlin	Gregg	McDermott	Smith, Tex.
Clark, Mo.	Gronna	McHenry	Sparkman
Clayton	Hamlin	Madison	Spight
Cline	Hammond	Maguire, Nebr.	Stanley
Collier	Hardwick	Martin, Colo.	Stephens, Tex.
Cooper, Wis.	Hardy	Maynard	Taylor, Colo.
Covington	Harrison	Miller, Minn.	Thomas, Ky.
Cox, Ind.	Haugen	Moore, Tex.	Thomas, N. C.
Cox, Ohio	Hay	Morrison	Tou Velie
Craig	Hayes	Morse	Townsend
Cullop	Helm	Moss	Turnbull
Davis	Hinshaw	Murdock	Underwood
Dent	Hitchcock	Nelson	Volstead
Denver	Houston	Norris	Watkins
Dickinson	Hubbard, Iowa	Oldfield	Webb
Dickson, Miss.	Hughes, Ga.	Padgett	Wickliffe
Dies	Hughes, N. J.	Peters	Wilson, Pa.
Dixon, Ind.	Hull, Tenn.	Pickett	Woods, Iowa
Edwards, Ga.	James	Poindexter	
Ellerbe	Johnson, Ky.	Pujo	

ANSWERED "PRESENT"—13.

Barchfeld	Goldfogle	Lever	Taylor, Ohio
Byrns	Howard	Morehead	
Cary	Humphreys, Miss.	Pratt	
Cassidy	Kahn	Russell	

NOT VOTING—97.

Alexander, Mo.	Campbell	Driscoll, M. E.	Godwin
Anderson	Capron	Elvins	Graham, Ill.
Ansberry	Carter	Esch	Hamill
Anthony	Chapman	Estopinal	Heflin
Barclay	Clark, Fla.	Ferris	Henry, Tex.
Bartlett, Nev.	Conry	Fitzgerald	Hill
Bingham	Cook	Focht	Hobson
Boehne	Cravens	Fornes	Hubbard, W. Va.
Boutell	Crow	Foulkrod	Hughes, W. Va.,
Bowers	Denby	Fuller	Jamieson
Broussard	Diekema	Gardner, Mass.	Knapp
Burgess	Douglas	Garner, Pa.	Korbly
Burke, Pa.	Driscoll, D. A.	Glass	Legare
Loud	Moxley	Randell, Tex.	Sturgiss
Lundin	Mudd	Reid	Sulzer
McCall	Nicholls	Rhinock	Swasey
McCreary	Nye	Riordan	Talbott
McKinlay, Cal.	O'Connell	Robinson	Taylor, Ala.
McKinley, Ill.	Olcott	Rucker, Mo.	Tener
McMorran	Page	Sheffield	Wallace
Macon	Palmer, A. M.	Sherley	Weisse
Madden	Parsons	Sherwood	Willett
Mays	Patterson	Simmons	
Millington	Pou	Snapp	
Moon, Tenn.	Pray	Southwick	

So the House refused to order the previous question.

The Clerk announced the following pairs:

For the session:

Mr. BOUTELL with Mr. BROUSSARD.

Mr. HILL with Mr. GLASS.

Mr. MOOREHEAD with Mr. POU.

Until further notice:

Mr. SNAPP with Mr. TAYLOR of Alabama.

Mr. OLCOTT with Mr. CONRY.

Mr. SIMMONS with Mr. REID.

Mr. MILLINGTON with Mr. FORNES.

Mr. CARY with Mr. WEISSE.

Mr. BINGHAM with Mr. BARTLETT of Nevada.

Mr. LUNDIN with Mr. JAMIESON.

Mr. FOULKROD with Mr. GODWIN.

Mr. ANTHONY with Mr. HEFLIN.

Mr. MCKINLAY of California with Mr. CLARK of Florida.

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. STURGISS with Mr. WALLACE.

Mr. MCMORRAN with Mr. BOEHNE.

Mr. MCKINLEY of Illinois with Mr. HOWARD.

Mr. DENBY with Mr. GRAHAM of Illinois.

Mr. CAPRON with Mr. O'CONNELL.

Mr. KAHN with Mr. CARTER.

Mr. FULLER with Mr. LEGARE.

Mr. KNAPP with Mr. RIORDAN.

Mr. MCCREARY with Mr. TALBOTT.

Mr. PRAY with Mr. WILLETT.

Mr. SWASEY with Mr. SULZER.

Mr. SHEFFIELD with Mr. RUCKER of Missouri.

Mr. MUDD with Mr. RANDELL of Texas.

Mr. MOXLEY with Mr. PATTERSON.

Mr. MADDEN with Mr. PAGE.

Mr. MCCALL with Mr. MAYS.

Mr. LOUD with Mr. MACON.

Mr. HUGHES of West Virginia with Mr. HENRY of Texas.

Mr. GARNER of Pennsylvania with Mr. FITZGERALD.

Mr. ESCH with Mr. FERRIS.

Mr. DOUGLAS with Mr. CRAVEN.

Mr. CROW with Mr. BOWERS.

Mr. CAMPBELL with Mr. ALEXANDER of Missouri.

Mr. COOK with Mr. ANDERSON.

On this vote:

Mr. SOUTHWICK with Mr. GOLDFOGLE.

For this day:

Mr. NYE with Mr. HUMPHREYS of Misssissippi.

Until Monday, March 21:

Mr. BURKE of Pennsylvania with Mr. ROBINSON.

Until one week:

Mr. BARCLAY with Mr. MOON of Tennessee.

Mr. MICHAEL E. DRISCOLL with Mr. DANIEL A. DRISCOLL.

For one week, inclusive:

Mr. PRATT with Mr. NICHOLLS.

From Tuesday, March 15, until Friday, March 18:

Mr. DIEKEMA with Mr. SHERWOOD.

Until Saturday, March 19:

Mr. TAYLOR of Ohio with Mr. ANSBERRY.

From March 3 until March 20:

Mr. CASSIDY with Mr. BURGESS.

From March 12 until Monday, March 21:

Mr. CHAPMAN with Mr. LEVER.

From March 14 until Monday, March 21:

Mr. ELVINS with Mr. KORBLY.

From March 14 until Monday, March 21, inclusive:

Mr. TENER with Mr. BYRNS.

From March 14 until March 25, inclusive:

Mr. BARCHFELD with Mr. SHERLEY.

Mr. BYRNS. Mr. Speaker, I wish to know if the gentleman from Pennsylvania [Mr. TENER] voted?

The SPEAKER. He did not.

Mr. BYRNS. I wish to withdraw my vote in the negative and to vote "present."

The SPEAKER. The Clerk will call my name.

The Clerk called the name of the Speaker, and he voted aye.

The result of the vote was announced as above recorded.

Mr. UNDERWOOD. Mr. Speaker, the question submitted to the House by the Speaker for the decision of the House reads as follows:

Is the bill called up by the gentleman from Indiana in order as a question of constitutional privilege, the rules prescribing the order of business to the contrary notwithstanding?

The reason I asked that the previous question be voted down was because I do not think the question as submitted by the Speaker clearly and fully presents the true issue to the House. I think the issue is not whether this is in order on one day or another day. The true issue before the House is whether the bill presented by the gentleman from Indiana is in order to-day. I therefore move to amend the proposition submitted by the Chair so that it will read as follows:

Is the bill called up by the gentleman from Indiana in order to-day?

I stop right there. We are not asking any man to give any reasons in this decision as to why he thinks it is in order or why he does not. If you adopt the amendment that I offer you present the clear issue to the House as to whether the proposition offered by the gentleman from Indiana is in order to-day; not whether it was in order yesterday, or going to be in order next week. I therefore hope that the amendment will be adopted.

Mr. DALZELL. In capital letters.

The SPEAKER. The gentleman offers it by way of a substitute?

Mr. UNDERWOOD. I offer it by way of a substitute.

The SPEAKER. The gentleman from Alabama offers the following as a substitute for the proposition.

Mr. KEIFER. Let me suggest that the word "resolution" should go in instead of the word "bill."

The SPEAKER. The word "bill" is a generic one, and would cover the resolution.

Mr. UNDERWOOD. I will change it and make it "joint resolution." I merely want to present the question to the House.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The SPEAKER. As many as favor agreeing to the proposition, will say "aye." [The affirmative vote was taken.] Opposed, "no." [The negative vote was taken.] The ayes seem to have it——

Mr. BUTLER. Mr. Speaker, let me make a parliamentary inquiry. I did not hear the Speaker's voice. What is the vote upon? What is the question?

The SPEAKER. This substitute has been agreed to by way of amendment to the proposition submitted to the House, on which the House refused to order the previous question.

Mr. TAWNEY. I demand the yeas and nays.

The SPEAKER. Then the parliamentary situation——

Mr. BUTLER. At the proper time I desire to demand the yeas and nays, if I can learn when that time is.

Mr. HAY. Mr. Speaker, a parliamentary inquiry. Has the substitute been read at the Clerk's desk?

The SPEAKER. It has been read at the Clerk's desk.

Mr. HAY. I do not think it ever was read by the Clerk.

The SPEAKER. It was read by the Clerk.

Mr. OLMSTED. I ask unanimous consent that it be again reported.

The SPEAKER. Since the substitute was read to the House at the Clerk's desk it has been changed, not in substance, but in words, by striking out the word "bill" and putting in the words "joint resolution," and the Clerk will again read the substitute.

The Clerk read as follows:

Is the House joint resolution called up by the gentleman from Indiana in order now?

The SPEAKER. This is offered by way of amendment as a substitute.

Mr. BUTLER. Is the question upon the adoption of the substitute?

Mr. DALZELL. Has "now" been substituted for "to-day?"

The SPEAKER. Yes.

Mr. DALZELL. In large letters, I hope.

Mr. COOPER of Wisconsin. Mr. Speaker, in view of the sarcasm of the distinguished gentleman from Pennsylvania [Mr. DALZELL], I desire to say a word before the motion is voted on.

The SPEAKER. The House is dividing, but the gentleman may be recognized by unanimous consent. How much time does the gentleman desire?

Mr. COOPER of Wisconsin. Three or four minutes, or five.

The SPEAKER. The gentleman asks unanimous consent that he may be heard for five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I do not wish to be put in the attitude of voting one day that the Constitution controls and another day that it does not; and in view of the facetious remark of the gentleman from Pennsylvania [Mr. DALZELL] I have asked for an opportunity, as every other Member ought to have an opportunity, on this transcendently important question, to state the reasons for my vote. As I understand it, the precedents which have been cited to show that this bill is constitutionally privileged are all precedents holding that a bill providing for the taking of the census, the original bill, is privileged under the Constitution. As I understand it, there is no precedent declaring that any bill providing any sort of amendment which the Census Committee may suggest would have this high constitutional privilege.

We have already passed a law which would, if carried into effect, take the national census in accordance with the mandate of the Constitution, a complete census.

The committee have brought in a joint resolution which provides some additional details, but the provision of the Constitution for taking a national census has already been provided for in the law which Congress passed and which has been signed by the President.

Mr. TAWNEY. Will the gentleman yield?

Mr. COOPER of Wisconsin. In a moment. Now, I do not understand that any amendment which may be brought in here to amend that law would be of the highest constitutional privilege.

Mr. TAWNEY. That is exactly what Speaker Henderson held.

Mr. COOPER of Wisconsin. I do not say this except with a feeling of entire respect, but upon the question of constitutional construction, decided by Speaker Henderson, and which under my oath does not appeal to my judgment, I am not bound to vote to sustain it.

I have as much responsibility under my oath as a national Representative to observe the Constitution of the United States as the Speaker had when he rendered his decision.

As I said, we have passed a law to take the census under the requirements of the Constitution. Now, suppose the Committee on the Census had brought in a bill to amend that law by increasing the salary of the Director of the Census. That would relate to the census, and it would be an amendment of this census law. Would that be a question of high constitutional privilege? Is there no discrimination to be exercised in our determination as to whether a joint resolution, brought in to amend the census law passed to carry out the mandate of the Constitution, is or is not constitutionally privileged? Are we bound absolutely to hold that anything a committee may suggest, to increase or reduce a salary or to add to the number of officers who are to take the census, is a matter of constitutional privilege? The law on the statute book which would carry out completely the mandate of the Constitution to take the national census has been passed, and they propose a few additional details, not at all necessary, to the taking of the census. Does that present a question of high constitutional privilege? I shall vote that it does not.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that I may have five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I do not wish to cut off debate on this proposition if the membership of the House want to indulge in it.

Mr. ROBERTS. Mr. Speaker, I do not desire five minutes for the purpose of debate, but I desire a portion of that time to give the House certain information contrary to the statement made by the gentleman from Wisconsin, who has just taken his seat, as to the status of the present matter under consideration.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTS. Mr. Speaker, I understood the gentleman from Wisconsin to say that there were no precedents holding a bill supplemental to the original census bill as being privileged under the Constitution.

Mr. COOPER of Wisconsin. Before making that statement I inquired of the gentleman from Indiana if the precedents did not all relate to the original census bill, and the exact point I wish the gentleman to answer is——

Mr. ROBERTS. Now, I beg the gentleman's pardon, but I have only five minutes' time, and I want to answer in my own way the statement of the gentleman from Wisconsin. The gentleman stated that there was no precedent for holding as a

constitutional privilege anything relating to the census except the original bill providing for the taking of the census, and that the measure brought up by the gentleman from Indiana being an amendment to an original bill providing for the census would not have the constitutional privilege.

I want to read from Hinds's Precedents, volume 1, page 167, paragraph 306, as follows:

A bill relating to the taking of the census was held to be privileged because of the constitutional requirement. On January 16, 1900, Mr. Albert J. Hopkins, of Illinois, from the Select Committee on the Twelfth Census, reported as privileged the bill (S. 2179) "relating to the Twelfth and subsequent censuses, and giving the director thereof additional power and authority in certain cases, and for other purposes."

There was a bill which was supplementary to the original census bill and was held to be in order and to have a constitutional privilege because it related to the census.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

Mr. UNDERWOOD. Mr. Speaker, as I understood it, the substitute has already been adopted.

The SPEAKER. The words "joint resolution" were inserted, and the word "to-day" was taken out and the word "now" substituted since the substitute was adopted, and the Chair thinks it ought to be again submitted to the House.

The question was taken, and the substitute was agreed to.

The SPEAKER. The question now is on agreeing to the proposition as amended. Is the House joint resolution, called up by the gentleman from Indiana, in order now?

Mr. BUTLER. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 201, nays 72, answered "present" 12, not voting 104, as follows:

YEAS—201.

Adair	Ellis	Keliher	Pujo
Adamson	Englebright	Kennedy, Iowa	Rainey
Alexander, N. Y.	Estopinal	Kennedy, Ohio	Ransdell, La.
Allen	Fairchild	Kinkead, N. J.	Rauch
Ames	Fassett	Knowland	Reeder
Andrus	Floyd, Ark.	Kronmiller	Reynolds
Ashbrook	Foelker	Küstermann	Richardson
Austin	Fordney	Lafean	Roberts
Barnard	Foss	Lamb	Rodenberg
Barnhart	Foster, Vt.	Langham	Rucker, Colo.
Bartholdt	Gaines	Langley	Sabath
Bates	Gallagher	Latta	Saunders
Bell, Ga.	Gardner, Mich.	Law	Scott
Bennet, N. Y.	Gardner, N. J.	Lawrence	Sharp
Bennett, Ky.	Garrett	Lee	Slayden
Borland	Gill, Mo.	Lenroot	Slemp
Bradley	Gillett	Lindsay	Smith, Iowa
Brantley	Gilmore	Lloyd	Smith, Mich.
Brownlow	Goebel	Longworth	Sparkman
Burke, S. Dak.	Gordon	Loudenslager	Sperry
Burleigh	Goulden	Lowden	Steenerson
Calder	Graff	McCredie	Stephens, Tex.
Calderhead	Graham, Pa.	McDermott	Sterling
Cantrill	Grant	McGuire, Okla.	Sulloway
Clark, Mo.	Greene	McHenry	Tawney
Clayton	Griest	McKinney	Taylor, Colo.
Cocks, N. Y.	Guernsey	McLachlan, Cal.	Thistlewood
Cole	Hamilton	Maguire, Nebr.	Thomas, N. C.
Cooper, Pa.	Hamlin	Malby	Thomas, Ohio
Coudrey	Hammond	Mann	Tilson
Covington	Hanna	Miller, Kans.	Tirrell
Cowles	Harrison	Miller, Minn.	Tou Velle
Cox, Ind.	Hawley	Mondell	Underwood
Cox, Ohio	Heald	Moore, Pa.	Volstead
Creager	Henry, Conn.	Morgan, Mo.	Vreeland
Crumpacker	Hitchcock	Morgan, Okla.	Wanger
Cullop	Houston	Morrison	Washburn
Currier	Howell, N. J.	Murphy	Watkins
Dalzell	Howell, Utah	Needham	Webb
Davidson	Howland	Nelson	Wheeler
Denver	Hubbard, Iowa	Oldfield	Wickliffe
Dickinson	Huff	Olmsted	Wiley
Dixon, Ind.	Hughes, Ga.	Padgett	Wood, N. J.
Dodds	Hull, Iowa	Palmer, A. M.	Woods, Iowa
Douglas	Hull, Tenn.	Palmer, H. W.	Woodyard
Draper	Humphrey, Wash.	Parker	Young, Mich.
Durey	James	Payne	Young, N. Y.
Dwight	Johnson, Ky.	Pearre	The Speaker
Edwards, Ga.	Johnson, Ohio	Peters	
Edwards, Ky.	Joyce	Plumley	
Ellerbe	Kelfer	Prince	

NAYS—72.

Aiken	Fish	Hughes, N. J.	Norris
Bartlett, Ga.	Foster, Ill.	Johnson, S. C.	Pickett
Beall, Tex.	Fowler	Jones	Poindexter
Booher	Garner, Tex.	Kendall	Roddenbery
Burleson	Gill, Md.	Kinkaid, Nebr.	Rothermel
Burnett	Gillespie	Kitchin	Sheppard
Butler	Good	Kopp	Sims
Byrd	Gregg	Lindbergh	Sisson
Candler	Gronna	Livingston	Small
Carlin	Hardwick	McLaughlin, Mich.	Smith, Tex.
Cline	Hardy	Madison	Spight
Collier	Haugen	Martin, Colo.	Stafford
Cooper, Wis.	Hay	Martin, S. Dak.	Stevens, Minn.
Craig	Hayes	Maynard	Thomas, Ky.
Davis	Helm	Moore, Tex.	Townsend
Dawson	Higgins	Morse	Turnbull
Dickson, Miss.	Hinshaw	Moss	Wilson, Ill.
Dies	Hollingsworth	Murdock	Wilson, Pa.

ANSWERED "PRESENT"—12.

Barchfeld	Cassidy	Howard	Pratt
Byrns	Dent	Humphreys, Miss.	Russell
Cary	Goldfogle	Lever	Taylor, Ohio

NOT VOTING—104.

Alexander, Mo.	Elvins	Korbly	Pray
Anderson	Esch	Legare	Randell, Tex.
Ansberry	Ferris	Loud	Reid
Anthony	Finley	Lundin	Rhinock
Barclay	Fitzgerald	McCall	Riordan
Bartlett, Nev.	Flood, Va.	McCreary	Robinson
Bingham	Focht	McKinlay, Cal.	Rucker, Mo.
Boehne	Fornes	McKinley, Ill.	Shackleford
Boutell	Foulkrod	McMorran	Sheffield
Bowers	Fuller	Macon	Sherley
Broussard	Gardner, Mass.	Madden	Sherwood
Burgess	Garner, Pa.	Mays	Simmons
Burke, Pa.	Glass	Millington	Smith, Cal.
Campbell	Godwin	Moon, Pa.	Snapp
Capron	Graham, Ill.	Moon, Tenn.	Southwick
Carter	Hamer	Morehead	Stanley
Chapman	Hamill	Moxley	Sturgiss
Clark, Fla.	Heflin	Mudd	Sulzer
Conry	Henry, Tex.	Nicholls	Swasey
Cook	Hill	Nye	Talbott
Cravens	Hobson	O'Connell	Taylor, Ala.
Crow	Hubbard, W. Va.	Olcott	Tener
Denby	Hughes, W. Va.	Page	Wallace
Diekema	Jamieson	Parsons	Weeks
Driscoll, D. A.	Kahn	Patterson	W[illegible]e
Driscoll, M. E.	Knapp	Pou	Willett

So the proposition was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HAMER with Mr. SHACKLEFORD.

Mr. SMITH of California with Mr. FLOOD of Virginia.

For this vote:

Mr. WEEKS with Mr. FINLEY.

Mr. SOUTHWICK with Mr. GOLDFOGLE.

Mr. SMITH of California. Mr. Speaker, I desire to have my name called and to be recorded. I was present, but I did not hear my name.

The SPEAKER pro tempore (Mr. LANGLEY). Was the gentleman giving attention at the time?

Mr. SMITH of California. To tell the truth, Mr. Speaker, I was talking to another Member, but I had one ear this way.

The SPEAKER pro tempore. The gentleman does not appear to bring himself within the rule.

The result of the vote was announced as above recorded.

AMENDMENT OF SECTION 8 OF THE CENSUS ACT.

Mr. CRUMPACKER. Mr. Speaker, the contents of this resolution are fairly well known to the Members of the House by this time. The resolution simply requires an inquiry respecting the nationality or mother tongue of all persons enumerated who are born abroad and the nationality or mother tongue of the foreign parents of persons enumerated. The resolution is recommended by the Census Office. I do not care to waste time in discussing it, and now, Mr. Speaker, I move——

Mr. KEIFER. Will the gentleman yield to me for two or three minutes?

Mr. CRUMPACKER. Let me yield to the gentleman from Illinois [Mr. SABATH] two minutes.

Mr. SABATH. Mr. Speaker, inasmuch as nearly seven hours have been taken up, I am not going to detain this House on this matter. All that I desire is to make a few brief remarks in support of the resolution which has taken up so much of the time of this House. The resolution has been properly explained, and I want to say that it is of vital importance to many millions of our people, who, though good and loyal American citizens now, yet adhere to traditional sentiments of their nationalities and mother tongues. The purpose of this resolution, as has been stated by the gentleman from Indiana [Mr. CRUMPACKER], is to enlarge the scope of inquiry respecting the nationality or mother tongue of all persons born in foreign countries in the enumeration of the Thirteenth Decennial Census. Its main purpose is to preserve in the census statistics the various nationalities of our foreign-born population coming principally from Austria-Hungary and Russia. A great many thousands of Bohemians, Poles, Lithuanians, and numerous classes of Slavs would lose their identity with respect to their nationalities in the enumeration under the present Census act. By my resolution authority is conferred upon the Census Bureau to add to the interrogatories on the population schedule a question with regard to "nationality or mother tongue." Under the act as it now stands, information regarding our foreign-born population is confined to an inquiry regarding only the place of birth of the individual. In Austria-Hungary and Russia homogeneity does not prevail among the population, because of the diversity of customs, language, and racial characteristics in numerous provinces.

Therefore under the present act, many millions of our people coming from those countries would be classified as "of the country or place of birth." And for illustration, it would bring about the merging of thousands of Bohemians, Poles, Slovaks, Slovenians, Croatians, and Krainers as Austrians. This would be manifestly unjust to these people. To permit such a classification would not only work an injustice to these people who are universally recognized as belonging to separate and distinct nationalities, but it would also lessen the value of the facts sought to be ascertained in the enumeration of the census. It would be impossible to secure any sort of adequate statistics respecting the various leading nationalities among our foreign-born population. The Director of the Census, Mr. Durand, favors and recommends the enactment of this resolution into law, so that the Census Bureau will be enabled to properly carry out in the course of enumeration and compilation a just and fair classification of all the nationalities of which our population is made up. In conclusion, Mr. Speaker, I wish to say that I earnestly hope for the adoption and passage of this joint resolution.

Will the gentleman from Indiana [Mr. CRUMPACKER] make the motion to put this joint resolution on its passage, or shall I do so now?

Mr. CRUMPACKER. I shall do it.

Mr. SABATH. I thank the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I am not opposed to this resolution. I think it should be amended. The communication from the Director of the Census is properly in the report and shows that he did not ask that there should be legislation that would enable him to have the census takers report on the mother tongue or nationality of the person. Now, he did not mean that it should be one or the other, as the enumerator might choose, and I submit to the House or to the committee whether or not there should be an amendment to the law that would require one or the other or both these requirements; otherwise it would be extremely confusing if the Director of the Census sent out notice to the enumerators to report as to the mother tongue or the nationality of each person. That would be ridiculous, for the census taker might be one or the other. "Mother tongue" and "nationality" are not always the same in meaning. They are not synonymous. We have, I know, in this country large numbers of people, especially out in Nebraska and other places I am familiar with, who were born under the Czar of Russia and yet never spoke anything but the German language. You take the Russian Mennonites on the plains of Nebraska and Kansas, and they will all tell you their mother tongue is German and that most all of them were born in Russia. I refer to the Russian Mennonites in particular. The Hungarian, speaking his native tongue, might say he was an Austrian. So of Swedes born elsewhere than in Sweden. So there might be a great deal of confusion. My suggestion I have now made, I think, clear. I will not offer an amendment. The gentleman in charge of this measure should do that. The word "or" should be struck out where it appears between the words "nationality" and "mother tongue," and the word "and" should be inserted in lieu thereof, so the enumerators would be required to report on both the nationality and mother tongue.

[Mr. GOLDFOGLE addressed the House. See Appendix.]

Mr. CRUMPACKER. Mr. Speaker, I move that the committee amendment be agreed to, and upon that motion and the passage of the resolution I demand the previous question.

The previous question was ordered.

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. NORRIS. Mr. Speaker, I have a privileged resolution——

Mr. BENNET of New York. Mr. Speaker, I have a privileged resolution——

CORRECTION.

The SPEAKER. The gentleman from New York [Mr. YOUNG].

Mr. YOUNG of New York. Mr. Speaker, I ask unanimous consent for a correction of the RECORD of yesterday.

The SPEAKER. And the Journal?

Mr. YOUNG of New York. And the Journal.

The SPEAKER. The gentleman will state his request.

Mr. YOUNG of New York. Mr. Speaker, I find that I am reported as not voting. I was here and voted in the affirmative on the question at that time, supporting the Chair in the vote that was then before the House.

The SPEAKER. What page?

Mr. YOUNG of New York. Page 3251, on the appeal from the decision of the Chair.

The SPEAKER. Both the RECORD and the Journal will be corrected, without objection.

There was no objection.

Mr. NORRIS. Mr. Speaker, I have a matter of privilege.

Mr. BENNET of New York. Mr. Speaker, I have a matter of privilege——

The SPEAKER. The Chair is notified that there are many matters of privilege——

Mr. BENNET of New York. But mine is a conference report. A conference report would take precedence over anything else except a motion to adjourn.

IMMIGRATION OF ALIENS.

Mr. BENNET of New York presented a conference report (No. 783) on the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4 and agree to the same.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
JOHN L. BURNETT,
Managers on the part of the House.
WM. P. DILLINGHAM,
H. C. LODGE,
Managers on the part of the Senate.

STATEMENT.

After due consideration the managers on the part of the House concluded to recommend that the House agree to the Senate amendments.

The first amendment is purely verbal.

The second amendment relative to the jurisdiction of courts is suggested by some United States district court judges who have tried several of the "white-slave" cases.

The third amendment strikes out three words which are unnecessary.

The fourth amendment strikes out the interstate-commerce provision. A similar provision is now under consideration in the Senate as a part of the Mann bill (H. R. 12315), and the managers on the part of the House think it best to recommend that the Senate amendment be agreed to and the bill thus passed immediately, leaving the interstate matter to be considered, and, if possible, passed as a part of H. R. 12315.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
JOHN L. BURNETT,
Managers on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7187. An act making an appropriation for folding speeches and pamphlets for the Senate; and

S. 5873. An act for the relief of John M. Blankenship.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 10321) for the relief of homestead settlers under the acts of February 20, 1904, June 5 and 28, 1906, and March 2, 1907.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the ac-

ceptance of the statue of John C. Calhoun, presented by the State of South Carolina, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of South Carolina.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates, to be bound with these proceedings.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1864. An act to facilitate the use for manufacturing purposes of square 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907.

THE RULES.

Mr. NORRIS. Mr. Speaker, I present a resolution made privileged by the Constitution.

The SPEAKER. If it is a resolution made privileged by the Constitution, the gentleman will present it. [Laughter.]

The Clerk will report the resolution.

The Clerk read as follows:

House resolution 502.

Resolved, That the rules of the House be amended as follows:

"The Committee on Rules shall consist of 15 members, 9 of whom shall be members of the majority party and 6 of whom shall be members of the minority party, to be selected as follows:

"The States of the Union shall be divided by a committee of three, elected by the House for that purpose, into nine groups, each group containing, as near as may be, an equal number of Members belonging to the majority party. The States of the Union shall likewise be divided into six groups, each group containing, as near as may be, an equal number of Members belonging to the minority party.

"At 10 o'clock a. m. of the day following the adoption of the report of said committee each of said groups shall meet and select one of its number a member of the Committee on Rules. The place of meeting for each of said groups shall be designated by the said committee of three in its report. Each of said groups shall report to the House the name of the Member selected for membership on the Committee on Rules.

"The Committee on Rules shall select its own chairman.

"The Speaker shall not be eligible to membership on said committee.

"All rules or parts thereof inconsistent with the foregoing resolution are hereby repealed."

Mr. DALZELL. I make the point of order that that is not in order. It is not privileged.

Mr. NORRIS. On that point of order I want to be heard, Mr. Speaker.

The SPEAKER. The Chair will hear the gentleman.

Mr. NORRIS. We have just decided by a vote of the House a census bill coming under the Constitution, which reads as follows:

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

It is a privileged question, and it is entitled to consideration, notwithstanding that it conflicts with the rules of the House.

Now, Article I, section 5, paragraph 2, of the Constitution reads as follows:

Each House may determine the rules of its proceedings.

I submit, Mr. Speaker, if the action of the House just had makes a census bill privileged because of the Constitution, then any proposition to amend the rules must be privileged by virtue of that same instrument. It does not add to the privileged nature of the census bill that it is reported by a committee, and that was practically admitted in the discussion that took place upon the floor of the House in the colloquy between myself and the gentleman from Pennsylvania [Mr. OLMSTED]. If it was privileged it was privileged because the Constitution made it so, and having decided that it was privileged, because the Constitution made it privileged, its privileged character was not added to by the fact that it had been referred to a committee and a report made by the committee. Therefore, if that reasoning is good, if that judgment of the House is right, then it must follow that because the Constitution provides that the House shall make its rules under that decision it must be in order to offer from the floor of the House a resolution to change the rules of the House.

Mr. OLMSTED rose.

Mr. NORRIS. I will yield to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. I merely wish to suggest to the gentleman from Nebraska [Mr. NORRIS] that while in the case of the census the Constitution is mandatory, and says the enumeration "shall be made," as to the rules of the House the Constitution is merely permissive. Undoubtedly we may make rules and undoubtedly we may change them, but the Constitution does not say we must change them, and therefore gives no constitutional privilege to such a motion to displace all other business.

Mr. NORRIS. As to the suggestion made by the gentleman from Pennsylvania [Mr. OLMSTED], I will say that I have not presented anything here that says we "must." If we have a right to vote it down, it is not mandatory. If the Constitution says we must, I presume under the gentleman's construction we would not be allowed any discretion as to how we shall vote.

Mr. DALZELL. The House is not compelled to make rules in order to carry on its business. In the Fifty-first Congress the House proceeded without rules and under the ordinary parliamentary law. Therefore, as my colleague from Pennsylvania [Mr. OLMSTED] has pointed out——

Mr. NORRIS. I understand that.

Mr. DALZELL (continuing). There is no mandatory command upon the House to make rules.

Mr. NORRIS. There is no mandatory command in this resolution.

Mr. DALZELL. The rules are not pursuant to any command from the Constitution, but they are simply for the orderly procedure of business.

Mr. NORRIS. The Constitution says we may make rules. We have just decided that when the Constitution gives us a right to do a thing it is in order to bring in the proposition at any time. [Cries of "Oh, no!"] Let me finish and I will yield again. This resolution is not a mandatory affair; it is something that the Constitution gives us the right to do, however. The gentleman will have to admit that.

The Constitution gives us the right to do this; consequently, when we bring in under the constitutional provision a resolution to do just what the Constitution gives us permission to do, I say, under the recent decision, it must be in order.

Mr. DALZELL. No; the gentleman fails to make a very plain distinction. The Constitution gives the right to do it, but that does not make it privileged in the sense that the Constitution makes it, as to legislate upon a particular subject, but in that case the subject-matter is privileged.

Mr. NORRIS. But the gentleman will not contend that in the census matter we are compelled to legislate?

Mr. DALZELL. Oh, certainly we are.

Mr. NORRIS. Why, if that is true, then a man's vote is absolutely controlled and he has no right to vote except one way. Suppose that the House voted down the proposition. Suppose we refused to consider it, and everybody concedes that we have that right here, and it has been done a great many times.

Mr. DALZELL. Congress can not afford to. Even the gentleman from Alabama has stated that the Constitution is only binding on us as we see fit.

Mr. NORRIS. That has nothing to do with my proposition. Now, I yield to the gentleman from Minnesota, if he wants to ask me a question.

Mr. SLAYDEN. Mr. Speaker, there is so much confusion in the House, and the gentlemen who are debating this question are speaking in a conversational tone, so we do not hear, and I think we should have order.

The SPEAKER. The House will be in order, and all gentlemen will be seated.

Mr. TAWNEY. The gentleman from Nebraska has said that the Constitution authorizes the House to prescribe rules for its procedure. That, however, does not authorize the House to appoint somebody else to prescribe those rules.

Mr. NORRIS. And this resolution does not.

Mr. TAWNEY (continuing). As the resolution of the gentleman from Nebraska provides.

Mr. NORRIS. This resolution does not do anything of the kind. It provides for a Committee on Rules, and we have a Committee on Rules now.

Mr. TAWNEY. That is not a provision of the Constitution.

Mr. NORRIS. This Committee on Rules is not obligated to make any rules.

Mr. TAWNEY. The Constitution does not say that the House shall elect a Committee on Rules.

Mr. NORRIS. Why, certainly not.

Mr. TAWNEY. Or appoint a Committee on Rules.

Mr. NORRIS. It does not say so. The Constitution does not say just what rules we shall have, and yet for many, many years we have made rules under the Constitution.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. NORRIS. I will.

Mr. MANN. The Constitution says that we shall provide for a census, and that we may make rules. Now, we have not yet taken the census, but we have made the rules.

Mr. NORRIS. But we have passed the census law, and it is an amendment to it that we have just passed to-day and which was held in order, and this is a proposition to change the rules of the House.

Mr. MANN. I wanted to get the gentleman's opinion on that one question. We have not yet complied with the Constitution; we have not yet taken the census; and this proposition was only held in order to-day by the House as a necessary part of the proposition to take the census in the future. We have made our rules and are operating under the rules now, so far as the constitutional proposition is concerned, just as though we had made the census.

Mr. NORRIS. Oh, no; not by any means. I will say to the gentleman that the resolution that was just held in order by reason of its being privileged on account of the Constitution was simply an amendment to a law providing for the taking of the census. This resolution is privileged under the Constitution, because it amends the rules of the House which the Constitution gives us authority to make.

Mr. GAINES. May I ask the gentleman a question?

Mr. NORRIS. I yield to the gentleman.

Mr. GAINES. This resolution has not been reported from a committee, has it?

Mr. NORRIS. It has not.

Mr. GAINES. Let me ask the gentleman this question: The Constitution says that Congress shall have the power to lay and collect taxes, excises, duties, and imposts. Would the gentleman hold that a tariff bill, a bill to amend the tariff law of the country, would be in order now from the floor without having been referred to or reported from any committee?

Mr. NORRIS. I will answer the gentleman. I want to say by way of preface to the House that when the House went on record that the census proposition was in order, it was not in accordance with my individual view. I did not believe it was privileged. But this must follow, as a logical result, it seems to me, in that case that the privileged nature of the resolution did not depend on its being reported by a committee or considered by a committee, but it was privileged, if privileged at all, because the Constitution made it so.

No committee consideration, no committee report, would add to or take away from its privileged nature. I am not responsible for the position in which the House has placed itself; but to be consistent, it seems to me this resolution would have to be held privileged the same as the others.

Mr. DALZELL. Whether privileged or not, it would have, in the first instance, to be referred to a committee.

Mr. GAINES. The gentleman's own judgment is that, under the rules, his resolution is not privileged, and he simply bases his contention upon a construction of a recent ruling of the House, with which he does not agree. But is it not the truth that the gentleman's position would go to this extent—of making privileged, without reference to any committee, any proposition that any gentleman might offer at any time, to comply with any authorization which the Constitution makes?

Mr. NORRIS. That is exactly what the House has decided. The House has decided that proposition, and said that it is so. I am not responsible for it, and I can not be censured either. I do not know that the gentleman intends it in that light——

Mr. GAINES. I am not censuring anybody.

Mr. NORRIS. For proposing what I believe to be in accordance with a decision that I myself did not agree with when it was made. We will always follow a precedent when it is made by the proper authority, and take it to be the law after it is made, even though we were opposed to its establishment originally.

Mr. UNDERWOOD. Mr. Speaker, some of my friends on the floor of the House have quoted me in reference to my interpretation of the Constitution to-day. I will not attempt to say what in the haste of debate I might have said, or how the reporter may have caught my language; but what I did say, or intended to say, in reference to the Constitution was that, so far as the rules are concerned, we are not governed by the Constitution in applying the rules, except so far as this House determines to act.

Mr. DALZELL. I trust the gentleman from Alabama will acquit me of any intention of misquoting him.

Mr. UNDERWOOD. I do; because I may in the haste of debate have said just what the gentleman said. We sometimes leave out a word here and there, and give a wrong impression by our language. Now, I say again, in reference to this proposition pending before the House right now, we are not bound by the Constitution, so far as our rules are concerned, except so far as this House chooses to make the rules.

Now, as to whether the proposition of the gentleman from Nebraska is in order or not, I want to say this: This House, day after day and year after year, makes things in order that are contrary to the written rules of this House. The reason that the proposition offered by the gentleman from Indiana an hour ago was in order was not because it was referred to in the Constitution, but because the House years ago established a precedent saying that it should be in order, and therefore the precedent was followed from time to time, and it became a precedent of this House that it should be privileged and be in order.

An easy illustration of how this House makes its rules or amends its rules without a direct vote on the subject is illustrated in the way that we have built the present navy.

Up to 1886 it was held, under Rule XXI, which forbids that new legislation shall be made on an appropriation bill, that it was not in order to provide for the building of a battle ship on a naval appropriation bill, because it was new legislation, and therefore was not in order. But in 1886 the distinguished gentleman from Kentucky [Mr. McCREARY] offered an amendment to a naval appropriation bill providing for the building of a battle ship. The chairman held that that amendment was not in order, that it was contrary to Rule XXI, which prohibited new legislation on an appropriation bill. The gentleman from Kentucky appealed from the ruling of the Chair. The House overruled the Chair and held the amendment to be in order, and from that day to this it has been held in order to provide for the building of battle ships on appropriation bills, notwithstanding Rule XXI, and so that proposition has really been made a part of the rules of this House. Now, that is simply one way the House exercises its power of determining what shall be in order and what is a matter of the highest privilege. Waiving aside all rules and everything else, I say that the House to-day should make the proposition of the gentleman from Nebraska by its vote here on the floor a matter of the highest privilege. [Applause.]

The time has come to act. You know and I know that we can not amend these rules by introducing a resolution and referring it to the Rules Committee. The Speaker himself has repeatedly said to this House that he rules by the will of the majority. The majority of this House to-day can make this a matter of privilege—the question of amending the rules of the House by a majority vote. I have no doubt that the Speaker will follow the precedents and hold that the proposition of the gentleman from Nebraska is not in order, but the House can establish a precedent and make it in order. [Applause.] The time has come, gentlemen, if you propose to amend these rules, to vote to make a proposition to amend them in order.

Now, that is the issue before the House. [Applause on the Democratic side.] We can not disguise it. There is no use in attempting to engage in any learned debate as to whether the matter is in order or not. The Speaker has said that he holds the power by the will of the majority. He will decide the question according to the precedents, but if you wish to abandon the precedents and make a new rule here and make this of the highest privilege, it is within your power to do so.

There is nothing revolutionary in it; there is nothing unusual in it. You have done the same thing a thousand times before, and you can do it to-day if you want to amend the rules. So when the Speaker decides this question and the gentleman from Nebraska, if the question is decided against him, appeals to the House, the issue is whether by a majority vote in this House you shall make this question of amending the rules a matter of the highest privilege, and that will be the only and sole question that will be presented to you.

As for myself, I do not believe in allowing a set of rules to bind my hands when that set of rules is no longer of benefit to my constituency and the American people. [Applause.]

So far as I am concerned, I am prepared to set the precedent to-day and say that the proposition to amend the rules of this House shall be of the highest privilege and in order at any time. [Applause.]

Mr. PRINCE. Mr. Speaker, this resolution has been offered under the guise of a constitutional right. The Constitution, which should be a chart and guide for this House as well as the other branch of Congress, says that each House may determine the rule of its proceeding.

In that same instrument it is repeatedly stated what shall constitute a Member of the House, what the qualifications are, and what the House shall do and what the House may do. In this instance it only directs, and in the early days of Congress the two Houses of Congress adopted rules to govern their procedure in matters requiring concurrent action.

I understand in the history of Congress that years ago they were unable to elect a Speaker for a long period of time, and that the government of the House was under the ordinary parliamentary practice of the country.

Now, where the Constitution directs a thing to be done, and that thing is to be done, then it might be a question whether the Constitution does not direct the doing of that work. For

instance, it says that each House shall keep a journal of its proceedings. If there was no journal of the House kept, then a Member of this House could rise and insist upon the constitutional privilege being enforced, namely, that of keeping a journal of its proceedings. The CONGRESSIONAL RECORD is not the official record. That would not answer the purpose. There had to be a journal kept; there had to be a Speaker elected; there may and may not be rules adopted by this House. Therefore it seems to me that this is not an orderly way of the most distinguished legislative body in this country to proceed. There is a way to proceed, an orderly, dignified manner in doing what this seeks to do and not to seek to do it in the way they are now, under the guise of a constitutional provision which does not apply. It seems to me that there is only one thing the Speaker can do under the rules of the House, and that is to hold that this resolution is not in order at this time. [Applause.]

Mr. HUGHES of New Jersey. Will the gentleman yield for a question? Would it not have been possible to pass the last resolution in the orderly way referred to by the gentleman?

Mr. PRINCE. In the case of the other resolution I have not any doubt about its being a constitutional direction that we would have to do it, and we did; and as a matter of fact the vote to-day discloses that it was a constitutional prerogative. The vote to-day discloses it was a measure of high privilege, and the only reason why the vote did not so disclose on yesterday was because some of the Members of the House did not desire to set aside calendar Wednesday, and that entered into the discussion more than the real merits of the case. To-day the merits of the case came before Congress and by an overwhelming vote the House has held that this was a constitutional provision.

Mr. JAMES. Does the gentleman contend that the resolution which was just considered by the House was any more constitutional than the resolution submitted by the gentleman from Nebraska [Mr. NORRIS]?

Mr. PRINCE. That is what I have been trying to make clear, and if I have not, I suppose it is my fault.

Mr. JAMES. I am sorry to say that I have not seen any distinction made by the gentleman between the two questions as to their constitutionality.

Mr. PRINCE. There is a decided distinction. One says "shall" and the other "may." We may or may not have rules of this House. We have already acted and we have complied with the Constitution, if you insist it is a constitutional privilege and that we must comply with it by adopting rules.

Mr. JAMES. Likewise we had complied with the Constitution by passing the bill to take the census.

Mr. PRINCE. Not fully; only in part. This was an amendment.

Mr. JAMES. We have only passed our rules in part, and this, too, is an amendment. [Laughter.]

Mr. PRINCE. Why, we have been acting under them at the special session and at this session, and the rules are still here.

Mr. JAMES. I suppose the gentleman heard the Speaker declare just a moment ago that the House could do anything it saw fit to do; did he not?

Mr. PRINCE. Not out of order.

Mr. JAMES. The Speaker said we could do anything we wanted to do, and we are proceeding now to do it.

Mr. CLARK of Missouri. Mr. Speaker, there is one proposition that the present occupant of the chair and myself have always agreed upon, and that is that it is competent for a majority of this House to do whatever it wants to do. The Speaker has stated that proposition more frequently and more emphatically and more picturesquely than I have.

The SPEAKER. The gentleman is too broad in his statement. The Chair has said that the House could do and has at times done whatever a majority desired to do, and instanced a case to-day where the House in the Fifty-first Congress made the Journal tell an untruth.

Mr. CLARK of Missouri. I do not think there is any difference between the Chair and myself about the proposition. I think that my memory is correct when I say that I have heard the present occupant of the chair state time and again that the House had a right to elect a new Speaker whenever it pleased.

The SPEAKER. Evidently correct, in the opinion of the Chair, while he is not called upon to rule upon the question at this time; but the House has time and again elected a new Doorkeeper, a new Clerk, and, in the judgment of the Chair, a majority of the House, not by virtue of the Constitution touching its power to adopt rules, could, if it desired, elect the gentleman from Missouri [Mr. CLARK] Speaker of the House, and could do it to-day.

Mr. CLARK of Missouri. And I think it would be doing a very good thing if it did. [Applause and laughter on the Democratic side.]

The SPEAKER. If a majority agreed with the gentleman, then he would be Speaker.

Mr. OLMSTED. And he would not want any such proceeding as this to come up.

Mr. CLARK of Missouri. Mr. Speaker, I was simply citing that as an illustration of the agreement between the Speaker and myself upon one proposition.

The SPEAKER. But not upon this proposition—a very different one.

Mr. CLARK of Missouri. That is a horse of a different color. [Laughter.] It has been agitated in the papers as to whether or not this House could elect somebody to succeed the present Speaker during this session. Now, I never bothered my mind about that at all, because I never believed they were going to do it or going to try to do it; but I will state what I have said before, that the Speaker of the House simply stands for a system. I think the system is bad. [Applause on the Democratic side.] I remember hearing the Speaker say one day that this House could pass an elephant through the House if it wanted to, and that seems to me to be "going some"—to use a slang phrase [laughter]; but I wondered when I read these articles in the newspapers about the election of somebody very suddenly to succeed the present Speaker how the gentlemen who wanted to do it would get it up. If he rose to a question of privilege and moved to elect any particular man Speaker in lieu of the present Speaker, of course the Speaker himself would pass on that question as to whether it was in order or not, and I take it for granted that in self-defense the Speaker would rule such a performance out of order.

The SPEAKER. Not at all. The Speaker will be prepared upon that question whenever any gentleman thinks that the minority has become the majority. That presents an entirely different question from this question.

Mr. CLARK of Missouri. Well, now, if we can change the Speaker, why can not we change the rules? [Applause of the Democratic side.] I want to say this about this case: The Speaker and myself are both lawyers. It is a long time since he has tried a case, and it is a good while since I have tried one, but I think that the lawyers who are fresh in the practice will bear me out that in innumerable instances the courts of highest resort have construed the word "may" in cases like this in the word "shall," and they have held that way oftener than they have held the other way.

Well, now, suppose that a majority of the Members of this House had made up their minds to change these rules. How are you going to do it? If it is not a matter of privilege and you can not get it up that way, how are you going to accomplish it? Suppose some gentleman here offers an amendment to the rule or a new set of rules or a new rule. He puts it in the basket. It is referred to the Committee on Rules, and it might as well be referred to the sleepers in the catacombs. [Laughter and applause.] I violate no secret when I tell you the committee is made up of three very distinguished Republicans and two ornamental Democrats. [Laughter.] They have a majority of 1, but a majority of 1 in a committee of 5 is as big a majority as a majority of 47 is in this House, and my own opinion is, from both observation and experience, that there never would be a rule reported out of that committee that the Speaker and his two Republican colleagues do not want reported. It is an impossibility in nature. And I say now—and it is all I have to say, I am not going to detain the House or weary it—that if you want to change the rules now is the accepted time, and this is the day of salvation. [Loud applause on the Democratic side.]

Mr. OLMSTED. It strikes me, Mr. Speaker, that the question really before the House is not whether the present rules are as perfect as they may be made or whether they ought to be changed, but whether the motion which has been presented here is privileged, so that it is entitled to be considered at this moment, displacing important business which is in order under the rules. If so, it must be because it obtains that privilege under the Constitution and in spite of all rules. The gentleman from Nebraska [Mr. NORRIS] has shown us that the Constitution gives this House permission to adopt rules. Of course it may do so, and of course it may change them without violating any constitutional provision except that as the Constitution intends that when we do make rules they shall be rules and that we shall be governed by them as long as they are the rules. Now, the Constitution in some respects is mandatory and in others merely permissive. So far as the census is concerned, it is absolutely mandatory——

Mr. HITCHCOCK. Will the gentleman permit me to ask him a question or two?

Mr. OLMSTED. Certainly.

Mr. HITCHCOCK. Suppose the Constitution had been silent on the subject of making the rules; does the gentleman contend that this House would then have no right to make rules for its procedure?

Mr. OLMSTED. It is not necessary to discuss that, because the Constitution is not silent.

Mr. HITCHCOCK. Is not the very fact that the Constitution provides it a direction to the House to make rules?

Mr. OLMSTED. No; the House has heretofore proceeded and we might proceed for forty years without rules should we choose to do so and our acts would be constitutional.

Mr. NORRIS. Will the gentleman submit to an interruption, if the gentleman from Nebraska has finished?

Mr. OLMSTED. Certainly.

Mr. NORRIS. Would not the same thing be true in regard to the census? If we did not pass a census bill we would not take any census, although the word "shall" is used in the Constitution?

Mr. OLMSTED. It is quite true that if we do not provide for the taking of the census, having sworn to support the Constitution and then absolutely refusing to do what the Constitution expressly commands us to do, we shall stand in the position of having violated our oath of office.

Mr. NORRIS. Will not the gentleman admit that we might very easily on that very proposition get into a predicament by which he himself would vote against the law providing for the taking of the census? The gentleman does not mean, does he, that because it says "shall" in the Constitution that we are compelled to vote for every census bill that comes before the House?

Mr. OLMSTED. Oh, no. We may exercise discretion as to the form and character of the bill itself, but we must provide for the taking of the census or disregard the Constitution.

Mr. NORRIS. In exercising that discretion, might we not very easily and honestly get into the predicament of not having any law on the statute books on the census proposition?

Mr. OLMSTED. If each one so stubbornly maintained his own position that the taking of the census failed, then no matter whose fault it might be, we should be in the position of having violated the express command of the Constitution.

Mr. NORRIS. Will the gentleman hold, then, that we would be subject to punishment on that account?

Mr. OLMSTED. Possibly not, but nevertheless the Constitution would not have been complied with.

Now, as to the taking of the census, the Constitution says it shall be taken, and it says it shall be taken within a certain time. Time, Mr. Speaker, is the essence of the matter in that particular. And that is not the only one. Take the question of a vetoed bill. The Constitution provides that if the President shall return a bill with his objections to that House in which it shall have originated, that House "shall enter the objections at large on their Journal and proceed to reconsider it." No one doubts that under that constitutional mandate, if a presidential veto should come in here and anybody should move to take it up at once, it would have a constitutional privilege over other business and above every rule of this House. The Constitution says:

> Shall proceed to reconsider it.

But when we come to other questions the Constitution is only permissive:

> Congress shall have power to lay and collect taxes, duties, imposts, to raise money—

And so forth.

Congress shall have power, the Constitution says, to do a great many things, among them to borrow money on the credit of the United States; but we are not compelled to borrow money, although expressly authorized to do so. We may adopt rules and regulations. We are not compelled to do so. We are authorized to do so. Now, as to those things which are permissive, the House may make rules as to the manner and the time in which they shall consider them, but as to those things which are mandatory under the Constitution, repeated Speakers of either party have held that there is a constitutional privilege above all rules to displace other business which would be in order under the rules. It was upon that theory that we proceeded this morning to consider the census bill as privileged.

But here comes a question to amend the rules of the House or provide a committee for that purpose. It is within the power of the House to do that within its own rules, but that does not present a question of constitutional privilege so as to displace and precede.

Now, upon that point let me read very briefly what was said officially by one who by some of us, at least, is considered very high authority. It is reported in Hinds's Precedents, volume 3, page 1063.

In 1898 Mr. BAILEY, of Texas, offered a resolution as follows:

> *Resolved, etc.*, That the heroic struggle of the Cuban people against the force of arms and the horrors of famine has shown them worthy to be free. And, second, the United States hereby recognizes the Republic of Cuba as a free and independent State.

Now, that was considered fully as important at that time, not only by the House, but by the country, as the question of a possible change in our rules. Mr. BAILEY made the argument that has been made here to-day, namely, that the Constitution authorized the House to take such action, and that therefore the resolution was privileged. He offered it as a privileged motion.

Mr. Boutelle, of Maine, made the point of order that the resolution was not in order as a privileged matter. I read very briefly from the opinion of the Speaker. He said:

> Those propositions in regard to war, or about recognition, or any of those subjects which may or may not be within our purview, do not become questions of privilege at all because we have a right to pass upon them; because that would make everything a question of privilege and end by making nothing a question of privilege.

That was Mr. Speaker Reed. The same question that we have here to-day came up in 1878, when Mr. Roger Q. Mills, of Texas, a Democrat, proposed for immediate consideration a resolution providing for a committee to revise the rules of the House, claiming privilege for the resolution on the ground that the Constitution gave to the House the power in that respect of which it could not divest itself. But upon that point that great Democratic Speaker, Samuel J. Randall, of Pennsylvania, said:

> The House, acting in pursuance of its constitutional power, has adopted certain limitations as to the changes of its rules.

Now, unless our friends on the other side are willing to overturn that eminent Democratic authority and we upon this side to overrule Thomas B. Reed, we will all vote, if given the chance, to support this point of order.

Mr. NORRIS. Will the gentleman yield?

Mr. OLMSTED. Why, certainly.

Mr. NORRIS. Has not that authority been overturned here to-day on the census proposition?

Mr. OLMSTED. Not at all. It has always been held that where there was a mandatory provision of the Constitution legislation in compliance with that demand had a high constitutional privilege, above the rules.

But as Mr. Speaker Reed said, if it is merely that we have the right to pass a thing, that does not give it privilege, because that would end by giving no privilege to anything, but would simply bring chaos in this House.

Mr. NORRIS. It might follow, as I think the gentleman admitted in a colloquy I had with him on the census resolution, that anything pertaining to the census may come up. The same argument could be used. We could have a census bill here from every Member of the House; and yet the gentleman contends that that was privileged, and he contends that this resolution is not privileged because chaos might come. He practically admitted the same thing would come on the other resolution.

Mr. OLMSTED. We have now passed the census bill. Any further bill would not be in order, because we have completed the constitutional mandate. This provision as to the rules never was a constitutional mandate. We have power to change the rules undoubtedly, but a motion to change them simply proposed from the floor can not displace and take precedence of all other business in violation of the rules. I am not discussing the merits of the proposition. It may be wise to change the rules. Some of us are very anxious to change the rules. That, however, is not the question now. What is now to be passed upon is the point of order. The question is whether this proposition is one of constitutional privilege higher than all rules and entitled to come in ahead of business which must now be considered unless the rules are utterly disregarded. If you hold that it is, then you hold that everything is privileged. If everything we may do under constitutional authority is privileged, and if you claim that everything we may offer to do is privileged, then, as Mr. Speaker Reed well said, we have in fact no privilege at all, and we are simply a chaotic and disorderly body. [Cries of "Rule!"]

Mr. PAYNE. Mr. Speaker, Congress is authorized to make rules for its procedure. For more than one hundred years this House has exercised that privilege and power. The present rules are the growth of a hundred years of criticism and amendment, until the rules of the House of Representatives represent the very highest wisdom in American statesmanship. The rules

themselves have always provided a way in which they can be amended, and they can not be amended in any other way.

I have sat in the House with great Democrats—Randall, Carlisle, Crisp, Turner of Georgia, Hammond, and I might enumerate a list of Democrats, whom all Democrats, even those in this House, delight to honor; and all these men held the rules of the House in high respect. They said that it was necessary for the defense of the minority that the rules should be stable. They said that the House would be a House of chaos unless the rules were respected. I have never seen, prior to this House, a single occasion on which the Democratic party were ready to vote to a man to have their way in defiance of the regular rules of the House. The rules are necessary to the transaction of business; the rules are necessary to the proper deliberation of the House. The rules are necessary to protect the minority in their participation in the transaction of the business of the House.

Now, it will not do to come in with any flimsy excuse and say that because the Constitution authorizes the House to adopt rules, that therefore it is a question of privilege, against the rules, and contrary to the rules, for a Member to rise in his place and offer an amendment to the rules. You can not hide behind that excuse. You see that it has been held to-day, and it has been held for a hundred years, because the Constitution directed the Congress to make a census every decennial year, therefore that made the consideration of such legislation a question of privilege. But the House did this outside of and above the rules of the House. Because the Constitution authorizes us to make rules, as it has authorized us to make them, the very fact that we can do this within the constitutional limits, would that therefore give permission to every man who thinks it important the right to bring in a resolution to amend any rule?

There is no logic in that situation. You can not hide behind it in the presence of the intelligent American people. I have heard gentlemen on the other side of the House plead with their colleagues to observe the rules of the House, and when the rules were attempted to be violated, when the attempt was made to appeal from a Republican Speaker, stand up and advise their colleagues to stand by the rules of the House. "For by and by we will be in the majority, and we can not afford to have the responsibility unless we can also render stable the rules of the House."

I have heard that advice from Randall, from Carlisle, from Crisp, men who realized their responsibility; and I can not think that any man on that side of the House, who has the ghost of a hope that he will sit here in the majority of the next House, will come here to-day and vote to break down the system of the rules, a vote which would come back to plague you in case you had a majority of the House. Is the Democratic party, buoyed up by its hope now of victory, to make its usual blunder and come in here, in its hope to grasp after something in the future, and throw the House into chaos for the sake of an advantage it might hope to gain, when at so great a risk of loss should it gain the House, to throw the whole thing into chaos and not be able to accomplish anything, if the Members of that party have anything in mind to try to legislate in future for the good of the country?

And I say to gentlemen on this side of the House, and I say it in all earnestness and soberness, I have no epithets to bandy, I have no criticism to make of any gentleman on this side of the House for any vote that he has given, for any position that he has taken in all the debates in this Congress. I have no criticism to make of any Member on this side of the House who failed to vote for the conference report on the tariff bill last summer. I am willing to concede to them that they were doing their conscientious duty. I think they made a mistake, and I suppose they think I made a mistake. But now, at this time, you see the Greeks over there bearing gifts, and all to what end? To pass a resolution at this time to reorganize the House and reorganize the committees, now at the very moment when each one of us should strive, standing shoulder to shoulder, to hold up the arms of that brave President at the other end of the Avenue [applause on the Republican side], who is striving to do his best, with his honest purpose, with his clear vision, with his great intellect, and with his great heart beating in sympathy with the American people, striving to lead the party on in the paths blazed in the national convention, blazed in all the councils of the party in the past. Now, at this critical time, with the elections coming on next fall for the indorsement or otherwise of our deeds as a party, for the best interest of the people of the United States; led by such a man, who has consecrated his life to the carrying out of these principles for the betterment of the people. Oh, gentlemen, you who bear the name of Republicans, you who have fought in the good fight for the Republican party, have a care how at this critical time you aid and abet the enemies of that President and the enemies of the Republican party. You may vote to override the rules of the House; you may vote to override the Constitution of the United States; but can you do it and still retain the honesty and integrity of purpose which each one of you has for the principles championed by that great President, who is now leading the Republican party? [Applause on the Republican side.]

Mr. POINDEXTER. Mr. Speaker, the gentleman from New York, who has just taken his seat, said, I think very properly and correctly, that a permanent system of rules is of greater importance for the minority than it is for the majority. It is very evident that the majority can ordinarily take care of itself. But without regular rules for the prosecution of business, which operate in the parliamentary proceedings of a legislative body as the constitution does in the government of a nation the minority would be absolutely at the mercy of the majority. Now, I make this proposition, that being the case correctly stated by the gentleman from New York, that under the system of procedure of this House, particularly that portion of the system referred to in the resolution of the gentleman from Nebraska, there is no regular permanent system of rules by which the business of this House is transacted. [Applause.]

Upon every occasion when an emergency arises, when an important crisis comes up in the legislation of this House, what is the result so far as the parliamentary procedure is concerned? There is a special order brought in, ordering how this House shall proceed, placing limitation upon the membership of the House, abrogating or setting aside the regular rules, the virtue of which has been extolled by the gentleman from New York. Who brings in these special orders? That is a matter to which I want briefly to refer, the relief of which is intended and will be accomplished by the resolution introduced by the gentleman from Nebraska. Special orders are brought in not by an impartial, disinterested, parliamentary body; they are not evolved from any rule or principle of law or parliamentary usage. They are brought in by a committee of which the Speaker of the House is the controlling factor, that Speaker being at the same time the partisan leader of the majority party in this House. He is not the leader on the floor, but recognized, as I have heard him state, as the responsible leader of the majority party so far as the House of Representatives is concerned.

So the minority, under the protection which it is said they have by this system of rules, is completely at the mercy of the committee of which the controlling factor is the partisan leader of the majority party, aided by two members of that party, both partisans, selected by himself. [Applause.] We have seen here under that system a tariff law, perhaps affecting more intimately and more universally all classes of people in this country than any other legislation that this House has ever been called upon to pass, containing thousands of items, reaching into every industry and every occupation—we have seen those who, whether justly or unjustly, have been charged with having special interest in certain legislation connected with the tariff law, bring in an arbitrary rule or a special order—not entitled to be called a rule, because it was not a rule of general conduct—but an order saying that this House, or the membership of this House, should not have the privilege of offering an amendment and taking a vote upon it. [Applause.]

If the majority in this House had been protected by a set of regular rules operating generally during the session, not subject to the absolute dictation of three men, one of them the Speaker, and the other two chosen at his mercy, as all of the other committees in the House are chosen, there would not have been the dissatisfaction——

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. POINDEXTER. I will yield to the gentleman.

Mr. TAWNEY. Before any rule or special order from the Committee on Rules can become operative it must be adopted by a majority of the House of Representatives, must it not?

Mr. POINDEXTER. It must be adopted by a majority acting under the whip and spur of the organization of the House, which organization is controlled by the same man, by his power of appointing all committees, who controls the Committee on Rules. [Applause.]

Mr. TAWNEY. What would be the difference in respect to the adoption of a rule reported from a committee composed as that contemplated in the resolution offered by the gentleman from Nebraska which the gentleman is supporting? Would it not be under the whip and spur of the 15 men on that committee?

Mr. POINDEXTER. I deny absolutely that there would be any whip or spur or any opportunity for it on the part of these men to exercise the power now exercised by the Speaker of this House.

Mr. TAWNEY. If the gentlemen now advocating the overturning of the rules of the House should accomplish what they seek, is it not reasonable to suppose that they would be as arbitrary as they claim the Committee on Rules now is?

Mr. POINDEXTER. It is always to be expected that a set of men who are deprived of the benefits of the law, who are deprived of the benefits so far as this question is concerned of parliamentary law—regular debate, power to offer amendments, and to discuss them and to be heard upon them—will be determined in their efforts to secure redress; but it is perfect nonsense and futile to say that the business of this House could not be transacted and at the same time allow a fair, free, full representation from every congressional district within the confines of the United States. [Applause.]

Mr. TAWNEY. Will the gentleman permit another interruption?

Mr. POINDEXTER. Yes.

Mr. TAWNEY. The gentleman stated a moment ago that the Committee on Rules was appointed by the Speaker of the House. The gentleman, if he attended the Republican caucus, knows that the two Republican members of that committee, who serve on that committee together with the Speaker, were elected by the Republican caucus.

Mr. NORRIS. Will the gentleman from Washington permit an interruption there?

Mr. POINDEXTER. Yes.

Mr. NORRIS. I would just like to correct the gentleman to say that while perhaps in one sense that is true, in reality the Republican caucus confirmed appointments already made and selected by the Speaker. [Applause and cheers on the Democratic side.]

Mr. TAWNEY. I want to say in answer to the gentleman from Nebraska that the Speaker did not even suggest the two Members selected by the Republican caucus for the Committee on Rules.

Mr. NORRIS. Well, then, the gentleman himself must have done it.

Mr. TAWNEY. It was on my own motion that the gentleman from Iowa [Mr. SMITH] and the gentleman from Pennsylvania [Mr. DALZELL] were elected.

Mr. NORRIS. And any man who has been here any length of time knows that when a motion comes from the gentleman from Minnesota [Mr. TAWNEY] it originates not very far from the Speaker of this House. [Applause and cheers.]

Mr. TAWNEY. Mr. Speaker——

Mr. POINDEXTER. I decline to yield.

Mr. HAUGEN. Will the gentleman yield to me?

Mr. TAWNEY. I want to say——

Mr. POINDEXTER. I decline to yield further. I yield to the gentleman from Iowa.

Mr. HAUGEN. I wish to ask the gentleman from Minnesota if he believes the Committee on Rules——

The SPEAKER. The gentleman from Washington occupies the floor not under the hour rule. He is addressing himself to a point of order. He can not yield the floor from one Member to another Member.

Mr. POINDEXTER. I yielded the floor to the gentleman from Minnesota, as I understood for a question, and so far as I could see he was making a speech.

Mr. HAUGEN. The gentleman from Washington yielded to me for a question and I proceeded to ask the question. I am not insisting on being recognized.

The SPEAKER. Did the gentleman from Washington yield to the gentleman from Iowa for a question?

Mr. POINDEXTER. Yes. I am willing to yield to the gentleman from Minnesota [Mr. TAWNEY] for a question, and I only refused to yield because it is evident that he was not asking a question. I yield to the gentleman from Iowa for a question.

Mr. HAUGEN. Mr. Speaker, I wish to ask the gentleman from Minnesota [Mr. TAWNEY] if he believes the Committee on Rules, consisting of 15 members, would deny the membership of this House the privilege and right to vote on at least a dozen items in a bill containing 4,000 items, such as a tariff bill?

Mr. TAWNEY. If the gentleman from Washington who has the floor will give me the privilege, I will answer the question.

Mr. POINDEXTER. I decline to yield. [Laughter on the Republican side.]

Mr. MADISON. Oh, give him the right to answer the question.

Mr. POINDEXTER. Well, the House seems inclined to want him to answer and I will yield.

The SPEAKER. Does the gentleman decline to yield? He can not yield except for a question.

Mr. POINDEXTER. Mr. Speaker, I have not the slightest desire to prevent the gentleman from Minnesota from answering the question or expressing any views that he desires to express. Undoubtedly he will have that opportunity. I only have a few more words to say, and that is that a great issue has developed in this country during the last few months as to the mode of conducting business in this House.

It in some respects is the most important question which is before the people, and undoubtedly will be an issue in the forthcoming elections, to which the gentleman from New York [Mr. PAYNE] has referred. I have noticed a disposition on the part of some Members of this House to be so-called "insurgents" at home and "stalwarts" or "regulars" in this House. [Applause.] Now, I want to say that on this vote upon this question affecting the very vitals of the issue which has been discussed before the country, and which has made this political situation, which is familiar to everybody, the record ought to determine and will determine how a man really stands in regard to that which we have been contending against in the House of Representatives. [Applause.]

Mr. DOUGLAS. Will the gentleman yield for a question?

Mr. POINDEXTER. Yes.

Mr. DOUGLAS. I would like to inquire of the gentleman if he considers as a line of demarkation, a criterion, between a man who calls himself an insurgent and one who calls himself a Republican, whether that man will vote to make or not to make chaos of the rules of this House?

Mr. POINDEXTER. I deny that it would make chaos of the rules of the House.

Mr. DOUGLAS. I say that to hold this resolution privileged would make chaos of the rules of this House.

Mr. POINDEXTER. I beg leave to differ with the gentleman from Ohio. There never can be chaos arising from a regular rule which is regular and universal in its operation. It is absurd to say that a committee of 15, chosen from different parts of the country, consisting of Members of this House, can not make laws, special orders, and such suspension of business as may be necessary to conduct the business of the House.

Mr. DOUGLAS. Will the gentleman further yield? Do you believe, sir, upon your reputation as a Member of this House, that this resolution is privileged? Do you, sir?

Mr. POINDEXTER. What is the question?

Mr. DOUGLAS. Do you believe that this is, within the rules of this House, a privileged resolution?

Mr. POINDEXTER. I am undoubtedly of the opinion it is privileged according to the ruling of the House on yesterday and to-day.

Mr. DOUGLAS. I am not talking about any ruling of the House on yesterday or to-day; I am asking the gentleman himself. [Jeers on the Democratic side.] My dear friends, that jeering only helps——

Several Democratic MEMBERS. Then, what are you kicking about?

Mr. DOUGLAS. I would like to ask the gentleman, upon his credit as a Representative, whether he considers this to be a privileged resolution or not? That is the question, and the only question, now before this House.

Mr. POINDEXTER. I consider it absolutely privileged, that this House has the power at any time it sees fit to adopt rules for its own government.

Mr. DOUGLAS. I am not talking about the power of the House to adopt rules, but is this, under the rules, a privileged resolution?

Mr. POINDEXTER. Yes; it is, undoubtedly, under the rules; and certainly will be, under the rules, after this vote is taken. [Laughter and applause on the Democratic side.] I would like to ask the gentleman from Ohio, since he has gotten into this debate, a question. Are you in favor of limiting the power of the Speaker of this House as at present constituted, or not?

Mr. DOUGLAS. I certainly am; but in a regular way. I will not trample upon my intellect and sense of right in seeking so to do.

Mr. POINDEXTER. Now is the day and hour of your salvation. [Applause on the Democratic side.]

Mr. DOUGLAS. I do not desire the gentleman from Washington to tell me the hour of my salvation. I think I will discover it for myself.

Mr. MANN. Does the gentleman think he would be safe if he depended upon learning it for himself?

Mr. POINDEXTER. Well, I hope you will. I hope the gentleman will see the light. I have the right to express an opinion——

Mr. PRINCE. Will the gentleman yield?

Mr. POINDEXTER. Yes.

Mr. PRINCE. I would like to ask the gentleman a question. What is the question before the House?

Mr. POINDEXTER. The question before the House is whether the resolution introduced by the gentleman from Nebraska is a privileged resolution.

Mr. PRINCE. Then it is a question as to a privileged resolution?

Mr. POINDEXTER. Yes.

Mr. PRINCE. And that is to be determined by the Speaker or by the House.

Mr. POINDEXTER. Yes; undoubtedly; or both the Speaker and the House. The House has the last guess, as I understand. Now, Mr. Speaker, I desire to say there has been a great deal of talk about the age of the rules of the House. They are not so old. Some of them are and some of them are not. Some of them have been adopted at this Congress under the necessity of a political situation; and even if they were old, even if these rules, as has been said here, are the product of the evolution of centuries, I deny that that is any reason which would make it unwise to change them. The very fact of changing conditions, changing character of Speakers, changing character of political parties, and the changing character of the interests that are back of the organization of the two Houses of Congress make it necessary to change the rules for the very reason that they are old, and because in many instances they are outdated. One of the oldest rules of the House was that the Speaker of this House, at least it was the practice and usage of the House, was an impartial parliamentary presiding officer.

Do you want to change that? That was the condition when this House was first organized, and I desire to say, Mr. Speaker and gentlemen of the House of Representatives, that that is the character of the presiding officer at the present time of every great parliamentary body in the world except this House of Representatives. [Applause on the Democratic side.] Many of those bodies are more numerous than ours. They contain a larger membership, and yet they manage to do business with a parliamentarian presiding over their sessions who is not associated with the active political partisan management of one of the political parties.

Now, I think there is no sophistry, there is not any kind of a technical argument about whether this matter is privileged or is not privileged that can deceive the people of this country as to the issue. The merits of the question, the merits of this rule, have been put in issue here by the leader of the Republican party in his speech a few moments ago upon the floor.

And that is what is going to be accepted by the country. That is the interpretation, and the proper interpretation, to be put upon the vote which is taken here to-day, of whether or not the man who is voting is in favor of limiting the inordinate, tyrannical power of the Speaker of the House of Representatives or whether he is in favor of continuing it. As far as I am concerned, as a Member of this House, I am in favor of limiting it. This House would have, whether this rule is changed or not, the power to shut off debate and the power to close debate. That power always rests with the House, and it is unreasonable and absurd to say that if the power of the Speaker is limited and if he is taken off of the Rules Committee, and that Rules Committee is selected in a fairer way, so as to make it more representative, that the House of Representatives under the new system can not continue to do business in a parliamentary way, and in the same way, so far as the rules of procedure are concerned, that it has been accustomed to transact business in.

As far as I am concerned, I desire to take this opportunity to register my position in accordance with what I have said at home and what I say here, and I hope that those Members of the House who have declared at home that they are in favor of limiting the power of the Speaker will have the courage to say so to-day. [Applause on the Democratic side.]

Mr. DALZELL and Mr. TOWNSEND rose.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I would like to make a few observations, having reference more particularly to the criticism made upon the Committee on Rules by the gentleman who has just taken his seat. As has already been stated, the rules of the House are not the creation of any one man or of any set of men. They are not the creation of any one Congress or any number of Congresses. They are an evolution. They are the outgrowth of the parliamentary necessities of one hundred and twenty years of congressional history. There is not a rule in the book of rules that does not have a reason for its being put there. There is not a rule in the book of rules that does not have a reason for being retained there.

Now, the gentleman criticises the Committee on Rules, not so much the personnel of the committee as the character of the committee. Now, let us see. There have been introduced into this House since this Congress began about 30,000 bills. Those bills can not all receive consideration. They will be thrashed out in committee, and there will be reported to this House a number of them, those selected as worthy of legislation. Provision is made in the rules for the consideration of those bills. Those of certain character go on the Union Calendar, those of another character go on the House Calendar, those of another character go on the Private Calendar; but, even with this classification of bills, it is absolutely impossible that all the bills on the calendars shall be considered at any single Congress. Bills of very great importance, bills of national importance, go upon the calendar oftentimes at such a stage of the session that in the ordinary course they can not be considered. How shall those bills be dealt with? Only by a process of selection. How shall worthy bills be selected? Only by a committee, and by a committee so constituted that it can give to the selection of those bills deliberation, and, if need be, prompt action.

The Committee on Rules is the committee to which is delegated the selection of the bills that ought to be passed in this House.

The power of the Committee on Rules and the extension of its functions have grown as the size of the House and the size of the country have grown. The Committee on Rules reached its highest power in the Fifty-second and Fifty-third Congresses, Democratic Houses, when Mr. Crisp was Speaker.

Now, let me say in this connection, not only are these rules an evolution, but they are the rules that have been adopted by both parties. The Democratic party, in the Fifty-second and Fifty-third Congresses, adopted the Reed rules, which are substantially the rules to-day.

Mr. POINDEXTER. I would like to ask the gentleman a question. Do you think that that is a strong recommendation of them?

Mr. DALZELL. Why, it simply shows that the Democratic party, notwithstanding its prejudice against the rules, when it came into power found these were the only rules under which they could successfully do business. [Applause on the Republican side.]

Now, the report of the Committee on Rules has no force or effect unless it has behind it a majority of this House. Speaker Crisp held that the Committee on Rules had the right to originate a rule. All other Speakers, Republican Speakers, have held, as the present Speaker has, that the Committee on Rules can only act upon a matter submitted to it. When the Committee on Rules passes on a resolution introduced by a Member of the House, it makes its report to the House; but that report has no force or effect unless it has behind it the majority of the House. But, ah, the gentleman from Washington says, when the Committee on Rules reports, the majority, acting under the whip and spur of a single man, indorses the report of that committee. Mr. Speaker, I have no such poor opinion of the character of the membership of this House as to believe that a majority of this House would so sacrifice its judgment and sense of responsibility to its constituents as to pass any measure under the whip and spur of any one man or half dozen men in this House. [Renewed applause.]

I believe that the men who constitute the American House of Representatives stand on a higher plane than that suggested by the gentleman from Washington. He complains that great bills like the tariff bill are passed under a rule. The rule in the case of the Payne bill selected and submitted to the judgment of this House the prominent questions upon which differences of opinion existed. Why, a tariff bill containing maybe a thousand items, unless there was some such rule, in a House constituted of nearly 400 Members, exercising the right to debate under the rules of the House, would not be passed in two years' time. What has been the experience in this House? The McKinley bill was passed under a rule. The Wilson bill was passed under a rule.

Mr. CLARK of Missouri. I would like to ask the gentleman a question, Mr. Speaker. I have heard the gentleman state that same proposition here time and again; and as a naked proposition it is true; but I want to ask him this: If it is not true that the Wilson bill was debated in this House by sections and by

items for three weeks before it ever went over to the Senate, and every man had a perfect opportunity to offer an amendment and to make any speech he wanted to?

Mr. DALZELL. Oh, yes; it was debated three weeks. But it went to the Senate, and when it came back it came with 649 Senate amendments, and not one of them was ever debated. [Applause on the Republican side.] They were passed under a rule.

Mr. CLARK of Missouri. How many amendments did the Dingley bill have?

Mr. DALZELL. I do not know, and do not care.

Mr. CLARK of Missouri. It had 50 more than the Wilson bill.

Mr. DALZELL. I do not care.

Mr. CLARK of Missouri. How many amendments did the Payne-Aldrich-Smoot tariff bill have when it came back?

Mr. DALZELL. I do not know, and I do not care.

Mr. CLARK of Missouri. Eight hundred and one.

Mr. DALZELL. I do not care anything about that. I am simply showing how misleading is the suggestion made by the gentleman from Missouri when he talks about the Wilson bill having been debated here for three weeks, when I show him that when it came back from the Senate with 649 amendments they were adopted in this body under a drastic rule reported from the Committee on Rules.

Mr. TAWNEY. If the gentleman from Pennsylvania will permit me, I will state that there was not even a full conference on the Wilson bill.

Mr. DALZELL. Certainly not.

Mr. SHACKLEFORD. Will the gentleman allow me to ask him a question? Assuming, as the gentleman does, that some wrong was done in the administration of the rules in a Democratic Congress long past, do two wrongs make one right? Does that justify a wrong to-day, even if it be true?

Mr. DALZELL. The gentleman certainly misapprehends me. I do not concede that any wrong was done even in the case of the Wilson bill. [Applause on the Democratic side.] I am simply demonstrating that the same necessity that existed for the introduction and passage of a rule in the case of the last tariff bill existed in the case of all tariff bills; and I would remind the gentleman also, although my friend from Missouri, I think, would rather I would not, that on that same occasion, after the passage of 649 amendments under a rule, a bill putting coal on the free list, that had never been sent to a committee, a mere manuscript bill, was sent to the desk, and under a rule passed after fifteen minutes' debate. Another popgun bill, putting ore on the free list, was sent up to the desk and met the same fate. According to all the precedents of our history the right and wisdom and propriety of the House of Representatives, by a Committee on Rules, to select the business to be transacted, when indorsed by a majority, has vindicated itself.

Mr. CULLOP. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. CULLOP. Is not the very argument the gentleman makes the strongest argument for changing the rules at this time?

Mr. DALZELL. It is not. It is necessary that the Committee on Rules should be a small committee, ready to meet at any time and all times, and so constituted that there shall be no controversy between the members of the committee as to whether this particular legislation or that particular legislation in which one wing of the committee is interested or another wing of the committee is interested shall be considered by the House. It should be a committee no larger than the committee that now exists, acting, as it does, in response to a resolution from the floor of the House and backed by the judgment of a majority of the House.

Now, Mr. Speaker, just a word or two more and I will conclude. The gentleman from Nebraska [Mr. NORRIS] introduced this resolution under the guise of constitutional privilege. That pretense was immediately abandoned, because I do not believe that in this body there are half a dozen men who will get up and honestly say that they believe that the question now before the House is a question of constitutional privilege. So that pretense was abandoned. The gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Missouri [Mr. CLARK], the leader of the minority, were brutally frank. They did not claim that it was a question of privilege. They said, in substance, it was a question that the majority, overriding the rules of the House, could make a question of privilege. I do not want it to go to the country, and it will not go to the country, that we are acting here to-day upon a question of constitutional privilege. We are acting here to-day without regard to the Constitution, without regard to the rules of the House, simply because a majority, irrespective of constitutional rules and by revolution, are determined to make their way. The gentleman from Missouri [Mr. CLARK], leader of the minority, looking over to this side of the House, tells us Republicans, a Republican House, that this measure will be carried, because he has the votes. If he has the votes—he has the votes of the Democratic party in this House—he must have, in addition, the votes of others who were elected as Republicans, and who, I have no doubt, will be compelled to answer to their constituents for their action to-day, whatever the result of that action may be. [Applause.]

Mr. SAUNDERS. I wish to speak to the law of one feature of the proposition before the House. This proposition, according to the claim of its proponent derives its right to consideration from the Constitution itself. But the gentlemen in opposition seek to draw a distinction between that section of the Constitution from which the motion of the gentleman from Indiana is supposed to derive its right, as a privileged motion, and the section upon which the gentleman from Nebraska relies for the parliamentary status of his motion. This distinction is based upon the fact that section 2 of the Constitution uses the word "shall," while section 5 relating to rules is in the following terms:

> Each House may determine the rules of its proceedings.

This contention in itself carries the necessary implication that if the word "may," is properly to be construed as "shall," then the motion of the gentleman from Nebraska, and that of the gentleman from Indiana rest alike upon the same solid foundation of the Constitution.

It is not an infrequent thing for the courts to rule that the word "may," must be construed as "shall," to carry out the legislative intent. In fact such a construction occurs within every jurisdiction with which I am familiar. The rule of construction is based upon a consideration of the context in which the word "may" occurs. If it is obvious upon contemplation of this context, that the legislature while using "may," intended it to have the effect of "shall," then it will be construed to mean "shall." In my own State in respect to the issue of certain licenses, the statute uses the word "may," but our court of last resort has long since read the word "shall," into the statute, and justified its ruling by abundant precedent. Now suppose we look at the different sections of the Constitution in which the words "shall" and "may," respectively, occur. When the Constitution confers upon Congress the authority to legislate on a number of different subjects, it very properly uses the words that the Congress "shall have power." This language confers jurisdiction. Congress has no authority to legislate, save to the extent that power is conferred by the organic law.

But unless the word "may" is to be construed as "shall," in the section relating to rules, the Constitution has done an idle thing in this connection. If it merely intended to say that the House shall have authority to determine and establish rules for its government and procedure, there was no occasion to make any pronouncement on the subject. Entirely apart from any provision of the Constitution, the House which it established would have full authority to adopt its rules of procedure. If the word "may," in this connection, merely affords a discretion, then it confers nothing. The House has no greater power under this section than it would possess if the Constitution was entirely silent on the subject. Hence, I say, in order to give meaning and effect to the Constitution, this section must be construed to lay an imperative command upon the House to establish rules and adopt a system of procedure. This being true, the motion of the gentleman from Nebraska is upon the same footing of privilege as the motion of the gentleman from Indiana, upon which the House acted a few moments since.

I wish to say that the suggestion of the gentleman from New York, reenforced by the gentleman from Ohio, that chaos will follow from adopting this resolution is utterly without force.

I have no apprehension that any action taken by the majority of this House will produce chaos. I have too much confidence in the wisdom, the patriotism, and the good sense of this body to believe that any deliberate action on its part will result in confusion or disaster of any sort. Too long has the majority made a fetich of the present rules. We have been assured so often of their merits and virtue that the assurance has somehow lost its force. We have been warned so often that chaos would ensue if we touched this sacred, this holy thing, that the tocsin of disaster to come has somehow ceased to inspire alarm. For my own part, I avow that I am willing and ready to try some new thing. Progress involves change. Even the procedure of this House is susceptible of improvement. In the country

at large there is a strong desire to see a genuine reform of our rules compassed and brought about. This resolution is a step in that direction. If on trial it proves to be unworkable, we can easily return to old conditions; but I confess to a lively desire to make the experiment. [Applause.]

Mr. KENNEDY of Ohio. Mr. Speaker, I regret that so much time has been wasted. We have a great deal of important business to do in this House. About three or four weeks ago the Republican Members of the Ohio delegation met and talked and concluded that matters of this kind ought to be kept out of the deliberations of the House until our real duties were performed, and I hope that the Chair's ruling will be to exclude this and that that ruling will be sustained by this House.

If this resolution should pass in this Chamber, then we may go home without performing our work here. This Chamber will be transformed from a deliberative Chamber into a wrangling club, and the country will not excuse us for any such mistake and blunder. It is a serious matter. You can not go forward without rules. There is no one present here to-day who does not know that it is a mere pretense that this resolution is in order.

Let this resolution prevail and pass this Chamber, and how are we going to perform the business that we are sent here to perform? If it were in order I would make a motion to put off indefinitely the consideration of this whole matter that the serious affairs that we came here to consider may go forward in an orderly way. This is an important matter, and those that are responsible for changing the proceedings of this House into a debating club or a wrangling club will be held responsible to the country. [Applause.]

Mr. LINDBERGH. Mr. Speaker, no one has any higher regard for law and order than have I. I practiced law for a number of years, and I learned to respect both the common and the statute law, and I stand for law and order here and everywhere. When I came here as a Member of this House, as a Representative of a district as good as any in the country, I discovered that some of the rights of this House, which means the rights of the people I represent, were being invaded and defeated by indirection; and to-day when I heard the speech of the gentleman from New York [Mr. PAYNE], I knew that those remarks, standing by themselves and independent of the proceedings of this House in the last few years, would receive my highest regard and respect, as well as the respect of my colleagues; but when I look back over the proceedings of this House, and when I know, and the entire country knows, that by indirection the will of this House has been thwarted time and time again, then I say, when we have a resolution before us, which proposes to do by direction the will of the House, it is time now and here on this occasion to manifest our power, to enforce the rule of the majority, in the language that has frequently been expressed by the able Speaker of this House. I say now and here, in the light of what has occurred over and over again, in defeating, in holding back, in preventing bills that have been introduced in this House, which were in accord with the wish of the entire country, or at least a great majority of the people of the country at large—I say, when those bills have time and time again been pigeonholed by select committees, that now, since the question arises on this floor, the House can by a direct vote do directly the will of the House, and now it is time for us to act in accord with that will. [Applause.]

Mr. FISH. Mr. Speaker, my experience with the rules of this House has not been a happy one. I have endeavored to get some consideration from the Committee on Rules. I have written to the members of the committee; I have spoken to some of them in behalf of my resolution, which is in the interest of all the people, and yet I have not succeeded in getting a hearing from that committee. [Applause.]

Mr. GAINES. May I ask the gentleman what his resolution was?

Mr. FISH. I am very glad to tell the gentleman and the House that it was a resolution which simply called on the Committee on the Post-Office and Post-Roads to inquire into the feasibility and the desirability of establishing a parcels-post system.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. FISH. Yes.

Mr. SMITH of Iowa. I want to call the gentleman's attention to the fact that he has not correctly stated the purpose of his resolution; that his resolution demanded that the Committee on the Post-Office and Post-Roads report absolutely within thirty days, and fixed the time for the report.

Mr. FISH. Mr. Speaker, I have been over that question with the gentleman on another occasion, and he well knows that it was within the power of his committee to change the resolution so that the Committee on the Post-Office and Post-Roads should make its report within sixty or ninety days if need be. [Applause.]

Mr. SMITH of Iowa. But that was no reason why the gentleman should misstate his resolution, however.

Mr. FISH. Mr. Speaker, I was merely stating that I could not get even a hearing.

Mr. SMITH of Iowa. I deny that a hearing has ever been refused.

Mr. FISH. Mr. Speaker, I have the evidence in writing that I asked a hearing, and none has been granted me. [Applause.]

Mr. SMITH of Iowa. Well——

Mr. FISH. I asked the gentleman—oh, I have the floor, and he can have it afterwards, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. FISH. I will ask the gentleman, in the six weeks that the resolution has been before the Committee on Rules, why it has not answered my request and given me the privilege of a hearing?

Mr. SMITH of Iowa. Does the gentleman ask that question?

Mr. FISH. Yes; why have you not given me a hearing?

Mr. SMITH of Iowa. I wrote the gentleman in person that while I did not approve of a parcels post myself I was opposed to suppressing any measure, and that I was willing to give him a hearing and report the bill adversely.

Mr. FISH. I would ask the gentleman, then, why he did not give me a hearing?

Mr. SMITH of Iowa. The gentleman never appeared and asked for a hearing.

Mr. FISH. But I have written time and time again asking for it.

Mr. SMITH of Iowa. Oh, written——

Mr. FISH. Mr. Speaker, if the gentleman wants his correspondence with me on this subject published in the RECORD, I will publish my letters. [Applause.]

Mr. SMITH of Iowa. I do want it published in the RECORD.

Mr. FISH. The gentleman shall have it.

Now, Mr. Speaker——

Mr. DALZELL. Does the gentleman not know that he could have got that information by sending the resolution to the Committee on the Post-Office and Post-Roads, and that the utmost that the Committee on Rules, under the circumstances, could have done would be to send it to the Committee on the Post-Office and Post-Roads?

Mr. FISH. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] did not even have the grace to answer my letter. [Laughter and applause.] Now, Mr. Speaker, I want to ask the gentlemen composing the Committee on Rules what possible way a Member of this House has to get a bill or resolution out of a committee of this House which does not care to report it?

Mr. DALZELL. You mean any committee?

Mr. FISH. The Committee on Rules; I will take the gentleman's own committee.

Mr. SMITH of California. Will the gentleman permit me to ask him a question?

Mr. FISH. Yes.

Mr. SMITH of California. I understand the gentleman was talking about a bill before the Committee on the Post-Office and Post-Roads with reference to the parcels post. Is that the trouble that is in your mind?

Mr. FISH. Mr. Speaker, the gentleman from California need not be so flippant. [Laughter.]

Mr. SMITH of California. I want to say the Committee on the Post-Office and Post-Roads—I am speaking in the absence of the chairman—has given hearings on that subject, and we never found you there.

Mr. FISH. Mr. Speaker——

Mr. SMITH of California. The committee is open to hearings on that subject, as others; but we can not hear the gentleman when the gentleman is absent.

Mr. FISH. Mr. Speaker, I do not yield for a speech from the gentleman from California. The gentleman from California well knows, coming back to the parcels-post question, that he has had a bill on that subject in his committee for a year, and the gentleman's committee has made no progress, and that the committee has never given any public notice of a hearing and this is the first intimation that I have had that one has been held.

Mr. SMITH of California. Have you ever been before the committee and called it up for consideration and asked for its consideration?

The SPEAKER. The gentleman from New York declines to yield.

Mr. FISH. Another subject which might be brought to the attention of the House and another reason I have for taking every opportunity for changing the rules of this House now and hereafter is that my friend from New York [Mr. FOELKER] has had before the Committee on Ways and Means a resolution in which every man in this country is interested at the present time, and that is the looking to the reduction of the tariff on beef. [Applause.] And yet I believe it has made no progress so far. If it has, the gentleman from New York will correct me.

Now, Mr. Speaker, for one I yield to no man in my Republicanism. I will follow the gentleman from New York, the leader of this House; I will follow the gentleman from Pennsylvania and the gentleman from Ohio, and even the gentleman from Iowa [laughter], in support of every measure which is in the Republican platform, and there are measures advocated in that platform that I believe I will go farther in support of than some of those gentlemen. [Applause.]

Mr. Speaker, I regret that anybody, no matter how high he may be in the councils of the Republican party in this House, should inject the name of the President into a question of changing the rules of the House. Sir, I believe the House should be independent of the Executive. [Applause.] I believe it is not the province of the President to dictate to us how the rules should be constituted; and I have too high a respect for the President to believe he would do so; aye, more than that, I do not believe anybody has the authority to use the name of the President as desiring to interfere in the matter of the rules of procedure of the House. [Applause.] If there is any man in this Chamber who can state that the President is in favor of the rules of the House as they stand to-day without any liberalization, let him arise and speak. [Applause.] The failure to respond convinces me that my estimate of the President's attitude is correct.

Mr. Speaker, those on this side of the House should remember when we are considering this question that these rules are not Republican rules. They were rules introduced by a Democrat, the gentleman from New York [Mr. FITZGERALD]. [Laughter.]

Mr. DALZELL. Oh, no.

Mr. HULL of Iowa. Very few.

Mr. FISH. Mr. Speaker, some gentleman here said, sotto voice, "very few." If anybody can deny the broad statement I made, then let him arise in his place and so state. [Laughter and applause.] The Journal of the opening day of the special session, March 15, 1909, will bear out my statement. Now, Mr. Speaker, I said in my speech the other day that I should take every opportunity that might arise to amend the rules. I believe the people of this country, without regard to politics, believe in changing the rules. There has been no representative form of government in this Chamber under the rules. I would like to debate the question of changing the rules in every congressional district in this country, and I will undertake to say that the Republicans of nine out of ten of those districts would vote to change the rules. I am one of those who have been hoping against hope. I have been trying to persuade the leaders on this side of the House to give an opportunity to change the rules, but for one I have seen no signs on their part to do so; therefore I am not to be deterred by the talk about chaos that has been alluded to by the gentleman from Ohio [Mr. DOUGLAS]. I am not so timid a soul as all that. If the gentleman can explain where chaos would come in because a larger number of gentlemen, to be elected by the House, should make the rules, instead of those gentlemen who now constitute the Rules Committee——

Mr. GARDNER of Michigan. May I ask the gentleman a question?

Mr. FISH. Certainly; I am always ready.

Mr. GARDNER of Michigan. I would like to ask the gentleman from New York [Mr. FISH] if he believes an elected majority should control the House in ordinary legislation?

Mr. FISH. Mr. Speaker, I do so believe, when they act in the interest of the people, and the whole people. [Applause.]

Mr. GARDNER of Michigan. And who is to be the judge as to whether they act in the interest of the people?

Mr. FISH. Each individual Member on this floor is to be the judge according to his own conscience.

Mr. GARDNER of Michigan. One other question, if I may be allowed.

Mr. FISH. Certainly.

Mr. GARDNER of Michigan. The Norris resolution provides, if I understand it correctly, and if I do not, I would like to be corrected, that the House shall elect a committee of three, which committee shall select a committee of fifteen.

Mr. NORRIS. The gentleman is in error.

Mr. GARDNER of Michigan. The House elects a committee of three, and those three divide it into groups, do they not?

Mr. NORRIS. Yes.

Mr. GARDNER of Michigan. Then, under the present order of things, judging by the evidence yesterday and to-day, the Democrats, with a minority of the Republicans, can select this committee of three?

Mr. NORRIS. No. Oh, the committee of three they might select.

Mr. GARDNER of Michigan. Then that is the whole thing.

Mr. NORRIS. Will the gentleman permit me there in answer to the question——

Mr. GARDNER of Michigan. Certainly, if the gentleman from New York [Mr. FISH] will permit?

Mr. NORRIS. I am willing, as far as I am concerned, to agree it shall be a committee of one, and that it shall be the gentleman from Michigan [Mr. GARDNER] himself.

Mr. GARDNER of Michigan. Am I not right that the resolution provides that the House shall elect three members?

Mr. NORRIS. Yes.

Mr. GARDNER of Michigan. Now, with the shape that things have taken here, the Democrats, with a small minority of the Republicans, would virtually control the legislation of the House. Is that not true?

Mr. NORRIS. No.

Mr. GARDNER of Michigan. It certainly is.

Mr. NORRIS. It is a very unimportant thing.

Mr. GARDNER of Michigan. Why unimportant?

Mr. NORRIS. It is divided into groups. As far as I am concerned, I am willing to agree it shall be a committee of one, and that the gentleman himself [Mr. GARDNER of Michigan] shall constitute that committee, and I believe that would have unanimous consent.

Mr. HULL of Iowa. On the theory that if it came in, the Democrats, with a minority of Republicans, could amend it to suit themselves.

Mr. NORRIS. They could; but it is not at all likely there would be anything wrong with the report when it came in.

Mr. GARDNER of Michigan. Will the gentleman allow me to say in answer to the gentleman from Nebraska——

Mr. FISH. Mr. Speaker, I believe that the public attention of this country at the present time is more centered on the rules of this House than on any one question. I believe that that is the burning issue of the hour, and now is the time for us to act one way or the other. [Applause.] We can not shirk our responsibilities by the mere statement that it is going to create chaos. That view could not be maintained in any congressional district in this country. I take exception to any statement that these rules are Republican rules. In what State of this Union has or could a resolution be passed in any state Republican convention indorsing the rules of the House as they now exist? I think a man would have much courage and but little discretion who would rise in any Republican convention and make that proposition.

I know that in our delegation from the State of New York some gentlemen tried to induce the delegation to pass a resolution to the effect that the rules of the House were adequate, and I also know that no such resolution was passed by our delegation. Moreover, the rules of this House have not even been sanctioned by a vote of a caucus of the Republican Members. Why, then, should not Members be permitted to assail them without having their party fealty questioned?

Mr. BATES. May I ask the gentleman a question?

Mr. FISH. Certainly.

Mr. BATES. Will not the gentleman kindly state to the Members of this House why it is that the public mind is more focused upon the subject of the rules of this House to-day than it was five or ten years ago, when the rules were substantially the same, only that they have been liberalized since that time?

Mr. FISH. Mr. Speaker, I will answer the gentleman, that the country did not know how many bills which were in the interest of the people had been smothered in the committees.

Mr. BATES. Mr. Speaker, the gentleman can not now find in the closets of the committees any valuable legislative suggestions which did not come to light five years ago or ten years ago, can he?

Mr. FISH. I do not know that. But I do know that the rules are so constituted at present that a Member can not get legislation on bills to which he is entitled on the floor of the House.

Mr. Speaker, I have taken up more time than I expected to, because gentlemen have interrupted me; but as for myself I shall take this opportunity, and I shall take every opportunity

that arises during my term in Congress, to vote for a liberalization of the rules of this House and a restoration of representative government. [Loud applause.]

Mr. FASSETT. Mr. Speaker and gentlemen of this House, on both sides and in the middle of the aisle, I am going to beg your indulgence, because this debate has taken a little wider latitude than a close discussion of the resolution introduced, upon its merits or upon its parliamentary force and value, and has entered somewhat into the fundamental principles of party government and political administration, if I also depart from the subject immediately in hand.

As my good friend—and I hope he is my good friend—[Mr. CLARK of Missouri], the leader of the minority, said the other day: "We may fool all of the people some of the time and some of the people all of the time, but we can not fool all of the people all of the time," and that was originally said by that great Republican, our first President, Abraham Lincoln. We are playing politics and we are playing for great stakes. We are robust partisans, every one of us. The Democratic minority—and I applaud it for the fact—is playing for points. It is straining every nerve to outmaneuver the Republican majority in this House. This is a great arena, wherein political giants and a few political dwarfs are engaged in struggling for the possession of the Government of the greatest people in the world. [Loud applause.]

We have developed inside of the Constitution, and outside of the Constitution, in accordance with the genius of our blood and our people, a government of a great people by great parties, parties that depend for their charters upon the votes of a free people from the various sections of the country, the highest source from which governmental charters have ever proceeded, ever can proceed, or ever will proceed. Men who hold elective office in this country hold such office in every case because the majority of the qualified electors in their districts have given them a mandate to proceed to carry out the promises which the party the candidates represent had made; and good faith and the rules of the game require that men who have received such a trust shall discharge it for the benefit of the estate in strict accord with the terms of the trust. Any man is reprobated properly who betrays any trust that is given to him, whether it be as an alderman, a supervisor, a member of the assembly, a state senator, or as a Member of Congress.

In this House we are divided by one great line of separation, invisible, but recognizable as clearly as that center aisle is recognizable. On one side are men who have come from constituencies who believe, however misguidedly, in the promises and platforms, in the principles, and in the purposes of the Democratic party. On the other side are men who come here because a majority of the people in their districts, seeing them nominated upon Republican platforms, accepting the Republican trust, believed they were going to come here as Republicans and govern themselves according to the purposes of the entire Republican party officially expressed. So every man who is a man, and not a jellyfish, is a partisan. It is not wrong to be a partisan, especially when partisanship addresses itself to the highest purposes of patriotism. We were all elected by partisans because we were partisans, and as such represented party purposes as expressed by party platforms. None of us received any commission to betray his party at any time, but each of us was elected by majorities which expected us to act with the majority of our party associates on all party matters. I take it that no Democrat was elected to cooperate with our party, nor was any Republican elected to hand over the Republican control of this House to our political opponents.

A man ought to have opinions and convictions. He ought not to be a political chocolate eclair. He has a right to his individual liberty of opinion and action; always, however, within the limits of the trust which has been bestowed upon him and which he has accepted from his party to act with the majority.

Now, parties, like governments, provide machinery whereby men may adjust differences of opinion. If we have 200 men on this side, I believe they are likely to have, if not 200 different opinions, at least 200 different kinds of opinion on almost any one of the great questions that concern the people of the United States, and we have planned to meet together and compare views. In my judgment, the place to adjust differences of opinion on unimportant questions, and on important questions of public policy and party policy is not in public, where one minority uniting with another minority may make a temporary majority; but in the family caucus, where we may adjust our opinions and govern ourselves, as representative government must always be controlled, by an expression properly taken in a proper place, of the will of the majority of those qualified to speak. In this way only can party efficiency and unity be maintained and party responsibility as distinguished from personal whim be preserved.

Now, we have heard a great deal here about what the majority of this House can do. We have heard some of the humorous remarks of the Speaker quoted with approval, and to-day, with a grim approval by the leader of the minority, that a majority of this House could pass anything. It is true, and the majority of this House ought to be able to control the action of this House. Apart from courteous treatment, apart from reasonable consideration to the minority, the majority ought absolutely to control everything that the House does, everything that emanates from this House. We Republicans were put here by the American people for that purpose. They had tried you gentlemen on the other side of the aisle, and, as John Sharp Williams once said here on the floor, they are afraid of you. They have tried us, and he said they had grown tired of us, but still we are here. Now, we have the power. The people gave it to us as Republicans. We may surrender it. We may give you any part or all of our power, but if we strip ourselves of every particle of our power we can not strip ourselves of one iota of our responsibilty, a responsibility we accepted as Republicans from Republicans. [Applause.] And when your turn comes, my Democratic friends, which I trust heaven may long defer, and you sit in the seats of the mighty, and you are in control, and you are confronted with the problem of reconciling your many irreconcilable bundles of alleged principles, announced in all your platforms, you will have to be responsible to the country; and the majority that ought to control in the House of Representatives or the Senate is not a temporary affiliation of two minorities, but the majority commissioned by the American people, with responsibility for all legislation and the enactment of all laws. [Applause.]

Now, with reference to the so-called insurgents, I think our friends on the other side are congratulating themselves a little too soon. They are apt to refer to the insurgents as near-Democrats or mercerized Republicans. [Laughter.] They were almost on the point in their Democratic family caucus the other day of passing resolutions denouncing the Republican insurgents because they had gone back on the Democrats. [Laughter and cries of "No!" "No!" on the Democratic side.]

Well, I should say that my information came from the newspapers of this city, and I have never heard it denied. If it is not true, then my remark has no application.

A MEMBER on the Democratic side. It has no application.

Mr. FASSETT. But I advise you under all the circumstances, and not depending on what I have seen in the papers, but from what I have heard here on this floor, that you should study the meaning and application of the word "parallax." Parallax, as I understand it, is the distance that divides the point where an object seems to be from one standpoint, and seems to be from another standpoint, from the point where the object really is. [Laughter.]

It is very necessary to understand their parallax in order to understand the movements of the heavenly bodies. It is necessary to understand the parallax of the insurgents to know exactly where they stand. I undertake to say that when you welcome them as assistant Democrats you do gross violence to their most sacred convictions. I undertake to say that were I as a regular to denounce them as irregular, they would fling back the taunt into my face and say, "Not so. Do you suppose from fair Washington or bleeding Kansas or fertile Nebraska I come as a Democrat to help Democracy, to be an assistant Democrat? Not so. I am progressive. I am a better Republican than you are. I am not joining the Democracy in an attempt to peddle political patent medicine. I am for the enactment of a political pure-food law. I want the label to correspond with the package and the package contents to correspond with the label." So they lay the flattering unction to their souls that they are progressive Republicans.

They are not for what your platform declares for. They do not believe in your follies of cheap money, of fiat money, or free trade. They believe in Republican principles; they are here after having been nominated on a Republican platform, and they see the light in accordance with the intelligence God has given them to see the light. They are earnest men, striving to outdo us in making the American people believe the Republican party is the only party that has a consistent programme and a constructive statesmanship that will result in the benefit to the American people, as demonstrated in all points by the history of fifty years. [Applause on the Republican side.]

I do not agree with these gentlemen that they ought to take the power that the whole people have given to the entire Republican majority and hand it over to the Democratic minority in anything that goes to affect the vital energy, the unity, the

efficiency of the Republican majority elected by the people to the House of Representatives. [Applause on the Republican side.]

Now, Mr. Speaker, for seven years the present occupant of the Chair has been known to us and to the country as our Speaker, "Uncle Joe." He is the same man now as then, with the same attitude toward men and toward the rules, the fairest presiding officer I have ever had the good luck to sit beneath. Twice by unanimous vote of Democrats and Republicans publicly thanked for his fairness. [Applause.] Lauded in private, exalted and reverenced in secret, but under the pressure of untoward and abhorrent forces, which I will not stop to recount, he is held up by political opponents for selfish reasons as a political bugabco by the very men who will extol him in private. I say that his record in the Speaker's chair challenges comparison with the record made by any presiding officer since the beginning of this country. [Applause on the Republican side.] And the only critics of the Speaker, without exception, will be men who are sore, men who are angry, because, like my friend from New York [Mr. FISH], their particular legislative baby has not been taken out of the committee cradle first. [Laughter and applause.]

There are 30,000 legislative babies in our committee crib. Some must come out first; but without discussing that, Mr. Speaker, the organization of this House is the same, and the rules are the same, that we have lived under for the seven years under which we blessed the country in the Fifty-eighth, Fifty-ninth, and the Sixtieth Congresses. Then we had these same rules. Then we had this same crystallized wisdom of one hundred and thirty years of parliamentary experience to guide us. At any time the minority could, if it pleased, pass two weeks in roll calls to call the attention of the country to things both sides agreed to. The minority is protected by law the same as the weak man is protected by laws outside. And look at the record! Look at the splendid Republican laws Congress has rolled up under these rules and under this Speaker—a magnificent record, unsurpassed, nay, unparalleled for constructive statesmanship and for beneficent results to our people, in the history of the legislation in any country. I need not ask you to take my word alone. I have a witness whom I will summon presently.

This is not a question, gentlemen—be not deceived—this is not a question merely of a change of rules. It is a question of a change of party control. It is a question of losing grip. It is a question of whether or not the powers of this Republican majority are to be emasculated by an unnatural and abhorrent alliance with our natural born enemies. [Laughter and applause on the Republican side.] If these rules are to be changed, they should be changed as the tariff was changed, not by their enemies, but by their friends. No; the first man to run to the cover of an efficient code of rules, mark my words, if the country should establish the Democracy in power, would be our friends on the other side, and the man over the hurdles first would be the distinguished orator from Missouri, who expects to be the Democratic Speaker. [Laughter and applause.]

Do you suppose he would consent to trust 15 of the wild, untamed steeds of the Democracy to fix his rules or to name his committees which are to make him responsible to the great 46 States of this Union? No; the gentleman is far too canny, too wise, too prudent, and too experienced. We have much at stake, far higher and greater than satisfaction of any man's resentment; it is the success of the Republican party's programme—the programme we were sent here by Republicans to carry out. It is the success of Taft's administration. [Applause on the Republican side.] It is the success or defeat of our great party. The country is not ready yet to transfer from us to our friends on the other side, of fifty years of proven incompetency, the powers of this country to carry out the wishes of this people. But I summon a gentleman as a witness to the essential excellence of these rules, as a witness to the essential excellence of this Speaker, as a witness to the efficiency of the House of Representatives, in which many of you took part—I summon as a witness——

Mr. HAUGEN. Mr. Speaker, I would like to ask the gentleman a question.

Mr. FASSETT. One question?

Mr. HAUGEN. Yes.

Mr. FASSETT. I yield for one question.

Mr. HAUGEN. We have now been in session for three months and a half, and I would like to ask the gentleman how many of President Taft's recommendations have been acted upon? [Applause and laughter on the Democratic side.]

Mr. FASSETT. Every one of them, Mr. Speaker, is well on its way to mature perfection. Mr. Taft's policies do not call for explosive dynamics, do not require to be put upon the public green and raw; they require, as the policies of Mr. Roosevelt required, the ripening and mature cooperation of the dignified and orderly procedure of committees, excellently selected, and of the Committee of the Whole House, and of both of the Houses of the American Congress.

Mr. HAUGEN. May I ask the gentleman another question about the selection of committees?

Mr. FASSETT. No; the gentleman may not. The gentleman is not accustomed to so much muscular oratory. He is grateful for the attention he has received, and calling his witness he will summon him and then retire. In 1906, after a Congress during which there had passed much of the same sort of political persiflage as has characterized this session, at the end of which we heard the same Cassandra-like prophecies that now we hear, at which time we had been consigned to the same oblivion to which we are now to be consigned—and I pause to say, Mr. Speaker, that if prophecy could bring its own fulfillment, if anathema maranatha could effect its own curses, there would not to-day be, nor for the last twenty-five years have been, one single Republican left living in the House of Representatives.

But the eyes of the world are now centered upon the hunter returning from Africa, the great Republican [applause on the Republican side], the man who will go down in history as the one who, by his courage and his strength, with his party cooperating, emancipated civil communities from the improper control of great combinations of wealth and from the questionable practices of malefactors of great wealth—the man who spoke, the man who prophesied, the man who did, the man who fulfilled; a man clean, strong, aggressive, fearless, impetuous, bold, with heart of gold and a mind ever intent upon reaching the goal of useful service to the public. And it is that man whom I summon as my witness. In 1906 Theodore Roosevelt wrote a letter from Oyster Bay to Representative Watson, and in it occurred this paragraph:

> I feel that all good citizens who have the welfare of America at heart should appreciate the immense amount that has been accomplished by the present Congress organized as it is, and the urgent need of keeping this organization in power. With Mr. CANNON as Speaker, the House has accomplished a literally phenomenal amount of good work. It has shown a courage, good sense, and patriotism such that it would be a real and serious misfortune for the country to fail to recognize. To change the leadership and organization of the House at this time means to bring confusion upon those who have been successfully engaged in the steady working out of a great and comprehensive scheme for the betterment of our social, industrial, and civic conditions. Such a change would substitute a purposeless confusion, a violent and hurtful oscillation between the positions of the extreme radical and the extreme reactionary, for the present orderly progress along the lines of a carefully thought-out policy.
>
> The interests of this Nation are as varied as they are vast. Congress must take account, not of one national need, but of many and widely different national needs; and I speak with historic accuracy when I say that not in our time has any other Congress done so well in so many different fields of endeavor as the present Congress has done. No Congress can do everything. Still less can it, in one session, meet every need.

With the inspiration of a prophet, looking over events as they then existed, seeing the trend of the mountain chains of Republican performance, his words were informed with a vital and enduring truth that have outlived the day they were spoken, and they come ringing down the years to us now, just as applicable to our present situation as they were to the situation existing then.

To substitute disorganization for organization, to substitute disorder for order, to substitute personal whim for party responsibility, to substitute the desire of two minorities to become a majority for the legally elected majority, to bereave the American people of its duly elected majority, is just as wrong now as it was in 1906, and those men who are eager here to assert their independence on this side, it seems to me, should again do, as we have all done in the past, subordinate their personal preferences to the opinions of an overwhelming majority of their Republican associates. In the light of the greater need of the greater people outside, in the need for remedial legislation, in view of the voices summoning us from every valley, from every hill, from every industry, every enterprise, let us do our work as Republicans because the Republican people summoned us to it.

These summonses and these voices, the incarnate voice of the Republican people of the United States of America, should drown out and overwhelm and smooth down beneath their waves every unimportant difference, and we should unite, as representing the American people and as a majority that has been given the power to accomplish that which we set out to do, as Republicans. In spite of the promises, in spite of the cajoleries, in spite of the denunciations and maledictions, in spite of the prophecies of disaster that emanate from our eager opponents, let us remain true as a Republican majority. [Applause on the Republican side.] Gentlemen, fellow-Republicans, many of us have grown old and gray in the service. We never have before

been confronted with so critical a time as now. [Laughter and applause on the Democratic side.]

Aye, Mr. Speaker, I measure every word I say; the time is critical. The rejoicing of those men on the other side, because they think already they have the victory in their hands, who wish to destroy Republican prestige and Republican domination in the Nation, these all admonish us to fidelity to our oath of office, fidelity to our manhood, fidelity to fifty years of Republican history. Fair play with our constituents at home demands of us that we retain the control and exercise the control, as they elected us to do, as Republicans. For we shall be held responsible for the control of this branch of Congress as Republicans, and not as allies of the Democracy. We have no right to surrender our trust. [Loud and continued applause on the Republican side.]

Mr. NELSON. Mr. Speaker, with mingled feelings of diffidence and hope I rise to address the House. The opportunity for which we have labored long and earnestly is at hand. The overthrow, in part, of the Speaker's arbitrary power is now possible. Let us, therefore, force the issue and face the duty of the hour with the courage the cause demands.

Our cause is righteous. Public sentiment is with us. I see the beginning of the end of a long and arduous contest. For nearly three years it has been my chief purpose to study, to understand, and, so far as possible, to arouse sentiment here and elsewhere against these unjust, unfair, and arbitrary rules. In so doing I have sought to avoid personal notoriety or self-exploitation, preferring to remain a silent, but conscientious, student of general legislation, well knowing that it is not so much what one says here as how one votes here that counts for the general good.

Believing, however, that upon this matter I have special knowledge, I deem it my duty to reply to the gentleman from New York [Mr. FASSETT], who has charged some of us with the heinous crime of helping Democracy. I would ask the honorable gentleman if he thinks we act from unworthy motives? He must know how unpleasant is the duty before us; how difficult it has been made by the so-called regulars; how much we risk by provoking the displeasure of our party associates in pursuing our determined course. All that men prize here of patronage, of privilege, and of power we have had to forego for the sake of principle. Have we not been punished by every means at the disposal of the powerful House organization? Members long chairmen of important committees, others holding high rank—all with records of faithful and efficient party service to their credit—have been ruthlessly removed, deposed, and humiliated before their constituents and the country because, forsooth, they would not cringe or crawl before the arbitrary power of the Speaker and his House machine.

Plenty of proof is at hand. Let me cite an example or two. The distinguished gentleman from Wisconsin [Mr. COOPER] was made chairman of the Committee on Insular Affairs by Speaker Henderson at the urgent request of President McKinley, because the Chief Executive desired a man at the head of that great committee who would not permit the exploitation of the Philippine Islands. What was done to him by the present Speaker? What was done to Mr. FOWLER, Mr. NORRIS, Mr. HAUGEN, and many others? The Speaker did not hesitate to swing the headsman's ax nor the regulars to rejoice when an insurgent's head fell into the basket.

The gentleman from New York says we have grievances. Aye, we have, and many; but the gentleman does not state that these grievances arose after we had begun this fight on the Speaker's power and for the restoration of representative government in the House. The gentleman well knows that we are not seeking self-interest. We are fighting for the right of free, fair, and full representation in this body for our respective constituencies. The so-called insurgent Republican represents as good citizenship as the regular does. The 200,000 or more citizens of the second district of Wisconsin have some rights of representation here under our Constitution. But what is that right under the despotic rules of this body? Merely the privilege to approve the will of a Representative from another State invested with despotic power under artificial, unfair, and self-made rules of procedure.

We know, indeed, by bitter experience what representation means under these rules. It means that we must stand by the Speaker, right or wrong, or suffer the fate that we have endured. Let no one accuse us, therefore, of an alliance with Democracy for unworthy purposes. We are fighting with our Democratic brethren for the common right of equal representation in this House, and for the right of way of progressive legislation in Congress; and we are going to fight on at any cost until these inestimable rights have been redeemed for the people. [Applause.]

The gentleman eloquently appealed to the spirit of party. I appeal to the spirit of country. Let me call the gentleman's attention to that part of George Washington's Farewell Address, in which he speaks of the spirit of party and the despotism it may lead to if unchecked. Looking with prophetic eye into the future, scanning the reefs and rocks upon which the new ship of state might founder, he sounded this warning to us and to unborn generations of Americans. Hear his words:

> I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.
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> The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed, but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.
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> The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.

This "spirit of revenge natural to party dissension," of which Washington warns us, has played its part in the creation of these rules and the parliamentary precedents that sustain the Speaker's despotic power.

I have had the opportunity and the desire to investigate this subject, and I pause here to say that the rules in themselves are not so objectionable, but that a few changes might work wonders, if it were not for the mass of complicated, inconsistent, and arbitrary decisions that have grown up, some of them even contradicting the rules in express terms, and all tending to enlarge the importance of the presiding officer and to lessen the representative power of the House.

The history of the rules, as studied under the light of the precedents, proves that they have grown up under the united influences of party spirit and self-interest, and thus has gradually been formed in the Speaker's office the despotism from which we are now in open rebellion.

How vividly Speaker Reed, when he was once in the minority, pictured the workings of this system, even in its infancy and youth; how "the few"—the Speaker and his lieutenants—"intrenched in the forms and usages," "the combination and concert of old Members knowing the rules," could "keep the many entirely out of control," "govern the House," "perpetuate their own rule," and thereby protect "vested interests and vested wrongs."

The eloquent gentleman from New York [Mr. FASSETT] says the majority must control, but what is the majority? Speaker Reed emphatically said:

> There is no greater fallacy than this idea that majority and minority are predicated of political parties only.

Why should the subject of the rules be a party matter? At what convention did the Republican party adopt the present rules of the House? The Speaker says he represents the majority. But how? He and his chief lieutenants—favorites or personal friends, a small minority within the majority—call themselves the party and then pass the word on to the rank and file of the Republican membership to line up or be punished. What is the controlling force? Party principles? No. The Speaker's power under the rules—his patronage, the appointment of all committees, the 56 desirable chairmanships, the control of recognition on the floor, the close corporation of the Committee on Rules consisting of the Speaker himself and his two assistants—all these forces unite to form an autocracy against which we are in rebellion to-day. We are no less Republicans because we would be free Members of Congress. We do not need to be kept in leading strings. We are free representatives of the people, and we want freedom here for every Member of every party. [Applause.]

I wish to read a few more words from Washington's Farewell Address:

> But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.
>
> Without looking forward to an extremity of this kind—which nevertheless ought not to be entirely out of sight—the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.
>
> It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. * * *
>
> There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be

encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

These words of Washington make it clear that party spirit and not patriotism sustains the Speaker's autocracy. Love of party is good; love of country is better. The right should stand before reelection; and so believing, many of us have chosen to accept ostracism here from place and power and to risk defeat at home to change these rules. Has not the press been filled with the direst threats, inspired by the powers that be? Opponents are to be brought out against us, patronage to be taken away, and campaign funds to be used to effect our defeat; and all this because we would not bend our necks to the Speaker's yoke.

But the House machine is not the Republican party. We have no cause to fear. The people are with us. Now that the issue has been presented; now that the opportunity is at hand to amend these rules in one vital respect, let us do so, and perhaps help save the Republican party. If we go home to our constituents and tell them that these rules are still in force and that they are to stay in force, what will be their verdict? If we liberalize these rules now, if we change them by enlarging the Committee on Rules and disqualifying the Speaker from membership upon it, as is proposed by the pending resolution, to that extent we eliminate this issue from the campaign; and what is vastly more important, we make it easier to secure progressive legislation in the House, redeem our platform pledges, and prove our party faithful to its high trust.

The gentleman from New York [Mr. FASSETT] has read a letter by President Roosevelt, which he seeks to construe as an indorsement of the work of the House under these rules and the present Speaker. This letter was written four years ago for campaign purposes. It is true that the railway rate bill, the pure-food bill, and the meat-inspection bill had been favorably acted upon by Congress, but is there a man here who does not know that these great measures for the betterment of conditions among the people were forced through this House by the "big stick" in spite of the rules and the Speaker? Ido not wish to violate any of the proprieties, but I know that President Roosevelt gave a subsequent indorsement under the promise that his policies would be enacted into law—a promise that was never performed. I know something of the feelings and thoughts of one President, although the impropriety of relating a conversation with him prevents me from giving them expression. I will say, however, as an offset to what the gentleman would have us believe, that there will be no commendation, in my judgment, for these rules, either from the former President or, for that matter, by the present one.

Mr. Speaker, I feel deeply on this subject. I have long been interested in it. I believe I can say without immodesty that I was the first Republican to raise this issue before the Congress and before the country. More than two years ago, after having studied the history of our rules, and what others have said on this subject, and after making comparison with the parliamentary practices of other nations, I first discussed these rules in a public address before my constituents, and then at the first session of the Sixtieth Congress I deliberately sought to make their revision a paramount national issue. Unceasingly, persistently, and self-sacrificingly I have labored to bring this issue to a head. And I rejoice that the crisis has come. I welcome it. Let there be no faint hearts nor drooping courage nor spirit of compromise among us. The conflict is irrepressible. Let us meet it now like men.

We seek to redress a grievous wrong. No such usurpation of power exists in any other parliamentary nation. Elsewhere the occupant of the chair is an impartial presiding officer. Elsewhere the rules have been worked out on a basis of equality. No man has more opportunity, more rights, or more freedom than his colleagues. But with us it is a matter of privilege; here legislation goes by favor, and the Speaker is the dispenser of opportunity and power. He is the hub of the parliamentary wheel, his lieutenants are the spokes, and the House revolves around him.

We wish to change this arbitrary, artificial, and unrepublican system. We do not desire to deprive any Member of rights. We wish merely some rights for ourselves. We Republicans who protest against the Speaker's domination do not wish to put the gentlemen on the other side into control of the House. Outside of this question we do not propose to act with them as a body. We have formed no permanent alliance. On matters of legislation each one of us will act as his conscience dictates. However, in the patriotic movement to restore legislative rights to the American people, we welcome gladly any help that will relieve us from the intolerable tyranny of one-man power in the House of Representatives. [Loud applause.]

Mr. GARDNER of Michigan. Mr. Speaker, it has been said that ours is a Government by party. It will be a sad day for the American Republic, in my judgment, when there are not at least two great parties; when the issues upon which men divide are not squarely put before the people.

One of the unfortunate conditions to-day in one section of our country, as man after man on that side has privately said to me, and I think they would not deny it now, that there is no adequate discussion of the great public questions in various States in the Union. As men have said: "The talk is all on one side." "Our people know but one side." "There is no discussion as you men in the North have." With us in the North it is a fight from start to finish on the propositions upon which the people divide. It is steel blade against steel blade. In the North the best minds and the best orators of the Democratic party are pitted against the best minds and the best orators in the Republican party, and we come to the capital with victory, whether Democrats or Republicans, upon the issues squarely fought out in the campaign.

Now, I disagree with the gentleman from Wisconsin. We need parties. On all questions we need a free, candid, intelligent discussion [applause]; South as well as North, East as well as West.

Another thing. It has been said that Congress is governed by committees. It can not be governed otherwise. As every man here knows, there will be chaos, to use a somewhat hackneyed phrase in the discussion this afternoon, unless the various interests committed to Congress are submitted to committees for careful, intelligent consideration before being reported to the House. And here is the chit of the Norris resolution. It provides a new method of appointment of what is conceded to be the most powerful committee in this House—the Committee on Rules. Gentlemen have quoted precedents. They have been cited for a hundred years or more back as to this way of appointing the committee.

But by this proposed action precedents are not all that is set aside. The condition that we had here yesterday and to-day, with a powerful, alert minority, seeking control and direction of legislation, allied with a minority of the majority, is in a way revolutionary. Under the Norris resolution the majority over there, with a small minority here, can name the committee that districts a State; that names the Committee on Rules. That is the situation. It is the milk in the cocoanut.

I am glad the Speaker has left the chair. May I say, in his absence, that I regret that any gentleman in this discussion has found it necessary to reflect upon him. Young men have attacked him here this afternoon who were unborn or babes in their cradles when he became a Member of this House. He stands to-day at the head of a magnificent column of more than 12,000 Americans, many of them among the most illustrious in our history, who have been Members of this House.

Having served longer in this body than any other man, living or dead, and with some of the most distinguished of our countrymen in his own time on that side and on this, I do not hesitate to say that he is to-day the same high-minded patriot, the same man who seeks the best interests of the whole people that he was when the whole Nation rang with plaudits to him two short years ago. The greatest commoner that this country has produced in a generation, if he lay in his casket before that desk to-morrow or next year or two years from now, no lips would be more eloquent in praise of his career than on that side. Words of eulogy would spring unbidden to your lips, and to the lips of men who have condemned him to-day as Speaker of the House, in response largely to that demand in the country that seems to look for a sacrifice. Let us, gentlemen, recognize the merits of our own, recognize the integrity, the uprightness, the patriotism of a man who for thirty-five years has sat in this Hall and sought to direct the legislation of the country along right lines; legislatively speaking, the wisest man to-day in public or private life; wiser as a legislator, with more knowledge of our political conditions past and present than the man beyond the seas or the President who speaks to-night in Chicago; the one the first citizen of the Republic; the other, as the gentleman from New York said, so lofty a pinnacle does he occupy that he is the cynosure of the eyes of the world. No, no, my countrymen; this is more than a mere party question of the hour. There is a principle involved far-reaching in its operation that concerns you Democrats as well as us Republicans. It is not for to-day; it is for the years that are ahead of us. And let us act by the cool judgment, not only of the past, but the possibilities of the future, that we may not have to reverse our decisions in the hour of defeat and disaster. [Applause.]

Mr. MADISON. Mr. Speaker and gentlemen, I think the time has come for an exact statement of the question that is now pending before the House of Representatives.

A MEMBER. The only one?

Mr. MADISON. No; and I am not the only one that can state it. But I believe that the time has come when it ought to be stated. It has been charged here upon the floor that the result of the passage of this resolution means chaos. It has been charged that the result of the passage of this resolution means the passing of power from this side of the House to that. Both statements are absolutely incorrect. I want to say to you, as one man who has not hesitated to stand up and cast his vote with those who have been variously denominated "insurgents" and "populists," that if I thought my vote upon this resolution would have the effect of transferring the power or control of the House from this side of the House to that, I would never cast it, and neither would one of my associates who have been called insurgents. Now, what is before you? Stating it exactly, it means the enlargement of the Rules Committee and making the Speaker ineligible to membership, that is all. I want that statement clearly in the RECORD, in order that when we get out before the people this fall, when the question comes up as to whether I was a Republican or not, whether I attempted to transfer the power from this side to that, whether or not I was loyal to my party, and whether or not you, my Republican friends, were willing to stand for reform of the rules or not, your constituents may look you in the face and tell you exactly what it was that you voted on.

Mr. DOUGLAS. Will the gentleman yield?

Mr. MADISON. Not now; I will later.

Mr. DOUGLAS. I was simply going to ask the gentleman a question as to what is before the House, and ask the gentleman to define it.

Mr. MADISON. All right.

Mr. DOUGLAS. Is the question before the House a question of order or is it a question on the merits of the resolution?

Mr. MADISON. Ah, my friend, we have been discussing the merits too much for you to ask me that question now.

Mr. DOUGLAS. What is the question before the House? Is it a question of the orderly procedure of the business of this House or is it a question concerning the merits?

Mr. MADISON. Answering my friend, who knows it to be true, in the final analysis it must come to a question of the reform of the rules of the House of Representatives. [Applause.]

Mr. DOUGLAS. After the Democratic applause has subsided, I would like to ask the gentleman whether or not he believes that this is a privileged resolution under the rules of this House or not?

Mr. MADISON. I will answer the gentleman by saying, as did my friend who replied to him some time ago, and I answer it with all sincerity and fairness, that under the rules as they have been qualified and modified by the action of this House to-day, yes.

Now, I am going to give him an answer as to the legal question. The Constitution of the United States provides that the House may determine the rules for its procedure. Whether it is a general parliamentary usage, whether it is a long, intricate system of rules, no other body on earth may determine it but us, and if any court was passing on the question of interpretation of the word "may" it would read it "shall."

So I have no hesitancy as a lawyer in answering the question. Now, then, gentlemen, there is the proposition before you. That is what you have got to meet face to face, and I hope that every man will stay here, and that before this legislative day ends, and without adjournment, the question will be settled and settled right. [Applause.]

The amendment of the gentleman from Nebraska means only this: That this House shall elect three men, and those three men shall divide the country first into nine legislative groups of equal size for the majority Members, and each one of those groups shall name a member of the Committee on Rules; then the Members of the minority shall be divided into six groups, and each one of those groups shall name a member of the Committee on Rules, who will constitute the Committee on Rules; and that the Speaker shall be ineligible for membership on that committee.

How many are there who have to-day been characterized as "Populists?" We could control one member of the committee if we were all thrown into one group, which under any geographical division is absolutely impossible.

Now, then, are you turning the House over to the Democrats with the insurgents under such a system? It is absolutely physically impossible. Let every man understand that.

Mr. MARTIN of South Dakota. Will the gentleman permit a question?

Mr. MADISON. Not now; wait until I get through. You could not do it, so that in its final analysis the question that is presented to our Democratic friends is whether or not they will stand up and be true to the declaration of their platform. [Applause.] I wait and the country waits their action. The bugle note of reform is not being sounded in this instance by a Democrat, but by a Republican from the prairie State of Nebraska. [Applause.] If this resolution is carried, it will not be a Democratic resolution, but a resolution written by a Republican hand; a resolution worked out by such men as NORRIS of Nebraska, COOPER of Wisconsin, GARDNER of Massachusetts, and men of that character, who are just as loyal to Republicanism as any man within the sound of my voice. And, gentlemen, it is obvious that the adoption of this resolution does not mean the transfer of power to the Democrats. All know that it means a committee of 15 men to appeal to to permit the passage of necessary legislation instead of 1 man. [Applause.]

The one-man power, the history of the world has proven, is not the ideal system. You will have a more responsive committee. My friend from New York [Mr. FISH] will get more of a response from the fifteen men than he will from the one. Without attempting to cast any aspersions upon the other members of the Committee on Rules, whom I respect as good men and able legislators, it is a fact that, under the present system, the Speaker is the Committee on Rules. That system has existed not alone for the time that the present Speaker has been in the chair—for in all fairness and justice it should be said he did not originate this system—but for a long time before the chair of the presiding officer was occupied by JOSEPH G. CANNON, of Illinois, the Speaker of the House of Representatives has been, as he is to-day, the Rules Committee. There is no need of denying that the Speaker is the controlling force on the Committee on Rules. There is no need of getting up here and saying it is not true. Every man knows that it is true; and the question that you are to vote on is this, Will you substitute the fifteen men chosen by yourselves to determine the question as to what matters shall come here on the floor of the House of Representatives or will you leave it to one? And you can not go home and say that that is not the situation.

It is all right for my friend from New York [Mr. FASSETT] to speak in flowers of rhetoric with regard to the history of the Republican party and the marvelous good that it has accomplished and the necessity of holding it together for the upbuilding and the development of this country. God knows I believe in that. I believe that the prosperity and the happiness and the well-being of my country is wrapped up in the success of the Republican party, and I want it to prevail. But in order to prevail it must be worthy of the trust and confidence of the American people, and, gentlemen, just as sure as the sun rises in the east to-morrow morning, just that sure will there be a Republican Congress here to greet the next Speaker of the House of Representatives if you pass this resolution, and we can go before the country and say that we have applied the proper check upon the power of the Speaker and that the House of Representatives is what the fathers of the Constitution designed it to be—a truly representative body. [Applause.]

Mr. MARTIN of South Dakota. Before the gentleman takes his seat I would like to ask him a question. I would like to get the gentleman's interpretation of this resolution he has been debating. No reference is made to political parties whatever. The word "Republican" or the word "Democrat" is not mentioned in the resolution. Something is said about a committee of three, to be selected, which would have authority to district the majority States into nine districts and the minority States into six districts. I should like to get the gentleman's view as to what would be the meaning of that resolution as to what the majority should be.

Mr. MADISON. There is no question about it. It does not say the majority. It says the members of the majority party.

Mr. MARTIN of South Dakota. I beg the gentleman's pardon, but I think it does not.

Mr. MADISON. If that is not true, it is a mere matter of verbal omission.

Mr. MARTIN of South Dakota. If that is not in the resolution, would not a natural interpretation be that if a majority, consisting of Democrats and Republicans, should see fit to pass this amendment, that that majority would have the nine districts set apart to them?

Mr. MADISON. No. If there is anything in such interpretation, it is not meant; and I will say to the gentleman—I do not know whether the gentleman from Nebraska is here or not—that there will be no question about amending it so that it does state the identical principle which I laid down here.

Mr. MARTIN of South Dakota. Then the idea the gentleman entertains as to the meaning of this resolution, or the resolu-

tion as it ought to be amended if it is not clear now, would be that there should be nine Republican districts and six Democratic districts.

Mr. MADISON. Absolutely so. There is no question about that.

Mr. GARDNER of Michigan. I would like to ask the gentleman a question. I have been very much pleased with the gentleman's declaration, and I feel assured of his loyaly and fidelity to the Republican party. I would like to know, supposing this resolution prevails, whether the gentleman would feel called upon to vote with the Democrats on the other side and with certain Republicans on this side in the selection of the committee of three?

Mr. MADISON. I should vote with my party—the Republican party—and I would be perfectly willing to go into a Republican caucus for the purpose of selecting those members.

Mr. SCOTT. Will the gentleman yield for a question?

Mr. MADISON. Certainly.

Mr. SCOTT. I did not hear the resolution read, but I have a copy of it in my hands now.

Mr. MADISON. I have it here.

Mr. SCOTT. I have a copy of it now. I see it provides that the States of the Union shall be divided by a committee of three, elected by the House for that purpose. I should like to ask my colleague whether it is the purpose to divide that committee of three on party lines and whether any method is marked out for the election of that committee?

Mr. MADISON. By the House. My understanding is it is to be elected by the House.

Mr. TAWNEY. Where is the line to be drawn on that? Is there any designation whether all shall be Republicans?

Mr. MADISON. Not at all.

Mr. TAWNEY. They might all be of either party.

Mr. MADISON. Yes. Now, then, I want to answer the gentleman's question——

Mr. TAWNEY. I am asking for information.

Mr. MADISON. I understand it. The States of the Union must be divided into groups, the Republican party into nine groups and the Democrats into six.

Mr. POINDEXTER. The six Democratic groups include the entire country?

Mr. MADISON. And so does the nine Republican groups.

Mr. GAINES. I understand that they are selected geographically?

Mr. MADISON. Yes.

Mr. GAINES. Where would that leave the Republicans from Virginia, from North Carolina, from South Carolina, and Tennessee in the selection of their representatives on this committee? They would be turned over, I presume, for their representation to the tender mercies of the gentlemen of the South, excellent gentlemen, but who do not agree with us. I trust the gentleman from Kansas does not agree with that.

Mr. MADISON. That statement is absolutely incorrect; unintentionally so, of course. There will not be under this resolution, under the aim and purpose of the gentleman from Nebraska, who can answer better than I, a Democrat in a Republican group, or a Republican in a Democratic group.

Mr. GAINES. But you said they were to be selected geographically. Now, how do you figure that out?

Mr. FOWLER. The Republicans meet by themselves and the Democrats by themselves.

Mr. MADISON. I stated the proposition exactly. The whole country will be divided into nine groups for the Republicans and six groups for the Democrats. Each one of those groups will elect a member of the Committee on Rules. Now, then, the question has been asked with reference to the three Members who will divide the country into districts. So far as I am concerned I do not care who selects them. The gentleman from Nebraska said, and I agree with him, that we will vote and work for the gentleman from Michigan [Mr. GARDNER], if you please, to be the man to select these groups. Why? Because it does not make any difference who does it. [Laughter.]

Mr. TAWNEY. Mr. Speaker, will the gentleman from Kansas yield to me for the purpose of submitting to the House a request?

The SPEAKER pro tempore (Mr. OLMSTED). Does the gentleman yield to the gentleman from Minnesota?

Mr. MADISON. In a moment. Mr. Speaker, in the enthusiasm of the moment I was led to make a statement I did not intend to make. [Laughter.] There is no man in the House who is more respected and more entitled to respect than the gentleman from Michigan [Mr. GARDNER], and it was really because of the fact that I felt that he would be absolutely fair that I made use of his name.

Mr. MARTIN of South Dakota. Mr. Speaker, I suggest this is St. Patrick's Day, and that was a sort of Irish bull which the gentleman made.

Mr. MADISON. I think it must be the shade of St. Patrick, the patron saint of so many good Irishmen, who is hovering over us to-day, as there is so much fighting in the House of Representatives. [Laughter.]

Mr. TAWNEY. Mr. Speaker, I ask the gentleman from Kansas if he will permit me in his time to submit to the House a request?

Mr. MADISON. I yield the floor now. I have not the floor any longer.

Mr. TAWNEY. Mr. Speaker, it is manifest that the discussion of the merits of this proposition will continue for some length of time. The first question to be determined is the question of order, and that is to be determined by the Speaker, and then, perhaps, by the House. If the point of order is overruled and the ruling of the Chair is not sustained, or is appealed from and that ruling is not sustained, then comes the merits of this proposition, which is of the greatest importance to both sides of this House.

And in view of the time that would necessarily be consumed in the consideration of the merits of the proposition, I want to ask unanimous consent to adjourn the House until to-morrow at 12 o'clock.

Mr. HARDWICK. I object, Mr. Speaker.

Mr. TAWNEY. Mr. Speaker, I move to take a recess until 11 o'clock to-morrow.

Mr. NORRIS. I make the point of order that the gentleman from Kansas [Mr. MADISON] has the floor.

Mr. TAWNEY. No; he yielded the floor.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. TAWNEY] moves that the House take a recess until 11 o'clock to-morrow.

Mr. FISH. On that I ask the yeas and nays.

Mr. NORRIS. I would like to suggest before the gentleman puts his motion, that I recognize the fact that the debate on this question ought to proceed as long as gentlemen desire to debate it. But I am not trying to curtail debate. But we are discussing the merits of the question here when, as a matter of fact, there is nothing before the House except a point of order. Now, we can not ask the Speaker, of course, to pass on it until he says he is ready. It is in the province of the Speaker to say in his discretion whether he will hear this debate or not. It is supposed to be for his benefit. Now, the decision as to whether or not the Speaker is ready to rule ought to be made, and then if the parliamentary contingency arises that the gentleman has suggested, we can perhaps make an agreement.

Mr. KEIFER. There are other questions before you come to the merits of the proposition after this is disposed of.

Mr. TAWNEY. My proposition was made in the utmost good faith.

Mr. NORRIS. We can not determine that unless we know whether the Speaker is ready to rule.

Mr. MANN. I want to be heard on the point of order.

Mr. TAWNEY. I do not believe the Speaker is ready to rule. Of course there is no power to compel the Speaker to rule.

Mr. NORRIS. I admit that.

Mr. TAWNEY. So that, in all human probability, the debate may run practically all night or several days. It can be taken up to-morrow and continued in this legislative day. I submit, in all candor, that this matter is a matter of the utmost importance, and we ought not to be called upon to determine the merits of a proposition of this vast magnitude in the House of Representatives without careful consideration. And I do not think that anybody will be able to force a decision one way or the other on the merits of the proposition. Now, it is only for the purpose of having it considered in a proper legislative manner that I have made the suggestion that we take a recess until 11 o'clock to-morrow.

Mr. NORRIS. I want to say to the gentleman that I shall make no objection to an adjournment, but I think if the Speaker is ready to rule that we ought to have the parliamentary situation passed on to-night.

Mr. MANN. I want to be heard on the point of order.

Mr. TAWNEY. There are a number of gentlemen that want to be heard on the merits of the point of order.

Mr. HULL of Iowa. There has been no opportunity to discuss it.

Mr. MANN. I ask the gentleman from Nebraska [Mr. NORRIS] whether he thinks, in adopting a reform issue of this size, he can afford to apply the gag?

Mr. NORRIS. I have not tried to apply it.

Mr. MANN. You will if you endeavor to force the House.

Mr. NORRIS. The gentleman will have to concede this, that this discussion that has been taking place is not on a question before the House. So we are not making any progress. Now, this debate, with the exception of one or two speeches that were made, was not on the merits of the proposition before the House.

Mr. MANN. I take it, that in a matter of this importance, involving as much as it does, that Members of the House who want to be heard ought to be heard.

Mr. NORRIS. I agree with the gentleman.

Mr. HARDWICK. I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. The question is on the motion of the gentleman from Minnesota, that the House take a recess until 11 o'clock to-morrow.

Mr. FISH. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 147, answered "present" 12, not voting 88, as follows:

YEAS—142.

Alexander, N. Y.	Englebright	Kennedy, Ohio	Prince
Allen	Fairchild	Knapp	Reeder
Ames	Fassett	Knowland	Reynolds
Andrus	Fordney	Kronmiller	Roberts
Austin	Foss	Küstermann	Rodenberg
Barclay	Foster, Vt.	Lafean	Scott
Barnard	Gaines	Langham	Slemp
Bartholdt	Gardner, Mich.	Langley	Smith, Cal.
Bates	Gardner, N. J.	Law	Smith, Iowa
Bennet, N. Y.	Gillett	Lawrence	Smith, Mich.
Bennett, Ky.	Goebel	Longworth	Southwick
Bingham	Good	Loud	Sperry
Bradley	Graff	Loudenslager	Stafford
Brownlow	Graham, Pa.	Lowden	Sterling
Burke, S. Dak.	Grant	McCredie	Stevens, Minn.
Burleigh	Griest	McGuire, Okla.	Sulloway
Butler	Guernsey	McKinney	Tawney
Calder	Hamer	McLachlan, Cal.	Thistlewood
Calderhead	Hamilton	McLaughlin, Mich.	Thomas, Ohio
Cocks, N. Y.	Hanna	Malby	Tilson
Cole	Hawley	Mann	Tirrell
Cooper, Pa.	Heald	Martin, S. Dak.	Townsend
Coudrey	Henry, Conn.	Miller, Kans.	Vreeland
Cowles	Higgins	Mondell	Wanger
Creager	Hollingsworth	Moore, Pa.	Washburn
Crumpacker	Howell, N. J.	Morgan, Mo.	Weeks
Currier	Howell, Utah	Morgan, Okla.	Wheeler
Dalzell	Howland	Murphy	Wiley
Dawson	Hubbard, W. Va.	Needham	Wilson, Ill.
Dodds	Huff	Olmsted	Wood, N. J.
Douglas	Hull, Iowa	Palmer, H. W.	Woodyard
Draper	Humphrey, Wash.	Parker	Young, Mich.
Durey	Johnson, Ohio	Payne	Young, N. Y.
Dwight	Joyce	Pearre	The Speaker
Edwards, Ky.	Keifer	Plumley	
Ellis	Kennedy, Iowa	Pray	

NAYS—147.

Adair	Edwards, Ga.	Hughes, N. J.	Pickett
Adamson	Ellerbe	Hull, Tenn.	Poindexter
Aiken	Ferris	James	Pujo
Ashbrook	Finley	Johnson, Ky.	Rainey
Barnhart	Fish	Johnson, S. C.	Ransdell, La.
Bartlett, Ga.	Flood, Va.	Jones	Rauch
Beall, Tex.	Floyd, Ark.	Kelliher	Richardson
Bell, Ga.	Foelker	Kendall	Roddenbery
Booher	Foster, Ill.	Kinkaid, Nebr.	Rothermel
Borland	Fowler	Kitchin	Rucker, Colo.
Bowers	Gallagher	Kopp	Rucker, Mo.
Brantley	Gardner, Mass.	Lamb	Russell
Burleson	Garner, Tex.	Latta	Sabath
Burnett	Garrett	Lee	Saunders
Byrd	Gill, Md.	Lenroot	Shackleford
Candler	Gill, Mo.	Lindbergh	Sharp
Cantrill	Gillespie	Lindsay	Sheppard
Carlin	Gilmore	Livingston	Sims
Cary	Gordon	Lloyd	Sisson
Clark, Mo.	Goulden	McDermott	Slayden
Clayton	Gregg	McHenry	Small
Cline	Gronna	Madison	Smith, Tex.
Collier	Hamlin	Maguire, Nebr.	Spight
Cooper, Wis.	Hammond	Martin, Colo.	Stanley
Covington	Hardwick	Miller, Minn.	Stephens, Tex.
Cox, Ind.	Hardy	Moore, Tex.	Taylor, Colo.
Cox, Ohio	Harrison	Morrison	Thomas, Ky.
Craig	Haugen	Morse	Thomas, N. C.
Cullop	Hay	Moss	Tou Velle
Davidson	Hayes	Murdock	Turnbull
Davis	Helm	Nelson	Underwood
Dent	Henry, Tex.	Norris	Volstead
Denver	Hinshaw	Oldfield	Watkins
Dickinson	Hitchcock	Padgett	Webb
Dickson, Miss.	Houston	Page	Wickliffe
Dies	Hubbard, Iowa	Palmer, A. M.	Wilson, Pa.
Dixon, Ind.	Hughes, Ga.	Peters	

ANSWERED "PRESENT"—12.

Barchfeld	Cassidy	Howard	Morehead
Broussard	Clark, Fla.	Kahn	Pratt
Byrns	Goldfogle	Lever	Taylor, Ohio

NOT VOTING—88.

Alexander, Mo.	Bartlett, Nev.	Burke, Pa.	Chapman
Anderson	Boehne	Campbell	Conry
Ansberry	Boutell	Capron	Cook
Anthony	Burgess	Carter	Cravens
Crow	Hamill	Maynard	Robinson
Denby	Heflin	Mays	Sheffield
Diekema	Hill	Millington	Sherley
Driscoll, D. A.	Hobson	Moon, Pa.	Sherwood
Driscoll, M. E.	Hughes, W. Va.	Moon, Tenn.	Simmons
Elvins	Humphreys, Miss.	Moxley	Snapp
Esch	Jamieson	Mudd	Sparkman
Estopinal	Kinkead, N. J.	Nicholls	Steenerson
Fitzgerald	Korbly	Nye	Sturgiss
Focht	Legare	O'Connell	Sulzer
Fornes	Lundin	Olcott	Swasey
Foulkrod	McCall	Parsons	Talbott
Fuller	McCreary	Patterson	Taylor, Ala.
Garner, Pa.	McKinlay, Cal.	Pou	Tener
Glass	McKinley, Ill.	Randell, Tex.	Wallace
Godwin	McMorran	Reid	Weisse
Graham, Ill.	Macon	Rhinock	Willett
Greene	Madden	Riordan	Woods, Iowa

So the House refused to take a recess.

The following additional pairs were announced:

Until further notice:

Mr. SHEFFIELD with Mr. WEISSE.

Mr. MADDEN with Mr. SPARKMAN.

Mr. ESCH with Mr. MACON.

Mr. CROW with Mr. KINKEAD of New Jersey.

For the balance of the day:

Mr. MOON of Pennsylvania with Mr. GOLDFOGLE.

Until Wednesday a. m.:

Mr. GREENE with Mr. BARTLETT of Nevada.

On this vote:

Mr. HUGHES of West Virginia with Mr. RIORDAN.

Mr. KINKAID of Nebraska. Mr. Speaker, I was present and listening, and did not hear my name called.

The SPEAKER. Was the gentleman paying attention?

Mr. KINKAID of Nebraska. Yes, sir; I was paying attention.

The SPEAKER. When it should have been called?

Mr. KINKAID of Nebraska. Yes, sir.

The SPEAKER. Call the name of the gentleman.

The name of Mr. KINKAID of Nebraska was called, and he voted "Nay."

Mr. BYRD. Mr. Speaker, I was present and ought to have heard my name called, but did not.

The SPEAKER. Was the gentleman giving attention?

Mr. BYRD. I was. My name is so easily blended with that of the gentleman from Tennessee [Mr. BYRNS] that I did not hear it.

The SPEAKER. Was the gentleman giving attention?

Mr. BYRD. Yes, sir.

The SPEAKER. And did not hear his name called?

Mr. BYRD. And did not hear my name called.

The SPEAKER. Call the name of the gentleman.

The name of Mr. BYRD was called, and he voted "nay."

The result of the vote was then announced as above recorded.

Mr. MALBY. Mr. Speaker, it had not been my purpose to take part in this debate, and I would not except for the remarks of my colleague from New York [Mr. FISH]. The question involved has reference only, as I take it, first, as to how the Committee on Rules shall hereafter be appointed, and, second, the proposition that the Speaker shall be ineligible to appointment on that committee.

It is a fact well understood by all that in no legislative body in this country where a rules committee is provided for the speaker is excluded from membership on that committee or prohibited from the appointment of such a committee, as he does all other committees. This, therefore, is a new departure, a departure which deprives the official head of the House of Representatives from appointing the most important of all of its legislative committees. So rigorous is the rule proposed to be adopted here that the Speaker is to be excluded from membership on that committee. From the foundation of our Government up to the present time no such rule has ever prevailed, and I think it has not prevailed in any one of the 46 legislative bodies which constitute the States forming this great Union. What are the conditions to-day which so materially differ from conditions which have existed for a century and a quarter of time that now there should be a different rule adopted than that which all our forefathers found to be essential to the orderly administration of the affairs of our Government?

I will not take up the time of the House in trying to point out the necessity for having a final body so constituted that it can control legislation, for I think it must be conceded by all that there must rest somewhere a body which has the power to finally determine what legislation shall be given consideration and what shall not. I think it is within the knowledge of every Member of this body that there is in almost every committee in this House of Representatives a class of legislation which might pass this body if reported, but which would be to the very last degree injurious to the Union itself. Being a member

of the judiciary body of this House, I think I can say that if all of the bills before that body now and during the last session were reported and passed upon favorably, as I have some reason to believe would be the case, they would absolutely destroy this present republican form of government.

There must therefore of necessity reside somewhere a brake on this kind of legislation. The Speaker of the House of Representatives is the spokesman not only for the majority of its Members, but he stands as the spokesman and the responsible head of whatever party is in control during the time that he occupies that office. If he has the responsibility of legislation, he should have the power to control it.

I regret very much that I am not able to agree with the remarks of my distinguished colleague and friend from New York [Mr. FISH]. Both of us have served for many years in the legislature of the State of New York, and are familiar with its rules and regulations. While we do not have 20,000 or 30,000 bills introduced into the legislature of the State of New York, yet we have about 4,000 bills introduced annually in both branches of the legislature of our native State.

It became necessary there, and did in the gentleman's time and mine, to have some power, some authority vested somewhere, by which we might select that legislation which we believed was in the interest of the public and stop the other legislation which we did not believe was in the interest of the public.

Mr. FISH. Will the gentleman give way for a question?

Mr. MALBY. Certainly.

Mr. FISH. I should like to ask the gentleman from New York whether that time is not simply the last ten days of the session?

Mr. MALBY. Oh, I am coming to the ten days' proposition. I have the rule before me, and I was about to read it. My friend from New York [Mr. FISH] knows just as well as I know that during the last ten days of the session of the legislature of the State of New York more bills are passed than during the entire session preceding those ten days, it mattering not how long the session continues. The rule under which Speaker Fish presided for two years in the New York assembly reads as follows:

> During the last ten days of the session a notice may be given requesting that any matter be made a special order, or that the rules be suspended for the purpose of reading a bill out of its order, which shall be referred *without debate to the committee on rules*. The member making the motion or giving the notice shall submit in writing the reasons for making such special order or suspension and attach thereto a copy of the bill. The committee may report at any time, and *such report shall stand as the determination of the house unless otherwise ordered by a vote of two-thirds of the members present. The committee shall not be instructed by the house to report any matter or special order, or to report that the rules be suspended for the purpose of reading a bill out of its order, except by a vote of two-thirds of the members present.*

That, Mr. Speaker, in my judgment and experience, is a wholesome rule. It is a necessary rule in a legislative body where 4,000 bills are introduced. But it means that the power of every committee of the assembly of the State of New York during the last ten days of the session is absolutely suspended. There is not a single committee in the New York assembly that has the power to make a report within ten days of the end of the session when the majority of all legislation is passed.

But it means something more. The rule says on request being made for a report of a bill without debate no member of the New York state legislature has a right to rise in his place during the last ten days of a session, when legislation of importance is passed, and make a single word of argument why his bill should or should not be passed. A member files with the committee on rules his written reasons why he asks for a favorable report, together with a copy of his bill, and when the rules committee convenes, of which the speaker is the chairman, they report or do not report the bill, just as they please and without debate.

Mr. FISH. Will the gentleman give way for a moment?

Mr. MALBY. I will.

Mr. FISH. As I recollect, the assembly has 150 members in it.

Mr. MALBY. It does now.

Mr. FISH. How many compose the committee on rules out of the 150?

Mr. MALBY. I think 5 out of the 150, thereby recognizing, as we have recognized in the House of Representatives, the absolute necessity of having a small committee in order to transact the important business of our native State. We would find here as there that a committee of 15 would be an unwieldy body, impossible to get together; impossible if convened to agree on any given proposition; impossible to progress with the business of this House, which this country positively and constantly demands. That is why a committee of 5 is had in the State of New York and should be continued here.

But there is something more in this New York rule, and I commend it. I worked under it for a great many years, and so did my friend from New York [Mr. FISH]. I found it in the interest of good legislation and the State, and I think he found it so too. Let me read for a moment more:

> The committee may report at any time, and such report shall stand as the determination of the house.

What does that mean? That means that when the committee on rules has reported a bill to the assembly of the State of New York you can not dot an "i" or cross a "t" without a vote of two-thirds of the members present. That is what that rule means. Now, what does that suggest? Why, it suggests the necessity for the rule that when these bills have passed the careful scrutiny and review of the committee on rules that it is not wise to permit the general body to which they had been delivered to amend it in any way, shape, or manner, unless by a two-thirds vote.

But it means more. The committee on rules, it says, shall not be instructed by the house to report any matter except by a two-thirds vote.

You can not instruct the rules committee of the State of New York to report upon any resolution or bill unless you can get two-thirds of the members present to vote in the affirmative.

Mr. GOULDEN. Will my colleague yield for a question?

Mr. MALBY. I will.

Mr. GOULDEN. The members of the New York legislature, both in the senate and the house, have a right to explain their vote upon every roll call, as I understand it.

Mr. MALBY. My friend is mistaken about that. They have in the senate, but not in the house, as I now recall it.

Mr. GOULDEN. Does the gentleman think it would be a good rule to follow here? Would it not tend to give satisfaction to the Members?

Mr. MALBY. I am not discussing that proposition; I am simply giving you the rules of the New York state assembly.

Mr. FISH. Will the gentleman from New York give way for a moment?

Mr. MALBY. I will yield to the gentleman.

Mr. FISH. Is it not a fact in the assembly of the State of New York it is within the power of the house, at any time when a committee reports, to move to discharge the committee from the consideration of any bill?

Mr. MALBY. It is not in order, and the gentleman from New York, the ex-speaker of the assembly, knows that it is not in order, to move to discharge any committee from the consideration of a bill during the last ten days of the session.

Mr. FISH. At any other time except the last ten days of a session?

Mr. MALBY. At any other time the rules provide that on the call of a committee a motion is in order to discharge the committee, except during the last ten days of a session.

Mr. FISH. That is entirely different from the rules of this House.

Mr. MALBY. I am not making a general comparison between the rules of the New York state assembly and the rules of the House of Representatives. I am trying to demonstrate that the authority which may be and is exercised by the committee on rules of the New York assembly, which has from time to time received the approval of the gentleman from New York [Mr. FISH], far exceeds that of the present rules of the House of Representatives.

I might agree with my friend from New York [Mr. FISH] that the rules of this House might be simplified so that he and I could understand them better, but I want to say to him that we would understand them a good deal better if we spent more time in studying the rules than in criticising them.

Mr. FOELKER. Will the gentleman yield?

Mr. MALBY. Yes.

Mr. FOELKER. Is it not a fact that the committee on rules in the New York state assembly does not only act within the last ten days, but sometimes acts for four or five weeks at a time?

Mr. MALBY. Not at all. The gentleman is entirely mistaken about that, and if it did it would only demonstrate the necessity for such action.

Mr. FOELKER. I want to say, as a matter of fact, that I have seen and I have sat in the legislature where the committee on rules has acted for four weeks instead of ten days.

Mr. MALBY. I know that that is so, and why is that? It is simply because the assembly of the State of New York has passed a resolution to adjourn and the senate has not

agreed to that motion to adjourn, and the ten days is calculated by the members of the assembly from the date agreed upon by them for adjournment, and that is the reason why they are in control not only ten days, but sometimes a month before final adjournment.

Mr. GOULDEN. Does the gentleman consider the rules of the assembly and the senate of the State of New York superior to the rules of the House of Representatives?

Mr. MALBY. I consider this, Mr. Speaker: I consider that the rules of the assembly and the senate of the State of New York, which provide for a rules committee, are far more far-reaching and vigorous than anything which the House of Representatives of the United States ever had.

Mr. GOULDEN. Then there is no majority rule there as there is here. It is a two-thirds rule the last ten days of the session, is it not?

Mr. MALBY. Oh, we have a majority rule, certainly, but not during the last ten days. Our rules, as a general thing, work well. I am not criticising them.

Mr. GOULDEN. Does the gentleman think there is as much deliberation and freedom in the exercise of those rules as in the rules of this House?

Mr. MALBY. The gentleman means the rules as a whole?

Mr. GOULDEN. Yes.

Mr. MALBY. I think owing to the size of the body, there being but 150 members in the assembly and 51 senators now in the senate, that the opportunity for deliberation is larger there than it is here.

Mr. HAMLIN. Mr. Speaker, I make the point of order that the gentleman from New York is not discussing the point of order that is before the House.

The SPEAKER. The gentleman and all gentlemen who have talked to this point of order have not talked under the hour rule. I suppose it is within the power of the Speaker at any time to stop this discussion, but gentlemen on both sides of the House, both the majority and the minority, and the minority of the majority side, have talked about many things far away from the point of order, and the Chair has not stopped them, presuming from the action of the House that it is the temper of the House to give freedom of expression. The gentleman from New York.

Mr. MALBY. Mr. Speaker, if I have not sufficiently interested my friend in proceeding in my own way, I will do the best I can to please him. I desire to call attention to another rule of the assembly of the State of New York, which I commend, rule 3:

> The speaker shall appoint all committees except where the house shall otherwise order.

I approve of that provision. It is a rule which has been in vogue, so far as my recollection goes, since the foundation of our state government. It will probably remain just as long as New York is one of the sovereign States of this Union.

Thus we have, at least in the Empire State, a legislative body which provides for a committee on rules. It provides that the speaker shall appoint all members of that committee. He always appoints himself the chairman, and my friend from New York [Mr. FISH] did so when he was the speaker of the house, and he ought to have done so. He was the responsible head, and he should, as he did, have the power to control legislation through his committee on rules. [Applause and laughter.]

Mr. FOELKER. Is it not a fact that the senate in the State of New York three years ago appointed its own committees, and not the president of the senate?

Mr. MALBY. Yes. Now, that is a nice question for my friend from New York to ask. Unfortunately for my dear old home State, three years ago it elected a Democratic lieutenant-governor, who, under the rules, had the right to appoint the committees of the senate, subject to the right of the senate to appoint them; and it being a Republican senate, which was responsible to the people for legislation, they declined to permit a Democratic lieutenant-governor to appoint the committees.

Mr. GOULDEN. Did the gentleman justify that departure from sound principles in the government of the New York state senate, when a good, honest, fearless man was elected lieutenant-governor, to take out of his hands the prerogatives which always belonged to that office just because of politics?

Mr. ROBERTS. Mr. Chairman, I would like to ask the gentleman from New York [Mr. GOULDEN] a question——

Mr. MALBY. I can not yield for that, Mr. Speaker. I want to say that the rules of the senate of the State of New York provide that the lieutenant-governor shall appoint the committees, subject to the approval of the senate, and the senate did not approve. [Laughter.]

Mr. GOULDEN. Simply because of his politics, I take it.

Mr. MALBY. Simply because of his politics, and the responsibility of a Republican senate to the people for legislation.

Mr. GOULDEN. And for no other reason.

Mr. MALBY. No other reason that I know of, except we did not propose to have a Democratic lieutenant-governor appoint the committees of the senate of the State of New York when he had no responsibility for legislation. Now, that is not an unusual thing, because it has worked both ways in the senate of the State of New York, depending only upon which party is in power. The rules of the senate of the State of New York provide, as I stated, that the lieutenant-governor shall appoint the committees, subject always to the approval of the senate itself. So, Mr. Speaker, I am unable to agree with my colleague from New York. We usually agree upon great Republican principles, because he and myself have ever supported the principles of that party at home. I know of no reasons why we should not support the principles of that party here.

I can not recognize any other rule than that of the majority. I can not recognize the right of a minority of my party to control a majority of my party. We are either a party of majorities or we are nothing. When your resolution provides that the majority party shall appoint 9 members and the minority party 6 members, I would like to have some one tell me what that rule means. Who is the majority party in the House of Representatives to-day? The accredited Republican party upon all of the votes which have taken place to-day and yesterday, who are held responsible to this great country for legislative matters, have found themselves in the minority. Who, then, is to appoint the 9 members? Is it our Democratic friends with an alliance of a small minority of so-called Republicans? Are they to constitute the majority, and are they to determine who the 3 members shall be, and are the 3 members to determine who the 15 members shall be? If that be so, where does the Republican party, who is responsible to the people in the Congress of the United States, come in? And that is just exactly what is intended, to be perfectly frank. There is no question about it. It is not intended that the Republican majority in this Congress shall control the appointment of the members of this committee. It is not intended that they shall appoint the 9. It is intended, and I charge it to be a fact, that the minority, the Democracy and their Republican allies who are dissatisfied with the majority, shall get together and determine every single one of the members of the Committee on Rules. That is the object and that is the purpose, which everybody can clearly see.

I think, Mr. Speaker, I have consumed all of the time I desire. I wanted to call the attention of the House to the fact that at least so far as my native State was concerned that it has had for all of the time that I have known anything about it a rules committee appointed by the speaker, who appointed himself its chairman, which is vested with much more power than is conferred by these rules. And, more than that, no resolution or bill can be debated before our New York State committee on rules, and they may report or not, as they please, and can not be discharged except by a two-thirds vote. I have no fault to find with it. We have found it, after years of trial and experience, to be a matter of necessity, just as the House of Representatives will find it to be a matter of necessity if any other proposition such as that involved in this resolution is unfortunate enough to be adopted.

Mr. FOELKER. Mr. Speaker, I know of no more important question than the one that has presented itself to this body, since our predecessors in this Chamber wrestled with the legislative problems antecedent to, during, and immediately succeeding the civil war.

It goes to the very root of popular self-government and its determination here will pass out as our opinion, whether this is a deliberative body or merely an automaton to be manipulated according to the views of a single individual, and he one of us. [Loud applause.]

Here is a body consisting of 391 Members, of perhaps varying ability, but each, under the Constitution, intended to have equal powers with the others, and while each represents a separate and independent constituency, together we act for a nation now of quite 90,000,000 of people, extending from semi-tropical southern California, which borders upon our neighbor, Mexico, far into the arctic circle of our Alaskan possessions, and from Maine to Florida. Besides these, we must justify ourselves to those inhabitants of our insular possessions, who, sooner or later, will become citizens with us.

Strange to say that one of us, sent here to represent a single district, has now become so powerful that he is regarded as the second man in the Nation. While the Constitution provides that "the House of Representatives shall choose their Speaker and other officers" (Art. I, sec. 2, clause 5), it does not give him any more influence or power. The power he has and

does wield is entirely out of all proportion to the place he holds; it is a power fundamentally and diametrically opposed both to the spirit and letter of the Constitution, and is a distant menace to a representative form of government. The Speaker of the House of Representatives or the presiding officer of any deliberative body can not, in the very nature of things, be what he should be—the impartial parliamentarian who holds the scales of deliberative justice with even, dispassionate hands and does equal justice to the majority and the minority—if he has the power and assumes the sole responsibility of shaping legislation. Clause 2 of section 5, Article I of the Constitution, distinctly says:

Each House may determine the rules of its proceedings, etc.

Mark you, each House may determine. But what do we find the actual practice? In determining the rules to govern our proceedings we have provided for a presiding officer, whom we call Speaker.

The powers and duties of this officer were intended, so far as he is presiding officer, to follow those of the speakership of the House of Commons. There, however, the selection of speaker is made of the person who is deemed best qualified for the office, without regard to his politics, and frequently, Parliament after Parliament, although changing with the different political parties, the same speaker has been kept in power. He is and was the speaker because, when occasion came to address the King or the House of Lords on any matters pertaining to legislation, he speaks for the body over which he presides, and his appointment is made with at least the nominal, if not actual, approval of the King. But he has no such powers as we have conferred upon our presiding officer, and would soon find himself subject to impeachment and removal were he to arrogate to himself any such as are sought to be exercised here.

At the beginning of each session it has been the custom to adopt the rules of the preceding Congress, subject always to change. These provided for the election of a Speaker, and upon the Speaker is conferred the power of naming the committees to which, as preliminary to the action of the entire body, are committed the various matters that may rightfully and constitutionally come before us. There has grown up, as part of this system, a committee on rules, consisting of five members, three of whom represent the majority and two the minority. These are also appointed by the Speaker, the Speaker himself being one of the majority and, in fact, the chairman of the committee. Thus it will be seen the entire committee is the creature of the Speaker, and that at all times, with the two votes of his own party together with his own, he can control such legislation as must be passed upon by this committee. Now, by another rule, by which we have further tied our hands, this committee of five, or three, or really one, as it often happens, can and does determine to what committee proposed legislation shall go and how and when it should be moved.

Now, Mr. Speaker, the gentleman from New York [Mr. MALBY] has somewhat criticised my friend Mr. FISH because he disagrees with him, and cites in his own behalf the rules of the assembly and senate of the State of New York. I am sure that if the rules of the House of Representatives were like those he read and did not read, although a part of them, Mr. FISH, myself, and all other so-called insurgents would be satisfied, and the Norris resolution would perhaps not be before the House to-day, for in the New York state assembly any committee may be discharged from the further consideration of any bill pending before it, which is impossible under the rules of this House. A member may also at any time, upon the final passage of a bill, explain his vote for or against a bill, which is not permissible in the House of Representatives.

Mr. MALBY also stated, in answering Mr. FISH, that—

Thus we have, at least in the Empire State, a legislative body which provides for a committee on rules. He always appoints himself the chairman, and my friend from New York [Mr. FISH] did so when he was the speaker of the house, and he ought to have done so.

Now, Mr. Speaker, Mr. MALBY is absolutely wrong in that statement, and I desire to call his attention to the rule as to the power of the speaker in the New York state assembly, which reads as follows:

8. He (the speaker) shall be ex officio member and chairman of the committee on rules.

Hence, Mr. FISH could not have appointed himself chairman of the committee on rules, but became so by reason of the rule just read.

A resolution has been introduced here, which is now before us, the purpose and object of which is not to do away with this Committee on Rules but to increase the number, so that it will be more representative in its character; that it should be composed of Members selected by the House itself and not appointed by the Speaker, and that the Speaker himself shall be confined to his more legitimate duties as a presiding officer. It is now proposed that this resolution, so consonant with the spirit of our Government, shall, before action be taken upon it by this body, be referred to this Speaker-appointed committee of five, or three, or one, to have it there determined whether they will return to this House the power with which they have heretofore been intrusted, or, following practice, withhold the matter from the consideration of the House and so perpetuate their own power, influence, and control.

It has been urged that this is according to precedent. A precedent to be worthy to be followed must be in harmony with the everlasting principles of our Government and traceable back to that which makes for life, liberty, and the pursuit of happiness. Chancellor Kent, in commenting on the doctrine of stare decicis, called attention to the fact that up to his time more than 1,000 cases in English and American law that had at one time or another been pleaded as precedents had been overruled, doubted, or limited in their application. As has been well said, precedents are to be followed, unless flatly absurd, unjust, unreasonable, or clearly contrary to the fundamental law. Without any argument it seems to be self-evident that such attempted interferences by a Committee on Rules with the wishes of the majority of this House is such a usurpation of power as to be contrary to all received notions of our theory of government and revolutionary in its character. Instead of each House determining the rule of its proceedings, this committee of five, three, or one seeks to take upon itself this constitutional duty, to the exclusion of all of the other 390 Members here. "Each House may determine the rules of its proceedings," says the Constitution, not that a committee of five, three, or one shall. To hold with those who are against us would be to make the servant greater than the master, and this committee as now constituted would be a veritable Frankenstein, which, while created by us for an entirely different purpose and tolerated until we conclude to make a change, is in a position to overwhelm us all.

Let me state a few concrete instances.

Preceding the last presidential campaign both parties declared in favor of a constitutional amendment which would permit of an income tax; and Congress promptly, almost unanimously, submitted to the several States a constitutional amendment permitting such legislation. The distinguished gentleman now in his second term as governor of the State of New York (I refer to Governor Hughes), an able lawyer, of unimpeachable and unquestioned integrity, pointed out what he believed to be embarrassing defects in the resolution proposed to be submitted.

Whether Governor Hughes is right or wrong, no one for a moment questions but that, in presenting his views, he acted in the best of good faith and, as he believed, not only in the interest of the people of his own State, but, being a statesman of broad views, gave them out for the consideration of every other State in the Union. It has been argued by some, with great force, that the resolution referred to did not necessarily authorize the legislation which Governor Hughes thought might follow this constitutional amendment. These gentlemen who so differ with Governor Hughes are just as earnest, honest, and sincere as he. I take pride in referring in that connection to our junior Senator, ELIHU ROOT, now serving the State of New York in the upper House in a manner which meets with the approval not only of his own party, but of the wise and patriotic leaders among our opponents. This debate caused a halt in legislative action and it has looked ever since as though the income-tax amendment might fall of a sufficient number of votes to make it part of the fundamental law. Seeing this, I prepared another resolution, intending to carry out in good faith the pledges made by both parties to the people on this subject, and at the same time obviating the objections of Governor Hughes, and to be in conformity with the opinions and the views of that able statesman, Senator ROOT, and generally put the country in a position where an income tax could be laid, if such necessity arose, such an amendment as would appeal to the public at large and to the patriotic men of both parties. Without something of the kind, I thought that the session would pass by without any authority being conferred upon Congress so to act. Hence the resolution which I have referred to as submitted by me.

Under existing conditions it will depend upon the Speaker whether my resolution shall ever get further than the files of the Committee on Rules. I have no doubt that many of my colleagues see where what I have suggested can be amended with advantage; but unless it meets with the views of the Speaker, our pledges to the people in this regard may be nullified and no constitutional authority granted upon this subject for many years to come. Whether it shall come before the House or not depends upon this self-appointed and self-perpetuating Committee on Rules.

We all know that the cost of living has advanced far in excess of the earnings of labor. Various reasons have been ascribed for this. It is our duty to find a remedy. Meanwhile and until these conditions could be adjusted—which will probably come only by increasing wages in proportion to the increase in the cost of living—I presented a bill (H. R. 19784) placing beef, mutton, lamb, and pork on the free list. Now, it will be observed that this was not done in the spirit of hostility to the policy of protection as proclaimed by my party, but in accordance with it, because it was intended to be in operation but for one year and until the causes of the difference between labor and living can be ascertained and adjusted. This would permit our working people to draw supplies from Canada, our neighbor on the north, and avail ourselves of the cattle that throng the thousand hills of South America. It would save the workingman, for at least one year, from drawing on the little capital his self-sacrifice and prudence has laid aside for the education of his children and to provide against possible disease and the certainty of old age. Temporarily, I say, because in the end we must meet this problem in the spirit that should govern everyone having the interests of the country at heart. No nation can succeed where the difference between the cost of living on the one hand and the return from wages on the other make it impossible for the workingman to secure a competency.

Well, this bill went in some weeks ago (January 31, 1910). I have been written to and spoken to as to when it is likely to come before this body, and the only answer I have been able to give was that it rests with the Committee on Ways and Means, who, although written to requesting a hearing, have not even answered my letter. The Committee on Rules is the only one to which I can appeal for assistance, and that body will positively not come to my aid reporting a rule that this bill may properly come before the House, for such a report would in fact operate as a discharge of the Committee on Ways and Means from the further consideration of the bill. My former distinguished colleague, Mr. Hepburn, of Iowa, very properly said in a debate during the last session of the Sixtieth Congress:

> Ah, it is easy to get into the Committee on Rules, but by what hoist and by what petard would we get out of the Committee on Rules?

It has been said that we may offend somebody in doing as we propose to do. I am prepared to offend somebody—anybody and everybody who attempts in the slightest to interfere with or impair our constitutional rights or to subordinate the liberty of this my adopted country to any advantage to themselves or to others whom they would serve rather than the whole people. As was said on a similar occasion more than a hundred and sixty years ago:

> But Titus said, with his uncommon sense,
> When the exclusion bill was in suspense,
> "I hear a lion in the lobby roar.
> Say, Mr. Speaker, shall we shut the door
> And keep him there, or shall we let him in,
> To try if we can turn him out again?"

There are those about me who are loud in praises of those who are in authority, and, while agreeing with us so-called insurgents, refer to the controlling power if not in the language at least in the spirit of Lord Thurlow of more than one hundred and twenty years ago:

> When I forget my sovereign may my God forget me.

A fitting reply to those would be in the language of Wilkes:

> Forget thee? He'll see thee damned first.

Yes; I am willing to take my chances of answering to my constituents that I serve them here to the best of my ability and have no commission from them to be gagged and bound by any Committee on Rules.

It might be well for some of the gentlemen who were very severe in their strictures on those of us who did not agree with them in their desire to uphold the rules of the House and to keep unimpaired the domination of the Speaker in all legislation to examine their own records for party loyalty before throwing stones at others.

I refer to the gentlemen from New York, Messrs. CALDER, DWIGHT, FASSETT, and VREELAND, all of whom only a short time ago appeared in the rôle of pronounced reformers in our State when the question came up for the election of a president pro tempore of the New York state senate. They did everything in their power, and I was glad to see them do it, to support Senator Hinman, who is an able and a fearless legislator, for that position against Senator Cobb, the regular organization candidate. They evidently are reformers at home and regular organization men here.

The extreme devotion of these gentlemen to the House organization and to the rules of the House which subject all legislation to the tender mercies of the Speaker and his immediate coterie may find a warm indorsement here, but not at home.

Mr. ROBERTS. Mr. Speaker, there is a very important matter in the House being considered at the present time, and it seems to me we should have a quorum, and I make the point that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. ROBERTS. Mr. Speaker, I move a call of the House.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. JAMES) there were—ayes 52, noes 60.

Mr. CRUMPACKER. The yeas and nays, Mr. Speaker.

Mr. ROBERTS. I make the point of order that the motion discloses no quorum.

The SPEAKER. Evidently a sufficient number——

Mr. JAMES. The other side, Mr. Speaker.

The SPEAKER. There is not enough to make the other side. Evidently every Member who voted aye would order the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 117, answered "present" 18, not voting 145, as follows:

YEAS—108.

Alexander, N. Y.	Fordney	Knapp	Palmer, H. W.
Andrus	Gaines	Knowland	Parker
Austin	Gardner, N. J.	Kronmiller	Pray
Barnard	Gillett	Küstermann	Prince
Bartholdt	Goebel	Lafean	Reeder
Bates	Good	Langham	Reynolds
Bennet, N. Y.	Graff	Law	Roberts
Brownlow	Graham, Pa.	Longworth	Scott
Burke, S. Dak.	Grant	Loud	Smith, Cal.
Burleigh	Griest	Loudenslager	Smith, Iowa
Butler	Guernsey	Lowden	Smith, Mich.
Calder	Hamilton	McCredie	Southwick
Cocks, N. Y.	Hanna	McLachlan, Cal.	Sperry
Cole	Hawley	McLaughlin, Mich.	Sterling
Cooper, Pa.	Heald	Maiby	Stevens, Minn.
Coudrey	Henry, Conn.	Mann	Sulloway
Cowles	Hollingsworth	Martin, S. Dak.	Tawney
Creager	Howell, Utah	Miller, Kans.	Thistlewood
Crumpacker	Howland	Miller, Minn.	Thomas, Ohio
Douglas	Hubbard, W. Va.	Mondell	Wanger
Draper	Huff	Moore, Pa.	Washburn
Dwight	Humphrey, Wash.	Morgan, Mo.	Weeks
Edwards, Ky.	Johnson, Ohio	Morgan, Okla.	Wheeler
Ellis	Joyce	Murphy	Wiley
Englebright	Keifer	Needham	Wood, N. J.
Fairchild	Kendall	Olmsted	Woodyard
Fassett	Kennedy, Iowa	Palmer, A. M.	Young, N. Y.

NAYS—117.

Adair	Dies	James	Ransdell, La.
Adamson	Dixon, Ind.	Johnson, Ky.	Rauch
Aiken	Edwards, Ga.	Johnson, S. C.	Roddenbery
Barnhart	Ellerbe	Jones	Rothermel
Bartlett, Ga.	Ferris	Keliher	Rucker, Colo.
Beall, Tex.	Fish	Kinkaid, Nebr.	Rucker, Mo.
Bell, Ga.	Floyd, Ark.	Kitchin	Sabath
Booher	Foelker	Kopp	Saunders
Borland	Foster, Ill.	Latta	Shackleford
Brantley	Gallagher	Lee	Sheppard
Burnett	Gardner, Mass.	Lenroot	Sims
Byrd	Garner, Tex.	Lindbergh	Sisson
Candler	Garrett	Lindsay	Smith, Tex.
Cantrill	Gill, Mo.	Livingston	Spight
Cary	Gillespie	Lloyd	Steenerson
Clark, Mo.	Gilmore	McDermott	Stephens, Tex.
Clayton	Gordon	McHenry	Taylor, Colo.
Cline	Gregg	Maguire, Nebr.	Thomas, Ky.
Collier	Hamlin	Martin, Colo.	Thomas, N. C.
Cooper, Wis.	Hammond	Moore, Tex.	Tou Velle
Covington	Hardwick	Morrison	Turnbull
Cox, Ind.	Hardy	Morse	Underwood
Cox, Ohio	Harrison	Moss	Volstead
Craig	Helm	Murdock	Watkins
Cullop	Henry, Tex.	Nelson	Webb
Davis	Hinshaw	Oldfield	Wickliffe
Dent	Hitchcock	Padgett	Wilson, Pa.
Denver	Houston	Peters	
Dickinson	Hughes, N. J.	Pujo	
Dickson, Miss.	Hull, Tenn.	Rainey	

ANSWERED "PRESENT"—18.

Ashbrook	Clark, Fla.	Howard	Stanley
Bowers	Finley	Lever	Taylor, Ohio
Broussard	Goldfogle	Norris	Woods, Iowa
Byrns	Goulden	Pratt	
Carlin	Hayes	Sharp	

NOT VOTING—145.

Alexander, Mo.	Bingham	Carter	Dawson
Allen	Boehne	Cassidy	Denby
Ames	Boutell	Chapman	Diekema
Anderson	Bradley	Conry	Dodds
Ansberry	Burgess	Cook	Driscoll, D. A.
Anthony	Burke, Pa.	Cravens	Driscoll, M. E.
Barchfeld	Burleson	Crow	Durey
Barclay	Calderhead	Currier	Elvins
Bartlett, Nev.	Campbell	Dalzell	Esch
Bennett, Ky.	Capron	Davidson	Estopinal

Fitzgerald	Hughes, Ga.	Moon, Pa.	Sherley
Flood, Va.	Hughes, W. Va.	Moon, Tenn.	Sherwood
Focht	Hull, Iowa	Morehead	Simmons
Fornes	Humphreys, Miss.	Moxley	Slayden
Foss	Jamieson	Mudd	Slemp
Foster, Vt.	Kahn	Nicholls	Small
Foulkrod	Kennedy, Ohio	Nye	Snapp
Fowler	Kinkead, N. J.	O'Connell	Sparkman
Fuller	Korbly	Olcott	Stafford
Gardner, Mich.	Lamb	Page	Sturgiss
Garner, Pa.	Langley	Parsons	Sulzer
Gill, Md.	Lawrence	Patterson	Swasey
Glass	Legare	Payne	Talbott
Godwin	Lundin	Pearre	Taylor, Ala.
Graham, Ill.	McCall	Pickett	Tener
Greene	McCreary	Plumley	Tilson
Gronna	McGuire, Okla.	Poindexter	Tirrell
Hamer	McKinlay, Cal.	Pou	Townsend
Hamill	McKinley, Ill.	Randell, Tex.	Vreeland
Haugen	McKinney	Reid	Wallace
Hay	McMorran	Rhinock	Weisse
Heflin	Macon	Richardson	Willett
Higgins	Madden	Riordan	Wilson, Ill.
Hill	Madison	Robinson	Young, Mich.
Hobson	Maynard	Rodenberg	
Howell, N. J.	Mays	Russell	
Hubbard, Iowa	Millington	Sheffield	

So a call of the House was refused.

The Clerk announced the following additional pairs:

For the remainder of the session:

Mr. CURRIER with Mr. FINLEY.

Mr. BRADLEY with Mr. GOULDEN.

For the balance of the day:

Mr. CAMPBELL with Mr. BOWERS.

Mr. FOSTER of Vermont with Mr. LAMB.

Until 11 o'clock a. m., March 18, 1910:

Mr. PEARRE with Mr. GILL of Maryland.

Mr. ALLEN with Mr. PAGE.

From 7.15 p. m. until 9.30 p. m., March 17, 1910:

Mr. SLEMP with Mr. CARLIN.

From 7.15 until 8.30 p. m., March 17, 1910:

Mr. LANGLEY with Mr. STANLEY.

Until 8.15 p. m., March 17, 1910:

Mr. HULL of Iowa with Mr. SLAYDEN.

Upon this vote:

Mr. WILSON of Illinois with Mr. WILLETT.

Mr. VREELAND with Mr. SMALL.

Mr. TILSON with Mr. RUSSELL.

Mr. RODDENBERY with Mr. RHINOCK.

Mr. PAYNE with Mr. RICHARDSON.

Mr. LAWRENCE with Mr. MAYNARD.

Mr. HOWELL of New Jersey with Mr. HUGHES of Georgia.

Mr. FOSS with Mr. HAY.

Mr. DAWSON with Mr. COX of Ohio.

Mr. DALZELL with Mr. FLOOD.

Mr. CALDERHEAD with Mr. BURLESON.

Mr. GARDNER of Michigan with Mr. SHARP.

Mr. SPERRY with Mr. AMES.

The result of the vote was announced as above recorded.

Mr. TAWNEY. Mr. Speaker, I make the point that there is no quorum present.

Mr. JAMES. There is a quorum present.

The SPEAKER pro tempore. The vote just taken shows a quorum.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is the gentleman from New Jersey [Mr. PARKER].

Mr. REEDER. A parliamentary inquiry. Is the gentleman in order under the Constitution or under the rules of the House?

The SPEAKER pro tempore. The Chair is not able to hear the gentleman.

Mr. REEDER. I was questioning whether the gentleman was in order under the rules of the House or under the Constitution.

The SPEAKER pro tempore. Both.

Mr. PARKER. Mr. Speaker, I shall try to be in order on the question now before the House. That question, although merely seemingly a matter of order, is more important than any other subject that has been discussed in this debate. It is insisted, Mr. Speaker, that a motion to amend the rules may be brought before this House at any time by any Member as a matter of the highest constitutional privilege without previous reference to the Rules Committee, and that it shall be always in order. You gentlemen on the other side claim that you may be some time in the majority. I ask you, and I ask gentlemen on this side, how this House will do business at all if any Member in the minority can at any time move to amend the rules of this House, and that question must come up for debate, and for roll calls on the previous question, and on the question itself, supported by that minority. We talk about filibustering. No such means for a filibuster was ever framed as to say that a motion to amend the rules of this House can be brought forward by one Member at any time and that with the support of one-fifth of the House roll calls can be demanded.

A new rule is proposed as to the Rules Committee. What business has your Rules Committee left to it, if any Member at any time can move to amend the rules so as to bring in a particular bill or a particular subject and can move his rule without a report from that committee? Remember that this motion to amend the rules has not been referred to the Rules Committee.

The Constitution provides for rules. "Each House may determine"—determine, set metes and bounds, and fix the marks so that they can not be changed without care—"the rules of its proceedings." Now, the first business of the House is to see that its rules shall be so fixed as to enable it to do business; and because special persons in the House, or special interests, may from time to time desire that some bill shall be advanced, the rules have taken from every single Member the right to change the rules in special cases, and have provided a Rules Committee, and it is provided by the rules (XI, 53) that "all proposed action touching the rules, the joint rules, and order of business shall be referred to the Committee on Rules." We have spent about five hours to-day on a motion by a single gentleman to amend the rules. He says he is supported by a majority. If he was supported by a minority, he could have held his place here just as well, as well at least as far as two roll calls were concerned.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. PARKER. Yes.

Mr. BARTLETT of Georgia. Does not the gentleman believe——

Mr. JAMES. Mr. Speaker, I make the point of order that this debate on the point of order is for the purpose of informing the Speaker; and it can not enlighten the Speaker, because the Speaker is not in the chair and not even in the Chamber.

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. PARKER. I am always glad to yield to interruptions, because it brings attention in this instance to a point of order which is more important than any resolution before the House.

Mr. BARTLETT of Georgia. Does not the gentleman believe that if the Speaker had been of the opinion that a majority of this House would have sustained his ruling that he would have decided this question three hours ago?

Mr. PARKER. No. I do not think you are asking a very important question.

Mr. BARTLETT of Georgia. I will put it in another way, if the gentleman will permit me, in order to make it important. Has the gentleman ever seen the present Speaker or any other Speaker, during his service, and his service and mine are about the same, permit unlimited debate for five hours upon a question whether or not the question presented is a question of privilege?

Mr. PARKER. I think I have seen that done before.

Mr. KEIFER. Will the gentleman permit me to answer that?

Mr. TAWNEY. If the gentleman will permit me, I can answer that. In the Fifty-sixth Congress that question was debated for two days.

Mr. PARKER. My recollection is that there was a very long debate in the Fifty-sixth Congress.

Mr. BARTLETT of Georgia. What question was it?

Mr. TAWNEY. On the question whether or not a provision on the sundry civil bill was in order. It was debated for two days.

Mr. BARTLETT of Georgia. What provision?

Mr. TAWNEY. In regard to mileage.

Mr. BARTLETT of Georgia. When?

Mr. TAWNEY. In the Fifty-sixth Congress.

Mr. BARTLETT of Georgia. But that was under the rules we are now operating under, which demonstrates how ineffectual the rules are to do business, and how necessary it is to make a change.

Mr. PARKER. I am suggesting to the gentleman what he can not answer——

Mr. BARTLETT of Georgia. I will try to answer.

Mr. PARKER. The question is this: Whether, under the new proposition of order that is made here, any Member can bring forward an amendment to the rules at any time, and if so, whether it is not possible for a minority to occupy the whole session, in spite of everybody, by proposed amendments to the rules?

Mr. BARTLETT of Georgia. The minority has occupied very little of the session.

Mr. PARKER. I ask whether it is not possible, and whether it is not probable, that the minority would do it? I will ask the leader of the minority [Mr. CLARK of Missouri] whether he would like that power put in the hands of any minority of the House if he should be the leader of a majority party?

Mr. BARTLETT of Georgia. But the Speaker would, in a very short while, say that he was ready to rule, and, ordinarily, to-day he would have ruled long ago.

Mr. PARKER. I do not consider that the interruption is pertinent to my question. I have put a question which has not been answered. It is unanswerable. The adoption of this principle that any man at any time may bring forward as a matter of high constitutional privilege a motion to amend the rules, and have it determined in the House without reference to a committee and without action by a Rules Committee, not only destroys the use of the Rules Committee, not only destroys all its functions, but is an abdication by the House of the power to do business.

The rules of the House are intended to provide that certain business shall be brought before that House according to the will of the majority. It is impossible that the rules of the House or the Constitution of the United States should mean or intend that the whole business of the House may be stopped by successive motions by different men, with the incidental roll calls—no matter whether those men are in the minority or not—motions to amend those rules so as to let in one topic or another, whether it be conservation or whether it be this, that, or the other, I do not care what.

If a man chooses to consider it important enough to move to amend the rules, he can nullify any majority, as the majority has been nullified to-day, not only for four hours, but by successive motions for the two hundred and fifty hours that are all we have in a short session. There are 150 Members in the minority ready to bring forward such motions and have such roll calls.

No such system of anarchy and chaos can be allowed in any deliberative body. The question now before us on the point of order is immeasurably more important than any question as to who shall be our Committee on Rules; for if this precedent be established, and this debate is in order, the Committee on Rules is as absolutely without power to do business as is the House itself.

Mr. HUGHES of New Jersey. I want to ask the gentleman if the same situation as he prophesies will exist in this House as a result of this rule—that is, the ability of a few men to take up the time of the House—does not exist as a present condition in another Chamber? Is it not in the power of one man there to take up the time of that body?

Mr. PARKER. Yes; and they suffer somewhat from it. I can not discuss other chambers, but I can only say that if any and every man here had the power to take the whole time of this House, we would have to do all of our business by courtesy and unanimous consent.

Mr. COX of Indiana. What does the gentleman say, in his opinion, as to whether or not there is any constitutional privilege in the pending resolution?

Mr. PARKER. There is none.

Mr. COX of Indiana. Why?

Mr. PARKER. The power given to each House to determine the rules of its proceedings is a power to prevent single Members from coming forward from time to time and occupying the time of the House, either with propositions to change the rules, or any other proposition.

The power to determine the rules of its proceeding is exactly analogous to the powers given to Congress. Power is given to Congress to lay and collect taxes, duties, imposts, and excises. On that subject no Member has a constitutional privilege; we refer it to the Committee on Ways and Means.

"To provide for the common defense." We do that by referring all bills on that subject to the Naval Committee and the Committee on Military Affairs.

"To borrow money on the credit of the United States." We refer all such questions to the Committee on Ways and Means.

"To regulate commerce with foreign nations and among the several States and with the Indian tribes." No such measure comes before the House until it is reported by the Committee on Interstate and Foreign Commerce.

"To establish a uniform rule of naturalization." All bills on that subject go to the Committee on Immigration and Naturalization.

"To coin money, to regulate the value thereof and of foreign coin, and to fix the standard of weights and measures." Everybody knows that such subjects go to the Committee on Coinage, Weights, and Measures.

"To provide for the punishment of counterfeiting the securities and current coin of the United States." All such measures go to the Committee on the Judiciary.

"To establish post-offices and post-roads." Those measures go to the Committee on Post-Offices and Post-Roads.

"To promote the progress of science and useful arts by securing for limited time to authors and inventors the exclusive right to their respective writings and discoveries." Those go to the Committee on Patents.

"To constitute tribunals inferior to the Supreme Court;" to the Committee on the Judiciary.

Now, the power in Congress to do all these things does not give the right to any man to jump on the floor at any time and bring in a bill for consideration of Congress. If so, we would be swamped with a multitude of ill-considered bills. Any proposition to advance one measure over another goes to the Committee on Rules, and rightly so, and you expect to establish a Committee on Rules for that purpose. What power and what jurisdiction would the committee have if you are going to allow any Member to bring up a measure for the change of rules before that measure is referred to the Rules Committee?

Mr. COX of Indiana. Now, will the gentleman yield?

Mr. PARKER. With pleasure.

Mr. COX of Indiana. Is it not a fact that the present Rules Committee exists by virtue of the Constitution of the United States?

Mr. PARKER. No; it exists under the rules of the House.

Mr. COX of Indiana. Is it not a fact that not only the present Rules Committee, but the rules of the House, look to the Constitution of the United States for their authority, for their organic authority?

Mr. PARKER. The rules of the House depend upon the power of the House to make the rules. I think, however, that the House would have the power to make rules of procedure, as essential to its existence.

Mr. COX of Indiana. Would not the gentleman admit that you look to the Constitution to get your authority to adopt the rules which govern the House?

Mr. PARKER. I look to the Constitution and also to the necessity for a deliberative body to have rules. I look to the Constitution and also to the power inherent in every deliberative body, or assembly, to make rules.

Mr. COX of Indiana. Will the gentleman yield further?

Mr. PARKER. Now will the gentleman from Indiana allow me to go on with my argument?

Mr. COX of Indiana. I wanted to put one more question.

Mr. PARKER. I was going to refer to the question of the census.

Mr. COX of Indiana. I beg the gentleman's pardon.

Mr. PARKER. It is rather hard to be interrupted and to pursue the train of argument which I had in mind.

Mr. COX of Indiana. I thought the gentleman wanted to be interrupted.

Mr. PARKER. Yes; but instead of one question the gentleman gives me five. Mr. Speaker, I do not know that I am thoroughly in accord with the precedents in reference to the census. The Constitution says, to put it briefly, in effect, that Congress every ten years shall provide for an enumeration of the inhabitants, in order to make an apportionment of the Representatives in Congress and for the purpose of laying direct taxes.

It is not "may," it is "shall." It says that they shall do that. I have doubted whether the amendment to a census bill, which went only to the birthplace of the people or the nationality and tongue of their parents, comes thoroughly within the enumeration, but it is determined that it does, and that it has privilege, but only after reference to and report by the Committee on the Census, and not, as now claimed, without such reference. I abide by the precedent. The bill has got to be perfected at this Congress so as to go into effect this year, and other business, according to the precedents, must give way in order that that may be done. The Constitution makes a definite order that a certain thing shall be done at a certain time. The Constitution does not say that the rules shall be changed on mere motion. It says, on the other hand, that they shall be determined and made termini or landmarks which bind every Member, and that determination is gone if we allow every Member, any Member, at any time to rise in his place and move for a change of the rules. Imagine the chaos that would result! Every man has his pet hobby. Imagine when every man with a hobby, whether of the majority or the minority, can rise

in his place and move to change the rules so as to let that hobby come before the House—imagine the chaos!

That is what we call a "suspension of the rules." We provide that such suspension shall need a two-thirds vote and come up only on certain days. In the old times such motions were made by the consent of the Speaker and his recognition. At this session, because there was no unanimous consent or assent to his granting such recognition, he has wisely withheld any such permission—except, I think, in the statehood bill—during the whole session. Imagine the result if any Member could at any time rise and move that the rules be changed so that he might bring forward his pet measure.

Mr. JAMES. I would like to ask the gentleman whether or not, in his judgment, after five and a half hours' debate on this question, the Speaker is ready to rule.

Mr. PARKER. Mr. Speaker, I imagine that what I have said has been of some advantage to gentlemen on the other side, as not one of them has put a single question directly to the point that I have brought up, which is, that if this point of order be not sustained, there is an abdication by the House of its power to do business, and necessarily so, and that any small minority, composing a fifth of the House, can at any time render that House unable to go ahead. I appeal to gentlemen, not as politicians——

Mr. JAMES. I would like the gentleman to answer the question.

Mr. PARKER. The gentleman will excuse me, but I am not going to answer that question, except as I have answered it. I have answered that the gentleman himself ought to have gained some profit from what I have said, because neither he nor any man has been able to deny what I state—that this point of order goes back, goes far back of all questions as to what our rules shall be, goes far back——

Several MEMBERS on the Democratic side. How far? [Laughter.]

Mr. PARKER. I wish to go on. I do not wish to be interrupted.

Mr. JAMES. Does the gentleman——

Mr. PARKER. I do not wish to be interrupted.

Mr. JAMES. Well, I object to the gentleman going further back than Noah's ark. I am willing for him to go that far. [Laughter.]

Mr. PARKER. It goes far back of any mere question of policy for this House. It goes far beyond any question suggested here as to the power of any officer or committee in this House. It goes far beyond any question of the bearing of the Constitution on the rules. It goes to the very existence of this House as a legislative body, and I appeal to every patriot of every party to support the power of the House to do business and to determine, as it should be determined, that no change of rules can be attempted without a previous reference of that change to a properly constituted Committee on Rules. Any man who supports any other doctrine destroys the greatest legislative body in the world. [Applause.]

Mr. FOWLER. Mr. Speaker, I shall not detain the House but a moment. I want to call the attention of the House to two or three facts, which I think are pertinent and ought to be considered now and will be considered during the next six months. The gentleman from New York [Mr. FASSETT] chided some Members of this body because, forsooth, they were going to vote with Members of the other side of this Chamber on this question. I desire to remind him of the fact that the rules of this House were adopted through an alliance by a majority of this House with a minority on the other side [applause] consisting of 23 men. Therefore we have the rules of this House as they exist to-day, not passed by the majority Members of this House, but by some of the Republicans of this House and some of the Democrats of this House.

Now, I want to call the attention of this House to another fact. Nobody denies that this House has the power, pursuant to its rights, to make the rules of this House. Will anybody say that when they have adopted the rules for this House at the beginning of a session that we have determined that those rules shall not be changed until the term of Congress is over? How did it happen, if that is true, that the Rules Committee brought in here last session a change and gave us calendar Wednesday? This was done because we had empowered them to perform that and other functions. Now, suppose that that instrumentality of this House failed to perform the duty that this House had imposed upon it, suppose that the Speaker of this House concluded that there should be nothing done except to serve his own personal will and so this House was outraged by that tyranny, do you mean to say that we would have to suffer that tyranny the whole two years before we could exercise the power that this House has? Have they exhausted their power? Is not a residue of power left in the House which they could exercise at any time during the two years? I think that the proposition that the House has exhausted its power to make or change the rules of this House is absurd.

Gentlemen talk about there being chaos here.

Now, the proposition before this House ought to go before the country precisely as it is. It is as simple as this:

If we should agree to-night that there should be a Committee on Rules of 15 members, of whom 9 are to be Republicans and 6 are to be Democrats, I will unite and meet with the Republicans of the House in a caucus and we will select our 9 members. The Democrats will meet in a caucus and they will select their 6 members. That is all there is to this proposition. I do not care what form it takes, but it is a simple, plain proposition of having a Rules Committee elected in the same proportion as that we have it to-day—9 Republicans to 6 Democrats. We now have 3 Republicans and 2 Democrats.

Now, would there be any chaos if the 9 members should take up any measure for consideration that may be included in the programme that the President approves? Will any Member on this side of the House have the hardihood to say we would have any more chaos when our 9 members discussed any proposition and passed upon it than we have now with 3? Would it not be just as simple a proposition and just as expeditious?

Mr. WILSON of Illinois. Will the gentleman yield?

Mr. FOWLER. Wait until I get through. Would it not be just as simple a proposition then as it is now, and would it not be more responsive to the will of the people of this country than we know it to be now?

Mr. WILSON of Illinois. Will the gentleman yield now?

Mr. FOWLER. In just a moment. Now, another proposition which has been presented by men apparently with a feeling of pride and approval and satisfaction is that these rules are a product of one hundred and fifty years——

Several VOICES. Oh, no.

Mr. FOWLER. Oh, yes; one man said one hundred and fifty years and another said one hundred and twenty years, and I will give them the advantage of the first fifty years for a running start. Supposing they have been here for one hundred and fifty years. The laws of Russia have been in use for a thousand years, but is that any reason why they should not be changed? Are we to stand still? Are we to have this House Russianized through the tyranny of the Speaker and the Rules Committee? [Applause on the Democratic side.]

This is the question that should go to the country, and every Member of this House will be confronted with it in his district. Do not forget it.

Do not imagine that your vote to-night ends the whole matter. This matter of a change of the rules of this House with the purpose of making this House a representative body is a national question. Do not forget it. What is its essence? It is this, that the man who presides over this House should be absolutely free himself and absolutely divorced from all legislative relation to this House. [Applause on the Democratic side.] The power of the Speaker to make and unmake men, the power of the Speaker to ruin a man's political career and he himself control legislation makes this the most corrupt influence conceivable in American life. [Applause on the Democratic side.]

Ideals have been discounted in this place since I have been here until there is hardly such a thing as political ideals left here. Ethical considerations are wiped out, men are confronted with the possibility, with the certainty, of condemnation and consignment to political death because, forsooth, they will not knuckle and cringe. [Applause on the Democratic side.]

I challenge every man in this House to-night to plumb his vote with his honest opinion and with his conscience as a man and say whether I have not stated the truth. Individually you have felt these things. Do not tell me you have not. I have been here for fifteen years, and I have on occasions gone up against that influence, which is literally atmospheric, and I thank God that when I have felt that it was a duty to my country, I have had the courage to meet it, bravely knowing what the consequences would be—aye, must be. [Applause on the Democratic side.]

I want to say to you that the reports that will go out over this country will carry with them no fine distinctions or differentials, but it will be simply whether we will reform the rules of this House and liberate it. The people will make no fine distinctions. They will simply ask you whether you are in favor of the reform of the rules of this House. You as indi-

viduals, almost man for man, if you can free yourselves absolutely and vote your honest judgments and respect your consciences, will vote to liberate this body. [Applause on the Democratic side.]

Mr. REEDER. Mr. Speaker, I am as much in favor of changing the rules of this House as any of the so-called insurgents. But I am very much opposed to the methods they employ to gain their ends. I regard it as very much more in line with our duty to our constituents to secure changes in the rules and all else we strive for as we did calendar Wednesday, through the Republican majority in Congress.

Mr. Speaker, in my judgment the question before us to-night is, Will we support this effort of a small minority of the majority party to set aside the theory that the majority shall rule? The Democrats do not wish to change these rules. I am safe in making this statement, because when they came into power a few years ago they did not attempt to change them, and there is no indication that they would change them now if they should ever come into power again. Hence, I say, the minority party in this House does not desire to change the rules. The Democrats will, however, assist you to change them now or to do almost anything that will discredit and disrupt the Republican party and prevent that party from doing what the people of this country have sent us here to do in the way of legislation.

Mr. BARTLETT of Georgia. You mean not doing what they have sent you here to do.

Mr. REEDER. The Democratic purpose is to destroy the majority's power to do things, and I believe that this is legitimate of them as a party. But I do insist that a minority of the majority party in pursuing this plan of helping the minority to discredit the majority and deprive them of an opportunity to do what the people have sent them here to do is not legitimate warfare.

Mr. HUGHES of New Jersey. Mr. Speaker, I make the point of order that the gentleman from Kansas is not addressing himself to the point of order.

The SPEAKER pro tempore. The gentleman is coming as near to it as any of the others.

Mr. HUGHES of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman can not rise when another gentleman has the floor.

Mr. REEDER. I have a great desire to do some good as I go through the world, and I want to now try to help these insurgents to a just conclusion as to value of our foundation principle, "the majority shall rule."

Mr. COX of Indiana. Will the gentleman yield?

Mr. REEDER. I call this method of joining forces with Democrats absolutely unfair to the people of this great Nation. They sent us here as a Republican majority to do certain things. This minority claims that they want a certain thing done—and I believe that it should be done—but these insurgents are taking a means to accomplish it that is contrary to the theory of a majority ruling. They came here pretending to be Republicans, and the people sent them here supposing they would act with the Republicans. They seem to think it proper to join hands with the enemies of republicanism, to strike down the grand old party of Lincoln, McKinley, Roosevelt, and Taft.

Mr. COX of Indiana. Will the gentleman yield?

Mr. REEDER. I will not be interrupted at present.

Mr. HAUGEN. Mr. Speaker——

Mr. REEDER. I will not suffer an interruption at present.

The SPEAKER pro tempore. The gentleman from Kansas declines to yield.

Mr. REEDER. Such action on the part of those who assume the name Republican is absolutely unfair to the people who sent them here on the supposition that they would try to build up that party and, at least, not stab it in the back.

They are also unfair in this, that the people of this Nation sent Republicans here to legislate. A small minority say they want a certain thing accomplished. I, among others, think it should be done. Whether it is good legislation or not, I will not now discuss. It may be very advisable to make this change in the rules, but the method of doing so which is adopted by the insurgents is absolutely unfair and unjust to the people of this great Republic. The minority party does not want it. Hence, I insist that only a small minority of the majority party that do desire such a change in the rules have no sufficient reason to use foul means to accomplish their wish in this matter. They insist that they will rule the majority or they will ruin it—a very unfair process, a striking at the foundation principle of our Government; a very sacred principle to all patriotic people. I insist that they will hear from the patriotic people on their trampling this great American principle under their feet. The fact is, the Republican party is in the majority, and if there is a minority in that party who have convictions as to certain matters, they ought to go into the caucus and have the matter thrashed out there, and if they can not convince the majority they ought to then abide by the will of the majority.

That is my judgment as to what is right in such cases. Then if the Republicans in Congress do not do as the people think proper, at the next election the people will have their say; and I believe they will have a say as to the temerity of those who would thus ruthlessly trample this great principle in the dust. I know of no attempt to consummate their wishes in the ordinary way through their party organization. Such methods do not give the party an opportunity to do what they would do and what they are sent here to do. I would like to ask gentlemen before me, do you believe——

A MEMBER on the Democratic side. No.

Mr. REEDER. I do not believe that style of argument is any better than this attempted method of controlling the majority party. Let me ask you gentlemen, would you think it proper and just if a small minority, when they found that a large majority of their party were not in favor of a certain principle, should engage in a plan whereby the minority party would be brought into power for the purpose of discrediting that majority, and thereby much improving the minority party's chances to defeat the majority party at the polls?

Mr. GRONNA. Does the gentleman want an answer to that question?

Mr. REEDER. I do not yield at present. [Great laughter on the Democratic side.]

Mr. GRONNA. I would be glad to accommodate the gentleman.

Mr. REEDER. I will accommodate the gentleman from North Dakota if he will wait until I get through with what I have to say. [Renewed laughter.] I want to emphasize, for the gentleman's benefit, what he and others are trying to do in this House to-day. A small minority wants to force the majority party of this House to proceed in a manner it does not regard as parliamentary. In other words, they would force the majority to do the will of said minority, and in such a manner as to discredit the majority.

Mr. GRONNA. The gentleman is in the minority now.

Mr. REEDER. I request the Chair to see that the gentleman does not interrupt me at present. [Laughter.] I will wait for order on the Democratic side. [Renewed laughter.]

The SPEAKER pro tempore. The House will be in order. Gentlemen will kindly preserve order.

Mr. REEDER. Now, the question would arise, What are the motives of this unseemly coalition? [Laughter.] That is an important question. Probably under the rules I had better not answer that question. [Renewed laughter.] Then, probably I could not answer it exactly to my taste, for lack of language. But the speeches of some of the leading insurgents have indicated something of the motives of at least a few in trying to have the minority of the majority party assume this rule or ruin programme in their attempt to change a rule of this House. These rules were much changed by the party in power. A calendar Wednesday became a part of the rules by a regular course of procedure of the party in power. This change of the rules has not been attempted by means of usual processes in such cases.

Mr. COX of Indiana. Now, will the gentleman yield to a question?

Mr. REEDER. Surely, I am safe in saying that there is no good reason to expect good to accrue to the party in power from such methods or a reasonable hope that by this process the wishes of the people in sending a Republican majority here to do the business of the people will thus be met. It can not be that any man will say that such an effort as is made here by a small minority of the dominant party to discredit and prevent that majority from doing business is wise, right, or according to the wish of those who sent us here. Such methods can not be in the interests of the people.

Mr. RUCKER of Missouri. The people will pass upon that.

Mr. REEDER. The people, it has been suggested by my friend Mr. RUCKER, from Missouri, will pass upon it. Certainly, they will. It is equally certain they did not desire to send a majority to Congress to make our laws and have a small minority of that majority, that have some theory which they can not make the majority believe is wise, act with the minority party who have a different motive in view, and that that minority shall thus destroy the usefulness of the majority. If a minority bring about such a result, they will not only hear from the people but should hear from them in the interest of the principle "a majority shall rule."

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. REEDER. No; I will not permit any interruption at the present. When I get through, I will permit interruptions. I think that every rule of fair dealing—I wish to emphasize that fair dealing—demands that Members sent here by the votes of a party shall not betray that party into the hands of their enemies. But that they shall deal with their party on the majority-rule principle; that is, the minority of the Republicans are in duty bound to deal with the members of that party under the majority-rule principle.

The Republicans should run this Government for the two years for which they were elected; and the majority of the Republicans should determine what that policy shall be. In my judgment, the minority of that party should not take any unfair and unjust methods to set aside the will of the majority, because the people have determined they want that rule for these two years, and by our success or failure we are to be judged.

A MEMBER. That is right.

Mr. REEDER. Every move the Democrats help the insurgents to make which is contrary to the judgment of a majority of the Republicans of this House betrays the people's will that the Republicans shall rule during this term of Congress. I am inclined to think that the rules——

Mr. ELLERBE. The gentleman says he is inclined to think! That is a wonderful inclination. [Democratic laughter.]

Mr. REEDER. When you gentlemen get tired, I will proceed. The probability is that the rules ought to be changed in some respects. But the method that is here attempted to change them is certainly absolutely against the will of the people, who have decided that the Republican party come here to do the business for two years. I am talking against this method of yours, which is based on the theory that a small minority shall rule, or if not you will ruin; and if you are not doing that I do not know what this move you are assisting the Democrats to make means. Hence I say that while the rules need changing, the methods you use are inexcusable. The argument that the rules have been in force for a good many years and are the outgrowth of the tactics of both political parties is a good argument in favor of their being good rules.

It does not follow at all that because some rules and regulations which are bad and have stood for a thousand years in some foreign countries that these rules are necessarily bad because they are old and well tried. They have been held by both parties in this House to be good rules. That was a very absurd argument made by the gentleman just preceding me. The method attempted by a very small minority to control the majority against their judgment is the matter I feel it is important we inveigh against. I believe that it is a point that will be condemned by all good citizens. I do not believe there is an insurgent here to-day who believes that this is a square, fair, honest way of doing business. Now, if any of the gentlemen are anxious to ask me questions, I will endeavor to answer them.

Mr. JAMES. The gentleman just stated that the rules ought to be changed in some respects. Will the gentleman give us his idea in what respects they should be changed, and give us the amendments he would make to the rules?

Mr. REEDER. If the gentleman from Kentucky will come around to my office in the forenoon to-morrow, I will tell him all about it. [Laughter.]

Mr. JAMES. Of course I am perfectly conscious of the fact that the gentleman could enlighten me, but I want all the House to participate in the wisdom of the gentleman. [Laughter.]

Mr. REEDER. After I have informed the gentleman he can make a speech and give the House the information he has gained.

Mr. JAMES. It would be unfair to the House for the gentleman to enlighten me alone when he might enlighten the House and the whole country. The whole country is standing on tiptoe to-night to find out how the gentleman would change the rules, and how he thinks they ought to be amended. [Laughter.]

Mr. REEDER. I do not think that the gentleman from Kentucky thinks he needs information.

Mr. STANLEY. We want to have the gentleman tell us how he is inclined to think. [Laughter.]

Mr. GRONNA. The gentleman has stated that he does not believe that any of the insurgents believe that they are giving the House a square deal.

Mr. REEDER. I said I did not believe they considered they were giving their party a square deal.

Mr. GRONNA. I for one feel perfectly satisfied with the action that has been taken this afternoon, and I purpose to carry it out to the finish. Now, the question that I wish to ask the gentleman is this: Will he cite me to a single instance wherein a great reformation has been carried out by a majority?

Mr. REEDER. I will say this, that a small minority have no right when they are sent here to assist the majority in legislating in favor of the people to go into a coalition to destroy the power of that majority so that they can not control legislation.

Mr. GRONNA. Has the gentleman been sent here to legislate as a Republican, or has he been sent here as a legislator for the people?

Mr. REEDER. I apprehend I was sent here because I was supposed to be in favor of Republican principles and to legislate along the lines of the Republican party's established principles and policies. I am sure that anybody who knows me or has known me for any length of time would never send me here to legislate as a Democrat.

Mr. COX of Indiana. Does the gentleman believe that a Representative on the floor of the House should faithfully carry out the will of his constituents?

Mr. REEDER. Yes; I believe he ought.

Mr. COX of Indiana. Then the gentleman has admitted that it is the duty of a Representative in Congress to faithfully carry out the will of his constituents. I agree with him, and I am glad to hear him make the statement. He has spent thirty minutes in criticising the minority of the majority side. If the minority of the majority has been sent here to amend the rules of the House, does he think he is justified in criticising them in the way he has?

Mr. REEDER. The majority is sent here for what purpose? To legislate under the principles of the Republican party, and not that a small minority shall say to the majority, "If we can not rule the majority, we will ruin it." I will suggest to the gentleman from Indiana, as well as the gentleman from North Dakota [Mr. GRONNA], that the method we adopted to secure calendar Wednesday commends itself, to my judgment, as a proper method for changing our rules.

Mr. COX of Indiana. The gentleman will admit this to be true, that the Rules Committee is the all-powerful committee in the way of passing legislation?

Mr. REEDER. This rule that is proposed to be made is, as the gentleman knows, as powerful as the one we now have.

Mr. COX of Indiana. Will the gentleman answer my question?

Mr. REEDER. I did answer it, but probably the gentleman did not hear it on account of the confusion. I will answer it again. The rule that you Democrats are helping the insurgents to adopt——

Mr. COX of Indiana. Let me bring the gentleman back to the question. Does the gentleman admit that the Rules Committee is the all-powerful committee in the way of passing legislation in the House?

Mr. REEDER. The rule that the Democrats do not want, but are trying to help the insurgents by very questionable methods to force on the House, and hope thus to destroy the ability of the Republican party to fill its obligations to the people, has all the power that the present Rules Committee has, so there will be no change in that line. Now, Mr. Speaker, I will surrender the floor. [Laughter and applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I have been surprised at some of the statements made during this debate. I was surprised that my friend from Kansas [Mr. REEDER] should have been so much in earnest, not to say unanimous, in his characterization of the insurgents. He said that he thought they were not sincere. He fairly chided the insurgents.

Mr. REEDER. I want to say that I guess the gentleman is mistaken.

Mr. COOPER of Wisconsin. If the gentleman means that I did not quote correctly what he said and "guesses" that way, he has, in the language of the street, another guess coming to him. [Laughter.] That is exactly what he did say; but, of course, I pass it by, because the gentleman was overcome—by the heat, I suppose. [Laughter.]

I treated what he said with the utmost respect. I smiled only once during his remarks, and that was when he said he was "inclined to think." [Laughter.]

I did not do that out of any feeling of disrespect, because I admire his masterful ability, but I smiled because he said he was inclined to think. [Laughter.] Up to that time I had not observed any indication of it. [Renewed laughter.] Afterwards he became thoroughly thoughtful, and I correspondingly serious, not to say solemn.

The gentleman appealed to party spirit. Party! Party! Party! That has been the shibboleth, that has been the club,

to use the more common word, by which some of the gentlemen who have run the machine here since I have had the honor to represent the first district of Wisconsin have tried to browbeat men into following their wishes. I have seen the most trivial question immediately made a party issue, and when a Member dared to vote what he thought was right, have seen them look around askance as if a man had no right to think for himself, or even to be inclined to think, like the gentleman from Kansas. [Laughter.]

Mr. REEDER. Mr. Speaker——

Mr. COOPER of Wisconsin. Oh, I prefer that the gentleman wait. The gentleman will have more leisure and a better opportunity to get his thinker to running if he sits down. [Laughter.]

Mr. Speaker, in discussing the rules of the House of Representatives which are to govern us in our deliberations as national legislators, it is not right—and I say it with entire respect for those who differ with me—it is not right to attempt to arouse the spirit of party. When I see men upon an issue of this kind seek to arouse one of the fiercest of human passions, there comes to me the words of Hallam in his Middle Ages—let us forget, let us forget "that prejudice about party names which makes up the politics of vulgar minds."

The gentleman from New York [Mr. FASSETT] made a very fine speech. I thought it was the speech which he intended to deliver when the gentleman from Ohio, General KEIFER, was to start the general debate on the pension bill [laughter]; but opportunity is a great thing, and it is a great thing for a man to be ready to seize it. The gentleman from New York also had a good deal to say about party, party, party, as if anyone who undertook rationally and candidly to discuss this question of the reformation of the rules of the House of Representatives was, for some reason, to be branded as a traitor to his party. I became a Republican about as long ago as I can remember.

I began to hurrah for Abraham Lincoln when I was a very small boy. I did it because I thought he was on the right side, and because practically all—not all, I want to say to my good friends across the aisle—practically all of the respectable people of my acquaintance were doing the same thing. From that time on I have been a Republican, and for sixteen consecutive years have been sent from the banner Republican district of the State of Wisconsin to represent that constituency on the floor of this Chamber. [Applause.]

The gentleman from New York, quoting from a letter written by that great patriot Theodore Roosevelt, said that there had been some splendid laws passed during his administration and spoke as if these rules and the Speaker were responsible for them. It is true that some splendid laws were passed. But with the Speaker in the chair and Theodore Roosevelt out of the White House, we would not have had those laws. The Republicans on this side voted for them. Of course they did, and so did the Democrats on that side. Be fair, gentlemen. You all voted for the rate law; you all voted for the pure-food law. You were patriots when it came to those great measures, and you voted to serve your country.

Were these Republican laws? In one sense of the word they were, because they were suggested and urged by a Republican President and enacted under a Republican administration, but it is none the less true that they received the practically unanimous support of the Democrats of this House. I say this because no man is so big a Republican that he can afford to be unfair on the floor of this Chamber in talking about a proposition to reform the rules which govern us.

Years ago I saw the real character of these rules; and the fact that they had received the approval of men so famous as Thomas B. Reed or John G. Carlisle, or the approval of anybody else, did not bind my judgment. I know, because of my experience here, that the rules centered in the Speaker more power than ought to be given in a republic to any man. They give more power to the Speaker of the House of Representatives than is possessed by the presiding officer of any other great parliamentary body in the world.

Ostrogorski, the Russian who came here from where they have a despotism, expressed his well-nigh indescribable surprise that in the first Republic of all history there should be centered in the Speaker of the House of Representatives the power to appoint all of the committees of the House, the power to appoint all of the chairmen of these committees, the sole power of recognition, and, in addition to all this, the power himself to preside as chairman of the most powerful committee in the House—the Committee on Rules. Nowhere else in the world, gentlemen, in a country that pretends to be civilized and free, has the presiding officer of its chief parliamentary body any power comparable to that wielded by the presiding officer in this forum of the people, the people's chamber, the House of Representatives of the Congress of the United States. And because, after years of experience, some of us think that these rules ought to be amended in the interest of pure legislation, in the interest of all of the people, in the interest of the individual Representative, are we to be driven out of the Republican party?

I do not speak of these things because I have the slightest personal feeling against the Speaker of the House. I have always treated him with the utmost respect. Possibly if I were more quick tempered than I am and did not consider the question involved very much broader than the personal feelings or fortunes of any man I might be inclined to indulge in vituperation or something of that sort, but I shall refrain. Gentlemen will recall that the Speaker came down on the floor a little less than a year ago, while the tariff debate was on, stood here within a few feet of me, and, although I had not said a word concerning him, branded me a demagogue. Why? Why? Simply because I did not agree with him that there ought to be a high tariff on Standard oil. [Laughter and applause on the Democratic side.] And to-day on the floor of the House of Representatives he spoke of this House consisting of Republicans, Democrats, and Populists. One gentleman touched me on the shoulder and said: "COOPER, that is you;" and a half dozen more—my friend the gentleman from Illinois [Mr. RODENBERG]—applauds that. Perhaps that suits his idea of the situation.

Mr. RODENBERG. A proper characterization.

Mr. COOPER of Wisconsin. Well, the Speaker voted against the resumption act, and every Populist in the United States voted against the resumption act. Was the Speaker a Populist? [Applause on the Democratic side.] I did not observe the gentleman from Illinois applaud. He is still smiling, but not applauding. [Laughter.] I do not call the Speaker a Populist—he thought he was right—nor do I question his motives, although my own have been questioned here to-day. But he voted to pass the greenback inflation law over the President's veto, and he voted also for free silver. [Laughter and applause on the Democratic side.] But I am not going to call him a Populist. I long ago got above the childish habit of calling names. I am not going to use any bad names about anybody. Why? Because I was bred in a school of politics which taught that any man anywhere in this Republic had a right to his honest opinion and a right to be heard when he wished to express it. [Applause.]

Mr. REEDER. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. Mr. Speaker, I do not wish to be impolite, but I must crave the protection of the Chair. [Laughter.]

The SPEAKER pro tempore. The gentleman from Wisconsin declines to yield.

Mr. COOPER of Wisconsin. Mr. Speaker, in view of the fact that I have been called a Populist, although, as I say, my Republicanism dates back to Abraham Lincoln, I beg permission to mention another circumstance. My relatives in Walworth County, Wis., kept one of the stations of the underground railroad. Does any man on this floor presume to claim that his Republicanism comes from a purer origin? Glover, the famous fugitive slave, was for three days and nights concealed in a garret of one of my relatives in that county.

But I am not so illogical as to say that because of these things, or because Abraham Lincoln freed the slaves and Grant fought great battles and received the surrender of his heroic adversary under the tree at Appomattox, that therefore the Speaker ought to have the power to appoint all the committees of the House. [Laughter and applause on the Democratic side.] The rules of logic forbid my approval of any syllogism of that character. Because in other days the Republican party did heroic, noble deeds when great moral issues were before the electorate of the Nation, am I precluded from criticising the rules of the House of Representatives because some of the managers of the machine of this House say I must not criticise them?

Mr. Speaker, a very distinguished parliamentarian, one of the greatest parliamentarians in the world, a noble-hearted man, said to a Member of this House, who told me, "The House of Representatives surrendered its power when it surrendered to the Speaker the power to appoint the committees." [Applause on the Democratic side.]

Mr. GAINES. When was that?

Mr. COOPER of Wisconsin. Well, the date is immaterial; but it took place.

Mr. GAINES. Mr. Speaker, I would like to ask the gentleman if it did not take place in the early history of this Republic, and if the Republican party of to-day is to be censured, in his opinion as a Republican, because they have not found a better or a different way than that which recommended itself to the great names in the history of the country and the history of all its parties?

Mr. COOPER of Wisconsin. I am not censuring the Republican party; I am not censuring the Democratic party. I am not criticising him who differs with me in opinion. I am simply claiming the right of a man having a constituency of 200,000 people—as good people as there are in America—to voice their sentiments and my own, under my oath to support the Constitution, and to do what I think is best for the country. That is all I claim for myself, and that is all anybody else ought to claim.

In reply to the gentleman from West Virginia [Mr. GAINES] I will at this point remind him of the fact that these gigantic abuses have become apparent within only comparatively recent years. It is only recently that the tremendous influences dominated by the financial magnates have become so important in the affairs of this Nation—within only a very few years. Why, I remember, and it occurs to me just at this moment, to have read a speech of Daniel Webster, delivered in about the year 1840, in which he said:

In the State of Massachusetts to-day there is not, in my judgment, one man who has his coach-and-four.

Mr. LIVINGSTON. Up to the days of 1861 we did not have a millionaire in the South.

Mr. COOPER of Wisconsin. The age of the multimillionaires, practically billionaires in their power to control wealth, is only a very recent age. First, it was individuals, then partnerships, then corporations, then the gathering together, in one tremendous body, of many corporations.

To-day they send $10,000,000 from the city of New York to London, Paris, or St. Petersburg on the wings of the lightning in less time than one could send $10 from here to Baltimore, 40 miles, when the "great names" of which the gentleman from West Virginia speaks were on this earth. There is here a power to concentrate wealth that was undreamed of by them. There is here a power over the voters of the country and over the legislatures of the country which they never imagined. This is a new age. The world has all been made over since they were on the earth.

I revere their memory, but I am not always bound by what they said. The gentleman, or some other speaker, called them the "fathers." There is no greater fallacy in argument than to say that a man 40 years old—some of them who framed the Constitution and some who debated the early rules of the House were not over 35 years old—is one of the "fathers," so far as being able to instruct us in our duties as legislators to-day upon the issues which confront us. The fallacy consists in this.

If they were abler in their generation and possessed of more experience than the men who lived with them, then they had a right to instruct their contemporaries. But we have had one hundred and twenty years of history and of experience and a multitude after multitude of facts of which they were utterly ignorant. Are they, in any proper sense of the word, "fathers," so far as being able to teach us as to our duties at this hour, when there are conditions of which they never dreamed, problems of which they never heard?

Here is the railroad, the telegraph, the ocean cable, the steamboat, ten thousand things of which they knew nothing, by which wealth and power are concentrated. Are we to talk of them as the "fathers," and if we can find anything they said on the subject of the rules, obey it and do nothing? To me the suggestion has no force whatever.

But not only has the Speaker power to appoint men on committees, not only is he himself chairman of the Committee on Rules, but, gentlemen, he has the power to take people off of committees. [Laughter.] If any proof of that is necessary, I myself will make affidavit to it. [Laughter.]

Mr. NELSON. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. COOPER] yield to his colleague [Mr. NELSON]?

Mr. COOPER of Wisconsin. Yes.

Mr. NELSON. I would like to ask the gentleman if it has not been the practice of this House from time immemorial that long service on committees entitled men to gradual promotions, and that seniority governed, and that if it is not true that the present Speaker has absolutely disregarded that old practice?

Mr. COOPER of Wisconsin. Mr. Speaker, that is true, I believe. I shall not indulge in epithets nor abuse of any sort, but I shall mention some facts which I think it is my duty to mention now. I would not refer to them if the gentleman from Wisconsin in his remarks in the early part of the evening had not spoken of my having been deposed from the Committee on Insular Affairs.

Well, that did not stop the wheels of government. It is not of vital importance. But inasmuch as the gentleman from Wisconsin has mentioned my removal from that important chairmanship, I wish to say just a word on the subject, begging the indulgence of the House, Mr. Speaker, for mentioning matters so purely personal. Never on the floor of the House have I referred to it, nor would I now do so but for this suggestion of the gentleman from Wisconsin.

After the close of the war with Spain there were presented to the people of the United States some problems of exceeding difficulty. One of them was involved in the answer to the question: What shall we do with our new insular possessions? When the House was about to organize after the treaty of Paris had been ratified, there was much of conversation among Members of the House—my friend the gentleman from Missouri [Mr. CLARK], the Democratic leader, will remember it—about a certain new committee which it was proposed to create and to have deal exclusively with the problems arising out of our possession of these islands.

I had no thought of being appointed on that committee. The subject was one that I had not discussed with anybody whomsoever. I was walking in the corridor yonder, back of the Speaker's chair, when Speaker Henderson came up, took me by the arm, turned me about, and said, "COOPER, I wish you would go into my room with me; I want to talk with you a moment." I went into the room with him. He said: "We are about to organize a new committee, to be called the Committee on Insular Affairs, and its personnel has given me a good deal of thought. It is very important, and I have consulted with the President about it. I have just about decided—in fact, I have decided—to appoint you chairman."

Mr. TAWNEY. Will the gentleman permit me?

Mr. COOPER of Wisconsin. Yes.

Mr. TAWNEY. Did he say that that was the second decision that he had made on the chairman?

Mr. COOPER of Wisconsin. He did not say it was the second; I take it that it was his first decision.

Mr. TAWNEY. The gentleman who proposed the committee?

Mr. COOPER of Wisconsin. Well, I regret if I have wounded the feelings of the gentleman from Minnesota.

Mr. TAWNEY. Not at all; I simply wanted to give the history correctly.

Mr. COOPER of Wisconsin. I have been giving the history correctly, so far as I was concerned. I had not been told by the Speaker.

Mr. TAWNEY. I do not question the statement of the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. If there had been a decision to appoint the gentleman from Minnesota chairman, and that was reversed by a full court, I am not to blame. [Laughter and applause.] I did not know that, as the Yankees say, the gentleman was after the job. I am sure I was not. I had nothing—not the slightest thing in the world—to do with the decision finally made.

The Speaker took me into his room and we had the conversation which I have just detailed. He said: "I have decided to appoint you chairman." I thanked him and said, "Mr. Speaker, this is an exceeding great compliment to me." He continued: "Well, I have been talking with the President about it. The President told me that he did not wish to interfere and would not interfere at all, but I went over the subject with him, and he said, 'I would be very much pleased if you could make Mr. Cooper chairman.'" "Well," I remarked, "Mr. Speaker, I do not expect ever to receive a greater compliment than that."

Gentlemen will recall that on the committee was the present Speaker of the House, then chairman of the Committee on Appropriations, Hon. JOSEPH G. CANNON. He was my right-hand man. [Laughter.] On that committee was also the very distinguished gentleman who now so ably represents the House and the country as the chairman of the Committee on Ways and Means, the gentleman from New York, Mr. PAYNE. On the committee was Mr. Hepburn—Col. Peter Hepburn, of Iowa—chairman of the Committee on Interstate and Foreign Commerce; Mr. LOUD, of California, chairman of the Committee on the Post-Office and Post-Roads; the gentleman from Indiana, Judge CRUMPACKER; the gentleman from Minnesota, Mr. TAWNEY; Mr. Hitt, chairman of the Committee on Foreign Affairs; Mr. Moody, now Mr. Justice Moody, of the Supreme Court of the United States; the gentleman from Mississippi, John Sharp Williams, afterwards the Democratic floor leader; the gentleman

from Virginia, Mr. JONES; Mr. Maddox, of Georgia; Mr. Sibley, of Pennsylvania, and, a little later, Mr. Carmack, one of the most brilliant men I ever met, afterwards killed in Tennessee. Speaker Henderson went over the names of the committee, after saying that he intended to appoint me chairman, and I remarked, "Mr. Speaker, I hope you have considered this well." [Laughter and applause on the Republican side.]

Shortly afterwards I went to the White House to talk with President McKinley about the islands and the coming work of the committee. After the customary greeting, I informed the President that I had been appointed chairman of the new Committee on Insular Affairs.

He said, "Yes; I know; I have heard of that, Mr. COOPER. I talked with the Speaker on the subject; said to him that I did not wish to interfere at all and would not attempt to influence his decision in any way; but we talked it all over, and I told him I would be glad if you were appointed chairman of that committee."

I took him by the hand and said, "Mr. President, if I were to live a thousand years I should never expect to receive another such compliment."

He replied, "Don't speak of it in that way, Mr. COOPER."

I then asked this question: "Mr. President, have you now any suggestions to make as to the legislation which should be enacted for the islands? The problems are new, wholly new, and will prove, I doubt not, exceedingly difficult to the membership of the House."

At first he answered "No; I do not think, Mr. COOPER, that I have anything to suggest just at this moment," but as I turned away he reached up and taking me by the hand said, "One moment, Mr. COOPER. I think there is just one suggestion that I wish to make now. I hope that there will be no exploitation of any of the islands."

And while I was chairman of that committee there was no exploitation of any of the islands. [Applause.]

I was appointed to the chairmanship of the committee under those circumstances. I was deposed by the present Speaker under circumstances still fresh in the memory of all the Members present.

If my motives in attacking the rules had not been sincere, would I have attacked them? I had what ordinarily is called "a good thing" in this House. I had two rooms and a clerk, and I could look as wise as the average chairman does. [Laughter.] Then what earthly reason was there for me to attack the rules of the House of Representatives unless I was sincere in my belief that they ought to be changed? Why should I offer any criticism of the rules two or three years ago when I arose immediately after the gentleman from Pennsylvania [Mr. DALZELL] had, in accordance with the action of the caucus, moved their adoption? Why should I arise here, as I did, and say substantially, "Mr. Speaker, in my judgment the gentleman from Mississippi [Mr. Williams] is correct?"

"These rules give to the Speaker of the House of Representatives more power than ought ever to be lodged in the hands of any man in a government that pretends to be republican in form and democratic in spirit." I said that then and I say it now. I knew the possible penalty. I said only what I believed then, and when I repeat it I say only what I believe now, for it was and is the truth. [Applause.]

The gentleman who is now Speaker is a man of much ability, of great force of character, and of iron will. He is a man disposed to have his own way; and every strong man is the same kind of a man. Nobody blames him for being endowed with the faculties which God gave him. But he ought not to have the power to do what is done under these rules. The gentleman from Massachusetts [Mr. GARDNER] voted for him for Speaker, and yet he put him off of the chairmanship. Why? Because the gentleman from Massachusetts [Mr. GARDNER] had been in season and out of season trying to amend these rules.

Mr. CANNON. Now, will the gentleman allow me just a sentence?

Mr. COOPER of Wisconsin. I know what the Speaker will say——

Mr. CANNON. If the gentleman from Massachusetts is here——

Mr. COOPER of Wisconsin. Will the gentleman permit me one word?

Mr. CANNON. I would like the gentleman from Massachusetts to tell the truth.

Mr. COOPER of Wisconsin. I understand it was just in this way: The Speaker had an interview with the gentleman from Massachusetts as to keeping the gentleman from Massachusetts on the committee, and the gentleman from Massachusetts said, "What will you do with the rest of them?" I was told by what I considered reputable authority that the Speaker said, "I am going to remove them; depose them," and then Mr. GARDNER said, "I will go with them," or something to that effect.

Mr. CANNON (to the gentleman from Massachusetts [Mr. GARDNER], who had just come in). The gentleman from Wisconsin has just stated that you were put off the committee as chairman of the Committee on Industrial Arts and Expositions because of your position touching the amendment to the rules. Will the gentleman from Massachusetts be kind enough to state the fact?

Mr. GARDNER of Massachusetts. Mr. Speaker, I will state for the benefit of the House the exact situation with regard to my position as chairman of the Committee on Industrial Arts and Expositions. Some little time before the last Congress adjourned I was asked by a friend of mine in this House what my future position with regard to insurgency would be, and I was told that many of the Members on the Republican side had no objection to me personally, but did not want to see me removed from that committee, from the chairmanship. To that I answered if I retained that chairmanship I would be in an exceedingly false position.

Next I was spoken to by some one else, not a member of this House, and was told that I could retain the chairmanship of the Committee on Industrial Arts and Expositions if I chose to do so, and that there would be no obligation on me to refrain from insurgency in the future. Whereupon I went to the Speaker of the House and inquired what was likely to be the fate of the other members of the insurgent body who were chairmen. I explained to the Speaker that if he left me as chairman of the Committee on Industrial Arts and Expositions, that then, whether I wished to or not, in the future I should have to continue to be an insurgent on all matters in order to prove my good faith to the insurgent body, and I said to him, "Mr. Speaker, under those circumstances I should prefer not to be chairman of the Committee on Industrial Arts and Expositions." Is that correct?

Mr. CANNON. That is correct. [Loud applause on the Republican side.]

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from New Jersey [Mr. FOWLER] voted for the Speaker, and was deposed from the chairmanship of the Committee on Banking and Currency. The gentleman from Nebraska [Mr. NORRIS], if he is here—will the gentleman state how far he was up on the committee of which he was a member at that time?

Mr. NORRIS. I was on several committees.

Mr. COOPER of Wisconsin. On the Committee on Public Buildings and Grounds, what was your number?

Mr. NORRIS. I can not tell the gentleman offhand.

Mr. COOPER of Wisconsin. The gentleman was on the Committee on Elections.

Mr. NORRIS. There was no one ahead of me on the Committee on Elections except the chairman of that committee, and also on the Committee on Invalid Pensions.

Mr. COOPER of Wisconsin. What is the gentleman's position to-day?

Mr. NORRIS. I am not on the committee.

Mr. COOPER of Wisconsin. On the committee of which the gentleman is a member, what is his position compared with his position a year ago?

Mr. NORRIS. I will say to the gentleman that I am not on any committee that has anything to do with legislation. [Laughter.] Perhaps that is not strictly correct, because I am on the Committee on Coinage, Weights, and Measures, which occasionally has something to do in that line.

Mr. COOPER of Wisconsin. What committees was the gentleman on in the last Congress?

Mr. NORRIS. Public Buildings and Grounds, Committee on Election of President, Vice-President, and Representatives in Congress, and the Committee on Invalid Pensions.

Mr. COOPER of Wisconsin. Did the gentleman desire to remain on the committee?

Mr. NORRIS. I did, but I made no request.

Mr. COOPER of Wisconsin. And the gentleman was removed from that committee?

Mr. NORRIS. I was.

Mr. COOPER of Wisconsin. Now, I would like to ask the gentleman from New Jersey [Mr. FOWLER] if he voted for the Speaker?

Mr. FOWLER. Certainly.

Mr. COOPER of Wisconsin. Was the gentleman in the last Congress chairman of the Committee on Banking and Currency?

Mr. FOWLER. That is my recollection.

Mr. COOPER of Wisconsin. Is it the gentleman's recollection that he is now? [Laughter.]

Mr. FOWLER. I am not a member of the committee now.

Mr. COOPER of Wisconsin. Not a member of the committee at all?

Mr. FOWLER. No.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to question the gentleman from Kansas [Mr. MURDOCK]. I would ask the gentleman from Kansas what his rank was in the last Congress, or would have been in this Congress, if he had been allowed to ascend in a normal way?

Mr. MURDOCK. I held a single committee assignment in the House, and that was on the Committee on the Post-Office and Post-Roads. Had I held my rank, I would have been, in this Congress, fourth or fifth on that committee.

Mr. COOPER of Wisconsin. Did the gentleman hold his rank?

Mr. MURDOCK. I did not.

Mr. COOPER of Wisconsin. Where is the gentleman now?

Mr. MURDOCK. I moved steadily downward until I am now tenth or eleventh. [Laughter.]

Mr. COOPER of Wisconsin. One moment. How long has the gentleman been a member of that committee?

Mr. MURDOCK. I have been a member of that committee since the Fifty-eighth Congress.

Mr. COOPER of Wisconsin. Has the gentleman ever had any trouble with any member of the committee personally? [Laughter.]

Mr. MURDOCK. Does the gentleman mean in the way of physical violence? [Renewed laughter.]

Mr. COOPER of Wisconsin. No; I mean does the gentleman know of any reason why he should not have been allowed to climb up instead of being thrown down?

Mr. MURDOCK. Oh, I think, undoubtedly, that I was demoted on that committee from the fifth or sixth place to the tenth or eleventh place because I did not subject my will at all times to the chairman of that committee and to the Speaker of the House.

Mr. CANNON. May I say a word right there?

Mr. COOPER of Wisconsin. I would prefer, unless the gentleman from Illinois [Mr. CANNON], the present Speaker, desires otherwise, not to be interrupted. Of course I would yield to the gentleman with pleasure.

Mr. CANNON. Mr. Speaker, I merely want to make a statement, and I would like just a minute in which to make it. The appointment of the committees is made by the Speaker under the rules, unless the House should otherwise specially order. The Speaker of the House in the exercise of that function is responsible to the House and to the country, this being a government through parties, and the Republican party has placed power in the Speaker as to the appointment of committees. I will not enter upon the personal equation touching the gentleman from New Jersey [Mr. FOWLER], the gentleman from Kansas [Mr. MURDOCK], or the gentleman from Wisconsin [Mr. COOPER]. The gentleman from Wisconsin [Mr. COOPER] will recollect that the gentleman from New Jersey [Mr. FOWLER] was chairman of the Committee on Banking and Currency when the emergency currency bill was pending in that committee. The only way to consider that bill in the House was to have that committee make a favorable or an unfavorable report upon it.

The gentleman will further recall that the Republican side of the House held two caucuses, and the caucus by a large majority expressed its wish that the Committee on Banking and Currency should report that bill with or without favorable recommendation, so as to enable the House to work its will upon it by a majority. That committee, under the leadership of the gentleman from New Jersey [Mr. FOWLER], a Republican chairman, refused to respect the will of the Republican caucus. That made a foundation upon which the Speaker of the House could recognize a Member to move to suspend the rules and discharge the committee from the consideration of the bill and thus bring it before the House, which was done, and a majority of the House did work its will upon that bill.

Subsequently the gentleman from New Jersey [Mr. FOWLER], the gentleman from Wisconsin [Mr. COOPER], the gentleman from Kansas [Mr. MURDOCK], and the gentleman from Nebraska [Mr. NORRIS] failed to enter and abide by a Republican caucus, and this being a Government through parties, for that, as well as for other sufficient reasons, the Speaker of the House, responsible to the House and to the country, made the appointments with respect to these gentlemen as he conceived it to be his duty in the execution of the trust reposed in him. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Illinois [Mr. CANNON], who has just made the statement——

Mr. NORRIS. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. Yes.

Mr. NORRIS. I could hardly understand the gentleman from Illinois [Mr. CANNON], but I am told that he said that the gentleman from Nebraska—and I presume he referred to me, since my name was mentioned by the gentleman from Wisconsin—had refused to abide by a Republican caucus.

Mr. COOPER of Wisconsin. He did.

Mr. JOHNSON of Kentucky. He said the gentleman refused to enter and abide.

Mr. NORRIS. I would like, if the gentleman from Wisconsin will permit, to ask the gentleman from Illinois a question as to whether he refers to the caucus over the so-called currency bill.

Mr. CANNON. Not that. I spoke of the Republican caucus, so far as the gentleman from Nebraska is concerned, which was held just before the organization of the House.

Mr. NORRIS. At this Congress?

Mr. CANNON. Yes.

Mr. NORRIS. Is the gentleman from Illinois aware that I voted for the nominee of that caucus for Speaker?

Mr. CANNON. Precisely; but the caucus took other action.

Mr. NORRIS. Oh, yes.

Mr. CANNON. Where the gentleman did not abide by the action of the caucus.

Mr. NORRIS. The gentleman, I suppose, refers to the rules?

Mr. CANNON. Yes.

Mr. NORRIS. Now, if the gentleman will yield further, I wish to ask another question of the Speaker.

Mr. COOPER of Wisconsin. The issue just presented by the Speaker is this: If, in the House, a Member votes against rules adopted by the caucus his political destiny is in the hands of the Speaker. He can be punished by the Speaker for voting against rules adopted by a caucus, although our party has never declared in favor of any set of rules. The House rules have not entered into our party creed, and yet he arrogates to himself the right to say, and has just announced, that gentlemen must follow the caucus on the rules or he can punish them, discredit them in the eyes of their constituents, lessen their influence on this floor, coerce them into doing his will. Now, I will yield to the gentleman from Nebraska.

Mr. NORRIS. I was going to suggest to the gentleman from Wisconsin that it might be well, while he and the Speaker are asking questions back and forth, to inquire whether it is not true that not only the Republicans who refused to vote for the old rules of the House were punished, but that on the Democratic side of the House those who joined with the Republicans and voted to adopt the old rules were rewarded for going back on the Democratic party. [Applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Illinois voted against the tariff bill for no reason except that he did not like one schedule, and yet he was given one of the most important chairmanships in the House.

Mr. LANGLEY. Who is that?

Mr. COOPER of Wisconsin. Mr. MANN of Illinois.

At the opening of the last session of Congress we were about to take up a tariff bill. No committees except the Committee on Ways and Means had been appointed.

The Constitution of the United States gives to the House of Representatives the sole power to inaugurate tariff legislation. The House is by the Constitution made of first importance when it comes to providing revenues for the Government; and yet this great body before it could begin to consider the tariff bill was confronted by a rule. And what a rule! My countryman, what a rule! Hundreds of pages in the bill, thousands of items—more than 4,000 items—relating to all of the industries of the country. But what was the rule? Remember that the committees had not been appointed. A rule was brought in limiting this House, so far as making amendments was concerned, to only lumber, hides, tea, coffee, barley, barley malt, and one more. We could put any or all of these I have named on the free list—tea and coffee were already on the free list—or we could put a tariff on them in our discretion.

But what as to the other item named in the rule? Listen to this: In that rule presented to the House of Representatives, when about to begin the consideration of a great tariff bill for which it was primarily responsible, were these six items, and only one more. What was that one? Standard Oil. But under that rule the House could not vote as it pleased on oil. The only thing that we could do with oil under that rule was to give it a tariff of 25 per cent or leave the Dingley countervailing tariff of 70 per cent or more. What do gentlemen think of that as a rule coming from the Committee on Rules of the House of Representatives? At the present session the House

has taken time to consider bills, among them the splendid agricultural bill presented by the gentleman from Kansas [Mr. SCOTT], and the other appropriation bills, and has spent days in going through them section by section, with the right of every Member of the House to offer amendments. But a year ago, when it came to the tariff bill, we were not allowed to do this; but we finally succeeded, gentlemen will remember, in getting an opportunity to vote for free oil, although only after the hardest kind of a parliamentary fight.

Will you tell me why, after the brief of the counsel for the Government of the United States had been filed in the United States circuit court of St. Louis against the Standard Oil Company—it was on file when we were called to vote on that rule—declaring that great corporation to be practically without a real competitor; that the independence of the so-called independent companies was largely pure sham; that the Standard Oil Company said where these might do business and how they might do business, so far as the great majority of them were concerned—will you tell me why a rule was brought in permitting the House to vote as it pleased on barley and barley malt, and tea, and coffee, and lumber, and hides, but not to vote as it pleased on oil?

I voted against that rule, but the House adopted it. Then came the question of the passage of the bill, and we passed it. And after the bill was passed no committees were appointed. Mark this, gentlemen; I want gentlemen to say whether there is here a power that ought to be taken away from somebody.

I do not say this out of any disrespect for the Speaker nor for any other Member of the House, but I speak as a Representative trying to discharge his duty to his constituency and his country when I call attention to these facts. As I said, no committees were appointed after we passed the tariff bill, and the Speaker still held that power to raise or to lower a Member in the scale of dignity on any committee. What happened? The urgent deficiency bill was brought up, and in the bill had been put a provision appropriating $6,000 for an automobile and a chauffeur for the Speaker as a matter of urgent deficiency. [Laughter.] Why, every other year the Speaker is not here from March until December. Do that automobile and the chauffeur, from March to December, help to discharge the duties of the Speakership? Not at all. But that appropriation for the automobile and chauffeur came before the House of Representatives last summer before the committees had been appointed, and it went through and became part of the law. Long after the committees were appointed and after the House knew what was going to be done, and only a few days ago, there came up a proposition to appropriate money to pay the chauffeur and the House refused to vote it.

I do not speak of this as of very great importance, except as it shows that here somewhere is a coercive power which ought to be done away with. One of the prominent gentlemen of this House, a Republican, who voted for the bill, and voted to keep that amendment in it, said to me that, standing as a naked proposition by itself and not in the urgent deficiency bill, the appropriation ought not to pass. But Members of the House did not like to displease the Speaker; and it is only human nature that they should not wish to displease him.

Mr. TAWNEY. Will the gentleman from Wisconsin permit an interruption?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. TAWNEY. Did the House, or the Committee on Appropriations, in the first instance, propose or recommend an appropriation for the purchase of an automobile for the Speaker of the House?

Mr. COOPER of Wisconsin. It came in here in some way in this urgent deficiency bill.

Mr. TAWNEY. It came in here as an amendment of the Senate, and the House, by a majority vote, kept it in the urgent deficiency appropriation bill.

Mr. COOPER of Wisconsin. One moment. I remember very well to have seen the Speaker standing in that lobby door, with an unlighted cigar, during that roll call on the motion to recommit with instructions, and immediately after the roll was called I saw the gentleman from Minnesota, who had made an elaborate speech in defense of the automobile as an urgent deficiency, go to the Speaker, and the Speaker put his arm on his shoulder and smiled, because the amendment had been retained. I said not a word about it, but thought it most remarkable. [Laughter.]

Mr. TAWNEY. Will the gentleman permit an interruption again?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. TAWNEY. Is the gentleman aware of the fact, and he is aware of the fact, for he was on the floor at the time, that I had really stated upon the floor, at the request of the Speaker, that he did not ask for the automobile, nor did he want it. I speak the fact, and the gentleman knows it as well as I do; and therefore his inference, or the inference that he wishes the House to draw from the situation which he relates, which I know nothing about, and do not recall, I therefore do not believe was justified. [Applause on the Republican side.]

Mr. COOPER of Wisconsin. I have told the absolute truth of what took place. It struck me as one of the most extraordinary things I had ever seen in the House of Representatives. Flushed with victory, after having passed the tariff bill, the gentleman from Minnesota earnestly defended an appropriation in the urgent deficiency bill for an automobile and a chauffeur for the Speaker.

Mr. TAWNEY. Will the gentleman allow me to correct him again? The urgent deficiency bill passed the House of Representatives.

Mr. COOPER of Wisconsin. I understand that.

Mr. TAWNEY. Before the tariff bill.

Mr. COOPER of Wisconsin. I understand that, too—the original bill.

Mr. TAWNEY. That was not your statement.

Mr. COOPER of Wisconsin. No; you are mistaken.

Mr. TAWNEY. Well, I know it.

Mr. COOPER of Wisconsin. I am speaking of the urgent deficiency bill after it came back from the Senate. At that time none of the committees had been appointed. If the gentleman said that the Speaker did not want the appropriation it was a most gracious thing to say; yet any Member who voted for it felt that he was doing a kindly act toward the Speaker, and anyone who voted against it felt that he was doing something that would displease him. One could not help thinking so, in view of what he saw here on the floor.

Now, the gentleman from Minnesota has repeatedly urged, in season and out of season, economy in public expenditures. He has argued in season and out of season that we guard the public Treasury against improper expenditures. He has everywhere over the country demanded that nothing in the way of extravagance be permitted; yet because an amendment to the urgent deficiency bill came here appropriating $6,000 to buy an automobile, and hire a chauffeur, he defended it as a legitimate expenditure of the public funds.

We give to the President of the United States the use of an automobile. He lives here for four years. His family are here. We give members of the Cabinet the use of certain vehicles. Their homes are here for four years. Their families are here. The officials of the various departments are supposed to be here, or some one is here representing them during the whole year. They must go from department to department in vehicles. But how does any gentleman defend the purchase of an automobile and the payment of a chauffeur as being in any proper sense of the word necessary for the discharge of the duties of the Speakership?

Mr. SIMS. Will the gentleman permit me to interrupt him? Pray tell me what official duty of the President calls for him having two automobiles in which he and his family simply take pleasure trips? I voted against that. I think the gentleman is right in what he is saying. He need make no apology. We ought not to have voted one for the President. However, I am not taking issue with the gentleman.

Mr. COOPER of Wisconsin. I voted for that realizing that the President of the United States is the highest official in the world, and lives here, or is supposed to live here, four years. It is his home.

Mr. Speaker, I have only one word more to say, and that is concerning the alleged binding power of the caucus.

The Speaker in his remarks a few minutes ago criticised certain Republican Members because they did not obey the mandate of the caucus on the rules. I assert that no caucus has a right to bind a Member to vote for a set of rules, his party not having declared for them. Moreover, I deny here and now, that any number of men, say 51 out of 100 at a caucus—two more than a majority—or any other caucus majority, have authority under any circumstances to control my vote against my well-considered, honest judgment that rules adopted by a caucus would not be conducive to proper legislation nor to a proper administration of the affairs of the House of Representatives.

This statement suggests the reasons why Members refused to stand by what was done at a recent caucus in the matter of the appointment of a committee to investigate the Department of the Interior and the Bureau of Forestry. Permit me to tell the House why I refused, and I know that I was right in refusing, to sustain the action of the Republican caucus in trying to dictate who should be the Democratic Members of the committee of investigation. It can be told in few words.

The public lands of the United States are not the property of the Interior Department. They are not the property of the President. Nor do they belong to any political party. They are the property of all of the people of the United States, Republicans and Democrats and all other citizens. I have an equal undivided share in every foot of that unsold land, as has also each one of you Republican gentlemen. It was in part your property as it was in part mine that was to be involved in the investigation. In part also it was the property of the gentlemen across the aisle. Each Democrat here owned as great a share as did any one of us. It was the public land. What were we? We were part owners, but we were also trustees bound by our oaths and by every instinct of honor to protect the property and to protect the rights of the people in it. Charges had been made that some of it of great value was being improperly taken—charges that a conspiracy had been created to acquire it in violation of the law, and for a totally inadequate consideration. In other words, it was alleged that the interests of our cestuisque trust was in jeopardy, and that they would be defrauded of money which ought to go into the trust funds.

I was a trustee, and yet I was asked to go into a caucus on a question that might involve my good faith as a trustee, surrender my sense of duty into the keeping of the caucus, and do without question its bidding. And that I could not conscientiously consent to do. No man ought to ask me to do it. No man ought to ask himself to do it.

Republicans were asked to dictate by caucus just what Democrats were to help investigate charges that public lands—the common property of all the people—were being unlawfully and fraudulently bartered away. I could not agree that a Republican caucus should do this. It was not a question of party. It was not a question of politics. It was a question of investigating alleged wrongful acts respecting property belonging to all of the people, share and share alike.

The Democratic minority had a perfect right to select their quota of the investigators, and the Republican majority had a right to select theirs, and I could not see that I forfeited my rights as a Republican in refusing to consent that a Republican caucus should select them all. The Republicans who insisted that the Democrats ought to have a right to choose their own men were the friends of the Republican party in that caucus, and the best judgment of the Republicans of this House has since justified our refusal to abide by the caucus decision. I insisted that night that the gentleman from Kentucky [Mr. JAMES], a Democrat, chosen by the Democratic caucus, ought to be retained, and I insisted also that the other Democrat ought also to be one chosen by the Democrats and confirmed by the Republicans; and that is what finally was done and what you had to do. [Applause.]

I was declared to be not a Republican for so insisting, and yet before the transaction was ended the gentleman from Kentucky [Mr. JAMES] was on the committee, and the Democrats in caucus selected as his associate the gentleman from Illinois [Mr. GRAHAM], and the Republicans confirmed the selection. Who was wrong, and what was wise as a matter of party policy? I said then that to permit the Democrats to select their men and for us to confirm them if they were impartial men would, as a mere matter of policy, be much the better for Republicans from a party standpoint; and I say so now—vastly better from the standpoint of mere party.

That was one question on which the caucus had no right to bind the vote of a Representative.

Another such question is that of the rules. There are some subjects which have no business in a party caucus. I can not consent that a caucus shall absolutely bind my judgment and control my vote on the vastly important question of what rules shall govern the House of Representatives.

Mr. Speaker, until after I listened to certain of the remarks made here to-night I had no thought of participating in this debate, although I feel very deeply on the subject now before the House. Years ago I saw the undue power which the rules give to a Speaker, and often since then I have seen Members feel that power.

I know that the House must have a Speaker, must have rules, must be in some degree managed and controlled; but I know, also, that a Speaker ought not to be privileged in any manner nor to any degree to coerce a Member in the discharge of his official duties by having the power through his control over appointments to reward or to punish him.

Under the Constitution this is a House of equals, each entitled to act and to vote free from every form of coercion and wrongful influence, and responsible only to his constituency and his conscience.

Mr. REEDER. Mr. Speaker, I ask for just a minute to correct a false impression made by the gentleman from Wisconsin as to what I said and who would not extend to me the courtesy of an opportunity to correct him. The gentleman, in his duty to his constituents and in his conscientious convictions, endeavored to leave a false impression as to what I have said. His argument was made against party loyalty. He thus entirely misleads as to my contention. Why this class of argument? He entirely ignored the question of methods. I had not condemned the desire to change the rules, but I criticised the methods used by the insurgents in their efforts to prevent the majority from accomplishing a duty the people have intrusted them with.

The SPEAKER. The Chair desires to state that we have now been in session since 12 o'clock this morning. The discussion has taken a wide range, in part confined to questions of order, and at the close it will be necessary for the Speaker to rule. On a question of this kind, in the opinion of the Chair, in justice to himself and to the House the ruling ought to be after a full presentation of the precedents. The Chair apprehends that an appeal will be taken and the House will either overrule or sustain the Speaker. On a question of this importance, in the opinion of the Chair, the House as well as the Speaker ought not to be wearied with a session that has already run almost twelve hours. The Chair would be glad indeed if the House in its wisdom should think proper either to adjourn or take a recess—an adjournment would be better.

Mr. TAWNEY. I move that the House do now adjourn.

Mr. KEIFER. Mr. Speaker, I understood that I was recognized, but I will yield to the gentleman from Minnesota to make the motion.

The SPEAKER. The Chair will recognize the gentleman next.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn, and on that I demand the yeas and nays.

The question was taken; and there were—yeas 137, nays 146, answered "present" 12, not voting 94, as follows:

YEAS—137.

Alexander, N. Y.	Fassett	Knapp	Reeder
Andrus	Fordney	Knowland	Reynolds
Austin	Foss	Kronmiller	Roberts
Barnard	Foster, Vt.	Küstermann	Rodenberg
Bartholdt	Gaines	Lafean	Scott
Bates	Gardner, Mich.	Langham	Slemp
Bennet, N. Y.	Gardner, N. J.	Langley	Smith, Cal.
Bennett, Ky.	Gillett	Law	Smith, Iowa
Bingham	Goebel	Lawrence	Smith, Mich.
Bradley	Good	Longworth	Southwick
Brownlow	Graff	Loud	Stafford
Burke, S. Dak.	Graham, Pa.	Loudenslager	Sterling
Burleigh	Grant	Lowden	Stevens, Minn.
Butler	Griest	McCredie	Sulloway
Calder	Guernsey	McGuire, Okla.	Tawney
Calderhead	Hamer	McKinney	Thistlewood
Cocks, N. Y.	Hamilton	McLachlan, Cal.	Thomas, Ohio
Cole	Hanna	McLaughlin, Mich.	Tilson
Cooper, Pa.	Hawley	Malby	Tirrell
Coudrey	Heald	Mann	Townsend
Cowles	Henry, Conn.	Martin, S. Dak.	Vreeland
Creager	Higgins	Miller, Kans.	Wanger
Crumpacker	Hollingsworth	Mondell	Washburn
Currier	Howell, N. J.	Moore, Pa.	Weeks
Dalzell	Howell, Utah	Morgan, Mo.	Wheeler
Dawson	Howland	Morgan, Okla.	Wiley
Dodds	Hubbard, W. Va.	Murphy	Wilson, Ill.
Douglas	Huff	Needham	Wood, N. J.
Draper	Hull, Iowa	Olmsted	Woodyard
Durey	Humphrey, Wash.	Palmer, H. W.	Young, Mich.
Dwight	Johnson, Ohio	Parker	Young, N. Y.
Edwards, Ky.	Joyce	Payne	The Speaker
Ellis	Keifer	Plumley	
Englebright	Kennedy, Iowa	Pray	
Fairchild	Kennedy, Ohio	Prince	

NAYS—146.

Adair	Cox, Ohio	Gill, Mo.	Johnson, Ky.
Adamson	Craig	Gillespie	Johnson, S. C.
Aiken	Cullop	Gilmore	Jones
Ashbrook	Davidson	Gordon	Keliher
Barnhart	Davis	Goulden	Kendall
Bartlett, Ga.	Dent	Gregg	Kinkaid, Nebr.
Beall, Tex.	Denver	Gronna	Kitchin
Bell, Ga.	Dickinson	Hamlin	Kopp
Booher	Dickson, Miss.	Hammond	Lamb
Borland	Dies	Hardwick	Latta
Brantley	Dixon, Ind.	Hardy	Lee
Burleson	Edwards, Ga.	Harrison	Lenroot
Burnett	Ellerbe	Haugen	Lindbergh
Byrd	Estopinal	Hay	Livingston
Candler	Ferris	Hayes	Lloyd
Cantrill	Finley	Helm	McDermott
Carlin	Fish	Henry, Tex.	McHenry
Cary	Flood, Va.	Hinshaw	Madison
Clark, Mo.	Floyd, Ark.	Hitchcock	Maguire, Nebr.
Clayton	Foster, Ill.	Houston	Martin, Colo.
Cline	Fowler	Hubbard, Iowa	Maynard
Collier	Gallagher	Hughes, Ga.	Miller, Minn.
Cooper, Wis.	Gardner, Mass.	Hughes, N. J.	Moore, Tex.
Covington	Garner, Tex.	Hull, Tenn.	Morrison
Cox, Ind.	Garrett	James	Morse

Moss	Ransdell, La.	Sheppard	Thomas, N. C.
Murdock	Rauch	Sims	Tou Velle
Nelson	Richardson	Sisson	Turnbull
Norris	Roddenbery	Slayden	Underwood
Oldfield	Rothermel	Small	Volstead
Padgett	Rucker, Colo.	Smith, Tex.	Watkins
Palmer, A. M.	Rucker, Mo.	Spight	Webb
Peters	Russell	Stanley	Wickliffe
Pickett	Sabath	Steenerson	Wilson, Pa.
Poindexter	Saunders	Stephens, Tex.	Woods, Iowa
Pujo	Shackleford	Taylor, Colo.	
Rainey	Sharp	Thomas, Ky.	

ANSWERED "PRESENT"—12.

Barchfeld	Cassidy	Howard	Morehead
Broussard	Clark, Fla.	Kahn	Pratt
Byrns	Goldfogle	Lever	Taylor, Ohio

NOT VOTING—94.

Alexander, Mo.	Driscoll, M. E.	Legare	Pou
Allen	Elvins	Lindsay	Randell, Tex.
Ames	Esch	Lundin	Reid
Anderson	Fitzgerald	McCall	Rhinock
Ansberry	Focht	McCreary	Riordan
Anthony	Foelker	McKinlay, Cal.	Robinson
Barclay	Fornes	McKinley, Ill.	Sheffield
Bartlett, Nev.	Foulkrod	McMorran	Sherley
Boehne	Fuller	Macon	Sherwood
Boutell	Garner, Pa.	Madden	Simmons
Bowers	Gill, Md.	Mays	Snapp
Burgess	Glass	Millington	Sparkman
Burke, Pa.	Godwin	Moon, Pa.	Sperry
Campbell	Graham, Ill.	Moon, Tenn.	Sturgiss
Capron	Greene	Moxley	Sulzer
Carter	Hamill	Mudd	Swasey
Chapman	Heflin	Nicholls	Talbott
Conry	Hill	Nye	Taylor, Ala.
Cook	Hobson	O'Connell	Tener
Cravens	Hughes, W. Va.	Olcott	Wallace
Crow	Humphreys, Miss.	Page	Weisse
Denby	Jamieson	Parsons	Willett
Diekema	Kinkead, N. J.	Patterson	
Driscoll, D. A.	Korbly	Pearre	

So the motion to adjourn was rejected.

Mr. GOLDFOGLE. Mr. Speaker, I desire to know whether the gentleman from Pennsylvania [Mr. MOON] is recorded as voting.

The SPEAKER. He is not.

Mr. GOLDFOGLE. I am paired with the gentleman from Pennsylvania. I voted "no." I desire to withdraw that vote and answer "present."

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called the name of Mr. GOLDFOGLE and he answered "present."

During the call of the roll the following occurred:

Mr. GAINES (interrupting the call). Mr. Speaker, I ask unanimous consent to vacate the proceedings under this call and take a recess until 12 o'clock. [Cries of "Regular order."]

The SPEAKER. The regular order is demanded, and the Clerk will proceed with the call.

The Clerk announced the following additional pair:

For the vote:

Mr. SPERRY with Mr. LINDSAY.

The result of the vote was announced as above recorded.

Mr. TAWNEY. Mr. Speaker, I now move that the House take a recess until 11.55—I will make it 11.30—to-morrow morning.

Mr. JONES. Mr. Speaker, I make the point that that is a dilatory motion.

The SPEAKER. The Chair suggests to the gentleman from Minnesota that the House just having refused to vote to adjourn, which would have carried the proceedings over until 12 o'clock to-morrow, that now the motion to take a recess until 11.55, the point of order being made, would seem to the Chair, under the rules, to be dilatory.

Mr. TAWNEY. Mr. Speaker, my motion is to take a recess until 11.30 to-morrow morning and continue the present legislative day. The legislative day is continued by way of that motion if it is carried. I submit that is not dilatory, and I have reason to believe that the motion will prevail.

The SPEAKER. The gentleman makes the motion in good faith?

Mr. TAWNEY. I do.

The SPEAKER. And not as a dilatory motion?

Mr. TAWNEY. I do not. As evidence of that I will say to the Chair that a number of gentlemen who voted against my motion to adjourn stated that if I had moved to take a recess they would have voted for the motion.

The SPEAKER. The Chair then will entertain the motion.

The question is on the motion of the gentleman from Minnesota that the House do stand in recess until 11 o'clock and 30 minutes a. m. to-morrow.

Mr. UNDERWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 142, answered "present" 12, not voting 94, as follows:

YEAS—141.

Alexander, N.Y.	Fassett	Kronmiller	Reynolds
Andrus	Fordney	Küstermann	Roberts
Austin	Foss	Lafean	Rodenberg
Barnard	Foster, Vt.	Langham	Scott
Bartholdt	Gaines	Langley	Slemp
Bates	Gardner, Mich.	Law	Smith, Cal.
Bennet, N. Y.	Gardner, N. J.	Lawrence	Smith, Iowa.
Bennett, Ky.	Gillett	Longworth	Smith, Mich.
Bingham	Goebel	Loud	Southwick
Bradley	Good	Loudenslager	Stafford
Brownlow	Graff	Lowden	Sterling
Burke, S. Dak.	Graham, Pa.	McCredie	Stevens, Minn.
Burleigh	Grant	McGuire, Okla.	Sulloway
Butler	Griest	McKinney	Tawney
Calder	Guernsey	McLachlan, Cal.	Thistlewood
Calderhead	Hamer	McLaughlin, Mich.	Thomas, Ohio
Cocks, N. Y.	Hamilton	Malby	Tilson
Cole	Hanna	Mann	Tirrell
Cooper, Pa.	Hawley	Martin, S. Dak.	Townsend
Coudrey	Heald	Miller, Kans.	Volstead
Cowles	Henry, Conn.	Miller, Minn.	Vreeland
Creager	Higgins	Mondell	Wanger
Crumpacker	Howell, N. J.	Moore, Pa.	Washburn
Currier	Howell, Utah	Morgan, Mo.	Weeks
Dalzell	Howland	Morgan, Okla.	Wheeler
Davidson	Hubbard, W. Va.	Morse	Wiley
Dawson	Huff	Murphy	Wilson, Ill.
Dodds	Hull, Iowa	Needham	Wood, N. J.
Douglas	Humphrey, Wash.	Olmsted	Woods, Iowa
Draper	Johnson, Ohio	Palmer, H. W.	Woodyard
Durey	Joyce	Parker	Young, Mich.
Dwight	Keifer	Payne	Young, N. Y.
Edwards, Ky.	Kennedy, Iowa	Plumley	The Speaker
Ellis	Kennedy, Ohio	Pray	
Englebright	Knapp	Prince	
Fairchild	Knowland	Reeder	

NAYS—142.

Adair	Ellerbe	Hughes, N. J.	Rainey
Adamson	Estopinal	Hull, Tenn.	Ransdell, La.
Aiken	Ferris	James	Rauch
Ashbrook	Finley	Johnson, Ky.	Richardson
Barnhart	Fish	Johnson, S. C.	Roddenbery
Bartlett, Ga.	Flood, Va.	Jones	Rothermel
Beall, Tex.	Floyd, Ark.	Keliher	Rucker, Colo.
Bell, Ga.	Foelker	Kendall	Rucker, Mo.
Booher	Foster, Ill.	Kinkaid, Nebr.	Russell
Borland	Fowler	Kitchin	Sabath
Brantley	Gallagher	Kopp	Saunders
Burleson	Gardner, Mass.	Lamb	Shackleford
Burnett	Garner, Tex.	Lee	Sharp
Byrd	Garrett	Lenroot	Sheppard
Candler	Gill, Mo.	Lindbergh	Sims
Cantrill	Gillespie	Livingston	Sisson
Carlin	Gilmore	Lloyd	Slayden
Cary	Gordon	McDermott	Small
Clark, Mo.	Goulden	McHenry	Smith, Tex.
Clayton	Gregg	Madison	Sparkman
Cline	Gronna	Maguire, Nebr.	Spight
Collier	Hamlin	Martin, Colo.	Stanley
Cooper, Wis.	Hammond	Maynard	Steenerson
Covington	Hardwick	Moore, Tex.	Stephens, Tex.
Cox, Ind.	Hardy	Morrison	Taylor, Colo.
Cox, Ohio	Harrison	Moss	Thomas, Ky.
Craig	Haugen	Murdock	Thomas, N. C.
Cullop	Hay	Nelson	Tou Velle
Davis	Hayes	Norris	Turnbull
Dent	Helm	Oldfield	Underwood
Denver	Henry, Tex.	Padgett	Watkins
Dickinson	Hinshaw	Palmer, A. M.	Webb
Dickson, Miss.	Hitchcock	Peters	Wickliffe
Dies	Houston	Pickett	Wilson, Pa.
Dixon, Ind.	Hubbard, Iowa	Poindexter	
Edwards, Ga.	Hughes, Ga.	Pujo	

ANSWERED "PRESENT"—12.

Barchfeld	Cassidy	Howard	Morehead
Broussard	Clark, Fla.	Kahn	Pratt
Byrns	Goldfogle	Lever	Taylor, Ohio

NOT VOTING—94.

Alexander, Mo.	Driscoll, M. E.	Latta	Pearre
Allen	Elvins	Legare	Pou
Ames	Esch	Lindsay	Randell, Tex.
Anderson	Fitzgerald	Lundin	Reid
Ansberry	Focht	McCall	Rhinock
Anthony	Fornes	McCreary	Riordan
Barclay	Foulkrod	McKinlay, Cal.	Robinson
Bartlett, Nev.	Fuller	McKinley, Ill.	Sheffield
Boehne	Garner, Pa.	McMorran	Sherley
Boutell	Gill, Md.	Macon	Sherwood
Bowers	Glass	Madden	Simmons
Burgess	Godwin	Mays	Snapp
Burke, Pa.	Graham, Ill.	Millington	Sperry
Campbell	Greene	Moon, Pa.	Sturgiss
Capron	Hamill	Moon, Tenn.	Sulzer
Carter	Heflin	Moxley	Swasey
Chapman	Hill	Mudd	Talbott
Conry	Hobson	Nicholls	Taylor, Ala.
Cook	Hollingsworth	Nye	Tener
Cravens	Hughes, W. Va.	O'Connell	Wallace
Crow	Humphreys, Miss.	Olcott	Weisse
Denby	Jamieson	Page	Willett
Diekema	Kinkead, N. J.	Parsons	
Driscoll, D. A.	Korbly	Patterson	

So the motion to take a recess was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. AMES with Mr. CRAVENS.

For the balance of day:

Mr. HOLLINGSWORTH with Mr. LATTA.

The result of the vote was announced as above recorded.

Mr. KEIFER. Mr. Speaker, I think it is about time in the progress of this debate that we call attention to the question before the House. It is about time that we consider what the question is and it will be my wish at this late hour to speak with the utmost kindness of everybody who participates in this discussion and who votes here to-night on this question, but I may be, Mr. Speaker, allowed to say that for many hours I have listened to a discussion that had no relation at all to the question before the House. I have heard people advocate their claim to vote as they pleased as Republicans because they had become Republicans long ago in consequence of living in a good neighborhood or having members of their family that had something to do with a fugitive slave in a garret, but nothing else was said by them to warrant the claim that they had been faithful Republicans. Now, I have said that with the utmost kindness.

I do not complain of people voting as they please, for I have a very good record here and elsewhere in times gone by for voting exactly as I pleased upon great questions. But that is a question of party, and I must return now to what I said. The gentleman from Nebraska [Mr. NORRIS] undertook to show that he had a high constitutional question and it was one that gave it the privilege to be considered here now. He quoted from a paragraph of the Constitution of the United States which reads:

Each House may determine the rules of its procedure.

That was a very clever permissive thing put into the Constitution of the United States, but it was not essential to the House, and I agree with the gentleman from New Jersey [Mr. PARKER], the chairman of the Committee on the Judiciary, in saying that the right to make the rules would have been complete without it; that the right to make rules for the government of the House would have inhered in it without any provision in the Constitution on the subject.

But the gentleman from Nebraska stopped there, and I now want to call the attention of the House to one thing further. Assuming that the House has a complete perfect right under the Constitution of the United States to make rules, then it must be assumed that when the rules are made by a majority of this House that they are constitutional rules. The proposition now is that, having made rules according to the Constitution of the United States, then we may override those rules thus made by violating them, for that is exactly what is demanded of this House. Let us see about the rules. Did not we make them? I do not know whether the gentleman from Nebraska or the gentleman from Wisconsin or the gentleman from New Jersey [Mr. FOWLER] voted for them or not, but it is quite immaterial to me when I know that a majority of this House did vote for them, and the gentleman from Nebraska says that we had a constitutional right to make them. Now, we did make them. What did we say? I read a paragraph from Rule XXI, thus constitutionally made, which provides:

Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having direction of the same, be properly referred in the manner originally presented.

Now, turning to another paragraph, paragraph 3 of Rule XXI, it says:

All other bills, memorials, and resolutions may in like manner be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof, and of all bills, resolutions, and documents referred under the rules, shall be entered on the Journal, etc.

Now, turning to another paragraph we find that the Committee on Rules has jurisdiction of all resolutions and all motions to amend the rules, all resolutions or motions relating to the rules. Now, that rule we made by a majority vote of this House, and that was made, according to the gentleman's claim, under the Constitution of the United States, and it is in vogue now, and the gentleman therefore says we ought to violate it under the Constitution.

I quote paragraph 53 of Rule XI:

All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.

A MEMBER. Louder.

Mr. KEIFER. Some gentlemen will not be able to hear because of a deafness of mind, no matter how loud I may talk. [Applause and laughter.] Now, having said that much I might comment on the rule just read that gives to the Committee on Rules this jurisdiction, but it is well understood. The Committee on Rules has the least jurisdiction of any committee of the House for the purpose of shaping of any one of the principal committees of the House. It does not shape legislation at all. That committee acquires no jurisdiction over legislation in shaping the character of it.

The gentlemen on the other side are arraigning the rules, and they come here to-day attacking the only rule that has no operation or effect in relation to the character of business we may do. We may, through that committee, have special rules to entitle us to do business. Somebody said here that it was unusual to have a discussion upon a point of order raised with reference to the alteration of the rules.

I can give day and date when we did have discussion. I saw in this House more than fifty Members with the hilts of their pistols sticking out of their pockets while we discussed this very character of question for a whole day, and into the evening and the night, on the 29th day of May, 1882.

The Speaker then listened all day long, and we heard almost the rattle of the hilts of their pistols. Then the Democrats, if you will turn and read the RECORD of that date, were denying the right under the Constitution or the rules of the Republicans in that House to amend, and they were heard all day long. We were simply trying then in that House to amend the rules, to give to the majority of the House the right to consider election cases, always held to be of the highest privilege. It occurred in the Forty-seventh Congress. For the first time in the history of the country it was then sought by dilatory motions and otherwise to prevent the consideration of an election case which was essential to be decided before it could be a complete organization of the House.

The then Speaker ruled that dilatory motions, according to the general rules of parliamentary law, could not be made in that case, and they have been practically throttled and set aside from that day to this. Now we are reversing it. We are not denying that you may change the rules, but you must change them under the rules made according to the Constitution of the United States. Yesterday the gentlemen insisted that they had the right to say that rules that had been made by a majority of the House against their votes were so sacred that the Constitution could not override them.

Mr. NELSON. Will the gentleman yield?

The SPEAKER. Will the gentleman from Ohio yield to the gentleman from Wisconsin [Mr. NELSON]?

Mr. KEIFER. Oh, yes.

Mr. NELSON. As a former Speaker of that House I would like to ask you a question.

Mr. KEIFER. I would like to have it on the point of order.

Mr. NELSON. Is there any way of bringing up the matter of a change in the rules of this House without the consent of the Speaker and the Committee on Rules, except on the opening day of a Congress?

Mr. KEIFER. There is the same rule for bringing up that question that there is for other questions, and I meet the question by saying that we made these rules, and we made them by a majority of the House. Some of these gentlemen voted for them.

Mr. NELSON. Answer my question, please. He can not do it.

Mr. FOWLER. Did the House exhaust all its powers and exhaust them for two whole years on these rules when it adopted them?

Mr. KEIFER. Nobody ever dreamed that but you. Nobody ever talked it, I guess, but you.

Mr. FOWLER. Very well. Can you tell me how we can change them within the two years?

Mr. KEIFER. Oh, yes. The gentleman from New Jersey will pardon me when I say that I understand he helped to make these rules. Is that right? And I understand also that a few days ago he was a sort of a hermaphrodite on the subject of changing the rules. He wanted them about half and half; that is, to give the Speaker the power of appointing four and the House five of the members of the Committee on Rules. Is not that right? You do not deny it, do you?

Now, I think he has become converted to-day to something else, and we will soon see what that is when we get along a little further. If the gentleman wishes to deny that statement I will yield.

Mr. FOWLER. Deny which statement?

Mr. KEIFER. The statement that you had this notion of giving the Speaker part and the House part.

Mr. FOWLER. Not at all.

Mr. KEIFER. On the 25th day of January last you offered a resolution of that kind.

Mr. FOWLER. You are utterly wrong, absolutely wrong.

Mr. KEIFER. I hold here in my hand and will read it if necessary——

Mr. FOWLER. It is absolutely wrong.

Mr. KEIFER. Now, Mr. Speaker, I have given the gentleman a chance to admit or deny what I have charged. I will, before I conclude, read his resolution. But the burden of complaint is that the House of Representatives ought to have a right to do business according to the majority; that the Representatives of the people who come here should be heard.

Mr. Speaker, until the proposition was submitted to-day to amend the rules—some of those rules—I have never understood that that proposition was denied. Indeed we put in the rules here a provision recognizing the right of the House to settle that question. But to-day there comes a resolution, advocated by gentlemen who are appealing to the country for the right to make rules and legislate as they please, advocating that doctrine and appealing to have their resolution adopted that absolutely excludes this House from appointing the Committee on Rules at all. I think it well to read it, and thus get back where I may show from the beginning how absurd the proposition is. I read:

Resolved, That the rules of the House be amended as follows:
The Committee on Rules shall consist of 15 members, 9 of whom shall be members of the majority party and 6 of whom shall be members of the minority party, to be selected as follows—

Not as the House would select them, but "as follows."

The States of the Union—

Mr. Speaker, I do not know what sort of history the man has who wrote that line. I did not know we had any other States now but States of the Union. Let me read it again:

The States of the Union shall likewise be divided by—

Not the House—

shall be divided by a committee of three, elected by the House for that purpose.

I thought they did not want committees. Gentlemen want persons. But this rule requires three persons. Now, what is worse than all:

Elected by the House for that purpose.

I had better read that all again:

The States of the Union shall be divided, by a committee of three, elected by the House for that purpose, into nine groups, each group containing, as near as may be, an equal number of Members belonging to the majority party. The States of the Union shall likewise be divided into six groups, each group containing, as near as may be, an equal number of Members belonging to the minority party.

It may be impossible; I think it is, when it comes to practice. No matter:

At 10 o'clock a. m.—

Which we used to be told meant master of arts—

At 10 o'clock a. m. of the day following the adoption of the report of said committee—

I suppose it is that—

each of said groups shall meet and select one of its members a member of the Committee on Rules.

Now, remember, one of the nine groups will select without the advice of the other groups a member of this to-be Committee on Rules. Persons belonging in other groups have nothing to say. Each one of the six groups will select a member—I suppose Democrats, unless they are in a majority, and then they would be on the other side.

Now there are five-sixths of the Democrats not allowed any hearing at all in selecting one of them, and so it goes on. And there are fourteen-fifteenths of the party in the majority that can not have anything to say in selecting any one member of the Committee on Rules. I want to work this out a little further, and find we have got a little committee of three that is to make groups, and the groups make a report to the House, and the House is not privileged under this resolution to reject it, or any part of it, but must proceed with the other groups, and then when the groups have all reported simply accept them as thus constituted. I had better read along further from the resolution:

Each of said groups shall meet and select one of its members a member of the Committee on Rules. The place of meeting for each of said groups shall be designated by the said committee of three in its report. Each of said groups shall report to the House the name of the Member selected for membership on the Committee on Rules.

When that report is made, as I have just said, the House has to be silent as the grave. It has no right to say aye or no. There may be the most objectionable man in the world on it, and nine-tenths or more of the House may be willing to vote down the whole committee, but under this rule, if adopted, the House must accept it forever for that Congress.

Mr. DAVIS. Will the gentleman permit an inquiry?

Mr. KEIFER. Oh, yes.

Mr. DAVIS. I understand that you advocate the majority rule?

Mr. KEIFER. Certainly.

Mr. DAVIS. I have understood, if my memory serves me correctly, that the Speaker also says that the majority can do business any time.

Mr. KEIFER. Under the rules of the House; yes.

Mr. DAVIS. Why, then, is it that you and others at this time object to the Members of this House coming to a vote upon the resolution now before it? Do you fear that the majority is against you, or what?

Mr. KEIFER. If you put your question right I will answer it. I will say that I have always advocated, and the rules that we now have require, the House to be controlled by a majority. Rule XXV and others of the House provide for this.

Mr. DAVIS. Well, do you object?

Mr. KEIFER. Well, now, the gentleman wants to know why I will not allow a new principle to be injected here without full debate, and I say it looks as if some of the men who may ask questions on this matter if there is debate may possibly be helped by it.

Mr. DAVIS. Then do you object to having a vote upon this resolution?

Mr. KEIFER. We are going to have a vote on it, and I hope we can have it intelligently.

Mr. DAVIS. How much more delay do you want to have before you vote on it?

Mr. KEIFER. I wish to say, Mr. Speaker, if the question is put in the spirit I think it is, that the gentleman means to say that nine-tenths of the talk for the absurd proposition should come from the other side of the House and only about one-tenth from this.

Mr. DAVIS. I simply say this——

Mr. KEIFER. I think we will have a little more debate, and I hope we will understand the question, no matter whether we vote right or wrong.

Mr. DAVIS. If the gentleman continues, I do not doubt that we will have a better understanding.

Mr. KEIFER. I thank the gentleman very much for the compliment.

Mr. DAVIS. But whether we are going to have a vote during the next twelve hours or the next twenty-four——

Mr. KEIFER. If the gentleman voted for a recess or adjournment, I feel sorry that he did not succeed. If he did not vote that way, then I do not have any sympathy for him at all. [Laughter and applause.]

Mr. DAVIS. Are the proceedings that are taking place now in the nature of a filibuster?

Mr. KEIFER. No, sir; I am trying in my way to have this question understood. I heard your friend say that the rules of this House gave the Speaker and the Committee on Rules the right to govern it. There never was a greater falsehood in a parliamentary way uttered in the world than that. I challenge any man here to say that the Committee on Rules has ever forced anything on this House against its consent. The House must in all cases adopt any rule that the committee reports before it becomes operative.

A MEMBER. Everybody says so.

Mr. KEIFER. Somebody says, "Everybody says so." Nobody can mention an instance.

Mr. DAVIS. One more question and I will cease my annoyance and disturbance.

Mr. KEIFER. Oh, it does not disturb me.

Mr. DAVIS. Is this delay in obtaining this vote in consequence of the hope or expectation that the morning train will bring in Members who will outvote the present majority in the House?

Mr. KEIFER. If the gentleman wants to put such a question as that, he should put it to somebody on the other side of the House who knows.

Mr. DAVIS. I thought the gentleman was well posted.

Mr. KEIFER. The gentleman sat here quietly while the gentleman from Wisconsin [Mr. COOPER] talked about his sore toes and fingers for an hour and three-quarters and never put that question to him at all. [Applause and laughter.]

Mr. DAVIS. That seems to be very amusing, but it does not apply to me, because I have not interrupted anybody before.

Mr. KEIFER. No; but you ought to have interrupted those who were taking so much of your precious time from your bed.

Mr. DAVIS. I want to interrupt those who are simply trying to delay the vote, not those who have been trying to expedite it.

Mr. KEIFER. It is easy to say that those who are trying to discuss this question on its merits are trying to delay, and that those who have taken up at least three-fourths of the time in the debate to-day are the only men who have acted virtuously at all.

Mr. JAMES. What has the gentleman to say about those on your side who made the motion to adjourn and take a recess. Were they attempting to delay or not?

Mr. KEIFER. No, sir.

Mr. JAMES. Oh, certainly they were not.

Mr. PAYNE. The House ought to have had sense enough to have adjourned at that time.

Mr. JAMES. The Speaker of the House ought to have had sense enough to rule on this question hours ago.

Mr. KEIFER. Now, Mr. Speaker, having discovered the trouble and having demonstrated something about this resolution that is claimed to be one of privilege; that is to say, that it is a high constitutional privilege to bring this resolution in here in violation of our present rules, and also a resolution that is to take from a majority of the House the right to select their own members of the Committee on Rules, which nobody who has read the resolution will dispute—it is the first time that that sort of thing has been attempted to be forced on the House, and especially under a claim of virtue, that we are doing it in the name of the Representatives of the great people of the United States, because we believe that a majority should rule.

But, Mr. Speaker, my attention was given a little bit ago to the matter of the powers of the Committee on Rules. I stated that that committee had never forced anything on the House in all its history. Gentlemen say it does everything, but they do not specify anything. I will give way if they will tell me.

Mr. NELSON rose.

Mr. KEIFER. Now, do not talk about something else. I am talking about the power of the Committee on Rules.

Mr. NELSON. This is the way it operates, Mr. Speaker.

Mr. KEIFER. I know how it operates.

Mr. NELSON. The Speaker is the chairman of the Committee on Rules, and he has appointed 56 chairmen of committees——

Mr. KEIFER. That is a question I am coming to about the Speaker. I want to confine myself to the point now up.

Mr. NELSON. I will explain it to you.

Mr. KEIFER. I may say truthfully that the Committee on Rules never did anything except with the approval of the House, and every special rule that led us to do business has been reported from the committee under the rules, debated, and adopted by that sanctified thing, the majority of the House. That is all there is of it. That is the whole of it. There is nothing in the fact that the Speaker is chairman of that committee. He has been chairman of the Committee on Rules ever since the time when James Buchanan was President of the United States, and there was a cabal in this Capitol arranging, planning, and meeting nightly for the purpose of devising plans to overthrow the Government.

Speaker James L. Orr, of South Carolina, was the first Speaker made chairman of the Committee on Rules, and this was in 1858. Now, since that time we have had some Democratic Speakers, and some pretty good ones too, and up to the present hour the Democrats did not want to depose him. The Democracy first made the place for him, and the Democracy when in power kept him in the place.

Now, it happens that a few fellows that seem to have trouble somewhere think they can strike a blow, not alone at the Speaker, but at the power of the majority elected to it, and this they claim to be a virtue. Why, we heard the debate at great length yesterday on a question of high constitutional privilege, and when men got up on the floor and almost with tears in their eyes begged that the Constitution should be overruled rather than to break down the rule for calendar Wednesday. Nearly every man who spoke on the subject voted against that rule. There were a few exceptions. I think I see the minority leader [Mr. CLARK] who talked effectively yesterday, and he was equally indignant when he voted against that rule, more so that now, for he talked of parting company with his Democratic brother [Mr. FITZGERALD] from New York.

Now he is appealing to us to put this new and undemocratic rule on the House, and to stand by it. We made the Wednesday calendar rule, we stand by it, and we did not undertake to depreciate it at all yesterday, notwithstanding we would uphold the dignity and power of the great commoner body of legislation for the Federal Government. We still conceive, and still believe, that that rule was subordinate to the higher rule of the Constitution of the United States, which stands as the organic law of this Government. We are for the rule now, and we were yesterday. To-day we are glad to see a few of the men who voted yesterday on the other side conclude that that was the only rule that had sanctity, that it only overruled the Constitution of the United States, and that to-day there are no rules that are so high as to be able to override the Constitution.

That is not all. We are dealing with a great question here of interest to the country. Some gentlemen say that the people will hear of what we are doing to-day, and condemn us. The people in my district certainly, according to my knowledge, will understand this question exactly.

They will understand that under cover of what might be said if I were outside of the House, false pretense under the guise of a resolution to take away the power of the majority. My people are intelligent enough to understand the question, and the great, patriotic, intelligent people of this country will understand that it is not a question of power that is being sought, but that it is a question of discord that is trying to be brought about, with the hope that the Democratic party will get into power again; and if they do, the same thing will happen that has happened before—it will fail.

I remember two years ago on this floor, from this spot, I expressed a good deal of comfort to the gentlemen on the other side when they were prophesying that the elections of 1908 were soon to come, when they would come into power. I said then that I felt happy that they could enjoy themselves in apparent expectation of victory, but that that would be all that they would get out of it.

I say the same thing now. You can fool the people by some sort of pretense here and there, but you can not fool them when you come to the period of dealing with great moral, material, and political questions of concern to this country which have been brought from time to time to the people on the final appeal.

There is no period in the history of this country when the people were more intelligent and able to understand the real questions than now. They are listening and they comprehend. Now, the talk to-day has mostly been against the Speaker, as though in some way or other he was to be humiliated. If these rules are not right, why do not you attack some substantial rule? The Committee on Rules is the only one you seem to attack, and my friend from New Jersey [Mr. FOWLER] seems to think that he has not introduced anything in that line.

Mr. RUCKER of Colorado. Will the gentleman permit an interruption?

Mr. KEIFER. Yes.

Mr. RUCKER of Colorado. We want to understand over here if we correctly understood the gentleman when he got on his feet that he hoped that we would have a vote on this question to-night.

Mr. KEIFER. I did not say that.

Mr. RUCKER of Colorado. The gentleman did not?

Mr. KEIFER. Sure; I did not.

Mr. RUCKER of Colorado. The gentleman does not want a vote on it to-night.

Mr. TAWNEY. And one thing more; there are a lot of Democrats who do not want a vote on it to-night.

Mr. JAMES. Oh, give us a chance, and we will show you.

Mr. TAWNEY. The gentleman will; yes.

Mr. KEIFER. Now, Mr. Speaker, let me read this Fowler resolution as I promised. This is House resolution 333, introduced by the gentleman from New Jersey, January 25, 1910, in this House, and referred to the Committee on Rules:

Resolved, That the House of Representatives shall, on February 7, 1910, after the morning hour, proceed to the election of five additional members of the Committee on Rules, four of whom shall be Republicans and one a Democrat.

Resolved, That from and after the passage of this resolution the Speaker of the House of Representatives shall no longer be a member of the Committee on Rules; but that the Committee on Rules shall consist of the four members heretofore appointed and the five members elected under the provisions of this resolution.

That is, we are four-ninths Speaker appointments and five-ninths elected by the House, and the gentleman says that he is in favor of the present resolution. He has reformed somewhat in that respect.

Mr. FOWLER. Not at all.

Mr. KEIFER. Is not this the gentleman's resolution?

Mr. FOWLER. Just one moment. The point was to exclude the Speaker from the Committee on Rules.

Mr. KEIFER. That is another thing.

Mr. FOWLER. I have no difference with the gentlemen who are present members of the Committee on Rules.

Mr. KEIFER. Oh, no.

Mr. FOWLER. The point is that the Speaker should not be on the Committee on Rules.

Mr. KEIFER. He did get a little step toward favoring the electing of them by the House, but now he wants to surrender that and favor the resolution that does not give the House the right to appoint one of them.

Mr. FOWLER. They are to appoint them all.

Mr. KEIFER. Not one.

Mr. FOWLER. Why not?

Mr. KEIFER. Because the resolution provides otherwise, and that they shall be appointed in separate groups, and the House shall have no right to overthrow that appointment. Does the gentleman want to deny that?

Mr. FOWLER. If the House authorizes them to do it in that way, the House does it.

Mr. KEIFER. Mr. Speaker, my friend from New Jersey states a proposition that ought to be restated, I think. He says that if the House authorizes three men to make groups and they each select one member of the Committee on Rules, that the House does it. Now, let me put the question in this way: If the House authorizes the Speaker to appoint all the committees, then the House does it. [Applause and laughter.] That is all the logic there is in it.

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. KEIFER. Certainly.

Mr. STANLEY. If the House would authorize the Speaker to introduce and pass all the bills and go home, would the House have discharged its duty and would he be acting for the House?

Mr. KEIFER. No; and anybody ought to have known that without asking the question. [Laughter.]

Mr. STANLEY. If either the gentleman from Ohio or I were to be judged by what we ought to know instead of what we do know, each of us would stand better before the country.

Mr. KEIFER. I think the gentleman is right; I agree with him. [Laughter.] I have been one of those through a pretty long life, who has always felt that there were a great many things that I did not know, and far more than I did know, and I have to feel kindly toward the man who will make the suggestion that is made by the gentleman from Kentucky [renewed laughter]; but there are some things, Mr. Speaker, that we can know and that we are not at liberty to be ignorant about.

Mr. CLAYTON. I would like to know why the Speaker does not rule right now.

Mr. KEIFER. Because he is trying to have the House keep order while we debate this proposition.

Mr. CLAYTON. He is trying to get your Republicans here who are out of town [laughter], trying to whip your crowd into line.

Mr. KEIFER. I am not trying to whip anybody into line. Nobody ever whipped me into line.

Mr. CLAYTON. Oh, the gentleman is trying to talk them into line. [Laughter.]

Mr. KEIFER. I am trying my best, Mr. Speaker, to address myself to the question, which is important and right that the House should have the right to make all of its rules.

Mr. RAINEY. Will the gentleman yield?

Mr. KEIFER. Yes.

Mr. RAINEY. The gentleman has been talking about what he knows and what he does not know. Does the gentleman know how much longer he is going to obstruct the proceedings of this House this evening? [Laughter on the Democratic side.]

Mr. KEIFER. Now, Mr. Speaker, here is another victim. [Laughter.] He has come to life for a moment, but he was asleep, mentally or otherwise, when the long speeches were being made in advocacy of a rule which takes from a majority of this House its right to govern and claiming that the resolution offered should have a privilege here. So long as they talked that and talked about the majority having a right to do things he kept still, but now he has awakened with his sore toe to the front. [Laughter.]

Now, I have great respect for him, and I think I ought to withdraw all that class of remarks, but he seems to think that I am not in earnest when I talk on this question, and that irritated me a little. [Laughter.] I do not believe that the resolution that is to take from the House its right to decide who shall constitute the Committee on Rules is one of high privilege. The second paragraph, I believe it is of section 5, Article I, of the Constitution of the United States, simply says, "each House may determine the rules of its procedure." Now, then, they say, "Oh, that means a lot; it means you may come in here and overthrow any rule that is made under the Constitution; after you have made it you may violate and overthrow it as a high constitutional privilege." Whoever heard of so absurd a thing? I repeat again if the rules that we have were made under the Constitution, then they are constitutional rules, and we should follow them and not disobey them; and this resolution should go under the rules now in force to the Committee on Rules.

You can discharge the Committee on Rules, if you please, and bring it back to the House, but if you are going to violate the rules we now have, I want the country to understand that you are doing what has never been done here before, that you are doing that which leads inevitably to anarchy and the overthrow of the power of the House to do the business we are sent here to do. That is the most important thing. It is not so very important, Mr. Speaker, whether you are to be chairman of the Committee on Rules or not. It is more important that we have a Committee on Rules that has been selected by the House and not by any sort of legerdemain such as is proposed here. It is of great importance to this great country that we should do business in the Congress of the United States. Gentlemen have been rather chary in talking about what kind of a rule they would want, and I believe my friend from New York [Mr. FISH] was one of those, with some others, perhaps, who has broken over a little and undertook to tell us what the rule was that he wanted, and he complained of some measure that he did not work out of a committee.

I have looked over to see how many bills we have had introduced up to this morning in this Congress, and we are not through with our virility on bills yet. There have been introduced in this House 23,140——

Mr. HULL of Iowa. That is in the House alone.

Mr. KEIFER. There have been introduced in the House 23,140 and in the Senate 7,228, making a total of 30,368. The gentleman suggests the rule by which we should be governed in considering them, and I figure out with some liberality the amount of time we should devote now to each of those bills, and I give it here that it would take a session of twenty-four hours a day, three hundred days in the year, twenty-four years to get through with what we have. [Laughter.] If you will cut it down to ten minutes on each of those bills, and will reduce the time to six hours a day that we should sit, and sit for only three hundred days in the year, it would still take a little over seven years to get through these bills that have already been introduced. [Laughter and applause on the Republican side.]

Now, this country is not fool enough to think that they have sent Representatives here who want to have rules of that kind, and every man who has been up here talking about the people not getting their rights through their Representatives and not getting a chance to get up their bills is advocating that same foolish thing. It is by reason of rules that we have legislated great things in this country. I could give instance after instance. I remember one where with one or two prominent exceptions on the Democratic side of the House, in 1882, we proceeded to legislate so as to strike down polygamy in this country, and with one or two exceptions the Democrats on the other side filibustered and did everything they could to defeat that legislation. They predicted all sorts of evil would come to the Republican party by what was denominated then "arbitrary rules" and ruling, if you please, of the Speaker, but we passed through the House and passed through the Senate a law that had one peculiarity in its results. It has been working out and solving the question of polygamy, but it had one peculiarity.

When it was well understood that it was going to be enforced the great leader of polygamy, Brigham Young, had a new dispensation from heaven, changing the idea that Mormonism stood for polygamy. It was because of the law we forced through here.

We had to put through in that Congress a bill that reduced the rate of letter postage from 3 to 2 cents under the same sort of opposition, and it stands to-day. The first bill that ever passed the Congress of the United States on the subject of the civil service was put through under such circumstances in the Forty-seventh Congress. And that is the law, with some amendments, to-day. Do you mean to say we ought to have thrown open the gates and said "Let every man jump on the floor and speak on his own bill as long as he pleases to go on?" If so, we would have had none of this wise legislation. We have passed many important measures in the last few sessions of Congress under a rule that came from the Committee on Rules.

But the rules were not adopted until after debate and after a majority of the House approved them. And that is all there is to it. I have seen a former leader on the Democratic side of the House come in here with a rule from the Committee on Rules and ask to have it forced through, and we have done so, and we have legislated by virtue of it. We will do that again, I think, but I presume the gentlemen imagine that we are to

have a new committee of 15 on rules that will not do anything without they can get unanimous consent. Such a committee would not bring, I suppose, anything here that would hurt my feelings or some Democrat's feelings if they should not agree with it.

But I come back, Mr. Speaker, to the original question, and that is, that we are standing here for the rights of the majority, and we want to have rules submitted here through a Committee on Rules that a majority will approve, as in the past.

It seems to me that we may vote, not our sentiments and our judgment, but we may vote our piques and whims and motives, and all that, and through fear of our constituents at home maybe; but the better plan will be to stand square on our feet and uphold the principles of the Constitution and the greater principles upon which this Government shall stand, a Government of the people, by the people, and for the people, worked out through their Representatives. [Applause on the Republican side.]

Mr. STANLEY. Does the gentleman think that any Representative on the floor of this House, standing for 200,000 people, need fear his constituents if he votes for all the people and by the people?

Mr. KEIFER. That is a very simple proposition. You do not need an answer to that, do you? [Laughter.]

Mr. STANLEY. I was listening to the gentleman very carefully.

Mr. KEIFER. I think you were.

Mr. STANLEY. And I think he is not the judge of my listening.

Mr. KEIFER. Oh, no.

Mr. STANLEY. I think the stenographer's notes will bear me out in this, that the gentleman said that Representatives on the floor of this House should not, on account of any fear of their constituents, fail to vote for a government of the people, for the people, and by the people, or words to that effect. I think there is a constituency, with the possible exception of the consistuency of the gentleman from Ohio [Mr. KEIFER], that demands that a man shall not vote for just that sort of a government; and the gentleman begs the question. He is trying to get us away from the government of the people, for the people, and by the people, and for a government of a clique, for a clique, and by a clique, and that is all he is trying to do now.

Mr. KEIFER. I do not think, Mr. Speaker, it hurts anything to hear that sort of a speech, because we all know that what we stand for is legislation, not by a clique, but by the majority, and that majority here is Republican. [Applause on the Republican side.]

Mr. TAWNEY. Mr. Speaker——

Mr. HITCHCOCK and Mr. CLARK of Missouri rose.

The SPEAKER. The Chair will recognize the gentleman from Nebraska or the gentleman from Missouri, the leader of the minority side, but the Chair also desires to recognize the gentleman from Illinois [Mr. MANN] before we are through.

Mr. TAWNEY. Mr. Speaker, I move that the House take a recess until 11.55 a. m.

Mr. HUGHES of New Jersey. I make the point that the motion is dilatory.

Mr. HITCHCOCK. Do I understand that the Chair recognizes me?

The SPEAKER. The gentleman arose at the same time as the minority leader arose, and the Chair during the evening frequently has had application from the gentleman from Illinois [Mr. MANN], who desires to discuss the point of order. The Chair desires to hear him, but will alternate either with the gentleman from Nebraska [Mr. HITCHCOCK] or the gentleman from Missouri [Mr. CLARK], the minority leader, as the gentlemen may agree.

Mr. CLARK of Missouri. Mr. Speaker, it seems to me, with all due deference to the Chair, that the Chair must have information enough by this time of night to rule on this question. If the Chair has not received parliamentary information enough to rule on this, he has picked up a great deal of valuable information on other subjects.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. CLARK of Missouri. If it is a question.

Mr. TAWNEY. Is it not a fact that during all this debate, since the resolution was offered by the gentleman from Nebraska, that there has not been to exceed one hour of debate on the question on which the Speaker of this House is called upon to determine?

Mr. HUGHES of New Jersey. That is the fault of the Speaker.

Mr. CLARK of Missouri. That is the fault of the Speaker.

Mr. TAWNEY. It is not the fault of the Speaker.

Mr. CLARK of Missouri. It is the business of the Speaker to decide points of order, and the point was made that somebody, I have forgotten who, was not speaking to the point of order.

Mr. HAMLIN. I made the point of order.

Mr. CLARK of Missouri. The gentleman from Missouri [Mr. HAMLIN] made the point of order that somebody that was making a speech was not speaking to the point of order, and the Chair, not the regular Speaker, but the Speaker pro tempore——

Mr. HAMLIN. Yes, it was——

Mr. CLARK of Missouri. Overruled the point of order. Now, what I say is this: If you have not information enough in a parliamentary way, with the best parliamentarian in the United States at your elbow, to enable you to decide the question, you certainly have picked up a great deal of strange information about polygamy [laughter] and the civil service, and the number of men who had pistols in their pockets in this House in 1882. [Laughter.]

Mr. KEIFER. I said that in answer to the suggestion that we had no right to debate this question at all.

Mr. CLARK of Missouri. I do not see what pistols had to do with the debate.

Mr. KEIFER. They were Democrats that had them. [Laughter on the Republican side.]

Mr. CLARK of Missouri. Suppose they did have them; it seems that you gentlemen over there laugh at the dullest wit that was ever in this House. [Great laughter and cheers on the Democratic side.] The mind of the gentleman from Ohio seems to have stopped working on the 4th day of March, 1883. [Laughter.] I did not start in to say things of that sort. Whatever other people may say, what I do say is that this point of order was raised about 2 o'clock. The speechmaking has been nearly entirely on the Republican side of this House; very little on this. Up until 10 o'clock the Speaker himself is responsible for this filibuster, for that is exactly what it is. At 10 o'clock the Speaker suggested that he would like for the House to adjourn. We ought to state the whole truth about it. Now, this is the most remarkable demonstration of the quality which the Speaker himself denied yesterday—of his being a czar—that has ever taken place in the history of the American House of Representatives. [Cheers on the Democratic side.] It is the extreme of autocracy.

I do not think that I am underestimating the intelligence of the Speaker when I say that he knew precisely how he intended to rule on this point of order the minute that it was raised. He has not picked up any valuable information on parliamentary subjects since then. I want the country to know that it was the regular Republicans, so called, headed by the Speaker himself, who have been reduced to the pitiful condition of carrying on a filibuster from 2 o'clock this afternoon until 10 o'clock at night. [Loud applause on the Democratic side.]

Mr. CLAYTON. Twelve o'clock.

Mr. CLARK of Missouri. But at 10 o'clock he asked the House to adjourn, and he ought not to be charged with the other two hours. If he rules with us, why then we will adjourn. [Laughter.] If he rules the other way, we will take an appeal from his decision and have it all over in an hour; and there is no sense or fairness or decency in wasting any more time on this proposition, because every man in the House has his mind made up. Therefore I suggest that it is high time for the Speaker to make his ruling one way or the other, and let us know where we are. It has been stated that the whole point of order is absurd, and the Chair ought to be required to rule on this point immediately. [Loud applause on the Democratic side.]

Mr. MANN. Mr. Speaker, what is the situation before the House? [Cries of "Filibuster!" on the Democratic side.]

Mr. MANN. Mr. Speaker it is a remarkable thing that the moment that side of the House gets in partial control of the House the effort is to stifle debate. [Applause on the Republican side; jeers on the Democratic side.]

Mr. JAMES. We have had nine hours.

Mr. MANN. The constant criticism, much of which has come from the distinguished gentleman from Kentucky who has just injected a remark out of order, on that side of the House comes at a time when this side has adopted a rule which concludes debate after days of debate. Now it is suggested that this side of the House is endeavoring to delay because it wishes to debate a great revolution precipitated upon this House this afternoon.

Mr. STANLEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. MANN. I do not yield. It is my desire to discuss for a short time the point of order pending before the House.

What is the situation? On yesterday the gentleman from Indiana [Mr. CRUMPACKER] offered a resolution which he stated was privileged under the provisions of the Constitution, and was in order for that reason.

Mr. STANLEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. MANN. I do not.

Mr. STANLEY. I hope the gentleman will not decline to yield.

Mr. MANN. I hope the gentleman from Kentucky will permit me to make my argument without irrelevant interruption.

Mr. STANLEY. It is not like the gentleman from Illinois to decline or to conclude that it is irrelevant before he hears what it is.

Mr. MANN. The Speaker decided yesterday that the resolution was in order—as privileged under the Constitution. The House on appeal decided that it was not in order on yesterday. The question was again presented to-day, and the House decided that the resolution was in order to-day. It seems to me that the decision of the House in both cases can be clearly harmonized. The House decided to-day that the bill relating to the census was in order, as coming within a mandatory provision of the Constitution, while at the same time it decided yesterday that although the provision was mandatory for the House to act the House itself was the judge of the time when it should act, and that it might refuse consideration of the question when presented, or might, under a rule of the House, set apart one day of the week when the question should not be in order, as privileged or otherwise.

Now, following that decision to-day another question is presented as privileged under the Constitution. The gentleman from Nebraska [Mr. NORRIS] offers a resolution to amend the rules of the House, stating that it is a matter of high privilege, and that under the Constitution the resolution is in order, notwithstanding the rules of the House of themselves would not make it in order. If it be decided by the House that the resolution of the gentleman from Nebraska is now in order, it is upon the ground that under the Constitution of the United States, and regardless of the rules or any rules of the House, it is in order at any time for any Member of the House to rise in his place and say, "Mr. Speaker, I present a matter of high privilege. I offer a resolution to amend the rules, which, under the Constitution, I am privileged to offer, notwithstanding the rules of the House."

Mr. NELSON. May not the question of consideration be raised and the matter ended in that way?

Mr. MANN. If the gentleman will permit me to proceed, I will discuss all these questions. Now, what is the situation, if that be the ruling? If it is decided by the House that it is a matter of constitutional privilege that the House can not deprive any Member of, to rise in his place and demand and receive the attention of the Speaker on a motion to amend the rules, what will be the result? Yesterday by a decisive vote of the House we preserved the rule of the House providing for calendar Wednesday. What is that rule of the House?

Rule XXVI, paragraph 4, provides:

> On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV, unless the House by a two-thirds vote, on motion to dispense therewith, shall otherwise determine.

Another rule of the House provides:

> The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 4 of Rule XXVI, shall be set aside by a vote of less than two-thirds of the Members present.

And yet if it be decided by the House that a motion to amend the rules is a constitutionally privileged question, which any Member can present at any time, I, or any one of a majority in the House may rise on next Wednesday and offer an amendment to the rules wiping out this two-thirds vote.

There are a number of provisions in the rules forbidding motions to be offered or requests to be made in the House. It is provided in the rules of the House in reference to the drawing of the seats, that no proposition for a second drawing shall be in order during that Congress. It is provided in reference to the Hall of the House that the Speaker shall not entertain a motion for the suspension of the rule which forbids the use of the Hall of the House for outside purposes.

And yet if this decision be rendered that it is a highly privileged matter under the Constitution, which privilege can not be taken away by the rules of the House, any Member may rise in his place at any time and offer an amendment to the rules of the House, either permanent or temporary, and present to the House a question which, under the rules adopted by the House, the Speaker is forbidden to have presented. So much for that.

What will be the result of a ruling that a motion to amend the rules is a privileged motion under the Constitution? If it is a privileged motion under the Constitution, no rule adopted by the House, either now or hereafter, can take away that privilege from any Member of the House. Gentlemen on that side of the House in the last few moments have intimated that Members on this side of the House in discussing questions before the House are filibustering. There never was, and there never will be, another plan so powerful in the hands of the minority for a filibuster as this proposition declaring that any Member at any time can challenge the attention of the House and present a privileged motion to amend the rules. [Applause on the Republican side.]

And while it is true that the question of consideration can be raised, and that it will not be necessary to consider the amendment to the rules with 100 Members alternating on the presentation of such a privileged motion and demanding a roll call on the question of consideration, a minority of the House could prevent the consideration of the business of the House forever.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman.

Mr. HUGHES of New Jersey. Under the practice of the House, as it has developed in my time and, of course, in the time of the gentleman from Illinois, with such a situation as the gentleman has just described, does not the gentleman think that, under the rules of the House, with a succession of motions such as he suggests, they would be regarded as dilatory motions, and so ruled by the Speaker?

Mr. MANN. Mr. Speaker, a matter which is privileged under the Constitution, like a call for the yeas and nays, can never be declared dilatory, unless it can be presumed that the Speaker, although sworn to obey the law and the Constitution, would attempt of his own free will to override it.

Mr. CLAYTON. May I ask the gentleman from Illinois three questions?

Mr. MANN. One at a time or all three together?

Mr. CLAYTON. I would not put all three together, because it might be asking too much at once.

Mr. MANN. Possibly so. The gentleman is great, and I might not be able to answer them at all.

Mr. CLAYTON. But not as great as the gentleman from Illinois, in his own estimation.

Mr. MANN. I do not know whether that is true or not. The gentleman from Illinois has spoken courteously to the gentleman from Alabama, and regrets that he can not reply in kind.

Mr. CLAYTON. A remark from the gentleman from Illinois that he was not very courteous provoked one of like kind from the gentleman from Alabama, but the gentleman from Alabama apologizes to the gentleman from Illinois and to the House itself.

Mr. MANN. I beg the gentleman's pardon; he misunderstood what the gentleman from Illinois said, because he said nothing to provoke a remark of that kind by the gentleman from Alabama.

Mr. CLAYTON. Well, it may be that my mental obtuseness led me into an error, and I accept the explanation of the gentleman from Illinois.

Mr. MANN. I will be glad to have the questions.

Mr. CLAYTON. I desire to ask the gentleman if the question before the House now is not one of a parliamentary nature resting in the judgment of the Chair at this time; if it is not the determination of a parliamentary question belonging to the province of the Chair, and if that is not what is detaining the House at this time?

Mr. MANN. I beg the gentleman's pardon. I thought the gentleman from Alabama was going to ask all three questions together. It makes no difference to me.

Mr. CLAYTON. The gentleman does not want to admit the first proposition, which I think he ought to answer in the affirmative. The next question I desire to ask the gentleman is, If it has not been frequently the practice on the part of the Chair that when a parliamentary question has been propounded for consideration and determination of the Chair that involved doubt, the Chair has frequently submitted that doubtful question to the House itself? Third, If the gentleman from Illinois does not know that this filibuster, this all-night session, would end in less than one hour if the Chair dared to submit this parliamentary question to the House itself for determination? [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, although the gentleman from Alabama has not had the floor this evening, he has already talked more on this question than I have.

Mr. CLAYTON. But not half so well.

Mr. MANN. I am not filibustering.

Mr. CLAYTON. I have not accused the gentleman from Illinois of filibustering, but I do accuse the Chair of filibustering. I say that the Speaker in delaying this decision, by refusing to decide this question, by refusing to submit it to the House, is giving the greatest exhibition of the power of a czar that was ever exercised by any Speaker in this House. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, it is a remarkable thing that when the Speaker permits debate he is accused of being a czar, and when the Rules Committee, by a rule adopted by the House, cuts off debate, he is accused of being a czar for stopping debate. [Applause on the Republican side.] It will never be possible to satisfy my distinguished friend from Alabama [Mr. CLAYTON] as long as there is a Republican Speaker in the chair.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. CLAYTON. I want to congratulate the gentleman upon the fact that he knows the mind and the wishes of the gentleman from Alabama better than the Speaker with his long experience can recognize how to rule on a plain parliamentary proposition. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, it is another peculiar thing that the gentlemen of this House who have made up their minds to vote against sustaining the Chair in what they believe will be his opinion are all of the opinion that his duty is so plain it ought not to take him any time to render his decision. They believe that the Speaker's decision is unquestioned, that the rules and the Constitution are so plain, that the decision of the Speaker, of any Speaker, can be only one way, but have themselves resolved, notwithstanding their oaths of office, to vote the other way. [Applause on the Republican side.]

Mr. CLAYTON. Mr. Speaker, I desire——

Mr. MANN. Mr. Speaker, the gentleman says that it is an easy matter for the Speaker to determine.

Mr. CLAYTON. To submit it to the House.

Mr. MANN. Here is a question which I was endeavoring to show, if decided as the gentleman from Alabama will decide it, will paralyze the majority of the House.

Mr. CLAYTON. Let the paralysis begin.

Mr. MANN. Mr. Speaker, I regret that my friend from Alabama, and I am sure that he will regret, that when I was speaking seriously to the House, he interrupts in this manner. I know that he does not intend——

Mr. CLAYTON. May I interrupt the gentleman one more time?

Mr. MANN. Certainly.

Mr. CLAYTON. I would like to have the gentleman answer the interrogatory I divided into three questions. He has not answered it yet. I shall be quite happy if he will elucidate the subject suggested by those three questions, and I would prefer a categorical answer on each question.

Mr. MANN. Mr. Speaker, I have been discussing for a few moments the point of order. I supposed that the gentleman from Alabama was facetious when he asked me if the question before the House was a point of order pending, but if he does not know that that is the case, I will explain to the gentleman from Alabama that a resolution was offered claiming to be a privileged resolution under the Constitution, notwithstanding the rules, by the gentleman from Nebraska [Mr. NORRIS], and to that a point of order was raised, that it was not in order, and that that question is now pending before the House.

Mr. CLAYTON. May I make an observation there?

Mr. MANN. Oh, the gentleman said he would not interrupt me, and he wants to interrupt me every time I try to answer a question.

The SPEAKER. Does the gentleman decline to yield?

Mr. MANN. Oh, I do not decline to yield. If the gentleman wants to talk, I am willing.

Mr. CLAYTON. I do not want to talk, but I just desire to say that I knew that myself, and I merely wanted to make the gentleman from Illinois confess that he knew that much.

Mr. MANN. Everybody else in the House except the gentleman from Alabama knew I was discussing a point of order, and if he will think long enough, it will get through his head after a while.

Mr. CLAYTON. Not by any argument made by the gentleman from Illinois.

Mr. MANN. No; well, perhaps no argument would penetrate the gentleman's head.

Mr. CLAYTON. One that the gentleman is capable of making would not.

Mr. MANN. Well, this is all good natured on both sides. Let this side of the House remember that while Republicans are in the majority filibusters do occur. We remember in the Sixtieth Congress, I believe it was when Mr. Williams, the minority leader, conducted a filibuster here for weeks, exhausting every possible resource, including even the reading of the Journal in full. Does anyone here think that John Sharp Williams would have been so simple minded that he would not have used this resource if there had been a precedent and decision of the House? Is anyone on this side of the House so simple minded that he thinks that the gentleman from Missouri [Mr. CLARK], the minority leader, if some proposition comes up in the House to which he is bitterly opposed, will not use every resource granted by the Constitution and the rules to prevent consideration?

Mr. POINDEXTER. Will the gentleman yield?

Mr. MANN. And does anyone think that if that side of the House should be in control and the gentleman from Illinois [Mr. MANN] were on the floor, if he be here, desiring to delay, would not offer a privileged motion to amend the rules and get as many other Republicans as possible to do the same thing? Now, Mr. Speaker, I yield to the gentleman from Washington.

Mr. POINDEXTER. Would not the privileged character which, under the decisions of the House, attaches to bills relating to the census, give the same opportunity for filibustering which you claim will be given under this kind of a resolution?

Mr. MANN. It would not, for this reason, which the gentleman from Washington will distinguish in an instant: It never has been held in this House that a gentleman from the floor of the House could offer a privileged motion in regard to the census. It has only been held that a report from the Committee on the Census in reference to taking the enumeration was privileged, and the House, or a majority of the House, can protect itself through the appointment of its committees. But here is a proposition which absolutely deprives the House of any control of a question through the rules, through the committees, through any other action it may take, because if it is declared by the House that a motion to amend the rules is privileged under that provision of the Constitution which says that the House may adopt rules for its own government, then the House has no power to interfere with the operation of the Constitution and has no power to prevent the presentation of a privileged question, nor can the Speaker in the chair decline to recognize a gentleman on the floor who states that he presents a matter of high privilege.

Mr. NORRIS. I would like to ask the gentleman if, in his judgment, a report of the Committee on the Census adds anything to the privileged nature of a census bill? If it is privileged, to put my question——

Mr. MANN. I understand the gentleman's question.

Mr. NORRIS. If it is privileged, as I understand it, it is so because the Constitution makes it so, so I can not see where the report of the committee would either take away or add to its privileged nature.

Mr. MANN. The question is a fair question and not hard to answer. As an original proposition, I do not think the gentleman from Nebraska would, and I doubt whether one-third of the House would, say that the census matter was a matter of privilege in the House——

Mr. NORRIS. I have already stated that before the House to-night; I agree with the gentleman on that proposition.

Mr. MANN. But at some time in the past, probably under some circumstances where the majority was endeavoring to present a census bill and the minority, under the old rules, was endeavoring to obstruct the consideration of the bill, some Speaker ruled that a report of the Committee on the Census, or whatever the old committee was which reported the census bill, was in order as a privileged matter. It was, in my opinion, a violent misconstruction of the provisions of the Constitution. It has stood as a precedent of the House from that time to this, being reiterated by the vote of the House to-day, that vote of the House being based, not on the language of the Constitution, but upon the precedents—previous rulings—and those rulings have only gone to the extent of providing that the report of the committee shall be privileged, while there are numerous rulings, not in reference to census reports, but other matters, that those matters are not privileged from the floor of the House. Now, the very fact that we to-day followed a precedent which we would not have adopted as an original proposition is what adds to the danger of now adopting a precedent which will come back to plague you gentlemen on that side of the House if you ever—and I am inclined to think that the time is not far distant when you will be in control of the House.

[Applause on the Democratic side.] I do not know whether that applause is because of the plague we will give them——

Mr. HARDWICK. We will take it, plague and all.

Mr. MANN. Or the trouble they will have when they get a majority—it will come back to plague you on that side of the House; it will come back to plague the gentlemen who are called, and I believe term themselves, insurgents, though Republicans, on this side of the House.

Mr. NELSON. May I ask the gentleman a question?

Mr. MANN. In a moment. As long as the filibustering in this House, which we all know was the common practice of the House prior to the Fifty-first Congress, was based only upon the rules, there was a method by a change of the rules to shut out the filibuster, but when a filibuster is based upon a constitutional privilege no rule of the House can change it.

Mr. RUCKER of Colorado. Will the gentleman permit a question?

Mr. MANN. I have yielded to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON. The gentleman stated the answer in a way, but I will put it to him again. I was about to ask, if we erred, as the gentleman claims, in setting a bad precedent, why could we not change this by a rule at any time if this resolution carries? That is the very purpose of the committee, to propose changes in the rules. You say you can not do it because of a constitutional objection. Did we not answer that question in our vote on calendar Wednesday, saying they, too, were set aside?

Mr. MANN. We answered on calendar Wednesday that the House might provide that on one day of the week it could do the same thing that it does when it raises the question of consideration on a bill—decline to consider a privileged bill on a particular day. But no rule of the House can ever provide that a matter of high privilege under the Constitution to amend the rules, if this House shall determine it to be that way, can be abridged or denied by the rules of the House. I now yield to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Is the House to understand the gentleman to admit that this is a filibuster upon the Republican side of this House?

Mr. MANN. I thought the gentleman was going to ask me a question.

Mr. RUCKER of Colorado. That is the question.

Mr. POINDEXTER. Will the gentleman yield for a question?

Mr. MANN. I will yield for a real question.

Mr. POINDEXTER. This is a real question.

Mr. MANN. Well, the last one was not. I do not refer to the gentleman from Washington, however.

Mr. POINDEXTER. Would it not be in the power of the House at any time to stop a filibuster, even though the apprehensions of the gentleman from Illinois are true in regard to the danger of bringing up questions in regard to the rules? Could not the Speaker of the House now put a stop at once to these proceedings by ruling upon this question? Could not the House limit the debate or close the debate upon the question in regard to the rules, even though it should be privileged, and if subsequent questions in regard to the rules should be raised one after the other—a hundred men raising these questions—so that they would obviously be frivolous, and be ruled out of order by the Speaker as frivolous, being sustained by a majority of the House?

Mr. MANN. It may be that sometime this country will find a Speaker who will declare that a resolution in order and privileged under the Constitution is not privileged, but I hope such a man will never be found in the Speaker's chair. [Applause on the Republican side.] A resolution which is privileged under the Constitution can not be ruled out of order by the Speaker without the exercise and usurpation of arbitrary power.

The Constitution itself confers but few special privileges upon the Members of the House. One of those is the right to demand the yeas and nays by one-fifth of the Members present. Has any Speaker yet lived and occupied the chair who would dare to hold that the demand for the yeas and nays was frivolous or dilatory? Yet we all know that it is constantly used for delay. The gentlemen on that side of the House accuse us on this side of the House to-night of having the roll called several times for dilatory purposes. Will the time come when the distinguished gentleman from Missouri [Mr. CLARK] is in the chair and will be called upon by the gentleman from Washington to hold that the demand for the yeas and nays is dilatory or frivolous? And yet the two are upon a par if the House decides that this is a privileged resolution under the Constitution, and, notwithstanding, it is not in order under the rules of the House.

I know the feeling. I know the excitement in the House. I know the determined purpose of Members of the House to obtain a change in the Committee on Rules; but I ask the House to remember that its decisions are not of light weight. That which the House solemnly declares to-day it can not well change to-morrow; and if we, in the determination to change the rules of the House, shall so violate the rights and privileges of the House itself, we may also regret the day.

Mr. JAMES. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. JAMES. Will the gentleman advise the House what, in his opinion, would be the parliamentary procedure necessary for this House to have a new Committee on Rules?

Mr. MANN. Mr. Speaker, I know that some of the gentlemen in the House may need a legal adviser, but I am not undertaking to advise men on the other side who are seeking to do that which I do not believe in, and I say that in all candor to the gentleman.

Mr. JAMES. Is it not true that while the gentleman withholds his store of wisdom, which he has a perfect right to do, from the House, at the same time his contention really is that this House is powerless to change the Committee on Rules during the Sixty-first Congress?

Mr. MANN. That is not my contention at all. I think the House has full power to act.

Mr. JAMES. How would we act?

Mr. MANN. If I were on that side of the House and seeking to accomplish what the gentleman is, I would endeavor to show the House.

Mr. JAMES. I regret that the gentleman is not on this side——

Mr. MANN. Sometimes I regret that myself.

Mr. JAMES. So that we might have the benefit of his great wisdom. But, as I understand, his contention is we are going to commit a great outrage in overruling the Chair. Perhaps he can advise us of some way in which it can be done in an orderly way without this revolution which, it is said, we are about to inaugurate. He may be able to suggest an orderly manner in which to do what the majority of this House desires and intends to do, which is to make a change as to the Committee on Rules, so this House may be its own master.

Mr. MANN. I have a habit, as well as I can, of discussing the propositions which are before the House. I have seldom indulged—and I have no criticism of those who do—in discussing propositions which are not before the House. At this late hour, with the innuendo of gentlemen on that side of the House——

Mr. JAMES. It is early now.

Mr. MANN. That I am indulging in a filibuster, I do not care to conduct a parliamentary school for the benefit of that side of the House.

Mr. Speaker, I have already delayed the House longer than I intended, longer than I should have done had not various Members interrupted me.

Mr. STANLEY. Will the gentleman yield for a question?

Mr. MANN. I yield to the gentleman.

Mr. STANLEY. I thank the gentleman for the delayed courtesy. In the beginning of this debate it was alleged by quite a number of gentlemen on the other side that this motion of the gentleman from Nebraska [Mr. NORRIS] was not made in good faith, and that the contention that this was a constitutional privilege was an absurdity, not worth serious consideration. I want to ask the gentleman if he agrees with that opinion expressed by his colleagues?

Mr. MANN. I heard no such statement made, and I am stating my own opinion on the floor of the House.

Mr. Speaker, it is a popular belief in the country and in the House that the Committee on Rules dominates the House. I have been a Member of this House now for thirteen years, and have had more or less to do with certain important bills, one creating the Department of Commerce and Labor, one the pure-food law, one the Hepburn Act, to amend the act regulating commerce, and various bills of that kind—important measures—among the most important measures that have passed the House. I do not refer to them with a view of adding to the importance of the work I did in connection with them, because that was of small moment, but because the bills impressed themselves upon me. Not one of those laws was passed under a special rule of the House limiting debate or cutting off the right of amendment.

It is not true, as many believe, that the Speaker, through the Committee on Rules, controls the House. It is not true that the Committee on Rules does control the action of the House.

It is not true that the Committee on Rules decides the usual programme of legislation or what shall be considered in the House, or that it in any way affects ordinary bills or legislation in the House. The Committee on Rules is merely an instrumentality of the majority to bring speedily before the House some occasional measure which otherwise would be unduly delayed or to give to the House a chance to consider and vote upon a partisan matter over the attempts of the minority to delay or obstruct.

I recently read in an article by a noted newspaper and magazine writer a statement that no bill could come to a final vote in the House of Representatives without action by the Committee on Rules, and this seems to be a quite prevalent belief. Nothing could be farther from the actual truth. In the last, or Sixtieth, Congress, which expired on March 4, 1909, there were two sessions, and at these two sessions 629 public bills and joint resolutions were enacted into law. During the same time the Committee on Rules acted only 21 times, and most of their reports did not refer to any pending bill. For instance, at the first session of that Congress there were 269 public bills and joint resolutions passed, and there were 15 reports from the Committee on Rules. One of these reports related to giving the Philippine Commissioners privileges of the House floor; another, an expenditure committee authority to require attendance in an investigation being made; another referred a legal proposition to the Committee on the Judiciary; another provided for investigation of peonage; another for the Lilly investigation.

From the opening in December to April 3, 1908, not a single bill had been passed under a report from the Rules Committee, but on April 3, 1908, there was in progress a Democratic filibuster in the House to prevent legislation, and from April 3 to April 20 there were 7 reports from the Committee on Rules, all caused by the Democratic filibuster, and not one of which related to any special bill to which there was objection. The last rule reported at that session of Congress from the Committee on Rules provided for the pulp and paper investigation.

At the second session of the Sixtieth Congress there were 360 public bills and joint resolutions passed. There were 6 reports from the Committee on Rules. Two of these were for the partisan purpose of permitting President Taft to carry out his expressed desire of appointing Senator Knox as Secretary of State, 1 related to the infantry trouble at Brownsville, 2 related to providing a calendar Wednesday in the House, and the other one did not relate to any particular bill. During the entire Sixtieth Congress, of the 629 public bills and joint resolutions passed, not a single one was considered and voted upon in accordance with and by virtue of an order or report from the Committee on Rules, and only 3 were brought up for consideration under a special order of the Committee on Rules, and those 3 were: District of Columbia appropriation bill, naval appropriation bill, and the bill providing for an investigation of the Brownsville trouble.

Mr. HUGHES of New Jersey. Is it not true that one rule brought in by the Committee on Rules at the session of which the gentleman speaks was so drawn that it applied to practically every bill that came up, so that it took only a majority vote to suspend the rules, and that by virtue of the provision it became impossible for any man on the floor of this House to attempt to amend bills that in the ordinary course of business would have been open to amendment?

Mr. MANN. It is true that one of the reports from the Committee on Rules at the first session of the Sixtieth Congress during the Democratic filibuster, and caused by the Democratic filibuster, was the rule authorizing a suspension of the rules of the House by a majority vote. But it is also true that that was a general rule for the balance of the session, and that no report from the Committee on Rules specifically applied to any particular bill. No preference was given to one bill over another.

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman if in the Sixtieth Congress the Committee on Rules did not bring in a rule that forced the Vreeland-Aldrich currency bill through after an hour and a half or two hours' debate, one of the most important bills ever brought into the House.

Mr. MANN. If it did I am mistaken. I think not.

Mr. CLARK of Missouri. You have been here thirteen years and I have been here fifteen.

Mr. MANN. Yes.

Mr. CLARK of Missouri. Is it not true that it is just such abuses as that by the Committee on Rules that have produced the agitation against the power of the Committee on Rules with the Speaker at its head?

Mr. MANN. I do not remember distinctly with reference to the passage of the Vreeland currency bill, whether it came from the Committee on Rules or not. I have here a transcript from the minutes of the Committee on Rules which I obtained last summer, and that transcript does not show any report from the Committee on Rules on that subject.

Mr. CLARK of Missouri. Then, the transcript is not right. One more question: Is not the sum and substance of your argument this, that if the majority is a Speaker's majority it has a right to do as it pelases, but if it is an anti-Speaker's majority there ought not to be any attention paid to it?

Mr. MANN. The gentleman from Missouri usually asks serious questions, but I think that one is not so intended. Now I will answer the first question of the gentleman. The Vreeland-Aldrich bill was not considered in the House under a report from the Committee on Rules, and I put my memory against that of the gentleman from Missouri.

Mr. CLARK of Missouri. I will ask this question about it: Is it not true that they allowed only forty or forty-five minutes' debate on a side, and that no amendment was allowed, and the bill was rushed through in that style?

Mr. MANN. It was not rushed through any more than the gentleman from Missouri is now seeking to rush through the House this proposition. He complained then that he was not allowed to debate, and now he complains because I am.

Mr. JAMES. Will the gentleman from Illinois yield?

Mr. MANN. I always yield to my friend from Kentucky.

Mr. JAMES. I do not believe the gentleman from Illinois wants to state to the House that the Vreeland-Aldrich bill was not considered in the House on a rule reported by the Committee on Rules, because that is the real fact about it, and the further fact is that only forty minutes' debate on each side was allowed for the discussion of that measure. I state that, because I myself was a member of the Committee on Banking and Currency and participated in that debate, and the twenty minutes allotted to this side was between JOHN SHARP WILLIAMS and myself, Mr. PUJO, and Mr. GILLESPIE of Texas.

Mr. MANN. Now, if gentlemen will permit me to proceed and not go any further in making errors, exhibiting a natural failure of memory in reference to the subject—and I have no criticism of that, because my memory is often at fault, but sometimes a man standing on his feet has his memory refreshed, because his mind works more rapidly than at other times—I want to say that the Vreeland bill was not considered in the House under a report from the Committee on Rules, my friend from Kentucky to the contrary notwithstanding.

I will tell him how it was considered, and when I do, doubtless his memory will be refreshed. I have just stated that owing to the Democratic filibuster—and I use the term with no opprobrium—the Committee on Rules had reported a rule that there might be a suspension of the rules without a two-thirds vote, that the suspension might come at any time, I believe, and this Vreeland bill was considered under an order passed under a suspension of the rules. It is true that as an ultimate result of the report and adoption of that report from the Committee on Rules changing the rules for the balance of that session of Congress the Vreeland bill was considered, but there was no special exception made by the Committee on Rules in reference to the Vreeland bill. Does not the gentleman admit that I am right and that he is wrong?

Mr. JAMES. But the gentleman is bound to admit that what I stated at first is true, and that he is making a distinction between tweedledee and tweedledum. It was the report of the Committee on Rules that enabled the bill to be considered, and the time allowed was only twenty minutes on each side.

Mr. MANN. The gentleman is certainly mistaken. I had discussed that question before the gentleman interrupted me.

Mr. JAMES. The gentleman is exactly right upon the proposition as he states it, but without the report of the Committee on Rules the bill could not have been considered in that way at all. Is not that true?

Mr. MANN. It is not true.

Mr. JAMES. The gentleman's own statement shows that it is true.

Mr. NORRIS. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman from Nebraska.

Mr. NORRIS. For the purpose of getting the thing right, I have a recollection of what occurred at that time. I want to ask the gentleman from Illinois if he does not remember that at that time on the Vreeland-Aldrich bill there was a rule that provided that the minority bill introduced by the gentleman from Mississippi, Mr. Williams, could be offered as a substitute, and the motion was not made by the gentleman from Mississippi but made by the gentleman from California.

Mr. MANN. That was not done under a report from the Committee on Rules. There was no special report of the Committee on Rules, and the Committee on Rules never acted upon any rule presented to the committee in reference to the Vreeland bill.

Mr. NORRIS. How could it have occurred without any special report? I am not claiming to remember definitely how it happened, but I do not see how it could have occurred.

Mr. MANN. I can explain how it might have occurred, although I have not refreshed my recollection as to how it did occur. It might easily occur by some gentleman offering a resolution from the floor of the House and moving to suspend the rules and pass the resolution. It did not occur, I say to the gentleman from Nebraska, by a report from the Committee on Rules.

Mr. KEIFER rose.

Mr. MANN. I will yield to the gentleman from Ohio.

Mr. KEIFER. I want to say in answer to the gentleman from Kentucky that I know the bill came in here. I was opposed to it, and I had one hour in opposition to it when it was being considered. The speech is now in my desk.

Mr. MANN. Mr. Speaker, I do not propose to prolong the discussion about the Vreeland bill. I now hold in my hand the RECORD showing what took place at the time, and it shows that my memory was right and that the memory of the gentleman from Missouri happens at this particular time to be wrong.

It is a further fact that of the numerous private bills which were passed at the Sixtieth Congress not a single one was in any way referred to in any act or report of the Committee on Rules. It should be further remembered that the Committee on Rules has no power except to report a proposition to the House, and that such proposition has no effect until passed by a majority vote. It will be difficult for people who believe that the Speaker controls the House through the Committee on Rules to accept the truth of these statements, and yet they are unquestioned. There can be no controversy about them. I make them from personal knowledge and from an examination of the records. The Committee on Rules is, in the main, a reserve power which is rarely used in the House. A legislative body must in some manner give the right to its majority to effect legislation, but a majority may at any time become a minority, and minorities always desire to have rights, and the majority, which may to-morrow be a minority, does not wish to make precedents which will be oppressive.

The truth is that the complaints that the Speaker, under the rules, is an autocrat usually emanate from those who have urged that the Speaker use autocratic power in their behalf or prostitute the personal and reserve power of the Committee on Rules to further their pet measures. When the Speaker has declined so to do—and he could not last long as Speaker if he acceded to such requests—and refused to use his personal and official influence to further measures which were otherwise being duly considered, he has been denounced as an autocrat because he would not attempt to be one. The Committee on Rules is only called into play in case of emergency, and if the Speaker yielded to the demands of every advocate that his particular measure should be considered an emergency he would undertake to determine practically all the bills to be brought before the House, without regard to the ordinary practice and rules of the House, and would thereby endeavor to make an autocrat of himself, and if he did he would not last a single session.

There are many other things which might be said pertinent to the subject. The rules of the House are not perfect. I have endeavored to study the rules, to analyze them, to learn them and be ready to apply them in the practical work of legislation. I sometimes think most of those who criticise the rules have never fully studied them and do not quite know what they are. It is possible to make improvements in the rules. We made some in the Sixtieth Congress. We made some in the special session of the present Congress. We make some further improvements as men find the necessity for them, but in the main the rules represent the legislative wisdom of a century. They represent the accumulated acumen of the statesmen during the period of our history. They have changed some with the changing conditions and enlargement of the House. They seek to give the rights of the minority and yet to give to the majority an opportunity to enact legislation. Talking is not legislating. The rules give plenty of opportunity for talking and permit the majority to force a vote at the proper time. On the whole, the rules of the House are probably the best considered, most scientifically constructed and finely adjusted rules governing any parliamentary body on earth. The proceedings in the House, while sometimes boisterous, are always orderly. No such scenes and no such arbitrary action can take place in the House as I have often witnessed in the city council of Chicago and the legislature of my State. But there never has been and there never will be any set of rules devised by which each one of 400 Members of the House can at any time bring each one of 30,000 bills before the House for immediate consideration and disposal.

Just what are the objections to Speaker CANNON and what is meant by "Cannonism" or "anti-Cannonism" I confess I do not fully understand; but it is quite evident that among many citizens of intelligence, worth, and patriotism there is a decided and bitter feeling, or prejudice, either personally directed against Speaker CANNON or against the principles and methods of legislation which he is supposed to represent. This opinion, as I believe, is largely based upon false information and erroneous views and beliefs, both as to the personal attitude of the Speaker and his official power under the rules of the House.

I assume that the main objections to the present Speaker are based on the proposition that, under the rules of the House, he is an autocrat, practically all powerful, and as such is opposed to and prevents consideration of the progressive measures and the enactment into law of the progressive ideas demanded by an enlightened public. The charge is frequently made, and, probably, quite generally believed, that the Speaker controls the consideration of bills in the House of Representatives and largely dominates their form and substance if enacted into law. If this be true, and Mr. CANNON is held personally responsible for the failure to consider measures and to enact proposed and desired legislation, because he is all powerful in the House, then he should by the same reasoning be given credit for the great measures which have been enacted during his speakership. It is certain that more great measures, tending to ameliorate and better the condition of the people and to respond to the moral and industrial uplifting of mankind and to conform to the progress of the times have been passed into law while he has been Speaker than during any other equal period of time in our country's history. Among many others may be noted the following:

Pure-food law; actual governmental control of railroad rates and railroad accounting; providing additional safety and safeguards for railroad employees; scientific study of means to prevent railway accidents; the employers' liability law; providing compensation for employees injured in the government service; to restrict immigration and prevent improper immigration; irrigation and reclamation of arid lands; providing commissions to study river improvement and currency reform; enlarging the powers, duties, and effectiveness of the Forest Service; the testing of coal and other natural resources by the Geologic Survey; placing the Bureau of Standards on a solid footing; the regulation of dams constructed for water power and withholding by general act of Congress unlimited franchises for either dams or bridges in, across, or over navigable streams; a strict anti-rebate law; revising and codifying the penal statutes; the regulation of interstate shipments of intoxicating liquors; the pulp and paper investigation.

These and many other measures of great and general importance have been carried through during the Speakership of Mr. CANNON. If he is to be blamed for what has not been done during his term as Speaker, on the ground that he is all powerful in the House, then he must be credited with the great measures which have been enacted during the period.

It is not true that the present Speaker is opposed to progressive measures. It is true that he does not accept the word of every promoter of a scheme for reform that such scheme will be beneficial. Speaker CANNON has always been willing to listen, but he must be convinced of the merits of a proposition before he advocates it or uses his personal influence, unless it becomes a public matter, when he always stands with the controlling majority of his party friends in the House.

It is not true that Speaker CANNON or any other Speaker is an autocrat in the House. It is true that the present Speaker is the leader and strongest influence in the House, and that he has been so for ten years, dating back to a time before he was Speaker and from the time that Speaker Reed left the House. We may some of us revile him temporarily. Great men have been abused at all times—such is the history of mankind—but when the book of history of this generation shall have been written, together with the legislation that has been enacted, the years of the speakership of Mr. Speaker CANNON will stand out among the most brilliant in the history of our country. [Applause on the Republican side.]

I append hereto a statement of the special rules adopted by the House during the Sixtieth Congress on reports from the Committee on Rules:

JANUARY 8, 1908 (FIRST SESSION).

Rule providing that during the first session of the Sixtieth Congress a motion to go into the Committee of the Whole to consider bill (H. R. 11701) to codify, revise, and amend penal laws, shall have the same privilege belonging to similar motion when applied to bills reported from committee having leave to report at any time.

FEBRUARY 4, 1908.

Rule to give the privileges of the floor, with right of debate, to the two Resident Commissioners from the Philippines; also,

Rule giving the Committee on Expenditures in the Department of Agriculture authority to send for papers and persons in any inquiry within its jurisdiction.

FEBRUARY 14, 1908.

Committee on Rules unanimously reported the resolution of Mr. BARTLETT of Georgia, that so much of the President's message as related to the acquisition of lands in the Southern States or in the Southern Appalachian and White Mountains, for the use of the Nation, be referred to the Committee on the Judiciary, and the committee be directed to report their views as to the power of the Federal Government by legislation to acquire the lands situated in the States referred to, and to appropriate money therefor.

FEBRUARY 22, 1908.

Committee on Rules unanimously reported resolution requesting the Immigration Commission to investigate the complaints of peonage in the several Southern States.

FEBRUARY 28, 1908.

Committee on Rules unanimously reported a rule making it in order for the Committee of the Whole to consider the right of amendment of new matter in the army appropriation bill relating to the pay of enlisted men.

MARCH 5, 1908.

Committee on Rules unanimously reported resolution providing for a special committee of five Members to investigate charges made by Representative George L. Lilly in reference to the Electric Boat Company and the Holland Boat Company.

APRIL 3, 1908.

Committee reported a rule providing for the consideration of the urgent deficiency bill, submitting to the House the question whether it should disagree to the Senate amendments en bloc, and ask for a conference with the Senate.

The resolution was agreed to without division. Also,

Rule providing for the consideration of the District appropriation bill, dispensing with the reading of the bill, allowing two hours' general debate, and considering the bill under the five-minute rule. Also,

Rule providing that for the remainder of the session it shall be in order to take from the Speaker's table any general appropriation bill, returned with Senate amendments, and submit without debate or intervening motion the question, "Will the House disagree to the amendments en bloc and ask for a conference?" Also,

Providing that for the remainder of the session the motion to take a recess shall be a privileged motion, taking precedence over the motion to adjourn, and shall be decided without debate.

APRIL 8, 1908.

Rule for the consideration of the naval appropriation bill, allowing three days for general debate, and providing for recesses of the Committee of the Whole during that time. Also,

Rule providing that during the remainder of the session, whenever a general appropriation bill shall have been reported favorably from the Committee of the Whole, it shall be in order to move to suspend the rules, and that a vote of a majority on that motion shall be effective.

APRIL 20, 1908.

Rule providing that the use of the motion to suspend the rules shall not be restricted to the first and third Mondays of the month; and that the vote on agreeing to the motion shall be by majority instead of two-thirds.

APRIL 21, 1908.

Rule to consider resolution providing for the appointment of a special committee to investigate the complaints of the American Publishers' Association and others as to the existence of a combination or trust in the print paper manufacture.

FEBRUARY 15, 1909 (SECOND SESSION).

Rule reported to consider resolution that the Committee on Election of President, Vice-President, and Representatives in Congress be discharged from further consideration of the bill in relation to the salary of the Secretary of State, and that the bill be at once considered in the House.

FEBRUARY 18, 1909.

Rule to consider the conference report on the legislative appropriation bill, and disagree to the same, and ask for further conference; and that the conference be authorized to take into consideration as if in disagreement the portion of the bill relating to the salary of the Secretary of State.

FEBRUARY 23, 1909.

Rule to make it in order to take up Senate bill 5729, to correct the records and authorize the reinstatement of Companies B, C, and D of the Twenty-fifth Infantry (Brownsville).

FEBRUARY 25, 1909.

Resolution declaring during the remainder of the session the rules may be suspended by a majority vote instead of two-thirds.

FEBRUARY 26, 1909.

Resolution reported amending the rules of the House providing for a calendar day on Wednesday of each week.

MARCH 1, 1909.

Same resolution for amending the rules amended and adopted.

[For continuation of House proceedings of this legislative day see page 3388.]

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred, as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Surnomish Slough, Washington (H. Doc. No. 796)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting an estimate of appropriation for completing certain surveys of public lands (H. Doc. No. 797)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MURPHY, from the Committee on the Census, to which was referred the bill of the House (H. R. 22941) fixing the salary of the chief clerk of the Bureau of the Census, reported the same without amendment, accompanied by a report (No. 782), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SOUTHWICK: A bill (H. R. 23141) revising and amending the statutes relative to trade-marks—to the Committee on Patents.

By Mr. COX of Ohio: A bill (H. R. 23142) empowering the President to make trade agreements with foreign nations—to the Committee on Ways and Means.

Also, a bill (H. R. 23143) to determine the length of service rendered by soldiers and sailors of the late civil war—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 23144) to provide for site and public building at Arcadia, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 23145) to create a nonpartisan revenue and industrial commission—to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH (by request): Joint resolution (H. J. Res. 175) to require a census to be taken of the male inhabitants over 21 years of age in each State denied the right to vote under the fourteenth amendment of the Constitution of the United States—to the Committee on the Census.

By Mr. McCREDIE: Joint resolution (H. J. Res. 176) to enable the States of Oregon and Washington to agree upon a boundary line between said States where the Columbia River forms said boundary—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTHOLDT: A bill (H. R. 23146) granting a pension to Johanna Dehn—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 23147) granting an increase of pension to Alvin Y. Reeder—to the Committee on Pensions.

Also, a bill (H. R. 23148) granting an increase of pension to William S. Powell—to the Committee on Pensions.

By Mr. BOEHNE: A bill (H. R. 23149) granting an increase of pension to William H. Snider—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23150) granting a pension to Marjorie A. Owen—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 23151) granting an increase of pension to Arthur C. Stevens—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 23152) granting an increase of pension to John H. Yager—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 23153) granting a pension to John Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23154) granting a pension to Christ Kruger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23155) granting an increase of pension to Thomas B. Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23156) granting an increase of pension to James Crain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23157) granting an increase of pension to William J. Chinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23158) granting an increase of pension to Mathew K. Amyx—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 23159) granting an increase of pension to John E. Collins—to the Committee on Pensions.

Also, a bill (H. R. 23160) granting an increase of pension to Alfred G. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23161) granting an increase of pension to John G. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23162) granting an increase of pension to John W. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23163) granting an increase of pension to John F. Spencer—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23164) granting an increase of pension to James Faulkner—to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 23165) granting an increase of pension to Nannie J. McDowell—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 23166) granting a pension to Seely B. McCarthy—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 23167) providing for the relief of Emma Cline—to the Committee on Claims.

By Mr. JOHNSON of Ohio: A bill (H. R. 23168) granting an increase of pension to Peter Spears—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23169) granting an increase of pension to Augustus Dufour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23170) granting a pension to Luvina R. Prater—to the Committee on Invalid Pensions.

By Mr. JOYCE: A bill (H. R. 23171) granting an increase of pension to Absalom Johnson—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 23172) for the relief of Oscar J. Paul, alias Oliver J. Patton—to the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 23173) granting an increase of pension to Jacob Bish—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23174) granting an increase of pension to Benjamin Hamon—to the Committee on Invalid Pensions.

By Mr. McKINLAY of California: A bill (H. R. 23175) to remove the charge of desertion against Orlando A. Stebbins and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. McKINLEY of Illinois: A bill (H. R. 23176) granting an increase of pension to Homer C. Shaw—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 23177) to carry into effect the findings of the Court of Claims in the case of W. F. Forbess, administrator of the estate of Archie F. Forbess, deceased—to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 23178) granting an increase of pension to John I. Tumbo—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 23179) for the relief of John S. Hufford—to the Committee on Military Affairs.

Also, a bill (H. R. 23180) for the relief of William Shoenberger—to the Committee on Military Affairs.

By Mr. RANSDELL of Louisiana: A bill (H. R. 23181) for the relief of heirs or estate of Thomas Washington Tompkins, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 23182) granting an increase of pension to Samuel Amich—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 23183) granting an increase of pension to Abraham Culin—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 23184) granting an increase of pension to Ezekiel J. Ingersoll—to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 23185) granting a pension to John Stevenson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of South Carolina legislature, favoring legislation by Congress to aid in the drainage of swamp lands in the United States—to the Committee on Appropriations.

By Mr. ALEXANDER of New York: Petition of Twin City Council, No. 43, Knights of Columbus, favoring House bill 17543, against discrimination against fraternal association publications as second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334) to regulate granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of N. J. Swift Post, No. 444, Grand Army of the Republic, against retention of statue of Gen. R. E. Lee in Statuary Hall—to the Committee on the Library.

Also, petition of N. J. Swift Post, No. 444, Grand Army of the Republic, favoring National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of Tuscarawas Division, No. 255, of the Brotherhood of Locomotive Engineers, of Denison, Ohio, favoring Senate bill 6702, inspection of boilers—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT of Georgia: Petition of the Savannah Chamber of Commerce, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of Erie (Pa.) Council, No. 278, Knights of Columbus, in support of House bill 17543, relative to advertisements in magazines of fraternal orders—to the Committee on the Post-Office and Post-Roads.

Also, petition of Erie (Pa.) Chamber of Commerce, favoring an appropriation to assist Gridley Memorial Association to erect a monument to the late Capt. Charles Vernon Gridley, United States Navy—to the Committee on the Library.

Also, petition of Erie (Pa.) Specialty Company, protesting against the Gardner eight-hour bill—to the Committee on Labor.

Also, petition of National Manufacturers' Association, against the Moon anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Gniazdo Zwiazku Sokol Polski, No. 1150, Polish National Alliance, of Erie, Pa., against repeal of any part of the immigration act of February 20, 1907—to the Committee on Immigration and Naturalization.

Also, petition of Farmers' Cooperative and Educational Union of America, for a postal savings-bank law and for parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. L. Pelton, C. Ziesenheim, Dr. J. E. Condren, Dr. J. W. Seip, and J. R. Head, all favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Meadville (Pa.) Malleable Iron Company, against the Moon anti-injunction bill—to the Committee on the Judiciary.

By Mr. BENNET of New York: Petition of Washington Heights Chapter, Daughters of the American Revolution, for retention of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. CANTRILL: Paper to accompany bill for relief of Lewis Simpson, alias John Waldren—to the Committee on Invalid Pensions.

By Mr. CARY: Petition of American Humane Association, against House bill 22321—to the Committee on the District of Columbia.

By Mr. CASSIDY: Petition of four chapters of the American Insurance Union, of Cleveland, Ohio, asking that 7,000,000 members of fraternal orders have same mailing privileges as are accorded to Police News—to the Committee on the Post-Office and Post-Roads.

Also, petition of state universities of several States, against an appropriation to aid the George Washington University—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Brown Ayres, W. O. Thompson, and other educators, against appropriation for the George Washington University—to the Committee on Agriculture.

By Mr. DWIGHT: Petition of Tuscarora Chapter, Daughters of the American Revolution, of Binghamton, N. Y., for retention of Division of Information of the Bureau of Immigration and

Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the Tilden Club, of Brooklyn, N. Y., for the building of a battle ship at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FORNES: Petition of P. J. Cummins, of New York, for House bill 20162, relative to limitation of hours of daily service of laborers on public works of the United States—to the Committee on Labor.

Also, petition of Chamber of Commerce of New York City, protesting against railway-rate regulations as per Senate bill 5106, relating to coastwise and river shipping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Steinhardt & Co., of New York City, against the Moon bill (H. R. 21334), relative to injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. FOSTER of Illinois: Petition of Carlyle Council, No. 1382, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Adelaide Jones, of Ottawa, Ill., favoring the passage of House bill 19402, telepost bill—to the Committee on the District of Columbia.

Also, petition of Playground Association of America, in favor of the establishment of public playgrounds in the District of Columbia, etc.—to the Committee on the District of Columbia.

By Mr. GARDNER of New Jersey: Petition of Clinton B. Ryars Canning Company, of Bridgeton, N. J., favoring legislation in an act to require government inspection of canning factories—to the Committee on Agriculture.

By Mr. GOULDEN: Petition of Maritime Association of New York City, for retention of preparation of Pilot Charts in the Hydrographic Office of the Navy—to the Committee on Appropriations.

Also, petition of Karl Kretzman, against House bill 12343, relative to grant of funds to George Washington University—to the Committee on Agriculture.

Also, petition of Maine Memorial Association, of New York City, favoring raising of the *Maine*—to the Committee on Naval Affairs.

Also, petition of Taneytown (Md.) Camp, No. 184, of the National Grange, demanding investigation of postal deficit—to the Committee on the Post-Office and Post-Roads.

Also, petition of Polonia, No. 30, National Polish Alliance, of New York City, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM of Pennsylvania: Petition of Association of the Christian Church of Pittsburg, Pa., favoring the Johnson bill (S. 404), Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GREEN: Petition of Polish National Alliance and Polish-American Club, of New Bedford, Mass., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HAMLIN: Petitions of Quinn Brothers and 13 others and William Bethke and 4 others, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of National Spiritualistic Association, of Hartford, Conn., against enactment of House bill 16314, prescribing rates of postage on advertisements of fortune tellers, palmists, clairvoyants, and spiritualists, and providing punishment for violations thereof—to the Committee on the Post-Office and Post-Roads.

Mr. HOWELL of New Jersey: Paper to accompany bill for relief of James M. Ayres—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of Benjamin F. Sutton and Charles E. Winkler Walters—to the Committee on Invalid Pensions.

By Mr. JOYCE: Petition of Waterford (Ohio) Grange, No. 231, for parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KENDALL: Petitions of citizens of Richland, Delta, Sigourney, Rose Hill, and Monroe, all of the State of Iowa, against proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John A. Crow—to the Committee on Invalid Pensions.

By Mr. LANGHAM: Petition of Freeport Council, No. 237, Royal Arcanum, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINLEY of Illinois: Paper to accompany bill for relief of Orlando A. Stebbins—to the Committee on Military Affairs.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska and others, protesting against Sunday rest bill (S. 404)—to the Committee on the District of Columbia.

By Mr. MAYNARD: Petition of St. Paul Council, No. 418, Knights of Columbus, in support of House bill 17543, relative to advertisements in magazines of fraternal orders—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLINGTON: Petition of Hon. H. E. Allen, of Clinton, N. Y., against legislation reducing power of the federal court in Porto Rico—to the Committee on the Judiciary.

Also, resolutions adopted by the New York Board of Trade and Transportation, protesting against the enactment of House bill 21334, to regulate the granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of Oneida Chapter, Daughters of the American Revolution, of Utica, N. Y., for retention of the Division of Information of the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of John I. Turnbo—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of citizens of Kansas, for legislation to prohibit shipments of intoxicants into prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. REYNOLDS: Petitions of Polish-American societies, protesting against bill introduced by Representative HAYES, to further regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

Also, petition of Council No. 551, Knights of Columbus, of Altoona, Pa., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of Faneuil Hall Chapter, Daughters of the American Revolution, of Wakefield, Mass., for retention of the Division of Information of the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. SHARP: Petition of citizens of Monroeville, Ohio, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Fourteenth Ohio Congressional District, against Senate bill 404, Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Mansfield, Ohio, for House bill 15441 and Senate bill 5578, relative to eight hours of labor on government works—to the Committee on Labor.

Also, petition of Lorain Council, Knights of Columbus, of Lorain, Ohio, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEFFIELD: Petition of J. A. Finnegan Council, No. 111, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMMONS: Petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334) to regulate granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, against publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, against extending jurisdiction of Interstate Commerce Commission over water transportation lines (H. R. 17536)—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: Petitions of Charles Green and others, of Keene, N. H., and local Boot and Shoe Workers' Union, No. 5, of Manchester, N. H., favoring the Gardner bill (H. R. 15441)—to the Committee on Labor.

By Mr. SULZER: Petition of New York Board of Trade and Transportation, for preparation of Pilot Charts by trained seamen—to the Committee on Appropriations.

By Mr. TOU VELLE: Petition of Perry Center Grange, against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. WANGER: Petition of Monterey County (Cal.) Society for Prevention of Cruelty to Animals, for enactment of House bill 19041 and Senate bill 1538—to the Committee on Interstate and Foreign Commerce.

Also, petition of Percy C. Rex, master, and James P. Thompson, secretary of Cold Point Grange, No. 606, Patrons of Husbandry, of Montgomery County, Pa., for enactment of Senate bill 5842—to the Committee on Interstate and Foreign Commerce.

By Mr. WOODS of Iowa: Petition of citizens of Boone, Iowa, against Sunday rest bill (S. 404)—to the Committee on the District of Columbia.

SENATE.

FRIDAY, *March 18, 1910.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 172) enlarging the scope of inquiry of the schedules relating to population for the Thirteenth Decennial Census, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill S. 1864, an act to facilitate the use for manufacturing purposes of square 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907, and it was thereupon signed by the Vice-President.

PETITIONS AND MEMORIALS.

Mr. FLINT presented a memorial of the Board of Trade of Redlands, Cal., remonstrating against the enactment of legislation transferring to the several States the power to grant rights of way over unappropriated public lands, which was referred to the Committee on Public Lands.

He also presented a petition of Arroyo Grande Council, No. 1375, Knights of Columbus, of Arroyo Grande, Cal., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Edward Moore Camp, No. 41, Department of California, United Spanish War Veterans, of Pasadena, Cal., and a petition of Bennington Camp, No. 20, Department of California, United Spanish War Veterans, praying for the enactment of legislation granting travel pay and commutation of subsistence to the mustered-out volunteer soldiers who served in the Philippine Islands, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Ebell Club, of Los Angeles, Cal., and a memorial of the Contemporary Club, of Redlands, Cal., remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which were referred to the Committee on Conservation of National Resources.

Mr. GALLINGER. I present resolutions adopted at a mass meeting of citizens of the District of Columbia favoring the passage of Senate bill 5473, for the better regulation of the liquor traffic in the District of Columbia; and also resolutions of the Anti-Saloon League of the District of Columbia on the same subject, together with a large number of letters from citizens of the District of Columbia. I move that the letters be referred with the resolutions to the Committee on the District of Columbia.

The motion was agreed to.

Mr. GALLINGER presented a petition of the East Washington Heights Citizens' Association of the city of Washington, praying for the enactment of legislation providing for the incorporation of the East Washington Suburban Railway Company of the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the East Washington Heights Citizens' Association of the city of Washington, praying for the enactment of legislation extending the time for the completion of the East Washington Heights Traction Railway, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Georgetown Citizens' Association, praying for the adoption of certain amendments to the bill providing for the establishment of a probation and patrol system for the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Georgetown Citizens' Association of the District of Columbia, praying for the passage of the so-called "Gallinger-Boutell bill," amendatory to the Morrill Act, which was ordered to lie on the table.

Mr. CULLOM presented a petition of Local Division No. 236, Amalgamated Association of Street Railway Employees of America, of Alton, Ill., praying for the passage of the so-called "eight-hour bill," which was referred to the Committee on Education and Labor.

He also presented a petition of the Marine Firemen, Oilers, and Water Tenders' Benevolent Association of the Great Lakes, of Chicago, Ill., praying for the enactment of legislation to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, etc., which was referred to the Committee on Commerce.

Mr. BRISTOW presented petitions of sundry citizens of Palco, Smith Center, Natoma, Downs, Alton, Conway Springs, Argonia, Mulvane, and McPherson County, all in the State of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which were referred to the Committee on Interstate Commerce.

Mr. SCOTT presented a petition of Ritchie Council, No. 2105, Royal Arcanum, of Wheeling, W. Va., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BULKELEY presented a petition of the Ruth Wyllys Chapter of the National Society, Daughters of the American Revolution, of Hartford, Conn., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. PILES presented a petition of the Seattle Chapter of the National Society, Daughters of the American Revolution, of Seattle, Wash., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor, which was referred to the Committee on Immigration.

Mr. BURTON presented a petition of Riverside Council, No. 673, Royal Arcanum, of Cleveland, Ohio, praying for the enactment of legislation providing for the admission of the publications of fraternal societies to the mails as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WETMORE presented a memorial of the Board of Trade of Providence, R. I., remonstrating against the enactment of legislation to create a court of commerce, and to amend the act entitled "An act to regulate commerce," which was ordered to lie on the table.

Mr. BURKETT presented a petition of sundry ex-Union soldiers of Tecumseh, Nebr., praying for the passage of the so-called "per diem pension bill," which was referred to the committee on Pensions.

Mr. BROWN presented a petition of the board of directors of the North Platte Valley Water Users' Association of Nebraska, praying for the adoption of certain amendments to the so-called "reclamation project," which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. NEWLANDS presented a petition of the Trade and Labor Council, American Federation of Labor, of Goldfield, Nev., praying for the passage of the so-called "eight-hour bill," and also for the passage of the so-called "employers' liability bill," which was referred to the Committee on Education and Labor.

Mr. BRADLEY presented a petition of Local Council No. 1377, Knights of Columbus, of Maysville, Ky., praying for the enactment of legislation to provide for the admission of the publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BRANDEGEE presented a petition of Danbury Council, No. 1310, Royal Arcanum, of Danbury, Conn., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented memorials of sundry citizens of Newton and Augusta, and of members of the Forestry Club of Oakland, all in the State of Kansas, remonstrating against the water supply of the Hetch Hetchy Valley being used by the city of San Francisco, Cal., which were referred to the Committee on Conservation of National Resources.

He also presented a petition of sundry citizens of St. Francis, Kans., praying that increased pension be granted to all the survivors of the Mexican and civil wars, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors in prohibition districts, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. FLINT, from the Committee on Education and Labor, to whom was referred the bill (S. 423) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau, reported it with amendments and submitted a report (No. 417) thereon.

Mr. FRAZIER, from the Committee on Military Affairs, to whom was referred the bill (S. 1119) to authorize the appointment of Frank de l. Carrington as major of infantry in the United States Army, reported it with an amendment and submitted a report (No. 418) thereon.

Mr. WARNER, from the Committee on Military Affairs, to whom was referred the bill (S. 6649) for the relief of John Gray, reported it with an amendment and submitted a report (No. 420) thereon.

Mr. BOURNE, from the Committee on Commerce, to whom was referred the bill (S. 7021) to require apparatus and operators for radio-communication on certain ocean steamers, reported it without amendment and submitted a report (No. 421) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6887) for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia, reported it without amendment and submitted a report (No. 422) thereon.

DESERT-LAND ENTRIES IN IMPERIAL COUNTY, CAL.

Mr. FLINT. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 6636) for the relief of assignees in good faith of entries of desert lands, to report it favorably with amendments, and I submit a report (No. 423) thereon. I ask unanimous consent for the immediate consideration of the bill.

The VICE-PRESIDENT. The bill will be read to the Senate for its information.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BORAH. Is there a report with the bill?

Mr. FLINT. There is a very long report. The report includes the testimony of the Assistant Attorney-General of the Interior Department, who appeared before the committee.

Mr. BORAH. I have no desire to object to the consideration of the bill, but one can not tell what it is from a hasty reading at the desk.

Mr. FLINT. I can state it in a few words.

Mr. BORAH. I should like to have the Senator from California make a brief statement as to what the bill is.

Mr. FLINT. The bill provides that entries of desert land in Imperial County, Cal., fraudulent in the inception, that have been assigned to innocent parties may be proved up by the parties making affirmative proof that they had no knowledge of the fraud and that they have performed the work required under the desert-land act since the assignment.

Mr. BORAH. Is the bill confined to one county in California?

Mr. FLINT. It is confined to one county in California.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PAGE. I should like to ask the Senator from California if the bill would have the effect of making the Government liable in case of a defective title?

Mr. FLINT. There is no liability upon the Government at all.

Mr. PAGE. There is now before the Committee on Claims a bill to make good to certain parties who had taken up lands under the homestead laws, where it appears that certain grants overlapped each other and that a railroad company claiming title, having been dispossessed temporarily by the order of the Department of the Interior, allowed these homesteaders to go on the land. The railroad company afterwards brought the matter before the courts, and the Supreme Court held that they were entitled to the land. The result is that we are now asked to pay a large bill because those homesteaders have been ejected by the railroad company.

I should like to know if this bill does not possibly bring us within the scope of a liability which will make us hereafter subject to some claim on the part of those who have title to the land.

Mr. FLINT. It bears no relation to that matter at all. This bill provides that where a desert-land entry was fraudulent in its inception and afterwards assigned, the person who accepted that assignment and had no knowledge of the fraud may prove up and obtain a patent. It has nothing to do with the character of claim the Senator speaks of.

Mr. PAGE. I do not quite understand why a law which is designed to affect some particular locality should be taken up under the pressure of a request of this kind and forced through without knowledge regarding its provisions.

Mr. FLINT. I have no objection, if the Senator desires that the bill shall go over. If he wishes to have it go over he can make the request. However, I am very anxious to have its consideration concluded. It is a matter of local interest.

Mr. PAGE. I withdraw the objection, Mr. President.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 3, after the words "That any person," to insert the words "other than a corporation;" in line 4, after the words "desert-land entry," to insert "in Imperial County, California;" in line 6, after the word "assignment," to insert the words "at the time of transfer;" and on page 2, line 5, after the word "accomplished," to insert the following additional proviso:

Provided further, That nothing herein contained shall be construed to authorize any person to hold, by entry or assignment, a quantity of land in excess of the amount authorized by law prior to the passage of this act.

So as to make the bill read:

Be it enacted, etc., That any person other than a corporation who has, in good faith, heretofore acquired by assignment a desert-land entry in Imperial County, Cal., which entry is regular upon its face, in the belief that he was obtaining valid title thereto, which assignment at the time of transfer has been accepted and recognized by the Interior Department as a proper transfer of such entry, shall be entitled to complete the entry so acquired: *Provided, however*, That this act shall only apply to any person who, at the time of receiving such assignment, was without notice of any fraud in the entry assigned, or in any annual proof made concerning the same: *Provided further*, That patent shall not issue to any such assignee unless he shall affirmatively establish, by his evidence under oath, good faith and lack of notice of fraud, and by the testimony under oath of himself and at least two witnesses that expenditure in the total amount and cultivation and reclamation to the full extent required by law have been actually made and accomplished: *Provided further*, That nothing herein contained shall be construed to authorize any person to hold, by entry or assignment, a quantity of land in excess of the amount authorized by law prior to the passage of this act: *And provided further*, That nothing herein contained shall be construed to in any manner waive or avoid liability, on the part of the person committing the same, for any fraud or violation of the law.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of assignees in good faith of entries of desert lands in Imperial County, Cal."

LAWTON AND FORT SILL ELECTRIC RAILWAY.

Mr. DICK. I report back favorably with amendments from the Committee on Military Affairs the bill (H. R. 19628) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes, and I submit a report (No. 419) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 6, before the word "railway," to strike out the article "a;" in line 9, after the word "such," to strike out the words "line or lines" and insert "terms and in such location;" and in section 2, on page 2, line 5, after the word "occupied," to strike out the word "or" and insert "shall be," so as to make the bill read:

Be it enacted, etc., That the Lawton and Fort Sill Electric Railway Company, a corporation created under and by virtue of the laws of the State of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, maintain, and operate railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation, in Comanche County, State of Oklahoma, upon such terms and in such location as may be determined and approved by the Secretary of War.

SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph, telephone, and trolley lines, and for no other purpose, a right of way 50 feet in width through said Fort Sill Military Reservation, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That before the said railway company shall be permitted to enter upon any part of said military reservation a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of War: *Provided further*, That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of War.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation, and for other purposes."

Mr. DICK. The bill just passed is precisely the same as Senate bill 5905, which was passed by the Senate on the 25th of February. I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

Mr. DICK. I enter a motion to reconsider the votes by which Senate bill 5905 was ordered to a third reading and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 7244) authorizing the Takoma Springs Ice Company to lay a pipe line under certain streets and roads in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CULLOM:

A bill (S. 7245) granting a pension to Francis M. Walker; to the Committee on Pensions.

A bill (S. 7246) granting a right of way to the Milwaukee, Sparta and Northwestern Railway Company, a subsidiary company of the Chicago and Northwestern Railway Company, across the military reservation (United States artillery target range and maneuver grounds) near Sparta, Monroe County, Wis.; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 7247) to amend an act entitled "An act to provide for the better registration of births in the District of Columbia, and for other purposes," approved March 1, 1907 (with an accompanying paper); to the Committee on the District of Columbia.

By Mr. NELSON:

A bill (S. 7248) prohibiting the printing of certain matter on stamped envelopes and the sale thereof; to the Committee on Post-Offices and Post-Roads.

By Mr. McCUMBER:

A bill (S. 7249) to permit citizens of the United States to be admitted to government tuberculosis hospitals; to the Committee on Commerce.

By Mr. BURROWS:

A bill (S. 7250) providing for the erection of a public building at the city of Three Rivers, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. BURNHAM:

A bill (S. 7251) for the relief of John H. Dawe; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 7252) granting an annuity to John R. Kissinger; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 7253) for the relief of L. A. Garner, administrator of Samuel C. Garner, deceased (with an accompanying paper);

A bill (S. 7254) for the relief of Ben Pigott (with an accompanying paper); and

A bill (S. 7255) for the relief of George Jerkins (with an accompanying paper); to the Committee on Claims.

By Mr. SCOTT:

A bill (S. 7256) granting an increase of pension to Frederick M. Brown (with accompanying papers); to the Committee on Pensions.

A bill (S. 7257) for the relief of George W. Evans (with accompanying papers); to the Committee on Claims.

By Mr. DICK:

A bill (S. 7258) granting an increase of pension to James B. Ross;

A bill (S. 7259) granting an increase of pension to William F. Hart; and

A bill (S. 7260) granting an increase of pension to J. M. Stanbery; to the Committee on Pensions.

By Mr. FLINT:

A bill (S. 7261) to provide a method for the determination and adjustment of claims arising out of personal injuries to employees of the Isthmian Canal Commission, and for the payment of such claims; to the Committee on Interoceanic Canals.

By Mr. CLAPP:

A bill (S. 7262) to remove the charge of desertion standing against the name of Thomas Cusick; to the Committee on Naval Affairs.

By Mr. GORE:

A bill (S. 7263) to divide the eastern and western districts of Oklahoma into three divisions, to fix the time and places of holding court therein, and for other purposes; to the Committee on the Judiciary.

By Mr. BURKETT:

A bill (S. 7264) providing for the redemption of a certain United States gold certificate, the original of which was accidentally destroyed by fire (with an accompanying paper); to the Committee on Finance.

By Mr. WETMORE:

A bill (S. 7265) granting an increase of pension to Ransom Kenyon; to the Committee on Pensions.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CURTIS submitted an amendment providing that hereafter the Sercetary of the Interior shall be authorized to designate an officer or employee of the Office of Indian Affairs to act temporarily as Assistant Commissioner of that office during the absence of the Assistant Commissioner, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ORDER OF BUSINESS.

Mr. HALE. Is the morning business concluded?

The VICE-PRESIDENT. The consideration of the morning business is not yet concluded.

Mr. HALE. At the conclusion of the morning business, instead of going to the calendar, I shall ask the Senate to proceed to the consideration of the railroad bill, as the Senator from Iowa desires to go on, and not wait until 2 o'clock.

Mr. NELSON. Mr. President——

Mr. HALE. I will wait until the end of the morning business, of course.

Mr. NELSON. I trust the Senator will yield to me to call up a little local bill to extend the time for the building of a dam. The time is out now, and it is important that the bill should be passed immediately.

Mr. HALE. I shall not interfere with anything of that kind, but when the morning business is over and such bills are disposed of I shall then ask the Senate to proceed with the unfinished business.

Mr. NELSON. Very well.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. SHIVELY submitted an amendment providing for the construction of a waterway from Chicago to Toledo by the most direct and feasible route, connecting the waters of Lake Michigan and Lake Erie, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. I ask unanimous consent for a reprint of part 1 and part 2 of Senate Report No. 388. There is a clerical mistake in it that is important, and it is at the top of every left-hand page. I ask unanimous consent that the report be reprinted.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That Senate Report No. 388, parts 1 and 2, "Revision of laws—Judiciary title," be reprinted with corrections.

PELAGIC SEALING.

Mr. CULLOM. I ask the Senator from Montana [Mr. DIXON] whether he has any objection to letting the motion that was before the Senate yesterday concerning the reference of Senate bill 7242 go over until to-morrow. I am not feeling very well to-day.

Mr. GALLINGER. The Senator had better suggest Monday.

Mr. CULLOM. Until Monday.

Mr. DIXON. The Senator refers to the bill regarding the preservation of fur seal.

Mr. CULLOM. Yes; the bill that was up yesterday. I ask that it may go over until Monday, as I am not feeling well to-day.

Mr. DIXON. Under the circumstances I will agree to let it go over, although I am very anxious to have the bill reported and get the committee to work. I might ask the Senator from Illinois whether the Committee on Foreign Relations on Monday will still contend that it is a subject for the jurisdiction of that committee or not?

Mr. CULLOM. I am making no promises nor asking any favors, but I do not feel very well to-day, and I would be glad to be relieved from remaining here.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois?

Mr. DIXON. Under the circumstances I will not oppose the request.

The VICE-PRESIDENT. The Chair hears no objection, and the order is entered as requested.

SELECT COMMITTEE ON WAGES AND PRICES OF COMMODITIES.

Mr. SIMMONS. I wish to ask to be relieved from further service upon the Select Committee on Wages and Prices of Commodities. I make this request both because I have not the time and because of the condition of my health.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and the Senator is excused from further service upon the committee.

THE COMMITTEE ON CLAIMS.

Mr. PAGE was, on his own motion, excused from further service upon the Committee on Claims.

Mr. KEAN submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. BRADLEY be appointed to fill the vacancy in the Committee on Claims.

MISSISSIPPI RIVER DAM AT SAUK RAPIDS, MINN.

Mr. NELSON. I ask unanimous consent for the consideration of the bill (S. 6693) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Commerce with amendments, on page 1, line 8, after the word "void," to strike out the words "all rights acquired under the same forfeited;" on page 2, line 2, after the word "and," to strike out the words "such construction continued with and the dam;" in line 3, before the word "date," to strike out "the" and insert "that;" and, after the word "date," to strike out the words "last mentioned," so as to make the bill read:

Be it enacted, etc., That section 3 of an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That this act shall be null and void unless the construction of the dam herein authorized be commenced on or before the 1st day of July, A. D. 1910, and completed within two years from that date."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WEYMOUTH FORE RIVER, MASSACHUSETTS.

Mr. GALLINGER. I ask for the consideration of Senate concurrent resolution 26, providing for a survey, to which there will be no objection.

There being no objection, concurrent resolution 26, reported yesterday from the Committee on Commerce by Mr. BOURNE, was read, considered by unanimous consent, and agreed to, as follows:

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination to be made of Weymouth Fore River below the Quincy Point Bridge, Massachusetts, with a view to straightening and improving the channel, and to submit estimates for such improvements as may be deemed necessary.

HOUSE JOINT RESOLUTION REFERRED.

House joint resolution 172, enlarging the scope of inquiry of the schedules relating to population for the Thirteenth Decennial Census, was read twice by its title and referred to the Committee on the Census.

COURT OF COMMERCE, ETC.

Mr. HALE. I ask unanimous consent to proceed to the consideration of the unfinished business, the railroad bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6737) to create a court of commerce and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes.

Mr. CUMMINS resumed the speech begun by him on Tuesday last. After having spoken for nearly two hours,

Mr. PURCELL. Mr. President——

The PRESIDING OFFICER (Mr. BRISTOW in the chair). Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I do.

Mr. PURCELL. I desire to suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Crawford	Gore	Purcell
Bourne	Cullom	Guggenheim	Root
Brandegee	Cummins	Hale	Scott
Bristow	Curtis	Hughes	Shively
Bulkeley	Depew	Jones	Smith, Md.
Burkett	Dixon	Kean	Smith, Mich.
Burrows	du Pont	La Follette	Smoot
Carter	Elkins	Martin	Stephenson
Chamberlain	Fletcher	Page	Sutherland
Clapp	Flint	Percy	Warner
Clark, Wyo.	Frazier	Perkins	Wetmore
Clay	Gallinger	Piles	

The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum of the Senate is present.

[The speech commenced by Mr. CUMMINS on March 15, continued on March 16 and 17, and concluded to-day, is here printed in full.]

Tuesday, March 15, 1910.

Mr. CUMMINS. Mr. President, the bill under consideration proposes certain additions and amendments to the several statutes which, taken together, are popularly known as the interstate-commerce law. In the authority of Congress to regulate and control common carriers, there lies a greater power to promote the general welfare than can be found in any other provision of the Constitution. For twenty-three years the Federal Government has been attempting to protect the people against excessive and discriminatory charges for interstate transportation. After each attempt experience speedily disclosed fatal weaknesses in the legislation adopted. The act of 1906 has shared the fate of all its predecessors, and we are now confronted with the imperative and important duty of strengthening the interstate-commerce law so that it may accomplish the objects which are universally accepted as the proper objects to be attained.

My chief purpose in addressing the Senate at this time is to analyze the measure that has been reported by a majority of the Interstate Commerce Committee from the standpoint of the minority report presented by the junior Senator from Minnesota [Mr. CLAPP] and myself, and to propose such amendments to the bill as will, we hope, make it an effective instrument of regulation; but, in view of the extraordinary circumstances which surround the bill, and of my intent to comment upon the relation which ought to exist between the executive and legislative branches of the Government with respect to legislation, I believe it to be my duty to inquire into the origin of the bill, and to trace its evolution into its present form.

This bill is not the product of any Senator or of any Member of the House of Representatives, and it has never been considered by the Interstate Commerce Committee of the Senate in the sense in which it is the obligation of every committee of the Senate to consider a bill before it is reported. According to the unchallenged reports of the public press, certain gentlemen, namely, the Attorney-General, the Solicitor-General, the Secretary of Commerce and Labor, two members of the Interstate Commerce Commission, and a Representative in Congress, met in New York on the 30th day of August of last year to consider and put in the form of a bill the views which the President of the United States had at various times expressed with regard to amendments of the interstate-commerce law. This supervisory and unofficial commission, I will assume, acted under the invitation or command of the President.

The result of its labors, while bearing date September 2, did not, in fact, come into the hands of the President, as I have been informed, until about November 10. I have seen the report of these pioneers of the present bill. Indeed, I have a copy of it on my desk at the present moment. It was printed for the confidential use of the President, but it quickly became public property, and was in the hands of the railroads even before it reached the President. Remember that I suggest no want of good faith in this, because a public measure of such sort ought to be in the hands of those who are to be affected by it. I do not intend to refer to it at this point further than to say that, were it not for the birthmark of the commerce court, which has distinguished the bill in all its stages, the gentlemen who sat upon the matter in New York would not be able to recognize in the bill which finally emerged from the Attorney-General's office, and which passed through the committee without consideration or amendment on February 25, the measure that was born in the dog days of the year before.

With the return of the President from his western tour on November 10 the campaign began, and between that time and January 11, that being about the day upon which the bill came from the Attorney-General to the chairman of the Interstate

Commerce Committee for introduction into the Senate, nearly every important railroad president in the United States visited Washington and was heard by the President and the Attorney-General in opposition to certain features of the proposed bill. Some of them were heard not once, but twice and thrice. During the same period and before the same tribunal representatives of the shippers were also heard.

Mark you, I do not complain of the appearance of the railroad presidents to urge objections to the passage of any law that will affect the business and property which they represent; and if the President and the Attorney-General are to prepare bills which Congress is to pass simply because the executive branch of the Government wants them passed, then it was eminently appropriate that the hearings upon the present bill should take place before the men who were to decide what the bill should be. It is, however, a significant fact that in the hearings held by the Interstate Commerce Committee of the Senate no railroad man, save one, had a word to say either for or against the measure, although they filled up the committee room every day given to the hearings. The single exception to which I have referred was an appearance by the general counsel of the Rock Island Railroad, who contented himself with an argument against the constitutionality of that section of the measure which purports to regulate the capitalization of railroads.

My protest against the course of this bill is not because the railroad men were heard, but because they were not heard in the proper forum. Between the 10th of November and the day upon which the bill left the hands of the Attorney-General for the hands of the distinguished Senator from West Virginia many and radical changes were made; and so far as I can now recollect substantially every change was made to remove an objection urged by the railroads. As I proceed I shall point out these changes; but just now I am dealing with the unfortunate practice which the history of this bill has disclosed. The Senate does not know and never can know what the arguments or showings were that led to these changes. I am very far from imputing any improper motive to either the President or the Attorney-General. I assume that they believed that they had good reason for yielding to the importunities of these representatives of the railways; but I deplore the introduction of a custom which leads those who desire to influence legislation to the White House rather than to the committees of Congress. If these railroads had appeared before us, what they said and what they presented would have been preserved and laid before the Senate, and such weight could now be given to their facts and their arguments as they deserve; but as it is, we have a bill modified in the most important respects upon their demand and do not know their reasons for insisting upon the demand.

Those of us who still maintain some admiration for the Government which the fathers of the Republic established, with its clear and positive distinctions between executive, judicial, and legislative functions, can not accept, without an expression of dissent, the obliteration of these fundamental principles.

Pursuing the history of the matter, you will remember that I have brought you down to the day upon which the bill was introduced and referred to the Committee on Interstate Commerce. After the lapse of two weeks or more we held our first meeting of the session and determined that those who were interested in the bill should be heard. During four or five days various representatives of shipping and commercial organizations and officers and agents of steamboat and steamship lines and the Interstate Commerce Commission were heard. All of them suggested amendments, some of them very important, some of them unimportant. In the meantime the Attorney-General had not only proposed certain changes, but had practically rewritten section 13 of the bill, expanding it into its present form. These changes and revisions had been printed by the committee, so that in fact the bill before us was not the bill originally introduced by the Senator from West Virginia, but a very different measure. After we had finished the open hearings the Attorney-General met with us upon three different days, and we had a running discussion with him that resulted in one or two modifications that he accepted.

I pause here to say, in behalf of the Attorney-General, that I impute nothing but the highest motives to him, and I accord to him extraordinary learning and skill in the profession of which he is so distinguished an ornament.

We met the next morning, as I supposed, to consider the bill—that was after the running discussion with the Attorney-General for three days, during which time he proposed further amendments to the bill—and the various amendments which either had been or would be suggested. The final and ultimate revision of the Attorney-General had just been put in type, and no member of the committee had read it, nor had any member of the committee had a chance to read it. In addition to the amendments that had been brought to our attention by the several representatives of commercial organizations, water lines, and the Interstate Commerce Commission, I had before me a number of amendments which seemed to me essential and which are, in a general way, outlined in the minority report.

I speak of this simply that Senators may all know that this bill is here, not only without a maker, but without a guarantor or indorser. It is afloat in the channels of legislation without any of the guaranties which usually surround bills when they come before the Senate for consideration. I am not criticising the committee. I am suggesting these things only that I may have a fair field in the argument I am about to make, unimpeded and unobstructed by any imaginary consideration of the bill by the members of the committee.

In addition to these various amendments of which I have spoken, presented by shippers, civil organizations, commercial organizations, by steamboat and by steamship lines, and by the Interstate Commerce Commission, as I said, I had prepared certain amendments which seemed to me ought to become a part of the bill; but it did not so transpire.

After a statement by a prominent and influential member of the committee that it was useless to consider the bill at all or to take up for discussion any of the changes which had been earnestly insisted upon by those who had appeared before us, but that the thing to do was to report the bill for passage exactly as it came from the pen of the Attorney-General, a motion was made that instructed the chairman of the committee to introduce that morning the last revise of the Attorney-General (which at the time no member of the committee had read) have it referred to the committee, and then report it without change of any kind for passage. This is the history of the bill No. 6737, now before the Senate; and if the uncontradicted and repeated and apparently authorized statements of the newspapers be not in error, every Republican, at least, is expected to vote for it just as it is, unless he dares to incur not only the executive displeasure, but banishment from the Republican ranks.

I do not speak of this phase of the bill in a spirit of anger. I am conscious of no other sentiment than profound regret. I recognize that it is not only the privilege, but the duty, of the President of the United States to make such recommendations to Congress as in his judgment will best promote the general welfare. He is quite within both his privileges and his duties in expressing his views upon such subjects as often as he likes and as emphatically as he pleases. Whether he is within his privilege or his duty when he undertakes to prescribe the precise form which legislation shall assume may well be doubted. His great predecessor evidently thought that executive propriety did not permit it, for when he was dealing with the same subject, in his message at the beginning of the first session of the Fifty-ninth Congress in 1905, he said:

> It is not my province to indicate the exact terms of the law which should be enacted, but I call the attention of the Congress to certain existing conditions with which it is desirable to deal.

I would not, however, be inclined to attach so much importance to the practice which now seems to be very general were it not that its consequences must in the very nature of things be disastrous. Although a Senator may be in full sympathy with the broad purposes which the Executive proposes to accomplish, the moment he asserts his independent view of the best way to accomplish the purpose, he finds himself in direct conflict with the President, and he must choose between losing the presidential favor and doing the thing as his conscience tells him it ought to be done. The result will inevitably be that he must either surrender his independence or be in constant and most disagreeable conflict with the Chief Executive.

But the discomfort which attends exclusion from the executive circle is of slight importance when compared with the effect which the intrusion upon the legislative province must inevitably work out.

I will not speak of the loss of dignity, of honor, and of power which this coordinate branch of the Government must suffer, for these are mere incidents of higher and nobler qualities and privileges. I do speak, however, and speak earnestly, of the loss of that sense of responsibility which can alone perpetuate free, representative government. I do not fear that in a single instance or during one administration the independent will of the Members of Congress can be overcome; but if upon subjects like the one before us, the practice of having bills prepared in the executive offices and presented to Congress for passage, accompanied with an implied message that punishment follows disobedience, is continued from year to year, in the end Congress will become a mere form in organized society.

With the utmost respect for the exalted office of President of the United States and for him who occupies it at the present time, I record my protest here and now against a practice which I believe to be full of danger and disaster.

Mr. President, with these preliminary observations, which I have felt impelled to make, I pass now to a consideration of the measure itself. Before I take it up specifically, I desire to say for it that it has much in it that is good; much in it that marks a real step forward in the regulation of our common carriers.

I am not moved by any spirit of antagonism to this bill, and I profoundly hope that those parts of it which are good will be preserved, but that those parts of it which mark a step backward in the effort which Congress has for twenty-three years been attempting in behalf of the people of the United States will be eliminated from it. I have said what I have said largely in order to secure from the Senate a fair and impartial hearing, unprejudiced, as I suggested a few moments ago, by the assumption that the members of the Interstate Commerce Committee, broad minded, loyal, patriotic, intelligent men as they are, have given to this bill in all its details and in all its particulars that consideration which committees ordinarily give to bills before they are reported.

The first six sections of the bill create a new court in the United States, to be called the United States court of commerce. These sections not only create the court and endow it with jurisdiction, prescribe for it a practice, but equip it with the usual and ordinary retinue of officers as well. It is a court to be composed of five circuit judges. They are, in the first instance, to be appointed by the President of the United States in the usual way. These are five new circuit judges, so that number is added to the present judicial force of the United States. The five men originally appointed constitute in the first instance the court of commerce. One of them is to remain a member of the court of commerce for five years, one of them for four years, one of them for three years, one of them for two years, and another for a single year. Then, as the term of service of each of these judges expires in this particular court, he retires to the general body of the circuit judges of the United States, and another is selected or designated by the Chief Justice of the Supreme Court to take his place. Each of these judges has, during his service upon the court of commerce, an addition to the ordinary salary of a circuit judge of $3,000 per year. This, I assume, is to compensate these judges, who are to sit in the main in the city of Washington, for the high living, high prices, high rents, and high functions for which the city of Washington has become famous.

I object to the creation of an additional court of this character. I object to it, first, because it is unnecessary. If the present judicial force of the country is not sufficient to do the business of the country, then we ought to add to that judicial force directly; but although I believe it to be true that there are some parts of the land in which our circuit judges are fully occupied and have business enough to tax all their energies and consume all their time, there are other parts of the United States in which the office of district and circuit judge affords at least abundant opportunity for that leisure and recreation so necessary to the maintenance of happiness and good health.

I object to it because the cases over which it is to have jurisdiction have not been in the past, and will not be in the future, sufficient in number to warrant the institution of such a tribunal, and, in order that I may place this point squarely before Senators, I must be permitted to read from the bill that part of it which confers jurisdiction upon this new tribunal. It is to have jurisdiction over all cases of the following kinds:

First. All cases for the enforcement, otherwise than by adjudication and collection of a forfeiture or penalty or by infliction of criminal punishment, of any order of the Interstate Commerce Commission other than for the payment of money.

Second. Cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission.

Third. Such cases as by section 3 of the act to further regulate commerce with foreign nations and among the States, approved February 19, 1903, are authorized to be maintained in a circuit court of the United States.

Fourth. All such mandamus proceedings as under the provisions of section 20 or section 23 of the act to regulate commerce, approved February 4, 1887, as amended, are authorized to be maintained in a circuit court of the United States.

These are all the cases as at present known to the law over which this new court, composed of five circuit judges, is to have jurisdiction. I will remark a little later in my argument upon a new, novel, and extraordinary kind of lawsuits which are created by this bill, and concerning which this court is given jurisdiction; but as we have never had any such lawsuits in the United States, and I hope that we never will have any such lawsuits—for I can not conceive that the Senate will create a jurisdiction of that kind—I limit my argument at the present moment to the four classes of cases concerning which the present law speaks and of which our experience will tell us something of importance.

The Hepburn law, popularly so known, went into effect, as I remember, on the 30th of June, 1906. It has therefore been the law of the United States nearly four years. How many cases do you think have arisen under these four classes, comprising all the jurisdiction which the new court is to acquire—how many cases do you think have arisen during that time? I did not content myself with the conclusions that I might deduce from the reports of the Interstate Commerce Commission upon this subject, but addressed myself, in order that I might be absolutely accurate, to the Interstate Commerce Commission itself, and I have in my hand a list of all the cases that have arisen in these four years under the four classes which I have just mentioned, and over which this new court will have jurisdiction, if it is created. These cases number 29 in all, and all of them, save one, arose under the second paragraph which I read to the Senate.

There are practically no cases since the Hepburn law went into effect brought by the Interstate Commerce Commission to enforce its orders. The penalties attached to disobedience of the law are so severe that railway companies do not wait for the United States, or wait for shippers or persons interested, to bring suit for the enforcement of an order of the commission; but if the railways believe the commission is acting without authority, they institute suits to set aside, annul, restrain, or enjoin the order of the commission, and therefore it is exceedingly unlikely that in the future there will be suits arising under any of these paragraphs save the second one, and 28——

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. In just a moment. And 28 out of the 29 cases begun in the last four years did arise under the second paragraph, which I have already read. I now yield to the Senator from South Dakota.

Mr. CRAWFORD. Mr. President, from the Senator's wide experience, I think he will be much more competent to express an opinion about the matter than I, and that is the reason I inquire as to this proposition. If this proposed law should be enacted, I understand from reading it that it will extend the power of the Interstate Commerce Commission so that upon its own initiative it will inquire into complaints and make orders affecting classification and orders of regulation of rates that are not the result of some specific complaint. As to whether that additional power would enlarge and increase the number of cases and the expense of litigation is a matter that came in my mind and upon which I should like to hear from the Senator.

Mr. CUMMINS. Mr. President, I feel deeply obliged to the Senator from South Dakota for the suggestion he has just made. It is only fair in connection with this subject to consider—and I would have reached it, I think, in a moment—that this proposed law does enlarge the power of the Interstate Commerce Commission, does allow it to proceed in investigation of rates and classification upon its own motion. I can not believe, however, much as I approve that enlargement of power of the commission—and, indeed, I shall present to you, I hope, before I have finished persuasive and conclusive reasons for still further enlarging the power of the Interstate Commerce Commission—I can not believe that the number of orders that will be made by the commission under the new power, if you please, that we propose to grant to it will be greater than in the past, because the commission has industriously and energetically gone forward to the investigation and the decision of every case submitted to it, and the cases that have been submitted to it upon the complaint of some person or corporation or organization interested in the rates have consumed the entire time of the Interstate Commerce Commission.

This leads me to remark that if we are going to increase the officers of the United States, if we are to give anybody help in the administration of this law, it is the Interstate Commerce Commission which needs to be enlarged and strengthened rather than the courts. Therefore I answer the Senator from South Dakota by saying that, in my judgment, the number of cases brought in the future will not be greater than in the past, and, on the contrary, I believe that the number brought in the future will be fewer than the number brought in the past, and for this reason: Senators will all remember the famous debate which occurred in this Chamber in 1906 respecting the jurisdiction that ought to be given to a court to review the order or orders of the commission. There were some who were in favor of a broad, general power of review—in substance, the right to a retrial upon the merits of cases decided by the commission. Others were in favor of a narrower power of review that would

limit the jurisdiction of the courts to the constitutional point. The language used in the act of 1906 was not so specific and certain as it might have been, and therefore for a period there was some difference of opinion with regard to the power of the courts over the orders of the commission.

But gradually that difference of opinion has disappeared, for finally a case reached the Supreme Court of the United States which involved a construction of the law in that respect. While possibly I shall refer to it again, I now call the attention of Senators to the case of the Interstate Commerce Commission *v.* Illinois Central Railroad Company, decided at the present session of the Supreme Court, in which the court prescribed the limits of power on the part of all the courts, and said, in substance, that the courts had this jurisdiction, and no other, over orders of the commission: First, to inquire whether the commission had proceeded in accordance with the law to obtain jurisdiction over the parties who were before it. Second, to ascertain whether the order entered was within the power conferred by the Congress of the United States. That is to say, whether the discretion which the commission had exercised, and which it was given the right to exercise, by this legislation, had been so abused, so disregarded, that there had been an invasion of the constitutional right of the common carrier to hold its property until it was taken from it by due process of law.

Therefore when these limits are understood, as they will be understood in the future, some of the cases which have been brought, if they were to be again brought by those who considered them, would, I am sure, never be instituted, and I think that this gradual narrowing of the power of the courts to interfere with the orders of the commission will much more than compensate for the additional cases in which orders may be entered by the commission in proceedings instituted upon its own motion.

Therefore I think it is fair, Senators, to assume that in the four years to come there will not be more than 28 or 29 cases brought over which the court of commerce, as organized in this bill, would have jurisdiction. That means something like seven or eight cases in a year. This court will impose upon the people of the United States an additional burden of not less than $100,000 per year. It may possibly be more, but not less than that sum. We ought not to add to our judicial force and impose this additional burden unless it is necessary, and there can not be a Senator here or an intelligent thinking man anywhere who will assert that it is necessary to establish a court composed of five eminent judges to dispose of seven or eight cases in a year.

I ask, Mr. President, that the reply of the secretary of the Interstate Commerce Commission, setting forth the number of cases which have been brought under these four paragraphs since June 30, 1906, be printed as a part of my remarks.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Iowa, and it is so ordered.

The matter referred to is as follows:

All cases for the enforcement otherwise than by adjudication and collection of a forfeiture or penalty or by infliction of criminal punishment of any order of the Interstate Commerce Commission other than for the payment of money.

Since the amendments of 1906 there have been no cases which would come under this classification.

Cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission:

1. D., L. & W. R. R. Co. *v.* I. C. C. et al. (Preston & Davis case): June 15, 1907, bill filed in circuit court southern district New York; June 17, 1907, submitted; August 10, 1907, injunction denied. (No appeal.)

2. Stickney et al., receivers, *v.* I. C. C.: May 8, 1908, bill filed in circuit court, district of Minnesota; May 28, 1908, submitted; June 30, 1908, temporary injunction granted; July 16, 1908, appeal to United States Supreme Court by commission; November 29, 1909, decision of lower court affirmed.

3. C. & A. R. R. Co. and I. C. R. R. Co. *v.* I. C. C. (two cases): June 1, 1908, bill filed in circuit court northern district of Illinois; June 11, 1908, submitted; June 30, 1908, interlocutory decree granting injunction; July 9, 1908, appeal to United States Supreme Court by commission; October 15, 1909, submitted; January 10, 1910, lower court reversed, commission sustained.

4 B. & O. R. R. Co. *v.* I. C. C. (Rail and River case): July 22, 1908, bill filed in circuit court district of Maryland, at Baltimore; September 22, 1908, submitted; September 23, 1908, injunction denied; December 14, 1908, argued on merits in circuit court of appeals, fourth circuit, Richmond, Va.; divided court, case certified up; October 17, 1909, submitted in Supreme Court; December 6, 1909, case remanded with instructions to conform to the law.

5. So. Pac. Co. et al. *v.* I. C. C. (Willamette Valley case): July 24, 1908, bill filed in circuit court ninth circuit northern district of California; September 29, 1908, submitted on demurrer; September 30, 1908, demurrer sustained; October 1, 1908, amended bill filed; October 2, 1908, resubmitted; October 3, 1908, injunction denied by divided court; case certified to Supreme Court of United States; October 13, 1909, submitted; December 6, 1909, case remanded with instructions.

6. N. Y. C. & H. R. R. R. Co. et al. *v.* I. C. C. (Hecker-Jones case): August 22, 1908, bill filed in circuit court southern district of New York; December 7, 1908, submitted; February 8, 1909, injunction denied.

7. N. Y. C. & H. R. R. R. Co. et al. *v.* I. C. C. (Banner Milling case): August 22, 1908, bill filed in circuit court southern district of New York; October 20, 1908, case submitted; October 20, 1908, injunction denied.

8. D., L. & W. R. R. Co. *v.* I. C. C. (Rahway Valley case): August 7, 1908, bill filed in circuit court southern district of New York; October 20, 1908, case submitted; October 20, 1908, preliminary injunction granted; November 16, 1908, order granting injunction issued; February 22, 1910, case submitted in Supreme Court on appeal; March 7, 1910, lower court affirmed.

9. So. Pac. Ter. Co. et al. *v.* I. C. C. et al. (Eichenberg case): August 13, 1908, bill filed in circuit court fifth circuit southern district of Texas; November 9, 1908, submitted on motion for preliminary injunction; November 19, 1908, injunction denied; December 7, 1909; submitted on agreed statement of facts; December 23, 1909, final decree dismissing bill and cross bill.

10. M. K. & T. Ry. Co. et al. *v.* I. C. C. (Cattle Raisers' case): September 30, 1908, bill filed in circuit court eastern division eastern district of Missouri; October 13 and 14 argued; October 23, 1908, injunction denied; March 22, 1909, to July 22, 1909, testimony taken; October 27, 1909, submitted. (No decision to date.)

11. Wells, Fargo & Co. *v.* I. C. C. (Forwarding case): October 13, 1908, bill filed in circuit court southern district of New York; October 26, 1908, case reopened by commission.

12. D., L. & W. R. R. Co. et al. *v.* I. C. C. (Export Shipping cases): October 15, 1908, bill filed in circuit court southern district of New York; November 9, 1908, submitted; November 30, 1908, preliminary injunction granted (appeal taken to Supreme Court of the United States); February 28, 1910, submitted in Supreme Court. (No decision to date.)

13. U. P. R. R. Co., N. P. Ry. Co., and G. N. Ry. Co. *v.* I. C. C. (Pacific Coast Lumber cases; three cases): October 1, 1908, bills filed in circuit court third division ——— district of Minnesota; October 20, amended bills filed; November 17, 1908, amendment to amended bill filed; April 27, 1909, testimony concluded.

14. C., R. I. & P. Ry. Co. et al. *v.* I. C. C. (Burnham-Hanna Munger case): October 17, 1908, bill filed in circuit court northern district of Illinois, eastern division; October 31, 1908, submitted; November 6, 1908, temporary injunction granted; April 20, 1909, motion to dissolve injunction argued and submitted; June 23, 1909, argued and submitted on application for final decree; August 24, 1909, injunction made permanent (appeal by commission to Supreme Court of the United States); February 21, 1910, case set for argument on April 4, 1910.

15. Peavey & Co. et al. *v.* U. P. R. R. Co. and I. C. C. (Peavey Elevator Allowance case): October 21, 1908, bill filed in circuit court western division of western district of Missouri; January 24, 1910, submitted; March 3, 1910, injunction granted.

16. Diffenbaugh et al. *v.* I. C. C. (St. Louis Elevator cases): December 16, 1908, bill filed in circuit court western division of western district of Missouri; January 24, 1910, submitted; March 3, 1910, injunction granted.

17. C., M. & St. P. Ry. Co. *v.* I. C. C. (Flint & Walling case): January 26, 1909, bill filed in circuit court eastern division of northern district of Illinois; April 13, 1909, submitted; April 13, 1909, bill dismissed.

18. C., M. & St. P. Ry. Co. *v.* I. C. C. (Cardiff Coal case): March 31, 1909, bill filed in circuit court northern district of Illinois, eastern division; April 19, 1909, substitute bill filed; April 21, 1909, submitted on application for preliminary injunction.

19. C., M. & St. P. Ry. Co. *v.* I. C. C. (Red Wing case): April 29, 1909, bill filed in circuit court northern district of Illinois, eastern division; July 2, 1909, answer filed.

20. C., B. & Q. R. R. Co. et al. *v.* I. C. C. (Kindel case): May 18, 1909, bill filed in circuit court northern district of Illinois, eastern division; June 23, 1909, submitted on application for preliminary injunction; June 30, 1909, temporary restraining order issued; August 24, 1909, preliminary injunction granted (appeal by commission to United States Supreme Court); February 21, 1910, case set for argument April 4, 1910.

21. N. P. Ry. Co. *v.* I. C. C. (Portland Gateway case): May 24, 1909, bill filed in circuit court district of Minnesota; May 30, 1909, submitted on application for preliminary injunction; June 5, 1909, temporary restraining order issued (appeal to Supreme Court); February 23, 1910, submitted; March 7, 1910, lower court affirmed.

22. C., R. I. & P. Ry. Co. *v.* I. C. C. (Greater Des Moines case): August 18, 1909, bill filed in circuit court northern district of Illinois, eastern division; August 20, 1909, petition for rehearing before commission filed; August 27, 1909, commission extended order to October 20, on condition that the Rock Island dismiss its bill, bill dismissed; October 14, 1909, bill refiled, commission having denied petition for rehearing; November 15, 1909, demurrer filed to bill.

23. P. & R. Ry. Co. et al. *v.* I. C. C. (Big Vein Coal case): September 23, 1909, bill filed in circuit court eastern division of Pennsylvania; November 1, 1909, argued and submitted on demurrer and application for preliminary injunction; November 22, 1909, demurrer sustained, bill dismissed.

24. Thompson Lumber Co. *v.* I. C. C.: September 22, 1909, bill filed in circuit court northern district of Illinois, eastern division; November 23, 1909, demurrer filed.

25. Russe & Burgess et al. *v.* I. C. C.: September 22, 1909, bill filed, in circuit court northern district of Illinois, eastern division; November 23, 1909, demurrer filed.

26. D. & R. G. R. R. Co. *v.* I. C. C. (Baer Bros. case): December 24, 1909, bill filed in circuit court district of Colorado, at Denver; January 25, 1910, preliminary injunction denied.

27. L. & N. R. R. Co. *v.* I. C. C. (New Orleans Board of Trade case); January 19, 1910, bill filed in circuit court for the western district of Kentucky; February 21, 1910, submitted.

28. Omaha & Council Bluffs Street Ry Co. et al. *v.* I. C. C.: February 28, 1910, demurrer and answer mailed; (bill filed about 5th of February) (circuit court for the district of Nebraska); March 2, 1910, submitted.

Such cases as by section 3 of the act to further regulate commerce with foreign nations and among the States, approved February 19, 1903, are authorized to be maintained in a circuit court of the United States.

1. United States of America *v.* C. I. & L. Ry. Co.: June 18, 1907, bill filed in circuit court for the northern district of Illinois; May 11, 1908, submitted; July 15, 1908, injunction granted; October 1, 1908, appeal taken to Supreme Court of the United States.

All mandamus proceedings as under the provisions of section 20 or section 23 of the act to regulate commerce, approved February 4, 1887, as amended, are authorized to be maintained in a circuit court of the United States. There have been no cases under this clause.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. The Senator from Iowa has stated, as I understand, that the Supreme Court has held that the power of the courts to review decisions of the Interstate Commerce Commission was limited substantially to two questions; first, whether the Interstate Commerce Commission has proceeded within its jurisdiction, and second, whether or not the decision rendered by the Interstate Commerce Commission is confiscatory. Am I correct about that?

Mr. CUMMINS. It is not stated with entire accuracy, Mr. President. In order to be absolutely precise and to advise the Senator from Utah in the very language of the Supreme Court, I beg to read the opinion of that tribunal upon the question just mentioned:

> Beyond controversy, in determining whether an order of the commission shall be suspended or set aside, we must consider, (a) all relevant questions of constitutional power or right; (b) all pertinent questions as to whether the administrative order is within the scope of the delegated authority under which it purports to have been made; and (c) a proposition which we state independently, although in its essence it may be contained in the previous one, viz, whether, even although the order be in form within the delegated power, nevertheless it must be treated as not embraced therein, because the exertion of authority which is questioned has been manifested in such an unreasonable manner as to cause it, in truth, to be within the elementary rule that the substance, and not the shadow, determines the validity of the exercise of the power. (Postal Telegraph Co. *v.* Adams, 155 U. S., 688, 698.) Plain as it is that the powers just stated are of the essence of judicial authority, and which, therefore, may not be curtailed, and whose discharge may not be by us in a proper case avoided, it is equally plain that such perennial powers lend no support whatever to the proposition that we may, under the guise of exerting judicial power, usurp merely administrative functions by setting aside a lawful administrative order upon our conception as to whether the administrative power has been wisely exercised.

Mr. SUTHERLAND. It is somewhat difficult to interpret the language of the Supreme Court from the simple reading of the decision, but, as I follow it, it seems to me I have substantially stated what the Supreme Court has held—that the jurisdiction is limited to these two questions. The question I wanted to ask the Senator from Iowa is this: He has given us a list of 29 cases that have arisen since the act of 1906; how many of those cases would fall within these classes—and these classes only—which the Supreme Court now holds to be within the jurisdiction of the court? Would all of them or only a part of them?

Mr. CUMMINS. While I do not profess to be familiar with every circumstance of these cases and all the detail of the testimony in them, I take it that a goodly proportion would fall within the rule stated by the Supreme Court; that is to say, would be dismissed upon the application of the rule just announced by the Supreme Court.

The members of the Interstate Commerce Commission, or some of them, as I understood the testimony of the chairman of the commission, believe that four or five possibly of these cases, of the 28—and there are but 28 of the kind you are now discussing—that four or five of these cases would plainly and obviously be so opposed to the rule announced by the Supreme Court that they would not have been brought, and that the other 23 or 24 would have been brought, even though the rule announced by the Supreme Court had been well recognized in the circuits at the time the suits were instituted. Did I correctly catch the import of the remarks of the Senator from Utah?

Mr. SUTHERLAND. The Senator from Iowa has answered the question I propounded to him. As I understand, probably some twenty-three or twenty-four cases have arisen since the act of 1906 which would have come within the jurisdiction of the court of commerce if we had had such a court in the past.

Now, let me ask the Senator another question. Of course the length of time that a court may be occupied with litigation is not entirely determined by the number of cases. Can the Senator give us any idea as to the character of these cases, as to their importance, as to how long the court would naturally be occupied in considering the cases, because the Senator will agree with me, I think, that sometimes a court may be very busily occupied with half a dozen cases of a given character and would not be occupied any more busily with a hundred cases of an entirely different character.

Mr. CUMMINS. I recognize the discrimination which the Senator from Utah very justly makes, but fortunately I have provided myself for that contingency as well.

Not wholly content with the report of the Interstate Commerce Commission, through its secretary, which I have just sent to the desk, I have been furnished another report which gives in detail the history of every case brought in the last four years—when the bill was filed, when the pleadings thereafter were filed, when the case was submitted, and when it was decided. I now ask to have printed as a part of my observations upon this subject the report of Mr. Edward A. Moseley, secretary of the Interstate Commerce Commission, of all these cases. I will read one of them at hazard, that the Senator may see about how they are disposed of. I think it is true that more than one-half of all the cases of which I have spoken were determined upon demurrer or upon an agreed statement of facts, although I do not assert that the proposition I have just named is accurate, because I have not examined the record with regard to that point. But I will take a case which is well known.

I notice before me the case of A. B. Stickney and Charles H. F. Smith, receivers of the Chicago Great Western Railway Company et al. *v.* The Interstate Commerce Commission. This is known in the annals of the commission as the Chicago Live Stock Terminal Charge case. The bill was filed on the 8th day of May, 1908; the answer was filed on the 28th day of May, 1908; the brief was filed on the same day. It was argued and submitted on application for preliminary injunction on the same day. On the 30th day of June, a month and two days afterwards, an interlocutory decree granting a temporary injunction was issued. On the 16th of July it was appealed to the Supreme Court of the United States. On the 18th day of January of the year following, 1909, a motion to advance it under the statute was made. It was argued and submitted in October, 1909, and on the 29th day of November, 1909, the decision of the lower court was affirmed. I may say that this is a fair sample of these cases.

I desire to incorporate the paper in the RECORD.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Iowa.

The paper referred to is as follows:

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
Washington, March 12, 1910.

Hon. ALBERT B. CUMMINS,
United States Senate, Washington, D. C.

DEAR SENATOR CUMMINS: To more fully inform you in relation to the matter about which you made inquiry, I am sending you herewith a memorandum in regard to the suits brought to annul the orders of the commission since the passage of the Hepburn law. This memorandum contains no more cases, but it is more complete than that which I sent you yesterday.

With great regard and respect, E. A. MOSELEY.

SUITS BROUGHT TO ANNUL THE ORDERS OF THE COMMISSION SINCE THE PASSAGE OF THE HEPBURN ACT, JUNE 29, 1906.

COMMISSION NO. 732.

United States circuit court, eastern division of the eastern district of Missouri, at St. Louis.

Missouri, Kansas and Texas Railway Company et al. *v.* Interstate Commerce Commission (Cattle Raisers' Association case): September 30, 1908, bill filed to annul order of commission requiring carriers to reduce their rates on cattle in carloads and to cease exacting a terminal charge at Chicago in excess of $1 per car; October 13, 1908, answer filed; October 13 and 14, 1908, argued and submitted on application for preliminary injunction; October 23, 1908, injunction denied; October 21, 1908, fifty-seven days taking testimony—9,700 pages; October 21–27, 1908, inclusive, seven days arguing case; briefs filed for defendant containing 179 pages; no decision to date.

COMMISSION NO. 687.

United States circuit court, western district of the western district of Missouri, at Kansas City.

F. H. Peavey & Co., Omaha Elevator Company, and Midland Elevator Company *v.* Union Pacific Railroad Company and Interstate Commerce Commission (Peavey Elevator case): October 21, 1908, bill filed to annul order of commission, requiring these elevator allowances to be discontinued; November 12, 1908, answer filed for Union Pacific Railroad Company; December 8, 1908, answer of commission filed; November 8, 1909, cross bill of Union Pacific Railroad Company filed; set for oral argument at St. Louis, Mo., January 24, 1910, to be heard with St. Louis Elevator cases; January 24, 1910, argued and submitted; March 3, 1910, decree granting permanent injunction.

COMMISSION NO. 929.

United States circuit court, southern division of New York, at New York City.

Delaware, Lackawanna and Western Railroad Company *v.* Interstate Commerce Commission, Eugene S. Preston and David F. Davis, doing business under the firm name of Preston & Davis (Preston & Davis Oil-Delivery case): June 15, 1907, bill filed to annul order of commission requiring said company to resume oil delivery to Preston & Davis at the Brooklyn terminal; July 17, 1907, answer filed; July 17, 1908, argued and submitted on application for preliminary injunction; August 10, 1907, injunction denied. No appeal taken.

COMMISSION NO. 939.

A. B. Stickney and Charles H. F. Smith, receivers of the Chicago Great Western Railway Company et al. *v.* Interstate Commerce Commission (Chicago Live-Stock Terminal Charge case): May 8, 1908, bill filed to annul order of commission requiring carriers to desist from exacting a $2 terminal charge at Chicago; May 28, 1908, answer filed; May 28, 1908, brief filed, 47 pages; May 28, 1908, argued and submitted on ap-

plication for preliminary injunction; June 30, 1908, interlocutory decree granting temporary injunction; July 16, 1908, appeal to United States Supreme Court by the commission; January 18, 1909, motion to advance; October 12, 1909, argued and submitted; November 29, 1909, decision of lower court affirmed.

COMMISSION NO. 951.

United States circuit court, northern district of Illinois, eastern division, at Chicago.

Chicago, Burlington and Quincy Railroad Company et al. *v.* Interstate Commerce Commission (Kindel case): May 18, 1909, bill filed to annul order of commission requiring carriers to establish and maintain in force for a period of not less than two years certain class rates from Chicago, Ill., to Denver, Colo., and from St. Louis, Mo., to Denver, as set forth in said order; June 11, 1909, demurrer filed to bill; June 23, 1909, argued and submitted on application for preliminary injunction; June 30, 1909, temporary restraining order issued; August 24, 1909, preliminary injunction granted; appeal to United States Supreme Court by the commission; December 6, 1909, motion to advance; December 13, 1909, motion to advance granted; case set for hearing April 4, 1910.

COMMISSION NO. 983.

United States circuit court, northern district of Illinois, eastern division, at Chicago.

Chicago, Rock Island and Pacific Railway Company et al. *v.* Interstate Commerce Commission (Burnham-Hanna-Munger Goods case): October 17, 1908, bill filed to annul order of the commission requiring reduction in proportional rates between Mississippi and Missouri rivers on traffic from eastern points of origin; October 30, 1908, answer filed, also intervening petition on behalf of Illinois Central Railroad Company et al.; October 30 and 31, 1908, argued and submitted on application for preliminary injunction; November 6, 1908, temporary injunction granted; December 1, 1908, intervening petition filed on behalf of Burnham-Hanna-Munger Company et al.; six days taking testimony—more than 1,000 pages; March 22, 1909, motion to absolve injunction filed by commission; April 20, 1909, motion argued and submitted; April 20, 1909, brief of Interstate Commerce Commission on motion to absolve preliminary injunction filed by commission, containing 63 pages; June 23, 1909, argued and submitted on application for final decree; August 24, 1909, injunction made permanent; appeal taken to United States Supreme Court by the commission; November 29,1909, motion to advance; December 6, 1909, motion to advance granted; set for argument April 4, 1910.

COMMISSION NO. 1040.

United States circuit court, northern district of Illinois, eastern division, at Chicago.

Chicago, Milwaukee and St. Paul Railway Company *v.* Interstate Commerce Commission (Cardiff Coal Co. case): March 31, 1909, bill filed to annul order of commission requiring the railroad company to establish joint through routes to all local points on its line from Cardiff, Ill., and to La Crosse and Sioux Falls; April 19, 1909, substitute bill filed with application for preliminary injunction; April 21, 1909, argued and submitted; June 2, 1909, answer filed. No decision to date.

COMMISSION NO. 1138.

United States circuit court, northern district of Illinois, eastern division, at Chicago.

Russe & Burgess et al. *v.* Interstate Commerce Commission et al. (Russe & Burgess Lumber Co. case): September 22, 1909, bill filed to annul order of commission to compel reparation on lumber shipments prior to date of filing of complaint before commission.

The court is asked to direct commission to set aside its order and award reparation; November 23, 1909, demurred filed.

COMMISSION NO. 1227.

United States circuit court, northern district of Illinois, eastern division, at Chicago.

J. W. Thompson Lumber Company et al. *v.* Interstate Commerce Commission et al. (Thompson Lumber Co. case): September 22, 1909, bill filed to annul order of commission to compel reparation on lumber shipments prior to date of filing of complaint before commission.

The court is asked to direct commission to set aside its order and award reparation; November 23, 1909, demurrer filed.

COMMISSION NOS. 1228, 1229, AND 1230.

United States circuit court, southern district of New York, at New York City.

Delaware, Lackawanna and Western Railroad Company et al. *v.* Interstate Commerce Commission, Export Shipping Company, and Edward B. Boise as trustee in bankruptcy of Export Shipping Company (Forwarding case): October 15, 1908, bill filed to annul order of commission involves right to consolidate shipment in name of one consignee at carload rate; November 9, 1908, answer filed; November 9, 1908, argued and submitted on motion for preliminary injunction; November 30, 1908, preliminary injunction granted; September 11, 1909, appeal taken to United States Supreme Court by the commission; November 29, 1909, motion to advance; December 6, 1909, motion to advance granted, case set for hearing February 21, 1910; February 25 and 28, 1910, argued and submitted.

COMMISSION NOS. 1231 AND 1289.

United States circuit court, northern district of Illinois, eastern division, at Chicago.

Chicago, Rock Island and Pacific Railway Company *v.* Interstate Commerce Commission (Greater Des Moines case): August 18, 1909, bill filed to annul order of commission reducing proportional class rates applying on through traffic originating east of the Illinois-Indiana state line from Rock Island, Ill., to Des Moines, Iowa; intervening petition filed on above by Illinois Central Railroad Company et al; November 15, 1909, demurrer filed to bill.

COMMISSION NOS. 1239, 1240, 1241, 1263, AND 1267.

United States circuit court, western division of the western district of Missouri, at Kansas City.

Harry J. Diffenbaugh et al. *v.* Interstate Commerce Commission (St. Louis Elevator cases): December 16, 1908, bill filed to annul order of commission requiring the Chicago, Burlington and Quincy Railway Company et. al. to cease and desist from giving or paying elevator allowances to complainants herein at Kansas City, Mo., and other Missouri River points or places in territory adjacent thereto; January 26, 1909, demurrer filed to bill; stipulation entered into by parties postponing until final hearing and decision on demurrer; answer filed; case set for oral argument January 24, 1910, at St. Louis, Mo., to be heard with Peavey Elevator case; January 24, 1910, argued and submitted; March 3, 1910, decree granting permanent injunction.

COMMISSION NO. 1277.

United States circuit court, fifth circuit southern district of Texas, heard at New Orleans.

Southern Pacific Terminal Company et al. *v.* Interstate Commerce Commission and E. H. Young (Eichenberg case): August 13, 1908, bill filed to annul order of commission requiring complainant railway companies to cease and desist from giving undue preferences and advantages to E. H. Young in the matter of wharfage charges at Galveston, Tex., for the handling of cotton-seed cake and meal; August 13, 1908, answer and cross bill of E. H. Young filed; November 9, 1908, special demurrer filed to complainant's bill; November 9, 1908, argued and submitted on motion for preliminary injunction; November 14, 1908, injunction denied; December 16, 1908, argument on demurrer filed by defendant; demurrer overruled with leave to file answer within fifteen days; motion to certify question to Supreme Court denied; January 2, 1909, answer filed; December 6, 1909, demurrer to cross bill overruled and answer filed; December 6 and 7, 1909, argued and submitted on agreed statement of facts; bill dismissed; appeal taken.

COMMISSION NO. 1280.

United States circuit court, southern district of New York.

Wells, Fargo & Co. Express *v.* Interstate Commerce Commission (Forwarding case): July 22, 1908, bill filed to annul order of commission involves right to consolidate shipments in name of one consignee at carload rate; October 26, 1908, case reopened by the commission.

COMMISSION NO. 1294.

United States circuit court, northern district of Illinois, at Chicago.

Chicago and Alton Railroad Company *v.* Interstate Commerce Commission (Coal Car Distribution case): June 1, 1908, bill to annul order of commission filed requiring all cars to be counted in making coal-car distribution; June 11, 1908, answer filed; June 11, 1908, argued and submitted on bill and answer; June 30, 1908, interlocutory decree granting injunction; July 9, 1908, appeal taken to United States Supreme Court by the commission; October 15, 1909, argued and submitted; January 10, 1910, judgment of lower court reversed; commission sustained.

COMMISSION NO. 1317.

United States circuit court, northern district of Illinois, at Chicago.

Chicago and Alton Railroad Company *v.* Interstate Commerce Commission (Coal Car Distribution case): June 1, 1908, bill filed to annul order of commission requiring all cars to be counted in making coal-car distribution; June 11, 1908, answer filed; June 11, 1908, argued and submitted on bill and answer; June 30, 1908, interlocutory decree granting temporary injunction; July 9, 1908, appeal taken to the United States Supreme Court by the commission; October 15, 1909, argued and submitted; January 10, 1910, judgment of lower court reversed; commission sustained.

COMMISSION NO. 1304.

United States circuit court, southern district of New York, at New York City.

New York Central and Hudson River Railroad Company et al. *v.* Interstate Commerce Commission (Hecker-Jones-Jewell Milling Co. case): August 22, 1908, bill filed to annul order of commission requiring carriers to cease and desist from a discrimination found to be undue by the commission; December 7, 1908, argued and submitted; February 8, 1909, injunction denied. No appeal taken.

COMMISSION NO. 1322.

United States circuit court for the district of Maryland, at Baltimore.

Baltimore and Ohio Railroad Company *v.* Interstate Commerce Commission (Rail and River Coal Car Distribution case): July 22, 1908, bill filed to annul order of commission requiring all cars to be counted in making coal-car distribution; September 22, 1908, answer filed; September 22, 1908, argued and submitted on application for preliminary injunction; September 23, 1908, injunction denied; December 14, 1908, argued on the merits before United States circuit court of appeals, fourth circuit, Richmond, Va. There being a divided court, the case was certified to the Supreme Court; October 15 to 17, 1909, argued and submitted in the Supreme Court; December 6, 1909, case remanded to circuit court, with instructions to conform to the law.

COMMISSION NOS. 1327, 1329, 1335, AND 1348.

United States circuit court for the district of Minnesota, at St. Paul.

Northern Pacific Railroad Company et al. *v.* Interstate Commerce Commission; Union Pacific Railway Company et al. *v.* Interstate Commerce Commission; Great Northern Railway Company et al. *v.* Interstate Commerce Commission; three cases to be heard together (Pacific Coast Lumber cases): October 1, 1908, bills filed to annul order of commission, requiring reduction of lumber rates from Pacific coast to eastern destinations; October 20, 1908, amended bills filed; February 13, 1909, eight days' testimony, more than 1,000 pages. Testimony before commission stipulated in case before the court.

COMMISSION NO. 1331.

United States circuit court, northern district of California, ninth circuit, at San Francisco.

Southern Pacific Company and Oregon and California Railroad Company *v.* Interstate Commerce Commission (Willamette Valley Lumber case): July 24, 1908, bill filed to annul order of commission requiring carriers to reduce their rates from green fir lumber and lath from the Willamette Valley points to San Francisco and bay points from $5 per ton to $3.40 and $3.65 per ton, respectively; September 25, 1908, demurrer filed to bill; September 28, 1908, argued and submitted; September 30, 1908, demurrer sustained; October 1, 1908, amended bill filed; October 1, 1908, demurrer filed to amended bill; October 1 and 2, argued and submitted; October 3, 1908, court announced that it was unable to agree as to whether demurrer should be sustained; under the law the case was certified to the Supreme Court; preliminary injunction denied; January 18, 1909, motion to advance to Supreme Court; October 12 and 13, 1909, argued and submitted; December 6, 1909, Supreme Court remanded case to circuit court with instructions to conform to the law; January 31, 1910, argued and submitted in circuit court on bill and answer and record before commission.

COMMISSION NO. 1351.

United States circuit court, southern district of New York, at New York City.

Delaware, Lackawanna and Western Railroad Company *v.* Interstate Commerce Commission and Rahway Valley Railway Company (Rahway Valley case): August 7, 1908, bill filed to annul order of commission requiring certain switching connections; October 20, 1908, demurrer filed; October 20, 1908, argued and submitted on application for preliminary injunction; October 20, 1908, preliminary injunction granted; appeal taken to United States Supreme Court by the commission; October 11, 1909, motion to advance filed; October 18, 1909, case set for hearing February 21, 1910; February 21, 22, 1910, argued and submitted; March 7, 1910, decree of lower court affirmed.

COMMISSION NO. 1498.

United States circuit court, eastern division of the northern district of Illinois, at Chicago.

Chicago, Milwaukee and St. Paul Railway Company *v.* Interstate Commerce Commission (Flint and Walling Two-Year Clause case): January 26, 1909, bill filed to annul order of commission requiring petitioner to maintain in force two years a certain rate, which is the rate the carrier made before the complaint was filed; February 11, 1909, answer filed, demurrer filed to answer of defendant, reply brief for petitioner filed, brief filed for defendant; August 13, 1909, argued and submitted, bill dismissed.

COMMISSION NO. 1535.

United States circuit court, southern district of New York, at New York City.

New York Central and Hudson River Railroad Company et al. *v.* Interstate Commerce Commission (Banner Milling Co. case): August 22, 1908, bill filed to annul order of commission requiring carriers to reduce rates on grain and grain products from Buffalo to New York points, Boston points, and Sherbrooke points; October 20, 1908, answer filed; October 20, 1908, argued and submitted; October 20, 1908, injunction denied. No appeal taken.

COMMISSION NO. 1544.

United States circuit court, district of Minnesota, at St. Paul.

Northern Pacific Railway Company *v.* Interstate Commerce Commission (Portland Gateway case): May 24, 1909, bill filed to annul order of commission requiring the Chicago and Northwestern, the Union Pacific, the Oregon Short Line, the Oregon Railroad and Navigation Company, and the Northern Pacific Railway Company to establish on or before July 1, 1909, and maintain in force for a period of not less than two years thereafter through routes and joint rates for the transportation of passengers and their baggage between Chicago and other points to points in the State of Washington via Portland, Oreg.; May 30, 1909, argued and submitted on application for preliminary injunction; June 5, 1909, court granted temporary restraining order; July 1, 1909, appeal taken to United States Supreme Court by the commission; October 11, 1909, motion to advance filed, case set for argument February 21, 1910; February 22, 23, 1910, argued and submitted; March 7, 1910, decree of lower court affirmed.

COMMISSION NO. 1896.

United States circuit court, northern district of Illinois, eastern division, at Chicago.

Chicago, Milwaukee and St. Paul Railway Company *v.* Interstate Commerce Commission (Red Wing Linseed Co. case): April 29, 1909, bill filed to annul order of commission requiring the complainant to maintain in force for a period of not less than two years a rate of 15½ cents per 100 pounds on flaxseed in carloads from Britton, S. Dak., to Red Wing, Minn.; July 2, 1909, answer filed.

COMMISSION NO. 2024.

United States circuit court, eastern district of Pennsylvania, at Philadelphia.

Philadelphia and Reading Railway Company et al. *v.* Interstate Commerce Commission (Big Vein Coal case): September 23, 1908, bill filed to annul order of commission requiring carriers to reduce their rates on big vein coal from Georges Creek Basin and Elk Garden region to basis of little vein rate when water borne outside the capes and also to rail-line points in Pennsylvania, New Jersey, New York, and New England; October 4, 1908, demurrer filed; November 1, 1908, argued and submitted on demurrer and preliminary injunction; November 22, 1909, demurrer sustained and bill dismissed. No appeal taken.

COMMISSION NO. 2010.

United States circuit court for the district of Colorado, at Denver.

The Denver and Rio Grande Railroad Company *v.* Interstate Commerce Commission (Baer Brothers case): Bill to annul an order of the commission requiring the carriers to put in force between Pueblo, Colo., and Leadville, Colo., in the place of a 45-cent rate a 30-cent rate in connection with the transportation of beer shipped from St. Louis, Mo., by way of Leadville, Colo., to Pueblo; December 24, 1909, bill filed; January 20, 1910, answer filed; January 25, 1910, preliminary injunction denied.

COMMISSION NOS. 1310, 1313, AND 1328.

United States circuit court for the western district of Kentucky, at Louisville.

Louisville and Nashville Railroad Company *v.* Interstate Commerce Commission: Bill to enjoin the enforcement of an order of the commission requiring the Louisville and Nashville Railroad Company to reduce certain of its class rates; January 19, 1910, bill filed; February 17, 1910, answer filed; February 21, 1910, argued and submitted.

COMMISSION NO. 1004.

Circuit court of the United States, district of Nebraska, at Omaha.

Omaha and Council Bluffs Street Railway Company and Omaha and Council Bluffs Railway and Bridge Company *v.* Interstate Commerce Commission (West End Improvement Club case): Bill to annul an order of the commission requiring petitioners to reduce from 15 to 10 cents the fare for transporting passengers by street railway from Council Bluffs, Iowa, to any point in Omaha, and vice versa; bill filed; February 28, 1910, demurrer and answer mailed; March 2, 1910, argued and submitted.

PROCEEDINGS IN COURT UNDER THE ELKINS ACT.

Circuit court of the United States for the northern division of the northern district of Illinois.

The United States of America *v.* The Chicago, Indianapolis and Louisville Railway Company (Monon Route): Bill under the Elkins Act to require the railroad company to desist from accepting advertising in payment for transportation; June 18, 1907, bill filed; May 11, 1908, answer filed; May 11, 1908, argued and submitted; July 15, 1908, injunction granted (163 Fed. Rep., 114); October 1, 1908, appeal to United States Supreme Court by Chicago, Indianapolis and Louisville Railway Company.

Mr. CUMMINS. I submit, therefore, that the creation of the proposed court of commerce is wholly unwarranted.

There is another suggestion made in the majority report, viz, that there has been much delay. I answer in the same fashion by the record. It is, secondly, said that there has been great contrariety of opinion, and therefore it is wise and essential that we secure in some way harmony and uniformity of decision by the institution of a new court. My reply is very much the same as that made by the historian who was writing a history of Iceland. He came to a point at which it was necessary to deal with the subject of snakes, and he devoted one chapter to that important topic, and it was headed "The snakes of Iceland." The chapter consisted of a single sentence, that ran like this: "There are no snakes in Iceland."

Just so with the suggestion of the delay and of the want of uniformity. I speak, of course, of serious differences of opinion that have affected the administration of the law. An examination of the papers I have already sent to the desk, and which will be incorporated in my observations, will demonstrate positively that the delay has not been in the circuit courts of the United States. The delay, in by far the greater number of the cases, aside from that delay which is incident to every lawsuit in which the attorneys must take large volumes of testimony, has been occasioned by the postponement of the submission in the Supreme Court of the United States, a postponement that can not be avoided, in view of the great volume of business which that exalted tribunal necessarily transacts.

I submit that the people of the United States have been well and efficiently served, so far as judicial decisions are concerned, by the law as it now is, and I protest against the creation of a new court, with its attendant expense, which can not be of any service to the people and can not add to the effectiveness of the administration of this law.

I have, moreover, another objection, which is more fundamental than the one I have just urged. I am opposed to the special court——

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SUTHERLAND. I wish to ask the Senator, before he passes to another branch of the discussion, whether he can tell us if these cases have been increasing in number. The law has been in operation about four years. Can the Senator tell us, approximately, how many of these 28 or 29 cases arose during the first, the second, the third, and the fourth year, so that we may have an idea as to whether litigation of this class is increasing?

Mr. CUMMINS. I do not recall the number of cases brought in each of these years. It is of course to be assumed that some time must have elapsed after the passage of the law of 1906 before there was an opportunity to bring such cases. But I believe it to be true that more than half of all these cases have been brought within the last year and a half, if that be the particular point in the mind of the Senator from Utah.

My objection just suggested is that it is unwise and impolitic to create a special tribunal for the trial of railway cases. It is just as important to the honor of the administration of the law in our country that the people shall have unbroken and unbounded confidence in the judgments of the court as it is that those judgments shall be right and true; and if you create a tribunal commissioned only for the trial of railway cases, selected as this tribunal originally is to be, and recruited as this tribunal is to be from time to time, I predict that, whether right or wrong, the people of this country will lose that unswerving and unfaltering faith which they have heretofore reposed in their judicial tribunals.

I do not know whether the tribunal will be disposed toward the railways or whether it will be disposed toward the commission and the people, but I do know that any judicial tribunal appointed or selected for the purpose only of adjusting or determining disputes between the great railway companies of the country and the people of the country will be subjected to that suspicion which naturally arises in the human heart. You can not subdue it; you can not overcome it.

Again, I am opposed to it because of the influences that will necessarily surround the selection of the judges. I agree that the President of the United States is as far removed from these influences as mortal man can be; I agree—or, at least, I hope—that every succeeding President will be so removed; I know that the honor and the integrity of the Supreme Court of the United States and its distinguished Chief Justice are without blemish; but when you remember that this tribunal is to weigh the fortunes of all the people of the United States in their controversies with railway companies; when you remember that the railway companies surround the Government of the United States in all its functions and in all its branches as perrasively as the atmosphere surrounds those who breathe it; when you remember that there are countless channels through which these great corporations exercise their power; I warn the Senate of the United States not to create a tribunal of this character, having jurisdiction only of a special, limited class of cases, upon the one side of which will always be the tremendous power of the railway corporations of the United States.

For these two reasons I believe that the commerce court ought not to be established. But if it is to be established, I believe we ought at least to reduce its number to three. Three judges can do all the judicial work that will be imposed upon this tribunal and still have much time for individual reflection and leisure. But I will not enlarge upon that phase of it, because it seems to assume that we are to have a commerce court, and I will not believe that we are to have it until a majority of the Senators have so decreed.

Next in the order of my discussion arises a question which concerns the jurisdiction of the commerce court.

Mr. CRAWFORD. Do I understand that the Senator has submitted an amendment?

Mr. CUMMINS. Yes, sir; I will, as I pass through, submit amendments.

There is a question, Mr. President, with regard to the jurisdiction which is to be conferred upon the court of commerce. I recall you again to the great argument of four years ago—the great debate between the broad review and the narrow review, and it is an important and material inquiry—whether this bill enlarges the power of the commerce court with respect to the classes of cases over which it is to have judicial power.

I do not, as a lawyer, assert that the bill as it is now before the Senate does confer any greater power over the orders of the Interstate Commerce Commission than the circuit courts now possess. But there are lawyers, and good lawyers, who believe that it does.

If I may be permitted, I want to do the Attorney-General, who is the author of this bill, the justice of saying that when this was called to his attention, while he said that it was not his purpose to give greater jurisdiction to the court of commerce than the circuit courts now have, yet in order to remove the doubt which had been suggested by a lawyer who appeared before the committee, and suggested also by the chairman of the Interstate Commerce Commission, he was quite willing and glad to interpose an amendment that would put that subject beyond any dispute whatsoever; and thereupon he wrote into the bill an amendment or proposed amendment which declared in unequivocal, unmistakable terms that the jurisdiction of the commerce court over the orders of the commission was not to be greater, other, or different than the jurisdiction now exercised by the circuit courts.

The chairman of the Interstate Commerce Commission had before that time in the open hearings of the committee submitted just such an amendment. For reasons which it is not necessary for me now to state, the Attorney-General withdrew this amendment, and it does not appear in the bill before the Senate. It does appear in one of the reprints of the committee which I have before me. It does appear in the last bill introduced in the House of Representatives, and it is there now under consideration by the committee of the House; but it is not here.

I can not think that factional passion has run so wild, has become so ungovernable, that after the question has been raised by eminent men and after the doubt has been set afloat with regard to the proper construction of this bill, the Senate will decline to make it as certain and specific as the mother tongue can make it.

The only reason for keeping it out is to nourish, encourage, and possibly realize the hope that there is in this bill language which will give the court the power to practically retry cases that have been decided by the Interstate Commerce Commission, and in this insidious and circuitous way accomplish what all the power of the railroads exerted in 1906 was unable to accomplish.

So, Senators, I pass from this part of the bill, and I now send to the desk an amendment, which I will propose at the proper time, and which I ask to have printed and laid upon the table.

The PRESIDING OFFICER. Does the Senator desire to have it read?

Mr. CUMMINS. I desire to have it read.

Mr. BACON. I should like to ask the Senator a question. I may have misunderstood him. Do I understand the Senator to say that while this bill was pending in Congress, an amendment was written by an officer of the Government, not a Member of Congress, and that upon his motion it was engrafted upon the bill, and subsequent to that time, upon his motion, it was stricken from the bill? I thought the matter of amendment as well as the original introduction of a bill was exclusively for Congress. Did I understand the Senator correctly?

Mr. CUMMINS. Mr. President, no; not with exactitude. The Senator possibly was not here in the earlier part of my remarks. I was attempting to give the history of this bill as it passed through the committee. I spoke a moment ago of amendments in the committee, not in Congress. I repeat, if it be proper for me to do it, that this bill while pending before the committee was rewritten at least three times by the Attorney-General, and the committee printed from time to time the revisions of the Attorney-General. In one of those revisions there occurred the provision to which I have just referred, but afterwards, for some reason satisfactory to himself, in making the final revision which was reported by the committee in the manner I have attempted to describe heretofore, that particular provision was omitted.

Mr. BACON. Well, Mr. President, I do not think I misunderstood the Senator. I possibly was not felicitous in attempting to suggest to him what my understanding was. Of course I do not wish to interrupt the Senator in the line of his argument; I simply wish to know if I correctly understood the Senator. Of course the work in committee is a part of the work of the Senate. I wish to know if I correctly understood the Senator that the Attorney-General, while the bill was in committee, wrote into the bill amendments, and then upon his motion took them out of the bill, and that the committee reported the bill in the shape in which he thus changed it.

Mr. CUMMINS. Mr. President, of course the Attorney-General did not amend the bill. He could not amend the bill in the strict and accurate sense of those words. What I said was that he rewrote the bill from time to time and there seemed to be no question in the committee that whatever he incorporated in it should be accepted by the committee and it was hoped, I think, by the Senate.

Mr. BACON. I do not think I misunderstand the Senator. In other words, the committee was plastic in the hands of the Attorney-General and the bill was equally plastic, and he molded it as he saw fit and put on it anything he saw fit; and the committee accepted it and took it off whenever he saw fit, the committee being equally acquiescent.

Mr. CUMMINS. I think the Senator has caught the idea.

The PRESIDING OFFICER. The Secretary will read the amendment sent to the desk by the Senator from Iowa.

The SECRETARY. Amendment to be offered to Senate bill 6737 by Mr. CUMMINS:

Strike out of the title of the bill in the first line thereof the following words: "Create a court of commerce and to."

Strike out, beginning with the word "that," in line 3, page 1, to and including the word "transfer," in line 5, page 13.

The PRESIDING OFFICER. The proposed amendment will be printed and lie on the table.

Mr. CLAY. Mr. President, I did not exactly catch the Senator's idea just now. Do I understand the Senator to say that the bill as reported from the Committee on Interstate Commerce as it now appears, the bill which has a favorable report and which we are discussing, there is no provision confining the court to the question as to whether or not the rate fixed by the commission was a reasonable and a just one. As I understand the act which we passed in 1906, it was intended to be a narrow or a restricted review, and the only question left for the court to decide is whether or not the rate fixed was a confiscatory rate, that is, a rate in violation of the Constitution of the United States. Now, the Supreme Court has construed the act of 1906.

Do I understand the Senator to say that this bill, which he is discussing on a favorable report from the Committee on Interstate Commerce, is intended to enlarge the jurisdiction of the court in regard to the question of review and to enable the court to determine the whole question to retry the case, or whether the bill will simply confine the new court to the question involved whether it is a reasonable and just rate as provided by the Constitution?

Mr. CUMMINS. Mr. President, the Attorney-General, who drew this bill, said that it was not his intent to enlarge the jurisdiction of the court over the orders of the commission and as I stated a few moments ago, I do not assert that it does. On the contrary, if I were deciding the matter as a judge, if I were interpreting the law as it came from the hands of the Attorney-General, I would be compelled to hold that it does not. I say this in order to be absolutely frank and candid.

But the very moment the bill became public, those who were interested in the subject-matter and who came before the committee upon the days of its open hearings expressed the belief that it did enlarge the powers of the court over the orders of the commission, and practically empowered or authorized the court of commerce to retry on the merits the cases that had been decided by the commission.

The chairman of the Interstate Commerce Commission, fully imbued with that fear and that opinion, came before the committee, and, expressing his apprehension in that regard, suggested an amendment that I may well read to you in order that it may be clear.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. FLINT. May I ask the Senator what is the particular language in the bill that the chairman of the Interstate Commerce Commission thought would give this increased jurisdiction?

Mr. CUMMINS. I did not cross-examine the chairman of the Interstate Commerce Commission upon that point. It seemed to me so clear that when any intelligent and reasonable man felt a doubt, the doubt should be removed, that I did not go analytically into his interpretation of the bill. But this is what he said before the committee:

> Second, assuming, as we do, that it is so intended—

He was speaking for the Interstate Commerce Commission—

> and to remove any doubt that may hereafter arise, we strongly recommend that the bill be so amended as to contain the explicit statement that the commerce court shall have no jurisdiction or power over orders of the commission not now possessed by circuit courts of the United States, as defined and limited by the Supreme Court in the car distribution cases, so called—

That is, the case against the Illinois Central Railroad—

> which was recently decided.

His suggestion as to amendment was to insert:

> But nothing in this act contained shall be construed to give the court of commerce in such cases any jurisdiction or authority not now possessed by circuit courts of the United States or the judges thereof.

Thereupon the Attorney-General, having been advised, I assume, of these suggestions, wrote into the bill, or proposed to the committee, and it was so printed by the committee, this paragraph:

> But nothing hereinbefore contained shall be construed as enlarging the jurisdiction now possessed by the circuit courts of the United States or the judges thereof, which is hereby transferred to and invested in the court of commerce.

That provision is in the bill as it was introduced in the House of Representatives, coming, I assume, from the same source. But when a distinguished and influential member of the Interstate Commerce Committee suggested that there ought to be no such limitation, no removal of the doubt, the Attorney-General then in his last revision omitted the clause, and it is not in the bill now before the Senate as reported by the Interstate Commerce Committee. So if the bill passes in its present form, in the future when men come to discuss, to debate, to interpret this law, they will refer, as they will have a right to refer, to its history as it passed through Congress, and then it may well be held that Congress intended to confer additional power upon the court of commerce and to give it the authority to practically retry the cases decided by the Interstate Commerce Commission.

Mr. CRAWFORD. If the Senator will permit me right in this connection, I should like to hear the Senator's amendment read in connection with what he has just said. The proposed amendment goes to that point, does it not?

Mr. CUMMINS. The amendment that has been read does not go to that point.

Mr. CRAWFORD. Very well; I did not notice it carefully, but I thought that was the amendment.

Mr. CUMMINS. I was about to return to the point from which I digressed. The amendment that has just been read strikes out all the provisions of the bill creating the United States court of commerce, and leaves this law, so far as the trial of cases brought to suspend and set aside or annul the orders of the commission, precisely as it now is. It strikes out of the title all reference to the court, and then strikes out the first six sections of the bill, which create the court and equip it with officers and endow it with jurisdiction. But I will come to the amendment in a moment to which the Senator from South Dakota [Mr. CRAWFORD] refers.

I propose a further amendment. I do not ask that it shall be read, but I ask that it shall be printed and lie on the table, to be offered hereafter to the bill. By this amendment it is intended, if the evil fate overtakes us and this court is established, that its number shall be reduced to three, so that we may have as little burden as possible by the way of increased expenditures.

The amendment was ordered to be printed and to lie on the table, as follows:

> Strike out of line 24, page 2, the word "five" and insert "three."
> Strike out of line 2, page 3, the word "five" and insert "three."
> Strike out of line 4, page 3, the word "five" and insert "three."
> Strike out of line 6, page 3, the comma after the word "three;" also strike out the word "four" with the comma after the same and the words "and five," and insert the word "and" after the word "two."
> In line 1, page 4, strike out the word "five" and insert the word "three."
> Strike out of line 13, page 4, the word "four" and insert the word "two."

Mr. CUMMINS. Now, Mr. President, I come to the point just made.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I do not want to interrupt the Senator's course of discussion, but before leaving the commerce court let me ask him if it is his purpose to discuss the jurisdiction of that court under section 12 before he concludes?

Mr. CUMMINS. Yes; before I finish my address I shall hope to give some attention to that subject. However, I expect to go through the bill in regular order, and I will direct my argument to that subject as soon as it is reached.

Recurring now to the question just suggested by the Senator from South Dakota, I have to say that I have already read the amendment that was proposed by the Interstate Commerce Commission in respect to the jurisdiction of the new court. I have read the amendment that was actually written into the bill, as suggested by the Attorney-General; and I now send to the desk an amendment proposed by the minority of the committee, composed of the Senator from Minnesota [Mr. CLAPP] and myself, upon the same subject, and ask that it be read, printed, and lie on the table, to be hereafter offered.

The PRESIDING OFFICER. The Secretary will read the amendment.

The Secretary read the amendment, as follows:

> Strike out line 6, page 1, and substitute the following therefor:
> "Have exclusive original jurisdiction over all cases of the following kinds, but no other different or greater jurisdiction with respect thereto than is now possessed and exercised under existing law by the circuit courts of the United States."

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. CRAWFORD. That is, in substance, the amendment of the Attorney-General.

Mr. CUMMINS. There is no difference whatever, except that it does not follow his exact language.

Mr. President, I pass now from the commerce court to examine what I believe to be the most serious and disastrous blow dealt to the shippers of the country found in the bill. It also is in the first six sections, and before I state precisely what it is proposed to do, I hope the Senate will pardon me while I state the law as it is now.

At the present time if any railroad company desires to set aside, annul, restrain, and enjoin the order of the commission it brings its suit in a circuit court of the United States and makes the Interstate Commerce Commission the party defendant, and the Interstate Commerce Commission defends its own order. It defends the suit; and the almost universal practice of the commission is to call to its assistance the attorneys who have appeared for the complainant or the complainants in the proceedings before the commission, who have demonstrated their knowledge of the case and their capacity to manage and conduct it by having secured from the commission a favorable result.

What does this bill propose? It proposes not only that all such suits shall be brought in the new court of commerce, but that they shall be brought against the United States eo nomine; that the notice shall be served not only upon the Interstate Commerce Commission, but upon the Department of Justice, and that the Department of Justice alone is entitled to appear in any such suit for defense. The Interstate Commerce Commission is not only impliedly but expressly forbidden to take any part or interest in the succeeding litigation.

Mr. ELKINS. Will the Senator from Iowa allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. Do I understand the Senator to say that the universal rule or custom is to employ complainant's counsel or the counsel of shippers before the commission in the trial of complaints as to unreasonable rates and charges?

Mr. CUMMINS. I said "almost universal."

Mr. ELKINS. Will the Senator allow me merely to have read the precise facts upon that subject from the Interstate Commerce Commission, which will fully answer the Senator?

Mr. CUMMINS. I have no objection to the reading.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, March 15, 1910.

Hon. S. B. ELKINS,
United States Senator, Washington, D. C.

MY DEAR SENATOR: In reply to your communication of the 14th instant, I write to say:

An examination of cases instituted in court to enjoin enforcement of the commission's orders shows that in 4 of the 31 cases the commission employed attorneys who had represented complainants in the proceedings before the commission; in 8 other cases complainants, in proceedings before the commission, were represented in the trial of the cases before the courts, but without compensation by the commission; and in the remainder of the cases the litigation has been conducted exclusively by the attorneys for the commission.

Yours, very truly,

MARTIN A. KNAPP, *Chairman.*

Mr. ELKINS. I have had this communication read in order to set the Senator from Iowa right, because I do not think he would want to make a statement not sustained by the facts.

Mr. CUMMINS. Mr. President, the Senator from Iowa does not need to be set right with regard to that statement. There is nothing inconsistent between the statement just read and the statement I made. I know personally with regard to all the cases that have been tried by the Interstate Commerce Commission from our part of the country that whether the attorneys for the complainants have nominally appeared or not they always—I do not know of an exception—lend their aid and give their assistance to the Interstate Commerce Commission in the trial of the cases.

But the point I make is not with regard to the appearance formally of the complainant or complainants at the present time, because that is simply by the pleasure of the Interstate Commerce Commission. The objection I have to this bill is the substitution of the Department of Justice for the Interstate Commerce Commission. I warn you that whenever you transfer this power and this responsibility from the Interstate Commerce Commission to the Department of Justice you will have destroyed in large measure the effectiveness of the law. In so saying I am not impeaching either the competency or the honesty of the Department of Justice, for I assume that it will always prosecute or defend according to its judgment and its conscience, and with the ability which men appointed to such positions ought to possess.

My objection is that, in the first place, the Department of Justice will be given an irresponsible and unappealable review upon the orders of the commission. Imagine, if you please, the Interstate Commerce Commission entering an order affecting the rights of that vast territory in the West, because it is of that territory I know most. These controversies are now disputes between localities. My friend the Senator from Minnesota [Mr. CLAPP], who has joined me in this minority report, at the present time is or ought to be as a citizen interested in proceedings that affect his State. I, as a Senator from Iowa, am interested in proceedings that affect my State. At this moment there is in progress before the Interstate Commerce Commission a suit or proceeding which involves the right of St. Paul, of Sioux City, of Omaha, of Kansas City, and of other shipping points adjacent to the Missouri River. The Interstate Commerce Commission will one of these days enter its order, and if it awards the relief that is sought by the men who are in business in the State from which I come, then it will force the railroads to bring their suit in the court of commerce to enjoin that order. Then it all passes over to the Department of Justice, and it will be for the Attorney-General, in the first instance, to examine the case and ascertain whether, in his judgment, the Interstate Commerce Commission acted wisely, acted appropriately, and did justice to the people of my State or injustice to the people of Minnesota.

I am amazed that it is proposed by any reflecting person that a review of that kind shall be permitted in the administration of a law of this character. The Interstate Commerce Commission is but a committee of Congress. It has no judicial functions whatever that are not exercised day after day by the committees of Congress. Would you permit some other department of the Government, would you permit the Attorney-General to say whether an act of Congress—because that is what an order of the Interstate Commerce Commission is—to say whether an act of Congress shall be defended or not defended? I can imagine, if Minnesota were represented by some other Senator less patriotic and less impartial, what would occur in the Attorney-General's office when the suit to which I have just referred should come within the jurisdiction of the Department of Justice. Minnesota would be compelled to try her case with Iowa in the first instance in the office of the Attorney-General if he believed—and I am not imputing to him any disposition to do aught but his duty—but if he believed that Minnesota was right and Iowa was wrong, then he would not defend and could not in conscience defend the suit that had been brought to set aside the order which had been entered by the commission.

The Senate spent months four years ago in determining the character of the review which should be permitted by the courts, and yet by a single stroke of the pen in this bill it is proposed to convert the Department of Justice into a court of review without publicity, without appeal, without redress of any sort whatsoever. The proposition is shocking to me, and I believe will be repelled by the great majority of the people whose fortunes are involved in the correct, effective, and adequate administration of this law.

But that is not all. Here is a case brought before the Interstate Commerce Commission, with its great detail of evidence and volumes of rate sheets and of business and transportation conditions. It finally reaches an end in an order of the commission. The commission is thoroughly familiar with the case, because it has taken every step from the beginning to the end of it. Then comes the suit in the court of commerce by the railway company affected by the order, and instantly the whole forum changes. The Attorney-General is to defend the case. He knows nothing about it. It is impossible for him to become as familiar with it as those who have been in at the beginning and who have pursued it step after step. The attorneys for the railway company have collected this testimony; they have brought it together for the purpose of arguing the case before the Interstate Commerce Commission, and they are with the case in the court as well as before the commission.

But not one person who is either financially interested in the outcome or one person who has any familiarity with the proceedings is allowed to take any part in its after conduct. What chance——

Mr. ELKINS. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. This becomes a case against the United States, as the Senator has properly stated, after the case goes up from the Interstate Commerce Commission. Would the Senator have all of the shippers who are interested in the determination of that case represented by their counsel, or would he have it intrusted to the Attorney-General, who has charge of the interests of the United States and of all the people? That is the question I should like to put to the Senator from Iowa.

Mr. CUMMINS. Mr. President, you might just as well say that the Attorney-General should defend every suit brought upon a promissory note, because all the people are interested in the administration of justice, as to say that he ought to

defend these cases from the standpoint which the Senator from West Virginia [Mr. ELKINS] has just suggested. So far as I am concerned, my attitude is perfectly well known and will be disclosed in the amendment that I shall presently send to the desk, namely, that all the complainants, whether there be one or whether there be a dozen, before the Interstate Commerce Commission who have been given the relief for which they have prayed, shall not only be permitted to appear by courtesy, but shall be given the unquestioned and absolute right to appear before the court of commerce. I care nothing about the suggestion that there might be complexity in the parties; I care nothing about the differences of opinion that there might be among counsel. It is a false view of the whole subject to say that the United States alone as a sovereignty is interested in these proceedings. I recur to the case that I have just mentioned, because it fully illustrates such difficulties. These men are now prosecuting their case before the Interstate Commerce Commission. Every dollar they have is involved in the outcome of that controversy, because if the rates which are now enforced are continued, every one of them will be driven from the business in which he is engaged.

Do you tell me if they succeed in convincing the Interstate Commerce Commission that they are entitled to relief and that the rates which burden them so that they can not continue the vocations which they have chosen are wrong; that their rights are to be turned over to the United States, to the Attorney-General, to be viewed by him in the cold aspect of abstraction, which takes into account universal justice? I marvel that any man who has at heart the welfare of the people can contemplate with complacency any such procedure or such jurisdiction.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. I think that the position of the Senator would introduce intolerable confusion in the administration of this proposed law if he is sustained and his amendment should be adopted. There might be 100 or 200 or 300 shippers claiming the right to intervene, each with his lawyer, or with four or five lawyers on each side. Here is a case against the United States, which the Attorney-General under his oath of office must defend, and by this act he is required to do it. How will they settle and determine their differences before they go into court?

The Attorney-General of the United States appears for all the people, not only for those who may have an immediate interest, but for all the people of the United States. Suppose the shippers so conduct their case that a judgment is rendered wrongly. The Attorney-General of the United States in that instance would not be heard. He would, according to the Senator's statement, or his amendment, have to let the shipper control the conduct of the case. One stands for himself or for one body of shippers, while the Attorney-General of the United States stands for all the people and all the shippers.

We have to lodge power somewhere in the administration of law, and it is the Attorney-General of the United States, with his assistants, who should have that power. The United States is paying all the expenses of this litigation. The Attorney-General is empowered to employ assistant counsel. It is presumed that he will consult the counsel who had theretofore conducted the litigation. As it is now, in fact, the responsibility is divided. As I have said, we have to trust somebody, and who can we trust better before the courts of the United States than the Attorney-General, with his staff of assistants? What motive, what wrong can be imputed to him in the administration of his high office?

Mr. CUMMINS. Mr. President, the best lawyer in the world was never able to appear for the plaintiff and the defendant at the same time.

Mr. ELKINS. Mr. President, in the Interstate Commerce Commission the lawyers appear for the complainant and the defendant nearly all the time, except in the few cases to which the Senator referred a while ago. The Senator must be right as to the facts in this argument. When the Senator said it was the universal custom, or words to that effect, to employ counsel of complainants in the trial of cases I showed that the Government appeared for everybody before the commission.

Mr. CUMMINS. Mr. President, the statement——

Mr. ELKINS. It is not a case of shippers. It becomes a case of the United States, and the United States should be trusted to take care of any particular body of its citizens, two or three or even five hundred of them, when it has to take care of the interests of all the people. You now intrust everything to the Attorney-General affecting the great questions that are before the courts, and why not trust him in respect to a few shippers who make complaints?

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. Yes.

Mr. BAILEY. Why not allow the commission, whose order is involved and whose order is attacked, to defend it in their way?

Mr. ELKINS. Mr. President, the change sought to be brought about by this bill is to relieve the commission from the position, in which it has been for years, of being prosecutor, judge, investigator, and defender. This bill puts the cases before the United States courts in proper order. The commission investigates a case, reaches its conclusion, and an appeal is taken. Why should the commission be the investigator in a case, the prosecutor, the grand jury, and, finally, the judge? Now, not satisfied, the Senator from Texas wants to send them up to the courts of the United States there to keep on making their case good.

Mr. BAILEY. Mr. President, that sounds a little familiar to those of us who have borne some little part in this effort to regulate railroads. That was the old argument they made against all commissions, and whatever force there was in it at any time was in the original process; but after the commission has made an order and its order is attacked, I think nobody in this world could be more safely trusted to defend that order and employ suitable counsel than the commission itself.

Mr. ELKINS. Let me ask the Senator one question?

Mr. BAILEY. I am trespassing on the time of the Senator from Iowa.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. The commission can not itself appear in court?

Mr. BAILEY. I do not think they ought to appear, because they all are not lawyers——

Mr. ELKINS. No; they can not appear.

Mr. BAILEY. Therefore you would not want them to do so.

Mr. ELKINS. I want to ask the Senator, who is a good lawyer and familiar with practice, why can not the commission trust the Attorney-General of the United States?

Mr. BAILEY. The trouble with that is that the Attorney-General has a thousand other things to do, and if he is equally zealous in the performance of his multitude of duties, some of them would fail to receive the proper attention.

Mr. ELKINS. Under the bill we give him the power to employ counsel.

Mr. BAILEY. I want to say that I make no concealment of my objection. I object to it simply because it involves the whole railroad commission and its work in every presidential election. The railroads would be more interested in the Attorney-Generalship of the United States than they would be in the presidency itself. That is my whole objection to it.

Mr. CUMMINS. The Senator has anticipated an objection that I had intended to urge and which is set out in the minority report.

Mr. CRAWFORD. Will the Senator permit me just for a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. In order to clear up a point which I do not quite understand, I wish to ask, Is it the intention of the Senator, if his idea prevails in the framing of the law, that, instead of substituting the United States as a party, the Interstate Commerce Commission shall remain the party and shall control the selection of an attorney to conduct the proceedings in court? I supposed that was the case; but I am now confused, because apparently this proposition comes in, as suggested by the Senator from Texas, that after the party in interest—that is, the shipper who was interested in securing the making of an order and who was represented by attorneys, or different groups of shippers who may have been so represented—shall have been successful and the commission shall have made the order, when it comes under review in court, not simply the commission shall control these proceedings and select the attorney, but the shipper or the groups of shippers, who may have different counsel, shall also have a voice in the proceeding. If so, then the question arises whether or not too many cooks may not spoil the broth, and who is really to control the proceedings.

Mr. CUMMINS. I think that suggestion was made by me, and not by the Senator from Texas.

Mr. BAILEY. I made no suggestion of that kind, although I have no hesitation in saying that if the parties who prosecuted the complaint below chose to follow it to the courts after the commission had decided it, I would not deny them that privilege. There would be no trouble about the multitude of counsel, because the court can always limit the number of counsel whom it will hear. The Interstate Commerce Commission must control; and I would give them the best lawyer in the United States who could be induced to accept an appointment as their attorney.

Mr. ELKINS. That would be the Attorney-General, who is already paid.

Mr. BAILEY. Well, the Attorney-General has much else to do.

Mr. ELKINS. But he can employ all the counsel he wants, under this bill.

Mr. BAILEY. But, Mr. President, it is not the number; it is the kind that is wanted.

Mr. ELKINS. Mr. President, I want to ask the Senator from Texas one further question.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. Suppose a thousand people are interested in a given question or in a certain complaint, and each one of those, or each group of 100, wants separate counsel.

Mr. BAILEY. The court would determine whom it would hear.

Mr. ELKINS. How are you going to put upon the court the task of dictating to the shippers what counsel they shall employ?

Mr. CUMMINS. I will answer that question presently to the Senator's entire satisfaction.

Mr. ELKINS. There would be two sets of lawyers, where one would do. I trust the Senator from Texas as much as I do the Senator from Iowa to answer these questions. Both are very able lawyers.

Mr. CUMMINS. This is not a legal question, however.

Mr. ELKINS. I know it is not, but it pertains to the court.

Mr. BAILEY. A man who is not a lawyer could decide this just as well.

Mr. ELKINS. I do not believe he could.

Mr. BAILEY. But I want to say to the Senator from West Virginia, with the permission of the Senator from Iowa, that there is never any trouble about a question of that kind. If the counsel do not agree among themselves, the court itself would decide it. There is a great case pending in a great tribunal now not very far from where we sit, and probably there are 40 lawyers, first and last, connected with it; but I imagine there will not be more than two or three on each side, and the court will probably limit them as to the time.

Mr. ALDRICH. Mr. President, will the Senator permit me to ask him a question?

Mr. BAILEY. Certainly.

Mr. ALDRICH. There is another question, aside from the personality of counsel, I think, involved. There might be an entire disagreement as to the policy to be pursued by different groups of shippers. Would the court determine what policy should be pursued?

Mr. BAILEY. Undoubtedly the commission itself would determine that, and the attorney for every dissatisfied shipper or complainant would be in the attitude of an assistant counsel, and he could confer with his colleagues. The commission now employs its counsel, and the counsel of the shippers, as I happen to know, frequently confer with the counsel of the commission, both in the preparation of cases and as to the line of argument which shall be pursued. They come together in conference and eliminate whatever may be irrelevant and immaterial, and they reach the heart of the question in that way.

Now, according to my view—and I am sure that is the view of the Senator from Iowa—the commission would control, and all the help that the shippers would offer the commission in the way of competent legal assistance, I imagine the commission would welcome; and I am sure if they had the right kind of a lawyer to represent them he would welcome it.

Mr. CUMMINS. Mr. President, answering the last suggestion of the Senator from Texas and in order that there may be no misunderstanding with regard to my position, I say that if the defense in these cases be retained with the Interstate Commerce Commission, which has an interest to defend the order it has entered, then there is no such necessity for enlarging the opportunity that counsel for shippers now have to enter the case and directly control it, but if the case is to be transferred to the Department of Justice, then I shall insist that those who are interested in the proceeding financially or legally shall have the absolute right to appear and present their rights under the law.

And that brings me to answer the Senator from West Virginia. I do not believe he has correctly apprehended my objection to this change. If the Interstate Commerce Commission were looking for a lawyer to defend its action, I can imagine no more happy or fortunate choice than the Attorney-General of the United States, for the Attorney-General of the United States would then be the counsel for the Interstate Commerce Commission and would carry on its purposes and defend its actions or rights precisely as he would defend any other client, but under this law the Interstate Commerce Commission does not go to the Attorney-General for the purpose of having its action defended. The suit is not to be brought against the Interstate Commerce Commission. It is to be brought against the United States, and the Interstate Commerce Commission has no control whatsoever over it. If the Attorney-General is courteous enough to ask of the Interstate Commerce Commission concerning its merits, well and good, but there need be no communication whatsoever, so far as the proposed law is concerned, between the office of the Attorney-General and the office of the Interstate Commerce Commission.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. HEYBURN. I would like to ask a question. I do not want to interrupt the Senator from Iowa.

Mr. CUMMINS. I was about to ask whether the Senator from Idaho could defer the question he wishes to propose. I was going to suggest that it is obvious to me that I can not conclude all I have to say within the time that Senators would be willing to remain this afternoon, and therefore, if it meets the pleasure of the Senate, I would be very glad to have the further consideration of the bill postponed until to-morrow.

Mr. HEYBURN. I would be glad, if the Senator will permit me, to submit the question now, and then it can be considered. If the shipper is the winning party before the commission, then the Attorney-General becomes the attorney on appeal for the railroad company?

Mr. CUMMINS. No; the Attorney-General, if he saw fit to do it, would become the attorney for the shipper.

Mr. HEYBURN. It would depend on how the decision below went.

Mr. CUMMINS. As the Senator from Idaho will remember, the law does not provide for any review of the order of the commission at the suggestion of a complainant; that is, at the suggestion of a shipper. The railroads alone have a right to appeal to the court.

Mr. HEYBURN. That is the principle which attracted my attention.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I yield.

Mr. CRAWFORD. It is just on this point: Is it a fact that when a shipper or a group of shippers make a complaint before the commission, have a hearing, and against whom an adverse decision runs, the decision being in the favor of the carrier, the decision is final as to the shipper, and that in that case no review whatever is allowed?

Mr. CUMMINS. I believe that to be true.

Mr. HEYBURN. But if the decision is against the railroad company, from that time on it has no occasion to employ counsel or incur any expense whatever, the Attorney-General defending the decision below?

Mr. CUMMINS. I think the Senator from Idaho does not see the exact relation. If the order entered by the commission is against the railroad company, then the railroad company brings suit to set aside or annul the order.

Mr. HEYBURN. And the Attorney-General represents it?

Mr. CUMMINS. And the Attorney-General, according to this bill, may appear and defend the order.

Mr. HEYBURN. Now, just reverse that condition, and for whom would the Attorney-General appear?

Mr. CUMMINS. He would never have an opportunity to appear for anybody, because there is no appeal to the courts on the part of the shipper.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Maine?

Mr. CUMMINS. I do.

[At this point Mr. CUMMINS yielded the floor for the day.]

Wednesday, March 16, 1910.

Mr. CUMMINS. Mr. President, during the time yesterday that I gave consideration to the proposal to transfer from the Interstate Commerce Commission to the Department of Justice the defense of suits brought to set aside, annul, or restrain orders entered by the commission there was so much general debate arising out of interruptions, and very proper interruptions, that the continuity of the observations I was endeavoring to make was somewhat lost. In view of the importance of the proposal I beg the privilege of restating the question and my objection to it.

It will be understood that at the present time all suits brought to annul the order of the Interstate Commerce Commission are brought in the circuit courts of the United States, and they are defended by the commission. The proposition contained in this bill is to require all such suits to be brought against the United States and defended, if defended at all, by the Department of Justice. I repeat what I said yesterday with regard to this suggestion. In my opinion it will do more to destroy the efficiency of the interstate commerce law, the administration of the law, than any other adverse proposal contained in this bill.

I intend to take up the history of a case, an actual case, although I might well propose it as a supposititious case, in order that the Senate may understand just what is proposed and just why it is proposed. Not long ago the Corn Belt Meat Producers' Association of Iowa, an association composed of thousands of our hog raisers and cattle raisers, brought before the Interstate Commerce Commission a proceeding complaining of the rate from Iowa points to Chicago upon live hogs. I do not see before me the distinguished chairman of the Interstate Commerce Committee, who has this bill in charge. I do not know whether he is at all interested in the bill.

Mr. CULLOM. Mr. President, I will simply say that I understand the chairman of the committee was called out for a moment. He will be back in a very short time.

Mr. CUMMINS. I have no doubt that some imperative summons has taken him from the Chamber. Otherwise he would be here. I intend, I may say in parenthesis, to speak somewhat slowly until the members of the Senate have been able to satisfy an appetite which is natural to man. I understand perfectly that at this particular time they are gratifying other senses than those employed in hearing speeches.

The Senator from West Virginia remarked yesterday that there would be infinite difficulty if the shippers were permitted to intervene or to appear in the suits brought in the commerce court. I hope some friend of this bill, if it has any friends, will convey to him when he returns to the Chamber what I am about to say. These thousands of shippers, united under an association known as the Corn Belt Meat Producers' Association, appeared by a single attorney. There was no difficulty there; no confusion there. This single attorney was aided by the attorney-general of the State of Iowa under a wise provision of the statutes of that State. Together they conducted this proceeding against the railroads which carry hogs from Iowa to the eastern market. The complaint was that the rates as compared with the rates from other producing fields were too high and ought to be reduced. Vast volumes of testimony were taken in the hearing before the commission. Finally, and within a few days, the commission entered an order condemning these rates and prescribing for the future reduced rates from Iowa points, or certain Iowa points, upon this product.

I do not know whether the railways interested in that proceeding will attempt to set aside, annul, or enjoin this order of the commission or not. I believe the time in which a bill of that character may be filed has not yet expired. But I will assume that under the present law the railways interested do file such a bill, and do seek the injunction which is provided for in the practice of the courts as well as in the law itself. The Interstate Commerce Commission will appear and defend; it will defend with a motive; it will defend with an earnest purpose to succeed. Why? Because it has already been convinced of the injustice of the rates against which complaint was made, and it has reached the conclusion that they ought to be changed. No matter whether the commission in conformity to its general practice advises with the attorneys who appeared before it for the complainants or not, we will have a real lawsuit, a lawsuit defended by men who have the highest motive to defend it, defended by men who believe that the order assailed is right; and therefore they will bring to the defense all the facts and all the arguments which the circumstances of the case provide in order to sustain the reduction already ordered.

Now, let us assume that this law has passed, and let us point out the consequences under its operation. Instead of bringing a suit against the Interstate Commerce Commission the railways will bring a suit against the United States by name, and the service of the notice will be made upon the Department of Justice. Then what will the Department of Justice do? Mark you, these humble citizens of Iowa are engaged in raising hogs. I hope that is not to their discredit, because we have this advantage—at least in my State—we only raise hogs of the four-legged variety. There are some States not so well situated in that respect, although those States shall be nameless at the present moment. But these humble citizens of the Republic brought their case, and they won it, before the Interstate Commerce Commission. They convinced that body of men, created by Congress for the very purpose of investigating these rates, that they had been unjustly dealt with by the railway companies.

Now, what must they do when this case is brought against the United States? They must convince the Department of Justice that the order of the commission was right, and ought to be defended and vindicated. They must enter into some sort of an extrajudicial and political inquiry before the Department of Justice, in order to make the officer who occupies that high place believe that this order is one that should be sustained. If I may be permitted to use a somewhat unclassical phrase, here is "the nigger in the wood pile." Here is the milk in the cocoanut.

The Senator from Rhode Island [Mr. ALDRICH], who, though often wrong—I was about to say nearly always wrong—is never obscure, took the mask off this provision of the law yesterday, or, rather, helped me to do it, when he stated in response to some suggestion, made either by myself or some other Senator, that the reason why the defense of these cases is to be transferred from the Interstate Commerce Commission to the Department of Justice is that the Department of Justice might consider the question from the high standpoint of public policy; that there might be policies involved in the defense of these suits; and that, therefore, they wanted their defense intrusted to a department that looked not to the decision that had been made by the commission, but to the general welfare of all the people of the United States.

Tell me, if you will, what judgment the farmers who are interested in the case that I have put will enter upon a proposal to take the defense of the case from the Interstate Commerce Commission, that it has already convinced of its righteousness, and transfer it to the Department of Justice, which is to consider it from some vague, intangible point of view that may result in a defense and may result in an abandonment.

I can not think that the full enormity of this proposal has yet dawned upon the Senator responsible for this bill, or else the suggestion would be speedily withdrawn. What will the Attorney-General consider? He will consider whether the rates that have been condemned by the commission, rates which either add to or take away from the profits of the producers of Iowa, is on the whole good for the entire country.

Does the Senator from West Virginia believe that a lawsuit instituted to protect rights, instituted to protect property of that sort, should be at that stage transferred to a tribunal from which there is no appeal, over which there is no review, and in which the judgment of the commission may be either set aside or abandoned, not for reasons stated in any opinion, but for reasons, as suggested by the Senator from Rhode Island, of high, broad, public policy?

If the Senator from West Virginia lived in our part of the country he would know I am speaking the truth about this. He used to live out in that direction. I do not know why he ever left that God's country, but if he lived out there he would know that the present difficulty in rate making does not relate so much to the actual rate charged by the railway companies as it does to the relative rates imposed upon various commodities and for various communities. Our struggle out there is one of competition between communities, localities, each of them wanting to get its product into the market at a fair rate as compared with a similar product of some other community with which it must compete. That is the great question of the West.

Now, the Iowa farmers have just had it decided that the Iowa rate on hogs is too high as compared with the rate on the same animals from other parts of the country, and if the Senator from West Virginia indorses this bill, of which I have the gravest doubt, and concerning which I have not yet heard him speak——

Mr. ELKINS. Mr. President——

Mr. CUMMINS. Pardon me just a moment, and then I will yield.

If he does, then does he propose that the question whether Iowa is being fairly dealt with in regard to the rates on hogs, as compared with Nebraska, and with Kansas, and with Missouri, and with South Dakota, and North Dakota, and Minnesota, shall be taken up by the Attorney-General and be

by him decided in the secrecy of his chamber, without any opportunity, so far as the law provides, for any man interested in the outcome to be heard or to lay before him either the evidence or the arguments? Now, I yield to the Senator from West Virginia.

Mr. ELKINS. I do not see the difference between the Attorney-General appearing in these cases and appearing in any other cases against the United States. Certainly, the Senator will not deny that in the long list of Attorneys-General they have always been distinguished men and able lawyers.

Now, Mr. President, why should not a case against the United States be committed to the Attorney-General? In this connection I will ask the Senator to allow me to read——

Mr. CUMMINS. Mr. President——

Mr. ELKINS. It is bearing right on this case.

Mr. CUMMINS. I can not consent to it, for this reason: I want to tempt, if I possibly can, the Senator from West Virginia into an address to the Senate upon this bill. For that reason only I am not willing to allow him to interject fugitive documents, which might be very material in a speech of his own, into my observations.

Mr. ELKINS. If the Senator objects, I will not insist on it.

The PRESIDING OFFICER (Mr. BRADLEY in the chair). The Senator from Iowa declines to yield.

Mr. ELKINS. The Senator has intimated, further, some doubt about my failing to lay——

The PRESIDING OFFICER. Does the Senator from Iowa yield?

Mr. ELKINS. May I answer that part? I ask the Senator's permission to do so.

Mr. CUMMINS. I must yield.

Mr. ELKINS. I will not take any time.

Mr. CUMMINS. I must not decline to allow the Senator from West Virginia to say anything in explanation of his apparent indifference to this bill that he desires to say.

Mr. ELKINS. I do not see why the Senator finds it in his mind to charge me with any apparent indifference. This bill was just taken up yesterday. I believed the distinguished Senator from Iowa could probably as well as any Senator on the other side opposing the bill make the opposition's position clear, and I thought I would have the pleasure of listening to him. I do not see that that puts me against the bill or makes me indifferent to it.

I want to assure the Senator that I am most heartily in favor of the bill. I want to assure him further that I hope to convince him in part before we get through that some of the positions he takes here are not well taken. I was glad to hear him say yesterday that as to the jurisdiction of the commerce court he did not think it was so enlarged as to broaden the review. At first I believe he thought so. I thought so, but after reading the decision of Justice White in the Illinois Central Railroad case I changed my opinion. I think the Senator will be able to change some of his views, some of his opposition to the bill. It is not so bad, I am sure, as he thinks it is; and at some time I will explain its provisions. I thought probably by interruptions I could make many things clear, as the Senator is always very kind and indulgent in that regard; but it is improper it seems, as the Senator says, to interject communications bearing upon the appearance of the Attorney-General in these cases. I will reserve that for any fugitive, spasmodic, stray remarks I may make upon the bill.

Mr. CUMMINS. I have not had as much pleasure since the debate began as I have experienced in the last few minutes. I am glad to know that the Senator from West Virginia intends some time in the vague future to say a word in behalf of this bill. I am glad to know that he will try to convince me that it ought to pass exactly as it is written. I am glad to know that he is friendly to it. Although I have been closely associated with him upon the committee and upon the floor with regard to this bill, I have had in the last few moments the first intimation from him that he was well disposed toward the measure.

Mr. ELKINS. Mr. President, with the Senator's permission, I will state that I voted for it, and I reported it. If I did not want the bill to pass, I could have gotten some one else, probably, to report it. That has been done before from my committee.

Mr. CUMMINS. The Senator from West Virginia tempts me almost beyond endurance to state what happened when he voted to report this bill. But I still intend to hold my desire in check, although I can not tell at what moment such a suggestion as has just dropped from the Senator from West Virginia may induce me to do what I had not intended to do. But I return now to the point.

The Senator from West Virginia refuses to see the difference between committing to the Department of Justice these cases and the ordinary suits that are brought, not against the United States, because there are no suits brought against the United States except those that have been specifically provided for in the statute. The United States is not suable in any court. It has the prerogative to bring suits, but it is not often compelled to defend them.

Therefore there is no parallel in the position suggested by the Senator from West Virginia. But it is idle for men to contend that the question of freight rates, as they have been determined by the Interstate Commerce Commission upon the application and complaint of those who are interested in those rates, who are affected by those rates, can become a question of policy, to be dealt with at the whim of the Attorney-General, no matter how well intentioned the Attorney-General may be.

I take another case. Just a short while ago the railroads changed the differential upon hogs and packing-house products from Missouri River points to Chicago and to other markets. Theretofore Kansas City, Omaha, and Sioux City were competing upon somewhat even terms; but for reasons which it is not necessary for me to relate, the railways decreed that Kansas City should have a better rate upon those products than theretofore as compared with the rates obtaining from Council Bluffs, Omaha, Sioux City, and other Missouri River points north of Kansas City.

What happened, or what will happen, if it has not already happened? The packers and the hog buyers and the associations interested in the prosperity of Omaha and of Council Bluffs and of Sioux City will be complaining to the Interstate Commerce Commission that the rates imposed upon them are too high as compared with the rates which are given to their competitors. Shortly that suit will be tried by the Interstate Commerce Commission, and shortly the commission will render a decision.

I should like to know whether Senators believe that the merits of this controversy is a matter of policy when once decided, if decided in favor of Omaha; I should like to know whether the hog raisers and those interested in the markets in Nebraska are willing, after they secure a favorable decision from the Interstate Commerce Commission, to submit that question as a matter of policy to the Attorney-General in order to ascertain whether the suit brought by the railway companies shall be defended or whether it shall be allowed to go to judgment undefended.

I should like to know whether the people of South Dakota and of North Dakota, too, to some extent, will be satisfied after the Interstate Commerce Commission has reestablished the market at Sioux City and made it possible for that community to compete with Kansas City; I should like to know whether they will be willing to transfer to the Attorney-General the decision of the righteousness or the justice of the judgment of the Interstate Commerce Commission. I think we have not yet fairly comprehended what will be the effect, no matter what has been the motive, of this change in the interstate-commerce law.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. I should like the Senator's view upon this possible change in the bill; that is, to allow the interested parties to follow the proceedings by their counsel and act conjointly with the Attorney-General, even although the name "The United States" was substituted. Would that obviate the difficulty to which the Senator is now addressing himself?

Mr. CUMMINS. To a degree, Mr. President, it would.

Mr. FLINT. Mr. President, before the Senator from Iowa proceeds, I should like to ask one other question in connection with that asked by the Senator from South Dakota [Mr. CRAWFORD], merely adding to what the Senator said, if the shipper is given the right to intervene in connection with the proceeding.

Mr. CRAWFORD. I had that in mind, of course.

Mr. ELKINS. Before the Senator from Iowa proceeds, I should like to ask him a question.

Mr. CUMMINS. I think I can remember both of these questions.

Mr. ELKINS. For instance, if I understood the Senator aright, he thinks the Interstate Commerce Commission can hear a complaint to determine and adjust the rates between localities—between Kansas City and Omaha, or Kansas City and Des Moines, or Chicago and Council Bluffs. Is it the Senator's position that the Interstate Commerce Commission has any jurisdiction to determine such rates? I should like to know the

point in the law wherein the Interstate Commerce Commission is authorized to settle the differences between localities?

Mr. CUMMINS. The Senator from West Virginia knows—I think he knows—about the present law. The Senator was here when the law was debated. He knows that when Council Bluffs or Omaha or Sioux City complains of rates upon commodities in which they are interested, the Interstate Commerce Commission determines whether those are just and reasonable rates. In determining those questions the commission takes into account the rates upon similar products from competing localities into the market. Of course the commission does not in its order establish a relation between the rates at Omaha and Kansas City, or the rates between Sioux City and Kansas City, but the commission, if it grants the relief that is asked, will reduce the rate from Omaha to Chicago and from Sioux City to Chicago, so that the rates it reduces will bear a proper relation to rates which the railway companies themselves have established for the business between Kansas City and Chicago.

Mr. ELKINS rose.

Mr. CUMMINS. Allow me just a minute more. You know me well enough to know that I do not shrink from any conclusion. I believe, and I shall presently contend, that the Interstate Commerce Commission should have the power to decree definitely a relation between rates. The commission, however, has no such power at the present time, but accomplishes the result in the way I have suggested. The difficulty with the present law is that when the Interstate Commerce Commission reduces the rate from Omaha to Chicago and from Sioux City to Chicago, as I believe it will, then the railroads can destroy the effectiveness of that decision by themselves reducing the rate on the same product from Chicago to Kansas City. That is a defect in the existing statute which I very much hope Congress will remedy before they have ceased considering the pending bill.

Mr. ELKINS. Mr. President, that brings up——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. Oh, yes.

Mr. ELKINS. That brings up the question of maximum and minimum rates.

Mr. CUMMINS. I do not yield for that purpose. I do not want to debate that question now. I will come to it presently.

Mr. ELKINS. No; but I say it brings it up. I said that under the existing law the Interstate Commerce Commission had no right to establish such rates as the Senator claims. For instance, to make myself clear, if there is a rate from Kansas City to Chicago and from Kansas City to Minneapolis, both regular, both just, both fair, and both reasonable——

Mr. CUMMINS. Mr. President, I hope the Senator will stop right there, because if those rates are just and fair and reasonable—all of them—the commission, of course, will make no change whatsoever in them.

Mr. ELKINS. Mr. President, I think it is just to that solecism that the Senator leads in his argument. If all those rates are fair and reasonable and just, the Interstate Commerce Commission can not disturb them under existing law, although Chicago may get an advantage by that ruling; but it is out of the power of the Interstate Commerce Commission. All the commission can do is to determine whether a rate is reasonable and just. Chicago, from its environment, from its position, its location, great concentration of business, being a great city, situate on the Lakes, will always, other things being equal——

Mr. CUMMINS. I have not said anything about Chicago.

Mr. ELKINS. I am only speaking of this——

The PRESIDING OFFICER. The Senator from Iowa declines to yield.

Mr. CUMMINS. I say again I hope the Senator from West Virginia will content himself by asking me questions, because I am bound somehow or other to get him into a speech on this bill before we finish it, and I do not want to destroy the effect of it by allowing him to make it as a part of my remarks.

Mr. ELKINS. The Senator is too good; he is too generous.

The PRESIDING OFFICER. Does the Chair understand that the Senator from Iowa declines to yield?

Mr. CUMMINS. I decline to yield for a discussion of the subject which is mentioned by the Senator from West Virginia, but for anything pertinent to my present debate I will gladly yield.

Mr. ELKINS. I only wanted an answer to the question whether the commission would interfere with the rates if they were reasonable, although one locality got the advantage? That is the question. Answer that.

Mr. CUMMINS. The Senator from West Virginia is very well aware—because I do not want anybody to draw, from anything that I have said as to the indifference of the Senator with regard to this bill, and the possible inference that he has never even read this bill—I do not want them to infer that he does not know about this subject, because I am sure he does know about this subject, and he can speak of it with an intelligence which will charm and instruct the Senate whenever he chooses to exercise those faculties of his mind and of his heart.

I come back now. Of course the Interstate Commerce Commission can not disturb any rate that it finds to be just and reasonable and fair, and I know that the Senator from West Virginia was in a jocular mood when he even proposed the inquiry.

Now, as to the questions proposed by the Senator from South Dakota [Mr. CRAWFORD] and the Senator from California [Mr. FLINT], I will say I have believed that if the defense of these suits shall be left with the Interstate Commerce Commission—as it ought to be, and as I believe it will be—then, while it might be desirable, it is not necessary, in my opinion, that the complainants in the proceedings before the Interstate Commerce Commission shall be admitted as nominal parties to the suit instituted in the courts to enjoin the order, for I believe that the Interstate Commerce Commission, with its knowledge gained through investigation and with its motives, will defend the suits in the most energetic and faithful and intelligent way; but if in a moment of blindness Congress or the Senate shall transfer these cases to the office of the Attorney-General, then it is of the highest importance that the complainants in the proceedings before the commission shall be given the right to intervene and to present their views of the cases, both in testimony and in argument, because it must be remembered that the evidence that is adduced before the Interstate Commerce Commission is not and can not be used before the court.

Mr. CRAWFORD. Will the Senator permit me to interrupt him right there?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. The point I desired to call the Senator's attention to was this: If the right to intervene is given these shippers, and if the right to follow the proceedings is given to them, will that obviate the difficulties to which the Senator has been addressing himself?

Mr. CUMMINS. It will obviate some of the difficulties and add very much to the expenses of the men who have already gone forward and expended large sums of money in securing the orders against which the railways direct their attack.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. In answer to the suggestion of the Senator, if this action is against the United States, if the Attorney-General has control of it, and the Attorney-General should conclude that the order ought not to be defended, what would be the effect of these men having the rights the Senator has suggested?

Mr. CRAWFORD. The thought I had was that their right to intervene and follow the proceedings should be granted, and to that extent be placed beyond the control of the Attorney-General.

Mr. BORAH. In that event the Attorney-General would become entirely unnecessary.

Mr. CRAWFORD. Except in the larger sense. We have a dual view presented here. For instance, the interest attaching to the shippers and to the locality. That is one, and then the larger interest which the Senator in so entertaining a fashion discourses upon. Now, there may be this larger view, that goes beyond the local interest and the interest of the shipper, that it might be well to have presented, but not to the exent of depriving the shipper and the local interest of their day in court. Can not both run concurrently and have their right to be heard? That is the thought I had in mind.

Mr. BORAH. I do not care to take up the time of the Senator from Iowa further.

Mr. CUMMINS. The present law accomplishes exactly the end that has been so well stated by the Senator from South Dakota, and if any reason can be given for transferring this defense to the Department of Justice, it is yet to be heard.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. Certainly.

Mr. FLINT. I should like to ask the Senator at this point whether the Attorney-General made any statement to the committee as to why this change should be made, or if he gave any reason for it?

Mr. CUMMINS. Mr. President, that also calls for what transpired in an executive session; but I think it is entirely appropriate for me to suggest that the only reason the Attorney-

General gave to the committee was that an inquiry into the justice of rates and the practices of railroad companies was not of individual concern. While he did not so state, the effect of his argument was that it made no difference to the shippers, to those who were suing the railroad company as a common carrier, but the whole question was one of public policy, one of enforcing an abstract view of right and justice, and he thought the Department of Justice would be more likely to accomplish that result than the Interstate Commerce Commission. His view of it was one I never before heard advanced; and I have tried, but am yet unable to discover any validity or force in it. But I must pass on, Mr. President.

Mr. DOLLIVER. Mr. President, would the Senator object to stating whether the Attorney-General entertained the view that this bill would put it within the province of the Department of Justice to sit in effect as a tribunal of review upon the justice and reasonableness and public policy of an order made by the commission before determining whether to defend it or not?

Mr. CUMMINS. I hesitate, Mr. President, to quote the Attorney-General, because I might not do it accurately; but, in response to an inquiry which I made during the time he was before the committee, his answers left upon my mind exactly the impression my colleague has just stated—that the very reason for substituting the United States as the party defendant and for transferring the defense to the Department of Justice was to give to the Department of Justice the opportunity to determine the policy of defending suits that were brought against the commission to set aside its orders. If I am wrong in regard to that, I am sure some other member of the committee who heard the statement will correct me.

Mr. ELKINS. Mr. President, if the Senator will allow me, inasmuch as that statement has been made——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. I do not remember the Attorney-General using the word "policy" at all; but he thought the interests of the whole country, including not only one particular class of shippers, but all of the people, would be better subserved by putting it upon the Department of Justice to appear and to defend in these cases. I do not remember the exact words now. His statement was not reduced to writing. As the Senator says, it was in a sort of executive session. The Attorney-General kindly consented to come before us and advise us about the bill and answer certain questions. That is my recollection of it.

Mr. CRAWFORD. I do not desire to break into the argument of the Senator from Iowa. My mind is absolutely open upon this proposition, and I want all the help I can get; and if the Senator from Iowa will permit me, I should like to ask the Senator from West Virginia whether any reason was urged by the Attorney-General or by anyone else why parties in interest who had instituted the proceeding before the commission and followed it successfully until an order was entered in their favor should be deprived of the privilege of following the proceeding in this new court and being represented by counsel. What reason, if any, was urged against that?

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield for the purpose of allowing the Senator from West Virginia to answer the question?

Mr. CUMMINS. I do.

Mr. ELKINS. Mr. President, the question was discussed at considerable length pro and con. The idea of the Attorney-General was that there would be uniformity, there would be harmonious action in defending these suits or in maintaining them for and against the United States; that there would be no divided responsibility; that the whole responsibility would be upon the United States, and in that event the United States, through its Attorney-General, would have to defend the interests committed to its charge under the bill.

Mr. CRAWFORD. But was the position taken that only the larger interest, the general welfare, should be considered, and the interests of the shipper or group of shippers or the community should be treated as an inconsequential matter?

Mr. ELKINS. No, sir; not at all.

Mr. CRAWFORD. That is the point I wanted to bring out.

Mr. ELKINS. Not at all. The case would come up to the court of commerce, the briefs of counsel who appeared before the commission would be before the Attorney-General, and he would look into them as he would into any other briefs, and probably he would employ some of the attorneys; but the Attorney-General took the position that unless the whole matter rested exclusively in the hands of the United States, and therefore in the hands of the Attorney-General, there would be confusion from a multiplicity of interests trying to direct a suit when it should be directed—certainly the assumption is—by one of the ablest lawyers in the country, the Attorney-General of the United States. It was not the purpose to deprive anybody of any right, and it was not claimed that it was.

Mr. PURCELL. Mr. President, I merely desire to ask the Senator from West Virginia in that connection whether or not the Attorney-General claimed he was the exclusive judge, or would be the exclusive judge, as to whether or not an appeal would be taken in case a rate were fixed?

Mr. ELKINS. No, sir; not at all.

Mr. PURCELL. Did the Senator understand, then, that a shipper would have a right to appeal from the order of the Interstate Commerce Commission whether it met with the approval of the Attorney-General or not?

Mr. ELKINS. A shipper can not appeal under certain conditions. He has no right to appeal; he is concluded by the action of the committee.

Mr. CUMMINS. Mr. President, I feel that I will have to resume my consideration of this bill.

Mr. ELKINS. I can make that plain.

The PRESIDING OFFICER. The Senator from Iowa declines to be further interrupted.

Mr. CUMMINS. I will reply to the Senator from North Dakota [Mr. PURCELL]. The shipper has no right of review. He must be content with the order of the commission. If the order of the commission, however, is in favor of the shipper, the railroad company can bring a suit to enjoin the execution and enforcement of the order. Such suits up to this time are defended by the commission. They are brought against the commission. This bill provides that they shall be brought hereafter against the United States and defended by the Attorney-General, and, of course, the Attorney-General will not defend a case that he believes has no defense; and in order to ascertain whether it has a defense he must examine the suit that is brought to him for the first time.

Mr. JONES. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I do.

Mr. JONES. I simply want to ask—I probably ought to know it, but I do not; that is, I am not sure—whether now suit is brought against the commission?

Mr. CUMMINS. Yes, sir; it is.

Mr. JONES. What attorneys defend that suit?

Mr. CUMMINS. Any attorneys that may be employed by the Interstate Commerce Commission.

Mr. JONES. Not necessarily the attorneys who were interested in the original proceedings?

Mr. CUMMINS. Not necessarily. Oftentimes, and, I think, in every instance, the Interstate Commerce Commission employs an attorney for the defense; but in nearly every instance it either admits to the record or admits in an advisory capacity the attorney for the complainant who has succeeded in securing the order.

Mr. JONES. They keep control of their side of the case?

Mr. CUMMINS. Absolutely.

Mr. PURCELL. That, in effect then, as I understand the Senator from Iowa, would make the Attorney-General of the United States the exclusive judge for the people of the United States as to whether an appeal should be taken.

Mr. CUMMINS. The Senator from North Dakota does not state it quite accurately. There is no appeal taken. The suit is a suit brought by the railways, as this bill provides, against the United States, and then it becomes a question of whether that suit shall be defended or not.

Mr. PURCELL. That is what I mean.

Mr. CUMMINS. The Attorney-General by this bill is given absolute and uncontrollable authority to determine whether a defense shall be interposed, or whether the suit shall be allowed to proceed to final judgment.

I think now, Mr. President, that I may pass from this provision, important as it is, and I now send to the desk a series of amendments, which I propose on behalf of the minority of the committee, and request that the amendments be printed and lie on the table, to be hereafter offered.

The PRESIDING OFFICER. In the absence of objection, that order is made.

The amendments referred to are as follows:

Strike from line 9, page 8, the words "United States" and insert the words "Interstate Commerce Commission."

Strike from lines 11 and 12, page 8, the words "and in the Department of Justice."

Strike out lines 8, 9, 10, and 11, and the words "United States, and," in line 12, page 11, leaving section 4 to read: "The United States

may intervene in any case or proceeding in the court of commerce whenever, though it has not been made a party, public interests are involved."

Strike out section 5, being from and including line 15, page 11, to and including line 3, page 12.

Insert at the end of line 8, page 9, the following:

"In any suit brought in said court of commerce to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission any person, copartnership, or corporation which was a party to the proceeding in which the order sought to be enjoined, set aside, annulled, or suspended was made shall have the right to appear in the court of commerce and be made a party thereto, and shall be permitted to introduce evidence and make argument as though an original party to the suit, and upon an appeal to the Supreme Court of the United States shall be heard in like manner as though originally a party to the suit."

Mr. CUMMINS. One more suggestion with regard to the first six sections of the bill, and then I have finished with that part of it. I wonder if the Senator from West Virginia favors that provision of this bill which destroys the safeguard which I think he himself did much in 1906 to put around the practice of granting preliminary injunctions. Senators will remember that the law of February 11, 1903, called the expediting act, was applicable only to the antitrust law. It was provided that the cases must be heard before at least three judges, and if there were not three circuit judges in the jurisdiction in which the suit was brought, then the two circuit judges were authorized and required to call in a district judge. There were other provisions in that act which related to an appeal directly to the Supreme Court of the United States, and not through the circuit courts of appeals, as is true of other cases. In 1906 the law of February 11, 1903, was made applicable specifically to suits brought by railway companies to enjoin or set aside the orders of the Interstate Commerce Commission; and with what result? That thereafter appeals were taken directly from the circuit court to the Supreme Court of the United States. I desire to read for the information of the Senate just what was accomplished in the law of 1906. I read from section 16:

The provisions of "An act to expedite the hearing and determination of suits in equity," etc., approved February 11, 1903, shall be, and are hereby, made applicable to all such suits, including the hearing on an application for a preliminary injunction, and are also made applicable to any proceeding in equity to enforce any order or requirement of the commission or any of the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof or supplemental thereto. It shall be the duty of the Attorney-General in every such case to file a certificate provided for in said expediting act of February 11, 1903, as necessary to the application of the provisions thereof, and upon appeal as therein authorized to the Supreme Court of the United States the case shall have in such court priority in hearing and determination over all other causes except criminal causes: *Provided*, That no injunction, interlocutory order or decree suspending or restraining the enforcement of an order of the commission shall be granted except on hearing after not less than five days' notice to the commission.

Mark further:

An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States.

Does the Senator from West Virginia know that this bill provides that there can be an appeal only from a final decree of the court of commerce? Does he know that the court of commerce is given the right by a single judge—not by two, not by three, but by a single judge—and without any notice whatsoever, to grant a temporary injunction against the order of the commission?

Mr. OVERMAN. Does not that absolutely destroy the provision that was included in the Interstate Commerce act of four years ago?

Mr. CUMMINS. Mr. President and Senators, it not only destroys it inferentially, but the language I have read in that part of section 16 is absolutely repealed, and there is substituted for it a provision that any judge of the court of commerce can grant a restraining order without any notice if a showing of irreparable injury is made——

Mr. ELKINS. Mr. President——

Mr. CUMMINS. A mere pretense, if I am permitted to use that word, because the Senator from West Virginia knows, and every other Senator here who has been admitted to practice law in the courts of the United States or in any other court knows, that you can not secure a preliminary injunction anywhere, in any federal court, without the allegation and without the showing of irreparable injury; and yet it is made a pretext here of repealing one of the most useful provisions of the interstate commerce amendment 1906.

Now you propose to the people of the United States that after the Interstate Commerce Commission has entered an order, no matter how important that order may be to the shipping interests of the country, the railway company can appear before a single judge, and without any notice whatsoever can secure a preliminary injunction.

If you can defend that invasion of the act of 1906, if you can make the people of this country believe that you are attempting to amend the law for their benefit by striking down the shield which they have used now for four years for their own protection, I have yet to hear the attempt.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. Yes.

Mr. BACON. Will the Senator permit me for just a moment to say, as the Senator from Iowa was not at that time in the Senate, that there is no provision in the act of 1906 which received more care and which was passed with more reference to the absolute necessities of the case than the one he now speaks of, which is about to be repealed. I appeal to every Senator who was then in the Senate whether I have not stated the facts.

Mr. CUMMINS. In response to the Senator from Georgia I will say it is quite true I was not a Member of the Senate at that time, but I read with the greatest care that debate. It is one of the most instructive and notable debates that have occurred in Congress, and that contribution to the legal literature of the United States and its courts is one that everywhere is recognized as of the greatest possible value. Therefore, it was with the utmost surprise that I found in this bill a deliberate purpose to reverse the policy adopted by Congress in 1906, and to substitute for it a policy that had been contended for and fought for by the railroads from the moment Congress attempted to regulate them at all.

If the Senator from West Virginia has any response to make to that proposition I will pause now to hear what he has to say.

Mr. ELKINS. Mr. President, I do not want to interrupt the Senator from Iowa unduly, but the whole section to which he refers is omitted in section 10 of the bill under consideration, because the cases are transferred by the bill to the court of commerce, and there was no use for it. The procedure concerning interlocutory injunctions is set up in section 3. Section 2 regulates the appeals.

I am aware of the Senator's position—that an order should not be set aside except upon five days' notice—but, I think, as he has read the portion of the law that is omitted, he should allow me to read the section that takes its place. It is brief. It is only a few lines.

Mr. CUMMINS. I will be very glad if the Senator will read it.

Mr. ELKINS. This regulates the procedure. Section 3 takes the place of section 16 of the old law, about which there was such a contention here for months, as the Senator from Georgia [Mr. BACON] has observed.

SEC. 3. That suits to enjoin, set aside, annul, or suspend any order of the Interstate Commerce Commission shall be brought in the court of commerce against the United States. The pendency of such suit shall not of itself stay or suspend the operation of the order of the Interstate Commerce Commission; but the court of commerce, in its discretion, may restrain or suspend in whole or in part the operation of the commission's order pending the final hearing and determination of the suit. No order or injunction so restraining or suspending an order of the Interstate Commerce Commission shall be made by the court of commerce otherwise than upon notice and after hearing—

The five days' notice is not in there, nor is the three days'.

Mr. CUMMINS. Read on.

Mr. ELKINS. I will. I will gratify the Senator to the limit.

Mr. CUMMINS. Sure. I am afraid you never read that section before.

Mr. ELKINS. I do not know why the Senator says that. I have read it about a dozen times; I suppose about as often as the Senator has ever read it. It reads:

Except that in cases—

Here are the only ones—

where irreparable damage would otherwise ensue to the petitioner said court or a judge thereof may allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission for not more than sixty days from the date of the order, pending application to the court for its order or injunction, in which case the said order shall contain a specific finding, based upon evidence submitted to the judge making the order and identified by reference thereto, that such irreparable damage would result to the petitioner and specifying the nature of the damage.

I think every safeguard is thrown around the granting of the injunction or the setting aside of the order that is possible. It does not require five days' notice, and I will tell the Senator and tell the Senate the reason. The court of commerce will sit in Washington; the Interstate Commerce Commission is here; and five days' notice is not required as it is in the cases of the circuit courts of the United States a long distance apart and away. Every safeguard is provided. The only exception is the case of irreparable damage, and the judge is required to certify——

Mr. CUMMINS. What difference does it make where the Interstate Commerce Commission is? It has nothing whatever

to do with the case, and it would be impertinent if it were to appear in it or be interested in it in any way.

Mr. ELKINS. I agree with the Senator from Iowa precisely. The Interstate Commerce Commission should have nothing to do with it. It ceases to be judge, prosecutor, and investigator by this very act of procedure. The case is in the court of commerce.

Mr. CUMMINS. On the contrary, Mr. President, it is still the prosecutor, the investigator, and the judge. The only thing that is taken away from the Interstate Commerce Commission is the power to defend what it has done.

Mr. ELKINS. If the commission can not defend, if it can not investigate after the case goes to the court of commerce, I do not see how the Senator from Iowa can claim that it still is the prosecutor and judge. It ceases to be under this law, which says:

Otherwise than upon notice and after hearing—

The court has to give notice and hear—

except that in cases where irreparable damage would otherwise ensue to the petitioner said court or a judge thereof may allow a temporary stay or suspension in whole or in part of the operation of the order of the Interstate Commerce Commission.

This law of irreparable damage has been the law for hundreds of years. The question was debated before. The bill does not change that feature of it. But if the judge grants it for that reason he so certifies. I think it is a better provision than the other provision in the old law.

Mr. CUMMINS. The Senator from West Virginia did not intend to say that the act of 1906 did not change the equity practice in this respect. It is positive in its provision that no preliminary or interlocutory injunction shall be issued without five days' notice, and yet you are about to create a court of commerce, situated in Washington, as far as it is possible to get from those who are interested in the outcome of its decisions, and because you remove it these miles away from those who will watch its proceedings with the utmost interest the Senator from West Virginia says the court ought to be permitted, or any judge of it ought to be permitted, without any notice whatsoever, to grant a preliminary injunction or a stay or a restraining order.

Senators, if there has been one act of Congress that has received universal approval it is the act which required notice before a temporary injunction or any restraining order is issued suspending the action of the Interstate Commerce Commission. And there is no reason why notice should not be given.

Do you remember that an order of the Interstate Commerce Commission can not take effect until at least thirty days after its entry, and therefore there is adequate time for a railway company which desires to assail it to give notice of its intent to apply for a preliminary injunction or a restraining order? And yet, notwithstanding that, you propose in this bill to allow the railway companies to postpone their action until the last hour that precedes the moment when the order shall go into effect, and then apply to a single judge in the very extremity of the country for a restraining order without any notice whatsoever.

But that is not all. Tell me, if you can, why you have taken from the law the right to appeal to the Supreme Court of the United States from an order granting a preliminary injunction? That privilege has been of inestimable advantage to the people of this country within the last four years.

Mr. ELKINS. Mr. President——

Mr. CUMMINS. Tell me why you limit the appeal from the court of commerce to a final decree? That was the law; that is the law of the United States, and it has been for years in relation to equitable proceedings. There was no appeal under the judiciary act of the United States until final decree, but in order that the shippers might be adequately protected you gave to the country and those interested in these suits—the Senate, the Congress, gave four years ago—the right to appeal from an order granting a preliminary injunction; and tell me why you have taken that right away from the shippers.

Mr. ELKINS. With the Senator's permission, I think his question invites a reply. I deny that the right of appeal is taken away or impaired in any way. I read section 3, which regulates the procedure. I will read section 2, which regulates appeals, and I think the Senator will permit me to do that, because of his question.

Mr. CUMMINS. Tell me why. I am perfectly familiar with the section. It does limit the appeal to the final decree.

Mr. ELKINS. Well.

Mr CUMMINS. Tell me why this law takes away the right of appeal from an order——

Mr. ELKINS. I do not think it does.

Mr. CUMMINS. From an order granting a preliminary injunction.

Mr. ELKINS. I do not think it does. Listen. I call the attention of Senators to this language:

SEC. 2. That a final judgment or decree of the court of commerce may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court is taken by an aggrieved party within sixty days after the entry of said final judgment or decree. Such appeal may be taken in like manner as appeals from a circuit court of the United States to the Supreme Court.

Now, whatever governs the appeals in those cases governs in this.

And the Supreme Court may affirm, reverse, or modify the final judgment or decree of the court of commerce as the case may require.

Mr. CUMMINS. Mr. President——

Mr. ELKINS. Let me read it through.

Mr. CUMMINS. I want to ask the Senator from West Virginia a question right here.

Mr. ELKINS. Very well.

Mr. CUMMINS. Does the Senator from West Virginia, as a lawyer, affirm to the Senate that under the section just read there may be an appeal from the court of commerce in granting an interlocutory injunction?

Mr. ELKINS. To the extent that they are allowed in the practice of appealing cases from the circuit courts to the Supreme Court of the United States.

Mr. CUMMINS. Ah, Mr. President!

Mr. ELKINS. I beg the Senator's pardon. I ask him to allow me to finish this, which regulates appeals. Whatever this says settles that question.

Appeal to the Supreme Court, however, shall in no case supersede or stay the judgment or decree of the court of commerce appealed from, unless the Supreme Court or a justice thereof shall so direct, and appellant shall give bond in such form and of such amount as the Supreme Court, or the justice of that court allowing the stay, may require.

Appeals to the Supreme Court under this section shall have priority in hearing and determination over all other causes except criminal causes in that court.

Mr. CUMMINS. I must defend the Senator from West Virginia against himself. It is not fair to him that it shall be assumed by the Senate that he believes that this section gives the right of appeal from interlocutory orders. Allow me to read it again, and if the Senator from West Virginia will listen to me——

Mr. ELKINS. I do not see how the Senator from Iowa can get any different meaning out of it. I was certain that appeals from interlocutory decree was allowed in section 2. I so state in the report of the majority. I will see.

Mr. CUMMINS. It reads:

SEC. 2. That a final judgment or decree of the court of commerce may be reviewed by the Supreme Court of the United States if appeal to the Supreme Court is taken by an aggrieved party within sixty days after the entry of said final judgment or decree. Such appeal—

"Such appeal," that is an appeal from the final judgment or decree, as has been the practice for years and years—

may be taken in like manner as appeals from a circuit court of the United States to the Supreme Court.

That is to say, the procedure in taking an appeal, the manner of perfecting the appeal from a final judgment or decree of the court of commerce, shall be fashioned after the procedure in taking an appeal from a circuit court to the Supreme Court of the United States.

Mr. NELSON. Will the Senator from Iowa yield to me for a minute?

Mr. CUMMINS. Gladly.

Mr. NELSON. The following words in section 16, as amended by the act of 1906, are omitted from this bill. I will quote them. They are omitted from the amendment:

Provided, That no injunction, interlocutory order or decree suspending or restraining the enforcement of an order of the commission shall be granted except on hearing after not less than five days' notice to the commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States.

The words I have just read are omitted from the amendment in this bill.

Mr. CUMMINS. Precisely; and if it were not for those words there would be no appeal to the Supreme Court or any other court from an order granting a preliminary injunction. It was only by those words that Congress gave to the people interested in this subject the right of appeal from an order that might be granted by an inferior court and that might result in injury to the people in whose behalf the original order of the commission was issued.

But if the Senator from West Virginia will follow me just one step further, I will agree to convince him beyond the shadow of a doubt.

Such appeal may be taken in like manner as appeals from a circuit court of the United States to the Supreme Court, and the Supreme Court may affirm, reverse, or modify—

What?—

the final judgment or decree of the court of commerce, as the case may require.

I know that after the Senator from West Virginia shall have had the opportunity of reflection, and possibly of consultation, he will not reiterate what he has just declared to the Senate.

Mr. LA FOLLETTE. After he shall have read the bill.

Mr. CUMMINS. I can not conceive that we are about to emasculate, about to cripple, about to weaken a law that was adopted four years ago after the most exhaustive consideration and after having heard in the completest way possible of the needs and necessities of the business of the country.

Mr. President, I now pass to the desk an amendment which I shall propose to this bill, restoring the provisions of the law of 1906, and which, if we are to be inflicted with this court of commerce, will give the right to appeal from an interlocutory order and which will require notice before any injunction is issued suspending or setting aside an order of the commission.

I do not ask that the amendment be read at the present time, because I have stated its full purport, and will only request that it be printed and lie on the table, to be hereafter offered.

The PRESIDING OFFICER. Without objection, that course will be pursued.

The amendment is as follows:

Strike from line 16, page 10, all after the word "suit," to and including line 7, page 11, and substitute therefor the following:

"No injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the commission shall be granted except on hearing after not less than five days' notice, and appeal may be taken from an interlocutory order or decree granting or continuing an injunction in any suit to the Supreme Court of the United States."

Mr. CUMMINS. I now pass the first six sections of the bill, and pass the court of commerce, and pass all its incidents in order to reach the most startling proposition, the most destructive proposal that has been heard in regard to this subject in years.

The next section of the bill is an amendment to section 5 of the present act, as I recall it. Senators will remember that this is the act which prohibits pooling, and there is to be added to this section—and now mark you, Senators, because I can not think that many have realized what is proposed to be done—section 7 of this bill repeals the antitrust law with regard to traffic agreements, and it proposes to make them effective without the approval of the commission. In order that there may be no controversy with regard to it, I read the first few lines of section 7 of the bill, and it has a history as interesting as a romance:

That section 5 of the act to regulate commerce, approved February 4, 1887, as amended, is hereby amended by adding at the end thereof a new paragraph, as follows:

"Agreements between common carriers subject to this act specifying the classifications of freight and the rates, fares, and charges for transportation of passengers and freight which they agree to establish, shall not be unlawful under the act to regulate commerce as amended, or under the act approved July 2, 1890, entitled, 'An act to protect trade and commerce against unlawful restraints and monopolies,' or otherwise, if a copy of such agreement is filed with the Interstate Commerce Commission within twenty days after it is made, and before or when any schedule of any rate, fare, or charge, or any classification made pursuant to the agreement is filed with the commission."

Then it proceeds to say that the rates which may be specified in any such traffic agreement must be filed by the individual railroads, and that the commission simply retains the same power and authority over those rates as it has over all other railway rates, and they may be investigated and changed and reduced or increased, just as all other rates that have for years been made by railroad companies. But I want Senators to understand that the agreement itself is not to be approved by the Interstate Commerce Commission. There is no suggestion of approval by the United States Interstate Commerce Commission, although the rates may be inquired into, and if they are found to be unreasonable or unjust and discriminatory they may be set aside and others substituted in their stead.

Mr. CRAWFORD. Mr. President, does the Senator understand the purpose of this section to be that simply the filing of such an agreement is all that is necessary to make it lawful, although it may be discriminatory and unjust in its provisions, that the mere filing of it makes it lawful in the contemplation of the act?

Mr. CUMMINS. Is that the whole question?

Mr. CRAWFORD. Is that the Senator's understanding? I confess that the language used apparently means that, but it struck me as being so remarkable that the mere filing should be all that was necessary to make lawful what otherwise was unjust and discriminatory that I thought there must have been some slip in the language used.

Mr. CUMMINS. No, Mr. President; it is the same slip here that we find in a great many other parts of this bill. There are nothing but slips in certain parts of the bill.

Now, I will answer the Senator from South Dakota, and I will try to do it with the utmost fairness. These traffic agreements are to be filed with the Interstate Commerce Commission, and the commission is given no authority whatsoever over them; it can no more touch them or deal with them than can the Senator from South Dakota.

But these agreements, although specifying possibly the rates, do not in and of themselves make the rates. The railroads which are parties to the traffic agreement must in addition to the agreement file their schedules, as the law now requires, and the commission retains its power to inquire into the rates that have been thus presented by the several railroad companies exactly as it can inquire into them now. If anyone complains of any of these rates the commission can investigate that complaint, and if this law passes, in other respects the commission can of its own motion inquire into these rates. But so far as the agreement is concerned, it is completely beyond any authority or jurisdiction of the commission.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. The point I want information on is simply this: Suppose the railway companies enter into an agreement which upon its face is clearly in violation of the Sherman antitrust act, shall it be made lawful by simply filing it with the commission?

Mr. CUMMINS. This section expressly says that it may be done, notwithstanding the provisions of the antitrust act. It repeals the antitrust act so far as such agreements are concerned. It expressly repeals the antitrust act with regard——

Mr. CRAWFORD. Is it the position taken by those in the committee in favor of the provision that it has an effect of that kind?

Mr. CUMMINS. It never was questioned. Mr. President, there was no position taken in the committee by anybody who was in favor of the bill.

Mr. ALDRICH. Mr. President——

Mr. CUMMINS. The only position taken was by those who oppose the bill.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. There was no such understanding on the part of any member of the committee that I know outside, possibly, of the Senator from Iowa.

Mr. CUMMINS. I do not know what the position of the Senator from Rhode Island was.

Mr. ALDRICH. The Senator was expressing the opinion of the committee.

Mr. CUMMINS. I did not suggest that it was the position of the Senator from Rhode Island.

Mr. ALDRICH. Most certainly it was not.

Mr. CUMMINS. There was a conspicuous silence in the committee with regard to all these things.

Mr. ELKINS. If the Senator from Iowa will allow me, I should like to state the position of the committee on this subject.

Mr. CUMMINS. No; I can not do that.

Mr. BAILEY. What part of the committee?

Mr. CUMMINS. I insist that the Senator from West Virginia, if he be so advised, shall take up this bill, and if he regards my argument as worthy of answer that he shall answer it in a consecutive way. He does not do himself justice by these fragmentary and disjointed colloquies that occur from time to time.

Mr. CRAWFORD. Will the Senator from Iowa permit me to ask the Senator from Rhode Island a question?

Mr. CUMMINS. I will yield to the Senator from South Dakota for that purpose.

Mr. CRAWFORD. The Senator from Rhode Island says that that was not the understanding. I should like to have his view as to what this language means, where it says that agreements between carriers shall not be unlawful if filed with the commission.

Mr. ALDRICH. If the Senator will read the rest of the section, he will find an explanation of it.

Mr. BAILEY. Will the Senator allow me?

Mr. CRAWFORD. I confess I have had some trouble to understand how it meant otherwise than that the filing removed its illegality.

Mr. CUMMINS. The more the Senator from South Dakota studies the section the more he will discover that there is not any other interpretation that can be put on it.

Mr. BAILEY. Mr. President——

Mr. CUMMINS. I yield to the Senator from Texas.

Mr. BAILEY. The whole truth is that they are trying to reverse the Supreme Court of the United States. They originally contended that the antitrust act was not intended to include the railroads, and that contention was overruled by the court. The effect and purpose of this is to take the railroads, to this extent, at least, from under the operation of the antitrust act and to confine them entirely to the interstate commerce act. I take it that the Senator from West Virginia, if I might tempt him to his feet, would not deny that that is the purpose of it.

Mr. ELKINS. If the Senator from Iowa will allow me, I will answer that.

Mr. BAILEY. Before the Senator answers, he said a moment ago that he wanted to explain what was in the mind of the committee. I want him to specify just what part of the committee, the majority that did not approve this bill or the minority that did.

Mr. ELKINS. In the minds of those who reported the bill.

Mr. CUMMINS. Mr. President, I want a moment to consider whether I will yield for the purpose stated by the Senator from West Virginia or not. I think I will, but I want it to be understood that I am occupying but a small proportion of the time that is being consumed. I do not want to incur the ill-will of Senators upon the assumption that I am speaking for days when, as a matter of fact, I am dividing my time amongst a great many who are interested in the bill.

Mr. ALDRICH. Will the Senator allow me to make a very short statement?

Mr. CUMMINS. I will yield to the Senator from Rhode Island, and afterwards I will yield to the Senator from West Virginia, but it must be understood that I am going right through this bill if it takes me four days to do it.

Mr. ELKINS. That is right.

Mr. CUMMINS. And I do not want to be misjudged in regard to the time I occupy.

Mr. ALDRICH. I simply want to say that for myself I do not consider myself bound by an agreement between the Senator from Iowa and the Senator from Texas as to what I think the bill means.

Mr. ELKINS. Mr. President——

Mr. CUMMINS. I must answer that, Mr. President, by asking the Senator from Rhode Island when have I stated what he understands this bill to mean? I have very studiously avoided any such suggestion, because I have not the least idea what the Senator from Rhode Island believes the bill to mean.

Mr. BAILEY. I have the advantage of the Senator from Iowa. I know exactly what the Senator from Rhode Island thinks it means. The Senator from Rhode Island thinks it means exactly what I said it meant.

Mr. ALDRICH. Mr. President, the Senator from Texas may have an intuitive knowledge of other Senator's views upon a great many subjects, but he has not the slightest idea apparently, from his statement, as to what my views are upon this subject.

Mr. BAILEY. I have served here something like nine years with the Senator from Rhode Island, and never yet have I known him to get what he wanted without knowing when he had it. The Senator from Rhode Island knows exactly what this bill means, and it means exactly what, in that respect, he wants it to mean. The Senator from Rhode Island was one of those who never believed that the antitrust law—now, I am venturing this; I do not know it; I only believe it—the Senator from Rhode Island was one of the Senators who never believed that the antitrust law was intended to apply to the railroads. The venerable Senator from Massachusetts, now passed away, declared, and I understand that Senator Sherman declared on the floor of the Senate, that it had not been the purpose of Congress when they passed the antitrust act to include the railroads in it, expecting that they would be left to be dealt with under the interstate law.

Mr. ELKINS. What does the Senator from Texas think on that subject? Does he think——

Mr. BAILEY. I think the antitrust act was intended to punish and prohibit every unlawful combination, whether made by individuals or corporations, or, if made by corporations, of whatever kind or character. In other words, I think the Supreme Court was right on that question. Does the Senator from West Virginia differ with them?

Mr. ELKINS. No; I do not differ with the Supreme Court, but the men who passed the act never had any idea that it applied to railroads.

Mr. BAILEY. Then the Supreme Court misconstrued the law.

Mr. ELKINS. They interpreted the language, but the men who passed the act had no such idea when they passed it.

Mr. BAILEY. No man ever lived who will ever get the Senator from West Virginia to contradict anybody if there is a possible way to avoid doing so.

Mr. ELKINS. Not the Supreme Court.

Mr. BAILEY. The Senate has heard with surprise his remark from time to time when he said that Congress meant one thing, notwithstanding that court declares that Congress meant a different thing.

Mr. ELKINS. I agree with Senator Hoar and Senator Sherman that it did not apply, in their minds.

Mr. BAILEY. I stated that merely as a recollection. The Senator from West Virginia confirms me. Now, what did the Senator from Rhode Island think about that?

Mr. ALDRICH. Mr. President, the Senator from Rhode Island, I think, agreed with the Senate. I venture the assertion that no man in the Senate who voted for the so-called Sherman antitrust law had the slightest idea that it would apply to the railroads. I think that is a historical fact.

Mr. BAILEY. And you are now trying to take the railroads from under it.

Mr. ALDRICH. I beg the Senator's pardon; we are not trying anything of the sort.

Mr. BAILEY. You did not intend to put them under the antitrust act, but did so; and now you are trying to take them out.

Mr. ALDRICH. The Senator from Texas and the Senator from Iowa are entirely mistaken as to the purpose of that law and its effect.

Mr. CUMMINS. This section is just as plain as the English language can make it. There is not any possibility of mistaking what it accomplishes. There is no hidden meaning in it. Its meaning is blazed right across it.

Mr. ELKINS. I agree with the Senator.

Mr. CUMMINS. I defy any master of the tongue to state the purpose more clearly and plainly than is found in the bill. I suppose the Senator from Rhode Island believes that it does just what it says. It repeals expressly the antitrust law with regard to traffic arrangements.

Mr. ELKINS. Now, will the Senator allow me to state what I think the language means?

Mr. BAILEY. What the committee thought it meant?

Mr. ELKINS. And the committee that reported it; the majority of the committee.

Mr. BAILEY. I want to challenge that statement. The Senator must be accurate.

The VICE-PRESIDENT. The Senator from Iowa has the floor. Does he yield further?

Mr. CUMMINS. I have yielded to the Senator from West Virginia for the purpose of making an explanation that I honestly think is sadly needed, and I am quite willing that the Senator from Texas shall hold him to the explanation.

Mr. BAILEY. And to the accuracy of it.

The VICE-PRESIDENT. The Senator from West Virginia has the floor.

Mr. ELKINS. Now, if I may be allowed, the bill provides:

> Agreements between common carriers subject to this act specifying the classifications of freight and the rates, fares, and charges for transportation of passengers and freight which they agree to establish, shall not be unlawful under the act—

It should not be unlawful under the Sherman Act. I will not quote the whole of it. That is what it means—

> if a copy of such agrement is filed with the Interstate Commerce Commission within twenty days after it is made.

Now, the making of the agreement is not unlawful and the filing of the same agreement is not unlawful, but the rates, the schedules, the classifications, the fares, and charges might be unlawful. The Senate knows and everybody knows that the railroads have to violate this law every day in order to operate their roads.

Mr. BAILEY. To violate a law of Congress?

Mr. CUMMINS. I for one challenge that statement.

Mr. ELKINS. Let me make myself plain. The railroads enter into agreements every day. They do not do it in a way that they can be prosecuted, but how otherwise can you fix a rate between New York and Chicago with all the railroads?

Mr. CUMMINS. Each railroad can fix it for itself.

Mr. ELKINS. If the Senator will allow me, they do fix it that way. President Roosevelt, in a number of messages and statements, always declared that he favored the making and filing these agreements not unlawful.

Mr. CUMMINS. I challenge that statement.

Mr. ELKINS. I can produce the message here.

Mr. CUMMINS. The Senator from West Virginia will not find any statement from the former President of the United

States favoring the validation of such agreements until they are approved by the Interstate Commerce Commission.

Mr. ELKINS. I said the President favored it, and it is in the platform. It is in the Republican platform in just the words, probably, that the President used.

Mr. CUMMINS. When I come to the political side of this question and discuss the Republican platform, I shall be very glad to call the attention of the Senator from West Virginia to what the party has declared; but just now we are considering it from its economic and abstract standpoint, instead of a political standpoint.

Mr. ELKINS. The section provides:

If a copy of such agreement is filed with the Interstate Commerce Commission within twenty days after it is made, and before or when any schedule of any rate, fare, or charge, or any classification made pursuant to the agreement is filed with the commission; but all provisions of the act to regulate commerce, approved February 4, 1887, as amended, and all provisions of this act and any future amendments thereof shall apply to such agreed rates, fares, and charges, and such agreed classifications, and the Interstate Commerce Commission shall have—

And so forth.

Mr. ALDRICH. Will the Senator read the last clause? I commend that to the attention of the Senator from Iowa.

Mr. ELKINS (reading):

And all provisions of this act and any future amendments thereof shall apply to such agreed rates, fares, and charges, and such agreed classifications, and the Interstate Commerce Commission shall have like control over and power of action concerning any agreed rate, fare, charge, or classification—

Now, there is not only——

Mr. BAILEY. They would have that without anything in this law; they have it now.

Mr. ELKINS. If the Senator will let me get through—they have it now. They can on their own initiative set it aside. They never had that power before, but this bill confers upon the commission the right to make the rates absolutely without complaint. I will read it:

And the Interstate Commerce Commission shall have like control over and power of action concerning any agreed rate, fare, charge, or classification, including suspension of the rate or classification before it becomes effective. The right of suspension of the rates or schedules is given the moment they are filed.

It is not the agreement that is harmful; it is what the agreement provides that may be harmful. The schedule of rates, the fares or charges—and these are under the control absolutely and specifically and definitely in the language of this bill—

before it becomes effective and pending investigation of its propriety, as if the rate, fare, charge, or classification had been made without agreement.

Absolutely without agreement. They have the sole jurisdiction. They can stop it and nullify it on their own motion.

Mr. DOLLIVER. For how long?

Mr. ELKINS. Forever, if they want to.

Mr. DOLLIVER. No; sixty days.

Mr. BAILEY. It would take the Senator sixty days to get his breath.

Mr. CUMMINS. I have no objection, Mr. President——

Mr. ELKINS. I will not continue to an undue length. Let me finish the reading:

And pending investigation of its propriety, as if the rate, fare, charge, or classification had been made without agreement.

All that is material. The commission controls it absolutely. They can do anything they may wish with these rates, schedules, or fares under this bill, and with greater power than they ever had before, and they have the power to take the initiative. Now, listen:

And any party to such agreement may cancel it as to all or any of the agreed rates, fares, charges, or classifications, by thirty days' notice in writing to the other parties and to the Interstate Commerce Commission, and such agreement of carriers, though filed with the commission—

"Though filed with the commission"—

shall not be deemed—

What?—

shall not be deemed a tariff or schedule of rates, fares, or charges collectible from the public, or operate itself to alter any such tariff or schedule whensoever filed and published, but nothing in this section contained shall be deemed to authorize the making of agreements for the pooling of freights.

Now, will the Senator allow me, or does he think I have consumed enough time?

Mr. CUMMINS. Inasmuch as I really regard this as the first reading of the bill, I will allow it to proceed.

Mr. ELKINS. Now, Mr. President, that is the material thing for us to settle here. Why not permit these agreements to be filed when the essence, the substance, is left entirely within the jurisdiction and control of the commission, with larger powers than the commission ever had before? It says they shall have no force until they are passed upon by the commission.

Now, if one of these agreements that have to be entered into, and you can not conduct railroads without them, is filed with them, with it goes schedules, rates, fares, and classifications. Is there anything wrong in that? They have not only the jurisdiction they have now under the present law, but an extended power over them, to set them aside on their own motion.

Mr. BAILEY. Will the Senator permit me to interrupt him?

Mr. ELKINS. I am through.

Mr. BAILEY. The Senator from West Virginia took the floor to explain what this provision meant, and he was going to explain what the committee thought it meant.

Mr. ELKINS. I have just done so.

Mr. BAILEY. He has simply defended it, without any attempt to show the Senate what it means.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do not control the time. I will be very glad to give the Senator from Rhode Island that full opportunity when I come to speak. I want to say, Mr. President, that those of us not on the committee might be well excused for not knowing what the committee think about it, because no Member of the minority has illuminated the bill with any discussion, the majority advising the Senate what it meant, but they are doing it in the peculiar attitude of a minority. This bill did not come out of the committee with a majority in favor of it.

Mr. ALDRICH. That is a perfectly immaterial fact.

Mr. BAILEY. Oh, no; it is not immaterial.

Mr. ALDRICH. I think so.

Mr. BAILEY. The truth of it is that at a full committee meeting this bill never would have come to the Senate. But that is a matter——

Mr. FLINT. Who was absent from the committee?

Mr. BAILEY. I am not going to invade the committee room to suggest that any Senator failed in the performance of his duty. I will say it was not the Senator from California. I will exonorate him, and that is enough. But some Senators were sick, I know, and the Senator and the Senate know that one of the best and most attentive of Senators lay upon a bed of affliction and could not be there.

Mr. FLINT. That is what I want brought out. I wanted attention directed to the fact that the Senator from South Carolina [Mr. TILLMAN] was ill and could not be here.

Mr. BAILEY. I did not mention that. I could not mention the name here and his great affliction without saddening the hearts of all, and I preferred to leave that personal phase of it apart.

Mr. ALDRICH. Mr. President, perhaps I ought to say a word on this question.

Mr. CUMMINS. I yield to the Senator for any reasonable suggestion.

Mr. ALDRICH. It is well understood, there is no concealment about it, I assume, that if the Democrats, with certain gentlemen who have been acting with them more or less on occasions, had voted together upon this bill in the committee there would have been no majority of the committee in favor of it. The motion that was made in committee was acquiesced in by a majority of the committee, that the bill should be reported to the Senate with every member reserving the right to vote as he pleased upon amendments and upon the final passage of the bill. If the Senator from Texas is able to say that this alliance was an actual alliance, and that the votes were against this bill and against reporting it, then I have nothing further to say, but my understanding is not along that line.

Mr. BAILEY. The Senator from Texas would not interfere with a pretty family quarrel like that, and that there is an alliance is not——

Mr. ALDRICH. This is not a family quarrel at all. It is a line of cleavage which is marked and distinct and definite.

Mr. CUMMINS. I am perfectly willing to yield to the Senator from Rhode Island for any discussion of this bill that is appropriate to my own observations, but I am not willing to yield to any Senator for the exposure of mere partisan or political propositions.

Mr. ALDRICH. Will the Senator permit me to say a word as to the matter now under consideration?

Mr. CUMMINS. I shall be glad to yield to the Senator for that purpose.

Mr. ALDRICH. I will express my understanding about the paragraph which is now under consideration. In my judgment, the practical effect of this is that no schedule of rates can be effective without the approval of the Interstate Commerce Com-

mission. If the language is such that it does not cover that point, I, personally, desire to have it made so.

Mr. BAILEY. Will the Senator from Iowa yield for one other question?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I yield.

Mr. BAILEY. With the permission of the Senator from Iowa, I wish to say that does not touch the point that I made a while ago, to the effect that this was intended to take the all-rate agreements of the railroads from under the operation of the antitrust law.

Mr. ALDRICH. Not at all. It does not do it, in my judgment. Unlawful rates or unlawful combinations can not exist for the fixing of rates if this bill becomes a law, any more than they can to-day.

Mr. BAILEY. Well, but if they were prosecuted they would be prosecuted under this law?

Mr. ALDRICH. They would be prosecuted under the Sherman Act, and the reservations in this bill contained are clear to that effect. If they are not clear, I desire that they shall be made clear.

Mr. CUMMINS. Mr. President, the only way the Senator from Rhode Island could make clear what he now suggests would be to withdraw the section entirely, for it is a specific repeal of the law of 1890 so far as agreements between railroads respecting rates, fares, charges, and classifications are concerned.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. If the Senator from Rhode Island will permit me——

Mr. ALDRICH. Will the Senator yield to me for not more than a minute?

Mr. CUMMINS. I yield.

Mr. ALDRICH. Mr. President, I found myself in such substantial and positive disagreement with the Senator from Iowa with reference to every paragraph and every provision of this bill, and the Senator from Iowa was in such disagreement with all the friends of this measure, so far as I was able to see, that it was impossible for us to go into an extended discussion in the committee as to what changes and amendments should be made; but there is no reason why Senators should not favor and secure the adoption of such amendments of the bill as commend themselves to the majority of this body.

Mr. CUMMINS. Mr. President, I think we are to be congratulated upon being assured that the Senate may amend this bill as its wisdom may suggest, but I did not suppose that the privilege I accorded to the Senator from Rhode Island would be used for the purpose that he has used it. I state, in answer to what he has just said, that he never heard any amendment proposed by me to this bill, that he did not hear my suggestions before the committee with respect to the bill I introduced myself. Just how the Senator from Rhode Island is able to state with such confidence that he would have rejected every amendment that I might have offered if the bill had been considered by the committee, is more than I can understand. If he means to assert that he and I look upon most public questions from a different standpoint, then he is quite correct; but I had hoped that, even though we do look at some questions from a radically different point of view, he might have listened in the Interstate Commerce Committee to the amendments which I am now arguing before the Senate. The Senate must judge whether the amendments that I would have offered to this bill, if it had been considered in the committee, are so radical and so absurd that they did not deserve the consideration of the Senator from Rhode Island or the other members of the committee. Have I proposed as yet anything so unreasonable as to warrant the suggestion made by the Senator from Rhode Island? Senators, I long ago—and I mean by "long ago" long ago in the history of this session of Congress—abandoned all hope of being able to improve the interstate-commerce law; and I am doing the best I can now to merely hold on to what we have. I shall be wholly satisfied if this bill emerges from Congress so that it will insure to the people of the United States those privileges and that protection which were granted to them by the act of 1906, and I have not as yet suggested a single amendment that was not intended to restore the law to the form substantially that it has borne for four years. If my amendments therefore were so radical and so ridiculous that it was unnecessary to hear them before the committee, I was taught in the school of 1906, and you, Senators, are responsible for the views that I entertain and which I have endeavored to engraft upon this bill.

I do not believe that this discussion will be improved by bringing into it any such suggestions as have been made by the Senator from Rhode Island.

Mr. President, as I remarked a few moments ago, this section is as clear as the English language can make it. There ought not to be any opportunity for a difference of opinion with regard to it. It says:

> Agreements between common carriers subject to this act specifying the classifications of freight and the rates, fares, and charges for transportation of passengers and freight which they agree to establish shall not be unlawful under the act to regulate commerce as amended, or under the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or otherwise, if a copy of such agreement is filed with the Interstate Commerce Commission within twenty days after it is made.

I recall to the attention of Senators the very notable history of the country with regard to these traffic agreements. In 1896 there came before the Supreme Court of the United States the case against the Trans-Missouri Freight Association. That association, as alleged in the bill, was composed of 18 railway companies, and they made this agreement with respect to the territory which is described, as I recall it, beginning with about the ninety-fifth meridian, running north to the Red River, along the Red River, then to the Missouri at Kansas City, along the Missouri until it crosses the Montana line, then along the eastern border of Montana until it reaches the Canadian line, then west to the Pacific Ocean and south to the Republic of Mexico, east along the line that divides the two countries until the Gulf of Mexico is reached, thence along the border of the Gulf of Mexico to the point of beginning. This agreement was made between these railway companies for the purpose of controlling freight rates in the territory I have described, which territory is ordinarily known among railroad men as the trans-Missouri field. I merely wish to read section 3 of that agreement, and that agreement is one of the agreements which is to be validated by this proposed law. Section 3 in that case provided that—

> A committee shall be appointed to establish rates, rules, and regulations on the traffic subject to this association, and to consider changes therein, and make rules for meeting the competition of outside lines. Their conclusions, when unanimous, shall be made effective when they so order, but if they differ, the question at issue shall be referred to the managers of the lines parties hereto, and if they disagree it shall be arbitrated in the manner provided in article 7.

That is the heart of the trans-Missouri traffic agreement. It reached the Supreme Court upon a bill filed by the United States under the antitrust law. There it was contended by the railroads, as has been described by the Senator from Texas [Mr. BAILEY], that the antitrust law of 1890 did not apply to railroads. It was learnedly and carefully and fully argued by some of the most distinguished lawyers of the United States. I hope that every Senator, before he is required to vote upon this bill or upon this section, will be able to read the majority opinion of the Supreme Court in the Trans-Missouri Freight Association case. It is one of the clearest expositions of the dangers which may be incurred by such agreements, and gives also all the reasons that can possibly be given by those who favor such agreements. The result was that the Supreme Court held as to this traffic association and this agreement, the one to be unlawful and the other to be void under the act of 1890, and the Trans-Missouri Traffic Association dissolved.

Just a little while afterwards a similar bill was filed against the Joint Traffic Association. That association embraced the rates from Chicago to the Atlantic coast, and there were, as I remember it, 31 railroads involved in the agreement. Again the question reached the Supreme Court in the case of the United States against all of these railroads concerned in and participating in the Joint Traffic Association; and again the condemnation of the Supreme Court of the United States was recorded. Why? Simply because it was said in each of these cases that the thing sought to be preserved in the law of 1890 was competition. The only purpose of passing the antitrust law was to save to the people of the United States, if possible, some competition in their commercial, industrial, and transportation life. The Supreme Court in these two cases illustrated, with a force and with a comprehensiveness that it would be vain for me to even attempt to emulate, the effect of these agreements upon competition.

Ever since that time the railroad companies of the United States have been trying to remove from their own operations the antitrust law, and finally that result is accomplished in this bill, for I repeat——

Mr. ALDRICH. Mr. President, will the Senator permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. Does the Senator think that the President of

the United States and the Attorney-General of the United States had that purpose in view?

Mr. CUMMINS. I know that the Attorney-General had that purpose in view. It is not a conjecture. The Attorney-General wrote this bill, and it declares a repeal of the antitrust law so far as these agreements are concerned. It is idle now to fatigue our minds with regard to technicalities. The agreements that I have just mentioned, made in the absence of the bill which we have now before us, would be unlawful. They were so declared by the Supreme Court, but under the bill that we are about to pass, if we pass it, the agreements would be lawful.

Mr. ALDRICH. Mr. President, I am sure the Senator does not mean that.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I mean just what I say, and I say it after the most mature reflection.

Mr. ALDRICH. I doubt it absolutely. This bill delegates to the commission the right to fix maximum reasonable rates. The bill provides that the rates provided for in the agreements shall be filed with the commission—and I wish to read just for a moment, in answer to the question asked by the Senator from South Dakota some time since, just one sentence. It will take me but a minute:

> And such agreement of carriers, though filed with the commission, shall not be deemed a tariff or schedule of rates, fares, or charges collectible from the public, or operate itself to alter any such tariff or schedule whensoever filed and published—

Which seems to be perfectly definite.

Mr. CUMMINS. The Senator from Rhode Island can hardly deceive himself with respect to the language that he has just read. That means simply that the rates which may be contained in a traffic agreement shall not be established rates on the part of the railways under the law as it now is, but that each railway must for itself file its rates just as it has done heretofore. That is the whole purpose of the language just quoted by the Senator from Rhode Island.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. I want to ask the Senator from Rhode Island what this language in section 7 of the bill means and what is the purpose of putting it in? I quote from the bill:

> Agreements between common carriers subject to this act specifying the classifications of freight and the rates, fares, and charges for transportation of passengers and freight which they agree to establish shall not be unlawful under the act to regulate commerce, as amended, or under the act approved July 2, 1890.

What is the object of putting that provision in if it is not to make the railways immune from the provisions of the antitrust law? Why not eliminate that language if that is not the purpose?

Mr. ALDRICH. Mr. President, the purpose of this provision was to allow agreements to be made as to rates, provided those rates were reasonable and the classifications were reasonable. If they are unreasonable, they get no power under this provision at all, and whether they are reasonable or unreasonable is a matter to be decided by the Interstate Commerce Commission, who are given the power of initiative by this bill. I have no question about the effect of that language, but I myself have no objection to providing definitely that the rates shall receive in advance the approval of the Interstate Commerce Commission.

Mr. CUMMINS. That is all I have ever asked.

Mr. NELSON. Why inject these new difficulties? What is the object of putting in that language?

Mr. ALDRICH. The object of putting it in, I take it, by the gentleman who put it in—because there is no use of disguising the fact that this bill is here prepared by the Attorney-General of the United States, under the direction of the President; not that that precludes us from amending it at all, but the purpose of the authors of the bill is the purpose of the President and of the Attorney-General——

Mr. NELSON. Mr. President, the Senator must not hide behind the President. That will not do in this case. To hide behind the President is small business.

Mr. ALDRICH. I am not hiding behind the President.

Mr. NELSON. We are discussing this bill on its merits, regardless of either the Attorney-General or the President. I respect both officers; but it will not do for Senators to meet arguments that are made here, and say "this is the bill of the President" or "this is the bill of the Attorney-General." That is not the way to legislate; and that is no way to argue to the Senate.

Mr. ALDRICH. I am not in the habit of hiding behind anybody, the Senator from Minnesota or anybody else. That is not my habit, and I do not intend to commence it now. The Senator from Minnesota was asking why this section was in the bill. I answered, telling him why it was here; and if it does not carry out the purpose of its authors, let us make it do so. I am not getting behind anybody or trying to avoid my own responsibility as a Senator of the United States in connection with this matter at all. I say that this provision is in the bill because it was recommended by certain high officials. The President of the United States and the ex-President of the United States on several occasions have recommended a change of this character in the interstate-commerce law. The platform of the party to which I belong—and I suppose the Senator from Iowa does——

Mr. CUMMINS. I know I belong to it, and I suppose the Senator from Rhode Island belongs to it, but I will come to that point directly, Mr. President.

Mr. ALDRICH. The platform of the party gave distinct approval to this particular change.

Mr. CUMMINS. I will bear the matter in mind, Mr. President, when I come presently to consider the platform.

Mr. BACON. Mr. President——

Mr. ALDRICH. I do not expect to have the Senator from Georgia agree with me as to the reason, but I think the provision as it stands accomplishes what the Senator from Iowa says it ought to accomplish, and if it does not, so far as I am concerned, I am ready to join with any Senator to amend it so as to make it perfectly definite and plain.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I yield.

Mr. BACON. With the permission of the Senator from Iowa I want to recall an incident which I once witnessed in this Chamber when a very distinguished Senator who then ornamented this Chamber, and who has now, unfortunately, gone to his long home, standing immediately in front of where the Senator from Rhode Island stood a moment ago when he invoked the name and influence of the President of the United States—the late Senator Hoar—resented and denounced it as an invasion of the privileges of this Senate for any Senator to state in this place whether the President of the United States was or was not in favor of any proposed legislation.

Mr. ALDRICH. Mr. President, I did not say what the President of the United States was in favor of. I simply stated what every man in the Senate knows and every man in the United States knows, that this bill was prepared by the Attorney-General of the United States under the direction of the President; but I did not undertake to say what their motive was in offering it here.

Mr. BACON. If the Senator will pardon me, I want to say that I think if the President of the United States or the Attorney-General can prepare a bill and bring it to this Senate, and it can be passed under their dictation, the Senate has fallen from its high estate.

Mr. ALDRICH. Mr. President, there is no man in this body that would resent the dictation of the President of the United States sooner than I would. I have done it when it required—I will not say "courage"—but I have done it on many occasions, and I expect to do it hereafter whenever the opinions of the President of the United States do not comport with my judgment; but I——

Mr. BACON. The Senator from Rhode Island has been here twice as long as I have. I have been here fifteen years, and never, until within the past twelve months, have I ever known the repeated admission and acknowledgment of the fact made on the floor of the Senate, as it is made by the Senator from Rhode Island to-day, that we are proceeding in the consideration of measures which did not originate with this body, the terms and particulars of which were not thought out by any member of this body, but which are accepted at the dictation of those who do not belong to the legislative department of the Government.

Mr. ALDRICH. Mr. President, the Senator has been here long enough, I am sure, to have voted for and supported hundreds, or at least scores, of measures that have been prepared by the executive department. There never was a more striking illustration of that than during Mr. Cleveland's administration.

Mr. BACON. I was here during the last two years of Mr. Cleveland's administration, but I do not recall any such incident.

Mr. ALDRICH. Did the Senator vote for the repeal of the purchasing clause of the Sherman Act?

Mr. BACON. That was before I came here; but I do not think even that bill was prepared by the Executive.

Mr. ALDRICH. I have known bills to be prepared under Democratic as well as Republican administrations, and I have known that the Senator from Georgia and every other Senator when such bills reached here acted upon his oath as a Senator and upon his own judgment. I do not consider myself bound by any of the provisions of the pending bill unless I believe in them myself as a Senator of the United States—not one word or syllable. I was only stating an historical fact, which is known to every Member of this body, as to how this bill was prepared.

Mr. BACON. Then, Mr. President, why is it that at every stage and turn of this discussion we are hearing about the fact that the President of the United States and the Attorney-General have prepared the bill, and why are we being told what they thought and what they intended us to understand?

Mr. BAILEY. I should like to answer that question.

Mr. ALDRICH. I should like to answer it myself a little first. [Laughter.] The Senator from Minnesota [Mr. NELSON] asked why this section is here and what were the motives of the men who put it here. He will have to inquire of somebody else than myself. Whether it meets with my approval or not is a question for me to decide; and I intend to decide, without reference to anything outside of my own judgment and my obligation as a Senator of the United States. There is no mistaking my attitude about this matter. I will assume that the Senator from Georgia and the Senator from Texas are in the same position, but that they will not vote against a measure because it was prepared outside of this Chamber.

The Senator from Iowa on yesterday made a long and labored argument that this bill had no right to be here, and he apparently is opposing it because it is here under the conditions which it is. That does not appeal to me. I have no prejudice one way or the other on account of the authorship of this bill; but I am bound here to investigate every one of its provisions, every syllable and every word of it, and to act upon it independently, as the Senator from Georgia will, without any partisan bias whatever.

Mr. BACON. And yet the Senator, Mr. President, and those who are acting with him are constantly seeking to bolster up this bill by alluding to what the President of the United States thinks and desires and what the Attorney-General thinks and desires.

Mr. ALDRICH. I have not undertaken to bolster up this bill at all. I am simply saying that I think it is a little out of place for a Senator either to oppose this bill or to favor it because the President of the United States is for it.

Mr. CUMMINS. Mr. President, may I ask the Senator from Rhode Island a question? Why did the Senator from Rhode Island a few moments ago ask me if I meant to impute to the President of the United States and the Attorney-General the motive to repeal the antitrust law with respect to traffic agreements?

Mr. ALDRICH. Because the bill is here, and we know how it came here. I am not undertaking to question the motives of the men who sent it here, but when the Senator said that it is an evident attempt to repeal the antitrust law, I simply asked him whether he thought the well-known authors of this bill had that purpose in view.

Mr. BAILEY. Now, Mr. President, might I have permission to say a word?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I yield.

Mr. BAILEY. I want to smooth this matter out between the Senator from Georgia and the Senator from Rhode Island. The real purpose the Senator from Rhode Island had was not to influence us or to influence the other side; but it was to call the attention of the Senate and of the country to the fact that the Senator from Iowa is not in agreement with an administration measure. Whenever he wants to accentuate that kind of a difference I am ready to help.

Mr. ALDRICH. It did not need any arguments or statements of mine.

Mr. BAILEY. That was the purpose the Senator had.

Mr. CUMMINS. I think that is fairly well known.

Mr. ROOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. ROOT. Mr. President, I can not refrain from calling the attention of the Senator from Georgia [Mr. BACON] to the provisions of an instrument with which I can not believe the usages of the Senate are at variance, and specifically to the terms of the third section of the second article of the Constitution of the United States, which has no more solicitous guardian than the Senator from Georgia. The words of the section, describing the powers of the President, are:

> He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient.

It would seem to me quite incredible that when the President of the United States has recommended to Congress a measure which he, in the discharge of this constitutional duty, deems expedient, aye, when two successive Presidents of the United States have recommended the same measure, it should be contrary to any rules to refer to the fact that the measure proposed is in accordance with the recommendation of the President.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. BACON. Have I the permission of the Senator from Iowa to respond to the Senator from New York?

Mr. CUMMINS. I should like to correct a misapprehension on the part of the Senator from New York [Mr. ROOT], and then I will yield to the Senator from Georgia.

The bill under consideration is not the bill recommended by the President, and attached to the message which the President very appropriately and quite within his rights transmitted to Congress early in January. The bill before the Senate has been changed in very many and very material respects since that time upon suggestions of the Attorney-General.

Mr. BACON. I am very much obliged to the distinguished Senator from New York for the compliment he pays me in suggesting that possibly I am solicitous for the careful guarding of all the provisions of the Constitution, though I do not at all arrogate to myself the high office of being one charged with any greater degree of responsibility or of solicitude in that regard than any other member of the Senate is, or at least should be, considering that each one of us before we took our office in this body was required to take a solemn oath that he would thus preserve it in all of its features.

I desire to say to the Senator that in what I have suggested I have had no disposition or desire to unduly criticize the President, but that I am animated simply with a proper solicitude for the recognition and preservation of the rights and privileges of this body as a branch of the legislative department of the Government. I have not been forgetful of the provision of the Constitution which the Senator from New York has so kindly read to the Senate, nor am I forgetful of the exalted station and of the high constitutional prerogatives of the President.

But, Mr. President, I think I can say with absolute confidence that the Senator himself does not construe that provision to mean that the President of the United States is to communicate to the Congress what he may deem to be of importance in the way of information, or of measures which are entitled to consideration by the Congress, in any other way than in a message to Congress. The Senator from New York is too good a lawyer, being recognized as one of the best in the land, for me to suggest to him any argument in support of such a proposition. Nobody disputes the right, but, on the contrary, everyone recognizes the right of the President of the United States to formally communicate to Congress and to suggest any matter of legislation which he may deem proper and important for the attention of the Congress.

But that is a very different matter from the framing in every detail of measures outside of Congress, not only one, but many, which are advertised in the newspapers as administration measures, with the full knowledge and avowal that their enactment is required of the Congress. When such requirement can be undisguisedly made, and is as undisguisedly acquiesced in by Congress without regard to the individual views of its Members, then I repeat the legislative department has fallen from its high estate.

Mr. President, there is a wide difference between the performance of the duties as contemplated by the Constitution, in which the President by reason of his continuous engagement——

Mr. CUMMINS rose.

Mr. BACON. As I have started, I hope the Senator from Iowa will let me finish my answer. Engaged as the President is in the continuous performance of his duties and the public matters constantly under his attention, there is a wide difference between his not only having the power, but also being under obligation to communicate to Congress matters of public interest which may require legislation, and his proceeding to secure the enactment of certain measures communicated to Congress in an altogether different way, and with the advertised purpose

to require the enactment of those measures. The functions of the executive and legislative branches of the Government should be exercised separately and kept apart.

As I have been permitted to respond to the Senator from New York, I hope the Senator from Iowa will permit me to go a little further to illustrate this matter. There is a wide difference between the proper function of the President of the United States in the suggestion of proper matters of legislation and his going forward to practically control Congress in the enactment of legislation. It is a matter of degree under different circumstances.

Mr. President, I desire to narrate something which illustrates the fact that a deliberative body can come to a point where it ceases to be a deliberative body—where it ceases to have any will and is only the expression of the will of the executive. I wish to narrate what I have seen in another country, a country having the form of a republican government. I will not name the country, because it would not be proper that I should do so, but I am very willing to tell any Senator who may ask me what country it was. I will not state it in this place.

I have been in the capital of a country which in form is republican. I have for a week attended the sessions of a house corresponding to our House of Representatives. I have seen the deliberations of that body during all those days in which there was not a word of debate, in which a motion was never made by a member of the house, in which nothing was ever done except to vote upon bills, and in which I never saw a vote cast in the negative upon any bill. Day after day, without a word spoken in debate, I have seen measure after measure read to that body, and then the roll called—they did not take the vote in the ordinary way, but always by a call of the roll—and in no single instance, in a week's observation of that body, did I ever see or hear one single member vote in the negative, but always "yea."

Being struck by that remarkable scene, I sought an interview with one of the members and asked him: "How is it that in no instance has there been cast a negative vote upon any bill? How is it that nobody has anything to say? How is it that nobody ever makes a motion or objection to anything? And," said I, "for illustration, to-day I saw two long bills passed in the house. The clerk read the bills; then the proper officer of the body called the roll, naming each member present, and in each instance each of the two bills was passed by unanimous vote, the only answer being 'yea' on the part of each member." He said: "Those were simply bills sent to us by the President, and there was nothing to debate and no reason why we should vote against them."

I will not detain the Senate longer, but I want to state something that happened a few days ago. I narrated that incident to a group of Senators, some of them Democrats and some of them Republicans, and after narrating it I said that if any member of that house of representatives in that country had voted in the negative, doubtless he would have been dismissed from office. I said, of course, the President of the United States can not dismiss anyone from legislative office, and one of the Republican Senators spoke up and said: "Yes; but he can take away the patronage of a Senator, which is the same thing as dismissing him from office."

Mr. President, that is all I desire to say in the matter. I did not expect to have the necessity of saying this, because by no suggestion would I impute a wrong motive to the President; but when the Senator from New York reads a section of the Constitution and implies that I am forgetful of the right of the President of the United States in this matter, it is proper that I should point out what I think, in all courtesy and respect to him, is his constitutional function.

While, of course, I have no anticipation that men of our blood and men of our race will ever be reduced to the position of the country to which I have alluded, it is simply a question of degree. While men may not come to the point where they will unanimously vote in accordance with what in effect is practically the dictation of the executive department even though not so intended, it is certainly an approach to that condition when the majority of them can accept a measure simply because it happens to come from that source; and when the majority thus act, the practical effect is the same. The Congress is by such act made to abandon its legislative function.

Mr. ALDRICH. Will the Senator from Iowa permit me for a moment?

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. To whom does the Senator from Iowa yield?

Mr. ALDRICH. For one minute.

Mr. CUMMINS. I yield to the Senator from Rhode Island.

Mr. ALDRICH. The presence of the Senator from Georgia in this Chamber is an indication that Senators are not sent here or kept away from here on account of patronage. I resent that imputation.

Mr. BACON. I did not say that.

Mr. ALDRICH. That is what I understood the Senator to say.

Mr. BACON. I did not say that. I said, on the contrary——

Mr. ALDRICH. What the Senator said comes pretty near to that. He said that the President might withdraw patronage——

Mr. BACON. I did not.

Mr. ALDRICH. And defeat——

Mr. BACON. I did not.

Mr. LODGE. He said it was the same thing.

Mr. BACON. I did not. What I said was this, if the Senator from Rhode Island will permit me to repeat it. I said that in narrating that incident, I said to a group of Senators that the President could not exclude anybody from the legislative Chamber, and a Republican Senator replied, "Yes, but he may take the patronage away, which is the same thing." I did not say that. I was quoting what the Republican Senator said.

Mr. ALDRICH. I should say the Republican Senator ought not to be quoted unless he is named. But that was not what I wanted to say.

The question of the preparation of measures by the Executive or by people connected with the executive department is not new. It not only applies to the President of the United States, but it applies to the executives of the States. If I am not misinformed—and I do not want to say anything with respect to the Senator from Iowa that is incorrect—it was his habit during the seven or eight years that he occupied the executive chair of the great State over which he presided to send to the legislature of Iowa messages prepared, with his recommendations, and I think his power over the legislature of Iowa was such that they rarely if ever failed to pass the acts which he recommended.

Mr. CUMMINS. Mr. President, I do not know that we will ever return to the bill before us, but I must answer the Senator from Rhode Island now.

I was governor of Iowa for seven years. In that time I never suggested or dreamed that I could send to the legislature a bill which it was expected to pass.

Mr. ALDRICH. That is not quite the question. My question was whether the Senator had prepared bills, or had them prepared by the executive department, which were offered and adopted. I did not suppose he sent them by messenger.

Mr. ROOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. ROOT. Mr. President, I will not invoke the indulgence of the Senator from Iowa for more than a moment.

I wish to supplement the remarks of the Senator from Georgia [Mr. BACON], with which in general I agree most fully, by saying this: It has been for a long period the uniform practice of committees in both branches of Congress to call to their assistance in considering and shaping measures referred to them for their consideration and report the executive officers of the Government who are in possession of practical and detailed information affecting the subject-matter of the measures.

I am sure the Senator from Georgia will agree with me that many a forenoon which he has passed in the Committee on Foreign Relations in discussing, and sometimes with pencil and paper drafting and redrafting, provisions of legislation and of treaties with the Secretary of State has been well spent. I am sure the members of the Committee on Military Affairs of the Senate will agree with me that many a day passed with the Secretary of War in performing some duties regarding matters before the committee has been well spent. That is the general rule with the committees of both branches of Congress.

Mr. President, one of the weaknesses of our system is the lack of perfect coordination and understanding between the legislators and the Executive. The other great representative governments of the world get over that difficulty by having the heads of the government departments occupy seats on the floor of the chamber of the legislative body. Great Britain does that; France does that; Germany does that; Austria does that; Italy does that.

Mr. BACON. And they are all members of the body in which they occupy seats.

Mr. ROOT. They are all members of the body in which they occupy seats.

Their presence in the body, ready at all times to bring to the illumination of the subjects under discussion their detailed and practical knowledge of administration, is of the greatest assistance. We can not do that. I would not change our system, Mr. President, to make it conform to that European model. But the thing which is accomplished by the adoption of that system, it has become the settled and the sensible practice of our Govermnent to accomplish by the presence of the heads of the executive departments in the rooms of our committees while they are considering the subjects referred to them.

Mr. CUMMINS. I hope the Senator from New York will not think me ungenerous if I suggest that I should like to resume soon the consideration of this bill.

Mr. ROOT. Will the Senator from Iowa add to his very great courtesy, which I highly appreciate, permission that I may say one sentence more?

Mr. CUMMINS. Certainly.

Mr. ROOT. It is: According to my understanding, the bill which is now before the Senate was recommended in original form to the Congress by the President in a formal message, was introduced by the Senator from West Virginia in this body, and referred to the committee of which he is chairman. That committee, proceeding to consider it, taking a considerable amount of testimony, called in, it appears, the Attorney-General of the United States, who had been engaged in enforcing the law which the bill proposes to amend, and secured from him just the same kind of assistance that it is the universal practice of our committees to secure from the heads of executive departments.

In the course of that consideration, in the light of the advice and suggestion invited from him by the committee, this bill has been modified and varied in many particulars, and is now reported by the committee.

For one I do not hesitate to say that one strong reason why I am inclined in favor of the measure is that it is in substance the measure recommended by the President of the United States in the performance of his constitutional duty.

Mr. ELKINS. If the Senator from Iowa will allow me——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. ELKINS. I believe he asked me to cite——

Mr. CUMMINS. I can not hear the Senator from West Virginia.

Mr. ELKINS. I think the Senator from Iowa asked me——

Mr. BACON. I hope the Senator from Iowa will permit me to say that while I do not now further trespass on his time, I should be glad under other circumstances to respond to the Senator from New York.

Mr. CUMMINS. I have no doubt the debate is very interesting. I should like to reply to the Senator from New York, because he has misconceived the history of this bill and its passage in the committee.

Mr. ELKINS. Will the Senator from Iowa yield to me?

Mr. CUMMINS. I should like very much to resume the consideration of the question, Why should we repeal the antitrust law?

Mr. ELKINS. Bearing upon that, I ask the Senator's indulgence for a moment.

In the course of my reply to some questions which the Senator asked me, I referred to President Roosevelt's recommendations. Will he allow me to read from them, as stated in his messages?

Mr. CUMMINS. May I ask if the Senator from West Virginia intends to work into my speech all that he has to say about this bill?

Mr. ELKINS. No; I do not.

Mr. CUMMINS. Then I suggest that you reserve what you have to say and put it into your own speech.

Mr. ELKINS. I asked the Senator's permission, because I thought he asked me to produce the authority, and I have it here. It will take but a moment.

Mr. CUMMINS. What did I ask the Senator to introduce?

Mr. ELKINS. I think he doubted my statement that President Roosevelt had frequently in his messages recommended the repeal of this part of the law.

Mr. CUMMINS. I have no objection to your sending anything you please to the desk and having it printed in the RECORD.

Mr. ELKINS. I will read just these two lines.

Mr. CUMMINS. But I should like to proceed with my remarks.

Mr. ELKINS. I will read these two lines.

The VICE-PRESIDENT. The Senator from Iowa declines to yield, as the Chair understands.

Mr. CUMMINS. The Senator from Iowa is so tender hearted that he can not refuse any request, and therefore he yields to the Senator from West Virginia.

Mr. ELKINS. I thank the Senator most heartily.

President Roosevelt, in his message to the first session of the Sixtieth Congress, says:

> As I stated in my message to the Congress a year ago, railroads should be given power to enter into agreements, subject to these agreements being made public in minute detail and to the consent of the Interstate Commerce Commission being first obtained.

Mr. CUMMINS. I am heartily in favor of that now——

Mr. ELKINS. Let me read again.

Mr. CUMMINS. As I have said here a score of times. The difficulty is that the pending bill does not so provide.

Mr. ELKINS. I will read some——

Mr. CLAPP. Just one moment.

Mr. ELKINS. I want to read on.

Mr. CLAPP. I am not only willing, but I insist upon that now.

The VICE-PRESIDENT. The Senator from Iowa has not yielded.

Mr. ELKINS. I have not yielded to the Senator from Minnesota. I want to read from President Roosevelt again.

Mr. CUMMINS. I decline to yield.

Mr. ELKINS. If you will not hear what Roosevelt had to say, what will you do?

Mr. CUMMINS. I am thoroughly in favor of it. I have asked the committee from the beginning to do it. My amendment proposed it, and the majority of the committee stand in the way of putting into this bill the very provision that President Roosevelt recommended to Congress and which Congress up to this time has refused to recognize.

Mr. ELKINS. I can read some more.

Mr. CUMMINS. I proceed now, Mr. President——

[Mr. ELKINS started to leave the Chamber.]

Mr. CUMMINS. I hope the Senator from West Virginia will not fly.

Mr. ELKINS. No; I will be right back.

Mr. CUMMINS. Mr. President, we are considering the question, Shall Congress repeal the antitrust law with respect to traffic agreements, with respect to agreements specifying rates, charges, and classifications? I assert again that this section repeals in form the antitrust law in regard to these provisions. It does retain the jurisdiction of the commission over all the rates of railroad companies, whether they are contained in these agreements or whether they are filed in the schedules under the law as it is.

But it is idle for the Senator from Rhode Island and idle for the Senator from West Virginia to contend against the obvious proposition that this repeals the antitrust law so far as the agreements themselves are concerned.

The Senator from Rhode Island doubts my Republicanism. He has been doubting it ever since I entered the Senate, and I have no doubt he will continue to doubt it so long as I remain in the Senate. I do not wonder at that, but I want to suggest that I am not alone in my view. He said that the committee was endeavoring to carry out the Republican platform of 1908 with regard to these agreements. Allow me to read our plank of that year:

> We believe, however, that the interstate commerce law should be further amended so as to give railroads the right to make and publish traffic agreements subject to the approval of the commission, but maintaining always the principle of competition between naturally competing lines and avoiding the common control of such lines by any means whatever.

In the minority report we stated our opinion to be that this section put into effect the agreements on the part of the railway companies without the approval of the commission, made them effective before the commission examined them at all, and, indeed, there is no jurisdiction in the proper sense to examine these agreements in any respect. The majority report paid its respects to us in the following language:

> The contention that this declaration can only be complied with by requiring the approval of such agreements by the Interstate Commerce Commission before they become operative is—

Now, mark you, all that we have contended from the beginning—these minority Republican members of the committee composed of the Senator from Minnesota [Mr. CLAPP] and myself—all we have insisted upon from the beginning is that before these agreements shall become operative, before they shall go into effect, the Interstate Commerce Commission shall examine and approve them. That is one of the radical and astounding amendments that the Senator from Rhode Island refused to hear from me because of my well-known unsound views upon all questions.

> The contention that this declaration can only be complied with by requiring the approval of such agreements by the Interstate Commerce Commission before they become operative is, in the opinion of your committee, destitute of the slightest foundation.

Now, mark the keen reasoning of the distinguished Senator from West Virginia:

The right to make agreements "subject to the approval of the commission" is obviously a very different thing from the right to make agreements *only with the previous approval* of the commission.

That is, it is the view of the majority that the declaration of our platform, which says that such agreements may be made subject to the approval of the commission, does not require the approval of the commission before the agreements go into effect. I submit to impartial Senators the reasoning of the majority in that respect. I can hardly deal with it with the patience that one ought to exercise in addressing a body of this kind.

I understand perfectly that in the message of the President of the United States transmitting this bill that seemed to be his view as well, and that he seemed to recommend that the Senate should pass a bill which would permit these agreements to go into effect without the approval of the commission. But I appeal from the declarations that are now made, both from him and from the committee, to an earlier view that was held by the President of the United States concerning this subject. I beg to read an extract from the speech of William Howard Taft, at Cincinnati, Ohio, July 28, 1908, accepting the Republican nomination for the office of President of the United States. He was then determining whether he could give his assent to the doctrines which had been announced in the Republican platform held a few weeks before, and I assume that his view then was the deliberate judgment of one who was about to ask the suffrages of the people of the United States for the high office he now occupies. He said:

It is agreeable to note in this regard that the Republican platform expressly, and the Democratic platform impliedly, approve an amendment to the interstate-commerce law by which interstate railroads may make useful traffic agreements *if approved by the commission*. This has been strongly recommended by President Roosevelt, and will make for the benefit of the business.

So will any agreement which specifies the rates that are to be charged by the railway companies that enter into an agreement which has been approved by the commission, in which the rates have been examined by the commission and found to be fair and just and reasonable. It would be indeed useful to the Nation to not only allow the railways to file such agreements, but to impose upon the commission the duty of examining these agreements and examining these rates before they go into effect.

If there be any difference between this announcement in the speech of acceptance and the recommendation of the President which accompanied this bill, then I appeal from his recent to his earlier judgment.

I, however, do not content myself with that declaration. I have another. It is an extract from a speech of President Taft, made in Des Moines, Iowa, Monday, September 20, 1909. You will remember that it was in this speech that the President dealt in the most exhaustive way with the amendments that were to be proposed or the amendments that were needed, both to the antitrust law and to the interstate-commerce law. This is what the President said upon that occasion:

In addition to these amendments to the law which are looking to a rather more drastic regulation of railroad rates than heretofore, another provision should be added by which railroads may be permitted to agree upon traffic rates and make contracts with respect to rates that shall not be pooling contracts, but shall constitute agreements as to rates—*provided always that such agreements shall receive the approval of the Interstate Commerce Commission*. In this wise the operation of the antitrust law against traffic agreements between railroads—

Now, listen! The Senator from Rhode Island has unfortunately abandoned the Chamber, but I hope that some friend will convey to him this sentence from the President of the United States, as indicating what the section we are now considering means—

In this wise the operation of the antitrust law against traffic agreements between railroads will be abolished.

And yet with a bill which has been organized for the purpose, in part, of carrying out this declaration, a purpose in which I have the profoundest sympathy, in which I entirely concur, the Senator from Rhode Island now, in order to escape the odium of having participated in reporting a measure which not only repeals the antitrust law, but removes the agreement from the jurisdiction of the commission for approval, denies that the law is intended to repeal the Sherman Act or any part of it. Now, listen again:

In this wise the operation of the antitrust law against traffic agreements between railroads will be abolished; and against their absolute prohibition would be substituted a requirement that such agreements shall meet the approval of a properly constituted tribunal.

This was the policy of the Republican party, affirmed in its platform, explained in the letter of acceptance, reiterated in the important address by the President during his recent journey.

I am bound to believe that these expressions represent not only the Republican policy, but the real view of the President of the United States, and I refuse to accept the suggestions of gentlemen who seem to believe that it will be a compliance with this platform and in harmony with these declarations if we pass a bill that repeals the antitrust law in regard to these agreements and allow them to pass into effect without the approval of the commission or without any supervision on the part of any government tribunal.

Mr. SUTHERLAND. Will the Senator permit an interruption for the purpose of asking a question?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. Unless I should hear some good reason to the contrary, I am very much disposed to agree with what the Senator has said to the effect that this section of the law ought to make it clear that these traffic agreements shall not be effective unless the Interstate Commerce Commission shall approve them. The Senator has doubtless studied this bill with great care; I have not, and I want to submit this question to the Senator.

The evident effect of the section is to take this class of agreements with reference to classifications and rates out of the operation of the antitrust law and to put them under the operation of the interstate commerce law. The provision seems to be that this class of agreements shall not be unlawful under the antitrust law if they are filed with the commission. But the provision goes on and stipulates that the commission shall still have control over the rates.

Mr. CUMMINS. There never was any proposition to take away from the commission the jurisdiction over rates.

Mr. SUTHERLAND. I understand. I had not quite reached the point of my inquiry.

Mr. CUMMINS. I will wait.

Mr. SUTHERLAND. The contract itself can not be construed as establishing the rate.

Mr. CUMMINS. That is true.

Mr. SUTHERLAND. The law itself expressly so provides. The rates provided for by the contract, therefore, do not go into operation if the commission declares that they are unreasonable. In other words, does not that cover the point which the Senator is undertaking to cover by his amendment?

Mr. CUMMINS. It does not.

Mr. SUTHERLAND. Namely, that the contract can not become an effectual contract to affect rates until the commission has had an opportunity of passing upon it?

Mr. CUMMINS. The Senator from Utah is mistaken in the conclusion just expressed. All the rates that are in force in the United States have been established by filing schedules on the part of the common carriers with the Interstate Commerce Commission. The commission can upon complaint, and if this law is passed can, upon its own motion, examine any of those rates to ascertain whether they are fair, just, and reasonable. If this bill passes, it would be in the power of all the railroads of the United States to enter into an agreement with each other that the rates now on file in the Interstate Commerce Commission shall be maintained and preserved for such length of time as the agreement might prescribe. The commission would have no power to deal with the agreement at all, although it could thereafter as theretofore inquire into any of the rates which had been legally established by the common carriers through their schedules filed with the commission, and condemn them if they found them to be unjust or unreasonable.

Mr. SUTHERLAND. May I interrupt the Senator further?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. Does the Senator from Iowa think that an agreement under this clause could be made carrying into operation rates already made by the railroads?

Mr. CUMMINS. Undoubtedly.

Mr. SUTHERLAND. It would seem to imply that the agreements were only with reference to future rates, because it provides that it shall be—

filed with the Interstate Commerce Commission within twenty days after it is made—

That is the agreement—

and before or when any schedule of any rate, fare, or charge, or any classification made pursuant to the agreement is filed with the commission.

It would seem clearly to indicate that the rates provided for by the agreement must be filed either at the time the agreement is filed or after the agreement is filed. It could not affect the past rates.

Mr. CUMMINS. I do not think that would be the construction to be put upon the words, but if it were, the conclusion that I have announced would still be true; that is to say, the agreement has nothing whatsoever to do with the jurisdiction of the

commission in investigating the rates. The commission retains the power over rates, but it has no power whatsoever over the agreement, and no jurisdiction is given to it to inquire into it in any respect.

Mr. SUTHERLAND. But the rates are the effective part of the agreement. The agreement without the rates amounts to nothing.

Mr. CUMMINS. I have just presented to the Senate two well-known cases before the Supreme Court of the United States of very effectual traffic agreements that did not mention the rates in them.

Mr. SUTHERLAND. I am speaking of the rates to be established under the bill.

Mr. CUMMINS. All rates under this bill are established by filing with the commission the schedules of rates.

Mr. SUTHERLAND. But this particular agreement itself amounts to nothing until the rates are provided for. That is the point I want to make.

[At this point Mr. CUMMINS yielded the floor for the day.]

Thursday, March 17, 1910.

Mr. CUMMINS. Mr. President, when the debate upon the bill to amend the interstate-commerce law closed last evening, I was considering that section of the bill which proposes to repeal the antitrust law, in so far as traffic agreements between railway companies are concerned. I beg to lay again before the Senate the declaration of the Republican party adopted in 1908 upon this subject. It was there announced:

> We believe, however, that the interstate-commerce law should be further amended so as to give railroads the right to make and publish traffic agreements, subject to the approval of the commission, but maintaining always the principle of competition between naturally competing lines and avoiding the common control of such lines by any means whatsoever.

It is asserted by the chairman of the committee, and very specifically stated in the majority report, that the section of the bill now under consideration is in harmony with this declaration of our platform. I challenged that statement yesterday. I challenge it again; and I assert that it is not only not in harmony with the Republican platform, but it is directly, positively, and unequivocally opposed to it.

It was suggested by my distinguished friend from West Virginia [Mr. ELKINS], who just honors me with his presence, that our platform did not and does not require that these agreements be approved by the commission before they go into effect. I repeat that a platform which declares for such agreements when made subject to the approval of the commission can mean nothing else than that they are to be approved by the commission before they become effective. This section of the bill does not confer upon the Interstate Commerce Commission the authority to approve or disapprove these traffic agreements. It does reserve to the commission the same jurisdiction and power over the rates of the railway companies that the commission now has with regard to all rates, but no other or different or greater power.

I called the attention of the Senate yesterday to the significant fact that the President of the United States, in his speech of acceptance delivered shortly after the convention was held in Chicago, declared in express terms that the platform meant that these agreements were to become effective if approved by the commission.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. The language of the platform is that these agreements shall be subject to the approval of the Interstate Commerce Commission.

Mr. CUMMINS. I read it again:

> We believe, however, that the interstate-commerce law should be further amended so as to give railroads the right to make and publish traffic agreements subject to the approval of the commission.

Mr. BORAH. Now, if A and B should make a contract subject to the approval of C, would anybody contend that that would go into effect before C had given his approval?

Mr. CUMMINS. I never dreamed that any interpretation other than the one just suggested by the Senator from Idaho could be put upon this declaration in our platform until the imagination, and I must think the enforced imagination, of my friend from West Virginia found in these words the extraordinary meaning asserted in the report of the majority of the committee.

I take it for granted, Mr. President, that there is no Senator here who will in the future contend that the Republican party intended that these agreements should be fastened upon the American people, reversing the policy of the people and of the party through a long series of years, until they did receive the approval of a tribunal created by the Government for the very purpose of protecting the people against the avarice and aggression of the railway companies.

I refer again to the fact that our distinguished leader so understood the platform when he became the candidate of our party. But he so understood it at a very much later time, because in September of last year, to be specific, on the 20th day of September last, in a speech in Des Moines, which was everywhere proclaimed to be his studied and serious effort to advise the people of his views with regard to this particular question, he there declared that he was in favor of these agreements, provided always before they became effective they shall be approved by the Interstate Commerce Commission.

I do not know whether he has changed his opinion upon this important subject or not; it is for others to inquire with respect to that matter. I have found it very difficult to harmonize the message of the President in transmitting this bill to the Senate with his declarations upon the two occasions to which I have referred. I will leave others to effect that reconciliation, if they can; and if they can not, then I ask that the interpretation which is the natural construction of our platform and the construction which he twice placed upon it in previous addresses shall still be the interpretation that will guide the Senate of the United States.

There is an excellent reason for this, Senators, and I will take advantage of the time which must always be consumed at this hour of the day for Senators to refresh themselves to amplify just a little the reasons which led the Republican party to make the declaration which I have read in the hearing of the Senate.

There are two forces in business life which can be safely trusted to fix prices, and only two. The first and natural force is that of free, unrestricted, unhampered competition; the second is the power of the Government, exerted through some appropriate tribunal.

I believe, and I have no hesitation in avowing, that the time will speedily come—in truth, it has come now—when the Government of the United States should undertake to fix all railway rates. In doing so, we would but follow the example of Great Britain in its legislation respecting England and the railways of England. The experience of that country through a period now of twenty-two years has advised the whole world that, if railways are not to be owned by the government, their rates must and ought to be fixed by the government.

Slowly we are approaching that problem, and I have no doubt that in the end we will solve it just as Great Britain has solved it. But in the meantime, until the Government does undertake to prescribe schedules of rates for common carriers for all the business of the United States, we must encourage rivalry and preserve all the competition we can amongst our common carriers. The antitrust law passed in 1890 had no other purpose than to preserve competition in the business of the country.

We understand—every reasonable man understands—that there must be some cooperation among railways. I do not hesitate to say that a certain degree of cooperation is essential in order to preserve stability in the business in which they are engaged.

But it is not necessary to go to the length of giving to the railway companies the right to enter into agreements respecting their rates. We have never dreamed of so doing; the Republican convention did not dream that it was so declaring. That convention meant that so far as the rates made by the railway companies were concerned, which were submitted to the Interstate Commerce Commission for its approval, if the commission approved them, then the agreement with respect to them should not be regarded as unlawful. That was the position taken by our party in 1908.

Allow me to suggest only for a moment what will happen if this bill passes as it came to us from the Attorney-General and the President of the United States: That great territory west of the Missouri River, west of the line that I indicated yesterday, called the trans-Missouri territory, will, through its traffic association, meet and agree upon the rates that are to prevail in that territory. All the railroads engaged there in business will agree that thereafter no rate shall be changed unless with the approval of the board of directors created by the traffic agreement. The rates thus agreed upon will be filed with the Interstate Commerce Commission as the rates of the railroads in that territory. Every vestige of independence will disappear; every motive for competition will be overcome. There is a great difference between cooperation, by which one railroad advises another of railway rates, and the creation of a contract that such rates shall be the rates and that the railroads entering

into the agreements shall surrender their privilege of initiative and their right of independent action.

The Central Traffic Association, governing the business between Chicago and the Missouri River, will also meet, and that association will agree that all the railroads doing business there shall commit their fortunes to a board of directors or a supervisory board, and that no rates shall thereafter be changed save with the consent of such board. The Joint Traffic Association, which would control the rates between Chicago and the Atlantic coast, will meet, and they will agree for all their railroads upon these rates. Their agreement will be filed with the Interstate Commerce Commission, and the rates which they prescribe will there be filed.

I want you to consider what the result will be. The Interstate Commerce Commission will have before it agreements entered into by all the railroad companies of the United States, and they will have before them how many rates? I will not attempt to say just how many rates would be covered by the agreements covering these three great zones of the United States.

[At this point Mr. CUMMINS yielded to Mr. DIXON, and the roll of the Senate was called.]

Mr. CLAY. Mr. President, with the permission of the Senator from Iowa, I desire to ask him a question.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. CLAY. Mr. President, I understand the Senator from Iowa is now discussing the effect of section 7 of the pending bill.

Mr. CUMMINS. I am.

Mr. CLAY. That section reads as follows:

> Agreements between common carriers subject to this act specifying the classifications of freight and the rates, fares, and charges for transportation of passengers and freight which they agree to establish, shall not be unlawful under the act to regulate commerce as amended, or under the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or otherwise, if a copy of such agreement is filed with the Interstate Commerce Commission within twenty days after it is made, and before or when any schedule of any rate, fare, or charge, or any classification made pursuant to the agreement is filed with the commission; but all provisions of the act to regulate commerce, approved February 4, 1887, as amended, and all provisions of this act and any future amendments thereof shall apply to such agreed rates, fares, and charges, and such agreed classifications, and the Interstate Commerce Commission shall have like control over and power of action concerning any agreed rate, fare, charge, or classification.

Under existing law, as construed by our Supreme Court, it is impossible for railroads to get together and make agreements among themselves fixing classifications and rates. In other words, our Supreme Court has held that such an agreement among railroads is a combination in restraint of competition, and that the railroads come under the provisions of the Sherman antitrust law. Now, is it not true that the only effect in this section is to allow the railroads to make and file these contracts or agreements in regard to freight classifications without being in violation of the Sherman antitrust law—that it gives them that right, that privilege?

Then, after these agreements are filed with the Interstate Commerce Commission, as I understand the Interstate Commerce Commission exercises the same jurisdiction that it exercises at the present time under existing law, what benefit accrues to anybody by virtue of the proposed change, except to exempt the railroads from the Sherman antitrust law in regard to these agreements? What benefit accrues to anybody by reason of this change, except to make lawful these agreements so that they will not be in violation of the Sherman antitrust law? What benefit does the American shipper, in any respect, get by virtue of this change?

Mr. CUMMINS. Mr. President, it is very easy to answer the question propounded by the Senator from Georgia. So far as this section is concerned, the people of the United States are not benefited in any way whatsoever. Its sole effect is to legalize agreements between railroads which the Supreme Court of the United States has already declared are in violation of the antitrust law. It is so distinctively a long step backward in our regulation of corporations, and especially of railroad companies, that it ought to stop and shock any man who has been hitherto in sympathy with the law or laws which Congress has enacted.

I want to be absolutely candid, however, with respect to this matter, and, while what I have said in respect to this section is strictly accurate, it is nevertheless true that there is a succeeding section, to which I shall refer presently, which gives to the commission authority to suspend for a period of sixty days any new rates filed by the railway companies with the commission. Therefore, when these rates, which I have been attempting to describe, are filed with the commission, the commission would have the power to suspend such of them as it thought ought to be suspended for investigation during a period of sixty days. I hope I have made myself wholly clear in answer to the question of the Senator from Georgia.

I return now, however—and it is intimately connected with the inquiry just propounded—to what I was attempting to express when a call of the Senate was ordered. I have referred, I will say for the benefit of those who were out of the Chamber at that time, to the circumstances which must inevitably occur if this law passes. All the railroads of the United States will meet together in their separate territories, through their separate traffic associations, and they will enter into agreements fixing the rates for all the territory of the United States, and not only fixing the rates, but, if we are to be advised by what they have attempted to do in the past, they will confer upon representatives of the traffic associations—I mean boards which are created to carry on the affairs of the traffic associations—the sole power of changing the rates thus agreed upon, so far as the railroads are concerned.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Allow me just a moment, and I will readily yield. These agreements, with the rates, will be filed in the office of the Interstate Commerce Commission. I was about to say, when I suspended a moment ago, that I would not undertake to fix the number of these rates, but I am far below the figure when I say that there will be more than a million of them filed with the Interstate Commerce Commission in connection with the traffic agreements. I think possibly these rates will number 5,000,000, but I am sure, from the investigations that I have made, that the number will be more than 1,000,000.

What power has the commission over that situation? It has just this power, and no other, that upon the complaint of anyone interested, or upon its own motion, it may proceed to investigate any of these rates; and pending the investigation may suspend any one of them or any number of them for a period not exceeding sixty days. I tell you, and your own common sense will tell you, that within that period the commission can not investigate a negligible proportion of them. It would require the commission five years to investigate these rates and determine whether they are just or unjust. This will be the situation that will confront the people of the United States when you have stifled all competition and destroyed all independence upon the part of the railways by the passage of this bill. I now yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, the Senator from Iowa has passed from the point in regard to which I desired to ask him a question. I understood the Senator to say that under this provision the railroad companies could not only make an agreement with respect to rates, but they could make an agreement leaving to a board the power to determine whether any rate should be changed in the future. I call the Senator's attention to the fact that the language of the provision which seems to carve out from the operation of the antitrust act a certain class of agreements seems to be very specific. It is as follows:

> Agreements between common carriers subject to this act specifying the classifications of freight and the rates, fares—

In other words, the agreements upon which they may enter into, notwithstanding the antitrust act, are simply agreements specifying rates; and, as I understand, they would not have the power to enter into an agreement respecting any other matter.

Mr. CUMMINS. Mr. President, if the section can bear the interpretation put upon it by the Senator from Utah, it is vastly worse than I conceived it to be. If it is to be construed as an agreement between the railroads, specifying in terms all the rates which are to be paid by the people of the United States for the shipment of their property and the transportation of their persons, without any ameliorating or mitigating features, then I would have a further objection to it; but I do not so construe it. The agreement prescribed here is a traffic agreement specifying rates and charges. Of course it would be illogical and absurd to authorize the railway companies to enter into an agreement specifying rates unless it was accompanied with a contract and stipulation to preserve those rates, to charge and collect those rates. I take it the Senator from Utah must concede the justice of that reasoning; and if the railways, in specifying their rates, can at the same time agree to preserve those rates, notwithstanding the desire of any railway company to vary or change them, then I assume that we can go one step further without difficulty, which is that the railway companies may delegate to some representative the power to change them. There can not be any flaw in that

process of reasoning, and my interpretation of this section must, I think, in the end prevail. I hope that is the interpretation, because, if there could be no departure whatever from the agreement, it would be still more objectionable than though it were accompanied with suitable provisions for changes in rates as the circumstances of the country might require.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SUTHERLAND. May not the provision be interpreted so as to mean that it refers to contracts or agreements made specifying rates? Then, if any change is desired, another agreement shall be made between the same parties and filed. Not that they may confer upon the board or upon the committee the power to make the agreement for them, but they must make it themselves by separate agreement filed as the original agreement was filed.

Mr. CUMMINS. I can not conceive of such an interpretation, although I can conceive of such a situation; that is, I can not believe that that is the correct interpretation of this section, although, as I have said before, it will be more objectionable to me if it is to be so construed than it is now.

But I recall the Senate to the picture that I have just painted of a million or more rates filed with the Interstate Commerce Commission, all of which are to go into effect within the period named in the statute, with no other opportunity upon the part of the commission to interfere with the agreement or change it or approve it in any form whatsoever except to begin an investigation of the rates, a work which, if the commission could devote itself to without any interruption or any diversion on account of its other duties, would require years to perform; and, in the meantime, the American people must pay the rates that are thus established in these agreements and that are prescribed in these schedules.

If you make these agreements subject to the approval of the commission, there will be few of them filed, because the railroads will know that in order to make them effective the commission must investigate and pass upon the rates that are mentioned in them; but if you give the railroads free rein and give them this chance to revise all the rates of the United States without the interference of the antitrust law, and without the possibility of interference upon the part of the Interstate Commerce Commission, then you may expect what I think all of you will concede will happen, namely, after the destruction of all competition, an immediate increase in the rates throughout the United States. I will not say that it was the purpose of this section in the way in which it is drawn. But it is the argument of the railroad companies; that is what they have been contending for for years. They want the menace of the antitrust law removed. They want the shadow of the penalties that are imposed by that act to pass away. They want to deny to the courts the jurisdiction to call them to account for these conspiracies in restraint of trade, and they have accomplished in this section all that they have been contending for, praying for, and fighting for since first Congress attempted to regulate their affairs.

I thought when we closed this discussion yesterday afternoon it was the consensus of opinion that this section was wrong, and that if we did not intend to emasculate and destroy the interstate-commerce law, as well as the antitrust law, it must be changed. I recall the statement of the Senator from Rhode Island [Mr. ALDRICH], who never enters the Chamber until I speak his name, and therefore I shall give some attention to him in order that I may give the Senate the benefit of his presence. The Senator from Rhode Island said yesterday that he was not compelled to vote for this bill as it came from the Attorney-General, and that if the interpretation I have put upon this section is the right interpretaion, and if the consequences I have attempted to depict will certainly follow its adoption, then he favors such an amendment to it as would require the approval of the commission before these agreements become effective. Do I correctly quote the statement of the Senator from Rhode Island? His attitude here yesterday afternoon was very different from his attitude at a former time, to which I may refer when he is here.

The amendment I wanted to offer before the committee, and which I was precluded from offering before the committee, the amendment which will bring this section into harmony with the Republican platform, and which will make it consistent with the common welfare, the common interest, and the plain dictates of common justice, I intend to offer now. I must believe that if opportunity had been given to present this matter to the committee much of the discussion we have had up to this time would never have taken place. I have that much confidence in the intelligence and patriotism of the members of that committee. I read from the section in order to show the connection between it and my amendment:

> Agreements between common carriers subject to this act specifying the classifications of freight and the rates, fares, and charges for transportation of passengers and freight which they agree to establish shall not be unlawful under the act to regulate commerce as amended, or under the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or otherwise, if—

Now comes my amendment—

> made in terms subject to the approval of the commission, and if also any such agreement, together with all the rates, fares, charges, or classifications therein prescribed or therein referred to shall be approved by the commission before any such agreement, rates, fares, charges, or classifications go into effect.

If I correctly understood the Senator from Rhode Island yesterday, he seemed to approve of some such change in this bill as I now suggest, and I pass the amendment to the Secretary to be printed and laid on the table, and during the progress of the bill I will offer it.

The amendment is as follows:

> Insert after the word "if," in line 17, page 13, the following:
> "Made in terms subject to the approval of the commission, and if also any such agreement, together with all the rates, fares, charges, or classifications therein prescribed or therein referred to, shall be approved by the commission before any such agreement, rates, fares, charges, or classifications go into effect."
>
> Strike out the word "a," in line 17, page 13, and insert the words "and a."
>
> Strike out the word "is," in line 18, page 13, and insert the words "shall be."

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I yield.

Mr. FLINT. I take it from the amendment the Senator has offered that he is in favor of this provision with the amendment, and I desire to ask him this question: He has stated that the rates which would be filed would number into the millions, in which I agree with him, and that it would be many years before agreements could be approved by the Interstate Commerce Commission, in the event that they were all dumped in at one time, as they would be. I ask whether, in his opinion, it would not result that there would be no rates approved under this provision?

Mr. CUMMINS. Mr. President, I hope——

Mr. FLINT. Let me finish. For the reason that the minute a rate sheet is offered it will be followed, nine times out of ten, by protests from the shippers; a hearing will take place, and the various rates and classifications and sheets offered will have to be revised. It would seem to me it would be simply an endless task on the part of the commission to take the time to go through and approve the rate sheets. The statement originally made by the Senator, that it would be five years before the commission could investigate the rates, would apply equally to the provision as he now offers it, and for the commission to make an investigation after complaint made.

Mr. CUMMINS. If, under the change I have suggested, the railways were to do what I know they will do if the change is not made, it would require quite the length of time stated by the Senator from California for the commission to investigate all of these rates. But I earnestly and fervently hope if this amendment is made, so that we will be carrying into effect not only the commands of justice but of our platform, that then the railway companies will not enter into agreements with respect to any large proportion of their rates. I can conceive of special instances in which the railway companies might enter into traffic agreements involving some rates, but those must be so few in number and so important in character that the commission, within a reasonable time, could investigate and declare whether they were just or unjust.

Mr. FLINT. As I understand the Senator——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. Certainly.

Mr FLINT. Under the provision as written in the bill, he is of opinion that all the rate sheets would be entered into one agreement at one time practically, and that under the amendment as he has offered it there would be comparatively few agreements and rates made by the railroad companies under the law.

Mr. CUMMINS. I so believe, Mr. President. Possibly the Senator from California was not here when I stated what I thought would happen if this section became a part of the law. We have three great zones.

Mr. FLINT. Yes.

Mr. CUMMINS. If you heard that part of it, then I need not repeat what I said.

I have no doubt whatsoever that within a very short time traffic associations representing these three zones into which the country is naturally divided would file their tariff traffic agreements and specify in them all the rates which the railway companies desire to charge for the transportation of freight and passengers.

Mr. FLINT. That part of it was very clear to me, but the part I wanted the Senator to dwell on to some extent, if he would, is the question just how extensive, in his opinion, would these traffic agreements be under the amendment he has offered. In his opinion, would it be possible to have very many traffic agreements under the bill as proposed to be amended?

Mr. CUMMINS. Mr. President, I do not think it would be possible to have many. It would be entirely possible to have traffic agreements covering the more important competitive points. I do not think there ought to be very many, and certainly there ought to be none until approved by the commission. I assume that the railways in these various territories will do just what they have wanted to do heretofore, just what they did do years ago. Their associations are already waiting to be called into action for the purpose of making just such agreements as are provided for in this bill.

I notice now that the Senator from Rhode Island [Mr. ALDRICH] is present.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. If you will just wait a minute, until I finish my suggestion to the Senator from Rhode Island. I took the liberty a few minutes ago of saying that I understood the Senator from Rhode Island to declare yesterday that if the construction of section 7 was anything like the construction that I have been putting upon it, he would willingly concur, in order to put the matter beyond doubt, in an amendment requiring that all such agreements should be approved by the commission before they became effective. I have offered an amendment, the same amendment I sought to offer before the committee, which does put beyond question that important inquiry, and I would be very glad to know the views of the Senator from Rhode Island, so that if he concurs with me in that respect, I can pass on without any further argument to another section of this bill.

Mr. ALDRICH rose.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. I said yesterday and I repeat that the rates and classifications fixed in these agreements should be subject to the approval and control of the Interstate Commerce Commission. I think they clearly are so by the terms of the section as it stands.

There is one trouble with the suggested amendment of the Senator from Iowa. If the commission in advance make an approval, can they afterwards have any jurisdiction over those rates?

Mr. CUMMINS. The act specifically provides that the commission may reconsider its decisions and reform at any time the rates which it has approved.

Mr. ALDRICH. The rates fixed by the agreements certainly ought always to be under the control of the Interstate Commerce Commission.

Mr. CUMMINS. I agree with the Senator from Rhode Island about that.

Mr. ALDRICH. I think they are by the terms of the act as it stands. If there is any reasonable question about it, I want them to be made, so far as I am personally concerned, so that they will be under the approval and control of the Interstate Commerce Commission.

Mr. CUMMINS. It gives me so much assurance with regard to this matter, it is so gratifying to me that the Senator who, without disparaging any other Senator, I believe knows more about this bill than any other man in the Senate except myself [laughter], has assented to the amendment, or the substance of the amendment, which I have offered——

Mr. ALDRICH. No.

Mr. CUMMINS. That I will not further detain the Senate by presenting other suggestions that I may have.

Mr. ALDRICH. I do not understand the statement I made yesterday or the statement I make now as assenting to the amendment which the Senator has offered, in the form in which it is offered.

Mr. CUMMINS. I will allow the Senator——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. I am sorry the Senator from Iowa does not see that there is a deep and impassable gulf between him and the Senator from Rhode Island, and that is this: The Senator from Rhode Island insists that what the Senator from Iowa contends for is now in the bill.

Mr. CUMMINS. Precisely; I understand that.

Mr. NELSON. And the Senator from Iowa maintains it is not. So there is a big debatable question on which we ought to get instruction.

Mr. CUMMINS. I understand perfectly that there is a gulf fixed between the Senator from Rhode Island and myself which may never be bridged. I hope it will be. When it is I am sure he will cross it to my side, for I have no expectation of ever crossing it to his. But we have made a distinct advance when the Senator from Rhode Island admits that these agreements, with the rates specified in them, ought to be approved by the commission before they go into effect.

Mr. ALDRICH. Oh, no.

Mr. CUMMINS. I hope the Senator from Rhode Island will not interrupt me until I have finished my answer to the Senator from Minnesota. I am very willing to submit to the Senate the question as to the construction of this section, what it actually means, because there is not a Senator here who, after reading it, will have any doubt whatsoever upon that point, no matter what his opinion may be with regard to the policy of submitting such agreements for approval before they go into effect.

I now yield to the Senator from Rhode Island.

Mr. ALDRICH. I felt called upon yesterday to make a protest, as mild as I could make it, against the Senator from Texas and the Senator from Iowa agreeing as to what my views were on this bill.

Mr. CUMMINS. The Senator from Texas is not here, and is not involved in the present controversy.

Mr. ALDRICH. No; he is not. But the same thing occurred yesterday.

Mr. BAILEY entered the Chamber.

Mr. ALDRICH. The Senator from Texas is now in the Chamber. But I should like to have the opportunity to express my own views in my own way. I have done that. I did not give any such construction to the language which I used or intended to use as that given by the Senator from Iowa.

Mr. CUMMINS. Let me ask again. I ask the Senator from Rhode Island whether he did not say and whether he does not mean that these agreements must be approved by the commission before they go into effect?

Mr. ALDRICH. I did not say that or intimate that.

Mr. CUMMINS. What does the Senator from Rhode Island mean with regard to that point?

Mr. ALDRICH. I said and I repeat, if it is any satisfaction to the Senator from Iowa——

Mr. CUMMINS. It is a great satisfaction.

Mr. ALDRICH. That these agreements ought to be always under the approval and control of the Interstate Commerce Commission, and that in my opinion the language in the section as used clearly puts them under that control and subject to that approval.

Mr. CUMMINS. I very much——

Mr. ALDRICH. I further said that if it did not, I was willing that an amendment should be made to that effect. That is all I said.

Mr. CUMMINS. I fear that a night's reflection has wrought a great change in the views of the Senator from Rhode Island. I will leave the Senate, however, to determine at the proper time whether I have correctly understood his remarks upon this subject yesterday and to-day.

I now yield to the Senator from South Dakota.

Mr. ALDRICH. I think the RECORD will disclose that I made the same statement yesterday in almost precisely the same language.

The PRESIDING OFFICER. The Senator from Iowa yields to the Senator from South Dakota.

Mr. CRAWFORD. The Senator from California called attention to the proposed amendment of the Senator and to the difficulty that would attach under it on the part of the Interstate Commerce Commission to pass upon and approve a rate sheet for the entire country.

The question I want to ask is whether or not, under the amendment proposed by the Senator from Iowa, there would be any limit as to the time which may be taken by the commission and by the railways to make up a proposed rate sheet for the entire country and have it approved?

Mr. CUMMINS. None whatever.

Mr. CRAWFORD. There would be nothing to prevent them from doing that if it did take five years?

Mr. CUMMINS. No.

Mr. CRAWFORD. That was the point.

Mr. CUMMINS. It is my hope that it will eventually be done; that the railways will file their rates with the Interstate Commerce Commission under such an agreement, and that when the commission has investigated those rates and made such changes in them as the interests of the country require they will become the rates of the United States upon which we can depend and rely.

I now pass from this section of the bill. I think I have laid it before the Senate with all the fullness which my capacity enables me to do. I now pass to section 8 of the bill, for I realize that very few of the Senators, with the multitude of other business engagements, have had a chance to become familiar with this measure.

Section 8 of the bill, I am glad to say, is exactly right. This is one of the things for which the people of the country have been asking for years, and I give this section of the bill the same earnest approval as to the former sections of the bill I have given my censure and criticism. The rate sheets of the United States are exceedingly complicated affairs, and there are very few people who are able to take them and determine what is the rate from one point to another. Railway companies, either intentionally or unintentionally, through their agents frequently misstate rates, so that proposed shippers are misled, to their great injury, in entering upon business engagements and making shipments upon the faith of rates that are stated to them by the agents of the railway companies.

It is impossible to impose upon the railway companies any liability whatsoever in favor of the shippers for those mistakes, whether in good faith or otherwise, because the moment you give to a shipper the right to recover from a railway company damages on account of the misstatement of a rate, that moment you have opened the door to general discrimination and rebate, inasmuch as the supposed liability will be at once taken advantage of by the railway companies to give to their favored shippers such discriminations as they might be inclined to give.

Therefore the only way to proceed is to impose such a penalty upon the railways for a misstatement of a rate as will induce the utmost caution. For that reason this section provides that for every misstatement of a rate or a refusal to state a rate, which inflicts injury upon a shipper, the railway company shall incur a penalty of $250, to be recovered by suit of the United States and paid into the Treasury of the United States. I believe it to be not only a wise amendment to our present law, but I believe it to be imperatively demanded for the welfare of the shipper.

I pass to section 9. Section 9 of the bill rewrites section 15 of the present interstate-commerce law. The Senators who were here in 1906 will recall that section 15 of the old law was rewritten at that time, and the present section is a substitute for the section adopted in 1906. You will remember that this is the section which confers upon the Interstate Commerce Commission—I am now speaking of the present law—the power to prescribe a rate for the future. The original law of 1887, which was intended to give the commission that power and which it was supposed for a series of years did give the commission that power, was found to be faulty in 1897, and from 1897 to 1906 it was understood by all the people of the country that the commission had no power to prescribe a rate. Section 15 of the act of 1906 was enacted to give the commission the power, and it did give the power effectively when invoked by a complaint filed with the commission by some shipper or some representative of a shipping interest. What were the defects of that section? It was discovered that it was necessary that the commission, in order to administer justice, should proceed upon its own motion as well as upon a complaint, and therefore in rewriting this section in the present bill it is specifically declared that the commission shall have the authority to proceed against any rate or rates that it may regard as unfair or unreasonable, upon its own motion, and do whatever justice requires with respect to such rates.

I pause here to say that in this enlargement of the power of the Interstate Commerce Commission I am in hearty sympathy. I think it adds to the law one of the most valuable provisions which Congress can possibly add. Further, it adds to the commission the power to deal with classifications, which the commission has not at the present time, and that is a most helpful addition to the law. I not only have no objection to it, but I very freely give it my most hearty support.

It does one more thing. It enlarges the power of the commission with regard to the establishment of through routes. As the law now is, as Senators know, the commission has not the power to establish a through route if there be one satisfactory through route in existence, whether established by the commission or whether established by the railroads. Our experience since 1906 has shown, and shows conclusively, that there is great advantage in more than one through route. Therefore in rewriting section 15 of the bill the additional power is conferred upon the commission to establish such through routes as in its judgment the business of the country demands.

That was the bill as it was reported by the supervisory committee which assembled in New York in August of last year. In that draft, and I have it before me, absolute authority was given to the commission to establish through routes, and there was no limitation whatsoever. Between the time that this bill came under the consideration of the President and the Attorney-General on the 10th of November and the time at which it came into the Senate on the 11th of January of the present year, this provision was very markedly changed.

The bill as it was introduced here provided that the commission should not have the power to establish a through route between a steam railroad and an electric railroad, one of the most odious exceptions that can possibly be imagined, because the growth of transportation facilities in this country in the future is to be, as many believe, largely in the development of electric power. The result would have been to give the steam railroads the power to crush the electric railroads and to buy them at their own price, a result that was still further effectuated by a subsequent provision of the bill, to which I shall call your attention, which excepted electric railroads from the prohibition against a combination, merger, or consolidation of railway properties.

The electric roads heard of this provision when it was introduced by the Senator from West Virginia, and they made so much noise and presented so many just complaints that those who were in charge of the bill found it impossible to withstand their attack upon it. Therefore, while the bill was in the committee, it was changed, not by the committee, but by the Attorney-General; and now the bill does permit the commission to establish a through route as between an electric freight road or an electric road that is engaged in the business of transporting freight and the ordinary steam commercial railway.

I want to applaud that change. I think it was one of the most signal instances I have ever known of an officer yielding to a just and imperious demand upon the part of those who were interested in the subject. Again, although this draft which I hold in my hand contained no such provision, the bill that was introduced by the Senator from West Virginia contained a provision that in establishing any through route the commission could not compel any railroad to become a part of a through route unless the through route embodied substantially the entire line of the railway, a provision that simply robbed the measure of nearly all its value, because there are so many instances in which it is necessary that a through route shall be established over a railway without including its entire length that the commonest and most casual investigation of the subject must necessarily lead to the condemnation of any such proposition.

Again the voice of the people was heard distinctly enough, and I think I could locate the voice if I were permitted to do so. When it is heard from its seat it is not far from me as I stand here. I think you will all recognize that the interests, especially of the Pacific coast, rose up in rebellion against a proposal that no through route could be established from California to the eastern markets unless it embraced the whole line of any railway that became a part of it.

I applaud that change. I think it was most wise. And with that change, so far as this part of the section is concerned, I have no amendment to offer and I have nothing but praise to bestow.

But now we come to a new part of the new section 15, which, I think, will interest the Senate. I mean section 15 of the old bill. It is section 9 of the present bill.

I omitted to say that there was one change in the part I have been describing that I will ask the Senate at some future time to consider, but I do not intend to examine its merits now. I intend, when the hour comes for considering amendments, to ask the Senate to broaden the power of the commission, so that in its investigation of rates it may determine and fix a relation between rates, as well as to prescribe a maximum rate.

I pass to the Secretary my amendment in that regard and ask that it be printed and lie on the table, to be hereafter offered.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

The amendment is as follows:

Insert, after the word "charged," in line 5, page 17, the words "or to determine and prescribe what will be the just and reasonable

relation between such rates or charges to be thereafter observed;" also insert, after the word "prescribed," in line 14, page 17, the words "and preserve the relation so fixed."

Mr. CUMMINS. I now reach the second paragraph of section 9, which becomes a part of section 15 if it shall be adopted, and inasmuch as this section has been the subject of so much discussion, not only in Washington, but elsewhere, I will take the privilege of reading it. I am now reading from page 18 of the bill under consideration.

First, let me say that I suppose there has been nothing discussed more critically, no complaint urged more emphatically since the passage of the Hepburn law, than the appeal on the part of the shippers that no increase in rates shall go into effect unless the increase is first approved by the commission. I know that I need not enlarge upon that question. All the business men here know how important it is that freight rates shall not be suddenly increased. There is nothing that disturbs the business man more than an increase in rates upon material or commodities that he has already agreed to sell at a certain price. Therefore the demand has been continuous, and has been consistent, and has been persistent, that Congress shall give to the commission the power to suspend any proposed increase in the rates until their justice can be investigated and passed upon.

Now, that is just what was done in the bill, or in the draft of the bill, to which I referred a few moments ago. I shall not read it, but it provided that when any new rates were filed with the commission, the commission, either upon its own motion or upon the complaint of any shipper, could suspend those rates until an investigation was had and their justice determined, and then if found to be fair and just they might go into effect.

Let us see what sort of a bill we have before us now on that question:

Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, and if it so orders, without answer or other formal pleading by the interested carrier or carriers, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, charge, classification, regulation, or practice; and pending such hearing and the decision thereon the commission, upon filing with such schedule and delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such schedule and defer the use of such rate, fare, charge, classification, regulation, or practice, but not for a longer period than sixty days beyond the time when such rate, fare, charge, classification, regulation, or practice would otherwise go into effect.

That is the part of this section that has come into it since it was originally devised. That is the part which robs it of all, or substantially all, its value, for it is in the power of the railway companies to render an investigation on the part of the commission impossible within the period of sixty days.

I know that I need not recount the obstacles in the volume of the business, in the complexity of affairs, in order to convince you all that if the railways file a tithe of the changes in rates after this law goes into effect that they filed last year the commission could not investigate 5 per cent of those rates within the period of sixty days which are here given for that purpose. The people have been asking for bread and this bill proposes to give them a stone, so far as protecting them from the injustice of increased rates upon the part of the railway companies is concerned.

My proposition is that such rates shall not go into effect until the commission has had an opportunity to examine them and to declare whether they are just or unjust. That has been the view heretofore held. It may be assumed that the railways having fixed their own rates have fixed them fairly and reasonably from their own standpoint. Therefore is it not fair to say that when a railway proposes to increase its rate it shall be able to give some reason to the people and some reason to the commission for increasing a rate that it itself has declared to be fair and reasonable?

This view, however, is one that I simply echo, because, fortunately, I can summon to my aid the same high authority for the amendment that I propose to offer to this section that I summoned to sustain the amendment I offered with regard to the section which permits railway-traffic agreements to go into effect without the approval of the commission.

At this point, therefore, I beg leave to read, if I have the extract here, and I think I have, the words of our President, and, if it is found, after I have read them, that I have been guilty of plagiary in the argument I have just made, I trust I will be excused, because I have read and reread this paper so often that it has become a part of my own thought. This is a quotation from the speech of Hon. William Howard Taft, President of the United States, made at Des Moines, Iowa, Monday, September 20, 1909. He said:

Under the interstate-commerce law a new rate classification is to be filed with the commission. It is proposed now to authorize the commission to postpone the date that such new rate classification is to take effect, provided that within thirty days of the date of the order a complaint be filed that such rate or classification is unreasonable or unjust, or, provided second, that the commission itself shall institute an inquiry into the reasonableness or justice of such rate or classification. *This* introduces a somewhat new element into the act by placing the railroad company in the situation, when it proposes to make a change in the rate which is an advance, that it should be prepared to show to the commission affirmatively that the change to the new rate is justified. I am inclined to think that this is a fair change in the provisions of the law. *It gives to the public the same right to have changes which affect them injuriously investigated before they go into effect as it does changes of rates by the railroad by appeal to the courts to have the order of the commission subjected to investigation and hearing. Railroads ought not to be permitted to change rates unless they can give a reason for it.*

I respectfully commend this view of the matter, which is in exact accordance with the original draft of this measure, to those who are responsible for the bill as it now is before the Senate, which limits the power of the commission in this respect to sixty days, and the result of which must be that the vast proportion of the increases in rates which are filed with the commission will go into effect without any inquiry or investigation whatsoever. I have simply echoed the opinion of the President of the United States, and I earnestly hope that it will be as persuasive as later expressions seem to have been.

Mr. SUTHERLAND. What does the Senator mean by the original draft of the bill? I do not quite understand.

Mr. CUMMINS. I am told, Mr. President, that the gentlemen whom I named day before yesterday met in New York—I have no hesitation in naming them because I am simply stating what everybody knows, what the newspapers have stated over and over again, and I suppose that whatever is generally known may be assumed to be known by the Senate—met in New York on the 30th day of August, 1909—the Attorney-General, the Solicitor-General, two members of the Interstate Commerce Commission, and a Member of the House of Representatives—to put in the form of a draft of a bill the views which the President of the United States had expressed at various times regarding amendments to the interstate commerce law. It is the draft which those gentlemen prepared and submitted for consideration, the terms of which have all been published, I believe, in the newspapers to which I refer when I say the original draft.

Mr. CLAPP. The Senator has a copy of it?

Mr. CUMMINS. I have a copy of it in my hand. I now show it, and I want to read, insomuch as it has been called to my attention, what was said on this subject.

Mr. SUTHERLAND. Will the Senator permit me, so that I may understand him?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. That does not refer to any bill which has been introduced here?

Mr. CUMMINS. It does not.

Mr. SUTHERLAND. The bill that was originally introduced by the Senator from West Virginia and the bill reported from the committee, in the respect in which the Senator is now discussing it, are identical.

Mr. CUMMINS. Yes; they are, so far as this question is concerned.

Mr. SUTHERLAND. So far as the limitation of sixty days is concerned?

Mr. CUMMINS. They are; but I was simply showing the evolution of this subject. Inasmuch as it has been under public discussion, I will read what these gentlemen submitted to those who were considering the matter. This is the clause which the railway companies especially attacked, and, apparently, with great success.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. As I understand the Senator, a self-appointed committee, or a committee appointed by the President for that purpose, undertook to prepare a draft of a bill and submit it to the President. That draft, I understand, was submitted to a number of gentlemen. I think the Senator from Iowa was one of them. I have no doubt that the arguments used by the Senator from Iowa and the other gentlemen to whom the draft was submitted led to changes. I do not know whether this change was suggested by the Senator from Iowa or not. I presume that it was not, from the fact that he is now opposing it. I think that is the history of the preparation of this legislation.

Mr. CUMMINS. I may be tempted before I am through to disclose what little I had to do with it, but I think the Senator from Rhode Island [Mr. ALDRICH] can well assume that I did not propose the change which is manifest between the original draft and the present bill. The President had declared the proposition so clearly and so satisfactorily to the people of the country, that I would not have had the courage, even had I had the inclination, to suggest the change that was afterwards made.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. Perhaps the Senator from Iowa will be kind enough to inform the Senate why he picks out one or two utterances of the President upon various things connected with this bill and considers them of high authority here, but rejects the main scheme of the bill, which embodies the ideas of the President generally.

Mr. CUMMINS. On the contrary, Mr. President, if the Senator from Rhode Island had been here listening to me, he would have heard me express in the most positive and emphatic manner, not only my approval, but my praise of certain portions of this bill. I am here with the hope that we may preserve what is good in the bill and reject what is bad.

Mr. BAILEY. Vain hope! [Laughter.]

Mr. CUMMINS. No; I do not think it is a vain hope. I have gone far already toward convincing the Senator from Rhode Island; and when one can convince the Senator from Rhode Island, there is hope for anybody else on earth. [Laughter.]

Mr. ALDRICH. Mr. President, I have listened whenever I have been able to, and I have read the Senator's statements from time to time, and, so far as I can observe, the enacting clause is the only part of the bill which meets with the approval of the Senator from Iowa.

Mr. CUMMINS. That simply illustrates what I said a moment ago, that the Senator has either had cotton in his ears while I have been talking here, or he was not in the Chamber, because I said in the most unequivocal way, and I repeat, that there are many things in this bill that are good. I have pointed out several of them, and I shall point out others before I am through; but because I find some things that are good in a bill it does not incline me to accept those things that are bad in the same bill.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I do.

Mr. BAILEY. Simply, as a friend of the court, I want to warn the Senator from Iowa against laying to his soul the flattering unction that he has persuaded or convinced the Senator from Rhode Island of anything. [Laughter.]

If the Senator from Iowa doubts the correctness of my judgment, I will ask him to wait until the roll is called and he will find out whether the Senator from Rhode Island agrees with him or not.

Mr. CUMMINS. Mr. President, I have too high a regard for the intellectual keenness of the Senator from Texas to follow the practice of an ancient artist and label my pictures or specify when I attempt to perpetrate a joke. [Laughter.]

This was the original proposition:

[Extract from document prepared "For the confidential use of the President," pages 21 and 22.]

Whenever there shall be filed with the commission any schedule stating a new individual or joint rate, fare, or charge, or any new individual or joint classification, or any new individual or joint regulation or practice affecting any rate, fare, or charge, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, to suspend the operation of such schedule and defer the use of any such rate, fare, charge, classification, regulation, or practice pending investigation of the legality and propriety thereof; and after full hearing the commission may make such order with reference to said proposed rate, fare, charge, classification, regulation, or practice as would be proper if the rate, fare, charge, classification, regulation, or practice had actually gone into effect.

Now, will you tell me what is wrong with that proposition? The people generally insisted upon an absolute prohibition against any rate going into effect without an examination upon the part of the Interstate Commerce Commission, but they became finally satisfied with the suggestion that if the commission were given the power to suspend any new rate so filed until an investigation could be had and discovery made as to its justice or fairness, that might accomplish the purpose. We have not only been refused the original demand, but now the proposition, which illustrates the extreme limit to which we could go and still preserve the right of the shipper, has given place to a proposition that keeps the promise to the ear but will break it to the hope, because the commission can not investigate any great proportion of the changes which the railway companies can make and will make within a period of sixty days.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. I suppose the Senator from Iowa will not undertake to say that what he calls the original draft in this case ever met with the full approval of the President?

Mr. CUMMINS. Mr. President, I have just read—which the Senator from Rhode Island evidently did not hear—the most explicit statement from the President of the United States that could be put into the English language, which declared that these rates ought not to go into effect until they had been investigated and approved by the commission.

Mr. ALDRICH. But the Senator from Iowa read from a statement made in Des Moines.

Mr. CUMMINS. I did.

Mr. ALDRICH. After this first draft was submitted to the President, the President and the Attorney-General, as I understand it—for as long as we are going into the history of this case we might as well be explicit—heard a number of gentlemen representing all phases of this subject, of whom the Senator from Iowa was one, and the President did not approve this legislation or the form of the legislation until a long time subsequent to that period.

Mr. CUMMINS. I think the Senator from Rhode Island has in every respect except one stated it accurately. The President, as I understand, was on the 10th of November in favor of that proposition. After hearing from those who were against that proposition, it is fair to assume that he now sanctions the provision which is in this bill; but I do not want the Senator from Rhode Island to mention again, unless he wants a full explanation from me, any conference had with me upon this bill. I do not want to enter upon it. I think the Senator from West Virginia [Mr. ELKINS] can recall it, and I believe I would be willing to rely upon the fidelity of his memory to recount it. All of it I remember is that the Senator from West Virginia wanted to know of me if he could compel trunk lines to furnish coal roads with equipment. [Laughter.] We had some discussion upon that subject, and that is about all that I remember of that conference.

Mr. ELKINS. I will say to the Senator——

The PRESIDING OFFICER. The Senate will be in order. Senators desiring to interrupt must address the Chair.

Mr. BAILEY. Mr. President, as one seeking light——

The PRESIDING OFFICER. The Senate will please be in order. Senators desiring to interrupt will please address the Chair.

Mr. BAILEY. I did address the Chair, if the Chair please.

The PRESIDING OFFICER. The Chair did not recognize the Senator.

Mr. BAILEY. I can address the Chair, even if I am not fortunate enough to obtain the Chair's recognition, Mr. President.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. With pleasure.

Mr. BAILEY. Mr. President, I merely want to say that, as one seeking light on this subject, I should be delighted to hear about this conference that has occurred somewhere, I take it at the White House. I think it would enable us to make the distinction between "before and after taking." [Laughter.]

The President's opinions, if we are to believe what we have heard—and I do believe it—have undergone some change. I understand there was a conference somewhere and at some time. Of course I understand that conference does not concern the Senators on this side of the Chamber, but, being referred to in the open Chamber, it would instruct us to hear about that conference, and, having a curious mind, I myself would like to know who was there. Of course I know that the Senator from West Virginia [Mr. ELKINS] was there looking after the special interests of West Virginia in the distribution of coal cars [laughter]—a very proper thing for him to do—and, of course, I know that the Senator from Iowa [Mr. CUMMINS] was there. I am not so sure whether or not the Senator from Rhode Island [Mr. ALDRICH] was there.

Mr. ALDRICH. I was not there and was not invited.

Mr. CUMMINS. Not at that time. [Laughter.]

Mr. ALDRICH. Nor at any other time with the Senator from Iowa.

Mr. CUMMINS. Mr. President, even under the rather tempting suggestion of the Senator from Texas, I must be silent

with regard to that conference. I never recall painful memories if I can avoid it.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. If the Senator from West Virginia wants to verify that old adage that runs—well, he knows how it runs [laughter]—I will yield.

Mr. ELKINS. All I have to say about the conference is that we can not allow even the Senator from Texas to get in the Republican party by the back door in the way he suggests. [Laughter.]

Mr. BAILEY. If I were going into the Republican party, I would hunt the back door. [Laughter.]

Mr. CUMMINS. I now pass that section. I had intended to offer an amendment to it, but I can not turn to that portion of the report which contains it, and therefore I will return to the subject at some future time, simply to offer an amendment which will strike out the limitation of sixty days and restore the bill to the form in which I believe it ought to be, giving the commission the authority to suspend the rates and to keep them in suspension until they are examined and found to be just, fair, and reasonable.

The fifth paragraph of this section—and now I am sure the Senator from Rhode Island will hear what I have to say—the last paragraph of this section, gives to the shipper the right to route his freight if there are two or more joint or through routes open between the points of carriage. This is also a privilege which the shippers of the country have earnestly asked of Congress more than once. It is granted in this bill, and it is a most wise provision, and I approve it just as heartily as I condemned a few moments ago the provision which I was then discussing. I trust it may remain a part of this bill when it finally passes the Senate.

I come now to section 10 of the bill. Section 10 of this bill repeals a large part of section 16 of the existing interstate-commerce law, and it does so because the part of the section so repealed relates to suits brought against the Interstate Commerce Commission to set aside, annul, or suspend an order. That subject is fully dealt with in the first six sections of the bill, by which that jurisdiction is transferred to the proposed court of commerce. If those who are opposed to the court of commerce and opposed to this new jurisdiction on its part are successful, then I take it for granted that the eliminated portions of section 16 will be restored; but if I am not successful in inducing the Senate to accept these amendments, then the provisions here found will be quite in harmony with the remainder of the bill.

Section 11 of the bill I need not read. It is a reenactment, with some slight changes, of a portion of section 20 of the existing law. That section relates to reports which are to be filed by the railroad companies with the Interstate Commerce Commission. The changes are entirely right and everybody will concur in them. I have no suggestion to make with regard to the section, nor does the minority report condemn it in anywise.

[At this point Mr. CUMMINS yielded the floor for the day.]

Friday, March 18, 1910.

Mr. CUMMINS. Mr. President, in my consideration of this bill, I have now reached section 12. It deals with the consolidation, combination, and merger of railroads. Its avowed purpose, and I use the word "avowed" deliberately, is to prohibit certain combinations, consolidations, and mergers of railroad properties that are not prohibited by the antitrust law. In other words, its purpose, as declared by its author, is to strengthen the antitrust law in its application to railroads. With that purpose I am in perfect sympathy, but it is my reflective judgment, and it has been reached after much study and the most careful investigation, that the section, instead of strengthening the antitrust law in its application to railroads, weakens that law, and it will validate or may validate many transactions that are now condemned by the antitrust law. I intend to pass through this section, calling specifically to the attention of Senators just what it accomplishes.

The first significant feature of the section is that it is limited to railroads. The interstate-commerce law, as all Senators know, in all, I believe, its other provisions is applicable to common carriers as defined in the first section of the bill. This section, for a reason of which I am in utter ignorance, eliminates all common carriers except railroads.

This objection alone, as it seems to me, must condemn the section in its present form. It is impossible to conceive any reason for strengthening the interstate-commerce law or strengthening the antitrust law with regard to railroads that does not apply with equal force to every other kind of common carrier. There are steamboat lines, steamship lines, water lines of all kinds; there are express companies, and other organizations, which fall within the law concerning which it is just as necessary to protect the people against combinations as it is to protect them against the action of railroad companies.

In so far as this section is concerned, it would be entirely lawful for a railroad company to purchase and combine with itself all the steamship lines, either interior or exterior to the United States. We have been waiting with some solicitude for the completion of the Panama Canal, hoping that when that great work shall have been finished there will be the opportunity for competition between the eastern and western borders of our country through the medium of steamship lines; but what will be the result if that competition is permitted to be destroyed by a combination between such water lines and the transcontinental railway lines? We are only compelled to look at the present situation in order to know that the condition I have just mentioned is not only possible but probable.

When we are attempting to preserve competition among railways or among common carriers, it is of the highest necessity that in any prohibition against merger or the acquisition on the part of one common carrier of the lines of another the prohibition shall extend to water transportation as well as to land transportation.

Now, I do not forget that there will still rest upon that subject the antitrust law. I am speaking only of the prohibition of this particular section.

It is also to be noted that this section expressly excepts electric railways. Why, I do not know. I hope the chairman of the Interstate Commerce Committee will soon be here, in order that he may be able to answer that question, or at least take such note of it as will enable him to answer it at some future time. So far as this section is concerned, one electric railway could purchase all the steam railways in the United States and combine them into a single corporation, and in that manner destroy all the competition that we now enjoy. I do not see that under all the laws of the United States that would be possible, for so far as this section is concerned and the point I have just made is concerned, the antitrust law will still be in effect; but we are engaged here in attempting to strengthen the antitrust law. That is the declaration of those who are responsible for this section, and yet, not inadvertently but designedly, it opens the most favorable opportunity that can be imagined for the combination of any system of railways that promoters may desire to bring together in one management through the medium of an electric railway.

I notice that the Senator from Indiana [Mr. SHIVELY] is looking with some surprise at that statement, and I do not wonder, because his is one of the States in which the electric railways have been developed to an extent not seen, probably, in any other. If he will apply this section to his own Commonwealth, he will find that if it were so desired the entire railway system of Indiana could be combined and put into a single board of directors through the medium of one of these electric railways.

Mr. SHIVELY. Without relation to the state laws?

Mr. CUMMINS. I beg your pardon, Mr. President, I do not say that. I leave it for others to determine what effect this would have upon the laws of the States forbidding concentration or consolidations. I do not attempt to say at this time. However, it will be discussed fully at a later time.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. BRISTOW in the chair). Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. I should like to ask the Senator from Iowa whether he does not think that the economic development of our railway systems requires large powers of consolidation, and that if the Interstate Commerce Commission is given the regulation and control of the method of combination so as to exclude undesirable combinations, it is not a wise thing to encourage combinations?

Mr. CUMMINS. Mr. President, may I answer that by asking a return question? Is the Senator from Nevada in favor of the provision which I have just been discussing?

Mr. NEWLANDS. Mr. President, I must confess that I am not sufficiently familiar with it to express an opinion. As the Senator from Iowa well knows, the bill was presented to the committee upon the very day it was reported out, and no time was afforded for a consideration of the bill. I have not been able to take it up since. I was simply addressing myself to the Senator's general remarks regarding consolidation; and unfortunately I only caught his remarks for a few seconds. I

wished to develop the Senator's ideas with reference to the correct method of facilitating the combination of railways as a part of the economic development of the transportation of the country.

Mr. CUMMINS. Mr. President, I did not intend at just this moment to express my views upon that broad and comprehensive subject, but I am quite willing to turn aside for a moment and do so. I have no objection to the consolidation of lines which form a continuous route of transportation. They are not competing lines in any sense. I have no objection to the consolidation of lines of railway that will extend one system from New York to San Francisco with continuous facilities for shipment. I have the greatest objection, however, to the consolidation of competing lines of railway, or, as we ordinarily express it and as the States have expressed it in their legislation, "parallel and competing lines of railway." We are dealing in this section, not with the consolidations which extend the lines of railroads, but we are dealing with consolidations which merge competing lines of road, and there is an attempted prohibition here against the acquisition by one railroad of another, which is, as it is said in the proposed law, directly competitive.

I was remarking that in the prohibition, for some reason unknown to me, the electric railways are excluded; so that, so far as this bill is concerned, I can organize an electric railway 100 miles in length or 10 miles in length, and with that corporation buy all the railroads in the United States whether they are parallel, competing, or otherwise. My suggestion, of course, is that this prohibition shall extend to all common carriers, in order that we may accomplish the purpose that we have in view.

The next suggestion I have to make with regard to this section is this: The prohibition is against one railroad company acquiring—

> Directly or indirectly, any interest of whatsoever kind in the capital stock, or purchase or lease the railroad, of any railroad corporation owning or operating a line of railroad which is directly and substantially competitive with that of such first-named corporation—

And so forth.

I should like for some Senator, before we have finished this debate, to give us some information with regard to the meaning of the words "directly competitive." In so far as my observation has gone, this is the first time that the word "direct" has ever been applied to qualify the word "competition" in any law which is designed to preserve competition.

The chairman of the Interstate Commerce Committee [Mr. ELKINS] is now here, and therefore I repeat what I have just said. The acquisition by one railroad company of another is prohibited in this section only when the latter is directly competitive with the former. What does the word "directly" mean in that connection? What is "direct competition" as distinguished from "indirect competition?" I hope the Senator from West Virginia will, before this debate is closed, give us some instances that would be controlled by this provision that are not now controlled by the antitrust law.

Is the Baltimore and Ohio Railroad in direct competition with the Pennsylvania Central Railroad? Is a railroad running from New York to St. Louis in direct competition with a railroad running from New York to Chicago? Is a railroad running from Chicago to Omaha in direct competition with a railroad running from Chicago to Kansas City? Are you intending to confine the operation of this section to those railroads which begin at a common point and which end at a common point? I await with a good deal of interest and a good deal of impatience, too, some information upon that subject, and I hope that the defender of this section, if it has a defender—it has not transpired yet that it has—but if it has I want particularly to know what the words "directly competitive" mean in drawing into their operation any instances that are not already controlled by the interstate-commerce law.

We are proceeding upon the hypothesis that we have the antitrust law which prohibits or makes unlawful contracts, combinations, and conspiracies in restraint of trade. We are trying to add something to that prohibition in this law. At least it has been so declared. Now, when you qualify the word "competition," as it is qualified here, tell me what instance you will be able to find that will be forbidden in this section that is not already forbidden by the antitrust law?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. Mr. President, I think that a close analysis of the testimony of Mr. Walker, I think it was, who appeared before the Interstate Commerce Committee, will disclose that, if Mr. Walker was correct in what he conceived to be "indirect competition" and "direct competition," there would not be over two or three railroads in the United States that would be prohibited from acquiring stock under this law. The testimony of Mr. Walker, I think, reveals very thoroughly the difference between "indirectly" and "directly competitive roads," and it would leave only two or three at most, according to his idea, that would come within the law.

Mr. CUMMINS. Mr. President, I am very much obliged to the Senator from Idaho. I was about to trace the development of this peculiar idea from the beginning of this proposed legislation to the present time, and in the course of that development the suggestions of Mr. Walker play an important part. I do not know what "directly competitive" means. I know what Mr. Walker, the general counsel for the Chicago, Rock Island and Pacific Railway thought they meant, but they are new words, so far as the laws of the country are concerned, and we are entering upon a somewhat uncertain enterprise, I think, when we employ them.

Now, will the Senate just follow me a moment until we see how these words came into the bill as they are now seen. The original draft, to which I referred yesterday, dealt with this question in quite a different way, and I intend to read again from that draft, in order that the Senate may know how the matter impressed the men as they originally dealt with it. That draft reads:

> No corporation or joint-stock company or association which is a common carrier subject to the act to regulate commerce, approved February 4, 1887, as amended, shall hereafter acquire, directly or indirectly, any interest of whatsoever kind in any capital stock of any corporation or joint-stock company or association which competes or is naturally competitive anywhere in any way with such first-named corporation or joint-stock company or association in any part of its business to which said act to regulate commerce, as amended, applies.

Mr. CLAY. Mr. President, from what does the Senator now read? Is that the original act?

Mr. CUMMINS. I read from the draft of the bill prepared by these eminent gentlemen, who met in New York in August of last year, who met there to put the views of the President on this subject in the form of a bill, and who afterwards reported to the President and the Attorney-General the bill that I have now in my hand and from which I have just read. Remember what that is. That meant something. There is no difficulty about understanding what combinations and mergers were forbidden by that language.

I now turn to the original bill as introduced by the Senator from West Virginia [Mr. ELKINS]. I am glad to do this, inasmuch as the Senator from West Virginia has in substance disavowed the bill as it now is. I want to show that the bill as he introduced it, and for which he became responsible, is entirely unlike the one we are now considering.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. I should like to have the Senator now explain what he means by my disavowing the bill.

Mr. CUMMINS. That is merely a conclusion from what the Senator has said.

Mr. ELKINS. When and where?

Mr. CUMMINS. Many times, and always in the Senate.

Mr. ELKINS. Oh, no. I have not said anything—I think the Senator's memory is at fault—that would indicate that I disavowed this bill. If I had, I should not have introduced it, I should not have reported it, and I would not stand here and defend it.

Mr. CUMMINS. I think my conclusion will have to stand until the Senator from West Virginia says something for the bill.

Mr. ELKINS. Mr. President, I hope the Senator from Iowa will allow me to interrupt him further.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. Mr. President, in the progress of this debate I propose to show what I think of this bill and to defend its provisions. That is my purpose before we get through with the debate. I thought it was courteous and polite to the Senator from Iowa to have him speak first in opposition to the bill; but there is one thing I was glad to hear the Senator say yesterday, and that was that there was a great deal of good in the bill, to which he heartily subscribed and which he pointed out. We put in one section that he helped to frame, and I think he himself controlled it. I am not going to disavow anything that the Senator helped to make and of which he is father.

Mr. CUMMINS. Mr. President, I feel very grateful to the Senator from West Virginia for permitting me to begin this de-

bate; but, nevertheless, he will remember that I urged upon him with all the power I had and all the earnestness I could command that he open this debate himself, so that we might know what was to be said for the bill before we listened to that which is to be said against it.

I recall to the Senate again the language of the original draft:

> Which competes or is naturally competitive anywhere in any way with such first-named corporation—
>
> And so forth.

Now, mark the bill as it came into the Senate on that point:

> Shall hereafter acquire, directly or indirectly, any interest of whatsoever kind in the capital stock, or purchase or lease the railroad, of any railroad corporation which competes with such first-named corporation.

There is some change, but I assume only in emphasis. The language is still broad and sweeping and comprehensive. The prohibition is against the acquisition of any railroad which competes with the "first-named railroad." There was omitted between the time this draft was prepared and the time the Senator from West Virginia introduced the bill into the Senate the words "naturally competitive" and the words "anywhere in any way." Evidently it was thought that entirely too much stress and emphasis might be put upon those words; and therefore they were omitted. Nevertheless, I would not have seriously disagreed with the Senator from West Virginia if the words that were originally used were still in the bill; but unfortunately we now have the prohibition against acquiring—

> directly or indirectly, any interest of whatsoever kind in the capital stock, or purchase or lease the railroad, of any railroad corporation owning or operating a line of railroad which is directly and substantially competitive with that of such first-named corporation.

There must have been some reason for the limitation which is found in this bill; there must have been some reason for the change of phraseology that I have pointed out. I want to know what that reason is. If we had the man here who drew the bill we might know what the reason is for the change; but I doubt very much whether the Senator from West Virginia knows why these changes were made. If he does, I should be very glad to hear what they are.

Mr. ELKINS. Mr. President, if the Senator will permit me, I think he was present in the committee during the discussion when this change was made and the reasons for it were given. Was he not?

Mr. CUMMINS. There was some discussion, but very little, on that particular point.

Mr. ELKINS. It was held there that in a certain sense every railroad in the United States competes with other railroads; that they are all competitive in a sense; and that the original wording would not have carried out the intention and purpose of the section. Therefore it was modified so that the prohibition would be against acquiring a railroad which is "directly and substantially competitive." That was the reason; and I think the Senator was present when it was given. That was all that was said about it. I supposed that the committee had agreed that the change should be made.

Mr. CUMMINS. The sense of the committee was never taken upon it; it was never submitted either for consideration or for a vote. I assert with a good deal of confidence that the language now used in the bill does not broaden a single whit the operation of the antitrust law and that every acquisition which is forbidden by these words as they now are has been forbidden for twenty years by the antitrust law.

Mr. CLAY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. CLAY. If I understood the Senator correctly, this bill was never discussed in the committee or amended in the committee. I understood the Senator to say that the original draft, from which he read a few moments ago, was drawn in New York, and then the Senator from West Virginia, the chairman of the committee, introduced a bill and it was referred to the Committee on Interstate Commerce. Then a substitute for that bill was afterwards drawn by the Attorney-General and adopted by that committee as it came from the Attorney-General; that in fact the Committee on Interstate Commerce has never amended the bill in any particular; that at first the Attorney-General drew a bill on one line, which was introduced by the Senator from West Virginia, and then drew the bill we are now considering, and that that bill came from the Committee on Interstate Commerce without a single line of it being changed or discussed.

Mr. CUMMINS. Mr. President, the Senator from Georgia has stated the case with substantial accuracy; but he must remember that I am not now criticising the conduct of the Interstate Commerce Committee or the history of this bill. I am opposed to these words, and I use the history simply for the purpose of showing that they have been adopted in order to meet the objections of the railroad companies who desire the opportunity to combine and consolidate and merge to the full extent that they now have the opportunity of doing under the antitrust law. It seems to me that when I show these changes from time to time, I at least furnish a foundation for the demand that some reason be given for inserting them into the bill.

I desire, in order to show that there is no real virtue in this prohibition, to read a paragraph from the Northern Securities case. Senators will remember that this case arose first through the purchase on the part of the Northern Pacific and the Great Northern of the Chicago, Burlington and Quincy Railroad, and then by the combination of the Northern Pacific and the Great Northern in the Northern Securities Company. The legality of that merger was questioned in what is probably the most famous case that has arisen under the antitrust law. I shall read but a single paragraph of it. It is found in One hundred and ninety-third United States Reports, on page 331:

> That every combination or conspiracy which would extinguish competition between otherwise competing railroads engaged in interstate trade or commerce and which would in that way restrain such trade or commerce is made illegal by the act.

I should like somebody to tell me—and I hope the Senator from West Virginia will do it, and I ask the question in all good faith—what case has he in mind that will be covered by this prohibition that is not already covered by the antitrust law?

Mr. ELKINS. Mr. President, if the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. Certainly.

Mr. ELKINS. The reason for this language is as I have stated. I do not think Congress ought to put beyond the power of a railroad running at right angles with another road the right to purchase stock in that road, although there might be the slightest kind of competition. In the case of roads running at certain angles until they join and make a continuous line, I do not think the acquiring of one road by the other would be a consolidation or a combination in restraint of trade at all. Competition is so slight in respect to many of these roads that you can hardly define it, but there is a certain competition. The merger of railroads in a certain sense has not been injurious to the public interest nor in restraint of competition. It has been looked upon as a great blessing to the country. Take the Southern Railroad, for instance. It has 6,000 miles, penetrating the whole South. It has been formed largely by consolidation, and has resulted in good; but under this bill, if drawn in the way the Senator insists it should be drawn, the Southern could not have acquired these lines. That is the situation.

Mr. CUMMINS. Mr. President, the Senator from West Virginia is not answering my question. The Senator is a lawyer, and a good one, and a man of wide observation. I have just read a paragraph from the Northern Securities case which contains the real heart of the decision, and my question is, What combination or merger of railroads will be forbidden by the section that we have now under consideration that is not forbidden by the antitrust law? And if there is no such case, why did he put in the prohibition?

Mr. ELKINS. Mr. President, after reading that decision I will answer the Senator's question.

Mr. CUMMINS. Mr. President, the real truth is that we have reduced this very worthy and laudable attempt in the beginning to a point where it is practically the same as the prohibition of the antitrust law, and the antitrust law applies to all common carriers and not to railroads alone.

I pass now to the next provision of the section. I have given you the prohibition; I now come to the exceptions. The first exception is:

> *Provided, however,* That nothing in this section contained shall operate to prevent any such corporation which at the date of the passage of this act owns not less than one-half of the entire issued and outstanding capital stock of any other railroad corporation from acquiring any of the remainder of such stock—

Personally I have no objection to that part of the section. In the original draft it read "80 per cent" instead of "50 per cent." If we are to legalize certain combinations of railroads and are not to make the statute retroactive, then I can see no serious objection to allowing a railroad that has 50 per cent of the stock of another to have the remainder, because no additional control or management will be conferred by the acquisition of the additional stock. That was the exception, and the only exception, when these gentlemen completed their labors in

New York, but now we find in the bill some exceptions to which I have the most serious objection—

nor to prevent any such corporation which is now operating under lease, made for not less than twenty years, a railroad of any other such corporation from renewing such lease or acquiring the reversionary ownership of the lessor railroad, either directly or through purchases of the stock of the lessor company.

Mr. President, that simply destroys the policy of the whole bill. I am not here to contend that we ought to return to former times and to overturn all the transactions that have taken place under laws as they have been and reduce to their integral elements all the combinations that have been made in the last twenty years—I am not contending for that.

But we are establishing here a policy which declares that competing railroads ought not to be consolidated; that it is not well for the people of the United States that competition should be extinguished. Out of tenderness to interests that have already been created we allow leases that are in existence to continue until by their terms they expire.

But I should like to know from the Senator from West Virginia why, if it is against the policy of the country to permit consolidations of this character, there should be a renewal of the lease at its expiration, thereby authorizing, validating, and continuing the very evil which we are endeavoring to correct? Tell me why, at the expiration of any such lease, the lessee railroad should be permitted to buy the reversionary interest of the lessor. No rights have been acquired under the faith of a renewal of such lease; no interests have become established by reason of a hope that the reversionary interest in the railroad might be bought by the lessee; and if we honestly believe that it is and should be the policy of the United States to prevent consolidations of this character, then at the expiration of these leases, and after all the parties have enjoyed all the rights which they bestow, the law ought to prohibit the consolidation through a renewal of the lease or through a purchase of the reversionary interest. This seems to me so clear that I need not further pursue the subject.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SUTHERLAND. I should like to return for just a moment to a former part of the discussion on section 12. In tracing the evolution of the bill, referring to the first bill that was introduced, it provided that railroad corporations should not acquire any interest in any other railroad corporation which competed. That would seem to prevent a railroad company from acquiring an interest in other railroad companies, however slight the competition might be.

Let me put this illustration to the Senator: Here is a railway corporation which owns a line of road running from Chicago to the city of Denver, we will say, or, rather, from the city of Chicago to the town of Colorado Springs, in Colorado, which is some 50 or 60 miles beyond Denver. Here is another railroad corporation—I am stating an actual case—which owns a line of railroad running from the city of Denver through the town of Colorado Springs to Salt Lake City. Under the first draft of this bill introduced, would it be the Senator's opinion that the owner of a railroad from Chicago to Colorado Springs would be prevented from obtaining ownership of or interest in a railroad running from Denver through Colorado Springs to Salt Lake City, although, in the case I have illustrated, the portion of the road entering into actual competition is very slight in comparison with the length of the two roads?

Mr. CUMMINS. It will be remarked, and I hope the Senator from Utah will remember, that I have not objected to the use of the word "substantially." That seems to answer the question he has just propounded.

Mr. SUTHERLAND. Perhaps I misunderstood the Senator, but I understood——

Mr. CUMMINS. I object to the word "directly."

Mr. SUTHERLAND. I now understand the Senator, but I say to him that I originally understood that he was in favor of the language contained in the first draft of the bill, which did not contain the word "substantially."

Mr. CUMMINS. I am in no wise responsible for the language used in the first draft of the bill. If I were trying to express the idea I would not use the language contained in the first draft of the bill, but it is very much better and more comprehensive than the language used in the last draft of the bill.

I think the case stated by the Senator from Utah would or would not fall within the prohibition of the first draft of the bill, dependent on whether the proposed line east of Denver had also a line to Colorado Springs. If it were intended simply to connect up the line from Chicago to Salt Lake City, the mere fact that there had been theretofore competition between Denver and Colorado Springs would be of no materiality whatever, because that is not competition in interstate traffic.

Mr. ELKINS. Before the Senator takes his seat, I should like to ask him a question. If we should strike out the word "directly," in this language, and say "substantially competitive," would that satisfy the Senator? I am now looking at the decision in the Northern Securities case. I have a copy of it.

Mr. CUMMINS. What satisfies me best is the amendment I shall offer to this section.

Mr. ELKINS. I understand the Senator has not yet offered the amendment.

Mr. CUMMINS. I have it before me, and I intend to offer it.

Mr. ELKINS. I supposed from what the Senator said that he would be satisfied with striking out the word "directly" and leaving it "substantially competitive."

Mr. CUMMINS. I would not, in connection with the other phraseology used here. I want to see the Senate employ such words as will prevent the consolidation of competing lines of railways.

Mr. ELKINS. I think everybody does.

Mr. CUMMINS. Yes.

Mr. ELKINS. The committee does—the majority of the committee.

Mr. CUMMINS. Very well. If everybody does, we will have no difficulty in so amending this section as that the object will be accomplished.

Mr. ELKINS. I think the Senator will find himself in substantial agreement with his committee before he gets through.

Mr. CUMMINS. That is to say, you mean the committee is gradually being driven into harmony with me.

Mr. ELKINS. I put it the other way; just the reverse.

Mr. CUMMINS. It depends entirely upon the point of view.

Mr. ELKINS. Altogether.

Mr. CUMMINS. I prefer to occupy the one I have suggested.

Mr. ELKINS. Will the Senator read the amendment, if the Chair will allow me to address him? I should like, while we are on that point, to hear the amendment, because I remember vividly and distinctly the discussion in the committee as to the reasons why we changed this. And may I say further that I do not think, under the language used, the word "competing," you could buy a continuous road, a road that would make a continuous line or one at right angles or one coming in at another angle. Do we want that to go on in the United States—that you can not acquire these interests, not against——

Mr. CUMMINS. Of course, in the case put by the Senator from West Virginia, there is no competition at all, and there is no objection to the acquisition by one carrier of any feeding line or branch line, or to any extension of its original line.

Mr. ELKINS. But, Mr. President, let me ask the Senator——

Mr. CUMMINS. That is not prohibited anywhere by any law, and is not proposed to be prohibited.

Mr. ELKINS. If you call in one of these railroad experts, he will say it does compete.

Mr. CUMMINS. Yes.

Mr. ELKINS. And prove it to you, too.

Mr. CUMMINS. I do not accept the opinion of railroad experts as implicitly as some people do.

Mr. ELKINS. They are pretty wise men touching the management of railroads.

Mr. CUMMINS. I yield to them when it comes to the management of their properties, but when it comes to the explanation of a law I have an opinion of my own. If the Senator from West Virginia will listen to me I will show him what I should like to have in the bill in this respect.

Mr. ELKINS. I will, with pleasure.

Mr. CUMMINS. It is as follows:

That no common carrier as herein defined shall, after the passage of this act, purchase, lease, or in any manner acquire the control of or any interest in any competing railway or boat line, nor shall any such carrier purchase or hold under any subsequent purchase, directly or indirectly, any part of the capital stock, capital shares, or bonds of any other common carrier: *Provided, however*, That upon proper application and upon public hearing, the commission may, if it deems it necessary for the public welfare, permit the consolidation by lawful procedure of lines of transportation which are not competing lines of transportation, or it may permit the acquisition by one carrier of the stock or bonds of another carrier, if the line of the latter is not a competing line, and if the purpose and effect of the acquisition of such stock or bonds are to extend in the same general direction the line of the purchasing or acquiring carrier. In any such case the order of the commission shall state specifically the thing or things authorized and the manner in which the transaction is to be carried forward and completed.

Will the Senator from West Virginia accept that?

Mr. ELKINS. No; I will not, Mr. President, because I think it would do away with all these little lines scattered

through the country and prevent the acquisition of those lines. I do not see the word "substantially" in there, though. He does not use that word.

Mr. CUMMINS. The word "substantially?"

Mr. ELKINS. It is left out of that amendment.

Mr. CUMMINS. I have no objection to the word "substantially" in qualifying competition. A thing that is not substantial the law does not consider at all.

Mr. NELSON. Will the Senator from Iowa yield to me?

Mr. CUMMINS. I will.

Mr. NELSON. Why have section 12 at all in the act? The section aims in one form or another to tolerate what I call, in brief, railroad merger by the purchase of stock. Why not leave all that matter to the provisions of the antitrust law and eliminate section 12 altogether, without any hairsplitting on what this term or that term means. Is not that the rational course? Wipe out the whole section.

Mr. CUMMINS. I entirely agree with the Senator from Minnesota. I should like to eliminate the whole section. While it might be made good in those parts I have already read, there are parts which are so intolerable that when they come to be understood there will be but one conclusion, and that is that the entire section should be expunged.

Mr. NELSON. If the Senator will allow me, why not leave that general subject to the antitrust law and say nothing about it in this bill?

Mr. CUMMINS. I am perfectly willing that that shall be done, because I think the antitrust law, as it is gradually being expounded by the Supreme Court, will cover and prevent every combination or consolidation in restraint of trade that is to the injury of the American people.

Mr. ALDRICH. Will the Senator yield to me?

Mr. CUMMINS. I do.

Mr. ALDRICH. I understand the Senator from Iowa is announcing a series of ultimatums——

Mr. CUMMINS. I beg pardon.

Mr. ALDRICH. Not only with reference——

Mr. CUMMINS. I did not hear the Senator. Will the Senator repeat what he has just stated? I did not hear it.

Mr. ALDRICH. I understand that the Senator from Iowa is announcing a series of ultimatums with relation to this bill, not only with regard to its principles, but with regard to its language, with the statement——

Mr. CUMMINS. What does the Senator mean by "ultimatum."

Mr. ALDRICH. I think the Senator understands the meaning of that word.

Mr. CUMMINS. The Senator from Rhode Island is the man who pronounces ultimatums in this Chamber. The Senator from Iowa——

Mr. ALDRICH. I understood the Senator from Iowa was announcing a series of ultimatums——

Mr. CUMMINS. I have made no effort to invade the province of the Senator from Rhode Island.

Mr. ALDRICH. Not only in regard to the principles of the bill, but in regard to its language, and has said that if the committee or the Senate should hereafter decide to make any amendments to this measure it would be because the Senator from Iowa had driven us to do it. I understand that to be his attitude.

Mr. CUMMINS. The Senator from Rhode Island is usually accurate, although he is never generous, but in this instance he is not accurate. I have not been guilty of saying anything of the sort. The Senator from West Virginia suggested that I was gradually coming to the position of the committee. I retorted that the committee was gradually being compelled to come to my position.

Mr. ALDRICH. "Driven." You used the word "driven." That was the word of the Senator. He said he was "driving" us.

Mr. CUMMINS. Does the Senator from Rhode Island object to that language? Is it not parliamentary?

Mr. ALDRICH. I do not object at all to the language. I was only trying to explain to the Senate what the purpose of the Senator from Iowa was as shown by his language.

Mr. CUMMINS. The purpose of the Senator from Iowa is to induce the Senate to change this bill. I think the Senator from Rhode Island must have understood that purpose unless he is slower of comprehension than he usually is.

Mr. SHIVELY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. SHIVELY. Is the Senator from Iowa satisfied that the Senator from Rhode Island has cleared up all doubts about the question we are discussing?

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. Certainly.

Mr. ALDRICH. What I object to, if my objection may be considered, is that the Senator from Iowa is assuming that if the Senate or the committee or anybody else should change the language of this bill afterwards in accordance with their judgment, they were driven to do so by the position taken by the Senator from Iowa.

Mr. CUMMINS. The Senator from Rhode Island, if he can gain any advantage by the suggestion he has just made, is entirely welcome to it. The Senate knows my attitude toward this bill. It knows I am endeavoring as best I can to expose some of its defects, and I intend to continue to do it without being in the least dismayed by the distortion which the Senator from Rhode Island has attempted to put upon my language.

I now come——

Mr. BACON. I should like to ask the Senator a question in connection with the suggestion made by the Senator from Minnesota. The present law, as it has been very carefully expounded by the Supreme Court, prevents certain mergers in restraint of trade by railroads through the method of combination. As I understand the Senator, he is entirely willing, in accord with the purpose of the law in that regard, and desirous that it should be maintained as it has been expounded by the Supreme Court; and the amendment offered by the Senator does not in any manner conflict with that, but goes further, and, it seems to me, without the necessity for it, provides for certain cases in which there may be those mergers and combinations by the approval of the commission, mergers which will not conflict with the purpose of the present law.

The question I want to ask the Senator is this: It seems to me the only possible practical effect of that amendment would be to permit mergers—I say, to permit it; that might not be the purpose, but the effect—where in the absence of that law they could not effect such a merger. I can conceive of only one case in which mergers would be possible under the present law, and that is where they do not conflict with the present antitrust law, unless it be that the railroads themselves, being organized in the main by state authority and with state charters, have not the power under their state charters to make such mergers.

The question I desire to ask the Senator is this: In a case where there is no conflict with the provisions of the antitrust law, but where the roads would come within the classes specified in the Senator's amendment, would the Senator hold that the passage of this law would permit the merger of roads which did not have the corporate power under their charters to do so?

Mr. CUMMINS. I think not.

Mr. BACON. I quite agree with the Senator that it could not. I am very glad to know that that is his view, and I think with that possibly eliminated the retention of the present law will effect all of the ends that would be accomplished by the amendment proposed by the Senator. I may be wrong; I have only heard it read; but it occurs to me that way.

Mr. CUMMINS. I think the present law should be strengthened for the good of the country. I think there are some purchases and some acquisitions of railroads that have gone on the last few years which might well have been prohibited, that were not prohibited by the antitrust law. You will remember I said, in response to the statement of the Senator from Minnesota, I would vastly prefer to have the antitrust law untouched by this proposed section than to have the law as it would be if this section were adopted.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. I desire to call the attention of the Senator, if he will allow me, to the fact that the Northern Securities case was one which involved the application of the Sherman antitrust law to railway mergers, and the decision laid down principles which cover, to my mind, every form of merger, whether in the form that took place in that case or by the purchase of stock. A suit is now pending, and it has been pending for two years, against the Union Pacific involving the same law. The merger in that case is not like that in the Northern Securities case. It is a merger which was accomplished by the purchase by one road of the stock of another road.

Mr. CUMMINS. What the Senator from Minnesota says——

Mr. NELSON. And, if the Senator will allow me further, there is a saving clause in section 12 in favor of that suit. Yet, to my mind, if we pass section 12, it will be utter folly to carry on that suit, because, if the Government should succeed in that suit, the company could go on, after the suit was over,

under this law and do what it is charged with doing in the suit now. So, to my mind, if we adopt section 12 as it is in this bill, it will be all folly to carry on that prosecution which has been pending for two years against the Union Pacific merger.

Mr. CUMMINS. I concur entirely in the statement of the Senator from Minnesota. The amendment which I shall propose and which I read in the hearing of the Senate a few moments ago, it will be remembered, however, goes further and forbids the acquisition by one railroad company of the stock of another railroad company, whether they are competing or not, and of course that is not covered by the antitrust law.

I had in mind the use by Mr. Harriman of the $100,000,000 raised by a mortgage upon the Union Pacific Railroad. I need not refer to that transaction, which has already received universal condemnation. But I do not believe that any railroad company should be permitted to own the stock of any other common carrier, whether the two companies are, in the ordinary sense of the term, competitive or not. It is always destructive of the proper relations between the railway companies and the people to permit one railway company to have an influencing interest in the stock of another, without regard to their being competitive or otherwise.

But I now come——

Mr. ELKINS. Will the Senator allow me to refer——

Mr. CUMMINS. I yield.

Mr. ELKINS. Section 12, which the Senator is willing to strike out, as is the Senator from Minnesota, is an effort surely to prevent the acquistion or the purchase of stock or the leasing of substantially competitive roads.

Mr. CUMMINS. I said originally that that was the avowed purpose. I am not willing to say that it is an effort to do that.

Mr. ELKINS. The purpose can be gathered from the language. Now, as suggested by the Senator from Georgia, there might be cases decided outside of those reached by the decision in the Northern Securities merger case that this would meet. This section would surely prevent the acquisition or the purchase of stock in those roads, and had we not, for greater security, adopt it? The Senator from Minnesota is willing to leave it all under the Northern Securities case decision. I am not willing, in a sense. I do not believe it is wise to allow under all conditions, as the Senator says, railroads to own stock in other railroads. There are conditions when I think it is wise——

Mr. BACON. I hope the Senator from West Virginia will permit me to interject that either he misunderstood what I said or I very greatly misunderstand what he now says—either one or the other.

Mr. ELKINS. Another point I wish to make is that I can not see how section 12 would in any way validate or affect, under the reading of the statute as drawn, the pending suit, and if he will allow me to read it, I will not trespass upon him further.

Mr. CUMMINS. I do not contend that it would affect the pending suit.

Mr. ELKINS. The Senator from Minnesota, if I understood him, said it would be of no avail. I call the attention of both Senators to this language:

> But nothing herein contained shall be construed to affect the rights or liabilities of either party to any suit or action pending at the passage of this act, nor to authorize or validate the acquisition by a railroad corporation, being a common carrier subject to said act to regulate commerce, as amended, of any interest in the capital stock or the purchase or lease of the railroad of any other railroad company in violation of any other act of Congress, including the act approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

I do not see how the case could be reached in any better form. The only difference between the Senator and myself was, I believe, upon the terms "directly" and "substantially." The Senator——

Mr. CUMMINS. There are very many other differences.

Mr. ELKINS. The Senator is willing to give up that word.

Mr. CUMMINS. There are many other differences, if the Senator will permit me.

Mr. ELKINS. I am looking over the Northern Securities case. Surely the purpose of the authors of this bill is to reach an evil and to correct it if we can. I am unwilling to leave it where it is now under the Northern Securities case. I think we ought to reach it. I regret that it has ever been permitted under state laws that parallel and competing lines could hold stock in another road. It is an evil. It ought not to have been permitted, but having been permitted under the sanction of the law, I do not think it wise to disturb it now. But in the beginning it never should have occurred. I do not believe one road competing with another should own stock in that road.

Mr. NELSON. Will the Senator from Iowa yield to me?

Mr. CUMMINS. I do.

Mr. NELSON. I simply rise to say that I think the Senator from West Virginia [Mr. ELKINS] misunderstood me. I said there was a saving clause that would save this suit pending against the Union Pacific; but I also said that after that suit was over and decided, if this bill was passed with section 12 in the form in which it is, the company could commence de novo and secure stock and carry on the merger under the provisions of this law.

Mr. CUMMINS. I repeat that I think the law might well be amended so that it would be stronger, more comprehensive and effectual than the antitrust law. But this section narrows, in my opinion, rather than broadens the remedies which we have against combinations and consolidations.

But I have not reached the most objectionable part of this section. I now touch it, and I venture to say that the history of legislation can show nothing that parallels it—I was about to say in enormity. I have marveled more at the concluding part of this section than at any other part of this wonderful bill.

Let us see what it is. After these prohibitions to which I have referred, the bill then provides that if any two railroads are proposed to be consolidated or merged they may make an agreement to that effect, and if they are doubtful with respect to the validity of the merger or consolidation and want absolute protection and immunity before the transaction is carried into actual fact, they may file a petition in the court of commerce stating their case as they desire to state it, and the United States is then compelled to appear in that suit.

Thereupon it proceeds to judgment, and if, upon the case stated, the commerce court is of the opinion that the law is not violated in carrying into effect the agreement which is thus presented, it issues a certificate of innocence or legality, and that certificate and judgment constitute an estoppel between the effect of the consolidation and the United States.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. Does the Senator understand that a shipper or an interested party who might be concerned in the proposed agreement may in any way intervene in this proceeding to be heard, to enter a plea, or to prosecute an objection to it?

Mr. CUMMINS. Not at all; the parties to the consolidation and the United States only are to be heard.

Mr. NELSON. Will the Senator allow me a question?

Mr. CUMMINS. Certainly.

Mr. NELSON. Do you not consider that it would be a blessed privilege if you and I were about to enter upon some questionable scheme and did not know exactly whether it was in the pale of the law, if we could go to some court in advance, before we embarked upon the scheme, and get them to bless it before we started in?

Mr. CUMMINS. I can conceive of nothing that would be so complete a garb of protection for illegal contracts and illegal combinations as the one that is thus proposed.

Mr. BACON. I wish to suggest to the Senator that there was at least one other that is equally as effective, and that was the method pursued by the steel corporation when it desired to absorb the Tennessee Coal and Iron Company and went and got a very high sanction and authority to proceed with the business before it undertook its performance.

Mr. ELKINS. Mr. President——

Mr. CUMMINS. In answer to the Senator from Georgia, let me say it is as if the Senator from West Virginia were bent on destroying somebody, having made up his mind that he was going to kill him, he would set out all the circumstances that he intended should surround the transaction, and then go to a court and ask the court whether if I do the thing in this way I will be guilty of murder in the first degree, or murder in the second degree, or manslaughter, or possibly whether I may be acting in self-defense.

Mr. ELKINS. Will the Senator pardon an interruption? I want to call his attention to the fact that the illustration is not a parallel, because under this bill the man who was to be murdered and wanted to be murdered would also be one of the parties to the suit.

Mr. CUMMINS. I agree it lacks in that one particular absolute accuracy, but it is the most wonderful and extraordinary thing that was ever proposed in legislation. Imagine that two years or three years ago you had been asked to amend the antitrust law by providing that the Tennessee Coal and Iron Company and the United States Steel Corporation could go together to a court and propose there what was about to be done, and bring the United States into the suit, and then have the transaction

determined upon their statement of the transaction, and if the court found it was an innocent transaction, then forever the United States was to be estopped from questioning it, no matter what its consequences might be. Does the Senator from West Virginia believe that we ought to enter into a scheme of legislation of that kind?

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. In the first place, I want to answer the Senator from Georgia by saying that I do not know of any direct authority issued by anybody that permitted the sanction of the acquisition of the Tennessee Coal and Iron Company by the United States Steel Trust.

Mr. CUMMINS. That question was asked of me, and I must be permitted, I think, to determine whether I will answer it or not. I do not yield to the Senator from West Virginia for the purpose of answering the question of the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Iowa declines to yield.

Mr. ELKINS. I thought I ought to say that much. With the Senator's permission, I will say that I do not know of any authority had for the purpose of allowing that consolidation. I do say this is novel legislation.

Mr. CUMMINS. Is that the only adjective the Senator can apply to it?

Mr. ELKINS. I may reserve any others, but we are treading unknown paths and in unbeaten ways to make laws to meet economic questions that never disturbed the statesmen of the world before.

These economic questions present more serious difficulties than any other in the history of the Government, almost not excepting the war period. We have to find the solution. We are trying to find out where we are and what to do and how to do it. This section, I say, is a new departure; but we are passing, if the Senator will allow me, so many laws, with so many different interpretations by the various courts, and it takes so long to get to the Supreme Court. Here is a transaction involving $25,000,000 or $30,000,000. The parties are afraid to proceed, first, lest they may lose their money, or, second, that they will be against the law and finally land in jail. Ought they not in some way to have advice by somebody before they enter into the transaction? One lawyer will say, "All right, proceed with the business transaction;" another lawyer will say, "You are a candidate for the penitentiary if you do go on."

Mr. CUMMINS. If engaged in an enterprise of that character, they ought to have them.

Mr. ELKINS. The fact is that we have in this country 46 States making laws, and Congress is making laws all the time. I do not understand how we are to get all those laws interpreted. Who can understand them? The courts can not decide them as fast as we make them. In the Roman Empire they required publishing the laws by hanging them up in the market place. But one emperor put the laws so high that the people could not read them, and then he punished them for violating them. We do quite as badly by passing so many laws they can not be read or understood. How would the Senator do? Would he let his clients take the chances?

Mr. CUMMINS. That is what we have been doing.

Mr. ELKINS. But a lot of men would have been candidates for the penitentiary if they had begun them.

Mr. CUMMINS. I hope they will not only be candidates, but elected.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I wish to ask a question either of the Senator from Iowa or the Senator from West Virginia; it is immaterial to me, if either one knows. I do not know that it is proper for me to ask this question, but I should like to ascertain if anyone knows the author of this particular provision, and who as a lawyer has sanctioned it. I should like to know what lawyer has put his sanction upon this as a legal proposition.

Mr. CUMMINS. Mr. President, I can not answer that question to the satisfaction of the Senator from Idaho. I only know that when this draft came from New York this provision was in it, and that it has continued in it from that day until the present time. I am glad the Senator from West Virginia is not the author of it.

Mr. ELKINS. I introduced the bill.

Mr. CUMMINS. I believe that he is as much shocked at the suggestion as I have been. I assume that the Attorney-General is the author of this provision, and that it is in the bill at the suggestion of the President of the United States.

Mr. NELSON. Will the Senator yield to me?

Mr. CUMMINS. Certainly.

Mr. OVERMAN. Does the Senator from Iowa say that the President of the United States is responsible for it?

Mr. NELSON. It is clear from this discussion that the bill is an orphan. [Laughter.]

Mr. ELKINS. Will the Senator allow me one more question? I know I am trespassing a good deal, and I beg his indulgence. The President of the United States in his message stated that he had authorized or asked the Attorney-General to prepare a bill. That is in his special message. I do not know whether it is in the last message or the one before, but I have sent for the message.

Now, in obedience to this request from the President of the United States, he puts the views of the President——

Mr. CUMMINS. I can put——

Mr. ELKINS. Let me get through. In that sense it has the indorsement of the highest legal authority in the land. Now, the question is not who made this bill, or where it was made, or how it was made, or its evolution. The bill is before the Senate in due form, regularly reported. Is it right or is it wrong? That is the question we have to meet here; and where it was made, and how it was made, and its paternity I do not think we have anything to do with.

Mr. CUMMINS. I wish to add a word to what has just been said by the Senator from West Virginia and in answer to the Senator from North Carolina [Mr. OVERMAN]. This bill, with this provision in it, accompanied the message to which the Senator from West Virginia referred. It came here under the guidance and under the protection of that message, and it had this identical provision in it when it was handed by the Attorney-General to the chairman of the Interstate Commerce Committee.

Mr. OVERMAN. Then it is not, as the Senator from Minnesota suggested, an orphan.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I do.

Mr. LA FOLLETTE. I have before me the special message of the President of the United States on interstate commerce and antitrust laws and federal incorporation, transmitted to the Senate January 7, 1910, and on page 10 of that message, in connection with the President's discussion of this whole subject of interstate-commerce legislation, I find this paragraph:

> By my direction the Attorney-General has drafted a bill to carry out these recommendations, which will be furnished upon request to the appropriate committee whenever it may be desired.

Mr. ELKINS. I thank the Senator from Wisconsin. It is on page 10. That was the message I was looking for that he has just read.

Mr. CUMMINS. There is not any doubt as to the responsibility.

Mr. ELKINS. The President said:

> By my direction the Attorney-General has drafted a bill to carry out these recommendations, which will be furnished upon request to the appropriate committee whenever it may be desired.

Now, Mr. President, I want to say one thing. I am glad and delighted that there is no existing law that requires, or that my oath of office does not require, me to oppose a bill because the President of the United States favors it and the Attorney-General wrote it.

Mr. BACON. That would save a great deal of trouble to some people.

Mr. ELKINS. It would.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. Mr. President, I presume that we are all in the same frame of mind as the Senator from West Virginia on that point.

Mr. President, I asked the question that I did a few moments ago because it would be interesting to know by what process of reasoning and by what logic a lawyer arrived at the conclusion that you could enact this kind of a provision into a law of the United States and make it so that it would pass criticism if it should ever be called into the courts. There is nothing in the hearing or in the discussion or in the message or anywhere else that I have been able to find which gives a reason for it from a lawyer's standpoint. It might be all right if we were transacting business on the theory of a town meet-

ing and meeting together for the purpose of arriving at a conclusion as to what we should do after final judgment was taken of all upon a particular subject; but as a legal proposition, I shall continue to assert that the President of the United States is not the author of this provision as a lawyer until he says so over his own signature, and I shall continue to assert that no one can find authority under the Constitution for undertaking to put such a provision into this act.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. CUMMINS. I do.

Mr. BRANDEGEE. The Senator from Iowa has referred to the Sherman antitrust act several times, and he also stated, if I understood him, that he had no objection to the use of the word "substantial" in any connection. I ask him if the word "substantial" were inserted before the words "restraint of trade" in the Sherman antitrust act, he thinks it would make no difference in the construction of the act?

Mr. CUMMINS. I think it might under some expressions of the Supreme Court of the United States.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. HEYBURN. In connection with that matter, I would suggest that the interpretation of the word "substantial" was what the Supreme Court went off on in its interpretation of section 4 of the other act, and it changed the whole law on the subject and nullified the original intention of its framers.

Mr. CUMMINS. I do not recognize anything said by the Senator from Connecticut or by the senior Senator from Idaho to be in conflict with anything that I have said.

Mr. BRANDEGEE. My point was, if the Senator had no objection to the word "substantial," if it would not do to so amend the Sherman antitrust law?

Mr. CUMMINS. I did not suggest any amendment to the antitrust law. I said I had no objection to requiring a substantial competition to exist between two railroads before we prohibited their consolidation. That is the proposition that I made, and I adhere to that.

Mr. BRANDEGEE. I did not mean to criticise the Senator's position, but I understood him to say that he had no objection to the use of the word "substantial" in any connection, and that it meant the same thing whether it said substantially or not. I thought it made a great difference whether the word "substantial" was in the Sherman antitrust law or not.

Mr. CUMMINS. It has made a difference in some of the decisions.

Now, Mr. President, this proposition has so startled the Senators present, and there has been so free an expression of dissent from the idea of allowing or creating a court for the purpose of hearing such cases in advance that I have not been able to give the weightiest reason which comes to me against the proposition. Waiving the matter of constitutional power, waiving the novelty of the idea, let me suggest to Senators that these cases will be determined upon the statement made by the persons or corporations who propose to enter into the transaction. There is no possibility of inquiring further than the printed page submitted by these proposed conspirators to the court, and yet when a judgment has been entered upon that printed page, the United States is forever estopped, no matter what may be done under these contracts or under these arrangements, if by any construction they can be held to be authorized by the agreement or arrangement as proposed to the court.

No civilized nation will permit its affairs to be determined in such a lawsuit. In order that the judgment of a court shall be of any value, it must be the outcome of a real controversy in which the actual facts have been developed and weighed with the principles of law applied to them.

I pass from this provision. I pass to another which is still worse, because the section grows as we proceed with it in extraordinary provisions. I now want to read you one which is also novel.

Mr. HEYBURN. Will the Senator permit me, before leaving that, to suggest that the word "substantial" is never used in connection with law, and only in connection with definitions in equity? Courts of equity may do substantial justice in those cases wherein the law, by reason of its universality, is deficient, and so on that line; but the word "substantial" has no existence, because it is a wavering word in law, and law is an accurate statement of rule of action.

Mr. CUMMINS. I come now to the subject we are discussing. Of course, the one just suggested is a matter that we considered some time ago, but from now on we have a court of commerce that is considering a contract laid before it from the standpoint of the provisions of this proposed law and the antitrust law. That part of it which I have read gives the court authority to say whether the proposed transaction is in violation of either this law or the antitrust law. There might be some safety in that, but now follow me as I read the last clause of this section:

> In making the determination herein provided for the court shall take into consideration the effect of such proposed acquisition upon the due observance and effective enforcement of all the laws of the United States, and the relative importance of any benefit to the public interest and of any effect upon competition resulting from such acquisition.

I should like to know what the Senator who becomes the sponsor for this bill thinks that clause means. I assume that these words mean something, because they have come into the bill since it was originally composed by the high authors to whom I have referred several times. They came into the bill after these long hearings. What do they mean? They mean, if they mean anything, that when this proposed transaction is submitted to the court, notwithstanding it is found to be in violation of this law, notwithstanding it is found to be in violation of the antitrust law, nevertheless the court can, if it believes that the public welfare would be subserved, declare it to be a lawful agreement and a lawful arrangement.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I do.

Mr. GORE. I should like to ask the Senator if he does not think the language he has just read to the Senate undertakes to confer upon this court a legislative power, a legislative function, and not a judicial power?

Mr. CUMMINS. I was about to add to my last remark that it is so plainly and obviously beyond the power of Congress to confer upon the courts the right to determine whether any particular thing is in harmony with public policy or agreeable to the public welfare, that I wonder how any lawyer ever came to give his assent to the proposition.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. ELKINS. The language is this:

> In making the determination herein provided for, the court shall take into consideration the effect of such proposed acquisition upon the due observance and effective enforcement of all the laws of the United States.

Now, could there be any objection to that? Do not courts do it when determining——

Mr. CUMMINS. Mr. President, we need no instruction to the court when it is enforcing the law.

Mr. ELKINS. Let me ask the Senator another question. If we strike out the words "and the relative importance of any benefit to the public interest" and leave in "of any benefit upon competition resulting from such acquisition," would it not be constitutional?

Mr. CUMMINS. I am opposed to the entire paragraph. It is unconstitutional; it is impolitic; it is unwise; it is contrary to all the notions of the civilized world.

Mr. ELKINS. We can not satisfy the Senator.

Mr. CUMMINS. No, sir; not so long as you attempt to keep that sort of a provision in the bill.

Mr. BORAH. Mr President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I should like to ask the Senator from West Virginia what he understands to be the meaning of the words "and the relative importance of any benefit to the public interest?"

Mr. ELKINS. I have just asked the Senator from Iowa if these words were stricken out, would he agree to the rest of the paragraph? I will ask the question of the Senator from Idaho. I want to say to the Senator that he is amongst the most learned and accomplished lawyers of the Senate. When he speaks, such a lawyer as I am must go aside. I ask him what it means. He interprets the law every day; he studies the law; he is in the law; he lives under the law.

Mr. CUMMINS. What is the question?

Mr. ELKINS. I am asking the Senator from Idaho what those words mean.

Mr. BORAH. I would be very glad to transfer that question to the Senator from Iowa, because I have never been able to satisfy my mind what the clause does mean. The fact is, Mr. President, as the Senator from Iowa says, if it means anything at all it means the power of a court to suspend the operation of this law. It means, notwithstanding the fact that there may

be a combination in contravention to the terms of the law, yet if the public interests so appeals to the court, the court may suspend the operation of the law and permit the combination. It confers upon the court two powers which are seldom conferred upon a court since the revolution in England in 1688, and that is to suspend the operation of law and at the same time to legislate.

That is the reason why I asked a while ago in all earnestness who was the author of this provision. I can not, with my limited knowledge of law, notwithstanding the high compliment of the Senator from West Virginia—I boast of no excessive knowledge of law—with my limited understanding of the law, I can not perceive how anyone could seriously contend that there could be written into a solemn act of legislation a provision which lodges anywhere, under a representative form of government, the power to suspend the solemnly enacted constitutional act of Congress.

Mr. ELKINS. Let me ask the Senator——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. ELKINS. May I ask the Senator from Idaho one question?

Mr. CUMMINS. I yield for that purpose.

Mr. ELKINS. What difference does it make who drew this proposed law? The question is whether it is right as it is before us now.

Mr. BORAH. Mr. President——

Mr. ELKINS. Let me ask further, Is not the proposed law constitutional as it is drawn? That is the question.

Mr. BORAH. No; I do not think it is.

Mr. ELKINS. If you strike out the words "and the relative importance of any benefit to the public interest?"

Mr. BORAH. I thought if I could find out who drew this proposed law I would go as an humble penitent to the feet of that party and seek to find out by what authority they are undertaking to do it.

Mr. ELKINS. I think the Senator can determine that himself, and determine in the public interest, from the language. As to who is the author, suppose a man were in England?

Mr. BORAH. I should think this——

Mr. ELKINS. He would not cross the Atlantic to see you?

Mr. BORAH. I should think not a man from England; but we are speaking now of law in accordance with our idea of government, where you do not suspend the operation of the law, where you do not confer legislative powers upon a court. I submit that I should like to know the history and the genesis of this provision.

Mr. CUMMINS. Now, Mr. President, I will enlighten the Senator from West Virginia, or rather recall his attention to an incident that happened before the committee, which will enable the Senate to know just what these words were intended to accomplish. I asked the Attorney-General when he was before the committee what these words meant and in what way it was proposed to make them operative. The Attorney-General is a very frank man, and, I repeat, he is a very learned man in this subject. This was his answer. I do not attempt to use his words. He said, Suppose we take the instance of a certain Canadian railroad becoming the owner or interested in railroads in New England, so that they could take up the freight of New England, carry it over the Canadian road to the western coast, and thus deprive the people of the United States or the railroads of the United States, of freight that originates within our own borders.

Now, said he, under the terms of this law, and of the antitrust law, the American railroads of New England are forbidden to acquire those railroads which are owned or may be owned by the Canadian companies; but, said he, everybody will recognize the desirability of having our railroads owned by ourselves and our freight carried in our own territory; and this provision might enable the court, when such a contract was put before it for its determination, to declare that notwithstanding the purchase proposed was of a competitive line, notwithstanding the transaction was denounced not only by this section, but by the antitrust law, nevertheless the court could say that for the general welfare of the United States and the people of the United States the court could suspend the operation of those laws with regard to that transaction. That is the theory that I heard expounded in the Committee on Interstate Commerce.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. That was one of the arguments which were advanced by the defendants in the Northern Securities case, that the public was not injured, but really benefited, by the combination, and I apprehend that while they did not satisfy the court it would have been a matter which they would have had a perfect right to submit under this provision of law to this court.

Mr. CUMMINS. Undoubtedly. But I renew my suggestion. These words do mean something. The men who framed this bill did not employ language merely to fill the space of the bill. These words are used to accomplish just what I have suggested. It may be that if the question was before Congress, I should be very willing to vote to enable an American railroad to buy a railroad owned by a Canadian company, for I have as much loyalty and patriotism in that respect as, I think, any man can have; but I am not willing to give to the courts of the country the power to suspend and destroy an act of legislation either in such an instance or in any other. We have gone far, I think, to disparage our own authority when we propose that a court shall have any such jurisdiction. I believe, Mr. President, that what I have said with regard to that section is all that need to be said upon it.

Before I pass to the last section, I send to the desk an amendment which I propose to offer to section 12, which I ask to be printed and laid on the table to be hereafter offered.

Mr. FLINT. I suggest to the Senator to read it.

Mr. CUMMINS. I have already read it once, and it is too long for me to now read it again.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. CUMMINS. I now pass to sections 13, 14, and 15; and I intend that my review of those sections shall be very brief, because they are so complicated and so intricate that all I can hope to do is to inspire an effort on the part of Senators to become thoroughly familiar with them. Those sections enter upon a plan for the regulation of capitalization of common carriers. We have never yet attempted to regulate by Congress the issuance of stock or bonds. I am inclined to think that Congress has the authority to determine what the capitalization of corporations organized——

[At this point Mr. CUMMINS yielded to Mr. PURCELL, and the roll of the Senate was called.]

Mr. CUMMINS. Mr. President, before I pass to the last sections of the bill I desire, in connection with my remarks upon the extraordinary proposition to give the courts jurisdiction to set aside the policy of Congress and override the letter of the laws, to read an extract from the testimony of one Otto H. Kahn, a very well-known banker of New York City. The testimony was given in the Union Pacific case now in progress:

Mr. Severance first asked the witness about the recent purchases of Southern Pacific stock at the morning session. At that time Mr. Kahn deferred answering until he had consulted with counsel, but when the afternoon session came Mr. Kahn volunteered a statement concerning it, explaining that while he had not gone back into the board of the Union Pacific at the time, his subsequent knowledge as a director covered the transaction. He said:

"A bill, we were informed, was introduced in Congress, or contemplated to be introduced in Congress, which would give to those railroads that had 50 per cent of the stock of another railroad, competing or otherwise, the right not only to retain that 50 per cent, but, if they so chose, to purchase the balance in addition to that 50 per cent, while railroads that had less than 50 per cent had no such assurance.

"Thereupon, on the advice of Judge Lovett, it was deemed in the best interests of the Union Pacific that its holding on Southern Pacific stock be increased to a total of 50 per cent of the entire outstanding amount of Southern Pacific stock—

You will observe in this some connection with the progress of this bill through the various conferences that have been held respecting it—

"A few weeks afterwards Judge Lovett advised that the terms of the bill, as he understood them, had been changed or were going to be changed—

This is Judge Lovett, who has taken the place made vacant by the death of Mr. Harriman, who controls the destinies of the Union Pacific road and all of its subsidiary companies. Judge Lovett had been to Washington—

"A few weeks afterwards Judge Lovett advised that the terms of the bill, as he understood them, had been changed or were going to be changed, and that the provision to which he referred and which was the reason of the purchase of additional Southern Pacific stock, would not go into the bill, and Judge Lovett advised that, in consequence, the purchase of additional Southern Pacific stock be stopped at once. It was stopped on the same day, and no more stock has since been acquired."

I submit that sworn statement of Mr. Kahn to the Senate as indicating something of the purposes of the railway companies with regard to this bill.

I now come to sections 13, 14, and 15, they being the last sections of the bill, and they deal with capitalization. It has not yet been decided that it was within the power of Congress to regulate or limit the capitalization of common carriers organized under the laws of the various States. I do not intend to enter into any inquiry or discussion with respect to that power. I am inclined to think that Congress has the power; but in order to reach that conclusion it will be necessary to first conclude that the capital stock, or the capital in a broader

sense, of a common carrier doing an interstate business, is an instrumentality of commerce. I hope that the Supreme Court of the United States will so decide when the question shall come before it, if it ever reaches that tribunal; but there are some observations in the Northern Securities case, both on the part of the majority and the minority, that lead one to believe that it is far from a settled question in the minds of the justices of the Supreme Court. But I am willing, for the purposes of this argument, to concede to the author of this bill the power of Congress to limit the capitalization of railways engaged in interstate commerce. I do think, however, it would be wise, as we enter upon this somewhat untried field of the law, that our regulation concerning capitalization should be the subject of an independent measure and should not be so associated with other and undoubted powers of Congress as to imperil the law which may be passed in the exercise of the latter.

My objection to these sections are, first, that they are confined to railroads. I am in favor of a rigid supervision of the capitalization, not only of railroad companies, not only of common-carrier corporations, but of all corporations by the proper authorities. I do not believe that any capital stock should be issued by any corporation without the payment to the corporation or the agreement to pay to the corporation the full par value thereof. I do not believe that any bonds of the common-carrier corporations should be sold unless sold at the fair and reasonable market value of the bonds; but I object to the limitation of this wise provision to the railroads of the country. It is just as important that the capitalization of other common carriers be held within proper bounds as it is that the capitalization of railroad companies be limited. No reason has been given, and no reason can be given, for limiting the application of these sections to the railroad companies.

Allow me to state at this point—I omitted to do so a moment ago—just what these sections are in outline. They first provide that no capital stock shall be issued by the railroad companies hereafter without the payment at par for the stock to the corporation, and, if paid in services or in property, that the value of the services and the value of the property shall be fixed by the Interstate Commerce Commission. So far so good. It is further provided that no bonds shall be issued and sold at less than par, unless under a certificate of the Interstate Commerce Commission fixing the reasonable selling price of the bonds, and then follows a long and intricate and complicated series of exceptions that practically destroy the efficiency of the original provision.

I have examined them carefully, and I am not able to conceive any scheme of capitalization which we have known in this country in the last twenty years that is not provided for in some one of the exceptions to the general rule laid down in the beginning of the section. It is another illustration of appearing to do a thing without doing it.

For instance, there is nothing in this section that would prevent a railroad company from being organized in any State in the Union, and during the course of the construction of the road covering it mountain high with stocks or bonds. Congress has no power, concededly, to control the capitalization of a railroad company while in the course of construction, if it is being constructed within the confines of a single State, but after its capitalization is issued and every harm that can possibly be done has been done, then the company can be united with an existing company, the capitalization assumed, and whatever evils result or follow overcapitalization go on unchecked and unimpeded. I think any lawyer in the Senate will undertake, notwithstanding the provisions of this bill, to issue all the capitalization, whether in stock or in bonds, that the most audacious promoter of the whole country may desire. The only way in which Congress, if it has the power at all, can ever deal with the capitalization of common carriers, is to forbid common carriers from doing an interstate business if the capital stock, after the passage of the law, has been issued in violation of the terms of the law. Then we will embrace all enterprises, whether they be carried on within the limits of a State or whether they cross the borders of a State, but this bill will be utterly ineffectual in the particular I have just mentioned.

Then I beg the attention of the Senate to almost the first phrase of the section:

> No railroad corporation which is a common carrier subject to the act to regulate commerce, approved February 4, 1887, as amended, shall hereafter issue for any purpose connected with or relating to any part of its business governed by said act—

It is attempted in that way in the issuance of capitalization to distinguish between the business of a corporation covered by this act and its other business. For instance, a railroad company engaged in mining coal can issue all the capitalization desired and refer it to its coal mines, and yet that capitalization will rest upon the entire property of the company, and its remuneration must depend upon the entire business of the company.

I asked the Attorney-General, while we were in discussion with him, whether the Pennsylvania Railroad could not build a garage costing $10,000 and put upon it $10,000,000 of stock or bonds which were to become a part of the regular capitalization of that company and still be lawful so far as this section is concerned. What value will we find in a provision of the law which permits an evasion of that character? It can take any segregated part of its property which happens to lie within the boundaries of a single State and which is not physically used in connection with its interstate business and use those parts as the instrumentality for issuing all the stocks and all the bonds, without the intervention of the Interstate Commerce Commission, that the promoters of the enterprise desire.

Again, there is no prohibition in this section against the capitalization of the increased value of railroad property. I may not have the sympathy of many Senators—although I hope I have—in the proposition that the time has come to forbid common carriers capitalizing what, for want of a better name, I shall describe as the "unearned increment"—the increasing value of their property occasioned by the general development of the country. I do not think that railway companies or common carriers have a right to exact of the people who use their properties charges that will give a reward or a remuneration upon these increased values. The property of a railroad company, or of any other common carrier, is in a sense devoted to the public service. There are rules applicable to these properties that are not applicable to ordinary private institutions and private enterprises. I do not think that a railway company like the Pennsylvania has any right to ask of the people who use it charges that will return interest upon the increased value of the property which that company now owns. But whether I am right or not in regard to these things, I am right in asserting that the railway companies and the common carriers ought not to be permitted to represent these increased values in stocks or in bonds, because to do so is to embarrass and to complicate the final solution and settlement of the very difficult problem that I have just suggested.

The stock now issued represents all this property, and if the railway companies have the right to regulate and fix their charges with respect to the increasing value of their property, then the stock outstanding will receive all these additional charges and these additional rewards. But it is not good policy, it is exceedingly unwise, to allow the railroads to capitalize this unearned increment, and thus when we do come to settle the question, which will happen some of these days, we will not be embarrassed by stock outstanding, representing such value, in the hands of innocent purchasers.

So, I say, with regard to the betterments and enlargements of railway property which are paid for out of surplus earnings—I mean the earnings beyond those necessary to maintain the property in full and complete condition and to reward those who have invested their moneys in the property—represent just so much taken by the railroad company in excess of fair and reasonable charges. When those surplus earnings are invested, as they have been in the case of nearly every railroad company in the United States, in additions to the property, in the enlargements of the property, in extensions of the property, the surplus earnings so invested, for the same reason, ought not to be capitalized, so that the people whom the railroad companies serve shall be compelled not only originally to pay excessive charges, but, after having paid them, and seeing them represented in capitalization, to be required to pay interest upon the exactions that ought not to have been made.

I give an illustration. I cite the case of a railway, one of the best railways in the western country; I think altogether the best railway in the western country. I do not remember the figures for the last two years, but up to two years ago, for a period of four years over which I had occasion to review the affairs of the company, it had earned 25 per cent per annum upon all its capital stock.

After paying all the interest upon its bonds, after paying 7 per cent upon all its preferred stock and 8 per cent upon all its common stock, it still had 17 or 18 per cent upon its stock capitalization undistributed. It used that surplus, year after year, in enlargements of its property and betterments; it used it for purposes which a railroad bookkeeper would charge to construction, to capitalization, and not to running expenses or the cost of maintenance and operation. From year to year it issued scrip on account of the surplus earnings, and when the scrip had aggregated enough in the hands of any stockholder it issued its capital stock for the scrip. And what was the result? The very people who had paid to this railroad com-

pany 17 per cent upon its capital stock—more than they ought to have paid if the charges had been regulated fairly and reasonably—were then asked to pay 17 per cent more upon the capital stock issued, which represented these unfair and unjust exactions.

Now, I am not attempting to settle that question. There are some very good people who believe that the increased value of railway property, occasioned merely by the growth and development of the country, belongs to the railway company and that the stock owners are entitled to be remunerated by reason of it. I am not going to discuss that. I do not so believe, but it is not imminent at the present time. All I ask is that if we are to enter upon a plan for the regulation of the capitalization of our common carriers we shall not sanction the capitalization of either the unearned increment or surplus earnings invested in the properties.

These sections to which I have referred will permit the capitalization of every increasing dollar that may be found in the railway property, toward which the railways have contributed not more than the energy and the business enterprise of all the rest of the people of the United States. It will permit the capitalization of these surplus earnings, which, as I have suggested, grow out of excessive rates. I simply want to hold that question free from embarrassing and complicating circumstances, such as the issuance of stock and its possession by thousands of innocent persons until we can grapple with the problem itself.

Finally, with regard to these sections, I protest against the provision which declares that even though a railroad company in issuing its stock and bonds were to violate every line and every letter of the section, and set afloat its capitalization in defiance of the law and in disregard of the very provision which we are about to enact, that nevertheless that capitalization shall be valid in the hands of innocent purchasers. That one provision nullifies the whole attempt. Of course the securities will always be in the hands of innocent purchasers. If we are in good faith attempting to limit stocks and bonds to the actual investment, then we must not permit the transfer of the stocks and the bonds to men who may have had no knowledge of the transaction itself to validate those stocks and bonds. The only reason, the only purpose of the proposed statute is to relieve the people of the country from the burden of paying interest upon these bonds and of paying dividends upon the stock.

If that is not our purpose, then we are wasting our time, and if we want to relieve them of this burden, we must say that stocks and bonds issued contrary to the command of Congress shall have no validity whatsoever, no matter in whose hands they may happen to be. Thus and thus only will we ever prevent what everybody now concedes is an ever-growing evil.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. Right here, if the Senator will permit me, arises a point which I confess gives me some trouble. Is it the idea of the Senator that stocks and bonds already issued, although in the hands of innocent parties, should be treated as they would be treated were they in the hands of the parties who were responsible for the illegal transactions of issuing them without a bona fide consideration? I am speaking of what has already occurred, not as to what will occur in the future.

Mr. CUMMINS. So far as I am concerned, I believe there should be no effort made to invalidate stocks and bonds heretofore issued; I mean no effort so far as Congress is concerned. I believe in accepting the situation as it is. If we have been so neglectful of public interests as to allow a custom or habit to proceed which we now condemn, I do not believe we ought to try to visit the penalty of our negligence upon those who have taken stocks and bonds in reliance upon the law as it is. I am speaking only of stocks and bonds to be hereafter issued; to be issued after this law goes into effect, and after every citizen of the United States either knows, or will be presumed to know, its terms.

I send to the desk to be printed and laid upon the table, to be hereafter offered, a substitute for sections 13, 14, and 15.

The amendments are as follows:

Strike out sections 13, 14, and 15 and substitute therefor the following:

"SEC. 13. That no corporation or joint-stock association being a common carrier as defined in the act to which this is an amendment shall, after the passage of this act, engaged in interstate commerce unless its capital stock hereafter issued has been issued and the proceeds of its bonds as herein required. No share of capital stock or certificate thereof, nor any share of capital or evidence thereof shall be issued unless the par value of the same, or more, has first been paid in cash into the treasury of the corporation or joint-stock association therefor, or unless the par value of the same, or more, has been paid to the corporation or joint-stock association by the transfer or conveyance of property to the corporation or joint-stock association which the corporation or joint-stock association can lawfully purchase and hold; and if it is sought to pay for any capital stock or share of capital in property, then the value of the property to be so transferred and conveyed shall, prior to the issuance of the certificate or other evidence of shares, be determined by the commission, upon the application of the corporation or joint-stock association, in such form as the commission may prescribe, and no property shall be received in payment of capital stock or share at a greater value than so fixed by the commission. No such corporation or joint-stock association shall issue any capital stock or share or shares or any certificate or evidence thereof for or on account of the increased value of any property already owned by the corporation or joint-stock association, nor for or on account of earnings, whether in hand or theretofore expended in the maintenance, operation, betterment, or enlargement of its railway or other line of transportation. The money or property received by any such corporation or joint-stock association for its capital stock or shares issued as aforesaid, must be used either for the payment of indebtedness or the maintenance, operation, betterment, or enlargement of its transportation facilities and not otherwise. Capital stock or shares issued in violation of the provisions of this section shall be void, whether in the hands of the original purchaser or any subsequent purchaser, and may be canceled in a suit brought by the commission or by any citizen of the United States for that purpose. Every stockholder, director, or officer through whose vote or act a violation of the provisions of this section occurs shall be guilty of a felony, and upon conviction shall be fined not less than $5,000 and not more than $10,000 and be imprisoned not less than one year and not more than three years.

"That no corporation or joint-stock association, being a common carrier as defined in the acts to which this act is an amendment, shall use or expend the proceeds or any part thereof, of bonds or other evidences of indebtedness issued by it and secured by mortgage, deed of trust, or other lien upon the property of such carrier, except as follows, to wit:

"First. In refunding existing bonds or other evidences of indebtedness secured by mortgage, or deed of trust, or other lien upon the property of the corporation or joint-stock association, in which event the par of the new bonds or other evidences of indebtedness shall not exceed the par of the existing bonds or other evidences of indebtedness.

"Second. To pay indebtedness incurred in the extension, betterment, maintenance, or operation of the facilities or instrumentalities for transportation.

"Third. For the construction or acquisition of additional lines, facilities, and instrumentalities for transportation which the corporation or joint-stock association may lawfully construct or acquire.

"Any officer, director, stockholder, representative, or agent, through whose act or vote a violation of the provisions of this section shall occur, shall be liable for the entire sum so misused or so misexpended, and such liability may be enforced either in a suit brought by the corporation or joint-stock association or by the United States in behalf of and for the use of such corporation or joint-stock association; and any such officer, director, stockholder, representative, or agent shall also be guilty of a felony, and upon conviction shall be fined not less than $1,000 nor more than $10,000, and imprisoned not less than one year and not more than ten years."

Mr. CUMMINS. Mr. President, I have completed my review of this bill. I desire to present, and have laid upon the table, two further amendments, which are not, in a proper sense, amendments to the sections that I have discussed, but are pertinent to the general scope of the bill. I ask that they be printed and laid upon the table. They will be hereafter offered.

The amendments are as follows:

Add as a new section of the law the following:

"That no common carrier shall, after the 1st day of January, 1912, transport or carry freight or passengers from one State to or through another; from, to, through, or in the District of Columbia; from, to, through, or in a Territory of the United States, or to or from the United States and any foreign country, if it is engaged in or controls, directly or indirectly, whether through the ownership of stock in any other corporation or otherwise, any other business. The provisions of this section may be enforced by a suit brought for injunction in any court of competent jurisdiction by the United States or any citizen thereof."

Amend section 1 of the act of 1887, as amended, by adding thereto the following:

"The term 'common carrier' shall include telegraph and telephone companies, and also all corporations which hold such an interest, direct or indirect, in the stock, bonds, or other property of a common carrier, as gives control or management over such common carrier or its affairs."

Mr. CUMMINS. Senators, I owe you all an apology for consuming the time that I have taken in examining this bill. It has been a dreary and a somewhat difficult work. I have for years felt the profoundest interest in the subject we are considering. I believe there is no other subject that concerns the welfare of the American people more deeply than the regulation of our interstate carriers. All business, in the end, must depend upon the fair and reasonable treatment accorded by carriers to the men who must employ their services. We have reached a time when the absolute charge or rate imposed is not more important than the relative rates or charges imposed. The people of this country, from one end to the other, are in continuous competition with each other, town with town, city with city, man with man, corporation with corporation, and none of them will feel that justice has been done unless they have a fair chance in the struggle. We have been engaged now, as I said in the beginning, twenty-three years in the effort to do for the people of the United States that which every right-minded man at once agrees should be done in their behalf.

We have come now to examine the defects—the weaknesses of the law of 1906. I have attempted to point them out as best

I could, but I agree that the things which have seemed to me imperative in the amendment of the law have been almost forgotten in my fear that we are about to lose the fruits of victories already won. There is here so determined a purpose, apparently, to take away from the people some of the safeguards which they now have that I have given most of my time and most of my energy to the exposition of those parts of this bill which I believe, if enacted into law, will carry us backward instead of forward. If what I have said induces a serious study of this measure upon the part of every Senator, my time will not have been spent in vain.

I hope, I believe, you will give it the most mature consideration. I have not examined the bill with the slightest hostility to the railway companies. I understand, as well as any Senator can, that there can be no prosperity in our country unless it is shared by our common carriers. I have always stood as firmly for ample and adequate compensation to them as I have stood against what I believe to be their unfair practices and unjust discriminations. With the utmost good feeling toward every interest, I appeal for even-handed justice.

Mr. HALE obtained the floor.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Texas?

Mr. BAILEY. It is merely to submit a request.

Mr. HALE. Yes.

Mr. BAILEY. Mr. President, in the course of the very excellent and instructive address which the Senator from Iowa [Mr. CUMMINS] has delivered to the Senate there have been many interruptions. I myself have been one of the chief offenders. All Senators understand how desirable it is that an argument shall not be interrupted in its continuity; and I ask unanimous consent that the Senator from Iowa shall have the right to eliminate any interruptions which may have occurred in the course of his speech that he desires to eliminate. Of course the Senator would not leave in or omit anything which would put any other Senator in a false attitude or represent him as expressing an inconsiderate opinion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. HALE. I should be entirely willing to leave that matter to the good sense and good feeling of the Senator from Iowa, but I do not know how far such a request as has been made by the Senator from Texas would go. Debate in the Senate, not simply speechmaking, is what brings out, as the Senator knows very well, the attitude of the Senate and the views of different Senators. If a Senator who has made a significant and important and representative speech, as the Senator from Iowa has, should strike out of his speech all interruptions, all interrogations, and all statements made in the course of that speech by other Senators, the RECORD would not reproduce the exact proceedings, and I do not think the Senator himself would desire that. It may be that the Senator from Texas does not mean that should be involved in his suggestion.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Iowa?

Mr. HALE. Certainly.

Mr. CUMMINS. I am very thankful to the Senator from Texas for the suggestion, but I do not want to eliminate from my speech the interruptions pertinent to the subject under discussion. I suppose the Senator from Texas had in view one or two, or possibly three, somewhat extended speeches that were made after a proper yielding on my part, but which really had nothing to do with the subject-matter under consideration, although very instructive and entertaining in themselves. Otherwise I would be very sorry to omit from the RECORD the interruptions, because my speech has been made largely upon those interruptions and in answer to the questions that were propounded to me during the course of those interruptions.

Mr. HALE. Right on that point——

Mr. BAILEY. Will the Senator from Maine permit me——

Mr. HALE. Yes; that is all a matter of colloquy, of course.

Mr. BAILEY. It has been so long since the Senator from Maine was not a Member of Congress that he does not know so well as some of us who have come here since he came the confusion that exists in trying to read a speech in the CONGRESSIONAL RECORD. You may be pursuing one line of thought, and here comes an interruption that sometimes will last for ten minutes, and when the reader is through reading the interruption he has lost the thread of the discourse. What I wanted to do, and what I think every Senator in this body is entitled to have done, is to allow him to present his argument in his own way. Of course, I assume that every Senator, upon his responsibility as a member of this body, would not eliminate anything that was pertinent, and therefore I guarded against that, permitting him broad latitude in excluding whatever interruption the Senator desired to exclude.

And I want to say this: The Senator's speech, as he has delivered it, would be an extended and an exhaustive one, but it will exhaust the reader before it does the subject if the reader must read all of the interruptions which have occurred. I think the Senator's speech is a contribution to the literature of this subject, though I do not agree with all he has said; and while, more than once, I interposed to accentuate the political differences on that side of the Chamber—a fair subject of comment, as I believe—still I do not insist that even they shall remain in the RECORD.

But if there is any objection to my request, Mr. President, recognizing the fact that these interruptions are a part of the proceedings, I will not press it, though I think it entirely reasonable.

Mr. HALE. The Senator is entirely reasonable about that, as he always is. I do not think we would better now in this case, and not at present in any other, depart from the practice of the Senate. The truth is that interruptions and questions and suggestions yielded for by the Senator who has the floor and who is making a speech frequently make a live part of the speech.

The Senator from Iowa is a natural debater. I do not think he objects to interruptions, and it really is in the control of the Senator who has the floor. I have been impatient; so has the Senator from Texas and other Senators, when a Senator is making a clear-cut, deliberate, and well-considered speech, to see him interrupted by some Senator to ask a question, and that Senator then goes on to make a speech, and the second Senator is interrupted by another Senator, who asks him a question, and the third Senator goes on and makes a speech. It does, as Shakespeare says, turn awry the current of the thought and action.

But that is the practice of the Senate. It is the only way, and the interruptions appear finally, when the Senator revises his speech, as a part of his speech; and until we adopt some rule which changes that practice, with all deference to the Senator from Iowa, I do not think that we would better change it now. I think the Senator is right in not insisting on his request——

Mr. CUMMINS. The Senator from Maine does not understand that I am insisting on this?

Mr. HALE. Not in the least.

Mr. BAILEY. The Senator from Maine has stated his position, and I will not put him to the necessity of making an objection. I withdraw the request.

Mr. HALE. And leave the matter as it is.

Now, let me say right here, that is a matter for Senators individually. Sometimes a Senator says "I have what I believe to be a clear line of thought, which I shall present in argument, and I ask that I shall not be interrupted until the close of my remarks. I will be glad then to answer any questions." The Senate always responds to that. On the other hand, there are Senators familiar in debate, adroit, able, ready to answer questions, who do not seek to avoid questions and interruptions. I may say, myself, that I have always felt, in taking the time of the Senate, that whatever I said was likely to be enlightened by interruptions and answers such as I am able to give. But every Senator has it in his power when he starts in to make his address and present his subject to the Senate to ask that he be not interrupted until he closes, and the Senate always regards such a request.

But when that is not done, Mr. President, I think it is better to leave it as it is now. While the Senator's speech, able as it is, sticking to his subject, covering the whole ground, will be lengthened, and perhaps unduly lengthened, I do not think it would be harmed in its effect upon any human mind that was thrown in contact with it, and reads it, by any interruptions that were made. So I think, Mr. President, we had better leave it as it is.

I rose for the purpose of saying that, as the Senator has completed his most interesting speech, and as I have inquired and find that there is no Senator desirous of going on to-morrow, I propose to move that when the Senate adjourns to-day it be to meet on Monday next.

Let me say I am very desirous, and I think Senators generally are, of pushing forward the public business. This bill has the right of way. There will be next week one or two big appropriation bills, which always have the right of way.

I want to say to the Senator from Texas that one reason I have in expediting, or trying to expedite, not unduly, this matter and getting it out of the way is that the Senate has to con-

front other measures. There are other important bills the Senate has to face, and it can not face them while this bill is in the way.

The Senator from Idaho [Mr. HEYBURN] has an important matter which he wants to bring before the Senate. The statehood bill is a measure the Senate has to confront, has to meet, and it can not come up until this bill is out of the way, nor can we adjourn until that is out of the way. Bearing in mind the appropriation bills and other bills the Senate has to face, I am not too early in trying to expedite the public business and trying to push this matter forward and keep it before the Senate and consume upon it as many hours each day as we can.

The Senator from Iowa [Mr. CUMMINS] has not trespassed upon the time of the Senate. He has gone on and talked every day up to the point of ordinary senatorial and human endurance, and has not in any way contributed to delay. I hope next week we can bring this matter to a head and reach a vote on it and be ready to consider the appropriation bills, so that the statehood bill and other measures will force themselves before the Senate and be acted upon before we get through.

The PRESIDING OFFICER. The Senator from Maine moves that when the Senate adjourns to-day it be to meet on Monday next.

Mr. CLAPP. I do not wish to address myself to that motion.

Mr. HALE. Then, let the motion be put.

Mr. NEWLANDS. Mr. President, before the question is put I should like to ask the Senator from Maine or the Senator from Texas whether any progress has been made with reference to the proposition of the Senator from Texas that we should meet at 2 o'clock instead of 12.

In this connection I wish to say that I have caused an examination to be made of the sessions of the Senate during the various legislative days, and I find that on an average the Senate has been in session less than three hours a day upon every legislative day during the present session. As I understand it, there has never been in the history of the Senate such a marked lack of interest in the debates and such a partial attendance as there has been during this session. I understand that to be largely due to the fact that our committees have been overloaded with work, that they have not had enough hours outside of the legislative hours in which to transact their business—I refer to the important committees—that they have been obliged to hold their sessions while the Senate is itself in session, and thus we are deprived of the services on the floor of some of the most able and experienced Senators in this body.

The pressure upon the Senate has thus far been the pressure of committee work, and that is likely to continue for two weeks longer, I imagine. It seems to me that we would expedite that committee work and expedite the work of the Senate if we would adopt the suggestion of the Senator from Texas and hold our sessions from 2 until 5 or half past 5 o'clock. In conversation I have attempted to test in a measure the sentiment of the Senate upon that matter, and I believe that, if brought to a vote, it would carry. It might be more difficult to carry it now than it would have been a month ago; but I find quite a universal sentiment in favor of enlarging the opportunity of committees for their work, and, in so doing, postponing the daily meeting of the Senate to a later hour.

Mr. HALE. In other words, the Senator is irked by the inattention of the Senate during its present session. If there were no session, there would be no inattention. That is the logic of the Senator. You can not help this matter by shortening the session. However, that is not a subject-matter of debate now, and I suppose my motion is not debatable.

Mr. BAILEY. Will the Senator allow me?

Mr. HALE. Certainly.

Mr. BAILEY. Mr. President, I want to say in reply to the inquiry made by the Senator from Nevada that I am more to blame now than the Committee on Rules. A subcommittee has been appointed to consider and report to the full committee. I am a member of that subcommittee, and it has not done its work simply because it has had so much other work to do, just as the Senator from Nevada has suggested. The report ought to have been made before this, and I think it will be adopted when it is presented for our consideration; but a glance at the rules will disclose that there are a number of changes that must be made in order to conform to this principal change. For instance, the rules provide that certain things shall be done at 1 o'clock; at 2 o'clock other business shall be laid before the body. Obviously it is necessary, if we change the hour of meeting from 12 to 2, that those regulations shall be amended in some particulars.

I want to say further that not only is it true of this session, but it is true of every session of Congress, that more than one-half of the time the Senate will meet at 12 o'clock and adjourn before half past 3 o'clock, the session of the Senate intervening just when we could have been doing our most useful work.

Mr. President, I suppose that every Senator here will bear me witness that four-fifths of our work is done in the committee rooms and at our desks. If we are to remain in session four or five hours a day it simply means for those of us who must work a task beyond human endurance. There is not a more useful Senator in this body than the Senator from Maine, and yet his committee work is such that he only comes in now and then to give us the benefit of his advice about how speedily we ought to dispose of some pending bill.

Mr. HALE. It is good advice.

Mr. BAILEY. I know it is. I do not say that in any ironical way. I know the value of the Senator's service, and I know the constancy of his service. I venture to say that he has now come from the room of the Committee on Appropriations or probably from the Committee on Naval Affairs, where he has been at his work.

Now, it happens that all of us can not be constantly engaged in this committee work, much as we would like to be, for we must come here at 12 o'clock with an absolute knowledge of the fact that between 12 and half past 2 every member of the body at one time or another will absent himself from the sessions of the Senate for from half an hour to one hour and a half.

In my opinion, if we would assemble here at 2 o'clock, having attended to our committee work and disposed of our correspondence, and having refreshed ourselves with a modest lunch, we would be ready to address ourselves to the work before us; and we would seldom witness, as we do now, more than half the seats in the Senate unoccupied. I think when we come to debate the matter and to examine the record it will be demonstrated that for more than one-half of every session, if we were to meet at 2 o'clock, we would dispose of all that we dispose of now and adjourn before 5. That is a consummation, I think, which every man will agree is devoutly to be wished.

I want to say in further response to the Senator from Maine that I have no disposition to delay this bill. I will try to be as frank with him about this matter as I always endeavor to be about all matters. I do not intend, if I can help it, to let the Senate dispose of other matters necessary to be disposed of from time to time and then dispose of this bill and adjourn with the statehood bill on the calendar. I believe that the people of those two Territories are entitled to the inestimable privileges of self-government; and, so far as it lies in my power, I intend to force, if possible, a disposition of that question at the present session.

Mr. HALE. I hope the Senator has not forgotten that I stated as a reason why I wanted to get the railroad bill out of the way that the Senate has to confront the statehood bill.

Mr. BAILEY. But the Senate could very easily run away from it after confronting it. When the summer time comes we are so eager, many of us, to return to our homes that we can not be kept here after that. I have seen that bill pending since I became a member of this body, and a majority of the Senate has been ready to vote any time the roll call was ordered to admit those two Territories, but there have been political maneuvers and there have been advantages sought which have delayed it until now.

I will make this agreement with the Senator from Maine, so far as I am concerned. If he will agree to lay this bill temporarily aside and take up the statehood bill and pass it, I will come here as early as he will and stay as late until the vote is taken on this bill. I have no disposition to prevent a vote.

Mr. HALE. The Senator knows—he is a practical Senator—I am not a member of either committee, and I do not know——

Mr. BAILEY. But the Senator is a member of the governing body of the Senate.

Mr. HALE. I can not control the management of the bill that is now the unfinished business, neither can I make any agreement about the statehood bill. I am not a member of that committee. I do not know that the Senator is a member of it.

Mr. BAILEY. I am not a member either.

Mr. HALE. He and I therefore can use up the time of the Senate in talking about it, but we can not make any agreement. I have indicated, and it is all that I can do, that I believe we have to take up that subject, but I do not want to discuss it here and now.

Mr. BAILEY. Mr. President, the Senator from Maine has been trying to arrange this other matter, and my recollection is that he is not a member of the Committee on Interstate Commerce.

Mr. HALE. No; but I am trying to arrange the public business.

Mr. BAILEY. This other measure is public business too.

Mr. HALE. No; not yet.
Mr. BAILEY. Yes; it is on the calendar.
Mr. HALE. But this is the unfinished business.
Mr. BAILEY. Oh, yes. But how was it made the unfinished business? By a unanimous agreement. I do not ask to displace it. It will be temporarily laid aside, when the Senator and I finish this colloquy, and the Senate will probably proceed to some other business. All I say is that if it is temporarily laid aside and we pass the statehood bill, I will agree not to interpose one hour's delay in this matter.
Mr. CLAPP. Will the Senator pardon me?
Mr. HALE. I would be glad to have a vote on my motion, which is not a debatable motion, but I will not insist upon it.
Mr. CLAPP. I want to say that I rather think there is force in the suggestion of the Senator from Texas. I believe that we have made great headway with the railroad bill. I believe that the exhaustive address of the junior Senator from Iowa has convinced the Senate and will convince the Attorney-General that there are modifications which should be made in the bill. I believe that if for a few days, a brief time, the bill could be temporarily laid aside, as the result of the speech of the Senator from Iowa, modifications of the bill could be agreed upon which would very much expedite its passage and eliminate to a great extent otherwise the debate upon the bill.
Mr. HALE. I suppose the Senator knows that that can not be done now.
Mr. CLAPP. It could be done by unanimous consent.
Mr. HALE. Of course the committee will not agree to that. I am not a member of that committee.
Mr. BAILEY. But the Senator is an influential and a leading member on the other side, and I think if he would prefer a request for unanimous consent it would not be negatived.
Mr. HALE. I leave that, Mr. President, to the chairman of the committee.
Mr. BAILEY. The chairman of the committee would lay this bill or any other bill aside to give statehood to New Mexico. When a Delegate in the other House—I will not say, as I stated the other day, forty years ago, because he is hardly that old [laughter]—but when a Delegate from the Territory of New Mexico in the other House he, through his influence and his persuasion, procured the passage of a bill admitting New Mexico as a State into the Union. I know it still lies very near his heart. He owes those people much. He owes his start in life to them. They gave him his first important office. He filled it well. He is to-day more popular than a Republican ought to be in that Territory, and he would lay this bill aside to extend statehood to New Mexico. The Senator from West Virginia smiles his acquiescence in my statement.
Mr. HALE. Mr. President, I ask for the regular order.
The PRESIDING OFFICER. The question is on the motion of the Senator from Maine, that when the Senate adjourns to-day it adjourn to meet on Monday next.
The motion was agreed to.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.
The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, March 21, 1910, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 18, 1910.

COLLECTOR OF CUSTOMS.

Walter I. Lillie to be collector of customs for the district of Michigan.

PROMOTIONS IN THE ARMY.

Maj. Eugene O. Fechét to be lieutenant-colonel.

SIGNAL CORPS.

Capt. Daniel J. Carr to be major.

INFANTRY ARM.

Lieut. Col. William T. Wood to be colonel.
Maj. Harry L. Bailey to be lieutenant-colonel.
Capt. William Weigel to be major.
First Lieut. James G. Hannah to be captain.
Second Lieut. Ellery Farmer to be first lieutenant.

PROMOTIONS IN THE NAVY.

Ensigns Virgil Baker and George C. Pegram to be lieutenants (junior grade).

The following-named paymasters, with the rank of lieutenant, to be paymasters in the navy with the rank of lieutenant-commander:

Charles R. O'Leary,
Charles W. Eliason,
Cuthbert J. Cleborne,
John D. Robnett,
George W. Pigman, jr.,
George W. Reeves, jr.,
Ray Spear, and
Christian J. Peoples.

POSTMASTERS.

INDIANA.

Albert L. Anderson, at Jeffersonville, Ind.
D. C. Bickhard, at Markle, Ind.
Henry Jeanneret, at Ligonier, Ind.
Joseph H. Miller, at Syracuse, Ind.

MONTANA.

Percy F. Dodds, at Whitefish, Mont.
August Schrump, at Roundup, Mont.

TEXAS.

Thomas J. Darling, at Temple, Tex.
Dunn R. Emerson, at Marlin, Tex.
James A. Gammill, at Calvert, Tex.
Milton O. Gleason, at Hico, Tex.
Mary A. Haskell, at Stockdale, Tex.
Charles J. Hostrasser, at Hearne, Tex.
Robert R. Hyland, at Round Rock, Tex.
Lola Weand, at Fort Sam Houston, Tex.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 18, 1910.*

(*Continuation of legislative day of Thursday, March 17, 1910.*)

Mr. TAWNEY. Mr. Speaker, the House has been in session now continuously for thirteen and a half hours. The Official Reporters of debates have been in continuous attendance. The proceedings of the House have consisted entirely of debate, requiring the constant attention and labor of these men, without even affording to them the opportunity of obtaining the ordinary refreshments that Members of the House require. In addition to that, Mr. Speaker, the questions that are involved in the point of order which has been raised on the resolution offered by the gentleman from Nebraska are of the utmost importance, and no judge, if called upon to decide the matter, would be expected to render a decision and to give his reasons for that decision from the bench without careful consideration.
I submit, in view of the length of the session, in view of the fact that the rights of no Member, the rights of no party in this House will be affected one way or the other by a recess until 11.55 o'clock to-morrow morning—this morning—we ought, in justice to ourselves, in justice to the importance of the questions that are pending before us and before the Speaker, and in justice to the faithful employees of this House, to take a recess until that time.
I therefore move, Mr. Speaker, that the House stand in recess until 11.55 o'clock this morning.
The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House stand in recess until 11.55 o'clock this morning.
The question was taken.
The SPEAKER. The ayes seem to have it.
Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.
The yeas and nays were ordered.
The question was again taken; and there were—yeas 134, nays 141, answered "present" 15, not voting 99, as follows:

YEAS—134.

Alexander, N. Y.	Cole	Ellis	Griest
Austin	Cook	Englebright	Guernsey
Barnard	Cooper, Pa.	Fairchild	Hamer
Bartholdt	Coudrey	Fassett	Hamilton
Bates	Cowles	Fordney	Hanna
Bennet, N. Y.	Creager	Foss	Hawley
Bennett, Ky.	Crumpacker	Foster, Vt.	Heald
Bingham	Currier	Gaines	Henry, Conn.
Bradley	Dalzell	Gardner, Mich.	Higgins
Brownlow	Dawson	Gardner, N. J.	Howell, N. J.
Burke, S. Dak.	Dodds	Gillett	Howell, Utah
Burleigh	Douglas	Goebel	Howland
Butler	Draper	Good	Huff
Calder	Durey	Graff	Hull, Iowa
Calderhead	Dwight	Graham, Pa.	Johnson, Ohio
Cocks, N. Y.	Edwards, Ky.	Grant	Joyce

Kelfer	McGuire, Okla.	Plumley	Thistlewood
Kennedy, Iowa	McKinney	Pray	Thomas, Ohio
Kennedy, Ohio	McLachlan, Cal.	Prince	Tilson
Knapp	McLaughlin, Mich.	Reeder	Tirrell
Knowland	Malby	Reynolds	Townsend
Kronmiller	Mann	Roberts	Vreeland
Küstermann	Martin, S. Dak.	Rodenberg	Washburn
Lafean	Miller, Kans.	Scott	Weeks
Langham	Mondell	Slemp	Wheeler
Langley	Moore, Pa.	Smith, Cal.	Wiley
Law	Morgan, Mo.	Smith, Iowa	Wilson, Ill.
Lawrence	Morgan, Okla.	Smith, Mich.	Wood, N. J.
Longworth	Murphy	Southwick	Woodyard
Loud	Needham	Stafford	Young, Mich.
Loudenslager	Olcott	Stevens, Minn.	Young, N. Y.
Lowden	Olmsted	Sulloway	The Speaker
McCreary	Parker	Swasey	
McCredie	Payne	Tawney	

NAYS—141.

Adair	Ellerbe	Hughes, N. J.	Pujo
Aiken	Estopinal	Hull, Tenn.	Rainey
Ashbrook	Ferris	James	Ransdell, La.
Barnhart	Finley	Johnson, Ky.	Rauch
Bartlett, Ga.	Fish	Johnson, S. C.	Roddenbery
Beall, Tex.	Flood, Va.	Jones	Rothermel
Bell, Ga.	Floyd, Ark.	Keliher	Rucker, Colo.
Booher	Foelker	Kendall	Rucker, Mo.
Borland	Foster, Ill.	Kinkaid, Nebr.	Russell
Brantley	Fowler	Kitchin	Sabath
Burleson	Gallagher	Kopp	Saunders
Burnett	Gardner, Mass.	Lee	Sharp
Byrd	Garner, Tex.	Lenroot	Sheppard
Candler	Garrett	Lindbergh	Sisson
Cantrill	Gill, Mo.	Livingston	Slayden
Carlin	Gillespie	Lloyd	Small
Cary	Gilmore	McDermott	Smith, Tex.
Clark, Mo.	Gordon	McHenry	Spight
Clayton	Goulden	Madison	Stanley
Cline	Gregg	Maguire, Nebr.	Steenerson
Collier	Gronna	Martin, Colo.	Stephens, Tex.
Cooper, Wis.	Hamlin	Maynard	Taylor, Colo.
Covington	Hammond	Miller, Minn.	Thomas, Ky.
Cox, Ind.	Hardwick	Moore, Tex.	Thomas, N. C.
Cox, Ohio	Hardy	Morrison	Tou Velle
Craig	Harrison	Morse	Turnbull
Cullop	Haugen	Moss	Underwood
Davidson	Hay	Murdock	Volstead
Davis	Hayes	Nelson	Watkins
Dent	Helm	Norris	Webb
Denver	Henry, Tex.	Oldfield	Wickliffe
Dickinson	Hinshaw	Padgett	Wilson, Pa.
Dickson, Miss.	Hitchcock	Palmer, A. M.	Woods, Iowa
Dies	Houston	Peters	
Dixon, Ind.	Hubbard, Iowa	Pickett	
Edwards, Ga.	Hughes, Ga.	Poindexter	

ANSWERED "PRESENT"—15.

Ames	Cassidy	Humphreys, Miss.	Pratt
Barchfeld	Clark, Fla.	Lamb	Sparkman
Broussard	Goldfogle	Lever	Taylor, Ohio
Byrns	Howard	Morehead	

NOT VOTING—99.

Adamson	Elvins	Latta	Randell, Tex.
Alexander, Mo.	Esch	Legare	Reid
Allen	Fitzgerald	Lindsay	Rhinock
Anderson	Focht	Lundin	Richardson
Andrus	Fornes	McCall	Riordan
Ansberry	Foulkrod	McKinlay, Cal.	Robinson
Anthony	Fuller	McKinley, Ill.	Shackleford
Barclay	Garner, Pa.	McMorran	Sheffield
Bartlett, Nev.	Gill, Md.	Macon	Sherley
Boehne	Glass	Madden	Sherwood
Boutell	Godwin	Mays	Simmons
Bowers	Graham, Ill.	Millington	Sims
Burgess	Greene	Moon, Pa.	Snapp
Burke, Pa.	Hamill	Moon, Tenn.	Sperry
Campbell	Heflin	Moxley	Sterling
Capron	Hill	Mudd	Sturgiss
Carter	Hobson	Nicholls	Sulzer
Chapman	Hollingsworth	Nye	Talbott
Conry	Hubbard, W. Va.	O'Connell	Taylor, Ala.
Cravens	Hughes, W. Va.	Page	Tener
Crow	Humphrey, Wash.	Palmer, H. W.	Wallace
Denby	Jamieson	Parsons	Wanger
Diekema	Kahn	Patterson	Weisse
Driscoll, D. A.	Kinkead, N. J.	Pearre	Willett
Driscoll, M. E.	Korbly	Pou	

So the motion to take a recess was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. SPERRY with Mr. AMES.

For balance of the night:

Mr. HUBBARD of West Virginia with Mr. RICHARDSON.

Mr. HUMPHREY of Washington with Mr. SPARKMAN.

Mr. HENRY W. PALMER with Mr. LAMB.

For balance of the day:

Mr. ANDRUS with Mr. SIMS.

From 1.30 a. m. to 9 a. m.:

Mr. STERLING with Mr. SHACKLEFORD.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. AMES. Mr. Speaker, I am paired with Mr. SPERRY, and I wish to vote "present" instead of "no."

The SPEAKER pro tempore. Call the gentleman's name.

The Clerk called Mr. AMES's name, and he voted "present."

The result of the vote was announced as above recorded.

Mr. MANN. Mr. Speaker, I ask for the enforcement of the rule against smoking in the Hall of the House.

The SPEAKER. The Sergeant-at-Arms will see that the rule is enforced.

Mr. SMITH of Iowa. Mr. Speaker, it is my purpose to-night to correct some erroneous impressions which evidently exist in the minds of a number of Members of the House as to the Committee on Rules. A year ago there was considerable of agitation in the country to make the Committee on Rules an elective committee. The Committee on Rules differs from the legislative committees in that it has jurisdiction of the order of business. We have about 800 committee assignments in the House. It is easy to see that it would at least be difficult without the intervention of a committee for a body of 391 Members to designate, from among their own number, persons to fill 800 places.

Those who have attended a modest county convention of 100 delegates and have found its time absorbed an entire day in the nomination of half a dozen candidates can realize the difficulty that will be experienced in a convention of 391 Members designating from among themselves persons to fill 800 places without the intervention of a committee. But the Committee on Rules, having a somewhat different character from other committees of the House, it seemed to me that it might be practical to choose this committee directly by the membership. When I had reached that conclusion the question arose whether the Republicans should elect the Republican members and the Democrats the Democratic members, or whether the whole committee should be selected by the body of the House. It occurred to me that where there was dissension in the majority party—and of course that was purely by reason of fear that such a thing might occur in the future—it occurred to me if there should be a dissension in the majority party that a small minority of the majority party could unite with the minority party to fill all the places.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. Does the gentleman from Iowa yield?

Mr. SMITH of Iowa. I will yield.

Mr. CLARK of Missouri. I rose to a question of order, and that is that the gentleman from Iowa is not discussing the point of order.

Mr. SMITH of Iowa. Oh, the gentleman, I think, is in error on that subject.

The SPEAKER. The Chair heard the gentleman from Missouri, and he did not come within a gunshot of discussing the point of order.

Mr. CLARK of Missouri. But if anybody had raised the point of order, the Chair ought to have sustained it. Two wrongs do not make a right.

The SPEAKER. The gentleman from Iowa will proceed in order. The Chair, however, desires to state that from the beginning of this discussion this afternoon up to the present time most of the talk has not been upon the point of order.

Mr. HENRY of Texas. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The Chair will count.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that on the roll call that was just finished, before the point of order of no quorum was made, that a quorum was shown by that roll call and that fixes the status of the House, no intervening business having taken place in that time.

Mr. TAWNEY. I make the point of order that intervening business has occurred. The gentleman from Iowa has taken the floor and has addressed the House for at least ten or fifteen minutes.

Mr. UNDERWOOD. Not fifteen minutes; perhaps five minutes. I make the point of order that the point of no quorum is dilatory.

Mr. TAWNEY. It was made by a Member on that side of the House, and I do not think the gentleman from Alabama would accuse one of his colleagues of making a dilatory motion at 2 o'clock in the morning.

Mr. UNDERWOOD. I can assure my friend from Minnesota [Mr. TAWNEY] that it was no personal reflection on my part, but I make the point of order, and I think the Speaker has repeatedly held, that where a roll call had immediately preceded, showing that there was a quorum——

Mr. TAWNEY. This is not immediately. The House has proceeded to the consideration of the resolution.

Mr. UNDERWOOD. You might as well go on. We will order a call of the House. You might as well go on with the debate, if you want to do so. But I insist on the point of order.

Mr. MANN. It is the right of a Member when he addresses the House to have a quorum of the House present.

Mr. JAMES. Mr. Speaker, is it in order to correct the result of the last vote? I understand there was an error made by the Clerk, and the majority instead of being 1 against taking a recess was in reality 7. I think that ought to be shown.

The SPEAKER. The Journal clerk informs the Chair, if the gentleman will withdraw his point for the time being of no quorum——

Mr. HENRY of Texas. I withdraw it for the present.

The SPEAKER. The Chair is getting information from the Clerk as to the status of the vote, on the suggestion of the gentleman from Kentucky [Mr. JAMES]. The paper that the Chair picked up had 134 to 135.

Mr. JAMES. I do not question the result.

The SPEAKER. But the Chair is informed by the Clerk that the "7" was taken for a "1," in error. It does not change the result.

Mr. JAMES. I understand.

The SPEAKER. But the Journal ought to show the fact. The tally sheet was all right. It came out all right in the Journal. So no action is needed except to call attention to it.

Mr. JAMES. I merely wanted the record to be correct; that is all.

The SPEAKER. The record of the vote ought to be correct, and is correct. The tally sheet was correct, and it was an error in addition, which is not strange.

The gentleman from Iowa [Mr. SMITH] is recognized.

Mr. MANN. What became of the point of no quorum?

The SPEAKER. It was withdrawn.

Mr. MANN. Temporarily?

Mr. HENRY of Texas. I withdraw it permanently.

Mr. TAWNEY. I will renew it, Mr. Speaker. I make the point that there is no quorum present.

Mr. UNDERWOOD. And I make the point of order that the last roll call, which immediately preceded this, showed that a quorum was present. Therefore under the former rulings of the Chair a quorum is present now.

Mr. TAWNEY. I make the point that the gentleman from Iowa [Mr. SMITH] had taken the floor and had addressed the House for at least ten minutes before the point of no quorum was made by the gentleman from Texas [Mr. HENRY], and the RECORD has also been corrected since that time. The House has transacted business since the last roll call, and it is manifest that a quorum is not present. A Member is addressing the House and is entitled to at least the presence of a quorum when he is addressing the House.

The SPEAKER. The point of no quorum under the practice of the House could take a Member off his feet. The only question the Chair is trying to determine is the point raised by the gentleman from Alabama [Mr. UNDERWOOD] as to whether the Chair may fairly presume a quorum from the last roll call, which was some minutes ago.

Yet the Chair, considering that this is ten minutes after a call, and the House has been in session for fourteen hours, as the Chair is informed, a good many gentlemen have paired, and the Chair must trust under these conditions to the senses of the Chair as well, which indicate that a quorum is not present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. TAWNEY. Division, Mr. Speaker.

The House divided; and there were—ayes 58, noes 16.

The SPEAKER. The ayes have it, and the call of the House is ordered. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names.

Alexander, Mo.	Cravens	Graham, Ill.	Loudenslager
Alexander, N. Y.	Crow	Greene	Lowden
Allen	Diekema	Hamer	Lundin
Anderson	Driscoll, D. A.	Hamill	McKinlay, Cal.
Ansberry	Edwards, Ky.	Heflin	McKinley, Ill.
Anthony	Elvins	Henry, Conn.	McLaughlin, Mich.
Barchfeld	Esch	Hill	McMorran
Barclay	Fairchild	Howell, N. J.	Macon
Bartlett, Nev.	Fassett	Howell, Utah	Madden
Bingham	Fitzgerald	Huff	Mays
Boutell	Fordney	Hughes, W. Va.	Millington
Bowers	Fornes	Humphrey, Wash.	Mondell
Burgess	Foss	Jamieson	Moon, Pa.
Burleigh	Foulkrod	Kinkead, N. J.	Moon, Tenn.
Calder	Fuller	Knapp	Morgan, Mo.
Campbell	Gaines	Knowland	Moxley
Capron	Gardner, N. J.	Korbly	Mudd
Carter	Garner, Pa.	Law	Murphy
Chapman	Glass	Legare	Needham
Conry	Godwin	Loud	Nelson
Nicholls	Richardson	Sperry	Townsend
Nye	Riordan	Stafford	Wallace
O'Connell	Robinson	Sturgiss	Washburn
Parker	Rodenberg	Sulzer	Weisse
Patterson	Sheffield	Talbott	Wiley
Plumley	Sherley	Taylor, Ala.	Willett
Pray	Simmons	Tener	Wood, N. J.
Randell	Smith, Cal.	Thistlewood	Woodyard
Reeder	Snapp	Tilson	Young, Mich.
Reid	Sparkman	Tirrell	Young, N. Y.

The following additional pairs were announced:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. KENNEDY of Ohio with Mr. ASHBROOK.

Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. MCGUIRE of Oklahoma with Mr. FERRIS.

From 1.55 a. m. until noon, March 18:

Mr. BARNARD with Mr. HAMMOND.

Mr. SLEMP with Mr. CRAIG.

Mr. ALEXANDER of New York with Mr. ELLERBE.

Mr. BROWNLOW with Mr. JOHNSON of South Carolina.

From 1.40 a. m. until noon, March 18:

Mr. RODENBERG with Mr. BARTLETT of Georgia.

Mr. HENRY of Connecticut with Mr. SPIGHT.

From 2 a. m. until noon, March 18:

Mr. GARDNER of Michigan with Mr. SHARP.

Mr. TILSON with Mr. SLAYDEN.

Mr. GAINES with Mr. TAYLOR of Colorado.

Mr. CALDER with Mr. MAYNARD.

Mr. WHEELER with Mr. ROTHERMEL.

Mr. PRINCE with Mr. HITCHCOCK.

Mr. TOWNSEND with Mr. COVINGTON.

Mr. CRUMPACKER with Mr. STEENERSON.

Mr. DOUGLAS with Mr. COX of Ohio.

Mr. ENGLEBRIGHT with Mr. GORDON.

Mr. UNDERWOOD. Mr. Speaker, I desire to inquire whether the roll call shows a quorum present?

The SPEAKER. We are just ascertaining; it has not been reported to the Speaker. [After a pause.] One hundred and fifty-four have answered to their names; not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move that the Sergeant-at-Arms be instructed to arrest absentees and bring them to the bar of the House.

The SPEAKER. The order usually adopted is:

Ordered, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its Members as are absent without leave

Mr. UNDERWOOD. I desire to make a motion to that effect, Mr. Speaker.

The SPEAKER. The gentleman moves as read by the Chair.

The question was taken, and the order was agreed to.

Mr. JAMES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman will state it.

Mr. JAMES. In view of the situation that confronts the House, could not the minority, who are here present and sending for the majority in order to make a quorum, detail or deputize certain employees of the minority to go after the members of the majority in order that we might have a quorum to do business?

The SPEAKER pro tempore. The Chair will refer the gentleman from Kentucky to the Sergeant-at-Arms for an answer to that question.

Mr. TAWNEY. Mr. Speaker, to whom does the gentleman from Kentucky refer, or to which side of the House does he refer in his statement in regard to the presence of the minority? I observe that there are as many men absent on that side of the House as on this.

Mr. JAMES. Then the gentleman's powers of observation are very bad. The fact is, as we are informed, that Members upon the majority side have been engaged in sending Members away from the House in order to break a quorum and prevent the transaction of the public business.

The SPEAKER pro tempore. The Chair will say to the gentleman from Kentucky that the Sergeant-at-Arms is having the warrants prepared.

Mr. SABATH. If the gentleman from Minnesota will look around he will see that a great many Democrats are present.

Mr. TAWNEY. There are a few Democrats present.

Mr. SABATH. About 100.

Mr. TAWNEY. And 150 Republicans.

Mr. JAMES. That is, if the gentleman from Minnesota can be counted as 100. There are, perhaps, 10 besides himself on his side of the House.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OLMSTED. Is this question debatable?

The SPEAKER pro tempore. Almost anything seems to be in order, if it is not the transaction of business.

Mr. OLMSTED. I want to hear the gentleman from Kentucky for about an hour.

Mr. JAMES. I am not in the habit of addressing the House except when a majority of the House are present to hear me.

Mr. OLMSTED. Mr. Speaker, it is now twenty-one minutes after 3 o'clock in the morning. There are 44 Members in the Hall. I move that the House do now adjourn.

The question being taken, the Speaker pro tempore announced that the noes appeared to have it.

Mr. OLMSTED. Division, Mr. Speaker.

The House divided; and there were—ayes 6, noes 40.

Accordingly the motion was rejected.

Subsequently,

Mr. JAMES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JAMES. The House of Representatives finds itself in the situation at this time of being under a call of the House. Warrants have been issued, as we have been informed, for absent Members. We should like to know from the Speaker what results have been obtained, what report the Sergeant-at-Arms has made relative to the order, and whether or not he is proceeding to arrest the absent Members and bring them here?

Mr. CLAYTON. I suggest to the gentleman from Kentucky that it is now a quarter of 4 o'clock, and there has been plenty of time.

The SPEAKER pro tempore. The Chair is informed that warrants have been issued, and they are in the hands of the Sergeant-at-Arms, and that his deputies are out performing their duty, endeavoring to bring in absent Members.

Mr. BURLESON. The question is, Has any report been made?

The SPEAKER pro tempore. Several gentlemen have come in.

Mr. JAMES. The hotels are within easy access of the Capitol, and it appears to us that the Sergeant-at-Arms at this time ought to be able to report some progress in attempting to get the membership here, or a sufficient number to transact the public business.

The SPEAKER pro tempore. The Chair will say that the Sergeant-at-Arms has reported some progress. A number of gentlemen have come in at the instance of the Sergeant-at-Arms.

Mr. CLAYTON. May I inquire of the Speaker how many have come in since the order of arrest was issued?

The SPEAKER pro tempore. Five Members, as the Chair is informed.

Mr. BURLESON. Five Members in an hour.

Mr. CLAYTON. At that rate, possibly, by 2 o'clock to-morrow afternoon there may be a quorum of Republicans present.

Mr. JAMES. Is it not the duty of the Sergeant-at-Arms, under this call, to report to the House as he arrests Members, and to present them at the bar of the House and call the attention of the Speaker to the fact?

The SPEAKER pro tempore. Under the practice of the House under its present rules, Members are not arrested and compelled to come to the bar of the House so as to be excused. They report to the Clerk of the House as they come in, and their presence is noted. Five gentlemen have come in since the call was instituted and have reported to the Clerk and had their names added to the list.

Mr. JAMES. May I inquire whether those who were absent were presented at the bar of the House as required by the rule?

The SPEAKER pro tempore. That is not done unless the Member is arrested on a warrant.

Mr. HUGHES of New Jersey. Mr. Speaker, I would like to suggest that the call of the House to-day has proceeded further than the call of the House has ever proceeded in recent times. An order has been made authorizing the Sergeant-at-Arms to arrest absent Members and bring them before the bar of the House.

The SPEAKER pro tempore. Warrants have been issued and are in the hands of the Sergeant-at-Arms.

Mr. HUGHES of New Jersey. The Sergeant-at-Arms is not presenting any Member before the bar of the House.

The SPEAKER pro tempore. The Sergeant-at-Arms is in the performance of his duty and these gentlemen have reported here.

Mr. HUGHES of New Jersey. It seems to me that we have gone beyond that stage of ordinary procedure when there is a call of the House. The Clerk continues the call and allows Members when they come in to answer to the roll, and no further proceedings are taken under the call. Having gone beyond the stage the House has issued an order to the Sergeant-at-Arms directing that warrants be issued and placed in his hands, commanding him to bring in absent Members and present them before the bar of the House.

I ask, What proceedings have been taken under the order? Five Members have come in, but no one has been presented before the bar of the House.

The SPEAKER pro tempore. The Chair will say that the old practice of the House of bringing Members in and having them presented at the bar of the House and being excused was abolished by the adoption of the new rule, which allows Members to come in and vote or answer to their names without being formally excused.

Mr. JAMES. May I ask when that rule was adopted?

The SPEAKER pro tempore. As I recollect, it was in the Fifty-first Congress.

Mr. JAMES. I remember vividly the fact that a gentleman from a certain State in the Union was presented at the bar of the House since I came here, and I came here in the Fifty-eighth Congress.

The SPEAKER pro tempore. The Chair may be mistaken in the particular Congress in which the rule was adopted. The Chair recollects, however, that the old practice was to bring Members in and present them at the bar of the House, and they had to be excused, but under the new practice they are entitled to vote if there be a question pending, and if there be no question pending they are entitled to have their names recorded by the Clerk as they come in, and are not required to be formally excused.

Mr. LAMB. Mr. Speaker, since I came here in the Fifty-fifth Congress I have been brought in twice. [Laughter.]

Mr. JAMES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JAMES. Does it not depend on whether or not the Member comes voluntarily, or whether he is brought in by the Sergeant-at-Arms as to whether or not he should be presented at the bar of the House?

The SPEAKER pro tempore. The Chair presumes that if a Member comes in under compulsion in custody of the Sergeant-at-Arms it would probably be necessary that he should be excused.

Mr. BURLESON. But no Member has presented himself voluntarily.

The SPEAKER pro tempore. Yes; five Members have come in.

Mr. CLAYTON. Is it not a fact that the five Members who have come in are all Democrats and the Republicans are still in hiding in order not to have a quorum present?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. CLAYTON. I would like to ask the names of the five gentlemen who have come in, and then I will draw the inference that the Republicans are hiding.

The SPEAKER pro tempore. If the Clerk can ascertain the names he can state them. The Clerk informs the Chair that he does not remember who they were.

Mr. CLAYTON. Well, were they not Mr. GOLDFOGLE, Mr. GORDON, Mr. FLOOD, Mr. BROUSSARD, and two or three other Democrats? Does it not happen that every one of them is a Democrat, and not a single Republican has come in here voluntarily or been arrested?

The SPEAKER pro tempore. The Chair is not informed on that matter.

Mr. CLAYTON. Is not the breaking of a quorum here to-night in pursuance of an agreement by the managers of the Republican party or the Republican machine?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. CLAYTON. We have been trying all day to get some parliamentary information from the Speaker. For more than twenty hours we have tried and could not get any.

Mr. BURLESON. We were trying to convey some information to him.

Mr. CLAYTON. No; we were trying to get a parliamentary expression.

The SPEAKER pro tempore. I do not desire to limit the inquiry to some parliamentary question. I would like to know if the Republican managers know anything about the situation here to-night that may enlighten the country?

Mr. JAMES. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JAMES. I understand the present occupant of the chair has been a Member of this House more than twenty years. I would like to inquire if he has ever observed during all his experience a situation like this, where the minority is ready to

transact business and the majority is away, where we have to send for them and arrest them in order to perform the public business?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. JAMES. I think it is.

Mr. HUGHES of New Jersey. Mr. Speaker, I desire, in continuation of the remarks I made a little while ago in connection with the bringing in of absent Members, to call the attention of the Chair to this precedent, and I read now from volume 4 of Hinds's Precedents, page 135, under the head "Proceedings of arrest of Members and arraignment at the bar under section 4 of Rule XV for securing attendance of a quorum."

On May 28, 1906, the House was considering the bill (S. 1243) providing for compulsory education in the District of Columbia, and on a division on the passage of the bill it appeared that there was no quorum present.

Thereupon the Speaker ordered a call of the House under section 4 of Rule XV.

During the call the Sergeant-at-Arms appeared and said:

"Mr. Speaker, in accordance with the rules of the House and the warrant of the Speaker, I present at the bar of the House under arrest Mr. Buckman and Mr. RUCKER."

The Speaker pro tempore said:

"The gentlemen will be noted as present under the rule and discharged from arrest."

Thereupon the Speaker interrogated each gentleman as to whether or not he desired to vote, and each having stated that he did, their names were called and they voted.

The same procedure was had as to other gentlemen brought in under arrest.

Mr. JAMES. That is what I referred to a moment ago.

Mr. CLAYTON. But, Mr. Speaker, if I may interrupt the gentleman, let me say that as soon as those patriotic Democrats, five or six of them, were notified that their presence was necessary here they came voluntarily. The fact is that the Sergeant-at-Arms, as diligent as he is, scouring the whole city of Washington, has been unable to find one single Republican.

Mr. HARDWICK. He has not got anybody at all.

Mr. CLAYTON. Probably at an expense of some five or six or seven hundred dollars in hiring carriages, going around looking for them. I tell you it seems to me, Mr. Speaker, in all fairness, that when a Republican conspiracy is formed to hide out and to break a quorum it is utterly impossible for the most diligent Sergeant-at-Arms to find a Republican absentee. I do not believe that all the sleuths we read about in the detective stories could find these absent Republicans tonight.

Mr. JAMES. It is very much to be regretted, as it retards the public business.

Mr. CLAYTON. A Sherlock Holmes could not, with all his great detective ability, have found one. An adequate portrayal of a detective competent for this work would make the story File No. 113, by the great French detective writer, Gaboriau, seem as simple as a child's prattle. I tell you it is hard to head a Republican when he makes up his mind to defeat any righteous action on the part of the House.

Mr. BEALL of Texas. The gentleman means a regular Republican.

Mr. CLAYTON. I mean, of course, one of these so-called regulars. Of course I excuse from the limits of my remarks the patriotic insurgents. They want to do business here tonight and want to help us. I know of one hope that breaks upon my vision, and I believe that the country has realized that there is one fair expectation, and that is that next November a majority of the representatives of the people will be sent here, and those Representatives will be willing to do business during the day and, if necessary, to sacrifice comfort and convenience, even at the midnight hour or at this hour in the morning, when the clock now is about to strike 4—willing to come here and do business. Some gentlemen suggests that the clock does not strike. Like the Speaker, the clock is dumb. [Laughter and applause.]

For hours and hours we have been waiting here trying to get an expression from the Speaker, but we have obtained nothing but a masterful silence. We hear about eloquence, and about learned expositions of great questions, parliamentary and otherwise. I have been here some years in Washington, and some eighteen hours in this session or longer, and I have heard a great deal of eloquence and some very fine specimens of argumentation, but never have I seen anything equal to the masterful, forceful silence of the Speaker of this House in declining to rule on a plain, simple, parliamentary proposition, about which he had made up his mind long, long ago. [Laughter and applause.]

Mr. FOELKER. Mr. Speaker, I move that we now take a recess until 11.55 o'clock a. m.

The SPEAKER pro tempore. The Chair would say to the gentleman from New York that it requires a quorum to take a recess.

Mr. CLAYTON. Mr. Speaker, I was addressing myself to this enlightened audience, and I submit respectfully to the Chair——

Mr. OLMSTED. I ask unanimous consent that the gentleman from Alabama have permission to conclude his remarks.

The SPEAKER pro tempore. Without objection, it will be so ordered.

Mr. CLAYTON. I am obliged to the gentleman from Pennsylvania. The gentleman from Pennsylvania [Mr. OLMSTED] always knows a good thing when he sees it, and he is especially delighted when he hears a good thing.

Mr. HUMPHREYS of Mississippi. The gentleman from New Jersey has the floor.

Mr. CLAYTON. I thought I had the floor. Then I beg the gentleman's pardon. Mr. Speaker, I offer my profound apologies to the House of Representatives and my regards and regrets to the distinguished gentleman from New Jersey that I should have so long trespassed upon the time that he would have used so valuably for the enlightenment of the House. [Applause.]

Mr. HUGHES of New Jersey. Now, Mr. Speaker, I have no doubt the Chair can rule upon the point raised by me without any difficulty.

Mr. GARDNER of Massachusetts. Mr. Speaker, would it be in order for me to move that proceedings under this call of the House be vacated?

The SPEAKER pro tempore. It would not, the Chair thinks.

Mr. GARDNER of Massachusetts. The Chair could not receive any motion, even if no one raised the point of order? I move that the proceedings under this call of the House be vacated.

The SPEAKER pro tempore. But the Chair can not entertain the motion.

Mr. JAMES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. JAMES. Has the Chair ruled upon the point of order that has been raised? I should like to know if the Speaker is ready to rule upon the point of order that has been raised as to whether or not the Norris resolution was in order.

The SPEAKER pro tempore. The Chair is not able to inform the gentleman as to that.

Mr. JAMES. Well, I should like to know who is.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that proceedings under the call be vacated.

Several MEMBERS. Regular order!

Mr. FOELKER. Mr. Speaker, I move that the House take a recess until 11.55.

The SPEAKER pro tempore. The Chair can not entertain a motion of that character when there is no quorum present.

Mr. FOELKER. But no one has raised the point that no quorum is present.

The SPEAKER pro tempore. The roll call shows that no quorum is present.

Mr. CLAYTON. That is the reason we are here.

Mr. JAMES. Mr. Speaker, would it be in order for us to inquire of the Sergeant-at-Arms what progress has been made in attempting to procure the presence of a quorum in this House?

The SPEAKER pro tempore. Well, that is not a parliamentary inquiry.

Mr. JAMES. Mr. Speaker, I move that the Sergeant-at-Arms be requested to report to the House what progress he has made in attempting to procure a quorum.

The SPEAKER pro tempore. But no business can be done in the absence of a quorum. The Chair can not entertain any motion except one motion, and that is to adjourn.

Mr. JAMES. Mr. Speaker, I should like to suggest to the Chair that it is certainly in order for us to ascertain what movements have been made and what progress has been made in the effort to obtain a quorum here. Suppose the Sergeant-at-Arms, Mr. Speaker, should refuse to obey the mandate and direction of this House to go forth and arrest Members and bring them here to constitute a quorum in order that public business may be performed. Are we, therefore, because the Sergeant-at-Arms may, forsooth, refuse to obey the orders of this House, to sit here all night long without a majority of this House in order to transact the public business?

The SPEAKER pro tempore. The Chair will say to the gentleman from Kentucky that he is informed upon good authority that warrants have been issued and that they are in the hands of the Sergeant-at-Arms, and that the Sergeant-at-Arms and his deputies are out in an endeavor to serve those warrants.

Mr. HAUGEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HAUGEN. How many Members have been brought in under arrest under these warrants?

The SPEAKER pro tempore. No Members have been brought in under arrest; those who have come have come voluntarily.

Mr. HAUGEN. And it is now 4 o'clock in the morning.

The SPEAKER pro tempore. The Chair is aware of that.

Mr. JAMES. Mr. Speaker, do I understand the Chair to rule that the House did not have the authority to direct the Sergeant-at-Arms to appear before the House and inform the House what efforts and progress have been made in attempting to secure a quorum?

The SPEAKER pro tempore. The Chair, without any knowledge as to any precedent, thinks it would be within the power of the parties present, although not a quorum, to ascertain from the Sergeant-at-Arms what progress he has made.

Mr. JAMES. Therefore, Mr. Speaker, in view of the ruling of the Chair, which I think is eminently correct, I move that the Sergeant-at-Arms be called before the bar of the House, that we may ascertain what progress and efforts he has made to obtain a quorum in this House to transact the public business, if any.

The SPEAKER pro tempore. The gentleman from Kentucky moves that the Sergeant-at-Arms be required to come to the bar of the House and report what progress he has made, if any.

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry. What officer should we send for the Sergeant-at-Arms?

The SPEAKER pro tempore. That is not a parliamentary inquiry. The question is on the motion of the gentleman from Kentucky [Mr. JAMES].

The question was taken, and the motion was agreed to.

Mr. BURLESON. Mr. Speaker, I move that the Democratic whip be requested to notify the Sergeant-at-Arms of the resolution which has just been adopted by the House.

The SPEAKER pro tempore. Will the gentleman from Texas [Mr. BURLESON] indicate by name the party he desires to have sent?

Mr. BURLESON. Mr. BELL of Georgia.

The SPEAKER pro tempore. The gentleman from Texas moves that Mr. BELL of Georgia be requested to find the Sergeant-at-Arms——

Mr. BURLESON. Or Mr. GARNER of Texas.

The SPEAKER pro tempore. What is the gentleman's motion?

Mr. BURLESON. That Mr. BELL of Georgia and Mr. GARNER of Texas——

The SPEAKER pro tempore. Be requested to do what?

Mr. BURLESON. Be requested to notify the Sergeant-at-Arms of the resolution which has just been adopted by the House.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BURLESON] moves that Mr. BELL of Georgia and Mr. GARNER of Texas be requested to ask the Sergeant-at-Arms to report to the House what progress he has made——

Mr. MURDOCK. Mr. Speaker, the Sergeant-at-Arms is present.

The SPEAKER pro tempore (continuing). And notify the Sergeant-at-Arms of the action of the House.

Mr. BELL of Georgia and the Sergeant-at-Arms, Mr. Casson, appeared at the bar of the House.

Mr. BELL of Georgia. Mr. Speaker, this is the Sergeant-at-Arms before the bar of the House.

The SPEAKER pro tempore. The Chair will put the motion of the gentleman from Texas.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Chair will request the reading clerk of the House to inform the Sergeant-at-Arms of the action of the House.

The READING CLERK (Mr. Lampson). The House has directed the Sergeant-at-Arms to report what progress he has made or what action he has taken, if any, to bring in absent Members.

The SERGEANT-AT-ARMS. I have four automobiles out, one with a minority deputy and three with other deputies, and they are having a hard time. But I hear from them every once in a while. I have just instructed one of them to go to the bedrooms of the Members themselves and get them out. I did that not five minutes ago.

Mr. HAUGEN. Mr. Speaker, I wish to ask the Sergeant-at-Arms a question.

Mr. BURLESON. We have not heard the report.

The SPEAKER pro tempore. The Chair thinks any question to be propounded to the Sergeant-at-Arms must be authorized by the House and not propounded by an individual Member.

Mr. RUCKER of Missouri. I move that the gentleman from Iowa [Mr. HAUGEN] be permitted to interrogate the Sergeant-at-Arms.

The SPEAKER pro tempore. If the gentleman from Iowa will indicate what the question is——

Mr. HAUGEN. My question will be, If the Sergeant-at-Arms has made an effort to bring the Members here? That is the question we are entitled to know.

The SPEAKER pro tempore. The gentleman from Iowa asks to be permitted to propound to the Sergeant-at-Arms the question he has indicated.

Mr. HAUGEN. And I may have another question.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Missouri [Mr. RUCKER].

The question was taken, and the motion was agreed to.

Mr. HAUGEN. Will the Sergeant-at-Arms state to the House the number of men that have been brought to the bar?

The SERGEANT-AT-ARMS. I have four deputies——

Mr. HAUGEN. That is not my question. Answer my question.

The SERGEANT-AT-ARMS. They have not reported yet.

Mr. HAUGEN. What number of Members have you got to come in here?

The SERGEANT-AT-ARMS. I do not know the number, because they may have come in while I was in my room.

Mr. HAUGEN. How many have been brought in?

The SERGEANT-AT-ARMS. I do not know.

The SPEAKER pro tempore. That is a matter of record.

Mr. HAUGEN. If it is of record, I think we can be enlightened.

The SERGEANT-AT-ARMS. They came right in, and reported to the House.

Mr. HAUGEN. Well, how many have you brought in?

The SERGEANT-AT-ARMS. I have not brought in any.

Mr. HAUGEN. How many have your four deputies brought in?

The SERGEANT-AT-ARMS. That I can not tell.

Mr. HAUGEN. You know nothing about it?

The SERGEANT-AT-ARMS. They have not reported to me.

Mr. HAUGEN. What effort have you made to bring Members before the bar of the House?

The SERGEANT-AT-ARMS. I have tried to do what I could by sending out the deputies.

Mr. HAUGEN. Have you sent them to the hotels of the cities?

The SERGEANT-AT-ARMS. I sent them to all the hotels of the cities. I have just instructed one of them to report.

Mr. HAUGEN. Who are those deputies?

The SERGEANT-AT-ARMS. F. N. Weaver; Joe Bernard, a special official here in the House; Paul Porter, minority deputy; and John Hollinsworth.

Mr. HAUGEN. Well, you state that you have no knowledge of the whereabouts of these Members?

The SERGEANT-AT-ARMS. I have not.

Mr. HAUGEN. Then, your deputies are searching for these Members?

The SERGEANT-AT-ARMS. Yes, sir; and they will get them and bring them in.

Mr. BURLESON. Mr. Speaker, I ask for order.

The SPEAKER pro tempore. The House will be in order.

Mr. HAUGEN. I call your attention to the fact that it is a quarter after 4 Friday morning. At what hour did you begin the search?

The SERGEANT-AT-ARMS. I think it was about 2 o'clock.

Mr. HAUGEN. Two hours and a quarter.

Mr. JAMES. I would like to ask the Sergeant-at-Arms a question, Mr. Speaker.

Mr. HAUGEN. Mr. Speaker, I move that the gentleman from Kentucky be empowered to ask the Sergeant-at-Arms a question.

Mr. JAMES. I should like to ask the Sergeant-at-Arms whether or not in the search of two hours and a half by him and his four deputies he has only been able to produce in this House five Members?

The SERGEANT-AT-ARMS. When they come back with their automobiles they will bring them in.

Mr. JAMES. Then you have not presented any at the bar of the House?

The SERGEANT-AT-ARMS. I have not presented any.

Mr. JAMES. So that from 2 o'clock in the morning the efforts of yourself and four deputies have been productive of no results?

The SERGEANT-AT-ARMS. Not any great results.

Mr. JAMES. No result.

The SERGEANT-AT-ARMS. Oh, yes; seven Members have come up here and answered the roll call.

Mr. JAMES. I should like to make a parliamentary inquiry of the Chair. How many Members do we lack of having a quorum?

The SPEAKER pro tempore. Thirty-five.

Mr. LENROOT. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The SPEAKER pro tempore. The Chair will state to the gentleman from Wisconsin that that motion requires the presence of a quorum.

Mr. LENROOT. I observe in paragraph 3038 of Hinds's Precedents that—

A quorum is not required on a motion to suspend further proceedings under a call of the House. On September 10, 1890, during a call of the House, a motion was made that the House adjourn. On this question there were—yeas 58 and 92 nays. The Chair announced that there were 172 Members present, a quorum. Then, a motion being made by Mr. Nils P. Haugen, of Wisconsin, that all further proceedings under the call be dispensed with, there were—132 yeas, 15 nays, and 188 not voting. Mr. Charles T. O'Ferrall, of Virginia, made the point of order that no quorum was present. The Speaker pro tempore overruled the point of order, on the ground that the former proceedings had disclosed the presence of 172 Members, more than a quorum, and that a motion to dispense with all further proceedings under a call did not require a quorum for its adoption.

The SPEAKER pro tempore. The Chair would ask the gentleman from Wisconsin if that was not a case where upon the call of the House the presence of a quorum had been ascertained?

Mr. LENROOT. On a previous roll call; but the pending roll call had developed that there was not a quorum.

The SPEAKER pro tempore. That was the roll call on the motion to dispense with further proceedings?

Mr. LENROOT. Yes; there were 132 yeas and 15 nays, less than a quorum.

The SPEAKER pro tempore. But the gentleman will note this difference: That was a case where upon a call of the House a quorum was disclosed. A motion was then made to dispense with further proceedings under the call. Upon that motion a quorum did not appear, and the Chair held that a quorum having already appeared on the call of the House, it was not necessary that there should be a quorum to dispense with the call.

Mr. LENROOT. The Chair also held that on a motion to dispense with further proceedings under the call a quorum was not necessary.

The SPEAKER pro tempore. Not necessary on that vote, but before the motion to dispense with further proceedings under the call can be entertained there must have been disclosed the presence of a quorum on the call of the House. In other words, you can not vacate your call until you have succeeded in getting a quorum. Then upon a motion the further proceedings under the call may be dispensed with without a quorum.

Mr. LENROOT. In that case a quorum was not present when the motion was made.

The SPEAKER pro tempore. No; but a quorum was present in answer to the preceding call of the House. A quorum being present, as disclosed by the call, a motion was then made to dispense with further proceedings under the call; but the authority that the gentleman cited is not an authority that would justify the Chair in entertaining a motion to dispense with further proceedings under the call while the call of the House now being made discloses the absence of a quorum. Of course the Chair would very much prefer to entertain the gentleman's motion if he thought it was in order.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that thirty minutes be given to the gentleman from Mississippi [Mr. BYRD].

The SPEAKER pro tempore. The Chair would say to the gentleman that unanimous consent can no more be given than can a motion to proceed to any other business. The Chair has no doubt that the House would be very much gratified to listen to the gentleman for more than thirty minutes.

Mr. RUCKER of Missouri. Mr. Speaker, I dislike to consume the time of the House when there is so much business before it, but I want to ask the Speaker how long are we presumed to remain here for the Sergeant-at-Arms to make a return of one Republican before the bar of this House?

The SPEAKER pro tempore. The Chair is unable to answer the gentleman.

Mr. RUCKER of Missouri. I would ask the Chair, then, if he can tell me, in view of the fact that the Sergeant-at-Arms has sent out four of his deputies in four automobiles at great expense for nearly three hours and has not succeeded in finding a single Member, how long, in the judgment of the Chair, will it take to find 35 Members?

The SPEAKER pro tempore. That is a problem the Chair is not able or called upon to solve.

Mr. RUCKER of Missouri. If the Chair will permit me, then, with all deference and respect, I will inquire if the Chair has any information as to the whereabouts of the Republican Members and where they keep themselves at this hour in the morning? If the Chair could tell the Sergeant-at-Arms, he might have better luck.

The SPEAKER pro tempore. The Chair is unable to answer that question either.

Mr. RUCKER of Missouri. Mr. Speaker, it does seem to me that we need somebody to help run the affairs of this House, and need that somebody pretty badly. The Chair and everybody else must take judicial notice of the fact that with the four automobiles, which the Sergeant-at-Arms says he has sent out, his deputies could have gone to every hotel in this town and waited at least one hour for a man to get up out of bed and dress himself and bring him to this Capitol, and have had him here long ago.

Mr. JAMES. I would suggest that perhaps the absence of the Republican Members of this House might be accounted for by the fact that the Washington Post of this morning, March 18, which I have just received, at twenty minutes to 5 o'clock, says a great battle is raging about Speaker CANNON. Perhaps the absent Republicans have gone to the rescue of the Speaker. [Laughter.]

Mr. RUCKER of Missouri. For the entertainment of the Members present during the wait on the Sergeant-at-Arms, I request that the Clerk be directed to read to us the editorial in the Washington Post.

Mr. OLMSTED. Mr. Speaker, I move to dispense with further proceedings under the call of the House.

The SPEAKER pro tempore. The gentleman from Ohio first addressed the Chair.

Mr. HOLLINGSWORTH. Mr. Speaker, I desire to state that before I left the Chamber, at about 12 o'clock, I consulted the "whip" and understood if I got a pair it would be all right. I made a pair in the regular way with a live Democrat, the gentleman from Nebraska [Mr. LATTA], and then went to my room at the Willard Hotel and went to bed, just where all good Republicans ought to be at this hour in the morning.

Mr. JAMES. They will be there after next November. [Laughter.]

Mr. HOLLINGSWORTH. That may be, but I do not believe the revolutionary proceedings attempted to-day will aid the Democratic party in any way.

Mr. JAMES. I think myself that the returns next November election will send them earlier than they went to-night.

Mr. HOLLINGSWORTH. Well, we do not take our instructions or fears from that side of the House. Having regularly taken a pair at about 12 o'clock at night from a good, live Democrat of good standing, and having delivered it to the pair clerk and gone to my hotel and retired for the night, I did not feel very comfortable on being roused up in less than two hours and rudely ordered to return to the House.

Mr. JAMES. I make the point of order that the man who stops at the Willard Hotel is not entitled to make a pair with a Democrat. [Laughter.]

Mr. HOLLINGSWORTH. My reply to that is that the Willard is just as cheap a place as any other first-class hotel in Washington, if you do not drink or call for other extras.

Mr. JAMES. I could tell better if the gentleman would tell me what he is paying for board. It may be that the gentleman is getting some rebate.

The SPEAKER pro tempore. The Chair will say to the gentleman, in answer to his inquiry as to why he was brought here, that, in pursuance of an order of the House, the Sergeant-at-Arms was requested to bring in absent Members. So far as the matter of pairs is concerned, that is a matter not recognized by the rules of the House; it is purely a private matter between Members.

Mr. HOLLINGSWORTH. A further inquiry, Mr. Speaker. Why do we have a pair clerk and why do we have a "whip?"

Mr. JAMES. The business of the "whip" seems to be to keep Republican Members away.

The SPEAKER pro tempore. The Chair will say that the matter of making pairs is an individual matter which has grown up into a custom so far as to be recognized by the House by the publication of the pairs in the CONGRESSIONAL RECORD and by reading them from the Clerk's desk, but there is no provision in the rules for pairs.

Mr. HOLLINGSWORTH. Mr. Speaker, a further parliamentary inquiry. I am here in pursuance of a rude call at my door by some one who said he had a warrant from this House for me. What is my status?

Mr. CLAYTON. I want to ask the gentleman a question.

Mr. HOLLINGSWORTH. I want to know whether I am a prisoner or not. [Laughter.] Possibly I have no right to answer the gentleman's question.

Mr. CLAYTON. I want to ask the gentleman a question.

Mr. HOLLINGSWORTH. I decline to yield to anybody until I know whether I am under arrest.

The SPEAKER pro tempore. The gentleman is not under arrest.

Mr. HOLLINGSWORTH. Thanks. I was paired with a good Democrat——

Mr. JAMES. Who was it?

Mr. HOLLINGSWORTH. Let me get through with my remarks. I want to know by what right, when a Member has taken this precaution and gone to his hotel and retired like a gentleman, the Sergeant-at-Arms shall be sent to his rooms in a public hotel to announce in the early hours of the morning in loud tones that he is under arrest, and that he must appear, without the usual courtesy of a call by telephone.

Mr. OLMSTED. Who made the motion for the warrant?

Mr. HOLLINGSWORTH. I want to know that. Who made the motion that I should be thus summoned, if not physically arrested? I regard this as a serious matter.

Mr. JAMES. Mr. Speaker, I make the point of order——

Mr. RUCKER of Missouri. I will ask the gentleman if they brought him here in an automobile?

Mr. HOLLINGSWORTH. No; I paid my own fare, as I always do.

Mr. JAMES. If that is the fact——

The SPEAKER pro tempore. The gentleman from Ohio has the floor and is entitled to the protection of the Chair.

Mr. ADAIR. Mr. Speaker, a parliamentary inquiry.

Mr. HOLLINGSWORTH. Who issued the warrant for absent Members?

Mr. SABATH. The Speaker did.

Mr. KITCHIN. Well, I do not know. Somebody may have forged his name.

Mr. HOLLINGSWORTH. Well, I do not believe JOE CANNON would go into such small business. [Laughter.] I do not have the greatest respect for him; I have never received any courtesies from him, but I do not believe that he would sign a warrant to arrest me at 4 o'clock in the morning, expecting it to be served, unless the House required it. [Laughter.]

Mr. HENRY of Texas. Maybe it is all a mistake.

Mr. HOLLINGSWORTH. I want to know if it is all a mistake.

Mr. HENRY of Texas. I suppose it is a mistake; yes.

Mr. RUCKER of Missouri. I would like to know if the Sergeant-at-Arms exhibited the warrant to the gentleman?

Mr. HOLLINGSWORTH. No; I would not let him in my rooms. They were my common-law castle, and I did not choose to admit him.

Mr. RUCKER of Missouri. Maybe he did not have a warrant. Maybe it was a false arrest.

Mr. HOLLINGSWORTH. That is my inquiry. Somebody suggests that it was a false arrest, and I want to know.

Mr. JAMES. I would suggest that the gentleman has a right of action to sue for damages, and he should sue the Republicans of this House for not staying here and maintaining a quorum.

Mr. HOLLINGSWORTH. I am occupying some of the valuable time of the House, but much against my own wishes.

Mr. KITCHIN. The floor leader did it.

Mr. HOLLINGSWORTH. Thinking I was an insurgent? Well, I have known him to make worse mistakes than that. [Laughter and applause.] I insurge when I feel like it, and I do not insurge when I do not feel like it; but I want to say I do not feel much like insurgency to-night after witnessing the revolutionary attempt made here by Democrats to impede and set aside important legislation and throw the House into disorder merely because they can not rule it.

Mr. JAMES. They think you slipped away to avoid voting.

Mr. HOLLINGSWORTH. No; I did not, and never do, dodge anything; I am not of the dodging kind. My record here is perfect on that point. I voted against the old rules and helped to secure calendar Wednesday, and I voted to override the Speaker's decision, which I thought would destroy it. I want to know who made the motion.

Several VOICES. TAWNEY.

Mr. WEBB. He is under arrest.

Mr. HOLLINGSWORTH. Well, I will go on his bond. [Laughter.] I desire to say I do not see the Speaker about. Where is he? [Cries of "In jail; he is arrested!"]

Where do they keep their prisoners? I am told I am the only one arrested. [Laughter.] I want to know about this. Is it possible, as suggested, that I am the only one? Now, Mr. Speaker, I have taken up the time of the House for a short time simply because I did not think it was engaged in any important business at this hour in the morning.

Several VOICES. Five o'clock.

A MEMBER. St. Patrick's Day in the morning.

Mr. HOLLINGSWORTH. No; the morning after St. Patrick's Day. [Laughter.] Here was a man knocking at the door of my rooms——

Mr. JAMES. Name him.

Mr. HOLLINGSWORTH (continuing). And announcing that he had a warrant for me.

The SPEAKER pro tempore. The Chair would state to the gentleman from Ohio that on a call of the House 154 Members responded, that there was not a quorum, and thereupon on the motion of the gentleman from Alabama [Mr. UNDERWOOD], a call of the House was ordered. The Sergeant-at-Arms was directed to go out and bring in absent Members. Warrants were drawn and signed by the Speaker and the Clerk, and put in the hands of the Sergeant-at-Arms. The Sergeant-at-Arms, or one of his deputies probably, served the warrant on the gentleman from Ohio, and that was done by order of the House.

Mr. HOLLINGSWORTH. Mr. Speaker, a parliamentary inquiry. Was anybody included in that warrant but myself? [Laughter and applause.]

The SPEAKER pro tempore. The Chair will state warrants were issued for over 200 Members.

Mr. HOLLINGSWORTH. Who else was arrested then but me?

Several MEMBERS. Nobody.

The SPEAKER pro tempore. The gentleman from Ohio was not arrested.

Mr. HOLLINGSWORTH. I know Members who live nearer the House than I do, and I want to know where they are now. If not found, as I was at my hotel with my family, where are they if there has not been discrimination against me?

The SPEAKER pro tempore. No exception was made in the case of the gentleman from Ohio. He was not arrested.

Mr. JAMES. Mr. Speaker, in view of the explanation made by the gentleman from Ohio, and the fact that he stops at the Willard Hotel, and the further fact that he had a good pair with a good Democrat, as he says, and only left at 12 o'clock, while the fine is usually $500 to $1,000 for absence, I move that we exonerate him and accept his excuse.

Mr. HOLLINGSWORTH. I decline to yield for any such suggestion. I insist that the orders of the House be carried out impartially on all.

Mr. JAMES. I expect the man who signed the warrant is asleep somewhere.

Mr. HOLLINGSWORTH. Then I want him brought in.

Mr. ASHBROOK. They did not arrest me, but just telephoned me to come here.

Mr. HOLLINGSWORTH. I have two telephones in my rooms; why did not they telephone me?

Mr. ASHBROOK. I can not tell; but they just telephoned me to come over, and did not serve any warrant on me.

Mr. HOLLINGSWORTH. A further parliamentary inquiry, and a very serious one. I am paired with a Democrat. Can I vote or do anything else now?

Mr. HUGHES of New Jersey. It is all off.

The SPEAKER pro tempore. The gentleman has answered "present" and was recorded. That is all that is required of him at this time.

Mr. HOLLINGSWORTH. Can I go back under that pair?

Mr. JAMES. I submit to the Chair that my motion to excuse the gentleman from Ohio is in order.

Mr. HOLLINGSWORTH. The gentleman does not want any motion to be excused. I am here. If my pair is not good I will stay here, and if it is good I want to go back to my hotel, where Republicans ought to be at this time in the morning.

Mr. JAMES. It is daylight now, and I would suggest to the gentleman that all good farmers like himself ought to be awake.

Mr. HOLLINGSWORTH. I regard it as an honor to be mistaken for a farmer.

The SPEAKER pro tempore. The gentleman would be liable to arrest if he left the House now. His presence is necessary in order to make a quorum.

Mr. HOLLINGSWORTH. All right. I now yield to the gentleman from Kentucky. [Laughter and applause.]

Mr. JAMES. I will say to the gentleman from Ohio that I would be very glad to take the floor, but we are so busy at this time hearing excuses of Republicans for being arrested on account of their absence from their duties that I am not disposed to take the floor at all and interrupt the business.

Mr. CLAYTON. Mr. Speaker, I would like to know how many we are short of a quorum now?

The SPEAKER pro tempore. The Chair is informed that we are 25 short.

Mr. CLARK of Missouri. It has taken us about three hours and a half, I believe, to get in 10 Members. I would like to know how many more hours it will take to get the other 25.

Mr. HAMLIN. Mr. Speaker, I want to submit a parliamentary inquiry entirely seriously. Is there any time limit under the rules of this House when a presiding officer must submit a decision on a point of order made on a proposition? I would like to have that answered, and then, perhaps, I want to ask another.

The SPEAKER pro tempore. There is no provision in the rules, of course, and the gentleman's parliamentary inquiry has no relation at all to the question of getting a quorum.

Mr. HAMLIN. Now, Mr. Speaker, I would like to submit another inquiry. If the presiding officer of the House can decline to decide a proposition before the House, can he not absolutely block, until the expiration of the term, any transaction of business in the House by refusing to pass upon a point of order that has been made?

The SPEAKER pro tempore. This is not a legislative session of the House. There is no House in session just now.

Mr. HAMLIN. There must be a House, I submit, Mr. Speaker, or else we could not adjourn, and we certainly could adjourn if we wanted to do it. I understand the Chair declines to answer the parliamentary inquiry?

The SPEAKER pro tempore. The Chair can not answer the question.

Mr. HAMLIN. I submit this, Mr. Speaker, and I ask it in the utmost good faith, namely, it has been fifteen hours since the point of order was made and the Chair has shown no inclination to pass upon it, and it has occurred to me, seriously, that if he could decline to pass upon a point of order for fifteen hours, he could decline to pass upon it for fifteen months, and yet no other business can be transacted until that is out of the way.

Now, is it not within the power of the Speaker to absolutely block any legislation during the entire months that are to follow?

The SPEAKER pro tempore. Now, the Chair submits to the gentleman from Missouri that he is quite as capable of answering that question as is the Chair. It is not a parliamentary inquiry. There is no rule of the House upon the subject at all.

Mr. HAMLIN. I supposed that perhaps the long service of the gentleman who now occupies the chair would enable him to give us some information upon that point.

The SPEAKER pro tempore. The gentleman now occupying the chair has no information on that subject.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that there may be stricken from the RECORD the debate which took place a little while ago.

The SPEAKER pro tempore. The Chair thinks that the House in the absence of a quorum can not grant that request.

Mr. CLAYTON. I think, Mr. Speaker, that the request of the gentleman from Massachusetts ought to be acceded to.

The SPEAKER pro tempore. The request can be made when the House has a quorum present. When there is not a quorum present the House has no control of the CONGRESSIONAL RECORD.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARDNER of Massachusetts. If the House were to take an adjournment at the present moment, what would be the parliamentary status when the House reassembles at 12 o'clock as regards the point of order?

The SPEAKER pro tempore. Immediately after the reading of the Journal the Speaker's table might be cleared. There is a bridge bill on the Speaker's table and two pension bills, the District of Columbia bill and a land bill. So far as the resolution and the point of order pending are concerned, the status of the resolution and the point of order would be just the same as now. It would be unfinished business.

Mr. JAMES. A further parliamentary inquiry, Mr. Speaker. That is the opinion of the pro tempore Speaker, the present Speaker, Mr. DALZELL, of Pennsylvania?

Mr. CLAYTON. The present occupant of the chair.

Mr. JAMES. But the regular Speaker, Mr. JOSEPH G. CANNON, when he comes in, might he not set that opinion aside?

The SPEAKER pro tempore. That is not likely.

Mr. JAMES. He has a perfect right to change that opinion if he desires, has he not?

The SPEAKER pro tempore. Undoubtedly. But the Chair has given an opinion which is based on the rules of the House.

Mr. JAMES. I know; but the Speaker of the House might differ from the construction given this question by the present occupant of the chair.

The SPEAKER pro tempore. That is possible, but highly improbable.

Mr. NORRIS. Will the gentleman from Kentucky permit a suggestion?

Mr. JAMES. Certainly.

Mr. NORRIS. I think, inasmuch as the decision of the present occupant of the chair will be a matter of record, anybody who followed him in the chair in the morning would take cognizance of that statement.

Mr. JAMES. I have as great respect for the gentleman from Pennsylvania [Mr. DALZELL], the pro tempore Speaker, as the gentleman from Nebraska has, but I insist that any ruling made by the pro tempore Speaker is not binding upon the regular Speaker, nor is it binding upon any person the regular Speaker may call to the chair.

Mr. NORRIS. I agree with the gentleman, that even the present occupant of the chair can make a different ruling if in the chair; but it is as binding upon any other man in the chair as it is upon the present occupant of the chair.

Mr. JAMES. I should like to ask the gentleman from Nebraska if he does not think, as it is 5.15 now in the morning of the 18th of March, that we might obtain a quorum, and that we might go on and perform our duties—it will be daylight in a few minutes—rather than adopt this motion for the purpose of adjournment when nobody can get any sleep or get any of the benefits of the rest of the night? This matter ought not to be postponed; and as we have stayed up all night, and have stayed here to fight this battle for the people, we ought to have an opportunity to dispose of it.

Mr. NORRIS. Will the gentleman from Kentucky permit me? I would like to suggest this: If we do not entertain it, there is nothing gained by waiting, because under the present parliamentary status the decision on the point of order rests entirely with the Speaker, and we will do no business from now until 12 o'clock. All the other people have gone and are resting sweetly in their beds, and are permitted to remain there.

Mr. JAMES. With the greatest deference to the gentleman from Nebraska, for whom I have the greatest respect, I would suggest that these same gentlemen have been home peaceably sleeping all through the weary hours of this night, and we have been compelled to stay here. Does the gentleman think we ought, with but a short time now until day breaks, to go away from our duty? Ought we not to stay here and call them here on the warrants issued by this House to bring absentees here to perform their duties?

Mr. NORRIS. Does not the gentleman think the warrants issued by this House ought to be put in the hands of a Sergeant-at-Arms that will bring them here? [Applause.]

Mr. JAMES. I agree that it would be possible still to have a different Sergeant-at-Arms to carry out the mandates of this House, but not so long as the present situation remains.

Mr. NORRIS. But you are powerless to help the situation at present.

Mr. JAMES. I will say to the gentleman from Nebraska that that is the most pitiable plea, that the mandate issued to bring absent Members in for the purpose of performing the public duties for which they were elected can not be and will not be obeyed; if so, then I agree with him that somebody ought to be elected as Sergeant-at-Arms who will obey the mandates of the House and execute the orders of the House.

Mr. NORRIS. I agree with that proposition. I do not believe that a fair, honest, diligent search has been made by the Sergeant-at-Arms. [Applause.]

Mr. JAMES. Certainly not.

Mr. NORRIS. I do not believe he has made a fair attempt to perform his duty or to carry out the mandate of this House; but I should like to say to the gentleman at the same time that we can not elect a new Sergeant-at-Arms before 12 o'clock, consequently, in my judgment, we are only keeping ourselves from rest while the others are resting, so that they can renew the fight at 12 o'clock to-day.

Mr. JAMES. I will say to the gentleman from Nebraska that so concerned am I for the people's rule of the Congress of the United States that I am willing to lose one night's sleep in order that that rule may be sustained. [Applause.]

Mr. NORRIS. I want to say to the gentleman from Kentucky that I am likewise willing to lose a night's sleep, and have already done so. It seems to me we have now demonstrated to the country, without remaining here any longer, that the wonderful power of the Speaker which we are trying to curb is absolutely in control, and that we will gain nothing by

still longer having ourselves to suffer, while those who are trying to pervert the will of the House are quietly resting.

Mr. JAMES. But as the hour is now 5.20 o'clock on the morning of the 18th of March, and we have already been here all night long, while the gentleman and I saw the regular Republicans—the Cannonites—leave this Hall for the purpose of breaking a quorum, does the gentleman not think that we might take some steps by appointing deputies who might go forth with the warrants issued by this House, arrest and bring those gentlemen here, in order that we might proceed with the performance of the public business?

Mr. NORRIS. I would favor a resolution that would make a proper investigation of the office of the Sergeant-at-Arms, with a view of bringing him to the bar of this House on account of what I believe to be his misconduct in office.

Mr. JAMES. I want to say to the gentleman from Nebraska that I do not dispute his good faith in his effort to overthrow this tyranny that has held this House in its grasp for all these months. I honor the gentleman from Nebraska for the effort he has made in trying to liberate this House from the thraldom of Cannonism; but I say to him that in my judgment we can best subserve the great effort that we have made by staying in session until the hour of 12 o'clock arrives, as we have stayed here already all night and lost a night's sleep, and demonstrate to the country that we are willing to lose a night's sleep for a fight to liberate the people from the tyranny of one man.

Mr. NORRIS. I think we have already demonstrated that.

Mr. RUCKER of Missouri. I should like to ask the gentleman from Nebraska a question.

Mr. JAMES. The gentleman from Nebraska will further admit, I presume, that the Speaker heard nine hours' debate on this question and sat stubbornly and refused to rule on the question.

Mr. NORRIS. Everybody knows that.

Mr. JAMES. It was done plainly for the purpose of filibustering, in order that he might get absent Members here, fearing a test on the part of the Members then present in the House of Representatives.

Mr. RUCKER of Missouri. As I understand the parliamentary situation, if an adjournment should be taken now, the pending matter could not be reached again until after the House convened to-day at 12 o'clock and business on the Speaker's table was disposed of.

Mr. BURLESON. And pension bills disposed of.

Mr. RUCKER of Missouri. Suppose in the disposition of any of those matters upon the Speaker's table a point of order should be made. Is the gentleman prepared to say just when that point of order would be disposed of?

Mr. NORRIS. No.

Mr. RUCKER of Missouri. Might it not be delayed indefinitely?

Mr. NORRIS. I understand, but at the same time the present point of order could be deferred, so I do not see that anything would be gained.

Mr. JAMES. If the gentleman will permit me, the same proposition might have been made to the House at the hour of 12 o'clock; but if in the faithful performance of our duty to our country and for our people we have stayed here all night, does the gentleman not think that at the hour of 5.30 in the morning we might continue to demonstrate to the country that we are still here, willing and ready and able and anxious to perform the public duties of the House?

Mr. OLMSTED. Will the gentleman from Nebraska permit me to ask him a question?

Mr. NORRIS. I have not the floor.

Mr. OLMSTED. Will the gentleman from Kentucky yield?

Mr. JAMES. I will yield to the gentleman from Pennsylvania.

Mr. OLMSTED. I desire to ask the gentleman from Kentucky if he is in favor of the conservation of our natural resources? If so, does he not think it would be better to let us go home and go to bed for a few hours?

Mr. JAMES. I want to say to the gentleman from Pennsylvania that in the battle of humanity the loss of one night's sleep does not affect the conservation of my natural resources. [Laughter.]

Mr. LINDBERGH. Mr. Speaker, I raise the point of order that we are discussing now questions to enlighten the Chair, and I want to ask the question, that when we are discussing that question for the purpose of discussing as near as we can the Chair how to rule, should not the Speaker himself be in the chair, instead of a part of the time being out of this Chamber and a part of the time being in other places, where he does not hear or understand what the discussion is?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARK of Missouri. Does all of that business on the Speaker's table come in ahead of this question in the ordinary procedure of the House?

The SPEAKER pro tempore. It might.

Mr. CLARK of Missouri. One of them, I understand, is a District of Columbia bill.

The SPEAKER pro tempore. The Chair is informed that it is a little bill relating to some claim.

Mr. CLARK of Missouri. And these bills might be made to take up two or three days of time.

The SPEAKER pro tempore. They would be entirely within the power of the House. The question of consideration could be raised at any time.

Mr. CLARK of Missouri. I would like to inquire—I am not certain that it is a parliamentary inquiry—how many of these bills there are there?

The SPEAKER pro tempore. There are seven bills.

Mr. CLARK of Missouri. And that could very easily be made to take one parliamentary day?

Mr. JAMES. Seven days.

Mr. CLARK of Missouri. On the question of consideration you could have a roll call on every one of them, if not two.

Mr. HAUGEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HAUGEN. Is not this war-claims day under the rule of the House?

The SPEAKER pro tempore. The Chair will say to the gentleman that Friday is assigned to war claims, but a motion to take up that business is not in order until after the disposition of unfinished business.

Mr. JAMES. What is the difference in the parliamentary status of adjournment until 12 o'clock noon and a recess until 11.55 to-day?

The SPEAKER pro tempore. The recess would continue the legislative day.

Mr. JAMES. And that would be this question?

The SPEAKER pro tempore. So far as the question pending before the House is concerned, the question of order, as the Chair has stated, in the judgment of the Chair the status would be what it is now.

Mr. JAMES. That is absolutely correct, in my opinion. So if we take a recess this question would come up, and if we take an adjournment other business might block it.

The SPEAKER pro tempore. The business on the Speaker's table might be taken up.

Mr. JAMES. And that might take days to dispose of.

The SPEAKER pro tempore. The gentleman from Kentucky is quite as competent to judge of that as the Chair.

Mr. JAMES. I hardly think so; I am willing to assert that it would take many days.

The SPEAKER pro tempore. The Chair is informed that they are not important bills and would not take much time. The question of consideration could be raised.

Mr. BEALL of Texas. If it takes the Speaker sixteen hours on a point of order not to decide it, how long would it take the House on six or seven bills? [Laughter.]

Mr. JAMES. Well, I would like to refer that question to some one wiser than I.

Mr. HAUGEN. A parliamentary inquiry, Mr. Speaker. Would a motion to discharge the present Sergeant-at-Arms and elect his successor be in order at this time?

The SPEAKER pro tempore. It would not.

Mr. HARDWICK. Mr. Speaker, would a motion be in order that the House appoint additional deputies to execute the orders of the House?

The SPEAKER pro tempore. Not in the absence of a quorum. No business is in order.

Mr. HARDWICK. Mr. Speaker, the House has a right to transact such business as is necessary to obtain the presence of a quorum, and if, in the opinion of the Members of the House present, who constitute the House even if not a quorum, the present officers are not discharging their duty, undoubtedly the House would have a right to proceed to the appointment of officers who will discharge that duty, and I invoke a ruling at the hands of the Chair.

The SPEAKER pro tempore. It is plain to the Chair that that would be adding to the officers of the House, and of course such business could not be done in the absence of a quorum.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry. If the Chair is correct in that position and the present officers of the House were to flatly refuse to execute the mandate of the House, how would a quorum ever be obtained?

The SPEAKER pro tempore. When the House has obtained a quorum——

Mr. HARDWICK. Have we not the right to force attendance of Members in order to make a quorum? And have we not the right to take each and every measure that is necessary, in our judgment, to secure that purpose and to carry it out?

Mr. RUCKER of Missouri. It seems to me there ought not to be any difficulty about that. They have brought in one Member, the gentleman from Ohio [Mr. HOLLINGSWORTH], and they have been at it only five hours. They are doing pretty well.

Mr. HARDWICK. I want to submit a privileged motion. I move that the House appoint Mr. Joseph Sinnott as Assistant Sergeant-at-Arms, with such force as he may employ to assist him to execute the mandate of this House previously made in this case, and force attendance of the absent Members.

Mr. RUCKER of Missouri. I would like to suggest that he find the Sergeant-at-Arms and bring him in.

Mr. HARDWICK. I do not know that it is necessary, although I want to repeat, before we vote, the argument I made. It is ridiculous to say that this House has not the power to employ men to execute its mandates on this subject; that is, securing and forcing the attendance of a quorum here, no matter if it can do nothing else on earth, and unless we have that power we are helpless, if our own servants refuse to obey us. We might sit here a year, as has been suggested, helpless and powerless because some underling refuses to obey the mandate of this House.

The SPEAKER pro tempore. The House is now proceeding under the terms of the rule of the House, which the Chair will ask the Clerk to read.

The Clerk read as follows:

In the absence of a quorum, 15 Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested wherever they may be found by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk, to be entered upon the Journal as present.

Mr. HARDWICK. Mr. Speaker, I desire to call the attention of the Chair to the words of the rule itself. It says that we have the power to enforce the attendance of these men, to use whatever means, in our judgment, are necessary to accomplish that purpose, and if it is evident, as I believe it is evident, to this House that the means we now have are insufficient for that purpose and will not accomplish it, then we have the right, under the rule just read, to employ such means as are necessary and will accomplish that purpose.

Mr. GARRETT. Mr. Speaker, I wish to call the attention of the Chair to the language contained in section 5 of Article I of the Constitution:

Each House shall be the judge of the elections, the terms, and qualifications of its own Members, and a majority of each (House) shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner and under such penalties as each House may provide.

Now, in pursuance of this a rule has been prescribed that, I apprehend, this being a constitutional provision, less than a majority may proceed under it in such manner as it may be provided.

Mr. SAUNDERS. Mr. Speaker, I would just like to suggest, in that connection, that whenever a grant of power is made, there goes with the grant of power the means that may be needed to make it effective, as has just been pointed out by the gentleman from Tennessee. We have a grant of power in the Constitution entirely apart from anything that may be contained in the rules, that we derive from the organic law, the necessary means, the right to use the necessary means to make effective the power that is granted by that section.

Mr. HARDWICK. One other word before the Chair rules. Just a few moments ago the present occupant of the chair ruled that this House, or the Members who were present, less than a quorum, had the right to require a report from the Sergeant-at-Arms as to the progress of the work that he was then engaged in, to wit, the work of securing the attendance of a quorum.

The SPEAKER pro tempore. Undoubtedly.

Mr. HARDWICK. Now, Mr. Speaker, this is exactly the same proposition.

The SPEAKER pro tempore. Not at all.

Mr. LENROOT. Mr. Speaker, may I cite the Chair to Hinds's Precedents, paragraph 2994, which reads as follows:

A quorum is not required on motions incidental to a call of the House. On August 26, 1890, a motion having been made to dispense with all further proceedings under the call, it resulted, on a roll call—yeas 127, nays 21.

Mr. William E. Mason, of Illinois, made the point of order that no quorum was present.

The Speaker pro tempore overruled the said point of order on the ground that a quorum was not required on any motion on a proposition touching the call of the House.

Is not the motion made by the gentleman a motion touching a call of the House, and is not that an incidental motion such as described in this precedent?

The SPEAKER pro tempore. The Chair would call the attention of the gentleman to the fact that this is not concerning a call of the House. This is a clear out-and-out proposition to increase the officers of the House. Now, it seems to the Chair that the error of the position assumed by the gentleman from Georgia and the gentleman from Virginia is that they give to less than a quorum the power that belongs to a quorum of the House.

Mr. HARDWICK. To appoint temporary employees only.

The SPEAKER pro tempore. It matters not. Now, under the constitutional provision, which was cited by the gentleman from Tennessee, the House enacted section 2 of Rule XV and prescribed the manner in which Members should be compelled to attend upon a call of the House, and specifically provided that it must be by order of a majority of those present; to be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose. There is no doubt about the power of the House to call to the bar of the House the Sergeant-at-Arms, or to discharge the Sergeant-at-Arms, for that matter, when the House is in possession of its powers, having a quorum; but it is not in the power of less than a quorum to add to the officers of the House, especially in view of the fact that the rules specifically provide how this power of the House shall be exercised.

Now, the Chair would like to suggest to those gentlemen who have been here a number of years, the older Members of the House, that this is no unusual experience. It has always been found impossible, so far as the Chair's recollection goes, to obtain a quorum upon a call of the House at a very late hour, especially after midnight, and the Chair thinks it is not in order to entertain the motion.

Mr. HARDWICK. Mr. Speaker, I appeal from the decision of the Chair.

Mr. SABATH. Then, in that respect the rules are defective.

The SPEAKER pro tempore. The Clerk to the Speaker's table calls to the Chair's attention a footnote in volume 4, page 104, which the Clerk will please read.

The Clerk read as follows:

The House, by sections 2 and 4 of Rule XV (see secs. 2982 and 3041 of this chapter), has provided for compelling attendance of absent Members. The Senate has a rule (sec. 3 of Rule V) which permits a majority of those present to "direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators." On February 24, 1879 (3d sess. 45th Cong., RECORD, p. 1856), the Senate was proceeding to order its Sergeant-at-Arms to compel the attendance of absent Senators and use all necessary means for that purpose, when a quorum appeared. On February 23, 1871 (3d sess. 41st Cong., Globe, p. 1592), the Senate debated at length its rule for securing attendance of absentees. On February 23, 1883 (2d sess. 47th Cong., RECORD, pp. 3178–3186), the Senate considered a proposition to compel the attendance of absent Senators, a Cabinet officer, at whose house several were dining, having denied admission to the officer of the Senate who was sent to "request" the attendance of absentees.

In the Senate it seems to have been held that under the Constitution there is no power to compel the attendance of absentees except at the first meeting of the Senate, and that for subsequent meetings the power must be given by a rule, as in the House. See statement of Senator Fessenden on May 4, 1864 (1st sess. 38th Cong., Globe, p. 2089).

The SPEAKER pro tempore. So that the House, having by rule provided, as it was authorized by the Constitution to do, for the presence of absent Members by a specific mode, it is not, in the opinion of the Chair, possible, with less than a quorum present, to increase the officers of the House.

Mr. LENROOT. If the Chair will permit me to submit something further on the question——

The SPEAKER pro tempore. Certainly.

Mr. LENROOT. In Hinds's Precedents, 3029, it says:

On February 19, 1894, during a call of the House Mr. Richard P. Bland, of Missouri, offered a resolution that the Sergeant-at-Arms arrest absent Members, that the order should continue in force beyond the adjournment of that day and until the further order of the House, and that a sufficient number of deputies be appointed to execute the order.

The SPEAKER pro tempore. That was in the House.

Mr. LENROOT. The point was made that no quorum was present, and therefore it was not in order.

After debate, the Speaker pro tempore overruled the latter point, holding that the motion of Mr. Bland being a proceeding to compel the at-

tendance of absent Members, and having been submitted pending a call of the House, a quorum was not required to decide the question.

The SPEAKER pro tempore. That was certainly true, because the constitutional provision is that less than a quorum can take such action as is necessary. The House is in full possession of its powers at the time it orders a call of the House for the purpose of making such call. What was done in the House in the case cited was part of the call of the House, which is authorized by the Constitution to be made by less than a quorum. But there is no authority for the proposition that, there being less than a quorum of the House present, it may increase the officers of the House.

Mr. HARDWICK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HARDWICK. If, then, we should not have a faithful Sergeant-at-Arms, the House then, according to the rule and according to the opinion of the present occupant of the chair, would be absolutely at the mercy of its servant?

The SPEAKER pro tempore. Not the House, but less than a quorum of the House.

Mr. HARDWICK. Therefore there would be no way of compelling a quorum at any time in the future?

The SPEAKER pro tempore. The House meets every twenty-four hours.

Mr. HARDWICK. It might not have a quorum when it met again.

The SPEAKER pro tempore. It is very dangerous to decide a legal proposition upon an extreme case.

Mr. HARDWICK. And the case supposed by the Chair is so extreme that, with all due respect to the decision of the Chair, I appeal from its decision.

Mr. JOHNSON of Kentucky. Do I understand the Speaker to hold that if there is one less Member present than half of the entire House, the Sergeant-at-Arms, the servant of the House, has more authority than one-half of the House minus one?

The SPEAKER pro tempore. Oh, certainly not.

Mr. JOHNSON of Kentucky. Then, is it not a fact that less than a quorum has more power in this House than the Sergeant-at-Arms has?

The SPEAKER pro tempore. If that is the gentleman's inference.

Mr. JOHNSON of Kentucky. I am asking if that is not the effect of the decision of the Chair.

The SPEAKER pro tempore. In the judgment of the Chair, it is not.

Mr. HARDWICK. I respectfully ask for a vote on my appeal.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the resolution may be again reported.

Mr. HARDWICK. I will state it orally, if it will satisfy the gentleman. It is that Mr. Joseph Sinnott be instructed to employ such assistance and all the means necessary in order to execute the order of the House previously made, in order to secure a quorum to attend to the public business.

The SPEAKER pro tempore. And the Chair rules that the motion of the gentleman from Georgia is not in order, and from that ruling of the Chair the gentleman from Georgia appeals. The question is, Shall the judgment——

Mr. OLMSTED. A parliamentary inquiry. Can the Chair entertain an appeal?

The SPEAKER pro tempore. The Chair understands it has been decided that an appeal may be had while a call of the House is in progress. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken, and the decision of the Chair was overruled.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia [Mr. HARDWICK].

The question was taken, and the motion was agreed to.

Mr. SABATH. Then, because the Sergeant-at-Arms failed in the attempt to bring the Members in, it is necessary that new warrants should issue?

The SPEAKER pro tempore. Well, that is a question for the House to determine.

Mr. JAMES. I suggest to the Chair that warrants have already issued, have they not?

Mr. SABATH. Should new warrants issue?

The SPEAKER pro tempore. That is a matter on which the Chair is not required to express an opinion.

Subsequently,

Mr. HARDWICK. Mr. Speaker, I move that the Speaker be instructed to issue warrants authorizing Mr. Sinnott and his assistants to execute the order of the House. A parliamentary inquiry, Mr. Speaker. In the judgment of the Chair, is it necessary that this additional force should have other and additional warrants in order to enforce the attendance of Members?

The SPEAKER pro tempore. That is a question the Chair would not like to commit itself on without some investigation. The gentleman from Georgia is quite as capable of answering that question as the Chair.

Mr. SAUNDERS. Ought not the assistants provided for be furnished with a copy of this order? That will furnish them the necessary authority.

Mr. HARDWICK. Mr. Speaker, in order to remove any doubt, I move that warrants issue in the name of the Speaker, that they be delivered to the gentlemen appointed under the resolution just passed to execute the order of the House to secure the attendance of a quorum. I ask that it be done in the usual form and delivered to the gentlemen just appointed.

Subsequently,

Mr. BURLESON. Mr. Speaker, I demand the regular order. The regular order is to submit the motion made by the gentleman from Georgia.

The SPEAKER pro tempore. The Chair so understands. The Chair is going to act in a moment. There is no special haste about it.

Mr. BURLESON. Well, I demand the regular order, Mr. Speaker.

The SPEAKER pro tempore. The Chair is of the opinion that the motion made by the gentleman from Georgia is in precisely the same situation as the motion which the Chair held a moment ago to be out of order. In that case the Chair was overruled by the House. The Chair will hold in this case that the motion is out of order and permit the House to pass upon it.

Mr. HARDWICK. I appeal from the decision of the Chair.

The SPEAKER pro tempore. The gentleman from Georgia appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken.

The SPEAKER pro tempore. The ayes have it, and the decision of the Chair is overruled. The question now is on the motion of the gentleman from Georgia.

The question was taken, and the motion was agreed to.

Subsequently,

Mr. RUCKER of Missouri. Mr. Speaker, I would like to propound a query to the Chair. I would like to know if the warrants for absentees have been issued?

The SPEAKER pro tempore. The Chair is informed that they are being prepared as rapidly as possible.

Mr. RUCKER of Missouri. The warrants are being issued?

Subsequently,

Mr. BURLESON. A parliamentary inquiry. How many Members do we lack of having a quorum?

The SPEAKER. Sixteen.

Subsequently,

Mr. BURLESON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Texas.

Mr. BURLESON. I desire to know whether the additional warrants authorized by the House to be intrusted to Mr. Joe Sinnott have been issued and signed by the Speaker.

The SPEAKER. The warrants have already been issued to the proper officer prescribed by the rules, made under the Constitution, and are in the hands of the proper officer, who the Chair has no doubt is proceeding under the rules, made by authorization of the Constitution, to arrest absentees.

Mr. BURLESON. Mr. Speaker, with due respect to the Speaker, the query propounded has not been answered. Has the warrant issued by the House——

The SPEAKER. The Chair declines to be catechised by the gentleman touching this matter. The Chair will proceed under the Constitution, under the law, and under the rules, in compliance with the methods prescribed by the House.

Mr. BURLESON. With due respect to the presiding officer, I want to know whether the Speaker refuses to communicate to the House whether he has carried out the orders of the House with reference to the issuance of the warrant ordered to be intrusted to Mr. Joe Sinnott.

The SPEAKER. When the House has a quorum the Speaker will make a communication to the House for the information of the House.

Mr. BURLESON. Do I understand that the Speaker has ruled that he will not recognize the order of the House?

The SPEAKER. The Chair has not ruled as to a ministerial duty under the rules and the Constitution.

Mr. BURLESON. I could not hear the suggestion made by the parliamentary adviser of the Speaker.

The SPEAKER. The Speaker has complied with the order that the House with less than a quorum has authority to make under the rule——

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. And the Chair does not care further at this time, without a quorum, to say more.

Mr. UNDERWOOD. Mr. Speaker, without a quorum there are certain purposes that a Member of the House is entitled to rise for. I desire to call the Speaker's attention to the fact that the House has one constitutional right that it can perform, even when a quorum is not present. That is the summoning of Members to attend the House.

The SPEAKER. And that has been done for every absentee who has not leave of absence under the order of the House.

Mr. UNDERWOOD. Mr. Speaker, if the Speaker will allow me, I understand that the House has ordered one of the employees of the House by special order to summon absentees.

The SPEAKER. Not the House.

Mr. UNDERWOOD. If the Speaker will allow me, with all due respect, the House has a constitutional function that it can perform, even if a quorum is not present.

The SPEAKER. And it has performed that function in accordance with the rule.

Mr. UNDERWOOD. But under the Constitution it can perform that function as it pleases. There is no limitation in the Constitution as to how it shall summon the Members to be present here.

The SPEAKER. In this ministerial duty performed by the Speaker, and for which the Speaker or any officer would be responsible, the Speaker must determine for himself as to his duty in the performance of that ministerial function.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. And the gentleman, whom the Chair desires to treat with courtesy——

Mr. UNDERWOOD. The gentleman always desires to treat the Speaker with courtesy.

The SPEAKER. The gentleman has not even examined what precedents there are touching this matter. The Chair in the last few minutes has been examining, and so far as there are precedents the Chair is inclined to be convinced that the House having under the Constitution provided how less than a quorum can get a quorum, the proceedings of less than a quorum to get a quorum must be under the provisions made by the House. Now, the Chair may be wrong, but——

Mr. UNDERWOOD. Will the Chair allow me——

The SPEAKER. The Chair will not exericse this ministerial duty otherwise than is provided by the rules made in compliance with the Constitution.

Mr. BURLESON. Mr. Speaker, a parliamentary inquiry. Do I understand that the Speaker declines to sign the warrant ordered by the House?

The SPEAKER. The Speaker states that he has already signed warrants for all absent Members, and has no reason to doubt that the warrants are being executed, ever since they have gone into the hands of the Sergeant-at-Arms.

Mr. BURLESON. With due respect to the Speaker, I desire to propound this query: Has the Speaker signed the warrants to be intrusted to Joe Sinnott, as ordered by the House?

The SPEAKER. The Speaker has no knowledge of Joe Sinnott, and the Speaker desires to say nothing further than he has said until a quorum of the Houes appears.

Mr. WILSON of Pennsylvania. Mr. Speaker, a parliamentary inquiry. Is the Speaker of the House——

The SPEAKER. That is not a parliamentary inquiry.

Mr. WILSON of Pennsylvania. Wait a moment, until I state it, and then the Speaker will be able to determine. Is the Speaker of the House the Speaker of it when there is no quorum, the same as he is when there is a quorum?

The SPEAKER. Under very different limitations.

Mr. WILSON of Pennsylvania. If the Speaker is Speaker of the House when there is no quorum, the same as he is when there is a quorum, then I submit that he should carry out the will of the House when there is no quorum the same as he should when there is a quorum.

Mr. RUCKER of Missouri. He ought to do it anyhow, on general principles.

The SPEAKER. The Speaker is under the constraint that he is bound by a rule of the House adopted when it had a quorum; and acting in this ministerial capacity, will be bound by that rule, and not by a request of the gentleman or a request of less than a quorum.

Mr. UNDERWOOD. If the Speaker will allow me, I desire to read from the rules of the House.

The SPEAKER. The Chair does not desire to take——

Mr. UNDERWOOD. I am stating a parliamentary point of order—there is no business before the House.

The SPEAKER. In the absence of objection, the Chair will hear the gentleman.

Mr. UNDERWOOD. I desire to state this question: Section 2 of Rule XV reads as follows:

In the absence of a quorum, 15 Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed—

And so forth.

The SPEAKER. Continue the reading, please.

Mr. UNDERWOOD. I am reading from section 2 of Rule XV, that is a reenactment of the Constitution of the United States.

Mr. OLMSTED. But the gentleman does not read all of it.

Mr. UNDERWOOD. This is the rule under which we are proceeding.

The SPEAKER. The gentleman has only read a part of it.

Mr. UNDERWOOD. I will ask the Clerk to read it all.

The Clerk read as follows:

2. In the absence of a quorum, 15 Members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent Members, and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted; and those for whom no sufficient excuse is made may, by order of majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured and retained; and the House shall determine upon what condition they shall be discharged. Members who voluntarily appear shall, unless the House otherwise direct, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

Mr. UNDERWOOD. Now, during the absence of the Speaker when he appointed the gentleman from Pennsylvania [Mr. DALZELL] to act as Speaker pro tempore, the fact that Members were not being brought into the House under the formal call of the House, the House itself, or those present, passed a resolution that was recognized by the Speaker pro tempore, the gentleman designated by the Speaker, authorizing Joe Sinnott, one of the employees of the House, to serve certain warrants.

When that was done that was not the order of the Speaker, but it was the order of this House, acting within its constitutional limitations, for the purpose that the Constitution expressly says that any 15 Members of this House could perform. The question before the House is whether that order has been carried out, and it seems to me it is a very proper question, clearly within the powers of the House, notwithstanding a quorum was not present to compel a quorum to be present. It is very clear, Mr. Speaker—I do not make the charge—but it is very clear that if the Sergeant-at-Arms refused to obey the will of the membership of this House, acting within their constitutional limitations, that those Members, under the Constitution, would have a right to select or appoint the proper men to execute their will and bring in the absent Members of this House before the House, to constitute a quorum, in order that the business of the House might be transacted. It was the judgment of the House, if the House in its judgment believed that the Sergeant-at-Arms was thwarting the will of the House, and, after a reasonable time, was not producing absentees—I think it is clear that this House has the right to appoint such persons as it thought necessary to bring absent Members to the bar of the House. Now, I ask the Speaker to rule under these circumstances whether it was not within the power of less than a quorum, if it were 15 Members, to compel the attendance to this House by such means as the membership of this House saw fit to adopt?

Mr. OLMSTED. I would like to put a question to the gentleman from Alabama from a purely legal standpoint.

Mr. UNDERWOOD. I would be glad to hear the gentleman.

Mr. OLMSTED. The Constitution says that—

Each House shall be the judge of the elections, returns, and qualifications of its own Members, and a majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized—

Not that it may itself do it without authorization, but a smaller number than a quorum may be authorized—

to compel the attendance of absent Members in such manner and under such penalties as each House may provide.

That is to say, the House, which requires a quorum to do business, must provide the manner by which less than a quorum may be authorized to compel the attendance of Members. The House has provided such a manner in that rule which the gentleman quoted. The second paragraph of the rule says, not reading the whole of it, that those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested wherever they may be found—

by officers to be appointed by the Sergeant-at-Arms for that purpose.

Now, admittedly no quorum being present, those who were present, less than a quorum, authorized, or attempted to authorize, Joseph Sinnott to make arrests of Members, and directed the Speaker to issue warrants to him for that purpose.

I ask the gentleman from Alabama if he would like to go on Joseph Sinnott's bond if he should on such warrant arrest people and bring them here, and they should bring suit for false arrest?

Mr. UNDERWOOD. Mr. Speaker, there can be no question that where there is authority granted by the Constitution of the United States——

Mr. OLMSTED. But that authority is granted to the House, not to a number smaller than a quorum.

Mr. UNDERWOOD. That stands above all the rules that this House can adopt, and the Constitution of the United States clearly, without any question or equivocation, authorized any 15 Members of this House to summon before the bar of this House the absentees and force a quorum here, and any rule that we adopt can not change the Constitution of the United States. Now, I say that if the Constitution of the United States authorizes 15 Members to summon a quorum, it does not mean that they have got to be appointed by some rule that some House has adopted. They are appointed by the Constitution.

Mr. OLMSTED. The Constitution says in such manner as the House shall provide.

Mr. UNDERWOOD. Why, of course, the House that is present there then.

Mr. OLMSTED. No; it does not say that.

Mr. UNDERWOOD. Why, suppose the House met and there was no quorum here, under rules adopted, does the gentleman think because of that lack of a quorum it could not summon the absentees?

Mr. OLMSTED. I certainly think that without some previous authority of the House no 15 Members could cause Members to be arrested.

Mr. UNDERWOOD. If the Constitution authorizes the summoning of Members here, does the gentleman think that the fathers of the Constitution would be so childish as to adopt a provision that did not intend to give this House the power to enforce its commands?

Mr. OLMSTED. The Constitution says the House may provide a manner to do it, and without such manner there is no authority under the Constitution, which just as clearly requires the presence of a quorum.

Mr. UNDERWOOD. The gentleman knows as well as I do that the very first Congress that ever met met without a quorum.

Mr. OLMSTED. Did they arrest anybody?

Mr. UNDERWOOD. No; but they sent for them; and if they could send for them, they could arrest them.

Mr. OLMSTED. Well, I renew my question, whether the gentleman from Alabama would be willing to go on the bond of Joseph Sinott?

Mr. UNDERWOOD. I would have no hesitancy at all if it was under the order of this House. It is the only constitutional function the House can perform without a quorum, but it can perform that function just as well without a quorum as with a quorum. There can be no question about that. This House is a House to transact business, so far as summoning Members here is concerned, whether it has a quorum or not, and any action that this House takes to summon a quorum here is legal and authorized by the Constitution.

Mr. HARDY. If the proposition maintained by the gentleman from Pennsylvania [Mr. OLMSTED] is correct, then, in case this House should happen to be without a quorum when the Sergeant-at-Arms was sick or happened to have died, this House would be absolutely powerless to secure a quorum, because the Sergeant-at-Arms, when the House had a quorum, had passed away; or, more possible, because the Sergeant-at-Arms might be sick or should absolutely refuse to execute the orders of the House. And for all time this House might remain without a quorum, because the Sergeant-at-Arms might sit in his office and refuse to exercise the order of the House as it was given to him. It seems to me we would be putting ourselves in an absurd position by saying that the Sergeant-at-Arms can refuse to execute the orders of the House made under the Constitution at his own sweet will and pleasure, and that this House can not bring a quorum to its floor by any means whatever. I believe that the Constitution intended that, for the purpose of securing a quorum, 15 Members should have all the powers of the full House; and if any rule of the House would operate to destroy that intention of the Constitution, that rule is void.

Mr. BURLESON. Mr. Speaker, I desire to ask the gentleman from Alabama a question. Mr. Speaker, as I understand it, the question before us is this: During the absence of the present occupant of the chair, while the gentleman from Pennsylvania [Mr. DALZELL] was presiding, the House ordered the issuance of certain warrants for absent Members, and in addition thereto ordered the Speaker to sign those warrants and intrust them to Joseph Sinnott for service. The question now is, whether the Speaker has carried out the mandates of the House and signed those warrants, and I rise to a question of parliamentary inquiry: Has the Speaker signed and delivered those warrants?

The SPEAKER. It is not a parliamentary inquiry; it is a question of fact.

Mr. BURLESON. Well, are we to understand the Speaker to decline to answer?

The SPEAKER. The Chair desires to say it is easy, especially after an all-night session, for gentlemen to wax eloquent——

Mr. BURLESON. There is no eloquence.

The SPEAKER. And grow suspicious——

Mr. BURLESON. There is no suspicion.

The SPEAKER. And at times even a Member of this House may be careless in the use of words in imputing to those who are not Members of this House, charged with the performance of official duty, bad faith and a want of performance of their duty. In the judgment of the Chair, confirmed by the experience of many years, a quorum was never obtained in the early morning hours until at least after daylight, and while men ought not perhaps to be held to strict accountability for what they say, even to themselves, yet the Chair has heard some very severe language, based upon suspicion, against an officer of this House who has no opportunity to reply. So much for that.

Mr. BURLESON. Mr. Speaker——

The SPEAKER. The Speaker has the floor now.

Mr. BURLESON. I beg the Speaker's pardon; I thought he had concluded his statement.

The SPEAKER. Now, the Chair listened to the gentleman from Alabama [Mr. UNDERWOOD], also to the gentleman from Pennsylvania. The gentlemen are familiar with the provision of the Constitution.

The Chair will read it again, notwithstanding it was read by the gentleman from Pennsylvania:

> A majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day.

That is one thing they can do.

> And may be authorized—

Who may be authorized? The smaller number may be authorized—

> to compel the attendance of absent Members in such manner and under such penalities as each House may provide.

It does not say that the smaller number may authorize of itself. Now, then, it is a matter that has been talked about from time to time, the Chair apprehends, in both bodies, and the Chair reads now from Hinds's Digest (Vol. IV, section 2980, footnote):

> In the Senate it seems to have been held that under the Constitution there is no power to compel the attendance of absentees except at the first meeting of the Senate, and that for subsequent meetings the power must be given by a rule, as in the House. (See statement of Senator Fessenden on May 4, 1864, 1st sess. 38th Cong., Globe, p. 2089.)

Now, then, to say the least of it, the Chair, in the performance of his ministerial duty—the House having adopted a rule as the Constitution authorizes it to do—will hesitate long in the exercise of a ministerial duty before he will sign a warrant upon the request of the gentleman from Texas, a Member of the House, or upon the request of less than a quorum——

Mr. BURLESON. Mr. Speaker, if the Speaker will permit an interruption there——

The SPEAKER. Oh, yes; unless the warrant conforms with the procedure that had been provided by the rule. Now, in the opinion of the Chair, having somewhat hastily examined the question, the warrant would be void if signed by the Speaker—the warrant to which the gentleman refers—and if it went into the hands of Mr. Sinnott, whoever he may be, it would be no protection to him, and that being the best opinion of the Chair, the Chair, at least for the present, declines to sign the warrant.

Mr. UNDERWOOD. Mr. Speaker, of course the question came up for this reason: The House has been here in session without a quorum since 2.30 o'clock this morning. The Sergeant-at-Arms has arrested, I am informed, one gentleman and produced him at the bar of this House. Some four hours and a half have intervened——

The SPEAKER. Now, does the gentleman want that to go as his statement? Many gentlemen have come to the bar of the House and have been produced by the Sergeant-at-Arms, not handcuffed and dragged in, of course, in a manner distasteful to the Members.

Mr. UNDERWOOD. The Sergeant-at-Arms has produced 1 Member. I think there are probably 25 or 30 Members, or near that number, anyhow, that have voluntarily appeared before the House.

The SPEAKER. The Chair since he took the chair, a very short time ago, has seen several members brought in accom-

panied by the officers, and the Chair is informed that 48 Members have been brought in; and the Chair only interrupts the gentleman, knowing, as the Chair does know the gentleman from Alabama, that under all conditions he would not make the statement that he does about an officer of this House until he was thoroughly advised that he was correct.

Mr. UNDERWOOD. Mr. Speaker, "the gentleman from Alabama" would not do anything that he was not advised was correct, and I am advised that so far—although I was absent from the House some time last night, say a couple of hours—by Members around me, that until the last half hour the Sergeant-at-Arms himself produced one man at the bar of this House. Four or five men were produced a minute ago.

Now, we have had four hours and a half, or nearly five hours, since this order was made. We are entitled to a quorum of this House. There has been ample time for the Sergeant-at-Arms to produce a quorum here, and I think the membership of this House, even if less than a quorum, has a perfect right and an orderly right to inquire into the question, without reflecting on the Sergeant-at-Arms or anybody else, as to whether he has diligently performed the duty that has been prescribed for him to-day by the membership of this House. I do not think it is any reflection, and I would not reflect on any officer of this House unjustly, but I think it is a very proper inquiry as to whether the Sergeant-at-Arms has been diligently doing his duty in this matter.

The SPEAKER. One deputy reports to the Speaker that there are seven men whom he accompanied to the House, having gotten them out of their beds.

Mr. RUCKER of Missouri. Mr. Speaker, may I be heard just one moment?

The SPEAKER. Oh, certainly.

Mr. RUCKER of Missouri. I simply desire to say, Mr. Speaker, if I understood the Chair's ruling on the motion of the gentleman from Alabama [Mr. UNDERWOOD]——

The SPEAKER. The Chair did not make a ruling. The Chair said as at present advised he did not feel that he was authorized or justified in signing additional warrants not issued under the rule of the House. That is all.

Mr. RUCKER of Missouri. Mr. Speaker, I withdraw very cheerfully and gladly the words I used inadvertently when I said "the Speaker's ruling," because I am well aware that nothing has transpired here within the last twenty-four hours which would justify me in suggesting the Speaker has made any ruling whatever. But I understood the Speaker to say that he had not signed the warrants——

The SPEAKER. The gentleman misunderstood. He signed the warrants as soon as they could be prepared.

Mr. RUCKER of Missouri. I mean the last warrant—the one I am talking about. The Speaker has just said if he had signed this warrant it would have been void, and would have afforded Mr. Sinnott no protection.

Now, I merely want to say, in my humble judgment, if the Speaker had signed the warrant ordered by the Members, and if such warrant had been void as suggested by the Speaker, and Mr. Sinnott had gone forth in this city seeking to arrest and bring before the bar of this House Members who are absent, in reckless disregard of their oaths and duty, if he had no greater success than the Republican Sergeant-at-Arms and his deputies, he could not possibly have subjected himself to more than nominal liability on account of his action.

Mr. JAMES. Mr. Speaker, I would be glad if the Speaker would be so gracious as to hear me for a moment on this question of parliamentary inquiry.

The SPEAKER. There is nothing to do but talk.

Mr. JAMES. If that be so, I am sure the Speaker will hear me. When the Speaker was not in the House, therefore not in the chair, a motion was put by the gentleman from Pennsylvania [Mr. DALZELL] as Speaker pro tempore, that Mr. Joe Sinnott be appointed as a special officer of the House to go forth for the purpose of arresting and bringing before the bar of the House certain absent Members, in order that their absence might not interfere with the transaction of public business. The Speaker pro tempore held that motion was out of order, and an appeal was taken from his decision. That appeal was put to the House, and the appeal was sustained by the House. After the appeal was sustained, and the Chair's holding upon the parliamentary status not sustained by the House, a motion was put to the House, directing the Chair, as Speaker of the House, to issue warrants for the purpose of having these gentlemen arrested by this special official.

Now, with all due respect to the Chair, I would like to inquire whether or not that action, taken in that form, is legal, and whether or not the Speaker, in view of that situation, would be justified in holding that he, as the presiding officer, with that record before him, would be performing his duty properly in refusing to sign the warrant for the arrest of those Members by the special officer selected by the House?

Furthermore, not only as a question of parliamentary law, but as a question even higher than parliamentary law, I assert as a lawyer upon this floor, without fear of successful contradiction, the legal status of that warrant issued by the Speaker, under these conditions, would protect the Sergeant-at-Arms in the performance of the mission the House directed him to perform. Any other position would hold that an officer who goes forth to perform a duty that is placed upon him by an authority seemingly regular is taking upon himself the hazard of its regularity. Mr. Speaker, in my judgment that is not only not the law of this House, but it is not the law of any court in any jurisdiction in the United States of America. [Applause.]

The SPEAKER. The Chair has already stated his views in the matter, and it is not necessary to restate them.

Subsequently,

Mr. BURLESON. A parliamentary inquiry. How many more Members are required to make a quorum?

The SPEAKER. The Chair is informed that the roll call shows a quorum. [Applause.]

Mr. OLMSTED. Mr. Speaker, I move to dispense with all further proceedings under the call of the House.

The SPEAKER. The gentleman from Pennsylvania moves to dispense with all further proceedings under the call of the House.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HARDWICK. Division!

The House divided; and there were—ayes 22, noes 62.

Mr. OLMSTED. I demand the yeas and nays.

The SPEAKER (after counting). Twenty-six gentlemen have arisen—a sufficient number——

Mr. JAMES. The other side, Mr. Speaker.

The SPEAKER. The other side is demanded. [After counting.] On this question the yeas are 26 and the nays are 90, and the yeas and nays are ordered.

Mr. JAMES. Tellers, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky demands tellers.

Tellers were ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] and the gentleman from Kentucky [Mr. JAMES] will take their places as tellers.

The House again divided; and tellers reported ayes 30, noes 64.

So the yeas and nays were ordered.

Mr. HOLLINGSWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLLINGSWORTH. I was paired for the night. I notice that my pair voted——

The SPEAKER. The Chair's observation has been, and the Chair itself knows, that several gentlemen who were paired have passed between the tellers. On a yea-and-nay vote the pairs are regarded, but the observation of the Chair is that gentlemen do not respect pairs on a vote by tellers.

The question was taken; and there were—yeas 24, nays 96, answered "present" 31, not voting 237, as follows:

YEAS—24.

Calderhead	Guernsey	Lafean	Olcott
Cole	Hanna	Langham	Olmsted
Creager	Howell, Utah	Longworth	Palmer, H. W.
Draper	Howland	McGuire, Okla.	Sulloway
Durey	Kopp	McKinney	Tawney
Dwight	Küstermann	Moore, Pa.	Woods, Iowa

NAYS—96.

Adair	Edwards, Ga.	Houston	Norris
Aiken	Ferris	Hubbard, Iowa	Oldfield
Barnhart	Fish	Hughes, Ga.	Poindexter
Beall, Tex.	Flood, Va.	Hughes, N. J.	Rainey
Bell, Ga.	Floyd, Ark.	Hull, Tenn.	Rauch
Borland	Foelker	James	Roddenbery
Burleson	Foster, Ill.	Johnson, Ky.	Rucker, Colo.
Burnett	Fowler	Jones	Rucker, Mo.
Byrd	Gallagher	Kitchin	Sabath
Candler	Gardner, Mass.	Lamb	Saunders
Cantrill	Garner, Tex.	Latta	Sheppard
Carlin	Garrett	Lee	Sisson
Clark, Mo.	Gill, Mo.	Lindbergh	Smith, Tex.
Cline	Gillespie	McDermott	Stephens, Tex.
Collier	Gregg	McHenry	Thomas, Ky.
Cooper, Wis.	Gronna	Maguire, Nebr.	Thomas, N. C.
Cox, Ind.	Hamlin	Mann	Tou Velle
Cullop	Hardy	Martin, Colo.	Turnbull
Davis	Haugen	Miller, Minn.	Underwood
Dent	Hay	Moore, Tex.	Volstead
Denver	Hayes	Morrison	Watkins
Dickson, Miss.	Helm	Moss	Webb
Dies	Henry, Tex.	Murdock	Wickliffe
Dixon, Ind.	Hinshaw	Nelson	Wilson, Pa.

ANSWERED "PRESENT"—31.

Adamson	Cook	Howard	Slemp
Allen	Cowles	Hubbard, W. Va.	Spight
Ames	Driscoll, M. E.	Humphreys, Miss.	Stanley
Andrus	Finley	Lever	Steenerson
Bartlett, Ga.	Goldfogle	Maynard	Sterling
Booher	Gordon	Morehead	Taylor, Colo.
Byrns	Hardwick	Shackleford	Taylor, Ohio
Cassidy	Hollingsworth	Sharp	

NOT VOTING—237.

Alexander, Mo.	Englebright	Kinkead, N. J.	Prince
Alexander, N. Y.	Esch	Knapp	Pujo
Anderson	Estopinal	Knowland	Randell, Tex.
Ansberry	Fairchild	Korbly	Ransdell, La.
Anthony	Fassett	Kronmiller	Reeder
Ashbrook	Fitzgerald	Langley	Reid
Austin	Focht	Law	Reynolds
Barchfeld	Fordney	Lawrence	Rhinock
Barclay	Fornes	Legare	Richardson
Barnard	Foss	Lenroot	Riordan
Bartholdt	Foster, Vt.	Lindsay	Roberts
Bartlett, Nev.	Foulkrod	Livingston	Robinson
Bates	Fuller	Lloyd	Rodenberg
Bennet, N. Y.	Gaines	Loud	Rothermel
Bennett, Ky.	Gardner, Mich.	Loudenslager	Russell
Bingham	Gardner, N. J.	Lowden	Scott
Boehne	Garner, Pa.	Lundin	Sheffield
Boutell	Gill, Md.	McCall	Sherley
Bowers	Gillett	McCreary	Sherwood
Bradley	Gilmore	McCredie	Simmons
Brantley	Glass	McKinlay, Cal.	Sims
Broussard	Godwin	McKinley, Ill.	Slayden
Brownlow	Goebel	McLachlan, Cal.	Small
Burgess	Good	McLaughlin, Mich.	Smith, Cal.
Burke, Pa.	Goulden	McMorran	Smith, Iowa.
Burke, S. Dak.	Graff	Macon	Smith, Mich.
Burleigh	Graham, Ill.	Madden	Snapp
Butler	Graham, Pa.	Madison	Southwick
Calder	Grant	Malby	Sparkman
Campbell	Greene	Martin, S. Dak.	Sperry
Capron	Griest	Mays	Stafford
Carter	Hamer	Miller, Kans.	Stevens, Minn.
Cary	Hamill	Millington	Sturgiss
Chapman	Hamilton	Mondell	Sulzer
Clark, Fla.	Hammond	Moon, Pa.	Swasey
Clayton	Harrison	Moon, Tenn.	Talbott
Cocks, N. Y.	Hawley	Morgan, Mo.	Taylor, Ala.
Conry	Heald	Morgan, Okla.	Tener
Cooper, Pa.	Heflin	Morse	Thistlewood
Coudrey	Henry, Conn.	Moxley	Thomas, Ohio
Covington	Higgins	Mudd	Tilson
Cox, Ohio	Hill	Murphy	Tirrell
Craig	Hitchcock	Needham	Townsend
Cravens	Hobson	Nicholls	Vreeland
Crow	Howell, N. J.	Nye	Wallace
Crumpacker	Huff	O'Connell	Wanger
Currier	Hughes, W. Va.	Padgett	Washburn
Dalzell	Hull, Iowa	Page	Weeks
Davidson	Humphrey, Wash.	Palmer, A. M.	Weisse
Dawson	Jamieson	Parker	Wheeler
Denby	Johnson, Ohio	Parsons	Wiley
Dickinson	Johnson, S. C.	Patterson	Willett
Diekema	Joyce	Payne	Wilson, Ill.
Dodds	Kahn	Pearre	Wood, N. J.
Douglas	Keifer	Peters	Woodyard
Driscoll, D. A.	Keliher	Pickett	Young, Mich.
Edwards, Ky.	Kendall	Plumley	Young, N. Y.
Ellerbe	Kennedy, Iowa	Pou	
Ellis	Kennedy, Ohio	Pratt	
Elvins	Kinkaid, Nebr.	Pray	

The Clerk announced the following additional pairs:

Until noon, March 18:

Mr. BINGHAM with Mr. LIVINGSTON.

Mr. AUSTIN with Mr. GILMORE.

Until 11 o'clock, March 18:

Mr. HAMILTON with Mr. BRANTLEY.

From 2 a. m. until noon, March 18:

Mr. MURPHY with Mr. BOOHER.

From 2.30 a. m. until noon, March 18:

Mr. MILLER of Kansas with Mr. HARRISON.

Mr. WEEKS with Mr. KELIHER.

Until noon, March 18:

Mr. SCOTT with Mr. PETERS.

Mr. LANGLEY with Mr. STANLEY.

Mr. GRAFF with Mr. PADGETT.

Mr. MCCREARY with Mr. ESTOPINAL.

Until 10 a. m., March 18:

Mr. HEALD with Mr. A. MITCHELL PALMER.

Mr. COOK with Mr. RANSDELL of Louisiana.

Until 9 a. m., March 18:

Mr. DAWSON with Mr. RUSSELL.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I wish to inquire if the gentleman from Minnesota [Mr. NYE] is recorded?

The SPEAKER. He is not.

Mr. HUMPHREYS of Mississippi. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREYS of Mississippi. Yesterday morning the gentleman from Minnesota [Mr. NYE] told me that he was going to leave the city, and asked me to pair with him for yesterday, which I did, with the express understanding that it was for yesterday. I should like to inquire if that pair still holds?

The SPEAKER. The Chair can not answer the gentleman. The matter of pairs can not be passed upon by the Chair.

Mr. TAWNEY. I will suggest to the gentleman that this is the same legislative day for which the pair was made.

Mr. HUMPHREYS of Mississippi. I paired for the calendar day, but if there is any question about it, I should like to have my name called and to vote "present."

The Clerk called the name of Mr. HUMPHREYS of Mississippi, and he voted "present."

Mr. ADAMSON. Did the gentleman from Pennsylvania [Mr. WANGER] vote?

The SPEAKER. He did not.

Mr. ADAMSON. Then I vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. This is a motion to dispense with further proceedings under the call. The noes have it, and the motion fails.

Mr. BURLESON. Mr. Speaker, I desire to propound a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MOORE of Pennsylvania). The gentleman will state it.

Mr. BURLESON. What progress is being made toward securing a quorum?

The SPEAKER pro tempore. The record shows that a quorum is present.

Mr. BURLESON. I now demand the regular order.

Mr. CURRIER. Mr. Speaker, I make the point of no quorum.

Mr. BURLESON. I raise the point of order, Mr. Speaker, that that point of order is dilatory.

Mr. CURRIER. Oh, but it must be perfectly evident to the Speaker that there is no quorum present.

Mr. BURLESON. The Speaker just having announced a quorum was present, how can the issue be raised whether a quorum is present or not?

Mr. CURRIER. Through the Speaker's own eyes.

The SPEAKER pro tempore. We are now in the call of the House, and the House having refused to dispense with the call, the regular order would be a motion to adjourn, a motion to dispense with further proceedings under the call, or perhaps other motions. Does the gentleman desire to be heard further?

Mr. BURLESON. I desire a ruling on the part of the Speaker as to whether or not a quorum is present.

The SPEAKER pro tempore. The Chair is in doubt as to whether a quorum is actually present, although the record shows it.

Mr. BURLESON. I ask that the roll be called to ascertain whether there is a quorum present. I move that the roll be called in order to ascertain whether there is a quorum present.

Mr. CURRIER. A point of order, Mr. Speaker. The House is under a call now.

The SPEAKER pro tempore. The gentleman moves that the roll be called?

Mr. SHACKLEFORD. I will ask for it.

Mr. BURKE of Pennsylvania. A point of order, Mr. Speaker. It has already been stated by the Chair that the motion of the gentleman from Texas is out of order; that we are now in a call of the House. The only proceeding that can be taken now is to dispense with the proceedings under the call of the House, or, in lieu of that, a motion to adjourn. It is perfectly manifest that one of those motions can be made, and it will determine upon a roll call upon either one the fact of whether there is a quorum physically present in this House.

Mr. BURLESON. I do not desire to make the motion to adjourn, but I desire to ascertain whether a quorum is present.

The SPEAKER pro tempore. The Chair is unable to state whether a quorum is actually present, although the record shows a quorum is present.

Mr. BURLESON. As I understand the Chair, he has just ruled that a quorum is present.

The SPEAKER pro tempore. The record shows that a quorum is present, but the Chair is in doubt as to whether a quorum is physically present.

Mr. CARLIN. Is not the Chair governed by its own record?

Mr. MCGUIRE of Oklahoma. When did the record show that a quorum was present? How long has it been since the record showed that a quorum was present?

The SPEAKER pro tempore. A long time.

Mr. SHACKLEFORD. As much as three hours?

The SPEAKER pro tempore. Not quite three hours, the Chair would say. How long has the gentleman been here?

Mr. SHACKLEFORD. I do not believe the Chair has a right to interrogate a Member who rises for information, and I decline to answer.

The SPEAKER pro tempore. The Chair is unable to say just how long it has been since the call was made.

Mr. RICHARDSON. Mr. Speaker, a parliamentary inquiry. I understood the Speaker to say that a quorum was present. If that is so, what are we doing here?

The SPEAKER pro tempore. The Chair is in doubt as to whether a quorum is actually present.

Mr. RICHARDSON. Would not a roll call settle that? If a quorum is present, what are we sitting around here for? I would like the Speaker to answer that.

The SPEAKER pro tempore. The Chair is prepared to receive a motion from the gentleman from Alabama that the call of the House be suspended.

Mr. RICHARDSON. Does the Speaker decline to entertain a proposition to call the roll?

The SPEAKER pro tempore. Does the gentleman make the motion to call the roll?

Mr. RICHARDSON. No; oh, no. I just asked that question.

The SPEAKER pro tempore. The gentleman from Alabama does not raise the question of no quorum?

Mr. RICHARDSON. No; I have not done that at all. I know the Chair would like to have me do that, but I have not done it.

The SPEAKER pro tempore. The Chair hopes that the gentleman from Alabama is not endeavoring to confuse the Chair.

Mr. ADAMSON. Mr. Speaker, I understand the Chair to say that the record discloses the presence of a quorum.

The SPEAKER pro tempore. Does the gentleman desire the record read?

Mr. ADAMSON. I asked the Chair if the Chair stated that the record discloses the presence of a quorum, and I understood the Chair so to state.

The SPEAKER pro tempore. The Chair will answer the gentleman. The record discloses that a quorum is present.

Mr. ADAMSON. Does the Chair not believe its own record?

The SPEAKER pro tempore. But many gentlemen have passed out of the Hall since, and it is a question whether a quorum is actually present.

Mr. ADAMSON. What right has the Chair to impeach its own record?

The SPEAKER pro tempore. The Chair has no desire to impeach the record, but is willing to receive a motion that the roll be called.

Mr. SIMS. Mr. Speaker, having the greatest confidence, based upon actual knowledge from long service with the present distinguished occupant of the Speaker's chair on a committee, that he is well informed on this and other matters, and knowing that he is fair and that the country knows that he is fair, I do not think that the great intellect and knowledge of the present occupant of the Speaker's chair needs any further time on the point of order, and I am confident the House will believe it was as well decided as it can be by the ability and knowledge of the present occupant of the chair; therefore why not let the Chair rule on the present point of order?

The SPEAKER pro tempore. The Chair is waiting for a motion.

Mr. SIMS. Does the Chair need to wait for a motion to decide that point of order?

The SPEAKER pro tempore. The Chair is not sure that a quorum is present.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry. Will the Chair state to the House whether the roll call has been completed?

The SPEAKER pro tempore. The roll call has not been completed.

Mr. BARTLETT of Georgia. Then, the Chair, from that statement, is not authorized to state whether the roll call discloses the presence of a quorum if the roll has not been completed?

The SPEAKER pro tempore. The Chair has already answered several distinguished gentlemen who have made inquiry upon the same line, that the record shows a quorum to be present, but that the Chair is in doubt as to whether a quorum is present.

Mr. BARTLETT of Georgia. I understood the Chair to say the roll call had not been completed. Was I correct in my understanding?

The SPEAKER pro tempore. Members are coming and Members are going——

Mr. BARTLETT of Georgia. I understand that. A Member has a right to vote any time he comes in, and the Chair is awaiting that in order to determine whether a quorum is present or not.

The SPEAKER pro tempore. That is correct; gentlemen are coming and going.

Mr. BARTLETT of Georgia. I understand, but I merely wanted to get the proposition straight before the House. The Chair, under the rules of the House, is waiting the appearance of Members under order of the House that a call of the House be had to determine whether or not a quorum is present.

The SPEAKER pro tempore. The Chair is awaiting the appearance of a quorum.

Mr. SMITH of Texas. Mr. Speaker, I demand the regular order. The record shows there is a quorum present. The regular order is a ruling on the point of order that has been made.

The SPEAKER pro tempore. The gentleman from Texas will understand that the call of the House is prevailing.

Mr. CURRIER. Is not the regular order to dispense with further proceedings under the call or to adjourn?

The SPEAKER pro tempore. That is the regular order, or to bring in Members.

Mr. SMITH of Texas. As I understand, the record shows a quorum is present; therefore the House may proceed with the regular order.

The SPEAKER pro tempore. The House has not disposed with the proceedings under the call, and therefore may not proceed until the proceedings under the call are dispensed with. The regular order is to get Members here so that a quorum may be determined.

Mr. SABATH. Well, what is being done, Mr. Speaker, to bring Members in? We have been here all night, and it is now 20 minutes to 10, most of us without dinner, without supper, without breakfast, without sleep, and without rest.

The SPEAKER pro tempore. The gentleman understands that the present occupant of the chair has been in the chair but a short time, but his information is that proper steps are being taken to bring Members in, and that that work is proceeding in the regular way.

Mr. SABATH. In a slow way, I notice.

The SPEAKER pro tempore. As rapidly as it may proceed in the regular way.

Mr. CARLIN. Mr. Speaker, I move that further proceedings under the call of the House be vacated.

Mr. CURRIER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Virginia moves that further proceedings under which the call of the House was ordered be dispensed with.

Mr. CURRIER. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New Hampshire makes the point of order.

Mr. CURRIER. That there is no quorum present.

The SPEAKER pro tempore. The gentleman from New Hampshire [Mr. CURRIER raises the question of no quorum.

Mr. HARDWICK. A point of order, Mr. Speaker. Pending the call of the House, the point of no quorum ought not to be entered, under the rules, by the Chair. It is multiplying the proposition indefinitely.

The SPEAKER pro tempore. The Chair thinks, upon the record showing the presence of a quorum, a motion to dispense with the proceedings may be entertained.

Mr. HARDWICK. On the point of order, Mr. Speaker, I desire to ask the attention of the Chair to the fact that a later roll call than the call referred to disclosed the absence of a quorum.

Mr. CARLIN. Mr. Speaker, I withdraw my motion.

Mr. CURRIER. Mr. Speaker, I withdraw the point of order.

Mr. BURLESON. Regular order!

The SPEAKER pro tempore. The regular order is to continue to bring in Members, as the Chair understands it.

Mr. CURRIER. Or to move to adjourn.

The SPEAKER pro tempore. Or to move to adjourn, the alternative suggested to the gentleman from Texas a moment ago.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT of Georgia. As I have already inquired of the Chair, the House is proceeding under the order of the call of the House, and that has not yet been completed. Is that correct?

The SPEAKER pro tempore. The call of the House has not yet been completed.

Mr. BARTLETT of Georgia. And until that is completed and the doors declared to be opened, and a quorum present, no other business is in order except a motion to adjourn?

The SPEAKER pro tempore. That is substantially correct.

Mr. HARDWICK. If the gentleman will yield to me, I desire to state to my colleague [Mr. BARTLETT] that there is one other motion that is in order, a motion to vacate the proceeding under the call, and a record vote has been taken upon it.

The SPEAKER pro tempore. The motion made by the gentleman from Virginia [Mr. CARLIN] a few moments ago was withdrawn.

Mr. HARDWICK. The last business done by this House was a record vote on that proposition.

The SPEAKER pro tempore. The Chair is not aware of that, because the Chair's life on this occasion has been brief.

Mr. HUGHES of New Jersey. Mr. Speaker, will the Chair kindly inform the House what progress the Sergeant-at-Arms is making in his effort to bring in absent Members?

The SPEAKER pro tempore. The Chair is not fully informed, but, judging from the Chair's experience at an early hour this morning, the Chair will say that the Sergeant-at-Arms is busy.

Mr. HUGHES of New Jersey. I have been requested by Members to ask the Speaker pro tempore to relate his experience so that we too may judge of the energy of the Sergeant-at-Arms.

The SPEAKER pro tempore. The Chair would be very glad to do that except that he was found this morning in the company of several Members on the Democratic side and would prefer that they should tell the story. [Laughter.]

Mr. CARLIN. Mr. Speaker, I wish to know if the Assistant Sergeant-at-Arms, Mr. Sinnott, has made a report to the House?

The SPEAKER pro tempore. Two Members have just been brought in. The Sergeant-at-Arms is at work.

Mr. MAYNARD. Who is he working? [Laughter.]

The SPEAKER pro tempore. Both sides.

Mr. CARLIN. I would like to inquire what progress we are making as to a quorum?

The SPEAKER pro tempore. The Chair is informed that we are making progress.

Mr. SABATH. How many are we short, Mr. Speaker, of a quorum?

The SPEAKER pro tempore. The record divulges that a quorum is present, but the Chair is still unable to determine whether a quorum is present.

Mr. SABATH. If a quorum is present we can proceed to do business.

The SPEAKER pro tempore. The House has refused to recede from the call of the House. Until that is done we are proceeding in the usual way, with the call of the House.

Mr. GILL of Maryland. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER pro tempore. Does the Chair understand the gentleman to move to dispense with further proceedings under the call?

Mr. GILL of Maryland. I withdraw that, Mr. Speaker.

The SPEAKER pro tempore. The Chair would like to hear the gentleman upon his motion.

Mr. BUTLER. He withdraws it.

Mr. PAYNE. He withdraws it.

The SPEAKER pro tempore. The Chair understands the gentleman from Maryland to withdraw his motion.

Mr. GILL of Maryland. Yes, sir.

Mr. SIMS. A parliamentary inquiry. Has it not been the universal custom that a call of the House was ordered to ascertain the presence of a quorum, and that when the call had proceeded far enough to ascertain that a quorum was present the object and purpose of the call was then accomplished?

The SPEAKER pro tempore. That is the understanding of the Chair, as a rule.

Mr. SIMS. The record of the roll call shows a quorum present now. Can the Chair, physically, with his eyes, look around over the Chamber and overrule the effect of the roll call?

The SPEAKER pro tempore. So far as the Chair is concerned, with his eye, physically, he can see that there is not a quorum present.

Mr. SIMS. And the Chair does not regard the evidence of the record as conclusive as to whether or not a quorum is present?

The SPEAKER pro tempore. The Chair can not well believe the evidence of a record which is not attested by ocular demonstration.

Mr. SIMS. Does it take the presence of a quorum for the Chair to announce his ruling if it is ready to make it?

The SPEAKER pro tempore. The Chair would say that a quorum should be present.

Mr. SIMS. While a quorum was being obtained, of course the Chair has had time to give further meditation and study to the question during the last several hours.

The SPEAKER pro tempore. The pro tempore occupant of the chair is acting under the instruction of the House. The majority of the House appears to have refused to dispense with further proceedings under the call of the House; and, acting under the instructions of the majority of the House, the Chair insists that the regular order should proceed, which is the call of the House.

Mr. SIMS. What is the object of the call continuing to ascertain the presence of a quorum, when, that being ascertained by the call, its purpose is thoroughly and completely executed?

The SPEAKER pro tempore. Because the Chair is unable by ocular demonstration to determine whether there is a quorum present.

Mr. SIMS. What rule authorizes the Chair to bring his ocular demonstration in as higher evidence than the record of the call itself?

The SPEAKER pro tempore. The Chair was simply accepting the expression of the gentleman from Tennessee, who raised the question of ocular demonstration himself.

Mr. SIMS. I am not criticising the Chair. I am simply asking for information, which I have not always been able to get from a temporary occupant of the Chair so fully as from the present occupant of the chair.

The SPEAKER pro tempore. The Chair is quite sure that the distinguished gentleman from Tennessee would not wish to wean the Chair from executing what seems to be the will of the majority, which has decided that there shall be a call of the House.

Mr. SIMS. I am ready to give all praise to the gentleman who does not wish to be indifferent to the will of the House, but is willing to be governed by it.

The SPEAKER pro tempore. The Chair is endeavoring to ascertain whether the will of the majority has been observed, in order that a quorum may be here when business may be transacted, but thus far a quorum does not appear to be present.

Mr. SIMS. I understood the Chair to say that a quorum is present.

The SPEAKER pro tempore. But Members have been coming and going, the Chair will say to the gentleman from Tennessee; some of them from one side of the House and some from the other side; some going out and some coming in; and the Chair is unable to determine that a quorum is now present.

Mr. SIMS. As long as Members continue to do that the Chair will not consult the record to show a quorum is present.

The SPEAKER pro tempore. It still may be possible in time to get a quorum.

Mr. SIMS. If the presence of a quorum is to be determined by ocular observation, we may as well understand the parliamentary situation, and the time, therefore, is well spent in hearing from the Chair.

The SPEAKER pro tempore. The House will be in order. Gentlemen will understand the impropriety of singing on the floor, even though the House is not at this moment transacting any business. The House is not in recess.

CHORUS. "There'll be a hot time in the old town to-night."

The SPEAKER pro tempore. That was last night, not to-night. [Laughter.] The House will be in order.

Mr. SHACKLEFORD. Mr. Speaker, I make the point of order that the tap-tapping of the Chair's gavel interferes with the music. [Laughter.]

The SPEAKER pro tempore. The tapping of the gavel now is nothing to what it may be hereafter. [Laughter.]

Mr. SHACKLEFORD. Mr. Speaker, I make the point of order that the Speaker of this House having willfully, deliberately, and contemptuously abdicated his functions, a state of anarchy reigns in the great legislative body of this country. We can not proceed with any sort of business. Why? Because the Speaker of the House deliberately refuses to perform his functions and give us power to transact the business that the Constitution requires that we shall perform. [Applause.] More than that, Mr. Speaker, the Sergeant-at-Arms sits there with a warrant issued by this House to go out, arrest, and bring in Members. He is contemptuously refusing to perform his duty. He is not warranted in his failure simply because the gentleman from Illinois [Mr. CANNON] may have privately advised him to pursue that course. The Speaker has no power, except from his chair, and unless he directs the Sergeant-at-Arms from the chair not to exercise his duties as Sergeant-at-Arms, then the Sergeant-at-Arms is bound by the warrant that he holds to arrest the absentees and bring them in here, and when he refused to do that, sir, he is bringing anarchy into this body. Whoever stops the wheels of Government to that extent is inflicting the country with anarchy. It is a shame that this House is stopped in the performance of its duty; is not allowed to perform its functions, because, forsooth, the Speaker finds that he is not able to dominate a majority. [Applause on the Democratic side.] Because he can not dominate a majority he will not permit this great deliberative body to proceed with the transaction of its business. It is your duty, sir, to perform your functions in order that this body may transact its business; in order that the Constitution may be enforced; in order that free government may survive. [Applause on the Democratic side.]

Mr. COUDREY. How can the gentleman say that the Sergeant-at-Arms has not done his duty when he sees the numbers of Members on this floor who were routed out of their beds to come here?

Mr. SHACKLEFORD. The Sergeant-at-Arms has not done his duty. I was in my bed when that order was sent forth. I was within one block of this Capitol. I was not ready to resist arrest. Why did not the Sergeant-at-Arms come and get me and 20 or 30 others whom he could have gotten within one block of this House? I do not know why he did not do it, but I will tell you what I think was the reason. I think that the Speaker issued that warrant, and then went privately and said to the Sergeant-at-Arms, "Do not execute it; they will beat us if we get a quorum here." The failure of the Sergeant-at-Arms to bring a quorum in is nothing but anarchy. The Speaker deliberately blocks the House in the performance of its constitutional duties. Nothing can be done till he decides the point of order. We have been in continuous session nearly twenty-four hours, waiting for him to decide it. He withholds his decision till he can browbeat and whip in enough to give him a majority. Sir, he precipitates anarchy in this House.

How can you be surprised that the ranks of anarchy are being multiplied all over the land when the Speaker of the House will not be governed by law; when the coadjutors of the Speaker will deliberately set aside the law, set aside the rules of the House, set aside the Constitution, and violate the oath which they took to support the Constitution; what can you expect of the people in the way of patriotism?

Mr. Speaker, do your duty and put it up to us to do ours. Bring an end to this disgraceful scene. You who were chosen by the people to carry out the Constitution are deliberately bringing anarchy into the halls of legislation. That is what you are doing, Mr. Speaker, if you do not proceed as the Constitution requires you shall proceed. Decide the point of order as under your oath it is your duty to do. If you have a majority with you, vote us down. If you have a majority against you, as loyal American citizens, in obedience to your oaths of office, yield to the majority and let the people be supreme. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, it has seldom been my lot to hear a more unfounded harangue than that which has just taken place in this House. The gentleman says we have not been able to get a quorum here through the night just because the Sergeant-at-Arms was not able to find Members.

Mr. SHACKLEFORD. Because he willfully disobeyed his instructions.

Mr. PAYNE. Mr. Speaker, I hope the wind from the cave will cease and allow somebody to talk. The truth in regard to the Sergeant-at-Arms is that the gentleman himself, in contempt of the House and in violation of the rules of the House, was over here, a single block away, with 20 or 30 of his confederates, and the Sergeant-at-Arms did not know where they were stopping or for some other reason failed to bring them here at the bar of the House.

Mr. SHACKLEFORD. A point of order, Mr. Speaker.

Mr. PAYNE. The gentleman does not seem to know a point of order from a hole in the ground.

Mr. SHACKLEFORD. Mr. Speaker, I make the point of order that when the gentleman says I was absent last night at a hotel with my confederates——

Mr. PAYNE. I did not say the gentleman was at a hotel.

Mr. SHACKLEFORD. I want to say that they were not my confederates, that they were the confederates of the Speaker of this House, who is not willing that legislation should proceed, and they were going out of here for that purpose. They are not my confederates, they were my opponents, and I make the point of order that the gentleman does not quote me correctly.

Mr. PAYNE. The gentleman seeks to correct my statement. Now, if they were not his confederates, it throws discredit on his tale, because under the situation last night I do not think anybody on this side of the House would associate with the gentleman from Missouri during the night, in contempt of the House.

Mr. SABATH. Mr. Speaker, what is there before the House? I make the point of order that the gentleman from New York is not in order. [Laughter.]

The SPEAKER pro tempore. Does the gentleman from Illinois insist on his point of order?

Mr. SABATH. I do.

Mr. PAYNE. Mr. Speaker, I am speaking to one of the numerous points of order made by the gentleman from Missouri, I can not tell which one; I am mixed up. [Laughter.]

Mr. SABATH. If the gentleman is mixed up I will withdraw the point of order. [Laughter.]

Mr. PAYNE. Now, Mr. Speaker, is the name of the gentleman from Missouri [Mr. SHACKLEFORD] recorded on the roll of the House?

The SPEAKER pro tempore. The Chair is informed that the gentleman is not recorded.

Mr. PAYNE. Then it looks as if he knew there was a call of the House and sneaked in and did not get recorded. [Laughter.]

Mr. HARDWICK. The regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia demands the regular order.

Mr. PAYNE. I am speaking to one of the numerous points of order made by the gentleman from Missouri, and trying to answer it.

The SPEAKER pro tempore. The Chair rules that this debate is not in order, that we are proceeding on a call of the House. A motion to dispense with the call of the House is in order.

Mr. PAYNE. Mr. Speaker, I move that the gentleman from Missouri be arraigned before the bar of the House and punished for contempt in not being present.

Mr. SHACKLEFORD. Mr. Speaker, I am here present. I waive any warrant for my arrest and I appear before the bar of the House.

The SPEAKER pro tempore. The Clerk will note the presence of the gentleman from Missouri under the rule.

Mr. SHACKLEFORD. A point of order, Mr. Speaker. The RECORD discloses in a forceful way that I was present, and have been present, except two hours out of the twenty-four, which I took for sleep while this filibuster was going on—while the Speaker of the House was abdicating his functions to stop the wheels of legislation; while he has refused to perform the functions that he took an oath in this House that he would perform, when he said he would stand by the Constitution of the United States.

Mr. HARDWICK. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman from Georgia moves to dispense with further proceedings under the call of the House.

Mr. PAYNE. Mr. Speaker, I rise to make a motion to excuse the gentleman from Missouri, and wish to be heard on that motion. I claim the right to the floor.

Mr. SHACKLEFORD. Mr. Speaker, I desire to be heard in opposition to that motion. I do not want the gentleman's motion to excuse me for anything.

The SPEAKER pro tempore. In regard to the point raised by the gentleman from New York, the Chair will read from paragraph 2 of Rule XV:

> Members who voluntarily appear shall, unless the House otherwise directs, be immediately admitted to the Hall of the House, and they shall report their names to the Clerk to be entered upon the Journal as present.

This has been done.

Mr. SHACKLEFORD. Mr. Speaker, I did not report my name, and I decline to do it now.

The SPEAKER. The Chair understood the gentleman to say that he would report.

Mr. SHACKLEFORD. No, Mr. Speaker, I am not reporting at all. I am right here now and not making any report whatever.

The SPEAKER pro tempore. The Chair wishes to announce that the records show that the gentleman from Missouri did report.

Mr. SHACKLEFORD. Well, the records are not correct in that particular, and I am afraid in many others.

Mr. HARDWICK. Mr. Speaker, a motion to vacate proceedings under the call takes precedence of everything else at this stage of the proceedings, and I insist on the regular order.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors. [Cries of "Rule!" "Rule!"] The gentleman from Iowa [Mr. SMITH] is entitled to the floor, and the Chair will hear from the gentleman briefly on the point of order. The Chair will rule in the near future.

Mr. SMITH of Iowa. Mr. Speaker, when I was interrupted by a filibustering demand from the Democratic side for a call of the House, I was dwelling upon the various methods that might have been utilized in selecting a Committee on Rules by the membership. If the majority party selected both the majority and the minority members, it might be entirely possible to select weak men representing the minority and thus do an injustice to the minority and the country. If, upon the other hand, the majority party in this House was somewhat divided

and torn with dissensions, a very small minority of the majority party might, by uniting with the minority party, select the members for both parties. It seemed to me that the just method of selecting the Committee on Rules was, therefore, for the majority party to select its members in caucus and the minority party to select its members in caucus. Believing that, I personally offered a motion in the Republican caucus which so provided and which carried.

There has been some criticism of the membership of the Committee on Rules and the manner of their selection. I simply want to say that the Republican members of this committee were both chosen by the unanimous vote of the Republican caucus on Saturday night, and on Monday following, when the gentleman from Missouri, the leader of the Democratic side, offered his motion to elect a committee on the subject of rules from the floor of the House, he named both of those members, so that the two present Republican members of the Committee on Rules thus received the votes of every Republican, every insurgent, and every Democrat in this Chamber.

What have been the methods of this committee? The methods have been to ascertain what rules would carry in this House before presenting them. In place of the committee bringing in rules and imposing them upon the House, no rule has been presented until it was known that a majority of the House were in favor of that rule. It is said that the Committee on Rules has never been defeated, and it never has, because it has never presented a rule to the House until it knew that the majority was behind that rule.

A criticism has been made upon the tariff rule of last summer. I want to say that before that rule was prepared the Republican whip was directed to ascertain from every delegation with Republicans upon it how many things they demanded a separate vote upon; and when this had been aggregated, and it was found how many things enough men demanded a separate vote on to affect the result by their uniting with the Democrats, those things were put into the rule; and at the time this rule was brought in, if this House had voted down the previous question, as it had a perfect right to do, that rule could have been amended by adding to the things to be voted upon every article in the schedules from beginning to end; and the House itself, by voting first for the previous question and then for the rule, fixing the subjects upon which a separate vote was to be taken, specifically voted that it did not desire a separate vote upon any other articles; and if it had wanted such a vote, its plain duty was to vote down the previous question and add those articles to the resolution presented by the Committee on Rules.

There has been some talk about there being no way to amend these rules. There are several ways to amend these rules, without revolution. One of them is that any 50 Members of the majority party can call a caucus of that party, and that caucus can instruct the majority members of the Committee on Rules to report any amendment to the rules desired by a majority of the majority party. That is one way the rules can be amended.

They can be amended during the two years by any Member sending an amendment to the Committee on Rules in the ordinary course and if the Committee on Rules will report upon the proposed amendment. Not a resolution of even the general character of the one now pending before the House has been introduced by anybody and referred to the Committee on Rules during this Congress of the United States. No effort whatever in the legal way has been made to amend these rules along the lines suggested by the pending resolution.

I never, for one, have contended that the rules were perfect, and have always been ready to consider any concrete proposition for their betterment. I have voted for numerous changes in the rules, both in the last and in this Congress. Now, the gentleman from New York [Mr. FISH] complained yesterday that he had not been able to get his matters reported from the Committee on Rules. He had a most important resolution before the Committee on Rules, which I hold in my hand, which reads as follows:

Whereas a government parcels-post system has been in successful operation in several European countries; and

Whereas there is a strong demand by the granges and people of rural communities for the establishment of a properly guarded parcels-post system in the United States: Therefore be it

Resolved, That the Committee on the Post-Office and Post-Roads be requested to inquire into its feasibility and desirability and report to the House within thirty days.

The gentleman, so far as I know, never spoke to any member of the Committee on Rules on this subject.

Mr. FISH. Will the gentleman give way?

Mr. SMITH of Iowa. I would rather wait a moment. He wrote letters to the various members of the committee. I answered him that, for one, I did not believe in his parcels-post proposition, and I do not. Then, in a second letter, he assumed that I had intimated that I was in favor of smothering that resolution, and I replied to him that I was not in favor of smothering resolutions, but in favor of giving the House an opportunity to vote on them, and that I would take pleasure in voting to report his resolution adversely. But apparently the gentleman thinks he is not only entitled to a report from the committee and to have the Members vote according to their will and pleasure in making that report, but deprive them of their personal judgment upon the subject. He received a letter from the Speaker, in which he told him his resolution would be considered in the next meeting of the Committee on Rules, and that committee, having no fixed day to meet, has not met since.

Mr. FISH. Will the gentleman give way?

Mr. SMITH of Iowa. Certainly.

Mr. FISH. That was six weeks ago, I believe.

Mr. SMITH of Iowa. Oh, yes; that is correct.

Mr. FISH. And the committee has not had any meetings.

Mr. SMITH of Iowa. It has had no meeting since; none whatever.

Mr. FISH. Then, what chance had a man to have an opportunity here on his bill? [Applause on the Democratic side.]

Mr. SMITH of Iowa. If the gentleman had ever appeared and asked for a hearing, he would have had one long ago; but he apparently believes in long-distance requests and demands a report of the committee satisfactory to him, as well as for it to report.

Mr. FISH. Will the gentleman give way for a question?

Mr. SMITH of Iowa. Oh, yes.

Mr. FISH. If there was no meeting of your committee, how could I appear before your committee?

Mr. SMITH of Iowa. You could have gone to gentlemen on that committee and asked to be heard.

Mr. FISH. I did ask for it several times.

Mr. SMITH of Iowa. By letter. Now, the gentleman also complained that he had an important bill pending before the Committee on Ways and Means, a bill to put beef on the free list, and that he could not get a report from that committee.

Mr. FISH. The gentleman makes a mistake in regard to that. I never said I had any bill before that committee.

Mr. SMITH of Iowa. Is not that your statement made on yesterday?

Mr. FISH. No.

Mr. SMITH of Iowa. What was the gentleman's statement?

Mr. FISH. That Mr. FOELKER had a bill pending before that committee.

Mr. SMITH of Iowa. Oh, yes. I misunderstood the gentleman on yesterday and cheerfully apologize to him. I wanted to say that last summer we passed a tariff law on beef and everything else, and I for one am opposed to the removal of the tariff on beef and am glad that that committee buried the bill, and I would help bury it here if it ever came up. [Applause on the Republican side.]

Of course if it is tyranny not to report in accordance with the will and pleasure of the gentleman from New York, then there has been tyranny in the administration of the rule. When did the gentleman discover the iniquity of these rules? Last March he voted for the previous question and he voted for the rules of the last Congress without a change of the dotting of an "i" or the crossing of a "t."

When the gentleman from Missouri offered his resolution to appoint a committee to revise the rules, the gentleman voted for the Fitzgerald substitute, and the roll call shows it, and he also voted for the rules of the House as they now are. If he has learned so much in one brief year, perhaps if we will wait another year he may learn even more.

Now, Mr. Speaker, I do not care to much longer delay the House. We have been doing some strange things the last few days. We decided that this census bill was privileged under the Constitution. We then decided that a question of constitutional privilege is not entitled to come up on calendar Wednesday. I was not much disappointed, because, as I thought, the next day we said the Constitution was still in force on the other six days in the week. But my friend, the gentleman from Minnesota [Mr. STEENERSON], called to my attention that we were not so generous as that with the Constitution, and that we only decided that the Constitution was in force on St. Patrick's Day—only one day in the year instead of six days in the week.

But, Mr. Speaker, I am not a pessimist. I am hopeful, and I am glad the Constitution is in force a little part of the time, even if only on St. Patrick's Day; and cheered with the knowledge that the Constitution, which is here sought to be used as an instrument for revolution in the House, is in force a part

of the time, I will be at least hopeful enough to refrain from employing anyone to "sing in purchased ditties how it died."

Mr. CAMPBELL. Mr. Speaker, I have been detained from the House for the past four or five days on account of illness, and I am here this morning against the advice of my physician.

I am here now only to state some views I have on the pending question. I entered the House about seven years ago as a new Member. One of the first speeches to which I listened was an arraignment of the rules of the House. I got the idea from that speech that a new Member, or, in fact, any Member of the House, stood as little show of accomplishing anything in this House under the rules as a member of the Apache tribe of Indians affecting legislation in this body. I confess that when I entered here I knew about as little of the rules of the House as I knew of the rules of the Choctaw council. I was not alone in that dilemma. There were many other Members who knew as little of the rules as I did. However, I procured a copy and studied them. I saw what Jefferson had said about parliamentary procedure. I studied the precedents that had been made in this House from its organization. I remained upon the floor and studied the application of these rules to the business in hand from day to day. When I did not understand what was going on I did not hesitate to ask some one who knew. I began to see into the rules. This gave me a little courage, and I undertook to represent my constituents in the way in which I had hoped to do when I received a certificate from them as a Representative to this body.

Since that time I have introduced 425 bills in the House of Representatives. Serving upon several committees, I have made reports on 109 bills. Working before committees to which my bills had been referred, I have secured reports on 59 bills. Of the 328 bills introduced, I have secured the passage of 68. Of the 109 bills upon which I made favorable reports from the committees of which I have been a member, every one, except one, is now a law, and that was vetoed by the President. During all this time, it is only fair to say, I served upon two committees that had a calendar day. Every bill reported from those committees had a calendar day and their call on the calendar. Some of them passed this House after heated debate upon this floor.

In addition to this, I have addressed the House in order 149 times, and in all this time I have not gone to the Speaker but once to ask to call up a matter in which I was interested. I was anxious to have a resolution passed by the House without being referred to a committee. It was a resolution calling for an investigation of the organization and methods of the Standard Oil Company. I got the Speaker's consent, for the asking, to offer the resolution and ask for its immediate consideration by the House.

I offered the resolution in the light of the decision in the Northern Securities case, dissolving a great trust with its original constituent companies. The result of the investigation under that resolution is now before the Supreme Court of the United States for its decision. In this, as in other matters, I determined what I deemed to be my duty, then found how to do it.

An article that appeared in the Republican-Record, published at Erie, Neosho County, Kans., makes some mention of this and other matters that I shall insert at this point in my remarks in the RECORD. I do this because of the oft-repeated charge that it is impossible for a Member to accomplish anything for his constituents or for his country under the rules of the House.

"The tree that bears the best apples has the most clubs under it." When the people stop to think of what PHIL CAMPBELL has done for the people of his district and the country during the short time he has been in Congress, it is not surprising that a few small-bore Democratic politicians should throw their impotent missiles at him. It is the nature of some small souls to find fault with those who achieve a notable success. Sometimes they do it for others.

We have taken the time to go through the record to find what Congressman CAMPBELL has done to give him the distinction that invited the attack of puny Democratic editors and politicians.

The first session he was in Congress he attracted the attention of the whole country because of his great speech on the tariff question. Senator DOLLIVER said it was one of the really great speeches on that question. The American Protective League has circulated over 4,000,000 copies of it.

AGAINST THE STANDARD OIL.

The second session he was in Congress he became famous throughout the whole country for his timely act in getting a resolution through the House of Representatives to investigate the organization and business methods of the Standard Oil Company. When the Standard Oil fight was hot at Topeka, CAMPBELL startled the big oil monopoly and the whole country by getting the Government of the United States on the trail of the greatest monopoly in the world. The wires flashed the news of what he had done to the world and the world took notice.

STANDARD OIL THREATS.

While he was yet receiving the congratulations of his friends on the floor, he was told he had made an enemy that would some day put him out of public life, and that it would be done so artfully that he would not know who did it. He was not afraid. He was working for a square deal for everybody, little and big, and then, as now, trusted in the people.

Thousands of letters and telegrams were sent to him from all over the country thanking him for his great service to the people. Three state legislatures adopted and sent him resolutions of appreciation. Independent oil industries in all the oil States resolved and sent him thanks. Newspapers and magazines wrote about him. He went on with his work.

The Commissioner of Corporations, Garfield, was slow with the work of investigation. CAMPBELL urged him to push the work. His resolution was adopted in the House on February 15, 1905. A year passed and Garfield had not yet made a report.

THAT $29,000,000 FINE.

CAMPBELL took another tack. On February 19, 1906, he introduced a second resolution. This time he asked that the Interstate Commerce Commission investigate the relation of the Standard Oil Company to the railroads of the country. He hit the mark. This resolution was adopted. The Interstate Commission went to work and soon found the facts upon which, together with what the Commissioner of Corporations had done, was based the suit before Judge Landis that resulted in the $29,000,000 fine.

On April 3, 1906, he introduced a bill prohibiting anyone doing an interstate business in any commodity from selling that commodity in one place at a lower price than was charged at another after equalizing the cost of freight between the two places.

PIONEER WORK FOR THE PEOPLE.

When the rate bill was before the House, he offered as the first amendment to it an amendment requiring common carriers to furnish all the facilities for freight transportation to all shippers at equal rates. He offered the first amendment to the rate bill making express companies and express cars common carriers. He introduced the first bill requiring notice before injunctions are issued. President Roosevelt has since recommended the same thing in his message to Congress.

On May 8, 1906, he introduced a resolution inquiring into the real causes of so many fatal railway accidents, and got the Interstate Commerce Commission at work on the subject in a fundamental way.

He had a bill before the House prohibiting gambling in the price of farm products and of stocks and bonds. It is a difficult undertaking, but CAMPBELL got a favorable report on his bill from the committee just before Congress adjourned. If he can stop stocks and grain gambling, it will be of itself enough to make his fame secure. A business man in Philadelphia wrote him about the matter as follows:

A LETTER OF COMMENDATION.

PHILADELPHIA, PA., *May 21, 1908.*

I note in this morning's Philadelphia papers that you contemplate introducing a bill to regulate gambling and speculating in Wall street. In view of the immense amount of what is done in this line, I very much doubt whether you will ever be successful, but I want to congratulate you, however, as you are the first man that I have heard of speaking along the lines that from a business point of view are absolutely correct. If this country would pass a law forbidding the selling of stocks that a man did not own, we would never have any more panics, excepting one that would be caused by the absolute demoralization of business, and stocks and bonds would be sold according to their actual value, based on interest paid and earning capacity. All the unsettling of business is caused by either the short or long selling of stocks, and I for one sincerely hope that you may succeed.

TO CURB TRUSTS.

He prepared and introduced a bill on April 6, of this year, suspending the patent and copyright laws of the United States where any patent or copyright or any article or product protected by patent or copyright is owned by a trust or monopoly in restraint of trade in violation of law.

These are a few things Congressman CAMPBELL has done and is doing that seek to promote the welfare of all the people. We have mentioned these acts only for the purpose of showing that he has the instinct and initiative of a constructive statesman and that he is taking hold of the new and difficult problems of his day and doing it vigorously and fearlessly.

"BULLY, CAMPBELL, BULLY"—THEODORE ROOSEVELT.

After he had done something that especially pleased the President, Roosevelt took him by the hand and said, "Bully, CAMPBELL, bully;" and so say the people.

Thousands of his supporters, and they are not all Republicans, have commended him and thanked him for his work. People from every section of the Union have commended and congratulated him. Here is what a few have said—we have a pile of letters, telegrams, and resolutions before us:

[From Humboldt, Kans.]

Be it further resolved, That we record our appreciation of Mr. CAMPBELL'S action, and that a copy of these resolutions be sent to him, with the language of the President, "Bully for CAMPBELL."

[Chanute, Kans.]

We are all thankful to you. I sincerely congratulate you.

[Chanute, Kans.]

I am a Democrat, but the great majority of the voters in your district warmly appreciate what you have done and what you are doing.

[Pittsburg (Kans.) Democrat.]

It seems to have come as an inspiration, and the inaugural movement has been executed with a prudence and brilliancy and impetuosity that easily ranks him as the greatest antimonopoly strategist in Congress and the bravest Representative ever sent from Kansas.

[Cherokee, Kans.]

I want to extend my congratulations on what you are doing for the people against monopoly.

[Holton, Kans.]

You are on the right track to help the people.

[Chanute committee.]

We thank you for the stand you have taken. Your action is receiving favorable comment all over the State.

[Peru, Kans.]

You are doing a great work for your State.

[Chanute (Kans.) Oil Association.]

Hearty and sincere thanks of the association for the stand you have taken in the interest of just and fair dealing.

[Parsons, Kans.]

Accept my heartiest congratulations on your stand and best wishes for your success.

[Davenport, Iowa.]

I am glad of the stand that you have taken. You have the backing of the bulk of the American people.

[Crestline, Kans.]

The people of this part of your district express hearty appreciation of the work you are doing.

[Parsons, Kans.]

The people are with you for the work you are doing.

[40 Wall street, New York, banker.]

Heartiest congratulations for the efforts you are making in behalf of your country's best interests in opposition to the greatest monopoly in the world. In the language of the greatest foe of monopoly, Benjamin F. Butler, "We shall have to run the monopolies or the monopolies will run us!" You have hit it the hardest jolt it has ever received.

[Chanute, Kans.]

I am proud to be represented in Congress by a man who knows how and when to strike a foe of the people.

[Seattle, Wash.]

I take this opportunity of congratulating you upon the work you are doing for the whole country.

[Springfield, Mo.]

You are doing the right thing. They can not hurt you.

[Cherryvale, Kans.]

You have done the act of your life, and can tally more friends than any other man in the State.

[Muskogee, Okla.]

Hearty congratulations on your work for a square deal.

[Detroit, Mich.]

I can not tell you how much pleasure it is to know that there is a man in Congress who isn't afraid to strike, no matter how big the foe.

[Philadelphia, Pa.]

The country is greatly indebted to you.

[Rockland, Me.]

A courageous act and a most effective stroke for the square deal.

[Parsons, Kans.]

Permit me to say that we all appreciate and approve your course in Congress.

[Topeka, Kans.]

You are certainly hitting the bull's-eye.

[Winfield, Kans.]

Please accept my heartiest congratulations on the splendid work you are doing.

[Cherryvale, Kans.]

Standard don't control the third district. We are with you.

[Saratoga Springs, N. Y.]

Permit me to congratulate you on bringing to book the greatest monopoly in the world. I am glad the country has a Representative who has appeared and done his duty by the whole people.

[Baltimore, Md.]

Heartiest congratulations for the work you are doing.

[Bartlesville, Okla.]

I congratulate you upon the opportunities which have come to you and your ability to seize them.

[Minneapolis, Minn.]

I do most heartily congratulate you for your interest in State and Nation.

[Moline, Ill.]

I congratulate you for taking the most effective step ever taken in behalf of the small and independent refineries and operators.

[Arkansas City, Kans.]

Never was a fight more just nor more vigorously fought than the one you are now fighting.

[Chandler, Okla.]

You are doing a great work in behalf of your constituents and the people everywhere.

[Fredonia, Kans.]

You are doing a great work for your country.

[Arkansas City, Kans.]

You have certainly been keeping your ear close to the ground and have made a move that will largely increase your already great popularity. (Democrat.)

[Wheeling, W. Va.]

The inclosed resolutions are sent by this association with our thanks to you for what you have done for independent oil interests in the country.

[Los Angeles, Cal.]

The papers eulogize you; the people here are talking about you; if you were here you could be elected to Congress without opposition.

[Chicago, Ill.]

Everybody is pleased with your prompt action in behalf of the oil belt.

[Fort Scott, Kans.]

In the language of "Teddy," "Bully for CAMPBELL." You are on the right track.

[Watertown, N. Y.]

I am a salesman covering a large part of New York State, meeting many people, and I assure you the people of this State appreciate the efforts you are making for equal opportunities for all.

[Cherryvale, Kans.]

I want to congratulate you. I am a pretty strong Democrat, as you well know, but I am unanimous for you.

[Duluth, Minn.]

Hurrah for you. You are hitting at the right place.

[Denver, Colo.]

You have done a magnificent service to the whole United States. Such work as this by Congress looks like strong work against rapacity, grasp, and greed.

[Chicago, Ill.]

I am proud of what you are doing.

[New Orleans, La.]

You are giving the greatest monopoly the fight of its life.

[Cherryvale, Kans.]

A Democrat said to me to-day: "I want a chance to vote for a man who is brave enough and good enough to undertake the work that CAMPBELL is doing." I congratulate you.

[Kansas City, Mo.]

I ask the right to add my congratulations for the work you are doing for the country.

[Philadelphia, Pa.]

I congratulate you for the work you are doing for Kansas and for the entire United States.

[New York City.]

You have made a great move for the square deal.

[Boston, Mass.]

I thank you for your act of kindness to the people of the whole country.

This splendid record is unassailed by the cowardly insinuations made in connection with H. H. Tucker's employment of D. W. Mulvane to prevent the issuance of a fraud order by the Post-Office Department. The insinuations don't fool anybody. CAMPBELL is for the people, and the people are for CAMPBELL for Congress.

I want to assure you, however, that I have not always been able to do everything that I wanted to do in this House. I have found almost 400 other gentlemen here, some of them agreeing with me and some of them disagreeing with me. I have not been able, therefore, to get everything that I have wanted. It is probably a good thing for the country that I have not. [Applause on the Democratic side.] And it is just as good a thing to the country that the gentlemen who lead the applause have not been able to do everything that they have wanted to do. [Applause on the Republican side.] It is suggested by some one near me that it is a far better thing.

Mr. Speaker, a year or more ago, indeed a year ago on last December, realizing, as I did, the value of a calendar day, I, with other Members of this House, met almost nightly for some weeks endeavoring to perfect a rule providing for a calendar day. Such a rule was finally agreed upon, after some six weeks of deliberation. After that rule had been agreed upon, I went about the other work of this House and paid no further attention to additional amendments to the rules. I was sincere in advocating a calendar day, and with others introduced a resolution in this House providing for it. It was regularly referred to the Committee on Rules. Doing with it as I had done with other measures I had introduced in this House, with my colleague, who introduced the resolution with me, I asked the Committee on Rules for a hearing. A date was fixed. We had the hearing.

The rule was reported and brought into this House for consideration. Very much to my surprise many of the gentlemen who had been insistent upon a calendar day, a most important change in the rules, who insisted upon relieving the Members of this House from the necessity of abasing themselves, as they said, at the door of the Speaker; very much, I say to my surprise, many of these gentlemen voted against the rule providing for a calendar day that gives Members of this House an opportunity to call up their business on the calendar without consulting the Speaker, or anyone else except the committees to which the bills are referred. Under these rules, so amended, this Congress has a record for transacting business that is legislation. No other Congress has considered and passed as many bills as this Congress up to this day. Twenty-three thousand one hundred and eighty-three have been introduced, and 3,016 pension bills have already been reported on and passed. Seven hundred and sixty-six other bills have been reported from committees. Of these 766 bill, 150 went to the Union Calendar and 95 have already passed the House; 138 to the House Calendar and 100 have passed the House; 321 went to the Private Calendar and 201 have passed the House, and we are far on with the great appropriation bills.

Mr. Speaker, in view of all this I am unable to see the necessity for interrupting the work of this busy Congress at this busy time only for the purpose of inaugurating a backward revolution in the House and its procedure.

The Committee on Rules may not always do what I want done, may not always do what you want done; but, as suggested a moment ago by the gentleman from Iowa [Mr. SMITH], when that committee brings a rule into this House it has first tested the membership of this House to find out what they want. So far as I am concerned, Mr. Speaker, I would rather trust the old method of appointing the Committee on Rules than the new method now proposed. The old method has resulted in the appointment of committees that have done the will of a majority of the House. Within the last eight years I have seen that committee bring in rules here for the enactment into law of administration measures that will go down into history as the most advanced and progressive legislation ever enacted in a like period by this or any other legislative body. [Applause.]

I like practical things. I would rather have an acre in the District of Columbia than a whole principality in Utopia, paraphrasing the words of another. There may be something altruistic, utopian, idealistic, dreamlike, and the method proposed of selecting the Committee on Rules. But I can see in it dangers to the very purpose of the gentlemen who are advocating it. We have no continual oligarchy in this House. The present Speaker of the House has occupied the chair a longer consecutive period than any other man who has occupied that position. He may come back in the next Congress; I do not know; his constituents in Illinois will decide that. He may die; I do not know; I hope not.

If he comes, he may not be a candidate for Speaker. He may be; there may be other candidates. Some one else may be elected. If some one else is elected we may have a new Committee on Rules, and the new Speaker will be the chairman of that committee; and we will all have a new deal all around. I would like to know how you would get a change from your committee of fifteen. Once organized, that committee becomes a perpetual institution of this House, to control its business. The old members of that committee will exercise an influence on the selection of the new members, and that body will be a continuous body, as it is at the other end of the Capitol. Gentlemen of insurgent proclivities at the other end of the Capitol are smarting under the procedure there of appointing committees by the Committee on Committees. They would gladly get rid of that method of selecting committees. We have been progressing, leading them in public sentiment, leading them in progressive measures under our rules and under our Committee on Rules. I submit to the gentlemen of this House that we can continue to do so.

Mr. Speaker, I have taxed far beyond wisdom my physical endurance. I am not sure that I ought not to have taken the advice of my physician and remained in my room; but I have felt keenly the unwisdom of the resolution that has for its object the appointment of so large a Committee on Rules, and in the manner proposed. I see more danger than safety in it to the speedy transaction of business in the House. It is easier to get action, quick action, from a committee of five than from a committee of fifteen, however appointed.

I sincerely hope that the resolution will not be agreed to. [Applause.]

Mr. MARTIN of South Dakota. Mr. Speaker, the question under consideration is one of the most important questions that has come up for the determination of the House of Representatives during my period of membership in it. It involves, primarily, a question of order of procedure. It involves, in the next place, a question of merit upon the resolution offered by the gentleman from Nebraska [Mr. NORRIS]. I have definite ideas and convictions upon both these questions, and, under the liberal rule of debate that has prevailed for more than twenty-four hours, I desire to avail myself, in all frankness, of the opportunity of apprising this House of Representatives of my convictions upon these questions for whatever they may be worth to this deliberative body.

In the first place, it is perfectly clear that, as an original proposition under the rules, the resolution offered by the gentleman from Nebraska is not privileged and is not specially in order. However, it is as much in order as the Crumpacker resolution, on which the House yesterday reversed its vote of the day before and held it in order upon the plea of a high constitutional privilege.

The resolution of the gentleman from Indiana [Mr. CRUMPACKER] to which I refer had simply a remote reference to the taking of the census.

It was claimed upon calendar Wednesday that that resolution was in order because it was proceeding under a constitutional authority, the authority of the Constitution being simply that Congress has power to legislate to provide for the taking of the census, or, to be more accurate, the provision of the Constitution that a census shall be taken every ten years under such law as shall be provided.

No one would contend that the law we have already passed is not adequate to the taking of that census. No one would contend that if this particular resolution, in amendment of that law, should never pass, the Constitution would be in any sense impeded in the enforcement of the provisions that the census shall be taken every ten years, and that it shall be taken during this decennial period of 1910. Upon calendar Wednesday this House very properly, within the reason of the rules of procedure, in my judgment, held that it was not a matter of constitutional privilege. Upon the following day certain Members upon both sides, for reasons best known to themselves, reversed their positions, and consideration of it proceeded; and we have here before the House the ridiculous and anomalous condition that a constitutionally privileged resolution is not in order and can not be made in order upon calendar Wednesday, but may be made in order upon Thursday, the day following.

Why, Mr. Speaker, this House is a House of constitutionally limited powers. We have absolutely no authority to do anything whatever in a legislative way unless that authority is given us specifically or inferentially in the Constitution of the United States. There is not a single bill or resolution that we can bring up for passage in this body and make it in order to proceed at all unless there is some constitutional authority for it. This is a Government of limited constitutional powers, and every bill that can be brought in here can maintain itself upon the theory of a high constitutional privilege if all that is necessary to be said is that it is authorized by the Constitution. So my judgment upon the point of order was that the resolution of the gentleman from Indiana, which was very properly held to be out of order upon the day before, was also out of order yesterday. We were then confronted with another resolution equally as privileged if the constitutional authority for it is the proper basis, equally as much in order as the other, and the gentleman from Nebraska [Mr. NORRIS] who proposed it, while frankly conceding that he does not agree to the position taken, certainly has good precedent for the position that his resolution is as much in order as the action of the House taken upon the former resolution immediately preceding. If the Crumpacker resolution was privileged, the Norris resolution is privileged also.

But, Mr. Speaker, we are confronted with a question that has merits beyond the technical question of the order of procedure. We are proceeding from time to time under a body of most excellent rules. They are rules that represent the accumulated legislative experience of generations, during which the power

of the House has swept from one political party to another, generations during which old parties have gone down and new parties have arisen, and in the main they are an excellent body of rules.

It would be queer, indeed, if some of this large mass of accumulation would not be found in practical operation to work contrary to the will of the majority, contrary to the will of the people concerning legislation. It would be strange, indeed, if it was not found necessary as time progresses to amend the rules. It is a significant and a peculiar thing that there is absolutely no provision made in these rules for their own amendment. I have been in this House some nine years. One of my most vivid experiences of the first days of my membership in this House was when we met in Republican caucus and I heard a most excellent and patriotic speech from one of the best public speakers who has been a Member of this House during my term, Col. Peter Hepburn, from Iowa. I heard the same speech at the beginning of every other term of Congress.

But, nevertheless, I was convinced then, and I am convinced now, that there was considerable basis for the position taken by Colonel Hepburn that during the evolution of these rules, almost unconsciously, more and more power has become concentrated in the Speaker and in his immediate advisers.

There has been some danger in this legislative body which, under the Constitution, under its splendid history, is regarded as the people's representative body—there has been some danger, indeed, and is danger now, that in the evolution of these rules the power has become more and more concentrated, contrary to the spirit of this people's broad representative body. It is a matter of some interest to know that our rules under which we are operating do not provide in terms that the Speaker of the House of Representatives shall be the chairman of the Committee on Rules. There is no provision in the rules that he shall be a member of the Rules Committee at all.

I ascertained from inquiry that the precedent by which the Speaker became a member of the Committee on Rules originated in 1858 from the circumstance that the then Speaker Orr, a Democratic Speaker from South Carolina, was a man learned in parliamentary law, and it was thought a proper thing that he should be added to the committee.

The precedent once being established, every subsequent Speaker has been made a member of the Committee on Rules. I am not able to say whether the first Speaker who became a member of the committee became afterwards chairman, but certainly for many years by custom, consistent entirely with the proposition I have made, that once you start the accumulation of power and it grows like a snowball as it proceeds unconsciously, it came to be accepted as a matter of course that the Speaker would be the chairman and dominating member of the Committee on Rules. Under a further provision of our rules the Speaker appoints all the committees. The Committee on Rules becomes by far the most important committee in this House, from the standpoint of the selection of what legislation out of the many bills that are up for consideration shall be considered; because out of 30,000 bills comparatively few can be taken up and deliberately passed. The Committee on Rules is the only one provided by our rules that can perform the task of sifting out and choosing between these bills, having practically the power in the first instance to propose to the House of Representatives what bills shall be selected for immediate passage. I say from that consideration and others this is the most important committee of the House.

There has been a growing sentiment, somewhat artificially cultivated and created, I am bound to say, and still a growing sentiment, that too much power in this regard to be consistent with the purpose, the genius, and the basis upon which this House of Representatives is organized under the Constitution has, by the evolution of increased power, now become concentrated in the Committee on Rules. From the circumstances that the Speaker has the appointment of all the committees, has the naming of that committee, and furthermore is the chairman of that committee, the conviction has been growing and growing without regard to the personality of the Speaker or the personnel of the Rules Committee that these rules ought to be popularized.

The Republican party one year ago listened to that demand and introduced on the 1st day of March, through the Committee on Rules, a resolution amending the rules and providing for calendar Wednesday. That same resolution, with some modifications, became a part also of what is known as the Fitzgerald amendment.

Mr. HARDWICK. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. Certainly.

Mr. HARDWICK. As a matter of fact, the only way in which this calendar Wednesday was affected by the Fitzgerald resolution was to put in a provision that it should not be displaced except by a two-thirds vote of the House. Is not that true?

Mr. MARTIN of South Dakota. The original resolution, as passed and reported from the Committee on Rules and adopted by the House, provided in practically the same language as this present resolution, excepting it required only a majority vote to dispense with calendar Wednesday; and under the Fitzgerald resolution, passed on the 15th of March, two weeks later, that was amended, providing for a two-thirds vote being necessary. But that is a good illustration of the only way known under the rules of amending the rules. To be regular, the amendment must originate in a resolution, which will be referred to the Committee on Rules, or originate primarily in that committee. In this instance there was considerable demand for the restoring of power to the individual Member, so that he would be in a position, periodically at least, to force consideration for his measures.

That was an important amendment to the rules. It was in the direction of further popularizing this body in its legislative capacity. Another amendment incorporated in the Fitzgerald resolution gives us a Unanimous Consent Calendar. This was in the same direction. I believed in those propositions at the time. I believe in them now. I voted for each of those amendments, which from some absurdity of position some of our insurgent friends did not vote for.

Now, in my opinion, this present question being up, it can not be dodged or avoided by the House of Representatives. It comes up irregularly, it is true. There is no provision in the rules authorizing the pendancy of this resolution at this time, and still it is a practical question. The House of Representatives has time and again, as the Speaker very properly said yesterday, arbitrarily suspended its rules upon occasion and done things in that way that it could not do under the rules. I desire, therefore, to be entirely frank with the Republican membership of this House. There is no question of higher privilege that can possibly be considered in a representative body than the question of amending the rules that shall govern that body in its deliberations. An amendment offered to the rules of procedure is certainly upon as high a plane of privilege inherently and independently of the constitutional provision as any other resolution that could come before this body for consideration. I personally hope that as Republicans we may meet this situation now, that we may introduce a resolution from the Committee on Rules meeting this situation, and giving us as Republicans an opportunity to vote upon it, and I commend to the consideration of the Rules Committee, if my suggestion meets with favor, a resolution which I now propose:

The Committee on Rules shall consist of 10 members, 6 of whom shall be members of the majority party, and 4 of whom shall be members of the minority party, all of whom shall be elected by the House by a majority vote. The Committee on Rules shall select its own chairman. All rules or parts thereof inconsistent with this resolution are hereby repealed.

It is within the power of the Republican Committee on Rules, controlled in the majority by the majority membership in this House, to present this solution or some similar solution to the proper and regular consideration of this body. If it should, then, in my candid judgment, Mr. Speaker, we can settle this question and go before the country, having met responsibility in a manly, proper way, and we can acquit ourselves of all responsibility, honorably, justly, and in a straightforward manner before our constituents. If, on the other hand, we force our insurgent brethren, nine-tenths of whom, in my opinion, at least, are as much at heart Republicans as you or I, to an alliance with Democracy, whatever may be their tendencies—no reflection upon the opposition personally, because our Democratic opposition is as fine a body of representative Americans as ever graced any portion of this Chamber—we will cause a serious breach in our ranks and jeopardize the important legislation that this Congress should pass.

This can be avoided if the committee commissioned to introduce measures modifying the rules shall act and do it properly.

I want to go further and say, first, the resolution in the form brought in by the gentleman from Nebraska, in my mind, is not a fortunate solution of this question. I certainly shall seek to amend it in its present form. The districting of the States into groups, each district of which must necessarily include some Democrats and some Republicans, would be artificial, would be clumsy, and would not work out satisfactorily. I think the majority of this House could select its members of this committee in caucus and then come here and by a majority vote elect the members of this committee. I shall therefore oppose the details of the special provisions of the Norris resolution, and I should, if we should reach that stage, offer an amendment something in the line which I have suggested. I do, however, favor the

general purpose of this resolution. A committee of ten would preserve the same proportion to four Democrats that we now possess. It would give to the Republicans precisely the same proportion that we now have in the Committee on Rules.

The Democrats, so far as I am concerned, could very properly select their members on this committee, and we can select ours. We can get together as Republicans, we can choose from our Members those men to represent this part of the body upon that committee, and we can proceed with the orderly business of the House. I want to go one step further and say, that in the face of the procedure we have had, in the face of the position that the House took upon yesterday as to the privilege of the Crumpacker resolution, while I do not believe it is a correct precedent as an original proposition, if forced to action on that question by an appeal from the Chair, if the Chair should decide adversely, I will follow the precedent of the House and consider this a question of high privilege. The question of what our rules shall be is certainly of as high privilege as the other. And then I will proceed as best I can to discharge the duty of one Member in determining how this Committee on Rules shall be reorganized. And in saying that, Mr. Speaker, I voice simply my own convictions upon this important question. I make no criticism upon the present Speaker of the House.

I want to say that after nine years of service in this body I have never found it difficult, certainly not impossible, under the rules as administered by Speaker Henderson or by his successor, Speaker CANNON, to receive recognition for the consideration of any measure I might be championing that was of sufficient importance to be entitled to consideration here.

Mr. REEDER. Mr. Speaker, I would like to ask the gentleman how much a majority of the Republican caucus would be required to hold certain insurgents if it was not their opinion?

Mr. MARTIN of South Dakota. I can not answer for the insurgent Republicans. I give credit to the high personal purposes of Members of this body upon all sides. I have no characterization to offer of any man who may disagree with me, whether he may be a member of my party or a member of the opposition party, but I have this confidence in the Republican membership of this body that on any fair proposition that comes in good faith to remodel the Committee on Rules there will be no difficulty in getting the Republican Members in the caucus to select the personnel of that committee to be the Republican members of that body.

Mr. HOLLINGSWORTH. Suppose the gentleman had voted as I did on calendar Wednesday to overrule the decision of the Chair, and voted on yesterday when the same question came up, would he to-day follow the precedent set here yesterday if the Speaker should decide this motion not in order?

Mr. MARTIN of South Dakota. If the gentleman from Indiana has correctly stated his position——

Several MEMBERS. The gentleman from Ohio.

Mr. MARTIN of South Dakota. From Ohio; they are both creditable States—if the gentleman from Ohio has stated correctly his position and his vote upon this question on calendar Wednesday and yesterday, he and I voted precisely the same. I voted to overrule the decision of the Speaker upon Wednesday, because I believed that the decision was wrong and that the motion was not privileged under the Constitution or under our rules.

I voted the same when the matter was up again yesterday. Now, then, a resolution, which is as much privileged as the other, is up, or may be up, for consideration. The House immediately in following the Speaker has approved all the precedents upon that subject.

I consider this subject of the amendment of the rules as vastly upon a higher plane of privilege and right inherently in a legislative body than a question of the color of the hair or of the complexion or of previous nationality in enumerating the census. Therefore we want to be clear. I will hold the House to its precedent upon a question of minor importance, and apply it to one which I consider of much graver magnitude, the reconstruction of the most important committee having direction of the proceedings in the House.

Mr. JAMES. The gentleman in the statement he last made seems to have offered to us some hope that we may have a vote upon this question. I would like to know how long he thinks it will take the Speaker, after he has already considered this question now for twenty-three hours, to make up his mind about how he will rule upon this question?

Mr. MARTIN of South Dakota. If anything that I have said has given to the gentleman from Kentucky [Mr. JAMES] any basis of a beautiful hope, I am delighted. I can not pretend to guess as to how soon it will be possible that we may have a ruling upon the subject. I will say this, though: There has been very liberal opportunity for debate upon this proposition on both sides. It has been debated by Members of the House on both sides, not only upon this question of order, but generally as to the merits. It has been an irregular proceeding, but to my mind a very appropriate proceeding.

If we are going to have a more important question up in this session than this one, I do not anticipate it, and for one I should like an opportunity to be given to Members on either side of the House to express their views before we have a decision, if the Chair desires our views—certainly before we have a vote upon it ourselves, if that contingency arises.

Mr. JAMES. I would like to ask the gentleman if he believes that the Speaker is really undertaking to obtain what the parliamentary law is upon this question, and that this time that has been taken—twenty-three hours—has been for the purpose of ascertaining what his judgment ought to be? In reality, is it not for filibustering until he can get on this floor sufficient of his followers to overrule any appeal that may be taken from the decision?

Mr. MARTIN of South Dakota. It is not for me to say what is in the mind of the Speaker. I ought to say this to the suggestion of the gentleman from Kentucky: I have now served under two Speakers in this House. I remember an instance in the House in which John Sharp Williams, the leader of the minority, made a most suitable address, in which he complimented the universal fairness of the Speaker.

I think that under the popular criticism that has grown up against the Speaker, some of it perhaps caused by newspaper and magazine manipulation and advertisements, public sentiment may have changed toward the Speaker. I do not believe it has changed very much the personal views of the Members on either side of this Chamber. I believe this further, that certainly the minority here will have as fair and has had as fair treatment from the Speaker in the consideration of this great question as, if the conditions were reversed, we could hope to have from a Democratic Speaker under the same circumstances.

Mr. STANLEY. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from South Dakota [Mr. MARTIN] yield to the gentleman from Kentucky?

Mr. MARTIN of South Dakota. Certainly.

Mr. STANLEY. I have heard that the gentleman from South Dakota is a great mathematician as well as an eminent statesman.

Mr. MARTIN of South Dakota. You pay me a great but unwarranted compliment.

Mr. STANLEY. And I wish to propound to him a problem, mathematical to a certain degree in its nature. It has been charged by my friend, the chairman of the Committee on Appropriations [Mr. TAWNEY], and by other distinguished statesmen upon that side of the House, that this motion made by the gentleman from Nebraska [Mr. NORRIS] was transparently insincere upon its——

Mr. TAWNEY. Will the gentleman permit me to correct him there?

Mr. STANLEY. Yes.

Mr. TAWNEY. Have you ever heard the chairman of the Committee on Appropriations of this House make a statement to that effect, or that statement, in fact?

Mr. STANLEY. I so understood.

Mr. TAWNEY. You so misunderstood me, then, because I never thought of making the statement.

Mr. STANLEY. I humbly and sincerely beg the pardon of my friend—and I hope I may address him as my friend—the chairman of the Committee on Appropriations. I understood the chairman of the Committee on Appropriations to say, and in the multitude of addresses I may have been mistaken, that this was clearly not a privileged question.

Mr. TAWNEY. For the information of the gentleman from Kentucky, I will state that I have not discussed the question at all.

Mr. STANLEY. Then I humbly admit my mistake, and I humbly beg pardon.

Mr. MARTIN of South Dakota. What is the problem in mathematics that is troubling the gentleman?

Mr. STANLEY. I sincerely hope that I will receive the pardon that I sincerely crave. But about the mathematical proposition. It has been charged——

Mr. MARTIN of South Dakota. What is the problem?

Mr. STANLEY. I will come to the arithmetic in a second. It has been charged by more than one of the stalwart leaders on that side of the Chamber—by the gentleman from Ohio, I know beyond question of doubt—and he has asked, and in the asking is presumed an answer, if the gentleman from Missouri or if the gentleman from Alabama would seriously claim that this was a question of privilege under the Constitution, I might——

Mr. MARTIN of South Dakota. Mr. Chairman, I decline to yield further, unless the gentleman has a question. Cut out the frills.

Mr. STANLEY. After charging that it is transparently a subterfuge, if it takes the Speaker twenty-three hours to decide whether or not a question is privileged that is transparently and absolutely not privileged, how long, under the grace of God and the cycle of the centuries, would it take him to decide a question that does involve a question of parliamentary law? [Laughter.]

Mr. MARTIN of South Dakota. The gentleman's problem is mathematical, but he has not stated sufficient elements to reach a correct conclusion. I suggest that he figure it out on paper with a lead pencil, and after I get through I will give him any assistance in my power in seeing that the figures are properly checked.

Now, Mr. Speaker, I have but one word more to say, and that is to my associates. Upon yesterday we were told by various Members, speaking from this side, that the Republicanism of those who could not agree with the leaders upon this question of the advisability of amending this rule is to be questioned. They are to be rallied by the cry of party loyalty. There is no possible question of party loyalty involved in this proposition. It is not proposed to limit in any degree the power of the Committee on Rules as now prescribed by the rules. The proposition is simply to determine how the committee shall be selected. To leave its selection, as far as practicable, to the popular choice of the membership of this House alone; to have it stand as it now is in its practical workings; and without any criticism upon anybody. The committee is now selected by the Speaker and is practically the advisory council of the Speaker, rather than an independent committee in any proper sense of the term. I sincerely hope, gentlemen, that we may be able to settle this question without forcing Members who may think as I do to join with the Democracy for the purpose of the initial stage simply to get a hearing upon the merits of the resolution.

Our best service to party loyalty will be discharged by making sure that we protect faithfully the rights and purposes of the people in this crisis in the proceedings of this representative body.

Mr. TOWNSEND. Mr. Speaker, I realize that this is a very critical time, and that many gentlemen are anxious to bring the matter before us to an end; but inasmuch as it is so important, more important possibly than many of us think, it occurs to me that it may be well for us to seriously consider just exactly what we are doing and what we propose to do.

I need not recite the circumstances which brought this matter before the House, for we all understand that when the gentleman from Indiana [Mr. CRUMPACKER] brought in a resolution which he claimed was constitutionally privileged, many of us believed that it was not so, and we voted against it. When the question was whether we should sustain the Speaker or not, I voted to overrule him, because I believed he was wrong, and because I thought we could not afford to establish that ruling as a principle of parliamentary law. When, next day, the gentleman from Indiana again brought up his resolution on the same grounds, and the question was submitted to the House to decide whether it was privileged under the Constitution or not, I voted that it was not such in my judgment. Yesterday, or today, if this is but yesterday continued, a similar question was submitted in the nature of an amendment of the rules.

I can not understand how any man who believes that the census proposition was not in order can, with any consistency, vote that this question is in order now. I believe that they are practically on the same basis, and it is a matter of principle which governs me in my decision. I could not justify my votes of yesterday if I am to reverse myself to-day, and I have not been in the habit on this floor of taking what seemed to me to be an inconsistent position. I realize that the motive back of this proposition is to amend the rules, and I have not always condemned radical and unusual action by the House to reach results if the results warranted the means.

The immediate question now before this House is whether we are in such a situation that we ought to vote to overrule the Chair if he shall decide that this is not a question of constitutional privilege, in order that we may accomplish at this time an amendment to the rules. That, I take it, is a fair statement of the situation. I wish to submit that so far as I am concerned, so far as I have been able to discover, there has been nothing but the utmost fairness in this House since the beginning of this session of Congress. I have heard no complaint from any man that there has been any exercise of improper authority by the Speaker or by the Committee on Rules.

Mr. HARDWICK. Does the gentleman think the motion to recommit has been administered fairly on this floor by the presiding officer of the House?

Mr. TOWNSEND. I do not care to discuss that question now particularly, although I am perfectly willing to refer to it. I had a little experience on the floor the other day under that rule to recommit. I felt at that time that there was collusion between the gentleman from New York [Mr. FASSETT] and the Speaker of the House, but I realized, before I could complain bitterly about it, that I ought to have exercised the power that I had, and perhaps, if I had been sufficiently active and wise, I could have secured a different result from that which was secured. I can not say for sure that there was collusion. But it is true that the gentleman from New York [Mr. FASSETT] and myself were in a similar position. The gentleman from New York had voted against an amendment. I had not voted against any amendment. I had, however, advocated a measure in opposition to the provisions of that bill, and I made the motion to recommit in good faith, desiring the bill recommitted. I do not think the gentleman from New York did make the motion in good faith, or did desire the bill committed.

Mr. Speaker, I repeat that I have seen no cause of complaint arising under the rules since the beginning of this session of Congress; at least no complaint that would warrant the action that this House proposes to take. I was and am in favor of amending the rules where amendment is needed. And that suggests the question of insurgency in this House. What is its history?

During the Fifty-eighth and Fifty-ninth Congresses and the first session of the Sixtieth Congress the President of the United States was the strenuous advocate of what many believed were reforms in public life and service. His recommendations were radical and incurred the opposition of great interests intrenched in power under Republican and Democratic administrations, and also of many Members of Congress, who protested that the innovations proposed were not only unwise, but dangerous. Under a custom almost as old as the Congress itself, it was possible for the Speaker and a few members of his kitchen cabinet to practically determine, except as to privileged matters, the bills that should be considered. On suspension day no one could bring up a matter for consideration except he first secured the consent of recognition from the Speaker. It is true we had a rule providing for a call of the House Calendar, but privileged matters supplanted the order, and it could be dispensed with by voting to consider some other measure than the one in order under the rule. Members were placed in the embarrassing attitude of voting down a colleague's bill in order to secure consideration of their own.

A number of Roosevelt Republicans felt that the rules should be amended so that the consideration of measures should come up as a matter of course, and these gentlemen got together and considered the situation. Most of them were novices in the intricacies of the rules. They felt they knew what they wanted, but did not know how to accomplish it. At the very beginning it was unanimously agreed that no fight was to be made on the Speaker. The rules were the subject of discussion. No definite conclusions were reached up to the last session of the Sixtieth Congress. In the second session the agitation was renewed, and the number of insurgents was about 30. It was understood by all that whatever proposition for amending the rules was adopted should be made during that session of Congress, as some of the progressives would not be in the Sixty-first Congress and the new Members would be unacquainted with conditions and liable to be unduly controlled by the so-called leaders. Weeks were spent discussing various proposed amendments, but finally all efforts were centered on two propositions—one, a calendar day once a week, upon which bills on either the House or Union Calendar would come up automatically, and no privileged matters, like appropriations or the consideration of other bills, could supplant it; the other proposition was the one to take from the Speaker the power to appoint standing committees and vest that power in a committee on committees to be elected by the House. These two things were discussed long and earnestly. All agreed without a dissenting voice to the calendar proposition. Nine of these gentlemen could not agree to the last proposition. They opposed it whenever it was under discussion, and did not vote in favor of it. The nine men were FOSTER, of Vermont; SCOTT, CAMPBELL, and ANTHONY, of Kansas; POLLARD, of Nebraska; HOWLAND, of Ohio; PARSONS, of New York; MCLAUGHLIN and TOWNSEND, of Michigan. They prepared a resolution in accordance with the unanimous vote of the insurgents, and it was introduced and its consideration finally secured by the Committee on Rules. We obtained consideration by pressing it in good faith upon the Committee on Rules and upon Members of Con-

gress, and if I had believed there was actual need of rule amendment, as proposed in the measure before us, I, with the others, would still be clamoring for it, or until we succeeded. Calendar day was reported in February last year and became a rule of the House.

Practically every Democrat voted against it. It was readopted at the beginning of the Sixty-first Congress against the opposition of a majority of the Democratic Members. At the time the nine gentlemen introduced their resolution the balance of the insurgents introduced a similar one, and coupled with it the proposition for a committee on committees. It was, I believe, never pressed for consideration or passage. The calendar day amendment was a good one and the most beneficial change in the rules since Speaker Reed's time. Under it bills come up automatically, and no one can go home and truthfully tell his constituents that he was unable to vote for a bill because the Speaker would not allow it to be called up. It is now a rule of the House. Under it every Member knows three days in advance just what measures are in order, and I know of no way by which the Speaker could prevent consideration if he desired to do so. More business has been done under it in an orderly and intelligent manner during this session of Congress than I have ever known to be accomplished in the same length of time under the old rule, and no future House will dare to repeal it. On but one occasion has anything been done which might have been considered as an attempt to evade its plain purpose and that miserably failed. I shall oppose any proposition whose effect will be to interfere with calendar Wednesday or with any other good rule. If the House decides that the pending resolution is constitutionally privileged we make it possible for any Member—Democrat, regular, or insurgent—to obtain the floor for consideration at any time of a proposition to amend the rules, and thus destroy calendar Wednesday or any other order, however valuable, and filibustering in its worst form can be indulged.

Another amendment was made to the rules at the beginning of the Sixty-first Congress for which I gladly voted. It provided that after the previous question on a bill was ordered, some one in opposition to it could be recognized to move that the bill be recommitted. It was clearly intended by this to afford those in opposition to a measure an opportunity to present an opposing proposition for the action of the House. It was employed on April 9 last, when the Payne tariff bill was up for final passage. After the previous question was ordered, the gentleman from Minnesota [Mr. LINDBERGH] and the gentleman from Missouri [Mr. CLARK] both rose in their seats and addressed the Chair.

The gentleman from Minnesota was perhaps the first to say, "Mr. Speaker." The Speaker recognized Mr. CLARK. Rising to a parliamentary inquiry the gentleman from Kansas [Mr. MURDOCK] asked why the gentleman from Minnesota had not been recognized first, and the Speaker said:

> The Chair in carrying out the new rule lately adopted, feels that in fairness, following a fair construction of the rule, the gentleman from Missouri, a member of the minority of the Committee on Ways and Means, the leading opponent of the bill, should be recognized for the purpose of making the motion to recommit, and therefore the Chair recognizes the gentleman from Missouri.

This decision was applauded by both sides, as it was the first time the new rule had been tested, and the advocates of the amended rule felt justified in their efforts. A great measure was before the House and the rule permitted the minority to submit a substitute so that a choice between two bills was afforded the Members. The rule is a most wholesome one in its clear intendment, but recently it has been demonstrated that the benefit of this motion to recommit by an opponent of a bill can be defeated by a member of a committee having a bill in charge, if his conscience will permit him to say he is in opposition to it to the extent of desiring its recommission when he is not so. It ought not to be necessary for the House to pass rules compelling honest frankness on the part of Members, and it is doubtful if any rule can be devised, however wholesome, whose efficacy depends upon the honor and integrity of the Congressmen, which will not at times be defeated in its purpose, but every means should be employed to make it most difficult and always disgraceful to defeat by indirection a rule of this House.

Mr. SHACKLEFORD. Will the gentleman yield?

Mr. TOWNSEND. I will yield to the gentleman.

Mr. SHACKLEFORD. Were the rules amended so that gentlemen on the floor might offer a motion in good faith to recommit bills?

Mr. TOWNSEND. The gentleman from Missouri has come in late. I have already discussed that.

Mr. SHACKLEFORD. Has it been exercised in good faith?

Mr. TOWNSEND. I think probably it has. I am not able to read the mind of the Speaker. He said that he relied upon the statement of the gentleman from New York. I take it the gentleman refers to the incident which I have heretofore discussed.

Thus far calendar Wednesday and the rule governing matters brought up on suspicion and unanimous-consent days have justified the action of all who supported them. They furnish a better opportunity to every Member to do according to his ability and industry. I am informed that the gentleman from North Carolina [Mr. KITCHIN] inveighed against the tariff the other day, and yet, just before the vote was taken upon the Payne tariff bill the minority had an opportunity to present a substitute to be voted upon by the House, and it did present a substitute; and yet, I venture the assertion that during the condemnation of the tariff law in the coming campaign no Democratic orator or Democratic paper will ever refer to that substitute. They have forgotten it, or, at least, have tried to forget it.

I submit, Mr. Speaker, that no Member on either side of this House, if it were not for political emergencies at home, would claim anywhere that the business of this Congress requires an amendment of the rules such as is presented here to-day in this manner.

I want to say to you, Mr. Speaker, and to you, my Republican colleagues, that the question before us is one which we can settle in our own party. [Applause on the Republican side.] I am in favor of the best rules possible. And the majority must or ought to make and amend its rules. I am and have been with those who want better rules. The real trouble is not with the Committee on Rules. Of course that can be used to conjure with, but when you have changed the rules certain gentlemen not on the committee will still officiously be in evidence and will assume to control. Of course you do not propose to eliminate these gentlemen from Congress.

So, I say, Mr. Speaker, as for me, I am not willing carelessly and wrecklessly to overturn a rule of this House which but yesterday I fought for on this floor, not knowing then that this question was to come up to-day, and it would have made no difference if I had. If there was a condition that was confronting us which we could not meet to-morrow, it would be different, but nobody thinks that that is so, and I say to you, my friends, it is well for us to consider this question carefully.

Mr. BARTLETT of Georgia. Will the gentleman permit an interruption?

Mr. TOWNSEND. Yes.

Mr. BARTLETT of Georgia. Of course the gentleman knows that I always listen to him with great pleasure. Will the gentleman state a proposition amending the rules so as to get rid of the power which he has criticised—the Committee on Rules and those who are not on the Committee on Rules—some substantive proposition that we can have?

Mr. TOWNSEND. Mr. Speaker, I state to the gentleman from Georgia what I have said before in public and what I said before the committee of the insurgents, that I would like to see the Rules Committee enlarged, and then intrust it with directing matters of legislation—a steering committee, if you please, and always in touch with the House. I have no objection to that proposition. I want to consider it fairly, however. I want it to be considered as its importance demands that it shall be considered—in an orderly and intelligent manner.

Mr. BARTLETT of Georgia. The gentleman thinks out his propositions, as I know, and gives a great deal of study to legislative business. Has he not some concrete proposition that will relieve us of the situation that he has described?

Mr. TOWNSEND. Well, I do not believe that the gentleman from Georgia has any reason to complain about the situation, nor can he be properly interested in it. I am now talking about the conduct of business here by the Republicans, who are in the majority and charged with legislation.

Mr. Speaker, I desire, if I may be indulged, to say something in reference to a speech delivered in this House which had personal reference to myself.

In my boyhood days, nothing gave me quite so much genuine pleasure as attending a circus, and even yet I sense the old thrill when Ringling comes to town. The greatest delight to my boyish mind was the clown. He of the paint and powder, of grimace and flippant jest. His only duty was to entertain. No one ever took him seriously. He simply filled in between the acrobats and educated elephants. The clown is known solely by his class. There is no distinction of individuals. One is just like all the rest, and having seen one, you have seen all. Dan Rice seems to have been an exception, but I submit that while he was a clown he was something else. He trained a white horse.

I have never willingly allowed a circus to come and go without my having attended it. A show was in this Chamber February 25, and while the funny fellow had been industriously advertised for weeks, the exact date of his appearance was not named, and I was unavoidably detained when the event occurred; so I missed it. For this I am sorry, and I waited patiently a long time for such things to appear in the RECORD, as after mature deliberation and careful revision the joker might feel like saying what he said. After more than two weeks have passed the RECORD is finally adorned with the gentleman's revised remarks.

I have been in Congress nearly seven years, and I have reflected much upon the character of various constituencies as demonstrated by their choice of Representatives. Some evidently send their Members here to talk rather than to do, for they are returned Congress after Congress, and I have been unable to find where they have ever done anything or have tried to do anything, although about once every Congress these Members make some speech, not in favor of some great matter of legislation, but in ridicule of some existing condition or proposed measure.

But I know how dear to some Congressmen's hearts is public service at $7,500 per annum, and realizing, as they do, the high regard in which their constituents must hold the paint and powder artists, they act their little stunts. The gentleman from North Carolina it appears perpetrated the joke of indorsing the Speaker of this House and of lecturing certain Republican Members for what he claimed was ingratitude to the Speaker. Now, I do not know just what position the gentleman from North Carolina took in his last and in previous campaigns, but I feel safe in saying that it was the same as that taken by his party associates, which was something like this: "The Speaker is a tyrant; we can do nothing while he presides, and the only way we can get relief is to elect a Democratic House." This has been the cry ever since I have been a Member of Congress, and I suppose it was employed by some Republicans when a Democrat was Speaker. The trick of fooling the people has been worked overtime, but it seems not to have entirely lost its power, and therefore its use is continued.

In the midst of the jokes of the gentleman from North Carolina, which I am informed almost convulsed him with laughter, he insinuated that some near-insurgents had received favors from the Speaker in the form of committee assignments and that they had proven themselves ungrateful. Allow me to say to the gentleman for myself, and in this regard I believe I speak for all the others, I have never received an entailed favor from the Speaker, nor do I believe he ever intended one for me. His treatment of me has been uniformly courteous and fair and I have never had any personal cause for grievance. I owe him no alliegance except such as every Republican member owes to the presiding officer of this House.

I am under no such special obligations to him or to anyone else as makes it necessary for me to surrender my convictions to him. If I shall ever become a puppet to be played by another, and if to secure my rights as a Representative of the American people I find it necessary to transfer my individual responsibility to another, I shall feel indeed that my days of usefulness are over and that membership in the Congress is no longer honorable or desirable.

I will take my chances in a House whose overwhelming majority is composed of honest men—a membership which elects its own officers and makes its own rules. If those officers are unfit, if those rules are bad, the House is responsible, and not the Speaker.

We have been called near insurgents, and as applied to those who believe in honestly carrying out the platform promises of their party and who believe that sincere notions of right are more impelling than the ipsi dixit of any man or set of men, it is a decoration; if feeling that they are parts of the greatest legislative body in the world and that as such there is imposed upon them individual responsibility which can not in honesty and honor be surrendered to colleagues intrusted with no greater responsibilities; if being influenced by these considerations constitutes an insurgent, then, indeed, are we proud of the title.

We fought for the Roosevelt policies; we are now fighting for the Taft policies, which are but a continuation of the Roosevelt policies. We do this, not because they are Roosevelt-Taft policies, but because they are Republican, and because they are right. [Applause on the Republican side.] I recognize the necessity of party organization, and especially of organization in the party responsible for government, and I have yielded, wherever possible, to the wisdom of the majority of my party when such wisdom has been fairly expressed. I have felt, and still feel, that the suggestive steering force of this House is exercised by too close a corporation which assumes too much wisdom and authority. [Applause on the Democratic side.] Members who are much in evidence here, and who visit the Speaker's room most frequently, are no better, abler men than many who are quietly doing their work, and who could and should have a more prominent part in the councils of the party in shaping legislation and in promoting party harmony. There is, I take it, no objection on either side to the gentleman from Iowa [Mr. SMITH] and the gentleman from Pennsylvania [Mr. DALZELL] as members of the Committee on Rules, and this committee is not the controlling influence. Certain so-called leaders are always consulted and have much to say.

Let me assure the gentleman from North Carolina and the Members of this House that the near-insurgents will work for the policies intrusted to this administration, and will do their utmost to effect an organization in the House which will establish and support the genuine reforms of the times, and for which the Republican party must stand. No one of these men has ever departed from his professions for rule reformation which he made at the beginning. Not one act of inconsistency can be pointed out. They have not dodged behind the Speaker to hide from their constituents. They have supported him when he has been right; they will oppose him when they believe he is wrong. They see through the thin veil of hypocrisy, and will not be stampeded by the clamor of demagogues nor retarded by the opposition of reactionaries. [Loud applause on the Republican side.]

Mr. MARTIN of South Dakota. Mr. Speaker, the important question which is up for consideration before the House has been sprung upon it in a manner at least irregular. It has not had reference to a committee; there is no opportunity to refer it to a committee. It ought to be carefully considered. There are sharp differences among Republicans upon the subject, but with a view that the effort may be had which has not yet been had, because of conditions, in the utmost good faith I move that the House do now take a recess until 4 o'clock this afternoon.

Mr. CLARK of Missouri. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from South Dakota moves that the House take a recess until 4 o'clock.

Mr. HITCHCOCK. Mr. Speaker——

The SPEAKER. Well, the motion to take a recess is pending.

Mr. HITCHCOCK. But I have a substitute to offer.

Mr. KEIFER. You can not do that.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 152, answered "present" 15, not voting 62, as follows:

YEAS—160.

Alexander, N. Y.	Focht	Kliestermann	Pray
Allen	Foelker	Lafean	Prince
Ames	Fordney	Langham	Reeder
Andrus	Foss	Langley	Reynolds
Austin	Foster, Vt.	Law	Roberts
Barnard	Gaines	Lawrence	Rodenberg
Bartholdt	Gardner, Mich.	Longworth	Scott
Bates	Gardner, N. J.	Loud	Simmons
Bennet, N. Y.	Gillett	Loudenslager	Slemp
Bennett, Ky.	Goebel	Lowden	Smith, Cal.
Bingham	Good	McCall	Smith, Iowa
Bradley	Graff	McCreary	Smith, Mich.
Brownlow	Graham, Pa.	McCredie	Southwick
Burke, S. Dak.	Grant	McGuire, Okla.	Sperry
Burleigh	Griest	McKinney	Stafford
Butler	Guernsey	McLachlan, Cal.	Sterling
Calder	Hamer	McLaughlin, Mich.	Stevens, Minn.
Calderhead	Hamilton	Malby	Sulloway
Cocks, N. Y.	Hanna	Mann	Swasey
Cole	Hawley	Martin, S. Dak.	Tawney
Cook	Heald	Miller, Kans.	Taylor, Ohio
Cooper, Pa.	Henry, Conn.	Miller, Minn.	Tener
Coudrey	Higgins	Mondell	Thistlewood
Cowles	Hollingsworth	Moon, Pa.	Thomas, Ohio
Creager	Howell, N. J.	Moore, Pa.	Tirrell
Crumpacker	Howell, Utah	Morehead	Townsend
Currier	Howland	Morgan, Mo.	Volstead
Dalzell	Hubbard, W. Va.	Morgan, Okla.	Vreeland
Dawson	Huff	Murphy	Wanger
Dodds	Hull, Iowa	Needham	Washburn
Douglas	Humphrey, Wash.	Nye	Weeks
Draper	Joyce	Olcott	Wheeler
Durey	Keifer	Olmsted	Wiley
Dwight	Kendall	Palmer, H. W.	Wilson, Ill.
Edwards, Ky.	Kennedy, Iowa	Parker	Wood, N. J.
Ellis	Kennedy, Ohio	Parsons	Woods, Iowa
Englebright	Kinkaid, Nebr.	Payne	Woodyard
Fairchild	Knapp	Pearre	Young, Mich.
Fassett	Knowland	Pickett	Young, N. Y.
Fish	Kronmiller	Plumley	The Speaker

NAYS—152.

Adair	Ashbrook	Boehne	Burnett
Adamson	Barnhart	Booher	Byrd
Aiken	Bartlett, Ga.	Borland	Byrns
Alexander, Mo.	Beall, Tex.	Brantley	Candler
Ansberry	Bell, Ga.	Burleson	Cantrill

Carlin	Gillespie	Kopp	Rhinock
Cary	Gilmore	Lamb	Richardson
Clark, Mo.	Goldfogle	Latta	Roddenbery
Clayton	Gordon	Lee	Rothermel
Cline	Goulden	Lenroot	Rucker, Colo.
Collier	Gregg	Lindbergh	Rucker, Mo.
Cooper, Wis.	Gronna	Lindsay	Russell
Covington	Hamill	Livingston	Sabath
Cox, Ind.	Hamlin	Lloyd	Saunders
Cox, Ohio	Hammond	McDermott	Shackleford
Craig	Hardwick	McHenry	Sharp
Cullop	Hardy	Madison	Sheppard
Davis	Harrison	Maguire, Nebr.	Sims
Denver	Haugen	Martin, Colo.	Sisson
Dickinson	Hay	Maynard	Slayden
Dickson, Miss.	Hayes	Moore, Tex.	Small
Dies	Helm	Morrison	Smith, Tex.
Dixon, Ind.	Henry, Tex.	Morse	Sparkman
Edwards, Ga.	Hinshaw	Moss	Spight
Ellerbe	Hitchcock	Murdock	Stanley
Estopinal	Hobson	Nelson	Steenerson
Ferris	Houston	Norris	Stephens, Tex
Finley	Hubbard, Iowa	Oldfield	Talbott
Flood, Va.	Hughes, Ga.	Padgett	Taylor, Colo.
Floyd, Ark.	Hughes, N. J.	Page	Thomas, Ky.
Foster, Ill.	Hull, Tenn.	Palmer, A. M.	Thomas, N. C.
Fowler	Humphreys, Miss.	Peters	Tou Velle
Gallagher	James	Poindexter	Turnbull
Gardner, Mass.	Johnson, Ky.	Pou	Underwood
Garner, Tex.	Johnson, S. C.	Pujo	Watkins
Garrett	Jones	Rainey	Webb
Gill, Md.	Keliher	Ransdell, La.	Wickliffe
Gill, Mo.	Kitchin	Rauch	Wilson, Pa.

ANSWERED "PRESENT"—15.

Barchfeld	Campbell	Howard	Pratt
Bartlett, Nev.	Cassidy	Johnson, Ohio	Sherwood
Broussard	Clark, Fla.	Kahn	Tilson
Burke, Pa.	Driscoll, M. E.	Lever	

NOT VOTING—62.

Anderson	Driscoll, D. A.	Kinkead, N. J.	Patterson
Anthony	Elvins	Korbly	Randell, Tex.
Barclay	Esch	Legare	Reid
Bouteil	Fitzgerald	Lundin	Riordan
Bowers	Fornes	McKinlay, Cal.	Robinson
Burgess	Foulkrod	McKinley, Ill.	Sheffield
Capron	Fuller	McMorran	Sherley
Carter	Garner, Pa.	Macon	Snapp
Chapman	Glass	Madden	Sturgiss
Conry	Godwin	Mays	Sulzer
Cravens	Graham, Ill.	Millington	Taylor, Ala.
Crow	Greene	Moon, Tenn.	Wallace
Davidson	Heflin	Moxley	Weisse
Denby	Hill	Mudd	Willett
Dent	Hughes, W. Va.	Nicholls	
Diekema	Jamieson	O'Connell	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SHEFFIELD with Mr. CRAVENS.

Upon this vote:

Mr. MCMORRAN with Mr. DENT.

The result of the vote was announced as above recorded.

Accordingly (at 2 o'clock and 2 minutes p. m.) the House took a recess until 4 o'clock p. m.

AFTER RECESS.

The recess having expired, the House resumed its session at 4 o'clock p. m.

The SPEAKER. The House will be in order. The Chair is prepared to rule upon the question of order made——

Mr. TAWNEY. Mr. Speaker——

The SPEAKER (continuing). By the gentleman from Pennsylvania [Mr. DALZELL] upon the motion made by the gentleman from Nebraska [Mr. NORRIS].

Mr. TAWNEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAWNEY. I rise, Mr. Speaker, for the purpose of moving that the House take a recess until 11.55 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] moves that the House take a recess until 11.55 a. m. to-morrow.

Mr. BARTLETT of Georgia. A question of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. The Chair has said he was prepared to rule, and was proceeding to rule upon a matter that is claimed to be of the highest privilege to the House. Now, is the motion to take a recess in order? Not a motion to adjourn, but a motion to take a recess, under the circumstance to which I have called attention? I make the point of order that the motion to take a recess is not in order.

At that point the gentleman from Minnesota interrupted the Chair and moved to take a recess, which is not like a privileged motion, like a motion to adjourn. I raise the point of order that the motion to take a recess is not in order under the circumstances to which I have called attention.

The SPEAKER. To the motion made by the gentleman from Minnesota, the gentleman from Georgia makes the point of order that the motion to take a recess is not privileged. The Chair is ready to rule upon that. The Chair reads from the Manual:

A motion for a recess is not privileged against the demand that business proceed in the regular order.

Mr. HUGHES of New Jersey. I demand the regular order.

Mr. TAWNEY. If the Chair will hear me for a minute. Before the Speaker announced he was ready to rule, I was on my feet, and had addressed the Chair.

The SPEAKER. But the gentleman from Minnesota will take notice that a motion to take a recess is not a privileged motion and has not been since 1890, and because it is not a privileged motion, the point being made, the Chair sustains the point of order; and not because of the fact that the gentleman was on his feet and moved a recess, as he did. That, so far as the point of order is concerned, is immaterial, because when the motion was made the gentleman from Georgia made the point of order before he sat down, stating that it was not a privileged matter.

Mr. TAWNEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. If a motion to adjourn is made and carried, would the first business of the House on convening at 12 o'clock to-morrow, after reading the Journal, be the determination of the point of order now pending?

Mr. JAMES. Regular order.

Mr. TAWNEY. On a demand for the regular order.

The SPEAKER. Practically, in the opinion of the Chair, the point of order would come up. There are a few matters on the Speaker's table that the Chair would not lay before the House after the reading of the Journal unless the House demanded it.

Mr. HARDWICK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. Any Member of the House could demand the regular order, and enforce that.

The SPEAKER. Well, ordinarily we do not decide questions of order until they are presented. But it is proper for the Chair to say the bills on the Speaker's table are small bills, the like of which frequently, day in and day out, wait for some Member who has charge of them to ask that they be laid before the House from the Speaker's table.

Mr. GAINES. Mr. Speaker, I move to postpone the announcement of the ruling of the Chair until 5 minutes past 12 to-morrow.

Mr. UNDERWOOD. I move to lay that motion on the table.

The SPEAKER. If the gentleman's motion is to postpone until to-morrow disposition of the matter under consideration, the Chair thinks that motion is in order.

Mr. UNDERWOOD. I move as a substitute for the motion made by the gentleman from West Virginia——

The SPEAKER. Well, but can the gentleman? Perhaps an amendment fixing another day might be in order. The Chair will hear the gentleman's motion.

Mr. UNDERWOOD. I ask the Clerk to read.

The Clerk read as follows:

Resolved, That the Speaker be requested to render his decision at this time upon the point of order which has been under discussion for over twenty hours, any further delay or discussion being, in the opinion of the House, merely dilatory.

Mr. GAINES. I make the point of order that is not a proper substitute.

The SPEAKER. The Chair sustains the point of order.

The Chair is ready to rule, unless the House by a parliamentary motion prevents it.

Mr. UNDERWOOD. Mr. Speaker, I move to lay on the table the motion of the gentleman, which seeks to postpone the decision of the Chair until to-morrow.

Mr. CLAYTON. A parliamentary inquiry.

The SPEAKER. The Chair is not sure whether that motion is in order or not, but will cause the precedents to be examined.

Mr. CLAYTON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLAYTON. If the Chair should hold that motion made by my colleague from Alabama is in order, and his motion was agreed to, would it not carry with it the original resolution, out of which grew this present controversy?

The SPEAKER. Well, that is a conundrum that the Chair might have looked up, but it is hardly necessary, because the Chair has announced that unless the House by some parliamentary action prevents it he is ready to rule. [Cries of "Rule!"]

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. One moment. The Chair entertains the motion to lay on the table the motion to postpone until to-morrow the consideration of the business before the House.

Mr. BARTLETT of Georgia. Mr. Speaker, a parliamentary inquiry. I understood the motion of the gentleman from West Virginia [Mr. GAINES] to be to postpone the announcement of the ruling of the Chair until five minutes after 12. Was not that the statement made by the gentleman from West Virginia?

The SPEAKER. The Chair understood it to cover the matter before the House.

Mr. GAINES. My motion referred to the matter now under consideration. The Chair correctly stated it.

The SPEAKER. It is easy for the House to determine this matter——

Mr. UNDERWOOD. I withdraw the motion to lay on the table, and ask for a vote on the motion of the gentleman from West Virginia.

Mr. CLARK of Florida. I offer as a substitute to the motion of the gentleman from West Virginia that the Speaker be requested or required to rule now upon the point of order.

The SPEAKER. The Chair has just ruled such a proposition out of order, because the Chair is ready to rule. The House would "done march up the hill and then march down again."

Mr. CLARK of Florida. Mr. Speaker, I move, then, that the Chair be required to rule at 5.15 to-day.

The SPEAKER. But there is a motion, which is a privileged motion, to postpone the consideration of the business before the House until to-morrow. That motion is in order. As many as favor the motion will say "aye;" those opposed "no."

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. TAWNEY and Mr. GAINES demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as favor the motion of the gentleman from West Virginia, to postpone the business under consideration until to-morrow, will, as their names are called, answer "aye;" as many as are opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 163, nays 151, answered "present" 14, not voting 61, as follows:

YEAS—163.

Alexander, N. Y.	Fish	Knowland	Pray
Allen	Focht	Kronmiller	Prince
Ames	Fordney	Küstermann	Reeder
Andrus	Foss	Lafean	Reynolds
Austin	Foster, Vt.	Langham	Roberts
Barnard	Gaines	Langley	Rodenberg
Bartholdt	Gardner, Mass.	Law	Scott
Bates	Gardner, Mich.	Lawrence	Simmons
Bennet, N. Y.	Gardner, N. J.	Longworth	Slemp
Bennett, Ky.	Gillett	Loud	Smith, Cal.
Bingham	Goebel	Loudenslager	Smith, Iowa
Bradley	Good	Lowden	Smith, Mich.
Brownlow	Graff	McCall	Southwick
Burke, S. Dak.	Graham, Pa.	McCreary	Sperry
Burleigh	Grant	McCredie	Stafford
Butler	Griest	McGuire, Okla.	Steenerson
Calder	Guernsey	McKinney	Sterling
Calderhead	Hamer	McLachlan, Cal.	Stevens, Minn.
Cocks, N. Y.	Hamilton	McLaughlin, Mich.	Sulloway
Cole	Hanna	Malby	Swasey
Cook	Hawley	Martin, S. Dak.	Tawney
Cooper, Pa.	Hayes	Miller, Kans.	Taylor, Ohio
Coudrey	Heald	Miller, Minn.	Tener
Cowles	Henry, Conn.	Mondell	Thistlewood
Creager	Higgins	Moon, Pa.	Thomas, Ohio
Crumpacker	Hinshaw	Moore, Pa.	Townsend
Currier	Hollingsworth	Morehead	Volstead
Dalzell	Howell, N. J.	Morgan, Mo.	Vreeland
Davidson	Howell, Utah	Morgan, Okla.	Wanger
Dawson	Howland	Murphy	Washburn
Denby	Huff	Needham	Weeks
Dodds	Hull, Iowa	Nye	Wheeler
Douglas	Humphrey, Wash.	Olcott	Wiley
Draper	Johnson, Ohio.	Olmsted	Wilson, Ill.
Durey	Joyce	Palmer, H. W.	Wood, N. J.
Dwight	Keifer	Parker	Woods, Iowa
Edwards, Ky.	Kendall	Parsons	Woodyard
Ellis	Kennedy, Iowa	Payne	Young, Mich.
Englebright	Kennedy, Ohio	Pearre	Young, N. Y.
Fairchild	Kinkaid, Nebr.	Pickett	The Speaker
Fassett	Knapp	Plumley	

NAYS—151.

Adair	Cantrill	Dixon, Ind.	Goldfogle
Adamson	Carlin	Edwards, Ga.	Gordon
Aiken	Cary	Ellerbe	Graham, Ill.
Alexander, Mo.	Clark, Mo.	Estopinal	Gregg
Ansberry	Clayton	Ferris	Gronna
Ashbrook	Cline	Finley	Hamill
Barnhart	Collier	Fitzgerald	Hamlin
Bartlett, Ga.	Cooper, Wis.	Flood, Va.	Hammond
Beall, Tex.	Covington	Floyd, Ark.	Hardwick
Bell, Ga.	Cox, Ind.	Foelker	Hardy
Boehne	Cox, Ohio	Foster, Ill.	Harrison
Booher	Craig	Fowler	Haugen
Borland	Cullop	Gallagher	Hay
Brantley	Davis	Garner, Tex.	Helm
Burleson	Dent	Garrett	Henry, Tex.
Burnett	Denver	Gill, Md.	Hitchcock
Byrd	Dickinson	Gill, Mo.	Hobson
Byrns	Dickson, Miss.	Gillespie	Houston
Candler	Dies	Gilmore	Hubbard, Iowa
Hughes, Ga.	Lloyd	Patterson	Sims
Hughes, N. J.	McDermott	Peters	Sisson
Hull, Tenn.	McHenry	Poindexter	Slayden
Humphreys, Miss.	Madison	Pou	Small
James	Maguire, Nebr.	Pujo	Smith, Tex.
Johnson, Ky.	Mann	Rainey	Sparkman
Johnson, S. C.	Martin, Colo.	Ransdell, La.	Spight
Jones	Maynard	Rauch	Stephens, Tex.
Kelliher	Moore, Tex.	Rhinock	Talbott
Kinkead, N. J.	Morrison	Richardson	Taylor, Colo.
Kitchin	Morse	Roddenbery	Thomas, Ky.
Kopp	Moss	Rothermel	Thomas, N. C.
Lamb	Murdock	Rucker, Mo.	Tou Velle
Latta	Nelson	Russell	Underwood
Lee	Norris	Sabath	Watkins
Lenroot	Oldfield	Saunders	Webb
Lindbergh	Padgett	Shackleford	Wickliffe
Lindsay	Page	Sharp	Wilson, Pa.
Livingston	Palmer, A. M.	Sheppard	

ANSWERED "PRESENT"—14.

Barchfeld	Campbell	Howard	Sherwood
Bartlett, Nev.	Cassidy	Kahn	Tilson
Broussard	Clark, Fla.	Lever	
Burke, Pa.	Driscoll, M. E.	Pratt	

NOT VOTING—61.

Anderson	Fornes	McKinlay, Cal.	Rucker, Colo.
Anthony	Foulkrod	McKinley, Ill.	Sheffield
Barclay	Fuller	McMorran	Sherley
Boutell	Garner, Pa.	Macon	Snapp
Bowers	Glass	Madden	Stanley
Burgess	Godwin	Mays	Sturgiss
Capron	Goulden	Millington	Sulzer
Carter	Greene	Moon, Tenn.	Taylor, Ala.
Chapman	Heflin	Moxley	Tirrell
Conry	Hill	Mudd	Turnbull
Cravens	Hubbard, W. Va.	Nicholls	Wallace
Crow	Hughes, W. Va.	O'Connell	Weisse
Diekema	Jamieson	Randell, Tex.	Willett
Driscoll, D. A.	Korbly	Reid	
Elvins	Legare	Riordan	
Esch	Lundin	Robinson	

So the motion to postpone was agreed to.

The following additional pairs were announced:

On this vote:

Mr. MCMORRAN with Mr. RUCKER of Colorado.

Mr. HUBBARD of West Virginia with Mr. GOULDEN.

The result of the vote was then announced as above recorded.

Mr. GAINES. Mr. Speaker, I move that the House do now adjourn.

Mr. BURKE of South Dakota. I hope the gentleman will withhold that motion until I can move to take from the Speaker's table the bill H. R. 10321, disagree to the Senate amendment, and ask for a conference.

The SPEAKER. Will the gentleman from West Virginia withhold his motion to adjourn?

Mr. GAINES. I will withhold the motion, Mr. Speaker, for the present.

PURCHASE OF SHAFTINGS AND ORDNANCE MATERIAL BY THE NAVY DEPARTMENT.

Mr. BUTLER. Mr. Speaker, pending that motion I would like to make a privileged report from the Committee on Naval Affairs on a resolution introduced by Mr. RAINEY, of Illinois. Mr. RAINEY knows about it and he is satisfied with it. To-morrow will be the last day.

The SPEAKER. The gentleman from Pennsylvania makes the following privileged report (No. 787).

The Clerk read as follows:

House resolution 498.

Resolved, That the Secretary of the Navy be, and he is hereby, requested to inform the House, if compatible with the public good:

"First. What contracts for shaftings for the U. S. S. Florida have been let to the Bethlehem steel corporation, of South Bethlehem, Pa., which remain as yet uncompleted by said company; what contracts for castings for the U. S. S. Missouri have been entered into with the said company which remain as yet not completed by said company; also the number of 5-inch guns, 6-inch guns, 7-inch guns, 12-inch guns, 12-inch gun forgings, 5-inch mounts, 7-inch mounts and shields, 12-inch mounts, 5-inch sights and 7-inch sights, for which contracts have been let to the Bethlehem steel corporation, of South Bethlehem, Pa., which remain as yet unexecuted by said company; also as to the number of turret tracks for the U. S. S. Florida, contracted to said company, which remain as yet unexecuted by said company; also the number of tons of armor for the Wyoming and Arkansas under contract in the plant of said company, as yet unexecuted; also the number of 3-inch target shells, 5-inch target shells, 7-inch target shells, 8-inch target shells, 10-inch target shells, 8-inch armor-piercing shells, 10-inch armor-piercing shells, and 12-inch armor-piercing shells, now under contract by said company, and which contracts have not yet been completed; also what amount of miscellaneous orders for steel bars for the navy have been let to said company, the contracts for which remain as yet unexecuted.

"Second. What contracts have been made with said company for castings and forgings, and all other supplies for the navy not enumerated in the above clause.

"Third. What is the several amounts provided in contracts now in process of execution by the said company for the various orders mentioned in this resolution."

The following amendments recommended by the committee were read:

Page 1, line 16, strike out the word "unexecuted," and insert in lieu thereof the words "not completed."

Page 2, lines 3, 5, 13, and 14, strike out the word "unexecuted," and insert in lieu thereof the words "not completed."

Page 2, line 17, at the end of the second section, add the following: "which remain as yet not completed."

Page 2, line 18, strike out the word "is," and insert in lieu thereof the word "are."

Page 2, line 19, strike out the words "process of execution," and insert in lieu thereof the words "force and not completed."

The amendments were agreed to.

The resolution as amended was agreed to.

Mr. COX of Indiana. Mr. Speaker, every patriotic American eagerly awaits the time when our flag will again be carried on all the seas by American merchantmen; when the American merchant marine shall resume the proud eminence that once was hers; when the citizens of the United States traveling in foreign lands shall not look in vain for the Stars and Stripes in harbors crowded with shipping from all parts of the world. With all such I enroll myself. I can not, however, countenance any proceeding that is not based on fairness and justice to all the people of our country. And so, without further preface, I announce my opposition to all subsidies, bounties, and other discriminating devices whereby it may be sought to create a fictitious stimulus to our foreign ocean trade. Fictitious it is in all respects but one; the reality lies in the amount of the people's money turned over to corporations already wealthy and who do nothing, and are not expected to do anything, to earn the millions taken from the people in the way of taxes.

On every occasion when ship subsidy schemes bobbed up in either branch of Congress the same stock pleas have been put forward. "Development of the merchant marine," "encouraging American seamanship," "strengthening the navy," "providing a naval reserve," and such like phrases have always been heard, even as they now are and will be heard in the discussion of a ship subsidy bill whenever such a one is reported to the House.

Subsidies have never developed a merchant marine; subsidies have never encouraged seamanship either in this country or elsewhere; subsidies have never built up a naval reserve; subsidies have never strengthened a navy; on the contrary, quite the reverse. Taking this last item first, I assert that, desirable as is a great merchant marine from the commercial point of view, it actually tends to weaken a navy, for it is ever and always the prey of the enemy's war ships, and war ships must always be drawn upon to give it protection. A subsidy, then, as proposed in the various bills that have thus far been introduced in this Congress, reduced to absolutely plain, unvarnished terms, is nothing more nor less than a scheme whereby the many are taxed for the benefit of the few. A ship subsidy taxes the farmer, the wage-worker, the merchant—everybody—for the benefit of the shipowners. Mark you, I say shipowners, not shipbuilders; for, judging the future by the past, shipbuilding will not be greatly stimulated by an arrangement which will benefit a very limited class of vessels.

I will consider, in the order in which I have named them, my assertions denying the alleged stimulating properties of a ship subsidy. First, then, I maintain that ship subsidies have never developed a merchant marine. It is the outgrowth of normal conditions, not the fruit of hothouse forcing. In the early days of our Republic our merchant marine was the superior of that of any other nation except Great Britain, and nearly the equal of that. In the short space of six years after Washington's first inauguration we had quadrupled our tonnage in the foreign trade and were carrying 90 per cent of that trade in American bottoms. In less than twenty-five years we had acquired a registered tonnage practically as large as that which we have now. Our ships were of such excellence in their construction and were so well manned and sailed that we easily outsailed the vessels of other nationalities on voyages both long and short. The American clipper ship had not its equal afloat. It is unnecessary to rehearse the cause of a decline which can not be remedied by governmental bounties of any sort.

We shall hear in the course of debate on ship subsidies a great deal about the merchant marine of Great Britain and Germany and some other countries. Well, Mr. Speaker, Great Britain, Germany, and Norway are the three world freight carriers. Among them they practically divide the world's ocean freight-carrying trade. But neither Great Britain, nor Germany, nor Norway has ever given a dollar of the public funds for the purpose of aiding the construction or maintenance of merchant vessels, or with a view to the creation and fostering of a merchant marine. France, Italy, Russia, and Austria give direct subsidies, France more liberally than any other nation, but none of these has yet been able to build up a great merchant marine, one that would become a dangerous competitor of the three named, for years and now preeminent in this domain of the world's commerce.

Their experience has been anything but encouraging. This is especially true of France. The budget for 1908 contained appropriations of 10,400,000 francs ($2,007,200) for shipbuilders' bounties, and 31,500,000 francs ($6,079,500) for general navigation and shipowners' bounties. France also pays annually about $120,000 in fisheries bounties. In 1870 the total steam and sail tonnage of France was 1,072,048; in 1907 it was 1,402,647; in nearly forty years, despite the desperate efforts to stimulate artificially the growth of her merchant-marine, France could show an increase of little more than 300,000 tons. It is not strange, but rather significant, that Mr. Chamberlain, the United States Commissioner of Navigation, an ardent and persistent advocate of subsidies, in his last annual report, says on this head:

Nothing has occurred in the past ten years to require a modification of the following extract from the report of the bureau for 1899: "The efforts of France to increase her merchant marine have been out of proportion to the results attained."

Against this set Germany's record and note the difference. Germany began her system of mail subsidies—not shipbuilding or shipowners' bounties—in 1881. Her tonnage in 1870 was 982,355; in the four decades it has grown to 2,790,435, almost 300 per cent.

Subsidies would not lower freight rates to American shippers, nor would they have the effect of developing the American ocean-carrying trade. So long as foreign subsidized or unsubsidized steamers are allowed to enter our ports and bid for our carrying trade on equal terms with our own steamships, so long they can underbid us and secure the lion's share of the commerce. This is possible, because foreign vessels cost less to build and are manned and sailed less expensively than American vessels. Even if it were possible to stimulate by means of bounties the building of ships in this country, these bounties could not help the ships in getting profitable business. Americans, like all other people, will give their trade to the lowest bidder. You can not make a logical, effective appeal against that on the score of patriotism. The history of subsidized ocean freight carriers shows that subsidized lines have usually discriminated as to freight rates against their own nationality and in favor of foreign nations. They have taken advantage of the opportunity that the subsidy has given them to charge their own people's traffic all it would bear, while cutting rates to foreigners. In other words, these specially favored interests, after robbing the taxpayer, finish the job by cutting his throat.

One of the arguments of the advocates of ship subsidies is that thereby seamanship will be encouraged. That argument is as fallacious as most of those brought forward in support of the proposition. In the early days of the Republic there was no scarcity of Americans who shipped before the mast, either on war ships or on merchantmen. Why was that? The country was undeveloped; comparatively few avenues of remunerative occupation were open to the young men of that day. Farm work was in its infancy. Mercantile life offered few opportunities; industrial life almost none. There was not much choice as to a career. The bulk of the population lived in the narrow zone of the Atlantic coast. What more natural than that the young men to whom the ocean was a familiar element should have turned to it to make a living. Thus our war and merchant vessels never lacked the material for good crews. It is different to-day. American boys and young men have found something better suited to their tastes than a seafaring life. They have found larger opportunities on land. The constantly expanding commercial, industrial, and scientific activities of our Nation make an increasing demand for able and willing hands.

The country lad need look no longer to the sea; even the farm is losing its hold upon him. He can go to the city and there work his way up to the top in a hundred different avenues. This is the reason why so considerable a proportion of our naval contingent of sailors has to be recruited among foreigners, and this is even more true as to our few ocean lines of merchant steamers. The laws on our statute books that require a certain proportion of crews to be American citizens cause the increase in American seamen's wages and in the cost of their maintenance, which is one of the handicaps on American competition with other nations in ocean freight carrying.

Intimately connected with this phase of the subject is another contention of the subsidists—if I may be allowed to coin that word. There must be subsidies, they say, because it costs so much more to build and maintain a ship in this country than elsewhere. Well, Mr. Speaker, that argument, it seems to me, is a fatal one for those that advance it. If that be true, how are subsidies given to a few lines of fast-sailing steamships going to promote the construction of slow-going freighters, which constitute the bulk of every merchant marine the world over? And again, if that argument of greater cost in construction and maintenance is tenable, how comes it that England can hold her own against Germany in spite of the fact that

wages of every kind are very much higher in British than in German shipyards, and that wages aboard German vessels are about the lowest paid by any nationality? English wages aboard ship are 46 per cent higher than those paid on German vessels, yet England carries in her bottoms more than half the commerce of the world and nearly one-half of Germany's. As a matter of fact, Mr. Speaker, we can build ships as cheaply as they do anywhere in the world, for while we pay higher wages, it is an admitted fact that the American workingman accomplishes more than the difference between the wages paid him and those of his foreign competitor. Why should we not be able to build ships more cheaply when we manufacture steel products of every kind needed in the construction of vessels more cheaply than they do in either Great Britain or Germany? Not only this, but we actually sell them in those countries. Does anyone suppose we should find buyers there if they could do as well themselves as we can for them? Besides, under our tariff laws, when our shipbuilders import what materials they need, the duty thereon is refunded to them upon proof that such materials were actually used in the construction of a vessel.

Our ship subsidists make an appeal to patriotic considerations when they assert that subsidies will tend to build up a naval reserve. What is a naval reserve? It is, or should be, a class of vessels suitable for active warfare, offensive as well as defensive, in case of need. Will anyone be bold enough to assert that any of the fast mail steamers that ply between America and European and Far Eastern ports would constitute good fighting material? Why, Mr. Speaker, in speed they are equaled, if not outclassed, by the modern battle ship and not to be reckoned with in comparison with the swift torpedo-boat destroyers.

While we are about it we may just as well take note of another line of argument advanced by the subsidists—and they are prolific in this respect. This is that if a war were to come between England and Germany—regarding these two as the principal ocean carriers—all their vessels available for war purposes would be called in by the respective Governments and the United States would have practically no bottoms in which to export its products and import those it needs. The answer to this is obvious. By far the greater number of ocean freighters does not belong in the class of vessels that would be suitable for war purposes. They are mostly slow steamers. As far as war uses are concerned, they are the fifth wheel of the wagon. It is possible that a contingency might arise—such as the destruction of a large number of transports and other auxiliary vessels—to make it necessary for either of the Governments named to use a considerable number of these slow freighters, and thus lessen the shipping facilities of our people, but that possibility is quite remote. At any rate, that would not be an unmixed evil, for through the congestion here of freight of different kinds our people—for a while at least—might enjoy the luxury of low prices for everyday necessaries.

As briefly as may be, Mr. Speaker, I have endeavored to controvert some of the leading arguments which in former Congresses have been advanced in behalf of the ship-subsidy proposition—principle and practice. Before applying myself to a further consideration of the moral aspects of the case—to which I but briefly adverted in the outset—I desire to show that the shipbuilding industry of the United States does not stand in need of any bounty from the Government. It has flourished for a century; it is flourishing to-day; an illimitable prospect of future growth and greater prosperity opens up before it with the completion of the Panama Canal, which will give a tremendous impetus to our coastwise trade.

According to the census of 1900 there was in the decade from 1890 to 1900 an increase of 181 per cent in the capital invested in shipbuilding in the United States; an increase of 108 per cent in the number of wage-earners in the business; an increase in wages of 86 per cent; and an increase in the value of products of 93 per cent. There were no subsidies to stimulate that growth, for all these increases relate chiefly to domestic shipping. The Statistical Abstract of the United States for 1908 shows that the tonnage of vessels built in this country in 1905 was 330,316; in 1906, 418,745; in 1907, 471,332; and in 1908, 614,216. So we have in the very brief period of four years an increase of 86 per cent. Engaged in coastwise trade and cod and mackerel fisheries in 1905 were 5,502,030 tons; in 1906, 5,735,483 tons; in 1907, 6,067,648 tons; and in 1908, 6,425,377 tons, an increase in four years of 923,347 tons or nearly 17 per cent. Rather an excellent showing for the United States shipbuilding industry, Mr. Speaker. And, again, let it be remembered that no subsidies were paid.

If any one thing is already established, proven beyond the possibility of contradiction, it is that subsidies do not produce trade. There is not an instance on record of the commerce of any nation having been increased in any measure by such means. Success in this direction rests upon the basis of individual or collective effort, ingenuity, diligence, careful development of resources, painstaking regard for the needs and convenience of customers. Many other details might be cited that go to make up the sum of successful endeavor in the world's commerce, but subsidy—giving something for nothing—is not one of them. The successful American business man asks no special favors from the Government; all he wants, all he needs is a free field and a fair chance. He realizes instinctively that he has no right to the payment of a bonus for doing a profitable business, such a bonus being taken from the collective contributions of all the taxpayers. In view of such incontrovertible facts, why this cry for pecuniary assistance from the National Treasury for one particular industry?

The subsidists declare that these bounties must be paid to American shipowners engaged in foreign trade in order to make it possible for them to carry freights as cheaply as foreign shipowners. Nothing is said about shipbuilders. Why? Because these subsidies will not result in the building of a single steamship for the foreign trade. The money will simply go into the pockets of those owners who already have contracts with the Government for carrying the mails and get better pay for that service than either the British or German lines, which carry far larger quantities of mail. The complaint is that foreign steamships come into our ports and carry our products more cheaply than do American lines. It is rather a unique complaint, but it certainly does not proceed from those immediately interested—the shippers. The American farmer and producer of other commodities is not "kicking" because freight rates are low. These low freight rates certainly have not affected our export trade disadvantageously. With two or three exceptions, due to natural causes which it is not necessary to consider here, our exports during the past decade have exceeded our imports annually by from $400,000,000 to $500,000,000.

Here is the crux of the whole story:

Because the American shipowners can not carry the products of farm and factory as cheaply as foreign shipowners the American people are forced to make him a present of enough of their money to enable him to carry on his business without a loss.

Let us call this thing by its right name. *It is graft!* Nothing more, nothing *less*. It is taking from the masses and giving to the classes, or, more accurately, to a class. You may ransack the dictionary, you may exhaust all the forms and artifices of speech for euphemistic terms to disguise the true character of the proposition, but when the thing is stripped of all finery and stands forth in native nakedness its name is "*graft*."

What right has the Congress of the United States to say to the American taxpayer: "It's none of your affair whether John Smith, shipowner, carries on his business at a loss or not, but nevertheless we shall make you chip in and we will hand over to him every year some millions of dollars to hold him harmless. You farmers and manufacturers do not care what ships take your products and carry them to all parts of the world, so that you get them carried cheaply, but we, the Congress of the United States, must see to it that the American shipowner can get a whack at the business. And you must pay the bill." Just that, Mr. Speaker, is what it all amounts to. To the extent and amount of proposed ship subsidies we lay a tax on every producer, on every wage-worker, on every merchant; a tax which does not go into the Treasury of the United States, but into the pockets of private interests; a tax which serves no common purpose, but the proceeds of which increase private fortunes. If ever a lawmaking body was called upon to do anything more unrighteous, more indefensible, more absolutely wicked, I fail to have noticed it.

The shipbuilding industry of the United States has nothing to complain of on the score of neglect by the Government. In fact, there are few lines of business enterprises which receive more aid from the Government than the shipping and shipbuilding industry. First, since 1884 all materials used in the construction of ships for the foreign trade are admitted free of duty. Second, vessels engaged in the coastwise trade must have been built in American shipyards. This gives the American shipbuilder an absolute monopoly of a business of 6,500,000 tons, according to the figures given in the annual report of the Commissioner of Navigation for 1909. Third, the United States requires all its naval vessels to be built in American shipyards. Fourth, under the act of 1891 American vessels are paid a postal subsidy of more than double the rate paid by the British Government.

So much for the aid the Government is now extending to the shipbuilding industry.

Mr. Speaker, I have the following table, prepared by the Post-Office Department, which I desire to insert so as to make a part of my remarks at this point:

New York and Cuba Steamship Company (Ward Line).

ROUTE NO. 69, NEW YORK TO TUXPAM, MEXICO, VIA HABANA.

Fiscal year.	Weight of mail.		Compensation.
	Letters.	Print.	
	Pounds.	*Pounds.*	
1905	8,345	129,828	$130,629.00
1906	8,465	155,066	130,884.00
1907	9,618	167,207	130,884.00
1908	9,948	171,837	130,884.00
1909	9,552	188,324	130,884.00

ROUTE NO. 70, NEW YORK TO HABANA, CUBA.

1905	682	14,357	$71,878.00
1906	818	16,908	72,398.00
1907	1,040	25,216	71,032.00
1908	1,179	21,481	71,032.00
1909	1,178	26,063	71,032.00

Red "D" Line.

ROUTE NO. 36, NEW YORK TO PUERTO CABELLO, VENEZUELA.

Fiscal year.	Weight of mail.		Compensation.
	Letters.	Print	
	Pounds.	*Pounds.*	
1905	17,846	247,183	$63,315.20
1906	16,051	248,637	63,315.20
1907	13,426	187,852	63,315.20
1908	17,639	246,983	58,444.80
1909 [a]	9,448	100,005	19,481.60

ROUTE NO. 37, NEW YORK TO MARICAIBO, VENEZUELA.

1905	2,472	50,982	$44,142.80
1906	2,835	59,561	45,840.60
1907	3,556	80,573	44,142.80
1908	3,158	66,989	44,142.80
1909	3,471	58,374	44,142.80

[a] During the fiscal year ending June 30, 1909, only eight trips were made, owing to plague in Venezuela.

International Mercantile Marine Company.

ROUTE NO. 57, NEW YORK TO SOUTHAMPTON, ENGLAND.

Fiscal year.	Weight of mail.		Compensation.
	Letters.	Print.	
	Pounds.	*Pounds.*	
1905	377,056	2,239,336	$992,688.00
1906	449,194	2,397,901	762,638.40
1907	421,703	1,957,304	691,224.00
1908	360,489	2,117,100	737,016.00
1909	529,615	3,439,002	737,536.00

American Mail Steamship Company.

ROUTE NO. 74, BOSTON AND PHILADELPHIA TO JAMAICA.

Fiscal year.	Weight of mail.		Compensation.
	Letters.	Print.	
	Pounds.	*Pounds.*	
1905	3,882	47,707	$116,986.00
1906	4,211	51,589	114,774.66
1907	3,508	39,553	106,336.67
1908	4,749	56,789	105,666.66
1909	4,444	53,008	81,999.32

Oceanic Steamship Company.

ROUTE NO. 75, SAN FRANCISCO TO SYDNEY, NEW SOUTH WALES.

Fiscal year.	Weight of mail.		Compensation.
	Letters.	Print.	
	Pounds.	*Pounds.*	
1905	27,600	611,323	$299,862.00
1906	24,499	540,483	249,885.00
1907 [a]	17,388	367,781	183,249.00

[a] During the fiscal year ended June 30, 1907, only eleven trips were performed on route 75, the last trip being March 6, 1907. Service has not been resumed by the contractors.

Oceanic Steamship Company—Continued.

ROUTE NO. 76, SAN FRANCISCO TO TAHITI.

Fiscal year.	Weight of mail.		Compensation.
	Letters.	Print.	
	Pounds.	*Pounds.*	
1906	382	5,298	$42,180.00
1907	372	3,127	42,180.00
1908	383	6,125	37,962.00
1909	2,309	46,100	42,180.00

Mr. Speaker, in making my calculations upon the above table, I have based them upon first-class postage rate, which is 2 cents per ounce, or 32 cents per pound, and upon print rate of 1 cent per pound. I have further based my calculations as to sea rate for hauling mail upon the report of the Commissioner of Navigation, on page 19, of which the commissioner makes the following statement:

American steamers are paid sea and inland postage amounting to 80 cents per pound for letters and post cards, and 8 cents a pound for other articles. Foreign steamers are paid 35 cents a pound for letters, and 4½ cents a pound for other articles.

1905, route 70: New York to Habana, carried 682 pounds of letters; postage, at 32 cents per pound, $218.24, and 14,357 pounds of print, postage at 1 cent per pound, $143.57. Total postage of letters and prints, $361.08. Received $71,781 for carrying the mail from New York to Habana. This represents 200 times more than the Government received in postage.

1906, same route: Letters carried, 818 pounds; postage, at 32 cents per pound, $261.76. Prints carried, 16,908 pounds; postage, at 1 cent per pound, $169.08. Total postage, $430.84. Amount received for carrying the mail, $72,398. This is 168 times more than the Government received in postage.

1907, same route: Letters carried, 1,040 pounds; postage, at 32 cents per pound, $332.80. Prints carried, 25,216 pounds; postage, at 1 cent per pound, $252.16. Total postage received, $584.96. The amount received for carrying the mail, $71,032. This is 121 times more than the Government received in postage.

1908, same route: Letters carried, 1,179 pounds; postage, at 32 cents per pound, $377.20. Prints carried, 21,481 pounds; postage, at 1 cent per pound, $214.81. Total postage, $592.01. Received for carrying the mail this year, $71,032, which was 120 times more than the Government collected in postage.

1909, same route: Letters carried, 1,178 pounds; postage, at 32 cents per pound, $376.96. Prints carried, 26,063 pounds; postage, at 1 cent per pound, $260.63. Total postage, $637.59. Amount received for carrying this mail, $71,032. This represents 111 times more than the Government collected in postage.

1905, route 69, New York to Tuxpam, Mexico, via Habana: Letters carried, 8,345 pounds; postage, at 32 cents per pound, $2,670.40. Prints carried, 129,828 pounds; postage, at 1 cent per pound, $1,298.28. Total postage, $3,968.68. Amount received for carrying the mail, $130,629. This represents a little more than 32 times more than the Government received in postage.

1906, same route: Letters carried, 8,465 pounds; postage, at 32 cents per pound, $2,714.80. Prints carried, 155,066 pounds; postage, at 1 cent per pound, $1,550.66. Total postage, $4,265.46. Received from the Government for carrying the mail, $130,884, or 37 times more money than the Government received in postage.

1907, same route: Letters carried, 9,618 pounds; postage, at 32 cents per pound, $3,077.76. Prints carried, 167,207 pounds; postage, at 1 cent per pound, $1,672.07. Total postage received, $4,749.83. Paid for carrying the mail this year, $130,884, being 27 times more than the Government received in postage.

1908, same route: Letters carried, 9,948 pounds; postage, at 32 cents per pound, $3,182.36. Prints carried, 171,837 pounds; postage, at 1 cent per pound, $1,718.37. Total postage collected, $4,900.73. Paid for carrying the mail this year, $130,884, being 26 times more than the Government received in postage.

1909, same route: Letters carried, 9,552 pounds; postage, at 32 cents per pound, $3,056.64. Prints carried, 188,324 pounds; postage, at 1 cent per pound, $1,883.24. Total postage, $4,939.88. Received for carrying the mail this year, $130,884, or 26 times more than the Government received in postage.

Both routes, 69 and 70, are what is known as the Ward Line. By a little addition it will be found that from 1905 to 1909, inclusive, on the route from New York to Mexico there was carried 45,928 pounds of letters, and from 1905 to 1909 on the route from New York to Cuba there was carried 4,899 pounds of letters, making a total of 50,827 pounds of letters carried on both routes during these years.

During the same years on the route from New York to Habana there was carried 104,025 pounds of prints, and during the same time on the route from New York to Mexico there was

carried 812,162 pounds of prints. Total prints carried during this time, 916,187 pounds.

Total postage on 50,827 pounds of letters, at 32 cents per pound, $16,264.64.

Total postage on 916,187 pounds of prints, at 1 cent per pound, $9,161.87.

Total postage received in five years on letters and prints, $25,426.51.

Total amount received for carrying the mail during these five years on both routes, $1,011,537.

This, divided by total postage received, equals almost 40 times as much as the Government received in postage—to be exact, 39.78 times.

Again, as there was paid to Mr. Ward on the Mexican line for the year 1905 33 times more than the Government received in postage, and on the Cuban line 200 times more, he received an average on each line of 116 times more than the Government received in postage.

In 1906 the Mexican line was paid 37 times more than the Government received in postage and the Cuban line 168 times more than the Government received in postage, making an average on both of these lines for that year of 102 times more than the Government received in postage.

In 1907 the Mexican line was paid 27 times more than the Government received in postage and the Cuban line 121 times more than the Government received in postage, making an average on both of these lines for this year of 74 times more than the Government received in postage.

In 1908 the Mexican line was paid 26 times more than the Government received in postage and the Habana line more than 120 times more than the Government received in postage, making an average of 73 times more paid these lines for this year than the Government received in postage.

In 1909 the Mexican line was paid 26 times more than the Government received in postage and the Habana line 111 times more, making an average on both of these lines in that year of 68 times more than the Government received in postage.

Letters to Habana for five years, 48,099 pounds; prints to Habana, 104,025; postage on letters for these five years, $1,567.68; postage on prints during the same period, $1,040.25; total amount paid for the Cuban mail on both letters and prints during these five years, $357,372; $1,040.25 postage on prints plus $1,567.68 equals $2,607.93, total postage received for letters and prints by the Government going via Habana for five years.

Letter postage being $1,567.68 of the total of $2,607.93 received from both letters and prints, the total paid for this service being $357,372 for carrying both, the part of this sum to be charged against the letters is $1,567.68 of $2,607.93 of this total sum of $357,372, or $214,772.16.

Four thousand eight hundred and eighty-nine pounds of letters, figured at 32 letters to the pound, equals 156,768 letters. Figuring each letter at one-half cent an ounce, $214,772.16, divided by 156,768, the number of letters, equals $1.36 per letter, for the reason that $214,772.16 is the part of the total sum of $357,272 which the Government paid for carrying the Cuban mail for the total of both letters and prints carried during these five years.

It will be observed that in the above calculations I have figured 32 letters to the pound, when in truth and in fact it should be 16 letters to the pound, figuring one letter to weigh 1 ounce. This would make the total number of letters 78,384, and, dividing the $214,772.16, the total amount of postage to be charged for the carrying of letters, by the amount of letters, 78,384, would equal $2.72 per letter, which the Government really paid for each letter carried on the Cuban mail route during the five years above named.

Mr. Speaker, after reading and digesting the above figures, I think the people might well paraphrase that old, familiar hymn, "Praise God from whom all blessings flow," and say, "Praise Jim Ward, to whom all subsidies flow."

These figures are a startling revelation of the viciousness of a ship subsidy. Indeed, Mr. Speaker, these figures are not to be trifled or toyed with, but present facts which the people may well consider. Mr. Ward could easily afford to employ a corps of stenographers, writing letters every day, pay his 2 cents postage upon each letter, carrying them upon his line, and make an enormous profit in return. During the five years of his contract he carried 916,187 pounds of print, amounting to 409 tons. Upon an average during the five years he carried 81.8 tons of print per year. He carried 50,227 pounds of letters, which equal 22.6 tons, averaging 4.54 tons per year. Reduced to tons, he carried in the five years 86.3 tons. Mr. Speaker, it will be remembered that the Ward lines are subsidized lines, and it will be remembered that all the lines set forth in the table furnished me by the Post-Office Department are subsidized lines, and the same line of figuring will show substantially the same results upon each line.

I observe from the report of the Commissioner of Navigation that Ward has several vessels in this service of more than 5,000 tons gross tonnage, and figuring 5,000 tons to one load he could have hauled all of this tonnage in one corner of his vessel, with room enough left in it for a circus show, for which he was paid the sum of $1,011,537. Mr. Ward knows a good thing when he sees it. He is evidently a keen, shrewd, business man, and his hand is plainly to be seen in what is known as the Humphrey bill, now pending before Congress. The Humphrey bill, among other things, provides as follows:

In vessels of the second class, on routes 4,000 miles or more in length, outward voyage, to South American ports, at a rate per mile not exceeding the rate applicable to vessels of the first class, as provided for in said act (1891); and in vessels of the third class on said routes, at a rate per mile not exceeding the rate applicable to vessels of the second class, as provided in said act (1891).

The Humphrey bill, from which the above quotation is taken, is based upon the ship-subsidy act of 1891. First-class vessels under the act of 1891 had to have a gross registered tonnage of not less than 8,000 tons, and vessels of this class, known as first-class ships, are paid not to exceed the sum of $4 a mile. The Humphrey bill proposes to pay to vessels of the second class the same rate as the act of 1891 paid to vessels of the first class, although the act of 1891 only paid to vessels of the second class $2 per mile; and the Humphrey bill further provides that vessels of the third class shall be paid the same rate which vessels of the second class are now receiving under the act of 1891, and under this act vessels of the second class were paid at the rate of $2 per mile.

According to the report of the Commissioner of Navigation Mr. Ward is abundantly able to take care of all of the South American service, because the New York and Cuban Mail Steamship Company (Ward Line) is credited with 20 steamers. The Commissioner of Navigation reports that of these vessels 3 are classed as 18-knot vessels, 2 as 17-knot vessels, and 2 as 16-knot vessels. Five of these vessel are of more than 5,000 tons and of more than 16 knots speed, and this same company can handle its Cuba mail business without these fast steamers that are available for the South American service. Here is the joker in the Humphrey bill: Do the people desire to pay Mr. Ward $2.73 for every letter going from New York to the eastern ports of South America? If they do, here is their opportunity. If they do not, here is their chance to defeat the Humphrey ship subsidy.

Mr. Speaker, these periodical raids on the Treasury, under the pretext of doing something that will redound to the glory of the American people, proceed in every instance from one and the same quarter. And "the trail of the serpent is over it all." The trail of the lobbyist beslimes every one of the statutes whereby subsidies have been granted or have been attempted to be granted.

And so, Mr. Speaker, I commend to the prayerful consideration of the Congress of the United States the command given amidst the thunders of Sinai—"Thou shalt not steal."

LEAVE OF ABSENCE.

Mr. RANDELL of Texas, by unanimous consent, was given leave of absence for five days, on account of sickness in family.

Mr. MOON of Tennessee, by unanimous consent, was given leave of absence indefinitely, on account of sickness.

Mr. BARCHFELD, by unanimous consent, was given leave of absence for six days, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination to be made of Weymouth Fore River, below the Quincy Point Bridge, Massachusetts, with a view to straightening and improving the channel, and to submit estimates for such improvements as may be deemed necessary.

Also:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5905) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes.

SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5873. An act for the relief of John M. Blankenship—to the Committee on Naval Affairs.

S. 7187. An act making appropriation for folding speeches and pamphlets for the Senate—to the Committee on Appropriations.

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of John C. Calhoun presented by the State of South Carolina, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of South Carolina.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates, to be bound with these proceedings—

to the Committee on Printing.

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause an examination to be made of Weymouth Fore River, below the Quincy Point Bridge, Massachusetts, with a view to straightening and improving the channel and to submit estimates for such improvements as may be deemed necessary—

to the Committee on Rivers and Harbors.

LAWTON AND FORT SILL ELECTRIC RAILWAY COMPANY.

The SPEAKER laid before the House the following Senate resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5905) to authorize the Lawton and Fort Sill Electric Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes.

The resolution was agreed to.

RELIEF OF HOMESTEAD SETTLERS.

Mr. BURKE of South Dakota. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 10321, an act for the relief of homestead settlers under the acts of February 20, 1904; June 5 and June 28, 1906; and March 2, 1907, disagree to the Senate amendments, and ask for a conference.

The motion was agreed to.

The Chair appointed as conferees on the part of the House Mr. BURKE of South Dakota, Mr. MCGUIRE of Oklahoma, and Mr. STEPHENS of Texas.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I call up the conference report on the bill H. R. 15384, the army appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 21 of the Senate to the bill (H. R. 15384) making appropriation for the support of the army for the fiscal year ending June 30, 1911, having met, after full and free conference report to their respective Houses that, as to the amendment in disagreement, the Senate recedes.

J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.
F. E. WARREN,
M. G. BULKELEY,
LEE S. OVERMAN,
Managers on the part of the Senate.

Mr. HULL of Iowa. Mr. Speaker, I move the adoption of the conference report.

The question was taken and the conference report was agreed to.

DEWITT EASTMAN.

The SPEAKER laid before the House the bill (S. 614) to amend an act entitled "An act for the relief of Dewitt Eastman," approved January 8, 1909, with House amendments disagreed to.

Mr. HULL of Iowa. Mr. Speaker, I move to insist on the House amendment and agree to the conference.

The motion was agreed to.

The Chair announced the following conferees:

Mr. KAHN, Mr. STEVENS of Minnesota, Mr. SLAYDEN.

BRIDGE ACROSS MISSISSIPPI RIVER AT BEMIDJI, MINN.

The SPEAKER laid before the House the bill (S. 6721) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota.

The Clerk read the Senate bill.

Mr. MANN. Mr. Speaker, that is a Senate bill, and there is a House bill already reported which is substantially like it. It is a simple bridge bill, and I move its passage.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the similar House bill on the calendar will be laid on the table.

There was no objection.

On motion of Mr. MANN, a motion to reconsider the last bill was laid on the table.

OMNIBUS PENSION BILL.

The Speaker laid before the House the bill (H. R. 19059) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

WHITE-SLAVE TRAFFIC.

Mr. BENNET of New York. Mr. Speaker, I call up the conference report on the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, and ask that it be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, and agree to the same.

BENJ. F. HOWELL,
WM. S. BENNET,
JOHN L. BURNETT,
Managers on the part of the House.
WM. P. DILLINGHAM,
H. C. LODGE,
Managers on the part of the Senate.

Mr. BENNET of New York. Mr. Speaker, I move the adoption of the conference report.

The question was taken, and the motion was agreed to.

OMNIBUS PENSION BILLS.

The SPEAKER laid before the House the bill (H. R. 20480) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

The SPEAKER laid before the House the bill (H. R. 20490) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows and dependent relatives of such soldiers and sailors, with Senate amendments thereto.

The Senate amendments were read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House disagree to the Senate amendments and ask a conference.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

ADJOURNMENT.

Mr. GAINES. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of the Interior submitting an estimate of appropriation for credit to the accounts of James W. Witten (H. Doc. No. 798)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5851) to amend an act

approved August 19, 1890, entitled "An act to establish a national military park at the battlefield of Chickamauga," reported the same without amendment, accompanied by a report (No. 786), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 4689) for the relief of George Baker, reported the same without amendment, accompanied by a report (No. 784), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6089) to correct the military record of Edward D. Gilbert, reported the same without amendment, accompanied by a report (No. 785), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12204) granting an increase of pension to Moses A. Kellum—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23109) for the relief of Rev. Thomas J. Sheppard—Committee on Claims discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSTER of Illinois: A bill (H. R. 23186) to authorize Leonard J. Hackney, of Cincinnati, Ohio, and Frank J. Littleton, of Indianapolis, Ind., to construct a bridge across the Wabash River near the city of Mount Carmel, Ill.—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: A bill (H. R. 23187) to amend an act entitled "An act to provide for the better registration of births in the District of Columbia, and for other purposes," approved March 1, 1907—to the Committee on the District of Columbia.

By Mr. DICKINSON: A bill (H. R. 23188) concerning permits to sell intoxicating liquors—to the Committee on Ways and Means.

By Mr. MARTIN of South Dakota: Resolution (H. Res. 500) providing for a new Committee on Rules—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 23189) granting an increase of pension to Thomas E. Wells—to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 23190) granting an increase of pension to Samuel Kieffer—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 23191) granting an increase of pension to Anthony McRobertson—to the Committee on Pensions.

Also, a bill (H. R. 23192) granting an increase of pension to Maria Garcia—to the Committee on Pensions.

By Mr. BURLEIGH: A bill (H. R. 23193) granting an increase of pension to Alvin Butler—to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 23194) granting an increase of pension to Joseph H. Spann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23195) granting an increase of pension to Marcellus M. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23196) granting an increase of pension to William F. Hoyle—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 23197) granting an increase of pension to Simon W. Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23198) for the relief of H. C. Owens—to the Committee on Claims.

By Mr. CREAGER: A bill (H. R. 23199) granting an increase of pension to John S. Taylor—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 23200) granting an increase of pension to George H. Brenzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23201) for the relief of C. S. James—to the Committee on Military Affairs.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 23202) granting an increase of pension to William Crider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23203) granting an increase of pension to William H. Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23204) granting an increase of pension to Samuel P. Meals—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23205) granting a pension to Sarah A. Patterson—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23206) for the relief of James R. Pennington—to the Committee on Military Affairs.

Also, a bill (H. R. 23207) for the relief of George W. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 23208) for the relief of Harry P. Richardson—to the Committee on Military Affairs.

Also, a bill (H. R. 23209) granting an increase of pension to Nelson McIntosh—to the Committee on Pensions.

By Mr. LINDSAY: A bill (H. R. 23210) granting an increase of pension to Frederick Johnson, alias Charles McMann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23211) granting an increase of pension to William Ahrens, alias William Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23212) granting an increase of pension to Janet F. Sparrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23213) granting a pension to Elizabeth Fromme—to the Committee on Invalid Pensions.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 23214) granting an increase of pension to Thomas D. Ten Eyck—to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 23215) granting an increase of pension to Albert O. McNulty—to the Committee on Pensions.

By Mr. SCOTT: A bill (H. R. 23216) to correct the military record of Isaac Cogswell—to the Committee on Military Affairs.

By Mr. SULLOWAY: A bill (H. R. 23217) repealing part of the act of March 5, 1910, relating to an increase of pension to Jacob Whitlock—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 23218) for the relief of George R. Harbison—to the Committee on War Claims.

By Mr. WILSON of Pennsylvania: A bill (H. R. 23219) granting an increase of pension to Daniel Robb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23220) granting an increase of pension to Harvey Fravel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23221) granting an increase of pension to William M. Everhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23222) granting an increase of pension to Henry Hathaway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23223) granting a pension to Katie E. Shaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23224) granting a pension to Mary A. Rowland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23225) granting a pension to Edward H. Presit—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Thomas E. Wells—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of John Latham and James W. Porter—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles H. Heimlich—to the Committee on Pensions.

By Mr. ANSBERRY: Petition of Leipsic (Ohio) Grange, No. 1664, favoring a national health bureau—to the Committee on Expenditures in the Interior Department.

By Mr. ANTHONY: Resolutions adopted by the Commercial Club of Topeka, Kans., indorsing House bill 11798, for the protection of watersheds and navigable streams—to the Committee on Agriculture.

Also, petition of Commercial Club of Topeka, Kans., against increase of postal rate on second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BENNET of New York: Petition of Lenox Council, No. 882, Royal Arcanum, for the National Fraternal Press Association measure as per House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of South Dakota: Petition of Aberdeen Commercial Club, bespeaking a spirit of conference and good will touching railways on the part of federal legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of Victor Grange, No. 49, Patrons of Husbandry, Fairfield Center, Me., against seed distribution by post-office—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of New York Board of Trade and Transportation, in opposition to the passage of the Moon bill (H. R. 21324) concerning restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, against publicity feature of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of Manufacturers and Dealers' League of City and State of New York, against the publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Mr. CALDERHEAD: Petition of Seventh Day Adventists Young People's Society of Missionary Volunteers, of Manhattan, Kans., against the Johnson Sunday rest bill—to the Committee on the District of Columbia.

Also, petition of Knights of Columbus Council, of Junction City, Kans., against a postal savings-bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. CONRY: Petition of New York Board of Trade and Transportation and Maritime Association of New York, favoring detail at least of one naval officer to each hydrographic branch office in the country—to the Committee on Appropriations.

By Mr. COOK: Petition of the Lumbermen's Exchange of Philadelphia, Pa., against the Moon bill (H. R. 21334), relative to injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. DAWSON: Petition of Hand in Hand Lodge, No. 83, Brotherhood of Railway Trainmen, of Clinton, Iowa, favoring the boiler-inspection law (S. 6702)—to the Committee on Interstate and Foreign Commerce.

By Mr. DRAPER: Petition of associated fraternities of America, against House bill 21321, relative to rights of fraternal publications under the postal laws—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNES: Petition of Polonia Benevolent Association, Branch No. 30, of the Polish National Alliance, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of legislative committee of the National Association of State Universities, against appropriation for the George Washington University—to the Committee on Agriculture.

Also, petition of Porto Rico Horticultural Society, protesting against abridgement of laws—to the Committee on Insular Appropriations.

By Mr. FULLER: Petition of the National Association of State Universities and Association of Agricultural Colleges, protesting against the proposed appropriation for the George Washington University, a private institution in the District of Columbia—to the Committee on Appropriations.

Also, petition of Amor Patrial Chapter, Daughters of the American Revolution, of Streator, Ill., praying for the retention and strengthening of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. HAYES: Paper to accompany bill for relief of Mrs. F. M. Sampson—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Board of Trade of Newark, N. J., for subsidy of steamship lines to South America and other countries—to the Committee on the Merchant Marine and Fisheries.

By Mr. KAHN: Petition of H. Tauylor and 39 others, of San Francisco, Cal., protesting against the immigration of Asiatics, except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of J. A. Shafer, Julius Schnitzins, George Aabel, and John J. Carroll, praying for the passage of House bill 15441 or Senate bill 5578, providing that government work be done upon an eight-hour day basis—to the Committee on Labor.

By Mr. LEVER: Petition of general assembly of South Carolina, for information on the census concerning the swamp lands of the United States—to the Committee on the Census.

By Mr. LOWDEN: Petition of Freeport Council, No. 653, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. McCREDIE: Petition of Ellensburg (Wash.) Grange, Patrons of Husbandry, for a national health bureau—to the Committee on Expenditures in the Interior Department.

By Mr. MADISON: Petition of citizens of the Seventh Congressional District of Kansas, for legislation preventing shipment of intoxicants into prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. MAGUIRE of Nebraska: Petition of Union Hall Farmers' Institute, of Gage County, Nebr., for House bill 15422 for aid of agricultural colleges, etc.—to the Committee on Agriculture.

By Mr. PEARRE: Petition of Fraternity Lodge and legislative board of railway trainmen, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. POINDEXTER: Petition of Seattle (Wash.) Typographical Union, No. 202, for the eight-hour bills (S. 5578 and H. R. 15441)—to the Committee on Labor.

Also, petition of Columbia Pomona Grange, No. 1, of Vancouver, Wash., against free distribution of seeds through the mails—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Kansas, for legislation to prevent shipment of intoxicants into prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. SABATH: Petition of Marine Firemen, Oilers, and Water Tenders' Benevolent Association, of the Great Lakes, favoring House bill 11193, amendment to marine laws of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. SULZER: Petition of the New York Board of Trade and Transportation, against Senate bill 5106 and House bill 17536, that all steamship lines having rail connections with rail-and-water routes shall be subject to the interstate-commerce law with reference to their port-to-port traffic—to the Committee on Interstate and Foreign Commerce.

Also, petition of the New York Board of Trade and Transportation, against the publicity-feature clause in the corporation-tax law—to the Committee on Ways and Means.

By Mr. SWASEY: Petitions of citizens of West Paris, Norway, Bethel, Mechanic Falls, Buckfield, Canton, Livermore Falls, Farmington, and South Paris, all in the State of Maine, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Governor Kavanaugh Council, No. 1423, of North Whitefield, Me., for House bill 17543—to the Committee on the Post-Office and Post-Roads.

Also, petition of Seaside Grange, No. 171, of Bristol, Me., for a national health bureau—to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Trade of Rockland, Me., against Senate bill 5106 and House bill 17536, relative to port-to-port rates on steamships—to the Committee on Interstate and Foreign Commerce.

Also, petitions of Edwin Sibly Post, No. 16, and Burnside Post, No. 47, Grand Army of the Republic, Department of Maine, against retention of the Lee statue in Statuary Hall—to the Committee on the Library.

By Mr. TOWNSEND: Petitions of Lenawee Pomona Grange, No. 15, and Ypsilanti Grange, No. 56, both in the State of Michigan, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Petition of Lumberman's Exchange of Philadelphia, in opposition to the passage of the Moon bill (H. R. 21334) concerning restraining orders and injunctions—to the Committee on the Judiciary.

By Mr. WASHBURN: Petition of citizens of Webster, Mass., opposing further restriction of immigration, as per the Hayes bill (H. R. 13404)—to the Committee on Immigration and Naturalization.

By Mr. WILSON of Pennsylvania: Petitions of Thaddeus Spencer and others, and J. W. McIlwain and others, against Senate bill 404, Sunday rest bill—to the Committee on the District of Columbia.

By Mr. WOOD of New Jersey: Petition of Board of Trade of Newark, N. J., for a subsidized line of American steamships to the principal ports of South America, Australia, Japan, China, the Philippines, and South Africa—to the Committee on the Merchant Marine and Fisheries.

